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THE CONGRESSIONAL GLOBE:

CONTAINING

THE DEBATES, PROCEEDINGS, AND LAWS,

OF

THE FIRST SESSION

OF

THE THIRTY-THIRD CONGRESS.

XXIII.
VOLUME XXVIII.—PART III.

BY JOHN C. RIVES.

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THE CONGRESSIONAL GLOBE.

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33D CONGRESS, 1ST SESSION.

FRIDAY, JUNE 30, 1854.

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vote against such a policy; and I shall therefore ask for the yeas and nays upon the bill.

Mr. EVANS. It is well, before acting on these matters, that we should understand them. Now, I should be glad to know what amount is likely to be derived exclusively from this source? It is proposed to give the contract for five years at the rate of \$500,000 a year; that is, \$2,500,000 for the five years. I do not suppose that it is possible that \$50,000 per annum will be returned from the postages; or even say \$100,000. I do not believe that one half that sum will be returned. Then the balance, \$450,000, is to be paid out of the public Treasury, upon a mere scheme, a mere adventure. I had occasion a year ago to look into the Post Office arrangements, and I found, as the result, that we already pay for transportation by steamboats, by mail steamers, an average cost of twenty cents a mile, and these ocean steamers cost \$2 50 a mile. Now, sir, instead of reducing the expense, this enormous expense, which draws already \$2,000,000 from the Treasury, you are going to add to it; and here our own people at an expense of fifteen or twenty cents a mile cannot get post office accommodation, when you are giving \$2 50 a mile in order to transport empty mails across the Pacific.

Mr. GWIN. In the first instance, I will inform the Senator that this service is not to exceed \$500,000 a year. It is open to competition, and it is to be given to the lowest bidder. In the second place, the Senator is greatly mistaken in regard to the amount of postage. The amount coming from the Sandwich Islands alone, will be equal to that sum. We have five hundred whale ships, and thousands of American citizens whose correspondence is now all subject to chance. There is no village in the United States, with three hundred people, but has a post office; and you have on the ocean tens of thousands of American citizens carrying on the commerce of the country and increasing its wealth, without having mail facilities. I undertake to say, that the postages on the route will be vastly above the amount stated by the Senator. The intercourse between Asia, China, and British India, and the rest of the world, will pass over this line. We shall soon have a telegraphic communication with San Francisco; and in that way the whole communication from the continent of Asia, on the Pacific coast, will pass over this line to Europe and other sections of the world. I have very little doubt in my own mind, that in a very short time the postages will pay the expense of the route.

Mr. EVANS. I desire merely to say that, upon reference to the Post Office returns, it will be found that all the postage derived from California does not amount to \$100,000.

Mr. GWIN. Why, sir, I have a distinct recollection that it amounted to \$400,000 four years ago.

Mr. BROWN. Mr. President, I will vote against this proposition. Indeed, I have never reconciled it to my notions of right to establish these ocean steamers at all, as mere mail steamers. Wherever there is commerce, there will be communication; and I am willing to authorize the Postmaster General to make his contracts, and establish his routes; let him employ mail service there as he does elsewhere. But as to paying these extraordinary sums to have the mail carried between particular points, I am getting tired of it. We are now paying, I believe, about \$2,250,000 a year for ocean steamers out of the port of New York alone. For steamers from the port of New Orleans, the great commercial emporium of the South, we are paying but \$75,000 a year, and it is positively true to-day, that between the great commercial cities of the West—Pittsburg, Louisville, St. Louis, and Cincinnati—and the great commercial city of the South, New Orleans, you have no mail connection at all, but the mail is trusted to the mere hazards of the hour. Though your Postmaster General has authority to make a contract for that service, he never has done it; and the southern and western members have been wholly unable to urge him into making it.

When such facilities are denied the people whom I represent here, I will not vote to appropriate these extraordinary sums to carry foreign mails. Why, sir, it is but a day or two since I applied to the Post Office Department for the establishment of a little post office in Mississippi, and I was told that they would establish the post office, but that they thought it exceedingly uncertain whether they could supply it with a mail!

Now, sir, I ask southern gentlemen, and western gentlemen, whether these heavy sums are to be drawn from the national Treasury to establish mails between foreign points and commercial cities on the Atlantic and Pacific sea-board, when we can get none of the ordinary facilities within our own limits? There are no less than fifty post offices on the Mississippi river, between the city of Louisville and the city of New Orleans, which are almost entirely destitute of mail facilities to-day, and we can get no appropriation made to have the mail carried upon that great river. Gentlemen who are familiar with the topography of that country, know that it is utterly impossible to approach it from the interior. Deep swamps, everglades, barriers which cannot be overcome by land travel, cut off all mail facilities from the interior; and such is the nigardly conduct of the Department, that we cannot urge them into the establishment of a mail on that great river for the accommodation of the people who live there. And what is their commerce? What is the value of the productions of their labor? It amounts to hundreds and hundreds of thousands, and even millions of dollars.

Sir, whenever justice is done to the section of country whence I come I may look with a little more liberal eye on these schemes for carrying the mail to Shanghai and Hong Kong, and all over creation. But I love the people near to my door better than I do the people in China, or Japan, or anywhere else. I would rather hear from them; I would rather they should hear from me; and I wish to give them the mail facilities necessary to keep up that neighborhood which should exist all over our Union. I know very little of this particular project, but I know that a great many of these schemes are but handmaids at last, to encourage commerce between particular points. I know very well that several lines which run out of New York—and especially one that has been urged on us from year to year—had nothing to do particularly with carrying the mail, but were intended for other purposes. I say nothing about this particular scheme. It may be all right; very likely it is; but I cannot vote for propositions of this kind while common justice is denied to the section from which I come.

Mr. RUSK. Mr. President, in answer to the argument of the honorable Senator from Mississippi, I will say that if this bill passes it will not diminish a single iota of the mail facilities of the southern section of the Union.

Mr. BROWN. I will say to my friend from Texas that I understand that perfectly well; but suppose I came here with a proposition to appropriate \$500,000 out of the National Treasury to carry the mail from Pittsburg to New Orleans, would it get any support?

Mr. RUSK. If the Senator should convince me that it was a matter of as much importance to the country generally as this, he would get my vote for it. We do appropriate a large amount every year for mail services on the southern and western waters; I admit the mail facilities there are not sufficient, and I am in favor of taking money out of the Treasury to increase them. I am willing to take money from the Treasury to support the great line to which he has referred, until it shall be able to pay its own expenses, which would be but a short time. I must say, however, that this bill will not make any difference in the mail facilities of the southern or northern section of the country; if we pass the bill it will not diminish them, and if we reject the bill it will not increase them. That objection, therefore, falls to the ground.

Well, sir, we have a State on the Pacific ocean,

and while I ask justice for the State that I represent, I am disposed to do justice to our far off sister on the Pacific. It is true that, from her situation and remote condition, California has demanded large appropriations from the Treasury in her beginning, but, at the same time, the industry of her citizens, and the productions of her soil, have made large returns to the Treasury of the United States, and have added vastly to the prosperity of the United States in general. By her acquisition we opened to our commerce the whole Pacific ocean. We have now obtained the right of trade with the ports of Japan. We have also a commercial treaty with China. Is it then a matter of no importance with us, in a national point of view, to secure this trade, or to do what is proper and right to acquire a trade which has been sought after by all the commercial world, and has contributed largely to the wealth and strength of every nation that has enjoyed it?

Why, sir, there is no State in the Union that has less mail facilities than California, though I believe it costs much to furnish them. She has only twenty-six mails a year—one every two weeks.

Mr. GWIN. From all the world.

Mr. RUSK. This, sir, is treated as a kind of gratuity to California, as an experiment, and it is said that no returns, in the way of postage, will come from it. Now, sir, we have a number of hardy seamen in the Pacific ocean; we have whalers and merchantmen there. If there is any one class to whom we are indebted, perhaps above any other, for national prosperity and the means of defending ourselves upon the high seas, the only point of danger, it is to the hardy fishermen, the hardy seamen of the country. I speak this disinterestedly, for I come from the far South, where we have none of them. Sir, I would vote liberally to promote any scheme that should encourage their operations, and increase their number, for we draw a large portion of our prosperity from their hardy enterprise and industry. The more you increase ships and seamen, the more you reduce freight, and thus confer a great benefit on the cotton growing States. Particularly am I inclined to do this when we have a full and overflowing Treasury, when the ports of the whole East are open to us, and when efforts are being made to connect the Atlantic with the Pacific by bonds of iron. I know that the idea of having a railroad to the Pacific is regarded by many as visionary, but I predict here, in my place, that twelve years will not pass over until we shall have a railroad from here to the Pacific. Is it not, then, an object worthy of consideration for us to avail ourselves of this vast ocean, and the commerce of these countries which has enriched every nation which obtained it? Is it a matter of no importance to us to obtain the command of that commerce? Is it an enormous sum to expend \$2,500,000 in five years for an object of such national importance? Open this commerce and its benefits will be felt by every State in the Union, especially the cotton growing States of the South. The statement of the honorable Senator from California, who has a better means of knowledge on the subject than I have, is, that \$50,000 of postages will be received from the Sandwich Islands alone. I have no doubt of it, and I believe, too, that the Chinese will contribute a large amount in postages. There are many Chinese in California.

Mr. GWIN. Forty thousand of them.

Mr. RUSK. And do they not write?

Mr. GWIN. They are nearly always writing letters. They are the greatest letter-writers in the country.

Mr. RUSK. Well, sir, I am told they make very excellent citizens, and they are constantly coming into California now with the present means of communication which they have. If these steamships are established, a great many more of them will come, and of course the correspondence will increase in the same ratio. I have not made calculations, but it is reasonable to suppose that a considerable revenue will accrue from that source.

It is not on that ground merely that I maintain the bill. It is because it provides for the extension of our commerce in an important quarter of the world. It encourages that commerce, it will have a beneficial effect on it, and, in my judgment, a beneficial effect on the national interests of the country; and I doubt not the duties collected on the goods imported by the line, if established, will not only defray the expenses, but be a source of large profits to the Treasury. We have incurred great expense to open this commerce. Will you take no steps to encourage and promote it? If we do not secure it, some other nation will. For my part, sir, I regard it as an object of great national importance. The more commerce we have in the Pacific, the more certainly and speedily shall we have a railroad to that ocean, a thing so necessary in a national point of view.

Mr. BRODHEAD. It is quite evident, I think, that we cannot dispose of this bill to-day. We have important business to transact in Executive session.

Mr. GWIN. I think we can vote in a minute.

Mr. CASS. We all understand the question. Mr. BRODHEAD. If we can take the vote I have no objection.

Mr. BROWN. I desire to say a few words in reply to the Senator from Texas. He draws a picture of the progress which we have derived as a nation from California. I certainly have not undertaken to depreciate, here or anywhere else, from that progress, but the nation is indebted also for its prosperity to other sections of the country. Louisiana and Mississippi yield something to the national revenue. I think they yield very largely to the national prosperity.

Mr. RUSK. Certainly, nobody denies it.

Mr. BROWN. And yet I stated the fact in the few remarks which I submitted, and which the Senator overlooked entirely, that notwithstanding we have been appealing from year to year in favor of New Orleans as the great outlet of southern trade, we have only been enabled to get one little line established there at a cost of \$75,000. I think that that section of the country, whilst I do not mean to depreciate the claims which your State, sir, has upon the Union, (Mr. WELLER being in the chair,) may fairly set up some claim, not only on account of its age, but on account of its products. You give to that country no interior facilities; you give to it no ocean facilities. Notwithstanding the fact, which is perfectly well known to every man who has at all investigated the subject, that the news from the country to which you now propose to send a mail could be brought to New Orleans and disseminated through the country more rapidly than it can be carried to New York and there disseminated, yet you pay \$1,000,000 a year, and, I believe, something more, to carry it to New York, instead of having it brought into the port of New Orleans.

Mr. RUSK. The same contract goes to New Orleans.

Mr. BROWN. I understand it is not the same contract. There is a line of steamers going from New Orleans to Vera Cruz. Whether there is any other line of steamers going there except the coast-wise line, I do not know. But that is not the point that I propose to make. I expected the Senator to answer the proposition that I laid down, that while we were paying, I care not whether it be from the Post Office or from the National Treasury, millions on millions of dollars to carry the mail to foreign countries, we are denying mail facilities to our own people. What matters it to us whether it comes out of the Post Office fund or out of the national fund. When there is a deficit in the Post Office fund, you make it up out of the National Treasury; so that that argument falls to the ground. It amounts, it strikes me, to scarcely anything except this, that when you make an appropriation from the National Treasury for a specific object, it is infinitely more objectionable than when you make it to the general fund of the Post Office Department. When there is a deficiency in the Post Office Department, you supply it by a general appropriation of two, two and a half, or three millions of dollars, and when you come to divide the money, the great West and Southwest are told it has all been divided somewhere else, and there is nothing left for them.

Why, sir, I have been told a hundred times,

and, I dare say, my friend from Texas has been told quite as often, if not by the head of the Post Office Department, at least by his subordinates, how much our respective States pay into the Post Office Department; how much revenue is derived from postages within the limits of our respective States; and, like keeping a merchant's books, if we had overdrawn the amount a little they were disposed to shut down on us; and right in the face of this we are asked to vote millions of dollars, first for one scheme and then for another.

I do not feel that my friend from Texas has at all answered the position which I took, that we ought to open up the communication among ourselves, and keep up that sort of good neighborhood between the East and the West, the North and the South, which the Post Office Department was established to keep up, before we burden it down with these heavy appropriations; for, after all, though you may take this money, in point of fact, out of the National Treasury, yet, in the general summing up, it is charged to the Post Office account.

Mr. JONES, of Tennessee. The remarks made by my friend from Mississippi make it necessary for me to state the reasons why I shall not vote with him on this proposition. That Senator and myself have a common interest in the great mail facilities to which he has alluded—I mean the facilities upon the Mississippi river and its tributaries. If I understand his position, his objection to the proposition now before the Senate is not so much upon the score of want of merit in the proposition itself, as upon the injustice done to the section of the country which he and I and others represent. My friend is right in many of his conclusions in regard to this question; but he is not exactly right, I think, in all of them.

The proposition before the Senate is to authorize the Postmaster General to contract for carrying the mail between San Francisco and Shanghai, at a sum not exceeding \$500,000 per annum. My friend says that he is not prepared to go for this until some justice is done to his constituents and to mine. Now, he will allow me to say that that justice has exactly been done, not by the Post Office Department, but by the Senate; and the Senate is called upon now to direct or authorize the Postmaster General to do this thing. Two years ago the Senate directed the Postmaster General to do the very thing which he has not done—the very thing of which my friend complains; and the honorable Senator from Texas, and almost every Senator upon this floor, voted with us. The Senators from Arkansas, Tennessee, and Mississippi were particularly interested in the establishment of mail facilities between Louisville and New Orleans, and St. Louis and New Orleans, and Memphis and New Orleans; and we passed a bill for the purpose over the direct and positive rejection of the then Postmaster General under Mr. Fillmore. After he refused to do it, the Senate passed a bill directing him to establish a daily mail communication between those points—a very similar thing to that which we are now asked to do. Why that has not been done is another question.

The Senate has done its duty. We have directed the Postmaster General to perform this service; he has failed to do it; but that is no reason why we should not instruct him now to establish a line between San Francisco and Shanghai. If we have failed to get what the law entitles us to receive, that Department is responsible to us and the country; and I am in favor of holding it to its responsibility; but I am not willing, because it has done injustice to me and my constituents, to do injustice to any other portion of the country.

Mr. BROWN. I will show my friend the distinction in the two cases. In the case of establishing the mail on the western waters you made no appropriation out of the National Treasury to pay the expense; you charged it upon the revenues of the Post Office Department, and it was made an excuse for not establishing it that they had not money to pay for it. Now, if you make this a charge upon the Post Office revenues also, you deprive the Department of the argument which they used in our case, or else force them to show that they act in reference to this transaction in a manner different from that in which they acted in reference to the other. But you make a very wide difference when you throw the Department on its resources to carry one mail, and appropriate

out of the national Treasury to carry another mail.

Mr. JONES, of Tennessee. My friend is mistaken again. The law directing the establishment of the mail service between Louisville, St. Louis, and New Orleans, was not only passed, but the contract was actually made for a sum exceeding \$400,000 with Glover & Co.; and the difficulty was that when Glover & Co. came to execute the contract, the Postmaster General required that they should carry no freight at all upon their boats; that there should not be a barrel of flour upon them. Upon that mere pretext he repudiated the contract; and in that way we lost our mail service. The authority was specific, perfect, complete, and direct to the Postmaster General; and the contract was made by the Postmaster General under the administration of Mr. Fillmore; but the present Postmaster General came in and repudiated that contract.

Mr. BROWN. My friend seems not to understand my point. The payment for that service was to be made out of the revenues of the Post Office Department—the accruing revenues—but not out of an appropriation in the National Treasury. I understand the Postmaster General to have taken the ground that he could not let out a contract there. I do not think the ground well taken; but he seems to think that there is something in it which will prevent him from letting out a contract because he could not get the money from the revenues of the Department to pay for it.

Mr. JONES, of Tennessee. I think my friend is wholly mistaken about this question. It has been a source of very great interest to me. I have watched it with great care, because I am more directly interested in it, perhaps, than any other Senator, living, as I do, at Memphis, the point of distribution for all these places. The difficulty is not as to whether the money should come out of the fund of the Department or the general Treasury. That was not the question; because the contract was made, and the money was to be paid out of the Post Office Department, if they had it, or, if not, of course it came out of the National Treasury. But I will say to my friend from Mississippi, that his objection does not apply; because, if he will examine the proposals now being published every day in the newspapers, he will find that the present Postmaster General has advertised over again for these very contracts. Then that objection does not apply. The simple question is this: for some cause or other, we know not what, the Postmaster General chose to deny to Glover & Co. the execution of the contract, and is now offering proposals for the execution of a law passed by the Congress of the United States. If we get it, it is all right; if we do not, it is our misfortune.

The point, then, which I make, is, that we ought not to deny to any other portion of the country the benefits and the privileges which we have enjoyed, at least, at the hands of Congress. If the Postmaster General does not choose to establish this line, he certainly has the right to refuse, according to precedent; for he has refused to establish ours. I shall vote for the bill, because I regard it as a matter of great national importance to encourage commerce between these great and important points. As for the revenues that may result from it, I shall not inquire into them.

Mr. BAYARD. Mr. President, this bill was only reported on the 22d day of the present month. Many bills quite equal in importance were reported long ago, but have not yet been brought before the Senate. As this is one on which I have not positively made up my mind, and as I should like to consider it a little further, I move that the Senate do now adjourn.

Mr. GWIN. I hope not.

The motion was not agreed to.

Mr. JOHNSON. Mr. President, I regret very much to delay the action of the Senate on the bill; but, after what has been said by other Senators, I cannot refrain from making a few observations. I have voted, hitherto, against the establishment of all these lines on the Atlantic ocean, or rather, I should say, against establishing them by the money of the General Government. I believed that our commerce on the Atlantic was capable of sustaining itself. I did not believe it required such an immense appropriation as the ocean mail steamers have cost, to carry it on. I do not think, however, that that is the situation of our Pacific

coast. I believe that it is necessary to open channels of commerce between our Pacific coast and the opposite shores of that ocean. I believe that the obtaining of that commerce is of sufficient national importance to justify a vote in favor of the measure now proposed. It is on that ground that I support it; and I present this view as a defense to my own constituents for my action.

But, sir, it is said that this measure will have a bad effect upon the mail facilities in my portion of the Union. I do not believe it will have any effect at all upon them; but if it has any, I am satisfied the effect will be as likely to be beneficial as to be injurious. I consider that we have already arrived at an exceedingly unfortunate position in regard to postal facilities, because the mail revenue does not equal the expenditure; and yet, in the opinion of some, it is not so far below it as to call for action at the hands of Congress to remove us from the point at which we have arrived; and Congress has refused to act.

I think the postage on letters should be increased. I believe the revenue should be increased by the action of Congress in some such way as that. I think we are now carrying letters at too low a rate, and certainly at the expense of what has always hitherto been a fixed policy of the General Government. In view of these facts, I have no objection to moving forward. If we move forward, and yield the facilities to which the interests of the country elsewhere are entitled, it is to be hoped that it will produce a good effect upon our legislation in regard to postage facilities.

We shall be called upon to take some step, and no step can be taken that will not be for the benefit of the people among whom I happen to live. They, sir, covering a wide extent of country, are now suffering very much. I do not think this measure will be of any disadvantage to them. In the first place, it takes nothing from the actual postal revenue which is received, and yet it points the public eye directly to the great difference that exists between the actual revenue and the cost of transportation. At the same time it does not appeal to the postage revenue for its support, but goes to the Treasury. When you turn the public attention to the fact that the postage system, contrary to what has hitherto been the fixed policy of the country, is not supporting itself, but that it is becoming a charge upon the public Treasury, we shall either recur to the original policy, or abandon it altogether. If we recur to it, we shall make the Post Office Department support itself; and if that is done, it will be followed by an abridgment, and a very great abridgment, of all these foreign mail facilities; and it will be followed by what, it seems to me, is evidently absolutely necessary, that is, an increase of postage, which has been recommended by the Executive Department of the Government.

We who live at extreme distances, and contribute largely to the postage revenues, have no credit for those contributions. A large amount of postage is actually paid by us for which we receive no credit. How is this? When a farmer or planter in my State writes to a merchant in one of the eastern cities—New York, for instance—the merchant charges my constituent with the postage he pays on the correspondence, but the credit is given to the place where the eastern merchant lives. In this way, although we of the West really pay a very heavy amount of postage annually, the eastern States get credit for it, and a charge is then brought against us that we do not pay sufficient revenue to entitle us to the mail facilities which we enjoy. Is this just? No sir, it is injustice of the deepest dye. It prevents us from getting that to which we are fairly entitled, and it is time something was done to remedy this evil.

Now, sir, I am desirous to see the attention of both branches of Congress drawn directly to the recommendations of the Department, and to the burdens under which we labor. I hope that when Congress fully considers the matter, favorable action will be had in increasing the rates of letter postage, and thus increasing the postal revenue. If this be done, we in my section shall see what will be its effect upon us. I think it will have a beneficial effect. I think by that means we shall be relieved from many of the difficulties under which we labor at present.

Sir, look at our position in reference to the object to be accomplished by this bill. There is

open to us on the Pacific, ready for us to take possession of, a trade for the purpose of obtaining which we have already spent millions of dollars. We have given very few mail facilities to our people on the Pacific. Here is an important channel of commerce. They cannot of themselves go on and encourage the increase of it. If we do not come to their aid, they will make no progress in this respect. Shall we then refuse this boon to our Pacific brethren, particularly when it is not to be a charge upon the postal revenues, and will not therefore interfere with the mail facilities of either section of the Union? What will be the consequence of our standing still in this matter? Why, the old system will go on. That is a system which I wish to see broken down. I wish to see the whole policy of making mail facilities depend on the postal revenue abandoned. I think it works unjustly to my section.

I look upon this as entirely different from the mail facilities which we have encouraged and secured by the contracts upon the Atlantic ocean, and therefore I shall record my vote in favor of the proposition to establish this mail line from our western possessions on the Pacific to the Asiatic continent. I think it is justifiable on other grounds, but I will not detain the Senate by going into them.

Mr. BROWN. I offer the following amendment:

Sec. — *And be it further enacted*, That the Postmaster General be required to establish a daily mail from Cincinnati and St. Louis to New Orleans, and that he be authorized to draw upon the United States Treasury for such amount, over and above the accruing revenues on said route, as will pay the expenses of transporting said mail: *Provided*, Said sum shall not exceed \$500,000.

Mr. GWIN. I submit the question whether that amendment is in order. It is an entirely new proposition which does not at all pertain to the bill before the Senate.

The PRESIDING OFFICER. (Mr. WELLER.) The Chair thinks that that is not a point of order, but a question of propriety for the Senate to decide.

Mr. BROWN. The bill certainly relates to the transportation of the mail. Whether that transportation be by ocean or river does not make any difference.

Mr. GWIN. The title of the bill which it is proposed to pass is "A bill to establish a line of steam mail ships between San Francisco, in California, and Shanghai, in China, touching at the Sandwich Islands and Japan." This amendment does not relate to that subject.

Mr. BROWN. I can move to amend the title hereafter, by adding "and for other purposes."

The PRESIDING OFFICER. It is competent for the Senate, of course, to change the title.

Mr. GWIN. I am in favor of the proposition contained in the amendment of the Senator from Mississippi, but I am entirely opposed to encumbering this bill with it. It can come up and be acted upon separately.

Mr. RUSK. I wish to suggest to the Senator from Mississippi that there is a daily mail between Cincinnati and Louisville.

Mr. BROWN. I was not aware of that; and, therefore, I will modify my amendment so as to provide for a daily mail from Louisville, and St. Louis, and New Orleans.

Mr. CLAY. I have no idea of abusing the patience of the Senate by making a speech at this time of the day, but I wish to say a few words in order to justify myself to my friends from California, [Messrs. WELLER and GWIN,] and my constituents, for the vote I shall give. I can say, that there is no State of the Union to which I would extend favors more cordially and gladly than to the State of California. I have many reasons for that feeling, which I need not declare.

But, sir, the argument of my friend from Texas did not meet the objection of the Senator from Mississippi. He says that if you make this appropriation, it will not diminish the mail facilities now enjoyed by the State of Mississippi. I grant it; but I ask whether it will not prevent the increase of those facilities? Other Senators from southern States have complained of the difficulties under which they labored from a deficiency of mail facilities. I say there is, perhaps, no State in the Union which has as just or greater cause of complaint than my own State; and if I were not to prefer her complaints at this time, if

I were to remain silent when others are complaining, I might expose myself to the reproach at home, of having been silent, and therefore admitting, by my silence, that I had no objection to make. As for my own State, I can say, what my colleague knows to be the fact, that North and South Alabama have no intercommunication whatever by mail, except with a pair of saddlebags and a pony. The two extremes of our State are as widely separated as New York and Huntsville. Yet, sir, when our delegation in a body waited upon the Postmaster General, and complained of these things, the invariable answer was, that the Department was now upon the Treasury, and that it could not extend those facilities unless we furnished the means. Under these circumstances, I should be doing injustice to my own section of country if I were to vote for this proposition.

The amendment was rejected.

The bill was reported to the Senate without amendment; and, on the question of ordering it to be engrossed for a third reading, Mr. BROWN called for the yeas and nays; which were ordered; and being taken, resulted—yeas 20, nays 19; as follows:

YEAS—Messrs. Allen, Brodhead, Cass, Dodge of Wisconsin, Douglas, Fessenden, Gwin, Hamlin, Houston, James, Johnson, Jones of Iowa, Jones of Tennessee, Rockwell, Rusk, Seward, Slidell, Stuart, Wade, and Weller—20.

NAYS—Messrs. Adams, Atchison, Bayard, Bright, Brown, Chase, Clay, Dodge of Iowa, Evans, Fitzpatrick, Geyer, Gillette, Hunter, Mallory, Mason, Pettit, Shields, Sumner, and Williams—19.

So the bill was ordered to be engrossed for a third reading.

The PRESIDING OFFICER. The bill will now have its third reading, if there be no objection.

Mr. BAYARD. If I have the right I object to its third reading now. The vote was a small one, and I should prefer to have the final vote taken in a fuller Senate.

Mr. GWIN. Does the Senator now object to the passage of the bill?

Mr. BAYARD. I do. I mean to ask for the yeas and nays on its passage when the Senate is fuller.

The PRESIDING OFFICER. The Senator from Delaware objects; and, therefore, the bill cannot now be read a third time.

WITHDRAWAL OF PAPERS.

On motion by Mr. SHIELDS, it was

Ordered, That Maurice Powers have leave to withdraw his petition and papers.

ENROLLED BILLS SIGNED.

A message was received from the House of Representatives, by Mr. FORNEY, their Clerk, announcing that the Speaker had signed the following enrolled bills and joint resolution:

An act for the relief of Joseph Jeffries and Jeremiah M. Smith;

An act for the relief of Ira Day, of Vermont;

A Joint resolution directing the connection of the public surveys in Alabama, with the boundary line between the States of Alabama and Florida; and

An act to enable the President of the United States to fulfill the third article of the treaty between the United States and the Mexican Republic, of the 30th December, 1853, as amended by the Senate of the United States.

Which were then signed by the President *pro tempore*.

RATES OF POSTAGE.

The message also announced that the House had passed a bill further to amend an act entitled "An act to reduce and modify the rates of postage in the United States, and for other purposes," passed March 3, 1851.

EXECUTIVE SESSION.

On motion by Mr. BRODHEAD, the Senate again proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, June 29, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

The **SPEAKER** laid before the House a communication from the Department of the Interior, transmitting, in reply to resolution of the House, information in regard to cutting and carrying away timber by trespassers on the public lands; which was referred to the Committee on Public Lands.

EFFICIENCY OF THE UNITED STATES ARMY.

Mr. FAULKNER. I ask the indulgence of the House, not for any personal explanation, but for a brief official explanation from the Committee on Military Affairs, which is due alike to this body and the country.

Mr. WASHBURN. of Illinois. Has the morning hour commenced?

The **SPEAKER.** It has not.

Mr. JONES, of Tennessee. It had better commence now.

Mr. WASHBURN. I should be happy to hear the gentleman after the expiration of the morning hour.

Mr. COBB. That is the very time I should myself make objection.

Mr. FAULKNER. Certainly.

The **SPEAKER.** The gentleman from Virginia asks the unanimous consent of the House for the purpose of making an explanation in regard to the business of the Committee on Military Affairs. Is there objection?

There was no objection.

Mr. FAULKNER. It is known to the House, Mr. Speaker, that the condition of the Army at this time requires prompt and effective legislation. The President of the United States in his message, and the Secretary of War in his very able report, have earnestly called the attention of Congress to the demands and necessities of this branch of the public service. In consequence of the infirm health of the distinguished chairman of the Committee on Military Affairs, [Mr. BISSELL,] whose absence from his place here at this time no one has more occasion to regret than I have, these recommendations, which were matured in the form of bills, have not been pressed on the attention of this body as their importance and urgent necessity demanded.

Now, I do not propose to ask of this House to fix any day for taking up the bill which proposes to increase the Army by the organization of additional regiments; but there are two bills which I am now prepared to report, that are, I will say, of vital importance to the efficiency and organization of the Army, and ought to be passed at a very early day. I shall not, of course, abuse the courtesy which has been so kindly extended to me by this House, in explanation of the provisions of these bills, further than to say that it is my deliberate conviction, unless some additional inducements are held out to enlistment, as provided in one of these bills, in a very short time we shall have no Army to protect our frontier settlements.

Small as our Army now is, and inadequate to all the wants of the country, there is at this time a demand for four thousand six hundred recruits, and they cannot be had, because the pay authorized by law will not induce men to enter your Army. Between desertion and the expiration of the period of enlistment, we shall, in a very short time, be without any Army at all.

I desire to have a day fixed by the unanimous consent of this House to bring up these bills for consideration. I wish them considered before the Army appropriation bill is taken up, which is the first bill now upon the Calendar, after the civil and diplomatic bill is disposed of; and I am satisfied that it will not take two days to dispose of these two bills to which I refer, and which are deemed by the Department, and by all who understand the subject, so essential to the existence and efficiency of the Army.

I have deemed it my imperative duty to bring this subject to the attention of Congress, and feel thankful to the House for the courtesy which has extended to me the opportunity of making this statement; and if there is an omission to discharge this high public duty, which the country has a right to demand at our hands, the responsibility must rest somewhere, and shall not be upon the Committee on Military Affairs. I am ready to report these bills at any time; and I propose, if the House will give its consent, to fix upon the 5th day of July for taking them up for consideration. There are other provisions in these bills regulating the pay of the officers of the Army,

and retiring from service those who have become unfit to discharge their duties, that are also important, and demand the consideration of Congress.

The **SPEAKER.** Does the gentleman from Virginia propose to make these bills the special order for that day?

Mr. FAULKNER. For that day, and until they are disposed of.

Mr. JONES, of Tennessee. I object to any special orders being made at this period of the session.

PERSONAL EXPLANATION.

Mr. MACE. I ask the unanimous consent of the House to make a personal explanation, due to myself and to the gentleman from Illinois, [Mr. RICHARDSON.] It will not occupy over three minutes.

The **SPEAKER.** If there be no objection, the gentleman from Indiana will be at liberty to make his personal explanation.

Mr. WALSH. I object. There will be a reply, and we have had enough of these personal explanations.

Mr. MACE. I hope the gentleman will withdraw his objection. I will not occupy over three minutes.

Mr. WALSH. The gentleman from Louisiana, [Mr. HUNT,] informs me that the name of the gentleman from Indiana has been connected with some personal matter, and in common justice I must withdraw my objection.

Mr. MACE. It seems, from a telegraphic dispatch referred to day before yesterday by the gentleman from Illinois, [Mr. RICHARDSON,] and published in the Times newspaper of New York, that my name is embodied in that dispatch as charging the gentleman from Illinois with having covertly perpetrated a fraud upon the House and country, in the substitute which he offered to the Nebraska and Kansas bill. I have this to say, that, so far as that dispatch is concerned, and so far as I am personally concerned, I am responsible for no such charge.

And in addition to that, it gives me great pleasure to state that I can, with the rest of my friends, bear testimony to the honorable course of the gentleman from Illinois, during the contest on the passage of the Nebraska bill. I am incapable of charging that gentleman with anything like fraud in incorporating provisions in the substitute for the Nebraska bill, or any other bill, to deceive this House and the country.

RATES OF POSTAGE.

The **SPEAKER.** The business first in order is the consideration of bill (No. 406) further to amend the act entitled "An act to reduce and modify the rates of postage in the United States, and for other purposes," passed March 3, 1851.

Mr. OLDS. What motion is pending in regard to this bill?

The **SPEAKER.** To recommit and print.

Mr. OLDS. I desire to withdraw the motion to recommit the bill, for the purpose of moving an amendment. It will be recollected by the House that some day towards the latter part of the last week, a communication appeared in the National Intelligencer raising objections to the bill under consideration, from the fact that it would be difficult for the Postmaster General to supply the post offices with stamps for the prepayment of postage, and suggesting the additional difficulty that persons would buy up these stamps from the different postmasters for the purpose of speculation.

Now, on consultation with some of the friends of the bill, and with the Postmaster General, I have prepared an amendment which will meet every objection of this kind. The amendment is to come in at the end of the thirty-eighth line as an additional section of the bill.

The amendment was read, as follows:

And be it further enacted, That it shall not be lawful for any postmaster, or other person, to sell any post office stamp or stamped envelope for any larger sum than that indicated on the face of such stamp or envelope. And any person who shall violate this provision shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not less than ten nor more than five hundred dollars.

Mr. OLDS. Perhaps it is due to the House that I should say that the Postmaster General, and those having charge of post office business, are anxious for the passage of this bill. It opens up a new system of keeping accounts between the

Post Office Department and the deputy postmasters of the country, more perfect than anything of the kind that has heretofore existed in this Government. The accounts between the Post Office Department and the deputy postmasters will be the stamp account. The necessity for your post bills, which now accompany your letters, will then be superseded. Each postmaster will be charged with the stamps which he receives from the Post Office Department, and thus the account which he will have to render to the Department, at the end of each quarter, will show the amount of business done and money received at his office.

The bill makes a perfect system of accounts, which now you cannot have. And I am authorized by the Postmaster General to say, that he sees no difficulty in keeping the deputy postmasters of the country supplied with stamps, so that they may be had at all times for the purpose of transacting the business of the different post offices of the country. He thinks that there is no greater difficulty in keeping them supplied with post office stamps and stamped envelopes, than there is now in keeping them supplied with post bills, as has to be done.

Mr. JONES, of Louisiana. I desire to ask the chairman of the Committee on the Post Office and Post Roads this question. What amount does it cost the Government at this time for the establishment of distributing post offices throughout the country? And what effect will this bill have on these distributing post offices?

Mr. OLDS. I am unable to say precisely the number of distributing offices in the country.

Mr. JONES. Well, what is their percentage?

Mr. OLDS. The percentage is twelve and a half under the new law on all matter which passes through the office for distribution. This arises in consequence of having to make a new register and a new post bill for every letter passing through the mail. The moment you pass this bill into a law, and adopt this system of keeping account by means of stamps, you do away with the necessity of having those post bills, and the necessity of the distributing offices of the country. You would need separating offices instead of distributing ones. I am unable to say what amount of labor or expense it will save. You will require two additional clerks in the Third Assistant Postmaster General's Office, in order to keep the post offices supplied with stamps; but it would do away with a greater number of clerks in every distributing office in the country.

Mr. WASHBURN, of Illinois. Do I understand the gentleman to say that his proposition will do away with the distributing offices of the country?

Mr. OLDS. I say it will do away with the necessity of having anything but separating offices.

Mr. WASHBURN. Then the distributing offices can be abolished?

Mr. OLDS. Yes.

Mr. WASHBURN. That will be a very good thing.

Mr. OLDS. One additional word of explanation, in order to have the bill well understood, and I will leave the matter in the hands of the House. Some individuals seem to suppose that this would require every person who would put a letter into the post office to have a stamp. That is not so. You require the postmaster, when he sends the letter from the office, to put a stamp upon it, and that will be his account with the Post Office Department. The individual who puts the letter in the office need not have a stamp, but he pays his money to the postmaster just as he now does. There is no further difficulty in this matter than there is now. An individual can pay the office just as he does now, and the postmaster himself puts the stamp upon the letter, and that stamp is his account with the Department.

Mr. SMITH, of Tennessee. I would suggest to the gentleman from Ohio, that if this bill should become a law, the provision which requires the prepayment by stamps ought, at least, to take effect at a subsequent day.

Mr. OLDS. It is so provided in the bill. That provision will not go into effect until the first of January next, in order that the Postmaster General may have time to supply the post offices with stamps.

Mr. SMITH. I have had numerous complaints from my district from postmasters, complaining

that they could not get stamps, and for that reason have requested me to go to the Post Office Department and get stamps for them. Hence, with this difficulty existing, if this bill should take effect immediately, it would cut off the correspondence of the country almost altogether, until such stamps could be supplied to the distant offices. I wished merely to suggest this matter, and not with a view of objecting to the bill; for I am in favor of it.

Mr. OLDS. There are about five thousand out of the twenty-three thousand postmasters of the country who are supplied with stamps, and who supply other postmasters in the neighborhood. But the moment you pass this bill into a law, the Postmaster General will make it his business to see that all the postmasters of the country are supplied with stamps. He will go at once about the business, and put the system into operation.

Mr. JONES, of Tennessee. As I understand the bill is not printed, I wish to inquire if it requires all letters to be prepaid, and prepaid by stamps?

Mr. OLDS. It does.

Mr. JONES. How, then, are you to get along in the post offices out in the interior of the country, if their stamps should fail?

Mr. OLDS. It is the business of the Postmaster General to keep them supplied, and he will do so.

Mr. JONES. But there will be times, out in the remote parts of the country, when the postmasters will be out of stamps, and in that case, the people around the office will have no opportunity or power to send a letter at all.

Mr. OLDS. It is so in regard to the post bills which are now used.

Mr. JONES. But the postmasters can write a post bill and put his name to it. The bills are printed and furnished only as a matter of convenience. No postmaster can make a stamp, but he can write a post bill which will be as valid as a printed one.

Mr. OLDS. It is impossible to adopt any system that will not be liable to some objection, at least of as much importance as that presented by the gentleman from Tennessee against this bill. Sir, you cannot make your bread unless you have your flour or meal; and such being the case, every prudent housekeeper will keep a supply on hand. Well, if this is indeed the only mode of paying the postage on letters, the postmasters will be likely to keep a supply on hand.

The Postmaster General can ascertain, at the end of every quarter, from the return of each deputy postmaster, how many stamps he has on hand; and it will be perfectly easy for him to provide a supply in advance. I can see no difficulty in the way of always keeping a supply on hand. But if an office should sometimes run out of stamps, the inconvenience would be worthy of little consideration, when compared with the great good that will be the result of the adoption of this system, by which the Post Office Department will be able to keep an account with all the deputy postmasters in the country.

Sir, you have no such system now. I undertake to say, that if your deputy postmasters were to keep back ten per cent. of their receipts, all the clerical force now in the employ of the Department could not detect them. Why, sir, I was told, at the Post Office Department yesterday, that if you had a building covering the whole of the Post Office square, and you had a clerical force sufficient to occupy the whole building, from the basement to the fourth story, it would then be impossible to examine the accounts of the deputy postmasters of the country.

Now, sir, when it is proposed to do away with a system so loose as the present, and to substitute for it a system so simple and so perfect as that which I now propose, I ask if gentlemen are prepared to refuse the change from so frivolous an objection as that? Sir, the Postmaster General will take care that the deputy post offices are kept supplied.

Mr. STANTON, of Tennessee. If the gentleman from Ohio will allow me, I desire to say a single word. I do not know whether this bill proposes to increase the rates of postage or not. If it does, I should be opposed to it. As to the idea of prepayment in all cases, however, I am decidedly in favor of it; and I do not see anything in the objection of my honorable colleague on the

other side of the House in reference to the difficulty of obtaining stamps in all cases. I think, when it comes to be generally understood throughout the country that the payment of postage is to be by stamps, they will become an article of universal necessity, and will be kept in all the stores as well as post offices. I do not, therefore, see anything in that objection.

If the postmasters should get out of stamps, it would be easy to obtain them from the stores. They would circulate as freely as dimes or three cent pieces; and there could not possibly be any difficulty in reference to the supply. They will become an article of universal demand, and there cannot be danger of their running out.

Mr. JONES, of Tennessee. My colleague says these stamps will come into universal circulation. Well, sir, that is another serious objection to me. They will to that extent become a paper currency.

Mr. STANTON. I beg my colleague's pardon. I did not say that these postage stamps would become a circulating medium. I said they would become an article of universal necessity; that they would be found in the stores, and that there would be no difficulty in reference to there not being a supply.

Mr. JONES. Then they will go, to some extent, into general circulation. But, sir, as this bill stands now, as I understand it—it has not been printed, and I have not had an opportunity to examine its provisions—it requires that your postage shall be prepaid; and prepaid in what? In stamps. That, in my opinion, is in palpable violation of the Constitution of the United States, which says Congress shall not make anything a tender in payment of debts except gold and silver coin.

You have, by law, required the payment of three cents as postage on a single letter. There has been authorized the coining of a three cent piece which to that amount is a legal tender in payment of debt from one citizen to another. When a man goes to the post office with a letter and three cents in the current coin of the country to pay its postage, your bill says that the three cent piece shall not be received in payment of the postage, but that it shall be given for a piece of paper which shall be received in payment for the postage.

Mr. HENDRICKS. That paper is in the receipt.

Mr. JONES. You require him to buy the paper with your coin, and to give that paper in payment of postage. A man may want but one of these stamps. Some may not want to write letters very often, and the man who would want to pay postage on one letter only, would rather pay the three cent piece.

But, as I said before, if one of these offices should get out of stamps from neglect or accident, or any other cause, and the individual goes there with his letter and money, he cannot procure the stamp, the only medium by which he can pay the postage. It seems to me that there should be provision that individuals may, if they choose, pay the postage on letters in the current coin of the country.

Mr. SAGE. I would suggest to the chairman of the Committee on the Post Office and Post Roads the propriety of having the bill printed. I believe that there is a want of information among many members of the House in reference to its provisions, who, when they understand them, would favor the measure. It is well known that a bill somewhat similar was defeated a few days since.

Mr. OLDS. With the gentleman's permission, I will say that the bill now under consideration is no more than the fifth section of the substitute for House bill No. 330, with the amendment now proposed. Gentlemen can get the substitute by sending to the document room for it.

Mr. SAGE. I am myself prepared to vote for the bill. I think that it is right; and I am of opinion that the objection of the gentleman from Tennessee will not operate to the extent to which he speaks. This is an important change, and one which will result in good to the Department, and convenience and benefit to the people. I hope it may be adopted.

Mr. WASHBURN, of Illinois. I move to amend by adding the following:

"And all the distributing post offices in the country shall be discontinued from the time that this act takes effect."

Mr. Chairman; so far as I understand the provis-

ions of the bill which has been introduced by the honorable chairman of the Committee on the Post Office and Post Roads, I am inclined to support it. I think that the principle it involves is the proper one; and also, that the objection which the honorable member from Tennessee has urged will be found not to operate in the manner he has indicated. I think it will be just as convenient for the Department to furnish all these post offices with the requisite amount of stamps as it is with the requisite amount of post bills, as now furnished by the Department.

The amendment which I have sent to the Speaker's table I desire to see adopted. Every member of this House knows that there is great confusion in the mail service throughout the country. I have heard it attributed, in a great measure, and I believe correctly attributed, to the distributing post offices, which are established all over the country; not established, in many instances, where the public interests require that they should be established, but established by political influences, or by personal favoritism, in order that certain points may be favored, and certain postmasters may get the commissions which follow from the establishment of these distributing offices.

For instance, a letter from Washington to my own residence, Galena, has to be distributed at some two or three points on the route, as I understand it, and delayed at each of these points. I can travel from this city to my own residence, by the ordinary mode of conveyance, from one to three days quicker than letters can go by the mail on the same route of travel, for the reason I have stated, that these letters have to be distributed at various points, for instance, I believe at Pittsburg, perhaps at Toledo, and certainly at Chicago.

Hence, I say, this thing should be corrected. It is the duty of Congress to interpose and abolish these distributing offices, which are no more or less than nuisances to the mail service. There was a distributing office at Galena, Illinois, which, if there were to be distributing offices in the country at all, should have been continued as a distributing office, as that city is the great center of business and commerce for the whole northwestern country. Without any notice, without any good reason given, and in defiance of public sentiment, and to the vast injury of the mail service for the entire northwest, the distributing office was removed from that place, where it should be, if anywhere, to another place on the other side of the river—a point that is inconvenient and is out of the way—and with no other effect than that of delaying and deranging mail matter throughout that whole section of the country.

I say it is time that Congress should put a stop to this abuse and this delay in the transmission of the mails for the purpose of adding to the commissions of postmasters. I contend that there is no necessity for this distribution of letters between Washington, Chicago, St. Louis, and Galena, three great points in the West. They might be mailed directly to the points where they are to go, without going through all this machinery, and without being subjected to all of these delays. I would call the attention of members of the House, who have witnessed the operation of this very thing, to look to it, and see if we cannot strike a blow at this system which shall end in facilitating the mail service, and putting a stop to all the vexatious delays growing out of the existing state of things.

Mr. JONES, of New York. I am satisfied that this whole question of distributing post offices is entirely misunderstood. The system was discontinued at the time that I held the office of postmaster, some four years ago. I know nothing about it since that time; but the custom then was to have letters sent direct from here to the furthest point. Letters posted here, and directed to Galena, were sent direct from this point to Galena; and that had been so for the last six years.

With respect to the trouble of not having stamps, I am very confident that no inconvenience can arise from that cause. The smaller offices in the country, when they had exhausted their stock of post bills, have been always in the habit of giving the mail to the mail carrier to have brought to the nearest office to be mailed. All the merchants, storekeepers, and business men of the country—if the prepayment of letters is made compulsory—will keep themselves supplied with stamps.

Besides, the intention of this law is not that the postage shall be paid in specie or in stamps, but that the postmaster himself, when the postage is paid in specie, shall, instead of stamping the letter "paid," affix upon it a postage stamp, for which the Government has received its three cents, thus rendering it morally impossible to defraud the Government in the matter. It should be understood that post bills, so far as the Post Office Department is concerned, are utterly worthless in guarding the Department from fraud. They furnish no guarantee whatever against its being cheated. But, in this case of prepayment by stamps being enforced, the Government cannot possibly be defrauded. I now call for the previous question.

Mr. HAVEN. I hope the gentleman from New York will withdraw his call for the previous question? I only desire to say one word on the subject of this bill.

Mr. JONES. I will withdraw it, if the gentleman promise to renew the call.

Mr. HAVEN. I do so.

I do not desire to answer any argument or suggestion that has been made here; but I simply desire to say to the House that I have examined this question with a little care, when we had debate up the other day on the other post office bill that was defeated in the House. The House will recollect that I made a little ineffectual effort at that time to save the latter section of that bill. I thought then that I knew what I was about. I was of the opinion then that the latter sections of the bill were unobjectionable. I think that this bill now before the House is substantially the same in its character as the latter sections of that other bill were. I am entirely willing to see it passed. I think that the business portion of the country; I think that the remote and agricultural sections of the country; I think that every portion of our citizens will be satisfied with this bill.

I do not think that it is a matter of any great consequence or moment that this bill should pass. There are reasons, I think, why it should pass, but I do not believe it is of any great moment. It is a bill of which nobody will complain, unless it be the proprietors of newspapers of large circulation in our cities, as I think it increases the burdens on them a little. On this subject, however, the gentleman who has charge of the bill, and other members of the House, have more knowledge than I have.

But in other respects the bill is a proper one. The prepayment of postage, to which the gentleman from Tennessee [Mr. JONES] objects as impracticable, I think he will see, on further consideration, is not so. If men have not postage stamps to affix to their letters, they may leave money for the purpose, and the postmaster can affix the stamps and forward the letters. As I said, I do not think that this is a matter of any great consequence, but still it is a bill which I should like to see passed. I now renew the call for the previous question.

The previous question was seconded, and the main question ordered to be now put.

Mr. READY. I move to lay the bill upon the table.

The motion was not agreed to.

The question was then taken upon Mr. WASHBURN's amendment to the amendment; and it was rejected.

The question was then taken upon Mr. OLDS's amendment; and it was agreed to.

The question then being upon ordering the bill to be engrossed and read a third time, it was put; and decided in the affirmative.

Mr. JONES, of Tennessee. Is the bill engrossed?

The SPEAKER. The amendment is not engrossed.

[Cries of "Let it pass!"]

The SPEAKER. The bill or amendment is not engrossed; and if objection is made, it must go over until it is engrossed.

Mr. OLDS. In that case when will it come up?

The SPEAKER. The Chair will consider it. It is a new case.

Mr. OLDS. Is it not in order to have a time fixed when it shall have its third reading?

The SPEAKER. It is. When shall the bill have its third reading?

[Cries of "Now!" "Now!"]

The question was put upon the motion that the

bill have its third reading now; and it was agreed to.

Mr. JONES. I ask if the bill can be read now, unless it is first engrossed?

The SPEAKER. Upon what principle? It is a new question to the Chair.

Mr. JONES. It has not been engrossed, and I ask the Chair if it can be read before it is engrossed? The order of the House is that the bill shall be engrossed, and read a third time.

The SPEAKER. The doctrine of the parliamentary law is, that the House may fix the time for the reading of a bill a third time; and it cannot be read a third time until it is engrossed. If it shall be engrossed, it will be read to-day.

Mr. OLDS. Is it in order to move to recommend the bill?

The SPEAKER. It is in order, but the Chair will suggest that the order of the House to read the bill to-day will keep it before the House.

Mr. HAVEN. I desire to understand the exact position of this bill if the House goes to the consideration of other business now.

The SPEAKER. The order of the House is, that the bill shall be read the third time to-day. The Chair does not know what the practice of this body has been in such cases; for no such case has ever been made upon him before since he has served here. The parliamentary law gives the House the right to fix the time at which a bill shall have its third reading; the House did order by a very large vote that it should be read to-day. The Chair decides that, if it should be engrossed any time during the session to-day, the order must be executed.

Mr. JONES. Well, sir, to avoid all difficulty, I will withdraw my objection.

The bill was then read a third time.

Mr. OLDS. I move the previous question upon the passage of the bill.

The previous question was seconded, and the main question ordered to be put.

Mr. JONES, of Tennessee. I demand the yeas and nays upon the passage of the bill.

The yeas and nays were ordered.

Mr. CHANDLER. Although the call for the previous question has been seconded, I desire to propound a question to the chairman of the Committee on the Post Office and Post Roads, on the answer to which my vote will depend.

The SPEAKER. That can only be done by unanimous consent. Is there objection?

There was no objection.

Mr. CHANDLER. I would ask the chairman of the Committee on the Post Office and Post Roads what is the effect of the bill on newspaper issues?

Mr. OLDS. It has no effect on newspaper issues whatever.

The question was taken; and it was decided in the affirmative—yeas 104, nays 55; as follows:

YEAS.—Messrs. Abernethy, Aiken, James C. Allen, Willis Allen, Ashe, Banks, Barksdale, Barry, Belcher, Bridges, Brooks, Campbell, Carpenter, Caskie, Chastain, Clark, Cobb, Cook, Corwin, Curtis, John G. Davis, Dawson, De Witt, Dickinson, Dowdell, Eastman, Eddy, Edmundson, English, Faulkner, Fenton, Flagler, Florence, Franklin, Gamble, Goodrich, Green, Grow, Wiley P. Harris, Harrison, Hastings, Haven, Hendricks, Hillyer, Hughes, Johnson, Daniel T. Jones, J. Glancy Jones, Roland Jones, Kerr, Kittredge, Kurtz, Lamb, Latham, Lilly, Lindsley, McDougall, McMullin, McNair, Mace, Macy, Matteson, Maxwell, May, Middletown, Smith Miller, Morgan, Murray, Nichols, Norton, Olds, Andrew Oliver, Orr, Packer, Parker, Peck, Peckham, Phillips, Pratt, Richardson, Riddle, Robbins, Sabin, Sage, Seward, Shannon, Samuel A. Smith, William Smith, William K. Smith, Frederick P. Stanton, Richard B. Stanton, Hester L. Stevens, David Stuart, John J. Taylor, Trout, Tweed, Vail, Vansant, Wade, Ellihu B. Washburne, Israel Washburn, Wells, John Wentworth, Wheeler, and Daniel B. Wright—104.

NAYS.—Messrs. Appleton, Bell, Bennett, Benson, Caruthers, Chrisman, Churchwell, Clingman, Cox, Craige, Crocker, Cullom, Thomas Davis, Dean, Dick, John M. Elliott, Ellison, Etheridge, Everhart, Farley, Giddings, Greenwood, Aaron Harlan, Hiestler, Houston, Howe, Hunt, George W. Jones, Keitt, Leitcher, Lindley, McCulloch, John C. Miller, Millson, Morrison, Mordecai Oliver, Phelps, Preston, Pringle, Puryear, Ready, David Ritchie, Rufin, Russell, Sapp, Shaw, Nathaniel G. Taylor, Tracy, Upham, Walley, Walsh, Tappan Wentworth, Yates, and Zollicoffer—55.

So the bill was passed.

Mr. OLDS. I move to reconsider the vote by which the bill was passed, and that that motion be laid upon the table.

The latter motion was agreed to.

ALTERATION OF THE JOURNAL.

Mr. STANTON, of Kentucky. I desire to

say to the House that I was accidentally out of the House yesterday at the time of the final passage of the ten million bill. I was detained away on account of the storm; and as my vote will not change the result, I ask the consent of the House to have my vote recorded in favor of the bill.

Mr. JONES, of New York. As the gentleman has accomplished all he wishes to accomplish, I object.

ADJOURNMENT SINE DIE.

Mr. ORR. Has the morning hour expired?

The SPEAKER. It has.

Mr. ORR. Then I move that the House do now proceed to the consideration of the business upon the Speaker's table, so that we may take up and act on the resolution fixing the day of adjournment for this session.

[Cries of "Good!"]

The motion was agreed to.

The SPEAKER. The following is the resolution, as adopted by the House:

"Resolved, (the Senate concurring,) That the President of the Senate and the Speaker of the House of Representatives adjourn their respective Houses on Monday, August 14, at twelve o'clock, m."

The Senate amended by striking out all after the words "respective Houses," and inserting in lieu thereof, as follows:

"From twelve o'clock, m., July 17, until Monday, the 16th October next."

Mr. ORR. I move to substitute for the Senate amendment the following:

Sine die on Monday, the 31st of July, at twelve o'clock, m.

Mr. SEWARD. I would inquire of the Chair whether, under the rules, an amendment is in order to a Senate amendment? I believe after a bill has gone to the Senate, and been there amended, that when returned, that amendment is not amendable.

The SPEAKER. It is in order to amend the Senate amendment.

Mr. SEWARD. Then there is no end to legislation.

Mr. ORR. Will the Clerk report the modification I have made since the resolution was sent up to the desk? It is the insertion of the words "at twelve o'clock, m.," so that the session will terminate at twelve o'clock.

Mr. PECKHAM. If the previous question is sustained, will the vote be first upon the amendment now offered by the gentleman from South Carolina, [Mr. ORR.] or will it be upon the amendment of the Senate?

The SPEAKER. It will be first upon the amendment to the amendment of the Senate; or, in other words, upon the proposition of the gentleman from South Carolina. If that fails, then the vote will be upon the proposition of the Senate.

Mr. WALLEY. I rise to a question of order. I wish to ask the Chair whether, in his opinion, it is in order for the House to amend the proposition now returned from the Senate. The House adopted a resolution, and sent it to the Senate for their joint action. The Senate amended the action of the House, and sent it back here for the concurrence of this House. I ask the Chair if the question is not, Will the House concur, or not concur, in the amendment of the Senate?

The SPEAKER. They can concur with or without amendment.

Mr. WALLEY. The gentleman from South Carolina proposes to strike out the whole action of the Senate, and therefore it will not be a concurrence.

The SPEAKER. It is germane to the amendment of the Senate.

Mr. WALLEY. But the resolution of the Senate proposes a recess.

The SPEAKER. A proposition which the gentleman proposes to strike out. The amendment of the Senate, it will be recollected, is to a resolution of the House, which proposed to adjourn *sine die*. The Senate proposed to take a recess. The Chair decides that the House may amend the amendment of the Senate. The amendment of the gentleman from South Carolina is certainly in order.

Mr. WASHBURN, of Maine. I wish to inquire of the gentleman from South Carolina, [Mr. ORR.] whether he proposes to move the previous question immediately, and if so, to ask him if he will not give way for an amendment to the ori-

ginal proposition, so that if he moves the previous question, and his amendment fails, we may act upon the amendment I desire to offer as well as upon the resolution of the Senate. The amendment I propose is to provide "that the Senators and Representatives shall not be entitled to, and shall not receive, per diem during the recess."

Mr. ORR. It was my purpose before taking my seat to demand the previous question. I have no desire to preclude any motion being made with a view of obtaining the sense of the House as to the time we shall adjourn, or whether we shall have a recess. I am myself opposed to a recess. I believe that we can finish the necessary business of the country by the 31st of July—the day that has been indicated in the amendment I have offered. At the time when the original motion was made fixing the 14th of August as the day for adjournment, we had then before us the Pacific railroad bill, which promised to consume a great deal of time, and we also had before us a proposition to appropriate \$10,000,000 to carry out the provisions of the late Mexican treaty. Those questions have now been disposed of, and looking back to the history of the previous legislation of the country, I think we may safely say that the appropriation bills may all be passed by the 31st of July, besides disposing of the business which may arise during the morning hour. I think it would not be safe for us to fix an earlier day for adjournment than the 31st of July.

Mr. BOCOCK. If the gentleman from South Carolina will allow me, I desire to say a word or two on this subject.

Mr. ORR. Certainly.

Mr. BOCOCK. I desire, in the beginning, to ask the gentleman from South Carolina, if he has made his calculation as to the amount of business that can be done by the House by the 31st of July. I supposed when the amendment was offered by him that the day of adjournment had been fixed upon solely in relation to the passage of the appropriation bills. The gentleman, in the remarks which he has made since he rose, has let out that idea, has conveyed the intimation to the House that he thinks by the 31st of July the appropriation bills can alone be passed, and that all other business must lie over, except, perhaps, such business as may be transacted in the morning hour. Now, I am as much in favor of an early adjournment as any member on this floor. I have voted for the proposition for an early adjournment whenever I thought there was a chance of our being able to transact the necessary business of the House. But I think we might as well adjourn in the beginning of the session as leave the necessary business of legislation undone. There is no virtue in an early adjournment which leaves the business of the country undone. I do not believe in appealing to the people on any such ground. I came here to participate in doing the business of the country, and I want to do it, and to do it as soon as possible, and when the business is done I want to go back to the people, and tell them that our duty is performed.

Now, sir, there are various bills here to be disposed of. I have charge of one, and I speak only for that one. I know, however, that there are various other bills of importance to be acted on. There is the bill for the reform of the Army, for instance. Then, I am sure there are bills to be acted on which the gentleman behind me [Mr. DISNEY] has in charge. There are still other bills to the disposition of which the country is looking forward, and in which the country feels an interest. But I have nothing to say about any of them for which I am not personally responsible.

I ask the gentleman from South Carolina, therefore, to give me two days for the bill which I have in charge, and which I think one of essential interest to the country. It is a bill which is calculated to confer great benefits upon our Republic. If the gentleman from South Carolina has fixed the 31st of July as the day for the adjournment of the House, in relation merely to the appropriation bills, I ask him to give me only two days for mine. Let him fix the day of adjournment as the 2d of August for the purpose of allowing the extra two days for the consideration of the bill on which the Committee on Naval Affairs has labored much this session, and which I want to have brought before the House and acted on in some shape or other. I ask that this time be given to me for the purpose I have indicated,

and I leave it for other gentlemen to take care of their own interests.

Mr. ORR. I have some bills in the disposition of which I feel an interest myself, as well as the gentleman from Virginia [Mr. BOCOCK] does in his. But—

Mr. DISNEY, (interrupting.) Will the gentleman from South Carolina yield me the floor for a moment?

Mr. JONES, of Tennessee. I rise to a question of order. It is, that the gentleman from South Carolina cannot hold the floor and yield it to others in that way. There are a great many members here, I have no doubt, who wish to express their views on this subject. I hope, therefore, that the gentleman from South Carolina, when he has made his speech, will yield the floor, and give to gentlemen at the head of committees, and others who wish to express their views, an opportunity to do so.

Several MEMBERS. Certainly, certainly.

The SPEAKER. In reply to the question of order raised by the gentleman from Tennessee, the Chair decides that it is in order for a gentleman occupying the floor to yield it for explanation, but for explanation alone.

Mr. JONES. Exactly; but it is not in order for him to yield it to others to make speeches.

The SPEAKER. No; it is not in order to yield the floor for that purpose.

Mr. DISNEY. I ask the gentleman from South Carolina to yield me the floor for a personal explanation.

Mr. ORR. In a moment.

The appropriation bill proper may be disposed of even before the 31st of July. If the gentleman from Virginia wants but two days, and if he can reach his bill there will be ample time to have it considered. I have no doubt that much more than two days will be consumed in matters which I am free to say, are of much less importance than the bill which the gentleman from Virginia has in charge.

Now, as to the necessary business of the country, I am not one of those who believe that Congress is serving the people most when they legislate most. The great bane of our system of government, if there be any bane in it, is the tendency of all our legislative bodies to pass too many laws. Now, I think the business may be finished up by the day that I propose for adjournment. I think that my friend's naval bill may be disposed of before then. I think that the Army bill, which the gentleman from Virginia, [Mr. FAULKNER] spoke of this morning, may be also disposed of.

Mr. COBB. What about the railroad bills?

Mr. ORR. I think that with a little caution on the part of the gentlemen having charge of the railroad bills, as the gentleman from Alabama desires my opinion as to them, they may be disposed of too. I think that in the morning hour we may pass all those bills that ought to be passed.

Mr. DISNEY. I, for one, sir, am exceedingly opposed to the agitation of the question of adjournment at this time, and I hope the House will look into and examine the amount of business pending before it, and before its committees. The Committee on Public Lands is filled to repletion with matters of the most important character, intrusted to it for examination; matters involving the investigation of questions both of law and fact. But not only that committee, but the various other committees of this House have struggled for the floor for weeks and months, and each, and perhaps all of them with a large amount of business which they are exceedingly anxious to get before the House, and have been unable to do so. No gentleman knows better than the gentleman from South Carolina, that if we go on and make this early adjournment, regardless of this amount of business, the effect will be that you will come here at the next short session, and pass only the necessary appropriation bills, and all this immense amount of matter will go over until the next Congress, which will be composed of a large number of new members, and the whole business which is now prepared, and ready to be acted upon, will have to be reinvestigated, and will again encumber our Calendar. It is in this way that matters continue before Congress year after year, and it is for this reason that we have matters upon our Calendar which have been before Congress for half a century.

The committee with which I have the honor to

be connected has an immense amount of business before it, and ready to be acted upon, important in its character. That business has reference, not only to railroad bills, but to matters connected with our public domain of a most important nature. These matters have been examined, and examined with care, and the committee are anxious to make their reports to the House. But it is manifest that this early adjournment has no reference whatever to anything but the passage of the appropriation bills.

I have an incident relating to this matter—and gentlemen will pardon me for referring to it. A gentleman upon this floor, the other day, announced to the House that, in his judgment, all the important business of the House could be transacted within the time indicated for the adjournment. The next day he called upon me to inquire in relation to a bill in which he was interested, which was under my charge, and which, in his judgment, is a bill of the utmost importance. I was compelled to say to him that it could not be reached. Yet he had stated to this House that there was time enough, before the day designated for adjournment, to transact all the important business of the House.

Now, I beseech this House to reflect upon this matter, and not give way to their anxiety to get away from this warm weather, but really to sit down and examine the amount and character of the business before them.

In my opinion there is but one way to do, and that is to refer this matter to a committee of this House to examine into the amount and character of the business before the House. When they shall have done so, and the committee have reported, the House can act intelligently and understandingly upon the subject, and gentlemen will not be cut off from the consideration of matters in which they feel a personal interest. They sometimes forget themselves, and get up here and say that all the important business can be transacted, when there are matters in which they are interested, and which cannot possibly be reached before the early day indicated for adjournment.

But we cannot adjourn at that early day. All this thing is ill advised. Let the matter be referred to one of the committees of the House, and let them examine it before we undertake to fix a day for adjournment. If you adjourn at the time fixed in the amendment of the gentleman from South Carolina, you will sacrifice, to a vast extent, the interests of the country. It is wrong. I would like to have the matter examined by a committee, and I hope it will be referred.

Mr. ORR. The committee will perhaps pardon me for one moment more. I have no objection to my friend from New York manifesting a disposition to pass upon all the business of the House; but my friend has been here long enough to know that if we were to sit here from now until the first of December, we should not dispose of the private claims alone which encumber the Calendars of Congress. As for disposing of all the business which has been brought before the Committee on Public Lands, and which has been, or will be, reported back by them for the action of the House, that alone, if properly examined, would occupy the time of the House for three months. So that it is useless to talk of disposing of all the business before the House.

We are already approaching the middle of summer. Most of us have been absent from our homes for more than seven months. The hot weather is upon us; we know that a disease is approaching us from all sides; and suppose it should make its appearance here, I ask whether we should be able to keep the House together? Should we not at once find ourselves without a quorum? Is it not important that we should pass the necessary appropriation bills and go home? Then, when we come back in December, let us go to work and not adjourn over from Thursday to Monday, as we are in the habit of doing. If the naval bill under the charge of my friend from Virginia [Mr. BOCOCK] is not disposed of during the present session, let us then take it up and dispose of it. We could have disposed of that and of the Pacific railroad bill in the time we have lost by adjournment over during the present session. We may dispose of them, and of a considerable amount of private business, in the month of December.

But if gentlemen expect to dispose of all the business that has been referred to the standing

committees of the House, the session will be perpetual. It is idle to talk about it.

I did intend to have moved the previous question; but as there are others who desire to speak, it would, perhaps, not be fair that I should do so after having made these remarks myself. I will, therefore, surrender the floor to any gentleman who may desire it.

Mr. RICHARDSON. There is a very good reason, I think, why we should not adjourn at a very early day, or at least at so early a day as that proposed by the amendment of the gentleman from South Carolina. It is a fact which I presume members are familiar with, that gentlemen have done what talking they want to do for the present, and we may now go on and transact business; but if we adjourn and go home, members will come back with a new supply of stump speeches, which we shall have delivered here instead of doing the business of legislation. There is a good deal of business which ought to be done, and which I think, perhaps, can be done by the time fixed in the resolution as it originally passed the House. In the present state of affairs, in the present condition of our country, there should be something done for the defense of our coast, in connection with the commerce of the country. There are important western interests to which attention should be given.

My object in rising, Mr. Speaker, was to submit the motion indicated by the gentleman from Ohio, [Mr. DISNEY], that this resolution and the pending amendments be referred to a select committee, to ascertain and report how soon it was practicable for the House, with a full discharge of its business, to adjourn.

THE SPEAKER. There is already a committee in existence on revisal and unfinished business.

Mr. RICHARDSON. Very well; then I move that the resolution and pending amendments be referred to that committee.

Mr. EWING. I object to any such reference; I think that it is very unusual. I never heard of a resolution for adjournment *sine die* being referred to the Committee on Revisal and Unfinished Business. It is a matter which I think we ought to finish as soon as possible. The earlier we fix the day, the earlier we can adjourn. Every man who has ever served in this House, or any other deliberative body, knows that when a day of adjournment is fixed, the House works up to that day. I do not object to discussions, although they may perhaps extend into an abuse and evil. There is an advantage in free, full, and unlimited discussion in the earlier part of any session. It is that which prepares the House for rapid work towards its close. They have early digested every question which may come before them; and while it is often complained of as an evil that the business of the session is crowded into the last days of a session, when it may as well be done in the first days of a session, it is not an unmixed evil. The House is then better prepared for work.

We can, I think, finish all we have to do, which is absolutely indispensable, by the day proposed by the gentleman from South Carolina. Too much legislation is an evil, and, as he very properly remarked, if we attempted to get through with everything, we never would adjourn. We would leave that resolution with the Committee on Revisal and Unfinished Business, and it would be a matter which would properly belong to them for ever. [Laughter.] I want to get away from here, for one, and I believe that the people are willing to see us go away. I would rather adjourn *sine die* than take a recess. It is rather a novel experiment, and I do not know how it would suit. But I want to get away myself on any terms. I want to get something to eat. [Laughter.] I want to get to some place where I can sleep of nights. [Renewed laughter.] I am tired of going into these dining rooms in the morning with the weak stomach with which every gentleman rises in summer, and smelling that odor which destroys the last remnant of appetite that can be got up by the force of tonics, and other means. After trotting all over town hunting a place to eat, I have thought that, of inevitable necessity, I would be compelled to go through the form under the influence of chloroform. I know of no other way in which it can be practiced with any sort of ease and comfort.

I wish the House would agree to an adjournment *sine die* on the day named, as I believe it

to be entirely practicable. I am willing to try it, at all events. I think we can adjourn by that time, that we ought to do it, and that the people will be willing to see us do it. I am satisfied that we can finish all the business indispensably necessary between this and the earliest day proposed.

Mr. SMITH, of Tennessee. I move the previous question.

The previous question was seconded, and the main question ordered.

Mr. McMULLIN. I move to lay the whole subject on the table.

Mr. GREENWOOD. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and it was decided in the negative—yeas 45, nays 134; as follows:

YEAS—Messrs. Aiken, Ashe, Barksdale, Belcher, Boccock, Brooks, Caskie, Clark, Cobb, Cullom, Disney, Eastman, Eddy, Edmundson, John M. Elliott, Faulkner, Florence, Goode, Green, Henn, Ingersoll, Roland Jones, Keitt, Kidwell, Kittredge, Lindsley, McMullin, Mace, Macy, Maxwell, Smith Miller, Millson, Bishop Perkins, John Perkins, Powell, Richardson, Riddle, Rowe, Shannon, Gerrit Smith, Hester L. Stevens, David Stuart, Upham, Vail, and Vansant—45.

NAYS—Messrs. Abercrombie, James C. Allen, Willis Allen, Appleton, David J. Bailey, Bell, Bennett, Benson, Benton, Breckinridge, Bridges, Campbell, Carpenter, Caruthers, Chandler, Chas. at, Chrisman, Churchwell, Clingman, Colquitt, Cook, Corwin, Cox, Craige, Crocker, Curtis, John G. Davis, Dawson, Dean, De Witt, Dick, Dickinson, Dowdell, Thomas D. Eliot, Ellison, English, Etheridge, Everhart, Ewing, Farley, Fenton, Flagler, Franklin, Gamble, Giddings, Goodrich, Greenwood, Aaron Harlan, Harrison, Hastings, Haven, Hendricks, Hiestler, Hill, Hillyer, Houston, Howe, Hughes, Hunt, Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, Kerr, Knox, Kurtz, Latham, Letcher, Lilly, Lindley, McCulloch, Matteson, May, Mayall, Middleswarth, John G. Miller, Morgan, Morrison, Nichols, Norton, Olds, Andrew Oliver, Mordecai Oliver, Orr, Packer, Parker, Peck, Peckham, Pennington, Phelps, Pratt, Preston, Pringle, Puryear, Ready, Reese, David Ritchie, Thomas Ritchey, Robbins, Ruffin, Russell, Sabin, Sage, Sapp, Seward, Shaw, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Tweed, Wade, Walker, Walley, Walsh, Elihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, Wheeler, Daniel B. Wright, Yates, and Zollicoffer—134.

So the House refused to lay the resolution and amendments on the table.

The question recurred on the motion made by Mr. RICHARDSON, that the whole subject be referred to the Committee on Revisal and Unfinished Business.

Mr. DISNEY. I ask for the yeas and nays on that motion, and for tellers on ordering the yeas and nays.

Tellers were ordered; and Messrs. PRESTON and ROBBINS were appointed.

The House was divided; and the tellers reported—yeas 47, nays 125; more than one fifth voting in the affirmative.

So the yeas and nays were ordered.

The question was then taken; and it was decided in the negative—yeas 47, nays 125; as follows:

YEAS—Messrs. Aiken, Ashe, Barksdale, Barry, Belcher, Boccock, Brooks, Caskie, Clark, Cobb, Disney, Eddy, Edmundson, Everhart, Faulkner, Florence, Goode, Green, Henn, Ingersoll, Roland Jones, Keitt, Kittredge, Lamb, Lindsley, McCulloch, McMullin, Mace, Macy, Maxwell, May, Smith Miller, Millson, John Perkins, Phillips, Pratt, Puryear, Richardson, Riddle, Rowe, Seward, Shannon, Hester L. Stevens, David Stuart, Vail, and Vansant—47.

NAYS—Messrs. Abercrombie, Willis Allen, Appleton, Bell, Bennett, Benson, Benton, Breckinridge, Bridges, Campbell, Carpenter, Caruthers, Chandler, Chastain, Chrisman, Churchwell, Clingman, Colquitt, Cook, Corwin, Cox, Craige, Crocker, Cullom, Curtis, John G. Davis, Thomas Davis, Dawson, Dean, De Witt, Dick, Dickinson, Dowdell, Eastman, Thomas D. Eliot, Ellison, Etheridge, Ewing, Farley, Fenton, Flagler, Franklin, Gamble, Goodrich, Greenwood, Grow, Aaron Harlan, Harrison, Hastings, Haven, Hendricks, Hiestler, Hill, Hillyer, Houston, Howe, Hughes, Hunt, Johnson, George W. Jones, J. Glancy Jones, Kerr, Knox, Latham, Letcher, Lilly, Lindley, Matteson, Mayall, Middleswarth, John G. Miller, Morgan, Morrison, Murray, Nichols, Norton, Olds, Andrew Oliver, Mordecai Oliver, Orr, Packer, Parker, Peck, Peckham, Pennington, Bishop Perkins, Phelps, Phillips, Ready, Reese, David Ritchie, Robbins, Ruffin, Russell, Sabin, Sage, Sapp, Shaw, Gerrit Smith, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Tweed, Walker, Walley, Walsh, Elihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, Wheeler, Yates, and Zollicoffer—125.

So the House refused to commit the joint resolution to the Committee on Revisal and Unfinished Business.

The question recurred upon the amendment of Mr. ORR.

Mr. FLORENCE. I call for the yeas and nays on the adoption of the amendment.

The yeas and nays were ordered.

The question was then taken; and it was decided in the negative—yeas 80, nays 89; as follows:

YEAS—Messrs. Abercrombie, Willis Allen, David J. Bailey, Barksdale, Barry, Bell, Benson, Benton, Breckinridge, Bridges, Caruthers, Chastain, Chrisman, Churchwell, Clingman, Colquitt, Cook, Corwin, Cox, Craige, Cullom, John G. Davis, Dawson, Dean, Dick, Dowdell, John M. Elliott, Etheridge, Ewing, Farley, Greenwood, Harrison, Haven, Hendricks, Hill, Houston, Hughes, Hunt, Johnson, George W. Jones, J. Glancy Jones, Knox, Lamb, Latham, Lilly, Lindley, John G. Miller, Morrison, Murray, Nichols, Andrew Oliver, Mordecai Oliver, Orr, Packer, Peck, Phelps, Pratt, Preston, Ready, David Ritchie, Robbins, Ruffin, Sapp, Shaw, Gerrit Smith, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Alexander H. Stephens, John J. Taylor, John L. Taylor, Trout, Wade, Walker, Israel Washburn, Wells, Daniel B. Wright, Yates, and Zollicoffer—80.

NAYS—Messrs. Aiken, Appleton, Ashe, Belcher, Bennett, Boccock, Campbell, Carpenter, Chandler, Clark, Cobb, Crocker, Thomas Davis, De Witt, Dickinson, Disney, Eastman, Eddy, Edmundson, Thomas D. Eliot, Ellison, Everhart, Faulkner, Flagler, Florence, Franklin, Gamble, Giddings, Goodrich, Green, Grow, Aaron Harlan, Hastings, Henn, Hiestler, Hillyer, Howe, Ingersoll, Daniel T. Jones, Roland Jones, Keitt, Kidwell, Kittredge, Lindsley, McCulloch, Mace, Macy, Matteson, Mayall, Middleswarth, Smith Miller, Millson, Morgan, Norton, Parker, Peckham, Pennington, Bishop Perkins, John Perkins, Phillips, Powell, Pringle, Puryear, Reese, Richardson, Thomas Ritchey, Rowe, Russell, Sabin, Sage, Seward, Shannon, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, David Stuart, Nathaniel G. Taylor, Thurston, Tracy, Tweed, Upham, Vail, Vansant, Walley, Walsh, Elihu B. Washburne, John Wentworth, Tappan Wentworth, and Wheeler—89.

So Mr. ORR's amendment was not agreed to.

The question recurred upon agreeing to the Senate amendment.

Mr. JONES, of Louisiana. I move to lay the whole subject upon the table; and upon that motion I call for the yeas and nays.

Mr. WASHBURNE, of Illinois. I rise to a question of privilege. I move to reconsider the vote by which the amendment to the amendment was rejected; and to lay the motion to reconsider upon the table.

Mr. LETCHER. Yeas and nays upon that.

[Cries of "Oh, no!"]

Mr. WASHBURNE. I withdraw my motion.

Mr. HENDRICKS. I rise to a question of order. I wish to know whether the House can now lay the original resolution, which passed this House, on the table; or whether the motion of the gentleman from Louisiana, on which the House is about to vote, is not to lay on the table the amendment of the Senate?

THE SPEAKER. The motion is to lay on the table both those together.

Mr. BRECKINRIDGE. Does the motion include our resolution to adjourn on the 14th of August?

THE SPEAKER. It does; and the resolution of the Senate.

The yeas and nays were ordered on Mr. JONES's motion.

The question was taken; and it was decided in the negative—yeas 48, nays 132; as follows:

YEAS—Messrs. Aiken, James C. Allen, Ashe, Thomas H. Bayly, Barksdale, Barry, Belcher, Boccock, Brooks, Caskie, Clark, Cobb, Disney, Eastman, Eddy, Edmundson, English, Faulkner, Florence, Goode, Green, Henn, Hill, Roland Jones, Keitt, Kidwell, Kittredge, Lamb, Lindsley, McMullin, Mace, Macy, Maxwell, Smith Miller, Millson, Noble, John Perkins, Pratt, Richardson, Riddle, Ruffin, Shannon, Hester L. Stevens, Vail, Vansant, Walker, and Daniel B. Wright—47.

NAYS—Messrs. Abercrombie, Willis Allen, Appleton, Bennett, Benson, Benton, Breckinridge, Bridges, Campbell, Carpenter, Caruthers, Chandler, Chastain, Chrisman, Churchwell, Clingman, Colquitt, Cook, Corwin, Cox, Craige, Crocker, Cullom, John G. Davis, Thomas Davis, Dawson, Dean, De Witt, Dick, Dickinson, Dowdell, Thomas D. Eliot, John M. Elliott, Ellison, Everhart, Ewing, Farley, Fenton, Flagler, Franklin, Gamble, Giddings, Goodrich, Greenwood, Grow, Aaron Harlan, Harrison, Hastings, Haven, Hendricks, Hiestler, Hillyer, Houston, Howe, Hughes, Hunt, Ingersoll, Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, Kerr, Knox, Kurtz, Latham, Letcher, Lilly, Lindley, McCulloch, McDougall, McNair, Matteson, May, Mayall, Middleswarth, John G. Miller, Morgan, Morrison, Murray, Nichols, Norton, Andrew Oliver, Mordecai Oliver, Orr, Packer, Parker, Peck, Peckham, Pennington, Bishop Perkins, Phelps, Phillips, Preston, Pringle, Puryear, Ready, Reese, David Ritchie, Thomas Ritchey, Robbins, Rowe, Russell, Sabin, Sage, Sapp, Shaw, Gerrit Smith, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Tweed, Upham, Wade, Walley,

Walsh, Elihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Yates, and Zollie Coffey—132.

So the House refused to lay the subject on the table.

The question recurred on the amendment of the Senate.

Mr. JONES, of Tennessee. I call for the yeas and nays on the question.

The yeas and nays were ordered.

Mr. PHILLIPS. I desire to ask a question of the Chair. Is the question now on concurring with the Senate's amendment to the resolution of the House?

The SPEAKER. That is the question.

Mr. PHILLIPS. And the refusal, therefore, to concur with the amendment of the Senate, will leave the resolution of the House as it was originally adopted?

The SPEAKER. Yes.

Mr. HOUSTON. And secure a conference committee?

The SPEAKER. That will be the effect of such a vote on the part of the House.

The question was then taken; and it was decided in the negative—yeas 71, nays 105; as follows:

YEAS—Messrs. Abercrombie, Appleton, Bennett, Campbell, Caruthers, Cook, Corwin, Crocker, Cullom, Curtis, Thomas Davis, De Witt, Dick, Dickinson, Thomas D. Eliot, Everhart, Flagler, Franklin, Gamble, Giddings, Goodrich, Aaron Harlan, Harrison, Haven, Hiestler, Hillyer, Howe, Kerr, Kittredge, Knox, Latham, Lindsey, McCulloch, Mace, Matteson, Mayall, Middleswarth, Morgan, Norton, Mordecai Oliver, Packer, Parker, Peck, Peckham, Pomington, Bishop Perkins, Pringle, Ready, Reese, David Ritchie, Rowe, Russell, Sabin, Sage, Sapp, Seward, Frederick P. Stanton, Richard H. Stanton, Nathaniel G. Taylor, Thurston, Tracy, Trout, Tweed, Upham, Wade, Walley, Elihu B. Washburne, John Wentworth, Tappan Wentworth, and Yates—71.

NAYS—Messrs. Aiken, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Belcher, Bell, Benson, Benton, Breckinridge, Bridges, Brooks, Carpenter, Caskey, Chandler, Chastain, Chrisman, Churchwell, Clark, Clingman, Cobb, Coe, Coz, John G. Davis, Dawson, Dean, Disney, Dowdell, Eastman, Eddy, John M. Elliott, Ellison, English, Etheridge, Ewing, Farley, Faulkner, Fenton, Florence, Goode, Green, Greenwood, Wiley P. Harris, Hastings, Hendricks, Hunt, Hill, Houston, Hughes, Hunt, Ingessoll, Johnson, Daniel T. Jones, George W. Jones, J. Glancy Jones, Roland Jones, Kett, Kurz, Lamb, Letcher, Lilly, Lindsey, McMullin, McNair, Macy, Maxwell, May, John G. Miller, Smith Miller, Allison, Morrison, Murray, Nichols, Andrew Oliver, Orr, John Perkins, Phelps, Phillips, Powell, Riddle, Thomas Ritchey, Robbins, Ruffin, Shannon, Shaw, Gerrit Smith, William Smith, William R. Smith, George W. Smyth, Alexander H. Stephens, Hestor L. Stevens, David Stuart, John J. Taylor, John L. Taylor, Vail, Vansant, Watker, Walsh, Israel Washburn, Wheeler, Daniel B. Wright, and Zollie Coffey—105.

So the House refused to concur in the amendment of the Senate.

Mr. FLORENCE moved to reconsider the vote just taken by which the Senate's amendment was non-concurred in, and also that the motion to reconsider be laid on the table; which latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by the hands of SIDNEY WESTER, Esq., his Private Secretary, transmitting to Congress copies of two communications of the 25th ultimo, and the 4th instant, respectively, from Her Britannic Majesty's Minister accredited to this Government, to the Secretary of State, relative to the health on shipboard of emigrants from foreign countries to the United States. This was the subject of the President's message to Congress of the 27th of April last.

On motion by Mr. BAYLY, of Virginia, the message and accompanying documents were referred to the Committee on Commerce, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by the hands of ASBURY DICKINS, Esq., its Secretary, apprising the House that the Senate had agreed, among others, to the following bill:

Bill of the House (No. 405) to enable the President of the United States to execute the third article of the recent treaty with Mexico.

RECESS OF CONGRESS.

The SPEAKER. The business next in order is the consideration of the following joint resolution:

Joint resolution providing for a recess from the first Monday in July to the third Monday in October.

Mr. GREENWOOD. I propose that the House appoint a committee of conference to confer with a like committee of the Senate.

The SPEAKER. That would not be regular. The action of the House will be reported to the Senate, and it will be for that body to determine on the course to be taken in regard to it.

Mr. HOUSTON. It is hardly worth while for us to travel over all this ground again. We will probably have a conference about this matter to agree to some time for the adjournment of Congress. If the House will agree to do so, I would like to go into committee this evening, and take up either the civil and diplomatic appropriation bill, or—

[Cries of "Oh, no; oh, no."]

Mr. BAYLY, of Virginia. I rise to a privileged question. I move to reconsider the vote by which the message of the President of the United States, which was laid before the House, by the Speaker, a few moments since, was referred to the Committee on Commerce. Upon looking at the papers, I am confident that they ought to go to the Committee on Foreign Affairs.

The question was put upon Mr. BAYLY's motion; and it was agreed to; and then, by unanimous consent, the message and accompanying papers were referred to the Committee on Foreign Affairs.

On motion of Mr. HOUSTON, (at three o'clock and thirty minutes) the House adjourned until to-morrow.

IN SENATE.

FRIDAY, June 30, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

HEALTH OF IMMIGRANTS.

The PRESIDENT *pro tempore*, by unanimous consent, it being private bill day, laid before the Senate a message from the President of the United States, transmitting copies of two communications of the 26th ultimo and 4th instant, from her Britannic Majesty's Minister accredited to the Government of the United States, to the Secretary of State, relative to the health on shipboard of immigrants from foreign countries to the United States; which was referred to the select committee appointed to inquire into the subject, and ordered to be printed.

REPORTS FROM STANDING COMMITTEES.

Mr. CHASE, from the Committee on Claims, to whom was referred the petition of Isaac Swain, praying remuneration for losses caused by the failure of the agents of the Government to comply with the terms of a contract with him for the transportation of certain commissary's stores from Valparaiso to Benicia, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. PETTIT, from the Committee on Private Land Claims, to whom was referred the petition of Gaston T. Raoul, praying permission to enter a section of land under a certificate duly issued by the register and receiver of the Greensburg land district of Louisiana, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

RECONSIDERATION OF A VOTE.

Mr. CLAYTON. Mr. President, I yesterday offered a resolution calling on the State Department for information in regard to the proposition for the interchange of breadstuffs between Canada and the United States. I made search before I offered the resolution, and I found none of the papers which I wished to call out. Since the resolution was adopted, however, I have discovered by the aid of one of the clerks, that the greater part of the information was communicated at a former day, and as that answers the purpose I had in view, I move to reconsider the vote adopting the resolution, in order that it may lie on the table.

The motion to reconsider was agreed to; and the resolution was ordered to lie on the table.

DAVID MYERLE.

Mr. GWIN. A bill was passed by the Senate some weeks since for the relief of David Myerle. A reconsideration was moved by the Senator from Indiana, [Mr. BRIGHT.] That question has been

lying over for many weeks, and I should like to have it taken up, and disposed of this morning.

The PRESIDENT. That being a private bill on the Calendar, the motion of the Senator is in order.

Mr. GWIN. I move to take up for consideration the motion to reconsider the vote by which the bill was passed.

Mr. CHASE. The Senator from Indiana is not in his seat, and I should like to inquire of the Senator from California if he has conversed with him on the subject?

Mr. GWIN. When I attempted to call up this matter at a former day, it was stated that the Senator from Indiana wished to discuss the question. I subsequently saw him, and he told me he had nothing to say on it, but that he had moved the reconsideration of the motion for the Senator from Delaware, [Mr. BAYARD,] and that he had no objection to its coming up at any time, whether he was present or not.

Mr. BAYARD. It is perfectly immaterial to me whether the bill is taken up and acted upon now or at any other time; for in such weather as this is I am not going to speak on it. I have looked into the facts, and I have conversed with some Senators in reference to it. My own mind is clear, on examination, that there is no shadow of claim in the case. After looking at all the material papers I cannot realize on what ground the report was ever based. I am perfectly willing, however, to take the vote, if gentlemen have made up their minds on their own investigation. I am not going, in this weather, to discuss questions of this kind.

The motion of Mr. GWIN was agreed to; and the question being upon agreeing to the motion to reconsider the vote by which the bill was passed, Mr. BAYARD called for the yeas and nays; which were ordered; and being taken, resulted—yeas 19, nays 17; as follows:

YEAS—Messrs. Adams, Allen, Atchison, Bayard, Bright, Brodhead, Chase, Clay, Clayton, Dodge of Wisconsin, Evans, Fitzpatrick, Hamilton, Hunter, Mason, Sidel, Stuart, Toucey, and Williams—19.

NAYS—Messrs. Badger, Bell, Brown, Fessenden, Fish, Geyer, Gillette, Gwin, James, Jones of Tennessee, Mallory, Norris, Pettit, Rockwell, Seward, Wade, and Weller—17.

So the motion to reconsider was agreed to.

The PRESIDENT. The question now is, "Shall the bill pass?"

Mr. CLAY called for the yeas and nays; and they were ordered.

The bill proposes to direct the Secretary of the Treasury to pay to David Myerle \$30,000 for losses, sacrifices, and expenses incurred by him in testing and establishing the practicability and safety of the process of water-rotting hemp, under the direction of the Navy Department.

Mr. EVANS. As I do not intend to vote now in the same way that I did when this bill was before the Senate on a former occasion, I beg leave to say merely that since it was then under consideration I have looked more minutely into the claim than I did before, and I am satisfied that this man is entitled to something. My only difficulty is that the bill allows him, perhaps, a little more than he ought to have; but, rather than not pay him anything, I have made up my mind to vote for the bill.

Mr. BRIGHT. Mr. President, as this bill was returned from the House on my motion, it is proper that I should state the reasons that governed me in making the motion. When the bill was under the consideration of the Senate, I voted first for the amendment to reduce the amount to \$10,000. That proposition was voted down, and then I had presented to me the question whether I should vote for the bill as it stood appropriating \$30,000, or should give the claimant nothing? I thought, under all the circumstances, that it would be proper to give him the \$30,000. But my reason for moving the reconsideration, and asking for the return of the bill from the House was, that the honorable Senator from Delaware, soon after the passage of the bill, expressed the opinion that he could satisfy the Senate, if an opportunity was given him, that this was an unjust claim.

Mr. BAYARD. Will the honorable Senator allow me to correct his statement?

Mr. BRIGHT. Certainly.

Mr. BAYARD. I certainly made no allegation of that kind. The honorable Senator misunderstood me. I told him I thought I could satisfy him as to his own individual vote, but I did not

purpose to enter into the discussion of the matter before the Senate. I said afterwards that I should be willing to submit my views to the Senate, but in weather such as this, I cannot undertake to do it.

Mr. BRIGHT. I made the motion, as I supposed, for the accommodation of the Senator from Delaware, to give him an opportunity of showing the Senate that this bill was without foundation, and that the claimant was not entitled to any part of the amount proposed to be appropriated. I was prepared, if he had satisfied me of that fact, to vote against the bill. Certainly, I supposed, at the time I made the motion, and insisted upon the return of the bill, that the honorable Senator would avail himself of the opportunity afforded, and explain to the Senate the reason why he made the declaration that he did.

In the absence of any effort of that kind on his part, I feel authorized to vote for the bill, or rather I feel bound to move an amendment to appropriate \$10,000 instead of \$30,000. I believe, under the circumstances, that the claimant is entitled to something, but I do not believe that he is entitled to \$30,000. I do not think that the proof in the case establishes the fact that he has expended that amount. I think that he was induced by a late Secretary of the Navy to make an expenditure in carrying on an experiment for the benefit of the Government, and that the impression was created upon his mind—I think the testimony warrants the conclusion—that if the experiment failed, and money was lost, it should be compensated for out of the public Treasury, and not out of his pocket. If I believed that the proof justified an appropriation of \$30,000, I should not, under the circumstances, oppose it; but I do not think—and I have given the case, I may say, a careful examination—that an amount exceeding \$15,000 ought to be appropriated; and as suggested by Senators around me, I will submit a motion that the bill be so amended as to appropriate \$15,000.

Mr. BAYARD. I regret that the honorable Senator from Indiana misunderstood my conversation with him. It was purely personal. It had no relation to his action in the Senate. My experience here has convinced me that it is a very idle effort indeed to attempt to discuss before this body any question connected with a private claim, adverse to that claim. You speak to empty benches. That is not agreeable to me; but I should be willing to do it if I thought it would have any effect. My own experience is that it has no effect. I believe a system as corrupt and corrupting, as I consider the mode in which private bills are passed, to be, can be checked in two ways. One is, either by opposition to the individual cases, or, when you find the system has so far obtained a headway that opposition is useless, to let it go on, and it will become so odious, and so openly profligate, that the public sense of the country will utterly reject it. I have come to the conclusion, with the exception of those cases committed to me as a member of a committee to examine, that I do not mean to trouble myself with them, except as regards what is necessary for my own investigation, and vote in reference to the question before the Senate.

Mr. PETTIT. Mr. President, I hope the amendment proposed by my colleague will not prevail.

Mr. BADGER. I will suggest that the amendment is not in order.

The PRESIDENT. The bill is not now in a condition to be amended. The question is, "Shall the bill pass?" and no amendment can be proposed unless by unanimous consent, or unless the vote by which it was ordered to be engrossed for a third reading, be reconsidered.

Mr. PETTIT. Then I have a few remarks to make in regard to the bill. Years ago, while a member of the other House, I investigated this question. I then settled down in the clear conviction that the Government of the United States had injured this man, had done him a gross wrong. That \$30,000 will not indemnify him, I am clearly of opinion. In addition to this, allow me to say that this matter, when we were both members of the other House, was especially in the care and charge and keeping of my immediate predecessor in the Senate, Hon. Charles W. Cathcart, who held a seat here a year ago last winter, by an appointment by the Governor, before I came on. I take occasion to say that there is no purer or better man

in the country than that Mr. Cathcart. I take occasion further to say that there are very few minds possessed of more capacity to investigate and come to a right conclusion than his. I know that in the House, after full examination, he entertained no doubt of the justice and propriety of this appropriation. I know that it again came under his consideration, the short time, some six or seven weeks, during which he held his seat as my predecessor here. He investigated it again, and came to the same conclusion. I hold in my hand a letter from him, and ask the indulgence of the Senate while I read one clause from it. It is dated May 15, 1854:

"I bespeak your kind attention to his (Myerle's) case, assuring you that you will thereby be rendering an act of justice to a much injured and unfortunate man."

Yours, truly,

CHARLES W. CATHCART.

That is what he says in regard to this matter. I shall not take up the time of the Senate by referring to all the papers and the evidence in reference to the claim; but there is nothing that has impressed itself so clearly on my mind as that the Government, through its officers, has injured this man, and that \$30,000 will not repay him for his loss. I cannot, therefore, believe, when I am sent here to do justice between the mass of the people, the Government—for they are the Government—and the individual members of that society, that I should vote for a less sum than \$30,000, and I shall with great pleasure vote for that.

Mr. WELLER. I have but a word or two to say in regard to this claim. It is very seldom that I put myself to the trouble of investigating any of these private claims, unless they are referred to me as a member of a committee; but some years ago I did give myself the trouble to investigate this one. I have since read the testimony again; and I do regard it as one of the most just and equitable claims that has ever been presented to the Government. Whether that will secure its passage through Congress or not is a different question; because my experience as a legislator is, that unjust and iniquitous measures are much more apt to pass than a just and equitable one. But I assure the Senate, if they would take the trouble to investigate the merits of this claim, they would be satisfied that Mr. Myerle has sustained damage, in consequence of the contract made by a late Secretary of the Navy, to an amount far greater than \$30,000. I have never known of a private claim presented here, for which it would afford me so much pleasure to vote, as for this bill as it now stands.

Mr. MALLORY. Mr. President, when I first came to the Senate, I found the claim of David Myerle referred to the committee of which I was a member. I investigated it, as I thought, fully, and read the arguments which had been adduced against it in the House. I came to the conclusion that it ought not to be allowed. I entertained that opinion throughout the last session, and should have voted against it if it had come to a vote then. The claim would have passed on one of the last nights of the session, when it was brought forward by the honorable Senator from North Carolina, [Mr. BADGER,] who advocated it; but at that moment the Senator from Kentucky, not now a member of the Senate, [Mr. Underwood,] exposed to us a large pile of papers, to listen to the reading of which would have occupied hours. The Senator from North Carolina at once withdrew the claim. I saw that he had investigated it, and had come to the conclusion that it was a just one. It induced me, during the present session, to give it a more thorough examination. I believe I have examined every proof that has been produced on the subject, and I have come to the conclusion that it is a very just claim, and ought to be paid.

I have regarded Mr. Myerle, as I think the Senate must regard him, not as an ordinary contractor who, failing in the precise stipulation of his contract, is not to be paid, but as a special agent of the Government, employed to develop by experiment the great resources of the country for the uses of the Navy; and in doing so I am convinced that he has saved to this Government in the matter of water-rotted hemp, millions of dollars, whilst he has impoverished himself. We have the testimony of the Secretary of the Navy under whose direction it was done. His declaration is unequivocal; and I hardly think any man could investigate the claim without coming to the conclusion that Mr. Myerle sustained a loss—I

will not say of \$30,000, because when a man confers this amount of benefit on the country, I should hardly feel at liberty to quibble for a few dollars—but as the committee has reported \$30,000 I am willing to vote for that amount.

Mr. BAYARD. I do not intend to go into a lengthy discussion of the merits of this claim; but I must say a few words in reply to the honorable Senator from Florida. He does not advance the general idea which seems to prevail, that this claim must rest upon the ground that the Government made a contract with Myerle, and failing to perform the contract on its part, that he is entitled to damages, which would of course be the profit which would have been made by the contract, if he had performed it. That is not the ground on which it is put by the committee, though it is in some measure thrown into it, and it is not the ground upon which the honorable Senator from Florida puts it.

The honorable Senator evidently considers Mr. Myerle as a special agent of the Government, employed for the purpose of introducing water-rotted hemp for the benefit of the Navy of the United States. Sir, if that were the ground upon which it is put, it would be to me a sufficient objection to the claim, because I know of no authority, nor shall I be willing to sanction the act, upon the part of an Executive officer, to assume legislative powers, and undertake, upon the idea that any particular manufacture, or any particular project, or any view of his own, would be beneficial to the country, to transcend his powers, and to appoint special agents without authority of law.

I should not consider that these special agents had any claim on this Government for remuneration, whether the project succeeded or failed, because the doctrine would be a very dangerous one. It is very certain, on an examination of the papers in this case, that all Mr. Paulding supposed he had a right to do, was to apply to Congress for authority, in making a contract with David Myerle, to go beyond the ordinary routine of contracts, and make an advance of twenty-five per cent. before the work to be performed was done. That was done with a view of encouragement. A bill passed the Senate, but failed in the House, and he, therefore, had not even that authority. Did he pretend, or did the papers show that he pretended to appoint him a special agent? No, he made a contract with him for a certain amount of water-rotted hemp. How, then, can he raise a claim against the United States Government, founded on the idea of his appointment as a special agent, which would have been a gross violation of duty on the part of the Executive officer? He would have been sanctioning an act which I should be very unwilling to sanction in reference to the course of the Executive officer of this Government. It is in that mode that all abuses come in.

Into the subject of the contract I shall not enter; nor shall I allude to the other objections which I have to this claim. Other Senators have expressed their opinions; suffice it to say that I shall express mine.

After examining the case, certainly with no prejudice against the party, with entire ignorance of him individually, and after hearing the report of the committee read, it struck me that it was confused, and that it placed the claim on no known principle. Subsequently to its passage, and when the reconsideration was moved, I examined the papers, and I confess the conclusion I arrived at was, that, as far as the Government is concerned, there is no shadow of a claim upon it in favor of Mr. Myerle; and, further, it left a doubt in my mind whether he was or was not actually an injured man, or rather whether his pecuniary affairs had been injured by the transactions into which he entered.

There is no specific proof of the extent of property which he possessed, although there is no doubt that he failed in the business in which he embarked. But when the adverse opinions of Senators, some of them not now here, are expressed, their convictions in reference to the claim, allow me to say, must have some weight with me. According to your opinions, Mr. President, derived from your constituents in the State of Missouri, when you first presented a bill in regard to this claim in the Senate, as I understood, in your State, the presentation of the claim was universally condemned, and denounced as one in which there was no merit.

Mr. PETTIT. I would like to refer the Sen-

ator to at least fifty letters from farmers in Missouri, avowing that he has merit.

Mr. BAYARD. I hope the Senator will allow me to go on. He has made his remarks; I will make mine. I am perfectly aware that there are letters. Those letters are but opinions. There are opinions on both sides. There are opinions in favor of the merits of this man in introducing the method of manufacturing water-rotted-hemp. There are opinions very probably from fifty farmers. The number may be less, they may be more. I do not stand upon the number. They are opinions, no doubt, of respectable men, though personally unknown to me. They are on one side, and what they say are but opinions.

On the other side, Mr. President, I have your own statement of what you told me was the general opinion in the State of Missouri, which you discovered on your return there after having presented the claim. And, sir, the gentleman who was formerly your colleague in this body, [Mr. BENTON,] and who, I believe, does not perfectly accord with you in sentiment on most questions, on this has very decided opinions. It was my fortune, just after this case was discussed, in walking down towards the avenue, to fall into conversation with him, and this subject was mentioned, he knowing what had been done in the Senate. I asked him in reference to the claim. His answer was: "Sir, he is an impostor; he has no merits whatever in reference to the transactions; he is trying to take merits which belong to other persons; he never introduced the culture of this article into Kentucky or Missouri."

With these conflicting opinions, the idea that occurred to my mind was, that, in order to give me sufficient evidence to warrant any compensation to the party, grounded upon the great benefit conferred upon the country, but more particularly upon the States of Missouri and Kentucky, or any other State which is a hemp-growing State, those States where this division of opinion occurred, as they are composed of a generous people, of an intelligent people, should have furnished to us resolutions vindicating his title to having conferred so great a benefit upon his country.

Sir, if the fact were true, there can be no doubt that the Legislature of Kentucky or Missouri would have passed such a resolution. But I have no such evidence of the general opinion of those States; and when I find balanced opinions among individual men as to the existence of any merit at all on the part of the claimant, as to whether he rendered any services at all, or whether he did not impose himself upon the country as having rendered services which were, in fact, rendered by others, I cannot undertake to vote the money out of the Treasury of the United States.

It is exactly in that point of view, if you go upon the ground of benefit conferred, that the testimony which I have seen puts my mind into a state of doubt. The claimant may or may not have rendered services. If he did, it is in his power to prove his case. I am perfectly satisfied that this is so. If the case is one of undoubted merit, as has been alleged, there can be reason assigned why long since the Legislatures of those States which have had the peculiar benefit arising from the introduction of the water-rotting of hemp, should not have testified to the country and to Congress their sense of the merits of the individual who has performed that service. On these grounds, stated very briefly, I am opposed to the claim.

Mr. BRIGHT. I have effected in part the object I had in view in moving the reconsideration. It has drawn a speech from the honorable Senator from Delaware. I can say to him I concur generally in the views he has expressed, that there is no legal liability on the part of the United States to pay a dollar of this money. Whatever may be allowed the claimant, must be allowed on the principles of equity and justice. The Secretary of the Navy had at no time authority to enter into a contract with this individual. It was an assumption on his part, that in the event the experiment he proposed making, through his agent, succeeded, the Government would remunerate him for his labor; and that if he failed, they would, to a certain extent, remunerate him for his losses and expenses. Legally speaking, this individual has no claim whatever against the Government. It is a mere question of equity, whether the United States will compensate him in part for

the expenses which he incurred in making that experiment. I have in my hand a report made at the first session of the Twenty-Eighth Congress, by Mr. Henderson, then a Senator from Mississippi, in which he elaborates the case fully, and winds up the report with this resolution, "that the prayer of the petitioner ought not to be granted;" and I find, by reference to the Journal, that it was generally concurred in by the Senate. I will call the attention of the Senate to the concluding part of the report. He says:

"Whether the memorialist may have had some cause to consider himself badly used by the Executive Department, in the refusal to grant him an extension of his contract, or in not properly appreciating his claims to the place of hemp agent, under the resolution of Congress of January, 1843, the committee have not seen fit to inquire. They observe, however, by a letter from the Navy Commissioners to the Secretary of the Navy, of date 28th January, 1842, that state: 'Mr. Myerle has made no deliveries under either of his engagements worth notice; nor has he yet given the requisite security for the faithful performance of his contract.' And the more recent communication of the chairman of this committee, from the chief of the Bureau of Yards and Docks, expresses the opinion, as entertained by the commissioners, that Mr. Myerle's neglect to give bond and security, as required in all such cases, and his failure to deliver the hemp according to his stipulations, left him without rightful claim upon the Government for any remuneration for his alleged losses."

This seems to have been the opinion, at the time, of the chief of the Bureau of Yards and Docks, who had this branch of the public service in charge, and who, it is reasonable to conclude, knew all about the facts of the case. This report sustains the position taken by the honorable Senator from Delaware, in which I concur, that there is no legal liability whatever on the part of the United States. Whatever we allow is a gratuity; but, under all the circumstances, I am willing, (so far as the proof goes to establish the fact that this individual expended money) to reimburse him. The claimant, I believe, is a citizen of Kentucky or Missouri; at any rate, he is vibrating between these two States. I recollect that, when the claim was originally introduced, it was opposed by both the Senators from Missouri, [Mr. ARCHISON and Mr. BENTON,] It has never had the sanction of the Legislatures of either of the States where the claimant resided. As was properly remarked by the honorable Senator from Delaware, if he were a public benefactor, and if he had conferred such general benefit on those States, why did they neglect his interests, and not enforce them, and commend them to the sanction of Congress?

Mr. President, I am willing to vote for a small appropriation to this individual as an equitable claim; but I cannot vote to allow him \$30,000. I do not concur with the Senator from California, that the unjust claims which are presented here are more likely to pass than those which are just. That is an illiberal view, I think, of our mode of legislation. It is the duty of every Senator to scan closely the claims which come here, private or public, and see that money is not improperly taken from the public Treasury. Sir, to oppose private claims is a very thankless office; but it is nevertheless a duty which prompts many of us to do that which we would gladly avoid. I dislike very much to oppose the claim. I know the appeal which has been made from time to time to pass it; but I feel a sense of duty incumbent on me not to vote for the bill in its present shape. I wish to reduce the amount; and, therefore, as the bill in its present stage is not open to amendment, I move to reconsider the vote by which it was ordered to be engrossed for a third reading. My object is to move to strike out \$30,000 and insert \$15,000.

Mr. BADGER. Is that motion to reconsider in order?

The PRESIDENT. Most assuredly.

Mr. GWIN. The vote on ordering the bill to be engrossed was taken three or four weeks ago.

The PRESIDENT. One vote has been reconsidered.

Mr. BADGER. The vote that the bill pass has been reconsidered.

Mr. PETTIT. If I understand my colleague, he moves to reconsider the vote by which the bill was engrossed, so as to get it open to amendment.

Mr. BRIGHT. The Senate this morning reconsidered the vote passing the bill. I believe, however, it is not yet open to amendment.

The PRESIDENT. It is not, without recon-

sidering the vote by which the bill was ordered to be engrossed. The Chair is of opinion that the vote on the passage of the bill having been reconsidered, this motion of the Senator from Indiana does not come within the rule requiring a motion to reconsider to be made within three days. The motion is therefore in order.

Mr. BRIGHT. I move to reconsider the vote by which the bill was ordered to be engrossed, so that my amendment may be in order. I call for the yeas and nays on the motion.

The yeas and nays were ordered; and being taken, resulted—yeas 20, nays 18; as follows:

YEAS—Messrs. Adams, Allen, Atchison, Bayard, Bright, Brodick, Chase, Clay, Clayton, Evans, Fessenden, Fitzpatrick, Geyer, Gillette, Hamlin, Hunter, Mason, Sidel, Stuart, and Sumner—20.

NAYS—Messrs. Badger, Bell, Brown, Dixon, Dodge of Wisconsin, Fish, Gwin, Johnson, Jones of Tennessee, Mallory, Norris, Pettit, Rockwell, Seward, Thompson of Kentucky, Wade, Weller, and Williams—18.

So the motion to reconsider the vote by which the bill was ordered to be engrossed was agreed to.

The PRESIDENT. The question now is "Shall the bill be engrossed for a third reading?" It is open to amendment.

Mr. BRIGHT. I move to amend by striking out "\$30,000" and inserting "\$15,000." On that amendment I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GWIN. I do not intend to discuss the matter, but I will say, that the success of the amendment of the Senator from Indiana is equivalent to the defeat of the bill, and I hope its friends will vote against the amendment.

Mr. BRIGHT. In reply to that, I will state that it gives \$15,000, a handsome sum for nothing.

Mr. GWIN. The Senator and myself happen to differ in regard to that matter. I think the claimant is entitled to \$30,000. If we give him any relief, we should give him what he is entitled to.

The question being taken by yeas and nays upon the amendment, resulted—yeas 20, nays 17; as follows:

YEAS—Messrs. Adams, Allen, Atchison, Bayard, Bright, Chase, Clay, Clayton, Evans, Fitzpatrick, Geyer, Gillette, Hamlin, Hunter, James, Sidel, Stuart, Sumner, Thompson of Kentucky, and Williams—20.

NAYS—Messrs. Badger, Bell, Brown, Dixon, Dodge of Wisconsin, Fish, Gwin, Johnson, Jones of Iowa, Jones of Tennessee, Mallory, Norris, Pettit, Rockwell, Seward, Wade, and Weller—17.

So the amendment was adopted.

The bill, as amended, was then ordered to be engrossed for a third reading; and was read a third time, and passed.

ADJOURNMENT SINE DIE.

During the discussion of the bill for the relief of David Myerle, a message was received from the House of Representatives, by Mr. McKean, Chief Clerk, announcing that the House had non-concurred in the amendment of the Senate to the resolution of the House in reference to the adjournment of the present Congress.

Mr. GWIN. I hope the Senate will suspend the consideration of this bill for a moment, and take up the message from the House and act upon it.

Mr. STUART. I object.

Mr. GWIN. Then we will pass this bill first. Subsequently, the Senate, on motion by Mr. GWIN, insisted on its amendment, providing for a recess from July 17, to October 16, and asked for a conference on the disagreeing votes of the two Houses.

On motion by Mr. GWIN, the President *pro tempore* was authorized to appoint the committee on the part of the Senate; and the Chair appointed Messrs. GWIN, SIDELL, and FISH the committee.

HOUR OF MEETING.

Mr. ADAMS submitted the following resolution for consideration:

Resolved, That the Senate meet hereafter at nine o'clock, a. m.

BILL INTRODUCED.

Mr. CLAY, by unanimous consent, asked and obtained leave to introduce a bill to constitute Tusculum, in the State of Alabama, a port of delivery; which was read twice by its title, and referred to the Committee on Commerce.

COLONEL JOHN ANDERSON.

Mr. STUART. I appeal to the Senate now to

take up a bill which was reported from the Committee on Claims, "for the relief of the legal representatives of the late Colonel John Anderson," which has been pending for a long time.

The motion was agreed to; and the bill was read a second time, and considered as in Committee of the Whole.

It proposes to direct the proper accounting officers of the Treasury Department to examine and adjust the claim of the legal representatives of the late Colonel John Anderson, of Michigan, for a house or other buildings destroyed by the enemy during the last war with Great Britain, in consequence of the occupancy of those buildings by the troops of the United States, and to pay the amount found to be due; but no allowance is to be made for personal property, and the amount paid is not to exceed \$3,000.

Mr. BAYARD. I ask for the reading of the report in this case, and then I wish also to have read the antecedent report of the same committee of the Senate, adverse to the case.

The Secretary read the report made by the Committee on Claims at the present session, from which it appears that the claim has been long before Congress, and several adverse reports have been made upon it, on the ground that the buildings were not destroyed till some time after they had ceased to be occupied by the American troops. The property was situated at Frenchtown, on the river Raisin, and, soon after the commencement of the war of 1812, was taken possession of by Quartermaster Reid, and made a depository for military stores of the United States. In August the place was surrendered to the British, a drum and some muskets being left in the house; and it appears to have been occupied by them until the approach of General Winchester, when the enemy retired, leaving the house still standing. On the defeat of General Winchester, Colonel Anderson's house was again occupied by the British and Indians; and they continued to occupy it until June, 1813, when, being compelled to evacuate the place, they set fire to it and destroyed it, stating, as the reason for doing so, that the place had been used for a military depository, and as barracks for the American troops, and that that justified their destruction, to prevent their being so used again.

By the evidence, as formerly presented, it did not appear that the place had been occupied by the American troops during the time that General Winchester's forces held the town, and after it had been occupied by the enemy and abandoned by them without being destroyed. But it appears from the testimony now submitted, that it was occupied by a portion of a company of spies and rangers in the American service up to the time of, and during the action which resulted in the defeat of General Winchester. It appears to have been then immediately reoccupied by the enemy, who, after some delay, destroyed it.

When the case was submitted to the Third Auditor, under the act of 1825, the ground of objection, as stated by him, was, that the buildings were not destroyed till some time after they had ceased to be occupied by the American troops. But it appears that the American troops did not cease to occupy them until they were driven out by the enemy. If the enemy had proceeded to destroy them at once, it would seem to be a case clearly within the rules heretofore recognized; and the committee do not perceive that their having delayed the destruction so long, and only so long as suited their own convenience, can justly exclude the claimants from the indemnity to which they would have otherwise been clearly entitled.

Mr. BAYARD. I wish only to state, that it appears this claim came before the Senate of the United States not on the report of a committee, but on a House bill for the relief of the party, at the first session of the Fifteenth Congress, and that then it was rejected by the vote of the Senate. I cannot see how we can ascertain the facts, or apply the principles of relief to those facts, as to remote transactions, any better now than the Senate could then. I think that a decision of this kind—not the report of a committee, but the decision of the Senate itself—ought to be entitled to some weight, particularly when I have often heard the reports of committees here spoken of as sufficient to justify the passage of a bill. Further, I may say that I think, within the last four years this claim was again before the Senate, and an adverse report was made on it by, I believe, the Senator

from New Hampshire, [Mr. NORRIS.] I think so, but it is not on the list, for it seems that it was not printed. I do not pretend to go into the particular circumstances of this case; I only state these general facts.

Mr. STUART. The report which has just been read shows distinctly why the decision of the committee, at this day, was contrary to the decision of the Senate at a former period. The committee state that additional evidence was furnished to them satisfactorily to prove that the very point upon which the Senate rejected it before was an error. The Senate rejected the claim on the ground that there was no evidence to show that the property was destroyed, because it was occupied by the troops of the country; but the committee say that the evidence is now satisfactory to prove that fact. That is the very point of the case.

Mr. BAYARD. I know, Mr. President, that that is the mode in which these bills are managed here, and I have exposed it before. Here is a transaction which occurred forty years ago, and the men of that day investigated the matter immediately, or shortly after the transaction occurred. At the first session of the Fifteenth Congress, the claim was under consideration, and rejected. Now, this committee can know nothing more of what was then before the Senate, and what discussion was then had in the Senate, than we ourselves. The Senate, on a vote, deliberately rejected the claim when the transaction was recent, and when the party had full means of presenting his claim, and when the principles connected with this class of claims, and the fact necessary to be proved, were as well known as they can be now. I know not what is evidence in this particular case; but I understand the whole of this doctrine of "additional evidence." It means that the party, at a late day, comes in with some hearsay testimony—for it cannot be anything else at this lapse of time—of some person who swears in such a manner as to vary the facts of the case. I am not willing to take such evidence as countervailing testimony, obtained when the transaction was recent.

I have not examined the facts and circumstances of this special case, and I do not mean to do it. I have read the former adverse report of the committee, and that satisfies me. It seems to me, that when a claim of this character on the Government was made, and there was insufficient evidence to sustain it at a time when the facts were recent, and the party had ample means of knowing what he would be required to prove, we should not now reopen it. The law was general, and the facts necessary to be proved were as well known then as now, and I say the proof then was not sufficient to sustain the case, and, on a formal vote, the Senate rejected the claim. Common justice to the public requires that we should adhere to that decision as final.

Mr. CASS. Mr. President, as I have a personal knowledge of many of these facts, and know more about them, probably, than any man now living, the Senate will excuse me if I make a brief statement. I knew the father of these petitioners very well, and a more true and patriotic American never lived. In the face of a solemn capitulation he was driven from the country by the British the moment they got possession, and never returned until he returned with the conquering American Army. His house was a very convenient one. It was occupied successively by the British and by the American troops. You cannot carry the strict principles of civilized warfare into the circumstances connected with that frontier, where the English and the Indians were fighting in coalition against the American troops. It is totally impossible. This House, as I say, was convenient, and it was occupied by the American troops and by the British troops three or four times successively.

Now, what is the simple fact of the case? The house was occupied by one after the other, until finally, in 1813, on the return of the American Army, the British, who then occupied it, burned it. It is palpable to me, as they did not burn other buildings there, that they burned this house because it had been a continued fortification, and because it had been in the continued possession of the British and American armies during the hostilities on the frontier. No doubt they looked upon it, at the time of the burning, as a building belonging, in fact, to the American Government,

because it had been occupied by the American troops, and they burned it in consequence of that occupation. That is the true state of the case. This man was obnoxious to the British on account of his patriotism. Surely, the Senate will not make that a reason for not paying his children; I know his exertions and services; and I say here, in my place, and no man living knows the fact better than I do, that there never were a people who, under such trials and difficulties, asserted their attachment to the American Union more strongly than those who lived on that frontier, in the face of the overwhelming force of the English and Indians who swept the country, and took everything from us; yet they have received almost nothing. This is one of the very few cases that come almost within the most stringent principles of relief. I hope the Senate will pass the bill.

Mr. BAYARD. I do not wish to comment on this particular case, for I have no remarks to make upon it, except to state that there was an adverse report on the occasion to which I referred, and that at an early day the bill was rejected by the Senate. I wish to mention a fact in connection with this matter. I stated to the Senate, when I opposed one of these claims for spoiliations by the British during the war of 1812, which was subsequently passed, that the committee of the House of Representatives appointed for the purpose of inquiring into the propriety of extending the general laws of 1816 and 1817, which provided for the payment of these claims, reported against it on the ground that already, at that early day, frauds under those acts had become so extensive that it would be better for the general morals of the people even to have some just cases go unpaid than to persist in continuing those laws. In looking into the testimony on which that report was based, I found the wildest system of fraud, on this very frontier, that has ever existed, I venture to say, in this or any other country. One fact alone, which I will mention, goes to show how far it extended.

A captain who had been in the regular Army of the United States was afterward appointed a judge of the court of common pleas in New York. It was proved incontestibly, that he used to sign affidavits by the ream, and let them go out to the confederates to write over them what names they pleased, and what statements they pleased, in order to prove losses incurred by the enemy or by the acts of our own troops. That was one of the general facts proved in the case. There were many others of the same character. If any Senator will take the trouble to investigate the testimony given at that time in relation to those frauds, he will be satisfied that it is humanly impossible to suppose that parties, who were not able to establish, by fair and sufficient testimony, their claims at the time when the transactions occurred, (when there was quite as much willingness to pay as there can be now,) should be paid at this time, when we have no means whatever of testing the accuracy or the truth of the sources on which they rest their claims.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by Mr. SIDNEY WEBSTER, his Secretary, announcing that, on the 29th instant, he had approved and signed the following bills, which had originated in the Senate:

- An act for the relief of James Jeffries and Jeremiah M. Smith;
- An act for the relief of Ira Day, of Vermont;
- An act to reimburse to the Common Council of New York city expenditures made for the first regiment of New York volunteers;
- An act confirming certain land claims in Louisiana in the Bastrop grant;
- An act to authorize the issue of registers to vessels owned by the Accessory Transit Company;
- An act for the relief of Priscilla Simonds;
- An act for the relief of Moses Olmstead;
- An act for the relief of Zadoc C. Inghram;
- An act for the relief of Llewellyn Washington; and

A joint resolution giving the consent of Congress to the acceptance, by Lieutenant M. F. Maury, of the Navy, of a gold medal from his Majesty the King of Sweden.

GENERAL NATHANIEL GREENE.

Mr. EVANS. I did not propose to ask the Senate to depart from the regular order of business; but as they have already done it in one case, I ask the consent of the Senate to take up and consider now the bill reported from the Committee on Revolutionary Claims "for the relief of Phineas M. Nightingale, administrator of the estate of General Nathaniel Greene, deceased."

The motion was agreed to; and the bill was read a second time, and considered as in Committee of the Whole.

It proposes to direct the Secretary of the Treasury to pay to Mr. Nightingale, as administrator of the estate of General Greene, \$9,018 63, with interest at the rate of six per cent. per annum from July 6, 1850, until paid, in liquidation of a balance due to the estate of General Greene for becoming security for Banks & Co., Army contractors in the Revolution.

Mr. BELL. I move to amend the bill by striking out 1850 and inserting 1794, so as to allow interest from 1794 until the money be paid. This, sir, is not like those cases in which the Senate have adopted the stringent rule of not paying interest. It is not like the case of commutation or half pay to the officers of the revolutionary army. It is a case which, perhaps, is without precedent. So far as I know, it is altogether without precedent. This is not a proposition to compensate General Greene for revolutionary services, meritorious as his were, but for the sacrifice of his own private property incurred by becoming the surety of the United States officers in supplying the armies of the South at a most perilous and exigent period of the revolution. If the Senate of the United States say that that is a case which should come within the common rule of not paying interest, I shall not have another word to say. Let me repeat, however, that this is a proposition not to compensate the heirs of General Greene for his revolutionary services, but to indemnify them for the sacrifice of his own property, as the surety, I may say, of the Government, in laying in supplies for the subsistence of the armies. The contractors were unable to furnish supplies for the Army without General Greene's personal obligation to pay, and he agreed, by his own signature, to indorse the credit of the Confederation of the United States for the amount of supplies that might be furnished.

If I supposed that honorable Senators here could concur in the sentiment that this was a case which should come within the common rule, I would not offer this amendment. I know the committee have proposed to give this indemnity under the restriction of the ordinary rule, but I say this is not an ordinary or a common case. This is not the kind of case in regard to which the Congress of the United States have laid down the principle that they will pay no interest. This, sir, was an obligation on the part of this Government to indemnify General Greene. He had to make the sacrifice of his own property in order to pay this debt, which was not his own debt, but the debt of the Government of the United States. Is that an ordinary case?

Congress, in 1792, passed a bill for the relief of General Greene. They did it under certain anticipations, which have not been realized. It so turned out that the amount which Congress at that time agreed to appropriate was not sufficient. From that time until this claim was presented—an interval of nearly sixty years—the question was in litigation, whether certain real estate situated in South Carolina, was actually liable for the payment of this debt. It was property taken as collateral security by General Greene, to indemnify himself against this obligation, and the Government of the United States, in the act of 1792, provided that the amount realized from it should be deducted from the indemnity to him. I believe there have been sixty years of litigation about it.

Mr. EVANS. It was fifty years from the time of the sale until the final decree of the court of equity.

Mr. BELL. Then there were fifty years of litigation till this claim was presented here. At all events, it was only a short time before the claim was presented that the litigation was determined; and it was not known until within a very short period before the presentation of the claim, whether that property was really liable for the

debt or not. By the adjudication of the courts of South Carolina, it was decided that it was not so liable, and this application was delayed until this late period, merely because it could not be known with certainty, till within a few years ago, that there was any liability on the part of the Government to indemnify the heirs of General Greene for this residuum. That accounts satisfactorily for the delay. But still, sir, this is a case *sui generis*. It stands on its own footing. It rests on no principle applicable to the general class of cases on which Congress have decided that they will pay no interest.

Sir, is it just to refuse interest in this case, when we consider the generous, the liberal, even the bountiful spirit of the Government in making compensation to the revolutionary officers and soldiers, and to the officers and soldiers of every war which has taken place from the period of the Revolution to this day? We have been generous, liberal, and bountiful in voting both lands and money, as a general rule, even for slight military services. Here is a case presented for actual losses, sacrifices of private property incurred on account of becoming surety of the Government when it was without credit, and when the march of the very expedition in which General Greene was then engaged depended on procuring immediate subsistence for his troops; and he pledged his private fortune, and has had to sacrifice it. I merely present this as a question whether you will pay interest in such a case, or not. I see, however, that it is not the disposition of the Senate to have any protracted discussion on questions of this description, and I submit.

Mr. EVANS. Mr. President, this is a meritorious claim; but at the same time it rests on the same footing in regard to the allowance of interest as a hundred other cases which have been acted on in the Senate. The facts are these: Whilst General Greene commanded the American troops in Charleston, in 1782 and 1783, he found great difficulty in supplying them with clothing and provisions. He entered into an agreement with Banks & Co., who contracted to furnish the supplies necessary; but upon their own credit they could not do it. General Greene, therefore, was compelled, in order to procure these supplies, to put his name to the bond which was given to the persons from whom the supplies were furnished. An order was given by General Greene upon Mr. Morris, who was the treasurer in Philadelphia, for the payment of this amount, and it was paid. The Government of the United States paid it to the contractor for whom General Greene was security; but he, instead of applying the money to the payment of this debt, appropriated it to other purposes, and left the bond on which General Greene was security unpaid. The result was, that General Greene was liable, and subsequently did pay the debt, and in the year 1791 his executrix petitioned Congress to be relieved. In the mean time, however, General Greene had obtained some security from a man by the name of Ferrie, who was one of the partners of the firm of Banks & Co., by a mortgage, or lien of some sort, on a tract of land; but this land was liable to a prior mortgage of £1,000 sterling to a man in England by the name of Murray. In 1788, after the death of General Greene, I believe, the mortgagor in England filed his bill to foreclose the mortgage. General Greene's family about the same time instituted proceedings against Ferrie, who was entitled to the reversionary interest in the land. Upon the bearing of the case, the court ordered that the land should be sold, and the proceeds of the sale applied, first to the extinguishment of the mortgage, and then that the balance should go to General Greene. The land was sold. It brought enough to pay the mortgage, and left £2,400 over and above it, which was applicable to General Greene's claim. Well, sir, when General Greene applied to the Government to be reimbursed, Congress agreed to indemnify him for this loss which he had sustained. The Government, however, had already paid the amount, and it was not a legal obligation on them. General Greene was not their security; he was security for an army agent. On the settlement of this claim of General Greene's, however, this sum of £2,400 was deducted. Nothing was heard of this matter from that time until about 1840.

Mr. BELL. Nothing heard by this Government?

Mr. EVANS. Nothing heard of it anywhere, so far as I know, or so far as there is any evidence, until some time within a year or two of 1840. Then, it appeared, upon investigation, that the creditor in England had never been paid, and his administrator filed a bill in chancery to subject this land to the payment of his money; and then it turned out, too, that his agent who had bought the land had never taken title. The alleged ground upon which he had not taken title was that there was a dispute about the land. For this reason, the title had never been perfected and the money never paid. That bill was dismissed, because it appeared, from the original decree made in 1788, or thereabouts, that General Greene's representatives had an interest in it. Another bill was filed, and then General Greene's representatives were made parties, and that is the first time anything was known of this case, so far as they were concerned. During the lapse of time from 1789, when the land was sold, up to 1840, this plantation had gone to ruin; and when it was subsequently sold under the original decree, instead of bringing the sum it at first brought, it was sold for only \$13,000, and left General Greene's representatives only about \$2,000 instead of £2,400. Their application now is to be refunded the difference between the £2,400 and the sum they actually received, which was less than \$2,000.

Mr. BELL. I wish to ask the honorable Senator whether the title to this property was not in litigation from an early period?

Mr. EVANS. There was no litigation about it. It was in dispute; but there was no litigation, so far as General Greene's heirs ever took any participation in it. The land was abandoned; third persons set up claims to it. There was a claim set up by the heir-at-law of the original mortgagor; but there was no proceeding in any court, and no notice taken of it, until about 1840.

Mr. BELL. Does the honorable Senator mean that no case was pending in the courts of South Carolina during that time?

Mr. EVANS. I say no case was pending with which General Greene's heirs had anything to do, and there was never any case pending in court in relation to this land until 1830, which was forty years after the original sale, when the administrator of Murray filed a bill against a Mr. Daniel, who was in possession of the land.

Mr. BELL. As I understand it, it was in litigation from as early as 1788 or 1789. There was then a decree for the sale, and the property was sold.

Mr. EVANS. But there was no litigation.

Mr. BELL. That was in a suit at chancery; but the money was not paid, and there was not a finality to that proceeding until after 1840. General Greene died previous to that original sale, as I understand.

Mr. EVANS. I believe he did.

Mr. BELL. He died in 1787 or 1788. As I understand the case, there was no settlement of that sale; there was no final decree; the money was not paid between the parties, but there were two or three who claimed the property at different times, and there was no final settlement until 1840, or thereabouts.

Mr. EVANS. There was a final decree in 1789, I think it was. The commissioner then reported that the land had been sold for so much, and the court decreed that Murray's mortgage of £1,000 should be paid, and that the balance, afterwards ascertained to be £2,400, should be paid to the representatives of General Greene. That was a final proceeding; but the then purchaser never took title, and never paid the money. His pretext for not doing it was, that the title was disputed. It turned out that there was a claim set up to it, but that the claim was utterly worthless; and it was proved to be so at the end.

Mr. BELL. That was finally settled in 1840, or thereabouts.

Mr. EVANS. Yes, sir.

Mr. BELL. General Greene was dead during the whole period of this transaction. The act of Congress for his relief was passed in 1792. It was based upon that decree for the sale of this land; and the sum to which he was entitled under that original decree, £2,400, was excepted out of the indemnity allowed him at that time, not one cent of which did his heirs ever receive except \$2,000.

Mr. EVANS. I think it was something less than \$2,000.

Mr. BELL. On the final settlement of the case in 1840, it appeared that, at that late period, his estate was only entitled to nearly \$2,000 out of that fund. The major part went to pay a prior lien. Now, the honorable Senator says that General Greene was not the surety of the Government, and the Government is not legally responsible, because he was only security for an Army officer, for example, the commissary of purchases, or whoever was authorized to furnish supplies to the Army. General Greene became his surety upon what I understand to be an indisputed fact, that without his name the purchases could not have been made. That is admitted.

Mr. EVANS. That is the evidence.

Mr. BELL. As the Senator suggests, that is proved by the evidence, yet now the assumption is, that this was no debt of the Government, and it is upon that legal technicality that the claim for interest is resisted.

Sir, I do not know whether the honorable Senator from South Carolina is acquainted with the sacrifices which were made by General Greene; but I understand they were very great; and the other day, I heard great praise bestowed in this Chamber on the liberality and generosity of South Carolina to General Greene, in consequence of his military services in the South. As I understand the case, every cent of the bounty allowed him in 1792 was swept away to pay this surety debt to the Government of the United States—not to the Government directly, but to the officer of the Government, who otherwise would not have been able to purchase the supplies necessary for the support of the Army. It is true that General Greene was not the surety of the Government, but the surety of the proper officer of the Government, and it is not denied that, without his becoming responsible for those purchases, they could not have been made.

Now, sir, under these circumstances, will the Senate say that they regard this as an ordinary claim against the Government? When the representatives of General Greene first presented their claim in 1792, the Government recognized its justice, and made, as was then supposed, ample provision for its payment. It turned out, however, that it was not sufficient. The question is, whether you will pay interest for the sacrifices made of General Greene's property in 1794, or whether you will put this in the ordinary class of claims, and say that the Government is always able to pay its debts, and should pay no interest. That is the issue.

Mr. BADGER. Mr. President, I shall vote with a great deal of pleasure for adding to the amount mentioned in this bill the interest proposed to be granted by the amendment. For one, sir, I shall not stop to inquire whether it can be claimed upon strict technical principles, such as would be enforced in courts of law or in courts of equity. It is sufficient for me to know that the original sum is an equitable demand; that, in my opinion, the Government ought never to have allowed General Greene to incur one penny of expenditure, or sustain one penny of loss, on account of the particular responsibility which he had assumed. This is no ordinary claim. It is a claim for no ordinary person. Who was General Greene, sir? Well, sir, he was a man who ought to be held dear to the hearts of every portion of the American people. Coming from the extreme northeast, and leading our armies in the most trying and arduous period of the Revolution, through the southern country, he has, by his services, shed a glory upon the whole country, and illustrated his military career with a distinction second only to that of Washington.

Now, sir, when this question is moved, shall we trouble ourselves, in making full and ample remuneration and indemnity, by inquiring about precedents? Are we afraid that cases of this character will arise in such numbers as to bankrupt the Treasury? Sir, we need have no fear of that kind. When will you have again such a man as General Greene before you, through his representatives and children, to ask anything of this Government? We shall not have such a man once in a century. I hope the Senate will vote not only the principal, but the interest; that they will say at once, "We do not settle with him or his children as would a Shylock; we do not un-

dertake to insist on applying to him what may be the rules we should apply to ordinary men who traffic with the Government for purposes of pecuniary advantage or profit; but we settle with him in a spirit of grateful liberality, to which his devoted patriotism and glorious services eminently entitle him, and make up to his family, by a full and generous indemnity, all the losses which he or they have sustained." The case stands free of all difficulty in regard to precedent. It is by itself. It has no parallel in the past, and it will have none in the future. I do hope, therefore, that the Senate will add the interest to the principal sum mentioned in the bill; and clear the escutcheon of the nation from the stain of leaving anything unpaid to which this gallant chieftain, this noble patriot and benefactor of his country, through his children, may be supposed to have any species of claim.

Mr. EVANS. Mr. President, I would be among the last to depreciate, in the slightest degree, the debt of gratitude which we owe to General Greene; but the only question here is, whether we shall depart, in this case, from the uniform practice upon which our legislation has proceeded? General Greene's representatives knew many years ago that they had not got this money. They made no effort to get it. In the mean time the money was lying in the Treasury. This, therefore, so far as I can comprehend, is like all other cases where demands exist against the Government. I take the rule to be, (and it is that rule upon which the Committee on Revolutionary Claims has acted,) that a valid claim against the Government is like a debt payable on demand, and that, until the demand is made, it does not bear interest. Now, this debt, which was originally about \$10,000, according to the computation contained in the memorial which was presented, including interest, amounts to \$58,000. If the Senate are prepared to establish a new rule, very well. If they are disposed to adhere to the old one, I am willing to vote for the bill as it is.

Mr. BROWN. Mr. President, I rise merely to say to my friend from South Carolina, that the proposition to pay interest in this case is not without precedent. It is not two years since, in settling with the heirs of De Neuffville, a German merchant, who made advances to the Government during the Revolution, we went back and paid interest from the day when the money was loaned, to the period of settlement—an interval of more than seventy-five years. That bill passed both Houses, and De Neuffville's heirs got the money. The interest was nearly five times as much as the principal. That was as much like this as two cases can be like each other—except that General Greene paid as our security, and the other man advanced the money out of his own pocket.

Mr. BADGER. Will my friend allow me to suggest another difference? General Greene was a native, and the other was a foreigner.

Mr. BROWN. There is another difference too, I will say to my friend from South Carolina. When De Neuffville made advances, he did so for profit. He was a speculator on the Government, but still it was an accommodation to our forefathers to get the money, even on those terms. Yet, seventy-five years afterwards, when three quarters of a century had passed away, one of his heirs in the third or fourth generation came here and asked interest at the hands of Congress. Congress passed a bill allowing it. There was scarcely a dispute in the Senate about it; and the whole sum, principal and interest, was paid over.

Mr. SLIDELL. Probably they did not know interest was to be paid.

Mr. BROWN. They did know it. They first passed a separate bill for the payment of the principal, and then, not feeling that they had done justice, they went to work the next year and passed a bill allowing the interest. I know all about it, because the claim came here from my own State.

Now, I wish to know if we are going to deal less justly with a native born American, who, as has been said by the honorable Senator from North Carolina, occupied the next most conspicuous place in the army to General Washington himself? Are we going to deal less liberally with his heirs than we have with the heirs of a foreign German banker? I thought it was right to pay De Neuffville's heirs, and to pay them interest. I think it is infinitely more right to pay the heirs

of General Greene, principal and interest. I would not even cut them off with six per cent. I would pay them liberally. I have no idea that there are ever going to be any more General Greenses, though the Government should last for two thousand years. You may have plenty of Greens, but you will have no more Nat. Greenses.

Mr. DIXON. I was a member of the committee that reported this bill to the Senate, and I concurred in reporting the bill as it stands, although I confess I believed at the time, as I now believe, that interest ought to be allowed for the whole period. In assenting to the report as made, I was influenced solely by the consideration that the Government had not been in the habit of allowing interest on such claims. I have considered the matter now, and I have brought my judgment to the conclusion, in accordance with the feelings of my own heart, that I cannot, merely on the ground that the Government has failed to do justice in other cases, refuse to do justice in this case which appeals so loudly to the sense of right of the country.

Sir, there is a bill pending in the Senate by which it is proposed that we shall make donations of the public lands to those who have no claims whatever upon our bounty. By that bill we are to give to all the persons who come from a distance, from foreign countries, quarter sections of land, merely upon consideration that they will settle upon them, though they have no claims whatever on our bounty. When those who assisted in achieving the independence of our country, who expended their fortunes in a cause, dear not only to the American people, but to the world—making sacrifices such as no men, perhaps, under any circumstances, made before—appeal to the Congress of the United States, or when their heirs appeal to the Congress of the United States to do them justice, to remunerate them for the losses which they sustained in that great struggle for human liberty, we turn coldly from them, and say, we ought not to do this, because it has not been the practice of the Government to do it. If this Government has been in the habit of doing wrong, if it has been in the habit of withholding what it ought to have given, it is time that it should change its policy; it is time that it should act on high principles of justice. I will therefore vote for the amendment to allow interest.

Mr. EVANS. I have no particular wishes about this matter, but as one of the committee, I have reported this bill as I have reported all others. If, however, the Senate are prepared to establish a different rule, I only desire to say, that I have four or five cases which should be made to conform to it, and in which interest ought to be allowed, if it be allowed here.

The question being taken; upon a division there was found to be no quorum voting.

Mr. BROWN. I ask for the yeas and nays. I am desirous that the bill shall pass to-day, and I know Senators are about the Capitol, and can soon be brought in.

Mr. STUART. I think that if the Senator from Tennessee will withdraw his amendment, we can easily pass the bill.

Mr. BRODHEAD. I will suggest to my friend from Tennessee that persistence in his amendment will only endanger, if not defeat, the passage of the bill in the House. It will lead to discussion, and that is enough of itself to defeat the bill in the House.

Mr. BELL. The sum proposed to be given by the bill as it now stands, will be a mere trifle when distributed among all the heirs of General Greene; but if interest be allowed, they will each get something handsome. It is a case in which what would now be considered as a large estate, has been sacrificed. I do not think that in justice I can consent to yield my amendment.

The yeas and nays were ordered.

Mr. BADGER. I beg leave to add a single observation on this subject, which has been suggested to my mind by the remarks of my friend from Mississippi. It is very remarkable in the history of this country, what discriminations we make between our own citizens and foreigners; and those discriminations are always made adversely to our own people. My friend has pointed to one case in which seventy-five years' interest was allowed to a foreign banker, who advanced moneys for purposes of profitable speculation to the Government during the Revolution. Now,

sir, I wish to call your attention, and that of the Senate, to two remarkable cases in our history.

When General Lafayette came to this country, Congress at once got up a bill for his relief. I believe the foundation of it was, that he had furnished some money to buy shoes for some of our soldiers in the Revolutionary war. We first granted to him \$200,000 in stock, bearing five per cent. interest, and then, as a mere gratuity, voted to him two townships of land, I think, to be selected by the President of the United States. We gave him, I suppose, in round numbers, a half a million in money and in lands. About the same time, we had the only surviving general officer of the Revolution, old General St. Clair, in extreme old age, in utter destitution and poverty, his daughters earning a precarious subsistence at the wash-tub, beseeching Congress for some relief, in his declining years, from the pressure of age, disease, and poverty. For years that venerable old man's thin white hairs were driven about by the north winds of this bleak Capitol of the nation, while he was endeavoring to urge, to beg, some provision from a reluctant Congress; and finally, some few months, if I recollect aright, before his death, Congress, who had presented \$500,000 in money and lands, to a foreigner who had aided in the revolutionary struggle, were stimulated, in their great desire to remember and reward the revolutionary services of our own people, so far as to vote to that old patriot and soldier a pension of sixty dollars a month from the time the act passed to his death, which event closed his mortal career, and sealed up a just commentary upon the discriminating spirit with which we reward those of our own native citizens who serve us, by his sinking into the grave.

Mark you, Mr. President, I wish it to be understood, I say not one word either against the amount or the propriety of the grant that was made to General Lafayette; far from it. All that was right. It only becomes wrong when it is placed in contrast with the hard-hearted penuriousness which suffered old General St. Clair to sink into the grave in penury, with his daughters exposed to the greatest hardships, and suffering under the greatest difficulties that poverty could bring upon them, and from which an ungrateful country refused to relieve either him or them.

Now, sir, we have presented here another example. De Neuffville advanced a sum of money with a view to make profit, and we paid seventy-five years interest upon it. General Greene incurred losses without any view to profit. Sir, profit had no place in his speculations. Profit to himself entered not into his dealings with his country. It was her independence, her honor, her interest, which he sought, with a generous self-devotion, to advance by exposing in her cause life, and fortune, and all that was dear to him; and now will the Senate say, "we will settle with his children on the principles of a miser; will cut short the allowance to him which is necessary to a full indemnity against loss, and while that interest is asked for a period of time short in comparison with the period for which we allowed interest to a foreign banker dealing with us for pecuniary profit." Well, sir, we may do this, and possibly it may be all right; but, to my understanding, if we should do it, the cases will stand to our disgrace in irreconcilable hostility.

The question being taken on the amendment by yeas and nays, resulted—yeas 24, nays 9; as follows:

YEAS—Messrs. Adams, Allen, Atchison, Badger, Bell, Brown, Clay, Dixon, Fessenden, Fish, Geyer, Gillette, Gwin, Johnson, Jones of Iowa, Jones of Tennessee, Mason, Rockwell, Seward, Stuart, Sumner, Thompson of Kentucky, Wade, and Weller—24.

NAYS—Messrs. Bright, Brodhead, Chase, Dodge of Iowa, Evans, Fitzpatrick, Norris, Slidell, and Williams—9.

So the amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill as amended was ordered to be engrossed for a third reading, was read a third time, and passed.

UTICA STEAM WOOLEN COMPANY.

Mr. FISH. I ask the Senate to take up the bill, from the House of Representatives, "for the relief of the Utica Steam Woolen Company," which I think will not give rise to a word of debate, and to which I presume there will be no objection whatever.

The motion was agreed to; and the Senate, as

in Committee of the Whole, resumed the consideration of the bill.

It appropriates \$1,181 16 to the Utica Steam Woolen Company, of Utica, in the State of New York, in full of their account for interest on goods furnished to the quartermaster's department.

In 1851, the company made a contract with G. H. Crossman, quartermaster, in behalf of the United States, to furnish certain broadcloths, to be used for making clothing for the Army, and that they were to be paid from time to time, as the goods were delivered. The contract was fulfilled by the company; but, by reason of the late period at which the appropriation bills for that year were passed, the money was not ready until some time after the delivery of the cloths. The claim is for interest on the principal sum, from the time of the delivery of the goods, when the money, by the terms of the contract, became payable, to the time when the payment was actually made.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

FOURTH OF JULY.

Mr. EVANS obtained the floor.

Mr. BADGER. I will ask my friend from South Carolina just at this moment to allow me to make a suggestion which I think will produce no discussion or difficulty, and to submit a motion founded upon it. It is known by the Senate that Tuesday next will be the fourth of July. It is understood that we shall meet to-morrow for the purpose of given the Senator from Texas [Mr. Houston] an opportunity of making some personal explanation. It seems to me, therefore, that it would be a great deal better if the Senate should now come to an order, that when we adjourn to-morrow it shall be to meet on Wednesday next, so as to adjourn over the fourth of July. It is not worth while to meet here on Monday to do that. We cannot adjourn from now until Wednesday.

Mr. SLIDELL. Why not meet on Monday?

Mr. BADGER. We can, but why do it? Gentlemen are disposed to go off for two or three days, and we shall find ourselves without a quorum. I submit the motion, therefore, that when the Senate adjourns to-morrow, it be to meet on Wednesday next. We shall accomplish nothing by meeting here on Monday.

Mr. WELLER. I shall be compelled to disappoint my honorable friend from North Carolina by interposing an objection to the reception of his motion. I think it cannot be entertained except by unanimous consent. I think we ought to meet on Monday to transact business. I am anxious to go through with that. I know of no reason why we cannot transact business on Monday as well as any other day. I shall be opposed to sitting on Tuesday, of course, that being our political Sabbath.

Mr. BADGER. All I have to say is, that, as everybody here knows, personally, I have no solicitude about it. But I know there are gentlemen here who are desirous of going away, and taking two or three days of consecutive relaxation during this exceedingly hot weather. To compel them to come here on Monday, for the purpose of adjourning over from Monday to Wednesday, is, in my opinion, a needless imposition on them. I will tell my friend from California that he will find himself without a quorum on Monday.

Subsequently, Mr. BADGER said: I wish the Senator from California would be kind enough to withdraw his objection to my motion.

Mr. WELLER. As usual, I find it utterly impossible to resist the appeal of the Senator from North Carolina. I shall be compelled to withdraw my objection.

The motion was then agreed to.

LE CAZE AND MALLET.

On the motion of Mr. EVANS, the bill for the relief of Frederick Vincent, administrator of James Le Caze, survivor of Le Caze & Mallet, was read a second time, and considered as in Committee of the Whole.

It proposes to direct the Secretary of the Treasury to pay to Frederic Vincent, as administrator, \$4,896 82, which sum appears to be due to James Le Caze on the books of the Treasury, for advances made to the Government of the United

States in 1783; and to pay him interest on that sum at the rate of six per cent. per annum, from December 31, 1846, when his claim was presented to Congress.

Mr. EVANS. I move to strike out of the bill the words "at the rate of six per cent. per annum from the 31st day of December, 1846, when his claim was presented to Congress," and insert "from the time he advanced the money," so as to allow the interest from that time. Perhaps it is necessary that I should make a short statement in regard to the case.

Le Caze and Mallet were French gentlemen, who lived in the city of Philadelphia, and who were merchants. They sold large quantities of tobacco and cotton to the Government, and advanced large sums of money. At the conclusion of the war, their account was settled at the Treasury; and the sum mentioned as due to them stands to their credit on the books of the Treasury until this day. It never has been paid—never has been attended to. One of these parties died; and the other, before there was any regular Government, or any chance of getting paid, went to the West Indies, where he had an estate. There he was killed in the first insurrection in the Island of St. Domingo. The consequence was, that there was nobody here to present the claim. It was unknown to the family in the West Indies until a recent day. The administrator now applies for payment. If interest is to be paid upon a debt not demanded until recently—if that principal be conceded as just, I do not see why it should not be done in this case.

Mr. FITZPATRICK called for the yeas and nays on the amendment; but they were not ordered.

Mr. SLIDELL. As I understand the Senator from South Carolina, no demand has ever been made upon the Government for the amount. If it has not been paid, it has been the fault of the parties, and there is nothing in the character of these men which appeals to the sympathies of the Senate. Really, it seems to me we should be establishing a most dangerous principle by giving interest in this case. I shall be under the necessity of asking for the yeas and nays upon the amendment if it is insisted upon.

Mr. EVANS. Let the report of the Committee on Revolutionary Claims be read.

The report was read. From it, it appears that Le Caze & Mallet were merchants of Philadelphia. In the year 1783 the Government had dealings with them to the amount of \$75,584 74. This amount was settled by the then Superintendent of Finance, and a balance was stated in their favor of \$4,890 82. This settlement and balance were entered on the books of the Treasury of that date, and afterwards transferred to the books of the Treasury in the year 1794, after the present Government went into operation.

Before any provision had been made for liquidating and funding the public debt, Mallet died, and Le Caze, the surviving partner, whilst on a visit to his plantation, in the Island of St. Domingo, was massacred in the insurrection which broke out in 1789. During the general insurrection in 1793, his family escaped from the island and settled in Norfolk, in Virginia. There was no administration on the estate of Le Caze, until the year 1844, when Frederic Vincent, a relative of Le Caze's family, took out letters of administration in Philadelphia, until which time it is likely the existence of the evidence of this debt was unknown to the family of Le Caze.

Mr. JONES, of Tennessee. It is very obvious to every Senator that there is not a quorum present. There are but twenty-three Senators on the floor. I move, therefore, that the Senate adjourn.

Mr. BRODHEAD. I hope not. I hope the Senator from South Carolina will withdraw his proposed amendment; and, if the Senate is not disposed to go on with private bills, I suggest that I have had the floor for the last week on the indigent insane bill. This is very hot weather, and I do not know that the speech will last much longer.

Mr. EVANS. I believe, on the whole, it may be better not to risk the bill by pressing the amendment, though I have a strong prepossession on my mind that interest should be allowed. I therefore withdraw the amendment.

THE PRESIDING OFFICER. Does the Senator from Tennessee withdraw his motion?

Mr. JONES, of Tennessee. Yes, sir.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. McKean, Chief Clerk, announcing that they had passed a joint resolution to correct a clerical error in the act approved June 22, 1854, to authorize a register to be issued to the steamer *El Paraguay* by a new name; and

A bill for the relief of H. B. Rowan, of Louisiana.

FRANCISCO LOPE URRIZA.

On the motion of Mr. WELLER, the Senate, as in Committee of the Whole, resumed the consideration of the bill for the relief of Francisco Lopez Urriza.

It is designed to direct the Secretary of the Treasury to pay to Francisco Lopez Urriza, \$10,250 as full compensation for the value of the schooner *Julia*, improperly seized while lying at La Paz on the 18th of September, 1846, by Commander S. F. Dupont, of the United States Navy.

The bill was reported to the Senate without amendment.

Mr. ALLEN. If there is a report, I should like to hear it read.

Mr. WELLER. There is one made by myself from the Committee on Foreign Relations.

The report was read, from which it appears that the petitioner seeks from this Government remuneration and indemnity for certain losses alleged to have been sustained by him in Lower California in 1846 and 1848, while that territory was in the military possession and under the protection of the United States.

The first item is the value of the schooner *Julia*, seized by Commander S. F. Dupont, of the United States Navy, while lying dismantled at La Paz, on the 18th of September, 1846, and subsequently on the 24th of June, 1847, condemned as a lawful prize, and ordered to be sold by Alcalde Walter Colton, as judge of the United States court of admiralty at Monterey.

Second, for \$1,600, the value of a lot of cotton yarn deposited in the house of Don Francisco Palencia de Micanda, in La Paz, and destroyed by the Mexican forces in an attack upon the town, on the 16th of November, 1848.

Third, for \$3,287, the amount of arrearages alleged to be due him for pay as a retired lieutenant colonel of the Mexican army, lost by his espousing the American cause.

Fourth, for \$5,000, the alleged value of the *Island San José*, which he was compelled to abandon after the restoration of Lower California to Mexico, under the treaty of Guadalupe Hidalgo.

In regard to the first item, there is no evidence to show that the schooner *Julia* had ever been engaged in the service of the enemy. On the contrary, it is proven that she had been employed in peaceful commerce between La Paz and Mazatlan. That while lying at La Paz, in a dismantled condition, without either flag or sails, on the 18th of September, 1846, she was seized by Commander S. F. Dupont, of the United States Navy, used as a tender for some months, and on the 24th of June, 1847, condemned, and ordered to be sold as a lawful prize, by Alcalde Colton.

It is further proved that Commodore Sloat, then commanding the naval forces of the United States on the Pacific coast, had, prior to the seizure, (on the 7th of July, 1846,) issued a proclamation to the citizens of California, in which he pledged full and ample protection, both of person and property, to such of them as should lay down their arms, and either espouse the cause of the United States or remain neutral in the contest. Upon the issuing of that proclamation, the petitioner at once became an active partisan in our ranks, and identified himself with our cause; and further, the schooner *Julia* was, at the time of seizure, the property of the petitioner, and of the value of \$10,250. These facts are fully established by the testimony of American officers, who were privy to the transaction. Under these circumstances, it is clear that the schooner was not properly subject to seizure. And besides, the United States not having established a court of admiralty at Monterey, the decision of Alcalde Colton, condemning and ordering the vessel to be sold, was wholly unauthorized and illegal. This item is therefore allowed.

The cotton yarn for which compensation is claimed, as shown by the evidence, was, when destroyed, deposited in a private house not occupied by our troops for military purposes at the time it was burnt; nor does it appear that it had been previously so occupied. In no case has a claim of this character ever been allowed to our own citizens.

As to the arrearages of pay due to the petitioner as a retired lieutenant colonel in the Mexican army, and forfeited by his taking side against his own country, upon no principle of justice or national morality recognized by this Government can this item be allowed.

In regard to the fourth item, without entering into a consideration of the question how far a naval commander in an enemy's country can, by his proclamation, bind this Government, it is believed that the protection promised by Commodore Sloat to the citizens of California, in his proclamation of the 7th July, 1846, referred alone to Upper California, and therefore cannot apply to any rights of property in the island in question, it being an appendage of Lower California, which, under the treaty above mentioned, still remained as a part of Mexico. This item, therefore, is not allowed.

Mr. BAYARD. I mean to ask for the yeas and nays upon the engrossment of the bill. It is very evident to me that if the officer who seized that vessel acted without some just cause, or if he seized her illegally, and if the alcalde had no jurisdiction as an admiralty court, the officer was responsible in damages for the personal injury done to the party. If the officer, under a mistaken impression of his duty, seized this vessel, a suit could have been brought against him by the party who would have been entitled to redress. Whether the officer acted in good faith or not, if he had no authority to seize the vessel, the owner could in that way have been remunerated. But I am unwilling, as the party did not venture to make his claim where he might have made it, to take the *ex parte* evidence which he brings forward on which to base his claim upon the Government. I ask for the yeas and nays upon the engrossment of the bill.

Mr. WELLER. I think it a very hard case that this bill should be defeated by the opposition of the Senator from Delaware. It is very obvious that there is not a quorum now present; and if the yeas and nays are taken on the passage of the bill, it must inevitably produce an adjournment without final action upon it. I undertake to say, that if that Senator will take the trouble to look into the testimony in the case, he will be satisfied that the Committee on Foreign Relations have acted properly in reporting the bill. There were four different items in the claimant's account. The Committee on Foreign Relations considered that but one of them was a proper charge against the Government. This vessel was seized, as we are satisfied from the proof, without authority of law. She was not a proper subject of which to make a prize. She was carried to Monterey, and there Alcalde Colton, claiming to be an admiralty court, under the laws of the United States, proceeded to condemn the vessel, and she was sold. I think the Senator from Delaware, if he will take the trouble to look into the testimony, will be satisfied that the Committee on Foreign Relations have not erred in this particular; and I think it is due to this claimant that, before the Senator undertakes to reverse the action of a committee of the Senate, he should put himself to the trouble of investigating the case.

I have in the report, very briefly, it is true, recapitulated the testimony as it was produced before the committee. The testimony was ample that this vessel had never been used for any warlike purposes. She was engaged in peaceable commerce between the ports of La Paz and Mazatlan; and while lying in the former, without any flag to designate her national character, she was seized by an American officer, used for a long period as a transport vessel, and afterwards taken to Monterey and condemned by Alcalde Colton without any authority of law. There is a record of the case. You will find that it is a regular condemnation: "The United States court of admiralty, in 1847, at the city of Monterey." Now, I need not tell the Senate that there was no United States court of admiralty there having jurisdiction of this case, even if the vessel had been a proper

subject for prize. Therefore, the committee came to the conclusion, under all the circumstances of the case, (and inasmuch as it is proved by the testimony of all the American officers that the claimant was one of the most active and efficient men upon the American side during the progress of the difficulties upon the Pacific coast; he had at one time been taken prisoner, and his life forfeited, and it was by a bare accident that he made his escape from the Mexican officer after he had been ordered to be shot,) that he was entitled to that portion of his claim.

Mr. BAYARD. Before the honorable Senator undertakes to censure me for my course, he ought to understand the objection which I have made. I say that, on the face of the report, without regard to the evidence, according to my judgment of the principle which should govern the action of the Senate, the bill ought to be rejected. The principle is this: I have never yet heard that the Government of the United States, or any other Government, recognized its liability for the illegal acts either of its naval or military officers. The basis on which this claim must be paid is, that Commander Dupont illegally seized the vessel of the claimant. Now, sir, if he did it illegally, the claimant has his remedy against him. The committee report that this admiralty court had no jurisdiction. If it had not, then its proceedings were wholly *coram non judice*, and the Government would not defend the officer, but the officer would be liable to the party for the damages done. But who ever heard before of a Government being liable for every illegal act of seizure committed by its officers? The Government reserves to itself the discretion, when an officer, in the performance of his functions, makes a mistake under circumstances in which he becomes personally liable, and a suit is brought against him, to remunerate the officer; but I know of no case in which it interposes to relieve the claimant. If the claimant has been injured, he has his right of suit against the individual who did the illegal act.

That is the ground on which I oppose this bill, without going into the facts at all. The allegation on which the report is founded is, that the vessel, which was the property of the party, was illegally seized by Commander Dupont, and confiscated by a pretended admiralty court. If these proceedings were all illegal, the parties who performed them were unquestionably personally liable in an action or suit at law to the claimant. Why does he not press it? If a recovery was had against the officer of the United States, and he could show that the act was committed under the emergencies of war, and by a mistaken opinion of his duty, it would be a question for us whether we should relieve him; but I deny the right of the claimant to claim payment from us on any principles of which I know, according to the facts stated by the committee themselves. I cannot perceive what the subsequent part which the man took in the struggle in California has to do with the question, though I confess such things are very often thrown in here.

And further, sir, in judging of the case I judge of it as I should of a case in private life. Senators are fond of making an appeal to the analogies between the transactions of individuals with the Government, and transactions between individuals and individuals. In judging of transactions between individuals, if one person were to present against another four claims three of which were so palpably baseless and void, if I may say so, of all pretensions to a claim as those which the committee have rejected, what would be the inference in regard to a party who could be so biased by his interest, and have so little regard for justice, as to present claims which, on a bare inspection, would be rejected? Surely it would not enhance the character of the other claim.

It is, however, sir, on principle that I object to the bill. I am willing to take the report of the committee; it is unnecessary to investigate the facts. I say that I know of no principle on which to justify the allowance of this claim. The case of Colonel Mitchell, which occurred here some time ago, is one which illustrates what I have already said. The Government, after a recovery was had against its officer, interposed to save that officer; whether rightly, in that case, is not the question. That is the ground which it took. The basis of the allegation here, that the act on the part of the officer of the United States was illegal, can

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be supported before this body in no proper mode, except by showing that a suit has been recovered against the officer. That is my view of the question.

The yeas and nays were not ordered.

Mr. BAYARD. Then I suppose I can get a division.

The question was put; and, on a division, there was not a quorum voting.

Mr. STUART. That disposes of the question to-day. I move that the Senate adjourn.

Mr. SLIDELL. I ask the indulgence of the Senate to take up and pass another bill.

Mr. STUART. I am willing to withdraw my motion, if we can get a quorum.

Mr. SLIDELL. If there be the least objection to my bill, I shall be willing to let it go over.

The PRESIDING OFFICER. (Mr. ADAMS.) The bill which is now before the Senate must be disposed of before another can be taken up.

Mr. SLIDELL. I move to postpone it until to-morrow.

Mr. BRODHEAD. Let it be postponed by unanimous consent.

Mr. WELLER. I do not wish to interpose any objection—

Mr. BAYARD. Can the Senate proceed with business without a quorum?

Mr. WELLER. I believe I have the floor, and I trust the Senator will allow me to proceed. I desire to say that I have, of course, no disposition to obstruct the business of the Senate. A number of my friends around me are anxious to get up other bills; but, at the same time, I do not very much like to be compelled to yield to the Senator from Delaware, when I am satisfied that his opposition is groundless.

The PRESIDING OFFICER. The Chair will suggest to the Senator from California that it appears there is not a quorum present. No business can be done until a quorum be in attendance. The bill is still before the Senate, and no other business can be transacted until it be disposed of.

Mr. WELLER. I move that its further consideration be postponed until to-morrow. I shall then endeavor to press it, notwithstanding the opposition of the Senator from Delaware.

The motion to postpone was agreed to.

WILLIAM H. AND ROBERT HENDERSON.

The bill to confirm the claim of William H. Henderson and the heirs of Robert Henderson to five hundred acres of land in the Bastrop grant, was read a second time; and, on motion by Mr. SLIDELL, the Senate, as in Committee of the Whole, proceeded to its consideration.

It proposes to confirm to W. H. Henderson and the heirs of Robert Henderson, of the parish of Morehouse, Louisiana, their claim to five hundred acres of land, in the prairie of Jefferson, on which the heirs reside, as represented in the report of the register and receiver of the land office at Monroe, in their report of July 30, 1852, and to direct that a patent issue to them after a legal survey, duly returned; but the act is to be construed only as a relinquishment of title on the part of the United States, and is not to affect the claims of other persons, if there be any.

The petitioners claimed five hundred acres of land in the Bastrop grant, in Louisiana, under the provisions of the act of the 3d of March, 1851, for the adjustment of land claims in that grant, and presented their claim to the board of commissioners provided for by that act. It was not recommended for confirmation, because it did not come strictly within the provisions of the act from which they derived their powers. It is No. 7 of the first class of claims in their report, and is submitted to the further consideration of Congress, because, while, under the principles of the law, they were forced to report against the case, justice required that they should recommend it to the indulgence of the Government, the claimants having purchased in good faith, and for a *bona fide* consideration.

The petitioners, and the persons under whom they claim, had remained in quiet and uninter-

rupted possession of the land for seventeen years—only three years less than the time required by the act of 1851. The fact that the chain of title to them is not complete, is not material to the Government; for the only question is, ought it to be confirmed to the claimants, whoever they may be? The petitioners have had possession long enough to hold it by preemption against individuals, and the bill is so framed as to amount to a relinquishment of title only on the part of the Government; so that, if any other claimants have a better title to it, it will not be prejudiced by the confirmation, but, on the contrary, it would inure to their benefit.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

SALE OF RESERVED LANDS.

Mr. MALLORY. I find upon the general orders, a bill which is not a private bill, but which will not occupy the attention of the Senate for more than a minute. It is a bill to "authorize the sale of reserved lands, and for other purposes," and is of great interest to my State. I am confident there will be no dispute about it; I therefore ask the unanimous consent of the Senate to consider it now.

There was no objection, and the bill was read a second time, and the Senate, as in Committee of the Whole, proceeded to its consideration.

It had been reported from the Committee on Military Affairs with an amendment, which the Secretary commenced to read; but he was interrupted by

Mr. WADE. I believe that is not a private bill.

Mr. MALLORY. I stated that it was not, and therefore asked that it might be taken up by general consent. It will not take a minute to dispose of it. It has been prepared at the Department.

The PRESIDING OFFICER. It was taken up by unanimous consent.

Mr. BAYARD. It is well known that there is not a quorum present. I shall call for the yeas and nays on the bill.

Mr. CHASE. I move that the Senate adjourn.

The motion was agreed to; and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, June 30, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

UNITED STATES ARMORIES.

Mr. DICKINSON. I ask the unanimous consent of the House to offer, from the select committee on the superintendency of the armories, the following resolution:

Resolved, That the select committee, to whom was referred the consideration of the change in the superintending of the national armories, be authorized to visit Springfield, in Massachusetts, and Harper's Ferry, in Virginia, for the purpose of making such further examination into the subject-matter of their inquiries as will enable them to furnish Congress with the fullest possible information before their final action in the premises.

Mr. McMULLIN. I object.

Mr. DICKINSON. I ask the consent of the House to say a single word upon this subject.

There was no objection, and

Mr. DICKINSON proceeded: This is the first time I have had occasion to ask a favor of the House, and I will occupy but a moment of its time under the circumstances. I shall be compelled to leave the city for a few days, and I feel compelled to appeal to the House to grant the request contained in that resolution.

The select committee of which I am a member have already had the subject under consideration for several months. They have been in session from two to five days in a week, for the purpose of examining the questions which have been referred to them in connection with the superintendency of the national armories—whether superintendents should be appointed from the Ordnance Corps, or whether they should be appointed from

the citizens of the United States generally. We have had a large mass of testimony before us, written and verbal; and we have had contradictory testimony; we have had the reports of the commissioners appointed by the President of the United States, and who spent some three months in making examinations and taking testimony at Springfield and Harper's Ferry last year. But we have had such a mass of contradictory evidence that it has for a long time been my view, and I have proposed it to the committee time and time again that we should visit the establishment ourselves, for the purpose of satisfying ourselves from our own observation; but I have not been able until now to obtain the assent of the majority of the committee.

On a recent visit to Massachusetts, I spent two half days at the armory at Springfield in making inquiries into the state of things there; and I found that I was able to obtain more information, such as was necessary to base our action upon, in that time, than from all the time I had spent here in committee; and I believe the committee would ascertain more reliable information, as to the real state of the case, by a personal examination, than they have been able to do in the three months which they have already spent here in its investigation.

This is a matter of much importance to the country. It is a matter of which I care nothing about personally; but it is of so much importance to the country at large, that I think the select committee should be authorized to visit the armories personally, by which they will be able to obtain reliable information upon which to base their action. I offer the resolution which has been read; and if there be no objection, I will move the previous question.

Mr. CLINGMAN. I look upon this whole controversy as a Buncombe humbug, and this as a proposition to authorize the members of the select committee to absent themselves from the House. I object.

Mr. FAULKNER. I ask the indulgence of the House to make a single statement upon this subject.

Mr. CRAIG. The gentleman from South Carolina, [Mr. KEITT], who made an adverse report upon this subject, is not now in his seat, and I therefore object.

CORRECTION OF AN ERROR.

Mr. ORR. I ask the unanimous consent of the House to introduce "a joint resolution to correct a clerical error in an act approved June 22, 1854, to authorize a register to be issued to the steamer *El Paraguay* by a new name."

There was no objection; and the joint resolution was read a first and second time by its title.

It provides that for the word "Joy," in the bill of 23d June, shall be substituted the word "Ivy."

The joint resolution was then ordered to be engrossed and read a third time; and being engrossed, it was read a third time, and passed.

Mr. BARKSDALE, by unanimous consent, previous notice having been given, introduced a bill; which was read a first and second time by its title, as follows, and referred to the Committee on the Post Office and Post Roads:

A bill to establish a post route from Citronelle, Alabama, to Columbus, Mississippi.

Mr. FAULKNER. I move, by unanimous consent, this being private bill day, that committees be called for reports in reference to private business.

The SPEAKER. The business first in order is the disposition of the private bills on the Speaker's table; but the Clerk informs the Chair that there are none there. The gentleman from Virginia moves that committees be called for reports on private cases. Is there objection?

Mr. SEWARD. Yes, sir; I object.

Mr. STANTON, of Tennessee. I gave notice of a bill some time since, which I wish to introduce now, that it may be referred to the Committee on Revolutionary Claims.

Mr. SEWARD. At the request of several gen-

members, I withdraw the objection which I made to the proposition submitted by the gentleman from Virginia.

The SPEAKER. Then, if there be no objection, committees will be called for reports on private business, which shall give rise to no debate.

Mr. COBB. I shall not object, if there be an understanding that no motion shall be made to reconsider any reference of a bill reported to-day.

The SPEAKER. That also will be embraced in the proposition, so that no gentleman may be deceived.

Mr. HUNT. I would respectfully ask the indulgence of the House in a matter of some interest to me. It is a local matter reported on by a committee of this body.

The SPEAKER. The gentleman from Tennessee [Mr. STANTON] has the floor, and asks the unanimous consent of the House to introduce a bill of a private character, of which previous notice has been given. Is there objection?

There was no objection; and the bill was read a first and second time by its title, as follows, and referred to the Committee on Revolutionary Claims:

A bill to revive and extend the provisions of an act passed the 24th May, 1824, entitled "An act for the relief of the representatives of John Donelson, Stephen Heard, and others."

A. B. ROMAN.

Mr. HUNT. I am about to leave Washington for a few days on an affair of family interest, and I shall be obliged to my friends if they will allow me to have a bill concerning Governor Roman's plantation taken up, so that his title may be confirmed. The bill has been reported by the Committee on Private Land Claims, and a report has been prepared by Mr. NICHOLS, of Ohio, which is clear, full, and conclusive. There is no difficulty about the case. I hope the House will hear the report, and dispose of the matter.

Mr. McMULLIN. I desire to know what the character of the bill is?

Mr. HAVEN. It is to confirm the title to lands in Louisiana.

Mr. HUNT. It will be explained by the gentleman from Ohio.

The SPEAKER. The gentleman from Louisiana asks the unanimous consent of the House to discharge the committee from its further consideration of the bill indicated.

Mr. HUNT. To take up the matter and dispose of it.

The SPEAKER. It is in Committee of the Whole House, and the proposition is to discharge the committee from its further consideration, so that it may be brought before the House and acted upon.

There being no objection, the Committee of the Whole House was discharged from the further consideration of the following bill:

A bill for the relief of A. B. Roman, of Louisiana.

The report of the Committee on Private Land Claims, accompanying the bill, was read.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was subsequently read a third time, and passed.

Mr. NICHOLS. I rise to a privileged question. I move to reconsider the vote by which the bill was passed, and that the motion to reconsider do lie upon the table.

The latter motion was agreed to.

GEORGE W. TORRANCE.

Mr. HENDRICKS. Under the order which has been made, I do not suppose that it will be proper to move to put any bill upon its passage, and I would not wish to ask to report any bill, and ask to put it upon its passage under that order. Therefore, before we commence the execution of that order, I wish to ask a favor of the House. My colleague upon the Committee on Invalid Pensions [Mr. DENT] had charge of a bill for the relief of George W. Torrance. I do not know much about the case; but from the examination of the report, and from conversation with the gentleman who had special charge of the bill, I am induced to believe that it is one of the most meritorious cases which are before this House. The gentleman from Georgia [Mr. DENT] should have reported the bill, but he is detained, through illness, at one of the springs in Virginia, and the bill is likely to lose its place upon

the Calendar. I ask leave to report the bill, and to have the report read, and that the bill be passed.

This gentleman came here from California to ask this relief from Congress, and is now in this city, without money; and I think we ought to pass this bill, if we find it right, without delay.

Mr. McMULLIN. I move that the House resolve itself into a Committee of the Whole on the Private Calendar.

The SPEAKER. The motion is not in order, for the reason that the House, by unanimous consent, have determined to call committees for reports of a private character.

Mr. FAULKNER. I must object until the committees have been called for reports.

The SPEAKER. The gentleman from Indiana states that the gentleman from Georgia, [Mr. DENT] is confined by sickness at one of the springs in Virginia, and that, in consequence of his absence, the bill will not be reported under the regular call. It may be the pleasure of the House, from that fact, to indulge the gentleman in having the report made.

Mr. LATHAM. I think, if the gentleman from Virginia will allow the report to be read, he will withdraw his objection.

Mr. HENDRICKS. I beg to inform the gentleman from Virginia, that if the gentleman from Georgia could have been here last Friday he would have reported this bill then, and that it would in all probability have been passed then.

Mr. FAULKNER. Do I understand the gentleman to say that he desires to make the report simply for reference?

Mr. HENDRICKS. No, sir; I want to put the bill upon its passage.

Mr. FAULKNER. Then I object.

Mr. LATHAM. I hope the gentleman will at least allow the report to be read.

Mr. WALSH. I object.

JUDICIARY OF DISTRICT OF COLUMBIA.

Mr. MAY. I ask the indulgence of the House to allow me to report a bill from the Committee on the Judiciary. It is a bill of a good deal of importance, and I ask that it may be read a first and second time, recommitted to the Committee on the Judiciary, and ordered to be printed. It is a bill for reorganizing the judicial system of the District of Columbia, and for reforming its laws. I hope there will be no objection.

Mr. COBB. I must object, for a reason which is satisfactory to myself, and which I will state, if the gentleman wishes it.

PRIVATE BUSINESS.

The Speaker then proceeded to execute the order of the House, by calling committees for such reports of a private character as should give rise to no debate.

Mr. LETCHER. The petition of Mary Dean, for a pension, has been referred to the Committee of Claims. As we have nothing whatever to do with that case, I ask that we may be discharged from the further consideration of it, and that it may be referred to the Committee on Invalid Pensions.

Mr. HENDRICKS. Before that is done, I desire to ask the gentleman from Virginia one or two questions.

Mr. LETCHER. Well, sir, I am not legally sworn, and I shall not answer them.

Mr. HENDRICKS. Then I hope this case will not go to the Committee on Invalid Pensions. I understand that this case has once been examined by the Committee of Claims, and I think it belongs to them.

Mr. LETCHER. The gentleman is mistaken. The Committee of Claims have not examined it.

The SPEAKER. The Chair thinks that objection having been made, the report cannot be received under the order of the House.

On motion by Mr. READY, it was

Ordered, That the Committee of Claims be discharged from the further consideration of the petition of Thomas C. Cardwell, for relief from an excess of duties levied upon certain British goods imported into the city of Philadelphia, in the year 1824, and that said petition be referred to the Committee on Commerce.

On motion by Mr. MORGAN, it was

Ordered, That leave be granted to withdraw from the files of the House the papers in the case of Adam Carlan, for the purpose of presenting them at the Pension Bureau.

Mr. FULLER. I am instructed by the Committee on Commerce to report back Senate bill No.

245, entitled "An act to amend the provisions of the fifty-sixth section of the act entitled 'An act to regulate the collection of duties on imports and tonnage,' approved 2d of March, 1799," with a recommendation that it do pass, and to ask its passage at this time.

Mr. FAULKNER. I object.

The SPEAKER. Under the order of the House, objection being made, the report cannot be received.

Mr. AIKEN. I am instructed by the Committee on Commerce to report a bill "to change the name of the American-built brig Hallowell, to that of Jane Rose, and to grant her a new register," with a recommendation that it do pass, and to ask its passage now.

Mr. FAULKNER. I object.

Mr. AIKEN. I hope the gentleman will withdraw his objection. The passage of the bill will not occupy more than five minutes.

Mr. FAULKNER. I would do so with great pleasure, but I have already objected to the passage of a bill reported by the gentleman from Maine. I cannot, with propriety, withdraw my objection. By order of the House the morning hour has been set aside for a special object, and that is the call of committees for reports in reference to private business, to which there shall be no objection, and I am not disposed to infringe on that order.

Mr. AIKEN. Bills similar to the one I report have been heretofore almost uniformly considered and passed by unanimous consent. It is only to change a name and grant a new register to an American-built brig, and I hope the gentleman will withdraw his objection.

Mr. FAULKNER. I cannot withdraw the objection.

The SPEAKER. Then the report cannot be received.

Mr. HIESTER, from the Committee on Public Lands, moved that said committee be discharged from the further consideration of the petitions and papers in the following cases, and that they do lie upon the table; which motion was agreed to.

The claim of John Ketchum, a soldier of the United States in 1806 and 1807, for bounty land; Petition of Elizabeth Evans, and Henry Lake, of Ohio, praying that Congress grant each of them a half section of land for revolutionary service of their father;

Petition of James Thompson, of Dayton, Ohio, and others, heirs of James Thompson, deceased, for bounty land; and

Petition of Margaret Bowne, of New York.

Mr. H. also, from the same committee, reported a bill "for the relief of Mary H. Cushing," which was read a first and second time by its title, referred to a Committee of the Whole House, and, with the accompanying report, ordered to be printed.

Mr. UPHAM, from the Committee on the Post Office and Post Roads, reported back with the recommendation that it do pass, Senate resolution No. 14, entitled "A resolution authorizing settlements under certain mail contracts," which was referred to a Committee of the Whole House, and ordered to be printed.

Mr. STANTON, of Tennessee, from the Committee on the Judiciary, reported back Senate bill No. 145, "for the relief of John Y. Camp," with amendments. The bill was referred to a Committee of the Whole House, and ordered to be printed.

Mr. PARKER, from the same committee, reported a bill "vesting the title of the United States to certain lands in the city of Cincinnati," which was read a first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed.

Mr. MAY, from the same committee, reported a bill "to authorize the President of the United States to purchase a site for a prison, and to provide for the cost of the building of the same in the city of New York," which was read a first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed.

Mr. MAY. I am instructed by the Committee on the Judiciary to report the following bill:

A bill to reorganize the judiciary system of the District of Columbia, and to reform its judicial laws.

I move that it be recommitted to the Committee on the Judiciary, and ordered to be printed.

Mr. COBB. When I objected to the introduction of that bill, I supposed it was a general bill. My friend from Maryland only desires that the bill shall be printed, and that when the business of the District of Columbia comes up, it shall be considered. I have no objection to that course.

The bill was then read a first and second time by its title, recommitted to the Committee on the Judiciary, and ordered to be printed.

On motion by Mr. EDDY, it was

Ordered, That the Committee on Revolutionary Claims be discharged from the further consideration of the petition and papers of Isaac S. Bowman, executor of Isaac Bowman, deceased, and that the same be laid upon the table.

Mr. PECKHAM, from the Committee on Public Expenditures, reported back, with a recommendation that it do pass, Senate bill (No. 185) "for the relief of the legal representatives of Samuel Prioleau," which was referred to a Committee of the Whole House, and ordered to be printed.

Mr. P., from the same committee, reported back, with a similar recommendation, Senate bill (No. 337) "for the relief of Eliza M. Evans;" and said: I should like to have that bill put upon its passage. It is of such a character that it should pass; and it will not take five minutes to dispose of it.

Objection was made, so the report was not received.

Mr. P., from the same committee, made an adverse report in the case of the petition of the heirs of Lieutenant Silas Goodall; which was ordered to lie on the table, and be printed.

Mr. NICHOLS, from the Committee on Private Land Claims, reported a bill "for the relief of Civil, township of Marion, in the county of Mercer, Ohio;" which was read a first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed.

Mr. HILLYER, from the same committee, reported a bill "for the relief of the legal heirs of Benjamin Metoyer, deceased;" which was read a first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed.

Mr. FAULKNER, from the Committee on Military Affairs, reported back the following bills of the Senate, with a recommendation that they do pass; which were thereupon referred to a Committee of the Whole House, and ordered to be printed:

S. B. No. 248. An act for the relief of William Harris, of Georgia;

S. B. No. 240. An act for the relief of James Edwards and others; and

S. B. No. 203. An act for the relief of Thomas Snodgrass.

Mr. F. also, from the same committee, reported back the following bill of the Senate, with a recommendation that it do not pass:

An act (S. No. 188) for the relief of Captain Langdon C. Easton, assistant quartermaster of the United States Army.

The bill and report were ordered to lie on the table, and be printed.

Mr. F. also, from the same committee, reported a bill for the relief of William H. Weirick; which was read a first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed.

On motion by Mr. FAULKNER, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the petition of Russell Rice, and that the same be laid on the table and ordered to be printed.

Mr. F., from the same committee, made an adverse report on the memorial of N. J. Evans, lieutenant second dragoons, United States Army; which was ordered to lie on the table, and be printed.

Mr. F. also, from the same committee, reported the following bills and joint resolution; which were read a first and second time by their titles, referred to a Committee of the Whole House, and ordered to be printed:

A bill granting bounty land to Cornelius Coffey; fey;

A bill for the relief of the heirs of James Grier, deceased;

A bill for the relief of John H. King;

Joint resolution giving one hundred and sixty acres of land to Francis M. Gwyn, of Indiana; and

A bill for the relief of Elenor Hoople.

Mr. F. also, from the same committee, made adverse reports upon the following petitions and resolutions; which reports were laid upon the table, and ordered to be printed:

The petition of Samuel M. Latimer;

The petition of Charles J. Burgess, asking for bounty land for the services of his son in the Mexican war;

The petition of John H. King, of Harper's Ferry, for improvement in machinery used at the armory;

The petition of Henry K. Brown;

The resolution to change the site of the military asylum near Washington city to the estate of Mount Vernon, &c.;

The petition of Edward B. Shelton, asking for bounty land for services rendered in the Mexican war;

The petition of Charles F. Fisher, proposing to sell to Congress his painting of the battle of New Orleans; and

The petition of Captain H. B. Fields.

On motion by Mr. FAULKNER, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the resolution of Mr. FLORENCE, in reference to the loss of the San Francisco, and the relief afforded the sufferers; and also from the resolution of Mr. WALBRIDGE upon the same subject, and that the same be laid upon the table.

Mr. HOWE. I have been instructed by the Committee on Military Affairs to ask the unanimous consent of the House that Senate bill (No. 160) "for the relief of Alexander G. Morgan," upon which an adverse report has been made, be recommitted to that committee for further consideration and examination.

No objection being made, the bill was accordingly recommitted.

Mr. BANKS, from the Committee on Military Affairs, reported a bill "providing for a grant of land to the Vermont volunteers, for their services in the battle of Plattsburg;" which was read a first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed.

Mr. McDUGALL, from the Committee on Military Affairs, reported a bill "for the relief of Charles W. Carroll;" which was read a first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed.

Mr. McD. also, from the same committee, reported back Senate bill (No. 299) "for the relief of Jean Baptiste Beaubien;" which received the same order and reference.

On motion by Mr. BOCOCK, it was

Ordered, That the Committee on Naval Affairs be discharged from the further consideration of the petition of W. P. Buckner and Pierce Casby, for their share of the prize money accruing from the sale of the schooner Oregon, she having been condemned and sold; and that the same be referred to the Committee on Military Affairs.

Mr. ROWE, from the Committee on Revolutionary Pensions, made adverse reports in the following cases; which were laid upon the table, and ordered to be printed:

The petition of Robert Babcock, for a pension;

The petition of Bethnah Black, of Massachusetts, for pension allowance;

The petition of Betsey A. Faulkner, for pension, or such relief as she may be entitled to as daughter and only surviving child of Ebenezer Floyd, a soldier and officer in the revolutionary war.

Mr. R., from the same committee, also reported a bill "for the relief of John Cole;" which was read a first and second time by its title.

Mr. ROWE said: I have been requested to ask the consent of the House to have this bill put upon its passage. I will state the effect of the bill. It is for the increase of the pension of an old soldier. He has heretofore received five dollars a month, and this bill provides for increasing it to eight dollars per month. It is a very meritorious case, and I hope there will be no objection.

Mr. FAULKNER. I object until the committees have all been called for reports.

Mr. ROWE. Perhaps if the gentleman will hear my statement he will be willing to withdraw his objection.

Mr. FAULKNER. I do not withdraw it.

The bill was then referred to a Committee of the Whole House, and ordered to be printed.

On motion by Mr. HENDRICKS, it was

Ordered, That the Committee on Invalid Pensions be discharged from the further consideration of the petitions and papers in the following cases, and that the same be laid upon the table:

The petition of Elizabeth Wilson, widow of John Lindsey, a soldier of the war of 1812, for a pension;

The petition of Sherman McLean, praying for relief on account of an alleged erroneous construction of the pension laws;

The petition of Samuel McLelland, for a pension;

The petition of Samuel Moore, of Rising Sun, Indiana, for a pension;

The petition of John Bedding, of Danville, New York, for bounty lands on account of the services of his son, Godfrey H. Bedding, deceased, who was a soldier in the late war with Great Britain;

The petition of Martin Lowmense, for a pension;

The petition of A. Chamberlain and others, of Fulton county, Indiana, soldiers of the late war with Great Britain, for pensions; and

The petition of Lewis Washburn, for a pension.

Mr. H. also, from the same committee, reported a bill "for the relief of George Lynch;" which was read a first and second time by its title, referred to a Committee of the Whole House, and, with the accompanying report, ordered to be printed.

Mr. H. also, from the same committee, reported a bill "to provide a pension for Sergeant George W. Torrance;" which was read a first and second time by its title.

Mr. HENDRICKS. If the House will indulge me one minute, I wish merely to say in this case that the gentleman from Georgia [Mr. DENT] was so sick that he could not be here last week, and this bill lost its proper place in the business of the House. This man is here. His case is a meritorious one, and ought to be immediately acted on. He came here from California to get this relief. He was wounded in the war with Mexico, and I think that this pension ought to be given to him without further delay. I ask that the bill be put on its passage.

The SPEAKER. If there be no objection, the bill will be put on its passage.

There was no objection.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was read a third time, and passed.

Mr. VAIL, from the Committee on Invalid Pensions, reported adversely on the following petitions; which were laid upon the table:

Petition of James Pullen, praying for compensation for injuries received while blasting rocks on the Washington aqueduct;

Petition of Gardener Herring, for invalid pension; and

Petition of Bela Young, a soldier of the war of 1812, praying for an invalid pension.

Mr. V. also, from the same committee, reported adversely on House bill (No. 169) "concerning invalid pensions, and regulating the time of their commencement;" which was laid upon the table, and, with the accompanying report, ordered to be printed.

Mr. V. also, from the same committee, reported a bill "for the relief of Evelina Porter, widow of the late Commodore David Porter, United States Navy;" which was read a first and second time by its title, referred to a Committee of the Whole House, and, with the accompanying report, ordered to be printed.

Mr. SAGE, from the Committee on Invalid Pensions, reported adversely on the following memorials and petitions; which were laid upon the table:

Petition of William Trumbull, for back pay or pension;

Application on behalf of Silas Chatfield, for increase of pension;

Memorial of Pressly McKellup, of Indiana county, Pennsylvania, praying for a pension;

Petition of Joseph H. Bailey, heir of Henry Bailey, praying for a pension;

Application of John Henry, for a pension;

Memorial for relief of Richard Oothoudt;

Memorial of George Babcock, for invalid pension;

Petition of Charles Stewart, for an invalid pension;

Petition of William Pace, for a pension;

Petition of Sophia Davis, for a pension; and

Petition of Daniel Leshinghill, for a pension.

Mr. S., from the same committee, reported the following bills; which were severally read a first and second time by their titles, referred to a Committee of the Whole House, and ordered to be printed:

A bill for the relief of Joseph Webb;
A bill for the relief of John Steen;
A bill for the relief of George Elliott;
A bill for the relief of Mary Rutherford; and
A bill for the relief of Warren Raymond.

On motion by Mr. ORR, it was

Ordered, That the Committee on Indian Affairs be discharged from the further consideration of the petition and papers of J. Rutherford Wooster, and that the same be laid upon the table.

Mr. GREENWOOD. I move that the House resolve itself into a Committee of the Whole House on the Private Calendar.

Mr. HOUSTON. I desire to suggest, that if the House decline to go into a Committee of the Whole House on the Private Calendar, we can resolve ourselves into a Committee of the Whole on the state of the Union, and dispose of the civil and diplomatic appropriation bill.

The question was then taken on Mr. GREENWOOD's motion; and it was agreed to.

The House accordingly resolved itself into a Committee of the Whole House on the Private Calendar, (Mr. WALLEY in the chair.)

R. W. MEADE.

The CHAIRMAN. When the committee was last in session on the Private Calendar, bill No. 53, entitled "A bill for settling the claims of the legal representatives of Richard W. Meade, deceased," was informally passed over. The Chair supposes that it is to be now the first matter for consideration. The gentleman from Pennsylvania [Mr. CHANDLER] is entitled to the floor.

Mr. THURSTON. I hope my friend from Pennsylvania will give way, as he did the other day, and let this bill go over till the next private bill day.

Mr. CHANDLER. If my friend from Rhode Island has a case that he wants to bring forward I will withhold my own bill for another day.

Mr. JONES, of Tennessee. I prefer to take the Calendar as it comes, and dispose of the cases as we go.

Mr. HILLYER. The business first in order last Friday, when we were in committee on the Private Calendar, was a different bill from this. I hope the committee will take up the Calendar where they left off last Friday.

The CHAIRMAN. That would be true, if this were objection day; but as it is not, we are brought back to the commencement of the Calendar. The gentleman from Tennessee [Mr. JONES] objects to passing over informally the first bill, therefore it must be considered now. Debate is closed on this bill by order of the House, but it is open for amendment under the five-minute rule. The gentleman who reported the bill is, under the rules of the House, entitled to speak for an hour in support of it.

Mr. STANTON, of Tennessee. I suppose that if the gentleman is not ready to go on with this bill now, his object can be attained by moving to lay it aside.

Mr. HIESTER. I hope the House will allow the bill of my colleague to go over. The gentleman complains that he is not well, and therefore does not like to take it up at this time. I trust the House will extend that courtesy to him.

Mr. JONES, of Tennessee. I raise the question of order that the committee have no right to pass it over. There is a special rule which applies to the Committee of the Whole on the state of the Union, authorizing the committee to pass over one bill and take up the next bill, and to pass that over and take up the next, and so on until they reach one which they are ready to pass upon. But there is no such rule that applies to a Committee of the Whole House. I am willing that the bill should be reported to the House, with a recommendation that it do not pass.

The CHAIRMAN. It is the opinion of the Chair that the 135th rule applies exclusively to the Committee of the Whole on the state of the Union, and consequently there is no rule which permits it to be passed over, except by unanimous consent.

Mr. HIESTER. Will the gentleman from Tennessee object when my colleague tells him he is ill health?

Mr. JONES. I want to dispose of the bill.

Mr. CHANDLER. I believe the report in this case has never been read, and I desire to have it read now. It is an interesting document—although

I had the honor to draw it up myself—of seventy-one and a half pages; and for the edification of the House, and of the gentlemen who are earnest in this case, I desire to have it read before I enter upon the remarks I wish to make. [Laughter.] I have prepared some remarks, and in order that the House may be enlightened upon the subject, they should first hear read the report. It is a report prepared from a basket full of dusky memorials brought from Spain, derived from different languages, and it cannot fail to edify the House. I therefore call for the reading of the report.

Mr. JONES, of Tennessee. I want all the documents read.

The Clerk commenced the reading of the report. Mr. HOWE, (interrupting.) I hardly think that my colleague is serious in desiring to have this report read; and I move that the further reading be dispensed with.

Mr. CHANDLER. You cannot dispense with it, and I want it read.

Mr. JONES, of Tennessee. The majority can dispense with it.

The Clerk resumed the reading of the report.

Mr. JONES, of Louisiana, (interrupting.) I would inquire of the Chair if it is in order to move to dispense with the reading of the report? If it is, I make that motion.

The CHAIRMAN. The Chair holds that the report must be read, unless it is dispensed with by unanimous consent. If any gentleman insists upon having it read, it must be read.

Mr. SEWARD. I move that the bill be laid aside, and reported to the House.

Mr. CHANDLER. You cannot make that motion. I have the floor, and I desire the reading of the report as a part of my speech.

The Clerk again resumed the reading of the report.

Mr. MILLSON. My impression is, that the report has already been read.

Mr. CHANDLER. It has never been read.

Mr. MILLSON. My recollection is, that it was read some months ago.

The CHAIRMAN. The Chair understands that it has not been read at length at all. Some extracts, however, were read upon the occasion to which the gentleman refers. The Chair decides that the gentleman from Pennsylvania has a right to have the report read as a part of his speech, but not otherwise, except by the unanimous consent of the committee.

Mr. BRIDGES. I would suggest to my honorable colleague from Pennsylvania, that he have the letter of John Quincy Adams to Mr. Salmon read. It occupies only thirteen pages, and I would suggest that it may not be necessary to read the whole report. That comprises a pretty full statement of the case, and I think, if read alone, it will of itself settle the question that this is a most unjust claim, and never ought to be passed.

Mr. CHANDLER. I should be sorry to curtail the committee in the gratification which I know they will derive, and the instruction that will be afforded by the reading of the whole report. [Laughter.] I ask the Chair whether he considers the decision which he has made, that it is not in order to move to lay aside this bill, as definitive?

The CHAIRMAN. The debate has been closed upon the pending bill, by order of the House, and it is not in order to take up any other bill.

Mr. CHANDLER. And does the Chair decide that I have not the right to have the report read?

The CHAIRMAN. The Chair decides that the gentleman has the right to have the report read as a part of his speech, and in no other way.

Mr. STANTON, of Kentucky. I ask that the 135th rule may be read, and then I shall appeal from the decision of the Chair ruling that it is not in order to move to lay aside the bill and take up another.

The CHAIRMAN. The Chair has already stated that the 135th rule only applies to the Committee of the Whole on the state of the Union.

Mr. STANTON. It then does not apply to this committee, and, therefore, there is no rule to prevent us from laying aside any bill.

Mr. JONES, of Tennessee. The rule requires that the bills shall be taken up in their regular order.

The 135th rule was then read, as follows:

"In the Committee of the Whole on the state of the Union the bills shall be taken up and disposed of in their order on the Calendar; but when objection is made to the consideration of a bill, a majority of the committee shall decide without debate, whether it shall be taken up and disposed of, or laid on the table, provided that general appropriation bills, and in time of war, bills for raising men or money, and bills concerning a treaty of peace, shall be preferred to all other bills, at the discretion of the committee, and when demanded by any member, the question shall first be put in regard to them."

Mr. STANTON, of Kentucky. The rule which has just been read is the one referring to proceedings in the Committee of the Whole on the state of the Union. I now ask for the reading of the rule which applies to the proceedings in a Committee of the Whole House, and which directs that business shall be taken up in regular order as it stands on the Calendar, and that it cannot be set aside by a majority vote.

The CHAIRMAN. What rule does the gentleman refer to?

Mr. STANTON. I do not know that there is such a rule.

Mr. COBB. There is no such rule.

The CHAIRMAN. The resolution closing debate is in these words:

Resolved, That all debate in the Committee of the Whole House on the state of the Union, on the bill for settling the claims of the legal representatives of Richard W. Meade, deceased, shall cease at — o'clock, on — (if the committee shall not sooner come to a conclusion upon the same); and the committee shall then proceed to vote on such amendments as may be pending, or offered to the same, and shall then report it to the House, with such amendments as may have been agreed to by the committee.

The Chair knows of no way in which the committee can proceed, other than that prescribed by the resolution of the House, under which the committee is acting.

Mr. STANTON. That order of the House relates to general debate. General debate has ceased. We do not propose to have any more debate. We desire to postpone one bill and to take up another.

The CHAIRMAN. What authority is there for the committee to postpone this bill?

Mr. STANTON. There is no rule forbidding it. The resolution does not forbid it.

Mr. WALSH. Inasmuch as this is the only possible opportunity by which the contents of this invaluable document can become known to a dozen persons, I hope the reading will go on without further interruption. [Laughter.]

Mr. FLORENCE. I submit a point of order. My colleague, under the rules, has the privilege of addressing the committee one hour. Instead of making a speech, he asks the reading of the committee's report, and I think he has the right to do so.

The CHAIRMAN. The Chair has already sustained that point of order.

Mr. STANTON. I take an appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Kentucky moves to lay this bill aside. The Chair decides that the motion is not in order under the rules. From that decision the gentleman from Kentucky takes an appeal. The question now is, "Shall the decision of the Chair stand as the judgment of the committee?"

The question was taken, and the decision of the Chair was sustained.

Mr. JONES, of Tennessee. The gentleman from Pennsylvania says that he is indisposed, and unable to proceed with his argument to-day. That being so, I withdraw my objection to the bill being passed over.

Mr. WALSH. I renew the objection.

Mr. STANTON, of Kentucky. I move that the committee do now rise.

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the motion that the committee do now rise?

Mr. CHANDLER. With pleasure.

Mr. STEPHENS, of Georgia. I wish to make an inquiry before I vote. Do I understand the gentleman from Pennsylvania to say that he is indisposed, and unable to proceed with his argument to-day?

Mr. CHANDLER. Yes, sir.

Mr. STEPHENS. I hope, then, by unanimous consent, the bill may be passed over for the present. If the gentleman is unable to proceed with his argument—

Mr. McMULLIN. The question is not debatable.

The CHAIRMAN. So the Chair has decided. Mr. STEPHENS. I demand tellers on the motion to rise.

Tellers were ordered; and Messrs. CAMPBELL and McMULLIN were appointed.

The question was then taken; and the tellers reported—ayes 81, noes 21.

So the motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* (Mr. BUCKLEY) having taken the chair, the Chairman reported that a Committee of the Whole House on the Private Calendar had had under consideration House bill No. 58, "for settling the claims of the legal representatives of Richard W. Meade," and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message was here received from the Senate, by ASBURY DICKINS, Esq., their Secretary, informing the House that they had passed a bill for the relief of David Myerle; and also, that they insisted upon their amendments to the resolution of the House fixing the day of final adjournment, and asked a committee of conference on the part of the House to meet alike committee on the part of the Senate.

Mr. HOUSTON. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. GREENWOOD. I ask for tellers upon that motion.

Tellers were ordered; and Messrs. KERR, and JONES of Louisiana, were appointed.

The question was taken; and the tellers reported—ayes 47, noes not counted.

So the House refused to go into the Committee of the Whole on the state of the Union.

Mr. ORR. With a view of getting at the message from the Senate just received, I move that the House do now proceed to the consideration of the business on the Speaker's table.

Mr. McMULLIN. I thought the understanding was, that we were to go into the Committee of the Whole on the civil and diplomatic appropriation bill.

[Cries of "No; that has been voted down."]

Mr. JONES, of Tennessee. I ask if the motion to go to the consideration of the business on the Speaker's table is in order?

The SPEAKER *pro tempore*. The Chair has been just inquiring whether an hour had been spent in receiving reports from committees.

Mr. JONES. You have let the time pass by when this motion might have been made.

The SPEAKER *pro tempore*. The Chair remembers the rule to be, that any time in the course of the session of the day, after one hour has been devoted to the reception of reports from committees, it shall be in order to make the motion to go to the business on the Speaker's table. The rule is as follows:

"After one hour shall have been devoted to reports from committees and resolutions, it shall be in order, pending the discussion thereof, to entertain a motion that the House do now proceed to dispose of the business upon the Speaker's table, and to the orders of the day," &c.

Mr. JONES. Are reports from committees and resolutions under discussion now? The rule says "pending the discussion thereof." We have quit that business by going into a Committee of the Whole House. We have now come from the consideration of that business, and the gentleman has no right to make the motion.

The SPEAKER *pro tempore*. The Chair decides, in answer to the remarks of the gentleman from Tennessee, that as soon as the committee returns again into the House, the first business in order is the further reception of reports from committees; and, although no committees have been called for reports, that business is in order, and is the business now under consideration. Therefore the motion to proceed to business upon the Speaker's table is in order.

The question was then taken upon the motion of Mr. ORR; and it was agreed to.

ADJOURNMENT SINE DIE.

The SPEAKER *pro tempore*. The first business in order is the resolution of the House fixing the time for the adjournment of Congress, returned from the Senate this morning.

Mr. ORR. I move that the House insist upon its disagreement to the Senate amendment, and that a message be sent to the Senate, notifying them that the House concur in their request for the appointment of a committee of conference.

Mr. HENN. I rise to a point of order. That resolution is not the first one in order. There are several bills before it.

Mr. ORR. It is the first business in order, because it comes in that class specified in the rule as "messages and other Executive communications."

The SPEAKER. The rule is, that when the House proceeds to business upon the Speaker's table, it shall first proceed to the consideration of messages and other Executive communications, and then to "messages from the Senate, and amendments proposed by the Senate to bills of the House."

Mr. ORR. I demand the previous question on my motion.

Mr. HENN. I ask for tellers upon the second. Tellers were not ordered.

The previous question was then seconded.

Mr. FLORENCE. I move that the House do now adjourn.

[Cries of "No!" "No!"]

Mr. FLORENCE. I have no idea of a committee of six men fixing what Congress shall do.

[Cries of "Order!" "Order!"]

The SPEAKER. The motion of the gentleman from Pennsylvania was not heard until the House was dividing upon the pending question; and therefore it is not in order.

The main question was then ordered to be put.

Mr. FLORENCE. I move that the House do now adjourn.

Mr. WHEELER. I move that when the House adjourns, it adjourn to meet on Monday next.

The motion was not agreed to.

Mr. KEITT. I think a better motion would be, that when the House adjourns to-morrow, it adjourn to meet on Wednesday next. Tuesday is the 4th of July, and I make that motion.

Mr. JONES, of Tennessee. I submit that the motion is not in order.

The SPEAKER *pro tempore*. The Chair thinks to-morrow will be the time to make that motion.

Mr. KEITT. I submit to the Chair that when the House adjourned over to take up the carpets, it adjourned upon a motion of the gentleman from Alabama, [Mr. HOUSTON,] made beforehand, precisely as I now make this motion.

The SPEAKER *pro tempore*. The motion of the gentleman from Alabama, to which the gentleman refers, was introduced, by unanimous consent, on Monday, by a suspension of the rules. The Chair decides that the motion of the gentleman from South Carolina is not in order.

Mr. STEPHENS, of Georgia. I hope the motion to adjourn will be withdrawn, and that gentlemen will allow the committee of conference to be appointed. If the House do not approve the day they agree upon for the final adjournment, their report may be voted down. Let the committee be appointed, and let us see what they will recommend.

Mr. FLORENCE. I am very willing to accommodate myself to what seems to be the almost unanimous wish of the House; but, sir, in making my motion—

[Loud cries of "Order!"]

The SPEAKER *pro tempore*. The motion is not debatable; but the gentleman from Pennsylvania having announced his determination, the Chair was indulging him in a little explanation. [Laughter.]

Mr. FLORENCE. I withdraw my motion.

The question then recurred upon Mr. ORR's motion.

Mr. JONES, of Tennessee. I demand the yeas and nays.

Mr. HENN. I demand tellers upon the yeas and nays.

Tellers were not ordered; and the yeas and nays were not ordered.

The question was then taken; and the motion was agreed to.

Mr. ORR moved that the vote by which the House agreed to appoint a committee of conference be reconsidered, and also moved to lay the motion to reconsider on the table; which latter motion was agreed to.

Mr. OLDS. I move that the House resolve itself into a Committee of the Whole House.

The motion was not agreed to.

Mr. WHEELER. I move that the House do now adjourn.

The question was put on Mr. WHEELER's motion; and there were—ayes thirty-eight—

Mr. WHEELER. I demand tellers.

Mr. McMULLIN. I hope that the gentleman will withdraw the call for tellers, and let us go into the Committee of the Whole on the state of the Union on the civil and diplomatic bill.

Mr. WHEELER. As we have refused to consider private business, I shall not withdraw my call for tellers for the purpose indicated by the gentleman.

Tellers were ordered; and Messrs. WHEELER and MACK were appointed.

The question was taken; and the tellers reported—ayes 58, noes 66.

So the House refused to adjourn.

Mr. McMULLIN. I move that the House resolve itself into the Committee of the Whole on the state of the Union on the civil and diplomatic appropriation bill.

Mr. WHEELER. I demand the yeas and nays on that motion.

The yeas and nays were not ordered.

Mr. SAGE. I call for tellers.

Tellers were ordered; and Messrs. ASKE and BRECKINRIDGE were appointed.

The question was taken; and the tellers reported—ayes 74, noes 44.

So the motion was agreed to.

The rules were accordingly suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. ORR in the chair.)

CIVIL AND DIPLOMATIC BILL.

The CHAIRMAN. When the committee was last in session on the civil and diplomatic appropriation bill, the question before the committee was on agreeing to the amendment of the gentleman from Arkansas [Mr. GREENWOOD] to the amendment proposed by the gentleman from Pennsylvania, [Mr. CHANDLER.]

Mr. SEWARD. I move that the committee do now rise, and on that motion I call for tellers.

Tellers were ordered; and Messrs. PRINGLE and RICHARDSON were appointed.

The question was taken; and the tellers reported—ayes 37, noes 80.

So the committee refused to rise.

Mr. SEWARD. I move to lay aside the civil and diplomatic bill, and to take up the next bill on the Calendar.

The CHAIRMAN. The Chair decides the motion out of order.

Mr. STEPHENS, of Georgia. I would like to know upon what ground the Chair decides the motion out of order?

The CHAIRMAN. The Chair does not think it necessary to enter into an argument.

Mr. CLINGMAN. I object to any argument.

Mr. STEPHENS. I wish to know the grounds upon which the Chair decides out of order the motion of my colleague to lay aside the civil and diplomatic bill, and to take up the next appropriation bill on the Calendar?

The CHAIRMAN. The Chair decides it out of order because the House has closed debate upon the civil and diplomatic bill, and directed the committee to proceed to vote upon it.

The pending amendment, offered by Mr. GREENWOOD, was then reported, as follows:

Add to the amendment proposed by Mr. CHANDLER, which is as follows: "For continuing the aqueduct for bringing water into the city of Washington, agreeably to the plan adopted by the President of the United States, according to the provisions of the act of Congress, approved March 3, 1853, §500,000."

—the words:

Provided, That no portion of the foregoing amount shall be applied unless the corporations of Georgetown and Washington shall appropriate and pay a sum equal to one fifth of the amount, to aid in the construction of the water-works proposed.

Mr. SMITH, of Virginia. Mr. Chairman, I beg the attention of the committee to the few remarks I propose to submit, because I think it entirely in my power to satisfy the committee that the proposition of the gentleman from Arkansas is not as good as the one which is contemplated in the original amendment. I beg the committee to bear in mind that the proposition which is now

before us is a proposition on the part of this Government to obtain water for the protection of the public buildings, and contemplates nothing but the construction of an aqueduct and the location of pipes, on the part of the Government, to furnish it to the public buildings. It does not at all embrace the idea of distributing the water. It does not impose upon the Government the obligation of supplying any other than the public buildings, and the consequence is, that it leaves this thing under the regulation of, and to be controlled by, the city authorities.

The city of Boston, as it appears from the report upon that subject, expended \$1,800,000 for the distribution of the Cochituate water through the city. Now, in the city of Washington, it will require twice as large a sum to distribute water to fifty thousand people as it did to distribute it to fifty thousand people in the city of Boston, owing to the character of our streets, our public squares, and other things of a like nature. In this regard the cities of Washington and Georgetown assume upon themselves to distribute the water. It will cost them to do so, from time to time, upwards of \$2,000,000.

It is proposed, by the amendment to the amendment, that these cities shall contribute a fifth part to this job. If that be the obligation, the Government is under obligation to pay all except one fifth, which is to be appropriated by these cities. They not only will be bound to pay their proportion of the main structure, but to supply their proportion of three fifths for the distribution works. But, by the original proposition, the Government finds itself only legitimately bound for the supply of the main aqueduct and the pipes necessary to furnish the public edifices. It has nothing to do with the distribution. That falls upon the cities, and will involve an expenditure of upwards of \$2,000,000—a sum greatly beyond what one fifth will amount to, as proposed by the amendment of the gentleman from Arkansas. I think we should act unwisely to adopt the suggestion proposed in that amendment. I ask if it is not introducing a new, embarrassing, and complicated feature into this bill? The Government has nothing to do, under the original amendment, but to make the aqueduct and lay down pipes to the public buildings. The Government has nothing to do with the details, but they appropriately fall to the cities of Georgetown and Washington. I think it wholly unwise to adopt this amendment, and I trust it will not be the pleasure of the committee to do so.

One word more. When the seat of Government was determined to be located at this place, Virginia gave money, or loaned money to the Federal Government. So did Maryland, and the people owning the land gave to the Government alternate sections of the entire land within the city of Washington.

Mr. WALSH. It was worth nothing then.

Mr. SMITH. Very true, it was not valuable then, but it has become so since, and the Government has sold it, and put the money into the Treasury, and is now holding some portions of it. I beg the committee to bear in mind that this proposition is to provide the means of getting water within the reach of the whole people.

Mr. GREENWOOD. I modify my amendment by adding at the end of it these words: "necessary to complete the aqueduct and reservoir."

Mr. STANTON, of Kentucky. The gentleman will allow me to suggest that there are two reservoirs and a dam to be constructed. Under the gentleman's amendment, as modified, one reservoir and dam would not be estimated for.

Mr. GREENWOOD. I was not aware of that, and so further modify my amendment that it will read "reservoirs and dam." I now demand tellers on the amendment.

Tellers were ordered; and Messrs. CAMPBELL and BRECKINRIDGE were appointed.

The question was then taken; and the tellers reported—ayes 45, noes 58; no quorum voting.

The CHAIRMAN. There being no quorum voting, the roll must be called.

The roll was then called; the committee rose, and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the Union generally, and particularly the civil and diplomatic

appropriation bill, but finding itself without a quorum, had caused the roll to be called, and directed him to report the facts, with a list of the absentees, to the House.

The following is the list of the absentees:

Messrs. Abercrombie, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Banks, Bissell, Boccock, Boyce, Bugg, Chamberlain, Chase, Cook, Cox, Cumming, Curtis, Cutting, Dean, Dent, Drum, Dunbar, Dunham, Eastman, Eddy, Edgerton, Edmunds, Edmundson, John M. Elliott, English, Fenton, Fuller, Gamble, Giddings, Goodrich, Grey, Hamilton, Andrew J. Harlan, Wiley P. Harris, Hastings, Hibbard, Daniel T. Jones, Kidwell, Lamb, Lane, Lindley, Lyon, Macdonald, McDougall, McQueen, Matteson, Maurice, Meacham, Andrew Oliver, Parker, Peck, Peckham, Phelps, Preston, Richardson, Rogers, Seymour, Shower, Simmons, Singleton, Skelton, Samuel A. Smith, Solters, Stratton, Straub, Andrew Stuart, David Stuart, John J. Taylor, Walbridge, Walker, Warren, Israel Washburn, Wells, John Wentworth, Westbrook, Wheeler, Witte, Daniel B. Wright, Hendrick B. Wright, and Yates.

A quorum being now present, [one hundred and forty-six members having answered to their names,] the Committee of the Whole on the state of the Union resumed its session.

The CHAIRMAN. The question pending, when the committee found itself without a quorum, was on the amendment offered by the gentleman from Arkansas, upon which tellers had been ordered.

Mr. GREENWOOD. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the Union generally, and particularly the civil and diplomatic appropriation bill, and had come to no resolution thereon.

On motion by Mr. ROWE, the House then adjourned (at half past two o'clock) till to-morrow at twelve o'clock, m.

IN SENATE.

SATURDAY, July 1, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

PETITIONS, ETC.

Mr. BADGER presented the memorial of Frances Ann McCauley, widow of D. S. McCauley, late United States consul general for Egypt, and consul at Tripoli, praying indemnity for losses and expenses incurred by her husband while consul at that place; which was referred to the Committee on Claims.

Also, the memorial of George Gibson, one of the heirs of Anna Gibson, deceased, praying the payment of certain bills of credit issued by the Continental Congress, which were deposited in the Treasury for redemption, and destroyed by the conflagration of the Treasury Building in 1833; which was referred to the Committee on Finance.

Mr. CASS presented a memorial of the Board of Managers of the Washington National Monument Society, praying the aid of Government in the completion of the monument, now being erected in the city of Washington; which was referred to the Committee on the District of Columbia.

Also, a petition of citizens of Detroit, Michigan, praying that the present rates of ocean postage may be reduced; which was referred to the Committee on the Post Office and Post Roads.

Mr. SUMNER presented a memorial signed by six hundred and eighty-four men of Massachusetts, chiefly citizens of Boston, asking for the repeal of the act of Congress of 1850, usually known as the fugitive slave law; which was referred to the Committee on the Judiciary.

Mr. NORRIS presented the petition of W. P. Young, praying arrears of compensation as an inspector of customs at Portsmouth, Virginia; which was referred to the Committee on Claims.

Mr. MALLORY presented the memorial of Richard S. Cox, William A. Bradley, and Gilbert L. Thompson, proposing to furnish, for the use of the Navy "compressed or composite coal," an article of fuel recently invented by them; which was referred to the Committee on Naval Affairs.

Also, the memorial of Frederic Chataud, a lieutenant in the Navy, praying certain allowances in the settlement of his accounts as acting purser of the United States store-ship Fredonia, in the

year 1852; which was referred to the Committee on Naval Affairs.

Mr. BRIGHT presented a petition of the inspectors of the customs for the port of Baltimore, praying an increase of compensation; which was referred to the Committee on Finance.

Mr. ROCKWELL presented a memorial of citizens of Lowell, Massachusetts, praying the passage of a law prohibiting the employment of officers of the Army as superintendents of national armories; which was referred to the Committee on Military Affairs.

REPORTS FROM STANDING COMMITTEES.

Mr. ADAMS, from the Committee on Retrenchment and Reform, reported a bill to establish a department of law, to prescribe certain duties of the Auditors and Comptrollers of the Treasury, and for other purposes; which was read, and passed to a second reading.

Mr. MALLORY, from the Committee on Naval Affairs, to whom was referred the petition of Jonathan D. Ferris, late a sailing-master in the Navy, praying the difference of pay for the time he performed the duties of lieutenant commanding, submitted an adverse report thereon.

He also, from the same committee, to whom was referred the memorial of Foxhall A. Parker, praying indemnity for various expenses necessarily incurred by him while commanding the East India squadron, reported a bill for the relief of Commodore Foxhall A. Parker of the United States Navy; which was read, and passed to a second reading.

He also, from the same committee, to whom was referred the memorial of Jasper Strong and George Terrill, praying authority to construct a railroad from the Perdido river to the bay of Pensacola, near the town of Warrington, Florida, reported a bill granting to Jasper Strong and their associates the right of way for a railroad through the reserved lands, near the navy-yard, Pensacola, in the State of Florida; which was read, and passed to a second reading.

Mr. BUTLER, from the Committee on the Judiciary, to whom was referred the memorial of George W. Harris, praying that Congress may pass an act to vest in him the copyright to the thirteenth, fourteenth, and fifteenth volumes of the Pennsylvania State Reports, reported a bill for his relief; which was read, and passed to a second reading.

Mr. CLAY, from the Committee on Claims, to whom was referred the memorial of the legal representatives of Henry Payson, assignee of John Randall, owner of the schooner Contradiction, praying indemnity for the confiscation of that vessel and cargo at the Island of Margaritta, in 1812, submitted an adverse report thereon; which was ordered to be printed.

Mr. SLIDELL, from the Committee on Foreign Relations, to whom was referred the memorial of Robert M. Hamilton, United States consul at Montevideo, praying compensation for diplomatic services, submitted an adverse report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of H. S. Sanford, late chargé d'affaires at Paris, praying to be allowed the difference between his pay as secretary of legation and chargé d'affaires during the time he acted as such, and the reimbursement of the amount paid for clerk hire in said legation, submitted a report thereon, together with a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. BRIGHT, from the Committee on Finance, to whom was recommitted a bill to provide for the payment of such creditors of the late Republic of Texas as are comprehended in the act of Congress of September 9, 1850, reported it back with sundry amendments, together with a report; which was ordered to be printed.

NOTICES OF BILLS.

Mr. BRIGHT gave notice of his intention to ask leave to introduce a bill donating a portion of the public lands, in alternate sections, to aid in the construction of a railroad from a point on the Ohio and Mississippi railroad, in the State of Indiana, by the way of the Falls of the Ohio and Evansville, to the Mississippi river, at or near Cairo.

Mr. SUMNER gave notice of his intention to ask leave to introduce a bill to repeal the act

passed in September, 1850, usually known as the fugitive slave act.

BILL INTRODUCED.

Mr. ADAMS asked and obtained the unanimous consent of the Senate to introduce a bill to amend the several acts granting bounty lands, and for other purposes; which was read, and passed to a second reading.

SCHOOL LANDS.

Mr. JOHNSON. I move that the Senate proceed to the consideration of the bill "allowing exchanges of and granting additional school lands in the several States which contain public lands." It has passed the Senate several times, and been sent to the House of Representatives, but it has never been taken up there.

Mr. MALLORY. The bill which is first in order to-day, as the unfinished business of yesterday, is the bill to "authorize the sale of reserved lands and for other purposes," which was half read through yesterday at the time of adjournment. It is on the same subject as the bill to which the Senator from Arkansas refers. There will be no opposition to it, I am satisfied. It has been prepared at the Department. Its object is to authorize the sale of lands hitherto reserved for military purposes. I would ask the Senator from Arkansas, as that bill is a prior order, to let it be taken up first.

Mr. JOHNSON. I hope the Senator will not object to taking up this bill. It has heretofore passed the Senate without any objection. I cannot consent to give way. It is for the benefit of the Senator's State as well as mine; and I do hope he will not object to it.

Mr. MALLORY. I do not object to the bill; but the one to which I refer is first in order, and is on the same subject.

Mr. JOHNSON's motion was agreed to; and the bill was read a second time, and considered as in Committee of the Whole.

It proposes to authorize that where the sixteenth section, heretofore set apart for the use of schools in each of the several States which contain public land, has been or shall be found unfit for cultivation, or wherein the township, being fractional, it shall appear that there is no, or only a part of a, sixteenth section, the States, respectively, shall be at liberty to relinquish that sixteenth section, and to select any other section, either as a whole section, or in any legal subdivisions within the same township that may remain subject to sale by private entry; or should none such remain in the same township, then that the selection may be made in each case from any land within the limits of the State subject to sale by private entry, and upon the approval, by the Secretary of the Interior, of the new selection, the original tract is *ipso facto* to revert to and become public lands of the United States.

There is to be selected, in the same manner, an additional section of land, either as a whole section, or in any legal subdivisions, for each township within the States, and under their authority, which section granted for the use of schools within the township, is to be recorded and conveyed as before stated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

THE AFRICAN SLAVE TRADE.

Mr. CLAYTON. I move that the Senate take up for consideration the bill reported from the Committee on Foreign Relations, "for the more effectual suppression of the slave trade in American-built vessels."

Mr. SUMNER. Before that motion is put, I should like to ask the honorable Senator from Delaware, whether it is his purpose to have the bill put on its passage now?

Mr. CLAYTON. Yes, sir, if I can. There is no time to lose. If it be longer delayed, the other House cannot act on it.

Mr. SUMNER. I have not examined the bill with the care which I should like to give to one of such importance. So far as I do understand it, I hope it may be amended in an important particular.

Mr. CLAYTON. That will be a subject for consideration when the bill is taken up. Let it come under consideration, and then it will be subject to amendment. The bill is not under consideration yet; when it is, the gentleman can offer

his amendment, or give his objections, if he has any.

Mr. SUMNER. I know it is not up; but I made the remark by way of suggestion to the Senator from Delaware; and I wish to follow it up by the direct suggestion that the bill be allowed to lie over for the present. It is within my knowledge that at least one honorable Senator desires to speak somewhat at length on some aspects of the questions presented by the bill. I do not myself.

Mr. CLAYTON. I have only to say that the effect of such an opposition will be to defeat the bill, and that I want the American people to understand. It is to defeat a measure which has for its object the suppression of the slave trade. Now, sir, let us get at it, and then let us witness the opposition. The question is now on the motion to proceed to its consideration.

The motion was agreed to; and the bill was read a second time, and considered as in Committee of the Whole.

It proposes to direct whenever any American registered ship or vessel shall, in whole or in part, be sold or transferred to a citizen or citizens of the United States, at any foreign port or place in North or South America, or in any of the West India Islands, or in the Cape de Verde Islands, or any island on or near the coast of Africa, the instrument of writing in the nature of a bill of sale, reciting at length her certificate of registry, in pursuance of the fourteenth section of the act of Congress of December 31, 1792, concerning the registering and recording of ships or vessels, shall be utterly void, unless it shall be executed in the presence of a minister or consul of the United States there residing, and shall contain an express condition that such instrument, and the title of the purchaser claiming under it, shall not be valid if the vessel shall make, or attempt to make, a voyage to the coast of Africa before returning to the United States for a new register. And if any citizen of the United States, in any such place, being the owner or agent for the sale of an American vessel, shall sell it, knowing that she is to be employed in the African slave trade, or that she is about to make a voyage to the coast of Africa before returning to the United States, or shall charter a vessel of which he may be the owner or the agent for a voyage to the coast of Africa, with the intent to sell the vessel on that coast, every person so offending, on conviction before the circuit court of the United States, for any district wherein he may be brought or afterwards found, shall pay ten thousand dollars, and be imprisoned for a term not exceeding three years, at the discretion of the court. Every charter of an American ship or vessel at any such foreign place, with the intent that the vessel shall be employed in the African slave trade, and every sale of an American ship or vessel on the coast of Africa, except it shall be duly condemned as unseaworthy, is to be illegal and void.

When any citizen or other person shall lodge information with the attorney of the district of any State or Territory, against any person for the violation of the act, by any sale or charter, or attempt to sell or charter any American vessel, contrary to the provisions of this act, it is to be the duty of the attorney to commence a prosecution against the offender, and upon conviction of such offense, the informer or informers who shall have lodged the information, as aforesaid, are to be entitled to receive one half the net sum recovered and paid into the hands of the marshal of the district, exclusive of costs; and every vessel illegally sold or chartered, contrary to any of the provisions of this act, is with all her tackle and furniture, to be forfeited to the United States, which, after condemnation by any court of the United States in the district into which she may be brought or found, are to be sold, and one half the proceeds paid over to any citizen, or other person, who shall have lodged the necessary information before the attorney of the district for the condemnation of the vessel.

Every owner or agent for the sale of an American ship or vessel, who shall sell such ship or vessel in any of the ports as described, and every purchaser thereof, are, at the time of the execution of the instrument of writing in the nature of a bill of sale for the transfer of the vessel, to make oath or affirmation before a minister or consul of the United States residing at the place, that the

vessel is not intended to be engaged in the African slave trade, which oath or affirmation is to be reduced to writing by the minister or consul, and by him duly certified and transmitted to the Department of State of the United States, which certificate, or a copy thereof, under the hand and seal of the Secretary of State, is to be evidence in any court of the United States; and if any such owner, agent, or purchaser, shall swear or affirm falsely in the premises, he is to be deemed guilty of perjury, and shall, on conviction suffer all the pains and penalties imposed by the acts of Congress for willful and corrupt perjury. Each party to every charter party executed in any foreign port is to make the same oath or affirmation, to be taken, certified, and transmitted, and a copy authenticated and proved in the same manner, and he is to be punishable in the same way for swearing or affirming falsely. No such instrument in the nature of a bill of sale, and no such charter party is to be held legal and valid unless the provisions of the act shall have been complied with.

Mr. CLAYTON. I have only one small amendment to offer. It is in the first section, to strike out the words, "North or South America," and in lieu thereof to insert "on the Atlantic coast of America, or on any island, gulf, bay, inlet, or river, on or near that coast." The object of this amendment is to confine the foreign port or place where these sea-letters shall be prohibited in the way they are by the bill, to the Atlantic coast, instead of the Pacific coast of North and South America.

The amendment was agreed to.

Mr. CLAYTON. Mr. President, I have but a few words to say upon the merits of the bill. We now maintain a squadron, and we have four ships on the coast of Africa. The English have twenty-seven, and the French twelve or thirteen. The English and French together have about forty vessels on the coast of Africa, and we but four. It is but a fair calculation to say that they have eight times the force there, that we have. Now the effect of this bill is simply this: Even if our squadron be withdrawn from the coast of Africa, which this bill does not contemplate, it will put eight times the force on the coast of Africa for the suppression of the slave trade which exists there now, because it deprives every slaver of American nationality, and, in consequence of that, a foreign cruiser can search her and seize her. Without this alteration in the law, a foreign vessel cannot seize, cannot search her. If she, as I stated the other day, has a thousand slaves in her hold when a foreign cruiser boards her, she cannot stop her. Then, sir, the bill recommends itself at once, without further discussion, to the humane consideration of every gentleman present. I hope, without further debate, it may pass now, in order that it may go to the House of Representatives in time to become a law during the session.

Mr. HAMLIN. Mr. President, I shall vote for this bill in the form in which it is now presented to the Senate; but still, I desire to make a suggestion to the honorable Senator who has reported it, which, if adopted, will meet my approbation, and will, I think, make the bill much more effectual. I think I am justified in saying that there is no commerce between the Atlantic coast of South America and the coast of Africa, in which our vessels have been engaged, which is not directly connected with the slave trade; or, in other words, none of our vessels leave the South American Atlantic coast for Africa, except for the purpose of participating in the slave trade.

The bill, therefore, in my judgment, should be one absolutely prohibiting trade in American vessels between the South American Atlantic coast and Africa, and forfeiting the vessel for any engagement in that commerce. Then, let the bill contain a further provision, that where any transfer has been made in the islands adjacent to us the vessel shall return home and take out new papers.

The object of granting sea-letters, I take it, originally was to benefit the navigating interest, to encourage ship building in the United States, in order that American vessels might be sold abroad. I so understand it. If a sale were made in a South American port, as low down as Brazil, or lower, and you were to compel that vessel to return to the United States and obtain a bill of sale before the transfer was made, you might find it impossible, in many instances, to sell where you can sell by granting a sea-letter. I would not, therefore,

compel a return of the vessel absolutely, before the sale of the vessel in those ports, to get a bill of sale from the proper officers in the United States; but I would absolutely prohibit the trade in that vessel between the South American Atlantic coast and the coast of Africa. Then there can be no avoiding the provision.

Why, sir, the law is well enough now, but for an avoidance of it; and let me tell the honorable Senator from Delaware; that in my judgment, men who will engage in this traffic, will find ways enough to evade the provisions of this bill. There is no adequate method by which the trade can be suppressed, except by prohibiting intercourse entirely between these two coasts. I have come to this conclusion from a long conference with gentlemen who have resided in Brazil, and from a thorough investigation of it with a gentleman of Virginia, who was at the time resident in that place. He satisfied me, beyond a doubt, that the only possible way of suppressing the trade was to declare it illegal in whole from these southern ports, and then require your vessels absolutely to return from the islands which are nearest—Cuba, Jamaica, and all those islands—before transfer.

This latter provision may be some hardship. Perhaps sales may be sometimes prevented, if you require our vessels to return from there; but still the distance is not so great as to make it very onerous upon them; and a bill containing these two provisions, in my judgment, would be vastly more effective, and vastly more certain of producing the results which the honorable Senator from Delaware desires. Still, I shall vote for the bill in its present form, if it cannot undergo this alteration.

Mr. CLAYTON. Mr. President, I could make the bill more effectual, as the honorable Senator says, very readily by prohibiting all trade whatever from any Atlantic port, or any West India port; but, then I should trespass on a great principle of policy to which the United States have uniformly adhered; and that is, not to interfere with either the ship-building or the navigating interest of the country. That has been the cherished policy of the Government.

Now, sir, I do not wish to have this great measure encounter any such opposition as this bill will meet if the suggestion of my honorable friend be adopted. I do not say that, thinking as I do of this inhuman traffic, I might not agree with him, even at the expense of the navigating interest, in the suggestion he has made. But, sir, I am satisfied that this bill is sufficient for the purposes we have in view, and it is not necessary at all to interfere either with the navigating interest, or the ship-building interest of the country.

I think it is true that there is not a very extensive trade between the South American and African coasts, but nevertheless there is a trade, the extent of which probably neither the honorable Senator nor myself is aware of. Our trade is growing with that country, and will continue to grow between different parts of the world, every year.

Here, sir, we have in view the adoption of a great measure of humanity, and in endeavoring to get it through, let us avoid bringing it into conflict with any of these questions of national policy. As the bill now stands, it cannot interfere at all with the navigating interest of the country, nor with the ship-building interest in any form. It cannot encounter objection from any man who is not resolved that the African slave trade shall go on as it has under these sea-letters. I trust, therefore, that the bill will pass as it stands.

Mr. PETTIT. Mr. President, I regret that I am not better acquainted with the strategy and detail of commerce, and especially this kind of commerce which it is proposed to suppress. I will say, however, that there is no Senator who will go further than I will to suppress this traffic, which is abhorred by God and denounced by man. Its suppression is a measure that commends itself to the consideration and the approval of every man of heart in the country, as I believe.

I regret, sir, that I have not had an opportunity to examine the details of this bill. No such opportunity has been given the Senate at all. The bill has been but recently brought before the body. I urged the Senator at his seat to consent to let the matter lie over until Monday, but he did not see fit to do so. I hope that something will arise that shall render it necessary to pass the bill over, until we can consider it further.

Before I sit down, I shall offer an amendment to this bill, providing for putting into the hands of the colonization society some funds, to furnish them help and aid to suppress this trade. Such a measure, in my judgment, will be more efficient than even this bill. Nothing, in my opinion, is so well calculated to suppress that trade as to create a cordon of civilized towns upon the African coast, south of the present settlements in Liberia. A small amount of money, probably one third or one fourth the amount which it now costs us to maintain the squadron which we are bound by the Ashburton treaty to keep up on the African coast, will do four times as much service in the suppression of the slave trade as is now done by the maintenance of that squadron. I am therefore by no means wedded to its continuance. I am willing that the treaty shall be abrogated, so far as that is concerned, provided always we get something more efficient to take its place. But, sir, I am not willing now, in view of the passage of a recent measure that has excited the country, to remove and repeal the last barrier, as it will be said, whether truly or not, to the suppression of the slave trade, with a view to the importation of slaves into the country to answer a supposed increased demand. I cannot consent to withdraw that squadron, unless something more efficient, or, at least, as efficient, be placed in its stead.

I believe, sir, that, instead of appropriating eight hundred thousand or a million of dollars a year for the maintenance of eighty guns on the coast of Africa, an annual appropriation of two hundred and fifty thousand dollars to the American Colonization Society, to enable them to ply steamers between our coast and the African coast, with ordinary equipments, perhaps one long gun and other preparations for seizing and suppressing African slavers, and with a view to the purchase of tracts of country from time to time on this coast, upon which to plant your emigrant negroes and build up civilized societies, will be the most efficient measure that can be adopted. On this coast slaves are now brought to market and sold there, as is well known, to traders for this continent and its adjacent islands. I believe that, by enabling the American Colonization Society to settle it with civilized communities, we should do tenfold more to suppress the slave trade than by the maintenance of the present squadron, or even the provisions of this bill.

The subject has not been well matured by me, but there can be, in my judgment, nothing so well calculated to suppress slavery and the slave trade, as civilization. Put civilization as a wall along the coast of Africa, where these creatures are brought from the interior by their brethren and sold to the cupidity of American traders, and you will at once, I believe, effectually suppress this trade. I wish to accomplish that object. But not being willing that our present preventive measures shall pass from our hands; not being willing that this provision of the Ashburton treaty shall be abrogated, or even that this bill shall be passed at present; and not being willing to trust to the liberality of Senators and members to pass what, in my judgment, the occasion demands, after the adoption of this bill, I shall insist, before it be passed, that some provision like that which I now offer shall be adopted, or some evidence given that it will be adopted. With that view I offer the following additional sections, as an amendment to the bill:

SEC. —. *And be it further enacted*, That the sum of \$250,000 be, and is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to the order of the proper officer of the American Colonization Society, for the year ending 30th of June, 1855, for the purpose of enabling said society to establish a line of steam vessels consisting of two steamers. Said steamers shall each make three trips within the year, and, as near as possible, at regular intervals, alternating between the ports of New York, Baltimore, Norfolk, Savannah, and New Orleans, and the west coast of Africa, touching at such places as said society shall direct.

SEC. —. *And be it further enacted*, That the Government of the United States shall have the privilege of transporting to and from West Africa, the Government mails, and likewise the Government stores, each trip.

SEC. —. *And be it further enacted*, That said society shall arm each steamer with one long, heavy gun, on a pivot, and two small guns, and shall man them with a proper complement of seamen to render efficient service, under private commissions from the Government, to repress and check slavers on the line of their voyage between this country and the west coast of Africa, and along the line of said coast, and on their return voyage shall run down said coast as low as Cabinda, and return cruising along said coast as high as the Gambia.

Mr. CLAYTON. Mr. President, I hope that amendment will not prevail. If it be adopted it may perhaps defeat the bill. If the honorable gentleman desires to offer such a proposition as that the Government of the United States shall employ the Colonization Society in the business of navigating steamers between this country and Liberia, let him bring it forward on some other occasion. Let him bring it forward on some occasion when it will not embarrass a measure of this salutary character. There is nothing of necessary connection between this amendment and the bill.

I, sir, am myself a friend of the Colonization Society, and I should be very happy to see it advanced in all its great objects; but I do think that if this amendment be engrafted on the bill at this time, it will defeat it. We know that honorable gentlemen here, who are friendly to the bill as it stands, are directly opposed to this amendment. There is no necessary connection whatever between the two. I trust, therefore, that as the honorable gentleman professes to be in favor of the bill, he will consent to withdraw the amendment, if he discovers, as I think he will, on a very slight examination, that it must necessarily obstruct the passage of the measure.

I do not go into a discussion of the questions arising out of the amendment the gentleman has proposed. I confine myself in my objection to it to this single remark, that it must have the effect of impeding the passage of the bill. There is barely time now left for the bill to pass through the House of Representatives as well as the Senate, although I believe there is a general feeling in favor of the measure, in both branches of Congress. I hope the Senate will not agree to the amendment.

Mr. PETTIT. I will not say that the honorable Senator from Delaware is opposed to this measure to appropriate any money for the suppression of the slave trade, but he talks very much like a member of any legislative body who is opposed to a measure submitted. He says this is not the right place, it is wrong; it has no connection with this bill, move it somewhere else. Move it again, when we have the least possible chance of success, is the advice the Senator gives me.

Sir, so far as relates to its connection with this bill, none could be more appropriate. The bill is entitled "A bill for the more effectual suppression of the slave trade in American-built vessels," and nothing can be more appropriate for that purpose than the appropriation of a small amount of money to carry out the object. What could be more efficient than the plying of two steamers which it is proposed shall be plied? What could be more efficient than the appropriation of the money proposed by it?

I desire, Mr. President, however, while I am up, to say, that I shall press this amendment, or something in its form. I am not willing that this bill shall pass, that the subject shall be up in any form, that the abrogation of the treaty of 1842 shall take place, withdrawing our squadron from that coast, unless there shall be some substitute for it. I desire, however, to ask that the whole subject may lie upon the table, and the bill be ordered to be reprinted, with the amendment, in order that Senators may see it. It may need some pruning, some alteration, and some amendment; and until Senators can see it, they cannot well make up their minds. I move that the bill lie on the table, and be ordered to be reprinted with the amendment.

Mr. CLAYTON. I hope the Senator will withdraw that for a moment.

Mr. PETTIT. Certainly.

Mr. CLAYTON. The honorable Senator labors under an entire misapprehension of the character of the bill. Why, sir, the bill has nothing to do with the abrogation of the fifth article of the Ashburton treaty of 1842. It contains no provision on that subject whatever. It has nothing to do with it. It contains provisions for the suppression of the slave trade in American-built vessels, but it does not, in any part of it, refer to the Ashburton treaty, or to the withdrawal of any part of our squadron from the coast of Africa.

Mr. PETTIT. Another proposition does contemplate that.

Mr. CLAYTON. What is the effect of the Senator's proposition? To order this to lie on the

table until he can have time to look at it further. The session is nearly at an end; we have no time to lose. If honorable Senators concur with me in the beneficent character of this measure, and the humanity of it, they will, unless they have objection to it, assist me in its passage, and I call upon them to stand by me and assist me in passing it now, in order that the other branch of Congress may have an opportunity to act upon it.

Mr. HUNTER. I hope this subject will go over. The amendment of the Senator from Indiana presents a very important question; and I think it is likely to commit the United States to the adoption of a very dangerous policy. At any rate, I should like to have time to look into it further. I hope, therefore, it will be allowed to go over. We ought not to be hurried to a vote on such a subject as this.

Mr. PETTIT. I move to postpone the further consideration of the subject until Wednesday, as the Senate has agreed to adjourn from to-day until Wednesday; and that the bill be reprinted with the amendment.

Mr. CLAYTON. Does the honorable Senator from Virginia propose to sustain the amendment of the Senator from Indiana?

Mr. HUNTER. No, sir; I am opposed to it as far as I understand it. I wish to examine it further, however.

Mr. CLAYTON. Would the honorable Senator under any circumstances give \$250,000 to the Colonization Society for this purpose?

Mr. HUNTER. Certainly not. But I wish to look further into the matter.

Mr. BRIGHT. I sympathize with my colleague, and think his amendment germane to the bill. If he intends to press the consideration of the subject upon the attention of Congress at this session, it cannot be so properly done upon any bill as upon this. The amendment is an important one; it appropriates a large sum of money. The hour of one o'clock is arrived, at which the Senator from Texas is entitled to the floor. I therefore hope the subject will be postponed for the purpose of letting him proceed with his remarks.

The PRESIDING OFFICER. (Mr. BADGER in the chair.) The question is on the motion to postpone the further consideration of the subject until Wednesday next, and that the bill be reprinted with the amendment.

Mr. CLAYTON. It is not to order it to lie on the table.

Mr. PETTIT. No, sir; I submitted a motion to postpone in place of the other motion.

The motion was agreed to.

TELEGRAPH TO THE PACIFIC.

Mr. GWIN. I move that the Senate take up the bill to authorize the construction of a line of telegraph from the Mississippi river to the Pacific ocean, not for the purpose of considering it now, but to postpone it until Wednesday next, so as to have it considered then. It has been reported from the Committee on Territories.

The motion was agreed to.

Mr. HAMLIN. I desire to offer a few amendments to the bill. It will take but a few moments for their consideration. The first is in the first section of the substitute of the committee, to strike out the words "or some other point on the Pacific coast." The object is to make the termination definite at San Francisco instead of indefinite.

The amendment was agreed to.

Mr. HAMLIN. The next amendment is in the second section of the substitute reported from the committee, to insert after the word "and" the word "after," so as to provide that—

"Said working stations are to be supplied with all the requisite telegraph apparatus, instruments, operators, and men necessary to its efficiency and reliability; and the same shall be completed and put in operation within two years from the passage of the bill, and after such State legislation as may be necessary to authorize its construction by the States through which it may pass."

The amendment was agreed to.

Mr. HAMLIN. The next I propose is to add, after the word "legislation," in the same clause, "shall have been secured." It is a mere verbal amendment.

The amendment was agreed to.

Mr. HAMLIN. The next amendment is in the sixth section of the committee's substitute, to insert after the word "lands" the words "ex-

cluding all mineral lands." It now provides for land warrants to be issued for two millions of acres of lands. The amendment is, that all mineral lands shall be excluded therefrom.

The amendment was agreed to.

Mr. HAMLIN. The next amendment is to add after the word "section," in the same section of the committee's substitute, the words, "in alternate sections." That is in the clause giving the right to select from the public lands along the line of the telegraph.

The amendment was agreed to.

Mr. HAMLIN. The next amendment is in the same section to strike out the word "less" and insert the word "more." As it now reads, it gives the right to select "not less than a section or more than a township in one body." The amendment is to make it read, "not more than a section."

The amendment was agreed to.

Mr. HAMLIN. I next propose to strike out of the sixth section the words: "Nor more than a township in one body. If more than a township shall be selected in the same locality, alternate townships only shall be taken." The bill will then simply provide for the sections to be taken in alternate sections, instead of townships.

The amendment was agreed to.

Mr. HAMLIN. I next propose, in the same section, after the word "surveyed," to insert "if practicable," so that the clause shall read, "where unsurveyed lands shall have been selected, the President of the United States shall cause the same to be surveyed, if practicable."

The amendment was agreed to.

Mr. HAMLIN. The last amendment which I propose is in the proviso of the sixth section, after the word "with," to insert "the location and," so that the proviso shall read:

"That in the event a railroad to the Pacific ocean shall be located on or near said line of telegraph, the grant of land contemplated in this section shall be so located as not to interfere with the location, and any grant Congress may make in aid of the construction of said railroad."

Mr. GWIN. These amendments have been made at my suggestion, and others may be necessary before the bill is perfected. That in regard to the exclusion of mineral lands from donation I had inserted to put a stop to the circulation of falsehoods in my own State that, because these land donation grants do not, in express terms, exclude the mineral lands, they can be selected as other public lands, if the bills asking for those grants become laws. This is not true; but those who have told one falsehood to prejudice me among my constituents will repeat it on every occasion that a pretext is given them. Years ago, soon after I took my seat in this body, I advocated the exclusion of the mineral region in California from the operation of general legislation in regard to the public lands; and it is now the law of the land, and through my agency. Yet I intend every bill donating the public lands, that may apply to California, to have an express provision excluding the mineral lands from its operation, to prevent enemies from misrepresenting me to my constituents. I move now the postponement of the further consideration of the subject until half past twelve o'clock, on Wednesday next.

Mr. HAMLIN. I ought to have stated that the amendments were all made with the approbation of the Committee on Territories.

Mr. GWIN's motion was agreed to.

JAMES ROBERTSON.

Mr. EVANS. A man of the name of Robertson, who is probably known to every Senator, sometime since presented a claim, through a memorial, which was laid before the Senate by the Senator from Mississippi. It was referred to the Committee on the Contingent Expenses of the Senate, and a report is now before the body on the subject, which I ask, as a special favor to myself, may be disposed of now. I am harassed day by day by his applications. I have just received a note from him, in which he says that General Houston is willing to defer the commencement of his speech, in order to enable him to have this thing acted upon.

Mr. HOUSTON. If it should lead to no debate, I have no objection.

Mr. EVANS. I presume there will be no de-

bate. The report is adverse to the claim; but he tells me that more than a majority of the Senate are disposed to give him something. He particularly mentions my friend from Iowa, [Mr. DODGE], who is on the same committee as myself. I move that the report be taken up, so that we may dispose of it.

Mr. HOUSTON. I shall not certainly interfere with the Senator from South Carolina, if it be possible to dispose of this report immediately. I have already given way this morning to gentlemen, to enable them to bring forward their bills, but it seems to me that the applications multiply; still, if this subject can be disposed of without debate, I shall yield with pleasure.

Mr. EVANS. If it gives rise to debate I shall consent to postpone it.

Mr. HOUSTON. With that understanding, I give way.

The Senate accordingly proceeded to consider the report.

The committee do not consider the case as coming within the subjects of their cognizance. Their proper business is to audit and control the funds set apart yearly for the contingent expenses of the Senate. The claim of the petitioner is for damages sustained by reason of the unlawful arrest and imprisonment by the officers of the Senate. This cannot be considered as one of the contingent expenses of the Senate which it is the duty of the committee to audit or control. If the petitioner is entitled to any damages, it should be granted by an act of Congress, or by a resolution of the Senate. Taking this view of the case, they are unable to conjecture why the petition was referred to them, unless it be that they should report on the facts. The subject has been more than once before the Senate, and two very full reports have been heretofore made, which, it is believed, embody all the facts of the case. To these, the committee have nothing to add, except that so far as has appeared to them, the petitioner is a harmless and inoffensive man, and had no design on the life of Mr. Clay, on a suspicion of which he was arrested by the officers of the Senate. He had conceived the notion that Mr. Clay had done him great injuries, and was unworthy of a seat in the Senate. He had drawn a memorial setting out his charges, and had applied to Mr. Foote, of Mississippi, to present it, and had come into the Senate Chamber with a view to get it presented. This led to the apprehension that his mind was disordered, and in order to prevent any act of violence, whilst under this delusion, he was arrested and committed to prison.

Although the committee do not consider the subject as falling within the sphere of their duty, yet they were willing to collect the facts and to recommend, as has been heretofore done, some reasonable gratuity to one in his condition; but, on conversing with him, his demands were so exorbitant that they decline to make any recommendation—leaving it to his friends, of whom, he says, he has many in the Senate, to submit a resolution for further compensation, if it is considered he has any claims.

The PRESIDING OFFICER. (Mr. BADGER in the chair.) The Chair does not perceive that this report contains any recommendation for the action of the Senate.

Mr. PETTIT. I move that the Senate concur in the report.

The PRESIDING OFFICER. The Chair supposes that the Senator's intention is to discharge the committee from the further consideration of the subject.

Mr. PETTIT. Yes, sir.

Mr. EVANS. Some Senator may have a proposition to offer.

Several Senators. Oh, no.

The motion to discharge the committee was agreed to.

ADJOURNMENT SINE DIE.

A message was received from the House of Representatives, by Mr. McKEAN, Chief Clerk, announcing that they had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the resolution providing for the adjournment of the present session of Congress.

Mr. GWIN. I am instructed by the committee of conference to make a report. It is of course the same as that which has been concurred in by

the House. I hope it will be concurred in by the Senate.

The report was read. It recommends that the House recede from their original resolution, that the Senate recede from their amendment thereto, and that the President of the Senate, and the Speaker of the House adjourn their respective Houses *sine die* on Friday, the 4th of August, at twelve o'clock, m.

The report was concurred in.

PERSONAL EXPLANATION.

The PRESIDING OFFICER, (Mr. BADGER in the chair.) The Senator from Texas, in pursuance of notice, asks the unanimous consent of the Senate to make a personal explanation. If there be no objection, the Senator will now proceed.

Unanimous consent was given.

Mr. HOUSTON addressed the Senate for nearly three hours, in the course of which he quoted much documentary testimony in relation to the late Texas Navy, and certain acts of Commodore E. W. Moore, when Texas was an independent Republic, and the Senator was its President. The subject of incorporating the officers of the Texas Navy with that of the United States, has frequently been before Congress, and a personal controversy has arisen, which the Senator from Texas thought required from him the explanation and statement which he this day made. His speech will be published in the Appendix.

LAND SYSTEM IN THE TERRITORIES.

Mr. DODGE, of Iowa. The Committee on Public Lands, to whom was referred the bill of the House of Representatives, "to establish the offices of surveyor general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes," have instructed me to report it back without amendment. I wish to state that this is exactly similar to a bill which passed the Senate with the addition of a section providing for a surveyor general's office for the two Territories of Kansas and Nebraska, and a land office for each. As it is important that we should have early action on the subject, I ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

REFERENCE OF HOUSE BILLS.

The bill from the House of Representatives further to amend the act entitled "An act to reduce and modify the rates of postage in the United States, and for other purposes," passed March 3, 1851, was read a first and second time by its title, and referred to the Committee on the Post Office and Post Roads.

The House bill for the relief of A. B. Roman, of Louisiana, was read twice by its title, and referred to the Committee on Private Land Claims.

The joint resolution from the House to correct a clerical error in an act approved June 22, 1854, to authorize a register to be issued to the steamer *El Paraguay* by a new name, was read twice by its title, and referred to the Committee on Commerce.

TITLE TO LANDS.

Mr. DODGE, of Iowa. The Committee on Public Lands have instructed me to report a bill "to vest in the several States and Territories the title in fee of the lands which have been, or may be certified to them." This bill is stated by the Commissioner of the General Land Office to be necessary, in consequence of a decision of the Supreme Court of the United States at its last term. I am sure no one will object to the bill. I ask for its immediate consideration.

By unanimous consent, the bill was read twice and considered as in Committee of the Whole.

It provides that where lands have been, or shall hereafter be granted by any law of Congress to any State or Territory; and where the law does not convey the fee simple title of the lands, or require patents to be issued therefor, the lists of such lands which have been, or may hereafter be certified by the Commissioner of the General Land Office, under the seal of the office, either as originals, or copies of the originals or records, shall be

regarded as conveying the fee simple of all the lands embraced in such lists of the character contemplated by such act of Congress, and intended to be granted thereby; but where lands embraced in such lists are not of the character embraced by the acts of Congress, and are not intended to be granted thereby, those lists, so far as these lands are concerned, shall be null and void, and no right, title, claim, or interest shall be conveyed thereby.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

EXECUTIVE SESSION.

On motion by Mr. GWIN, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, July 1, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

The SPEAKER yesterday appointed Messrs. ORR, MATTESON, and BARKSDALE the committee of conference on the part of the House to meet a like committee on the part of the Senate on the disagreeing votes of the two Houses with reference to the resolution of the House fixing a day for the adjournment *sine die* of the present session of Congress.

ISAAC BOWMAN.

Mr. EDDY. I ask leave of the House to make a correction of a report made by me yesterday in the case of Isaac Bowman. Perhaps I failed in being understood by the Speaker of the House, when I made that report in this case. I stated at the time that the committee concurred in a former report, and that they asked to be discharged from its further consideration. If I did not say this, it was my object to say that the committee had concurred in a former report made by the same committee, and that they desired the adoption of a resolution by the House that they should be discharged from its further consideration. I ask that the Journal be corrected in this respect.

The SPEAKER. The gentleman from Indiana made a report from the Committee on Revolutionary Claims for the relief of Isaac Bowman. He states that the committee directed him to report its concurrence in a former resolution adopted by the committee, which is in the following words:

"Resolved, That the petition in the case of Isaac Bowman be referred to the Secretary of the Interior for liquidation, under the act of April 5, 1832, and that this committee be discharged from its further consideration."

This is the resolution in which the committee concurred, and which they reported to the House. The Chair did not understand that a vote was to be had upon that resolution, and in the usual form directed that the committee be discharged from the further consideration of the case, as requested by the gentleman making the report, and that the report lie upon the table. The gentleman from Indiana, and the committee, it seems, intended to have the action of the House upon the resolution in favor of the claimant, and that the papers should be transmitted to the Department. It will be for the House to determine what course it will take upon the subject.

Mr. HAVEN. I could not hear what the gentleman from Indiana said. I desire to know if he supposes that the Secretary has power, under existing law, to act upon the subject without our conferring on him additional power?

Mr. EDDY. I suppose he has.

Mr. HAVEN. If that is so, we may as well pass the resolution, as it is not a joint resolution.

The SPEAKER. If there be no objection, the question will be upon the adoption of the resolution.

Mr. COBB. I ask the gentleman from Indiana what act is referred to?

Mr. EDDY. I will explain. Lieutenant Isaac Bowman was a lieutenant in the Illinois regiment, under the command of General George Roger Stock. From the evidence before the committee, there can scarcely be the shadow of a doubt but that the services for which the claim is made were performed by Lieutenant Bowman in that regiment, and performed for a period which should

entitle him to a pension under the act of 1832. I suppose it is scarcely necessary to go into the history of the case now. [Cries of "No!" "No!"] Not one of the committee to whom the case was referred entertained a doubt of the justice of the claim. It was a clear one; and the claimant is a very meritorious man.

The resolution was then agreed to.

DUTIES ON FOREIGN MERCHANDISE.

Mr. FULLER. I have a Senate bill here (No. 245) which I desire to have put upon its passage; and I ask the unanimous consent of the House for that purpose. It is a bill for the purpose of facilitating the payment in specie of duties on the importation of foreign merchandise, as it seems that serious inconvenience exists under the present law. It is a bill "to amend the provisions of the fifty-sixth section of the act entitled 'An act to regulate the collection of duties on imports and tonnage,' approved 2d March, 1799."

Mr. JONES, of Tennessee. Let us hear the bill read for information.

The bill was read *in extenso* by the Clerk.

It provides that whenever merchandise is imported into any port of the United States from any foreign country, in vessels propelled, in whole or in part, by steam, and when it shall appear that such merchandise is to be delivered immediately after the entry of the vessel, it shall be lawful for the collector of the customs to take possession of said merchandise, and deposit the same in a bonded warehouse; and whenever it shall not appear that the merchandise is to be immediately delivered, it shall be lawful for the collector of customs to take possession of the same and deposit it in any bonded warehouse at the request of the owner, master, or consignee of the vessel, on three days' notice from such collector.

Mr. DISNEY. I object to the consideration of the bill.

Mr. HARRIS, of Mississippi. I do not wish to inflict a speech upon the House, and I ask the privilege of printing one.

No objection being made, leave was granted.

ADJOURNMENT OF CONGRESS SINE DIE.

Mr. ORR. I ask leave to submit a report from the committee of conference on the disagreeing votes of the two Houses on the joint resolution fixing the day of adjournment of the present session of Congress.

The report was read, as follows:

The committee of conference have met, and, after a full and free consultation, have agreed to recommend that the House of Representatives recede from their original resolution; and that the Senate recede from their amendment thereto; and that the President of the Senate, and the Speaker of the House, do severally adjourn their respective Houses *sine die* on Friday, the fourth day of August next, at twelve o'clock, m.

Mr. ORR. The committee had a very long conference, and agreed upon the report which has been just read at the Clerk's table. The members of this body are as well prepared, I presume, to vote on this question now as they would be after a further debate. The usual practice in this matter is, I believe, to demand the previous question on the concurrence in every report from a committee of conference. And I therefore demand the question on concurring in this report.

Mr. JONES, of Tennessee. I move to lay the report of the committee of conference upon the table, and I hope it will be niled there; and if the House would allow me, I could give the reasons.

Mr. ROBBINS. I ask the yeas and nays upon that motion.

The yeas and nays were ordered.

The question was then taken; and it was decided in the negative—yeas 50, nays 114; as follows:

YEAS—Messrs. Aiken, Banks, Belcher, Campbell, Carpenter, Chandler, Clark, Cobb, John G. Davis, Disney, Eddy, English, Everhart, Florence, Fuller, Green, Hendricks, Henn, Hillyer, Hughes, Ingersoll, George W. Jones, Roland Jones, Lindley, Lindsey, McMullin, Mace, Macy, Maxwell, Mayall, Smith, Miller, Noble, Parker, Bishop Perkins, Pratt, Richardson, Riddle, Rowe, Sabin, Shannon, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, David Stuart, Nathaniel G. Taylor, Thurston, Tracy, Upham, Vail, and Vansant—50.

NAYS—Messrs. Abernethy, James C. Allen, Willis Allen, Appleton, David J. Bailey, Barksdale, Bell, Bennett, Benson, Breckinridge, Bridges, Brooks, Caruthers, Chamberlain, Chastain, Chrisman, Churchill, Clinegar, Colquitt, Cook, Corwin, Cox, Craig, Crocker, Cullom, Thomas Davis, Dawson, De Witt, Dick, Dowdell, Eastman, Edmunds, Edmundson, Thomas D. Eliot, Ellison, Ewing, Farley, Faulkner, Fenton, Flagler, Franklin, Gamble, Greenwood, Grow, Aaron Harlan, Sampson W.

Harris, Wiley P. Harris, Harrison, Hastings, Haven, Hiester, Hill, Houston, Howe, Johnson, Daniel T. Jones, J. Glancy Jones, Kerr, Kittredge, Knox, Kurtz, Lamb, Latham, Letcher, Lilly, McCulloch, McDougall, McNair, Matteson, May, Middleswarth, John G. Miller, Morgan, Morrison, Murray, Nichols, Norton, Olds, Mordecai Oliver, Orr, Packer, Peck, Phelps, Phillips, Powell, Preston, Pringle, Puryear, Ready, Reese, David Ritchie, Robbins, Ruffin, Russell, Sapp, Seward, Shaw, Gerrit Smith, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Alexander H. Stephens, John J. Taylor, John L. Taylor, Trout, Wade, Walley, Walsh, Ellihu B. Washburne, Israel Washburn, Wells, John Wentworth, and Zollcoffer—114.

So the motion was not agreed to.

The question then recurred upon seconding the call for the previous question.

Mr. ORR demanded tellers thereon.

Tellers were ordered; and Messrs. ROBBINS and CORWIN were appointed.

The House was then divided; and the tellers reported 75 in the affirmative, and 66 in the negative.

So the previous question was seconded.

Mr. JONES, of Tennessee. I ask for the yeas and nays upon ordering the main question?

The yeas and nays were ordered.

Mr. McMULLIN. I desire to know if it will be in order to move to reject the report of the committee of conference, and raise a new committee?

The SPEAKER. If the House refuse to adopt the report of the committee, it will then be in order to move to appoint another committee.

Mr. McMULLIN. Well, sir, I give notice that, if the report be rejected, I shall make that motion.

The question was then put upon ordering the main question; and it was decided in the affirmative—yeas 102, nays 63; as follows:

YEAS—Messrs. Abercrombie, James C. Allen, Willis Allen, Appleton, David J. Bailey, Banks, Barksdale, Bell, Bennett, Benson, Breckinridge, Bridges, Carpenter, Caruthers, Chamberlain, Chastain, Chrisman, Clingan, Colquitt, Corwin, Cox, Craig, Crocker, Thomas Davis, Dawson, De Witt, Dick, Dowdell, Edmunds, Edmundson, Thomas D. Eliot, Ellison, Ewing, Farley, Fenton, Flagler, Franklin, Gamble, Greenwood, Aaron Harlan, Sampson W. Harris, Harrison, Haven, Hill, Houston, Howe, Johnson, Daniel T. Jones, J. Glancy Jones, Kidwell, Kittredge, Knox, Kurtz, Lamb, Latham, Letcher, Lindsey, McCulloch, McNair, Matteson, May, Middleswarth, John G. Miller, Morgan, Morrison, Murray, Nichols, Norton, Mordecai Oliver, Orr, Packer, Peck, Phelps, Powell, Preston, Pringle, Puryear, Ready, Reese, David Ritchie, Robbins, Ruffin, Russell, Sapp, Seward, Shaw, Gerrit Smith, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Alexander H. Stephens, John L. Taylor, Trout, Wade, Walley, Ellihu B. Washburne, Israel Washburn, John Wentworth, Yates, and Zollcoffer—102.

NAYS—Messrs. Aiken, Ashe, Belcher, Brooks, Campbell, Caskey, Clark, Cobb, John G. Davis, Disney, Eastman, Eddy, English, Everhart, Florence, Fuller, Goode, Green, Grow, Hastings, Hendricks, Henn, Hiestor, Hillyer, Hughes, Ingersoll, George W. Jones, Roland Jones, Lilly, Lindsey, McMullin, Mace, Macy, Maxwell, Mayall, Smith Miller, Milson, Noble, Andrew Oliver, Parker, Bishop Perkins, Phillips, Pratt, Richardson, Riddle, Thomas Ritchey, Rowe, Sabin, Shannon, Frederick P. Stanton, Richard H. Stanton, Hestor L. Stevens, David Stuart, John J. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Upham, Vail, Vansant, Walsh, and Wells—63.

So the main question was ordered to be put, being upon adopting the report of the committee of conference.

Mr. DISNEY demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 114, nays 54; as follows:

YEAS—Messrs. Abercrombie, Aiken, James C. Allen, David J. Bailey, Barksdale, Bell, Bennett, Benson, Bliss, Breckinridge, Bridges, Brooks, Carpenter, Caruthers, Chamberlain, Chandler, Chastain, Chrisman, Churchwell, Clingan, Colquitt, Cook, Corwin, Cox, Craig, Crocker, Culom, Curtis, Thomas Davis, Dawson, De Witt, Dick, Dowdell, Edmunds, Edmundson, Thomas D. Eliot, Ellison, English, Ewing, Farley, Faulkner, Fenton, Flagler, Franklin, Gamble, Greenwood, Aaron Harlan, Sampson W. Harris, Harrison, Hastings, Haven, Hiestor, Hill, Houston, Howe, Johnson, Daniel T. Jones, J. Glancy Jones, Kidwell, Kittredge, Knox, Kurtz, Lamb, Latham, Letcher, Lilly, McCulloch, Matteson, May, Middleswarth, John G. Miller, Morgan, Morrison, Murray, Nichols, Norton, Olds, Andrew Oliver, Mordecai Oliver, Orr, Packer, Peck, Phelps, Powell, Preston, Pringle, Puryear, Ready, Reese, David Ritchie, Robbins, Ruffin, Russell, Sage, Sapp, Seward, Shaw, Gerrit Smith, Samuel A. Smith, William Smith, William R. Smith, Alexander H. Stephens, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Trout, Wade, Walley, Walsh, Ellihu B. Washburne, Israel Washburn, John Wentworth, Yates, and Zollcoffer—114.

NAYS—Messrs. Ashe, Banks, Belcher, Campbell, Caskey, Clark, Cobb, John G. Davis, Disney, Eastman, Eddy, Everhart, Florence, Fuller, Goode, Green, Grow, Hendricks, Henn, Hillyer, Hughes, Ingersoll, George W. Jones, Roland Jones, Lindsey, McMullin, Mace, Macy, Maxwell, Mayall, Smith Miller, Milson, Noble, Parker, Peckham,

Bishop Perkins, Phillips, Pratt, Richardson, Riddle, Thomas Ritchey, Rowe, Sabin, Shannon, Frederick P. Stanton, Richard H. Stanton, Hestor L. Stevens, David Stuart, Thurston, Tracy, Upham, Vail, Vansant, and Wells—54.

So the report of the committee of conference was adopted.

Mr. ORR. I rise to a privileged question. I move that the vote by which the report was adopted be reconsidered, and that the motion to reconsider lie upon the table.

The latter motion was agreed to.

CHANGE IN THE HOUR OF MEETING.

Mr. HENN. I ask the unanimous consent of the House to submit the following resolution:

Resolved, That when this House adjourns on Monday next, it adjourn to meet at eleven o'clock, a. m., on Wednesday, the 5th instant, and that thereafter the regular hour for meeting each day shall be eleven o'clock, a. m., until otherwise ordered.

Mr. JONES, of Tennessee. I object.

Mr. HAVEN. I desire to make an appeal to the House. I am aware that it is hot weather, and that it is Saturday afternoon. But I wish, nevertheless, to ask the House to go into the Committee of the Whole on the state of the Union, and take up the civil and diplomatic bill. If members will agree to do it, we can finish that bill to-day.

Mr. SEWARD. I hope that the House will do no such thing.

Mr. McMULLIN. I move that the House resolve itself into a Committee of the Whole House on the Private Calendar. I will tell the House, that, having fixed the day for the final adjournment, we shall be told, day after day, by the members of the Committee of Ways and Means, that the whole time of the House must be appropriated to the consideration of the business of that committee. The appropriation bills are to have our whole time and attention, to the neglect of the general business of the country.

The SPEAKER. Debate is not in order.

Mr. CAMPBELL. I think we had better take the question at once. If this discussion proceeds, the whole day may be occupied by it.

The question was taken; and Mr. McMULLIN's motion was agreed to; there being, on a division—ayes 79, nays 51.

The House accordingly resolved itself into a Committee of the Whole House on the Private Calendar, (Mr. WALLEY in the chair.)

RICHARD W. MEADE, DECEASED.

The CHAIRMAN. The question under consideration when the committee rose was the bill for the relief of the heirs and legal representatives of Richard W. Meade, deceased, on which, by order of the House, general debate has been closed. The gentleman from Pennsylvania [Mr. CHANDLER] having reported the bill, is, under the rule, entitled to address the committee an hour.

Mr. CHANDLER. The history of the claim of Richard W. Meade is the argument in its favor. When I presented the case to the committee, some time since, I took occasion to state how the claim originated, and how it came to be, in my opinion, and the opinion of the Committee on Foreign Affairs, a claim on the Treasury of the United States. I shall disturb nobody if I partly repeat that statement by declaring that the Governments of Spain and the United States negotiated a treaty, of February 22, 1810, in which the Government of the United States agreed to settle and pay all claims which our citizens should have at that time against Spain, provided that these claims had been filed in the Department of State. That treaty included the claim of Richard W. Meade.

Another article of the treaty was, that if both Governments did not ratify that treaty, it should, at the termination of six months, cease to be binding upon either party. On the 23d August, Spain, owing to the convulsions of that Government, had failed to comply with that last mentioned article of the treaty, and it fell. Richard W. Meade then renewed his negotiation with the Spanish Government, asking for a liquidation of this claim. A portion of this claim was allowed, and an order given him upon the treasury of the King for the payment of it. After that negotiation, after the settlement of that claim, and after its liquidation, and the signing of an order upon the treasury, the two Governments entered anew into a negotiation for a treaty; and that treaty was brought before the Cortes of Spain in October, 1820; and when the Cortes were considering it, Mr.

Meade himself was an applicant to that body for the payment of his debt. Very wisely a member of that Cortes asked whether the new treaty also included the claim of Mr. Meade? Because it was a large claim, and because it was necessary to settle all matters, a committee was appointed to wait upon the American Minister to ask him whether the claim of Mr. Meade was included in this treaty, as it was in the last treaty—this one being the same except in one of its provisions, which I shall notice afterwards. The answer, that committee brought back to the Cortes was, that the claim of Mr. Meade was included in this treaty, and that the Government of the United States by that pledge relieved Spain from the payment of the debt. On these grounds the Cortes of Spain recommended to the King the ratification of the treaty, and on these grounds the King of Spain did ratify it.

I hold in my hands the letter of one of the members of that Cortes, alluding to the matter. Mr. Guerra, who had been a member of the Cortes, and a special agent to whom the treaty had been referred, in a deposition taken at Philadelphia before Francis Hopkinson, deposes and says:

"The said Joseph Moreno Guerra, on his solemn oath, doth depose and say: That he is a native of the town of Rumbia, province of Cordova, Andalusia, in Spain, and is aged about forty-six years and upwards; that he was duly elected, from his native province, a deputy to the National Cortes of Spain, in the year 1820, for that and the following year, 1821; and that the said Cortes assembled at Madrid on the 7th day of July, 1820; that on or about the beginning of October, in the same year, the Cortes discussed the question relating to the treaty signed during the year before, at the city of Washington, between Spain and the United States of America, involving a cession of the two Floridas. At the same time a special committee, to whom the business of that treaty had been referred, made a report on a memorial previously presented by the agent of Richard W. Meade, of Philadelphia, in the United States, claiming an appropriation for the payment of a sum acknowledged to be due him by his majesty the King of Spain.

"This committee, in their report, informed the Cortes that, in order to decide definitively upon the claim of the memorialist, it was necessary to ascertain whether the amount of money due to Richard W. Meade, and to those who were represented by him, had been included among those claims which the Government of the United States undertook to pay, and from which it was wholly to exonerate Spain; for, if this should not prove to have been done, the debt owing to Richard W. Meade, in particular, ought immediately to be paid, as it was considered a national debt, arising either directly out of contracts, or from the consequences of contracts, made by him in aid of the liberty and independence of Spain at the most critical periods of the Revolution; that at the periods of those contracts, and in the full confidence that they would be fulfilled, the services of Meade had been of the most important kind; and that the sum for which payment was required had been liquidated and fixed by a special commission of councillors appointed for that purpose by his Majesty, the King, who had subsequently sanctioned and approved the settlement.

In consequence of this report of the committee, it was proposed in the Cortes to address an official letter to the Secretary of State, to ascertain whether or not the sum then claimed in the memorial above-mentioned had been included among those which the United States undertook to discharge. Such a letter was accordingly written by the Secretary of the Cortes, in the usual manner, and a reply from the Secretary of State was received, stating distinctly that the debt due to Richard W. Meade was expressly included in the treaty; that the nature and amount of said debt were well known to the Government of the United States, as the same had been officially communicated to the American Minister residing at Madrid; but that the same Government of the United States required the large cessions of lands made to the Duke of Alagon, Count Puno Rostro, and Mr. Vargas, to be cancelled, considering the entire Floridas appropriated to the payment of the claims of its citizens upon the Spanish Government. In order to avoid any possible misunderstanding or mistake upon this subject, it was proposed in the Cortes that a committee of two of its members should be appointed to wait on the Minister of the United States, Mr. Forsyth; and accordingly this deponent, with Mr. Thomas Isturiz, member of the city Cadiz, were appointed, did wait on Mr. Forsyth, and obtained from that gentleman the clear and distinct assurance that the debt due to Richard W. Meade would certainly be paid to him by the United States, if the treaty were ratified by the Spanish Government, and the cessions above-mentioned totally annulled.

"And this deponent solemnly declares that these assurances, thus conveyed to the Cortes, and these assurances only, induced that body to annul the grants of land in the Floridas, two of which had been acknowledged valid in the treaty itself; that had not the Cortes been perfectly satisfied by these solemn assurances that the national debt (as it was regarded) due to Richard W. Meade, would be fully paid by the United States, as far as respected the United States, but would have vacated them as respects individuals to whom they had been made, reserving them to the Spanish nation by the law of reversion, for the express purpose of paying, by them, the debt due to the said Richard W. Meade, either by their transfer to said Meade, or by sale, and with the product thereof would have paid the debt and interest.

"In this debt to the said Meade, the deponent says that the Cortes took a particular interest, as it arose from contracts, the most of which had been sanctioned by the

former Cortes, which sat in Cadiz during the years 1811 and 1812. The Cortes deemed itself especially bound to see such engagements complied with; and the said Meade was considered as more than commonly meritorious, having been unjustly persecuted on account of the services he had rendered the Spanish nation. The deponent adds, that the Cortes founded their right to vacate, as to the individual grantees, the cessions of land in Florida above referred to, and to reserve them for the nation, to be devoted to any purpose that might be deemed just and proper, upon the law called *reversion* and incorporation, well known in the history and legislation of Spain since the fourteenth century—a law which converts into national property whatever the prodigality of the monarchs might confer on their favorites, as happened with those termed *Enrrequenas*, and with many others."

The whole of the deposition goes to prove most fully and distinctly that that was the understanding of the Cortes. Another deposition, that of Don Alvaro Flores Estrade, is to the same effect; and there are still others which likewise go to prove the same. Don Alvaro Flores Estrade deposes that he is in possession of most indisputable proof that the Cortes of Madrid acceded to the cession of the Floridas on the basis that the claim of Richard W. Meade should be satisfied by the Government of the United States. It should be known, and I desire gentlemen who feel an interest in the matter to note, that the first treaty, the treaty of February 22, 1819, ceded to the United States the two Floridas; but, of course, did not cede with them the private rights, the fee-simple, which had been granted to three distinguished Spaniards. But, between the negotiations of 1819 and those of 1820, the Cortes of Spain, by the exercise of a power granted to them by an old law of that country, took back the lands which the King of Spain had granted to these three noblemen, and included them in the grant of the Floridas to the United States; and that is what this deponent alludes to when he says that, having withdrawn the land from these individuals, and having included it in the cession made to the United States, Richard W. Meade was to be, as if he had said *therefore* he was to be, paid the full amount of money due to him from Spain by the Government of the United States because of such an extraordinary grant of the best lands in Florida.

Mr. Chairman, I have examined this claim with more care than I usually give to cases of this kind. I have examined it with the assistance of a lawyer's eyes. I have examined it with a conscientious desire to bring to this House nothing more than was justice, and nothing more than what I should endeavor to do, in all honesty, to persuade this House of the amount justly due to the claimant. When this was decided in Spain when the treaty was signed, it was generally understood that Mr. Meade had no longer any claim upon the Government of Spain. The understanding, of course, arose from a report of the committee of Cortes and the action of that body. He returned, at once to this country, and made arrangements to present his claims before the commission appointed in pursuance of the provisions of that treaty. At the proper time he called upon the commissioners—or waited upon that court, which is a more proper expression—with his claim. After some consideration, they asked him for the vouchers of his claim. He presented to them the order upon the Treasury, signed by the King of Spain. He presented it to them with the same confidence that you would present to the Treasury of the United States any token of indebtedness; a Treasury note, or any certificate of loan, signed by the proper officer of this Government. But the commissioners hesitated. They said: "These are not the vouchers of the original debt; and the law, which is based upon that treaty, the treaty itself, gives us the right to claim those vouchers." They did claim them.

Mr. Meade, pursuing his rights, addressed a letter to the Spanish Minister, asking him to supply him with the ways and means of presenting those vouchers, that he might lay them before the commission. Indignant at the insult, as he considered it; indignant that any one should refuse to comply with the order, and dare to go behind the record, he refused. The court was all the time acting—or, what is more like a commission—was waiting for the supply of these vouchers, that they might decide upon the credit of that claim. They had ceased to doubt that it was included, but they thought they had the right to demand the vouchers; and the fact that they demanded the vouchers is proof that they considered

the claim included in the treaty. The Secretary of State of the United States undertook the affair. He addressed our Minister at the court of Spain to call upon the Government and demand the vouchers. The Spanish Government delayed, and stood upon its dignity—a very small standing point it proved, but the Government finally yielded, and promised to supply them.

She sent her orders to the several officers to supply the American Minister with the vouchers from the courts. Those orders were reluctantly given, and were very tardily obeyed. No vouchers came. Mr. Meade grew restive. The Government again interfered. Our Minister there, at length, when the commission was approaching its termination, again interfered, and the Spanish Government offered a part of it, and pleaded, as an excuse for not giving the whole, that there was a great deal of difficulty in complying with the demand, from the fact that the court had changed from Seville to Cadiz, and thence to Madrid, so that the whole archives of those courts were in confusion. They found it difficult, they found it impossible, at that time, to supply the vouchers. The vouchers were necessary, absolutely necessary, to establish the claim.

Mean time, as I have said, the time when this commission was to expire grew near. The law, which gave it existence, gave it existence only for such a time. The board wrote a letter to Mr. Meade, confessing that, in their judgment, the claim was just, but at the same time denying the proof of that justice. If it was founded upon justice, undoubtedly. But the time to which the commission was limited in its existence expired, the money was distributed among the other claimants, and Mr. Meade was left to seek justice from other sources. The letter from the chairman of the commission is worth reading. He speaks of it as a just claim, but states that it was impossible for the commission to allow it, in consequence of the want of these proofs.

These vouchers did not make their appearance; but is that any excuse for not doing justice to this claimant? Suppose Spain had, in the progress of events, refused to give up the Floridas. Suppose, after reflection, she had come to the conclusion that it would be better for her to retain possession of them, and sell the fee-simples out to purchasers. They would have been valuable. But if Spain had done this, everybody knows that an appeal to arms to enforce the treaty would have been the result.

Now, sir, I believe that no one part of a treaty is more binding upon the parties than another. And it was the duty of this Government, when it had made a treaty, to enforce it in all its provisions. It was not only our duty to insist upon the giving up of the Floridas by Spain, but it was our duty to insist upon the carrying out in every respect all the stipulations contained in the treaty. One of those stipulations was that Spain should give up these vouchers; and it was the duty of the Government to insist upon their being given up. Spain held these vouchers, which were against herself. But Spain delayed—this Government delayed—the commission delayed. Mr. Meade, however, did not delay. He was early, constant, and unflinching in his applications for these vouchers. But, sir, they were, as I said, delayed. The commission delayed. They met one day, and did not meet another day. At the end of eight months they had done something. At the end of a year they had done something more, and so it went on. Mr. Meade suffered by the negligence of the commission, and suffered still more from the negligence of his own Government to enforce the treaty. They were bound to enforce it; and shall we allow them to take advantage of their own error? Shall we allow the Government to do what would not be allowed between individuals?

Mr. White, the president of the board of commissioners, said:

"I cannot see that anything has been either said or done, by any of those officers, by which this claim is to be treated different from what it would have been if they had been entirely ignorant of this award at the time the treaty was finally ratified. Although I am unwilling to trust this evidence as at present furnishing any evidence of the validity of these contracts, their terms, or the extent of compensation for a violation of them, yet, believing as I do, from the other testimony, that Mr. Meade has a well founded claim, or at least a claim which the Spanish Government considered well founded, I am perfectly willing to require any document from that Government which there is reason to think they possess which will elucidate those transactions;

and for that purpose am willing to continue the cause. If we can procure more evidence, it is well; we shall have greater certainty in our ultimate decision. If we cannot procure more, we must come to the best conclusion in our power, from the proofs as they now exist, as to the validity of the claims and the extent of allowance."

Why, if Mr. Meade had no claim, if he was not included in the cession, was Judge White willing to allow him to take measures, or them to take measures, to prove the claim? If he believed that Mr. Meade was not included in it; if Judge White believed that he had no claim on them by the agreement of the Cortes of Spain and our Minister, their duty, his duty would have been—and none knew it better than Judge White—to reject the whole concern, and reject it whether right or wrong, good or bad, faithful or unfaithful. He should have said, "We have nothing to do with it. The whole question is between Mr. Meade and the Government of Spain; and Mr. Meade and the Government of Spain must make a settlement of it." This must strike the attention of every gentleman who hears me. They admitted that he was included if he had a claim on Spain; I assert that he had a claim, and now ask, by the bill I have presented, that he may be allowed to prove that he had.

Now, sir, I am aware—I hear it while I am talking—I am aware that while I have quoted to this committee the language of the members of the Cortes, there is objection made that Mr. Forsyth, our Minister at the time to Spain, does not agree to it; that he does not think that that was the language. Nothing is more clear in the affidavits presented in the report than the assertions of four or five of the members of the Cortes that, on the understanding of the Spanish Cortes, the Spanish King was authorized to ratify the treaty of 1819, which was renewed in 1820. And, sir, an honorable gentleman, a month or two since, asserted on this floor that Mr. Forsyth did not allow that any such agreement had been made. Mr. Forsyth, after his return, and when this matter had come into discussion between the Secretary of State and the Marquis de Casa Yrujo, bore this testimony:

"Richard W. Meade having submitted to my examination a deposition of Joseph Moreno de Guerra, dated at Philadelphia, the 23d day of April, 1824, and taken before Francis Hopkinson, and by him reduced to writing: On that part of the deposition which relates to myself, I certify that I have no recollection of any conversation with Joseph Moreno de Guerra and Thomas Isturio, both of whom were deputies of the Cortes in 1820, in relation to Mr. Meade's claim. No persons ever presented themselves to me, as a committee of the Spanish Cortes, during my residence in Madrid as the Minister of the United States. If I ever had any conversation with those deputies on the subject of the Florida treaty, I am entirely unconscious that they spoke with me by the authority of that body, or that any importance was attached to the opinion I might express. It is proper to add, that I should have stated, on such application, that I believe Mr. Meade's claim was provided for in the treaty of cession. This opinion was freely expressed to all who conversed with me, and may have been, and no doubt was, to Joseph Moreno de Guerra, in the presence of Mr. Isturio. The only conversation I distinctly recollect was held with Martinez de la Rosa, also a deputy of the Cortes, and of the commission to whom was referred the treaty of 1819.

"Having learned, by accident, that an attempt was about to be made to make a distinction favorable to Meade, between his claim and the claims of other persons embraced in the treaty, I expressed my conviction to Mr. De la Rosa that the claim was just, and was provided for by the treaty, but that it ought to be left to share the same fate, as to its payment, with the equally just claims of other citizens of the United States. The Cortes deliberated in secret session on the subject of the treaty of 1819, and of Mr. Meade's claim. The little information I could obtain of what was done was communicated to my own Government, and is on file in the Department of State. From the nature of the case, I did not consider myself at all answerable for the correctness of the information procured and communicated.

"The conversation I had with Mr. De la Rosa was not considered by me as of sufficient importance to be communicated to the Secretary of State in any of my letters written at Madrid; nor has it ever been stated in writing to the Department since my return home.

"I wish it to be clearly understood that I do not question the accuracy of Joseph Moreno de Guerra's statement further than relates to my conversing with him and Mr. Isturio as a committee from the Cortes. The Cortes may have given them such a commission, and the conversation may have been held in consequence thereof; if it was, I have no recollection of it, and do not know that they were conversing with me officially, and certainly did not say more than that Mr. Meade's claim was included in the treaty of 1819."

Mr. Forsyth says, in this affidavit, that no persons ever called upon him as members of the Cortes. Three or four gentlemen called upon him, but he does not know that he stated what they said years afterward he did state. He thinks that he told them that he asserted it only as Mr.

Forsyth, and not as his Excellency the American Minister.

Does not the fact that he said that Mr. Meade's claim was included, show it was tantamount to saying, although I did say what they attribute to me, yet it was only upon my honor as a man, and not upon my dignity as a Minister. He says:

"If I ever had any conversation with those deputies on the subject of the Florida treaty, I am entirely unconscious that they spoke with me by the authority of that body, or that any importance was attached to the opinion I might express. It is proper to add, that I should have stated, on such application, that I believe MR. MEADE'S CLAIM WAS PROVIDED FOR IN THE TREATY OF CESSION."

He says, though I do not remember that I had any conversation with these gentlemen as members of the Cortes, yet, talking to them as gentlemen, I certainly should have told them that Mr. Meade's claim was included in the cession. He stated this as a man occupying a prominent position in Spain, not as Minister, but as a distinguished gentleman of the United States expressing his opinion. Does Mr. Forsyth mean that he would assert that as a man which he would contradict as an officer? Surely he would not.

MR. EWING. Do I understand the gentleman to say Mr. Forsyth stated that he made this declaration?

MR. CHANDLER. Yes, sir. I have another note in the affidavit of Mr. Forsyth, which I will read:

"I wish it to be clearly understood that I do not question the accuracy of Joseph Moreno de Guerra's statement further than relates to my conversing with him and Mr. Isturiz as a committee from the Cortes. The Cortes may have given them such a commission, and the conversation may have been held in consequence thereof; if it was, I have no recollection of it, and do not know that they were conversing with me officially, and certainly did not say more than that Mr. Meade's claim was included in the treaty of 1819."

MR. COX. My recollection of the matter which gave rise to the inquiry of my colleague is: Mr. Forsyth states that he recollects no conversation whatever; and if he did have a conversation, that he used the language attributed to him in a private capacity. That is my recollection; and if I am at fault, I would like to have it corrected.

MR. CHANDLER. The opinion was freely expressed that he believed Mr. Meade's claim was approved.

MR. COX. He does not say that he recollects having any conversation with them at all, at any time.

MR. CHANDLER. Let the gentleman take his own case. If we were talking about a question which interests a hundred persons, the gentleman does not talk with me alone, but he talks with the ninety-nine other persons. I continue to cite from his testimony:

"The only conversation I distinctly recollect was held with Martinez de la Rosa, also a deputy of the Cortes, and of the commission to whom was referred the treaty of 1819. Having learned by accident that an attempt was about to be made to make a distinction favorable to Meade, between his claim and the claims of other persons embraced in the treaty, I expressed my conviction to Mr. de la Rosa that the claim was just, and was provided for by the treaty."

I expressed my opinion, he says, that the claim of Richard Meade was just, and that it was provided for in the treaty! Why then was it not mentioned? Let us hear! "I expressed my conviction," he says, "that it was just, and was provided for in the treaty, but that it ought to be left to share the same fate, as to its payment, with the equally just claims of other citizens of the United States." And thus he admits that Mr. Meade's claim was included. But he was anxious, as a public officer, not to make any official admission which should place Mr. Meade on a footing superior to that of any other American claimant. We only ask that he may be allowed to occupy the level of all the claimants—of those whose claims were admitted—and paid *pro rata*.

MR. HOWE. I wish to ask my colleague a question on that point. Is this opinion expressed by Mr. Forsyth before or subsequent to the liquidation of the claim?

MR. CHANDLER. It was subsequent: it was after the treaty. Let me say to the gentleman, [Mr. HOWE,] that the liquidation of the claim was previous to the second treaty, to that treaty which is binding upon us.

MR. HOWE. That is, it was previous to the final ratification of the treaty by Spain?

MR. CHANDLER. Yes; previous to that. It was made in July, and that ratification took place on the 20th of October.

MR. HOWE. But what I want to know is, whether this expression of opinion on the part of our Minister, Mr. Forsyth, was before the liquidation of the claim?

MR. CHANDLER. I misunderstood the question of the gentleman. It was not. Mr. Forsyth expressed his opinion to these gentlemen who came to him when they were getting ready to settle it, and it was the expression of that opinion by Mr. Forsyth, viz: that Mr. Meade was included, that enabled the Cortes to recommend the ratification of a treaty.

MR. HOWE. The reason why I ask the question is this: I understood the treaty to provide for unliquidated claims.

MR. CHANDLER. Yes, sir.

MR. HOWE. It seems that Mr. Meade went to the Spanish authorities and procured a liquidation of his claim, which was construed by the commissioners, as I understand it, as taking it without the provisions of the treaty. That is the reason why I asked the question.

MR. CHANDLER. The commissioners admitted the justice of this claim; the Minister admitted it, and admitted also its inclusion in the new treaty, when he states that he had no desire to have this claim specially mentioned, because he would not give him the right to take \$390,000 instead of taking that part to which he would be entitled. He did not believe that \$5,000,000 would pay all the claims; and he had no idea—although through him came that treaty—that he should get \$390,000 in full, while other merchants, claimants, might get but sixty, or eighty, or ninety per cent. of their claims. That is the secret of the matter. That is why he was held back. That is why his name was kept out of the treaty.

Here, then, the report states that Mr. Forsyth admits that, in a conversation with these gentlemen, he did say that that claim was included in the treaty, and he states that if he did not say so to them, he did say so to others.

He admitted that it was a just claim, and was included in the treaty. That appears to me to be a pretty plain matter. I do not dwell upon this. The whole report, page after page, is full of that kind of proof—the best kind of proof to a well organized mind. The impression that existed between the two parties is a better kind of proof than your assertions, "your affidavits," and your declarations. To every honest and candid mind better evidence than so many affidavits and documents, setting forth the "whereas," and the "wherefore," and the "aforesaid," and so forth, is the clear and distinct understanding between Mr. Forsyth, our Minister, and the committee of the Cortes, who waited on him, that the claim of Richard W. Meade was included in the treaty.

One little objection was made by my friend from Tennessee [Mr. JONES] a few months since, and it was this: That a part of this claim of liquidation, a portion of the sum, was for personal imprisonment. Mr. Meade was not a very good friend of the Government. He was a republican; and the Government was, with all its changes, only different phases of tyranny. There was one claim of a hundred thousand barrels of flour, at fifteen dollars a barrel. I say they were not very friendly, he expressing himself liberally, and refusing to shell out another one hundred thousand barrels, and they put him in prison for two years. There are merchants within the sound of my voice, and they know that, besides the evils of durance, besides the evils of a loathsome imprisonment—

MR. JONES, of Tennessee, (interrupting.) My understanding is, that Mr. Meade was imprisoned under a regular process of the court, for not paying over funds which came into his hands as commissioner.

MR. CHANDLER. He was so, perhaps, but the subject to which I allude is another matter entirely.

I was going on to say that the merchant knows that, besides the mortification and evils of that mode of dealing, he would be obstructed thereby in the management of his commerce, his eye would be withdrawn from it, and he would sustain damage thereby. His ship was also detained, and gentlemen looking carelessly at the matter even, would see the result of it. The ship was detained. What then? The cargo was not taken

indeed, away, but a merchant knows, and any man knows, that the greatest damage which the ship-owner sustains is demurrage for the non-fulfillment of his voyage. When a ship with a large cargo is detained, it is detained at an enormous expense to the detainer. Let a man agree with a merchant to supply a part of a cargo, and delay it a few days, and he will see if the owner does not come against him with a large claim for damages. The law allows it, and the court will award it.

But gentlemen say that this claim was not wholly founded upon a transaction of dollars and cents. The gentleman [Mr. JONES] did, I am sure, the other day, rely upon the authority of John Q. Adams. In alluding to that very matter, Mr. Adams gave a strong opinion, declaring that to shut a man up in a stone house is quite as bad as to take away his money.

Mr. Adams, in a letter to the commissioners, says:

"Of the absolute obligation of this Government to interpose in behalf of their fellow-citizens possessing such claims, and imploring the aid of their country to obtain satisfaction for them, no very subtle or punctilious scrutiny had been made. It was the need of the claimant, and not the legal classification of his claim, for which the assistance of his Government has been solicited. The delay or denial of justice, which it was desirable to remedy, was the same, whether it was for a wrong committed or a contract broken. The claimants have alike been promised that, at the negotiation of the treaty, their claims would be considered, and endeavors made to provide for them, in common with others."

Mr. Adams was a strong man, a very strong man. He knew, as a statesman as well as a lawyer, that a "tort" was as much a matter for settlement as a robbery of his flour. He knew well enough, as every man knows, that in making a settlement of a matter of that kind, there is as large a claim for false imprisonment as for property taken.

One further remark. Some one said that the claim arose, in part, out of a purchase of the State debt *Libramientos*, at a less price than the face. Without troubling the House at length upon that subject, I will simply say that there are probably twenty persons within the sound of my voice who own stock in the debt of the United States, which cost them from ninety-nine to one hundred and four cents on the dollar; and yet if any of them should go to the Treasury of the United States on any day, they will receive one hundred and twenty-two cents for it. Why, sir, if the Treasurer should say to him, but I cannot pay you this whole amount; you did not pay it yourself, you only paid ninety-nine, would the objection hold good? No, sir. The whole amount must be paid from the Treasury, no matter what the man who presents it has paid. And the same point will hold good in reference to this bill.

But all these objections are useless. I ask the Clerk to read the bill.

The bill was read by the Clerk, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper officers of the Treasury be, and they are hereby, authorized and directed to settle the claim of the legal representatives of Richard W. Meade, on their producing the testimony required by the commission from the claimants, under the Florida treaty, which, in the opinion of the said officers, shall be satisfactory as establishing said claim, according to law and usage.

SEC. 2. And he it further enacted, That the Secretary of the Treasury be, and he is hereby, directed to pay the amount so found due, out of any money in the Treasury not otherwise appropriated: *Provided,* That more shall not be paid than the said Meade would have received out of the \$5,000,000 appropriated to pay the claimants under the Florida treaty, if his claim had been admitted by the commissioners.

Gentlemen will perceive that by the provisions of this bill, in the first place, a commission must be appointed by the Government—either consisting of the officers of the Government themselves or of others appointed by those officers, which must examine every claim presented by the heirs of Mr. Meade. They must exercise the same scrutiny and the same astuteness that the commission which sat here to adjudicate upon these claims would have done. That will be their duty; and instead of allowing the whole sum which is set forth in the claims, they may find it convenient—for justice should be convenience, and I hope they will always go together in this Government—I say they may find it convenient to reduce the amount claimed twenty-five or thirty per cent., because the claimants may fail to produce the vouchers which are necessary to establish their

claim for the whole amount. If they act as they must act, according to the law, the law requires that they shall demand vouchers for whatever is claimed, and that they must be produced before the commission pass judgment upon it. Sufficient evidence must be produced in every case to substantiate it. If they should be of the opinion that he was not imprisoned improperly by the Spanish Government, they will not make any allowance for it. There is a claim for Spanish scrip (*Litramientos*) which he is said to have obtained at thirty-three and one third per cent. discount. They may find it convenient from this fact to reduce that item thirty-three and one third per cent. Every item must be examined with as close and jealous scrutiny as it would have been before the commission had adjudicated upon it.

I ask gentlemen to understand the nature of the provisions of this bill. They are not to appropriate so many hundred thousand dollars unreservedly to Richard W. Meade. They place so much money at the disposal of the Government to adjudicate claims which are made in the name of honesty against the Government. Surely there is no man here who would hesitate to do that. Surely there is no man in this committee who would say to this man, we have you in our power, and we will fleece you right or wrong. Was not the claim adjudicated by Spain?—I am asked. I have been arguing that point as to whether the claim was not adjudicated prior to the treaty. Admitted; but was it not included in the treaty?

While I declare to you the settlement was made in June, the treaty was not ratified until October, I also say to you that the conditions of that ratification were, and I proved it, that Richard W. Meade's case, whether settled or unsettled, liquidated or unliquidated, was included in the contract, and that Spain for giving three grants of land, including the best portions of Florida, should not be compelled to pay Richard W. Meade. The oaths of four members of the Cortes are given in proof of that, and the admission of Mr. Forsyth is enough to sanction it.

I am also asked, Has not Meade, subsequent to the ratification, insisted on payment from Spain? I do not know that he has. Mr. Meade has pursued his claim here. All the testimony will show that, from the time the commission was established, almost every year, this claim has been brought before us. The great question is: If the judgment reported by Spain be not inclusive, is not Meade compelled to prove the original indebtedness? Certainly; and the bill provides for that. I have presented no bill which shall take from the Treasury of the United States a sum of money to give it to somebody because he claims; not at all. I have presented a bill which makes an appropriation to pay any sum of money which just and righteous men shall declare, after proof, the Government owes. That is all. If officers of the Treasury be appointed to investigate the case, I ask nothing of them more than I would ask of any other court. I do not wish them to grant anything to Richard W. Meade more than to any other man. I only ask that when Richard W. Meade has been deprived of his claim on Spain by the action of this Government, and this Government itself has neglected to bring from Spain, in pursuance of the treaty, the vouchers for his claim, and he has been shut off from petition, that the Government, with manly rectitude, with a spirit of justice and uprightness, allow this man to plead his own claim before it, the Government itself being the judge.

The feeling has gone abroad that this is an argument to give \$300,000 or \$400,000 to some few persons. It is not so. We should do justice as we love mercy; and our Government should walk uprightly before the world in this as well as all other matters. The pamphlet which is presented here as the report, shows that there was a doubt even about the citizenship of Mr. Meade. I should have had better hope of success if he had not been a citizen. If he had been a foreigner, he would have received a liberal and gentlemanly answer. But Mr. Meade was an American citizen; and the case here is with one who only claims American citizenship; and we stand here from 1822 to 1854, dallying, waiting, and hesitating to give his family his just dues. Our justice, if it ever comes, will come too late to aid those who have been suffering most for the want of it. The descendants of Mr. Meade, permit me to say, live in the lux-

ury, the great republican luxury, of earning their bread by the sweat of their brow. Whenever they get any portion of this claim by our righteous decision upon it, they will have learned the value of that which they have earned; and they will have earned, I think, all they will get from Congress?

Mr. EWING. I would inquire of the gentleman from Pennsylvania how many reports have been made in favor of this claim, and how many against it?

Mr. CHANDLER. There are a great many made in favor, and I believe but two against it.

Mr. JONES, of Tennessee. I would ask if Mr. CLAYTON did not make a report against the claim?

Mr. CHANDLER. Thomas M. Clayton made a report against it.

Mr. JONES. Did not Mr. Forsyth report against it? He thought that the action of the commission was not conclusive. I ask the gentleman if there have been more than two reports made in favor of this claim—one by Edward Everett, and the other by Horace Everett? A bill was reported again and again by Mr. Archer, of Virginia, when in this House.

Mr. CHANDLER. Mr. Thomas M. Clayton made a report against the claim founded only upon the decision of the commissioners. Mr. Forsyth did the same thing; at the same time, he said that the claim ought to be paid. The gentleman from Tennessee [Mr. JONES] says that two reports were made in favor of it. Does he suppose that the Committee on Foreign Affairs did not make a favorable report? Does he suppose that there are not eight or ten reports made in favor of this claim, containing, substantially, the views and opinions of the gentlemen who made them, and who, after a very careful investigation, expressed their views in the reports which they adopted, repeating as sufficiently explicit the reports of former committees? But gentlemen say the sum claimed in this case is too large. Is that any reason against the justice of this claim? Does any man assert here that the principle of a claim is to be decided by its amount, withholding from the claimants their just rights?

Mr. JONES, of Tennessee. Does not the report, in express terms, except this claim from the treaty?

Mr. CHANDLER. No, sir.

Mr. CHANDLER. I object to the gentleman reading an isolated passage in that report. In my former remarks, I stated that this could not be done. If I said that there was not any inclusion expressed or understood between the parties, the second treaty did not make it. That is all that is said there. I protest, also, against an argument founded on the antiquity of the claim—if it is old, it is not the claimant's fault. Shall we deny justice, and then plead our own denial. Shall we say to the honest claimant, give your claim the advantage of years, that we may deliberate, and then deny justice upon the ground of age?

Mr. Chairman, the heirs of Richard W. Meade present themselves here with a claim upon the Spanish Government, with proof that the Spanish Government believed, and the American Minister admitted, that the treaty of 1819 included that claim, and made the Government of the United States responsible therefor. The testimony of the members of the Spanish Cortes is ample on this point. The admission of Mr. Forsyth is fully corroborated, and the action of the American commissioners under that treaty show that they believed that Mr. Meade's was included in this treaty; and their decision establishes the fact, that while his claim was rejected, it was rejected only because he did not produce the vouchers required by them. It is in proof that application was made to Spain for the vouchers; but they were not obtained before the term of the commission closed. It is evident that Spain was as much bound under the treaty to supply that document, as she was formally to cede to our Government the possession of Florida, and that our Government failed in its duty to enforce that part of the treaty against Spain and in favor of Mr. Meade. And thus, by a neglect of the Government, either to extend the existence of the commission, or enforce the fulfillment of the treaty, Mr. Meade was deprived of his property, while the Government has the rich domain which it received as a price of Meade's claim, as well as that of others. We ask, then, not that Meade's

heirs be paid, not that they receive a grant, but that they be allowed to prove their claim by vouchers such as the commission would have admitted.

Mr. JONES. I move to strike out the enacting clause of this bill. That takes in the whole merits of the case, as I understand it; and I submit that motion for the purpose of making a brief reply within five minutes, to the remarks of the gentleman from New York, [Mr. SMITH,] made some time ago. In his reply to my remarks, he assumed, in the first place, that Mr. Adams was my witness, that I had introduced him here, and thus congratulated himself that, as he was my witness, I could not discredit him. And then, for the purpose of breaking the force of Mr. Adams's testimony, the gentleman says that Mr. Adams was a man not of likings and dislikings, but of love and hate. And did I understand the gentleman from Pennsylvania [Mr. CHANDLER] to say just now that Mr. Adams had a view to triumph rather than to justice?

Mr. CHANDLER. I said that he had a great view to triumph.

Mr. JONES. Did you not say something as to his desire to triumph wholly regardless of testimony?

Mr. CHANDLER. No, I did not.

Mr. JONES. The gentleman from Pennsylvania said that he had greater regard to triumph than to justice. Now, I never expected that the gentleman from Pennsylvania would attempt to throw suspicion on that man's testimony or character. But I say to the gentleman from New York, that he fell into an error, in supposing that Mr. Adams was my witness.

Here, Mr. Chairman, is the report of the committee made in this case. The committee introduced Mr. Adams here as a witness. They brought him forward as a witness, and published, as a part of the testimony on which they rested this claim, a letter from Mr. Adams to Mr. Salmon, the Spanish representative to this Government. From this the gentleman reads an extract, to show that Mr. Adams thought that the claim was just. He says, also, that he and I read from the same letter. There he was in error again. I read from Mr. Adams's letter to Mr. Nelson, our Minister to the Court of Spain, and he read from his letter to the Spanish representative to this Government. And the letter from Mr. Adams to Mr. Nelson has never found its way, as far as I can perceive, into any report made to this House. They have slept upon that; but you will find it here in an old volume that I have. It is dated Washington, 28th April, 1823, and the one on which the committee reports, is dated 29th April, 1823, and, as I understand it, the copy of this letter to Mr. Salmon was also inclosed to Mr. Nelson, in the one for him.

But the gentleman from New York quotes from this to Mr. Salmon, and he stops at an important paragraph. I will not read what he quoted, in order to sustain the claim. But if he had continued the paragraph, he would have found that Mr. Adams says, Mr. Meade might, with as much propriety, have purchased in the market at its current price, any other order on the funds of the royal finance department, and brought it before the commissioners as a claim provided for by the treaty, as he could this order—a part of the sum constituting which was for interest accrued after the treaty had been signed.

Now, this same report excludes this case from the treaty conclusively.

The committee, in their report, state that the character of the claim was changed by the liquidation of it by Spain. They say:

"This change of the character of the claim, thus communicated to our Government, was per se a revocation of all prior authority to interpose on behalf of the claimant, and a renunciation of any benefit, under any construction or understanding of the treaty, or that could accrue from its resuscitation at any future period.

"The provisions of the treaty, as signed, under any construction, were no longer applicable or appropriate to the case. The claim on which the interposition of the Government had been solicited no longer existed. There was no longer anything, either as to amount or validity, for adjudication. There was nothing left to be done but the payment of an acknowledged debt."

And now, sir, the only mode of getting it back is based upon what Mr. Forsyth said upon the testimony of two or three Spaniards, who say they were members of the Cortes. I admit, that if Mr. Forsyth did say so, he could not change the character of the treaty—

[Here the hammer fell.]

Mr. PARKER. This claim, as I understand it, is not only a very large claim against the Government, but it is one which has become very stale. Notwithstanding these things, however, if the facts were clear that the Government ought to pay it, however great it might be, I should, without any hesitation, give my voice in its favor.

When the gentleman from Pennsylvania, [Mr. CHANDLER,] some weeks ago, presented his views so ably to this House, I had my attention directed to it, and I have examined with care and anxiety all the documents I could get upon the subject, and, as the result of that examination, I came to the conclusion that this is not a claim which this Government ought to pay.

Mr. STEPHENS, of Georgia. I rise to a question of order. The gentleman has not a right to speak upon the same side as the gentleman who made the motion. I claim, as the gentleman is not going on in order, to make a five minute speech in opposition.

Mr. PARKER. I shall oppose some things said by my friend who preceded me, and the gentleman from Georgia will have an opportunity to speak afterwards.

Mr. STEPHENS. I claim the right to oppose the amendment of the gentleman from Tennessee.

Mr. PARKER. I claim the same right.

The CHAIRMAN. If the gentleman is in favor of striking out the enacting clause, he is not in order, if not, he is in order.

Mr. PARKER. I am not in favor of striking out the enacting clause. I think the bill ought to be amended. I think it is a very clear case that this Government ought to take this case in hand, but that it ought not to pay the claim out of its own pocket. I look upon it as a clear and unquestionable claim against Spain. Had she not interposed between the making of the treaty, and its ratification, we should have paid it. I think it came originally within the purview of the treaty. But between these periods she thought proper to liquidate the claim, and after that, it did not come within the provisions of the treaty.

I think that if Mr. Meade was a citizen of the United States—and it appears clear that he was—it is one of those cases, especially in these times when we are so punctilious in regard to the rights and privileges of those whose citizenship is somewhat questionable, that we ought to take in hand. I have no doubt that there is merit in this claim, but if we pay it now, instead of paying \$5,000,000 under the treaty with Spain, we will probably have to pay \$5,500,000. Whose fault is it that the claim is not already paid? Not ours. The commission called for the documents as they were required to do under the treaty. Spain refused to furnish them. She said to us: "We have examined this account, we have designated the amounts that are due to Mr. Meade, and all you have to do, is to take our awards and pay them." The commission, however, could not look upon this as a sufficient voucher, and refused to allow the claim. And there the matter has rested until this day.

Now, sir, I believe this Government should take this matter in hand. If there is anything in the Black Warrior transaction, if there is anything in any of those other transactions of which complaint has been made, that is wrong, this matter is, in my judgment, tenfold more wrong.

Mr. CLINGMAN here made a remark which was not heard by the reporter.

Mr. PARKER. It would probably be as well to settle it in that way as any other. We would be justified in taking Cuba, or in taking whatever else we could lay our hands upon, for the purpose of indemnity for our citizens. When the treaty was formed, \$5,000,000 was set apart for a specific purpose, which the Government of Spain prevented us from accomplishing though we paid all.

Mr. JONES, of Tennessee. I will withdraw the motion to strike out the enacting clause of the bill.

Mr. SMITH, of New York, moved to strike out all after the enacting clause, and supply its place with the provision to pay \$250,000, in full satisfaction of the claim, and said that the speech of the honorable gentleman from Tennessee [Mr. JONES] brought to his mind a passage of the Bible: "He, that is first in his own cause, seemeth just; but his neighbor cometh and searcheth him." Now, I am the neighbor of this gentleman, [Mr. JONES and Mr. SMITH sit near each

other,] and I have come to search him. [Laughter.]

The gentleman from Tennessee finds fault with my speech on this subject, a couple of months ago. I confess that I did say he had read from one paper, when it turned out that he had read from another. But my mistake was of no consequence to the argument. Another of my faults was, that I did not read to the end of the paragraph, of which I read a part. The closing lines of the paragraph upset, as he holds, the interpretation which I put upon the lines preceding them. Let us look into this. In those preceding lines Mr. Adams scouts the idea that the Meade debt is not among the claims which our Government had assumed and "agreed to compound;" and in these immediately following and closing lines, he scouts the idea that a certain "order" is a claim on our Government.

And yet the gentleman from Tennessee regards the debt and the order as identical, the one with the other! and concludes that, although Mr. Adams said, in one breath, that the debt is among the claims against Government, he said in the next that it is not! I offer a simple explanation to the gentleman's mind. It is the same that I offered before. There was an *unliquidated* claim of Meade, and also a *liquidated* one. The former I held was binding upon our Government. The latter I admitted was not. This is the distinction insisted on by Mr. Adams. We did not agree, certainly not in the treaty of 1819, to pay whatever sum Spain might admit she owed Meade, but the sum (or a *pro rata* allowance thereon) which she actually owed Meade.

The gentleman from Ohio [Mr. GIDDINGS] who replied to my former speech on this subject, said, that our Government was under no obligation to help Meade get from the Spanish Government the proofs of his claim. But what right had that gentleman to say so, in the face of the treaty obligation of Spain to furnish the proofs? That obligation was as sacred as any other in the treaty; and our Government was as much bound to enforce it, as to enforce any other. What, if, in the case of half of the claims, the vouchers and documents had been in the possession of the Spanish Government, and their production had been refused? Our Government would, surely, have enforced the provision in question, and would have done so, before paying any of the claims.

The true state of the case is this: Our Government absolutely released the Spanish Government from the Meade claim. It, simultaneously, bound the Spanish Government to give up the proofs of that claim. When called on to do so, it refused. And, now, our Government sits still, and says, that Meade has lost his claim! Monstrous injustice! And a deep shame to our country is such injustice!

Mr. Forsyth has been referred to. He, like Mr. Adams, believed with Judge White of the Commission, that Meade had "a well-founded claim."

Not only was Meade entitled to a *pro rata* allowance from the five millions on his claim, provided he had been able to establish it, by means of the bounden help of our Government; but a strong argument can be made to show, that our Government was bound to pay Meade the whole sum, which the Spanish Government acknowledged to be due him. There is not the least reason to believe, that the Cortes would have agreed to the second treaty, which, in addition to what the first treaty gave us, annulled three Spanish grants of land, had not that body supposed that our Government would pay the Meade debt, as it had been liquidated. The history of the transactions makes this well high certain.

But, if there are any technicalities by which we may escape the payment of this claim, I pray that we may not avail ourselves of them. We all admit that Spain owed a debt to Meade. I say not how much. We all admit that Spain believed that in the bargain she made with us, we assumed to pay or compound this claim. We all know that we made a good bargain out of Spain in getting Florida for five millions of dollars. Can we, in such circumstances, consent to turn over the Meade claim to Spain for payment? Can we, in such circumstances, refuse to pay it ourselves?

The question was taken on Mr. SMITH's amendment; and it was disagreed to.

Mr. EWING. I move a *pro forma* amend-

ment, in order to submit a few words in reference to this claim.

Mr. Chairman, I believe that this claim is a just one, though I confess that I have not examined the question with very great assiduity; or care. It is one familiar to me, and about which I have conversed with Mr. Clay, and other persons who had taken part in its advocacy, and who were earnestly in its favor; and I learn that there are but two or three prominent points in the case, laying aside technicalities, all attempts to get rid of the claim by technicalities, to which the gentleman from New York properly referred, pleading the statute of limitations, and everything of that kind.

I think that it is admitted on all hands that it was and is a just claim against the Spanish Government. It is now a just claim against her, if not paid by us. It is so in morality and propriety; but that does not release us from the moral responsibility to pay it. To pay it is not only a duty which the Government owes to her citizens in the protection of their rights, but she ought to pay it from the fact of her having first given the Spanish Government to understand that she did assume its payment. Mr. Forsyth says distinctly that he did say so. He has no doubt that he did say so to these very men; and though at first he says no commission from the Cortes ever called on him, he subsequently qualifies himself by saying that perhaps the Cortes did appoint a commission. Again, in the next place they assumed the responsibility by their own neglect, as stated in the report which the gentleman refers to as being a report against the claim.

Mr. Forsyth, from the Committee on Foreign Affairs, to whom was referred this case, made a report, from which I read the following extract:

"The evidence laid before the committee shows that the commissioners deemed the claim of Richard W. Meade embraced by the treaty; that, at his instance, a demand was made on Spain for the evidences deemed by them necessary to a fair examination of it; that this demand was not made on Spain, owing to unforeseen occurrences, until a short time previous to the termination of the commission, although the application for them by Meade had been made fourteen months prior to that time."

Mr. Meade appealed to this Government for justice, and demanded the evidence upon which his claim was founded. Owing to unforeseen occurrences, the Government neglected to demand this evidence. Is this Government now to seek to release itself from its obligations by an appeal to technicalities, and by pleading the statute of limitation?

I have understood, I will say in reply to the interrogatory that has been made, that some twenty different reports have been made in favor of this claim from time to time, showing that it is owing to no laches that this claimant lost his rights. Only one report has been made, I believe, against it. Again and again has the claimant appealed to Congress for justice, but not through claim agents. I understand that no claim agent has applied in his behalf. Perhaps that is one reason of the failure. I think that from the general obligation resting upon us for the protection of our citizens in their rights of property against all losses and wrongs on the part of foreign Governments, this Government has become morally bound to pay the claim.

The question was then taken upon Mr. EWING's amendment; and it was rejected.

Mr. JONES, of Tennessee. I move that the committee rise and report the bill to the House, with a recommendation that it do not pass; and upon that motion I demand tellers.

Tellers were ordered; and Messrs. EWING and HENDRICKS were appointed.

The question was taken; and the tellers reported—ayes 73, noes 49.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, the Chairman of the committee reported, that a Committee of the Whole House on the Private Calendar had had under consideration bill of the House No. 58, entitled "An act for settling the claims of the legal representatives of Richard W. Meade, deceased," and had instructed him to report it back to the House with a recommendation that it do not pass.

Mr. JONES, of Tennessee. I move to lay the bill on the table.

Mr. CHANDLER. I move that the House resolve itself into the Committee of the Whole.

Mr. CLINGMAN. Yes, let us go back into committee, and dispose of some more private bills.

Mr. JONES. No; let us have this bill killed first.

Mr. CHANDLER. I insist on my motion.

Mr. JONES. I object to going into committee again to-day. We are not going to transact any more business this evening. That is certain.

Mr. KERR. I move that the House do now adjourn.

ADJOURNMENT TO WEDNESDAY.

Mr. SMITH, of Virginia. I would be glad that the gentleman from North Carolina would withdraw that motion, with a view to enable me to submit a motion to adjourn over till Wednesday.

[Cries of "Oh no; let us come here on Monday."]

The SPEAKER. The motion indicated by the gentleman from Virginia is in order now.

Mr. SMITH. Yes, sir; I believe that I have a right to submit the motion to adjourn over.

The SPEAKER. The House has a right to fix the day to which it will adjourn before it votes on the question of adjournment.

Mr. SMITH. Then I move that when the House adjourns, it adjourn to meet on Wednesday next.

Mr. JONES, of Tennessee. On that motion I call for the yeas and nays.

Mr. SMITH. There is surely no use in our coming here on Monday, as we shall not have a quorum.

Mr. McMULLIN. I move that when the House adjourns on Monday next, it adjourn to meet on Wednesday next.

Mr. CAMPBELL. I suppose that motion is not in order now.

The SPEAKER. The Chair doubts whether such an amendment to the proposition is in order or not. The rules recognise no motion, except to fix the hour or day to which the House will adjourn.

Mr. McMULLIN. By unanimous consent my motion can be entertained.

Mr. CAMPBELL. I object. I am in favor of the other proposition.

Mr. OLDS demanded tellers on the yeas and nays.

Tellers were not ordered.

The yeas and nays were refused.

Mr. ORR called for tellers on the motion.

Tellers were ordered; and Messrs. PARKER, and JONES of Louisiana, were appointed.

The question was then taken; and the tellers reported—yeas 82, noes 48.

So the motion was agreed to.

Mr. BOCK. I desire to ask the Chair whether the motion which has just been adopted is one that can be reconsidered?

The SPEAKER. A motion to reconsider would be in order in the opinion of the Chair.

Mr. BOCK. I make the motion.

Mr. CAMPBELL. I ask the gentleman from Virginia if he voted with the majority?

Mr. BOCK. I did not, but the vote was not taken by yeas and nays, and, therefore, I suppose I have the right to make the motion.

Mr. CAMPBELL. I rise to a question of order. The gentleman acknowledging that he voted in the minority, has not, I contend, any right under the rules to move a reconsideration.

The SPEAKER. The Chair decides that on a vote by yeas and nays, those voting with the majority have alone the right to move a reconsideration; but on a vote by tellers, or division, any member may move a reconsideration.

Mr. CAMPBELL. I move to lay the motion to reconsider upon the table.

Mr. STEPHENS, of Georgia. I rise to a question of order, and it is this: Pending a motion to adjourn a motion to reconsider is not in order.

The SPEAKER. The Chair has never had his attention drawn to any similar case, but inasmuch as by the language of the rule, it is in order pending the motion to adjourn, to fix a day to which the House will adjourn; and, inasmuch as any vote given by the House may be reconsidered, the Chair is of the opinion that it is in order either by reconsideration or otherwise, pending a motion to adjourn, to change the ordinary time of adjournment, or a timespecially fixed.

Mr. STEPHENS. My point is this: After a motion to adjourn, it is too late to entertain a motion to reconsider. The question on the adjournment must be put.

The SPEAKER. The Chair decides that it is in order pending a motion to adjourn to fix a day to which the House will adjourn. That is so under express rule.

Mr. STEPHENS. So I understand; but that does not allow the motion to reconsider.

The SPEAKER. The Chair decides that it does.

Mr. JONES, of Tennessee. The motion to adjourn pending, it is a privileged motion to fix the day to which the House will adjourn. The motion to reconsider the vote by which the House fixed the day to which it would adjourn, connects itself with that motion.

The SPEAKER. So the Chair has decided.

Mr. CAMPBELL. I move to lay the motion to reconsider upon the table.

Mr. STANTON, of Tennessee. I was about to suggest in reply to the position of the Speaker, that the vote on the motion to adjourn over virtually fixes the day to which we shall adjourn; therefore—

The SPEAKER. The Chair must leave it to the House to determine what its action shall be under the rule. It is the business of the Chair to define the rule only.

Mr. OLDS. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. STEPHENS, of Georgia. I move a call of the House.

The SPEAKER. The motion is not in order, in the opinion of the Chair, during the pendency of a motion to adjourn.

Mr. SMITH, of Virginia. But is not the motion to adjourn in order?

The SPEAKER. The Chair decides that it is in order during the pendency of a motion to adjourn, for the House to fix a day to which it will adjourn. The House, by a vote, have determined to adjourn over until Wednesday next. The motion is now made to reconsider that vote, and the motion to adjourn is not in order until the House shall have settled the question as to the day to which it shall adjourn.

Mr. STEPHENS. The House have already settled that question.

The SPEAKER. The Chair decides that the House have the right to reconsider that vote.

Mr. CAMPBELL. I will withdraw the motion to lay the motion to reconsider upon the table.

The SPEAKER. The question then recurs on the motion to reconsider the vote by which the House determined to adjourn until Wednesday next.

Mr. OLDS. Upon that motion I demand the yeas and nays.

Mr. CAMPBELL. I renew the motion to lay the motion to reconsider upon the table, if they will have the yeas and nays.

Mr. OLDS. Upon that question I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and it was decided in the affirmative—yeas 78, nays 65; as follows:

YEAS—Messrs. Aiken, Willis Allen, Bennett, Benson, Benton, Bliss, Campbell, Carpenter, Caskie, Chamberlain, Chrisman, Corwin, Crocker, Cullom, Thomas Davis, Dawson, De Witt, Dick, Disney, Eastman, Thomas D. Eliot, Everhart, Ewing, Farley, Fenton, Florence, Franklin, Goode, Green, Greenwood, Grow, Aaron Harlan, Hiester, Howe, Hughes, Johnson, Daniel T. Jones, Kerr, Knox, Latham, Lilly, McCulloch, McDougall, Mace, Mayall, Middleswarth, Murray, Mordecai Oliver, Parker, Peck, Bishop Perkins, Powell, Preston, Ready, Riddle, Thomas Ritchey, Sabin, Sage, Seward, Shannon, Singleton, Gerrit Smith, William Smith, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Upham, Vansant, Wade, Walsh, Ellihu B. Washburne, Israel Washburn, John Wentworth, and Westbrook—78.

NAYS—Messrs. Abercrombie, Appleton, Ashe, David J. Bailey, Barksdale, Belcher, Bock, Breckinridge, Bridges, Chastain, Clingman, Cobb, Cox, John G. Davis, Eddy, Edmunds, Ellison, English, Flagler, Fuller, Harrison, Hastings, Haven, Hendricks, Henn, Houston, George W. Jones, J. Glancy Jones, Roland Jones, Kidwell, Kittledge, Kurtz, Letcher, Lindsley, McMullin, McNair, Matteson, Maxwell, May, John G. Miller, Milson, Morgan, Nichols, Noble, Olds, Orr, Packer, Phelps, Pratt, Puryear, Reese, Richardson, David Ritchie, Robbins, Ruffin, Russell, Sapp, Shaw, George W. Smyth, Hester L. Stevens, David Stuart, John J. Taylor, Trout, Vail, and Walley—65.

So the motion to reconsider was laid upon the table.

The question then recurring on the motion to

adjourn, it was taken, and decided in the affirmative.

PERSONAL EXPLANATION.

Mr. ABERCROMBIE. I ask the consent of the House to make a personal explanation.

There being no objection,

Mr. A. proceeded. I will detain the House but a single moment. I notice that in the Globe of this morning I am recorded as having been absent upon a call of the roll. It is true that I was not present, but as I think the House will bear me witness that I am constant in my attendance here upon almost all occasions. I beg leave to state that I received notice that a son of mine, who is at Alexandria at school, was sick, and I went there for the purpose of seeing him. That was my reason for being absent, and that is all the explanation I have to make.

The House thereupon (at half past three o'clock p. m.) adjourned till Wednesday next at twelve o'clock, m.

IN SENATE.

WEDNESDAY, July 5, 1854.

Prayer by Rev. HENRY SLICER.

Mr. BADGER. Senators, I have received a note from the President of the Senate, which the Secretary will read.

The Secretary read it, as follows:

WASHINGTON, July 5, 1854.
MY DEAR SIR: You will oblige me by presiding over the Senate this day.

Your friend,
Hon. GEORGE E. BADGER. D. R. ATCHISON.

Mr. BADGER. If there be no objection, I will take the chair in pursuance of the request of this letter.

There was no objection.

The Journal of Saturday was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDING OFFICER laid before the Senate a report of the Secretary of the Treasury, communicating, in compliance with a resolution of the Senate, information of the condition of the marine hospital building at New Orleans, and the sum necessary to place it in a proper state of repair; which was referred to the Committee on Commerce, and ordered to be printed.

Also, a report of the Secretary of the Treasury, communicating, in compliance with a resolution of the Senate, information respecting the present condition of the building of the United States branch Mint at New Orleans; which was referred to the Committee on Finance, and ordered to be printed.

PETITIONS, ETC.

Mr. DODGE, of Wisconsin, presented a petition of inhabitants of Wisconsin, praying the establishment of a post route from La Crosse to Portage, in said State; which was referred to the Committee on the Post Office and Post Roads.

Mr. CASS presented a petition of merchants of Detroit, Michigan, praying the reduction of the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads. He expressed a hope that the committee would report favorably in regard to the subject of the petition.

Mr. SUMNER presented a petition of James F. Shores and others, citizens of Portsmouth, New Hampshire, praying the repeal of the fugitive slave law; which was referred to the Committee on the Judiciary.

Also, a petition of C. E. Stowe and others, legal voters of Andover, Massachusetts, praying the repeal of the fugitive slave law; which was referred to the Committee on the Judiciary.

Mr. RUSK presented the petition of the legal representatives of Seth M. Leavenworth, praying that a joint resolution, heretofore passed for his relief, may be carried into effect; which was referred to the Committee on the Post Office and Post Roads.

PAPER WITHDRAWN AND REFERRED.

On motion by Mr. HAMLIN, it was

Ordered, That the petition of merchants, ship-masters, and others, residing in the Belfast collection district, praying the erection of a custom-house building at Belfast, Maine, be withdrawn from the files of the Senate, and referred to the Committee on Commerce.

REPORTS FROM STANDING COMMITTEES.

Mr. SUMNER, from the Committee on Pen-

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THURSDAY, JULY 6, 1854.

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sions, to whom was referred a bill from the House of Representatives, for the relief of Charles Staples; reported it back without amendment.

Mr. NORRIS, from the Committee on the District of Columbia, to whom was referred a letter from the Commissioner of Public Buildings, communicating information of the destruction of a portion of the Long Bridge, by fire, on the 8th instant, and asking an appropriation for the repairs of the same, reported a bill making an appropriation for the repairs of the Long Bridge across the Potomac river, in the city of Washington; which was read, and passed to a second reading.

BILL INTRODUCED.

Mr. DIXON asked, and obtained the unanimous consent of the Senate, to introduce a bill to provide for taking charge of the Louisville and Portland canal, and to prevent the same from falling into bad repair; which was read a first and second time by its title, and referred to the Committee on Roads and Canals.

CUSTOM-HOUSE AT WHEELING.

Mr. MASON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of constructing a custom-house, post office, and court-room at Wheeling, in Virginia; and if, in their opinion, the same be expedient, then to report the appropriation necessary therefor.

THE BARK GRIFFIN.

Mr. MASON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested (if, in his opinion, not incompatible with the public interest) to communicate to the Senate copies of the correspondence between Ferdinand Coxe, late chargé d'affaires of the United States at Brazil, and the Brazilian Government, concerning the seizure of the cargo of the American bark Griffin, and the imprisonment of George Marsden, a citizen of the United States.

STEAMER EL PARAGUAY.

Mr. HAMLIN. The Committee on Commerce, to whom was referred the joint resolution from the House of Representatives to correct a clerical error in the act approved June 22, 1854, to authorize a register to be issued to the steamer El Paraguay, have directed me to report the same back without amendment, and recommend its passage. I ask that it may be considered at this time. It is simply to correct a verbal error.

There being no objection, the Senate as in Committee of the Whole, proceeded to consider the joint resolution. It provides that wherever the word "Joy" occurs in the act referred to, it shall be held to mean "Ivy."

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

STEAM LINE BETWEEN CALIFORNIA AND CHINA.

The engrossed bill to establish a line of steam mail ships between San Francisco, in California, and Shanghai, in China, touching at the Sandwich Islands and Japan, was read a third time.

The PRESIDING OFFICER. The question is, "Shall the bill pass?"

Mr. MASON. I move that the bill lie on the table, so as to test the sense of the Senate on the expediency of the appropriation.

Mr. WELLER. On that motion I call for the yeas and nays.

Mr. GWIN. I wish to suggest to the Senator from Virginia, that it would be as well to allow the question to be taken on the passage of the resolution.

Mr. MASON. Very well. Then I withdraw my motion.

The yeas and nays were ordered on the passage of the bill.

Mr. CLAY stated that he had agreed to pair off with the Senator from Michigan, [Mr. STUART,] who was in favor of the bill.

Mr. FITZPATRICK stated that he had paired

off with the Senator from Texas, [Mr. HOUSTON,] who was a friend of the bill.

The question being taken by yeas and nays on the passage of the bill, resulted—yeas 22, nays 13; as follows:

YEAS—Messrs. Allen, Badger, Bell, Brodhead, Cass, Clayton, Cooper, Dixon, Dodge of Wisconsin, Fessenden, Gwin, Hamlin, Johnson, Jones of Tennessee, Pratt, Rockwell, Rusk, Seward, Stuart, Wade, Walker, and Weller—22.

NAVS—Messrs. Adams, Bayard, Bright, Brown, Butler, Chase, Evans, Gillette, Hunter, Mallory, Mason, Pettit, and Williams—13.

So the bill was passed.

ALEXANDRIA AND WASHINGTON RAILROAD.

Mr. MASON. I move that the Senate now take up the bill authorizing the extension of the Alexandria and Washington railroad into the District of Columbia, for the purpose of voting upon it.

Mr. CLAYTON. I hope we shall go on in regular order. The bill for the more effectual suppression of the African slave trade in American-built vessels was made the special order for half past twelve this morning. That hour has arrived, and I now call for its consideration.

Mr. MASON. I hope the Senator will indulge me with the courtesy of having the bill to which I allude voted upon. I only desire to take a vote upon it. It will not occupy five minutes.

Mr. CLAYTON. If it be understood that there is to be no debate, but simply a vote upon it, I am willing; otherwise I shall call for the special order.

Mr. MASON. All that I ask is a vote.

The motion was agreed to; and the Senate as in Committee of the Whole resumed the consideration of the bill.

No amendment being proposed, it was reported to the Senate.

Mr. SEWARD. I do not rise to speak on the merits of the bill. The indication is that it is going to pass; and one of the indications—the only indication I think—to the contrary is that the present occupant of the chair will not oppose it. He has made a good many excellent speeches this session which have been very persuasive; but I am sorry to say that, as far as I am concerned, they failed to produce the result. I was on the eve of voting for the bill at one time. Afterwards I came to examine the subject, and I found that the Chair had once before made a speech on it which was perfectly satisfactory and conclusive that the Long Bridge ought not to be repaired or kept up for two reasons: first that it injures the health of this city, and next, that it is injurious to the commerce and interests of Georgetown.

Upon that old speech, therefore, made by the Chair on a previous occasion, I should be prepared to vote against the passage of this bill; but the honorable Senator from Vermont, [Mr. FOOT,] who was in favor of its passage, was obliged to leave the city, and asked me to pair off with him. I did so, and I rise for the purpose of doing justice to him, and stating the reasons which influence me.

Mr. BRIGHT. The bill has been taken up with the understanding, I believe, that it should not be further discussed. I have no disposition to violate that agreement, provided that it is not likely to pass. If I thought it would pass I should insist upon being heard upon it. With a view of making a test question I move that it lie on the table; and on that I ask for the yeas and nays.

The yeas and nays were ordered; and being taken resulted—yeas 26, nays 12; as follows:

YEAS—Messrs. Adams, Allen, Badger, Bright, Brodhead, Brown, Butler, Clay, Cooper, Dixon, Dodge of Wisconsin, Evans, Fessenden, Fitzpatrick, Geyer, Gillette, Gwin, Pettit, Pratt, Sebastian, Sidel, Stuart, Sumner, Toucey, Wade, and Walker—26.

NAVS—Messrs. Chase, Clayton, Hunter, Johnson, Jones of Tennessee, Mallory, Mason, Norris, Rockwell, Rusk, Weller, and Williams—12.

TELEGRAPH TO THE PACIFIC.

Mr. ADAMS. I ask for the consideration of the resolution which I had the honor of introducing the other morning in regard to the hour of meeting.

Mr. HAMLIN. There is a special order for half past twelve o'clock, to which I hope the Senator will interpose no objection.

Mr. CLAYTON. I call for the special order. Mr. BROWN. What is it?

The PRESIDING OFFICER. The first special order for half past twelve, is the bill to authorize the construction of a line of telegraph from the Mississippi river to the Pacific ocean.

Mr. HAMLIN. I ask the Senate now to proceed to its consideration.

Mr. ADAMS. I move to postpone the prior orders, with the view of taking up the resolution, which I have indicated. Its object is to fix a morning hour for the sitting of the Senate, in place of the present evening hour. It requires no discussion. The fixing of a special case for the morning hour, in my opinion, should not have been done; but it has been done; and I, therefore, move to postpone the prior orders to get a vote upon the resolution. I presume every one has made up his mind upon it.

Mr. GWIN. If the Senator will let this resolution go over till to-morrow morning, we can have a vote on it then.

Mr. CLAYTON. Nothing tends so much to obstruct the business of the Senate as taking up subjects out of their order. The debate which arises on the propriety of abandoning the order of the Senate, occupies more time than it would take to pass a measure.

Mr. ADAMS. I will withdraw my motion. I will not be in the way of business.

The PRESIDING OFFICER. The first special order is the bill to authorize the construction of a line of telegraph from the Mississippi river to the Pacific ocean.

Mr. BRODHEAD. I should like to inquire if that is the special order during the morning hour only or not.

The PRESIDING OFFICER. The Senate appointed this bill as the special order for half past twelve o'clock. The custom, the Chair will take the opportunity of remarking, which has grown up in the Senate is, in the opinion of the occupant of the Chair, founded on no authority, but it does not become him to make any objection to it.

Mr. BRODHEAD. If it is only for the morning hour, I have no objection to it.

Mr. HAMLIN. I think it was the intention of the Senator from California, [Mr. GWIN,] as it was my own, that it should only be for the morning hour, and after that has expired, we shall not interfere with the regular business of the day. Is the bill now before the Senate?

The PRESIDING OFFICER. It is now before the Senate as in Committee of the Whole, and is open to amendment.

Mr. HAMLIN. I desire to add another verbal amendment to the substitute reported from the committee. It is to insert after the word "territory" in the sixth section the words "in alternate sections," so as to make it read: "and if, after two years from the completion as aforesaid, said lands shall not have been surveyed, it shall be optional with said Alden and Eddy, their heirs and assigns, and they shall have the right to relocate the like quantities of land in any Territory in alternate sections where they have been surveyed," &c.

The amendment was agreed to.

Mr. HAMLIN. I also propose to amend the second section, by inserting after the word "water" the words "where the same is practicable." The section now provides, that the telegraphic line shall be constructed under the surface of the earth, rock or water. It has been suggested by the honorable Senator from Texas, [Mr. RUSK,] that there may be rocks in the spurs of the mountains over which the line may pass of that description, which it would be very hard if not impossible to penetrate. The object is, in such cases, to let the line go on the surface.

The amendment was agreed to.

The bill, as originally introduced by Mr. HAMLIN, proposed to empower Hiram O. Alden and James Eddy, their associates and assigns, to

construct, at their own expense, a line of telegraph from St. Louis, in Missouri, or any other point on the western bank of the Mississippi river they may select, through the public lands belonging to, and under the jurisdiction of, the United States, to San Francisco, in California; or to some other point on the Pacific ocean, in as direct a line as practicable, with liberty to construct branch or diverging lines to Texas, to New Mexico, to Utah, and to Oregon. The line is to be constructed of durable materials, thoroughly insulated, securely placed under the surface of the earth, and water with testing tubes every five miles, and with working stations at distances averaging not more than a hundred miles, to secure its thorough working, and its repair and protection. The stations are to be supplied with the necessary telegraph instruments and operators, both night and day, and the whole line is to be completed and put in operation within eighteen months. The General Government secures to itself forever the free use of the line for the transmission of official dispatches and communications between the Government and its officers, not exceeding a monthly aggregate of more than seven thousand words, though the prior use is reserved to the Government at all times. For the transmission of private dispatches from the Mississippi to the Pacific the charges are not to exceed ten dollars for each message of ten words or less, and not exceeding seventy-five cents for each additional word. The line is to be kept in good working condition under penalty of forfeiture of the line and all its appurtenances. On these conditions, the General Government, as soon as the line shall be in operation, will issue to the company land warrants for fifteen hundred thousand acres, which the company may select and locate thus: They may select from any of the public lands along and near the telegraphic line, not before sold or appropriated, any quantity not less than a section, nor more than a township, in one body; and if more than one township shall be taken in the same locality, alternate townships only are to be selected. The President of the United States is to cause the unsurveyed lands upon the line of telegraph, which they may select, to be surveyed, and if, after the expiration of two years from the completion of the line the lands shall not have been surveyed, the company will be at liberty to relocate the like quantities in any State or Territory where the lands are surveyed, and open to private entry or sale, and as fast as the lands are thus located, the Commissioner of the General Land Office will issue patents for them. In the event of a railroad to the Pacific ocean being located on or near the route selected for a telegraphic line, the grant of land contemplated by this bill is to be so located as not to interfere with the grant for the railroad. The bill further provides that any material of foreign manufacture that may be requisite and necessary for the construction of the telegraphic line may be imported free of duty.

The Committee on Territories reported an amendment in the form of a substitute for the whole bill. As amended, on the motion of Mr. HAMLIN, (to-day and Saturday last,) the substitute reads as follows:

That Hiram O. Alden and James Eddy, their successors, associates and assigns, are hereby authorized and empowered to construct, at their own expense, a line of telegraph from such point on the Mississippi or Missouri rivers, as they may hereafter select, through the public lands belonging to, and under the jurisdiction of the United States, over which lands the right of way for that purpose is hereby granted, to San Francisco, in California, in as direct a line as practicable, with the liberty to construct also, diverging lines to and through the public lands in the States and Territories lying both north and south of said direct or main line, as is hereinafter set forth.

Sec. 2. *And be it further enacted*, That said line of telegraph shall be constructed of durable materials, with at least two independent conductors thoroughly insulated, and securely placed under the surface of the earth, rock or water where the same is practicable, with testing tubes every five miles, and working stations at distances averaging not more than one hundred miles, to secure the thorough working of the same, and for its repair and protection. Said working stations are to be supplied with all the requisite telegraph apparatus, instruments, operators, and men, necessary to its efficacy and reliability, and the same shall be completed and put in operation within two years from the passage of this bill, and after such State legislation shall have been secured as may be necessary to authorize its construction in the States through which it may pass. And said line of telegraph, when so completed, shall thereafter be kept in operation by night as well as by day.

Sec. 3. *And be it further enacted*, That there shall be reserved and granted to the General Government forever, the free and prior use of said line of telegraph, for the

transmission of all official dispatches and communications between said Government and its officers: *Provided, however*, That said free dispatches and communications shall not exceed a monthly aggregate of more than eight thousand words, but still reserving to the Government the further prior use, to any extent within the capacity of said line, by paying the same tolls or charges paid by individuals for like services, and no more.

Sec. 4. *And be it further enacted*, That for the transmission of all private dispatches and communications over said main line, between the Mississippi and the Pacific, the tolls or charges shall, in no case, exceed ten dollars for each message of ten words or less, exclusive of date, address and signature; and not exceeding seventy-five cents for each word added thereto.

Sec. 5. *And be it further enacted*, That said Alden and Eddy, their associates and assigns, shall, at their own expense, keep said line of telegraph in working order, and at their own cost operate the same, transmitting said Government dispatches and communications, at all times, when said line shall be in working condition, as requested by the officers or authorized agents of said Government; and if they shall, at any time, unreasonably refuse so to do, or shall neglect, for the space of six successive months, to operate said line—unless prevented from so doing, by some unforeseen disaster, or some unavoidable calamity, arising from the sickness of operators or from Indian hostility and depredation, said line of telegraph, with all its appurtenances, shall be forfeited to, and become the property of, the United States.

Sec. 6. *And be it further enacted*, That, upon the completion of said line of telegraph as aforesaid, and so soon as the same shall be put in successful operation, and the free use thereof, as hereinbefore provided, tendered to the Government of the United States, then shall be issued to said Alden and Eddy, their heirs or assigns, in exchange and payment for the free and prior use of said line in perpetuity, as aforesaid, land warrants for two millions acres of land, excluding all mineral lands, which they are hereby authorized to select and locate as follows: from and after said completion they shall have the right to select from any of the public lands along and near said line of telegraph, not before sold or appropriated, any quantity, not more than a section, in alternate sections. Where unsurveyed lands shall have been selected, the President of the United States shall cause the same to be surveyed, if practicable; and if, after two years from the completion as aforesaid, said lands shall not have been surveyed, it shall be optional with said Alden and Eddy, their heirs or assigns, and they shall have the right to relocate the like quantities of land in any Territory, in alternate sections, where they shall have been surveyed, and shall then be open to private entry or sale. And as fast as selections and locations of said lands shall thus be made, the Commissioner of the General Land Office is hereby authorized and required to issue patents to the said Alden and Eddy, their heirs or assigns, on application therefor: *Provided*, That in the event a railroad to the Pacific ocean shall be located on or near said line of telegraph, the grant of land contemplated in this section, shall be so located as not to interfere with the location and any grant Congress may make in aid of the construction of said railroad.

Sec. 7. *And be it further enacted*, That all voluntary or intentional injuries to said line of telegraph, or to any property thereto belonging, shall be deemed, and are hereby declared to be willful and malicious trespasses, and shall be punished as such: and all laws of the United States now in force in any Territory thereof, or which may hereafter be enacted for the better security and protection of property, and applicable to such offenses, shall be, and they hereby are extended, for the protection of said line of telegraph, into and over all the unorganized territory belonging to and under the jurisdiction of the United States through which the same may be constructed; and all legal process and proceedings for the detection and punishment of the aforesaid offenses shall be within the jurisdiction of the courts, and shall be issued and executed by the proper law officers in the adjoining States and organized Territories.

Mr. HAMLIN. Mr. President, I do not often trespass on the attention of the Senate, and I propose to do so only very briefly at this time. I believe it may now be conceded that there will be no bill urged at this session for the establishment of a railroad communication between the Atlantic and Pacific coasts. Certain it is that no such bill can pass at this session of Congress. Indeed, if such a bill should receive the favorable consideration of Congress, it would be years before such a road could be constructed, whether either by the funds of individuals, from the proceeds of the National Treasury, or by appropriations of public lands. Therefore, to obviate the want which is felt for a direct communication between the two coasts, I think it is highly desirable that a small and a limited appropriation should be made for the construction of a telegraphic line.

The bill which I had the honor to introduce at this session was the bill which was reported by the Senator from California [Mr. WELLER] to the Senate last year from the Committee on Territories. The substitute which is reported from the same committee at this session, differs, I believe, from that bill in only two particulars. The bill of last year made a grant of one million five hundred thousand acres towards the construction of this line. This bill makes a grant of two million acres, whilst it also requires of the parties who construct the telegraph to transmit one thousand words monthly for the use of the Government,

over and above what was required by the bill of last year. I think, sir, that these are the only differences between the bill of last year and the bill of this year. Now, sir, it is my purpose to state very briefly what are the provisions of this bill, what will be the expense of the work, what are the grants of the Government, and what the Government are to receive therefor.

The first section of the substitute reported by the committee to the Senate grants the right of way across the territories of the Government for the construction of a subterranean telegraph to H. O. Alden and James Eddy, their associates and assigns, to be constructed with two lines of wire, insulated in proper substances, to prevent the action of the frost or the weather thereupon; such wires as are used on similar telegraphic lines on the continent of Europe at this time, and which have proved practicable and useful. It is a simple grant of the right of way over the public lands, leaving to the persons who shall construct the line the obligation of acquiring from the States through which it shall pass such State legislation as may be necessary. Hence I say that the first section provides simply for a grant of the right of way over the territories of the United States. It also provides that the western terminus of the line shall be at San Francisco, and the eastern terminus upon the Mississippi or Missouri, at such point as shall be found most practicable.

The second section provides that the telegraph shall be constructed of durable materials, with two lines of conductors, to be placed under the earth, rock, or water, where the same is practicable, and that, when constructed, it shall have testing tubes at every five miles distant; with working apparatus and machinery at distances of one hundred miles each along the line, with telegraphic stations at every hundred miles. This section also provides that the line shall, at all times, be kept in perfect repair by the corporators.

The third section provides that, after the telegraph shall have been completed by the parties at their own expense, they shall transmit, for the use of the Government, at the rate of eight thousand words per month; and that the right of the Government shall be prior to the rights of all other persons in transmitting the eight thousand words per month for its use. It further provides, that if there shall be other or greater facilities required and demanded by the Government, it shall have prior and exclusive use of the line for transmitting whatever else it may demand, at the same rates which are paid by individuals.

The fourth section regulates the rate of compensation at about twice the price which is charged upon our ordinary lines, although the cost of constructing a subterranean telegraph with insulated wires will be more than three times the expense of constructing a telegraphic line according to the ordinary process. Relatively, therefore, taking into consideration the value of the work, the cost of its construction, the expenses which it will require to keep it in operation through a wilderness country, this is a lower rate, I think, than that which is usually charged. The price which we provide for is ten dollars for a communication of ten words over this line for about two thousand miles.

The fifth section provides that the parties shall at all times keep the line in perfect repair; and whenever, for the term of six consecutive months, they shall fail, without adequate cause, (such as causes arising from sickness, Indian hostilities, flood, or some unforeseen accident,) to communicate for the Government, according to the terms of the bill, then the whole work is to be forfeited and become the property of the Government.

The sixth section provides that, after the line shall have been completed by the parties, the use thereof shall be tendered to the Government for the purpose of transmitting the communications specified in the provisions to which I have alluded. It also contains a provision that when the Government has had the telegraphic line tendered to it, there shall then be granted to this corporation two millions of acres of land, to be taken in alternate sections along the line of telegraph; but the lands are to be so taken as not to interfere with the location of any grant made for a railroad either now or subsequently, and if they shall prove to interfere with the location of any railroad, then they shall be relocated in some of the Territories—not in the States.

If you estimate the value of these lands according to the computation of the General Government itself, when it fixed the price of a one hundred and sixty acre land warrant at \$100, or if you estimate your public lands at \$1 25 an acre, and take into the account the fact that many of these lands cannot be brought into the market for a long period of years—taking either course as the estimate upon which to place the value of the land, and then allowing a fund to arise from it equal to that which the value of the lands shall be—the service performed by this company for the Government will be equal to seven or eight per cent. upon that value. This, then, is in the nature of a contract with the Government. In consideration of the grant of these lands, the company covenant and agree with the Government to perform for it these services, which will be equal to a compensation of from six to eight per cent. per annum upon such fund as the lands might produce if sold now, or if estimated upon the same rule that the Government estimated its lands when it commuted one hundred and sixty acre land warrants at \$100. No grant, in the nature of a gift, is asked or made—a full equivalent is made to the Government for all it contributes.

The language of the bill is as follows:

"That upon the completion of said line of telegraph, as aforesaid, and so soon as the same shall be put in successful operation, and the free use thereof, as hereinbefore provided, tendered to the Government of the United States, then shall be issued to said Alden and Eddy, their heirs or assigns, in exchange and payment for the free and prior use of said line in perpetuity, as aforesaid, land warrants for two millions acres of land, excluding all mineral lands, which they are hereby authorized to select and locate as follows: from and after said completion they shall have the right to select from any of the public lands along and near said line of telegraph, not before sold or appropriated, any quantity, not more than a section, and in alternate sections."

The last section simply provides that any depredation committed upon this line of telegraph shall be taken to be a malicious trespass, and shall be punished as such under the laws of the United States, and that the proper officers of the adjoining States and Territories shall have jurisdiction of such offenses. This provision was drawn before any bill was passed providing territorial government for the regions through which the line must be constructed, and it therefore provides that the proper court in the adjoining States or Territories shall have jurisdiction over the subject-matter, and shall try and punish all offenses for willful depredations upon the property of the company, as though they were in the Territory of the United States.

I should have stated at another point that the bill provides that the line shall be established within two years.

These, sir, are, simply and plainly, the provisions of this bill. I do not propose to elaborate them. The committee who reported it have given to us a very excellent report. They have gone into the general uses of the telegraph, the benefits which the Government will derive from the construction of this line, its commercial importance, and they have very fairly and very truthfully stated the uses and benefits which the country and the people will derive from its construction. The uses of such a work, which must necessarily, under any circumstances, precede a railroad for years, are obvious, and will readily suggest themselves to every mind. The commercial utility of such a work, connected with the whaling and commercial intercourse of the Pacific, and connected with what belongs especially to the State of California, cannot be doubted or over-estimated. When we consider what may necessarily arise as to the duty and obligation of the Government in transmitting messages to its officials upon the Pacific, we readily perceive that vast sums must necessarily be saved to the Government by the construction of this line; and that which would be the work almost of months by the slow progress of steam—for it is slow when compared with electricity—would be done on the instant; and messengers, who would be required to be sent around the Cape or across the Isthmus, will all be superseded by the Government in the transmission of its dispatches and messages, which are secured to it by this bill, if the work shall be executed.

These are the principal features of the bill. I do not propose to elaborate upon them. It is in the nature of a contract, and is not an act of in-

corporation. It is an express contract that you will grant this small pittance of land to these persons and their associates, and that they will, in return, perform for the Government what it is provided by this bill. It seems to me so clear that it must meet the cordial approval of the Senate.

Mr. PRATT. Will the Senator be kind enough to read the clause of the bill which gives jurisdiction to the adjoining States over offenses committed within the territories of the United States?

Mr. HAMLIN. This bill was drafted before any territorial bills had been passed, and consequently, if this telegraphic line had been constructed when the bill was drafted, it would have passed through a wilderness country without territorial organization, and hence this language was used: "And all legal process and proceedings for the detection and punishment of the aforesaid offenses shall be within the jurisdiction of the courts, and shall be issued and executed by the proper law officers in the adjoining States and Territories." I think it would perhaps be as well to strike out that language, and leave the punishment of those offenses to the territorial judge, as the line will now pass altogether through the Territories.

Mr. HUNTER. This bill has been very much amended, and I will therefore suggest that it lie over until to-morrow and be printed, so that we may see all the amendments. It is an important bill.

Mr. HAMLIN. I will move to postpone the further consideration of the bill until half past twelve o'clock to-morrow morning, and that it be ordered to be printed.

Mr. BROWN. Before the question is taken on that motion, I should like to inquire of my friend from Maine at what time the bill provides for the completion of the telegraph?

Mr. HAMLIN. Two years.

Mr. BROWN. Two years from the passage of the bill?

Mr. HAMLIN. Yes, sir.

Mr. EVANS. The bill has been so much amended, and is in such confusion that I do not know what its provisions are. I wish, therefore, to inquire whether it provides that the grantees shall have alternate sections of land along the whole line?

Mr. HAMLIN. Only to the extent of two millions of acres.

Mr. EVANS. Where are they to be located?

Mr. HAMLIN. Along the line.

Mr. EVANS. Suppose the land is not surveyed, what is to become of it?

Mr. HAMLIN. The bill provides that if it is not surveyed within two years, it shall be taken in alternate sections in territory.

Mr. PRATT. Manifest policy, it seems to me, requires that we should act upon a subject after it has been discussed. I think it would be a great deal better to go through with what is commenced rather than to postpone it from day to day. Such a course leads to prolonged debate. It seems to me that it will always be a great deal better to get rid of a subject which we have discussed.

Mr. HUNTER. I understood that the suggestion of the Senator from Maine was to lay over the bill until to-morrow at half-past twelve o'clock. Surely, that is not too much time for the examination of such a bill as this.

Mr. WELLER. I am perfectly willing myself that the bill shall be postponed until to-morrow, with the distinct understanding that we are to act on it at that time. An explanation of the different provisions of the bill has been made this morning, for the first time, by the Senator from Maine. Certainly we desire that the Senate shall be advised of all the various provisions of the bill before it is passed by them. We do not require nor ask hasty action on it. I am willing, therefore, to postpone the further consideration of the bill until to-morrow, at half-past twelve, with the understanding that its friends will then endeavor to bring the Senate to a vote upon it.

Mr. HAMLIN. Before the question is put upon the motion to postpone, I move to amend the last section by striking out the words "the adjoining States and," so as to leave legal process and proceeding for the punishment of the offenses named to be executed and issued by the proper law officers in the organized Territories.

The amendment was agreed to.

Mr. ADAMS. If it be in order, I should like to move to amend the motion to postpone by in-

serting "one o'clock" in lieu of "half past twelve."

The PRESIDING OFFICER. That motion would not be in order.

Mr. BROWN. If by his proposition that this bill is to be taken up, and, if possible, disposed of to-morrow, my friend from California means to carry it beyond the morning hour, I wish to say now, in time, that I shall object to any such understanding. I am willing that half the morning hour shall be devoted to this bill; but there are very many important measures which are being postponed from day to day, while bills like this are taken up by courtesy to gentlemen. For instance, the indigent insane bill, which all of us know stands very much in the way of our progress with other bills, has been here now for nearly three months, and we have not had a vote on it. Then there is the homestead bill, and there are other important bills, whose friends are desirous to see them acted upon. I wish simply to say to my friend from California, that if half the morning hour be devoted to this matter, I do not object, but I must object to any understanding to carry it beyond the morning hour, so as to interfere with other business.

Mr. WELLER. I simply desired to notify the Senate, by the expression which I made, that on to-morrow the friends of the bill would endeavor to obtain a vote. Everybody must regard this as a very important measure, and of course we desire the action of the Senate on it as early a day as possible. I said, therefore, that to-morrow, unless some public reason interfered, the friends of the bill would urge on the Senate the propriety of taking a vote. I do not know whether my friend from Mississippi is an enemy or a friend to it. If he is an enemy of the bill, of course his suggestion will have very little weight on my mind; but if he is in truth and fact in favor of its passage, then of course I shall feel inclined to do every thing I can to yield to his personal feelings. But the Senator has not defined his position, and I fear that we shall find him opposed to the passage of the bill. I desire, therefore, to stand entirely uncommitted as to what I shall do to-morrow. "Sufficient unto the day is the evil thereof." I hope we shall be able to obtain a vote to-morrow.

Mr. BROWN. I shall be glad if we can take a vote to-morrow; but what I wished to say was, that by my silence I did not intend to agree to any understanding to give this bill precedence over anything else.

Mr. WELLER. I will pledge myself to my friend from Mississippi, that I will not press this bill to a vote to-morrow to the exclusion of more important business. That ought to be satisfactory—I being the judge, of course, of what are more important. [Laughter.]

The motion to postpone the further consideration of the bill to, and make it the special order for, half-past twelve o'clock to-morrow, was agreed to.

AFRICAN SLAVE TRADE.

Mr. STUART. I now wish to ask the Senate to take up, with a view of disposing of it to-day, if we can, the bill making a grant of land for the relief of indigent insane persons, which has been returned by the President of the United States, with his objections.

Mr. CLAYTON. We have now on the table a bill which is the special order immediately after this shall be disposed of. I refer to the bill reported from the Committee on Foreign Relations for the more effectual suppression of the slave trade in American-built vessels. I hope we shall take up that bill now.

Mr. HUNTER. I think it would be better to take up the veto message. The Senator from Pennsylvania [Mr. BRODHEAD] has been here day after day, desiring to speak on it, and I think it is due to him that he should have an opportunity to do so.

Mr. CLAYTON. It was understood on Saturday, when the bill for the suppression of the slave trade was postponed, that it would be taken up immediately after the special order which has just been disposed of. That bill is one on which I presume there will be no debate whatever; for I suppose, from what I understand, that an arrangement can be made which will supersede the necessity of any debate at all. I hope, therefore, that we shall adhere to the special order. It cannot

consume more than a few minutes, and then we can take up the veto message.

Mr. STUART. If the bill of the Senator from Delaware be first in order on the table, and if it will lead to no debate, as he supposes, I am willing to withdraw my motion, so as to allow that bill to be taken up; but I assure the Senate that I am exceedingly anxious to dispose of the other question, for it stands in the way of other business.

Mr. CLAYTON. The gentleman cannot be more anxious than I am to dispose of the veto message; but I wish to take up the first bill in order.

Mr. ADAMS. I desire to inquire of the Chair if the veto message is not first in order?

The PRESIDING OFFICER. The first bill now on the orders of the Senate for consideration is the bill spoken of by the Senator from Delaware. Immediately after that is the act making a grant of public lands to the several States of the Union for the benefit of indigent insane persons.

Mr. CASS. I agree with my colleague on this matter. If the vote can be taken on the bill of the Senator from Delaware, without discussion, I have no objection to its being taken up. After that I shall be in favor of taking up the veto message. I believe we ought to have a vote upon that. Then, for myself, I shall vote against every proposition to bring other business before the Senate until the homestead bill be taken up.

Mr. HUNTER. I have no objection to taking up the bill of the Senator from Delaware, if it be understood that the amendment which is pending will be withdrawn; but surely he does not suppose that the amendment will be voted on without debate.

Mr. CLAYTON. I suppose that if the bill be taken up that amendment will be withdrawn in the course of a very few minutes.

The PRESIDING OFFICER. Does the Senator from Michigan withdraw his motion?

Mr. STUART. Yes, sir.

The Senate then resumed, as in Committee of the Whole, the consideration of the bill for the more effectual suppression of the slave trade in American-built vessels, the pending question being upon the amendment offered on Saturday last by the Senator from Indiana [Mr. FERRIS] to add the following additional sections:

Sec. — And be it further enacted, That the sum of \$250,000 be, and is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to the order of the proper officer of the American Colonization Society, for the year ending 30th June, 1855, for the purpose of enabling said society to establish a line of steam vessels consisting of two steamers. Said steamers shall each make three trips within the year, and, as near as possible, at regular intervals, alternating between the ports of New York, Baltimore, Norfolk, Savannah, and New Orleans, and the west coast of Africa, touching at such places as said society shall direct.

Sec. — And be it further enacted, That the Government of the United States shall have the privilege of transporting to and from West Africa, the Government mails, and likewise the Government stores, each trip.

Sec. — And be it further enacted, That said society shall arm each steamer with one long heavy gun, on a pivot, and two small guns, and shall man them with a proper complement of seamen to render efficient service, under private commissions from the Government, to repress and check slavers on the line of their voyage between this country and the west coast of Africa, and along the line of said coast, and on their return voyage shall run down said coast as low as Cabinda, and return cruising along said coast as high as the Gambia.

Mr. CLAYTON. In regard to that amendment, I have to say that I trust the honorable Senator who offered it will see the propriety of withdrawing it. I understand, distinctly, that the Colonization Society has not desired any such proposition to be moved to this bill. The Colonization Society has not interfered, in any way, to amend or alter the bill. In relation to the proposition itself, I wish to say, that if the object of the honorable Senator be to establish a line of steamers between this country and Liberia, he will always find me friendly to a proposition of that description, if offered in the proper place. I trust the honorable Senator from Indiana, seeing these things, will not be disposed to obstruct the passage of this measure, which is a very important one.

Mr. PETTIT. Mr. President, before I sit down, I shall withdraw the proposed amendment; but, before doing so, it is proper that I should make a very short explanation. I offered this amendment at the instance of the Rev. James Mitchell, who is the agent of the Colonization Society for

five States in the West—Iowa, Indiana, Illinois, Michigan, and Wisconsin—as I understand. He presented me the paper, requesting me to offer it as an amendment. I now understand, from the Senator from Delaware, that the Colonization Society do not desire it offered to this bill, and, therefore, at the suggestion and with the concurrence of the gentleman at whose instance I offered it, I withdraw it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

INDIGENT INSANE BILL VETO.

On motion by Mr. STUART, the Senate resumed the consideration of the bill making a grant of public lands to the several States of the Union for the benefit of the indigent insane persons, which had been returned by the President of the United States with his objections.

Mr. BRODHEAD addressed the Senate in support of the veto message. [His speech will be found in the Appendix.]

Mr. STUART. There are many Senators not now here who hardly anticipated that a vote would be taken on this question to-day; and, if there be no objection, I suggest that the further consideration of the bill be postponed until to-morrow at one o'clock, or two o'clock, as may suit the pleasure of the Senate, with the understanding that at that time the vote will be taken. If that be done, I shall then ask the Senate to take up the next special order, which is the homestead bill.

Mr. BELL. I should have no objection to that proposition, but that I should like very much to see a pretty full attendance of the Senate when the question is taken.

Mr. HUNTER. There will be then.

Mr. BELL. A number of Senators are not now in the city, but are anticipated to be in a few days. I think, therefore, it would be better to postpone the time of taking the vote a little longer. I do not suppose any one desires to discuss it further.

Mr. STUART. So far as I am concerned, it is immaterial whether the Senate disposes of it to-morrow or Monday. I should be entirely willing to consult the views of the Senate on the subject; but my desire was to fix a day for taking the vote, that Senators may be here.

Mr. BELL. I should prefer Monday. I do not know whether any advantage would result from it; but I think we shall be more likely then to have a large attendance of Senators than to-morrow.

Mr. STUART. I have no objection to it.

Mr. WELLER. I think it would be utterly impossible to fix a day to suit the convenience of all the Senators. I have no doubt we shall have as many in attendance to-morrow as on Monday; and if there is no gentleman who desires to continue the debate, I should prefer, individually, to take the vote to-morrow, in order that we may proceed with other business, which must necessarily be disposed of. I shall, therefore, move, unless the Senator from Michigan makes the motion, to postpone it until to-morrow.

The PRESIDING OFFICER. The Senator from Michigan submits that motion.

Mr. STUART. I submitted it with a wish to get the general understanding of the Senate as to the time, not to consult my own convenience at all.

Mr. HUNTER. I hope the vote will be taken to-morrow at one o'clock.

Several SENATORS. Say two o'clock.

Mr. HUNTER. Well, two o'clock.

Mr. WILLIAMS. I do not intend to detain the Senate by giving my views at length upon the bill; but before the vote is taken, I desire to make a few remarks upon it.

The PRESIDING OFFICER. The Chair understands that the motion is to postpone the further reconsideration of the bill until to-morrow at two o'clock, with the understanding that the Senate will then proceed to a vote upon it.

Mr. HUNTER. I would suggest that it had better probably be postponed until one o'clock. I understand there are several Senators who wish to speak a few minutes upon the bill. There are at least two.

Mr. STUART. I have no objection to making one o'clock the hour.

Mr. WELLER. I think, if we postpone it to two o'clock, we can, by that time, get through with the bill which we had under consideration to-day, to provide for the construction of a telegraph from the Atlantic to the Pacific. I think we shall have ample time to dispose of that, if this bill be postponed until two o'clock. I therefore prefer that hour.

The PRESIDING OFFICER. The Chair will suggest to the Senator from California that, according to the usage of the Senate, when a question is once up, it cannot be laid aside without being disposed of in some way by a vote of the Senate; so that if the bill to which he alludes should be taken up to-morrow, and it should not be gotten through with by one o'clock, the Senate will continue considering it, unless a majority determine otherwise.

Mr. HAMLIN. I concur in what the Chair has said; but still, if it be the sense of the Senate to proceed to the consideration of the veto message, I should not desire to interpose objection to it. If, however, as suggested by the Senator from California, we could dispose of the other, it would be better for us to postpone this until a later hour—say half past one o'clock.

Mr. STUART. The difficulty I anticipate, if we postpone this bill beyond one o'clock, is, that we shall not dispose of it to-morrow, but shall adjourn before it is acted upon. I am entirely disposed, as I said, to consult the convenience of every Senator, if I can; but it seems to me it would be as well to say one o'clock as the hour to which we should postpone it; and by that hour, if we have not got through with the telegraph bill, it can be postponed until next day, and we shall succeed in disposing finally of this question to-morrow.

Mr. CASS. Why not go on with the discussion of this bill now? We must settle it.

Mr. STUART. If the Senator from New Hampshire is disposed to go on to-day, I certainly shall withdraw my proposition to postpone, and hear him to-day.

Mr. JOHNSON. The Senator does not desire to go on now.

Mr. WILLIAMS. I am not very particular about it. I do not propose to discuss the merits of the bill; but before the vote is taken, I wish to occupy about twenty minutes.

The motion to postpone until one o'clock to-morrow was agreed to.

HOUR OF MEETING.

On motion by Mr. ADAMS, the Senate proceeded to consider the resolution submitted by him on Friday last, as follows:

Resolved, That the Senate hereafter meet at nine o'clock, a. m.

Mr. HAMLIN. I move to strike out "nine" and insert "eleven."

Several SENATORS. Say ten.

Mr. HUNTER. I think eleven would be a much better hour. It is to be remembered that the appropriation bills are nearly all to be acted upon yet. When they come here, they will have to be referred to the Committee on Finance. A great deal of labor will be devolved upon that committee, and it is hardly to be expected that they can meet and prepare for the action of the Senate on these bills before nine o'clock in the morning. We ought to have some time in the morning to attend to our committee duties; and I therefore think eleven o'clock will be a much better hour to appoint. That has been the usual course heretofore.

Mr. ADAMS. My purpose in introducing the resolution was that we should have morning sessions, which would be more pleasant and agreeable to Senators than our present evening sessions. I have no particular choice myself, however. If it be the general sense of the Senate to strike out "nine" and insert "ten," I should have no objection. To insert "eleven" would not answer the purpose I had in view in desiring the morning session. I only want the sense of the Senate in reference to it.

Mr. JOHNSON. I desire to ask the chairman of the Committee on Finance a question. Have you received any of the appropriation bills yet?

Mr. HUNTER. None.

Mr. JOHNSON. Has any come here yet?

Mr. HUNTER. We have acted upon one or

two of them. We have acted upon the Indian appropriation bill.

Mr. JOHNSON. That is disposed of.

Mr. HUNTER. It has been sent back to the House.

Mr. JOHNSON. There is no appropriation bill now pending in this body.

Mr. HUNTER. None.

Mr. JOHNSON. Then what is the use of meeting at an earlier hour? I doubt very much whether it is necessary to force this thing as yet. With the entrance into this body of the very first appropriation bill, I am willing to vote for an earlier hour of meeting; but I am not willing to vote for it when there are none of those bills before us.

I am very well satisfied that if we meet here at nine o'clock, we shall not adjourn before three o'clock. That is the opinion of but one member, it is true; but it is the opinion of very few, I think, that we should adjourn any earlier than that. Then why meet at an unusually early hour? I think we sit now, from twelve o'clock, as long as the nature of the public business requires us to do. We are getting along very well with the business. We are not behind-hand. A vast amount of the business of this body has been transacted and sent to the other House, and there is, comparatively, very little before us. I do not believe that we ought to make this change in the hour of meeting yet. I doubt very much whether it ought to be made until the Committee on Finance are ready to report some one or other of the appropriation bills to us. The committee must have time to labor. They ought to have until the hour of twelve. If we make this change, and meet at the unusually early hour proposed, before they have prepared and matured any of the appropriation bills, they will have to be excused from service in this body for the time being, and be compelled to go and attend to their committee duties while we are in session. The gentlemen composing that committee have interests here to attend to; and we are entitled as much to their counsel as to that of others; and they themselves are entitled to ours; but if we meet at an earlier hour they will be compelled to attend to their committee duties while we ourselves are in session. Every one will see that it is almost impossible for them to meet at a late hour in the evening to transact committee business. The evenings are excessively oppressive. The mornings themselves are oppressive; but the evenings excessively so.

I think it will be wise, and I hope for the present we shall do so, for this body to hold on to its position, and meet as it always does at twelve o'clock, and continue to sit through the day to the usual hour; for at the least, say what we will upon the subject of our sitting here through the day, there are few who will not say that this is the coolest place in the city. It is as little uncomfortable, if not less so, than any other place in the city. I do hope that the Senate will not change the hour of meeting at all, until there is some absolute necessity imposed upon us by the nature of the business brought before us; and I do not see how that can be the case, until the appropriation bills are brought here.

Mr. STUART. I suggest to the Senator from Mississippi to modify his resolution as to the time when it shall go into operation—to say "Monday next," in place of "hereafter." Perhaps we could adopt the hour of ten o'clock, on and after Monday next.

Mr. ADAMS. I accede to that proposition.

The PRESIDING OFFICER. Then the Senator from Mississippi, modifies his resolution so as to make it read:

"Resolved, That the Senate meet on and after Monday next, at ten o'clock, a. m."

Mr. GWIN. I hope that the resolution will pass in the amended form, which fixes Monday next for its operation. I differ entirely from the Senator from Arkansas when he says that we should not meet yet before twelve o'clock. There is no doubt that this is the coolest place in the city. As far as the Committee on Finance is concerned, I am a member of that committee, and I have no doubt that we can find time to attend to our business, and meet at an earlier hour than we now do. I think we can get through with our business very well by meeting, on and after Monday next, at ten o'clock. I am sure the chairman of the committee will look to it that we get the appropriation

bills ready for the Senate by that hour. There are some very important measures which ought to be discussed this session, and I think that by meeting from Monday next at ten o'clock, we shall be able to bring forward the appropriation bills.

Mr. HAMLIN. The Senator from Mississippi having modified the resolution, it is necessary for me to modify my amendment so as to strike out "ten" and insert "eleven." I make the motion because I think there is force in the suggestion which fell from the chairman of the Committee on Finance; and because I believe we shall do just as much work if we meet here at eleven, as we should if we met at nine or ten. From eleven to half past three, this hot weather, is as long as we can be expected to meet here; and we shall accomplish as much work in those hours as if we met earlier. For that reason I make my motion.

Mr. WALKER. I should like to hear the ideas of the Chair on this question. [Laughter.]

The PRESIDING OFFICER. The Chair is not at liberty to give them. [Laughter.]

Mr. BRIGHT. I shall vote against any motion to change the hour of meeting, until nearer the close of the session. If, during the last week, it should be found necessary to meet at an earlier hour, I shall be willing to do it; but for the present the hour ought not to be changed. If Senators, who are in favor of the resolution, will look back to the precedents, they will find that this is earlier than the change has heretofore usually been made. But if it is proposed to make that change, I think it will be just to the Committee on Finance, that the mornings on which they hold their regular meetings, Tuesday and Friday, be excepted, so that they may not be denied a participation in the deliberations of the Senate. They will be excluded if we meet here at an earlier hour than twelve, or earlier than eleven at any rate.

There is a mistaken impression abroad, that unless we are sitting here we are not at work. Now, sir, the most laborious services that I perform are outside of this Senate Chamber, getting business ready, and attending to business in the different Departments. I feel the necessity of having time as much for that as I do to come here, and discharge my duties. I hope, therefore, it will be the pleasure of the Senate to let the hour of meeting remain as it is until we ascertain by experience that our business drives us to an earlier hour. Then we can change the hour to eleven o'clock; but under no circumstances should we meet earlier than that.

Mr. SEWARD. I concur in what has been said by the Senator from Indiana, and as the honorable Senator in the chair [Mr. BADGER] is, by his position, precluded from making a response to the question of the Senator from Wisconsin, [Mr. WALKER,] I will answer for him. I announce, therefore, that the Chair concurs also with the Senator from Indiana; that it is better that the meeting should continue at the usual hour, until some occasion arises for a change. [Laughter.]

But, to be serious. If we meet at nine, or at ten o'clock, we must meet with some purpose, either to sit until the customary hour, or to adjourn at an earlier hour of the day. Now, I think it very clear, if this intensely hot weather is to continue, that it will not be within the bounds of human endurance for Senators to go through their duties on committees, which require an hour every day, and then to sit here either five or six hours, and also to perform the necessary labor which attendance upon the Departments requires from many Senators, to say nothing of the time required for the examination of subjects which come before us. If the expectation be that we shall adjourn at an earlier hour of the day, I concur with the Senator from Arkansas, that an earlier meeting is unnecessary. I do not see any pressure of public business upon us now to require it. I think no good reason has been assigned for it, except the supposition that it may be more convenient during this hot weather. I believe that is a fallacious view; but if not, this proposition comes too late, for we are passing through, and probably coming to the end of the intense heat under which we are now suffering. If the idea be that we are to change the time in order to shelter ourselves from the heat, then the motion comes too late, for I presume that the weather is going to change. We have had ten of these hot days; the wind must now set in from another

quarter. We may have occasion for changing the hour of meeting before the end of the session—perhaps ten days before its close. I agree in this matter with the chairman of the Committee on Finance, [Mr. HUNTER,] and I hope the Senate will not adopt the resolution.

Mr. CASS. A good deal has been said in the Senate, almost foreign, in my opinion, to our discussions, which has done great injustice to the body. As the Senator from Indiana has well observed, an idea seems to prevail through the country, which is fortified by a great deal of what has fallen from Senators, that we come here in the morning and spend an hour or two, and that that is all we do as members of Congress. A more fallacious idea could not prevail. You know, sir, and we all know, that a large portion of the business of the Senate, and of the other House is done in committees. The principal part of it is matured there. Facts are investigated, principles examined, and reports made, by which we are very much guided; and a great portion of the labor of the Senate consists in the preparation of that business. There is not a member of the Senate who, day after day, I might almost say, hour after hour, is not required to go to some of the Departments to investigate some matter connected with some of his constituents. Then we have an immense correspondence to attend to. The task of franking and overseeing the direction of the great number of speeches and documents which we send to our constituents, is no slight one. When a man has to sign his name forty thousand or fifty thousand times he feels that he has a serious job before him. I believe those numbers are not very unusual, and I know by my own experience that they are sent. I mention these facts, although they are well known to Senators, because they are necessary in justification of the Senate. It is generally pretty hard work for us to attend to all these duties. I have been a working man all my life, and generally a pretty hard one; but I never worked harder than I have done as a member of Congress. I rise every morning before the sun and begin my labor; and I find myself pretty tired by the time night comes on. The idea is perfectly fallacious, that the little time which we spend here is all the time which we employ in executing the duties intrusted to us.

Besides that, questions come up which require consideration and examination, and I regretted very much, the other day, to hear some remarks which fell from the Senator from Georgia, [Mr. DAWSON,] who is not now in his seat. He talked about extemporaneous discussion—skirmishing, as he called it, being the best mode of carrying on debates. I do not believe a word of it. He has a very incorrect estimate of himself, of this body, or of the country, who comes to the Senate to mingle in its debates unprepared. I am not in the habit of doing that. The higher the subject, the deeper should be its consideration. Skirmishing never gains victories, either on the battle-field, or in mental conflicts. It was not through skirmishing that the great orators of ancient and modern days obtained their eminence. Their example is good for us. It was labor, incessant, eternal, and unmitigated labor, by which they obtained their reputations. That labor we must go through with in the investigation of all subjects; and I repudiate *in toto* the idea of the honorable Senator from Georgia, that it is best for us to come here and carry on a skirmishing, extemporaneous debate, on the most solemn questions which come before us. I am not one of those who measure the value of legislative labors by the thickness of the statute-books. I would rather, sometimes, take the proportion in the inverse ratio. I believe advantages arise to this Government from discussion here; it turns the attention of the public to great subjects. There is no discussion in Turkey, none in Russia; but wherever there is freedom, there is discussion; and the more freedom, the more discussion.

I repeat, that the duties of a member of Congress are laborious and incessant; and if he is a conscientious man, as I believe we all are, he can only discharge them by untiring labor. I have no idea that my own labor is greater than that of other members, and in one respect I am more favored, as the Senate has excused me from serving upon any of the standing committees, except that on the library.

Now, with respect to the proposition before us,

I wish to say that I shall be willing to meet at eleven o'clock at the proper time—although not yet—for I believe if we meet at eleven, and sit four hours a day, it is as much as we can well do, and have time to attend to the other business which we are required to perform. But I do not think it is necessary yet to meet any earlier than we now do.

Mr. MALLORY. My friend from Mississippi, I presume, supposes that his proposition will facilitate the business of the Senate. I shall vote against it, because I think it will retard the business. I shall be, however, prepared to vote at any time for a continuance of our session as late throughout the night as may be proper. I think we should accomplish much more business if we had a recess, say, from three o'clock to eight o'clock, and then meet a few hours in the evening; but, sir, a radical objection to meeting at ten o'clock, in my judgment, is this: all of us from the new States have a great deal of business with the Departments. We are in the habit of meeting there; and they do not open before ten o'clock in the morning, and do not fairly get under way, perhaps, with their business, until half-past ten o'clock. We shall be compelled to be there. That business is, perhaps, as equally important as any we have to attend to here. Another objection is, that none of us reach our committee rooms at present, with the utmost haste, before half-past ten o'clock. Much of our business, as has been said, is effected in committee. If we meet at ten o'clock we cannot get there sooner than we do now, residing, as we do, at a great distance from the Capitol. If then, our having to be at the Departments and the committee rooms at those hours is a sufficient objection to the resolution, it ought not to pass. But if any Senator will bring forward a proposition to have a recess from four to eight at night, I am very well convinced that we could accomplish much by adopting that course.

Mr. BRIGHT. I move that the resolution lie upon the table.

Mr. ADAMS called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 27, nays 14; as follows:

YEAS—Messrs. Allen, Bell, Bright, Brodhead, Butler, Cass, Chase, Clay, Cooper, Dixon, Evans, Fessenden, Fitzpatrick, Gillette, Hunter, Johnson, Jones of Iowa, Mallory, Morris, Pettit, Pratt, Sebastian, Seward, Stidell, Sumner, Toucey, and Wade—27.

NAYS—Messrs. Adams, Badger, Brown, Geyer, Gwin, Hamilton, Jones of Tennessee, Mason, Rockwell, Rusk, Stuart, Walker, Weller, and Williams—14.

So the resolution was ordered to lie on the table.

WILLIAM BROWN.

The bill for the relief of William Brown was read a second time; and, on motion by Mr. HAMLIN, considered as in Committee of the Whole.

It proposes to direct the Secretary of the Interior to place the name of William Brown, *alias* Billy Brown, a colored man, now a resident of Portland, Maine, on the pension roll, at ninety-six dollars per annum, commencing May 30, 1844, and continuing during his natural life.

Brown was one of the crew of the United States frigate *Constellation*, and served as a powder-boy during the engagement of that ship with the French frigate *l'Insurgente*, on the 9th of February, 1799, which resulted in the capture of the latter. During the engagement he was wounded in the foot, which has made him a cripple ever since. When his papers, establishing the fact and extent of his disability, were filed with the Commissioner of Pensions, that officer, supposing that the claim was founded on the eighth section of the act of 1800, rejected it, on the ground that the injury was anterior to the passage of the act, which was prospective only. In point of fact, however, the claim is covered by a similar provision for a pension to those disabled in the line of duty, in the eleventh section of the act of July 1, 1797, "providing a naval armament," and under which the frigate *Constellation*, together with the frigates *United States* and *Constitution*, were manned and employed. That act was temporary, but did not expire by its limitation until the 4th of March, 1799, and the injury was received by the petitioner on the 9th of February in that year. It appears by a letter of the Commissioner of Pensions of May 28, 1844, that the proof in the case is satisfactory, but that a rule of the Department prevents his exercising any discretionary power. The rule alluded to is that which excludes all evi-

dence of the injury but record evidence after the lapse of twenty-five years. As there is no doubt of the identity of the petitioner, and satisfactory evidence of the fact that he was wounded in his foot during the engagement of the *l'Insurgente*, and that he is now, and has always been, a cripple from that cause, the committee are of opinion that he is entitled to a pension under the provisions of the act of July 1, 1797.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

EXECUTIVE SESSION.

On motion by Mr. SLIDELL, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, July 5, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of Saturday was read and approved.

RESIGNATION OF HON. GILBERT DEAN.

The SPEAKER laid before the House the following letter from Hon. GILBERT DEAN, tendering his resignation as a member of the present Congress:

HOUSE OF REPRESENTATIVES, July 3, 1854.

SIR: I have the honor to inform you that I have this day resigned my seat as a member of the Thirty-Third Congress. In parting with this body, I tender to its members my sincere wish for their prosperity and welfare.

For yourself, sir, believe me truly, &c., G. DEAN.

HON. LINN BOYD,

Speaker of the House of Representatives.

The communication was laid on the table, and ordered to be printed.

The SPEAKER laid before the House a communication from the Treasury Department, relating to the leases made with the Bank of Commerce and the Bank of the State of New York, for their respective buildings, for the use of the assay office, in the city of New York.

On motion by Mr. ROBBINS, the communication was referred to the Committee of Ways and Means, and ordered to be printed.

DISTRIBUTION OF THE PUBLIC LANDS.

The SPEAKER stated that the question before the House was on recommitting to the Committee on Public Lands the bill "granting lands equally to the several States to aid in the construction of railroads, and for the support of schools," on which the gentleman from New York [Mr. BENNETT] was entitled to the floor.

Mr. BENNETT addressed the House in explanation and defense of the bill, and in reply to the speech made by Mr. DISNEY some time since on the subject of the disposal of the public lands. [His speech will be found in the Appendix.]

Mr. B. then withdrew the motion to recommit, and moved that the further consideration of the bill be postponed until the third Tuesday of December next, and also moved the previous question upon that motion.

Mr. DISNEY. I trust the gentleman will withdraw his motion for a moment, as I want to say a word or two to him. He has made some remarks in reference to a speech which I have made, which naturally calls for a response. I will not be very severe upon the gentleman. [Laughter.] I ask the gentleman to give me an opportunity to reply.

Mr. BENNETT. The gentleman can take any opportunity, if the consideration of this bill is postponed.

Mr. DISNEY. Does the gentleman refuse to withdraw his call?

Mr. BENNETT. I cannot withdraw the motion. The gentleman once refused to allow me to make an interruption, and I do not know why I should comply with his request.

Mr. CHASTAIN. I move to lay the bill upon the table; and upon that motion I call for the yeas and nays.

Mr. BENNETT. Does not the motion to postpone take precedence of that motion?

The SPEAKER. It does not.

Mr. HOUSTON. As the morning hour is nearly out, I move that the rules be suspended, and that the House resolve itself into the Com-

mittee of the Whole on the state of the Union. I make this motion in order that we may go into committee, and finish the civil and diplomatic bill.

Mr. BENNETT. If the motion of the gentleman from Georgia takes precedence of mine, I withdraw it, and renew my motion to recommit the bill.

The SPEAKER. The Chair is of opinion that the motion cannot be made while the motion to lay upon the table is pending.

Mr. BENNETT. Then I adhere to my former motion to postpone.

Mr. FENTON. I ask the unanimous consent of the House to report a bill, "to increase the compensation of collectors of customs," merely for the purpose of reference.

Mr. LETCHER. I object.

Mr. RICHARDSON. I desire to understand precisely the state of the question before the House. Does the gentleman from New York move to recommit merely to keep the bill before the House?

The SPEAKER. The motion made by the gentleman from Georgia [Mr. CHASTAIN] cuts off the motion to recommit.

The gentleman from New York indicated his desire to withdraw the motion to postpone until the third Tuesday in December next, and to make the motion to recommit the bill. The motion to lay upon the table, however, will cut that motion off.

Mr. RICHARDSON. What I desired to know is, whether the object of the gentleman from New York, in making his motion, was to prevent the gentleman from Ohio from replying to his remarks?

Mr. DISNEY. That is the object, of course.

Mr. RICHARDSON. If it is, then we may as well vote upon the motion to lay upon the table now.

Mr. BENNETT. I am willing the gentleman from Ohio should take his own course in reference to replying. He will, no doubt, have an opportunity.

Mr. CHASTAIN. At the suggestion of some friends around me, I will withdraw the motion to lay upon the table, and allow the question to be taken upon the motion to postpone.

Mr. BENNETT. I then withdraw the motion to postpone, and move to recommit the bill to the Committee on Public Lands.

Mr. DISNEY obtained the floor.

Mr. CLINGMAN. I ask that the question may be taken upon the motion to go into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The rules were accordingly suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. ORR in the chair.)

CIVIL AND DIPLOMATIC BILL.

The CHAIRMAN. When the committee was last in session on the civil and diplomatic appropriation bill, the question before the committee was on agreeing to the amendment of the gentleman from Arkansas [Mr. GREENWOOD] to the amendment proposed by the gentleman from Pennsylvania, [Mr. CHANDLER,] upon which tellers had been appointed.

The pending amendments were reported as follows:

Add to the amendment proposed by Mr. CHANDLER, which is as follows:

"For continuing the aqueduct for bringing water into the city of Washington, agreeably to the plan adopted by the President of the United States, according to the provisions of the act of Congress, approved March 3, 1853, \$500,000."

—the words:

Provided, That no portion of the foregoing amount shall be applied unless the corporations of Georgetown and Washington shall appropriate and pay a sum equal to one fifth of the amount, to aid in the construction of the water-works proposed.

Messrs. FRANKLIN and CURTIS were appointed tellers.

The question was taken on Mr. GREENWOOD's amendment; and it was agreed to; the tellers having reported—yeas 75, noes 41.

Mr. OLDS. I move the following amendment, as an addition:

Provided, That no part of this appropriation shall be expended unless in pursuance of a contract to be entered into for the furnishing of all the material, labor, tools, and machinery of every description, and every matter and thing relating thereto, and the completion of the entire work in

a masterly and workman-like manner, after first inviting proposals for sixty or more days, in the daily journals of this and other cities throughout the Union; the advertisements to call for proposals for the Great Falls work, as reported on, and recommended by Lieutenant M. C. Meigs; for the Rock Creek work, as reported on, and recommended by Colonel George W. Hughes, and for lifting by steam, or water power, from the Potomac or Rock Creek, not less than nine million of gallons of pure water daily, (sufficient for three hundred thousand inhabitants,) and elevating the same to some convenient location, at or near Georgetown, to two hundred and fifty feet above high tide, into a distributing reservoir, which shall contain not less than fifty million of gallons: And it is further provided, That persons proposing shall accompany their bids with the guarantee of two or more responsible sureties, who will enter into bond with the United States that the work shall be completed within a reasonable time, and be permanent and efficient for five years after its completion; the President of the United States to accept such plan and proposal as, in his judgment, is best for the Government, after first submitting them to a board of three civil engineers, who shall report their opinion of their relative merits in writing, as to which plan is best for the interests of the Government: *Provided further*, That the whole cost does not exceed the sum of \$2,300,000 if the Great Falls report is adopted; \$1,000,000 if the Rock Creek project is adopted; and \$500,000 if the project to lift by steam or water is adopted.

Mr. OLDS. Gentlemen of the committee are all aware, doubtless, that generally all public works undertaken by the Government in and about this city cost a great deal more than the estimates made under which they were commenced. We have rumors that the probability is that these water-works will cost five, six, or seven millions of dollars, and perhaps a good deal more than that. We also have rumors afloat about this city—I do not know whether they are well founded or not—that the best plan has not been adopted; and that some other plan could be adopted which would not cost perhaps more than \$600,000, and which would effectually supply this city with pure water. The amendment I have offered proposes not to defeat the water-works, but that a contract shall be made after having advertised for proposals, and that contracts shall not be entered into at a cost greater than the estimates made by the engineers. It also proposes to give the revision to the President or the United States, of the plan adopted, that he may take the one costing \$2,300,000, or the one costing \$1,000,000, or the one estimated to cost \$600,000—in short to make a revision of the plan.

It appears to me that there can be no objection to the amendment I have offered. It is not to defeat the water-works, but it is that you shall not undertake them, unless you have a responsible bid within the estimates of the engineer. How can you, Mr. Chairman, I, or any other member here, go home to our constituents, and tell them that we have voted for an appropriation of \$500,000 towards supplying the city of Washington with pure water, when they have rumors afloat all the while, that before these water-works are completed they will cost some \$6,000,000 or \$7,000,000 to be taken out of the Treasury of the United States. When the contract is made with responsible persons, who undertake to complete the works fully, fairly, and in a workman-like manner, within the estimates of the engineers, then we can go home and justify ourselves, if we shall be called upon to give a vote of \$500,000 for these water-works. I hope that the amendment I have offered, which is certainly a judicious one, will be agreed to.

Mr. CRAIGE obtained the floor.

Mr. SMITH, of Virginia. Will the gentleman from North Carolina yield me the floor for an instant?

Mr. CRAIGE. Certainly.

Mr. SMITH. I want to ask the gentleman from Ohio [Mr. OLDS] to allow me to tender the paper which I send to the Clerk's desk, as a substitute for his amendment. I hope that when he has heard it read he will accept it.

Mr. OLDS. Well, let us hear it read.

Mr. SMITH's amendment was read, as follows:

Provided, That none of the money hereby appropriated shall be expended in the construction of said aqueduct until contracts shall be entered into by the President of the United States with good and responsible persons for such portions of the work to be executed, and materials to be furnished, as will, in his opinion, secure the faithful completion of the work upon the plan above referred to, for the sum of \$2,300,000 or less, and within two years from the date of the contracts; and it is hereby declared to be the true intent and meaning of the act of Congress under which the President adopted said plan for bringing water into the city of Washington, that the sole and exclusive use of the water to be brought by said aqueduct is for the purposes of the Government establishments in said city to the extent they may require it, and the cities of Washington and

Georgetown, and the inhabitants thereof, may, upon such terms and conditions and under such regulations as may hereafter be prescribed by act of Congress, use the surplus water: *Provided*, that the whole expense of the additional pipes necessary for the distribution of such surplus water through the said cities, shall be borne exclusively by the corporations of said cities respectively.

Mr. OLDS. I do not accept the proposed amendment. It does not provide so effectually as the other does.

Mr. CRAIGE. I must prefer the amendment which has been last read to that which has been offered by the gentleman from Ohio. I have no sort of objection to the limitations and conditions prescribed in the amendment of the gentleman from Virginia, [Mr. SMITH,] because, notwithstanding the rumors that have been spoken of by the gentleman from Ohio and others, I feel the utmost confidence that this work can be built within the estimate. I have taken the pains of investigating the estimate of Captain Meigs. I have taken the pains of investigating the work itself: and I repeat that I feel the utmost confidence in his calculations. I feel assured that the work can be built for the amount estimated. And, therefore, it is that I say I have no sort of objection to the amendment proposed by the gentleman from Virginia, or to the restrictions and limitations therein contained.

But my objection to the amendment of the gentleman from Ohio is simply this: after the passage of the first appropriation of \$100,000 for this purpose, which authorized the President to commence this work after the different surveys had been made of Rock Creek, Little Falls, and Great Falls, the latter—the plan for bringing the water from Great Falls—was adopted by the person who was thus authorized by act of Congress to fix it. And under that the work has been commenced; under that a large portion of the conduit has been commenced, a large portion of the excavations have been made, and a great amount of the tunneling has been executed. I have examined it all, and I am satisfied that what has been done up to this time has been done within the estimate—and this is the most important part of the work.

Mr. SMITH, of Virginia, (interrupting.) If the gentleman from North Carolina will permit me to interrupt him, I would state to the committee that the only decided and radical objection which I have to the amendment of the gentleman from Ohio, is this: it calls on the President to adopt a plan. Why, sir, the President has adopted a plan once. The very plan which has been already commenced is the plan which he adopted. Now, the gentleman proposes that the President shall adopt another plan; and if this should be done we might be again compelled to change it, for want of money, or owing to the reports of Madam Rumor. This plan has been carefully prepared and reported by competent engineers.

Mr. CRAIGE. I think the work would never be ended, and therefore it is that I oppose the amendment of the gentleman from Ohio. I apprehend that if the matter were investigated, it would be found that the outside pressure brought to bear from the different plans other than that adopted by the President, is the basis on which these rumors were founded. I should like, Mr. Chairman, that those who have spoken from these various rumors, to prove that the work would cost \$6,000,000 or \$7,000,000, would give us the data on which their estimates are based.

Let them tell us why it will cost this \$6,000,000 or \$7,000,000. The engineer who has this work in charge has told us why it will cost only \$2,500,000. The figures are put down, and every man can have the opportunity to judge as to the correctness of the calculations, whether they are extravagant or not. But as to these various rumors in relation to the cost of this work, how can you tell whether they are well or ill founded? Does this rumor give us the calculations as to the various items of the work? Not at all. It does not tell us whether the calculations for the tunneling are too large, or anything of that kind. There is no such thing as that, but it is all vague and idle rumor, and nothing else.

On the contrary, those who advocate this work give us the details. They have looked into it, examined the matter, and have made careful estimates of the cost of each and every part of the work, such as the stone masonry, the excavation, and every different part of the work mentioned in that report. And they report that it can be built

for the estimates. And more than that, the work has been finished over the most difficult part of the route, and that portion has been done within the estimate.

Mr. McMULLIN. I desire to suggest to the gentleman from Ohio, [Mr. OLDS,] a modification of his amendment to the amendment, which, of course, he can accept or not. I desire to have that amendment modified by inserting, after the word "contract," the words:

Provided, One half of the sum necessary for the construction of said work shall be paid for by the citizens of Washington and Georgetown.

Mr. CRAIGE. If the gentleman knew the facts he would not suggest such a modification as that. The amendment does not contemplate furnishing the citizens of Washington and Georgetown with water at all. It merely proposes to furnish the public buildings here, belonging to the Government, with water, and if the citizens of Washington and Georgetown want the benefit of the water, they will have to pay for it hereafter.

Mr. McMULLIN. They ought to be supplied with the water, and they ought to pay their proportion of the expense.

Mr. OLDS called for tellers on his amendment. Tellers were ordered; and Messrs. CLINGMAN, and DAVIS, of Indiana, were appointed.

The question was taken, and the tellers reported—ayes 52, noes 69.

So the amendment to the amendment was disagreed to.

Mr. SMITH, of Virginia. I now desire to offer the amendment which was read a minute ago, to come in at the end of the original amendment offered by the gentleman from Pennsylvania.

The CHAIRMAN. Does the gentleman wish to have his amendment come in at the end of the proviso which has been adopted?

Mr. SMITH. No, sir, as a substitute for that amendment.

The CHAIRMAN. That will not be in order.

Mr. TAYLOR, of Ohio. May not the gentleman from Virginia move to strike out all after the original amendment of the gentleman from Pennsylvania, and to insert his amendment?

The CHAIRMAN. He may not. The committee have agreed to insert what the gentleman proposes to strike out.

Mr. SMITH, of Virginia. The committee will observe that that amendment was designed to come in after the rejection—which I hoped would happen—of the amendment of the gentleman from Arkansas, [Mr. GREENWOOD.] Still, I offer it now with the hope that when we get into the House the amendment of the gentleman from Arkansas will be rejected.

Mr. OLDS. You cannot get a separate vote then.

Mr. SMITH. Certainly we can. Looking at it in that point of view, I ask the committee to contemplate what is proposed. Madam Rumor, said the aged and honorable gentleman from Ohio, is busy on the subject. Now, I head off Madam Rumor with the stipulation that this work shall be contracted for at a sum not exceeding the estimate. So Madam Rumor dies beneath that stipulation, and I shall have the support of the gentleman from Ohio. That is not all.

My amendment goes further, and declares the object of this improvement is to supply the public edifices with water, and those alone; and it expressly stipulates that the cities of Washington and Georgetown shall be at the entire expense of the pipes for the distribution of the water to individuals. These are two fundamental and important provisions. Then these contracts are to be made by the President, with responsible persons, and at a sum not to exceed in the aggregate the estimate. I advert to these things, for I cannot imagine, for my soul, a more practicable scheme within the limits of the estimate. I cannot imagine a proposition which addresses itself more thoroughly and satisfactorily to the intelligence of a body than that embraced by the amendment does to this committee. I trust, without wishing further to detain the committee, that the amendment may be adopted.

Mr. STANTON, of Tennessee. I oppose this amendment, Mr. Chairman, for the reason that if it should be adopted in its terms, this work will cost \$2,300,000, and introduce into the city of Washington sixty-seven millions gallons of water daily, which is, as I have said heretofore—and the

assertion has not been disputed—nearly fifty times as much water as has ever been calculated by any engineer for any population in the world. According to the statement of Colonel Hughes, in his report, thirty gallons per day is as much as has ever been calculated for every man, woman, and child in a city.

Mr. VANSANT. With the gentleman's permission, I would ask him whether Philadelphia, New York, and Boston do not each consume a greater quantity of water daily than that indicated? Also, whether Philadelphia does not consume, by the report of 1852, thirty-eight wine gallons of water for each inhabitant, whether Boston does not consume fifty-eight gallons daily for each inhabitant, and whether New York does not consume daily, for a greater part of the season, ninety gallons for each inhabitant?

Mr. STANTON. Suppose the gentleman's statement to be correct. It is unquestionably true that in this case the water is to be applied to manufacturing purposes. It is unquestionably true that in this case the engineer proposes to bring sixty-seven millions gallons of water into the city, and to use a large proportion of it for manufacturing purposes. Then here the Government of the United States proposes to bring into the city of Washington, with a population of forty-five thousand inhabitants, sixty-seven millions gallons of water daily at a cost of \$2,300,000, three fourths of which water is, for fifty years to come, to be used for manufacturing purposes.

Now, this amendment says that it is for the Government only; but something has been said in reference to a change of plan. Now, I wish to call your attention, Mr. Chairman, and the attention of the committee, to the fact that since the commencement of the present Administration, or rather since the transfer of the public works to the hands of the War Department, the law has been violated in reference to the work on the Capitol. The plan adopted by the President of the United States has been, without authority of law, altered, at an additional expense of half a million of dollars.

Mr. CRAIGE. I have heard this statement time and time again. Will the gentleman from Tennessee say how the law has been violated? I say it has not been violated.

Mr. STANTON. I will tell the gentleman how. I say that the letter and spirit of the law has been violated. The law in the first instance appropriated a certain amount of money to be expended upon the wings of the Capitol according to such plan as might be adopted by the President. President Fillmore, after consulting with the Committees on Public Buildings in both Houses of Congress, for many months together, adopted a plan, and after the work was transferred to the War Department, and placed under its control, the Secretary of War and his engineers altered the plan.

Mr. CHAMBERLAIN. I rise to a question of order. I wish to inquire of the Chair whether, under the rules of the House, the gentleman from Tennessee is not bound to discuss the proposition now pending?

Mr. STANTON. I am discussing that proposition.

The CHAIRMAN. The Chair thinks that the point of order made by the gentleman from Indiana is well taken, and he does not think that a discussion with reference to the wings of the Capitol is in order, when the amendment pending relates to works for supplying Washington with water.

Mr. STANTON. I am discussing the proposition to change the plan and adopt a cheaper one for bringing water into the city of Washington. I say that if the President, without authority of law, can alter the plan with reference to the Capitol, Congress, by authority of law, can alter and abolish an extravagant and outrageous proposition to bring ten times as much water into the city of Washington as is needed, at a cost of three or four times the amount at which it can be done. I say that the Congress of the United States can do that by authority of law, which the President, without authority of law, has done.

Mr. CRAIGE. The gentleman from Tennessee labors under great misapprehension with regard to a change of plan by the President. I have heard that assertion over and over again. It is

not true that the President ever adopted any particular plan for the Capitol wings at all. It is true that a drawing was submitted—

[Here the hammer fell.]

Mr. PERKINS, of New York. I would ask the gentleman from Virginia, if he will not modify his amendment by adding after the words "responsible persons" the following: "good and sufficient sureties."

Mr. SMITH. I will accept the modification suggested by the gentleman from New York; and I propose to modify still further by adding at the end the following:

And provided further, That twenty per cent. on the estimate of the work done on each contract, shall be retained till the completion of the contract.

Mr. SEWARD. Is it in order to move now to amend the amendment of the gentleman from Virginia?

The CHAIRMAN. Not at this stage of the question.

Mr. SEWARD. I want to move to strike out the words stating what is the true intent and meaning of the act of Congress under which the plan was adopted.

The CHAIRMAN. That would be having an amendment in the third degree.

Mr. SEWARD. This is the manner in which I propose to amend the amendment of the gentleman from Virginia.

The CHAIRMAN, (interrupting.) The gentleman from Georgia will perceive that there would be no end to amendments, if this were received, as some other gentleman might propose to amend his amendment before acting on it.

The question was taken on Mr. SMITH's amendment to the amendment; and it was agreed to.

The question recurred on Mr. CHANDLER's amendment, as amended.

Mr. STANTON, of Kentucky. If in order, I move to reduce the original appropriation \$300,000, so as to enable me to make a few remarks. I simply desire an opportunity to defend the positions which I have heretofore taken in regard to this work. All I have said heretofore in relation to the estimates, was based upon a critical examination of the report of the engineer, and did not rest, as the gentleman from North Carolina [Mr. CRAIGE] seems to suppose, upon mere conjecture or outside rumors. I listen to no outside rumors in reference to this matter, because I have had before me all the facts and figures necessary to enable me to make up my own judgment; and I think I understand them without the aid of outsiders. Nor am I the advocate of what the gentleman calls outside projects. All I have said on this subject has been in reference to plans and projects presented by the officers of Government.

I have said that these estimates are false and delusive; and if the appropriation is made under the conviction that they are accurate, and that the work can be done in a substantial manner for the amount, this House and the country will be woefully deceived. In a five-minute speech it is impossible for me to explain them fully, so as to show in what particulars they fall short of the sum which must be expended. But I can point out a few: Captain Meigs, for instance, proposes to construct from the dam across the Potomac a brick conduit three fourths of a mile long. Here are his figures:

2,985 feet lineal, 9 inches thick.

946 feet lineal, 1½ bricks thick.

3,931—three-fourths of a mile.

Now, we are given to understand that this part of the conduit will at times be "twenty feet under water," in consequence of the great floods which take place every year at that point. This comes from Captain Meigs's report, not from outsiders. It is his own language, not mine. This brick tube is not to rest upon solid masonry, and covered over with stone work firmly and solidly built for its protection, but is to lie in a trench dug in the earth, and only covered over with loose earth and rock. It will be nine feet in diameter, and not more than one and a half bricks thick. There is no estimate, not one cent, for a foundation and masonry for the support and protection of this conduit. No, sir, none. To make the conduit secure, to protect it from destruction by the immense floods rising twenty feet above it, and bringing down with the torrent huge trees and

rocks, not one cent of expenditure is estimated for. If gentlemen will take the trouble to look at the report of Captain Meigs—

Mr. TAYLOR. What page?

Mr. STANTON. Page 25. If they will look at this report, they will see that he speaks of the floods rising twenty feet above this conduit, and see also, by his estimates, that he has omitted to estimate for at least three fourths of the work which will be required at this point. The Croton aqueduct rests upon and is covered up for its protection with solid masonry. It would not otherwise have lasted a single year. But one of the city papers, feeling the force of this omission, has attempted to justify it, by referring to the Boston aqueduct, which, it is alleged, was laid in a trench dug in the earth, and covered up in the manner proposed by Captain Meigs for the Washington aqueduct. In the first place, the Boston aqueduct is a small affair compared with the one projected by Captain Meigs. It is only six feet by four, while this is nine feet, and the one is only about a third as large as the other. In the second place, the conduit was only laid on the earth in some places, and was sustained and protected by masonry in others. But I have before me a description of this work, printed in Boston, which says that laying the conduit on the earth was but an experiment, which has proved unsatisfactory. The aqueduct leaks, and is cracked in places, in consequence of this experiment. Captain Meigs is unfortunate in the adoption of plans which have failed and exploded before he took them up, as may be seen in the plan for the ventilation of the Halls of Congress, as well as in this of the aqueduct. But it is useless to dwell further upon this point. If the work goes on, there must be a great expenditure of money not estimated for, or the structure will not stand a single year.

Captain Meigs's estimate for the brick work of the conduit is \$4 50 per running foot. It is based upon a calculation that the brick can be laid in the conduit at \$14 per thousand, including every expense—the bricks, cement, lime, sand, &c. Now, he has contracted for forty millions of bricks, at \$7 75 per thousand. This leaves \$5 25 for all other expenses—laying the bricks, furnishing cement, sand—

[Here the hammer fell.]

Mr. TAYLOR, of Ohio, obtained the floor.

Mr. CRAIGE. I ask the gentleman from Ohio to allow me to say a word. I was very anxious to have some data upon which these estimates of Captain Meigs's may be tested. I was very much in hopes that my friend from Kentucky, who has just taken his seat, and who is not influenced by any outside plans, would have furnished such data. But, sir, instead of doing that, he spent his whole five minutes in reference to the plan of Captain Meigs.

The only reason he gives for doubting the correctness of those estimates is, that he allows only \$4 50 or \$5 for brick work, when the cost would be \$14 per thousand. The gentleman says, too, that he pays \$8 81 per thousand for the bricks. Why, sir, the reason for that, as he very well knows, is stated by Captain Meigs himself—that the contractor who agreed to furnish them for \$5 88 failed to carry out his contract.

Then the gentleman speaks about the protection Captain Meigs proposes for the conduit. Why, sir, that is not the conduit that is to bring the water to Washington at all. It is merely the one that is to be placed at the head of the work in order that it may not be flooded at the start.

Mr. TAYLOR. I must interrupt the gentleman. I wish to say a few words upon the subject myself. If we had not an official report before us, I confess that the good sense, the experience of the gentleman from Kentucky, and the attention he has given to this subject, would divert me from my support of this truly great national work, for such I consider it. He is a gentleman of great experience, and understands a great deal about this kind of business. But, sir, there are other men of experience. General Totten, the Chief Engineer of the United States Army, is a man who, as an engineer, has no superior in this country, and, perhaps, none in any other country. He is a man of unimpeachable reputation, and yet he in every way confirms the report of Captain Meigs, made to Congress in 1853.

Sir, all these representations that this work is to cost five or six millions are delusive and imagin-

ary. We have the estimates of General Totten, whose statement we can depend upon, telling us that it will only cost \$2,300,000. Here is a letter from Captain Meigs, written to me as a member of the Committee on Public Buildings and Grounds, bearing date 25th of May, in which he says:

"I forgot to mention, that, since the attempt to provide that the work should not be done, unless a contract should be made to build it for \$2,300,000, I have already received an offer to build it for \$2,300,000, made in good part, I believe, and by men whom I know to be able. I should be willing to accept such a proviso, except that it is so difficult to manage these great jobs, and better to make smaller ones."

Now, upon whom am I to rely? This is the statement of an educated man—of an officer educated at the public expense, understanding his business as well as any other in the country, having had twenty years' experience, and who has made an able report upon this subject to President Fillmore, and again to President Pierce. Sir, I must rely upon his statements, rather than on the surmises of gentlemen upon this floor. Now, sir, I hope the amendment of my friend from Virginia will be adopted. I should have preferred that it should have been done without the amendment of my friend from Arkansas, which has been adopted. I do not think we should make the corporations of Washington and Georgetown—highly respectable, sir, but nevertheless, comparatively poor—partners with the Government of the United States in carrying out this great national work. I do not think we should burden them with one fifth the expense of the work. I hope the Senate will strike out that proviso.

Mr. STANTON, of Kentucky, there being no objection, withdrew his amendment.

Mr. STANTON, of Tennessee. I offer the following amendment:

Provided further, That the said work and the cost thereof shall be so reduced in its dimensions as not to include the surplus water, amounting, according to the report, to one thousand seven hundred horse power.

Mr. Chairman, the report of Captain Meigs proposes to bring into the city of Washington, for manufacturing purposes, in addition to an ample supply for half a million of people, water sufficient to carry machinery at a power equal to one thousand seven hundred horses. Now, I put it to the House of Representatives, I put it to the Democrats in the House of Representatives, whether they are to vote to-day for bringing a power of one thousand seven hundred horses into the city of Washington through this aqueduct for the purpose of carrying machinery? That is the simple question.

Mr. CHASTAIN. Does Captain Meigs recommend in his report that it should be used for manufacturing, or does he barely suggest that it might be so used?

Mr. STANTON. In his report he suggests that it can be used for all sorts of light machinery, such as lathes, printing presses, &c. He does not propose it, it is true, but he suggests it as the only proper use which can be made of this surplus water.

Now, sir, I say that this whole work has been grossly exaggerated in point of extent and capacity, exaggerated beyond the wants of the city of Washington for a century to come—yes, sir, for a century to come. The proposition of the gentleman from Ohio [Mr. OLDS] to furnish nine millions of gallons of water daily for a population of three hundred thousand, would be amply sufficient for all the prospective wants of the city; but I propose, by my amendment, to dispense with only the surplus water of seventeen hundred horse power. Is my amendment reasonable or not? If the work is to be diminished so as to cut off seventeen hundred horse power, of course the cost will be diminished to that extent.

Mr. VANSANT. Mr. Chairman, if a bountiful supply of pure water can be introduced into Washington and Georgetown, at an expense but little exceeding that for a meager quantity, should the committee hesitate as to the selection of the source from which the same should be taken? Can pure water be wasted in populous cities when there is an abundant supply for all purposes? I do not believe that it can. The honorable gentleman from Georgia [Mr. STEPHENS] has most truthfully said, that if the entire waters of the Potomac could be poured into the streets and lanes of this metropolis, it would be a bounty rarely equaled.

Honorable gentlemen, opposed to the appropriation, have said much of the theory of thirty gallons per day for each inhabitant, and seem to regard estimates for a greater quantity than this altogether absurd. This theory might answer very well if the recent experience of the great cities of this country did not overturn it. Philadelphia—the city of right-angled streets and broad brim hats, whose people are probably more economical in all matters than those of any other city in this country—consumed, on an average, for the year 1852, 30 66-100 ale gallons for each inhabitant per day, being equal to 37 42-100 wine gallons. The gaugings of waters, and the estimates for supply for the Washington works, both by Colonel Hughes and Captain Meigs, are based upon the wine or United States standard gallon.

Mr. TAYLOR. How much did Philadelphia consume in the aggregate?

Mr. VANSANT. I do not remember the quantity in the aggregate. I am criticising the theory of thirty gallons as a supply for each inhabitant per day. The Cochituate works at Boston will furnish ten million gallons daily. When the works were completed, that quantity, it was confidently asserted by its projectors, would be sufficient for a population of three hundred and fifty thousand; and yet within four years from the completion thereof, when the city of Boston contained less than one hundred and fifty thousand inhabitants, the water board of that city, in a report to the city council for the year 1852, say that "the average consumption of water during the year has been at the rate of eight millions one hundred and twenty-five thousand and sixty gallons daily, being one million two hundred and forty-two thousand and sixty gallons more than the year previous, and about fifty-eight gallons to each inhabitant of the city." During the summer months the consumption greatly exceeded the quantity indicated. The Croton works at New York, with the exception of laying a portion of the distributing pipes, were finished in 1842, and it was estimated that the supply of water therefrom would be ample for a population of one million five hundred thousand, and yet at the expiration of eight years, and when the population in the water district did not exceed four hundred and fifty thousand, the water commissioners in their report for 1850, said to the council of New York, "This board now warns the common council, and through it every citizen, that the last drop of water which the works in their present state can supply is now daily delivered in the city." And in their report for 1852, they remark, (referring to former estimates touching a supply of water,) "an experience of ten years enables us to contrast these preliminary calculations with actual results, and thus to see with great certainty the requirements of the future. During the summer months, for two years past, the whole flow of the Croton river has been turned through the aqueduct, and in 1851, for many consecutive weeks, not a drop of water passed over the dam, and the lake formed by it was gradually drawn down to two feet seven and a half inches. The daily delivery in the city for a large portion of these two years; has been about thirty millions of gallons a day, often in the past year at least five millions more drawn from the reservoirs on the island, giving to each inhabitant in the water district (not more than four hundred and fifty thousand) "a daily supply of nearly ninety gallons." What is the thirty-gallon theory worth in the face of such facts?

Gentlemen opposed to Captain Meigs's plan for supplying water from the Great Falls of the Potomac have compared it to the great aqueducts of ancient Rome. No people, Mr. Chairman, knew better than the ancient Romans how to appreciate the first great essential to health, and comfort, and cleanliness—pure water. Nearly four hundred millions of gallons were discharged daily into that renowned city, conveyed through twenty aqueducts, the length of which varied from seven to sixty miles respectively, and which furnished a daily quantity to each inhabitant of about three hundred and seventy-five gallons. Roman example, in the supply of wholesome water, is meritorious of the imitation of the most refined civilization of the present day.

The question was then taken, and Mr. STANTON's amendment was rejected.

Mr. STANTON, of Kentucky. I propose to amend by striking out \$400,000 of the appropria-

tion, to enable me to continue my remarks on the subject of the estimates. The engineer estimates that the bricks laid in the conduit will cost only fourteen dollars per thousand. He has contracted to pay for the bricks eight dollars and seventy-five cents per thousand. This leaves five dollars and twenty-five cents for the work, cement, lime, sand, &c. The laying of the bricks in the thick walls of the Capitol, under the superintendence of Captain Meigs, cost, upon the authority of the Secretary of War, who has so informed the select committee, an average of five dollars and eight cents per thousand. Is it to be expected that this same engineer can have bricks laid at less cost upon the aqueduct, which is all arching, than he can upon the Capitol? Certainly not; and if any one is credulous enough to believe so, he is deceived. Now let us see how the estimate stands.

Captain Meigs's estimate per thousand for work, and materials, when done.....	\$14 00
Contract price of bricks.....	\$8 75
Laying at Capitol prices.....	5 08
One barrel of cement.....	2 00
Sand.....	50
Hauling and other expenses.....	50
	<hr/> \$16 83

Excess of cost over estimate.....\$2 83

This, then, is \$2 83 per thousand, which these fifty millions of bricks are to cost more than the estimate; and if an allowance is made for the cost of superintending, it will swell the difference between the cost and estimate, in this one item, \$150,000.

Now, in reference to the stone masonry. The estimates for this are \$4 37½, \$5, and \$5 50 per perch, according to the kind of work to be done, and its location. We have recently had some experience in the cost of stone masonry, and can form a very correct idea of what it costs Government for such work under military engineers. The plain massive piers erected at the Little Falls bridge were built by a military engineer, at a cost, if all expenses are included, of eleven dollars per perch. The engineer who unfortunately had charge of the work admitted in his defense of himself in the Union, that the cost was as much as eight dollars. I differ from him, and believe my statement to be correct; but, take his as the basis of calculation, and it exceeds an average of Captain Meigs's estimates as much as three dollars per perch. The work on the bridges, culverts, &c., of the aqueduct should be done quite as well as that upon the piers of the Little Falls bridge; and who for a moment supposes that under Captain Meigs's management it can be done for less?

Mr. CRAIGE. Did Captain Meigs build the bridge at the Little Falls?

Mr. STANTON. It was built by the Government, and superintended by a military engineer.

Mr. CRAIGE. Was it Captain Meigs who made the estimates for it?

Mr. STANTON. I do not know that any estimates were ever made. The engineer who built it maintained that the work had been built at a very cheap cost. That cost was, according to his admission, eight dollars per perch. I make it eleven dollars. If eight dollars is cheap, it is hardly possible that Captain Meigs can have the work done for less, at a greater distance from the city, and under far greater disadvantages. It is idle to think so; and if gentlemen would only consult facts in preference to their partialities and prejudices, and take a common sense, practical view of the subject, they would see the matter in a different light. The estimates of Captain Meigs for the stone masonry is too low by at least three dollars per perch. The experience of the Government proves it.

But Captain Meigs and the Secretary of War do not agree in regard to the cost of the brick conduit. Captain Meigs, in his printed estimates sent to Congress, sets down the cost at \$4 50 per running foot. For questioning the accuracy of his estimates, we are looked upon, in some quarters, as guilty of almost treason. Sir, he is talked about as if he were infallible, as if it were impossible for him to err. The Secretary of War does not seem to place much reliance upon his infallibility; for here I have before me his answer to questions propounded by the select committee, in which he says the cost will be \$8 17 per foot, instead of \$4 50. The Secretary of War is nearer right;

but how happens it, if Captain Meigs is so reliable and so infallible, that the Secretary corrects his errors, and places a different amount of cost upon the aqueduct? Sir, the estimates of the engineer are worthless; they are not to be depended upon; and if I had time to take them up and expose them critically, I could demonstrate it to the satisfaction of every man in this House.

The length of the conduit, this side of the piece at the Great Falls, and outside of the tunnels, is fifty-nine thousand nine hundred and seventy-one feet, or eleven miles and one quarter. It will be a brick tube, nine feet in diameter, and one and a half bricks thick. In many places it will be supported, where it crosses ravines, by embankments of earth—nothing else. The engineer will make the embankment, and in that embankment of earth, dig a trench in which to rest the conduit. It will be protected by a covering of earth; and who is stupid enough to suppose that it will stand under such circumstances? The settling of the embankment will break it; the washing of the rains and floods will expose it—

[Here the hammer fell.]

Mr. CHANDLER. I have but a very few words to offer to the committee on this subject, as I am very anxious to come to a vote on the question. I desire to answer the remarks of the gentleman from Kentucky, [Mr. STANTON,] but not with calculations. The Secretary of War, it would seem, has entered into a comparison between the cost of laying bricks here on the wings of the Capitol and laying bricks in trenches on the proposed aqueduct. If any man with an eye and with any kind of discernment, will look out of the window, he will see that the bricks here are laid in all kinds of ginger-bread work on arches, &c., which of course must be more expensive than laying them simply on trenches.

Mr. STANTON. Allow me to say, that there is no difference in Captain Meigs's estimate between the cost of laying the brick on the plain trenches, and that of laying it on the arches—they are all arches.

Mr. CHANDLER. In laying the brick on these arches every brick has to be cut and whittled into shape to make it correspond with the form on which it is to rest, requiring five times the work to lay them that it would to drop the brick into the arch through which the water is to run.

Let me say, in regard to these estimates, that they are based upon the calculations of engineers. The worst part of the work has been done, and so far it has cost less than the estimates. In them all allowances have been made by the engineers, exceeding the necessities of the case. All the calculations for the simple excavation of the earth and the laying of bricks are comprised in a formula as simple and accurate as the multiplication table itself. There is no part of practical navigation or surveying which is more simple, more reduced to rules and formula than the calculations for this work, and the youngest engineer who has been in the service only six or eight months, would be scouted at if he could not make these calculations so near that they would come within the real cost of the work. It is a matter which is perfectly easy of calculation.

I could dwell upon this matter for a longer time, but the committee is anxious to vote upon the subject, and I need only ask the committee to vote upon it, with the facts which have been placed before them.

The question was then taken upon Mr. STANTON's amendment, and it was not agreed to.

Mr. VANSANT. I am disinclined to take up the time of this committee; but the committee will, I am sure, pardon me, inasmuch as I have not consumed much of the time of the House this session. I offer to amend the pending amendment by increasing the amount \$100,000.

I have been, like the honorable gentleman from Kentucky, [Mr. STANTON,] somewhat familiar with this subject, theoretically, at least. It became my duty, upon a former occasion, to examine critically the estimates made in reference to the introduction of water into this city; and since I have had the honor of a seat upon this floor, I have compared the estimates of Captain Meigs with the estimates made by other engineers, and I find, in nearly every instance, that the estimates of Captain Meigs have overreached those made

by any other engineer who has ever made surveys in the United States for similar works.

Now, if the honorable gentleman from Kentucky was disposed to be critical, he might well have criticised the report of his favorite, Colonel Hughes, a gentleman whom no one more esteems than I do, who admits, in his report on the introduction of water from Rock Creek, that he would have to make a tunnel of one thousand feet through hard rock, near the residence of the late Russian Minister, in Georgetown, and yet, in his report, he makes no sort of estimate for the expenses of that tunnel. And he places the cost of making rock excavation, in general, eighty-seven and a half cents per cubic yard, which is fifty per cent. less than that which has been estimated by other engineers for similar work.

The honorable gentleman from Kentucky, in comparing the estimates of Colonel Hughes with those of Captain Meigs, for the purpose of showing that water might be introduced, according to the plan of the former, at less than one fourth of the sum which the latter estimated for conveying water from the Great Falls, failed to inform this committee that Colonel Hughes made no estimate for laying down mains to the public buildings, whilst Captain Meigs estimates the cost of mains and stop cocks at \$290,000.

Corroborative of the declaration I have made, that the estimates of Captain Meigs are liberal, I have compared those estimates with estimates for similar work made by distinguished engineers. John J. Jervis and Walter R. Johnson, who surveyed the route and made estimates for introducing the water of Lake Cochituate into Boston, estimate the excavation of earth for the line of aqueduct, &c., at prices varying from twelve to twenty cents per cubic yard. Colonel Hughes's estimate is from fifteen to sixteen cents. Mr. Slade, who was employed in the construction of the Boston and the Albany works in the capacity of engineer, and who made surveys and estimates for introducing water into Baltimore, estimates the same kind of excavation at twenty cents. The estimates of Captain Meigs vary from twenty to thirty-three cents per cubic yard. For excavation of rock in open cuts, Mr. Slade estimates at \$2 per cubic yard; Messrs Jarvis and Johnson at \$1.50 and \$1.75; Colonel Hughes at 87½ cents, and Captain Meigs from \$1.50 to \$2, per cubic yard. For excavation of rock in tunnel, Mr. Slade based his estimate upon the cost of the Boston tunnels, \$15 per cubic yard. Captain Meigs estimated at \$14 per cubic yard; and the tunnels on the Great Falls line are now under contract at a cost but little exceeding \$7 per cubic yard.

Mr. Slade's estimates were all made upon the cost of similar work upon the Cochituate line, and those made by Captain Meigs, equal in the average, if they do not exceed those of Mr. Slade. In addition to the liberal estimates made by that meritorious officer of the United States Topographical Department, he has added thereto twenty per cent. for contingencies, land damages, &c. His whole report evidences a commendable determination not to mislead Congress into an appropriation for a work which will exceed the estimate for its completion.

If permitted, Mr. Chairman, under the rules of the House, to occupy the floor upon the subject now before the committee for a few minutes more, I could show, by comparing the report of Captain Meigs with the cost of works which are now in operation, that the cost of introducing water from the Great Falls should not exceed the estimate of \$2,300,000.

Mr. LETCHER. It seems that we are to spend \$500,000 here either for water or in making speeches about it upon this floor, and I think that to spend it for the water will probably be the best trade of the two. [Laughter.] I rise, therefore, not to debate this proposition, but to suggest to the House that we stop debate upon this subject. If we are to spend \$500,000 in this way, let us spend no more time about it. Let us come to a vote, and if there is a majority in favor of the proposition, let it go, but if there is a majority in opposition to it, why, let us have an end to it.

Mr. VANSANT, by unanimous consent, withdrew his amendment.

The question recurred upon Mr. CHANDLER's amendment as amended.

Mr. JONES, of Tennessee, demanded tellers.

Tellers were ordered, and Messrs. WASHBURN of Maine, and STUART, of Michigan, were appointed.

The question was taken; and the tellers reported—yes 70, noes 61.

So the amendment as amended was agreed to.

Mr. MACE. I offer the following amendment:

For an additional messenger to the post office of the House that was allowed by the Committee on Accounts at the beginning of the present session, \$1,000."

I wish simply to explain to the committee the reason for the adoption of the amendment I have offered. At the beginning of the present session of Congress, it was ascertained to be positively necessary to give the postmaster of the House an additional messenger and carry-all. The Committee on Accounts gave him authority to employ such messenger, and to procure such carry-all. The carry-all is provided for in the present bill; but through some oversight no provision has been made for the salary of the messenger so employed.

The amendment was agreed to.

Mr. HAVEN. I offer the following amendment:

To enable the Secretary of the Interior to complete the hospital for the insane of the District of Columbia, and the Army and Navy of the United States, as it is now in process of construction, where the foundations are laid, \$18,200, and to enable the Secretary of the Interior to complete the external improvements necessary to carry into successful operation said hospital, according to the recommendation of the Secretary of the Interior, \$18,600.

If the committee will hear me for a moment upon the propriety of this amendment, I will then leave it to its fate. I hope a plain and brief statement will establish it in our favor, and satisfy all that it ought to be adopted. It is not recommended by any committee whatever; it comes here upon its own merits, and, so far as I know, without a friend in the House. However that may be, I am quite certain it has no advocates among the hungry gentlemen outside.

This hospital for the insane of this District, and for the Army and Navy, is now in process of construction, and is nearly completed in some of its leading features. It is situated on the opposite side of the East Branch of the Potomac, where we own one hundred and ninety acres of land, most beautifully situated, and adapted in the highest degree to this purpose. This land was purchased out of the first and only appropriation ever made for this object, which left some \$70,000 for the erection of the requisite buildings and fixtures, and which, owing to the causes so often described here—increased price of labor and materials—was, and is, insufficient to perfect the buildings commenced, and fit the grounds for the objects intended.

This charity for the relief of the unfortunate insane, who have a claim on the General Government, originated in the House of Representatives. It had no recommendation from any officer of the Government. It is the spontaneous result of our own sympathies, and our own judgment. I think it was on the motion of Mr. Stanly, of North Carolina, that the last Congress, at its first session, passed an appropriation of \$100,000 for the purpose of purchasing a site and building this asylum; and all I ask is, that this House now take charge of it, and dispose of the whole matter as it thinks best. I feel assured it will not allow its own offspring to suffer for the want of that aid that outside pressure sometimes brings here to objects much less worthy in character.

I desire to add, that the work has been under the general charge of the Secretary of the Interior; but it has all been carried on under the immediate eye of Dr. Nichols, a very fair and high-minded man. He is a gentleman of quite a large experience in some of the leading insane institutions of the country. The plan—admirable I think it is—is his. It contemplates, at some remote future day, when the necessities of the country shall demand it, more buildings than are now in process of construction; and one of the proprieties of the matter is, that still the present portion of the building will be a complete and perfect establishment within itself, and will accommodate at least seventy patients.

It appears to me that the appropriation already made has been used in a careful and economical manner. Dr. Nichols seems to have conducted the building as a private individual would his own concerns. He has not paid the extravagant prices

for bricks that we have heard so much complaint of this morning in reference to the aqueduct, of eight dollars per thousand. On the contrary, he has made his own brick, out of the clay upon the premises, and, as he assures me, at a cost of not exceeding five dollars per thousand.

The Secretary of the Interior informs us, and such is the opinion of Dr. Nichols, that the appropriation named in my amendment will complete the present portion of the building and the grounds, as it was originally intended it should be completed. In this they may be mistaken, but I hope not. I ask the committee if they will not take charge of it now as their own matter, as they did when the House originated the proposition for this asylum, and make what they deem a proper grant to complete their own work. I hope they will, and that the appropriation will be voted.

The amendment was agreed to.

Mr. PHELPS. I am instructed by the Committee of Ways and Means to offer the following amendment:

For running and marking the boundary line between the United States and the Republic of Mexico, under the treaty concluded at the city of Mexico on the 30th December, 1853, the sum of \$168,130, to be disbursed under the direction of the Secretary of the Interior: *Provided*, That there shall be allowed and paid to the commissioner, surveyor, and astronomer, appointed, or to be appointed, for the purpose aforesaid, each a salary at the rate of \$3,000 per annum, and that if the duties of either have been, or shall be, performed by an officer of the Army, his pay during the time of such employment shall be increased to that sum.

By the terms of the treaty made between the United States and the Mexican Government, the ratifications of which were exchanged on the first of this month, a provision is made for the running of this boundary line between the United States and Mexico. I mean for running so much of the boundary line as by the terms of the treaty do not correspond with the boundary as laid down by the treaty of Guadalupe Hidalgo.

The Secretary of the Interior submits to us an estimate on which that amendment is proposed. The previous commissioner, who was engaged in completing the work on the boundary between the United States and Mexico, was required to submit an estimate of the sum adequate and sufficient to complete the running of this line. He estimates that from twelve to eighteen months will be required for the purpose of completing it; and he estimates the amount indicated in this amendment as being ample. He thinks that if no accident devolve on the work, and if no delays shall occur when engaged in the prosecution of this line, the work may be completed in perhaps twelve months, or a little longer. If so, the amount of money now asked to be appropriated will be more than will be required for that purpose.

It is important that this money should be appropriated now; for by the terms of the treaty it has been agreed that the commissioners to be appointed by the respective Governments of the United States and Mexico shall meet within three months after the exchange of the ratifications of the treaty in the town of El Paso, on the borders of New Mexico, and there enter upon the discharge of their duties. I am informed that these ratifications have been exchanged on the first of July. I shall not detain the committee with any further remarks.

Mr. JONES, of Tennessee. I do not rise to oppose the amendment offered by the gentleman from Missouri, but to suggest an amendment to it, or to move one. I propose to insert, after the word "pay," in that amendment, in the line before the last, the words "including emoluments." The amendment will then read—

"his pay, including emoluments, shall be increased to the same amount."

Mr. PHELPS. I have no objection to the proposed amendment. I will modify my amendment as suggested.

Mr. JONES. It will be right to do so. It gives the civil officer who may be appointed the amount of pay and emoluments.

Mr. PHELPS, (interrupting.) I agree to the modification. It was the intention to have had the amendment drawn up in that form.

Mr. JONES. I proposed the amendment because in the Army pay is a technical word, and does not include emoluments.

The question was taken; and the amendment was agreed to.

Mr. LATHAM. I offer the following amendment:

For building an appraiser's store in the city of San Francisco, California, \$75,000, to be expended under the direction of the Secretary of the Treasury.

I would not have troubled the House by offering this amendment, but that the matter had been intrusted by the Secretary of the Treasury to the gentleman from Kentucky, [Mr. BRECKINRIDGE,] who is upon the Committee of Ways and Means, but who is detained from the House to-day by sickness, and that I feared that the bill might be finished this afternoon, and thus the opportunity be lost for that gentleman to offer it. A recommendation has been made for this appropriation, by the Secretary of the Treasury, in a letter which I hold in my hand, and which I will send to the Clerk's desk to be read.

Suffice it for me to say, that the Government is now paying a rent of \$1,800 per month, or \$21,600 per annum, for a store which is too small for the business of the appraiser's office.

Mr. INGERSOLL. I rise to a question of order. I wish to know if this is an original proposition or not? I wish to know whether this is a matter provided for by law? If not, the amendment is not in order.

Mr. LATHAM. I will state that the House has already appropriated \$150,000 to buy the custom-house lot in San Francisco. This appraiser's office is to be placed upon that lot. The letter of the Secretary will show how the matter stands better than anything I can say, and I therefore ask that it may be read.

The letter was read, as follows:

TREASURY DEPARTMENT, January 4, 1851.
SIR: I have the honor to inclose, for the consideration of the House of Representatives, a copy of a letter addressed to this department by R. J. Hammond, collector at San Francisco, and Samuel J. Bridge, general appraiser for California, the two being also acting commissioners of public buildings.

These gentlemen represent the insufficiency of size of the rented building now occupied as an appraiser's store, and the large rent paid; and recommend the construction of a building one hundred and twenty feet by forty five feet ten inches, on the lot (being part of the public reserves) on which the new custom house has been commenced, by which the business of the port will be accommodated, and the cost of the building be saved in less than four years.

I respectfully recommend that the sum of seventy-five thousand dollars (\$75,000) be appropriated for the proposed building, to be expended under the direction of this Department, with a proviso that the said appropriation is not to take effect until the State of California shall release title in said land to the United States.

Permit me also to suggest the great advantage of the appropriation (if proper in the judgment of the House) being made at once, for the reasons stated by Messrs. Hammond and Bridge. I am, very respectfully,

JAMES GUTHRIE,
Secretary of the Treasury.

Hon. LINN BOYD, Speaker House of Representatives.

The CHAIRMAN. The rule upon the subject, the Chair thinks, is positive, and must control. The Chair is of opinion that the amendment is not in order. The rule provides that no amendment shall be in order to a general appropriation bill for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, and for contingencies for carrying on the several Departments of the Government.

This being a new appropriation, the Chair is constrained to rule the amendment out of order.

Mr. TAYLOR, of Ohio. I move to strike out the nine hundred and twenty-ninth, nine hundred and thirtieth, and nine hundred and thirty-first lines, and insert the following, which refers to the same subject:

For compensation of twenty laborers in the public grounds and President's garden, at forty dollars per month each, \$10,560: *Provided*, Fifteen of said men shall be employed in the grounds about the Capitol, and such public reservations and streets as are under the supervision of the public gardener, and the other five at the grounds around the President's Mansion.

I do not wish to detain the committee. I have a letter from the public gardener, and also one from the Commissioner of Public Buildings, but I will not take up the time of the committee by having them read.

Mr. LETCHER. I hope the letters will be read.

Mr. TAYLOR. Very well; I certainly have no objection.

The letters were read, as follows:

OFFICE COMMISSIONER OF PUBLIC BUILDINGS,
CAPITOL, May 26, 1854.

SIR: I have the honor to inclose a letter from Mr. James

Maheer, the public gardener, to me, asking for additional assistance in the performance of the duties incident to his office, and setting forth his reasons therefor.

Mr. Maheer is the only public gardener known to the law, and was formerly charged with the oversight, under the Commissioner of Public Buildings, of all the horticultural improvements under the General Government, in Washington; and he was allowed by law sixteen men and two horses and carts to carry on these improvements. Within the past year, by direction of the Secretary of the Interior, the grounds around the Presidential Mansion were placed under the especial direction of a person designated by way of distinguishing him from the "public gardener," the "President's gardener." On assuming the duties of this office, I found Mr. John Watt (one of the sixteen laborers authorized by law) in charge of the kitchen garden and green house at the President's; and when the Secretary directed the division of the grounds, having ascertained that Mr. Watt was the most competent person to take charge of the grounds around the President's Mansion, I appointed him to that duty, he still receiving only the pay of a laborer. This involved the necessity of dividing the force under Mr. Maheer. Nine of the men were left under him, and the other six were placed under Mr. Watt.

The committee will perceive that while Mr. Maheer had control of the sixteen men, he could, when occasion required, detail the entire force for any emergency. Now, he cannot; and when his work presses, he is materially short-handed; and I think his request, that he may be allowed six more men, is but reasonable, and ought to be granted.

Mr. Maheer has been long in the public service as gardener. He has been faithful, and has taken a deep interest and great pride in forming and beautifying the public grounds. Since the grounds have been divided, he has not suffered that interest to lag, but, if possible, has been more energetic and watchful than before, and the committee have but to examine to see in what admirable order all the grounds now under him are kept.

To enable him to continue them in this order, to take proper care of the large number of trees under his charge, and to do properly the labor incident to his position he asks the addition of six men and two horses and carts.

I respectfully recommend that the committee take his request into favorable consideration.

I am, with high respect, your obedient servant,
B. B. FRENCH,
Commissioner of Public Buildings.
Hon. BURTON CRAIG, Chairman of the Committee on Public Buildings and Grounds, House of Representatives, United States.

WASHINGTON, May 25, 1854.

DEAR SIR: Agreeable to your request, I give you the outlines of what is necessary and required. I am doing the best I can with the labor of nine hands, to keep the Capitol grounds and all your avenues, trees and boxes, including breakage of boxes by runaway horses and carriages, storms, &c. Also, from East Capitol street to Georgetown; from Carroll's bridge to the railroad depot; from Pennsylvania avenue, Fourteenth street to the Island; from Pennsylvania avenue, Twelfth street to the Island; from Pennsylvania avenue, Seventh street to the Island; from Pennsylvania avenue, Four and a half street to the Island; two reservations near the canal, and all around the Capitol square. All those trees were planted by James Maheer, public gardener. There was one thousand of them planted within six months. They require attention. I am doing the best I can with the few hands I have got, but it is out of my power to do justice to the Capitol grounds and trees with the number of hands at present employed, having at least ten miles double rows of trees and boxes, on avenues and streets to attend to, besides the Capitol grounds. It would require at least the labor of fifteen hands to do it justice; also two horses and carts. Very respectfully &c.,

JAMES MAHEER, Public Gardener.
B. B. FRENCH, Commissioner of Public Buildings.

Mr. TAYLOR. It is not necessary that I should say anything in addition. I will only remark that this amendment is recommended by the Commissioner on Public Buildings and Grounds, and seems to be necessary.

Mr. JONES, of Tennessee. We pay these men now forty dollars per month, instead of thirty dollars, as that communication states.

Mr. TAYLOR. It does not propose to increase the pay of these men at all.

Mr. HOUSTON. It increases the number of laborers to twenty-two. It adds six to the sixteen now employed. I believe that sixteen are too many.

The amendment was rejected.

Mr. PHELPS. I move the following amendment:

To enable the Secretary of the Treasury to replace the moneys already paid for rents and to pay the semi-annual payment of rent falling due on the 1st day of January, 1855, on the two leases, each bearing date 19th day of August, 1853; one thereof with the Bank of the city of New York, and the other thereof from the Bank of Commerce, both being for property on Wall street, in the city of New York, leased for the uses of the assay office in the city of New York, \$68,458 33.

Mr. Chairman, I ask that that amendment may be considered as coming in under the head of miscellaneous items. It merely proposes an appropriation of money for the rent of buildings in the use of the Government, and is recommended by the Secretary of the Treasury by communication received from him to-day.

Mr. STANTON, of Kentucky. I offer the following amendment to the amendment:

Provided, That each and all persons who have been, or who may be, appointed hereafter to disburse money which is now, or may hereafter be, appropriated for the building or repair of any of the edifices or structures for which appropriations are made in this act, and are not now required by law to give bond and security, shall give bond with good security in sufficient penalty, to be approved of by the head of the Department under which said disbursement may be made, or the President of the United States when the work shall be specifically under his direction.

Mr. PHELPS. The gentleman has misunderstood the amendment which I have submitted. It is merely to appropriate money necessary to pay the rent of buildings occupied in New York city by the Government as an assay office.

Mr. STANTON. Is it not for buildings to be erected?

Mr. PHELPS. No, sir; the buildings are already erected. They were leased by the Secretary of the Treasury for the uses of an assay office, with the privilege of purchasing them. They have been fitted up, and this money is to pay the rent.

Mr. STANTON. Is not the Government erecting or repairing buildings there for an assay office?

Mr. PHELPS. The buildings are already erected. The Government has had them fitted up and repaired.

Mr. STANTON. If the Chair decides the amendment out of order I have nothing to say.

The CHAIRMAN. The amendment is not germane. The amendment moved by the gentleman from Missouri is not for the erection of buildings, but for the payment of rent.

Mr. HAVEN. If the \$500,000 appropriation be made, all this but \$30,000 will lapse and go back into the Treasury.

The question was taken; and Mr. PHELPS's amendment was agreed to.

Mr. HENN. I move to insert the following proviso after the provision for the payment of the Auxiliary Guard of Washington:

Provided, That the captain and members of the Auxiliary Guard shall be appointed by the President of the United States, and shall be subject to such rules and regulations as may be prescribed by him.

After the following paragraph of the bill:

For compensation of Auxiliary Guard, fuel, and oil for lamps, \$1,000.

I have only to say if we appropriate money in order to sustain this guard, we should have control over them, and they should be directed to take charge of public instead of private property. The amendment simply provides that the President shall appoint the guard, and we appropriate the money to pay their salaries.

Mr. TAYLOR, of Ohio. It seems to me that we are departing for a very small thing from the ordinary rules for protecting the property of this city. For the last eight or ten years the appointment of this Auxiliary Guard has been allowed to the city of Washington. I do not think we ought to require the President to appoint its members; but I think the Mayor and Common Council are the proper persons to make these appointments, because they will be acquainted personally with the men who are to compose this guard. It is imposing upon the President a duty which I think ought not to be laid upon him—

Mr. JONES, of Tennessee. I wish simply to say that this guard is authorized by act of Congress, and that the Constitution requires the appointment of all inferior officers to be vested in the President—

Mr. TAYLOR. Who has appointed the members of this guard heretofore?

Mr. JONES. I believe the Mayor has appointed them.

Mr. TAYLOR. He was a Democratic Mayor.

Mr. JONES. The Constitution requires the appointment of inferior officers to be vested in the President alone, or in the heads of Departments.

The question being upon Mr. HENN's amendment,

Mr. SAGE demanded tellers; which were not ordered.

The question was then taken; and the amendment was agreed to.

Mr. JONES, of Tennessee. I offer the following amendment, to come in at the end of the section providing for the purchase of trees:

For cutting down and removing from the public grounds, avenues, and streets in Washington city, under the control of Congress, all the alnus trees, \$500.

The clause in the bill to which I offer this as an amendment provides an appropriation for purchasing trees to be planted upon the public grounds. I think every gentleman who was here during the two or three weeks that that tree was in bloom will be satisfied of the necessity and importance of ridding the city of it; and the amendment I have offered provides an appropriation of \$500 for that purpose.

The amendment was not agreed to.

Mr. HOUSTON. I propose the following amendment, to come in after line nine hundred and sixty-four:

For the Capitol extension, \$750,000.

That is the estimate of the Department.

[Cries of "Question!" "Question!"]

Mr. STANTON, of Kentucky. I offer the following as an amendment to that amendment:

Provided, That every and all persons who have been, or may be appointed hereafter to disburse the money which is now, or may be hereafter appropriated for the building or repairs of any of the edifices or structures for which appropriations are made in this act, and who are not now required by law to give bond and security, shall give bond and security, with good sureties in sufficient penalty, to be approved of by the head of the Department under which such distribution is to be made, or by the President of the United States, when the work shall be specifically under his direction.

A very large portion of the persons into whose hands the money we are now appropriating for buildings and other structures, will go for disbursement, are performing that duty without giving any bond or security to the Government for its faithful application. We require bond from all civil officers entrusted with public funds, and there is no reason why it should not be required from all others. If a poor widow receives the office of postmistress, where the revenues scarcely exceed ten dollars per year, she is required to give bond, because the law demands it. Immense amounts of money, in some cases over a million of dollars, are disbursed by officers of the Army in civil service, and not one cent of security is required. The reason these officers are exempt from giving bond, is simply because no law compels it. I propose now to change the practice, and require them to be bound by the same obligations which are imposed upon civilians.

Mr. JONES, of Tennessee. My own opinion in that matter is, that the whole system of taking security from public officers is wrong in principle. What right have we to require two or three men to become responsible for a person to disburse money for the Government, in which work they have no more interest than the twenty-five millions of people of the country? It is the Government that requires the services to be performed; and the Government—that is, the whole people of the country—are better able, if they make a bad selection of officers, to bear the loss, than one or two or three men are. It is wrong for the Government to require security from anybody. They select the officer, and give him his appointment; and if they appoint an improper person, who fails to act fairly, let the whole country be his security.

The question was taken; and Mr. STANTON's amendment to the amendment was agreed to.

The question then recurring on Mr. HOUSTON's amendment, as amended; it was agreed to.

Mr. JONES, of Tennessee. I offer the following amendment, under the instruction of the Committee of Ways and Means:

For compensation of one watchman, to be employed at the building lying south of the Capitol, used as public stables and carpenter shop, \$500.

The reason for this amendment is, that there have been recently attempts made to fire these stables, by which two or three horses have been seriously injured, and, therefore, it is proposed to employ a watchman there.

The amendment was agreed to.

Mr. TAYLOR, of Ohio. I offer the following, under the instructions of the Committee on the Public Buildings and Grounds:

For fuel for the President's house, \$1,000.

For a furnace keeper at the President's house, at one dollar per day, \$365.

For inclosing with an iron fence the circle at the intersection of Pennsylvania avenue with New Hampshire avenue and K and Twenty-third streets, and improving said inclosure, \$10,000.

For iron railing and flagging in front of the old portion of the Patent Office building, \$5,730.

For taking up, relaying, and for repairing old foot pavements, and making new ones around the public squares, buildings, and reservations, \$10,000.

For altering the streets, repairing, &c., in front of the eastern wing of the Patent Office building, putting up iron railing, flagging footways, putting in order yards, and painting new saloon of Patent Office in fresco, \$14,250.

For painting and repairs inside of the Capitol, new furnaces under the Senate Chamber, and Supreme Court room, &c., \$5,000.

For permanent repair of the roof of the Capitol with copper, where it was temporarily repaired with tin, after the burning of the library of Congress, \$2,000.

For completing the improvement of Pennsylvania avenue west of Seventeenth street west, \$9,000.

I have a letter from the Commissioner of Public Buildings, in which he says that all these items have received the sanction of the Secretary of the Interior. I will have it read, if the committee wish to hear it.

Mr. HOUSTON. I suppose these appropriations are, in almost every case, wrong. The Committee of Ways and Means have examined these items. Two or three items, I think, make provision for iron flagging for relaying the Patent Office. From the reading of the amendment, I think the gentleman has copied his amendment from the estimates of the Commissioner of Public Buildings. This is all wrong. There is no such thing as iron flagging contemplated.

Mr. TAYLOR. The item to which the gentleman alludes is for iron railing.

Mr. HOUSTON. It is for iron railing and flagging. I believe the gentleman has copied his amendment from the letter of the Commissioner; but I hope that letter will be read.

Mr. TAYLOR. Let the letter be read.

Mr. SEWARD. I object.

Mr. TAYLOR. I have waived my right to speak, in order to have the letter read. I hope there will be no objection.

Mr. HOUSTON. I really hope the gentleman from Georgia will withdraw his objection.

Mr. SEWARD. I do not. I do not want these officers of the Government to come here and make speeches before this House.

Mr. LETCHER. I move to strike out the first item in the amendment.

Now let us have the letter read in my five minutes; but first, I want to say that my object in having these letters read is, that they may go upon the record. I want to know who is responsible for these recommendations.

Mr. SEWARD. I desire also to state my objection to the reading of these letters. They are from the heads of the Departments or Bureaus, and designed to dictate what this legislative body shall do. It is a means by which they come here into this House and make speeches. I withdraw my objection.

The letter was then read, as follows:

OFFICE COMMISSIONER PUB. BUILDINGS, CAPITOL U. S., CITY OF WASHINGTON, June 14, 1854.

I most respectfully call the attention of the Committee on Public Buildings and Grounds to the following facts:

Among the estimates submitted to Congress by the Secretary of the Interior are the following, which have not been inserted in the general appropriation bill by the Committee of Ways and Means. I know not for what reason they were omitted, and can only say that many of them are usual, and that they are all necessary for the public service, viz:

For fuel for the President's house, \$1,000.

For a furnace keeper at the President's house, \$365.

For inclosing with an iron fence the circle at the intersection of Pennsylvania avenue with New Hampshire avenue, and K and Twenty-third streets, and improving the same, \$10,000.

For iron railing and flagging in front of the old portion of the Patent Office building, &c., \$5,730.

For taking up, repairing, and relaying old foot pavements, and making new ones around the public buildings, and reservations, \$10,000.

For paving the sidewalk in front of the President's house, \$1,500.

For altering the streets, repairing, &c., in front of the eastern wing of the Patent Office building, putting up iron railing, flagging footway, putting in order yards, painting new saloon of Patent Office in fresco, &c., \$14,250.

For painting and repairs inside of the Capitol, new furnaces under the Senate Chamber and Supreme Court room, &c., \$5,000.

(Most of this work has been done.)

For permanent repair with copper of the roof of the Capitol where it was temporarily repaired with tin, after the burning of the library, \$2,000.

For completing the improvement of Pennsylvania avenue west of Seventeenth street west, \$9,000.

I had the honor to submit directly to the House of Representatives, on the 30th day of January last, sundry estimates of appropriations for public buildings, streets, grounds, &c., which are printed and contained in miscellaneous document of the House of Representatives, No. 11.

Some of those estimates I regard of very great importance to the United States, and hope that the committee will think proper to recommend them to the House for adoption.

I respectfully specify the following, viz:

For watchman and messenger inside of the President's House, (\$500 each,) \$1,000.

For removing fences, &c., preparatory to extension of Capital square, \$15,000.

For additional lighting consequent on the increase of light on Pennsylvania avenue, and to keep the lamps lighted through the night, (in addition to regular appropriation,) \$13,000.

For grading and graveling Delaware avenue, &c., \$4,080.

The general appropriation bill, lines nine hundred and twenty-nine, nine hundred and thirty, and nine hundred and thirty-one contain the appropriation for the sixteen men.

Should the committee comply with Mr. Maher's request, an amendment to read as follows, in lieu of it, would be proper:

"For compensation to twenty-two laborers in the public grounds and President's garden, at \$40 per month each, \$10,500 00: *Provided*, That fifteen of said men shall be employed in the grounds about the Capitol, and such public reservations and streets as are under the supervision of the public gardener, and the other six at the grounds around the Presidential Mansion."

For inclosing Franklin square, &c., \$18,550.

For inclosing and improving two triangular spaces on Pennsylvania avenue, &c., \$9,000.

For extending the culvert across Tiber creek from Pennsylvania avenue to the north side of B street north, \$28,600.

(I regard this as one of the most important improvements in this city, so far as regards health and comfort.)

To pay two men in charge of the green-house at the President's, one to be foreman, \$1,080.

Although I believe most of the estimates, and perhaps all, submitted by me as important, those above referred to are particularly so—some of them so much so that the public service will suffer if they are not made.

I am, with great respect, the committee's obedient servant,

B. B. FRENCH,

Commissioner of Public Buildings.

Before the reading was finished,

Mr. LETCHER said: That will do. This is but a recapitulation of the amendment itself. I want to know the reason for making these appropriations. Here is an appropriation for a furnace keeper for the President's House. Now, the furnaces at the President's House have not heretofore been without a keeper. Who has attended to them?

Mr. TAYLOR. The letter of the Commissioner of Public Buildings will probably show, if the gentleman will allow the reading to be finished.

Mr. LETCHER. No, sir; I see how it is. The gentleman from Ohio has merely copied the letter of the Commissioner in his amendment.

Mr. TAYLOR. The estimates for which the amendment provides are contained in the letter.

Mr. LETCHER. But that is not what I want to know. I want the reason. Who takes care of the President's furnaces now?

Mr. TAYLOR. I can only state to the gentleman that the Committee on the Public Buildings and Grounds received this communication from the Commissioner of the Public Buildings and Grounds, and I suppose he has charge of them.

Mr. LETCHER. That is exactly my idea about it. The Committee on the Public Buildings and Grounds received this communication from the Commissioner of the Public Buildings and Grounds, and then, without making any inquiry into the matter, they come here, present the amendment, and say that because he is the Commissioner, appointed by the President, this House must swallow whatever he chooses to offer. Sir, I do not belong to any such squad, which recognizes the right of any official in this Government to come here and require me to swallow a dose, unless he can assign a good reason for it before he does require it.

Now, when this Committee on the Public Buildings and Grounds come here, they ought to be ready to explain the necessity for this matter. We ought not to have been asked to take it on trust, merely because an officer of the Government says so. Why, sir, it looks as if persons who wanted office were rather more numerous than the offices themselves; hence this proposition to create the new office of furnace-keeper under the President's House.

Mr. TAYLOR. It is a matter of perfect indifference to me whether any of these appropriations are made or not. The gentleman's economy seems to grow larger and more strict while there is a Democratic President in the White House. I have no objection to it. I take it for granted that a committee of this House is not required to run all over the public buildings and grounds; and that if they inquire, officially, what is wanted for keeping up and repairing the public buildings and grounds, they have done their full duty. I understand that the House of Representatives will, on official statement, vote

the usual appropriation. I do not understand that there is anything unusual in the items of appropriation I have submitted for the adoption of the committee.

The gentleman from Alabama states that the Commissioner of the Public Buildings and Grounds asks for iron flagging for the walk in front of the Patent Office. He has asked for no such thing; neither have the Committee on the Public Building and Grounds recommended it. We recommended what the Commissioner of the Public Buildings and Grounds, in an official letter to the committee, said the Secretary of the Interior recommended; and I state to the gentleman from Virginia, that his own Secretary has recommended these things. The Committee on the Public Buildings and Grounds were liberally disposed to grant them.

It is a matter of perfect indifference to me whether one dollar be appropriated or not; but acting as a member of the House, and considering the recommendations of the Secretary of the Interior as proper ones, not unusual, I, for one, consented to these amendments. I desired to appropriate liberally for the public buildings and grounds of this city. It is said by the Commissioner that the amendments were presented to the Committee of Ways and Means, but were rejected; why, I know not. Did the gentlemen of that committee go and examine these buildings and grounds in person? If they did, they lessened, in my opinion, their respectability very much. I am sure that I would not go in person to these places and examine whether every dollar and cent was required. If these things are communicated officially by the Commissioner of the Public Buildings and Grounds, and the Secretary of the Interior, as necessary, I do not think that I, as one of the members of the Committee on the Public Buildings and Grounds can be upbraided for submitting them to the consideration of this body by the instructions of that committee. Not at all. I do not offer these amendments in my individual capacity as a Representative from the State of Ohio. I offer them by instruction of the Committee on the Public Buildings and Grounds; and I am unwilling to be reproached for asking the usual appropriations to keep the public buildings and grounds in order.

If this House reject these appropriations, be it so. I do not care whether you appropriate a dollar to keep the President's House in order or not; but I believe, as a Representative of the people, that we ought to make the necessary and reasonable appropriations to keep up the public property. You should make Washington city creditable to the nation, and not niggardly inquire into the wood burned at the President's; whether we will take care of the trees planted on your avenues and in the grounds, or whether we will allow the public gardener six additional hands when his duty is doubled. I do not inquire into such economy as that; and if I were chairman of the Committee of Ways and Means, I would not undertake to say that the public gardener did not require additional assistance. For one, I have discharged my duty. I have offered the amendments as I was instructed by the committee of which I am a member, and it rests with the House whether they are adopted or not.

The question was then taken upon the amendment to the amendment; and it was rejected.

Mr. LETCHER. I move to strike out all except the last clause of the amendment. I do so in order that I may say that the gentleman from Ohio [Mr. TAYLOR] is one of the last men I would undertake to reproach, either here or elsewhere, as I entertain for him the highest personal respect. But it does seem to me, however, that some of the doctrines laid down by that gentleman are the most extraordinary that I have ever heard broached. The gentleman says it is enough for him to know that a Secretary recommends an appropriation to authorize him to vote for it. Where, then, is the necessity for this House, or any other legislative body, if everything that the Secretary of the Interior or Secretary of the Treasury or any other Government official proposes, is to be received as entirely right and proper? If the House and the Senate are to indorse all propositions because they come from Government officials, then, sir, they are certainly very useless bodies. I hold that when the Secretary of the Interior makes a recommendation, that he stands before this House exactly as any individual

stands who comes here with a private claim: I maintain that the Committee on Public Buildings, the Committee of Claims, the Committee on the Judiciary, and, indeed, all other committees, are organized with a view to protect this House, by a careful examination of the matters that may be submitted to them, so that they may be enabled to state, when these questions come up for consideration, whether they are right or wrong. I, as a Representative of the people, do not acknowledge the right of any Secretary under this Administration, as I did not admit the right of any Secretary under the last Administration, to tell me that here is a recommendation, and because I have made it, you have no right to cavil about it. If this doctrine is to be carried out, representative responsibility and representative independence, will be soon destroyed. The recommendations of Government officers should be subjected to the same examination to which propositions of other individuals are subjected that come before this House for appropriations. Do they occupy a higher ground than individual claimants who come here? They occupy a higher official station, to be sure, but they are entitled to no greater consideration than individual claimants who come here with claims that they believe to be just. Committees are organized to investigate these cases; and, by investigation, to satisfy the House that they are right. I take it, if these propositions were all important, and it was necessary that an appropriation should be made to carry them out, that the Committee on Public Buildings and Grounds would be enabled to furnish the House with satisfactory reasons in favor of each and every item. In addition to that, if they were reasonable and necessary, I take it that the Committee of Ways and Means, the official organ of this House, so far, at least, as its expenditures are concerned, would have been furnished such light upon this subject as would show that these appropriations were required by the public interests to be made. Instead of that, the Committee of Ways and Means have not been furnished with information which would authorize them to say that the appropriation is necessary. All we have to justify our action is what the Commissioner of Public Buildings has said to the Secretary of the Interior, and what the Secretary, relying upon the Commissioner's recommendation, has proposed for adoption by this House.

Mr. TAYLOR, of Ohio. When the Committee of Ways and Means offer a proposition to purchase trees, and plants and to make hot-beds, the gentleman from Virginia [Mr. LETCHER] makes no objection. He makes no inquiry as to the propriety of granting the appropriation, but takes it for granted that that committee has done its duty, as I have no doubt it has. They then go on and make appropriations of \$22,000 for lighting the President's House, and keeping the public grounds in repair, &c. To this the gentleman from Virginia [Mr. LETCHER] takes no exception. But the very moment that the Committee on Public Buildings and Grounds thinks proper to offer, through me—in the absence of the chairman, the gentleman from North Carolina, [Mr. CRAIG], detained from his seat by sickness—an amendment, he comes in and takes exception. Now, it is not an amendment which we have not examined, as the gentleman supposes; for we have got the best information in our power in relation to it. And what is that information? Why, we requested a gentleman connected with the public service, whom we supposed to be the best acquainted with the matter, to give us all the information he possessed in regard to it. This we got; and I venture to say there is not a committee in this House better informed on any subject reported by it.

The gentleman does not surely pretend to say that the Committee of Ways and Means have gone and inquired the price of painting the Capitol, or of lighting it. They have not gone into the market themselves to prosecute such inquiries. But they merely get the estimates from the proper sources, and act on them. I take it for granted, therefore, that the gentleman does not require the Committee on Public Buildings and Grounds to ask what is to be paid for buying paint for the President's House, or for what amount it can be lighted; but simply to act on the estimates.

Mr. LETCHER. Will the gentleman from Ohio permit me to interrupt him for a moment?

Mr. TAYLOR. Yes, for a moment only.

Mr. LETCHER. What I wish to say to the gentleman from Ohio is simply this: that I take it, when a committee comes here and indorses demands on the public Treasury, such committee has means of knowing whether the demand ought to be complied with.

Mr. CHASTAIN. I rise to a point of order. I do not think that the gentleman from Ohio, [Mr. TAYLOR,] or the gentleman from Virginia, [Mr. LETCHER,] have any right to cavil over this amendment, and speak both of them two or three times on it, as they have done. I do not think that they have a right to do so.

The CHAIRMAN. The Chair is constrained to overrule the point of order raised by the gentleman from Georgia.

Mr. CHASTAIN. Very well, I have to yield.

Mr. TAYLOR. As I said, Mr. Chairman, in the beginning of my remarks, I regret that this amendment was not offered by the gentleman from North Carolina, [Mr. CRAIG,] who happened to be sick at the time that I was instructed to offer it. I have done my duty in respect to these matters. I have got all the information about them that I could; and I believe that it would promote the public service to adopt the amendment. Having said thus much, I leave it entirely to the committee.

Mr. MACE. I move that the committee do now rise.

The motion was not agreed to.

Mr. LETCHER. To save the trouble of taking two votes, I withdraw my amendment to the amendment, and will let the vote be taken on the proposition of the gentleman from Ohio.

Mr. JONES, of Tennessee. I move to strike out the first three items in the amendment, merely for the purpose of asking the gentleman from Ohio, if I understood him to say that there is nothing unusual in that amendment? Now, Mr. Chairman, it is the first time, I believe, that there has been an appropriation made to furnish fuel for the President's House; and this is a commencement of that expense. It is the first time, too, for us to furnish a furnace keeper for the President's House. These are new items.

Mr. TAYLOR. I am not aware of any reason why we should not furnish fuel for the President's House as well as for the Capitol. In my opinion the President's House ought to be kept comfortable for the reception of the people whenever they go to see the Executive there. We ought therefore to make appropriations for fuel there as well as here. Indeed, I would go for making the House more comfortable and more extensive than it is.

Mr. JONES, of Tennessee. My experience in legislation is, that there has never been a wrong or an outrage committed upon the people through the Legislature, but it has been committed in the name of the people.

Mr. TAYLOR. Yes, sir, and this is recommended by your own Secretary of the Interior.

Mr. JONES. I acknowledge no recommendation of a Secretary, except such as I think advances the good of the country. I disown all Secretaries, except so far as their recommendations tend to that object.

Mr. STANTON, of Kentucky. I desire to say that the necessity for these two appropriations grows out of the fact that, at the last session of Congress, we made an appropriation of \$25,000 for the purpose of remodeling the interior of the President's House. The furnaces, which did not exist before, were then put into the House, and until that appropriation was made there was no necessity for a furnace keeper, and no necessity for the fuel now asked for. We have built the furnaces and put them there, but we have no power to compel the President to use them, and if the people who go there want the House warm, we ought to supply the fuel. The furnaces never existed before, and consequently no appropriation of this kind has before been asked for.

Mr. JONES, of Tennessee, by unanimous consent, then withdrew his amendment.

The question was then taken upon Mr. TAYLOR's amendment, and it was not agreed to.

Mr. TAYLOR, of Ohio. I offer another amendment, as I am instructed to do by the Committee on Public Buildings and Grounds. The appropriations are recommended by the Commissioner of Public Buildings and Grounds, in the letter which has already been read.

The amendment was reported, as follows:

For a watchman and messenger inside of the President's House, at \$500 per annum each, \$1,000.

For removing fences, &c., preparatory to the extension of the Capitol Square, incident to erection of the new wings, \$15,000.

For additional lighting consequent on the increase of light on Pennsylvania avenue, and where the streets in the vicinity of the Capitol are blocked up with building material, and to keep the lamps lighted through the night, (in addition to the regular appropriation,) \$13,000.

For grading and graveling Delaware avenue, &c., \$4,080.

For inclosing Franklin Square with an iron fence, and improving said square, \$16,550.

For inclosing and improving two triangular spaces on Pennsylvania avenue, \$9,000.

For extending the culvert across Tiber creek from Pennsylvania avenue to the north side of B street north, \$28,608.

To pay two men in charge of the green house at the President's, one to be foreman, \$1,080.

Provided, That when said Delaware avenue is opened and graded as far as M street north, the direction thereof shall be so changed, that said avenue may run parallel with Second street east, to Boundary street, so that said Second street and said avenue may form one street of the width of one hundred and sixty feet, between squares seven hundred and forty seven, and seven hundred and ten, and seven hundred and eleven, as laid down on the plan of the city of Washington. This being upon condition, that the owner or owners of any private property through which said streets are hereby changed, may pass, shall release the United States from all damage that may be sustained by them in consequence of the contemplated change.

Mr. JONES, of Tennessee. I raise a question of order upon that amendment. There is, at least, one item in it, of \$28,000 for extending the culvert across Tiber Creek, from Pennsylvania avenue to the north side of B street north, which takes it across private property, I think.

There is another item for removing fences, preparatory to extending the Capitol grounds, incident to the erection of the new wings.

There is no law authorizing either of these works, and therefore these items of the amendment are not in order.

Mr. TAYLOR. I will not detain the committee by any remarks, but will ask to have the latter part of the letter of the Commissioner of Public Buildings read, which I sent to the Clerk's desk half an hour ago.

The letter was read as inserted above.

The CHAIRMAN. The Chair thinks the item alluded to by the gentleman from Tennessee, for extending the culvert across Tiber creek, if it be true that it be private property, would not be in order. The Chair desires to know whether it be true that it is private property?

Mr. TAYLOR. I do not know if the Commissioner states in his letter whether it is or not.

The CHAIRMAN. The Chair would suggest that the amendment might be in order if the gentleman would modify it by striking out that item.

Mr. TAYLOR. I will so modify it.

Mr. CLINGMAN. I hope the gentleman from Tennessee will withdraw his question of order, and that the committee will vote the whole amendment down. It involves too much, it seems to me, to allow it to pass.

Mr. JONES. I will withdraw my question of order.

The question was then taken; and the amendment was not agreed to.

Mr. JONES, of Tennessee. I offer the following amendment:

For payment of the Annals of Congress for the House Library of the House of Representatives, under resolution of said House, of September 28, 1850, one hundred sets of each volume, from the twenty third to the fortieth, both included, in all one thousand seven hundred volumes, at \$5 per volume, \$8,500.

For payment of the Annals of Congress for one hundred and forty three members of the Thirty-Second Congress, entitled to them under the resolution of the House of Representatives of July 26, 1852, one hundred and forty three sets, of twenty four volumes each, from the sixteenth to the fortieth, inclusive, in all three thousand four hundred and thirty two volumes, at \$5 per volume, \$17,160.

For reporting and publishing in the Daily Globe two thousand eight hundred and sixty-five columns of the proceedings of the House of Representatives, for the first session of the Thirty-Third Congress, at \$7.50 per column, \$21,487.50.

For twenty-four copies of the Congressional Globe and Appendix for the first session of the Thirty-Third Congress, for each member and Delegate of the House of Representatives, making an aggregate of five thousand seven hundred and twelve, at \$6 a copy, \$34,416.

For binding the Congressional Globe and Appendix for the first session of the Thirty-Third Congress, \$13,766.40.

For reporting and publishing in the Daily Globe one hundred and fifty-one columns of the proceedings of the House of Representatives for the second session of the Thirty-Second Congress, at \$7.50 a column, \$1,132.50.

To pay a deficiency in the appropriation for eight hundred copies of the Documentary History, purchased for the new members of the House of Representatives, from the

Twenty-Sixth to the Thirty-Second Congress, inclusive, being at \$17.27 and two mills a volume, \$655.20.

For payment of a balance due for the second and third volumes of the fifth series of the Documentary History under contract with the Secretary of State, \$173.

For one hundred copies of the Congressional Globe and Appendix for the first session of the Thirty-Third Congress for House library, \$600, and for binding the same, \$240.

For one hundred copies of the Congressional Globe and Appendix for the second session of the Thirty-Third Congress, for House library, \$300, and for binding the same, \$120.

The amendment is offered in pursuance of the instruction of the Committee of Ways and Means. It is authorized by resolutions heretofore adopted by this House.

Mr. HAVEN. I offer the following amendment to the gentleman's amendment. Though an unusual thing for me, I move an amendment authorizing the appropriation of \$3,000 to enable Mr. Rives to pay the reporters of this House for the Globe the same additional compensation that they received at the last session. They are here all the time that we are, and, besides, work at night. With the addition proposed, their salaries will average \$1,500 per annum.

Mr. JONES. I would prefer if the gentleman would withhold his amendment, and introduce it as an independent proposition.

Mr. HAVEN. Would it be in order as a separate amendment?

Mr. JONES. It would be as much in order then as now.

[Cries of "Let the amendment be read!"]

Mr. HAVEN. I offer the amendment, and it is for an increase which ought to be paid to these gentlemen.

The Clerk read the amendment, as follows:

To enable John C. Rives to pay to the reporters of the House, for the Congressional Globe, the same amount of additional compensation for reporting this session as was paid them at the last, the sum of \$3,000 is hereby appropriated; and the Clerk of this House is hereby authorized to pay the same to said Rives, to be applied by him for that purpose.

Mr. JONES. Is the amendment in order? Is there any law authorizing reporters for this body, other than that giving Mr. Rives \$7.50 per column for reporting the proceedings of the House? These gentlemen are not salaried officers.

The CHAIRMAN. The Chair has some doubt about the amendment. The action of the House, at the last session, is favorable to the amendment.

Mr. JONES. The increase of the last session was by separate resolution.

The CHAIRMAN. The recollection of the Chair is that it was provided for by an amendment to the civil and diplomatic appropriation bill. The Chair thinks the amendment is in order under the precedent, and under the precedent alone.

The amendment to the amendment was adopted.

Mr. JONES's amendment, as amended, was agreed to.

Mr. FULLER. I offer the following amendment:

For the erection of a suitable building for custom-house, court-room, and post office at Portland, Maine, in conformity with the plan and estimates of the Secretary of the Treasury, upon the site where the old one was burned, \$300,000.

Mr. HOUSTON. Is that amendment in order? The part of the bill relating to custom-houses, and which is distinct of itself, has been passed long since. Can the committee go back now?

The CHAIRMAN. The Chair is of the opinion that to entertain the amendment would be substantially to recur to a practice never allowed by the committee.

Mr. FULLER. This amendment does not relate to anything that we have passed. It is a proper amendment, because it does not originate a new work; but it relates to a work for which appropriations have been made heretofore. I am not aware of any rule by which the committee are precluded from considering this amendment, or that they are bound to consider subjects of a kindred character precisely in the same connection.

The CHAIRMAN. The Chair thinks that the amendment is not in order, because, in the first place, the committee have passed over that part of the bill making appropriations for custom-houses. The practice has been uniform here not to allow a recurrence to what has already been passed, except by the unanimous consent of the committee. As to the point suggested by the gentleman from Maine, that it is an amendment relating to an old work for which an appropriation is now proposed

to be made, it might have been in order under the head of "Miscellaneous."

Mr. FULLER. Can I offer it as an additional section?

The CHAIRMAN. The Chair thinks that it would not be in order.

Mr. FULLER. Taking a different view of this question, I shall be compelled to appeal from the decision of the Chair.

Mr. PERKINS, of Louisiana. I move that the committee rise and report the bill.

The CHAIRMAN. That motion is not in order while an amendment is pending. The gentleman from Maine proposes an amendment, which was read in the hearing of the committee. The Chair rules that the amendment is not in order, upon the ground that it relates to a portion of the bill that has already been passed. The question now is, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. STANTON, of Tennessee. I would inquire whether there has been any appropriation made for the building of this custom-house since it was burned? If there has been none, it is certainly an amendment which cannot be authorized by law.

The CHAIRMAN. The Chair is obliged to the gentleman from Tennessee for the suggestion he has made, and considers that another reason why the amendment is not in order.

The question was taken upon the appeal; and the decision of the Chair was sustained.

Mr. DAVIS, of Indiana. I offer the following amendment, to come in at the end of the bill:

Provided, That, on the fourth day of March next, the clerks in the several Departments of the Government shall be, as nearly as practicable, equally apportioned among the several congressional districts; and that thereafter all appointments of clerks in the said Departments shall be made as nearly equally as practicable from the said congressional districts: And provided further, That each of the heads of the Departments aforesaid shall keep a register, in which shall be entered the names of all the clerks in their respective Departments, with the name of the State and the number of the congressional district from which each clerk has been appointed; and which register shall be deemed a public record, and open to the inspection of all persons interested.

Mr. GREENWOOD. I rise to a point of order. I submit that the amendment offered by the gentleman from Indiana is not in order.

The CHAIRMAN. The Chair is of opinion that the amendment is not in order.

Mr. DAVIS. I submit to the ruling of the Chair.

Mr. HAVEN. I now offer the following as an additional section of the bill from the Committee of Ways and Means:

Sec. 2. Be it further enacted, That the provisions of an act approved March 2, 1853, entitled "An act to provide compensation to such persons as may be designated by the Secretary of the Treasury to receive and keep the public money, under the fifteenth section of the act of 6th August, 1846, for the additional services required under that act," be extended to the collectors on the northern, northwestern and northeastern lakes and rivers; which compensation will remain as fixed by the fourth section of the act approved March 2, 1851, chapter 9, if the said collectors have been or shall be, designated depositaries; it having been decided by the accounting officers of the Treasury, that said collectors, having fixed salaries, not changed by emoluments, were paid their maximum allowed by law, although much less than the maximum allowed to other collectors, and that, therefore, this could not be allowed them legally."

Mr. SEWARD. I rise to a question of order. I submit that that amendment is not in order, for two reasons: First, that it is not germane to the main question, and, secondly, that it is not intelligible.

Mr. HAVEN. I notice that there were certain moneys (\$14,000) appropriated for the purpose two years ago, and I thus propose to make distribution of these moneys so appropriated by law.

Mr. SEWARD. It has no connection with the bill.

The CHAIRMAN. It is offered as an independent section.

Mr. SEWARD. But upon the very same principle the Chair ruled out an amendment regulating the pay of clerks. This is a provision about the pay of collectors. It is virtually a provision to increase their salaries.

The CHAIRMAN. The Chair is of opinion that the proposition of the gentleman from New York is not in order.

Mr. CLINGMAN. I move that the committee do now rise and report the bill to the House.

Mr. JONES, of Tennessee. Not yet. I have

another amendment to propose from the Committee of Ways and Means. It is as follows:

Sec. 2. And be it further enacted, That hereafter the Warden of the penitentiary of the United States for the District of Columbia, and the Commissioner of Public Buildings and Grounds shall make to the Secretary of the Interior annually, in time to accompany the annual message of the President to Congress, report of their operations for the preceding year, and of the manner in which all appropriations have been applied respectively. And that all estimates of the Commissioner of Public Buildings and Grounds shall hereafter be approved and submitted by the Secretary of the Interior annually, through the Treasury Department, as other estimates, to the two Houses of Congress. And further, that all appropriations which are herein made, or may be hereafter made, for repairs or improvement of the public buildings, grounds, and streets, within the District of Columbia, and now under the charge of the Commissioner of Public Buildings and Grounds, shall be expended under the direction of the Secretary of the Interior, and that all laws or parts of laws inconsistent with this section, shall be, and the same are hereby, repealed.

The office of the Commissioner of Public Buildings is now a bureau of the Interior Department. This section is to require that officer to submit his estimates through the Department of the Interior, and also to be subject to the Secretary of the Interior in his disbursements in this city. The section is recommended by the Committee of Ways and Means, and by the Secretary of the Interior.

The amendment was agreed to.

Mr. ROBBINS. I move that the committee do now rise, and report the bill to the House.

The motion was agreed to.

So the committee rose, and the Speaker having resumed the chair, the chairman reported that the Committee of the Whole on the state of the Union, had had under consideration the Union generally, and particularly the bill making appropriations for the civil and diplomatic expenses of the Government, for the year ending June 30, 1855, and had instructed him to report the same back, with sundry amendments.

Mr. JONES, of Tennessee. I call for the previous question on the bill.

The previous question was seconded, and the main question ordered to be put.

MESSAGE FROM THE SENATE.

Here a message was received from the Senate, by ASBURY DICKINS, Esq., its Secretary, notifying the House that that body had passed a bill of the following title, in which it asked the concurrence of the House:

S. No. 432. An act to vest in the several States and Territories, the title in fee of the lands which have been or may be certified to them.

And also, that it had passed a bill of the House of the following title, without amendment:

H. R. No. 315. An act to establish the offices of surveyor general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein; and for other purposes.

FREE NAVIGATION OF THE AMAZON.

Mr. INGERSOLL. I have a resolution to offer, asking for information.

The resolution was read for information, as follows:

Resolved, That the President be requested to communicate to this House, if not incompatible with the public interests, copies of all correspondence between either of the State Department or our Minister and the South American Governments with reference to the free navigation of the Amazon."

Mr. WASHBURN, of Illinois. I object to the introduction of that resolution, and I move that the House do now adjourn.

The motion was agreed to.

The House thereupon (at four o'clock, p. m.) adjourned till to-morrow at twelve o'clock, m.

IN SENATE.

THURSDAY, July 6, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

CONNECTICUT ON THE NEBRASKA BILL.

Mr. GILLETTE. Mr. President, I present to the Senate a series of resolutions which have been passed by the Legislature of Connecticut. I ask that they may be read, laid upon the table, and printed.

The Secretary read the resolutions, as follows:

Whereas, in obedience to the spirit of the Constitution of the United States, the early policy of the Government was to discourage, restrict, and repress slavery, and whereas the National Government has been swerved from its original course on this subject, and whereas, the compro-

mise of 1820, by which slavery was prohibited in all the territory then held by the United States, north of 36° 30', has been repealed by act of Congress, and whereas, it is proper, in view of this calamitous and unexpected event, that the State of Connecticut should proclaim her principles, and the line of policy she proposes to pursue, in relation to the subject of slavery, now therefore,

Resolved by this Assembly, in the name and in behalf of the people of this State, that we still cherish the great principles of the Constitution, and based upon these principles, the Union of these United States.

Resolved, That the Federal Constitution, ordained to form a more perfect union, to establish justice, and to secure the blessings of liberty, expressly denies to the General Government the power to deprive any person of life, liberty, or property, without due process of law, and that the Government, having no more power to establish slavery than to establish a monarchy, should at once proceed to relieve itself from all responsibility for the existence of slavery, wherever it possesses constitutional power to legislate for its extinction.

Resolved, That this General Assembly, in view of the fact that the compromises heretofore made on the subject of slavery, by act of Congress, have virtually been repudiated and deprived of their moral force and authority, by the repeal of the act preparatory to the admission of Missouri, approved March 6, 1820, do declare their determination to return to the original policy of the Government, founded upon the Constitution of the United States.

Resolved, That in the opinion of this General Assembly, the people of Connecticut demand the repeal of that part of the bill for the organization of the government of Kansas and Nebraska, which declares the Missouri compromise inoperative and void, and will persevere in this demand until the restriction of slavery contained in the act of 1820, shall be restored to full force and effect.

Resolved, That the Hon. ISAAC TOUCEY, a Senator of the State of Connecticut, in the Congress of the United States, having, by his vote on the final passage of the bill for the organization of the Territories of Kansas and Nebraska, disobeyed the solemn and deliberate instructions of the Legislature, and disregarded the wishes, the interests, and the principles of the people of this State, deserves to be, and hereby is, censured by this General Assembly.

Resolved, That the thanks of the General Assembly are hereby tendered to such of our Senators and Representatives in the Congress of the United States, as have opposed, by all legal and constitutional means, and to the last extremity, the passage of the act by which the Missouri compromise has been repealed.

Resolved, That our Senators in Congress be instructed, and our Representatives be requested, to introduce into the Congress of the United States, and vote in favor of, such an amendment of the law commonly known as the fugitive slave law, as shall secure to every person claimed under said law, the right of trial by jury in the State where such person may be arrested and held to bail.

Resolved, That a copy of these resolutions be transmitted to our Senators and Representatives in the Congress of the United States, to be by them laid before that body.

Mr. TOUCEY. A majority of the members of the present General Assembly of Connecticut have united in a resolution, professing to censure me for the vote I gave upon the final passage of the bill organizing the Territories of Kansas and Nebraska. They had previously assumed the right of directing my vote on that measure, in opposition to my constitutional opinions—of making me a mere passive instrument in their hands, without the right to think or to act upon that subject—and of kindly relieving me from the performance of this part of the duty which the sovereign people of the State, through a former Legislature, had imposed upon me as one of their representatives in the Senate of the United States. Knowing that I had formed a deliberate opinion that the Missouri restriction line was unauthorized by the Constitution, was in direct conflict with its provisions, with the equality of the States and with the right of self-government—that I had already, in conformity with this opinion, upon the first passage of the bill in the Senate, voted to obliterate that unconstitutional line, and to leave it to the people to govern themselves, to pass their own laws, and to regulate their own domestic affairs, and that so large and decisive was the majority in the Senate in favor of the measure, that my single vote could not, by any possibility, change the result; yet the majority in the Legislature had undertaken, notwithstanding these facts, to instruct me to reverse my action, and to obey them rather than my own convictions of duty, under the Constitution, which I had sworn to support. And now the members of the General Assembly composing this majority have stepped aside from their appropriate duties, have overleaped the bounds assigned them by the constitution of the State, and in my absence, have passed upon me what they intend to be a vote of censure for disobeying them instead of disobeying the Constitution of the United States. I know the patriotism and justice of the people to whom I am responsible for the faithful discharge of a public duty, often arduous and difficult, and to whom they are responsible for an unauthorized assumption and abuse of power, and I am not troubled in this matter.

Entertaining still the opinion that the Missouri restriction line was without any foundation in the Constitution; that there is no authority to be found in that instrument for drawing a line across the common territory of the United States, and permitting the citizens of the fifteen slaveholding States to have access to it with their slave property, on one side of the line, and prohibiting their access to it on the other; that the only power conferred upon Congress over the subject of slavery within the limits of the United States is the express power of prohibiting the foreign slave trade, and the express provision for delivering up fugitives from labor or service; that under the grants of power to make all laws necessary and proper to carry into execution the granted powers, and to make needful rules and regulations respecting the territory or other property of the United States, Congress has no pretense for setting up a claim that any law of Congress is necessary, prohibiting the removal of slaves into a Territory where the people have a Legislature of their own, with power to legislate, subject to the Constitution, and have, moreover, the ultimate power of finally disposing of the whole subject; that Congress has no power to add to the number of slaves in the country, unless by opening the foreign slave trade, which, by universal consent, is interdicted, and will never again be opened, and no power to diminish their numbers, unless by inflicting distress and disaster upon them, which could never be vindicated; that while Congress has no power to enslave, and no power to liberate, the entire power of liberation is left exclusively with the people of the separate communities, where it originally belonged, where it is wisely left, and where it will be most safely and beneficially exercised; that all political agitation on this subject, outside of those communities where slavery exists, with a view to act upon them, to coerce them, to control them, or to accelerate their movements, is only evil to the African population, and tends only to remove to an immeasurable distance all hopes of the amelioration of their condition and their final emancipation; and that this subject is the only one which threatens the separation of these States and the overthrow of the Government—it was impossible for me, entertaining these opinions, to vote against the Kansas and Nebraska bill, or to concur in the views of the majority of the General Assembly, or to cooperate with them in legislative warfare against the Constitution and government of the country.

I differ in toto from the united political parties which compose the present ruling majority in the General Assembly of Connecticut. I have never had any political association with either of them, but have been always opposed to both. I belong to the school of strict construction of the powers of the Federal Government, in favor of the rights of the States. I am a strenuous advocate of the right, the capacity, and the power of the people to manage their own affairs, when organized with a Legislature of their own, and as strenuously opposed to any external interference, from whatever quarter it may come. I have the most entire confidence in the people of every community within the limits of the United States, as the best and safest judges of every social evil that may exist among them, and of the time, manner, and measure of redress, and the most entire conviction of the policy and wisdom of leaving the subject exclusively with them. I am hostile to the power of any one community to domineer over another community. I should be opposed to a community composed of the best men on earth, if it were possible to ascertain such individuals, exercising irresponsible power over another community, unless by becoming part and parcel of it. I am entirely opposed to the agitation of the slavery question at the North, where it has no subject to operate upon, as fraught with evils of the greatest magnitude, not only to the class proposed to be benefited, and to the people among whom they dwell, but as leading inevitably, unless arrested, to the subversion of the Government of the country. These have long been my cherished opinions, openly avowed, well known to the people whom I represent; and for entertaining them, and for the purpose of carrying them into execution, more than for any other cause, I am now entitled to a seat in this body.

This coalescing majority have already clearly and decisively manifested the principles by which

they are governed, and the policy they intend to pursue. They have appointed in the place of my late colleague two honorable gentlemen, of whom I would speak only in terms of the highest respect and consideration, yet belonging to two political organizations heretofore adverse and hostile, but now acting in friendly concert, the one strictly local and sectional, the other formerly embracing a patriotic portion of the South, from which, I think, it is now severed. They have proposed, by the concurrent action of both Houses, an amendment of the State constitution, by which the word "white" would be stricken out from the qualification of electors, as they had an undoubted right to do, although not long before it had been voted down by an overwhelming majority of the people. They have declared by a joint resolution of both Houses, in opposition to the constitutional action of Congress, their "fixed purpose never to consent" "to the admission of slaveholding States from any portion" of the territory to which the Missouri restriction originally applied; thus assailing the Constitution of the United States on a vital point—the equality of the States. They have, by the concurrent action of both branches, passed an act in the form of a law—

"That every person who shall falsely and maliciously claim, declare, represent, or pretend, in presence of any judge, commissioner, marshal, or other officer of the United States, that any person is a slave, or owes service or labor to any person or persons, with intent to procure, or to aid or assist in procuring, the forcible removal of such other person, shall pay a fine of \$5,000, and be imprisoned five years in the Connecticut State prison," and "that every claim, declaration, pretense, or representation, that any person being or having been in the State, is or was a slave, or owes or did owe service to any other person or persons, shall be deemed, in all cases arising under this act, to be *prima facie* false and malicious; and the truth of any such claim, declaration, pretense, or representation shall not be deemed proved except by the testimony of at least two credible witnesses, testifying to facts directly tending to establish the truth of such claim, declaration, pretense, or representation, or by testimony equivalent thereto."

To say nothing of the bill which passed the Senate of the State, prohibiting the use of court-houses and jails for the purposes of the fugitive law, or of the bill which also passed the Senate incapacitating any United States commissioner, marshal, or deputy marshal, to hold any office of trust or emolument under the State, both of which fell in the House under the assaults of the Democratic members, they have, by the act which I have recited, if it be of any validity, nullified the act of Congress commonly called the fugitive slave law. They have made it *prima facie* a penitentiary offense, punishable by a fine of \$5,000, and by five years imprisonment at hard labor in a State prison, to assert a claim under this law of Congress. They have intruded into the very presence of the judge of the United States, their commissioners, marshals, and other officers, while in the performance of their imperative duties, and attempted to arrest their official action by denouncing fine and imprisonment upon the citizen who shall dare to invoke their aid in the mode pointed out by this act of Congress. They have thus set at defiance the Executive, legislative, and judicial departments of the Federal Government, and trampled under foot the Constitution of the country. And this is the combined political majority, who have undertaken, without the least shadow of authority, to set in judgment upon me, and to censure me for upholding that Constitution, and concurring in an admitted constitutional enactment, which is based upon the equality of the States and the principle of popular sovereignty, has received the sanction of both Houses of Congress and of the President, and is now the supreme law of the land. If I may be allowed to say it without too great disrespect to those who have participated in sending me these resolutions, I accept the vote of censure as the highest eulogy which that majority could pass upon me, and for the truth of my assertion, I appeal to the judgment of the people whom I represent, and to the unerring judgment of the country.

The time has come, I think, when the issue must be met on this great principle of the **EQUALITY OF THE STATES UNDER THE CONSTITUTION**, which lies at the very foundation of the Federal Government. Without such perfect equality of political right among the members of this political copartnership of States, it were vain to suppose that this Union can long continue to exist. With it, the Union may be perpetual. Now is the time to meet this issue. After the recent outpouring of

the popular heart in the recent general election, no more favorable juncture could arise for the solution of this momentous question. It is forced upon us, and it must be met. The untiring efforts, long persevered in, to direct northern sentiment against the existing arrangements of the Constitution, have at last, I fear, been crowned with a degree of success which may well excite alarm, unless the people will rescue the country from the danger which threatens it. The great Whig party of the North seems to have become thoroughly *abolitionized*, and to have given the signal which will expel thousands of patriotic union-loving citizens from its ranks. Separating from the Whigs of the South, uniting with the Abolitionists of the North, they have begun in earnest a warfare upon the equal rights of the States, which, unless arrested, will sever this country in twain, and sacrifice it to the lust of political power. But the people will again rally. The Democracy of the North, as often heretofore, will again rally with whatsoever there is of patriotism in the country, and will again unfurl the **FLAG OF THE UNION** as it is, and as it was intended to be by the men of the Revolution, bearing upon it in letters of living light, "**THE EQUALITY OF THE STATES**," "**THE EQUAL RIGHTS OF EVERY PORTION OF THE CONFEDERACY**," and will perish before it shall be humbled.

Mr. GILLETTE. Mr. President: I feel deeply embarrassed in appearing before the Senate in a position of unavoidable antagonism to my honorable colleague; but under a sense of duty to the State, which I have the honor in part to represent, I must ask the indulgence of the Senate, a few moments, while I notice some of the remarks which have fallen from his lips on this occasion. As antipodal as are our respective positions on the Great Question of the age and country, I trust that, for the honor of our common State and the dignity of the Senate, we may always be on terms of kindly intercourse. I do not intend, on account of any contrariety of opinions, to become unmindful of the courtesies and proprieties which appropriately belong to senatorial no less than to civilized life.

I do not rise, sir, with any wish or intention of invalidating anything that my honorable colleague has offered, any further than he has implicated others in his defense. So far from it, I am willing, nay, desirous, that he should have the full benefit of all he can say, legitimately, in extenuation of his course. I have no heart to aggravate, by any word or deed of mine, the embarrassments of his position; and had he conducted his defense without assailing the honor of our common State, which, it seems to me, we are alike interested to preserve and defend, I should have been silent.

But, sir, I feel that the character of the State of Connecticut is deeply involved, and I should be false to my convictions of duty and derelict to that good old Commonwealth, if I should sit mute and passive when her honor is assailed—that State which stood second only to Massachusetts in the revolutionary struggle—that State whose history is radiant with so many illustrious names, and which has been a human hive, sending forth swarms of her adventurous and cultivated children, to lay the social foundations of new regions, and mold their institutions by education, virtue, and freedom—that State, of which the great historian, Bancroft, a citizen of Massachusetts, has said:

"There is no State in the Union, and I know not any in the world, in whose early history, if I were a citizen, I could find more of which to be proud, and less that I should wish to blot."

That State, sir, to which the late Mr. Calhoun, in a speech delivered on this floor, in February, 1847, said, with a magnanimity worthy of his great name:

"It is owing mainly to the States of Connecticut and New Jersey, that we have a Federal instead of a National Government—the best Government instead of the worst and most intolerable on earth. Who are the men of these States to whom we are indebted for this excellent form of Government? I will name them—their names ought to be written on brass, and live forever. They were Chief Justice Ellsworth and Roger Sherman, of Connecticut, and Judge Patterson, of New Jersey. The other States further south were blind; they did not see the future. But to the coolness and sagacity of these three men, aided by a few others not so prominent, do we owe the present Constitution."

You will excuse me then, sir, for indulging a little State pride, and feeling somewhat sensitive when the honor of that State is assailed.

I shall detain the Senate but a few moments. I shall not enter into abstract questions, or indulge

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in pettifogging subtleties; but shall only attempt to disabuse the character of the State, of the aspersions which have been cast upon it, that it may shine forth in its native effulgence.

It may not be unprofitable, in the first place, to inquire what is the cause of the disagreement between my honorable colleague and the State which we represent. Why has this unhappy difference, to use no stronger term, arisen between a sovereign State and one of its Representatives on this floor? It is one of the bitter fruits of the latest great peace measure which was to settle all agitation for all time in this country. It had its origin in the overthrow of the Missouri compromise. This is the pestilential box out of which it sprang. I will state the facts as briefly as possible in relation to this matter.

The proposition to violate the public faith by the abrogation of that compromise, thus breaking down the last barrier against slavery to all the Territories of the United States, and leaving them wide open to its dark inundations—Territories which had been declared forever free by what was considered at the time, to be a solemn and irrevocable compact—startled the good people of Connecticut from their slumbers, and rallied them to the polls at their late State election in April, and the ballot boxes rang out their indignant "No." This was the great issue in that election, and never was there a political revolution in any State more complete and signal. It was attended with no storm of popular excitement. It was conducted with remarkable moderation and calmness. Hardly a leaf trembled in the breeze. It was the natural, spontaneous uprising of the people to avert a great impending calamity, and save themselves and their country from its disastrous consequences. Outside of the pale of the governmental officials there was hardly a voice of dissent. The result, sir, was what we should naturally expect. Both branches of the Legislature were overwhelmingly opposed to the odious measure. Soon after convening, early in the month of May, the subject was brought up, and resolutions presented declaring it to be violative of the public faith, destructive of mutual confidence, subversive of the fundamental principles of natural justice, and threatening the stability of this Government; and they instructed their Senators, and earnestly requested their Representatives, to oppose it by all honorable means, and to the last extremity. These resolutions passed the House by a vote of nearly three to one, and in the Senate with only a single negative.

Now, I submit to the consideration of honorable Senators, whether there was ever a fairer, fuller, more explicit and authoritative expression of the popular sentiment of any State, any where, at any time, on any question? The Legislature expressed the sentiments of the people of Connecticut on that momentous question. There was hardly a discordant note from any quarter of the State. These resolutions were duly forwarded to Congress. The dreaded Bill soon came from the House with an amendment for the final action of the Senate, and what did my honorable colleague? It is known to the Senate and the country. On the memorable night of the final vote, a few moments before the question was put, he arose in his seat, with characteristic deliberation, and informed the Senate that he was under instructions to vote against the bill, but he had determined to disobey the instructions of an *Abolition Whig* Legislature, and vote for the bill. A beautiful exposition of the doctrine of "popular sovereignty," by one of its distinguished advocates! Hardly had the last word for popular sovereignty in Kansas and Nebraska died away upon his lips before he arises in this Senate Chamber, scolds the popular sovereignty of his own State as an *Abolition Whig* sovereignty; and assumes autocratic sovereignty in opposition and defiance of the popular sovereignty.

This, Mr. President, is a simple and unvarnished statement of the case. Never was there a fuller, fairer, more explicit, and authoritative expression of the popular will, and I leave it for

others to say whether there ever was a more audacious and contemptuous violation of public sentiment.

Inasmuch as the good old Democratic doctrine of the obligation of the representative to obey the will of his constituents, has been dishonored, I have nothing to say. I leave the honorable Senator with Jefferson and his constituents.

But my honorable colleague has seen fit to take sanctuary in certain other acts of the Legislature, some of which he gravely says they did pass, and some of which he also says they did not pass; thus arraiging the Legislature of Connecticut before the Senate, not only for sins of commission, but also for sins of omission. Now, sir, I am unable to see the pertinency of these matters to the question before us—how the enactment or non-enactment of good or bad laws by the sovereign authority of a State, can justify its representative in disobeying positive instructions, to vote against a bad law here in the Senate, unless it has come to pass in these latter times that, contrary to Scripture, the servant is greater than his master. I am yet to learn whether the Legislature of Connecticut is guilty of wrong-doing for enacting such laws as it in its wisdom thought best.

The honorable gentleman has commented upon some acts which the Legislature did not enact, and upon some which they did, among which he gave particular prominence to an "Act for the defense of liberty." This, in his judgment, conflicts with the Fugitive Act, for the safety of which he is alarmed. Now, sir, I would not do the injustice to my honorable colleague to compare myself with him in legal science; but I have given some attention to the law to which he has taken exception, since I saw it heralded through the country as "nullification," and I have not been able to discover anything in it that needs to excite the apprehensions of the most vigilant sentinels of the Fugitive Act. I have consulted several eminent civilians in relation to it, all of whom have assured me that it conflicts with no law of the United States. And I think I can safely challenge those who assert to the contrary to produce the proof.

But, without detaining the Senate on this point, I would here raise the question, whether, under the Constitution of the United States, Connecticut has not as much right to enact laws for the protection of the rights of her people, as South Carolina has to enact laws for the destruction of the rights of her people? Whether freedom may not be protected under the Constitution as well as slavery? Cannot Connecticut be indulged a little with the privilege of protecting the rights and liberties of her own people upon her own soil, when a part of them, at least, have no protection, except such as is furnished by prison-walls in certain other States of this Union? Oh! Mr. President, has it come to this, that we of the North are all centralized, absorbed, melted down, swallowed up, consolidated into this great, central, usurping Government, and the northern States are mere appendages, shorn and rayless satellites, to revolve around this all-absorbing center, in borrowed light? God forbid! To this momentous question Connecticut, I rejoice to say, true to her ancient fame, as the vigilant champion of State rights, and mindful of her grand historic eminence as a defender of liberty, answers, No. I feel somewhat as the great friend of America and liberty felt, when giving voice to these words in the British Parliament in 1776:

"I rejoice that America has resisted. Three millions of people so dead to all the feelings of liberty as voluntarily to submit to slavery, would have been fit instruments to make slaves of the rest."

So I do rejoice that in the great conflict between Democracy and Despotism, now begun in good earnest, Connecticut has been so prompt to take her position on the side of freedom, and to call upon us to restore this Government to the old foundations on which her Ellsworth and Sherman were so active in establishing it, and separate it from slavery at once and forever. She has done with all compromises with the perfidious violators and haughty contemners of the public faith, and

now says, return to the early policy of this Government, that of discouraging, restricting, and discountenancing slavery everywhere under its jurisdiction. She calls upon us to discard the vile and contemptible dogma that the Constitution of the United States is a shield of slavery, or any-wise countenances that most cruel and terrific despotism that has ever crushed humanity—a despotism which denies the natural right of a man to his own body; of a husband to his own wife; of a father to his own child; which sells husband, wife, and child, separate or together, in the market-places; which asserts chattel-slavery to be a Divine and Democratic institution, and avows its base purpose indefinitely to extend and forever to perpetuate the terrific curse!

I thank God, sir, Connecticut is washing her hands from this blood, and calls upon us, in her old voice of freedom, to cleanse this Government from its guilty participation in the diabolical work of enslaving and imbrating man. She invokes us to disabuse the Constitution of the miserable dogmas which slaveholders have foisted into it, to serve their own nefarious purposes, and restore to it the original construction in which its illustrious framers conceived and established it—not so much as admitting into it, according to Madison, Sherman, and others, the blasphemous "idea that man can hold property in man." She invokes us to return to the original policy of this Government, as inaugurated by Jefferson, and interdict slavery on every rod of territory under its jurisdiction. She would have us see to it, that this Government, President, Judges, Congress and all, be speedily rescued from the foul embraces of the great Southern Syren, raised up from its low debauchment, to virtue and freedom, vitalized anew by the inspiring breath of liberty, and replaced on the old foundations upon which the great fathers established and left it, there to be resolutely and actively on the side of freedom.

It is meet and proper that the State of Ellsworth and Sherman, who would not admit slavery into the Constitution on any terms, the State of Putnam and Hale, who fought heroically for freedom, should speak out clearly at such a crisis, and call upon us to tear off from this Government the accursed vampire of slavery.

My honorable colleague has undertaken, for the second or third time, to prove the Missouri compromise line unconstitutional. I will not tax the patience of the Senate with any reply, further than to offset the opinion of President Monroe, together with those of all his unrivaled Cabinet, Calhoun, Crawford, Wirt, and John Q. Adams, against the argument and opinion of my honorable colleague.

I have the happiness to agree with my colleague in the principle of popular sovereignty, only we chance to have opposite views in carrying it out. He favored the Nebraska-Kansas Bill for one great reason that I opposed it. He regarded it as promotive of the principle of popular sovereignty, whereas I considered it, in all its details and tendencies, as subversive the antagonistic principle of slaveholding sovereignty; and every day's development, since its passage, has been confirming the correctness of this view.

He has also animadverted on the Fugitive Act, and he is welcome to his opinions upon that subject. I do not intend ever to be drawn into a discussion of that measure. It might have an awkward tendency toward pacification. No, Mr. President, I am not the man to discuss the Fugitive Act. I will not do it. I can never cast so great an indignity upon the Constitution of my country as to admit, by the remotest implication, the possibility that it could kennel such a Cerberian monster. Tell me not of the constitutionality of an act which, by one bound, vaults over all the bulwarks of liberty in all the States of this Union, and strikes down, at one blow, the writ of *Habeas Corpus*, and the right of Trial by Jury; which commits the great question of personal liberty, not to a judicial trial, but to a summary process, before a magistrate, appointed, not by the President with the concurrence of the

Senate, but by the Court; which forbids the exercise of Christian charity toward the poor and perishing, under severe penalties; which seeks to degrade man below the beasts which perish, by accounting him and his precious rights of too little value to be entitled to a jury trial, less than twenty dollars, which holds out the bribe of a double fee to the petty commissioner for dooming a human being to slavery; which, in short, overthrows all the safeguards of human rights, and leaves man an easy prey to be despoiled and captured by the pirate, the kidnapper, and the slave-hunter. It was conceived in sin, shapen in iniquity, and baptized in blood. It has no rival in its savage brutality—nothing in the code of any civilized nation to compare with it, but towers alone in its detestable preeminence of atrocious, unmitigated villainy. I will never affront the Constitution of my country so much as to hold up this frightful Gorgon before it, and ask the question—Is it constitutional? Rather will I assist to drive it back howling to its native hell, if it would not be too terrible an infliction on the damned. Tell me that my constitutional oath imposes an obligation upon me to obey this infernal act—I spurn the deed—I scorn the behest—I defy the authority. As if our free fathers intended their children should act the slave-hunter and the bloodhound for the slaveholder; as if they bequeathed to us such an inheritance of crime, brutality, and shame.

The Constitution which I swore to observe and maintain was ordained "to establish justice and secure the blessings of liberty;" and in accordance therewith, expressly declares that "no person shall be deprived of life, liberty, or property without due process of law." By this I stand; by this I will be judged.

I know that Connecticut, in the olden time, was libeled by a Tory renegade, who absconded to England to perpetrate his vindictive falsehood, as the Blue Law State; but, by the blessing of God, the numerous progeny which he left behind him, shall never fasten upon her the damning infamy of the Black Law State.

Do you accuse me of using strong language? I am fresh from the people, and have a right to use strong language in their sovereign name, to whom I hold myself amenable.

In conclusion, Mr. President, allow me to say that I feel a just and loyal pride swelling my bosom, as I contemplate the position of the good old Commonwealth which I have the honor, in part, to represent; she has begun a good work, and will go on unto perfection. It gives me joy to think her dark days of servility and shame are over, and she has entered upon a new career of freedom and glory. But if, from any unforeseen misfortune, she should ever fall back again into the hands of the servile Philistines—the slavemongering Democracy—which Infinite Mercy avert!—I will not follow the example of my honorable colleague, and take advantage of her misfortunes, to insult and expose her "before all Israel and the sun;" but I will love her still, like a true son, for what she was in the palmy days of her beauty and pride; I will cherish and defend her to the last; I will

"Walk backward with averted gaze,
And hide her shame."

Mr. TOUCEY. Mr. President, I rise only for the purpose of saying that it cannot be necessary in this body, or before the country, to reply to the remarks which have been made by my colleague. On the contrary, if he will not take it unkindly, I will thank him for furnishing an illustration of the necessity of my having taken the position which I occupy.

Mr. WELLER. What is the question before the Senate?

The PRESIDING OFFICER. (Mr. BADGER in the chair.) The question is on the motion to print the resolutions of the Legislature of Connecticut.

The motion was agreed to.

POTTAWATOMIE INDIANS.

Mr. PETTIT. On the 31 of April last, the Senate, by a resolution which I introduced, called upon the President for information as to the performance of the stipulations of a treaty with the Pottawatomie Indians made on the 26th of October, 1832. The Secretary of the Interior has reported, furnishing the information which, I be-

lieve, was called for. I move, therefore, that the report of the Secretary be printed.

The motion was agreed to.

TELEGRAPH TO THE PACIFIC.

Mr. WELLER. I move that the Senate now proceed to the consideration of the bill which was postponed yesterday, providing for the construction of a line of telegraph from the Mississippi river to the Pacific ocean.

The PRESIDING OFFICER. That is the first bill on the list of special orders.

Mr. BROWN. Has the morning hour expired?

The PRESIDING OFFICER. I can hardly inform the Senator whether it has or not.

Mr. BROWN. It is one o'clock, and that is the hour to which the insane bill was postponed. I hope that bill will be taken up and disposed of.

Mr. HUNTER. I hope we shall finish the insane bill to-day.

Mr. BROWN. If we take up the bill which the Senator from California proposes to take up, it is beyond all question that we shall not get to the insane bill to-day, and we shall have to fix another hour to take the vote upon it.

The PRESIDING OFFICER. The first bill on the orders of the day is the one referred to by the Senator from California. Do I understand the Senator from Mississippi as moving to pass by this bill for the purpose of proceeding with the consideration of the bill granting lands for the indigent insane?

Mr. BROWN. Yes, sir.

Mr. WELLER. I do not understand the object of my friend from Mississippi.

Mr. BROWN. I wish to take up the insane bill which has been vetoed by the President, and have a vote upon it, as the hour fixed for its consideration has arrived.

Mr. WELLER. Then I have no objection to the motion of the Senator to postpone this bill until to-morrow.

Mr. HAMLIN. I ask the Senator to withdraw the motion for a minute, and I will then renew it. I wish to offer a few amendments.

Mr. BROWN. Very well, sir.

Mr. HAMLIN. I desire to amend the substitute in the first section, lines seven and eight, by striking out the words: "and under the jurisdiction of," so as to make the bill conform to what the rest of it is. It was originally drawn to apply to unorganized territory.

The amendment was agreed to.

Mr. HAMLIN. I move next to insert in line twelve, page four, of the printed substitute, the words, "in the Territories," so that it shall be absolutely certain that the lands granted shall be taken in the Territories.

The amendment was agreed to.

Mr. HAMLIN. The next amendment is on the last page of the printed bill, line ten, to strike out the word "unorganized." It was put in because it was supposed the bill would apply to unorganized territory.

The amendment was agreed to.

Mr. HAMLIN. I now move to postpone the further consideration of the bill until half past twelve o'clock to-morrow, and to make it the special order for that hour.

Mr. CASS. I hope, before that order is made, it will be distinctly understood that at one o'clock to-morrow the homestead bill is to be taken up.

Mr. CHASE. Before this motion is agreed to, I wish to understand whether it is understood that this bill, which I desire to see taken up and disposed of, will be acted on before one o'clock to-morrow, or in the event that it shall not be disposed of at that time, it will be laid aside, so that the homestead bill can be taken up.

Mr. SLIDELL. When, to-morrow?

Mr. CHASE. Yes, sir, to-morrow.

Mr. SLIDELL. To-morrow is private bill day.

The PRESIDING OFFICER. The question is on postponing this bill until half past twelve o'clock to-morrow; but the Chair advises Senators that to-morrow is private bill day, and it cannot then be considered but by unanimous consent.

Mr. BROWN. That being the case, I move to postpone it until Monday, so as to get it out of the way of private bills. It cannot suffer by a day or two day's delay.

The motion to postpone till Monday was agreed to.

INDIGENT INSANE BILL VETO.

The Senate resumed the reconsideration of the bill making a grant of public lands to the several States of the Union for the benefit of the indigent insane persons, which had been returned by the President of the United States with his objections.

Mr. WILLIAMS addressed the Senate in support of the Veto message, and also in vindication of his position on the Kansas and Nebraska bill. [His speech will be found in the Appendix.]

Mr. BADGER. Mr. President, I have already, some time ago, expressed, very fully, and at large, my views upon this bill, in connection with the objections taken by the President in his message. I do not propose, as indeed it would be unpardonable for me, to occupy the Senate by any further discussion, in addition to what I have heretofore submitted on the particular matters embraced in the general question; but as several members of the Senate have done me the honor to refer in their speeches to propositions which I laid down, and particularly the honorable Senator from Michigan [Mr. Cass] has paid no small attention, in his very ingenious and able speech upon this subject, to my views expressed in the Senate upon it, I feel that it is due to myself, and due to the subject, to say a few words in vindication of the position which I have assumed in relation to the power of this Government over the public lands.

I took occasion to say that the power conferred upon Congress "to dispose of" the public lands and other property of the United States, being a power granted without any express limitation, being in its very nature an exclusive power, which could never have been possessed by the States, and could not be divided between this Government and the States, must necessarily be an absolute and unlimited power, except so far as the Constitution itself had withdrawn certain subjects from the powers of this Government. For the purpose of illustrating and enforcing the view which I took upon that subject, I cited, from the posthumous work of the late illustrious Senator from South Carolina, Mr. Calhoun, the view which he takes of the nature of the treaty-making power conferred upon this Government, where, upon precisely the same grounds, he considers that power as liable only to certain necessarily implied limitations, which he proceeds, with great clearness and accuracy, to specify. I deduced from this view of Mr. Calhoun's, just and statesmanlike as it is, that the power conferred upon Congress over the public lands, being in every respect whatever like the power conferred on the President, with the assent of the Senate, to make treaties, being an exclusive power conferred in general terms, subject to no particular limitations expressed, and, in its nature, one that could not be reserved to the States, it follows, therefore, that this power was subject to no restrictions, except those which belonged of necessity and by implication to the treaty-making power itself.

The honorable Senator from Michigan seemed to consider that neither the original remarks which I cited from Mr. Calhoun, nor the application which I made of them to the case in hand, was entitled to very considerable value or respect. With regard to the original remarks of Mr. Calhoun, I think, upon examination, they will commend themselves to every Senator, and to the honorable Senator from Michigan himself, as furnishing the result of a very profound and statesmanlike mind applied to the exposition of the great instrument which originated and maintains our Government. With regard to my application of them, that is a question before the Senate. No man has yet shown, no man can show, that the two cases do not stand, as we lawyers say, on all fours; and that, if the rule applied by Mr. Calhoun as a just mode of interpreting the granted power to make treaties, be a correct one, it governs the question as to the interpretation to be put upon the power "to dispose of" the public lands.

Nor does it concern me, sir, to inquire why Mr. Calhoun did not follow out to the disposition of the public lands the rule which he had so clearly laid down in regard to the treaty-making power, and what motives or influences might have perverted his judgment in not seeing the direct, the clear, the unmistakable analogy between the two cases. That was his affair. I had his rule clear,

distinct, applicable, beyond the possibility of any successful contestation, to the question of power which is now under the consideration of the Senate; and his failure to carry out and apply it does not deprive the rule of its value, nor does it prevent its just application to those subjects to which it ought to be applied.

But, Mr. President, the honorable Senator from Michigan has some remarks to which I wish to invite the attention of the Senate, and of the honorable Senator himself in regard to the interpretation of the powers of this General Government. In his printed speech, first quoting the first clause of that article conferring upon Congress its legislative power in these words: "Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare; but all duties, imposts, and excises shall be uniform throughout the United States," he remarks:

"Now, here is an unlimited power of raising taxes, and still more an unlimited right of applying them, so far as regards the terms of the grant. For the common defense and general welfare, even if considered words of restriction, would practically amount to nothing, as they would leave the utmost latitude of discretion to Congress. But they are not. They merely express the general motives for taxation, and above all, contain no substantial grant of power. For if they did, as is well observed by the President, 'all the rest of the Constitution, consisting of carefully enumerated, and cautiously guarded grants of specific powers, would be useless, if not delusive.'"

And again he remarks:

"The limitation imposed, arising out of the nature of the Constitution, is, that objects connected with the common defense and general welfare, are to be obtained by means of the specific and express grants of power. Without this construction, there would be no limitation to the application of the public money by Congress, but the discretion of that body would be supreme and arbitrary. I have already referred to the clause of the Constitution which recognizes in Congress the power of making appropriations from the Treasury. This power is as general as words can convey, with no limitation whatever. Either, therefore, this pervading principle of construing grants of power by the purposes and provisions of the Constitution, must limit this authority, or it is unlimited, and may be used or abused at the pleasure of the National Legislature, and to the establishment of arbitrary authority upon the ruins of the Constitution. Apply this same rule to the power to dispose of the public property,"

—that is the public lands and other property.

"Apply this same rule to the power to dispose of the public property, by requiring that it shall be exercised in conformity with the grants of the Constitution, and we carry out the true principle, and furnish safeguards against legislative abuse."

Now, Mr. President, if I understand the view taken here by the honorable Senator, it is that neither the power granted to Congress to lay and collect duties and other taxes, nor the power to dispose of the public lands, is absolutely an unlimited power; that neither of them is subject to the mere limitation; that they shall be applied or used for the purpose of the common defense and general welfare, but that each is limited and restrained by the general principles of the Constitution, and the specific enumerations contained in it. Assuming that to be the case, I ask what is the power of Congress to raise and collect revenues? It is granted in the words specified by the Senator from Michigan, which I have just read. It is to lay and collect taxes, duties, imposts, and excises—now I will read this as the President in his message says it ought to be read—"in order to pay the debts, and in order to provide for the common defense and general welfare." Is that power subject to any restriction except that Congress shall not raise money but with a view to provide for the common defense and general welfare? The Senator says it is. Then what is the other restriction? Where is it to be found? What part of the Constitution can be read or tortured into putting any restraint or restriction upon it, beside what is implied in these words? Well, sir, there is none. Is there any other power given to Congress?

The Senator speaks of the power granted to Congress to make appropriations out of the Treasury. Now, that does not enlarge the powers of Congress, either in the collection of the revenue or the purposes to which it may be rightfully devoted. As Mr. Calhoun clearly perceived, that provision in the Constitution that "no money shall be drawn from the Treasury but in consequence of appropriations made by law," is what is called a negative pregnant. It denies any other mode of drawing money from the public Treasury, and thereby necessarily implied that the money may be drawn in that mode; but it adds nothing

to, and takes nothing from, the purposes to which Congress may apply the money which has been raised. That power is to be elsewhere determined. This clause provides only the orderly method in which the money in the Treasury may be taken out in order to be applied to the purposes to which Congress has a rightful authority to apply it.

Now, that being the case, and the honorable Senator himself having said that this rule is also to be applied to the power of Congress to dispose of the public lands and property of the United States, let us see how we stand with regard to precedent; and how, if the honorable Senator's views on this occasion are correct, we have been misled by his own high authority upon the subject of the powers of Congress as well over the public money as over the public land. The first session that I had the honor of a seat on this floor, a distinguished, yes, I will say, an illustrious gentleman and friend of mine, Mr. Crittenden, was a member of this body from Kentucky. It was the year succeeding the disastrous failure of crops in Ireland and Scotland; and prompted by the native philanthropy of his mind, he introduced a bill into the Senate, which as it is very brief, I will, with your permission, Mr. President, read. The first section proposed to enact

"That the President of the United States be, and he hereby is, authorized to cause to be purchased such provisions as he may deem suitable and proper, and to cause the same to be transported and tendered in the name of the people of the United States to that of Great Britain for the relief of the people of Ireland and Scotland suffering from the great calamity of scarcity and famine."

The second section provided:

"That the sum of \$500,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to carry into effect this act."

And the third section provided:

"That the President of the United States be, and he is hereby, authorized, at his discretion, to employ any of the public ships of the United States for the transportation of the provisions to be purchased as aforesaid."

That bill was ordered to be engrossed in the Senate on the 27th of February, 1847, and bore the title of "A bill to provide some relief for the suffering people of Ireland and Scotland." Now, sir, let us pause for a moment upon the provisions of this bill. First: it was a bill authorizing the President to purchase provisions, and to send those provisions, in the name of the people of the United States, to the people of Great Britain, for the relief of those in Ireland and Scotland who were suffering under the then calamity of scarcity and famine. Secondly: it was a bill proposing to take out of the Treasury \$500,000 of the public money, to enable the President to make the purchase, and to ship the provisions. In the third place, it authorized the President to convert the public vessels of the nation from their appropriate business as public armed vessels into transports for the purpose of carrying those provisions across the ocean.

Mr. President, I desire to know under what clause or article of the Constitution, what actual or supposed grant or implication of power to Congress to make dispositions of money from the public Treasury, we acquired, according to the Senator's rule of interpretation, the authority to take a half million of dollars, and send it to feed people who were starving in Ireland and Scotland? Why, the Senator says that the words "for the common defense and general welfare," even supposing them to be a restriction, would amount to nothing, because they would still leave an undefined margin of congressional discretion. Permit me to say, sir, that I think the honorable Senator is mistaken in supposing so, for although I will admit that the words, "for the common defense and general welfare," do not furnish very strict limitations upon the power, yet if they be considered as limitations, I submit to the honorable Senator himself if they do not prohibit this application of the public money. How would the common defense of the United States, how would the general welfare of the United States be advanced or promoted by buying corn and sending it to feed the poor in Ireland and Scotland? Many questions might arise upon the application of money which might bring us to a pause. Generally, difference of opinions might arise. You, Mr. President, might think a particular application of the public money to be for the common defense and general welfare, and I might differ

from you. But permit me to ask if there could be any difference of opinion between any two members of this body when they were called upon to say, "will sending money to Ireland and sending money to Scotland, or sending provisions to Ireland or to Scotland, promote the common defense and general welfare of the United States?"

Again, sir, there is nothing in the Constitution of the United States, if there be any limitations at all upon our power in disposing of the money, which makes any distinction between applying our funds to feed the starving in foreign countries, and applying our funds for the benefit of the insane in foreign countries, or the deaf and dumb in foreign countries, or any other class of human beings in foreign countries that may need assistance, or charity, or benevolence—none. No human being can point out, upon the question of power, any reason why, if we can apply the funds in one way, we cannot apply them in any of the others. I will admit, if we once assume the power, upon the expediency of exercising it there may be a great difference between an occasional supply of food to relieve the people of a friendly country, who are suffering under a temporary scarcity, and making a provision for the benefit of the indigent insane, or the deaf or dumb, of that country; but upon the question of power there is no difference.

A second remark I make is this: The Constitution makes no discrimination in our powers between supplying the people of Ireland and Scotland out of our Treasury when they are in want of food, and supplying the people of Russia, of Germany, of France, of Turkey, yes, sir, and of the far East. The Constitution knows no difference. If there is anything said upon it in the Constitution, it has escaped my reading and observation. If, therefore, we have power to make such dispositions for the benefit of suffering people in Ireland and Scotland, we have a right to make similar dispositions for suffering people of foreign countries all over the world.

Mr. President, as I have said, that bill was ordered to be engrossed in the Senate, and after a discussion, but not a very long one—for I do not think we were quite as longitudinal in our debates in 1846-'47 as we are now—but after a discussion, and a discussion upon the constitutional power—this objection being made and insisted upon—the bill was ordered to be engrossed by a vote of 27 yeas to 13 nays. Those who voted in the affirmative were:

"Messrs. Allen, Albion, Berrien, Breese, Calhoun, Cameron, Cass, John M. Clayton, Corwin, Crittenden, Davis, Dayton, Evans, Greene, Hammett, Houston, Huntington, Johnson of Maryland, Johnson of Louisiana, Mangum, Miller, Morehead, Simmons, Soule, Sturgeon, and Webster."

Those who voted in the negative were:

"Messrs. Archer, Badger, Bagby, Butler, Chalmers, Dickinson, Dix, Fairfield, Mason, Niles, Turney, Westcott, and Yulee."

Now, let us pause here. In 1847, on the 27th of February in that year, this bill was ordered to be engrossed in the Senate, on the yeas and nays, by the vote which I have just read.

Now, Mr. President, considering that the distinguished Senator from Michigan, and the late distinguished Senator from South Carolina, [Mr. Calhoun,] the strictest of the strict in his exposition of constitutional powers, voted for that bill, I ask you if those of us here who conceive that this Government may apply something, either of money or lands, for the benefit of their own people, do not stand with a very fair excuse, if not justification. What, sir, have we a government so constructed, and a Constitution so limited and defined, that Congress can collect from the people what moneys it pleases by duties and other taxation, and after they are collected, if the inhabitants of the neighboring city of Alexandria were starving for want of bread, they have not the constitutional power to appropriate one hundred dollars to save them from that calamity? And does the Constitution leave Congress at liberty, if it chooses, to empty the Treasury in applying it to those who are in want of food in other and distant portions of the world? In other words, we should be placed in this position, according to that argument. The Constitution has set out, in its preamble, what were the great purposes for which it was framed: "In order to form a more perfect Union"—where? Not between us and Ireland and Scotland, I suppose, but a more perfect

Union here. "Establish justice"—where? At home. "Insure domestic tranquillity"—not in Ireland, surely, but here. "Provide for the common defense, promote the general welfare"—of whom? Of our own people. "And secure the blessings of liberty to ourselves and our posterity." For these purposes the Constitution was established for the United States of America. The Constitution having declared in the preamble these as being the objects and purposes, and the sole objects and purposes, for which that instrument was established, has yet been made, according to this doctrine, in such a particular and curious method, that whilst we can send millions abroad to help foreigners, we cannot appropriate a dollar to save our own people from starving!

Again, the honorable Senator, in the passage which I have read, supposes the power "to dispose of" the public lands to be subject to the same general restriction? Very well, sir, there is no express restriction upon the power. If it is subject only to these inferential restrictions to which the President refers, and which the honorable Senator from Michigan indorses, then the thing is conclusive to demonstration. Here are two powers, one over the land and the other over the money, both subject to the same and no other restrictions. The money you can dispose of for the benefit of people in foreign lands, and, therefore, you can dispose of the lands for the same purpose; you cannot get clear of that conclusion.

Now, Mr. President, if these conclusions are the result of what are called the principles of strict construction of that instrument, I say beware of them. I do not adopt the principle of strict construction; I do not adopt the principle of a liberal construction; but, so far as I know, I endeavor to plant myself upon the rule of construction which I once heard laid down in the circuit court of North Carolina by that most eminent man and excellent judge, the late John Marshall. A professional friend of mine filed a bill on the equity side of that court. It had been demurred to for want of jurisdiction; and after an argument on the question of jurisdiction, the district judge gave his opinion against the jurisdiction, and concluded by saying that he thought courts of the United States should "lean" against taking jurisdiction. The Chief Justice said in his quiet and emphatic manner:

"In that opinion I do not concur. This court has no leanings; the jurisdiction which the Constitution and the law confer the court is bound to take; the jurisdiction which these do not confer the court has no desire to take. The court expounds the Constitution neither *liberally* nor *strictly*, but to the best of its judgment, *FAIRLY*."

Now, Mr. President, whether I am in error or not, in the views I have taken of the power of Congress to dispose of the public lands, I submit this to you: I am supported by the words of the instrument. I am supported by precedents without number in the legislation of this country. I am supported by the approval of men of the highest eminence and loftiest powers that ever adorned the history of this country—Senators, members of the House of Representatives, heads of Departments, and Presidents of the United States; and I claim that I am supported by the authority of the honorable Senator from Michigan. If I understand his speech, he puts the same limitation upon the power over the money, and none other, as upon the power over the lands; and I have shown by his vote in 1847, upon the bill "to provide some relief for the suffering people of Scotland and Ireland," that he held that we had power to dispose of money from the Treasury to accomplish that object.

Mr. WELLER. Will my friend from North Carolina allow me to ask him a question?

Mr. BADGER. Certainly.

Mr. WELLER. I find he is recorded in the negative on that bill; and I desire to know whether that negative vote was given on account of the unconstitutionality of the bill—whether he thought it unconstitutional, and therefore voted against it?

Mr. BADGER. I shall answer that with great cheerfulness. I never thought it necessary to investigate that question at all; for I was satisfied that if we had the power, it was a most inexpedient exercise of it; and I told my friend from Delaware [Mr. CLAYTON] that it was so. He said he would satisfy me on the constitutional power. I said, "Give yourself no trouble on that point, I think it very inexpedient."

I was about saying, sir, when I gave way for the question of the Senator from California, that

with regard to the question of the power of Congress over the public lands, and with regard to whether the words "to provide for the common defense and general welfare of the United States," are to be considered in the character of a restriction of the power, or as merely guides to indicate the purposes to which the revenue when raised shall be applied, I have never yet seen the necessity of making up a definite opinion. I took up this subject in former remarks which I made, and I take it up now, assuming the President's exposition as the true one. But, Mr. President, I must say that we are placed in a most extraordinary condition, if it be true that we have power to appropriate money to alleviate the sufferings of the starving inhabitants of foreign lands, and the indigent insane of foreign lands, and yet it is incompetent for Congress to apply a dollar of money, or an acre of land, either to provide for the suffering poor or the indigent insane of our own country! Why, sir, if such a doctrine as that were established by authority, is it not evident that we should subject ourselves to the jeers and scoffs of the whole civilized world? "What," men would say, "here were thirteen Colonies which were separated from the mother country in consequence of the oppression of their rulers; they fought through a bloody war to establish their independence, and soon afterwards finding it necessary to establish a Constitution for the benefit of their own people within their own borders, they gave unlimited power, under the Constitution, to the Legislature, to raise money by duties and taxes on their own people, and to apply it to all the foreigners in the world, but strictly prohibited them from using a dollar of it for the benefit of themselves!"

Will it be said that our forefathers were so beneficent while establishing this Constitution for themselves, that their eye was still bent on foreigners in foreign lands; and in respect to them they left the hands of the Government unfettered to spend what it might choose for their benefit, but tied them up with cords, prohibited any assistance they could afford with reference to any class of our own people whose sufferings might demand their aid? And, Mr. President, see how strangely this rule will operate. Here were certain unfortunate Irishmen who were starving for want of bread at home. According to the views entertained by my friend from Michigan and Mr. Calhoun, we had a right to expend \$500,000 in furnishing food for them in Ireland; and yet if some kind friend had furnished them with the means of paying their passage to the United States, and they had landed in Massachusetts, or New York, Congress would instantly have lost all power to help, and must have stood by and seen them starve. The beauty of this system would be to confine our liberality to foreigners, and not only that, but to foreigners in foreign lands. While foreigners are abroad we may help them; but the moment they touch our own shores our power to help is gone. Can this be so, Mr. President? It cannot.

I think, therefore, Mr. President, the honorable Senator from Michigan must either now reverse and renounce the opinion under which he voted for that bill, or he must reverse the proposition which he lays down in his speech, that the Constitution supplies the same safeguard against abuse in this disposition of the public money as in the distribution of the lands. He must do the one or the other, or admit that the power of the Government under this bill is clear and unquestionable. For myself, I have no doubt of it. I do not intend to enter into the question again; but I think that when we hear of a latitudinarian construction of the Constitution, and when the Senator from Michigan acquiesces in the Senate with the consequences which would result from the exercise of the indefinite, unlimited, and arbitrary power of Congress over the public lands for which, he says, I contended, I have a right to ask him how he reconciles with his view of this bill the vote which he gave on the bill for furnishing relief for the sufferers of Ireland and Scotland in February, 1847.

Mr. CASS. I have had a full share in this debate, and the weather is too hot now to make a long speech. I will only say a few words. If the honorable Senator were to establish my inconsistency, that would not weigh anything in favor of this bill. He says that he agrees to the interpretation of the words "in order to," as suggested

by Judge Story, and maintained by him "in order to promote the general welfare." How, "to promote the general welfare?" Why, by the provisions of the Constitution, else the powers of this Congress would become illimitable. That is as certain as any fact can be. If you have a right, under the pretense of promoting the general welfare, or under a claim to promote the general welfare, to make any appropriation you please, without reference to constitutional purposes, you are perfectly afloat—a government without a constitution. You must either exercise your power in conformity with the principles and purposes of the Constitution, or you are without any limitation. Therefore, Mr. President, when the Constitution provides that taxes shall be levied to promote the general welfare, it is to promote the general welfare agreeably to the purposes and objects of the Constitution.

Now, with respect to this appropriation to which he alludes. I hold in my hand a similar law, passed in 1812, and signed by Mr. Madison, which was fully discussed, as the honorable Senator knows, some few years ago, appropriating \$50,000 for the relief of the distressed inhabitants of Caracas, whose property was destroyed by an earthquake. It was signed by James Madison. I need not say, when I mention his name, that I mention one of the best and most authoritative expounders of our Constitution. I do not pretend to say, that, in a question of foreign intercourse, doubts might be raised upon that subject. They were raised in 1812; though Mr. Madison signed the law. They were raised then. They were raised five or six years. What we may do, as a question of foreign intercourse under the general provisions of the Constitution, I do not undertake to say. There may be great calamities befalling the poor people, that may almost require, or, at any rate, furnish strong motives for the application which they have made; but I repeat to the honorable Senator that he would gain by that step not one tittle. The main point which he relies upon—the power of this Government to make indefinite, unlimited appropriations, under the motives assigned of promoting the general welfare—would leave us without any limitation.

Mr. BADGER. The honorable Senator will allow me to say, that his argument reduces us to this predicament. The money must be appropriated for the general welfare, according to the plan laid down in the Constitution, except where it is necessary for the starving Irish. [Laughter.]

Mr. SLIDELL. Under ordinary circumstances, I would probably have recorded a silent vote to sustain the presidential veto of this bill, but certain joint resolutions of the Legislature of Louisiana, render it necessary that I should give a very brief explanation of the reasons of my voting in the negative on the question of its passage.

The resolutions to which I refer are these:

Be it resolved by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That our Senators be instructed, and our Representatives requested, to bring in and seek, by all just and honorable means, to secure the passage of a bill granting to the State of Louisiana four townships of land for the education of the deaf and dumb, and three townships for the education of the blind.

Resolved, That Louisiana, asking nothing for the unfortunate within her own borders which she would not freely accord to others, hereby instructs her Senators, and requests her Representatives, to support such just and equitable propositions as may be offered, making similar grants to other States for such laudable purposes.

In terms they do not apply to the bill now before the Senate; but I consider them as fully covering its principle. It would be an unworthy evasion to attempt to discriminate between grants for purposes so closely analogous; and, although I have doubts of its constitutionality, and very decided objections on the ground of expediency, I should, with the opinions I entertain of the right of the Legislature to instruct, and of the correlative duty of Senators to obey, have felt myself bound to sustain it by my vote, if it simply provided for grants of land to the States for the benevolent purposes which it specifies. But the bill goes much further. It establishes not only minute details for the management of the asylums which it is intended to endow, and, by almost necessary implication, gives power to the General Government to enforce a proper application of the fund to be derived from the sale of the lands granted, or of

the scrip representing the lands, but it expressly requires annual returns of the amount of scrip sold, names of purchasers, price, &c.

This obligation of periodical accountability is at war with all the views I entertain of the proper relations that should exist between sovereign States and the Federal Government; and I cannot vote for any bill in which provisions so derogatory to the dignity of the States shall be retained. I feel confident that the Legislature of Louisiana would repudiate any grant that sought to impose such an accountability. Should a bill be hereafter introduced free from objections of the character I have stated, and the instructions of the Legislature of Louisiana be not revoked, I shall, in despite of my individual convictions, feel myself bound to vote for it.

THE PRESIDING OFFICER. The question now is upon the passage, through the Senate, after its reconsideration, of the act making a grant of public lands to the several States of the Union for the benefit of indigent insane persons. The question is, "Shall the bill pass?" and upon that question the Constitution orders the yeas and nays to be taken.

MR. SEWARD. I desire to state that my colleague [Mr. FISH] has been detained in New York; and, if he had been here, he would have voted for the bill.

MR. JOHNSON. Upon this question I have paired off with the honorable Senator from Vermont, [Mr. FORT], he being in favor of the bill.

MR. DIXON stated that his colleague, [Mr. THOMPSON,] if he had been present, would have voted for the bill.

The question being taken, resulted—yeas 21, nays 26; as follows:

YEAS—Messrs. Badger, Bell, Benjamin, Brown, Chase, Clayton, Cooper, Dixon, Fessenden, Geyer, Gillette, Gwin, Hamlin, Jones of Tennessee, Pearce, Pratt, Rockwell, Seward, Stuart, Sumner, and Wade—21.

NAYS—Messrs. Adams, Allen, Atchison, Bayard, Bright, Brodhead, Butler, Cass, Clay, Dodge of Wisconsin, Dodge of Iowa, Douglas, Evans, Fitzpatrick, Hunter, Jones of Iowa, Mallory, Mason, Norris, Pettit, Rusk, Sebastian, Slidell, Toucey, Weller, and Williams—26.

So the bill was not passed.

CORRECTION OF REPORT.

MR. SEBASTIAN. I move that the Senate proceed to the consideration of Executive business.

MR. CLAY. I hope the Senator will allow me to make an explanation.

MR. SEBASTIAN. Certainly.

MR. CLAY. I desire to correct an error in the report of the proceedings of yesterday, in which it is said:

"Mr. CLAY stated that he had agreed to pair off with the Senator from Michigan, [Mr. STUART,] who was in favor of the bill."

The bill alluded to was to establish the line of steam mail ships between San Francisco and Shanghai. I may have said the Senator from Michigan. It may have been my own error, not the reporters. I desire to state, however, that I should have said, if I did not say, that it was the Senator from Illinois, whom I had paired off with, and who was in favor of the bill.

PETITION.

MR. PRATT presented the memorial of the executor of Daniel Randall, late deputy paymaster general of the Army, praying compensation for the services of the testator in receiving and disbursing the duties and assessments levied in the City of Mexico for the support of the Army during the late war with that Republic; which was referred to the Committee on Military Affairs.

PAPER WITHDRAWN.

On motion by Mr. BELL, it was

Ordered, That leave be granted to withdraw the memorial of Richard M. Johnson.

REPORTS FROM A STANDING COMMITTEE.

MR. CLAY, from the Committee on Pensions, to whom was referred the petition of Moren Moore, praying to be allowed an increase of pension, submitted an adverse report thereon; which was ordered to be printed.

MR. SEWARD, from the Committee on Pensions, to whom was referred the memorial of Rebecca P. Stansbury and others, heirs of Thomas Peters, submitted an adverse report thereon; which was ordered to be printed.

DONATIONS OF LAND IN ARKANSAS.

On the motion of Mr. JOHNSON, the Senate, as in Committee of the Whole, proceeded to consider the bill to revive, for a limited time, an act in relation to donation of lands to certain persons in the State of Arkansas.

It proposes to direct that all claimants to donations in the State, which have been adjudicated and allowed by the register and receiver, in the proper land district, in virtue of the provisions of the eighth section of the act of May 24, 1838, (to aid the State of Ohio in extending the Miami canal from Dayton to Lake Erie, and to grant a quantity of land to said State to aid in the construction of canals authorized by law, and for making donations of land to certain persons in Arkansas Territory,) and which have not been located and patent certificates issued, or which, having been located, were compelled to yield to other, prior rights, either in whole or in part, and not subsequently relocated within the period fixed by law, may be entered with the register of any one of the land offices in Arkansas, at any time within two years from the passage of the bill, in the same manner, and under the same restrictions and conditions as existed prior to May 24, 1838, as continued in the act revived; but no such claim is to be located against which fraud has been, or may be, alleged, and to which all objections shall not already have been removed to the satisfaction of the Commissioner of the General Land Office.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

UTAH MILITARY ROAD.

MR. JONES, of Tennessee. I desire to say to my friend from Arkansas, that if there is any great necessity for going into Executive session, I shall not object to it, but there are four or five small bills, which have come from the House of Representatives, and been referred to the Committee on Territories, and reported back unanimously for the action of the Senate, and in which the Territories are very much interested. The Territories are very anxious to have them passed. I hope, therefore, the Senate will permit them to be acted upon.

MR. SEBASTIAN. I would suggest to the Senator from Tennessee, that those bills can be more properly acted upon during the morning hour. I have two or three such bills in my charge, but I prefer bringing them up during the morning hour. I will say further to the Senator, it is necessary that we should go into Executive session on matters of importance.

MR. JONES, of Tennessee. I have been desiring for some days to get these bills up; but I have no disposition to interfere with the motion of the Senator from Arkansas. If it is necessary, therefore, to go into Executive session, I am willing to withdraw my motion.

MR. BRIGHT. I hope the honorable Senator from Arkansas will not object to the motion of the Senator from Tennessee. It is a matter of some consequence to him.

MR. SEBASTIAN. Very well.

MR. JONES, of Tennessee. I move in the first place that the Senate proceed to the consideration of the bill from the House of Representatives to provide for the construction of a military road from Great Salt Lake City, in the Territory of Utah, to the eastern boundary of California.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

It proposes to appropriate \$25,000, to be expended under the direction of the Secretary of War, for the object designated.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

OREGON MILITARY ROAD.

On the motion of Mr. JONES, of Tennessee, the Senate, as in Committee of the Whole, proceeded to consider the bill from the House of Representatives for the continuation of the military road from Myrtle Creek to Scottsburg, in Oregon.

It proposes to appropriate the sum of \$20,000, to be expended for the purpose under the direction of the Secretary of War.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

CIVIL OFFICERS IN NEW MEXICO.

On the motion of Mr. JONES, of Tennessee, the Senate, as in Committee of the Whole, proceeded to consider the bill from the House of Representatives for the payment of the civil officers employed in the Territory of New Mexico, while under civil government.

It proposes to authorize the Secretary of War to pay to the civil officers employed in the Territory of New Mexico, while it was under military government, the salaries due to them from September 22, 1846, until March 3, 1851, according to the rate of compensation prescribed by the organic law promulgated by General Stephen W. Kearney for the government of the Territory, deducting therefrom such sums as have already been paid to them from the treasury of said Territory; but under the provisions of the bill no compensation is to be made to any officer of the Army of the United States for discharging the duties of any civil office in the Territory.

It further proposes to authorize the Secretary of War to pay such agent as may be appointed to receive the same, on behalf of the Territory, \$12,098 64, the amount advanced from the treasury of the Territory in part payment of the salaries of the civil officers.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

ROGUE RIVER WAR.

On the motion of Mr. JONES, of Tennessee, the Senate, as in Committee of the Whole, proceeded to consider the bill from the House of Representatives, to authorize the Secretary of War to settle and adjust the expenses of the Rogue River Indian war.

It proposes to direct the Secretary of War to settle on just and equitable principles all claims for services rendered in that war, and for subsistence, forage, and stores, as well as for other necessary and proper supplies for the prosecution of the war.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

INDIAN HOSTILITIES IN UTAH.

On the motion of Mr. JONES, of Tennessee, the Senate, as in Committee of the Whole, proceeded to consider the bill from the House of Representatives, to refund to the Territory of Utah the expenses incurred by said Territory in suppressing Indian hostilities.

It proposes to direct the Secretary of War to ascertain and pay the amount incurred in the suppression of the hostilities during 1850 and 1851, provided it shall not exceed \$20,940 65.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

ROADS AND WELLS IN NEW MEXICO.

MR. SEBASTIAN. Mr. President—

MR. DOUGLAS. I have a territorial bill which I desire to have acted upon.

MR. SEBASTIAN. I beg that the Senator from Illinois will not press it now. I have several such bills under my charge, but I am now admonished that only about three quarters of an hour remain until the usual hour of adjournment to-day, and I therefore move that the Senate proceed to the consideration of Executive business.

MR. DOUGLAS. I hope not.

The motion was not agreed to.

On the motion of Mr. DOUGLAS, the Senate, as in Committee of the Whole, proceeded to consider the bill from the House of Representatives, for the construction of certain military roads and wells in the Territory of New Mexico.

It appropriates \$20,000 for the construction and repair of the road from Taos to Santa Fe, and \$12,000 for the road from Santa Fe to Dona Ana, any portion of which amount may be applied to the sinking of wells, if required by the necessities of the last named.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

ROADS IN MINNESOTA.

On the motion of Mr. DOUGLAS, the Senate, as in Committee of the Whole, proceeded to the consideration of the House bill making further

appropriations for continuing the construction of certain roads in the Territory of Minnesota, in accordance with the estimates made by the War Department.

It proposes to appropriate for the continuation of the road from Point Douglas, on the Mississippi river, to the mouth of the St. Louis river, of Lake Superior, \$20,000; for the continuation of the road from Point Douglas to Fort Gaines, now Fort Ripley, \$10,000; for the continuation of the road from the mouth of Swan river to the Winnebago agency, \$5,000; for the continuation of the road from Wabashaw to Mendota, \$15,000.

A verbal amendment having been made, on the motion of Mr. DOUGLAS, the bill was reported to the Senate, ordered to a third reading, read a third time, and passed.

ARMIJO, PEREA, AND COLLINS.

On the motion of Mr. DOUGLAS, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution authorizing the Secretary of the Territory of New Mexico to pay to Juan C. Armijo, José L. Perea, and James L. Collins, the amount by them loaned to the Legislative Assembly of the Territory of New Mexico, under the joint resolution of that body, approved June 17, 1851.

The payment of the amount, with interest, is to be made out of the unexpended fund appropriated by Congress for legislative expenses in the Territory, and in accordance with the agreement made when the loan was negotiated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

SALE OF RESERVED LANDS.

On the motion of Mr. MALLORY, the Senate, as in Committee of the Whole, resumed the consideration of the bill to authorize the sale of reserved lands, and for other purposes.

The original bill was introduced by Mr. DOUGLAS, and referred to the Committee on Military Affairs.

The committee reported back the bill with an amendment to strike out all after the enacting clause, and insert the following, as a substitute:

That in all cases where public lands have been, or may hereafter be reserved or acquired for military purposes, and they shall be no longer required by the Government for public uses, the President of the United States shall be, and he is hereby, authorized to cause the same to be sold, in such manner and under such regulations as may best conduce to the public interests; and the net proceeds from the sales of such lands shall be paid into the Treasury of the United States, after deducting all actual and necessary expenses attending or growing out of the sales of such lands.

Sec. 2. And be it further enacted, That in all cases of sales of lands, reserved or acquired for military purposes, on which buildings or other improvements have been erected or made by the Government, the net proceeds of such sales shall be paid into the Treasury to the credit of the appropriation from which such buildings or improvements were erected or made.

Sec. 3. And be it further enacted, That where improvements have been, or may be made on any such reserved lands by societies or individuals under authority from the Government, the President of the United States be, and he is hereby, authorized to sell to them such quantity of land, not exceeding in quantity a quarter of one section, as may be necessary to the objects for which such improvements were made, and for the proper use and security of them, at a price at least equal to the actual cost to the Government of such lands, and not less than the minimum price of the public lands.

The amendment was agreed to.

The bill was reported to the Senate; the amendment was concurred in, and the bill ordered to be engrossed for a third reading, and was read a third time, and passed.

ROBERT C. THOMPSON.

On the motion of Mr. COOPER, the Senate, as in Committee of the Whole, proceeded to consider the bill for the relief of Robert C. Thompson, only surviving child and legal representative of William Thompson, deceased, formerly a brigadier general in the Army of the Revolutionary war.

It proposes to require the Secretary of the Treasury to pay to Robert C. Thompson, only surviving child and administrator, with the will annexed, of William Thompson, deceased, formerly a brigadier general in the Army of the Revolutionary war, seven years' half pay, of an officer of the rank of a brigadier general in that service.

Mr. COOPER. I move to amend the bill by striking out the words: "his surviving child." There are other surviving children.

The amendment was agreed to; and the bill was reported to the Senate as amended.

Mr. NORRIS. If there is any report in the case I should like to hear it read.

The PRESIDING OFFICER. The Chair is informed that there is no report.

Mr. COOPER. There was a report accompanying the bill. It was reported upon unanimously by the committee. I reported the bill in the first place without the authority of the committee, by mistake. I then withdrew it, and the report was subsequently made as the committee will recollect. I find that there were two bills printed, one with interest provided for as it was first reported, and the other as it is now read.

The PRESIDING OFFICER. Will the Senator state what was the number of the first bill?

Mr. COOPER. I cannot tell what the number of the first bill was. The number of the present bill is 338, I think. I have here a copy of the report.

The paper was read, from which it appears that General Thompson was appointed a brigadier general in the Army of the Revolutionary war, from the State of Pennsylvania, in March, 1776. At the battle of "Three Rivers," on the 13th of June, 1776, he was taken prisoner. He died on the 13th of September, 1781, not having been exchanged, but being on parole. Neither General Thompson, during his life time, nor his children after his death, have received the seven years' half pay he was entitled to by virtue of the resolution of Congress of August 24, 1780. The certificate of the Third Auditor, which is on file with the papers in the case, states that the records of the revolutionary war in that office afford no evidence that General Thompson went into the service, or the date of his death, or that he was on parole and never exchanged; but they do afford evidence that he was in the service, and that funds were placed in his hands to pay the officers and soldiers under him subsequent to his return from captivity. The affidavit of Mrs. Thompson, the widow of the eldest son of General Thompson, proves that he was in the service, and fought in several battles during the revolutionary war, and that he died September 3, 1781, a prisoner. Extracts are also furnished from the proceedings of Congress of that period going to show that he was recognized as being in the service.

The committee consider that the testimony establishes the facts that General Thompson was a brigadier general; that he was taken a prisoner at the battle of Three Rivers on the 13th June, 1776; that he died a prisoner, on parole, on the 3d September, 1781; that neither his widow nor children have received the seven years' half pay to which they were entitled by virtue of the act of Congress of August 24, 1780; that Robert C. Thompson is his legal representative, and is thereby deemed to be entitled to the seven years' half pay claimed by him as such legal representative, from the 3d September, 1781, the date of the death of General Thompson.

Mr. COOPER. I shall not make a speech, but I desire to say that this bill was reported from the Committee on Revolutionary Claims by myself. The way it happens that there is no report, I presume, is this: The petition was at first, with the accompanying papers, committed to me, and I made a report upon them. In presenting reports here on one occasion, I made one on this case without the authority of the committee. It occurred to me, before I left the Senate Chamber that day, that I had done so; and I asked permission to withdraw it. The report was withdrawn. Permission was subsequently obtained from the committee to report the bill; and, I presume, the bill only was brought back and printed without the report. I know of no other reason why the report is not printed. I made the report myself. I know there was a report. I have a great many papers extracted from the public records, which show who General Thompson was. He is familiar to history, and the person for whose relief the bill is his grandchild.

Mr. CLAY. I desire to ask the Senator from Pennsylvania a question. I may have misapprehended what was read by the Secretary, but I thought I discovered a very palpable conflict in the testimony as regards dates. As I understood the affidavit of the lady, which was read, it represents that General Thompson was taken prisoner some time in 1776; and that he died a prisoner in

1781. Then I heard it stated, as the Secretary read on, that there is record evidence on file in the Department, that he was appointed a disbursing agent in 1780. I want to reconcile this apparent conflict in the testimony. How happens it?

Mr. COOPER. I will explain that in one moment. General Thompson was taken prisoner at the Three Rivers, with his command. He was retained a prisoner from that time, in 1776, to the end of the war. He was on his parole in 1780, when he was made a disbursing agent to pay his own troops. That all appears in the State papers. He was a prisoner, and he died a prisoner, but he was appointed to pay over money to his own troops, as it appears from the Journals of Congress.

Mr. NORRIS. I move that the Senate adjourn.

Mr. BRODHEAD. I hope not. I hope we shall act upon this bill first.

The motion was not agreed to, there being, on a division—ayes 12, noes 23.

Mr. BRIGHT. I believe the report in this case has not been printed yet.

Mr. NORRIS. There is no report at all.

Mr. BRIGHT. I understood what the Secretary read was the report. Certainly, I heard some paper read other than the bill.

The PRESIDING OFFICER. The Chair will suggest that the right bill, by some means or other, has not been printed, and what has been read is a manuscript copy of the report.

Mr. BRIGHT. That report is very unsatisfactory to my mind. The bill itself, I believe, allows interest and goes back—

Mr. COOPER. No, sir, it does not allow interest.

Mr. BRIGHT. I would ask the honorable Senator from South Carolina, [Mr. EVANS,] whether the general bill which he has reported to the Senate, does not cover this case?

Mr. EVANS. There is a bill pending granting pay in the first instance to officers of the revolutionary army who, under several resolutions of Congress, were entitled to receive it, although a commutation of full pay for five years may have been received; and in case of the death of the officer, his widow and his children are provided for.

Mr. COOPER. I will state that the general bill reported by the Senator from South Carolina does embrace this case; but there is no probability that that bill will pass at this session, and it is no reason, it seems to me, why this bill should not pass. I did not know that there was not a report until to-day. It arises, I presume, in the way I mentioned. I made the report among a number of others, without authority. I recalled it the same day, and went back to the committee, and at the next meeting obtained authority to make the report. I then made it, and I supposed that all were printed together. It seems it was not printed. I hope that the Senator from Indiana will not insist on postponing the action on the bill until the report is printed.

Mr. BRIGHT. I do not insist upon the report in this case. I understand the honorable Senator from South Carolina to state that the bill which he has reported meets this class of cases.

Mr. EVANS. I have proposed, for the last four or five weeks, to call up that bill, but have not succeeded in doing so. I propose to call it up to-morrow. I understand to-morrow is objection day, and this can come up in the character of a private bill. I propose to call it up then.

Mr. BRIGHT. I merely desire to state that I am opposed to the payment of all these ancient class of cases. I think all those which have any merit in them have been provided for in years that have passed; and, at this late period, those that are brought forward have, generally speaking, little merit. I see no reason for singling out this case and separating it from many others of a similar character which are before the Senate. If the general bill which has been reported by the Senator from South Carolina can be passed into a law, well and good. I shall content myself with voting against it. In this particular case I shall only ask for the yeas and nays upon the engrossment of the bill.

The yeas and nays were ordered.

Mr. BROWN. I think it exceedingly unfair to adopt such a suggestion as that made by the Senator from Indiana; that one man's claim shall

be postponed and not acted upon, simply because a general bill is pending, covering that and all other cases. This petitioner comes here and asks to have his case acted upon, and not to have it put into a general bill among five hundred or a thousand, or it may be ten thousand others. He has had his case examined by itself; the committee have reported in favor of it, and he is entitled to have it acted upon by itself. If his claim is right, he ought not to be required to run the hazard of having a bill passed, not only covering his case, but five hundred or a thousand others. I have heard the appeal several times made against particular claims, because there was a general bill covering all such cases. I do not think it fair towards the claimant, and I feel it just towards this person, whom I do not know, about whose claim I know and care very little, to say that I think it is a very unfair way to treat a claim which comes before the Senate. If this man had chosen to take his chance in a general bill, very well; but having now presented his claim separately, and had a favorable report upon it, and having his bill here taking precedence of the general bill, I think he is entitled to the special action of the Senate, and to have his case stand on its own merits.

On the question ordering the bill to be engrossed for a third reading, the yeas and nays were taken with the following result:

YEAS—Messrs. Badger, Bell, Benjamin, Brodhead, Brown, Cooper, Dodge of Wisconsin, Evans, Fessenden, Fitzpatrick, Geyer, Jones of Iowa, Mallory, Pratt, Rockwell, Sebastian, Stuart, Walker, and Weller—19.

NAYS—Messrs. Adams, Allen, Bayard, Bright, Clay, Dodge of Iowa, Norris, Pettit, and Slidell—9.

The PRESIDING OFFICER. There is not a quorum voting.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, July 6, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

Mr. THURSTON. I ask the unanimous consent of the House to introduce the following resolution:

Resolved, That there be ten thousand copies of Explanations and Incidents in Texas, New Mexico, California, &c., connected with the Mexican Boundary Commission, by John R. Bartlett, late United States Commissioner, published for the use of the House of Representatives.

Mr. JONES, of Tennessee. I object.

CIVIL AND DIPLOMATIC BILL.

The SPEAKER. The first business in order is upon agreeing to the amendments to the civil and diplomatic bill, reported from the Committee of the Whole on the state of the Union yesterday.

Mr. JONES, of Tennessee. I suppose the usual course will be pursued, which is to read the amendments through, and if any gentleman desires a separate vote upon any one, he will designate it.

The SPEAKER. That has been the usual course, and, if not objected to, the amendments will be read; and if any gentleman desires a separate vote upon any one of them, he will rise in his place and signify it. Those amendments not objected to will be voted upon *en masse*.

The Clerk then read all the amendments through, when separate votes were demanded on the following amendments by the members indicated below:

On the twenty-second and twenty-fourth amendments, by Mr. LETCHER;

On the twenty-sixth amendment, by Mr. PRESTON;

On the twenty-ninth amendment, by Mr. BRIDGES;

On the thirtieth amendment, by Mr. LETCHER,

On the thirty-first amendment, by Mr. JONES, of Tennessee;

On the thirty-third amendment, by Mr. SEWARD;

On the thirty-eighth amendment, by Mr. JONES, of Tennessee;

On the thirty-ninth amendment, by Mr. JONES, of Tennessee;

On the forty-second amendment, by Mr. SEWARD;

On the forty-fifth amendment, by Mr. JONES, of Tennessee;

On the forty-sixth amendment by Mr. BRIDGES;

On the fifty-first amendment, by Mr. BALL.

Mr. BRIDGES. When the twenty-ninth amendment was read, I asked for a separate vote on it. I now desire to withdraw that request. It is the amendment in reference to the assay office at New York city.

The SPEAKER. The gentleman can withdraw his call for a separate vote only by unanimous consent. Is there objection?

Mr. HAVEN. I am inclined to ask for a division of the question on the amendment, while I am happy that the gentleman from Pennsylvania has withdrawn his objection.

The SPEAKER. Being reported as one amendment, it is not divisible.

Mr. HAVEN. I would suggest to the Chair, that, under the terms of the rule, we can take away from an amendment, provided we have an affirmative substantive proposition.

The SPEAKER. The amendment is not divisible. As the Chair understands, objection is made, and a separate vote accordingly will be had on the proposition.

The question was then taken on all the amendments upon which separate votes were not asked; and they were concurred in.

The twenty-second amendment, on which a separate vote was demanded by Mr. LETCHER, was read by the Clerk, as follows:

For completing the custom-house at St. Louis, Missouri, \$100,000;

For completing the custom-house at Mobile, Alabama, \$65,000;

For completing the custom-house at Cincinnati, Ohio, \$40,000;

For completing the custom-house at Louisville, Kentucky, \$40,000;

For completing the custom-house at Bangor, Maine, \$20,000;

For completing the custom-house at Bath, Maine, \$20,000;

For completing the custom-house at Wilmington, Delaware, \$12,000;

And for purchasing a site for a custom-house at Providence, Rhode Island, \$24,000.

Mr. LETCHER. Is that amendment divisible?

The SPEAKER. The previous question operating, it is not divisible; for division is tantamount to amendment, which is expressly excluded by the previous question under the rule.

Mr. McMULLIN. Then we are forced to vote on all these appropriations for custom-houses *en masse*, as a whole?

The SPEAKER. So the Chair decides. Separate votes cannot be had on each and every of the items. Under the operation of the previous question, the amendment must be voted on as a whole.

Mr. JONES, of Tennessee. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and it was decided in the affirmative—yeas 72, nays 70; as follows:

YEAS—Messrs. Abercrombie, Ball, Bennett, Benson, Benton, Bug, Caruthers, Caskey, Chandler, Clark, Corwin, Cox, Cullom, Curtis, Cutting, Thomas Davis, De Witt, Dick, Disney, Eastman, Edwards, Everhart, Farley, Fenton, Flagler, Florence, Franklin, Fuller, Giddings, Aaron Harlan, Harrison, Haven, Hill, Howe, Kidwell, Latham, Lindsley, Mace, Matteson, Middleswarth, John G. Miller, Morgan, Noble, Mordecai Oliver, Parker, Phillips, Preston, Riddle, David Ritchie, Rogers, Russell, Sabine, Sage, Sapp, Shannon, Gerrit Smith, William R. Smith, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, John L. Taylor, Thurston, Tracy, Upham, Wade, Walbridge, Walley, Elisha B. Washburne, Israel Washburn, John Westworth, Yates, and Zollicoffer—72.

NAYS—Messrs. James C. Allen, Willis Allen, Ashe, David J. Bailey, Barksdale, Bell, Bridges, Brooks, Carpenter, Chamberlain, Clingman, Cobb, Colquitt, Craige, John G. Davis, Dawson, Dent, Dowdell, Edmundson, Ellison, English, Faulkner, Goode, Greenwood, Grow, Wiley P. Harris, Hastings, Hendricks, Hillyer, Houston, Johnson, Daniel T. Jones, George W. Jones, Roland Jones, Kirtledge, Knox, Lamb, Letcher, Lilly, McCulloch, McMullin, McQueen, Maxwell, Milson, Murray, Nichols, Norton, Olds, Orr, Bishop Perkins, Powell, Puryear, Ready, Reese, Thomas Ritchey, Rufin, Seward, Seymour, Shaw, Shower, Samuel A. Smith, William Smith, George W. Smyth, Stratton, John J. Taylor, Nathaniel G. Taylor, Trout, Vail, Vassant, and Daniel B. Wright—70.

So the amendment was concurred in.

Mr. PRESTON. I rise to a privileged question. I move to reconsider the vote by which the amendment was adopted, and to lay that motion upon the table.

Mr. LETCHER. Upon that motion I demand the yeas and nays.

Mr. PRESTON. Well, I withdraw the motion.

Twenty-fourth amendment:

To complete the marine hospital at Evansville in the State of Indiana, \$2,000.

To complete the marine hospital at San Francisco; to inclose the site and drain the same, and for necessary outbuildings, \$44,000: *Provided*, That none of the moneys appropriated for any buildings mentioned in this act shall be used or applied for the purposes mentioned, until a valid title to the land for the site of such building, in each case, shall be vested in the United States, and until the State in which such building is to be completed shall, in due form, and in a manner that shall bind such State, release and surrender to the United States jurisdiction over the site of such building; and shall also duly release and relinquish to the United States the right to tax, or in any way assess the said site, or the property of the United States that may be thereon during the time the said United States shall be and remain the owner thereof; and that none of the moneys appropriated for any building in this act, or heretofore appropriated for the purposes mentioned, shall be used or applied for the purposes for which they are appropriated, unless the sum shall be sufficient in each case to complete the building in such cases, and fully and entirely accomplish the object for which the appropriation in this act is made; and the Secretary of the Treasury is hereby prohibited from using or applying any of the moneys aforesaid, in any one case, until he shall have made a contract, with such security as he shall approve, for the completion of the entire building; and the work, in such case, at a sum not exceeding the sum appropriated and unexpended in such cases; and the said Secretary of the Treasury shall enter into no contract, either conditional or final, for the purposes mentioned in this act, which shall involve in any one case a sum beyond the sums appropriated and remaining unexpended in such cases; and in all cases where such unexpended appropriation shall be insufficient to complete the entire work, in such cases, or until the Secretary of the Treasury shall suspend all action in reference thereto, and shall report to Congress, on the first day of each session, the condition of the work in such cases, and shall, at the same time, lay before Congress such plans and estimates as, in his judgment, shall be proper for the completion of the building and work in such cases.

The question being on agreeing to the foregoing amendment,

Mr. TAYLOR, of Ohio, asked for the yeas and nays.

The yeas and nays were ordered.

The Clerk proceeded to call the roll. Pending the call,

Mr. ORR said: There is a misapprehension, Mr. Speaker, with respect to the amendment which the House is voting on. By mistake, the two hospitals which the Clerk has reported as appropriations having been made for—those at Evansville, in the State of Indiana, and San Francisco—were not included in the original amendment offered by the gentleman from Kentucky, [Mr. PRESTON,] and they should not have been reported as part of the amendment on which we are now voting. They have come in in a subsequent amendment offered by the gentleman from Ohio, [Mr. TAYLOR,] and, therefore, the question before the House is, or should be, on the proviso offered by the gentleman from Kentucky.

Mr. HAVEN. So I understood it; and I had my eye upon it carefully while we were in committee.

The SPEAKER. In justice to the Clerks, the Chair would like to inquire how the mistake grew up?

Mr. ORR. I think I can explain it.

The SPEAKER, (after consultation with the Clerks.) The Clerks report the amendment as one which on its face is to be voted on in the form in which it is now before the House.

Mr. ORR. The amendment of the gentleman from Kentucky [Mr. PRESTON] was a portion of a printed amendment when he sent it up; it was on the same page that contained the proviso, which was at the top of the page, with the appropriation for these two marine hospitals; but he marked with his pencil just below the end of the two appropriations for the hospital, the point at which his intention was that the amount should commence; and it was so regarded and treated in the committee.

Mr. LETCHER. Is it not too late to raise a question about the matter now, after having taken half the vote?

The SPEAKER. The Chair supposes that the House, or any member, would not be unwilling to have an accidental mistake corrected.

Mr. PRESTON. Do I understand the Chair as deciding that it is too late now to correct any misapprehension as to the character of the amendment?

The SPEAKER. The Chair did not so decide. The Chair, however, does decide that, if insisted upon, the vote now being taken will have to be concluded.

Mr. LETCHER. I insist upon it. We may

as well take the vote now on the whole matter, as have to take separate votes on it.

Several MEMBERS. How will it be then?

The SPEAKER. The Chair is not quite sure that he himself understands correctly the precise condition of this matter. Is it true that the two hospitals, for the appropriations for which the House has just been voting, are provided for in the general amendment in respect to such buildings? The Chair understands that these two hospitals are provided for in the thirty-first amendment to the bill. If that be so, it follows that the House is mistaken in being now engaged in voting upon appropriations for hospitals so provided for in another amendment.

Mr. TAYLOR, of Ohio. I beg leave to say, that all the amendments proposed or recommended by the Committee of Ways and Means, for appropriations for marine hospitals, were offered by myself as a single amendment, and were so voted upon by the Committee of the Whole.

The SPEAKER. And whence comes the proviso contained in the amendment which has been reported from the Clerk's table? Where does it come in? And to what does it belong? That proviso evidently belongs to the amendment with regard to the custom-houses.

Mr. PRESTON. Evidently it does. If the House will indulge me for a moment, I will endeavor to explain. The Committee of Ways and Means reported a separate custom-house bill. After it had passed, and when we had the subject of marine hospitals up, I offered an amendment in the shape of the proviso that has been read by the Clerk, to apply to the custom-houses, and every other building included in the bill. It was offered by me immediately after disposing of the custom-houses, and before disposing of the marine hospitals; but it was designed as an independent amendment, or proviso.

Mr. JONES, of Tennessee. I understand that a part of this amendment belongs to the amendment for the custom-houses.

Mr. PRESTON. Yes; and the other portion of it belongs to other amendments.

Mr. JONES. Then it is necessary to take that vote over again.

Mr. CUTTING. Does not the construction of the proviso apply to the custom-houses as well as to the marine hospitals?

The SPEAKER. Yes; but there were distinct amendments for these buildings.

Mr. JONES. But it has been offered so as that it should apply to the marine hospitals as well as to the custom-houses; and it was adopted by the committee as a whole amendment.

The SPEAKER. The Chair understands that the proviso in relation to marine hospitals, contained within the amendment that has been erroneously read at the Clerk's table, is a separate and distinct amendment.

Mr. SEWARD. No, sir; it belongs to the amendment of the gentleman from Kentucky as a whole.

The SPEAKER. The gentleman from Kentucky, the Chair understands, offered the proviso as a separate and distinct amendment.

Mr. LETCHER. Is the amendment in reference to marine hospitals a part of the amendment which the gentleman from Kentucky sent to the Chair? If it is, I think we had better go on with the call of the roll.

Mr. PRESTON. The House will bear in mind that the custom-house amendment was adopted in the first place by a vote of 64 to 56, as my memory serves me. There was then an amendment offered in reference to marine hospitals, and some ten or twelve minutes after, I offered this proviso as a separate amendment, designed to apply to the custom-houses.

The SPEAKER. The notes taken at the time by the Clerk show distinctly that the proviso was offered as a separate amendment coming in after the marine hospitals had been voted on, and another amendment added upon the motion of the gentleman from California, [Mr. McDougall.] There can be no doubt that it was a separate and distinct amendment, separated from the marine hospitals even by another amendment. The Chair hopes it will be the unanimous consent of the House that the calling of the roll shall not proceed further, but that the vote may be taken upon the proviso as it was adopted by the Committee of the Whole on the state of the Union.

There was no objection; and the proviso was reported as a distinct amendment, and adopted by the House.

Twenty-sixth amendment.

To complete the custom-house at Richmond, Virginia, \$150,000: *Provided*, That none of the residue of the moneys appropriated for this building, in and by this act, or by any former act, and now remaining unexpended, shall be used or applied for the purposes mentioned in this act, by the Secretary of the Treasury, until a valid title to the land for the site of such building shall be vested in the United States, and until the State of Virginia shall, in due form, and in a manner that shall bind said State, release and surrender to the United States jurisdiction over the site of such building; and shall also duly release and relinquish to the United States the right to tax, or in any way assess said site, or the property of the United States that may be thereon during the time that the said United States shall be or remain the owner thereof: *And provided further*, That none of said moneys appropriated for said building by this act, or heretofore appropriated for the purposes mentioned, and now remaining unexpended, shall be used or applied for the purpose for which they are appropriated, unless the same shall be sufficient to complete the building fully, and entirely accomplish the object for which the appropriation in this act is made. And the Secretary of the Treasury is hereby prohibited from using or applying any of the moneys aforesaid, until he shall have made a contract with such security as he shall approve for the completion of the entire building and work, at a sum not exceeding the sum of moneys appropriated and unexpended. And the said Secretary of the Treasury shall enter into no contract, either conditional or final, for the purpose mentioned in this act, which shall involve an expenditure beyond the sums appropriated and remaining unexpended; and should such unexpended appropriations be insufficient to complete the entire work, the said Secretary of the Treasury shall suspend all action in reference thereto, and shall report to Congress on the first day of its session in December, 1854, the condition of the work, and shall, at the same time, lay before Congress such plans and estimates as, in his judgment, shall be proper for the completion of the building and work: *And provided further*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to go on and construct, or cause to be constructed, completed, and finished, the building mentioned and provided for, subject in all things to the limitations and restrictions contained herein.

Mr. CHAMBERLAIN. I demand the yeas and nays on that amendment.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 84, nays 54; as follows:

YEAS—Messrs. Abercrombie, Appleton, Ashe, David J. Bailey, Ball, Benson, Benton, Boveck, Brooks, Bugg, Carpenter, Caruthers, Caskie, Chandler, Clark, Cobb, Corwin, Cox, Curtis, Thomas Davis, De Witt, Dick, Disney, Eddy, Edmunds, Edmundson, Everhart, Farley, Fenton, Florence, Franklin, Fuller, Giddings, Goode, Aaron Harlan, Harrison, Haven, Hill, Houston, Howe, George W. Jones, Roland Jones, Kerr, Kidwell, Latham, Lilly, Lindsey, Lindsey, Maxwell, May, Mayall, Middleswarth, John G. Miller, Olds, Parker, Phillips, Pratt, Preston, Reese, Riddle, David Ritchie, Robbins, Russell, Sabin, Sapp, Seward, Shannon, Shaw, Shower, Gerrit Smith, Samuel A. Smith, William Smith, Frederick P. Stanton, Richard H. Stanton, David Stuart, John L. Taylor, Upham, Wade, Walbridge, Walley, Elihu B. Washburne, Israel Washburn, John Wentworth, and Yates—84.

NAYS—Messrs. James C. Allen, Willis Allen, Barksdale, Belcher, Bridges, Chamberlain, Colquitt, Craigie, John G. Davis, Dawson, Dent, Dowdell, Ellison, English, Greenwood, Grow, Wiley P. Harris, Hastings, Hendricks, Hillyer, Daniel T. Jones, Kittredge, Knox, Lamb, Letcher, McCulloch, McMullin, McQueen, Macy, Matteson, Millson, Morgan, Morrison, Murray, Nichols, Norton, Packer, John Perkins, Phelps, Powell, Puryear, Ready, Thomas Ritchey, Ruffin, William R. Smith, George W. Smyth, John J. Taylor, Nathaniel G. Taylor, Trout, Vail, Vansant, Walsh, Daniel B. Wright, and Zollicoffer—54.

So the amendment was adopted.

Previous to the announcement of the above vote, Mr. COBB said: Mr. Speaker, with the permission of the House I would state that, although I voted against this proposition in the first instance, I now give it my vote because it hangs on its own hook.

Mr. CASKIE. I move to reconsider the vote by which the amendment was adopted, and that that motion be laid upon the table.

Mr. LILLY. I demand the yeas and nays.

The yeas and nays were not ordered.

The question was taken; and the latter motion was agreed to.

Twenty-ninth amendment:

For the purchase of the lots or parcels of land, with the appurtenances and buildings thereon, belonging one thereof to the Bank of Commerce, and the other thereof to the Bank of the State of New York, and particularly referred to and described in two contracts—one with each of said banks—for the leasing and right to purchase the same, bearing date the 19th of August, 1853, \$530,000: *Provided*, That before said purchase is completed, the State of New York shall cede to the United States jurisdiction over said land and property, and shall, by law, exonerate the same, and property of the United States thereon, from all taxes, levies, and assessments thereon, while the same remains the property of the United States.

Mr. HAVEN. Under the 53d rule, which is

applicable to this case, I ask a division of the question, first having a vote on all the amendments, down to the last proviso, and then a vote on the last proviso.

Mr. JONES, of Tennessee. I do not think that can be done, and for two reasons; first, we are now acting under the operation of the previous question; and, secondly, if all the amendments excepting the proviso be stricken out, there will not be left afterwards a substantive proposition for us to vote on.

The SPEAKER. There will be no ground for the proviso to stand upon.

Mr. JONES. None at all; and the call for a division is, of course, not in order.

The SPEAKER. So the Chair decides.

Mr. HAVEN. As to the last suggestion made by the gentleman from Tennessee, the rule is explicit:

"Any member may call for a division of a question, which shall be divided if it comprehend propositions in substance so distinct, that one being taken away, a substantive proposition shall remain for the decision of the House."

I submit that nothing can be more plain than that the first part of this amendment is a substantive and distinct proposition, and that the residue may be voted in or out of it.

The SPEAKER. The gentleman from New York seems to have forgotten that the previous question cuts off all amendments, and would not allow that object to be attained by a division of the question any more than by an entirely new amendment.

Mr. HAVEN. The language of the rule is:

"That any member may call for a division of a question if it comprehends propositions in substance so distinct, that one being taken away, a substantive proposition shall remain."

The SPEAKER. The uniform practice has been to vote upon each amendment as a whole, under the operation of the previous question. The Chair does not know any variation from that practice.

Mr. HAVEN. Do I understand the Chair as ruling that I cannot have a division?

The SPEAKER. The Chair so rules.

Mr. HAVEN. I think the decision is not in strict accordance with the rule itself. But I do not desire to make any point of order about it.

Mr. MORRISON demanded the yeas and nays upon the amendment; but they were not ordered.

The question was then taken; and the amendment was agreed to.

Thirtieth amendment:

To complete the custom-house at Waldoboro', in the State of Maine, the sum of \$13,000, which, in addition to the sum heretofore appropriated, shall constitute the entire cost of the purchase of the site, erection, and completion of the building.

The question was then taken; and the amendment was agreed to.

Thirty-first amendment:

To complete the marine hospital at Cleveland, in the State of Ohio, \$25,000;

To complete the marine hospital at St. Louis, in the State of Missouri, \$10,000;

To complete the marine hospital at Chicago, in the State of Illinois, \$8,000;

To complete the marine hospital at Louisville, in the State of Kentucky, \$12,500;

To complete the marine hospital at Paducah, in said State, \$5,000;

To complete the marine hospital at San Francisco, in the State of California, and to inclose the site and drain the same, and for necessary out-buildings, \$44,000.

Mr. JONES, of Tennessee. I demand the yeas and nays upon that amendment.

The yeas and nays were not ordered.

Mr. TAYLOR, of Ohio. I ask for tellers.

Tellers were ordered; and Messrs. Cox and Ashe were appointed.

The question was taken; and the tellers reported—yeas 77, noes 55.

So the amendment was agreed to.

Thirty-second amendment:

For the construction of a marine hospital at Vicksburg, in the State of Mississippi, \$55,000.

Mr. JONES, of Tennessee. I call for the yeas and nays upon that amendment.

The yeas and nays were refused.

Mr. ROBBINS. I call for tellers.

Tellers were ordered; and Messrs. LILLY, and WASHBURN of Maine, were appointed.

The question was taken; and the tellers reported—yeas 83, noes 39.

So the amendment was agreed to.

Thirty-eighth amendment:

For books voted to the members of the Thirty-Third Congress by the joint resolution of 24th February, 1854, and the resolution of the House of the 26th June, 1854, \$199,510 87.

Mr. JONES, of Tennessee. I demand the yeas and nays.

The yeas and nays were not ordered.

The amendment was agreed to.

Thirty-ninth amendment:

To enable the Clerk of the House of Representatives to purchase from the publishers, Lippincott, Grambo & Co., two hundred copies each of the second and third volumes of Schoolcraft's History, &c., of the Indian Tribes of the United States, to complete the new sets of the new members of the House of Representatives, at \$3 50 per volume, \$1,400: *Provided*, That the said volumes shall be of the same style and quality as those heretofore furnished.

Mr. JONES, of Tennessee. Upon the adoption of that amendment I demand the yeas and nays.

The yeas and nays were not ordered.

The amendment was then agreed to—**ayes 84, noes 39.**

Forty-second amendment:

For the completion of the bridge at the Little Falls, in the District of Columbia, \$75,000: *Provided*, That no part of this appropriation shall be expended except in fulfillment of a contract which the Secretary of the Interior is hereby required to make for the completion of the said bridge for the amount hereby appropriated; and it shall be, and is hereby, declared to be the duty of the said Secretary to require of the contractor or contractors to give bond, with ample security, to fulfill his contract.

Mr. HENDRICKS. I demand the yeas and nays on the amendment.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—**yeas 64, nays 87; as follows:**

YEAS—Messrs. Abercrombie, Aiken, Appleton, Ball, Bell, Benson, Benton, Boccock, Bridges, Bugg, Caskey, Chandler, Colquitt, Corwin, Craig, Cullom, Cutting, De Witt, Dick, Disney, Edmunds, Edmondson, Everhart, Farley, Faulkner, Florence, Goode, Aaron Harlan, Harrison, Hill, Kidwell, Latham, Lilly, McNair, Mace, Maxwell, May, Orr, John Perkins, Phillips, Powell, Preston, Reese, Riddle, Rogers, Russell, Seymour, Shannon, Shower, Gerrit Smith, Samuel A. Smith, William Smith, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, David Stuart, John L. Taylor, Upham, Vansant, Walbridge, Walker, Walley, John Wentworth, and Yates—64.

NAYS—Messrs. James C. Allen, David J. Bailey, Barksdale, Belcher, Bennett, Brooks, Carpenter, Caruthers, Chamberlain, Churchill, Clark, Clingan, Cobb, Cox, Curtis, John G. Davis, Thomas Davis, Dawson, Dent, Dowdell, Eastman, Eddy, Ellison, English, Fenton, Flagler, Fuller, Giddings, Greenwood, Grow, Wiley P. Harris, Hastings, Haven, Hendricks, Hillyer, Houston, Howe, Ingersoll, Johnson, Daniel T. Jones, George W. Jones, Kittredge, Knox, Lamb, Letcher, Lindsey, Lindley, McMullen, McMullin, McQueen, Mace, Matteson, Middleswarth, John G. Miller, Milson, Morgan, Morrison, Murray, Nichols, Norton, Mordecai Oliver, Parker, Bishop Perkins, Phelps, Pratt, Puryear, Ready, David Ritchie, Thomas Ritchey, Robbins, Ruffin, Sabin, Sapp, Seward, Shaw, George W. Smyth, Stratton, John J. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Trout, Vail, Walsh, Elihu B. Washburne, Israel Washburn, and Daniel B. Wright—87.

So the amendment was disagreed to.

Forty-fifth amendment:

For the mileage and per diem of William Carr Lane, for contesting the seat of Delegate from New Mexico, \$2,868 00.

Mr. SMITH, of Virginia. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—**yeas 65, nays 72; as follows:**

YEAS—Messrs. Abercrombie, Willis Allen, Ashe, Ball, Bennett, Benson, Benton, Carpenter, Caruthers, Chamberlain, Chandler, Corwin, Cullom, Thomas Davis, Dawson, De Witt, Dick, Edmunds, Farley, Franklin, Greenwood, Aaron Harlan, Harrison, Haven, Henn, Hill, Howe, Roland Jones, Knox, Latham, Lindsey, McMullin, Mace, Macy, Matteson, Middleswarth, John G. Miller, Morgan, Norton, Mordecai Oliver, Parker, Preston, Puryear, Ready, Reese, David Ritchie, Rogers, Russell, Sabin, Sapp, Gerrit Smith, Richard H. Stanton, Stratton, David Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Upham, Vansant, Elihu B. Washburne, Israel Washburn, John Wentworth, Yates, and Zollcoffer—65.

NAYS—Messrs. Aiken, Appleton, David J. Bailey, Barksdale, Belcher, Bridges, Brooks, Clingan, Cobb, Colquitt, Craig, Curtis, John G. Davis, Dent, Disney, Dowdell, Eastman, Eddy, Edmondson, Ellison, Faulkner, Fenton, Flagler, Florence, Fuller, Goode, Grow, Wiley P. Harris, Hastings, Hendricks, Hillyer, Houston, Ingersoll, Johnson, Daniel T. Jones, George W. Jones, Kittredge, Lamb, Letcher, Lilly, Lindsey, McQueen, Milson, Morrison, Murray, Nichols, Noble, Olds, Orr, John Perkins, Phillips, Powell, Pratt, Robbins, Ruffin, Seward, Seymour, Shannon, Shaw, Shower, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, John J. Taylor, Trout, Vail, Walbridge, Walley, Walsh, and Daniel B. Wright—72.

So the amendment was disagreed to.

Forty-sixth amendment:

For continuing the aqueduct for bringing water into the city of Washington, agreeably to the plan adopted by the

President of the United States, according to the provisions of the act of Congress, approved March 3, 1853, \$500,000: *Provided*, That no portion of the foregoing amount shall be applied, unless the corporations of Georgetown and Washington shall appropriate and pay a sum equal to one fifth of the amount required to construct the work upon the dam, aqueduct, reservoirs, and other works necessary to bring the water to the city of Washington: *Provided*, That none of the money hereby appropriated shall be expended in the construction of said aqueduct until contracts shall be entered into by the President of the United States, with good and responsible persons, with good and sufficient sureties, for such portions of the work to be executed, and materials to be furnished, as will, in his opinion, secure the faithful completion of the work upon the plan above referred to, for the sum of \$2,300,000, or less, and within two years from the date of the contracts; and it is hereby declared to be the true intent and meaning of the act of Congress under which the President adopted said plan for bringing water into the city of Washington, that the sole and exclusive use of the water to be brought by said aqueduct is for the purposes of the Government establishments in said city to the extent they may require it, and the cities of Washington and Georgetown, and the inhabitants thereof, may, upon such terms and conditions, and under such regulations as may hereafter be prescribed by act of Congress, use the surplus water: *Provided*, That the whole expense of the additional pipes necessary for the distribution of such surplus water through the said cities, shall be borne exclusively by the corporations of said cities respectively: *And provided further*, That twenty per cent. on the estimate of the work done on each contract shall be retained till the completion of the contract.

Mr. BRIDGES. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—**yeas 60, nays 91; as follows:**

YEAS—Messrs. Abercrombie, Appleton, Ashe, Ball, Bell, Benson, Brooks, Chamberlain, Chandler, Corwin, Craig, Cullom, Curtis, Cutting, Dawson, De Witt, Dick, Eddy, Edmunds, Edmondson, Farley, Faulkner, Flagler, Florence, Franklin, Goode, Harrison, Hastings, Howe, Roland Jones, Kerr, Latham, Mace, May, Noble, Norton, Parker, John Perkins, Preston, Reese, Riddle, David Ritchie, Robbins, Rogers, Russell, Sabin, Shower, Samuel A. Smith, William Smith, William R. Smith, Hester L. Stevens, David Stuart, John J. Taylor, John L. Taylor, Upham, Vansant, Walbridge, Walley, John Wentworth, and Westbrook—60.

NAYS—Messrs. James C. Allen, Willis Allen, David J. Bailey, Barksdale, Belcher, Bennett, Benton, Boccock, Bridges, Carpenter, Caruthers, Caskey, Churchill, Clark, Cobb, Colquitt, Thomas Davis, Dent, Disney, Dowdell, Eastman, Ellison, English, Fenton, Fuller, Giddings, Greenwood, Grow, Aaron Harlan, Haven, Hendricks, Hillyer, Houston, Ingersoll, Johnson, Daniel T. Jones, George W. Jones, Kittredge, Knox, Lamb, Letcher, Lilly, Lindsey, Lindsey, McMullin, McMullen, McNair, McQueen, Macy, Matteson, Middleswarth, John G. Miller, Milson, Morgan, Morrison, Murray, Nichols, Olds, Mordecai Oliver, Orr, Parker, Bishop Perkins, Phelps, Powell, Pratt, Puryear, Ready, Thomas Ritchey, Ruffin, Sabin, Sapp, Seward, Seymour, Shannon, Shaw, Gerrit Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Stratton, Nathaniel G. Taylor, Thurston, Tracy, Trout, Vail, Wade, Walsh, Elihu B. Washburne, Israel Washburn, and Zollcoffer—91.

So the amendment was disagreed to.

Mr. FLAGLER. I voted with the majority on the proposition allowing William Carr Lane mileage and per diem while he contested the seat in this Hall of the Delegate from New Mexico; and I now move a reconsideration of the vote by which that amendment was defeated.

Mr. COBB. I move to lay the motion to reconsider upon the table.

Mr. SAPP. I demand the yeas and nays on the motion to lay upon the table.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—**yeas 75, nays 71; as follows:**

YEAS—Messrs. Aiken, Appleton, David J. Bailey, Belcher, Boccock, Bridges, Brooks, Caskey, Churchill, Clingan, Cobb, Cox, Craig, Cutting, John G. Davis, Dent, Dowdell, Eastman, Edmondson, Ellison, English, Faulkner, Florence, Fuller, Goode, Grow, Hastings, Hendricks, Houston, Ingersoll, Johnson, Daniel T. Jones, George W. Jones, Kittredge, Lamb, Letcher, Lilly, Lindsey, McMullin, McNair, McQueen, Maxwell, Milson, Morrison, Murray, Nichols, Noble, Olds, Orr, Parker, John Perkins, Phelps, Phillips, Powell, Pratt, Thomas Ritchey, Robbins, Ruffin, Seward, Seymour, Shannon, Shaw, Shower, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, John J. Taylor, Trout, Vail, Walbridge, Walker, Walsh, and Daniel B. Wright—75.

NAYS—Messrs. Abercrombie, Willis Allen, Ball, Bell, Bennett, Benson, Benton, Bugg, Carpenter, Caruthers, Chamberlain, Chandler, Clark, Corwin, Cullom, Thomas Davis, Dawson, De Witt, Dick, Disney, Edmunds, Farley, Flagler, Franklin, Giddings, Aaron Harlan, Harrison, Haven, Henn, Hill, Howe, Kerr, Knox, Latham, Lindsey, McCulloch, Mace, Matteson, Middleswarth, Morgan, Norton, Mordecai Oliver, Parker, Bishop Perkins, Preston, Puryear, Ready, Reese, David Ritchie, Rogers, Russell, Sabin, Sapp, Gerrit Smith, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, Stratton, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Upham, Vansant, Wade, Walley, Elihu B. Washburne, Israel Washburn, John Wentworth, and Zollcoffer—71.

So the motion to reconsider was laid upon the table.

Fifty-first amendment:

Insert the following proviso after the provision for the payment of the Auxiliary Guard of Washington:

Provided, That the captain and members of the Auxiliary Guard shall be appointed by the President of the United States, and shall be subject to such rules and regulations as may be prescribed by him.

Mr. BALL. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—**yeas 64, nays 78; as follows:**

YEAS—Messrs. James C. Allen, Willis Allen, Barksdale, Belcher, Bell, Boccock, Bridges, Chamberlain, Churchill, Clark, Clingan, Cobb, Craig, John G. Davis, Dawson, Dowdell, Eastman, Edmondson, English, Faulkner, Florence, Fuller, Goode, Greenwood, Wiley P. Harris, Hastings, Henn, Houston, Ingersoll, Johnson, Roland Jones, Kittredge, Lamb, Latham, Lindsey, McMullin, McNair, Macy, May, Noble, Olds, Orr, Parker, Phelps, Pratt, Riddle, Thomas Ritchey, Robbins, Ruffin, Seward, Seymour, Shannon, Shaw, Shower, Samuel A. Smith, William Smith, Hester L. Stevens, David Stuart, John J. Taylor, Trout, Vansant, Walker, Walsh, and Daniel B. Wright—64.

NAYS—Messrs. Abercrombie, Aiken, Appleton, Ball, Bennett, Benson, Benton, Bugg, Carpenter, Caruthers, Chandler, Corwin, Cox, Cullom, Thomas Davis, Dent, De Witt, Dick, Eddy, Edmunds, Ellison, Everhart, Farley, Fenton, Flagler, Franklin, Giddings, Grow, Aaron Harlan, Harrison, Haven, Hill, Howe, Daniel T. Jones, Kerr, Knox, Letcher, Lindsey, McCulloch, McQueen, Mace, Matteson, Middleswarth, John G. Miller, Milson, Morgan, Murray, Norton, Mordecai Oliver, Parker, Phillips, Powell, Preston, Puryear, Ready, Reese, David Ritchie, Rogers, Russell, Sabin, Sage, Sapp, Gerrit Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Stratton, John L. Taylor, Nathaniel G. Taylor, Thurston, Tracy, Upham, Wade, Walley, Elihu B. Washburne, Israel Washburn, John Wentworth, and Zollcoffer—78.

So the amendment was disagreed to.

The amendments reported from the Committee of the Whole on the state of the Union having now been disposed of, the bill was ordered to be engrossed and read a third time; and being engrossed, it was subsequently read the third time.

The question now being, "Shall the bill pass?"

Mr. HOUSTON moved the previous question.

The previous question was seconded, and the main question ordered to be put.

Mr. WALSH demanded the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—**yeas 75, nays 82; as follows:**

YEAS—Messrs. Abercrombie, Aiken, Willis Allen, Appleton, Belcher, Bell, Benson, Benton, Brooks, Bugg, Caruthers, Caskey, Chandler, Cox, Cutting, Thomas Davis, Dawson, De Witt, Dick, Disney, Edmunds, Edmondson, Everhart, Farley, Faulkner, Florence, Franklin, Fuller, Giddings, Goode, Greenwood, Aaron Harlan, Harrison, Haven, Henn, Houston, Howe, Ingersoll, Johnson, Roland Jones, Kerr, Kidwell, Latham, Lindsey, Lindsey, May, John G. Miller, Milson, Parker, Phelps, Phillips, Pratt, Preston, Reese, Riddle, David Ritchie, Robbins, Sapp, Seymour, Shannon, Shower, Gerrit Smith, Samuel A. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Stratton, Nathaniel G. Taylor, Thurston, Wade, Walbridge, Walker, Walley, John Wentworth, and Westbrook—75.

NAYS—Messrs. James C. Allen, Ball, Barksdale, Bennett, Boccock, Bridges, Carpenter, Chamberlain, Churchill, Clark, Clingan, Cobb, Colquitt, Corwin, Craig, Cullom, John G. Davis, Dent, Dowdell, Eastman, Eddy, Ellison, English, Fenton, Flagler, Grow, Wiley P. Harris, Hastings, Hendricks, Hill, Hillyer, Daniel T. Jones, George W. Jones, Kittredge, Knox, Lamb, Letcher, Lilly, McCulloch, McMullin, McNair, McQueen, Mace, Macy, Matteson, Maxwell, Middleswarth, Morgan, Morrison, Murray, Nichols, Noble, Norton, Olds, Orr, Parker, Bishop Perkins, John Perkins, Powell, Puryear, Ready, Thomas Ritchey, Rogers, Ruffin, Russell, Sage, Seward, Shaw, William Smith, Hester L. Stevens, Stratton, David Stuart, John J. Taylor, Nathaniel G. Taylor, Trout, Vail, Vansant, Walsh, Elihu B. Washburne, Daniel B. Wright, Yates, and Zollcoffer—82.

So the bill was rejected.

Previous to the announcement of the above vote, **Mr. ORR** said: I intended to vote "aye," but I vote "no," with a view to move a reconsideration, if the bill be rejected.

As soon as the result was announced, **Mr. ORR** moved to reconsider the vote by which the bill was rejected.

Mr. WALSH. I move to lay that motion upon the table.

Mr. ORR. I am still on the floor; and move that the House do now adjourn.

Mr. WALSH. Upon that motion I call for the yeas and nays.

The yeas and nays were not ordered.

Mr. MCNAIR demanded tellers; which were ordered; and Messrs. MACE and CHURCHWELL were appointed.

The question was taken; and the tellers reported—**ayes 95, noes 9.**

So the motion was agreed to; and the House thereupon (at four o'clock, p. m.) adjourned till to-morrow at twelve o'clock, m.

IN SENATE.

FRIDAY, July 7, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

EXTENSION OF SLAVERY.

Mr. ALLEN presented resolutions of the Legislature of Rhode Island and Providence Plantations against the extension of the institution of slavery, and the further acquisition of foreign territory by the General Government; in favor of the right of trial by jury to all persons claimed under the fugitive slave law; and approving the course of the delegation from that State on the bill for the establishment of territorial governments in Nebraska and Kansas; which were read, and ordered to lie on the table, and be printed.

THOMAS W. DORR.

Mr. ALLEN presented resolutions of the Legislature of Rhode Island and Providence Plantations, accompanied by a copy of the opinion of the Supreme Court upon the act passed by the Legislature of said State June 25, 1844, reversing and annulling the judgment of the supreme court of Rhode Island, of treason against Thomas W. Dorr; which were read, and ordered to lie on the table.

REPORT FROM A STANDING COMMITTEE.

Mr. SEBASTIAN, from the Committee on Indian Affairs, to whom was referred the petition of John Shaw, praying compensation for his services as interpreter in the trial of certain Winnebago Indians charged with murder, at a special term of the United States circuit court at Prairie du Chien, in the Territory of Michigan, in 1828, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

PATAPSCO RIVER.

Mr. PRATT. I am instructed by the select committee, to whom were referred the memorial of the Mayor and City Council of Baltimore, and the petition of the Board of Trade of that city, asking an appropriation by Congress for the improvement of the navigation of the Patapsco river, to submit a report, accompanied by a bill for the improvement of the navigation of the Patapsco river, and to render the port of Baltimore accessible to the war steamers of the United States. I ask that the bill may be read a first time, and that the report may be printed.

The bill was read, and passed to a second reading; and the report was ordered to be printed.

Mr. BRODHEAD. As a member of the select committee, I beg to say that I have no objection to the bill reported, but from some of the reasoning contained in the report accompanying it, I dissent.

ST. JOHN'S RIVER, FLORIDA.

Mr. MALLORY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be requested to communicate to the Senate what examinations or surveys have been made with reference to the improvement of the bar of the St. John's river, Florida, under the appropriation made by Congress for this purpose on the 30th of August, 1852, together with the results of said examinations or surveys; and whether any further appropriation be necessary to deepen the water on the said bar to meet the ordinary demands of navigation; and what means are proposed to accomplish the same.

CANAL IN FLORIDA.

Mr. MALLORY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be requested to communicate to the Senate the action of his Department, under the appropriation of 30th of August, 1852, for the examination and survey of the route for a canal across the peninsula of Florida; and whether any further appropriation be necessary to ascertain and determine a practicable route for said canal.

A. B. ROMAN.

Mr. BENJAMIN. I am instructed by the Committee on Private Land Claims, to whom was referred the bill of the House of Representatives for the relief of A. B. Roman, to ask the

unanimous consent of the Senate to make a report recommending the passage of the bill. The report would have been made earlier, but it was impossible to do it for the last few days, because the morning hour has been occupied by other business. I also ask for the immediate consideration of the bill. It is a claim made by A. B. Roman, asking for the confirmation of his title to his plantation which has been in the possession of his predecessors since a period prior to the cession of the Louisiana Territory to the United States. The confirmation was neglected, under certain acts of Congress, until they expired; and, in consequence, some difficulty has arisen about it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

It proposes to confirm A. B. Roman, of the parish of St. James, Louisiana, in all the title now held or possessed by the United States to two tracts of land therein described, containing seven thousand four hundred and thirty-eight acres of land; but the act is to be construed only to vest in him title, held by the United States, and not in any way to impair the *bona fide* rights, acquired by any other person under adverse grants, concessions, or purchases, made prior to the passage of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

NEBRASKA AND WASHINGTON ROADS.

Mr. DOUGLAS. Mr. President, yesterday several territorial bills were passed, but, by accident, one was omitted. It is a bill relating to Washington and Nebraska Territories. I therefore ask the unanimous consent of the Senate to report now, and have considered, a bill making appropriations for the construction of certain roads in the Territories of Nebraska and Washington. If it leads to debate I will consent to let it go over.

The bill was read twice by unanimous consent, and considered as in Committee of the Whole. It proposes to appropriate \$85,000 for the construction of three roads, under the direction of the Secretary of War.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

On motion by Mr. DOUGLAS, the title was amended by inserting the word "military" before "roads."

ORDER OF BUSINESS.

Mr. WADE. I move to pass by the previous orders for the purpose of taking up Senate bill 359, granting bounty land to Elizabeth Summers.

Mr. HUNTER. I desire to make the suggestion whether it would not be better, by general consent, to suspend for this day so much of the rule as forbids debate on private bills. It seems to me it gives an unfair precedence to some bills. We had therefore better take up the Calendar in its order.

Mr. WADE. Let the bill which I propose be considered, then.

Mr. HUNTER. I have no objection to taking up that bill if the method which I propose be adopted.

Mr. FESSENDEN. I must object to the proposition of the Senator from Virginia. If the method proposed by him were adopted, and the Calendar proceeded with regularly, bills that have been debated five or six times before would again be debated, and, as the session is now near its close, other bills possessing merit, but lower down on the Calendar, would not be acted upon at all.

Mr. PRATT. Let us take up the Calendar.

Mr. HUNTER. Of course, my suggestion can only be adopted by unanimous consent. I have watched the operation of this rule, and a great many bills pass which would not do so if we had time to examine and debate them, and sometimes others are opposed because there is no opportunity of hearing an explanation. I think it much fairer to allow debate on all the bills.

Mr. CLAY. I suggest to the Senator from Ohio that it appears to me that it would be much more satisfactory, as well as more expeditious, to take up the Calendar in its regular order.

Mr. WADE. I will withdraw my motion.

Mr. CLAY. That is what I was going to propose.

ROBERT C. THOMPSON.

The PRESIDING OFFICER. The first bill upon the Private Calendar, in the order of business, is that on which the Senate was engaged at the adjournment yesterday—being the unfinished business of yesterday—the bill for the relief of Robert C. Thompson, only surviving child and legal representative of William Thompson, deceased, formerly a brigadier general in the Army of the revolutionary war. The question at the adjournment was upon ordering the bill to be engrossed for a third reading; and, on that question, the yeas and nays had been ordered, but were not taken for want of a quorum.

The question being taken, resulted—yeas 22, nays 12; as follows:

YEAS—Messrs. Allen, Badger, Bell, Benjamin, Brodhead, Dixon, Dodge of Wisconsin, Evans, Fessenden, Fitzpatrick, Gillette, Hamlin, Johnson, Jones of Tennessee, Mallory, Pearce, Pettit, Pratt, Rockwell, Stuart, Wade, and Walker—22.

NAYS—Messrs. Adams, Bayard, Bright, Brown, Clay, Dodge of Iowa, Hunter, Norris, Rusk, Sebastian, Slidell, and Williams—12.

The bill was read a third time and passed; and the title was amended by striking out the words "only surviving child."

FRANCISCO LOPE URRIZA.

The next bill on the Calendar was one for the relief of Francisco Lope Urriza.

Mr. BAYARD. I shall have to state my objections to that bill.

The bill was consequently passed over.

BENEDICT J. HEARD.

The next bill on the Calendar was one—reported from the Committee on Claims—for the relief of Benedict J. Heard.

Mr. BAYARD objected, and the bill was passed over.

CAPTAIN PHILIP F. VOORHEES.

The next bill was one—reported from the Committee on Naval Affairs—for the relief of Captain Philip F. Voorhees, United States Navy.

Mr. SLIDELL objected to its consideration, and it was passed over.

OTWAY H. BERRYMAN.

The next was a bill—reported from the Committee on Naval Affairs—for the relief of Otway H. Berryman.

It proposes to direct the proper accounting officers of the Treasury to allow and pay Purser Berryman \$2,160 02, being the amount of losses sustained by him while commanding and acting as purser of the United States schooner On-ka-hy-e.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

RICHARD W. MEADE.

The next bill was one—reported from the Committee on Foreign Relations—for settling the claim of the legal representatives of Richard W. Meade, deceased; which was objected to by Mr. EVANS, and passed over.

SUSAN COODY AND OTHERS.

The next was the bill—reported from the Committee on Indian Affairs—for the relief of Susan Coody and others.

Mr. CHASE objected to the consideration of the bill, and it was passed over.

Mr. SEBASTIAN. Does the rule permit more than one objection to the same bill? This bill was objected to two months ago. Does the rule operate indefinitely as to it?

The PRESIDING OFFICER. The Chair supposes that on every Friday, when it is objection day, the objection to a bill can be renewed.

Mr. CHASE said subsequently: Since objecting to the consideration of the bill I have read the report, and am satisfied that it is a meritorious case; I therefore withdraw my objection.

The Senate then proceeded to consider the bill as in Committee of the Whole.

It proposes to pay \$1,992 62 to Susan Coody and others, for property destroyed near Fort Gibson, by United States soldiers, on the 12th of March, 1845, in the proportion and sums respectively due them, according to the report of the Committee on Indian Affairs of the Senate, of June 24, 1850.

The reading of the report was called for by Mr. PEARCE, and it was read as has heretofore been published.

Mr. PEARCE. Does the bill disclose that the female in the case is an Indian woman?

Mr. CHASE. Yes, sir, it does.

Mr. PEARCE. I have nothing more to say.

Mr. CHASE. I do not say that the bill does; but the chairman of the Committee on Indian Affairs told me that that is the case.

Mr. PEARCE. It is very important that it should appear in the bill.

The PRESIDING OFFICER. It does not appear in the bill. Does the Senator move an amendment?

Mr. PEARCE. Will the Senator state to me to what tribe the claimants belong?

Mr. CHASE. The Cherokees.

Mr. PEARCE. Then I move to amend the bill by inserting after the words "Susan Coody and others," the words, "of the Cherokee tribe of Indians."

The amendment was agreed to, the bill was reported to the Senate as amended, the amendment was concurred in, and the bill was ordered to be engrossed for a third reading, was read a third time and passed.

ANN W. ANGUS.

The bill for the relief of Mrs. Ann W. Angus was announced as the next upon the Calendar.

It proposes to continue to Mrs. Angus, for five years from March 4, 1854, the pension heretofore granted to her, which expired on the 4th of March last, and also to extend to her the benefits of all laws which may hereafter be passed, making general provision for widows or further continuing their half pay, and to give her all the benefits to which she would have been entitled if her husband, Samuel Angus, had died in the service of the United States.

Mr. CASS. There is an expression contained in that bill about extending the benefit of laws which may hereafter be passed. It seems to me to be a new provision. Will the Secretary please to read it again?

The Secretary read as follows:

"And that he [the Secretary of the Interior] be also directed to extend to her the benefits of all laws which may hereafter be passed, making general provisions for widows, or further continuing their half pay, to which said benefits she would have been entitled had her husband, Samuel Angus, died in the service of the United States."

Mr. CASS. I think that had better be omitted.

The PRESIDING OFFICER. Does the Senator move to amend by striking it out?

Mr. CASS. Certainly I do.

The amendment was agreed to.

Mr. HUNTER called for the reading of the report, and it was accordingly read.

It appears that the claimant is the widow of Captain Samuel Angus, formerly of the Navy of the United States; and she asks a pension on account of the services of her husband, whose death was occasioned from wounds received in the service, while fighting the battles of his country. Captain Angus entered the service at the age of fifteen, in the year 1799, and remained in the service until the latter part of Mr. Monroe's administration, when he was dismissed, without a trial by court-martial, for writing a letter to the Secretary of the Navy which was not considered respectful. At the time of writing the letter, he was laboring under temporary insanity, of which President Monroe afterwards became satisfied, and recommended his successor, Mr. Adams, to reinstate him. He was not, however, reinstated, in consequence of his being subject to fits of insanity, but was allowed a pension, which continued to his death, on the 29th May, 1840. During the whole period that he was in service, up to the time of writing the letter, he sustained the character of a brave and meritorious officer. He was wounded in four separate engagements with the enemy, and two of those wounds were upon the head. The evidence is satisfactory to the committee that his fits of insanity were occasioned by those wounds, and that they hastened his death. They were also the occasion of his being a severe sufferer, and of great affliction to his family for many years. During this time he was also unable to make any provision for them, and in consequence left a widow and six children in destitute circumstances.

The committee consider the case embraced within the spirit and principle of the pension laws, and that the widow and children are as much

entitled to aid as though he had been killed while fighting the battles of his country.

It has been the custom of Congress, from time to time, to extend for a further term all the pensions granted by existing statutes for five years. This has been done so as to continue, from the date of the allowance of such pensions under general laws, all of them so granted, from year to year since 1819—and the act of February 3, 1853, forms the single exception to this rule, in omitting to mention the widows and orphans of the naval service, while providing for a further five years' pension to those of the Army.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, read a third time, and passed.

AMOS AND JOHN E. KENDALL.

The next was a bill—reported from the Committee on Indian Affairs—for the relief of Amos Kendall and John E. Kendall.

Mr. EVANS. That bill will inevitably lead to discussion. I cannot vote for it unless I hear it debated.

The bill was passed over.

THOMAS C. NYE.

The next was a bill—reported from the Committee on the Post Office and Post Roads—for the relief of Thomas C. Nye.

It proposes to direct the Postmaster General to have the accounts of Thomas C. Nye, late United States mail carrier and contractor, investigated, and to pay to him the amount of all losses which he may have actually sustained at the time, by the action of the Postmaster General, under the law of March 3, 1845, repealing the previous law by which new contractors were required to take at valuation all horses, coaches, and so forth, of the old United States mail contractors.

In 1839, Nye was extensively engaged, individually, and in partnership with others, in carrying the United States mails between Utica, Ithaca, Binghamton, De Reuter, Cherry Valley, and also between Albany and Salina, in the State of New York. And, in 1842, he became the sole contractor on these lines, running upwards of two hundred miles of daily mails, employing many hundreds of horses, and many stage coaches, amounting, in value, to about \$50,000.

In this heavy investment, in the United States service, Mr. Nye was perfectly safe, because the law required that, upon the reletting of the contracts, the new contractors should take, at valuation, all horses, coaches, &c., thereon, as a part of the contract. But, by the act of March 3, 1845, this law was repealed, and the consequence was, that upon reletting the contracts during that year, upon which Mr. Nye was engaged, he was underbid, losing all his contracts, and having all his horses, coaches, &c., thrown upon his hands unemployed, to his great injury and loss.

It appears that the law of March 3, 1845, did not take effect until the first of July following, and it is shown that the contracts were advertised for reletting, and were relet under the old law, with its provisions requiring the new contractors to purchase all stock, horses, coaches, &c., on the routes; but, notwithstanding this, Mr. Nye had all his left upon his hands, the new contractors failing to purchase any of them.

No amendment being proposed, the bill was reported to the Senate, ordered to be engrossed for a third reading, read a third time, and passed.

ADJOURNMENT TO MONDAY.

Mr. JONES, of Tennessee. From the working propensities exhibited this morning, the indications are that we are to have a long session to-day. For that reason, and as the Senator from North Carolina is in the chair, and therefore precluded from making the motion which I know he would make, if he were on the floor, I move, in his name, that, when the Senate adjourns to-day, it adjourn to meet on Monday next.

The motion was agreed to.

SAMUEL W. BRADY.

The Senate proceeded, as in Committee of the Whole, to consider the bill from the House of Representatives for the relief of Samuel W. Brady. It proposes to direct the Secretary of the Interior to place his name on the roll of invalid pensioners, and pay him four dollars per month during his natural life, from the 1st January, 1850.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

THOMAS CROWN.

The Senate, as in Committee of the Whole, resumed the consideration of the bill for the relief of Thomas Crown, which proposes to direct the Third Auditor of the Treasury to ascertain the damages sustained by Thomas Crown, by reason of the refusal of the War Department to execute a contract entered into by him with Captain George Blaney, on the part of the Government, on the 16th of March, 1826, and to direct the Secretary of the Treasury to pay the damages thus ascertained, to an amount not exceeding \$6,000.

Mr. BRIGHT objected to the consideration of the bill; but he afterwards said: I objected to the consideration of the bill for the relief of Thomas Crown; but the Senator who reported it has explained its object to me, and understanding it now, I withdraw my objection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

OBED HUSSEY'S PATENT.

The next bill on the Calendar was one—reported from the Committee on Patents and the Patent Office—for the relief of Obed Hussey.

It proposes to renew and extend for the term of seven years the letters patent granted to Obed Hussey, December 31, 1833, for "a new and useful improvement, being a machine for reaping or cutting all kinds of small grain and grasses."

On the 31st of December, 1833, the petitioner obtained letters patent for a "new and useful improvement, being a machine for reaping and cutting all kinds of grain." This patent expired December 31, 1847. On the 20th day of December, 1847, he applied to the board of extension for a renewal and extension of his patent under the act of July 4, 1836. The board had established a rule, under the opinion of the Attorney General, that all such applications should be made at least sixty days before the expiration of the patent, in order that the notice required by the act might be given. His application was made but eleven days before the expiration of his patent, and, consequently, he could not give the notice; and the board refused to act on his application. Mr. Hussey alleges his entire ignorance of this rule, and of the decision or opinion of the Attorney General above stated, as his excuse for not applying in due season to the board. The act does not, in terms, require such notice; and the committee doubt not that the petitioner may have been misled by the phraseology of the statute; and they regard it as a satisfactory excuse for his omission. In this case, it is the more satisfactory, as the committee do not entertain the least doubt that Mr. Hussey would have obtained an extension of his patent, if he had applied in time to give the notice.

The petitioner's invention is of great value and public utility. Without any fault of his own, the patentee has not received adequate reward for his invention. Indeed, it appears he is quite a poor man, and has devoted several years to his invention, and that it has but recently attracted any extensive public attention. A contest was recently made before the Patent Office as to his being the true inventor of the machine, but it was decided in his favor, to the full extent that Mr. Hussey claimed.

Mr. NORRIS objected to the consideration of the bill.

Mr. PEARCE afterwards said: the Senator from New Hampshire, a short time since, objected to the consideration of the bill for the relief of Obed Hussey. I understand him now to be willing to withdraw his objection to the consideration of that bill. I ask, therefore, that it may be taken up for action by the Senate.

There being no further objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It was reported to the Senate without amendment, and, on the question of ordering it to be engrossed and read a third time, Mr. NORRIS called for the yeas and nays; and they were ordered.

Mr. FESSENDEN. I wish to state, if it be in order, that Hussey had a patent for fourteen years, which was a very valuable one. He made

an application to the Patent Office for an extension of it, under the law, for seven years more; but not being aware of the rule of the Department which required sixty days' notice, although he made the application before the expiration of the patent, he did not make it in season to give the sixty days' notice, and was therefore deprived of the right which he would have had under the law. The report of the Committee on Patents and the Patent Office is unanimously in favor of the bill. It is a very strong case, and one about which the committee have no doubt at all.

The question being taken by yeas and nays on ordering the bill to be engrossed for a third reading, resulted—yeas 20, nays 14; as follows:

YEAS—Messrs. Brodhead, Cass, Chase, Dodge of Wisconsin, Evans, Fessenden, Geyer, Gillette, Hamlin, Jones of Iowa, Mallory, Pearce, Pettit, Pratt, Rockwell, Stuart, Sumner, Wade, Walker, and Weller—20.

NAYS—Messrs. Adams, Bayard, Bright, Butler, Clay, Dodge of Iowa, Douglas, Fitzpatrick, Hunter, Jones of Tennessee, Norris, Rusk, Sidel, and Williams—14.

So the bill was ordered to be engrossed for a third reading. It was then read a third time, and passed.

ISAAC L. BATTLE.

The bill—reported from the Committee on the Post Office and Post Roads—for the relief of the estate of Isaac L. Battle was read a second time, and considered as in Committee of the Whole.

It proposes to release the estate of Isaac L. Battle, deceased, late of the county of Jackson, Florida, from any liability under a judgment heretofore obtained by the Post Office Department against him as guarantor on behalf of Charles Matthews and William King, late of that county and State, as bidders for a contract to carry the United States mail, three times a week each way, between Bainbridge, Georgia, and Pensacola, in the State (then Territory) of Florida, in the year 1842.

It was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

CARRYING THE MAILS.

Mr. RUSK. There is a joint resolution which has been passed over by the Chair, which it seems to me is clearly a private one, though from its title it would not seem to be so. I refer to the joint resolution from the House of Representatives "explanatory of the second section of a resolution to establish certain post routes, approved July 12, 1852." Its object is to pay for the transportation of the mails over a certain route. The original resolution was intended to authorize the payment, but the Postmaster General decided that it did not for a particular time, and this resolution is to overcome that difficulty. It is clearly a private bill.

The PRESIDING OFFICER. Does it relate to particular contractors on a particular route?

Mr. RUSK. It does.

The PRESIDING OFFICER. The only difference then is, that the names are not mentioned.

Mr. RUSK. That is all.

The PRESIDING OFFICER. Then that resolution is now before the Senate, as in Committee of the Whole.

It proposes to construe the second section of the joint resolution mentioned so as to authorize the Postmaster General to pay a reasonable compensation to the persons carrying the mail from Valonia Springs, by the way of Nineveh and Coventry, to Oxford, and from Oxford, by the way of Coventryville, to South Bainbridge, in the State of New York, from the time the mail was directed to be carried on those routes up to the time the first contracts went into operation thereon, exclusive of what has been paid under the resolution, and at the same rate.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

URI EMMONS'S PATENT.

The bill—reported from the Committee on Patents and the Patent Office—for the relief of the heirs of the late Uri Emmons, was read a second time, and considered as in Committee of the Whole.

It proposes to revive and extend to December 27, 1856, the letters patent granted for the term of fourteen years, to the late Uri Emmons, a citizen of the United States, dated April 25, 1829, for

a new and useful improvement in the mode of planing floor plank, and grooving, tonguing, and straightening the same, planing boards, straightening and planing square timber, &c., by machinery, at one operation, called the cylindrical planing machine, and which patent expired on the 25th of April, 1843, or such portion thereof as may be designated in a new specification by the executor of Uri Emmons; but any persons now engaged in the manufacture of this invention are to be allowed, freely and without charge, to continue to manufacture and vend the same to any persons who may be legally authorized to use the same under this extension.

Mr. NORRIS objected to the consideration of the bill, but subsequently said: At the request of the Senator from Ohio, [Mr. CHASE,] who reported the bill for the relief of the heirs of the late Uri Emmons, I withdraw my objection to its consideration. All I ask of the Senate is to give me the yeas and nays upon it. I think it involves an important principle.

The yeas and nays were ordered.

Mr. WALKER. From the reading of this bill I understand that this patent expired in 1843. That was eleven years ago; and it is now proposed to renew it, although it has lapsed for that length of time. I wish simply to get an understanding of whether I am correct or not.

The PRESIDING OFFICER. That portion of the bill will be read.

The Secretary read it, as follows:

"And which said patent expired on the 25th day of April, A. D., 1843."

Mr. EVANS. I beg leave to say that I shall vote in favor of this bill, because the effect of extending this patent will be to bring it into competition with Woodworth's patent, and the bill is so framed that both are to expire at the same time. Therefore, instead of granting a monopoly, this is creating a competition with a monopoly which now exists.

The bill was reported to the Senate without amendment; and upon the question of ordering it to be engrossed for a third reading, the yeas and nays were taken, with the following result:

YEAS—Messrs. Bright, Brodhead, Chase, Cooper, Evans, Fessenden, Gillette, Hamlin, Jones of Iowa, Mallory, Pearce, Pettit, Pratt, Rockwell, Stuart, Sumner, Wade, and Walker—18.

NAYS—Messrs. Adams, Allen, Badger, Bayard, Butler, Clay, Douglas, Fitzpatrick, Geyer, Norris, Rusk, Sidel, Toucey, Weller, and Williams—15.

So the bill was ordered to be engrossed for a third reading, and it was read a third time, and passed.

ROBERT WHITE AND OTHERS.

The Senate, as in Committee of the Whole, proceeded to consider the bill to authorize the payment of invalid pensions in certain cases.

It requires the Secretary of the Interior to pay to various invalid pensioners, officers of the Army of the Revolution, named in the bill, or if dead, to their widows, and if the widows be dead, to the children, the amount of their several invalid pensions, which was deducted or withheld from the officers under the provisions of the act entitled "An act for the relief of certain surviving officers and soldiers of the Revolution," approved May 15, 1828. The persons named and the amounts are as follows: To Lieutenant Robert White, the amount of his invalid pension from March 3, 1826, to February 9, 1831; to Captain John Crute the amount of his invalid pension from March 3, 1826, to May 31, 1830; to surgeon's mate, Mordecai Hale, from March 3, 1826, to December 9, 1832; to Lieutenant William Wallace, from March 3, 1826, to December 31, 1836; to Lieutenant Philip Stuart, from March 3, 1826, to August 14, 1830; to General William Barton, from March 3, 1826, to October 22, 1831; to Ensign Clement Sewell, from March 3, 1826, to January 7, 1826; to Lieutenant James Gileatworth, from March 3, 1826, to May 31, 1830.

Mr. BRIGHT. Is there a report in that case?

Mr. JONES, of Iowa. Yes, sir. The bill has passed the Senate two or three times, and I think the Senator from Indiana himself voted for it.

The Secretary read the report; from which it appears, that by the first section of the act of May 15, 1828, each surviving officer of the Continental line of the Army of the Revolution was to receive a pension, "to begin on the 3d day of March, 1826, and to continue during his natural

life." The second section provides, "that whenever any of said officers has received money of the United States, as a pensioner, since the 3d day of March, 1826, aforesaid, the sum so received shall be deducted from what said officer would otherwise be entitled to under the first section of this act; and every pension to which said officer is now entitled shall cease after the passage of this act."

Previous to the passage of the act of May 15, 1828, several officers of the Continental line had, in consequence of the wounds they had received in battle, been placed on the pension roll as invalid pensioners; and having availed themselves of the provisions of that act, their pensions, as invalids, were deducted or withheld from the 3d day of March, 1826.

On the 31st of May, 1831, an act was passed to amend that of the 15th of May, 1828, which provides that the latter "shall not be construed to embrace invalid pensions, and that the pension of invalid soldiers shall not be deducted from the amount receivable by them under the said act."

Since the passage of the amendatory act of May 31, 1831, petitions have been presented to Congress from widows and heirs of officers whose invalid pensions had been deducted and withheld under the operation of the act of the 15th of May, 1828, praying for the payment to them of the amount so deducted or withheld; and on the 15th of June, 1836, two acts were approved giving the relief asked; one for the relief of the widow of Samuel Gibbs, and one for the relief of the heirs of Richard Anderson. Another similar act, for the relief of the heirs of Moses White, was approved July 26, 1848, and another on the 8th of January, 1849, for the relief of the heirs of William Evans.

From the legislation in the cases alluded to, it would appear that the Commissioner of Pensions did not place the construction upon the act of May 31, 1831, that was intended, or that the terms of the act were so carelessly drawn that they warranted a construction not intended, and the effects of which it required subsequent legislation to correct. If it were intended by that act that the sums which had been deducted and withheld from invalid pensioners, in consequence of their receiving the benefit of the act of May 15, 1828, should be restored to them by the Commissioner of Pensions, the act was not, perhaps, sufficiently plain and explicit, for he has construed the act to have simply a prospective operation; and hence the subsequent legislation in the individual cases above mentioned.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

Mr. MASON. I suggest that the title of the bill should be amended so as to conform to its real provisions. It should read, "a bill to pay invalid pensions to the heirs of Lieutenant Robert White and others."

The amendment was agreed to, and the title, as amended, was adopted.

WILLIAM DARBY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill for the relief of William Darby.

It proposes to pay him \$1,500 in full compensation for his labor and materials furnished in surveying and making a map of the Territory of Louisiana, in the years 1812 and 1813.

Mr. Darby was the first to furnish an accurate map of that portion of the territory of the United States lying west of the Mississippi, and bordering on the line between the United States and Spain, as fixed by the treaty ceding Louisiana to the United States. The materials for a map thus procured by Mr. Darby were those used by Melish, in his map published in 1816; but Darby was never remunerated for his services by Melish. Darby's contributions to our then scanty stock of knowledge, as to the geography of the country referred to, were of great value to the Government of the United States, and the Government has availed itself of his unpaid labors.

Mr. STUART objected to its consideration, but subsequently withdrew the objection, when it was renewed by Mr. HUNTER.

Mr. HUNTER subsequently said: I will not delay the vote upon the Darby case by my single objection. I will content myself with voting

against it, but the Senate may decide as a majority see fit.

No amendment being proposed, the bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

SEYMORE AND BOYNTON.

The bill reported from the Committee on Indian Affairs, for the relief of Calvin B. Seymore and Willard Boynton, surviving partner of the firm of W. & H. Boynton, was read a second time, and considered as in Committee of the Whole.

It proposes to require the Secretary of the Treasury to take proof of the amount and value of goods, wares, and merchandise, destroyed by the Creek Indians, May 15, 1836, in the town of Roanoke, Georgia, stored in the warehouse of Henry Jernighan, and belonging to the firm of Stafford, Seymore & Co., and W. & H. Boynton, and cause their value to be paid to Calvin Seymore and W. & H. Boynton, according to their respective interests. It appropriates \$9,180 23 for payment of the amount.

On the 15th of May, 1836, Calvin B. Seymore and his partners had merchandise of the value of \$5,980 stored in the warehouse of Henry W. Jernighan & Co., in the town of Roanoke, Stewart county, Georgia. The warehouse was taken possession of and occupied by certain troops in the service of the United States, and whilst in possession of the troops, they were attacked and defeated by the hostile Creek Indians, the warehouse burnt, and the goods taken or destroyed by the Indians. William Boynton, surviving co-partner of W. & H. Boynton, also, together with his partner, had goods, wares, and merchandise, of the value of \$3,201 23, stowed in the same warehouse, which at the same time were taken or destroyed by the Creek Indians.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

The PRESIDING OFFICER. The Chair will suggest that a verbal amendment is necessary in the title. It appears from the reading of the report, that Calvin B. Seymore is the person who is entitled, and also that William Boynton is entitled as surviving partner of the firm of W. & H. Boynton. The title should therefore be amended by inserting the words "and of," immediately before "William H. Boynton."

The amendment was agreed to, and the title, as amended, was agreed to.

WILLIAM VAN WART.

The bill reported from the Committee on Pensions, for the relief of the heirs-at-law of William Van Wart, deceased, was read a second time, and considered as in Committee of the Whole.

It proposes to direct the Secretary of the Interior to pay to parties mentioned in the title a sum equal to forty dollars per annum, from March 4, 1831, to the date of the death of Van Wart.

William Van Wart, deceased, enlisted and served during the entire war of the Revolution. Among other important services rendered by him was the giving such information to Paulding, Williams, and Isaac Van Wart, his brother, as led to the arrest of Major André by them. He was for twelve months imprisoned in loathsome British prison ships, and upon his release again joined the army, and at the close of the war was honorably discharged. In 1834, he made application to the proper Department for a pension, claiming a service sufficient to entitle him to ninety-six dollars per annum. Owing to some deficiency in the proofs presented with the application, the Commissioner of Pensions decided that he was entitled to but thirty dollars per annum, and accordingly placed his name on the pension roll at that rate, to date from the 3d of March, 1831. For some reason, not fully explained, he never received the bounty land to which he was entitled. The prayer of the petitioners, his heirs-at-law, now is, that a special act of Congress may be passed, giving to them the difference between thirty dollars per annum, the amount received by the deceased, and ninety-six dollars per annum, the amount to which they claim he was entitled; also, that they may be granted the bounty land to which he was entitled, and for which they allege he applied.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

JOSEPH NOCK.

The bill for the relief of Joseph Nock was announced as the next in order.

It proposes to direct the Secretary of the Treasury to pay to Joseph Nock \$7,473 74; and to direct the Commissioner of Patents to renew and extend for fourteen years from the date of the passage of the bill, the patent obtained by Nock, and dated July 16, 1839, for a padlock, known as "Nock's lock."

Mr. WALKER. That seems to be a kind of combined case. I have never heard of it before. I prefer that it should lie over, for I wish to turn my attention to it.

Mr. BRODHEAD. If there be any objection to the second section, the proposition for the extension of the patent, it can be stricken out by unanimous consent. This poor man ought to have his money. The committee at the last session reported in favor of allowing him \$20,000. We now report only for a little over \$7,000.

The PRESIDING OFFICER. Does the Senator from Wisconsin withdraw his objection?

Mr. WALKER. Yes, sir.

Mr. BRODHEAD. Then I move to strike out the second section, which is the only one objected to.

Mr. HAMLIN. I desire to say that it was my understanding, as one of the members of the committee who reported this bill, that we were not to report on the question of extending the patent, but to refer that question to the Committee on Patents and the Patent Office, as it was a matter with which we had nothing to do.

Mr. RUSK. I will not trespass on the rule of the Senate, but I will state the fact in this case. Mr. Nock made a contract with the Post Office Department in reference to a lock which he invented; the Department took an assignment of his patent and kept it from him, and did not reassign it. That is the reason why the second section of the bill is necessary.

Mr. HUNTER. I hope the bill will go over. It is leading to debate.

The PRESIDING OFFICER. It will be passed over.

HENRY KING.

The bill—reported from the Committee on Revolutionary Claims—for the relief of the representative of Henry King, deceased, was read a second time, and considered as in Committee of the Whole.

It proposes to direct the Secretary of the Treasury to pay \$1,817 36 to the legal representative for the services of King in the third Maryland regiment, and in the commissary department, during the revolutionary war.

No amendment being proposed, the bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

NANCY BOWEN AND SARAH LARABEE.

The bill—reported from the Committee on Pensions—for the relief of Nancy Bowen and Sarah Larabee, was read a second time, and considered as in Committee of the Whole.

It proposes to direct the Secretary of the Interior to place the name of Nancy Bowen, formerly the widow of Robert Brice, upon the roll of pensioners, and pay her ninety-six dollars per annum, from July 4, 1850, during her natural life; and also to place the name of Sarah Larabee, formerly widow of Barstow Newell, upon the pension rolls, and pay her ninety-six dollars per annum, commencing March 1, 1854, and continuing during her natural life.

Nancy Bowen's first husband, Robert Brice, was a seaman on board of the frigate Constitution, and was killed in the action with the English frigate Guerriere. As his widow, she received for ten years a pension of seventy-two dollars per annum, when she became the wife of Aaron Bowen, and her pension ceased by law. Bowen died in 1848, leaving her in a destitute and helpless situation, aged, infirm, and childless; and she therefore prays for a renewal of the pension allowed to her previous to her second marriage. The committee entertain the opinion that it is just and proper, in cases like this, where the widow has been left in a destitute and helpless condition, to renew the pension.

The case of Sarah Larabee, former widow of Barstow Newell, presents the same general

state of facts, with the exception that neither the petitioner, nor her husband, ever drew a pension. On application to the Pension Bureau she was informed that her case was barred by her second marriage, notwithstanding she was a widow at the time of her application. The committee consider both of these cases as meritorious, and as they are deprived of the benefits of existing laws only by a too stringent construction, they deem it proper to report a bill providing for their relief.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

GEORGE DENNETT.

The bill, reported from the Committee on Commerce, for the relief of George Dennett, of Portsmouth, New Hampshire, was read a second time, and considered as in Committee of the Whole.

It proposes to direct the Secretary of the Treasury to pay seventy-five dollars to Dennett, for services performed by him in bringing up the arrearages of business in the naval office at Portsmouth, for a time when there was no naval officer.

Dennett was appointed naval officer for the port of Portsmouth; took the oath prescribed by law; entered upon the discharge of his official duties on the 13th of March, 1839. The office of naval officer was vacant from the 18th of December, 1838, until the 13th of March, 1839, when Dennett was appointed and entered upon the discharge of the duties of the office. It therefore became his duty after he entered upon the duties of his office, to complete and bring up the arrearages of business for the time it was vacant, and for that he has received no compensation. In pursuance of the recommendation of the Secretary of the Treasury, and from the fact that, in the opinion of the committee, Dennett is justly and equitably entitled to a compensation for that service, the committee report the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

ELIZABETH SUMMERS.

The bill—reported from the Committee on Pensions—granting bounty lands to Elizabeth Summers, widow of Cornelius Summers, a soldier of the late war with Great Britain, was read a second time, and considered as in Committee of the Whole.

It proposes to direct the Secretary of the Interior to issue to Elizabeth Summers a land warrant for one hundred and sixty acres, as provided by the act of September 28, 1850, for nine months' service of her husband in the late war with Great Britain; but, if any land warrant has been heretofore issued for the services of her husband, the number of acres thereby granted shall be deducted from the number of acres to be allowed under this bill.

Cornelius Summers served in the war of 1812, was paid for eight months twenty-eight and one half days' service, and was honorably discharged. The act of September 28, 1850, provides that any person serving in that war, who enlisted for twelve months, or during the war, and actually served nine months, shall be entitled to one hundred and sixty acres of land.

The application of the widow for land in this case was admitted for eighty acres, the amount allowed for four months' service, but as she failed to prove nine months' service by one day and a half, and also failed to prove that her husband enlisted for twelve months, one hundred and sixty acres could not be allowed her by the Commissioner of the General Land Office. She now prays Congress to pass a special act, granting her one hundred and sixty acres of land for her husband's services, alleging in her petition that he was in captivity after Dudley's defeat for some time, how long she does not remember, and that he served as a substitute for one Gray a term of six months, from the 1st March, 1814, to the 1st September of the same year, making in all over one year. These latter statements, however, are not proved by any papers presented with the petition. The service proved by the certificate of the Third Auditor, being within one and a half days of the term of nine months, taken together with the strong probability of further service, seems to the committee to make this a case justifying the special action of Congress in behalf of the widow.

The bill was reported to the Senate without

amendment, ordered to be engrossed for a third reading, read a third time, and passed.

JOHN McVEY.

The bill—reported from the Committee on Pensions—for the relief of John McVey, was read a second time, and considered as in Committee of the Whole.

It proposes to direct the Secretary of the Interior to place the name of McVey on the roll of invalid pensioners, at the rate of eight dollars per month, from July 4, 1852, during his life.

McVey claims to have served in the Kentucky volunteers, under General Shelby, in the war of 1812-'14. During his tour of service he became disabled, or wounded, in replacing the puncheons on the bridge over the river Thames, which had been removed by the British, by having the flesh torn severely on the inside of his left ankle, and the bone crushed. From this wound he has never recovered. The ankle became stiff and enlarged, and a running sore broke out on his leg, of a very malignant character, affecting his general health. Dr. J. Custer certifies to the present painful and severe character of the sore, and further states, that if a cure of the sore should be effected, McVey will still be a cripple, owing to stiffness of joints, and enlargement of the foot resulting from it.

Of the alleged services of the petitioner, there is no evidence offered, save his own statement and the hearsay proof contained in a petition in his behalf, numerous signed by citizens of Arkansas. No evidence of his enlistment, service, or discharge, can be found on the rolls on file in the Pension Office, nor elsewhere, within the search of the Commissioner or the committee. They are, therefore, compelled to agree with the Commissioner, who has disallowed the claim, on the ground that the proof of service is entirely insufficient. Dr. Custer only testifies as to petitioner's present condition. His reputation and skill as a physician, are certified by the clerk of the court for Hempstead county, Arkansas. It seems, by the indorsement of the Clerk of the Senate upon the petition, that it was before the committee in 1852, and a bill was reported in accordance with its prayer; but as no written report was submitted, the committee are not now aware of the grounds upon which the bill for his relief was based, and suppose it to have been merely reported, without any recommendation, for the consideration of the Senate. The bill, however, passed the Senate, but failed in the House. In view, therefore, of the former action of the committee and the Senate, notwithstanding their clear convictions of the insufficiency of the proofs in the case as presented to them, the committee report the bill for the consideration of the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

GEORGE W. GIBSON.

The next was a bill from the House of Representatives—reported from the Committee on Pensions—for the relief of George W. Gibson; which was considered as in Committee of the Whole.

It proposes to authorize the Secretary of the Treasury to place his name on the roll of invalid pensioners at the rate of six dollars per month from March 9, 1852, during life.

Gibson enlisted as a private soldier in company B, first regiment United States dragoons, and was with the American troops in the late war with Mexico; he suffered much from exposure, which finally resulted in a liver complaint and chronic diarrhea, which completely disabled him. During the time the Army was in the occupancy of Chihuahua in Mexico, he was in the general hospital six or eight weeks. Since his return home in November, 1848, his health has been bad, and his general debility such as to three fourths disable him from obtaining his subsistence by manual labor.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

ASA ANDREWS.

The next was a bill—reported from the Committee on Claims—for the relief of Asa Andrews; which was read a second time, and considered as in Committee of the Whole.

By this bill the proper accounting officers of the Treasury are to be authorized and required to

settle and adjust the accounts of Andrews, late collector of customs for the district of Ipswich, Massachusetts, for office rent and expenses, including clerk hire, and for the services of a deputy, during the time he performed the duties of that office, and to pay the amount found due, not exceeding the sum of \$1,983 80.

Mr. Andrews was appointed collector of the port of Ipswich, Massachusetts, by President Washington, and continued in office until 1829. On making up his accounts at the Treasury, a balance was made against him of \$921 92. In 1842 suit was commenced against him and his sureties to recover that sum in the district court for that district, and a judgment recovered. The case was carried by writ of error to the United States circuit court, Judge Story presiding, and the judgment of the court below was reversed on the ground of the refusal of the district judge to instruct the jury that Andrews was entitled to compensation for office rent, fuel, clerk hire, or deputy, &c.

Judge Story decided, that if the Secretary of the Treasury sanctioned the appointment of a deputy for that port, and the business required it, it would seem reasonable that the United States should pay some compensation for his services; and further, that the expenditures for office expenses were properly deemed incidents to the office, and therefore ought to be allowed. Under this ruling a new trial was had, and a verdict rendered that the United States were indebted to Mr. Andrews in the sum of \$1,943 80 beyond the sum claimed by them. Application was made to the Treasury Department for the payment of that sum, but the Secretary said there was no appropriation out of which the Department felt justified in paying it, and he was referred to Congress. He accordingly presented his petition to Congress, and various favorable reports were made. The committee, in recommending the passage of the bill, do not intend to recognize the principle that the certificate of a jury is conclusive as to the indebtedness of the Government, but in cases like the present, where a competent court lays down the construction of law applicable to a case judicially before it, their opinion is entitled to respect.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

LEVY AND JARRERO.

The next was a bill for the relief of Jonas P. Levy and José Maria Jarrero.

Mr. CLAY. It does not appear from the Calendar that that bill has ever been referred to a committee.

Mr. BRODHEAD. I reported it in pursuance of the direction of the select committee on Mexican claims. The committee were unanimous in directing the reference of these two claims to the accounting officer. Sixty-three claims were referred to that committee. We report in favor of these two being reviewed by the accounting officer, and paid according to the direction of the treaty of Guadalupe Hidalgo. They thought the case of Jarrero particularly a very hard case.

The bill was read a second time, and considered as in Committee of the Whole.

It proposes to require the accounting officers of the Treasury to settle the claims of Levy and Jarrero, for indemnity against the Government of Mexico, which were presented to the late Board of Commissioners on the claims against Mexico, and were rejected by the board.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

CORNELIUS H. LATHAM.

The next was a bill from the House of Representatives—reported from the Committee on Pensions—for the relief of Cornelius H. Latham; which was considered as in Committee of the Whole.

It proposes to direct the Secretary of the Interior to place his name on the invalid pension roll, at four dollars per month, from January 1, 1850, to continue during life.

Latham prays for a pension in consequence of disability incurred while in the military service of the United States. He enlisted as a private in company B, Captain Sumner, in the regiment of dragoons under Colonel Henry Dodge, on the first day of July, 1833, for three years. He was

in hospital, at Jefferson barracks, prostrated by excessive diarrhea, followed by fever; and, on partial recovery, he marched with the troops to Fort Gibson, in which march he was again attacked and very much debilitated; while on guard in January, 1834, he was suddenly attacked with violent illness, and was removed to the hospital, where he was examined by the surgeon, whose certificate of disability he declares to have received. From the time of his discharge he has had frequent recurrence of his disease, and palpitation of the heart, so as to unfit him entirely for any laborious employment; and his constitution is now broken.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

JOHN SHLY'S PATENT.

The next was a bill—reported from the Committee on Patents and the Patent Office—to extend a patent heretofore granted to John Shly, of the State of Georgia.

Mr. CLAY objected, and the bill was passed over.

CAPTAIN CHARLES G. MERCHANT.

The next was a bill—reported from the Committee on Military Affairs—for the relief of Captain Charles G. Merchant; which was read a second time, and considered as in Committee of the Whole.

It proposes to direct the proper accounting officers of the Government to settle the accounts of Charles G. Merchant, brevet captain of the United States Army, for the second quarter of 1849, on just and equitable principles, without reference to the usual forms, so as to relieve him of the effect of the loss of his quarterly returns for that quarter; but the amount to be allowed him is not to exceed \$215 69.

In the month of September, 1849, Captain Merchant was traveling on duty from Leona to San Antonio, Texas, having in his possession his returns in the commissary department, for the second quarter of 1849. In crossing a stream, the public wagon, containing his baggage, was carried off by the rapid current, and his papers were lost. Every exertion was made to recover the trunk containing the accounts, but without success. The amount of the account current, for which he is responsible on that quarter, was \$215 69; all of which amount was expended in the purchase of provisions for a detachment of two hundred and seventeen recruits on the march from the coast of Texas to San Antonio.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

GENERAL STEPHEN MOYLAN.

The next was a bill—reported from the Committee on Revolutionary Claims—relative to the accounts of General Stephen Moylan; which was read a second time, and considered as in Committee of the Whole.

It proposes to direct that the accounts of General Stephen Moylan, on the books of the Treasury, shall be balanced by the proper accounting officers, and that the fact that they have remained unsettled until this time shall be no bar to the recovery of half pay or bounty land by his heirs.

Mr. PRATT called for the reading of the report.

General Moylan was commissioned a colonel in the revolutionary army in the year 1776, and was immediately afterwards directed by Congress to raise and equip a regiment of light dragoons for the Continental service. Having succeeded in raising a regiment in pursuance of the directions of Congress, he continued to serve without intermission until the close of the war, sometimes commanding his regiment in the field, sometimes acting as quartermaster general, and at others as a volunteer aid to General Washington. Like many of his compatriots and fellow-soldiers, he entered the service of his country rich, and left it poor, when his services were no longer needed. One of the bravest and most intelligent of the officers of the American army, he enjoyed the confidence of Washington in a very high degree.

He was in most of the battles fought during the war, serving with distinction from Trenton to Yorktown, through the whole of the protracted and bloody struggle. In the course of the war, he had been intrusted with considerable sums of

money for the purpose of equipping his regiment and paying the men, and probably for other purposes. As early as 1779 he was charged on the books of the Treasurer with \$98,038 67; and at the close of the war this charge remained open against him, the sums paid by him never having been entered to his credit by the accounting officers of the Government.

The death of General Moylan, and the subsequent destruction of many of his vouchers, render it impossible to understand the true state of the accounts between him and the Government; but there are several facts and circumstances which make it probable that the Government was in his debt. Shortly after the war, several letters were addressed to him, urging him to make prompt exhibition of his vouchers, with a view to the settlement of his accounts. In pursuance of these letters, as it is presumed, during the year 1790, he filed his account, in which he claimed a credit of £35,899 10s. 9d., filing therewith as vouchers the accounts of several captains of his regiment, to whom he had paid considerable sums of money. Subsequently he filed a second account, in which he claimed £3,478 12s. 1d., the items of which were generally supported by vouchers. These sums united, amount to nearly \$120,000, which would leave a considerable balance due to him.

Previously to the filing of these two accounts, the officers had been urgent in demanding a settlement. After they were filed, instead of such urgency on their part, they made excuses to General Moylan for their delay in the adjustment of his accounts, which he had been, from time to time, demanding at their hands. From this fact it may be inferred that both General Moylan and the accounting officers, believed there was a balance due him by the Government. And when it is remembered that he always bore the character of an upright and honorable man, and that he went into the service rich and left it poor, the presumption in favor of this view of the case is greatly strengthened.

The heirs of General Moylan do not ask payment of the balance which they believe was due to him by the Government, but only that the unsettled state of his accounts shall not be permitted to brand one of the most distinguished patriots of the Revolution as a defaulter, nor to stand in the way of the allowance, by Congress, of half pay to themselves. Whatever may be the case now, the man who, during the Revolution, appropriated public money to private use, stood dishonored in the face of the community. Seeing no reason to believe that General Moylan ever did convert to his own use any of the public money intrusted to his care, the committee feel called on to respond favorably to the prayer of the petitioners.

Mr. PRATT. I move to amend the bill by striking out the first clause of it, so that the bill shall read:

"That the fact that the accounts of General Stephen Moylan, on the books of the Treasury, have remained unsettled until the passage of this act, shall be no bar to the recovery of half pay, or bounty land, by his heirs."

The amendment was agreed to. The bill was reported to the Senate as amended, the amendment was concurred in, the bill was ordered to be engrossed for a third reading, was read a third time, and passed.

FRANCES SMITH.

Mr. ADAMS. I move that the Senate adjourn. Mr. HAMLIN. I make an appeal to the Senator from Mississippi. I ask that we may take up the remaining bills on the Calendar which have come from the House, and pass them. Let us dispose of them, and they will be out of our way.

Mr. ADAMS withdrew his motion.

Mr. ATCHISON, (Mr. BADGER in the chair.) I suggest the propriety of taking up and passing all the private bills at once, by unanimous consent, for it comes to that in the end. [Laughter.]

Mr. HAMLIN. We have several House bills here; and, if we act upon them, they will be disposed of. There is very little use in sending Senate bills to the House at this session. There is a great use in passing House bills.

Mr. PRATT. The House of Representatives, as far as I am aware, have not passed a single private bill sent to them from the Senate. I am, therefore, opposed to the enactment of all theirs, as far as we have gone on the Calendar; and I am doubly opposed to the selection of those which remain, in order to pass them before Senate bills.

Mr. CLAY. The Senator from Maryland has anticipated in part what I was going to say. I also desired to state that I have objected to the calling up of bills out of their order on the motion of the Senator from Ohio; but it has been suggested to me that there is one here which I think the Senate is bound to consider on many grounds which do not obtain perhaps in other cases. It is the case of Frances Smith, a female soldier of the Revolution. We propose to provide for her, and I am afraid the case will not be reached to-day in its order upon the Calendar. She cannot live to enjoy the bounty of the Government, if we do not soon act upon it, as she is now far advanced in years. If any gentleman wishes to learn anything about Mrs. Smith, I refer him to my friend from South Carolina, [Mr. BUTLER.]

Mr. SLIDELL. I trust the Senate will proceed in the order of the Calendar.

Mr. CLAY. This is for the benefit of a lady, a female soldier of the Revolution.

Mr. SLIDELL. Then I do not object.

The bill was read a second time, and considered as in Committee of the Whole.

It proposes to direct the Secretary of the Interior to pay to Mrs. Smith ninety-six dollars per annum, commencing January 1, 1848, and continuing during her natural life; but any amount which she may have received as pension since that date is to be deducted from the amount granted.

Mrs. Smith is the widow of William Smith, a soldier of the Revolution, who did good and faithful service during the war, and was clearly entitled, under laws of Congress, to a pension; but, owing to his ignorance of the fact, never applied for or received it, but did receive a pension of sixty dollars per annum from the State of South Carolina, for a few years previous to his death, which occurred in 1848.

After his death, his widow made application to the General Government for a pension; but owing to the great length of time which had elapsed since the war, she was unable to meet the requirements of the bureau respecting proofs of her husband's service, &c. Upon transmitting to the bureau the proceedings of the Legislature of South Carolina respecting her deceased husband's case, a certificate of pension for twenty dollars per annum was issued to her, to commence March 4, 1831.

She is now aged and indigent; and she appeals to Congress for an increase of the pension granted her, to the same rate per annum paid to other widows of revolutionary soldiers.

The act of July 29, 1848, grants pensions for life to all widows of revolutionary soldiers, married prior to 1800, at the same rate their husbands would have been entitled to under existing laws. The act of February 3, 1853, extends this provision to all married since 1800. From the papers presented to the South Carolina Legislature, it appears highly probable that the petitioner's husband served from 1779 to the close of the war, and was entitled, under the act of June 7, 1832, to a full pay pension, or ninety-six dollars per annum; and, therefore, his widow is entitled to that amount, admitting the case to be proved as required by law; and the committee find the papers to afford the strongest probability that the representations of the petition, and the original declaration of the husband, are true. Regarding her claim, in her right as widow of William Smith, as a just and meritorious one, the committee also find much in the further statements of the petitioner to commend her case to the gratitude and liberality of the Government. Mrs. Smith herself performed services of the most important and hazardous character, entitling her to be ranked among the heroines of that eventful period. In company with Mrs. Butler, (maternal ancestor of the present Senator from South Carolina,) she conveyed information to the American camp of the approach of the Tories under Cunningham, encountering the greatest peril to themselves in the act, paddling a canoe for four miles up a dangerous part of the Saluda river, exposed to detection and death at the hands of the partisan enemy. At various times she conveyed information to the American Army of the movements of the British and Tories; also protected and nursed wounded and sick soldiers. At one time she was pursued and captured while returning from giving information to the Americans, and only released after being ordered to the British camp.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

ADJOURNMENT SINE DIE.

Mr. STUART. I move to reconsider the vote by which the Senate concurred in the report of the committee of conference, on the disagreeing votes of the two Houses on the resolution in relation to the adjournment of Congress.

Mr. GWIN. I hope the question will be taken on it now.

Mr. SUMNER. I would inquire of the Chair whether that motion is in order?

The PRESIDING OFFICER. When was the vote taken?

Mr. GWIN. Last Saturday.

Mr. WELLER. Then how can the motion to reconsider be submitted to-day?

Mr. SUMNER. I submit to the Chair whether it is in order.

The PRESIDING OFFICER. The Chair is of the opinion that it is not in order. The vote was taken on Saturday last. According to the rules of the Senate, a motion to reconsider can only be made on the day on which the vote is taken, or on the next two successive legislative days. Saturday was one day; on Wednesday the Senate met and adjourned; on Thursday the Senate met and adjourned, so that the three days are up—Saturday, and the two succeeding days—and the motion cannot now be received.

Mr. STUART. I shall take an appeal from the decision of the Chair. My recollection of the rule is, that the motion can be submitted within three days after the vote is taken.

The PRESIDING OFFICER. The Senator is entirely mistaken. The rule is, that the motion must be made on the day on which the vote is taken, or on either of the two succeeding legislative days.

Mr. ADAMS. Let the question be taken on the appeal; we will sustain the decision of the Chair.

The PRESIDING OFFICER. Does the Senator from Michigan take an appeal?

Mr. STUART. I desire to let it lie over until Monday; then we can have a quorum, and perhaps I may not want to press it.

The PRESIDING OFFICER. The rule will dispose of the question to the Senator's own satisfaction.

The Secretary read the rule, as follows:

"Nor shall any motion for reconsideration be in order, unless made on the same day on which the vote was taken, or within the two next days of actual session of the Senate thereafter."

Mr. STUART. It is too late, then.

G. W. TORRENCE.

A message was received from the House of Representatives, by Mr. McKean, Chief Clerk, announcing that they had passed a bill to provide a pension for Sergeant G. W. Torrence, in which they asked the concurrence of the Senate.

Mr. WELLER. I ask the unanimous consent of the Senate to take up that bill for consideration now, and have it put upon its passage. It has been under discussion in the military committee here.

The bill was read a first and second time by unanimous consent, and considered as in Committee of the Whole. It proposes to direct that Sergeant G. W. Torrence, of Captain Fairchild's company of Louisiana mounted volunteers, be placed upon the pension roll at twenty dollars per month, to commence April 4, 1854.

Mr. WELLER. I have already stated that this subject has been before the Committee on Military Affairs. This man performed extraordinary services at the National Bridge during the Mexican war. If any Senator will take the trouble to look into the statement of the facts made in the House, in the shape of a report, he will see that his services were of a very gallant and distinguished character. The committee, however, in the House of Representatives, simply placed him on the pension roll at the highest rate of pensions. The Committee on Military Affairs of this body felt disposed to recommend that a still larger compensation be allowed; but we are now disposed to take the bill as it comes to us from the House.

Mr. PEARCE. I would like to know whether

the rate of pension proposed is that which is generally allowed a sergeant?

Mr. JONES, of Iowa. No, sir; it is that of a captain.

Mr. JONES, of Tennessee. I think I can satisfy the Senator from Maryland in a moment that this is just such a case as ought to be provided for. This gentleman rendered extraordinary services, and displayed extraordinary gallantry, at that bridge, and suffered more than any man I ever heard of. As appears from the proof submitted to the Committee on Military Affairs, he was utterly disabled, and is now a cripple for life. He spent \$12,000 in securing his life; that is, in having his wounds properly attended to, and from other necessary expenses growing out of his sufferings in the war. He came before the committee, and asked them to reimburse his expenses. His gallant conduct, and the sufferings he had undergone, appealed strongly to our feelings, and we felt that it would be right to reimburse him, if we could do so without establishing a dangerous precedent. We could not do it, although every member of the committee felt it was a case appealing strongly to the benevolence and charity of the country. The best thing we could do was to recommend the payment of the largest amount possible; and I know the heart of the Senator from Maryland will respond to the feelings which actuated us.

Mr. PEARCE. My objection is merely this: that if we give this man a higher rate of pension than is allowed to others of the same grade in the service, we shall make an exception to the general law, and it may be looked upon as an invidious discrimination. I suppose the man is disabled for life; but it matters not whether his conduct was peculiarly gallant or ordinarily gallant. Gentlemen deeply interested in him claim an amount more than double that which the law allows others who suffer equally. I do not know of any principle upon which we can rely to justify ourselves in giving one man double the pension which another of the same grade in the service receives.

The PRESIDING OFFICER. Does the Senator submit any amendment.

Mr. PEARCE. The ordinary rate, I believe, is eight dollars a month. This bill proposes to give twenty dollars; I move to amend it by reducing it to eight dollars.

Mr. DIXON. Mr. President—

Mr. ATCHISON. I must call the Senator to order. This is not a day for debating private bills.

The PRESIDING OFFICER. Discussion is out of order.

Mr. DIXON. Is the question upon the motion made by the Senator from Maryland to amend the bill by inserting eight dollars instead of twenty dollars.

The PRESIDING OFFICER. That is the question.

Mr. DIXON. I understand the Senator from Maryland to say that eight dollars is the sum agreed upon by the Government to be paid for the loss of a limb and for the loss of all a man's limbs, or—

The PRESIDING OFFICER. The Chair would apprise the Senator from Kentucky that except by unanimous consent, no debate is in order. The Senator from Missouri objects to the discussion of this question.

Mr. DIXON. I understand the Senator to say that for all the damage a man may sustain, he is only to be paid eight dollars a month. That is to cover the loss of everything, and embraces his leg, arm, or any other member. I will not say a word on this subject if any member objects.

Mr. ATCHISON. I withdraw the objection.

Mr. DIXON. I understand the suggestion of the Senator applies to every limb a man has. He may lose all his limbs. He may be rendered perfectly impotent, and eight dollars is the sum that compensates him for it; and that is the price the Government is to pay to old soldiers who render all these services to the country, and become totally disabled in doing so. All I have to say is that if that is the sum, it is too little. If in this case an extraordinary damage has been sustained, as we are informed by the Senator from Tennessee, why, sir, it is an exception to the general rule, and ought to be liberally provided for. I am for giving the largest sum possible, and I shall vote

against the amendment which is offered by the Senator from Maryland, to reduce the amount.

Mr. PEARCE. I must ask leave of the Senate to say a few words in reply to the Senator from Kentucky. The Senator has either misunderstood me, or perverted my meaning.

Mr. DIXON. I certainly did not mean to do so.

Mr. PEARCE. I did not say that we were not to pay a man for the loss of all his limbs. What I have said is this, that we have a general system of pension laws, and according to that system, it is our custom, and the law requires, that we should pay a man so much for a total disability. We do not look at the character of the disability any further than to ascertain whether it is total. The general law requires that we shall give to a man in the rank occupied by this man, who incurs a total disability, a pension of eight dollars a month; and then what I said was, that it is altogether wrong, unjust, and partial to give to one man who has incurred a total disability a pension two and a half times as great as we give to another in the same rank. Whether it is right for Congress to restrict the pensions in the case of total disability to eight dollars a month, for those in this branch of the military service, is a question I do not undertake to meddle with; but we have adopted a general system, and if there is any propriety in adopting such a general system there is obviously a strong propriety in adhering to it. If you do not adhere to it invariably, you make "fish of one and flesh of another;" and it depends upon the weight of the influences brought to bear upon Congress, whether a party is to get a pension under the general system, or to receive that which the bounty of Congress, and the patriotic impulses of the moment may induce them to give. You know, sir, how those impulses vary; and it is precisely to guard against that evil that our pension laws are adopted; and I think the system should be equal and adhered to. I see no cause for altering these pensions. I do not know what this man's disability is. I do not know whether he has lost one limb, or all. If he has lost a single limb, I should vote against this mode of proceeding. If you undertake to pay all the members of the Army for the loss of each limb, you would soon beggar the Treasury. What I do say is, you have a general system, and I think it ought to be adhered to until it is altered by a general law.

Mr. DIXON. I have not misunderstood the Senator very materially. He stated that if a man is totally disabled, his pension is eight dollars per month. I then said that it embraced the loss of a limb, and the loss of every limb.

Mr. PEARCE. That is the consequence of the system.

Mr. DIXON. That is the consequence of the system. Then, sir, I mean to say, and I do say, that eight dollars per month for the loss of all a man's limbs, is not enough; it is too little. And I mean, also, to say that because the general system allows those who have been subjected to a total disability in the service of their country, but eight dollars per month, is no reason why the Senate should not do justice when a case comes before it, and when it has power and jurisdiction over the case. That is what I mean to say.

For my part, I have never considered myself bound by any general system. If the law, as it already exists, binds me as a Senator, there is no use in legislating upon any private bill. If I am to be bound in the votes I give, because you have established a general system which is wrong, there is no use in our attempting to legislate on any claim which comes before us. I am governed by no such principle as that. I mean here to act upon every case as it presents itself to me, according to what I think is right; and if the general system embraces it, I will take it out of the general system. Why, sir, when a peculiar case comes before the Senate, appealing to us in behalf of one who is totally disabled, in behalf of one who has rendered important service to the country, in behalf of one who has made such sacrifices, as that he never can be compensated for them, it is strange, indeed, that a Senator should rise up and say, because you have established a general system which limits the allowance to be paid to a man who has become totally disabled, therefore you are not to allow something to alleviate the wretched and unfortunate condition of him who is totally disabled in the service of his country.

I act upon no principle of that sort. Impelled by every feeling of my heart, I will vote for every cent that may be proposed by the committee, for a man who sacrifices so much for his country. Not to do so is at war with the principle on which every Government exists. Why, Mr. President, look to other nations, and see what their policy has been in regard to those who have made sacrifices for their country. What is the policy of England? What is that of France? Why, sir, are not monuments starting up in every portion of those great Kingdoms to perpetuate to the latest posterity the noble deeds of those who have made sacrifices for their country? And yet, sir, when we are appealed to, in a case of this kind, for a man who has lost his limbs in the service of his country, who has been broken down in fighting its battles, in order to enable him to make a subsistence, and to keep his family from perishing, Senators cry out that it is wrong, that it will be making "fish of one and flesh of another." Sir, I am for making flesh of all. I am willing to change the general system. The amount which it allows is too little. The Government has plenty of money; and it is time that it should act with some character of liberality at least towards its own citizens.

Mr. WELLER. I only desire to say one word, to assign the reason why I ask for the passage of this bill.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maryland.

The amendment was not agreed to.

Mr. PRATT. I move that the Senate adjourn.

Mr. WELLER. I claim that I have the floor.

Mr. PRATT. If any gentleman can stand up all the time and claim the floor, that may prevent my motion.

Mr. WELLER. I have been recognized by the Chair.

The PRESIDING OFFICER. The question is on the motion to adjourn.

Mr. RUSK. I hope the Senate will, by unanimous consent, permit me to move to reconsider the vote on the passage of a bill.

The motion to adjourn was not agreed to.

The bill was then reported to the Senate, ordered to a third reading, read a third time, and passed.

ISAAC L. BATTLE.

Mr. RUSK. I move to reconsider the vote by which the bill for the relief of the estate of Isaac L. Battle, was passed.

The motion was agreed to.

Mr. RUSK. I move that the bill lie on the table.

The motion was agreed to.

On motion the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, July 7, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

The SPEAKER appointed Mr. JOHN J. TAYLOR, of New York, a member of the Committee on Foreign Affairs, in the place of Mr. GILBERT DEAN, resigned.

The SPEAKER. The question first in order is upon the motion submitted by the gentleman from South Carolina, on yesterday, to reconsider the vote by which the civil and diplomatic bill was rejected.

Mr. FULLER. Will the gentleman from South Carolina give way for a moment to allow me to report a bill and accompanying papers, for the purpose of having them recommitted to the Committee on Commerce and printed?

Mr. LETCHER. What is the bill?

Mr. FULLER. It is a bill for the erection of certain custom-houses.

Mr. LETCHER. I object.

Mr. FULLER. I hope the gentleman from Virginia will withdraw his objection.

Mr. LETCHER. The custom-houses have sunk one bill already, and I do not want them to sink another.

Mr. PHILLIPS. I ask the gentleman from South Carolina to yield me the floor for a moment, that I may introduce a resolution which I ask to have read for the information of the House.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33d CONGRESS, 1st Session.

SATURDAY, JULY 8, 1854.

NEW SERIES.....No. 103.

The resolution was read, as follows:

Resolved, That on and after the 10th of July instant, the House of Representatives will assemble for the transaction of business at eleven o'clock, a. m.

Mr. PHILLIPS. I ask the consent of the House to consider the resolution now, as the time for the final adjournment is near at hand.

Mr. JONES, of New York. I object, as I think a better arrangement can be made than that presented by the resolution of the gentleman from Alabama.

Mr. PHILLIPS. I have no objection to making the time of meeting ten o'clock instead of eleven o'clock, if the gentleman would prefer it.

Mr. JONES. I object to the resolution in the form in which it is now presented.

Mr. PHILLIPS. Will the gentleman from New York suggest the amendment which he would prefer?

Mr. JONES. I am willing to state to the House the reasons for my objection to the resolution of the gentleman from Alabama. If we commence our sessions at eleven o'clock, I am satisfied that the physical strength of the members who compose this House would not enable them, at this time of the year, to go through with a session of five or six hours with safety to themselves, nor do I think the exigencies of the case demand it. I think a better arrangement would be to meet at nine o'clock in the morning, take our dinner at two o'clock, and then come together in the evening at six or seven o'clock, and spend three or four hours more. I am as able to endure a continued session of six or eight hours as any other individual here; but I know I cannot do it with safety to myself, and therefore I shall give a vote against it.

CIVIL AND DIPLOMATIC BILL.

The House then proceeded to consider Mr. ORR's motion to reconsider the vote by which the civil and diplomatic appropriation bill was rejected yesterday.

Mr. ORR. The action of the House yesterday in rejecting the civil and diplomatic bill, and which I have made a motion to reconsider, did not excite any great surprise in my mind.

I suppose there can be no question on the minds of the members of this House as to the reason for what would seem to be an extraordinary vote, namely, the rejection of the civil and diplomatic appropriation bill. I have no doubt in my own mind that that result was produced by incorporating in that bill appropriations amounting in the whole to some five, or six, or seven hundred thousand dollars for certain custom-houses. I was opposed to these custom-house appropriations myself, and nothing but the pressing necessity and urgency of passing the bill would have induced me to have supported it with these custom-house appropriations incorporated in it.

I do not propose now to enter into any general debate. I think the time has come when we should go to voting and stop speaking. The plan which I have in view, after consultation with some friends, for the purpose of relieving the House from the embarrassing condition in which it finds itself, is this: I propose, if the motion to reconsider the vote rejecting the bill prevails, to move then to reconsider the vote by which the bill was ordered to be engrossed and read a third time. If this latter motion prevails, then some gentleman on the floor, who voted in favor of incorporating the custom-house appropriations into this bill, will be prevailed upon, I trust, to move to reconsider that vote.

[Laughter, and a cry of "Are you sure of that?"]

I cannot give any especial guarantee to that effect. But I can say to the House that I have no doubt in my own mind, if the two motions which I have indicated prevail, that a motion will be made by some gentleman on the floor to reconsider the vote by which the custom-house amendments were put upon the bill.

Mr. PRESTON, (interrupting.) If the gentleman from South Carolina will allow me, I will

inquire of him whether there is any certainty that any gentleman can get the floor who will move to reconsider the vote by which the custom-house amendments were adopted?

Mr. ORR. Yes; that is a privileged question, to be made, as the gentleman from Kentucky knows, at any time.

Mr. CLINGMAN. I would inquire of the gentleman from South Carolina whether it would not be more advisable, if this vote rejecting the bill be reconsidered, then to move—should such motion be in order—to recommit the bill to the Committee of Ways and Means? There would not be any necessity, I take it, to go through the course indicated by the gentleman from South Carolina. If the Committee of Ways and Means take the bill back, I presume they will be able to put it in whatever shape they may think best calculated to meet the views of the majority of the House, and to advance the public interests. By reconsidering the vote rejecting it, this course can be adopted.

Mr. ORR. I am satisfied that there is a majority of the House willing to vote for the passage of the bill, were the custom-house appropriations not incorporated in it; and I think that the plan which I have indicated is the shortest plan that the House can pursue to attain the desired result.

This is an important bill. If you do not pass it, you stop the wheels of Government. Every civil officer of the Government, from the President down to the lowest subordinate, is depending for his salary this year on the passage of the bill.

Mr. PRESTON. If the gentleman from South Carolina will allow me, I will make a suggestion, inasmuch as I am as desirous to pass this bill as he is. If the plan he suggests be adopted, we will have to go back again to where we commenced. If we turn and support the motion to reconsider the vote by which the bill was rejected yesterday, the object can be attained in a simpler manner. The bill lacked but three votes yesterday to be carried, and I hold that the bill can be passed as it stands; because it was not on the subject of the custom-house amendments that it was defeated. But if we go beyond that simple means of reconsidering the vote, we will get the bill involved in all the difficulties in which it has been involved from the beginning of the session. These custom-houses, I contend, are the only things which have given the bill the strong support it has received.

Mr. ORR, (interrupting.) If my friend from Kentucky would allow me, I would suggest that the custom-house appropriations did not seem to give much strength to the deficiency bill.

Mr. PRESTON. I believe the second deficiency bill was more odious than the first. I hope the friends of the custom-houses—for I will be perfectly frank with the gentleman—will vote to give the gentleman the first reconsideration he desires. But we want the bill to pass as it is now, or let a new bill come up. We do not desire to go beyond the first motion to reconsider. The Government officers have recommended these custom-houses; the Senate have recommended them; this House has recommended them, and we have discussed them all, article by article, and clause by clause, twice; and we have voted upon them, by yeas and nays; and the bill finally came within three votes of passing. Now, if the gentleman will obtain but three votes upon that side of the House, among the friends of the Administration, the bill will pass. But if that cannot be done, we shall be placed back where we were two months ago.

Mr. ORR resumed the floor.

Mr. McMULLIN, (interrupting.) I would like, with the permission of the gentleman from South Carolina, to inquire of him whether there is any gentleman in the House who will move the consideration indicated by him, provided the gentleman's first two motions to reconsider prevail?

Mr. MATTESON. Is the gentleman in order?

The SPEAKER. Debate is in order, if the gentleman from South Carolina has yielded only for an explanation. The question of order will

depend upon the limit of debate in which the gentleman proposes to indulge.

Mr. McMULLIN. It is not my purpose to trespass either upon the courtesy of the gentleman from South Carolina, or upon that of this House. It is necessary that this House should pass a proper and legitimate appropriation bill; but I tell the gentleman from Kentucky, [Mr. PRESTON,] as also the gentleman from South Carolina, that if they will attempt to clog this bill with amendments, as they did the deficiency bill at the earlier period of this session, I trust, for one, that there will be firmness and independence enough in the members of this House to defeat it again. If all our friends had been here—in other words, if the House had been full at the time the vote was taken, we would have killed the bill by a much larger majority than we did yesterday. And I trust we will do so again.

Mr. ORR, (resuming.) I hope I shall now be allowed to conclude the remarks I desired to make without further interruption.

With reference to the view thrown out by the gentleman from Kentucky, [Mr. PRESTON,] that the bill was strengthened by the custom-house appropriation, I have only to point him and the House to the action of the House upon the deficiency bill. Those custom-house amendments were voted into the deficiency bill, and when it came into the House from the Committee of the Whole, what was the result? Only fifty three votes were found in favor of it.

I say, however, to my honorable friend from Kentucky, that if all those who voted in the House to put the custom-houses into the civil and diplomatic bill had stood firm to the last, and had voted for the bill, there would have been no difficulty in passing it. The whole difficulty grew out of the fact that a portion of the House was voting into the bill amendments which were odious to a large portion here, and when they came to the test, they refused to vote for the final passage of the bill.

I desire to appeal to gentlemen upon this side of the House, and to gentlemen upon the other side, who do not desire to embarrass the operation of the Government: I say, I desire to appeal to them—in case we do get back to the custom-houses—to vote against putting them in the bill. Let us have a clean bill, one that is legitimate and fair. I have no cause of quarrel with any gentleman who voted against the bill on account of the custom-houses. But to put in such amendments is no legitimate mode of legislating. The civil and diplomatic bill should only include items provided for by general law, and such as are necessary to meet the wants of the Government. But the defeat of this bill must inevitably result in stopping the wheels of Government; and it may result in our having to rescind the resolution by which the two Houses have agreed to adjourn on the 4th of August.

In my judgment, if the bill is now defeated; if we commence a reorganization of the civil and diplomatic bill; if we are to send it again to the Committee of the Whole on the state of the Union; if amendments are there to be offered to it, and debated again, you will not be able to get back to the point at which you now are in ten days or more to come.

Mr. STANTON, of Tennessee. If the gentleman from South Carolina will allow me, I wish to know how it is that he can maintain that amendments have been put upon this bill which are odious to a majority of the House, when these amendments have every one of them been sustained by a majority of this House upon the yeas and nays?

Mr. ORR. I did not design to say that they are odious to a majority of this House. I intended to say that amendments had been put upon this bill which were odious to a large number of gentlemen in this House, without whose votes it cannot be passed.

Mr. Speaker, I think I have now made myself understood; and if the view I have expressed meets the approbation of the House, they will sus-

tain me in the motion I have made. I move the previous question upon the motion to reconsider.

Mr. DAVIS, of Rhode Island. When the deficiency bill passed this House—

The SPEAKER. The Chair must remind the gentleman that the previous question has been demanded.

Mr. DAVIS. Well, sir, I hope the gentleman will withdraw the motion for the previous question, and allow me to make a remark.

Mr. ORR. I cannot.

Mr. TAYLOR, of Ohio. I desire to ask a question, which I think will forward the business of the House. I hope the gentleman will withdraw his demand for the previous question for that purpose.

Mr. ORR. I cannot.

Mr. GREENWOOD. I move that there be a call of the House.

The motion was not agreed to.

The previous question was seconded, and the main question ordered to be put.

The question now being upon the motion to reconsider the vote by which the bill was rejected, it was taken; and the vote was reconsidered.

Mr. ORR. I move to reconsider the vote by which the bill was ordered to be engrossed and read a third time; and upon that motion I demand the previous question.

Mr. PRESTON. I ask the gentleman from South Carolina to yield me the floor for five minutes?

Several MEMBERS. Do not withdraw the demand.

Mr. ORR. I decline to withdraw the demand.

Mr. PRESTON. Very well; I am willing to go to the vote.

The previous question received a second, and the main question was ordered to be put.

Mr. PRESTON. I demand the yeas and nays on the motion to reconsider.

The yeas and nays were ordered.

The question was taken, and it was decided in the affirmative—yeas 85, nays 63; as follows:

YEAS—Messrs. Aiken, James C. Allen, Willis Allen, Appleton, Ashe, Baiksedale, Belcher, Bocoock, Boyce, Bridges, Brooks, Chastain, Churchwell, Clark, Clingman, Cobb, Curtis, Cutting, John G. Davis, Dawson, Dent, Eddy, Edmundson, Ellison, English, Faulkner, Florence, Goode, Greenwood, Grow, Hastings, Hendricks, Henn, Hillyer, Houston, Ingersoll, George W. Jones, Roland Jones, Kerr, Kittredge, Lamb, Letcher, Lilly, McCulloch, McMullin, McNair, McQueen, Maxwell, Mayall, Milson, Morrison, Murray, Nichols, Noble, Norton, Olds, Orr, Bishop Perkins, John Perkins, Phelps, Powell, Pratt, Ready, Richardson, Thomas Ritchey, Rudin, Seward, Seymour, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Richard H. Stanton, Hester L. Stevens, Stratton, Andrew Stuart, John J. Taylor, Vail, Vansant, Walker, Daniel B. Wright, and Zollicoffer—85.

NAYS—Messrs. Abercrombie, Banks, Bennett, Benson, Bliss, Buzz, Carpenter, Caruthers, Caskie, Corwin, Culom, Thomas Davis, De Witt, Dick, Disney, Eastman, Edmunds, Everhart, Farley, Fenton, Flagler, Franklin, Fuller, Giddings, Green, Aaron Harlan, Haven, Hill, Howe, Johnson, Daniel T. Jones, Knox, Latham, Lindley, Mace, Macy, Matteson, May, Middlesworth, John G. Miller, Morgan, Mordecai Oliver, Parker, Phillips, Preston, Puryear, Reese, Riddle, David Ritchie, Rogers, Russell, Sabin, Sapp, Gerrit Smith, Frederick P. Stanton, John L. Taylor, Nathaniel G. Taylor, Thurston, Trout, Upham, Wade, Walbridge, Walley, Walsh, Elihu B. Washburne, Israel Washburn, John Wentworth, Wheeler, and Yates—63.

So the motion to reconsider the vote by which the bill was ordered to be engrossed and read a third time was agreed to.

Mr. STANTON, of Kentucky. I move to reconsider the vote by which the twenty-second amendment was adopted. It is the amendment which appropriates for the completion of the several custom-houses. I voted to ingraft that amendment upon the bill; and I am still in favor of the appropriations for the construction of these custom-houses; but, on examination, I find that of those who voted with me for the amendment there were seventeen, enough to have saved the bill, who voted against the final passage of the bill. Now I think that if anything is to be sacrificed, it is best that it should be the custom-houses for the present, rather than all the great interests involved in the measure. I call for the previous question on my motion for reconsideration.

At the request of Mr. TAYLOR, of Ohio, the amendment was reported by the Clerk, as follows:

Twenty-second amendment:

For completing the custom-house at St. Louis, Missouri \$100,000;

For completing the custom-house at Mobile, Alabama, \$65,000;

For completing the custom-house at Cincinnati, Ohio, \$40,000;

For completing the custom-house at Louisville, Kentucky, \$40,000;

For completing the custom-house at Bangor, Maine, \$20,000;

For completing the custom-house at Bath, Maine, \$20,000;

For completing the custom-house at Wilmington, Delaware, \$12,000; and

For purchasing a site for a custom-house at Providence, Rhode Island, \$24,000.

Mr. PHILLIPS. Does not the twenty-second amendment also embrace the appropriations for the custom-houses at Richmond and New Orleans?

The SPEAKER. It does not. These custom-houses are provided for by separate amendments.

Mr. LILLY. Does the amendment embrace appropriations for the marine hospitals?

The SPEAKER. It does not. Appropriations for the marine hospitals are also provided for by separate amendment.

Mr. WENTWORTH, of Illinois. Motions were made to reconsider the votes by which the amendments appropriating for the custom-houses referred to by the gentleman from Alabama were adopted, and these motions to reconsider were laid upon the table; therefore, it is not now in order to again reconsider.

Mr. CLINGMAN. I call to order. I insist that the call for the previous question is not debatable.

The SPEAKER. Interrogatory is in the nature of debate, and objection being made, the Chair must restrain gentlemen from further questioning.

Mr. WENTWORTH. The record of the House will show whether the motions to reconsider the amendments for the Richmond and New Orleans custom-houses were laid upon the table or not.

The SPEAKER. Then it is for gentlemen who wish the information to look to the record.

The previous question received a second, and the main question was ordered to be put.

Mr. PRESTON. I demand the yeas and nays on the motion to reconsider.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 84, nays 68; as follows:

YEAS—Messrs. Aiken, James C. Allen, Willis Allen, Baiksedale, Bell, Bocoock, Boyce, Bridges, Brooks, Chastain, Churchwell, Clingman, Cobb, Curtis, Cutting, John G. Davis, Dawson, Dent, Eddy, Edmundson, English, Faulkner, Goode, Green, Greenwood, Grow, Wiley P. Harris, Hastings, Hendricks, Hillyer, Houston, Ingersoll, Daniel T. Jones, George W. Jones, Roland Jones, Kittredge, Lamb, Letcher, Lilly, McCulloch, McMullin, McNair, McQueen, Maxwell, Milson, Morrison, Murray, Nichols, Noble, Olds, Orr, Bishop Perkins, John Perkins, Phelps, Powell, Pratt, Puryear, Ready, Richardson, Thomas Ritchey, Rudin, Seward, Seymour, Shaw, Shower, Singleton, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Richard H. Stanton, Hester L. Stevens, Stratton, David Stuart, John J. Taylor, Nathaniel G. Taylor, Trout, Vail, Vansant, Walker, Walsh, Westbrook, Wheeler, and Daniel B. Wright—84.

NAYS—Messrs. Abercrombie, Banks, Bennett, Benson, Bliss, Buzz, Carpenter, Caruthers, Caskie, Chandler, Clark, Corwin, Culom, Thomas Davis, De Witt, Dick, Disney, Eastman, Edmunds, Everhart, Farley, Fenton, Flagler, Florence, Franklin, Fuller, Giddings, Aaron Harlan, Harrison, Haven, Henn, Hill, Howe, Johnson, Kidwell, Knox, Latham, Lindley, Mace, Matteson, Mayall, Middlesworth, John G. Miller, Morgan, Mordecai Oliver, Parker, Phillips, Preston, Riddle, David Ritchie, Rogers, Russell, Sabin, Sapp, Gerrit Smith, Frederick P. Stanton, Andrew Stuart, John L. Taylor, Thurston, Upham, Wade, Walbridge, Walley, Elihu B. Washburne, Israel Washburn, John Wentworth, Yates, and Zollicoffer—68.

So the motion to reconsider the vote by which the twenty-second amendment was adopted was agreed to.

The question recurred on the adoption of the twenty-second amendment.

Mr. ORR. I demand the previous question.

Mr. SEWARD. Is it in order to move to recommit the bill?

The SPEAKER. It would be in order to make that motion, provided the demand for the previous question be not sustained; in other words, the bill is in a condition to be recommitted.

Mr. SEWARD. Does not the motion to recommit take precedence of the demand for the previous question?

The SPEAKER. It does not.

Mr. WALSH. Will the demand for the previous question cut off other motions to reconsider?

The SPEAKER. If the previous question is

sustained, it will extend to the third reading of the bill, and cut off other amendments.

Mr. HAVEN. I desire to ask the gentleman from South Carolina to withdraw his demand for the previous question, so that I may be enabled to make a very few remarks; and I promise not to exceed three minutes. I should like to put the House in possession of the reasons why I desire—

The SPEAKER. The gentleman from New York is not in order, as the demand for the previous question is not withdrawn. The Chair will state for the information of the House, that if the previous question be seconded, and the main question ordered to be put, the vote will be first taken on the adoption of the amendment, the reconsideration of the vote by which it was adopted having been this moment ordered; and then on ordering the bill to be engrossed and read a third time.

Mr. SMITH, of Virginia. Then can other amendments be reconsidered?

The SPEAKER. They cannot.

Mr. SMITH. Can other distinct propositions be considered?

The SPEAKER. They cannot.

Mr. WALSH. What will be the condition of the appropriations for marine hospitals?

The SPEAKER. The Chair again states that the previous question will cover the amendment now pending, and also the ordering of the bill to be engrossed and read a third time.

Mr. DAVIS, of Rhode Island. I desire to ask a question of the Chair. Are there any appropriations for custom-houses in this bill now, or are they all stricken out?

The SPEAKER. The Chair thinks that there are appropriations for one or two custom-houses still in the bill.

Mr. SMITH, of Virginia. I must confess that I do not yet distinctly understand the Chair.

[Cries of "Question!" "Question!"]

Mr. SMITH. I understand that the proposition is—

[Continued cries of "Question!" "Question!"]

The SPEAKER. It is the duty of the Chair to explain to the body the information asked by the gentleman from Virginia. If the main question be ordered, the House will be brought to vote, first on the pending amendment, and then on ordering the bill to be engrossed and read a third time, and it will completely cut off any other amendment.

Mr. SMITH. Then I will vote against ordering the main question.

The SPEAKER. It has been the practice of the House to reconsider votes taken under the operation of the previous question. But that has already been done. It was done during yesterday. The House has reconsidered the vote by which the bill was ordered to a third reading. Again, it has reconsidered the vote on which one of the amendments of yesterday was adopted. Now, if the demand for the previous question be sustained, it brings the House to vote on the pending amendment, and then upon ordering the bill to be engrossed and read a third time; and it will, under the circumstances, in the opinion of the Chair, cut off all amendments in the nature of a reconsideration.

Mr. BOCOOCK. I would like to make a suggestion, if the gentleman choose to take it.

[Interruption, and cries of "Question!" "Question!"]

Mr. BOCOOCK. In view of the condition of things, I wish to make a suggestion which gentlemen may consider. If we cannot call for the previous question now, we cannot call for it at all; and therefore this subject would be left open to debate as long as gentlemen might choose to debate it.

Mr. PRESTON. I call the gentleman to order.

The SPEAKER. Is it the pleasure of the House that the gentleman from Virginia [Mr. Bocoock] be heard?

Mr. WALSH. I object.

The question now being on seconding the demand for the previous question,

Mr. WASHBURN, of Illinois, called for tellers.

Tellers were ordered.

Mr. DENT. I simply desire to ask a question for the purpose of getting information. If the

call for the previous question be sustained, will the bill have to be voted upon as it now stands?

The SPEAKER. Yes.

Mr. DENT. And if the previous question be not sustained—

The SPEAKER. The bill will then be open for amendments or recommitment.

Messrs. PRATT and RICHARDSON were then appointed tellers.

The question was taken; and the tellers reported—ayes 69, noes 73.

So the previous question was not seconded.

Mr. HAVEN. Mr. Speaker, if the House will give me their attention for a short time, I will repay them by being very brief in what I am about to say. I intend my remarks shall be directed upon the subject of the custom-houses provided for in this bill. I will not turn aside to notice anything else; for my friend from South Carolina, [Mr. ORR,] in his motion and remarks, seems to be reaching after them alone. I have been somewhat intimately connected, too, with these houses from the commencement of the session; and I desire, incidentally, to speak of that connection, and of some of the reasons which have influenced my votes in reference to them.

These custom-houses were reported in the deficiency bill early in the session, in sundry very brief clauses, each commencing "to complete," or, "to enable the Secretary to complete," them, and then enumerating them, and setting down the amount for each.

The House will do me the justice to remember that I opposed the appropriations in that form; and have ever since opposed them in that form; and I can assure gentlemen I ever will oppose them when they come in that form, because it leaves the whole subject under the unlimited control of individuals who have the expenditure of the moneys. I do not wish to speak harshly, but it leaves in the hands of Secretaries, and their agents and employees, the whole unlimited subject, without check or control on our part. It is incautious, improper, wild, and unregulated legislation, in my opinion, and has not yet, and never shall, receive my sanction. This House has uniformly been misled and deceived under that kind of legislation; and I told it so when this subject was first up this session. But, sir, I then declared my readiness to vote sufficient sums to complete these Houses, if the Secretary could be properly restricted, and the public interests sufficiently guarded by proper, discreet, and stringent limitations and restrictions, to be enacted with the appropriations.

Mr. HOUSTON. The gentleman is mistaken as to matter of fact. These custom-houses were not reported in the deficiency bill. They were left out of that bill by the Committee of Ways and Means.

Mr. HAVEN. Mr. Speaker, I accept the correction of my friend from Alabama, the chairman of the Committee of Ways and Means; but these custom-houses have been up in so many shapes, and the subject turned over in such a variety of ways, that he will excuse me if I do not state the precise form in which these appropriations first made their appearance in this Hall. It is true, as the gentleman states, that the Committee of Ways and Means did report against placing these appropriations in the deficiency bill. I voted against inserting them in that bill in the language I have described, because, in that loose form, I thought in the hands of whoever might, for the time being, be Secretary of the Treasury, it would give him that wild, unregulated, and improper discretion that I have mentioned, by which the money might be expended without limitation or restriction, and whether it accomplished or completed the object intended or not.

But by way of justifying my course, then, before the House and the country, and reconciling it with my course on this bill, if any justification or reconciliation be needed, I ask leave to say, that as soon as the deficiency bill was defeated—and as alleged, on account of custom-house appropriations being in it—with my own hands, and exercising my own judgment only, I drew up a bill, which was adopted and reported by the Committee of Ways and Means, containing what I believed to be wise, salutary, and proper restrictions upon the expenditure of these moneys by the Secretary of the Treasury. I thought they were wise, salutary, and proper restrictions then. I

think so now, and I have voted for these appropriations in this bill, because they are accompanied by, and made subject to, all the restrictions and limitations I have referred to; the discretion of the Secretary is properly and cautiously confined; and because, further, with these restrictions and limitations, they have had the double sanction of this House, once in Committee of the Whole, after very full debate, and again by yeas and nays yesterday. So, Mr. Speaker, it will be observed I have refused to let the Secretary control us in this behalf; and I have voted against these appropriations, without careful and salutary guards, plainly expressed, being thrown around the expenditure; and I have since voted, and shall probably vote again, for them, carefully guarded, and withdrawn from an unregulated discretion, and kept within the reach and control of this House, whose duty it is to look with great caution into all expenditures of the public moneys.

Now, Mr. Speaker, so much at present for my own position in reference to this matter; and let me stop here and say, that I desire to make no war upon this bill, or upon the Administration members of this House in reference to it. I think it is a liberal bill; perhaps it goes up to the verge of liberality. But, sir, in my judgment, it is not an extravagant bill. It contains many items that I should much prefer were not in it; but I voted for it yesterday when on its third reading, with these custom-house appropriations, accompanied by the limitations and restrictions I have mentioned, in it. And I shall vote for it again, without those appropriations in it, if the good sense and discretion of the House shall decide to withhold them. Sir, I am but one among a large number of honorable gentlemen here, all of whose discretions and judgments are, at least, entitled to equal weight with mine in this regard. It is not for me to attempt to embarrass or clog the operations of the Government, unless I find it engaged in what I regard as a violation of its proper or constitutional duty. It neither suits my taste, nor does it comport with what I regard as the fair discharge of my duties here. Nor will I attempt any child's play, Mr. Speaker, in reference to this bill, by voting one way upon it to-day and another way to-morrow. I will not give a vote upon it to-day totally inconsistent with the one I gave yesterday. I leave that, sir, for other gentlemen who see fit to engage in it, premising only, that if they feel they have voted wrong, it is never unwise to correct it when an opportunity offers.

Now, sir, to another thing. The only objection I have heard to-day to these custom-house appropriations, accompanied as they are by my limitations and restrictions, is, that they are not now in the right bill—they do not come in in the right place. This is the point to the objection of my friend from South Carolina, [Mr. ORR.] Sir, let me ask the gentleman, and others here of his way of thinking, to look back through our statutes, and over our appropriation bills, since the first custom-house was ever built by this Government, and point me to a solitary case of an appropriation for such a purpose that was not contained in a general appropriation bill of this kind? Sir, they would not find one—not one—at least, in my searches after truth in that direction, I have failed to hit upon such a case. It makes no difference, in point of principle, in what bill they are placed; the question is, ought the appropriations to be made? and if they ought to be, place them in what bill you please, so that you limit, restrict, and control them in a proper, discreet, and wise manner. I voted against them in the deficiency bill for want of such limitation, restraint, and control; and I then advised the House that, under the circumstances of the case, I would vote for them if so limited, restricted, and controlled. It is quite immaterial to me in what bill they are placed, so be that the public good require them to be in any bill at all. I think it very well, and quite discreet, to keep them in a separate bill, but I do not regard it as indispensable, more especially as a separate bill could not now be passed this session; and they must be placed here, or not passed at all.

Now, sir, I cannot avoid saying to my friend from South Carolina, [Mr. ORR,] who, in his remarks this morning, stated that this bill was an improper one in which to make these appropriations, and who, rather by implication, censured me, and those gentlemen who voted with me, for

placing them in it, that when he undertakes to censure us for that, he censures every Congress who has provided means for a custom-house from the commencement of this Government down. Nay, sir, he censures himself, if he has ever voted for a civil and diplomatic bill since he has been here. Of course, Mr. Speaker, I say this in no offensive sense.

Now, Mr. Speaker, as to another part of this subject, I beg the House to bear with me while I speak of that. As an original proposition—as a new question—I should, by no means, vote for all of these custom houses. I should, as a new and original question, deem it unwise, indiscreet, improper, and ill advised. Some of them, in my opinion, are not very much needed, and ought never to have been commenced. Some of them are in the wrong localities, and could very well be dispensed with. But, Mr. Speaker, whilst that is my opinion in reference to some of these structures, I can but remember, and I ask the House to remember, that this is not a case of inception of legislation; this is not an original, a first action of Congress on the subject; it is only following up—completing the business that has been begun by previous Congresses, and under previous legislation. The only question for us now is, whether, inasmuch as these works have been entered upon and been mostly completed under previous legislation, we shall, like a prudent proprietor, and a thorough business man, complete them properly; or, like a good for nothing, slack, lazy, shiftless, and inefficient individual, whose business is always down at the heel, and something like a ravelled-out old stocking, let these edifices go into dilapidation and decay? Whether we shall let the results of former appropriations for these subjects go into dilapidation and decay, waste away under the slow but sure operations of the weather, and what we have already done become useless, or shall we make these additional appropriations and finish them up in a thorough, workmanlike, and business manner?

Mr. COBB. With the gentleman's permission I would make a single remark. On the Calendar I find as the thirtieth bill, one embracing appropriations for the construction and completion of all these custom-houses. Now, while voting against these appropriations *en masse* as an amendment to this bill, and intending to do so hereafter, yet I am willing to vote for them when they properly come up, and are presented to us, each on its own merits. I have voted against these appropriations combined, and I shall continue to do so. Combined in an amendment to the civil and diplomatic appropriation bill, I shall vote against them. Here on the Calendar, thirty down, stands a general bill for the completion and construction of custom-houses and marine hospitals; and why not wait until we reach it?

Mr. HAVEN. The suggestion of the gentleman from Alabama shows him in a hopeful condition. He has got half right already; he is now on the right road, and I am not without hope that, before we reach a vote on this question, he will right up altogether. I see he goes for the bill with my limitations and restrictions in it. He, like myself, is opposed to placing these moneys under a kind of wild and unregulated discretion. Yet he is in favor of finishing up these works, and saving them from dilapidation and decay, like a prudent proprietor. So far so good. He knows, as we all know, that unless this is done now, and in this bill, it cannot be done this session. His great experience and good sense tells him all of that. And now that his discriminating mind is at work upon this subject, I have great hope—founded on his uniform propriety and appreciation of the fitness of things—that he will vote for closing at once, and forever, this vexed and uncomfortable question, and for keeping this Government from becoming a by-word and a reproach on account of its unfinished edifices, and its fickle and childish course of legislation.

I come back, sir, to the true point. Whilst I frankly confess I believe, as an original question, these appropriations would be, in some cases, unwise and indiscreet, still, that is not the question; that is not the point that presses upon us most closely now. The true question is, having entered upon the work, shall we finish it? I ask this question here again, wholly irrespective of the recommendations of the Secretary of the Treasury.

Mr. JONES, of Tennessee. One question.

Mr. HAVEN. Will my friend wait a moment? I am coming to the point of his inquiry presently. He is shrewd enough to see what is to follow, from the premises I am laying down.

I was saying, sir, that, without regard to the opinions of the Secretary of the Treasury; without respect to any ulterior consideration, having entered on this business, had we not better close it up at once, and put the subject forever at rest?

Mr. JONES. I would ask the gentleman a single question.

Mr. HAVEN. I think I know what the gentleman from Tennessee is intending to ask me. He intends to ask whether I do not know that some of these appropriations are for buildings not yet commenced?

Mr. JONES. I was going to ask you no such question. [Laughter.]

Mr. HAVEN. Very well, then, I yield to my friend to state what it is he is intending to ask me; for I own, now, I cannot guess.

Mr. JONES. I was going to ask the gentleman whether he was not satisfied that there had been a sufficient amount of money appropriated to construct these buildings and to finish them? Have we not already appropriated enough to make them substantial and fire-proof, under the plans adopted by the last Administration? It was enough to make plain, substantial, fire-proof structures; and these additional appropriations are not for finishing and making them fire-proof, but for making them ornamental and magnificent.

Mr. HAVEN. I hardly know how to answer my friend from Tennessee, now I have found out what inquiry he intended to make. The most correct and proper answer I can give him is, that I cannot be satisfied in the way his question implies, because I have no knowledge—no evidence on the subject, except what I find in the report of the Secretary of the Treasury; and everything in that report is very direct and positive, precisely the other way from what the gentleman's interrogatory seems to imply.

Sir, all I know in reference to any of these custom-houses is what I find in our statutes, and in the Executive documents that come to us from the Treasury Department; and these documents assure me that the former appropriations, under whatever assurances they may have been voted by Congress, turn out to be wholly insufficient. What more can I say in reply to the question of my friend from Tennessee. I am not wise, sir, above or beyond what is written in these documents. What am I to know, what can I know, about these matters from any other source? I have never traveled up and down the Mississippi, along the coast of Maine, or around the Gulf of Mexico, to learn whether the Secretary of the Treasury has told us the truth in this behalf in his report. This is a matter that I am willing to leave to the Secretary of the Treasury, when there are no reasonable suspicions raised against him. In matters of this kind, which affect the internal interests of our country, and our domestic affairs, I will take the word of the Secretary of the Treasury when he sends us information, unless I know, or some gentleman here will suggest, he is a false or a dishonorable man, and untrue to his public duties. I hope the House will not deem me indiscreet or singular in this, although I was a little unwilling the other day, on the Mexican treaty bill, to take the Administration at its word, and vote \$10,000,000 without a word of explanation, and under very grave and suspicious circumstances, on the face of the treaty, and resting in the almost universal belief of intelligent gentlemen here, to impeach the transaction, for the purpose of buying territory; where, as the gentleman from Missouri [Mr. BENTON] told us, Kit Carson said a wolf could not get a decent living. Sir, under the circumstances of this case I differ from the pretended friends of the Administration on this floor; for inasmuch as nothing appears to impeach or question the integrity and fair dealing of the Secretary of the Treasury, I am quite willing to take his official word upon this point; for it is his business to communicate information to us upon this and kindred subjects. Whatever may be my political relations towards him, or other men, I thank my innate sense of propriety that I have not descended to that level where I am unwilling to trust the constituted authorities of the country in the ordinary commercial business of the coun-

try, within our own territory, as connected with dollars and cents.

Mr. Speaker, I fear that some of my friends near me are growing a little uneasy, from a desire to get the floor. [Cries of "No!" "No!" "Go on!"] But I know that the majority of the House are willing to listen a little further; for they would not vote for the previous question, when they knew I wanted the floor, a short time since.

I would like to direct the attention of gentlemen who are so irreconcilably opposed to these appropriations, and who, of a sudden, seem to have an erection of conscience on the subject of custom-houses, especially when provided for in a general appropriation bill, to page thirty of this very bill now under consideration. My friend from South Carolina says vehemently, that this House must vote down these appropriations, for it is not fit to place them in this bill.

Now, I will read an item in this bill, on page thirty, and ask the gentleman if he has gone back far enough in his motions to reconsider to quiet that awakened conscience of his:

"For continuing operations on the custom house at New Orleans, \$395,000."

This, Mr. Speaker, is found in this general appropriation bill, and yet it is wholly overlooked, or blankly winked at, by my honorable friend from South Carolina.

On the same page, and only one line below, I find another nice and classic piece of composition, which is, perhaps, still more interesting to my friend from South Carolina. It is as follows:

"For continuing operations on the custom house at Charleston, South Carolina, \$273,000."

Sir, in these two items that I have just read from this very bill, more money is appropriated for the two designated localities than is asked for to complete—not to continue—operations upon all the custom-houses and marine hospitals in this bill—more, sir, than is necessary to put on the mastic, or clapboards, and the slate or shingles, so as to keep out the bad weather, and make them all safe places for the keeping and deposit of the records and papers pertaining to the business of the Government, and the interests of citizens who live under it.

But to go a step further back, Mr. Speaker. I find in the civil and diplomatic appropriation bill of last year an appropriation of \$100,000 for continuing the construction of the custom-house at Charleston; and the very next clause therein that same bill is an item of \$324,000 for continuing the construction of the custom-house at New Orleans.

But, sir, I will pursue this unpleasant line of remark no further. It is a very different case from the one now under consideration; but the only difference, I believe, is, that the sums uniformly go up to hundreds of thousands, and the appropriations are for South Carolina and Louisiana, and not for Maine, or the northern or northwestern lakes, or western rivers. I will make no more invidious comparisons.

Mr. ORR. Will the gentleman allow me?

Mr. HAVEN. Certainly.

Mr. ORR. My friend from New York [Mr. HAVEN] ought to have more fairness than to make the argument which he has just been making to the House. How do these appropriations for New Orleans and Charleston get into the civil and diplomatic bill? It was by the action of that gentleman and the Committee of Ways and Means, of which he is a member, reporting these two appropriations in the original bill. That same Committee of Ways and Means, after examining the reasons which have been assigned by the Secretary of the Treasury in his estimates for the other appropriations to which I have objected, rejected them, believing the reasons assigned insufficient. Did my friend from New York move to reject in the Committee of the Whole the Charleston and New Orleans custom-houses? He knows I could not have made the motion, for I was occupying the Chair when the bill was considered. How do these objectionable items get into the bill? Not by the recommendation, but against the wishes, of the committee of which the gentleman is an influential member; and they were placed on the bill on the motion of an individual member not a member of the Ways and Means, and against their decision. His own committee sustained Charleston and New Orleans, and rejected all the others. I can under-

stand why custom-houses are more necessary upon the coast than in the interior. Every gentleman familiar with the business transacted in custom-houses knows this statement to be true; and the Committee of Ways and Means perhaps acted wisely in making an appropriation for Charleston and New Orleans, and in rejecting the estimates for St. Louis, Cincinnati, and Louisville; for there is infinitely a greater necessity for custom-houses on the coast than in the interior. Every gentleman familiar with our revenue system, and its operations must know that the labor and responsibility is upon the offices on the coast, even where the importation is to be delivered in the interior; for the goods must be transhipped on reaching the rivers or railroads, and bonds for the payment of duties taken by the coast collector, which makes the officers in the interior mere agents to collect the duties assessed and secured on the coast.

Mr. PHILLIPS. May I ask the gentleman from South Carolina a question?

Mr. HAVEN. I am very desirous, Mr. Speaker, of hearing any brief explanation which the gentleman from South Carolina may wish to make. But as to my friend from Alabama, [Mr. PHILLIPS,] I must ask him to be still for the present; he, being a friend to the custom-houses, has no right to speak here. I want to hear gentlemen who are opposed to them; that is the only way to find out and remove the difficulties in the way of these appropriations. My friend from Alabama, I insist, must, therefore, not interfere.

Mr. ORR. The Committee of Ways and Means reported this in the original bill. It was not reported to the House from the Committee of the Whole House on the state of the Union as an amendment at all. The House has taken no separate vote upon it. If it had taken a separate vote upon it, I say to the gentleman from New York [Mr. HAVEN] that I should have registered precisely the same vote with reference to the custom-houses at Charleston and New Orleans as I did with reference to the others; not that I do not believe the appropriations necessary for both these cities, but because I believe that the plan on which they have been projected is entirely too magnificent. I believe that they cost the Government entirely too much money. And I desire the gentleman from New York to understand that I am actuated by principle in voting against these amendments appropriating large sums to erect splendid edifices to beautify and adorn cities, and which the necessities of the service do not demand. Why, sir, there is not a member of the House who is more familiar than is the gentleman from New York himself, with the fact that since 1850 we have "completed" most of these custom-houses every year, the law declaring, in such bills as provides the appropriations, that "no part be used unless it will complete the building," and "to complete the house," &c. Every year there has been an appropriation made to "complete" these custom-houses. In 1850 they say: "Give us a particular sum; that is all that we require." In 1851 the statement is: "Give us a certain amount, and we will certainly 'complete it.'" The same song is sung in 1853; and now, in 1854, the same song is again sung, and we are asked to "complete them" again; and with all the guards put upon these appropriations in my friend's proviso, I fear we shall next year hear the same stentorian cry for more money to "complete" these same buildings.

Now, I have said to the gentleman from New York, as I said yesterday to the gentleman from Kentucky, [Mr. PRESTON,] that if he would make a motion in Committee of the Whole to take up the custom-house bill which he reported, and which contains these very sums, I would vote for its consideration; and if the custom-houses have sufficient merit to warrant appropriations being made for them, let them pass. But I say, do not load down the civil and diplomatic bill with these amendments, the effect of which is to embarrass it, and place many gentlemen here in a false position.

Now, one thing more—

Mr. HAVEN. Oh no! no!

Mr. ORR. I desire the gentleman to hear me on another point.

THE SPEAKER. Does the gentleman from New York insist on his right to the floor?

Mr. HAVEN. My friend from South Caro-

lina [Mr. ORR.] would not withdraw his call for the previous question at my request a few moments ago—

The SPEAKER, (to Mr. ORR.) The gentleman from New York insists on his right to the floor.

Mr. HAVEN. Well, let the gentleman from South Carolina go on a little longer. I always am pleased to hear him.

Mr. ORR. I desire my honorable friend from New York to answer in candor whether it is just and proper for gentlemen here to vote these custom-house items in the bill, making it obnoxious to many gentlemen here, and, when they have thus crammed the bill, desert their own bantling in its last struggle, and vote against it on its passage? Is not such a policy disingenuous? If gentlemen will put in these items, they should feel bound to vote for the bill, and not against it, as many of them did on yesterday. Many of the gentleman's political friends yesterday voted for the custom-houses, and then refused to sustain the bill, attempting thereby to make the bill odious by their votes on amendments, and then throwing the responsibility on the Democrats of sustaining the bill made thus odious by their votes, or of rejecting it, and stopping the wheels of Government. My friend from New York, however, is, I am happy to say, not within that number—first voting on the amendments, and for the bill on its final passage.

Mr. HAVEN. Mr. Speaker, certainly, when I yield the floor to my friend from South Carolina, who has just taken his seat, I do so to the serious injury of my own interest. I have always listened to him with great pleasure, even when I know he is turning my positions; and I desire him to understand that when I hesitate to yield him the floor to speak against me, and for his section of the country, I do so only because of the fact that what he thus puts into my remarks makes such an unfavorable contrast for me, and what I say each side of him, that it always makes me regret my want of ability. He makes my speech nothing but a rough box, in which he incloses his jewels. But, sir, enough of this.

My friend from South Carolina now tells us that the great difference between the necessity and propriety of custom-houses at New Orleans and at Charleston, and those for Cincinnati and St. Louis, is, that the former are on the Gulf of Mexico and the Atlantic coast.

Ay, Mr. Speaker, that is the reason why. It has come out at last; for, "out of the abundance of the heart the mouth speaketh." I feared some such disclosure. I should, perhaps, better say I expected it. Sir, my State is washed by the Atlantic, too; but that fact, I hope, makes no difference with me.

Mr. ORR, (interrupting.) If the gentleman from New York will allow me, I will explain, in justice to myself. The gentleman knows that every vessel from a foreign country, bringing goods for consumption to St. Louis, Cincinnati, and Louisville, must break bulk and be reshipped; for vessels from foreign ports do not ascend the Mississippi as high up as either of these places. He knows that nearly all the trouble and labor grows up out of the importation, examining the invoices, assessing duties, the taking of bonds for payment of duty, in delivering of goods in the interior, all which has to be attended to at the custom-house upon the sea-coast. All of them, I admit, are upon too magnificent a scale; more so than they ought to be.

Mr. HAVEN. The statement as to the mode of doing business at the river ports is familiar to me and to the House, and the only embarrassment I feel in commenting on my friend's statements, is, that, in doing so, I touch upon an old and trite subject, which the House knows all about, and with which I know I shall weary them.

The gentleman's remarks are quite true in reference to some of those places along the Mississippi. I do not institute any comparison; I did not intend to do so; but if my friend forces it upon me, he will excuse me for an inference unfavorable to his argument. I believe the gentleman will find that the money collected for duties at St. Louis, after vessels have passed by all the custom-houses upon the Mississippi below, swells up to an amount, each year, in the aggregate nearly as large, if not larger, than that collected at Charleston, where, for simply "continuing the construction

of the custom-house"—for that is the language of this bill in reference to it—simply "continuing the construction of this custom-house," we have here an appropriation of \$273,000 for this year alone.

Why, sir, there are some places besides those upon the Atlantic coast which have some connection with foreign countries! The little port of Buffalo, where I live, which is obliged to do its custom-house business, I had almost said, in a shed, has more arrivals of vessels directly from a foreign country in one year than the port of Charleston has in two, and more foreign tonnage also. And let me tell my friend, that the commerce of that little port alone is more than equal to one half the amount of the entire foreign commerce of this entire country. Sir, I speak advisedly, and not at random, I believe; and yet we are "whistled down the wind" when we of the North and Northwest ask some of these petty accommodations to do the business of this Government in; and we are told our business is to collect the money for this Government in the best way we can, and to keep our papers, documents, and important records safe and dry in a slab shed, or else let them perish; but let the Atlantic coast and the Gulf have custom-houses, safe, roomy, elegant—magnificent, is my friend's word to describe it—though it be at the cost of these immense sums a year which I have read from this bill. Sir, I do not complain at these appropriations; on the contrary, I have given them my vote.

Mr. ORR. Were there any appropriations in the bill for lake custom-houses?

Mr. HAVEN. My friend puts a very pertinent question. There are not, that I am aware of; but there ought to be.

Mr. ORR. Where, then, is the necessity of the comparison which the gentleman has made between Buffalo and other places?

Mr. HAVEN. The gentleman shall see the pertinency, if not the necessity, of the comparison.

Mr. ORR. The gentleman will perceive a very great difference between places inland, and places at which vessels arrive from foreign ports, without breaking bulk.

Mr. HAVEN. I suppose, sir, that the Committee on Commerce, or whatever committee approved originally of these custom-house grants and appropriations of which we are speaking, in this bill, selected the places for them that, in their judgment, had the greatest need of such accommodations; and if acting correctly on that rule, Buffalo has been so far neglected, with her pressing wants, as I have described them, what can my friend say of the necessity of these accommodations in places selected by reason of their great and more pressing necessities?

But, sir, my friend is always so very seductive in his arguments that I follow him wherever he leads. I would like, however, to have him square his last suggestion with the case of the custom-house of our mutual friend from Alabama, [Mr. PHILLIPS.] His is a custom-house upon the Atlantic coast, or upon the Gulf at Mobile, and which does more business, I fancy, than the custom-house at Charleston. Why is my friend from South Carolina down upon that? I can speak for the Atlantic coast, I trust, as well as for the northern lakes and western rivers. And I plead as readily for this house for the gentleman from Alabama [Mr. PHILLIPS] as I do for the great Northwest.

By some kind of machinery—I leave it for this House to determine what—we voted into this very bill yesterday a large appropriation for completing the custom-house at Richmond. I voted for that, too, because it has been commenced, and must be finished or abandoned. I ask my friend from South Carolina how he can tolerate that measure in this bill? Is it because that is upon the Atlantic coast?

Mr. ORR. Vessels unload at Richmond without breaking bulk or opening their hatches.

Mr. HAVEN. How far is it from the sea?

Mr. ORR. I do not know; perhaps fifty miles. Vessels arrive there without breaking bulk, and without taking up their hatches; and the question of distance is, therefore, unimportant.

Mr. HAVEN. Mr. Speaker, I defer to my friend's superior knowledge of geography, as well as of custom-houses on the Atlantic coast; but I am of the opinion the gentleman may follow the water down from Richmond over one hundred

miles, and still not reach the Atlantic ocean. But, no matter, Mr. Speaker; the point I started upon originally, and the one which was then at issue between myself and my friend from South Carolina, was not whether these appropriations were or were not necessary, as an original question. But the point he made, and on which I took issue, was whether these appropriations—conceding them, for the sake of the argument, to be proper—are admissible in this bill, or whether they shall be turned over to await the slow progress of another bill, in this sultry weather. My friend has led me off very artfully from this point, the true one he made originally, and I have allowed myself to follow him to other and different issues entirely. It has been his practice, this morning, when he found the point taken by himself to be indefensible, to lead me astray upon something else that offered him a better ground of defense.

But now I come back to the point at which I started. The question is: Is this a proper place, or rather an admissible place, to insert these appropriations?

It is not for me to say, under all the circumstances which surround these appropriations, whether they are necessary to complete these houses or not. I will not argue that question this morning. I will, for the present, at least, leave that to the honor and the word of the Secretary of the Treasury, and shall, for my purposes, rely upon that until it is impeached, or I can perceive some ground to suspect him of being false to his great public trust. His statement that they are necessary is quite competent evidence for me, and quite sufficient, unless some gentleman here or elsewhere will gainsay it, or at least breathe an imputation against it. I repeat, the question between us, and the only one I will argue now, is, whether it is allowable, customary, or proper, to make these appropriations in this bill. The Committee of Ways and Means have found a place here in this bill for the Atlantic and Gulf custom-houses; and this House, without a word of objection or opposition, have allowed them to remain there. And this House has voted in the appropriations for Richmond. Why, sir, is not this bill as fitting a place for these custom-houses, for which I speak, as it is for the salt water ones? And I repeat, that, if you will go back, you will find that every appropriation that has ever been made for a similar object has been made in a general appropriation bill, and not in a specific bill. It is true, a bill providing specifically for these houses, and their completion, has been drawn by me, and reported, as I have already stated, during the present session; but any one, who knows anything about the machinery of this House, knows that it is impossible to get separate action this year upon that separate bill. It was not for any reason such as that which induced me to oppose these custom-house appropriations in the deficiency bill. It was for want of these restrictions to accompany them. But no such objection rests upon them in this bill. I myself drew these restrictions, limitations, conditions, and guards, and drew them so that the Secretary of the Treasury could not overstep their limits and boundaries in the exercise of any claimed or assumed prerogative of his, without having the law staring him directly and squarely in the face, and so that, if he should overstep them, he could not have the plea of ignorance or uncertainty in the line of his duty in this regard, should he be brought to trial on an impeachment for violating its plain and obvious provisions. That is the proper ground on which, in my judgment, to place these matters; and with it I was willing then, and am willing now, to have them placed in this appropriation bill. I would not have voted for some of these as original propositions; but having been commenced, I do not think we should abandon them; it seems to me very bad husbandry. Sir, I do not understand how it is that economical gentlemen can blindly, and on a verdant faith, vote for millions to acquire foreign territory, barren rocks, and impassable deserts from Mexico, outside of this Republic, and yet find such unconquerable and stubborn scruples against voting this poor pittance for the benefit of the commercial and domestic interests of these United States. How can these things be, and not excite our special wonder?

Mr. CLINGMAN. I want to make a suggestion to the gentleman from New York; and to the

other members of the committee. I have taken no part in this controversy which is going on, and which has been so ably conducted by other gentlemen. It will be recollected that early in the present session, the House, on my motion, called upon the Secretary of the Treasury for information as to all those custom-houses whose expenditures exceeded the receipts. That document has been furnished to the House; and if gentlemen will look at it, they will find that there are fifty, and probably one hundred custom-houses, in the country, which annually cost us more than all the revenue which is collected at them. It seems to me that this is an evil which should be remedied. I intended to move, and if the gentleman from New York will allow me, I will now move that this bill be recommitted to the Committee of Ways and Means, with instructions for them to report a provision abolishing all those custom-houses which, during a period of say five years—for it would be unjust to take a shorter period—had caused an expenditure for the collection of customs greater than the receipts at such custom-houses. You will find upon examination that there are custom-houses where the expenditure exceeds the receipts by more than ten to one. This is doing a pretty business. If a business man found he was losing a thousand dollars where he was making ten by an operation, would not he be likely to abandon it? I propose therefore, that the Secretary of the Treasury shall ascertain, and report at the next session of Congress, what custom-houses do not pay the cost of keeping them up. Let us abolish them, and we shall then have more money to spend for those which it is necessary for us to maintain.

Mr. STANTON, of Tennessee. If the gentleman will allow me, I will suggest to him that in many of these places all the custom-house machinery is necessary to prevent smuggling.

Mr. CLINGMAN. I have heard that objection again and again. On inquiry, I have come to the conclusion that there is not the slightest force in it. There is no reason on earth for keeping up a custom-house on that account. I admit that there is necessity for revenue officers at some of these points, to prevent smuggling.

Mr. PERKINS, of New York. Will the gentleman yield me the floor for a moment to make a suggestion?

Mr. CLINGMAN. In a little while, when I have got through with the point on which I now am.

Mr. McMULLIN. I object. If the gentleman yields, let him yield altogether; but in my recollection he only holds the floor by the indulgence of the gentleman from New York.

Mr. CLINGMAN. It may be that custom-house officers may be necessary at some points to prevent smuggling. They are not necessary at all these places. If they are, however, the Secretary of the Treasury can report that fact to the next Congress, which may determine whether or not it will keep up these offices there for that purpose alone.

The SPEAKER. With the permission of the gentleman occupying the floor, the Chair will inquire whether a motion has been made to recommit the bill?

Mr. HAVEN. It has not been made. I do not intend to allow it to be made while I am in the possession of the floor.

Mr. CLINGMAN. I only suggested that, if permitted, I would move to recommit the bill, so that the committee might have an opportunity to reexamine its provisions.

Mr. HAVEN. Mr. Speaker, it happens to be my fortune to be drawn out much longer in my remarks than I expected, by other gentlemen "pitching in," as the phrase is, as I go along. I do not intend, while I have the floor, to allow a motion to be made to recommit this bill. I intend to ask the House, with whatever feeble influence I have—and I know that it does not extend beyond the length of my own arms—to vote on this amendment immediately, and then to go to a vote upon the bill itself, and have the matter disposed of before the hour hand reaches three on the face of the clock. There is no use in delay. Sir, this voting and reconsidering, and voting again, in my judgment, betrays great infirmity of purpose on the part of honorable gentlemen here. Is it not a kind of child's play? I hope it will be abandoned.

But I only rose for the purpose of putting myself right before the House and the country, and allowing those gentlemen who have been rather closely crowded on the subject of these custom-houses, a slight hearing, though under most unpromising and discouraging circumstances.

Now, I am not entirely willing to yield my assent to the proposition made by the gentlemen who claim to be so exclusively economical in reference to this subject, although I claim to be as economical a voter as any man may well be in prudence, and ought to be in justice on this floor. Why should you, in all cases, and under all circumstances, abolish or refuse custom-houses, where less revenue is collected than is paid out, any more than you should abolish post offices under like circumstances, any more than you should abolish your courts and court-houses, (where you have any,) or any more than you should get rid of any other institution necessary in the proper management of the business of the country, and which costs money to keep it up? Why, sir, this is not a dollar and cent Government entirely. I would be frugal, and not prodigal, but I would not try and hide all the great interests, sympathies, and destiny of this country under a coined dollar.

Mr. CLINGMAN. The only object for a custom-house, that I know of, is to get revenue. Post offices are to enable everybody to avail themselves of the facilities of easy and rapid correspondence through the mails, &c. As I have already said, that, if there be any special reason for a custom-house at any one point, the Secretary of the Treasury can report that fact to Congress at its next session. But gentlemen will find, on inquiry, that there are a number of little custom-houses all along the coast very close to large ones; that they do no business at all, and that it would be no great hardship to oblige ships to go to the main houses.

Mr. HAVEN. I hear these explanations with great pleasure. Yet I shall not get through with what I wish to say, if I permit further interruptions; and I now give notice that I shall not yield the floor again to any gentleman until I have finished.

The suggestion which has been just made, it seems to me, will hardly "stand fire." I would ask the gentleman [Mr. CLINGMAN] whether he would have these officers removed from places which do not amply pay? Those places would be the very ones, after such removals, where goods would be smuggled, and the country cheated of its revenues. If you keep men at such places you must also have conveniences for them, headquarters, offices, &c. Now, sir, what I was going to add, when interrupted, and it will finish up what I have to say in reference to this matter, was, to ask the gentlemen of this House to come to a vote on these propositions. Let there be no more delay or indecision about it. All have made up their minds on it undoubtedly. I have made up my own mind days ago; and, while I claim to be, and think I am, prudent in reference to things of this class, yet these custom-houses, having been entered upon and partially completed, as I have already said, I am willing to vote these appropriations, less in amount than those in this bill for New Orleans, Charleston, and Richmond. I am willing to vote, and, for one, I will vote, to make a finality of it, to close up this matter, and finish these custom-houses according to the recommendation of the Secretary of the Treasury, and not leave them to be patched and propped up against the storm, and the important papers and records of the country to be protected and kept dry by the shiftless interposition of old hats and bundles of rags in the windows of these neglected and friendless custom-houses. Why this sensitiveness upon this subject on the part of honorable gentlemen here, who vote money without stint and without limit, "without a why or a wherefore," in other cases, where the western and northern commercial and domestic interests of the country are not concerned? Can it be because gentlemen who pretend to be friends of the Administration are, in fact, opposed to it, that they are unwilling to sustain the recommendations of the Secretary of the Treasury?

I have sometimes fancied that it really might be hostility to the Administration which created this unaccountable hostility to the recommendations of the Secretary of the Treasury. Upon that hypothesis I can explain the action of gentlemen.

It would seem to be quite certain that this opposition to the bill must be founded either upon something that we have put into the bill unpalatable to gentlemen upon the other side, or upon something we have failed to put in which they desire to see there. I cannot discover anything that we have put into the bill to make it unacceptable, unless it be these custom-house appropriations, which a majority here have voted for, at least, on four different occasions, separately; in fact, we have all shown an unusual attachment to these houses. It would seem, then, that this great repugnance and aversion to the bill must rest upon something we have failed to put in. Nothing of that class occurs to me, except that we refused to allow the President to appoint the Auxiliary Guard—the petty police officers of the city of Washington. Sir, I am a very liberal man, but I could hardly go to that extreme. I am quite content that the worthy Mayor, however elected, should appoint his own police officers; any other course would smack too strong in favor of the doctrine of intervention even for me.

In conclusion, however, Mr. Speaker, allow me to add that I hope the House, whatever vote they may give upon these custom-houses and this bill, will, at least, do me the justice to remember that the stand I have taken on these custom-house appropriations from the beginning, and which I occupy now, is, that I will not vote this money, and trust it to a loose, shiftless, and unregulated discretion, without guard, check, limitation, or restriction; but with these guards, checks, limitations, and restrictions, I will vote money to complete what the wisdom of prior Congresses have induced them to commence and prosecute nearly to a completion. I am ready now to vote.

Mr. PRESTON. We who are in favor of this amendment have received but little toleration from the gentlemen opposed to its passage. I would not again offer any remarks relative to the matter, if the five minutes I asked in vain from the gentleman from South Carolina, [Mr. ORR,] who took the initiative this morning in reviving the bill, had been granted to me; but, contrary to his usual courtesy, the favor I demanded was denied. If this amendment be reconsidered and rejected, and the custom-houses again expunged from the bill, this House will, for a second time, stultify itself by retracing its course, and revoking grants for necessary public works, after each item in the amendment has been separately discussed, and separately adopted.

The gentleman from South Carolina [Mr. ORR] attributes the failure of the bill, yesterday, to the insertion of the amendment in relation to custom-houses. After the action of this House he has no grounds for the assertion, and I reiterate, in no spirit of banter, that it was one of the elements of vitality that the bill possessed, and yet possesses. It has been the fashion in this discussion, for some gentlemen to leave the true issue presented for the consideration of the body, which is simply whether we will grant these additional sums to render fire-proof, and properly complete, these buildings, and denounce the original appropriations made for the custom-houses in the West. I dissent entirely from this opinion. None of these fall within that class of custom-houses alluded to by the gentleman from North Carolina, [Mr. CLINGMAN,] who stated that some of them do not pay the expenses of their maintenance and administration. There are some falling within this description upon the Atlantic coast, but none in the valley of the Mississippi.

The custom-house at St. Louis, which has been sneered at, pays into the Federal Treasury more than \$300,000 a year, and is increasing every hour in its contributions to the revenue, and yet gentlemen decry it as a *western* custom-house, while they are willing to vote liberal appropriations for those on the Atlantic coast which do not yield a tenth of the sum. The original object of the appropriations made for their construction was to afford to the cities of the West the facilities for a direct trade with foreign countries, and diffuse its benefits. Many of the most eminent citizens of South Carolina, not many years since, sought to decentralize the vast direct trade that New York possesses, and by opening railroads from Charleston to Louisville and Cincinnati, to divert southward the vast trade of the valley of the Ohio. The endeavor was legitimate and commendable; and why should the cities of the West be cen-

sured, if from similar motives, they seek to establish a direct trade with Europe and foreign countries, and ask for the requisite commercial facilities?

To illustrate the advantages of this direct trade, I would remark that the present condition of the trade of St. Louis affords us an example. If we take the duties at an average of twenty per cent., and estimate the profits received by the importing merchants in the great Eastern cities at only ten per cent., then, if St. Louis pays in round numbers \$300,000 a year in tariff duties on \$1,500,000 of imports, then that city escapes factories and the profits of importers to the amount of \$150,000 per annum, and so on in proportion, as the profits of the importer on the Atlantic are above ten per cent. The same remarks will apply to the trade of Pittsburg, Cincinnati, and Louisville, and the consequence is, that a large direct foreign trade has already been established by these cities, and hundreds of thousands are now paid by them annually into the Treasury of the United States, when, five years since, they had no foreign trade, nor did they pay any revenue to the Government.

I am happy to say, in this connection, that unless my memory deceives me, the Representatives from New York and the eastern commercial cities, have, with great generosity and liberality, heretofore assisted the southwest in these endeavors, while the most strenuous opposition we have encountered, has come from the gentlemen of the southern Atlantic States. The most vigorous and unrelenting adversary we have had, is my friend from the Rockbridge district of Virginia, [Mr. LETCHER,] who represents a constituency in the mountains, who know little of ships or steamboats, and for aught I know, imagine a custom-house to be some sort of commercial monster, and yet he lectures us in the West upon our commercial interests, and opposes appropriations necessary to our wants.

For my own part, I concur in the view of the gentleman from Missouri, [Mr. BENTON,] and think if we do construct these custom-houses, we should not build them so that they may burn down, but so that they may not burn down. I do not wish that they shall remain the perishable monuments of an unwise parsimony, but solid, useful, and enduring testimonials of the wisdom and power of the Republic. The gentleman from Tennessee, [Mr. JONES,] who seems governed by an indiscriminate economy, says that if these appropriations were needed to build good, sound, substantial buildings, he would vote for them, but that he understands they were all for ornamental work. I do not so understand the matter; as we are informed by the Secretary of the Treasury that the money is necessary for the solidity and safety of the buildings. But even if the money is needed for appropriate architectural ornaments, I am not opposed to giving it. Would the gentleman have us absolutely reject the ornamental and the beautiful in our public buildings? Are we to have all the walls of our public buildings destitute of all architectural embellishment, and as plain as those of a powder magazine?

Mr. JONES, of Tennessee. I will ask the gentleman from Kentucky, if the custom-house at Louisville is not on the corner of a square, two sides of it fronting two streets, and the other two sides fronting narrow alleys? I ask him if the appropriations heretofore made for it, are not sufficient to finish that building in a fire-proof manner, with granite and marble fronts on the streets, and with brick on the walls facing the alleys? And I ask him, whether this additional appropriation is not to put the same material on the walls facing those alleys as on the walls facing the streets?

Mr. PRESTON. In reply to the questions of the gentleman from Tennessee, I will say, that, as to the custom-house at Louisville, the Secretary of the Treasury had money enough a year ago, in all probability, to complete the building. The preceding Secretary [Mr. Corwin] would not close the contracts at the last hours of his official term, because it might have been thought that he exhibited an undue anxiety in doing so. This I considered in him a commendable delicacy. He did not act upon these contracts, although the bids for the Louisville custom-house were in, and covered by the appropriations, because, as I have said, it might be considered that he had shown an im-

proper eagerness if he had accepted them at the last hour, before retiring from office.

The contracts not having been accepted and closed by Mr. Corwin, Mr. Guthrie, after he entered office, published new advertisements for other proposals. The old bids were somewhere between \$162,000 and \$179,000. In the interim, the rise in the price of labor and materials, and some additional work which was necessary to complete the building, made the new contracts some \$40,000; and this is the sum the Secretary now asks. I cannot certainly answer the question of the gentleman from Tennessee, [Mr. JONES,] but I think he may be right. He describes the locality of the custom-house at Louisville correctly. It stands at the corner of two streets; but the other two sides are exposed to view; and if the fact stated by the gentleman from Tennessee [Mr. JONES] is correct, that this money is needed by the architect for the stone facing of the wall, it undoubtedly should be granted. If only two sides of the building are faced with stone, it would be as absurd a botch as a linen shirt with a cotton bosom. I have had no correspondence with the architect, and therefore cannot answer definitely his inquiry.

Mr. JONES, of Tennessee, (interrupting.) If I mistake not, it was one of the remarks of the present Secretary, that it looked like botch-work.

Mr. PRESTON. The idea may be the Secretary's, but I claim a patent for the illustration. [Laughter.]

Mr. JONES. The gentleman may wear shirts all of one piece; but if he will examine the members of this House, he will find that most of them wear cotton shirts with linen bosoms; and he will find, also, that ninety-nine out of a hundred of his constituents do the same thing. [Renewed laughter.]

Mr. PRESTON. The gentleman exactly mistakes. I said a linen shirt with a cotton bosom. My illustration, my idea is, that to put such a mean front to such a good building would be like putting a cotton bosom to a linen shirt.

But, sir, I must be on my guard, or I will be led off as the gentleman from New York was by the gentleman from South Carolina, [Mr. ORR,] by the blandishments of the gentleman from Tennessee; and I must confine myself to matters relevant to the amendment. I stated that the growing foreign trade of the valley of the Mississippi required the extension of this machinery of commerce to that region, and that none of the custom-houses in it fell within the animadversion of the gentleman from North Carolina, [Mr. CLINGMAN,] that they were not able to pay the cost of their maintenance.

Mr. CLINGMAN. As my friend alludes to this subject again, I would like to make a suggestion in reply to the remarks of the gentleman from New York, [Mr. HAVEN.]

Mr. PRESTON. I would cheerfully give way to the gentleman from North Carolina, [Mr. CLINGMAN,] but I know he will excuse me until I can offer some remarks in addition before I resume my seat. I find it very difficult, under this style of debate, to adhere to the subject; for no sooner is one topic presented than some gentleman broaches another; and no sooner do I advance a proposition that might possibly benefit my cause, or trouble its adversaries, than some one of them rises and opens some irrelevant matter to decoy me from the place, as a partridge flutters from one copse to another to allure the hunter from the neighborhood of her nest.

The gentleman from South Carolina, [Mr. ORR,] in reply to the inquiries as to the motive for retaining in the bill the Richmond custom-house appropriation, while the sums given to Mobile and the western custom-houses are objected to, says that Richmond is on the Atlantic coast, and the others are inland; and says that Richmond is thirty or forty miles from the sea. This is a singular geographical mistake. Richmond is more than a hundred miles from the mouth of James river. I am not opposed to the Richmond house, nor do I make this allusion in any unfriendly spirit. I have voted for the appropriation to her custom-house, and would do so again.

Mr. ORR. If the gentleman will allow me, I will say that I did not vote for the Richmond custom-house appropriation. I only apologized for it.

Mr. PRESTON. Very well. The gentleman did not vote for the appropriation for the custom-house at Richmond, but he admits it to the benefits of the bill from which he desires to exclude us, and to assist the parliamentary tactics by which he proposes to revive this bill, and make this House to-day reject the very appropriations they deliberately granted yesterday, and we are again to reverse our whole action to conform to the opinion of a part of the Committee of Ways and Means. I shall not vote for any such course, and I trust the House will not, unless some better reason is assigned than we have heard.

Now, what is the fact in regard to Mobile? Is Mobile further from the Atlantic than Richmond; for distance from the Atlantic seems to be made the touchstone by which these appropriations are to be regulated?

Mr. ORR. When I spoke of the Atlantic I included the Gulf. Of course the same reasoning will apply to one that applies to the other. Vessels come directly from foreign countries to ports on both.

Mr. PRESTON. I ask the gentleman whether he considers the commerce upon our inland seas, as Mr. Calhoun styled the western lakes and rivers, of sufficient importance to entitle them to these facilities?

Mr. ORR. "Sufficient unto the day is the evil thereof." When a question comes up which shall make it necessary to determine whether the Mississippi river is an inland sea, I shall take great pleasure in answering the gentleman's question.

Mr. PRESTON. Well, sir, it comes simply to this, that the Atlantic custom-houses are to be put in, and the western custom-houses are to be put out. Notwithstanding the Administration have recommended these appropriations, notwithstanding the Senate have approved them by inserting them in the deficiency bill, notwithstanding we have twice inserted them, once in the deficiency bill, and once in this, by votes in the committee and in the House upon yeas and nays, and notwithstanding the Committee of Ways and Means have themselves approved and recommended these appropriations in a separate bill, yet we are still told that it is improper to provide for these appropriations here, but that they should be rejected. This, sir, has been the very bill upon which all appropriations for these custom-houses, and all that have ever been erected on the Atlantic coast, were ingrafted. There never was, in all the legislation of the past sixty-five years, any other vehicle for such grants. The Committee of Ways and Means, for the first time it has ever been done, have reported a separate bill, and we are ordered to wait for that. We know, sir, we never will reach that bill. To use the forcible illustration of the gentleman from Missouri, [Mr. BENTON,] when we desire to provide for the completion of the western custom-houses, the chairman of the Committee of Ways and Means gravely informs us that the seats are occupied, and shuffles us from place to place like the landlord of a crowded hotel, and in the end we find all of the Atlantic custom-houses comfortably provided for, and our western appropriations left in the lurch.

Mr. HOUSTON. The gentleman surely would not put me in a false position. If he will reflect for one moment, he will recollect that, in every instance, during the present session of Congress, I have opposed those appropriations alone upon the ground that I did not believe them to be necessary. That is the ground upon which I oppose them now. I do not believe they are necessary; but if they are to be made, I do not care what bill they are attached to. I do not care whether they are made on this or any other bill.

Mr. PRESTON. I admit that the gentleman has been constantly opposed to these appropriations, and upon the grounds assigned by him; and am glad to learn that he is indifferent which bill contains the amendment, if it is determined to insert it. Now I come to this point: Nobody can doubt that there has been a feeling of dissatisfaction against the Secretary of the Treasury, and his estimates. Now, when the gentleman from Kentucky [Mr. STANTON] got up this morning, he surprised me by reproaching the seventeen Whigs who voted for the custom-house amendment; and then refused to vote for the bill on its final passage; and assigning it as a reason for the alteration of his vote. I would ask him what did the remainder

of the friends of the custom-houses do? They and I voted for the bill.

I have not made the calculation; but were there not as many of the friends of the custom-houses in proportion who voted for the bill, as there were Democrats who voted for it, and were the seventeen Whigs who, as he says, voted against the bill, a larger number in proportion to our strength than of Democrats who voted to amend the bill, and afterwards voted against it? As a matter of course, a bill like this, in its transit through the House, must always add friends and create enemies, and any perfect consolidation of vote is not to be anticipated.

There are some other considerations warranting these appropriations, as the buildings will not only serve as custom-houses, but will afford the requisite court rooms for the United States courts, post offices, surveyors' offices, &c. But I will premit any allusion to these topics as in some former remarks I mentioned them; but, sir, I will say that the sums which will be saved in the shape of exemption from rents to the United States Government will, almost in themselves, justify these appropriations, apart from the use of the buildings to which I have before alluded.

Mr. PRESTON demanded the previous question.

Mr. BENTON. With the gentleman's permission, I would say a few words.

Mr. PRESTON. I yield the gentleman the floor, as I promised so to do.

The SPEAKER. The gentleman can yield for explanation, but not for a speech.

Mr. PRESTON. I yield the floor temporarily, still retaining my right to it.

Mr. BENTON. This seems to be the case of Jonah. Jonah, we all have heard, was thrown overboard to save the ship; but there was a whale hard by, which received him, and took him to land. Now, whether there is any whale here to save these custom-houses, is more than I am able to say. But certain it is, sir, that we are in the condition of Jonah and the ship. Throw him overboard to save the ship, was the cry. So, throw these custom-houses overboard, to save the general appropriation bill. It was said that it was the last ounce that broke the camel's back; but what is this ounce for the river custom-houses compared with the amount in the bill, and compared with the appropriations carried through here to bolster up Santa Anna? It is an ounce compared to tons, with what is in the bill, and what is carried through here like a flash.

Mr. McMULLIN. I rise to a question of order. The gentleman from Kentucky [Mr. PRESTON] being entitled to the floor, has no right to transfer it to the gentleman from Missouri except for explanation.

The SPEAKER. That is the rule of the House; and, being called on to execute it, the Chair must decide the course of remark indulged in by the gentleman from Missouri out of order.

Mr. PRESTON. I am a little surprised at the call to order. I yielded the floor to the gentleman from Missouri because I had made statements in relation to a matter in which he and his constituents are deeply interested; and I desired to afford him an opportunity to make an explanation of the matter. It is a privilege which has been accorded to every gentleman upon this floor.

The SPEAKER. Does the gentleman from Kentucky desire to appeal from the decision of the Chair?

Mr. PRESTON. No, sir; I intend to proceed with my remarks. If the gentleman from Missouri desires the floor for explanation, my time is again at his service; and if he transgresses the rules of order, I shall again claim my time.

Mr. BENTON. If it is objected that I shall speak of the custom-house in my own city, I am willing to give up the floor. I shall make no false pretenses. I do not desire to make any personal explanation.

The SPEAKER. The Chair is very well satisfied that the gentleman from Missouri will not attach blame to the Speaker for the execution of the rule.

Mr. BENTON. I was not making a personal explanation, and I shall tell no lie about it.

The SPEAKER. The Chair desires to know if the gentleman from Missouri objects to the ruling of the Chair?

Mr. BENTON. I have not made any personal explanation, and I am not going to do it.

The SPEAKER. The gentleman from Missouri, then, is evidently out of order.

Mr. PRESTON. I have said all I desire to say upon this subject. It strikes me that about an equal number of gentlemen have been heard upon both sides. After the gentleman from Missouri has been denied a right which has been accorded this morning, and for years, in this Hall, I feel inclined to terminate this debate, and, therefore, I demand the previous question.

Mr. McMULLIN. I rise to a privileged question. I move that the House resolve itself into a Committee of the Whole House on the Private Calendar.

Mr. ORR. I do not rise to make any remarks in reference to the question under consideration; but I ask the gentleman from Kentucky to withdraw the demand for the previous question, that I may say a single word of explanation.

Mr. LETCHER. I should like to appeal to the gentleman from Kentucky to give me an opportunity for a single word of reply.

Mr. PRESTON. I do not feel inclined to withdraw it.

Mr. McMULLIN. If gentlemen think they can dispose of this bill to-day, I will withdraw my motion to go into a Committee of the Whole House on the Private Calendar.

The motion was accordingly withdrawn.

The SPEAKER. The Chair desires to correct himself in respect to a point of order in this immediate connection. It has been the custom—as gentlemen here know—under the operation of the previous question, to reconsider the votes upon amendments to bills before the body. The Chair intimated, and repeated to-day, that, under the circumstances connected with this bill, such motions to reconsider amendments could not be in order, except as to the amendment then pending before the body; and that if the previous question were sustained, the House would be bound to vote first upon the adoption of the pending amendment, and then upon the engrossment of the bill. The Chair decides, that, according to the practice of the House, it is competent, notwithstanding that the previous question may have been ordered, to reconsider other amendments that have been adopted by the House to this bill.

The previous question was then seconded, and the main question was ordered to be put, being "Shall the pending amendment be adopted?"

Mr. WASHBURN, of Illinois. On that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SEWARD. I should like to know what amendment it is that is now pending?

The SPEAKER. It is in relation to the St. Louis, Louisville, and other custom-houses; and the question is, "Shall that amendment be adopted?"

Mr. COBB. I desire to know whether the Speaker adheres to his former decision, that the question is not divisible? Does he still stick to that?

The SPEAKER. The Chair has no doubt at all about it. It is not divisible. That is the rule.

Mr. COBB. I had hoped that the Chair would change his opinion in that respect.

The question was then taken; and it was decided in the affirmative—yeas 77, nays 74; as follows:

YEAS—Messrs. Abercrombie, Ashe, Banks, Bell, Bennett, Benson, Benton, Bliss, Carpenter, Caruthers, Caskie, Chandler, Clark, Corwin, Curtis, Cutting, Thomas Davis, Dick, Disney, Eastman, Edmonds, Everhart, Farley, Fenton, Flagler, Florence, Franklin, Fuller, Green, Aaron Harlan, Harrison, Haven, Hemen, Hill, Howe, Johnson, Kerr, Kidwell, Knox, Latham, Lindsey, Lindsey, Mace, Matteson, Mayall, Middewarther, John G. Miller, Morgan, Norton, Mordecai Oliver, Parker, Phillips, Preston, Reese, Riddle, David Ritchie, Rogers, Russell, Sabin, Sapp, Shannon, Gerrit Smith, Frederick P. Stanton, Hester L. Stevens, John L. Taylor, Nathaniel G. Taylor, Thurston, Upham, Wade, Walbridge, Walley, Elihu B. Washburne, Isreal Washburn, John Wentworth, Wheeler, Yates, and Zollicoffer—77.

NAYS—Messrs. Aiken, James C. Allen, Willis Allen, Barksdale, Bocock, Boyce, Bridges, Brooks, Chamberlain, Chas. Cain, Churchill, Clingman, Cobb, Colquitt, John G. Davis, Dawson, Dent, Dowdell, Edmundson, Ellison, English, Faulkner, Goode, Greenwood, Grow, Hastings, Hendricks, Hillyer, Houston, Daniel T. Jones, George W. Jones, Roland Jones, Kirtledge, Lamb, Letcher, Lilly, McCulloch, McMullin, McNair, McQueen, Maxwell, Milroy, Morrison, Murray, Nichols, Noble, Olds, Orr, Packer, Bishop Perkins, John Perkins, Powell, Pratt, Puryear, Ready, Rufin, Seward, Seymour, Shaw, Shower, Single-

ton, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Richard H. Stanton, Stratton, John J. Taylor, Trout, Vail, Vansant, Walsh, and Daniel B. Wright—74.

So the amendment was adopted.

Mr. DENT. I rise to a privileged question. I voted against the appropriation for the Little Falls bridge over the Potomac. I learn from the friends of that measure that its merits were not properly considered, or that it should—

The SPEAKER, (interrupting.) The gentleman must know that debate is not in order.

Mr. DENT. Very well; I will say nothing more about it. But I move to reconsider the vote by which the appropriation of \$75,000 for the Little Falls bridge was rejected.

Having made that motion, I desire to ask a question of the Chair.

Have I a right, with the view of saving the time of the House, to call for the previous question on my proposition?

The SPEAKER. The previous question is already operating, and no debate is in order. The vote must be taken without debate.

Mr. WALSH. I ask for the yeas and nays on that motion.

The yeas and nays were not ordered.

Mr. SMITH, of Virginia, called for tellers.

Tellers were not ordered.

The question was then taken on Mr. DENT's motion; and it was disagreed to.

The question then recurred upon ordering the bill to be engrossed and read a third time.

Mr. HENN. I wish to inquire of the Chair whether, on a motion to reconsider a vote, there is any chance to amend or debate?

The SPEAKER. None whatever.

Mr. HENN. I understood the Chair had reversed his former decision.

The SPEAKER. The Chair decides that it is in order to move to reconsider any vote taken yesterday under the operation of the previous question; but it must be done without debate.

Mr. PERKINS, of Louisiana. I wish to move to reconsider the appropriation of \$4,800 for the London consuls.

The SPEAKER. Was that acted upon yesterday?

Mr. JONES, of Tennessee. It was in the original bill, and was not an amendment at all.

The SPEAKER. That being so, it cannot be reconsidered.

Mr. JONES, of Tennessee. I move to reconsider the vote by which the thirty-eighth amendment was agreed to; and upon my motion I ask the yeas and nays.

The thirty-eighth amendment was as follows:

For yeas voted to the members of the Thirty-third Congress by the joint resolution of 24th February, 1854, and the resolution of the House of the 26th June, 1854, \$199,510 87.

The yeas and nays were not ordered.

The motion to reconsider was then put; and disagreed to.

Mr. WENTWORTH, of Illinois. I move to reconsider all the other amendments which were adopted yesterday. I voted for them all; and I also move to lay the motion to reconsider upon the table, so that we may get at the passage of the bill.

The SPEAKER. The Chair cannot entertain the proposition. A motion to reconsider all at the same time is not in order.

The bill was then ordered to be engrossed and read a third time; and being engrossed, was subsequently read the third time.

Mr. WENTWORTH, of Illinois. I move the previous question upon the passage of the bill.

The previous question was seconded, and the main question ordered to be now put.

Mr. BRIDGES. I demand the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 92—nays 67; as follows:

YEAS—Messrs. Abercrombie, Aiken, Appleton, Ashe, Banks, Belcher, Bell, Bennett, Benson, Benton, Bliss, Brooks, Bugg, Carpenter, Caruthers, Caskie, Chandler, Clark, Curtis, Cutting, Thomas Davis, De Witt, Dick, Disney, Edmonds, Edmundson, Everhart, Farley, Faulkner, Fenton, Florence, Franklin, Fuller, Giddings, Goode, Green, Greenwood, Aaron Harlan, Harrison, Haven, Hemen, Houston, Howe, Ingersoll, Johnson, Roland Jones, Kerr, Kidwell, Kirtledge, Latham, Lindsey, Lindsey, May, Mayall, John G. Miller, Milton, Noble, Mordecai Oliver, Orr, Packer, Phelps, Phillips, Pratt, Preston, Reese, Riddle, David Ritchie, Thomas Ritchey, Sabin, Sapp, Seymour,

Shannon, Shower, Gerrit Smith, Samuel A. Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, David Stuart, John L. Taylor, Thurston, Upham, Wade, Walbridge, Walker, Walley, Israel Washburn, John Wentworth, Westbrook, and Wheeler—92.

NAYS—Messrs. James C. Allen, Burksdale, Bocoock, Boyce, Bridges, Chamberlain, Chastain, Churchwell, Clingman, Cobb, Colquitt, Corwin, John G. Davis, Dent, Dowdell, Eastman, Eddy, English, Flagler, Grow, Hastings, Hendricks, Hill, Hillyer, Daniel T. Jones, George W. Jones, Knox, Lamb, Letcher, Lilly, McCulloch, McMullin, McNair, McQueen, Mace, Macy, Matteson, Maxwell, Middleswarth, Morgan, Murray, Nichols, Norton, Olds, Parker, Bishop Perkins, John Perkins, Powell, Puryear, Ready, Ruffin, Russell, Seward, Shaw, Singleton, Stratton, Andrew Stuart, John J. Taylor, Nathaniel G. Taylor, Trout, Vail, Vansant, Walsh, Elihu B. Washburne, Daniel B. Wright, Yates, and Zolltcoffer—67.

So the bill was passed.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by ASBURY DICKENS, Esq., their Secretary, informing the House that the Senate had passed bills of the House of the following titles:

H. R. No. 164. An act making further appropriations for continuing the construction of roads in the Territory of Minnesota, in accordance with the estimates made by the War Department, with an amendment, in which he was directed to ask the concurrence of the House;

H. R. No. 119. An act to provide for the continuation of the military road from Myrtle Creek to Scottsburg, in Oregon;

H. R. No. 291. An act for the construction of certain military roads and wells in the Territory of New Mexico;

H. R. No. 294. An act for the payment of the civil officers employed in the Territory of New Mexico, while under military government;

H. R. No. 339. An act to authorize the Secretary of War to settle and adjust the expenses of the Rogue River Indian war;

H. R. No. 340. An act to provide for the construction of a military road in the Territory of Utah; and

H. R. No. 341. An act to refund to the Territory of Utah the expenses incurred by said Territory in suppressing Indian hostilities.

Also, that the Senate had passed bills and a resolution of the following titles:

S. No. 129. An act to authorize the sale of reserved lands, and for other purposes;

S. No. 341. An act to revive, for a limited time, an act in relation to donations of land to certain persons in the State of Arkansas; and

S. R. 18. A resolution authorizing the Secretary of the Territory of New Mexico to adjust and pay to Juan C. Armijo, José L. Perea, and James L. Collins, the amount by them loaned to the Legislative Assembly of the Territory of New Mexico, under authority of a joint resolution of that body, approved the 17th of June, 1851, in which he was directed to ask the concurrence of the House.

ENROLLED BILLS.

Mr. HENN, from the Committee on Enrolled Bills, reported as correctly enrolled bills of the following titles; which thereupon received the signature of the Speaker:

An act for the relief of the Utica Steam Woolen Company; and

An act to establish the office of surveyor general of New Mexico, Kansas, and Nebraska, and to grant donations to actual settlers therein, and for other purposes.

RICHARD W. MEADE.

The SPEAKER. The question now is on the motion to lay upon the table the bill "for settling the claims of the legal representatives of Richard W. Meade, deceased." The Committee of the Whole House reported it on Saturday last with a recommendation that it do not pass, and the gentleman from Tennessee [Mr. Jones] moved that the bill lie upon the table.

The question was taken; and it was decided in the affirmative.

So the bill was laid upon the table.

Mr. JONES, of Tennessee. I move to reconsider the vote by which the bill was laid upon the table; and that that motion be laid upon the table. The latter motion was agreed to.

Mr. DAVIS, of Indiana. I move that the House do now adjourn.

The motion was agreed to; and thereupon the House (at three o'clock, p. m.) adjourned till tomorrow, at twelve o'clock, m.

HOUSE OF REPRESENTATIVES.

SATURDAY, July 8, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

SAN FRANCISCO CUSTOM-HOUSE.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, in reference to the protection of the title to the site for a custom-house at San Francisco, and the appropriations necessary to secure the construction of said building; which was referred to the Committee of Ways and Means, and ordered to be printed.

Mr. HENDRICKS. I move that the House resolve itself into a Committee of the Whole House on the Private Calendar. I wish to suggest that, as yesterday was objection day, and as that day was lost to the consideration of unobjectionable bills, we now, by unanimous consent, proceed to the consideration of cases to which there are no objections. I will state, also, that we nearly went through the Calendar, I believe, upon the last objection day; and after finishing the bills still remaining which are not objected to, we can then turn to the cases to which objections are made.

Mr. CLINGMAN. I agree to it, with the understanding that we commence at the beginning of the Calendar; for there may be many cases where the objections have been withdrawn by the gentlemen who made them. If the gentleman from Indiana will agree to that course, I will make no objection.

Mr. HENDRICKS. The rules of the House require that we should commence where we left off last objection day.

Mr. CLINGMAN. I object, unless we commence at the beginning and go through the Calendar regularly.

Mr. HENDRICKS. If objection is made to the consideration of that class of private claims to which no objections are made, I withdraw the motion; for we can do no good by going into a Committee of the Whole on the Private Calendar and taking up disputed cases.

Mr. McMULLIN. I call for the regular order of business.

DAVID MYERLE.

As the first business in order, Senate bill "for the relief of David Myerle" was taken from the Speaker's table, read a first and second time by its title, and referred to the Committee on Naval Affairs.

CLAIM IN THE BASTROP GRANT.

The bill next in order, entitled "An act to confirm the claim of William H. Henderson and the heirs of Robert Henderson, to five hundred acres of land in the Bastrop grant," was also taken from the table, and read a first and second time by its title.

Mr. JONES, of Louisiana. I should like to put that bill upon its passage; and I will state the reasons for it, if the House will indulge me for a moment.

Mr. McMULLIN. To save time, I will inform my friend that I object to its consideration.

Mr. JONES. I am sure that the gentleman from Virginia will have no objection to the consideration of the bill, if he will hear my reasons.

Mr. McMULLIN. I cannot withdraw my objection.

The SPEAKER. The gentleman from Virginia seems not to have noticed the fact that the bill is regularly before the House.

Mr. JONES. The statement I wish to make is this: It will be recollected that a few days ago, the House indulged me by passing a bill to confirm the title to certain lands in the Bastrop claim. The effect of the passage of that law will be to put into market all the balance of the lands which were not confirmed by it. The claim now before the House was considered by the commissioners, who made a report in regard to the other claims. They recommend that Congress shall pass a law for the benefit of this claimant. They were unable, however, to report favorably upon the claim, for the reason that it did not come within the provisions of the law of 1841. In other words, the claimants were not able to do what the law requires, namely: to furnish proof here before the commissioners, of occupation and cultivation, for

twenty years. They were only able to prove it for eighteen years. But evidence has been furnished since that time to show occupation and cultivation for twenty years.

Now, if the claimants do not get relief at this session of Congress; if the bill be not passed at this session, the effect of its failure will be, that the lands in question will be surveyed and put into the market, and the claimants will be forced to purchase them at perhaps a very large price. That is the reason why this bill ought to be passed now. I may further state to the House, that this bill has passed the Senate; and, also, that it was referred to the Committee on Private Land Claims of the House, and that committee have also reported a bill to the same effect as the Senate bill.

Mr. MATTESON. Is there a written report?

Mr. JONES. There is. The House will perceive, from what I have just said, that the Senate has acted favorably on this claim, and that the Committee on Private Land Claims has also acted favorably upon it.

Mr. LETCHER took the floor.

The SPEAKER. Does the gentleman from Louisiana yield to the gentleman from Virginia?

Mr. JONES. Certainly, sir; and I may here take occasion to say, that that gentleman has investigated this claim, and he is satisfied with the justice of it.

Mr. LETCHER. Some time ago my friend from Louisiana called my attention to these claims on the Bastrop grant, and I examined this one among others. I have no hesitation in saying, from that examination, that if ever there has been a claim which ought to be allowed by this body, this claim seems to be one of them. I call for the previous question.

The previous question was seconded, and the main question ordered to be put.

The bill was then ordered to be read a third time, and was accordingly read the third time.

Mr. HENDRICKS asked for tellers on the passage of the bill.

Tellers were ordered; and Messrs. KERR, and JONES of Louisiana, were appointed.

The question was then taken; and the tellers reported—ayes 120, noes 6.

So the bill was passed.

ALEXANDER G. MORGAN.

Mr. HOWE. As it is necessary that I should be absent from this city, I ask the unanimous consent of the House to allow me to make a report from the Committee on Military Affairs, for the purpose of reference, and that the report may be printed.

There was no objection, and Senate bill for the relief of the heirs and representatives of Colonel Alexander G. Morgan, was reported back from the Committee on Military Affairs, referred to a Committee of the Whole House, and ordered to be printed.

CUSTOM-HOUSE AT ALEXANDRIA, VA.

On motion by Mr. APPLETON, it was

Ordered, That the Committee of Ways and Means be discharged from the further consideration of the petition of citizens of Alexandria, Virginia, for the erection of a custom-house in said city, and that said petition be referred to the Committee on Commerce.

SENATE BILLS REFERRED.

The following Senate bills were then taken up from the Speaker's table, read a first and second time by their titles, and referred as indicated below:

An act for the relief of Frederick Vincent, administrator of James Le Caze, survivor of Le Caze & Mallet. Referred to the Committee of Claims.

An act (No. 369) for the relief of the legal heirs and representatives of Colonel John Anderson. Referred to the Committee on Public Lands.

An act (No. 415) for the relief of Phineas M. Nightingale, administrator of the estate of General Nathaniel Greene, deceased. Referred to the Committee on Revolutionary Claims.

An act (No. 381) for the relief of William Brown. Referred to the Committee on Invalid Pensions.

Mr. FAULKNER. I now move, with the consent of the House, that the Speaker call the committees for reports upon private bills.

Mr. THURSTON. I object, and move that the House resolve itself into a Committee of the Whole on the Private Calendar.

MILITARY RESERVATIONS.

Mr. MAXWELL. I ask the gentleman from Rhode Island to withdraw that motion, to enable me to ask the consent of the House to take from the Speaker's table another bill—a general bill, but one to which I presume there will be no objection in the House upon a very slight explanation, or with no explanation at all. The bill is to bring into market lands reserved for military purposes, where the military stations for which they were reserved have been abandoned by the Government. The bill is general in its provisions, applicable to other States as well as Florida. The lands were reserved for the benefit of military stations then occupied as such. But where these stations have been abandoned, it is proposed to bring them into market.

Mr. THURSTON. I will withdraw my motion for a time.

There was no objection, and the bill was taken from the Speaker's table, and read a first and second time by its title, as follows:

An act to authorize the sale of reserved lands, and for other purposes.

Mr. MAXWELL. I now ask that the bill may be read through; and if there be any objection to it, I will not press its consideration now.

The bill was read *in extenso*.

Mr. EASTMAN. What is the pending question?

The SPEAKER. It is on ordering the bill to be engrossed and read a third time.

Mr. EASTMAN. I object to the introduction of the bill.

The SPEAKER. Objection comes too late at this time.

Mr. EASTMAN. Well, then, I have a few words to submit on the subject.

The SPEAKER. The gentleman from Florida is entitled to the floor.

Mr. MAXWELL. As objection is made, I move that the bill be referred to the Committee on Public Lands.

The motion was agreed to.

CHANGE OF NAME.

Mr. AIKEN. I ask the unanimous consent of the House for leave to report from the Committee on Commerce a bill "to change the name of the American-built brig Hallowell to that of James Rose, and to grant her a new register." Its consideration and passage will not occupy more than five minutes, at most.

There being no objection, the bill was read a first and second time by its title, ordered to be engrossed and read a third time; and being engrossed, it was read a third time, and passed.

NEW ORLEANS DISTRICT.

Mr. FULLER. I now ask the unanimous consent of the House for leave to take up Senate bill authorizing the establishment of a collection district in New Mexico, in order that it may be referred to the Committee on Commerce.

Mr. MACE. I object, and shall object to everything not strictly in order. I insist on the motion to go into a Committee of the Whole House.

Mr. THURSTON renewed his motion, that the House resolve itself into a Committee of the Whole on the Private Calendar. Agreed to, (Mr. STANTON, of Kentucky, in the Chair.)

SAMUEL COLT.

The bill first in order on the Calendar was House bill (No. 59) "for the relief of Samuel Colt."

Mr. LETCHER. Is it in order to move to pass by the consideration of that bill now?

The CHAIRMAN. It can be done only by unanimous consent.

Mr. LETCHER. We passed by the consideration of a multitude of bills to reach the Nebraska bill.

The CHAIRMAN. The committee have since decided that such motions are not in order, except by unanimous consent.

Mr. HAVEN. If the Chair will allow me, I think the Chair is under a slight error in reference to this matter. The committee have decided that it is not in order to pass by the consideration of a bill on which the debate has been closed by resolution.

Mr. STANTON, of Tennessee. In reply to what the gentleman from New York has stated, I think the Chair will recollect, because the motion was made by himself to pass by a particular case,

that the gentleman who was occupying the chair at that time decided that motion out of order, upon the express ground that the rule in reference to passing over bills applied to the Committee of the Whole on the state of the Union, and not to a Committee of the Whole on the Private Calendar. You appealed from that decision, and the committee sustained the decision of the Chair at that time. I thought the decision was wrong, but the committee decided that the Chair was right in his ruling, and, of course, that decision should be adhered to.

Mr. LETCHER. The Chair then decides that it is not in order to pass over the bill.

The CHAIRMAN. The Chair so decides.

Mr. CLINGMAN. I appeal from the decision of the Chair. I think that the same rule which governs in the Committee of the Whole on the state of the Union, governs here, and that it is unquestionably competent for a majority to decline considering a particular bill. It is well to have this matter settled now; but I will not occupy the time of the committee in discussing it. I think the majority have a right to decline considering a particular bill just as in the Committee of the Whole on the state of the Union, or just as in the House the majority may postpone a bill from day to day. I take it that the same rules govern the Committee of the Whole House as govern the Committee of the Whole on the state of the Union. I therefore respectfully appeal from the decision of the Chair, in order that we may settle the question, as it is different from the case already referred to.

The question now being on the appeal, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. CLINGMAN demanded tellers.

Tellers were ordered; and Messrs. ASH and Cox were appointed.

Mr. HENN. I ask for the reading of the 135th rule.

The 135th rule was read, as follows:

"In the Committee of the Whole on the state of the Union, the bills shall be taken up and disposed of in their order on the Calendar, but when objection is made to the consideration of a bill, a majority of the committee shall decide without debate, whether it shall be taken up and disposed of, or laid aside; provided, that general appropriation bills, and, in time of war, bills for raising men of money, and bills concerning a treaty of peace, shall be preferred to all other bills, at the discretion of the committee; and, when demanded by any member, the question shall first be put in regard to them."

Mr. HENN. I called for the reading of that rule merely to show that the Committee of the Whole on the state of the Union can lay aside a bill, and pass to another.

Mr. JONES, of Tennessee. I would ask the Chair now to have the 29th rule read.

The rule was read, as follows:

"Friday and Saturday in every week shall be set apart for the consideration of private bills and private business in preference to any other, unless otherwise determined by a majority of the House."

Mr. JONES. By this rule Friday and Saturday of every week are set apart for the consideration of private business, unless the House shall otherwise order. Now, the House can determine not to go into the consideration of the Private Calendar at all; and if it can determine this, it surely can determine whether it may pass over bills on the Calendar. The lesser is certainly contained in the greater in this regard.

Mr. WASHBURN, of Maine. It appears that the 135th rule is entirely silent in respect to the order of business in Committee of the Whole House. I suppose, then, that we must look to the general parliamentary law for our guidance. I would simply suggest to the Chair whether, under that parliamentary law, it is not competent to lay aside one bill for another.

Mr. HENN. I would suggest to the Chair to have the 134th rule read.

The CHAIRMAN. The Chair would state that the precedent for his decision has been established by the Committee of the Whole House, when it was last in session. To that precedent the Chair now adheres, although he was opposed to it at the time.

Mr. WASHBURN. I would inquire, respectfully, of the Chair, whether in that case debate had not been closed by order of the House?

Mr. CLINGMAN. I beg leave to read to the committee the 134th rule:

"The rules of proceedings in the House shall be observed in a Committee of the Whole House, so far as they may

be applicable, except the rule limiting the time of speaking; but no member shall speak twice to any question until every member choosing to speak shall have spoken."

The question was then taken; and the tellers reported—ayes 61, noes 60.

So the decision of the Chair was sustained.

Mr. LETCHER. I move that the committee rise, and report the bill to the House, with a recommendation that it do not pass.

Mr. TAYLOR, of Ohio. I would inquire of the Chair, if the bill and report have been read to the House?

The CHAIRMAN. They have not.

Mr. HENDRICKS. The report was read last Saturday.

Mr. TAYLOR. I hope they will be read, so that the House may know what they are to act upon.

The bill and report were then read, the substance of which has heretofore been published.

Mr. CLINGMAN. Mr. Chairman, I wish to call the attention of the committee to one circumstance merely. I desire when the vote is taken on this bill, in the House, that if there is not a full House, that there may be a call of the House. I think it due to members, owing to the reports industriously circulated, of extraordinary means resorted to for the purpose of getting this case through, that there should be a call of the House. I have no doubt that very large sums of money are said to be depending on the passage of the bill, and that gentlemen have been told by their friends that they would receive large sums if it could pass, and, in some instances, even if particular members would decline voting at all. I have no reason to suppose that any gentleman would be influenced by these considerations.

Mr. PRATT. The gentleman says that he has no doubt very large sums of money have been offered to gentlemen to vote for this bill, or to stay away. I do not know whether he means by gentlemen, members of this House, or persons outside of this Hall.

Mr. WALSH. Outsiders cannot vote.

Mr. PRATT. Of course not. The gentleman must mean members of the House. He says that money has been offered to members to vote for the bill, or to stay away. I should like to know what reason the gentleman has to make this statement.

Mr. CLINGMAN. I have no objection to my friend asking the question. I tell him now that if the House shall at any time raise a committee to investigate this matter, and call upon me, I shall be ready to give an answer. I will say, that no sum was offered to me; but I have no doubt of sums of money having been offered to induce persons to cause members by solicitation to vote for this bill, or remain away. I am satisfied of that fact from several circumstances, and on the testimony of persons on whom I fully rely. I do not say that it has been offered to members themselves. I do not know that such is the fact. But sums of money have been offered to very particular and dear friends of members; to induce them so to act. Therefore, as the streets are rife with these things, and as they have got into the papers—and I have no doubt that these reports are well-founded to a considerable extent—I have said thus much. I think it due to members, when the vote is taken, it should be with a full House. I presume, sir, from what I know of gentlemen around the Hall, that there is no one of them who will not show by his conduct, by voting either aye or no, that he has not been approached in this way.

It is well known, Mr. Chairman, that Congress has suffered in the country from allegations of this sort, which have gone out in the newspapers. I think, therefore, that it will be well for us to have a call of the House when we come to vote upon this bill. I wish to call the attention of the committee to two or three of the reasons given in the report, to which I have already alluded, why this bill should pass. The principal reason urged why this House should grant the extension asked for is, that Mr. Colt has set up a large establishment in England for the manufacture of arms, but that he has met with losses, owing to the competition prevailing there.

Mr. HUGHES. I rise to a question of order, whether this bill is before the committee, and is open for discussion?

The CHAIRMAN. The bill is before the committee, and is open for discussion.

Mr. CLINGMAN. If it is agreed by general

consent to put the bill over until doomsday, I will have no objection.

Mr. HUGHES. There was a question raised in the committee whether the bill was before us for discussion.

The CHAIRMAN. It is now before us for discussion.

Mr. CLINGMAN. I do not know how the gentleman from New York stands with regard to this bill. If he intends to vote for it, I hope he has some better reason than that given in the report. From the great desire manifested to get through this bill, and the extraordinary means to secure its passage, I was in hopes that the Committee on Patents would have given us better reasons than they have done in this report. They have not given us the slightest reason, or the pretext for a reason, for the extension of the patent in this case, except that Mr. Colt is subjected to the great expense of an establishment in England for the manufacture of his arms; and that he has lost so much in competition with other manufacturers there, that he wants a monopoly of the manufacture in this country in order to sustain him there. You and I, Mr. Chairman, have heard it said that it is wise policy, by means of a tariff, to impose a tax upon our own citizens to support manufacturing establishments in the United States; but nobody ever discovered that it was sound policy to tax our people in order to enable Mr. Colt to keep up an establishment in a foreign country. This is a new idea of the Committee on Patents.

We are told that if Mr. Colt is not to have a monopoly, that individuals will manufacture cast iron arms, and that you must therefore give him the exclusive privilege of their manufacture. Is not this the reverse of experience? My friend from Kentucky [Mr. EWING] remarked the other day, that the public houses here were not as good as he would like. Suppose some one, with a view to their improvement, should have a law passed that there should be but one public house. Do you suppose that we should fare any better in the way of lodgings and dinners?

But if this be a good doctrine, why do they not bring in a bill giving a monopoly of making axes, lest some one should deceive the public by making cast iron axes, or cast iron scythes, or razors, or something else, instead of making them of iron or steel? Why, sir, the whole experience of the world goes to show that when an individual or a company obtains a monopoly the public are likely to be imposed upon. The only way to produce good articles of any kind is to allow competition to the widest extent. By the immense numbers of bootmakers, tailors, and tradesmen of all kinds in the community, we are more likely to get good articles than if there was no competition in such trades. This is another of the novel ideas of the committee; and I ask you whether they are not entitled to a patent for that too?

Now, just let anybody look at the report, and he will find that these are the two reasons contained in the report. It is on these grounds that we are asked to grant this monopoly. I take it for granted that it is a fact that some gentlemen will be in favor of this bill. I do not know how many will be found in its favor, for some one reason or another. If, Mr. Chairman, there are any good reasons for its support, I have not been able to see them. I have received a long letter from one of his counsel, which I read with care, as coming from a gentleman for whom I have great respect, but have not been convinced at all by it. I do not blame any gentleman for making the best argument that he can in support of his client's claim. But still, I did not find a particle of evidence to sustain the case. As I said before, though these reports may not be worth discussing, still I think that the House would show its good sense, in view of the rumors that are afloat, and in some cases well founded, doubtless, to take a vote upon this question by yeas and nays.

Mr. SEWARD. I think it due to the House, in view of the announcement made by the gentleman from North Carolina, that he should give the names of persons, and the facts to which he has alluded. He cannot escape the responsibility of doing so. And if it shall appear that any member of this House has been offered money for the purpose of controlling his vote or his action on this subject, and that that member suppressed the

fact, he should be expelled ignominiously from this body.

Mr. CLINGMAN. My friend from Georgia has misunderstood me. I stated distinctly that the money may have been offered, not directly to members, but to persons friendly to members, who might be able to influence them. But if the gentleman from Georgia desires to have my evidence in this respect, let him move for a committee of the House to investigate the matter, and I shall very readily give him all the information I possess on the subject. My attention was called to the fact from statements appearing in the newspapers in the first instance. Besides, two gentlemen, members of this House, mentioned these things to me. And I had heard, from other sources, that offers of money—large and liberal offers—had been made to particular persons to influence members, if they could do so.

Mr. SEWARD. Well, I want to understand the gentleman from North Carolina. I hold that a member on this floor who has had offers of the sort made, and who has failed to expose them to the body, stands condemned before Congress and the country. I do not think it necessary to have a committee of investigation raised. I understood the gentleman from North Carolina to say that large sums of money had been offered to members of this House either to control their votes or to induce them to abandon their position as Representatives on this floor.

Mr. CLINGMAN. The gentleman still misunderstands me. I did not state that any offer had been made to a member; but that offers were made to individuals who were supposed to have influence over members. And I tell the gentleman again, that if a committee of inquiry be raised, I am ready to lay before it all the knowledge which I possess in the matter, and also to refer to some other persons.

Mr. SEWARD. The gentleman from North Carolina knows very well that it is not necessary to raise a committee.

Mr. LETCHER. As soon as the committee shall rise and come into the House, I intend to offer the following resolution:

Resolved, That a committee of—members be appointed to inquire whether money, or other illegal and improper means, have been used to secure the passage of the bill to extend Colt's patent for seven years from 1857; and also whether money, or other illegal and improper means, have been used or employed to secure the passage of any bill by this Congress.

Mr. SEWARD. I hope the gentleman from Virginia will modify his resolution so as to make it express whether money has been offered to members of Congress. It is not improper, I believe, to offer to pay a claims agent or counsel to procure the passage of a bill. But, as I understood the gentleman from North Carolina, his statement was, that money had been offered to members of this House, either directly or indirectly. I hope the resolution will be modified as I have suggested.

Mr. STEVENS, of Michigan, here obtained the floor, and said: I am just informed, since I took the floor, that the gentleman from Rhode Island, [Mr. THURSTON], who reported this bill, is desirous of presenting his views to the House. That being so, I shall be most happy to yield the floor to him, and submit the few remarks I desire to present afterwards.

Mr. THURSTON. The principal question to be considered, in deciding upon an application for the renewal of a patent, should be: Does the public interest call for such renewal, and will the public weal be thereby subverted?

The other question, which regards the profit or loss to the inventor, is incidental and secondary. It is this first consideration, *exclusively*, which has governed the committee in the case of Colt's arms; and a careful consideration of the matter, aided by information derived from numerous sources, has induced the committee to report the bill now under consideration.

It is a fact universally conceded in this country, and in all others, that these arms have become indispensable weapons of war. There is no army without them, while, at the same time, it is a fact well authenticated, that they are worse than none, being dangerous as well as inefficient, when not constructed of the best material, and in the most exact and perfect manner.

Those facts have had a paramount influence with the committee in reporting this bill.

If, in conflict with an enemy, our army should find that their arms were inefficient by getting out of order, or any other cause, the most disastrous consequences must ensue.

In the manufacture of Colt's arms, the greatest deception may be practised without the possibility of detection, and, undoubtedly, *would be*, were they allowed to be made by any but the inventor. Instead of the best cast steel, they might be made of cast iron, and finished and polished in such a manner as to make it impossible to distinguish the one from the other.

If, then, the door were opened to all to manufacture them, and a field of competition presented to the whole world of mechanics, the inevitable consequence would be, that pistols, guns, and rifles, upon the principle of this patent, would be thrown upon the market, which would be worse than worthless.

The people of this country, the farmers and mechanics, have no interest in having this patent expire. These arms are not such as are used by them, and not one in a hundred thousand have them. It is the Government which has the principal concern in having these arms manufactured as they have hitherto been.

It has been urged that Mr. Colt has amassed a large fortune out of his patent, while the facts prove that his entire profits, thus far, have been principally expended in extending, improving, and perfecting his machinery, with a view to increased operations in the manufacture of his arms. Thus, security from infringement is more important to him than ever. The high character accorded to his fire-arms has induced extensive impositions on the part of those who manufacture a spurious, or, at least, a greatly inferior article. Mr. Colt has richly earned, and is fairly entitled to, the protection of Government for an additional period. The invention was made in 1831; and, after five years of incessant labor in perfecting it, a patent was granted to him in 1836. On the 9th of March, in the same year, this patent was conveyed to the Patent Arms Company of New Jersey. The capital stock of said company was \$230,000, of which Colt owned \$50,000. This company (Colt being the agent) worked for six years, and were then sold out, by a decree of the court of chancery, on the 10th of October, 1842; losing all the capital, and leaving a large amount of the debts of the company unpaid. The patent, at that time, was considered of so little value that no purchaser could be found for it. In 1850, Colt filed a bill to wind up the Patent Arms Company, and to sell the patent, and on the 8th day of July, 1850, the patent was sold by a receiver in chancery, at public sale, under an order of court, for one dollar, and bought by Samuel Colt. In 1848, Colt, by the assistance of some friends, who advanced \$10,000, commenced the manufacture of pistols at Hartford, for the Government, beginning with some eight men, and working on a small scale; and it was not until 1856, when he obtained his extension, that he was enabled to procure the means of establishing an armory.

Colt began to manufacture in Hartford, under the extension, in 1850; but up to that date a cash capital of \$230,000, together with nineteen years of his time, had been wasted, and he was, moreover, involved in liabilities to the amount of \$30,000.

Since 1847, and under the extension, down to the present time, all the capital and earnings have been invested in land, buildings, tools, machinery, and the necessary apparatus for the successful manufacture of the arm; and the plans are not more than one third carried out for the manufacture in the most economical manner.

The struggles of Colt to establish an armory suitable for the manufacture of his arms, on an enlarged scale, are well known, and justify his friends in endeavoring to obtain such protection as will insure to him a suitable reward for his invention, and for the years of toil and anxiety he has devoted to it.

Mr. SMITH, of Virginia. I desire to ask the gentleman from Rhode Island a single question. Is it not a fact that Mr. Colt now has a large manufactory in London, on the Thames?

Mr. THURSTON. It is.
Mr. SMITH. And is it not true that this establishment is the admiration of all England, resorted to by visitors as a show shop, for its rare perfection and beauty?

Mr. THURSTON. I do not know anything about that.

Mr. STEVENS, of Michigan. Mr. Chairman, if I understand this bill correctly, it is one which simply proposes the extension of a patent granted to Mr. Colt, in 1836. I have to say, in the first place, that there seems to be some confusion among members of this committee in regard to that particular matter. Application was made to the Commissioner of Patents by Mr. Colt, for an extension of the patent granted to him in 1839, but that extension was refused. The pending proposition is for the extension of the patent of 1836. Not long since it was urged by a gentleman from Tennessee upon this floor, that the decision of the Commissioner of Patents, in reference to the extension of the patent of 1839, was sufficient evidence that Mr. Colt was entitled to no favorable consideration from this body. I allude to this that members may be correct in their understanding of the matter, and to show that there has been no decision of the Commissioner on the patent now asked to be extended.

There has been no evidence taken to show that Mr. Colt has made a fortune, or that he is not yet a poor man. The following is a letter on the subject, and I ask the earnest attention of members to its reading:

UNITED STATES PATENT OFFICE, June 24, 1854.

SIR: I have the honor to inform you, in reply to your letter of the 21st instant, that two applications have been presented to this office for the extension of patents granted to Samuel Colt, dated, respectively, 25th February, 1836, and 29th August, 1839. The former was extended by the Hon. Edmund Burke, Commissioner of Patents, seven years from the 25th February, 1850. The application for the extension of the latter was rejected by me for reasons on file in this office.

It is understood that the application now pending before Congress, is for the further extension of the patent of 1836, from the 25th February, 1857.

If so, it would seem that no evidence or testimony is pertinent thereto, except such as relates to that particular patent.

What testimony and proceedings were brought forward by certain members of the House, in opposition to the present application, I am not informed; but I infer from your letter that they related to the application for the extension of the patent of 1839.

I would state, in conclusion, that the evidence in both cases is open to the free inspection of all who may feel interested in the matter.

I am, respectfully, your obedient servant,

C. MASON, Commissioner.

Hon. B. B. THURSTON, Chairman House Committee on Patents and the Patent Office, House of Representatives.

Mr. CUTTING. I did not distinctly hear the letter. Will the gentleman be good enough to state whether I have correctly understood its purport. I understood the Commissioner's letter thus: That the original patent of 1836 was extended in 1850, but that the patent of 1839 was not extended; that the original patent of 1836 was extended in 1850, and runs until 1857; and that it is that patent which does not expire until 1857, which we are now asked to extend for seven years further.

In reply to Mr. CUTTING, the letter was again read by the Clerk at Mr. STEVENS's request.

Mr. STEVENS. This, then, is an application simply for the extension of a patent, for the purpose of securing to the inventor of a certain instrument the exclusive right of manufacturing it for a certain length of time. In other words it is to secure to him who has the intellect and genius to conceive and invent, and perseverance to carry out and perfect his plans, the benefits of his invention. I ask gentlemen, in all candor, who seem to be so wonderfully and tenaciously opposed to the extension in this case, why all this excitement? What is the reason for it, and why do we hear the gentleman from North Carolina [Mr. CLINGMAN] making such extraordinary charges upon the honesty and integrity of members of this House? Why does that gentleman make the charge, if not directly at least indirectly, that large sums of money have been used to purchase members of the House? Let me ask why does the gentleman take this extraordinary course? Is he entirely disinterested? Have no efforts been made to tempt his public virtue? I know that he is a very honest and upright gentleman, and God forbid that I should express the least doubt of his honesty or uprightness. I know very well there are persons who are disposed to manufacture arms which are not worth a farthing, in comparison with the genuine arms manufactured by Mr. Colt, and who are anxious that this

patent should not be extended so that they may flood the world with bogus arms, which cost but very little. These men can afford to come here and fee honorable gentlemen largely for the purpose of preventing the passage of this bill. I will not say that the gentleman from North Carolina has had his virtue tempted in this way! I will not say that approaches have been made to him, a learned, eloquent, and distinguished counselor, to come here and oppose this bill to-day, but surely other gentlemen have as good reason to suspect that the gentleman from North Carolina has had his virtue tempted as he has to suspect other gentlemen of this House of the same thing.

What are the facts in regard to this claim? Reports have been made by a committee in this House, and in the Senate by a committee of that body, in favor of this bill. They have had this matter before them. They have examined the evidence in the case cautiously and carefully, and they have come to the conclusion that Mr. Colt is entitled to an extension of his patent. The charge is made that bribes have been offered to gentlemen to vote for this bill. But where is the evidence? Lay your hand upon the man who has been bribed. Point out the man who offers these bribes to members of the House, either directly or indirectly, for the purpose of influencing members of the House. If there is no evidence of this, I appeal to gentlemen of the House to give no weight to these charges. They should not allow this *spargere voces ambiguas*—the ambiguous language in which these charges are conveyed, to make them doubt and hesitate upon this subject. If we cannot believe all the members of this committee; if we cannot believe the Senate, I ask, in the name of God, whom can we believe? Must we go along here looking suspiciously at everything, and denying every report made?

Mr. CLINGMAN. Will the gentleman from Michigan [Mr. STEVENS] permit me to make a remark?

Mr. STEVENS. Certainly.

Mr. CLINGMAN. My objection to this bill was grounded on the fact that the committee did not give any reason for the passage of it in their report. If it had given any reason, I would have heard it with very great pleasure and given it due weight. I did not, in my remarks, mean that the imputation of corruption should exercise any influence in voting on the bill. My objection to it merely is, that the committee have given no reason whatever in their report why the House should pass this bill. I gave the first simply as a reason why there should be a full vote taken on the passage of the bill.

Mr. STEVENS. I want a full vote too; and I agree with the gentleman from North Carolina in his desire to have a full vote taken on the passage of this bill. I wish to spring no game on this House. I do not want to have it voted upon by a thin House. Let us have it brimful of members; and then let this matter stand on its own merits.

But, again, the gentleman from North Carolina complains that, in the reports on this matter, both in the House and in the Senate, the reasons have not been given why this bill should be passed, and why the committees have recommended so and so; and he says that they should have given the reasons for such recommendation, based upon the testimony before them. If I understand the report aright, the committee have stated all of this; and I take it, that the reports of committees are entitled to all confidence on the part of the House. When I, as a member of a committee of this House, come in and make a report, I pledge myself to this body and to the country, and in the presence of God, that I believe the report is correct, and that the reasons on which it is founded, are good. And if the time should ever come when I am found playing false to this House, may I be expelled—driven from it as corrupt and dishonorable!

Now, Mr. Chairman, it is charged that Mr. Colt is not entitled to an extension of his patent, because he is a wealthy man. Is it because he has now got a manufacturing establishment on the banks of the Thames that this is inferred? Is this sufficient evidence that he has become a wealthy man? I ask, then, Mr. Chairman, where, upon the broad face of this habitable globe, where thrift and enterprise prevails, is not American enterprise to be found? And is it unnatural that

Mr. Colt should be found establishing himself and making money upon the banks of the Thames, and especially at this time, when the whole of Europe is involved in an extensive war, which creates an extensive market for his arms? Is it remarkable? Not at all. Supposing he is a poor man, supposing he has become bankrupt in the efforts he has made to perfect this weapon, yet is it unnatural that he should be found upon the banks of the Thames in efforts to retrieve his broken fortunes? Not at all. Does it follow, because he is prosecuting his business upon the banks of the Thames, that he is wealthy?

It is true that, upon the application of Mr. Colt for a renewal of his patent of 1839, evidence was taken before the Commissioner of Patents which satisfied him that so much money had been made by Mr. Colt that the patent ought not to be extended. Now you, Mr. Chairman, know what I mean when I talk of *ex parte* evidence. Gentlemen who hear me, and many of them are lawyers, know well what *ex parte* evidence means. It must be a very lame case indeed, which cannot make out a good *prima facie* case, when they have it all their own way, and in their own hands. It is in proof before this House, that when the evidence was taken in this case, before the Commissioner, the counsel of Mr. Colt did not appear to contest the evidence which was presented before him. The evidence was taken by the counsel opposed to Mr. Colt, and they had it all their own way.

It is said by a gentleman near me, that that evidence does not apply to this case. But I remark that the patent of 1836 is one patent, and that of 1839 refers only to a simple improvement upon the mode of charging the pistol. The two are taken together, and evidence which is pertinent to one, would be pertinent and relevant to the other.

Mr. CLINGMAN, (interrupting.) The gentleman will allow me a single word in explanation. I was upon the other side of the House when the gentleman referred to my remarks. I beg leave to say that I expressly said, in my remarks, that I had too favorable an opinion of the members of this House to believe that they had been operated upon by these approaches which had been made, and as some of my remarks might seem to imply it, I also beg leave to say that I never intimated, and never intended to intimate that the members of the committee or the members of the House were in the slightest degree influenced by them. But this thing of lobbying was so boldly done, and so extraordinary in this case, and some other cases, that I deemed it my duty to call the attention of the House to it, and I believed that to get a full vote, a call of the House was necessary.

Mr. STEVENS. Does the gentleman mean to say that this lobbying has had any influence with the committee?

Mr. CLINGMAN. I stated that I believed members would not be influenced by it, but that I thought it best to call attention to the facts.

Mr. STEVENS. Now, sir, whatever may have taken place out of this House, whatever streams of corruption may have been let loose outside, if they have not reached the members upon this floor, what of it? What is the effect? Sir, I ask that if this application is otherwise meritorious and fair, why, sir, let us not be guided by these outside influences. Let us not be frightened by being told that there is a lion in the lobby—that there is an ass laden with gold attempting to force its way into this House! Let us treat Mr. Colt as an honorable gentleman. Let us treat him as an honorable citizen, who comes here in a fair and honorable manner, and asks to have his patent extended, and consider the case upon its merits.

I say now to you, Mr. Chairman, and to this committee, if the merits of this case are with us, let this bill pass. But if they are not with us; if the statements of the committees of the two Houses are contradicted, and proved to be false, why let the bill fall to the ground. But, let gentlemen consider the application as honorable gentlemen, and give it an impartial and fair consideration, and that is all we ask. I send two letters to the Clerk's desk, and ask that they may be read.

The letters were read, as follows:

UNITED STATES PATENT OFFICE, January 9, 1854.

SIR: Yours of the 7th was received this morning. I immediately inclosed it to Mr. Gifford, with a request that he would reply to the interrogatories therein suggested, and I herewith forward you his reply.

The statement made in my decision of the application for an extension of Colonel Colt's patent, was fully war-

ranted by the testimony before me—the magistrate having certified that the applicant's counsel was present at the examination of the witnesses, and declined asking any cross-interrogatories.

I will state further, that the counsel of Colonel Colt seemed to rest his case on the points of law alluded to in my decision. If these had been decided in his favor, it will readily be seen that the testimony would have been immaterial. He took no testimony on the point of profits, and apparently paid no regard to that subject.

I remain yours, very truly,
CHARLES MASON.
Hon. B. B. THURSTON.

NATIONAL HOTEL, WASHINGTON, January, 1854.

SIR: In reply to your letter of the 7th instant, I have to say that it will give me great pleasure to make any statement of facts which will prevent injustice to any one, and especially in regard to any proceeding in which I have been engaged as counsel. In relation to the matter on which you desire information, the facts are—that the testimony which was taken in that case, to prove the profits of Mr. Colt, was taken in the absence of Mr. Dickerson, Mr. Colt's counsel, and, therefore, without cross examination. The proper and legal notice had been given to Mr. Dickerson to attend, but he was engaged in the argument of a cause out of town, and the time for taking testimony had so nearly expired as to not admit of postponement. A clerk from Mr. Dickerson's office attended the examination, and stated the fact of Mr. Dickerson's absence, and declined to cross-examine, as he said he knew nothing of the subject, and had no authority to do so.

In regard to the second question propounded, I have only to say, that I was informed that the witnesses which were examined on the cost of manufacture had been engaged in the manufacture of arms which were adjudged by the courts to be an infringement on Mr. Colt's patent, and in consequence of which I considered them the better qualified to speak of the cost of production. Whether the arms which were made by them were as good or as expensive as those made by Mr. Colt, I do not know. My questions to these witnesses were based upon the assumption that they had all the proper machinery with which to operate, and on that assumption I inquired what, in their judgment, it would cost to make the arms. Very respectfully yours,

GEORGE GIFFORD.

Hon. CHARLES MASON, Commissioner of Patents.

Mr. STEVENS, continued: Here, then, I will say briefly, in evidence, that the testimony which was taken was all upon one side. What other evidence may have been produced before the Commissioner of Patents we do not know. It is not here. The Commissioner undoubtedly was justified in the decision to which he came; but I say to the members before me that that decision should not be regarded as a *finality* in this matter. I ask again, is there any evidence that Mr. Colt has made a fortune out of his invention? Sir, I do not propose to take up the time of the committee by reading the evidence which I have before me upon this subject. But, sir, I have in my possession affidavits from men in Mr. Colt's employ, stating positively, that up to this time all the funds received by Mr. Colt have been reinvested for the purpose of carrying on the business; not for the purpose of making a fortune, but for the purpose of perfecting the machinery, and to make more complete the instrument we are now talking about; and this will be readily understood by the committee when I say—and I pledge my word for it—that the instruments used in the manufacture of Colt's pistols are almost innumerable, each having a fixed and particular purpose. This fire-arm is composed of a vast number of pieces, any one of which, when lost, can easily be supplied again. Whatever part is injured or lost on the field of battle or elsewhere, can instantly be supplied in consequence of the extreme accuracy with which each and every component part of the instrument is constructed. To accomplish this result a great variety of tools and instruments are necessary; and these, I assure gentlemen of the committee, from most satisfactory and conclusive evidence, can be used for the purposes for which they are designed, and none other. Therefore, if Mr. Colt's establishment be broken up, all these instruments and tools are lost to him; for they can be used, I repeat, for no other purpose. And I say to you, Mr. Chairman, that if his establishment be broken up, that there will spring up all over the country similar ones for the construction of similar but inferior weapons out of cast-iron. The weapons manufactured by Mr. Colt are almost all made of cast-steel, and thus the danger of bursting, or easily breaking, is prevented. There is less danger to the carrier. Those weapons manufactured of cast-iron, it is well known, are always liable to burst, and are indeed more dangerous at the breech than at the muzzle; more liable to hurt the holder than the enemy pointed at.

We ask that Mr. Colt may have his patent extended, so that he may further perfect and improve his instrument. He is improving each day in the manufacture. New and improved tools in instru-

ments are made each day for the greater perfection in the manufacture of the instrument.

Another point: I say to you, Mr. Chairman, and to this committee, that I am satisfied Mr. Colt is not the wealthy man he is supposed to be. I have here sworn evidence from men in his employ that he has not yet made a fortune. Now I know that I shall be told, in reply, that the contrary is the truth; that it is not true that Mr. Colt is not a wealthy man, and that he flourishes, displays the possession of large means, and spends his money freely. I have no doubt that he spends his money liberally; and were this the proper place and time, I might state how Mr. Colt, with a free and liberal hand, poured out his money for public purposes and the public benefit.

But I only ask for the bill a fair and full consideration. Let gentlemen examine the testimony in the case, and not be governed by mere hearsay. If the committee come to the conclusion, after such just and deserved consideration, that the proposition is a fraud and an imposture, let it be voted down; but, on the other hand, if the extension is right and proper, let it be granted.

Mr. BLISS. Mr. Chairman, I should not have felt it incumbent on me to make any remarks upon this bill, but I had endeavored to obtain all the light the sources of light would furnish us on the subject. I had supposed that the proceedings—the application on the part of the patentee had been conducted with fairness and honorable manliness. It was my conclusion, from what I knew myself, and from the expressions I had heard from the mouths of different gentlemen upon this floor, that the application, in this case, was distinguished from other applications, on account of the honorable and manly bearing of the patentee.

I was somewhat startled at the extraordinary announcement made upon the floor by the honorable gentleman from North Carolina, [Mr. CLINGMAN,] that the corrupting influence of money and bribery had been resorted to by this applicant, whether to affect, directly or indirectly, the minds of members of this House, I do not know, nor is it material, but to procure the consummation of his object—the passage of this bill. I thought when the gentleman from North Carolina was called upon for the authority upon which that statement was based, that it was due to the members of this body that he should give it promptly, and without any hesitation. In a proceeding of this kind, where we propose to administer equity and justice under discretion, and not by fixed rules of law, in determining the vote I would give, I would not tolerate an individual under such circumstances in approaching this body, as the applicant is charged with approaching it; and I must be permitted to say to the gentleman from North Carolina, inasmuch as he denies the possession of positive information upon the subject, but relies upon rumor for the truth of his statement, that I disbelieve that rumor. It does not comport with my own knowledge or experience, or with that of other gentlemen who have expressed their views upon this subject. So much for that branch of the question.

My own views of the policy and theory of the patent system do not seem to comport with the views of the gentleman from North Carolina. I hold, and it is the doctrine of the law, and it is enforced by statute, that where an individual, by virtue of his skill, his acquirements, or his native ingenuity, has been able to produce an invention or improvement in the arts or sciences, that it is his own property; it is the child of his own intellect; and if the Government will secure to him the exclusive benefit of his own invention, it is not a monopoly in the ordinary sense of that term, although I know the British Parliament saw fit to entitle its patent laws statutes of monopoly. I know the word monopoly is used in France, and I know it has been used to some extent as applicable in the definition of our patent laws in this country; but, nevertheless, a patent is not a monopoly. It is to secure to the discoverer and inventor a right to what he has himself produced, and it infringes upon no other man's right of production; it infringes upon no other man's right to the use of his property and the results of his intellect. It is not, therefore, a monopoly.

The policy in enlightened countries upon this subject has been liberal to the inventor, because liberality to the inventor secures the public benefit. No man knows, or can conceive the infinite vari-

ety there is in the combinations of machinery. No man can judge that, because many useful inventions have been made, others may not also be made equally useful, and more so. And hence it is the policy of the law and of reason to stimulate the inventive genius of the country; for thereby progress and improvement are secured. Hence, the law sets men's minds to work, under the stimulus of motive to prosecute studies, and discoveries, and inventions, by securing to individuals who shall make a useful discovery, or a useful invention, the right to the benefits resulting from it for a limited period of time. A restriction on the public from imitating a useful invention should not be perpetual. It is limited to a brief space of time. It is also in keeping with the doctrines of the patent laws of this country, that if an individual should by accident be unable to reduce his invention to practice, or should by any other state of circumstances be prevented from availing himself of the fair and appropriate profits which, under ordinary circumstances, would result from the employment of this invention, there shall be, in view of such circumstances, a further chance to reap his reward by extending his patent.

Now, suppose it to be true, that Mr. Colt has made some money—some half a million of dollars, or, if you please, even a million—out of his invention—I say to you that a sufficient answer to that argument is, that this is a great invention; that its value is not to be measured by the profits he has received, or by anything like that; but its value is to be estimated by millions untold to this nation, and by millions to the world. Everybody will concede that. No man undertakes to impugn the usefulness of Colt's pistol or revolving arms. But gentlemen say that, in consideration of having bestowed this great and almost inestimable advantage on the world, after having suffered years of penury and toil, after having had his patent sold out, and after having succeeded, in the lapse of many years, in some manner, by reinvesting himself with the title to the patent by a sale in chancery, through a receiver, he has had of late better success. They argue that since the extension of the patent for seven years, subsequently to the first grant, he has begun to accumulate an immense fortune. Nobody pretends to know how large the fortune is; some say it is half a million of dollars, and some say it is a million; and some would limit it to a much smaller sum than the first; while, still again, some doubt whether he has derived any profit from it at all. But the best evidence that we have on the subject to-day is, that Mr. Colt is not worth a dollar in the world beyond his investment in these manufactures. Now, I say it is a narrow and illiberal view of the subject to say that the discoverer and producer of an invention so valuable to mankind should be denied the reasonable request which he asks, for carrying out an equivalent to his first fourteen years patented term, because he is not in the gutter, and too poor to rise therefrom.

But again: the provisions of this bill are such as to guard the interests of the Government carefully. While Mr. Colt is allowed what they call a monopoly of his invention, so far as the world at large is concerned, this Government has secured to itself, by a provision in this bill—if it passes—the right to manufacture Colt's arms, and to use his invention, and treat it, in all respects, as though it had not been patented by law at all.

Well, now, it is manifest to the House that his principal prospect of sale is to the Government of the United States, so far as those sales can be made in this country. The Government is the great user of arms. The Government is the power which is called upon to use them. They are an appropriate arm to be used in our Army, and appropriate to be kept in our armories and arsenals. The Government, then, would be the principal purchaser. But the Government is relieved from the operation of Colt's patent; and, so far as they are concerned, there is no monopoly, and he is, therefore, compelled to rely upon that patent, so far as it promotes his dealings with the community generally. Now, it seems to me that Mr. Colt's request is a reasonable one. If it be untrue—as I believe it to be, and founded upon a simple mistake—that corrupting and improper influences have been resorted to by Mr. Colt, to operate upon the minds of the members of this House, I think the report which has been made in the Senate upon this subject, and the report

which has emanated from the House committee, should satisfy every one that it is fair to give Mr. Colt the benefit of the extension which he asks.

It is upon these grounds, and this view of the subject, that I have determined to give my vote for the bill. But I will not do it, if any evidence or argument can be adduced by the other side to overcome those convictions. Otherwise I shall vote for it; and I shall do it in the generous spirit of the patent system, as it prevails in our country, and in all enlightened countries in the world, where the mechanic arts have been carried to so great a degree of perfection, and more through the instrumentality of the laws, the extension of which we propose here, than from any other single cause.

Mr. ZOLLICOFFER. It has been with much regret and surprise that I have listened to the statements made by honorable gentlemen, insinuating corruption against the members of this body. Such statements have been made both by a friend and by an opponent of this bill. There is not, then, a member of this House but has his reputation involved in such an imputation. I feel that when such statements are made it is due to the House of Representatives, it is due to the American people, that we should make an investigation into the charges. I have sometimes seen such insinuations floating through the newspapers of the country, and I have felt humiliated whenever I have met with such paragraphs. But now the imputations are made upon this floor—at least insinuations that attempts have been made to corrupt members of this House, or that approaches have been made to them through their friends. I feel, sir, that it is due to the American Congress that an investigation should be made when such statements are presented here.

But, inasmuch as a decision was made in the committee this morning, which will not permit us to pass over this bill and take up another bill upon the Calendar, I respectfully suggest, in order that we may give to the gentleman from Virginia [Mr. LETCHER] an opportunity to introduce the resolution which he has read to the House, and that we may take action upon it before we dispose of this bill, that the committee rise and report favorably to postponing any action upon this bill to some future day.

Mr. CUTTING. Will the gentleman from Tennessee withdraw that motion for a few moments, to enable me to make a few remarks in reference to an observation which reached my ear, very imperfectly, from the gentleman from Michigan, [Mr. STEVENS] but which he repeated in a way that makes it a matter personal to myself that I should say a word in reference to it? I hope the gentleman will withdraw the motion.

Mr. LETCHER. I hope the gentleman will withdraw his motion. I want to discuss this bill.

Mr. WALSH. So do I.

Mr. ZOLLICOFFER. I will withdraw the motion. But before I sit down I have a single additional remark to make. I have no means of determining whether these insinuations are founded in fact or not. I have no reason to believe they are. But if the impression exists upon the mind of a single member of this body that approaches have been made to members, with a view to tamper with the honesty and integrity of the House, I think it is due to us that we should make an investigation into the facts. I withdraw the motion to rise.

Mr. LETCHER obtained the floor.

Mr. CUTTING. I ask the gentleman to yield to me for a moment. I rise to make an explanation somewhat personal to myself. I rarely trouble the House or the committee with remarks upon pending measures. I find that I have much more to learn than it is possible for me to teach to others; and I would not have deviated, in the present instance, from the course which I have generally pursued, if it had not been for a remark that dropped from the gentleman from Michigan, to which I desire to call the attention of the committee; because, in the estimation of some gentlemen, it might, perhaps, be supposed to furnish the key to the motive that will influence my vote.

The gentleman from Michigan remarked that he expected to be opposed in reference to this bill, by members of this House, who have been employed as counsel in the controversies relating to the Colt patent. Some years ago there was a controversy of this description, when Mr. Colt

filed his bill, or commenced his action—I do not recollect which—against manufacturers in New York, Messrs. Young & Leavitt, for an alleged infringement of his patent. On that occasion, I was employed as one of the counsel for the defendants. I participated very little either in the argument or the trial, but nevertheless I stand here answering precisely to the description of that class of gentlemen who we are told will be opposed to this claim from such an influence. I was employed as counsel in that case, and I do not know that there is another gentleman in this House who has occupied the position of counsel in any of the controversies in connection with this patent.

Sir, to those of this committee who know me, it would be unnecessary for me to say anything upon this subject; but to a great many who do not know me, I will say that I have been requested—I might say solicited—by these clients, to withdraw all opposition to this extension. They represented to me that, for reasons which they do not explain to me, but left open for me to conjecture, they preferred that the bill should be passed. I told them that I should vote upon this measure, as upon all others, upon the information which I should receive in this House; and that if the reasons for the passage of this bill commended themselves to my judgment, I should vote for it; and, on the other hand, quite as freely vote against it, notwithstanding the request of those gentlemen, who had been my clients, that I would withdraw all opposition to it.

Now, Mr. Chairman, it is my intention to vote against this extension. I beg to state to the committee briefly the reasons which are sufficient to direct my own judgment and my own course upon this matter. As I understand, the patent laws were passed granting to the inventor of a meritorious matter the exclusive right for a period of fourteen years to the enjoyment of the fruits of his ingenuity. It was considered on the one hand, that the reward which he would reap during that period of fourteen years would be a consideration for yielding up to the community at large for general enjoyment at the expiration of the fourteen years, that which he had invented. It was found, however, that men of small means very frequently could not get their inventions into active notice until the period of fourteen years had nearly expired, and instead of being a source of profit to them, as the Government intended, it sometimes and frequently was the source of loss, and almost always of disappointment and regret. In order to avoid those evils to inventors, it was agreed by Congress that the Commissioner of Patents should have the right to extend the patent at any period before the expiration of the fourteen years, for a further term of seven years. It fixed these two characteristics, which were to govern the Commissioner in all such applications. In the first place, he was bound to ascertain whether the extension of the patent would be compatible with the public weal; and secondly, he was to ascertain whether or not the inventor had, during the fourteen years, made, and if so, how much from the fruits of this grant.

In order to guide the Commissioner of Patents, if I remember correctly, the act of 1836 required, as a condition precedent, that the inventor should file a statement, under oath, giving the details of expenditures and receipts, for the purpose of ascertaining how the balance stood. Now, I ask the chairman of the Committee on Patents, whether that prerequisite has been complied with in this case? Because, though Congress may dispense with it, yet that which was deemed a vital and material part of the rule, which was to govern the Commissioner, should always be the guide of this committee. They say that they have ascertained that he has made certain profits, and has invested them in buildings. I call on the members of the Committee on Patents to give us the information which I now ask. Has Mr. Colt ever filed a statement under his oath, of the amount he has expended, and the amount he has received? If so, I desire its production, that we may at once have that first preliminary piece of evidence. If I am to have it, I should like to have it now, that I may make some remarks on it. If the chairman of the Committee on Patents [Mr. THURSTON] is absent, at this time, from the Hall, let some other gentleman of that committee tell us whether the document which the law requires

as preliminary, has any existence, and if so, where it is? While waiting for an answer, I shall proceed to a few more reasons which shall govern me, and they are these: The committee say that this patent ought to be extended a second time because the good of the United States will thereby be promoted. The committee will bear in mind that the patent has still three years to run, and that they want to splice on at the end of the three years this additional term of seven years, so as to make it ten years from February last. And then they say that the good of this country, for which we are legislating, requires that to be done; and how is that made out? Why, if we do not give him the exclusive right to manufacture these weapons in the United States, there will be rival establishments started here that will compete with him and make inferior articles, and that thereby the community will be injured.

Let me grant, for the purpose of the argument, that to extend the exclusive right to Mr. Colt for seven years more will prohibit every man in this country from engaging in the manufacture of these articles. I ask if these patent laws extend to Germany, England, Scotland and Ireland, and all the rest of the civilized world? This Congress, then, would fetter the people of the United States for a further time of seven years, rendering them the only people upon the face of the civilized globe that cannot engage in this branch of manufacture, and leaving it to the whole of Europe, and every part of the world, to engage in the undertaking. Cannot they make spurious articles? Are the German manufactures of scythes, knives, and forks comparable to the productions of England and this country? Can they not make spurious articles in England? What do they want of patent laws, if they cannot make spurious articles? Would not this country be flooded with cheap and inferior arms from abroad, even though you were to extend this patent? The only effect would be to give full latitude and liberty to all the world, except the citizens of the country you represent, to engage in this branch of manufactures; and that, they say, is to advance the public interests of the United States. Why, carry it out a little further, and prohibit the people of the United States from manufacturing any articles useful to the community, and leave the rest of the world at liberty to do as they choose, and I ask you what the productive interest of the country would be in a little while under such legislation as that?

Again, are we at this period of the world to say that competition in the manufacture of fire-arms will not tend, like competition in the manufacture of everything else, to bring out the best article that the wit, ingenuity, and capital of man can possibly devise. Again, it is said that we must, at the end of three years, extend the patent for seven years more, for the purpose of enabling Mr. Colt to do—what? Why, to make so much money during that interval, and perfect his building, tools, and instruments, as to defy competition. In other words, you are to give to him substantially the power to put down any rival manufacturers for all time to come. If the manufacture of spurious articles is to be avoided by the extension of this patent, as gentlemen contend, the argument which would allow Colt to continue his patent for seven years, would also allow him to continue it perpetually.

In regard to this matter of profit, I wish to know where is the evidence as to the amount of money that has been made by Mr. Colt. I observe upon my table a letter from the chairman of the Committee on Patents to the Commissioner of Patents, dated in January last, in which he complains that those who deal largely, I suppose, in gossip, and who have little else to do than to amuse themselves with tittle-tattle about applicants to Congress, and members, and everything else that does not exactly concern themselves, credited or believed the rumor that Mr. Colt had made millions of dollars by the manufacture of his arms. The Committee on Patents deny the truth of the rumor; but in their denial they seem to make a concession that at least advances a very little way in ascertaining how much has been made. The chairman of the Committee on Patents uses the following language:

"Since the committee reported to Congress, my attention has been called to a decision made by you, on the application of Colonel Colt, for the extension of another patent for some improvements to his original invention

last summer, in which you state, in substance, that Mr. Colt had realized a million of dollars out of his invention; and that this fact had been proved by witnesses in the presence of Mr. Colt's counsel, who virtually conceded the point."

I do not know who has seen that decision. I never did. The letter goes on:

"As this statement differs entirely from what Colonel Colt has now laid before Congress, and shows a profit of more than twice as much as now appears."

Now, a million of dollars was said to be the money that he had realized out of the invention; and when it is stated, on authority, that that sum is twice as much as he actually made, it seems to be conceded that, in point of fact, he made \$500,000 profit. When it was very properly observed by the gentleman from Virginia, [Mr. LETCHER,] that that money was realized out of a different patent, No. said the gentleman from Michigan, [Mr. STEVENS,] this patent is blended with the one which Congress is now asked to extend, and may be considered part and parcel of it. And so, if the gentleman from Michigan is right, Mr. Colt has secured profit of half a million of dollars on the patent which we are now to extend.

But, independently of that, the committee say that the moneys which he has earned have been invested in manufactories, and in the means of carrying out this great enterprise to perfection. Now, I ask, what are these manufactories worth? There is one, and I believe an extensive one, in Hartford, Connecticut; and can any gentleman say how much money has been invested there? There is another of them in London; and can anybody tell me how much money has been expended on it? Yet that grand establishment in Hartford, and its splendid competitor in London, together with the machinery, tools, and implements necessary to carry on the manufacture, have all been realized and earned within the last two years of the existence of this patent. Now, what is the value of these manufactories? How much are the buildings, lands, and machinery in Hartford and London worth? For whatever may be the aggregate value of them, that value has been amassed since a very few years; and the question is, how long since?

Mr. HUGHES. Will my colleague yield to me for a moment?

Mr. CUTTING. Certainly.

Mr. LETCHER. Oh, that seems to me to be going rather too far, [laughter,] when I yield the floor for a personal explanation, that it should be given up to a third hand.

Mr. HUGHES. I merely wanted to make an inquiry.

Mr. CUTTING. I have not the smallest objection to yield for the purpose. If any other member has, of course I must go on with my remarks.

Now, Mr. Chairman, when the chairman of the committee, in what he read this morning, conceded that the results, the profits of this manufacture, have been sufficient to build up these two stupendous establishments, the question arises, how long did it require to make these profits? How long has it been since Mr. Colt commenced to derive such profits from his business? As I understood him this morning, the statement was, that in 1850 this patent belonged to the effects of a broken and insolvent company, established in Paterson of which the capital was \$230,000, and in which Mr. Colt owned stock. The chairman of the committee did not say that Mr. Colt paid the money for it, but that he owned stock to the amount of \$50,000. Was this \$50,000 worth of stock subscribed for by him, or was it the price paid for the patent by the company to which Mr. Colt assigned and transferred it?

A little light on this subject would let us into the understanding of the whole of this matter. When the creditors of that company placed its effects in the hands of receivers, this patent was put up and sold at public auction, and Mr. Colt bought it in, and bought it at the cost of one dollar; and having bought it for one dollar, he has proceeded, and since that time—for he was a moneyless man, and without aid—he has gone forward and started his establishment in Hartford, and built up a large concern there; has crossed the seas, established himself in London, and, as I understand, is now supplying the British army with pistols of his manufacture, in London; and all that has been accomplished since 1850. How much has he made, then, since 1850? What is

the value of all these establishments? I ask, for somebody must know. Does no one answer? Was it half a million of dollars? Was it a million of dollars? How much has he invested in those establishments? Only let me alone, says he; only let me go on for ten years more without competition, and I will bid defiance to the whole United States; for then I shall be strong enough to break down all competition; and the public, who are interested in these things, must have my invention, or have none at all.

I was once counsel against Mr. Colt. Have I given you some good reasons which should justify the mind in forming an opinion against this bill? It has been said that this large amount of loss was made up by *ex parte* evidence. Is there a denial anywhere that the witnesses spoke the truth? Did Colt's counsel do anything more than to sit by and hear the evidence? Everybody knows that a judicious counsel never cross-examines when he makes his case worse by so doing. He takes care to let his opponent put in his evidence, and then he assails it. There is not, then, a denial of the truth of the witnesses' statements anywhere, by anybody. Gifford does not deny it. Therefore, I say I shall cast my vote against the bill; because, if, since 1850, he has made sufficient to build up and finish these two magnificent establishments, he ought to be satisfied with the compensation which he will receive during the three years of the unexpired term of his patent; and I, for one, will not lend my aid to fetter and cramp the American people, by extending the patent seven years longer, when all the rest of the world are at liberty to manufacture the arms as much as they please. When they tell me that he has not made money enough out of this patent, I ask for a statement of the profits under oath. And, in the next place, I take their concession that he made half a million out of his first patent; and from what has been said this morning, it appears that he has made enough since to build up here and in London these two establishments, which are to manufacture for the world.

Mr. LETCHER. I shall not detain the committee very long with what I have to say in regard to this bill; and, in the first place, I take occasion to remark that nobody representing Mr. Colt, and nobody on the other side, has had anything to say to me in regard to this matter. I have made up my opinion without a word from the friends or enemies of this bill, in regard to its merits or demerits. I am opposed to this application upon the principle that special legislation by Congress has become the curse of our times. There are existing laws in regard to patents which prescribe, that when a party or parties desire an extension and renewal of a patent they shall apply, at the Patent Office, to the Commissioner of Patents; that he or they shall lay before the Commissioner certain evidence in regard to it, showing the profits which have been made out of it; and if such a case shall have been made out as demonstrates to the Commissioner that he or they have not received a full and fair compensation for their invention, he shall be allowed to extend to them the benefits of the patent for seven years longer. Now, sir, Mr. Colt went to the Patent Office, not a long time ago—for what? Was it for the extension of the patent which this bill proposes to extend? That was extended some three or four years ago. But when he went there the last time, he went to obtain an extension of a patent for a "rammer," which he had attached to the pistol as a part of his invention. That was denied him. At the time he went there he made no statement of the profits which he had derived from the invention. He laid before the Commissioner not a particle of evidence. There is no statement, derived either from his affidavit or that of any one else, showing what profits he has realized from his original invention, or from the time the patent was extended, in February, 1850. Why was this? Why did he not comply with the requisitions of this law, which must be complied with in all other applications? I call upon the gentleman from Michigan to say whether he knows what Mr. Colt has made out of this invention.

Mr. STEVENS. I do not know how much Mr. Colt has made. I answer, in all frankness, that I do not know.

Mr. LETCHER. Then I ask the gentleman from Michigan whether, as a member of the committee to which this matter was entrusted, he

called upon Mr. Colt to furnish him with evidence showing how much had been made out of his invention? Did he call upon him to know whether he had been sufficiently compensated?

Mr. STEVENS. I have now in my possession evidence in the shape of sworn affidavits upon this point.

Mr. LETCHER. Then why did not the gentleman have those affidavits printed, and give them to the House. The committee have presented us with no evidence of the sort in their report, but here, at the last moment, we are told that an individual has affidavits in his pocket, and upon these pocket affidavits we are asked to pass upon this measure.

Mr. STEVENS. Will the gentleman allow me a word?

Mr. LETCHER. Certainly I will.

Mr. STEVENS. I stated in my remarks that I had these affidavits in my possession, but that I was anxious to take up as little of the time of the House as possible, and, therefore, I did not have them read. I did, however, state their substance. But the gentleman now, not very fairly, as it seems to me, comes forward and charges me with not having them printed and presented to the House.

Mr. LETCHER. What is the date of those affidavits?

Mr. STEVENS. Here they are, and the gentleman can examine them for himself.

Mr. LETCHER. The first thing that strikes the committee, in connection with this matter, is the total want of evidence to justify the extension of this patent. The report made by the committee upon it contains nothing but what is to be found in the petition of Mr. Colt asking for the extension of his patent. And there is another significant fact connected with this application and report. You will find that the petition was first presented to the House by the chairman of the Patent Committee, on the 19th day of December, 1853, and on the 21st day of December, 1853, this bill is reported. This is a very significant fact connected with the case.

Mr. CHAMBERLAIN, (interrupting.) I desire to ask the gentleman from Virginia one question. I want to know whether this committee are to understand the time occupied by the gentleman from Michigan, is to come out of his time?

Mr. LETCHER. Certainly, so I understand it. And if it will be any relief to the gentleman to know it, I will inform him that I do not intend to claim any more time. [Laughter.]

Mr. CHAMBERLAIN. I am happy to know that no more of the time of the committee is to be consumed under the privilege of the gentleman from Virginia.

Mr. LETCHER. These affidavits bear date January 18, 1854. These affidavits furnish all the evidence which the friends of Mr. Colt rely upon to secure the extension of his patent, and those affidavits were taken without notice to his opponents. The testimony taken, and laid before the Commissioner of Patents by Colt's opponents in reference to this case, is testimony which it was perfectly fair to present—testimony which, according to the information given by the gentleman from Michigan to this committee, was in all respects fairly taken; for he admits that notice was given Mr. Colt of the time and place at which it was to be taken.

Then if Mr. Colt had due notice, the opponents of the extension of his patent have shown a disposition to deal fairly and honestly with him. They have not been willing to take any unfair advantage of him. They have not been willing to take their testimony, which was to be laid before the Commissioner of the Patent Office in regard to this extension, without giving Mr. Colt the amplest opportunity of showing that the testimony did not warrant the conclusion that these parties sought to establish.

But, sir, the gentleman tells the House that although Mr. Colt had this notice, although it was important for him to show that the conclusion was unfounded, yet he declined to examine the witnesses after the notice was given.

Mr. STEVENS. The counsel of Mr. Colt was engaged in other business, and elsewhere, and could not appear, and therefore the matter had to go by default.

Mr. LETCHER. I imagine if a gentleman has counsel, and that counsel undertakes to act for him, the principal is bound by the act of his attorney.

Now, here was this gentleman who had the notice. According to the letter which was read here, it seems that on that day the lawyer of Mr. Colt was not present. Was it not a matter of sufficient importance to secure his presence? If Colt had not realized immense profit, do you suppose that his counsel would have been out of town at the time the opportunity was afforded him by his enemies to show that fact to the satisfaction of the Commissioner of Patents, and thereby to make up such a case as would warrant the extension of his patent? But so it was. He was gone.

Now, I ask the gentlemen whether the affidavits taken, and on which he has so strongly relied, are not *ex parte* evidence; and whether they were taken with the same formalities and the same fairness which characterized the testimony taken by the opponents of Mr. Colt?

Mr. STEVENS. I do not know how those affidavits were taken. They were put into my hands. On their face they are very fair, and they are to go for what they are worth.

Mr. LETCHER. Then it is remarkable that while the gentleman characterizes the testimony introduced before the Patent Office in notice to Mr. Colt as unfair, he has never undertaken to ascertain whether affidavits on which he relies have had the same formalities for fairness. Ought he not to have ascertained it before he came here? Ought he not to have been enabled to show that Mr. Colt had practiced towards these parties the fair, just, and liberal rule which those parties practiced towards him? But the gentleman tells you that he does not know whether notice was given. He does not know how that is.

We have some evidence to show what amount is invested in the establishment in London, which has been erected for the manufacture of Colt's pistols. Here is the petition of Mr. Colt, which has been presented to the House, as I have already said, on the 19th of December, 1853, in which it is stated that the property and machinery in London are worth \$250,000. If there was such a sum of money as \$250,000 which could be transferred from the United States to London, for the purpose of establishing a manufactory in that city, is not the inference irresistible that there must have been an immense profit made here? Does it not warrant the conclusion that Colt has been well remunerated for his invention, and that his patent ought not to be extended?

Mr. STEVENS. I ask if Mr. Colt did not state in his petition how he came by the money invested in London?

Mr. LETCHER. He does not state that; but he states, when he got out of his partnership in New Jersey, that he was \$30,000 worse than nothing; and then that he started off upon his—

Mr. STEVENS. Does he not state in that petition that he has been aided by friends? I do not know that he has, but I ask the question of the gentleman from Virginia.

Mr. LETCHER. I think he does not. He says that the expense of this undertaking has been already \$250,000; that the cost is increasing every day, and that no profit has yet arisen, and it is doubtful whether it will be profitable for some years to come. Mr. Colt went to New Jersey in 1842, and leaving there the same year with a debt weighing upon him of \$30,000, he goes to Hartford, and puts up extensive improvements there, and, according to the newspapers, he is extending these improvements at a very heavy cost at this very moment. According to the petition presented to this House by him, he has \$250,000 invested in England; and according to one of these affidavits, he has \$450,000 invested in the United States. It was but yesterday morning I saw the statement that he was putting up a most extensive establishment, in connection with his other improvements at Hartford, that would cost from \$100,000 to \$150,000. From the best evidence that could be obtained at the time the Commissioner made his decision, Mr. Colt had realized nearly \$1,000,000 from his invention.

Had not the Commissioner sufficient evidence to warrant him in coming to the conclusion he did in this case? Take the testimony on file before us, take the statement made in the affidavit, on which the gentleman from Michigan so strongly relies, and take the statements in Colt's petition, and the sums which may be set down as profit amount in the aggregate to a sum approximating very

closely to a million of dollars. If a party, by his invention, has received a million of dollars, has he not been amply compensated for that invention, and has not the Government done its duty towards him when it has protected him so long in the enjoyment of it? Besides, the patent does not expire until February, 1857. How much money will he make between this time and February, 1857? At a reasonable calculation he will make at least \$500,000, and the probability is that he will realize a much larger amount. The claimant in this case comes here and asks an extension of his patent, after having failed to comply with the law of the Patent Office requiring him to show the profits he has made out of his improvement. And now, when he comes to this House, after the rejection of his petition by the Commissioner of Patents, he again conceals the amount of profits which he has made. I ask the House if, under such circumstances, they are willing to extend the patent for this improvement seven years longer? He will have had the use of it twenty-one years in February, 1857.

Every session we find persons coming here and seeking for patent extensions which have been refused by the Commissioner. Now, I take it that this House is one of the worst bodies in the world to be set up as an appellate tribunal from the decisions of the Patent Office. The law wisely leaves the matter to the Commissioner of Patents, who examines and decides upon all applications, with the evidence before him. But, under the practice which has been growing up of late years, this House is to be called upon to review the decisions of the Commissioner, and to annul these decisions, and extend patents to all who have been denied extensions at the Patent Office. Not only is Congress interfering with the duties of the Commissioner in extending patents for seven years, as provided for in the law of the Patent Office, but we are actually, in some cases, extending them to terms as long as fourteen years. Not only are we doing that, but we are giving the parties such latitude as not to require them to be limited by their specifications or models. Such a bill was passed at the last session of Congress, extending a patent, and which allowed the owner to claim anything he chose, whether in or outside of his specifications and model.

This kind of legislation, Mr. Chairman, is likely to lead to abuses the most serious. It is likely to lead to abuses to prejudice the interests of other persons, to an utter disregard of their rights. And this is uniformly the case whenever special legislation is resorted to for the purpose of accomplishing private ends. Congress ought to have nothing to do with such cases. The only case in which Congress ought ever to interfere in patent extensions is where a party has applied to the Patent Office for an extension, and where the testimony produced by him is ruled out by technicality, or where, by some other means, he has not had an opportunity to have his case heard on the merits. Then, in such case, it is right enough for this House to allow the patentee to have a chance to produce his testimony, and to allow the Commissioner to judge fairly and candidly in relation to the matter, with all the facts before him. But, instead of acting only in such cases, here we are extending patents day after day; and we have now on the Calendar several bills of this sort. It will lead to an utter abrogation of the Patent Office, and of the duties of the Commissioner, if the House determine thus to go on and permit the abuses which must necessarily grow out of such legislation.

One word in relation to another matter. There is another thing very remarkable in this bill. The gentleman from Michigan [Mr. STEVENS] tells the House that the bill provides that the Government shall have the benefit of this invention, and have the right to manufacture these arms. And yet, strange to say, in the very next breath the gentleman undertakes to demonstrate that the machinery and fixtures cost such a large amount of money that it would be far better for the Government to buy pistols from Mr. Colt, than to undertake to establish machinery to manufacture them. If this is so, what does the Government make by this provision? It is a mere provision in the bill which promises advantages to the Government, but which, when it is particularly examined, is found to give nothing of any sort of real, practical, permanent value. So far as advant-

age to the Government is concerned, this provision in the bill had as well be stricken out.

But another thing is insisted on as an argument why this patent should be extended. It is argued that if the extension is not granted, spurious imitation articles will be made, and that Mr. Colt should have the benefit of this advantage of an extension, in order to put down the manufacture of articles which are not equal in value to his own. This argument warrants the conclusion, nay, it leads directly to the conclusion, and none other, that this House must aid and assist to build up a monopoly sufficiently strong, sufficiently powerful, to choke down and prostrate all competition in this business, in order that Mr. Colt may reap immense profits, and pocket his hundreds and thousands of dollars. Does it mean anything else? Can it mean anything else?

But again: if Colt has had the benefits of a law confirmed by the wisdom of this country, which grants him a patent for fourteen years, and the benefits of an extension for seven years longer, has he not received all that the Government has guaranteed to him as the reward of his invention? But upon the principle which was laid down by the gentleman from Ohio, [Mr. BLISS,] there ought to be no limitation at all imposed in the granting of patents. He tells you that in this country, when a man of ingenuity, industry and energy achieves a great triumph in science or art, he ought to be allowed to have the benefit of the products of his own intellect, and that he ought to reap the rewards of it indefinitely. The framers of our laws did not think that the benefits should be extended for an unlimited period in that way. They thought that there was a time when a party would have received an ample remuneration, and they fixed that time at fourteen years. But they provided, also, that there sometimes might be a renewal of it, if, upon the facts furnished by the party himself, it should be ascertained, that, for some reason or other, he had failed to realize a fair compensation. Then, sir, it seems to me that in refusing to extend this patent, we are doing nothing of which Colt can justly complain; and if we grant the extension, we are breaking down all competition for the benefit of one single individual.

But gentlemen tell us, in this connection, that whether Mr. Colt is wealthy or poor, it is a matter of no sort of consequence in the decision of this question. If it is a matter of no sort of interest, will gentlemen undertake to explain why it is that he is required to exhibit a statement of profits upon making his application for an extension at the Patent Office? and why he is required to show what his profits have been from the invention which he desires to have extended? But, according to the doctrine here contended for, if he choose not to show that evidence there, and if he choose not to show it here, we are to be told that it is a matter of no moment whether he is worth much or little. If he has made nothing, he is able to show that fact, and would be willing and anxious to do so. If he has not received anything from the New Jersey Company, he can show it. He can demonstrate that fact to the House, and make out at least a plausible case for asking this House to extend the patent for seven years longer. But nothing, absolutely nothing of this kind, is done.

When this committee shall rise, I hope it will, in accordance with the suggestion of my friend from Tennessee over the way, [Mr. ZOLLICOFFER,] postpone the decision of this question until some future time. But whether they do or not, I shall ask the permission of the House to introduce the resolution of which I have given notice, in order that it may be considered and adopted.

Mr. STANTON, of Tennessee. It has been my intention to vote for the bill now under consideration, but, after what has occurred this morning, I cannot do so without giving the grounds upon which my opinion and intentions are based. I do not know that I have heard precisely the same grounds presented by any gentleman, nor do I remember to have seen it presented in any report that I have read; either in that which emanated from the Senate or the House committee.

I base my judgment upon the policy of, and design to be effected by, the laws in regard to granting patent-rights, and upon the constitutional provisions upon which they are founded. The product of the intellect of man, whether in the shape of books or useful inventions, were considered of so high and meritorious a character as to

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justify the passage of separate and distinct laws in the Constitution of the United States, for the purpose of protecting and encouraging them.

The particular manner in which that encouragement was to be given, or the extent to which it was to be carried, is not provided for or designated in the Constitution of the United States. But the Constitution contains what was deemed sufficient to provide for and secure protection to the party of the right to the enjoyment of the products of his own inventions, and to encourage upon principles of public policy, the fruits of the intellect which produce these useful inventions.

Now, our laws proceed upon the supposition that a man is, or ought to be, entitled to the exclusive use of his own invention for fourteen years. You do not thereby deprive anybody else of any benefit which they would have derived. In most cases, if the inventor had not made the discovery in the recesses of his own intellect, no one else would have made it, and the benefit derived from it would therefore have been lost to the human family.

Now, the ground upon which I am willing to extend this patent to Colonel Colt for seven years longer, is the simple unequivocal fact that he has not enjoyed the benefit of his patent during a period of fourteen years, and that he is, according to our laws, entitled to enjoy that benefit for that time. It is true the patent has been extended seven years beyond the time for which it was originally granted, but it is also true that he received no benefit whatever from it during that period.

Now, sir, if I were disposed to criticise the law itself, I should say that it does not give to inventors and authors such a protection as ought to be provided in carrying out the intention of the Constitution. I should be disposed to extend the benefit of the patent right to the inventor or of the copyright to the author, during his natural life at least.

Mr. SMITH, of Virginia. The language of the Constitution is "to promote the progress of science and useful arts by securing for limited times to authors and inventors, the exclusive right to their respective writings and discoveries." The gentleman will perceive that it provides expressly that these privileges shall be secured for "limited times."

Mr. STANTON. That is very true, but during the life of the author or the inventor is a limited time. The period of limitation is not fixed by the Constitution, and you may fix the limit where you please. But that is neither here nor there. Our laws proceed upon the principle that an inventor, whether rich or poor, is entitled to the exclusive use of his own invention for a period of fourteen years. I will admit, candidly, that under the laws as they now stand, upon legal principles strictly carried out, Mr. Colt could not get his patent extended, whether he be rich or poor; whether he have much, little, or nothing, the laws strictly construed would not give him this extension, and it is for that very reason that he comes here with his application. He has come here with his application, and let me say, that application is by no means without precedent, and let me say further, that the passage of this bill would by no means be an unprecedented act.

Now, sir, this is a very meritorious case, as I understand it. I derive my information chiefly from a report made by a gentleman formerly a member of this House, now a member of the Senate, in which he says, that from 1831 down to 1849, the efforts of Mr. Colt to introduce his invention, were attended with nothing but disaster; and it has been only from 1850 down to the present time that he has had any benefit from this invention. And every gentleman upon this floor knows very well that the Colt pistol was almost unheard of until within a few years past. Now, suppose that Colonel Colt has made a great deal of money—I suppose that he has made a very considerable amount—tell me whether the rights of the party in reference to the policy on which the laws are founded are to be governed by the

fact whether he is rich or poor, whether he has made little or much money.

Now, I wish it distinctly understood, that I do not place my support of this application on the ground that Mr. Colt has any legal right to claim an extension, but that, under the policy of the law for the purpose of encouraging inventions of this kind, it should be granted to him. This point being distinctly stated as the ground on which I place my vote, it will be seen that I throw aside and disregard the statements made in reference to Mr. Colt's wealth. If he has made a great deal of money from 1850 down to the present time, it is due to his energy and enterprise. But, sir, I take it that the proof in this case, the sworn testimony, shows that the whole energies of his mind have been addressed to the perfection and introduction into general use of this important arm, and that the whole amount he has made is invested in the buildings and machinery necessary for its manufacture.

It is very true, that he has entered on a very large adventure in London. The gentleman from Virginia says that the building cost \$250,000.

Mr. LETCHER. I did not say so. I said that Mr. Colt himself said so.

Mr. STANTON. Very well. Here I may say that I know Colonel Colt personally, and that I believe with entire confidence any statement he may make. I believe that he is far too honorable to make any misstatements in regard to his own affairs, even if they would carry the bill. He is far too honorable to use any unjustifiable means for carrying it.

Now, I say, that whatever money he has made since 1850, is invested in the machinery and buildings necessary to carry on the manufacture of his arms. It is very plain that, by throwing open the business of making them in February, 1857, the probability, at least the possibility, is, that the whole amount of money which, by his industry, energy, enterprise, and inventive genius, he has been enabled to make, will be lost. To-morrow morning an invention may be made superior to this, and the whole amount of funds invested in the first may be lost; so that an adventure of this kind is a hazardous thing. The adventurer may, to be sure, rely upon his knowledge that he has the exclusive right to his manufacture for a certain period, and he may rely upon the possibility and probability that Congress, in its wisdom and liberality, will extend the period still longer.

It is unnecessary to enter into some of the points made by the gentleman from New York, [Mr. CUTTING,] in reference to the possibility of introducing spurious arms from England. I presume, but I do not know the fact, that Mr. Colt has obtained patents for his arms in the principal countries of the world, and therefore in those countries in which arms are most likely to be manufactured, they could only be manufactured by—

Mr. CUTTING, (interrupting.) I presume that the gentleman from Tennessee has not overlooked the fact, that, by the patent laws of England and of France, where an alien is allowed to take out a patent based upon an invention made in another country, that patent takes effect and begins to run from the time of the beginning of the original patent granted him in his own country. So, that, if a patent was granted here in 1836, and a patent was taken out in England or France, the date of the foreign letters patent would be precisely that of the day in which the original patent was issued here.

Mr. STANTON. The consideration urged by the gentleman from New York is not a very important one. I know that many civilized nations extend their patents, and maintain the rights of patentees much longer than we do, and that they extend a much greater protection to inventors and authors than the Government of the United States does. But these are not the points to which I am addressing my argument. I understand that there are only two interests in this case to be regarded in estimating the propriety or impropriety of passing the bill now before the committee. One

is the public interest in having the unlimited right of using Mr. Colt's invention, and the other is the private interest of Mr. Colt in making what profit he can out of his own invention. These interests, I acknowledge, are antagonistical to a certain extent. I do not agree with those gentlemen who insist that it will probably lead to the benefit of the public pecuniarily that Colonel Colt may be permitted to enjoy the monopoly of this manufacture for a longer period. It may or may not be so. One thing, though, I believe conscientiously, and that is, that it will do little or no injury to the public, although I would not say that the public would be benefited pecuniarily by a monopoly continued to Colonel Colt.

On the other hand, there are the rights of inventors to be protected to a reasonable extent. The history of civilization shows that inventors in all ages have been badly treated, and that the greatest benefactors of the world, in many instances, have been deprived of the benefit of their investigations; and it was on this very account that a provision was inserted in the Constitution of the United States, that inventors and authors should, for limited periods, have the exclusive right to use their own inventions, and print their own productions. You must balance these two considerations, so that the principle of public policy upon which our laws are based will counterbalance the public disadvantage of permitting Colonel Colt to make these arms himself. That is the whole question; and, in my judgment, it is unnecessary to go to other considerations. I think that the principle of public policy overbalances the injury to the public which must result from a continuance of this monopoly—if they choose to call it so—for a period of seven years longer.

Mr. McMULLIN. Mr. Chairman, it was not my purpose to have said one word on this question, nor would I have done so but for the course of the remarks indulged in by the gentleman from North Carolina, [Mr. CLINGMAN,] my colleague, [Mr. LETCHER,] and some others. I beg leave to say in the outset that, as a general rule, I am opposed to monopolies of all sorts. But I was not a little amused in the discussion of this question at the course of remarks pursued by the distinguished and learned gentleman from New York, [Mr. CUTTING,] But before I pay my respects to him, I must indorse, to some extent, the correctness of the views expressed by the gentleman from Tennessee, [Mr. STANTON.]

It is true, Mr. Chairman, that it has been the policy of this Government to reward energy, to reward enterprise, and to encourage the industrious mechanic. And I can appreciate the motives which have induced or impelled the gentleman from Tennessee, who I hope will not be offended at the remark, to give his support to the bill. I should be surprised to find any gentleman on this floor, himself being a mechanic, who would go in opposition to it.

You not only reward the talent of the inventor, but do you not also reward politicians of the country? Why, Mr. Chairman, the country rewards men for services, by promoting them to the office of President, or Secretary of State, or Minister, or other official post. Why does it do so? As a reward for their political learning or other personal talents. My colleague yielded the floor to the gentleman from New York, [Mr. CUTTING,] and for what purpose? For the purpose of personal explanation. I need not remind the committee of the character of that personal explanation. I need not remind the committee that that gentleman evinced no disposition to attack this bill when he solicited the floor. He came forward as the counsel against Mr. Colt; and that was his duty. He desired to make a personal explanation, he said. Shall I, I repeat, remind this committee of the character of that personal explanation? Did he stop when he had made that personal explanation? Oh no, sir. With the ingenuity characteristic of the lawyer, and a man of talent, he went on to argue against this bill. Sir, I might ask the learned gentleman from New York, if he has any constituents who would like to engage in

the manufacturing of arms, so as to compete with Mr. Colt? I do not know how that fact may be. If I could put a question so derogatory to the honor of my learned friend from New York, how would he answer? I shall not undertake to say. But I might ask the gentleman from New York another question. I might ask him whether he would have opposed the extension of Mr. Colt's patent, if there had not been exertions used on the other side of the question. We were told by the perfectly disinterested and patriotic gentleman from North Carolina, [Mr. CLINGMAN,] that money, in hundreds and thousands of dollars, had been offered here to buy up members. Who, I ask him, who?

Mr. CUTTING, (interrupting.) The gentleman says that he might do such a thing, and he might do another. He might ask me such a question, and he might ask me another. Now, I ask him, whether he does ask me such a question? Because, if he does, I will answer it.

Mr. McMULLIN. Well, really I would like to know, but I do not like to give up my time.

Mr. CUTTING. I am willing to answer, and I should like to know whether he asks me.

Mr. McMULLIN. Well, I will ask the gentleman, if he has any constituents who have been engaged in the manufacture of arms, or who desire to engage in that business?

Mr. CUTTING. Then, in answer to that inquiry, I reply, that no human being, manufacturer or otherwise, rich or poor, capitalist or impoverished, has ever opened his lips to me upon the subject, excepting upon two occasions, one when I was solicited to vote for the bill, and upon the occasion when the attorney of those who once employed me, begged me to go for it. Is the gentleman answered?

Mr. McMULLIN. Well, it is a sort of lawyer-like answer. [Laughter.]

Mr. CUTTING. Then up and down, horizontally, vertically, and diagonally, and in every shape and form I answer no. Is the gentleman answered now? [Renewed laughter.]

Mr. McMULLIN. How did the gentleman happen to appear as counsel? Who employed him?

Mr. CUTTING. Some gentlemen had the bad taste to suppose that I could be of service to them, and they parted with their money in consideration of my services. [Laughter.]

Mr. McMULLIN. Well, I do not think they displayed bad taste or bad judgment, for if I had a cause in court I should like to have the gentleman for my counsel, for I consider him as one of the most adroit and astute legal gentlemen upon this floor. [Laughter.]

But I have been diverted from my course of remarks. We have been told by the gentleman from North Carolina that money has been spent, in this case, to buy up members of Congress. Or, to be more particular, for I wish to state the gentleman correctly, he stated that he had been informed that thousands of dollars had been offered to induce members of Congress, either to vote for the bill, or to absent themselves—that is, in other words, to dodge. I should like to have the gentleman from North Carolina name the man.

Mr. CLINGMAN. I have repeated my statement once or twice. I suppose it was this: that friends of members had said to them that they would make large sums of money, if this bill passed—thousands of dollars. Two hundred thousand was the last sum I heard mentioned. A gentleman said to me it would be worth \$200,000 to him. My statement was, that friends of members had said to them that, if this bill passed, they would make so much—some of them spoke in thousands and some in hundreds.

I went on further to state, that I did not believe that members would be influenced by that sort of pressure. Of course, I supposed that this House would see, that if these allegations were well founded, and Mr. Colt could afford to give so much money, he must have been doing a good business.

Mr. McMULLIN. I am not prepared to say what has, and what has not been done outside. I hope and believe that no gentleman in this House, is capable of allowing himself to be influenced by any such means, either in or out of this House. I am as much opposed as the gentleman from North Carolina can be, to those outside influences, but agents there are here, and agents there ever

have been, and ever will be. We are all aware of that fact, and of the effect. It has been the custom of the country, and surely the gentleman from North Carolina does not mean to leave the impression upon this House and upon the country, that Mr. Colt is liable to the charge which his language would seem to imply, of intending directly, or indirectly, to influence the members of the American Congress to give a vote in violation of their duty, and the oath which they have taken.

Mr. CLINGMAN. I never saw Mr. Colt in my life, nor did I ever see his opponents; I do not know any one of them. I merely said that these persons represented that they would get large sums of money. Well, if it comes from Mr. Colt, I cannot understand how he can afford to pay it, unless he has been doing a large and profitable business. I do not know that the money comes from him, but I should imagine that Mr. Colt has some connection with the matter; he may not have directly, with these particular persons. He has gentlemen in his employ, gentlemen who are his professed attorneys, and they have the undoubted right to use all the arguments, and all the solicitations they choose.

Mr. McMULLIN. Mr. Chairman, I stated that I do not know Mr. Colt, nor do I know who his agents here are. My attention was called to this subject by a southern gentleman, at a time when I had not determined how I should vote upon it. A gentleman who had traveled extensively, who had attended the World's Fair, in London, approached me upon the subject, and asked me how I was going to vote upon the Colt's pistol case. I told him I did not know. He said he hoped the whole united Virginia delegation in Congress would go for it. I asked him why? He replied that when in England, two years since, to attend the World's Fair, he heard everywhere American enterprise and American articles spoken of with reproach, because of the want of skill displayed in their manufacture. But when Colt's pistols came to be examined, they were pronounced to be superior to anything known in Europe or elsewhere. He said that he then felt proud that he was a Virginian and an American citizen, and that I, as such, ought to encourage an inventor who had brought so much honor and credit to the country. And, sir, my colleague, [Mr. LETCHER,] although he opposes this measure with so much zeal as a member of this House, would, as a private citizen, yield to this discovery all the advantages that are claimed for it. There are men in this House, who were in the Army during the late Mexican war, who will bear ample testimony to the usefulness of the invention. They will tell you that the red men of the forest were terror-stricken by these fire-arms; that they could not comprehend them; and that they struck terror to their hearts as effectually as Old Hickory himself would have done if he had been alive and present. [Laughter.]

Mr. CLINGMAN, (interrupting.) If the gentleman will yield to me for a moment, I desire to say a word more in reference to the outside influences which have been brought to bear upon members in connection with this bill.

Mr. McMULLIN. I have no more time to spare; but I will yield to the gentleman, if he will be brief.

Mr. CLINGMAN. I believe there have been a good many pistols given away to members of Congress; and I take it for granted that the gentlemen who have given them away are connected with this application. I do not intend to say that the vote of any member has been influenced from any such source. I do not believe any such thing. I do not say that it would be improper for a member to receive one of these pistols. This is a matter that every gentleman must determine for himself. Perhaps they were not presented with any design of having an effect in reference to this bill; but I take it for granted that the gentleman who has been disposing of these pistols is connected with Mr. Colt in some way.

Mr. McMULLIN. I have no doubt that he has disposed of these pistols as he had a perfect right to do. I do not know whether the gentleman from North Carolina has had the good fortune to receive one or not.

Mr. CLINGMAN. I have not, and, under the circumstances, with this bill pending before the House, I should not feel at liberty to receive one. I do not mean to say that there would be any-

thing absolutely improper in doing it. Other gentlemen may have done it; and if so, it is not for me to cast any censure upon them. As a private citizen, I might accept one if it were offered me. But when it was offered to me as a member of Congress, in view of this application, I should not feel at liberty to accept it. When it was understood that the gentleman was attorney, or in any way interested in this application, I should of course have felt some delicacy. I am laying down a rule for myself, and nobody else. I know that those who take a view of the question different from mine are quite as fastidious as I am in this regard.

Mr. McMULLIN. I hope the gentleman will not make a half dozen of speeches. He says that he has not accepted pistols from Mr. Colt. I do not know this inventor; and I here say, that I am willing to go with the gentleman from North Carolina and my colleague, to raise a committee of investigation as to whether there has been any intrigue or corruption in regard to this, or any other proposition which is now or has been before the House.

Mr. Chairman, I repeat that there are men upon this floor who know and can fully appreciate the value of this arm. It has been of immense service to our soldiers on bloody fields. This being so, is it not the duty of Congress to reward men distinguished for their great service to the country? Certainly. This man has made his name celebrated by his great inventive genius. His arms have added luster to the American name. Years of toil and suffering have been devoted to their perfection, and he should now receive at our hands sincere thanks and ample compensation.

I do not blame gentlemen who are opposed to fighting and war for opposing this extension. If I were like my friend from New York, [Mr. SMITH,] and others, I myself might be opposed to it. Those of us who hold different views ought, on the other hand, to yield it our votes. If it should be my fate to go to war, I would want on the field of battle the real and genuine weapon, and not one by imitating manufacturers, which would burst in my hands—one more dangerous at the breach than at the muzzle.

What was done by Congress the other day? Whose patent did you extend? You extended Mr. Bishop's patent for the manufacture of cloth. Have we not enough of manufactories of cloth in the country already, North, South, East, and West? Have we not enough without extending Mr. Bishop's patent? In that case, the extension was all right. Here, however, we have objection. In this case, one of the greatest inventions of the age, and which has done us so much credit, the extension is refused. I do not represent a mercantile constituency, but an agricultural and mechanical one. Those interests, of course, I am disposed to encourage. I shall encourage mechanics. I myself belong to the working class of the community, and am at all times ready to stand by it. I shall vote for the bill, because I believe it is for the just and deserved extension of a patent for one of the greatest inventions of American ingenuity. I do not care whether Mr. Colt has made money or not. The testimony on that point, however, is clashing. He ought to make money, and I am willing that he shall do so, and off the British too. [Laughter.]

Mr. PRATT. As the Representative of the district in which Mr. Colt resides, I feel called on to make a brief explanation in reference to his pecuniary condition, and also to disabuse the minds of members of this House and the country in regard to some of the statements and rumors which have been made, not only upon this floor, but out of this Hall.

In the first place, I was somewhat surprised at the remark which fell from the gentleman from North Carolina. He made a charge that bribery had been used in this case; but he afterwards qualified it in answer to a remark made by my friend from Georgia, [Mr. SEWARD.] I shall ask my friend from North Carolina, a gentleman for whom I have always entertained the highest regard, if he had any reference to me in any of the remarks he made? [Laughter.]

Mr. CLINGMAN. I take the greatest pleasure in saying that I did not even know that Mr. Colt lived in the district of my friend from Connecticut, and I have never heard the gentleman's name connected with the affair. I will say, fur-

ther, that my object in referring to the extraordinary rumors about bribery being resorted to in this case, was, if possible, to bring public opinion to bear to correct this pressure from without. It may turn out that some good case will be lost, owing to the fact that the lobby are active in securing its passage. If this system of lobbying is to go on; if we are to have this eternal outside pressure, so that a gentleman cannot come into this Hall without somebody touching his elbow and saying, "Well, how does the Colt case come on? If it should get through, it would be a very handsome thing for me; I shall get so many thousands. If you cannot vote for it, have not you some business to attend to elsewhere when it happens to come up?"—I say, if this kind of thing is to go on, the result will be, that it will excite such prejudice against these outside influences as to endanger the passage of very meritorious cases.

Mr. PRATT. The explanation of the gentleman is perfectly satisfactory, although in relation to this matter of bribery any explanation from him, or any other gentleman, would be entirely unnecessary as far as my standing at home is concerned, for such a charge would at once fall to the ground. There is not a political opponent in the district I have the honor to represent who would believe that I would be guilty of receiving or using money directly or indirectly, or countenancing anything of the kind, with a view of effecting the passage of this bill, or any other. I have the pleasure of a personal acquaintance with Colonel Colt, and I am proud to acknowledge him as my personal and particular friend. He has never, in his conversations with me, alluded to lobby influence, or stated that he had an agent here, or had furnished funds to carry through this measure. I spent two or three hours with him when I was at home on a visit to my family last month. To be sure, he does not disguise the fact that he is anxious for a renewal of his patent, and he gives his reasons why it should be granted, which to me have proved satisfactory; and I have no doubt they would prove equally so to any other gentleman who should hear them from his own lips. But enough on that point.

The remarks of the attorney—the lawyer—the gentleman from New York, [a laugh,] might be excused; for, after so long an absence from his seat here, he doubtless thought it expedient to let his constituents know that he had returned once more. [Laughter.] A great deal has been said here by gentlemen in relation to the wealth of Mr. Colt. When he removed to Connecticut from New Jersey he was poor, and greatly in debt; but, fortunately, he has released himself from his embarrassments.

For the success attending Mr. Colt's exertions and industry, he was indebted to friends who—numbering, I believe, some thirty or forty in all—contributed funds to enable him to prosecute his business. I do not stand here to plead Mr. Colt's poverty. He has been, of late, successful; and if ever there was a man that invented anything in the shape of an arm for self-defense who was entitled to success, certainly Colonel Colt was such a man. Mr. Colt, when he commenced, hired a large building, known as the Porter Manufacturing Mills, and has occupied it since, and occupies it now. But he does not own it. He has, however, commenced building an armory which, when completed, will doubtless be a model for the world. But I say, on the honor of a gentleman, that, in my opinion, there is not an intelligent man in his district, nor any man who knows anything about this matter, that believes Mr. Colt has got money enough to complete the work which he has begun, and fulfill the contracts that he has undertaken.

Mr. LETCHER. Will my friend from Connecticut [Mr. PRATT] permit me to make an inquiry of him?

Mr. PRATT. Certainly.

Mr. LETCHER. I see from the affidavit furnished by the gentleman from Michigan, [Mr. STEVENS,] that the machinery, tools, fixtures, and other property owned by Mr. Colt, in Hartford, Connecticut, is valued at \$450,000. I desire to know from my friend from Connecticut whether he considers that a fair valuation?

Mr. PRATT. In answer to the inquiry of my friend from Virginia, I would say that I have no personal knowledge on that point; but I have here in my possession letters which I can read to the committee, if they desire it, which throw some

light on the subject. They are from most intelligent gentlemen in my district; and I will name some two or three* of them. One of them is Governor Trumbull, once an honorable member of this House. Another is Mr. Belknap, president of the Bank in which Mr. Colt transacts his business. These gentlemen estimate Mr. Colt's wealth not to exceed \$200,000 or \$250,000, and that in machinery. Mr. Belknap says that within the last six months he knew Mr. Colt to buy steel, and other materials used in the manufacture of arms, on credit, and to give notes for the purchase of them, not having the money to pay their cost.

Mr. LETCHER. Does the gentleman know William Tuttle?

Mr. PRATT. I do.

Mr. LETCHER. Is he a man of character and veracity?

Mr. PRATT. He is.

Mr. LETCHER. Well, Mr. Tuttle says that Mr. Colt is worth \$450,000.

Mr. PRATT. I would remark that Mr. William Tuttle is a manufacturer of arms; and I suppose he would be very glad of the chance of being able to manufacture arms himself. I do not think, however, if he were engaged in it, he would manufacture spurious articles; for I know he is an honest man.

Mr. LETCHER. He gives his affidavit, stating this fact, as Colt's agent.

Mr. PRATT. I do not deny that Mr. Colt has in his establishment or possession machinery to the amount of \$450,000. I have no personal knowledge in regard to that matter. I have seen his establishment, and visited it. It is not such an establishment as that which he intends to have. And here I will remark that Mr. Colt is not a miserly man. No man that knows him can fail to admire his generosity. He is one of the most magnanimous men of the place. And his object in seeking the extension of his patent is not so much to amass wealth as to build up for himself fame. Nobody that knows him can doubt the truth of what I say in that regard.

I must say something now in reference to the statements made as to Mr. Colt's immense fortune, and to the story of his being worth a million of dollars, and so on. It is not correct. The statements have been exaggerated, doubtless, for effect.

Now, one word in relation to lobbying in favor of this arm. I do know that there was a gentleman here from the city of New York, in the early part of the session, engaged in that business. There were men here during the first part of this session lobbying against this arm; and I was told that others were employed to do so. I do not know the fact; and, therefore, I do not make the distinct charge.

Something has been said in relation to Mr. Colt's establishment in England. Mr. Colt established an armory in England because he believed it to be for his interest to keep upon good terms with the British Government. He had the same interest in doing so that any man would have similarly situated; but he had no idea of transferring his business across the Atlantic. He is an American, and has as noble an American heart as any man. He did so because it would subserve his pecuniary interest. But the work is done in this country, in Connecticut, and is carried across the Atlantic in detached pieces, and is put together there.

Mr. McNAIR. Will the gentleman yield to a motion that the committee rise?

Mr. PRATT. I will be brief, Mr. Chairman. I intend always to fulfill my promises; and I said, in the beginning, that I would not detain the committee long; and I would not have said a word, had I not deemed it a duty I owed to Mr. Colt, to this House, and to the country. Gentlemen will bear me witness that I am disinclined to consume the time of the House unnecessarily.

One remark in relation to the committee. The committee had this matter under consideration, and reported, as members well know, in favor of the renewal of the patent. I think some weight is due to the opinion of your committee, who have investigated the matter. But that will pass with members for what it is worth. Gentlemen have heard the report, and doubtless most of them have read it.

I would remark, Mr. Chairman, in relation to Mr. Colt's career, that he has been helped by

wealthy friends. When he first embarked in the enterprise, his father, with other friends, opposed him. He had every difficulty to encounter; and he came down to Baltimore, and was almost an exile there, and was secluded for two or three years. But finally, by the aid of some of his mother's relatives, he procured funds, by which he was enabled to perfect this arm. When he went to New Jersey, it is well known that he was bankrupt. He was obliged to make the best bargain in his power to procure capital for carrying on his operations. He did succeed with some acquaintances of his, in obtaining facilities for manufacturing his pistols; but he had no capital invested in the establishment; and I do not suppose there is a member of this House who supposes he had. Well, sir, he left that establishment without means—at least so I am credibly informed. I have no personal knowledge of any of these facts. Mr. Colt himself told them to me, and with me his word is as good as my own personal knowledge. From New Jersey he went to Connecticut, and there some of his friends made up a purse for him, by which he was enabled to prosecute his manufacturing. And there he did prosecute it successfully, I admit.

Now, Mr. Chairman, admitting that Mr. Colt has made millions upon millions by this invention, is that any good or valid objection to the renewal of his patent? Sir, I claim that this invention is one that has done honor to America. It is one of which every American ought to be proud. It stands preëminently above every other arm ever invented in this or any other country. And, because Mr. Colt did succeed finally in making a little competency, because he succeeded in making a fortune, if you please, is that any valid reason for refusing the extension of his patent? I certainly think it is not, and I believe the good sense of this House will agree with me that it is not.

Again, I call the attention of the committee to the fairness and honor which Mr. Colt has shown in this whole matter. He has not sought to take any advantage of the Government. It is true that it has been said that the Government will never find it for its interest to take advantage of the right granted in this bill, that the cost of machinery would be so great that the Government would procure its arms to be manufactured rather than manufacture them itself; but such is not the fact. Nearly all the machinery at our national armories at Springfield and Harper's Ferry could be applied to the purpose of manufacturing these arms. At least, such is the fact in reference to that at Springfield, as I know from my own personal examination, and I have no doubt the same species of machinery is used at Harper's Ferry. Some additional machinery would be required, but with the full privilege of manufacturing which this bill gives, the Government would find no difficulty in applying the invention to its own advantage at the national armories.

Now, Mr. Chairman, let me state what seems to me to be a matter of more importance than anything else connected with this matter, and which has been alluded to by the gentleman from Virginia, [Mr. McMULLIN.] So long as Mr. Colt has the control of the manufacture of this arm, the public are safe in the use of it. He is scrupulously particular in the inspection of every pistol that goes out from his establishment. While he is at home he inspects them himself, and when he is absent that duty is intrusted to a gentleman who is a good judge of fire arms, and who never allows one to pass his inspection that is not a perfect instrument. He takes much pride in knowing the fact, which we all know, that his pistols seldom, if ever, burst. They are much more perfect than the arms made under the direction of the General Government, judging from the number which are broken in their use.

Mr. Chairman, I have nothing more to say upon this subject. I ask pardon of the committee for detaining them one moment. I should not have done it but for the reason that I felt it to be my duty as a matter of justice to the committee and to Mr. Colt, to say a word in reference to the statements which have been made.

Mr. McNAIR. I move that the committee do now rise.

The motion was agreed to. So the committee rose; and the Speaker having resumed the chair, the Chairman (Mr. STANTON, of Kentucky,) reported that a Committee of the

Whole House had had the Private Calendar generally under consideration, and particularly House bill (No. 59) "for the relief of Samuel Colt," and had come to no resolution thereon.

COMMITTEE OF INQUIRY.

Mr. LETCHER. I now ask leave to introduce the resolution which I have indicated, in reference to the charges made here to-day.

Mr. WALSH. I object, on the ground that all such things end in smoke. They are, in general, miserable farces.

Mr. LETCHER. Let it be tested.

Several MEMBERS. Let the resolution be read for information.

The resolution was read, as follows:

Resolved, That a committee of ——— members be appointed to inquire whether money has been offered to members, or other illegal or improper means used to induce members to aid in securing the passage of a bill to extend Colt's patent for seven years; and also whether money has been offered to members, or other illegal or improper means used, either directly or indirectly, to secure the passage of any bill through Congress; and that said committee shall have power to send for persons and papers, with authority to examine witnesses on oath.

Mr. SEWARD. I hope there will be no objection to the resolution, or to the amendment which I desire to move.

Mr. WALSH. I have specifically objected to the introduction of the resolution.

Mr. LETCHER. I would be glad if the gentleman would withdraw his objection, and let the resolution pass.

Mr. WALSH. If the gentleman will assure me that he seriously believes anything will grow out of it, I will withdraw my objection.

Mr. LETCHER. If I had not supposed that it was due to this House, and due to the country, that something of that sort should be done, I should not have offered it.

Mr. WALSH. I withdraw the objection.

Mr. WENTWORTH. I call for the previous question on the adoption of the resolution.

The previous question received a second.

Mr. SEWARD. I hope the resolution will be modified, so as to embrace as well those opposed to the extension of the patent as those who are in its favor.

Mr. LETCHER. I am for making it as broad as gentlemen want it.

Mr. SEWARD. Let all be embraced.

Mr. LETCHER. I will fill the blank with the word "five," and I will also modify the amendment by adding "or defeat" after the word "passage," where it occurs.

Mr. CHAMBERLAIN. I call for the yeas and nays upon the adoption of the resolution.

The yeas and nays were not ordered.

Mr. PRATT. I hope the resolution will pass unanimously.

The main question was then ordered.

Mr. SEWARD. I move to postpone the consideration of the resolution until Tuesday next.

The SPEAKER *pro tempore*, (Mr. JONES, of Tennessee, in the chair.) That motion is not in order, the main question having been ordered.

Mr. JONES, of Louisiana. Is it in order to move to lay the resolution upon the table?

The SPEAKER. That motion would be in order.

Mr. SEWARD. Would it be in order for me to make any remarks?

The SPEAKER. It would not be.

Mr. JONES. Well, I will take the responsibility of moving to lay the resolution upon the table, because I do not believe it will amount to anything.

The question was taken on Mr. Jones's motion; and it was disagreed to.

The question recurring on the adoption of the resolution, it was put, and the resolution was agreed to.

Mr. WENTWORTH, of Illinois, moved to reconsider the vote by which the resolution was adopted, and also moved to lay the motion to reconsider on the table; which latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message was received from the Senate by ASBURY DICKINS, Esq., its Secretary, informing the House that the Senate had passed "An act making appropriations for the construction of certain military roads in the Territories of Nebraska and Washington," and twenty-two bills of a private character.

Mr. DAVIS, of Indiana. I move that the House do now adjourn.

The motion was agreed to; and, thereupon, (at four o'clock, p. m.) the House adjourned until Monday, at twelve o'clock, m.

HOUSE OF REPRESENTATIVES.

MONDAY, July 10, 1854.

The House met at twelve o'clock, m. Prayer by Rev. HENRY SLICER.

The Journal of Saturday was read and approved.

The SPEAKER appointed the following gentlemen the select committee under the resolution adopted on Saturday last, upon the use of improper means to influence the votes of members: MESSRS. LETCHER, THURSTON, CLINGMAN, T. D. ELIOT, EDDY, CUTTING, and ZOLLICOFFER.

The SPEAKER laid before the House a communication from the Treasury Department, containing copies of letters addressed to that Department by S. J. Briggs, general appraiser of the Pacific coast, O. P. Sutton, and P. S. Roach, the legal appraisers for the port of San Francisco, and also a memorial from the merchants of that place, asking the erection by the Government of a building at San Francisco for the use of the appraisers, and to enable them promptly and correctly to discharge their duties in presenting an estimate of the value of imported merchandise.

On motion by Mr. LATHAM, the communication was referred to the Committee of Ways and Means, and ordered to be printed.

Mr. CLINGMAN. I rise to call the attention of the House to what has usually been treated as a question of privilege. As the Clerk read over the Journal, I observed that my name was placed upon the investigating committee raised on Saturday last. It will be remembered by the House that I expressed a very decided opinion that certain facts and allegations were true. Although my expression of opinion ought not, of course, to influence me, and I suppose it would not, yet I think it would be more satisfactory to others that some other gentleman should be appointed in my place, inasmuch as I might be looked upon as standing in the light of a prosecutor, or one who made the charge. I hope, therefore, that the House will allow the Speaker to substitute another gentleman in my place. For a week or so I have been quite unwell, although for that reason alone I would not decline serving upon the committee; yet I think it due that the report of the committee should come from persons who have not expressed any opinion upon the point made by me on Saturday last. I hope the House will see the propriety of excusing me, and allowing the Speaker to appoint another gentleman in my place.

The question was taken; and, on a division, there were—yeas 79, noes not counted.

So Mr. CLINGMAN was excused from service on the committee of investigation.

The SPEAKER. There is a proposition pending to suspend the rules of the House, and on the subject of that proposition there is a question of order pending over since last Monday week. The chair was then temporarily occupied by another gentleman; and the present occupant can not, as a matter of course, know of himself the facts connected with the case. The Chair is, however, informed by the Clerk, that the gentleman from Tennessee [Mr. JONES] objected to the motion being entered, for the reason that a quorum—as he assumed—was not present. The Chair would inquire whether or not the fact could have been known to the Chair on that occasion, or to the House, as to there being a quorum present?

Mr. JONES, of Tennessee. I made that point, and I am very confident that there was not a quorum present. I think that that would be found to be the opinion of every gentleman in the House at the time, if it can be now recollected.

The SPEAKER. The question is a very curious one.

Mr. JONES. I withdraw the question of order that I made.

PAY OF LEGISLATIVE EMPLOYEES.

The SPEAKER, (interrupting.) Then the question is on suspending the rules for the purpose of introducing the following proposition: "A joint resolution to fix the compensation of the

employees of the legislative department of the Government, and to prohibit the allowance of the usual extra compensation to such as receive the benefits thereof."

Several MEMBERS. Read the resolution.

The Clerk reported the resolution, as follows:

Resolved, That the officers, clerks, messengers, and other employes of the legislative department of the Government, shall be paid an increased compensation of twenty per cent. upon the compensation now received by them respectively; and the messengers and public folders of the House of Representatives shall not receive less than is allowed to the messengers of the Senate, of the same class; such increased compensation to commence from the 1st of July, 1853; and that a sum sufficient to pay the same to the 30th June, 1855, be hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That no person whose compensation was increased by the act approved April 22, 1854, shall be benefited by this joint resolution: *And provided further*, That the usual extra compensation shall not hereafter be allowed to any person receiving the benefit of this joint resolution.

The SPEAKER. The question is on ordering the rules of the House to be suspended, so as to permit the introduction of the joint resolution just read.

Mr. WALSH. On that question I ask for the yeas and nays.

Mr. JONES, of Tennessee. I demand tellers on ordering the yeas and nays.

Tellers were ordered; and MESSRS. CAMPBELL and PRATT were appointed.

The House was then divided; and the tellers reported 31 in the affirmative, (a sufficient number.)

So the yeas and nays were ordered.

The Clerk then commenced calling the roll.

Mr. JONES, of Tennessee, (when his name was called,) said: It is rather late in the day to make a question of order, but I understand that the resolution which was reported at the Clerk's desk this morning, and upon which we are now voting, is not the one which was offered by the gentleman from Pennsylvania, [Mr. CURTIS,] two weeks ago, and for the introduction of which he moved to suspend the rules.

Mr. CURTIS. It is not exactly the same resolution.

Mr. JONES. Have not words been interpolated into the resolution?

Mr. CURTIS. The words "and public folders" were not in the original resolution.

Mr. JONES. And they have been interlined since the resolution was offered.

Mr. STANTON, of Kentucky. I suggest, that inasmuch as it is stated by the gentleman from Pennsylvania that there has been, by some means or other, I do not know what, an interpolation of some words into the resolution since he presented it two weeks since, which were not intended to be there, that the vote be taken over again.

Mr. WENTWORTH, of Illinois. I ask if the resolution was not read to the House this morning, and if we are not voting to suspend the rules for the purpose of introducing the resolution which was read?

The SPEAKER. The resolution was read. This is rather a singular case, and the Chair does not recollect of the occurrence of any such case before. The Chair asks the House to recollect the fact that the clerks, at least, are not to be accused of having made the interpolation upon the paper. The gentleman from Pennsylvania, [Mr. CURTIS,] as a matter of course, supposed that he had the right to modify the resolution. That right, under the circumstances, and under the rule, he would not have. It is true that, under the rules of the House, the mover of a proposition may modify it before the House has acted upon it.

Mr. CAMPBELL, (interrupting.) But I understand the gentleman from Pennsylvania does not propose to offer the resolution in the form in which it is presented now. If that is the case, the vote which is being taken amounts to nothing; certainly not.

Mr. JONES, of Tennessee. Not at all. I understand that the resolution was offered from the Committee on Accounts; and since it was offered here, it has not been before that committee to be altered by them.

The SPEAKER. The decision of the Chair is, that a single member of a committee has no authority to alter a report himself, without the authority of the committee. It is also true that, after a motion has been made to suspend the rules for the

purpose of introducing a particular matter, it is not proper to withdraw that matter; but it is also true that the resolution, as it now stands, was read, and put to the House as the thing to be offered, if the rules were suspended. The Chair is not aware that any wrong has been done to any one in reference to it.

Mr. CAMPBELL. I understand that the gentleman from Pennsylvania does not propose to offer this resolution as it has been reported, if the rules are suspended.

The SPEAKER. Was the resolution, as read this morning, a different paper from the one presented two weeks ago?

Mr. CURTIS. The printed resolution was the one I offered two weeks ago, and in reference to that I supposed the vote was being taken now. I do not propose to add the words "public folders," and by no act of the committee, or of myself, have these words been interpolated. I propose the resolution as I offered it two weeks ago, and as it then stood.

The SPEAKER. The gentleman from Pennsylvania denies having placed those words there. The clerks say they did not put them there, and there can be no doubt of the fact, in the opinion of the Chair, that the clerks state the fact correctly. He has had too much intercourse with them to doubt the correctness of their statement.

Mr. STANTON, of Kentucky. I desire to say a word of explanation. I did not intend to imply that any clerk of this House made the interpolation; but, having understood from the gentleman from Pennsylvania that those words were put there without his consent, or the knowledge of the committee, I thought it proper that the House should know it; and I intended to suggest that, by unanimous consent, inasmuch as some members have voted against the resolution in consequence of the alteration, the vote should be taken over again. I ask that, by general consent, it may be done.

Mr. WALSH. It appears that there has been some wrong committed here, and I should like to know who has been guilty of the wrong. If it has been done deliberately, it is a disgrace to whoever has been guilty of it, and we ought to know who it is.

Mr. RICHARDSON. There is no difficulty in getting along in this matter. If any gentleman has voted under a misapprehension, after the roll has been called he can change his vote.

The SPEAKER. It will be for the House to take such action upon it as they choose. Otherwise the Chair will order the call of the roll to be continued.

Mr. JONES, of Tennessee. This resolution was reported from the Committee on Accounts; and it is not in the form in which it was reported. The gentleman may say that he will modify his resolution, but the Chair will also sustain me in the proposition that the gentleman from Pennsylvania could not modify it, it not having been so reported.

Then no power could alter or modify the resolution except the House, unless it went back to the committee, and received their action. This is not the resolution which was reported by the Committee on Accounts, and I submit, therefore, that there is nothing before the House upon which it can act.

Mr. CURTIS. I will state that the word public folders is in the resolution without my consent, and evidently without the consent of the Committee on Accounts, which reported the resolution. The resolution reported from that committee is the one which I offered, and is the one which I supposed the yeas and nays were being called upon, until my attention was called to it a moment ago. I have not offered the resolution with that alteration, and I suppose the resolution, as offered by the committee, is the one upon which the motion to suspend the rules to introduce is being taken.

Mr. RICHARDSON. I desire to ask a single question. Is the resolution which has been read at the Clerk's desk the same as that reported by the Committee on Accounts, with the exception of the alteration which has been indicated?

The SPEAKER. The Chair understands that it is the same.

Mr. RICHARDSON. Then I do not see any difficulty in relation to the matter. We are still

voting upon the resolution reported by the committee.

Mr. SMITH, of Virginia. I understand the committee reported the printed resolution, and that all the written manuscript contained in it has been added.

The SPEAKER. The gentleman is mistaken. The written manuscript was added by order of the Committee on Accounts, with the exception of the single insertion of "public folders."

Mr. SMITH. I have had it intimated to me that those words have been improperly interpolated by some one having no control over the resolution, and I think, therefore, the resolution should be recommitted to that committee. If it be in order, I will make that motion.

The SPEAKER. The Chair thinks the roll must be called through, and it will be in the power of the House to take such action as they may think proper.

Mr. SMITH. It is in order to recommit by unanimous consent. I ask the unanimous consent of the House to recommit the resolution.

The SPEAKER. The Chair will state to the gentleman that the resolution is not before the House at all. The motion upon which the vote is being taken is to suspend the rules to introduce it. When the rules shall have been suspended, it will then be in order to move to recommit.

Mr. SMITH. I will then withdraw the proposition.

Mr. STANTON, of Kentucky. I rise to a question of order. The chairman of the Committee on Accounts states to the House that these words have been interpolated without his consent, and without the consent of his committee. They have, therefore, been interpolated without any proper authority. And I ask whether they must not be stricken out by the Clerk, as a matter of course.

The SPEAKER. The Chair thinks he has the right to order them to be stricken out.

Mr. STANTON. Well, sir, I raise that point of order, and ask that the Speaker shall order them to be stricken out.

Mr. WALSH. I hope not.

Mr. TAYLOR, of Ohio. I ask what injury will be done by allowing the vote to be taken upon the resolution as it now stands? Let us take the vote, and get the resolution regularly before the House. It will then be competent for us to recommit, if it shall be deemed desirable.

The SPEAKER. The Chair thinks that when alterations have been made improperly in a bill or resolution before the House, it is his business to see that a correction is made; and he will therefore order that the words which have been interpolated into this resolution shall be stricken out. They are improperly, unlawfully there, and must be stricken out. The clerks, perhaps, would do well hereafter to keep all papers belonging to the desk within their own possession.

Mr. WALSH. Can the words be stricken out without the House knowing by what means and by whom they were inserted?

The SPEAKER. That may be the subject of proper inquiry hereafter.

Mr. WALSH. We may have appropriations of untold thousands inserted into bills in the same way. Perhaps we have.

The words were stricken out by the Clerk, under the Speaker's order.

The call of the roll was then finished; and the question was decided in the affirmative—yeas 111, nays 46; as follows:

YEAS—Messrs. Abercrombie, Aiken, James C. Allen, Willis Allen, Appleton, Ashe, Banks, Belcher, Bell, Bennett, Benson, Bridges, Bugg, Campbell, Caruthers, Chandler, Christian, Clark, Corwin, Cumming, Curtis, Cutting, Thomas Davis, Dawson, Dent, Dick, Dickinson, Eddy, Edgerton, Edmundson, Thomas D. Eliot, Everhart, Farley, Fenton, Florence, Franklin, Giddings, Green, Greenwood, Sampson W. Harris, Wiley P. Harris, Harrison, Hendricks, Henn, Hill, Hilmyer, Howe, Hughes, Johnson, J. Glancy Jones, Kerr, Knox, Kurtz, Lamb, Latham, Lindsey, McCulloch, McDougall, McNair, Mace, Macy, Matteson, Maurice, Maxwell, May, Mayall, Middlesworth, Morgan, Nichols, Norton, Olds, Preston, Puryear, Ready, Reese, Thomas Ritchey, Robbins, Rogers, Rowe, Russell, Sabin, Sapp, Seward, Shower, Gerrit Smith, Samuel A. Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, Stratton, Straub, Andrew Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Tweed, Upham, Vail, Vansant, Wade, Walbridge, Walley, Elihu B. Washburn, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Westbrook, and Zollcoffer—111.

NAYS—Messrs. Bockoc, Boyce, Breckinridge, Carpen-

ter, Clingman, Cobb, Cox, Craige, John G. Davis, Eastman, John M. Elliott, Ellison, Fuller, Grow, Hastings, Haven, Hibbard, Houston, Ingersoll, Daniel T. Jones, George W. Jones, Kittredge, Letcher, Lilly, McMullin, McQueen, Milson, Morrison, Murray, Noble, Orr, Parker, Bishop Perkins, Phelps, Phillips, Pratt, Richardson, Ruffin, Sage, Seymour, Shaw, William Smith, John J. Taylor, Trout, and Walsh—46.

So (two thirds voting in favor thereof) the rules were suspended, and the resolution was introduced.

Mr. CURTIS. I move the suspension of the 133d rule, which requires that all bills and joint resolutions appropriating money from the Treasury shall have their first consideration in the Committee of the Whole on the state of the Union.

Mr. JONES, of Tennessee. I demand the yeas and nays on that motion.

The yeas and nays were not ordered.

Mr. OLDS. I demand tellers.

Tellers were ordered; and Messrs. Jones, of Louisiana, and Cox, were appointed.

The question was taken on Mr. CURTIS's motion, and it was decided in the affirmative—yeas 101, nays 44; two thirds voting in the affirmative. So the rule requiring the joint resolution to have its first consideration in the Committee of the Whole on the state of the Union was suspended.

Mr. CURTIS obtained the floor.

Mr. STANTON, of Kentucky. I appeal to the gentleman from Pennsylvania to yield me the floor for a single moment. I propose to add after the word "messengers," in the third line, the words "and the watchmen on the Capitol extension."

I desire to state that these two persons, employed as watchmen upon the wings of the Capitol, perform precisely the same duties, and are placed under the same obligations and responsibilities that the watchmen are who attend to the Capitol itself. They superintend the grounds, and do precisely the same duties, for which they receive but two dollars a day. If their names are inserted in this resolution, they will receive an additional compensation of only twenty per cent. more than what they now receive. I hope the amendment I have offered will be adopted, and then I shall vote cheerfully for it.

Mr. CURTIS. For that purpose alone I am willing to yield the floor.

Mr. SMITH, of Virginia. Can such an arrangement be made without general consent?

The SPEAKER. The gentleman from Pennsylvania may yield the floor for any specific purpose, or he may yield the floor altogether.

Mr. STANTON. I have no purpose in view but to submit the amendment I have suggested.

Mr. SMITH, of Virginia. Is the bill open to amendment?

The SPEAKER. The bill is open to amendment; but the gentleman from Pennsylvania is entitled to the floor.

Mr. SMITH. I wish to know if the previous question has been demanded?

The SPEAKER. The gentleman from Pennsylvania has not demanded the previous question, nor has he signified his purpose in obtaining the floor.

Mr. DENT. I ask the gentleman from Pennsylvania to yield me the floor, that I may offer an amendment, which I desire to have read for the information of the House.

The SPEAKER. Does the gentleman from Pennsylvania yield the floor to the gentleman from Kentucky, or the gentleman from Georgia?

Mr. CURTIS. At present I do not feel inclined to yield the floor for any purpose. I move the previous question.

Mr. SAGE. I hope it will be voted down.

Mr. STANTON, of Kentucky. I ask for tellers on seconding the previous question.

Tellers were ordered; and Messrs. CAMPBELL and ASHE were appointed.

The House was divided; and the tellers reported—yeas 76, nays 63.

So the previous question was seconded.

The main question was then ordered to be put, being upon ordering the joint resolution to be engrossed and read a third time.

Mr. JONES, of Tennessee, moved to lay the resolution on the table.

Mr. PRATT demanded the yeas and nays.

The yeas and nays were not ordered.

Mr. WALSH called for tellers.

Tellers were not ordered.

The question was then taken on Mr. Jones's motion; and it was disagreed to.

The joint resolution was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. CURTIS. I move the previous question upon the passage of the resolution.

The previous question was seconded, and the main question ordered to be put.

Mr. CHANDLER. Is it in order to move a single verbal amendment? If we are to legislate, it seems to me we should do it in English. Now, sir, there is no such word in the English language as "employé."

The SPEAKER. It is not in order to amend at this stage of the resolution, even to save the King's English.

Mr. SAGE. I demand the yeas and nays upon the passage of the resolution.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 120, nays 52; as follows:

YEAS—Messrs. Abercrombie, Aiken, James C. Allen, Willis Allen, Appleton, Ashe, Thomas H. Bayly, Banks, Belcher, Bell, Bennett, Benson, Bliss, Bridges, Brooks, Bugg, Campbell, Caruthers, Chamberlain, Chandler, Christian, Clark, Cook, Corwin, Cunningham, Curtis, Cutting, Thomas Davis, Dawson, Dent, Dick, Dickinson, Disney, Eddy, Edgerton, Edmunds, Edmundson, Thomas D. Eliott, Everhart, Farley, Fenton, Florence, Franklin, Giddings, Green, Greenwood, Sampson W. Harris, Wiley P. Harris, Harrison, Hendricks, Henn, Hill, Hillyer, Howe, Hughes, Johnson, J. Glancy Jones, Kerr, Kurtz, Lamb, Latham, Lindsley, McCulloch, McDougall, McNair, Mace, Macy, Maurice, Maxwell, May, Mayall, Middleswarth, Nichols, Noble, Norton, Olds, Mordecai Oliver, Packer, Powell, Preston, Ready, Reese, David Ritchie, Thomas Ritchey, Robbins, Rogers, Rowe, Russell, Sabin, Sapp, Seward, Shannon, Shower, Singleton, Gerrit Smith, Samuel A. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, Stratton, Straub, Andrew Stuart, David Stuart, John L. Taylor, Tweed, Upham, Vail, Vansant, Wade, Walbridge, Walley, Elihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Westbrook, Wheeler, and Yates—120.

NAYS—Messrs. Boeck, Boyce, Breckinridge, Carpenter, Chastain, Clingman, Cobb, Cox, Craig, John G. Davis, Eastman, Ellison, English, Flagler, Fuller, Goode, Grow, Hastings, Haven, Hibbard, Houston, Daniel T. Jones, George W. Jones, Roland Jones, Kittredge, Knox, Letcher, Lilly, McMullin, McQueen, Matteson, Milson, Morrison, Murray, Orr, Parker, John Perkins, Phelps, Phillips, Pratt, Puryear, Richardson, Ruffin, Sage, Seymour, Shaw, John J. Taylor, Nathaniel G. Taylor, Trout, Walsh, Daniel B. Wright, and Zollicoffer—52.

So the joint resolution was passed.

Mr. CURTIS. I rise to a privileged question. I move to reconsider the vote by which the resolution was passed, and to lay the motion to reconsider upon the table.

The latter motion was agreed to.

ADDITIONAL REVENUE CUTTERS.

Mr. FULLER. Circumstances make it necessary that I should leave the city at five o'clock this afternoon, and I would therefore ask the unanimous consent for leave to introduce the resolution which I send to the Clerk's desk.

Mr. JONES, of Tennessee. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The SPEAKER. The gentleman from Maine is upon the floor, and asks for leave to introduce a resolution, which will be read for information.

Mr. JONES. Mine is a privileged motion.

The SPEAKER. The gentleman from Maine may also wish to submit a privileged motion.

Mr. WALSH. I object to the proposition of the gentleman from Maine.

Mr. FULLER. Then I move a suspension of the rules for the purpose I have indicated.

The resolution was read for information, as follows:

Resolved, That the Committee of the Whole on the state of the Union be discharged from the further consideration of House bill No. 242.

[Cries of "What is the bill?"]

Mr. FULLER. It is a bill which was reported 31st January last, from the Committee on Commerce, and authorizes the Secretary of the Treasury to build or purchase four additional revenue cutters, which are now much needed by the service.

The Clerk read the title of the bill, as follows: House bill No. 242. A bill authorizing the purchase or construction of four additional revenue cutters, and for other purposes.

Mr. JONES, of Tennessee. Read the bill in

extenso, and let us know exactly what those other purposes are. They may be the most important of the provisions of the bill.

The bill was read in *extenso*. It appropriates \$60,000 to enable the Secretary of the Treasury to cause to be built, or purchased, in such mode as he may deem best for the public interest, four additional vessels of suitable size and construction, to be employed as revenue cutters on such stations as the Secretary may designate; and also regulates and fixes the pay of the revenue marine.

Mr. FULLER. In explanation of the bill, I would ask the reading of the communication which I send to the Speaker.

Mr. WALSH. I object.

Mr. JONES. I would suggest that the gentleman had better change the title of his bill, and make it read, "A bill to increase the pay of the revenue marine, and for other purposes."

Mr. FULLER. In reply to the gentleman from Tennessee, I will say that the compensation is only slightly increased and varied to suit the stations for which these cutters are designed. It is absolutely necessary that there should be an increase of compensation on the western coast or Pacific ocean, in order that we may get seamen on the Charleston and Texas station.

Mr. JONES. I do not controvert the gentleman, but I suppose the provision for increase of compensation is the most important part of the bill.

The question was then taken; and, on division, there were—ayes 82, noes 38.

Mr. JONES, of Tennessee. I ask for the yeas and nays.

Upon the demand for the yeas and nays, a division being had, there were—ayes 26, noes 74; no quorum voting.

Mr. TAYLOR, of Ohio, demanded tellers; which were ordered; and Messrs. HARRIS, of Alabama, and CHAMBERLAIN, were appointed.

The question was taken; and the tellers reported—ayes twenty-three.

The SPEAKER. It is not one fifth of a quorum, and the yeas and nays are not ordered. The Chair will now proceed to ascertain whether there is a quorum present.

One hundred and forty-four gentlemen were ascertained to be present.

The SPEAKER. The Chair decides that there certainly is a quorum in the House, and as only twenty-three gentlemen voted in the affirmative upon the demand for the yeas and nays, they are not ordered.

Mr. JONES. Twenty-six gentlemen voted for the yeas and nays at first, and twenty-three voted for them afterwards in the vote by tellers.

The SPEAKER. The Chair waived the count, and ordered tellers. It was not very regular to do it. If he had followed the rules, he would have ascertained at once whether there was a quorum when the House divided by standing.

Mr. FULLER. I now move to suspend the rule by which a bill making an appropriation of money is required to be first considered in Committee of the Whole.

I will explain what my object is. If the rules be suspended, I intend then to move the previous question on the passage of the bill, after having the report read merely. This will take up very little time.

The SPEAKER. The question, regularly, would be on discharging the committee from the further consideration of the bill.

Mr. FULLER. Well, I make the motion that the committee be so discharged.

The question was taken; and it was so ordered.

The SPEAKER. The question is now on the proposition made by the gentleman from Maine, which is, that the rule requiring this bill, containing, as it does, an appropriation, to be first considered in Committee of the Whole, shall be suspended.

Mr. JONES, of Tennessee. On that motion I call for the yeas and nays.

Mr. COBB. I ask for tellers on ordering the yeas and nays.

Tellers were ordered; and Messrs. PERKINS, of New York, and VAIL, were appointed.

The House was divided; and the tellers reported—ayes twenty-seven—over one fifth.

So the yeas and nays were ordered.

The question was then taken; and there were—yeas 87, nays 62; as follows:

YEAS—Messrs. Appleton, Ashe, Banks, Bell, Benson, Bliss, Boeck, Breckinridge, Chamberlain, Chandler, Chastain, Clark, Clingman, Cook, Cox, Cutting, Thomas Davis, Dick, Dickinson, Disney, Edgerton, Edmunds, Edmundson, Thomas D. Eliott, John M. Elliott, Ellison, Everhart, Farley, Fenton, Florence, Fuller, Green, Aaron Harlan, Sampson W. Harris, Haven, Henn, Hibbard, Hill, Jagersoll, Johnson, Roland Jones, Knox, Kurtz, Latham, Lindsley, McDougall, McNair, Maxwell, May, Mayall, Norton, Olds, Mordecai Oliver, Orr, Peckham, Phelps, Phillips, Preston, Puryear, Reese, Thomas Ritchey, Robbins, Rogers, Russell, Sabin, Sage, Seward, Seymour, Shannon, Shower, Gerrit Smith, Samuel A. Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Stratton, David Stuart, John L. Taylor, Upham, Vansant, Walbridge, Walley, Elihu B. Washburne, Wells, John Wentworth, and Tappan Wentworth—87.

NAYS—Messrs. Abercrombie, Aiken, James C. Allen, Belcher, Bennett, Boyce, Bridges, Brooks, Campbell, Carpenter, Cobb, Corwin, Craig, John G. Davis, Dent, Eastman, Eddy, English, Giddings, Goode, Greenwood, Grow, Harrison, Hastings, Hillyer, Houston, Daniel T. Jones, George W. Jones, J. Glancy Jones, Kittredge, Letcher, Lilly, McMullin, McQueen, Maurice, Middleswarth, Milson, Morgan, Murray, Packer, Parker, Bishop Perkins, John Perkins, Powell, Pratt, David Ritchie, Ruffin, Sapp, Shaw, Andrew Stuart, Nathaniel G. Taylor, Trout, Vail, Wade, Walsh, Wheeler, Daniel B. Wright and Zollicoffer—62.

So two thirds not voting in favor thereof) the rule requiring the bill to be considered in Committee of the Whole was not suspended.

IMPROVEMENT OF CAPE FEAR RIVER.

Mr. ASHE. I offer the following resolution:

Resolved, That the rules of the House be suspended, and that the Committee of the Whole House be discharged from the further consideration of Senate bill No. 202, making an appropriation for the removal of obstructions from the mouth of Cape Fear river.

Mr. COBB. I ask for tellers on that resolution.

Mr. JONES, of Tennessee. I call for the yeas and nays.

The yeas and nays were not ordered.

Tellers were ordered; and Messrs. CLINGMAN, and HARRIS, of Alabama, were appointed.

The question was then taken; and the tellers reported—ayes 106, noes 13.

So the rules were suspended.

The question was then put upon the motion to discharge the committee from the further consideration of the bill; and it was agreed to.

The bill was then read by its title, as follows:

An act making appropriation for the improvement of the Cape Fear river, North Carolina.

Mr. ASHE. I move to suspend the rule which requires this bill to be first considered in the Committee of the Whole on the state of the Union.

The question was taken, and (two-thirds voting in favor thereof) the rule was suspended.

The question recurred on ordering the bill to a third reading.

Mr. ASHE. Mr. Speaker, the best return I can make to the House for the generous vote they have given me in taking up this bill, and in discharging the Committee of the Whole from its consideration, will be the extreme brevity of the remarks I shall submit upon its merits. I will dispense with the reading of the memorial of the citizens of Wilmington, presented by me, under the rule, in the early part of the session; but I will read the resolutions unanimously adopted by the largest convention ever assembled in that State, representing, as it did, the chief interest of the State. This convention was presided over by his Excellency, the Governor of the State, Hon. David S. Reid:

Resolved, That the General Government, by the erection of jetties on Oak Island for the protection of the fortifications there, and the consequent washing away of the sands upon the opposite point of Bald Head, and their deposit upon the main bar of Cape Fear, has been the cause of great and lasting injury to the commerce of North Carolina.

Resolved, therefore, That we may rightly appeal to the Government, and we do appeal to it by all the claims of magnanimity and justice, to undo what it has done to our injury, and to restore what it has taken from us.

Resolved, That, in the judgment of this convention, the improvement of the Cape Fear, by closing of the New Inlet, is a work national in its character, constitutionally unobjectionable, feasible, at a cost far below comparison with the benefit of its results, of equal importance to the ship-owner and underwriter of the North, and the merchant and farmer of the South, and of vital necessity to the commercial interests of this State; and, moreover, that it would obviate, at a great saving of expense to the Government, all necessity for completing the plan already adopted, and as yet but partially executed, for the fortification and defense of Cape Fear harbor.

I will also mention that, independent of these highly respectable appeals to the justice of Congress in favor of this work, the last Legislature

of North Carolina unanimously adopted resolutions instructing their representatives to urge upon Congress its execution. These are *strong appeals; too strong*, I hope, to be disregarded by this body. Before I more fully enter into my arguments, I will dispose of one or two preliminary objections which may be urged against the passage of the bill. It will be doubtless inquired why, if this work is of so much importance, did the Committee on Commerce report adversely to the passage of the bill? In reply to this objection, I feel authorized to state that the adverse report of the committee was not founded upon any want of merit in the bill, but upon the fact that the committee had determined to report a general river and harbor bill, and for that reason a majority of its members thought it would be incongruous to report a separate and distinct bill for any work whatever. The honorable chairman informed me, in the presence of the committee, that this work appealed more strongly to the justice of Congress than any other they had before them. As evidence that this was the feeling of the committee, I am informed that there is a liberal appropriation for this very work contained in the general bill which they have reported.

It may be, then, inquired why did I not consent to make this a portion of the general bill? Why make an exception in favor of this work? If the memorial had been read, the House would have observed that this work is now being carried on by funds raised by private subscriptions. The former appropriation made by Congress had been exhausted, and the works, being left in an unfinished state, were exposed to daily destruction; and, to avoid that misfortune, the patriotic and enterprising citizens of Wilmington raised such an amount of money as the officers in charge of the work reported was necessary to continue its execution until the end of the fiscal year. That time has now elapsed, and yet this general bill has not been acted upon; and if this bill is not soon passed, another draft must be made upon the patriotism and enterprise of my people. I would submit that in this there would be neither fairness nor justice. Hence my unwillingness to defer this measure until a general bill could be passed. Some of my Democratic friends may ask, why not resort to tonnage duties in order to raise the amount required? In reply to this question, I will state, that if there existed any reasonable hope that Congress would authorize the laying of such duties for this purpose, I would prefer it; but your records will show that I have made attempt after attempt to have this done, but always without success. Indeed, I know from experience, that if such a measure should pass this House, it would certainly fail in the Senate. Then, this resource being closed, what other alternative is left to us but an appropriation by Congress?

Some of my friends, knowing my strong opposition to any enlargement of the powers of the Federal Government, may be surprised at my advocating a bill of this character; but I say to them, that I have never considered it an assumption of power on the part of the Government to undertake works national, or, more properly speaking, general in their character. Your revenue is derived from importations, and, as long as this is done, so long is it your duty, in one way or another, to remove such obstructions as necessarily impede or prevent importations. Why do you have buoys on your rivers; breakwaters on your bays; beacons and light-houses on your coasts? All of these improvements rest upon the same principle; a principle, the strength of which must be acknowledged as long as your money is collected from importations. But, Mr. Speaker, another consideration presents itself to my mind, which has a strong, direct bearing on this question. It is this: The Government owns, and, as a consequence, has exclusive jurisdiction of the localities where these improvements are being established; and I will submit, if the Federal Government has not the power to carry them on, who has? The State of North Carolina has parted with her ownership, and, of course, she has no right. For this purpose she could not lay a stone or drive a pile without being a trespasser upon soil over which the General Government has exclusive jurisdiction.

Now, Mr. Speaker, I will discuss the merits of the bill, and, if not much mistaken, I will be able

to show the House, not only in a financial, but in a military point of view, its passage will be highly important. Yes, sir, in the language of the Engineer Department, that "the work is *thoroughly national*." I will read an extract from their report, with the letter of Superintendent Bache, addressed to me upon this subject:

ENGINEER DEPARTMENT, WASHINGTON, }
February 8, 1854.

SIR: In reply to the letter of Hon. T. J. D. FULLER, chairman of Committee on Commerce, House of Representatives, dated 6th instant, referred to this office for report, I have the honor to inclose herewith extracts from the letters of Captain D. P. Woodbury, Corps of Engineers, dated January 23 and February 3, 1854, showing the progress made, up to this time, with the works for the improvement of the Cape Fear bar, and their present condition.

I regard the proposed improvement as practicable, and as an object of national importance.

Mr. Fuller's letter is returned herewith.

I have the honor to be, very respectfully, your obedient servant,
JOS. GROTTEN B. BRIGHT,
United States Engineer.

Hon. JEFFERSON DAVIS, Secretary of War.

COAST SURVEY OFFICE, July, 5, 1854.

DEAR SIR: In reply to your question as to the danger of postponing action at the Cape Fear, I have the honor to state, that the main bar is constantly deteriorating, and that the longer the work is delayed, the more difficult it must be to remove the obstruction. Since the survey in 1851, the main bar has shoaled nearly or quite two feet. The general fact is, that as the main bar shoals, the western channel and the new inlet increase in depth, so that the channel, which it is desired to stop, the new inlet, increases in depth, (by the bar being pushed further out to sea,) while the main bar decreases, *making bad worse*! Too prompt measures cannot be taken to remedy this disastrous state of things. The longer it is delayed, the greater will be the cost; and there is great risk that beyond a certain point enterprise may be "too late."

Very respectfully, yours,
A. D. BACHE.
Hon. W. S. ASHE, House of Reps.

Another report, from the same source, further informs us that there was once over twenty feet water on the Cape Fear bar, where now only nine or ten are found. This is indeed alarming, and brings immediately to our minds the question, will not our Government suffer in its revenue if these obstacles are allowed to increase, or to even remain as they are? A glance at the situation of that town will offer us a satisfactory solution of this question. There are now completed, or in rapid construction, six hundred miles of railroad, converging at Wilmington. In consequence of this improvement, we find the exports increasing from \$1,200,000 in 1840, to \$6,000,000 in 1853; and, sir, the most prudent and sagacious of our merchants calculate, that in five years after the completion of this improvement, its exports annually will amount to \$15,000,000; but, of course, Mr. Speaker, these calculations are based upon the removal of these obstructions at the bar. If they are allowed to continue, the farmers of North Carolina will have to look elsewhere for a *shipping port*, and that city, distinguished as it is for its patriotism and enterprise, will soon have "its days numbered."

Our products heretofore have been shipped principally coastwise. Every Atlantic State participates in our trade. Maine looks to us for the best of her ship-building materials; Boston, New York, Philadelphia, and Baltimore, are dependent on us for their naval stores. Sir, you cannot visit one of these cities without being struck with the great contribution made by the trade of Wilmington to their wealth and prosperity. These cities are fully aware of the importance of this trade, and hence each of them, I believe, expressed its warm solicitude in favor of these improvements at our bar during the last session of Congress. But, Mr. Speaker, whatever may have been the amount of interest which those cities have had heretofore in our trade, it will be but "as a mote to a beam" as to its future. In the single article of coal, it is calculated that this interest will be immeasurably increased. The city of New York has already invested nearly a *half of a million* of dollars in our coal fields. Boston is not much behind her in this new enterprise. This material, so necessary to individual comfort, to manufacturers, and to steam navigation, will be soon poured into their markets in the greatest abundance, of a quality the very best, and at a price one half of what it now commands. I have before me the reports of the most eminent geologists, and they are replete with the evidence of these facts; and if the House will bear with me a moment, I will have their opinion read. I will first read from Emmons's report, our State geologist.

"The two varieties of coal, the bituminous and semi-bituminous, passing into anthracite, are known in this coal field. The bituminous is scarcely equalled for fineness and excellency in this country, and it has been said by a gentleman who is well acquainted with Liverpool coal, that it will burn twice as long. A direct comparison has not been made, to my knowledge, but that the assertion has much truth in it, I have no doubt.

"The Deep River coal is, in the first place, quite free from smut; it does not soil the fingers but in a trifling degree. It burns freely, and forms a cake; or it undergoes a semi-fusion, and agglutinates, and forms a partially impervious hollow cake, within which combustion goes on for a long time. When a small pile of it is made upon the ground, it may be ignited by a match and a few dry leaves or sticks. It may be ignited in the blaze of a lamp or candle. The coal is, therefore, highly combustible, easily ignited, and burns with a bright flame like lightwood, for a long time. It may be burnt upon wood fire. It may be burnt in the common fire-place, and it is not a little strange that gentlemen who have used it for many years, in a blacksmith's forge, should not have used it in their parlors, instead of green oak.

"This coal is adapted to all the purposes for which the bituminous coals are specially employed. Thus, for the manufacture of the carburized hydrogen, for lighting streets and houses, there is no coal superior to it. It will require less expense for furnishing it, because it contains so little sulphur, from which sulphuretted hydrogen is formed. So, also, in the grate, it will be far less offensive, for the same reason. But, as it is rich in bitumen, it will furnish a large amount of gas, and that which is, comparatively, pure. This advantage is one of great importance. It should also be stated that it furnishes an excellent cake, which may be used for manufacturing purposes; and as it is left very porous, it is in a condition to absorb a large quantity of the solution of cyanide of potassium; and hence, is well adapted to the work of reducing the metals. It is scarcely necessary to add, that it is admirably adapted to steamings, inasmuch as its flame is free and durable. For forge use, it is not surpassed by any coal in market; and for parlor grates, it is both pleasant, economical, and free from dirt. If a chimney has a poor draft, it is liable to the objection common to all coals of this kind—the escape of soot into the room."

Dr. Jackson is not less decided in his opinion as to the value of these coal fields. He says:

"The immediate object of this report, is to bring distinctly into view the importance of the coal mines of Deep River, which are destined to furnish no inconsiderable amount of fuel for steam navigation, and for various manufacturing establishments.

"The existence of large beds of good bituminous coal, in a region accessible to boat navigation, is a matter of universal congratulation; and no one can at first fully appreciate the advantages that will ultimately arise from a discovery of this kind. North Carolina is therefore peculiarly fortunate in possessing such mines, so conveniently situated.

"The excellent bituminous coals of Deep River will always command the highest prices in the market, and I should advise that the best coals only should be sent to a distant market, and the poorer qualities be kept on the ground, to be used for driving the steam-engines of the works, and for local uses at steam saw-mills and forges, there being a large local demand for cheap coals."

All who have examined the situation of these coal fields, lying, as they do, immediately on the Cape Fear river, agree that coal can be delivered at the town of Wilmington, or any other point on tide water, at less than \$2 50 per ton.

Now, when we call to mind that the average price of coal ranges from six to seven dollars per ton in our northern cities, these extracts should satisfy their Representatives of the great advantage the removals of the obstructions from our river would be to their immediate constituents. With a restoration of twenty feet water on the bar, vessels of such tonnage could engage in our coal trade, which would so cheapen its transportation, that Boston, in the way of fuel alone, would save annually \$200,000; Providence, in Rhode Island, \$100,000. The city of New York save to her consumers one half million of dollars worth of coal. But however important this new supply of coal may be to our northern cities, it is not a whit less so to our Government. Independent of its forges and work-shops, the Government consumes annually thirty thousand tons of coal on her steamships, and for which it pays seven dollars as prime cost. Our coal can and will be delivered at the Government depots at two dollars per ton, thereby saving every year the sum of \$150,000 to the Government. In order to satisfy the House I do not exaggerate the importance of these coal fields, I will read a portion of the annual report of the South Carolina North Eastern Railroad Company, wherein the President says:

"We cannot close without brief reference to the advantage of a road from Cheraw to Raleigh, in North Carolina, so 'deflected' as to pass through the valuable coal formations of that State. Our requirements for coal are daily increasing, and would be difficult to estimate the value of Charleston as a market to those engaged in its supply, or the advantages to accrue to our road from its transportation. We are now entirely dependent upon foreign markets and the cities north of us for our supply, which reaches us with all the charges and profits of transportation, to

which must be added the freight and expenses incurred upon its arrival. We are informed that at this moment the freight alone upon a ton of coal from Philadelphia is equivalent to the cost of transportation from the coal fields of North Carolina to Charleston. The article would thus be furnished the consumer at the cost of mining, with the single charge of one transportation."

But independent of the greater cheapness of this coal, another consideration presents itself to my mind, which I would commend to the attention of the House. Our commercial and naval steamers are now entirely dependent on foreign or northern markets for their supply of fuel. In case of a war with any maritime Power, what would be our condition? Just suppose for a moment the mouth of the Chesapeake and Delaware blockaded, what possible use could you make of your steamers? It is the dictate of a wise and prudent forecast to anticipate this crisis, by the establishment of a coal depot at Fort Johnson or Fort Caswell. You will have a southern as well as a northern supply. Either of these localities, now belonging to the Government, offers every possible advantage for a depot; and it appears to me that this step is so eminently wise, that its bare suggestion should insure its adoption. The Government spends thousands of dollars annually to protect and preserve their naval timber. Why not a few thousands to place itself in the undisturbed possession of a supply of the best and cheapest coal yet brought to market?

But as germane to the military protection of my State, I will present to the House another view in which a certain portion of these works should be considered. We have two outlets for the Cape Fear river; the one at the main bar, thirty miles below Wilmington, the other known as New Inlet, but eighteen miles below. The engineer department has recommended the closing up of the last, for the purpose of increasing the volume of water which would pass out at the main bar, thereby removing the sand shoals which have formed at that place; but this will not be the only advantage resulting from the closing up of this inlet. In a military point of view, it will be highly important. With this inlet open, the whole trade of the southern and western portion of North Carolina would be exposed to any inroads an enemy might make upon us. The two forts erected at or near the mouth of the river would be useless for our protection, as they are situated some nine or ten miles below the inlet, and, of course, through it small war steamers could easily pass, bombard, and destroy our property, and then return to the ocean with impunity. An hour's sail would place us completely in their power. The War Department, from a document I have here, appears to be fully sensible of our great exposure, and, as a part of the plan of coast fortifications, recommended the erection of a fort at this inlet. This convention has recommended, in the place of a fort, that the inlet should be closed up, which can be done at less expense; and when once closed, there would be an end of all further expenditure. Neither soldiers nor munitions of war would have to be supplied. So the House will observe that the closing up of this inlet will have a double effect: that of increasing the volume of water passing out of the main bar, and also insuring protection against a hostile invasion.

I have now, Mr. Speaker, given the House such facts as must impress it with the nationality of this work, and place it on the same footing as any other great improvement; but I would be doing much injustice to my constituents if I rested their application on this basis alone. Sir, the first resolution adopted by the convention referred to, demands the completion of this work as an act of justice; they allege that you have caused their difficulties, and that it is your duty to remove them. What is its language:

"Resolved, That the General Government by the erection of jetties on Oak Island for the protection of the fortifications there, and the consequent washing away of the sands upon the opposite point of Bald Head, and their deposit upon the main bar of Cape Fear, has been the cause of great and lasting injury to the commerce of North Carolina."

By reference to this map which I hold in my hands, kindly furnished me by the Coast Survey, I will show the justice of their complaint.

In the year 1823 or 1824, Fort Caswell was erected on this point of land, known as Oak Island; and, in a course of a few years, it was discovered that its foundation was being fast washed away by the force of the easterly winds, the only

remedy was to run jetties out into the channel, so as to prevent this abrasion. The jetties were so constructed; they were run out from three to four hundred feet. The remedy was complete. High dry land was formed around them as far as they extended; but, as a consequence, our best and deepest channel was destroyed. In the year 1827 I, for the first time, made a sea trip; and it is my recollection that our vessel passed out of the river where there is, at present, high dry land. What has made the change? Then it was fifteen feet water; now it is dry land. Facts—which are "stubborn things"—clearly show the cause of the change. I will read a few letters from individuals of high character and respectability, whose life business it has been to examine and to become acquainted with every change of the depth of water on the bar, and whose opinion upon such subjects must command the confidence of the House. The first letter which I will read is from Captains Bates and Lawson. These gentlemen have had charge of the Wilmington and Charleston boats for the last ten or fifteen years, and which occupation required them to pass and re-pass, two or three times weekly, over the bar. I will not consume the time of the House by reading the letter, but merely give a synopsis. They, in answer to a letter of mine, state it as their opinion, derived from observations made by them during the course of the last ten or fifteen years; that the impediments in the western channel have been chiefly caused by the building of the jetties to protect Fort Caswell.

The next letter which I will read has been furnished me by the pilots of the bar. These gentlemen I know well, and believe each of them above stating anything but what is the truthful conviction of their mind:

SMITHVILLE, N. C., May 4, 1854.

DEAR SIR: Your letter to us, asking our opinions as to the effect of the Government works at Oak Island to protect the site at Fort Caswell, has had upon the channel and the depth of water on the bar, we have to reply as follows:

The jetties opposite Fort Caswell were extended, in some cases, three or four hundred feet, and had a very decided effect in closing up the channel called the "Rip," the one usually taken by the Charleston steamers, and the effect on the main bar has been gradually, but perceptibly, and certainly, to reduce the depth of water from fifteen to less than ten feet.

To show more clearly this effect, we will refer to the recently constructed jetties at Bald Head to protect that point and counteract the effect of the jetties referred to at Oak Island. The water has been deepened on the "Rip" to about thirteen or fourteen feet at high tide, and is now much better than the main bar.

We have, most of us, been pilots here during the last ten, and some of us fifteen years, and are perfectly certain that the effect of the jetties on Oak Island has been, as we have stated, to reduce the depth of water on the bar at the mouth of the river, and in this opinion the pilots, so far as we know, unanimously concur.

We have taken this method of replying to your letter, as there is no difference of opinion among us upon this subject.

We are, respectfully, your obedient servants,
RICHARD DOSTER, G. R. SMITH,
JOHN W. GALLOWAY, S. B. DAVIS,
S. N. GALLOWAY, THOMAS K. DYER,
JAMES GUTHRIE, CHARLES G. DOSTER,
J. B. PRICE, DANIEL SMITH,
JAMES W. CLEMMONS, REDMOND TAYLOR,
JAMES H. CLEMMONS, LEWIS A. GALLOWAY,
JAMES DOSTER, J. A. MASON,
JAMES ARNOLD.

Hon. W. S. ASHE, M. C.

I will now read a letter from General Alexander MacRae, the president of the Wilmington and Roanoke Railroad Company, a gentleman who is well known to many members of this Congress, and who, I state, though not educated as a civil engineer, yet, by long practice, stands second to but a few in the country:

WILMINGTON, May 3, 1854.

DEAR SIR: You ask me for my opinion as to the injurious effects produced by the jetties erected by the Government on Oak Island Point, to protect the beach from washing away at Fort Caswell. In answer, I can only say, that it is the universal opinion of the pilots, whose life-long occupation it is to observe the channels of the river, and from my connection with the steamboat line from this place to Charleston for the last seventeen years the same opinion is forced upon me. At and previous to the erection of these jetties, there was twelve feet at low water in the channel at Oak Island, and soon after their construction the channel began to shoal, until our boats drawing six feet water grounded at low water, and were, in consequence, frequently detained from three to four hours waiting for the flood tide to float them. With such facts, I cannot believe otherwise than that these jetties were the cause of the filling up of the channel. The Oak Island channel, which was our best outlet, was within one hundred yards of the beach. The erection of the jetties had a tendency to accumulate the sand between and around them, and as they

extended to the channel, the shoal formed entirely across it. If you, or any one in the least acquainted with the drifting character of sand at our bars, were to see and examine the works, you could readily see why the effect was produced. To aid you, I will append a rough sketch of the point of Oak Island and jetties, and the place of the channel, which may aid you in understanding the subject. If you will apply at the Coast Survey Office, you can obtain a correct chart, which will better illustrate it than my sketch, made from memory. Since the commencement of the works on Bald Head, a channel is being scoured out through the middle ground on the Oak Island side of it that is improving rapidly. This has raised our hopes that if an appropriation is made by Congress to finish these works, we shall have as much water as in former times, which was twenty-one feet. Of the final success I myself have not the remotest doubts, provided the plan proposed by the gentlemen of the Coast Survey is fully carried out. I therefore most sincerely hope that you will succeed in obtaining the appropriation. Respectfully, ALEX. MACRAE.

Hon. W. S. ASHE.

Now, Mr. Speaker, I will submit whether, if this Government is not bound, when it uses its powers so as to injure any portion of its citizens, by every principle of justice to remedy the wrong done? Let any Representative imagine a wrong of this character done to his constituents, would he not demand an immediate application of a remedy? I am informed that our Government is regularly, punctually required to remove such deposits as may accumulate in the East river, in consequence of the operations carried on at the Brooklyn navy-yard. It is but proper and just that the Government should be required to do so; and on the same principle it should remove the obstructions complained of by my constituents.

The older members of this House will recollect that a few years since, when one of our war steamers, the Missouri, was burnt and sunk in the harbor of Gibraltar, our Government was compelled by the British Government to have it removed; and a resolution was introduced in the Senate by Hon. R. M. T. HUNTER, from Virginia, to appropriate \$80,000 for this purpose, and it passed without a dissenting voice. And I will ask, if there is any difference between the principle of that appropriation and the one solicited by my constituents in their memorial? No, sir, there is no difference in principle, the only difference is in parties. In the former case, a foreign people were the sufferers, in the latter our own citizens. But who will maintain that it is proper to do what is just to foreigners, and at the same time to deny it to our own people? I am well aware that some members of this House represent districts so completely inland, that they look with jealousy, if not with ill-will, upon improvements of this character; but I cannot believe that they are so deaf to justice. I cannot believe that their prejudices are so strong, that they will be unwilling to do what is right in this matter. No, Mr. Speaker, that which is right will be done by the House. Such, at least is my expectation. And now, in fulfillment of my promise to the House, I move the previous question.

Mr. HOUSTON demanded tellers on the second.

Tellers were ordered; and Messrs. CAMPBELL, and PERKINS, of New York, were appointed.

The question was taken; and the tellers reported—ayes 79, noes 50.

So the demand for the previous question was seconded.

The main question was then ordered to be put.

Mr. MILLSON. I move to lay the bill upon the table.

Mr. PERKINS, of New York. I call for the yeas and nays on that motion.

The yeas and nays were not ordered.

The question was taken on Mr. MILLSON's motion; and it was disagreed to.

The bill was then ordered to a third reading; and was accordingly read the third time.

Mr. ASHE. I demand the previous question on the passage of the bill.

The question was taken; and, on a division, there were—ayes 81, noes 28; no quorum voting.

Mr. JONES, of Tennessee. I call for tellers.

The SPEAKER. The Chair will ascertain whether there is a quorum in the House.

After a count the Speaker announced that there were one hundred and thirty-five members—over a quorum—in their seats.

Mr. WALSH. I rise to a question of order. My question of order is this, that when the question was put a quorum did not vote; but subsequently a good many other members have come in

who might have voted against seconding the previous question.

The SPEAKER. There being a quorum present now, it is competent for the House to vote.

Mr. WALSH. It is competent and proper, I submit, to have the vote taken over again.

The SPEAKER. That is what the Chair is about to order.

Mr. FULLER. I desire to make an inquiry of the Chair. I wish to know whether the second section of the bill has been stricken out?

The SPEAKER. No section has been stricken out.

Mr. FULLER. Has the bill been read a third time?

Mr. KERR. I call the gentleman to order. I submit to the Chair that debate is out of order.

The question was again put upon the demand for the previous question; and, upon a division, there were—ayes 83, noes 35.

So the previous question was seconded.

Mr. WENTWORTH, of Illinois. I demand the yeas and nays upon the passage of the bill.

Mr. FULLER. I wish to propound a question to the Chair.

The SPEAKER. If it is in the character of discussion, even by indirection, it is out of order.

Mr. FULLER. I wish to ask if the bill has been read?

Mr. KERR. I call the gentleman to order.

The SPEAKER. The gentleman from Maine, before he votes upon the bill, has the right to have it read.

Mr. FULLER. I desire to state that this bill was carefully considered by the committee. The first section is right, but the second section ought to be stricken out.

[Cries of "Order!" "Order!"]

Mr. FULLER. I call for the reading of the second section.

Mr. JONES, of Tennessee. I call for the reading of the bill.

The bill was read *in extenso*.

The first section of the bill provides that \$140,000 be appropriated for the year ending the 30th June, 1855, to be expended under the superintendence of the Secretary of War, for the continuation of the improvement of Cape Fear river, North Carolina, at or near its communication with the ocean.

The second section provides that the further sum of \$60,000, or so much thereof as may be necessary, be appropriated to refund to the citizens of Wilmington, North Carolina, the amount contributed by them for said improvement, and expended therefor by the agent of the United States in charge of the work.

Mr. FULLER. If it is in order, I will move to strike out the second section.

[Cries of "Order!" "Order!"]

The SPEAKER. The demand for the previous question has been seconded, and no motion is in order.

Mr. LETCHER. Is it in order to move to lay the bill upon the table?

The SPEAKER. It is.

Mr. LETCHER. Then I make that motion; and upon it I ask the yeas and nays.

Mr. ASHE. There appears to be some misunderstanding in reference to this section. I am perfectly willing that the motion shall be made to strike out the second section, and that a majority of the House shall decide the question. The gentleman from Maine [Mr. FULLER] reported the bill, with the understanding, upon his part, that I should make the motion to strike out the section. Such, however, was not my understanding. I do not wish, however, to act with any misunderstanding in reference to it, and I hope, therefore, the House will allow the motion to strike out to be made. I will not make it myself.

Mr. FULLER. I ask the consent of the House to say a single word in explanation of my connection with this bill.

The SPEAKER. Debate cannot be allowed if objection be made.

Mr. WALSH. I object.

The question was then taken upon Mr. LETCHER's motion; and it was decided in the negative—yeas 34, nays 113; as follows:

YEAS—Messrs. Bocock, Bridges, Brooks, John G. Davis, Edmundson, Faulkner, Goode, Grow, Hastings, Haven, Hendricks, Houston, Ingersoll, Daniel T. Jones, George W. Jones, J. Glancy Jones, Kittredge, Letcher, Lilly,

McCulloch, Millson, Morrison, Murray, Orr, Bishop Perkins, Phelps, Powell, Shaanon, Singleton, Trout, Vail, Walsh, Tappan Wentworth, and Daniel B. Wright—34.

NAYS—Messrs. Abercrombie, Willis Allen, Appleton, Ashe, Banks, Belcher, Bell, Bennett, Benson, Bliss, Boyce, Budd, Campbell, Carpenter, Caruthers, Chamberlain, Chandler, Chastain, Chrisman, Clark, Clingman, Cobb, Cook, Corwin, Cox, Craig, Curtis, Cutting, Thomas Davis, Dent, Dickinson, Eddy, Edgerton, Edmunds, Thomas D. Eliot, John M. Elliott, Ellison, Everhart, Farley, Fenton, Flagler, Florence, Franklin, Fuller, Giddings, Green, Greenwood, Sampson W. Harris, Harrison, Henn, Hill, Howe, Hughes, Roland Jones, Kerr, Knox, Kurtz, McDougall, McMullin, McNair, Mace, Macy, May, Mayall, Middleswarth, Morgan, Noble, Norton, Olds, Mordecai Oliver, Parker, Peckham, Pratt, Preston, Puryear, Ready, Reese, David Ritchie, Thomas Ritchey, Robbins, Rogers, Ruffin, Russell, Sabin, Sapp, Seymour, Shaw, Shower, Gerrit Smith, Samuel A. Smith, William R. Smith, Frederick P. Stanton, Richard H. Stanton, Hestor L. Stevens, Stratton, Straub, David Stuart, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Tweed, Upham, Vansant, Wade, Walbridge, Walley, Elihu B. Washburne, Israel Washburn, Wells, John Wentworth, Wheeler, Yates, and Zollicoffer—113.

So the House refused to lay the bill upon the table.

Mr. FULLER. I now rise to a privileged question. I move to reconsider the vote by which the bill was ordered to be read a third time.

Mr. ASHE. Before the gentleman makes that motion I desire to make an appeal to the House, in order to relieve myself from a peculiar embarrassment into which I am thrown, in relation to this matter. I state to the House that the citizens of Wilmington have not asked to be reimbursed for the money they have expended for this improvement. They are willing that this second section should be stricken out. I, perhaps, should have made that motion myself, originally, but, in the confusion of the moment, I did not do it. I now appeal to the House to grant unanimous consent for the striking out of that section.

[Several cries of "Agreed!"]

Mr. WALSH. I object.

Mr. FULLER. I then submit the motion which I a moment ago indicated. I move to reconsider the vote by which the bill was ordered to be read a third time. I ask the Chair whether that motion is debatable?

The SPEAKER. It is not debatable, for the reason that the House have seconded the demand for the previous question upon the passage of the bill.

Mr. FULLER. I then ask that the question may be taken upon the motion to reconsider.

The question was taken; and the motion was agreed to.

The question then recurred upon ordering the bill to a third reading.

Mr. FULLER. I desire to know if debate is now in order?

The SPEAKER. It is not.

Mr. FULLER. I then move to strike out the second section of the bill, and demand the previous question.

Mr. JONES, of Tennessee. I rise to a question of order. The same rule which makes the seconding of a demand for the previous question cut off debate, also makes it cut off all amendments. I submit, therefore, that the motion of the gentleman from Maine is not in order.

The SPEAKER. It is true that the previous question cuts off motions to amend as well as debate, but it has always been considered doubtful whether it was necessary to reconsider the mere seconding of a demand for the previous question; and the Chair, therefore, decides that while the previous question upon the passage of the bill will cut off all debate upon motions to reconsider, it will not cut off motions to amend after the vote ordering the bill to a third reading has been reconsidered, and that the motion of the gentleman from Maine is therefore in order.

Mr. FULLER. I ask then that the vote may be taken upon my motion.

Mr. WENTWORTH, of Illinois. There are other amendments which ought to be made to this bill. I hope the previous question will not be seconded. I call for tellers.

Tellers were ordered; and Messrs. SAPP and Bocock were appointed.

The question was taken; and the tellers reported—ayes 85, noes 31.

So the previous question received a second.

The main question was then ordered to be put.

Mr. FULLER's amendment, to strike out the second section of the bill, was then agreed to.

The bill was ordered to a third reading; and was accordingly read the third time.

Mr. FULLER demanded the previous question on the passage of the bill.

Mr. JONES, of Tennessee, moved to lay the bill upon the table.

The motion was disagreed to.

Mr. CAMPBELL. I call for tellers.

Tellers were ordered; and Messrs. Cox, and HARRIS, of Alabama, were appointed.

The question was taken; and the tellers reported—ayes 98, noes 30.

So the previous question received a second.

The main question was ordered to be put, which was, "Shall the bill pass?"

Mr. CAMPBELL. On that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 110, nays 28; as follows:

YEAS—Messrs. Abercrombie, Appleton, Ashe, Belcher, Bell, Bennett, Benson, Bliss, Breckinridge, Bugg, Campbell, Carpenter, Caruthers, Chamberlain, Chandler, Chastain, Chrisman, Clark, Clingman, Cobb, Cook, Corwin, Cox, Craig, Cumming, Curtis, Cutting, Thomas Davis, Dent, Dick, Dickinson, Disney, Eddy, Edgerton, Edmunds, Thomas D. Eliot, John M. Elliott, Ellison, Farley, Fenton, Flagler, Florence, Franklin, Giddings, Green, Greenwood, Sampson W. Harris, Harrison, Henn, Hill, Howe, Hughes, Johnson, Roland Jones, Kerr, Knox, Kurtz, Lindsey, McDougall, McNair, Macy, Matteson, May, Mordecai Oliver, Parker, Peckham, Phillips, Puryear, Ready, Reese, David Ritchie, Thomas Ritchey, Rogers, Ruffin, Russell, Sabin, Sapp, Seward, Seymour, Shaw, Shower, Gerrit Smith, Samuel A. Smith, William R. Smith, Frederick P. Stanton, Richard H. Stanton, Hestor L. Stevens, Stratton, Straub, David Stuart, John J. Taylor, Nathaniel G. Taylor, Upham, Vansant, Wade, Walley, Elihu B. Washburne, Israel Washburn, Wells, John Wentworth, Westbrook, Wheeler, Yates, and Zollicoffer—110.

NAYS—Messrs. James C. Allen, Bocock, Bridges, John G. Davis, Edmundson, Goode, Grow, Hastings, Haven, Hendricks, Houston, Daniel T. Jones, George W. Jones, Letcher, McCulloch, McMullin, Millson, Morrison, Murray, Nichols, Powell, Rowe, Singleton, Andrew Stuart, John L. Taylor, Vail, Walsh, and Daniel B. Wright—28.

So the bill was passed.

Mr. ASHE moved to reconsider the vote by which the bill had been passed; and also that the motion to reconsider be laid on the table; which latter motion was agreed to.

LIMITATION OF DEBATE.

Mr. HOUSTON offered the following resolution; which was read, considered, and agreed to:

Resolved, That for the remaining part of the present session, all debate in the Committee of the Whole on the state of the Union, shall be confined strictly to the question or proposition immediately under consideration.

Mr. JONES, of Tennessee, moved to reconsider the vote by which the foregoing resolution was adopted; and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

RAILROADS IN IOWA.

Mr. HENN. I ask the unanimous consent of the House to report back Senate bill No. 11, bearing an act making grants of land to the State of Iowa, in alternate sections, to aid in the construction of certain railroads therein.

Mr. JONES, of Tennessee. I object.

Mr. HENN. Then I move that the rules of the House be suspended to enable me to report back the bill.

DAILY HOUR OF MEETING.

Mr. PHILLIPS. I ask the gentleman from Iowa to withdraw his motion for a moment, to permit me to offer a resolution as to the time of meeting of the House, which, I think, will meet with unanimous support.

Mr. HENN. I withhold my motion for that purpose.

Mr. PHILLIPS. Then I offer the following resolution:

Resolved, That on and after the 11th of July, instant, the House of Representatives will assemble, for the transaction of business, at eleven o'clock, a. m.

Mr. TAYLOR, of Ohio. I wish to suggest an amendment to that resolution so as to have one hour for morning business. It is that the House will not resolve itself into the Committee of the Whole until twelve o'clock every day.

Several MEMBERS. I object.

Mr. JONES, of Tennessee. I would suggest an amendment to the resolution of the gentleman from Alabama. Add to the end of the resolution the following words: "And no motion shall be in order to adjourn until four o'clock, p. m." [A laugh.]

Several MEMBERS. "Oh, no!"

The question was put on Mr. PHILLIPS's resolution; and it was agreed to.

Mr. PHILLIPS moved that the vote last taken be reconsidered, and that the motion to reconsider be laid on the table; which latter motion was agreed to.

The question recurred on the motion of Mr. HENN to suspend the rules for the purpose of reporting back from the Committee on Public Lands a bill "making a grant of land to the State of Iowa, in alternate sections, to aid in the construction of certain railroads in said State."

Mr. LETCHER. I object to that bill, and as I think we have done a very large day's work, I move that the House do now adjourn.

The motion was agreed to; and, accordingly, the House (at fifteen minutes past three o'clock) adjourned until to-morrow morning at eleven o'clock, a. m.

IN SENATE.

MONDAY, July 10, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of Friday was read and approved.

PETITIONS, ETC.

Mr. MASON presented the memorial of A. B. Fairfax, Lieutenant United States Navy, praying to be allowed the pay of a purser during the time he acted in that capacity, in addition to the regular pay received by him as lieutenant commanding; which was referred to the Committee on Naval Affairs.

Mr. JONES, of Tennessee, presented the memorial of James L. Collins, praying indemnity for property lost in the Mexican war, and for services as secret and confidential agent of the United States rendered during said war; which was referred to the Committee on Military Affairs.

Mr. SHIELDS presented the petition of Colonel William Gates, of the United States Army, praying indemnification for losses sustained on board the San Francisco steamship; which was referred to the Committee on Military Affairs.

Mr. SUMNER. I present the memorial of citizens of Haverhill, in Massachusetts, setting forth objections to the fugitive slave bill, and praying that it be at once repealed. The person who has forwarded this memorial to me states that it is largely signed, without distinction of party, by Whigs, Democrats, and Free Democrats; and that a large portion of the signers are members of the National Democratic party, and were voters at the last election for Franklin Pierce as President. I move that the memorial be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. PEARCE presented the memorial of James H. Gale, praying to be allowed the bounty land to which his brother was entitled as an officer of the Army of the United States; which was referred to the Committee on Public Lands.

Also, the petition of Davidge Ridgely, praying a pension for injuries received while in the naval service of the United States; which was referred to the Committee on Pensions.

The PRESIDENT *pro tempore* presented additional evidence in support of the claim of Henry C. Miller and Philip W. Thompson, and of Jesse B. Turley; which was referred to the Committee on Indian Affairs.

On motion by Mr. ATCHISON, it was

Ordered, That the memorial of Henry C. Miller, Philip W. Thompson, and Jesse B. Turley, with the adverse report of the Committee on Indian Affairs thereon, be recommended to the Committee on Indian Affairs.

Mr. STUART presented a petition of inhabitants of Kalamazoo, Michigan, praying a reduction of the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. MASON presented a petition of the agricultural club of Stevensville, in King and Queen county, Virginia, praying the adoption of measures for reducing the cost of Peruvian guano to the agriculturists of the United States; which was referred to the Committee on Finance.

Mr. CHASE presented a petition of inhabitants of Cleveland, Ohio, praying a reduction of the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Also, a petition of inhabitants of the State of

Ohio, and a petition of inhabitants of Philadelphia, Pennsylvania, praying the repeal of the fugitive slave law of 1850; which were referred to the Committee on the Judiciary.

PAPER WITHDRAWN AND REFERRED.

On motion by Mr. BENJAMIN, it was

Ordered, That the petition of Peter N. Paillet be withdrawn from the files of the Senate, and referred to the Committee on Claims.

REPORTS FROM STANDING COMMITTEES.

Mr. MASON, from the Committee on Foreign Relations, to whom were referred the petitions of William K. Jennings and Alpha Jennings, Henry A. Wise, Ann Robinson, Edward Rudd, and Mary Martin, severally asking compensation for slaves taken and carried away by the British, during the war of 1812, out of the fund provided for under the first article of the treaty of Ghent, submitted a report, accompanied by a bill for the relief of William K. Jennings and others; which was read, and passed to a second reading.

The report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of W. D. Porter, a Lieutenant in the Navy, praying remuneration for expenses incurred in conveying his Excellency Amin Bey, the Commissioner from Turkey, and suite, from Genoa to the United States, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. PETTIT, from the Committee on Private Land Claims, to whom was referred a bill to authorize T. H. McManus to enter, by preemption, certain lands in the Greensburg land district, Louisiana, submitted an adverse report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred a bill for the relief of John Boyd, submitted an adverse report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the memorial of Neal Smith, agent and attorney in fact for the heirs of William Turvin, deceased, praying to enter certain lands belonging to the United States, in lieu of lands which the Government has disposed of, to which they were entitled, submitted a report, accompanied by a bill for the relief of the heirs of William Turvin, deceased; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. MASON, from the select committee, to whom was referred a resolution of the Senate, instructing them to inquire into, and report upon the organization of the Senate, so far as related to its Executive officers, submitted a report, accompanied by a resolution; which, together with the report, was ordered to be printed.

NOTICE OF A BILL.

Mr. SEBASTIAN gave notice of his intention to ask leave to introduce a bill to authorize the State of Arkansas to donate a certain part of her swamp lands to aid in the construction of railroads in said State.

BILL INTRODUCED.

Mr. MALLORY, agreeably to previous notice, asked and obtained leave to introduce a bill to establish a marine hospital at Appalachicola; which was read a first and second time by its title, and referred to the Committee on Commerce.

CALIFORNIA INDIANS.

Mr. SEBASTIAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested to cause to be communicated to the Senate copies of all the correspondence and other official documents on file in the Department of the Interior, respecting the claims of persons for services performed, and supplies and subsistence furnished, to Indians in California, under contracts with Indian agents, in the year 1851, and embracing the names of claimants, the amount respectively of their claims, on what account created, and by what authority, if any.

CHEROKEE TREATIES.

Mr. SEBASTIAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior furnish, for the use of the Senate, a certified copy of the register or record of the "heads of families," entitled to life-estate reservations under the Cherokee treaties of 1817 and 1819.

THE ICARIAN COMMUNITY.

Mr. SHIELDS. I am requested to present the

petition of E. Cabet, who is the superintendent or chief of a society in my State, called the Icarian Society. They are French immigrants who have associated together on what is called the communal system, and are really amongst the most interesting immigrants that have ever come to our western country. Peaceable, amiable, intelligent, and inoffensive, they have formed a society in the State of Illinois, by which they are trying to work out this problem of socialism, or communism, as it is called. They occupy the place which the Mormons formerly occupied in our State. They are certainly an excellent exchange for that society. We are very well satisfied, in Illinois, with the change. Since they have come to Illinois they have won the esteem of our people by their intelligence, their quiet demeanor, their amiability and industry, and their extraordinary talent.

They have sent me a petition in which they ask for a grant of land in the State of Iowa, in order that they may establish a similar society there. They do not ask the Government to give them the land as a donation, but that they may be permitted to make a selection, and after the selection has been made, to pay the Government on such terms as may be prescribed.

Mr. EVANS. Are they "rappers?"

Mr. SHIELDS. They are not "rappers;" they call themselves Icarians. They are, in fact, what we in this country understand as communists or socialists, and they have given me quite a different idea of that doctrine—if it may be called such—from what I supposed prevailed in France. Their system is certainly a very simple and fraternal one, and, as far as it operates in our State, it is working remarkably well at all events.

I take occasion to present the petition according to their request, and move its reference to the Committee on Public Lands.

The motion was agreed to.

GRADUATION OF THE PUBLIC LANDS.

Mr. HUNTER. I ask the unanimous consent of the Senate to introduce a bill "to graduate the price of public lands, and for other purposes."

Leave was granted, and the bill was read a first and second time by its title.

Mr. HUNTER. I move that it be printed. It need not be referred.

Mr. WALKER. I think the bill ought to go to the Committee on Public Lands.

Mr. ADAMS. I hope it will not go to that committee. I introduced a bill for a similar purpose. It was one of the first bills introduced at the commencement of this session; but it has not yet been reported back. The House also passed a similar bill, which was referred to the same committee, but has not yet been reported back.

Mr. WALKER. There is a similar bill to this before the committee, and we had some indications that others, with like provisions, were to be introduced. I thought that this, being on the same subject, ought to go to that committee.

Mr. HUNTER. I prefer that it shall lie on the table. I shall ask that it be taken up the day after to-morrow.

The bill was ordered to be printed.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. FORNEY, their Clerk, announcing that they had passed a bill making appropriations for the civil and diplomatic expenses of Government for the year ending 30th of June, 1855; which was read twice by its title, and referred to the Committee on Finance.

The message also announced that the House had passed the bill from the Senate to confirm the claim of William H. Henderson and Robert Henderson to five hundred acres of land in the Bastrop grant.

Also, that they had passed a bill to change the name of the American-built brig Hallowell to that of James Rose, and to grant her a new register.

TUSCUMBIA A PORT OF DELIVERY.

Mr. CLAY. The Committee on Commerce, to whom was referred the bill "to constitute Tusculumbia, in the State of Alabama, a port of delivery," have instructed me to report it back and recommend its passage. Inasmuch as it is a matter of local interest to the people of that section of Alabama, and of immediate importance to them, I trust the Senate will indulge me by now considering and passing the bill. I will state to the

Senate that the establishment of a port of delivery at this place is recommended by the Secretary of the Treasury.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to create Tusculumbia a port of delivery within the collection district of New Orleans, for which place there is to be appointed a surveyor of the customs.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

INDIAN RESERVATION IN MINNESOTA.

Mr. SEBASTIAN. I wish to give notice to the Senate that at one o'clock to-day I shall ask them to proceed to the consideration of Executive business, and I hope the Senate will indulge me by acceding to that request. In the mean time, I wish to have them consider a small bill which has been reported by the Committee on Indian Affairs, and has passed the House. It will not lead to any discussion. It is House bill "to authorize the President of the United States to cause to be surveyed a tract of land in the Territory of Minnesota, belonging to the half-breeds or mixed bloods of the Dacotah or Sioux nations of Indians, and for other purposes."

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

It proposes to authorize the President to exchange with the half breeds or mixed bloods of the Dacotah or Sioux nation of Indians, who are entitled to an interest therein, for the tract of land lying on the west side of Lake Pepin and the Mississippi river, in the Territory of Minnesota, which was set apart and granted for their use and benefit, by the ninth article of the treaty of Prairie du Chien of the 15th of July, 1830; and for that purpose to cause to be issued to them, on the execution by them, or by the legal representatives of such as may be minors, of a full and complete relinquishment by them to the United States of all their right to the reservation, certificates or scrip for the same amount of land to which each would be entitled in case of a division of the reservation *pro rata* among the claimants—which certificates or scrip may be located upon any of the lands within the reservation not now occupied by actual and *bona fide* settlers of the half breeds or mixed bloods, or such other persons as have gone into the Territory by authority of law, or upon any other unoccupied lands subject to preëmption or private sale, or upon any other unsurveyed lands, not reserved by Government, upon which they have respectively made improvements. The certificates are not to embrace more than six hundred and forty, nor less than forty acres each, and they are to be equally apportioned, as nearly as practicable, among those entitled to an interest in the reservation. No transfer or conveyance of any of said certificates or scrip is to be valid. The President is to cause to be ascertained the number and names of the half breeds or mixed bloods who are entitled to participate in the benefits of the reservation before the issue of the certificates provided for; and he is also to have the lands within the reserve surveyed and exposed to public sale at the land offices for the districts in which they may lie, according to the boundaries of the several land districts recently established by Congress.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

WASHINGTON AND ALEXANDRIA RAILROAD.

Mr. MASON. I move that the Senate take from the table the bill authorizing the extension of the Alexandria and Washington railroad into the District of Columbia, only for the purpose of offering an amendment to it, and asking that it may be printed.

The motion was agreed to.

Mr. MASON submitted an amendment, which was ordered to be printed, and the further consideration of the bill was postponed until to-morrow.

TELEGRAPH TO THE PACIFIC.

Mr. WALKER. I move that the Senate take up for consideration the bill commonly known as the homestead bill.

Mr. WELLER. I believe the hour has arrived which was specially assigned on Thursday last for the bill providing for the construction of

a line of telegraph from the Mississippi river to the Pacific ocean. It was on Thursday postponed until half past twelve to-day; and I now move that the Senate proceed to its consideration.

Mr. WALKER. The homestead bill was made the special order long before the bill to which the Senator from California refers was introduced.

Mr. CLAY. With the permission of the Senator from Wisconsin, I will suggest that the homestead bill was made the special order for one o'clock.

Mr. WELLER. It was not understood that this would interfere with the homestead bill. The Senator is consuming the time devoted for the consideration of the bill to which I allude. We propose to devote until one o'clock to it.

Mr. WALKER. If that was the understanding I withdraw my motion.

Mr. WELLER's motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill authorizing the construction of a line of telegraph from the Mississippi river to the Pacific ocean, the question pending being upon the amendment reported by the Committee on Territories in the nature of a substitute, as it had been amended.

Mr. HAMLIN. I offer the following additional section as an amendment to the bill:

Sec. 8. *And be it further enacted*, That if any operator or operators, or any other person or persons, engaged upon said line of telegraph, shall divulge, or in any manner make public any communication, message, or dispatch, transmitted to or by the Government, or should negligently and willfully change or alter any such communication, message, or dispatch, he or they so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment for a term not exceeding two years.

The amendment was agreed to.

Mr. CHASE. I move to amend the third section by striking out the words:

"—by paying the same tolls or charges paid by individuals for like services, and no more,"

—and inserting:

At such rates of compensation for messages transmitted as Congress may, by law, provide.

So that the proviso to the section will read:

That said free dispatches and communications shall not exceed a monthly aggregate of more than eight thousand words, but still reserving to the Government the further prior use to any extent within the capacity of said line, at such rates of compensation for messages transmitted as Congress may by law provide.

The amendment was agreed to.

Mr. BAYARD. I should like to ascertain from those who have the bill in charge, more particularly from its friends, within what distance they call "near" the line? The bill proposes to grant two millions of acres of the public lands to the parties who are to construct this line. I have looked over the report of the committee, and find no specification of the cost or the length of the line; therefore, there are no means, or at least I have no means, of judging whether we are paying for the whole construction of the line, for its partial construction, or to what extent we are paying for it in the grant we make. Throwing all that out, however, I find authority given to select the alternate sections "along and near said line of telegraph." I think there ought to be some limit within which the parties should be confined in the selection of the lands—some certain distance from the line. The word "near" is too indefinite. The sixth section provides:

"From and after the said completion, they shall have the right to select from any of the public lands along and near the said line of telegraph, in the territories, not before sold or appropriated, any quantity not more than a section, and in alternate sections."

I think it ought to be limited as to the distance from the line.

Mr. HAMLIN. Say within ten miles.

Mr. JONES, of Iowa. Fifteen miles. That will correspond with the railroad grants.

Mr. HAMLIN. That is the distance which you allow in the railroad grants.

Mr. WELLER. In answer to the inquiry of my friend from Delaware, I will say that in the report made last year, it was stated by the memorialists that their estimate was, that the line would cost some \$500 a mile. They estimated the whole cost of the work at a little over \$1,250,000. The committee were of opinion that that estimate was entirely too low; the work would cost some \$2,000,000. Their estimate, however, was, I believe, only \$1,250,000.

Mr. BAYARD. What is the estimate per mile?

Mr. WELLER. Upwards of \$500.

Mr. BAYARD. The grant of land which the bill proposes to make is two millions of acres, and if you give the parties the right of selection to any of the lands, provided they select the alternate sections and within fifteen miles of the line, they certainly could get lands of the best character in taking the whole distance. They are not to be bound to select along all the parts; they may concentrate their selection in any space within fifteen miles in alternate sections. They will, therefore, I presume, of course get lands worth the minimum price. The grant, therefore, as I understand it, is equal to \$2,500,000. To construct a line at \$500 a mile, supposing it to be two thousand miles long, would cost \$1,000,000. I do not know that these results will follow, but it seems to me we are, as far as I can judge, paying for the entire cost of construction.

The PRESIDING OFFICER, (Mr. BRIGHT in the chair.) Does the Senator offer an amendment?

Mr. BAYARD. I do not know that I shall offer any amendment. It is not material, for I shall vote against the bill.

Mr. EVANS. I desire to make some statements in relation to this matter, because I have turned my attention to it; and as it has been the habit of my life to deal very much in figures, I have instituted an inquiry as to what this thing is to cost. I understand that the project is to give two million of acres of the public lands. Those lands are to be taken in alternate sections; but there is another provision in the bill that if the lands are not surveyed within two years, the favored parties who are to take this contract may take them anywhere within the Territories. If this privilege be allowed, then, as it is a matter beyond all possibility of doubt that the larger portion of these lands will not be surveyed in twenty years—and a very large portion of them are not worth surveying at all—it follows of course that two million of acres of lands are to be given wherever the parties choose to select them; because much of this land will not be surveyed. It cannot be surveyed in two years. The thing is impossible. It is impossible that the lands could be surveyed beyond the boundary of Kansas and Nebraska into California. The first acre is not surveyed now, either in California or Oregon, or Washington or Kansas, or Nebraska.

Mr. JONES, of Iowa. It does not extend to California at all.

Mr. EVANS. It goes to San Francisco.

Mr. JONES, of Iowa. They cannot take the land in any State.

Mr. EVANS. If that be so, they will take either in Iowa—

Mr. JONES, of Iowa. They cannot take them in Iowa, or in any other State.

Mr. EVANS. They can, then, take them in Minnesota, Kansas, or Nebraska. Then they will be able to get land worth, at least, one dollar an acre. If they do so, two millions of acres at one dollar is \$2,000,000; which we are to give. The interest upon that, at six per cent., is \$120,000 per annum. Then the bill proposes that the Government, as a compensation, shall have the right to send, monthly, eight thousand words. A common column of a newspaper which I have counted—I have not gone into this thing without designing to arrive at a satisfactory conclusion—has one hundred lines, at an average of eight words per line. That would be eight hundred words to each column. A common newspaper contains sixteen columns; and the matter which the Government is to have a right to transmit in a year will be some ninety-six thousand words, which is not more than would be embraced in four or five numbers of a common paper. For ninety-six thousand words in a year, you are to pay \$120,000; that is \$1 27 for every word. Now, sir, is it right, or is it fair, or is it just, to give \$2,000,000 for so paltry a privilege as this? I understood the Senator from Maine, [Mr. HAMLIN,] the other day, to say that this was somewhat in the same ratio as was paid for transmitting ordinary telegraphic intelligence. I never had but one message by telegraph, and that was about four lines, and I paid thirty-seven and a half cents for it.

Mr. GWIN. Four words.

Mr. EVANS. I do not know the price; I never had any dealing in it; but I had one letter, and I think that is what I paid for it. It was on a small

piece of letter paper, and I think contained two, or three, or four lines. I do not know what is the ordinary price of telegraphing, but I do know that it is exorbitant that the Government should pay \$1 27 for every word it sends.

But, sir, there is another circumstance to which I wish to draw attention. For whose benefit is this? Here, also, it is necessary to look somewhat into facts and figures. We already pay for the transportation of the mails to California \$621,190. The land transportation, which we also pay for, after the mails arrive in California, is \$130,368. That makes \$751,558. If you deduct from that all the postage which is received in the whole State of California, which is only \$58,345, you pay over and above that already for the transportation of the mails in California \$693,213 out of the public Treasury. Then it is asked that you should add \$120,000 of interest upon \$2,000,000 to that. I leave out the Shanghai mail entirely; and if you do that, it will be \$813,213. That will be at the rate of \$7 21 per head for every man, woman, and child in California, estimating them at three hundred thousand.

Mr. WELLER. There are letters and papers coming from California.

Mr. EVANS. That makes no difference. If the people who live in California were not there, they would still carry on their correspondence; but admitting that they write as many letters as they receive, and that the postage collected on letters and papers which come from California, is as great as that which is collected in California, what is the result? It only makes a difference of \$58,000.

I have more of these statistical facts. It seems to me, much as I respect the Senators from California, and much as I am willing and disposed to do everything for the youngest sister of this Union, that we are asked to do a most unreasonable act, to pay \$120,000 in addition to what we already pay, in order to facilitate the communication between the two countries. If there was war, if there was any necessity for the Government to communicate, then there might be some reason for it.

Mr. GWIN. The Senator has made an estimate of what we pay for carrying the mails in California. Is he not aware that that law was passed before California came into the Union as a State? The law which the gentleman charges to California was put on the statute-book to provide for carrying the mails to California and Oregon before California was admitted into the Union.

Mr. EVANS. It may be so, because it was some two or three years after California became a part of the Government, before she was admitted into the Union; and it is likely the law was passed before that time. But that does not make any difference; it was still for the benefit of California. Now, sir, although I am willing, as I have said, to do everything for California that is reasonable, it seems to me that this is asking too much; or, in the language of Dr. Franklin, that we are "paying too much for the whistle."

Mr. HAMLIN. I desire to say a very few words in reply to the figures which the Senator from South Carolina has presented. In the first place, I desire to say, that the cost of a telegraphic line, constructed with double wires, from the valley of the Mississippi to San Francisco, according to the estimates, which are undoubtedly below what it would finally cost, would be \$2,500,000.

A few words in relation to the value of the lands. They are to be taken from the Territories through which the line runs; they are not to be taken from the States. Two years is the time within which they are to complete the line. There are two additional years, then, in which the location must be made. There will, therefore, be four years to make the surveys in the Territories. Assuming that your public lands are worth just what the Government fixed upon them, as illustrated by its laws, to wit: \$100 for one hundred and sixty acres—that was precisely the commutation which you allowed your Mexican soldiers, one hundred and sixty acres of land or \$100 in money—or taking the estimate at their present value in the Territories, \$1 25 per acre, which is the price you pay now; then take these lands that lie along through the Territories which cannot be brought into the market for at least ten years, but which can be surveyed within the four, and you reduce the value of these lands, by either

process, more than one half what they would be worth if they could be converted into ready money at \$1 25 per acre. That is an entire answer to so much of the remarks of my friend from South Carolina as shows that the amount the Government would pay would exceed one dollar per word.

What are the rates to be fixed? There are none fixed by the bill. It provides that it shall not exceed a dollar. I stated the other day, that, if you estimate the cost of the work, the expense of keeping the line through a new country in repair, and the expense of working it, undoubtedly the rate of one dollar a word from California would about correspond to the rates of telegraphing which we have on the Atlantic. That is true. I paid for a telegraphic dispatch from my place of residence here, which is seven hundred and twenty-one miles, \$1 20. Estimating the distance of this line to be two thousand miles, that, multiplied by three, will be between four and five dollars; while the cost of a line under ground will exceed one here along the road more than three to one. So, I repeat again, the cost of communication at these rates, taking into view the cost of the line and the working of it, will be about the same. That, however, is a matter which the commerce of the country will settle. It will be for the interests of those persons to telegraph at the lowest possible rate, and they will do it. An amendment was offered by the Senator from Ohio, [Mr. CHASE,] giving to Congress the power to regulate the rates on messages transmitted for the Government. Whatever may be the rates which will pay best, those will be the lowest, and they will be the rates which they will adopt. There are no rates fixed by the bill. I think we owe it in justice to California and to ourselves, to our own people as well as to theirs, that we should have this line constructed; when our public lands are going, they had better go for a valuable consideration to the Government. For that reason I shall vote for this bill.

Mr. BAYARD. I agree with the honorable Senator from Maine, that when your public lands are going, they had better go for a valuable consideration to the Government. My difficulty about the bill is not that it may not be proper to construct such a work as it contemplates, but if you are to do it, it seems to me it ought to be done by the Government itself. I make no distinction between the employment of moneys in the Treasury, and of the lands belonging to the Government, for a work necessary for the purposes of the Government. If the Government of the United States, for its own purposes, requires a line of telegraph to California, make it; appropriate the money out of the Treasury and make it; or contract for its construction for the use of the Government, by a grant of public lands, if you find that a more profitable mode of doing it; but I am opposed to giving the control of a work of this kind into the hands of individuals, or of a corporation either. In this case it appears that individuals are to have it, though, of course, it must pass into the hands of a corporation—I presume it will have to do so—or into the hands of an associated company, before the road can be constructed. The cost of the work, according to the estimate given, of \$500 a mile, supposing it to be two thousand miles long, would amount to \$2,000,000.

Mr. HAMLIN. The estimate which the Senator from California [Mr. WELLER] gave, was upon a line composed of one wire. This bill requires two wires, and the estimate is \$1,000 a mile.

Mr. BAYARD. I should suppose that to make a double line would hardly require a cost double that of a single line.

Mr. HAMLIN. No, sir.

Mr. BAYARD. I cannot conceive that possible. If a single line can be constructed at a cost of \$500 a mile, I do not think a double line would cost more than \$750; but concede that it will cost \$1,000, that, at two thousand miles in length, would make \$2,000,000 for the cost of the line. I would rather pay the money out of the Treasury, or make a grant for the construction of a line for the Government, and let it keep it in repair for its own purpose, suffering the community to use it to such an extent, and under such regulations as Congress might prescribe, than place such a power as this in the hands of individuals, knowing, as I do, that the telegraphs in this country, even broken and

disconnected as they are, have been, and always will be, used for purposes of speculation. Whenever there is an arrival from Europe, bringing important information, that information gets into the hands of speculators before it is given to the community; and with a distance so great as this line, and with a communication so rapid, and bringing important news from California and China, you will find, if it is committed to the hands of individuals, that speculation will be carried to a great extent, and will not be subject to our control; for this bill does not contain a word for the purpose of controlling any operation of that kind. I should object, therefore, to the whole form of the bill in that aspect.

I by no means intend, however, to say that it is not necessary that the Government, for its own purposes, should construct such a line, (either by an appropriation of money out of the Treasury, or by a grant of public lands to the persons who would undertake to construct it,) to be the property of the Government when constructed, and to be under the control of the Government. That would present the proposition to my mind in a very different aspect; and with my present impressions, believing that such a communication would be all-important to the Government, considering the remoteness of our Pacific possessions, I am rather inclined to think I should vote for a bill of that character; but I will not vote to put the exclusive power and control of such a line in the hands of individuals. I will vote for no bill which confers such extraordinary powers; and more especially, when, as far as I can see, from any report of a committee, founded on any reliable estimates, we are literally paying these parties in land the full amount they will expend for the purpose of constructing the line. I admit, however, that there is great uncertainty as to exactly what sum they will get out of these lands; but according to the statement of the honorable Senator from South Carolina—and it certainly is true—if the lands along the route of this line are not surveyed at the time the parties have a right to select, which is after the lapse of two years, when they say they will be able to complete it, (the probability is that few or none of them will then be surveyed,) they have the right to select the lands granted to them in any territory of the United States, with one solitary exception, that they shall not take mineral lands.

During the present Congress you have passed a railroad bill, by which you have granted land along the line of a railroad through the Territory of Minnesota, and you have done that on the basis that you were not giving away the lands, but you reserved every alternate section, and doubled its price. Under this operation, however, all the reserved alternate sections lying upon the Minnesota railroad, although they are held at double prices, may be taken by these parties in their selection, if the lands where this telegraphic line goes are not surveyed within that time. This is left open to them. I do not think it can be denied. They may not be able to get all those lands; but they may, according to the provisions of this bill, take them all. I mention this only as an illustration of the impossibility of getting at what will be the real value of the sum you are paying when you granted those two millions of acres of land for the purpose of constructing this telegraph. As far as I can judge, on all the evidence, it seems to me that the parties will receive after the construction of this work, the full amount of its cost to them; and though it may be true that its cost to them will be \$1,000 a mile, yet the subsequent repairs of a line made under ground will be far less than those of a line made above ground. Well, for that you are to get eight thousand words a month transmitted for the Government; but the community—the public—are to pay these parties whatever they see fit to charge.

Mr. WELLER. No, sir.

Mr. BAYARD. Not exceeding ten dollars for ten words.

Mr. WELLER. The Senator misunderstands the bill.

Mr. BAYARD. I think not.

Mr. WELLER. By the provisions of the bill the Government is to fix the price to be paid for the transmission of messages over and above the eight thousand words a month.

Mr. BAYARD. Is it to be fixed by themselves?

Mr. WELLER. By the Government.

Mr. BAYARD. We differ about the question of fact. As I understand the amendment of the honorable Senator from Ohio, (and it was only put into the bill this morning,) it provides that for all above eight thousand words a month, where the Government are the parties using the line, the Government shall pay such sums as Congress may prescribe; but there is no restriction at all in the bill as to the sum to be charged to the public for the use of this line, except that it shall not exceed ten dollars for ten words, and seventy-five cents for every additional word in a message. That is the only restriction. The parties then have a right to make this charge. They have it in their own control; and though the words "not exceeding" are used, I do not think that the argument of the honorable Senator from Maine will apply. His argument is, that they will put down the prices so as to increase the correspondence. If they have, as they will have under the bill, the entire, exclusive control of a means of communication so short as one day, compared with twelve or fifteen days in other modes, from the great markets of California and the whole East, they will charge the full amount that you allow them to charge by the terms of the bill. My own belief is that if such a grant of power is to be made to a company at all, of any kind, there ought to be provisions limiting the charges, and leaving in Congress the right to regulate those charges from time to time, as regards the public, as well as regards the transmission of the messages of the Government. I believe that in all this species of laws, whether they apply to railroads or to telegraphs, where you grant a charter or make a grant of land to a party, the Government should always retain certain control to see that the interests of the public are to be subserved by the work after it is made, and that they are not to be open to too high charges.

For these reasons, sir, on viewing the whole structure of this bill, I cannot vote for it, though I believe I should vote in favor of a bill providing for the construction, by the Government, of a telegraphic line from some point on the Missouri or Mississippi river, to California, for its own use, leaving to the public to use it, under such terms and stipulations as Congress might see fit. I cannot vote for a bill which places that power in the hands of individuals, and at the same time, it seems to me, gives them a sum which will pay for the whole cost of the work.

Mr. WELLER. Mr. President, if there is a disposition on the part of the Senate to take the vote now, I will not detain them. It will require but a very short time to answer all that has been said by the Senator from Delaware, for his whole argument is based on a false assumption. That I can readily show, but I do not desire to delay the other business of the day, which is the consideration of the homestead bill. If, therefore, the Senate are disposed to take the vote now, I will not trespass on them.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole, were concurred in, and the bill was ordered to be engrossed for a third reading.

Mr. ADAMS. I ask for the yeas and nays upon the passage of the bill.

The yeas and nays were ordered.

Mr. DODGE, of Iowa. I hope, by general consent, the bill will be allowed to lie over until to-morrow, and be printed as now amended. It is a very important measure, and one for which I am anxious to vote, provided it is right. I do remember distinctly, however, and I think the country is somewhat indebted to the Senator from Delaware, for detecting certain provisions in a Pacific railroad bill, during the last Congress, in reference to which he and my friend from California differed very widely. I think we had better look into the bill; and in order that we may have an opportunity of reading it and taking the vote to-morrow, I hope my suggestion will be acceded to. I am not for delaying the bill a moment, but I am for passing it. I am friendly to the bill, but I want to guard against every possibility of speculation and corruption.

Mr. WELLER. I do not know that I can resist the appeal made by my friend from Iowa, for I am very sure he is friendly to the construction of this line of telegraph. We do not desire that any Senator shall vote upon this bill until he

has had an ample opportunity of examining its various provisions. If there be any door to fraud left open, we desire that it shall be closed. All that the particular friends of this measure are anxious for, is that the line shall be constructed. Now, my friend from Iowa says that he desires to examine the various provisions of the bill, in order to see that fraud is not perpetrated either upon individuals or upon the Government. As I said before, I am as anxious as any Senator on this floor that the bill shall be so strictly guarded that no fraud can be committed. I will move, therefore, that the further consideration of the bill be postponed until half-past twelve o'clock to-morrow, and that it be printed as amended.

Mr. BENJAMIN. Before the question is taken on that motion, I wish to call the attention of gentlemen who are the friends of the bill to one portion of it. I am myself a friend of the bill, and am desirous to see it as perfect as possible; but I wish to call attention to the necessity of an amendment, which, in my view, is required. I have examined the bill with a great deal of care, and am desirous that it shall pass; but there is one thing which, it seems to me, should be attended to. In the sixth section, in the provision for the compensation of the parties, occur these words:

"From and after said completion, they shall have the right to select from any of the public lands along and near said line of telegraph."

I find that word "near" exceedingly vague and indefinite for a law.

Mr. WELLER. I believe there was a proposition this morning, to amend that portion by declaring that they shall not go further than fifteen miles. That, I believe, is the limit fixed to the railroad grants.

Mr. BENJAMIN. I did not know there had been an amendment to that effect.

The PRESIDING OFFICER, (Mr. BRIGHT in the chair.) Such an amendment was mentioned, but not offered.

Mr. WELLER. Then I desire to ask the unanimous consent of the Senate to have that amendment made. I supposed that it had been made by my friend from Maine; but I wish now, as it has not been done, to amend the provision referred to by striking out the word "near," and inserting "within fifteen miles of."

The amendment was agreed to by unanimous consent.

The further consideration of the bill was postponed until to-morrow at half past twelve o'clock; and it was ordered to be printed as amended.

HOMESTEAD BILL.

Mr. WALKER. I now move that the Senate take up the homestead bill for consideration.

Mr. SEBASTIAN. I hope the Senator will withdraw his motion, at present, in order to let us have a short Executive session this morning.

Mr. STUART. I think it would be better to have the Executive session later in the day.

The motion was agreed to; and the Senate, accordingly, as in Committee of the Whole, resumed the consideration of the House bill "to grant a homestead of one hundred and sixty acres of the public lands to actual settlers," the pending question being on the amendment proposed by Mr. WADE, to strike out from the sixth section the words "a resident of any one of the States or Territories, and." The object of the amendment is to strike out the limitation which restricts the benefits of the bill to persons who are now residents of the United States, and prevents its operating in favor of those who may come into the country after its passage. The section thus proposed to be amended is as follows:

SEC. 6. *And be it further enacted*, That if any individual now [a resident of any one of the States or Territories and] not a citizen of the United States, but, at the time of making such application for the benefit of this act, shall have filed a declaration of intention as required by the naturalization laws of the United States, and shall become a citizen of the same before the issuance of the patent, as made and provided for in this act, shall be placed upon an equal footing with the native born citizen of the United States.

Mr. CLAYTON. I send to the Chair an amendment which I propose to offer.

The Secretary read the amendment.

It proposes to strike out the sixth section, which is in these words:

SEC. 6. *And be it further enacted*, That if any individual now a resident of any one of the States or Territories, and not a citizen of the United States, but at the time of

making such application for the benefit of this act, shall have filed a declaration of intention as required by the naturalization laws of the United States, and shall become a citizen of the same before the issuance of the patent, as made and provided for in this act, shall be placed upon an equal footing with the native born citizen of the United States."

—and insert the following:

SEC. 6. *And be it further enacted*, That any mechanic or other citizen of the United States, of full age, engaged in and accustomed to any business, trade, or calling, other than the cultivation of land, shall, in consideration of his inability to comply with the conditions of this act, by reason of his want of knowledge, skill, or experience in such cultivation of land, be entitled to receive in lieu of one hundred and sixty acres of land as herein provided, the sum of \$160, to be paid to him out of any money in the Treasury not otherwise appropriated.

Mr. CHASE. I believe an amendment is pending, which was offered by my colleague.

Mr. SHIELDS. I will ask whether the amendment of the Senator from Delaware is in order? As I understand the matter, the question is upon the amendment offered by the Senator from Ohio. Can this amendment of the Senator from Delaware be considered as an amendment to that, or is it in order whilst that is pending?

The PRESIDING OFFICER. The first question is on the amendment offered by the Senator from Ohio, which was pending when the Senate last had the bill under consideration.

Mr. WADE. The object of my amendment will be readily seen by examining the provisions of the bill. It will be perceived that the bill itself limits the benefit of its provisions to American born citizens and to such emigrants as may be in the country at the time of its passage. The object of my amendment was to extend its benefits to all others who may come in and comply with its provisions after its passage. When I offered the amendment I believed the principle of it was right; I now believe it to be entirely right; but at this period of the session I fear that it may endanger the passage of the bill. I am a friend of the bill, and would be glad to get its great principles, even if it be not as perfect as I could wish. I fear that to persist in my amendment, which elicited a good deal of discussion when it was up before, may endanger the passage of the bill; I therefore ask leave to withdraw it.

The PRESIDING OFFICER. The Senator has a right to withdraw it, as no action has been had upon it. That amendment being withdrawn, the question now is on the amendment offered by the Senator from Delaware, [Mr. CLAYTON.]

Mr. BRODHEAD. It is quite evident that there is to be considerable discussion in regard to this bill. I understand that there are several amendments and substitutes that will be offered. I know that two or three intended substitutes have been submitted and ordered to be printed. We have now, sir, only about three weeks of this session remaining, and my object in rising is to suggest the propriety of suffering this bill to go over until December next. If we are to proceed with the discussion of the bill, I presume that we shall occupy several days, and we shall thus interfere with the appropriation bills. The weather is unpleasantly warm, and for this and other considerations, I think we had better postpone this bill until next December. I move, therefore, to postpone its further consideration until the second Monday of December next.

Mr. GWIN. I am perfectly willing that the vote to be taken on this motion shall be regarded as a test vote as to whether we are to pass the bill or not. I think we have as much time now as we shall have in December. This is the period for action. There is no member of the body who has not made up his mind on the question. If it has not been directly before us for consideration, certainly the question is presented to us in such a form that we are prepared to vote on it. I hope, therefore, the vote on this motion may be regarded as a test vote whether we are to consider and pass the bill or not. I am in favor of the bill as it is, without any amendment.

Mr. JOHNSON. Every gentleman will regard his own vote as a test or not, as he pleases; but, for one, I wish to say that my vote on this motion must not be considered as a test vote at all; and I cannot consent to any agreement by which this vote shall be considered a test.

Mr. BAYARD. Mr. President, the motion of the honorable Senator from Pennsylvania, I understand, is to postpone this bill until the sec-

ond Monday in December next, and make it the order of the day for that time. I will vote for that motion. I think it desirable on every score. I am opposed to the bill, as all its friends know, and whenever it comes up, whether now or then, I shall endeavor to give my reasons for my opposition to it. It will be admitted, however, on all hands, without going into the merits of the bill, that, if it be adopted, we shall be making a radical change in the mode in which this Government has disposed of the public lands from the foundation of the Government. It certainly ought to be a subject of grave deliberation, and of full discussion. You have now but three weeks of the session remaining. You have weather which, if it does not incapacitate for physical, certainly does for mental exertion. I think, therefore, there cannot be now such a full discussion of this bill as would be satisfactory without entirely laying aside measures which are imperatively required to be passed before the adjournment. I allude to the appropriation bills. I believe that next December will be more favorable to a fair discussion of the bill than the present time.

I do not desire to defeat this or any other bill by indirection. I am willing to meet the question fairly when it comes up in December. I am willing when the month of December arrives, if the bill can be so postponed by the votes of any of its friends, to persist then in adhering to its discussion until the vote shall be taken, without regard to other business. I trust, then, the motion will prevail. I think next December is more suitable, in all respects, for the discussion of the bill. I know that there are a great variety of amendments to be proposed, some of which may alter entirely the character of the bill; but if it is passed in the shape in which it now stands, I cannot entertain a doubt that it comes clearly within the meaning of the language used by the President of the United States in his veto of the insane bill; and hence would be sent back by him with his objections. Whether it can be modified or not, I cannot say. On all accounts, however, I think it would be more desirable for its full and fair discussion that it should be postponed until the next session. If a majority of Congress choose then to pass it, I shall on this, as on every other question, bow to their will; but I shall certainly oppose it, as I am decidedly against the bill. The present motion, however, has no reference to its merits.

Mr. DODGE, of Iowa. Mr. President, I trust that the Senate will not agree to the motion of the Senator from Pennsylvania. In my humble judgment, in the whole history of the proceedings of this body, there never has been a bill treated with so much neglect if not indignity as this homestead bill. It has been twice passed by overwhelming majorities of the people's representatives, and has been sent here, but has been delayed and over-slaughed by indirect motions; and now the appropriation bills are to be lugged in to further delay or defeat it. For one, sir, I declare before God and the Senate, that I am willing to lose the entire appropriation bills, every one of them, if that issue is to be made with me, and I will sit here in my seat day in and day out, up to that time which has been arbitrarily fixed for adjournment, rather than lose this bill; and I appeal to its friends, if they constitute a majority of the American Senate, now, to-day, to make battle for it, and continue in the good fight up to the end of the session.

Sir, I impugn no Senator's motives; I say directly what I think, and under all the responsibility that pertains to my place here—and that is that I think this bill has been worse treated than any measure that ever emanated from a majority of the people's representatives. Sir, it was given the go-by at the last two sessions of Congress, when there was a large majority in its favor. Indirect motions and side blows did the work. I ask now that Senators meet it fairly, by objections in front. If it is a dangerous or an improper bill, it ought not to be passed; if just and meritorious, it should become a law.

I am not, at this time, prepared, sir, to answer the speech which was made on this bill when it was last under consideration, by the Senator from Kentucky, [Mr. THOMPSON:] a speech to which I listened with greater pain and regret than to any I ever heard on the floor of the American Senate. I know something of those foreigners whom it has become so common to assail. I know them as neighbors and friends; and, with few exceptions,

better citizens or truer men I have never known. They are industrious, law-abiding, and patriotic. In every war that we have had, from that of the Revolution down, they have ever been among the first to enlist or volunteer. I have been personally acquainted with hundreds who have done so in the Indian wars in the Northwest, and that too, long before they had ever become citizens of the United States, or had ever signified their intention to become such. This bill, in its present shape, notwithstanding the manner in which it is attacked for its alleged liberality to foreigners, is the least so, in fact, of all the previous land bills which have ever been passed. I should willingly have voted for the amendment of the Senator from Ohio, [Mr. WADE,] for I believe it to be right. I am glad, however, under the circumstances, that he withdrew it; for my wish is to pass this bill without dotting an *i* or crossing a *t*, if it has a majority in its favor. I again appeal to its friends to pass it in that shape. But if we cannot succeed in doing so, then, for one, being earnestly attached to the principle of reducing the price of the public lands so as to place it in the power of every free man who now is, or who may become a citizen of the United States, to be possessed of a little piece of land on which to live and rear his family, I will take the next best proposition that I can get. The present is the accepted time for action, and I exhort now the friends of this measure to stick by it. The eyes of the country are upon them. The Senate is charged, and I fear, with too much truth, with having failed to conform its action to the will of the people and of their representatives through a series of sessions past. I repeat, that I trust its friends now, if they are in a majority, will march up to the work, and pass it—to pass it to-day, if we have the numbers to do so. The pending amendment comes from an old enemy of the bill, and I trust it will be voted down.

Mr. HAMLIN. The friends of the bill, as I understand, desire that it shall not be postponed until the commencement of the next session, but that the vote upon the bill shall be directly had. I think it was suggested by the Senator who made the motion, that this was to be a test vote on the question.

Mr. BRODHEAD. No, sir; I did not make the suggestion. It was made by the Senator from California, [Mr. GWIN.]

Mr. HAMLIN. I heard the suggestion from some Senator, and I rose only for the purpose of saying that this vote will be no test with me. I am willing to vote directly on the bill; and for the purpose of gratifying its friends, without indicating what my final vote will be, I shall go against postponing.

Mr. CASS. I hope the bill will not be postponed. Since this question was raised, four years ago, by an eminent member of the Senate, whom Providence has since taken from us, I have considered it as one of the most important measures ever presented to the American Government and people. I will take this opportunity of reading the resolution of that distinguished man, which all who were here at the time must recollect. On the 22d of January, 1850, Mr. Webster submitted the following resolution:

"Resolved, That a provision ought to be made by law, that every male citizen of the United States, and every male person who has declared his intention of becoming a citizen, according to the provisions of law, of twenty-one years of age, or upwards, shall be entitled to enter upon and take any one quarter section of the public lands which may be left open to entry at private sale, for the purposes of residence and cultivation; and that when such citizen shall have resided on the said land for three years, and cultivated the same, or if dying in the mean time, residence and cultivation shall be held and carried on by his widow, or his heirs or devisees, for the space of full three years from, and after making entry of such land, such residence and cultivation, for the said three years to be completed within four years from the time of such entry, then a patent to issue for the same, to the person making such entry, if living, or otherwise, to his heirs or devisees, as the case may require: *Provided, nevertheless*, That such person so entering and taking the quarter section as aforesaid, shall not have, nor shall his devisees or heirs have, any power to alienate such land, nor create any title thereto, in law or equity, by deed, transfer, lease, or any other conveyance, except by devise, by will."

From that day to this, the subject, in one form or other, has been before the Senate, directly or indirectly, sometimes almost coming to a direct vote, and sometimes being got rid of indirectly. I believe it is one of the most momentous questions ever submitted to the people of this country. Gentlemen may tell me of this business, or

that business, or the other business; but, sir, in my judgment, this is *the* business of the session. I am willing to postpone all other business to the adjustment of this question. If it be adjusted rightly, as I trust it will be, it will have a better and a greater effect in promoting the prosperity of this country, in my opinion, than any other measure ever proposed. If it does not, the responsibility will not fall on those who advocate and vote for it. I therefore repeat my hope that this subject will now come to its final issue, and that, after having passed the House of Representatives, the bill will be voted upon by the Senate, and will receive a concurrent vote here.

Mr. PETTIT. I said some time ago all that I intend to say upon this bill, and I rise now only to express my hope that it will be pressed to a vote to-day. I hope the friends of the bill, if they be a majority here, or a minority, will stand together and vote down all amendments. I do not pretend to say that the bill is in every respect such as I could desire; but knowing that if we amend it, we must necessarily lose it in the House, I prefer taking it as it is; and I ask the friends of this bill now to put themselves together, vote down all amendments, and get a vote on the bill, if there is a majority for it, as the Senator from Iowa says, without dotting an *i* or crossing a *t*. If an amendment of any kind, however small, be adopted, it is a loss, beyond question, of the bill for this session. Let us know, then, to-day, whether we have or have not a majority for this measure, which is emphatically a measure of the people, and which is calculated to give to the country greater strength and greater defense than any and all other measures that are pressed here. I hope the friends of the bill will be at their posts, and see that no amendment is added to it.

Mr. BROWN. I will vote against the postponement of this bill, and will stand by its friends until they bring it to a final vote. With the remarks submitted by several Senators in favor of having the final action of this body on this bill, I fully and entirely concur. It is respectful to the House of Representatives, and it is demanded, I think, by the people, that we shall have some definite action on this proposition. I cannot vote with that portion of the Senate (if, in fact, there be such a portion) who are for killing off this measure by indirection. Whether I shall vote for it on its final passage, depends on circumstances which are not yet fully developed.

I cannot concur with my friend from Indiana [Mr. PETTIT] in the declaration that we are to vote down all amendments to this bill. I think it were better the bill should be lost than that we should have it forced upon us in the precise form in which it now stands. To take the ground that we are not to amend it at all for fear that the House of Representatives, where the bill has a large majority, will not act on our amendments, and that the bill must therefore be lost, is appealing, I think, rather to our fears than to our judgments. I believe that if we make reasonable and proper amendments, the House of Representatives will concur in them, and we shall thereby get a better measure.

I rise, however, simply to say, without meaning to have my vote understood as a test on this proposition, that I will now vote, and I will continue to the end voting, with the friends of this bill, so as to bring it to the final decision of the Senate. When an amendment shall be proposed which I think is right, I will vote for it; and I will vote against it if I think it is wrong. I utterly reject the proposition of the Senator from Indiana, that we are to vote down all amendments lest we should lose the bill. I have myself a substitute which I intend at the proper time to propose, and ask the vote of the Senate upon. If they vote it down, very well. It is just to myself, and just to some friends who concur with me, that I should ask the vote of the Senate on that proposition. I hope we are not to be forestalled by a fixed determination to pass the bill in its present form. If we do not believe that its present form is the best we can give it, it is our duty to amend it.

Mr. JOHNSON. I will vote against this motion to postpone the bill until next December, but I am not satisfied that the bill as it now stands is the best homestead bill that can be passed. In other words, I believe there is a much better bill for the whole of the new States that could be passed,

and would be passed if brought up embarrassed, and I shall hold myself free to vote for it at the proper time. But I will vote to have this bill brought up so that we may come to some conclusion in regard to our present public land system, which I feel to be operating oppressively and unjustly. These views will govern my votes on this matter, but I am not to be told that every vote I may give on every proposition, is to be a test vote.

Mr. BAYARD. It is true, as the honorable Senator from Michigan has remarked, that this bill has been before the country since 1850, but certainly it has been before it only to a limited extent. In this body, it has had no discussion at any time since I have been a member of it, which has been since March 1851. There has been no discussion of the general principle, or of the particular bill before the Senate during that time, though the question has been incidentally touched. There can be little doubt that it alters the entire system of the disposition of the public lands, that it embraces a system of donation in place of the grant of the land for a valuable consideration. It is an entire alteration.

I have many objections to the bill, as to some of its sections, if not to the whole bill, on constitutional grounds. There are a variety of other Senators who believe the bill can be modified so as to bring a majority of the Senate, a very large majority, to a coincidence of opinion as to the proper mode of disposing of the public lands, by way of graduating and reducing their price. The inclinations of my own opinion are in favor of that. I know, however, that this bill must lead to prolonged discussion. It has yet had no discussion. I do not think that at this season of the year, with such a limited period for the duration of the session, we ought to take it up now. It is on this ground, and this ground alone, that I shall vote for the postponement. Otherwise, I should be ready to meet the question now. If it be postponed until the second Monday in December, I shall then be willing to take up the bill, and proceed to its discussion until the vote be taken. At present, I think it ought to be postponed.

Mr. STUART. Mr. President, I only wish to say a few words, and prominent among them I wish to ask the Senate not to postpone this question, but to dispose of it, and to dispose of it at this session, and at the earliest time it can possibly be done. Another thing I desire to state, as one of the most zealous friends of the measure, and that is my willingness to amend it in such reasonable way as that it may command the vote of the majority of this body. I think it will hardly do to say that if the bill be amended at all, it will be lost in the House of Representatives. I certainly would not undertake to say what is the opinion or condition of that House; but I will say, with some degree of caution, that, so far as I have been able to ascertain, reasonable amendments adopted to this bill will be concurred in there.

But, Mr. President, this is a measure which is vastly important to the western, or, at all events, to the northwestern portion of this Union, and I submit to Senators from other quarters, that that is a portion of the Confederation of these States which is entitled to respectful consideration. Not that I would for one moment insist that this bill shall be thrown upon Senators without such reasonable amendments being made as they can assent to. I am willing, for one, to put a reasonable price upon the land; I am willing to say that the settler shall pay, at the end of his occupation, a fair and reasonable price for the land, if such an amendment be necessary, for the purpose of securing to the bill the friendly, honorable support of Senators from other parts of the Union. I am freely willing to concede much to the opinions and judgment of other Senators, and I ask those Senators, in all fairness, to concede the same spirit to us. Let us meet this question. Let us meet it fairly, not by some sidewise proposition, but let us come fairly to the consideration of the bill, and see if we cannot agree upon terms, and adopt them, and pass it.

Now, sir, I confess that it would not displease me at all, if the suggestion of the Senator from Pennsylvania were true, and if it were so excessively hot that no Senator here could make a speech on this bill. Certainly, that would not grieve me at all. I should bear it with Christian

fortitude. There is not a Senator on the floor who does not understand the bill in all its bearings. It is no new subject. There is not a Senator here who is not prepared to vote upon any amendment that may be offered as soon as it can be read from the Secretary's desk. If we should go forward, therefore, in the hottest weather, without hearing a lengthy speech, and should consider this bill, and amend it, and agree upon it, I think, so far from having lost anything, we should have gained a great deal.

I was opposed, as all Senators know—strenuously opposed—to fixing so early a day for adjournment as has been fixed, until we had acted upon this and two or three other important measures. I am as well satisfied now, as I was then, that the time is insufficient to dispose in a proper manner of the appropriation bills. It will not allow you four days in each House to consider each of the important appropriation bills. I thought then, as I think now, that the Senate cannot dispose of the business within the time; and, if it be disposed of, it will be very badly done. But, notwithstanding all this, that is a subject which is yet within our control. We can postpone that day, if it shall become necessary to do so. I hope it may not become necessary. I wish we could adjourn to-morrow; but, I repeat, if it becomes necessary we can postpone the day of adjournment. I only, therefore, ask in conclusion—and I do it with some little degree of feeling—that Senators will concede so much to us, who represent northwestern States, as to proceed to and continue the consideration of this measure until we can dispose of it, and see if we cannot dispose of it in a manner agreeable to a very large majority, if not to all of us.

Mr. PETTIT called for the yeas and nays on the motion; and they were ordered; and being taken, resulted—yeas 18, nays 32; as follows:

YEAS—Messrs. Adams, Bayard, Benjamin, Brodhead, Butler, Clay, Clayton, Cooper, Dawson, Dixon, Evans, Fessenden, Fitzpatrick, Hunter, Mason, Norris, Pearce, and Thompson of Kentucky—18.

NAYS—Messrs. Allen, Atchison, Bell, Bright, Brown, Cass, Chase, Dodge of Wisconsin, Dodge of Iowa, Douglas, Geyer, Gillette, Gwin, Hamlin, Houston, James, Jones, Jones of Iowa, Jones of Tennessee, Pettit, Rockwell, Rusk, Sebastian, Shields, Sidel, Stuart, Sumner, Toucey, Wade, Walker, Weller, and Williams—32.

So the motion to postpone was not agreed to; and the question recurred on the amendment of Mr. CLAYTON.

Mr. ADAMS. I ask for a division of the question, so that the first vote may be upon striking out, and on that proposition I ask for the yeas and nays.

The PRESIDING OFFICER. Then the first question will be on the proposition to strike out the sixth section; which is as follows:

"Sec. 6. And be it further enacted, That if any individual now a resident of any one of the States or Territories, and not a citizen of the United States, but at the time of making such application for the benefit of this act, shall have filed a declaration of intention as required by the naturalization laws of the United States, and shall become a citizen of the same before the issuance of the patent, as made and provided for in this act, shall be placed upon an equal footing with the native born citizen of the United States."

The yeas and nays were ordered.

Mr. CLAYTON. The section proposed to be stricken out grants to every alien, or foreigner not naturalized, the moment he lands upon our shores, the right to locate one hundred and sixty acres of the public domain, to which he is to become fully entitled by a patent to be issued after the expiration of five years, if during that period he shall cultivate the land and reside upon it according to the terms of the bill. The object is to test the question whether aliens are to be placed on the same footing with citizens of the United States in the donation of the public lands. True it is, the section proposes to give only to foreigners who are here and not naturalized at the time of the passage of the act; but every man can see that if the principle is now adopted, by agreeing to the section which I propose to strike out, that all aliens in the country at the time of the passage of the act are entitled to one hundred and sixty acres of the public domain, as a matter of course it will follow that, at the next session, or at some subsequent session, another act will be passed for the mere purpose of putting them upon an equality of common justice, admitting all aliens, not only those now in the country, but all who may come here-

after, to as full a share of the inheritance of the American people as American citizens themselves. Sir, I do not propose to discuss the question; I simply ask that it be decided.

Mr. CLAY. Mr. President, I do not propose to make a speech upon this question; but in addition to what has been said by the honorable Senator from Delaware, I wish to call the attention of the Senate to the fact that he does not present the case in as strong a manner as it may be presented. Now, sir, I wish to ask the friends of the bill what they mean by the term "now," as used in this section? It speaks of all who are "now" residents of the United States. To what period of time does this word "now" refer? Does it refer to the time when the bill was introduced into the other House? Does it refer to the time of its passage there, or of its passage here, if it shall be passed? To what time does it refer? I say that a more indefinite, indeterminate, and unsatisfactory word could not have been employed than the word "now." "Now," we are told, sometimes refers to past time, at others to future time; and we are told by the poet, that time is an eternal "now." It appears to me to have been adopted with a view to admit all who may hereafter come to the benefits of the act, and if that is the purpose let us meet it fully and fairly, and say so in the bill in terms that cannot be doubted or mistaken.

But, sir, this is not all. I say that it is giving to aliens who may hereafter come into the country bounties which have not been conferred upon American citizens, but bounties in which they cannot participate. The amendment which has been offered by the honorable Senator from Delaware suggests a large class of citizens who cannot participate in this bounty. Again, all those who have hitherto settled upon the public lands, and paid the price demanded, cannot be expected to participate in this bounty. Hence I am decidedly opposed to the sixth section, as it stands in the bill. I shall vote to strike it out, first, because I say it does not exclude any foreigner; it does not exclude those who are to come hereafter; for suppose the word "now" should be construed and understood by the Senate to mean at the time of the passage of the bill; suppose that to be the time designated, I ask, where in the bill is it required of any foreigner that he shall swear that he was a resident of the United States at the time of the passage of the bill? There is no such requirement anywhere; and hence it appears to me to be a miserable equivocation that is intended to mislead or deceive somebody. He is not required to swear that he was then a resident of the country. I do not care when they may come, it is a perpetual right granted to all who may arrive hereafter to participate in the bounties of the Government in settling upon the public lands; because they are not required to state that they were residents of the country at the time of the passage of the bill, and the word "now" is an indefinite and unmeaning one, which is subject to different interpretations by different persons.

Mr. WALKER. I was a little surprised to hear the Senator from Delaware make the statement which he did make in regard to the provisions of this bill. If he had read it with more care, he would have found that, in the section which he proposes to strike out, the provision is, that where any person, now a resident of any of the States and Territories, and not a citizen of the United States, shall declare his intention to become a citizen, and shall actually become naturalized before the patent issues, he shall be placed on the same footing as a native-born citizen. That is the provision of this section.

Mr. CLAYTON. Precisely.

Mr. WALKER. It is not, then, as stated by the Senator, for he took the ground that the bill provided that any person hereafter coming might avail himself of the provisions of this act, by simply cultivating the land. He has first to declare his intention to become a citizen of the United States, before he can make his claim under the act. Then, he must perfect his citizenship before he can be entitled to a patent for the land; and it is upon the doing of both—upon the becoming of an actual citizen of the United States—that he is entitled to the patent. It was to obviate what the Senator from Ohio deemed a difficulty in the bill, that his amendment was offered some time since, but by him withdrawn this morning. It proposed to give the right to those who might

come into the country hereafter to avail themselves of the benefit of the bill; but he withdrew it. It is not now before the Senate, and the section proposed to be stricken out by the Senator from Delaware requires the declaration of intention to become a citizen, and, before the patent shall issue, the perfection of his citizenship; otherwise, he is not to have a patent.

Mr. CLAYTON. — What I stated in regard to the section is perfectly and literally true. It offers to every alien, every foreigner not naturalized, as soon as he arrives in the United States, the right to one hundred and sixty acres of the public lands as soon as they are surveyed; and it does it in this way: He has nothing to do but to make his declaration of intention. Of course that causes no trouble. Then he enters upon the land, and has as much right to enter as an American citizen who has lived here for forty years. Then he is to cultivate the land, according to the provisions of the bill, just as citizens must do, for five years. That is just the time within which he can become naturalized. In five years any foreigner can become naturalized, and then he is entitled to a patent precisely as any other man who is born here; so that, in effect and substance, this section gives to every alien the same right to the full extent of a native-born citizen of the United States.

Sir, there is another thing rather remarkable in this bill. There is no time provided within which the foreigner, not naturalized, shall become a citizen of the United States. If he lives on the land five years after having declared his intention to become a citizen, at any time after that, whenever he shall choose to become a citizen, if that is twenty years afterwards, he is entitled to a patent; and yet, during all this time he is to remain on the land and enjoy it as fully as any American citizen could do. There is not a word in the bill to drive him from the land because he does not at the end of the five years become an American citizen; so that I respectfully submit to the honorable Senator from Wisconsin, I think I was right in everything that I said in reference to the section. I do not propose to discuss it. It is perfectly true that I have not disguised my views in reference to the great principle contained in it. They have been explained heretofore. I am decidedly for a distinction between the American citizen and the alien. I am not one of those who cry out against aliens, or one of those who have opposed the emigration of foreigners into this country. Let them come here; we have land enough for them. Let them become Americanized here; let them learn the institutions of the country. The naturalization laws direct that they shall reside here long enough to understand those institutions. Is it asking too much to say that they shall reside here five years before they become entitled to a donation of a hundred and sixty acres of land? I say again I do not propose to enter into a discussion of the principle. It is a mere question of whether there shall be a gift of this much land made.

Mr. DIXON. I do not understand the section, or, if I do, the Senator from Delaware, in whose opinion I have a great deal of confidence, is mistaken in the construction which he places upon it. I will read the section, and then make a remark or two upon it:

"And be it further enacted, That if any individual now a resident of any one of the States or Territories, and not a citizen of the United States, but at the time of making such application for the benefit of this act, shall have filed a declaration of intention, as required by the naturalization laws of the United States, and shall become a citizen of the same before the issuance of the patent, as made and provided for in this act, shall be placed upon an equal footing with the native-born citizen of the United States."

I understand that the proper construction to be given to that section is, that a person, to entitle himself to the benefit of it, must be a resident of a State or Territory at this time. If this is the proper construction, does it embrace anybody but those who are now residents, either of a State or Territory? Surely, it cannot include foreigners who may hereafter emigrate to the United States.

Mr. CLAYTON. It embraces all aliens in the country now.

Mr. DIXON. The construction given to it by the Senator is, that all persons hereafter coming into it may be entitled to the benefits of the bill.

Mr. CLAYTON. No, sir; I said that if you passed this bill, entitling aliens living here at the time of its passage to one hundred and sixty

acres, it would follow as an irresistible consequence that hereafter, as a measure of mere common justice, others coming and asking for the same rights and privileges would have them granted to them.

Mr. DIXON. Upon that point I have no argument to make with the Senator. This is a simple proposition, as I understand it, to give to those who are now residents of the States or Territories, and who may hereafter become naturalized citizens of the United States, the right to one hundred and sixty acres. If I understand the proposition, it is that and nothing more. Then, sir, if that is its effect, and the Senator from Delaware seems to concur with me that it is, I do not see the force of the objection which he urges to it, at least I do not see it as the Senator does.

Mr. SHIELDS. Will the honorable Senator from Kentucky permit me to state what is my understanding of the provision. It gives to the resident of the States and the resident of the Territories who has declared his intention to become a citizen of the United States—what? The right to work a piece of land in one of those Territories, on vacant, unappropriated, unoccupied, wild lands—a mere right to work it—and when he becomes a citizen, then he obtains a patent and title to the land.

Mr. DIXON. That is all.

Mr. SHIELDS. Precisely so; so that, in reality, I want to state to the honorable Senator, I cannot see exactly the force of the objection of the honorable Senator from Delaware.

Mr. DIXON. I understand it as my friend from Illinois does, that no foreigner who is not now a resident of a Territory, or of a State, has a right to the benefit of this bill. It does not embrace those who may hereafter come into the United States, but it only includes those who are now here. That is my understanding of it.

Well, now, Mr. President, I have but a single remark to make on this question. We naturalize a foreigner, and when we naturalize him, the policy of this Government is to make him a citizen, not only in name, but in fact—to put him upon an equality, in every sense of the word, with a citizen of the United States. This is the policy of this Government; and I think it is a correct policy, in view of all the circumstances connected with the settlement of our wilderness—for it is yet a wilderness in many respects—and it has been the policy of this Government from its very commencement. Sir, I am myself in favor of attaching the foreigner, who becomes a citizen of this Government, to the Government itself; and I think that to do this, to make him its friend, to secure his devotion to it, and his support and his defense of it, either in peace, when the great principles of the Constitution may be assailed by factionists or partisans, or in war, when it is necessary that the soldier shall shoulder his musket to defend our soil, our homes, and firesides, nay, our Government itself, against foreign enemies, or internal foes, the true policy is to make him not only a citizen in name, but in reality. If he is to be naturalized under the laws, I will give him just the same rights that any other citizen of the United States may have. I understand that the provision of this section will give the foreigner no right until he becomes a citizen of the United States. He may enter upon the land, it is true. He may cut down the trees; he may sweep away the forests; he may cultivate the land; but he cannot have a right to it; he can have no patent issued by the Government of the United States, securing to him the right, until he becomes a citizen of the United States. I understand that to be the plain construction of the section proposed to be stricken out. Is that the correct one or not?

Mr. SHIELDS. It is.

Mr. DIXON. My friend from Illinois says it is; and, doubtless, it is so. Then I shall not vote to strike it out. I shall vote to retain it, believing that it is better to give the naturalized citizens of the United States the rights of citizens, not in name, but in fact, if only to impress upon their minds and hearts that they are citizens, and have the same rights, under the Constitution, that the native-born citizens have. If the whole policy of the naturalization law is wrong, repeal it. I think it is right, and shall vote against repealing it. But, so long as it remains upon the statute-book, do not pretend to make a man a citizen without giving him the rights of a citizen.

I have said this much upon the motion of the honorable Senator from Delaware to strike out the section of the bill referred to. I will now say that it is my purpose to vote against the bill altogether when it shall be put upon its passage; not that I object to the principle of the bill, which proposes to give one hundred and sixty acres of land to the actual settler, but because I am in favor of distributing the proceeds of the public lands among the several States in equitable proportions. The public lands belong to the old as well as the new States. They have been acquired by the common blood and treasure of all the States, and are admitted by all to be held in trust by the Federal Government for all the States, and for all the citizens of the United States; and so long as there is a hope of effecting a just and equal distribution, I will vote against all other propositions embracing a general disposition of them. Next to the proposition to distribute them, or their proceeds, among the several States, I prefer the distribution proposed in the bill; that is, to give the lands to citizens who are actual and *bona fide* settlers. The life of the pioneer of our western and southwestern territories is a difficult one. Exposed, at all times, to the attacks of the ferocious wild beasts, to the attacks of the more ferocious savages that inhabit the forests, to say nothing of the fatal diseases always incident to new and unsettled countries, as well as of the scarcity of provisions, and a want of all the comforts of life enjoyed in countries settled and civilized, he fully earns his one hundred and sixty acres of land when he has endured all the hardships necessary to acquire a title to it; and I confess, that if I had given up all hope of seeing the lands distributed among the States, I would vote for the bill.

Mr. SHIELDS. I shall not enter into an argument on this question. There are many reasons why I shall not. It would not be very becoming for me to do so. I merely want to call the attention of my very able friend from Delaware to one view of this case which may have escaped his mind. This was intended, in the first place, to apply to residents in the States and Territories; and then they must be persons who have declared their intention to become citizens. These are the requisites. Now, sir, in a case of that kind, the honorable Senator says a person is an alien. Perhaps he may be; but, at all events, he is a kind of probationary citizen. I hold that he is, as it were, a man in a state of probation, in a state of apprenticeship. He remains in that condition for five years. During those five years it is expected that he will learn and acquire something of the rights and duties of a citizen of the United States. Now, I put it to the honorable Senator as a matter of high American policy, in reference to this peculiar class of persons coming to this country, if there can be any plan more judicious and more politic than to attract them from the large cities on the sea-board, where they are loose and unemployed, and where they fall into the hands of persons who take advantage, perhaps, of their want of knowledge, and plant them in the Territories, and make them soldiers to defend the country? Plant them down there. Sir, there is not a man who lives in the West that does not know this singular fact: that the moment a man builds a log cabin, cultivates a piece of land, and finds himself in possession of a home, he becomes a better man, as well as a better citizen; he becomes more attached to the soil, and he becomes a better man as far as moral character is concerned. I cannot imagine any better position in which you can place a man, as a school of instruction in which to exercise these high duties, than to place him in one of the frontier Territories through the exercise of this power. It does not affect you, it does not affect any other part of the country, it merely affects himself and a few of his neighbors. He learns to practice these duties. Be assured, sir, of one thing, that all the aversion to foreigners originates in the fact that they congregate about the large cities; that they herd together and form as it were societies of their own, and excite the prejudice of Americans. But, sir, break up this collecting in your cities, transfer them to the far west, put them on the frontiers, throw them into the Territories, let them take their rifle and ax in hand, and make homes for themselves, and you will make them better men than they were before. They will be better citizens, and will be no longer what they were in the

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city of New York. In my humble opinion, seeing that these immigrants will come here, seeing that they are increasing every day, the true policy is by all just means to divert them, as it were, to draw them away from the large cities on the seaboard, to plant them away on the frontier, to break up these bodies which are congregated in the large cities, to scatter them and disperse them among your own people. There is not a western man who does not feel the effect of it. We know that in all the northwestern States there are a great many of these men. They attach themselves as it were to the soil; and depend upon one thing, the moment a man commences to work the soil, and saturate it with his own sweat, the moment that a man begins to work for himself, that moment he will become attached to the soil, and will fight for that soil. Such men to-morrow are as much to be depended upon in an emergency as the loose population hanging about your cities, no matter where born; for, after all, it does not depend so much upon that.

I take this view of the matter, and I express it with great deference. As I remarked before, I dislike very much to touch any feeling upon the subject, but I think this view of it is a perfectly American view. Here are something like five hundred thousand people coming into our country almost every year from every part of the world. They collect into New York, and Boston, and Philadelphia, and they create all this unfortunate feeling which is being engendered in those cities. Get them from there; send them to your frontiers; scatter them about on the vacant, unappropriated, unreclaimed territory; let them enter into a contest with nature, and struggle for homes and for farms. Let them have their own little hearths, to collect their families around them, and you will find nothing of this clamor. I recollect having a conversation with the distinguished Senator who introduced a resolution into the Senate on one occasion on this subject—a gentleman now no more, but whose memory is a treasure to this country, Mr. Webster. I recollect the views which he presented. He said he knew of no other policy than that which would carry off this population that was coming into the country, and throw them into the frontier Territories. Americanize them as soon as possible, plant them down there, and break up those large collections of persons who are now in the cities. I think, sir, that while the foreigner is exercising this suffrage in a restricted, limited, contracted sphere, he is studying, he is improving, he is instructing himself, and in five years, when he becomes a citizen of the United States, he will be better acquainted with the institutions of the country; he will look upon them as those of which he may be proud.

I merely wanted to suggest these views to my honorable friend from Delaware, whom I know to be capable of grasping everything, and looking far beyond the little considerations of giving land to men. I think he will find this is the best policy.

Mr. CLAYTON. I desire to say one word in reply to the Senator from Kentucky, [Mr. Dixon.] He said he could not see that this bill granted any right whatever to an alien, any right whatever to a foreigner, until he became a naturalized citizen of the United States; because, he said, the patent was not to be issued until he became a naturalized citizen of the United States.

Mr. DIXON. I wanted to convey the idea that he had not a right to the land. I know that he has a right to settle on the land, but he has not the right to the land itself until he is naturalized. The section expressly authorizes him to take possession of the land for a certain period of time; and if he become naturalized, he is to have the title. He has an inchoate right, I admit, which he may acquire by settlement on the land; that is a right of a preemption character; and nobody can dispossess him of it, and he may go and obtain a patent for it when he becomes a citizen of the United States; but if he never become a citizen, he can never get the patent for it; and, if he should die without becoming a citizen, he would lose it altogether—both him and his heirs.

Mr. CLAYTON. That is exactly what I said; that you are aiming to confer on them the same rights as on American citizens. Now, the honorable Senator says that aliens can settle on the lands, and have the right to remain there until the patent is granted, which may be at the end of five years. A patent cannot be granted to an American citizen until the end of five years. He must cultivate the land five years, and the alien must cultivate it five years. The naturalization laws only require five years' residence, and then he becomes a citizen; so that, in every respect, from the moment he lands and declares his intention to become a citizen, he is to be precisely on the same footing as the native-born American citizen. That is certain.

Mr. DIXON. Oh, no, I will not say that it is a certain conclusion. It cannot be true, in fact, that anybody has a right to these lands, except those now in the States and in the Territories. It cannot be true that those hereafter coming into this country have a right to them.

Mr. CLAYTON. There is no difference on that subject, if the Senator will hear me.

Mr. DIXON. I would make one suggestion to the Senator from Delaware, because it was a remark which he made which justifies me in explaining myself. It is not the fact that the law is precisely the same in regard to the alien now in the States, or in the Territories, and the citizen. It is not the fact that the law which limits the right of native born citizens to five years, only limits the right of an alien for five years. There is another condition, so far as respects the alien. What is that? It is that he is to become naturalized; and unless he becomes naturalized, he cannot get the patent.

Mr. CLAYTON. Of course, so I stated. He is to become naturalized. There is no difficulty in obtaining naturalization papers; that is a mere matter of form. He gets his papers; and he is, as I before stated, not compelled, by the provisions of the bill, to obtain them as soon as the five years are out; but he may remain on the land as long as he pleases, and at any time afterwards he may come forward, become naturalized, and get the patent. You cannot turn him out if he stays on the land without naturalization for forty years. He is, to all intents and purposes, in every respect, endowed with the rights of an American citizen.

Now, I turn to my friend from Illinois. I am a friend to immigration. I consider it a part of the established policy of the United States. I am in favor of it; but, sir, I am decidedly for a distinction between the American citizen and the alien. I will do nothing which shall cheapen the right of an American citizen, and place him upon the same footing precisely with an alien, or a man who has only declared his intention to become a citizen. My honorable friend considers a man who declares his intention to become a citizen as having become, in some degree, a probationary citizen. Sir, he is not a citizen. He is not bound by the same obligations which bind you and me, and my honorable friend. He is not under the same obligations which bind all the citizens of the United States, until he obtains his naturalization papers, after remaining here five years. I would not cheapen this right of American citizenship by extending it to all foreigners. As the bill on your table drawing a distinction between foreigners who are here now and those coming hereafter, I think it is a distinction without any substance. We know that if the bill passes it establishes a principle; it establishes a great principle, as my honorable friend from Illinois says; that is, that an alien, upon merely declaring his intention, becomes entitled to the same rights as those of us who are citizens and residents here, and he can remain upon the land until his naturalization be perfected. Then it follows, having established the principle, as a sheer matter of justice, it will be extended to all aliens coming here hereafter.

Now, sir, the point of difference between us lies here. I am entirely opposed to offering a premium to immigration from Europe, and, in offering that premium, placing the foreigner precisely

upon the same foundation as an American citizen. That has never been the policy of this Government, and I trust it never will be. No nation that ever cheapened the right of citizenship prospered by it. I would teach every American citizen, if I had my way, to be proud of the name of an American citizen, and to honor it, and I would have it respected throughout the whole world. It should be a matter of boast, in a foreign country, that he was an American citizen. While making no distinction between the naturalized citizen and the native-born, yet I would have them all proud of the name of an American citizen. But, sir, if you pass this measure, it will necessarily require the adoption of another measure hereafter, to let all aliens who may come here in future, participate to the same extent in the enjoyment of the public property of the United States with native-born citizens. The effect of it is to cheapen and degrade the character of the American citizen. Yes, sir, it tends to cheapen and degrade it, because it places the American citizen upon the same foundation precisely with every man in Europe; no matter whether that man be an outcast of a prison, no matter what crime he may have committed, he comes here and acquires that right.

Sir, I know not whether the bill will pass. I look upon it as the most agrarian measure that has been offered since I have been in Congress. It bears upon its face, to my mind, indications, I will not say of the approaching dissolution of this Government, but it looks as if the American representatives of States had come at last to consider that this great and glorious partnership of ours, which has stood so long, and which has been the admiration of the world, is hereafter to be a partnership without effects and assets. How long a partnership can last without any assets, how long it shall endure, when there is no longer a single link of common interest to bind the States, I know not. I merely suggest it; and as I said I did not intend to go into the discussion of the great question raised by the bill, I will not. I leave it with these remarks, and I shall anxiously wait the decision of the Senate upon the motion I have made.

Mr. DODGE, of Iowa, said: Mr. President, as the debate seems now to turn upon the sixth section of this bill, that section which has reference to the privileges granted to foreigners, and the danger which is apprehended as likely to result to the institutions of our country from such privilege being awarded to them, I beg to call attention to the existing laws on this subject. Are Senators aware of the fact that this bill is more illiberal in respect to foreigners than any other measure of the kind touching the public lands, which has ever been proposed in either House of Congress? The sixth section is in these words:

"Sec. 6. And be it further enacted, That if any individual now a resident of any one of the States or Territories, and not a citizen of the United States, but at the time of making such application for the benefit of this act, shall have filed a declaration of intention, as required by the naturalization laws of the United States, and shall become a citizen of the same before the issuance of the patent, as made and provided for in this act, shall be placed upon an equal footing with the native-born citizen of the United States."

In reply to my esteemed friend from Alabama, [Mr. Clay,] I say that, according to my understanding of this section, the Commissioner of the General Land Office and the Secretary of the Interior would construe it as referring to the date of the passage of the bill—the word "now" being employed in lieu of the more common ones, "from and after the passage of this act"—certainly not to its introduction into the House. That is my impression.

Mr. CLAY. I will ask my friend from Iowa, with his permission, how is it to be ascertained that a foreigner was a resident of the country at the time of the passage of the bill? Is there any provision requiring him to make oath to that fact?

Mr. DODGE, of Iowa. The bill is, I think, well guarded against abuse. It is filled with conditions and restrictions, and the Commissioner of the General Land Office is required to issue such

rules and regulations, consistent with the bill, as shall be necessary and proper to carry its provisions into effect. All the laws relating to the public lands are to be construed together. I have the land laws before me, and, having read the sixth section of this bill, I propose to read the law as it stands to show the contrast against foreigners made in this bill. The general preemption law, passed in 1841, reads thus:

"Sec. 10. And be it further enacted, That from and after the passage of this act, every person being the head of a family, or widow, or single man over the age of twenty-one years, and being a citizen of the United States, or having filed his declaration of intention to become a citizen, as required by the naturalization laws; who since the 1st day of June, A. D., 1840, has made, or shall hereafter make, a settlement in person on the public lands, to which the Indian title had been, at the time of such settlement, extinguished; and which has been, or shall have been, surveyed prior thereto, and who shall inhabit and improve the same, and who has or shall erect a dwelling thereon, shall be, and is hereby authorized to enter with the register of the land office for the district in which such land may lie, by legal subdivisions, any number of acres not exceeding one hundred and sixty, or a quarter section of land, to include the residence of such claimant."

That act of 1841 is the first in the history of these United States in which we ever undertook to confine the benefits of any preemption, donation, or other law to citizens of the United States. Under all the preemption laws, from the earliest foundation of the Government down to that day, any foreigner fresh from Europe, who had just landed, might, by complying with their provisions in relation to settlement and cultivation, go to the land office, and enter his quarter section just as though he were a citizen. That act was the first which introduced such a restriction. Listen to the language of the act of 1830, the first general law which granted preemption rights to all who should settle upon the public domain. Its words are:

"That every settler or occupant of the public lands prior to the passage of this act, who is now in possession, and cultivated any part thereof, shall be entitled to enter," &c.

This is the language of the act of 1830, under whose provisions preemptions were taken all over Alabama, Mississippi, and Missouri. Every foreigner fresh from Europe, who settled upon any portion of the public domain of Alabama, Mississippi, or in any of the States, went to the land office, and entered the land without any question being asked him in regard to citizenship.

I come now to the acts of the 19th of June, 1834, and of the 22d of June, 1838, under which I remember to have granted preemption rights to several hundred foreigners in the State of Iowa, when I was acting as a register of the land office. Like their predecessor, these laws read that "every settler and occupant shall enter," &c.; precisely the same language as that used in all the previous laws.

"Settlers," "occupants," and "persons," are the terms made use of, and never were there any other terms employed in any of the preemption acts prior to the act passed by the Whig party in 1841, with their triumphant majority in each House of Congress. To that party belongs the honor, if it be such, of having introduced the first provision in any law of this character to confine its benefits to citizens, and to such foreigners as filed their declaration to become citizens. My venerable and distinguished friend from Delaware was not here then; but, if he had been, judging from the penchant which he has shown for amendments of this character, I have no doubt he would have presented it, and that it would have been baptised, "the Clayton amendment." But there was a worthy and respectable Senator of his own party, [Mr. Merrick, of Maryland,] who ably and zealously pressed those hostile amendments against foreigners which are now being urged by the Senator from Delaware.

"Mr. MERRICK [Whig Senator from Maryland] then offered the following amendment:

"Insert after the word years, in the tenth line:

"Provided, That the right of preemption granted by this act, or the act hereby revived, shall not accrue to any other persons than those who were, on the first day of December, 1837, citizens of the United States; and such citizenship shall, in all cases, be established by legal and competent testimony, to the satisfaction of the register and receiver of the land district in which the lands may lie, prior to any entry thereof, by virtue of the provisions of this act."

"The amendment I have offered proposes to modify the bill as to limit the grant of this bounty to our own citizens; to exclude from the immense advantages of this law and this policy (for remember, it is avowed on the other side that this is to be the settled policy of the Government,

and all other similar laws are to be passed continually hereafter) all aliens, all who are neither native nor naturalized citizens of the Union. Between the native and naturalized citizen I propose to make no distinction in this respect; but I desire, while you are about to deal out the property of the American citizens in bounties and gratuities, that you should confine your liberality in disposing of their means to your own people."

"What, sir, has been the chief argument urged in favor of the passage of this bill? Was it, and is it not, that you thereby give to the industrious, and honest, and enterprising poor man, who owns no land, and has not the means of purchasing in the old settled portions of the country, an opportunity of acquiring a home, and comfort and independence for himself and family? And will you, can you, while you use this argument, exclude our own citizens from the advantages thus speciously held out, by letting loose, as competitors with them, the hordes of European and other foreign vagrants, knaves and paupers; and will not the poor man, the honest, and virtuous, and industrious poor man of this country, be effectually excluded from all the vast benefits and advantages of this and similar laws, if you reject the amendment I have offered? Yes, sir, they will be excluded by the preoccupation of the knaves and paupers of the Old World. Already this description of persons are flocking, in most pernicious herds, to this country: let it once be known that they are admitted to the free and full enjoyment of the advantages of these preemption laws; that they are authorized by Congress to come in any numbers, and seize upon the inheritance of the American people, and the character of our frontier population will be sadly changed. No longer shall we find our frontier, as it extends farther and farther west, peopled by brave, and hardy, and patriotic yeomanry. That which has hitherto been the bulwark may become the scourge of the country. You will have there a vicious, corrupt, and debased swarm of outcasts from Europe; and the poor, but honest and proud-hearted American freeman will rather die in poverty and want, than dwell among such people; no, sir, he will never go among them; and you exclude him as effectually by refusing to shut the door against such alien intruders, as if you were to proscribe him by name in your statute. Make the professions I have heard good; so frame this bill as in fact to enable the meritorious poor men of our own country who have them not, to acquire homes, and comfort, and independence for themselves and families, and my heart will be with you; at all events, bestow not the property of the citizens of this Union in bounties upon aliens who owe you no allegiance, who have no sympathies for, no ties to bind them to you, but who are, from habit and education, hostile to all those institutions so dear to this republican people. Sir, so to bestow this property, to pass this bill as it now stands, without the amendment, will be an outrage upon the rights as well as upon the feelings of the American people."

"Mr. WALKER, of Mississippi, [R. J. Walker,] was entirely opposed to the adoption of any such amendment. It not only excluded aliens that had been driven by oppression, to seek a shelter among us, but would also prevent those who voluntarily sought homes in this, the country of their adoption. It savored too much of the old alien and sedition law to meet his encouragement. He pointed to cases where the bounty of the Government had been extended to foreigners; and cited the case of the exiled Poles. He alluded, also, to the number of foreigners that had so warmly espoused the American cause at the time of the Revolution, and had so freely shed their blood in defense of her rights, during the late war with Great Britain."

"Mr. NORVELL, of Michigan, said the Senator from Maryland, had asked whether we were to be called on to bestow this bounty on foreigners, upon the foreign paupers from Europe? Sir, if foreign emigrants will come among us, clear our lands, drain our marshes, and plant the soil with wheat and corn, what possible objection could be made to allowing them thus to contribute to the population and wealth of the country?

"Mr. BENTON, of Missouri, said he was entirely opposed to the amendment of the Senator from Maryland, [Mr. Merrick.] It proposed something new in our legislation. It proposed to make a distinction between aliens and citizens in the acquisition of property. Preemption rights had been granted since the formation of the Government; and no distinction, until now, had been proposed between the persons, or classes of persons, to whom they were granted. No law had yet excluded aliens from the acquisition of a preemption right, and he was entirely opposed to commencing a system of legislation which was to affect the property rights of the aliens who came to our country to make it their home. Political rights rested on a different basis. They involved the management of the Government, and it was right that foreigners should undergo the process of naturalization before they acquired the right of sharing in the Government. But the acquisition of property was another affair. It was a private and personal affair. It involved no question but that of the subsistence, the support, and the comfortable living of the alien and his family."

"Mr. BUCHANAN, of Pennsylvania, probably should not have said a word upon the subject had it not been for the amendment which had been offered by the Senator from Maryland, [Mr. Merrick.] This amendment proposed to make an invidious distinction, which had never been made heretofore in our legislation, against foreigners who had settled upon the public lands, and had not been naturalized prior to the first day of December last. Whilst it granted preemptions in such cases to our own citizens, it excluded these foreigners. Why had this change been proposed in our settled policy? He had observed with regret that attempts were now extensively making throughout the country to excite what was called a Native American feeling against those who had come from a foreign land to participate in the blessings of our free Constitution. Such a feeling was unjust—it was ungrateful. In the darkest days of the Revolution, who had assisted us in fighting our battles and achieving our independence? Foreigners, yes, sir, foreigners. He would not say, for he did not believe, that our independence could not have been established without their aid; but he would

say the struggle would have been longer and more doubtful. After the Revolution, emigration had been encouraged by our policy. Throughout the long and bloody wars in Europe, which had been an asylum for the oppressed of all nations. He trusted that at this late day the Congress of the United States were not about to establish, for the first time, such an odious distinction as that proposed between one of our citizens, who had settled upon the public lands, and his neighbor, who had pursued the same course under the faith of your previous policy, merely because the neighbor had not resided long enough within the United States to have become a naturalized citizen. He was himself the son of a naturalized foreigner, and perhaps might feel this distinction the more sensibly on that account. He was glad the yeas and nays had been demanded that he might record his vote against the principle proposed by the amendment."

"Mr. YOUNG said: But, sir, the object of this amendment of the honorable Senator from Maryland [Mr. Merrick] is to exclude foreigners not naturalized from the advantages held out by this bill to native citizens, and to such as have been naturalized. I, sir, can never consent to this distinction. By the constitution and laws of Illinois, the State of my adoption, foreigners may vote, they may be elected to offices of the most important character, and are made capable of purchasing, holding, enjoying and again transferring real estate, by will or otherwise. Yes, Mr. President, I have seen a foreigner, not naturalized, a member of our State Legislature, enjoying all the privileges of a native citizen. Many of them are my acquaintances and friends, and I cannot vote against them. I hope, therefore, Mr. President, that the amendment may not be adopted."

Thus spoke the leading and distinguished Democrats who occupied these seats in June, 1838, upon the question which, in spirit, and almost in form, is now before us. There was another Senator, an esteemed friend of mine, well known throughout the whole Republic for the talent and statesmanship which he exhibited during a series of years, both in this and the other House of Congress, and to whose views on this subject, I beg respectfully to call the attention of my friend from Alabama, [Mr. CLAY,] knowing, as I do, that they will have great weight with him:

"Mr. CLAY, of Alabama, expressed his astonishment at the motion of the Senator from Maryland, [Mr. Merrick,] to exclude foreigners settled on the public lands from the right of preemption. That honorable Senator, Mr. Clay said, could not be aware that his amendment, if adopted, would go to change the whole policy of the Government heretofore toward that unfortunate class of individuals. That policy, Mr. Clay said, had commenced more than twenty years ago. In the year 1817, Congress passed a law setting apart four contiguous townships of land for the French emigrants, who had followed the fortunes of Napoleon; and been driven from their own country by the last disastrous battle of that great chieftain. Carrying out in practice the theory that our own free country is the asylum of the oppressed of all others, Congress, by the law alluded to, had authorized the grant of these four townships to these unfortunate exiles, on better terms than land was sold to our own citizens; that is, not only at the then minimum price, but on a credit of fourteen years."

"Again, on a more recent occasion, when the liberties of unhappy Poland had been cloven down by the power of despotism, and many of her unfortunate sons had sought a refuge in the only "land of the free," Congress had granted thirty-six entire sections of land to two hundred and thirty-five of her exiles, on the payment of the minimum price in ten years. Indeed, Mr. Clay remarked, the Senate had gone so far in this case, as well as he recollected, as to pass the bill last alluded to in such form as to make the grant a pure donation; but the House had very properly modified the bill so as to require the payment of the minimum within ten years. Mr. Clay said he was not disposed to put foreigners on a better footing than native citizens, but he was far from a disposition to exclude such as were cultivators of the public lands, and had thus given evidence of their intention to reside permanently amongst us from the benefits common to others, especially when the laws of most of the States allowed them to become landholders. He was, he said, in favor of making our own country emphatically what it professed to be—a refuge and a home for the oppressed of all other countries—an asylum for every foreigner who might be driven into exile by the hand of tyranny."

"Mr. Clay made other remarks against the adoption of the amendment offered by the Senator from Maryland, urging its rejection, and expressing the earnest hope that Congress would not now depart from the liberal and humane policy which had heretofore characterized its legislation."

The following are the yeas and nays on Mr. Merrick's amendment:

"YEAS—Messrs. Bayard, Clay of Kentucky, Clayton, Crittenden, Knight, Merrick, Prentiss, Preston, Rives, Robbins, Smith of Indiana, Southard, Spence, Tallmadge, and Tipton—15."

"NAYS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Walker, Webster, White, Williams, Wright, and Young—25."

Mr. President, there is, it seems to me much instruction in this debate. It is a correct rule to reason of the future by the past. Sir, have any of the gloomy predictions of Mr. Merrick, or those who voted and spoke with him, been realized by the passage of those laws which they resisted so determinedly, especially their lugubrious vaticinations respecting the "foreign paupers,"

with revolutionary designs, which these laws were to throw upon the new States? No, not one; but on the contrary, these laws have been most beneficent in their operation. They have contributed to bring us that hardy, industrious, and law-abiding population with which the new States are filled up. The foreign element is a respectable, but not a controlling one. We are anxious in the new States for its increase. We are those who are to be most affected by this population, and should be glad that the views and feelings of the people of the new States and Territories should be allowed to govern in the enactment of such laws as are calculated above all others to bring us that which we most want—population.

I ask you, sir, if these foreigners can be allowed in any numbers to go and settle upon, and buy the public domain, and that, too, under the rights of preemption, which means preference over every other person in the world, at \$1 25 per acre, what additional evil can result from granting them the homestead privileges of this bill in common with our own citizens? The homestead bill is not so liberal towards this class as are the preemption laws; and as the latter have been found to work well in practice, I think we should be willing to try the former. To those who are opposed to the bill as applied to native-born Americans, hostile to it in any shape, it is quite unnecessary, it seems to me, that they should wage this merciless warfare upon the section for the benefit of foreigners.

Mr. President, I should like to know of the Senator from Delaware, [Mr. CLAYTON,] or any of those who cooperate with him, when, and upon what occasion, this much abused foreign population has shown any disloyalty to the institutions of this country? When, and where, have they ever raised the standard of rebellion against its Constitution or its laws? At no time or place, do I believe they have ever done either; nor have I the most distant idea that they contemplated either or any of these things. I remember that my friend from Mississippi, [Mr. ADAMS,] during the last winter, alluded to some ebullition of feeling on the part of some of the German population, I think, of Cincinnati, which I myself regretted, but which I attributed to others—to native-born citizens, Abolitionists—such as those of the old Bay State, and others who were so much disposed on a recent occasion to give way to mob-violence. I repeat my solemn belief that there are no more loyal and patriotic people than those foreigners who have found their way to Iowa, Wisconsin, and other western States. When the Senator from Kentucky [Mr. THOMPSON] was ridiculing the persons and bodily formation of these men who happened to be born on the opposite side of the ocean, I think, if the scenes of the American Revolution could have been brought fresh to his memory, if he could have contemplated the Irish foreigner, Montgomery, in his winding sheet—one of the very first to strike and fall in the cause of our then struggling and feeble country; had he remembered the services of Pulaski, Kosciuszko, DeKalb, Lafayette, and that host of other noble spirits who flocked around our revolutionary standard, and shed their blood upon almost every battle-field, from Massachusetts to Georgia, he could not have found it in his heart to oppose, denounce, and ridicule their countrymen in the manner he did. The person of the Baron Steuben may not have been such in all particulars as would command the admiration of the Senator from Kentucky, but it was one that faced the front of war—one from whom the father of his country was willing to receive that instruction in military tactics which his early and imperfect education had not given him an opportunity to acquire.

I know much of these people. I speak from my knowledge of the great body of them when I say before God and the Senate that I believe they are as true, as loyal, as devoted to the institutions of the country as any native citizens, and are among the most ready to take up arms in its defense. Look at your Adjutant General's reports, compare the places of nativity of the soldiers who enlisted in your Army during all the wars from that of the Revolution down to the recent war with Mexico, and you will find a very large proportion of them were foreigners. I have lived in a section of the country in which it has been necessary at times to call for volunteers to repel Indian hostility, and have never found these people, whether they had gone through the forms of natu-

ralization or not, backward in rallying in defense of the country of their choice, and that too without hope of reward or emolument.

Although I differ from the honorable Senator from Delaware as widely as the poles upon almost every political question, I entertain a high personal respect for him, for his years and public services, and my colleague, when a delegate in the other House, caused one of the finest counties of our State to be named after that Senator, in consequence of his friendship to Iowa when a Territory. I was about to ask him, but I will not—I will inquire of the most determined opponent of this foreign-born population, if he will propose to repeal our naturalization laws? For if it be an evil those laws produce it, and should be repealed. If those laws are to remain as they now are, and emigration shall continue to pour into the country, I humbly submit that it is much the wiser course to adopt such measures as will cause these people to feel the deepest possible interest in our country and its institutions.

At present the fight is upon allowing them to become the owners of the soil, that soil which many of them have fattened with their blood, as I know was the case in Wisconsin and Iowa. Here you fight them upon the simple privilege of allowing them as your native-born citizens, when they take their lives in their hands, and go to Nebraska and Kansas, the right to become the owners of a quarter section, after having complied with the conditions of the law, and settled and cultivated the land for five consecutive years. Is there any party, faction, or segment of a party, except that misguided and proscriptive faction, called "Native Americans" or "Know-Nothings," who have the hardihood or the courage to propose to repeal the naturalization laws of the United States? I sincerely hope and trust not! If there be, however, a party or a faction with such purposes, they should direct their guns at the naturalization laws. If these men are unworthy to settle on your public domain and be allowed with others, who go with them, their friends and neighbors, to acquire a homestead in case you pass this bill or any other of a similar character, then you should go further and repeal your naturalization laws or increase the time required to twenty-one years. These are the provisions which should be enacted, if this be a dangerous, a revolutionary, or an incendiary population, which I deny *in toto*. I undertake to say that nothing of the sort can ever be established? There are some of them when they have arrived here fresh from Europe, who have been imposed upon by Abolitionists and others, but when they understand, (as they readily do, for the larger portion of them being educated, can read the Constitution, and the laws of the United States,) they are willing to live up to the laws and comply with their requirements, and I undertake to say that in any State there will be found as few instances of resistance to the laws of the land among the foreign-born population of the country, as in any other class.

But our unparalleled increase is not be mainly ascribed to emigration, nor should we be told that this is a bill for the benefit of foreigners alone. The last census shows that of our whole population of 23,347,884, but 2,210,028 were born in foreign countries. From this, the most reliable data, it will be seen that our increase is to be attributed mainly to the productive and expansive energies of the Anglo Saxon stock of this continent—the same causes which impelled us forward so rapidly in our early history, when emigration was comparatively unknown.

Mr. President, this homestead bill is the most misunderstood and most abused bill, in my opinion, that has ever entered this body. The number of persons who will avail themselves of its benefits is greatly exaggerated. It is spoken of as a measure which will swallow up all the public lands. My own belief is that it will cause more of them to be annually sold for cash than are now disposed of. I believe that its operation will be highly beneficial to the new States and the Territories, but equally or more so to the people of the old States, and especially to that class who, whilst they feed, and may be said to support, all others, rarely, if ever, receive anything at the hands of National or State Legislatures, other than taxation. I call the attention of the Senate to the fact that, although we passed a liberal homestead law

giving three hundred and twenty acres to the heads of families, and one hundred and sixty acres to single settlers in Oregon, we have recently had, from that portion of the country, petitions presented, requesting us to relieve some of them of the provision requiring five years' settlement and occupancy, and asking to be allowed to buy the lands. Those who become able to prefer to buy the land, rather than be compelled to live on it for five consecutive years without acquiring title.

I have a statement, though not by me, showing that under the land system as it now exists, selling, as you have sold in Michigan, from the time my distinguished friend [Mr. Cass] went there until the present time, it will take fifty-four years to extinguish within the borders of that State the proprietorship of this Government, which lords it over the people of the new States somewhat after the manner of Great Britain over Ireland, selling and exhausting all our resources to pay for its land, without contributing a dollar towards the support of our Government, or allowing our authorities to tax their land to support State or county government.

In Missouri, nearly two thirds of whose superficial area remains public land, it will take, under the present system, and at the rate of past sales, sixty years to pass the title of her lands from the United States to individuals, and thus make them available for the support of the State government.*

Now, sir, this being the condition of the public land States, I ask you if any measure which has for its object the encouragement of the settlement of these lands with a hardy, industrious people, who will find their way to them, will do us any harm? I think not; but, on the contrary, great benefit. No one, I take it, will propose to repeal the naturalization laws. Then is it not better by liberal laws, to make them land-owning and tax-paying citizens, than, by a different policy, to keep them in your crowded cities? To state the case, it appears to me, is to meet an affirmative answer. Of all the capital in a new country, muscle and bone is the best to develop its resources. I feel an abiding confidence that the homestead feature ingrafted upon our present land system, will operate most beneficially, and will be felt to a greater or less extent in all the ramifications of society. It will give confidence and security to those who are seeking to benefit their condition, but are prevented from settling on the public domain because of the dread with which they look to the sale of the land on which they may reside. Of all the things the nearest and dearest to the human heart, is the desire to become the possessor of a piece of our mother earth. It is the strongest feeling which animates the human breast. The

*WASHINGTON, May 1, 1854.

SIR: In reply to your inquiries of April 29, I have the honor to inform you that I have examined the returns of the Commissioner of the General Land Office, and find as follows:

The first public sale of lands in Alabama was made in the year 1809. From that date to the 30th June last, a period of forty-four years, there was sold and located by land warrants 12,514,630 acres, and there remained undisposed of 15,019,693 acres. Estimating the future by the past, it will require, to dispose of this remaining land, a period of about fifty-two years.

The first public sale of land in Mississippi was made in the year 1820. From that date to the 30th June last, a period of thirty-three years, there was sold and located by land warrants 10,094,537 acres, and there remained undisposed of 9,083,656 acres. Estimating the future by the past, it will require, to dispose of this remaining land, a period of about twenty-nine years.

The first public sale of land in Arkansas was made in the year 1821. From that date to the 30th June last, a period of thirty-two years, there was sold and located by land warrants 5,052,980 acres, and there remained undisposed of 15,725,388 acres. Estimating the future by the past, it will require, to dispose of this remaining land, a period of about ninety-nine years.

The first public sale of land in Missouri was made in the year 1818. From that date to the 30th June last, a period of thirty-five years, there was sold and located by land warrants 13,105,500 acres, and there remained undisposed of 22,722,801 acres. Estimating the future by the past, it will require, to dispose of this remaining land, a period of about sixty years.

The first public sale of lands in Michigan was made in the year 1818. From that date to the 30th June last, a period of thirty-five years, there was sold and located by land warrants 10,421,302 acres, and there remained undisposed of 16,142,293 acres. Estimating the future by the past, it will require, to dispose of this remaining land, a period of about fifty-four years.

I am, with great respect, your obedient servant,
DAVID H. BURR,
Draftsman United States Senate,
Hon. A. C. Dodge, United States Senate.

settlers upon the public domain in the new States and Territories look with alarm at the appearance of the United States surveyor, and with far greater terror to the proclamation of the President, ordering the lands on which they have located to be sold on a three months' notice.

Pass this bill, and individuals who may settle and reside upon public land for five consecutive years, will get their homes; others who are not willing to wait so long a time can buy theirs whenever they choose.

From calculations which have been made, I am inclined to the opinion that not more than one half the quantity of public lands annually disposed of in the northwest, is purchased by those who wish to cultivate it. An immense amount is now being entered by those who do it exclusively from motives of speculation. One of the excellent tendencies of this bill will be to check these speculations in the public domain, and I am one of those who think it almost a national calamity that the bill reported by Senator Walker, of Mississippi, in 1836, and which passed this body, confining the sale of all public lands to actual settlers, did not become a law.

I ask Senators, as American citizens, as those who are disposed to keep the country together, and to sustain all its institutions, whether it is better—no one proposing to repeal the naturalization laws of the United States—that you should keep the foreign-born population confined to the cities, discourage them from going to the frontier, or allow them to spread out, and fuse in with, and become a part of the population of the country? Sir, their numbers, as I have before remarked, are magnified. The census shows this very clearly—shows that the number of foreigners in the country, and the probable number who buy the public domain, is immensely exaggerated. Let no man tell me that this is a *bonus*, or a bounty to revolutionary Europe. Sir, your naturalization laws, and your free institutions, the participation of foreigners in the struggle which burst British tyranny, and enabled us to advance from colonial dependence to our present proud position—your inter-communication by steam navigation—these are the things which bring foreigners here, and not your land system. A large portion of them are mechanics and tradesmen who settle in cities, and will not, under your most liberal land system, find their way to the frontier. No, sir, it is not the lands, but the laws and free institutions, that bring them here.

Sir, I have said that I think something is due to the House of Representatives. That House, at an early day, among the very first measures which were passed at this session, sent us the homestead bill. It was sent to us at the first session of a previous Congress. It was then lost, because of a want of devotion on the part of its friends. A proposition to establish ocean line steamers, to increase their compensation, and other measures of a like character, which have some speculation and outside strength to support them, very easily pass, and upon the shortest possible notice; but look at the time that we have had to consider the homestead bill. To-day is the first time it has been up for months. Sir, it is for a class, whether they be foreigners or not, who are not able to be represented here by lobby agents, and that class of voters, who, I fear, are becoming more successful than they deserve. It is a bill for those who pay the taxes, who fight the battles of the country, and that, too, without any inducement beyond patriotism; it is for the men who rally for the trifling pay which is given to the regular soldiers, at the first sound of war, and are ready to march to the Rio Grande, or to other portions of the country which may be assailed by an enemy.

Mr. BROWN. Mr. President, I may vote against striking out this section. I rather think I shall; and I wish to submit one or two observations in explanation of my present views. I do not put the construction upon this section which other Senators have placed upon it. My reading of it is not the same as theirs. It provides:

"That if any individual, now a resident of any one of the States or Territories, and not a citizen of the United States, but, at the time of making such application for the benefit of this act, shall have filed a declaration of intention, as required by the naturalization laws of the United States, and shall become a citizen of the same before the issuance of the patent, as made and provided for in this act."

"As made and provided for in this act." Take that language in connection with the rest of the

bill, and what do we ascertain? The bill elsewhere provides that the patent shall issue at the expiration of five years. It is "made and provided" that it shall do so. It is clear to my mind that if an alien born seeks the benefits of this act, he can obtain them only on the condition of his perfecting his citizenship in the five years. The act only proposes to hold the land in reserve for him five years. In that time he may complete his citizenship, if he chooses. If he fails, he loses all rights under the act. He cannot receive the title, because, having had the opportunity of becoming a citizen competent to receive it, he has voluntarily declined doing so. The means are "made and provided" for him; and if he rejects them, it is his own fault.

I think the construction placed upon the section by some Senators, that a foreigner may continue to reside on the land without becoming a citizen, is not sustained by the language of the section. If he has filed his declaration of intention to become a citizen, and shall actually become so within the five years, a patent shall issue to him, just as though he were a native-born citizen. That is all that the section means, according to my reading of it. If he fails to become a citizen, at the expiration of the five years he cannot receive the title, and Government, having complied with its part of the engagement, may, and doubtless will, sell the land to any one else who may offer himself as a purchaser.

Now, sir, a few words as to granting lands at all to foreign-born people. I am, perhaps, as much opposed as any gentleman in the Senate to conferring political rights on foreigners, as long as they are such; but when they have been naturalized, when they have been, by our laws, placed upon the same footing with American-born citizens, then, and then only, am I ready to admit them to all the rights of citizenship. But, sir, during this session of the Senate we have made a very marked exception to that general rule. We have, by the almost unanimous vote of the Senate, authorized, in the two important Territories which we have just organized—Kansas and Nebraska—foreign-born people, who are not yet citizens, to vote, and we have admitted them to all the political rights of our own native citizens. And now, sir, shall we hesitate when we are asked simply to allow these same people to settle upon a piece of public land? How can the mere fact of a foreigner settling upon a bit of land affect the political prosperity or property of the country. How is it going to affect the political rights of our people? His settlement there does not give him the right to vote; it does not give him the right to hold office; it confers upon him no political authority. And as far as the mere occupancy of the soil, it no more affects the rights of native-born citizens, or the political rights of the country one way or another, than if the man were back in Germany or in Ireland. It is the right of suffrage, the right to vote, and to hold office by the votes of other foreigners like himself, that interferes with our people and our politics.

We get a marked advantage from having laborers employed on the public lands; and the labor of a foreigner is quite as productive as though he were a native-born citizen. Every bushel of corn that he raises, every bushel of wheat, every ounce of produce of every kind which he makes by his labor, enters into the general wealth of the nation, and to the same extent as though he were a native-born citizen. Then, I say, that so far as this bill goes, you grant him no right except the mere right of occupying the land and cultivating it; and, in return for this, he gives you all that a native-born citizen would give you; he gives you the products of his labor as an addition to the general wealth. I cannot, myself, see the propriety of first admitting foreigners to all the political rights of American-born citizens, and then stopping short when you are only asked to allow them to occupy and cultivate the wild lands of the West. If they are fit to vote and hold office, I hardly think we shall be seriously damaged by allowing them to mingle their labor with the soil which we allow them to govern. If they do any part of the voting, I am for getting as much work out of them as possible; and if they have a fancy for cultivating the soil, I am clear for letting them do it.

I think there is a manifest propriety, when you have admitted a man to political rights, that you should provide for him in some way a home; and

that, too, at the cheapest rate at which it can be supplied. What is your interest, sir; what is manifestly your interest towards these people whom you have allowed, by your legislation, to vote in Kansas and Nebraska; and, I believe, in all the other Territories? It is to settle them down, to make them permanent inhabitants of the country, to stop their roving disposition, to get them out of your cities and towns, and identify them as early as possible with the soil. That, I believe, is our true policy. If I could have had my way, I never would have admitted these people to political rights until they had been here long enough to learn something of our laws, long enough to learn and study and understand our Constitution; but the policy of the country, as marked out by the two branches of the Legislature, and sanctioned by the President, has been different. It has been to admit them to all the rights of citizenship, so far as voting and holding office in these Territories are concerned. Now, I am not going to stop short and say to a man, "though you may have the same right to vote as a native-born citizen; though you have the same right to hold office as a native-born citizen, you shall not have the same right to occupy the land; though you may govern, you shall not occupy the soil." I see no propriety in this—no reason for it. Why, sir, I would rather any sort of a foreigner should occupy a quarter section of land than it should be occupied by a wolf or a bear. I would rather that any sort of a foreigner, who would cultivate it, should occupy it, than a savage. And this upon the principle which I have already stated, that his labor is just as valuable as though it were the labor of a native-born citizen. It is worth as much, and the products of it will sell for as much in the market, and go as far in subsisting the country. According to the bill, you do not give him a title until he is a citizen, and made so according to the laws of the land. When he is made a citizen, then, I say, not only in reference to this, but in reference to all other rights, I am for putting him upon a footing with natives-born.

It is said many of these emigrants are bad men; doubtless, this is true. But will he be made a better man by keeping him in a city or town? The best thing that can be done with a bad man is to put him to work, and, as long as you can keep him at it, he will be out of mischief.

Upon the broad principle that one man's labor is as good as another in raising corn, wheat, cotton, rice, or tobacco, I am willing to see every foreigner go to work on the public lands. When he becomes a citizen in the regular way, I would admit him to all the rights of a citizen, political as well as others. I would not give him the title until he became a citizen; but if he wanted to work the land, I would tell him to go ahead. It would make a better man of him; and when he came to be a citizen, he would love the land all the more in which he had mingled his sweat.

You committed a grievous fault when you authorized foreigners to vote and govern the country. You cannot atone for it by refusing them the right to work the land which they govern.

Mr. DAWSON. Mr. President, I do not desire to enter into this discussion, but I wish to suggest a few thoughts which occur to my mind, as the reasons which induce me to vote to strike out the sixth section. The whole of this question has been brought upon us by an unnecessary purchasing out of Indian title and the acquisition of too much land in that way; and because our population is not sufficiently large to occupy this extensive country, we are seeking to divest ourselves of this great possession, as we say, in the best way we can for the benefit of mankind. As there are more lands within the limits of this country than can be occupied by our people, we are seeking out all manner of inventions to dispose of it, and hence the present controversy. It is not a controversy between foreigners, and American or native citizens. It is unjust to the character of the country and to the respective parties of this Confederacy, to charge this against one or the other. It is, sir, a question of justice between the foreign population and the natives of the country. Like the Senator from Delaware, I maintain that, if there be any property to be distributed, or any advantage in the administration of bounties, the native American, the citizen of the country, should be entitled to it. I maintain that the man who has up to this period lived upon

your soil, defended your frontier against the savage population, of which my able and distinguished friend from Iowa has spoken, defended it from the incursions and attacks of the very nations from which these foreigners may come, should be entitled to it. The man who does not possess that feeling is lacking something of the patriotism which attaches to me in my native country.

Why, sir, I have not an unkind feeling to a foreigner. I extend the hand of charity and the arm of protection as soon to him, personally, as I would to my native-born neighbor; but, sir, when I am called upon as an American Senator, representing this great Confederacy, to dispose of any rights, whether personal or political, or to make any donations which it is supposed Congress has power to make, I will never do injustice to the citizens of the country for the benefit of a foreigner.

Now, sir, I wish to state one thought that has occurred to my mind during this discussion. The Constitution of the United States contemplates a difference between the native and the foreigner, and requires a uniform system of naturalization. There is a constitutional difference between personal and political rights in some degree. By our naturalization laws we declare to the world that all foreigners, whatever may be their age, who arrive within the limits of this country, are not of full age—speaking after the manner of men—are not twenty-one years of age until they remain here five years, and qualify themselves to become American citizens. Those persons, then, who are not qualified for want of proper time or examination into our institutions, are to be entitled, according to this bill as it stands, to one hundred and sixty acres of land, when the sons of native American people over the age of sixteen years, understanding our language, living here, having, in all probability, rendered some service to the country, cannot, in anticipation of their majority, claim to settle upon one hundred and sixty acres of land, because they are not of full age. A foreigner who cannot utter an English sentence, whose parents, and who himself, never rendered a particle of service to this country, can go under this bill, and settle himself upon one hundred and sixty acres of land, while an American young man of intelligence, even if he be in his nineteenth year, is not entitled to it.

Why do you require a pupilage of five years before a foreigner can become a citizen? It is to enable him to qualify himself for the duties of a citizen. Why is a young man of sixteen deprived of political rights until he becomes twenty-one? Why does this bill require that Americans, to receive its benefits, shall be of full age, while a foreigner who has just arrived, may take land under it? Why not say to the young man of sense, the poor of your soil, who have been here from the foundation of your Government, "Go whilst this pupilage exists, place yourself upon the public lands, and wait until you are twenty-one years of age, and then a patent shall issue to you?" Why do gentlemen discriminate between foreigners and native Americans? I do not wish gentlemen to understand me, or to charge me with being unkind or ungenerous, or wanting in proper philanthropy towards foreigners. I love them as much as others. There is no difference between us on that score.

But here comes up another great point of view. Is not this a disposition of the public land? Is it a disposition founded upon justice, upon liberality, or upon any principle of equity? Answer me, if you please, gentlemen. Do it candidly, uninfluenced by foreign feeling or native American feeling. You are giving away the public lands. On what principle are you doing it? Are you giving them as a compensation for services rendered to the country? No, sir, but you are giving away your public lands because you want to get rid of them. You want to give them to somebody, and why do you give them to foreigners, instead of to the whole American people? The question cannot be answered. Here, you may say, is a foreign gentleman of education, of honor, honesty, and property, leaving his country and coming here to enjoy the privileges and happiness of this Government. As soon as he steps upon our shores, he is disconnected from his old home, and is seeking a new one here. He is free to go anywhere. He is invited to take the public

lands as a free gift. Here stands by on the very spot where he lands, a mechanic in the city of New York, who was bound an apprentice boy to learn his occupation, who has been toiling from morning till night to sustain himself and family. You say to him that he shall not be entitled to one hundred and sixty acres of public land unless he abandons his trade, goes from the State of New York, and settles upon one hundred and sixty acres in the West, and there remains for five years. You require that, before he can receive the land, he shall abandon an occupation calculated to benefit and prosper the country, and one for which he had been taught and reared. You say to him in language so plain that no man can doubt: "Although you paid your taxes and aided in fighting the battles of your country, yet in consequence of your occupation, which is necessary to the subsistence of society, and to the prosperity of the country, your hands are so completely tied to a particular location that you shall not enjoy the glorious privileges obtained by your labor, and protected by your arms, but a foreigner who is aloft, and can settle where he pleases, shall enjoy them." You say the like to the poor dependent widow, with a family, perhaps, of ten children, whose husband has been in the army of the country, and has perished in the service, though poverty surrounds her, that she is fixed like a plant to one peculiar spot, and shall stay there, because her poverty is too great to allow her to pick up her all and travel with those children to the great western regions, and settle there, and cut down the forest trees. She is to be denied justice, and the foreigner is to receive the land which she ought to have enjoyed, because she is incapable of going there.

Contrast this bill as you please, gentlemen, and it is an outrage upon justice, upon the equal rights of this country, and I tell you to-day there will be a rising up of public indignation against the inequality of this measure; and there ought to be. It seeks to disconnect society, to dissolve the relationship of neighborhood, by seducing men to leave their homes, and go out and settle upon distant soils, and it says to them, "If you do not do it you shall be entitled to nothing." I may be a man with but one arm and one leg, or with neither, with none of the means of locomotion. I may be a poor man, settled on one particular spot which I cannot leave. I must stay there. Those legs and arms may have been lost in the service of the country, but that is immaterial. I cannot enjoy this boon; you say to me that I cannot, although the very man who may have inflicted those wounds in the opposite ranks among the enemies of the country, now comes here as a foreigner, and receives a hundred and sixty acres of land, while there I am compelled to stay because I cannot go on the public domain. Is this right? It is unjust; it is cruel, because it violates the principles of justice. Hence it is, that seeing that the public lands will have to go, I have come to the determination that they should be divided fairly.

I am no agrarian; I am no bidder for public estimation; I do not desire to purchase any special influence by special legislation; but I say if the public lands are to be given away, they belong to the men of the country, the citizens of the United States, and whenever you are about to make a donation of them, you will be an unjust, and, in my judgment, an unwise trustee, to give them to those who were never contemplated when they were acquired, and who were never considered at that time as the *cestui que trusts*. You should give them to the American people—not to the idle poor whose habits prevent them from acquiring, but to the man who, by toil and honest employment as a citizen, has acquired the comforts of life. Thus you should draw a distinction between the trustworthy and industrious, and the indolent and indigent.

That is the argument. Hence it is that I say, all men here politically being equal, the lands belong to the people; and if those public lands are an incumbrance to the Government, and you desire to dispose of them in order to rid your hand of them, I will introduce a measure to which, in my judgment, the necessity which exists, the circumstances under which we are now legislating, and the feeling and disposition of the country, will drive me, to give to every male citizen of the United States one hundred and sixty acres of land; and

why should we not have it? Why should my distinguished friend from Michigan, [Mr. Cass,] whose services to the country, in the field, and in the Cabinet, have placed him before the American people in a proud and prominent position, be excluded, and a man from a foreign nation, and perhaps infected with vice, have the right conferred upon him? Why give it to such a man and deny it to my friend from Michigan? By what principle of equity or justice can you make such a discrimination? You cannot do it. Then, sir, these lands, if they are in the way, and you must get rid of them, and they are increasing to such an extent that you cannot occupy them, give them to the people, in the name of justice, who to-day are living here, and whose forefathers fought for and gave us this immense inheritance. Give to each his right; can anybody deny the justice and propriety of doing that?

In addition to that, there are thousands of wretched, unhappy poor, who would emigrate if they had the means in their hand; would go with joy if they could. Why will you say to them, stand ye there; and because you stand there, we deny you that justice which we give to the foreigner, who stands by your side, idle and wretched, and who has never paid a dollar of taxes for the defense of this Government? It is wrong; it is radically wrong; it is unjust. I feel it to be so.

It may be asked, are there enough lands to give to every person of every description? Yes; and I will go a little further in my amendment, in the amendment founded upon my judgment. If you cannot take care of your public lands, husband them, diminish your revenue, reduce your territory, if necessary. Let your influence spread over the territories wherever they lie, and let them be occupied by those who desire to do so. That is my doctrine. You will not do it; hence I say, give it to every citizen, native or adopted, for the purpose of encouragement; and a still more important thing, to increase population by reproduction; give to every girl over the age of eighteen or twenty-one, one hundred and sixty acres of land.

Mr. BROWN. How would that affect reproduction?

Mr. DAWSON. By inducing some one to unite with her. Now, I want to know is this not right? Is it not just? And can you give a good reason to your constituents when you go home and point out the sixth section of this bill, and tell them that you have conferred this upon aliens; and when they ask you why did you not give it to us, can you then say, "You are well enough off at home and did not want it?" Will that do?

Well, Mr. President, they say it is land, and it must go into the possession of somebody. Here are the old States. I know that some of my friends from those States are voting to give away public lands, and they are giving them away by voting for propositions calculated to purchase a population for the new States. Here is Connecticut voting to give to the people of that State one hundred and sixty acres of land to get rid of them, and move them off to Nebraska and Kansas, or some other place, letting the General Government diminish the population at home thereby. All these things are now going on, and it has taken away from us every idea of diminishing the expenditures of this Government, and of diminishing the revenue of the country. There are great principles involved in this, and I am sorry to see it insinuated that feelings hostile to foreigners are controlling us. Why, sir, if you felt towards this part of the population as I do, you would not suspect it. I would uphold the principles of equality and justice to any of those who come here, and, in truth, I am so much of a Democrat, that I am a much better one than many of those who profess that creed.

Mr. CASS. That comes after reflection.

Mr. DAWSON. Why, sir, do I believe that? Because I am opposed to unnecessary special legislation—legislation for one class over the heads of another. No Government can do it and administer equality and justice at the same time. Hence the Democratic opposition to corporations. Now we have here a legislation special in its character, for the benefit of foreigners—special legislation for them—contemplating the giving of land to them, and saying to them, because you have no land we will give you some. Suppose we were to propose to pay their value to our own citizens by special legislation? Here is an antagonistic

proposition. Will you give the lands, or an equivalent in their value, to the mechanics in the country, who cannot leave their present homes; or will you prefer the foreigner, who has not yet been naturalized, to the mechanic? There is the question. What public policy is it which will lead you to place an American citizen below the foreigner? Or, to use the language of the Senator from Delaware, to declare, by a special act of legislation, that one class shall be placed in a superiority in the public lands over another class? What right, Mr. President, has Congress to pass a special act? Before a citizen can occupy, under this bill, the same privileges that a foreigner can, he has to give up his native home; he has to give up the State of his birth, or he will not be entitled to the same character of legislation.

Now, sir, in conclusion—for I intend to be heard at the proper time upon the principles I have put forth in presenting my amendment—I beg to say that I am justly in favor of foreigners, who, not having a home beyond the seas, seek one in this country, and reside upon our soil as Americans; but I will not, by any act of mine, place the right of an American citizen below that of a foreigner. Let your law be general, and I will even go so far as to say that if you are determined to dispose of the public lands at one sweep, I should vote for enlarged extension; but I do not say that I would go to the extent of giving to every person described in the sixth section of this act, whether settling upon the soil or not, the same rights given to an American citizen. I would vote to strike out every part of this bill which admitted that you would place an American, who has fought the battles of the country, and helped to sustain the Government, on a level with a foreigner who has but just landed upon our shores, and is unacquainted with the institutions of our country. Having, Mr. President, thus briefly set forth the grounds which I shall hold on this subject, and they not being founded upon any sectional feeling, or upon any unkind or ungenerous feelings of opposition to foreigners, I shall content myself, for the present, with the remarks which I have submitted.

Mr. WELLER. I move that the Senate adjourn.

Mr. EVANS. I hope the Senator will withdraw that motion, so that I may submit a motion to make a bill a special order.

The PRESIDING OFFICER. Such a motion as that indicated by the Senator from South Carolina cannot be entertained until this subject is disposed of.

Mr. WELLER. Then I move to postpone its further consideration until to-morrow at one o'clock.

Mr. WALKER. And that it be the special order for that hour.

Mr. WELLER. It is the special order already.

Mr. WALKER. Then it is the understanding that it will be the special order at that hour to-morrow.

The motion was agreed to.

REVOLUTIONARY CLAIMS.

Mr. EVANS. I move that the bill to provide for the final settlement of the claims of the officers of the Revolutionary Army, and of the widows and orphan children of those who died in the service, be made the special order for twelve o'clock to-morrow.

Mr. WELLER. I shall have to object to that. It makes the bill a special order for to-morrow. I am very anxious to get through the bill which the Senator from South Carolina so bitterly opposed this morning; therefore, I shall hardly consent that he shall indirectly accomplish his object by getting something else made a special order.

Mr. EVANS. What day will satisfy the Senator?

Mr. WELLER. If the Senator will name some day next week, I shall not object to it.

Mr. EVANS. Then I move to make it the special order for twelve o'clock on Monday next.

The motion was not agreed to.

EXECUTIVE SESSION.

On motion by Mr. CASS, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, July 11, 1854.

The House met at eleven o'clock, a. m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

REIMBURSEMENT TO MARYLAND.

Mr. KERR. I ask the unanimous consent of the House to make a report from the Committee on the Judiciary, in order that it may be referred and printed. It is a report upon the memorial of the special agent of the State of Maryland, asking a reimbursement of the money advanced by that State in 1792, to assist in the erection of the public buildings in this city. The report is accompanied by a bill.

No objection being made, the report was received, and the bill "for the payment to the State of Maryland of money advanced by that State, in aid of the public buildings in Washington city," was read a first and second time by its title, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

GEORGETOWN GAS-LIGHT COMPANY.

Mr. DAVIS, of Indiana. I ask the unanimous consent of the House to enable me to report back, with an amendment, from the Committee for the District of Columbia, "a bill to incorporate the Georgetown Gas-Light Company." It is a Senate bill. Its consideration will not consume five minutes, and it is a matter of very great importance to those interested.

No objection being made, the bill was reported back.

Mr. DAVIS. I ask for the reading of the amendment, and I call the previous question upon the passage of this bill.

The amendment, which was read, provides that each of the stockholders in the Georgetown Gas-Light Company shall be held liable, in his or her individual capacity, for all the debts and liabilities of the said company, however contracted or incurred, to be recovered by suit, as other debts and liabilities, before the court, or tribunal having jurisdiction of the case.

Also, that all the rights granted to the Washington Gas-Light Company, by an act entitled "An act to amend an act entitled 'An act to incorporate the Washington Gas-Light Company,' approved July 8, 1848," approved August 2, 1853," to lay gas mains or pipes in the city of Georgetown, be repealed.

The previous question was then seconded, and the main question was ordered to be put, being upon the adoption of the amendment.

The question was put, and the amendment was agreed to.

The bill was then ordered to be read a third time, and was accordingly read the third time.

Mr. DAVIS. I demand the previous question upon the passage of the bill.

Mr. SKELTON. I ask that the bill may be read through, in order that we may know what it is.

The bill was then read *in extenso*.

The previous question received a second, and the main question was ordered to be now put.

The bill was passed.

Mr. DAVIS, of Indiana. I rise to a privileged question. I move to reconsider the vote by which the bill was passed, and that that motion do lie upon the table.

The latter motion was agreed to.

JUAN M. AND JOSE L. LUCO.

The SPEAKER. The business first in order is the consideration of the bill granting lands equally to the several States to aid in the construction of railroads, and for the support of schools, on which the gentleman from Ohio [Mr. DISNEY] is entitled to the floor.

Mr. HILLYER. Mr. Speaker, two weeks ago I made a motion which was regularly entered to reconsider the vote by which the bill "for the relief of Juan M. Lucio and José L. Lucio" was referred to a Committee of the Whole House. My object in desiring that vote reconsidered is that the bill may be put on its passage. And I am sure that no member of the House will object to its being put on its passage immediately when I have stated the reasons which make it necessary to do so.

Mr. OLDS. Is the gentleman in order?

The SPEAKER. The gentleman from Georgia cannot take the floor to call up his motion, unless by the consent of the gentleman from Ohio, he being regularly entitled to it.

Mr. HILLYER. I thought I was recognized by the Chair, and was in the rightful possession of the floor.

The SPEAKER. The Chair did not know what the gentleman's object was when he rose; it might have been something which was in order.

Mr. HILLYER. The gentleman from Ohio will, I am confident, yield a few moments of his time for the passage of the bill.

Mr. DISNEY. I yield to the gentleman for that purpose.

Mr. HILLYER. The reason which makes it necessary that the bill should be passed at this session is this: At the last Congress, a commission was created by which the title to lands in California should be adjudicated. The act under which that commission was created prescribes the day by which the titles of claimants to their land should be filed before the commission. That day has passed. The petitioners in this case claim, under one Rosas, who claimed under a grant from the Republic of Mexico. The wife of Rosas ran away from him and returned to Mexico, carrying with her the title papers. These papers have been recovered, but they were not recovered in time to file before the commission in support of the claim of the petitioners, until after the day prescribed in the act for filing the title papers before the commission had expired. The commission itself will expire on the fourth of March next. The object of this bill is simply to authorize the petitioners in this case to file their title papers before the commissioners in California to be by them adjudicated; and unless the act is passed at this time, they will lose the right to have their title adjudicated, and they will be left without remedy. This is the state of the case, and I am confident no gentleman will object to the passage of the bill.

The question was then taken on Mr. HILLYER's motion; and it was agreed to.

So the vote by which the bill was referred to the Committee of the Whole House was reconsidered.

The bill was then ordered to a third reading, and having been read the third time, it was passed.

SUPERINTENDENCY OF ARMORIES.

Mr. DICKINSON. I ask the unanimous consent of the House to offer the following resolution.

The resolution was then read, as follows:

Resolved, That the select committee, to whom was referred the consideration of the change of the superintendency of the national armories, be authorized to visit Springfield, in Massachusetts, and Harper's Ferry, in Virginia, after the close of the present session of Congress, for the purpose of making such further examination into the subject-matter of their inquiries as they shall enable them to furnish Congress with the fullest possible information before their final action in the premises.

Mr. CURTIS. I object.

Mr. DICKINSON. I rise to a question of privilege. I wish to call the attention of the Chair and of the House to some of the rules by which this House purports to be governed. And I ask that the 26th and 27th rules may be read by the Clerk.

The rules indicated were thereupon read, as follows:

"26. All the States and Territories shall be called for resolutions on each alternate Monday during each session of Congress; and, if necessary to secure this object on said days, all resolutions which shall give rise to debate shall lie over for discussion, under the rules of the House already established, and the whole of said days shall be appropriated to resolutions until all the States and Territories are called through.

"27. After one hour shall have been devoted to reports from committees and resolves, it shall be in order, pending the consideration or discussion thereof, to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table, and to the orders of the day; which being decided in the affirmative, the Speaker shall dispose of the business on his table, in the following order, viz:—"

Mr. DICKINSON. That is enough. Now, the question I raise is this: I want to inquire of the Chair whether these rules are still in force? If they are in force, I should like to inquire whether there is any time when members of this House, representing constituencies here, have a right to offer resolutions? Is there any time when any one member here who chooses to object and put a veto on the proceedings of this body, cannot prevent

us, from the beginning to the end of the session, from offering resolutions, as is the case now, unless members are willing to go into a general raffle—ignoring their own self-respect—for the purpose of introducing resolutions upon Mondays?

The SPEAKER. The Chair decides that the gentleman from Massachusetts has not, at this time, a right to introduce the resolution proposed by him, under the rules of the House, without the general consent of the body. The bill before the House now is regularly before it, and the gentleman from Ohio [Mr. DISNEY] is entitled to the floor, and the floor cannot be taken from him unless by unanimous consent.

Mr. DICKINSON. Then can I not give notice of my intention to introduce this resolution?

The SPEAKER. By the general consent of the House the gentleman can give notice of his purpose. He can also give notice under the rules, without reference to the consent of the House.

Mr. DICKINSON. I wish to give notice to the House openly that I shall move to-morrow to repeal the 137th rule of the House, which I ask that the Clerk be directed to read.

The 137th rule was read, as follows:

"Except during the last ten days of the session the Speaker shall not entertain a motion to suspend the rules of the House at any time, except on Monday of every week: provided nothing herein contained shall be construed to alter so much of the one hundred and thirty-sixth rule as provides as follows: 'The House may, at any time, by a vote of a majority of the members present, suspend the rules and orders for the purpose of going into the Committee of the Whole House on the state of the Union; and also for providing for the discharge of the committee from the further consideration of any bill referred to it after acting without debate on all amendments pending, and that may be offered.'"

Mr. HOUSTON. I object to the notice, unless it is in order.

The SPEAKER. It is not in order, except by unanimous consent.

Mr. DICKINSON. I wish the objection to be noticed, so as that the name of the gentleman objecting may appear on the record.

Mr. BENNETT. I rise to a question of order. I understand the Chair to rule—

Mr. DICKINSON, (interrupting.) Can I give notice under the rule?

The SPEAKER. The gentleman cannot thus give notice of his intention to introduce a resolution proposing to amend the rules. That notice must be given in open House. And, under the rule, it may be done by the gentleman, when his State is being called for resolutions under the rule.

Mr. DICKINSON. I find that the 136th rule of the House—

The SPEAKER, (interrupting.) Does the gentleman appeal from the decision of the Chair? There is already another question of order raised.

Mr. DICKINSON. Yes, sir; I appeal from the decision of the Chair, and will state the grounds of my appeal. I read in the 136th rule—and I suppose that I can understand common language—that no standing rule or order of the House shall be rescinded or changed without one day's notice being given of the intention to introduce a resolution for that purpose. Now, I ask to give notice of such motion in open House. That notice is decided by the Chair to be out of order. I then inquire if I can give notice at the Clerk's desk?

Mr. SPEAKER. The Chair decides that out of order.

Mr. DICKINSON. Then I take an appeal from the decision of the Chair.

The SPEAKER. The Chair has stated to the gentleman from Massachusetts, that, under the rules, it requires one day's notice before any one rule, or any of the rules of the House, can be altered or amended. The gentleman inquires of the Chair whether or not he has the right to give that notice in open House, at any time. The Chair decides that he has no such right. If, for no other reason, he has not the right now, it is very clear, because the gentleman from Ohio is upon the floor. But the gentleman has no such right, except when Massachusetts—the gentleman's own State—is called for resolutions. Such is the rule, and such is the practice of the House.

The gentleman takes an appeal from the decision of the Chair, and the question is, "Shall the decision of the Chair stand as the judgment of the House?"

The question was then put; and it was decided in the affirmative.

DISPOSITION OF THE PUBLIC LANDS.

Mr. BENNETT, (resuming.) I understand that the Chair decides that the gentleman from Ohio [Mr. DISNEY] is entitled to the floor to speak upon the bill to equalize the grants of public lands among the several States, &c.

The SPEAKER. The question pending, in relation to the bill, is, shall it be recommitted to the Committee on Public Lands? That question is debatable, and the gentleman from Ohio obtained the floor, and was recognized by the Chair, and he is entitled to the floor.

Mr. BENNETT. My point of order is, that upon the same motion as that which is now pending, the gentleman from Ohio has already spoken twice upon the bill, occupying two hours of the time of the House, while I have occupied but one; and I do not think it is exactly fair that the gentleman should be allowed three times as much time in discussing the bill as I am permitted to occupy.

I reported the bill, and, consequently, under the rules, I had the right to close the debate. But I did not get up and obtain the floor until every gentleman who, as far as I know, chose to occupy the floor, had done so; and I did not, when I spoke, know of any other individual who wished to speak upon the question.

I refer the Chair, in support of my point of order, to the 37th and part of the 34th rule. The 37th rule declares that "no member shall speak more than once to the same question, without leave of the House, unless he be the mover, proposer, or introducer, of the matter pending; in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken." The 34th rule says that "no member shall occupy more than one hour in debate on any question in the House, or in committee; but a member reporting the measure under consideration from a committee may open and close the debate," &c.

Now, the gentleman from Ohio has had two hours already, while I have had but one. I submit the point and leave it to the decision of the Chair.

The SPEAKER. The rule as read by the gentleman declares that no gentleman shall speak twice on the same proposition, except by leave of the House. The gentleman from Ohio has already spoken upon the motion to recommit. That motion was withdrawn, and was again submitted. The Chair thinks that fact will not alter the case. It is substantially the same proposition. The gentleman from New York [Mr. BENNETT] objects to the gentleman from Ohio speaking twice upon the proposition.

Mr. DISNEY. I supposed the gentleman would object. It is all very natural.

Mr. BENNETT. If the gentleman wants to say anything of a personal character, I do not object; but if his object is to debate the subject over again, I do object; for I think he has had full opportunity to discuss it already.

Mr. DISNEY. I have not a very distinct recollection of the motion upon which I spoke—

Mr. COBB. I claim the floor, if the gentleman is not entitled to it.

The SPEAKER. The Chair was about to put the question to the House, as to whether the gentleman from Ohio should be allowed to proceed?

Mr. DISNEY. I was proceeding to say, that my recollection is not very distinct in relation to the circumstances under which I before spoke upon this bill; but my impression is, that I spoke upon the merits of the bill, and not upon the question of recommitment. I will not say absolutely that such was the case, but that is my impression. I think I spoke once upon it in Committee of the Whole.

Mr. ORR. Has the gentleman from Ohio spoken twice upon the motion to recommit?

The SPEAKER. He has spoken once, and now proposes to speak again. The Chair will state that the motion to recommit has been pending ever since the bill has been before the House, during the morning hour.

The question now being upon granting leave to Mr. DISNEY to speak again,

Mr. BENNETT demanded the yeas and nays.

Mr. DISNEY. Oh, I will waive all claim to the floor.

Mr. COBB. Now, Mr. Speaker, the object I had in claiming the floor, was not to deprive the

gentleman from Ohio of his privilege of speaking. I shall be very glad to hear his remarks; but I desire to make such a motion as shall get clear of this bill for the present, in some way or other. It has been before the House for a long time, and, in connection with some other propositions, has blocked all the business before us in the morning hour. Now, I ask the gentleman from New York what is his wish? If he desires to have it postponed until the third Monday in December, I have no objection; or if he wishes to put it upon its passage now, I am willing to make what remarks I shall have to submit now, and have it disposed of at once. My object is to dispose of it in some way at once.

Mr. BENNETT. My object is to have the further consideration of this bill postponed. I desire that the gentleman from Alabama, and every other gentleman who wishes to speak, shall have an opportunity. My intention now is, and if the gentleman will yield me the floor for that purpose, I will withdraw the motion to recommit, and move that the further consideration of the bill be postponed until the third Tuesday in December.

Mr. COBB. For the gentleman's accommodation, I will, then, make that motion myself, if he will withdraw the motion to recommit.

Mr. BENNETT. I withdraw that motion.

Mr. COBB. I move to postpone the further consideration of this bill until the third Tuesday in December next; and upon that motion I demand the previous question.

Mr. DAVIS, of Indiana. I too desire to get clear of this bill; and for the purpose of accomplishing that purpose, I move to lay it upon the table.

Several MEMBERS. Oh, no! do not do that.

Mr. DAVIS. Well, sir, if it is the wish of gentlemen I will withdraw the motion, and allow the bill to be postponed.

The question was then taken; and the further consideration of the bill was postponed until the third Tuesday in December next.

NEW REGISTER FOR THE BRIG AMELIA.

Mr. FENTON. I ask the unanimous consent of the House to report back Senate bill (No. 454) "to authorize the issue of a register to the brig Amelia, by the name of Abby Frances," for the purpose of putting it upon its passage.

There was no objection, and the bill was read *in extenso*.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

ROADS IN WASHINGTON AND NEBRASKA.

Mr. RICHARDSON. I would ask the unanimous consent of the House for leave to take from the Speaker's table a bill making appropriation for the construction of common roads in the Territories of Washington and Nebraska, in order that it may be referred to the Committee of the Whole on the state of the Union. Making appropriation of money, it must, under the rule, have its first consideration in Committee of the Whole on the state of the Union, and I desire it referred to that committee, so that we may have action on it at this session of Congress.

Mr. LETCHER. Have these roads been surveyed?

Mr. RICHARDSON. Of course not, except so far as they were marked out by parties sent out by the Government during last summer.

Mr. LETCHER. Then, if they have not been surveyed and located, I object.

Mr. RICHARDSON. I hope the gentleman will make no objection to the bill being sent to the Committee of the Whole on the state of the Union. He can make his objection then.

Mr. LETCHER. So far as that is concerned, it is true what the gentleman over the way said, that the public lands take up all our time, when there are a good many other things to look to.

PUBLIC LANDS IN OREGON.

Mr. LANE, of Oregon. I would ask the unanimous consent of the House for leave to take from the Speaker's table "An act to amend an act approved September 25, 1850, to create the office of surveyor general of the public lands in Oregon, and also the act amendatory thereof, approved February 19, 1853," in order that we may concur with the Senate in its amendment.

There was no objection, and the bill was taken up for consideration.

The amendment of the Senate was read and concurred in, as follows:

Add the following as a new section:

SEC. 7. *And be it further enacted*, That the Territory of Washington shall be erected into a separate surveying district. And the President of the United States is hereby authorized to appoint a surveyor general for the same, who shall hold his office at such place as the President may direct; and the location thereof may be changed from time to time, if, in the judgment of the President, the public interests should require it; and the powers, duties, obligations, responsibilities, and emoluments of the said surveyor general shall be the same as are now prescribed by law for the surveyor general of Oregon.

ROADS IN MINNESOTA.

Mr. RICHARDSON. I ask the unanimous consent of the House for leave to take from the Speaker's table "An act making further appropriations for continuing the construction of roads in the Territory of Minnesota," in accordance with the estimates made by the War Department, in order that we may concur in the amendment of the Senate.

There was no objection; and the amendment of the Senate was read and concurred in, as follows:

On page one, line nine, after the words "Lake Superior," insert the words "in Wisconsin."

REPORTS OF COMMITTEES.

Mr. WENTWORTH, of Massachusetts, from the Committee on Commerce, reported back Senate bill (No. 181) for the purchase of the copy-right of the work published by Thomas H. Sumner, wherein he describes his new method of determining a ship's position at sea; which was referred to a Committee of the Whole House, and ordered to be printed.

Mr. WENTWORTH. I ask the unanimous consent of the House to report from the Committee on Commerce a bill "to provide for the construction of certain custom-houses."

Mr. LETCHER. I object.

Mr. BRIDGES, from the Committee on Patents and the Patent Office, reported a bill "for the relief of Isaac Adams," which was read a first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed.

POSTAL SERVICE IN CALIFORNIA.

Mr. McDUGALL, by the unanimous consent of the House, reported back, with an amendment, a bill "making provision for the postal service in the State of California, and in the Territories of Oregon and Washington."

The amendment was read, as follows:

Strike out the following words:

"That in consideration of the duties to be performed under the third section of this act, and of all other special duties performed, or to be performed, under the orders of the Postmaster General, the Postmaster General may increase the annual compensation of the postmaster general at San Francisco from commissions, allowances, and emoluments, from the 30th of June, 1853, to a sum not exceeding double the compensation now allowed by law: *Provided*, That the surplus commissions, allowances, and emoluments accruing out of his office shall be paid over, as required by the forty-first section of the act entitled an act to reduce into one, the several acts establishing and regulating the Post Office Department, approved March 3, 1825."

Mr. McDUGALL. The bill now before the House was reported from the Committee on the Post Office and Post Roads, sometime since for the purpose of having it printed and re-referred. It is a bill prepared by the Post Office Department to increase the postal service in California. The difficulties under which our service labors there were set out at length by the Postmaster General, in his annual report. The greater part of the mail business in California is done by expresses, and the result is that the expenses for the transmission of letters have been very great. The subject was brought to the attention of the Department here, and after a full investigation of the subject by the Postmaster General, the plan proposed by this bill for furnishing increased postal facilities to California was adopted, which I think obviates the great expense now charged by the expresses for the transmission of letters.

The bill authorizes the employment of letter-carriers by the Department. It also provides for a dead-letter office in California, which the Postmaster General recommended in his annual report should be established there. A vast number of letters are sent to California which remain uncalled for, and it proves a heavy charge upon the Department to return these dead letters to Washing-

ton. The bill provides that the letters shall be examined at San Francisco, and such only shall be returned to Washington as it is proper should be returned. In California we have the amount of postal service that you have, but the expenses of the post offices are five times as great as the expenses of post offices are here. The result has been that nearly every postmaster in the State has to be, year by year, charged as a defaulter, and suits are now pending against several postmasters there. They became defaulters for this reason: The amount of provision made by law is not sufficient to pay the post office expenses incurred by them, much less pay compensation to the postmasters. The postmasters of California, in fact, never receive any compensation for their services in that capacity, though they are generally willing to perform such services.

The bill provides that the Postmaster General here may order the payment of all just and proper claims and charges for the expenses of post offices formed provisionally in California, as well prior to the month of June, 1853, as subsequently. A class of cases where the evil is felt is provided for by a bill which formerly passed the House, and which covers the expenses of distributing and separating offices; but it does not cover the extraordinary expenses of the other offices of the State. I would also state to the House, that this bill, as it was drawn up in the Department to meet the emergencies of the services there, has been altered in one respect. There was one feature in the bill originally which has been superseded by another. That is, it contained a provision giving extraordinary compensation to the Postmaster at San Francisco for his extraordinary services. It was known, however, that that provision might have been objectionable, and so it was stricken out. I believe that the bill, as it stands now, cannot be objected to by any member of the House. I move the previous question.

Tellers were demanded and ordered on the call for the previous question.

Mr. McDUGALL. I withdraw the call for the previous question.

Mr. HAVEN. What I intended to say to the House, Mr. Speaker, is briefly this, and I say it now, inasmuch as the House did not seem anxious to second the call for the previous question. I have looked at this bill with some little care, and I am quite willing to vote for it. In my judgment it is wise on the part of my friend from California [Mr. McDUGALL] to strike out the fourth section. That section simply provides for an increase of the pay to double what it now is, of the postmaster at San Francisco. I could not have quite seen my way clear to vote for that. As to the residue of the bill, the first section of it provides for giving power to the special agent of the Post Office Department in California, Oregon, and Washington, to appoint carriers for the delivery of letters from any post office on the Pacific coast. If the House bear with me, I will say to them that I have examined that part of the bill, and find that it is, in my judgment, in every respect, fair. The same power precisely—that of appointing letter carriers there, is now vested in some officer of the Post Office Department, (which I do not recollect this moment,) subject to appeal to the Postmaster General. And the variation or difference between the existing law and this first section of the bill consists in this: This first section proposes to allow the letter-carriers in California, and the Territories of Oregon and Washington, to be appointed by the special agents of the Post Office Department to demand and receive for carrying letters a sum not to exceed fifty cents for any letter, newspaper, or ounce of other mailable matter, while the present law restricts the amount to be charged by them to five cents. This is a very large increase, but still it may not go up to that sum. It is within the competency and discretion of the persons holding the power of appointment of these carriers to make an arrangement to carry at as low a sum as they please; they are only prohibited by this section against giving more than the fifty cents, as I have stated.

Sir, this service by these carriers is a very desirable service for the Pacific coast, and seems to be almost indispensable in the present condition of the country, and the post office and mail-carrying facilities there. Why not allow the post office department there to regulate this matter according to the interest of the citizens resident on that coast?

The propriety of the measure will appear upon a moment's reflection. The miners living in the remote mining districts and villages, and other citizens there—so remote that they can get no mail service—club together, and give some proper man a written power to receive their letters from the postmaster at San Francisco or Sacramento. Armed with this power the man goes, sometimes hundreds of miles, gets his letters, and carries them to his employers, and is usually authorized to receive such a sum as his employers agree to give. It is a kind of self-government—a provision for their own wants, where this Government cannot relieve them; and it seems to me eminently proper. I, for one, am willing to accommodate my brethren on the Pacific in this way.

Sir, it is a matter in which we upon the Atlantic slope have no interest whatever, and it comes recommended by both the members from California; and I am informed by one of the Delegates from the Pacific Territories, [General LANE,] that it meets with his unqualified approbation. We can have no objection to it, as we have no interest in it, and it is no charge upon the Treasury; on the contrary, it is giving our friends on the Pacific coast some facilities which it might be said the Treasury ought to pay for. These gentlemen understand their own interests best, and what will enhance them. It is their citizens, and their citizens alone, who are to be affected by this measure; and I can easily perceive that, as these letters and papers, in most instances, are to go into the mountain villages, remote from San Francisco and Sacramento, there is a propriety in allowing the proper officers charged with that duty by this section, the power to allow the carrier to charge, not exceeding the compensation which is here proposed, to the person who authorizes him to receive the letters for him, as I have stated. The matter is discretionary; and as the members and Delegates from the Pacific coast are in favor of it, I am not willing to meddle with their well matured desires, when it affects their constituency alone. Sir, the remaining part of this first section, and all of the next section, provides that these carriers shall be subject to the provisions of certain acts heretofore passed, and now in force, and named in this first and second section. All there is in that, as I understand it, is that it makes certain penal laws, which are applicable to mail carriers generally, and to mail routes, applicable to those men who carry letters under the provisions of this bill. It is proper that they should be so applied. It will be a wholesome restriction and guard thrown around them, and secure the safety as is secured in the regular mail service.

The next section, being the third one, provides for the burning or destruction of dead letters at San Francisco, instead of sending them over here for that purpose. Can any man in his senses tell me any good reason why those letters should be transported down the coast to the Isthmus, and then carted across the Isthmus to Chagres, at a rate of twenty-four cents a pound, and thence transported here for the simple purpose of reducing them to ashes in the back yard of the Post Office Department? The section is properly guarded, by providing that a certain class of letters—being those having valuable inclosures—shall be sent here to the General Post Office Department, as under the present law, but that the mere waste paper shall be burned there, as it ought to be.

In reference to the rate of pay of the postmaster at San Francisco, provided by section four, I have nothing to say in addition to what I have said already. The gentleman having charge of the bill proposes to strike it out. I think it a discreet motion, and made with a proper appreciation of the apparent present temper of the House. I cannot vote for the bill if the section remains in it. The last section is in reference to the settlement of the accounts of the postmasters in the State of California and the Territory of Oregon, serving as such, previous to June 30, 1853. It provides, in substance, that the Postmaster General may allow to such postmasters all just and reasonable expenses incurred by them in and about the business of their respective offices, and the discharge of their official duties, but that in no case shall any allowance be made whereby the United States shall be charged with any indebtedness whatever.

The Postmaster General may exercise his discretion in the premises, but is not to do what shall

charge the United States with an indebtedness. I am willing to vote for that, I think, although I do not understand this last section, by any means, as clearly as I do the previous part of the bill—but the Post Office Committee recommend it. I have said all I desire to say to the House. I think we had better not make a long matter of this bill at this late day. I think we ought to accommodate the gentlemen from the Pacific coast in what they unanimously ask, and what does not injure us, and to get along with the business as rapidly as possible. And, now, sir, if it is agreeable to the House, I will move the previous question.

The previous question was seconded, and the main question ordered to be now put.

The question was taken upon the amendment; and it was agreed to.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

RATES OF POSTAGE.

Mr. OLDS, from the Committee on the Post Office and Post Roads, reported a bill to amend an act, entitled "An act to amend an act, entitled an act to reduce and modify the rates of postages in the United States," passed August 30, 1852; which was read a first and second time by its title.

Mr. OLDS. This bill proposes merely to do away with the discount of fifty per cent on prepayment, which is provided for under the act of 1852.

Mr. Speaker, I discussed this question so fully when another bill was before the House the other day, that I do not deem it important to say much in relation to it now. It will be recollected that, under the act of 1845, newspapers carried outside of the State in which they were published were charged a cent and a half postage upon each number. In 1851 a reduction of this rate of postage was made, but under such a system as to provide for some seventy-two different rates of postage. In 1852, in order to do away with this diversity in the rates of postage, a new law was passed making the rate of postage upon newspapers carried outside of the State in which they were published one cent for each number not weighing more than three ounces. It so happened that while that amendment was pending in this House or in the Senate, I do not recollect which, an amendment was offered and passed providing a reduction of fifty per cent. upon this rate, in case the postage was paid quarterly in advance, either at the office of publication or at the office of delivery.

It will also be recollected that it had been the uniform custom of the Department to require the payment of postage quarterly in advance upon newspapers and periodicals. That was the regulation under the law of 1845, and also under that of 1851. But when this amendment was introduced in 1852, it escaped the attention of Congress that in adopting it they were legislating into that bill what was already a regulation of the Department; and in consequence of legislating this provision into the bill, they made a reduction of fifty per cent. on the rate of postage on newspapers and periodicals.

I do not charge any intention of wrong on the Congress of the United States in the passage of the law of 1852, or on the author of that amendment; but it certainly was a fraud on the revenues of the Department. But it was not a new provision. You had already made a requirement of the prepayment of postage quarterly. Then why was it put in? What was the object to be subserved? Was one cent each too much for the Department to charge for the transportation of newspapers in the United States? For instance, from New York to San Francisco, in California, or from New Orleans to New York? It should be recollected that one half went to the postmaster, and the Government only received one half cent for the transportation of a newspaper weighing three ounces, that distance. Why, then, I repeat, was this deduction of fifty per cent. made, which reduces the compensation of the Department to a quarter of a cent, after taking out the commission on the postage? It reduced the pay of the Government to a quarter of a cent for carrying a newspaper, weighing three ounces, from New York to New Orleans, or from New York to San Francisco, while, at the same time, we paid one cent and a half per ounce for the transportation of

that paper across the Isthmus alone. Will anybody for a moment contend that a quarter of a cent will reimburse the Government its expense for transportation? If you desire to make the Post Office Department a self-sustaining one; that everything passing through the mails shall pay the cost of transportation, then why, and for what reason, do you make this great distinction in favor of newspapers and periodicals? You can hardly sustain the Department, indeed you cannot sustain it, by charging the three cents postage on a letter weighing half an ounce. Then why only charge one quarter cent postage on a newspaper weighing three ounces?

The present rate is one cent for the transportation of newspapers and periodicals anywhere in the United States outside of the State where published, and weighing not less than three ounces. If, then, you repeal what is proposed by the bill under consideration, you will make the law just what it is on its face, one cent postage for the transportation of newspapers and periodicals anywhere in the United States. All we desire is to do away with the fifty per cent. discount, which was put into the law as a proviso for prepayment of postage, while, in fact, it always was a prepayment, and must necessarily always be a prepayment.

Sir, I am somewhat astonished to see a portion even of the country press warring against this provision. The gentlemen representing the cities of Philadelphia and New York, and more especially the astute gentleman representing the city of Philadelphia, [Mr. CHANDLER,] understand full well that this proviso of the law of 1852 is a bonus to the city, and against the country press. You suffer your country newspapers to circulate free of postage in the county where published; but when you make this reduction of fifty per cent. in favor of the city press, you enable that press to supplant that of the country even in their own county.

Now, I would not so much object if the city press paid what it absolutely cost the Government for transportation. If we were not at a loss to transport the city papers to the country, I would not so much object to the fifty per cent. reduction. But you are now carrying the city papers at one half the cost of transportation; and why should this bonus be given to them?

Mr. WALSH. I wish to ask my friend from Ohio whether it would be any detriment to the country towns to have the fifty cent pieces prohibited, and a large introduction of ten dollar gold pieces?

Mr. OLDS. I move to recommit the bill, so that it may be kept before the House. I am anxious to reply to the inquiry proposed by the gentleman from New York. Perhaps that fifty cent piece may seem as large to the countryman as the ten or twenty dollar piece of my friend from New York.

Mr. WALSH. Are there any countrymen in your district in Ohio so verdant as that? [Laughter.]

Mr. OLDS. I should consider one of my constituents very green who should put as high value upon a fifty cent piece as one of the New Yorkers. While a New Yorker would perhaps pay five or ten dollars for a dinner at Delmonico's, you cannot find one of my constituents who would be verdant enough to pay more than fifty cents.

Mr. WALSH. That is dodging the question. I was not speaking of the relative value set upon money in the country and in the city.

Mr. OLDS. If the gentleman intends to make a comparison by considering the city press as worth ten dollars, while he would put the country press at fifty cents, I will take issue with him directly. I would rather have one of your fifty cent country presses, speaking the honest sentiments of the country, where public sentiment ought to originate, than to have your ten dollar Tribune, and papers of that class, to circulate all over the country at the expense of the Government, for the purpose of creating public sentiment for the country press.

Mr. WALSH. The Tribune produces no effect whatever in the city of New York. It only affects country people. [Laughter.] The gentleman from Ohio is evidently speaking for his constituents.

Mr. OLDS. Then my argument is legitimate. It is for the country I am speaking, and not for the

city. It is to protect the country against the baleful influence of that ten dollar paper of New York, that looks as big as an eagle in the eyes of the gentleman from New York, that I speak upon this occasion. I should have no fear for the intelligence of the people. I am not afraid of the effect the Tribune, Herald, Express, or any of the city papers, will produce in my district; but I do not want they should have the advantage of sending and circulating their papers in the country districts at the expense of the Government for one fourth of what it costs the Government to take them there.

Mr. WALSH. Judging from the result in Ohio, I should say that the Tribune produced more effect in Ohio than in New York. [Laughter.]

Mr. OLDS. Well, sir, I do not know. The Tribune does not circulate any more in Ohio this year than it did last year; and at our last gubernatorial election the Democratic ticket received a majority of seventy thousand. Where was New York at her last gubernatorial election?

Mr. WHEELER. Is the gentleman from Ohio in order in alluding to the merits or demerits of a single press.

Mr. WALSH. My friend from New York is perhaps sensitive.

Mr. WHEELER. I withdraw the objection.

Mr. OLDS. I did not rise to discuss the merits or demerits of the city press. My friend from New York instituted the comparison.

Mr. WALSH. My friend from New York [Mr. WHEELER] is a little sensitive about this matter, as the Tribune advocates his reelection. [Laughter.]

Mr. HOUSTON. Has the morning hour expired?

The SPEAKER. It has.

Mr. HOUSTON. I move, then, that the rules of the House be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The SPEAKER. Does the gentleman from Ohio yield the floor for that purpose?

Mr. OLDS. I do.

Mr. DAVIS, of Indiana. I desire to submit a motion which, I suppose, takes precedence of the motion submitted by the gentleman from Alabama; and that is, to proceed to business upon the Speaker's table.

The SPEAKER. The motion to go into Committee of the Whole on the state of the Union—the gentleman from Alabama having obtained the floor for that purpose—is first in order.

Mr. DAVIS. If I remember correctly, the Speaker decided differently upon a former occasion.

The SPEAKER. The gentleman from Indiana is mistaken. It is true that there are a number of highly privileged motions recognized by the rules. The gentleman from Ohio having the floor, and being engaged in speaking during the morning hour, and the morning hour having expired, under the rules he can be arrested by a motion to proceed to the business on the Speaker's table. But there is another rule which declares that a motion to go into the Committee of the Whole on the state of the Union, shall always be in order. Now, to make these rules as consistent with each other as possible, the practice of the House has been, that when the gentleman speaking is arrested by this motion to go to the business on the Speaker's table, the other motion may be made by any gentleman who can obtain the floor. And this latter motion takes precedence of the one to go to the business on the Speaker's table.

Mr. DAVIS. I submit to the ruling of the Chair, and I ask the gentleman from Alabama to withdraw his motion for a moment, in order to enable me to submit one to go to the business on the Speaker's table.

Mr. HOUSTON. Several gentlemen around me say they will renew the motion if I withdraw it.

The SPEAKER. The majority of the House, in this case, can determine, and do what they like in relation to these several matters.

Mr. ORR. Before the question is put, I ask the unanimous consent of the House—at the instance of the gentleman from Georgia, [Mr. DENT,] who has been called away by indisposition—to enable me to withdraw certain papers, that they may be referred to the War Department.

General consent having been expressed, it was, on motion by Mr. ORR,

Ordered, That the papers on the files of the House in the case of Captain Jerry Runnels be withdrawn, for the purpose of reference to the War Department.

On motion by Mr. NICHOLS, it was

Ordered, That the papers on the files of the House in the case of James Pool be withdrawn, for the purpose of reference to one of the State courts of Ohio, in a case to be litigated there.

On motion by Mr. MAXWELL, it was

Ordered, That the papers on the files of the House in the case of Elliott Smith and Nathan Farnsworth be withdrawn, for the purpose of being referred to the appropriate committee of the Senate.

Mr. CAMPBELL. I wish to inquire of the Chair whether, if the House vote down the motion to go into the Committee of the Whole on the state of the Union, it will not be then in order to go to the business on the Speaker's table, with a view to refer the bills that are there?

The SPEAKER. Certainly; it will be in order.

The question was then taken on Mr. Houston's motion; and it was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. McMULLIN in the chair.)

POST OFFICE APPROPRIATION BILL.

Mr. HOUSTON. I ask the Committee to take up House bill No. 336. It is a bill making appropriations for the service of the Post Office Department. And I suppose that on its being read through, the committee will agree to lay it aside for the purpose of reporting it to the House. It is a bill to which I think there will be no amendments proposed. It is a short bill, and will not probably take more than five or six minutes to dispose of it.

Mr. TAYLOR, of Ohio. Why not take up the business in its order upon the Calendar? I hope it will be done. The next bill is one making appropriation for the support of the Army.

Mr. HOUSTON. I propose to take that up next. It will not take ten minutes to dispose of this matter.

Mr. WENTWORTH, of Illinois. I give notice that if the motion of the gentleman from Alabama shall be voted down, I shall move to take up the general appropriation bill, (No. 392,) making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law; and gentlemen in favor of completing these works will vote down the proposition of the chairman of the Committee of Ways and Means.

Mr. ROBBINS demanded tellers on Mr. Houston's motion.

Tellers were ordered; and Messrs. HARRIS, of Alabama, and Cox, were appointed.

The question was taken; and the tellers reported—ayes 51, noes 82.

So the motion was not agreed to.

RIVER AND HARBOR BILL.

Mr. WENTWORTH. I now move to take up general appropriation bill, (No. 392,) "making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law."

Mr. MILLSON. I can never agree to the proposition that a bill making appropriations for the improvement of rivers and harbors is a general appropriation bill. I therefore raise the question of order, that this not being an appropriation bill, it can only be reached by laying aside, by a separate and distinct vote, every bill upon the Calendar preceding it.

Mr. WENTWORTH. I will make a single suggestion to the Chair, if he will allow me. It has been customary to consider bills of this character as general appropriation bills. It is to carry out and to complete public works already authorized by law. There are no provisions for the commencement of new works.

Mr. MILLSON. My understanding of general appropriation bills is, that they are such, and only such, as are necessary to carry on the various departments of the Government. This is not a bill of that character, and, therefore, it is not a general appropriation bill.

Mr. PHELPS. I desire to call the attention of the Chair and of the committee to the 79th and 80th rules, which have always been considered to govern the consideration of general appropriation bills. The 79th rule enumerates the bills which are to be considered as general ap-

propriation bills. They are for the civil and diplomatic expenses of the Government; for the Army; for the Navy; and for the Indian department and Indian annuities." This requires that the Committee of Ways and Means shall report these bills within thirty days of the time when that committee is appointed, and then distinctly enumerates what those bills shall be. I therefore submit, that if this bill is not embraced in that category, it is not a general appropriation bill, and cannot be so considered by the committee.

Mr. WENTWORTH. I will inquire of the gentleman whether the Post Office appropriation bill, the Indian appropriation bill, and the fortification bill, are enumerated in that rule, and whether the gentleman will contend that they are not general appropriation bills?

Mr. PHELPS. The Indian bill is enumerated there.

Mr. TAYLOR, of Ohio. I would like to have the 80th rule read.

The CHAIRMAN. The Chair will hear the rule, and then he will decide the point of order.

The rule was read, as follows:

"80. General appropriation bills shall be in order in preference to any other bills of a public nature, unless otherwise ordered by a majority of the House."

The CHAIRMAN. The Chair decides in this case that the bill which is now before the House is a general appropriation bill, according to the course which has heretofore been adhered to in the Committee of the Whole on the state of the Union. If it were for appropriation of money to any particular river, it certainly would not be a general appropriation bill. As the Chair understands, the bill is general in its character, and makes appropriations for the continuation and completion of works already commenced. The Chair will further remark, that the post office bill is an appropriation bill, although not mentioned in the rule to which attention has been called. The Chair decides the motion of the gentleman from Illinois in order.

Mr. MILLSON. Holding a different opinion, I appeal from the decision of the Chair; and on that question demand tellers.

Tellers were not ordered.

The question was taken on the appeal, viz: "Shall the decision of the Chair stand as the judgment of the committee?" and it was decided in the affirmative.

So the decision of the Chair was sustained.

Mr. WENTWORTH. I now ask the unanimous consent of the committee to substitute for the bill before us the one which I hold in my hand, out of which is left the appropriation for the removal of the obstruction in the mouth of the Cape Fear river, passed yesterday. I make the motion to save time.

Mr. WALSH. This is out of order, and, rising in my place, I object to it.

The CHAIRMAN. The proposition of the gentleman from Illinois is objected to by the gentleman from New York.

Mr. WALSH. Yes, sir, most unequivocally. [Laughter.]

The question was then taken on Mr. WENTWORTH's motion; and it was agreed to.

So the river and harbor bill was taken up for consideration.

Mr. WENTWORTH. I move to dispense with the first reading of the bill, which is for information, and that the Clerk proceed to read it for amendment.

The motion was agreed to.

The Clerk accordingly proceeded to read the bill by paragraphs, for amendment.

Mr. COBB. I offer the following amendment:

At the end of the clause, "for continuing the improvement of the navigation of the Tennessee river, \$35,000," insert the following:

Provided, That \$10,000 of said sum shall be expended below Kelly's ferry, in the State of Tennessee, and above Decatur, Alabama.

The object of the amendment will be apparent to every gentleman. At the last session of Congress \$250,000 was appropriated for the improvement of the Tennessee river, and an appropriation of \$35,000 is now asked to continue the improvement already commenced. I propose now to apply \$10,000 of this amount to the improvement of the river below Kelly's ferry. The mails are carried in steamboats on the Tennessee river from Chattanooga to Decatur, but there are obstructions in that river below Kelly's ferry that render it

almost impossible for the boats to pass. I am confident that there cannot be any objection to the amendment I have offered, for it only asks that \$10,000 of the \$35,000 appropriated by the clause for the improvement of the river shall be appropriated below Kelly's ferry, so that the obstructions in the river which now sometimes obstruct the passage of the mails may be removed. I could give various reasons showing the necessity that exists for the adoption of the amendment, but I will not trouble the committee now.

Mr. WENTWORTH, of Illinois. I wish to make a few general remarks in answer to the gentleman from Alabama, because there are several applications of the kind made by him. Allow me to say that the custom is, after these general appropriations are passed, for members of Congress from the States in whose favor they are made, to go to the Secretary of War, and his chief engineer, who has full discretion over this subject, in order to know where the appropriations shall be expended to the greatest advantage. Fortunately for us at this time, we have at the head of the War Department one of the most distinguished engineers in the United States. Long before I knew him as a politician I knew him as a distinguished engineer upon our lakes and rivers at the great Northwest. When he was here as a member of Congress, he displayed more knowledge upon the subject than any public man. I think it is better to leave this matter to the Secretary of War and the engineers, who understand it, than to members of Congress.

Mr. COBB. If the gentleman from Illinois will look at the wording of this appropriation, he will see that it is for a continuation of the improvement. Of what improvement? Of the one commenced and carried on under the appropriation of \$50,000. Does he not see clearly that, without some proviso of this kind, the Secretary of War will be bound to lay out the \$30,000 in the same place in which the \$50,000 was expended? He must certainly see that that is the construction that would be put upon it unless this provision is inserted.

Mr. WENTWORTH. The gentleman from Alabama will allow me to say that there are precedents for the regulation of this case.

Mr. COBB. But what harm can be done in making the matter so plain that no difficulty can arise about it? What harm can result from making it so plain that there will be no necessity to go to the War Department in order to have it construed according to the conception we have put upon it? I am sure that no gentleman in the House, not even the gentleman from Tennessee, who has as much interest in it as anybody else, can object to this.

I will state this, further, that during the time that this bill was under consideration, I repeatedly called on the Committee on Commerce, who had charge of it, and they assured me, that before they would report any appropriation in respect to the Tennessee river, I should be called upon by them to give my reasons why a small appropriation should be given for the purpose of carrying out the object which I am now in favor of. But I suppose they overlooked the promises they had made to me. I called on them three or four times, and they assured me that I should be notified to come and explain my reasons for what I desired. But, unfortunately, my modesty being so great as to forbid me pressing myself upon them, the first intimation that I had with respect to the matter was the reporting of the bill appropriating \$35,000 without stating anything, except that it was for the continuation of the improvement. I have no more interest in it than every man of the West has. But unless some portion of the money is expended in the manner I designate, there are seasons during the year when the boats cannot get along there, and when there will be serious obstacles to the expeditious carrying of the great western mail. But with a little labor, and the expenditure of some money, these obstacles will be removed, and the mail can be received regularly.

Mr. WENTWORTH. I would ask the gentleman from Alabama whether, in the appropriation of last year, there was any limitation of the work? Did it embrace the whole river, or was it limited to a portion of it?

Mr. COBB. The limitation was, that the appropriation should be expended above Kelley's ferry. And what I contend for now, is, that a

portion of it should be expended below Kelley's ferry.

Mr. HOUSTON. I propose—if my colleague will allow me—to offer an amendment which, I presume, will meet the approbation of gentlemen on all sides. It is as follows:

Provided, That such part of said sum shall be expended below Kelley's ferry, on said river, as the Secretary of War may direct.

Mr. COBB. I have no objection to that, because the Secretary of War will perceive the necessity of appropriating a portion of the sum to that part of the river.

Mr. HOUSTON. I think that there ought to be more than \$10,000 given for that purpose; and I think the Secretary of War will give more.

Mr. COBB. I withdraw my amendment, with the view of letting that of my colleague [Mr. Houston] be voted on, with the understanding, however, that I originated the proposition. [A laugh.]

Mr. WENTWORTH. I have no objection to the amendment as modified.

Mr. RITCHIE, of Pennsylvania. I supposed that the bill was being read through, and was not aware that it was being read by sections, for the purpose of amendment. I have an amendment which I desire to introduce at the end of the twenty-fourth line, and I ask now to present it.

Mr. COBB. This one comes in first.

The SPEAKER. The request of the gentleman from Pennsylvania can only be granted by unanimous consent.

Mr. RITCHIE. Well, I ask the consent of the committee for that purpose. I was entirely unaware that the bill was being read through by sections, for the purpose of amendment, and therefore did not offer my amendment at the place where I desire it to come in.

Mr. WALSH. I object, unless I can understand how the matter is; and I do not.

Mr. WENTWORTH, of Illinois. The Chair had better dispose of the other question first.

The question was taken on Mr. Houston's amendment; and it was agreed to.

Mr. RITCHIE, of Pennsylvania. I ask the consent of the committee to allow me now to present my amendment, as there was so much noise in the Hall that I did not hear the part of the bill read to which I designed to offer the amendment.

No objection being made, the amendment was reported, as follows:

Line twenty-fourth strike out "\$90,000" and insert in lieu thereof "\$190,000, \$100,000 of said sum to be expended in the improvement of the said river above the falls."

Mr. RITCHIE. I wish to state, briefly, the reasons why I ask to increase the appropriation for the improvement of the Ohio river from \$90,000 to \$190,000, \$100,000 of which is to be expended for the improvement of the navigation of that river above the falls of the Ohio.

For some years past the appropriations which have been made for that purpose have been expended upon that part of the river between the falls of the Ohio and the mouth of the river, particularly about the Cumberland dam; and during that period obstructions have been accumulating in the river above the falls, and they should be removed. Shoals have accumulated from the floods, and they require removal.

I have a letter in my hand from Mr. Crawford, who is the inspector of steamboats, under the law of the United States, and who has in charge the matter of the safety of navigation generally of steamboats upon the western waters, in which he states that from ninety to one hundred thousand dollars will be necessary to clean out the Ohio river above the falls. This gentleman is better acquainted with the channel of the Ohio river than any other man. He is in continual communication with those who transact business on that river, and with the pilots and captains who are constantly navigating it; and he is better acquainted with the wants of the river than any other man.

He says in this letter:

"My impression is, that the \$90,000 proposed by this bill to be appropriated for the Ohio river, would all be expended about the Cumberland dam, and other places below the falls, in about the same way that the last appropriation was spent, and that the river above the falls would receive but little benefit from it. I should think there ought to be not less than ninety or one hundred thousand dollars appropriated for the river above the falls. My opinion is, that it will require that amount to repair the dams, remove snags, and clear out channels. Some of the

places are very bad, and it is not an uncommon thing to see fifteen or twenty steamers detained and sticking fast at a single snare or dam."

I wrote to him in reference to this matter as soon as the bill was reported by the committee, and printed, and this is the reply I received; and it is in pursuance of that reply that I offer the amendment.

Mr. WENTWORTH, of Illinois. In justice to the friends of this bill, who assisted us in taking it up this morning, I think the friends of the bill ought to drive it ahead as fast as we can, yet doing nothing to obstruct debate on the part of those who are opposed to it.

In reference to the amendment of the gentleman from Pennsylvania, there is not a solitary gentleman upon this floor who cannot rise and show to his friends reasons why a certain and specific appropriation should not be increased. But, in framing bills of this kind we must have landmarks; we must have some basis to stand upon, and it is no good reason that, because we have the estimates of the engineer of the Government, we may introduce the estimates of other engineers, not in the employ of the Government, in regard to the same work.

I know the fact that the Secretary of War is not over and above friendly to these works, and that he has constitutional scruples as to the power to carry them on. Therefore, when he comes forward and makes these estimates, I know that they are the estimates of a safe engineer; and I think the best course we can pursue is to follow the estimates of this engineer throughout, and adhere to them. Besides, the gentleman from Pennsylvania has not shown to the committee any good reason why we should not follow the estimates of the engineer. I do hope that our friends will stand by these estimates; for if we break away from them, there is no telling where we shall land.

Mr. CAMPBELL. I move to amend the amendment by increasing it five dollars. I am surprised at the position which has been assumed by the honorable gentleman from Illinois, who represents the Committee on Commerce, in reference to this bill. I understand him, in substance, to say that we are sent here merely to follow in the wake, in the track of the War Department, and to act only upon the estimates sent here from that Department.

Mr. WENTWORTH. I suppose if the gentleman from Ohio were a railroad contractor, and sent his engineer to examine a work, and to make estimates in relation to it, that he would be very likely to follow those estimates.

Mr. CAMPBELL. If I were a railroad contractor, and had sent an engineer to look at a particular line of railroad; if I were conversant with that line myself; if I knew there was a mountain which needed to be tunneled, in order that we might have facilities for transportation; and if I found that the estimates of the engineer made no provision for tunneling that mountain, I should be very likely not to follow them. I should make my own calculations for having the work done, and should conduct my operations accordingly.

Now, sir, what are the facts stated by the gentleman from Pennsylvania? He has read a letter from a gentleman who is well acquainted with all the circumstances connected with the wants of the rivers for which he asks an appropriation. But we are not to heed such representations; and why? An engineer has been sent by the Department to ascertain what appropriations are needed. He has visited the Ohio at a particular stage of water, and reported accordingly, knowing but little of the difficulties which obstruct the immense commerce upon the upper Ohio at other seasons of the year. Such has been the course of the Government heretofore. Engineers have been sent to visit the river at particular seasons of the year, and thousands, tens of thousands, yes, sir, hundreds of thousands of dollars worth of commerce have been obstructed in consequence of the neglect of the Government to make the necessary improvements. The Government have neglected to make these improvements, because the engineer has not done his duty in making the examinations upon which his estimates were to be based at the proper time. Does not the honorable gentleman from Illinois know very well the extent of the commerce upon that river? Does he not know that appropriations of money are absolutely necessary for

the improvement of the navigation of the upper Ohio? And yet there is not one dollar appropriated by the bill which he has reported from the Committee on Commerce.

Sir, I wish to set the seal of my disapprobation upon this system of passing laws in this House, based exclusively upon the information which we get from the Departments. I hope the Representatives upon this floor, coming from the interior of the country, who know better from actual observation what are the wants of commerce in the regions of country from which they come, than any of those engineers, will not adhere to these estimates from the Department, but will vote for furnishing the proper facilities for commerce without reference to them.

I did not propose to say anything upon this subject. But, sir, the amendment of the gentleman from Pennsylvania is so just that I felt some surprise that the gentleman from Illinois should have thrown any obstacles in the way. If there is any stream in the whole valley of the Mississippi which has a just demand on Congress at this time, it is the Ohio river above the falls; and as there is no provision for it in the bill before us, I hope the committee will adopt the amendment submitted by the honorable member from Pennsylvania.

Mr. PRESTON. Mr. Chairman, I fully concur in the remarks uttered by the gentleman from Ohio, in support of the amendment submitted by the gentleman from Pennsylvania. There are provisions made in this bill for expenditures on the Ohio river, without directing the appropriations to any particular locality, and it is probable that most, if not all, of the money would be applied for ameliorating the navigation below the falls, while there is no guarantee that any of the appropriations would be used for the upper Ohio.

I would remark, for the information of the members of the House who are not familiar with the topography and commerce of the western rivers, that the first great interruption in the navigation of the Ohio, occurs at the falls at the city of Louisville, where the river descends twenty-five or thirty feet in two or three miles, creating rapids that are impassable at low or ordinary stages of the water.

This impediment separates the navigation of the Ohio into two sections, each of which requires a different class of vessels; the boats plying between Louisville and Pittsburg are smaller and of lighter draught than those employed between Louisville and New Orleans. The obstacle at Louisville is partially overcome by a canal, where boats are to pass through its locks; but a large part of the cargoes are transhipped and carried in drays around the falls. The States of Louisiana, Arkansas, Mississippi, Tennessee, and those bordering on the western tributaries of the Mississippi, have the vessels almost exclusively employed below Louisville, while the States of Ohio, Indiana, Virginia, and Pennsylvania, have their boats engaged in the commerce of the upper Ohio. I have not the statistics at hand, but I feel confident that the trade between Louisville and Pittsburg, including the commerce of Cincinnati, Wheeling, Madison, and the country bordering on the Ohio, must exceed a hundred millions a year. Any one who has traveled upon the river can appreciate the magnitude of the trade, and cannot fail to have observed the delays and difficulties it encounters from sand bars and shallows in the channel, which might very readily be removed. Boats are frequently delayed, and cluster idly at Buffington bar, Blannerhasset's Island, and other points, where a little expenditure would remove every difficulty.

For these reasons, and, as I have been informed by competent engineers, that the past appropriations for the Ohio have been entirely inadequate, I think we should grant the appropriation embraced in the amendment of the gentleman from Pennsylvania, [Mr. Ritchie,] and improve the upper Ohio so as to afford proper commercial facilities to the States upon its shores.

I will not protract these remarks; but before I take my seat it is my intention to move an amendment to appropriate a sum not exceeding \$25,000, for the purpose of making the Louisville and Portland canal free to navigation and commerce. In this connection I desire to explain the circumstances attending the amendment, and which may influence the House to adopt it.

In the course of the ensuing year the Government of the United States will be the sole owner of all of the stock and property of the Louisville and Portland canal; and it is absolutely necessary to make some provision for the appointment of the necessary officers to take charge of and control and manage it. In 1825 the Legislature of Kentucky granted a charter to the Louisville and Portland Canal Company, and, in order to facilitate the work, Congress several years afterwards subscribed two thousand three hundred and thirty-five shares, which individual owners of stock forfeited from apprehensions of the failure of the work. The work itself cost about \$1,000,000, and its capital stock is composed of ten thousand shares, of which the Government owned at the annual report made on the first of January, 1854, nine thousand eight hundred shares. Anterior to the year 1842, the Government had actually paid out \$233,500 for the stock she subscribed, and had received in tolls \$257,778, as a stockholder, which was paid into the Treasury of the United States.

In 1842, an act was passed by the Legislature of Kentucky authorizing the Government of the United States to become the sole owner of the stock, by applying the dividends on her stock to absorbing and buying up the private stock in the canal, with a view of making the same free. This process has been in operation ever since that time; and before the meeting of the next Congress the United States will be the sole owner of the canal. She will be the proprietor of a property worth more than a million and a half of dollars, which never cost her one dollar. The immense burdens which have been imposed upon western commerce, will be understood from the simple fact that having advanced \$233,500 in 1829 or 1830, she has not only received back from the tolls—or I should rather call them *fines* —on western trade, all, and more than all, she ever paid, but with the remainder owns a property which produced, last year, \$178,869 39, by an exaction levied on the trade of the Ohio and the West.

From 1831 to 1853, the commercial and navigating interests of the West have been subjected to enormous tribute by direct tolls at that canal, amounting to \$2,699,032 20, and boats carrying five hundred tons passing through it, and paying the established rate of fifty cents a ton, are compelled to pay \$250 a trip for the privilege of transit. This is a matter of national, and not of merely local interest—a matter in which every State that borders upon the river Ohio or the affluents of the Mississippi, are interested; and although some have represented that the break of gauge made by nature at Louisville, might render her people and her Representatives disinclined to remove the barrier to the river trade, yet I desire to acquit her citizens, as well as myself, of such suspicions, and to say that we desire, in common with our other fellow-citizens of the West, the free, uninterrupted, and untaxed navigation of the Ohio.

It is our duty, Mr. Chairman, before this session terminates, to make proper provision for the custody and management of the canal, so that it may not fall into decay or bad repair; or by a neglect to appoint the requisite officers, obstruct the navigation of the river. The Secretary of the Treasury, in his annual report, suggests the necessity of passing a law for this purpose. He says:

"Attention is called to the Louisville and Portland canal. The ten thousand shares of capital stock in that company, under the provisions of the act of the Legislature of Kentucky, have been reduced to three thousand seven hundred and twelve, of which two thousand nine hundred and two belong to the United States, and eight hundred and ten to individuals. These eight hundred and ten shares will be reduced by the earnings of the canal for the year 1853, of which the company will furnish a report, and the earnings of 1854 will complete the purchase, and leave the United States the sole stockholder and proprietor of the canal, and entitled to possession of it on complying with the condition of the act of Kentucky under which the private stock has been purchased. That condition requires that no more tolls shall be collected than will be sufficient to keep the canal in repair, pay the necessary cost of superintendence and custody, and make all the improvements needed, fully to answer the purpose of its establishment, and to protect and guard the interests of commerce. An appropriate act is wanted at the present session, to provide for the superintendence of the canal and the carrying out of the provisions of the act of the Legislature of Kentucky, in order to make the canal free, as far as practicable, to the commerce of the Ohio."

Now, sir, it will be seen by the facts stated that this provision should be made; and I will now

ask, if it be in order, that the amendment I propose to offer to that of the gentleman from Pennsylvania [Mr. RITCHIE] shall be read.

The CHAIRMAN. It is in order.

Mr. PRESTON. Then I send it to the Clerk's desk to be reported.

The CHAIRMAN. The Chair is just now informed by the Clerk that there is already an amendment to the amendment pending.

Mr. PRESTON. Then I will offer it hereafter, if there is an amendment to the amendment pending.

Mr. CAMPBELL. If there is no objection, I will withdraw my amendment.

There being no objection, the amendment to the amendment was withdrawn.

Mr. PRESTON. I now offer my amendment.

The amendment was reported, as follows:

For defraying the necessary expenses of the custody, control, and management of the Louisville and Portland canal, so as to make the Ohio river free to navigation, \$25,000.

Mr. PRESTON. The adoption of this amendment, and the appropriation of the \$25,000 for which it asks, will make the navigation of the Ohio free. This sum will be sufficient, as shown by the experience of the past, to pay for all the labor necessary in opening and closing the locks of the canal, and for dredging it, and keeping it in order. No toll, charge, or tribute can be exacted on the Ohio. It will be perfectly free from Pittsburg to New Orleans to every boat and vessel. I trust, sir, that every Representative from every State in the valley of the Mississippi will appreciate the importance of abolishing the onerous tax of \$180,000 a year, to which we have been so long and unjustly subjected; and I do not conceive that any right-minded man will consider this appropriation unnecessary or unwise. Last year the expenses of its administration were \$21,569, and, with some incidental expenses, between \$24,000 and \$25,000.

Mr. TAYLOR, of Ohio. I desire to ask the gentleman from Kentucky a question, in order that the committee may understand the position of the Government in reference to this matter. I ask him whether the United States Government, by this indirect mode, do not impose a tax upon the people of the twelve States of the Union which are interested in the navigation of the Ohio?

Mr. PRESTON. I will answer the gentleman, that the Government of the United States now own about ninety-eight hundredths, or more than nine tenths of this canal. Out of ten thousand shares, the Government is the owner of nine thousand eight hundred.

Now, sir, the people of the West, during the last year, paid \$178 869 39 tax for the privilege of passing this barrier to the navigation of the Ohio. Under the existing arrangement, the Government is the tax-gatherer, the Government compels the people of the West to pay this amount of taxes; and the sum of \$25,000 a year would make the canal free to the navigation of twelve or thirteen western States.

Sir, no gentleman need vote against this appropriation, however constitutional his views on such matters may be. No such question can be raised. There is no objection that can be offered to this amendment which cannot be brought against the appropriation which has annually been made for the bridge across the Potomac at this place ever since that bridge has been in the possession of the Government. It is for nothing more than to defray the expenses of opening the gates of the canal, and to allow boats to pass through free of toll. It is for removing obstructions in the navigation of the Ohio in the management of the United States precisely as we provide for opening the draw of the Long Bridge to remove the obstruction to the navigation of the Potomac. The appropriation for which we ask is to open and close the locks in the canal, to keep a dredge boat, and to dredge the canal.

A MEMBER. Is not the appropriation to purchase the private stock still remaining in the canal?

Mr. PRESTON. Not one dollar of it. The private stock has been purchased, or will be before Congress meets again. The Government owns the work. It is the property of the United States, and I propose simply to abolish the tolls, and defray the expenses of its superintendence and control. In this I ask the assistance of those who

are willing to free the commerce of the western States from this onerous burden, strike the shackles from our trade, and vote a very small sum for the accomplishment of a very great national object. This is all I desire to say.

Mr. HAVEN. If the gentleman from Kentucky has concluded his remarks, I desire to make a short speech which, I think, will be in favor of this bill. I move that the committee rise for the purpose of closing the debate upon this bill in five minutes after its consideration shall be again resumed in committee. I will then immediately move that we go into committee again.

The question was taken on Mr. HAVEN's motion; and it was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, the Chairman, (Mr. McMULLIN,) reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the river and harbor appropriation bill, and had come to no resolution thereon.

Mr. HAVEN. I offer the usual resolution to close the debate on the river and harbor appropriation bill within five minutes after its consideration shall be again resumed in the Committee of the Whole on the state of the Union.

The resolution was adopted.

Mr. HAVEN. I move to reconsider the vote by which the resolution was adopted, and that that motion be laid upon the table.

The latter motion was agreed to.

Mr. HAVEN. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly again resolved itself into the Committee of the Whole on the state of the Union, (Mr. McMULLIN in the chair,) and resumed the consideration of the river and harbor bill.

Mr. WASHBURN, of Illinois. Mr. Chairman, in the five minutes left for the discussion of the bill, I wish to make a few remarks in reference to the suggestions of my colleague [Mr. WENTWORTH] as to the course we ought to pursue on these appropriations for the improvement of rivers and harbors, reported by the Committee on Commerce. I understand him to recommend that we should take the bill just as it has been reported by the committee, and discourage all amendments. Now, I shall briefly state my reasons for not adopting the suggestions of my colleague. There are amendments which I think ought to be made to the bill, and which I am sure this committee will make, on a knowledge of all the facts.

In the first place, let me direct attention of gentlemen to the appropriations recommended by the Committee on Commerce for the improvement of the rapids in the Mississippi river, and ask if they be commensurate with the importance of the object? That is an improvement, one not only of vast importance to the Mississippi valley, but to the whole country. Now, what is the appropriation recommended by the Committee on Commerce for the improvement of the Des Moines and Rock River rapids? Why, sir, the insignificant and pitiful sum of \$18,000 is recommended for the Des Moines, and the same sum for the Rock River rapids! Here is an improvement which everybody knows, who knows anything of the subject, to make it available will cost half a million of dollars, and which is a work of great national importance. And, in addition to the little sum of \$100,000 heretofore appropriated, it is now proposed only to add \$36,000 in all.

In my recollection, the first appropriation for the survey of these rapids was \$4,000; and it was made in 1837, and it was with a view to some adequate improvement of them. The survey was made under the direction of a most skillful and accomplished engineer, Colonel Lee, and it is the opinion of persons familiar with the character of improvements needed, that his plan is the only one which can be adopted to effectually carry out the object the Government had in view. The survey was made by this engineer, and it was approved by the Engineer Department here in Washington, and literally nothing has been done since. To be sure, two years ago there was an appropriation of \$50,000 or \$100,000 made for each of these rapids. What has been done with that appropriation? Have the people who live on the border of that great father of waters de-

rived any benefit from that appropriation? No, sir. Not one rock has been taken out of the channel, and not a single obstruction has been removed. But, instead of that, we see the appropriations likely to be all frittered away by a resurvey, and by new experiments, all to no purpose, according to my judgment in this regard. It is acknowledged by practical men, by the steamboat men of that river, a class of men distinguished everywhere for their intelligence and their practical common sense, men who know every rock over which they pass, from Keokuk to Galena, that the original plan of Colonel Lee was the best and most practicable mode of improving these rapids. Why not, then, carry that plan out in letter and spirit, and make your appropriations to do so? Why these delays, and why this great injustice to the people of the Mississippi valley? Why, sir, this appropriation was made two years ago, and literally nothing has been done, and it would seem that nothing is to be done. We come here now from this great valley, and ask for a proper and adequate appropriation, and this Committee on Commerce give us the pitiful sum of \$18,000 for each of these rapids. What kind of an appropriation is that to remove such obstructions from a river like the Mississippi, upon whose magnificent current floats millions and millions of the commerce of this great nation, the product of the enterprise and industry of the people of that valley? I shall move to increase this amount—

[Here the hammer fell.]

Mr. WENTWORTH, of Illinois. It is very easy to find fault with the estimates of engineers in general; but to come right square up to the mark, and say wherein those estimates are wrong, is quite another matter.

Mr. HENN, (interrupting.) The debate was to close in five minutes after we were in committee again, and we have already had one five-minute speech.

Mr. RICHARDSON. I rise to another question of order, and it is this: that the bill is not in a shape to be amended, and therefore it is not debatable until it is read over.

Mr. WENTWORTH. The first reading of the bill was dispensed with.

Mr. RICHARDSON. Do I understand that there is already an amendment to the amendment pending?

The CHAIRMAN. There is an amendment to the amendment pending.

Mr. RICHARDSON. I submit, then, that, no further amendment is in order.

Mr. ENGLISH. Before the vote is taken upon this amendment, I feel it my duty to submit a few remarks.

The CHAIRMAN. The Chair must inform the gentleman from Indiana that remarks are not in order until the amendment is disposed of.

[Cries of "Question!" "Question!"]

Mr. KERR. I demand tellers on the amendment of the gentleman from Kentucky, [Mr. PRESTON.]

Tellers were ordered; and Messrs. SMITH, of Tennessee, and KERR, were appointed.

The question was taken; and the tellers reported—ayes 48, noes 47; no quorum voting.

The CHAIRMAN. The roll must be called.

The roll was then called, the committee rose, and the Speaker having resumed the chair, the Chairman of the committee reported that the Committee of the Whole on the state of the Union having found itself without a quorum, had ordered the roll to be called, and had directed him to report the facts to the House, with the names of the absentees.

The following is the list of the absentees:

Messrs. Ashe, David J. Bailey, Ball, Banks, Barry, Belcher, Bell, Bissell, Chase, Chastain, Colquitt, Craigie, Crocker, Cullom, Dean, Dent, De Witt, Drum, Dunbar, Dunham, John M. Elliott, Etheridge, Ewing, Fuller, Gamble, Goodrich, Green, Grey, Hamilton, Andrew J. Harlan, Sampson W. Harris, Hibbard, Hunt, Ingersoll, George W. Jones, Lamb, Lane, Latham, Lindsley, Lyon, Macdonald, McNair, Mace, Maxwell, May, Meacham, John G. Miller, Smith Miller, Morrison, Olds, Peck, Peckham, Pennington, Bishop Perkins, Phelps, Phillips, Pringle, Reese, Riddle, Thomas Ritchey, Seydard, Shannon, Simmons, Samuel A. Smith, William Smith, Alexander H. Stephens, David Stuart, Thurston, Tracy, Walsh, Warren, Westbrook, Witte, and Wright.

Mr. ENGLISH. I have in my hand a proposition which I desire to submit as a substitute for the amendment proposed by the gentleman from

Kentucky, [Mr. PRESTON,] and which I hope will meet with his approval. I should like to submit some general remarks upon the question of a canal at the falls of the Ohio; but as that is not now in order, I will content myself with making a brief statement of facts explanatory of my proposition.

Prior to the year 1831, the United States, under acts of Congress passed in 1826 and 1829, became a stockholder to the amount of \$230,000, in a company chartered by the Legislature of Kentucky, in 1825, known as the Louisville and Portland Canal Company. This canal was completed about the year 1831, and from that time to the present has been under the management of a private company, who have levied upon the commerce of the West taxes, in the shape of tolls, amounting in the aggregate to near the sum of \$3,000,000, or about three times the original cost of the work. If I am correctly informed, the dividends prior to 1842, upon the \$230,000 of Government stock, went into the Treasury of the United States, and fully reimbursed the amount originally subscribed; but in that year the Kentucky Legislature passed an act amending the original charter, and providing that the United States, with the dividends accruing upon her portion of the stock, might purchase all the stock, and become the exclusive owner of the canal.

The dividends have been so applied, and now we are officially informed that the United States will be the sole owner before the next meeting of Congress. If no other action be taken than to adopt the amendment of the gentleman from Kentucky, the canal will be left under the control of the Secretary of the Treasury, or the present management, unless, indeed, it will, as some contend, become forfeited to the State of Kentucky. Now, sir, there are reasons why I prefer the matter to be turned over to the President, instead of the Secretary of the Treasury, (who represents the stock of the United States, under the present law) and, also, other reasons why I prefer my proposition to that of the gentleman from Kentucky; but I will not trespass further upon the indulgence of the committee, but will ask that it be read by the Clerk. I am decidedly in favor of abolishing all tolls, not only because I want to take the burden off of the commerce of the river, but also to cut off the possibility of tolls being levied and applied to the enlargement of the present canal. I ask that my amendment may be read.

Mr. PRESTON. I hope the amendment will be read, as in some respects it is better than my own.

The substitute was reported, as follows:

And that so soon as the President of the United States is notified by the board of president and directors of the Louisville and Portland Canal Company that all of the capital stock of said company is owned by the United States, and that the said company is free from all debts and liabilities, then the President of the United States shall be, and he is hereby, authorized and directed to appoint the proper officers to take possession of said canal on the part of the United States, and to take control of the canal and canal property aforesaid, so that the same may not fall into decay or obstruct navigation; and the expenses attending the custody and management of said canal and canal property shall be paid out of any money in the Treasury not otherwise appropriated, not exceeding the sum of \$25,000 per annum; and from and after the 1st day of January next the navigation of said canal shall be free from all tolls and charges whatsoever.

Mr. PRESTON. I would state that the gentleman from Indiana [Mr. ENGLISH] asked me to accept that as a modification of my amendment. I would say that the gentleman's substitute, which I accept, is far more full than the amendment which I hurriedly drew up; and in order to harmonize these interests I am willing to accept it.

Mr. WENTWORTH, of Illinois. I rise to a point of order. I wish to ask the Chair if the amendment having reference to the purchase and taking possession of the canal has the pertinency to this bill now under consideration as to entitle it to be considered in order?

The CHAIRMAN. The Chair would state to the gentleman that it is too late to raise the question of order. The amendment or substitute has already been received by the committee in lieu of the amendment of the gentleman from Kentucky, [Mr. PRESTON.]

Mr. ENGLISH. I will say to the gentleman from Illinois, that this is not a new proposition. A law of Congress was passed many years ago in reference to that canal.

The CHAIRMAN. The Chair decides that the amendment is in order.

The question then being upon the amendment of Mr. PRESTON, as modified by the substitute of Mr. ENGLISH,

Mr. PRESTON called for tellers.

Tellers were ordered; and Messrs. MACE, and SMITH of Tennessee, were appointed.

The question was taken; and the tellers reported—ayes 79, noes 43.

So the amendment to the amendment was agreed to.

The question recurred on the amendment, as amended.

Mr. WENTWORTH. Is not the amendment submitted by the gentleman from Indiana [Mr. ENGLISH] separate and distinct of itself?

The CHAIRMAN. The gentleman from Kentucky offered his amendment as an amendment to the proposition of the gentleman from Pennsylvania. The gentleman from Indiana submitted his proposition as a substitute, which was accepted by the gentleman from Kentucky as a modification of his proposition.

Mr. WENTWORTH. Then I understand that the amendment carries an increase of the appropriation some \$100,000. Is this to be done when we have no estimates?

[Cries of "Order!"]

The CHAIRMAN. Discussion is not in order.

Mr. WENTWORTH. I demand tellers on the amendment as amended.

Tellers were ordered; and Messrs. COX and FLORENCE were appointed.

The question was taken; and the tellers reported—ayes 73, noes 49.

So the amendment, as amended, was agreed to.

Mr. SMITH, of Tennessee. I wish to remark that I expect to vote for the bill as it now stands; but I cannot do so if many amendments are adopted. I therefore move to strike out the enacting words of the bill, in order to test the question whether there shall be any more amendments made to the bill.

Mr. WENTWORTH, of Illinois. Upon that motion I call for tellers.

Mr. CAMPBELL. I rise to a point of order. I understand the gentleman from Tennessee moves to strike out the enacting clause.

Mr. SMITH. The enacting words of the bill.

Mr. CAMPBELL. I make the point of order that was made before—pending the civil and diplomatic bill, I believe it was. I intend, so long as I am a member of this body, to raise this question of order, that the Committee of the Whole—

The CHAIRMAN. The gentleman from Ohio has no right to debate the question.

Mr. CAMPBELL. I will not debate it, but I will state the point of order, and it is this: That the motion to strike out the enacting clause of a bill cannot be made in the Committee of the Whole on the state of the Union, for the reason that it nullifies and destroys the force of the very rules that are prescribed for the government of the Committee of the Whole.

The CHAIRMAN. The Chair decides that the point of order made by the gentleman from Ohio is not well taken, and that it is competent for the gentleman from Tennessee to move to strike out the enacting clause of the bill.

Mr. CAMPBELL. I take an appeal from that decision; and I propose to state the reasons on which I found my position.

The CHAIRMAN. The question is not debatable.

Mr. CAMPBELL. I refer the Chair to the fact that but a few days ago, when this same point was raised, it was decided to be debatable.

Messrs. BOCK and HOUSTON. In that case debate was not limited.

Mr. CAMPBELL. I will state, in reply to the gentlemen, that the debate was limited before the point was made by me.

[Cries of "Oh, no! no!"]

Mr. ORR. The gentleman from Ohio is mistaken.

The CHAIRMAN. The Chair decides that the question is not debatable—debate having been closed on this bill; and the question now before the committee is, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. SMITH, of Tennessee. I merely wish to remark that, inasmuch as the friends of the bill seem to desire it, and as I do not wish to throw

any impediment in the way of the bill, I will withdraw my motion. But I wish, at the same time, to give notice that if these amendments are put upon the bill I shall vote against it. In deference, therefore, to the wishes of the friends of the bill, I withdraw my motion to strike out the enacting words.

Mr. PERKINS, of Louisiana. I renew that motion.

Mr. CAMPBELL. And I renew the point of order.

The CHAIRMAN. The Chair overrules the point of order.

Mr. CAMPBELL. And from that decision I take an appeal.

Mr. TAYLOR, of Ohio. May I inquire of the Chair, whether he decides that it is in order to go back to the first section of the bill, for the purpose of entertaining the motion of the gentleman from Louisiana?

The CHAIRMAN. Yes; the Chair rules that it is competent for any member to move to strike out the enacting clause of the bill, debate having been closed upon it, and, according to the recollection of the Chair, this decision is in accordance with the decisions heretofore made on that point.

Mr. WHEELER. I demand tellers on the appeal.

Tellers were ordered; and Messrs. MILLSON and Cox were appointed.

Mr. CAMPBELL. I desire to correct a statement that has been made here, for the information of the committee. That is in relation to the point which I raised being debatable. It has been said here by the chairman of the Committee of Ways and Means, [Mr. Houston,] and also by the gentleman who then occupied the chair, that on the occasion which I referred to, debate had not been closed on the bill when the same question was raised. Now, I am informed by the Clerk, and for the correctness of that information, I refer to the Journal, that debate had been closed at that time, and that the case stood then just as it stands now.

Mr. ORR. I think the gentleman from Ohio is mistaken as to the fact in reference to debate not having been closed at the time to which he refers.

Mr. JONES, of Louisiana. I call for the question. This discussion is out of order.

Mr. DISNEY. A reference to the Journal will show the facts.

The CHAIRMAN. The Chair is compelled to call gentlemen to order. Debate is clearly out of order.

The question was then taken; and the tellers reported—ayes 69, noes 60.

So the decision of the Chair was sustained.

Mr. PECKHAM. I object to that decision. The tellers announced the vote as fifty-eight in the affirmative.

The CHAIRMAN. It was first so announced, but the tellers afterwards reported nine more in the affirmative.

Mr. PECKHAM. It is precisely that to which I object. I hold that, after the affirmative vote has been once announced, it is not in order to increase that number by any additional votes.

The CHAIRMAN. The Chair decides that he had a right to receive the votes to which the gentleman objects, and that the vote, as announced by him, is the correct one.

Mr. PECKHAM. I appeal from that decision.

The CHAIRMAN. The tellers reported sixty members in the affirmative, and after the negative vote had been taken, they reported nine more in the affirmative; and the Chair then announced the votes as sixty-nine in the affirmative, and sixty in the negative. The gentleman from New York objects to the announcement of the tellers. The Chair overrules the question of order. The gentleman from New York appeals from the decision of the Chair, and the question is, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. RICHARDSON. Why, Mr. Chairman, the gentleman cannot appeal from an objection.

The CHAIRMAN. The gentleman appeals from the decision of the Chair.

Mr. RICHARDSON. The Chair has made no decision, but merely stated the facts. The gentleman has raised no question of order. He has merely objected to the announcement of the vote by the Chair.

Mr. PECKHAM. What I objected to, and the point upon which I raised the question of

order, was, that the tellers had no right to announce an additional affirmative vote after the negative had been taken.

The CHAIRMAN. The Chair decides that no appeal can be taken from the announcement of a vote.

Mr. PECKHAM. I should like to know of the Chair—

[Cries of "Order!"]

Mr. PHELPS. What is the question on which we are now called to vote?

The CHAIRMAN. The question now recurs on the proposition of the gentleman from Louisiana, [Mr. Perkins,] to strike out the enacting clause of the bill.

Mr. McNAIR. I demand tellers.

Tellers were ordered; and Messrs. ZOLLICOFFER and HILLYER were appointed.

The question was taken on Mr. PERKINS's motion; and the tellers reported—ayes 53, noes 72.

So the committee refused to strike out the enacting clause of the bill.

Mr. WASHBURN, of Illinois. Are amendments now in order?

The CHAIRMAN. They are now in order.

Mr. WASHBURN. I offer, then, the following amendment:

For the survey of Galena river and harbor, \$100,000.

Mr. HOUSTON. I would inquire of the Chair whether that amendment is in order? I understand this bill to be one to continue works which have been already commenced.

The CHAIRMAN. The Chair understands the amendment offered by the gentleman from Illinois to provide for the commencement of a new work, and therefore rules that it is not in order.

Mr. WASHBURN. It says for the survey of the river.

The CHAIRMAN. The Chair decides that the amendment is not in order.

Mr. WASHBURN. Upon what ground do I understand the Chair as deciding the amendment out of order?

The CHAIRMAN. Because there is no existing law authorizing the extension and completion of the work; and the amendment is not in accordance with the general character of the bill.

Mr. WASHBURN. I did not understand that to be the case with regard to the amendment of the gentleman from Kentucky, [Mr. Preston.]

The CHAIRMAN. The question of order was not made upon the proposition of the gentleman from Kentucky.

Mr. WASHBURN. As this decision precludes all amendments of this nature, I desire to obtain the sense of the committee upon the ruling of the Chair, and therefore I must take an appeal from the decision of the Chair.

Mr. LETCHER. I would ask to have the proposition of the gentleman from Kentucky read.

The CHAIRMAN. That amendment is not now before the committee. The Chair decides that the proposition of the gentleman from Illinois is not in order, upon the ground that it is not germane to the general bill, and because it is a proposition making an appropriation for a new work not provided for by law. The gentleman from Illinois takes an appeal from the decision of the Chair, and the question now is, "Shall the decision of the Chair stand as the judgment of the committee?"

The question was taken; and it was decided in the affirmative.

Mr. GREENWOOD. I offer the following amendment:

For the improvement of the navigation of the White river, Arkansas, to be expended under the direction of the Secretary of War, \$50,000.

Mr. RICHARDSON. That is for a new work.

The CHAIRMAN. The Chair desires to know if there is any existing law authorizing an appropriation?

Mr. GREENWOOD. I think not. I think the amendment I have offered will come within the decision just made by the Chair. I desire to call the attention of the Chair to several items in this bill which do not purport to be for works already commenced. I take it, from the reading of the bill, that it is not what it purports to be.

The CHAIRMAN. The Chair must remind the gentleman from Arkansas that discussion is not in order.

Mr. GREENWOOD. I am aware of that; but I simply desire to call the attention of the Chair to the fact—

The CHAIRMAN, (interrupting.) The Chair would beg to state to the gentleman from Arkansas, that, in the opinion of the Chair, the proposition submitted by him is not in order.

Mr. GREENWOOD. Then I must again ask the vote of the committee on that decision. And I do so for this reason—

The CHAIRMAN, (interrupting.) The Chair would most respectfully ask the committee to attend to the reading of the rule on which the decision of the Chair is based.

The Clerk read the 81st rule, as follows:

"No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several departments of the Government."

Mr. GREENWOOD. I was well aware of the existence of that rule; but I was about remarking to the Chair and the committee—

The CHAIRMAN, (interrupting.) The Chair must again remind the gentleman that discussion is out of order. Does the gentleman take an appeal from the decision of the Chair?

Mr. GREENWOOD. I do; and I will state the grounds of my doing so.

The CHAIRMAN. The gentleman has no right to debate the question. He has a right to state the grounds of his appeal, but without argument.

[Cries of "Question!" "Question!"]

The question was taken, and the decision of the Chair was sustained.

Mr. JONES, of Louisiana. I offer the following amendment:

For continuing the improvements on the raft on Red river, \$100. And be it further enacted, That the joint resolution entitled "a resolution explanatory of the act appropriating money for the removal of the raft on Red river," approved January 7, 1853, be, and the same is hereby, repealed; and that the Secretary of the Department of War be authorized to expend the appropriation in reference to the Red river raft in such a way, and for such purposes, as he may approve, having in view the improvement of the navigation of said river in and around the said raft.

It will be seen at once, Mr. Chairman, that the object which I had in view in proposing this appropriation of \$100 was to bring this amendment within the rules of the House, and to make it in order. Some two years ago—it will be two years in August next—the Congress of the United States made an appropriation of \$100,000 for the cleaning out of the raft on Red river. That appropriation authorized the Secretary of War to advertise and let out this work to contractors. In 1853 Congress modified that law and required that the person who took the contract should agree to clear out the river, and keep it open for a series of years. The Secretary of War has, time and again, offered this contract to the public, but no one has offered to bid for it for the reason, as I understand it, and as I have no doubt is the fact, that no one was willing to clear out the raft and keep the river clear for the sum appropriated by Congress, because it would require an expenditure of \$25,000 or \$30,000 to procure the machinery necessary to clear out this raft, if the contract were to be taken by private individuals.

But the Secretary of War has stated, in a communication to the House at this session of Congress, in answer to a resolution of inquiry, which I submitted myself, that he had no doubt that the Government of the United States could remove that raft; or, in other words, that the Government could make the navigation open in the region, of the raft of the Red river for \$100,000, for the reason that the Government has already the appropriate and necessary machinery for such work in its possession.

It will be observed that the object of this amendment is to relieve the law, which has already made this appropriation of \$100,000, from those onerous obligations and conditions attached to it, and to leave the Secretary of War to do the work, either by contract or by his own hands, through the agency of such engineer as he may choose.

Now, Mr. Chairman, allow me to say that the amendment which I have submitted is *verbatim et literatim* the Senate bill which has been sent down to this House, and that the main features of this same Senate bill have been submitted to the Com-

mittee on Commerce—for I drew up the bill and submitted it myself—and the Committee on Commerce have reported that bill to the House, with a recommendation that it do pass.

My object, therefore, is to get this matter before the House; for I feared that if I should be compelled to wait until the Senate bill should be called up, or the House bill either, I might be deprived of an opportunity of bringing forward this subject at all, unless I put it in here.

Let me say to the House, that I believe it is the opinion of the Secretary of War—and surely such is my opinion—that unless this law is modified during the present Congress, the appropriation will lapse in August next, the period of two years since the appropriation was made then expiring.

[Here the hammer fell.]

Mr. WENTWORTH, of Illinois. I would inquire of the gentleman if this is the identical proposition reported by the Committee on Commerce.

Mr. JONES. It is the identical proposition which came down from the Senate. But I will say to the gentleman that the difficulty in regard to the other appropriation was, that some of the committee had objections because they were not willing that the Government should pass through the State lands. I would remark that the Legislature of Louisiana, at its last session, passed a law by which the United States were authorized to pass through the Territory of Louisiana, for the very purpose of meeting this objection.

Mr. WENTWORTH. The Committee on Commerce have agreed to something like this proposition; and if it involves no appropriation, and if it is identical with the committee's proposition, the committee would all be in favor of it. But if it is a modification of their proposition, I am not prepared to speak for them, but only for myself.

Mr. JONES. It is identical with the Senate bill. It involves no appropriation, except the \$100.

Mr. WENTWORTH. I suggest to the gentleman that he should withhold his proposition for the present, and move it as an additional section, and in the mean time allow the Committee on Commerce the opportunity to investigate it.

Mr. JONES. I will say to the gentleman from Illinois that I have no doubt Judge Dunbar will concur with me in anything I may desire in reference to this matter, as his movement in the matter at all was to carry out my wishes.

Mr. WENTWORTH. Was the appropriation contained in Judge Dunbar's bill?

Mr. JONES. No, sir; and no further appropriation is necessary. My sole object in moving to appropriate \$100 was to make the amendment in order.

Mr. WENTWORTH. Then I ask the gentleman to strike out the appropriation, and I presume there will be no objection to the amendment.

Mr. JONES. If I were satisfied that the amendment would be in order without, I would strike it out with great pleasure; but, it seems to me, it would not be in order.

Mr. WENTWORTH. An amendment in reference to the Red river raft is in order. Appropriations have been made over and over again for its removal. It is a work, therefore, that has heretofore been authorized by law, and any amendment in reference to it is in order to this bill. If the gentleman will strike out the appropriation, there will be no earthly objection to his amendment.

Mr. JONES. If that is true, I will strike out the appropriation.

Mr. HAVEN moved a *pro forma* amendment, and said: I very much dislike to interpose at all in reference to a matter that is within the jurisdiction of gentlemen from another section of the country; but when I can be of use to the House, there will be no impropriety in it. I will state, in brief, the history of this appropriation. At the first session of the last Congress, an appropriation of \$100,000 was made for the removal of the raft in Red river. During the last session of Congress a joint resolution was passed in reference to the disposition of that appropriation, which it is now proposed to repeal. The object of it was to authorize the Secretary of the Treasury to let out the job of removing this raft to the individual who would remove it and keep the river clear for the longest period. That is according to my recollection of the matter.

Now, I am opposed to the repeal of this joint resolution. I am opposed to taking upon ourselves, under the supervision of the Secretary of War, the responsibility of removing the Red river raft, without any limitation as to the extent of expenditure which is to be incurred, because, if I am not mistaken, we have heretofore had some assurance in reference to that same raft. Congress have, in years gone by, appropriated I do not know what amount of money for its removal. I admit that there is a necessity for further legislation in reference to it. I have heard the suggestion made, and it seems to me very reasonable, that a canal might be cut around it. The soil is of such a nature that it might conveniently be done, and the navigation of the river opened by that means for a sum less than \$100,000. Now, under these circumstances, it seems to me that it would hardly be worth while to repeal this resolution, and to open an unlimited expenditure for the purpose of removing this raft, until we can have more definite information upon the matter.

Mr. JONES. I will state to the gentleman that the object of this amendment is to authorize the Secretary of War, if, in his judgment, it should be desirable, to cut a canal around the raft in this river.

Mr. HAVEN. If my friend will allow me, I would suggest that there should be a limitation fixed in the amendment, that the amount to be expended should not exceed \$100,000.

Mr. JONES. Certainly. But there is no need of any such limitation. I ask for no additional appropriation beyond the \$100,000 which was appropriated two or three years ago. Mr. Chairman, let me say, in addition to what I have said, that I have information before me from the Secretary of War, which was furnished to the House in answer to a resolution offered by me early in the present session, showing that the existence of this raft in Red river costs the Government annually some \$45,000. There are some forks up the river which must receive supplies. Steamboats cannot run up in an ordinary stage of water. Red river steamboats are therefore chartered, and kept waiting sometimes for five or six months for a flood to enable them to ascend the river.

The object of the amendment is to authorize the Secretary of War to open the navigation of the Red river by contract, or otherwise. And let me say, in addition, that there was a gentleman from Red river, Colonel Gilmore, here the other day, of great wealth, who is prepared to give bonds in any sum the Government may require, not only to open, but to keep open, the navigation of the Red river for \$100,000.

Mr. HAVEN. The gentleman is clearly right in reference to the importance of this communication. I have learned from the documents here, that the closing of the navigation of Red river is equal to a detriment of at least \$40,000 to the Government each year.

Mr. JONES. Forty-five thousand dollars.

Mr. HAVEN. I have no doubt about that. Now, what I desire is, that the joint resolution shall stand, but amended so as to have the work let out to the lowest bidder, and who will keep the river navigable for the longest period of time.

Mr. JONES. Let me add that that proposition has been made time and again. It has been made two or three times by the Secretary of War, but nobody is willing to take the contract, because the necessary machinery will cost \$25,000 or \$30,000. Nobody can take the contract who has not already that machinery in his possession. It is now in the possession of the Government.

Mr. MILLSON. I move to add the following proviso to the amendment:

Provided, That nothing herein contained shall authorize the cutting of any canal through the soil of any State.

Mr. Chairman, the gentleman from Louisiana has just now stated that the object of the amendment he offered was to authorize the cutting of a canal around the Red river raft. When this same question was before the Committee on Commerce, some months ago, I supposed that the object contemplated in the repeal of the restriction contained in the joint resolution, was to get around the raft, by cutting a canal, and wishing to bring the committee to a vote on the question of the right of the General Government to construct works of internal improvement, such as roads and canals within the limits of a State, I offered an amendment, perhaps in the very words which I

have now sent up to the Chair, which was adopted by the committee; though I believe it was at a subsequent meeting reconsidered and rejected.

Mr. JONES made a remark, which was quite inaudible to the reporter.

Mr. MILLSON. I do not think that the constitutional powers of Congress can be enlarged by any consent the States may give. I wish to bring the Democrats of the House to an expression of their opinions in reference to these appropriations. I want to see how many will stand by their ancient principles on this subject. I am afraid they are but few, indeed. In regard to the appropriation for the Red river raft, as near as I recollect, the original amount named was some \$50,000. It was raised to \$100,000 at the instance of certain gentlemen in the Senate, who said that \$50,000 was not enough, but that the whole work could be done for \$100,000, and even for less; and that contracts could be entered into to complete the work for that sum. The joint resolution was then passed, limiting the appropriation to \$100,000, and declaring that no portion of the sum should be expended unless a contract was made for the completion of the work. It seems that the work cannot be done for \$100,000, and now the proposition is to remove the restriction—

Mr. JONES. There is no such proposition. I do not ask a dollar.

Mr. MILLSON. You do not ask a larger appropriation, perhaps, than is already made, but under the present law no portion of the money can be expended until a contract is made for the completion of the work. I have offered the amendment I sent up to the Clerk's desk for the purpose of seeing whether the Democratic portion of the House are willing to make appropriations which are to be expended in cutting canals within the limits of a State.

Mr. JONES, of Louisiana. I am very much obliged to my friend from Virginia, for making this poor little appropriation for the Red river raft, in my district, a test of the Democratic spirit of the House in regard to the constitutional power of Congress to make appropriations for internal improvements. I am as good a Democrat as my very able and astute friend from Virginia. I do not pretend to say that I am as capable of splitting hairs on constitutional questions, as the gentleman from Virginia, [laughter:] but surely I do believe in the main, that upon the great principles of the Democratic party, I am as good a Democrat as even that gentleman.

Now, sir, I do not doubt—and I never heard the fact doubted by Democrats—that the General Government may make improvements within the limits of a State, especially if that State has assented to such improvements. Why, sir, it has been the practice of the General Government from its institution to the present time to make such improvements. Look at the whole of this bill now before the committee; look at every bill for the improvement of rivers and harbors that has been enacted by the Congress of the United States, and you will find that such has been the practice of the Government from the beginning to the present time. And I should like to know how the position I have taken is to be controverted. I do not profess to be a better Democrat than others.

Mr. SMITH, of Virginia. Will the gentleman from Louisiana [Mr. JONES] allow me to correct him?

Mr. JONES. Oh, no; excuse me now.

Mr. SMITH. I only wished to remind the gentleman that it is only within the last thirty years that the Government has made improvements within the limits of a State.

Mr. JONES. It only shows that we understand the Constitution a little better than they did in the early times. [Laughter, and cries of "good," "progressive," &c.]

I was going to remark that I did not profess to be a better Democrat than Mr. Calhoun; and did he not sanction this power? I concur with him, and I hope I never shall become a more strict constructionist of the Constitution than Mr. Calhoun was. But it seems that, at the present time, we have gentlemen here who are trying to "out-Herod Herod," as it were—going further than Mr. Calhoun in the strict construction of the Constitution. Now, his notions of the constitutional power go far enough for me. I do not choose to go beyond them; I do not choose to limit them more. Now, the very object of this

amendment, I say, is to authorize the Secretary of War either to remove the raft, or, if he deems it more expedient, to cut a canal round the raft. The very object of this appropriation is either to improve this communication by the means which nature has already provided, or else to remove the raft, if that course should be deemed more advisable. Now, let me say that this canal, if cut around the raft, would go directly through the Government land. There are no private lands there. They belong to the General Government. Let me add further, that the Legislature of the State of Louisiana passed a law last session authorizing the General Government to cut the canal.

[Cries of "Question!" "Question!"]

The CHAIRMAN. The question is on the amendment to the amendment proposed by the gentleman from Virginia, [Mr. MILLSON.]

Mr. LETCHER. Let us have tellers upon it, that we may see how many Democrats we have got here. [Laughter.]

Tellers were ordered; and Messrs. HUGHES and CAMPBELL were appointed.

The question was taken; and the tellers reported—ayes 44, noes 75.

So the amendment to the amendment was not agreed to.

Mr. LETCHER. I move to amend by striking out \$100 and inserting \$102,400. I propose this amendment because I want to make the two sides of the line equal in expenditures. By this bill you have appropriated for works north of the Potomac \$242,400, which is more than we have had down South, by precisely the amount I have named in my amendment. By the States' rights bill of my friend from North Carolina, [Mr. ASHE,] which passed the House yesterday, we received \$140,000; and if this amount is increased to \$102,400, it will make the entire amount for the South \$302,400, the same as that received on the other side of the line.

Now, sir, I have heard some strange notions advanced here to-day. I thought it had been a well settled doctrine in this House for a long time past, that the constitutional powers of the General Government to construct roads and canals would permit you to begin at the boundaries of civilization, and go into the wilderness to any extent, but that you could not begin at the seat of Government and travel to the boundary line of civilization.

Mr. COBB, (interrupting.) Is the gentleman from Virginia in order? It seems to me that we had better begin right at the outset. Suppose we have the resolution of yesterday read?

Mr. LETCHER. I am talking about improvements; and it strikes me that if anybody is out of order, it is the gentleman from Alabama.

Mr. COBB. Oh, no; I am clearly in order.

Mr. LETCHER. The gentleman from Alabama, if I mistake not, is one of those who believe in the doctrine I just alluded to, that it was proper for the Government to take money from the Treasury, or to donate alternate sections of land to build roads or canals from the outside line—from the furthest side of Arkansas, at least, on to the western side of the continent.

Now, sir, I do not hold to any such doctrine. I hold that, if you can, at the public expense, make roads from the western border of Arkansas to the Pacific ocean, you can begin here at the seat of Government, and build a railroad to the western border of Arkansas, and then you would have a continuous line of improvements.

But my friend from Louisiana advances a still more strange doctrine. He says it is in the power of the Government to make this canal, with the consent of the State in which it is located. Now, sir, will he tell me how the consent of a State can enlarge the powers of the General Government? If the General Government has no power to do it without the consent of the State, will that consent confer any constitutional power upon the Government? This seems to me a stranger doctrine than any I have heard yet.

Mr. JONES, of Louisiana. The gentleman misunderstood me. I did not say the Government of the United States had no power to improve any river or any harbor within its limits, without the consent of the States, but I said that, with that consent, surely there could be no doubt upon the subject.

Mr. LETCHER. Well, sir, my friend from Louisiana is a real hair-splitter in earnest.

[Laughter.] Now, sir, if the General Government has the power to construct these works of improvement without the consent of the State, then what do you want the consent of the State for; of what value is it in any way?

[Here he hammered fell.]

Mr. RICHARDSON. I believe if the gentleman from Virginia will refer back to a statesman from his own State, who was presumed to understand the Constitution of the United States tolerably well, he will find that that statesman laid down the very doctrine which the gentleman from Louisiana [Mr. JONES] planted himself on this morning; I allude to Mr. Madison. And there, I apprehend, is the origin of this doctrine of the necessity of obtaining the consent of a State, to construct works of improvement within her borders.

Mr. LETCHER. Will the gentleman be good enough to give us the reference?

Mr. RICHARDSON. I shall try to furnish you with the reference and the document itself. It will afford me much pleasure to give the gentleman information on the subject, as I think he needs it. [Laughter.]

Mr. LETCHER. Thank you!

Mr. RICHARDSON. The gentleman makes another point to which I wish to allude for a moment. He can see no difference between making improvements outside of the States and making them inside. Nobody, I believe, has as yet questioned the right of the Government to construct roads and make other improvements across territory, over which she has full and entire jurisdiction. So far as these points are concerned, I admit they are not germane to the subject now under consideration, but I deemed it necessary to make the reply which I have.

Mr. WALSH. I move that the committee do now rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the Chair, the Chairman (Mr. McMULLIN,) reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly House bill No. 392, the river and harbor appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS.

Mr. GREEN, from the Committee on Enrolled Bills, reported as correctly enrolled the following bills and joint resolutions, which thereupon received the signature of the Speaker:

H. R. No. 130. An act for the relief of Samuel W. Brady;

H. R. No. 291. An act for the construction of certain military roads and wells in the Territory of New Mexico;

H. R. No. 191. An act for the relief of George W. Gibson;

H. R. No. 119. An act to provide for the continuation of the military road from Myrtle Creek to Scottsburg, in Oregon;

H. R. No. 129. An act for the relief of Cornelius H. Latham;

H. R. No. 294. An act for the payment of the civil officers employed in the Territory of New Mexico while under military government;

H. R. No. 375. An act to provide a pension for Sergeant W. Torrence;

H. R. No. 341. An act to refund to the Territory of Utah the expenses incurred by said Territory in suppressing Indian hostilities;

H. R. No. 339. An act to authorize the Secretary of War to settle and adjust the expenses of the Rogue River Indian war;

Joint resolution (No. 28) to correct a clerical error in the act approved June 22, 1854, to authorize a register to be issued to the steamer El Paraguay by a new name;

Joint resolution (No. 21) explanatory of the second section of a resolution to establish certain post offices, approved July 12, 1852; and

An act for the relief of A. B. Roman.

Mr. CRAIGE. I move that the House do now adjourn.

Mr. ORR. I hope my friend from North Carolina will withdraw that motion. Let us go into the Committee of the Whole again and finish the river and harbor bill.

Mr. CRAIGE. I decline withdrawing the motion.

Mr. HOUSTON. If the gentleman will with-

draw it, I think we can get through one of the small appropriation bills to-day.

Mr. ORR. If the House does not adjourn, I shall make the motion to go into the Committee of the Whole on the state of the Union.

Mr. STUART, of Michigan, demanded tellers on the motion to adjourn.

Tellers were ordered; and Messrs. HUGHES and KERR were appointed.

The question was taken; and the tellers reported—ayes 62, noes 52.

Mr. ORR. I ask for the yeas and nays. It is now only twenty minutes after three o'clock.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 74, nays 72; as follows:

YEAS—Messrs. Abercrombie, Benson, Benton, Bliss, Brooks, Campbell, Chamberlain, Chandler, Chrisman, Corwin, Cox, Craig, Cumming, Curtis, Thomas Davis, Dickinson, Disney, Edgerton, Edmonds, Edmundson, Elison, English, Farley, Faulkner, Flager, Florence, Franklin, Goode, Green, Grow, Aaron Harlan, Hastings, Hiester, Hill, Johnson, Kelt, Kittredge, Lamb, Letcher, Lilly, Lindley, McCulloch, McNair, Matteson, Maurice, Maxwell, Middlesworth, Morrison, Nichols, Mordecai Oliver, Peckham, Bishop Perkins, Powell, Puryear, Thomas Ritchey, Rowe, Subin, Shannon, Shaw, Singleton, Gerrit Smith, William Smith, Solters, Frederick P. Stanton, Richard H. Stanton, John J. Taylor, John L. Taylor, Vansant, Wade, Walley, Walsh, Israel Washburn, Daniel B. Wright, and Zollcoffer—74.

NAYS—Messrs. Aiken, Appleton, Barksdale, Barry, Boccock, Boyce, Breckinridge, Caruthers, Caskie, Churchwell, Clark, Clingman, Cobb, Cutting, Dawson, Dowdell, Eddy, Thomas D. Eliot, Everhart, Fenton, Giddings, Greenwood, Wiley P. Harris, Harrison, Haven, Henn, Houston, Howe, Hughes, Roland Jones, Kerr, Knox, Lindsey, McQueen, Macy, Millson, Morgan, Noble, Norton, Orr, Packery, Pennington, John Perkins, Phelps, Phillips, Pratt, Preston, Reese, Richardson, David Ritchie, Robbins, Rogers, Ruffin, Russell, Sage, Sapp, Seymour, George W. Smyth, Hester L. Stevens, Stratton, Andrew Stuart, David Stuart, Nathaniel G. Taylor, Trout, Vail, Elihu B. Washburne, Wells, John Wentworth, Tappan Wentworth, Wheeler, and Yates—72.

The House thereupon (at three o'clock and thirty-five minutes, p. m.) adjourned till tomorrow at eleven o'clock, a. m.

IN SENATE.

TUESDAY, July 11, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

PETITIONS, ETC.

Mr. EVANS presented a petition of inhabitants of Lower Salem, South Carolina, praying a reduction of the present rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. ROCKWELL. I present the petition of J. Horsford Smith, United States consul at Beyrout, Syria, requesting an increase of his compensation. He states that he has been consul at that place since 1849; that the Treasury of the United States has received more than \$100,000 from the trade opened between that place and the United States, and that his compensation is utterly inadequate, and ought to be increased. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. ROCKWELL also presented a petition signed by five hundred citizens of Massachusetts, praying the repeal of the fugitive slave law; which was referred to the Committee on the Judiciary.

Mr. SUMNER. I present the memorial of Joseph Goddard, a merchant of New York, in which he sets forth that the fugitive slave act has been adjudged, by the ablest writers and the plainest rules of construction and common sense, to be unconstitutional, and he prays that it be repealed. I also present a memorial of members of the Unitarian Church, at Cambridgeport, Massachusetts, headed by their pastor, asking for the repeal of the fugitive slave act. I move their reference to the Committee on the Judiciary.

The motion was agreed to.

Mr. RUSK presented documents relating to the claim of James L. Collins, for money expended in the purchase of furniture for the Government house, at Santa Fe, New Mexico; which were referred to the Committee on Territories.

Mr. CHASE presented a petition signed by inhabitants of Oberlin, Ohio, praying a reduction in the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. JOHNSON presented a petition of citizens

THE CONGRESSIONAL GLOBE.

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of Pope and other counties, in Arkansas, praying the establishment of a rail route from Norristown to Fort Smith, in said State; which was referred to the Committee on the Post Office and Post Roads.

Mr. BELL presented the petition of J. P. Chase, asking compensation for clerical services performed in the Pension Office; which was referred to the Committee on Claims.

REPORTS FROM STANDING COMMITTEES.

Mr. JONES, of Iowa, from the Committee on Pensions, to whom was referred a bill from the House of Representatives, to create and provide a pension for David Towle, reported it back without amendment.

Mr. CHASE, from the Committee on Patents and the Patent Office, to whom was referred the petition of Adolphus Allen, praying an extension of his patent for a water-wheel, submitted an adverse report thereon; which was ordered to be printed.

He also, from the Committee on Claims, to whom was referred the petition of Mary W. Perrine, widow of William E. Perrine, for herself and children, praying the payment of whatever amount shall appear, upon investigation, to be due said Perrine, as one of the contractors on the Louisville and Portland canal, asked to be discharged from its further consideration, and that it be referred to the Committee on Roads and Canals; which was agreed to.

Mr. DODGE, of Iowa, from the Committee on Public Lands, to whom was referred the bill to aid in the construction of certain railroads in the State of Missouri, by a grant of a portion of the public lands, reported it back with an amendment, and with a recommendation that it pass.

BILL INTRODUCED.

Mr. SLIDELL asked and obtained the unanimous consent of the Senate to introduce a bill for the relief of A. G. Penn; which was read a first and second time by its title, and referred to the Committee on Private Land Claims.

POST OFFICE IN PHILADELPHIA.

Mr. BRODHEAD submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Postmaster General inform the Senate whether a suitable site can be obtained for a post office in the city of Philadelphia, and if so, at what price; and also to communicate to the Senate any proposals which he may have received for the sale of lot or lots, and the erection of suitable buildings thereon for a post office in said city; together with any suggestions or recommendations he may think proper to make in relation thereto.

ENROLLED BILLS SIGNED.

A message was received from the House of Representatives, by Mr. FORNEY, their Clerk, announcing that the Speaker had signed the following enrolled bills:

An act for the relief of the Utica Steam Woolen Company; and

An act to establish the offices of surveyor general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes.

Which were thereupon signed by the President *pro tempore*.

HOUSE BILL REFERRED.

The bill from the House of Representatives to change the name of the American-built brig Halowell to that of James Rose, and to grant her a new register, was read a first and second time by its title, and referred to the Committee on Commerce.

TELEGRAPH TO THE PACIFIC.

The bill authorizing the construction of a line of telegraph from the Mississippi river to the Pacific ocean, was read a third time, and the question was, "Shall the bill pass?"

Mr. WELLER. The Senate was about to proceed yesterday to vote, by yeas and nays, on the passage of the bill. Before the vote is taken, however, I wish to have an amendment made which I think is necessary in order to make the meaning of the bill more explicit. It is to insert

in the last proviso in the sixth section after the word "telegraph," the words "before said patent shall issue;" so that it shall read:

Provided, That in the event a railroad to the Pacific ocean shall be located on or near said line of telegraph, before said patent shall issue, the grant of land, &c.

The PRESIDING OFFICER, (Mr. BRIGHT in the chair.) The bill has been read a third time, and is now on its passage, so that it will require the unanimous consent of the Senate to make the amendment. If there be no objection, it will be made.

There was no objection.

Mr. BAYARD. I wish to ask one question of the honorable Senator from Maine, [Mr. HAMLIN,] who reported some of the amendments to this bill, as to the probable effect of one of those amendments; I refer to an amendment in the second section. After providing for the construction of the line of the telegraph, the section goes on to say:

"And the same shall be completed and put in operation within two years from the passage of this bill, and after such State legislation shall have been secured as may be necessary to authorize its construction in the States through which it may pass."

If I read that provision rightly, the effect may be that the parties may hold off in the obtaining of the necessary State legislation until a railroad line is made, and then it will be a very simple matter indeed to construct a telegraph line along the course of the railroad. There is, therefore, in my view literally no limitation, except the discretion of the parties as to the time within which they are to complete this line. That is my construction of this language, because the line is to be completed in two years from the passage of the bill, and also after such State legislation has been secured as may be necessary to authorize its construction in the States through which it may pass.

It will necessarily follow that legislation will not be procured in the States without the application and exertion of the parties; and, if they find it to their interest to make no exertion for that purpose, or to delay, they may put off the completion of this line as long as it suits their purpose to do so. It is, therefore, I say, without limitation. If I had been favorable to the bill otherwise, I should have preferred, in this respect, that the period of three years should be given absolutely, so that we might know the time. That would have given requisite time for applying to the State Legislatures. I mention this as an objection, in my judgment, to the bill as it now stands.

The question being taken, resulted—yeas 20, nays 19; as follows:

YEAS—Messrs. Allen, Badger, Benjamin, Chase, Dodge of Wisconsin, Douglas, Fessenden, Fish, Gwin, Hamlin, Houston, Jones of Iowa, Jones of Tennessee, Rockwell, Rusk, Shields, Stuart, Sumner, Wade, and Weller—20.

NAYS—Messrs. Adams, Atchison, Bayard, Bright, Brown, Butler, Clay, Cooper, Dawson, Evans, Fitzpatrick, Hunter, Johnson, Mason, Pratt, Sebastian, Slidell, Thompson of Kentucky, and Williams—19.

So the bill was passed.

On motion by Mr. HAMLIN, the title was amended so as to read "a bill authorizing the construction of a subterranean line of telegraph from the Mississippi or Missouri rivers, to the Pacific ocean."

WASHINGTON AND ALEXANDRIA RAILROAD. Mr. STUART. I move that the Senate proceed to the consideration of the homestead bill.

Mr. CLAY. I suggest that the hour of one o'clock has not yet arrived.

Mr. RUSK. I hope the Senator will withdraw the motion, to allow me to call up a bill which will not take ten minutes.

Mr. STUART. I certainly will withdraw the motion for the Senator from Texas.

Mr. RUSK. Then I move that the Senate take up for consideration the bill authorizing the extension of the Alexandria and Washington railroad into the District of Columbia.

The motion was agreed to.

The PRESIDING OFFICER. The question pending is on an amendment submitted yesterday

by the Senator from Virginia, [Mr. MASON,] to strike out all the bill after the enacting clause and insert:

That the Alexandria and Washington Railroad Company, incorporated by the Legislature of Virginia, on the 27th February, 1854, to construct a railroad from Alexandria, in the State of Virginia, to the city of Washington, in the District of Columbia, be, and are hereby, authorized to extend their road from any point on the Virginia side of the Potomac river to which said road may be constructed, at or above the aqueduct of the Alexandria canal, into the District of Columbia, connecting with the Baltimore and Washington railroad depot by the most convenient and practicable route or routes, passing through and along such streets or avenues of Washington and Georgetown as the corporate authorities thereof may respectively approve, subject to certain provisions hereinafter expressed.

SEC. 2. *And be it further enacted*, That the Alexandria and Washington Railroad Company are hereby authorized to construct a bridge over the Potomac river, on, or above, or west of the aqueduct of the Alexandria Canal Company: *Provided*, Said bridge shall only be built on or over the piers of the aqueduct, with the consent of the Alexandria Canal Company: *And provided further*, In constructing said bridge, and crossing the Chesapeake and Ohio Canal, said bridge and railroad shall be so constructed as not to injure or obstruct the use or navigation of the Chesapeake and Ohio canal: *And provided further*, That this act shall not prevent Congress from giving like privileges to any other railroad company, or any other person.

SEC. 3. *And be it further enacted*, That the Alexandria and Washington Railroad Company are hereby authorized to establish depots in the cities of Washington and Georgetown, at such points as the corporate authorities thereof may respectively approve, and to lay their track or tracks to such point or points within said cities, and through and along such streets and avenues of said cities as may be respectively approved of by the corporate authorities of said cities, and to make all necessary turnouts; the said railroad company being subject to such terms, conditions, restrictions, and taxation, and to such rules and regulations relative to the construction, repairs, and working of their road, within the cities of Washington and Georgetown, as the corporate authorities of said cities may from time to time respectively prescribe, so far as it may lay within their respective limits: *Provided*, no higher rate of taxation shall be imposed upon said railroad company than is prescribed by the respective charters of said cities; and said railroad company shall keep an office within the city of Washington or Georgetown, and shall have power to sue and be sued, to make contracts, and to purchase and hold lands so far as may be necessary for carrying on the operations of the company, and the service of process on the president or any director of said company, or on the chief clerk in attendance at the office of the company, shall entitle any party complaining to proceed against said company as authorized under the laws of the District of Columbia to proceed against chartered companies within its limits.

Mr. BRIGHT. I shall vote for the amendment for the reason that it settles the contest which has existed so long between the two cities of Georgetown and Washington. I am authorized to say that it embraces a provision mutually acceptable to both cities. It gives to the railroad company the privilege of building a bridge, at their own expense, at or above the aqueduct, which removes the objection which has heretofore existed in reference to the Long Bridge, and provides that the road shall go through Georgetown and Washington at such points and through such streets as may be designated by the authorities of the two cities. I conceive there can be no objection to the bill if amended as proposed, and I therefore withdraw all that I have hitherto made to it, and am willing to accept the amendment of the Senator from Virginia.

Mr. MASON. I wish to state, that the amendment now before the Senate is one merely intended to meet the views of the honorable Senator from Indiana, who has just spoken; and although I am to be made responsible for it on the Journal, I am not responsible for it in fact, as the Senator is aware. I want to clear my skirts of it, because I have never read or examined it. What its effect will be, I am not prepared to say. As far as I have examined it, I think it will do no harm; certainly it can do no good, because, without further legislation on the part of the State of Virginia, the Washington and Alexandria railroad will not be benefited by it. I shall not object to the amendment.

Mr. BROWN. There is one point in the amendment to which I wish to call the attention of the Senator who has charge of it. I observe it gives the corporate authorities of Washington power to allow the railroad to run through the avenues of the city. The avenues, I believe, and especially Pennsylvania avenue, are under the

control of Congress; and for one, I do not think that the city of Washington ought to have authority to permit this railroad to run over them. I know there has been a scheme on foot all the winter to run some railroad up Pennsylvania avenue; but I have been opposed to it from the first.

Mr. RUSK. An application of that sort has been made to the authorities of Washington, and they have refused to grant the permission. I have no idea that they would do it; but if the Senator desires an amendment to that effect, it might easily be made.

Mr. BROWN. I should rather have the word "avenues" struck out of the bill. Pennsylvania avenue is the only one, I suppose, through which it would run, and I should be very much opposed to that. The present city authorities might not grant the permission; but we do not know who may be in authority twelve months hence.

Mr. BRIGHT. I am sorry that the Senator makes that objection; but if he insists upon it, I am willing to except Pennsylvania avenue from the provision. I do not believe that the authorities of Georgetown or of Washington would make a grant to prejudice their city in any respect. I think the trust is entirely safe in their hands; and, therefore, I should prefer that the honorable Senator would not press his amendment.

Mr. BROWN. I have no idea that the city authorities of Washington would do anything which, in their judgment, would prejudice the interests of the city; but I know that some very high in authority have been in favor of running a railroad through Pennsylvania avenue.

Mr. BRIGHT. Then put in an amendment excepting Pennsylvania avenue.

Mr. BROWN. With that amendment I have no objection to the proposition.

Mr. BADGER. The corporate authorities ought not to be allowed this power. Although it may be perfectly safe now, there may be danger in the future.

The amendment to the amendment was agreed to. Mr. Mason's amendment, as amended, was agreed to; and the bill was reported to the Senate as amended.

Mr. BADGER. I desire to ask, for I was not listening to the reading of the amendment, and I wish to ascertain exactly how it is, whether it confines the passage of the cars through the streets of the city to horse power, or whether it is to be by steam?

Mr. PRATT. That is not decided by the bill.

Mr. BRIGHT. That depends upon the city authorities. It vests in the city authorities discretion to control that matter.

The amendment was concurred in, the bill was ordered to be engrossed for a third reading, read a third time, and passed.

RAILROAD AT PENSACOLA.

On motion by Mr. MALLORY, the Senate, as in Committee of the Whole, proceeded to consider the bill granting to Jasper Strong, George Terrill, and their associates, the right of way for a railroad through the reserved lands near the navy-yard, Pensacola, in the State of Florida.

It proposes to grant the right of way one hundred feet in width, through the lands, reserved west of the navy-yard, Pensacola, to the parties mentioned, for the construction of a railroad from the Perdido river, on the most direct and practicable route, to the waters of Pensacola bay, and the use of any timber or other materials along the route of the road and within half a mile on each side, which may be necessary in its construction; and at its terminus on Pensacola bay, they are to have the privilege of erecting a wharf and of establishing a depot for lumber and other articles, not more than one acre in extent; but the line and the terminus are to be approved by the Navy Department; and the bill is not to be so construed as to authorize the parties to use or destroy any timber which the Navy Department may direct to be preserved for Navy purposes.

Mr. STUART. I only desire to inquire of the Senator from Florida, if this question has been submitted to any Department, and if there is any statement from the Department on the subject? That has been usual in all these cases.

Mr. MALLORY. This bill was prepared under the eye of the Department, and was then sent to the commodore commanding the station.

He recommends its passage, as also does the Secretary of the Navy.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. McKean, Chief Clerk; announcing that they had passed the bill from the Senate making further appropriation for the improvement of the Cape Fear river, North Carolina, with an amendment.

Also, a joint resolution to fix the compensation of the employees of the legislative department of the Government, and to prohibit the allowance of the usual extra compensation to such as receive the benefits hereof.

EXECUTIVE SESSION.

Mr. SEBASTIAN. It is absolutely necessary for the public service that the Senate should proceed to the consideration of Executive business this morning. I hope, therefore, that the Senate will agree to the motion to do so. I make this statement to the Senate, and I hope that my request will be granted. I therefore move to proceed to the consideration of Executive business.

Mr. HUNTER. I believe there is a necessity for an Executive session; and I hope the motion of the chairman of the Committee on Indian Affairs will be agreed to.

Mr. BADGER. I ask the Senator to withdraw the motion in order that we may dispose of the amendment, just received from the House, to the bill in relation to the improvement of Cape Fear river, North Carolina.

The PRESIDING OFFICER. Does the Senator withdraw the motion?

Mr. SEBASTIAN. I prefer to have an Executive session now.

The PRESIDING OFFICER. The Senator from Arkansas insists on his motion.

Mr. BADGER. I hope it will be voted down. The motion of Mr. Sebastian was agreed to; and the Senate accordingly proceeded to the consideration of Executive business. After some time spent therein the doors were reopened.

REVENUE LAWS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with a resolution of the Senate of the 19th of January, 1853, a copy of the revision of the revenue laws.

On motion by Mr. HAMLIN, the communication, and bill, and papers, and maps accompanying it, were referred to the Committee on Commerce, and ordered to be printed.

Mr. HAMLIN. I move that one hundred additional copies of the bill be printed for the use of the Treasury Department.

The motion was referred to the Committee on Printing.

HOMESTEAD BILL.

Mr. BROWN. Some time ago I gave notice that I should move a substitute for the homestead bill. I now ask the unanimous consent of the Senate to present the amendment, informally, and have it printed.

There being no objection, it was received informally, and ordered to be printed.

On motion, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, July 12, 1854.

The House met at eleven o'clock, a. m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

INCREASED COMPENSATION TO EXECUTIVE OFFICERS.

Mr. HOUSTON. I desire the House to give me permission to have an order made for the printing, for the use of the House, of a communication from the Treasury Department. It is a recommendation in relation to the increase of compensation of heads of bureaus. It has been sent to the Committee of Ways and Means, and all I ask now is, that it may be printed.

It was so ordered.

CLERK TO SPECIAL COMMITTEE.

Mr. LETCHER. I have been instructed by

the special committee appointed to investigate Colt's patent case, and other things, to ask the House to allow a clerk to be appointed to aid the committee in taking testimony, at the usual compensation.

It was so ordered.

Mr. ROWE. I object.

The SPEAKER. The Chair thinks that the gentleman from New York [Mr. Rowe] is late in his objection.

Mr. ROWE. I was on the floor for the purpose of objecting when the motion was made.

The SPEAKER. The gentleman from New York insists that he was upon the floor, and addressed the Speaker before the question was taken, and objected to the appointment of a clerk. The Chair did not hear the gentleman at all, certainly not until he was in the act of putting the negative vote. The Chair thinks the gentleman is too late in his objection. He can attain his object, however, by a motion to reconsider.

CHARLES CHRISTIG.

Mr. GREENWOOD, by unanimous consent, from the Committee on Indian Affairs, made an adverse report upon the petition of Charles Christig, praying indemnity for loss of property sustained by him in California, destroyed by the Indians; which was laid on the table and ordered to be printed.

COMMITTEE ON COLT'S PISTOLS.

Mr. CUTTING. I rise for the purpose of asking the indulgence of the House, by excusing me from serving upon the select committee of investigation of matters connected with the Colt's pistol, which was appointed a few days since. My reason is this: I am already on the select committee which has under investigation charges arising out of the Gardiner matter. The duties of that committee exact a great deal of time from me, and will require much attention on the part of the members of the committee in order to enable them to report during this session. I presume that when the Speaker placed me upon that committee, it was done without recollecting the fact that I was already charged, as one member of a committee, with this other investigation. It appears to me that the labors of investigating one matter of this description is sufficient to impose upon one member of the House, and I think I ought not to be put upon another committee. I ask, therefore, that some one may be put upon that committee who can devote more time to it than it is possible for me to do.

The question upon excusing Mr. Cutting was then put, and he was excused.

ROBERT C. THOMPSON.

Mr. RITCHIE, of Pennsylvania. I ask the unanimous consent of the House, that a bill from the Senate, which is upon the Speaker's table, may be taken up and referred to the Committee on Revolutionary Claims. It is a private bill, and the individual to whom it relates is now in the city upon expenses, and he wishes to have an opportunity to appear before that committee on Friday next.

No objection being made, the following bill was taken up and read a first and second time by its title, and referred to the Committee on Revolutionary Claims:

An act for the relief of Robert C. Thompson, legal representative of William Thompson, deceased, formerly a brigadier general in the army during the revolutionary war.

PERSONAL EXPLANATION.

Mr. HARRIS, of Mississippi. I ask the consent of the House to make a personal explanation.

There was no objection.

Mr. H. proceeded: Mr. Speaker, when the bill making an appropriation for carrying into effect the recent treaty with Mexico was under consideration some days ago, I indulged in language unnecessarily severe, and, I am free to say, not merited by the parties against whom it was directed. I desire, sir, to recall that language, or, at least, modify it.

The acquisition of territory from Mexico, and especially such territory, was not, in my judgment, demanded by the interests of the nation. But the abrogation of so much of the treaty of Guadalupe Hidalgo as made this Government responsible for the Indian depredations was an object of very

great importance. To this extent, then, the treaty had something of a substantial basis to rest upon; and although the acquisition of such territory may be no recommendation, yet it certainly constitutes no valid objection to the treaty.

I desire to say, therefore, that I regret that I should have employed language upon that occasion which, whatever I may think of the recent negotiations with Mexico, was too sweeping in its character, and not altogether fit to be used. What I said in regard to the discussion which was elicited upon the subject of the treaty was provoked by a strong impression on my mind that there was really nothing in the question of privilege, as connected with the proposition before the committee, made upon any gentleman participating in it. The speeches of those who participated in the discussion are now in print, and will, I have no doubt, amply vindicate themselves from any insinuation contained in my remarks.

RATES OF POSTAGE.

The House then proceeded to consider, as the first business in order, the bill reported yesterday by Mr. OLDS, from the Committee on the Post Office and Post Roads, "to amend an act entitled an act to amend an act entitled an act to reduce and modify the rates of postage in the United States," approved August 30, 1852.

Mr. OLDS. In the remarks made yesterday by me, I endeavored to illustrate the effect of the present rates of newspaper postage upon the country and city press. I may, perhaps, from those remarks, have left the impression resting upon the minds of members of the House that I entertained a hostile feeling towards the city press. Such, sir, is not the fact. I have nothing to say against the city presses. I am willing they should have all the benefit of all the circulation they can obtain, which is not incompatible with the public good. What I desire to accomplish is, that the newspapers of the country shall pay to the revenues of the Post Office Department what it actually costs the Government to transport those papers through the mails of the United States. I desire, then, that the city press may have every advantage of their local position, and of their commanding influence, but that they shall not have it at the expense of the National Treasury.

In order to illustrate the bonus which the Government is now actually paying to increase the circulation of the city press, let me merely institute a comparison between the postage upon newspapers and that upon letters; and let me institute, also, a comparison between what the postage now is and what it will be under the bill before the House, if the bill shall pass. The charge now upon any newspaper not weighing more than three ounces, carried to any extreme point in the United States, is one cent postage; but if prepayment is made at the office where mailed, or delivered quarterly, or yearly in advance, there is a reduction of fifty per cent., which, in fact, makes the postage on any newspaper not weighing more than three ounces, to any point of the United States, one half cent.

Take, for illustration, a New York city paper, not weighing more than three ounces—say the New York Courier and Enquirer. Perhaps by taking that paper I will prevent treading on the toes of those gentlemen which I would do were I to take the Tribune or Herald. The Courier and Enquirer weighs three ounces, on which the postage for the daily paper the quarter to any point of the United States is forty-five and a half cents. Then there is carried through the mail the quarter to any point of the United States, ninety-one papers, each weighing three ounces, at forty-five and a half cents postage. One half that goes to the postmaster, and the other half to the Government. Twenty-two and three quarter cents the Government gets for the transportation of ninety-one papers, each weighing three ounces, to any part of the United States. Multiply ninety-one by three, and the weight of newspapers carried for that amount the quarter is a little over fifteen pounds. We transport then through the mail of the United States more than fifteen pounds weight from New York to San Francisco, at a revenue, after paying the commission of the postmaster, of twenty-two and three fourth cents. You cannot send a package by Adams & Co.'s express, from Baltimore to Washington, for the same sum that you receive for carrying ninety-one papers, weighing fifteen

pounds, from New York to New Orleans, or New York to San Francisco. To send a package by express from New York to New Orleans, you would have to pay the company three, perhaps four times as much as is received by the mail of the United States for transporting the same weight, in newspapers, an equal distance. Now, I ask is this just, is it right?

Well, sir, we are told, and Mr. Greeley refers to it in his paper, that if we were to make everything passing through the mail pay its tribute according to the cost for transportation, we would derive sufficient revenue to sustain the Post Office Department, without necessity for further increase of postage. I admit the fact. I admit that if we make everything passing through the mail pay the actual cost for transportation to the Department, we shall need no increase of postage.

But I have been charged by the city press, in my attempt to raise letter postage from three to five cents, with an effort to impose a tax on the correspondence of the country. Let me make a comparison between postage on letters and that on newspapers. A letter from New York for New Orleans, weighing one half ounce, pays three cents postage. It pays six cents the ounce, ninety-six cents the pound, and \$14 40 the fifteen pounds. The New York Daily Courier and Enquirer weighs fifteen pounds the quarter, and pays forty-five and a half cents postage. The same rate of postage on newspapers as now exists with reference to letters would require the payment on that weight of \$14 40 postage.

Now, I would ask, what reason is there to charge \$14 40 postage on fifteen pounds of letter from New York to New Orleans, and only forty-five and one half cents for the same weight of newspaper? Is it just? Is it right? Is it justice to the Treasury and Government of the United States? Is it justice to the Post Office Department, when you desire to extend and grant mail facilities to every section of the country, to compel them to transport these newspapers at one fourth less than what it would cost to send them as freight by any of the express companies of the United States?

In the effort which I am making to do away with the provision of the law of 1852 which makes a reduction in postage of fifty per cent. upon the prepayment of newspapers, I feel that I have no private interests to subserve. I am not connected in any way with the newspaper press of the country; and my only desire is, that you should do justice to the revenues of the Post Office Department, and that you shall make this paper circulation pay something like its cost of transportation in the mails of the United States. I call upon gentlemen in this House—the guardians of the public Treasury—who are willing to do and to exact justice in all things, to exact justice from the city press which is benefited by this reduction of fifty per cent. to the tune of a great many thousands of dollars annually. If your Government must pay a bonus out of the Treasury of the United States indirectly in the way of postage to sustain the city press, why, do the thing openly and fairly, and make these papers pay their cost of transportation in the mails of the United States, and then say, if you choose, that every newspaper published in a city shall receive in money from the Treasury of the United States what you now give it in the form of reduced postage. A proposition of that kind before the Congress of the United States would not obtain a single vote, not even from gentlemen representing the city of New York or Philadelphia; and you could not get them to pay to the newspapers out of the Treasury of the United States what you are now giving them by way of a reduction of postage.

Taking in connection the fact that you have always required prepayment of postage on newspapers, and the fact that this little proviso crept in unawares into the law of 1852, which only carried out what was a regulation of the Department before, and I ask what reason is there, in justice and in truth, that we should retain this provision of the law of 1852 making this reduction of fifty per cent. for prepayment? There might be some kind of justice in making a distinction between prepaid and unpaid letters, from the fact that if you require prepayment, you do not lose anything on account of dead letters. But I ask, what substantial reason is there, more than a bonus to the city press, why you should make this reduction of fifty per cent.?

Believing that I have explained this matter at sufficient length, and that I have made myself clearly understood by members of the House, I shall yield the floor to any gentleman who wishes to oppose this bill. I hope, however, that the bill may receive the favorable consideration of the House.

Mr. WASHBURNE, of Illinois. I would ask the gentleman from Ohio if the effect of the bill will not be to increase the rates of newspaper postage?

Mr. OLDS. I will answer the gentleman. The rates will remain just as they are now by law.

Mr. WASHBURNE. Does it not take from the subscriber the privilege of paying his postage in advance, and getting a discount of fifty per cent.?

Mr. OLDS. Yes, sir; I will inform the gentleman and the House of the rates on newspapers, as they will be if this bill should become a law. The schedule has been made out by the Department.

On daily newspapers weighing not exceeding three ounces, circulating in the State where published, the postage per quarter will be forty-five and a half cents; for papers published six days in the week, thirty-nine cents; for tri-weekly papers, nineteen and a half cents; for semi-weekly, thirteen cents; for weekly papers, six and a half cents; for semi-monthly, three cents; and for monthly papers, one and a half cents. For a daily paper weighing not exceeding three ounces, and circulating out of the State where published, the postage per quarter will be, should this bill become a law, ninety-one cents; for six-day papers, seventy-eight cents; for tri-weekly, thirty-nine cents; for semi-weekly, twenty-six cents; for weekly, thirteen cents; for semi-monthly, six cents; and for monthly, three cents.

These will be the rates of newspaper postage, should this bill become a law.

Mr. WASHBURNE. I think I understand the gentleman. This bill proposes to take away from the subscribers the right of making this discount; and it is to that extent a tax on the intelligence of the community; and, consequently, I am opposed to the gentleman's bill.

Mr. CHANDLER took the floor.

Mr. SMITH, of Virginia. I wish to ask the gentleman from Illinois [Mr. WASHBURNE] a question.

The SPEAKER. Does the gentleman from Pennsylvania yield the floor to the gentleman from Virginia?

Mr. CHANDLER. Yes.

Mr. SMITH. I will put the question to the gentleman from Pennsylvania. I desire to hear some reason assigned why the Post Office Department should not support itself? I have not heard any reason for it yet.

Mr. CHANDLER. It would require me to go into an argument to answer the gentleman's question. And I propose, in the few remarks I have to make, not to occupy more than three or four minutes in replying to the gentleman from Ohio, [Mr. OLDS.] But, I will, in one word, reply to the question of the gentleman from Virginia, as I know he never puts a question unless in good faith.

Whenever the Government of any country assumes to exercise its sovereignty and interfere with private enterprise, that Government has no right to assert its power to enrich itself by such interference with private enterprise.

Mr. SMITH. How does the Government interfere with private interests, when it charges no more than is necessary to defray the cost of transportation, &c.?

Mr. CHANDLER. I answer, that the Government does charge more—two or three times more—for carrying one half of the letters than individuals would carry them for. And this it does with the view of spreading the benefits of its interference over every portion of the country. The theory is, that those who pay the most postage by sending most letters pay the higher postage in order that the benefits of the system may be general.

But, sir, I did not rise to enter upon any defense of the city press, which has been assailed by my friend from Ohio, [Mr. OLDS.] nor to enter upon any invidious comparison between the press of the city and of the country. We all know that the press is regarded as the palladium of our lib-

erties. We all know that the information necessary to initiate men into statesmanship is that which they acquire day by day as the daily pabulum of their political life. And we all know that connected with that, there goes forth with political sentiments the moral sentiment, which, while it sanctifies, pervades the whole. If all the press has not come up to that standard of excellence, it is not the fault of the press generally, but it is an error which has crept into it. And when any portion of it may have deserved the censure of the honorable gentleman from Ohio, it is a happy circumstance that this portion is the exception and not the rule.

If we are occasionally called upon to blush for the use of language, and for the utterance of sentiments inconsistent with our views as republicans and moralists, we are more frequently called upon—if we would praise as willingly as we would blame—to laud the lofty sentiments and the pure principles which pervade almost all our newspapers. But the question before us is, whether the price for conveying newspapers shall be reduced in case of prepayment.

Were it not for that, I should be able to go on, and run a parallel between the two newspapers. I should consider the sentiment once uttered upon this floor by a member of this House, as felicitating himself upon the fact that there was not a single newspaper published in his district. I wondered at the remark, because that man was a politician. But my friend from Accomac [Mr. Henry A. Wise] told us that it was not because there was not a newspaper there, but because there was none printed there. He glorified himself upon the sound and pure principles which prevailed in his district, because they lived upon the newspapers of Baltimore, Richmond, and Philadelphia. [Laughter.]

Another thing: The gentleman makes an argument upon the amount of reduction. He declares that so much is paid for that large blanket sheet, the New York Courier and Inquirer, and that one half of that, if prepaid, is to be deducted; and he argues that the conveyance of that sheet is onerous, burdensome, and costly to the Government. That is not so. No man undertakes to convey freight generally upon which he could not say that he would lose by the conveyance of any single article. He would lose by the conveyance, if only the single article were to be paid for. But the income of the Post Office Department is not derived from the conveyance of one newspaper, but it derives it from what it carries generally.

But the honorable gentleman says there should not be a deduction for prepayment. Now, let me say to him, that the moment you change the policy, the receipt from those papers will cease, and they will no longer occupy the mails. Now, he says that if they do not pay, the sooner they leave the mail the better. I say they do pay; for you will never pay a cent less for the transportation of the mails between New York and Washington, merely because one newspaper or publication is omitted from the mail. You pay for conveying the whole mail; you pay for a whole mail car, and for a mail agent and deputy postmaster in that car, and you will pay the same whether there is one or a thousand newspapers in the mail.

Now, there arrived in this city last night, from New York, copies of the Times, and of the unfortunate Tribune—unfortunate in incurring the displeasure of my friend on the other side of the House—upon which postage was paid. But another publisher, keener in his calculations, took care to send his publication by the express, and hundreds of them were distributed throughout the city last night, and paid for; but they paid no tax to support our Post Office Department; no tax by which to assist in redeeming the credit of that Department. This will always be the case so long as you tax them beyond what it would cost to carry them in the private expresses from one large city to another. These newspaper publishers are shrewd in their calculation of cost of publishing and transportation—gifted to make money, and a little more given to spend it. And so true as they find that they can send their papers through the express for a quarter of a cent a piece, so true as they find that they can supply their customers by express at a cheaper rate than through the mails, so true will they make use of the expresses, and laugh at the appliances of the Post Office De-

partment; and that is the reason why I say the rates of postage should not be increased.

"But," says the honorable gentleman from Ohio, "why should they pay only half a cent postage upon a newspaper, when a letter would cost six or seven times as much? Why should we make this discrimination?" Mr. Speaker, my answer to the honorable gentleman is, that this question involves the whole question of the liberty and protection of the press—that in all countries where it is deemed desirable that the people generally should be informed upon public measures—in all countries where the respect of popular opinion has prevalence—there is, and always has been, legislation in favor of the circulation of the public press.

Mr. SMITH, of Virginia. Do I understand the gentleman to say that the expresses will carry letters and papers cheaper than they are carried through the mails?

Mr. CHANDLER. Yes, sir.

Mr. SMITH. Will the gentleman then be good enough to inform me why it is that the expresses do now charge so much more?

Mr. CHANDLER. They charge more perhaps upon a single paper, but not when they are sent in packages.

Mr. SMITH. But why do they charge more upon letters?

Mr. CHANDLER. They do not.

Mr. SMITH. The gentleman is mistaken in that statement. When I was in California, I paid as much as fifty cents for a single letter sent by express, when, if it had been sent through the mail, it would have been forty cents under the then high rates of postage; and afterwards, when the postage was reduced to ten cents a letter, the express still charged fifty cents.

Mr. CHANDLER. I say that the expresses would carry letters and papers between any points upon the Atlantic coast for less than it costs to send them through the mails.

Mr. SMITH. But it is a great mistake to say that the expresses do now carry letters for less than the cost of sending them through the mails.

Mr. CHANDLER. The expresses would carry them cheaper between points upon the Atlantic coast.

Mr. SMITH. The gentleman says the expresses will carry the newspaper mail cheaper than the Government now carry it. How does he reconcile this statement with the argument he is now making against this bill, upon the ground that it will increase the burdens upon newspapers? Why does not the statement that private expresses will now carry them cheaper than the mails, supersede the other argument against this bill?

Mr. CHANDLER. For the reason that the other argument, that the Post Office Department should sustain itself, supersedes the argument in favor of carrying papers by private expresses at all. My argument is, that the cheapness of the article will increase the supply, and thereby increase the receipts. For instance, wherever the fares upon railroads have been reduced, the amount of travel has been increased. Wherever the prices of newspapers have been diminished, the number of subscribers has been increased. That has been the effect of the reduction of postage upon newspapers.

The honorable gentleman from Ohio undertook to remove the force of that argument, so far as England is concerned, by saying that newspapers there pay a tax to the Government. Well, sir, it is now well understood that newspapers pass free through the mails in England. Gentlemen are also aware that the tax upon newspapers has of late been very greatly reduced, and that every act of legislation in England has been to reduce the burdens upon newspapers, and for the encouragement of an increased circulation.

Mr. SMITH. But the Post Office Department in England pays a revenue into the general Treasury.

Mr. CHANDLER. Yes, sir; £200,000 per annum.

Mr. SMITH. That makes a very great difference. The fact that the Post Office Department in Great Britain pays a revenue into the Treasury, and that in this country it is a tax upon the general Treasury, furnishes a very good reason why we should not adopt the same policy in reference to our postage laws.

Mr. CHANDLER. It furnishes a very good

reason, it seems to me, why we should adopt a like policy.

Mr. OLDS. I will state to the gentleman that the revenue arising from the Post Office Department in England is \$6,000,000 more than the expenses of that Department.

Mr. CHANDLER. I am under very great obligations to the gentleman for a statement which adds strength to my argument. I confess that I was slow to admit it at first; but, sir, it adds much strength to my argument. The British Government now receive \$2,000,000 revenue from their Post Office Department, as the effect of adopting their penny postage system, and of keeping down the rates of postage. It is the effect of sending their newspapers free through the mails. So much, then, for cheap postage.

Mr. SMITH. Six millions of dollars.

Mr. CHANDLER. So much the stronger.

Mr. SMITH. If the gentleman wants to make a regular argument, I should dislike to interrupt him. But I would ask whether the gentleman does not recognize a wide difference between a small, densely settled country, and one like ours?

Mr. CHANDLER. I do, sir; and a very great difference. Therefore it is that I submit to a postage on newspapers, and an augmented postage on letters. That makes the difference.

I did not rise to make an argument, but a short explanation in favor of the public press; and to say that this attempt to augment the postage by repealing that part which enables the postmaster to receive one half, if paid in advance, has a tendency to injure the very object we ought to have in view.

And there is another thing. Year after year we are beset here with changes; year after year we are asked to conform to some new regulations; year after year the friends of public information are called on to defend their position; and year after year the Government appeals here for some alteration. All I ask is, that we may be allowed to try what we have got. Do not alter it. It is doing pretty well. But we are like the boy who planted the bean, and, morning after morning, pulled it up to see whether it had taken root, and was likely to produce anything. Let us wait a little. Let us plant in some faith. Let us look for the wholesome dews of public patronage, and increased information among our people, and then we shall have what we want. Then the Post Office Department may get back to a paying one, and, more than that, a contributing Department to the Treasury when we need it.

Gentlemen always seem to talk of the Post Office Department. Well, the chairman of the Committee on the Post Office and Post Roads is right then. He has a right to look after the mail, because it is his business to do so. But I wish to say that there are other persons who have rights, and that the reduction of the postage is in behalf of the mass of readers, all of whom are the readers of newspapers, all of whom ought to be enabled to take and pay for some newspaper in the country. All, I believe, do. Reduce the postage, then, encourage prepayment, and consider that, if there is no prepayment, the loss of each quarter and year is to be deducted, and that inconvenience will result. If there is prepayment, there ought to be an advantage resulting to the prepayors.

I do not wish to press this matter further. I merely wish to say, not as the advocate of a public press, though I ought to be, not as the defender of any rights of publishers, though I have been of the number, not out of any desire to laud the character or condition of editors, though I have needed that laudation, and tried to give it; not at all, sir; but I simply ask that we may have one stable law among us; that we may run on one year longer with this experiment, and see whether we cannot, as they have done in England, raise the revenue from a deficiency to a surplus. There, sir, they have, in a few years, increased it from millions of deficiency to six millions of profit. It is all I ask. No country paper can or will find fault. No country paper in which my friend feels an interest will mourn over it. There is not a country paper in the world that does not know that its circulation is increased, vastly increased, by the effect on the public mind of the better informed city press. Who does not know that every paper which comes into his county creates an appetite for further reading? Increase of appetite for newspaper reading is like that which

the poet inspires. It certainly grows by what it feeds on. And let us have an opportunity of circulating, at as low rate as possible, that species of *pabulum* which, instead of palling on the public appetite, vitiating public morals, goes to strengthen and establish true principles among us.

Give us intercourse between the North and South, the East and the West, and then every press becomes a means of public good, and every newspaper becomes a point of union between different sections of the country. A common sentiment and sympathy of feeling between all parts of the country are of infinite consequence in political ethics. I will not trouble the House any further, as I have already gone beyond the time to which I had designed limiting myself.

Mr. BARRY. One of the propositions to which I object, connected with this subject of postages, is, that the Government is bound to carry any man's letters for less than the actual cost of transportation. The idea seems to be prevalent that it is the duty of the Government to transport the mails for nothing; but you might as well say, in my opinion, that it was the duty of the Government to deliver the merchandise of the country for nothing. The system of postages originated at a time when the Government desired to make money out of it, and it was a means of levying taxation upon the people. This is one extreme of the system. The other extreme is, that the Government shall carry letters, and that the tax payers shall supply the Treasury with the money to pay the cost of transportation. One extreme is as equally wide of the truth as the other. The true medium is, that the individuals who enjoy the benefits of the postal system shall pay its expenses. If I receive a letter which costs me three cents, but which it costs the Government five cents to deliver, there is no obligation resting upon any other man, or set of men, to pay the additional two cents. There is no obligation upon others to pay for that which I receive as private property. If a letter comes to me it is for my benefit, and it comes at my desire. Is it fair or just that any other man who does not receive the benefit shall be called upon to pay a share of the expense? Extend this principle, and after a time you will require letters and newspapers to be carried for nothing; and then, in one form or another, the post office system will become a mere "Adams's express," running into every town and village of the country, for the delivery of private property free of expense.

There is a common sense limit in this thing, and that is, that the Post Office Department should pay its expenses. If you send a letter from one end of the Union to the other, and it costs the Government five cents, you ought to pay five cents, and not call upon your neighbors to share the burden. If you take either extreme you depart from what I conceive to be sound principle. Another position assumed here is, because individuals may carry mail matter between the great cities cheaper than the Government does, that, therefore, mail matter all over the country should be carried at the same rate. You can carry letters and papers between large cities at a cheaper rate, for the simple reason that there is a large amount carried there. If you should leave the carrying of mail matter to private enterprise, as has been advised, nine tenths of the post offices of the country would be unsupplied, because those who monopolize the lines between the great cities that pay, would not take the lines going to the small towns and villages through the country, which would not pay. If you continue the present number of mail routes and the present number of trips, and individuals bind themselves to deliver the mails just as they are delivered now, then they can make no more profit than the Government, because they will have to save the profits of the main lines between the larger cities to make up the losses in carrying on the lines between the small towns and villages. This proposition of reducing the postages between the large cities is throwing the whole burden of the Post Office Department upon the shoulders of the people. The long and short of this whole matter is, that the tax upon letters and papers should be paid by those who receive them.

Mr. CHANDLER. Will my honorable friend from Mississippi allow me to make a remark?

Mr. BARRY. With pleasure.

Mr. CHANDLER. I believe that my desire

was to express that opinion. I have said on a former occasion, when I am sure I had not the pleasure of having my friend for an auditor, that the conveyance of all the letters between the mercantile portions of the Union—for instance between Baltimore and Boston—can be done for one cent each letter. But, that the system of mails may be kept up, I have said that the mercantile portion of the community should submit to this tax of two hundred per cent. The gentleman will perceive that this is our argument: that for this purpose the man who sends a thousand letters per week would have to pay three cents on each of them, in order that persons who send only one or two letters may have the benefit of having them conveyed for three cents each.

Mr. BARRY. I think that, as the Post Office Department is a system regularly established for the benefit of the whole country, we cannot change it, in the manner proposed, without destroying it; that we cannot allow one line, which pays well, to be monopolized for individual enterprise, and leave other lines of less importance to be entirely dependent on themselves.

Mr. CHANDLER. Will the gentleman excuse one other remark?

Mr. BARRY. Certainly.

Mr. CHANDLER. It is this: that when we go one grade over beyond this tax we speedily induce the system of private carrying of letters along the coast for the purpose of saving postage. Besides, all the express companies deliver the packages sent by them sooner than the mails do. We should be cautious, therefore, not to tax too much, lest we drive the people to resort to other means, and lest we thus break down the whole system of the post office. This is my doctrine.

Mr. BARRY. The position assumed is this: that on lines where the postage is more than the expenses, the rate of postage should be reduced; and that the minor lines, where they do not collect postage enough to pay the expenses of carrying the mails, should be left to themselves. Why do not the gentlemen who advocate this system endeavor to apply it to the other branches of the Government? Why do they not extend the doctrine to the tariff of the United States? If it were extended to the tariff, the customs paid by Mississippi, which are perhaps between \$500,000 and \$1,000,000, would be spent within her borders, and not lavished on the Atlantic and other States, by whom the tariff duties are not paid. Notwithstanding the State of Mississippi contributes largely to the Treasury of the United States, the pay of her members of Congress is, perhaps, more than all the money annually expended by the Federal Government within her borders. If it be unjust that any State should pay more to the Post Office Department than is spent for mail facilities within her borders, it is equally unjust that any State should pay into the Treasury more than is spent by the Government in her limits. Somewhat more is charged to Mississippi for mail routes in the State—whether correctly or not I shall not now inquire—and we are advised that we should be thankful that we are allowed so much more from the Department than we pay into it.

This thirty or forty thousand dollars, by which the expenses of the Department in our State are said to exceed the postages, puts us under weighty obligations; but no account is made of the half million or more we annually pay into the Treasury, of which we do not have \$25,000 spent in the State. The cities are anxious to dissolve the post office partnership with us, upon the slightest suspicion that they pay a sixpence more than their absolute proportion, but quite willing to keep up another connection by which we pay and they spend. They do not desire that the States should contribute to the Federal expense in the degree in which they receive the disbursements, for that would quadruple their burdens, and diminish even more signally the Federal patronage on which they thrive. If the gentlemen from Boston, New York, and Philadelphia desire, upon what they esteem principles of justice, to monopolize all the profits of the Post Office Department, and receive from it every cent they pay into it, let them mete out to Mississippi, and other consuming States of the West and South, in the way of Federal patronage, all that those States pay into the National Treasury.

Mr. CHANDLER. Do we not pay twenty

per cent. on all the sugar and molasses we consume?

Mr. BARRY. Notwithstanding the much we pay and the little we receive from the Federal Government, if we ask a weekly horse mail, we are told that the Department spends more in our State than the postages amount to, and the revenues of the Department are appropriated to mails once, twice, and thrice, and four times a day upon the Atlantic sea-board. It is now proposed to make us pay for this monopoly, by which justice is denied us, in addition to paying the expenses of the Federal Government. These expenses come out of the consuming States in the form of a tariff, and if any addition to the expenses of the Government is made, it is paid in the same way, and by the same persons.

If the Post Office Department is a burden upon the Treasury, it is simply adding to the burdens of those who now support the Government for the benefit of those who are exempt from them, and thus, those who shuffle off upon others their due share of the national support, desire also that their postage should be paid by others. There is no limit to the burdens which power and selfishness will impose upon the submissive and the weak. As soon as the idea is recognized as true, that a part of the postage of individuals should be paid by the Government, the same argument by which that fallacy is made popular will support with equal plausibility the doctrine that the Government should pay all the postage, and that no tax should be allowed to fetter the unlimited diffusion of knowledge. This plan is most agreeable to those who have the largest correspondence, and who will contribute least to the Treasury to pay for the expenses of the Post Office Department. It is a system devised to monopolize all benefits and escape all burdens.

The gentleman from New York, [Mr. HAVEN,] in discussing the subject the other day, boasted that New York paid into the Post Office Department \$350,000 more than her mail expenditures. But the gentleman forgot to tell you there was a line of mail steamers from New York to Liverpool, for which \$850,000 are paid out of the United States Treasury.

Mr. HAVEN, (interrupting.) I beg my friend from Mississippi to bear in mind that I took that fact into due consideration; and every letter which the State of Mississippi, or Louisiana, or any other southern State sends abroad, finds its exit through the port of New York; and every return letter which comes back in reply, also finds its terminus at that place. That line, then, is established not for our letters alone, but for yours also; for the letters of the whole Union.

Mr. BARRY. Yes, sir; but where we get one letter, you get ten thousand; and, in addition, you have the benefit of the terminus of the line at that port. That is a great benefit to New York; if it is not, make the terminus at some other city. Propose this, and you will soon see a "civil insurrection" there. I repeat, propose to make any other port the terminus, and listen if New York does not complain that the change would deprive her of a great benefit. Transfer it to Baltimore, Philadelphia, or New Orleans, and you will quickly hear the argument that the line is of more importance to New York than to all the Union besides.

The gentleman forgot also to tell you that the San Francisco line terminates at New York, and therefore one-half of the cost of that line (\$850,000) should be charged to New York, and to that the Bremen and Southampton line, also starting from New York, at a cost of \$400,000 or \$500,000, and it seems to me that the gentleman's boast of the New York surplus is disposed of. Four hundred and twenty-five thousand dollars for the California line, \$850,000 for the Collins line, and some \$400,000 (the precise amount I do not remember) for the Bremen line, make a total of \$1,675,000, which is to be charged to New York, and from which the vaunted surplus of \$350,000 is to be deducted, leaving \$1,325,000 deficit in the post office account of the State of New York. They all add to the wealth and commerce of New York, and foster that centralization of trade there which, hardly less than the marvelous facilities of her position, has contributed to her unrivaled growth and prosperity. If justice were done, the benefit of these lines would be divided, and other cities permitted to share advantages which are appropriated by one at the expense of all.

In discussing the subject some days since, the gentleman from New York [Mr. HAVEN] ascribed to New York and New Orleans the postage paid at those two places upon through letters and papers, though there are not five miles of that whole line, fifteen hundred miles or more in length, in either of those States; and all the expense of transportation is ascribed to the intermediate States. So New York collects the ocean postage, and it makes a part of her surplus. When you come to deduct those New York ocean contracts from the surplus which the northern States pay to the Post Office Department, and which the southern do not pay, it is almost absorbed; and the State and city of New York, which have yielded such a surplus, and on account of which they are clamorous for cheaper postage, are the State and city of the Union which enjoy the preëminence of being more deeply indebted to the Post Office Department than any other.

This system of ocean steamers, and postage reduced below the actual cost of transportation, is unjust in the last degree; we ought to come back to sound principles, that we may escape the scourge of taxation to supply the demands made upon the Treasury for post office expenses, and that millions may not be annually squandered upon foreign mail lines, while there are portions of the countries denied the most indispensable mail facilities. Information must fly through the commercial sections on wings of fire and lightning, while it creeps through the agricultural regions so sluggishly and periodically as hardly to preserve vitality.

Let extremes be avoided; neither make the Post Office a source of revenue, nor make it the cause of taxation; let each man who receives a letter or paper through the mail pay his full share of the expense of transporting it; let the Department be administered with rigid, yet wise economy; let the postages of the country be reduced as low as will pay expenses, and let the burden of the Department fall on those who make use of it, and not upon the citizen who shares none of its benefits.

The argument that the reduction of postage is lightening the burdens of the masses is most fallacious, if the amount of the reduction is to come out of the Treasury. You only change the object of taxation; you shift the burden from one citizen to another; you abandon the simple, natural mode that he who gets a benefit shall pay for it at the time, and transfer the payment to a department of the Government which must use the expensive and dilatory machinery of tariffs. Who write most letters, and receive most newspapers? Not the poor and needy, but the rich and opulent? For one letter written by a man to whom the postage is an object, hundreds and thousands are written by those to whom postage is an insignificant item. Correspondence is mainly used by those to whom it is an instrument of lucrative business, or a luxury of social leisure. The merchants of New York write more letters than all the "servant girls," whose joys and sorrows are described as finding relief and vent in epistolary intercourse, in the whole Union.

But the taxes by which you will pay for this postage are levied upon the poor of the country. The tariff, we know, collects its impositions from the labor of the country rather than from its property. No citizen so humble as not to consume those articles on which revenue has been raised, or whose price has been enhanced by excluding the competition of the foreign manufacturer. Some men write no letters, and receive no papers; but all, even the paupers in the poor house, consume those articles which are taxed. While those who use the mails pay all the expense of carrying them, the weight falls mainly upon the wealth of the country; but when the Government pays the postage, it falls chiefly upon the labor of the people. For one dollar of relief afforded to the poor, ten will be afforded to the rich. The scheme is the offspring of the wealthy commercial classes, not of the poor or the agricultural. It is favorable to the manufacturer and merchant, but unjust to the farmer and the laborer. It tends to enrich the town and impoverish the country. It fosters centralization by making the General Government the dispenser of national bounty. It affords an excuse and a necessity for continuing a higher tariff than would otherwise be requisite; and perhaps all the advocates of a pro-

tection tariff will be found supporting the doctrine for that reason.

I recapitulate: there is no obligation upon the Government to transport the letters and papers of individuals at less than the actual cost; and it is unjust to cast upon all, the expense of that which is a private benefit to a smaller number; that it is unwise to spend millions on ocean mail lines while portions of the country are denied necessary facilities; that the Post Office Department should be economically conducted, and the postages should be graduated to the lowest price that will meet the expenses of the Department.

Mr. SMITH, of Virginia, obtained the floor.

Mr. HOUSTON. Is the morning hour out?

The SPEAKER. There are about five minutes remaining.

Mr. HOUSTON. I hope the gentleman will give way for us to go into the Committee of the Whole on the state of the Union.

Mr. SMITH. I would prefer to go on now. The first question for this House to consider in connection with this bill is, "Shall this Government bear the expenses of the Post Office Department?"

It comes to that at last; and gentlemen will have to look at it, in my judgment, in that view alone. Now, will this Government undertake to pay the expenses of the Post Office Department, or will it require those who use that Department to do it? I shall not undertake to discuss that proposition at this time. The time is short, and I am not disposed to enlarge on the point, because every gentleman who hears me is as competent to pass on it as myself.

The particular proposition before us is for the increase of newspaper postage, and that object only. The express companies have the power to transport newspapers, and there is, of consequence, a direct issue between them and the Government. The gentleman on the other side says that expresses can, and will, transport the public mails cheaper than the Government. Then, here is a trial between them. The expresses now have the power to transport the newspaper mail. This bill proposes to increase their strength by augmenting the postage. Here, then, is a fair issue and fair test. If the expresses can carry the newspaper mails cheaper than the Government, the conclusion is plain that the expresses will have all the carriage. By the passage of the bill, the gentleman will have the direct experiment made.

Mr. CHANDLER. The Government will lose then so much more revenue by the loss of the revenue from newspaper postage; and, according to the gentleman's argument, we must augment letter postage.

Mr. SMITH. No, sir. The effect would be to establish the superiority of private expresses, and help to do away with Government agency. I want to see the demonstration, and this measure will help gentlemen's theories to their proper trial. Now, the question with the committee is, whether it will adopt this proposition when the important result is a test of theory. Why, sir, if I had no other reason for voting in favor of this bill, it would be for the fact that it is calculated to present the issue strongly to the country, whether the Government or private expresses can transport the public mails cheapest. Why not support it then? We ought to go for it. It contemplates nothing in the world but an increase of the rates of postage on the newspapers of the country. If private expresses, I repeat, can carry the mails cheaper than the Government, they will have the carriage of the whole of the mail matter. Then there will be no burden on the people.

The gentleman manifestly has reference to the city circulation; but I tell him that, even according to his view of the subject, he ought to go for the bill. If his position be correct, that private expresses can carry the mails cheaper than the Government, then by increasing the rates of postage on newspapers he will get the monopoly in the hands of those expresses, and the increased circulation of the city press is secured.

Mr. CHANDLER. I desire to state that the gentleman does not misrepresent my argument at all as regards the carrying by express cheaper than by the Government; but if we do away with the prolific and profitable operations, you dry up the resources of the Government towards aiding the extremities, and thereby greatly help to destroy

the whole mail system, which the gentleman seems desirous to sustain.

Mr. SMITH. We dry up the resources, according to the gentleman, on newspaper transportation.

Mr. CHANDLER. Yes, sir.

Mr. OLDS. Let me explain this point. The gentleman from Pennsylvania makes the point, that in consequence of the increase of the rate of postage on newspapers, the expresses of the country would carry the newspapers. Now, the fact is precisely this: You have no law prohibiting the carrying of newspapers outside of the mails as you have prohibiting such carriage of letters. The expresses carry newspapers now when it is profitable to do so; but the moment the transportation of newspapers becomes unprofitable, it is turned over to the Government. The Government does not carry the newspapers from New York to Washington. They do not come through the mails, but they are delivered to readers here in this city by the express, and why? Because the Government charges just as much for a newspaper from the city of New York to Washington, as it does from New York to San Francisco. The express finds it profitable upon the short routes to carry newspapers, but upon those routes where it becomes unprofitable the Government must step in and take the burden. It is that of which we complain. Now, the gentleman makes an argument of this kind, that in consequence of carrying these newspapers you do not get anything more for the transportation of the mails. It is not true in fact, although it is true for the time being. Every four years you have a reletting of the mail service, and those who are employed are paid for the amount of service to be performed. If they take a contract for transporting six tons of mails, and you take five tons of newspapers out, they will not charge for carrying one ton as they do for six. It only operates for the time being, and therefore the argument of the gentleman does not hold good.

Mr. SMITH, of Virginia. The gentleman from Pennsylvania [Mr. CHANDLER] objects to the passage of the bill because it increases the burden upon the newspaper circulation. Is that the ground of the gentleman's objection? The gentleman turns round and says that private expresses will carry the newspaper mail cheaper than the Government. Private expresses have now the power to do it. How does the gentleman from Pennsylvania reconcile these inconsistent propositions?

Mr. CHANDLER. Easily. Private expresses carry newspapers between the large cities, and thus absorb a great amount of income from this source, leaving the burden upon the country press alone.

Mr. SMITH. I thank the gentleman for his care of the country. I represent a rural district to some extent, and I am happy to say that I am willing to take the burden proposed by this bill. I do not apprehend any difficulty. The gentleman may have private expresses to carry his mail if he chooses; but I support this bill because it embodies a great truth, and puts the burden for the carrying of newspapers where it ought to be placed.

Mr. WENTWORTH. If the gentleman from Virginia [Mr. SMITH] has some considerable time left yet, I would suggest that he defer finishing his remarks till to-morrow, so that we may go into Committee of the Whole.

Mr. SMITH. As it is a question touching newspaper postage, I had some desire to speak still further upon the general question, and run a parallel between this country and England, showing the error of the distinguished gentleman from Pennsylvania, [Mr. CHANDLER.] But I will not do it now, under the circumstances. I will reserve what I desire to say further until to-morrow.

Mr. WENTWORTH. I move, then, that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

RIVER AND HARBOR BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. McMULLIN in the chair,) and resumed the consideration of House bill (No. 329) "making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law."

The CHAIRMAN. The question before the committee is on the amendment of the gentleman from Virginia [Mr. LETCHER] to the amendment of the gentleman from Louisiana, [Mr. JONES], which is to strike out the appropriation of \$100 in the amendment, and insert in lieu thereof \$102,400.

Mr. RICHARDSON took the floor.

The CHAIRMAN. The Chair would inform the gentleman from Illinois that debate is not in order on the proposition now before the committee.

Mr. RICHARDSON. I desire to explain remarks made by me yesterday. It will take but half a minute.

The CHAIRMAN. It can only be done by unanimous consent.

Mr. RICHARDSON. Then I ask the unanimous consent of the committee to allow me to make the explanation I desire.

General assent was expressed.

Mr. RICHARDSON. I misunderstood the extent of the remarks of the gentleman from Louisiana [Mr. JONES] on yesterday. The extent to which the doctrine of Mr. Madison went to which I referred, was this: That the Government could not construct works of improvement inside of a State without the consent of the State.

Mr. LETCHER. I beg leave to remark, that that proves conclusively we have one more Democrat among us. [Laughter.]

Mr. WENTWORTH, of Illinois, took the floor.

Mr. JONES, of Louisiana. Will the gentleman from Illinois yield me the floor for a moment?

The CHAIRMAN. The Chair begs leave to inform gentlemen that debate is not in order.

Mr. JONES. I ask the unanimous consent of the House to make a single remark.

General assent was expressed.

Mr. JONES. I merely desire to state, that what I meant to say yesterday, was precisely what the gentleman from Illinois [Mr. RICHARDSON] has stated this morning. It was, that when the General Government has power to make internal improvements in a State—and I believe it has, in some cases—it should certainly make them with the consent of the State.

Mr. LETCHER. I now withdraw my amendment to the amendment.

The question recurred on Mr. JONES's amendment; which was read, as follows:

For continuing the improvements on the raft on Red river, \$100. And be it further enacted, That the joint resolution entitled "A resolution explanatory of the act appropriating money for the removal of the raft on Red river," approved January 7, 1853, be, and the same is hereby, repealed; and that the Secretary of the Department of War be authorized to expend the appropriation in reference to the Red river raft in such a way, and for such purposes, as he may approve, having in view the improvement of the navigation of said river in and around the said raft.

Mr. WENTWORTH, of Illinois. I call for tellers on the amendment.

Tellers were ordered; and Messrs. HARRIS, of Alabama, and Cox, were appointed.

The question was then taken; and the tellers reported—ayes 73, noes 42; no quorum voting.

The roll was then called, the committee rose, and the Speaker having resumed the chair, the Chairman of the committee reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill No. 392, and having found itself without a quorum, had ordered the roll to be called, and directed him to report the facts to the House, together with the names of the absentees.

The following is the list of absentees:

Messrs. James C. Allen, Appleton, Ashe, David J. Bailey, Ball, Bell, Benton, Bissell, Bocock, Breckinridge, Caskey, Chase, Chastain, Chrisman, Clingman, Cook, Culion, Cumming, Curtis, Dawson, Dent, De Witt, Dowdell, Drum, Dunbar, Dunham, Etheridge, Ewing, Faulkner, Flagler, Fuller, Gamble, Goode, Goodrich, Greenwood, Grey, Hamilton, Andrew J. Harlan, Hendricks, Hunt, George W. Jones, J. Glancy Jones, Kurtz, Lane, Lyon, McNair, Mace, Maxwell, Meacham, John G. Miller, Smith Miller, Peck, Bishop Perkins, Phelps, Pringle, Riddle, Simmons, Singleton, William R. Smith, Alexander H. Stephens, Tracy, Walbridge, Warren, Witte, and Hendrick B. Wright.

One hundred and sixty-eight members having answered to their names, the House again resolved itself into the Committee of the Whole on the state of the Union, (Mr. McMULLIN in the chair,) and resumed the consideration of the river and harbor bill; the pending question being upon the adoption

of the amendment offered by Mr. JONES, of Louisiana, upon which tellers had been ordered.

Mr. HAVEN. I rise to inquire whether it is in order to offer a substitute for the pending amendment?

The CHAIRMAN. It is not.

The question was taken on Mr. JONES's amendment; and the tellers reported—ayes 74, noes 59. So the amendment was adopted.

Mr. WASHBURN, of Illinois. I move to amend the fifteenth line of the bill.

The CHAIRMAN. That part of the bill has been passed, and it is not now in order to revert.

Mr. WASHBURN. I thought that it was in order to amend any portion of a section before we have passed to the section succeeding.

The CHAIRMAN. It is not in order to turn back to amend any portion of the bill which has been passed. The Clerk is reading the bill by paragraphs for amendment.

Mr. RICHARDSON. I move an addition to the section, as follows:

For the improvement of the Des Moines rapids, in the Mississippi river, \$232,000.

The CHAIRMAN. Is there in existence any law authorizing the appropriation?

Mr. RICHARDSON. There is. In the bill now under consideration there is an appropriation of \$18,000 for the same improvement. I wish the appropriation to be increased to the estimates of the Department.

The CHAIRMAN. In what portion of the bill is the \$18,000 appropriation?

Mr. RICHARDSON. In the twelfth and thirteenth lines.

The CHAIRMAN. That portion of the bill having been passed, the amendment is not in order.

Mr. RICHARDSON. The Chair misapprehends my motion. I do not move to strike out the \$18,000 appropriation, but only to add to the section an appropriation for the improvement of the Des Moines rapids of \$232,000.

The CHAIRMAN. The Chair will confine gentlemen, in submitting amendments, strictly to the provisions of the rule.

Mr. RICHARDSON. I shall not go outside of the rule.

The CHAIRMAN. The Chair will entertain the proposition of the gentleman from Illinois, [Mr. RICHARDSON.]

Mr. RICHARDSON. I offer, then, the following amendment:

For continuing the improvement of the Des Moines rapids, in the Mississippi river, \$232,000.

I understand it was the avowed purpose of the committee to report such appropriations as the Department and officers in charge of the works recommend for the continuation of those works. The officers in charge of the work in question estimate the amount necessary for its completion at \$250,000. I ask the attention of the committee while I read an extract from the report of Colonel Long, who, I believe, is the officer in charge of this work. It is to be found in the third part of the message and accompanying documents for 1853 and 1854:

The cost of improving the Des Moines rapids by the adoption of the method of sluice navigation, as estimated by Colonel Lee, is as follows, viz:

Blasting and removing 94,811 cubic yards of rock, at \$2, \$191,622.

I am inclined to think that the estimated quantity just stated, is somewhat short of the amount required for a sluice having a clear width of 200 feet, and would accordingly assume for the amount in round numbers, excavation required, 100,000 cubic yards, which would give for the probable cost of the work of blasting, &c., at \$2 per cubic yard,

To which should be added, on account of hindrances and unavoidable interruptions, including buoys, chains, anchors, &c., at least twenty-five per cent, viz. 50,000

..... \$250,000

I desire to say that it is utterly impossible to benefit the navigation of that portion of the river by an appropriation of \$18,000. If the Government is to make the improvement so as to benefit the navigation of the river at that point, they ought to have the money asked by the officer having the work in charge. I do not undertake, nor shall I undertake, to say, that \$25,000 will complete the work; but, unless we have that amount, the officers in charge of the work can do but little good there.

Mr. WENTWORTH. Page 228 gives the entire estimate as my colleague gives it. But if you turn to the 220th page, you will there find what the Department thought necessary for a single year. In that page the Department calls for \$18,000 for this purpose.

Mr. HENN. I wish to ask the gentleman from Illinois, whether or not that estimate of \$18,000 contemplated working only on one place at the rapids, and whether it is not competent for the engineer to work at half a dozen or a dozen places at the same time?

Mr. WENTWORTH. It is left entirely to the discretion of the Secretary of War and the engineer. The work was begun under one Administration, and we propose to complete it under this Administration. It is understood that the topographical corps does not belong to any political party, or to any local party, and they have no object in view except to carry out the services confided to them.

Mr. HENN. That is not the point to which I wished to call the attention of the gentleman from Illinois. It is this: that if a sufficient amount be appropriated the work can be carried on along the whole line of the obstructions, and thereby the work can be performed in one year instead of its consuming ten years.

Mr. WASHBURN, of Illinois. I propose to amend the amendment of my colleague, as follows:

Provided, That said sum shall be expended under the direction of the Secretary of War, in prosecuting said improvement according to the plan of Colonel R. E. Lee.

When I was cut off in my remarks yesterday, I said I should move to increase the appropriation for the rapids in the upper Mississippi river, and I now desire to explain to the committee the precise situation of matters connected with this work. The first appropriation under which the survey of these rapids was made, was made in 1837. The survey was made by Colonel Lee, one of the most accomplished engineers in the United States service. He prepared his plans and made his estimates, and in an official document, which I hold here, he made a report which was approved by the engineering department of the Government for the improvement of the Des Moines and Rock Island rapids. His estimates, prepared after a most thorough survey, are put down in his report which I have before me. He estimated \$189,000 as the sum necessary to improve the Des Moines rapids, and \$154,000 for the Rock River rapids, according to his plans and survey.

This report has never been called in question; these estimates have never been invalidated, but the work has not been done as the engineer proposed it should be done. Two years ago there was an appropriation of \$100,000 made for the improvement of both these rapids. That appropriation, as I stated yesterday, has been partially frittered away by a resurvey. One third of it—\$33,000—as shown by the report here, has already been spent, for what purpose I know not, leaving \$66,000 to be expended.

Now, my colleague [Mr. RICHARDSON] has referred to the estimate of one of the officers of the Government—an engineer—showing that this plan of Colonel Lee should be adopted; and showing the amount that Congress should appropriate for the accomplishment of this object. My other colleague [Mr. WENTWORTH] states here, in opposition to this, that there is another part of the report which calls for the appropriation of \$18,000. That appropriation of \$18,000, sir, I contend, is utterly inadequate to any useful purpose as connected with the completion of the work in accordance with the original estimates, and in accordance with what common justice demands should be done, but it is for the purpose of making these new surveys which, I believe, are useless, and which may defeat the objects of the appropriation. We have surveys here made by accomplished men; and we have appropriations here recommended to us very recently, and by competent authority, and why not adopt them?

But let me say, as I said yesterday, that this plan of Colonel Lee is pronounced by all the steamboat men upon the river as the best which can be adopted. I have in my hands a letter from one of the most experienced navigators upon that river, going to show that it should be adopted. His letter is as follows:

GALENA, ILLINOIS, December 12, 1853.

DEAR SIR: In answer to your inquiries in relation to the improvement of the rapids of the Mississippi, I can only say, that I know of no feasible plan other than that reported by Lieutenant, now Major R. E. Lee, to General Gratiot, Chief Engineer United States Army, in 1838. It is comprised in a report of the Secretary of War, Senate Document, No. 139, of the Twenty-Fifth Congress, second session. Five years constant employment, in all stages of water, over this part of our river, has confirmed me in the opinion, that it is the only mode by which efficient and permanent "improvements" can be made. There is not a single change from the plans submitted by Major Lee that I could suggest. The channel requires the same work now that it did then. There has been no change, or likely to be for the next fifty years, as on both rapids the river flows over a bed of limestone, cut up into pools. No better idea or description of the nature of the obstructions, or what work is necessary to remove them, can be found than in Major Lee's details and maps. The improvements, if made as he has suggested, would place as great a depth of water over the channel as has been over many of the sand-bars above and below them this season, say four feet. The surveys made this year are generally looked upon as being as useless as a resurvey of the Capitol would be, in order that members might ascertain its location. Time and money both wasted—*cui bono*. It has always seemed to me, that the plan of operating on both rapids at the same time, was injudicious. The character of the work, submarine blasting, removing the debris, boulders, &c., being the same, similar boats, materials, tools, &c. are required; consequently double the expense would be incurred in thus operating, and the ultimate loss to the Government or contractor, after the completion of the work, (which, if prosecuted in accordance with Lee's plan, would be permanent, requiring no repairs or alterations,) would be in the sale or disposal of two sets of boats, &c., instead of one. And should the Department persist in its present course, and attempt to operate by contract, would, as you will readily perceive, greatly increase the expense. We cannot expect to see much greater progress made than has been effected in the past two seasons. Unless the Department determines to take the work in hand, and place it under charge of some efficient officer of the engineer, or some competent civilian, I do not believe much more will be done than what has already been accomplished—defining the position of rocks and chains, the locality of which we are perfectly familiar with. If Major Lee, for instance, could be placed in charge of these improvements, I believe they would be more effectually and economically prosecuted than by adopting any other course. I name Major Lee, (having no personal acquaintance with him,) as, in my opinion, far better acquainted with the character of the obstructions, and the requisite means to be taken to remove them, than any other officer. It has ever been my opinion, that operations should be commenced on the upper or Rock Island rapids, for the following reasons: It will require a much shorter time to improve them; the "chains" are shorter, and the average of water deeper, there being generally twelve inches more water in the upper than in that of the lower rapids.

From this state of things arises the fact that there are no facilities, other than those used by the steamboat and belonging to her used in transporting freight, consequently any steamboat freighting from a port above them can only transport the quantity of cargo in her hull and barges as will permit her safely to cross them. But so soon as she arrives at Rock Island or Davenport she can then commence taking in additional cargo, and frequently to a much larger amount than all she could cross the rapids with, and after taking in a full load proceeds on to Montrose on the head of the lower rapids, the master being well assured that he will find a sufficient number of "rapids lighters" to transport his whole cargo to Keokuk. Should the water be so low on the "rocks so high" as to prevent him crossing with his steamboat, he can reship his freight and send forward his passengers to St. Louis on boats that are engaged in the "Keokuk trade." Now, apply this state of facts to freight destined for ports above St. Clair, (head of upper rapids,) say a large part of Illinois, Iowa, Wisconsin, and all of Minnesota, and what is the result? A steamboat cannot take in for any port in the section above named, a larger quantity of freight than she is enabled to cross the upper rapids with, although this may not be one fourth of her actual capacity, while on the lower rapids from facilities there offered, she has passed over to her all she can swim under, and which she may transport to the foot of the Rock Island rapids. Here, if she has more freight for ports above than she is enabled to go over with, she must either "double trip it," or store her freight. The removing of the obstructions on the upper rapids would open up for us uninterrupted navigation from Montrose to St. Anthony, a distance of six hundred miles, whereas, now a boat cannot transport her full tonnage but one hundred and fifty miles, say from Montrose to Davenport, and from thence to St. Anthony, four hundred and fifty miles, she can only transport the quantity she can "go over" the upper rapids with. You are, however, too familiar with all these facts for me to enlarge upon them, and give in detail all the inconveniences that we who reside above the rapids are subjected to. Any person familiar with the commercial usages of the country above the rapids, is aware that "I have as much freight as I can cross the rapids with," is a sufficient and valid reason for not taking freight, although it might be in a situation where it would be totally lost or destroyed were it not shipped upon the boat then "refusing" it for this sole reason. It is estimated, (and I think it not high,) that no less than \$15,000 has been lost during the present season by sinking, grounding, and detention of boats. On the upper rapids last year, I should think \$30,000 would not more than cover the losses. When I assure you that thirty dollars per ton has been paid on merchandise from St. Louis to Galena this fall, which had the rapids been improved, would have been transported for from eight to ten dollars; you can readily understand that it is a matter of some importance to the whole country above the rapids to see this work progressing, the obstructions removed, and a free highway opened up to a southern market for our

products at a cost for transportation of something less than its full market value.

Yours, respectfully, E. H. BEEBE.
Hon. E. B. WASHBURN, Washington City.

Now, sir, unless we go forward and make this improvement, every dollar which has been heretofore expended may be wasted and frittered away in the manner I have suggested, by new experiments and resurveys. Let us make this appropriation, as estimated for by Colonel Long, and that, according to the proviso, which I have sent to the Clerk's desk, this work shall be done according to the plan of Colonel Lee, and then we will have an improvement so long neglected and which the interests of the West and of the whole country imperatively demand.

Mr. EASTMAN. In reference to the expenditure of this money, I desire to ask the gentleman from Illinois if there has been a single rock removed?

Mr. WASHBURN, of Illinois. I would answer the gentleman by stating what I yesterday said on this floor, that not a single rock has been removed from the channel, nor a single obstruction taken away.

[Here the hammer fell.]

Mr. WENTWORTH, of Illinois. I will only say, in reply to the remarks of my colleague, that if we adopt the course he proposes, in order to do justice to every other work in this bill, we should go back and revise the whole estimates, and all the appropriations; and add to them the total amount of all the works in this bill, so as to complete them all in one single year. The same argument, which the gentleman uses in reference to this work, in which I feel as much interest as my colleague does, will equally apply to every item in the bill.

Mr. WASHBURN. Does not the gentleman know that this amount of money can be expended in one season, and that every dollar of it should be expended in one season? Does he not know that there is no use in going to great expense in obtaining machinery suitable and necessary for this work, one year, and letting it rot down, before another appropriation can be made by another Congress? Why not make the whole appropriation now, while it is wanted, and not render it necessary to come and ask for another appropriation?

Mr. WENTWORTH. I will answer the gentleman's question by asking another. Why not give at once, for the improvement of the whole Mississippi river, all the money that is necessary for that purpose? Do it now, the gentleman would say, and not come to Congress again, asking appropriations for that great river. Why not take all the harbors, and finish them now, this year? The same argument applies to the one case that is applicable to the other. That is all I have to say.

The question was then taken upon Mr. WASHBURN's amendment to the amendment, and it was not agreed to.

The question recurred upon Mr. RICHARDSON's amendment.

Mr. MILLSON. I move to reduce the amount contained in the amendment of the gentleman from Illinois [Mr. RICHARDSON] to one dollar. I think, sir, after the vote just taken, that it is evident the House will not adopt the amendment of the gentleman from Illinois. But I take this occasion to say a word or two in relation to this bill, and the general system of appropriations embodied in it. As a member of the Committee on Commerce which reported this bill, it is perhaps my duty to do so. I do not mean to present any constitutional difficulties. That would be but a waste of ammunition. But I do desire to call the attention of the committee, and of the whole public, if I could, to some of the details—the objects sought to be accomplished by this bill. Really, sir, it would seem to be a scheme by which men undertake to remedy the imperfections of Providence. Every little stream cannot be converted into a wide and deep river. Every little town cannot become a great commercial emporium.

But, the gentleman from Illinois, [Mr. RICHARDSON,] in urging his amendment, asked, why not appropriate the whole amount estimated by the Department? The gentleman seems to have fallen into two errors. No larger amount has been asked for as proper to be appropriated at this time than that stated in the bill; and, in the next

place, the Department has made no estimates upon the subject.

This bill is not founded upon any estimates submitted to us by the Administration. Let the friends of the Administration remember that, in voting for this bill, they cannot shelter themselves under any recommendation from the Department. I repeat, that the Secretary of War has submitted no estimates for river and harbor improvements. It is true that certain officers in charge of these improvements have made certain reports to the War Department, and that these reports have been transmitted to this House by the Secretary of War. But the Administration have asked no appropriation for river and harbor improvements; nor has the Department sent any estimates of its own for that purpose. We have nothing before us but the reports of the officers in charge of these works. And yet gentlemen constantly refer to them as the estimates of the Department.

Mr. WASHBURN, of Illinois. Do I understand the gentleman from Virginia to say that the Department has sent us no estimates for the improvement of rivers and harbors?

Mr. MILLSON. The gentleman understands me correctly.

Mr. WASHBURN. Then I would suggest that if these are not authorized estimates of the Department, we have nothing but the reports of those officers to depend on, and that we had better judge for ourselves what appropriations are necessary to accomplish the objects of this bill.

Mr. MILLSON. It is true that these officers estimate the whole cost of this work at \$250,000, but they do not recommend that this whole amount should be appropriated at once. All they suggest as proper to be spent on this work during the coming year is \$18,000. This bill would swell to most enormous proportions, if the whole sum necessary to complete each of the works for which appropriations are asked should be voted at once.

But, sir, my chief object was to show how many of these appropriations had grown from very small beginnings, and how utterly disproportioned are the vast sums now ascertained to be necessary for the completion of the work to the insignificant amounts first granted. But my time has so nearly expired that I cannot now do so.

[Here the hammer fell.]

Mr. CAMPBELL. The honorable gentleman from Virginia threatens us again with the Administration. He notifies this House that if they make these appropriations, they will place themselves in conflict with the position assumed by the President.

Mr. MILLSON. I said nothing of the kind.

Mr. CAMPBELL. Well, sir, the gentleman said that we need not expect to shelter ourselves under the authority of the Administration. Now, I think we have had enough of intimations of this kind; from time to time threats have been thrown out of Executive vetoes. Sir, I deem it the duty of this House to do its legislation without being influenced by the fear of vetoes, and without being controlled in any way by any objections of the White House.

The first question for us to decide is, whether these improvements are necessary. Ought they to be made? Secondly, we should inquire what amounts of money, under all the circumstances surrounding the case, ought to be appropriated now. Two hundred and fifty thousand dollars is the amount which has been estimated as necessary to complete the work of clearing out the rapids in the Mississippi for eighteen miles in length, so as to make a channel two hundred feet wide, of a sufficient depth to answer the purposes of navigation. This is the amount estimated by the Department.

But it is intimated by a gentleman of the Committee on Commerce that you cannot expend more than \$18,000. By what authority does the gentleman assume that you cannot expend more than \$18,000 on the rapids, which are eighteen miles in length?

Now, as to the matter of economy. Does the gentleman undertake to say that if he wanted to construct a house, and had plenty of money to do it, that if it were important to have a place in which he and his family could reside, he would begin by this year putting out money enough to dig the cellar and build the foundation walls, then the next year get the materials on the ground, and allow three, four, five, or six years to go by be-

fore he had completed it? Would he not rather, in the management of his individual affairs, if he had the means, build his residence at once? Does he not know that to make an improvement of any kind, when you have the means, the most economical mode is to push it at once to completion? We have a Treasury full to overflowing. It was but a few days ago we voted \$10,000,000 for the purpose of securing the right of way for a southern railroad. That was the great purpose of the appropriation, and all must admit it. Yes, sir, \$10,000,000 was appropriated; yet, when \$232,000 is asked for an important improvement in the Northwest, to aid in the development of its great resources, we are told that it is not proper to appropriate that amount.

[Here the hammer fell.]

Mr. MILLSON, by unanimous consent, withdrew his amendment.

Mr. HENN. I offer the following amendment:

For continuing the improvement of the Rock Island rapids, §123,620.

The CHAIRMAN. Is there any existing law authorizing the appropriation?

Mr. HENN. There is.

The CHAIRMAN. The Chair will state that, for the purpose of saving time, he will expect every gentleman offering amendments, when called on, to exhibit the law authorizing appropriations asked for.

Mr. HENN. I refer the Chair to the river and harbor bill of 1852 for the authorization of this amendment.

The amount of the amendment, Mr. Chairman, is what has been estimated by the report which I have in my hand for the completion of the improvement of the upper rapids.

Mr. SMITH, of Virginia. I rise to a question of order. I would inquire whether single appropriations for certain purposes, without a previous law authorizing the improvements, are laws within the rule?

Mr. WENTWORTH, of Illinois. The amendment is merely a duplicate of the appropriation now in the bill for the same improvement.

Mr. HENN. If the original item be in order, my amendment is also in order.

Mr. WENTWORTH. Having passed that appropriation for the improvement of the Rock river rapids, is the gentleman's amendment in order?

The CHAIRMAN. The Chair decides that propositions for appropriations authorized by existing law are in order. In this case the Chair understands appropriations have been made for these rapids.

Mr. HENN. My amendment stands on precisely the same footing as the original appropriation.

Mr. SMITH. I shall distinctly state the point of order I raised for the decision of the Chair. I understand that the Chair decided that no appropriation was in order to this bill, unless authorized by previous law. Am I right?

The CHAIRMAN. The Chair so decides.

Mr. SMITH, of Virginia. Does the Chair decide that this amendment is in order?

The CHAIRMAN. That is the decision of the Chair.

Mr. SMITH. Then I raise the question of order in this case, for the reason that there is no law legitimate to this case.

Mr. HENN. The Chair has already decided the amendment to be in order. It stands precisely upon the same footing as the original appropriation in the bill for the same object.

The CHAIRMAN. The Chair would request the gentleman from Iowa to turn to the law under which this appropriation is asked.

Mr. HENN. I would refer to the act of 1852, "making appropriations for the improvement of certain rivers and harbors," in which an appropriation of \$100,000 was made for the improvement of the Des Moines and Rock river rapids.

The CHAIRMAN. The Chair decides, that as a previous Congress has made an appropriation for this work, the amendment of the gentleman from Iowa is in order.

Mr. SMITH. I desire to understand the effect of the decision. Do I understand it to be the ruling of the Chair that an amendment to this bill, asking an appropriation for the first time, would be out of order?

The CHAIRMAN. Yes, sir.

Mr. SMITH. But if, through inattention, it should be entertained and adopted, it would legitimate any future appropriations.

The CHAIRMAN. Such is the practical effect of the decision of the Chair.

Mr. HENN. I offer this amendment for the reason that I wish to complete the improvement of these rapids immediately. It is well known to all western men that there are upwards of fifty steamers plying up and down these rapids. Not one man out of a hundred in the eastern States is aware of the immense amount of commerce at this point. Last year there were no less than three steamboats wrecked upon these rapids; and estimating that the ships and their cargoes would be worth \$50,000 each, we have here a loss in the aggregate of \$150,000. If we go on and appropriate only \$18,000 a year, it will take ten years to complete the improvement at these rapids, and, in the mean time, we shall have a loss accruing to the community, judging from present experience, of a million and a half of dollars at least.

The people of the western States interested in commerce upon the Mississippi river have been denied for twenty years the same benefit that the people of the eastern States have enjoyed from the improvements made in their rivers and harbors. The losses which have accrued at these rapids, for which an appropriation is now asked, have been more than enough twice over in amount to have completed the improvement so necessary at that point of the river. I hope that when we are making appropriations we will make them to some effect, as the gentleman from Illinois [Mr. WASHEBURNE] very justly remarked a few minutes ago. You just appropriate enough to support a certain class of officers to make surveys, and do nothing more. There is one place in the rapids where I am confident a good practical man would clear away the obstructions in less than twenty-four hours. There are nothing but big boulders in the way; and a single flask of powder would improve the navigation materially. I hope there will be a liberal disposition upon the part of the committee to give us what the wants of that section of the country demand. We ask for nothing more than what is right and just in this matter.

Mr. MILLSON. The objection which I just now urged, applies as well to the amendment offered by the gentleman from Iowa, [Mr. HENN.] as to that offered by the gentleman from Illinois, [Mr. RICHARDSON.] They both stand precisely on the same footing, the estimated cost being the same in both cases. But in rising to oppose the amendment of the gentleman from Iowa, my chief purpose is to reply to the remarks made by the gentleman from Ohio, [Mr. CAMPBELL.] who supposed that I wanted to menace the House with the influence of the Administration. Why, sir, I said nothing like it, and it is strange that any gentleman here, with the memory of the Nebraska controversy still fresh and recent, should fancy that I desire to affect the votes of members by appeals to the supposed views and wishes of the Administration.

Mr. CAMPBELL. I did not mean to intimate that the gentleman from Virginia could himself be driven from any position which he thought correct. But I did not understand how it was that he should throw out that menace, knowing that his position in relation to the Nebraska matter was so very good. [Laughter.]

Mr. MILLSON. I threw out no menace. I stated that gentlemen who voted for this bill, could not shelter themselves under the authority of the Administration. References had been repeatedly made to the estimates of the Department. All that I stated in regard to them was, that these papers were not the estimates of the Department. I would not stand here, and seek to influence the opinions of gentlemen by urging the supposed wishes of the Administration. I wish I did know what the sentiments of the Administration are upon this question. It may, perhaps, be doing the President some injustice to doubt what they must be, but I should be glad to know that this bill would receive his veto if it should pass both Houses of Congress.

Mr. WENTWORTH. Just pass this bill, and you will see whether it will be vetoed. [Laughter.]

Mr. MILLSON. Sir, I have been a member

of three different Congresses: and their names are *Malus, Pejor, Pessimus*. [Laughter.] The Thirty-First Congress was nearly divided between the two political parties; but there was then only a small majority in the House in favor of the river and harbor bill. Now that we have, as is commonly supposed, an overwhelming majority of Democrats here, we have reason to believe that there will be an overwhelming majority in favor of this bill. The public may put its own construction upon this.

Mr. HENN. Inasmuch as the gentleman from Virginia [Mr. MILLSON] is speaking against my amendment, I would ask him whether he considers the improvement of the Mississippi river to be within the constitutional power of the General Government?

Mr. MILLSON. If I were to answer that question, without giving the reasons for my opinion, I would be doing myself injustice, and I would not be giving the gentleman satisfaction. I will say, however, that so far as the powers of Congress are concerned, I see no difference between the great inland sea, as it has been called, and any other river. But I am not discussing the question of constitutional power. Had I no such objection to this bill, I should find abundant cause for opposition in the evils which belong to the system itself, and which doubtless prevented it from being made constitutional. If the system were one proper to be administered by this Government, control over it would probably have been given to Congress by the Constitution. And even if such control had been expressly given, it does not follow that it should continue to be exercised, after its injustice and wastefulness have been shown.

Mr. MILLSON. I wish to offer a *pro forma* amendment, for the purpose of concluding the remarks which I intended to make.

The CHAIRMAN. There is an amendment now pending to an amendment. That of the gentleman from Virginia is therefore not in order.

The question was taken on the amendment to the amendment; and it was not agreed to.

Mr. MILLSON. I now move to amend the amendment of the gentleman from Illinois, by reducing the appropriation to five dollars.

I merely want to get an opportunity of saying now what I have been so far diverted from saying. I have not yet had an opportunity of showing how greatly the cost of many of these improvements will exceed the small amounts appropriated.

Let me take the case of the harbor of Oak Orchard Creek, New York. The appropriation in the bill last year for this work was only \$10,500. The present bill appropriates \$14,500, and the estimated cost of the work is \$77,656.

For Grand Haven harbor, Lake Michigan, only the trifling sum of \$2,000 was appropriated last year. This bill proposes to appropriate \$20,000, and the estimated cost is \$162,126.

For Black Lake harbor, Lake Michigan, the sum of \$8,000 was appropriated last year. This bill proposes to appropriate \$20,500, and the estimated cost is \$97,225.

For New Buffalo harbor, Lake Michigan, the sum of \$8,000 was appropriated last year. This bill gives \$16,000, and the estimated cost is \$104,267.

For Michigan City harbor, \$20,000 were appropriated last year. This bill proposes \$19,000, and the estimated cost is \$77,619. But, according to the plan of the agent having charge of the work, and he is highly complimented in the official reports upon his skill, the cost will be \$321,000.

Rockland harbor, Maine, is to receive by this bill \$15,000, and the estimated cost is \$179,183.

For the Hudson river, there was appropriated last year \$50,000. This bill proposes to give \$50,000 more, and the estimated cost is \$450,986.

For New Castle, Delaware, \$15,000 was last year appropriated, and \$15,000 more is proposed by this bill. The estimated cost is \$56,000.

For Patapsco, Maryland, \$20,000 was appropriated by the last Congress. This bill proposes \$50,000, and the estimated cost is \$390,000.

For the Appomattox river, in Virginia, \$22,500 was appropriated last year, and this bill gives \$50,000. The estimated cost is \$115,000.

For the Breakwater across Croatan sound, North Carolina, \$50,000 was appropriated last year, and

this bill proposes \$50,000 more; and yet General Totten reports that unless the plan is changed it will cost two millions more than the one which he suggests for accomplishing the desired object of reopening the communication between Albemarle sound and the Atlantic ocean.

Mr. SHAW, (interrupting.) I desire to say to the gentleman that, so far as that particular work is concerned, there is a report in the Department which shows that the work can be accomplished for \$500,000.

Mr. MILLSON. I was about to state that fact, and had commenced stating it, when the gentleman interrupted me. But, General Totten declares that the construction of the work on the plan prescribed by Congress would cost \$2,000,000 more than the plan which he recommends, the cost of which he estimates at \$500,000. He says the plan which has been sanctioned by Congress will cost \$2,500,000; and from what I have heard, I think I may say there is scarcely a practical man who believes that the object can be accomplished at all, upon any plan, or at any cost.

Mr. SHAW. I will say to the gentleman that the Department does not propose to construct this work according to the plan which the gentleman says will cost \$2,500,000. It is not proposed to expend the money already appropriated in that particular way.

Mr. MILLSON. I know that. But I am showing how poor a judge Congress is upon these subjects, and that it has twice proposed to effect this object of reopening a communication between Albemarle sound and the ocean, by appropriating on two several occasions \$50,000 for the breakwater across Croatan sound, and that, according to General Totten's report, it will require for its construction \$2,500,000. It is now proposed, however, to abandon that scheme altogether, and to adopt a new plan.

The five western improvements that I have referred to, and for which, in the commencement, only the modest aggregate sum of about \$48,000 was appropriated, are now estimated to cost upwards of \$500,000, while the six Atlantic improvements for which only about \$200,000 have as yet been appropriated, are now estimated to cost, if constructed upon the plans contemplated by Congress, nearly \$4,000,000.

Mr. HAVEN. For the purpose of enabling me to make a few remarks, I move to increase the appropriation in the amendment five dollars.

Mr. Chairman, I will not trouble the committee again to-day while they are engaged upon the items of this bill; I desire to say to the friends of this bill, and also to the enemies of the bill, who are in favor of forwarding the business of the House, that, in my judgment, the only wise course they can pursue is to vote upon the items contained in the bill as reported by the Committee on Commerce, and allow nothing to induce them to give a vote that shall change the items as reported, or in any way alter the bill. I will remark to the committee, that this is rather a hard bill in reference to the section of country from which I come, particularly in reference to the northern lakes and rivers; but, nevertheless, I shall not trouble them with any proposition to amend. I feel the only chance for the bill is to refrain from doing so. It is a pretty liberal bill for the valley of the Mississippi, and I am glad that it is so. But let me say to the friends of the bill again—for it is advice that cannot be too often repeated—that if they desire to carry it through this House, they had, in my opinion, better vote upon it now, as reported by the committee, with the few amendments already voted in, and not encumber it with additional appropriation or provisions.

The bill as it now stands appropriates about \$2,500,000, perhaps a little less. I am ready to vote for it as it is. If it had appropriated a slightly larger sum, I should still be willing to vote for it. Under the existing circumstances, \$3,000,000 would not be too much, if judiciously expended. But, sir, I appeal to the friends and to the enemies of the bill, to those who wish it to pass, and to those who are opposed to it, but are desirous to have it out of the way for the benefit of other pressing business, to allow it to come to a vote at the earliest possible moment. There are but twenty-two days of the present session of Congress left; and with the sultry weather that prevails, we shall find it difficult to get through with the necessary business of the session. While,

therefore, I am a strong friend of these internal improvements, and while I would be willing to vote for a bill somewhat more liberal, yet, inasmuch as this bill has undergone the mature consideration of the Committee on Commerce, which has reported it, I am willing to vote for it as it is, and I hope gentlemen will not undertake to press amendments upon it. Sir, amendments, I am sure, will ruin it; the true friends of judicious and proper internal improvements, I think, may well justify themselves in foregoing all efforts to amend under the circumstances, and vote at once and directly upon what the bill contains.

I shall desire to offer an amendment to the second section when the items are disposed of; but until then I am content to vote without debate, and with entire constancy to keep the bill as it is.

Mr. MILLSON, by unanimous consent, withdrew his amendment.

Mr. WASHBURN, of Illinois. I move to amend the amendment of my colleague [Mr. Richardson] by increasing the appropriation \$5,000.

I desire to say to the committee that I concur most cordially in the remarks which have just fallen from the gentleman from New York. I, too, am a sincere friend of this bill, and I desire to see it disposed of at an early moment; and I do not intend to again trouble the committee; but in the passage of the bill, I also am anxious to see justice done to the Mississippi valley; and I believe that the amendment offered by my colleague is founded in justice and in right; and I am glad that the subject has been brought to the consideration of the committee by him. I want the bill passed, even if I cannot get all I desire, for various reasons. There is one reason why I desire to see this bill pass upon which I will say a word. In the sixteenth line of the first section of this bill I see there is an appropriation of \$15,000 to improve the harbor of the village of Dubuque, Iowa, which has been agreed to by the committee. That item establishes a very important principle for us on the Mississippi, and, if sanctioned by the House and by the President, I hope we shall hear no more about the unconstitutionality of appropriations for rivers and harbors in contradistinction to harbors of refuge. I believe in the constitutionality of all such improvements, whether the harbors be on salt water or on the fresh water of the Mississippi. I want to see the principle which we have incorporated in this bill sanctioned by an approval of the item for Dubuque harbor, so we can avail ourselves of it hereafter, as applied to other river harbors of more importance.

Now let me refer for a moment to the position taken by my colleague from the Chicago district, [Mr. Wentworth.] He tells this committee that the estimates sent us from the Department of \$18,000 are sufficient to carry out the purposes of the Government in reference to these improvements of the Mississippi rapids.

Mr. WENTWORTH. I said no such thing.

Mr. WASHBURN. Well, sir, my colleague at least said this amount was sufficient to satisfy him for the present. He thinks that sum enough to appropriate for the present session of Congress. I am surprised that he, representing a district bordering the Rock river rapids, should make such a statement in reference to this improvement.

Mr. WENTWORTH. Will my colleague allow me to interrupt him?

Mr. WASHBURN. Certainly.

Mr. WENTWORTH. I did not say that \$18,000 was sufficient to complete the improvement of the Rock river rapids. But I think my colleague and myself had better leave our Buncombe at home.

Mr. WASHBURN. There is certainly no necessity for my colleague to leave any Buncombe at home; he has enough there already. But, sir, I will not speak for Buncombe, but I will speak here and elsewhere for justice to my section of the country, even if there be no other person to raise his voice. Living, as it were, on the banks of the Mississippi, and knowing the wants of the people there, I intend that they shall be heard through me. If my colleague wishes to take issue with me as to the justice or the propriety of this increase of appropriation for the improvement indicated, let him say it.

Mr. WENTWORTH. I take the responsibility of standing by the estimates.

Mr. WASHBURN. My colleague speaks

about "estimates." Why, sir, if he will turn to page 227 of the documents accompanying the President's message, third part, he will see an estimate of Colonel Long, which gives \$250,000 for each of these rapids. Those are estimates founded on the report of Colonel Lee, and I contend they should govern here. The gentleman refers constantly to the "estimates," and says we ought to stand by them. If good in one case, they ought to be good in all. How is it in reference to the estimates for improving the harbor of Waukegan, in my district? The local agent of the Government to construct that work, Mr. W. W. Gamble, a very competent man, as I understand, asked an appropriation of \$32,000 to complete the work; and he says in his report "that it would be very desirable, both for economy and utility, to have this amount appropriated by Congress at its next session." Have the "estimates" made by this officer, the officer proper to make them, been adopted by the Committee on Commerce? No, sir, the amount of his estimate has been cut down one half—to \$16,000. Why this neglect to come up to the proper estimate for an important work on the lake upon the shores of which my colleague lives? Why deny a harbor to those brave men who face the perils and dangers of our hazardous lake navigation, those courageous and hardy tars

"Whose march is on the mountain wave,
Whose home is on the deep?"

[Here the hammer fell.]

Mr. LETCHER. I have sought the floor with a view of trying to keep the peace. I am apprehensive that something serious will grow out of the difficulty between the two gentlemen from Illinois. Probably it may lead to bloodshed. [Laughter.] It will certainly lead to a personal explanation. Let me suggest to gentlemen one thing worthy of consideration, and that is, it is pleasant to see brethren dwelling together in unity. [Renewed laughter.]

I regret very much to see these two gentlemen from Illinois wooling each other in the most approved fashion. The gentleman over the way [Mr. Washburn] complains that his part of Illinois has not got ample justice. The other gentleman says that his part has not got justice, but he is for standing by the Government estimates. He says that patriotism requires he should do so. Now, sir, I pity the poor fellow in this body who avows his purpose to stand by the Government estimates. I really, sincerely, and devoutly pity him, and particularly if he has to defend all the Government estimates when he goes home. [Laughter.] I do not know how it would do in Illinois. I do not know how it would do in Waukegan, but I apprehend that if they got all that was recommended by the Government they would be pretty well satisfied. But, I take it, when he got to the county of Scott, State of Virginia, where the chairman resides, he would find some difficulty in demonstrating that Government estimates were exactly such, in all instances, as ought to be sustained. So it will be, I apprehend, with a good many others who now hold seats upon this floor.

What patriotism has to do with an adherence to Government estimates, I do not exactly know. It strikes me that patriotism, as understood now-a-days, consists in getting out of the Government all you can for your own particular district. [Laughter.] That seems to be the definition as settled by the gentleman behind me, [Mr. Wentworth.] He goes for getting all he can; but he tells the committee it is better to take what is in this bill. Do not attempt to amend it. Do not be adding here and there, for if you do you may probably sink the bill. "I want," says the gentleman, "to get the President committed to the policy. I want him to sanction the bill, and to recognize the principle that the harbors on the Mississippi can be improved." I do not know what the President will do; but I am persuaded that his action, as President, will conform to his action as member of this House.

I hope that the President will do the country the service of sending in a veto here to check this system. I imagine that he will do with this bill as he did with the indigent insane bill, and I do not know any more suitable time when a veto could come in. I think it would be of vast service to the country, and to the Democratic party, at this particular moment, to veto this bill, and to veto some of these railroad bills, and especially that

States-right Cape Fear bill which passed here the other day. [Laughter.] He should then get back to something like first principles.

Mr. HAVEN. How about the \$10,000,000?

Mr. LETCHER. So far as the ten million bill is concerned, we have ample consideration for the appropriation. The President has signed that, and he has acted wisely in doing so. I hope that he will continue to give evidences of wisdom, and that he will veto this river and harbor bill, which conflicts with his States-right course as a member of this House, and the Senate.

Mr. CAMPBELL. I move to amend the amendment by increasing the amount five dollars.

I offer it for the purpose of saying a word in reply to my friend from Virginia, [Mr. LETCHER,] who seems to have taken the principles of the Administration and the Democratic party under his especial keeping. I know that my friend is very sincere, and that he advocates his propositions with a great deal of ardor. He denies the constitutional power of Congress to make improvements for rivers and harbors, those great natural arteries of commerce, and one would think from the number of speeches he makes to illustrate his point, and from the manner in which he alludes to gentlemen of the Democratic party who do not believe with him, that he never supported a proposition of this kind. I ask the gentleman, and I would like to have him answer it, whether he was not a member of the committee of conference, a few days ago, which reported to this House in favor of allowing an appropriation of \$40,000 to pay for the survey made by Governor Stevens for a line of railroad to the Pacific? I ask him whether, on the call of the yeas and nays, he did not vote for that report taking \$40,000 out of the Treasury—to do what? To pay the engineers for carrying their levels over the wilderness, and to pay Irishmen for driving stakes into the soil, marking upon them with red chalk the amount to cut away and the amount to fill. Having voted for that proposition, I now put the question to him, if it be constitutional to pay Irishmen for driving stakes, out of the Treasury, why is it not constitutional to vote money to pay them for shoveling the gravel on the road itself, and why is it not constitutional to take the snags out of the great Mississippi river, and improve rivers and harbors?

It will be full time for the gentleman from Virginia to read members out of the Democratic party, and claim to be the exponent of the principles of party, when he can show himself to be consistent upon the record. Until then, for one, I object to hearing his lectures, and I object to his reading any man out of his own party who votes for these appropriations, especially after the vote he has given in favor of an appropriation of \$40,000 for driving stakes upon that Pacific railroad. I hope the honorable gentleman will explain this thing to the satisfaction of the committee, or at least cease this thing of reading gentlemen out of his own party because they support this bill.

Mr. LETCHER obtained the floor; but yielded it to

Mr. CRAIGE. I desire to say but one word. As to the appropriation for the Cape Fear river, to which the gentleman from Virginia has alluded, I consider that it stands upon a totally different footing from the bill under consideration. I voted for the improvement of the Cape Fear river, for the reason that the Government put the obstruction there, and I hold that if the Government puts an obstruction in any place, it is our duty to remove it.

Mr. LETCHER. I have no doubt that the Democratic party of this House, particularly those gentlemen who have been read out of the party, will be under lasting obligations to the gentleman from Ohio [Mr. CAMPBELL] for his volunteer defense of them upon this occasion. It occurred to me if there was one particular act for which a member of this House should be entitled to especial thanks, it would be that he has read out of the party a portion of those who are nominally connected with the Democratic party, and had turned them over to the Whig party, which party at this present moment, seems to be in a distressed condition, not strong enough to make an impression upon the country. When I undertake to lay down my views, and read gentlemen out of the party, he says, it gives him pain and makes him rather uneasy. He regrets to hear

such language coming from me. Why? What is there in all this that particularly disturbs him? Is it not a source of pleasure to him at all times, to receive recruits, come from whatever quarter they may?

But the gentleman wishes to know if I was not on the committee of conference in the early part of the session in regard to the deficiency bill. I was a member of that committee, and if the gentleman will take the trouble to inquire he will find that upon the proposition relating to the surveys made by Governor Stevens for a route to the Pacific I opposed it, and my vote was given in opposition to it. At the same time, the gentleman will also ascertain this fact, that, after having shown my hostility to this appropriation, I then voted for the deficiency bill, in order that debts justly due by the Government to her creditors might be paid.

Mr. CAMPBELL. The whole amount of what I said is, that the gentleman opposed it first as he does now, very warmly, but when he came to a tight place, to wit, on the question, in the House, of the adoption of the report of the committee of conference, he caved in.

Mr. LETCHER. I voted against the appropriation on the committee of conference.

Mr. CAMPBELL. Then I have been doing the gentleman an injustice. But did he vote "no" on the question of its adoption by the House?

Mr. LETCHER. I tell the gentleman that when the question came before the House, I did vote for the adoption of the report, and I gave him my reasons for "caving in," as he calls it.

Mr. PRESTON. I rise to a point of order.

Mr. LETCHER. I have no doubt that the Democratic party will be under special obligations to my friend in front of me, [Mr. CAMPBELL,] and to my friend on my right, [Mr. PRESTON,] who seem to be coming to the rescue, for the interest they have shown on behalf of that party just now. The latter gentleman wants to conciliate gentlemen of that party, I suppose, in his anxiety for the carrying out of the appropriation for the Louisville custom-house. [Laughter.] I do not know how else to account for the interference of the gentleman at this particular time. But it seems that these gentlemen hunt in pairs on this occasion.

The question was taken on Mr. CAMPBELL's amendment to an amendment; and it was not agreed to.

Mr. GREENWOOD. I desire to make a motion for the purpose of getting this bill out of committee.

The CHAIRMAN. What proposition does the gentleman make?

Mr. GREENWOOD. The proposition which I desire to make is a motion to strike out the enacting clause of this bill.

The CHAIRMAN. The Chair informs the gentleman there is still an amendment pending to the bill.

Mr. GREENWOOD. Well, I hope the vote will be taken on it at once.

The question was taken on Mr. RICHARDSON's amendment; and it was not agreed to.

Mr. GREENWOOD. I now make the motion that I have indicated.

The CHAIRMAN. The Chair must inform the gentleman that this motion has been submitted, and decided in the negative.

Mr. GREENWOOD. That was on yesterday.

The CHAIRMAN. The Chair cannot entertain the motion to-day.

Mr. EASTMAN. I offer the following amendment:

For completing the improvement of Grant river slough, on the Mississippi river, at Potosi, Wisconsin, which was commenced under the act of June 15, 1844, \$20,000.

The CHAIRMAN. The Chair would inquire of the gentleman whether there is an existing law directing appropriations for this purpose?

Mr. EASTMAN. By the act of June 15, 1844, a section of land was granted by Congress for the improvement at this point on the Mississippi river. And that has been expended, I presume, therefore, this amendment is in order.

Mr. WENTWORTH. I contend that the amendment is not in order. There was merely a section of land appropriated to this object.

The CHAIRMAN. While the Chair confesses that the point is rather doubtful, still he is of opinion that the amendment is not in order.

[Cries of "Read on!"]

Mr. GREENWOOD. I think the Chair has misunderstood the grounds on which I desire to make the motion to strike out the enacting clause of the bill.

The CHAIRMAN. Well, the Chair will hear the gentleman from Arkansas.

Mr. GREENWOOD. I understand the Chair to have decided just now, on my announcing the character of the motion which I desired to make in reference to this bill, that the motion to strike out the enacting clause could not be renewed?

The CHAIRMAN. The Chair so decided.

Mr. GREENWOOD. For the reason that on yesterday the Chair had decided that motion in order, and it was rejected.

The CHAIRMAN. If the gentleman will allow the Chair, he will state the facts as they occurred. The Chair entertained the motion, and put the question to a vote. The committee voted the proposition down, and therefore the Chair must conform to that judgment of the committee.

Mr. GREENWOOD. Then I was laboring under a mistake. But I desire to understand the facts; for I think I am correct, and that the Chair misunderstood me. The Chair was sustained upon the appeal, and the question was put to the committee, upon the motion to strike out the enacting clause of the bill, and it was lost. If I am correct in this, I have a right again to make the motion to strike out the enacting clause.

The CHAIRMAN. The Chair again repeats that he entertained the proposition yesterday to strike out the enacting clause. The motion was put, and it was voted down by the committee; and now the Chair cannot entertain a question which conflicts with the former decision of the committee.

Mr. WALSH. I wish to inquire of the Chair if I understand him to decide that, inasmuch as the motion to strike out the enacting clause was decided adversely yesterday, it cannot be renewed to-day?

The CHAIRMAN. The Chair so decides.

Mr. HENN. I would inquire of the Chair if the committee may not have changed their opinion, and may not vote differently to-day from what they did yesterday?

The CHAIRMAN. Well, the Chair cannot say as to that. They may or they may not. The Chair decides that it cannot consistently again entertain the same motion.

Mr. GREENWOOD. I take an appeal from the decision of the Chair.

Mr. GOODE. Allow me to say to the gentleman from Arkansas, that it is not in order to go back upon the bill. The enacting words are in the first lines of the bill; and it is not in our power to go back to them now.

The CHAIRMAN. The Chair must call the gentleman to order. The question is not debatable. The question is, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. GREENWOOD. I withdraw the appeal.

Mr. WALSH. If an amendment is now in order, I offer the following:

For the completion of a light-house at Chittenango, Madison county, New York, \$5,327 39.

[Laughter.]

Mr. PRESTON. I rise to a question of order. The light-house bill is not under consideration yet; and further, there has been no previous appropriations for that work. [Laughter.]

Mr. WALSH. It is a work of internal improvement.

The CHAIRMAN. The Chair would inquire of the gentleman from New York if there is any law providing for the construction of this work?

Mr. WALSH. I have not looked into the matter yet; but if there is not, it must have been a gross oversight. [Laughter.] A light-house there is quite as democratic and quite as necessary as two thirds of these log-rolling appropriations. If it is not necessary to protect the many valuable lives navigating the turbid waters of the Erie canal, it will, at least, put money into the pockets of some contractors. [Laughter.]

The CHAIRMAN. The Chair rules the amendment to be out of order, unless the gentleman can show that there is an existing law authorizing the work.

Mr. SKELTON. I offer the following amendment:

For the continuation of the system of protecting human life from shipwreck, as heretofore established by life-boats on the New Jersey coast, \$20,000.

Mr. WENTWORTH, of Illinois. I rise to a question of order. That amendment is clearly not in order.

Mr. SKELTON. I will say that it is in accordance with the recommendation of the Secretary of the Treasury. This is to continue the system for the protection of human life heretofore established by law.

Mr. WENTWORTH. I make the point of order that the appropriations in this bill are to be expended under the direction of the Secretary of War. The estimates the gentleman presents are from the Secretary of the Treasury. I submit, further, that the amendment is not germane to the bill. The title itself shows that it is not.

Mr. SKELTON. If a question of order is raised, I desire to discuss it.

The CHAIRMAN. The Chair decides that the amendment is not in order, for the reason that it is not germane to the bill; and he further decides that the question of order is not debatable.

Mr. SKELTON. Well, sir, I desire to say to the House, that it is not in order to protect the New Jersey coast by any bill.

[Cries of "Order!"]

Mr. JONES, of New York. I move to amend by inserting after the words "extra expenses," in the forty-third line of the first section of the bill, the words "and so forth," so that the paragraph will read:

For the preservation of public property, and contingencies of western river improvements, and for commutation of transportation of baggage, and of quarters and fuel of officers in cases no longer provided for by the quartermaster's department, and for allowances to meet extra expenses, and so forth, under the special direction of the Secretary of War, \$10,000.

Mr. Chairman, I offer my amendment in all good faith. Though I have read the section over and over again, I have not been able to determine in my own mind what it exactly means. There is nothing in it of importance, if we except the provision of \$10,000 for the transportation of the baggage of those selected by the Government for the superintendence of these improvements. I suppose that it is intended for the winter service; and everybody knows that that service, instead of being at these works, is in attending balls, parties, and concerts, in the western cities and towns. I understand that the item of baggage transportation is a very large one in the expenditures of the War Department. This, then, is placed here so that the engineers of the Army may get \$10,000 more than they would otherwise.

I was one of the forlorn hope of which the gentleman from Virginia [Mr. MILLSON] was the leader. I was one of the thirty-nine Democrats who voted with him on his proposition. The question was raised yesterday, that this was a general appropriation bill. The Chair decided that it was. I had, at the time, strong doubts of the fact, but they were entirely removed when I read this section. It is undoubtedly a general bill, for it applies to everything under heaven, so far as I can see. [Laughter.] Any man who can vote for this section can vote for anything.

Mr. WENTWORTH, of Illinois. I am opposed to the amendment, and ask for the vote.

The question was taken; and the amendment was lost.

Mr. LILLY. I move to strike out the entire section.

Mr. Chairman, this item appears to me to be a mere gratuity to the officers who may be employed on the western improvements, and is in addition to their regular pay. It provides for carrying their trunks, &c. I have never seen any estimates for them. I think, from the phraseology of the section, it is to be paid out to the various officers, at the discretion of, and in accordance with the amount of good feeling which may exist between the head of the War Department and the persons employed; I therefore think it should be stricken out.

Mr. STUART, of Michigan. I am opposed to the striking out.

The motion was rejected.

The following clause was then read:

"For current expenses of the steam dredge on Lake Champlain, \$7,500."

Mr. SKELTON. I propose to strike out that

clause. I do so, because I believe, according to the decision of the Chairman and the committee, that this appropriation is not in order, and therefore I think it should be stricken out of the bill. When an appropriation is demanded for the purpose of protecting lives—

Mr. COX. I ask the Chair if it is debatable as a question of order? The gentleman from New Jersey makes a point of order, and then proceeds to debate it.

Mr. SKELTON. I was about to give my reasons why the clause I propose to strike out is not in order. It seems to be in order for gentlemen to make speeches, showing who are and who are not Democrats—

The CHAIRMAN. The Chair decides that the gentleman from New Jersey is in order.

Mr. SKELTON. I was about to show, when I was interrupted, that it was not in order for the committee to make such an appropriation as is contained in this clause; for, in the opinion of the committee, it is not in order to make any appropriation for the safety and protection of human life. I contend that these dredge boats are intended for the protection of those who navigate Lake Champlain, just as the surf boats upon the Jersey coast are intended to protect the lives of those who sail upon that coast, and therefore an amendment making an appropriation for this purpose is not in order. As the committee have ruled my amendment out of order, they will rule this amendment out of order also, and make this bill a bill for the improvement of rivers and harbors, and not for the protection of human lives. I am satisfied, as I have been ruled out upon a former occasion, when I offered an amendment to the civil and diplomatic bill, making an appropriation for life boats upon the Jersey coast, that all amendments of this kind will not only be ruled out of this bill, but out of every other appropriation bill. I wish the decision of the Chair and the committee to be known, not only here, but throughout the country, that this House is determined, through thick and thin, to make no appropriation for the protection of human life, but rather to squander money upon office-holders and office-seekers.

The CHAIRMAN. It was with some reluctance that the Chair ruled the amendment of the gentleman from New Jersey out of order. The Chair, upon reflection, is inclined to the opinion that the amendment might be regarded in order as an independent section, but does not regard it as germane to the amendment then pending.

Mr. HUGHES. I am in favor of this bill, and I do not propose to consume unnecessarily the time of the House in its discussion. I am opposed to the amendment of the gentleman from New Jersey, [Mr. SKELTON,] particularly as its effect falls rather hard on the section of the country which I have the honor to represent. There are \$7,500 appropriated in this bill for the current expenses of the dredge boat on Lake Champlain. Some two years ago \$20,000 was appropriated to build that dredge boat. It is lying there to-day, up in the harbor at Whitehall, useless, because there is no money on hand to work the boat with. This \$7,500 is to put that boat in operation; and it is now a question whether the boat shall be allowed to rot at the dock, or whether, by the act of the committee, this small pittance shall be applied to put it in motion. Knowing, as I do, the good sense of this committee, I shall not take up its time in advocating this appropriation which has been recommended by the Secretary of War; but I ask a vote upon the question.

Mr. SKELTON. I withdraw my motion to strike out.

Mr. SMITH, of New York. I move, Mr. Chairman, to add \$50,000 to the appropriation for the harbor of Oswego.

Oswego does a much larger custom-house business than any other town in the nation, where the Government has not authorized the building of a custom-house. And, yet, the harbor, in which all this business is done, is a miserably contracted and half finished one. The people of Oswego have been compelled to tax themselves, for many years, very heavily, in order to preserve their harbor, and maintain, against the elements, the cheap and frail piers built by Government. And were they, now, to call on Government for repayment, they would be as unjustly dealt with as was Wilmington day before yesterday, when the

section, making like repayment, was struck out of the Cape Fear river bill. For Government to draw revenue from our harbors, and, yet, to refuse to keep them in repair, and to compel the people, who live where the harbors are, to keep them in repair, is what I cannot see to be honest. Thus to benefit the Treasury, or, in other words, the whole nation, at the expense of particular localities and small communities, is, in my eye, nothing short of downright fraud.

But I have been asked, during the discussion of this bill, with what consistency I can advocate the improvement of rivers and harbors, at the hands of the Federal Government, seeing that I have for years advocated, both with my lips and pen, that they be improved by States and smaller communities, and not by the Federal Government? It is true that I would have such work done by other and more suitable agents than the Federal Government. It has never been economically and well done by that Government; and it never will be economically and well done by that Government. It is a work that cannot be properly performed, *at arms-length*. It is a work that can be properly performed by those only, who, to use another familiar phrase, are *on the spot*. The Federal Government, because so great, is too unwieldy for such a work; and, because it is so remote from the work, an adequate sense of responsibility cannot be brought home to it. I object to such work in the hands of the Government, if only because such work tends to centralization, and to undue Federal power. I object to it, if only because it affords immense room for corrupting both Government and people.

Gladly would I vote, this day, to have the Federal Government, provided it would surrender all claims to revenue from our harbors, stand entirely aside from the whole work of improving them. But just so long as that Government will tax us for using our own harbors, just so long I can do no less than insist, that Government shall put, and keep, them in proper condition. I am no more inconsistent here than I am in the case of custom-houses. So long as Government shall adhere to the injustice of supporting itself by customs; and so long as the people shall be foolish enough to let Government do so, so long I shall be in favor of having Government erect safe and suitable buildings for custom-houses, instead of having it lease such as are unsafe and unsuitable. Hence, although if I could have my will, and if my theories of Government could prevail, there would not be a custom-house on the earth; I, nevertheless, feel myself to be guilty of no inconsistency in calling upon Government to erect custom-houses. So, too, in the case of rivers and harbors, whilst Government claims, and with the acquiescence of the people, the exclusive control, and the exclusive revenues, of them; I feel, that Government is, not only to be permitted, but to be required to improve them.

I moved an increase of \$50,000. That sum, together with the \$21,000, which the bill provides for, would be none too much to put the harbor of Oswego in such a state, as its very great and very rapidly growing business demands.

I desire the success of this bill. The security of life and property requires it. Instead of the total sum appropriated by this bill being too large, I would have Government, another year, expend a much larger sum on these and similar objects, providing it shall not do the far juster and better thing of surrendering the work into the hands of the proper agents—the States and smaller communities.

I did not offer my amendment, with the view of its adoption. Indeed, I am persuaded that the success of the bill would be greatly endangered by amending it. It is safer and wiser to follow the estimates, and to walk in the track of the Department. I withdraw my amendment.

Mr. FLAGLER. I offer the following amendment:

After line sixty-five insert:

For improving the harbor at the mouth of the Twelve Mile creek, on Lake Ontario, according to survey of J. W. Judson, civil engineer, in pursuance of law, \$5,000, to be expended under direction of the Secretary of War.

Mr. WENTWORTH, of Illinois. I raise a question of order upon that amendment. There is no law providing for the construction of that work.

The CHAIRMAN. The Chair would inquire

of the gentleman from New York as to the facts in reference to that matter.

Mr. FLAGLER. There is a law authorizing a survey.

The CHAIRMAN. The Chair must rule this amendment out of order. The fact of a survey having been made does not authorize the construction of the work.

Mr. FLAGLER. I also offer the following amendment:

Add at the end of line sixty-nine, the words:

And such portion of said sum as the Secretary of War may judge expedient, shall be expended in deepening the channel at the mouth of the Twelve Mile creek, on Lake Ontario.

Mr. WENTWORTH, of Illinois. I raise the same point of order upon that amendment.

The CHAIRMAN. The Chair rules it out of order upon the same ground.

Mr. WADE. I offer the following amendment:

In line eighty-three strike out "ten," and insert the words "twenty-five,"

—so as to make the clause read,

For continuing the improvement of the harbor of Cleveland, Ohio, on Lake Erie, \$25,000.

Mr. Chairman, I rise for the purpose of asking the committee to increase the appropriation for continuing the improvements at the harbor of Cleveland, reported by this bill. I am aware, sir, that the Secretary of the Treasury has recommended the smaller sum, for the reason, that the appropriation made by the last Congress, for the improvement of this important harbor, has not yet been fully expended. I am aware also, Mr. Chairman, of the solicitude of the friends of this bill, that this House should not go beyond the recommendations of the Department, lest by asking too much we hazard all. I respect this suggestion, and feel great reluctance to depart from it, even when I feel the fullest assurance that the appropriation is wholly inadequate. Still, sir, I feel very confident that neither the Committee on Commerce nor the Department, are aware of the importance of the harbor of Cleveland, in a commercial point of view; nor of the decaying, very ruinous condition of the public works at this point.

Sir, I shall hardly gain credit for my statements when I assure the committee that the coastwise or domestic commerce of this port, from the opening to the close of navigation, during the season of 1853, a period of about seven months, amounted to more than one hundred millions of dollars; and yet, sir, I am here prepared with a full and detailed statement of one of the most upright and accurate individuals in the public service, the deputy collector of that port, (Mr. D. W. Cross,) showing such to be the fact. The number of vessels entering this port during that season, coastwise, was 2,563, the tonnage of which amounted to 1,230,240 tons; the number of seamen 46,134. The clearances of vessels coastwise for the same period were 2,557; tonnage 1,227,360; seamen 46,026. The number of vessels engaged in the foreign trade during the same period was—American vessels entered, 367, tonnage 49,236 tons, seamen 2492; British vessels entered 92, tonnage 10,360, seamen 605—making a total of 459 American and foreign vessels entering this port; tonnage 59,576; and seamen 3,097.

The clearances of vessels in the foreign trade were 360; tonnage, 43,812; seamen, 2,527. Total vessels engaged in the coastwise and foreign trade, entered and cleared, 5,919, being between twenty-eight and twenty-nine daily, during the entire season of navigation, the tonnage of which was 2,550,008. Seamen entering and clearing, coastwise and in the foreign trade, for the same period, 97,784. Value of the domestic and foreign imports and exports, \$86,969,572. To which, in order to show the business of Cleveland, should be added upwards of \$15,000,000 of imports by railroad.

The net revenue collected on property imported into this port from foreign countries, as I have it from the Register of the Treasury, for the four years ending June 30, 1853, was as follows:

1850.....	\$64,324
1851.....	53,895
1852.....	84,112
1853.....	65,014

\$267,348

Such, Mr. Chairman, is the business of the port of Cleveland. A few words as to the condition of the harbor, to improve which this appropriation is sought. This harbor is formed by two piers extended from the east and west margins of the Cuyohogue river, at its confluence with the lake, for several hundred feet in the lake. Without the piers, the mouth of the river would be perpetually obstructed by an impassable bar; and there would be no protection whatever for shipping against the violence of the winds and waves from the open lake, at this point some sixty miles in width, with but the shelter of island or promontory. The western pier was built wholly of wood and sunken cribs, filled with small stones. This pier receives the whole force of the violent northwestern gales which prevail in spring and autumn. This is now nearly demolished, and unless speedily repaired, will in a short time be entirely swept away. The eastern pier is of stone. By the action of floods driving out the sand and wood on which the pier is based, it is now breaking away, and for several hundred feet, by unequal sinking, and by undermining, the stone is badly cracked—in many places broken; and in a very few years will inevitably fall into the channel of the river, and render entrance into the harbor utterly impossible. These facts, sir, I know from personal examination.

Now, Mr. Chairman, I wish to say a word as to the propriety of increasing this appropriation. The last Congress appropriated for the continuance of the improvements on this harbor, \$25,000. Owing to some doubt as to the title of the United States to land on which the eastern pier abutted, orders were issued from the War Department to discontinue the work of repair; and no part of the appropriation was expended during the last season, excepting so much as has been applied to the uses of the superintending officer in charge, for such personal attention as he has given to this subject, and for preparing a plan for the work. The expense of them I do not know, but have reason to believe that they have made a very sensible impression on the amount appropriated.

But, sir, the expense of repairs must have very greatly increased by the dilapidations of the works since the original appropriation was made; and there is not a doubt that the original appropriation, together with the sum proposed by the amendment, will all be needed to make this harbor what the necessities of its commerce demand. Besides, sir, those works, on which the appropriations of the Thirty-Second Congress have been expended, are by this bill to receive a full, not a meager "third allowance;" and, sir, I do not clearly perceive why this harbor should not have its full measure of the justice of the Government, although the expenditure of the money should be delayed for a year.

I know it is said that when the money heretofore appropriated, together with the \$10,000 provided in this bill, shall have been expended, it will be time enough to ask for more at the hand of Congress. This may be, sir; but "one bird in the hand is worth two in the bush," says the proverb; and on the wisdom of this homely maxim I prefer to press this matter, than to repose on the contingencies of a future appropriation, depending, as it would, on a body, to speak tenderly of it, which, it must be conceded, is rather uncertain.

But, Mr. Chairman, it is said that the Government works on this Cleveland harbor have cost many hundred per cent. over the original estimate. Why, yes, sir, they have; and certain gentlemen of congenial economy are opposed to these appropriations, and this appropriation in particular, not because the sums expended have not been needed—not because the sum now asked for is not demanded by the pressing exigencies of the case, but because the projector of this work in 1835 estimated the whole cost of the improvement at only \$10,000. Why, sir, to refuse your son, on his arriving at the age of majority, his "freedom suit," costing, perhaps, fifty dollars, because his pantaloons, when a child, were constructed on an estimate of ten shillings, would be no more absurd. True, sir, from 1835 to 1842 there were expended on this harbor of Cleveland \$123,000; and since that time there will have been expended, when the appropriation of the last Congress is exhausted, \$75,000 more, making in all \$198,000. But, sir, as I have already shown to the committee, there were collected from duties on imports

into this harbor, for the three years last past, \$206,653 59, being more than all the appropriations made for the construction of this important work. Nay, sir, only disgorge from your Treasury the revenue collected from this port alone for a single year, and it will make triple what I ask at the hands of this committee.

[Here the hammer fell.]

Mr. STANTON, of Kentucky. I am opposed to the amendment of the gentleman from Ohio; as I am to nearly every appropriation in this bill. I shall vote against this bill when it comes up on its final passage, because I think that nine tenths of the money appropriated by it might just as well be thrown into the bottom of the ocean, if it is to be expended in the manner in which such appropriations have been expended heretofore. I have before me a report made by the Committee on Commerce in 1852. I have also two other reports; one made in 1836, and the other in 1842, showing an extravagant waste of the public money, under the system of management heretofore pursued by this Government.

I have not time to say what I would like to say on that subject. But in this report there are enumerated some twenty-three harbors, for which the original estimate of cost made by the engineers of the Government was only some \$735,000. From the making out of the estimate to the writing of the report in 1842, there had been expended on these twenty-three harbors the enormous sum of \$2,382,000—more than three times as much as the original estimate; and yet the officer of the Government who reported the estimates for that year to Congress, also reported that it would require to complete these works one million nine hundred and odd thousand dollars; which would make in all an expenditure of more than \$4,315,000 on twenty-three harbor improvements, for which the original estimate was only \$735,000. I find in this present bill eleven of these harbor improvements, for which the sum of \$220,500 is asked, in addition to what has already been appropriated. The original estimate for these eleven harbor improvements was only \$379,000. The amount expended on them is \$1,202,000, and the works are not yet completed.

In the name of common sense, when are we to stop at this rate? It all results from having improvident and extravagant men in the management. In this report the committee speak of errors of calculation, gross negligence, and mismanagement of those having these works of improvement in charge. The evil results from the fact that the Government employs military men to manage these river and harbor improvements, when it ought to employ practical civil engineers to do the work.

I am opposed to the amendment of the gentleman from Ohio. I will state that the original estimate of the cost for each of the harbors was \$25,000; the sum asked for in the bill was \$10,000. We have already spent \$123,000, and now it is proposed to add \$25,000 more. I hope it will not be granted.

The question was taken; and the amendment was lost.

Mr. LINDSLEY. I move the following amendment:

For continuing the improvement of the harbor of Vermillion, Ohio, on Lake Erie, \$10,000.

Mr. LINDSLEY. My object in rising at this time is to make a few remarks relative to the improvements of the harbors of Vermillion, Huron, and Sandusky. I had hoped this House would not enter into any arrangement for the adjournment of Congress until there was a prospect of disposing of the bills now before the House, and others at this time in the hands of the various committees ready to be reported, and which should be acted upon before the close of this session. I have voted against all adjournments and recesses. But as the time for adjourning is now fixed by the two Houses, we should dispatch business as rapidly as we can with safety and propriety.

The harbors I have referred to are situated within the district I have the honor to represent upon this floor; and I shall confine my remarks principally to improvements necessary to be made at those points. I deem it unnecessary to enter into an elaborate discussion of this subject, satisfied as I am that a brief statement of facts relative to those places will be sufficient to arrest the atten-

tion of this honorable body, and, it is hoped, to secure from you such an appropriation for those ports as their commercial importance and their necessities absolutely require. I shall, therefore, occupy your attention but for a few moments.

It is, sir, an admitted fact, by those best acquainted with the ports of Lake Erie, that the bay of Sandusky is vastly superior, as a harbor, to any other port upon that lake. It has an average depth of twelve feet of water. In width it is from four to five miles. In length it is some twenty miles, and is capable of accommodating the entire fleets of our western lakes. Land locked, and the surrounding country covered with a dense growth of giant forest trees, vessels may at all times there ride at anchor, safe from the desolations of the tempest, and the rage of the sea and the surf without. There is, however, one defect connected with that bay which ought speedily and effectually to be remedied. That defect I shall endeavor very briefly to show the committee can, and ought at once, to be repaired.

It would be highly gratifying to me if every member of this committee, unacquainted with the Sandusky harbor, would glance his eye over the map I now have before me, and which has been carefully prepared and furnished me by Colonel J. J. Abert, Chief of the Topographical Department. It gives a very accurate idea of the appearance and character of the bay, and that part requiring repairs. Formerly, and until within a few years past, an unbroken peninsula of near two miles in length extended from the main land, on the north side of the bay, opposite to Cedar Point—an angle of the main land, situated about one half mile south of the cape of the peninsula. Through this narrow passage our vessels enter the bay, it being the main channel; and it would be one of the best on the lake, but for the difficulty to which I have already alluded. Well do I recollect when that entire peninsula was covered with rich meadows, and a large and thrifty forest. The meadows afforded the most ample grazing for hundreds of head of cattle, and the forest not only sheltered them from the scorching heat of the sun, or the peltings of the storm, but also protected the shipping in the harbor from the fury of the tempest. The peninsula, however, has been, for several years past, by the frequency and violence of the northeast winds, gradually washing away, until finally a clean breach through it has been made; and, since that occurrence, in every storm vast quantities of sand are deposited in the bay, shifting the channel, and seriously obstructing the entrance to the harbor. Thus, by every northeaster, our channel is liable to be diverted, and so filled up at different points with immense deposits of sand, as to render its navigation not only uncertain, but difficult.

The primary cause of these deposits of sand is the vast amount of water forced, during the prevalence of storms, from the lake into the bay, through the breach near the junction of the peninsula with the main land. At such times the water rushes through the breach with such prodigious velocity as to carry before it large quantities of sand, which is swept along towards the entrance of the bay, and deposited in and about the channel, so that a vessel attempting to sail out by the same channel by which it entered the harbor, might possibly ground upon a bar formed during the prevalence of a single storm. Such, sir, has been, and still is, the origin of the most incalculable damage to our harbor. This great and growing evil has been partially arrested by an appropriation made for that purpose by the last Congress. A breach of two thousand six hundred and fifty-seven feet was closed last summer, which has added much to the safety of the bay, which, remarks the editor of the Commercial Register, published at Sandusky City, "has been found, upon inspection, since the disappearance of the ice, to have stood the test of winter to the utmost satisfaction. Not a single crib has been disturbed by ice or high water; on the contrary, the work has acquired additional protection by the accumulation of sand on both sides of the cribbing, the deposit amounting, it is said, to nearly two hundred acres of new land. As the mode of constructing the improvement was regarded by some in the light of an experiment, the result is highly gratifying, as well to the agent of the Government as to those more directly interested in its success.

There is still another, and the principal cut, of some three thousand feet next to the main land yet to be filled up, which, when effected, will render the entire peninsula complete, and protect the harbor from those vast deposits of sand which have been for several years past so fearfully accumulating. To accomplish this most important and desirable object, an expenditure of not more than \$28,500 would be required. "It is very certain," observes the same writer above quoted, "that the magnitude of the commercial interest depending upon a suitable protection of our harbor, demands a further expenditure now, while it may be profitably and advantageously made, and while a comparatively small sum will suffice."

It may be asked if we have sufficient water in our channel to admit the passage of the largest class of vessels? My response to this interrogatory is: We have; though the bed of the channel may be occasionally changed, and a bar formed, which often requires dredging, which is done at the expense of the city.

I would further remark, there is not so safe a harbor on Lake Erie to enter in tempestuous weather as that of Sandusky. There are no piers or wharves to encounter in entering the bay. Once in the bay, all is safe; for there is ample room and ample depth of water for the combined shipping of the lakes; and the moment a vessel is within the harbor her anchor may be cast, and the mariner may, in the proud consciousness of security, bid defiance to the fury of the storm that may rage and howl without.

Again: Does the commerce of Sandusky warrant the appropriation of \$28,500, recommended by the Committee on Commerce for the object above specified? Unquestionably it does. I have now before me the report of the collector of that port, which shows our imports for the fiscal year ending November last to be \$30,048,744; and our exports \$11,435,457, amounting in all to \$41,484,201; which is an increase, over the year 1852, of \$6,798,304.

Sir, I will venture the assertion, that, with the facilities it now has, the rapid increase of its business, the bright and flattering prospects before it, Sandusky City will, before the expiration of four or five years, more than double its commerce. Sandusky now has over a mile of dock of superior structure; and by reason of the formation and extent of its harbor, a similar work could be extended, whenever it became necessary, for at least four miles further. The docks are built of rock, and that, too, in the most substantial manner.

The location of the city is, in many respects, unique. Situated upon one of the most beautiful inland bays upon the continent, surrounded by a fertile and a highly cultivated country, and unsurpassed in the salubrity of its climate, it can but attract the attention and elicit the admiration of every traveler. Within the city limits there is an abundance of building material, such as stone and brick. Rock, for the erection of an edifice, may be taken from the very spot on which it is to be built, and lime and sand are to be had at its very threshold. Plaster of Paris is manufactured within the city, and an inexhaustible amount of the raw material, from which it is manufactured, exists upon the opposite side of the bay. Thus it will be perceived that within the limits of the city exist most of the requisite materials for the erection of houses, the construction of wharves, &c.

Railroads.—There are now five railroads diverging from Sandusky City, passing through not only the mineral, but also through the most fertile and beautiful agricultural portions of the State; and soon another air-line road will be completed to the Ohio river, connecting Sandusky with Louisville, Kentucky, over which, being the shortest and most direct line from the Ohio to Lake Erie, a very large portion of the products of the West, designed for the eastern market, and also the goods purchased at the East for western consumption, must, we think, necessarily pass.

Thus, with all the above enumerated advantages and facilities for growth and greatness, I see no adequate reason why Sandusky City may not, with the repairs of the peninsula, and the harbor improvements to which I have already called your attention, become one of the most important and prosperous commercial emporiums upon the great lakes. It is therefore to be devoutly hoped that no member of this House will vote against such

an appropriation for the improvement of our harbor, as its present necessities, and its future security from the evils to which it is now exposed, absolutely require.

There are other ports on the Sandusky bay which justice requires I should mention. Venice is one of them. This is a small but thrifty village situated on the south side of the bay. It has two large flouring mills, which are kept in constant operation, and grind hundreds of barrels of flour daily.

Portage is another. This is a small place on the opposite side of the bay from Venice. At this place there are two large mills for manufacturing plaster of Paris, one of which is capable of grinding eight hundred barrels per day. A steamer plies daily between this place and Sandusky City.

Fremont is another. It is situated on the Sandusky river, about thirty miles west of Sandusky City, and is a place of considerable commerce. Besides being constantly visited by the shipping of the lake, there is a steamer that daily plies between Fremont and Sandusky City. Fremont is the county seat of Sandusky, and is a large and flourishing village. It now has one railroad, which does an extensive business. Several others are being built, whilst others, again, are being projected. These circumstances have greatly enhanced the value of property there, and given a most cheering impetus to commerce and to business of every description.

Mr. Chairman, before I close these few remarks relative to the beautiful bay of Sandusky, there is a matter, and one, too, of no small importance, to which I wish simply, and very briefly, to call the attention of the committee.

Much has been said upon this floor, during the present session, in regard to *marine hospitals*. The importance, the humanity, the absolute necessity of the existence of such institutions, not only upon the coasts of the Atlantic and Pacific, but also along the shores of our great inland seas, upon whose waters dwell thousands of weather-beaten mariners, who are ever and anon exposed to the most appalling dangers and hardships, to disease and sickness, and who need equally with those whose home is upon the "ocean wave," the protection and fostering care of the Government, none, I presume, will doubt.

The object had in view in the establishment of marine hospitals, is to furnish healthy and comfortable retreats for invalid seamen, where they can have that medical attention and care which is necessary for their restoration to health.

The selection of sites upon which to erect such institutions is a matter of great importance. Nearly in the center of the bay of Sandusky is a most beautiful and fertile island, called "Bull's Island," containing about two hundred acres of land, healthy and easy of access, and which would make one of the most interesting and attractive sites for a *marine hospital* that can be found upon our western waters. The island ought to be the property of the Government, and devoted, whenever it may be necessary, to the object to which I have adverted.

I would invite the attention of the committee to this subject, and ask them to consider the propriety and expediency of purchasing the whole or a part of that island, at an early day, for the establishment there, when it should be necessary, of a marine hospital.

I now solicit the attention of the committee, for a few moments, to some of the improvements necessary to be made at Huron. The village of Huron is situated at the mouth of Huron river. A ship canal has been constructed from this point to Milan—a distance of eight miles—through which the shipping to and from this latter place is conducted. Milan is a beautiful village, handsomely situated, and prosperous. Its citizens are intelligent, hospitable, and persevering. An extensive business is there transacted in the purchase of wheat, corn, wool, staves, &c., &c., which are thence shipped by the canal to other ports upon the lakes. Besides, a large number of vessels are there annually built, inferior to none of the same class upon our western waters.

Milan has not yet enjoyed the advantages of railroads, but will ere long. It has commenced the work.

Huron harbor is very similar to that of Cleveland. The depth of the river is some eighteen feet, and the harbor is easy of access. To make

it, however, what it should be, and what its importance rightly demands, it is necessary that an appropriation should be made by Congress for the repair and completion of the west pier. A large portion of this pier is now in ruins, and the beacon, situated out on its extremity, was, a few weeks since, swept away by the violence of the winds and waves. This, however, will soon be remedied. Captain Jenkins, of the Light-House Board, has ordered another beacon to be erected, as soon as practicable, and the work has been commenced.

But I desire to call the attention of the committee more particularly to the importance of having the pier, to which I have alluded, repaired as speedily as possible, from the fact that a part of this structure has been completely swept away, so that it is utterly impossible for the light-house keeper to get to the light-house during a violent storm—at which time, above all others, the mariner needs, at night, a light to guide him safely into port, where he may be secure from the perils of the tempest without.

Sir, the members of this committee have but a very imperfect idea of the dangers to which the light-house keeper is there exposed, nor can they form any adequate conception of them, unless they were to stand in full view of the light-house during the prevalence of one of those terrible storms—so common upon the lakes—and view that faithful officer, in his frail boat, struggling amidst the most frightful dangers of a raging tempest, and the heaving, howling, headlong rush of the surf and the sea, to reach the light-house, and to light it up, that the mariner on the coast may know where he is, and whither to guide his vessel.

Some two years since Mr. Webber, who then and there officiated, in attempting to reach the light-house in his boat, to light it up, was overpowered by the storm; his boat was dashed upon the shore, himself thrown out and crippled for life; and but for the timely arrival of aid he must have met a watery grave. He was taken from the water almost lifeless, was resuscitated, and still lives to testify to the folly and inhumanity of the Congress of the United States in withholding an appropriation for the repair of a work of such vast and vital importance to the safety of the shipping upon the lake, and to the lives of passengers and seamen.

But, sir, this is not the only reason why an appropriation should be made for the improvement of that harbor. In consequence of the various and extensive breaches that have been made through the west pier, the river is fast filling up with sand; bars are being formed at different points; navigation is becoming obstructed; and unless the evil is arrested—and speedily arrested, too—that beautiful river, now so excellent and ample for shipping, must soon be so much impaired as to render it impracticable for steamers and other vessels to reach their landing. Huron, sir, is not an insignificant place, unworthy of the attention of this honorable body. It now has two railroads, upon which are daily brought to the place scores of strangers, and the rich products of the country. The exports of Huron last year amounted to \$1,246,197, and its imports to \$500,000, amounting in all to \$1,746,197; and with its present facilities, will soon more than double its commerce. I therefore, sir, unhesitatingly assert, that justice to the citizens of Huron and Milan, as well as to the shipping upon the lake, demands the immediate appropriation of the \$13,500 recommended by the Secretary of the Treasury, and reported by the Committee on Commerce. This appropriation would complete those portions of the piers most exposed, and thus render that port a safe and excellent harbor.

Mr. Chairman, I wish now to invite the attention of the committee, for a few moments, to the harbor of Vermillion. The Committee on Commerce has recommended no appropriation for that port, for the reason that, at the time of the preparation of that report, there appeared to be, in their estimation, no necessary occasion for an appropriation. Since that period, however, circumstances, over which no human agency had or could have the slightest control, have occurred to induce me now to appeal to this committee for an appropriation for the harbor of Vermillion.

* The unprecedented storms on Lake Erie last spring completely annihilated a part of the east pier at that port, carrying it away several feet

beneath the water level; in consequence of which the sand is rapidly filling up the channel. This great source of mischief to that harbor should be at once remedied. For this an appropriation of at least \$10,000 will be required.

I am aware, Mr. Chairman, that it is rather dangerous to attempt to tack amendments upon a bill; but the necessity of this is so imperative, that I feel it to be incumbent upon me, as the Representative here, upon this floor, of the citizens of Vermillion, to present this matter to the committee, and to appeal to you for that aid which the present and future protection and safety of that harbor absolutely requires.

Last spring, during the prevalence of a storm, and after the pier had been swept away, the schooner D. W. Church was wrecked, the vessel and cargo were a total loss, amounting to over \$15,000; and, but for the timely aid of the citizens, the entire crew would have been lost with the vessel. But the citizens of Vermillion, seeing the awful danger to which they were exposed, flew to their rescue, and, by almost superhuman efforts, saved the crew from a watery grave.

The difficulty, sir, in entering this harbor is, that, during the prevalence of a gale from the east, it causes a powerful current to set through a large breach in the east pier, near the land, and the water coming in contact with the west pier, causes a strong current to set out of the channel. The vessel coming in contact with this current is (for such was the case with the schooner D. W. Church) thrown upon the west pier. Once dashed upon the pier, she becomes unmanageable, and her destruction is inevitable; for the feeble hand of man is powerless at such times.

Sir, the danger and damages resulting from the loss of the pier extend not alone to the shipping, and to the lives and limbs of seamen and travelers, but also to the harbor itself. The channel, in consequence of the loss of the pier, is, as in the case of others of which I have spoken, fast filling up with sand, and must ere long, unless speedily arrested, completely exclude all vessels from entering the port. Vermillion is a place of considerable trade and commerce; is worthy of the attention of Congress, and justly merits the fostering care of the Government. There is a beacon which, without the pier, is rendered almost useless to the mariner in attempting to enter the harbor in the darkness of the night. I hope, therefore, Mr. Chairman, no objection will be urged against the small appropriation I solicit for the improvement of the harbor of Vermillion, to save it from destruction, and to protect our shipping and the lives of our citizens and mariners from the dangers to which they are now continually exposed.

Mr. Chairman, I am done. I thank the committee for their patient attention to the few remarks I have submitted for their consideration. My object has been simply to state facts in regard to the present condition and wants of the harbors within my district, and the absolute necessity of an immediate appropriation for their improvement.

I hope, sir, that this subject will meet with the cordial approval of every member of this House, and that the appropriations, so necessary and just, will be cheerfully and promptly made.

Mr. WENTWORTH, of Illinois. I oppose the amendment.

Mr. BLISS. I move to amend the amendment by adding five dollars. While speaking upon this question, I design to reply to some remarks that have been made upon the constitutionality of making appropriations of this character for the improvement of our inland navigation. I believe that I am as good a Democrat as—

Mr. WENTWORTH. I ask the Chair if the gentleman from Ohio is in order, and if his remarks must not be confined to the amendment he has offered?

Mr. BLISS. I think the gentleman, after having wandered *ad libitum* himself, might wait until he sees whether I am in order or not. I believe, and so do my constituents, that it is not within the power of Congress to make these appropriations. I believe in the good old Democratic doctrine, that Congress has the power to make what are strictly internal improvements. In our section of the country we are so old fogyish yet as to adhere to the uniform doctrine of General Jackson, and which was carried out in the administration of Martin

Van Buren, while he was admitted to be a Democrat.

Mr. WENTWORTH. What is the amendment pending? We have but a few minutes before the time for adjournment, and I must ask the Chair if the remarks of the gentleman from Ohio are in order?

The CHAIRMAN. The remarks of the gentleman from Ohio must be confined to the amendment he has offered.

Mr. BLISS. I am claiming that it is within the province of the House to pass this bill, and to attach the amendment I have offered to this bill. I am replying to the arguments of other gentlemen on the converse of the proposition. Am I right?

The CHAIRMAN. The gentleman is right if he confines his remarks to the amendment he has offered.

Mr. BLISS. I think that not only the amendment is constitutional, but that the five dollars are also constitutional, and that both are necessary, and I am trying to demonstrate my position. I do not know of any particular locality in this Union where the interpretation of Democracy is to be sought. I am fully aware of the value of high precedents. I, however, look first to the text, and for the elucidation of it I secondly look to precedent. I find no objection in the text of the Constitution, and I find that the best exponents of that instrument, who have ever lived in this country, give my view of the text, and, therefore, I do not allow any gentleman to transfer me over to any other party, because I believe that it is within the power of this Government to protect its commerce, and to protect the lives of the men by whom it is carried on.

Mr. WENTWORTH, of Illinois. I am opposed to the amendment.

The question was taken on Mr. Bliss's amendment to the amendment; and it was not agreed to.

The question recurred on Mr. LINDSLEY's amendment; and being taken, it was not agreed to.

Mr. GREEN. I offer the following amendment, to come in after the eighty-ninth line:

For the improvement of the harbor at Port Clinton, Ohio, on Lake Erie, \$20,000.

The amendment was not agreed to.

Mr. CLARK. I offer the following amendments:

For the improvement of the harbor at the mouth of the Kalamazoo river, Michigan, \$15,000.

For the improvement of the harbor at South Black river, Michigan, \$10,000.

For the improvement of the harbor at Muskegon, Michigan, \$10,000.

The CHAIRMAN. The Chair would inquire of the gentleman from Michigan whether these improvements have been provided for by law?

Mr. CLARK. The estimate for them has been authorized by law.

The CHAIRMAN. But is there any law authorizing the making of these improvements?

Mr. CLARK. No improvements have yet been made.

The CHAIRMAN. The Chair decides the amendments out of order.

The following clause being under consideration:

For continuing the improvement of the Hudson river, above and below Albany, but not above Troy, New York, \$50,000.

Mr. SAGE moved to amend the same by striking out "\$50,000" and inserting after the words "Hudson river" the following:

Including six steam dredging machines, with lighters, and a steam tug for towing the same, with the dredged matter beyond the influence of the currents; wheelbarrows for the same purpose; shovels, other tools, and contingencies of outfit, as per estimate and recommendation of Major Delafield to General Totten, Chief Engineer, under date of May 25, 1853, \$146,142."

Mr. S. said: Mr. Chairman, in offering this amendment, I but perform a duty to my constituents, as well as to two thirds of the whole country, for if there is such a thing as a national work in this country—and I believe there are many—then the Hudson river must be classed as such. Sir, as early as the year 1797 the Legislature of State of New York began to appropriate moneys for improving the condition of the bed and channel of this river, and has continued to give to it, with the aid and assistance of the cities of Albany and Troy, its fostering care, down to the year 1834, when Congress began to make appropri-

tions for the improvement of the navigation of this river, and continued to do so until the year 1833, since which time the cities of Albany and Troy have continued to appropriate money for the improvement of this national work, with the exception of an appropriation of \$10,000 by the Legislature of the State of New York, and \$4,000 by citizens of New York, in the year 1852. In 1852 Congress appropriated \$50,000 to continue the improvements on the Hudson river, which is now being expended.

The sum which I now ask for with my amendment is to provide the necessary dredging machines, with their appurtenances, to complete this improvement, in the most economical and permanent manner. The whole estimated cost for this improvement, as will be seen by reference to Major Delafeld's report and estimates, in Part II, President's Message and Accompanying Documents, pages 332, 333, and 334, is \$450,986, which is distributed into six years, as follows: \$146,142 first year, as provided for in my amendment, and \$60,952 for the second and each succeeding year.

Mr. Chairman, let me call the attention of the committee to a few facts more, and I am done.

The value of the exports of the products of the United States in 1853, exclusive of gold, was \$189,869,162.

The value of all property that came to the Hudson river from the Erie and Champlain canals in 1853 was.....\$73,688,044

The value of all property that came to the Hudson river by railroad in the year 1853, is estimated at one eighth of the amount by canals, say..... 9,211,005

Making a total of.....\$82,899,049

This large amount is the products of the southwestern and northwestern States, as well as northwestern New England, Canada, and the State of New York.

Mr. Chairman, it is now known, I presume, by every member of this committee, that the State of New York has built, and is now completing, the most extensive and costly system of canals, for the purpose of uniting the waters of the great inland seas of America with the waters of the Hudson river and the Atlantic ocean, that the history of any State in this or any other country can point to. Sir, the cost of the Erie canal alone, when completed, will amount to the sum of \$45,000,000. And let me say at this point, that this canal is now, and will continue to be, of as much, and, I think, more importance to the growing and prosperous West, than to the State that has built it; and let me ask the Representatives from that section of our country if they are willing to allow the delay and expense incident to the interruptions of the navigation of the Hudson river to their property getting to market, when so small a sum as asked for will prevent it? I trust not. Let me add, the time will come, in my opinion, when the great southwestern and northwestern States will demand the removal of all restriction to the free ingress in the transportation of their products to the sea-board. So the quicker we commence this system of improvements, the sooner we shall anticipate what time and history will demonstrate.

Mr. Chairman, I am admonished of the near expiration of my time, which I regret, and therefore must hasten to a close. I was told yesterday, by a leading member of this House, that we must pass this bill as it is, or it would be vetoed. Has it come to this, that we have got to surrender our judgments, our consciences to the whims and will of the Executive? I trust not. For one, I shall never do it.

After the secret treaty with Mexico, and the appropriation of \$10,000,000 for a barren strip of her land, and other appropriations that have been made at this session, I think it comes with an exceeding bad grace to talk about vetoes on bills making economical appropriations for continuing and completing the great highways of internal commerce, by the means of which will be developed the vast and unlimited resources of the greatest, best, and most prosperous country the sun ever shone on. I trust the amendment may be adopted.

The amendment was not agreed to.

Mr. EVERHART. I offer the following amendment:

For continuing the repairs of the piers of Marcus Hook, Delaware county, Pennsylvania, \$5,000.

The amendment was not agreed to.

The following clause being under consideration:

For continuing the improvement of the navigation of Cape Fear river, at and below Wilmington, North Carolina, \$50,000.

Mr. WENTWORTH said: The matter of the improvement of the Cape Fear river was disposed of the day before yesterday. I therefore move to strike this clause out of the bill.

The motion was agreed to.

Mr. HARRIS, of Mississippi, moved to amend the bill by increasing the appropriation to the Pascagoula river \$5,900, so as to make the whole appropriation \$15,000.

Mr. HARRIS. If the principle of this bill is to be established—if it is to be engrafted upon the policy and practice of the General Government, and thus perpetuated—I feel at liberty to ask, in behalf of my constituents, that the appropriation be increased to an amount sufficient to effect the object sought to be accomplished by the expenditure. I do not feel disposed to countenance the practice now prevalent, of beginning with a sum too small to excite apprehensions, but sufficient to establish a precedent, and to lay the foundation, to furnish a pretext, for future appropriations. I prefer to ask what is necessary at the outset. There is nothing in the report of the officer who made the survey and examination of the bar at the mouth of the Pascagoula river to which I object. I take it for granted that it is fair and correct; but the report proceeds upon the idea that a depth of six feet in the channel, which is to be made through the bar, is all that is needed. From information derived from intelligent persons familiar with the locality, with its wants and necessities, I feel authorized to say that a depth of nine feet is necessary to render the work of much practical utility.

The Pascagoula river affords to a large number of my constituents, engaged in the lumber trade, the only means of transporting their lumber to market. What little commerce they have—a commerce rendered comparatively insignificant by the want of that aid which is very liberally afforded elsewhere in the improvement of navigation—is dependent entirely upon this river. The resources of the region through which it flows are very great in this one important article of commerce. The only hindrance to their complete development, is the obstruction to navigation presented by this bar, which lies across the mouth of the river. The great value of the timber rendered accessible by this river has attracted attention of late, and has led to the application to this Government for aid to remove a barrier to its navigation. The sum of \$15,000 is believed to be necessary to make a channel through the bar of sufficient depth and width to admit the entrance of vessels of sufficient size for the purposes of the commerce of that river; and I ask that the appropriation be increased to that sum. I will not disguise my own opinion as to the bill under consideration, on account of the interest I may feel in this particular item. I say frankly to the committee that I am inflexibly opposed to this system of improvements by the General Government. I intend to war against it—to urge a relentless, and, if in the compass of my exertions, an exterminating war against it.

A MEMBER. Strike out the appropriation.

Mr. HARRIS. Very well; strike it out. I trust it was not supposed that my vote was dependent upon this small appropriation. If there be no merit in the appropriation, strike it out. Such considerations will not influence me, or my State, in this matter. The ground I assume here is, that if Congress is determined to embark in this scheme—if you are going to divide out the money in the Treasury—Mississippi, having contributed to the common fund, is entitled to her share. If the public money is to take this direction, give to Mississippi some part, at least, of what she has paid into the Treasury. With a sea-board of more than seventy miles on the Gulf of Mexico, into which two of her principal rivers flow, the navigation of both of which is obstructed, Mississippi gets, in a bill appropriating millions, the small sum of \$5,500. I hope the amendment will be adopted.

Mr. WENTWORTH. Some say strike this item from the bill. I hope that will not be done,

for it is one of the most deserving in the bill. I have the estimates, and upon them the amendment has been drawn up.

The question was taken on Mr. HARRIS's amendment; and it was rejected.

Mr. SKELTON. I move to amend by inserting the following:

For continuing the improvement of the navigation of Shrewsbury river, in New Jersey, \$10,000.

Mr. WENTWORTH. I make the point that the amendment is not in order. Is there any law authorizing the appropriation?

Mr. SKELTON. Appropriations for the same purpose have heretofore been made, surveys have been made, and additional appropriations have been recommended by the engineer. This amendment is to complete what has already begun.

The CHAIRMAN. The Chair understands the gentleman to say that appropriations for the same improvement have been made heretofore?

Mr. SKELTON. Yes, sir.

The CHAIRMAN. The Chair entertains the amendment on the gentleman's statement.

The question was taken; and the amendment was rejected.

Mr. FENTON. I move to amend, *pro forma*, by increasing the appropriation of the bill now under consideration one dollar. I had intended to offer some remarks in support of this bill, and upon the subject of river and harbor improvements generally, omitting not to give my views upon the question of "tonnage duties." I had foregone this pleasure, and perhaps duty, owing to the near approach of the close of this session, and the general desire to cut off all debate under the hour rule, limiting all remarks to five minutes. My anxiety to discuss this question is now increased by the remarks made this morning by a member of the Committee on Commerce, [Mr. MILLSON,] and I now ask the privilege of publishing in the Globe what I shall fail to say in the five minutes allowed to me under the rule.

Having accomplished my purpose, I now withdraw my amendment.

The following clause was then read:

"For a resurvey of the harbors at Marblehead, Nantucket, and Sandy Bay, in the State of Massachusetts, \$1,500."

Mr. FLAGLER. I move to amend that clause by inserting after the word "Massachusetts" the following words:

—and the harbor at the mouth of the Eighteen Mile creek on Lake Ontario.

There has been a survey made at this point of precisely the same character as others, for which appropriations are made in the bill. There are reasons why a resurvey should be made, and therefore I offer this amendment.

The amendment was rejected.

Mr. BROOKS. I offer the following amendment:

For continuing the habit of improving rivers and harbors, all the balance of the money in the Treasury of the United States.

[Laughter.]

The CHAIRMAN. The Chair rules the amendment out of order.

Mr. HAVEN. Inasmuch as we have got through the items of the bill, I desire to offer an amendment to the second section, which I deem of very great consequence. I call for the reading of the second section.

The second section was then read, as follows:

Sec. 2. And he further enacted, That the Secretary of War, before expending any part of the money herein appropriated, shall cause a thorough reexamination and resurvey of each of the public works to be made, and shall adopt that plan which shall complete each one, or make the greatest approximation to completing it, with the specific appropriation therefor. And it shall be his duty, at the next session of Congress, to report the result of said reexamination and resurvey, with the plan adopted, and the items of expenditure under said plan; and he shall accompany said report with a statement of the amount and date of all former appropriations for each work, and a full estimate for its entire and permanent completion, with the amount that can be profitably expended in the next fiscal year. And he shall also state in what collection district each work is located, and at or near what port of entry, light-house, or fort; what amount of revenue was collected at the nearest port of entry for the last fiscal year; and, as far as practicable, what amount of commerce and navigation would be benefited by the completion of each particular work: *Provided*, That he shall continue to make such a report at the commencement of every session of Congress until the works herein provided for shall all be completed.

Mr. HAVEN. Having got through with the

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items of the bill, I desire to strike out the first eight lines of the section, and insert what I send to the Clerk's desk. This part of the section ties up these appropriations so very tight that our resurveys will be rendered almost useless unless my amendment is adopted.

The amendment was then read, as follows:

SEC. 2. *And be it further enacted*, That the Secretary of War, before expending any part of the money herein appropriated, shall, in such cases as he may think the public interests require, cause a reexamination and resurvey of the public works hereby appropriated for, and he is hereby authorized to modify the present plan, if, in his opinion, the public interests will be materially benefited thereby, and the money appropriated by this act shall be so applied to complete or make the nearest approximation to completing the work for which each specific appropriation is made; and it shall be the duty of the said Secretary, at the earliest practicable time, to report to Congress the result of such resurvey, with the plan.

Mr. HAVEN. In this case I propose to substitute what has been read from the first eight lines of the second section of the bill. Now let me say a few words to the committee in support of this proposition. The second section, as it now stands, is in these words: that "before expending any portion of the money hereby appropriated, the Secretary shall cause a thorough reexamination and resurvey," &c.

Mr. WENTWORTH, of Illinois. We will agree to the amendment.

Mr. HAVEN. As I understand my proposition is agreeable to the committee, I will say no more about it.

Mr. WENTWORTH. I have no objection.

The question was taken on the amendment of Mr. HAVEN; and it was agreed to.

Mr. STANTON, of Kentucky. I have an amendment which I wish to offer at the end of the second section, to follow right on. It is as follows:

And that it shall not be lawful hereafter to employ any commissioned, officer, in any capacity, of the United States Army, in the superintendence of any of the works herein named, so long as the said officer shall retain his commission in the military service.

[Cries of "Question!" "Question!"]

Mr. GREENWOOD. I demand tellers on that amendment.

Mr. BARKSDALE. I offer the following amendment to the amendment:

And be it further enacted, That the Secretary of War be, and he is hereby, authorized to withhold any or all of these appropriations, if, in his opinion, they are unconstitutional or inexpedient.

Mr. TAYLOR, of Ohio. I wish to inquire whether it is in order now to oppose the amendment offered by the gentleman from Kentucky?

The CHAIRMAN. The gentleman from Mississippi [Mr. BARKSDALE] has the floor.

Mr. BARKSDALE. I did not expect the amendment which I have offered would meet with favor from the friends of this bill.

The Administration and the War Department have been frequently referred to during this discussion, and the estimates of the War Department have been relied upon by gentlemen in favor of these appropriations.

The intimation has been made, if it has not been directly asserted, that the Administration and the Secretary of War favored these appropriations. My object in offering the amendment was to test the sincerity of gentlemen on this question. If they believe the appropriations in this bill meet with favor from that quarter, why not adopt the amendment I have proposed? I know, sir, and the country knows, that the Secretary of War is opposed to this system of squandering the public money. His whole political life proves his devotion to the doctrine of a rigid construction of the Federal Constitution. The estimates were made by officers of the War Department, under the law; but the Secretary of War has nowhere recommended these appropriations to be made by Congress. I have said that I believe I understand the position of the Secretary of War on this question, and I think I know the position of the Administration, but I have no authority to do so, and do not undertake to speak for it here. The Presi-

dent's course, while he was a member of Congress, shows plainly what his opinions are; and if that does not, his annual message to Congress is sufficiently explicit to satisfy the most skeptical, that whatever may be the views of gentlemen on this floor who are most boisterous in claiming to be Democrats of the strict construction school, that the President, at least, finds no authority in the Constitution to carry on a system of internal improvements by the Federal Government.

I read the following extract from his message:

"I have omitted to ask your favorable consideration for the estimates of works of a local character in twenty-seven of the thirty-one States, amounting to \$1,754,500, because, independently of the grounds which have so often been urged against the application of the Federal revenue for works of this character, inequality with consequent injustice is inherent in the nature of the proposition, and because the plan has proved entirely inadequate to the accomplishment of the objects sought.

"The subject of internal improvements, claiming alike the interest and good will of all, has, nevertheless, been the basis of much political discussion, and has stood as a deep graven line of division between statesmen of eminent ability and patriotism. The rule of strict construction of all powers delegated by the States to the General Government has arrayed itself, from time to time, against the rapid progress of expenditures from the National Treasury on works of a local character within the States. Memorable as an epoch in the history of this subject is the message of President Jackson, of the 27th of May, 1830, which met the system of internal improvements in its comparative infancy; but so rapid had been its growth, that the projected appropriations in that year for works of this character had risen to the alarming amount of more than \$100,000,000.

"In that message the President admitted the difficulty of bringing back the operations of the Government to the construction of the Constitution set up in 1793, and marked it as an admonitory proof of the necessity of guarding that instrument with sleepless vigilance against the authority of precedents, which had not the sanction of its most plainly defined powers."

"If that can be regarded as a system, which, in the experience of more than thirty years, has at no time so commanded the public judgment as to give it the character of a settled policy—which, though it has produced some works of conceded importance, has been attended with an expenditure quite disproportionate to their value—and has resulted in squandering large sums upon objects which have answered no valuable purpose; the interests of all the States require it to be abandoned, unless hopes may be indulged for the future which find no warrant in the past."

Now, sir, I venture the prediction that if this bill should pass—and I regret to say that the indications are that it unquestionably will—that the President will follow the example of Mr. Polk, and return it to the House with his veto upon it. And if he should, he will add another to the many evidences he has already given of his determination to preserve unimpaired, during his Administration, the true principles of the Constitution. But if I am mistaken in this, I know what the Democratic platform declares on this subject. It is, "that the Constitution does not confer upon the General Government the power to commence and carry on a general system of internal improvements."

Mr. SEWARD, (interrupting.) Will the gentleman allow me to ask him a question?

Mr. BARKSDALE. Certainly.

Mr. SEWARD. Does the Democratic party support this system?

Mr. BARKSDALE. There are some slippery Democrats, and some Whigs who have recently slid into the Democratic ranks also, [laughter,] who advocate internal improvements by the General Government; but I hold that a Democrat who adheres to the principles of the party cannot do it. And I contend that those who are supporting these appropriations are, to that extent, abandoning the colors of the Democratic party.

Now, sir, the principle which has ever been ingrafted on the Democratic platform is, that the General Government has no power to carry on a general system of internal improvements. If this bill does not embrace a general system of internal improvements, I ask what bill can embrace such a system? It commences in Maine, extends throughout New England, lingers in the northern and middle States, but "growing small by degrees and beautifully less," as it approaches the South, it grants to the State of Mississippi the enormous sum of \$5,500. It seems to me that this is a

system of internal improvements in all its length, breadth, and amplitude.

Mr. YATES, (interrupting.) I wish to know whether the gentleman speaks for himself, or for the whole Democratic party, when he says the Democratic party is opposed to internal improvements?

Mr. BARKSDALE. I speak for myself; but I say that all who are Democrats, and stand upon the Democratic platform, are opposed to a system of internal improvements by the General Government.

[Here the hammer fell.]

Mr. SEWARD. I want the gentleman from Mississippi, and the Democratic members of the House, to understand that I once belonged to the Whig party, and I am not ashamed of it, or of many of the principles which they advocated. For sufficient reasons, known to myself, I connected myself with the Democratic party; and whenever it becomes necessary, I will give the reasons why.

Mr. BARKSDALE. Will the gentleman allow me to interrupt him?

Mr. SEWARD. Oh, certainly.

Mr. BARKSDALE. I desire to say, in reference to the remark made by me to which the gentleman alludes, that we are very happy to receive the gentleman from Georgia into the Democratic party. But we prefer that while he remains with us he would adhere to our platform.

Mr. SEWARD. I should be thankful to the gentleman from Mississippi if he would state at least what is the platform of Democracy in the State of Mississippi; for I had supposed that, so far as the Democracy of that State were concerned, they were very unsettled in their opinions. [Laughter.] I think the present Secretary of War, in the estimation of a portion of the Democrats, placed himself outside the Democratic party when he became a State-rights man. I had supposed that those who placed themselves upon the State-rights doctrine, assumed, to some extent, the doctrines of nullification and secession. The State-rights party of the South have always held, to some extent, those doctrines, and have always been regarded by those who style themselves National Democrats as unsound in doctrine, and as not standing upon the Democratic platform.

Mr. BARKSDALE. Does not the gentleman recognize the Virginia and Kentucky resolutions as sound Democratic doctrine? And were Mr. Jefferson and Mr. Madison, the authors of these resolutions, outside of the Democratic party? [Laughter.]

Mr. SEWARD. Well, sir, I have never yet been able to ascertain what the resolutions of 1798 and 1799 meant. [Great laughter.] But I will say to the gentleman from Mississippi, that if the abstract notions entertained by some gentlemen here from Virginia and Mississippi were to prevail, it would be impossible for Congress ever to carry out any practical or useful legislation at all.

Mr. CHAMBERLAIN. I rise to a question of order.

[Loud cries of "No!" "No!" "Let him go on!"]

Mr. SEWARD. I do not want a point of order raised upon me here. I do not think I am out of order.

Mr. CHAMBERLAIN. I insist upon my point of order. I have no idea whether the amendment pending is germane to the bill or not; but I rise to inquire whether this discussion is germane either to the pending amendment or to the bill itself?

Several MEMBERS. It is germane enough; let him go on.

Mr. SEWARD. Am I entitled to the floor?

The CHAIRMAN. The gentleman is entitled to the floor; but the Chair will first decide the question of order. The Chair has allowed a latitude of debate upon this question which he would not have done if a question of order had been raised. He has, however, indulged the gentle-

man from Georgia, inasmuch as an attack seemed to have been made upon him.

Mr. SEWARD. Now, Mr. Chairman, I will endeavor to confine myself within the rules of order.

Mr. BARKSDALE. Will the gentleman allow me to interrupt him?

Mr. SEWARD. Not now. I want the gentleman from Mississippi to define the exact limit of the constitutional power which is conferred upon Congress to enter into a general system of internal improvements, or a special system. I want the gentleman to give me his definition. That is what I want. Now, Mr. Chairman, let it be distinctly understood that I have no constitutional scruples upon this subject, and never had any. The power to make appropriations for works of internal improvements has been conceded by both parties, and the difference between them only exists as to the character and extent of those improvements, as to what is national and what is local. Hence there can be no well-defined limit of power. If the Constitution vests in Congress this power at all, which is admitted by both parties, the exact quantum of power is not defined by the Constitution, and necessarily involves discretion upon the part of Congress, the beginning and end of which is difficult to determine in all cases, and can only be limited with certainty by some interdict of the Constitution, where its provisions would be violated, or the rights of the States and the people be infringed. Of course, in the time allowed me, I cannot present my views at length upon this subject. If these views are Democratic, then, to that extent, I stand upon the Democratic platform. Now I will hear from the gentleman from Mississippi.

Mr. BARKSDALE. If anything could satisfy me that the gentleman from Georgia has forgotten that he claims to be a Democrat now, and imagines himself still a Whig, it would be the declaration he has just made, that he does not understand the resolutions of '98 and '99. [Laughter.] Democrats have no difficulty in understanding these resolutions. They are the very basis which upholds the Democratic organization.

Now, sir, in reply to the question of the gentleman from Georgia, I will state that I do not propose, at this time, to make the distinction between general and special improvements. I will say, however, that the whole country has acquiesced in the policy of improvements, which are purely national in their character; such, for instance, as the building of light-houses; constructing buoys, &c. Hence each bill must stand upon its own merits; but I find no improvements of that character in this bill. It bears upon its face the evidence that its object is to carry on a system of internal improvements in the States, which I regard as both unconstitutional and inexpedient.

Mr. SEWARD. Well, sir, I think I can show the gentleman that I have pretty good reason for making the declaration.

[Here the hammer fell.]

Mr. SEWARD. I move to amend the amendment.

The CHAIRMAN. No further amendments are in order.

Mr. SEWARD. I desire then to speak in opposition to the pending amendment.

The CHAIRMAN. The Chair must inform the gentleman that no further discussion is in order.

Mr. SEWARD. I move to amend the amendment of the gentleman from Mississippi, by adding the following:

Provided, The President of the United States concur in opinion with the Secretary of War.

[Cries of "Good!" "Good!"]

Mr. STANTON, of Kentucky. The amendment is not in order.

The CHAIRMAN. The Chair sustains the question of order. The amendment is in the third degree, and cannot be received.

The question was taken on Mr. BARKSDALE's amendment to the amendment; and it was rejected.

The question recurred on Mr. STANTON's amendment.

Mr. KEITT. I move to amend the amendment of the gentleman from Kentucky, by adding the following:

Provided, It does not increase the patronage of the Government.

Mr. Chairman, I only desire to say that this whole matter was referred at the beginning of the session to a special committee; that that committee has had the whole question under consideration; that majority and minority reports have been submitted; that the majority have offered a bill to the House to carry out the views of their report, and that all the questions are to come before the House. Now, I would ask the committee whether it is fair and just and proper to take any snap judgment like this on the action of the special committee?

You appointed out of your own body a special committee for the purpose of taking charge of this matter. That committee have examined into it, made a report, and all the evidence which they gathered will be before the House, and I now ask, when this report is to come before the House, and when a bill predicated upon it, and comprehending this subject-matter, is to be before this body, whether you ought to foreclose and forestall the action of that committee which you appointed yourselves, by any line of action *dehors* the record?

Mr. STANTON, of Kentucky. I desire to say, in reply to my friend from South Carolina, that he labors under a great misapprehension in regard to this matter, although he is a member of this special committee; for we have made no report at all upon this subject. The report which the committee made was upon the subject of armories. The House does not want information upon this subject. Here is a report, which I hold in my hands, made twelve years ago upon this very subject, demonstrating the necessity of the very change I propose. If the committee will give me their attention, I will read a small portion of it:

"The construction of all our public works, up to 1838, was confided to the engineer corps of the Army. In that year (August 23) twelve of these works were transferred to the topographical corps. In 1839, (January 22,) fifty five were also transferred; and one, the Delaware breakwater, was transferred in June of that year. No appropriations of any consequence having been made for the prosecution of the public works since 1838, but little work has been done or money expended on them since that period, or since they have been placed in charge of the Topographical Bureau.

"In what manner the administration of our public works will hereafter be conducted, (if indeed any further progress in them be authorized by Congress,) by the corps to which they have been transferred, remains to be seen.

"If the same errors of calculation, want of economy, delays, and mismanagement, which characterized the proceedings of the old engineer corps, find place in the administration of the new, Congress should long hesitate before it consigned to its care any portion of the public works, and the vast expenditure of money attending their construction.

"With a view of enabling the House to judge of the propriety of making the suggested transfer to the engineer corps, the committee have prepared a statement of the estimates and expenditures of many of our public works. (Statement annexed, marked B.)

"This statement should be taken in connection with or as a supplement to a report of the Committee of Ways and Means on the same subject. (See reports of committees of the House, 1835-36, vol. 1, No. 297.) A comparison of these estimates with the expenditures may suggest doubts whether light-houses or any other public works should be committed to the guardianship of men who, however scientific, seem to have wanted judgment, tact, and just notions of economy."

Mr. KEITT. I withdraw my amendment.

The question then being on Mr. STANTON's amendment, tellers were ordered; and Messrs. HUGHES and CAMPBELL were appointed.

The question was taken; and the tellers reported—ayes 52, noes 80.

Mr. STANTON, of Kentucky. I have an amendment which I wish to offer. It is a small matter, which I am satisfied the committee will vote in favor of without opposition.

The amendment is as follows:

And provided, That all persons intrusted with the disbursement of the funds appropriated for the works named in this bill shall be required to give bond and ample security for the faithful application of the same.

[Cries of "Right!" "Right!"]

The amendment was agreed to.

Mr. HAVEN. I move that the committee do now rise and report the bill to the House.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, the Chairman of the committee reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill No. 392, and had adopted various amendments thereto, and had directed him to report the bill and amendments to the House.

MESSAGE FROM THE SENATE.

A message was here received from the Senate, by ASBURY DICKINS, Esq., their Secretary, informing the House that the Senate have passed, without amendment, a bill of the House of the following title:

H. R. No. 338. An act to authorize the President of the United States to cause to be surveyed the tract of land in the Territory of Minnesota belonging to the half-breeds or mixed blood of the Dacotah or Sioux nation of Indians, and for other purposes.

Also, that the Senate had agreed to the amendment of the House to the bill of the Senate (No. 202) entitled:

An act making further appropriations for the improvement of the Cape Fear river, North Carolina.

Also, that the Senate have passed bills of the following titles:

S. No. 138. An act authorizing the extension of the Alexandria and Washington railroad into the District of Columbia;

S. No. 425. An act to constitute Tusculum, in the State of Alabama, a port of delivery; and

S. No. 428. An act granting to Jasper Strong and George Terrill, and their associates, the right of way for a railroad through the reserved lands near the navy-yard, Pensacola, in the State of Florida.

In which he was directed to ask the concurrence of the House.

ENROLLED BILLS.

Mr. HENN, from the Committee on Enrolled Bills, reported as correctly enrolled bills of the following titles; which thereupon received the signature of the Speaker:

S. No. 404. An act to authorize the issue of a register to the brig *Amelia* by the name of Abby Frances;

S. No. 202. An act making further appropriations for the improvement of Cape Fear river, North Carolina;

S. No. 343. An act to confirm the claim of William H. Henderson and the heirs of Robert Henderson to five hundred acres of land in the Bastrop grant; and

S. No. 330. An act for the relief of Juan M. Lucio and José L. Lucio.

[A message was here received from the President of the United States, by SIDNEY WEBSTER, his Private Secretary, transmitting to the House a communication in writing.]

RIVER AND HARBOR BILL.

Mr. WENTWORTH. I have here a communication from the Attorney General of the United States, which I send to the Clerk's desk, and ask to have read.

The Clerk then read a communication from the Attorney General in reference to the connection of the Government of the United States with the canal around the falls of the Ohio river at Louisville, Kentucky.

Mr. WENTWORTH. I move the previous question upon the engrossment of the river and harbor bill.

Mr. PERKINS, of Louisiana. I move to lay the bill upon the table.

Mr. WALSH. I move that the House do now adjourn.

Mr. MURRAY. I demand tellers on that motion.

Tellers were not ordered.

The question was then taken, and the House refused to adjourn.

Mr. WASHBURN, of Maine. I would suggest to the gentleman from Louisiana that he withdraw his motion to lay the bill upon the table until the demand for the previous question has been seconded. He can then renew it.

Mr. PERKINS. I cannot withdraw the motion.

Mr. LETCHER. I demand the yeas and nays on the motion of the gentleman from Louisiana.

The yeas and nays were ordered.

Mr. GROW. I move that the House do now adjourn.

Mr. WALSH. I demand tellers.

Tellers were ordered; and Messrs. SOLLERS and WHEELER were appointed.

The question was taken; and the tellers reported—ayes 45, noes 87.

So the House refused to adjourn.

Mr. MORRISON. I move that there be a call of the House; and on that motion I demand the yeas and nays.

The yeas and nays were not ordered.

The question was taken; and the motion was disagreed to.

The question was then taken on Mr. PERKINS's motion; and it was decided in the negative—yeas 57, nays 99; as follows:

YEAS—Messrs. Abercrombie, James C. Allen, Willis Allen, Barksdale, Bock, Boyce, Breckinridge, Bridges, Brooks, Caskie, Cobb, Colquitt, Craig, John G. Davis, Dowdell, Edmundson, John M. Elliott, Goode, Grow, Sampson W. Harris, Wiley P. Harris, Hastings, Hillyer, Houston, Daniel T. Jones, Roland Jones, Keitt, Kirtredge, Letcher, Lilly, McCulloch, McMullin, McQueen, Maxwell, May, Mayall, Millson, Morrison, Murray, Orr, Packer, Bishop Perkins, John Perkins, Phelps, Powell, Puryear, Reese, Rowe, Ruffin, Shaw, Skelton, William R. Smith, George W. Smyth, Richard H. Stanton, Will R. Walsh, and Daniel B. Wright—57.

NAYS—Messrs. Banks, Bell, Bennett, Benson, Benton, Bliss, Bugg, Campbell, Carpenter, Caruthers, Chamberlain, Chandler, Churchill, Clark, Corwin, Cox, Crocker, Cutting, Thomas Davis, Dawson, Dick, Dickinson, Ellison, Eddy, Edgerton, Edmonds, Thomas D. Eliot, Ellison, English, Farley, Fenton, Flager, Florence, Giddings, Green, Greenwood, Aaron Harlan, Harrison, Haven, Henn, Hiester, Hill, Howe, Hughes, Johnson, Kerr, Knox, Lindley, Lindsley, McDougall, Macy, Middlesworth, Morgan, Nichols, Noble, Norton, Mordecai Oliver, Parker, Peckham, Pennington, Preston, Ready, Richardson, David Ritchie, Robbins, Rogers, Russell, Sabin, Sage, Sapp, Seward, Seymour, Shannon, Showers, Gerrit Smith, Sollers, Frederick P. Stanton, Hester L. Stevens, Stratton, Andrew Stuart, David Stuart, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Thurston, Trout, Upham, Vansant, Wade, Walker, Walley, Ellihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Wheeler, Yates, and Zollicoffer—99.

So the House refused to lay the bill upon the table.

Mr. WALSH. I move that the House do now adjourn.

The motion was disagreed to.

The previous question received a second, and the main question was ordered to be put.

Mr. KEITT. I move that the House do now adjourn.

Mr. WENTWORTH. I hope the friends of the bill will remain here this evening until the bill is passed.

The question was taken, and the House refused to adjourn; there being, on a division—ayes 68, noes 81.

The SPEAKER. Is it the pleasure of the House that the amendments reported from the Committee of the Whole be read over, and the question taken in gross on all those upon which a separate vote is not demanded?

Mr. WALSH. No, sir; let us take a separate vote upon each of them.

First amendment:

In the clause of the bill providing for the improvement of the Ohio river, including the repair of the Cumberland dam, strike out "\$30,000," and insert in lieu thereof "\$190,000, \$100,000 of said sum to be expended in the improvement of the said river above the falls." And that so soon as the President of the United States is notified by the board of president and directors of the Louisville and Portland Canal Company that all of the capital stock of said company is owned by the United States, and that the said company is free from all debts and liabilities, then the President of the United States shall be, and he is hereby, authorized and directed to appoint the proper officers to take possession of said canal on the part of the United States, and to take control of the canal and canal property aforesaid, so that the same may not fall into decay or obstruct navigation; and the expenses attending the custody and management of said canal and canal property shall be paid out of any money in the Treasury not otherwise appropriated, not exceeding the sum of \$25,000 per annum; and from and after the 1st day of January next, the navigation of said canal shall be free from all tolls and charges whatsoever.

Mr. LETCHER. I demand the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. KEITT. I move that the House do now adjourn.

The motion was agreed to; and thereupon (at ten minutes past four o'clock, p. m.) the House adjourned until to-morrow at eleven o'clock, a. m.

IN SENATE.

WEDNESDAY, July 12, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

CAPE FEAR RIVER.

Mr. BADGER. I will ask the Senate, before proceeding with the usual call for petitions, to

allow me to have a bill disposed of, which has been returned from the House of Representatives, with an amendment. It is a bill which passed the Senate some four or five months ago, "making further appropriation for the improvement of the Cape Fear river, North Carolina."

The motion was agreed to.

The PRESIDENT. The amendment will be read.

Mr. BADGER. I will state in a few words what the amendment is. The bill, as it passed the Senate, appropriated \$140,000 for continuing the improvement of the Cape Fear river, at or near its mouth. There was a second section in the bill, which appropriated \$60,000 to reimburse the citizens of Wilmington for some moneys which they had raised, and which they had put into the hands of the officer in charge of the work, for the purpose of continuing it, after a previous appropriation had been expended.

In the year 1852 Congress passed, in the river and harbor bill, an appropriation for the purpose of removing the obstructions in the Cape Fear. The next year no general bill upon the subject was passed, and the Senate made an amendment to the naval appropriation bill, appropriating a further sum for continuing the work, which was lost in consequence of a disagreement between the two Houses. The difficulty then presented to the citizens of Wilmington was this: the mouth of the river was filling up in consequence of some jetties thrown out by the Government for the protection of Fort Caswell, which turning the current upon Bald Head, a sandy point opposite the fort, washed the sand into the channel. If the work were stopped, from the failure of the appropriation, matters would not remain as they then were, to be resumed at that point when a further appropriation should be obtained; but, on the contrary, things would, in the interval, grow worse, the filling up go on, the channel become yet shallower, the work already done be entirely lost, and consequently more money be required for the removal of the obstruction, in consequence of this interval in the prosecution of the work.

Congress, then, having authorized the work—Congress having assumed it as a public measure of importance to be accomplished by the United States—the appropriation having become exhausted, and one House of Congress having made an appropriation for carrying on the work, and those improvements for the protection of the site of Fort Caswell, having been made by the Government, and, therefore, the injury resulting being mainly attributable to the action of the Government, the citizens of Wilmington felt it was no intrusion of theirs, no attempt to entrap or engage the Government in the prosecution of it, which would have been highly blameable and presumptuous in these citizens; but merely a fair and justifiable effort to prevent an actual injury to the Government as well as themselves, which would have resulted by a stoppage of a work already authorized and commenced by Congress. Under these circumstances, this sum of money was subscribed, and portions of it raised. It was not expended by the citizens or their agents. It was placed in the hands of the officer of the Government in charge of the work; and, so far as it has been paid over and applied, was paid over to him, and applied by him, and under his direction.

Under these circumstances, sir, I thought it was not reasonable to strike out that part of the bill. I felt satisfied that the subject was not fully understood, and that the Government must ultimately see that, in the removal of an obstruction to a navigable water of one of the States of the Union, which was caused by the act of the Government itself, it is rather hard, rather ungenerous, to require that a small, but thriving and energetic community upon its banks, should contribute out of their own pockets a portion of the expense necessary to remove the obstruction—an obstruction mainly caused by the Government itself.

I have an abiding confidence that when the matter comes to be understood at another session, this act, small in itself, for the amount is not large, but having high claims of justice and propriety to sanction it, will meet with the approbation of Congress. In the mean time I hope the Senate will concur in the amendment which has been made by the House of Representatives, and allow the bill to be passed.

Mr. CASS. As there is no noise and confusion

upon this occasion, I shall certainly vote for the proposition.

The amendment was concurred in.

PETITIONS, ETC.

Mr. SUMNER. I have a communication from Mr. Thomas, the agent of the United States for the prosecution of claims before the commission now in session in London, covering certain papers, which I desire, for a moment, to explain. It seems that Messrs. Blyth & Greene, merchants in the island of Mauritius, and also in London, rendered important service to certain American passengers at that place, advancing considerable sums of money, for which they have never received any return. That service was the ground of a memorial, and a claim which they laid before the commission now in session in London, on the 16th of the last month; but, according to the terms of the convention between the United States and Great Britain, the period for presenting such claims expired on the 15th, the day before the claim was actually presented. Under these circumstances, Mr. Thomas, the agent of the United States at London, has done me the honor to inclose the papers to me, and ask me to present them to Congress. I do that now; and I move their reference to the Committee on Foreign Relations.

The motion was agreed to.

Mr. ROCKWELL presented the petition of Emory Washburn and six hundred other men, of Massachusetts, praying for the repeal of the act of 1850, known as the fugitive slave bill.

He said that he was informed, by a letter from a gentleman of high character, and one of the petitioners, that the petitioners are most of them citizens of the city of Worcester; that the petitioners do not seek to nullify the provision of the Constitution in relation to fugitives from service, but they are determined that, so far as in them lies, the provision referred to shall not be carried out by legislation that violates the spirit, if not the letter, of various other provisions of the same Constitution, and which experience has now shown, is destructive of the peace and subversive of the rights of the citizens of the free States.

He moved that the petition be referred to the Committee on the Judiciary; and the motion was agreed to.

Mr. SEWARD presented an additional document in relation to the claim of Myles T. Woolley; which was referred to the Committee on Pensions.

Also, the petition of George Middleton, praying remuneration for services rendered during the war of 1812; which was referred to the Committee on Pensions.

Also, a petition of Whig citizens of Greenpoint, Long Island, praying the repeal of the fugitive slave law, and the restoration of the Missouri restriction; which was referred to the Committee on the Judiciary.

Also, a memorial of Democratic citizens of Greenpoint and Bushwick, New York, demanding the repeal of the fugitive slave law, and the restoration of the Missouri restriction; which was ordered to lie on the table.

Also, a petition of citizens of Rochester, New York, praying a reduction in the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Also, a petition of Charles Hubbs, praying a modification of the letter and newspaper postage of the United States; which was referred to the Committee on the Post Office and Post Roads.

Also, a petition of citizens of Utica, New York, praying a reduction in the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. SUMNER presented a petition of students of the New Hampshire Conference Seminary in Northfield, New Hampshire, praying the repeal of the fugitive slave law of 1850; which was referred to the Committee on the Judiciary.

Mr. TOUCEY presented the petition of Reuben Lord and others, owners of the fishing schooner Brothers, of New London, Connecticut, praying to be allowed fishing bounty; which was referred to the Committee on Commerce.

Mr. CHASE presented a petition of citizens of Sandusky City, Ohio, praying the purchase of a site, and the erection thereon, in that city, of a building for a custom-house and post office; which was referred to the Committee on Commerce.

Mr. HUNTER presented a letter of the Secretary of the Treasury, concerning the fees of district attorneys, and the propriety of an act to regulate the same; which was referred to the Committee on the Judiciary.

PAPERS WITHDRAWN AND REFERRED.

On motion by Mr. GWIN, it was
Ordered, That leave be granted to withdraw the petition and papers of Juan M. and José L. Lugo.

On motion by Mr. DODGE, of Iowa, it was
Ordered, That Arthur Washburne have leave to withdraw his petition and papers.

On motion by Mr. ALLEN, it was
Ordered, That the petition of P. C. Miles, together with the adverse report of the Committee on Pensions thereon, be recommitted to the Committee on Pensions.

REPORTS FROM STANDING COMMITTEES.

Mr. BRODHEAD, from the Committee on Claims, to whom was referred the memorial of Nancy D. Holker, of Virginia, by her agent, Holker Hughes, praying Congress for the repayment of a sum of money loaned by her husband, John Holker, to Congress, during the revolutionary war, in continental currency, at such rate as was then allowed for the said currency in gold or silver, submitted a report, accompanied by a bill for her relief; which was read and passed to a second reading. The report was ordered to be printed.

Mr. DODGE, of Iowa, from the Committee on Public Lands, to whom was referred the bill from the House of Representatives, to graduate and reduce the price of the public lands to actual settlers and cultivators, reported it back without amendment.

He also, from the same committee, to whom was referred the bill from the House of Representatives to extend the right of preemption on unsurveyed lands in Minnesota, and for other purposes, reported it back without amendment.

He also, from the same committee, to whom was referred a bill to reduce and graduate the price of the public lands, reported it back without amendment, and moved that it be laid on the table. The motion was agreed to.

Mr. BENJAMIN, from the Committee on Private Land Claims, to whom was referred a bill for the relief of A. G. Penn, reported it back without amendment, together with a report thereon; which was ordered to be printed.

Mr. GEYER, from the Committee on the Judiciary, to whom were referred the memorial of James M. Carlisle and Walter S. Cox, administrators, with the will annexed, of Cornelius P. Van Ness, deceased, praying there payment of money alleged to have been erroneously paid into the Treasury by the said Van Ness, while collector of the customs for the district of Vermont; and the petition of Madalena Van Ness, widow of Cornelius P. Van Ness, deceased, praying that whatever amount may be allowed on the claim of her late husband, C. P. Van Ness, deceased, may be paid to her, and not to the administrators, submitted a report, accompanied by a bill for the relief of Madalena Van Ness, widow of Cornelius P. Van Ness, deceased; which was read, and passed to a second reading. The report was ordered to be printed.

NEW REGISTER.

Mr. HAMLIN, from the Committee on Commerce, to whom was referred the bill from the House of Representatives to change the name of the American-built brig Hallowell to that of James Rose, and to grant her a new register, reported it back without amendment, and asked for its immediate consideration.

No objection being made, the Senate, as in Committee of the Whole, proceeded to the consideration of the bill; and it was reported to the Senate without amendment, ordered to be read a third time, was read a third time, and passed.

COMPENSATION OF EMPLOYEES.

Mr. MASON. Mr. President, I made a report, a day or two since, from the select committee on the organization of the officers of the Senate, accompanied by resolutions fixing the salaries of those various officers, and classifying them as the committee had agreed upon. Since that report came in and was ordered to be printed, the House of Representatives have sent us a joint resolution affecting the salaries of the officers of both Houses, and I have, therefore, with the approbation of the committee, withdrawn the papers from the printer,

with a view to accommodate the salaries which we had proposed to give to this proposition of the House to increase them by twenty per cent.; and the committee authorize me now to ask the Senate to allow us to substitute resolutions, framed upon that basis, modifying the resolutions heretofore ordered. I now offer them in the modified form. The order to print can stand.

The PRESIDING OFFICER. (Mr. BRIGHT in the chair.) Does the Senator ask for any action?

Mr. MASON. I have no objection, of course, to the consideration of the resolutions now, unless some Senator desires to see the report printed.

Several SENATORS. Let it be printed.

The PRESIDING OFFICER. The resolutions will lie over, and, with the report, be printed.

Mr. BADGER. I think the Senate had better now take up the joint resolution of the House of Representatives, in respect to the pay of the officers, and have it referred to the select committee from which we have just had a report.

The joint resolution from the House to fix the compensation of the employees of the legislative department of the Government, and to prohibit the allowance of the usual extra compensation to such as receive the benefits hereof, was accordingly taken up, and referred to the select committee.

PERSONAL EXPLANATION.

Mr. HAMLIN. It will be recollected by the Senate, that a long time since, a resolution was passed ordering an additional number of the Compendium of the Census to be printed for the use of the Senate. The motion was made to reconsider the vote by which that resolution was adopted, for the purpose of affording the Senator from South Carolina [Mr. BUTLER] an opportunity of offering an amendment. It is very desirable that that resolution should be disposed of. The Senator from South Carolina, I understand, is ready to suggest his amendment. I ask the Senate to consider it now. It will take but a moment.

At the request of some Senators, Mr. HAMLIN withdrew his motion to allow the presentation of a petition, which having been done, he renewed the motion.

Mr. HOUSTON. I perceive that this morning two pamphlets have been laid upon the desks of Senators—

Mr. HAMLIN. I believe my motion is pending.

Mr. HOUSTON. I will occupy but a moment. I am not going to make a speech. Two pamphlets have been laid upon my desk, and I presume they have been laid upon the desks of other Senators. One of them is a letter addressed to myself, as Senator from Texas. It appears to be signed by a Mr. E. W. Moore. I will not go into a review of the pamphlets, or either of them, at this time; but that one single fact may be understood, as it is of very recent occurrence, I will read it. I see he says, in reference to the power of attorney which he drew up for Mrs. Nancy Wilber from the treasury of Texas:

"I have never received one cent of the money due the widow of D. C. Wilber. The first power of attorney was informal; on presenting the second one, the auditor wrote me the following:

"Raymond (the treasurer) thinks the power of attorney from Mrs. Wilber will be sufficient to draw her husband's pay, if you will accompany it with the proof that she is the widow of Wilber."

"Yours truly,

JOHN M. SWISHER."

This, sir, was done to avert the calamity to her, and to prevent her being swindled out of the money. In the year 1848 she gave a power of attorney to E. W. Moore, upon which, on the 2d of May, 1851, he drew a certificate for \$684 93. That was three years ago. She applied to him in person for the certificate, as she represents to me. She wrote to him twice. In 1852, after receiving this certificate, he wrote for a second power of attorney; and, whether presented or not, he drew the certificate under the first power of attorney. She has recently been here, yet he has held or retained that certificate to which she was entitled, for the amount I have specified, for three years. He writes to her latterly, that with much of his money tied up at Austin, he has many difficulties.

These are the facts: He says he has not drawn a cent of the money; but he does not deny having drawn the certificate which was her property, and which has been retained from her for three years.

Sir, she is the widow of a gallant man who received injuries in Texas in Moore's unauthorized expedition to Yucatan—injuries so deep that he lingered, and under the influence of them, died, after having depended on her industry to sustain him whilst life lasted. He passed to the shades. She has had the calamities and bereavements of widowhood upon her, and an orphan boy to sustain in a state which appeals to humanity. I did not think that there was avarice greedy enough, or profligacy so wanton as to deprive a widow and orphan of their only mite. I leave it here, sir, for the present; Saturday is my day always.

COMPENDIUM OF THE CENSUS.

Mr. HAMLIN's motion was agreed to; and the Senate accordingly proceeded to consider the motion submitted by Mr. MASON, on Tuesday, the 17th of January, to reconsider the vote by which on that day the resolution, reported from the Committee on Printing, to print fifty thousand copies of a Compendium of the Seventh Census, to be arranged by the Superintendent of the Census, was adopted, as amended.

The motion to reconsider was agreed to.

The resolution, as adopted, was:

Resolved, That there be printed for the use of the Senate, fifty thousand copies of a Compendium of the Seventh Census, to be arranged by the Superintendent of the Census, embracing the population by towns and counties; the ratio tables of population; tables of nativities, births, marriages, and deaths; of the deaf, dumb, blind, insane, and idiotic; of schools and colleges; of aggregates of occupations; of churches; of newspapers and libraries; and of agricultural products; with illustrative notes and comparative tables: *Provided*, The said Compendium shall be printed in royal octavo form, and not exceed four hundred pages."

Mr. BUTLER. I move to amend the resolution by inserting after the words "agricultural products," the words:

And also a table showing the numbers of acres of land in cultivation in each of the principle staple productions of the soil, and the aggregate numbers of acres in cultivation in each of the States and Territories of the United States.

That, I understand, will be acceptable to the Senator who reported the resolution. And, Mr. President, I desire to make this remark. It has been always my wish to ascertain the number of acres in cultivation, and, of course, the aggregate products from them. In order to obtain that, I understand, a table, something like what I hold in my hand, will, perhaps, take up one page; that is, there will be one column showing how much cotton is made in Louisiana; how much tobacco in Virginia; and how much rice in South Carolina; and showing, further, how much is made on every acre; and ultimately carried out, it will show how much arable land there is in cultivation.

The amendment was agreed to.

Mr. SEWARD. I wish to inquire of the honorable Senator whether he has made any calculation by which we can know how many copies are to be allowed to each Senator, that is to say, to each State. I think that compendium will be very desirable, as there is a very great deficiency in the number of the copies of the census. We have not had enough of them to supply the demand. But I wish the honorable Senator who introduced the amendment would propose one further table, and that would be a relative one, showing the statistics, as far as they can be shown, of the decimal census from the beginning, when the census, as taken heretofore, has given us such matters for comparison. That would give us the comparative results at different periods. It would make it very desirable if that could be added to it. The value of statistics depends altogether on the comparison of them with the statistics of other countries and of other times.

Mr. HAMLIN. Perhaps this work does not embrace every thing that every Senator would desire; very probably it does not. I can only say that the committee to which the subject was referred, after carefully conferring with the superintendent, Mr. De Bow, came to the conclusion that this was the best work that could be prepared within the limits named. The very point, however, to which the Senator calls my attention, I think is provided for in the resolution. It does provide for comparative tables.

I desire only further to say, that the amendment which the Senator from South Carolina has offered, I think was embraced in the resolution as it was originally reported; but to make it absolutely certain, to leave it without doubt, the Sen-

ator has offered the amendment. It therefore will embrace no more than it would have done, if the resolution pass as it now is, as I hope it may.

The resolution, as amended, was agreed to.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. McKean, announcing that they had passed a bill making provision for the postal service in the State of California and in the Territories of Oregon and Washington, in which they requested the concurrence of the Senate.

[The bill was read twice, and referred to the Committee on the Post Office and Post Roads.]

Also, that they had passed Senate bill for the relief of Juan M. Luco and José L. Luco; and Senate bill to authorize the issue of a register to the brig Amelia, by the name of Abby Frances; and Senate bill to incorporate the Georgetown Gas-Light Company, with an amendment.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker had signed the enrolled joint resolution to correct a clerical error in an act approved June 22, 1854, to authorize a register to be issued to the steamer El Paraguay, by a new name;

An act to provide for the construction of a military road in the Territory of Utah;

An act to provide for the continuation of the military road from Myrtle Creek to Scottsburg, in Oregon;

An act for the payment of the civil officers employed in the Territory of New Mexico, while under military government;

An act to authorize the Secretary of War to settle and adjust the expenses of the Rogue River Indian war;

An act to refund to the Territory of Utah the expenses incurred by said Territory in suppressing Indian hostilities;

An act for the construction of certain military roads and wells in the Territory of New Mexico;

An act for the relief of Samuel W. Brady;

Joint resolution explanatory of the second section of a resolution "to establish certain post routes," approved July 12, 1852;

An act for the relief of George W. Gibson;

An act for the relief of Cornelius H. Latham;

An act for the relief of A. B. Roman, of Louisiana; and

An act to provide a pension for Sergeant G. W. Torrence; which were thereupon signed by the President *pro tempore*.

A. G. PENN.

Mr. BAYARD. I ask the Senate now to take up the bill to authorize the extension and completion of the Treasury building, and also the construction of a building for the War, Navy, and Interior Departments. It is absolutely necessary that action should be had upon it.

Mr. BROWN. I will ask the Senator whether it is likely to lead to debate? I want to go on with the homestead bill.

Mr. BAYARD. I do not know that it will. I think it will not.

Mr. CLAY. One o'clock is the hour fixed for the homestead bill.

Mr. BROWN. I ask the Senator whether he will consent to let it go over if it leads to debate?

Mr. BAYARD. Certainly, I will, at the end of the morning hour.

Mr. BENJAMIN. I ask the Senator from Delaware to withdraw his motion, to permit me to make a report.

Mr. BAYARD. I withdraw it for that purpose.

Mr. BENJAMIN. I am directed by the Committee on Private Land Claims, to which was referred a bill for the relief of A. G. Penn, to report it back with an amendment, and with a recommendation that it pass. I ask that the report may be printed.

The report was ordered to be printed.

Mr. SLIDELL. I suggest to my colleague whether that bill had not better be put upon its passage now. There can be no objection to it at all.

Mr. BENJAMIN. The Senator from Delaware has a motion before the body.

Mr. SLIDELL. I know that he has, but I hope he will allow this bill to be put upon its passage.

Mr. BAYARD. If I yielded the floor for the purpose of permitting that bill to pass, I should not be sure of getting it again. I would yield with pleasure, but I wish to have the action of the Senate upon the bill that I propose to take up.

The PRESIDING OFFICER. Does the Senator withdraw his motion?

Mr. BAYARD. I cannot do it.

Mr. SLIDELL. It cannot occupy a moment to pass the bill reported by my colleague.

The PRESIDING OFFICER. The Senator from Delaware refuses to withdraw his motion.

PUBLIC BUILDINGS.

Mr. BAYARD's motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill to authorize the extension and completion of the Treasury building, and also the construction of a building for the War, Navy, and Interior Departments.

Mr. BAYARD. The necessity for the passage of this bill must be obvious to every Senator who has turned his attention to it. The records and archives of the United States, in the State Department, are really in a state of insecurity, and the mere statement of the case shows that the passage of this bill is necessary. The public business imperatively requires the construction of new buildings for the Departments, to accommodate the officers belonging to those Departments, and to afford places of security for the archives of the Government. The plan is laid down in the bill with sufficient definitiveness to secure an adherence to the general structure proposed. The mere details, of course, are left to the Executive discretion, because it would be impossible, in the construction of such a building, to put in the bill every detail.

By the proposed plan the present Treasury building will become quadrangular. The additions will cover a space of flooring of one hundred and two thousand two hundred feet, while the present one occupies only forty-four thousand five hundred and sixty feet. The number of rooms will be two hundred and two additional to the one hundred and fifty-two in the present building. The cost of the present building was \$650,000; the cost of the addition will be \$1,250,000. The same order of architecture will be observed in the construction of the building, as that on which it was originally constructed. The effect will be, as regards the enlargement, to give ample accommodation both to the State and Treasury Departments, and then it will afford security for the preservation of the public records and archives.

The other building contemplated, in place of the War and Navy Departments, is also essential, and will, in its construction, give room for the Interior Department, which is now obliged to locate elsewhere in temporary buildings. The whole cost of both structures will be, for the addition and enlargement of the Treasury Department, \$1,250,000, and for the new building for the War and Navy and Interior Departments, \$1,750,000, making in all \$3,000,000. The present bill contemplates an appropriation of \$600,000 as the amount which can be used advantageously during the current fiscal year. I have the plans here, and if Senators desire to examine them they can do so. They are approved by the public architect, and by the officers occupying these buildings. The buildings which we have now, in my opinion, are a disgrace to the country. It is a disgrace to the country that the public records should be kept in insecurity, as they are in the present buildings, with the exception, perhaps, of the Treasury Department.

Mr. ADAMS. This bill proposes to expend \$3,000,000, and it is most evident that we shall not have time, at this session, to investigate the subject as the importance of the expenditure seems to demand; I therefore move to postpone its further consideration until the second Monday in December. It cannot long delay the commencement of the work, and it will give an opportunity to Congress to investigate the expenditure more thoroughly.

Mr. BAYARD. I hope that motion will not prevail. The bill has been reported for a very long time. There can be no doubt that there is an actual necessity for the construction of the buildings. There is not a session of Congress at which you are not called upon to rent buildings. At this present session you have been obliged to pay a large sum for the purpose of renting a tem-

porary building, (which the lessee can turn you out of,) at \$30,000 a year. In the State Department the records of the country are notoriously in insecurity. In the loft it is jammed up with documents unto the roof. They do not know what documents are there. And this is the state of things in a country where you have an overflowing Treasury, where there is no constitutional question involved; and yet, when this is brought up it must be postponed. On what grounds? What further examination does it need? It is one in which there are no local interest to gratify. It is one in which no member of the committee could be biased by anything except a sense of public duty in the recommendation of an appropriation.

The buildings have been designed with great care, after consultation with the officers and persons employed in the different Departments. One of them is calculated to accommodate the Interior Department, which is now in an outside building, as well as the War and Navy. It is intended to concentrate them, and to put the Treasury and State Departments in the other, giving a perfect accommodation to all the great Departments of the Government. I submit that this bill, though it may not certainly appeal to public prejudice, though it may not make as much political capital as some others, is really one due to the public for the purpose of preserving the records of the country. And if you delay this matter to a subsequent time, and it should so happen, as has happened in other of the buildings, and particularly if the State Department should be destroyed by fire, the gentleman who proposes the delay will find it difficult to answer to his constituents for the results of such a proposition.

Mr. SEWARD. The only question I had about this bill was, whether it would be adequate for the uses proposed. I perceive, from the statement of the Senator from Delaware, that it is. I was desirous to know whether there was a provision in the Treasury Department for the Coast Survey. I perceive from the proposed proportions of the building, that it will accomplish that purpose. In that case we shall have the ability to withdraw ourselves altogether, after the buildings are completed, from the hiring and renting of insufficient structures at the cost which we pay for them, and which are in an imperfect state at that.

The honorable Senator has offered strong arguments in favor of this bill, especially the argument of the necessity of having fire-proof buildings for the preservation of the immensely valuable papers which are deposited in all the Departments. He has very truly said that if, by all this delay, a fire should break out within one of these Departments, the loss might be more than the cost of the entire construction.

Sir, I think we may illustrate that remark by stating that there can be no doubt that the private and public losses and misfortunes which have been sustained heretofore, from accidents of that kind in our public buildings, have been equal to all the cost which is proposed for these new structures. The public buildings are necessarily exposed to accidents from fire. And, after all, they are not guarded with the same care by watchmen as private property is guarded. So it has happened that, within the space of twenty years, not only the Treasury Department has been burnt, but also the Patent Office. Having had some little experience heretofore in the examination of questions arising under the patent laws, I have had occasion to learn that great losses have resulted from, and in many instances great injustice has been done to persons, because their patents were destroyed by the burning of that office. I think, if we compare the whole expense of this structure with the damage which has resulted from the burning of the Patent Office, it is evident that this will be a saving to the country. I hope, therefore, the bill will pass.

Mr. ADAMS. I have no disposition to throw any difficulty in the way of any necessary work for the benefit of the Government. The Senator from Delaware says that there is no particular Buncombe in this, although it is a very meritorious question. I am not conscious, sir, of having supported any measure in this body on account of its being what is known as a Buncombe proposition.

Mr. BAYARD. I did not mean to make any such imputation on the Senator.

Mr. ADAMS. Then I have nothing to say. My only reason for moving the postponement was, that I felt confident it would be impossible, if the bill were sent to the House of Representatives, to pass it through that body at this session. I thought that by the postponement which I proposed, more time would be given to investigate the character of the expenditure. If I had thought there was a probability of its passing through the other House at this session, I should not have made the motion. If it is the wish of the Senate to pass the bill, I have no disposition to throw difficulties in the way; still I should like to have the sense of the Senate, whether they will postpone it or not.

Mr. CHASE. I am not prepared to vote for the bill in its present shape. I acquiesce very cheerfully in the validity of the reasons assigned by the Senator from Delaware, and the Senator from New York, in respect to the construction of a building for the accommodation of the Treasury and State Departments. The reasons assigned in relation to the records, apply chiefly to that building. The very extensive structures now going on in this city—the enlargement of the Capitol, the building of the west wing of the Patent Office, and the construction of the addition to the Treasury Department—will involve a very large annual expenditure; and it strikes me that, until we see the end of that, we had better postpone the construction of further building for the accommodation of other Departments. I am not prepared to say that on further consideration I shall not withdraw even this objection; but as it is now the hour of taking up the special order, I move the postponement of this bill until to-morrow.

Mr. BAYARD. I have no objection to that, if the Senate desire it. The postponement until next session would necessarily tend to defeat the bill; because, as to the action of the House, it is more probable that it would pass if we sent it over at this session, than if we sent it at the next session. As to the postponement until to-morrow, if the honorable Senator from Ohio desires to discuss it, I can have no objection to its postponement until half past twelve o'clock.

Mr. ADAMS. To obviate any difficulty, I withdraw my motion.

Mr. CHASE's motion was agreed to.

HOMESTEAD BILL.

On motion by Mr. WALKER, the Senate, as in Committee of the Whole, resumed the consideration of the House bill "to grant a homestead of one hundred and sixty acres of the public lands to actual settlers," the pending question being on the amendment of Mr. CLAYTON, to strike out the sixth section, which is in the following words:

"Sec. 6. *And be it further enacted*, That if any individual now a resident of any one of the States or Territories, and not a citizen of the United States, but at the time of making such acquisition for the benefit of this act, shall have filed a declaration of intention as required by the naturalization laws of the United States, and shall become a citizen of the same before the issuance of the patent, as made and provided for in this act, shall be placed upon an equal footing with the native born citizen of the United States."

—and insert

"Sec. 6. *And be it further enacted*, That any mechanic or other citizen of the United States, of full age, engaged in and accustomed to any business, trade, or calling, other than the cultivation of land, shall, in consideration of his inability to comply with the conditions of this act, by reason of his want of knowledge, skill, or experience in such cultivation of land, be entitled to receive in lieu of one hundred and sixty acres of land as herein provided, the sum of \$160 to be paid to him out of any money in the Treasury not otherwise appropriated.

Mr. ADAMS having called for a division of the amendment, the question is first to be taken on the motion to strike out.

Mr. ADAMS. I called for a division of the question, with a view of first taking the sense of the Senate upon striking out the section. My reason for that was this: if there be any propriety in disposing of the public lands without any consideration, it seems to me to arise from the fact that the public lands have been purchased and paid for by the common blood and treasure of the country; and in disposing of them, in giving them away, if they should be given on the principle of this bill, as I understand it is intended, it should be to the most necessitous portion of those who have paid the taxes and contributed to the acquisition of the territory. The striking out of the

sixth section excludes those who have had no participation in the acquisition of the territory, who have paid no taxes, who have not defended the country, and who have had no interest in the Government.

Upon what principle, I ask, sir, do you tax those who have been here, native-born and adopted citizens, for the benefit of those who may come hereafter? It is upon the principle which I have stated, if there be any justice in it, that the bill should rest. I do not believe that it is just. But I beg leave to call the attention of Senators to the fact, that it is the first effort towards agrarianism. Without any consideration, without any public service, or without any pretext, you may take from the public Treasury either a portion of the public property or the public money by your legislation, legislating it out of the pocket of one into that of another, there is no limit to your power. Mark me, this is only an entering wedge, and we shall have other and different propositions presented until it comes to making men equal in this country. Disguise it as you will, it is the commencement of a division of the property, and the making of all equal. If Senators are prepared for this step, I have nothing to say; but as much as has been said with reference to the rights of foreigners, I only desire to call the attention of the Senate to the distinction that, if you confine the proposition to those who have contributed towards the acquisition of the territory, there seems to be some principle in giving it to the most necessitous portion; but to give it to those who have had no participation whatever in it, is so palpably unjust that it seems to me the whole country would be opposed to it.

Mr. CHASE. I desire to submit a remark or two, and then to offer an amendment, with the view of perfecting the sixth section, before the motion to strike out shall be taken. I do it at this time, because if the motion to strike out shall not prevail, and the section is retained, no motion will afterwards be in order to amend it until the bill is reported to the Senate.

I cannot agree with the Senator from Iowa, [Mr. Dodge,] that all amendments are inexpedient. I am, on the contrary, in favor of reasonable and proper amendments. Such amendments will not endanger the final passage of the bill. I have no doubt that the House will cheerfully agree to such amendments as commend themselves, by their obvious propriety, to its approbation. But, sir, if it should be otherwise, and beneficial amendments made here shall be rejected in the House, it would be quite in the power of this body to recede, and thus save the bill.

It may not be the pleasure of the Senate to amend the bill at all. In that case I shall still vote for it, not as a perfect measure, but as one commended by considerations of humanity and policy, of sound expediency and liberal justice. I shall propose no amendment, therefore, with any unfriendly purpose towards the bill. I do not regard it as perfect—far from it. I do not know that any Senator entirely approves it. But if I can get no better bill, I shall vote for this; because it carries out, to a certain extent, that great principle of public policy first announced in this Chamber, perhaps, by the late Senator from Massachusetts, [Mr. Webster,] to whom the Senator from Michigan [Mr. Cass] referred yesterday, but which found its first practical, zealous, and persevering advocate upon this floor, in the Senator from Wisconsin. Of that policy I heartily approve. When first announced, I declared my adhesion to it. I persevere in it to-day. I regard the public lands as the ESTATE OF THE PEOPLE, and Congress merely as a trustee. The people are the *cestuis que trust*—the beneficiaries of this estate, and the whole duty of Congress is performed by such a disposal of the lands for the benefit of the people as an upright discharge of the trust requires. To devote a portion of these lands for the benefit of the indigent insane in the several States I regarded as a reasonable exercise of the trust power vested in Congress by the Constitution. I therefore voted for the bill making provision for that unfortunate class. I regard the grant of limited portions of these lands to actual settlers as a wise and beneficent exercise of the same trust power. I shall therefore vote for this bill.

And now, sir, I wish to say a few words in reply to the observation which fell from the Senator from Mississippi, [Mr. Adams.] He says

that immigrants from other lands ought not to share the benefits of this measure. They have rendered no services, he alleges, to the country, and therefore have no claim upon the bounty of the Government. There would be force in this argument if these grants could be regarded as rewards for services performed; but then the argument would exclude from the benefits of the bill all, whether natives or foreigners, who have not rendered actual services to the public. The bill proposes no grants upon considerations of this nature; the argument, therefore, if good at all, is good against the whole bill. But it is not valid at all. These grants are not rewards for services rendered; they form part of a system of disposing of the public land. They are for the benefit of the whole people represented by the Government, as well as for the individual grantees. The public lands may be regarded, under one point of view, as a vast quantity of unemployed machinery in the possession of a great capitalist. It is capable of producing enormous wealth, but is idle and unproductive for want of hands to work it. It is the business of a wise capitalist to bring his machinery into use. It is the part of a wise Government to bring the public domain into cultivation, to develop its hidden wealth, and add its treasures to the general resources of the country. Every settler upon the public lands, under the provisions of this act, in the course of the five years which must elapse before he can obtain a patent, will more than pay for the land he occupies in the shape of duties upon goods consumed, or by the contributions which his labors furnish to the wealth and strength of the country.

And now, sir, if these public benefits constitute a valid reason for these grants to actual settlers, that reason applies as strongly to immigrants coming into the country after the passage of the act, as it does to those already here. There is no substantial reason which commends itself to the judgment of a statesman for any such discrimination. There is a sound and sufficient ground of distinction between citizens in fact or in intention, and aliens who do not design to become citizens, but no reason at all for any such distinction between immigrants who do intend to become citizens. The section, as it stands, draws a line between immigrants already arrived and immigrants to arrive hereafter. Those who arrive to-day are to have the benefit of the act; those who arrive to-morrow, if the bill in the mean time should become a law, will be excluded from its benefit. Can anybody assign a sensible reason for such a discrimination between (if I may be allowed to coin a phrase) the *ante veniens* and the *post veniens*.

Sir, the principle for which I contend now, of non-discrimination between different classes of immigrants intending to become citizens, was sanctioned in the recent Kansas and Nebraska act. I congratulated the country at the time upon the recognition of the right of all such immigrants, without distinction, to the elective franchise. I was glad to witness that breaking down of old prejudices against immigrants coming into this country, which led to a nearly unanimous vote in this Chamber in favor of retaining the clause which allowed them to vote in the Territories. That vote recognized no such narrow and illiberal discrimination as this bill now makes. It went upon a sound reason. It allowed all to vote after declaration of intention, and taking the oath prescribed by the act. It excluded none, whether arrived before or after the passage of the act. It made no distinction between those who might, and those who might not, exercise the right of suffrage, except the distinction between those who should manifest a disposition to become citizens, and a readiness to qualify themselves for the exercise of the elective franchise, under the provisions of the act, and those who might not be ready to become citizens, or so to qualify themselves. I do not say that I approved the qualification required. The oath to support the provisions of an act of Congress, though not unprecedented, ought not, in my judgment, to be required. I speak only now of the principle of discrimination. I approve the principle of that bill so far as it refused to discriminate between immigrants on the ground of difference as to date of arrival in the country. I desire to have no such discrimination made in this bill. I want no discrimination upon any principle which will not approve itself

to a sound, just, and logical mind. I have, therefore, prepared an amendment, which, if adopted, will remove from the bill those words which deny its benefits to after-comers, and will secure its equal operation in favor of all immigrants who intend to become citizens of the country.

It is not necessary for me to say anything, at this stage of the discussion, in respect to the extension of the benefits of this bill to immigrants. But I may be allowed to remark, that I do not see that any harm has, as yet, resulted to our country from the foreign immigration. That some immigrants, and, possibly, some classes of immigrants may have rendered themselves obnoxious to a public sentiment, justly jealous of the introduction of ecclesiastical influence into our politics, may be true. But the general masses of the immigration are liable to no such imputation. They are represented in every department of your industry. They are engaged in your commerce, in your manufactures, and in your agriculture. Some of them represent the national sovereignty abroad; others of them worthily and honorably represent the sovereignty of States upon this floor. The immigrants, whose cause I plead, are as intelligent, as worthy, as useful, and as respectable, as any other portion of our population. Far from greeting them upon their arrival on our shores with the harsh and odious discrimination of this bill, I would bid them all welcome, and receive them as brothers. By the manifestation of a generous confidence, by a fair, manly, honorable treatment of them, I would endeavor to convince them of the expediency and necessity of divesting themselves, as speedily as possible, of their foreign character, and of putting on, with the rights and privileges, the sentiments, also, of American citizens. Thus, sir, I would Americanize them by generosity and justice. Once Americanized in mind and heart, the most jealous mind need entertain no apprehensions of evil from their coming among us, and sharing in all our privileges.

I will now submit the amendment which I have indicated.

THE PRESIDING OFFICER. That amendment will not now be in order. The yeas and nays have been demanded on the amendment of the Senator from Delaware.

MR. CHASE. Let my amendment be read for information.

It was read. It is to strike out the words "now a resident of any one of the States or Territories and," and to insert between the words "but" and "at" the word "who;" so as to make the sixth section read:

"That if any individual, not a citizen of the United States, but who at the time of making such application for the benefit of this act, shall have filed a declaration of intention," &c.

THE PRESIDING OFFICER. The question is on the amendment of the Senator from Delaware, [Mr. CLAYTON.] The Senator from Mississippi, [Mr. ADAMS,] when it was offered, called for a division of the question. The Chair will remind the Senator that, according to the rules of the Senate, a motion to strike out, and insert is not divisible.

MR. CLAYTON. In order to relieve the Chair and the Senate from all embarrassment, and to comply with the wishes of my friend from Mississippi, [Mr. ADAMS,] I will modify my amendment so as to move now, simply to strike out the sixth section. After that motion shall be decided, I can move to insert the provision which I first offered.

THE PRESIDING OFFICER. Then the question is on the proposition to strike out the sixth section of the bill.

MR. BUTLER. I do not now intend, Mr. President, to make any general remarks upon the essential provisions of this bill. I may have occasion to do so before the discussion closes. What I have to say particularly at this time, is referable to the sixth section alone. As I think it decidedly objectionable, I shall vote for striking it out. I am opposed to it, because, without going any further, it is anti-vernacular, not only so far as regards its intentment, but its language. It reads thus:

"Sec. 6. And be it further enacted, That if any individual, now a resident of any one of the States or Territories, and not a citizen of the United States, but, at the time of making such application for the benefit of this act, shall have filed a declaration of intention, as required by the naturalization laws of the United States, and shall become a citizen of the same before the issuance of the patent, as

made and provided for in this act, shall be placed upon an equal footing with the native-born citizen of the United States."

I shall not undertake to strike out this foreign word "issuance," because, if the provision is to go, let the foreign word go with it. I never heard of such a word before. This is the first instance, I believe, of any such preference being given in the legislation of the country as is provided for by this clause; but as it is intended to have a new policy, giving such a marked preference to foreigners, I am perfectly willing that it shall be characterized by the new word "issuance."

A SENATOR. What language is it?

MR. BUTLER. I do not know what language—whether Dutch, German, or Irish—but I am sure it does not belong to the English. I never heard of such a word before, and I think no one else ever did, unless those who have this great propensity for foreign population. But, sir, that is a remark beside the subject.

I object to this clause upon a very substantial ground. Suppose it were proposed that the unsettled lands of the United States should be subject to the occupation of citizens, native and naturalized. There are citizens, native and naturalized, who could and would occupy them with this guarantee; and it is a guarantee that I shall always look to—the guarantee of allegiance to the Constitution and the institutions of the country. I am perfectly willing to allow our institutions to be moulded by those who are bound to us by that tie of allegiance known as one incident, and belonging to, a citizen. I am not willing to carry it further.

I know it was Mr. Webster's notion that shopkeepers in New York and Boston, and hod-carriers, could be converted into husbandmen. If the bill could operate in this way, it would be a process highly desirable; but I have not the least idea that such will be the operation. If, however, you intend to invite to your Territories the worthy portion of your citizens, native and naturalized, or if you intend to invite to the settlement of your land the worthy portion of those who are foreigners, let it be by something like the discrimination which the law recognizes. Now, no man from a foreign country can become a citizen of the United States before he takes the oath of allegiance, and takes the oath to support the Constitution of the United States; and according to the usage which prevailed in South Carolina—but, perhaps, it is a usage not universal, or not observed anywhere else—no one could become a citizen until he not only swore to support the Constitution of the United States, and absolved himself from all allegiance to any foreign potentate or Power, but until he brought into court the certificate of three citizens that he was a worthy man.

But, sir, under this section, who may not come in? A man may come reeking from the jails and poor-houses of Europe. I will go further, and say that the deserters upon your field of battle may come in—men who fought against those who won your territories can come and take land without having sworn the oath of allegiance. Yes, sir, the very deserters upon the plains of Churubusco, who shot down your regiments, might come and take possession of your lands, to the exclusion of those who were more worthy.

My honorable friend from Iowa [Mr. DODGE] has bestowed praises upon foreigners. As individuals, there are many of them of whom he cannot speak more highly than I would; but, upon the field of battle, I have never known an instance of citizens—native-born Americans, or those who have become citizens by naturalization—deserting, and fighting against and shooting down their comrades.

I do not say, sir, that I am not willing to trust foreigners. I could individualize them, and select those who would adorn history; but when you embrace in your legislation a class of persons whom I do not know, who have never been in your courts of justice to swear that they will support the Constitution of the United States, who have given you no guarantee that they are citizens, and will perform the part of citizens, I cannot agree to it. Why, you invite anybody, the thief, the robber, burglar, and the deserter; and they are to come in on an equality with the sons or the descendants of the proudest families that ever lived upon earth. You invite them to take an equal share with you in a common patrimony;

won and paid for by your common blood and common treasure, while the other may have been opposed to you. Notwithstanding this, you make no distinction; you allow the deserter to come in and take on an equality with those by whose blood and treasure the lands were won.

I have no disposition, Mr. President, to disguise my opinion on this subject, though I know this foreign influence is strong, is increasing, and will become stronger. When foreigners come from abroad, become naturalized, and give the guarantees required by the naturalization laws, I will make no distinction between them and other citizens. I will love the schoolmaster, and those who formerly came were of that class—men who won their way to America by their exertions and industry; not men who have been driven upon our shores under fallacious, deceptive, or illusive inducements, which have been held out to them. I have no idea of submitting to such a power. I think it wrong. I am perfectly willing to recognize the political power of naturalized citizens; but I will never consent to invite immigrants to come here who have not given any of the guarantees required by the Constitution and laws of the country. I am not one of those who fear to defy such a power, though I know it is an increasing one, and I apprehend it is one that is courted.

Well, now, sir, under the provision of the bill, who will come in? Will you get the worthy class, even of foreigners, who have given notice of their intention to become citizens? Whom will you get? If you could show me that you would get only those of this class who are individually worthy, I should not have any objection; but you are taking a class in which there are some worthy and many unworthy. Let any gentleman deny it if he can.

My friend from Mississippi [Mr. BROWN] the other day made a remark, in which he gave what I thought was a strange reason for the vote which he intended to give on this amendment. It was that, because we allowed foreigners who had given notice of their intention to become citizens of the United States to vote in moulding the territorial governments, we should therefore hold out an inducement to foreigners to go there and become citizens.

MR. BROWN. No, sir.

MR. BUTLER. That, I think, was the amount of it. I was opposed to that proposition. I believed that the institutions of this country ought to be moulded by the American mind, accustomed to, and disciplined under, the dominion of English law. Gentlemen may take exception to what I say if they please, but I must say, that excepting individuals such as John Mitchell, and others whom I might mention, scholars and gentlemen, the mass of the German, Irish, and other foreign population coming here and going upon your Territories, do not understand your institutions as well as one who has been upon your soil, and has resided here for five years, and is somewhat accustomed to the operations of your laws. I was opposed, therefore, to the introduction of the clause referred to by my honorable friend from Mississippi into the Nebraska bill, which favored somewhat the doctrines of my honorable friend from Michigan, [Mr. CASS.] While we were delegating the power of moulding the institutions of these Territories, I was willing to trust it to those who could think through the medium of the American mind. I went with him very far, when I was perfectly willing to delegate all the power to those who were capable of making laws; but when the proposition was introduced that we should delegate the power to any body who might settle upon the lands, I thought it was going too far. I ultimately agreed to vote for that bill, even with that clause in it; but now it is proposed to do a little more than that—to offer a reward to those foreigners who will go and settle upon your lands, and vote in moulding the institutions of these Territories. They are to go out as colonies of foreigners, and settle upon those new Territories, and form their institutions.

MR. ATCHISON. I wish to call the attention of the Senator from South Carolina to one fact. Either he is mistaken, or I am; but if I understand the bill, it confines these grants or gifts of land to those lands which are now subject to private entry. The fact is, there is not one acre of land in any of the Territories of the United States, as far as my knowledge extends, which is subject to private

entry—not even in Minnesota, though it may be there.

Mr. CLAY. How long will it be before it will be subject to private entry?

Mr. ATCHISON. That is another question.

Mr. BUTLER. I am sorry that my friend from Missouri has taken this exception; but to the extent that they have a right, they are put upon an equality with citizens; and to the extent that they may acquire a right, they will have it. The precedent of to-day is the prescription of to-morrow; and as to making distinctions of this kind, my friend must know that it will result in this: that we give our domain to foreign immigrants as far as they choose to settle upon and cultivate it.

Mr. DAWSON. I will say to my friend from South Carolina, that he is right in the construction which he places upon the bill. As I read it, it applies to lands subject to private entry at the time of application being made for the benefits of the act. If the lands are surveyed at any time within twelve months, or two years, or three years, before application is made, in Nebraska or anywhere else, they may be taken. That is the provision.

Mr. BUTLER. I have taken up the general impression from the palpable reading of the bill, and my friends around me who have been more minutely informed on the subject, tell me that I am right. It seemed to me that I could not be mistaken. Then, sir, you are opening your territory to foreigners. True, we have been told that the foreign settler cannot take it until he becomes a citizen. But now imagine this case: suppose a man who was a deserter upon the plains of Churubusco, who has not contributed either his blood or his treasure to the acquisition of the lands, but who has used his bullets and his bayonet against our soldiers, settles down upon one hundred and sixty acres of land in Kansas and Nebraska, having given notice that he intends to become a citizen of the United States. Is he not then an equal with anybody else? How can you exclude him? He settles there without any one of the guarantees to which I have alluded. It is said, to be sure, that he cannot take the land with a perfect title until he becomes a citizen. If I were a judge, presiding in any court, and that man should come forward to become a citizen, and swear to support the Constitution of the United States, and abjure his allegiance to all foreign potentates and Powers whatever; if he came there with proof in his pocket that he had been a deserter on that plain; if he came there without the ordinary certificate that he was a good man, and worthy to be an American citizen; if he came with a warrant of blood in his hands, would I, as a judge, admit him to be a citizen of that Territory? No, sir. And yet you propose to give the land to thieves, and robbers, and deserters, if they choose to avail themselves of this power. You give it to anybody who will go and take it.

Sir, I have as much respect as my honorable friend from Iowa has for the historical names to which he alluded; and I might select individuals from those who are coming over here now that I would regard as my friends. There are those among them who are conversant with the literature of the country, those capable to-morrow of becoming citizens; but he knows that we cannot make them citizens *ipso facto*; and, therefore, I would require them all to go through a tutelage, the process required by the Constitution of the United States, before allowing them to exercise the privilege of voting anywhere.

But, sir, I will not invite them here by giving them an equality with citizens who have earned a right to be tenants of your public soil, who hold their right by a tenure higher than that of being invited to come because they were worth nothing. The best citizens you will ever have, are those who have earned something by their industry before they go on the public lands. I am not opposed to the poor man; but let the comparison be made when you choose, between the man who has earned \$300, or \$500, or \$1,000 by his labor, and goes to settle on the public lands, and an immigrant newly arrived in New York from Germany, who is twenty-five years old, with not a dollar in his pocket, who is a beggar in the streets, and a vagabond everywhere, and I will tell you who would be the tenant that I would choose. In the language of my honorable friend from Illinois, [Mr. SHIELDS,]

I would say that you receive the highest guarantee and security for his patriotism, from the tenant who is on your soil—who mingles with it the sweat of his brow. He will fight for it, and defend it. The industrious man who has become a husbandman from choice—by industry—is worthy of my respect, confidence, and love; but I cannot consent to place the vagabond (who is invited to take possession because he has earned nothing) upon a perfect equality with those who have earned something by their labor. I will never agree to it. While gentlemen bestow high and splendid eulogies upon foreigners, let me tell them that I know how to discriminate between one foreigner and another. But I know that, as a class of men coming in by shoals, (and they are coming like a swarm of herrings,) they are not equal to the same number of American native citizens, or those citizens who have been naturalized. I do not believe it, and not believing it, I cannot and will not recognize an equality.

Mr. CLAY. Mr. President, I am very illy prepared for vocal gymnastics to-day, but cannot consent that the vote be taken on this motion without replying to some remarks which fell the other day from my honorable friend from Iowa, [Mr. DODGE.] I rise to exonerate myself from a very grave and serious charge preferred by that gentleman against me—that of departing from my father's faith, and following after strange gods. In support of this charge he read from some remarks of a gentleman of my own name, who preceded me in the Senate, made by him in the winter of 1838, in support of admitting foreigners, like American citizens, to the right of preemption.

Now, sir, before stopping to inquire how far I may agree or disagree with that gentleman, I wish to address an *argumentum ad hominem* to my friend from Iowa. He, sir, of all men in the Senate, is the last who should ever quote parental authority, or inveigh against filial disobedience; for I think the entire Senate will concur with me in the opinion that he exhibits in his political conduct an utter disregard of parental precept and example. [Laughter.] Indeed, sir, that gallant and faithful representative of the "Young Game Cock of the West" upon this floor, is a practical refutation of the truth of the old saying, "As crows the old cock, so crows the young." [Laughter.] On the contrary, the young cock generally sounds the counter note to the old cock. In short, sir, it appears to me that, repudiating the scriptural injunction, "Hear the instructions of thy father," he is a perfect illustration of the self-sufficiency and filial impiety of "progressive Young America," kicking off the swaddling clothes, dodging daddy, and "going it on his own hook." [Laughter.]

Now, I must confess at the same time, that I think my friend from Iowa has been generally right in opposing parental example. He thinks, however, that I am wrong in doing the same thing. I am willing to compromise with him, and agree that each is wrong in his judgment of the conduct of the other. If I cannot make this compromise with him, then I propose to show that I am right; and, moreover, that I do not occupy an antagonistic position to that of my predecessor, from whom he quoted.

Sir, he quoted the language of a gentleman whose name I bear, and who preceded me on this floor, in favor of granting to foreigners the right to preemption, like American citizens. I concur in that sentiment. If the Government is going to sell land, I say sell it to every honest occupant who will pay the purchase money, upon the same terms. But, sir, that gentleman, in the same speech from which my friend quoted, used this other sentiment, in which I most heartily concur: "I am not disposed to place foreigners upon a better footing than American citizens." So say I; and it is because the sixth section of this bill does propose to place them upon a better footing than American citizens, that I am opposed to it. I intend to show that it does place them on a higher and better footing, in a manner so plain that none can misunderstand, and so conclusive that none can refute. I intend to strip this bill of all its false and flatterous pretenses, and all its studiously contrived verbal disguises, and present it in its truly hideous deformity to the gaze of the American people. And when exhibited in the naked daylight of truth, I think few can endure it, and none embrace it with pleasure or with pride.

Now, sir, in order to illustrate my view of the true character of this bill, I will use a homely simile, which will go to the hearts and understandings of all men. Suppose a father, having a large family of sons, and possessed of an extensive tract of wild land, should offer it for sale at a fixed price to actual settlers, making no discrimination between aliens and his own relations. There would be a fair illustration of the preemption policy. True, his sons might complain that the old gentleman was not as liberal to them as he should be in giving to strangers, aliens to him in blood and feeling, a right to purchase on the same terms with themselves; yet, perhaps, they would not reproach him with injustice, inasmuch as they expected to enjoy, as a patrimony, what he might realize by the sale of his lands. But, suppose that father, after having pursued this policy for some forty years, should suddenly, through some strange caprice or spasmodic emotion of philanthropy, conclude to give away his lands, and should advertise the world that he would bestow a free farm of one hundred and sixty acres on every man who would come and settle upon the lands, and cultivate and occupy them for five years. What would be the reflections of those older sons who had purchased and paid for their lands? Would they not reproach their father with injustice to his own children in extorting from them the purchase money for their land, whilst he gave land to strangers? Suppose, however, the old gentleman should go a little further, and should exact of his sons (who had entered the wilderness, reduced a portion of it to cultivation, and rendered the remainder habitable and eligible for the location of those strangers) an annual contribution for the aid, comfort, and support of those strangers, and exempt them from a similar contribution even for their own use and benefit. I ask whether those sons would not be willing to disown and repudiate that father? Suppose he should even go further than I have suggested, and should invest those strangers with the power of swindling, defrauding, and injuring his sons, and, at the same time, deny to them all means of redress. Would they not be driven by an indignant sense of his unnatural and cruel treatment of them, almost to curse that father, and to address him in the vituperative language of Scripture, "If a man provide not for his own, especially for those of his own house, he hath denied the faith, and is worse than an infidel." A parent so lost to every feeling of duty to his offspring might appear in the form of a man, but would bear within his bosom the heart of a demon.

Such, sir, is not an exaggerated picture of this bill. What does it propose? What is the policy which it will initiate? Why, sir, this Government, after having for more than forty years sold to her own children, native American citizens, the public lands at a fixed price, now proposes to give lands free of charge to all, including foreigners, who may come and settle upon them. Her own citizens have endured the perils, privations, and sufferings incident to a life in the wilderness. The red men have receded at their approach, like the horizon before the traveler. They have driven off or destroyed the wild beasts of the forest. They have robbed it of all its dangers and its terrors. They have intersected it with roads, have built bridges, and rendered it accessible and traversable with ease, comfort, and security. They have dotted it over with farm-houses, hamlets, churches, and seminaries of learning; have dissipated its gloomy shadows, and illuminated it with the benign lights of knowledge and religion. They have invested it with all the fascinations of human society, and have added all the attractions of art to those of nature. And yet, after having accomplished all this, and having enhanced the value of the circumjacent unappropriated and vacant lands belonging to the Government, and rendered them more desirable and salable, you now propose by this bill to invite foreigners to come and settle free of charge upon those lands, purchased by the commingled blood and treasure of American citizens, and made accessible and attractive by their labors. Do you expect to secure the gratitude, cherish the affections, and stimulate the patriotism of your citizens by lavishing such bounties upon aliens?

But that is not all, or the most objectionable feature of this bill. It provides that if any foreigner hold, occupy, and cultivate any portion of

the one hundred and sixty acres of land (although he cultivate but one acre) for five years, at the expiration of that time he may obtain a patent. Now, sir, by compact between the Federal Government and all the land States of this Union, no one of those States can tax one foot of land, the title to which is in the Government of the United States. That is a proposition which will not, I presume, be denied or questioned. Then, sir, you propose, by this policy, to introduce into the State of Alabama any number of foreigners who may go there and settle upon the public and unappropriated lands, and allow them to enjoy, for a period of five years, all the privileges of society and protection of citizenship, without contributing one cent towards the support of the government of that State, in the way of taxation upon that land, while the lands of native American citizens lying within the State are being taxed.

Nor is this all. I said, and I repeat, that as long as the Federal Government holds title to those lands by special compact between the State and the Federal Government, the State cannot tax them. Now, suppose a foreigner, or any number of foreigners who go to settle upon the public lands within my own State, should not choose to contribute towards the support of the State government in the way of taxation on their lands, but should wish to enjoy immunity from taxes. All that is necessary to enable them to escape the burdens, and still enjoy the benefits of government, is to abstain from asking for or receiving a patent. They may thus hold on for life to their free farm, free from taxation. In the mean time, they may become naturalized citizens under the naturalization laws. They may then participate in the framing of laws, and in the government of that State; and yet they are exempted by the provisions of this bill, and by compact between the State of Alabama and the Federal Government, from any obligation to contribute, in the way of taxes upon their land, to the support of that State. Do you suppose that the intelligent freemen of Alabama can be flattered or cajoled into an approval of a measure so unjust and injurious to them, and so generous and beneficial to aliens?

But the most iniquitous and offensive part of this bill is still untold. By another provision of the bill, you propose to give to those foreign immigrants within the State of Alabama, the right and power of defrauding, swindling, and injuring their neighbors; and, at the same time, you deny to those neighbors the right or power of any legal redress. You propose to render those aliens perpetual bankrupts by giving them the benefit of a prospective as well as a retrospective bankrupt law, provided they will not ask or receive a patent, but will hold on to their lands, and enjoy them without a patent, as tenants of the Federal Government; for there is no forfeiture attached to the failure to ask for a patent at the expiration of five years; and those men may hold, use, and occupy the land forever without receiving a title.

Mr. BROWN. Will my friend from Alabama just at this point allow me to interrupt him, because it is this particular question on which I spoke the other day, and on which my vote will depend as to striking out this section?

Mr. CLAY. I yield the floor with pleasure.

Mr. BROWN. I tried the other day, to explain that, according to my understanding of this section, a foreigner making his declaration of intention to become a citizen must perfect his declaration by actually becoming a citizen within five years, or else he will lose all the rights conferred upon him under this act. The sixth section provides that a foreigner "who shall have declared his intention, as required by the naturalization laws of the United States, shall become a citizen of the same before the expiration of the patent, as made and provided for in this act, shall be placed upon an equal footing with the native-born citizen of the United States."

Now, the words "as made and provided for in this act," relate, I apprehend, to the time fixed for issuing the patent; and the whole section of it read, as I shall now read it, would mean what I believe it does mean as it stands: "A foreigner who shall have filed his declaration of intention, as required by the naturalization laws of the United States, and shall become a citizen of the same before the expiration of the five years from the date of that declaration, shall be placed upon an equal footing with the native-born citizen of the

United States." That is the clear construction of the language, according to my understanding of it; and I tried so to explain the other day. Therefore, unless he perfects that declaration of intention within five years, by actually becoming a citizen, he has no rights under this statute, after the expiration of the five years. If he may remain upon the land, according to the construction which my friend from Alabama puts upon it, to all eternity, without becoming a citizen, then I shall vote to strike out the section; and if it is not stricken out, I shall vote against the whole bill, because I am for having no man settle down upon our soil, remain there, occupy it forever, and not be a citizen of the country; but my clear interpretation of the section is as I have now stated it, and as I explained when I spoke the other day.

A few words now to my friend from South Carolina. He took me to task for having declared my willingness to see foreigners occupy the soil; and he wished to know how I reconciled that with my vote upon a former bill, excluding them from the right of voting. I was opposed, and I am yet opposed, to allowing anybody who is not a citizen to control any part of this country; and I therefore voted against giving to foreigners the right of suffrage and the right of holding office in the two Territories that have been lately organized. But I said the other day, and I now repeat, that, after they have been fully invested with the right of suffrage, and the right of holding office in the Territories, I will not quibble about giving them the mere right of settling down upon a piece of the public lands, and cultivating it, and turning the products of their labor into the general wealth. That, as I understand it, is all that you give them by this bill. But an argument is urged that this is an encouragement to them to go into the Territories. I think not. I will not care to encourage them; but being there, under the general license which they have already received, I am very apprehensive that they will vote away my rights, and the rights of my friend from South Carolina. He corrected me on another point. He says he voted for this right of foreigners—

Mr. BUTLER. I never voted for it. I voted against it as a distinct proposition, and so did the Senator from Mississippi.

Mr. BROWN. Was my friend one of the seven?

Mr. BUTLER. Yes, sir.

Mr. BROWN. I am very glad to find that he was one of the glorious seven.

Mr. CLAY. Mr. President, the explanation of my friend, the Senator from Mississippi, is but an illustration of the entire character of this bill. It is a bill full of ambiguity, of equivocation, of amphibology, as my friend from Michigan [Mr. Cass] suggests. It is a bill which admits of different interpretations in different quarters; but who is to interpret it, and how its provisions are to be enforced, are not provided for by it. Now, suppose that the sixth section admits of the interpretation of my friend from Mississippi, and which other Senators friendly to the bill say is the proper interpretation, where is the provision for ousting these foreigners from their settlement upon the public lands, if, at the expiration of five years, they do not become naturalized?

Mr. BROWN. I will answer my friend. It is by allowing anybody else to enter, who chooses to do so. If their right ceases, of course the lands become subject to private entry.

Mr. WALKER. Just as any person can now enter lands when the preemption expires.

Mr. CLAY. Let me ask whether either of these Senators, who make this suggestion in the way of correction, sincerely believe that, in practice, effect would ever be given to their idea? Do they believe that anybody would ever oust foreigners under such circumstances? How will people ever know whether they have become naturalized citizens or not? Will they take pains to go and search the files of the courts, and ascertain that fact? Will they have the means of ascertaining whether they have been naturalized or not? And if it were known they had taken out no patent or become naturalized, who would oust them, and rob them of their houses and other improvements? I think the section admits of the construction which I place upon it; and I think, if it admits of that given it by its friends, the construction which I give it will be the practical illustration of the working of the bill. But I wish to

go back to where I stopped when interrupted by the Senator from Mississippi. The bill, in its fourth section, provides:

"That all lands acquired under the provisions of this act shall in no event become liable to the satisfaction of any debt or debts contracted prior to the issuing the patent therefor."

Now, I say that, under this section of the bill, you may introduce into the State which I have the honor to represent, a population consisting mainly of foreigners, who are utterly independent of all their obligations to the State or to individuals, who may contract debts with impunity, who may defy the courts, and enjoy the piece of land upon which they settle despite of State laws, because it cannot be levied upon or subjected to the satisfaction of any debt which they may contract prior to the issuance of the patent. Thus it is possible, should this bill become a law, on the public domain in Alabama, (which constitutes nearly half of all the lands in her limits,) an alien population may be colonized, exceeding in numbers her native citizens, who, standing on a higher and better footing than those citizens, may enjoy the protection of the Government without aiding in its support, and may riot in licentious liberty on their free farms, free from taxes, free from creditors, and free from the obligations of their contracts. And does any one suppose that State pride could brook such contempt of her authority and such outrage of her rights as is contemplated in this bill? Sir, as one of the representatives of that young, but noble Commonwealth, I will never lend my aid or countenance to any measure so fraught with her humiliation, dishonor, and injury.

The bill will not only infract the rights and degrade the dignity of the land States, but will inflict serious injury on their landholders. The Government holds double the quantity of land held by all her citizens; when she makes the public domain free as air to foreigners, as well as citizens, private lands must be depressed in value; for who will buy land of individuals when it can be taken as a gift from the Government? It will injure the landholders, not merely by depressing the price of their land, but by cheapening all its products; for, by seducing from their pursuits the mechanic, merchant, and manufacturer, and making them farmers, you will increase the number of producers, by reducing the number of consumers, and multiply the class of sellers by withdrawing them from the class of buyers. Thus, by cheapening the sale value of land, and of its products, you will lower the profits of agriculture and injure the agricultural class, which you affect to benefit. And, do you think the landholders in the new States so ignorant as not to apprehend the nature of this bill, and anticipate the injuries its policy will inflict? Do you think they will endure, without a murmur, these aggravated wrongs? You sold them their lands, and received their money; but now propose to give to foreigners as well as citizens, the remainder of your lands, to exempt them from paying taxes to the State, or debts to individuals, to enable them to share in the benefits of schools, churches, roads, bridges, and all the comforts of civilization, without enduring any of the burdens of Government; and, as if to cap the climax of injustice, you will reduce the value of the lands sold to your landholders and the products of their labor. Wrongs so grievous and iniquitous could scarcely be endured with patience and submissiveness by stoic or by saint.

A great deal has been said here in condemnation of what are called Native Americans, or Know-Nothings. I am neither one nor the other, in the political sense of those terms; but let me ask the Senator from Iowa, who is the zealous friend and champion of the foreign population, whether there is any measure which could be conceived of, or projected, or passed by Congress, which is better calculated to excite, to foster, and encourage a Native American feeling, than this very bill? I tell him that, if this bill pass, he will see realized what I had hoped never to witness in this country—he will see a Native American, or Know-Nothing party growing up in the southern States of this Union. And, sir,—and I say it with no less pride than pleasure,—as much traduced, libelled, and slandered, as those States have been by the fanatics at the North, they have been freer from all species of radicalism than any other section of this Confederacy; and, but for the pure, conserva-

tive principles, and true American feeling of the South, in my opinion, the radical, meddlesome spirit of the North would, ere this, have involved this Government in a foreign war. You saw no man-worship of Kossuth exhibited at the South, during his pilgrimage among us. And you have seen no indications of jealousy, envy, or hatred of foreigners among southerners. We neither feel nor exhibit towards them such evil passions. You have seen no disposition there to embark in the policy of intervention with the affairs of foreign countries, or to exclude foreigners from participating as citizens in the privileges of this country. But pass this bill, and impress upon the public mind throughout the South, the idea that, not content with sheer justice to foreigners, you will be generous to them, and unjust to your own citizens, and the spirit of Native Americanism will soon develop itself where, hitherto, it has been unfelt and almost unheard of. Let the friends of foreign immigrants on this floor beware lest they injure rather than benefit that class of our population.

Sir, men are prone to overlook things that are near, and to fix their vision upon distant objects; to lose sight of the physical and moral wants of their own family or neighbors in contemplating the distresses of those more remote. Hence that charity which should begin at home is often expended upon strangers, and works of present necessity are neglected for the achievement of some future good. I do not sympathize in that sublimated philanthropy or double-refined benevolence which forgets or disregards the poor and the needy at its own door, and runs abroad in search of objects of its care and kindness. If we are to convert this Government into a charity asylum, let us lavish its bounties upon citizens rather than foreigners. At all events, let us not inflict injury on the citizen for the benefit of the foreigner; let us not rob the former that we may give to the latter. I never admired or esteemed Petrarch's abandonment of his family to purify the poetry and refine the feelings of his countrymen, or Zimmerman's inculcation of beautiful benevolence while tyrannizing over his children.

I oppose this bill for many other reasons, which I shall give at a proper time. I have confined myself on this occasion, to the particular section of the bill which it is proposed to strike out. I will, however, before I take my seat, answer one reply which I anticipate may be made. I know it will be said "why complain about giving lands away to foreigners? May not American citizens enjoy this bounty? May not those who have heretofore paid for their lands, and are now occupying and cultivating them, go upon the unappropriated public lands, and take the benefit of this act? May not the mechanic, the merchant, the artisan, in short, all classes go upon the public domain, and share in the bounties of this bill?" That is the reply which will be made to me. But, sir, I ask you if it is not insulting the intelligence of any man, if it is not mocking his spirit, to tell him, who, by the whole business of his life, has unfitted himself for the culture of the soil, who has expended his time, and talents, and bodily labor in acquiring a species of handicraft and skill which fit him for one of the mechanic arts, but disqualify him for the cultivation of the soil—I ask if it is not grievous mockery to tell him to go and enjoy this bounty? I ask you if it is not deriding those men who have hitherto purchased and paid for their lands, and are now enjoying and occupying them, and who would lose more by abandoning their improvements for this bounty than they would gain, to tell them go and occupy it.

You might as well bid one,

"Hold a fire in his hand,
By thinking on the frosty Caucasus;
Or cloy the hungry edge of appetite,
By bare imagination of a feast,"

as bid those go and enjoy your free farms, who are disabled by nature or disease, or disqualified by habit for cultivating the soil, or who, by accepting your invitation, would lose the fruits of past toil far exceeding in value the bounty you tender them. Your affected beneficence, far from exciting gratitude to this Government, or satisfying their minds, or bringing joy or gladness to their hearts, will embitter their spirits against the Government and create envy, jealousy, and heart-burning against the partakers of your bounty. They will feel that they are tormented with this

proffer of bounties they cannot enjoy, and condemned like the fabled Tantalus, to

"Thirst in waves,
And, viewing banquet, starve."

Sir, such feelings cannot be repressed or buried in their hearts. They will burst forth in unrestrained indulgence. They will exhibit themselves, I fear, in the persecution of foreigners, in inflaming the prejudices of religious sects, in disrupting social ties, in dissolving existing political associations, in organizing parties anew, upon a different basis, and one fatal to the best interests of the Union, and the peace and harmony of its citizens.

I confess, sir, that I will not vote for the bill if this section is stricken out; for there are other features, to which I have not alluded, no less obnoxious to me than this. I know that in opposing the free-farm policy, I must encounter the opposition of demagogues at home, who use it as a political hobby-horse, on which they may ride into office. If I could yield to the *vis a tergo* exerted by a morbid appetite for public land in a small portion of the new State which I have the honor, in part, to represent—an unnatural appetite, created by the vicious condiments administered by selfish political quacks for their own sinister purposes—I would go heart in hand for this bill. But there are constitutional objections to it, which forbid my embracing this, or any measure which proposes to give away the public lands, or other property of the United States. I have endeavored to develop those objections in my speech on the indigent insane land bill.

And with all respect for my honorable and esteemed friend from Michigan, [Mr. Cass,] I must say, that I have been unable to appreciate the distinction, on constitutional grounds, between giving lands to the States and giving them to individuals. How it is constitutional to give to individuals and unconstitutional to give to the States, has yet to be explained to my satisfaction.

I believe—I had almost said I know—that this bill, if it becomes a law, will prove highly injurious to the interests of Alabama. But if I thought otherwise, no inducement of selfish, local, or State interests, will ever seduce me to transgress the chartered limits of this Government, and to enter upon that boundless and dangerous region within which sparkle up on every hand springs of temptation as fatal to the spirit of our Federal Constitution as was the fabled fountain in the garden of Arimida to human life.

Mr. CASS. Mr. President, with respect to the latter remark of the honorable Senator from Alabama, I have nothing to say. It is a subject that he and I have gone over fully. I do not come here to profess my attachment to the Constitution. That we all profess to obey, and we have sworn to support it. We put our construction on it, and we act on that construction. I see a very great difference between granting land to the State of Virginia, the State of Massachusetts, or any other State, as an act of gratuity, and granting land to individuals who go to settle on it, and thereby increase the value of the public lands. I see that difference, and that is enough for me. If the honorable Senator from Alabama does not see it or appreciate it, it is a matter for himself. My opinion is, that there is an essential constitutional difference between the two propositions, and from almost the foundation of the Government we have acted in conformity with this view. The one is a gratuitous, unconstitutional, unnecessary grant, and the other is perfectly within the Constitution. But I did not rise to discuss that question. I rose merely to advert to one or two remarks which fell from the honorable Senator from Alabama in the very able view—I certainly must say that—he has presented to the Senate.

The honorable Senator seems to consider it a kind of reproach that this land is offered to everybody. He considers it, like the apple of Sodom, fair to the eye, but filled with ashes. He thinks that mechanics cannot take advantage of it. The honorable Senator, in that view, is mistaken—radically mistaken, to use a term which he used, but in a different sense from that in which he employed it. I know there are hundreds and thousands of mechanics—able and excellent mechanics—who are desirous to exchange the shop for the field; and my friends around me, who live in the Northwest, have seen this feeling nearly every day. A large portion of our population is made up of

them. They wish to change their employment. There is no industrious man in this country, who has arrived at middle age, be he a blacksmith, a carpenter, or a cooper, who is not able to go into any portion of our country, and make a living upon a farm, by cultivating and improving it. It requires no great or profound knowledge to do this. I repeat, that, to my personal knowledge, this is a change of condition that a large portion of our mechanics wish to make, and which they do make every day. I presume there is not a man here representing a State north and west of the Ohio, but can look around and see hundreds of instances of it. So that my friend from Alabama is entirely mistaken in that assumption; but it was not principally to correct this that I rose.

I rose for the purpose of saying a few words as to the question presented by the honorable Senator from Alabama, on the subject of taxation. I will remind the honorable Senator that the arrangements entered into by the States and the United States, by which the States relinquished the right of taxing for five years after the sale of the land, has, in all cases, been rescinded by the United States.

Mr. CLAY. Will my honorable friend allow me to explain for a moment?

Mr. CASS. Certainly.

Mr. CLAY. My honorable friend from Michigan misapprehends me. I am apprised of the fact which he mentions, that the original compact by which all lands held by the Federal Government were exempt from taxation, and all lands sold by the Federal Government were exempt for five years after sale, has been altered so far as to render those lands which have been absolutely sold by the Federal Government, and the title to which she has parted with, subject to taxation when sold. But still, I did not predicate my argument upon the assumption that that portion of the compact was still existing, but upon this: I say that, under the compact between the Federal Government and all the new States, you cannot tax any land occupied by a citizen or a foreigner until he has a title to that land; and in that I am correct.

Mr. CASS. I do not think the honorable Senator is correct, and I will proceed to say what I was about to say; for I believe I perfectly understand the honorable Senator from Alabama. Now, sir, there have been two questions connected with the public land: One is the right of the land to exemption from taxation while held by the Government of the United States, and unsold. That is an open question. I will remind the honorable Senator from Alabama that all the new States have not entered into that compact. More than half those States have not entered into that compact. The United States, as a mere question of power, have said, "If you do not pass an irrevocable ordinance, ceding, or relinquishing any right to tax the public lands, you shall not come into this Union." That is the ground upon which it stands in almost all the States. As I said on another occasion, there are but two States in the Union with whom a fair compact was made by the United States on that subject, I mean such a contract as is made between man and man. Those two States are Arkansas and Michigan. All the others have experienced the power of the Government, and their admittance into the Union has been made on condition of acceding to this demand of exemption.

It is very clear that this exemption did not exist under the Constitution, and that Congress had no right to impose it as a condition of admission; so that, independent of constitutional enactment of State compacts, we are brought back to the simple question, whether the land of the United States, by the Constitution, is exempt from paying its share of the public expenditure in that portion of the country where it is situated? I do not believe it is. It has not been so decided by the Supreme Court. But I put that matter aside.

Then there comes the other question to which I referred, and which, according to our present land system, no longer exists. At first, the land was sold upon a credit of five years. The purchaser paid one fourth the purchase money at the time of sale, and he had the four succeeding years in which to pay the residue, but at the end of the five years, if the payment was not completed, he forfeited the land. It seems to have been presupposed by Congress, that the States had the right of taxing this land in the *interim*; for in every case they have required the States, by compact,

to give up that right. Why ask them to give it up if they have no right to tax? Congress have said that during the five years in which the man has an uncertain title, a title to be perfected only by final payment, the States should not tax the land; and in order to induce the States not to tax, they have held out in succession very large considerations. The States relinquished, therefore, that right of taxation within those five years.

When a man is upon a portion of the public lands with an incipient title, a title which he has to perfect, I see no reason in the world why that land is not taxable by the State. I believe it is. A question might arise—and that question Congress evidently wished to avoid—as to what effect would be produced upon the land itself, ultimately, how it might affect the title connected with the United States; but that the man may be rightfully compelled to pay his share of the public expenditures during the period of occupation, there can be no doubt at all. It seems to me that the man can be taxed to the amount which his right is worth; and he can be made responsible for its payment. The mode in which it is to be collected is a subject for consideration for the States.

Now, then, I repeat there is nothing in the Constitution of the United States exempting the public land from taxation; and Congress evidently foresaw that, during the five years the lands thus sold could have been taxed, and they would have been taxed but for the compacts entered into by the several States as they came into the Union. I repeat that, during the period of five years, when the land is thus occupied, there is no reason, in justice, equity, or law, why the person occupying it should not pay his just proportion, according to the value of the property, whatever it may be, to the public expenditures of the country where he resides.

Mr. CLAY. I wish to make a single remark in reply to my honorable friend from Michigan, and it is one which I think is conclusive of the propriety of the position which I occupy, and one which I defy the friends of this measure to answer. Suppose he be correct in his construction of the compact between the new States and the Federal Government, and I be wrong; and suppose that this land be subject to taxation from the moment it is settled upon and occupied by foreigners, of what avail, I ask, is that to the State government, when, by another section of this act, you exempt that land from execution in satisfaction of any debt contracted prior to the issuing of the patent? The land cannot be sold to pay the taxes.

Mr. STUART. Mr. President, I had hoped that we might get to a vote on this question, and I do not think I should have said anything at this time, but for the fact that it appears, from the remarks which fell from the Senators from Alabama and South Carolina, that this is only the commencement of the discussion on their part, and that each of them has a great deal more to say. I should be very willing to hear everything that is to be said, which touches either the object of improving this bill by amendment, or of suffering it to be improved by others. And then, after it is in such shape as the Senate see fit to proceed to vote upon, if gentleman will say all they propose to say against the bill or for it, I shall be content. But as the discussion has taken rather a wide range, I wish now to say a few words. To my mind, sir, the arguments that have been used by those two Senators are a little remarkable, taken in connection with the policy of this Government in respect to its public lands from the beginning; and though I intend to occupy the attention of the Senate for but a few minutes, I will seek to show that they have not submitted a single proposition that is not applicable now to every particle of the public land of the United States.

Why, sir, to begin; the lands of the United States are subject to entry by every man who chooses to pay ten shillings an acre for them. I do not care whether he be a citizen of the United States or not; I do not care whether he comes reeking from the battle-field, either as a victor or a deserter; I do not care whether he comes, to use their language, sweating with the stench of a prison, a penitentiary, or a poor-house; I say that the Government of the United States has provided that, at ten shillings an acre, any man, woman, or child may purchase the land.

So much for the purchase of land. Now, let

me look at the question of preëmptions. Prior to 1841, there was no limitation in the policy of this Government in respect to who might enter on the public lands as preëmtors. There was no distinction against foreigners; no distinction against criminals; no distinction against inmates of poor-houses, or any body else. Any one who would go upon the lands of the United States, and file the necessary affidavit, could occupy, by preëmption, one hundred and sixty acres of land, and at the end of a year could take it and purchase it. In 1841, for the first time, the policy of the United States was altered, so as to restrict this right of preëmption to citizens of the United States, and those who had filed their declaration of intention to become such; and so the law stands to-day. I wish to call the attention of Senators particularly to this point, because I think there has been a great deal said without sufficient comparison; and I am undertaking, sir, as you will see, to show the policy of the Government respecting its lands. I say the policy which I have mentioned is that which prevails to-day in respect to purchase, and in respect to preëmption.

Now, it is proposed, upon some terms or other, and those to be agreed upon, to modify the provision as to price and the time of payment; that is all. I should like to inquire of those two Senators, and of others who may take the same view, what reason exists for changing the policy as to persons. If you will sell to everybody at ten shillings an acre, if you allow everybody to enter by preëmption, why not pursue this policy in respect to persons? If you reduce the price, and give a credit, why not allow everybody to take it upon the same terms? Why should the country be alarmed by the declaration of the honorable Senator from South Carolina, that there is an invitation to foreigners to come here, to possess and control the public lands? Why, sir, they can do it to-day. Everything that can be done by a citizen of the United States to-day, in respect to the public lands, can be done by a foreigner on simply filing an oath that he intends to become a citizen.

Now, does not the sixth section of this bill maintain this provision? Yes, sir, and couples with it another, that is, that he cannot receive the title from the United States until he actually becomes a citizen. There is an additional restriction—a restriction, which, Mr. President, [Mr. BRIGHT in the chair,] as you know, has no application in any of our northwestern States. In the State of Michigan, any man can hold land, whether he be a citizen or not, and it will descend to his heirs or representatives at his death. It is so in many, I think most, of the northwestern States. We have suffered nothing by the policy. Nobody objects to it in our State. Nobody has seen the suffering resulting from it. But, in this bill, I repeat, there is the additional restriction, that he cannot receive a title until he actually becomes a citizen of the United States.

Mr. President, I beg leave to repeat the inquiry, whence this alarm? Whence its necessity? Why should the locus be sounded over a homestead bill, that never was sounded over a bill for the sale of the lands, never over one for taking them by preëmption? But because a bill comes up at this time, with a new title, to dispose of the lands at a new price, and upon different terms of payment, there is a holy horror of foreigners; there is an idea, if we are to believe the argument of the Senator from South Carolina, that men who are citizens of the United States do not come reeking from prisons; do not come from the stench of the poor-house! Why, sir, that idea will not be borne out in experience. You may search the poor-houses and the prisons, and you will find there as many native Americans as foreigners. There is no such halo thrown around a man because he is a citizen of the United States; not at all. He is not necessarily a villain because he is a foreigner, nor an honest man because he is a native-born. It will turn out, therefore, that the facts do not warrant the argument; and I confess, sir, I have been a little anxious to call the attention of Senators to the facts in the case.

I have said enough in respect to the policy. I undertake to use no defiant language, as the Senator from Alabama does; but I will respectfully ask Senators to find, if they can, in this bill, a departure from the policy of the United States in respect to its public lands, which takes away any restriction that hitherto existed.

Now, sir, a few words in reference to the bill itself. My interpretation of it is like that of the Senator from Mississippi. I have no doubt whatever that the right of occupancy terminates with the five years. My reasoning is this: All lands subject to private entry are on sale to anybody at ten shillings an acre. This bill proposes to step in and give to an individual the right to interfere with that general law, so far as to occupy for five years, and actually cultivate it, under the provisions of this bill; but if, at the end of the five years, he does not, according to the provisions of the bill, perfect his title by taking his patent, where is his authority to keep the land out of the market, and prevent any other man entering it at ten shillings an acre? I submit that this is the correct view.

I said in the outset that my object in calling up this bill, and asking for its consideration to a conclusion at this time, was, that the bill might be reasonably considered and properly modified, so as to carry out the objects intended, and so as to meet the sanction of a majority of the Senate. If, therefore, the bill is not what its friends say it is, amend it. I have been unable to see the wisdom or the policy of contending so strenuously against this bill as it is, without any attempt to amend it. If there is any question about the right of occupancy after five years with an omission to perfect the title, put in words which will render the meaning perfectly clear; say, in so many words, that unless the occupant, under the law, perfects his title by taking a patent at the end of five years, his right of occupation shall cease. This is what I think it means now. That, at all events, is what it may be made to mean. So of this section. A criticism was sprung upon the word "now." The Senator from Alabama, a day or two since, sought to show that the word "now" did not mean at the passage of the act, but would mean at the time the individual makes his application to occupy under it. I give it no such construction. But how easy is it to avoid all question by simply inserting, instead of the word "now," the words, "at the passage of this act?" And so of anything else in the bill which is susceptible of two interpretations. In fact, I do not know that, in the little legislative experience which I have had, I have ever seen a bill contested like this. Gentlemen do not ask to amend it. They do not point out possible discrepancies in the bill, opportunities for different interpretations, and propose to amend so as to make it positive and certain; but they content themselves with shadowing forth the enormities that may spring up under it. Their imaginations—and I think they are exceedingly fruitful in invention—are taxed to the utmost to show you what, by possibility, may happen under this bill.

Well, sir, I suppose it would be possible for all the land that is now on private entry in the United States, to be taken and occupied by all the vagabonds in the world; but I do not think it very probable; nor should I consider it a very sound argument for taking all that land out of the market, simply because this possibility exists in the nature of things, and in the nature of man. Why, sir, one would think, from listening to these arguments, that this was a bill gotten up exclusively to invite foreigners to our shores. The Senator from South Carolina says that what is precedent to-day is prescription to-morrow, and he says, also, that there is no disguising it, that the object is now to pass a bill which shall permit foreigners who are here to-day to take land, but next year with an evident intention of permitting those who may come at any time hereafter, to do the same. I do not know where he derives that argument from. I confess I have no such design myself, and I have not heard of any other gentleman who has. It seems to me that in that respect there is hardly any soundness in the position. It is very much better, I submit, Mr. President, to argue things as they exist, rather than to suppose a condition of things, and argue against that.

I did not rise, sir, for the purpose of consuming the time of the Senate upon this bill, or upon this proposition, but simply for the purpose of calling back, if it lay in my power, the argument to the policy of this Government in respect to its public lands, and to show that, so far as relates to persons, this bill is more restricted than any other one which has ever passed, and to submit again what I did a few days ago, that Senators should

offer their amendments for the purpose of making it as perfect as the subject itself is susceptible of.

I shall not vote to strike out this section. I do not think it is worth while to confine entries under this act to native-born citizens. I think that a man who is here to-day, "a resident," in the language of the bill, "of one of the States or Territories," may properly enter upon this land and cultivate it. And I should like to inquire, is there any gentleman here who has the ability to inform me what injury is to happen to the Government of the United States, either in respect to its lands, or in respect to its morality, by allowing any man now in the country to enter upon one hundred and sixty acres of land, and work upon it, and raise produce. Why, sir, we have been taught, from the beginning of civilization down to to-day, that this was one of the most laudable enterprises that could be followed. There is scarcely a philosopher or a poet who has not sought to show that, of all vocations, the cultivation of the soil is best calculated to make an industrious citizen and an honest man. Then, I inquire, what injury can possibly take place by allowing any man now in the country to enter upon a quarter section of land, and work it for five years? I can see none. At the end of five years, unless he becomes a citizen of the United States, he cannot perfect his title, nor further enjoy the occupancy.

I discover no magical effect in this question of citizenship. I do not believe that a man is any better to-morrow, after having perfected his naturalization and become a citizen, than he is to-day, when it is unperfected. He is the same man. He stands before the country and his God in the same attitude. He has the same morality, the same propensities, the same inclinations, and the same judgment. I therefore see no magic effect about it; but if anybody does see it, then I say that person is satisfied by the provision of this bill; for the individual is compelled to become a citizen before he can take out a title to the land. I hope, therefore, the Senate will go on to perfect the bill, not to strike out its sections, unless they should be stricken out for want of virtue, but improve it. Attach a price to the land, if you please—I avowed myself in favor of it the other day—a reasonable and proper price; change the terms of occupancy, if you please; but I protest here to-day against proscribing any class, without knowing the men who constitute that class.

Mr. BUTLER. My friend from Mississippi [Mr. Brown] sat down with the remark that I was one of the seven, and, therefore, he was gratified that I stood where I had been throughout, both in what I had said, and as I had voted, and as I was understood to stand upon the records, in favor of what was known as the Clayton amendment upon the Nebraska bill.

I voted for it, I believe, when the bill was returned here without that amendment. I voted for the bill, as I believe my honorable friend from Mississippi did also; but with regard to any proposition to strike out the provision proposed to be struck out by the Clayton amendment, I think it probable we did not agree in our votes; not but that I agreed in opinion with the Senator. I do not know that I voted with him; I think not.

Mr. BROWN. I have no doubt that my friend from South Carolina meant, I know he meant, to state the thing exactly as it was. There was a slight misunderstanding, however. There were seven of us on the final vote on what was called the Clayton amendment, who voted against allowing foreigners to exercise the rights of suffrage and holding office in the Territories, of which seven I did not think my friend from South Carolina was one. That was what I alluded to.

Mr. SEWARD. Mr. President, some four or five years ago, when the homestead bill was but a shadow thrown over this House, I took that early occasion to express my approbation of the principles of the system, and to discuss at large all the questions which it then presented. It has not been my custom here, ever to repeat unnecessarily arguments which I had taken occasion to use in previous instances in support of the same policy. I shall not, therefore, deem it necessary to repeat what I have heretofore spoken, on this occasion, when I suppose that this great measure, which then had so few friends that they were numbered by the half dozen, is about to become the law of the land. I content myself with declaring that I shall vote in favor of this bill, in whatever

shape it may finally come from the hands of the Committee of the Whole, if it retain the great leading principle of a homestead law.

I address myself for a moment to the proposition which is immediately under consideration, the amendment proposed by the honorable and distinguished Senator from Delaware, [Mr. CLAYTON.] That amendment proposes substantially to strike out that provision of the bill which provides that foreigners not naturalized, but candidates for naturalization, shall participate in this distribution of the public lands; and in lieu of that provision, substitute one giving a sum of money equivalent to the value of the lands to native-born mechanics throughout the United States, who may not be able to avail themselves, by reason of their habits and circumstances of life, of the benefits which the bill gives generally in the shape of lands. Sir, I think the honorable Senator will excuse me for saying that the last proposition seems to be merely designed to serve as a cover for the first, as a pretext by which we may compensate ourselves for something that we do, in striking out the proposition in favor of foreigners.

Sir, I cannot go for the pretext. It is unequal and unjust. I know no reason why we should give to mechanics money more than to other classes of citizens who are not mechanics. I see no reason for discriminating between one class of the native population and another, any more than I see any reason for discriminating between the whole foreign class and the whole of the native class. It would be impracticable. Mechanics are useful men; they are invaluable men; but there are other classes who are equally useful. There are the sailors, the seamen, the navigators, the fishermen, the soldiers, quite as well entitled as the mechanic. There are even farmers who could not leave old farms in the East to take new farms in the West. I dismiss, therefore, what seems to me to be proposed merely as a form, and come to the consideration of the proposition to strike out the provision in favor of foreigners.

I look at this in two lights—one as a measure belonging to a general principle, sentiment, or policy; that is, the principle of discouraging immigration into this country. That will be its effect. In that respect it is a part, a single measure, of a whole system, which is commonly known by the name of Native Americanism; that is to say, of establishing a preference for native American citizens over foreigners. I do not know that my honorable and distinguished friend meant, by this single proposition, to extend his support to the general principle; but there are others here who have advocated it upon that ground. Now, then, it is well enough, if we are going into this principle at all, to see where it leads. I have in my hand the policy of exclusion of foreigners, or aliens, as it is elaborated and drawn out into distinct propositions by a journal which represents that class of society who support that principle. I find that there are sixteen articles in this creed. Here they are:

1. Repeal of all naturalization laws.
2. None but native Americans for office.
3. A pure American common school system.
4. War to the hilt on Romanism.
5. Opposition, first and last, to the formation of military companies composed of foreigners.
6. The advocacy of a sound, healthy, and safe nationality.
7. Hostility to all papal influences, in whatever form, and whatever name.
8. American institutions and American sentiment.
9. More stringent and effective emigration laws.
10. The amplest protection to Protestant interests.
11. The doctrines of the revered Washington and his compatriots.
12. The sending back of all foreign paupers landed on our shores.
13. The formation of societies to protect all American interests.
14. Eternal enmity to all who attempt to carry out the principles of a foreign church or State.
15. Our country, our whole country, and nothing but our country.
16. And finally, American laws and American legislation, and death to all foreign influences, whether in high places or low!

Sir, this creed contains just half a dozen true, sound American principles.

Mr. CHASE. Will the Senator allow me to ask him where he finds this creed?

Mr. SEWARD. In the American Crusader.

Mr. CHASE. Where is it printed?

Mr. SEWARD. I believe in Boston. I find in it a comprehensive view of the principles, some of them right, and some of them wrong—

Mr. DIXON. Does the Senator mean to say that these are the principles of the "Know-Nothings?" I ask merely for information.

Mr. SEWARD. I know nothing of the "Know-Nothings." [Laughter.]

Mr. DIXON. If the Senator knows nothing of the "Know-Nothings," it seems to me very strange that he should pretend here to state what the principles of the "Know-Nothings" are. I should like him to explain, if he knows nothing of the "Know-Nothings" or their principles, how does he read here the principles of the "Know-Nothings?" [Laughter.]

Mr. SEWARD. If my excellent friend, the honorable Senator from Kentucky, had paid attention to what I said, he would have learned, in the first place, that I said nothing of the "Know-Nothings." My reason for it is, that I always say nothing of that about which I know nothing. [Laughter.] Again, the honorable Senator will excuse me from further answering his question, because it is my purpose to say nothing of the Know-Nothings, because of the Know-Nothings, as I have already stated, I know nothing at all. [Renewed laughter.] I am stating what purports to be the creed which comprehends all the articles of this principle of opposing foreign immigration. I need not discriminate here in favor of these principles which are national, these which are just, and these which are American. I need not point them out, and show which they are. It is sufficient for me to say that, in my judgment, every thing is un-American which makes a distinction, of whatever kind, in this country, between the native-born American and him whose lot is directed to be cast here by an overruling Providence, and who renounces his allegiance to a foreign land, and swears fealty to the country which adopts him.

But, sir, without going further in this line of argument, I will state my object in bringing this creed before the Senate. It is to show them simply this: that although it is a very narrow road, it is also a very long one, that we are entering upon when we begin upon this principle of exclusion of foreigners. I wish to show that this will be but a beginning. I am sure that we are to stop short of the end somewhere. My idea is to stop at the door, to stop at the gate. I have never heard any philosophical reason given why there should be this exclusion. I am an American citizen. So was my father before me. Those who can trace their lineage further than I can, may be able to throw further back into antiquity the period when they, by their progenitors, were foreigners and aliens. I cannot certainly carry my genealogy back far enough to know whether it was more than three generations.

Why should I exclude the foreigner to-day? He is only what every American citizen, or his ancestor was at some time or other. If he be an alien, he is, in the course of one, two, three, four, or five years, to become what we all are, American citizens. Sir, something has been said about loyalty. I desire to know where and when the foreigners, the aliens, in this country, have shown less loyalty to this Government and to its institutions, than the native citizens? But, sir, I shall not pursue that line of argument further. I desire to look at it for one moment as a question of policy. We are told that we are to discourage foreign immigration. Suppose we had adopted that policy thirty years ago, what would have been the consequence?

It is now twenty-nine years ago since the system of internal improvement in this country commenced by the construction of the Erie canal through the State of New York, uniting the tide waters of the Hudson with Lake Erie; and since that time we have perfected five thousand miles of canals, at an expense of \$600,000,000, extending our inland navigation from the Mississippi, at its mouth, to the Hudson river at New York, and thus dispensing altogether with what was one of the two great national wants at the time of the American revolution—the navigation of the St. Lawrence. How was that done? I mean, from whence came the labor that did it?

I know of but one American citizen who worked with the spade and wheel-barrow on those works. Doubtless there are many others, but I know only one, and he, I am glad to say, is now a member on this floor, [Mr. WADE, of Ohio,] and one of the most able and talented members. But, as a

general fact, the canals were made by aliens in the process of naturalization. What more have we done? We have made sixteen thousand miles of railroad, connecting the different parts of this Union inseparably together, and thus overcoming the want of centralization, and enabling ourselves to look with pity and contempt upon the statesman who seeks to alarm us into measures of doubtful merit or value, by threatening us with a dissolution of the Union. What labor made all these railroads? I think it was the labor chiefly of foreigners.

Now, what I wish to ask, is, whether these roads and canals have cost too little? Suppose that the foreigners had remained at home, and American native labor had performed this work, can anybody tell what the canals and railroads would have cost?

Again, what has been the diminution of the cost of labor among ourselves? It ranges now from seventy-five cents to a dollar a day. If there were no foreign immigration here, and native Americans were to perform all this labor, what would be its cost? What would have been the condition of the country but for this labor? Sir, I think we must take the case as it is. The ingress of the foreign population into this country is a fixed and unchangeable fact. It has its cause in the condition of society here, and in the condition of society in foreign countries. Nothing could prevent the exodus of the population from Ireland when they were besieged in their native homes by famine and pestilence. They came here in obedience to a law which obliged them to come. So it is of those parts of the population of Germany and continental Europe which come here. So it is of the population from China, which is now flowing in upon the Pacific coast. It cannot remain at home; it must come here, and inasmuch as it must come here, we are to treat it as if we were justly and wisely here.

Regarding, then, this immigration as to continue, let us see what will be the effect of the measure in question upon the interests of society in that respect. The foreign immigration pours into the cities just as it has hitherto done. When it enters the gate a discrimination is found to be made against it, and in favor of the native Americans. The American citizen may go to the western countries, to the new Territories, and occupy and cultivate a farm. The aliens cannot. What then will happen? The American citizen will go. The alien must remain. What is to be the effect? Is it not seen at once that it breaks society into two classes, and distributes them, not according to the laws of supply and demand, but according to an arbitrary principle or policy, obliging the foreigner to remain in our cities, and upon our Atlantic coast, and sending a large share of the native population into the West. How will that operate upon the western portions of the country? Do they not want laborers? Are they not engaged in extending and perfecting the system of internal improvements? Do they not want their share of this foreign population there? If it is useful to us, is it not useful to them? Are we through with all that we have to do in the Atlantic States, so that we can dispense with foreign labor, and resort to the labor of American-born citizens exclusively? Those may come to this conclusion who, in looking through the different departments of industry in the cities, believe—wisely and upon well ascertained facts—that there is a surplus of labor in the different departments of commerce and industry in the Atlantic States; but I think they will find themselves quite mistaken; and that if they send away the alien population, they will find the prices of agricultural labor rise to a high advance in the Atlantic States, severely injurious to those States; while a corresponding injury will result to the western States from the absence of the foreign labor.

Sir, it is time I should give the text of this sermon. Here it is:

"He (the king of England) has endeavored to prevent the population of these States; for that purpose, obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands."—*Declaration of Independence.*

Mr. PRATT. Mr. President, it is not my object at the present time to enter into a long discussion of the merits of this bill. In the few remarks which I intend to make, I design to confine myself ex-

clusively to the section which is proposed to be stricken out. I regret that the Senator from Michigan [Mr. STUART] is not now in his seat, for the remarks which he made have produced in my mind a desire to discuss the principles which he avowed, and to bring them to his attention, and that of the Senate, so that we may understand correctly whether he is right, or whether my honorable friends who preceded me upon the same side of the question, with myself, are right.

The broad proposition assumed by that Senator is that, according to the present land system of the United States, any foreigner may become the purchaser and owner of any land belonging to the United States; consequently he can see no objection, such as has been urged by my honorable friends on my side of the question, to the section proposed to be stricken out. He can see no objection to giving the public lands to foreigners, because he says those foreigners may now become the owners of the lands by purchase.

I am utterly mistaken, or the honorable Senator from Michigan is wrong, in supposing that foreigners can now buy the public domain. I take the State represented by the honorable Senator from Mississippi. I take the State of Alabama, without knowing, however, what may be the local law of Alabama. I am apprised that the law of Mississippi is as that of Maryland, that no alien can become the owner of land within the limits of that State.

Mr. CLAY. That is the law of Alabama.

Mr. PRATT. That is the law of Alabama. It possibly is the law of Louisiana.

Mr. BENJAMIN. No, it is not.

Mr. PRATT. It is the law, however, of many of the States of the Union in which the public lands are located. It is, therefore, Mr. President, perfectly clear, according to my conception, when in Mississippi, in Alabama, and in other land States as they are designated, the law of the State prohibits an alien from becoming the owner of the land, that it is wrong to attempt, by this sixth section, to annul the law of the State by making it competent for an alien to hold land, when under the State law he cannot hold it. There is no argument necessary, because the avowed object of the bill is to give to every alien the power to hold land within the limits of any State of this Union, where the United States are the possessors of that land.

I therefore submit, Mr. President, whether this section should not be stricken out for the reason which I now assign: That we should not bring the jurisdiction of the Federal Government in conflict with the jurisdiction of the States, which will be undoubtedly done if the bill pass with the section in it. That is one proposition which I desire to submit.

It is argued further, that, under this section, no alien, no foreigner, until he has become naturalized, can become the owner of the land. But, in the first place, Mr. President, although he would not acquire, by patent, the absolute title to the land, he is entitled, under the bill, to hold it, not for five years, as supposed by the Senator from Mississippi, [Mr. BROWN], but as long as he may live; and after he dies, if it is within one year or one moment after he goes there—if he comes to this country to-day, and goes upon the land to-morrow, carrying his children with him, equally born foreigners, and he dies, those children, without ever becoming naturalized, can become, under the second section, taken in connection with the sixth, absolute owners in fee, without a patent, of the land which you give by the bill. If the foreigner who removes to your public land dies at any period, his children, by his death, become the owners, in fee, of that land; therefore, without being naturalized, they are the owners in fee of the land; and if they are under the age of twenty-one, the executors of their father may, for their benefit, sell the land in fee to whoever chooses to buy it.

I say, then, Mr. President, that, under this section of the bill, the occupancy of the public land is not confined, as Senators have contended, to persons who are to become citizens; but you are bringing in direct conflict the jurisdiction of those States which prohibit aliens from holding lands, with the Federal Government, by giving the right to foreigners in States which restrict them from holding lands. You give to aliens in Mississippi and Alabama, whose local laws prohibit it, the

right to hold in fee without becoming naturalized, or applying to become naturalized.

But my friend from Delaware [Mr. CLAYTON] pointed out another discrepancy in this section, to which I wish to call the attention of the Senate. If the Senate will look, for one moment, at the first section of the bill, they will find that, in giving the authority to citizens of the United States to acquire the title to this land by the occupancy of it, it is confined to any free white person who is the head of a family. The sixth section, unintentionally, I have no doubt, substitutes for "free white person" the designation of "any individual."

Mr. BADGER and Mr. CLAY. That relates to foreigners.

Mr. PRATT. Any individual, who is a foreigner, whether white or black; whether capable of becoming a citizen of Alabama, by the local law of Alabama, or not; whether capable of becoming a citizen of Mississippi, according to the policy of that State, or not, is, by this bill, to be authorized to go to Alabama or Mississippi; and by merely going upon the land, he becomes actual owner, in fee, of the land itself; and if he should die, his child becomes owner without any attempt to become naturalized.

Mr. BUTLER. Does it not require naturalization?

Mr. PRATT. This does not.

A SENATOR. He must file his declaration of intention.

Mr. PRATT. The Senator does not understand me. I say that, under this bill, any black person from Cuba, or from Africa, can go to Mississippi or Alabama, and if he should die while occupying the land, his children, being aliens too, coming with him from Africa or Cuba, become *per se*, from the fact of the occupancy of the ancestor and his death, the actual owners, in fee, of the land. The sixth section, it will be collected, puts aliens upon an equal footing with citizens of the United States. The proviso to the second section is, that if this person thus coming here is dead, and his heirs shall prove by two credible witnesses that "they have continued to reside upon and cultivate said land, and still reside upon the same, and have not alienated the same, or any part thereof, then, in such case, they shall be entitled to a patent, as in other cases provided for by law." And then, again, there is the further proviso:

"And provided further, In case of the death of both father and mother, leaving an infant child, or children under twenty-one years of age, the right and the fee shall inure to the benefit of said infant child or children, and the executor, administrator, or guardian may sell," &c.

So here, in the contingency which I have suggested, is the absolute transfer, in fee, to an alien negro who should emigrate to Mississippi or Alabama, where, by law, he is not entitled to go at all.

Mr. BUTLER. Will my friend allow me to interrupt him to enable me, and those who have insisted upon the distinction, to be right? By the naturalization laws passed in 1793, I think, or 1794, after the adoption of the Constitution, no person can become a citizen of the United States unless he is a white person.

Mr. PRATT. I am not denying that.

Mr. BENJAMIN. But he can make a declaration. That is all the law requires.

Mr. BUTLER. I want to get my friend right.

Mr. WALKER. I have no doubt the Senator from Maryland intended to read the bill fairly; but he certainly has not done so in one particular. He has said that it is immaterial if the person settling to-day should die to-morrow, his children are to become entitled to a patent for the land. He certainly has not read the bill, or, if he has, he has not correctly read this proviso:

"Provided, however, That no certificate shall be given or patent issued therefor, until the expiration of five years from the date of such entry; and if, at the expiration of such time, the person making such entry, or, if he be dead, his widow, or, in case of her death, his heirs or devisee, or, in case of a widow making such entry, her heirs or devisee, in case of her death, shall prove by two credible witnesses that he, she, or they, have continued to reside upon and cultivate said land, and still reside upon the same, and have not alienated the same, or any part thereof; then, in such case, he, she, or they, shall be entitled to a patent, as in other cases provided for by law."

He will see, then, under that proviso, the children are not to be entitled unless after the expiration of five years. Then the next proviso is connected with it by the conjunction "and":

"And provided further, In case of the death of both father and mother, leaving an infant child or children under twenty-one years of age, the right and the fee shall inure to the benefit of said infant child or children, and the executor, administrator, or guardian, may, at any time within two years after"—

After what? After the five years, and

"After the death of the surviving parent, and in accordance with the laws of the State in which such children for the time being have their domicile, sell said land for the benefit of said infants, but for no other purpose."

I only wish to correct the statement of the Senator, when he said that if the party died the day after he had settled, his children would be entitled to the benefits of this act.

Mr. PRATT. Mr. President, the broad proposition I started to illustrate was, that, under the provisions of the bill, a person may become an owner of lands without being naturalized, or having ever declared his intention to become naturalized, and I referred to the proviso in the second section for the purpose of showing that I was right. The certificate is not to issue until the party shall have resided five years upon the land; he is not entitled to his patent; but after "the expiration of such time, the person making such entry, or if he be dead,"—if he be dead, therefore at the expiration of the time—

Mr. WALKER. After—

Mr. PRATT. Well, after—then the children are to be entitled. Let me put a case. Suppose A, B, and C—A, a foreigner, B and C his children under the age of twenty-one—were, under the bill, to proceed and take possession of a portion of the public lands; suppose A to live for a twelve-month, and then die, and his children continue to occupy the land for the residue of the five years; they would be entitled, I contend, according to my convictions of the true construction of the second section, in fee, to the land upon which their father had originally entered.

In reference to the naturalization laws of the United States, I was perfectly aware that under them none but white persons can become citizens of the United States; but this section does not require them to become citizens before they are to occupy the land. They are only to make some affidavit that it is their desire, their object, their intention, to become citizens. That declaration entitles them to take possession of the land, and having possession of it, under this bill, their children, in the event of their death, at the expiration of five years would be entitled to the land in fee, without ever applying to become citizens. You will see that the second section does not require that the child, although a foreigner himself, although born abroad, shall become naturalized; but upon the death of the parent, the child, if under twenty-one years of age, is, *per se*, without naturalization, entitled in fee to the land. If he be black or white, there is no necessity for naturalization. It is, *per se*, because he is the child of the party who occupied it, that he becomes, under this bill, entitled in fee to the land taken possession of by the ancestor.

I cannot accord either, Mr. President, with the doctrine of my friend from Michigan, [Mr. CASS,] when he says he can see no difference between foreigners and Americans, and that being an American citizen does not make a man purer, does not change his heart, his mind, or his morality. He can see no difference between American citizens and foreign citizens. Now, sir, we are living, I admit, in a new era. We are living in days of progress; but I regret that the day has ever come when, in the Senate of the United States, and by a Senator as respectable as my honorable friend who has made the asseveration, it should be declared, seemingly with the approbation of many of those who heard him, that he could see no distinction between an American citizen and a foreigner, upon a question of disposing of property exclusively belonging to American citizens.

Sir, this is an electioneering topic. The speeches here are made not for our consideration, not to have weight with us, but for home consumption. I can readily see that in those States where foreigners are allowed to vote and exercise the privilege of American citizens, their representatives here may feel bound to protect them; and their own political existence may require that protection; but I never can assent to the doctrine that there is no distinction between an American citizen and a foreigner, in giving to one or the other a right to own the soil of this Union. I am not

talking about naturalized or native citizens; but I am talking about citizens of the United States, recognized by the Constitution of the country as citizens. Is there no difference between a citizen of the country, owning the soil of the country which he is bound to defend, and a foreigner who owes allegiance to another Power, and who, in the event of a war between the Government whose land he owns and the foreign Government to which he owes allegiance, is bound by his oath to take part against the former? I have no intention or desire to make any speech upon this subject; but I submit, as a matter which occurs to my mind at the moment, with the impression that it is right, but without that consideration or reflection which would enable me to speak on it, whether the foreigner to whom you are about to give these lands can commit treason against the United States? What I understand to be treason is when the citizen of a Government, owing that Government allegiance, makes war upon it. If the citizen of a foreign Government be temporarily here, and that Government to which he owes allegiance goes to war with the United States, he could be punished for treason abroad if he defended this country against that foreign Government.

Mr. CASS. Certainly.

Mr. PRATT. The Senator admits that. It is enough for the argument then. That Senator is in favor of giving to the citizens of a foreign Government the public lands of the United States, when he concedes that the citizens of that Government, in the event of a war between the foreign Government and the United States, would be bound by their allegiance to the foreign Government to make war upon our own country.

Mr. CASS. I admit no such thing. I repudiate it *in toto*. What I said was, that an Englishman here temporarily, with a view to return, while he is here can commit treason against his Government. He has a temporary allegiance here; but if his Government goes to war, he may claim the privilege of a British citizen, and be a prisoner of war on parole; but I did not admit that if he becomes an American citizen he can commit treason against England. We have always opposed that; England wanted it admitted; but under every Administration we have opposed it.

Mr. PRATT. This is the proposition which I desire to submit: Whether a foreigner who owes no allegiance to a Government can commit treason against that Government? As I stated, it is a proposition which I have not considered; but it occurred to me at the moment. I doubt very much whether he could be punished for treason at all; and, undoubtedly, if the foreign Government to which he should owe allegiance were to make war against the United States, although you give him possession of a whole county in one of your States, he would not be bound to defend that land, but would be bound by his allegiance to the other Government to give it up to the foreign potentate to whom his allegiance was due.

Mr. President, I did not intend to say as much as I have already said upon this subject. I am thoroughly convinced, whatever may be considered the policy of this Government in reference to the disposition of the public lands, it is undoubtedly impolitic (and I say further to my friends from those States where foreigners are now allowed to vote before they are naturalized, the time is coming fast when the impression will pervade every section of this Union that it is impolitic, and that it will become unpopular) to give the right, the sacred right, of making the laws of this country to those who do not owe allegiance to it.

Mr. MASON. I move to postpone the further consideration of the bill until to-morrow, in order that we may have an Executive session.

Mr. WALKER. I hope that will not be done. It is too late to go into Executive session; and I desire to submit a few remarks on this subject.

Mr. MASON. The Senator may rely upon it, that this debate is not going to stop so suddenly. I shall certainly take part in it. It is now half past three o'clock; but I do not want to detain the Senate long in Executive session.

Mr. WALKER. I move that the Senate adjourn.

The motion to adjourn was not agreed to—ayes 16, noes 25.

The motion to postpone was agreed to—ayes 23, noes 25.

TELEGRAPH TO THE PACIFIC.

Mr. BADGER moved to reconsider the vote by which the Senate, yesterday, passed the bill authorizing the construction of a subterranean line of telegraph from the Mississippi or Missouri rivers to the Pacific ocean; and the motion was entered on the Journal for future consideration.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, July 13, 1854.

The House met at eleven o'clock, a. m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved. The SPEAKER appointed Messrs. RUFFIN and WHEELER members of the select committee, under the resolution of the House of Saturday last, in place of Messrs. CLINGMAN and CUTTING.

The SPEAKER laid before the House a message from the President of the United States, inclosing a communication from the Secretary of the Navy respecting the observations of Lieutenant James M. Gillies, of the United States Navy; which, with the accompanying document, was laid on the table, and ordered to be printed.

CHARGES AGAINST JUDGE GRIER.

Mr. KIDWELL. I hold in my hand a very important memorial which I ask the unanimous consent of the House to allow me to present, for the purpose of reference to the Judiciary Committee.

Mr. HAVEN. I should like to know the object of the memorial.

The memorial was then read by its title, as follows:

Memorial of the Wheeling and Belmont Bridge Company asking for an investigation of the charges preferred against the Hon. R. C. Grier, one of the Justices of the Supreme Court of the United States.

Mr. HOWE. If left to the impulses of my own feelings and judgment, I should certainly object to the reception of the memorial; but so fully satisfied am I that the distinguished jurist to whom it relates would dissuade me from that course, could he be consulted, I shall interpose no objection.

The memorial was then received, and referred to the Committee on the Judiciary.

WASHINGTON MONUMENT.

Mr. MAY. I ask the unanimous consent of the House to present a memorial, to which I am sure no one will object; and I ask that it may be read, in order to its reference. It is a memorial from the Managers of the Washington National Monument Society.

The memorial was then read by the Clerk, as follows:

WASHINGTON NATIONAL MONUMENT OFFICE, }
June 29, 1854.

To the Senate and House of Representatives of the United States of America in Congress assembled:

The memorial of the Board of Managers of the Washington National Monument Society respectfully shows: That in the year 1833 an association of individuals was formed in this city, for the purpose of raising funds, by appeals to the patriotism of the people, for the erection of a monument in the national metropolis, to the memory of the Father of his Country; that your memorialists and their predecessors, elected managers of the association, have gratuitously given their services, at great personal sacrifice, to the promotion of its objects; that they have been enabled to raise the proposed monument to the height of one hundred and fifty-six feet; that three hundred and thirty-four feet remain yet to be erected; that the funds of the association are entirely exhausted, and all recent efforts on the part of your memorialists to obtain funds for completing the work have proved abortive; and that your memorialists are unable to devise any plan more likely to succeed. Under these circumstances, they feel it to be their duty to bring to the notice of the Representatives of the States and people of the Union these facts, in order that such action may be had on them as to the assembled wisdom and patriotism of the nation may seem meet.

ARCHIBALD HENDERSON,
1st Vice President.
ELISHA WHITTLESLEY,
General Agent.

JOHN CARROLL BRENT, Secretary.

Mr. MAY. The House will see that that memorial is its own advocate, and I have not one word to add to it.

THE SPEAKER. What disposition does the gentleman from Maryland desire to make of the memorial?

Mr. MAY. Upon conferring with gentlemen of the House, of experience, they have suggested to me that it ought to be referred, on account of its dignity, to a select committee, and the associations connected with the number thirteen, have advised that I shall move a select committee of that number to consider the subject.

Mr. COBB. I would suggest thirty-one.

Mr. MAY. The memorial asks no money, but submits the whole subject to the consideration of Congress.

The question was then taken on Mr. MAY's motion; and it was agreed to.

So the memorial was referred to a select committee of thirteen.

JULIA AIKEN.

Mr. EDMANDS, from the Committee on Pensions, reported a bill for the relief of Julia Aiken; which was read a first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed.

RIVER AND HARBOR BILL.

THE SPEAKER. The business first in order is the consideration of House bill No. 392, "making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law," reported from the Committee of the Whole on the state of the Union with certain amendments.

The first amendment was then reported by the Clerk, as follows:

Strike out of the following clause "for continuing the improvement of the navigation of the Ohio, including the repair of the dam at Cumberland Island, \$90,000," the words "\$90,000," and insert in lieu thereof "\$190,000, \$100,000 of said sum to be expended in the improvement of the said river above the falls. And that so soon as the President of the United States is notified by the board of president and directors of the Louisville and Portland Canal Company that all of the capital stock of said company is owned by the United States, and that the said company is free from all debts and liabilities, then the President of the United States shall be, and he is hereby, authorized and directed to appoint the proper officers to take possession of said canal on the part of the United States, and to take control of the canal and canal property aforesaid, so that the same may not fall into decay or obstruct navigation; and the expenses attending the custody and management of said canal and canal property shall be paid out of any money in the Treasury not otherwise appropriated, not exceeding the sum of \$25,000 per annum; and from and after the 1st day of January next, the navigation of said canal shall be free from all tolls and charges whatsoever."

Upon this amendment the yeas and nays had been ordered.

Mr. BRIDGES. I desire to ask the Chair whether, after the House has voted upon the different amendments, it would not be in order, and competent for the House to vote separately upon each item contained in the bill, if the House desires to do so, under the 151st rule?

THE SPEAKER. Such has been the practice of the House under the rule referred to by the gentleman. By that rule it is competent for the House to take a separate vote upon each item of the bill, in its discretion, provided one fifth of the body demand it.

Mr. HAVEN. I want to submit to the Chair whether this is not the precise question which I submitted to the Chair, in reference to the assay office purchase, in the city of New York, in the civil and diplomatic bill a few days since? The language of the rule which I referred to, then, the 53d rule, is the same as that of the 151st rule now referred to. The language of both rules is, any member may call for, &c., and the Chair then decided that to call for a division was a motion, and that it was not competent to submit that motion after the previous question had been ordered. The Chair will perceive that the language of the two rules is precisely the same, and I submit the questions are substantially parallel, and the call is as much a motion now as it was then.

THE SPEAKER. The Chair begs pardon of the gentleman from New York, and hopes he will hear the rule read, and he believes the gentleman will be very well satisfied that he is mistaken in regard to the character of the two rules to which he refers.

The rule was then read, as follows:

"Upon the engrossment of any bill making appropriations of money for works of internal improvements of any kind or description, it shall be in the power of any member to call for a division of the question, so as to take a separate

vote of the House upon each item of improvement or appropriation contained in said bill, or upon such items separately, and others collectively, as the members making the call may specify; and if one fifth of the members present second said call, it shall be the duty of the Speaker to make such division of the question, and put them to vote accordingly."

Mr. LILLY. I desire to ask a question of the Chair. Does the Chair decide this to be a bill for internal improvements? As it is denied all around the House, I desire to have the decision of the Chair upon that point.

THE SPEAKER. That may come up as a question of order after the amendments are disposed of.

Mr. COBB. I would like to know if the amendment is not divisible?

THE SPEAKER. Another question is raised with regard to the amendment. The Chair will state that this rule in reference to internal improvements has been adopted since he has been a member of the House, and, since its adoption, the recollection of the Chair is, that it has been made applicable to bills of this description alone. Under the spirit of the rule, a separate vote may undoubtedly be had upon each item in the bill. A different question, however, now arises. The bill has been reported from the Committee of the Whole with amendments, and the previous question has been ordered upon its engrossment, and the Chair is asked whether an amendment which is reported by the Committee of the Whole is divisible. The Chair thinks that, under the spirit of the rule, the amendment, containing as it does more than one item, may be divided, and a separate vote taken upon each item.

Mr. COBB. I then call for a division of the amendment, and ask that the vote may be taken upon the first portion. I desire to vote for a part of the amendment, but not for the whole. I insist upon a division.

Mr. WENTWORTH, of Illinois. I rise to another point of order. It may be very true that upon the engrossment of the bill this amendment may be divided under the rule alluded to by the Chair, but I insist that the amendment must now be voted on as a whole.

THE SPEAKER. The Chair thinks that a literal construction of the rule would favor the view taken by the gentleman from Illinois.

Mr. WENTWORTH. Under that rule I think a vote may be twice taken upon these items. If a separate vote is taken now, it may again be taken upon the engrossment of the bill.

THE SPEAKER. The Chair thinks the object of the rule may be accomplished in either way; but, as a matter of convenience, he thinks it would be better to have the division now, which would preclude the necessity of taking a second vote upon the amendment.

Mr. WENTWORTH. I can furnish the Chair with precedents, if he desires it, where the vote has been taken upon the amendment as a whole upon its adoption, and divided upon the engrossment of the bill. I think that is the course which has been heretofore pursued, and the course contemplated by the rule.

THE SPEAKER. The Chair has no doubt of the correctness of the judgment of the gentleman from Illinois. The object of the rule may be accomplished in either way. The only question is as to the practice under it. The Chair does not think a matter of principle is involved; for the principle of the rule would be carried out by either course. The technical construction of the rule, however, would be in favor of the course pointed out by the gentleman—to divide the proposition upon the engrossment of the bill, and not upon its adoption as an amendment.

Mr. HAVEN. I have no desire to embarrass the question, or to undertake to puzzle the Chair or the House, but, if allowed, I should like to make this statement: I understood, the other day, when I asked for a division of the question on the assay office proposition—

THE SPEAKER. The Chair recollects the whole case, and has no doubt of the correctness of his decision; but it is not in order now to make speeches about it.

Mr. HAVEN. I understood that the decision was based on the ground that, inasmuch as the previous question was called, it was in the nature of a motion to divide, and therefore not in order. Now, the 53d rule, under which I sought to do that, uses the words that "any member may call

for a division," which is precisely equivalent language to that of the 151st rule. Still, I do not regard it as a matter of much consequence now.

THE SPEAKER. The Chair must call the gentleman to order. It is not in order to make a speech on that matter at this time.

Mr. HAVEN. I have no desire to submit a speech, or to raise a question of order. I am willing to go to voting at once.

THE SPEAKER. The Chair decides that it would be in accordance with the rule to make a division on the engrossment of the bill, if the amendment be voted in.

Mr. COBB. Then if all be voted down, I shall lose the benefit of division. I cannot divide now.

THE SPEAKER. The gentleman cannot have a division now, according to the decision of the Chair.

Mr. SEWARD. Is the vote now on the entire amendment, or has it been divided?

THE SPEAKER. The vote is on the entire amendment.

The question was taken on the first amendment; and it was decided in the affirmative—yeas 94, nays 58; as follows:

YEAS.—Messrs. Bennett, Benson, Breckinridge, Bridges, Bugge, Campbell, Carpenter, Caruthers, Chandler, Clark, Corwin, Cox, Crocker, Thomas Davis, Dawson, Dick, Disney, Dunbar, Eastman, Edgerton, Edmonds, Thomas D. Eliot, John M. Elliott, Ellison, English, Everhart, Farley, Fenton, Flagler, Florence, Franklin, Giddings, Green, Greenwood, Aaron Harlan, Harrison, Haven, Henn, Hiester, Hill, Howe, Hughes, Johnson, J. Glancy Jones, Kerr, Kidwell, Knox, Kurtz, Latham, Lindsay, McNair, Mace, Macy, Matteson, Middleswarth, John G. Miller, Morgan, Nichols, Noble, Norton, Modocai Oliver, Parker, Preston, Pringle, Ready, David Ritchie, Robbins, Rogers, Russell, Sabin, Sage, Sapp, Seward, Shannon, Gerrit Smith, Frederick P. Stanton, Richard H. Stanton, Hestor L. Stevens, Straub, John L. Taylor, Thurston, Trout, Upham, Wade, Walley, Elihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Wheeler, Hendrick B. Wright, Yates, and Zollieffer—94.

NAYS.—Messrs. James C. Allen, Willis Allen, Barksdale, Barry, Belcher, Boyce, Caskey, Chrisman, Cobb, Colquitt, Craig, John G. Davis, Eddy, Goode, Grow, Sampson W. Harris, Wiley P. Harris, Hastings, Hibbard, Hilger, Houston, Daniel T. Jones, Roland Jones, Keitt, Kittredge, Lamb, Letcher, Lilly, McQueen, Maurice, Maxwell, Mayall, Morrison, Murray, Olds, Andrew Oliver, Orr, Bishop Perkins, John Perkins, Phelps, Phillips, Powell, Pratt, Puryear, Reese, Rowe, Ruffin, Shower, Skelton, Samuel A. Smith, William Smith, William R. Smith, George W. Smyth, Stratton, John J. Taylor, Vansant, Walsh, and Daniel B. Wright—58.

So the amendment was adopted.

Mr. PRESTON. I rise to a privileged question. I move to reconsider the vote by which the amendment was adopted, and that that motion be laid upon the table.

Mr. COBB. What becomes of my application for a division?

THE SPEAKER. The gentleman will not lose any of his rights by the motion.

The question was taken, and the motion to reconsider the vote by which the first amendment was adopted was laid upon the table.

Second amendment:

Add to the following paragraph of the bill: "For continuing the improvement of the navigation of Tennessee river, \$35,000," the words:

Provided, That such part of said sum may be expended below Kelly's ferry, on said river, as the Secretary of War may direct.

The amendment was agreed to.

Third amendment:

Add to the following paragraph: "For continuing the improvement of the navigation of the Arkansas river, \$40,000," the following proviso:

Provided, That the joint resolution, entitled "A resolution explanatory of the act appropriating money for the removal of the raft in Red river," approved January 27th, 1853, be, and he is hereby, repealed, and the Secretary of the Department of War be directed to expend the appropriation in reference to Red river raft in such way, and for such purposes, as he may approve, having in view the improvement of the navigation of Red river in and around the said raft.

The Speaker put the question on the amendment, and decided that it was adopted.

Mr. SAGE. I want a division of the House on that amendment. The gentleman from Louisiana, [Mr. Jones], on whose motion it was ingrafted on the bill, I perceive, voted to lay the bill upon the table, and I hope, under the circumstances, the friends of this measure will vote the amendment down.

Mr. GREENWOOD. I appeal to the gentleman from New York [Mr. SAGE] to withdraw his objection to the amendment. Had it not been offered by the gentleman from Louisiana, I myself

should have submitted it for the adoption of the House.

Mr. SAGE. The gentleman from Arkansas is a friend of the bill, and on his statement I withdraw my demand for a division.

The SPEAKER. The demand for a division is now too late. The gentleman from New York [Mr. WHEELER] did demand a division in time, but subsequently withdrew it.

Mr. WHEELER. It was under the impression that the Chair decided the amendment was rejected that I withdrew my demand for a division. So the third amendment was adopted.

Fourth amendment:

Strike the following paragraph from the bill:
For continuing the improvement of the navigation of Cape Fear river, at and below Wilmington, North Carolina, \$50,000.

The amendment was agreed to.

Fifth amendment:

In section two, strike out the first, second, third, fourth, fifth, sixth, seventh, and eighth lines, and insert in lieu thereof the following:

SEC. 2. And be it further enacted, That the Secretary of War, before expending any part of the money herein appropriated, shall, in such cases as he may think the public interests require it, cause a reexamination and survey of the public works hereby appropriated for; and he is hereby authorized to modify the present plan, if, in his opinion, the public interests will be materially benefited thereby; and the money appropriated by this act shall be so applied as to complete or make the nearest approximation to completing the work, for which each specific appropriation is made; and it shall be the duty of the said Secretary, at the earliest practicable time, to report to Congress the result of any such survey with the plan.

The amendment was agreed to.

Sixth amendment:

Add following proviso to the end of the bill:
And provided, That all persons intrusted with the disbursement of the funds appropriated for the works named in this bill, shall be required to give bond and ample security for the faithful application of the same.

Mr. MATTESON. On that amendment I ask for the yeas and nays.

The yeas and nays were not ordered.

The question was taken; and the amendment was agreed to.

The bill was then ordered to be engrossed and read a third time.

Mr. WENTWORTH moved to reconsider the vote by which the bill was ordered to be engrossed and read a third time; and also, that the motion to reconsider be laid on the table; which latter motion was agreed to.

The bill being engrossed, was then read a third time.

Mr. WENTWORTH. I now move the previous question on the passage of the bill.

The previous question was seconded, and the main question was ordered to be put, viz: "Shall the bill pass?"

Mr. WALSH. On that I call for the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and it was decided in the affirmative—yeas 96, nays 76; as follows:

YEAS.—Messrs. Ball, Bennett, Benson, Benton, Bugg, Campbell, Carpenter, Caruthers, Chamberlain, Chandler, Churchill, Clark, Corwin, Cox, Crocker, Cumming, Cutting, Thomas Davis, Dawson, Dick, Disney, Dumbar, Eastman, Eddy, Edgerton, Edmunds, Thomas D. Eliot, Ellison, English, Ewing, Farley, Fenton, Flagler, Florence, Green, Greenwood, Harrison, Haven, Henn, Hiestler, Hill, Howe, Hughes, Johnson, Kerr, Knox, Latham, Lindley, Lindsey, Macdonald, Mace, Macy, Matteson, Middlesworth, John G. Miller, Morgan, Nichols, Noble, Norton, Mordecai Oliver, Parker, Pennington, Preston, Pringle, Ready, David Ritchie, Rogers, Russell, Sabin, Sage, Sapp, Seward, Seymour, Shannon, Shower, Gerrit Smith, Samuel A. Smith, Solters, Frederick P. Stanton, Hester L. Stevens, John L. Taylor, Thurston, Trout, Upham, Vansant, Wade, Walley, Ellihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Wheeler, Yates, and Zollieffer—96.

NAYS.—Messrs. Abercrombie, Aiken, James C. Allen, Willis Allen, Barksdale, Barry, Belcher, Bocoek, Boyce, Breckinridge, Bridges, Caskie, Chrisman, Clingman, Cobb, Colquitt, Craig, Curtis, John G. Davis, Dowdell, Edmundson, Grow, Sampson W. Harris, Wiley P. Harris, Hastings, Hibbard, Hillyer, Houston, Daniel T. Jones, J. Glancy Jones, Keitt, Kidwell, Kittredge, Kurtz, Lamb, Letcher, Lilly, McNair, McQueen, Maurice, Maxwell, May, Mayall, Millson, Morrison, Murray, Odis, Andrew Oliver, Orr, Packer, Bishop Perkins, John Perkins, Phelps, Phillips, Powell, Pratt, Reese, Rowe, Ruffin, Shaw, Skelton, William Smith, William R. Smith, George W. Smyth, Richard H. Stanton, Stratton, Straub, John J. Taylor, Vail, Walsh, Westbrook, Witte, Daniel B. Wright, and Hendrick B. Wright—76.

So the bill was passed.

Pending the call of the roll,

Mr. FRANKLIN. I was not in the Hall when my name was called; but I would like to be permitted to vote in the affirmative.

Objected to.

Mr. BANKS. I was not in the Hall when my name was called; but I desire, if the privilege be allowed me, to vote in favor of the passage of the bill.

Objected to.

Mr. BLISS. I desire the privilege of the House to vote on the question. By an accident of an extraordinary character I was delayed in getting here in time to record my vote when my name was called. I now ask the privilege of doing so.

Mr. CLINGMAN. I object to any member voting, unless he votes regularly under the rule.

Mr. BLISS. I must say that I would not take any advantage of a gentleman in such a case.

Mr. CLINGMAN. During my time in this body I have never known an instance where such a privilege has been allowed.

Mr. BLISS. Then I want to say that, had I been present, I would have recorded my vote in the affirmative.

Mr. BAYLY, of Virginia. And if I had been in the Hall when my name was called, I would have recorded my vote in the negative.

Mr. WENTWORTH moved to reconsider the vote by which the bill was passed; and also, that the motion to reconsider be laid on the table.

The question being on the latter motion,

Mr. SMITH, of Virginia, called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative, yeas 101, nays 71; as follows:

YEAS.—Messrs. Ball, Banks, Bennett, Benson, Benton, Bliss, Bugg, Campbell, Carpenter, Caruthers, Chamberlain, Chandler, Churchill, Clark, Corwin, Cox, Crocker, Cumming, Cutting, Thomas Davis, Dawson, Dick, Disney, Dumbar, Eastman, Eddy, Edgerton, Edmunds, Thomas D. Eliot, Ellison, English, Ewing, Farley, Fenton, Flagler, Florence, Franklin, Giddings, Green, Greenwood, Aaron Harlan, Harrison, Haven, Henn, Hiestler, Hill, Howe, Hughes, Johnson, Kerr, Knox, Latham, Lindley, Lindsey, Macdonald, Mace, Macy, Matteson, Middlesworth, John G. Miller, Morgan, Nichols, Noble, Norton, Mordecai Oliver, Parker, Peckham, Pennington, Preston, Pringle, Ready, David Ritchie, Rogers, Russell, Sabin, Sage, Sapp, Seward, Seymour, Shannon, Shower, Gerrit Smith, Samuel A. Smith, Solters, Frederick P. Stanton, Hester L. Stevens, Andrew Stuart, John L. Taylor, Thurston, Trout, Upham, Vansant, Wade, Walley, Ellihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Wheeler, Yates, and Zollieffer—101.

NAYS.—Messrs. Abercrombie, Aiken, James C. Allen, Willis Allen, Ashe, Thomas H. Bayly, Barksdale, Barry, Belcher, Bocoek, Boyce, Breckinridge, Bridges, Caskie, Chrisman, Clingman, Cobb, Colquitt, Craig, Curtis, John G. Davis, Dowdell, Edmundson, Grow, Sampson W. Harris, Wiley P. Harris, Hastings, Hibbard, Hillyer, Houston, Daniel T. Jones, J. Glancy Jones, Keitt, Kidwell, Kittredge, Kurtz, Lamb, Letcher, Lilly, McNair, McQueen, Maurice, Maxwell, Mayall, Millson, Morrison, Murray, Odis, Orr, Packer, John Perkins, Phelps, Powell, Pratt, Reese, Rowe, Ruffin, Shaw, Skelton, William Smith, William R. Smith, George W. Smyth, Richard H. Stanton, Stratton, Straub, John J. Taylor, Vail, Walsh, Witte, Daniel B. Wright, and Hendrick B. Wright—71.

So the motion to reconsider was laid on the table.

Mr. HOUSTON. I move that the rules of the House be suspended, and that the House do now resolve itself into the Committee of the Whole on the state of the Union.

THOMAS CROWN.

Mr. CHANDLER. Before that question is put, I desire to ask the unanimous consent of the House to have Senate bill No. 326 withdrawn from the table, and referred to the Committee of Claims.

The bill was read a first and second time by its title, as follows, and was so referred:

An act for the relief of Thomas Crown.

COINAGE.

Mr. PHELPS. I ask the unanimous consent of the House that the bill relating to the coinage be taken up, and referred to the Committee of Ways and Means. It is a bill authorizing the coinage of \$150 gold pieces.

Mr. ORR. I object.

Mr. HOUSTON. I am anxious to go into committee, in order, if possible, to get through the Army bill to-day, so as not to interfere with private bills to-morrow.

SYLVANUS CULVER.

Mr. HILLYER. I ask the consent of the

House that the Senate bill, for the relief of Sylvanus Culver, reported by the Committee on Private Land Claims, and ordered to lie on the table, may be recommitted to the committee as important information has been communicated to me in relation to the claim, which may alter the judgment of the committee.

No objection being made, the bill was accordingly recommitted to the Committee on Private Land Claims.

The question was then taken upon Mr. Houston's motion; and it was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. WRIGHT, of Pennsylvania, in the chair.)

ARMY BILL.

The CHAIRMAN. The first bill in order upon the Calendar, is House bill (No. 95) making appropriations for the support of the Army for the year ending the 30th of June, 1855.

Mr. HOUSTON. That is the bill I desire to have considered first.

Mr. BOCOCK. I ask my friend from Alabama, if there is not some other appropriation bill, which can be taken up and disposed of to-day, instead of the Army bill? My colleague, [Mr. FAULKNER,] the acting chairman of the Committee on Military Affairs, was and is desirous of being here when this appropriation bill shall be taken up. He was under the impression that the consideration of the river and harbor bill would consume much longer time than it has. Hence he is not here to-day, but will be back very soon. If the post office bill or the Indian appropriation bill can be taken up to-day, I hope it will be done.

Mr. HOUSTON. The post office bill would not consume ten minutes. And as to the Indian bill, I am not prepared to take that up now. There is no other bill except this which I can take up this morning, and I told the gentleman from Virginia [Mr. FAULKNER] that at the first moment I could do so I should insist on taking up this bill.

Mr. STANTON, of Kentucky. The gentleman alluded to by my friend [Mr. Bocoek] is Mr. FAULKNER, who has charge of the matters which relate to the Army, and I received a letter from him last night, stating that it was impossible for him to get here to-day, and that he could not be here for a day or two. As there is other business which can be taken up, I hope the House will gratify the gentleman so far as to take up some other bill, and postpone the consideration of this one. I move that the bill be laid aside for the present.

The motion was not agreed to.

Mr. HOUSTON. I move that the first reading of the bill be dispensed with, so that it may immediately receive its second reading, and be open to amendment.

The motion was not agreed to; and the bill was accordingly read the first time *in extenso*.

The Clerk then proceeded to read the bill by paragraphs for amendment.

Mr. HOUSTON. I offer the following amendment:

In line twenty-three strike out "\$555,727 70," and insert in lieu thereof, "\$480,359 38," so as to make the clause read:

For clothing for the Army, camp and garrison equipage, and horse equipments, \$480,359 38.

The amendment was agreed to.

When the following clause was read:

"For the various expenditures required for the first and second regiments of dragoons, the companies of light artillery, the regiment of mounted riflemen, and such companies of infantry as may be mounted, viz: the purchase of traveling forges, blacksmiths' and shoeing tools, horse and mule shoes, iron and steel for shoeing, hire of veterinary surgeons, purchase of medicines for horses and mules, shoeing horses of mounted corps, and repairing dragoon and rifle equipments, \$300,000,"

Mr. HOUSTON moved to amend the same, by inserting after the word "viz" the words "horse equipments;" and also, by striking out the words "thousand dollars," and inserting in lieu thereof, "\$75,368 32."

The amendment was agreed to.

When the following clause was read:

"For the purchase of horses required for the first and second regiments of dragoons, the companies of light artillery, and the regiment of mounted riflemen, \$150,000,"

Mr. McMULLIN said: I desire to know of the chairman of the Committee of Ways and

THE CONGRESSIONAL GLOBE.

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Means if it is contemplated by the bill to create a new regiment or regiments?

Mr. HOUSTON. No, sir. It only provides for the supply of those regiments now in existence. The item just read is intended to keep up the supply of horses necessary in the place of those giving out every year.

When the following clause was read,

"For the manufacture of arms at the national armories, \$350,000."

Mr. STANTON, of Kentucky, said: I am directed by the majority of the select committee appointed to examine into the affairs of the national armories, to report the following amendment, to come in at the end of the clause just read:

Provided, That so much of the laws heretofore passed which authorized the appointment of military officers to superintend the operations at the national armories be, and the same is hereby, repealed; and from and after the passage of this act it shall be the duty of the President of the United States, by and with the advice of the Senate, to appoint a competent and well qualified civilian, as superintendant at each of said armories.

Mr. S. then addressed the committee for an hour in support of his amendment, and upon the subject generally of the military superintendence of armories. His remarks, withheld for revision, will be published in the Appendix.

Mr. DICKINSON obtained the floor.

Mr. HOUSTON. If the gentleman from Massachusetts will yield me the floor, I will make a motion that the committee rise, for the purpose of going back into the House and passing a resolution to close the debate upon this bill.

Mr. KEITT. I trust not.

Mr. LETCHER. I hope the proposition will not be assented to. Do I understand the gentleman from Massachusetts as yielding the floor for this purpose?

Mr. DICKINSON. I do not yield the floor for that purpose.

Mr. LETCHER. I hope this debate will not be closed until my colleague [Mr. FAULKNER] from the Harper's Ferry district, a member of this committee, and who, as well as his constituents, is deeply interested in this matter, shall have an opportunity of being heard.

Mr. HOUSTON. If it is the determination of the committee to keep open this debate until the gentleman from the Harper's Ferry district returns, it will be a great deal better to put the bill aside, and take up some other bill.

Mr. KEITT. I desire to make this simple statement, that this House appointed a committee to examine this subject. We were engaged in the examination for four months, and submitted a volume of testimony, of nearly three hundred pages, and two reports, not one of which, I suppose, has been read by any member of this House. Now, if the subject was of sufficient importance to warrant the appointment of that select committee, will this House turn the thing into a farce by taking action without reading a word of the reports of that committee?

Mr. STANTON. They have had two months to read them.

Mr. DICKINSON then resumed the floor, and replied to some portions of Mr. STANTON's speech. His remarks are withheld for revision, and will be found in the Appendix.

Mr. HOWE. I wish to ask the indulgence of the committee to make a motion which requires unanimous consent. I am compelled to leave the city this evening. I have been detained for the last three or four days to wait for the disposition of the river and harbor bill. I feel a good deal of interest in the amendment I propose to offer, and I hope the committee will give me their consent to offer it, although it is out of order.

The amendment was read, as follows:

Sec. 2. And be it further enacted, That the military storekeeper at Rome arsenal, New York, be allowed from the first day of October, 1842, the same compensation as is authorized by the act of the 23d of August, 1842, to be paid to the storekeepers at the Washington, Pittsburg, and Watervliet arsenals, and that there be paid to military storekeeper James S. Abeel, twenty dollars per month, for and during the time he has performed the duties of commissary, and assistant commissary of subsistence and quartermaster.

The CHAIRMAN. To what clause in the bill does the gentleman propose to offer it?

Mr. HOWE. As an independent section.

The CHAIRMAN. That is not in order.

Mr. HOWE. I am aware that it is not, but I suppose it may be offered by unanimous consent.

The CHAIRMAN. It may, if there be no objection.

Mr. WALSH. I object.

Mr. HOWE. Well, sir, I ask the leave of the committee to make a statement.

There was no objection, and Mr. H. proceeded:

The facts of the case are simply these: Captain James S. Abeel has been a military storekeeper at Rome arsenal, New York, since the 23d of January, 1838, at which time the compensation attached to his office was \$1,250 per annum. By the act of 1842, the number of military storekeepers was limited to fifteen, and they were divided into two classes. Five of those, who were also to discharge the duties of paymaster, were to constitute the first class, and their compensation was fixed at \$1,250 per annum. The remaining ten were to constitute the second class, and to receive a compensation of \$800 per annum. Captain Abeel was placed in the second class, and his salary reduced from \$1,250 to \$800 per annum. Since the passage of the act, two of the storekeepers placed in the second class have had their compensation increased to that of first class storekeepers viz: F. A. Webber, of Watertown arsenal, under the act of March 3, 1849, and David Butler, of the Little Rock arsenal, Arkansas, by the act of September 28, 1850. The pay of the second class, on duty in New Mexico, California, and Oregon, has also been increased to the pay of the first class.

Now, sir, the office of military storekeeper is one of considerable responsibility. He is responsible for the stores placed in his charge; and to give some idea of the value of those placed in his charge, I will state that there were, under the charge of Captain Abeel in 1847, \$286,922 29. In 1853 there were \$123,803. I will also state that he is required to give bond and security to the amount of \$15,000.

These are the circumstances under which I have asked leave to offer this amendment increasing the compensation of Captain Abeel from \$800 to \$1,250 per annum. Now, sir, in reference to the personal history of this gentleman, I will say that it shows that his life has been one of no ordinary gallantry in the service of his country. When only seventeen years of age, he fought most gallantly at the battle of Lundy's Lane, carrying the flag of his country in the thickest of the fight; and when it was riddled with balls he still held the shattered staff in his hands. He suffered great exposure during the war. He continued in the service during the entire war, as I am informed, suffering such exposure as entirely to deprive him of his voice. Since then he has been unable to articulate a loud word. He is utterly disqualified for any other pursuit, and has a family of eight children depending on him for support. Now, I put the question to the committee, whether this man, under these circumstances, is to have his compensation cut down from \$1,250 to \$800 by a general, not a special act? I ask whether such a man, disabled in his country's service, has not the right to come here and appeal to justice and patriotism to see that his children do not lack bread. I have nothing further to say, and leave the subject with the committee.

Mr. KEITT. The chairman of the select committee is absent just now; and as it seemed to be the general understanding that this bill was to be passed over, I will make that motion.

Mr. McMULLIN. I would suggest that we should go into the House, and take up some other business.

Mr. HOUSTON. The committee may lay this bill aside, and take up some other which may be passed this evening. The Post Office appropriation bill may be taken up.

Mr. KEITT. My colleague [Mr. AIKEN] desires to have taken up and considered a bill

which was reported from his committee; and I therefore hope my motion will be agreed to.

The question was taken; and the motion was agreed to.

So the Army appropriation bill was laid aside.

POST OFFICE APPROPRIATION BILL.

Mr. HOUSTON. I now move that House bill No. 336—the Post Office appropriation bill—be taken up for consideration.

The question was taken; and the motion was agreed to.

Mr. HAVEN. I move that the first reading of the bill, which is for information, be dispensed with, and that the bill be read by sections for amendment.

The motion was agreed to.

The Clerk then read the bill by paragraphs for amendment.

Mr. HOUSTON. I move that the bill be laid aside to be reported to the House, with the recommendation that it pass.

The motion was agreed to.

LIGHT-HOUSE BILL.

Mr. AIKEN. I move to take up House bill No. 351, making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes.

The motion was agreed to.

On motion by Mr. AIKEN, the first reading of the bill was dispensed with.

The Clerk then proceeded to read the bill by paragraphs for amendments.

When the following clause was read:

"Maine.—For rebuilding light-house and keeper's dwelling on Petit Menan Island, \$35,000."

Mr. McMULLIN said: I desire to know if this is the light-house in the State of Maine that was built some years ago by a compromise? I should like the gentleman representing that district to give me some information in regard to this matter. This is a proposition from the reading of which I gather that it is for the rebuilding of a light-house in the State of Maine. Has the old light-house at that point been burned down? has it rotted away? has it been washed away? or what has been done with it? I should like to be informed in this matter. Here is an appropriation of \$25,000 asked for, and we are not distinctly put in possession of the facts. I received information, not long since, to this effect: a controversy arose in the State of Maine as to the situation of a light-house between two points, the people on one side of the island or river desiring it to be built on their side, and the people on the other desiring to have it on theirs; and, by way of compromise, they agreed to build it between the two points, and an appropriation was asked for to make a mode of conveyance, by which to reach the light-house.

Now, I do not know whether this is the light-house that is provided for by the appropriation just read, but I desire to be informed whether it is or not. Let the committee be informed of all the facts. If they propose to rebuild a light-house there, what has become of the old one? I confess that, without such information, it would be, to my mind, going it rather blind to make this appropriation. If it be the pleasure of the committee, however, to make this appropriation without such information, of course they may do so. But for the purpose of procuring for this committee, and for myself, some light—as I desire to vote understandingly—I move to strike out that provision of the bill.

Mr. AIKEN. I have only a word to say in reference to this matter. There are only three items for the building of light-houses in Maine. They are all in a dilapidated condition. Their rebuilding has been petitioned for, and they have been examined by the Light-House Board, and recommended by them.

In regard to the compromise which the gentleman from Virginia [Mr. McMULLIN] alludes to, I have to say that I know nothing about it, and I

have made no inquiries. I believe these items are all correct, so far as I know and understand them.

Mr. McMULLIN. I assure the worthy gentleman from South Carolina, that I have as much confidence in the correctness of his judgment as in that of any gentleman upon this floor, when he has examined a question which he brings to the notice of this House. But in this case, as in many other cases upon which this House is called to act, I cannot consent to sit here and register my vote upon the recommendation, or upon the estimates of your commissioners and your Secretaries, or heads of Departments, unless I can see ground to believe that the thing is right by itself. I repeat, this matter may be right in itself; but it does seem to me, that, from the showing of the gentleman from South Carolina, this committee ought to have something more before them, before they pass this bill with estimate in it.

Mr. FARLEY, (interrupting.) If the gentleman will allow me to make a suggestion, I will say, that the item in question has reference to a light-house situated in the district represented by my colleague, [Mr. FULLER,] who is now absent from the House. I have sent for documents of the Light-House Board, which throw light upon the subject; and if the gentleman from Virginia will allow this matter to be passed over for the present, it can be taken up by-and-by, when the document will be here.

Mr. McMULLIN. I am perfectly willing, if it meets the views of the committee, to pass by this item informally, and take up the next one, in order to afford time to its friends to get the information I desire. And, certainly, in the absence of the gentleman from Maine, [Mr. FULLER,] who represents the district in which this light-house is situated, I would not insist upon a vote, if the committee is willing to pass it by informally. I do not desire to withdraw the amendment, but to let it stand and be considered hereafter.

Mr. BAYLY, of Virginia. If it be the pleasure of the committee to pass this item by informally, I am sure I shall not object to it; but I declare that I do not at all see the necessity of doing so. I do not at all feel the force of the remarks of my colleague. He speaks of a compromise having been made in respect to this light-house. It is not a matter about which a compromise can be made by anybody. It is not a boon granted to any individual. It is not a boon granted to any neighborhood. It is a public work, for the benefit of the navigating interest of the whole country. It is a public matter about which no compromise could have been entertained or made. The necessity for this appropriation is verified to us by the report of the Light-House Board.

Mr. WENTWORTH, of Massachusetts. I will read what the Light House Board says about it, if the gentleman from Virginia will yield to me.

Mr. BAYLY. Certainly.

Mr. WENTWORTH. The information which has been sent to the Committee on Commerce is ample. I will read a condensed paragraph from the report of the Light-House Board. It is this:

"Numbers three, four, and six are for rebuilding Petit Menan, Baker's Island, and Franklin Island light houses, recommended by the Light-House Board, upon the report of the district inspector, in consequence of its being impossible, from the dilapidated condition of the towers and buildings, to repair them."

Mr. BAYLY. I declare I think that is enough about that item. These light-houses are not matters in which there is any particular local interest.

Mr. MACDONALD. I would say to the gentleman that, by a recurrence to the annual report of the Secretary of the Treasury, you will find there a communication from the chairman of the Light-House Board.

You will find in the supplemental report the following estimates:

For rebuilding light-house and keeper's dwelling on Petit Menan Island, \$35,000;
For rebuilding light house on Baker's Island, \$5,000;
For rebuilding light-house on Franklin Island, 5,000;
For procuring illuminating apparatus, and completing light-house tower and buildings authorized to be built on Boon Island, \$14,973.

In Senate Executive Document No. 2 I find the following explanation:

"List B., hereto appended, exhibits some of the proposed improvements and increase of aids to navigation recommended in the general programme of the temporary Light House Board in its report submitted in 1852, and renewed in the annual report from this office, laid before Congress at its last session.

"Recurring to the two previous reports above referred to, in which it is recommended that though no effort should be spared to render all the lights and other aids to navigation authorized by Congress efficient, as rapidly as the means provided will permit, yet the improvement of sea-coast lights and exterior aids to navigation is of paramount importance. The board takes this occasion respectfully to renew this recommendation, and ask its favorable consideration by the Department and by Congress."

I will only add, that this appropriation is predicated upon a report made to Congress in 1852.

Mr. McMULLIN. I desire to know of the gentleman from Maine if this is the light-house that was built between two points where there was a controversy as to which should have it? One party contended that it should be one side of the river, and the other party that it should be on the other side. By way of a compromise, it was decided that it should be built at a point that would accommodate both. It was built there, and was afterwards ascertained that \$20,000 or \$30,000 must be expended to furnish the means of getting at it.

Mr. MACDONALD. In reply to the inquiry of the gentleman from Virginia, I will say that I have no knowledge of any such case as the gentleman from Virginia alludes to. The only knowledge I have in reference to it, is derived from the document from which I have read. I have heard of no such facts, and know of none.

Mr. BAYLY, of Virginia. I think I can answer the inquiry of my colleague.

Mr. McMULLIN. I am not disposed to embarrass the committee, and I will therefore withdraw my proposition, and allow the reading of the bill to proceed.

Mr. HAVEN. If the gentleman withdraws his objection, there is no need of any further explanation; but if any were necessary, I think it would be very easy to furnish it. I will state that this appropriation is \$10,000 less than was asked for. In the appendix to the report of the Light-House Board I find the following:

"1. *Petit Menan light house.*—This is the most eastern first-class light on the coast of the United States. It is at present one of the worst of all the lights, and the tower is so badly built, and so old, and the lantern so small, that little can be done to improve it; and all that could be done will not make it a light good enough for the important position of a first-class sea-coast light.

"I therefore recommend that the tower and keeper's dwelling be rebuilt, and that there be a second order Fresnel lens apparatus placed in the new light house. For this purpose an appropriation of \$45,000 will be necessary."

This is all I have to say.

Mr. SKELTON. I offer the following amendment:

For a continuation of the system of protecting human life from shipwreck, as heretofore established, by life-boats on the New Jersey coast, \$25,000.

The appropriation which I now propose, is in continuation of the system of appropriations heretofore made, and has been recommended by the Secretary of the Treasury since the recent disaster to the ship Powhatan. It will be borne in mind that some two months ago there were some three hundred and forty lives lost on that coast, in consequence of having no life-boats to protect the passengers on board of that ship. The wreck-masters upon our coast talked with the captain of the Powhatan, within speaking distance, but their boat was lying stranded on the beach. Every passenger on board the ship, if a life-boat had been located at that point, might have been rescued. Disasters like this do not occur occasionally, but they occur every year.

It will be borne in mind that the coast of New Jersey lies southeast of the harbor of New York, and every ship sailing into the harbor of New York, whether an emigrant ship or a steamer, is liable to be driven upon that barren, sandy coast. Twenty thousand dollars have been heretofore appropriated for the protection of vessels upon that coast; and thousands of lives have been saved within a few years by the location of life-boats there. And the addition now asked is recommended by the Secretary of the Treasury. The doubling of life-boats on this coast is an object recommended and desired. I will, therefore, not make a speech on the subject. Every member of the committee must be satisfied of the necessity and the vast importance of protecting life on a coast where so many passengers are daily and hourly exposed to the peril of certain destruction. I will likewise say that this expenditure will be annually more than reimbursed to the United States Government on the customs which it will receive from goods

which, without it, would be lost on the coast. The duties that will be saved to the Government will be more than the annual expenditure. But an annual expenditure is not asked for. The Government is merely required to send the additional number of life-boats recommended by the Secretary of the Treasury; and once they have been placed there, they will be permanent fixtures for years to come. Thousands of human lives will evidently be saved by this expenditure of \$20,000. I will trouble the committee no further in the matter, believing that every member of the committee will agree to the amendment.

The question was put; and the amendment was agreed to.

Mr. BAYLY, of Virginia. I offer the following amendment:

After line two hundred and ninety-six, insert the following:

For buoys to be placed in suitable places in Matchepungo bay, and its tributaries, \$1,000.

In respect to that amendment, I have only to say, that the petition which was sent to me in respect to this matter, made out the necessity of these buoys very clearly. But it was received so late that the Committee on Commerce had no opportunity to act upon it, but I am quite sure it will meet with their approbation.

The amendment was agreed to.

Mr. NOBLE. I move to amend the four hundred and ninety-first and four hundred and ninety-second lines, so that they will read, as follows:

For repair of the light house, foundations, and pier connected therewith, near Monroe, \$7,300.

Mr. Chairman, an appropriation similar to the one in the bill, passed at the last Congress, but was lost by the neglect of the engrossing clerk. The appropriation was made necessary in consequence of the foundation of the light-house being partially washed away, and the pier connected with the main work being somewhat damaged. The damage was still further increased last March by a violent storm. My amendment only increases the appropriation to what it has been estimated the work would cost by the local superintendent. I trust the amendment may be adopted.

The amendment was adopted.

Mr. STEVENS, of Michigan. I move to amend the bill by inserting the following:

For a light-house at or near old Fort Mackinaw, Michigan, \$6,000.

Mr. Chairman, the point for which I ask this appropriation is at the narrowest part of the straits of Mackinaw. The navigation is narrowed there, somewhat crooked, and very difficult. Vessels in the night, going by the compass, will run ashore on one of the small islands there. This light house will enable them to navigate at night as well as they can in day time. I am informed by a great many masters of boats that, on reaching this point, they are compelled to lay to until the morning, so that they may pass it with safety. This light-house erected, and the navigation will be safe at all times. I ask that it may be granted.

Mr. WENTWORTH, of Illinois. Who estimated \$6,000? I think the gentleman had better only ask for \$5,000.

Mr. STEVENS. The estimate was made by the Light-House Board.

Mr. SMITH, of Virginia. I would inquire of the gentleman from Michigan, whether or not there was any evidence before the committee of the necessity for this appropriation?

Mr. STEVENS. There was not.

Mr. SMITH. Why was not the estimate sent to the committee?

Mr. STEVENS. Because it was not received in time.

Mr. WENTWORTH. I understand that the gentleman from Michigan got this estimate from the Light-House Board, after the bill had been reported. If that board estimate \$6,000 then the amendment ought to be adopted.

Mr. SMITH. The Light-House Board may have made an estimate, being called on to do so, but is there any evidence that that board deem the appropriation a wise one? We know that light-houses frequently interfere with one another.

The question was taken upon Mr. STEVENS's amendment; and it was agreed to.

Mr. WENTWORTH, of Illinois. I move to strike out the following clause:

Illinois.—For a beacon-light on the breakwater at Wau-

kegan, (Little Fort,) in place of the present light-house, \$1,000.

For buoys to mark the bar and harbor at Chicago, \$300.

For a light at Port Clinton, \$3,000.

For a light on the breakwater now in course of construction at the harbor of Waukegan, when the breakwater shall be in a suitable condition for erecting the structure, in place of the present light at Little Fort, \$6,000.

And insert in lieu thereof the following:

Illinois.—For a temporary beacon light at or near the breakwater now being constructed at Waukegan, (Little Fort,) \$1,000.

For buoys to mark the bar and harbor at Chicago, \$300.

For a light at Port Clinton, \$3,000.

For the foundation of the light house on the breakwater now in course of construction at the harbor of Waukegan, for a light when the foundation shall be in a suitable condition for erecting the structure in the place of the present light at Little Fort, \$10,500, to be expended under the direction of the Secretary of War.

Mr. SMITH, of Virginia. I would be glad to know if these appropriations are in accordance with the estimates made by the officers having charge of these works?

Mr. WENTWORTH. They are in accordance with estimates made by the proper officers.

The amendment was agreed to.

Mr. McDUGALL. I offer the following amendment:

To enable the Secretary of the Treasury to settle with and pay the contractors for building light houses on the coast of California and Oregon, the sum of \$59,434: *Provided*, That it shall be the duty of the Secretary of the Treasury to pay the said contractors for building the light-house at Point Loma, near San Diego, what the same is reasonably worth.

Mr. WENTWORTH, of Massachusetts. I make a point of order on that amendment. It is a private claim, and not germane to the bill under consideration.

Mr. McDUGALL. I ask that the letter of the Secretary of the Treasury be read.

The letter was read as follows:

TREASURY DEPARTMENT, June 26, 1854.

SIR: I have the honor to inclose a copy of a letter addressed to this Department by Gibbons & Kelly, contractors for building certain light-houses on the Pacific coast, and of a report made to, and resolution adopted by, the Senate, upon the subject of their claim for extra work done, expenses incurred, and losses sustained, for which, as they allege, they are entitled to compensation over and above the amount stipulated to be paid by contract, according to a proper construction thereof. These claims are not verified and passed upon. The work will not be finished, nor the amount of such claims capable of being liquidated before August next. They amount to \$59,434, and the contractors express the wish, and such seems to be the view of the Senate, that the amount should, before the adjournment of Congress, be placed at the disposal of the Department to meet these demands, or so much thereof as they may thereafter be able to establish. Under these circumstances, and without committing the Department to the construction contended for, or to any of the allowances claimed, I respectfully submit the expediency of making the appropriation required.

I am, very respectfully,

JAMES GUTHRIE,
Secretary of the Treasury.

Hon. R. M. T. HUNTER, Chairman Committee on Finance,
United States Senate.

The CHAIRMAN. The Chair sustains the point of order raised by the gentleman from Massachusetts.

Mr. SEYMOUR. I beg leave to offer the following amendment, which was omitted to be offered at the proper time. It has been approved by the Committee on Commerce:

At the end of the one hundred and forty-eighth line add the following:

For a fog-bell at Saybrook light-house, Connecticut, \$1,000.

The amendment was agreed to.

Mr. LANCASTER. I offer the following amendment:

After the word "dollars" in the five hundred and forty-seventh line, insert the following:

For buoys for the harbor and entrance to Shoal Water bay, \$3,000.

I would state for the information of the committee that I have not been instructed to offer this amendment. In a communication from the secretary of the Light-House Board, he states that on the passage of this bill he intends to place buoys at the entrance to Shoal Water bay, and to mark its anchorage in the bay. On looking at the bill, I do not see any provision in it to authorize the establishment of buoys, the necessity of which is apparent. Shoal Water bay is the only harbor from the mouth of the Columbia river to the straits of De Fuca. Vessels cannot sometimes get in, and have to stand off and on for perhaps twenty days, and then have to square away for San Francisco.

This harbor can be entered at all times, provided

the channel be marked by buoys; and I offer this amendment in order to secure that object. When ships have once entered the harbor, there is a communication across to Oregon, from Shoal Water bay to Baker's bay. There the ships may obtain supplies. Often vessels stand off and on at the mouth of the Columbia river, without being able to enter until they have exhausted their supplies, and, in attempting to send boats to the shore for supplies, they have frequently been lost. The appropriation is only \$3,000, and I hope the committee will allow it.

Mr. LETCHER. I would ask the gentleman from Washington Territory, by whom is the appropriation recommended?

Mr. LANCASTER. I stated to the committee that I have not received any estimates, nor has any recommendation been made. The only thing I have to say is, that in a communication from the secretary of the Light-House Board, upon this subject, he stated that in this bill there would be items for buoys, to be placed at the head of the entrance, and at the anchorage of that bay. But no such items appear in the bill, and the great necessity of the establishment of buoys there is the reason why I have offered the amendment. I hope it will be adopted.

Mr. AIKEN. I have only to say in reference to this matter, that Washington has been pretty well provided for in this bill.

Mr. BAYLY. I beg leave to say, in support of the amendment of the gentleman from Washington, that not long since we lost a national vessel at this very point, on account of the difficulty of getting into the harbor. The value of that vessel would pay for ten thousand buoys.

The question was taken, and the amendment was agreed to.

Mr. AIKEN. I move that the committee now rise, and report the bill to the House, with a recommendation that it do pass.

Mr. HOUSTON. Before that question is put, I would call the attention of the gentleman from South Carolina to the fact, that in each of the fourth, fifth, and sixth sections of this bill, the Secretary of the Treasury is both "authorized and required" to sell certain sites of light-houses, &c. I would ask the gentleman whether it would not be better to amend these sections by striking out the words "and required," so as to give him authority to do so, and leave the matter to his discretion.

Mr. AIKEN. I have no objection to that.

There being no objection, the amendments were accordingly made as suggested.

The question was then put upon Mr. AIKEN's motion; and it was agreed to.

So the committee rose; and the Speaker having resumed the chair, the chairman (Mr. Wright, of Pennsylvania,) reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill (No. 95) making appropriations for the service of the Post Office Department during the fiscal year ending the 30th of June, 1855, and House bill (No. 351) making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes, which they had instructed him to report to the House, the former without amendment, and the latter with sundry amendments. Also, that they had under consideration the bill of the House (No. 95) making appropriations for the support of the Army for the year ending the 30th of June, 1855, and had come to no conclusion thereon.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by ASBURY DICKINS, their Secretary, informing the House that the Senate had passed the bill of the House (No. 463) to change the name of the American-built brig Hallowell to that of James Rose, and to grant her a new register.

ENROLLED BILLS.

Mr. HENN, from the Committee on Enrolled Bills, reported as correctly enrolled bills of the following titles; which received the signature of the Speaker:

H. R. No. 463. An act to change the name of the American-built brig Hallowell to that of James Rose, and to grant her a new register;

H. R. No. 164. An act making further appro-

priations for continuing the construction of roads in the Territory of Minnesota, in accordance with the estimates made by the War Department;

H. R. No. 338. An act to authorize the President of the United States to cause to be surveyed the tract of land in the Territory of Minnesota belonging to the half-breeds, or mixed bloods of the Dakota or Sioux nation of Indians, and for other purposes; and

H. R. No. 316. An act to amend the act approved September 27, 1850, to create the office of surveyor general of the public lands in Oregon, &c.; and also the act amendatory thereof, approved February 19, 1853.

POST OFFICE BILL.

Mr. HOUSTON. I move the previous question upon the engrossment of the Post Office appropriation bill.

Mr. ROWE. I move that the House do now adjourn.

The question was taken; and the House refused to adjourn.

The previous question received a second, and the main question was ordered to be now put.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read a third time, and passed.

ASTRONOMICAL EXPEDITION TO CHILI.

Mr. STANTON, of Tennessee. I ask the unanimous consent of the House for leave to introduce the following resolution:

Resolved, That there be printed and bound ten thousand copies of the report and five thousand copies of the observations of the United States Astronomical Expedition to Chili, five hundred copies of the report and observations for the use of the Navy Department, and two hundred and fifty copies for the superintendent, and the remainder for the use of the members of the House, the said work to be printed and bound by the public printer and binder, in quarto form, under the direction of the Superintendent of Public Printing and the Secretary of the Navy.

Mr. CLINGMAN. I object.

LIGHT-HOUSE BILL.

Mr. AIKEN. I call for the previous question on the light-house appropriation bill.

The previous question received a second, and the main question was ordered to be put.

The amendments reported from the Committee of the Whole on the state of the Union were severally read and concurred in.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

Mr. AIKEN moved to reconsider the vote by which the bill was passed, and to lay the motion to reconsider on the table; which latter motion was agreed to.

Mr. WENTWORTH, of Illinois. I move that the House adjourn.

The motion was agreed to; and the House thereupon (at five minutes to four o'clock) adjourned till to-morrow at eleven o'clock, a. m.

IN SENATE.

THURSDAY, July 13, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

PERSONAL EXPLANATION.

Mr. WADE. Mr. President, I notice in the New York Herald, of yesterday, a statement which requires of me that I should make a correction or explanation. It is there stated that:

"Upon the test vote of a postponement, yesterday, of the homestead bill, in the Senate, it was remarked that just before the roll was called, Mr. SEWARD picked up his hat and disappeared. It is said here that the Know Nothing organization in New York is sorely trying to Mr. SEWARD, and that, therefore, he dodges the homestead bill till he can make up his mind which to lose—the Know Nothing or the foreign vote."

I ought to have explained before—I do it now because I notice this article in the Herald—that the Senator from New York [Mr. SEWARD] and the Senator from North Carolina, [Mr. BADGER,] on that day, both having occasion to be absent, requested me to announce that they had paired off on that vote. Thinking very little of it, however, I suffered the occasion to pass over without mentioning that fact, and it has given occasion to this notice in the paper, which I ought to correct by saying that it is my own fault that the announcement was not made. I ought to have

announced at the time that those gentlemen had paired off on that vote.

PETITIONS, ETC.

Mr. WELLER. Mr. President, I present the petition of General John A. Sutter, of California, praying the confirmation of his title to certain lands held under Mexican grants; and indemnity for losses sustained by him in consequence of the forcible occupation of his land and seizure of his property by emigrants and settlers, under the plea that it was public land of the United States, and subject to the right of preemption. As this memorial contains a great deal of valuable information connected with the early settlement of the State of California, I ask that the Senate will be good enough to order it to be printed. I do not know any gentleman of that State, or any where else, who is more entitled to the generosity of this Government, than the petitioner, and no one who has made greater sacrifices for the comfort of the people, and who is more familiar with the early history of that State. I ask that the memorial be printed, and that it be referred to the Committee on Claims.

The petition was so referred, and the motion to print went to the Committee on Printing.

Mr. SUMNER. I present a petition of citizens of Ludlow, Vermont, praying the prohibition of slavery and the slave trade in the Territories of the United States. As the Senator from Ohio [Mr. CHASE] has already given notice to ask leave to introduce a bill to effect those objects, I ask that it may lie on the table.

It was so ordered.

Mr. SHIELDS presented a document in support of the claim of Hiram Seat, for a pension for services as a teamster in the war with Mexico; which was referred to the Committee on Pensions.

Mr. MASON presented the memorial of Francis Daines, praying compensation for services as acting consul at Constantinople; which was referred to the Committee on Foreign Relations.

Mr. ROCKWELL presented the petition of John Henshaw and others, merchants in the cities of Boston and New York, praying that the salary of William Winthrop, consul at the island of Malta, may be established upon a reasonable basis; which was referred to the Committee on Commerce.

Mr. SEWARD presented the memorial of John Ackerman, of Brownsville, New York, praying compensation for stone furnished in the construction of the hospital at Madison Barracks, Sackett's harbor, in 1840; which was referred to the Committee on Claims.

Mr. FOOT presented the petition of Mary Felch, widow of Rev. Cheever Felch, D. D., chaplain in the United States Navy, praying a pension; which was referred to the Committee on Pensions.

Mr. TOUCEY presented a petition of importers, merchants, and citizens of New Haven, Connecticut, asking for an appropriation for a new custom-house at that place; which was referred to the Committee on Commerce.

Mr. MASON presented the memorial of Charles D. Arfwedson, praying compensation for services as chargé d'affaires *ad interim* at the Court of Stockholm; which was referred to the Committee on Foreign Relations.

Also, documents relating to the claim of John D. Diomitar, late United States consul at Athens, Greece, for compensation for diplomatic services; which were referred to the Committee on Foreign Relations.

Also, the petition of Joseph Graham, United States consul at Buenos Ayres, praying compensation for services as chargé d'affaires, *ad interim*, at that place; which was referred to the Committee on Foreign Relations.

Also, the petition of J. B. Holman, praying extra compensation as secretary of the legation of the United States at Chili; which was referred to the Committee on Foreign Relations.

Also, the memorial of Ferdinand Cox, late secretary of legation of the United States at Brazil, praying compensation for services as chargé d'affaires; which was referred to the Committee on Foreign Relations.

Also, a memorial of Henry Savage, praying compensation for diplomatic services rendered the United States in Central America; which was referred to the Committee on Foreign Relations.

Mr. CASS presented the petition of John Thompson, praying compensation for his services as a seaman in the late war with Great Britain; which was referred to the Committee on Pensions.

UNITED STATES STATUTES.

Mr. CHASE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Library be instructed to inquire into the expediency of contracting with Eli T. Tappan for the purchase of — copies of his edition of the statutes of the United States.

Mr. CHASE also presented a document in relation to the subject; which was referred to the Committee on the Library.

ENROLLED BILLS SIGNED.

A message was received from the House of Representatives, by Mr. McKEAN, Chief Clerk, announcing that the Speaker had signed the following enrolled bills:

An act to confirm the claim of William H. Henderson and Robert Henderson to five hundred acres of land in the Bastrop grant;

An act making further appropriation for the improvement of the Cape Fear river, North Carolina;

An act to authorize the issue of a register to the brig Amelia by the name of Abby Frances; and

An act for the relief of Juan M. and José L. Lugo.

The PRESIDENT *pro tempore* severally signed the above-named bills.

REPORTS FROM STANDING COMMITTEES.

Mr. ALLEN, from the Committee on Pensions, to whom was recommitted the petition of P. C. Miles, praying to be allowed an increase of pension, together with the adverse report of the above committee thereon, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. JONES, of Iowa, from the Committee on Pensions, to whom was referred a bill from the House of Representatives, for the relief of Samuel McKnight, of the State of Kentucky, reported it back without amendment.

He also, from the same committee, to whom was referred a bill from the House of Representatives, for the relief of William Wallace, of Illinois, reported it back without amendment.

Mr. DAWSON, from the Committee on Military Affairs, to whom was referred the memorial of Brigadier General John B. Walbach, of the United States Army, praying compensation for extra services rendered in 1801, and for expenses and losses incident to said services, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. MASON, from the Committee on Foreign Relations, to whom was referred the petition of William Rich, late secretary of legation at Mexico, praying compensation for acting as chargé d'affaires, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to whom were referred the memorials of the Hon. Robert C. Schenck, late United States Minister Plenipotentiary to the Court of Brazil, and of the Hon. John S. Pendleton, late United States Chargé d'affaires to the Argentine Confederation, praying compensation for services rendered, and expenses incurred by them on special missions to other Governments than those to which they had been originally accredited, submitted a report, accompanied by a bill for their relief; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the Committee on the District of Columbia, to whom was referred a bill to incorporate the Mutual Insurance Company of Washington, reported it back without amendment.

Mr. BRIGHT, from the Committee on Roads and Canals, to whom was referred a bill from the House of Representatives, to provide for taking charge of the Louisville and Portland canal, and to prevent the same from falling into bad repair, reported it back with an amendment; which was ordered to be printed.

Mr. RUSK, from the Committee on the Post Office and Post Roads, to whom was referred a

bill from the House of Representatives, making provision for the postal service in the State of California, and in the Territories of Oregon and Washington, reported it back with amendments; which were ordered to be printed.

PAPERS WITHDRAWN.

On motion by Mr. HUNTER, leave was granted to withdraw from the files the petition and papers of Messrs. Puig, Mir & Co., of New Orleans, asking the remission of duties exacted on certain coffee imported into that port in the Spanish brig *Pepito* and *Atalayador*.

BILL INTRODUCED.

Mr. BRIGHT, agreeably to previous notice, asked and obtained leave to introduce a bill donating a portion of the public lands, in alternate sections, to aid in the construction of a railroad from a point on the Ohio and Mississippi railroad, in the State of Indiana, by the way of the falls of the Ohio and Evansville, to the Mississippi river, at or near Cairo; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. BADGER. I ask the unanimous consent of the Senate to introduce a bill for the relief of Thomas K. Glenn.

Unanimous consent having been obtained, the bill was read a first and second time by its title.

Mr. BADGER. I ask that the bill, together with a statement of the Postmaster General on the subject, which I send to the Chair, may be referred to the Committee on the Post Office and Post Roads.

It was so ordered.

DAILY HOUR OF MEETING.

Mr. RUSK submitted the following for consideration; which lies over one day under the rule, it being objected to:

Ordered, That on and after Monday next the daily hour of meeting of the Senate shall be eleven o'clock, a. m., until otherwise ordered.

RIVER AND HARBOR BILL.

A message was received from the House of Representatives, by Mr. McKEAN, Chief Clerk, announcing that the House had passed a bill, making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law.

The bill was read twice by its title; and, on motion by Mr. STUART, referred to the Committee on Commerce.

CAIRO, ILLINOIS.

Mr. HAMLIN. The Committee on Commerce, to whom was referred the Senate bill to constitute Cairo, in the State of Illinois, a port of delivery, have instructed me to report it back without amendment, and recommend its passage. As there is now railroad iron ready to be delivered, as I understand, it is very desirable that the bill should pass. I hope, therefore, the Senate will consider it now. The Senator from Illinois is very desirous to have it acted upon.

Objection was made to considering the bill until the other morning business was gone through with.

JAMES C. BATCHELDER.

Mr. JONES, of Iowa. I am instructed by the Committee on Pensions, to whom was referred a resolution inquiring into the expediency of providing a pension for the widow of James C. Batchelder, to report a bill for the relief of the widow of James C. Batchelder, who was killed while assisting the United States marshal for the district of Massachusetts in executing a law of Congress.

The bill was read a first time.

The PRESIDENT. The bill will be ordered to a second reading, if there be no objection.

Mr. SUMNER. I object to the second reading.

The PRESIDENT. The question is then on ordering the bill to a second reading.

It was so ordered.

Mr. ADAMS. I ask that it may be made the special order for to-morrow at twelve o'clock.

Several SENATORS. Oh, no; it will interfere with the homestead bill.

The PRESIDENT. Does the Senator make the motion?

Mr. ADAMS. I will not.

Mr. JONES, of Iowa. The committee were equally divided as to the form of the report which

they should make. Three members of the committee—the Senator from Alabama, [Mr. CLAY,] the Senator from New Hampshire, [Mr. WILLIAMS,] and myself, have instructed me to make the report which I hold in my hand, and which I ask leave to have printed for the information of the Senate.

The report was ordered to be printed.

Mr. SUMNER. On behalf of the minority of the committee, I also beg leave to offer a report signed by the Senator from New York [Mr. SEWARD] and myself, which I ask to have printed.

The PRESIDENT. If there be no objection it will be ordered to be printed.

Mr. BADGER. I suggest to the Senator from Massachusetts, that he had better alter the title of his paper. It is not the custom of the Senate to receive minority reports. He had better, therefore, entitle it "the views of the minority."

Mr. SUMNER. I have given no title to it whatever. I will remark, Mr. President, that the paper offered by the chairman of the committee has not the sanction of a majority. It is only signed by three of the members.

Mr. JONES, of Iowa. The chairman distinctly stated that.

The PRESIDENT. The question has been decided. Both reports are ordered to be printed.

Mr. JONES, of Iowa. The chairman distinctly stated that it was signed by only three members. He did not say a majority.

Mr. SUMNER. I understood the chairman.

HOMESTEAD BILL.

On motion by Mr. STUART, the Senate, as in Committee of the Whole, resumed the consideration of the House bill "to grant a homestead of one hundred and sixty acres of the public lands to actual settlers."

Mr. CLAYTON had moved to amend by striking out the sixth section, which is in the following words:

"Sec. 6. And be it further enacted, That if any individual now a resident of any one of the States or Territories, and not a citizen of the United States, but at the time of making such acquisition for the benefit of this act, shall have filed a declaration of intention as required by the naturalization laws of the United States, and shall become a citizen of the same before the issuance of the patent, as made and provided for in this act, shall be placed upon an equal footing with the native-born citizen of the United States."

Pending this motion, Mr. CHASE moved to amend the section by striking out the words "now a resident of any one of the States or Territories, and," and inserting the word "who" between the words "but" and "at;" and this is the pending question.

Mr. CHASE. I desire to recall the attention of the Senate to the precise point upon which they are about to vote. The bill, as it stands, allows immigrants, who arrive before the passage of the act, to participate in its benefits. It excludes those who arrive after the passage of the act. The object of my amendment is simply to do away with that discrimination, which is founded on no principle, and is odious in itself. I shall not detain the Senate by any remarks; I simply ask for the yeas and nays upon the amendment.

The yeas and nays were ordered.

Mr. BAYARD. Mr. President, I am opposed to this bill, and hereafter shall give my reasons for voting against it; but I think this amendment proper in itself. If you are to extend to foreigners at all the right to enter upon your public lands and occupy them while they are foreigners, there is no reason why the privilege should be confined to foreigners now resident in the United States. If the bill remain as it now stands, in this respect, the effect, I fear, will only be to lead to frauds and perjuries, because it will be impossible to tell when a party became a resident. The temptation would be too great not to lead to such a result. I therefore think the amendment proper, though I am opposed to the bill.

Mr. CLAY. Mr. President, the Senator from Delaware [Mr. BAYARD] has anticipated me in part in what I intended to say. I shall, for the same reason which he has given, vote for the pending amendment. I will not be accessory, intentionally and deliberately, to any crimes. I will not, by my action, stimulate and foster frauds and perjuries such, as I believe, will be engendered by passing this bill in its present form. But I shall vote for the amendment for an additional reason. If this bill is to pass in its present form,

we shall at each successive Congress, and probably at each successive session of Congress, have to reenact the law for the benefit of the influx of immigrants who may then have arrived in this country; and in order to save the public time and further discussion about this matter, it is better to yield at once to them the whole of the public domain.

Mr. WADE. Mr. President, when I proposed the amendment under consideration, its justice and propriety seemed to me so obvious that I did not anticipate any objection to it, and I was greatly surprised at the state of feeling which seems to exist against foreigners in certain quarters. The Senator from Mississippi declares the object of the amendment to be merely to tax the native-born and adopted citizen of this country for the benefit of foreigners, and demands to know what need we have of emigration from other countries, &c.? He also observes that foreigners protested against the Nebraska bill, and also hung an honorable Senator in effigy, &c., and this is briefly the Senator's argument against the amendment.

The Senator from Kentucky objects, first, because no President has ever recommended the measure, and no one has asked for it. That no President has recommended it may be correct. I never look in that direction to learn the will of the people, or as a guide to my action. I have the vanity to believe that I understand quite as well what the people want as a President. But the Senator is greatly mistaken in supposing that the people have not asked for this measure. I doubt not that we have more petitions on this subject, on our table, than on all others together, with the single exception of the Nebraska bill. The Senator also declares that the amendment holds out a provision to the cowards of Europe who have not courage to remain at home in time of war; that it is a premium to paupers, loafers, vagabonds, and fugitives from justice. He declares that the "South do not want foreigners about their plantations, corrupting their people, injuring their children, and excluding them from a fair participation in the benefits of the common territory."

Such, very briefly, are the arguments by which my amendment has been assailed; and now, Mr. President, though I have no particular reason for favoring foreigners over much, being of that stubborn old puritan stock of Massachusetts, who the Senator said, were generally in a state of rebellion against their own Government, while in England, as well as after they reached our shores, and frequently against their own Government since—though, by the way, I believe the Senator from Kentucky will do this rebellious generation the justice to admit that, whenever they fought, wherever they fought, or whoever they fought, their battle has always been a privilege against prerogative, for republicanism against monarchy, for liberty against slavery. Being, I say, purely of this old Yankee stock, whose ancestors came to this country so long ago that the sin of their "immigration," ought, I suppose, on the principle of the honorable Senator, to be outlawed, and ever having belonged to a political party, against which foreigners have always *unwisely*, I think, acted, I am not likely to be prejudiced in their favor over much.

But who does not know that our country, through every period of her history, has been, and is now, greatly indebted for her unexampled growth, power, and prosperity, to these despised foreigners who are now stigmatized as paupers, loafers, fugitives from justice, and vagabonds. How was it in the struggle of our fathers for independence? Pause for a moment, and think of the noble hearted and self-devoted Montgomery, of the indomitable Steuben, of the chivalrous Pulaski, with hosts of other worthies; and then of the more obscure, but not less meritorious class of foreigners, who, as private soldiers, struggled, fought, and died, side by side with our fathers, to achieve our independence. Think of these things, I say, and then talk, if you can, of loafers, vagabonds, and fugitives from justice; and coming down to our own times, how easy, yea, how pleasant it would be, were it not, perhaps, invidious to speak of some in our very midst of whom we are at a loss which most to admire, their courage and intrepidity in the field, or their wisdom in counsel; but I forbear.

But, says the Senator from Mississippi, what do we want of immigration? I might answer by

asking, what do we want of railroads, canals, or other improvements? Why do we want our swamps drained, and our vast wilderness cleared up and inhabited? Yet, without these foreigners, whose presence among us the Senators seem so much to deprecate, what would now have been the condition of our country? Our vast public works, railroads, and canals, would not have been built. Who, as he passes through our country, from one remote point to another, with the speed of the wind, and with all the comforts and conveniences of a parlor, has not observed with what herculean labor the hills have been torn down and the valleys filled up, and the rough ways made smooth, to prepare the way for the locomotive? And who, that has a soul in him, has not reflected on the condition of those poor men, by whose hard and patient, but scantily paid labor, these wonders have been accomplished, without feeling that they deserve well of their adopted country, and without earnestly wishing to aid them to improve their condition? If there be such a man, I envy not his head or his heart.

Mr. President, these poor men do not deserve the harsh epithets which have been indiscriminately applied to foreigners. Amidst the darkness and barbarism of the middle ages, foreigners or strangers were considered as enemies, and were treated accordingly. And in most countries of Europe, at this day, I believe a remnant of this absurd doctrine so far prevails as to prevent an alien from acquiring a permanent title to real estate. But with our glorious Revolution, and with the repeal of the odious *alien law*, these illiberal and unjust notions, prejudices, and practices passed away, I trust forever. Have our people ever suffered in any way from their liberality in this respect to foreigners? No, sir; far from it. It has enabled us, in less than the common age of man, to advance from infancy and insignificance to one of the most powerful nations on the earth. Why, then, I ask again, should we not encourage immigration? Have not these immigrants proved loyal to our free institutions? Have they ever sought to overthrow our Government? It is not pretended. Of all people on earth, we ought to harbor no prejudices against immigrants. Why, sir, we are all either immigrants ourselves or the descendants of immigrants, and it cannot certainly be of much importance at what particular period the emigration took place? That bad, idle, and vicious persons emigrate, I do not deny, but such cases form a meager exception to the rule; and I object to the great mass of our worthy immigrants being compelled to suffer for the sins of the vicious few.

But enough of this. It will not be denied that the great mass of immigrants who seek a home in this favored land, make moral, industrious, and worthy citizens. Why, then, should we discourage immigration? These immigrants have, within a few years past, no doubt brought more property into the country than you have been able to dig from the mines of California. I have no doubt that we are greatly aided in liquidating the great balance of trade, always against us, by the wealth brought here by these immigrants.

But it is said that this measure is, in effect, to tax our own people for the benefit of foreigners; if such is really the case, it is an unanswerable objection to the bill. Let us for a moment examine it. The Government is the owner of untold millions of acres of wild, uncultivated land, much more than can be occupied for centuries to come, now lying waste. And so far from yielding anything to the Treasury while in this condition, it costs immense sums of money every year to protect the frontiers from Indian depredations, &c.

Now, admitting, for argument's sake, that it is right and proper for the Government, like a huge land speculator, to make what money she can from the sale of this land; still, I think, it would be easy to demonstrate that the Government would be the gainer by encouraging their settlement, by a gratuitous distribution in small quantities, to actual settlers, as this bill proposes to do. The price that the Government would expect to get for one hundred and sixty acres would be two hundred dollars, from which must be deducted the cost of collecting, &c. Now, sir, I will not undertake to say how long it would take a family occupying such a farm, by the consumption of articles paying duties, to repay this sum to the Government; but I presume it would be in less than ten years, to say

nothing of the addition of wealth and power that every such settlement brings permanently to the Government.

Considering, then, that there is more than land enough for all, how can it be said that encouraging the settlement of foreigners among us tends in any way to the injury of our own people? I should like to hear from the Senators from the beautiful and vigorous young State of Iowa, whether the native-born in that State consider the immense emigration of foreigners there an evil to be deplored. It was not so in Ohio when that State was new. There, sir, we rejoiced at the arrival of every stranger among us, come from where he might, provided only that he brought with him a strong hand and an honest heart. And so it will be in all the vast wilderness now covering all the central portions of this continent. The native-born citizens will welcome the foreigner there, and bid him God speed, instead of thinking, with the honorable Senators, that he has been robbed by the strangers settling among them.

But again: it is made a serious argument against this amendment, that the idle, the vicious, and the vagabond, will avail themselves of the benefits of this bill, remove into the remote wilderness, and become tillers of the soil. And the Senators seem to mourn over the contemplated departure of this kind of population, like Rachel of old for her children. But the Senators may be consoled. The idle, the vicious, the pauper, and the vagabond, will still abide with the Senators. This kind go not into the wilderness. They will not leave their haunts in the great cities, make a journey to the far West to encounter the hardships and privations of a new country. If the vicious would indeed do so they would be reformed, and you would have no one for your jails or penitentiaries; but I fear there is no danger of such a catastrophe as the Senators apprehend. The idle and the vicious would be pretty well reformed by five years' probation like this; and should they honestly acquire a title to land under this bill, I should be quite willing to go their bail for good behavior afterwards.

I believe, Mr. President, that I have noticed all the objections urged by the honorable Senators from Kentucky and Mississippi against my amendment. And I hope I may be pardoned for the opinion, that these objections are founded more in a deep feeling of prejudice against foreigners generally, than upon any very profound principles of political economy. It has not been my purpose, at this time, to discuss the general policy of this great measure. But I will take this occasion to say, that while I consider the bill imperfect in many respects, I shall, nevertheless, vote for it with a hearty good will, whether my amendment shall prevail or not. Could my will prevail, I would extend its provisions to all who are able to cultivate the soil, without distinction or restriction on account of color, nation, or condition; but I would, as far as possible, make our national legislation on this subject, conform to the benevolence of God, who is no respecter of persons.

Mr. President, I believe the time has fully come when the public domain should cease to be considered a source of revenue; when a prudent regard for the condition of our people, and of our institutions in future time, should admonish us to withdraw the public lands from the grasp of speculators and monopolists. This must be done, or the next generation will witness nothing but the odious and anti-republican citizenship of landlord and tenant, existing in all the central portions of the Republic, as it now exists in Ireland. Rather than this, I would see the whole of our wild land sunk by an earthquake. And this, or some kindred measure, I regard as absolutely necessary to avert the threatened danger. I therefore sincerely hope that the bill may speedily become a law.

But, Mr. President, since the Senators from Kentucky and Mississippi so strenuously opposed my amendment, they have both, I believe, voted for the bill organizing the Territories of Kansas and Nebraska, with a provision which admits unnaturalized foreigners to vote in the Territorial Legislature, on all questions, however important. After this, may I not hope that the honorable Senators will be as liberal in awarding to such foreigners, a pecuniary as well as a political equality with others. For surely it seems to me absurd to give them the same political rights, and,

at the same time, withhold from them the like participation in the public domain.

Mr. BROWN. Mr. President—

Mr. DIXON. Does the Senator intend to make a speech? I desire to present an amendment.

Mr. BUTLER. There is an amendment pending.

Mr. CHASE. The amendment will not be in order. The Senator, however, might present it and have it read.

The PRESIDING OFFICER. (Mr. BRIGHT in the chair.) Does the Senator desire to present an amendment to the amendment which is pending?

Mr. DIXON. I desire to make an amendment to the sixth section.

The PRESIDING OFFICER. That will not now be in order; but it can be read for information.

The amendment was read. It is to strike out of the sixth section the word "individual" and insert "every white person," and at the end of the section add:

Provided, That the benefits of this act shall not extend to the children, heirs, or devisees of aliens, born out of the United States, and not entitled to citizenship.

Mr. DIXON. I do not desire to interrupt the Senator from Mississippi. I have desired the amendment to be read; and, at the proper time, I shall offer it.

Mr. BROWN said: Mr. President, a day or two since I laid upon your table a substitute for the bill now under consideration. It is my purpose, at this time, to offer some remarks on the general features of the bill, and to explain the provisions of that substitute. With the immediate question before the Senate—the amendment offered by the Senator from Ohio, [Mr. CHASE]—I shall not deal at this moment. The substitute is not formally before the body, but I choose to introduce it into the discussion at this time, because at a later period of the debate I may have no favorable opportunity of doing so. It proposes essential changes in the original bill. Senators have had an opportunity of reading it; but as I want them to study it, I read it again. It is as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the laws now in force granting preemption to actual settlers on the public lands, shall continue until otherwise ordered by Congress, and that the same be extended to all the Territories of the United States.

Sec. 2. And be it further enacted, That from and after the passage of this act, the rights of preceptors shall continue for ten years; that is to say, persons acquiring the right of preemption shall retain the same without disturbance, and without payment of any kind to the United States, for a period of ten years, but on these conditions: First. The preceptor shall not sell, alienate, or dispose of his or her right for a consideration; and if he or she voluntarily abandon one preemption and claim another, no right shall be acquired by such claim until the claimant shall first have testified, under oath, before the register of the land office when the claim is preferred, that he or she has voluntarily abandoned his or her original preemption, and that no consideration, reward, or payment of any kind, has been received, or is expected, directly or indirectly, as an inducement for such abandonment; and any person who shall testify falsely in such case shall be deemed guilty of perjury. Second. Any person claiming and holding the right of preemption to lands under this act, may be required by the State within which the same lies, to pay taxes thereon, in the same manner, and to the same extent, as if he or she owned the land in fee simple; and in case such lands are sold for taxes, the purchaser shall acquire the right of preemption only. Third. Absence of the preceptor and his family for six consecutive months shall be deemed an abandonment, and the land shall, in such case, revert to the United States, and be subject to the same disposition as other public lands.

"Sec. 3. And be it further enacted, That no lands entered upon, and held under the provisions of this act, or the improvements thereon, shall ever be sold under any judgment or decree for any debt or other liability or penalty to the United States; nor shall any sale of the same for debt, other liability or penalty (other than taxes) under the authority of any State, or the courts thereof, entitle the purchaser to any right to disturb the possession of the preceptor by purchase from the Government; nor shall it be lawful to issue a patent for any such land to any such purchaser.

"Sec. 4. And be it further enacted, That the preceptor may at any time, at his or her discretion, enter the lands preempted by paying therefor, to the proper officer of the United States, the minimum price of said land.

"Sec. 5. And be it further enacted, That in case of the preceptor's death, if a married man, his right shall survive to his widow and infant children, but the rights of the older children shall cease as they respectively come of age, or when they shall reach the age of twenty-one years. And in case of the death of both father and mother, leaving an infant child or children, the executor, administrator, or guardian, shall, upon submitting satisfactory proof of that fact to the register and receiver of the proper land office, be entitled to a patent for the lands so preempted for the benefit of said infant child or children, on the payment of

ten cents per acre, and may thereafter sell said lands, or otherwise dispose of them for the benefit of the infant child or children aforesaid; and when the father and mother both die, leaving no infant child or children, the right of occupancy may be sold for the benefit of the estate.

"Sec. 6. And be it further enacted, That the minimum price of the public lands of the United States shall remain unchanged until the commencement of the fiscal year, beginning July 1, 1855; but after that period the price shall be reduced, in favor of actual settlers, according to the following scale: All lands which shall have been offered at public sale, and remaining unsold five years, shall be reduced to the price of one dollar per acre; all lands which shall have been offered at public sale, and remaining unsold ten years, shall be reduced to seventy-five cents an acre; and all lands which shall have been offered at public sale, and remaining unsold fifteen years, shall be sold at fifty cents an acre; and all lands which shall have been offered at public sale, and remaining unsold twenty years, shall thereafter be reduced to a price of twenty-five cents an acre.

"Sec. 7. And be it further enacted, That no individual shall be permitted to enter more than one-half section under the provisions of this act; and that the Commissioner of the General Land Office is hereby required to prepare and issue such rules and regulations, consistent with this act, as shall be necessary and proper to carry its provisions into effect."

This, Mr. President, is the substitute which I propose for the homestead bill as it passed the House of Representatives, and as it stands before us to-day.

The homestead bill, as it passed the House, does not meet my entire approbation. My mind has never sanctioned the policy of giving away the public lands to individuals; and yet, paradoxical as it may seem, I have always been in favor of securing to every family a home on the public lands.

I doubt the policy of passing the homestead bill as it came from the House for another, and, to my mind, very sufficient reason. It seems to me impossible that the President can, with any show of consistency, fail to veto it, after what he has said on the bill for the benefit of the indigent insane. And, while I would not ask Senators to shape their course so as to meet the views of the Executive against their own convictions, I may be allowed to say that, if the object be to provide homes for the homeless, and that object can be as effectually accomplished without running the hazards of an Executive veto as with it, it is best to do so.

I will first discuss succinctly some points of objection to the bill from the House, and then briefly explain the provisions of the substitute proposed by myself—a substitute which, I think, will effect all the good purposes of the bill, avoid all its objectionable features, and effectually escape the constitutional arguments of the President. I am not disposed to embarrass the President; and if we can avoid his objections, and accomplish the results aimed at by the friends of the bill, obviously it is our duty to do so.

I am opposed to giving the public lands to individuals—

First, because they belong to all the people, and I do not think you ought to take from the whole to give to a part;

Second, because that which is obtained without price is too often parted from without consideration. "Come easy, go easy," is a maxim no less homely than true; and

Third, if you give the lands without price, they will not only be alienated without consideration, but will often fall into the hands of speculators and sharpers, and thus become conduits for conveying the products of honest toil into the pockets of the cunning and crafty.

I am in favor of securing to every family a home on the public lands—

First, because thousands of the houseless and homeless will thus be taken from the consuming, and placed in the producing classes; thereby relieving society from a heavy burden, and, at the same time, elevating the lowly and oppressed to a position of comparative dignity and independence;

Second, because it will relieve our cities and towns and densely populated rural districts of a population which is a burden and a tax, and convert that population into thrifty husbandmen;

Third, because it is better to employ productive industry on the public lands than to give them up to savages and wild beasts; and

Lastly, because, under proper regulations, the occupancy of these lands cannot fail to prove beneficial to the Treasury and to the people.

To my mind there is a wide difference between giving lands to the States and giving them to in-

dividuals. I do not mean that Congress has not the same power to give to the one as to the other, but that the policy is widely different. When lands are given to the States, they are used for some purpose of common benefit, as in making roads, constructing canals, draining swamps, endowing schools, or for some other purpose in which there is a general and common interest. But when they are given to individuals they become individual property, and the only interest which the public has or can acquire in the gift is that which it derives from the power of taxation. If you give lands to a State worth a thousand dollars, the people of the State are made a thousand dollars better off by the gift; but if you give the same lands to an individual, the people are only benefited to the amount of the taxes which the State may levy upon them. Therefore I say there is a wide difference between the policy of giving lands to the States and giving them to individuals.

The bill from the House of Representatives gives, or proposes to give, to every free white person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, the right to enter, free of cost, one hundred and sixty acres of land on any of the public domain subject to private entry. And this right to take the land free of cost is followed by a provision—that a patent shall issue upon the performance of a single condition, and that is, five years actual and continuous residence on the land.

Actual residence on the land being a main condition on which a patent shall issue, it is clear that not one in twenty of all the free white citizens of the United States can avail themselves of the benefits of this act. Those who own valuable lands cannot abandon them, and will not sell them to take the benefits of this act. It is manifest that, while this bill proposes to give to every one, it in fact gives to but very few. The bill is, therefore, liable to the first objection raised by me, to wit: that it takes from the whole and gives to a part.

As if in anticipation of my second objection, that property acquired without price is parted from without consideration, the bill undertakes (see section four) to protect the land against execution sales after the issuance of the patent therefor. To my mind it is clear that Congress cannot so far arrest the jurisdiction of a State within its own limits as to exempt from execution sale real property, to which a citizen of the State has an indisputable title. When the title passes, the land is, *eo instanti*, subject to the laws of the State, and the Federal Government loses its authority over it. This provision of the bill will, I doubt not, if we pass it, be declared by the courts inoperative and void. The lands will thus be exposed to execution sale, and the force of my second and third objections will at once be seen. Sharps and speculators will get possession of it.

When the Senator from Indiana [Mr. PETTIT] spoke confidently the other day of passing the bill without amendment, I interposed at once, protesting that I could never vote for it without amendments. Among other things, I had my mind on this section, which, in my judgment, contains a palpable infraction of the rights of the States.

Mr. PETTIT. Will the Senator allow me to explain for a moment?

Mr. BROWN. Certainly.

Mr. PETTIT. When I made my remarks on this bill, I started out by saying that to the details of the bill, I had given no attention, but that its principles commanded the approbation of my judgment. Now, let me say further, that up to yesterday I had never read the bill; and after having read the bill, I entirely concur with the Senator as to the section on which he is commenting; and I pointed out this morning to the Senator from Ohio, who now sits before me, [Mr. CHASE,] the fact that that section would necessarily be void if enacted, and that, to make the bill harmonious, it should be stricken out.

Mr. BROWN. I am glad to hear the Senator's explanation. It seemed to me at the time that his mind could not have rested on this section. Taking it for granted that this Government will never undertake to arrest within the limits of a State an execution emanating from a State court against the property of a citizen, and that this section will

be stricken out, I pass from this branch of the subject.

I am for protecting the homes of all who become the beneficiaries of this act. If we fail in this, the grantees of the Government will become the mere tenants of cunning and crafty shopkeepers and speculators.

Giving homes to the poor is a very idle proceeding, unless you provide against the alienation of these homes. Give these lands in the way proposed, and then leave them to the uncertain chances of ever-varying fortune, and it will be found, at the end of six years, that large numbers of the landless of to-day will be landless again. It is no reproach to say, that thousands and tens of thousands of our fellow men have not the skill and business tact necessary to the management of their own affairs. We have no right to appoint guardians for such people; but we have the right, if we give them homes, to provide against these homes falling into the hands of crafty speculators.

For myself, I can say with truth, that while I shall not consent to give away the public lands to be used, in any contingency, for the payment of private debts, I am willing and anxious that every family of American citizens shall have a home—a home from which they cannot be separated by misfortune or debt, by force or fraud, or by any other agency than their own free will.

If it be the object of the friends of the homestead bill to secure homes to the homeless, and to secure these homes against disturbance of every kind; to awaken hopes that shall not die; to open a way to the full, free, unencumbered, and unrestrained exercise of the faculties, mental and physical, of every citizen, then the task is easy. You have only to adopt the substitute which I have proposed for this bill.

The great leading feature of that substitute is this: It allows every citizen of the United States to settle on the public lands, and to occupy them for a long series of years, without payment of any kind. But he is only an occupant, not the owner of the soil. The title remains in the Government until the settler, of his own free will, and at a very low price, pays for it, and receive it. The Government does not force the title upon him even as a gift. But it will take the pay, almost nominal, and confer the title when the settler is ready to receive it, and of his readiness to receive within a period of ten years, he is made the judge. The Government will not expel him from the land—will not coerce payment; and for ten years she will refuse to sell it to any one else. These are the guaranties. This is giving them a home indeed. It is more: it is stretching over him the parental and strong arm of the Government, giving him assurance that he is secure in his possession; that, in good or in evil fortune, he is safe in the possession of his home. The Government will not disturb him, and none other shall. It is needless to say that a man thus circumstanced may exercise the faculties which God has given him free of all restraint. If he possess either mental or physical energies, they will be left to expand and grow, and work out the great purposes of their creation. But if he is homeless and homeless, poor and in debt, friendless and destitute, the strength of Sampson and the wisdom of Solomon, will hardly save him from actual want.

I dare not predict the blessings that will flow from the passage of a bill like this. It will lift up the lowly and oppressed. It will unseal the lips of thousands rendered mute by misfortune. Husbands and fathers, long injured to hardship, and penury, and toil, will hail its passage as the dawning of a brighter and a better day. Wives and mothers will bless its passage, and little children will hush its praise.

The substitute embodies all that is good in the original bill. It secures homes to the homeless. It does more than the original bill—it protects these homes against the waste, the improvidence, the misfortunes, the thriftlessness of their occupants; and all this it does without divesting the Government title to one shilling's worth of property. It allows American citizens to make their homes where red men now follow the chase, and wild beasts make their lairs.

The first section of the substitute simply proposes to continue in force the preemption laws as they now exist, and to extend these laws to all the Territories of the United States. The second section removes the present limitation imposed by

these laws, and extends the rights acquired under them to ten years. That is to say, (I use the very words of the substitute:)

"Persons acquiring the right of preemption, shall retain the same without disturbance, and without payment of any kind to the United States for a period of ten years, but on these conditions: First. The preemptor shall not sell, alienate, or dispose of his or her right for a consideration; and if he or she voluntarily abandon one preemption and claim another, no right shall be acquired by such claim until the claimant shall first have testified, under oath, before the register of the land office, when the claim is preferred, that he or she has voluntarily abandoned his or her original preemption, and that no consideration, reward, or payment of any kind, has been received, or is expected, directly or indirectly, as an inducement for such abandonment; and any person who shall testify falsely in such case shall be deemed guilty of perjury. Second. Any person claiming and holding the right of preemption to lands under this act, may be required by the State, within which the same lies, to pay taxes thereon, in the same manner and to the same extent as if he or she owned the said land in fee-simple; and in case such lands are sold for taxes, the purchaser shall acquire the right of preemption only. Third. Absence of the preemptor and his family for six consecutive months, shall be deemed an abandonment, and the land shall, in such case, revert to the United States, and be subject to the same disposition as other public lands."

The advantages gained by this proposition over the original bill are these: The bill adopts a new policy; the substitute continues and enlarges an old policy; the bill prescribes the terms on which the lands may be entered, and the persons who shall enter them; the substitute leaves the terms as they now are, and allows the same persons to enter who may do so now. If the bill is passed, all its provisions will have to undergo construction and adjudication; if the substitute is passed, its main provision will already have undergone both construction and adjudication. Pass the bill, and you may squander an hundred millions of acres of land and do no good; pass the substitute, and you give homes to thousands and tens of thousands of your people, without the loss of an acre of your public domain. Pass the bill, and the land is gone forever; pass the substitute, and the title is still in you. It is easy to advance an occupant to a tenancy in fee, but you can never reduce a tenant in fee to the condition of an occupant.

But let me proceed with the details of the substitute.

The third section protects the lands and the improvements thereon from sale of every kind, with this single exception, that the inchoate title may be sold for taxes by the State in which the lands lie. The section reads:

"And be it further enacted, That no lands entered upon and held under the provisions of this act, or the improvements thereon, shall ever be sold under any judgment or decree for any debt or other liability or penalty to the United States; nor shall any sale of the same for debt, other liability or penalty (other than for taxes) under the authority of any State, or the courts thereof, entitle the purchaser to any right to disturb the possession of the preemptor by purchase from the Government, nor shall it be lawful to issue a patent for any such land to any such purchaser."

It can hardly be necessary to say that so long as the title is in the Government, the land would not be subject to sale, even though this section were stricken out. But to satisfy the reasonable demands of the State for its taxes, it is provided that the interest of the occupant may be sold for the taxes. The purchaser, of course, will get the right which the occupant had before him, and nothing more; that is, he will get the right to occupy the land, and enjoy the benefit of the improvements, whatever they may be. The improvements will always be worth more than the taxes, and the presumption is that the occupants will protect them by a prompt payment of the taxes.

The fourth section is in these words:

"And be it further enacted, That the preemptor may at any time, at his or her discretion, enter the lands preempted by paying therefor to the proper officer of the United States the minimum price of said lands."

It will be seen that I have fixed the price, not at \$1 25, but at the minimum, whatever that may be. By the last section of the substitute, this minimum cannot exceed seventy five cents per acre, and may, and often will, not exceed twenty-five cents. But of this more presently.

The substitute makes payment for the lands a privilege and not a duty. It is suggested that this is a privilege of which very few will avail themselves. There could be no greater mistake. In nine cases out of ten the occupant will buy the land, if for no other reason that he may feel the noble independence of a land-owner. And if not for this, then for that other reason, that having bought the land he may sell it if he chooses.

Suppose a man to be settled on one hundred and sixty acres of land worth at Government price, \$1 25 per acre, (that is the highest possible price,) and that by his labor he has made it worth five or ten dollars per acre, and suppose that man to have the sole privilege of buying the land at \$1 25 per acre, what do you think he will do? Will he leave the latter in the Government? Certainly not. And why? Because, by paying \$200 he can make himself the owner in fee-simple of property worth from \$800 to \$1,600. So long as the title remains in the Government, he has nothing that he can fairly call his own. By paying \$200 he becomes the owner in fee of a handsome little estate. This will be a powerful stimulus, and thousands will buy under its influence, simply that they may own the property. And then if we take into account that the property may be bought at \$200, and sold for five or ten-times that sum, we need no other argument to show that it will be bought.

If the labor of the settler does not improve the value of the land, then it is pretty clear that it was worth nothing in the beginning, and that Government has lost nothing by having it occupied.

These are some of the advantages, briefly stated, which, in my judgment, this system will bring to the Government.

The advantages which will result to the settler are these, (I speak of the substitute, not of the bill:) If he makes an unfortunate location, he may change it, and this he may do as often as he chooses. The original bill gives him but one chance. If he makes a bad location, he must abide by it. Those who have been in at the settling of new countries, know how liable newcomers always are to be deceived, not only as to the quality of the soil, but as to all the advantages resulting from a proper location. It cannot injure Government lands for a citizen to live on them, nor can they be damaged by his going off them. But the citizen may find, and often does find, a great advantage in being allowed to change from one location to another. If he leaves the land better than he found it, why shall he not be allowed to leave it? And if his living on another place only increases its value, why not permit him to live there? It will be seen that if a settler moves, he must do it as a voluntary act, and that under no circumstances can he receive, directly or indirectly, any consideration, payment, or reward of any kind, for doing so. By this it is meant simply to confine the settler to his original location, unless, in his unbiased judgment, it is better for him voluntarily to abandon it and take another.

The fifth section of the substitute provides for the disposition of the occupant's rights when he dies, without having divested the Government title. The section reads thus:

"And be it further enacted, That in case of the preceptor's death, if a married man, his right shall survive to his widow and infant children; but the rights of the older children shall cease as they respectively come of age, or when they shall reach the age of twenty-one years. And in case of the death of both father and mother, leaving an infant child or children, the executor, administrator, or guardian, shall, upon submitting satisfactory proof of that fact to the register and receiver of the proper land office, be entitled to a patent for the land so preempted for the benefit of said infant child or children, on the payment of ten cents per acre, and may thereafter sell said lands, or otherwise dispose of them, for the benefit of the infant child or children aforesaid. And when the father and mother both die, leaving no infant children, then the right of occupancy may be sold for the benefit of the estate."

It may be asked why any charge is made for lands claimed by orphan children as the only heritage from their deceased fathers and mothers. I answer that the President has indicated to us that, in his judgment, we have no right to give away the public lands. We must, he thinks, have a consideration. Clearly we have a right to reduce the price of the lands, for we have reduced them time and time again, and no living man ever questioned our authority to do so. We have the right to reduce in favor of particular classes, as States, railroads, and actual settlers. This is not questioned. And if we may do this, surely we may reduce in favor of orphan children. Yielding to the views of the President, I have inserted this provision to meet his objections, and at the same time serve the interests of the poor and neglected orphans of destitute and forgotten parents. The section before us continues the right of a deceased husband and father to the widow and infant chil-

dren, and for this reason, that the adult children, as they come of age, will each for himself acquire the same right that the father had before him, and can take land for himself. And as the care of the infant children will necessarily devolve on the mother, it is but simple justice that the homestead should be secured to her and her infant children.

In providing that the fee shall pass to the infant children, on the payment of a nominal sum, when the father and mother both die, I have had this in view: that infant children cannot occupy the land, and if it is not given to them at a nominal price, the labor of their parents may be entirely lost. It will often happen that they will have no means of buying, and when they have, guardians may think it best not thus to apply those means. The quantity of land that will be disposed of under this clause will be comparatively trifling, and I know of no object to which it may be applied with a greater certainty of its doing good.

It will be seen that, in all cases where the father and mother both die leaving no infant children, it is provided that the right of occupancy may be sold for the benefit of the estate. The object in doing this was twofold; first, to get clear of the idea of keeping the land in the same family; and secondly, to secure to the heirs or creditors of deceased persons the benefits resulting from the labor of such persons.

The sixth and last section establishes the system of graduation in favor of actual settlers. The scale is not such as I would have fixed if my own judgment had alone been consulted. The Senator from Virginia (Mr. HUNTER) has brought in a graduation bill, and the scale adopted by me is taken from that bill. It is as follows:

"Sec. 6. And be it further enacted, That the minimum price of the public lands of the United States shall remain unchanged until the commencement of the fiscal year beginning July 1, 1855; but after that period the price shall be reduced, in favor of actual settlers, according to the following scale: All lands which shall have been offered at public sale, and remaining unsold five years, shall be reduced to the price of one dollar per acre; all lands which shall have been offered at public sale, and remaining unsold ten years, shall be reduced to seventy-five cents an acre; and all lands which shall have been offered at public sale, and remaining unsold fifteen years, shall be sold at fifty cents an acre; and all lands which shall have been offered at public sale, and remaining unsold twenty years, shall thereafter be reduced to a price of twenty-five cents an acre."

I would have commenced at a lower figure than one dollar, and descended below twenty-five cents. It will be seen that the ten years' residence which the substitute allows, must in any case bring the lands down to seventy-five cents per acre; and if they have been offered for sale ten years before the settler goes upon them, then these ten years' residence, in addition, must of necessity, according to this scale, bring them down to twenty-five cents per acre.

It was my purpose to have discussed this provision at greater length; but I am growing weary, and the Senate may be impatient. I dismiss the point with the single remark that a man who has ten years to pay for one hundred and sixty acres of land, at from twenty-five cents to seventy-five cents per acre, and fails to do it, is of no account, and it is not worth while to help him, or try to help him.

Having briefly explained the provisions of the proposed substitute, I proceed to answer such objections as have been urged against it.

First, it is said this proposition will get up a system of tenantry, and thus become exceedingly prejudicial to the country. It will get up no such system in the first place, and in the second place, if it did, no injury could result from it. The occupants of the land pay no rent, and cannot be deprived of the right of occupancy by the Government, or any other power. He is not a tenant, in the technical sense of that term, who pays no rent, and is not subject to be removed by his landlord. No one expects the settlers to pay rent; and if they enter the lands under the sanction of law they cannot be removed, even by a repeal of the law, and much less can they be removed while the law remains in force.

But if these people are tenants, whose tenants are they? Not the tenants, certainly, of the President, or of Congress, or of any person, or body of persons, in power or out of power. But they are the tenants of the Government.

The objections to a system of tenantry, as I understand them, are chiefly these: first, that

landlords may exact exorbitant rents, and thus oppress their tenants. This objection is answered by the simple statement, that in the case before us no rents at all are to be demanded. The second objection is, that the owners of the soil may acquire an influence over the minds of their tenants inconsistent with the full and faithful discharge of their tenants' duties to their country. To this I reply, that the country being the owner of the soil, the greater influence it acquires over the minds of its tenants, the more faithful will be the discharge of their duties. So that the argument, instead of being against the bill, is in its favor. I have not seen the force of either of these objections.

It is next said that it will keep the lands out of the market. This objection applies with less force to the substitute than to any other homestead proposition. When you retain the title in the Government, it is certain that you will sell the lands by-and-by. But if you give the lands away, of course you lose all chance of ever selling them. I have already given it as my opinion that you will sell more lands to actual settlers under this than under the old system. It is but an opinion, and can only be demonstrated by actual experiment. It is certain, however, that the proposed system will encourage settlements, and experience has demonstrated that wherever you induce settlements you find ready sale for lands. The one hundred and sixty acres secured by preemption will only serve the poorer classes. Men of larger means will want more land, and it will constantly happen that the preceptor will buy the lands adjoining him; and as his wealth increases, he will secure his improvements by another purchase. The first settlers, the frontier men, will be ready to buy at the minimum price when they can sell to new comers of larger means at from three to five, or ten dollars an acre.

The substitute does all for the settler that the friends of the homestead ought to desire. It places a home in the reach of every man who deserves it. It does more than the original bill; it not only provides a home, but it secures the possession of it against contingencies of every kind except voluntary abandonment; and even then it allows the man to take another home somewhere else.

The substitute meets the arguments of those who object to giving away the lands. It gives nothing but the right of occupancy. All that the settlers get is the right to live upon and improve the land; and all that the Government loses is the doubtful chance of selling to some one else sooner than to the settlers. For this loss surely the Government is amply recompensed by the productions of the soil, and the increased value of the lands consequent on their improvement. These add to the national wealth, and enhance our greatness as a people. The lands in a state of nature are, in fact, worth nothing. It is the labor of the settler that gives them value. Suppose a settlement to be made on a quarter section of land which the Government could sell for \$200, what does the Government lose? Not the \$200, for she does not give the land. She loses at most but the interest on the \$200 from the time at which the land could have been sold without a tenant on them, to the time when it actually is sold with a tenant on them. This can be but a trifle. For this loss she gets a producer where she had a consumer. She gets lands worth \$200 increased in value to \$1,000, and she gives a happy home to a man who was homeless.

If we are in want of a practical illustration of the effects produced by a system like this, I would point to the State of Georgia; and here let me invoke the attention of the Senator from that State, [Mr. Dawson,] who apostrophized with so much eloquence, the other day, against what he was pleased to term the profligacy of giving the lands, to actual settlers. Georgia gave away her lands, or sold them at a very low figure. The consequences are seen in her multiplied population, the improvement of her soil, the construction of her railroads, the revival of her commerce, and in the general and wonderful development of all her resources. Will any one say that in all this Georgia is not compensated tenfold for the cheap or gratuitous distribution of her lands? Will any one pretend that the prosperity of Georgia is not a part of the prosperity of the whole country. As each State is interested in the prosperity of the States united, so are the States united interested in the prosperity of each of the States separately.

Georgia gave lands to her people, and she made her people stationary, and prosperous, and happy. She has her ample reward in this, that she is not only the most populous, but, in every sense, the most thrifty of the southern States. What Georgia has become under this system, all the land States will become under a like system. I appeal from that narrow and contracted sentiment which looks only to the interest of a State or section to the broad national sentiment which looks to the success of the whole country—to that sentiment which sees success to Virginia in the success of Mississippi; and a triumph to Massachusetts in the triumph of Wisconsin; to that sentiment which sees a triumph to the whole Union in the triumph of any one of its parts. To this comprehensive spirit I appeal for relief from the incubus of Government lands in the new States. Let the lands be cultivated. The cultivators will build railroads, create commerce, encourage manufactures, sustain the mechanic arts, and add to the general prosperity of the whole country. Restrain their cultivation, and your highest eulogium will be, that you have been more the friends of savages and wild beasts than of civilized men.

Mr. BENJAMIN. I wish to put one question to the Senator from Mississippi. In the original bill, for which the Senator has offered a substitute, the fourth section provides that "all lands acquired under the provisions of this act shall in no event become liable to the satisfaction of any debt or debts contracted prior to the issuing of the patent thereof." I understand the Senator from Mississippi to object to that section upon the ground of its conflicting with State-rights. Now, I understand the third section of the Senator's substitute to provide, in effect, for the same exemption. The close of that third section provides that "no sale of the same," referring to the lands, "for debt, other liability or penalty, (other than for taxes,) under the authority of any State, or the courts thereof, shall entitle the purchaser to any right to disturb the possession of the preëemptor by purchase from the Government; nor shall it be lawful to issue a patent for any such land to any such purchaser."

Mr. BROWN. That means, of course, during his occupancy, as a mere occupant, and not when he has a perfect title.

Mr. BENJAMIN. But the section speaks of the "preëemptor by purchase from the Government."

Mr. BROWN. He ceases to be a preëemptor as soon as he gets a title. The section only protects him while he is a preëemptor. When he gets a title he ceases to be so, and is proprietor of the land, and, of course, he is no longer under the protection of that section.

Mr. DAWSON. Is the question now upon the substitute of my friend from Mississippi?

The PRESIDING OFFICER. (Mr. BRIGHT in the chair.) The question is on the amendment offered by the Senator from Ohio, [Mr. CHASE.]

Mr. DAWSON. So I thought.

Mr. BROWN. Allow me to say to my friend from Georgia that I introduced the substitute for discussion at this time, so as to have it fairly before the Senate.

Mr. DAWSON. I understood the Senator very well; but I wished to call the attention of the Senate to the point upon which we were about to vote.

Mr. JONES, of Tennessee. Mr. President, I am not willing that the vote shall be taken on the pending amendment until I shall have had an opportunity of putting myself right in regard to it. I will not detain the Senate long. My first impression was in favor of striking out the sixth section, as proposed by the Senator from Delaware, [Mr. CLAYTON.] I do not exactly reconcile it to my feeling, or to my Americanism, if you please to allow that expression, that a foreigner shall come here a week before the passage of this law, if it shall pass, and occupy the same position in regard to the public property as an American citizen. I have that difficulty on my mind; and upon that impression I was inclined to act at first, and to vote with the Senator from Delaware, in favor of striking out. My mind has, however, after thorough investigation, undergone some change on that subject, and I will ask the indulgence of the Senate while I give my reasons for that change.

I find, on examination, that this has been the pol-

icy of the Government from the first introduction of the system of granting homesteads; in 1850, the bill granting homesteads in Oregon was in the identical words of this bill. Other laws for the same purpose have been passed since, containing the same provisions. This bill does not propose to give lands to all foreigners that are here, or that may come here—but to such as are here now, and have taken the necessary steps to become citizens of the United States. The lands are not to be granted until they have become American citizens, and have resided on and cultivated the same for five years. If a foreigner will go into the wilderness, encounter the privations of frontier life, settle on one hundred and sixty acres of land for five years, I think he is entitled to the land—having paid a full equivalent for it, and will be a much better and safer citizen than if kept in idleness about your large cities.

Mr. President, if I wanted the protection of an excuse for voting for this measure, obnoxious as it is to many of my warmest personal and political friends, I might find it in the unanimous expression of the Legislature of my State in favor of a homestead bill. It is true, I have not received those instructions officially; yet I have seen them in the newspapers of the country. But, sir, I do not choose to protect myself by those instructions. However strong they may be, however much entitled to consideration they would be with me, they do not necessarily control my vote on this subject; for I announced myself in favor of the principles of this bill before the action of the Legislature took place.

If I may be pardoned by my friends for saying so—and I beg they will pardon me—I am in favor of the principle of this bill. I am in favor of it on considerations of policy, propriety, and justice. I should have voted for it in the absence of any expression of opinion by the Legislature of my State. Never, sir, since I have occupied a seat upon this floor, have I seen any measure assailed as this has been. I believe it was Bertram who said to Imogene, "None have ever loved as we have loved; none ever loved so madly." The opponents of this bill may say to themselves, "None have ever hated as we have hated; none ever hated so madly." They have fought this bill as Christian and Infidel fought in the days of the Crusaders. They have outraged every principle of civilized warfare. They have gone into the most ultra-guerrilla warfare that I ever witnessed in civilized society. The Senator from Delaware [Mr. CLAYTON] commenced his attack from the chaparral on this side, and fired into the bill. The Senator from Pennsylvania, on the other side, [Mr. BRODHEAD] from another chaparral, fired into it, and there has been a cross-fire from the different chaparrals from the beginning to the end of this whole controversy.

Sir, have they attacked the great principle of the bill? I think not. They urge objections. In the first place, the Senator from Pennsylvania, with a boldness almost Napoleonic—for I believe he would rather differ from a majority than concur with them—attacks the bill mainly upon the ground of its caption, and for more than fifteen minutes he enlightened the Senate upon the obnoxious character and inappropriateness of the caption or title of the bill. If that honorable Senator, for whom I have very great respect and great personal kindness, and for whose nerve and boldness I have a high admiration, felt a great objection to the name of the bill, in all conscience why does he not propose to change it? "A rose by any other name would smell as sweet." Give us the substance, and he may rebaptize it to suit his own fancy.

Mr. BAYARD. I wish to ask the honorable Senator from Tennessee one question. What is the great principle of this bill? I confess I am not able to discover it.

Mr. JONES, of Tennessee. Before I am done, I shall undertake to enlighten the learned and distinguished Senator as to what is the principle of this bill, "as I understand it." The Senator from Pennsylvania, as I have said, attacked the bill on its caption. Then came the Senator from Alabama, [Mr. CLAY], with his keen sword, or rather stiletto, and he attacked the phraseology of the bill. He asked his friends "What do you mean by the word 'now'?" Is it present, or prospective, or what is it? Does it apply to the time being, when we are discussing it, to the time when

the bill was presented, or to the passage of the bill, or to what time does it refer? If that honorable Senator objects to the phraseology of the bill, why does he not propose to amend it? He makes no proposition to amend it.

Then came the Senator from South Carolina [Mr. BUTLER] with his mighty artillery—for it is mighty—and what did he say? He indulged in a thousand denunciations of vagabonds and others, which I think are the mere creations of his fancy; and that certainly is one of the most exuberant that I have ever met with. He objects to the dialect of the bill; he does not like the word "issuance." He thinks it is not an American word. If that word does not suit that distinguished and learned Senator, why does he not give us a better? What sort of warfare is this, when learned, distinguished, and venerable Senators here—three of them—attack the bill in this way? One of them attacked the name of the bill, the other attacked the word "now," and the third says the word "issuance" is not to be found in the dictionary of the country.

Mr. CLAY. In order to relieve myself, I will tell the Senator that I had an amendment prepared in writing, which I intended to offer at the proper period, fixing a precise time.

Mr. JONES, of Tennessee. I am very much indebted to my friend from Alabama; I am glad that he means to do something with the bill; but I am speaking of the record as it is. I am speaking of the attacks which have been made on this measure. Here, I say, are three distinguished Senators in the Congress of the United States, making speeches upon isolated words, when they do not come up to the point of attack on the merits of the bill; if the words are obnoxious, offer amendments to make them more acceptable. I should be content with that course; but I do not like the guerrilla mode of warfare which has been carried on. It is evidently the purpose of the opponents of this measure to destroy it by this indirect mode of attack. I should gladly cooperate with them in rendering the bill more perfect, if after that I had any hope of securing their aid in its final passage; but I indulge no such delusive hope; their object is to weaken it by amendments, and thus secure its defeat. I cannot lend myself to their purposes.

The Senator from South Carolina, as I have said, gave us his criticism upon the dialect of this bill. Then came the Senator from Delaware, [Mr. CLAYTON], and he attacked it in the main front. It seems that the center of attack has been assigned to that distinguished Senator, and he finds fault with the sixth section. What is that sixth section, about which, I confess, there is some difficulty in my mind? It is that foreigners, who are not naturalized citizens, shall be permitted to enjoy an equal participation with citizens, in the benefits of this bill. I admit there is something substantial in this objection; but, at the same time, I wish to know of that honorable Senator whether he will vote for the bill if his amendment be made? If we strike out that section, will the honorable Senator vote with us? Not at all. But, sir, the wisdom, the experience, the profound tact, and, if I be not considered disrespectful, I may say that exceeding shrewdness and astuteness for which that Senator is distinguished, taught him that the way to destroy a measure is not to come up and attack the principle in it, if there be one, but to strike at it in detail, to cut off one point here and another there, and in the end to weaken and enfeeble the measure so that nobody can sustain it, and it cannot sustain itself.

Well, sir, after that the Senator from Maryland [Mr. PRATT] attacked the bill at another point. What is his objection? One of his objections is, that if an alien settles upon the lands, and dies before he perfects his title, his children will get the land under the bill. Now, sir, if that is not so, it ought to be so; and if the bill does not mean that, I am in favor of amending it to make it mean that. When a man goes and encounters all the hardships, troubles, annoyances, and difficulties incident to an early settlement in a new country, and dies six weeks or six months before he perfects his title, will the Senator say that his children ought not to enjoy the inheritance of their father? I do not concur in the views of that Senator. The settlement and cultivation of the wild lands of the country is a benefit to the whole country. If you invite its settlement, and the occupant

dies before he has perfected his title, in the name of justice and humanity, will you deny to his children the benefits of the father's labor? The country will have gotten the benefits of the settlement and improvement of the lands, and will you deny everything to the children? I hope not.

But, Mr. President, another attack is made upon this bill, and it comes from my friend from Georgia, [Mr. Dawson.] I dislike exceedingly to come in collision with him upon any subject, not only on account of my great respect for him as a statesman, a politician, and a gentleman, but because of a nearer and dearer relation. But I confess to you, sir, that his assault was one of the most remarkable that I ever witnessed in the American Senate. What is his objection to the bill? He says, in the first place, it is unequal and unjust. How? It gives land to every American citizen, and to every foreigner who has declared on oath that he intends to become an American citizen. It makes no discrimination. My friend can avail himself of the benefit of the law, if he chooses. I can avail myself of it. Every Senator can avail himself of it. But still, it is said, it is unequal and unjust, because there are some who cannot avail themselves of it. Is that an objection to the law? If it be, the same objection would apply to any and every law that you can pass. Human wisdom cannot devise any law which will be, in all its benefits, perfectly equal and uniform to all the members of this great Republic. My friend illustrated his view: "Ah," said he, "there is a widow in my country." Mr. President, that my friend is sensitive on that subject is not at all remarkable to me. I am not astonished that he is particularly sensitive of the rights of widows. He has a right to be sensitive on that subject. [Laughter.]

Mr. BADGER. Bound to be so. [Laughter.] Mr. JONES, of Tennessee. Yes, sir; bound to be so by the laws of gravity. [Laughter.] But, sir, he has a remarkable widow in his country, who, he says, has six daughters; and he fears she cannot go on the public lands and avail herself of this bounty, as he calls it. He is mistaken in that. I know that if that widow has six good looking daughters, and has not money enough to go to the Territories, my friend would advance her the money; and if he could do no better, he would take one of the daughters.

^A SENATOR. Or the widow.

Mr. JONES, of Tennessee. But I wish to show that he is doing the widow a manifest injustice in this view. I say that if he will permit that widow to go into the Territories with her daughters, who he says are all full age, she will have one hundred and sixty acres of land, and each of her daughters will have one hundred and sixty acres. If my friend will not advance the money to send them to Kansas or Nebraska, some benevolent emigration society will doubtless come to the rescue. Now, will you not benefit the condition of that widow by giving her one hundred and sixty acres of land, and giving each of her daughters one hundred and sixty acres?

Mr. DIXON. The daughters are not "heads of families."

Mr. JONES, of Tennessee. But they are twenty-one years of age, and therefore, under the bill, entitled to its provisions. My friend from Georgia said further that he was opposed to this bill because it interfered with a great principle, and that is a principle outside of this bill, and I wish to call the attention of my friend from Delaware [Mr. Bayard] to it. What principle is it that he says it conflicts with? It is a new principle in political economy—the principle of reproduction. If I believed, sir, the passage of this bill would interfere with that great principle, I would vote against it; and I am sure my honorable colleague, [Mr. Bell,] if he were here, would concur with me in the opinion that we never could be tolerated a single moment at home if we interfered with that great principle of reproduction. I do not apprehend, however, that it has anything to do with the bill; and my friend need give himself no fears on that subject.

But, sir, the Senator from Delaware [Mr. Bayard] asked me what principle was in this bill? I will tell him what I conceive to be the principle contained in the bill which attracts my admiration and support. The Government of the United States, or the people of the United States, are the holders of seventeen hundred millions of acres of

land. That it is the true policy of this Government to reduce those lands, as fast as possible, to cultivation, will, I suppose, be admitted by the Senator; but then he may object that that is a good principle, if we had the power. Well, sir, I maintain we have the power to do that; and I mean to cite no higher authority than the honorable Senator from North Carolina, [Mr. Badger,] who made one of the ablest speeches which it was ever my fortune to listen to in the Senate, on this subject. He demonstrated conclusively and unmistakably, that the Government of the United States had full, undisputed, and unlimited power and control over the whole public domain. Then, when we are the landholders of seventeen hundred millions of acres of land, and have full power to dispose of them just as we please, and when we please, and to whom we please, I ask if it is not wisdom, and patriotism, and good policy, to give them to those who are not the owners of land, who have no means to possess themselves of land, and thereby enhance the prosperity of the common country? If there is no principle in that, then I cannot see what a principle or a policy is, give it any name, I care not what it is.

But, sir, this measure was attacked as though it were a new one. My friends have said to me, are you going for this bill? I say, I am. They speak as though it were a new bill; when, if I choose to place myself behind a mass of documents, if I choose to call great men to my support in vindication of this great principle or policy, or whatever you may please to call it, I need only refer to the resolution read a day or two ago by the Senator from Michigan, [Mr. Cass,] which was offered by that man who is conceded now by all, by his friends and enemies, by those who concurred with him, or by those who differed from him generally, now that he is dead, to have been one of the most profound statesmen that ever honored the age in which he lived. Mr. Webster's resolution laid down the very principle of this bill. Then, when you ask me for a name, I give the name of that great and illustrious American statesman. I might go further back than that, and I might get other illustrious names to vindicate the policy that I am advocating, but I forbear. But, Mr. President, there is one point to which I invite attention. Is this the first time that this measure has been before us? I think not. In 1850, a proposition was introduced into the Congress of the United States to grant a homestead to every settler who would go to the Territory of Oregon. How much did it give? If he was a single man, it gave him three hundred and twenty acres of land. If he was a married man, with a family, it gave him six hundred and forty acres in perpetuity; and then only upon the condition that he should reside upon it for four years. Where were those gentlemen who inveigh with such fury against this bill now, when, in 1850, a law was put upon the statute-book, giving to every single man three hundred and twenty acres, and to every family six hundred and forty acres of public land, provided they settled on it for four years? Why did you not attack that principle then? Why did you not assail it then? Why did you put it upon the statute-book, and let the people enjoy it from 1850 down to now, and when we came to make it general, raise your hands and say, oh, what an outrage? But this is not all. That bill did not restrict its benefits to American citizens. It extended them to aliens who had filed a declaration of intention, or who might file one within the next two years; and yet these gentlemen stood by and saw that become the law of the land without opening their lips.

The provisions of that bill are identical with those contained in this bill, except it gave as much as six hundred and forty acres, this but one hundred and sixty; that requires but four years occupancy, this five. So you perceive that act of 1850 is much more liberal to the settler than the one now proposed.

But, gentlemen, you are in a worse category than that. I hold in my hand a bill which passed the Senate of the United States not two weeks ago, and what is it? To grant a homestead to every American citizen in the Territory of New Mexico, of one hundred and sixty acres of land—not only to every American citizen, but to every white male citizen of the United States, or every white male above the age of twenty-one years, who has declared his intention to become a citizen, or who shall have removed, or shall remove—

mark the words!—into that Territory, and settle upon it for four years. Where was the Senator from Delaware then?

Mr. GEYER. That act was temporary in its character; it only exists till 1858.

Mr. JONES, of Tennessee. Yes, sir, it is temporary in its character. Where were you then? Did you hear of it? You were an American Senator then.

Mr. CLAYTON. I never heard of it. I do not believe there was one Senator out of twenty who ever heard of it. It is not on our files.

Mr. JONES, of Tennessee. I cannot help that. There was not a dissenting voice to it. The records show that it came from the House, and passed through three readings in the Senate without a single objection being made to it—not a dissenting voice was there to it. Here is the principle of this bill in one which was passed not two weeks ago. Were those gentlemen on the floor, and yet was there not a single syllable of objection or denunciation hurled against it? The Government adopted it years ago, you followed it up, and you are *particeps criminis* in this very principle, because you did not oppose it heretofore. You cannot escape from this. If gentlemen did not know of it, it is no fault of mine. I will have the Journal read in regard to the point. I have been to the record.

Mr. CLAYTON. It is not on our files.

Mr. JONES, of Tennessee. Gentlemen are mistaken.

Mr. GEYER. When did you discover it?

Mr. JONES, of Tennessee. I find it on the records of the Senate.

Mr. CLAYTON. Did the honorable Senator know of it at the time the bill passed?

Mr. JONES, of Tennessee. I think I did; for it was before the committee, and I approved of it.

Mr. CLAYTON. Was there a word said about it when it was passed?

Mr. JONES, of Tennessee. I cannot tell. I hope the Senator will not hold me responsible for it, if he did not know it. It is not my fault. I cannot help that; but I am going to the record. The bill came from the House of Representatives, was read twice, and referred, and on the 19th of June it was reported back. It was then read a third time, and the question was, shall it pass? and it passed without a dissenting voice, through all the forms necessary for the passage of a bill.

Mr. SEWARD. When was it passed?

Mr. JONES, of Tennessee. It was reported on the 19th of June, and the Secretary can tell when it was passed. I hope he will read the Journal.

The Secretary read as follows from the Journal:

"SATURDAY, July 1.—Mr. DODGE, of Iowa, from the Committee on Public Lands, to whom was referred the bill of the House of Representatives (No. 315) to establish the office of surveyor general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes, reported it without amendment.

"The Senate proceeded to consider said bill, as in Committee of the Whole, and no amendment being made, it was reported to the Senate.

"Ordered, That it pass to a third reading.

"Said bill was read a third time.

"Resolved, That it pass.

"Ordered, That the Secretary notify the House of Representatives thereof."

Mr. DAWSON. That is the same day on which it was reported.

Mr. JONES, of Tennessee. Of course it was. It passed the same day on which it was reported.

Mr. CLAY. Will the Senator allow me to make a distinction, which is a very palpable one? It is, that there is a great difference between giving a homestead in a Territory, and a homestead in the States; and I could justify my vote for that bill on the ground of the distinction which I draw. We know that the Federal Government supports the governments of the Territories until they become States. They are a tax on the Federal Treasury; hence it is the policy of the Government to populate the Territories as rapidly as possible, and relieve itself of the burden by the removal of the territorial government. Such is not the case with a State.

Mr. JONES, of Tennessee. The distinction drawn by my friend from Alabama may suit his views, but the principle is laid down here that Congress has the right, has the power to grant homesteads. That principle has been recognized and acted upon by Congress within the last two weeks.

Mr. CASS. Will the Senator from Tennessee

pardon me a moment for making this suggestion? The power to dispose of the public lands knows no State or Territory. Every law in regard to the lands which is applicable to the States in which the lands lie is applicable to the Territories in which they lie in the same way. The position of the lands does not touch the power.

Mr. JONES, of Tennessee. I am indebted for that suggestion of the Senator. I should have made it myself. There can be no difference as to the question of power; and that does not excuse the honorable Senator, because one of the most astute Senators here, who objects to the bill, sits side by side with my friend from Alabama; and he is utterly opposed to allowing this principle in the Territories, but desires to confine it to the States. There they sit side by side. The Senator from Alabama says that the distinction is very great; that I might apply it to the Territories, but yet ought not to apply it to the States. The Senator from Mississippi [Mr. ADAMS] has an amendment to offer, confining it to the States and excepting the Territories. The general power, if it exists at all, exists over the public lands, whether in the States or in the Territories; for the jurisdiction of the Federal Government is the same over the lands in the States as over the lands in the Territories.

But, sir, I confess I know that the difficulty in the minds of some of my friends is, that they do not like this proposition because they prefer a general distribution among the States; for they say it is more equal and just. Very well, sir, I concur with them. If I could get a distribution of the public lands among all the States according to their Federal representation and population, I should vote for it with pleasure over this or any other proposition; but it must be obvious to you, sir, and to every other Senator, that the thing is wholly impracticable; and if the Congress of the United States were disposed to pass that measure, which they are not, still we are assured and know, if we can trust anything that the Executive has said, that it would not receive his sanction. Then if we cannot get that policy which commends itself most to our admiration and judgment, shall we reject that which approaches nearest to it? I think not; and that is enough to control my action.

As to the policy and justice of this measure, Mr. President, I have a few words to say, and then I shall have done. I think gentlemen have drawn very largely upon their imagination, and have stated most ultra cases of injustice in this matter. The Senator from South Carolina, [Mr. BUTLER,] with that peculiar tact and pungency of his, which is keener than any stiletto that I have ever seen, holds up the enormity of this bill by saying, why, sir, if it passes, the men who deserted from your Army—the men who deserted on the field of Churubusco, and warred upon their own friends, may come and avail themselves of its benefits. I submit to the Senator if it is a fair mode of warfare against a measure of this character, to state a possibility and make that possibility a ground of objection to the passage of the measure? While he states that possibility, how many thousands and tens of thousands of good, just, virtuous, honorable men, can be found in the United States, who, by misfortune or improvidence, if you please, or from some other cause, have not the means of subsistence, or the ground on which to stand and claim as their own; how many hundreds of honest, but poor, men are to be found within the limits of the State of that honorable Senator, who have not the means of purchasing a homestead, but who are honorable, and patriotic, and devoted to the best interests of the country? They would get the benefits of this bill; but because some scoundrel may come in and avail himself of it, the Senator will not give it to them. I am not willing to deny the benefits that this law proposes to confer on its beneficiaries because some unworthy individual may avail himself of it. The thousands and tens of thousands of our own hardy, poor, but honest countrymen, are to be denied the privilege of occupying and owning a homestead, for fear that some scoundrel or refugee may avail himself of its benefits. You punish your own thousands for fear it may be enjoyed by a few not worthy of its benefits.

Sensors, when assailing the measure, ask, are you going to give away the public lands? If you want me to answer categorically, and it will afford

an additional argument, I answer, I am willing to give them away. I voted to give away ten millions of acres the other day. They say that was a different matter. I am willing to give them to any purpose that looks to the advancement of the interests of the country or to the benefit of society, whether it be to the indigent insane, or the landless poor, or to any American citizen who will go and settle upon and cultivate them. That is my principle. It is no gift; it is no donation. The Government receives a valuable consideration for it. You give them to the soldier who fought the battles of the country, and a more just, humane, beneficent law never was conceived; but it is no more just, humane, or beneficent than this. You say the consideration for giving to the soldier was his having fought the battles of the country. I admit it; but the man who goes and encounters the hardships of a frontier settlement to open up the avenues of civilization, does as much for the country as the one who fights your battles. I have never been a pioneer, but I have seen something of the life of one, and, in my judgment, the man who is willing to brave the terrors of the wilderness is as much a soldier as he who bears the musket, and is as much entitled to the protection of the Government as the man who fights the battles of the country.

With these views, I shall give the measure my support. I leave other gentlemen to take their own course; but at the same time, while they are making war upon it, I want them to come up and deny the power to pass it. Show me that we have not the power to do it, and I will abandon it. If we have the power, does it do injustice to anybody? Because you do not choose to go there, will you deny the privilege to me? If you have a few broad acres on one side, and do not choose to go to the wilderness and take one hundred and sixty acres, and if, by misfortune, I am not able to stay where I am, in the name of justice let me go and settle upon, and cultivate, public lands, and bring wealth to the country by increasing its general prosperity.

Mr. CLAYTON. It seems that the chief object of the honorable Senator from Tennessee, in addressing the Senate, was to produce, by way of authority against the Senate itself, an act which passed this session, in which a clause is contained granting for a limited period, (four years only,) the right to all persons, whether citizens or not, to enter one hundred and sixty acres of the public lands in New Mexico, Kansas, and Nebraska. Now, sir, the effect of the precedent which the honorable Senator has cited, is not felt to be quite so crushing as he seemed to hope. It has really no bearing upon the question in this case. It has no authority, even if the Senate had acted with full consideration of it at the time, because it was but a grant for four years to settlers in the wilds of an unexplored region; but the fact is, that it was, as the Clerk at the table states, reported on one day, read by its title, and passed by the Senate without any debate or consideration.

Mr. JONES, of Tennessee. I think the Senator is mistaken. June 19, 1854, it was read twice and referred to the Committee on Military Affairs.

Mr. CLAYTON. Of course it was read, but it was only read by its title; it does not appear to have ever been read otherwise than by its title.

Mr. SHIELDS. Will the honorable Senator permit me to state something in reference to this matter. The bill to which he is referring, and which seems to have come with some surprise upon the honorable Senator, is precisely conformable to other bills. A similar one was reported for Oregon.

Mr. CLAYTON. I am aware of that, and I was not at all surprised. There is nothing in it of any consequence to the question before us.

Mr. SHIELDS. So in regard to California.

Mr. GWIN. Not California; we never got that. We tried to get it; but could not, because we happened to be a State.

Mr. SHIELDS. At all events it passed this body, for I reported the bill; and at that time, I will state to the honorable Senator, no question arose as to the power of Congress to make these grants to the Territories. This is the same with other bills.

Mr. CLAYTON. As to the question of power that is not now the question I have proposed for discussion; but, in regard to this bill, does any man believe that if the Senate of the United States

had been apprised that there was a provision in it granting temporarily, to all aliens, the right to go into the Territories of Nebraska and Kansas—

Mr. ATCHISON, (Mr. WALKER in the chair.) It does not give the right to aliens in Kansas and Nebraska. It confines it to New Mexico.

Mr. DODGE, of Iowa. I beg leave to interrupt the Senator from Delaware. I presume he wishes to be correct in all the statements which he makes. I am sure he does. I have had some participation in this matter; and, therefore, I ask him and the Senate to hear me in relation to it. I hold in my hand, Senate bill No. 220, a "bill to establish the office of surveyor general of New Mexico, to grant donations to actual settlers thereon, and for other purposes," introduced by Mr. SHIELDS, of Illinois, February 20, 1854, and referred to the Committee on Public Lands. The Journals show that it was reported back by myself from the Committee on Public Lands, the 29th of March, 1854, with an amendment, furnished by the Commissioner of the General Land Office, to whom it was sent in pursuance of an order of the committee. That amendment is printed in italics, and is intended as a substitute for the original bill. It was passed, as the Journal of the Senate will show, on the 20th day of April of the present year, and sent to the House of Representatives, with the provisions making grants to the people of New Mexico, similar to those which had been made to the early settlers in Oregon. The territorial business came up in the House of Representatives before this bill was reported from the committee there; and the House passed a bill of its own of a precisely similar character, reported by its own Committee on Public Lands. That bill came from the House, was referred on the 19th of June last to the Committee on Public Lands of the Senate. On the 1st of July, it was reported back to the Senate and passed. The House bill granting lands to settlers and occupants in New Mexico, was amended in that body, when on its passage, by having some sections added, providing for a surveyor general's office and two land offices for Kansas and Nebraska. When the Senate's bill No. 220 passed this body, on the 20th of April last, the Senator from Virginia [Mr. HUNTER] interrogated me from his seat, through the President, respecting its provisions. I replied that the grants to actual settlers were precisely those which had been made in Oregon. The Senator from Virginia will recollect it well, I am sure.

Mr. CLAYTON. I understand the Senator's explanation; but this bill was, by the testimony of all around me, never found or observed to contain this provision when it passed, and it is not now to be found on our files. It makes donations to aliens, temporarily, only in New Mexico, but the preëmption privilege is extended to them in Kansas and Nebraska, and if the attention of the Senate had been drawn to it they would have observed that there was some object in thus drawing aliens into Kansas and Nebraska. But I desire to show the distinction between this measure and that. We propose here to strike out the sixth section of the homestead bill, which grants to persons not naturalized the right to enter upon and occupy and obtain patents at the end of five years, to one hundred and sixty acres of land. That is a permanent, not a temporary provision; there is no limitation upon it. In the bill which the Senator produces he will find the provision is temporary:

"And to every white male citizen of the United States, or every white male above the age of twenty-one years, who has declared his intention to become a citizen, and who shall have removed or shall remove to and settle in said Territory, between the first day of January, 1853, and the first day of January, 1858, there shall in like manner be donated one quarter section, or one hundred and sixty acres, on condition of actual settlement and cultivation for not less than four years."

By this provision the alien settler cannot enter unless he has declared his intention before the act.

I can very well conceive that it might be policy, in the judgment of many Senators, to extend this privilege to persons who were about to settle the wild Territories of New Mexico, Nebraska, and Kansas, but who would not listen to the proposition when you attempt to extend it to the States. The bill now before us proposes to grant the right in the States as well as in the Territories. The questions as to the power and expediency differ entirely in regard to this matter, and the Senate might, if they had passed that measure,

even after due consideration, with perfect consistency, refuse to adopt the sixth section in the bill now before us. There are insurmountable objections to making the same grant in utter disregard of the rights of the States or their laws on the subject of holding real estate. By this homestead bill there is no power which can turn an alien out of the land while he lives, should he refuse to become naturalized for forty years or more. The alien is to hold the land within the limits of the "land States," and he cannot be ejected from it. Besides, he is to hold it exempt from the payment of any debts he may have contracted while he is upon it without a patent.

But, Mr. President, I throw this out of the way, and come to the question as it stood before the honorable Senator from Tennessee addressed the Senate; and I beg now to make a very few remarks in reply to some of those who have occupied the attention of the Senate for the last two or three days. The Senator from Ohio, [Mr. WADE], this morning told us, in reply to what had been said by some gentlemen entertaining the same opinions I do in reference to this bill, that none but the industrious are invited and expected to go and live under this homestead system. The loafers, he said, would not go; such men would never be found there, he thought. Why, sir, the Senator has entirely mistaken, I humbly apprehend, the whole character of the bill. If there was ever a bill inviting loafers and idlers, it is this. It provides that any man may go and take up one hundred and sixty acres—on what conditions? If he makes it appear that he has not abandoned his settlement for more than six months, at any one time, he is, after the end of five years, entitled to a patent.

Mr. WADE. I did not suppose that loafers and idlers would go there and entitle themselves to the land; but suppose a loafer or an idler should go into the wilderness and comply with the provisions of the bill, would you not grant him the same rights with others?

Mr. CLAYTON. We should be pleased to get rid of them all in the old States; but we would not offer them a premium for their laziness. Now, the fifth section of the bill provides:

"That if, at any time after filing the affidavit as required in the second section of this act, and before the expiration of the five years aforesaid, it shall be proven, after due notice to the settler, to the satisfaction of the register of the land office, that the person having filed said affidavit shall have actually changed his or her residence, or abandoned the said entry for more than six months at any time, then, and in that event, the land so entered shall revert back to the Government, and be disposed of as other public lands are now by law, subject to an appeal to the General Land Office."

Well, then, if a man goes upon the land, makes his entry, and remains there and settles one week or one day, and is absent five months and twenty days, and goes back and settles another week or day, and is absent another five months and twenty days, he will thus acquire, by this bill, the title to the land, although, in reality, he may not have had possession of it for six weeks during the whole time prescribed by the bill. Is there any doubt about that construction? He is at liberty to be absent at any time for a period short of six months, and then go back and settle upon the land for a day or a week, and proceed to its cultivation by planting a few tomatoes, or something that will grow in spite of shade and weeds, and then he will be set down as the owner of the land. If that is not a reward for idleness, I do not know what would be.

Mr. President, this bill invites not only idlers, but all of every class. The felon convicted of any crime in any of the States of this Union may go and take up one hundred and sixty acres of the public land under the bill. The honorable Senator said we did not object to the bill except because unworthy emigrants from Europe might come and settle upon these lands. I beg him not to misunderstand us. We have objected to this mode of settling the Territories of the United States, because the measure invites the very worst characters to enjoy the benefits of it, and offers them a premium when they have escaped from the old States, to go and settle upon the public lands.

Mr. President, the honorable Senator from Ohio, [Mr. WADE], as well as the Senator from New York, [Mr. SEWARD], have indulged themselves at the expense of the American population of the country, by telling us that the canals and railroads in the United States have been built by aliens. I

know aliens have often been employed on the railroads and canals; but thousands, and perhaps hundreds of thousands of native Americans, have also been employed upon them. And who is it that is entitled to the merit of making these roads or canals? It is not merely the laborer. Who are the men that paid for the labor, both of the native and foreign population, and took the hazard of their success or failure? They have been in every instance American citizens, and not foreign emigrants. The honorable Senators might as well claim the exclusive honor to the negroes who have built a great many of the canals and roads, and for the horses and oxen that have assisted in making them. Sir, our works of internal improvement were built by our own countrymen; and every foreigner who put a spade in the ground was paid for his labor, and paid well. I have no statistics in my hand to enable me to speak of the relative proportions of labor performed on such works by Americans and foreigners; but I have seen canals and railroads made, and I have generally seen upon them a large majority of native Americans engaged at work, and sometimes a great many foreigners too, who could find no other employment in which their labor was so well remunerated.

So, too, sir, we have had it intimated to us in the debate that we should hardly have achieved our independence in the revolutionary war if it had not been for the foreigners who fought our battles. Why, really, this is most surprising intelligence. I think one gentleman said it was doubtful whether we should have been enabled to achieve our independence but for the valor of the foreigners who fought for us. I am ready to acknowledge, and always glad to acknowledge, the assistance that we obtained from the gallant foreigners who came to our aid in the revolutionary war, in our last war with England, and in our war with Mexico. A bright example is before me whenever I reflect, in my place here, on that subject. No man is more disposed to do justice to my honorable friend from Illinois [Mr. SURELDS] than I am; and to men who shed their blood as he did, nobly in defense of this country, no man can be more truly grateful than I am. But, sir, it is degrading to the American name, and it is untrue in fact, to tell us that we owe our independence to foreigners, or to insinuate that the true native American is inferior, either in courage, or the higher moral qualities, to the foreigner.

I am not one of those who persecute foreigners. I never shall do it. I am no bigot; no sectarian. I seek to persecute no man for his religion or his opinions. But I am resolved that no others shall ever, by my vote or influence, be placed in any position where they can persecute me or my friends, or deny us either civil or religious liberty. I have heard, during the progress of this debate, some things uttered to the disparagement of a portion of the American population, which can have but a very unfortunate effect, in my opinion. I was asked by my honorable friend from Iowa [Mr. DODGE] whether, in my judgment, the naturalization laws should be repealed? Why, sir, I have never been the advocate of the repeal of the naturalization laws; but let me tell him, and others here who have engaged in this debate, that any remarks which can be, by possibility, construed into a disparagement of the native American population of this country, when compared with the foreign population now pouring like a mighty flood into this country, are calculated to create parties that have been unknown before; and remarks of that description made on the floor of the Senate in one day's debate, will create an addition of one hundred thousand to the number of those who have been denominated, by some gentlemen, as "Know-Nothings."

Mr. DODGE, of Iowa. Will the Senator allow me to ask him a question?

Mr. CLAYTON. Certainly.

Mr. DODGE, of Iowa. I ask him, then, to name that Senator who instituted an invidious comparison in favor of foreigners and against Americans. If he directly or indirectly alludes to me as having made such an assertion, I deny it in toto; and I must say for the Senate, that I have heard no such imputation made from any portion of it.

Mr. CLAYTON. The Senators from New York and Ohio will not so soon eat their words, I think. I did not charge the Senator from Iowa

with having reflected on the American population; but now that he has called my attention to the fact, I will repeat one thing which he said, though I have no unkind feeling to gratify in doing so. He did say of certain American organizations in this country, that they were "contemptible"—the "Know-Nothings," for instance, and the "Native Americans." I submit respectfully to my honorable friend, now in his cooler moments, whether they are to be considered as contemptible? I do not know myself what their principles are, though the Senator from New York, without any authority, has spoken of them; but one fact must be apparent to everybody, and that is, that those men who are called "Know-Nothings" have, within a few months past, actually carried nearly every election in every American city where their standard has been raised. I am perfectly ignorant of what the real ends and objects of an association so formidable may be; but I cannot conceive it possible that an organization as extensive as that, and as successful as it has been in every instance, can, in any sense, be contemptible.

There is no country in the world half as liberal as ours on the subject of naturalization. There is at present a general disposition on the part of the American Congress to admit foreigners to naturalization upon such terms as are, in its judgment, consistent with the American Constitution. There is no disposition that I have heard proclaimed here to repeal the law on this subject. But how is it abroad? In England an American cannot, if he wishes, obtain naturalization except by special act of Parliament. He may, by letters patent from the Crown, become a denizen; but having thus been made a denizen, he is utterly incapable of receiving a donation of Crown lands in any case. That is a part of the law of England; but here we all agree that the naturalized citizen shall receive donations of our lands upon the same terms with the native citizen of the United States. None of us object to that; but what we do object to is this: that those who are not naturalized, those who still owe allegiance to the Government of the country from which they emigrated, should come here and stand upon precisely the same footing with an American, who was born in the country and has arrived at full age. Under the provisions of this bill, we agree to give foreigners one hundred and sixty acres of land, if they will only go immediately, after their arrival in the country, and declare their intention to become citizens at a future time; and there is no period limited in the bill within which they must become naturalized, or lose the title. At any period during life they can become naturalized; and, in that case, they are to be entitled to a farm. Then, sir, the simple question before us is, are we ready to give to every foreigner an equal share of the public domain with the citizens of the United States?

Mr. President, this bill has undergone a very desultory discussion. The honorable Senator from Tennessee [Mr. JONES] charges those who are opposed to it with having made a guerrilla war upon it. Why, sir, all we have thus far done has been to propose an amendment to it. We have proposed one amendment, and its friends, I believe, have proposed two. The honorable Senator from Ohio [Mr. CHASE] now proposes to amend the sixth section, before the question is put on the motion which I made to strike it out, by allowing all foreigners, not only those here now, but all who shall come hereafter, the benefit of this act. He gives notice, and others give notice, of other propositions they intend to make.

We have opposed the bill, and announced our opposition to it incidentally, in the debate on a motion to amend it; but has there been anything unfair in the opposition to the bill? Has there been anything to which the most scrupulous could object? We have not undertaken to defeat the bill by any indirection. We attack it first in a position where we think it is most censurable, and seek to strike out that part. Then the effect of striking out would certainly be to make the bill, in our judgment, better than it was before; and, on that ground, the honorable Senator should at least pardon, if he cannot applaud us, for the course we have adopted.

But, sir, in regard to the debate which has gone on here for the last two or three days, it has been, as I have said, desultory. No systematic, regular debate has been commenced yet by the opponents of the bill. The general features of it have

scarcely been reviewed. I do not propose to examine them now; but I wish to make a suggestion in reference to this bill which I have not yet heard in the course of the debate, though, doubtless, it has occurred to other gentlemen here. I say it is an unjust bill, for the reason that it gives the public lands to any one who will go and settle upon them, immediately alongside of persons who have purchased for the full price, and paid the Government for their lands. Will not the inevitable effect of this be to diminish the selling price of all the land of those who have heretofore purchased public land? Is it a measure of justice? I put it to any man, after you have exacted from all who have gone before \$125 an acre, the minimum price of the public land, then to invite everybody to go and take possession of the land adjoining without returning their money to those who have already purchased? Why do you make a discrimination against them? I put it to my honorable friend from Tennessee, is it just and fair that a man who has labored upon the public lands for many years, until he has earned his quarter or half section, and has paid for it, should be surrounded suddenly by hundreds and thousands of men who have never performed a day's labor on the lands, and yet who can sell that land as soon as they have got patents?

Mr. JONES, of Tennessee. Does the Senator desire an answer?

Mr. CLAYTON. I yield with pleasure to hear your reply, if you choose to make it.

Mr. JONES, of Tennessee. I will answer the Senator very frankly. I admit that it seems to be unjust. I concede that it seems to be an act of injustice that one American citizen should have been required, under a previous law, to pay \$125 an acre for his land, and then afterwards another man be permitted to go and settle by him without paying anything for his tract. But let me ask the Senator another question. Suppose a man settles in the wilderness, and encounters all the hardships and privations incident to such a settlement, and clears up his one hundred and sixty acres of land, I want to know of my friend from Delaware, if he goes and takes the adjoining quarter section at \$125 an acre, does he not derive his full quota of the benefits of the labor of the man who first settles, and supplies all the necessities incident to life? I wish to make myself perfectly understood by the Senator. He gets, in the case, I suppose, all the benefits of civilization and settlement, resulting from the act of the man who is given one hundred and sixty acres, in going into the wilderness and cultivating the land which is granted to him under this law. Those who follow the first settlers, and settle down by them, and do not encounter the hardships which they have to encounter, but come in afterwards, and pay for their land, enjoy the benefits of the labor and suffering of those to whom the land was granted; so that the case is just as hard in one aspect as the other.

Mr. CLAYTON. The Senator has entirely misunderstood this bill. It does not allow a settler who has *bona fide* purchased one hundred and sixty acres, to take up one hundred and sixty more. He has mistaken entirely one of the plainest provisions of the bill.

Mr. CASS. Will the honorable Senator allow me to make one remark on this point?

Mr. CLAYTON. Certainly.

Mr. CASS. I merely do it because the Senator, perhaps, does not recollect a view which was taken of this matter before. It was all gone over thirty years ago. The principle which the honorable Senator from Delaware assumes, would prevent Congress ever reducing the price of the public lands. You sold the land once at two dollars per acre; and when it was proposed to reduce it to \$125, the same objection was urged by many that is now urged by the Senator from Delaware. It was said you could not reduce the price, because that would be doing injustice to those who had already purchased at the higher price. I would remind the honorable Senator from Delaware, that every man who purchases public lands, purchases subject to the disposition of Congress; and Congress has a right to reduce the price when it pleases. It may graduate the price, and bring it down to twelve and a half cents per acre. Therefore, the principle cannot be carried out, that you cannot change the price of the lands, because you

have previously sold, under other circumstances, at a different price.

Mr. CLAYTON. Let me tell the honorable Senator from Michigan, that the principle on which the graduation to which he has referred was made, was that the best lands had been taken up, and that the inferior lands ought properly and fairly to be offered at an inferior price.

Mr. CASS. The honorable Senator will allow me to say further, that that is incorrect. That argument could only apply to existing districts; but district after district subsequently came into the market, which had never before been offered for sale, and where the prime and best lands were sold for \$125. It was not that principle, therefore, which operated; but it was the principle that the price of the public lands at the time was thought to be too high.

Mr. CLAYTON. The reduction from \$2 to \$125 was made on the abolition of the old credit-system, in the sale of the lands. Cash was the alleged consideration for the reduction to \$125 from \$2 at a long credit. We have had no graduation laws reducing the price lower than \$125; and, sir, no graduation bill can be just which is not founded on the idea that the best lands have been disposed of, and that worse remain to be disposed of, at a smaller price. I have not been a friend to any of these graduation bills, nearly all of which are projects to plunder the Government; though I have always voted, and I say it with great satisfaction, liberally for western improvements, and for the interests of the western country. But in regard to the point which the honorable Senator from Michigan made, that the graduation principle, bad as it may be, justifies the measure before the Senate, I deny it. I say that here is a measure of manifest injustice to those who have heretofore purchased public lands; and the honorable Senator from Tennessee is compelled to admit that it is unjust.

Mr. SHIELDS. Will the honorable Senator permit me to make a single remark on that point?

Mr. CLAYTON. I yield the floor to my friend with great pleasure.

Mr. SHIELDS. I happened to be at the head of the General Land Office, and ought, therefore, to know a little about the operation of the very view which the honorable Senator presents. If I understand his position, it is that when one man purchases a tract of land for \$125 an acre, which, by his labor and cultivation, becomes worth five or ten dollars an acre, and another man gets a neighboring tract, as a donation from the Government without any consideration, the man who has paid for the land is injured, because his land is decreased in value. Is that the proposition?

Mr. CLAYTON. That is not the exact way in which I stated it. But let the Senator go on.

Mr. SHIELDS. I understand the Senator's proposition to be, that if one man pays for a tract of land, builds a house on it, and cultivates it, and another man, his neighbor, gets land without paying for it, the man who pays is thereby injured. Now, so far from that being the case, the fact is, that if the adjoining tract is cultivated, even though the land be given to the occupant without cost, it improves and enhances the value of the tract of the adjoining man who paid for it. So far from diminishing its value, the effect of the cultivation of an adjacent piece of land by the labor of any man, (no matter whether he pays for the land or not, for that has no bearing on the point at all,) is to enhance the value of the farm of the man who has already purchased. That is the operation, as those who are familiar with the public lands know.

Mr. CLAYTON. Mr. President, I think it is self-evident, that if millions of acres of land, around a farm which I may happen to own, be offered for nothing to all who may choose to come and settle upon it, the value, the selling price of my land, is necessarily diminished by the operation. It is reduced beyond all controversy, in my judgment, I will not say to nothing, but it is reduced so seriously, that where the donations in the neighborhood of settlers who have heretofore bought the public lands, are very numerous and extensive, the operation must be ruinous to them. The Senator from Illinois has skillfully confined himself to the case of a single settlement of one man by the side of another. But will any man tell me that putting thousands on tens of thousands of acres of land into market for nothing, in the vicin-

ity of a man who has purchased and paid a full and fair price for his land, does not diminish the selling value of that man? Sir, in such a case you do gross and outrageous injustice; and if your Government be unjust, and pass such a bill as this, it ought to and will make indemnity to those whom it shall thus injure.

The Senator from New-York [Mr. SEWARD] occupied much time in reply to me by an argument of his own against a proposition which neither I nor any one else ever made. I did not stop him. He had evidently never read my amendment, though he made a speech against it. I did not propose to give money or land to mechanics only, but to mechanics and all other American citizens. His complaint was, that mechanics were not more meritorious than other classes. Nobody said they were. But I say they are, as American citizens, entitled to quite as many privileges as any other class of citizens; and in our own country they shall always have my vote for anything they may ask, in preference to any alien; and I would rather have the approbation of the American mechanics of my public conduct than that of all the aliens in the world.

Mr. President, the honorable Senator from Ohio [Mr. WADE] took so different a view of the rights of American citizens to the property of the United States from any that I have ever seen presented before, that I wish to comment for a few moments upon it. Why, sir, he undertook to say he did not consider that he himself, although a son of the old Bay State, and now an honored Senator of the United States from the great State of Ohio, a citizen and a native-born American, had any greater right to any portion of this vast public property of the United States than any German, or any foreigner whatever. That is the gentleman's position, fairly stated. Sir, is it possible that such a feeling pervades the bosom of an American Senator? Is it possible that, under the influence of feelings and opinions like this, we are legislating on the great public domain of this nation, and are about to give away hundreds of millions of the national property? Are we to act on the idea that no American citizen has any more right to the public domain than the alien in Germany, Ireland, or Russia, or any other part of Europe? Sir, whose property is it? The honorable Senator seems to think it belongs to everybody, and not merely to us. Well, who paid for it? Millions upon millions of dollars have gone out of the Treasury of the United States to pay for it. That money came from the pockets of the citizens of the United States. Millions upon millions of acres of it were earned by the blood, as well as the treasure, of their revolutionary forefathers. We have heretofore looked upon it as an inheritance of which the American people might well be proud. But the Senator boldly tells you that no American has a right to claim any more title to it than any foreigner!

Mr. WADE. What I stated was, that if these donations were to be considered as for the benefit of the particular individuals, A, B, or C, who might take advantage of the bill, of course no one had any right at all to the land. I thought, however, that as the Government was the owner of such a vast territory, and as it proposed to dispose of it to those who would settle on it, as a matter of policy it was right to make no distinction between persons who should occupy it. I did not pretend that A, B, or C, whether foreigners or natives, had any right upon the public lands. Certainly the land belongs to the Government; but the Government, I take it, has a right to sell it to anybody, or to give it away to anybody, if it is supposed the interests of the Government will be best promoted in that way.

Mr. CLAYTON. The honorable Senator thinks, and so expresses himself in substance, that he has no more right to ask for a donation of the public domain than any foreigner whatever, because he thinks this policy of the Government is to give it away to all alike.

Mr. WADE. I say, I do not feel, as an individual, that I have any more title to any particular portion of it, in consequence of being an American citizen, and being accidentally a native born, than any other man.

Mr. CLAYTON. There you find him, precisely where he stood before he made his explanation. Let me again revert to a remark which I made when I commenced my reply to the honor-

able Senator. I know not how to argue with him on such a subject. We are so entirely apart, that there is no ground upon which we can expect to reason with each other with a view that either of us shall ever be convinced. Sir, the views which the honorable Senator has announced, are not the sentiments of the American people, rely upon it; and they will repudiate all sentiments of that description. When they are told, as they now are, this day, on the floor of the Senate, that they have no more right to demand of this Government donations of the public lands than any foreigner in Europe, they will, I think, give us a lesson which we shall remember hereafter. Sir, the utterance of such views are not very pleasing to those of us who entertain the opinion, as before God I do, that the American people are entitled to this property in preference to any foreigner; that it is their birthright, and that it is a wrong and an outrage upon them to give it to foreigners, as long as they themselves demand to occupy it.

Sir, I say instead of putting down a sentiment like that I have expressed, by persecuting the "Know-Nothings," or any other American organization, those who shall attempt it will find themselves sadly mistaken. It will be necessary, before you can put that sentiment down, to put down the American people—the true American people. Before that can be done,

"Fall many a pennon shall be torn,
And many a knight to earth be home,
And many a banner shall be rent."

The sentiments which have been announced by the honorable Senator from Ohio are calculated to rouse the feelings of the whole American people; and they will hear with astonishment that it is considered now, upon the floor of the American Senate, that they have no right to the public lands of the United States.

Mr. President, I ask pardon of the Senate for this loose and desultory mode of discussing the subject. I have already occupied more of the time of the Senate than I should have done. With regard to the arguments which were used by my honorable friend from Iowa, I have no further reply to make. I have been superseded in the task which I had proposed in replying to some of his observations, made, as they were, with all his accustomed eloquence and energy, by the efforts of other gentlemen who have gone before me, and who have fully answered him. I leave the subject, but I shall deeply regret if the decision of the Senate of the United States on this motion shall be, that the American people, in the language of the honorable Senator from Ohio, have no more rights in the public domain of the United States than any alien who has visited, or may hereafter visit, our shores.

Mr. WADE. The Senator from Delaware [Mr. CLAYTON] states that I said the American people have no right to the public domain. I said no such thing; and I said nothing from which any such inference could be justly drawn. I have barely stated that this bill carries out what is, in my judgment, sound policy. It does not stop to inquire whether the beneficiaries are entitled, in the legal sense of the term, to what they are to get under it. Citizens and foreigners, all who comply with the provisions of the bill, are to receive so much land. The Government being the owner of this land, has a perfect right to grant it on such conditions as it deems proper; and it has as much right to give the land to foreigners as to its own citizens, so far as I can see. I stated, in connection with this, that when there was a vast continent of vacant lands, I could not see that any one man had a better title than another to a specific quantity of land. I did not see when I spoke before, I do not see now, on what principle of morals one can be considered better than the other. The Government owns the land. The Government has purchased it. I am not the owner of any of it, unless the Government gives it to me, or I buy it; so of the foreigner. We both stand on the same ground, so far as I see, in point of morals, ethics, and law. That is what I meant.

Mr. BADGER. As I suppose there is no expectation of having any vote upon this bill to-day, and as I have also a resolution which I wish to have laid upon the table, in order that I may call it up to-morrow morning, I rise now to move that the further consideration of this subject be postponed until to-morrow.

Mr. WALKER. I do not suppose that my own views will be accorded with in this matter; but I had hoped that we should get a vote this evening on the motion of the Senator from Delaware to strike out the sixth section of this bill. There is a great deal depending upon that motion, and I had hoped the vote would be taken on it before the adjournment this evening.

Mr. MASON. It cannot be done. Several gentlemen wish to speak.

Mr. WALKER. I know this to be the fact, that whenever there is a disposition shown to adjourn, it is always impossible, in the estimation of gentlemen, to get a vote. If there be a majority of the Senate disposed to adjourn at this hour of the day, or to postpone the further consideration of this subject in order to go into Executive session, of course no one member, and no minority of members, can successfully oppose it; but I have only to say, that I hope the postponement will not take place, and that we shall have a vote on the amendment.

Mr. BADGER. Sir, though opposed to the homestead bill, I consider myself under an obligation to the gentlemen who are in favor of that measure, so far as I am concerned, to give them an opportunity at the earliest day to have a vote of the Senate upon the subject, and to interpose no difficulty whatever in order to prevent that vote from being taken. Now, as the Senator from Wisconsin, a friend of that measure, is opposed to the postponement of the bill until to-morrow, in order that I may submit the resolution I propose to offer, I withdraw the motion. I have discharged my duty.

Mr. DOUGLAS. I like the spirit indicated by the Senator from North Carolina, in declaring that, although he is opposed to the bill, he is in favor of giving the friends of the measure an opportunity to get a vote upon it. I hope, now, that there may be an understanding that, on a particular day, at a particular hour, we shall proceed to the vote. If that understanding can be had, so that we may be sure of a vote, I shall be content; otherwise, I think we ought to sit later, until the time for taking the vote shall be fixed.

Mr. STUART. The Senator from North Carolina may effect his object, I think, easily, by the unanimous consent of the Senate.

Mr. BADGER. I had no object to effect. I wished to do a simple act of justice to the friends of the bill.

Mr. STUART. I understood the Senator desired to submit a resolution. Certainly there will be no objection to that.

Mr. WALKER. I hope the Senator from North Carolina will have no individual feeling in this matter as regards myself.

Mr. BADGER. I have not the least. I merely wanted to enable the friends of this bill to proceed with it.

Mr. WALKER. I hoped, when the Senator got the floor, he was about to ask the unanimous consent of the Senate to lay his resolution on the table. For one, I should have no objection to that, but I could not consent to the postponement of the consideration of the bill until to-morrow, to allow him to introduce a resolution. I am perfectly willing, for one, to give my consent that he shall lay his resolution on the table. Nobody has objected to that. It can be done by unanimous consent.

Mr. BADGER. Well, sir, we shall see whether it will be objected to. I preferred to have the bill postponed until to-morrow, in order that I might have a right, without unanimous consent, to lay the resolution on the table.

Several SENATORS. There is no objection.

Mr. BADGER. My resolution is:

Resolved, That the order setting apart every Friday for the consideration of private bills on the general order of the day, be suspended for Friday, the 14th instant.

The PRESIDING OFFICER. Is there objection to the resolution?

Several SENATORS. No objection.

By unanimous consent, the resolution was considered and agreed to.

Mr. MASON. I now move to postpone the further consideration of the homestead bill until to-morrow, with a view of proceeding to the consideration of Executive business.

Mr. WALKER. I rise to ascertain whether,

in accordance with the views of the Senator from Illinois, [Mr. DOUGLAS,] we can come to an understanding as to the day when we shall take a vote on the bill now under consideration.

Several SENATORS. We can fix that to-morrow.

The motion to postpone was agreed to.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, July 14, 1854.

The House met at eleven o'clock, a. m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

THE WASHINGTON MONUMENT.

The SPEAKER appointed the following gentlemen as members of the select committee on the memorial of the Board of Managers of the Washington National Monument Society, asking that Congress will take such action as may result in a plan for completing the erection of the said monument, which was referred by the House on yesterday to a select committee of thirteen, viz: Messrs. MAY, of Maryland; JONES, of Pennsylvania; REESE, of Georgia; McMULLIN, of Virginia; DOWDELL, of Alabama; ELIOT, of Massachusetts; ELISON, of Ohio; VAIL, of New Jersey; OLIVER, of Missouri; PRATT, of Connecticut; MACY, of Wisconsin, and PRYER, of North Carolina.

Mr. CUMMING, by unanimous consent, and in pursuance of previous notice, introduced a bill "to authorize the Postmaster General to enter into a contract for the transportation of the mails between Brooklyn, New York, and various parts of Europe;" which was read a first and second time by its title, and referred to the Committee on the Post Office and Post Roads.

Mr. C. said: I ask the permission of the House to have some remarks printed, which I desired to make on this subject.

There was no objection.

Mr. FAULKNER. I was about to ask the House for permission to make some reports from a committee; but I prefer to modify my motion so as to ask that the Speaker, with the consent of the House, shall call the committees for reports of private bills, with a view to their reference.

The SPEAKER. The Chair would state to the gentleman from Virginia that the business first in order—this being private bill day—is the disposal of the bills from the Senate on the Speaker's table of a private nature only.

Mr. FAULKNER. Then I will renew my motion when these bills are disposed of.

The SPEAKER. The Chair would further remark, that he has always believed it to be in accordance with the spirit of the rule to pursue the course indicated by the gentleman from Virginia. But such has not been the practice of the body. After the Speaker's table has been cleared of private bills, in the absence of a motion to go into a Committee of the Whole House, the usual practice has been to call for reports of committees generally.

BINDING OF COAST SURVEY MAPS.

Mr. RUSSELL. I ask leave to offer the following resolution from the Committee on Printing:

Resolved, That the Committee on Printing be authorized to have bound the three hundred and fifty copies of the Coast Survey maps furnished for the use of members of Congress, provided the same shall not cost more than fifty cents per volume.

There being no objection, the resolution was read, considered, and agreed to.

REFERENCE OF SENATE BILLS.

The following bills from the Senate were then taken from the Speaker's table, severally read a first and second time by their titles, and referred as indicated below:

No. 276. An act for the relief of Mrs. Ann E. Angus. Referred to the Committee on Invalid Pensions.

No. 233. An act for the relief of Susan Coody and others. Referred to the Committee on Indian Affairs.

No. 213. An act for the relief of Otway H. Berryman. Referred to the Committee on Naval Affairs.

No. 307. An act for the relief of Thomas C. Nye. Referred to the Committee on the Post Office and Post Roads.

No. 323. An act for the relief of Obed Hussey. Referred to the Committee on Patents and the Patent Office.

No. 106. An act to authorize the payment of invalid pensions to the heirs of Lieutenant Robert White and others. Referred to the Committee on Invalid Pensions.

No. 310. An act for the relief of the heirs of the late Uri Emmons. Referred to the Committee on Patents and the Patent Office.

No. 345. An act for the relief of Calvin B. Seymour and of William Boynton, surviving partner of the firm of W. & H. Boynton. Referred to the Committee on Indian Affairs.

No. 342. An act for the relief of William Darby. Referred to the Committee of Claims.

No. 359. An act granting bounty lands to Elizabeth Summers, widow of Cornelius Summers, a soldier in the late war with Great Britain. Referred to the Committee on Public Lands.

No. 346. An act for the relief of the heirs-at-law of William Van Wart, deceased. Referred to the Committee on Revolutionary Pensions.

No. 353. An act for the relief of the representative of Henry King, deceased. Referred to the Committee on Revolutionary Claims.

No. 354. An act for the relief of Nancy Bowen and Sarah Larabee. Referred to the Committee on Invalid Pensions.

No. 356. An act for the relief of George Denet, of Portsmouth, New Hampshire. Referred to the Committee on Commerce.

No. 360. An act for the relief of John McKey. Referred to the Committee on Invalid Pensions.

No. 362. An act for the relief of Asa Andrews. Referred to the Committee of Claims.

No. 368. An act for the relief of Captain Charles G. Merchant. Referred to the Committee on Military Affairs.

No. 363. An act for the relief of Jonas P. Levy and José Maria Jerrero. Referred to the Committee on Foreign Affairs.

No. 392. An act granting an increase of pension to Mrs. Frances Smith, of South Carolina. Referred to the Committee on Revolutionary Pensions.

No. 375. An act relative to the account of General Stephen Moylan. Referred to the Committee on Revolutionary Claims.

Mr. MAY. There is upon the Speaker's table a Senate bill (No. 305) which I desire the consent of the House to have taken up, and referred to the Committee of Ways and Means.

No objection being made, the following bill was taken up, read a first and second time by its title, and referred to the Committee of Ways and Means:

An act directing a reëxamination of the accounts between the United States and the State of Maryland.

Mr. STUART, of Ohio. I ask the unanimous consent of the House to have Senate bill No. 192, for the relief Ann J. Knapp taken from the Speaker's table, and referred to the Committee on Invalid Pensions. I will state that the bill was reported adversely on by that committee, and on their motion laid upon the table; but as they have received new evidence in relation to the case, I ask that it may be re-referred.

There was no objection, and the bill was taken up and referred.

OCEAN MAIL STEAMERS.

Mr. MACE. I ask the unanimous consent of the House to make a report from the select committee on ocean mail steamers, for the purpose of having it laid upon the table, and printed.

There was no objection; and the report was received, laid upon the table, and ordered to be printed.

REPORTS OF COMMITTEES.

The SPEAKER then proceeded to execute the order of the House by calling the various standing committees for reports of a private character, for the purpose of reference without debate.

Mr. EDGERTON. I desire to say that I have a large number of reports from the Committee of Claims, which I desire to present. The clerk of

that committee, however, is sick, and has taken away the key to the committee room, so that I cannot get them. I ask leave to present them as soon as I can get them.

Mr. GREENWOOD. I desire, also, to say that the chairman of the Committee on Public Lands is not now present. There is a bill in his charge, which I shall ask the consent of the House to present as soon as he comes into the House.

Mr. KERR. I have a bill from the Committee on the Judiciary, which is not precisely of a private character, but to which, I presume, there will be no objection. I ask the indulgence of the House to have it taken up, and put upon its passage. It is a bill to regulate the time for holding the sessions of the district court of the United States for the eastern district of Louisiana—Senate bill No. 377.

Mr. FAULKNER. I object, until the call of the committees has been gone through with.

Mr. DICK. I desire to report, from the Committee for the District of Columbia, a bill for the incorporation of an insurance company.

The SPEAKER. Such bills are not usually regarded as of a private character, and, in the opinion of the Chair, would not come within the order of the House.

Mr. DICK. Then I ask the unanimous consent of the House to report it. The bill has been recommended by the Committee for the District of Columbia.

Mr. ORR. I object.

Mr. FENTON. I have just come in, and before I reached my seat, the Committee on Commerce had been called and passed. I am instructed by that committee to make a report, and I now ask that it be received.

The SPEAKER. If the bill be of a private character it will be received.

Mr. FENTON, then, from the Committee on Commerce, reported back Senate bill No. 253 "for the relief of Alexander Lee," with a recommendation that it do not pass.

Ordered that said bill lie upon the table, and be printed.

Mr. MILLSON. When the Committee on Commerce was called, if the gentleman from New York [Mr. FENTON] had been in his seat, I should have called up the motion to reconsider, which I submitted some two weeks ago, the reference of a bill then reported under an order of the House authorizing private bills which did not give rise to debate, to be reported for the purpose of reference to proper committees. On that occasion, the gentleman from New York [Mr. FENTON] reported a bill of a public character, which was referred to a Committee of the Whole House. I immediately afterwards moved a reconsideration, for the purpose of having the bill referred to the Committee of the Whole on the state of the Union, where it properly belongs. It is a bill of a very important character, and one which heretofore has been always referred, to the Committee of the Whole on the state of the Union. It ought to take that direction now.

Mr. PHILLIPS. What bill is it?

Mr. MILLSON. It is a bill authorizing, or directing, the adjustment of the claims of various merchants of the cities of New York and San Francisco, for return of duties paid on goods destroyed by fire.

The SPEAKER. If there be no objection, the reconsideration can be now had, and the reference of the bill changed from a Committee of the Whole House to the Committee of the Whole on the state of the Union; but the Chair will state that he cannot entertain the proposition, if it give rise to debate, for the reason that the House is now acting under a suspension of the rules, or rather under a unanimous order for call on committees for reports of private bills.

Mr. MILLSON. I was not aware that any such order had been made this morning; and shall not press the consideration of the motion which I have indicated at this time.

The SPEAKER. If there be no objection, the reconsideration can be now had.

Mr. FENTON. I object.

Mr. ELLIOTT, of Kentucky, from the Committee on Revolutionary Pensions, reported a bill "for the relief of the legal representatives of Gustavus B. Horner, deceased," which was read a first and second time by its title, referred to a

Committee of the Whole House, and, with the accompanying report, ordered to be printed.

Mr. PECKHAM, from the Committee on Revolutionary Pensions, made an adverse report in the case of Colonel William Nelson; which was laid on the table, and ordered to be printed.

Mr. P., from the same committee, reported back Senate bill (No. 415) "for the relief of Phineas Nightingale, administrator of the estate of Nathaniel Greene, deceased," with an amendment. The bill was referred to a Committee of the Whole House, and ordered to be printed.

On motion by Mr. PECKHAM, it was ordered that the same committee be discharged from the further consideration of the petition of David Baylis, deceased, and that it be referred to the Committee on Pensions.

Mr. ROGERS, from the Committee on Revolutionary Claims, reported bills "for the relief of the heirs of Lieutenant Andrew Fenley," and "for the relief of the administrator of Thomas Wishart, deceased," which were read a first and second time by their titles, referred to a Committee of the Whole House, and ordered to be printed.

Mr. R., from the same committee, also made an adverse report in the case of the heirs of Captain William Van Sears; which was laid on the table, and ordered to be printed.

Mr. RUFFIN, from the Committee of Claims, reported a bill "for the relief of Lincoln Bates," which was read a first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed.

Mr. HARLAN, of Ohio. I am instructed by the Committee of Claims, to ask that they be discharged from the further consideration of the Senate bill for the "relief of the owners of the brig Kate Boyd," and that it be referred to the Committee on Commerce.

Mr. MILLSON. I should like to know the object of the gentleman.

Mr. HARLAN. The owners desire to furnish additional proof in that case, which, they say, they now have in their possession.

Mr. MILLSON. I do not think that any additional proof in the case will change my views. But I have no objection.

There being no objection, the order to change the reference was made.

Mr. BARKSDALE, by unanimous consent, presented the memorial of the Legislature of the State of Mississippi, "praying Congress to indemnify William L. Dearing, late deputy surveyor of the United States, for the resurvey of nine townships of public land, in the district north of Red river, in the State of Louisiana, which became necessary in consequence of the accidental and unavoidable loss of the original field notes of said surveys in crossing the Red river in the year 1831," which, on his motion, was referred to the Committee on Public Lands, and ordered to be printed.

Mr. NICHOLS, from the Committee on Private Land Claims, reported a bill "for the relief of the legal representatives of Charles Pavie," which was read a first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed.

Mr. HILLYER, from the same committee, reported House bill, No. 220, being a "bill to revive an act approved 3d March, 1823, and an act approved 26th May, 1824, supplementary thereto, in reference to the Bahia Honda claim for land in Louisiana," which was referred to a Committee of the Whole House, and ordered to be printed.

Mr. ABERCROMBIE. I ask leave to report back from the Committee on Private Land Claims, Senate bill, No. 153, "to relinquish the reversionary interest of the United States to certain reservations therein mentioned, and to confirm the title of Charles G. Gunter thereto," with a recommendation that it do pass; and I also ask that it be put on its passage now.

Mr. FAULKNER. I object.

The SPEAKER. Perhaps the gentleman from Alabama [Mr. ABERCROMBIE] is not aware that it is by unanimous consent of the House that committees are being called only for private bills which do not give rise to debate; and objection being made, this bill cannot be put upon its passage now.

Mr. ABERCROMBIE. I imagine that if my friend from Virginia was aware of the character

of this bill, he would not make any objection to my motion. It has passed the Senate four different times, and has been before the House since 1837. It simply refers to the title of a small piece of land on the Alabama river. It will not take five minutes to have it passed.

Mr. FAULKNER. I would remark to the gentleman from Alabama, that if he renews his motion after the call of the committees has been concluded, I will make no objection.

Mr. ABERCROMBIE. Then I ask to withdraw the bill.

The bill was withdrawn.

Mr. ORR, from the Committee on Indian Affairs, reported a bill "authorizing the Secretary of the Treasury to pay John Charles Fremont for beef furnished to the California Indians," which was read a first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed.

Mr. FAULKNER, from the Committee on Military Affairs, reported back bill of the Senate (No. 324) "for the relief of Seneca G. Simmons," with a recommendation that it do not pass.

Ordered, That said bill lie on the table and be printed.

Mr. F. also, from the same committee, reported the following bills; which were read a first and second time by their respective titles, referred to a Committee of the Whole House, and ordered to be printed:

A bill authorizing the Secretary of the Treasury to settle the account of Thomas Jordan, assistant quartermaster in the United States Army; and

A bill for the settlement of the claims of W. P. Buckner and Pierce Crosby, passed midshipmen in the United States Navy.

Mr. SOLLERS, from the Committee on Naval Affairs, reported back, with a recommendation that it do pass, Senate bill (No. 295,) "for the relief of S. R. Addison, passed assistant surgeon in the United States Army;" which was referred to a Committee of the Whole House, and ordered to be printed.

Mr. SOLLERS. I ask leave to present the petition of Captain Charles Williamson.

A MEMBER. I object.

The SPEAKER. It is objected to; but under the rule, it can be presented at the Clerk's desk, and referred.

Mr. FLAGLER, from the Committee on Revolutionary Pensions, made adverse reports on the following petitions; which reports were laid on the table, and ordered to be printed:

The petition of Mary Young, praying that a pension may be granted to her husband, and the other heirs and legal representatives of William Leggett, a soldier in the revolutionary war; and

The petition of citizens of Philadelphia, asking that the half pay of revolutionary officers during their lives be allowed to their descendants, deducting the amount received as commutation.

Mr. ELLISON, from the same committee, made an adverse report on the petition and papers of Joel Kelsey, asking for a pension; which was laid upon the table, and ordered to be printed.

Mr. STUART, of Ohio, from the Committee on Invalid Pensions, reported bills of the following titles; which were read a first and second time, referred to a Committee of the Whole House, and ordered to be printed:

A bill for the relief of William Chittenden;

A bill for the relief of William Gove;

A bill for the relief of Jonathan Pierce; and

A bill for the relief of William Parker.

Mr. S., from the same committee, made adverse reports upon the petitions in the following cases; which were laid upon the table, and the committee discharged from their further consideration:

The petition of Thomas G. Brown, of Tennessee, praying for a pension, on account of disability incurred from exposure in the military service of the United States, in the war of 1812;

The petition of Thomas Byron, for pension, or other compensation for his services rendered during the war of 1812;

The petition of Thomas Whinney, of the State of Tennessee, praying for a pension, on account of the disability incurred from exposure and fatigue in the military service of the United States during the war of 1812;

The petition of William J. Sears, an invalid pensioner, asking for an increase of pension;

The petition of James Smallwood, of Clark

county, Indiana, praying to be placed upon the pension roll, or such other relief as Congress may grant;

The petition of Hopestill Bigalow, of Yates county, New York, praying for an increase of pension;

The petition of Elijah Frye, of Bath, Maine, praying for a pension for his services in the war of 1812;

The petition of Solomon Honey, of the county of Middlesex, Massachusetts, an invalid pensioner of the war of 1812, praying for an increase of pension;

The petition of Charles Bissell, of Stafford county, Virginia, praying for a pension, in consideration of his services in the war of 1812; and

The petition of William W. Diche, a soldier in the Mexican war, praying for an increase of pension.

Mr. S. also, from the same committee, reported back the petitions and papers in the following cases; which were referred to the Committee on Revolutionary Pensions:

The petition of Tabitha Lester, for a pension; and

The petition of Jane Gaston, of South Carolina, widow of Joseph Gaston, praying that the invalid pension granted to her husband in his lifetime may be also granted to her.

Mr. EDMANDS, from the same committee, made adverse reports on the petitions and papers in the following cases; which were laid upon the table, and the committee discharged from the further consideration thereof:

The claim of Wyman Badger, of Pennsylvania, for arrears of pension;

The petition of James Cowley, an invalid of the war of 1812, praying for a pension;

The petition of Augustus Cooper, a citizen of Worcester, Massachusetts, praying for a pension;

The petition of Edward Cotter, a soldier in the Black Hawk war, who lost his sight in the service of the country, praying for a pension;

The petition of Elias Bulloch, a soldier in the war of 1812, praying for a pension;

The petition of Zerah Whitney, of Michigan, a soldier in the war of 1812, praying for a pension; and

The petition of Elizabeth Van Ranst, widow of John Van Ranst, of Sackett's Harbor, New York, who died in the United States service during the war of 1812, asking for a pension.

Mr. E. also, from the same committee, reported a bill "for the relief of Zelia Rawson," which was read a first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed.

Mr. CHRISMAN, from the same committee, reported adversely on the following petitions; which were laid upon the table, and the committee discharged from the further consideration thereof:

The petition of Voucher Bonzinska and others, citizens of the State of Tennessee, praying Congress to grant him a pension for disabilities incurred by him in the late war with Great Britain; and

The petition of William Strong, a soldier in the Mexican war, asking for a pension.

Mr. BANKS. I ask the consent of the House to report, from the Committee on Military Affairs, a bill "to refund the balance due to Massachusetts for disbursements during the late war with Great Britain," for the purpose of having it referred.

Mr. OLDS. That is not a private claim.

Mr. BANKS. I am aware that it is not, but I ask the consent of the House to report it.

There being no objection, the bill was received, read a first and second time by its title, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. THURSTON, from the Committee on Patents and the Patent Office, reported back Senate bill, No. 260, entitled "An act for the relief of Gideon Hotchkiss," with a recommendation that it do pass. The bill was referred to a Committee of the Whole House, and, with the accompanying report, ordered to be printed.

Mr. T. also, from the same committee, reported adversely on the following petition; which was laid upon the table, and, with the accompanying reports, ordered to be printed:

Petition of Zebulon and Austin Parker, for extension of two patents.

UNFINISHED BUSINESS OF THE SESSION.

Mr. COBB. It is possible that the proposition I design submitting, may be regarded as of a general character. If it be so regarded, then I shall ask unanimous consent to allow me to introduce and put it on its passage. From an examination of the Calendar, and a knowledge of the few weeks left of this session, all must conclude that Congress will adjourn, leaving two or three hundred bills unacted on. To prevent reinvestigation of all these cases at the next short session, I now move, as I have done for several years past, that the bills which remain on the Calendar at the close of the present session, unacted on, be placed on next session's Calendar, and considered in the order in which they were left; that the unfinished business shall go over, and stand as though there had been no adjournment. Every member is interested in the matter, and I trust there will be no objection to the proposition.

Mr. WASHBURN, of Illinois. I understand the contingency to which the gentleman refers is provided for under the rules.

The SPEAKER. Is there any objection to the proposition of the gentleman from Alabama, that the unfinished business of this session go over, and be taken up at the next session, as though there had been no adjournment?

Mr. PHELPS. I ask that the 21st joint rule be read.

Mr. HAVEN. And I ask the reading of the 22d rule.

Mr. COBB. I have no particular interest in the proposition. I have only one bill upon the Calendar. I hope the Speaker will explain the effect of what I propose when the rules indicated have been read to the House.

The 21st joint rule was read, as follows:

"After six days from the commencement of a second, or subsequent session of Congress, all bills, resolutions, or reports, which originated in either House, and at the close of the next preceding session remained undetermined in either House, shall be resumed and acted on in the same manner as if an adjournment had not taken place."

Mr. COBB. I have reduced my proposition to writing, and ask that it may be read.

The resolution was read as follows:

Resolved, That all bills, resolutions and other matter referred to the standing committees of this House, upon which no report shall have been made at this session, shall be returned informally to the Clerk, and shall, by virtue of this resolution, stand recommitted at the commencement of the next session, to said committees, into whose possession the Clerk is hereby directed to restore them.

Mr. COBB. I hope the Speaker will explain the object of that resolution.

The SPEAKER. The joint rule embraces all bills. This resolution embraces reports and other matters.

The question was then taken on the resolution; and it was agreed to.

Mr. FLORENCE. I ask the unanimous consent of the House to report Senate bill, for the "relief of David Myerle," ordered to be reported, but which was not here when the Committee on Naval Affairs was called.

The SPEAKER. There being no objection, it will be received, and referred to a Committee of the Whole House, and ordered to be printed.

Mr. FLORENCE. Would it not be in order to move to put it upon its passage. It has passed the Senate three times, and this House twice, I believe.

Mr. LETCHER. I object.

The bill was then referred to a Committee of the Whole House, and ordered to be printed.

On motion by Mr. MACE, it was

Ordered, That he have leave to withdraw from the files of the House the papers in the case of John J. Ball, for the purpose of reference, leaving copies on file.

Mr. STANTON, of Tennessee. I ask the unanimous consent of the House to introduce the following resolution, in reference to an important document sent to us yesterday by the President of the United States, and which I ask may be referred to the Committee on Printing:

Resolved, That there be printed and bound ten thousand copies of the report, and five hundred copies of the observations of the United States Astronomical expedition to Chili, five hundred copies of the report and observations for the use of the Navy Department, and two hundred and fifty copies for the Superintendent, and the remainder for the use of the members of the House, the said work to be printed and bound by the public printer, and bound in

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

FRIDAY, JULY 14, 1854.

NEW SERIES.....No. 109.

quarto form under direction of the Superintendent of public printing, and the Secretary of the Navy.

Mr. WASHBURNE, of Illinois. I desire to know if the resolution is passed when these works will probably be published?

Mr. STANTON. I am not able to inform the gentleman from Illinois when they will be published.

The resolution was then referred, under the rule, to the Committee on Printing.

On motion by Mr. VAIL, it was

Ordered, That the papers on the files of the House in the case of the petition of Thomas Dismore be withdrawn, in order to their reference to a committee of the Senate.

Mr. FAULKNER. I move that the House do now resolve itself into a Committee of the Whole on the Private Calendar; and I hope that it will be with the unanimous understanding that this is to be regarded as objection day.

[Cries of "Agreed! agreed!" "No! no!"]

A MEMBER. Why should we do that?

Mr. FAULKNER. Because it would enable some twenty or thirty bills of a pressing character to be passed in the course of the day.

The SPEAKER. Objection is made to the proposition of the gentleman from Virginia.

CLOSE OF DEBATE ON THE COLT CASE.

Mr. THURSTON moved the usual resolution, closing debate on House bill No. 59 within thirty minutes after the committee shall have resumed the consideration thereof.

Mr. FAULKNER. I would inquire of the gentleman from Rhode Island if that is Colt's bill?

Mr. THURSTON. It is.

Mr. FAULKNER. Has the committee of investigation made a report yet?

Mr. THURSTON. It has not.

Mr. SMITH, of Virginia. I understood that the gentleman from Virginia [Mr. FAULKNER] had made a motion to go into a Committee of the Whole on the Private Calendar.

The SPEAKER. Even if that motion had been made, still the motion of the gentleman from Rhode Island [Mr. THURSTON] would take precedence of it.

Mr. LETCHER. I hope the House will vote the latter motion down.

Mr. SMITH, of Virginia. When the committee last rose I had the floor, and had the right to address the committee for an hour. I would inquire of the Chair what would be the effect of the gentleman's motion, if agreed to, upon my rights?

The SPEAKER. It would cut you off with half an hour.

Mr. LETCHER. Would it be in order to postpone the further consideration of the Colt case until the select committee shall have reported?

The SPEAKER. It would not be in order.

Mr. HOUSTON. If the House should determine not to act upon the application for the renewal of the patent for the Colt pistol until after the select committee ordered by the House shall have reported, I shall ask the House to resolve itself into the Committee of the Whole on the state of the Union, in order to take up the Army appropriation bill.

The SPEAKER. The motion to close debate is not debatable, even without the previous question, but may be amended. The previous question, however, cuts off amendment and debate.

Mr. LETCHER. Then I move to lay the resolution upon the table.

Mr. CUTTING. I call for the yeas and nays upon that motion.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 92, nays 64; as follows:

YEAS—Messrs. Ball, Barksdale, Barry, Bennett, Benson, Benton, Boyce, Bugg, Carpenter, Chrisman, Clark, Clingman, Cox, Craig, Curtis, Cutting, John G. Davis, Dick, Dickinson, Dowdell, Eddy, Edmundson, Thomas D. Eliot, John M. Elliott, Ellison, Farley, Faulkner, Fenton, Flagler, Greenwood, Grow, Aaron Harlan, Wiley P. Harris, Hastings, Hibbard, Hiester, Hillyer, Houston, Daniel T. Jones, Roland Jones, Keitt, Kerr, Kittredge, Kurtz, Latham, Letcher, Lilly, Macdonald, McQueen, Matteson, Middle-sworth, John G. Miller, Milson, Morgan, Morrison, Murray, Mordecai Oliver, Parker, Pennington, Phelps, Phillips,

Powell, Preston, Pringle, Ready, Reese, David Ritchie, Robbins, Rogers, Ruffin, Shaw, Skelton, Gerrit Smith, William Smith, George W. Smyth, Solters, Straub, John J. Taylor, John L. Taylor, Trout, Vail, Wade, Walley, Walsh, Elihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, Witte, Daniel B. Wright, Yates, and Zollicoffer—92.

NAYS—Messrs. Abercrombie, Aiken, David J. Bailey, Belcher, Bridges, Campbell, Caruthers, Chamberlain, Chandler, Cobb, Corwin, Crocker, Cumming, Thomas Davis, Eastman, Edgerton, Everhart, Florence, Green, Haven, Henn, Hill, Hughes, J. Glancy Jones, Lindley, Lindsley, McCulloch, McDougall, McMullin, McNair, Mace, Macy, Maxwell, Mayall, Nichols, Noble, Norton, Olds, Orr, Peckham, Pratt, Puryear, Riddle, Thomas Ritchey, Rowe, Russell, Sabin, Sapp, Seward, Seymour, Shannon, Shower, William R. Smith, Frederick P. Stanton, Richard H. Stanton, Hestor L. Stevens, Stratton, Andrew Stuart, David Stuart, Thurston, Vansant, and Wells—64.

So the resolution was laid upon the table.

Mr. PHILLIPS. Is it now in order to move to postpone the further consideration of this bill until the second Monday of December next?

The SPEAKER. It is not; but the Chair thinks it is competent for the Committee of the Whole to recommend to the House the postponement of its consideration. The bill is not now before the House, but has been referred to a Committee of the Whole House.

Mr. EDGERTON. I now move that the House resolve itself into a Committee of the Whole on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into a Committee of the Whole House on the Private Calendar, (Mr. EDGERTON in the chair.)

POSTPONEMENT OF THE COLT CASE.

The CHAIRMAN. The first bill in order is the bill "for the relief of Samuel Colt," and upon that bill, the gentleman from Virginia [Mr. SMITH] is entitled to the floor.

Mr. SMITH. I do not rise to make a speech upon this subject. It seems to me that it would be unbecoming in this committee to go on with the consideration of this case, from the fact that a committee of inquiry in reference to matters connected with it, has been appointed. I consider it improper and useless, under such circumstances, to consume the valuable time of this committee, and I therefore move that this case be laid aside with a recommendation to the House that its consideration be postponed for the present.

Mr. PHILLIPS. I concur entirely with the motion which has been made by the gentleman from Virginia, and it seems to me that the members of this committee must agree to the propriety of the motion, when they take into consideration the facts of the case.

A charge has been made upon this floor, which, directly or indirectly, involves the probity of the gentleman who is now applying to this committee for an extension of his patent. The application which is made to the House is addressed to its discretion. It is an application, not founded upon any legal right. Well, now, it is very evident that the House upon information which they considered sufficient, authorized a special committee to be raised to inquire into the fact whether this gentleman, or his agents, has been endeavoring to tamper with the honor of this House, and having taken that step, it would be utterly inconsistent for them now to proceed to exercise their discretion upon an application for favor to this party. For, if the committee were to report that the allegations or suggestions which have been made were founded in fact, that Mr. Colt is involved in that transaction, it would be certainly derogatory to the honor and character of the House that it should confer its favor upon, or exercise its discretion in favor of such a person. The consistency of the House is directly involved in the matter. We cannot consistently move in the matter, until the committee, organized for the purpose of making investigations into the allegations that improper means have been used by Mr. Colt to procure the passage of this bill, have made their report. It surely would not be expedient for us to go on with the consideration of this question, and grant an extension of this patent, and exercise our judgment

or discretion in favor of this man, and then afterwards consider the question as to whether the very man towards whom we have exercised our favor, has violated the highest laws of the land; by endeavoring to tamper with the judgment of the highest tribunal in the land. It seems to me, therefore, that the committee cannot well do otherwise than concur in the proposition made by the gentleman from Virginia.

There is another reason why there is no necessity for hasty action. The patent of Mr. Colt will not run out for some years yet, as I understand.

Mr. LETCHER. Not until 1857.

Mr. PHILLIPS. Then there is no need of hurrying the matter to any final result now. I would suggest that it be postponed until some Monday in December next. I ask my friend from Virginia to accept that modification to his motion.

Mr. SMITH. I will state that my object in making the motion to lay the bill aside, was, that it may be reported to the House, with the recommendation that it be postponed until the report shall have been made from the select committee. I have no disposition to cause any unnecessary delay. I am perfectly willing that this discussion shall go on as soon as that report is made; and it seems to me no one will object to its being postponed until that time. I hope the motion will be agreed to.

The CHAIRMAN. The Chair will state to the gentleman that a motion to lay the bill aside is not in order in Committee of the Whole House. It was so decided, in reference to this particular bill, only a week since.

Mr. SMITH. I understood the Speaker to state, immediately before leaving the chair, that he had no doubt it was in the power of the committee to lay aside the bill, with a recommendation that it be postponed until the report of the select committee shall have been made.

The CHAIRMAN. Does the Chair understand the motion to be to lay the bill aside to be reported to the House, with a recommendation that it be postponed?

Mr. SMITH. That was my motion.

The CHAIRMAN. The Chair thinks that motion is in order.

Mr. PHILLIPS. I would suggest to the gentleman that the consideration of this bill had better be postponed until some particular day.

Mr. SMITH. I have no objection to that. I will move, then, that it be laid aside to be reported to the House, with a recommendation that its consideration be postponed until the first Friday after the first Monday in December next.

Mr. FLORENCE. I desire to inquire what would be the position of the bill if the House should refuse to postpone? Would the bill then be on its passage?

The CHAIRMAN. The bill would be before the House for its consideration; and it might either be postponed, passed, or recommitted to the committee.

Mr. CUTTING. As a point of practice, it seems to me that we ought not to assent to the decision that this Committee of the Whole House have no power to regulate its own action upon matters under its consideration. It seems to me so extraordinary a decision, that I do not think the committee, on full reflection, will adhere to it. To say, if a measure be pending, and that information is on its way to the committee to enable it to act, that the committee is powerless even until they can obtain such information, would, it seems to me, reduce us to a condition, which, on reflection, I am sure members would not be willing to agree to. Therefore, with a view once more to test the matter, I appeal from the decision of the Chair.

Mr. SMITH. I do not understand that the proposition I made has been ruled out of order by the Chair.

The CHAIRMAN. The gentleman's proposition has not been ruled out of order.

Mr. CUTTING. I beg pardon of the Chair; I thought that it had.

The CHAIRMAN. The Chair stated that a

motion to lay the bill aside, and to take up the next on the Calendar, was not in order; but that it was in order to move that the bill be laid aside to be reported to the House, with the recommendation that its consideration be postponed to a future day.

Mr. CUTTING. Then, from that decision of the Chair, declaring as the parliamentary law of this committee, that it is not within its power to lay aside a bill, no matter under what circumstances—that the rule is inexorable, and out of the control of a majority of the committee—I most respectfully take an appeal.

The CHAIRMAN. The motion to which the gentleman refers has not been made. The gentleman from Virginia has submitted no such motion.

Mr. CUTTING. I understood the gentleman to move that this bill be laid aside.

Mr. SMITH. I move that the bill be laid aside to be reported to the House, with the recommendation that its further consideration be postponed until the first Friday after the first Monday in December next.

Mr. CUTTING. Until after the coming in of the report from the select committee.

Mr. WENTWORTH, of Illinois. Does the Chair decide that it is not in order to move to lay this bill aside, and without qualification?

The CHAIRMAN. The Chair will state that he was informed that a week since the committee, pending the consideration of this very bill, decided that a motion to lay the bill aside was not in order. In conformity with that precedent, the Chair decides that a motion to lay the bill aside is not in order. But the gentleman from Virginia has made no such motion. His motion is, that the bill be laid aside to be reported to the House, with the recommendation that its further consideration be postponed until the first Friday after the first Monday in December next. That motion the Chair decides to be in order.

Mr. WENTWORTH. It is right that the committee should act understandingly on this matter. I contend that, under the motion of the gentleman from Virginia, this House can, and will, pass this bill to-day. It should not go to the House at all.

Mr. WALSH. If the House does pass it, the quicker they adjourn the better.

The CHAIRMAN. When the bill goes to the House, the House can postpone its further consideration, or put it on its passage.

Mr. WENTWORTH. If it goes there it will be passed, and not postponed.

Mr. DICKINSON. I move that the further consideration of the bill be postponed until the Friday after the first Monday in December next.

The CHAIRMAN. The committee cannot postpone the further consideration of the bill; but it may report it to the House, with the recommendation that its further consideration be postponed. In the House it can be postponed, or passed, as may be deemed most proper.

Mr. HOUSTON. The recommendation that this committee may make will have no weight in the House. Though the recommendation may be in accordance with the motion made by the gentleman from Virginia, yet, if the friends of the measure be in the majority, they may postpone, or pass it, as they choose. The best way for the friends of the bill to get it into the House is to vote for the gentleman's motion.

But, Mr. Chairman, as the committee does not seem disposed to vote on the proposition, I move that it be informally passed by, and that we take up for consideration the next business on the Calendar. Gentlemen seem desirous to have the report from the select committee before acting on the subject, and I therefore trust no objection will be made to my motion. If we do not wish to act on this bill, let us go to some other business which we may act on.

Mr. CUTTING. I know of no better time than the present to settle what seems to be a controverted point of parliamentary practice, that the Committee of the Whole is powerless with reference to the disposition of a subject under its consideration.

The CHAIRMAN. Discussion is not in order.

Mr. SMITH, of Virginia. In order that the question may be distinctly raised and tested, I withdraw my motion, and move that the bill under consideration be laid aside, and that the next bill on the Calendar be taken up for action.

The CHAIRMAN. The Chair will then state that, in pursuance of a previous decision of the committee, in relation to this very bill, made two weeks ago, the motion to lay aside is not in order.

Mr. SMITH, of Virginia. From that decision of the Chair I appeal, and I demand tellers on the appeal.

Mr. WALLEY. This question arose a fortnight since, when I had the honor of occupying the chair. There were then two questions presented for the consideration of the committee.

Mr. WALSH. Is this question debatable?

The CHAIRMAN. It is not.

Mr. WALLEY. I wish the committee would indulge me merely for a single moment.

[Cries of "Order!" "Order!"]

The CHAIRMAN. The gentleman from Virginia [Mr. Smith] moves that the bill now before the committee be laid aside. The Chair, in pursuance of the decision of the committee made twice in relation to this very bill, decides that that motion is not in order. From that decision the gentleman from Virginia takes an appeal, and demands tellers. The question now is, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. WALLEY. Do I understand that there is any objection to my making a brief statement?

Mr. WALSH. Yes, sir; I object.

Tellers were ordered; and Messrs. PHILLIPS and CAMPBELL were appointed.

The question was taken; and the tellers reported—ayes 62, noes 76.

So the decision of the Chair was not sustained.

The question then recurred on Mr. Smith's motion to lay the bill aside; which motion was agreed to.

CHARLES LEE JONES.

House bill (No. 63) "for the relief of Charles Lee Jones."

Mr. SEWARD. I move to lay that bill aside, also.

Mr. FAULKNER. I would inquire of the gentleman from Georgia, [Mr. Seward,] for what reason he makes that motion? This bill is a small matter, and should pass.

Mr. SEWARD. Well, I withdraw the motion. The bill was reported *in extenso*.

It provides that a sum, not exceeding \$2,000, shall be paid to the claimant, Charles Lee Jones, in full for his expenses and services in raising, subsisting, and transporting three companies of volunteers in the District of Columbia to serve in the war against Mexico.

The report of the Committee on Military Affairs, to whom the matter had been referred, was read.

It appears from that report, that in April, 1847, the President of the United States had decided to accept the services of three companies of volunteers, to be raised in the District of Columbia, to serve in the war with Mexico, which, with two companies to be raised in Maryland, were to form a battalion under the command of a lieutenant colonel. The petitioner, under the firm assurance in his own mind, derived from a combination of circumstances, that he was invited to undertake the raising of these three companies, as the intended commander of the battalion, entered upon the work of raising them, and between the 19th of April, 1847, and the 8th of June, had actually raised, and mustered, and enrolled in the service, two complete companies, and all but a small portion of the third, at his own expense. He did not, however, receive the commission of lieutenant colonel which he had expected. The committee, however, consider him entitled to his expenses in raising these companies, and to his pay as lieutenant colonel during forty-five days from 19th April to 8th June, and report a bill for that purpose.

Mr. FAULKNER. After the report which has just been read, it is necessary for me to make but one or two explanatory remarks in support of this bill. The committee will perceive that its object is to reimburse Lieutenant Colonel Jones for expenses incurred by him in raising two companies for service in the Mexican war. When his memorial was first presented to Congress, the claim amounted to something like \$2,000. The War Department, at that period, for some reason not very satisfactory, made difficulties in the recognition of this claim; but since that time its general

justice has been fully recognized, and a large portion of it adjusted by the War Department; and there remains now due to him, according to the statement before me, a balance of some \$800, with interest. This balance has not, so far, been allowed by the War Department, simply because the petitioner was not able to furnish testimony in support of the items in accordance to the strict rules established by that Department. They have allowed him his pay as lieutenant colonel, and the only matter remaining unadjusted are certain items of expenses incurred in the raising of these troops; and which it is asked shall be settled upon principles of equity and justice. The Department has expressed no doubt of the justice of the balance unpaid.

Mr. WALSH. I wish to inquire if this gentleman was regularly deputed to raise these troops, or whether he raised them for the purpose of commanding them himself?

Mr. FAULKNER. I will state, in reply to the gentleman from New York, that Lieutenant Colonel Jones had received assurances from high sources, deemed satisfactory by him, that if, by his patriotic exertions, he could succeed in raising these companies, he should be placed in command of the battalion from the District. Why that promise was not subsequently complied with—why he did not receive that command, it is not now necessary for me, at this time, to trouble the committee with relating. It is enough to state that he did exert himself with energy, liberality, and patriotism; that he did succeed in raising two companies, and a part of a third. The facts admit of no question. There is no doubt of the merits and justice of this application. He raised those companies, they were accepted by the Government, and they actually served in the Mexican war. The only question involved, at this time, is, as to the allowance of certain expenses incurred by him in raising those troops. I repeat, sir, that the Secretary of War has expressed no doubt as to the justice of this claim, as now demanded; and would have allowed it, but for the fact that the testimony did not come within the strict rules prescribed by that Department. This bill only proposes to authorize the Secretary of War to settle those accounts according to the principles of equity and justice.

The bill was then laid aside to be reported to the House, with a recommendation that it do pass.

CAPTAIN GEORGE SIMPTON.

House bill (No. 99) "for the relief of Captain George Simpton, of Galveston."

The bill provides that the Secretary of the Treasury be directed to pay, out of any money in the Treasury not otherwise appropriated, to Captain George Simpton, of Galveston, the sum of \$1,600, in full payment of his claim for indemnification for loss of schooner *Alert*, whilst in the public service, during the war with Mexico.

The report states that in the month of March, 1847, the French bark *Jeune Nelly*, of Havre, was captured as a prize by the United States steamer *Hunter*, commanded by Captain McLaughlin, while attempting to violate the blockade of Vera Cruz. The claimant, George Simpton, being the owner of a schooner called the *Alert*, was at that time employed by the quartermaster to carry provisions from Sacrificios to Camp Bagara for the use of the division of the army under the command of General Twiggs. After the capture of the French bark, the services of Captain Simpton, who was an efficient seaman, and a skillful and experienced pilot, were required by Captain McLaughlin for the purpose of taking the *Hunter*, with her prize, into harbor. The capture was made late in the evening of the 20th March, and the wind being light, Captain McLaughlin ordered the vessels to be taken into the anchorage under Green Island, to remain until the morning. Before this was done, a severe "norther" sprung up, and the pilot was ordered to take the vessels into the harbor. While attempting to execute this order, the three vessels were driven upon a reef by the violence of the winds, although prompt and vigorous efforts were made by the officers and crew to save them. The *Hunter*, with her prize, and the schooner *Alert*, were all wholly lost, the officers and men escaping with great difficulty. Captain Simpton now asks that he may be indemnified for the loss of his vessel.

Had this loss occurred while in the performance of his contract with the Government for the transportation of supplies for the army from Sacrificios to Bagara, the Government would have incurred no responsibility for such loss; but as Captain Simpton was called from his duties under his contract, by the officer in command of the Hunter, to render assistance in securing a valuable prize, and his own vessel was lost while thus employed in the public service, the committee think that he is entitled to relief.

The bill was laid aside to be reported to the House, with a recommendation that it do pass.

FERDINAND CLARK.

House bill (No. 103) "for the relief of Ferdinand Clark."

The bill was read.

It provides that the duties imposed by the act of June 30, 1854, entitled "An act concerning tonnage upon Spanish vessels," on the Spanish brig Conde de Villanueva, Captain Carlos de Agao, and paid to the collector of the port of Charleston, in South Carolina, previous to the clearance of said vessel from that port for Cuba, on the 11th of September, 1835, with a cargo of rice and lard, be refunded to Ferdinand Clark, the owner of said brig, she having been wrecked on the coast of Florida, on the seventeenth of the same month, and lost, with the greater portion of her cargo—the amount refunded to be paid out of any moneys in the Treasury not otherwise appropriated.

The report of the Committee on Commerce was read *in extenso*.

It appears that the petitioner is a citizen of the United States, and a resident merchant at Havana; that he was the owner of the Spanish brig Conde de Villanueva, of which Captain Carlos de Agao was commander; that the said brig, laden with a cargo of rice and lard, (part of which was also the property of the petitioner,) cleared from Charleston, in the State of South Carolina, for Havana, in the island of Cuba, on the 11th of September, 1835, having paid to the collector of the port of Charleston the sum of \$1,951 43, as tonnage duty, conformably to the act of Congress of the 30th of June, 1834, entitled "An act concerning tonnage duty on Spanish vessels;" that the said brig sailed from Charleston on the 13th of September, 1835, and that on the 17th of the same month she was wrecked on the coast of Florida, and that the vessel and cargo were totally lost, with the exception only of a portion of the lard. It also appears that, in consequence of that disaster, the petitioner, through his agents, Messrs. Crocker & Co., merchants of Charleston, and consignees of the said brig, applied to the collector of the port of Charleston for relief, and that, at his suggestion, they subsequently addressed themselves to the Secretary of the Treasury, requesting that the duties thus paid might be refunded; but that they were given to understand by the Secretary that he had no authority to interpose in their behalf, and that relief in such cases could only be afforded by the action of Congress. The petitioner, accordingly, now applies to Congress for that redress which the Treasury Department is unable to afford.

Mr. WASHBURN, of Illinois. As the chairman of the Committee on Commerce is absent, who reported this bill, I move that the bill be laid aside informally.

The motion was agreed to.

ADOLPHUS MIER AND COMPANY.

House bill (No. 104) "for the relief of Adolphus Mier and company, of St. Louis."

It appears, from the reading of the report, that the memorialists, merchants of St. Louis, imported from Liverpool to New Orleans, per ship W. V. Kent, seventeen packages of hardware; that the same packages were placed on board the steamer Marshal Ney for transhipment to St. Louis, under transportation bond. The duties on said packages amounted to the sum of \$1,075 30, which have been paid to the collector of the port of St. Louis; that the Marshal Ney, with the packages on board, was, by accident, entirely consumed by fire on the night of the 7th of October, A. D. 1849, at the city of New Orleans.

The bill, which was also read, provides for the refunding of the duties paid in this case.

Mr. FENTON. I move that the bill be laid aside to be reported to the House, with a recommendation that it pass.

Mr. SKELTON. I would like to call the attention of the members of the committee to the principle involved in this bill. It proposes to return to the owners of imported goods, when destroyed by fire or water, duties that have been paid. I think it is a principle that should not be adopted by Congress. The result of adopting such a principle would be to convert the General Government into an insurance company, to insure all kinds of goods that are imported to this country, before they are thrown into the market. I think if we undertake to pay claims of this kind, that we shall have claims presented against the Government amounting to millions of dollars.

The amount is not known; but I am satisfied it comes to a vast sum. I can see no justice or propriety in the General Government turning itself into a great insurance company. Vast amounts of merchandise have been lost on various occasions by fire and water throughout the United States, and large amounts of merchandise insured by insurance companies have had to be paid. If we pass this bill, there will be a vast amount of claims of this sort brought against the General Government. For this reason, I move that this bill be passed by informally.

The motion was agreed to.

WILSON AND BROTHERS.

Mr. SKELTON. I make the same motion in reference to the next bill on the Calendar, which is bill (No. 105), "for the relief of Wilson & Brothers, of St. Louis, in the State of Missouri.

There being no objection, the bill was passed by informally.

ROBERT GRIGNON.

House bill (No. 107) "for the relief of Robert Grignon."

Mr. EASTMAN took the floor.

Mr. WALSH. Let the bill be read. Debate is not in order till we know what the character of the bill is.

The CHAIRMAN. The Chair is informed that this bill has been considered by the committee, and that an amendment was offered, and the bill passed by informally.

Mr. EASTMAN. I move that it be laid aside to be reported. An objection had been made by the gentleman from Virginia, [Mr. LETCHER,] but he is satisfied with the amendment.

Mr. WALSH. I object.

Mr. EASTMAN. You cannot object.

Mr. WALSH. Then I ask that the bill be read before any explanation is given of it.

The bill was read. It provides that the Secretary of the Treasury be, and is authorized and directed to pay unto Robert Grignon, out of any money in the Treasury not otherwise appropriated, the sum of \$19,000, in full satisfaction of his claims against the United States arising out of the treaty with the Menomonee tribe or nation of Indians, executed September 3, 1836.

The amendment was reported, as follows:

Strike out the word "Robert Grignon," and insert in lieu thereof the words "the representatives of the Menomonee tribe of Indians and their assigns."

Mr. EASTMAN. That amendment was made upon the suggestion of the gentleman from Virginia, before me.

Mr. LETCHER. The amendment was put in the bill at my suggestion. I think it is all right, and I move that the bill be laid aside, with a recommendation that it do pass.

The amendment was agreed to.

The bill was then laid aside to be reported to the House, with a recommendation that it do pass.

GEORGE G. BISHOP.

House bill (No. 108) "for the relief of George G. Bishop, and the legal representatives of John Arnold, deceased."

The bill was read.

Mr. THURSTON. A Senate bill embracing the substance of this bill has passed both Houses, and there is no necessity of acting upon this.

Mr. ORR. I suppose that the proper course to pursue is to move that it be reported to the House, with a recommendation that it be laid upon the table. I make that motion.

The motion was agreed to.

JOSEPH GERARD.

House bill (No. 131) "for the relief of the heirs of Joseph Gerard."

The bill, which was read, provides that Reese

A. P. Gerard, William Gerard, and Rachel Blue, (formerly Rachel Gerard,) the only children and heirs of Joseph Gerard, a messenger of the United States to the Indians, who was killed in 1792, be, and they or their heirs are hereby, permitted to enter, each one of them severally, or his or their heirs, one section of the public lands, without the payment of any consideration for said three sections, being in full payment for the patriotic services of said Joseph Gerard, and in accordance with the spirit of the inducements authorized by President Washington to be held out to such persons as would consent to carry a message from Fort Washington, (now Cincinnati,) in 1792, to the hostile Indians of the then Northwest Territory.

Mr. MACE. The report in this case was read to the committee some time since, and if the committee will give me their attention for a few minutes, I think I can make such an explanation as will satisfy every man upon this floor that this bill ought to pass.

The report shows that in 1792, at the instance of General Washington, Colonel Hardin, Major Alexander Truman, Mr. Freeman, William Smalley, Thomas Flinn, and Joseph Gerard, were expressly deputed, by the authority of General Knox—in a letter which I will refer to in a few moments—to carry a communication from Cincinnati to the lakes, for the purpose of adjusting things in such a way as to avoid a surprise of the fort at Cincinnati by the Indians.

General Knox required the commander in charge of this fort to select four of the bravest and most intrepid men under his command. The letter from General Knox to this commander, which is published in the report, states that if any accident should happen, or if these men should be murdered by the Indians, the Government of the United States would see that their families were taken care of.

The commander at the fort received the proposition, and selected these four men to undertake the service. They started upon that journey, and from that day to this they have not been heard from, except through the Indians, who stated that they were murdered the very next day after leaving Cincinnati.

I will read to the committee an extract from the letter of General Knox to the commander of the fort. He says:

"As this will be considered as an extra service from your military employment, your expenses will be paid by the public; and if you succeed in effecting a peace, you are hereby promised, in behalf of the United States, a handsome pecuniary reward."

"In case any accident should happen to you, while employed in this mission, you may rest assured the Government will make a suitable provision for your family."

"But I cannot close these instructions without urging you to the highest possible exertions in bringing the war to a close, and of devising every proper means for that purpose. You may be assured that all the stipulations of rewards you make shall be fully complied with, and they ought to be liberal."

"These instructions are given by the authority of the President of the United States, and are to be regarded accordingly."

I will now read from the report of the committee, to show that the families of the other three who accompanied Gerard upon this service have been provided for by Congress. The report says:

"It also appears from report No. 163, made at the second session of the Eighth Congress, on the 1st of March, 1805, by the Committee of Claims of the House of Representatives, in favor of the widow of Flinn, (one of Major Truman's party,) that provision had been made for the families of Major Truman and Colonel Hardin, and for William Smalley. It is but justice (though very long delayed) that the children should receive the dearly earned recompense promised their father, Joseph Gerard. The friends of Colonel Hardin and of Major Truman applied to Congress for relief for the families of the deceased, which was granted February 27, 1793. A pension was given to Colonel Hardin's family for seven years, at the rate of \$450 a year, and \$300 a year to the family of Major Truman for the same length of time. In May, 1800, Congress passed another law, (volume 3, page 401,) generously providing for the education of the fatherless children of the slain, substantially as follows: 'That there shall be annually paid to the guardians of the sons and daughters of Colonel John Hardin, and of Major Alexander Truman, for each son and each daughter, the sum of \$100, until they shall have, respectively, attained the age of twenty-one years, to be applied by the said several guardians to the suitable education of the said sons, and to the use of the said daughters.' In 1805 Mrs. Flinn applied for relief, which was granted March 3, 1805. (United States Laws, volume 3, page 664.) She was allowed \$518, with interest from the 15th of January, 1793, upwards of twelve years."

Now, the committee will see that in consideration of the duties imposed on these men, and the

fact that they all lost their lives in the discharge of their duties, Congress years ago provided for the families of three of the number. The remainder have been unprovided for up to this time. The committee had some trouble in fixing on the kind of relief to be afforded, but after inquiring, and receiving much information, it came to the conclusion to report a bill authorizing each one of Gerard's heirs, three in number, to enter one section of any of the public land open to private entry. I now move that the bill be laid aside to be reported to the House, with a recommendation that it do pass.

Mr. WALSH. Is the widow alive?

Mr. MACE. No, sir, she is dead.

The bill was then laid aside to be reported to the House, with a recommendation that it do pass.

MRS. HELEN MACKAY.

House bill (No. 173) "for the relief of Mrs. Helen Mackay, widow of the late Colonel Aeneas Mackay, deputy quartermaster general United States Army."

The bill provides that \$6,537 09 be paid to Mrs. Helen Mackay, out of any money in the Treasury not otherwise appropriated, the same being allowance of commissions for disbursements of special appropriations by her late husband, Colonel Aeneas Mackay, prior to September 30, 1838.

Mr. WASHBURN, of Illinois. The gentleman from Pennsylvania, [Mr. HOWE,] who reported this bill from the Committee on Military Affairs, is not in his seat this morning; but there is a full statement of the facts in the case in the accompanying printed report. The claim is principally founded on the statement of General Jesup, of the Quartermaster's Department, which is certified to by General Scott. The report of the committee is unanimous; and I now move that the bill be laid aside, to be reported to the House with a recommendation that it do pass.

At the request of Mr. SKELTON, the report of the committee was read *extenso*.

The committee report a bill granting \$6,537 09 to Mrs. Helen Mackay, as per centage for disbursement of moneys made by her late husband, Colonel Aeneas Mackay, deputy quartermaster general, United States Army, out of appropriations distinct from the regular Army appropriations. General Jesup and Major General Scott bear testimony to the long and faithful service of Colonel Mackay, who disbursed millions of dollars of the public money, without the loss of a dollar to the Government; but the committee do not place the claim to relief on the ground of a faithful discharge of official duty, but on the ground that he performed a service that was extra official, and for which his representatives are entitled to a reasonable compensation at the hands of the Government.

Mr. BENTON. I was well acquainted with Colonel Mackay, and I am well acquainted with his widow, who is the applicant in this case. His duties were chiefly beyond the Mississippi and at the town of St. Louis, where I live, and where he died. I am able to confirm everything said of his merits by General Jesup and General Scott, and to add that he died without the means of defraying the expenses of his funeral, and that his whole life was one of frugality and utter blamelessness. I know that he lived frugally and economically, that he supported his family without ever exceeding his income, and that he disbursed large sums of public money for the public service, over and beyond his regular duty, without any fraction of it ever sticking to his hands, and without one dollar of it ever being used by him, temporarily, in speculations for his own benefit.

A great many persons who handle public money feel that they can use some of it to their own advantage without detriment to the public service. But Colonel Mackay was immaculate in this respect. He disbursed every dollar that came into his hands for the Government, faithfully holding it fast, living within his income, and that in the most frugal manner. The amount asked in this case, and I was one of the Military Committee who were unanimous in allowing it, is only one half of one per cent upon those disbursements, which were over and beyond his duties—the same as was allowed to Captain Hetzel. I think it is as strong a case as can be presented to Congress; and if the committee and the House think as I do about it, they will give their approbation to an officer who behaved in this manner by granting the relief asked for. I

therefore move that the bill be laid aside to be reported to the House, with a recommendation that it pass.

Mr. LETCHER. I have no doubt all that has been said by the distinguished gentleman from Missouri, [Mr. BENTON,] in regard to Colonel Mackay, is true and well deserved. I have not a question about it, but then it seems to me there is a principle involved in this bill that will lead to the expenditure of a very large sum of money by the Government. As I understand the facts in this case, this gentleman was an officer in the Army of the United States, and received regular Army compensation for the services which he rendered in that capacity.

Mr. GIDDINGS. How much?

Mr. LETCHER. He received his regular pay, whatever it was, during his service under the Government. After he is dead, it is proposed to allow commissions upon the money that was disbursed by him by virtue of his official character and in connection with the Government as an Army officer.

Mr. ORR. Will the gentleman from Virginia [Mr. LETCHER] allow me to ask him a question, as he seems to have directed his attention to this subject? I desire to know of the gentleman from Virginia, if this bill should pass, if it does not set a precedent by which every officer who has charge of internal improvements, the opening of rivers, the construction of the Capitol, and every work of that description, may be entitled to a commission upon the sums which he expends in his regular duties as an officer of the Army?

Mr. LETCHER. That is just exactly what I was about to show. The passage of a bill of this kind establishes a precedent here that would involve the expenditure of millions of money, and nobody knows where it would stop.

Mr. WASHBURN, of Illinois. If the gentleman from Virginia [Mr. LETCHER] will read the report of the committee, he will see that this case cannot affect any other question of this kind. There was a law passed in 1828, cutting off all allowances of this character. This claim does not come down beyond that. The committee stopped the allowance when they came to that period. It refers to this law specifically. The passage of this bill cannot be quoted as a precedent, if I understand it, in any other case. This is a peculiar case.

Mr. LETCHER. There was a *peculiar* case here in the last Congress, which is quoted in this report as a precedent to justify the passage of this bill.

Mr. DUNHAM. The gentleman from Illinois [Mr. WASHBURN] has asserted that this case cannot be quoted as a precedent of this kind. Now, I should be very glad, if the gentleman from Illinois would explain to us why other paymasters or quartermasters of the Army would not be entitled to similar allowances under like circumstances?

Mr. WASHBURN. Because no other quartermaster has performed the same services which Colonel Mackay did perform. If the gentleman will read the report of General Jesup on the subject, he will have no doubt about it.

Mr. DUNHAM. I do not think that any report in the world would satisfy me on that point, because the principle sought to be established in this bill embraces all other quartermasters.

Mr. LETCHER. Yes; and if Captain Meigs, who is engaged on the extension of the Capitol; or if any other officer of the Army, happen to die poor and insolvent, and unable to pay his funeral expenses, his family may, under the principle of this bill, come here and claim commissions on the amount of money disbursed by him.

Mr. ELIOT, of Massachusetts. I rise merely for the purpose of asking whether the amount of money claimed here is for the commission, or money which was paid by the officer in question, entirely beyond and outside of the duties which, as such officer, would have ordinarily devolved on him?

Mr. LETCHER. I have no doubt that we will not for the next ten years have a case here calling for the application of this principle in which the individual applying, will not have exactly such a case as the gentleman from Massachusetts [Mr. ELIOT] describes—that of an officer performing services *outside* of his own strict duties. I have been long enough on the Committee of Claims to know that, out of the number of applications for extra compensation that come up there in some way or

another, it is quite impossible to imagine a single case in which the party will not bring himself within the rule, and which, according to his own idea, or the idea of his friends, will not justify a committee of the House in allowing him all he asks. Now, sir, here was an Army officer. He took his position in the Army because he believed it a better profession than the profession of law, or of medicine, or of any other profession in which he could have been engaged. He prosecuted the profession which he had chosen, and now, sir, when he is dead, this House is asked to allow his widow and children a commission upon moneys which, according to my friend from Massachusetts, [Mr. ELIOT,] were disbursed over and above the original duties which devolved upon him as an Army officer. If, sir, he was entitled to compensation for these services, I imagine there would have been some authority vested in the War Department, or somewhere else, to allow him compensation for all the services which he rendered, and such a consideration as would be equivalent for the services rendered. And if there had been any foundation for it, it would not have been here in this shape of a claim for commissions for the disbursement of money. Why did he not apply for the compensation in his life time? Why did he not apply for it year after year until it was allowed?

Mr. WASHBURN, of Illinois. I will reply to the gentleman, that if he will examine the matter he will find that Colonel Mackay made the charges at the time.

Mr. LETCHER. Did he apply to Congress for the money during his life time?

Mr. WASHBURN. No, he did not.

Mr. LETCHER. He made the charges, and the charges were disallowed by the Department, and he never applied to Congress at all.

The gentleman says that this case will not form a precedent, and that another case will never fall within the principle upon which this case stands. Now, we had a case before us last year, and that was decided upon the principle that the lady was a very beautiful and accomplished widow, and, so far as I can gather from the discussion of this case here to-day, it is to be decided upon the principle that there is a widow here, and accomplished daughters, interested in getting this money allowed. I have as high a respect for ladies as any other gentleman here, but when I am called upon to discharge the obligations which I owe to my district, and to the country, I hold that I have no right to vote away one dollar of money for any purpose that is not in accordance with strict right and justice, whoever may be interested in it; that we should act here, in the management of public affairs, as the representatives of the people, upon exactly the same principle upon which we should act in the management of our private affairs. Now, if there would be no obligation upon us, as individuals, in a certain case to pay money, there would be no obligation upon the Government to pay, in a similar case; and in this case, if it is a mere matter of favor, I hold that we ought not to make the allowance.

Will the gentleman from Illinois be good enough to inform me why the principle upon which he seeks to sustain this case, will not apply to every other disbursing officer of the Army?

Mr. WASHBURN. I will tell the gentleman. There is a law, passed in 1839, which prevents it.

Mr. LETCHER. Does not the gentleman know that we have special applications here every day like this? And what effect has this limitation by law? If an individual chooses to come here and present a claim, Congress is to consider it, and if there are circumstances which justify it, Congress will allow it. Of what use, then, is this limitation by law, of which the gentleman speaks? It is like the compensation of the clerks here. You have a law allowing them a fixed compensation for their services, and yet they come to us each session, and claim that they have done something beyond the range of their ordinary duties, and that they ask and receive frequently, extra compensation for it. Now, there is a law against this, and yet the law does not restrain them, and how is the law to restrain persons in cases of this kind? I have no more doubt than I have of my existence, that if this bill shall become a law, that it will require \$5,000,000 or \$10,000,000 to cover the cases which will grow out of the precedent set by this bill.

Mr. WASHBURN, of Illinois. Mr. Chairman, I regret that the gentleman who reported this bill is not present to present this case himself. But, sir, I am somewhat familiar with the facts connected with this matter, and I regret that my friend from Virginia did not listen to the reading of the report from the Clerk's table; for if he had he would have seen that the objection which he has raised to this claim is wholly unfounded. The claim made here by Mrs. Mackay, the widow of a most meritorious and deserving officer, Colonel Mackay, is for services performed by him for this Government, which were outside of, and entirely disconnected with, the duties of his office as quartermaster general, and which were performed before the passage of the act of 1839. I do not understand the gentleman from Virginia as objecting to the justice of the claim. He does not pretend that the service was not rendered. But he objects to the passage of the bill upon the ground that it would be establishing a dangerous precedent. Now, sir, if the committee have listened to the report, they will at once see that the passage of the bill cannot possibly establish any such precedent as the gentleman claims. It does not, and cannot, cover the class of cases which he has referred to. The report of the committee makes this very clear.

I read from the report:

"It appears, by letters addressed to a member of this House by General Jesup, quartermaster general, and which are made a part of this report, that such disbursements were made by Colonel Mackay prior to the 30th September, 1838, and that he claimed the usual commission of two and a half per cent. for such disbursements, the service being considered extra official. The amount of all such disbursements is very large; but as Congress passed an act on the 5th July, 1839, creating additional quartermasters, and on the 3d March, 1839, also passed another act providing that 'no officer in any branch of the public service shall receive any extra allowance or compensation for the disbursement of public money, unless the same be authorized by law,' your committee do not feel authorized to take into consideration any disbursements of special appropriations subsequent to the passage of that act, or to the quarter ending 30th September, 1838, except as herein-after stated."

The gentleman will see that this does not interfere, in any way, with the law of 1839, because the report and the bill expressly limit the compensation to the period previous to the time of the passage of that act. This report shows that Colonel Mackay performed duties for which he never received compensation. There are certain duties which belong to the quartermaster's department. But the duties for which this compensation is asked did not belong to that department; and this Government has no right to ask that they should be performed without paying for them. This claim is founded upon a just principle—a principle which I desire to see carried out in every department of this Government; and if it establish a precedent for doing justice by the Government to the citizen, so much the better.

Sir, this Government is rich enough. It is powerful enough to pay all just and equitable demands upon it. But it is contended that Colonel Mackay was paid as an officer, and that he has no right to pay for any other service while acting as an officer. The duties of a quartermaster are limited and defined; and the officers in that department are obliged to perform all duties appertaining to that branch of the service, and can claim no extra compensation for their performance. But if other duties, responsible and delicate duties, entirely disconnected with a particular office, and which the party is under no obligation to perform, are imposed upon him, then, sir, according to every principle of justice, he has a right to compensation for such extra service. It was no part of Colonel Mackay's duty to make these disbursements. That is the ground taken by the committee in their report. I read again from the report:

"These disbursements of special appropriations are considered to have been no part of the official duty of Colonel Mackay; and such being the case, it was reasonable for him to expect the usual compensation for taking upon himself the labor and responsibility of making them."

"Your committee consider the claim, to the extent above indicated, a just one, and in accordance with the precedent established by Congress in the case of the late Captain Hetzel, of the Army."

In addition to the allowance which is made for disbursements prior to 1838, there is an item in the report of \$1,115 97, which goes to make up the amount allowed in the bill. That item certainly stands on a firmer basis, and General Jesup distinctly states that there is no reason why Colonel Mackay should not be allowed for certain

disbursements he made as paymaster during the Mexican war, the same as paymasters are allowed for a similar service. In regard to that General Jesup says:

"The responsibilities of the officers of the quartermaster's department are equal to the responsibilities of the officers of the pay department, and their labors are much more onerous; there is no reason, therefore, for allowing extra compensation to paymasters which does not apply with equal or greater force to quartermasters."

This is no trumped claim, brought here after the death of Colonel Mackay for the purpose of getting money out of the Treasury. When the services were rendered, Colonel Mackay claimed that they were extra services, and demanded his just compensation. General Jesup says he has unofficial information that he made a charge for these disbursements.

The gentleman says that it was disallowed. As a matter of course it was disallowed. If it had not been disallowed, his widow and children would not have been driven to Congress to get what was legally and equitably his due. I trust this Congress will exhibit no hesitation in following the recommendations of the Committee on Military Affairs.

A VOICE. Why was it disallowed?

Mr. WASHBURN. The gentleman asks me on what ground the claim was disallowed. I do not know the reasons. I only know the fact that it was disallowed, as is frequently the case with the most righteous claims, for technical or other reasons.

Mr. FAULKNER. I desire, with the gentleman's permission, merely to say that I was not present at the meeting of the Committee on Military Affairs when this case was taken up and acted on. Therefore, I take no responsibility on myself, so far as the recommendation of that committee is concerned. I would inquire simply of the advocates of the bill why this money, which is here claimed, not as a bounty, not as a gratuity, but as a matter of right, is made payable to the widow, and not to the legal representatives of Colonel Mackay? I infer from another case, which was before me, and on which I have reported, that if this money is due him as an individual, it should be paid to his administrator, and be the subject of account in the proper department of the Government.

Mr. WASHBURN. In answer, I will state to the gentleman from Virginia, that I do not know the reason why the committee made the appropriation payable to Mrs. Mackay, instead of to the legal representatives of Colonel Mackay. Mrs. Mackay is the executrix of her husband, I believe.

Mr. BARRY. On what ground were allowances made previous to 1839, during which year a law was passed prohibiting them?

Mr. WASHBURN. I do not know all the grounds. Until the passage of the law of 1839, allowances of extra compensation for extra official service were made at the discretion of the Department. They were made, as can easily be shown, until Congress, by law, in 1839, prohibited them.

Now, further, in regard to the inquiry of the gentleman from Virginia, [Mr. FAULKNER,] I have to state that I am not aware of any objection to the amendment of the bill as suggested.

Mr. FAULKNER. I will move, then, to amend the bill, so that the appropriation will be made payable to the legal representatives of Colonel Mackay.

Mr. WASHBURN, of Illinois. Not being acquainted with the motives which governed the committee in making this amount payable to Mrs. Mackay, upon reflection I will not take upon myself the responsibility of altering it in any way. I think this committee, if they knew the circumstances of this case; if they had been familiar with the life of Colonel Mackay; if they were familiar with the discharge of the duties of his office, as I have been, and as the gentleman from Missouri [Mr. BENTON] has been, for so many years; if they were familiar with his life, illustrated, as it was, during his long public service, by the most spotless integrity, and with the fact of his leaving a widow and children, after a whole life devoted to his country, without adequate means of support, I believe that they would not look with a very critical eye into the circumstance whether this money shall go for the benefit of the widow and her children directly, or whether it

shall go for the benefit of the estate. As a worthy tribute to the memory of this distinguished and honorable man, let me read what General Jesup says of him:

"Colonel Mackay was one of the most faithful, industrious, and correct officers in the Army. Every duty with which he was charged, throughout his long service, was performed in such a manner as to secure for him the approbation of his superior officers, without, as far as I know or believe, a single exception. So well was President Polk satisfied with his services in connection with the Mexican war, that he rewarded him by conferring on him the rank of colonel by brevet."

General Scott also bears the highest testimony to the worth of Colonel Mackay, saying that he "disbursed millions of public money without the loss to the Government of a dollar."

But I do not desire to take up the time of the committee in discussing this case at this late period of the session. I must confess to a great interest in the passage of the bill. The interesting family of the late Colonel Mackay, who are to receive the benefits of this bill, are residents of my own town, well known to me, and I feel the strongest assurance that Congress will not withhold justice from them.

Mr. GIDDINGS. It was not my intention to have participated in this discussion at all, but there are important principles involved in it which will apply to a large class of cases. I contend that an officer in the service of the United States receiving a specific salary and full compensation for all his services, is bound to bring with him into the service, under the presumption of law, all the talent and time that he possesses. I repeat, that a man accepting office is bound to bring with integrity, his full time and diligence to the discharge of his duties. I have no doubt that all that has been said about the character of Colonel Mackay is true. I have no doubt that he was honest, honorable, faithful, and diligent in the discharge of his duties, that he lived economically, and that he performed all the duties of life. But this is a question which we are called upon to decide between the Treasury of the United States, and the widow and heirs, who are the claimants in this case.

It is readily to be perceived that every officer of the Government will sooner or later be called upon to discharge duties which did not come within the purview of his office. So palpable was this to be seen, that as early as 1794 the Committee of Claims in this House, after having investigated this subject maturely and deliberately, resolved that in no case should an officer of the United States receive extra compensation for his services. From the year 1794 to this day the Committee of Claims, in this House, have, with one uniform voice, so far as I know, refused all applications of this character, upon the principle to which I have referred. This man, accepting office and receiving the emoluments of the office, which the law allowed him, promised to bring with him to the discharge of his duties, his full time, talent, and integrity. In consideration of his services he received the compensation which the law allowed him. If I was to deviate from the rule in any case, I would rather do so in the case now before us than almost any other case that could be presented; but it strikes me that we have nothing to do with the private character of individuals in considering these private claims. The merits and demerits of Colonel Mackay do not come in question here. The question is as to the discharge of his duties, and the situation of his family, whether rich or poor, ought not to enter into the consideration of this case. All these offices are sought with great avidity by men, who were expecting to receive precisely the compensation which the law allows and no more. And to this, it strikes me, we are bound to adhere.

Mr. ORR. Mr. Chairman, I think that the principle involved in this bill is a very important one. If the committee should determine to pass the bill now before us, that action would involve us in the expenditure of a very heavy amount of money. If I understand the principle correctly, every military officer who now has, or who heretofore has had charge of the public works, can, with the same propriety as in this case, come before a committee of the House, and ask to be paid commission on the sums of money which he may have expended; for I believe—if the gentleman from Kentucky [Mr. STANTON] be right—that these Army officers, who have charge of public

works, expend the money themselves. Now, if we establish the precedent of allowing commission by this bill, where is this to end? We have a gentleman here superintending the extension of the Capitol, who, if he continue in that position till the completion of the work, will have expended some \$5,000,000 or \$6,000,000. Suppose we have to allow him a commission on this outlay, what a claim will that be on the Treasury? And, remember, that in this particular case, Colonel Mackay had been receiving his pay as an officer of the Army. It is not pretended that the Government did not pay him all that was due to him as an Army officer.

But I gather from a remark that fell from the gentleman from Virginia, [Mr. FAULKNER,] that there is another matter before the committee in connection with Colonel Mackay. I do not understand what is the nature and character of that other matter. I should like to know whether any other portion of his family is asking for any benefit. I should like to know what the state of Colonel Mackay's account with the Government is. Will the gentleman from Virginia give me the information?

Mr. FAULKNER. I will answer the interrogatories of the gentleman from South Carolina. There is a bill now pending before this body on behalf of the widow and executrix of Aeneas Mackay, asking to be credited in his accounts, as quartermaster, with the sum of \$25,000. If that sum is credited, then he will not be indebted to the Department. If it is not credited, he will be indebted to the Department in the sum of \$25,000. I would prefer that this bill should be so amended, that, if it pass, the amount will be payable to the legal representatives of Aeneas Mackay, in order that it may enter into the matter of the settlement of his accounts as quartermaster, when his accounts come to be settled in the Department.

Mr. ORR. I supposed about as much, from the fact that this bill provides for the payment of this sum to the widow of Colonel Mackay. Now, sir, according to the *prima facie* statement of his account, he is indebted to this Government, and it depends upon the action of this committee, and afterwards upon the action of the House, whether or not you will discharge that indebtedness. I do not know how it is that his accounts are in the condition in which they are. It is, perhaps, in consequence of some vouchers having been misplaced, or being informal.

Mr. WASHBURN, of Illinois. I know the gentleman desires to understand this matter correctly. *Prima facie*, Colonel Mackay is not indebted to the Government one dollar. But, the Department set aside a voucher of Colonel Mackay, which brings him in debt. A bill has passed the Senate, and has been reported upon by the Military Committee of this House, directing the Treasury Department to recognize that voucher.

Mr. ORR. I did not understand, from the gentleman from Virginia, that the bill had been acted upon by the Committee on Military Affairs.

Mr. FAULKNER. The bill has been reported by the Committee on Military Affairs. But I will state that I was not present at the time the report was made; but I found the bill among the papers of Colonel Bissell, after the duties of the chairman of that committee devolved upon me. I therefore felt it to be my duty to report the bill, and to accompany it with a report which will disclose the whole facts of the case to the committee.

Mr. ORR. Then the bill has not been reported to the House as yet?

Mr. FAULKNER. It has been reported to the House, and this report was made subsequent to that; and I will merely say, what I have said in the beginning of that report, "that a majority of the committee are in favor of recommending to the House the passage of the bill; but as the amount involved is large, and the justice of the application not entirely free from difficulty, they have deemed it proper to submit to the House the papers which were laid before them, bearing upon the merits of the claim, which are accordingly appended to this report."

Mr. ORR. Mr. Chairman, I do not intend to consume the time of the committee in further debating this question. I desire that the committee shall understand the principle of this bill. It is that extra compensation may be made to an officer, who has a fixed compensation by law, for

services which, although said and claimed to be extra-official, are yet certainly within the line of his duty. The principle is a dangerous one, and will enable every officer who assumes, or presumes to perform extra-official duties, in disbursing moneys, to come before Congress for extra compensation; and if you admit this claim, you will be compelled to admit every one of a similar character. I think the bill should be reported to the House, with a recommendation that it do not pass.

Mr. SMITH, of Virginia. I desire to make a few remarks, and but a few, upon this case. This claim is of a twofold character—for disbursements prior to the year 1838, and for disbursements subsequent to 1848. Prior to 1838, Colonel Mackay was engaged in a campaign in Georgia, Alabama, and Florida. According to the statement of General Jesup—and that statement is appended to this report for the purpose of enlightening the committee—he preferred a claim for commission upon \$135,980 92, expended in the campaign in Georgia and Alabama. It was then disallowed.

According to that statement, Colonel Mackay preferred claims for commission for moneys expended during his campaign in Georgia and Alabama. They were disallowed. Others were also presented, and, in consequence of the frequency of these demands, an act was passed on the 3d March, 1839, providing that no officer in any branch of the public service should receive any allowance or commission for the disbursement of the public money, unless the same be authorized by law.

But it is said that Colonel Mackay preferred his claim prior to the passage of this act, but that it was disallowed. Well, sir, it was disallowed by the proper officers; and it was in consequence of the frequency of precisely such demands as this that the act was passed, and that of itself furnishes a strong argument against the passage of the bill.

But Colonel Mackay also claims pay under the act of 1848, providing compensations to paymasters for disbursing special appropriations of money. The report says:

"Colonel Mackay disbursed special appropriations to a large amount for the Mexican war, and these disbursements are conceived to be on the same footing as payments made by paymasters on account of the volunteer force serving in the Mexican war. Congress, in such case—by act 12th August, 1848—authorized a commission not exceeding half of one per cent. on all sums disbursed, not to exceed \$1,000 per annum to each paymaster."

Now, mark you, here is the act of Congress of 1839, declaring that no officer in the public service shall be allowed any commission for the disbursement of moneys, which continues to be the law of the land. In 1848, a law was passed restricting the compensation of paymasters, for the disbursement of special appropriations to one half of one per cent. until it reaches \$1,000. Well, sir, this is for the compensation of paymasters, and not quartermasters; but the friends of Colonel Mackay, by a parity of reasoning, say there is no reason why this extra compensation should not be allowed to quartermasters as well as paymasters.

Mr. WASHBURN, of Illinois. That is what General Jesup says.

Mr. SMITH. No, sir; I am stating what the report of the committee says.

Mr. WASHBURN. But the report is stating what General Jesup says.

Mr. SMITH. Well, sir; General Jesup's letter follows, and is copied into the report; but I am reading what the committee adopts as their own opinion. I ask this committee to remember that the act of 1839, which provided that no extra compensation should be allowed for disbursements, operated upon the past as well as the future. By the act of 1848, paymasters were to receive one half of one per cent. as commission for the disbursement of money. Colonel Mackay, during the Mexican war, it seems, disbursed some \$200,000, for which he comes now and asks the pay of quartermaster. A gentleman tells me that this commission was to extend only to the amount of \$1,000 of money disbursed.

Mr. WASHBURN. No, sir; the paymaster's commission was not to exceed \$1,000 per annum.

Mr. SMITH. Well, be it so. Colonel Mackay gains the amount of his disbursements upon which different rates of percentage are charged. I call the attention of the committee to these two items:

The amount of disbursements of special appropriations prior to September 30, 1838, was \$216,843 79; the percentage on the same, at two and a half per cent., is... \$5,421 09
The commission of one half of one per cent. on the \$223,194 75 special appropriations, disbursed on account of Mexican hostilities, and running through a year and a half, is..... 1,115 97

\$6,537 06

He had no right to make any charge for percentage on that disbursement. He had no legal claim. When he preferred his claim, it was disallowed. I presume that he never claimed percentage for disbursements during the Florida war, because it had been disallowed him for those made in the other war.

Well, sir, Colonel Mackay's representatives claim two and a half per cent. on disbursements of special appropriations of \$216,843 79, made prior to September 30, 1838. The percentage amounts to \$5,421 09. They also claim a commission of one half of one per cent. on the \$223,194 75 special appropriations, disbursed on account of Mexican hostilities, and running through a year and a half, which is in amount \$1,115 97. That is the commission allowed, by express law, to paymasters, for the disbursement of that sum of money. Now, what is the authority for this commission? It is in vain for Congress to pass laws expressly declaring that officers of the Army shall not be allowed commission for disbursements, if they are to be allowed. It is in vain to establish a rule to prevent the officers of the country from being troubled with the settlement of these accounts, if our time is to be consumed, and the business of the country retarded, by applications which the law designed to put down, and forever.

But there is a remarkable feature in the bill. It proposes to give this money to the widow of Colonel Mackay. She may be lovely for aught I know. I was rather surprised, however, to hear my gallant friend from Virginia making an objection on that score, because he was one of those who, on a former, and interesting occasion, most assuredly testified a strong disposition to recognize the force and influence of such interesting and attractive considerations.

Mr. LETCHER. My colleague misunderstands me, and probably for the purpose of making a sort of side hit at me. I do not know how that is. I did not make objection to the claim on the ground that this lady was lovely, and that her daughter was lovely; but I said that that furnished no reason why Congress should allow a claim which had no better reason to sustain it than that fact. If you go abroad in the country you will find daughters as lovely as those of Colonel Mackay, and many widows as lovely as Mrs. Mackay; and it would be a monstrous precedent to establish, that because widows and daughters were lovely, they should come here and take money from the Treasury.

Mr. SMITH. I am happy in receiving the gentleman's correction. I concur with him in the statement that there is not the least foundation for this claim.

But the proposition is to give the money to the widow. Why to the widow? If she be lovely, it might fall into the hands of a gentleman who might seek to appropriate her. The bill is drawn in its present shape for the reason that Colonel Mackay died indebted to the Government. Yes, sir, that is the reason. I am bound to believe that he is a defaulter according to the official records. I know that the records do not frequently tell the truth; all conversant with the manner in which accounts are settled by the officers of the Government, know that a man may be represented as defaulter who is not in fact a defaulter. He is charged with the money he receives, and until his accounts are settled, he is debit to that amount. A man may therefore appear to be a defaulter when he is really a creditor of the Government. According to the records, Colonel Mackay is a defaulter, and hence we can understand why the bill proposes to give the money to the widow. Therefore, too, it is that there is eminent propriety in the proposition of the chairman of the Committee on Military Affairs to amend the bill so as to make the money payable to the legal representatives of Colonel Mackay. Having said thus much at present, there is no room to say more. I do not think that there is a particle of merit in the claim.

Mr. WALSH. I would ask the gentleman from Virginia whether there is any law in existence which gives to the Secretary of the Treasury a percentage on the \$10,000,000 we have appropriated to Mexico for the Gadsden treaty? If there is, I will vote for this bill.

Mr. SMITH. I presume there is no such law. There was an act passed in 1839 designed to settle such demands; designed to protect the accounting officers of the Treasury from the annoyance of having illegal demands presented to them; designed to protect this House and committee from the consumption of time arising out of the pursuit of these demands, addressed to the equity and liberality, and frequently to the carelessness, of Congress. It is well known by every member here how many claims of an unsubstantial character pass through Congress from the want of proper investigation. The case now before us seems to be one of the experiments upon Congress that are so much to be deplored, but which so frequently succeed.

Mr. STUART, of Michigan. But a few weeks ago the gentleman from Virginia [Mr. SMITH] exhibited a very earnest solicitude in behalf of Mrs. Greenhow, the widow of the law agent of the California land commission. Mrs. Greenhow presented a claim to Congress for compensation for the extra services of her deceased husband, performed while he was acting as such agent. That claim was addressed to the equitable consideration of Congress. There was no law authorizing its payment. The gentleman from Virginia, was an earnest advocate of that claim upon this floor, because he said he knew Mr. Greenhow to have been a man of honor, learning, and integrity, and who had devoted his life, if he had not indeed lost it, in performing the duties of his office in California; while, in point of fact, I believe he fell over a bad place in the street and broke his neck. I voted with the learned gentleman from Virginia, in favor of that claim, for the simple reason that I thought it just and equitable that where a man had performed services which were outside of the line of his specified duties, the Government should pay him for those services.

Now, we have presented here the claim of another widow—the widow of a man who has served his country, according to the testimony on record, faithfully and zealously upon the tented field. But this officer and his widow have not been so fortunate as to have formed the acquaintance of the learned gentleman from Virginia; and hence, instead of being the advocate of this bill, as consistency, I hold, would compel him to be, we find him arrayed in opposition to a bill addressed to the equitable consideration of Congress, and fortified not only by the recommendations of a committee of this House, but by those of superior officers of the Army, who served with Colonel Mackay in the field, and were cognizant of his whole military career, and who testify to his fidelity, industry, assiduity, and integrity in the disbursements of the public money made by him. It is a singular circumstance in the history of this case, that through a long life of public service, during which Colonel Mackay disbursed millions of the public money, not a single dollar was ever lost by the Government. Because, indeed, sir, the accounts of this gentleman are not settled in the Department, he is now to be branded on this floor as a defaulter. The record shows, the report made by the Committee on Military Affairs shows, that Colonel Mackay does not occupy the position of a defaulter before the Government. His accounts are unsettled, to be sure; but there is no pretense that he is a defaulter in money to the Government, or that he has misapplied money confided to him by the Government for disbursement.

What I want to ask the gentleman from Virginia, [Mr. SMITH,] is this: I ask him to point out to me, to this House, to the country, nay, to point out to the widow of Colonel Mackay, when she comes here submitting this matter to his equitable consideration, the difference between the claim advocated by him a few weeks ago on this floor in favor of the widow of his friend, Mr. Greenhow, of California, for extra compensation due to him for discharging duties imposed upon him outside of the circle of the duties of his office, as defined by law, and this claim of the widow of an officer of our Army, which is submitted to our equitable consideration. Both claims are made

for services rendered by the husband of the applicant, outside of his public duties.

Mr. SMITH. I will answer the gentleman. I ask the attention of the gentleman from Michigan and the committee to the difference between the case of Mr. Greenhow and that of Colonel Mackay; and I am happy that the opportunity has been thus given me to present that difference, because I am not satisfied with the judgment of the House in the question of Mr. Greenhow. Sir, on the statement of the gentleman from Michigan himself I have got the judgment of the House on the question now at its bar for adjudication. He says the cases are alike, and it is for the House to say whether they are or not. If the cases are alike, the House has already pronounced judgment against this claim, and how does he expect them to reverse that judgment?

Mr. STUART. On the ground that

"While the lamp holds out to burn
The vilest sinner may return." [Laughter.]

Mr. SMITH. Oh! exactly. Very likely.

I ask the attention of the committee to the broad difference that there is between the cases. Mr. Greenhow was the assistant law agent in California. The Government had a right to his services in that character, and in that character only. We all know very well that where a lawyer is engaged he is engaged in a particular duty; but this engagement does not in any respect absorb the whole of his time. Nor is the obligation one for his perpetual and exclusive services. Like any agency in which a lawyer embarks, he embarks in it to perform the duty connected with this employment—an employment which never absorbs the whole of his time. And in this particular case of Mr. Greenhow, let me tell the gentleman, the duties required of him were of that character that did not require the whole of his time. Not so, however, in the case of Colonel Mackay. He bore the commission of his country. He wore her button on his coat. His life was dedicated to her service. And if he died in the public service, his widow was entitled to a pension. The case of Mr. Greenhow was this. He was the assistant law agent in California. He was not the law agent, but the assistant; for the necessities of the public service, in connection with that commission, required that there should be not only an assistant law agent, but a law agent to boot. Well, now, sir, a man might be an assistant law agent, and still give his time to a large amount of private business, as was the case in this instance. But when you devolve upon him the double duties of principal and assistant, I ask the committee, and I ask the gentleman himself, if it is not calling upon him to perform duties which the Government had no right to demand of him? Now, sir, he came here and demanded nothing as assistant law agent. He came here and appealed, not to the equity of the House, but to their justice, and asked that he should be paid for the duties which he performed, right manfully and ably, as agent for the Government. He acted in two characters, when the Government had no right to require him to act but in one. There is a difference between that case and the case now before us. In the case at bar, Mr. Mackay appears in the character in which the Government is entitled to his whole services. We all know perfectly well that this is the fact. That makes the difference. Why, then, should I have referred to his family? Recollect that the bill in that particular case involved an amendment which gave the allowance that I sought for him to his representatives. Attractive as the widow was, I did not undertake to give it to her. I brought that in because I do love, I acknowledge, to feel the glow which beauty and loveliness ever excite in my bosom; and I thought that the allusion to it might influence some of the young men whom I see around me in this House.

Mr. STUART. I desire to ask the gentleman one question. The gentleman says that the proposition was not to pay to the widow of Mr. Greenhow the money which was asked to be appropriated. I ask the gentleman if the bill, which was introduced into this House by him, did not propose, in terms, to give this money to the widow of Mr. Greenhow, and if the proposition, by which it was so changed as to direct the money to be paid to the representatives of Greenhow, did not proceed from another quarter, and a quarter hostile to the bill?

Mr. SMITH. No, sir. I did not introduce the bill, and the change was made at my instance. I made it a *sine qua non*.

But, sir, the two cases are not analogous. I think I stand perfectly consistent. The whole question here is, whether an officer, to whose whole services and whole time the Government is entitled, in the face of the law, and in the face of a failure to press his demand, shall be allowed, through his representatives, at this late day, to come here and claim it.

Mr. BENTON. I wish to call back the attention of the committee to the case which is before them. A few words in relation to the act of Congress in 1838, which has been so often quoted here. Now, sir, neither the words themselves upon their face, or upon their history, will bear the construction or the application which has been given to them. Neither upon their face, nor upon the history of the times, is there any sort of relation to the construction which is sought to be put upon them.

The words of the act are:

"No extra compensation or allowance shall be made to any officer in any branch of the public service, except the same be authorized by law."

Now, sir, what was the evil which that act was designed to remedy? What was the evil? Sir, I was cotemporary with that act. I do not claim to understand it better than others because I drew it, but I leave it to explain itself. I say I was cotemporary with that act; and what was the design of it? It was not made as a restraint upon Congress. No, sir; it was made as a restraint upon departmental allowances; that, and nothing else under God's heaven, but departmental allowances arbitrarily made, sometimes one per cent., sometimes two, sometimes two and a half, and sometimes, I believe, four and five per cent. Sir, if you will look over their accounts during that period, you will find that they are full of these allowances. Well, sir, what did Congress say? Why, this is lighting the candle at both ends; we pay a percentage to collect the money, and that is fixed by law; we pay a percentage on paying it out, and that is not fixed by law—it is fixed by departmental discretion. Therefore they said, we will stop this departmental allowance founded on discretion.

Mr. SMITH, of Virginia. If the gentleman will allow me, I desire to ask him a question. I take it for granted that he is familiar with this law of 1839, and I ask him if it was not intended with a view of putting down these allowances, these claims, these demands?

Mr. BENTON. No, sir. Not these claims; not these demands. The gentleman used the right word first, when he said "allowances," and allowances are very different from claims. It was designed to prevent the use of discretionary power at the Departments in these allowances. They had a way of allowing, more or less, different sums to different persons, according to their fancies; and we stopped that. The law was to apply to them, and not to single individual cases. The law applied to departmental discretion alone, leaving Congress to do as they please.

Mr. SMITH. But the language of the law indicates that it was intended to prevent just such demands as this.

Mr. BENTON. Read the law.

Mr. SMITH. I will. It reads as follows:

"No officer in any branch of the public service shall receive any extra allowance or compensation for the disbursement of public money, unless the same be authorized by law."

I think this law intended to prevent these demands from being made to Congress, as well as to the Departments. Of course Congress has power over the whole question. Nobody disputes that.

Mr. BENTON. I now quit this subject, having shown that that act was made to operate upon departmental discretion, and not upon any existing law. It does not repeal any existing law under which extra allowances might be made. It does not undertake to prevent Congress from making such allowances as they may think proper hereafter. It leaves the whole matter open to Congress. Instead of permitting these officers to get their allowances at the Departments, it permits them to come here and get their allowances by law.

Now, one word with respect to Colonel Mac-

kay. It is a hard thing for a man like him—a man who fought his country's battles, and lived an honorable and patriotic life—now in his grave, to be called a defaulter. Sir, it will not stick. An honest man never was created in the world; nor one more patriotic; nor one who lived more void of offense, before God and man, more punctilious in discharging every duty that belonged to him, public and private, social and political. To call such a man "a defaulter" in the Congress of the United States, is to use words that will not stick; there is no power that can make them stick. I drive them back with the indignant feelings which a man ought to have when he sees the dead attacked in this way—the dead to whom he was attached in life, and whose memory he respects.

Now, as for his widow, her name and person have been lightly handled here. She is not a woman to be lightly handled anywhere. She is a matron, an aged woman, the mother of a numerous family, to whose care she has devoted her life. She is entitled to be spoken of respectfully, and not with levity anywhere, but especially in the American Congress.

Mr. SMITH, of Virginia. I am one of those, Mr. Chairman, who make it a rule, if I can, always to be in the right; and in the right not only in fact and principle, but in feeling. This committee and the gentleman all heard me make an explanation, which was wholly unnecessary in reference to the character of these defaults. Does not the committee remember that I went into a statement as to how defaults appeared to exist and be outstanding against a party, when in truth there was really no default. For instance, if I, as disbursing officer, receive \$100,000 from one of the accounting officers, I am charged with it, and until I settle my accounts, I am debtor to that amount. If any item of my account is disallowed, I am a defaulter in the technical language of the day. I made this explanation because it was not my desire to see the slightest injustice done the dead. Every member of the committee will remember it. Very few persons would have resorted to that precaution. I did not say one word against the character of Colonel Mackay. I assumed that he was all that was claimed for him, a gallant, faithful, upright officer. Still I said that there was no law authorizing the claim, none whatever.

Mr. LINDLEY. I rise to a question of order. I believe that the gentleman has spoken once or twice on this subject already.

Mr. SMITH. I hope I may be allowed to proceed.

Mr. LINDLEY. I desire to see our business progress.

Mr. ORR. When the gentleman from Virginia rose, nobody else sought the floor, and he is now entitled to it.

The CHAIRMAN. The Chair decides that the gentleman is entitled to the floor.

Mr. SMITH. I am surprised that the gentleman from Missouri [Mr. LINDLEY] should have come into the play at so late a day.

Now, the act of 1839, Mr. Chairman, expressly says that no officer in the public service shall receive any extra compensation for disbursements of public money, unless the same be authorized by law. Can human language be more comprehensive? "No officer shall receive any sum of money for any extra service, unless it be authorized by law." This, unquestionably, is the law.

The gentleman from Missouri informs us that that law is no restraint upon Congress. Why, I am very much obliged to the gentleman for telling me that. It put me in mind of an old judge, who was fond of a good dinner and a bottle of wine under his belt afterward, who, being called on to hold a session of the court after dinner, and seeing some young lawyers emptying their green bags, said significantly, "Well, young gentlemen, please remember that we know something." I would say to the aged gentleman from Missouri, that I really thought when he told the committee it was not bound by this law, that it could pass this bill notwithstanding; that this was a matter addressed to our discretion, over which we had control; that he might remember we knew that fact. No member of the committee is so badly enlightened as not to know that. Nobody raises a question on it. But I ask him if he imagines for a moment, that when this law was passed, it was intended to transfer this question of the allowances of accounting officers to this Hall.

Congress has been struggling for years, to the utmost of its capacity, to manage so as to get clear of these demands. According to the logic of the gentleman from Missouri, this law of 1839 was intended to transfer this troublesome business back to Congress. It was not the purpose to settle this thing, to lay down a rule that should effectually settle these questions of allowances, but it was simply the purpose to transfer them from one department of the Government having charge of such matters, to another—the most cumbersome and the most unfit of any in the world to decide them.

One word more, and I will conclude my remarks. I invite the attention of the committee to the following letter of General Jesup, appended to the report made in this case:

QUARTERMASTER GENERAL'S OFFICE,
WASHINGTON CITY, December 22, 1853.

SIR: I have received your letter dated yesterday. There is no official evidence in this office, that the late Colonel Mackay charged a per centage for disbursing special appropriations for carrying on the Florida and Creek wars; but I have unofficial information from the Third Auditor's office, that he charged a per centage for disbursing \$135,980 92, during the campaign in Georgia and Alabama, 1836, which it appeared was disallowed. Being then in the field myself, in command of the army operating against the Creek Indians, I know the Colonel was there, and that he disbursed large sums of money; and that he performed his duties most faithfully and efficiently.

I have the honor to be, sir, your most obedient servant,
TH. S. JESUP, Quartermaster General.
Hon. ELLIS B. WASHBURN, House of Representatives,
Washington City.

That brings me to the consideration of another point. If a man is faithful, according to the logic of the gentleman from Missouri, in the performance of his duties, he is to have extra allowances; but if he is faithless, then of course he is not to have them. What is the difference between the gentleman from Missouri and myself in respect to this? He means to establish a scale of rewards; and if a public officer appears to be faithful, why he is to have extra allowance, but if he is not faithful, then he is not to have it.

Permit me here to say, that I would not cast one word of reflection upon the lady of Colonel Mackay; and I would not utter one word which would bring a single regret to the bosom of any one. Is it a fact that Colonel Mackay is a defaulter to the Treasury? Sir, it is so.

Mr. BENTON. It is not so.

Mr. SMITH. The gentleman from Missouri says it is not so. But, I appeal to the record for the fact. The record tells you that the fact is as I have stated.

Mr. BENTON. Then the record is false.

Mr. SMITH. I hope from my soul that it is false. But the very character of this bill shows a disposition to get rid of the responsibility, good or bad. That in itself is sufficient, I say, to satisfy us that the record is not false.

But the gentleman from Missouri tells us that Colonel Mackay was a man to whom this thing could not stick. He [Mr. BENTON] has certainly exhibited here a degree of feeling, very amiable and praiseworthy in a friend, but not exactly germane to one who is engaged in legislation. I am one of those who have always listened with pleasure to the gentleman from Missouri. I always love to do so. But still, I wish to be distinctly understood, that I am not to be driven from the position I take, through a sense of duty, by a display of passion or an affectation of indignation.

Mr. BENTON. Mr. Chairman, I have succeeded in getting hold of a work which proves my assertion. It tells the whole story. I know the astonishment with which the committee will look over it. It is the "Biennial Register of the United States, for 1838." It is a list of officers and agents, civil and military, employed in the engineer and other departments of the Army. Here you find allowances made to officers at the rate of six dollars per day, and one per cent. on money distributed by them; ten dollars per day, and five per cent. on money distributed; two and one half per cent. on disbursements, five per cent. on disbursements, and so on, page after page. And it was to prevent all this that the act was passed cutting off allowances.

Mr. SMITH. One word will dispose of this evidence. There is not the name of a military officer in the whole list. They are all agents, civilians employed to do this duty. And yet the gentleman from Missouri parades this before the

committee, as if the names in that Register were those of Army officers.

[Cries of "Question!" "Question!"]

Mr. FAULKNER. I move to amend the bill by making the appropriation payable to the legal representatives of Colonel Mackay, instead of to his widow.

The question being on the amendment of Mr. FAULKNER,

Mr. STRATTON. I ask for tellers.

Tellers were ordered; and Messrs. PRESTON and WHEELER were appointed.

The question was then taken; and the tellers reported—ayes 41, noes 81.

So the amendment was not agreed to.

Mr. WASHBURN, of Illinois. I move that the bill be laid aside to be reported to the House, with a recommendation that it do pass.

The motion was agreed to.

DAVID C. CASH AND GILES U. ELLIS.

House bill (No. 171) "for the relief of David C. Cash and Giles U. Ellis."

The bill and report were read through. The bill provides that the Secretary of the Treasury be directed to pay, out of any money in the Treasury not otherwise appropriated, to David C. Cash, late lieutenant, and Giles U. Ellis, private, in the Seminole war in Florida, whatever may be due them on the muster-rolls for military services in said war.

It appears from the report, that the memorialists served in the war with the Seminoles in Florida, the former as a lieutenant, and the latter as a private. That they were deputed, with the concurrence and approbation of their respective commanders, to assist the regimental quartermaster and commissary of subsistence, Richard R. Crum, in the receipt and disbursement of supplies; the former at Fort Crane, and the latter at Fort Gilliland.

That they received supplies from time to time from the acting quartermaster of the United States Army and the acting commissary of subsistence, and placed the same in the public storehouses of their respective stations, signing receipts and vouchers for the same. D. C. Cash signing as "acting assistant commissary," and Giles U. Ellis as "assistant quartermaster at Fort Gilliland."

It also appears, that although signing receipts in this form, they considered themselves as acting merely in the capacity of agents of Crum, and responsible to him alone.

It also appears that they well and truly discharged their duties as the agents of the said Crum, receiving the supplies, and disbursing them, upon regular requisitions, to the troops in service, and (in pursuance of law) to the suffering inhabitants; and that, at the expiration of the performance of their duty, they accounted to R. R. Crum, the regimental quartermaster aforesaid, delivering to him all the receipts, invoices, requisitions, and other vouchers covering their issues, and which vouchers were made out in his name. That they had not supposed themselves liable for the property to any one other than Crum, alleging that they had received no authority whatever to act in their own names as agents of the Government, either in the quartermaster or commissary's department.

And yet, when, after the war, they applied for the pay due them on the muster-rolls for their military services, they were met by an offset of this very public property which years before they had disbursed under orders from a regularly recognized quartermaster, and to whom, as before stated, they had fully accounted.

Mr. SEWARD. I move that the committee do now rise.

The motion was not agreed to.

Mr. MAXWELL. I do not know what was the ground of objection to this bill when it was up before; but, taking it for granted that it was made because of the state of things existing at the time, and because members were not aware of the facts of the case, I now move that it be laid aside to be reported to the House, with a recommendation that it do pass.

The motion was agreed to.

BALANCE DUE NEW YORK.

House bill (No. 110) "authorizing the payment of balance of the property accounts between the United States and the State of New York, for

military stores in the war of 1812," was taken up.

The bill, which was read, directs the Secretary of the Treasury to pay to the Governor of the State of New York the sum of \$11,929 45, that being the balance due said State arising out of issues of military stores by said State to officers of the United States Army, and to volunteers and militia in the service of the United States during the war with Great Britain, declared in the year 1812..

Mr. FAULKNER. I have had that bill very carefully examined at the War Department, and I can state that there is due to the State of New York, as appears by the records of that Department, the sum of \$11,928 45. In order to a perfect understanding of the case, I ask for the reading of a letter from Colonel Craig, which I send to the Clerk's desk.

The letter was read, as follows:

ORDNANCE OFFICE, }
WASHINGTON, February, 23, 1853. }

SIR: In answering the letter addressed to you on the 19th instant by the Hon. Mr. Fish, of the Senate, in relation to an account between the United States and the State of New York, for arms and ammunition furnished during the war of 1812, and which letter you have referred to this office for a report thereon, it seems necessary to go briefly into the history of the account.

It appears from the records of this office, that Major Daliba, of the Ordnance Department, having been directed, 21st July, 1817, to settle the accounts of the States of New York, Connecticut, and Vermont, for arms due those States under the law of 1808, reported that the State of New York charged against the United States arms and stores delivered by the State during the war of 1812 to militia in the service of the United States. That he was then directed to state the account in two parts; first, of arms delivered to the State under the act of 1808; second, of arms and stores delivered or received by either party, with the apparent balance, and remarks.

In 1818 Major Daliba made a report under the second head. On the 4th of September, 1823, he was informed that material errors had been discovered in his statement, and he was required to make a reexamination. Abstracts of the articles embraced in the accounts were at the same time sent to him, among which was one embracing stores captured by the enemy; and he was directed to communicate with the agent acting for the State of New York. Nothing, however, appears to have been done under these instructions by Major Daliba; and all the papers were returned by him upon his resignation.

On the 25th of May, 1825, Major Talcott was written to from this office, sending him the abstract that had been sent to Major Daliba, informing him of all that had been done in relation to the settlement, and authorizing him to settle the account. No definitive settlement, however, appears to have been made.

Among the papers in the case, there is a rough draft of the proceedings at several meetings on this subject in 1831, between Major Talcott and General Muir, commissary general of the State of New York, which is authenticated by their signatures, agreeing to the allowance of various items, and suspending others for further evidence.

But it is said that General Muir died before the matter was closed. I learn that in the summer of 1850 General Daniel Lee, commissary general of the State of New York, came to this office with authority to act for the State in effecting a settlement. That General Talcott, then head of the office, put all the papers in the hands of Major Bender, the chief clerk, to be examined between him and General Lee. That they agreed upon a statement of the account, and a statement of the balances on each side to be valued in money, in order to offset one by the other, as far as it would go, and with the understanding that the balance thus found due the State* should be paid in muskets, at the established rates. But the statements thus agreed upon were never examined by General Talcott, or submitted by him to the War Department, and still remain unacted upon.

I am, sir, with great respect, your very obedient servant,
H. K. CRAIG, Colonel of Ordnance.
Hon. C. M. CONRAD, Secretary of War.

*\$11,929 45, equivalent to 9178 13 muskets.

Mr. FAULKNER. It will be for the committee to determine whether the act shall be executed, by ordering the guns to be surrendered to the State of New York, or whether an equivalent shall be surrendered in money. I will only state that we have a large surplus of muskets—something like seven hundred thousand.

Mr. FENTON. I desire to make a few remarks on the bill under consideration. Early in the present session, I appeared before the Secretary of War, in company with the inspector general of the State of New York, for the purpose of making some investigation, and inquiring in relation to this matter, and, if possible, draw the amount from the Treasury that should appear due and unpaid said State.

I then learned that in 1850 and 1851, the commissary general and adjutant general of the State of New York had been delegated by the Executive, under legislative authority, to appear before the Secretary of War, and adjust this matter

between the State of New York and the United States—for property balances due said State, arising out of the issue of military stores and munitions of war during the war of 1812, to the Army of the United States and the militia of the State of New York, then in the service of the United States.

The adjutant general, in his report to the Legislature of the State of New York, says, after a thorough and protracted investigation, it was admitted and agreed upon by the officers of the Ordnance Department, on the part of the United States, that there was due to the State of New York a balance of \$21,861 85; but that the Secretary of War doubted his authority to settle this balance without a special act of Congress. This act was then the authority required on the part of the Secretary of War to terminate this long-delayed payment. Failing to then make application to Congress, Governor Seymour, in December last, deputed the new inspector general [W. L. G. Smith] to proceed to Washington, and endeavor to bring it to a close.

I accompanied the inspector on that mission, and on appearing before the colonel of the Ordnance Department, [Colonel Craig,] we found, to our great surprise, that the sum had been adjusted, or rather the balance struck, \$11,892; and the adjutant general, after some delay and much hesitation, came to the conclusion, that as the matter had been examined on the part of Major Bender, Colonel Lee, and the Secretary of War, and satisfactory conclusions arrived at, so far as the War Department was concerned—however severe, and perhaps unjust to the State of New York—it was better to let it remain so, and to ask Congress to pass an act authorizing the Secretary of War to pay the amount thus agreed upon.

It is unnecessary, perhaps, for me to inform gentlemen of the committee that the militia laws of the State of New York have recently undergone thorough and complete revision, and that the military force of the State is under entire reorganization and reconstruction, not only in discipline, but in equipments, arms, &c.; so that a payment of this sum in muskets would be utterly useless to our military force, and entirely lost to the State. We have already a large quantity of antiquated arms and munitions; and, inasmuch as this debt was incurred forty-two years ago, and the State has been, for the last twelve years, making ineffectual efforts to procure a settlement, the committee will see the propriety and justice of disposing of this matter at once, by authorizing the Secretary of War to pay this sum in money. It is not asked to increase the amount—though far less than the amount to which she is entitled in all probability—but simply authorize the payment of a sum entirely satisfactory to the War Department.

I hope, therefore, no gentleman will interpose an objection; hearing none, I move the bill be laid aside to be reported to the House, with a recommendation that it do pass.

The motion was agreed to.

PAMELA BROWN.

House bill (No. 176) "for the relief of Pamela Brown, the widow of Major General Jacob Brown, late of the United States Army, deceased."

The bill, which was read, provides that the Secretary of the Interior shall place upon the roll of pensioners the name of Pamela Brown, at the rate of thirty dollars per month, &c.

Mr. KNOX. I desire to offer an amendment to the bill. Perhaps it may not be improper to say, so that the committee may understand it more fully, that the amendment which I propose is, in substance, a bill, which I am told passed the Senate without opposition, and which gives to the widow of the late Major General Brown a larger pension than that reported by the committee, and that which is contained in this bill. I beg the attention of the committee to the facts which are set forth in this report, because, if the committee will listen to it, the case will be fully argued.

Mr. BRIDGES. The gentleman who reported the bill [Mr. Hendricks] is absent. I have had some conversation with him upon the subject, and I believe I stand in the same relation to this bill as the gentleman who offered the amendment. I believe the pension ought to be increased, and I shall be with him upon that question whenever it comes up in committee. But out of courtesy to the gentleman who reported the bill, I was going

to ask that the bill be passed over informally until that gentleman's return.

[Cries of "No!" and "Let the amendment be read."]

The amendment was reported, as follows:

Strike out all that part of the bill which relates to the amount of pension, and insert in lieu thereof the following: And to pay her pension at the rate of one half the pay per month to which her said husband was entitled at the time of his death; said pension to commence on the first day of January, 1838, and continue during her natural life.

The amendment was agreed to.

Mr. TAYLOR, of Ohio. I move that the bill be laid aside to be reported to the House, with a recommendation that it do pass.

The motion was agreed to.

Mr. HESTER. I move that the committee do now rise.

The question was put; and the motion was agreed to—ayes 62, noes 42.

So the committee rose; and the Speaker having resumed the chair, the Chairman reported that a Committee of the Whole House had had the Private Calendar generally under consideration, and had directed him to report back bills of the following titles, with a recommendation that they do pass:

H. R. No. 63. A bill for the relief of Charles Lee Jones;

H. R. No. 99. A bill for the relief of Captain George Simpton, of Galveston;

H. R. No. 131. A bill for the relief of the heirs of Joseph Gerard;

H. R. No. 173. A bill for the relief of Mrs. Helen Mackay, widow of the late Colonel Eneas Mackay, deputy quartermaster general United States Army;

H. R. No. 174. A bill for the relief of D. C. Cash and Giles U. Ellis;

H. R. No. 110. A bill authorizing the payment of the balance of the property accounts between the United States and the State of New York, for military stores in the war of 1812, without amendment;

H. R. No. 107. A bill for the relief of Robert Grignon;

H. R. No. 176. A bill for the relief of Pamela Brown, the widow of Major General Jacob Brown, late of the United States Army, deceased, with amendment; and

A bill of the following title, with the recommendation that it be rejected:

H. R. No. 108. A bill for the relief of George G. Bishop and the legal representatives of John Arnold, deceased.

NEW YORK STATE TEMPERANCE ALLIANCE.

Mr. SMITH, of New York. I ask the unanimous consent of the House to take from the table the petition of the New York State Temperance Alliance, praying Congress to give authority to the authorities of the city of Washington to prohibit the sale of intoxicating liquor, that it may be referred.

Mr. WALSH. I object.

COINAGE.

Mr. LATHAM. I ask the unanimous consent of the House for leave to take from the Speaker's table Senate bill (No. 380) "to authorize the coinage of gold pieces of the value respectively of ten eagles and five eagles, and for other purposes," in order that it may be referred.

There being no objection, the bill was taken up, read a first and second time by its title; and, on Mr. LATHAM's motion, referred to the Committee of Ways and Means.

Mr. BARKSDALE. I move that the House do now adjourn.

PERSONAL EXPLANATION.

Mr. FAULKNER. I would ask the gentleman to withdraw his motion to adjourn, to enable me to make a personal explanation. I assure the gentleman that it will occupy but a short time, and give rise to no difficulty or debate. It is an explanation, however, which I deem it due to myself and to the House to make.

Mr. BARKSDALE. I withdraw the motion for that purpose.

Mr. FAULKNER. When my friends asked on yesterday to have the Army bill postponed until I should return to the city, a remark fell from the chairman of the Committee of Ways and Means, [Mr. Houston,] as reported in the Globe of to day, that is somewhat calculated to involve me in an official delinquency as chairman

of the Committee on Military Affairs. That gentleman is reported to have said, in referring to the Army bill:

"There is no other bill except this which I can take up this morning, and I told the gentleman from Virginia [Mr. FAULKNER] that at the first moment I could do so I should insist on taking up this bill."

Now, I feel it due to myself to state that, before I left this city on Tuesday morning, I took every proper precaution to ascertain if there was any possibility of this Army bill coming up during the two days of my expected absence; and I had several conversations with the chairman of the Committee of Ways and Means on the subject, and certainly no impression in all those conversations was left on my mind that the Army bill would be pressed within the time indicated for my absence. But, on the contrary, I left fully under the belief that it would not be pressed for consideration on Wednesday or Thursday. It is true that, on the evening of my departure, the gentleman did make a remark to me to that effect; but it was under circumstances—and I will not detail these circumstances unless required by him—that led me to suppose that it was wholly a jocular remark, and without any serious purpose of doing what he said he meant to do. I will further state, because I wish it understood that I am duly impressed with the responsibilities which devolve upon me in connection with the duties of that committee, that I should have been here yesterday morning, although I had no idea the bill would have been called up so soon, but for a detention of twelve hours caused by an accident to the cars on the Baltimore and Ohio railroad.

DISTRIBUTION OF JEFFERSON'S WORKS.

Mr. CHANDLER. I ask the unanimous consent of the House to take up from the Speaker's table Senate resolution (No. 22) "providing for the distribution of the works of Thomas Jefferson." They are printed, and are deposited in the library, and we are anxious to get clear of them.

There being no objection, the joint resolution was taken up and read a first and second time by its title. It was then read *in extenso*, and passed.

Mr. CHANDLER moved to reconsider the vote by which the resolution was passed, and to lay the motion to reconsider on the table; which latter motion was agreed to.

ACCOMMODATION OF THE UNITED STATES COURTS.

Mr. STANTON, of Tennessee. I ask leave of the House to report a bill which is of very pressing importance. It provides for the accommodation of the courts of the United States in the district of Boston, New York, and Philadelphia. I will merely state to the House, what is known to the gentlemen representing those cities, that the courts are actually turned out of doors. In the city of Boston it is impossible to hold these courts. The court-house in the city of New York—

Mr. WASHBURN, of Illinois. I wish to know if the gentleman from Tennessee is in order?

The SPEAKER. The gentleman from Tennessee asks the unanimous consent of the House to report back from the Committee on the Judiciary Senate bill "to provide for the accommodation of the courts of the United States in the district of Massachusetts."

Mr. WASHBURN, of Illinois. I object.

Mr. COBB. I should like to hear the bill read through. The title of a bill does not always convey what there is in it.

Mr. STANTON. It is a Senate bill reported back with amendments.

Mr. LETCHER. I would like to know if the design is that this bill be now put upon its passage?

Mr. STANTON. That is my object.

Mr. LETCHER. Then I object.

Mr. McMULLIN. I move that the House do now adjourn.

Mr. McNAIR. On that motion I demand tellers.

Tellers were ordered; and Messrs. MACE and HESTER were appointed.

The question was taken; and the tellers reported—ayes 63, noes 22.

So the motion was agreed to.

The House thereupon (at forty minutes past three o'clock) adjourned till to-morrow at eleven o'clock, a. m.

IN SENATE.

FRIDAY, July 14, 1854.

Prayer by Rev. HENRY SLICER.

CORRECTION OF THE JOURNAL.

When the Secretary read the following portion of the Journal of yesterday:

"Mr. WELLER presented the petition of John A. Sutter, a citizen of California, praying the confirmation of his title to certain lands held under Mexican grants, and indemnity for losses sustained by him in consequence of the forcible occupation of the land, and seizure of his property"—

Mr. WELLER said: The Secretary, I think, has fallen into error in stating the contents of that paper, which, in justice to General Sutter, ought to be corrected. I understand, from the reading of the Journal, that it represents that he prays for the confirmation of his land title in California. Such is not the fact. He expressly states that he has an abiding confidence in the judgment of the courts there, and has no doubt that the land commissioners will ultimately give him what he is entitled to under the treaty. He asks indemnification for the losses which he has sustained. I move, therefore, to amend the Journal by striking out that portion which represents him as praying for the confirmation of his land title.

The motion was agreed to; and the Journal, as amended, was approved.

PETITIONS, ETC.

Mr. FISH presented the petition of William G. Donahoe, praying to be allowed an invalid pension, he having been rendered totally blind by sun-stroke while on duty as a sentinel at Fort Leavenworth; which was referred to the Committee on Pensions.

Mr. BENJAMIN presented the memorial of A. C. Ramsey and E. H. Carmick, praying for an appropriation for carrying the mails between New Orleans and San Francisco; which was referred to the Committee on the Post Office and Post Roads.

Mr. ALLEN presented a memorial of citizens of Rhode Island, praying a repeal of the fugitive slave law; which was referred to the Committee on the Judiciary.

Mr. SEWARD presented the report of a Convention appointed by the National Industrial Congress, held at Trenton, New Jersey, censuring the Senate, in consequence of its refusal to act on the homestead bill during the last session; which was ordered to lie on the table.

REPORTS FROM STANDING COMMITTEES.

Mr. MASON, from the Committee on Foreign Relations, to whom was referred the petition of John P. Brown, principal interpreter of the Turkish language to the United States legation at Constantinople, praying compensation for acting as *chargé d'affaires*, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. JOHNSON, from the Committee on Printing, reported in favor of printing one hundred additional copies of the report of the Secretary of the Treasury on the revision of the revenue laws, and accompanying documents. The report was agreed to.

GASTON T. RAOUL.

Mr. SLIDELL. As this is regularly private bill day, I ask the consent of the Senate to take up a bill which I presume will meet with no opposition. It is a "bill for the relief of Gaston T. Raoul," which has been reported from the Committee on Private Land Claims.

The motion was agreed to; and the bill was read a second time, and considered as in Committee of the Whole. It proposes to authorize G. T. Raoul to enter, free of cost, six hundred and forty acres of land, according to legal subdivisions, on any of the public lands of the United States subject to entry at private sale; which amount of land, when so entered, shall be in full compensation of claim 456, of the report of James O. Cosby, of June 7, 1853, for which a certificate of confirmation, No. 163, was issued January 24, 1838, by the proper register and receiver in the parish of Livingston, Louisiana.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

CAIRO A PORT OF DELIVERY.

Mr. SHIELDS. A bill was reported yesterday from the Committee on Commerce, to constitute Cairo, in the State of Illinois, a port of delivery. There is a great deal of railroad iron coming to that place, and it is kept back in consequence of its not being a port of delivery. I wish to call up the bill this morning, and have it passed.

The PRESIDING OFFICER. (Mr. WELLER in the chair.) I understand that the bill has not yet been returned from the printing office.

Mr. HAMLIN. I reported it yesterday morning.

Mr. SHIELDS. The reason why I wish it passed is, that there is a great deal of iron coming to that place which ought to be landed very soon. It is, therefore, a matter of great interest to have the bill passed as speedily as possible.

The PRESIDING OFFICER. The Chair will inform the Senator that the bill has not yet been returned from the printer, and cannot be considered.

A. G. PENN.

On the motion of Mr. BENJAMIN, the Senate, as in Committee of the Whole, proceeded to consider the bill reported from the Committee on Private Land Claims, for the relief of A. G. Penn. It proposes to authorize A. G. Penn, of the parish of St. Tammany, Louisiana, to enter, by way of preemption, the southwest quarter of section twenty-three, of township six south, range ten east, in the Greensburg land district, Louisiana, upon his paying therefor to the proper officer one dollar and twenty-five cents an acre, but the act is not to be construed as to interfere with any adverse claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

DISTRIBUTION OF JEFFERSON'S WORKS.

Mr. PEARCE asked, and by unanimous consent obtained, leave to introduce a joint resolution, providing for the distribution of the works of Thomas Jefferson; which was read a first time by its title, and ordered to a second reading.

Mr. PEARCE. As this resolution has been matured by the Committee on the Library, it will be unnecessary to make the usual reference to that committee. I ask, therefore, that the Senate will proceed, and act upon it at once.

There being no objection, the joint resolution was read a second time, and considered as in Committee of the Whole.

It proposes to direct the Secretary of the Senate and Clerk of the House of Representatives, in the distribution of the works of Thomas Jefferson, now being published by the authority of Congress, to distribute them in the following manner:

To the President of the United States, one copy;

To the libraries of the different Departments, and of the Postmaster General, and Attorney General, one copy each;

To each member of the present Senate and House of Representatives, one copy;

To the office of the Secretary of the Senate, five copies;

To the library of the House of Representatives, ten copies;

To the library of Congress, six copies;

To the libraries of the States and Territories of the Union, each one copy;

To the Smithsonian Institution, the Military Academy, and the Naval School at Annapolis, one copy each;

To the Joint Committee on the Library, for the purpose of international exchange, twelve copies; and

To such colleges, literary, and scientific institutions or associations as shall be designated by the present Committee on the Library, three hundred copies.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

ENROLLED BILLS SIGNED.

A message was received from the House of Representatives, by Mr. McKEAN, Chief Clerk, announcing that the Speaker had signed the following enrolled bills:

An act to change the name of the American-

built brig Hallowell to that of James Rose, and to grant her a new register;

An act to amend an act approved September 27, 1850, to create the office of surveyor general of the public lands in Oregon, &c., and also the act amendatory thereof, approved February 19, 1853;

An act making further appropriations for continuing the construction of roads in the Territory of Minnesota, in accordance with the estimates made by the War Department; and

An act to authorize the President of the United States to cause to be surveyed a tract of land in the Territory of Minnesota, belonging to the half breeds or mixed bloods of the Dacotah or Sioux nations of Indians, and for other purposes.

The PRESIDENT *pro tempore* signed the above named bills.

CHARLES STAPLES.

On motion by Mr. HAMLIN, the Senate, as in Committee of the Whole, proceeded to consider House bill for the relief of Charles Staples, of the State of Maine.

It proposes to direct the Secretary of the Interior to place his name on the pension rolls at eight dollars a month, from January 1, 1853, to continue during his life.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

PUBLIC BUILDINGS.

On motion by Mr. BAYARD, the Senate, as in Committee of the Whole, resumed the consideration of the bill "to authorize the extension and completion of the Treasury building, and also the construction of a building for the War, Navy, and Interior Departments."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

CAIRO, ILLINOIS, A PORT OF DELIVERY.

Mr. SHIELDS. The bill to constitute Cairo, in the State of Illinois, a port of delivery, is now here. I ask for its consideration.

The Senate, as in Committee of the Whole, accordingly proceeded to consider the bill.

It contains the usual provision for a port of entry, for the appointment of a surveyor of customs, and annexes Cairo to the collection district of New Orleans.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

HOOR OF MEETING.

On motion by Mr. RUSK, the Senate proceeded to consider the following resolution, submitted by him yesterday:

Ordered, That on and after Monday next, the daily hour of meeting of the Senate shall be eleven o'clock, a. m., until otherwise ordered.

Mr. DODGE, of Iowa. I move to insert "ten" instead of "eleven."

Several SENATORS. Oh, no! let it stand as it is.

Mr. DODGE, of Iowa. I withdraw the amendment.

The resolution was agreed to.

RAILROAD FROM NEW ORLEANS TO MOBILE.

Mr. DODGE, of Iowa. The Committee on Public Lands, to whom was referred the bill granting to the States of Mississippi, Louisiana, and Alabama, the right of way, and a portion of the public lands, for the purpose of locating and constructing a railroad from New Orleans to Mobile, have instructed me to report it back with an amendment. As the time which is left us of this session is now short, I ask for the consideration of the bill.

The Senate accordingly proceeded, as in Committee of the Whole, to consider the bill.

Mr. DODGE, of Iowa. I move to dispense with the reading of it.

Mr. EVANS. I should like to hear it read.

Mr. CLAY. I would suggest that it is in the usual form of such bills.

Mr. EVANS. Is it only a right of way which you ask?

Mr. DODGE, of Iowa. It grants the right of way, and a portion of the public lands.

Mr. CLAY. It grants the right of way, and land, which has been conceded to all the other roads.

The Secretary commenced to read the amendment, but was interrupted by

Mr. STUART. Certainly it cannot be worth while to spend the time of the Senate in reading it. It is like all the others which have been up before. I suggest that the reading be dispensed with.

The PRESIDING OFFICER, (Mr. WELLER in the chair.) That can only be done by unanimous consent.

Mr. EVANS. I desired to ascertain whether it was a grant of land, or only a grant of the right of way.

Mr. STUART. I will say to the Senator that it is a grant of land for the construction of a railroad; but if the Senator wishes to have it read further, I shall not object.

Mr. EVANS. I withdraw my request for the reading of it.

The amendment of the committee was agreed to, the bill was reported to the Senate as amended, the amendment was concurred in, and the bill was ordered to be engrossed for a third reading. It was read a third time, and passed; and the title was amended, so as to read:

A bill granting land in alternate sections to the States of Louisiana, Mississippi, and Alabama, to aid in the construction of a railroad from New Orleans to Mobile.

HOMESTEAD BILL.

Mr. STUART. I am anxious, if possible, to-day and to-morrow, to dispose of the homestead bill; and I hope the Senate will now proceed to its consideration, so as to perfect it this week.

Mr. GWIN. I suggest to the Senator to wait until one o'clock. A great deal of morning business could be got through with by that time, and it will not interfere with the bill. I am as anxious as he is to pass it, and I will sit it out to-day and to-morrow.

Mr. STUART. I will say to the Senator, that he and I cannot do much at that business. We have tried it every day; and at half past three o'clock the Senate will adjourn. If the Senate will agree tacitly, that on to-day and to-morrow we shall dispose of this question, certainly I ask nothing else; but I hope we are not to be thrown into the next week with the bill, and thereby come into competition with the appropriation bills.

The PRESIDING OFFICER. Does the Senator withdraw his motion?

Mr. STUART. I do not like to do it.

Mr. MALLORY. I ask the Senator to permit me to introduce a resolution, upon which there will be no debate.

The PRESIDING OFFICER. Does the Chair understand the motion of the Senator from Michigan to be withdrawn?

Mr. STUART. I withdraw it for the purpose of allowing the resolution to be introduced; unanimous consent would permit that to be done without withdrawing the motion.

CHARLESTON AND HAVANA MAILS.

Mr. MALLORY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be directed to inquire into the expediency of providing for the transmission of the mails between Charleston, Havana, and Key West, during the months of August and September, as they are now transmitted during the other months of the year.

CALIFORNIA, OREGON, AND WASHINGTON POSTAL SERVICE.

Mr. GWIN. Now, Mr. President, I ask the Senate to consider the postal bill.

Mr. STUART. I submit a proposition to my friend from California. I will withdraw my motion to allow his bill to be considered, provided it does not give rise to debate, or if it does, then that it shall go over.

Mr. GWIN. I will agree to that. I move that the Senate take up for consideration House bill making provision for the postal service in the State of California, and in the Territories of Oregon and Washington.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDING OFFICER. The bill has been reported from the Committee on the Post Office and Post Roads, with amendments.

Mr. GWIN. I will state to the Senate, that to all the amendments of the committee, except the

two which propose to strike out the two last sections, there is no objection at all. I hope all but those two will be agreed to, and then the committee have agreed to withdraw the amendment proposing to strike out the two last sections, which are important to California, and which, on consultation with the delegation from that State, the committee are in favor of withdrawing. The other amendments we wish acted upon.

Mr. RUSK. The two sections propose to give the discretion to the Postmaster General to allow, out of the proceeds of the offices in California, a sufficient amount to pay the annual expenses of the offices. Upon reflection, we think that it is, perhaps, better to give the discretion to the Postmaster General. As a matter of course, Congress could not be well informed of what the actual expenses of the offices in California were, we are so far from there. Perhaps it will be better to trust the discretion to the Postmaster General.

The PRESIDING OFFICER. Does the Senator modify the amendment?

Mr. RUSK. I cannot do so without the consent of the whole committee. The plan will be to take a vote, and reject the last one.

The first amendment of the committee was to strike out "fifty" and insert "twenty-five," in the following proviso, contained in the first section:

Provided, That not more than fifty cents shall be charged for any letter, newspaper, or ounce of other mailable matter.

The next amendment of the committee was to add to the first section the following:

Provided, That no letter or letters, or other mailable matter, shall be delivered by any postmaster to said carrier, unless requested, in writing, by the person or persons to whom said letter or other mailable matter may be directed.

The amendment was agreed to.

The next amendment of the committee was to strike out the following sections:

Sec. 4. *And be it further enacted*, That in consideration of the duties to be performed under the third section of this act, and of all other special duties performed and to be performed under the orders of the Postmaster General, the Postmaster General may increase the annual compensation of the postmaster of San Francisco from commissions, allowances, and emoluments, from the 30th of June, 1853, to a sum not exceeding double the compensation now allowed by law: *Provided*, That the surplus of commissions, allowances, and emoluments, accruing at his office, shall be paid over as required by the forty-first section of the act entitled "An act to reduce into one the several acts establishing and regulating the Post Office Department," approved March 3, 1835: *Provided further*, That the Postmaster General may allow to the postmasters in said State and Territories, from the 1st day of July, 1853, such sums out of the postages collected at their respective offices as will, in addition to the commissions, allowances, and emoluments, be sufficient to defray the actual and necessary expenses of their offices.

Sec. 5. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized and directed, in the settlement of the accounts of postmasters in the State of California and Territory of Oregon, serving as such previous to the 30th of June, Anno Domini 1853, to allow to such postmasters all just and reasonable expenses incurred by them in and about the business of their respective offices and the discharge of their official duties: *Provided*, That no allowance shall be made whereby the United States shall be charged with any indebtedness whatsoever.

Mr. RUSK. I am authorized by the committee to withdraw those amendments.

The bill was reported to the Senate as amended; the amendments were concurred in, and ordered to be engrossed. The bill was ordered to a third reading, read a third time, and passed.

COMMITTEE ON ENROLLED BILLS.

On motion by Mr. JONES, of Iowa, it was

Ordered, That two additional members to the Committee on Enrolled Bills be appointed by the Chair.

RAILROADS IN MISSOURI.

On motion by Mr. GEYER, the Senate, as in Committee of the Whole, proceeded to consider the bill to aid in the construction of certain railroads in the State of Missouri by a grant of a portion of the public lands; which had been reported from the Committee on Public Lands with an amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, read a third time, and passed.

SLAVERY IN THE TERRITORIES.

Mr. CHASE. Some days since I gave notice of my intention to ask leave to introduce a bill to

prohibit slavery in the Territories. I now present the bill, and ask that leave.

Leave was granted, and the bill was read a first time by its title.

Mr. CHASE. The bill which I have just introduced is very brief. It enacts that there shall be neither slavery nor involuntary servitude, otherwise than in the punishment of crime, in any Territory of the United States. Its words of prohibition are those proposed by Jefferson in 1784. Their scope is the same. In 1784 Jefferson proposed to prohibit slavery in all the territory of the United States. This bill proposes the same prohibition. The prohibition of Jefferson was incorporated in the ordinance of 1787, and thus became a law throughout the whole territory then subject to Federal legislation. It was renewed in the act for the admission of Missouri, and applied to the vast region west of the Mississippi, north of 36° 30'. At this session this ancient policy of prohibition has been reversed, by the repeal of the eighth section of the Missouri act. The Kansas and Nebraska act substitutes the policy of slavery allowance for the policy of slavery prohibition.

I have no wish to renew the discussion of this great question at this time. I merely wish to give notice, by the introduction of this bill, that the legislation which repeals the Missouri prohibition, and reverses the policy of Jefferson, is not acquiesced in, and that there is a settled purpose in the country to reinstate the prohibition, and extend it over all national territory.

I do not ask that the bill shall be referred; nor do I invoke any action upon it at this session, now nearly expired. The Senate is fresh from the discussion of the subject, and its decision is fixed. At the next session, if I shall then have the honor of a seat here, I propose to submit it to discussion and a vote. In the mean time I invoke the judgment of the people.

Mr. STUART. I now move that the Senate proceed to the consideration of the special order—the homestead bill.

The motion was agreed to.

Mr. JONES, of Tennessee. With the permission of the Senator from Michigan, I desire to make a motion to lay the bill of the Senator from Ohio on the table.

Mr. CHASE. It is upon the table now.

Mr. JONES, of Tennessee. If so, I have nothing to say.

Mr. STUART. I understand the bill submitted by the Senator from Ohio was laid on the table.

Mr. PRATT. No vote was taken on it.

The PRESIDING OFFICER, [Mr. WELLER.] The bill has been no question put on laying it on the table.

Mr. STUART. I am willing that the Senator from Tennessee should submit his motion.

The PRESIDING OFFICER. The question is on the motion to lay the bill of the Senator from Ohio on the table.

Mr. CHASE. Mr. President—

The PRESIDING OFFICER. The motion is not debatable.

Mr. CHASE. I know it is not, but I rise to a question of order. When a bill is received, it is of course laid on the table. I stated distinctly that I should not ask its reference, and that I should not ask for action on it now. I submit that the bare receipt of the bill takes it on the table, as a matter of course. If the Senator wishes a formal motion for that purpose, there can be no objection in any quarter. That is the very disposition I propose to make of it.

Mr. JONES, of Tennessee. I did not hear the remarks of the Senator from Ohio, but I understood the object he had in view; and my purpose in making the motion to lay on the table, was to bring the matter to a test now. I want to know how many Senators on this floor stand with the Senator on the question.

Mr. CHASE. If the Senator desire that, his object can be attained to-morrow. In the ordinary course of business, the bill will come up to-morrow for its second reading, and it can be rejected upon its second reading, if the Senate choose to do it. I do not ask for action upon it at present; but if other gentlemen desire action upon it, I certainly shall not shrink from it.

Mr. JONES, of Tennessee. For one I desire action upon it now. The presentation of a propo-

sition of that sort, to lie over until the next session of Congress, is intended for effect. I desire to know how many Senators upon this floor are willing to agree to the proposition of the Senator from Ohio; and if he will put it in a position in which we can test that question now, I shall be satisfied. He says it has been debated. I have no desire to debate it; but I want a direct vote on it. I want to know how many Senators are in favor of it. I will move to lay it on the table, if the Senator will put it in a position in which I can do so.

Mr. STUART. In the present condition of things, under the rules, the bill of the Senator from Ohio cannot be subject to any such motion. It cannot be read a second time to-day, and until it be read a second time, no such motion is in order.

The PRESIDING OFFICER. The motion can only be entertained by unanimous consent, as the Senate has already determined to proceed to the consideration of the special order, which is the homestead bill.

Mr. STUART. Let us go on with that.

Mr. SEWARD. I rise for the purpose of making what may be, perhaps, a personal explanation. I learn that the bill of the Senator from Ohio may perhaps come up to-morrow, and as I shall be absent then, I desire it to be understood that if I were here, I should vote for the bill of the Senator from Ohio.

POST OFFICE AND LIGHT-HOUSE APPROPRIATION BILLS.

A message was received from the House of Representatives, by Mr. McKean, Chief Clerk, announcing that they had passed a bill making appropriations for the service of the Post Office Department during the fiscal year, ending the 30th of June, 1855; and a bill making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes.

HOMESTEAD BILL.

On motion by Mr. STUART, the Senate, as in Committee of the Whole, resumed the consideration of the House bill "to grant a homestead of one hundred and sixty acres of the public lands to actual settlers."

Mr. CLAYTON had moved to amend by striking out the sixth section, which is in the following words:

"SEC. 6. And be it further enacted, That if any individual now a resident of any one of the States or Territories, and not a resident of the United States, but at the time of making such acquisition for the benefit of this act, shall have filed a declaration of intention as required by the naturalization laws of the United States, and shall become a citizen of the same before the issuance of the patent, as made and provided for in this act, shall be placed upon an equal footing with the native born citizen of the United States."

Pending this motion, Mr. CHASE moved to amend the section by striking out the words "now a resident of any one of the States or Territories, and," and inserting the word "who" between the words "but" and "at;" and this is the pending question.

Mr. STUART. I wish to say a few words before the amendment of the Senator from Ohio is voted upon. It is a proposition to vary the restriction of the bill as to persons, so as to allow any foreigner coming in hereafter, to avail himself of the privileges of this act. That is the substance of the amendment. I shall vote against it, although in the abstract I am not opposed to that proposition. I shall also vote against the proposition of the Senator from Delaware, [Mr. CLAYTON.] If those propositions shall be rejected, I will submit to the Senate, if no other Senator does it, this provision, in respect to the qualifications of persons who shall avail themselves of this law; that they shall be, in the States, persons who are entitled in the particular States to hold land.

The effect of that will be to leave it in the power of any and every State in the Union to prescribe, by its own laws, who shall be entitled to avail themselves of this homestead provision; so that, if in Alabama they do not choose to have foreigners, they can exclude them under this law. In Michigan we desire them. We have a great many of them. We have a large colony of Hollanders, we have Germans, we have Irishmen; and they are as good citizens as we have in the State.

At all events, without taking time to discuss

this matter, I will simply say that that proposition will leave the question of State-rights perfect. Every State can then determine for itself, who shall be holders of real estate within its borders under this bill. They cannot under other provisions of the existing laws, because any man, as I said before, can enter lands at ten shillings an acre, and any man can take lands by pre-emption. But if there is any such particular danger as some Senators suppose may arise under this provision of the homestead bill, they can provide against it under the proposition which I have said I intend to submit.

Mr. CHASE. Mr. President, there are certainly arguments which commend the proposition which the Senator from Michigan has intimated his intention to submit to the Senate very strongly to favor; but it is by no means certain that we shall ever reach that proposition. I presume that the friends of the homestead bill desire to pass it with as little amendment as practicable; and, hereafter, if future circumstances shall require a modification of this legislation, it will be quite in the power of Congress to adopt such suggestions as have been made by the Senate.

The present question, and the only present question is, whether there is any reasonable ground for discrimination between those who arrive hereafter, and those who arrived yesterday or may arrive to-day. Senators, generally, upon both sides of the general question, seem to concede that there is no ground for this discrimination. The Senator from Michigan says that he is in favor of the principle of the amendment which I have submitted. I knew he could not be otherwise consistently with that regard for right and justice which characterizes that Senator; but if he is in favor of it in the abstract, I hope his vote now will manifest that he is in favor of it also in the concrete, as a practical, and not as an abstract question.

Mr. WALKER. The bill before us is a House bill, and until some breach shall be made upon its present form, I shall vote against all amendments. If, however, the Senate shall determine to change the form of the bill, I shall then have some amendments to offer myself; but until I see such a disposition indicated by the Senate, I will vote against all amendments, however I may feel upon the principle of those amendments.

Mr. CLAY. Yesterday I stated that I concurred fully in the view of the honorable Senator from Delaware, [Mr. BAYARD,] that the bill in its present form was calculated to produce a great many frauds and perjuries, and that you would, by the practical working of the measure, admit all who might come hereafter to the benefits of this act, at all events; and hence I announced that I should vote with him for the amendment. But on subsequent reflection I have concluded, that inasmuch as I shall vote against the section, if it be amended as proposed, or if it be not amended, I will vote against the pending amendment. I will not help to amend the section at all. I think it is a folly to be patching a garment that I will not wear and mean to throw away.

The question being taken by yeas and nays upon the amendment of Mr. Chase, resulted—yeas 13, nays 36; as follows:

YEAS—Messrs. Bayard, Brodhead, Chase, Douglas, Fessenden, Foot, Gillette, Norris, Seward, Shields, Sumner, Wade, and Weller—13.

NAYS—Messrs. Adams, Allen, Atchison, Badger, Bell, Benjamin, Bright, Brown, Butler, Cass, Clay, Dawson, Dixon, Dodge of Wisconsin, Dodge of Iowa, Evans, Fish, Fitzpatrick, Geyer, Hamlin, Hunter, Johnson, Jones of Iowa, Jones of Tennessee, Mallory, Mason, Pearce, Pettit, Pratt, Rockwell, Sebastian, Sidel, Stuart, Toucey, Walker, and Williams—36.

So the amendment was rejected.

The PRESIDING OFFICER. The question is now on the amendment of the Senator from Kentucky, [Mr. DIXON,] to strike out the word "individual," in the sixth section, and insert, in lieu thereof, the words "free white person." This amendment being to perfect the section, the question must be taken on it, before taking the vote on striking out the whole section.

Mr. DIXON. The object of the amendment is simply to confine the operation of the law to white persons. As it now stands, I suppose free negroes would have a right to the benefit of the sixth section.

Mr. SHIELDS. I wish to ask the Senator whether there are any white persons in this coun-

try who are not "free?" I ask this because he uses the term "free white persons."

Mr. DIXON. If the Senator will examine the first section of the bill, he will find that it is confined exclusively to free white persons, while the sixth section is for the benefit of "individuals," without specifying the color. I think, for this reason, it is necessary to adopt the amendment.

Mr. CLAY called for the yeas and nays; and they were ordered.

Mr. WALKER. I hope that so immaterial an amendment or change of the bill as this is, will not be made. It is very certain, that under the bill as it now stands, it cannot have the operation which the Senator from Kentucky seems to apprehend; for the bill, in the first and operative section, confines the benefit of it to free white citizens of the United States. In the subsequent section, which he proposes to amend, the word "individuals" is used, and would evidently seem to relate to the first section, but if it did not, what foreigner is there who can come to this country and become a citizen, who is not, in common parlance and understanding, deemed a white man? Certainly, negroes cannot be such. I hope, therefore, that a change so immaterial as this will not be made. I trust the bill will not be sent back to the House of Representatives on such a trivial ground.

Mr. DIXON. Mr. President, if the Senator will examine the first section of the bill, he will see that it uses the phrase "free white persons." I suppose the object of using that phrase was to exclude persons who are not white. I do not myself understand that the Senator from Wisconsin, who reported this bill, could have had any other object in view, in adopting the phraseology "free white person," than to exclude persons who are not white.

Now, sir, the first section of the bill is confined entirely to citizens of the United States. The sixth section is intended to embrace persons who are not citizens of the United States, but who are residents of a Territory or a State. Does not the Senator see at once that the operation of the bill will be that if you bring into this country foreigners who are black, and if they become residents of a Territory or a State, they will be embraced within the sixth section of the bill which is before the Senate? You may, it is true, exclude black persons who are now living in the United States, who are not foreigners; but persons who are foreigners, and are black, are clearly embraced by the language of the sixth section of the bill, which is that any "individual now a resident of one of the States or Territories," shall be entitled to the benefits of the act upon complying with certain conditions. It is perfectly manifest to my mind that black persons are embraced by this language; but if the Senator does not mean to embrace them, why not adopt the amendment? If it be adopted, there can no longer be any ambiguity about it.

Mr. CLAY. I concur fully with the Senator from Kentucky in his construction of the act, and in further corroboration of it, I will mention that the next section uses the word "individuals;" so that it would seem to my reading that the purpose of it was to provide for two classes: First, citizens of the United States, who are free white people, and secondly, foreigners who may be resident in the country, or who may come here before the passage of the act, and who may not be free white persons. Now, in the State of California, as I understand, there is a large number of persons who, as I suppose, would not be called white people—I mean the Chinese. But, under the provisions of this bill, I presume they would each be entitled to one hundred and sixty acres of land. I do not wish to have any misunderstanding or difficulty about the interpretation of the bill. Let us make it plain, and intelligible, and susceptible of but one construction. I shall vote for the amendment.

Mr. STUART. I submit to the consideration of the honorable Senator from Alabama, whether any such person as one to whom he alludes, can, under the laws of the United States, become a citizen? I understand that, under the laws of the United States, none but white persons can become citizens of the country. If that be true, then no man, other than such a one, can avail himself of the provisions of this law.

Negroes cannot become citizens. They may be entitled to hold lands in a particular State; they

may be entitled to vote in that State; but they cannot be entitled to citizenship in the United States, according to the laws of the United States. The bill, as it stands, provides expressly, that the person, to make his entry of land available, must, within the five years, become a citizen of the United States. Where, then, is the necessity of any such amendment?

Mr. CLAY. It is just this, if the honorable Senator will allow me to interrupt him: It is true he cannot obtain a patent for the land until he become a citizen; but then he can obtain the use and the occupation of it for an indefinite period of time under the bill.

Mr. STUART. Not at all, because he must be a person who can declare his intention to become a citizen of the United States, and must have the capacity, in time, to become a citizen.

But, sir, as I have said to the Senate before, if I am mistaken in this construction of the bill in respect to the time of occupancy, I shall be willing to amend it to limit it to five years' occupancy, and provide expressly that the right of occupancy shall terminate at the end of five years, unless the occupant was a person who could become, and would take the necessary means to become, a citizen of the United States. The objection now urged is certainly far-fetched. It is supposing an extreme possibility that cannot happen in practice; and I agree with the Senator from Wisconsin, that we should not be called upon to amend this bill in a manner so entirely trivial, as it seems to me this is.

If it were a substantial objection I would consent to yield to it; but I really do not see any difficulty to arise out of leaving the provision as it is.

Mr. BAYARD. Mr. President, it seems to me that there is certainly some importance in this amendment. Though the right to obtain a title to these lands from the United States by patent, must depend upon the fact of a party becoming a citizen, yet the right to enter upon the lands, to occupy them, and reside there as a settler, is dependent simply on the fact that the individual, in the language of the bill, declares his intention to become a citizen. Now, sir, under the naturalization laws of the United States, the declaration of intention may be made either in a State court or in a Federal court. If the declaration of intention to become a citizen be made in a State court, and that court chooses to receive it, the public officer cannot look behind the declaration of intention, as to the question whether the State court had a right to take that declaration or not. Therefore, I think it is necessary that this restriction should be imposed, unless you mean to admit that the negro population of the United States shall become settlers upon the public lands. Especially do I think it necessary, when I see many of the prevalent opinions of some parts of this Union. In many parts it is contended that negroes are citizens. In such a case a State court would not hesitate a moment to admit the declaration; and certainly the receiver or other land officer taking the entry, will have no judicial authority to look behind the declaration. If the declaration be presented by a party, and his identity be ascertained, he will have a right to settle upon the lands under this bill. I submit that the amendment is essential.

Mr. JONES, of Tennessee. I rise to ask my friends from Kentucky and Alabama one question. I would vote for the amendment of the Senator from Kentucky, if I were not perfectly satisfied that the whole question was covered by the sixth section itself. If I understand it, it provides that it shall apply only to a free white man. It requires that the foreigner, to avail himself of its benefit, "shall have filed a declaration of intention, as required by the naturalization laws of the United States." Does the Senator from Kentucky admit that the naturalization laws apply to a man of color? Again, it is provided that he "shall become a citizen of the same before the issuance of the patent." Now, does the Senator admit that a negro, under any contingency whatever, can become a citizen of the United States? If he admits that, then his amendment is a good one; but I deny that a negro can ever become a citizen of the United States, under the Constitution and the laws of the land. If he cannot become a citizen, the amendment of the Senator from Kentucky is of no sort of importance. If Senators admit that negroes can become citizens, they

admit that Fred. Douglass may take his place in the Congress of the United States, if he should be elected—a proposition against which I enter my solemn protest. They are not citizens in the contemplation of the Constitution, and can never become citizens. If they cannot, the law is perfect and complete, as it is in the sixth section.

Mr. GEYER. Mr. President, I am friendly to the provisions of this bill so far as they contemplate grants of land to citizens of the United States, native and naturalized, but I am against the provision which proposes to make grants to aliens, and I am especially opposed to the sixth section, because, in my apprehension, by possibility a negro might make a declaration of intention to become a citizen, obtain a certificate, which would admit of his making entry upon the public lands, and afterwards obtaining a title to them, if he resided there during the period required by the bill. But I wish, before I proceed any further, to put one interrogatory to the friends of this section, and it is, why was a discrimination made between the first and the sixth section? Why was the word "white" inserted in the first section, which applies to citizens of the United States, and that word omitted in the sixth section, which applies to aliens?

Mr. STUART. If the Senator will allow me, I will answer that question. I will give him the reason, as the history of the bill shows it. When the bill was matured in the Committee of the House of Representatives, those words were not in the first section, but a motion was made at a later stage of the bill to insert the words in that particular place, and it was done. The bill, originally, did not intend to make the discrimination at all, because it was not deemed necessary to make it.

Mr. GEYER. That explanation, I take it, is merely informing us that the friends of this bill intended to make no discrimination whatever between black and white. They amended the first section by inserting the words "free white," and did not amend the sixth section by inserting the same words. That is what I understand by the explanation of the honorable Senator from Michigan. It explains *how*, but not *why*, the discrimination was made.

Now, sir, if it is designed that none but white persons shall obtain a title to land under the sixth section, why should objection be made to inserting the very words which the laws of the United States authorizing naturalization contain? By those laws none but a "free white person" can obtain a certificate of naturalization. If a person, in order to obtain the benefit of the sixth section by a patent, must necessarily be a white person, why omit the word "white"? Why not put it in, so as to place it beyond all question, that colored persons are not intended to be comprehended by it?

But, sir, are we certain that, even as the naturalization laws stand, negroes may not obtain the benefits of this section? I refer not to negroes born in this country, who are claimed to be citizens of the United States in some portion of the Union, but to those who come from abroad.

In the first place, what is to prevent an alien negro coming into the United States, (or a negro whether he be an alien or not,) and going into one of your State courts, and making a declaration of intention to become a citizen? Who shall prevent it? He goes to the clerk of the court and obtains his certificate. Clerks are to be found everywhere who will grant a certificate for a fee. When he has thus made his declaration, he enters upon the land, and cannot be expelled from it for five years. Nor, sir, can he, as I will show presently, be turned out of the possession of the land at any time, because, in order to occupy it, he is not under the necessity of having a certificate of naturalization.

But again, sir, in these times, when we have gentlemen in the public councils, and may have on the bench, who believe in the "higher law doctrine," and who would be ready to seize upon any words, in any act of Congress, to enable them to give an interpretation favorable to their views, what is to prevent them from deciding that this word "individual," standing here in the sixth section, in bold relief against the language of the first section, was intended to abrogate the restriction which confines the naturalization of foreigners to white persons? Who can anticipate what, in these times, would be the consequence of leaving

the provision as it is? Are we sure that the judicial officers of the States (and many inferior tribunals have the jurisdiction, and whose power nobody questions, to grant certificates of naturalization) will not grant a certificate to a negro? And when the certificate is granted, who will question it? Can it be questioned by your officers in the land office? No, sir. This section enables a man, upon obtaining a certificate, to get the title to the land, and the validity of the certificate cannot be questioned, if issued by a court of competent jurisdiction.

It seems to me singular that the precedent furnished by the territorial act referred to by the Senator from Tennessee, [Mr. JONES,] has not been followed, and the provisions of the first and sixth sections incorporated in one section. That act provides for a grant of land "to every white male citizen of the United States, and every white male person above the age of twenty-one years, who has declared his intention to become a citizen." This phraseology is unequivocal. Why shall it not be adopted, or language of like import be inserted in this bill? Why persist in leaving its provisions doubtful, and liable to abuse, by a construction rendered plausible, to say the least, by the marked difference in the language employed in the two sections?

But, sir, I have said that the alien need never get a certificate of naturalization at all, and that he cannot be turned out of possession if he does not. By the first section, a citizen cannot, nor can an alien under the sixth section, obtain a patent until the expiration of five years; but he is not obliged to obtain his patent on the day on which the five years expires, nor within the year. If he may postpone it one day, he may postpone it a year, or twenty years. We know, moreover, that there are titles to land emanating from the Government of the United States, where parties have a right to a patent, but often many years elapse before they obtain it. The foreigner has a right to the land rightfully entered under the section, and cannot be disturbed in the possession of it; he cannot be coerced to abjure his allegiance to a foreign Power, and swear allegiance to the United States, until it suits him to do so.

But again, I object to this section, for another reason: Any alien, white or black, be his character good or bad, may make a declaration of intention to become a citizen. The naturalization laws contemplate the grant of citizenship only to men of good moral character, attached to the institutions of this country. And, therefore, the alien must prove by two witnesses that he is a man of good moral character, attached to the institutions of this country, before he can obtain a certificate of naturalization.

We require that an American citizen, in order to obtain the benefits of the act, shall be the head of a family, or twenty-one years of age; and if he is a naturalized citizen, he must have been in the country long enough to give evidence of his attachment to the institutions of our country; he must prove such attachment in a court of justice; he must, on oath, renounce his allegiance to all foreign Powers, and swear to support the Constitution of the United States. It is proposed, however, by the sixth section, to give land to those who have not shown any evidence of a good moral character; who present no proof of attachment to the Constitution or institutions of the country; who renounce no allegiance to any foreign Government; and who may postpone until the end of time swearing allegiance to the Constitution of the United States.

Sir, I have said I was in favor of this bill; and if the sixth and fourth section shall be stricken out I will vote for it with much pleasure; but while I will make no discrimination whatever between the citizens of the United States, natural or naturalized, native or foreign born, I will discriminate between the citizen, naturalized as well as native, against the alien. I will not put the alien upon the same footing with the citizen, native or foreign born. That is the principle on which I act.

I have no apprehension that the bill will be lost in the House of Representatives, if amended. I do not think, however, that it will result in as much good as some gentlemen seem to anticipate. I do not think that it will favor a certain class of individuals, who are looked to with great solicitude—I mean the recruits in the army of occupation, who are to be sent out by the colonization

society which has been organized in this city, to Nebraska and Kansas. I do not believe that it is going to reclaim the loafers of the cities, and convert them into honest, industrious farmers. It will diminish somewhat your receipts into the Treasury; but it will accomplish some good, and for that reason I will vote for it, if amended. In the agricultural States, at least, if not in the planting States, or where the public lands lie, there are many farmers occupying small farms, who may be called poor, who, though doing well enough for themselves and their families, are not able to provide homes for their sons, accustomed to agricultural labor on their fathers' farm, who desire to establish themselves, and have not the means to purchase land. They may, under the provisions of this bill, if it becomes a law, establish themselves, and each acquire a title to a quarter section of land in the neighborhood of the parent, it may be; and thus many industrious and worthy citizens may be benefited, not only without loss, but with great advantage to the country. Beyond this, in my judgment, the bill will accomplish very little good.

Mr. JONES, of Tennessee. I desire to have the question settled, whether, under the sixth section, any man, not a white man, can enjoy the benefits of the act. If I thought so, I should vote for the amendment of my friend from Kentucky. But I understood the Senator from Missouri to say it was not clear that, under the naturalization law, a colored man might not become a citizen of the United States.

Mr. GEYER. No, sir. It is clear enough, to my apprehension, that he cannot become a citizen. But what I did say was, that that question would not be inquired into, on making the declaration of intention, and that the discrimination which is made between the language of the first and sixth sections may furnish a judge who is willing to set up a higher law, room to make a construction in favor of the naturalization of negroes.

Mr. JONES, of Tennessee. I do not suppose that we are proceeding here as legislators, upon any apprehension that any higher law than the Constitution is to become the rule of action for this country. That a man who would outrage the Constitution and laws, might be made a judge, is a possibility; but we are not legislating in view of any such thing. We are legislating according to the facts as they are. Now, I maintain that no colored man can possibly enjoy the benefits of this act; because, before any one who is not a citizen can do so, he has first to file his declaration of intention to become a citizen, and next he has to reside upon the land for five years before a patent can issue. Sir, the very first section of your existing naturalization law is in these words:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any alien, being a free white person, may be admitted to become a citizen of the United States, or any of them, on the following conditions, and not otherwise," &c.

Then it is clear that no man but a white man can become a citizen of the United States under the present naturalization law.

Mr. DIXON. Let the Senator from Tennessee compare the two sections, the one which he has read from the naturalization law, and the sixth section of this bill, and he will see that they are entirely different. It is perfectly true that, as the law now is, none but a free white person who is an alien can become a citizen of the United States; but does the Senator mean or pretend that you may not change the law so as to give the benefits of naturalization to any other persons than those who are embraced in the section which he has read? Why, sir, you can repeal that law; and I say this section is a repeal of it *pro tanto*, because it embraces persons who are not included in it. That law is confined to free white persons who are aliens. This section is not confined to free white persons who are aliens. That law allows none to become naturalized who are not white. This section extends the benefits to other persons, whether they be white or not. It is therefore a virtual repeal of the law which the gentleman has read. It is inconsistent with that law, and to the extent of such inconsistency repeals it. The whole wording of it shows its effect to be at war with the very principles upon which the whole naturalization system of this country has heretofore been carried out.

It is very true that the naturalization laws re-

quire an alien to make a declaration of intention, and to take an oath before he can become entitled to naturalization, and allows none to become naturalized who are not white; but this section embraces all persons who are residents of a State or Territory, whether they be black or whether they be white; and the only thing it is necessary for them to do under it, is to take the oath and make the declaration, to entitle them at once to enter upon the land. What signifies it if the act which the Senator has read embraces only free white persons, as he says it does? I admit it relates only to free white persons; but, sir, the effect of this section is to bring negroes within the provisions of that act, and to extend to them all the advantages and benefits of naturalization which have heretofore been extended to the white man alone. It not only does this, but it goes further. It takes in all the Indians at home and abroad. It takes in the Chinese, the coolies, and every description of individual, from the Anglo-Saxon down to the Hottentot. It takes in every person on the face of the earth who may think proper to come here and become a resident of a Territory or a State, and then swear, as the naturalization laws of the country require him to swear, that he intends to become a citizen. When he does this he may enter upon the land at once.

But, sir, I have said that the provisions of this section are in direct conflict with the act of Congress authorizing the naturalization of foreigners. That act embraces only white persons, and this section takes in all individuals. Its language is any individual "now a resident of any of the States or Territories, and not a citizen of the United States, but at the time of making such application for the benefit of this act shall have filed a declaration of intention to become a citizen," &c. The word individual, is a general term, and embraces every person, both white and black. And every person, both white and black, not being a citizen of the United States, may (if the officer before whom he proposes to file his declaration will allow him) file such a declaration; and surely every Abolitionist who may happen to be an officer will allow him to file it, and not only to file it, but to take the final oath of naturalization. And will the Senator from Tennessee say that, after having filed it, he may not enter the one hundred and sixty acres of land under the provisions of this bill? Who is to judge of his right to do so. The Register of the Land Office has no right to inquire into, and decide the question, of whether he can or cannot be naturalized, under the laws of the United States, but only whether he has filed a declaration of an intention to do so, according to the naturalization laws of Congress. The right to file the declaration of an intention is one thing, and the filing it, according to the laws, is another thing. Under the naturalization laws, as they now exist, none but white persons have the right to file such declaration; but this section gives the right to file such declaration to any individual, provided he is not a citizen, resides in a Territory or State, be his color what it may. I do not say he may become a citizen; for I will never admit that a negro ought to become a citizen; but I say he may file his declaration to become one, because the only limitations upon his right to do so is, that he is not a citizen, and lives in a Territory or State. Well, sir, if he files his declaration of intention, what then? May he not enter the land, may he not take possession of and settle upon it, cultivate and use it, and have all the advantages of the exclusive occupancy of it; and if he dies, may he not, according to the second section of the bill, devise it to whom he pleases; for that section gives him the right to devise it; and if he dies without having made a last will and testament, it gives it to his widow, or, in case of her death, his heirs.

Sir, I ask the Senator if he would give these lands to coolies, to Algerines, to Indians, and to all the other people of the earth, however uncivilized they may be, or of whatever color they may be; would he give them the right, merely because they reside in a State or Territory, to file a declaration of an intention to become a citizen, and thereby to possess themselves of a hundred and sixty acres of land, and, in case of death, to devise it to foreigners like themselves, or to transmit it, by descent, to their widows or heirs, whether they be citizens or not? And this, sir, must and will be the effect of this section of the bill, when taken in connection with the second

section, unless the amendment I propose is adopted. I am willing to put the naturalized citizen, in all respects, upon an equal footing with the native-born citizen, so far as it regards every right to be acquired under the provisions of this bill. But I never will consent that persons who are not embraced in the provisions of the naturalization laws, as they now exist, shall be included in the provisions of this bill—to the extent either of becoming naturalized, or of acquiring the exclusive right to enjoy and occupy the lands belonging to the people of the United States, and then of devising them, or transmitting them to their heirs.

I will say to the Senator, there is another reason which he has entirely overlooked in his comments on the section which is proposed to be amended. If he will look at the first and second sections of the bill, he will find that it is provided that every free white person complying with the provisions of the bill, who has entered upon the land and taken the final oath, shall obtain a patent at a certain time. The Senator will not say that the sixth section of the bill, as it now stands, does not extend to negroes, Indians, and all other individuals the benefits of the first and second sections of the bill, provided they file their declaration and become naturalized. He will not say that an Abolitionist (one who claims the equality of the negro with the white man) will refuse to let him file his declaration, or to take the final oath of naturalization; it may be that the oath would be void, and the right of citizenship not conferred; but it may be otherwise; and I am not disposed to concede anything to the abolition spirit of the age. I would rather leave nothing to doubt or construction, but "would make assurance doubly sure, and take a bond of fate."

It is true he cannot obtain a patent until he becomes a naturalized citizen; and it may be that he never can become naturalized; but still he can, if this section is not amended, file his declaration of intention, which at once entitles him to enter upon the land to the exclusion of all others. Why, sir, he may file a declaration of intention to become naturalized, and yet not be able, under the laws, ever to become a citizen; but if he files his declaration to do so, he has complied with the provision of this bill, to the extent of acquiring a right to enter the land. The sixth section, as I before said, allows any man to do so; for the expression is, "any individual now a resident of any one of the States and Territories, and not a citizen of the United States." Does the Senator mean to say that a negro is not an individual? Does he mean to say that an Indian, or anybody else, would not be embraced in the word "individual"? Sir, it embraces everybody. And why, I would ask, is the operation of the first section confined exclusively to free white persons? Why is it said "all free white persons" in the first section, and "any individual" in the sixth? There must be some reason for this. The Senator from Michigan says that when this question was first before the Committee on Public Lands, the first section of the bill did not contain the expression "free white persons." I will ask the Senator what is the reason it did not, and why it was afterwards amended so as to make it embrace free white persons?

Mr. STUART. I will answer the Senator. It was because the committee of the House, and, as I understand, at least nine out of ten of its members, thought that no person other than a free white person had any rights under the bill. I know that I myself had a long conversation with the former member from Tennessee, who is now Governor of that State, [Mr. Andrew Johnson,] who had charge of this bill in the House, at the last Congress, at which that question was fully considered, and we came to the conclusion that there was no sort of necessity for the qualification, because none other than white persons could become citizens of the United States.

Mr. DIXON. Why, then, may I ask the Senator, did they insert the words "free white persons" in the first section?

Mr. STUART. It was done with the intention of destroying the bill. The motion was made under the belief that if those words were put in, there were men enough in the House, of peculiar notions, who would vote against the bill and kill it.

Mr. DIXON. I do not consider that a sufficient response to the question. The Senator says those words were inserted to destroy the bill.

Why, sir, it is perfectly evident that if the object was to destroy the bill, they would have left out the word "white," because it must have been known that there was a large majority of the Senate, decidedly against extending the privilege to negroes; and therefore, by inserting the words "free white," strength would have been given to the bill. I say to Senators here, who are not in favor of extending such rights to negroes, that they had better beware of this sixth section. Why, sir, a declaration of intention may be filed in any of the State courts, and I ask the Senator from Tennessee this question: Suppose a negro goes into one of the courts of Massachusetts, or any of those States which declare that negroes may be citizens, and proposes to file his declaration of intention to become naturalized, does he suppose a judge there will hesitate to allow him to do so; and having done so, what is there to prevent his entering the land, according to the provisions of this section?

Mr. JONES, of Tennessee. The Senator from Kentucky asks me a question which it will give me very great pleasure to answer. He wishes to know whether I suppose that a judge in Massachusetts, if a negro should come before him and propose to file his declaration of intention to become a citizen of the United States, would decline to receive it? I answer, that I do suppose he would; or if he did not, I would prove by the law that he was a perjured villain. If the Senator will allow me further, I will say that I think I can show him that it is impossible such a thing as he supposes can happen. He asks the question: What is there to prevent a man of color from filing his declaration, and getting his letters of naturalization? I answer, that the law passed by the Congress of the United States prevents it. The very first provision in the law declares that the incipient step, which is the filing of the declaration of intention, shall be by a free white man. It is impossible, therefore, that a colored man can even file his declaration, because the law declares that the persons who are to be entitled to the benefits of the incipient step of naturalization shall be free white men. Then it is impossible that a colored man, as I have said, can ever file a declaration of intention; and if he cannot file a declaration of intention, I ask the Senator how can he enter upon the public lands under this bill?

Mr. DIXON. I answer the Senator by saying that he himself, in the philippic pronounced by him a few days since against some members of this body, who believe in the higher law doctrine, boldly assumed that there were some persons in this Senate, and some out of the Senate, who wholly disregarded the requirements of the Constitution, and did not feel themselves bound by the oaths they had taken to support it. He was foremost in the declaration that these were the opinions entertained by some Senators on this floor, and by persons outside of the Senate Chamber; but now, sir, the Senator, with that earnestness which only belongs to one who feels what he says, states that this would not be done. Now, if they would do what the Senator but a few days ago said they would do, may they not do it in this case? May they not contend, that though the act he has read includes only free white persons, that this sixth section embraces negroes also? The Senator from Massachusetts, [Mr. SUMNER,] proclaimed here that he did not feel himself bound by the solemn obligation of an oath to support the Constitution of the United States.

Mr. SUMNER. I call the Senator to order. I know he does not intend to misrepresent me.

Mr. DIXON. Surely not.

Mr. SUMNER. I made no such declaration. I did not say that I did not feel myself bound by the obligation of an oath to support the Constitution. I said that my oath to support it was not as the Senator from Kentucky understands it, but as I understand it.

Mr. DIXON. That is precisely the way I understood the Senator.

The Senator takes the ground, as he did on a former occasion, that he has taken an oath to support the Constitution, not as the Senator from Kentucky understands it, or the Supreme Court understands it, but as the Senator from Massachusetts understands it; and he attempted to fortify himself behind the opinion of that eminent and distinguished man, Andrew Jackson, to show that he had the right to do so.

Mr. SUMNER. As the Senator refers to the opinion of Andrew Jackson, I am glad of the opportunity to state that another eminent statesman of this country, a rival of Andrew Jackson, and one that I believe he will admit is not inferior to him in fame or character, John Quincy Adams, declared his entire acceptance of that rule of interpretation. Therefore that rule stands not on its intrinsic reason alone, but on the authority of two Presidents of the United States—Andrew Jackson and John Quincy Adams.

Mr. DIXON. I do not think the Senator from Massachusetts has done justice, either to the distinguished ex-President, to whom he alludes, from Massachusetts, or to the distinguished ex-President from Tennessee. Neither of them ever contended that, as citizens, they were not bound to obey the laws as they were, or that they had the right to place their own construction of them or of the Constitution in opposition to that given by the judicial tribunals of the country. As legislators and chief magistrates of the United States, they claimed, as they had the right to do, in making laws, to judge for themselves of the constitutional power to make them. But, did they, or either of them, ever maintain that, as citizens, they were not bound to obey a law passed by Congress, so long as it remained in force, notwithstanding their opinions, as citizens, might have been against its constitutionality? I defy the Senator to show that they ever maintained any opinion so absurd and treasonable. The Senator claims the right, as a citizen, as well as legislator, to construe the laws and Constitution as he understands them; and, understanding the fugitive slave law to be unconstitutional, he is under no obligations to obey it. Let me tell the Senator from Massachusetts that the exercise of such a right as this, would justify every act of crime that can be committed against the laws of the country; and all that the thief, the robber, the murderer, and the traitor would have to do to screen himself from the penalties of the law, would be to say that, according to his construction of it, he had done nothing more than he had a right to do.

And let me say further to the Senator, that those who think with him, that they have the right as citizens to construe the laws as they find, and not as the courts, understand them—will find the claim of such right, a poor plea in bar, should they be arraigned for a criminal violation of them. And I will say further that the exercise on the part of a citizen of such a right, would result in the subversion of all law, and of all order, in the breaking down of all the ramparts afforded by the Constitution and laws, for the protection of the rights of the citizen, and finally in the overthrow of the Government itself.

And now, sir, I wish to say to my friend from Tennessee, that, understanding as he does the claim set up by the Senator from Massachusetts, to construe the Constitution of the United States and the laws of Congress as he and those who agree with him as to the right, understand them, is at once to leave the construction of the naturalization laws entirely to their understanding, and to be obeyed or not as they may understand them. Can the honorable Senator from Tennessee doubt that, in connection with this sixth section, they would so construe them as to give all the benefits of this act to every description of persons, whether black or white, and to administer to them the final oath of naturalization.

And again, sir, when, as was justly remarked by the honorable Senator from Missouri, [Mr. GERRARD,] we have gentlemen in the public councils, and may have them on the bench, in every State in which the lands contemplated by this bill lie, who believe not only in the higher law doctrine, but in the right of negroes to citizenship; and who would be ready to seize upon any words in any act of Congress to enable them to give an interpretation favorable to their views, what is to prevent them from deciding that this word "individual," standing here in the sixth section in bold relief, against the language of the first section, was intended to abrogate the restriction which confines the naturalization of foreigners to white persons?

Now, sir, taking this view of the case, I would ask my honorable friend from Tennessee if it ever occurred to him that the validity of the title acquired by a negro to land, under the provisions of this bill, as well as of his right to citizenship, may not be the subjects of adjudication by the

courts of the States in which the land may happen to lie; and that if the right of the negro to the land, under this act, depends upon his right to citizenship, a court believing in the doctrine of the higher law power, as well as of the equality of negroes with white men, will not only decide in favor of the legality of such title, but also of the right of the negro to citizenship. If the honorable Senator would not make citizens of negroes, or enable others to do so, and thereby concede to the Abolitionists a right which they have contended for so long, and so zealously, and which has been resisted with so much firmness by those who would keep up a distinction between the white and black races, it would be well for him to vote for the amendment. Senators opposed to slavery contend that the amendment is unnecessary, and that the object intended to be attained by it is accomplished without it; but this, as I said before, may or may not be, but of one thing I am certain, that in caution there is safety, and that it is unwise to trust those whom you know to be your enemies, and who are "armed to do you to death."

Mr. STUART. The Senator will pardon me for interrupting him. I am very anxious to save time upon this bill as far as we can; and I believe I may say that the friends of the measure will consent to the modification which he proposes, though the section means without it what it will do with it.

Mr. DIXON. I want no controversy about it; but I wish to say to the Senator, that I do not believe it means without it what it will with it, and believing that it does not, I shall vote against the section.

The PRESIDING OFFICER. The yeas and nays have been ordered upon the amendment.

Mr. BAYARD. I do not think that the argument of the Senator from Tennessee answers the objection made to this section, as it stands, without the amendment proposed by the Senator from Kentucky. The right to become a citizen of the United States is prescribed in the naturalization laws, and is given only to white persons, but a general declaration of intention may be made by a party who will never become entitled to become a citizen, who may not comply with the subsequent requisitions, who may become incapacitated by some subsequent event from carrying out his declaration of intention. Well, now, by a declaration of intention a person does not renounce his allegiance, because the renunciation of allegiance is only made when he is admitted to be a citizen. The declaration of intention may be made before any clerk of a State court in this country. Under this law, as it stands, as I read it, if any individual—

Mr. STUART. I suggest to the Senator from Delaware that the friends of the bill will agree to the amendment.

Mr. BAYARD. If that is the case, I will not detain the Senate longer.

Mr. CHASE. I shall vote against the amendment, in the first place, because I regard it as nugatory. It has been demonstrated upon this floor that the change proposed will effect nothing at all. The naturalization law, as it now stands, confines the right of naturalization to free white persons. Upon that policy, at this time, I express no opinion; but the law as it stands is explicit. I shall vote against the amendment, in the second place, because if the law were otherwise, and the amendment could have any practical effect it would be inhuman and unjust. There is hardly a State in this Union in which colored persons are not permitted to hold lands. To extend to them the full benefits of this bill would only recognize in them that capacity to hold real estate, which is secured to them by the laws of North Carolina and of Virginia, just as much as by the laws of Ohio and Massachusetts. I shall therefore vote against the amendment, in the first place, because it is nugatory, and in the second place, because it is inhuman and unjust; and I doubt whether the friends of the bill will promote its chances by agreeing to it.

Mr. CASS. I think myself it is a great deal better to agree to the amendment. The bill wants support; it wants aid; and here are gentlemen who, unless the amendment prevails, will vote against it. Now, Mr. President, the first section of the bill confines its provisions to free white persons. The provision that operates upon every

person born in the United States, operates upon white persons only. No colored person born in the United States can take advantage of it. Should we extend to foreigners a greater privilege than to our own citizens? I am very clear, in my mind, that the provision is unnecessary. I believe myself that the latter clause excludes every person who is not white; that a colored person cannot, as has been justly contended, take advantage of the naturalization laws, and therefore cannot take advantage of this law. It has been said that he can file a declaration of intention. I say a declaration is a void act if the person has no right to become naturalized. It is perfectly void; it gives no right; it is a mere piece of waste paper. But I repeat, we all agree that the two provisions should be the same. Some of us contend that they are so; others say they are not; but I believe every man on the floor contends they should be. That being the case, and doubts being raised by some gentlemen, I am willing to vote for the amendment and remove the doubts; and I am the more willing to do so, because I do not want to lose a single vote to the bill.

Mr. MALLORY. The honorable Senator from Ohio [Mr. CHASE] objects to the amendment upon two grounds. The first is, that it would be nugatory; the second is, that it would be eminently unjust. It would be unjust, as he intimates, because it is unjust to deprive negroes of holding property in the Territories. Does he mean to say that the clause, as it stands, will permit them to come in under the bill? Is that what he means?

Mr. CHASE. I said that the amendment, in my opinion, was nugatory, and in that respect the honorable Senator correctly represents me. I said that if it was effective, it would be unjust; that is to say, if it were to accomplish this object—if the present bill did allow colored persons to participate in the benefits of the enactment, and the amendment should exclude them—that operation of it would be unjust. I do not say that it has that operation; on the contrary, I said quite the reverse.

Mr. MALLORY. It strikes me that it is eminently proper to insert the provision here, as it is in the first clause of the bill. The States, by their own legislation, have determined what are the disqualifications of colored persons. There are certainly many classes of colored blood who do become naturalized citizens of the United States. We witness every day in the courts, that persons with negro blood in their veins have become citizens. If the objection be made in southern States to their coming into the witness box, or to obtaining other privileges, that they are colored persons, they are set aside. In such a case, when it should be discovered that they were improperly naturalized, under this clause of the bill they would, notwithstanding, hold a patent to the lands, although they might not be citizens of the United States in the courts for any other purpose.

Mr. CLAYTON. Although I have a fixed and settled opinion upon this question, as to whether a black, or any other than a white person, can become a citizen of the United States, yet as by many it is regarded as an exceedingly interesting question, I desire to make a remark. I remember, sir, very well, that in the year 1849, applications were made to the Department of State for passports for other than white persons. I refused them, on the ground that a passport contains a certificate that the person who receives it is a citizen of the United States; and as I did not concur in the opinion that any but a white person could be a citizen of the United States, I declined giving the passports. But, sir, I found immediately that I was assailed by a great portion of the northern press, and by many respectable persons at the North, who seemed to think that the point was not correctly settled at the Department. I have never changed my opinion upon the subject; but that opinion to which I refer, that colored persons can become citizens of the United States, and are citizens of the United States, is entertained by a very respectable and considerable portion of the people of the northern States. A provision in the Constitution of the United States declares that "the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States." If, then, it was argued a colored man could be a citizen of Massachusetts, he is a citizen of the United States; and so they held he was entitled to a passport. My opinion is now as I said it was in 1849; but the very fact that such a

question was raised then, and that the Department was extensively assailed upon that ground, shows the necessity and importance of the amendment proposed. If there be any doubt at all upon this subject, it is the duty of the Senate to amend this bill, to make it as clear as possible, and to declare that none but white persons shall enjoy the benefits of this act.

Mr. JONES, of Tennessee. I shall vote for the amendment because the friends of the bill want it; but I do it with the express declaration, that I do not admit thereby that it is possible under the Constitution of the United States for a negro to become a citizen of the United States.

Mr. SHIELDS. I really think it makes no difference whatever how I vote in this case; but as I see how my friends are voting, I shall vote "yea."

Mr. PETTIT. I decidedly concur with the Senators from Tennessee and Illinois, that it is utterly impossible that a negro can become a citizen, and consequently that it is utterly impossible for him to enjoy the benefits of this bill; but I shall vote "yea."

The question being taken by yeas and nays, resulted—yeas 37, nays 16; as follows:

YEAS—Messrs. Adams, Atchison, Badger, Bayard, Bell, Benjamin, Bright, Brodhead, Brown, Butler, Cass, Clay, Clayton, Dawson, Dixon, Douglas, Evans, Fitzpatrick, Geyer, Houston, Hunter, Johnson, Jones of Tennessee, Mallory, Mason, Pearce, Pettit, Pratt, Rusk, Sebastian, Shields, Slidell, Stuart, Thompson of Kentucky, Toucey, Weller, and Williams—37.

NAYS—Messrs. Allen, Chase, Dodge of Iowa, Fessenden, Fish, Foot, Gillette, Hamlin, James, Jones of Iowa, Norris, Rockwell, Seward, Sumner, Wade, and Walker—16.

So the amendment was agreed to.

Mr. ALLEN'S name was, in the first place, recorded "yea," but he subsequently said: I wish to have my vote changed. There was a mistake in it. I intended to say "no;" I see it is entered "yea" on the list. The name of my colleague [Mr. JAMES] is not entered at all; he votes the same way.

The PRESIDING OFFICER. The change can only be made by unanimous consent.

There was no objection, and the vote was changed accordingly.

The PRESIDING OFFICER. There is still another amendment pending, offered by the Senator from Kentucky, [Mr. Dixon.] It is to add at the end of the sixth section the following:

Provided, That the benefits of this act shall not extend to the children, heirs, or devisees of aliens born out of the United States, and not entitled to citizenship.

Mr. DIXON. I think that every Senator who will examine the second section of the bill, in connection with this section, will see that an alien, who, having obtained the benefit of the act, on the declaration of his intention to become a citizen, dies, he may, if he chooses, devise his lands to any person; and if he makes no devise, the operation of the two sections together would cast the lands upon the children of the alien. I am not myself in favor of giving the benefits of this bill to persons who are not citizens, or who will not become citizens. I am in favor, when an alien declares his intention to become, and does actually become, a citizen, of giving him the full benefit of it; but if he does not become a citizen, I am not for extending to his children, who are not citizens, rights which they would not otherwise have had. I think every Senator who will examine the two sections will see the propriety of the amendment as I do.

Mr. CASS. I see a hardship in this case. It is this: A man enters upon his land, remains on it for four or five years, makes it valuable, and dies, leaving minor children who would have been citizens by our law on his becoming a citizen, but who are not so by his death; what is then to become of this property? Is it to be forfeited?

Mr. DIXON. I would say to the honorable Senator that the provisions of this act will extend its benefits to aliens, who are grown persons, if they should happen to be children of an alien who has made his declaration of intention to become a citizen, and who dies without becoming a citizen. I presume the honorable Senator would not be in favor of extending the provisions of the act to a person living in England or anywhere else, at the time of the death of his ancestor, he being an alien who has entered upon the public lands.

Mr. CASS. I suggest to the Senator whether

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he had not better leave that to the local law? If the local law of Alabama, for instance, allows them to hold property, let it be done. I think this might commit a great hardship, especially if the local law permits such persons to hold property.

Mr. DIXON. I suggest to the Senator that this bill does not leave it to the local law.

Mr. CASS. I am aware of that; but I suggest to the honorable Senator whether it would not be better to leave this point to the local law, instead of taking the property from the children.

Mr. DIXON. This is the point. This bill casts the property upon the children of an alien. I put a case to the Senator. An alien living in a State or Territory files his declaration of intention to become a citizen of the United States, and at once makes an entry, in pursuance of the principles of this bill, upon one hundred and sixty acres of land. He enters upon the land, and dies, leaving in Germany, or in England, or in Ireland, anywhere else abroad, children who are grown. Having himself made the entry under the provisions of the second section of this act, he entitles those children living in England, Germany, Ireland, or anywhere else, to come here and obtain a patent for the land without being naturalized. Will the Senator agree to that?

Mr. CASS. I agree with the Senator in reference to that, and it is a point which I should wish to have changed; but I think when a man dies and leaves a minor family who would by law, *ipso facto*, become citizens of the United States; when he becomes naturalized, and leaves the property with them, and they are living upon it, there ought to be some security for them. I think it should be held by them when they are living upon it.

Mr. DIXON. If the Senator will examine the second section of the bill, he will see at once that the law gives the land to the alien child. He gets the full benefit of the law, and he may obtain a patent for the land. It is with a view to prevent that that I offer the proviso.

Mr. CASS. Therefore, I suggest again to the Senator, whether his object could not be obtained by limiting that provision of the act to persons leaving minor children in this country, who are residents with him upon the property?

Mr. DIXON. I will say to the honorable Senator that this bill expressly casts it upon such persons as I have described.

Mr. STUART. Then change it.

Mr. DIXON. My amendment does change the provision of the bill.

Mr. STUART. I suggest to the Senator, instead of excluding children of aliens entirely, to exclude those only who are not residents in this country.

Mr. DIXON. That is what the amendment does.

Mr. CLAY. I suggest to the Senator from Kentucky that his object, and that of the Senator from Michigan, can be accomplished, I think, by an addition to the amendment which he offers. I will take the amendment and point it out.

Mr. DIXON. Will the Senator write out the addition?

Mr. CLAY. I am going to suggest it, and if the Senator approves of it, he can adopt it. The Senator from Michigan [Mr. Cass] does not deny, as I understand, the position assumed by the Senator from Kentucky. There is no doubt that the bill, in its present form, is in conflict with the laws of many of the States. It is in conflict with the laws of Alabama, where aliens have no inheritable blood, and where property is not transmitted by descent to their heirs. The purpose of the Senator from Kentucky is to amend the bill so as to avoid this conflict, and not infringe upon the rights of the States in determining who shall be heirs. I think I can suggest the proper amendment, which will meet the views of both Senators.

Mr. DIXON. The Senator misunderstands my object. By the second section of the bill, if an alien has entered upon the land, having made a declaration of his intention to become a citizen, and then dies before becoming naturalized, the land is cast upon his children, they being aliens.

Mr. CLAY. I so understood. I understood fully what the Senator was aiming at, and I say his object is to correct that error in the bill—that invasion of the rights of the States. Now I say his amendment will do so, and at the same time meet the views of the Senator from Michigan, with a simple addition. The amendment of the Senator from Kentucky is in these words:

“Provided, That the benefits of this act shall not extend to the children, heirs, or devisees of aliens born out of the United States, and not entitled to citizenship.”

And there it stops. Now, I think by adding—but I will write out the amendment to meet the object.

Mr. PRATT. I should much prefer to have the vote taken upon the amendment as offered by the Senator from Kentucky; because if he agrees with the reasoning of the honorable Senator from Michigan, I do not know but that I should be obliged to submit the amendment which he is asked to withdraw.

Mr. DIXON. I do not withdraw it. The Senator from Alabama only proposes to amend it.

Mr. PRATT. I do not want to make a speech upon it.

Mr. CLAY. I propose this modification of the amendment, which will meet the views of the Senator from Michigan, I presume:

“Provided, That the benefits of this act shall not extend to the children, heirs, or devisees of aliens born out of the United States, and not entitled to citizenship unless they could inherit the land by the laws of the State in which the land may be situated.”

Mr. SHIELDS. “State or Territory.”
Mr. CLAY. Well, make it “State or Territory.”

The PRESIDING OFFICER, [Mr. WELLER.] Does the Senator from Kentucky accept that modification?

Mr. DIXON. I do not. I think it is wrong. I think the amendment, as I offered it originally, is correct. Some of the States may authorize aliens to inherit lands. I do not know, but I think some of them do. I am not in favor of granting lands belonging to the people of the United States, to persons who remain out of the United States, who are born out of the United States, and who are not citizens, and have taken no steps whatever to constitute themselves citizens, merely from the fact, that their ancestor has filed a declaration of intention to become a citizen, and entitled himself to the benefits of this act by making such a declaration. I think the modification which the Senator proposes is not right; and therefore do not accept of it.

Mr. PRATT. The object of the amendment is to prevent anybody being entitled to hold lands within the limits of the United States who is not a citizen of the United States, or obliged to become a citizen before he can acquire a legal title to the land. That is the object. I suppose that all the Senators here will agree that that ought to be the case; that no one should be entitled to hold lands in the United States who is not obliged to become a citizen of the United States. Now, if the amendment proposed by the Senator from Alabama be adopted as a substitute for that of the Senator from Kentucky, this object would not be attained. Under the provisions of the bill as it now stands, the children of any person who declares his intention to become a citizen, in the event of the death of that person so declaring his intention, would become *per se*, by the death, the owners in fee simple of the land. There would be no subsequent necessity, in order to their being entitled to the land, that they should become naturalized citizens of the United States, whether they lived here, or whether they were abroad at the death of the ancestor.

Now, I am aware that, under the naturalization laws, when a minor resides here, and the ancestor becomes naturalized, the minor, by that naturalization of the ancestor, becomes a naturalized citizen of the United States; but that is not the case here. The ancestor never becomes naturalized; consequently the child is not naturalized, and the bill imposes no obligation upon him to become

naturalized, in order to enable him to become an owner in fee of land within the limits of the United States. The result would be, in all that class of cases, that persons not citizens of the United States would be owners of land within its limits. I think that is wrong, nor can there be any necessity for it. The honorable Senator from Michigan supposes that there would be a hardship on the part of the child residing here not to inherit this estate of the ancestor at the death of the parent. If the child resides here, under the provisions of this bill, on the death of the ancestor, he would become the head of the family, and he would be entitled himself to enter, make his declaration, become a citizen, and take up the one hundred and sixty acres of land which the ancestor left. That would become his land by only declaring his intention to become a citizen; so that the difference would be only, by the adoption of the amendment of the Senator from Kentucky, to provide that no party should become the owner in fee of land in the United States without becoming a citizen; and no hardship would exist, because such a child of a party thus dying would be a foreigner, and would only have to make a declaration of intention to entitle him to all the benefits of this bill.

Mr. SEWARD. The bill, as I understand it, provides that when an alien, having declared his intention to become a citizen of the United States, shall settle upon these lands, he shall become the owner thereof, after an occupancy of five years; and it declares further that, in case of his death, his children shall own it—that the land shall become the property of his children. The proposed amendment is to the effect that, in case he shall have died before becoming naturalized, the lands shall revert to the United States. That I suppose to be the effect of the amendment.

Mr. DIXON. The amendment only provides that children (born out of the United States) of persons born out of the United States shall not inherit the land.

Mr. SEWARD. Where would it go? Would it revert to the United States?

Mr. DIXON. It is limited to those only who are born out of the United States.

Mr. BENJAMIN. And living out of the United States.

Mr. SEWARD. I am glad to see that it is limited so far. Would the honorable Senator be willing that it should read “children living out of the United States?”

Mr. DIXON. I am willing to insert “children living in the United States, and who have not attained the age of twenty-one years;” but I would not extend the provisions of the bill to children over twenty-one years, and who are aliens.

Mr. SEWARD. What I want to guard against is the great hardship which it will be, if, after an alien has gone upon the one hundred and sixty acres of land and reduced it into a condition fit to live upon, and he dies, leaving a destitute family there, the Government should not only take the land back, but also the improvements which the settler has made upon it. That is the effect of the proposition as it stands; and if that is so, I shall certainly vote against it.

The Government is the owner of the land. It has the power to attach certain conditions to the grant of the land. It gives it upon any terms that it pleases. If it fixes a condition which seems to be a just and humane one, that the land should revert without the improvement to the Government, there would be less objection to it; but after the settler has invested his labor and money in the land, to withdraw it into the general fund of the United States, and withdrawing not only the original grant, but the improvement which enhanced its value, would be a great hardship. I see no inconvenience to result from this, for it may be in States which have not adopted the policy to let children in such cases inherit the land. I do not see that there is any objection to it in principle. On the contrary, in many of the States, with the laws of which I am acquainted, there has been a great relaxation in the laws on the subject of the descent of lands to aliens. All these objections

are removed now, I believe, in most of the northern States.

Mr. DIXON. I suggest a modification of my amendment, so that it will read:

Provided, That the benefits of this act shall not extend to the children, heirs, or devisees of aliens born out of the United States who are not entitled to citizenship, and who are twenty-one years of age.

Mr. SHIELDS. Before the vote is taken, I wish to submit to my friend from Kentucky my views. A man goes and settles upon this land after declaring his intention to become a citizen of the United States. He is prevented from consummating that intention by the act of God, by the act of Heaven. Now, after the head of the family has made a settlement and lodgment on the lands, perhaps after he has cleared out a little home, and built a little cabin, by his labor and sweat there, you add to the condition that he shall cultivate the land, a further provision that, after he has done this, if he dies, his family shall be deprived of the little home that he has made by his labor there. In my humble opinion, that will appear to be an ungracious amendment. I see what the honorable Senator intends; but he must act upon some general principle.

Mr. DIXON. Will the honorable Senator allow me a moment? He will observe that the amendment, as it now reads, only excludes those who are over the age of twenty-one years. Now, would the honorable Senator be in favor of giving the lands belonging to the United States to non-resident aliens who have taken no oath to support the Constitution of the country? It might happen that one of these persons who declared his intention to become a citizen, and settled upon the land, might leave children in the country from which he has immigrated, who would be hostile to the Government and enemies to this Republic, and who might refuse to take the oath of naturalization, should they be entitled to the land? I confess I feel the force of the Senator's remarks.

Mr. SHIELDS. I see that equally; but I think that he can make the provision such that the parties, on the death of the ancestor, should go on the land and cultivate it, perform the conditions which the ancestor obligated himself to perform, and become citizens, or not take the land. That, in my humble judgment, would be carrying out the intention.

Mr. DIXON. I will modify the amendment.

Mr. DIXON called for the yeas and nays upon the amendment; and they were ordered.

As modified, it reads as follows:

Provided, That the benefits of this act shall not extend to the children, heirs, or devisees of aliens born out of the United States who are not entitled to citizenship, and who are twenty-one years of age.

The PRESIDING OFFICER. The Senator from Kentucky has still further modified his amendment, so as to read:

Provided, That the benefits of this act shall not extend to the children, heirs, or devisees of aliens born out of the United States, who are twenty-one years of age, until they shall file their declaration of intention to become citizens of the United States.

The question being taken by yeas and nays, resulted—yeas 21, nays 20; as follows:

YEAS—Messrs. Badger, Bayard, Benjamin, Brown, Butler, Clay, Clayton, Dawson, Dixon, Evans, Fitzpatrick, Geyer, Hunter, Johnson, Mallory, Mason, Pearce, Pratt, Sebastian, Thompson of Kentucky, and Toucey—21.

NAYS—Messrs. Adams, Allen, Chase, Dodge of Wisconsin, Dodge of Iowa, Fish, Foot, Gillette, James, Jones of Iowa, Jones of Tennessee, Norris, Pettit, Seward, Shields, Stuart, Wade, Walker, Weller, and Williams—20.

So the amendment was agreed to.

Mr. BROWN. Before the vote is taken on the motion of the Senator from Delaware to strike out the sixth section, I desire to offer an amendment, to perfect that section. It is to add an additional proviso, as follows:

And provided further, That foreign born persons who fail to become citizens within five years from the date of their declaration of intention to become so, shall lose all rights under this act.

I simply wish to remark that the amendment carries out the idea which I expressed the other day in debate with my friend from Alabama. I then expressed the opinion that if a foreigner resided upon the land for five years, and failed to take out his naturalization papers, he could not receive the title, because, not being a citizen, he could not get it. The Government would refuse to hold up the land any longer, and he would necessarily lose all rights under it. I find, in conversation with Senators, for whose opinions I have

a great respect, that they differ from me about that construction. I have no intention of allowing a foreigner to settle down on the public lands, and remain there ten, fifteen, twenty, or fifty years, if he chooses, without becoming a citizen. I want the people, when they come here, to take out naturalization papers, as prescribed by law, and especially if they come under the benefit of an act like this. All I mean by this amendment is simply that a man shall settle upon the land if he chooses to make a declaration of intention to become a citizen, and perfects that declaration by actually becoming a citizen.

Mr. PETTIT. Will the Senator allow me to make a suggestion before he takes his seat, which, perhaps, he may answer? The objection which I have to the amendment is not to its substance, but to its form. If it were extended to six years, I should have no objection to it.

Mr. BROWN. Mr. President—

Mr. PETTIT. Just allow me one moment for explanation, and then, when the Senator understands me, if I am wrong, I may be corrected. Our naturalization laws now first require that a foreigner, upon landing, shall make his declaration; but that is always waived, and he is not limited, but he can stay ten years, or five years, or one year, and then make it; but they require that he shall have been here five years before he can take out final naturalization papers. What is the result? If he comes here, then, under that provision, as the Senator now has it, and stays two days, or one day even, before he files his declaration of intention, he will be postponed two days beyond five years from the time he comes here, and the result will be, as the Senator will see, that he will lose all his improvements because he cannot be naturalized within five years after coming here.

Mr. BROWN. I will say to the Senator that he is mistaken. The party must make his declaration of intention before he can enter upon the land; then his five years commence running. He remains five years upon the land before he can get out his papers; but I do not care, if it will be any gratification to the Senator, to put in six years. All that I want is a limit.

Mr. PETTIT. I am perfectly willing to agree to the amendment, if six years are inserted.

Mr. SHIELDS. I will suggest that the amendment would be better if it provided that that should be the case on the expiration of the five years, if his not perfecting his citizenship was by his own neglect. There might not be a court convenient for him to take out his papers.

Mr. BROWN. There will always be a court somewhere. I will modify the amendment by making it read six years.

Mr. BAYARD. The amendment, as it still stands, I think is open to objection. According to my reading of it, its effect will be this: suppose a foreigner to be now in the United States, who is in a condition to become a citizen, but has not yet carried out perfectly his intention to become one. The five years have elapsed; that is, he has declared his intention more than five years. If the amendment is adopted, he would come within the exception, and could not take the benefit of the law, though subsequently he should take out his papers, because the six years may have already expired. There are many cases of that kind; there are many persons in the United States who have declared their intention, but have not become citizens; it often happens from ignorance, and sometimes from other causes.

Mr. BROWN. I see the force of the Senator's remark, and I will modify the amendment so that it shall read six years from the time of entry on the land.

The PRESIDING OFFICER put the question, and declared that the "noes" appeared to have it.

Mr. BROWN. If there is any controversy about it, I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 37, nays 9; as follows:

YEAS—Messrs. Adams, Allen, Atchison, Badger, Bayard, Benjamin, Brodhead, Brown, Butler, Cass, Clay, Clayton, Dawson, Dixon, Evans, Fish, Fitzpatrick, Foot, Geyer, Hamlin, Johnson, Jones of Tennessee, Mallory, Mason, Norris, Pearce, Pettit, Pratt, Rusk, Sebastian, Shields, Sidel, Stuart, Thompson of Kentucky, Toucey, Weller, and Williams—37.

NAYS—Messrs. Chase, Dodge of Wisconsin, Dodge of Iowa, Fessenden, Gillette, Jones of Iowa, Seward, Sumner, and Wade—9.

So it was agreed to.

Mr. BENJAMIN. I have a proposition to offer, to amend the sixth section. By the terms of that section, foreigners coming into the country and declaring their intention to become naturalized are to be entitled to enter upon land, and to take out their patent at the end of five years. They are political minors. By the first section of the bill, the children of American citizens are not allowed to enter on land until they reach the age of twenty-one years. The object of my amendment is to entitle native-born citizens of the United States, who have not yet reached the age of twenty-one, to make their entries; provided, however, they shall not receive their patents until they reach the age of twenty-one. There are many young men in the country, orphans as well as children of parents still living, who, at the age of seventeen, eighteen, nineteen, or twenty, are perfectly competent to cultivate the soil. The bill deprives them of the opportunity of so doing, and makes them wait four or five years before they can make their first entry. My proposition is to allow them to make an entry at any time when they are able, physically, to go upon the soil and cultivate it; leaving them without their title until they have attained the age of twenty-one years, and have cultivated the land five years. The amendment is in these words:

And if any person born in the United States shall, before arriving at the age of twenty-one years, make application for the benefit of this act, he shall be entitled thereto: *Provided, however*, That no patent shall issue in favor of such applicant before he shall have attained the age of twenty-one years.

Mr. JONES, of Tennessee. The object of that amendment is certainly obvious to every Senator. It proposes that any child who is able to go to the land office, and make application for a grant of land, shall receive the benefits of the act.

Mr. CASS. Is the age limited?

Mr. JONES, of Tennessee. Not at all.

Mr. BENJAMIN. The Senator misunderstands the amendment. The party is not excluded from the condition to reside upon and cultivate the land.

Mr. JONES, of Tennessee. Certainly not; there is no age fixed for the applicant at all. If he is ten years of age he may go and settle upon one hundred and sixty acres of land; and if he remains five years, he is to get a patent.

Mr. BENJAMIN. Not until he arrives at the age of twenty-one years.

Mr. JONES, of Tennessee. Very well; he secures his point. It must be obvious to every Senator that the intention of the amendment, and of most of the amendments offered, is to embarrass the bill and defeat it in the end. A man has ten children; they are all over six years of age, or of any age which enables them to walk, or crawl, or to be carried to the land office; and they make application for one hundred and sixty acres of land. The father carries the child, settles him down there, occupies the land until he is twenty-one years of age, and then he gets a patent for one hundred and sixty acres of land.

Mr. BENJAMIN. And why not?

Mr. JONES, of Tennessee. Why not? Simply because it defeats the purpose and intention of this bill. I have a word to say to the friends of the bill. If they intend to carry it out in good faith, according to its intention and purpose, they must learn now, from the tactics which we have seen, to stand up and resist these attacks which are made upon it. I am for the bill in good faith; and when the Senator from Michigan yielded the first point, I felt that he was yielding a great deal. The moment you admitted an amendment at all, in my judgment, that moment sealed the fate of the bill; and now we are to have this amendment, and every other sort of amendment, when the Senator from Louisiana, as I know he will honestly tell you, will vote against the bill, even if the amendment is put upon it. Senators need not deceive themselves; they mean to destroy this bill by details, and by all sorts of chapparel fighting. They put on all sorts of amendments which strike the prejudices or the passions of the country. Know-Nothingism is put on one side, Native Americanism is put on, and Foreignism, and every sort of ism in the world, with a view to vote at the last against the bill. There is not a man who has offered an amendment who does not mean, in the end, to vote against the bill, although every amendment offered should be attached to it.

Mr. DIXON. I would ask the Senator if he

did not vote for one of the amendments offered by myself?

Mr. JONES, of Tennessee. I did; but I voted under protest, because the friends of the bill conceded it, and I stated so at the time. I will ask the Senator a question: Do you not mean to vote against the bill, although both of your amendments have been attached to it?

Mr. DIXON. I will answer frankly that I shall vote against it; and I will state another fact. I prefer another principle, and for that reason I should vote against this bill. I am for a distribution of the proceeds of the public lands among the States.

Mr. JONES, of Tennessee. Then I agree with the Senator myself. I am for a distribution, but he knows, as every Senator knows, that a distribution among the States is impossible.

Mr. DIXON. I do not know that.

Mr. JONES, of Tennessee. Then let the Senator offer an amendment of that sort, and get the test.

Mr. DIXON. Let the Senator offer it himself.

Mr. JONES, of Tennessee. I will propose a distribution policy, if the Senator will agree, if it fails, to vote for the bill. Then, of course, the Senator says he is for the first, if he can get it; if not, then he is for the next best. I will propose a distribution policy. I will go for that; and if it is lost, I want the Senator to go with me, as I have declared that I take this as an alternative—nothing else.

Now, if we have strength to carry this, let us do it as it is; and I want to know of the Senator from Illinois [Mr. DOUGLAS] where he is. He said he would fight with me on this question; but he has left me to fight all the battles on this side, and God knows there is enough to crush twenty men like me; and yet, by detail, they are destroying and crushing this measure. Now, if its friends have strength enough to carry it through, let us stand by it, and do so.

Mr. DOUGLAS. I will answer the Senator's question, where I am. I am for this bill, and the reason why I have not been talking about it is, that I discovered, long ago, that the tactics of the enemy were to talk out the time, and prevent a vote upon the bill. The best evidence of friendship for it is silence; the best evidence of hostility is to talk away the time till the end of the session, and not let it pass.

Mr. JONES, of Tennessee. I accept the suggestion of the Senator. There is not a man on God's earth who knows better how to get out of a sharp corner than he does. I will close my speech by asking him and all the friends of the bill to vote down all amendments, and, if we have got strength, to pass it; if not, let them kill it.

Mr. ADAMS. The appeal made by the Senator from Tennessee occurs to my mind as a most extraordinary one. He says the friends of this bill should be gagged. It is immaterial what amendment may be offered, although it commends itself to the approbation of their judgment, although they may know that it is right and proper that it should be offered, that the bill should be perfected, though they may believe the bill to be imperfect, yet, the Senator says, owing to the fact that some gentlemen have made propositions to try to perfect the bill, the friends of the measure are to be forced to vote against such amendments as may be proposed. Such a course of legislation, it seems to me, cannot be approved of, either by this body or by the country. I take it for granted, there is not a Senator on this floor who, in any proposition which is made, is not bound to suppose that it is made in good faith, and will exercise his own judgment as to whether he ought to vote for it, or against it. The fact that a Senator may be opposed to a bill in principle, and may intend ultimately to vote against it, is no reason why he should not endeavor to make it as acceptable as possible to the country and to this body. As I understand the rules of the body, and the rules of propriety, and the rules of justice, they do not exclude a man from endeavoring to perfect a bill. The Senator says that the opposition here has every kind of "ism" in it. It has the "ism" of justice, and of equality, and of right; it has constitutionalism, it is true; but there is no Know-Nothingism in it.

I did not rise for the purpose of discussing this subject, but to enter my protest against any Senator's attempting to control the judgment of other

Senators, when any proposition may be legitimately offered that meets the approbation of their judgment.

Mr. BUTLER. I understand the Senator from Tennessee to be opposed to the offering of all amendments, on the ground that they are to be discarded, as having by presumption, no merit. I think he comes very near the case of the man who declaimed violently against Jay's treaty, and when Colonel Walton, a distinguished signer of the Declaration of Independence, who had voted for it upon his responsibility as a member of Congress, said to him: "You inveigh very much against the treaty, and you denounce all who voted for it; have you ever read it?" "No, sir," says he; "and I never shall read it, and I never would read such a"—I cannot use the adjective that he used, but such an "unconstitutional treaty." [Laughter.]

Mr. BENJAMIN. I desire to say, in answer to the remarks of the Senator from Tennessee, that he is greatly mistaken if he supposes that in any proposition which I make upon this floor to amend this bill, I desire to make the bill itself impracticable. I employ no such tactics. My opposition to the bill is open, manly, and decided, and I have so stated to the Senator himself. I do not mean now to go into the general merits of the bill. I shall do so hereafter; and I think I shall satisfy the gentleman, notwithstanding what he said yesterday, that the policy of the bill will be attacked by its opponents, and they will not satisfy themselves simply, as he thinks, with skirmishing from chapparrals. I say to the honorable Senator, in answer to his appeal to me, that I am opposed to the bill in every particular. I am opposed to its policy. I am opposed to its provisions as they now stand; but I cannot be insensible to the fact that it is by no means an impossible thing that it should pass the Senate; and if it is to pass, I wish it to be as little objectionable as possible to my judgment.

What is the proposition against which it has pleased the Senator to inveigh? He stands up and supports, before the Senate, the proposition of the bill, that any individual, who has not the remotest interest in the country, who was not born here, who may have arrived here but yesterday, should be entitled to go on to the public lands, which belong to the people of the United States, to settle there, to cultivate those lands, and by his settlement and cultivation to entitle himself to a fee-simple in the soil. He does not propose to wait until the immigrant shall have obtained the right of a citizen. He does not propose to subject him to any apprenticeship before he is entitled to enter upon the soil; but from the moment of his arrival he is to be placed upon the same footing as an American citizen born in the United States. Now, by the first section of the bill, a citizen born in the United States is not to be entitled to any of those privileges which the Senator from Tennessee is willing to afford to foreigners, until he reaches the age of twenty-one years. The policy of your bill is to settle and cultivate the public lands. My proposition is to carry out the policy, and to give the same advantages to citizens born upon the soil, as you give to foreigners who have come here but yesterday. Will the Senator deny, for a moment, that if this policy can be carried out by granting these privileges to citizens born on the soil, it ought not to be so carried out in reference to foreigners? He will certainly not so contend; and yet he exclaims, with holy horror, against the proposition by which the children of American citizens are to be entitled to go upon the soil, to settle it, to cultivate it, to carry out the policy of the bill, and to be restricted from their title until they have attained the age of twenty-one years, in the very breath in which he is advocating the right of the foreigner without any limitation of age—there is no limitation of age on the foreigner—and without any restriction of color, as he has just contended. Without restriction of color, age, character, or interest in the soil, or in the institutions of the country, the foreigner, at the first instant he lands upon the soil, is to have the right to create for himself a title to one hundred and sixty acres of your land, and the children of the man who has fought and bled, and, perhaps, died, in the service of the country, are to be deprived of the same right; and yet the Senator talks of an amendment—intended to make the bill odious by an amendment—and of fighting from

chapparrals, and not touching the principle of the bill; but keeping ourselves fighting at the outworks. Sir, I offer this amendment in good faith; and I feel confident that it will meet the sanction of the American Senate.

Mr. WALKER. If it were not for the sincerity and earnestness manifested by the honorable gentleman in his speech, I should certainly have thought he was not sincere in offering this amendment. Why, sir, the adoption of the amendment, and the passage of the bill thus amended, would beget a scene of speculation which would exceed any that ever took place under the old floating system of some of the preemption acts. By the amendment a boy, whose father and mother are both living, would be permitted to go and settle upon the public lands, though he is not competent to collect his own debts, not competent to purchase a horse or anything else, but to whose service the father or the mother is entitled. It is immaterial how many children there may be in a family, each one of them, under the amendment, may make his selection for speculative purposes, the benefit of which would probably result to the chief of the speculation—the father or the mother. I can scarcely believe that the Senator can be in earnest in offering such a proposition. If he were a friend of the bill, and this would reconcile him to its support, I could believe more truly that he was sincere in the proposition. But it looks so much like one of those propositions offered, not to perfect, but to embarrass the bill, that, notwithstanding the apparent sincerity of the gentleman, and notwithstanding his known character for candor, I can scarcely believe that he is, to the full extent, sincere in this amendment. I hope it will not be adopted. If it shall be adopted, of course, the friends of the bill in the Senate will feel that the time has not arrived when they can pass a home-stead bill at all. The engrafting of that provision must render the bill, to say the least, less beneficial than otherwise.

Mr. BENJAMIN. Will the Senator allow me to ask him a question?

Mr. WALKER. Certainly, sir.

Mr. BENJAMIN. What is the objection to allowing an American boy of nineteen years of age to go upon a piece of land; cultivate it, and get his patent at the end of five years, provided he settles upon the land, cultivates it, and complies with all the provisions of the bill, even though his father may have a dozen other children, and may himself receive one hundred and sixty acres?

Mr. WALKER. The Senator puts a question to me which is not contained in his amendment. The amendment says nothing about nineteen years of age. For all that appears from it, the minor may be one, two, or three years of age.

Mr. BENJAMIN. I am willing to make it sixteen years. It is already provided that he must settle and cultivate the land.

Mr. WALKER. If the Senator had listened to me, he would have heard me say that he proposes that an individual shall settle on the public lands, who is not even entitled to the wages of his own service, who cannot make a valid contract for the purchase of a horse or anything else. He cannot contract a debt. He can engage in none of the pursuits of life, according to law, because of his incapacity as a minor; and yet the amendment would allow him to occupy land, for purposes of speculation, to be controlled and kept there by an individual or individuals who intended only to make a speculation out of his occupancy. If you intend to give him the right to occupy the public lands in this way, if it is in your power, disembarass him; let him be permitted to buy his stock; let him be permitted to buy his farming implements; let him be permitted to collect the dues to which he may be entitled from the sale of the products of his farm. Give him some privileges which are commensurate with the rights of a land owner. But to place him, in his condition of incapacity, in the position of one entitled to occupy the land, to acquire this preemptive right, and finally to get it for himself, is, to say the least, proposing to place the bill in a condition that would be less beneficial than it is now.

But, sir, amendments have been engrafted upon the bill. They have been engrafted upon the bill, not by its friends, but by its enemies. I was sorry to see some of the friends of the bill cooperate in the adoption of those amendments. Some of them did so, declaring at the time, as the honor-

able Senator from Michigan, [Mr. Cass,] declared, that he did so because he saw it would gain strength for the bill. The very gentleman who offered the amendments for which the Senator from Michigan voted, has now announced that he will not vote for the bill under any circumstances. In this manner the friends of the bill have been induced to put upon it the amendments that have been adopted, and which are to send it back to the House of Representatives. I have seen bills under consideration before, but I have generally seen it tolerated on the part of Senators on the other side of the Chamber to put the question to a gentleman who offers an amendment, "If your amendment is adopted, will you vote for the bill?" And if it is announced, "No, I will not vote for the bill," the cry is, "Down with his amendment;" and they never think of adopting it. But now, it seems, it has become a great parliamentary crime, a great offense, to ask such a question. The friends of the bill are to swallow all amendments anyhow, and to get it into a position in which neither they nor any one else desire to see it pass! For one, if this amendment be adopted, I care not how soon the bill goes on the table.

Mr. BENJAMIN. I modify my amendment by inserting after the word "person," the words "of the age of sixteen years and upwards," so that it shall read, "if any person of the age of sixteen years and upwards, born in the United States, shall," &c.

Mr. CLAY. I shall vote for the amendment, and I shall vote for it in as good faith as it was offered. Now, the simple question presented is, whether we will extend to native-born minors the same privileges which are extended to foreign born minors, for this section does not fix the age at which the foreigner shall be entitled to its benefits. It admits those who are minors, as well as those who are adults. Unlike the Senator from Tennessee, and the Senator from Wisconsin, I am not inclined to extend greater benefits and privileges to foreign minors than to native minors. Hence, I will vote for the amendment.

Mr. SHIELDS. In my opinion, the section does not admit of that construction.

Mr. CLAY. It seems to me that it can admit of no other construction than that which I have put on it.

Mr. SHIELDS. The foreigner, before he can obtain the benefit of the act, must be able to file a declaration of intention to become a citizen, and that requires, as a prerequisite, that he shall be twenty-one years of age.

Mr. CLAY. No, sir; by no means, according to my reading of the naturalization laws.

Mr. BENJAMIN called for the yeas and nays on his amendment; which were ordered; and being taken, resulted—yeas 26, nays 20, as follows:

YEAS—Messrs. Adams, Atchison, Badger, Bayard, Benjamin, Brodhead, Brown, Butler, Clay, Clayton, Dawson, Dixon, Douglas, Evans, Fitzpatrick, Geyer, Hamlin, Hunter, Mallory, Mason, Norris, Pearce, Pratt, Rockwell, Thompson of Kentucky, and Williams—26.

NAYS—Messrs. Allen, Cass, Chase, Dodge of Wisconsin, Dodge of Iowa, Fessenden, Poor, Gillette, Jones of Iowa, Jones of Tennessee, Pettit, Rusk, Seward, Shields, Slidell, Stuart, Sumner, Wade, Walker, and Weller—20.

So the amendment was agreed to.

Mr. CLAY. I have adverted heretofore to the fact that the word "now," in the expression "now a resident," in the sixth section, is indefinite; and that if it does admit of the interpretation of the friends of this bill, as applying to the time of the passage of the act, still the bill is defective in this: that it does not require of the foreign resident that he should make any oath that he was a resident at the time. Nor is there any provision to test the question whether he was a resident at the time of the passage of the bill or not. You may look through the entire bill, and you will find that there is no provision of that kind. Now, I propose to fix, beyond all question, what the friends of this bill say they contemplate, and that is providing for those who are residents at the time of the passage of the bill; and also to provide a means for proving that when they come to make their application for the benefits of this act. I propose to do so by amending the sixth section, by striking out the word "have," in the fourth line, and inserting "produce evidence of having, previous to the passage of this act," so that the clause will read "but, at the time of making such

application for the benefit of this act, shall produce evidence of having, previous to the passage of this act, filed a declaration of intention" &c.

Mr. SLIDELL. I intended to introduce an amendment of a somewhat similar character; and if the Senator from Alabama will accept a modification which I wish to propose, I shall vote with him on this question. I think there would be a hardship in requiring a previous declaration; and I think it would be better to insert the words "who shall have filed, within sixty days from the passage of this act, a declaration of intention," &c. I think there ought to be some record proof of the residence of the party required within a reasonable time after the passage of this act. The amendment of the Senator from Alabama, however, would perhaps deprive many persons who are now here from the opportunity of making a declaration. If the Senator from Alabama will accept my amendment, I will vote with him on this question.

Mr. PETTIT. The word "passage" should be changed to "approval." The date of its approval will always be carried on the face of the bill; but some difficulty might be occasioned by raising questions as to the time of the passage of the bill.

Mr. BADGER. Allow me to suggest on that subject that, under the Constitution, the passage of a bill and the approval of a bill are one and the same thing; because the Constitution says that, before a bill passes into a law, it shall be approved by the President.

Mr. PETTIT. The expression of the Constitution is, "before it become a law."

Mr. BADGER. That makes no difference. The day of the approval of the bill is the day of its passage.

Mr. SLIDELL. Does the Senator from Alabama accept my amendment?

Mr. CLAY. At the suggestion of some friends who object to it, I decline accepting it, and adhere to my own amendment. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BAYARD. I shall be constrained to vote against the amendment of my friend from Alabama, because I really do not perceive that the word "now" creates any difficulty whatever. I do not see that the word "now" can refer to any other possible time than the time when this bill becomes a law, if it ever does. I do not think there is any other time to which it can legally be referred than the time when the bill becomes a law. It can have no other meaning that I can see in reading the passage, and therefore I do not think the amendment is necessary.

Mr. CLAY. I wish to make this suggestion to my friend from Delaware: Admit that he be right, and that it can refer to no other time than the date of the approval of the bill by the President, still, if he will examine the bill, he will find no provision made in it whereby the fact is to be ascertained that the applicants are now residents. My amendment proposes that when they make application for the benefit of this act, they shall file, with the application, evidence of the fact that they had declared their intention to become citizens previous to the passage of the act.

Mr. BAYARD. I thought the objection to the clause which restricted the right of entry to foreigners now in the United States was, that it would give rise to frauds, but the Senate have voted down any amendment of that kind. If the object be to guard against frauds, under this bill, in obtaining evidence, then I think the amendment ought to go somewhat further, and provide before whom the evidence is to be taken, and by whom the authority of that evidence is to be decided.

There should be something as to the mode of evidence. The language of the amendment is "produce evidence." To whom? What class of evidence? It leaves all in uncertainty. I think it would be better to make the amendment more specific as to the character of the evidence, if you require any, and the designation of the officer before whom it is to be produced. I think both are requisite.

Mr. DODGE, of Iowa. I will suggest to the Senator from Alabama to insert the words, "satisfactory to the register and receiver of the proper land office."

Mr. CLAY. I was about to make that sug-

gestion in reply to the remark of the Senator from Delaware, and I accept that modification.

Mr. SLIDELL. I wish to say to my friend from Alabama, that I think the amendment which I proposed more fully accomplished his object. It restricts the grants to foreigners who shall file within sixty days after the passage of the act, their declaration of intention. That can only be filed before a court of record, and therefore I require the evidence on which alone he would be admitted to citizenship, when the proper time came for his final certificate. My amendment is offered in good faith. I do not wish that any persons who are not now within the limits of the United States should be enabled to produce proof of their being residents at the time of the passage of this bill. I propose to allow all now here the period of sixty days, within which they will be compelled to file their declaration. I really think it is a more efficient amendment than that offered by my friend from Alabama. If the section were amended, as I propose, it would read in this way: "Any individual now a resident of any one of the States or Territories, and not a citizen of the United States, but who shall have filed within sixty days from the passage of this act a declaration of intention, as required by the naturalization laws," shall be put upon the same footing as others. It appears to me that that is a more stringent provision than the one offered by the Senator from Alabama.

Mr. CLAY. It does not provide that they shall produce evidence, it seems to me.

Mr. SLIDELL. The evidence is the declaration of intention before a competent court—precisely the evidence that would be required when the alien came to perfect his papers and obtain his naturalization certificate.

Mr. CLAY. But you do not provide that they shall produce that evidence before the register.

Mr. SLIDELL. I do.

Mr. CLAY. Then I accept the amendment.

The PRESIDING OFFICER. The question is upon the amendment of the Senator from Alabama, as modified at the suggestion of the Senator from Louisiana.

Mr. WADE. If the amendment prevails, it seems to me that the benefits of this bill will be extended only to such as file this declaration within sixty days from the passage of the act; and of course after the sixty days pass away, those who have not complied with this provision will be forever afterwards barred from the privileges of the act; so that it will not have a very extensive operation.

A SENATOR. So much the better.

Mr. WADE. It is better for those who do not want any homestead bill. I simply wish to have that understood.

Mr. STUART. I really hope the amendment will not be adopted. I would ask in all sincerity, why there is any more necessity for requiring record evidence of a man's residence in the country, than there is for requiring record evidence of his age. If he files his declaration, you have to take his own statement in respect to his age. In many of our States you will find it to be true—it is so in the State of Michigan—that men have resided there for years, are entitled to hold real estate, are entitled to the right of suffrage, are entitled to every right that the native-born citizen is, but yet are not citizens of the United States, and never have filed a declaration of intention to become such. Now, sir, one of these persons may have lived in our State for thirty years; and yet, if he sells his farm and wishes to avail himself of the provisions of this act, he cannot do it, under this amendment, unless he now goes within sixty days and files a declaration of intention to become a citizen. That is the requisition of the amendment. Why, it seems to be supposed that that is a necessary character of evidence, to show that he is a resident at the passage of the act. I say you should no more require that to be proved by record evidence, than his age or anything else. If such an objection exists as the Senator from Alabama supposes, that the bill as it now stands does not require that the applicant shall swear he was a resident at the time of the passage of the act, why, introduce an amendment requiring it? Let him be compelled to swear he was a resident; but do not cut off, as you would cut off by this amendment, at least ninety-nine out of every hundred of all the residents in the United States who are now not natur-

alized. That would be the certain effect of the amendment.

Mr. SLIDELL. Let me say to the Senator from Michigan, that is the very object I had in view. When men have resided so long within the limits of the United States, and not declared their intention to become citizens, I do not wish them to enjoy the benefits of this act.

Mr. STUART. Well, sir, I confess my utter inability to perceive either the logic, the equity, or the justice with which some Senators seem to urge here, so often, that a man should not hold any of our land unless he is a citizen of the United States. Why may not a man enter into society, cultivate land, raise produce on it, add to the wealth of the State and the nation, simply because he is not a citizen of the United States? Sir, his not becoming a citizen is against him, not against us. If he does not choose to avail himself of his rights, and become a citizen of the United States, under the law, he suffers, not the public. He does not enjoy certain rights and privileges which belong to others. That is his loss.

I repeat, sir, I am utterly unable to discover why a bushel of wheat or of potatoes is not as valuable when raised by one who is not a citizen as when raised by one who is, and why the taxes paid to support State, county, and township expenses, to keep up public schools and everything else of value to the community, are not just as well paid by a man who is not a citizen as by one who is. It seems to me that the whole object of the bill is misunderstood. Its object is to get the land cultivated. That is the feeling which I have as the representative of a new State. The very worst thing that can happen is for the United States to hold the land. Then, neither is it cultivated, nor does it pay taxes. The next worst thing is for it to fall, in large quantities, into the hands of speculators. That is not as bad as the first, because then we get the taxes, though we do not get the cultivation.

I ask again, why should the United States, as a landholder, refuse to let an individual cultivate the public lands because he is not a citizen? It is a policy that has sprung up within a very short time. It is a policy that has never had any existence in this country by law. It is a policy that has never been tolerated by sound thinking men till we come to talk about a homestead bill. It therefore follows from the argument—and this is the logic—that a man may hold land at \$1 25 per acre without being a citizen, and there is no objection to that; but, at twenty-five cents an acre, it is indispensable that he shall be a citizen. That is the substance of the logic.

Mr. CLAY. But this is a bill to give land for nothing—free farms.

Mr. STUART. The Senator knows as well as anybody that it is the intention of the friends of the bill to put a price on the land. I avowed that before. I stated that I intended, if no other Senator moved such an amendment, to offer one myself to put a price upon the land. The friends of the bill here do not intend, as I understand, to have it passed through the Senate without having some price fixed on the land. So that, I say the logic results in this, that in order to purchase at twenty-five cents an acre, a man must be a citizen, or he is not entitled to cultivate; he cannot become a worthy agriculturist; but add a dollar to the price, and it is of no consequence whether he is a citizen or not! I confess I cannot understand such logic.

But I come back to the objection to this proposition; and it is, that you cut off men by this amendment without any discrimination as to worth. You do not test a man by the principles by which morality tests him; but the amendment simply says that a class, those who do not file their declaration of intention within sixty days from the passage of the act, shall be excluded. Sir, I have ever been opposed to that species of legislation. I conceive that it will do infinite injustice to a very large portion of the people of the United States, and those as valuable as any other people in the United States; and I cannot see any solid foundation for it.

Mr. CLAY. I would ask the Senator from Michigan whether he thinks those people of the United States, of whom he speaks, who have been residing here, as he says, for twenty or thirty years, and never applied for naturalization, are as meritorious and worthy as citizens?

Mr. STUART. I have no doubt about it at all. As I said here once before, a man is no better to-day because he is a citizen, than he was yesterday when he was not a citizen. There is nothing in the fact of being a citizen that qualifies him at all, or adds to his worth as a man.

Mr. CLAY. Well, sir, I confess I have that doubt. I think that if a man, after having been here twenty or thirty years, and never having made, during that period, application to become a citizen, should, for the sake of a free farm, make this application, he would show himself unworthy of the bounty of the Government, and unworthy of being a citizen. He would show that he loved this Government, or his residence here, and the right of citizenship, for the same reason that the ass loves his master's crib, merely for the grain it would furnish him; and I would have such a man excluded from the benefits of this act. But the Senator asks me moreover, why it is that I will not propose to amend the bill, by providing that the foreigner shall swear that he was a resident at the time of the passage of the bill? Simply for the reason, that it is tempting him to commit the crime of perjury, and to add that to the crime of fraud, which he may now perpetrate with impunity under the bill, as it stands. In order to guard against the commission of the crimes of perjury and fraud, I wish to provide by this amendment that he shall show, at the time he makes the application, that he has filed a declaration of his intention to become a naturalized citizen.

Mr. CLAYTON. Mr. President, there seems to exist among some gentlemen on the other side of the Chamber, a fixed impression that a man who is not a citizen of the United States is, to all intents and purposes, upon a par with the citizen; that, in truth, there ought to be no distinction between them; and that such a distinction cannot be made in justice. Now, I ask the attention of the honorable Senator from Michigan, [Mr. STUART,] who has just addressed the Senate, to this subject for a moment; and also the attention of his colleague, [Mr. Cass,] who, if I understood him, the other day, contended that a man who was not a citizen of the United States was liable to be punished in this country for treason. Sir, it has been settled by the circuit court of the United States, that until a man is naturalized as a citizen, he is not liable to indictment for treason against this Government; he is not under the obligations that a citizen is under to the Government of the United States; and he is not entitled to the protection that the citizen of the United States is. Well, sir, under these circumstances, will any man tell me that one who is not a citizen of the United States holds the same position in reference to this Government that a citizen does? The case to which I have alluded, the honorable gentleman will find reported in 2d Dallas, the case of Alati.

In England, where the doctrine of treason has been extended by construction, and by every other means as far as possible, it has been decided that one who does not owe allegiance to the Government is still liable in the country, under certain circumstances, to an indictment for treason; but in this country it is not so, and has never been held to be so. The very act which prescribes the punishment of treason, declares it to be an essential requisite—and gentlemen will acknowledge it to be an essential requisite—to an indictment for treason, that it should aver that the party indicted owed allegiance to this Government. Some gentlemen, I understand, have looked into the indictment in the case of Aaron Burr, which was drawn up with great care; and they find that that indictment expressly stated the fact that the party indicted owed allegiance to the United States. Sir, this constitutes the great distinction between the man who is not, and the man who is a citizen—the one resisting the Government in the mode pointed out by the Constitution is a traitor, and liable to be punished with death; the other is placed in no such circumstances.

But, sir, the honorable Senator seems to think that, in point of merit, there is no difference between the citizen and the man who is not a citizen. It is certainly very hard if we live under a government which, while it holds us responsible to its laws, and bound even to the extent of the forfeiture of our lives, adopts that principle, and treats us as occupying no better and no higher footing than the foreigner who has just landed on our shores. There seems to me to be the error,

the radical error, which has been committed by gentlemen on the other side. I do acknowledge a distinction between the American citizen and the man who is not an American citizen. I am proud of the character of an American citizen. I wish all my countrymen to be proud of that character. I feel that by this mode of cheapening that character you degrade it, and by degrading it you inflict an injury upon the whole country which it will be difficult ever to repair. I trust the sentiment to which I have referred will not prevail; and I trust the action of the Senate, throughout the whole progress of the bill, will not be founded upon any such sentiment.

Mr. BADGER. As it is now late, and I am afraid we cannot get a final vote on this bill to-day, I move that the Senate adjourn.

Mr. STUART called for the yeas and nays; which were ordered; and being taken, resulted—yeas 33, nays 18; as follows:

YEAS—Messrs. Adams, Atchison, Badger, Bayard, Benjamin, Brodhead, Butler, Clay, Clayton, Dawson, Dixon, Evans, Fessenden, Fish, Fitzpatrick, Foot, Geyer, Gillette, Hamlin, Hunter, Johnson, Mallory, Mason, Norris, Pearce, Pratt, Rockwell, Sebastian, Seward, Slidell, Thompson of Kentucky, Toucey, and Williams—33.

NAYS—Messrs. Allen, Brown, Cass, Chase, Dodge of Wisconsin, Dodge of Iowa, Douglas, Houston, James, Jones of Iowa, Jones of Tennessee, Pettit, Rusk, Stuart, Sumner, Wade, Walker, and Weller—18.

So the motion was agreed to; and
The Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, July 15, 1854.

The House met at seven o'clock, a. m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATION.

The SPEAKER laid before the House a communication from the Secretary of the Interior, transmitting a copy of a letter from the Commissioner of Indian Affairs, dated 13th instant, submitting estimates of the amount required to carry into effect treaties recently negotiated in Washington with the Sacs and Foxes, of Missouri; the Delawares, Iowas and Kickapoos, and requesting that the appropriation asked for be made.

Referred to the Committee of Ways and Means, and ordered to be printed.

MISLAID BILL.

Mr. ASHE. Some time since a Senate bill for the relief of William Sanger was received in this House and referred to the Committee on Naval Affairs. I was instructed by that committee to make a report favorable to the passage of the bill; but the bill while in my possession has been lost or mislaid. I now move that a message be sent to the Senate, requesting that body to furnish the House with a certified copy of it.

It was so ordered.

Mr. SMITH, of New York. I ask the unanimous consent of the House to take from the Speaker's table a petition which I offered at an early part of the session, praying Congress to clothe the authorities of this city with full powers over the traffic in intoxicating drinks, and to have it referred to the Judiciary Committee.

It was so ordered.

REFERENCE OF BILLS.

Mr. WENTWORTH, of Massachusetts. There are on the Speaker's table some four or five bills creating ports of delivery in various parts of the West and Southwest, which ought to be acted upon. I ask the unanimous consent of the House to have them taken from the table, and referred to the Committee on Commerce.

There being no objection, the following bills were taken from the Speaker's table, severally read a first and second time by their titles, and referred to the Committee on Commerce:

S. No. 413. An act constituting Madison, in the State of Indiana, a port of delivery;

S. No. 418. An act creating a collection district in Texas and New Mexico;

S. No. 403. An act creating a collection district in the State of California;

S. No. 219. An act to constitute Cairo, in the State of Illinois, a port of delivery; and

S. No. 425. An act to constitute Tusculum, in the State of Alabama, a port of delivery.

Mr. HOUSTON. That last bill relates to my 1 district, and unless some gentleman objects,

should like it to be passed now. It was important that it should have been passed at an early period of the session. I do not know that there is any objection.

Mr. WENTWORTH. I am willing to recall my application to have it referred.

Mr. HOUSTON. Then I should like to have it passed.

The SPEAKER. The consent of the House was given to the gentleman from Massachusetts to have the bills indicated taken up, read a first and second time, and referred. If there is no objection, however, they may be now acted upon.

Several MEMBERS. I object.

Mr. EDGERTON, by unanimous consent, from the Committee of Claims, to which was referred the petitions of Coale & Barr, made an adverse report thereon; which was laid on the table, and ordered to be printed.

Mr. E. also, from the same committee, to which were referred the petitions of John A. Bryan, of Andrew H. Patterson, and of Polly Carver, made reports thereon, accompanied by a joint resolution, and bills of the following titles:

Joint resolution for the relief of John A. Bryan; A bill for the relief of Andrew H. Patterson; and A bill for the relief of Polly Carver.

Which joint resolution and bills were severally read a first and second time, committed to a Committee of the Whole House, made the order of the day for to-morrow, and the resolution, bills, and reports, ordered to be printed.

Mr. E., from the same committee, to which were referred bills of the Senate of the following titles:

S. No. 230. An act for the relief of Asbury Dickens; and

S. No. 148. An act for the relief of Zachariah Lawrence, of Ohio; reported the former without, and the latter with, an amendment.

Ordered, That the said bills be committed to a Committee of the Whole House, made the order of the day for to-morrow, and printed.

Mr. E., from the same committee, to which was referred a resolution of the Senate of the following title:

S. R. No. 2. A resolution for the relief of George R. C. Floyd, late Secretary of Wisconsin Territory, and sureties; reported the same, with a recommendation that it do not pass.

Ordered, That the said resolution be laid on the table.

Mr. E., from the same committee, to which were referred bills of the Senate of the following titles:

S. No. 311. An act for the relief of Michael Nourse;

S. No. 53. An act for the relief of the sureties of Daniel Winslow;

S. No. 86. An act for the relief of J. Boyd, of Louisiana;

S. No. 89. An act for the relief of the legal representatives of the late Captain William G. Williams;

S. No. 87. An act for the relief of Jacob Gideon;

S. No. 325. An act for the relief of John McAvoy; and

S. No. 208. An act for the relief of John Devlin; reported the same severally, with a recommendation that they do not pass, accompanied by adverse reports, in writing in the cases of bills numbered 53, 89, 87, 325, and 208.

Ordered, That the said bills be committed to a Committee of the Whole House, made the order of the day for to-morrow, and the bills and reports printed.

On motion by Mr. E., it was

Ordered, That the Committee of Claims be discharged from the further consideration of the bill of the Senate (S. No. 315) entitled "An act for the relief of Israel Johnson," and that the same be referred to the Committee on the Judiciary.

Mr. E. also, from the same committee, made adverse reports upon the petitions of the heirs of Captain John Burnham; of stone-cutters on the Capitol extension; of Dr. S. A. Thompson; of James Mackall; of John S. Gatewood; of the widow and heirs of John Hogan; and of Charles Winters; which were severally laid on the table, and ordered to be printed.

Mr. NICHOLS. I ask the unanimous consent of the House to introduce a bill for the purpose of reference.

There being no objection,

Mr. N. introduced a bill for the relief of Lloyd Dorsey and others; which was read a first and

second time by its title, and referred to the Committee on Private Land Claims.

RESOLUTIONS OF RHODE ISLAND.

Mr. DAVIS, of Rhode Island. I ask the unanimous consent of the House to present certain resolutions of the Legislature of the State of Rhode Island.

There was no objection, and

Mr. D. said: Concurring in the justice and expediency of the measure, I desire to present an act to reverse and annul the sentence of the supreme court of Rhode Island for treason rendered against Thomas W. Dorr, June 25, A. D. 1844. I also desire to present the resolutions of the Legislature in reference to the Nebraska bill.

The resolutions were laid upon the table, and ordered to be printed.

SIDNEY P. POOL.

Mr. STUART. I ask the unanimous consent of the House to report from the Committee on Invalid Pensions a bill which was overlooked yesterday when I made reports from that committee.

A MEMBER. Is it a private bill?

Mr. STUART. It is. It is a bill for the relief of Sidney P. Pool.

There was no objection, and the bill was received, read a first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed.

SCOTT'S INFANTRY TACTICS.

Mr. PENNINGTON. I ask the unanimous consent of the House to introduce the following resolution, for the purpose of having it referred to the Committee on Printing:

Resolved, That twenty-five thousand copies of Scott's Infantry Tactics, in an edition of one volume, be printed for distribution by the members of the House.

There was no objection, and the resolution was received and referred, under the rule, to the Committee on Printing.

Mr. WASHBURN, of Illinois. I call for the regular order of business.

WITHDRAWAL OF PAPERS.

On motion by Mr. VANSANT, it was

Ordered, That leave be granted to withdraw from the files of the House the papers in the case of Charles Reeder.

Mr. EVERHART. I ask the unanimous consent of the House to withdraw the petition and papers in the case of Elizabeth E. Pennington, which were referred to the Committee on Revolutionary Claims, for the purpose of having them returned to her.

Mr. COBB. I have no objection, if copies of them are left on the files of the House.

Mr. EVERHART. I have no objection to that.

There being no objection, leave was accordingly granted.

Mr. EVERHART. I also ask the consent of the House to withdraw the petition of citizens of Delaware county, State of Pennsylvania, from the files of the Committee on Commerce, for the purpose of having them referred to a similar committee in the Senate.

There was no objection, and leave was granted.

Mr. HOUSTON. Unless the gentleman from Ohio [Mr. EDGERTON] has a good deal of anxiety about the Private Calendar, I would like very much to take up one of the appropriation bills in Committee of the Whole on the state of the Union to-day.

[Cries of "No! no!"]

CHARLES LEE JONES.

The SPEAKER. The business first in order is the consideration of the bills reported to the House yesterday by a Committee of the Whole House. The first in order is "a bill for the relief of Charles Lee Jones."

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read a third time, and passed.

Mr. EDGERTON. I move that the House do now resolve itself into a Committee of the Whole House on the Private Calendar.

Mr. WASHBURN, of Illinois. I hope the gentleman will withdraw his motion until the bills on the Speaker's table, reported from a Committee of the Whole House yesterday, are acted on. Their consideration will occupy but a short while.

PRIVATE CALENDAR.

Mr. EDGERTON. We can only consider

private bills under the rule on Friday and Saturday of each week; and, therefore, to-day and next Friday are the last days we can possibly have for consideration of the Private Calendar. The bills on the Speaker's table, to which reference is made, can be taken up and considered any day. They can be more easily reached than the Private Calendar for the disposition of other bills in Committee of the Whole House. We had better go into committee to-day, consider the Private Calendar, and report what business we can to the House. I make that motion.

The question was taken; and the motion was agreed to.

The House accordingly resolved itself into a Committee of the Whole House, (Mr. EDGERTON in the chair), and proceeded to consider the bills on the Private Calendar.

SAMUEL COLT.

The CHAIRMAN. The business first in order is the consideration of House bill (No. 59), "for the relief of Samuel Colt."

Mr. ORR. That bill was laid aside yesterday, on a division of the committee, and I suppose the same reasons for its postponement operate to-day. I move that it be laid aside.

The motion was agreed to.

FERDINAND CLARK.

House bill (No. 103) "for the relief of Ferdinand Clark."

Mr. ORR. I move that bill be also laid aside. The motion was agreed to.

Mr. ORR. I move that the committee resume the consideration of the Calendar at the point where we left off yesterday.

The motion was agreed to.

DANIEL STEENROD.

House bill (No. 182) "for the relief of Daniel Steenrod."

The bill provides that the petition of Daniel Steenrod, with the accompanying documents and depositions, be referred to the Secretary of War; and he is hereby authorized and directed, in such mode as to him shall seem just and expedient, to appoint an umpire to hear evidence in the city of Wheeling, Virginia, and ascertain and fix what is justly and equitably due the said petitioner thereon; and the Secretary of the Treasury is authorized and directed to pay such sum out of any money in the Treasury not otherwise appropriated by law.

Mr. MACE. I move to amend the bill by striking out the words "Secretary of War," wherever they occur, and inserting in lieu thereof the words "First Comptroller of the Treasury."

The amendment was agreed to.

Mr. MACE. I now move that the bill be laid aside to be reported to the House, with a recommendation that it do pass.

Mr. HOUSTON. This is a very singular bill, and I should like to hear some explanation of it.

Mr. MACE. The object of the bill is simply this. During the progress of the construction of the national road, in the vicinity of Wheeling, Mr. Daniel Steenrod had a large contract upon that road. Various modifications were made in that contract from time to time; but a difficulty arose between him and the superintendent, in relation to the amount of pay which he ought to receive for certain alterations that had been made in the work different from the plan under which the contract had been taken. The papers connected with the case are very voluminous. They have been before the Committee of Claims many years. The Senate has been in the habit, almost every session, of passing a bill for the relief of the claimant. But the Committee of Claims, after examining the statement, thought that it would be impossible for them to arrive at a correct conclusion in the premises. The committee, therefore, inasmuch as the record in the War Department, and the evidence before the committee, contain substantially all the facts in the case, think it more advisable to leave the ascertaining of the amount due the claimant to the Government, and to provide that after a careful investigation shall be had by a commission sitting in the city of Wheeling, that amount shall be paid. We have, therefore, so worded the bill as to require that this investigation be had, and when an award is made, that the amount of it should be appropriated.

The object which I have had in proposing this amendment is, that I wish to place the whole case

under the care and control of Mr. Whittlesey, who, perhaps more than any other man in the country, knows the facts in the case, and the claims which have been presented to Congress. Mr. Whittlesey was the chairman of the Committee of Claims for a series of years, and is now Comptroller of the Treasury. It is on that account that I have made the motion to substitute him in place of the Secretary of War.

Mr. ORR. What is the amount of the appropriation?

Mr. MACE. The appropriation cannot exceed \$6,000.

Mr. ORR. I would suggest to the gentleman from Indiana to move another amendment, at the end of the bill, to this effect: Provided, That the award shall not exceed the sum of \$6,000 or \$7,000.

Mr. MACE. Well, say \$7,000, and I will agree to that amendment.

Mr. COBB. I am satisfied that I can suggest another amendment which the gentleman from Indiana will accept. It is to make some clerk in the Department, or some person connected with the Government, an umpire.

Mr. HOUSTON. It is unusual to give the appointment of a commission to the head of a bureau, and not to the head of a Department.

Mr. MACE. I have no objection to accept the suggestion of my friend from Alabama, that an umpire be selected from the persons connected with the Treasury Department.

Mr. HOUSTON. Has the first amendment been put, to strike out the Secretary of War and insert the Comptroller of the Treasury?

The CHAIRMAN. It has been put and agreed to.

Mr. HOUSTON. I was about to say to the gentleman from Indiana, that it is very unusual to take the appointment of a commission away from the head of a Department, and to leave it to the head of a bureau. And if it amounts to the same thing, I think it should be given to the head of a Department. I think that would be right. But I also think this bill objectionable in other respects.

Mr. SMITH, of Virginia. I wish simply to remark, that the suggestion of the chairman of the Committee of Ways and Means [Mr. Houston] struck me as a very good one at first view. But when the proposition was made to refer the matter to Mr. Whittlesey, a gentleman proverbial for the strictness of his application of the rules and principles of justice and right to all accounts, I confess my objection was removed.

Mr. HOUSTON. My remarks did not go to the merits of the bill at all. They were simply intended to bring to the notice of the gentleman from Indiana [Mr. MACE] the fact that it was an unusual course of procedure to take the appointment of a commissioner from the head of a Department, and transfer it to the head of a bureau. I prefer leaving it with the head of the Department; for neither of those gentlemen are to investigate the account. They only appoint a commissioner, and whatever award that commissioner makes is the law, according to this bill, and we must pay it; and there is no suspension or revision of the account kept in the hands of Mr. Whittlesey, or with the head of the Department.

Mr. SMITH, of Virginia. I will simply say, in reply, that we all know and believe that Mr. Whittlesey revises every account which comes before him. Perhaps there is not a more intelligent, a more efficient and conscientious officer under the Government. No account passes from his hand without its undergoing his revision. I have had something to do with this account years ago; it is a transaction which has been bandied about a good while.

The CHAIRMAN, (interrupting.) The Chair would state to the gentleman from Virginia that this debate is out of order. The amendment has been agreed to by the committee, and can only be reversed by unanimous consent.

Mr. MACE. Do I understand the Chair to state that the suggestion made by the gentleman from Alabama, and acceded to by me—that is, that Mr. Whittlesey appoint, as umpire, some gentleman connected with the Treasury Department—has been adopted by the committee?

The CHAIRMAN. Not at all.

Mr. MACE. Then I make that motion.

The CHAIRMAN. The Chair would state to the gentleman from Indiana, that he moved as an amendment to the bill, to strike out the words

"Secretary of War," and insert in lieu thereof "First Comptroller of the Treasury." The Chair put that question to the committee, and the committee agreed to the amendment.

Mr. MACE. Then I move the suggestion of the gentleman from Alabama as an additional amendment.

Mr. GIDDINGS. Will the gentleman permit me to suggest to him that the amendment is superfluous.

The CHAIRMAN. The Chair would ask the gentleman from Indiana, if he acceded to the proposition of the gentleman from South Carolina, to limit the amount to \$7,000?

Mr. MACE. Yes, sir.

The CHAIRMAN. Then that question has not been put to the committee.

Mr. MILLSON. Before that question is put, I desire to offer an amendment to a previous portion of the bill. I move to strike out all after the word "authorized," in the fifth line of the bill, as follows:

"And directed, in such mode as to him shall seem just and expedient, to appoint an umpire to hear evidence in the city of Wheeling, Virginia, and ascertain and fix what is justly and equitably due said petitioner thereon; and the Secretary of the Treasury is authorized and directed to pay such sum out of any money in the Treasury not otherwise appropriated by law."

And to insert in lieu thereof, the following:

To appoint a commissioner to take evidence in the city of Wheeling, or elsewhere, to ascertain and to report what is justly and equitably due said petitioner thereon, and if said report is approved by said Comptroller, the Secretary of the Treasury is authorized and directed to pay such sum out of any money in the Treasury not otherwise appropriated.

Mr. MACE. I have no objection to that; I will accept it.

Mr. MILLSON. The committee will see that I have changed the word "umpire" for that of "commissioner." An umpire is one who decides a difference between two arbitrators. There are no arbitrators in this case, and therefore I have substituted the word "commissioner." I have also provided that the commissioner shall go on and take testimony, and report to the Treasury Department. I object upon principle to this Government being bound by the decision of any commissioner. I think the amendment I have proposed is important. It directs the Comptroller to select a suitable commissioner to take testimony and report to said Comptroller. If he shall approve the report, then the Secretary of the Treasury is authorized to pay the award.

Mr. COBB. I would suggest to the gentleman from Virginia, that he modify his amendment so as to make the Comptroller select, as commissioner, some officer now in the employment of the Government, who shall receive no extra compensation or allowance therefor.

Mr. MILLSON. I think it very well to leave the Comptroller full discretion in the selection of the commissioner.

Mr. COBB. Well, sir, I will move the amendment I have indicated. I move to add the following:

Provided, That the said commissioner shall be selected out of such persons as are now in the employment of the Government, and that no extra compensation shall be allowed.

My object is, that the Comptroller shall select this commissioner from those now in the employ of the Government, and thereby save the expense of an outside commission. I see no reason why he should not select such a person. He will be able to select one who is entirely competent, perhaps one who may have had this very subject under consideration at different times.

Mr. BRIDGES. Does the gentleman know where Mr. Steenrod lives?

Mr. COBB. I do not.

Mr. MACE. I will tell the gentleman; he lives at Wheeling.

Mr. BRIDGES. I should then be very much opposed to the proposition of the gentleman from Virginia to appoint this commissioner at Wheeling, because the Comptroller might appoint some one interested in the case.

Mr. COBB. Well, sir, I hope we shall provide that some one shall be employed who is now in the employment of the Government. Let him report to Mr. Whittlesey, the Comptroller; and if he approves it, I have no objection to the amount being paid. I suppose there can be no objection to my amendment; and I would ask the gentle-

man from Virginia to adopt it as a modification of his amendment.

Mr. MILLSON. I have no objection.

The question was taken on Mr. MILLSON's amendment, as modified; and it was agreed to.

Mr. MACE. I now move that the bill be laid aside to be reported to the House, with a recommendation that it do pass.

The motion was agreed to.

BROWN, RUSSELL AND CO.

House bill (No. 189) "for the relief of John S. Jones and William H. Russell, surviving partners of Brown, Russell & Co."

The bill directs the Secretary of War to settle and adjust the claims of John S. Jones and William H. Russell, surviving partners of Brown, Russell & Co., for losses of oxen and wagons sustained in the transportation of military stores from Fort Leavenworth to Santa Fé, and limits the amount to be allowed to \$38,800.

Mr. MILLER. I do not know that it is necessary for me on this occasion to enter into an explanation of the facts involved in this case, as it may be in the memory of members who heard the report read at the Clerk's table when the bill was up before on objection day. The case was then explained by my colleague, [Mr. Benton,] who reported the bill from the Committee on Military Affairs.

A bill for the relief of these parties was reported on favorably by the Committee on Military Affairs of this House at the last session; but it was not reached on the Calendar. I believe that the report accompanying the bill meets with the approbation of the Committee on Military Affairs. Although I am not a member of that committee, still I have taken some pains to examine into the claim, and the evidence by which it is supported. I am satisfied that it is a highly meritorious claim, and one that ought to be speedily passed, that full justice may be done to the parties who have suffered so greatly in their efforts to supply our troops in New Mexico with necessary subsistence during the year 1850. The object of the bill, Mr. Chairman, is to authorize the Secretary of War to settle and adjust the claims for the losses sustained by these parties, and losses sustained under the most extraordinary circumstances. Every member will be satisfied, on reading the committee's report, that these losses ought to be reimbursed. The report is a short one; and as it is full, and to the point, if there be no objection, I ask for its reading, although it has been once read heretofore.

The report was then read by the Clerk, from which it appears that in the fall of the year 1850, an extraordinary necessity arose for forwarding military supplies from Fort Leavenworth to Santa Fé. Owing to the lateness of the season, and the risk to be encountered in such a journey in the winter time, the acting quartermaster, Brevet Major Ogden, could find no persons willing, at any price, to undertake the service, except the memorialist and his partners, James Brown and John S. Jones. These persons entered into a contract with Major Ogden, acting on the part of the Government, to receive the supplies at Fort Leavenworth, with suitable means of conveyance, to be approved by said officer, and transport the same, "with all practicable dispatch," to Santa Fé. The contractors accordingly entered on the service with three trains, consisting of one hundred wagons, and upwards of twelve hundred head of oxen; and after a toilsome journey, and much exposure, arrived at a point about forty-five miles from Santa Fé, when they were stopped by a snow storm of extraordinary severity. Mr. Brown, one of the contractors, was in charge of the trains, and at this point left them, and went into Santa Fé, to report his progress to the officer in command there, and procure his assent to a suspension of the journey until better weather. Mr. Brown was taken ill on his arrival at Santa Fé, and died a few days after, in consequence, as was believed, of the hardships and exposures he had suffered. After waiting several days for Mr. Brown's return, the person next in charge went also to Santa Fé, and there finding his principal at the point of death, represented to the commandant of the post, Captain Easton, the condition of the trains, and the state of the weather and roads; and that it would cause great loss to endeavor then to proceed; asking, consequently, his concurrence in a temporary delay. This was refused

by Captain Easton, in consequence, as is shown by his affidavit, and those of the clerks in the quartermaster's department, of the necessities of the garrison, and he demanded that the supplies be brought on immediately, and if not, that he would have them brought at the contractor's expense. The agent, consequently, returned to the encampment, and thence hastened the supplies through to Santa Fé. To effect this, it appears by the deposition of the agent, C. O. Jones, that he expended upwards of \$14,000 in the purchase of forage, and in the hire of extra teams and men; and from sundry depositions, that nearly the whole number of the cattle belonging to the trains perished from the exposure. It also appears that, on the settlement of the estate of the deceased partner, (Brown,) the actual loss of the contractors in the transaction was a fraction less than \$40,000. It is shown that these losses might have been avoided by a temporary delay at the point where the trains were encamped.

Mr. MILLER. The claim of these parties, as the committee will have seen by the reading of the report, grows out of a contract made with the quartermaster at Fort Leavenworth in 1850. That contract was made at a very late period of the season, for the transportation of supplies from Fort Leavenworth to Santa Fé, for the use of the army at the latter point. The distance, I believe, between the two points, is about eight hundred miles. The contract was made very late in the fall, and, as the report states, the services of no person could be obtained to undertake the transport of these supplies except the claimants, who had, previously to this time, served the Government in the same capacity. And I may be permitted here to say, that they are as energetic and enterprising men as any that were ever employed by the Government in the same service. These contractors were, as I remarked, the only persons whose services could be procured, or who would undertake the service at so late a period of the season. They undertook, by their contract, to transport the supplies to Santa Fé with all practicable dispatch; and, for the purpose of fulfilling their contract, they employed about a hundred wagons, with about twelve hundred oxen—making six hundred yoke. They arrived within about forty-five miles of Santa Fé, when they were overtaken by a snow storm, which was unusual and unprecedented, even in that portion of the country; and they had to take refuge in a gorge of the mountains for protection from the severity of the weather. While there, one of the contractors—Brown—and the only one of them that was then with the train—left the train, and proceeded to Santa Fé for the purpose of informing the officer in command of the troops there that provisions were within forty-five miles of Santa Fé, but that it was impracticable to carry them into Santa Fé without the loss of animals during the continuance of the severe stress of weather. The commanding officer at Santa Fé, seeing that the troops were in need of supplies, and particularly of antiscorbutics—as they were then suffering severely from want of that kind of provisions—acquired that the contractor should bring in the supplies at all hazards, although the contract was to carry them with all possible dispatch.

Mr. Brown was a man of great energy of character; and although he was willing to undertake the task, yet while he was still in Santa Fé, and before he could return to the exposure to the snow-storm which he had undergone and died. One of the agents who had been left in charge of the wagon train then went on to Santa Fé, and was ordered by Captain Easton to bring in the provisions at all hazards. Although he had had twelve hundred oxen to draw the one hundred wagons, still they were not sufficient to draw them during that storm; and he expended \$14,000 for the purpose of hiring additional aid for the transportation of these supplies; they undertook the task, and proceeded to Santa Fé. But the consequence was, that out of twelve hundred oxen that had been provided for the transportation of these supplies, they lost every one but seventeen, making some eleven hundred and eighty odd oxen that had died from exposure to the storm.

There was another train engaged in the transportation of supplies to the same place, a few miles behind them, in a gorge of the mountain, during this storm. They remained there till it had

passed, and subsequently went into Santa Fé; and the oxen used in that train were afterwards sold for beef, and at high prices. So that it will appear to the committee that the loss was occasioned by that order of the officer at Santa Fé, commanding these contractors to take the provisions into Santa Fé at all hazards.

I move that the bill be laid aside to be reported to the House, with a recommendation that it do pass.

Mr. GIDDINGS. I am impressed with the conviction that there is an important principle involved in this case, which ought not hastily to be adopted by the committee. I believe it to have been a very hard case for those contractors. They probably have met with a great loss; but the whole matter seems to rest upon this one fact, that, instead of abiding by their contract, they surrendered their own judgment to the officer in command at Fort Leavenworth.

Mr. MILLER, (interrupting.) There was but one of the contractors sent with the train, and he went on to Santa Fé for the purpose of advising the commanding officer that he could not get the provisions in. While there, he died from the effects of exposure during that snow storm. There was no contractor left with the train. There were only agents, who were ignorant of the terms of the contract. One of them went to Santa Fé, and the commanding officer required him to transport the train of provisions at all hazards.

Mr. GIDDINGS. I believe that I apprehend the case correctly. If I understand it now, that officer had no more authority over that contract than any individual member of this House. I wish to be distinctly understood, because it is an ungracious task to oppose any claim. These men were bound to fulfill their contract with the Government; and by that contract, as appears from the report, and from the remarks of the gentleman from Missouri, they were under obligation to take those supplies to that point in the time in which they did. But one of the contractors goes to the commanding officer, and he demands that the supplies shall be forthwith brought in. His demand had no more to do with the contract than the act of any other individual. The contractor was under no more obligation to pay any attention to his commands and directions than to those of any other man. And are the funds in the Treasury of the United States at the command of every military officer in our employ? Is it in the power of that commanding officer to involve us in an expenditure of \$40,000? It strikes me not.

The whole matter seems to rest here: Had that officer the power to involve this Government in this unnecessary expenditure, contrary to the terms of the contract? If I am wrong, I wish to be set right.

Mr. BENTON, (interrupting.) I very cheerfully undertake to comply with the desire expressed by the member from Ohio in his last remark, that if wrong, he wished to be set right. I undertake to comply with that request, and to show him that he is about nine hundred miles wrong. [Laughter.] The gentleman says that these contractors yielded to Major Ogden, and surrendered their judgment to his, which they ought not to have done. Now, Major Ogden was at Fort Leavenworth, and with him the contract was made for transporting these provisions to Santa Fé. He inspected the train, with the burdened wagons, and the twelve hundred oxen, and judged them to be sufficient, and they went on their way. Now, we all know, that in the western country, on those vast plains, when there comes on a storm, no animal life can stand it, if exposed to it; and, therefore, when a storm arises, the effort is to get into a grove of wood, or into a gorge in the mountain—into a cañon—and there lie still until it has blown over. And woe unto those who are not able to get into the woods, or into a cañon. Men have perished; mules have perished. Fourteen hundred oxen perished at one time because they were not able to get to the woods.

When these storms come on you must get shelter; you must lie still until they have gone by. All this was foreseen; all this was known by Major Ogden, who made the contract, and by the contractors; and, therefore, no definite time was fixed within which they should reach the other end of the journey. Well, sir, they proceeded, and had reached within fifty miles of their destination, when this storm came on; and when they did what all

persons under such circumstances would have been bound to do—they took shelter in a mountain gorge or cañon. And here let me say, that another train—I am not certain whether public or private—took shelter from the same storm near them. They watched until it had blown over, and then took their train into Santa Fé, and sold their cattle as beef cattle, after having done the transportation. And that would have been the result with these parties, if they had not been placed in duress, and been compelled to go on. One of the contractors went forward during the storm, to let the commanding officer at Santa Fé know that they were coming, and what stopped them. He lost his life in consequence of the exposure to which he was subjected. An agent then left the train, and went to Santa Fé. The commanding officer gave orders that these supplies must be there by such a time. The order of the commanding officer was peremptory for him to go on with the supplies; and he threatened that if the contractors did not come on, he would send out and bring the supplies in at their expense. Under these circumstances they were placed under duress; they were not able to exercise volition. They must either incur the enormous expense of being brought in by force, under a military escort, or go on at the risk of their lives. They proceeded, and lost their twelve hundred oxen, and \$14,000 was the expense incurred in endeavoring to comply with this military order.

Mr. GIDDINGS. I notice by the report of the committee that these contractors agreed to forward the supplies with all practical dispatch. Now, I desire to ask the gentleman from Missouri—for I am sure, from his experience, he will be able to inform me—whether this commanding officer at Fort Leavenworth could change that contract in any respect?

Mr. BENTON. Nine hundred miles from the point! [Laughter.] The commanding officer at Fort Leavenworth did not change it, nor had he anything to do with the order. It was Captain Easton, at the other end of the journey—nine hundred miles off.

Mr. GIDDINGS. The gentleman does not comprehend me, or I do not comprehend myself. Do I understand the gentleman that the difficulty occurred in consequence of the commanding officer at Fort Leavenworth saying he would furnish other means of transportation, if the contractors did not go on?

Mr. BENTON. Not at all. Not at all. Remember that this road is nine hundred miles long. The course has two ends to it. [Laughter.] One end is on the Missouri river at Fort Leavenworth; the other end is on the Rio Grande del Norte at Santa Fé. At one end is Major Ogden, the quartermaster who contracts; at the other end is Captain Easton who commands. One sends the provisions, and the other is to receive them. Captain Easton sends out not to employ for transportation but to take possession of the supplies, and bring them in at the expense of the contractor. That is the point. I hope my friend is answered.

Mr. GIDDINGS. With great respect to the gentleman, I want to inquire of him whether the officer possessed that power?

Mr. BENTON. Which of them?

Mr. GIDDINGS. Captain Easton. Had he the power to transport these provisions at the public expense when the contractor was abiding by his contract.

Mr. BENTON. He had the precise power either to send out a military escort and take possession of them, or to hire men to go out, take possession, and bring them in.

Mr. GIDDINGS. Was that the contract?

Mr. BENTON. No, sir. It was no part of the contract.

Mr. GIDDINGS. That is what I want to get at.

Mr. BENTON. He is commanding officer, and judges of the necessity for supplies; and it is what he thinks necessary, under the circumstances, that he is bound to do to get them. That is the point.

Mr. GIDDINGS. Had that commanding officer any power to change the contract in any respect?

Mr. BENTON. I do not understand that any change was made in it.

Mr. GIDDINGS. Had he the power to make this Government liable for one dollar beyond the contract?

Mr. BENTON. Yes, sir. He is the commanding officer. He is responsible for the post. He is responsible for the protection of the post against public enemies, and for the preservation of the lives of the men. He is to see that provisions are furnished, and he is the judge of what the necessities require him to do. He cannot send to the Government here to ask whether he will do this or that thing. Right or wrong, he is the judge, and there is no appeal from his judgment. The thing has to be done at once.

Mr. GIDDINGS. As to the power of the commander to judge in regard to the lives of the men under him, I fully concur in what the gentleman has said; but what I wish to impress on the committee and the gentleman, with all deference to his greater experience, is, that the officer had no power to change this contract in any respect, or to make us liable to these contractors beyond it. If he had sent out and bought other provisions, we should meet his demand; but when he told these contractors to violate their contract, and they did so, the demand comes here in a different point of view. That is the light in which I view the question. I have no interest in this thing.

Mr. BENTON. Nor I either. I have no interest in it either.

The bill was then laid aside to be reported to the House, with a recommendation that it do pass.

WILLIAM HANKINS.

House bill (No. 190) "for the relief of William Hankins."

The bill authorizes the Secretary of War to pay William Hankins \$244 88, to be received in full discharge of all claim against the United States growing out of a contract made on 15th August, 1835, for the delivery of wood at Fort Johnston, in the State of North Carolina.

The report of the committee shows these facts: On the 15th of August, 1835, a contract in writing was made between the petitioner and Lieutenant J. H. Winder, acting assistant quartermaster, on the part of the United States, by which the petitioner agreed to deliver and cord in the woodyard at Fort Johnston, North Carolina, two hundred and thirty cords of the first quality oak wood, to be delivered as follows: fifty cords on or by the 31st December, 1835; fifty cords on or by the 1st March, 1836; fifty cords on or by the 1st May, 1836; fifty cords on or by the 1st July, 1836; and thirty cords on or by the 1st August, 1836; for which the petitioner was to receive \$4 89 per cord. Hankins delivered the first fifty cords of wood, for which he received his pay. He delivered also fifty additional cords of wood, for which he has, as yet, received no pay. Lieutenant Winder having been relieved from duty at Fort Johnston, and Major Saunders appointed to succeed him, a disagreement arose between Major Saunders and Hankins, in consequence of which no further deliveries were made. The petitioner claims as due to him the price of the two hundred and thirty cords, alleging his readiness to comply with his contract with the Government, deducting the fifty cords already paid for; but payment is limited to the price of the second delivery of fifty cords, in reference to which there cannot be a reasonable doubt of his right to demand and receive payment.

Mr. FAULKNER. I move that the bill be laid aside to be reported to the House, with a recommendation that it pass. There is not a shadow of doubt that the payment of this claim ought to be allowed. If any information is desired by the committee in regard to it, I am ready to give it.

The bill was then laid aside to be reported to the House, with a recommendation that it pass.

SARAH K. JENKS.

House bill No. 195 "for the relief of Sarah K. Jenks, and the legal representatives of Hartshorn R. Thomas, in the matter of the brig Jane."

The bill authorizes and requires the Secretary of the Treasury to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of \$2,503 to Sarah K. Jenks, the widow of Jonathan Jenks, deceased; and the sum of \$2,179, in equal parts—share and share alike—to the legal representatives of Hartshorn R. Thomas, deceased, namely: the sum of \$726 34 to Louis G. Thomas; the like sum of \$726 33 to Edward K. Thomas; and the like sum of \$726 33 to Joseph Sherner, guardian of the children of Samuel W. Thomas, deceased—amounting in all to the sum of \$4,682.

The said payments to be a discharge in full for all liability of the United States for the loss of the brig Jane and her cargo, seized and destroyed by the Spanish authorities at Laguayra in the year 1812.

Mr. MACE. I offer the following amendment:

Provided, That said sum of money, nor any part of it, is to be paid out of the Treasury of the United States, unless there remains in the Treasury an unexpended balance of the fund appropriated to pay similar claims under the treaty with Spain of the 22d February, 1819; and if there should be any of the money not expended as aforesaid, the said Sarah K. Jenks is to be paid first the sum specified as due her, and the other persons next: *And provided further*, That in the passage of this act a precedent is not intended to be established, and is not established, to pay any similar claim or claims, or any part thereof, in any mode or manner other than herein indicated.

If the committee will listen to me for a few minutes, I will explain the character of the bill under consideration. When the matter first came before the Committee of Claims it underwent an elaborate examination, and a report was made recommending the passage of the bill which the Clerk has just read. The claim arose out of a class of cases connected with the treaty of 1819. After the committee made the report, they became satisfied that if they established a precedent which would go beyond the five million appropriation, it might in the end prove exceedingly disastrous to the Treasury of the country. I have therefore prepared an amendment, which expressly stipulates that no money is to be paid under the bill, unless there is a balance unappropriated of the \$5,000,000 set apart by the treaty of 1819. I have examined the subject, and I believe there is a balance of about \$1,900 remaining unappropriated under that treaty. I was unwilling, and so was every member of the committee, to establish a precedent for letting these claims in upon the Treasury of the United States.

The bill, sir, is simply this: Out of the sum of \$5,000,000, which was retained for the purpose of satisfying these claims against the Spanish Government, or out of that portion of it which is unappropriated, the sum provided for in this bill is to be paid. The committee did not intend to lay down the precedent that any of these unsettled claims are to be paid out of the common Treasury of the country. Therefore I think that, under any view of the case, it is proper to pass this bill. There is no question of its being a just claim, and no money passes under it, except out of the unappropriated balance of these \$5,000,000.

Mr. FLORENCE. My colleague [Mr. CHANDLER] is more familiar with the facts of the case than I am, but I desire merely to ask the gentleman from Indiana whether the bill reported by the Committee of Claims does not appropriate some \$4,000? In that event, and if there is but \$1,900 remaining in the Treasury applicable to this account, how can this sum of \$4,282 be paid? If it is a just claim, we ought certainly to pass the bill without any such restrictions. At least this is the light in which the matter appears to my mind. In the first place, if we should adopt this amendment or proviso submitted by the gentleman from Indiana, it would render the bill null and void to all intents and purposes; because a bill making an appropriation of \$4,200, subject to the restriction that it be paid out of a fund of \$1,900, is an absurdity.

Mr. MACE. I will explain the matter to my friend from Pennsylvania very briefly.

Mr. HASTINGS. I think it would be better to have the report read.

Mr. MACE. Oh, the report is very long.

Mr. FLORENCE. It would take two hours to read it.

The CHAIRMAN. Does the gentleman from New York [Mr. HASTINGS] insist on having the report read?

Mr. HASTINGS. I do; or else that the bill be laid aside informally. I do not think we ought to legislate on a subject of this kind without a thorough understanding of it.

Mr. MACE. I desire to explain fully to the gentleman from Pennsylvania, and to the committee, the reason why this report was first made, allowing the whole amount claimed, and the reason why the committee unanimously came to the conclusion to report the amendment which I, as a member of that committee, have offered. The claim was first adjudicated on under the treaty to which I have referred, and by which \$5,000,000 were set apart to pay these claims. The com-

mission which adjudicated these matters, allowed claims to the amount of nearly \$10,000,000; and the consequence was, that the claimants had to have a *pro rata* allowance made to them—some fifty-nine cents on the dollar. There were a vast number of claims submitted to this court, of as much merit, perhaps, as any that were presented to a similar committee, and acted favorably upon—this claim among the rest.

Mr. BRIDGES. I would ask the gentleman from Indiana if the claim was before the Department?

Mr. MACE. This claim was submitted among the rest. The board adjudicated upon it, and at first allowed it; but subsequently, before they adjourned, they reconsidered it, and made an order, in which they say, in only one line, "this claim is disallowed," without giving any reason for that rejection. Now, the reason for the amendment which was referred to by the gentleman from Pennsylvania, is simply this: that if we were to make a precedent of this case for claims to be paid out of the common Treasury of the country, perhaps claims amounting to thirty millions of dollars, as meritorious as this, would be advanced and forced upon the consideration of Congress. The committee, therefore, came to the conclusion, that so far as the action of that board was concerned, in regard to all this class of claims; we would treat the adjudication as an estoppel to all claims of a similar character. Therefore, in the proviso, I have simply said that if any money remains unappropriated out of the \$5,000,000, it shall be paid towards this claim, expressly stating in the proviso that it is not to be a precedent for the purpose of paying other claims.

Mr. BRIDGES. I wish to ask the gentleman how much money remains in the Treasury out of the \$5,000,000 appropriated under our treaty with Spain, of February 22, 1819, to pay the claims against the Government of Spain assumed by the United States Government?

Mr. MACE. I believe it is about \$1,900, all told. I would say, further, that, as a member of this House, and as a member of the Committee of Claims, I would not open the door for a single moment to let in a claim beyond the amount of the \$5,000,000 appropriated.

I move that the bill be laid aside, to be reported to the House, with a recommendation that it do pass.

Mr. CHANDLER. I like the course of the argument of the gentleman who advocates the passage of this bill, so far as it goes. It gives us a gleam of justice to those who have a claim upon that fund. I do not see, however, why those claimants, whoever they may be, should have the whole of that \$1,900, when I have, this whole season, been charged with the custody of a claim of nearly \$500,000, which was adjudicated by that very board as just, and should have been paid. But, because the vouchers were not presented in season, it was cut off. This claim was also cut off, and yet these gentlemen are permitted to come in and ask for their money. If one dollar is due to them, every dollar is due to them; and we have no right to say to them, we will pay you the \$1,900, and not the half million. We have no right to say that there is a little sum in one corner of the Treasury which you may have. If these parties are entitled to anything, they are entitled to more than that; and if they are entitled to anything, other parties, with equally as strong claims, are entitled to have as much as they are.

The gentleman who introduced this case here, has correct views of the rights of claimants upon the Treasury, but he is rather indistinct in his views of what is our duty toward those claimants. The gentleman knows I speak in no disrespect. But it is a growing right, an augmented intelligence, a gleam of day from the other side of the House, which leads us to hope that before long those who present just claims against the Government will not be thrust aside, because their claims are too large, or because they are too old, when they have been augmented by our delay, and have grown old by our refusal of justice. If this claim is just we ought to pay it, if it is unjust say so. There is no compromise principle, there is nothing in justice which is to be settled by halves. If the Government of the United States cannot pay, let it say so. It has more than once said so. If it will not pay, let it say so. If it pleases to set itself up in defiance of these claimants, let it do so. Let it stand in all the dignity of wrong.

But let not gentlemen come here into the House of Representatives, and say to these claimants: Here is a little sum left, if it will answer your purpose you can have it when we get ready to give it to you. Let them not say to the poor soldier: Here is a little tract of land which you may have when we get ready to give it to you. Sir, there are other claims growing out of this treaty; and you might as well take this \$1,900, and divide it into nineteen hundred shares, and let every man take his dollar and go home. There would be as much justice in such a course as there would be in that proposed by the amendment of the gentleman from Indiana.

Let us do justice to every claimant, whatever may be the consequence. Though the Treasury may quake from its very emptiness, let us do right. Do not let a great nation, boasting of its greatness, say to its claimants, you shall not have what is right, but you must take what it is convenient for us to give. Sir, the gentleman from Indiana will do me the justice to believe that I do not speak disrespectfully of him. But, sir, I have a great disregard for the course of argument pursued by him in reference to this claim.

Mr. MACE. What I said in reference to this claim must have been misunderstood by the gentleman from Pennsylvania. I stated that there are a great many meritorious claims growing out of the treaty of 1819, which have not been paid, for the simple reason that there was no money left of the appropriation set apart for that purpose out of which they could be paid. I will state the circumstances under which that amount was appropriated. By the treaty of 1819, between this Government and Spain, the United States agreed to appropriate \$5,000,000 for the indemnification of American citizens, for losses from Spanish spoliation. That is all the agreement which our Government has made in reference to it. The \$5,000,000 were appropriated, and have been expended, with the exception of the sum of \$1,900. This Government has, therefore, fulfilled its obligations under the treaty, and it would be a violation of the whole policy of the Government, after having complied with the stipulations of the treaty, to assume such other claims for Spanish spoliation as may arise hereafter.

Mr. MILLSON. I merely rise to state to my friend from Indiana, that perhaps some members of this committee may derive a false impression from the statement he has made of the connection of this Government with this \$5,000,000, which he says this Government set apart for the payment of these claims. Now, sir, I understand that the gentleman from Indiana simply means to say that the Government of Spain set apart \$5,000,000 for the payment of these claims. The Government of the United States never set apart one cent for any such purpose. It was not bound to pay one of these claims. It stipulated with Spain to purchase Florida for a certain amount, and Spain consented that \$5,000,000 of the amount which this Government agreed to pay, should be set apart for the payment of the claims of citizens of the United States held against that Government. And, therefore, although this money was taken out of the Treasury of the United States, it was in fact, appropriated by Spain for the payment of debts she owed to citizens of the United States.

Mr. MACE. I am very much obliged to the gentleman from Virginia for stating the case much more clearly than I had stated it, and precisely as I would have stated it. He has stated it so clearly that I think there can be no mistake in reference to it. We do not propose to appropriate one dollar for the payment of this claim. We simply say that if any of the money, which was set apart for the purpose of paying these claims, is left, it may be applied to pay this claim.

Mr. HILLYER. I am satisfied by the explanation which has been given. I understand the gentleman from Indiana to say that a certain amount was set apart by virtue of the treaty purchasing Florida, for the payment of indemnity for Spanish spoliation; that the claims of our citizens have been adjudicated by a commission created for that purpose; that some \$10,000,000 was passed on by that commission; and that this claim among the rest, was passed by that commission, but was subsequently, without explanation, rejected. The difficulty in my mind is this: The original amount set apart for indemnity to our citizens was \$5,000,000, but the commission

allowed \$10,000,000 of claims. I do not understand, therefore, how any portion of this \$5,000,000 can be now in the Treasury; that is, any portion to which this claim is entitled. If the amount the gentleman speaks of be in the Treasury and unclaimed, it must belong to those persons whose claims have been already adjudicated and allowed by the commission.

Mr. MACE. It appears from the testimony in the case, that fifty-nine per cent. was paid of the claims allowed by the commission, payable out of the \$5,000,000, and that there was accidentally or designedly a balance left. That is the explanation I have in regard to this point.

Mr. MAXWELL. Mr. Chairman, I have no interest in this claim, and know very little about it; but I am unwilling to have the proviso put on it. If it be true that the claim is a just and meritorious one, and one which the Government is bound in justice to pay, let it be paid without fettering it with any proviso. If it be true, also, that there are other claims held by persons on whom depredations were committed by the Spanish authorities—other claims founded in right and justice, and which this Government, in duty to its citizens, is bound to pay, will you by this bill preclude the Government from so doing? I think it inexpedient and improper. Besides, what will be the merit or force of that proviso, if there should come another case before Congress found to be as just and meritorious as this one? Will that proviso have any force or effect to prevent Congress from passing on it just as we are now passing on this claim? That Congress will have as much right, not only to determine the merits of the case presented, but the propriety of the claim being paid, in case it should be found to have merit. Therefore I think that the proviso is improperly proposed, and I hope it will not be attached to the bill.

In reference to what has been said about the \$5,000,000 being exhausted, I have but little to reply. I know it to be the fact that there are drivers claims against the Government, which, if submitted to the gentlemen of the committee, would be found, I think, to be as just, meritorious, and deserving of our consideration as this one. Now, what is the Government to do, if such be found to be the fact? Will it turn these claims adrift? Will it tell these claimants that the Government only promised to pay \$5,000,000, and that that being found insufficient, their just claims shall not be satisfied? You have cut off all connection between them and the Spanish Government, so far as the enforcement of their claims is concerned, and induced them to look to you for payment; and when they come here and show a good claim, that injury and outrage have been committed on them, that their property has been destroyed, and that for years, and long years, justice has been denied them, shall they be put back with such reasons? Will you turn round upon them and say that this amount is exhausted. True, you have a just claim; true, it is a claim that should be paid; true it is that the Government of the United States undertook to pay all these claims; but she limited herself to \$5,000,000; and some other citizens who have been more fortunate than you appeared before the commissioner first, and have got a prior place for their claims upon the Calendar, and all the money is exhausted.

Mr. MILLSON. This is a very simple matter, if the House will only take the pains to understand it. The gentleman from Florida [Mr. MAXWELL] objects to the proviso, and he complains that the Government of the United States will not pay all the amounts that may be ascertained to be due to the various petitioners who preferred demands against the Spanish Government for wrongs done them some years ago. He says that the Government of the United States appropriated an amount too small to pay all these claims. Why, the Spanish Government would have been very glad to have made no appropriation at all. It was the Government, of the United States who tried to get from the Government of Spain as large an amount as possible for the payment of all these claims; and if seven millions of dollars could have been set apart, why, our Government would not have objected to it. On the contrary, our Government would have been exceedingly glad to have set that amount apart. If ten millions of dollars could have been allowed to be applied to the payment of these claims, it would

have been so much the better, and so much the more agreeable to the Government of the United States.

It was not the Government of the United States that limited this appropriation. It was the Government of Spain that desired to restrict the amount to be deducted from the sum payable to her to the lowest amount. The Government of the United States had prosecuted these claims for years, but had prosecuted them unsuccessfully. It was very well known that the Spanish Government was not in a condition to pay these claims. It was poor and bankrupt, and not one cent of this money would ever have been paid but for the purchase of Florida, which furnished occasion to the Government of the United States to deduct from the purchase money the sum of five millions. The Government of the United States consented to give for Florida a larger amount than she would have otherwise given, merely to have the opportunity of deducting from the stipulated price the sum of \$5,000,000 for the payment of claims due by the Spanish Government to our citizens.

Mr. CHANDLER. In the first treaty of 1819—for there were two—our Government tried, in offering to pay the \$5,000,000, to pay as little as possible, and not as much as possible. "It is naught, saith the buyer; and when he is gone his way, he boasteth." They tried to make it as small as possible, and to pay as little as possible. But after that treaty of 1819, without any augmentation of the sum to be paid—\$5,000,000—there was an immense augmentation of lands acquired, in fee-simple, from the Spanish Government.

Mr. MILLSON. What I mean to say is, that the Government of the United States would have been exceedingly gratified if Spain had consented that the whole consideration of the cession was to be paid to our own citizens rather than to a foreign treasury.

Mr. CHANDLER. The Government of the United States, the gentleman will perceive, in doing that, released Spain from paying any more to our people. The people did not authorize that, but in the exercise of the eminent domain, and of the right of sovereignty, the Government did so.

Mr. MILLSON. As to this matter of the Government of the United States releasing the Spanish Government from claims due to our citizens by that Power, I have no confidence in any such idea as that.

Mr. CHANDLER. Nevertheless it is so.

Mr. MILLSON. The Government of the United States cannot release Spain from debts due to our citizens. The Government of the United States can simply agree not to prosecute these claims. The Government of the United States can conclude not to make them the cause of war. The Government of the United States may agree not to trouble a foreign Government about such matters any further by continuing negotiations on the subject. But the Government cannot release a claim due by the Spanish, or any other Government, to any of our own citizens.

If the Government should undertake to do so, the citizen who has a claim is not bound by that action of the Government, but has still his claim against the Government by which it was originally due. It may be, and I doubt not it is the fact, that a foreign Government, being relieved from all apprehension of a war, gives itself very little trouble about unadjusted claims; but still the claim is no less good, as no authority resides in the Government of the United States to make such a contract. But however that may be, what I am endeavoring to show now is, that the sum of \$5,000,000 was set apart for the stipulated purpose of being paid to citizens of the United States having claims against Spain. The Government undertook to adjust the claims not due by itself but by Spain.

Mr. CHANDLER. The Government assumed them.

Mr. MILLSON. And it agreed to pay these claims, so far as the money set apart for that purpose would satisfy them. That amount was \$5,000,000. All that we had to do was to determine upon the several amounts due, and the individuals to whom they were due.

Now, sir, the Government of the United States appointed a commission for that purpose—a commission composed of some of the most eminent citizens of the Union. It consisted of Judge

White, of Tennessee, Mr. William King, and Governor Tazewell; and, I undertake to say, that a more illustrious board of commissioners never has been appointed since the foundation of the Government. It was a court of the last resort as to the amounts due. There was no appeal from its decision. This case came before the commissioners, and it was decided by them. It is true, as I stated just now, that at first they allowed the claim, but they subsequently reversed their judgment, and rejected the claim on the ground of want of jurisdiction, that claim not being, in their opinion, embraced within the terms of the treaty.

Now, sir, so far from rejecting the proviso, the grave question recurs, whether this bill should pass at all, in any shape. I am very decidedly of the opinion that it will be a very mischievous precedent to set, notwithstanding the disclaimer of all intention of establishing a precedent. What have we to do with this claim? By what right do we undertake to adjust it? Was it ever a claim against the Government of the United States? No, sir; it was a claim against Spain; and Spain stipulated with us that our commissioners should adjudicate that case; and Spain stipulated, by treaty, that the decision of these commissioners should be final and irrevocable. Now, the commissioners considered the claim, and rejected it. By what right do we undertake to decide the propriety of that allowance or disallowance? There may be a surplus of \$1,900 left, and that, the Government may, in good faith, appropriate to the payment of unliquidated demands. But if it is to be appropriated to any persons, it ought to be appropriated to those persons who, by some unavoidable accident, could not come before the board. The claims which were unadjusted by that board, are computed to amount to \$20,000,000. If we are to pay the \$1,900 to anybody, do not let us pay it to an individual who laid his claim before the board, and had it rejected by the board.

Mr. FLORENCE. The gentleman remarks that \$20,000,000 of claims were unadjusted by the board. Does the gentleman mean to be understood to say that they were admitted to be due, or merely that there were claims pressing to that amount?

Mr. MILLSON. I spoke hesitatingly on that point. I said I had heard that the amount of claims unpaid was something like \$20,000,000. Of course I spoke of it as a conjectural amount, and as merely indicating that a large amount of claims were not satisfied. I did not refer to claims allowed by the board, but to claims rejected by the board, or never brought before them.

Mr. FLORENCE. Then I understand that the claims allowed by the board amounted to \$9,000,000, the *pro rata* amount paid being fifty-nine cents on the dollar. The sum of \$5,000,000 having been appropriated under that treaty, the fifty-nine cents on the dollar being paid, amounted to \$9,000,000. Then the gentleman's information is, that there are \$11,000,000 more.

Mr. MILLSON. I do not speak of it definitely. I am only stating that my general impression has been—not derived from any examination, because I do not know that I have made an investigation of the matter, at any time—but my impression has been that the claims not presented, or if presented, rejected by the board, amounted to \$15,000,000 or \$20,000,000. It is impossible to say what is the precise amount of the claims either not presented, or if presented, not allowed.

Mr. FLORENCE. As this matter is somewhat important to the decision which this committee may come to, I ask the gentleman if he knows whether this is the only claim, allowed by the board, outstanding, or whether there is a petition before any committee, either of this or the other House, asking indemnity under this treaty?

Mr. MILLSON. This claim was not allowed by the board; for if allowed, it would have been paid. It was first allowed; but that decision was afterwards reconsidered, and the claim was rejected, and we must take it for granted that the last decision of the distinguished commissioners is the correct one.

Mr. FLORENCE. The gentleman will allow me to refer him to the decision of the board, and to the statements which follow, so that the matter may be understood in this connection.

The extract is as follows:

"Tuesday, November 18, 1833.—The board met pursuant to adjournment. Present as before. The journal of

yesterday having been read and confirmed, the board proceeded to pronounce on the following cases which had been set down for examination, viz:

"Numbers 1081 and 1100. Jonathan Jenks. Brig Jane Fosse.

"Upon examination of the testimony filed in support of this claim, the board are of opinion that it be allowed as valid, for the value of the vessel, for the expenses necessarily incurred in defending the property, and for the loss sustained upon the cargo.

"H. W. WHITE.

"WM. KING.

"L. W. TAZEWELL.

"Attest: T. WATKINS, Secretary."

Mr. MILLSON. It was hardly necessary for the gentleman to have read that extract, for I have already stated these facts. I stated that this claim was first allowed by the commission, and that they afterwards reconsidered that action, and rejected it upon the ground that it did not come within their jurisdiction under the treaty.

Mr. FLORENCE. But they have given no reason for it.

Mr. MILLSON. We have nothing to do with their reasons. We have no control over their decisions. There was no appeal from their decision. When they had given their decision it was *sic volo, sic jubeo, stet pro ratione voluntas*—thus, I wish and order; my will stands in the place of reason.

Now, sir, my friend from Florida seems to suppose that some great wrong has been done these petitioners. He complains that we will not pay them the amount due them. Sir, we owe them nothing. It was a matter left to the decision of the commissioners, whether Spain owed them anything. They came before that commission, and their claim was finally rejected. They had the same opportunity that all the other claimants had before that commission. They gave them a fair hearing. It was their misfortune that they were not able to furnish the evidence which was requisite to establish their claim before the commission.

But the gentleman seems to think the Government is bound to indemnify the citizens of the United States for all losses they may incur in consequence of depredations committed by foreign nations. Sir, why should it be bound? Does the gentleman suppose the Government is bound, whenever it may fail to obtain redress for injuries done to our citizens in foreign countries? Is the Government bound because it may not choose to go to war to redress them? Sir, the question of peace or war, is one to be determined by the sovereign power, according to its own will, and its own judgment of the momentous national issues that may be involved in it. There is no Government on the face of the earth that holds itself under an obligation to declare war, against its own will, against its own interest, merely because some of its citizens may demand that it should do so for the purpose of obtaining indemnities for losses sustained by them.

It seems to me, then, that this bill is founded upon a very questionable policy. I know nothing of the parties concerned. I know nothing of the individual hardships of which they make complaint. But I do know that if these claims can properly be preferred anywhere, if these demands can be made at all, they should be preferred against another power. We have nothing at all to do with them. They must be made against Spain, if at all.

Mr. MACE. I regret exceedingly that my friend from Virginia cannot support this bill, after this proviso which I have offered, shall have been adopted. Now, sir, I shall trouble the committee with but very few remarks upon the subject. I do not doubt the standing and integrity of the commissioners who were appointed to adjudicate upon these claims against Spain. This claim was first allowed by them, and afterwards disallowed, upon the ground that it did not come within their jurisdiction. The facts of the case, in brief, are these: Jonathan Jenks, some seven or eight years before the date of this treaty, took a cargo to South America. The cargo was confiscated by the Spanish authorities. He did not then present the claim against the Government of the United States, but prosecuted it before the Spanish courts.

The records show, that while the supercargo was waiting for two years, in order to get justice, the case went through all the Spanish courts. It was adjudicated by the highest judicial authority there, and something like \$8,000 was allowed, and that, too, long before the treaty of 1819. As I before remarked, the commission, in the very face of

the decision of the highest Spanish court, disallowed this claim. It set aside the solemn record of the court. As one of the members of the Committee of Claims, whose business it was to look into the decisions of the commission, I have examined this case. It is well for them that no reasons were given for their decision. I did not examine the reasons of the commission for allowing other claims, but it was a mere pretext on their part to set this claim aside because they had no jurisdiction over it. And it was only disallowed on the last day of the session.

But before the treaty of 1819, as I have already stated, the highest court of Spain adjudicated the case, and allowed something like \$8,000. Now, justice to these claimants, who reside in the district of my friend from Pennsylvania, [Mr. FLORENCE,] even and exact justice to them, demands the payment of \$8,000, with interest from the time of the adjudication of the Spanish court.

For the purpose of guarding, and placing the claim beyond all controversy, I offered the proviso which stipulates that no part of it is to be paid out of the Treasury, and that it is only to be paid out of any balance remaining of the \$5,000,000.

Now, something has been said about other claims. I may use a lawyer's phrase, and say that there is a race of equities on the part of these claimants, to see who will seize first on this pitiful sum of \$1,900. Well, so far in the race, Mrs. Jenks has the lead of the rest, and she wants Congress to grant her this miserable pittance. The bill will settle no precedent, nor will it operate injuriously hereafter. I regret that I narrowed myself down to suit the gentleman from Virginia, and still find that he is opposed to the bill.

Mr. HASTINGS. I understand the gentleman from Indiana to state that the commission rejected this claim without assigning any reason for the rejection. By the report, I see that they did assign as a reason that they had no jurisdiction of the case; in other words, that it was not one of that class of claims intended to be provided for by the treaty.

Mr. MACE. And that was a beautiful reason. Now, what was the character of the claims to be adjudicated by the commission? Why, sir, claims which our citizens had against the Government of Spain growing out of spoiliations on their property. They had before them the adjudication of the highest Spanish court, that spoiliations had been made on Jonathan Jenks's property, and allowing something like \$8,000.

Mr. MILLSON. Was this decision of the court made before or after the treaty?

Mr. MACE. I understand that it was made before the treaty?

Mr. MILLSON. The gentleman will see at once that it was the interest of Spain to throw the whole burden upon the \$5,000,000.

Mr. MACE. I trust, with the explanation I have made, that a vote will be taken upon the amendment, and that then a vote will be taken upon laying aside the bill to be reported to the House, with a recommendation that it pass.

Mr. SKELTON. This case is one of too much importance to be passed over lightly by this committee. It involves a principle of perhaps more importance with regard to the financial affairs of this country than any question that has been before this body at this session. The gentleman from Pennsylvania [Mr. CHANDLER] remarked that he was gratified to find that the other side of the House was awaking to a sense of justice. I do not know whether he intends to insinuate that our predecessors who have occupied seats in this Hall have been lacking in that essential element of character. I do not know that he intends to insinuate that the party to which I have been attached has heretofore turned a deaf ear to just claims; but we might be led to infer from his remarks that it was his intention. It is the duty of this House, when a question is presented here, and before we tax the people for the payment of the duties of an individual claimant, to examine and decide whether it is a just claim or not. It is not sufficient that members should get up on this floor and charge us with a want of desire or intention to render justice to others. I say such a course of proceeding is not satisfactory to me. We are here to guard the public Treasury, and not to allow a dollar to go out, unless the claim is proven to be a just one. I hope we shall hear no

more of this cant about refusing to render justice to a claimant before this House, when the facts of the case have not been proven to our satisfaction.

I have not voted, nor do I intend to vote, a dollar out of the Treasury of the United States for claims, until gentlemen show me that they are just, and that the claimants have just demands against the Government. Away with this idea of illiberality and stinginess, in refusing to satisfy claims. We have correspondents of the press every year, proclaiming to the country that Congress is not willing to do justice to private claimants, until the whole country begins to believe that we are a set of rascals, and that we are not willing to pay just demands against the Government. Before I took my seat in Congress, I thought that a great deal of injustice had been done in this way. But since I have examined the subject, I am inclined to think that ninety-nine out of every hundred private claims which committees report favorably on, are without foundation.

But gentlemen say that time is not a bar to these claims. That is very true; but it is a bar generally against getting any proof against them. These old claims are almost always proven by *ex parte* evidence.

The gentleman from Pennsylvania tells us that there is foundation for the claim now before the committee, but has he shown us that Spain owed these men anything? He has not given us a particle of proof to show that Spain owed these claimants a dollar. Now, what is the effect of this?

Mr. FLORENCE. The gentleman appeals to my colleague, [Mr. CHANDLER,] and asks him what evidence is there that this claim is a just one. Now, I say to the gentleman from New Jersey, that any claim which passes through the crucible of the Committee of Claims of the House conveys to the country the best evidence of justice and right, [laughter,] and a favorable report from that committee is sufficient in the estimation of the House and of the country to justify us in ordering the amount to be paid.

Mr. SKELTON. I would say to the gentleman from Pennsylvania, that I want to have the proof myself that the claim is just. It is the duty of a Representative on this floor, to be himself satisfied upon the evidence presented to his understanding, and not to rely upon any committee of this House.

Mr. FLORENCE. If the gentleman will permit me—

Mr. SKELTON. The gentleman from Pennsylvania may be satisfied himself with the report of a committee, but I am not. I do not see that he has any right to ask me to vote upon a question on grounds that are sufficient to satisfy him: for I have discovered that the amount of evidence which is sufficient to satisfy him of the justice of a claim goes very far from satisfying me. [Laughter.]

Mr. FLORENCE. The gentleman from New Jersey, who in his place here on the floor is reviewing my course, will at least, permit me, to justify myself.

Mr. SKELTON. Oh, certainly.

Mr. FLORENCE. When the gentleman from New Jersey asks my colleague to refer him to the evidence, I stand up here in this House, and before the country, and declare that it comes recommended by the Committee of Claims is sufficient for us. If there are gentlemen more conscientious, more disposed to do justice, more disposed to review facts closely and evidence critically, than are the Committee of Claims, I have yet to understand where the organization of such gentlemen is, whether they compose a committee or a legislative body. And I say that when this committee comes and presents anything to the consideration of this House, and asks for its action in accordance with that recommendation, I take it for granted that their recommendation is right, and I have so much confidence in them that I would always support it.

Mr. SKELTON. I can show the gentleman from Pennsylvania and this committee, that he is not always willing to take their recommendation. They have recommended an amendment to this bill; and he objects to this amendment, [laughter,] showing conclusively to this committee that he is not willing always to take their judgment in cases of this kind.

Mr. FLORENCE. I do not understand, Mr. Chairman, that the Committee of Claims have done any such thing as recommend that amendment. If I understand it—and I paid very close attention to the gentleman who reported this bill—he submitted the amendment on his own account. He submitted it because he conceived that it was a just claim, and that this was the only opportunity that had been given to get \$1,900 in lieu of the full amount admitted to be justly due by the Committee of Claims. He submitted it because the impression on his own mind was that these people referred to in the bill, were entitled to it strictly, that they were poor, and that they could not come before the House, or before the commission appointed to adjudicate these claims, because the prosecution of it would be attended with the expense of having translations made, as I understand, for these Spanish evidences. That, sir, I suppose, is the reason why the gentleman, impelled by a sense of justice, offered this as an amendment, so that these people might get even \$1,900 out of the \$4,200 due to them.

Mr. SKELTON. According to the gentleman's own statement, these claimants have a claim against the Government of the United States to the amount which was deposited in the Treasury of the United States by Spain, and no more. This is the admission on their part, that the United States Government is not bound to pay any of these claims.

But with regard to the gentleman's remarks concerning the committee, I will say that I respect that committee. I have not a word to say against them. I probably have as much confidence in that committee as in any other committee of this House. But it is our duty, a duty obligatory upon us as the Representatives of the people, before we vote away the people's money, to satisfy ourselves individually that the claim for which we vote the money is a just one.

When we asked for the reading of the report in this case, in order that we might know upon what principle the claim was based, what was the reply we received? They said it was too lengthy, and we could not get through with it to-day. If it is so lengthy that we cannot dispose of it to-day, let the case go over until we have time to examine the report.

But, sir, in this claim, as in a number of other claims, there is a principle involved which is important to this good. The two cases which were passed by informally yesterday involved the same principles. We have now upon the Calendar of this House other bills appropriating millions of dollars for other kind of claims. I ask the committee if this Government is to be converted into a grand insurance company against fire, water, and depredations upon our commerce by pirates or foreign nations? Now, sir, let no gentleman in this Hall lose sight of the fact that the great mass of the American people are not engaged in commerce.

Mr. MACE. I rise to a question of order. I have no objection to the stump speech of the gentleman from New Jersey, but I want him to confine his remarks to the amendment under consideration. He is not doing that, and, therefore, I raised the point of order.

The CHAIRMAN. The Chair would state to the gentleman that by the rule he is required to confine his remarks to the amendment under consideration.

Mr. SKELTON. I am confining my remarks to the bill under consideration. There is no limitation to debate, by which I am obliged to confine my remarks on the bill to the amendment. But if I am not in order, I will make another motion, which will allow me to proceed. I move that the bill be reported to the House, with a recommendation that it do not pass. Is that motion in order?

The CHAIRMAN. The first question in order is upon the amendment offered by the gentleman from Indiana, [Mr. MACE.]

Mr. SKELTON. If the gentleman from Indiana, and those who advocate this claim before the committee, are intending to stifle discussion in the committee, let them stand up here and say so. In the light of day let them say so.

Mr. MACE. The gentleman has touched now upon the very point which I make. If he wishes to discuss the bill, I am willing that he should do so. But I want him to confine himself to the bill,

and not wander upon other subjects, as he has been doing.

Mr. SKELTON. Does the Chair decide that it is not in order to discuss the merits of the bill now?

The CHAIRMAN. The Chair makes no such decision. The Chair decides that the gentleman has no right to discuss the character of the Committee of Claims, or the French spoliation bill, or loss of goods by fire, or any other such question.

Mr. SKELTON. Well, sir, I was using those arguments because the arguments which apply to the one case apply to the other.

The CHAIRMAN. The gentleman must confine his remarks to the discussion of the bill, before the House.

Mr. WALSH. I rise to a question of order. I should like to know whether it is not in order for the gentleman from New Jersey to comment upon the course of the Committee of Claims, when the gentleman from Pennsylvania [Mr. FLORENCE] was permitted to enter into a fulsome laudation of that committee? [Laughter.]

Mr. FLORENCE. The gentleman from New York is entirely mistaken as to the character of my remarks. I only did the committee justice—simple justice—even-handed justice. [Laughter.]

Mr. SKELTON. I do not want to proceed out of order, and I want to know if the decision of the Chair is that it is in order to discuss the merits of this bill at this time?

The CHAIRMAN. The Chair decides that the gentleman can discuss the merits of the bill.

Mr. SKELTON. That is what I wish to do. Then I am in order.

I said that the bill before the House, if passed, would send abroad to the world the impression that there was one class of individuals in this community who were entitled to indemnity for all their losses in all their enterprises and in all their engagements, while the great mass of the American people who are engaged in agricultural and industrial pursuits, who are entering into no speculations, and running no risks, should be made to pay these indemnities—they must be compelled to pay the losses incurred by risks of storms, by risks of war, by risks of fire, and by risks of water.

Sir, I want this committee to look into the subject. If this principle is to be established—as it will be established by the passage of the bill—I state to this committee that there are hundreds of individuals in my district who are better entitled to thirty or forty millions of dollars for losses sustained in the revolutionary war than are these claimants.

The CHAIRMAN, (interrupting.) The Chair must state to the gentleman from New Jersey that he is wandering from the subject.

Mr. SKELTON. No, sir; I am not wandering from the subject.

[Loud cries of "Order!"]

The CHAIRMAN. The discussion of the revolutionary claims of New Jersey is not in order at this time.

Mr. SKELTON. I was going on to make the application. I was going to show that the principle involved in this case was the same as that involved in others.

Mr. ORR. If the gentleman from New Jersey pertinaciously insists upon disregarding the decisions of the Chair, I ask that the rule may be enforced, and that he shall take his seat until permitted to go on.

The CHAIRMAN. The gentleman must confine himself in his remarks to the question under consideration.

Mr. SKELTON. I do not wish to weary the committee, nor do I wish to prolong my remarks, and I will only add, in conclusion, that the very sensitiveness which is shown by this committee, the very dislike to discussion, is of itself strong proof that this bill ought not to pass; that it is one of those bills that cannot bear the light.

Mr. CAMPBELL. I desire to inquire of the Chair whether it would be in order to move to strike out the enacting clause of the bill?

The CHAIRMAN. The Chair thinks the motion of the gentleman from Ohio would be in order.

Mr. CAMPBELL. I do not make it. [Laughter.]

Mr. WALSH. I thought that fact was indelibly impressed upon the mind of the gentleman

after his experience in reference to the Nebraska bill. [Laughter.]

The CHAIRMAN. The gentleman from New York is not in order.

Mr. FLORENCE. I do not desire to discuss this bill, nor do I think there is any need of further discussion; for after the elaborate remarks of the gentleman from New Jersey, [Mr. SKELTON,] I presume the members of the committee have made up their minds to pass the bill. [Laughter.] I will, therefore, only say, that I shall vote against the amendment, and for the bill.

One word, however, in reference to a remark made by the gentleman from New Jersey, in which he alluded to something said by me. When the gentleman from New York [Mr. HASTINGS] asked to have the report and accompanying documents read, I suggested that it would take two hours to read them, and that it would perhaps be well enough to go on with the consideration of this bill. I desire to say to this committee—

Mr. SKELTON. I rise to a question of order.

Mr. FLORENCE. I had no object in view but the saving of the time of the committee.

Mr. SKELTON. My point of order is, that if it is not in order to debate the bill in opposition, it is not in order to debate in its favor.

Mr. FLORENCE. I have said all I desired.

The question was taken on Mr. MACE's amendment; and it was adopted.

Mr. MACE. I move that the bill be laid aside to be reported to the House, with a recommendation that it do pass.

Mr. WALSH. I move that the bill be laid aside indefinitely.

The CHAIRMAN. The gentleman's motion is not in order.

Mr. WALSH. I move that it be laid aside to be reported to the House, with a recommendation that it do not pass.

The CHAIRMAN. That motion is not in order.

Mr. WALSH. Well, then, I have a few words to say in regard to the motion of the gentleman from Indiana.

The CHAIRMAN. Discussion on the motion, of the gentleman from Indiana is not in order.

Mr. MACE demanded tellers on the motion.

Tellers were ordered; and Messrs. ORR and WALSH were appointed.

The question was taken on Mr. MACE's motion, and it was disagreed to, the tellers having reported—ayes 46, noes 81.

The bill was then laid aside to be reported to the House, with a recommendation that it do not pass.

GILBERT C. RUSSELL.

House bill (No. 196) "a bill for the relief of Gilbert C. Russell."

The bill provides that the Secretary of the Treasury shall pay, or cause to be paid, out of any money in the Treasury not otherwise appropriated, to Gilbert C. Russell, of the State of Alabama, \$20,000, provided the same shall be received and receipted for by the said Russell in full satisfaction of all balance of claims and demands of every description in his favor against the Government of the United States growing out of, or in any manner connected with, the construction of the fort at Mobile Point, in the State of Alabama.

Mr. READY. As the report in this case is a very long one, I will explain the claim, and I think I can present it in such a manner that the committee will more readily understand it than by reading the report. The claim consists of various items, and the report discusses the claimant's right to these items separately. While the committee recommend one of them, they arrive at an unfavorable conclusion with regard to others.

This claim grows out of a contract entered into in 1818, between the Government and Benjamin W. Hopkins, of the State of Vermont, to erect a fort at Mobile Point, in the State of Alabama. Mr. Hopkins commenced operations, and made extensive preparations for prosecuting the work according to the contract, but shortly thereafter, in 1819, he died. His administrator made a contract with Samuel Hawkins, by which he transferred the benefit of the contract with the Government to Mr. Hawkins, who undertook on his part to comply with the original contract, as entered into by Mr. Hopkins. Mr. Hawkins proceeded

with the work for a period of time, and then he sold out the contract to Gilbert C. Russell, the claimant. Mr. Hawkins, I should mention, had been recognized by the Government as the contractor, after his purchase. When Mr. Hawkins sold his contract to Mr. Russell, in addition to transferring it to him by deed, he also executed a power of attorney, constituting him his agent to prosecute the work in his name. The power of attorney was intended to meet the contingency of the Government refusing to recognize Russell as the contractor. The Government did refuse to recognize Mr. Russell as the contractor, but it recognized him as the agent of Hawkins.

Mr. Russell proceeded with a large and adequate force in the construction of the fort according to contract. After he had expended a large amount, and performed a great deal of labor, the Government, in October 1821, became dissatisfied, from some cause or other, sent a military force on the ground and wrested from him the work, taking into its possession all the materials, implements, stock, and everything connected with the construction of the fort.

Mr. Russell then applied to the Eighteenth Congress, praying to be remunerated for his property forcibly taken from him under the order of the Government, and destroyed or converted to public use; and for compensation for labor done and performed upon said fort. The matter was before Congress for two or three sessions. But at the second session of the Eighteenth Congress the Committee of Claims, through Mr. Elisha Whittlesey, reported in favor of the claim for large amounts, specifying, however, the particular items embraced in that allowance. And they reported a bill directing that the Third Auditor of the Treasury ascertain, by proof, the value of the property owned by the petitioner at Mobile Point at the time of its seizure; that he ascertain, by proof, the value of the labor performed by the petitioner towards the erection of the fort at Mobile Point, whether it was in erecting barracks, or in preparing materials for the further prosecution of the works at that place; and the sums, when ascertained, to be paid out of the Treasury. Said bill passed both Houses of Congress, and became a law on the third day of March, 1825.

In pursuance of this law, testimony was taken, under the directions of the Third Auditor; but in consequence of the difficulty of procuring all the testimony desired by each party, because of the distant points at which some of the witnesses resided, the Auditor was unable to arrive at satisfactory results.

The subject was therefore again brought to the attention of the Nineteenth Congress, at its first session. Additional testimony was taken, upon which, together with the testimony previously taken, the Committee of Claims reported in favor of the petitioner for the amount of certain specified items, amounting to \$60,963 67½.

Mr. Whittlesey then stated in his report that there were materials and other personal property belonging to Mr. Russell at Mobile Point, at the time of the seizure, but that the evidence was too unsatisfactory as to the character and value of these articles to enable the committee to make an award in reference to them; and the claims in respect to this personal property were consequently suspended for further proof.

It is for the items, the claims for which were thus suspended, that the bill now reported proposes to make compensation to Mr. Russell. Since that time, and since the payment of the items then allowed by Congress, additional proof has been obtained; and the testimony of two witnesses—Isaac Chaffin and Lewis S. Coryell—has been taken, and is on file.

I will state the substance of their testimony. Mr. Chaffin was employed by certain contractors for the construction of fortifications at Dauphin Island, to superintend the making and delivering of brick and other materials for the fort at that place. He went to Mobile Point about the 10th of October, 1821, and staid there five or six days. He testifies that he and General Turner Stark (the latter is said to have died shortly afterwards) made an estimate of the value of the materials procured and delivered by Colonel Russell for the fortifications on the Point; that his estimate was \$21,500, and General Stark's was about \$25,000.

Lewis S. Coryell was in Washington during the session of the Thirty-First Congress, in 1851, and

his deposition was taken by direction of the Committee of Claims. He was negotiating with the officers of the War Department, in 1821, for the contract to construct the fort at Mobile Point, which was after it had been decided by the Secretary of War to take the work out of Colonel Russell's hands. He went to Mobile Point to examine the works to be erected there, and everything connected therewith. All this appears from the voluminous correspondence printed with the report of the Committee of Claims, in the Eighteenth Congress, as well as from his deposition. To the third interrogatory propounded to him, as follows:

"Did you make an estimate of the loose property at the Point, consisting of tools, implements, wagons, carts, &c.?"

He answers:

"I did make an estimate of the loose property at the Point, at Mobile, Alabama, consisting of tools, implements, wagons, carts, &c., prepared to carry on and execute the work to be erected there, and it appears from the memorandum now in my possession, made at the time, in December, 1821, or early in January, 1822, that he estimated the loose property to be worth \$20,000."

In reference to this witness Coryell, he appears to be a man of high character and intelligence, and well qualified to make an estimate of such property. It appears that the Secretary of War had great confidence in him, and was anxious to give him the contract. He went to Mobile Point, and examined the work, and estimated the value of the property, at the special instance of the Secretary of War. He stands highly recommended by Hon. Samuel D. Ingham, a man who afterwards held a high official position, as this committee is well aware. This was a high indorsement of his character, and, in the opinion of the Committee of Claims, entitled his testimony to great consideration, and therefore the committee chose to adopt his estimate in preference to the estimate of Chaffin and Stark, which was a little higher. I believe, upon his estimate, that the claimant is entitled to be paid \$20,000, it clearly appearing that articles, estimated at that amount, were taken possession of by the Government, and it also appearing, from the items specified, that he has never been paid for them. The former action of Congress upon this subject establishes the right of Russell to be paid for this property, taken possession of by the Government; and I consider the only question now to be, as to the amount which he is entitled to be paid for the property.

The testimony of a witness by the name of J. W. Wing, the agent of Russell, and superintendent of his operations, speaks to the fact that these are items of property which were taken possession of by the Government, and were not embraced in the report made by Whittlesey, as his report shows.

I move that the bill be laid aside to be reported to the House, with a recommendation that it do pass.

The motion was agreed to.

THOMAS C. GREEN.

House bill (No. 199) "for the relief of Thomas C. Green."

The bill, which was read, provides that the Commissioner of the General Land Office be required to issue a patent to Thomas C. Green for the southeast quarter section of section thirty-three, in township eleven north of range three west, in the military tract of Illinois, and that said patent recite the fact that the former one was filled out erroneously for the southwest quarter, and has been lost, and therefore a new patent has been issued to the grantee.

Mr. HUGHES. There is no report on this case, from the fact that the preamble or enacting clause of the bill sets forth all the facts that are necessary to enable the committee to understand the case. An error was made at the Land Office. A patent was issued for a southwestern quarter section of land, instead of a southeastern quarter section, so that there are two patents issued for the same tract of land. This bill is merely to authorize the issuance of another patent in lieu of the one erroneously issued. But, sir, I do not feel disposed to discuss the bill. I presume there will be no objection to it, and I therefore move that it be laid aside to be reported to the House, with a recommendation that it do pass.

The motion was agreed to.

VICTOR MORASS.

Senate bill (No. 76) "authorizing Victor Morass

to relinquish certain lands, and to enter the same quantity elsewhere."

The bill was read. It authorizes Victor Morass to enter, without payment therefor, at any United States land office in the State of Michigan, two hundred and eighty acres of land, the same to be entered in legal subdivisions, and on any land subject to private entry at said offices, and not covered by any preemption right. That, before the said Victor Morass shall have the benefit of the provisions of the act, he shall file with the Secretary of the Interior, in such form as shall be prescribed by said Secretary, good and sufficient deed or deeds of release to the United States, executed by himself, and all persons having rights thereto through or under him, of all the premises which were confirmed to said Morass by "An act to confirm certain claims to lands in the Territory of Michigan," approved April 17, 1828.

Mr. NICHOLS. I will merely say that the facts are the same in this case as in that last before the committee. It is to allow the claimant to locate lands in lieu of those to which his title had failed. I move that it be laid aside, to be reported to the House, with the recommendation that it do pass.

The motion was agreed to.

JOSHUA KENNEDY.

Senate bill (No. 73) "for the relief of the legal representatives of Joshua Kennedy, deceased."

The bill and report were read.

The bill directs the Secretary of the Treasury to pay to the legal representatives of Joshua Kennedy, deceased, out of any moneys not otherwise appropriated, the sum of \$6,500, in full compensation for the destruction of property by the Creek Indians in the year 1813.

Mr. EASTMAN. I move that the bill be laid aside to be reported to the House, with a recommendation that it do pass.

The motion was agreed to.

JOHN PHAGAN.

Senate bill (No. 127) "for the relief of John Phagan."

The bill provides that there be paid the sum of \$444 to John Phagan, out of any money in the Treasury not otherwise appropriated, in full payment for his services in taking charge of a delegation of Seminole Indians, and removing them from Florida to the country west of the Arkansas.

Mr. GREENWOOD. Mr. Chairman, in 1828 the policy of the Government was to remove all the Indians west of the Mississippi river. Captain Phagan was then the agent for the Seminoles. In the opinion of the Secretary of War, it became necessary that a delegation of the Seminoles should be induced to make a tour of the country west of the Mississippi for examination, with a view of making it their future home. The Secretary addressed a letter to Governor Duval, of the Territory of Florida, in which he said that if Captain Phagan, then a citizen of North Carolina, would accompany the delegation west, he should receive for his services two dollars a day; but if he declined, that he would pay any other competent person employed for that service by Governor Duval three dollars a day and necessary traveling expenses. Captain Phagan, on being informed of the contents of the Secretary's letter, consented to accompany the Seminole delegation to Arkansas. He was gone two hundred and twenty-two days, and on his return he presented his account for payment. It was refused payment because there was no law authorizing the service. This fact was ascertained by the Secretary after his order had been issued.

The Senate have passed a bill giving this claimant \$444, the amount designated by the Secretary of War. The payment of this claim has been delayed for a number of years. It has passed one branch of Congress heretofore, and the Senate have now passed a bill giving him the compensation which ought to have been paid twenty years ago, but without allowing him interest. Although I believe interest should have been allowed in this case, I am willing to take the bill as it stands, and I move that it be laid aside to be reported to the House, with a recommendation that it do pass.

The motion was agreed to.

WILLIAM WOODBURY.

Joint resolution (No. 5) "directing the accounting officers of the Treasury to adjust the accounts

of William Woodbury, late pension agent at Portland, Maine."

The resolution provides that the Secretary of the Treasury shall adjust the accounts of William Woodbury, late pension agent, and credit him with the entire amount paid to the heirs of Keziah Hartshorne, deceased.

The report was then read, from which it appears that the petitioner, as pension agent at Portland, Maine, pursuant to the directions of the Commissioner of Pensions, dated January 20, 1849, placed the name of Keziah Hartshorne, deceased, upon the pension roll for revolutionary services; and, subsequently, upon the presentation of the pension certificate, paid the amount therein specified to be due, to the heir of said Keziah Hartshorne, deceased. On the settlement of his accounts at the Treasury, for the first quarter of 1849, the amount of two years of the pension included in said certificate, viz: from the 4th of March, 1841, to the 4th of March, 1843, was disallowed by the accounting officers of the Treasury, on the ground that there was no law allowing a pension for those two years.

Mr. FLAGLER. If there is any doubt in the minds of the committee as to the equity of this case, the letter of the Commissioner of Pensions, which recites the facts more in detail, might be read. I move that the bill be laid aside to be reported to the House, with a recommendation that it pass.

The motion was agreed to.

JOHN S. KING.

House bill (No. 238) "for the relief of John S. King, of Virginia."

The bill directs the Secretary of the Interior to place on the pension roll of the United States the name of John S. King, and that he cause to be paid to him the sum of eight dollars per month for and during the term of his natural life; said pension to commence from the first of January, 1853.

The report of the Committee on Invalid Pensions was read.

It appears that the petitioner, John S. King, was drafted and mustered into the service of the United States at Knoxville, Tennessee, in November, 1814; that he served six months in Mobile and elsewhere, acting against the British naval forces; that on his return home, and before his discharge, he was seized with violent fever, and had to remain where he was attacked for some time; that the disease settled into his limbs, and crippled him from that time to the present, and that he is now totally disabled.

Mr. WALSH. I move to strike out the word "natural" in the bill, as being superfluous and ridiculous.

Mr. COBB. Tell us what effect your amendment will have.

Mr. WALSH. I want to have him paid his pension during his life; I do not care whether it is natural or unnatural. [Laughter.]

The amendment was not agreed to.

The bill was then laid aside to be reported to the House, with a recommendation that it do pass.

HIRAM MOORE AND JOHN HASCALL.

House bill (No. 239) "for the relief of Hiram Moore and John Hascall."

Mr. THURSTON. I move that this bill be passed by informally. The gentleman who reported it is not now in his seat.

Mr. BAYLY, of Virginia. I hope the suggestion of the gentleman from Rhode Island will be concurred in, for this is a bill in which I take some interest.

A MEMBER. The reading of the report may be satisfactory.

Mr. BAYLY. The reading of the report will not satisfy me. I am against the bill, and, as yet, I am not exactly ready to answer the report. I beg, therefore, that the bill may be passed over informally. Besides, it is one of these patent cases, requiring the Commissioner of Patents to do what the law does not now authorize. In such a case as this I ask that the bill be passed over till I have had time to investigate the facts of the case.

[Cries of "Certainly!" "Certainly!"]

The bill was passed over informally.

EZRA WILLIAMS.

Senate bill (No. 125) "for the relief of Ezra Williams."

The bill authorizes the Secretary of the Treasury to pay to the claimant, Ezra Williams, the sum of \$500 in full for his services, out of office hours, in putting an alphabetical index to the numerical register of warrants in the land bounty division of the General Land Office, under the direction of the late Commissioner, Richard M. Young.

Mr. GREENWOOD. I desire to state to the committee that when this bill was called up before I made an objection to it; but I am now satisfied that the bill ought to pass, and I withdraw that objection.

Mr. WASHBURN, of Illinois. I move that the bill be laid aside to be reported to the House, with a recommendation that it do pass.

The motion was agreed to.

CHARLES COOPER.

Senate bill (No. 90) "for the relief of Charles Cooper."

The bill, which was read, provides that the proper accounting officer of the Treasury Department be authorized and directed to pay to Charles Cooper & Co., of Bangor, Maine, \$300 in full for interest due to them from the United States, on a liquidated amount of \$30,989 payable by contract, on the 13th day of August, 1850, and then duly required, but withheld until the 12th day of October following for want of an appropriation therefor.

Mr. WALSH. I object to that bill; it proposes to pay interest.

Mr. WASHBURN, of Maine. I will state that this bill is precisely similar to one which has passed the House this session. It is not an ordinary claim for interest. It is for interest upon money which was due to these individuals under positive contract.

Mr. NICHOLS. There was a case, according to my recollection, precisely like this, presented in the House by the gentleman from Georgia, [Mr. HILLIER,] where a contract had been made with an Army officer, by which a certain amount was to be paid. The claim for interest, however, was refused by the House, and the bill passed appropriating precisely the sum named in the contract, without any allowance for interest.

Mr. PECKHAM. I would inquire of the gentleman when this claim was presented to the Government?

Mr. WASHBURN. It was presented immediately after the money was due.

Mr. EDGERTON, (Mr. MACE temporarily occupying the chair.) This case is precisely similar to others which have passed the House. This Government made a contract with the memorialists at Boston, under which they were to transport a certain amount of lumber to San Francisco. These parties fulfilled their contract, and returned to Boston, and applied for the payment of the amount agreed upon. The officer at San Francisco certified that the contract had been fulfilled; but when the memorialists applied for the money, there was no appropriation out of which it could be paid. The appropriation was not made until the 30th of September, and the payment was delayed until some time in October.

This claim is for interest upon this amount from the time the account was presented in Boston, having been certified to upon the fulfillment of the contract, until the time when it was paid, in October following. The only reason why the money was not paid was, that the general appropriation bill was not passed until the 30th of September. I move that the bill be laid aside to be reported to the House, with a recommendation that it do pass.

Mr. WALSH. I move that the committee do now rise. I do not want this bill passed to-day.

The motion was disagreed to.

The bill was then laid aside, to be reported to the House, with a recommendation that it do pass.

JAMES DUNNING.

Senate bill (No. 91) "for the relief of James Dunning."

The bill directs that there be paid to James Dunning \$255 98, out of any money in the Treasury not otherwise appropriated, in full, for interest due to him from the United States on a liquidated amount of \$13,472 62, payable by contract, on the 18th day of June, 1850, but withheld until the 12th

of October following for want of an appropriation.

On motion by Mr. WASHBURN, of Maine, the bill was laid aside to be reported to the House, with a recommendation that it do pass.

THOMAS S. J. JOHNSON.

House bill (No. 240) "for the relief of Thomas S. J. Johnson, of the Territory of New Mexico."

Mr. MILLER. I understand that some additional facts have been sent in by the Auditor, which may make it necessary to refer the case back to the Committee of Claims, and I therefore move that the bill be now informally laid aside.

The motion was agreed to.

OLIVER LEE.

House bill (No. 241) "for the relief of the administrators of Oliver Lee, deceased."

The bill directs the Secretary of the Treasury to pay to Charles H. Lee, administrator, and Eliza Lee, administratrix, of the estate of Oliver Lee, deceased, late of the city of Buffalo, out of any moneys in the Treasury not otherwise appropriated, the sum of \$580 32, the amount of a judgment recovered against Pierre A. Barker, formerly collector of the port of Buffalo Creek, in the circuit court of the United States for the northern district of New York.

The pending amendment was read, as follows:

Insert after the word "cents" the following:

"With interest thereon, to be computed from the 20th of August, 1844."

Mr. McMULLIN. I should like to know why we should pay interest on this claim. Let the report be read.

The report was read *in extenso*. It shows that Oliver Lee was the owner of the schooner Savannah. In January, 1838, she was seized by Pierre A. Barker, the collector of the port of Buffalo, by the direction or advice of General Winfield Scott, who was then in military command on the Niagara frontier, on suspicion of being employed in aiding the Canadian patriots contrary to law. Lee sued the collector before the supreme court of New York. In March, 1839, the United States district attorney for the northern district of New York was directed to defend the suit, by the Secretary of the Treasury, on behalf of the United States. He procured the renewal of the cause to the circuit court of the United States, under the act of Congress; a trial was had before the circuit court of the northern district of New York, in June, 1844, the district attorney of the United States appearing and defending the suit, and judgment was recovered, amounting, with the costs, to \$580 32.

Mr. McMULLIN. It seems that it is a very small matter to occupy the time of the committee. Judgment was obtained against this collector. He has proved insolvent, and now the Government is called upon to pay this debt. I have no objection to paying it, but I do not think it is fair to come forward and ask interest. I hope the gentleman will withdraw the amendment; for without it I will vote for the bill.

Mr. COBB. I believe the gentleman who reported the bill is not in his seat.

Mr. HAVEN. I think we ought not to have any controversy about it.

Mr. COBB. If I was satisfied that interest had not been computed in the original report, I would be for paying it. We have no evidence that the committee took into consideration the length of time that the claimant here has been deprived of his dues.

Mr. HAVEN. I have no control over the amendment. A gentleman in a district adjoining mine has charge of the matter. The suggestion made by my friend from Alabama, [Mr. COBB.] is incorrect, from the fact that it appears by the report that the committee propose to pay the claimant the precise amount of the judgment according to the docket.

Mr. COBB. Then he ought to have interest.

The amendment was not agreed to.

The bill was then laid aside to be reported to the House, with a recommendation that it pass.

CHARLES A. KELLETT.

Senate bill (No. 139) "for the relief of Charles A. Kellett."

The bill directs the Secretary of the Treasury to refund to Charles A. Kellett, or his legal representatives, such sum as he had paid to the col-

lector of the port of New York, as tonnage dues, on the entry of the Chinese junk Key-ling, provided the same shall not exceed \$500.

The report of the committee was read.

It appears from the report that the said junk was brought to the country, not for purposes of commerce, but as an object of curiosity; that the expenses far exceeded the receipts of the said junk; that the object of Mr. Kellett in bringing it here was to benefit the cause of science, by producing to the western world a curiosity from the eastern; and, consequently, the committee think that the tonnage duties collected on her entry into the port of New York should be refunded.

Mr. WALLEY. This is the same report as made by the Committee on Commerce at a former Congress. The committee were unanimous on that occasion. The bill passed the House unanimously, but was lost in the Senate for want of time. This session the same bill that had passed the House has passed the Senate. All the facts in the case are contained in the report that has been read. There can be no objection to the bill. I therefore move that it be laid aside to be reported to the House, with a recommendation that it do pass.

Mr. WALSH. I desire to ask a question of the gentleman from Massachusetts. It is whether this Chinese junk was ever out of the country? Whether she was not manufactured here, and whether Barnum, the humbug showman, was not the real owner? [A laugh.] Also, if the public authorities of New York had not to interfere to rescue the poor Chinamen, or rather the crop of mulattoes, palmed off for Chinamen, from the oppression of those who owned her? [Laughter.]

Mr. WALLEY. That is a question which it is out of my power to answer.

The question was then taken on Mr. WALLEY's motion; and it was agreed to.

JOSEPH MITCHELL.

Senate bill (No. 29) "for the relief of Joseph Mitchell."

The bill directs the proper officers to examine the claim of Joseph Mitchell, of Maine, a soldier in the late war with Great Britain, to bounty land and arrearages of pay and bounty, and to issue a warrant for such bounty land, and pay such arrearages as would have been due to him if he had received an honorable discharge on the expiration of his term of enlistment at the close of the war.

Mr. HIESTER. The report is short and satisfactory. I hope it will be read.

The report from the Committee on Public Lands was read.

Mr. WALSH. I have not the slightest doubt that this gentleman is all that he is represented to have been before he deserted. Calico Pete was regarded as an honest man until he committed his first hotel robbery; and Robert Schuyler was regarded as one of the most upright and honorable business men in the city of New York before his late fraudulent issue of stock. Now, what this man was previous to his desertion has nothing whatever to do with the fact of his desertion. If this bill is passed, it will be simply paying a tribute to a man who basely deserted the service in which he enlisted. I hope it will not pass.

Mr. HIESTER. When this matter is properly explained to the committee, I think they will have no objection to the bill. It is merely a bill to authorize the issue of a bounty land warrant to a soldier in the war of 1812, who was unjustly marked as a deserter. The evidence before the committee was this: Joseph Mitchell, the claimant, enlisted as an alternative, either for the continuance of the war, or for five years. By an inadvertence of the recording officer—and this is proved by the admission of the officer himself—he was marked as having enlisted absolutely for the period of five years, which would extend the time beyond the close of the war. At the termination of the war he left, under the other alternative of his enlistment. The books, by this error of the officer, exhibited him as having enlisted for five years, and he was consequently marked as a deserter. The evidence of these facts is the admission of the officer and the testimony of witnesses who were present at the time the contract of enlistment was made. The evidence was perfectly satisfactory to the committee, and authorized the

conclusion that there had been an error committed, and that injustice had been done to this man.

I move that the bill be laid aside to be reported to the House, with a recommendation that it do pass.

The motion was agreed to.

Mr. MILLSON. I do not think that we are exactly prepared to enter into the investigation of any difficult cases, at this late hour. The next case on the Calendar is one which requires some discussion. It has been discussed much in former years, has been rejected two or three times, and passed once or twice. The House is thin, and I therefore move that the committee do now rise.

Mr. WASHBURN, of Maine. I demand tellers.

Tellers were ordered; and Messrs. BRECKINRIDGE and COBB appointed.

The question was taken; and the tellers reported—ayes 57, noes 31.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, the Chairman [Mr. EDGERTON] reported that a Committee of the Whole House had had the Private Calendar generally under consideration, and that he was directed to report to the House bills of the following titles, without amendment, and with a recommendation that they do pass:

House bill (No. 189) "for the relief of John S. Jones and William H. Russell, surviving partners of Brown, Russell & Co.;"

House bill (No. 190) "for the relief of William Hankins;"

House bill (No. 196) "for the relief of Gilbert C. Russell;"

House bill (No. 199) "for the relief of Thomas C. Greene;"

Senate bill (No. 76) "authorizing Victor Morass to relinquish certain lands and to enter the same quantity elsewhere;"

Senate bill (No. 73) "for the relief of the legal representatives of Joshua Kennedy, deceased;"

Senate bill (No. 127) "for the relief of John Phagan;"

House joint resolution (No. 5) "directing the accounting officers of the Treasury to adjust the accounts of William Woodbury, late pension agent at Portland, Maine;"

House bill (No. 238) "for the relief of John S. King, of Virginia;"

Senate bill (No. 125) "for the relief of Ezra Williams;"

Senate bill (No. 90) "for the relief of Charles Cooper;"

Senate bill (No. 91) "for the relief of James Dunning;"

House bill (No. 240) "for the relief of Thomas S. J. Johnson, of the Territory of New Mexico;"

House bill (No. 241) "for the relief of the administrators of Oliver Lee, deceased;"

Senate bill (No. 139) "for the relief of Charles A. Kellett;"

Senate bill (No. 29) "for the relief of Joseph Mitchell;"

House bill (No. 182) "for the relief of Danie. Steenrod," with amendments; and

House bill (No. 195) "for the relief of Sarah K. Jenks, and the legal representatives of Harts-horn R. Thomas, in the matter of the brig Jane," with a recommendation that it do not pass.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by ASBURY DICKINS, its Secretary, notifying the House that that body had passed "An act for the relief of Thomas K. Glenn," and joint resolution of the House (No. 7) entitled "A joint resolution of the thanks of Congress and the presentation of a medal to Captain Duncan N. Ingraham," with an amendment, in which he was directed to ask the concurrence of the House.

On motion by Mr. WALBRIDGE, it was

Ordered, That the petition and papers of James M. French be taken from the table, and referred to the Committee on Invalid Pensions.

Mr. BENSON. An adverse report was made to the House yesterday in the case of Elijah Frye. It was afterwards discovered that a portion of the papers had been referred to one member of the committee, and the remainder to another member. Neither made out a case. The papers considered together, would, I think, make a good case, and I

therefore move that the report and papers be again referred to the committee.

There was no objection, and it was so ordered.

Mr. RUFFIN. When I was absent this morning, in attendance on the special committee of investigation, application was made and granted for leave to withdraw the petition and papers of Mrs. Pennington. I had reported to the Committee of Claims, and that committee had directed me to report adversely on the case. I now wish to state that had I been in my place, I should have objected to the withdrawal of the papers.

Mr. SHANNON, from the Committee on Foreign Relations, reported back Senate bill (No. 363) "for the relief of Jonas P. Levy and José Maria Jarrero," with a recommendation that it do pass; which was referred to a Committee of the Whole House, and, with the accompanying report, ordered to be printed.

Mr. PERKINS. I ask the unanimous consent of the House that we may proceed to the consideration of business upon the Speaker's table, for the purpose of referring some bills from the Senate. It will not consume more than fifteen or twenty minute's time.

Mr. WALSH. I object.

Mr. ROWE. I move that the House do now adjourn.

The motion was agreed to; and the House thereupon (at three o'clock) adjourned till Monday, at eleven o'clock, a. m.

IN SENATE.

SATURDAY, July 15, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

The PRESIDENT *pro tempore* appointed Messrs. CLAY and BENJAMIN the additional members on the Committee on Enrolled Bills, authorized by the order adopted yesterday.

CORRECTION OF A VOTE.

Mr. SLIDELL. I do not know that the Journal can be corrected as I wish; but I desire to state a misapprehension which I entertained about a question on which I voted yesterday. My colleague [Mr. BENJAMIN] offered an amendment to the homestead bill, by which children born in the United States were permitted to enjoy certain privileges, and to enter upon one hundred and sixty acres of land. As presented by my colleague, it was without restriction as to age. I was called out of the Senate Chamber, and in my absence he modified his amendment by restricting it to persons above the age of sixteen. If I had known the amendment was in that form, I should have voted for it. Under a misapprehension, I voted in the negative. I wish to make that explanation; and, if possible, I should prefer to have my vote corrected on the Journal.

Several SENATORS. That cannot be done.

Mr. SLIDELL. I understand that it is not inconsistent with the usages of the Senate, when the result is not changed by the correction of a vote, given in error, to allow it to be corrected. If it be so, I ask the privilege of having my vote recorded in the affirmative, instead of the negative, on that amendment.

The PRESIDENT. If there be no objection, that will be done by unanimous consent.

There was no objection.

PETITIONS, ETC.

The PRESIDENT *pro tempore* presented the petition of the heirs and legal representatives of Captain Thomas Dinmore, a soldier in the war of 1812, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

Mr. JOHNSON presented a memorial of the compositors, proof-readers, and makers-up employed in the office of the Congressional Globe, praying to be allowed the same extra compensation as is allowed to the reporters of the proceedings of the House of Representatives; which was referred to the Committee on Finance.

NAVAL DEPOT AT BEAUFORT.

Mr. BADGER submitted the following; which was considered by unanimous consent, and agreed to:

Ordered, That the report of the Secretary of the Navy, in compliance with the resolution of the Senate of the 26th March, 1853, in relation to the establishment of a naval de-

pot at Beaufort, in North Carolina, with the accompanying documents and map or chart, be printed, and that three thousand additional copies be furnished, five hundred of which shall be for the use of the Navy Department, and that the map or chart be engraved and printed under the direction of the superintendence of the Coast Survey.

KANSAS AND NEBRASKA BILL.

Mr. PETTIT. I am daily in receipt of letters requesting that official copies of the act providing for the organization of the Territories of Kansas and Nebraska be printed and circulated. I am credibly informed that the copies published in the newspapers here, even though officially published, are denied all over the Union, as being authentic. I therefore offer the following resolution, and ask the unanimous consent of the Senate to have it considered at this time:

Resolved, That there be ten thousand copies of the Kansas and Nebraska act, certified by the Secretary of the Senate, printed in pamphlet form for the use of the Senate.

Mr. CHASE. I prefer that the resolution should lie over.

The PRESIDING OFFICER. The consideration of the resolution being objected to, it must lie over.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of the Interior, transmitting a copy of a letter from the Commissioner of Indian Affairs, submitting estimates of the amount necessary to carry into effect treaties recently negotiated in the city of Washington with the Sacs and Foxes of Missouri, Delawares, Iowas, and Kickapoos; which was referred to the Committee on Finance.

Also, a report of the Secretary of War, communicating, in compliance with a resolution of the Senate of the 7th instant, information in relation to the improvement of the bar at the mouth of the St. John's river, Florida; which was referred to the Committee on Commerce.

BILL INTRODUCED.

Mr. SHIELDS asked and obtained the unanimous consent of the Senate to introduce a bill for the relief of Charles W. Carroll; which was read a first and second time by its title, and referred to the Committee on Military Affairs.

COMMANDER INGRAHAM.

Mr. GWIN. Mr. President, for the last five or six months, there has been lying on the table a House joint resolution "of thanks of Congress, and the presentation of a medal to Captain Duncan N. Ingraham."

The object is to bestow some testimonial on him for his gallant conduct in the rescue of Koszta at Smyrna. It was reported from the Committee on Naval Affairs several months ago; but the Senator from North Carolina then wished to add some amendments to it, to which I believe there is now no objection on the part of the Committee on Naval Affairs.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

It proposes to present the thanks of Congress to Duncan N. Ingraham, commanding the United States sloop-of-war St. Louis, for his judicious and gallant conduct on the 2d day of July, 1853, in extending the protection of the American Government to Martin Koszta, by rescuing him from forcible and illegal seizure and imprisonment, on board the Austrian brig-of-war Hussar; and the President is requested to cause to be made a medal, with suitable devices, and presented to Captain Ingraham, as a testimonial of the high sense entertained by Congress of his valor, promptness, and judicious conduct on that above memorable occasion.

The President is to cause this resolution to be communicated to Captain Ingraham, in such terms as he may deem best calculated to give effect to the objects contemplated.

Mr. BADGER. Mr. President, the reason why I suggested that I wished to make some amendments to this resolution, was not at all because I was reluctant to do honor to the officer to whom the resolution refers, and who I think is eminently entitled to be distinguished by a proper vote of Congress on the occasion. But upon looking into the resolution, I found that by some oversight the precedents that had taken place in our history, had not been attended to. In the first place, I remarked that the highest testimony of

regard which can be conferred upon an officer of the Army or Navy, entirely above even medals and swords, is the thanks of Congress. In the naval history of this country, the thanks of Congress have been given to naval officers but on three occasions, and those were to the commanders of squadrons—Perry and McDonough, on our lakes, and Commodore Preble for his extraordinary naval campaign on the Mediterranean. Neither Hull, nor Bainbridge, nor Decatur, nor any of those gallant officers who signalized themselves in doing honor to the country in single combats, ever received a vote of the thanks of Congress. I think, therefore, that, with regard to Commander Ingraham, he will have no reason to complain if the resolution puts him on a footing with Hull, and Bainbridge, and Decatur, and Jacob Jones, and other officers of that kind.

In the next place, Mr. President, the third section directs that these resolutions shall be communicated to this officer by the President of the United States, in such manner as he may think best calculated to give effect to the purpose of Congress. Now, sir, that has never been done in the naval service of the country, either to him who commanded a single vessel, or him who commanded a squadron. There are cases in which Congress have passed expressions of approbation in respect to officers who have fallen in the service of the country, when they have directed the President to communicate to the surviving relatives the condolence of Congress in the affliction which they, as well as the country, had sustained.

I propose, therefore, to amend the resolution in this way, which will put it precisely on a footing with the resolutions which Congress adopted for the officers I have named—Hull, Decatur, Jacob Jones, Bainbridge, and others. I propose to strike out the first section which contains a vote of thanks, to amend the second section by striking out all of that section after the word "President" in line three, and to insert the words which I send to the Chair; and third, to strike out the third section, which directs these resolutions to be communicated to Commander Ingraham. It will then consist of one single resolution, brief, direct, and equivalent to what was done in the case of the officers I have mentioned. After that is done I shall have an amendment to offer to the title. If the amendments I now propose be adopted, the joint resolution will read:

Resolved, &c., That the President of the United States be and he is hereby, requested to cause to be made a medal, with suitable devices, and presented to Commander Duncan N. Ingraham, of the Navy of the United States, as a testimonial of the high sense entertained by Congress of his gallant and judicious conduct on the 2d of July, 1853, in extending protection to Martin Koszta by rescuing him from illegal seizure and imprisonment on board the Austrian war brig Hussar.

The amendments were agreed to, the joint resolution was reported to the Senate as amended, and the amendments were concurred in, and ordered to be engrossed. The joint resolution was ordered to a third reading, read a third time, and passed; and, on motion by Mr. BADGER, its title was amended, so as to read:

A joint resolution, directing the presentation of a medal to Commander Duncan N. Ingraham.

POST OFFICE APPROPRIATION BILL.

The bill from the House of Representatives, making appropriations for the service of the Post Office Department during the fiscal year ending the 30th of June, 1855, was read a first and second time by its title, and referred to the Committee on Finance.

LIGHT-HOUSE APPROPRIATION BILL.

The bill from the House of Representatives, making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes, was read a first and second time by its title, and referred to the Committee on Commerce.

THOMAS K. GLENN.

Mr. RUSK. I am instructed by the Committee on the Post Office and Post Roads, to whom was referred the bill for the relief of Thomas K. Glenn, to report it back without amendment. I ask the unanimous consent of the Senate to consider it now.

I will state the substance of the bill. It is for the relief of a mail contractor who bid on two short routes. One he bid for at \$300, the other at \$125—one being shorter than the other. There is

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a letter accompanying the bill from the Postmaster General, which shows beyond doubt that in filling up the contracts, Glenn made a mistake and put \$125 for the long route, and \$300 for the short one. That is very evident. He endeavored to get a release, and notified the Department before he was required to execute the bonds, that he had made a mistake; and he now asks that the bid shall be corrected. This the Postmaster General does not recommend, but he has no objection to it. It was a clear mistake beyond all doubt, and he deserves relief.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to direct the Postmaster General to cause the account of Glenn, for carrying the mail from Raleigh to Roxborough, North Carolina, from July 1, 1851, during the time he has been engaged, and to the termination of his contract, to be settled and paid in such a manner as to correct an alleged mistake made in his proposals, if the Postmaster General be satisfied of the existence of the mistake; but the difference to be paid, with what he has already received, is not to exceed the amount of the next lowest bid, or \$275 per annum for the performance of the contract.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

EXECUTIVE SESSION.

Mr. MASON. I move that the Senate proceed to the consideration of Executive business. I am satisfied that it will not detain us over five or ten minutes.

The motion was agreed to.

The Senate accordingly proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened.

GEORGETOWN GAS-LIGHT COMPANY.

The PRESIDING OFFICER, (Mr. BRIGHT in the chair.) The bill of the Senate to incorporate the Georgetown Gas-Light Company has been returned from the House with an amendment. If there be no objection the Senate will proceed to consider the amendment.

The amendment was to strike out the eleventh section of the bill, and insert the following:

Sec. 11. *And he it further enacted,* That each of the stockholders in the Georgetown Gas-Light Company shall be held liable, in his or her individual capacity, for all the debts and liabilities of the said company, however contracted or incurred, to be recovered by suit, as other debts and liabilities, before the court, or tribunal having jurisdiction of the case.

Sec. 12. *And he it further enacted,* That all the rights granted to the Washington Gas Light Company, by an act entitled "An act to amend an act entitled 'An act to incorporate the Washington Gas-Light Company, approved July 8, 1848,' approved August 2, 1853," to lay gas mains or pipes in the city of Georgetown, be, and the same is hereby, repealed.

The amendment was agreed to.

PRIVATE BILL DAY.

Mr. BADGER submitted the following resolution for consideration:

Resolved, That the resolution of the 24th of January last, setting apart every Friday for the residue of the present session for the consideration of private bills, be, and the same is hereby, rescinded.

CHILI ASTRONOMICAL EXPEDITION.

Mr. BROWN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Printing be instructed to inquire into the expediency of having printed for the use of the Senate, ——— thousand copies of the observations of the United States astronomical expedition to Chili.

PAPERS RECOMMENDED.

On the motion of Mr. FOOT, the papers in the case of Mrs. Mary A. M. Jones were recommended to the Committee on Pensions, together with additional testimony, which he presented.

EXECUTIVE SESSION.

Mr. STUART obtained the floor.

Mr. HUNTER. With the consent of my friend, I wish to submit a motion, that the Senate go into Executive session again. I will explain my reason when we get there.

The motion was agreed to; and the Senate again proceeded to the consideration of Executive business.

After some time the doors were reopened.

THE HOMESTEAD BILL.

Mr. CHASE. There is a bill on the Calendar for the relief of Isaac Swain. The Committee on Claims have carefully considered it, and have allowed him about one third of his claim. In their report they are unanimous. I hope, therefore, the Senate will consider it now.

Mr. ADAMS. The only objection I have to that is, that I desire to dispose of the homestead bill to-day, so that it may not be in the way of other business next week, and I do not think we have more time left to-day than is necessary for the proper disposition of that bill.

Mr. STUART. I hope the Senator will withdraw his motion, and let us take up the homestead bill, and dispose of it to-day.

Mr. CHASE. It will not take two minutes to dispose of this bill.

The PRESIDING OFFICER put the question, and no quorum voted.

Mr. STUART. I desire to make a suggestion. I wish to come to an understanding, if I can, with the Senate, and I should feel obliged if Senators would give me their attention for a few minutes. I think I am authorized to say that there will be no difficulty in agreeing upon an adjustment of the homestead question which will be satisfactory to a very large majority, and I hope to all, of the Senate. It is, therefore, then, a question as to time. If the Senate prefer that we shall take up the subject to-day, or on Monday, at half past eleven o'clock, with the general understanding that on that day we shall dispose of the question, I shall be very glad to do so, and now either allow any other business, of a private or a public character to be disposed of at this time, or adjourn.

Mr. PRATT. I hope the Senator will give those who are uninitiated the grounds of the proposed arrangement which will be satisfactory to all.

Mr. STUART. I would say that it is substantially a homestead provision, with the provisions of the bill of the Senator from Virginia, [Mr. HUNTER.] I think that a very large majority of the Senate, and, as I said, I hope everybody will agree upon these provisions in substance. In the details we may differ; but I hope we shall have no real difference in principle. It is substantially the provision of the homestead bill, with the graduation principles of the bill of the Senator from Virginia.

Mr. BRODHEAD. I do not so understand the provisions of the bill of the Senator from Virginia. If it is the homestead bill over again, I am against it for one.

Mr. STUART. Well, sir, I did not know that everybody would be for it. I said that I hoped, and I might say I believed, a majority of the Senate were for it. But what I wish to settle now is, simply the question of time—whether it is the sense of the Senate to proceed with the subject to-day, or have a general understanding to proceed with it to a vote on Monday.

Mr. BADGER. I think, with one modification, we may agree to the suggestion of the Senator. I think that his suggestion to take up the subject on Monday, and proceed with it till disposed of, is fair and reasonable; but discussion may arise which may make it inconvenient and unreasonable to take the vote on that day. The understanding may be that we shall take it up, and, if it is not disposed of on Monday, proceed with it on Tuesday.

Mr. STUART. Of course, I intended my suggestion to be with the qualification that we shall have a vote as soon as possible.

Mr. MASON. Will the Senator allow me to say a word? It is right that I should recall to mind the fact, that I gave notice on a former day, during the present week, that I should ask for an Executive session on Monday, for the reason that we have Executive business of importance to act

upon. I reserve to myself a right to make that motion.

Mr. STUART. The Senator will allow me to say that all our public deliberations are subject to the necessities of Executive sessions. With the understanding that we shall take up the subject on Monday, I shall defer calling it up to-day.

Mr. BROWN. I desire to say a word to the Senator from Michigan before he takes his seat.

The PRESIDING OFFICER. The motion made by the Senator from Ohio is still pending. No quorum voted upon that motion. If there be a quorum now present, the vote will be taken on that proposition.

Mr. CHASE. As there seems to be an indisposition to take up this bill to-day, and for the purpose of accommodating myself to the evident wishes of the Senate, and further, for the purpose of allowing the Senator from Michigan to come to some understanding as to what is to be done with the homestead bill, and hoping that the Senate will indulge me in the consideration of this very worthy man's case on Monday, I withdraw my motion.

Mr. STUART. The Senator from Mississippi wished to make a suggestion to me. I shall be glad to hear him.

Mr. BROWN. I wish to ascertain, if I can, what we are about to agree upon; whether we are coming to an understanding that we are to take the bill introduced by the Senator from Virginia, which the Senator proposes to offer as a substitute for the present homestead bill, or whether we are to take the homestead bill with the simple alteration of the graduation clause in it?

I ask the question, because, if it be expected of me that I am to take the bill as introduced by the Senator from Virginia as an entirety, I wish to say to the Senator and others, that I shall have to consider that bill much more favorably than I have done thus far, before it can get my vote. I have very decided objections to it, and I do not want to come to any understanding that we are to take it.

Mr. STUART. All I mean to be understood as saying is, that it is substantially the provisions of the homestead bill, modified in its details to some extent to meet the wishes of the Senate, with the principle of the graduation bill of the Senator from Virginia. This is the substantial provision which we propose to try and agree upon.

Mr. CLAYTON. Mr. President, I should like to know what this agreement is, and who are the parties to it? The Senator from Michigan has announced to us that somebody or other has settled the business for us; that we are to take the homestead bill mixed in hotch-potch with the bill of the Senator from Virginia.

I should like to know who settled that, and upon what authority the Senator undertakes to say that there is a large majority, or any majority of the Senate, in favor of any of the provisions of the homestead bill? I remain in utter ignorance of it, and all around me that I can find, are in the same condition.

Mr. STUART. Mr. President—
The PRESIDING OFFICER. There is no question now pending, therefore this discussion is all out of order.

Mr. BROWN. I would suggest to the Senator from Michigan to move to take up the homestead bill, and that will give him the opportunity to reply to the Senator from Delaware.

Mr. STUART. In order to reply to the Senator from Delaware, I move that the Senate proceed to the consideration of the special order, the homestead bill.

The motion was agreed to.

Mr. STUART. I now wish to say to the Senator from Delaware what I supposed I had said very distinctly before. I do not mean to say that there is an arrangement entered into by anybody upon this question, that is reduced to a certainty. I only meant to state that, from a very general conversation with Senators, I believed a very large majority in the Senate could agree upon the substantial provisions to which I alluded.

Mr. CLAYTON. What are they?

Mr. STUART. The homestead bill, probably

with a price added to the land—a bill containing the possessory clause of five years, the patent to be received at the end of that time; with a qualification of persons, something in this wise: that if persons take lands under the homestead provision in a State, they must be such as are, or shall be, by the laws of the State, entitled to hold land in it; and in respect to the Territories such persons as are entitled now, by existing laws, to preëmp-tions.

Mr. CLAYTON. What price to be paid for the land?

Mr. STUART. A graduated price, such as is indicated in the bill of the Senator from Virginia: one dollar an acre for lands which have been in the market five years or more, seventy-five cents for those which have been in the market ten years or more, fifty cents for those that have been in market for fifteen years and more, and twenty-five cents for those that have been in market twenty years or more.

Mr. CLAYTON. Do you call that a home-
stead bill?

Mr. STUART. That is a graduation bill. I have now stated all that I meant.

Mr. DIXON. I believe there will be no agree-
ment made here this evening on this question, and
therefore I move that the Senate adjourn.

The motion was agreed to; and
The Senate adjourned.

HOUSE OF REPRESENTATIVES.

Monday, July 17, 1854.

The House met at eleven o'clock, a. m. Prayer
by Rev. HENRY SLICER.

The Journal of Saturday was read and approved.

The SPEAKER. The business first in order
is the motion made by the gentleman from Iowa,
[Mr. HENN], on last Monday, to suspend the
rules, for the purpose of reporting from the Com-
mittee on Public Lands Senate bill No. 11, making
a grant of land to the State of Iowa in alternate
sections, to aid in the construction of certain rail-
roads in said State.

OTHO HINTON.

Mr. CORWIN. I ask the unanimous consent
of the House to offer the following resolution, for
the purpose of reference to the Committee on the
Judiciary:

Resolved, That the Secretary of the Interior be, and he is
hereby, authorized to release the bond or recognizance given
for the appearance of Otho Hinton, now in suit in the cir-
cuit court of the United States for the district of Ohio, and
to disburse said suit, on payment of all the costs by the de-
fendant, and upon such further condition, if any, as under
the circumstances he may deem equitable.

Mr. WALSH. I object.

Mr. CORWIN. I move to suspend the rules in
order that I may introduce it.

The SPEAKER. There is a motion now pend-
ing to suspend the rules, and it can only be done
by unanimous consent.

On motion by Mr. DAVIS, of Indiana, it was

Ordered, That he have leave to withdraw from the files
of the House the petition and papers of William Wheatley,
in order that they may be returned to him.

THE LOPEZ EXPEDITION.

Mr. ROGERS. I ask the unanimous consent
of the House to introduce the following resolu-
tion:

Resolved, That the President of the United States be
requested, if not inconsistent with the public interests, to
communicate, at his earliest convenience, to this House,
the correspondence between this Government and our Min-
ister at the Spanish court, in relation to the Lopez expe-
dition, and the persons engaged therein.

Mr. WALSH. I object.

Mr. LILLY. I ask the unanimous consent of
the House to discharge the Committee of the
Whole House from the consideration of a private
bill, that it may be put upon its passage.

Mr. EASTMAN. I object.

Mr. ELLISON. I desire to ask the unanimous
consent of the House to introduce a bill, of which
previous notice has been given, solely for the pur-
pose of reference.

Mr. WHEELER. I demand the regular order
of business.

Mr. McNAIR. I ask the unanimous consent
of the House to introduce a resolution for the pur-
pose of reference.

RAILROADS IN IOWA.

The SPEAKER. Gentlemen upon both sides

of the House notify the Chair that they will ob-
ject to everything out of order. The question now
pending is upon the motion made by the gentle-
man from Iowa, [Mr. HENN], to suspend the
rules for the purpose of reporting back Senate bill
"making a grant of land to the State of Iowa, in
alternate sections, to aid in the construction of cer-
tain railroads in that State."

Mr. PERKINS. Upon that question I call for
the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas
70, nays 70; as follows:

YEAS.—Messrs. Abercrombie, Banks, Bennett, Benton,
Breckinridge, Bugg, Carpenter, Chandler, Chastain, Clark,
Clingman, Cobb, Cook, John G. Davis, Thomas Davis,
Dent, Dick, Dickinson, Dowdell, Eastman, Edmonds, Ever-
hart, Farley, Greenwood, Sampson W. Harris, Henn,
Houston, Hughes, Hunt, Knox, Lamb, Lindsey, Macdonald,
McMullin, Macy, Matteson, Maurice, Maxwell, Mayall,
Middleswarth, John G. Miller, Noble, Norton, Andrew
Oliver, Orr, Packer, Peckham, Phelps, Phillips, Pratt,
Pringle, Reese, Sabin, Seward, William R. Smith, George
W. Smyth, Solters, Frederick P. Stanton, Hester L. Ste-
vens, Stratton, Nathaniel G. Taylor, Thurston, Upham,
Walbridge, Elihu B. Washburne, John Wentworth, Tappan
Wentworth, Westbrook, Daniel B. Wright, and Hend-
rick B. Wright—70.

NAYS.—Messrs. David J. Bailey, Ball, Belcher, Boyce,
Campbell, Chamberlain, Churchwell, Corwin, Cox, Craige,
Crocker, Curtis, Cutting, Disney, Eddy, Edgerton, Thomas
D. Eliot, Ellison, Fenton, Franklin, Giddings, Green,
Grow, Aaron Harlan, Andrew J. Harlan, Harrison, Has-
tings, Haven, Hill, Hillyer, Johnson, Daniel T. Jones, Kerr,
Kittredge, Kurtz, Letcher, Lilly, McCulloch, McNair, Mc-
Queen, Mace, Morgan, Morrison, Murray, Nichols, Olds,
Parker, Bishop Perkins, Ready, David Ritchie, Ruffin,
Russell, Sapp, Shaw, Shower, Simmons, Skelton, William
Smith, Richard H. Stanton, Straub, Andrew Stuart, John
J. Taylor, John L. Taylor, Trout, Vansant, Wade, Wal-
ley, Walsh, Wells, and Zollcoffer—70.

So two thirds not voting in favor thereof, the
rules were not suspended.

EFFICIENCY OF THE ARMY.

Mr. FAULKNER. I ask the unanimous con-
sent of the House to permit me to report from the
Committee on Military Affairs, with a view to put
upon their passage, the two following bills of the
Senate:

S. No. 119. An act to regulate the pay and in-
crease the efficiency of the Army of the United
States, and for other purposes; and

S. No. 120. An act to promote the efficiency of
the Army by retiring disabled officers.

Mr. LETCHER. I desire to ask my colleague
whether his purpose is to have these bills put upon
their passage now?

Mr. FAULKNER. That is my object.

Mr. EASTMAN. I object.

Mr. FAULKNER. Then I move to suspend
the rules for the purpose.

Mr. PERKINS, of New York. Can we not
have the bill read for information. I want to
know what its provisions are.

The SPEAKER. The titles of the bills have
been read. That is the usual course. One of
them is very long.

Mr. PERKINS. What I want to know is,
whether it is the number of troops that is to be
increased, or the pay of the soldiers.

Mr. FAULKNER. I would remark, in reply
to the gentleman from New York, that neither of
these bills proposes to increase the number of re-
giments. The object of one of them is to in-
crease the pay of the rank and file, as well as of
the officers; and the other is to establish a retired
list in the Army; both of which measures are
deemed essential to the efficiency and good organ-
ization of the Army.

Mr. COBB. I wish to have the bill read. I
may want to vote for it.

The SPEAKER. It is not usual to have a
bill read on a motion to suspend the rules.

Mr. COBB. Well, I may want to vote for it,
and how can I do so intelligibly until I have heard
it read?

The SPEAKER. The usual course is to an-
nounce the character of the bill by its title, and
move to suspend the rules.

Mr. COBB. As I said the other day, the title
does not always cover everything.

The SPEAKER. The Chair does not think
that as a matter of right the gentleman from Ala-
bama can insist on the reading of the bill.

Mr. COBB. Then I suppose I have a right to
read the bill myself while the vote is being taken.

The SPEAKER. The question is upon the
motion to suspend the rules, for the purpose of

introducing and putting upon their passage the
two bills.

Mr. COBB. Is it usual to take a vote upon the
introduction of two bills at once?

The SPEAKER. It is not common to do so.

Mr. PERKINS, of New York. I call, then,
for a division of the question.

The SPEAKER. That is not in order. It is
in the power of this body to suspend its own rules
for any purpose it chooses; and the motion of the
gentleman from Virginia is designed to enable him
to introduce and act upon the two bills.

Mr. JONES, of New York. I would inquire
if it is competent to introduce two bills at once?

The SPEAKER. That is not proposed to be
done.

Mr. JONES. I supposed it was.

The SPEAKER. The gentleman will remem-
ber that it is competent for the House to suspend
the rules, or otherwise to make two bills, or a
number of bills, the special order for a week, or
for two days, as was done in the case of the ter-
ritorial bills. The Chair has no doubt about the
rule upon the subject, and it is in order to move
to suspend the rules for the purpose indicated by
the gentleman from Virginia.

Mr. FAULKNER. I demand the yeas and
nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas
90, nays 64; as follows:

YEAS.—Messrs. Abercrombie, David J. Bailey, Thomas
H. Bayly, Banks, Belcher, Breckinridge, Bugg, Carpenter,
Chamberlain, Chandler, Churchwell, Clark, Clingman, Col-
quitt, Curtis, Cutting, John G. Davis, Dick, Disney, Dow-
dell, Eddy, Edgerton, Edmondson, Ellison, Farley, Faulk-
ner, Fenton, Florence, Franklin, Green, Greenwood,
Sampson W. Harris, Henn, Hillyer, Hughes, Roland Jones,
Keitt, Kerr, Lamb, Lindsey, Lindsey, McDougall, Mc-
Nair, Matteson, Maxwell, May, Middleswarth, Morrison,
Nichols, Noble, Andrew Oliver, Orr, Packer, Peckham,
Bishop Perkins, John Perkins, Phillips, Powell, Preston,
Puryear, Reese, Riddle, David Ritchie, Thomas Ritchey,
Robbins, Russell, Sabin, Shaw, Shower, William R. Smith,
George W. Smyth, Frederick P. Stanton, Richard H. Stan-
ton, Hester L. Stevens, Straub, John J. Taylor, John L.
Taylor, Thurston, Trout, Vail, Vansant, Walley, Walsh,
Israel Washburn, Wells, Tappan Wentworth, Westbrook,
Witte, Daniel B. Wright, and Hendrick B. Wright—90.

NAYS.—Messrs. Ball, Benton, Boyce, Campbell, Cobb,
Corwin, Cox, Crocker, Thomas Davis, Dent, Dickinson,
Eastman, Edmonds, Thomas D. Eliot, English, Flagler,
Giddings, Goode, Grow, Aaron Harlan, Harrison, Hastings,
Hill, Houston, Daniel T. Jones, Kittredge, Knox, Kurtz,
Letcher, McCulloch, Macdonald, McMullin, McQueen,
Mace, Macy, Maurice, Mayall, Millson, Morgan, Murray,
Norton, Parker, Phelps, Pringle, Ready, Rogers, Rowe,
Ruffin, Sapp, Simmons, Skelton, William Smith, Stratton,
Andrew Stuart, Nathaniel G. Taylor, Upham, Wade,
Walbridge, Elihu B. Washburne, John Wentworth,
Wheeler, Yates, and Zollcoffer—64.

So two thirds not voting in favor thereof, the
rules were not suspended.

DUNKIRK A PORT OF ENTRY, ETC.

Mr. FENTON. I ask the unanimous consent
of the House to report from the Committee on
Commerce a bill creating a new collection district
in the State of New York, to be called the district
of Dunkirk, and to constitute Dunkirk a port of
entry. My object is to put the bill upon its pas-
sage.

Mr. SMITH, of Virginia. I object.

Mr. FENTON. I move to suspend the rules,
to enable me to report it.

Mr. SMITH, of Virginia. I demand the yeas
and nays upon that motion.

The yeas and nays were not ordered.

The question was then put upon Mr. FENTON's
motion; and there were, upon a division—aye
114, noes not counted.

So the motion was agreed to; two thirds voting
in favor thereof.

An amendment in the nature of a substitute
was reported by the Committee on Commerce,
making the counties of Cattaraugus and Cha-
taque, and the harbors, rivers, and waters on the
southern shore of Lake Erie, in the State of New
York, west of, and including Cattaraugus Creek,
and the shores on each side of said creek, and
west along the shore and territory bordering Lake
Erie aforesaid, to the Pennsylvania State line, and
the islands in the said lake contiguous thereto,
heretofore embraced in the district of Buffalo
Creek, a collection district, to be called the dis-
trict of Dunkirk. It also makes the port of Dun-
kirk a port of entry for said district, and the ports
of Barcelona, Silver Creek, and Cattaraugus Creek,
ports of delivery.

The second section provides for the appointment

of a collector for the said district, to reside at Dunkirk during his continuance in office, together with such subordinate officers of the customs as are provided by law, their compensation to be fixed by the Secretary of the Treasury, not to exceed \$1,000 per annum. Provided, that in case no classification of collectors of customs shall be made, the compensation of the said collector shall be \$500 per annum, together with such fees and emoluments as are authorized by law.

The third section makes provision for the appointment and compensation of deputy collectors.

Mr. FENTON. I move the previous question upon the engrossment of the bill.

Mr. McMULLIN. I desire to know whether this is reported by a committee?

Mr. FENTON. It is recommended by the Committee on Commerce.

Mr. McMULLIN. I should like the report read.

Mr. FENTON. There is no written report in the case; but if the committee desire it, I will make a short statement.

The SPEAKER. The gentleman cannot make his statement while the demand for the previous question is pending.

Mr. FENTON. I withdraw the demand for the previous question, for the purpose of saying a word. The bill reported has the unanimous concurrence of the Committee on Commerce; it has the approval and recommendation of the Secretary of the Treasury, and is not, I understand, objectionable to the honorable Representative from the Buffalo district, from which this is taken.

There can be no doubt of the propriety, importance, and even necessity, of the creation of this district, &c., in conformity to this bill.

Its important commercial relations, accelerated by the termination of the New York and Erie railroad at Dunkirk, its increased and increasing navigation interests, and its proximity to the Welland canal, sharing largely, it must be presumed, in the foreign commerce from that source, and now greatly enhanced by the negotiation of the reciprocity treaty: from these considerations I may urge, without impropriety, your speedy action in this case, and will be excused for asking your favorable consideration at this moment.

I move the previous question.

The previous question was seconded, and the main question ordered to be put.

The amendment reported by the Committee on Commerce was adopted.

The bill, as amended, was then ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

Mr. FENTON moved the following amendment to the title, and it was agreed to:

Add these words:
And the ports of Barcelona, Silver Creek, and Cattaraugus Creek, ports of delivery.

Mr. FENTON. I move to reconsider the vote by which the bill was passed; and that that motion be laid upon the table.

The latter motion was agreed to.

NATIONAL ARMORIES.

Mr. DICKINSON. I ask the unanimous consent of the House to submit the following resolution:

Resolved, That the select committee, to whom was referred the consideration of the change in the superintendency of the national armories be authorized to visit Springfield, in Massachusetts, and Harper's Ferry, in Virginia, during the recess of Congress, for the purpose of making such further examination into the subject matter of their inquiries, as may enable them to furnish Congress with the full and possible information before their final action in the premises."

Mr. WALSH. I object. We have had a select committee on mail steamship contracts in session for five months, without examining a single witness, and which now comes in with a white-washed report. [Laughter.]

Mr. DICKINSON. I move that the rules of the House be suspended for the purpose I have indicated; and on that motion demand tellers.

Tellers were ordered; and Messrs. CHURCHWELL and KERR were appointed.

The question was taken; and the rules were not suspended; the tellers having reported—ayes 38, noes not counted.

LOUISIANA LAND BILL.

Mr. JONES, of Louisiana. Senate bill No. 8, entitled "An act making grant of lands to the State

of Louisiana, to aid in the construction of a railroad in said State," was referred to the Committee on Public Lands, but that committee has not yet had an opportunity to report it back to the House. I now move that that committee be discharged from its further consideration.

Mr. WALSH. I object.

Mr. JONES. I move a suspension of the rules for the purpose I have indicated, and upon that motion I demand the yeas and nays.

The yeas and nays were not ordered.

The question was then taken, and the rules were not suspended.

ARMY APPROPRIATION BILL.

Mr. HOUSTON. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union; and upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and it was decided in the affirmative—yeas 93, nays 62; as follows:

YEAS—Messrs. Abercrombie, David J. Bailey, Thomas H. Bayly, Belcher, Bliss, Boyce, Breckinridge, Bridges, Bugg, Carpenter, Chandler, Chastain, Clingman, Cobb, Colquitt, Cox, Craig, Crocker, Dent, Dowdell, Eddy, Edgerton, Edmunds, Edmundson, Ellison, Everhart, Farley, Faulkner, Flagler, Franklin, Goode, Green, Greenwood, Grow, Sampson W. Harris, Hastings, Haven, Hibbard, Hill, Hillyer, Houston, Hughes, Daniel T. Jones, Roland Jones, Kelt, Kittredge, Kurtz, Lamb, Letcher, Lindsey, Lindsey, Macdonald, McMullin, McQueen, Mace, Maurice, Maxwell, Mayall, Middleswarth, John G. Miller, Millson, Morrison, Murray, Nichols, Olds, Andrew Oliver, Orr, John Perkins, Phelps, Phillips, Powell, Pratt, Reese, David Ritchie, Rutlin, Russell, Seward, Simmons, William Smith, William R. Smith, George W. Smyth, Sollers, Richard H. Stanton, Stratton, John J. Taylor, John L. Taylor, Thurston, Trout, Walley, Walsh, Wells, Daniel B. Wright and Hendrick B. Wright—93.

NAYS—Messrs. Ball, Benson, Benton, Churchwell, Cook, Corwin, Curtis, John G. Davis, Thomas Davis, Dick, Dickinson, Disney, Eastman, Thomas D. Eliot, English, Florence, Aaron Harlan, Harrison, Henn, Hunt, Johnson, Kerr, Knox, Latham, Lilly, McCulloch, McDougall, McNair, Macy, Morgan, Noble, Norton, Parker, Peckham, Pennington, Puryear, Ready, Rogers, Rowe, Sabin, Sapp, Shannon, Shaw, Shower, Gerrit Smith, Frederick P. Stanton, Andrew Stuart, David Stuart, Nathaniel G. Taylor, Upham, Vail, Wade, Walbridge, Elihu B. Washburne, John Wentworth, Tappan Wentworth, Westbrook, Wheeler, Witte, Yates, and Zollcoffer—62.

So the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. WRIGHT, of Pennsylvania, in the chair,) and resumed the consideration of House bill (No. 95) "making appropriations for the support of the Army for the year ending the 30th June, 1855."

The pending question being on an amendment offered by Mr. STANTON, of Kentucky, to insert after the words "for the manufacture of arms at the national armories, \$250,000," the following:

Provided, That so much of all laws heretofore passed, which authorize the appointment of military officers to superintend operations at the national armories, be, and the same is hereby, repealed, and from and after the passage of this act, it shall be the duty of the President of the United States, by and with the advice and consent of the Senate, to appoint a competent and well qualified civilian as superintendent at each of said armories.

Mr. KEITT, who was entitled to the floor, yielded it to

Mr. VANSANT, who addressed the committee for an hour in opposition to the military superintendence of national armories, and in favor of Mr. STANTON's amendment. His remarks are withheld for revision, and will be published in the Appendix.

Mr. KEITT then took the floor and addressed the committee in reply to Messrs. STANTON and VANSANT, and in favor of the military superintendence. [See Appendix for his speech.]

Mr. BANKS obtained the floor, but yielded it to

Mr. DAVIS, of Rhode Island. Mr. Chairman, I beg leave to offer a very few remarks on this question. It strikes me that in our Government our great aim should be in all cases to keep the military and civil power as distinct as possible. They are antagonistic, however much we may attempt to disguise the fact. Military power is despotic and does everything by authority of command, and without reason. Civil power distributes itself; it leaves to every man his right to judge, and think, and speak, and act. And for this they should be kept as distinct and as separate as may be. And in the case before us, it seems to me that the change from the civil to the exist-

ing military superintendency was a wrong done to the entire mechanical interest of the country—a wrong perpetrated on its integrity and capacity, and should not be made without the most careful, deliberate, and thorough investigation. The change appears to have been made at the suggestion of military men who had an interest, and who accomplished it through the agency of the Secretary of War, without ever proceeding to an investigation of the matter, and without ever making any charges which would sustain them in making such change. That was the way the work was accomplished. This House refused several times after the matter was brought before them, to concur in the change, and it was only by the artful management of the gentlemen who annexed an amendment to the army bill, that it was finally accomplished. It never had the hearty concurrence of this House to carry it into effect, if I understand the matter. For that reason, it seems to me that we ought to consider this subject fully now, and see if there was any good reason for making a change of this kind, which will prove so degrading to the great mechanical interests of the country.

Mr. McNAIR. I rise to a question of order. I ask the Chair whether the gentleman from Massachusetts [Mr. BANKS] has a right to yield the floor to the gentleman from Rhode Island [Mr. DAVIS] to make a speech.

The CHAIRMAN. The gentleman from Massachusetts yielded the floor entirely to the gentleman from Rhode Island, and has put himself upon an equality with other gentlemen.

Mr. DAVIS, (resuming.) The great interest of this country, next to the agricultural interest, is the mechanical interest. Before that interest the military interest of this country is as nothing. The one is only partial, and to be used at specific times, as little as possible; for we should aim to prevent, as far as we can, the need of military power. They furnish the means, give the very ability to carry into effect the military power of the country, and, consequently, it should be made subservient to the civil power in all cases, except when it is called into the field in actual service. The agricultural and mechanical power is creative, while the military is destructive; and in that sense one is antagonistic and inferior to the other, inasmuch as it is nobler to create than to destroy.

But to come to the details of this matter. It is said that these shops produce arms under the military rule cheaper than under the civil rule. If I read the report of the gentleman from Kentucky [Mr. STANTON], right, this is not the fact. If it was so, any gentleman acquainted with the progress of mechanical arts for the last ten years, would have no difficulty in making out a case that they ought to manufacture them cheaper. The progress in the mechanical arts for the last ten or twelve years, during the military rule, has been wonderful in its results. There is ten-fold more produced by the same amount in some kinds of mechanical labor than there was ten or fifteen years ago, and these armories ought to produce arms cheaper now. But it does not appear that they have produced them cheaper, or as cheap, as when the armories were under the civil rule. You may rely upon it, that military rulers are incapable of going into, or the understanding, details of mechanics.

No man can doubt that who is acquainted with mechanics, and acquainted with the way in which these military matters are carried on. Military men never have to count the cost. They are simply employed as agents to do a certain thing, while a civilian or mechanic has to begin at the beginning, and see whether he can make both ends meet. One is generally the agent of the Government, and the other, before he becomes the agent of the Government, has had to go step by step in his own career, and ascertain what he can do with a limited amount of money, and what results he can accomplish. In this you will always find the unfitness of military men for accomplishing anything economically. It is in the very nature of their education that it should be so; and it is in the nature of the education of men brought up to business that they should connect means and ends together, and in this respect it seems to me that there is an entire unfitness in appointing military men to superintend civil business.

The gentleman from South Carolina [Mr. KEITT] has read us a report in justification of the removal of the civil superintendents, which was

made immediately after the removals were made. These charges were made against the superintendent of these works, and that report was got up to justify the removal. But they should have been made beforehand, if there was anything in the facts to justify that act. I do not doubt that, like every other institution of this Government, that that one has been made to some extent, a political engine. It has been regulated by the Government. It is, I regret to say, a part of the system that every man who has a place from this Government shall be, to some extent, a political man. But I do not understand that mere military rule relieves us from that. I do not understand that a President, or any other executive officer, cannot as well direct politically through military men as through civilians. And so far as that charge is concerned, it may well be said to fall to the ground.

But the main objection, the deep objection, in my own mind, to the military system, is this: that the rule of military men is incompatible with the freedom which belongs to the civilian. And it is an insult to place over the mechanics of this country a mere military man. I should feel it an indignity, were I a workman in that shop, to have a military man come to me in the spirit in which military rule must always be carried on, and tell me to do this and to do that. The civilian or mechanic is the entire and perfect equal of the military man, and often his superior in useful cultivation.

Mr. KEITT. May I ask the gentleman from Rhode Island one question?

Mr. DAVIS. Certainly.

Mr. KEITT. I ask the gentleman whether he would feel degraded, if he were a military man, to be placed under an officer?

Mr. DAVIS. I can speak for myself. I never should be a military man if I could avoid it. I do not, for myself, believe in the military rule. I leave those who choose that kind of rule there to exercise it, without any kind of reason, or to submit to its exercise by superiors in rank. But I should feel degraded as a civilian, and I do feel the degradation of a portion of the constituency which I represent, if, in the progress of the business of other workshops of the nation, there should be military men appointed to rule over them. I think civilians better qualified to engage in all the business connected with workshops than any military man can be, unless he begins at the beginning.

Mr. KEITT. I would ask another question of the gentleman from Rhode Island, if he will permit me.

Mr. DAVIS. Certainly.

Mr. KEITT. The question I ask is, whether the rules of the national armories are not precisely the same under the two systems; and whether, under the military superintendence, the mechanics are not subjected to the same body of rules as they were under the civil superintendence?

Mr. DAVIS. I say they have changed even that matter. The officers were changed as soon as the military men were placed there.

Mr. KEITT. I was speaking of the system of rules.

Mr. DAVIS. The system of rules were changed. As soon as the military officers got possession of those shops, there was a change made, and men were placed directly under the rules of military superintendents, instead of men who were answerable to the President for the exercise of their power.

Mr. KEITT. The rules were in force in one case, and they were not in the other.

Mr. DAVIS. I say the result of this whole matter lies in this: You had for nearly half a century these establishments carried on by civilians, and there is no evidence before this committee that the general result of that superintendence was not as satisfactory as that which has taken place for the last twelve years; nor that the arms were not manufactured as cheaply. And I ask, why was it changed without solid and substantial reasons? Why was the military rule introduced? The Secretary who made the change gave, as one reason, that he has nothing for those officers to do. I pray they should not be placed over the mechanical interests of the country, because those interests are paramount to the military; and, as a civilian, I protest against this rule of military men, except in their own exact position and sphere, whatever that may be, and I pray it may be as limited as

possible, believing, as I do, that a great military power in this Republic tends towards its destruction, is incompatible with republican freedom, and republican right to speak, think, and act for themselves.

I say again, there has been no substantial reason given in this report why the change should have been made. I hope this House will take measures to have these civilians restored, and the military men left to their own proper sphere. The work was well and economically performed when they had charge of the works. The arms were as good as the improvements of those times would admit, and undoubtedly we shall have better arms twelve years hence than we have now.

Mr. STANTON, (interrupting.) I wish to say one single word here. The gentleman from South Carolina [Mr. KEITT] read from the report of Mr. Goggins, of Virginia, in reference to the perfection to which the military commandants had brought these arms.

Mr. KEITT. The gentleman is mistaken, for I read nothing from his report.

Mr. STANTON. It is quite immaterial from what he read. He read something in reference to the subject. Now, I wish to show to the committee, that as late as 1839, two years before the military change was made, the same perfection had been attained by the civilians, and the fact is reported to this House, under the sanction of the committee which had investigated the subject.

Mr. William C. Johnson, in 1839, from a committee to whom was referred the subject of establishing a national foundry for cannon, made a report, in which he uses this language:

"The system of machinery is reduced to such perfection that every part of a musket and rifle is made with such nice precision and accuracy that every screw or spring made for a given part or purpose will fit every musket or rifle that is made in each of the public factories. Take any part of a musket made in the Springfield factory, and it will be precisely, in every particular, like those parts made at Harper's Ferry. All the parts of two muskets may be taken asunder, though one be made at Harper's Ferry and the other at Springfield, and thrown into an indiscriminate mass, and there may be taken from the heap thus blended, at random, the component parts of a musket, and these put together; and the musket thus formed will be as perfect as precision can be, although half the musket be made at one factory and the other half at the other. The chief of the ordnance department has frequently tried the experiment with success. Hence a musket or pistol made in the public factories of the United States is almost indestructible; for, from the fragments of arms on a battle-field, a musket can readily be put together as perfect as when first made."

That was a report made by a committee to this House, and such is the conclusion to which they arrived.

Here, too, is the testimony of Captain Manadier, one of the Ordnance Corps, and I believe at present the chief of that corps. On page 61 will be seen what he says about the comparative quality of muskets:

"Judging from the inspection reports received from the armories, and from the satisfaction which the arms have given to those who have used them, there is no reason to believe that there were ever any arms of bad quality under either system."

This is the testimony of an ordnance officer; and how can it be said, in the face of this testimony, that the military superintendents have brought about these improvements, when it is shown that they were brought about in 1839, two years before the military men came into the superintendency of these establishments?

Mr. DAVIS. The gentleman has touched the very point I wanted to come at—and it is a very important one—that the machinery by which this perfection of manufacture was accomplished was in use two years before this military system was introduced. Now, if you will examine into the facts, you will see that that result was brought about by the civil superintendency, and not by the military system. Now, sir, the question for us to decide is, is there such substantial reason in favor of the civil superintendency as to justify the change? And how can we better decide that question than by relying upon the report of the commission appointed by the President to investigate the subject? I have examined the report to some extent, and it seems to me their investigation was thorough and complete; and made, as it was, by such men as Chancellor Walworth, Governor Steele, and Mr. Stevenson, of Virginia, it seems to me that you have all the testimony that you require. It seems to me that you are just as well prepared to act as you would be by repeating that testimony.

I say, therefore, that the object of this delay is not to obtain new light, but to retain these men a little longer in their places; which they have not obtained by fair, open, and frank means, but into which they have obtruded themselves without warrant.

Mr. Chairman, I ask that you shall preserve the military and civil powers of the Government separate and distinct. If this belongs to the civil department of the Government, let it go there. Give to the civil power what belongs to it, and to the military power what belongs to it.

Mr. SKELTON. I propose to offer a substitute for the amendment now pending.

Mr. HOUSTON. If the gentleman from New Jersey will allow me, I will move that the committee rise, for the purpose of going into the House, and fixing some time for closing this debate.

Mr. SKELTON. I will say to the gentleman that I shall occupy but a very few minutes with the remarks I shall make.

Mr. PECKHAM. I hope the debate will be allowed to proceed.

Mr. HOUSTON. I did not propose to interfere with the time of the gentleman from New Jersey, but to fix some time.

Mr. SKELTON. I will yield, if the gentleman desires it.

Mr. HOUSTON. I move, then, that the committee do now rise.

The motion was not agreed to.

Mr. SKELTON. Mr. Chairman, in place of the provisions in the bill on this subject, which read as follows:

"For the manufacture of arms at the national armories, \$250,000.

"For repairs and improvements and new machinery at Harper's Ferry, \$39,200."

I move to substitute these words:

That the manufacture of arms at Harper's Ferry and Springfield be discontinued, and that the Secretary of War be authorized to make contracts for the manufacture and supply of all arms which may be necessary to supply the Army and Navy; and that the sum of \$200,000 be appropriated for that object.

I offer that as an amendment to the amendment of the gentleman from Kentucky.

Mr. Chairman, I have listened with uninterrupted attention to the remarks which have been submitted to the committee, and am now of the opinion that both sides have each made out its own case. The objection to civil superintendency is, that under it the office of superintendent is a sinecure for political hangers-on; that the system is subject to great abuse, and is liable to all party fluctuations. On the other hand, the objection to military superintendency is, that it is one of tyranny and oppression, and not calculated for the government of the mechanics employed by the Government. We submit with great reluctance, in this country, to military dictation. There is no reason why a military man should be put to superintend either of these armories, other than the one stated by the opponents of the proposed change, which is, that by so doing the office of superintendent is withdrawn from the political arena, and subjected to party changes. These military superintendents, it is very evident, know nothing about the manufacture of arms, and have to employ actual mechanics to superintend the work.

Now, the amendment which I have offered is one which, in my judgment, ought to be adopted. I deem it sound policy for this Government to abstain from engaging in any of the industrial pursuits of the country. It should not manufacture any of the articles which can easily be obtained from the manufactories of the country. At the establishment of these institutions there may have been, or there was, a necessity for the Government to manufacture its own arms; but that necessity no longer exists. There are manufactories of arms all over the country. They are to be found in all the principal cities, and they manufacture arms equal to any turned out from the national armories. Indeed, sir, I understand that the manufacture of arms cost more in the national armories than in the private manufactories. From the latter they can be furnished cheaper by contract than from the former. We have evidence before us, showing that we can obtain arms equal in quality, if not superior to those made at the national armories by contract; and if that be true, besides the fact of their being purchased cheaper than they are made at the armories, I would ask

the necessity for the Government engaging in the manufacture any longer? There is as much reason and necessity for the Government continuing its manufacture of arms, as there is for it to manufacture clothing and shoes, or to farm and grow the necessary provisions for the soldiers. Does anybody say that sound policy demands that we should engage in the manufacture of clothes and shoes for the Army and Navy? Certainly not. A proposal of that character would be frowned down by Congress. Then I claim that there is no more necessity for the Government engaging in the manufacture of arms than for it to engage in the making of clothes and shoes for the Army and Navy.

I think it time that the Government should be divested of all those powers which may be given to civilians. Its patronage is growing with a rapidity that is alarming to every true patriot. I look with alarm at the increasing patronage of the General Government, and I should like to see it divested of all power that can be legitimately dispensed with, and given back to the people, where it properly belongs. For these reasons, and many others which I will not detain the committee by repeating, because I did not rise to make a Buncombe speech, as I was charged with doing when I had the floor on Saturday last, I offer the amendment to this bill which has been read, because it is in accordance with the genius of our institutions, and calculated to promote the best interests of the country. I hope it will be adopted by the committee. We wish to get rid of this contest about the civil and military superintendence of the armories. If we do not adopt this amendment, this contest will still go on, and it will continue to agitate the country. If we adopt the principle embraced in my amendment, it will settle this question, and it will never again be brought into the Halls of Congress. I find that in this bill \$49,200 are appropriated for improvements in machinery. In the calculation of the cost of arms we do not calculate the cost of these improvements, or the cost of the beautiful buildings which have been built by the Government for the accommodation of our military officers. We have none of these things included in the expense of arms. As I remarked before, when you come to sift this matter, you will find that arms can be manufactured cheaper and better outside of these armories.

Mr. BANKS obtained the floor.

Mr. HOUSTON. I move that the committee rise, with a view of offering a resolution in the House to close debate.

Mr. BANKS. I have no objection to yielding the floor for that purpose.

Mr. McDougall. I desire to propose an amendment to this bill, which will require a longer discussion than can be had under the five-minute rule. It is a very important amendment.

The CHAIRMAN. The gentleman from California cannot move an amendment now, for there is an amendment already pending.

Mr. McDougall. I am opposed to the motion that the committee rise for the purpose of limiting the debate, as I desire to be heard upon an important amendment.

Mr. PECKHAM. Let us take the vote on the amendment to the amendment.

Mr. WALSH. I would ask the gentleman from Alabama [Mr. Houston] if his object is to move to close debate on this bill?

Mr. HOUSTON. It is.

Mr. WALSH. This is an important bill; and if that is the object of the gentleman, I will vote against the motion to rise.

The question was put on Mr. Houston's motion; and it was not agreed to.

Mr. FAULKNER. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Massachusetts [Mr. Banks] yield the floor to the gentleman from Virginia, [Mr. Faulkner?]

Mr. BANKS. I do not understand for what purpose the gentleman from Virginia wishes the floor. I am willing to yield it to him if it is for a proper purpose.

Mr. FAULKNER. My object in seeking the floor is this: I presume the gentleman from Massachusetts [Mr. Banks] rises for the purpose of speaking on the amendment of the gentleman from Kentucky, [Mr. Stanton.] Now, I say that the House must first dispose of the amendment offered by the gentleman from New Jersey,

[Mr. SKELTON.] This is now the pending amendment, and it must be disposed of before the question can be debated arising from the proposition of the gentleman from Kentucky. The Chair will remember that a resolution was adopted by the House, on the motion of the gentleman from Alabama, [Mr. Houston,] restricting debate in Committee of the Whole to the immediate proposition before that committee. I therefore ask that the question be taken on the proposition of the gentleman from New Jersey before this debate goes on.

Mr. BANKS. I do not desire to debate the proposition of the gentleman from New Jersey, for I do not precisely understand what it is. But I wish to speak to the amendment of the gentleman from Kentucky, [Mr. Stanton.]

The CHAIRMAN. The gentleman from Massachusetts [Mr. Banks] will have to confine his remarks to the pending question, which is the amendment to the amendment offered by the gentleman from New Jersey.

Mr. BANKS. Then I propose to state a question of order; and I ask that the amendment of the gentleman from New Jersey be read.

The amendment was again read.

Mr. BANKS. I raise the question of order, that that amendment is not in order at this time, inasmuch as the first proposition is one for the regulation of the armories for the manufacture of arms, and the second proposition being for the abolition of the armories altogether, cannot be in order as an amendment to the amendment, though undoubtedly it would be in order if the first proposition were disposed of. I desire to speak on the first amendment.

Mr. PECKHAM. What is the objection to taking the question now on that amendment?

The CHAIRMAN. The amendment to the amendment was offered by the gentleman from New Jersey without objection; and, in the opinion of the Chair, the point of order is made too late.

Mr. PECKHAM. Then why not take the vote now?

[Cries of "Certainly!" "Certainly!"

The question was taken on Mr. SKELTON's amendment to the amendment, and it was not agreed to.

Mr. BANKS then addressed the committee for one hour in favor of Mr. STANTON's amendment. His speech, withheld for revision, will be published hereafter.

Mr. BARRY obtained the floor, but yielded to Mr. KEITT, who said: Mr. Chairman, with the simple remark that I did not abuse mechanics, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, the Chairman [Mr. WRIGHT, of Pennsylvania,] reported that the Committee of the Whole on the state of the Union, had had the Union generally under consideration, and particularly the Army appropriation bill, and had come to no resolution thereon.

COOSA AND TENNESSEE RIVER RAILROAD.

Mr. COBB. Duty to myself and constituents, and the peculiar position I occupy in this House, admonish me to ask the unanimous consent of the House to discharge the Committee of the Whole on the state of the Union from the further consideration of a bill "granting the right of way and a donation of land to the State of Alabama, in aid of the construction of the Coosa and Tennessee River Railroad, in said State, leading from Gadsden to the Tennessee river, at or near Gunter's Landing." Four months ago that bill stood the ninth on the Calendar. In a few moments I cansatisfy every member of the necessity for its passage at this time.

Mr. WALSH. I object.

Mr. COBB. Then I move that the rules be suspended for the purpose I have indicated. I am not anxious that the motion for suspension should be considered to-day. If gentlemen desire an adjournment, let it go over to Monday next.

Mr. FLAGLER. I move that the House do now adjourn.

UNITED STATES COURTS IN LOUISIANA.

Mr. HUNT. Mr. Speaker, I am anxious to secure the unanimous consent for the Committee on the Judiciary to report a bill to which there is no objection. It is to fix the terms of the courts

in New Orleans, and is intended to promote public justice. It enables us to try criminal cases at the proper time. There are now no fixed terms, and those observed are not legal. If this bill is not allowed to pass, objections will be made to indictments, and justice will fail. I hope the gentleman from New York will withdraw his motion to adjourn, and allow the bill to be reported, and put on its passage.

Mr. LETCHER. Can this bill come in while there is a motion for the suspension of the rules pending?

The SPEAKER, *pro tempore*, [Mr. ORR.] It can by unanimous consent.

Mr. FLAGLER. I withdraw the motion to adjourn, in order that the bill referred to by the gentleman from Louisiana may be introduced.

Mr. KERR, from the Committee on the Judiciary, and by unanimous consent, then reported back Senate bill No. 377, entitled "An act regulating the time for holding the sessions of the district and circuit courts of the United States in the eastern district of Louisiana, with a recommendation that it do pass."

The bill was ordered to a third reading; and was subsequently read the third time, and passed.

Mr. WHEELER. I now renew the motion to adjourn.

Mr. McDougall. I ask the gentleman from New York to withdraw the motion to adjourn, that I may have taken from the Speaker's table a Senate bill for the purpose of reference.

Mr. WALSH. I object, unless I know what it is about.

The question was taken upon Mr. WHEELER's motion; and it was agreed to.

The House thereupon (at fifteen minutes to four o'clock) adjourned till to-morrow at eleven o'clock a. m.

IN SENATE.

MONDAY, July 17, 1854.

The Senate met at eleven o'clock, pursuant to a resolution passed on Friday last.

The Journal of Saturday was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of War, communicating, in compliance with a resolution of the Senate, information in relation to the examination and survey of the route for a canal across the peninsula of Florida; which was read, and referred to the Committee on Commerce.

PETITIONS, ETC.

Mr. FISH presented a petition of inhabitants of Buffalo, New York, praying the reduction of the rates of ocean postage; which was referred to the Committee on the Post Office and Post Roads.

Mr. SUMNER presented a petition of citizens of the town of Bradford, and a petition of the men of Weston, Massachusetts, praying the repeal of the act of 1850, known as the fugitive slave law; which were referred to the Committee on the Judiciary.

Also, a petition of citizens of the city and county of New York, praying the prohibition of the internal slave trade between the slave States of the Union.

REPORTS FROM STANDING COMMITTEES.

Mr. WILLIAMS, from the Committee on Pensions, to whom was referred the memorial of T. M. Balster, the widow of John Balster, who was killed at Charleston arsenal while in the discharge of his public duties, praying a pension, asked to be discharged from its further consideration; which was agreed to.

Mr. BELL, from the Committee on Naval Affairs, to whom was referred the memorial of William Clark, praying relief for losses sustained under contract with the navy agent at Memphis, Tennessee, for the delivery of materials in embarkment in the navy-yard at that place, and damages for violation of contract by the agent of the Government, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

CIVIL AND DIPLOMATIC BILL.

Mr. HUNTER, from the Committee on Finance, to whom was referred the bill making appropriations for the civil and diplomatic expenses

of Government for the year ending the 30th of June, 1855, reported it back with amendments.

NOTICE OF A BILL.

Mr. BENJAMIN gave notice of his intention to ask leave to introduce a bill for the relief of the heirs and legal representatives of Pierre Cazelow, deceased.

BOUNTY LANDS.

The bill introduced by Mr. ADAMS, on the 1st instant, to amend the several acts granting bounty lands, and for other purposes, was read a second time, and referred to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. McKEAN, Chief Clerk, requesting the Senate to send them a certified copy of the bill of the Senate for the relief of William P. S. Sanger, the original bill having been mislaid since it was received from the Senate.

Also, that they had passed a joint resolution from the Senate providing for the distribution of the works of Thomas Jefferson.

Also, that they had passed a bill for the relief of Charles Lee Jones, in which they asked the concurrence of the Senate.

PRESERVATION FROM SHIPWRECK.

On motion by Mr. HAMLIN, the bill reported from the Committee on Commerce, "for the better preservation of life and property from vessels shipwrecked on the coasts of the United States," was read a second time, and considered as in Committee of the Whole.

It proposes to authorize the Secretary of the Treasury to establish such additional stations, on the coasts of Long Island and New Jersey, for affording aid to shipwrecked vessels thereon, to change the location of the existing stations, to make such repairs, and to furnish such apparatus and supplies as may, in his judgment, be best adapted to give effect to the objects of the bill, and also to give him authority to appoint a keeper, at a compensation not exceeding \$200, at each of the stations to be established under the provisions of the bill, and a superintendent, who is also to have the powers and perform the duty of an inspector of the customs for each of the coasts mentioned.

No boat is to be purchased and located at any point other than on the coasts of Long Island and New Jersey, unless it be placed in the immediate care of an officer of the Government, or unless bond be given by proper individuals, living in the neighborhood, conditioned for its care and preservation, and its application to the uses intended.

The Secretary of the Treasury is also to be authorized to establish stations at such light-houses as, in his judgment, he shall deem best, and the keepers of the lights are to take charge, as a part of their official duties, of such boats and apparatus as may be put in their charge respectively.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

KANSAS AND NEBRASKA ACT.

Mr. PETTIT. I hope the resolution to print certain copies of the Kansas and Nebraska bill will now be taken up for consideration. I offered it on Saturday.

Mr. SUMNER. I understand that the Senator from Ohio [Mr. CHASE] objected to its consideration on Saturday, and I think he has an amendment to propose to it.

Mr. PETTIT. I wish to say simply that the Senator from Ohio came over to me on Saturday, and suggested that he desired to amend it so as to cover, in the same publication, all the votes upon the various proposed amendments to the bill—the yeas and nays upon them—and the final vote, which would make a large book. I do not see any necessity for publishing them at all. There is no dispute as to how all the Senators voted. There is no necessity for publishing them; but there is a necessity for publishing what I propose. If the Senator from Ohio is not in his place it is not any fault of mine. The hour of meeting was fixed. The resolution ought to be, and I hope will be, adopted.

The resolution was read.

Mr. SUMNER. I must still suggest that the resolution lie upon the table until the Senator from Ohio comes in. There is no quorum present now.

Mr. PETTIT. Let it be passed over.

The resolution was accordingly passed over.

OFFICERS OF THE SENATE.

Mr. MASON. I now move that the Senate take up the resolution reported from the select committee, in relation to the organization of the officers of the Senate.

The motion was agreed to.

Mr. MASON. Since the report was made, I have, under the instructions of the committee, modified one of the provisions. The Secretary can read it as modified.

The resolutions were read as follows:

Resolved, That the compensation of the officers and persons in the employment of the Senate, from and after the 30th day of June, 1853, be as follows:

To the Secretary of the Senate, \$3,000 per annum;
To the officer charged with the disbursements of the Senate, \$400 per annum;
To the principal clerk, and the executive clerk in the office of the Secretary of the Senate, each \$1,200 per annum;
To eight clerks in same office, each \$1,541 67 per annum;
To the keeper of the stationery, &c., \$1,400 60 per annum;
One messenger, \$900 per annum;
One messenger, \$525 per annum;
One page, \$416 67 per annum;
To the Sergeant-at-Arms and Doorkeeper, \$1,666 67 per annum;
To the Assistant Doorkeeper, \$1,416 67 per annum;
And to persons in the office of the Sergeant-at-Arms, as follows:
Postmaster to the Senate, \$1,458 34 per annum;
Assistant postmaster and mail-carrier, \$1,200 per annum;
Two mail boys, each \$650 per annum;
Superintendent of document room \$1,250 per annum;
Two assistants in document room, each \$1,000 per annum;
Superintendent of folding room, \$1,250 per annum;
Two messengers acting Assistant Doorkeepers, each \$1,250 per annum;
Fifteen messengers, each \$900 per annum;
Superintendent in charge of Senate furnaces, \$900 per annum;
Assistant in charge of furnaces, \$500 per annum;
Laborer in charge of private passage, \$500 per annum;
Two laborers, each \$400 per annum;
Ten pages, two dollars per day each during the session;
Clerk or Secretary to the President of the Senate, \$1,460 per annum;
One page appointed by the President of the Senate at two dollars per day during the session;
Provided, That the compensation of those messengers and laborers who were not employed at the commencement of the last fiscal year shall commence with the first day of the present fiscal year: *And provided further*, That in cases where a larger sum than is herein proposed has been paid during the last fiscal year to any person embraced in this resolution, the rates herein proposed shall commence with the present fiscal year.
Resolved, That it shall be the duty of the Sergeant-at-Arms to classify the pages of the Senate so that at the close of the present and each succeeding Congress one half the number shall be removed. And in no case shall a page be appointed younger than thirteen years, or remain in office after the age of seventeen years, or for longer time than two Congresses, or four years.
Resolved, That the several officers and others in the departments of the Secretary of the Senate and of the Sergeant-at-Arms shall be appointed and removed from office by those officers respectively as heretofore. But when made during the session of the Senate any such removal to be first approved by the President of the Senate, on reasons to be assigned therefor in writing by the officer making the removal; and when in the recess such reasons in writing to be laid before the President of the Senate on the first day of the succeeding session, and to be approved or disapproved by him.

Mr. MASON. The report, which shows the reasons actuating the committee, has been before the Senate for some time, and I presume has been read by Senators; so that the inducement of the committee to organize the corps of officers of the Senate as these resolutions propose, is before the body. I will only add that the committee were unanimous in their opinion. They had some difficulty, of course, in adjusting the scale of compensation and the tenure; but they were unanimous in every conclusion that was come to; and it is their general belief that the effect will be to give us an efficient corps of officers.

Mr. PETTIT. Mr. President; there are a good many points in this report to which I object, believing that it does injustice and wrong. I have read and examined the report, but have it not before me; therefore I have to refer to it from memory. The first that I notice is, that it devolves the whole power of appointment and removal upon the Vice President or the President *pro tempore* of the Senate. This I think is wrong, and burdens him with a duty that ought not to be imposed on him. I believe the Sergeant-at-Arms at all times will be more competent to judge of the fitness of the performance of the service and labor required from the various employees, than the Presiding Officer can be.

This makes the Sergeant-at-Arms the accusing party. He has first to file an indictment or information against one of the employees of the Senate under him, for whose action he is responsible entirely, before the Presiding Officer, and that officer is constituted a court to try the *pros* and *cons*, the whys and the wherefores, as to whether an employee should be removed or dismissed, and I presume the same thing will apply to the appointment. So far as it requires that course of action, in my judgment, the report is wrong.

I notice another instance in which I think it is wrong. That is, the requirement that no page shall be employed under thirteen years of age. There is, in my judgment, no propriety in any such requirement. Pages of ten or eleven years of age are just as valuable and serviceable on the floor as those who are thirteen or fourteen. I think it will operate harshly and oppressively on some of the boys in this city whom it may be desirable to encourage. I am opposed to it on that ground.

But, sir, there is a class of employees of the Senate harshly treated by this report. I refer to the clerks of the various committees. They are the only persons employed by the Senate whose pay, under the report, will not be as much this Congress as it was last Congress, for the reason that they are now allowed four dollars per day for their services during the session; and heretofore the Senate have been in the habit of adding \$250 at the close of each session; but this report proposes to leave them with the four dollars a day, adding twenty per cent., which will together make a considerably less sum than they have been heretofore allowed. It will make over \$200 difference in the two years. These employees are worse paid, in my estimation, than any others in the service of the Senate, and their interest ought to be looked to. I hold in my hand a memorial written in a large fine round hand, addressed by them to the Senate, which I send to the table, and ask to have read.

The Secretary proceeded to read the memorial, but had not proceeded far when he was interrupted by

Mr. PETTIT, who said: At the suggestion of Senators around me, I will waive the reading of that memorial, and move to amend the resolutions reported by the committee, by making the compensation of the committee clerks five dollars a day. It is plainly shown in the memorial; that they are cut down, in the course of two sessions, over \$200, and I do not think it fair.

Mr. MASON. Mr. President, the position of the clerks of committees was considered by the select committee, and it was thought that they were officers necessarily temporary in their character. The committees, of course, are discharged at each session, and their clerks are discharged with them. It was the design of the committee, as will be seen in their report, to make the officers of the Senate a permanent corps, and the reasons for that are assigned in the report. The Senate itself is a permanent body, always in a state of organization, liable to be called together by the Executive separately from the other branch of the Legislature, and it was deemed important, therefore, that the entire organization of the Senate should be preserved through the year.

On the score of expense, the report shows that if, instead of retaining the salaries of all the officers of the Senate at the same amount heretofore paid to them, the resolutions of the committee be adopted, and the extra allowances be cut off, as we propose, there will be an actual saving to the Government of some six or eight thousand dollars per annum; so that the only objection to making them permanent is removed.

Then, as regards the clerks of the committees, it could not, I presume, be designed that those officers should be permanent, because, that they serve bodies which necessarily expire with each session. Their present compensation is four dollars per day, but a joint resolution has passed the House, is now before the Senate, and I have no doubt will be concurred in by the Senate, which, operating upon these salaries, will make them really within twenty cents of five dollars a day. It will make their compensation \$4 80 a day.

Mr. SHIELDS. Does that apply to them?

Mr. MASON. I have examined it, and it clearly applies to clerks to committees. The effect of it will be to make their compensation \$4 80 a day.

Mr. PETTIT. As far as I can judge from the report, it is not designed to cut down the former pay of the employees of the Senate, but the design is clearly to raise them all from the Secretary down through all the subalterns, and the Sergeant-at-Arms and all his subalterns. Their pay is raised by these resolutions, and the committee clerks are the only class whose pay will not be as much this Congress, by this report, as their pay has been heretofore. They have been paid four dollars a day through the session and two hundred and fifty dollars has been added to that every year as extra allowance, or extra compensation. Under this report, they will be paid four dollars a day, and twenty per cent. on this, which will make their compensation each session a little over \$100 less than they have been heretofore paid.

Now, I want to know what reason, what justice, is there in this? Do clerks of committees find living here cheaper, while every other officer and employee finds it dearer; and while, as we ourselves know, our expenses are one third more than they have been heretofore? It cannot be otherwise with these men; and I regard it as an oversight on the part of the committee in not providing for them. The report, the memorial, and statements which I have here, clearly show what their pay for two sessions would be at four dollars per day, and adding \$250 at the end of each session, and what it will be at four dollars per day and adding twenty per cent. The difference is over \$200. I hope that when we are providing so amply and liberally for all the other employees of the Senate, we shall not cut down this meritorious class, and I therefore propose to insert five dollars instead of four dollars a day, in order to give them something like a fair compensation.

If you take the statements made in the report, you will find that it proposes to pay some of the assistants to the Secretary \$2,100 or \$2,200 a year, while what I ask for these committee clerks, for both years put together, will not amount to that sum. They are men as competent, as worthy, as faithful—men who have no other business during the recess to go to. Indeed, I might well add, that there would be great propriety in continuing them, or many of them during the recess.

I hope, therefore, the Senate will agree to the amendment which I propose, that the clerks to the committees shall be paid five dollars a day from the commencement of the session. Then, to that sum will be added the twenty per cent. proposed by the House joint resolution. The two together will bring them to something like the condition they formerly occupied, and bring them in the same ratio of advance that is given to the other employees of the Senate.

Mr. MASON. I do not intend to contest this question at all. If it is the pleasure of the Senate to increase the compensation of these clerks, I certainly shall not object. My impression is, that their present compensation is adequate to the service they perform; but if the amendment proposed by the Senator from Indiana to make their compensation under these resolutions five dollars a day prevails, then the twenty per cent. which will be added will make their actual compensation six dollars a day. That will be the effect.

Mr. PETTIT. That will not make them equal by any means to some of the other employees of the Senate.

Mr. BADGER. I hope the Senator from Virginia will waive any objection to this proposition. It seems to me it is a fair and reasonable one, and it would have an ungenerous appearance, while we are raising the compensation of the other officers, actually to strike down the compensation to clerks of committees. Let us agree to this amendment, and then pass the resolutions.

Mr. TOUCEY. I hope the Senate will concur in the amendment now proposed. The clerks of the committees are about the most important officers of the Senate in reference to the transaction of business; and the compensation proposed appears to me to be very insufficient. I hope the amendment will be adopted.

The amendment was agreed to.

Mr. PETTIT. I move to amend that portion of the resolution which limits the age of pages, by striking out "thirteen" and inserting "eleven" as the youngest age at which they can be employed.

Several Senators. Oh, no; it is too young.

Mr. PETTIT. Older Senators say that it is too young. I withdraw the amendment.

Mr. RUSK. I move to amend the clause "fifteen messengers, each \$900 per annum," by striking out \$900 and inserting \$1,000. Those messengers perform laborious services. I know very few of them; but those that I do know, who attend to the distribution of the documents around the city, certainly perform the most laborious services that are performed by the officers of the Senate.

Mr. MASON. In fixing the salaries of the officers of the Senate, like fixing the salaries of the officers of the Government, everybody knows that there must be a proper regard for the duties of the offices, and their grades. Now, you, of necessity, pay more for intellect, skill, and acquirements, than for ordinary labor; and the committee, in fixing the scale of salaries, for they are now salaries, have been governed altogether, first, by the attainments which the officer must have to discharge his duties properly, then by the responsibility, and then by the time occupied; and in doing so, they have preserved what was found in the Senate, a gradation in the pay of the officers, based upon those foundations.

There are twenty-three messengers altogether in the Senate. Eight of them (because they were found in the performance of their duties not proper to messengers, but above the ordinary duties of a mere messenger) have been taken by the committee, and designated by titles which will indicate their respective duties, and have had their compensation apportioned accordingly. Then there are fifteen, who are messengers only, in the discharge of ordinary ministerial services; and the committee have thought that a compensation which would give them annually \$1,080, when compared with the scale of compensation outside of the Senate, was a very ample and abundant one.

A SENATOR. The resolution does not give them \$1,080.

Mr. MASON. We do give them \$1,080. I ask the Secretary to read that part of the resolution which fixes the pay of the fifteen messengers.

The Secretary read, as follows:

"Fifteen messengers, each \$900 per annum."

Mr. MASON. Precisely; and then twenty per cent. per annum will make it \$1,080. The Senator proposes to make it \$1,000; and the twenty per cent. added to that would make it \$1,200. That is utterly beyond the character of the services they have to discharge; and it will destroy the whole gradation in the scale of salaries fixed by the committee. The object of the committee has been to pay all the officers of the Senate well, and to have an efficient corps; but I would only say again that, if in this instance, and others of a like character, the scale of compensation is changed, you pay these men more than is paid to officers who discharge far higher grades of duties.

Mr. RUSK. I know but two or three of these messengers, and measured by the scale of intellect, they would be regarded as very meritorious. There is another thing which is just as important in an officer, and that is honesty; and upon that point I think they will compare with anybody. I know three or four of these persons who distribute documents. It is a most laborious business. It is constant, morning, evening, and night; and therefore the proper discharge of their duties is very important. I will do them the justice to say, that not one of them has spoken to me about the rate of compensation, or grumbled about it; but one or two of them are known to me to be men of families, and on \$1,080 can they well support their families? The honorable Senator says it is their present pay; but you increase twenty per cent. upon the present pay of some persons who do not perform one tenth of the labor.

Mr. MASON. I desire to correct the Senator. These fifteen messengers are not permanently employed under the present regulations of the Senate. They are employed while the Senate is sitting and twenty days after; but now we propose to employ them permanently, and give them a salary. I have not said a word, and do not mean to say a word, against that class of officers. I know many of them; they are most valuable men in their position. I have no doubt they have abundant intellect; but if they have an intellect above their place they will find it desirable to employ it in some other avocation. That they are honest I do not doubt. If they were not so, they ought not to be here. I say not a word against them. They

are valuable men; every one of them that I know is valuable. I am not aware of anybody in the employ of the Senate who ought not to be continued here. I repeat, they are valuable in their position, but if they have an intellect entitling them to pay higher than they get here, they can turn that intellect to a much better account by leaving here.

Mr. RUSK. The increase of compensation which my amendment proposes is only \$120 to each of those individuals. More than that has been added to the committee clerks. At that I do not grumble, but if the Senate choose to employ these men, and refuse to give them an addition of \$120 for such laborious services, I have nothing further to say.

Mr. BRIGHT. I dislike very much to interfere with this report. It is one that we have needed, and which we have been promised for a long time. I have no doubt that the select committee have reported a proposition which they deem just and equitable. I disagree with them in several particulars; but I believe I am willing to take the report as it is, so far as it regards the salaries, though I think the amount proposed to be paid to many of the officers is extravagant—yes, sir, very extravagant, compared with the amount paid to Senators and many other officers of the Government.

If the honorable Senator from Texas insists upon his amendment, I shall move further to amend by making the compensation \$750 to the messengers during the short session, and \$1,000 during the long session. I am willing to take the report as it is, in that particular. I am satisfied, on inquiry among Senators, that there is a majority disposed to adopt the present report. I cannot permit it to pass, however, without saying that I regard the amount proposed to be paid to all the officers as very extravagant. I shall, however, move, after the amendment of the honorable Senator from Texas is disposed of, to strike out the concluding resolution, on the ground that it is anti-Democratic, and ought not to pass this body.

The question being taken, on a division no quorum voted.

Mr. BRIGHT. I desire to have it understood that on the \$900 proposed to be given by the resolution of the committee, there is twenty per cent. to be added, which would make \$1,080 per annum to each messenger for nine months service during one year, and three months service another year. That is the practical effect of it. That is just the proposition which we are to vote on: whether we shall give \$900, with the twenty per cent. on it, for services for three months one year, and eight or nine months another year. The Senator from Texas, not satisfied with giving \$900, moves to make it \$1,000, which would, with the twenty per cent., give \$1,200 per annum to each messenger.

Mr. RUSK. I dislike to trouble the Senate again, but the honorable Senator has not stated the question fairly. As he states, these persons are to receive, according to the resolution of the committee, with the per cent. addition, \$1,080 per annum. The amendment increases it only to \$1,200. The honorable Senator says it is for services performed during eight or nine months one year, and three months another year. That is a mistake; and if the honorable Senator will look at it, he will see why it is a mistake. At the close of the sessions of Congress, all the documents ordered by us are not sent in. These persons are retained here, and at every session we make appropriations to retain them. They have charge of all the documents; and it is, therefore, very proper and very right that we should make them permanent; because, when they understand their duties properly, those duties will be much better discharged than if the position were assigned to persons coming to the city, serving out during the Congress, and then retiring. These are made permanent by the resolution itself.

The PRESIDING OFFICER. No quorum voted upon the amendment; but there is evidently a quorum present.

Mr. BRIGHT called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 23, nays 15; as follows:

YEAS—Messrs. Allen, Badger, Bell, Brodhead, Brown, Clay, Dawson, Dixon, Dodge of Wisconsin, Dodge of Iowa, Fish, Fitzpatrick, Gwin, Houston, James, Jones of Iowa, Jones of Tennessee, Norris, Pettit, Rusk, Shields, Sliedell, Sumner, Thompson of Kentucky, Thomson of New Jersey, Toucey, Weller, and Williams—23.

YAYS—Messrs. Adams, Atchison, Bright, Butler, Cass, Evans, Foot, Geyer, Gillette, Mason, Pearce, Rockwell, Stuart, Thombs, and Wade—15.

So the amendment was agreed to.

Mr. GWIN. As the salaries of the messengers have been increased, I think those of the mail boys ought also to be increased. The resolution proposes to give them \$650. I move to strike out \$650, and insert \$750.

Mr. CASS. I would say that if you increase the salaries of the messengers, those who carry the mail ought to receive just as much as the others. I think they ought to have the same increase. They are appointed to perform the same service, and if you increase the one, you ought to increase the other.

Mr. MASON. That is the very inconvenience that I endeavored to bring to the notice of the Senate, as the result of changing the scale of compensation which has been arranged by the committee. Now, it is very certain that if there was any reason for increasing the compensation of the messengers, it applies as strongly to the increase of the compensation of the mail boys; and if we go on increasing them, we shall give them a compensation far exceeding anything which they could get outside of the employment of the Senate.

Mr. GWIN. The Senator has given the very reason why I have made the motion. If you increase the one, you ought to increase the other.

The amendment was agreed to—ayes 23, noes 12.

Mr. BRIGHT. I ask the Secretary to read the last resolution.

It was read, as follows:

Resolved, That the several officers and others in the department of the Secretary of the Senate and of the Sergeant-at-Arms shall be appointed and removed by those officers respectively as heretofore; but when made during the session of the Senate, any such removal shall be first approved by the President of the Senate, on reasons to be signed therefor in writing by the officer making the removal; and when in the recess, such reasons in writing shall be laid before the President of the Senate on the first day of the succeeding session, to be approved or disapproved by him.

Mr. BRIGHT. I move to strike out of the resolution all that which relates to giving the President of the Senate a supervisory power. I propose to leave the power of appointment and removal where it has hitherto been lodged, with the Secretary and Sergeant-at-Arms, and to make them responsible for selecting proper and faithful agents, without a supervisory power anywhere.

Mr. MASON. The resolution provides that the power of appointment in the Secretary's office shall remain with the Secretary, and the power of appointment in the Sergeant-at-Arms' office with the Sergeant-at-Arms; and that the power of removal shall remain with either officer in his own department; but it provides further, that if he does remove any one, he shall assign his reasons in writing, after he has done so, to the President of the Senate for the time being; and it provides, further, that the removal there shall be made subject to the approval or disapproval of that officer. Now, sir, I do not know how much the Senator proposes to strike out.

Mr. BRIGHT. All after the word "heretofore."

Mr. MASON. Senators who have read the report will find that the object of the committee was, and they thought it was in accordance with the judgment of the Senate, to make the organization of the Senate permanent, to have an efficient body of officers to assist them in the discharge of their public duties, and to remove from the Senate every inducement or desire to keep its organization unsettled by the introduction of new officers from session to session, or from Congress to Congress.

We know, sir, that the practice of the Government, in its various departments, has been, upon a new accession to power, to change all the subordinates, all the ministerial officers, not because they have been inefficient men, but solely and simply to put in others who wanted the places. It is to prevent the introduction of that practice into the Senate, that the committee have recommended the permanent character of the organization.

Sir, no Senator, who has been in the discharge of his duties here long enough to know the practice of the Senate, and what is required of Senators, can fail to be impressed with the exceeding importance to him, in the discharge of his duties, and to the public who are to be benefited by that discharge, of having a competent body of officers

in the Senate, men who are trained and educated in the Senate, who know where to find what you want, how to give you information when you want it, and where to direct you to it. It is highly important to all the Senators, and more especially to Senators when they come here for the first time. The fear was, that unless the power of removal was in some way restrained, the officer having the power of appointment might at times feel himself coerced to remove some of the employees in his department to put in others who wanted the places, and who, ninety-nine times in a hundred, would be incompetent in the discharge of their duties.

It was for that reason, to keep the organization of the Senate permanent, that the feature was introduced by the committee; but if the Senator desires to carry out his idea properly, I suggest to him not to strike out the whole of the last clause, but only so much of it as makes the removal dependent upon the approval or disapproval of the Presiding Officer.

The amendment was rejected—ayes 15 noes 19.

Mr. RUSK. I desire to offer an amendment, which I presume will not be objected to. I see that, in the resolution, the clerk in the office of the Secretary of the Senate, is designated by the word "principal clerk," and then we come to "executive clerk." I move to insert the word "principal" before "executive."

Mr. MASON. My impression, though I may be wrong, is that there is but one executive clerk by that name. If I am wrong, he may be called "principal executive clerk." The Secretary can inform the Presiding Officer how it is.

Mr. RUSK. It will do no harm to make the amendment, if there is only one.

The PRESIDING OFFICER. The Chair understands that there is but one.

Mr. RUSK. I withdraw the amendment.

Mr. BRIGHT. The object of the report of the committee was undoubtedly reform. I desire to offer another amendment which I deem it my duty to offer, though I cannot say that I have much hope that it will pass; but as it contains a principle, I shall insist on a vote upon it. My proposition is further to amend the resolution by providing that the Secretary, and the Sergeant-at-Arms, and Doorkeeper shall be elected at the commencement of each Congress.

Mr. GWIN. At the first session of each Congress.

Mr. BRIGHT. At the first session of each Congress. I am against life estate in place. I do not intend to indicate by that that I am dissatisfied with any officer whom we have. I am not, for they are generally good officers. My amendment is to add:

At the commencement of the first session of each Congress, there shall be elected a Secretary, and Sergeant-at-Arms, and Doorkeeper by the Senate.

Mr. MASON. There may be reasons in favor of that proposition, but in my judgment, at least, the reasons against it are insuperable. These offices are valuable offices, not in emolument only, but in dignity. But they are valuable also in emolument in the eyes of office-seekers; and if the Senate determine to go into an election of these officers at each Congress, the effect of it will be, that those outside, who are seeking office, will consider it a proclamation for proposal, and they will come here and besiege the door of the Senate Chamber from all quarters, and their respective friends, to turn out the existing officers. Now, sir, I will not repeat what I said before, as to the great importance to the Senate of preserving an efficient organization. But what will be the efficiency if the principal officers, those who are responsible for the execution of the duties of all, are changed from time to time? I hope it will not be done.

Mr. BRIGHT called for the yeas and nays on his amendment; and they were ordered.

Mr. SHIELDS. I will ask the Senator from Indiana if the officers named in his amendment constitute all the officers who are subject to election by the Senate?

Mr. BRIGHT. They are the officers who, until the last four years, I believe, were elected at the opening of each Congress.

The Secretary proceeded to call the yeas and nays on the amendment, and Mr. ADAMS answered "yea."

Mr. BRIGHT. I wish to make a statement before the vote is taken. I wish to say that I merely propose to reinstate a rule that has existed

in this body from time immemorial until the last four years. It is to give to the Senators who come here the privilege of selecting their own officers.

Mr. BADGER. I hope the Senate will allow me to say that the Senator from Indiana is mistaken. The original rule of the Senate was otherwise, and was the rule which now obtains. It was altered, according to my impression, some twenty years ago, or more. For thirty years since the organization of the Senate the rule was as it is now, and the rule has been put back to the original condition of things. This is a proposition to depart from the original condition of things that now prevails, and adopt the intermediate regulation.

Mr. BRIGHT. I am responsible for the truth of my statement, so far as my memory runs back.

Mr. BADGER. Of course.

Mr. BRIGHT. As long as my memory runs back, the rule was as I have stated, until it was altered at the time I have indicated.

Mr. PEARCE. The Senator from North Carolina is undoubtedly right.

The PRESIDING OFFICER. It is too late to discuss this subject now, as the call of the roll has commenced.

The question being taken by yeas and nays on the amendment, resulted—yeas 21, nays 25; as follows:

YAYS—Messrs. Adams, Bright, Brodhead, Cass, Dodge of Wisconsin, Dodge of Iowa, Hamlin, Houston, Jones of Iowa, Jones of Tennessee, Norris, Pettit, Rusk, Shields, Shidell, Stuart, Sumner, Toucey, Walker, Welton, and Williams—21.

NAYS—Messrs. Allen, Atchison, Badger, Bell, Benjamin, Brown, Butler, Clay, Clayton, Dawson, Evans, Fessenden, Fish, Fitzpatrick, Foot, Geyer, Hunter, Johnson, Mason, Pearce, Rockwell, Thompson of Kentucky, Thompson of New Jersey, Thombs, and Wade—25.

So the amendment was rejected.

The resolutions were then adopted.

Mr. MASON. There is one matter which, I suppose, will pass, as a matter of course, after the adoption of these resolutions. I refer to the joint resolution of the House.

Mr. DAWSON. Is there anything in the report of the committee refusing extra pay hereafter?

Mr. MASON. The joint resolution fixes that. I am directed by the select committee, to whom was referred the joint resolution of the House of Representatives, in relation to fixing the compensation of the employees in the legislative department of the Government, and to prohibit the usual extra compensation to such as receive the benefits hereof, to report it back without amendment, and recommend its passage, and I ask for its immediate consideration.

There being no objection, the Senate proceeded to consider the joint resolution as in Committee of the Whole.

It proposes to resolve that the officers, clerks, messengers, and other employees of the legislative department of the Government, shall be paid an increased compensation of twenty per cent. upon the compensation now received by them respectively; and the messengers of the House of Representatives shall not receive less than is allowed to the messengers of the Senate, of the same class; such increased compensation to commence from the 1st of July, 1853; and that a sum sufficient to pay the same to the 30th June, 1855, be hereby appropriated out of any money in the Treasury not otherwise appropriated; but that no person whose compensation was increased by the act approved April 22, 1854, shall be benefited by this joint resolution. The usual extra compensation shall not hereafter be allowed to any person receiving the benefit of this joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

Mr. MASON subsequently said: There is a verbal amendment necessary in the resolutions adopted this morning in reference to the organization of the officers of the Senate, in order to conform to the existing appellation of one of the officers. The resolutions speak of "the executive clerk." I discover that it should be "the principal executive clerk." I ask unanimous consent to have the alteration made.

There being no objection, the alteration was ordered to be made.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. McKEAN, Chief Clerk,

announcing that they had passed a bill creating a collection district in New York, to be called the district of Dunkirk, and constituting Dunkirk a port of entry, and the ports of Barcelona, Silver Creek, and Cattaraugus Creek, ports of delivery; in which they asked the concurrence of the Senate.

TELEGRAPH TO THE PACIFIC.

Mr. BADGER. I ask the Senate now to proceed to the consideration of the motion which I submitted the other day, to reconsider the vote by which the Senate passed the bill to provide for the construction of a subterranean line of telegraph from the Mississippi or Missouri river to the Pacific ocean.

Mr. DODGE, of Iowa. I trust the Senator from North Carolina will not press his motion; but let us proceed to the consideration of the homestead bill.

Mr. BADGER. I will say to the Senator from Iowa that I do not move this with any view of interfering with the special order; but I felt it due to the friends of this measure, as I had moved its reconsideration, that it should be early brought to the attention of the Senate. I do not suppose it will give rise to discussion, but can be disposed of in a short time.

Mr. BRIGHT. I shall vote to give the homestead bill the preference over any measure that may be called up for consideration, and that has been my course since this measure was brought up for consideration. I desire to state, however, that I shall ask an hour of to-morrow morning, for the purpose of considering the bill reported from the Committee on Finance, providing for the distribution of the debt of Texas. I give this notice that Senators may be prepared.

Mr. BADGER. I will say further to the Senator from Iowa, that if this question shall give rise to such discussion as is likely to interfere with the homestead bill, I will consent to its being passed over.

Mr. DODGE, of Iowa. I will not oppose the motion under such circumstances.

Mr. RUSK. The motion will evidently lead to some debate. The subject was considered for a considerable length of time, and the bill was passed; but if the motion to reconsider be agreed to, it will again become a subject-matter of discussion. I desire to say a few words on it myself; but I do not wish to encroach on the time allotted for the special order.

The motion was not agreed to.

KANSAS AND NEBRASKA ACT.

The PRESIDING OFFICER. (Mr. ADAMS in the chair.) The hour having arrived for the consideration of the special order, the homestead bill is now before the Senate.

Mr. PETTIT. As the Senator from Ohio, [Mr. CHASE,] who objected to the consideration of the resolution which I offered on Saturday, is now in his place, I ask that it may be taken up. I refer to the resolution to print ten thousand copies of the Kansas and Nebraska act, certified by the Secretary.

The PRESIDING OFFICER. That can only be done by postponing the special order.

Mr. PETTIT. Then I move to postpone it for that purpose.

Mr. STUART. I shall have no objection to that, if it does not lead to debate.

Mr. PETTIT. It will not lead to debate with me, and I do not think there can be any.

Mr. STUART. If it leads to any debate, I shall ask to have it laid aside.

Mr. CHASE. I am in favor of taking up the resolution, unless the friends of the homestead bill press that. If they do, I shall go, as I have done all along, with the friends of that bill.

Mr. PETTIT. I have waived calling up this resolution two or three times in consequence of the absence of the Senator from Ohio; but now that he has come in, I hope the Senate will take up the resolution.

Mr. CHASE. I have no further objection to make to it, except so far as it may interfere with the homestead bill. I shall vote against anything and everything that interferes with that bill. I have suggested to the Senator from Indiana, that his resolution would probably be adopted without debate, provided he accepted an amendment requiring the publication of the several amendments proposed, and voted upon by yeas and nays, from time to time, which, I am assured by one of the

clerks who has investigated the matter, will not make more than ten or eleven pages of the Journal, and is quite as important to the understanding of the whole matter as the bill itself. If the Senator will accept that, I presume the question can be taken without debate.

Mr. PETTIT. I shall not accept it. That will make a large volume, as I am told by the Secretary. It must necessarily.

The PRESIDING OFFICER. The question is on the motion of the Senator from Indiana.

Mr. STUART. I understand the Senator from Ohio to signify his disposition to propose an amendment, and to discuss the resolution of the Senator from Indiana. In that event I shall object to taking up the resolution.

The motion was not agreed to.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by Mr. SIDNE WEBSTER, his Secretary, announcing that he had this day approved and signed the following acts:

An act to confirm the claim of William H. Henderson and Robert Henderson to five hundred acres of land in the Bastrop grant;

An act for the relief of Juan M. and José L. Lucio; and

An act to authorize the issue of a register to the brig Amelia, by the name of Abby Frances.

HOMESTEAD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the House bill "to grant a homestead of one hundred and sixty acres of the public lands to actual settlers," the pending question being on the amendment of Mr. CLAY, as modified at the suggestion of Mr. SLIDELL, to insert in the sixth section, after the word "filed," the words "within sixty days from the passage of this act," so as to require unnaturalized foreigners to file, within sixty days, a declaration of intention to become citizens, in order to be entitled to the benefits of the act.

Mr. CLAY. I propose to withdraw that amendment. I understand, upon conference with some of the friends of this bill, that it has been concluded by them to offer an amendment to the entire bill, and if I am not mistaken in the intent and purpose of the friends of the measure, I can myself accept the amendment which they propose to offer in lieu of the bill. I understand that it proposes the principle of the graduation of the public lands, and will thereby obviate the necessity of considering the bill which has been reported by the Committee on Public Lands for that purpose. I understand that it proposes further to reduce the price of the public lands, which I earnestly desire to see accomplished.

I am told too that it proposes to cede the public lands upon certain conditions to the new States within which they lie, which I also heartily desire to see passed by the Senate. Hence, sir, approving the measure which I understand will be offered as a substitute for the bill now under consideration, I will withdraw that amendment.

The PRESIDING OFFICER. The amendment being withdrawn, the question recurs on the motion of the Senator from Delaware [Mr. CLAYTON] to strike out the sixth section of the bill.

Mr. BADGER. Does the Senator propose to insert anything in lieu of it?

Mr. CLAYTON. Not yet.

Mr. DODGE, of Iowa. Let the section be read as amended.

The Secretary read it, as follows:

"SEC. 6. And be it further enacted, That if any free white person now a resident of any one of the States or Territories, and not a citizen of the United States, but at the time of making such acquisition for the benefit of this act, shall have filed a declaration of intention as required by the naturalization laws of the United States, and shall become a citizen of the same before the issuance of the patent, as made and provided for in this act, shall be placed upon an equal footing with the native-born citizen of the United States: *Provided*, That the benefits of this act shall not extend to the children, heirs, or devisees of aliens, born out of the United States, who are twenty one years of age, until they shall file their declaration to become citizens of the United States: *Provided further*, That foreign born persons who fail to become citizens within six years from the date of their declaration of intention to become so shall lose all rights under this act. And if any person of the age of sixteen years and upwards, born in the United States, shall, before arriving at the age of twenty one years, make application for the benefit of this act, he shall be entitled thereto: *Provided however*, That no patent shall issue in favor of such applicant before he shall have attained the age of twenty-one."

Mr. FOOT. Before the vote is taken, I desire to say that, on this question, I have paired off with the absent Senator from Arkansas, [Mr. SEBASTIAN.]

Mr. STUART. I wish the Secretary to read what is proposed to be inserted in place of the sixth section.

The PRESIDING OFFICER. There is now no proposition to insert.

Mr. STUART. Certainly the Chair decided the other day, and very correctly, that a motion to strike out and insert was not divisible; and that the question must be taken on the whole proposition originally submitted by the Senator from Delaware, to strike out the sixth section, and insert a provision in lieu of it.

Mr. CLAYTON. I withdraw the proposition to insert.

Mr. STUART. I believe that could not be withdrawn without unanimous consent, and that was not given.

Mr. CLAYTON. Yes, sir, it was given.

Mr. STUART. The Senator from Indiana [Mr. BRIGHT] was occupying the chair at the time, and I asked him myself if the amendment was withdrawn, and he said not.

Mr. CLAYTON. The proposition to insert was withdrawn three or four days ago, and the motion now is to strike out. I mean to offer another proposition afterwards.

The PRESIDING OFFICER. The recollection of the Chair is, that the Senator from Delaware signified his desire to withdraw that portion of his amendment which proposed to insert, at the same time giving notice that he would offer it again if the motion to strike out prevailed.

Mr. STUART. I recollect distinctly what occurred at the time. I was standing at the side of the Chair, when the Senator from Delaware made the suggestion. I inquired of the Chair if it was done. He said, no. I asked him if it could be done upon the motion of the Senator, without the unanimous consent of the Senate; and he said, no, because the yeas and nays had been ordered upon it. That is what occurred at the time.

The PRESIDING OFFICER. The present occupant of the chair was not presiding at the time; but he is of the opinion that the question now simply on the motion to strike out.

Mr. BADGER. As to the suggestion, that after the yeas and nays have been ordered, it requires the unanimous consent to withdraw the amendment, it is certainly not so under the rule. That rule was amended to its present form while the late Vice President of the United States was our Presiding Officer. He decided the question when it once arose in the Senate. He held that the words "without leave of the Senate" applied to all the previous matter, and, therefore, if the Senate consented, it could be withdrawn if the yeas and nays were ordered.

Mr. FISH. I desire to say that upon this vote and upon this bill, my colleague, [Mr. SEWARD,] having been compelled to leave the city, paired off with the Senator from Pennsylvania, [Mr. COOPER,] My colleague would have voted against the amendment.

The question being taken by yeas and nays, resulted—yeas 19, nays 29:

YEAS—Messrs. Adams, Badger, Bayard, Benjamin, Brodhead, Butler, Clay, Clayton, Dawson, Evans, Fitzpatrick, Goyer, Hamlin, Hunter, Mason, Norris, Pearce, Thompson of Kentucky, and Williams—19.

NAYS—Messrs. Allen, Aichison, Bright, Brown, Cass, Chase, Dixon, Dodge of Wisconsin, Dodge of Iowa, Douglas, Fressenden, Fish, Gillette, Gwin, James, Johnson, Jones of Iowa, Jones of Tennessee, Pettit, Rockwell, Shields, Slidell, Stuart, Sumner, Tamm, Toucey, Wade, Walker, and Weller—29.

So the motion to strike out the section was not agreed to.

Mr. STUART. With an earnest desire to bring the consideration of this subject to a close at the earliest possible time, and after considerable consultation upon the subject, I propose to offer what I hold in my hand as a substitute for this bill.

Mr. BROWN. I object to the offering of the substitute, until the bill has been perfected by sections.

Mr. STUART. I have the right to offer it.

Mr. BROWN. I do not think the Senator has the right to offer it; but if a substitute is in order, I have already a substitute pending. I gave notice three months ago, and before any amendment was offered, of my intention to propose a substitute.

Mr. STUART. I certainly have the right to offer a substitute at any time when I can get the floor for that purpose; and then any Senator has the right to propose amendments to the original bill before the question is taken upon the substitute. There can be no doubt of my construction of the rules upon the subject.

Mr. BROWN. I wish, before the Chair decides that question, to recall to mind that more than two months ago I proposed a substitute to this bill, and sent it to the Secretary's desk, where I suppose it has been lying ever since. It is certainly in advance of the one which the Senator proposes this morning. A few days ago, too, I gave notice of the substitute which I had laid upon the Secretary's desk and had printed, and upon which I had the honor at some length to address the Senate. I think it has precedence of the substitute now proposed, which is not now in order, because it cannot be considered until we shall perfect the bill. I have a very important amendment here to offer to the bill itself.

Mr. STUART. This question of order, which has incidentally come up, may, I think, be disposed of very easily. The Senator from Mississippi, as he suggests, has given notice of his intention to offer a substitute for the bill. He has not offered it at this time. The Journals of the Senate do not show that he has offered it. He has only given notice of his intention to do so. Now, sir, I have the floor and propose to offer a substitute for the bill, and that certainly is in order. After it is offered any Senator can offer amendments to the original bill, and no matter how many they may be they must all be disposed of before the question is taken on the substitute. That is certainly parliamentary law, and according to the rules of the Senate.

Mr. BROWN. I respectfully suggest that all that the Senator can do at this stage of the proceedings, is to give notice of his intention to introduce the substitute. He cannot move it until we have perfected the bill, because if he does, all amendments must come in as amendments to the substitute. We have the right to move an amendment, and then an amendment to an amendment. If then the substitute be the pending amendment, the amendments offered must be to the substitute, and to nothing else. The Senator may file his notice of intention to do this, but he cannot do it until we have gone through with the bill.

Mr. HUNTER. I believe it is the invariable practice of the Senate to move a substitute which is in the nature of an amendment. It cannot be moved as long as there is an amendment pending, but when there is no amendment pending, a substitute may be moved. That, however, does not take away the right of other persons to move to perfect the bill before the vote is taken on the substitute.

Mr. BROWN. Very well, go on.

Mr. GWIN. I wish to inquire of the Chair whether, if the motion of the Senator from Michigan is entertained, I can then offer an amendment to the original bill?

Several SENATORS. Certainly.

The PRESIDING OFFICER. (Mr. ADAMS in the chair.) The Chair will state what he understands to be the correct rule. The bill may be perfected by every amendment that may be proposed by a Senator. At any time that a Senator obtains the floor, he may offer a substitute, yet the substitute cannot be considered until all the amendments to the original bill are considered. Then, when that is done, the question of priority as to the substitutes will be determined by the Chair.

Mr. BROWN. Do I understand, then, that the substitute is introduced, and is now before the Senate?

The PRESIDING OFFICER. Yes, sir; the Senator from Michigan has obtained the floor, and has a right to offer his substitute, but it cannot be considered until all other amendments which may be offered to the original bill are disposed of. When such amendments have been disposed of, the Chair will decide which substitute has priority.

Mr. BROWN. Then I wish to move an amendment to the Senator's amendment.

The PRESIDING OFFICER. That cannot be considered now.

Mr. BROWN. If the Senator has not got his substitute before the Senate yet, I withdraw it.

Mr. STUART. If the Senate will allow me a

few minutes, I shall say all I desire to say, and yield the floor. I was about saying that, after considerable consultation with as many Senators as I could consult upon the subject, and with the view to accommodate the general sense of the Senate so far as I can, I offer this amendment in the nature of a substitute. It embodies substantially the provisions of the homestead bill of the House, adding to it the price of twenty-five cents an acre for the land, except in cases where the land has been in the market over thirty years, in which case it is twelve and a half cents. It retains the five years possession for the purposes of cultivation before the settler can perfect his title by a patent, unless he chooses in the mean time to pay the whole graduated price of the land. Then he may perfect his title. In respect to the qualifications of the persons who can take under the homestead principle—they are to be those who are entitled to preemption under the laws of the United States, who, as everybody knows, must be citizens of the United States, or those who have declared their intention to become such. That relates to the Territories. In the States, any person who is entitled to hold land under the existing law of the State in which the application is made, may enter and avail himself of the homestead provision. The substitute also covers a graduation principle, such as I stated the other day, in respect to the length of time the lands have been in the market; and for the purpose of the construction of railroads or canals, it authorizes the States to take and receive the lands at the graduated price, and appropriate them for the construction of the particular road or canal. That is to be done by the act of the Legislature at its general session. I now offer the substitute with the hope that it may meet the approbation of a majority of the Senate.

The PRESIDING OFFICER. It will be read.

Mr. GWIN. It is very long. I hope the reading of it at this time may be dispensed with.

Mr. STUART. I ask that it may be printed, so that, in case we do not get to a vote to-day, we may have it printed for our use to-morrow.

Mr. BROWN. I ask for the reading of the first section of the substitute.

The Secretary read it, as follows:

"That the minimum price of the public lands of the United States shall remain unchanged until the commencement of the fiscal year, beginning July 1, 1855, and after that period the price shall be reduced according to the following scales: All lands which shall have been offered at public sale, and remaining unsold five years, shall be reduced to the price of one dollar per acre; all lands which have been offered at public sale, and remaining unsold ten years—

Mr. BROWN. That is enough. I move to amend by striking out all after the word, "that," and inserting what I send to the Chair.

Mr. ATCHISON. I desire to understand whether the order to print the substitute was made by unanimous consent.

The PRESIDING OFFICER. The question was not taken; but if there be no objection, the order will be made. The motion to amend the substitute cannot be considered until the original bill is perfected.

Mr. TOUCEY. I call for the reading of the amendment.

The PRESIDING OFFICER. It is not under consideration yet.

Mr. HUNTER. Has the substitute not been offered by the Senator from Michigan?

The PRESIDING OFFICER. It has been offered, but it has been indicated that there are amendments still to be proposed to the original bill.

Mr. HUNTER. Still it is pending as an amendment.

The PRESIDING OFFICER. But as a substitute it cannot be considered until all amendments to the original bill have been disposed of.

Mr. HUNTER. It is true that such amendments have precedence, but still this is pending.

The PRESIDING OFFICER. That is the case; but it cannot be considered yet.

Mr. BROWN. I move to amend the amendment by striking out all after the word "that," in the first line, and inserting what I send to the Chair.

The PRESIDING OFFICER. That is not in order at this time.

Mr. BROWN. Certainly, if it is in order to move an amendment, it is in order to move an amendment to the amendment.

The PRESIDING OFFICER. The Chair is

of opinion that any Senator may offer a substitute to the whole bill, but that substitute cannot be considered in any way until the bill is perfected. After the amendments for the perfection of the original bill have been disposed of, the substitute pending as an amendment, comes up for consideration.

Mr. GWIN. I desire to offer an amendment to the original bill. Is it in order?

The PRESIDING OFFICER. Yes, sir.

Mr. PEARCE. I ask the Presiding Officer to keep some order in the Chamber. It is absolutely impossible for Senators to hear anything which is announced by the Chair, or by any member. I omitted to make some remarks in a proper place, which I should have made, on that account.

Mr. BRODHEAD. The noise and confusion is principally in the galleries and lobbies.

The PRESIDING OFFICER. The Chair will request Senators to hold their conversation elsewhere, or the incumbent of the Chair will not proceed with business until order can be preserved.

Mr. BRODHEAD. I desire to make an inquiry with regard to a point of order. I want to know of the Chair whether the substitute of the Senator from Mississippi, which was offered sometime since, is not in order before the substitute of the Senator from Michigan?

The PRESIDING OFFICER. The Chair will state to the Senator that neither is in order. Both may be offered, but neither can be voted upon until the amendments to the original bill shall be disposed of.

Mr. GWIN. Mr. President, I am in favor of the original bill as it came from the House. I have been opposed to any amendments to that bill. When amendments were proposed a few days ago, I did not vote upon them, because I was not here; but if I had been here I should have voted against them, because I am opposed to amending the bill at all. It may not be a perfect bill, such a one as I should prefer if I had the forming of it, but it is a bill sent to us from the House, and I wish to pass it as it is.

But, Mr. President, inasmuch as the bill has been amended, I wish to offer two amendments, which I presume will make it more acceptable to a number of the members of the Senate; and if those amendments be adopted, which are offered by me as a friend of the bill, to perfect it, to make it more acceptable to the Senate, then I intend to contest, and I hope successfully, against the substitute offered by the Senator from Michigan. The proposition which I make is to strike out the words "free of cost" in the first section, and insert in lieu of them "at twenty-five cents an acre, payable when the patent shall have issued." The section will then read:

"That any free white persons who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States shall, from and after the passage of this act, be entitled to enter at twenty-five cents an acre, payable when the patent shall have issued, one quarter section," &c.

My object in offering this amendment is to relieve the consciences of some gentlemen who think it is not constitutional to give away the public domain. That does not influence me very much; but I am willing to have this amendment made so as to get clear of this objection, which operates upon some members of this body very seriously. The other amendment I propose is in the fourth section. That section now reads:

"That all lands acquired under the provisions of this act shall in no event become liable to the satisfaction of any debt or debts contracted prior to the issuing of the patent therefore."

I move to strike out the word "contracted," so that it will read:

"That all lands acquired under the provisions of this act shall in no event become liable to the satisfaction of any debt or debts prior to the issuing of the patent therefore."

The object is, that, when the patent has issued, the lands shall be subject to debts, whether contracted before or after the issuing of the patent. That is another objection to the bill which I wish to obviate. I hope these amendments will be adopted without opposition, in order that we may be prepared to combat the substitute offered by the Senator from Michigan.

Mr. BRODHEAD. Mr. President, I intended to offer similar amendments to those now submitted by the honorable Senator from California. I intended to offer an amendment to fix the price at fifty cents; and I now move to amend the amend-

ment of the Senator from California, by striking out twenty-five cents and inserting fifty cents. My intention was originally to amend the section by striking out the words "free of cost," and inserting "for the sum of fifty cents an acre upon the terms and conditions hereinafter prescribed." I intended also, instead of moving to amend the fourth section as suggested by the Senator from California, to move to strike it out altogether, because we have no right to pass a bankrupt law for the new States, and not for the old ones. I designed further to move to amend the first section by striking out "five" and inserting "three," so that, if we charge fifty cents an acre, I propose to give a patent at the end of three, instead of five years. It will thus be seen that my honorable friend from California and myself come pretty nearly together, and that the difference between us, is as to price per acre to be paid. He proposes twenty-five cents, and I propose fifty cents. I do not think twenty-five cents will more than half compensate the Government, nor near it; while fifty cents will approximate to the expenses the Government has been at in obtaining these lands.

Now, Mr. President, a word in regard to the suggestion of the honorable Senator from Michigan. He has stated to the Senate that the substitute which he proposes contains the homestead principle. Why, sir, it is a very different thing from that. The substitute which he proposes is the graduation principle. It also makes a grant of land to the States, and contains a provision for railroad companies. But, sir, it makes little difference to me what it is named. If the friends of the homestead bill are about to abandon that, and call the graduation principle something else, I have no objection; but I should like to have things called by their right names. The substitute proposed by the honorable Senator from Michigan does not contain a single feature of the homestead bill. The features of his proposition are very different from those of the homestead bill. His is the graduation principle. It is the proposition of the honorable Senator from Virginia [Mr. HUNTER] to cede the lands to the States in which they lie, on certain conditions; but as the friends of the homestead bill choose to call the substitute of the honorable Senator from Michigan a homestead bill, I have no objection; but I dissent from the name which has been given to it by the Senator from Michigan. I rose, however, for the purpose of moving an amendment to the amendment of the honorable Senator from California, to strike out twenty-five cents and insert fifty cents; and upon that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GWIN. Though I am not very particular as to this point, I should rather have the price fixed at twenty-five cents. That proposition is offered by me more for the relief of gentlemen of tender conscience on the subject of the constitutional power of the Government, than for any other object. I would rather have the price fixed at ten cents than twenty-five cents, and a great deal prefer twenty-five to fifty cents.

Sir, in regard to the substitute offered by the Senator from Michigan, I do not object to the graduation principle, or to the railroad grants contained in it; but I think the two questions should be kept separate. If we are going to pass a homestead bill, we should pass the one that has been before us for our consideration. We are at too late a period of the session to introduce new and important questions, such as graduating the price of the public lands, and transferring them to the States. These are very grave questions. They tend to remodel the whole land system of the United States, and that is a matter which we should approach with great caution and care, and we should have plenty of time for the consideration of the important points involved.

I know it is a favorite doctrine with representatives from new States to have the whole of the lands granted to the States in which they lie. I think, however, it is very doubtful whether that is good policy. I think it may result in creating a great corruption fund to debauch the public men of those States. My experience has taught me that the best condition of things we can have in the States of this Union is to have a poor Government and a rich people. I infinitely prefer giving the public lands away to actual settlers, to giving them to the States. But if this bill is to be amended so as to do that, I greatly prefer that a restric-

tion shall be put upon the States to require them to dispose of the lands to actual settlers—

Mr. STUART. If the Senator will allow me to interrupt him, I desire to make an appeal to him. The substitute which I have offered is not before the Senate. The appeal which I wish to make to the Senator is, that he shall offer his amendments, make such statements as he thinks necessary in order that the Senate shall understand them, and let us vote. If we discuss every proposition to amend the original bill, this substitute, and every substitute which may be offered, we shall not come to a vote at this session.

Mr. GWIN. I have delayed this bill as little as anybody. I am not in the habit of making long speeches, or rising to points of order, or anything of that sort which is calculated to interrupt business. All I wish to say is, that I hope the Senator from Pennsylvania will not offer his amendment to fix the price at fifty cents an acre. I prefer to have it fixed at twenty-five cents; and, inasmuch as he is not recognized as a friend of the homestead bill, I think he had better let those who are in favor of the bill perfect it according to their plans. If he will allow my amendment to be put in, and then move to strike out twenty-five and insert fifty, I shall be content.

Mr. BRODHEAD. If that could be done, I should be satisfied; but if twenty-five shall be inserted, it will not then be in order to strike it out, and insert anything else.

Mr. GWIN. Then let us have the vote.

Mr. BRIGHT. This "perfecting" of the bill, as it is called, is but leading to the defeat of the bill, in my judgment. In the multiplicity of amendments which are being offered, we appear to have lost sight of the original proposition. Nothing has occurred to my mind, since this bill came before us, tending to convince or satisfy me that we cannot pass the bill which came from the House, with some few amendments. At least I am unwilling to entertain any proposition which amounts to a substitute for the bill, until we can have some vote on the original bill, satisfying me that a majority of the Senate is against it.

Now, I should greatly prefer if we were to go forward and make such amendments as Senators may think necessary, in order to preserve and perpetuate the principle contained in the bill as it came from the House. If we fail in that entirely, then I shall be willing to take up the proposition submitted by the honorable Senator from Michigan, which is understood to be the bill introduced originally by the Senator from Virginia. That is the next acceptable proposition to my mind. But I think we should expedite business and bring this question to a close by going forward and perfecting the bill, without offering any proposition that is intended as a substitute. I believe by adopting that course we can pass the bill as it came from the House, with but few slight variations.

Mr. GWIN. That is just what I have done; but the Senator, I understand, accuses me of attempting to defeat the bill. I am trying to perfect the original bill.

Mr. BRIGHT. I have understood the Senator from California to be in favor of the bill as it came from the House.

Mr. GWIN. So I am, and now offer this amendment to make it more acceptable to gentlemen. I am for the bill as it came from the House. I have voted against any amendment; but inasmuch as it has been amended, I am willing to agree to the amendments I now propose, which will give strength to the bill.

Mr. PEARCE. The proposition of the Senator from California, as I understand it, is to allow all persons described in the first section of the bill, that is, all citizens, native or naturalized, and also foreigners not naturalized, who come within the provisions of the sixth section, to enter public lands by paying twenty-five cents per acre, instead of obtaining them free of cost, as the bill proposes. This modification he introduces for the reason that it is necessary to satisfy the consciences of some gentlemen who think that Congress have not the constitutional power to give away this great public domain. Sir, it is not for me to reflect upon the motives or the opinions of any member of this body; but it is difficult for me to conceive how their consciences can be satisfied by so small a provision as this. The Senator has not assigned a solitary reason—which would satisfy a statesman—for the project which he has just intro-

duced; but, in this respect, he does not differ from any of the advocates of this bill; for, from the beginning to the end, I have not heard a single sentence in the nature of argument, not the semblance even of an excuse, for the introduction of this great principle, as they call it, of the homestead bill, which is to supersede the established policy of the Government under which this country has grown great and has prospered most remarkably from the very beginning. I repeat, I have not heard a solitary reason assigned for the adoption of this new principle, unless I must except the general declaration that the public lands are to be improved by giving them away.

Sir, when the public lands were ceded by those States which had claims to them, they were supposed to be a great national estate, to be administered justly, prudently, and wisely by the Federal Government, with a view to the benefit of all the States of the Union; and in this view it was necessary that we should establish some system under which they should be sold. The resolution of October 10, 1780, adopted by the Congress of the Confederation, declared "that the unappropriated lands that may be ceded or relinquished to the United States, by any particular State, pursuant to the recommendation of Congress, &c., shall be disposed of for the common benefit of the United States," &c. Accordingly, in 1781, New York made her cession, declaring that it "shall be and inure for the use and benefit of such of the United States as shall become members of the Federal Alliance of the said States." In 1784, Virginia, by her delegates, executed her deed of cession for the common benefit of the Union, and declared that the lands so ceded "shall be considered as a common fund for the use and benefit of such of the United States as have become or shall become members of the Confederation or Federal Alliance of the said States, &c., and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever." The cessions of the other States were similar in character and intent. The land acquired from foreign Powers being purchased by the common treasure, must also be held for the common use. In either case, the principle is clear that the lands must be disposed of *bona fide* for the common benefit.

Now, if there is any gentleman here who believes that we cannot constitutionally give away the public lands, but must sell them, why, then, it must be perfectly clear to him, that while it would be a gross violation of that principle to put the lands at so high a price as to prevent their sale, and to shut them up from public use, so it would be equally a violation of that principle to put them down to a price so low as to be far beneath a reasonable, fair, and moderate valuation. If we are to administer these lands as a great national property, in the disposal of which all the States are to be benefited, and the general prosperity of the country advanced, we must sell them neither at exorbitant nor at sham prices. I think twenty-five cents an acre is a sham price. We have no more right to squander the lands under the pretext of selling them, than we have to prohibit their settlement, and prevent the disposal of them for the common good of the Union, by fixing the price at an amount which practically produces this result.

The early policy of the Government in regard to the public lands was twofold in its objects. The first object was to turn them into money for the use of the common Treasury. The second to facilitate settlement, giving easy terms of purchase to persons residing in the West, and to emigrants who desired to reside there.

We began, it is true, by fixing two dollars an acre as the price of the public lands. Afterwards we reduced that price to one dollar and twenty-five cents. We went on as rapidly as our means would permit, and quite as fast as prudence would justify, in extinguishing Indian title, in doing which we have paid immense sums. Then we have provided for the survey of the lands upon a very beautiful and admirable system by which they were arranged into townships, into sections, into quarter sections, and even laid off into parcels as small as forty acres. Then, after they had been offered at public sale, and had not been bought in at the minimum price, we allowed them to be entered at private sale by any individual who thought proper to do so, at the low rate of one dollar and twenty-five cents an acre; and at a later period we

adopted a general preemption system, long and much desired by the pioneer settlers on the public lands.

This was thought to be liberal policy. It was supposed to be eminently conducive to the growth and prosperity of the new States. Sir, it has been so. No one can deny it, and no one can say that their progress has been retarded in the smallest degree by our legislation on the subject of the public lands. Every one, on the contrary, must admit that our legislation has been so liberal, and generous, and paternal, that those States have advanced with a rapidity unknown in the history of nations, far surpassing the progress which the older States of this Union have made since the period of our independence, though they then possessed so much more capital, and so many more advantages. Why, sir, how was it in 1810? In that year the State of Ohio had a population of about forty-five thousand. What is she now? Her population is over two millions; it was within a fraction of that in 1850. In forty years her population had multiplied more than forty-fold, and her growth in every other respect was corresponding to her growth in population. She has increased in wealth; she has improved in knowledge; she has increased in everything that goes to make up the power and prosperity of a great people, or to advance individual comfort and improvement; and she stands at this day a proud result of a liberal, wise, and prudent system of administering the public domain such as no other nation on the face of the earth ever exhibited. In fact, nothing is to be compared to it. But this increase, great and magnificent as it has been, is no greater than that of other States of this Union which had no existence at the period to which I have referred. Take the State of Indiana. In 1810 that State had a population of twenty-four thousand. In 1850 she had nine hundred and ninety-eight thousand. The increase of Illinois is equally marked. Her population of twelve thousand in 1810 had swollen, in 1850, to eight hundred and fifty-one thousand. Wisconsin, only organized as a Territory in 1835 or 1836, and with a population of thirty thousand in 1840, is reported at the census of 1850 as having increased to three hundred and five thousand.

Sir, the forest and the wilderness have been subdued with a rapidity unknown before. All those beneficent institutions of which we boast, and all the internal improvements which characterize our country's progress, have grown up there equally, freely, and vastly more rapidly than they have in other parts of the country. What, then, is the ground of complaint? We have done nothing to retard the settlements of these new States. We have been bountiful to them in the way of gifts of lands. They have had ample donations for schools and universities. The sixteen section in every township has been given for the use of schools. They have had five per cent. on the gross sales for the benefit of roads. They have had enormous grants for internal improvements of every description. They have had some eight millions of acres within the last few years for making railroads; and to some of the owners of those railroads, I understand, immense fortunes have been the result of this bounty on the part of Congress. We have given away the swamp lands to the new States in which they lay, to the amount of about thirty-five millions of acres. I believe within the last forty or fifty years our grants of public lands to the new States have amounted to over one hundred millions of acres. The result of all this is the unparalleled progress of which I have spoken.

Now, sir, when this is the case, what is the motive for squandering this public domain of ours? What public necessity demands it? What necessity of any particular new State demands it? What benefit to individuals makes it necessary? And, above all, what principle of public policy has been pointed out to justify it? Are we going to forget so soon the determination which we came to a few days ago that we would not sanction eleemosynary gifts of land by this Government. The Senate determined that they could not. I do not know whether all the majority which sustained the President's veto of the bill giving lands for the benefit of asylums for the insane hold the doctrine that such grants are unconstitutional; but at all events, they determined that this Government cannot properly give away the lands for eleemosynary purposes, even when the grants are so

apportioned as to be for the common benefit of all the States in this respect. Are we, then, to give away the public lands to actual settlers, on the ground of their inability to pay for them? Besides, sir, there is not an industrious and honest man in the United States, where labor is more highly rewarded than in any country in the world, who cannot, with his unassisted labor, in the course of one of two years, earn enough to pay for a subdivision of the public lands, on which he and his family may live with comfort and increasing prosperity. Why, then, should we adopt this system? I have not perceived, as yet, the shadow of a reason given for it.

Besides, sir, I do not believe that it is desired by the people of this country. I know it is not only not desired by, but that the bill is odious to the people of my own State. They look upon it as a gross inequality and injustice. They have seen without complaint the large grants of public land made to the new States for education, and for internal improvements, although there have been complaints in regard to the railroad grants, and well founded ones I think; but they have never been dissatisfied with the liberality which has built up the new States so rapidly. There is, however, an abiding conviction with them that this is a seizing upon and squandering of that, in which they have an equal interest with the other States of the Union; and that conviction will not be the less if you put upon the public lands the sham price of twenty-five cents per acre which everybody knows is far beneath their value.

Why, sir, during the war of the Revolution, it is known to Senators, I presume, that my State refused to accede to the Confederation because this matter of the public lands was not properly adjusted, and they only entered into it in February, 1781, after Congress had passed a resolution calling on the States to cede their wild lands for the common benefit. The resolutions of the Legislature of Maryland, adopted in 1779, set forth the grounds of their objections to the retention of these lands by the States which then laid claim to them, and amongst others was the very evil which is now about to be reached and practiced under this bill. They objected that the States retaining these lands might put down the price far too low, might fix it at a nominal sum, and thus endeavor to drain, and, perhaps, succeed in draining the old States of their population. To that immigration which would follow naturally upon the wise and liberal system of administering the public lands to which I have referred, they did not object; but to anything beyond that they did object, and they object now. They feel now as they did then, that this property cannot be squandered, or given away—which is squandering it—except with gross injustice to them.

Well, sir, it is proposed not only to give these donations to our own fellow citizens, but to give them also to foreigners who are unnaturalized. That increases the injustice, and renders it still less a measure of common benefit to all the States; for you will observe, sir, that under whatever pretext of its universal application this bill may be advocated, it is manifest that not one man in a hundred in the old States can avail himself profitably of the opportunity which you here profess to afford him to settle upon the public lands. There are great bodies of hard-working, industrious, honest men in the country, in the new States as well as in the old, skilled in particular arts and trades, who have no capacity for, and no desire to engage in agricultural employment, who cannot avail themselves of this measure, and can derive no benefit from it. They cannot give up the trades which are their sole means of obtaining a livelihood. They do not desire to do so. They wish to know why you adopt a system, which, in practice, however different the hypothesis may be, will result in grants of the public property to one set of individuals, and a denial of it to them. Sir, it is a reasonable objection. If we are to have these largesses among the people, and I consider this to be nothing less, let them be scattered broadcast among all, so that every one may not only have a legal opportunity to get his share of it, but may have an actual and practical opportunity to avail himself of the benefits of it. That they cannot do under the system proposed in the bill or the amendment.

But, sir, you propose to bring in foreigners who are not naturalized. This is another grievance

with them. I do not mean to utter any sweeping denunciations against foreign immigrants, whom the beneficence of our institutions may have invited to our shores, nor even against those who, without regard to our political institutions, have supposed that here they could enjoy better opportunities of material progress and prosperity than they would have at home. I do not deny that many of the foreign immigrants are men of noble hearts, of gallant spirits, and cultivated understandings—such as every good man would cherish. I know it, sir. I know that among a large portion of them who are not of that cultivated class, there are honest, worthy people, who make good citizens when they have gone through the process which our laws properly require, who will assimilate with us, and not keep themselves in separate bodies, nor strive to maintain a distinct nationality, and refuse to mingle with the mass of Americans, and partake of, and become imbued with their nationality. I know that; but I know that besides these, there is quite a large number of foreign immigrants who are not desirable, and not acceptable as inhabitants in our country. It is only necessary to look at the statistics which we have in official documents to know that such is the fact.

Why must we invite these people to accept donations of public lands before they are naturalized? Have they any claim of right? Some gentleman, I think, has spoken of it as a measure of justice. Whether he meant justice to ourselves or justice to them, I do not know; but what claim can they have in the nature of right to an equal participation in these benefits? Naturalization itself is a boon to them. They have no right to it except as the laws confer it upon them. It is true, sir, that we open our arms to them, we admit them to come into our country, to receive all the benefits of our general system of equal laws, to acquire property, and to obtain that protection for life, person, reputation, and property, which every native and naturalized citizen enjoys. Is not that enough? Are we so destitute of merit among ourselves that we must seek to invite this infusion among us with a view to the improvement of our national character? It might be thought so, it seems to me, from many things which have fallen from gentlemen on this floor, though I can hardly suppose that such was their meaning.

We boast of this being the freest, the most enlightened, and the greatest nation on the earth. It is often asserted in congressional speeches. Though we are the greatest, freest, and most enlightened of nations, yet it seems we must invite, by extraordinary inducements, such as never were heard of before, these foreign immigrants, of all classes, and conditions, and characters, to come amongst us, as if for the purpose of exalting our national character! I hardly think that our intellectual standard is likely to be more highly elevated by bringing in this class of people. I do not know that our moral character is likely to be greatly improved. I suppose, myself, that no foreign admixture can raise the morals and mend the heart of the American people. If I thought so, I should blush for my country.

Well, sir, have we not got all the practical skill and sagacity among our artisans which any other nation on the earth can boast of? I had supposed that Yankee ingenuity, Yankee perseverance, Yankee untiring energy could not be beaten in the world. Why, then, do we invite foreigners by these extraordinary inducements? I admit that I am willing that they should come on the terms on which they have heretofore come; but I am not willing to offer these superfluous bounties to swell an immigration from what we call the down-trodden nations of oppressed Europe, which is already as large as a prudent liberality would desire.

But, Mr. President, notwithstanding the respectability of a very large portion of these foreign immigrants, there is another very large number who "leave their country for their country's good," and who do not come here for ours. The statistics of crime prove this. In a table furnished by the Census Bureau, I find that of about twenty-seven thousand convictions in our criminal courts during the year ending the 30th of June, 1850, fourteen thousand were foreigners, and but thirteen thousand Americans. And what is the proportion of foreign population to the native? In 1850 there were two million two hundred thousand foreigners,

and upwards of twenty-one millions of native population; so that whilst the proportion of native to foreign population was as ten to one, the amount of crime is absolutely greater among foreign immigrants than among native citizens; and it is to be recollected that among these native citizens, as enumerated, are included the negro population, among whom the smaller class of offenses, such as petit larceny, are very numerous. I am not willing to furnish inducements to the vicious and depraved to come among us. I wish to keep this class out. If we could segregate them, if we could discriminate between the worthy and unworthy foreign immigrants, I should gladly receive the former, and treat them with all the liberality which we have hitherto shown them, and more if that were possible; but the other class I should desire to exclude altogether if I could. But no system has yet been devised by which this can be accomplished. We are to look at things as they are, and to consider that if we adopt this system by which new inducements to immigration are held out, we shall be in fact inviting that class, among whom there is the greater proportion of criminals as well as those who merit our kind feelings.

Mr. BROADHEAD. I should like to inquire of my friend from Maryland whether he has turned his attention to the statistics as to paupers or not? How does the number of paupers in our almshouses and other public institutions compare, as between the foreign and native-born population?

Mr. PEARCE. I had looked at that, though I did not intend to mention it, lest I might be misunderstood. I do not mean, when I answer the Senator's question, to throw any reproach upon these people for their poverty, but the same census report states that there were 134,000 paupers who received support in 1850, and of these, 68,000 were foreign, and 66,000 native-born. I will not weary the Senate by repeating or by expanding what I have already said, but content myself with saying that numerous as may be, and are, the respectable people who come to our shores from abroad, there is a very large class of them who are the very reverse of desirable citizens. We make no discrimination between them in this bill, and we cannot make any discrimination. I have said that the foreign immigration to this country is quite large enough already, and needs no additional stimulus. Why, sir, the number of immigrants who came into this country some years ago, even as far back as 1849, I think, was about 300,000 in one year; but I understand that the number is increasing, and that during the last four years about 1,500,000 foreign passengers have arrived in the United States.

Now, I can very well comprehend why a State, feeble, small in population, without military resources, in danger from enemies who are near it, might seek to build up rapidly its population and strength by extraordinary inducements to foreign immigrants, even by giving them lands free of cost; but that is not our case. It never was so. When we were a people of but two and a half or three millions of souls, we maintained ourselves in a vigorous and prosperous independence, and found it unnecessary to throw our country open to all the world by free grants of land. It was not necessary for us even then to have such an infusion of foreign population as would overcome the native and make that portion *pars minima sui*. Still less is it necessary now. Nobody can doubt that the progress of this country in every element of national greatness is such, that it now stands without the fear of an enemy anywhere. Indeed, sir, we are apt to say, in that boastful spirit which I fear characterizes us a little too much, that we are "confident against the world in arms;" and, extravagant as it may seem, I do not know but that it is true.

This being the case, sir, I ask some one to point out to me the motive for departing from the old established system, under which we have grown so great and been so prosperous, and introducing this new principle, which is new, I think, more especially in this: that it seems to treat this great national domain, as if it were a nuisance to be abated, or a burden; not merely a worthless thing, but a positive burden, which we must cast off our shoulders and throw down for whoever is willing to take it up. Sir, I desire in our legislation here to facilitate the settlement of the new States, but I think they are settled quite as fast as

any reasonable desire on their part could demand. Seeing no reason why we should depart from our old and well tried policy, I shall not give my vote for the bill in its present shape, or with any modification which leaves the homestead principle pure, or the homestead principle with a sham or nominal price affixed to the land.

While I would generally adhere to our present system, there are certain portions of the country in which, from peculiar circumstances, it may be politic and proper to grant lands to settlers—as in New Mexico—whose sparse population and remote situation, whose generally barren soil, containing only spots of land cultivable by irrigation; and whose exposure to constant Indian forays makes it most undesirable to the settler. There it may be for the benefit of the common treasury of the people, as well as the particular interest of the inhabitants, to encourage such immigration as may give population and strength enough to secure the peace and protection of all. But, in the greater portion of the public domain, all the perils of the pioneer life have passed away. Men no longer have to plow with their guns slung across their shoulders, as was the case with the early Kentucky settlers. They break the wilderness and subdue the forest in the confidence of perfect safety.

I do not mean to detain the Senate much longer, but there is one point to which I wish to call attention, and I do so because I am unwilling that the authority of the Senator from Michigan, [Mr. CASS], should be given to a legal principle, which I consider entirely unsound. In the course of debate the other day, the Senator from Alabama [Mr. CLAY] made an objection to the bill, that under its provisions the land States might in certain cases which he specified, be restrained from exercising the taxing power as in other cases, and that the period within which the parties favored by this bill would be able to hold the land, without being taxed, would be extended by its operation; and he relied upon the compacts made between the United States and the new State, and particularly with his own State, Alabama, which he mentioned as preventing the State from taxing lands while still held by the Government, and for which no patent had issued. The Senator from Michigan contested this principle. He thought there were but two States in the Union which had made perfect compacts with the Government of the United States, in regard to the taxing power over the public lands.

Mr. CASS. I said fair compacts, without any extraneous force.

Mr. PEARCE. Without any extraneous force. Well, sir, I understand that the extraneous force which was used was this: Where the Congress of the United States have passed an act authorizing a Territory to form a State government, with a view of entering into the Union, they have imposed upon them certain conditions. Among others, there was the condition that they should not tax the lands belonging to the United States within the limits of those States. These new State governments have generally or always been required to enter into such a compact, I believe, by resolution of their convention, agreeing to the stipulations on that subject in the act of Congress; and I believe that all the States have so agreed, where it has been proposed to them.

But, sir, what I mean to say is, that the authority of the Government of the United States to reserve its lands within the limits of the new States from taxation, does not depend upon compact. It rests upon constitutional authority, independent of all compact. I mean to say, that it has been so decided by the highest tribunal in the land. I know the Senator from Michigan thinks otherwise. He thinks the opinion is a doubtful authority, and may, perhaps, think it was a mere *obiter dictum*; but I believe I can show that it is not an *obiter dictum*, that it was the opinion of the court upon a point necessarily involved in the decision of the case. There is a case reported in Third Howard, which came from Alabama, in which the title to certain land that had been overflowed with water was contested—one party claiming it under the United States, and another denying that title. Mr. Justice McKinley delivered the opinion of the Supreme Court, and I find that opinion contains this language:

"We will now inquire into the nature and extent of the right of the United States to these lands, and whether that

right can in any manner affect or control the decision of the case before us." * * * * * "We therefore think the United States hold the public lands within the new States by force of the deeds of cession, and the statutes connected with them, and not by any municipal sovereignty which it may be supposed they possess, or have reserved by compact with the new States, for that particular purpose. The provision of the Constitution above referred to, shows that no such power can be exercised by the United States within a State. Such a power is not only repugnant to the Constitution, but it is inconsistent with the spirit and intention of the deeds of cession."

He says: "The argument so much relied on by the counsel for the plaintiffs"—which argument, based on the right of the Government compact between the State and the United States, is not sound, and adds that it "cannot operate as a contract between the parties, but is binding as a law;" and he gives the reason for it:

"Full power is given to Congress to make all needful rules and regulations respecting the territory or other property of the United States." This authorized the passage of all laws necessary to secure the rights of the United States to the public lands, and to provide for their sale, and to protect them from taxation.

"And all constitutional laws are binding on the people, in the new States and in the old ones, whether they consent to be bound by them or not. Every constitutional act of Congress is passed by the will of the people of the United States, expressed through their representatives, on the subject-matter of the enactment; and when so passed it becomes the supreme law of the land, and operates by its own force on the subject-matter, in whatever State or Territory it may happen to be."

"The propositions submitted to the people of the Alabama Territory, for their acceptance or rejection, by the act of Congress authorizing them to form a constitution and State government for themselves, so far as they related to the public lands within that Territory, amounted to nothing more nor less than rules and regulations respecting the sales and disposition of the public lands."

"The supposed compact relied on by the counsel for the plaintiffs, conferred no authority, therefore, on Congress to pass the act granting to the plaintiffs the land in controversy."—*Pollard's Lessee vs. Hagan et al.*, 3 Howard—212, &c.

Congress have a right, under the Constitution, to dispose of, and make all needful rules and regulations respecting, the territory or other property of the United States; and, therefore, according to the justice who delivered the opinion of the court in this case, they have a right to make enactments having the same force as any compact would have. Such an enactment is found in the provisions of the laws authorizing the Territories to form constitutions with a view to admission into the Union as States upon the terms mentioned, and those terms are equally binding and obligatory upon the States as though the agreement were really and truly a compact, and had all the force which a compact can have.

Sir, I only mention this because I understood the authority of the Senator from Michigan to be the other way. He intimated a doubt whether these lands were not taxable by the United States except where a compact had been made between the United States, which was a fair and proper compact. I suppose, indeed, he intended to say that where a State was admitted into the Union by an act of Congress, which imposed upon it certain conditions, those conditions were invalid unless the State assented to them in some very precise form.

Mr. CASS. I stated that was the opinion of the Supreme Court.

Mr. PEARCE. The opinion of the Supreme Court, from which I have read, signifies the contrary, and it is the opinion of the Court though delivered by a single judge, for it was not dissented from except by Judge Catron, (who, as I understand him, held the compact between Alabama and the United States to be valid and conclusive,) and it was essential to the determination of the question, and must be therefore taken to be the law of the land as expounded by that Court. I shall not further trouble the Senate.

Mr. CASS. I have a few words to say on the point which has been raised by the Senator from Maryland, and I will not detain the Senate long, for I have already discussed this matter. The question is, whether the lands of the United States within the States are *ipso facto* exempted from taxation? There is no such provision in the Constitution.

Mr. PEARCE. That is not what I stated. I say Congress has the power, without the assent of the State, to declare the public lands to be exempt from taxation.

Mr. CASS. I will put it in those terms. Then the Senator's proposition is, that Congress has power to prevent the lands of the United States

from being taxed by the Legislatures of the several States. That provision is not in the Constitution; it must, therefore, be deduced from some other provision or some general principle.

Sir, as I said the other day, as early as 1785, the Congress of the United States, under the Confederation, declared that their lands should forever be exempt from taxation. They made that one of the articles of compact "irrepealable," between the United States and the northwestern States, and it is to be observed that this was one of the principal irrepealable articles of the compact. Now let us see what is the effect in relation to them. Why, sir, they have been declared, by the Supreme Court of the United States, to be utterly void and without effect. In December, 1850, Chief Justice Taney delivered the opinion of the court upon the subject, in the following words:

"But it has been settled by judicial decision in this court, that the ordinance is not in force. Among other reasons, because it derogates from the rights of the States, and would place the new States in a position inferior to the old ones."

That is precisely the very point in issue. If the United States have no authority to declare their land exempt from taxation in Pennsylvania, I ask you where is their authority to declare it in Ohio; because, the honorable Senator will observe, it is their "property" everywhere that is subject to these "rules and regulations." It is not only their territory, but all their property, wherever situated. It is precisely because it is in derogation of the rights of the new States that they have no more authority to do this in the new States than in the old ones.

Well, Mr. President, what has been the practical effect? Why, from the commencement of the Government, whenever a new State has been admitted, Congress, in some shape or other, have supposed it necessary to exempt the lands of the United States from taxation, and it has been done generally by compact. In the first four States, as I observed on a previous occasion, Ohio, Indiana, Illinois, and Missouri, the public lands were declared exempt from taxation by virtue of the authority of Congress, without any compact or declaration on the part of these States at all. Doubts seem then to have arisen as to how far the National Legislature had the right to make that declaration. What did they do then? They went on to say to the new States, "You shall declare by an irrepealable compact that you have no right to tax the lands of the United States within your jurisdiction, or you shall not come into the Union." That is the way in which the United States got this exemption. They declared it to be a fundamental article to which the new States must assent before they came into the Union. It was that to which I alluded, when I said there were but two States in this Union—Michigan and Arkansas—with whom a compact was made such as would be made between individuals. Those States were fairly allowed to come into the Union, and were fairly offered certain considerations by virtue of which they yielded the right of taxation.

Have the United States been playing a game from that day to this? If they had a right to exempt their land from taxation by statutory regulation, why did they require compacts from the States surrendering the right? I repeat to the honorable Senator from Maryland, is not this claim for exemption in derogation of the rights of the new States, and does it not place them in an entirely different condition from the old States?

I say, again, it is the "property" of the United States, wherever situated, on which the provisions of the Constitution, to which the Senator has referred, operates. It is not the property of the United States in Ohio, but in Pennsylvania, and wherever they have any "territory or other property," upon which that clause operates. If they have a right, without a compact and without action on the part of the State, to declare the land of the United States exempt from taxation in Ohio, they have the same right to declare it exempt in Pennsylvania.

Now, a few words in respect to the case which the honorable Senator mentions. I do not understand it at all as he does. I understand that to be a case in which title was gained by accretion, and the question arose under it, to whom did the eminent domain belong in the new States: to the United States, who were the owners of land, or to the States who had the jurisdiction? The Supreme

Court decided, very correctly, that the eminent domain belonged to the States. This question as to the right of taxation was not touched at all; and the language which the honorable Senator has read was the view of the judge who delivered the opinion, and not at all necessary to the case in hand.

I have the authority of a very high judicial officer of this Union for saying that the point has never been decided by the Supreme Court of the United States. The point as to the power to tax that portion of the property of the United States necessary to be employed in the operations of the Government has, in one or more of the circuits, been determined. It has been decided that it could not be taxed, because thereby the operations of the Government might be suspended, and for that reason alone. No man pretends to say that the immense western domain, constituting almost a world in itself, is necessary to the operations of the Government of the United States, and should therefore be exempt from taxation. It is not like a mint, or a court-house, or other public building, around which it may be necessary to have a small tract of land, which should be exempt from taxation. I understand that to be the point on which the circuit courts have been divided, and the only point upon which the right of taxation has been decided by any judicial officer. I aver again, that the Supreme Court, as such, has never decided that the States had not the right to tax the lands of the United States within their jurisdiction. Why should they not, in reason, in law, in equity? Why should not the United States pay their full proportion of the expenses necessary to carry on the operations of Government where their lands lie, which give them all their value, and tend to bring a great deal of it into use?

Mr. PEARCE. I have but a few words to say in reply to the Senator. He has referred to the compacts made by the new States. Now I have before me, for example, the statute which authorized Alabama to form a constitution, with a view to admission into the Union, and I find in it this provision:

"And provided always, That the said convention shall provide, by an ordinance, irrevocable without the consent of the United States, that the people inhabiting the said Territory do agree and declare, that they forever disclaim all right and title to the waste or unappropriated lands lying within the said Territory; and that the same shall be and remain at the sole and entire disposition of the United States, and that no tax shall be imposed on lands the property of the United States," &c.

Mr. CASS. That is one of the terms of admission.

Mr. PEARCE. That State accepted the terms. Mr. CASS. It was one of the terms without agreeing to which it was provided she could not come in.

Mr. PEARCE. Precisely; and she assented to it.

Mr. CASS. She did.

Mr. PEARCE. And why should she not? Unquestionably we had a right to admit or not, as we thought proper.

Mr. CASS. But you had no right to admit on condition. That is the very point which the Supreme Court have decided.

Mr. PEARCE. If the agreement were made two years before admission, or subsequently, it is the same thing, and there is as much compulsion in the one case as in the other. Let me say to the Senator, there is this difference between exempting from taxation lands which the Government of the United States may hold in Pennsylvania, and those which it may hold in the new States. The lands in Pennsylvania were the property of the State, or of her citizens, and were all under the jurisdiction of Pennsylvania before this Government was formed. We acquire them as any individual does—subject to her jurisdiction, unless she assents to the purchase, and thereby releases her jurisdiction. But in regard to the new States it is otherwise. We are proprietor of public lands there, and we had municipal sovereignty, too, until they were admitted as States, and we thus transferred our municipal sovereignty. We give up to the States full jurisdiction over all those subjects which, before their admission as States, belonged to the Federal Government, preserving, however, within their limits, the unappropriated lands we owned, free from any taxation by them; and this, the Supreme Court has said, we have a constitutional right to do. The State comes in with that condi-

tion. Even if she does not assent to it, as I understand the decision of the Supreme Court, it is binding on her because it is an enactment by the Government of the United States, at a time when she has a right to enact; for she has the right to enact before the Territory itself had become a State. That is the answer.

Mr. CASS. I have great respect for the honorable Senator from Maryland, and I hardly think I can have fairly understood him in this case. The United States have the right to admit new States; they have a right to reject for proper considerations; but they have no moral right to reject one of the new States formed out of the Territories, after it contains sixty thousand inhabitants, no more than they have a moral right to do any other act which they ought not to do. And they have no right to impose any conditions except the conditions of the Constitution. That is the very point which we have urged again and again in connection with the question of slavery. I do not understand what the honorable Senator means by saying that we choose to give up a portion of our municipal sovereignty. I do not understand that expression. We do not give up anything. We form a State, and then the Constitution of the United States steps in and gives that State its jurisdiction, and we have then, in Ohio, just the same jurisdiction which we have in Pennsylvania. Whether the property we own in Pennsylvania has been owned by us for a thousand years, and that in Ohio not till after the State came into the Union, the principle is just the same. It is the Constitution which steps in and regulates the respective rights of each party.

Mr. PEARCE. I did not say that we could reserve municipal sovereignty. I never meant any such thing; but I do mean that we may secure our public lands from State taxation by so enacting at the time of admission.

Mr. ADAMS. If the side-bar question, which has been raised between the Senator from Maryland and the Senator from Michigan is settled, I wish to call the attention of the Senate back to the amendment which is pending. As I understand it, the question now before the Senate is on the amendment of the Senator from Pennsylvania to the amendment proposed by the Senator from California, to insert fifty cents, instead of twenty-five cents an acre, as the price of the land. Before proceeding to the merits of that question, I wish to say that it is very desirable that we should dispose of this bill to-day; that all the amendments be voted upon, and the question finally disposed of during the day.

I understood the Senator from Maryland to say; in regard to the suggestion of the Senator from California, that twenty-five cents an acre was a proposition of his, made with a view of satisfying the consciences of those gentlemen who believed this Government had no right to give away land; that it was a proposition that very easily satisfied the conscience of Senators. Now, Mr. President, I have believed that Congress has no right to give away the public lands. I have believed, however, that if, in selling the land the Government receives what it cost, there is no obligation on the Government to make a speculation. Now, I understand that about twenty-two cents per acre is the average of the cost of the public lands to the Government; and I say that the conscience of a representative that could not be satisfied with the cost, but desires a speculation, is as singular a conscience as one that is satisfied with refunding to the Treasury the entire expense.

I shall vote, however, for the amendment proposed by the Senator from Pennsylvania, to fix the price at fifty cents an acre, for the reason that, although the entire expense is only about twenty-two cents an acre, yet, as all of us who are acquainted with the new States know very nearly one half of the public land is valueless, and in some of the States more than half the lands are valueless; and, therefore, actual sales at fifty cents would not, perhaps, more than remunerate the Government for its expenses. I shall, therefore, vote for the amendment proposed by the Senator from Pennsylvania. But if that should be rejected, I shall vote for the amendment proposed by the Senator from California, placing it at twenty-five cents. Anything before giving away. I shall vote, however, for the substitute of my colleague, [Mr. Brown,] if that should come up. And I shall vote for the substitute of the Senator from Michi-

gan in preference to all others, because it embraces the whole subject of the public lands; and, while the homestead bill would benefit one man, that, if adopted, would benefit a thousand. There is that difference between the homestead bill and the proposition offered by the Senator from Michigan.

Mr. BROWN. Mr. President, I shall vote against the amendment proposed by the Senator from Pennsylvania, and the original amendment of the Senator from California, not because I am opposed to affixing a price to the land, but because I am opposed to fixing an arbitrary price. Any man who knows anything of the public lands of the United States, knows that one uniform price is exceedingly unjust. One acre of land may be worth but twenty-five cents an acre, and it is very likely that another acre, not three miles off, may be worth ten dollars. Whenever you undertake to establish an arbitrary price, and say you will sell at twenty-five cents, or fifty cents, you must do injustice to some.

I want a principle of graduation applied to this bill; and because I hope to get that principle, I mean to vote against all propositions to establish arbitrary prices. If the proposition were, instead of fixing an arbitrary price of twenty-five cents or fifty cents an acre, to insert a graduation principle, even as proposed by the Senator from Virginia, I should vote for it—not that I think it the best, but because it is one to which the minds of Senators have already been drawn, and they would probably accept that scale of graduation sooner than any other. But I never can, and I never will, vote for fixing any arbitrary price on the public lands. We have such a price now—\$1 25 per acre—and that is the very thing about which we are complaining. How much shall we better it if we discard one arbitrary price and fix another? We shall sell the lands for less money, it is true; but shall we deal any more justly with those to whom we sell? I understand that one of the great objections to the present price of the public lands is, that while you sell land to one man at \$1 25 which is only worth that much, you frequently sell land to other men for that price which is worth a great deal more; and sometimes you force upon the purchaser land at \$1 25 which, in point of fact, is not worth twenty-five cents, simply because he is compelled, under all the circumstances that surround him, to have it.

I want it understood, when I vote against the amendment, that I am not opposed to fixing a price upon the public land. I wish to fix a moderate price, and the very lowest at which it can be arranged. I prefer a graduation down as low as twelve and a half cents, because I know a great deal of the public land is not worth more than that. The Senator from Virginia, however, in fixing his scale, has thought proper to stop at twenty-five cents. I am willing to meet him there; not, as I remarked before, that I think that the best scale which can be adopted, but because having been introduced, and the minds of Senators having been brought to rest upon it, if others are ready to accept it, I am; but I cannot vote to fix these arbitrary prices.

Mr. GWIN. Mr. President, I think that five years' occupation, and making four crops on one hundred and sixty acres of land, are full consideration for it. On that principle, I have been in favor of the homestead bill as it came from the House. I am still in favor of it. I prefer it in that form. The amendment which I have proposed is more to accommodate others than myself; but inasmuch as it was agreeable to some members of the body who are in favor of the principles of this bill with the amendment, I have offered it; but I do not wish to fix a higher price.

But, sir, Senators talk about squandering the public lands by giving to each citizen of the United States a hundred and sixty acres for living on it five years, and making four crops. I am astonished that such a term should be used as to this disposition of the public land. Sir, nothing can tend more to squander the public lands of this country than to leave them open all the time for the selection of the best lands in enormous quantities, concentrating them in the hands of capitalists to be disposed of hereafter at exorbitant prices, as the wants of the country require them to be settled. I am in favor of the homestead principle being extended to all the public domain, and providing that it shall be disposed of to actual settlers for a nominal consideration.

Why, sir, it has been stated in the report of the Secretary of the Interior, and I suppose in this debate, though I have not mingled in it, that the whole cost of the public domain to the United States is only thirteen cents an acre, and including the expense of surveying and everything connected with it, the cost is twenty-two cents; and we have already derived more than \$50,000,000 from the proceeds of the public lands, which is more than they cost. They have therefore been no tax, but have been a revenue to the country. It is time now that they should cease to be a revenue, and that we should dispose of the public domain for the purpose of benefiting the population of the country; that is to say, when we dispose of it, it should be put into cultivation. When, as is proposed in this bill, you have a section of it settled and cultivated for four or five years, you make the adjoining section twice as valuable as it was before. I do not think there is a want of consideration in giving to actual settlers in this way, because I believe cultivation is a sufficient and ample compensation to the Government of the United States; for the foundation of the wealth of the nation consists in cultivating the soil, and of course the more wild lands you bring into cultivation, the richer the country is. But, sir, I do not wish to extend this debate. I wish to have a vote on the amendment.

Mr. BELL addressed the Senate at considerable length. [His remarks will be found in the Appendix.]

Mr. SHIELDS. I shall not trespass upon the time of the Senate by making anything like a speech. It would be a kind of imposition upon the body. The honorable gentleman from Tennessee has confined himself to a few remarks, and with great propriety. It being so near the close of the session, we cannot afford to enter upon a lengthy discussion of such a subject as this. I think we must either abandon this measure, or act promptly upon it, confining ourselves to a few words in explanation of its provisions. I am sorry that I have no capacity or leisure to answer some of the suggestions so handsomely, and yet I think I must say, so insidiously, made by the Senator.

Mr. BELL. I made them candidly.

Mr. SHIELDS. Then I withdraw that. He said he regrets that there is anything in the American people which looks as if they were compelled, from necessity or from circumstances, to ask from this Government the land on which they are to reside. He thinks it a kind of degradation. Now, sir, I look upon it as a different matter. I find, very far from that being the case, that in many countries, and in one of the neighboring countries under a monarchical government, they not only give the man the land, but they give him implements of husbandry and a portion of stock to go and cultivate that land. That is done under a monarchical government, and it is, sir, because the man who cultivates a farm, and reclaims it, does it not only for the benefit of himself, but just in proportion as he cultivates that farm, and renders it productive, so does he act for the benefit of the country, and so does he increase the revenue of the country. If a man cultivates his farm, he stimulates production, he also stimulates consumption, and just in proportion as you cultivate and produce, so in proportion will you consume. Sir, I could go on in reply to the Senator. I wish I had time to do it.

But, again, the honorable Senator says that this gratuity ought to be confined to soldiers. In one sense, a man who goes into the wilderness; who builds himself a little log cabin; who fights the wolves and bears, and wild nature herself, is a soldier—a soldier of progress and civilization—and does more for humanity than the man who fights the battles against the enemies of your country; but I will not waste time upon going into this.

Mr. BELL. The honorable Senator will allow me to say that I voted for donations to be given to settlers in Oregon, because that was a remote and exposed country, and the inducements to go to California were so much greater, that it was presumed it would be a long time before enough inhabitants would go to Oregon to defend themselves from the hostile Indians. I did not vote for the grant in Utah and New Mexico; that was a different principle altogether.

In the case of the pioneer who goes and fights the Indians, with no United States soldiers to defend him, such as the early settlers in Ohio and

Tennessee, there is a consideration for the donation. The Senator from Illinois must consider now, that it is under very different circumstances in which the pioneer goes to Missouri, to Illinois, to get the benefit of this bill. When the public lands are opened up, the citizens go in under the shield and ægis of the United States Government, which, with an overflowing Treasury, will have troops to defend them. They will have plenty of men to defend themselves from the Indians. I say that the old pioneers who went beyond the protection of the United States troops, were a most noble race of men, and they deserve these gratuities equally with the Army. To these pioneers I am ready to give the land. I do not oppose that. My remarks were intended to show that this great public domain of ours is not so inexhaustible as some Senators seem to suppose. Will the Senator allow me to add, that I do not think there are one hundred millions of acres in the States that can be appropriated at twelve, twenty-five, or fifty cents an acre? I apprehend that the supply for bounties to soldiers or others, will soon be gone.

Mr. SHIELDS. I cannot trespass upon the patience, as well as good sense, of the Senate by entering into this general abstract discussion; for, after all, they are abstract speculations. To some extent, I agree with the honorable Senator, that the same necessity does not exist now in relation to pioneers as did formerly. Such is my feeling on that point, that, when I have read the struggles of the early pioneers with wild savage nature, wild savage animals, and wild savage men, I rated them much higher than I have rated any struggles that I have observed in the Army. Now, sir, such men, and I am happy to say the Senator agrees with me, ought to receive this encouragement; but I have not time to go into that now.

The Senator alluded to another point—that our territory will soon be exhausted. I wish I had time to go into that. There is territory enough unoccupied, uncultivated, in the United States of America, claimed and owned by twenty-five millions of people, sufficient to support four hundred millions of people; and no man can tell when all that territory will be exhausted.

There is another point I wish I had time to go into, and that is the policy of keeping this territory out of cultivation for any considerable period of time. I think policy would lead us to have it cultivated as soon as possible; but I do not wish to waste time by going into that. My honorable friend from Tennessee, with all his fine talents, and I confess he has very fine talents, on questions of this kind especially, forgets one thing—that in the West we have an immense surplus of unproductive, uncultivated waste lands. Not only is that land unprofitable to the Government, but it is expensive to it. Then we have a surplus of unproductive labor. Now, if you can transfer a portion of the unproductive labor from where it is unproductive, and where there is competition, and where it gives rise to all your Know-Nothingism, and all that kind of bickerings which are produced in society; if you can transfer that and make it productive, will it not be beneficial to the whole country? The honorable Senator will agree with me, sir, that there are two constituents necessary for national wealth and prosperity—land and labor. Land is useless without labor. It is perfectly unprofitable, wholly unproductive; but put upon that land, labor, and you render it not only profitable and productive to the laborer, but profitable and productive to the whole country. You convert that which is no capital, into active, living, productive capital; and you not only enrich the whole community, but you also add to the constant accretions to the Treasury; but I have no time to go into that.

I should say that there is one view of this subject above the honorable Senator's, and that is a principle which ought to be very powerful in a republican Government, although it is politic in every Government; it is to equalize the contingents of society; to take them from a place where their labor is in a surplus, where it is unproductive, where it is not needed, and transfer it to where it may add to the wealth, prosperity, power, and influence of the country. This country is peculiar in that respect. I touched upon this subject the other day, and I am only sorry that I may not go into it at length. You have people coming in on all sides, flowing in constantly; and in the West you have an uncultivated, unreclaimed

wilderness. Take these men, throw them into the wilderness, let them cultivate and improve it, and you not only improve their moral and social condition, but, I insist upon it, you improve the political condition of the country.

Sir, when I see southern men oppose this as much as they do, I am astonished. They may be right, but I confess that I see a great policy in taking this population and planting it in the wilderness; for I see no class of the community so conservative as planters and husbandmen. The more you increase that class, and diminish the loose, unemployed, unoccupied class of beings, the more you contribute not only to the prosperity, but, I add, to the conservatism of the country.

But what I want to touch upon now is this: I shall vote against the amendment of the Senator from California. I am like my friend, the Senator from Tennessee, on one point. I am for the homestead bill, for the principle of the homestead bill. My people are for that principle. I want to see how it will work and operate. I was in hopes that it would have beneficial effects upon the condition of the country; but if we abandon that principle, I am for the principle of the bill of the Senator from Virginia. Clearly the very moment we abandon the principle of the homestead, I then take up that of the honorable Senator's bill, because I regard it as not only a liberal one, but as a final settlement of this complex, and permit me to say, very distracting question. I do not agree with my friend from Michigan when he says that is the homestead principle. I do not find it so; but I find two great principles in that bill: one the graduation, the other the preemption principle, preemption for a very low and moderate sum. Those are the two great principles. There are many others, but I speak of the leading ones contained in that bill. It contains the graduation principle, which, I am proud to have it to say, when at the head of the Land Office, I recommended, when I had an opportunity to investigate the subject, and it was very favorably considered by the Senate then. Sir, I repeat that I am now ready to vote for the homestead bill, and for the homestead principle as understood with us; for my people are all for it; but the moment we abandon that principle, then I take up the graduation principle, and add to that what the honorable Senator has added. I think it is a very liberal bill, and is certainly prepared with great ability. When it comes up, there are a few things which I shall point out to the honorable Senator as needing correction; but at the present time, I confine myself to this: that I shall vote for the homestead bill as long as there is a chance for it. I think that chance is diminishing every moment. It is one of those measures which has been as much beaten by its friends as by its opponents; but the moment I abandon the principle of the homestead bill, then I am for the principle of the bill brought forward by the honorable Senator—the graduation principle which I find has been reported on again and again, and sustained by the first minds of this country: by Mr. Calhoun and by many others who were in the Senate at the time. In addition to that, it has another principle which we are all in favor of, and that is the preemption principle, for a very low and nominal consideration I confess, but still it is a consideration, and one which is sufficient to make it a matter of pride for a man who settles upon the land to know that he pays for that land. It is a proud thing for a man to feel conscious that he has paid for his land, and considering that it is, I am willing, if this bill is abandoned, to take up the other. Upon that point I believe the sooner the friends of the homestead bill come to a conclusion, if it cannot be sustained, the better, and let us try and take up something else. As for the provision of the honorable Senator from California, he will see at once that it is abandoning the principle of the homestead bill without any system in relation to graduation, or preemption. The one of the Senator from Virginia contains a regular system of graduation, and connects with that a permanent system of preemption.

Mr. WADE. I do not rise any further to argue the question of the homestead bill. I have taken occasion to say what I had to say upon that subject; but since my remarks were made, the Senator from Delaware [Mr. CLAYTON] has written out a speech which he made upon that occasion. In that speech, as published, there are passages which

I certainly did not hear uttered upon this floor at the time, and which I should not have allowed to pass unexplained if I had heard them.

I remember very well what the Senator said. He said, in general terms, that some of those who advocated the homestead bill upon this floor, in arguing upon the propriety of extending its provisions to foreigners, had impeached the American character, or said something in disparagement of native-born citizens. When he struck upon that subject, the Senator from Iowa [Mr. DODGE] immediately challenged him to know whether he intended him as one of those who had said anything to the disparagement of the American citizen; and I recollect very well that the Senator from Delaware shrunk from any charge of that kind against the Senator from Iowa. The Senator from Iowa then took occasion to state that he had heard no Senators do so on this floor; and, so far as I understand, the Senator from Delaware dropped that part of his charge. I was somewhat anxious to see upon whom he would attempt to fix it; but my recollection is, that being repelled by the Senator from Iowa, he said no more upon that subject. I know very well that the Senator from Delaware encountered me pretty sharply. He alleged that I had said something to the effect that foreigners had a better right to the land than American citizens. Now, sir, that idea was extravagant. No sane man would pretend to say that they had a better right than American citizens. The fact is that neither of them has a right to the land which belongs to the Government, unless the Government sees fit to grant it to them for some reasons of its own, reasons of policy, which I think are very proper. I shall not attempt now to argue that subject. But in the printed speech of the Senator, I find words published which I did not hear, and which I believe were not spoken at the time. After the explanation of the Senator from Iowa, from which the Senator from Delaware shrunk, he turns round in his printed speech, and says: "the Senators from New York and Ohio will not so soon eat their words, I think." Now, sir, those words were not said on this floor, in that debate. I did not hear them. If such words had been uttered upon this floor, I should have repelled them. No, sir, this was an after-thought. Now, I wish to understand whether the Senator intended to insinuate by anything that he has written out in his speech, that in the course of my remarks I said anything in disparagement of the character of American citizens, which is plainly insinuated on the face of this paper; and if so, I want to know the words from which that inference is drawn? I pause for a reply as to whether such a charge was intended.

Mr. CLAYTON. I will answer you when you have done.

Mr. WADE. The Senator refuses to answer. Then I can only say, hypothetically, that if the honorable Senator intends to insinuate that I had said anything in disparagement of American citizens in my argument at that time—whoever says that I uttered one word or syllable to that effect asserts a sentiment as groundless and as silly as it is false and malicious. I said no such thing; I thought no such thing; and no Senator upon this floor, I presume, unless it be the Senator from Delaware, supposes that I said any such thing. Just as though I, an American citizen, should stand here to say anything in disparagement of the American citizen! I argued upon that subject, on that occasion, as well as I knew how, that it was the policy of the Government to extend the benefits of this bill to foreigners. I admit that I argued and said, on that occasion, that I did not see why the foreigner had not the same right as a native-born citizen, because neither of them had a right to it, unless the Government choose to give it. I stated at the time, that if the intention of this bill was really to grant a favor to A, B, or C, native-born or foreign, on that principle, I thought no discrimination could be made between them, because neither of them had the right to call on the Government for anything; but I placed it upon great principles of public policy, as the Senator from Illinois has just argued, that it was not only for the benefit of the beneficiaries, under the bill, but for the benefit of the Government, in bringing into cultivation an immense territory of wild lands which are lying unproductive and of no possible use to the Government—that it was the policy of the Government, in order that

those lands may be reclaimed and improved, to grant them to such as would go there and cultivate them. That was my argument, and I argued also that this Government had never lost anything by its liberality to foreigners. I contended for their fidelity to the Union at all times, from the Revolution to the present.

Another thing is insinuated here that has not a particle of foundation—that somebody, in some manner, asserted that we never should have acquired our independence if it had not been for foreigners. Such a thing was never asserted upon this floor. I did say that they had aided us in the acquisition of our independence. I pointed out some of the eminent men who had lent themselves to fight our battles in the Revolution, who had generously come forward and devoted their blood to the cause of our independence; and I alluded also to great numbers of more obscure but equally meritorious men in the ranks of the Revolutionary war, who aided us; but I never insinuated that the American Army, unaided in the Revolution, could not have worked out our independence. No such statement fell from me; but it is attempted to be insinuated that such sentiments were uttered by somebody.

Mr. CLAYTON. I am a little surprised, sir, at the exceeding feeling with which the honorable Senator has replied to the remarks which I made in reply to him on Friday last. He seems to be quite sore under them. He has taken a long time to rest upon them.

Mr. WADE. This is the first moment that I have seen the Senator's printed speech. He says that I am sore at what he uttered. I am not sore at what he uttered, but at what he printed.

Mr. CLAYTON. But the printed speech contains substantially just the speech that was delivered here; and if he paid any attention to what was going on, he knows it. But, sir, I scorn to enter into any controversy with him upon a question of that description. The point upon which I arraigned him was, that he said here, in the presence of the Senate of the United States, that he had no more right to a share of the public lands than a German, or any foreigner who comes here; and, sir, I reproved him for that sentiment. He attempted explanation again and again. What I meant, when I said that he had spoken disparagingly of the American people, was, that he had said they had no more right to the public lands of their own country than any foreigner whatever, and he cannot explain that away; he cannot retract that, whatever he may say of the printed speech, or of any other speech. He did declare here, on the floor of the Senate, that he was a son of the Old Bay State, and a citizen of Ohio; and yet he himself, "to the manor born," felt that he had no more right to any share of the public lands than any foreigner whatever. This was what he said. He said in fact, and he cannot deny it now, that an American citizen had no more right than a Russian or a Turk, or any other man whatever, to the public property of the United States. If that was not speaking in disparagement of the American people, I do not know what was.

Mr. President, I am not to be drawn away from the main point on which I arraigned the Senator from Ohio. I know the point on which I assailed him, and it is upon this point that he feels his position is indefensible. I care not in what terms he couches that proposition, I attack it. In regard to the declaration which I commented upon, that it had been stated that the people of the United States owed their independence to foreigners who had fought their battles, I did not attribute it to him. But it is a sentiment which has been uttered *de die in diem*. It has been spread from Maine to Georgia. It has been uttered for many years past, and many of those who have uttered it have believed it—

"Like one,
Who having, unto truth, by telling of it,
Made such a sinner of his memory
To credit his own lie."

Mr. WADE. Will the Senator inform me who said that upon this floor?

Mr. CLAYTON. Sir, I said before it has been said over and over again in other places. Your imagination is a very fertile one. I met the assertion, and intended to meet it; and if anybody asserts it here, I mean to deny it. While I gratefully acknowledged, as I said, the services of those gallant men who participated with the Amer-

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ican people in the defense of their country, I intended to deny the assertion, (as every man within the sound of my voice knows it has been asserted again and again, in every part of this country, for certain political purposes,) that we owed our independence merely to the bravery of the foreigners who fought our battles; and while grateful for all the efforts made in our behalf, I say that if foreigners had not fought in a single battle, we should have achieved our independence against Great Britain. Does the Senator deny that?

Mr. WADE. No, sir.

Mr. CLAYTON. Very well, then there is no difference between the Senator and me on that point. But the issue between the Senator and myself lies here: I complained that he said the American citizen had no more right to the public lands of the United States than foreigners had. There was the issue. As to the immaterial points started by him in the case, I do not think it worth while to detain the Senate upon them. The position which I took in reference to that matter here on a former occasion, I maintain still in reply to the honorable Senator, in every part.

Mr. WADE. I wish to inquire of the Senator if he ever said these words: "The Senators from New York and Ohio will not so soon eat their words, I think." Did he say that?

Mr. CLAYTON. I said that in substance. I cannot say whether I said those words precisely. It is evident I meant nothing offensive by them. I said that the Senator from Ohio and the Senator from New York had, as I had explained it, disparaged the American people, by insisting that foreigners had the same right to the public lands as they had. It is plain that these words contained nothing offensive to the Senator. Nothing was further from my thoughts. But I did mean to call him to a reckoning for the utterance of such a sentiment upon this floor.

Mr. WADE. Here is what I take exception to:

"I am not one of those who persecute foreigners. I never shall do it. I am no bigot; no sectarian. I seek to persecute no man for his religion or his opinions. But I am resolved that no others shall ever, by my vote or influence, be placed in any position where they can persecute me or my friends, or deny us either civil or religious liberty. I have heard, during the progress of this debate, some things uttered to the disparagement of a portion of the American population, which can have but a very unfortunate effect, in my opinion. I was asked by my honorable friend from Iowa [Mr. Dodge] whether, in my judgment, the naturalization laws should be repealed?"

Now, Mr. President, you will observe he says, in the course of the debate, though he does not disclose who said it, that there had been things said exceedingly offensive, because they went directly to the disparagement of the American people. The Senator from Iowa challenged the Senator to know whether he was the man to whom he alluded; and, sir, he shrank back from that. He said no more about it. I did not complain of his taking me to task for what I said. I did say, and I say again, that, as I understand it, neither a foreigner nor an American-born citizen has a right to an acre of the public land in this country. It all belongs to the Government; she may rightfully withhold it from native-born or foreign citizens. It is really a question of policy whether she should grant it to either. I agreed, as well as I could, for the propriety and policy of handing it over in limited quantities to actual settlers, both to native-born and foreigners, and said that I would not discriminate between the one and the other.

While up, on this occasion, I will say that the Government never has discriminated between foreigners and native-born citizens. Even without making a declaration, sir, a foreigner may go into the wilderness and may cultivate the land upon the same conditions as the native-born; and it depends upon himself whether he will make a declaration or not. He will be anxious enough to avail himself of the privileges of an American citizen. The law is so well aware of that fact, that it has never asked him to become an American citizen, while granting him the same privileges on the land as the native-born. I see no reason to depart from that now. If you sell the land at the same price,

why should you discriminate between them? There is no reason for it. But I have already said what I had to say on that subject.

But these words, in this connection, were exceedingly well calculated to mislead the public. If the Senator had said no more in his speech than he now claims he says, I would not have called for an explanation of the charge. But the Senator says that I have rested upon this speech. I did not rest upon it as long as he did before he published it. Opportunity I might have had, if I had suspected there had been anything wrong in it, to call attention to it before. It is only just now that I have had the opportunity to see it. My attention has just been called to it, and I am very glad that it has been. I have heard, during the progress of this debate, certain things uttered to the disparagement of a portion of the American population. This is very offensive, and no gentleman would like to have it said that he argued here in disparagement of American citizens. That would sound rather broad when it went out to the public. Now he says he did not accuse us of it; but, in his printed speech, after being interrupted by the Senator from Iowa, he said: "The Senators from New York and Ohio will not so soon eat their words, I think." What words were they? Here is my speech, as it came from the hands of the reporter; and if you find a single word or syllable from which any just inference can be drawn that anything was said in disparagement of American citizens, I will relieve you from the charge of unfairness. The words, in the connection in which they stand, are exceedingly offensive; and, without explanation, would receive no other construction than that the Senator from New York and myself had stood forth here, with some kind of language, utterly in disparagement of American citizens, and discriminating in favor of the foreigner against the American citizen. It is a high charge for a Senator to make, that others had uttered sentiments in disparagement of American citizens, and then turn round and tell us that we will not eat our own words, he thinks. It is a thing that I will not stand here under patiently. I think it is offensive. But the Senator having explained that he does not pretend that he said that upon the floor, but merely said I argued that, as an American citizen, I had no better right to land than a foreigner, I care little about it.

Mr. CLAYTON. It is a matter of very great indifference whether the honorable Senator is satisfied or not satisfied. If he is not satisfied, he is at perfect liberty to take what satisfaction he dares call for outside the Senate. Now, sir, he is sore under what I said to him the other day when he uttered sentiments that he new were indefensible. He thought, sir, that he had no more right to the public domain than a foreigner; he attempted to explain it again, and again, and again; but he never made it any better. When I said that he would not eat his own words, I did not mean to say anything disrespectful. I meant to say that he would stand by what he had said. He made various efforts to dodge his position; yes, sir, to dodge the position he at first took he made efforts to dodge his words, and, as it was, I could not understand precisely at last what it was he did mean. But, he says now that he said nothing in disparagement of the American people. Why, sir, did not he and the Senator from New York dwell here for more than half an hour upon the fact that the railroads and canals and the internal improvements of the country had been built up and made by foreigners? Was not that a disparagement to the American people. Sir, it was not only a disparagement to the American people, but before God, it was untrue. It is an insult to the American people to make such a declaration as that. Not in disparagement to the American people to tell us that we are indebted for all our improvements, our railroads and canals, to foreigners! I do not know what sort of an American feeling the honorable Senator entertains. I do not understand him, sir, but he is a very different American from what I am.

Sir, in regard to this whole subject, I was not

aware till a few minutes ago that it would be called up again; but my friend from Iowa [Mr. Dodge] had spoken of a class in this country of whom I know nothing. He had spoken of them in terms which I thought were not justifiable, stigmatizing them as contemptible, and, in their defense, I only alluded to the simple fact that they had carried every American city where they had raised their standard, and I thought that, therefore, they could not be contemptible. I had said, that so far as they were an American organization, the remark of the honorable Senator from Iowa was to the disparagement of them; but he said nothing in disparagement of the whole American people. I did not hear him say that we were indebted for our internal improvements, our railroads and canals, to foreigners. He made no statement of that description. No, sir, it was reserved for the Senators from New York and Ohio; and I care not to which of them I speak now, for they both stand in the same category. They both spoke in such terms, that if anybody chooses to examine their language, they will see that the tendency of their speeches was to exalt foreigners at the expense of our native-born citizens. Sir, I am an American in heart and soul. I belong to no faction; I seek aggrandizement and honor from no party. A few years will terminate my political career. The last spot I shall occupy in public life is here on the floor of the Senate. I have occupied some other places of some distinction in the country, but I have never known any spot which I would not change for a seat on the floor of the American Senate. I hold it as honorable as any position under this Government; and, therefore, sir, I come here for the purpose of asking nothing from parties, or factions, or organizations. I am speaking without any reference to private interest. I am speaking without the slightest regard to any effect it will have upon me now or hereafter; but I do regard, I must say to the honorable Senator from Ohio, the utterance of such a sentiment as he uttered here upon this floor, as deeply injurious to my countrymen, and as eminently calculated to degrade the high character and name of an American citizen.

Mr. WADE. When the gentleman accuses me of these things, I wish he would state in what connection they occurred.

Mr. CLAYTON. Yes, sir, I will give you the benefit of it. It is calculated to degrade the American citizen, and to cheapen this thing called American citizenship. It teaches him whose lot has been cast, and whose ancestors' lot was cast here, that when you come to a distribution of the benefits, or of the property of this Government, he is not to be considered as possessing any peculiar claims in any degree greater than an alien, no matter from what portion of the world he may come, be he a Turk, or belonging to any other country. According to the doctrines of the honorable Senator, they are as much entitled to the lands as a native American citizen. Does not the Senator feel that it degrades the just claims of American citizenship?

Mr. WADE. No, sir.

Mr. CLAYTON. He says he does not feel it at all. No, sir; the Hottentot or Caffre is placed beside an American Senator, and he has claimed for him rights equal to those of his own as an American citizen; and the Senator says he does not feel that the name of an American citizen is degraded by such an association. I envy the feelings of no man who cannot discriminate between the wild Indian, the barbarian of Africa, or, as I have said, the Turk or Hottentot, and the native American who has grown up under our free institutions, who is bound to peril his life for his country, who is liable to be called upon whenever the country makes a requisition upon him to fight her battles, who, if he is guilty of any overt act designated in the Constitution and laws of the country as amounting to treason, is liable to capital punishment for that act. I envy not the man who cannot discriminate between him and a foreigner, who is liable during the whole time that he remains in this country, until the period of actual

naturalization, to be indicted for treason in the country from which he emigrates, if he should take sides against it, and who, in case he is really guilty of an overt act, which in an American would be treason, would be answerable not at all to our Government. Those, sir, were the views which I endeavored to present to him. It was in this light that I considered the honorable Senator as having uttered sentiments in disparagement of the American people; and if he differs from me, he is perfectly at liberty to do so as long, and as often as he chooses; but he will never make me regret the expressions which I had the honor to use the other day to reprimand him for his want of patriotic and true American feeling.

Mr. WADE. It requires no argument to answer the speech of the Senator now. I have answered the speech before. It has been made here by the Senator for the third time. He has given us these views upon this subject before. That I care nothing about. I have heard that speech before; but he did not say before that I had said anything which was in disparagement of the American people. He did not say that the Senator from New York and the Senator from Ohio would not eat their own words.

Mr. CLAYTON. If it is offensive, I say it now.

Mr. WADE. He says he cares nothing about my feelings. Be that as it may, I intend to set myself right upon this question, and I am not to be browbeaten by the Senator, however old he may be. If he willfully and maliciously misrepresents me, I will charge it upon him. Talk to me about skulking! Sir, he skulked into a private room, and there wrote what he dared not utter on this floor.

Mr. CLAYTON. That's a lie.

Mr. DODGE, of Iowa. I rise for the purpose of calling the attention of the Senator from Delaware to a portion of his speech, in this connection. I am not willing that it shall stand before the country in its present shape unnoticed and unexplained. He says:

"I am not one of those who persecute foreigners. I never shall do it. I am no bigot; no sectarian. I seek to persecute no man for his religion or his opinions. But I am resolved that no others shall ever, by my vote or influence, be placed in any position where they can persecute me or my friends, or deny us either civil or religious liberty. I have heard, during the progress of this debate, some things uttered to the disparagement of a portion of the American population, which can have but a very unfortunate effect, in my opinion. I was asked by my honorable friend from Iowa [Mr. Dodge] whether, in my judgment, the naturalization laws should be repealed? Why, sir, I have never been the advocate of the repeal of the naturalization laws; but let me tell him, and others here who have engaged in this debate, that any remarks which can be, by possibility, construed into a disparagement of the native American population of this country, when compared with the foreign population now pouring like a mighty flood into this country, are calculated to create parties that have been unknown before; and remarks of that description made on the floor of the Senate in one day's debate, will create an addition of one hundred thousand to the number of those who have been denominated, by some gentlemen, as 'Know-Nothings.'"

"Mr. Dodge, of Iowa. Will the Senator allow me to ask him a question?"

"Mr. CLAYTON. Certainly."

"Mr. Dodge, of Iowa. I ask him, then, to name that Senator who instituted an invidious comparison in favor of foreigners and against Americans. If he directly or indirectly alludes to me as having made such an assertion, I deny it *in toto*; and I must say for the Senate, that I have heard no such imputation made from any portion of it."

"Mr. CLAYTON. The Senators from New York and Ohio will not so soon eat their words, I think."

I now ask if the Senator from Delaware intended to say that I ever "eat my words?"

Mr. CLAYTON. Certainly not; nor had I the slightest idea that the Senator so understood me.

Mr. DODGE, of Iowa. That comports, then, with the honorable bearing of the Senator towards myself in all the relations in which we have ever stood to each other. During the time when I made my somewhat vehement remarks, I took occasion, knowing that we differed widely as the poles on this question, to avow for him my entire respect, and to allude, as I thought, in a pleasing manner, to a manifestation of that respect which had been given by the State whence I came, and by my colleague.

Then his speech continues:

"I did not charge the Senator from Iowa with having reflected on the American population; but now that he has called my attention to the fact, I will repeat one thing which he said, though I have no unkind feeling to gratify in doing so. He did say of certain American organizations in

this country, that they were 'contemptible'—the 'Know-Nothings,' for instance, and the 'Native Americans.' I submit respectfully to my honorable friend, now in his cooler moments, whether they are to be considered as contemptible? I do not know myself what their principles are, though the Senator from New York, without any authority, has spoken of them; but one fact must be apparent to everybody, and that is, that those men who are called 'Know-Nothings' have, within a few months past, actually carried nearly every election in every American city where their standard has been raised. I am perfectly ignorant of what the real ends and objects of an association so formidable may be; but I cannot conceive it possible that an organization as extensive as that, and as successful as it has been in every instance, can, in any sense, be contemptible."

Mr. President, in speaking upon the subject of the homestead bill, and the generous and fair provision towards foreigners that it contained, I said I thought those who were not in favor of a repeal of the naturalization laws, or not disposed to favor that contemptible Native American, or Know-Nothing party, should not support the amendment then pending. I did utter those words. I spoke of the Native Americans thus; and why did I do so? I did it because the proclamation of their principles to the world, and an attempt to enforce them in the "City of Brotherly Love" caused its streets to be raked fore and aft with canister and grape shot, belched forth by cannon. I thus spoke of them, because they had caused American blood to be shed by American hands; because they had consigned to conflagration churches erected to the worship of the ever-living God, and burned them to ashes. I thus spoke of them; and, as long as I have a voice, I will thus speak of them. I do regard their principles, as attempted to be carried out in this country, as a violation of the provisions of our Constitution, and that religious liberty which Thomas Jefferson and his compeers secured to us, and which I shall ever seek to maintain and defend as long as I have a voice, a vote, or where-withal to do it.

Sir, if these almighty Know-Nothings, who have carried every election in every American city, as the Senator says, are the counterpart of the Native American party, I do speak of them thus: and so understanding, I spoke of them. If any gentleman who knows anything of their principles will proclaim them, and say they are American, in the broad acceptance of the term—will say they will not assail or war upon any particular portion of the community because they may choose to worship God under a particular form, according to their conscience—then I will take pride in unsaying everything I have said of them. In what I said of the Native Americans, I judged of them from their acts; and if the Know-Nothings are organized to carry out their doctrines, I will speak of them as I have spoken; and, so understanding, I did speak of them.

Mr. President, we should all bear in mind that if to-day we are called upon to persecute the Catholics for opinion's sake, we may to-morrow be called upon for the same reason to persecute the Baptists or the Presbyterians. It is an atrocious sentiment. It is especially atrocious when we remember that, with patriotic devotion, our Catholic fellow-citizens rallied around our country's standard and helped bear our banner aloft to the Halls of the Montezumas, where it was planted in triumph. Ostracize the Catholic, and no sect will escape, even while we profess universal toleration. Sir, I especially ask the Senate to mark the devotion of the abused Catholic to our banner in every war in which we have been engaged, under circumstances, too, that were strongly calculated to excite their sensibilities. They are an abused sect, but they were true to us when attempts were made to convince them that our army of invasion in Mexico would sack and pillage the churches of the Christian body of which they are members. Sir, they faltered not, but they contributed their blood and treasure in the defense of our common country; and as they are the strongest body of our foreign-born population the sacrifice was important.

Of proscriptive native Americanism I know enough to lead me to oppose it. If, as is represented of the Know-Nothing organization, it requires its members to war upon a man because of his religion, that religion may be my father's; or the place of his birth, which we all know is accidental, it would require me to proscribe my colleague because his father was born in Wales; such a society I denounce as miserable and contemptible.

I know not what my respected friend from Delaware may suffer from foreign immigration; but, referring to actions which speak louder than words, I said here, and I declare now before God and the Senate, that in no county in Wisconsin or Iowa, or any portion of the Northwest, have we ever heard from this population the first intimation of a disposition to resist any one of the laws of the United States, or the process of our courts. We have never heard from them any threatening, or contempt towards the Government, more than among our own citizens. I beg gentlemen to bear in mind that, unless they so legislate as to keep these foreigners in the Atlantic States, we in the West are those who will suffer, if any are to suffer from them; and it should be remembered that there has never been the first complaint from that portion of our country as to the disloyalty of these people who have settled there.

Mr. CLAYTON. I wish to say, in reply to my honorable friend from Iowa, that I do not undertake to stand here as the champion of the Native Americans or the Know-Nothings of the country. Probably no man knows less about them than I do; but there is one historical fact, in reference to which I desire to correct the honorable Senator. He has evidently understood that the first blood which was shed in Philadelphia, where this party organization seems first to have arisen, was drawn by those whom he calls the Native Americans. Sir, that is not the understanding which I had, and I lived within forty miles of the spot where the battle, if I may use that term, occurred. This is the first time that I ever heard any other version given to the story than this: That these men called Native Americans had assembled at a public meeting, and were deliberately shot down by foreigners, and that was the whole cause of the feud between them. If my honorable friend is better acquainted with the facts than I am, he can say so; but that is the version I have always understood; and I thought I was a perfectly impartial observer of what occurred there. Then I put it to my honorable friend, who I believe is as true an American as any one that can be found here or elsewhere, if his own countrymen had been shot down at a public or political meeting, by any set of men, whether he would not have felt exceedingly indignant, and whether he might not, with the aid of others, under the influence of the excitement caused by such an outrage, have attacked them in return? Sir, I only state these things for the purpose of putting my friend right, and to desire him to look into the matter and inquire whether he may not have done his own countrymen injustice in this particular. That he intended to do them injustice I never shall believe; but I think he has done it.

Now, sir, with regard to the Know-Nothings, as I said before, I do not understand what their principles are. The Senator from New York, [Mr. SEWARD,] to whom I replied the other day, undertook to read from some obscure newspaper, the name of which I cannot remember, what were their principles. If that paper was authorized to speak for them, it denounces Romanism. The grounds upon which they undertake to denounce it I have not seen nor heard; nor do I know the fact, from anything that I am authorized to say here, that they themselves are against the Catholics, or desire to persecute them.

But, sir, I desire to call the attention of the Senate now, upon this occasion, to a debate—it can scarcely, perhaps, be called a debate—but to a speech which was made on this floor sometime ago by the distinguished gentleman from Michigan, who adverted strongly to the intolerance of the Catholic church, in reply to some articles which had been published by Archbishop Hughes.

Mr. CASS. The honorable Senator is under a misapprehension. I did not advert to the intolerance of the Catholic church as a church. I maintained that the construction put by some of its members on a certain effort was not warranted, and that it did not involve the Catholic religion truly. I made no reflections on the Catholic church at all.

Mr. CLAYTON. But on that occasion reference was made to a newspaper called the Shepherd of the Valley, which contained sentiments highly intolerant. Now, I ask the Senator from Michigan whether he did not, after that debate was over, receive an additional and new number of that same paper called the Shepherd of the

Valley reiterating sentiments highly intolerant, declaring, in fact, against liberty of conscience, religious toleration, liberty of speech, and even liberty of thought? Did not the honorable Senator receive such a paper as that?

Mr. CASS. I did; and the amount of it was pretty much as the honorable Senator states.

Mr. CLAYTON. Very well. I received such an one, and have it now. At the top of that paper was the name of the Archbishop of that diocese, Peter Richard, I believe. The editor of the paper stated that he was authorized to use his *imprimatur*. That, also, the honorable Senator saw. Now, sir, knowing as little about sects as any man, being as little of a sectarian as any man in the United States, and as little of a bigot, never having had the slightest feeling to persecute my fellow-citizen on account of his religion, yet I will avail myself of this occasion to say, that if these were the sentiments of the Catholic church, then everything that has been urged against them in regard to intolerance is sustained; but I cannot and will not believe it without further evidence.

Some of the most estimable friends I have in the world are Catholics. Some of my ancestors have been Catholics. I have no motive for believing statements against them, and I will not believe them until they are substantiated, not only by credible testimony, but by irresistible testimony; but let me bring my honorable friend from Iowa back to this fact. If those men who are called "Know-Nothings," have seen such papers as that which the honorable Senator from Michigan has received, and which I received, they would probably form the opinion that here was existing in the community a highly intolerant religious sect, dangerous to their own religious liberty; and if they honestly believed that, then my honorable friend surely would be one of the last men in the world to denounce them for their opposition to it; for I am sure he would be one of the very first to stand up always in defense of both civil and religious liberty.

Mr. WELLER. I suppose it will be impossible to obtain a vote to-day. I desire to submit a few observations on this subject, but I will postpone those remarks until the substitute which has been submitted by the Senator from Michigan [Mr. STUART] shall be printed. I shall, therefore, be compelled to move an adjournment, simply expressing the hope that there may be no serious difficulties between our two young friends upon the other side of the Chamber, who have been so belligerent this afternoon. [Laughter.]

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, July 18, 1854.

The House met at eleven o'clock, a. m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

The SPEAKER. The business first in order is upon the motion to recommit the bill, reported from the Committee on the Post Office and Post Roads, to amend an act entitled "An act to amend an act entitled an act to reduce and modify the rates of postage in the United States," passed August 30, 1852.

THOMAS K. GLENN.

Mr. KERR. I ask the unanimous consent of the House to take from the Speaker's table Senate bill No. 448, being "An act for the relief of Thomas K. Glenn," that it may be put upon its passage. The bill makes no appropriation of money. It merely empowers the Postmaster General to correct an obvious mistake which he says ought to be corrected in a contract which one of my constituents made with the Post Office Department for carrying the mail in 1851.

There being no objection, the bill was taken from the Speaker's table, read a first and second time by its title, ordered to a third reading, and was subsequently read a third time, and passed.

TERRITORY ACQUIRED FROM MEXICO.

Mr. PHILLIPS. I ask the unanimous consent of the House to introduce the following bill: "An act declaring the southern boundary of New Mexico."

The bill was read *in extenso*, for information, as follows:

Be it enacted &c., That until otherwise provided by law, the territory acquired under the late treaty with Mexico, commonly known as the Gadsden treaty, be, and the same is hereby, incorporated with the Territory of New Mexico, subject to all the laws of said named Territory.

Mr. PHILLIPS. I merely desire to state to the House, in a few words, the object of the bill. Gentlemen who have listened to the reading of the bill will see at once the propriety of its immediate passage. The territory which we have lately acquired under the Gadsden treaty is now without law. There are no courts organized in the territory for the execution and enforcement of the laws. It is necessary, therefore, inasmuch as the territory is open to settlement, that there should be some laws for the protection and government of the people who settle there. I hope, therefore, as it seems absolutely necessary to extend the benefit of laws over that territory, that there will be no objection to the introduction and passage of the bill.

Mr. CHANDLER. Will the gentleman from Alabama allow me to ask him a question?

Mr. PHILLIPS. Certainly.

Mr. CHANDLER. Does this bill come from any committee?

Mr. PHILLIPS. It does not. I am on the Committee on Territories, but I do not propose the bill from that committee. It is so self-evident a proposition, that I did not think it necessary for it to receive the approbation of the committee.

Mr. CHANDLER. How can we tell, before the boundary is run, what people are to come under our jurisdiction?

Mr. PHILLIPS. The bill states it as all the country acquired by the treaty with Mexico, and which is annexed. That is the boundary. The treaty settles the land that is acquired, and we annex just that land which we acquired under the treaty.

Mr. CHANDLER. But we have appointed a commission to ascertain what the boundaries are, and to ascertain who are included within the lands thus acquired.

Mr. PHILLIPS. I will state to my friend from Pennsylvania, that that makes no difficulty. We annexed Texas, and the boundary was subsequently settled. It will constitute no difficulty, as the exact line shall be hereafter run.

Mr. PECKHAM. Are there any people residing on that acquired territory?

Mr. PHILLIPS. There are.

Mr. PECKHAM. Then I object to the introduction of the bill.

NATIONAL HOTEL COMPANY.

Mr. DAVIS, of Indiana. I ask the unanimous consent of the House to report back Senate bill (No. 178), "to incorporate the National Hotel Company of Washington City, with an amendment, and to have it put upon its passage. I appeal to the courtesy of the House to permit me to say one word in relation to it.

Mr. OLDS. Has the morning hour commenced?

The SPEAKER. It has.

Mr. OLDS. This is a bill which must necessarily give rise to debate.

Mr. DAVIS. No, sir, it will not.

Mr. JONES, of New York. I think it will, and therefore I object.

Mr. DAVIS. I wish to appeal to my friend from New York to withdraw his objection. I wish to make one statement. My colleague, the chairman of the Committee for the District of Columbia, is now absent from his seat, and confined to his room; and I therefore desire for him to introduce this bill.

Mr. JONES. Under these circumstances I will withdraw my objection.

Mr. WALSH. I renew it.

Mr. DAVIS. Then let it go.

NEWSPAPER POSTAGE.

The SPEAKER. The gentleman from Virginia [Mr. SMITH] is entitled to the floor on the proposition to recommit the following bill:

A bill to amend an act entitled "An act to amend an act entitled 'An act to reduce and modify the rates of postage in the United States,'" passed August 30, 1852.

Mr. OLDS. I do not see the gentleman from Virginia in his place; and believing, as I do, that this bill is thoroughly understood by the House, after having been discussed when the proposition was up some weeks ago, I move the previous question.

Mr. WASHBURN, of Maine. I ask the gentleman from Ohio to withdraw, for a moment, his call for the previous question.

Mr. OLDS. Certainly. I withdraw it.

Mr. WASHBURN. Mr. Speaker, is there a motion pending to refer this bill to the Committee of the Whole on the state of the Union?

The SPEAKER. There is not.

Mr. WASHBURN. Then, if it is in order, I will move to refer this bill to the Committee of the Whole on the state of the Union.

The SPEAKER. There is a motion pending to recommit it.

Mr. WASHBURN. But is it not also in order to make the motion which I have indicated?

The SPEAKER. Yes; it is also in order to move to send it to the Committee of the Whole on the state of the Union.

Mr. WASHBURN. I hope that this bill will not pass. I do not see any occasion for its passage. I do not believe that it is demanded by the wants of the country. On the showing of the gentleman from Ohio, [Mr. OLDS,] I believe it is not demanded, and that it ought not to pass. I believe that now, at the present time, the Post Office Department is rightly considered a self-sustaining Department.

The Government uses this Department to a very large extent. All the Departments of the Government use it. It is used by the Post Office Department as well as others; and the Government has also considered it to be a matter of public interest, and for the public good, that the members of Congress should have a right to use it without paying postage to the Department; use it to frank letters, documents published by order of Congress, speeches, proceedings of the two Houses, &c.; for the information and advantage of the whole country, and not of the writers of letters and subscribers to newspapers merely. For all the purposes for which that Department is used, and which are for the interest of the country and the people generally, all the people, the postage payers, and non-postage payers, ought to pay; and, to effect this, the Government should pay its own proportion, its own equitable and just share of the expenses of the Department.

By the Government paying postage upon letters and newspapers, in the same manner and at the same rates that individuals do, I believe the chairman of the Committee on the Post Office and Post Roads [Mr. OLDS] will not deny that the Department would be a self-sustaining one. I believe he admits that fact. We have found it necessary to have post roads, and post offices, upon our frontiers, for the purpose of forming connection between this city, and the Atlantic sea-board generally, with the exterior portions of the country—for the purpose of connecting the center with the circumference. We have found it necessary to have post roads and post offices for the benefit of the Army and the Navy, for the opening and facilitating settlements in the Territories, and increasing the sales of our lands for the advantage of the general Treasury. Those routes and offices are not self-sustaining, but they are necessary for the interests of the Government, and the people generally, and for sustaining those distant frontier routes, for transmitting intelligence from the departments of the Government, the Government, and not the postage payers alone, ought to contribute.

It is unreasonable to make the newspaper readers and the letter-writers pay for transporting letters of the Government officers, and the mails of the departments, and for the establishment of post roads for carrying the mails into the far-off territories, in the outside portions of the Republic. Make the Government pay what it should pay, what its fair proportion is, and the Department would be self-sustaining. But it is unreasonable to make the newspaper readers and the letter-writers pay for those who do neither. It is unequal and unjust. The service of the Post Office establishment, to the extent of \$2,000,000 at least, is for the uses and advantage of the Government. That amount, as it is incurred for the benefit of all, should be paid by all from the Treasury, into which all pay, and not by increasing the rates of postage which are paid by part only of the people.

I see by a schedule which was read the other day by the gentleman from New York, [Mr. HAVEN,] that in the State of Maine the Department is self-sustaining, and considerably more. The post

office receipts in that State for 1853, according to a statement in the speech of the gentleman from Ohio, [Mr. OLDS,] were \$125,194 94, and the entire cost of transporting the mail, and the commissions of the postmasters, and all expenses of the Department, in and for that State, amount to \$112,654 24, leaving a surplus of \$12,540 70. The postage payers of Maine, then, sustain the Department so far as they are concerned, and contribute some \$12,000 for carrying the mails in other States.

But the gentleman from Ohio [Mr. OLDS] is not satisfied with that, and he proposes to put upon the newspaper readers of the State of Maine an additional tax for the advantage of other States, instead of requiring the Government to make up the balance by paying for services which it has ordered and used, and which, if of any advantage, are of advantage to the people generally. It is unjust and unequal. It is oppressive upon the people of that State—upon the newspaper readers of that State. Maine now pays to the Department a surplus of \$12,000, not for her own use, but another's; you propose to increase this surplus by raising, in effect, the tax on newspapers, so that she will pay an excess over expenses of \$20,000 or \$30,000, instead of \$12,000. I protest against her being made to contribute more largely to the mail service than she now does; and maintain that the deficit should be paid by the General Government.

Therefore it is that I object to the passage of this bill, and I hope it will either be referred to the Committee of the Whole on the state of the Union, where it can be discussed fully and at length, or be laid upon the table. I have already made the motion to refer it to the Committee of the Whole on the state of the Union, and in accordance with my promise to the gentleman from Ohio, I renew the demand for the previous question.

Mr. SMITH, of New York. I have risen to reply to the question put by the honorable gentleman from Virginia, [Mr. SMITH,] when this bill was under discussion, a few days ago; and when I had no opportunity to reply to it. That question was put to the opponents of the bill; and its words were: "Are you not willing to have the Post Office Department sustained?" For one, I answer, that I am not.

Government establishes a Post Office Department; and arrogates the exclusive right to carry our letters. It establishes its prices for the work; and, then, if we hesitate to pay, it scolds us with the inquiry: "But are you not willing to have the Post Office Department sustained?" We think it wrong to be compelled to pay these prices—first, because Government cannot do the work economically, and for reasonable prices—second, because Government has no right to undertake the work; and is guilty of usurpation in undertaking it. I hold that Government is a usurper, whenever it assumes a work which the people can do.

Suppose Government should establish a "Clothes Department;" and should undertake to clothe all the people, young and old, male and female; and should claim the exclusive right to do so? Along with the dresses it sends the bills. The people grumble at both the bills and the usurpation;—at the bills, because they are twice as great as would be the cost, were the work done by themselves; and at the usurpation, because it is so flagrant. But Government insultingly replies: "Are you not willing to have the 'Clothes Department' sustained?" Would this be borne with? It would not;—nor should the Post Office usurpation and extravagance.

I ask the gentleman from Virginia, if he believes that Government can carry our letters and newspapers at as small expense as the work can be done for by private enterprise? If he does, why then, in the name of consistency, is he not in favor of our making Government the carrier of our merchandise and provisions and persons?—of passengers and property? But that gentleman is a practical man. He is not, as in the public esteem I am—a mere theorist. He knows, better than I can tell him, that it would not cost private associations one half as much to carry the mail as it costs Government.

But, he may say, that private associations would, nevertheless, charge higher rates of postage than would Government. Again, I would say, that the gentleman from Virginia is a practical man; a man, too, of many ideas; and not laboring under the reproach, as does my own unhappy reputation, of being a man of one idea. The gen-

tleman must, therefore, know that when a work is thrown open to unlimited competition, the charge for it will be brought down to the neighborhood of the cost of it. But, the gentleman will perhaps say, that if Government gives up the Post Office Department, individuals who live in remote and inaccessible portions of the country will not be able to get their letters and newspapers, save at great cost. But pray, what has Government to do with such a fact? Suppose a man should perch himself on the top of the Rocky Mountains, and should complain to the Government, that it costs him ten dollars to get a letter to his mountain home; and should call on Government to deliver his letters at ten cents a piece. Would Government be bound to listen to his call? Certainly not. If he will receive his letters under a ten cents rate of postage, let him come down from his eyrie, and live among the comforts and accommodations of civilized life. Government is no more bound to indemnify him for the disadvantages of his home, in respect to postage, than in respect to other things. Nay, I insist that Government is no more bound to carry letters cheap for its citizens, than it is to make a poor man rich, a sick man well, or an old man young. If people are tempted, by the advantages of it, to take up their home in the wilderness, let them bear its disadvantages patiently, as well as enjoy its advantages gratefully.

The gentleman from Virginia professed his willingness to encourage private enterprise to come into competition with the Post Office Department. He told us that the bill provides for a virtual increase of newspaper postage: and that, hence, private enterprise could sustain an easier competition with the Post Office Department. But the competition, which he would encourage, is in carrying newspapers only. Newspapers, the price for carrying which is but a few pennies a pound, private associations may carry. But letters, the price for carrying which is a dollar a pound, Government alone shall have the right to carry. Surely the gentleman was not in earnest. He was but joking. He was making experiments upon our stupidity for the amusement of himself and of others, who love to see what easy dupes we are. Were two gentlemen to sit down to a turkey; and were one of them to tell the other that he might have part of the bone—nay, that he might run his chance for even all the bone—but that all the meat he must reserve to himself—the air of affected liberality, with which he would make this proposition, would be very like that, which characterized the gentleman's similar proposition.

Had the gentleman from Virginia been candid at this point, and really in earnest to let individual enterprise into competition with the Post Office Department, he would have permitted the competition to extend to the carrying of letters, as well as newspapers. Make the competition thus comprehensive, and it would not endure long. In less than six months the Government would fly from it forever. So far as the carrying of letters and papers is concerned, the occupation of the Government would soon be gone.

"How long halt ye between two opinions?" But this is not a pertinent quotation. We are not divided in opinions. We are agreed, that this work can be cheaper done, and, every way, better done, by private enterprise than by Government. But most of us shrink from openly favoring so radical and important an innovation, as the breaking up of the Post Office Department. Unless it be a person of a one-man party like myself, or a person like the honorable gentleman from North Carolina, [Mr. CLINGMAN,] who is also of a one-man party, I scarcely know any on this floor, who have so little to win or lose, as to venture to identify themselves with this innovation.

But, Mr. Speaker, the people will ere long, demand this innovation—this breaking up of the Post Office Department—in tones that cannot be resisted.

The Post Office Department is doomed, from its own inherent falsity and folly. It must sink from its own weight, if not sooner overthrown and displaced by a rational and economical postal system. It is a system, too, directly and glaringly in the face of reason, common sense, justice, economy, to live much longer. But I will not consume more of the time of the House.

Mr. ELIOT, of Massachusetts. Mr. Speaker, I am desirous, before this measure is decided, to submit one or two considerations, which seem to me to

be of some importance, in view of the interests to be prejudiced. I have no desire to enter at large into the discussion. In the first place, I am free to say that I believe the bill is one of the most mischievous that has been introduced here this session. Although I have listened with much interest to the arguments which have been addressed to the House in support of the bill, still, in view of the facts now existing in the Department and country, I am unable to see the ground upon which gentlemen can stand to ask us to increase the price of newspapers by augmenting the postage on them for transportation through the mails. If I understand correctly, the object of the bill is, to derive revenue by imposing a tax on the readers of printed matter. It repeals the discount now allowed for prepayment, and thereby doubles the postage, or tax, on printed matter. I contend that the bill is wrong in principle. Indeed, it seems to me that the case must be urgent which would call for the throwing of obstacles in the way of the onward progress of the intellect of the country; and unless the chairman of the committee shall show to the House that the strong necessities of the Government require it, the House will hesitate long before they pass such a law.

It is contended that the Post Office Department should sustain itself, and it is contended that those who use the Post Office Department should pay for its privileges; and, as I understand it, upon these two grounds the argument in favor of the bill rests. So far as the first proposition is concerned, I think the time has come when we should examine with great care the proposition itself, to see if it is well founded. I know very well that by reference to early reports in connection with the Post Office, it will be found to have been assumed as a principle that the Department should pay for itself. But I undertake to say, that the facts now existing, and the experience of the past few years, have shown to us that in this country, whatever may be the result elsewhere, it is not the principle upon which the Department should rest. If it is, I am still prepared, as I think, to show that in proper time the Department would be able to sustain itself. The experiment has not been tried long enough, and there have been obstacles thrown in the way which have prevented its successful working; and I think that in time the Department, under the present rates of postage, will abundantly support itself.

But, waiving this, I ask what ground is there for contending that the Department should support itself in the United States? While we are organizing Territories, and while we are establishing post routes in parts of the country sparsely settled, and while we are putting upon the Department the burden of sending from post to post the immense amount of matter franked by Congress and by every branch of the governmental departments, how can it be contended here, under these circumstances, that the theory of the Post Office Department would require that it should support itself. No gentleman has given a good reason why it should, any more than that any other department of the Government should sustain itself. I suppose the honorable chairman of the committee will agree that, up to 1852, the Department did more than sustain itself. I have here a statement of the aggregate amount of the receipts and expenditures of the Department from 1790 to 1851 inclusive, and I find that the expenses of the Department were \$65,157,000, while the receipts of the Department during the same period were \$65,819,000, leaving a balance to the credit of the Department of \$668,000, more or less. That estimate terminates with the year 1851.

In the year 1852 the deficit was about \$200,000. That is to say, up to the year 1853, there was to the credit of the Department something over \$400,000. I suppose it is true that in the year 1853 the deficit in the Department from the receipts over the expenditures was very large. I am not aware that the amount has been stated precisely in the course of this discussion. To what is this deficit attributable? I would like the chairman of the Committee on the Post Office and Post Roads to say to what he thinks that deficit in the Department is fairly attributable; and to say whether it be not attributable to three causes; not to the diminished postage alone, by any means, but to the great increase in the number of post routes, in the expensive character of those

routes, and in the immense amount of privileged correspondence and franked documents? Will the honorable chairman tell us how many new post routes—expensive post routes—have been established in parts of the country where self-support would be impossible, since the latter part of 1852? Will the chairman also say to us how much matter has been franked from the Departments, and by members of Congress? I undertake to say, and I desire to be corrected if my statement is not true, that it has been found, by examination at the Post Office Department, that if the amount of matter mailed from the Departments by the different branches of Government, and by members of Congress were estimated, it will come to a larger sum than the deficit in the accounts of the Post Office Department. I understand that on that point there has been an estimate made at the Post Office in the city of Washington. I desire to know whether I am or am not correct in that respect. And I understand that it was ascertained by one month's careful investigation—so far as an approximate estimate could be made—that the deficit would be more than made up, if the amount of matter sent by the Government, and franked by members of Congress, were paid for.

Mr. OLDS. Will the gentleman from Massachusetts allow me to reply to his inquiry?

Mr. ELIOT. Certainly.

Mr. OLDS. The estimate of the deficit of the Post Office Department for the present fiscal year is \$1,800,000. The actual deficit will be over \$2,000,000. The estimated deficit for the next fiscal year is \$2,440,000 additional. I cannot now say what the actual deficit will be. Let it be remembered that this sum does not embrace the amount for ocean mail steamers, \$1,500,000. Add that to the deficit for the present year, and it will make it \$3,500,000, and it will make the deficit of the next fiscal year \$4,000,000. The free matter sent by the Post Office Department estimated from that for the month of January, would be \$1,440,000.

Mr. ELIOT. I do not understand, Mr. Speaker, that the honorable gentleman has replied distinctly to one of my inquiries, whether, if the whole amount of matter mailed from all the Departments, and from the legislative halls, were paid for, the deficit in the Post Office Department would not be made up?

Mr. OLDS. I said that the whole of it would amount, according to the account for the month of January—in which the account was kept at the Post Office Department for the legislative department of the Government, and all the Executive Departments—to some \$1,440,000. That is for the whole. While the deficit, leaving out the ocean steamer service, is \$2,440,000.

Mr. ELIOT. I understand the honorable gentleman to speak of the actual deficit of 1853, estimating the amount of mail matter according to the account kept during the month of January, 1854, which would reduce, according to that statement, the deficit about one half, excluding the expenses of the ocean mail steamer service. I do not find, from the statistical tables of the Departments which have been furnished to this House, the means of ascertaining how far the gentleman is or is not correct. To this deficit it is said much would be added by the ocean steamer service.

Mr. OLDS. It is an easy matter to ascertain what that is. Those services are matter of contract. We pay \$870,000 to the Collins mail line, and \$730,000 to the San Francisco line per annum, making more than \$1,500,000. The estimated deficit of the Post Office for the last year was \$1,800,000, but the actual deficit was upwards of \$2,000,000. The estimated deficit for the next fiscal year is \$2,400,000.

Mr. ELIOT. In 1852 the change was effected in the legislation.

Mr. OLDS. Upon newspapers only.

Mr. ELIOT. And when upon other mail matter?

Mr. OLDS. In 1851.

Mr. ELIOT. The amount of deficit in that year was about \$200,000. That was the year in which the postage was changed upon the newspapers.

Mr. OLDS. For the first fiscal year after the act of 1851 went into operation, the deficit was over \$200,000. Under the law of 1852, the postage on newspapers had fallen off over \$600,000. That was embraced in the receipts of the Depart-

ment for the first fiscal year after the act of 1851 went into effect.

Mr. ELIOT. To what does the gentleman attribute the fact, that, during the first year after the law was changed, the deficit was so small as the amount named, \$200,000; which is about the amount of deficit shown by the official returns?

Mr. OLDS. The gentlemen himself states one of the reasons. We have established new mail routes and new offices.

But there is another reason, and it is the increased expenditure of the Department upon the railroads of this country. This is adding hundreds of thousands to the expenses of the Department every year.

Mr. ELIOT. And I pray to ask, if, because of this expenditure, thus increased, the reading public, that portion of the people who read papers and pamphlets, should be taxed to pay it?

Mr. OLDS. Do not they get all the advantages of the mail service?

Mr. ELIOT. It is very well known, if we regard the public in these United States, if we take into account the fact that everybody is busy all the time, busy at the desk, the counting-room, at the wharf, in the workshops and in the legislative halls; busy everywhere, it is perfectly obvious that the fact must be, and we know the fact is, that the great amount of information derived by the people of the United States, is derived from the periodical press of the country. Why, Mr. Speaker, we cannot, as a people, read books. There is, to be sure, a vast amount of that species of reading done; more of it, perhaps, than in any other country. But as a people we cannot read books requiring time and thought, and our reading is mostly of newspapers and periodical publications. The larger part of the acquired knowledge of our people is from the periodical literature of the country, and of this the daily issues of the press constitute a large portion.

I had the honor of a conversation the other day with a gentleman who occupies an enviable place in this House, who said to me—and his statement would be that of many others upon this floor—that he was brought up on a farm, that his muscle was developed behind the plow, and that his reading of books was done at night and on rainy days. But he said that for the last ten years his incessant occupation had almost disabled him from reading books; and that is the experience of thousands in the country. They cannot read books; but their reading is principally confined to newspapers and periodicals. But now the attempt is made to compel this portion of the public to pay twice the present amount of postage charged on that species of reading where it passes through the post office.

Mr. OLDS, (interrupting.) No, sir; that is not the object or effect of the bill. It is to make the men who read the newspapers pay for them, and not the public. Under the present arrangement, the public have to pay for the newspapers, and not the men who read them.

Mr. ELIOT. Very well. But you make the readers pay twice as much.

Mr. OLDS. Yes, sir; that is just it.

Mr. ELIOT. But it does not appear that the readers of newspapers do not now pay their proper share. Let the Government cease to interfere at all. Let the Government lift its hand altogether. Let private enterprise do the work, or let the rates of postage, so far as the press and our periodical literature are concerned, remain as they are. Do not let us, as the honorable gentleman from Ohio asks us to do, take a step backward.

It has been contended that if this bill should pass, newspapers will, to a great extent, be carried from place to place for less than is now charged through the mails. If that is so, the bill to that extent might work no hardship; but it would do no good to the Department. So far as the bill would be effective, it will be injurious.

But it was argued by one gentleman who addressed the House upon the subject the other day—I refer to the honorable gentleman from Mississippi, [Mr. BARRY]—that those who use the post office should pay the expenses of the post office.

Mr. OLDS. And a good proposition it was.

Mr. ELIOT. "A good proposition" says the honorable chairman of the Committee on the Post Office and Post Roads. Then let the Government pay for its use of the post office as well as the people.

Mr. OLDS. Certainly; that is precisely what

I wish. I introduced a bill into this House the other day containing a provision for making the Government pay for all the matter now franked through the mails. But, if I mistake not, the gentleman voted for the motion to lay the bill upon the table.

Mr. ELIOT. The gentleman states correctly. I did so vote. If the honorable gentleman from Ohio introduces a bill into the House containing features which I believe to be objectionable, he must not expect me to vote for it because there may be one feature which I might be otherwise disposed to favor.

Mr. OLDS. I am happy to hear the gentleman say he favors that proposition, for I propose to introduce a separate bill which shall contain that proposition by itself.

Mr. ELIOT. Well, sir, I must say I commend the perseverance of the honorable gentleman from Ohio in continuing to introduce bill after bill, although the House knocks them in the head as soon as they make their appearance. And now we are told that we are to have still another one. Well, sir, I can assure the honorable gentleman that whenever he shall present a bill here that shall commend itself to my reason, it shall receive my support.

Mr. OLDS. Thank you.

Mr. ELIOT. I objected to the provision in the bill the other day, because I believed that the practical effect of it would not be to abolish the franking privilege. The honorable gentleman, it seemed to me, sought to accomplish that object by legislation, the practical effect of which would not lighten the work of the Departments, or of members of Congress; or accomplish any real benefit to the Post Office; or change substantially the right now used of franking documents and letters through the office.

But the argument in favor of the passage of this bill is, that those who use the post office should pay for the post office. Well, sir, without going into any argument at length upon this point, I say in reply that it is impossible to carry such a proposition into effect justly, without fixing different rates of postage in the different sections of the United States. Unless that is done, I am unable to see how the honorable gentleman will succeed in making those who use the post office pay for it. Sir, has the honorable gentleman examined the statistics which throw light on this proposition?

The gentleman from Maine has referred to his own State. From the statistical tables furnished by the Department, I find that during the year 1853 the total receipts were \$125,194, and the expenses were \$52,767. In New Hampshire the collections were \$81,000, against \$31,000 expenditures. Vermont has \$78,000, against \$62,000. Massachusetts \$453,000 receipts, against \$130,117 expenditures.

Mr. OLDS. There is an error in the statement just there. By a statement from the auditor's office, which I have in my hand, I learn that the expenditures in Massachusetts for the year 1853 were \$298,366 56.

Mr. ELIOT. I should like to know in what the error consists. I presume that the postmasters' commissions are included in the amount given by the gentleman, and not in that which I have read.

Mr. OLDS. They are included in the amount I have given, because they fall under the expenditures of the Department.

Mr. ELIOT. I thought that was not exactly so, and believed, from the statistics furnished, that the net postage collected was \$453,966. But the same fact stated by the gentleman must apply, I presume, to the other States, as well as to Massachusetts. The statement for Rhode Island is \$47,000 receipts, against \$12,000 expenditures. Is not the same fact true there?

Mr. OLDS. The statement of the auditor, in regard to Rhode Island, is \$47,377 79 receipts, against \$30,817 35 expenditures.

Mr. ELIOT. Then the same relative difference would prevail throughout, and the argument I was making is not, therefore, in the least affected. I think that the honorable gentleman will find, so far as the returns from Massachusetts are concerned, that they are true in proportion to those given in the tabular statement from her sister States.

Now, I desire here to make a reply to the assertion that this statement does not furnish an accurate idea of the amount of the transportation

through the States. It is said, that although the expenses here given are chargeable to each State, that yet there are expenditures which ought not to be so charged, because they are for routes running through the State, the benefits of which are elsewhere. I presume that is eminently true in regard to the State of Maryland. And so it is true that there are many cross mail routes in Massachusetts over which letters and packages are carried, the expenses of which are chargeable, and are charged, to that State, while no revenue is derived by her on account of such routes. This is true with regard to Massachusetts, and I presume that it is true, to a greater or less extent, in some other States. You will find, upon an examination of this table, which I will furnish for publication, that the expenses of the State of Maryland are \$152,000, while the expenses of transportation are \$191,000. Gentlemen will find that the difference in some States is very great indeed. In New Jersey the postages collected were \$89,000, while the expenses were \$74,000.

Mr. OLDS. The statements of the gentleman are inaccurate, inasmuch as they do not contain the commissions of the postmasters. In New Jersey the total amount of expenditure was \$109,913 91, while the postages collected were \$89,074 17.

Mr. ELIOT. I am surprised that we have not had the means of obtaining information from the Department of the kind which has been produced by the gentleman from Ohio, and which appears to correct the tabular statement upon which we are to base our action. In the State of Mississippi, the postages collected were \$73,000, while the expenses of the transportation were \$115,900. I name that State because it is the State which the honorable gentleman represents [Mr. BARRY] who contended the other day that those who use the post office should pay for it. I do it for the purpose of saying that it would be altogether out of the question to make that rule apply unless a different rate of postage should be established in one part of the country from that which prevails in another. Why should the citizen of Rhode Island pay more than he pays now for post office accommodation, when the amount chargeable to his State for post office expenses is not more than one third of the amount which the State itself accounts for and pays over to the General Government. Because the State of Mississippi is so situated that the receipts from the Post Office Department do not pay the expenses, would it be equitable, would it be right, that the citizens of Rhode Island should be made to pay more than they already do, when now they pay so large a proportionate amount?

Mr. BARRY, (interrupting.) Will the gentleman allow me to ask him a question? If, as a matter of justice, the postage collected in one part of the country should be expended there, why should not the tariff collected in a State be spent there? We will pay you the surplus of postage if you will make up the necessary deficit which we pay upon the tariff.

Mr. ELIOT. I am afraid it would be a bad bargain for the State which the gentleman represents. The gentleman from Mississippi says that the amount collected within a State should be expended within the State. Is the difference between the amount which Massachusetts expends for post offices and mail routes, and the sum which she receives from postages collected, expended within the Commonwealth? Certainly not. It is paid over to the General Government, and the sum so paid more than makes up the deficit in the account of the State which the honorable gentleman represents. Massachusetts does something more than pay for the deficit in Mississippi. In view of these facts I ask whether it is right to impose a heavier tax upon one part of the common country for the benefit of the other, and to sustain and justify such imposition by the argument that those who use the post office should pay its expenses.

I have a statement prepared for the purpose of showing the interest affected by this bill. In this discussion there has been no statement made by which it would appear to what extent the people of the country will be affected. We legislate to give our friends from foreign countries a home-stand; and now the gentleman from Ohio wants to offset that kind of legislation by imposing upon his constituents, I cannot help saying, a double

charge on all the newspapers they receive. Let us take care of our friends at home as well as of those who choose to make homes among us here from foreign lands. The honorable member [Mr. OLDS] will find, by consulting the statistics, that his own State, the State of Ohio, will be injured to as great an extent as almost any State in the Commonwealth except that from which I come, and perhaps the State of New York, by the passage of the bill on the table. Why, there are in the State of Ohio two hundred and sixty-one papers and periodicals printed. There is a circulation of four hundred and fifteen thousand one hundred and nine copies, and there is an annual issue of thirty million four hundred and seventy-three thousand four hundred and seven. The effect of the passage of this bill would be that every one of these publications that goes through the Post Office Department, would have to pay double the amount now charged.

Mr. OLDS. Will the gentleman allow me to correct him again?

Mr. ELIOT. Certainly.

Mr. OLDS. I venture to say that not one in twenty of these publications will be affected by the passage of this bill, from the fact that a paper circulates through the mails in the county where it is published without expense. It goes free. It would be the same thing in respect to the country press in Massachusetts. But when we come to the commercial cities, we find that it is the large-circulation papers of these cities that will be affected by the passage of this bill, as it is only these papers that circulate largely outside of the county where they are published, and even outside of the State. But it will not at all affect the county papers which circulate in the counties, and in the counties alone, pretty generally.

Mr. ELIOT. I am rather inclined to think that the truth lies between the two propositions. That the country press will not be affected so much as the city press, I have no doubt. But that the country press will not be affected at all, is a proposition which I am by no means inclined to admit. The honorable gentleman may speak of its effect in Ohio, but I think I may say, so far as Massachusetts is concerned, that the fact would not be found as he states it. Undoubtedly the city press would be most affected, and that has given rise to the argument that this is a bill to affect the city press, as between the city and country. Now, the answer to this is twofold. So far as the city press is concerned, the probability is, that if the bill passes, these papers would not go through the mails. Then the bill would do no good to the Department. If the bill should pass, and if the papers did go through the mails, then both city and country would be affected. Do not the honorable gentleman's constituents receive papers from New York? And are they not, so far, as much affected by the rates of postage on papers issued at that end of the country as they would be on papers issued near them?

Mr. OLDS. Yes; and I am willing that the people in my State who take the papers from New York shall pay the postage for them which they cost the Government to transport them.

Mr. ELIOT. The gentleman will find, by examination, (I will publish the tabular statement which I have prepared,) that throughout the country there are two thousand five hundred and twenty-six papers and periodicals printed. This I take from the statistical tables furnished by the census of 1850. I ought to say that it goes back to that time which is the last period at which I could find reliable information. But, taking the information there furnished, it appears there are two thousand five hundred and twenty-six papers and periodicals. There were issues amounting to five million one hundred and eighty-three thousand three hundred and seventy-seven. And the annual and total issue, at that time, amounted to four hundred and twenty seven million four hundred and eight thousand nine hundred and fifty-eight.

Here is the table from which I have been reading:

Newspapers and Periodicals published in the United States in 1850.

States and Territories.	Number.	Circulation.	Annual Copies.
New Hampshire.....	38	60,176	3,067,552
Maine.....	49	63,837	4,303,064
Vermont.....	35	45,956	2,567,662
Massachusetts.....	209	716,869	64,820,561
Rhode Island.....	19	25,975	2,756,950

Connecticut.....	46	53,116	4,267,932
New York.....	428	1,622,779	115,885,473
New Jersey.....	51	44,454	4,098,678
Pennsylvania.....	310	983,218	84,898,672
Delaware.....	10	7,500	421,200
Maryland.....	68	124,287	19,612,724
District of Columbia.....	18	101,362	11,126,236
Virginia.....	87	89,134	9,223,068
North Carolina.....	51	36,839	2,020,580
South Carolina.....	46	55,715	7,143,934
Georgia.....	51	67,484	4,070,866
Florida.....	10	5,750	319,800
Alabama.....	60	34,957	2,662,741
Mississippi.....	50	30,870	1,753,504
Louisiana.....	55	80,847	12,416,224
Texas.....	34	19,137	1,296,992
Arkansas.....	9	7,250	377,000
Tennessee.....	50	67,877	6,940,750
Kentucky.....	62	84,886	6,582,838
Missouri.....	61	70,480	6,195,560
Illinois.....	107	88,623	5,102,276
Indiana.....	107	63,352	4,316,828
Ohio.....	261	415,109	30,473,407
Michigan.....	58	52,718	63,247,73
Wisconsin.....	46	33,236	2,665,487
Iowa.....	29	23,000	1,512,800
California.....	7	4,600	761,200
New Mexico Territory.....	2	900	98,800
Oregon Territory.....	2	1,134	58,968
	2,526	5,183,377	427,408,958

Now, sir, this was four years ago. The increase since that time I cannot estimate. I have set out these facts for the purpose of showing the extent of the interest which this bill prejudicially affects, if it operates substantially, and according to the expectation of the honorable chairman.*

Mr. DAVIS, of Indiana, (interrupting.) I would ask the Chair if the morning hour has expired?

The SPEAKER. It has not, by one minute.

Mr. ELIOT. As the hour is so nearly out, I will yield the floor.

Mr. DAVIS. Then I move that the House proceed to the business upon the Speaker's table. There is an immense amount of business there which we might as well dispose of.

The motion was agreed to

RECESS OF CONGRESS.

The first business in order was the consideration of the concurrent resolution of the Senate, "providing for a recess from the first Monday of July until the third Monday of October."

Mr. HOUSTON. We have disposed of this matter, and I move to lay the resolution upon the table.

The motion was agreed to.

IRON MOUNTAIN RAILROAD.

The next business in order on the Speaker's table was the bill of the House "granting the right of way to the St. Louis and Iron Mountain railroad, through the arsenal, magazine, and Jefferson barracks tracts," returned from the Senate with an amendment.

Mr. BENTON. I move that the House concur in the Senate amendment.

Mr. ORR. I am opposed to concurring in the amendment; and before I present my views to the House, I ask that it may be read:

The amendment was read, as follows:

Page first, line thirteen, strike out the words "that a good wire or other substantial fence be placed by said company between the road and the public grounds, with suitable

*The following table shows the amounts actually credited for the transportation of the mails, by States and Territories, and the amount of postages collected in the same:

States and Territories.	Total postages collected.	Transportation.
Maine.....	\$125,194 94	\$52,767 88
New Hampshire.....	81,703 53	31,999 45
Vermont.....	78,638 86	62,476 85
Massachusetts.....	453,966 80	130,117 13
Rhode Island.....	47,377 79	12,139 72
Connecticut.....	146,364 50	64,173 13
New York.....	1,175,516 06	455,019 76
Delaware.....	16,310 71	9,412 00
New Jersey.....	89,074 17	74,139 55
Pennsylvania.....	488,308 30	238,019 69
Maryland.....	152,158 11	191,586 20
District of Columbia.....	37,832 89	-
Virginia.....	183,472 19	313,234 72
North Carolina.....	60,751 51	175,630 59
South Carolina.....	82,985 75	127,169 19
Georgia.....	142,800 14	215,238 78
Florida.....	16,878 83	38,661 99
Alabama.....	96,091 85	178,543 35
Mississippi.....	73,108 21	115,924 92
Texas.....	47,164 46	139,362 19
Kentucky.....	112,542 60	139,038 15
Michigan.....	96,757 19	136,260 14
Wisconsin.....	73,570 83	46,608 00
Louisiana.....	124,170 18	90,420 73
Tennessee.....	85,701 10	92,885 29
Missouri.....	98,781 82	140,454 41
Illinois.....	175,346 83	181,611 19

ble iron gates and crossing places, at such points as may be designated by the commanding officer at Jefferson barracks, the number of gates not to exceed four at the Jefferson barracks, one at the magazine, and one at the arsenal," and insert in lieu thereof the following:

"That a strong, substantial, plank fence be erected by said company between the road and the public grounds, at such place, and of such character, as the commanding officer of Jefferson barracks shall direct, with suitable iron gates, not exceeding four, at such points as shall be selected by such commanding officer; and the said company shall also cause to be constructed two covered ways at suitable places in front of said public grounds, and in such a manner as shall be approved by said commanding officer; and if, after the fence herein provided for shall have been erected, and the said road put in operation, it shall be found, in the opinion of the President, to be insufficient for the protection of lives and property, or for any other sufficient reason, he may require a fence of brick, stone, or iron, to be constructed, and the said company shall cause the same to be erected accordingly, at their proper cost and charges."

Mr. ORR. I ask the attention of the House to this Senate amendment, and also to the original bill which passed the House. At the last session of Congress, Mr. Speaker, upon the application of the stockholders of this St. Louis and Iron Mountain Railroad, the Committee on Public Lands, of which I was then a member, reported a bill granting the right of way through the arsenal and magazine grounds at Jefferson barracks, in the vicinity of St. Louis.

The bill passed Congress containing a restriction. It provided that the right of way should be granted upon such terms and conditions as the Secretary of War might prescribe, so that the public interest in these grounds should not be injured or affected. I say, in that way the bill was reported to this House from this Committee on Public Lands, and in that way it passed both branches of Congress. The Government granted to the railroad company what they desired only, reserving to the Secretary of War the right to make such reservations as in his opinion were necessary to preserve the public works in the vicinity.

Well, sir, after the bill had passed, and become a law, application was made to the Secretary of War, who was familiar with the site, who was familiar with the locality, who had been stationed there in times gone by, and who was therefore capable of deciding correctly, to know what restrictions would be imposed. He did impose certain restrictions, five in number. But, sir, this company, finding these restrictions likely to be onerous to them, came back here to this House, indirectly appealing from the decision which had been made by the Secretary of War. They come back here, and ask that Congress shall give them permission to disregard the restrictions which the Secretary of War had imposed upon them as necessary for the protection of the public interests, and that they may have the right of way without any restriction being imposed upon them.

Now, sir, this was a bounty in the first place. It was a gratuity upon the part of the Government to allow a private corporation to go through the public grounds without compensation—without consideration. Sir, if these lands belonging to the Government had been the private property of a private individual, this Iron Mountain railroad company would have been compelled to pay perhaps thousands of dollars for the right of way. But because it was likely to promote the trade and commerce of St. Louis, and to accommodate the people of Missouri, the Government said: We will allow this right of way without charge, provided that you will comply with such conditions as the Secretary of War may impose. We leave the matter with him, and you must comply with such conditions as he says are necessary to protect our property there. Sir, this company pay nothing for this privilege—not a dollar. We have given them this bounty, and still they are dissatisfied, and appeal from that decision, and come here to obtain a removal of those restrictions.

Mr. Speaker, how many members of this House can tell the amount of injury that will be done to the public grounds by the passage of this bill in its present shape? How many members here can tell the extent of the injury that will result to the Government from the passage of this bill? It is assumed that these restrictions are not needed for the protection of the public interest. Well, sir, the Secretary of War, who was charged with the protection of those interests, says they are necessary. I ask gentlemen to consider this matter before they vote for the passage of this bill. I am

determined, before I shall close these remarks, to spread before the House such evidence as that, if this bill passes, no gentleman can say that he did not know it was going to injure the public property.

Mr. EASTMAN. What were the limitations and regulations imposed by the Secretary of War?

Mr. ORR. Before reading a communication from the Secretary of War, which will furnish the gentleman from Wisconsin with all the information he desires, I shall beg leave to state how it came into my possession. It will be remembered that this bill was introduced at an early day of this session, and that, at the time, I made objection to it. Referred for consideration to the Committee on Military Affairs, it was reported back to the House, and passed during my absence. Had I been present, I should have opposed its passage. Seeing that it had passed the Senate as well as this body, I addressed a letter to the Secretary of War, requesting that he would put me in possession of all the facts and conditions in the matter. In reply, he wrote me, in these words:

WAR DEPARTMENT. }
WASHINGTON, January 28, 1854. }

SIR: I have considered the memorial of the president and directors of the St. Louis and Iron Mountain Railroad Company, in regard to the action of this Department, under the act which grants them the right of way through the public grounds at the St. Louis arsenal, the St. Louis marine hospital, and Jefferson barracks, but by one proviso makes the location subject to the approval of the Secretary of War, and by another imposes the condition that the location of the road can, in his opinion, be made without injury to the public interest.

Soon after the passage of the act, the engineer of the company submitted a map of the proposed location, for the approval of this Department; and, after carefully considering the views expressed by the heads of the appropriate bureaus, and other officers who had reported on the subject, the following propositions were made to the company:

1. The road through the arsenal grounds to be located one hundred feet further east than the line on the map submitted.

2. The railroad company to be required to place a stone wall, of such height as the commanding officer shall designate, between the road and the ground occupied for military purposes, with suitable iron gates and ways, and a strong wire fence between the road and the water, with suitable iron gates and crossing places; the number of gates not to exceed four at Jefferson barracks, one at the magazine, and one at the arsenal—the points to be selected by the commanding officer thereof, but the Government to have the right to open as many ways across the railroad to the water, as the circumstances of the service may require, but without expense to the company: the road from the arsenal to the water to be passed over by a bridge, in such manner as to cause no obstruction.

3a. The commanding officer's house, and any other houses it may be necessary to remove in consequence of the road passing through the public grounds, to be taken down and removed to sites designated by the commanding officer, and put up at the expense of the company.

4th. The company to keep the gates, fences, and crossing places in repair as long as they retain the right of way for the road; and to keep at all times watchmen or other suitable persons to give timely notice of the approach of trains.

5th. That the company shall be responsible for all losses which may be sustained by the public, either by the destruction of public property, or by collision with the trains in passing over the several crossing places.

6th. Horse power only to be used in passing through the public grounds.

In making these propositions the Department had no disposition whatever to impose unnecessary burdens upon the company, or to magnify mere inconveniences into an injury to the public interest, and no condition is proposed which is not regarded as essential to guard against such direct and immediate injury as the proviso was intended to prevent.

The propositions were accepted by the company on the 26th of October. The memorialists say that the 1st has been complied with, and the 4th and 5th are not objectionable, and seek to be released from the 2d, 3d, and 6th.

The second condition they desire to be so changed as to allow them to construct a wire fence instead of stone walls. The Department was satisfied with a wire fence between the road and the water; but a stone wall between the road and the rest of the grounds is deemed indispensable, the post being a cavalry station; there are, and will continue to be, a great number of horses there, and the troops, moreover, will often be engaged in cavalry exercises and in training horses recently purchased for military evolutions. It would, in my opinion, be unsafe to do so, separated from passing trains by nothing but a wire fence, which would not prevent unruly animals from rushing upon the track.

The third condition is objected to, because the commanding officer's quarters are in a temporary wooden building, erected twenty years since, and scarcely worth the cost of taking down. Whatever be the value of the building, there can be no propriety in subjecting the Government to the cost of its removal, or erecting a new one. The company, for whose sole benefit it is to be removed, certainly should bear the cost, whether small or great.

That is what the Secretary of War says upon that branch of the subject. These are the conditions which the Secretary of War thought it necessary to impose upon the company in order to protect the public property. The Secretary requires

of the company that they shall remove these houses at their cost, and he says further:

"The sixth condition is that which weighs heaviest upon the company, and, no doubt, will subject them to great inconvenience in making the road. To dispense with it, however, would, in my opinion, involve the abandonment of the magazine, and the construction of another, as well as the purchase of a site in some other locality."

Pass the bill in the shape in which it now lies upon your table, and you have here the opinion of the Secretary of War, who is specially charged with looking to your interests upon this subject, that it will devolve upon the Government the expense of abandoning the present site as a magazine, selling it and purchasing a new one, to accommodate this private corporation. Is it not a great sacrifice demanded of the public for the benefit of this corporation, who do not propose to pay anything for it.

The Secretary of War goes on further to say:

"The magazine in question was recently built at a cost of more than \$20,000, and it is intended for a depot whence powder will be shipped, from time to time, to all parts of the coast accessible by water transportation. It appears to me that no argument is needed to show the danger of storing large quantities of powder within two hundred and twenty yards of a road on which engines are continually passing, and to haul powder to and from this store across their fiery track."

This letter is dated in January of this year. The expression of opinion made here by the Secretary, is fully confirmed by the recent disastrous explosion in the city of Wilmington, where powder was being hauled along the streets in common wagons, and where it ignited, nobody knows how, but, perhaps, by the tire of one of the wheels of the wagons striking fire from the stones over which it passed. The Secretary says further:

"Whatever may be urged to the contrary, the danger of sparks from such engines reaching the magazine, or of fire being communicated thereto by powder spilled from casks hauled across the track, is such, that I do not believe the magazine should ever be used after the engines once commenced running. Moreover, as an explosion would inevitably involve the destruction of the passing train, the danger to the passengers would be such that, even if the Department should be disposed to use the magazine, public sentiment would require its removal.

"The location of the road between the post and the river whence all the supplies of water are obtained, will, if locomotive engines are to be used, be destructive of the object to which the post is now applied, as the frequent crossing of large numbers of men with horses to water, cannot, under such circumstances, fail to be attended with serious inconveniences and danger."

The Secretary again says:

"In conclusion, I have to express the opinion that, if the petition of the memorialists be granted, the Government will be deprived of the use of the post as a school for cavalry practice, and the removal of the magazine will become necessary."

Now, Mr. Speaker, this is the information which I spread out before the House; and I would ask if gentlemen, out of mere kindness to the distinguished Representative from Missouri here, who advocated this bill on its former passage, are willing, by the passage of this bill, to devolve on the Government an expense of \$50,000 or \$100,000 without consideration? Now, sir, the public depots at St. Louis are at the point of all others best suited for such depots in the entire West. They are above the points where the large class steamboats may reach from below, and where the small steamboats may start going above. It is the proper point, therefore, for the transshipment of all public stores and provisions that are needed for consumption above and below. And yet, for the purpose of accommodating this company—while you do not know what is to be the result of your own knowledge, though you have the declaration of the Secretary of War, after a full examination, with a full knowledge of the subject—you are asked to pass this bill.

Now, Mr. Speaker, there is but one way in which the bill can be defeated. It has reached that point from an indisposition, I have no doubt, on the part of gentlemen here not to interfere in a mere local question of this sort—it has reached, I say, that point where there is but one way in which the bill can be defeated. That way is by laying the amendment on the table. That will carry the bill with it. Before the question is finally taken, I shall seek the floor again, for the purpose of making that motion that the amendment do lie upon the table. And if this company are not willing to take the grant, the bounty which we give them on conditions which our officer who has to guard our interest annexes, let them build the road in some other direction. It is gratuity enough to give to them without allowing this com-

pany to prescribe to Congress and to the Government what conditions will be acceptable to them. We are the parties who are injured—we, the Representatives of the people who own this public property, and it is our duty to take care of it and to provide for it. Now, would it not be a monstrous proposition if this company were to apply to a private citizen for the right of way through his land, and if that citizen were to impose conditions of such grant for this company to come back when they had received this gratuity, and to insist that the conditions imposed would be modified for their interests, although, such grant were causing the interests of the citizen to be imminently jeopardized. I doubt if the former grant in a case of this sort, would not be recalled. Certainly it ought to be.

I believe, Mr. Speaker, I have finished what I desired to say on this subject. If there be any of the friends of this bill who desire to be heard, I shall yield the floor without making the motion of which I gave notice to the House. However, as soon as they shall have been heard, as I do not wish to cut them off from reply, I shall move to lay the amendment on the table; and I hope the House will make that disposition of it.

Mr. CARUTHERS. It may be within the memory of the House, that at an early period of this session I introduced a bill for the purpose of explaining and modifying the bill to which the gentleman from South Carolina [Mr. ORR] has alluded. Upon that occasion, I endeavored to explain to the House the objects we desired to accomplish; the reasons why we desired a modification, and our objections to the construction given by the Secretary to the act passed at a previous session of Congress.

At a previous session, the Iron Mountain Railroad Company were given a right of way through the public lands, to which the gentleman who has just taken his seat has alluded. The discretion in reference thereto was confided entirely to the Secretary of War, and he exercised that discretion in a manner which was thought by that company, by myself, and by this House, when they had this subject before them at a former time, as not necessary to carry out the intention of the act in reference to the protection of the public property there. In the requirements which the Secretary made at the time when the matter was entirely in his discretion, there was one point, and one main point, from which the company wished to be relieved, and which has induced them to come to this House, and ask a larger latitude than was allowed them by the Secretary. One requirement of the Secretary was, that the company should run only horse power through the public grounds. It was thought by the company, thought by us heretofore, and I think it will be thought by us now, that it is not necessary to carry out this restriction.

It will be seen by the map which I hold in my hand, that this road runs immediately along the banks of the river, the Jefferson barracks track, the magazine track, and the arsenal grounds all fronting upon the river. The line of the road is actually located, and by this bill it is to be constructed upon the track now located, which is at high water mark. It is objected—and it is the main objection—that the road will prove dangerous to the magazine. This magazine is situated—and I believe it was so stated by the gentleman from South Carolina—two hundred and twenty yards or six hundred and sixty feet from this road. Now, can it be possible that the Secretary of War—can it be possible that a single member of the House does not know that no danger can arise to the magazine by running the road with engines, at a distance of two hundred and twenty rods from it? Do we not all know that no sparks from a railroad locomotive can reach that building at that distance? Furthermore, this magazine is some fifty or sixty feet above the line of the road. Sparks fly up, but do not fly up sixty feet, and then fly off to a distance of two hundred and twenty yards, so as to place even powder in danger!

But beside that consideration, there is another fact which shows the worthlessness of that objection, and that is, that this magazine is required to be fire-proof; and if it is not so, the Government is vastly wanting in proper care and solicitude for the safety of the lives of those who are there employed. And if it is fire-proof, there can be no earthly danger from the sparks from cars running

two hundred and twenty rods from it. The House is now called upon to sanction this bill; and the bill provides that when powder is being either shipped or received at the magazine landing, that the company shall only use horse power. But another fact which the Secretary ought to have known, is, that powder is seldom received at the magazine landing, and that it is only in cases of high water that you can land it in front of the magazine at all.

Now, sir, with regard to the other objection—and I believe it is the one which has the most weight in reference to this road—it is feared that it will interfere with the training ground there. Jefferson barracks have come to be an extensive training place. Horses are brought there from abroad, and trained preparatory to being sent into service; and it is feared that this road may destroy the training ground. Well, sir, mark you, this training ground lies two thousand five hundred feet distant from the line of the road. Now, it does occur to me, notwithstanding the opinion of the Secretary of War, that if this training of horses for actual service is to be carried on there, horses that may, in the chances of war, have to stand the fire of artillery, the rattle of musketry, and the booming of cannon, a railroad two thousand five hundred feet off, cannot do any serious injury. It occurs to me that if these soldiers cannot train their horses to stand the whistle of a locomotive two thousand five hundred feet off, the same soldiers, upon the same horses, will not be prepared to do very good service upon the field of battle. It is for this reason that the company are to be refused the right of way.

Now, one word as to the necessity of having this right of way through the public grounds. The Iron Mountain is some eighty miles distant, and this is the only practicable outlet. When, on a former occasion, these difficulties were raised, the company, rather than come to Congress, as they have done now, sent out their engineer, a very able and accomplished engineer, known by reputation to most of the members of this House, to ascertain if some other route could not be found by which they could reach the Iron Mountain without going through these grounds. After a careful reconnaissance, however, he ascertained that they would be compelled to go twenty miles further by any other route than by the one through these grounds.

Mr. SMITH, of Virginia. Will the gentleman inform me what is the extent of these grounds?

Mr. CARUTHERS. The Jefferson barracks contain seventeen hundred acres.

Mr. SMITH. Do I understand the gentleman as saying that a route outside those grounds would be twenty miles further than through them?

Mr. CARUTHERS. I presume the gentleman from Virginia did not understand what I said in reference to the twenty miles. I said that when the engineer endeavored to find some other route by which he could avoid passing through these grounds, he could not find any other outlet without going twenty miles further than by taking this route. That I understand to be a fact, and that fact is shown by the official report which I produced when this matter was up before. Well, now, sir, these being the facts, this company only ask that they may be allowed the right of way to build their road, not through the center of these grounds, but along the banks of the river, at high water mark. If you grant them their request, the effect will be to open up one of the richest regions of country in the Union, and to bring in the products of that region. In order to save twenty miles travel through all time, and the expense of building twenty miles more road at a heavier grade, which may endanger its very construction, they only ask that the road may pass through these public grounds.

And what more? In the bill which this House is now called on to sanction, it is expressly provided that this company shall be liable for all damage done to the public property. The company is also required to build a strong and substantial fence between the railroad and the public grounds. It is only required to use horse-power when powder is being loaded or unloaded at the magazine landing. Now, I would appeal to gentlemen whether there can be any reasonable ground for objection to a bill so carefully guarded? The line of the road is along high water mark, and there is, therefore, but little of the public ground used. Horse-power is to be employed

when there is danger, or the least necessity for so doing; and the company is liable for all damage done to the public property; and such being the case, why should not the bill be now put on its passage? Has the Secretary of War, in his communication read here this morning, or the honorable gentleman from South Carolina, in his remarks, stated any real grounds for a demand on the part of the government of the company to use horse-power alone going through the tract? The House will bear in mind that the honorable Secretary of War makes no objection to the ground being used under this right of way? His only objection is in reference to the requirement for the use of horse-power. We have shown the House, I trust, from the topography of the ground, and from many other considerations, that there is not the least necessity for the imposition of guards so scrupulous as those referred to. I hope the bill, as it now stands, may be allowed to pass. With these suggestions I resume my seat.

Mr. BENTON. This question comes up this morning inopportune. There is a movement now pending which may be decided in the Army bill. It comes up for the sale of one of these pieces of land—the arsenal piece—to the city of St. Louis for a public park. If that be done, one leg of this difficulty is knocked off. It is so much gained, and that question may be decided in an hour or two in the Army bill.

Mr. HAVEN. I hope the gentleman will stand back a little, so we may hear his proposition.

Mr. BENTON. What I shall say at present will be brief, and introductory to a motion that the House resolve itself into the Committee of the Whole on the state of the Union. If we go into committee and dispose of the other movement on the Army bill to-morrow, or next day, when we go to the business on the Speaker's table this bill will come up first in order. When the arsenal grounds are sold to the city of St. Louis for a public park, we shall know better how to act on this matter. I move that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. MILLER. I desire to ask if this bill will be the first business in order to-morrow?

The SPEAKER. The bill will be upon the Speaker's table, and will come up when the House shall again determine to go to business upon the Speaker's table.

Mr. MILLER. I would suggest to my colleague that unless there is a motion made to go to the business upon the Speaker's table, this bill will not come up to-morrow.

The SPEAKER. The mode of reaching it is by going to the business upon the Speaker's table, and there is no other motion that will bring it up.

CLOSE OF DEBATE ON THE ARMY BILL.

Mr. HOUSTON. Before the question is put on the motion of the gentleman from Missouri, I offer the usual resolution to close the debate upon the Army bill in one hour after its consideration shall be resumed in the committee; and upon that motion I demand the previous question.

Mr. FAULKNER. I desire to inquire of the gentleman from Alabama whether, in the motion submitted by him, his object is to close debate upon the particular proposition now pending before the committee, or to close it upon the Army bill generally?

Mr. HOUSTON. I cannot make the motion to close it upon any particular proposition; but I must make it upon the bill generally.

Mr. FAULKNER. I have some very important amendments to offer to the Army bill, which will require discussion.

Mr. CLINGMAN. Is not this whole debate out of order?

Mr. BAYLY, of Virginia. I think that it would be better to extend the time for closing the debate to three hours, instead of one. I move that amendment.

Mr. HOUSTON. I am willing to make the time for closing the debate two hours instead of one.

Mr. BAYLY. I am satisfied with two hours. The previous question was seconded.

On ordering the main question, tellers were demanded and ordered; and Messrs. VAIL and McMULLIN were appointed.

The question was taken; and the tellers reported—ayes 90, noes 30.

So the main question was ordered to be put.

The question then being upon the adoption of the resolution to close debate,

Mr. ROBBINS called for tellers.

Mr. FLORENCE asked for the yeas and nays.

The yeas and nays were not ordered.

Tellers were ordered; and Messrs. CHURCHWELL and VAIL were appointed.

The question was taken; and the tellers reported—ayes 88, noes 37.

So the resolution was agreed to.

Mr. HOUSTON. I move to reconsider the vote by which the resolution was adopted, and also move to lay the motion to reconsider upon the table.

The latter motion was agreed to.

Mr. FAULKNER. I desired the floor before the question was taken upon the motion of the gentleman from Alabama, for the purpose of addressing some remarks to the House.

The SPEAKER. There was no question pending upon which debate could arise.

Mr. FAULKNER. I wished to move to reconsider the vote by which the resolution was adopted.

The SPEAKER. The gentleman from Alabama made the motion to reconsider, but that motion was also accompanied with a motion to lay the motion to reconsider upon the table.

Mr. FAULKNER. I wished to make a remark before the motion to lay the motion upon the table was made. I now desire the consent of the House to make a single explanatory remark.

There was no objection, and

Mr. F. proceeded: My object is simply this: The House yesterday refused to accede to my proposition to take up and consider the bills for increasing the efficiency of the Army. These Army bills are, in my judgment, of vital interest, even to the existence of the Army itself. My object, as I stated, was to have them considered as independent bills. But as I failed in my attempt, it is now my purpose to annex them to the Army general appropriation bill. I therefore hoped that the debate upon this bill might not be closed, and that members might have an opportunity, if they desired it, to discuss fully these propositions upon this bill. But, sir, the House having closed debate upon the Army bill, in two hours after its consideration is again resumed, I shall still, under a sense of public duty, be compelled to offer them as amendments to this bill; and if there be no discussion upon them, if the House is called to vote upon those important propositions without discussion, the responsibility and the fault will not be mine.

ENROLLED BILLS.

Mr. GREEN, from the Committee on Enrolled Bills, reported as correctly enrolled a bill and resolution of the following titles; which thereupon received the signature of the Speaker:

A joint resolution, fixing the compensation of the employees of the legislative department of the Government, and to prohibit the allowance of the usual extra compensation to such as receive the benefit thereof; and

An act for the relief of Charles Staples.

[A message was here received from the President of the United States, by Sidney Webster, Esq., his Private Secretary, informing the House that the President had signed sundry bills of the House.]

ARMY APPROPRIATION BILL.

The question then recurred upon the motion that the House resolve itself into the Committee of the Whole on the state of the Union; and being taken, it was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. WRIGHT, of Pennsylvania, in the chair,) and resumed the consideration of House bill (No. 95) "making appropriations for the support of the Army for the year ending the 30th June, 1855."

The pending question being on an amendment offered by Mr. STANTON, of Kentucky, to insert after the words "for the manufacture of arms at the national armories, \$250,000," the following:

Provided, That so much of all laws heretofore passed, which authorize the appointment of military officers to superintend operations at the national armories, be, and the same is hereby, repealed; and from and after the passage of this act, it shall be the duty of the President of the United States, by and with the advice and consent of the Senate, to appoint a competent and well qualified civilian as superintendent at each of said armories."

Mr. BARRY, who was entitled to the floor, addressed the committee on the subject of the superintendence of armories, and in opposition to any change of the present system. His speech, withheld for revision, will be published in the Appendix.

Mr. FAULKNER argued in support of the amendment, remarking that the House would bear him witness that he was not actuated to this movement by any hostility to the officers of the Army. He trusted that his conduct here would show that no one was more ready than himself to sustain the Army in all that appertained to its true line of duty. He was disposed to give to the Army that which properly belonged to it, and would render to the civil pursuits of life that which appertained thereto.

These national workshops, he contended, were originally created by Washington for the purpose of stimulating mechanical skill. The idea that they were to be a part of the military establishment of the country, an appendage to the Army, to be governed by military men, he would undertake to say was one which never entered into the contemplation of Washington. The best fruits of the system had been produced under civil superintendence, and the inventive genius of the mechanic more largely developed.

In proof of this, he referred to the inventions which had been made by men employed at the armories, when under the supervision of civilians, and argued to show that the best arms had been produced when the armories were under civil superintendence.

[Mr. F.'s speech is withheld for revision, and will be published in the Appendix.]

Mr. WALSH. Is there any time left?

The CHAIRMAN. About four minutes.

Mr. WALSH. Four minutes is quite as long as I desire at the present time. My friend from Mississippi, [Mr. HARRIS,] who has just spoken to me, says that the history of this Congress is the history of a few men who jump up and occupy all its time. No question can come up, no matter how trivial, no matter how important, but three or four gentlemen occupy the whole time, and consume a whole hour each, so that if they should drink upon the same principle upon which they talk, every time they took a glass of brandy they would drink it with a whole bucket of water, it is so diluted. [Laughter.]

The CHAIRMAN. The time fixed by the House for the closing of the general debate has now arrived. The chairman of the Committee of Ways and Means, [Mr. HOUSTON,] who reported the bill, is, under the rules, entitled to address the committee an hour on the subject.

Mr. HOUSTON. I had intended, Mr. Chairman to occupy my hour in closing the debate on this bill. There were some matters which I desired to say; but as so much time has been already consumed, and only a few days more are left of the session, I shall waive my right.

[Cries of "Good!"]

Mr. DICKINSON. Mr. Chairman, I move to amend by adding to the amendment of the gentleman from Kentucky the following words:

"And their management and control shall be, and hereby is, transferred from the Ordnance Department to the President of the United States."

Mr. Chairman, since 1815 the armories have been under the care and management of the Ordnance department. Persons selected from the Ordnance Board have been, by law, the superintendents of those institutions since 1841. The gentleman from Kentucky now proposes, in his amendment, to take from the President of the United States, who has exercised the power from the first, the power of appointment of superintendents of the national armories from the Ordnance department. My amendment is to add to that prohibition, directed against the Ordnance Board, a transferral of the whole management of the armories to the President of the United States.

My reason is simply this: the Ordnance Board are now responsible for the manner in which the armories are conducted. If they are to be responsible, they ought to have a voice in the matter, or superintendents be selected from their number to superintend them. If the superintendents are not to be taken from that board; if none are to be selected over whom they may have some control and influence, my doctrine—and I hope the committee will sustain it—is, that the President of the

United States should have the authority to appoint from all classes of the people, and relieve the Ordnance department of all responsibility in the matter. The proposition is so plain that I think the committee will adopt it.

I should be glad, Mr. Chairman, if I could be allowed, under the rules, to reply to one or two suggestions which have fallen from gentlemen during the discussion on this matter. I desire to make some corrections. Gentlemen have stated what they believed to be facts, but which are not facts, and there is danger of the committee acting under misapprehension.

The CHAIRMAN. The gentleman must confine his remarks to the explanation of his amendment.

Mr. DICKINSON. The rules now established for the regulation of the armories were made by the Ordnance Board. There is no provision in the amendment offered by the gentleman from Kentucky, [Mr. STANTON,] unless the amendment I have offered to it be adopted, by which any regulations can be established or enforced. Making provision only for the appointment of the officers, the armories will be left without regulations to govern them.

When gentlemen stand up in their places, and assure us from their own knowledge that there are no regulations accessible to the men, or that there has been a change of regulations since the military superintendency was established, I desire to inform the House what the facts of the case really are. We have had the evidence before the committee, and it is undisputed, of Colonel Robb, who was superintendent of the armory at Springfield for eight or nine years previous to the military superintendency being established. He testifies that a written code of laws or rather regulations was prepared, that they were sent to the Ordnance Board and approved, and that he caused them to be written out and read to the men because they were new, and then gave a copy to each inspector and foreman, with instructions to show them to the men whenever they were called upon to do so.

Colonel Huger, superintendent at Harper's Ferry, testified that Major Symington, his predecessor, had the regulations written, and that he had them printed. Colonel Ripley says, in his communication to the commissioners, that when he came to Springfield, he found regulations there which he called good, and has kept and enforced them, without material change, to the present time. The charge is, that those rules are not accessible to the workmen—the answer is, it is contrary to the evidence in the case.

It is charged, also, that men who work by the piece, according to an established tariff of prices, have had the amount of their earnings at the end of a month reduced, when they called for their pay, on the ground that the tariff had been reduced, although no notice had been given of such reduction before the work was done. This is testified by Colonel B. Moore to have taken place while he was acting as master armorer at Harper's Ferry, under Major Symington's superintendency.

Major Symington states in an affidavit that no such case ever occurred within his knowledge; that no reduction was ever made, unless notice was given before the work was done, unless it occurred by the negligence of Colonel Moore himself to carry out the orders of the superintendent, to give such notice of any intended reduction.

It is stated, also—and much stress laid upon the fact—that all the inspectors and other officers who examined the armories, and the work manufactured there previous to 1841, when the civil government was changed to military, reported favorably as to the condition of the establishment, and the quality of work, and the character of the officers and workmen, and the constant improvements and advances made.

This is undoubtedly true, and it is also true that since the appointment of military superintendents, the same officers have from year to year spoken in the highest terms of commendation of the improvements in buildings, machinery, and the quality of the arms manufactured. The Ordnance Board, the Inspector General Churchill, the Secretary of War, the leading mechanics in the armories, and the two military members of the commission which met at Springfield, all concur in the opinion that the arms now made are of a better quality than before 1841, and that there had been a constant improvement up to the present time.

Some of the leading owners and agents of private armories in the vicinity of Springfield also testify that, in their opinion, it is better for the Government and the men employed at the armory there, that the present superintendent should remain, than to have any change. It is due to the House that these facts should be stated and reported.

It is said, too, that the military system discourages enterprise, paralyzes inventive genius, is an insult to the mechanics of the country, and weakens their attachment to our republican institutions. Sir, the mechanics of this country are above the need of any eulogium from me—their reputation for skill is world-wide; and if I believed the charge to be true, I should be found among the foremost in my efforts to put an end to a system which produces such results. Not believing the charge to be true, the obvious answer to it is, that while our mechanics, as a body, are superior to those of any other country in intelligence, skill, and mental power, and while the instances are numerous of those who have made the most brilliant discoveries, and signalized themselves by the highest scientific and literary attainments, and been conscious that no circumstances could control or diminish the power of the "Divinity that stirs within them"—while we are proud, as American citizens, of the honor they have earned for us as a nation, and while they are acquiring wealth and power by the force of their own talents, they need not the feeble aid which we can render them in placing them in responsible positions—they need not our praise to make them conscious of their own deserts. They are entitled to receive, and will ever receive from every intelligent man, the respect due to them for their mental and moral qualities, and for their manly virtues; and will ever look above all distinctions of class or caste, and render to every man according to his desert, and cordially adopt the noble sentiment of the poet:

"Honor and shame from no condition rise;
Act well your part, there all the honor lies."

Mr. PECKHAM. I am opposed to the amendment of the gentleman from Massachusetts, [Mr. Dickinson,] also to the amendment of the gentleman from Kentucky, [Mr. Stanton.] The President already has authority over this whole subject. I do not know that I should feel called upon to defend the Administration under ordinary circumstances, but here are attacks by some of its assumed friends, and I do not see how I can avoid coming in to its defense. [Laughter.] My honorable friend from Massachusetts, [Mr. Banks,] and the gentleman from Virginia, [Mr. Faulkner,] indirectly assail the President by assailing his policy. They charge that men are removed from these armories, while under military superintendence, without any reasons being assigned for the removal.

Mr. FAULKNER. I call the gentleman to order, because I cannot reply to the remarks he makes.

Mr. PECKHAM. The gentleman has had his hour, and he can have the opportunity of replying in a five-minute speech; and that is all the time I have, interruptions included.

Mr. FAULKNER. Very well; I will withdraw my question of order.

Mr. PECKHAM. Gentlemen complain, I observed, that men are dismissed from these armories, and no reason assigned. This is an insidious attack on the Administration—covert, but still unmistakable—an attack upon its private cherished policy.

Ever since the Bronson and Guthrie correspondence, the policy of the Administration has totally changed. [Laughter.] I believe no reasons have ever been offered to the public for any removal of any civil officer in this civil Government since that correspondence; and I submit to the gentleman whether it is becoming to make this assault upon the Administration by condemning its policy of making removals, not only without, but against reasons, under a seeming opposition to such removals by military superintendents? [Laughter.]

Mr. McMULLIN. I rise to a question of order.

The CHAIRMAN. The gentleman from New York is in order.

Mr. PECKHAM. I must further defend the Administration. I do not like to be interrupted, because I lose too much of the little time I have left. I will be as delicate in my defense of the

Administration as possible, and I shall not touch Virginia.

But, sir, when this Administration has been diligently engaged since the Bronson and Guthrie correspondence in making removals of officers without giving any reason; when it removed from the custom-house in New York a clerk who had been to the late "Hard" State convention from Rockland county, within two days after his return from that convention, where he had been engaged, as is said, in indorsing the Nebraska bill—but gave no reasons for the removal—was it mainly in these gentlemen thus adroitly to attack this Administration, its declared and habitual policy, by assailing what they alleged was the same policy in these military superintendents? I am sorry to see it.

I shall pursue the subject no further, because I see it excites some sensitive feelings among those who occupy a doubtful position as to the Administration. [Laughter.] Sir, the amendment proposed here by the gentleman from Massachusetts [Mr. Dickinson] is unnecessary—entirely unnecessary—because, by the act of 1853, authority is vested in the President of the United States, "if, in his opinion, the public interests demand it, to place over any of the armories a superintendent, who does not belong to the Army;" and he is authorized to have evidence taken on that subject, to appoint a commission, and to have them report to him "which of the two systems is the most economical, efficient, and safe for the management of the public armories."

Now I put it to these gentlemen here claiming to be friends of the Administration, whether the President of the United States, having this full power vested in him to change the system if this public interests require it, and having this opportunity of getting all the facts in the matter, whether he ought, by an amendment attached to the foot of this bill, thus summarily to be deprived of a power which a prior Congress deemed him competent to exercise? The last Congress had faith in him to this extent. Have these gentlemen lost all confidence in our President? Sir, is it proper for us here, without an opportunity of examination, without an opportunity of going over this evidence, without an opportunity of knowing the facts, which he may know well and fully consider, to assume to say that he is not competent, not able, or not honest enough, to decide this question entrusted to his decision by the last Congress? I submit in good faith to those gentlemen who are here sitting around me, to the gentlemen from Maryland, Massachusetts, and Virginia, is it becoming in us, who are the supporters of the amendment; [laughter,] is it becoming in us thus indirectly to attack it, and attack it, too, in perhaps its most assailable point? I put it to my friend from Virginia, [Mr. Faulkner,] the gentleman occupying, I believe, the position of chairman of the Committee on Military Affairs; but if not chairman, I am sure he would adorn the place. I put it to him, knowing, as he does, that this authority is vested in the hands of the President of the United States, and properly vested there by law, whether it is proper for us, under these circumstances, to express our direct want of confidence in him, by taking this power from his hands? whether it is right for us to assume to act on a subject which by law belongs properly and exclusively to him? Is it respectful? The President is a man of "good intentions," it has been said, and I cannot find it in my heart to rebuke him by taking from him an authority which the last Congress believed him competent to exercise. And now I give these gentlemen notice distinctly, that if, in this effort to defend the Administration, I should fail, I shall deem it but poor encouragement hereafter to make any like attempt. [Laughter.]

There are many things on this subject which I strongly desire to say, but I am so fearful of getting out of order—the traces of order are so gallingly close upon me—that I am extremely trammelled in my efforts to repel these most unkind assaults upon the President.

[Here the hammer fell.]

The question was taken on Mr. Dickinson's amendment to the amendment; and it was disagreed to.

Mr. FLORENCE. I move to amend the amendment by striking out the word "a" before the words "competent and well qualified," and to add the letter "s" to the word "civilian" and the word "superintendent," so that the amendment

will read, "competent and well qualified civilians as superintendents at each of said armories."

Now, Mr. Chairman, I offer that amendment to the amendment, and the purport and object of it will be evident at a glance to the committee. I am desirous of proceeding in order, so as to have, without interruption, the full advantage of the limited time left for this debate. And I declare here, that I am in favor of the amendment, either as I have offered to amend it, or as it has been offered by the gentleman from Kentucky, [Mr. Stanton.] So I care very little whether my amendment prevail, or whether that of the gentleman from Kentucky be adopted as it stands. And I suppose I am not out of order by referring to the amendment offered by the gentleman from Kentucky. I repeat, I desire to proceed in order as I feel a deep interest in the subject under consideration, and ardently desire the amendment abolishing military superintendence of the national armories may prevail.

I am exceedingly sorry to see so much sensitiveness in this committee upon points of order. I have struggled hard to obtain the floor to say a word or two, because I conceived it to be my duty to do so, in defense of the skill and genius of American mechanics. It is a glorious theme. Personally, I care little whether mere military men are selected to superintend the national armories, or any other public work; but in the performance of a public duty, I prefer that, so far as I can influence it by my vote, that those who are infinitely better capacitated by habit and association for such positions, should be selected. I am in favor of civil superintendence, and the employment of mechanics in the supervision of the national armories, and all other public works; therefore I am opposed to a military superintendence. I am especially opposed to a military superintendence over the national armories, because evidence has been adduced, satisfactory to my mind, that they ought not to be under such control; and I tell this committee and the country, that, whatever the decision of this House may be at this time, if it does not change this system now, that decision will be reversed at some future time. The spirit of the American masses once aroused upon this subject, all opposition to it will be speedily overwhelmed. I know intimately the spirit of independence which animates the heart of the working men, the real wealth of our country, and the true sovereigns of our Confederacy.

Mr. WALSH. Fourth of July!

Mr. FLORENCE. I hope the gentleman will permit me to go on in my own natural way, without interruption, whether it is "Fourth of July" or not. [A laugh.] One thing is certain, I think. It is, that this committee is quite prepared to declare its independence, and abolish military supervision of the national armories, and, indeed, over all other public works, I trust, ere long. It will, let me say in all candor, be an act worthy of this Congress, and of the day and age in which we live. It is a libel upon the world-wide character for skill, genius, and perfection in the mechanic arts of American mechanics throughout our wide national domain, to say, that, after having attained honor and distinction in the race with other nations of the world, that we have not confidence enough in our own artisans to entrust them with positions of responsibility and public trust. For one, I disclaim any such unjust conclusion, and I believe this committee agree with me.

I trust I am right in this opinion, and I earnestly solicit the attention of every gentleman here while I occupy the floor. I feel what I speak. The Bible says, "out of the abundance of the heart the mouth speaketh;" and I intend to occupy just as many five minutes as I can get, in order to express my sentiments fully and freely upon this question. I say, then, that the existence of military superintendence in these armories has produced oppression and outrage. ["Hear!" "Hear!"] It has reduced the wages of men after they have earned them, and justly earned them, too. It has caused the dismissal of mechanics and workmen because they dared to exercise the rights and the independence of freemen. These things I can prove, from the evidence which was taken before the committee of investigation; and I say, sir, I would be false to my duty, false to my mission here, and false to myself, if I did not rise upon this floor and declaim as loudly and strongly as I can against this system.

Before elaborating the points I have indicated, as susceptible of proof, I desire the committee to listen to the testimony of Colonel Benjamin Moore. I understand that he is a very reputable citizen of unimpeachable veracity; and his testimony, which is uncontradicted, reveals the whole matter of the inconsistency, the impropriety of, and the gross wrong and outrage committed under military superintendence of the national armories. Colonel Benjamin Moore says:

"Colonel Benjamin Moore, being duly sworn, testified as follows:

"Question. How long have you been engaged in the Government service in connection with the national armories, and in what capacity?

"Answer. I was master armorer at Harper's Ferry for about nineteen years.

"Question. During that time, how long were the armories under civil, and how long under military superintendence, and who were the officers in charge?

"Answer. For ten years and nine months I was under civil superintendence; for the balance of the time under military. The civil superintendents were General George Rust and Colonel Edward Lucas. The military superintendents were Major H. K. Craig and Major John Symington.

"Question. During the civil superintendency, was there as much order and regularity in the armory, and as much work executed, and executed as well, as under the military system?

"Answer. There was very little difference, so far as the day-workmen were concerned, between the two systems, but there was a great difference in the piece-workers. Under the civil, when a piece workman finished his day's work, which he would commence, sometimes, at four o'clock in the morning, he was allowed to go. Under the military system, if a piece-worker gets through with particular pieces of work until after the expiration of the regular fraction of the day, he is only allowed up to the expiration of the next fraction of the day. For instance, if he would finish his day's work five minutes after the half of a day expired, he would have to wait until the end of the next quarter before he could leave the shop.

"The civil had not the same facilities in point of machinery as the military.

"The preparations for beginning a new model began under the civil, but the manufacture did not commence until the beginning of the military system.

"I consider that the piece-work, as carried out under the civil, operated greatly to the advantage of the Government, whilst under the military superintendency it did not, because men had not the same inducement to work when they knew they would be kept in the shop after they got through, and were fatigued with their day's labor.

"Question. Were the workmen as cheerful and contented under one system as under the other? and state the effect of the two systems upon the workmen as citizens.

"Answer. Under the civil system they were cheerful and contented, because they were permitted to exercise all their rights as citizens. Under the military they are not, because they dare not exercise all those rights, for fear of dismissal. As an evidence of this, Colonel Craig dismissed men because they went to Washington to complain of the piece-workmen being placed upon the same level as day-workers, relative to time. He took some back, but not until they signed a solemn obligation not to hold any consultations or meetings relative to anything that might occur in the armory, or to sign any petitions to Congress relative thereto. This rule, I presume, can still be found at Harper's Ferry, though the enforcement of it gradually stopped. I saw men sign it myself.

"Men's heads were cut off so suddenly, without any reason being given, that they became suspicious of each other, and were actually afraid to talk to men who had been discharged from the shop. Some of them were afraid to talk to me. Men were watched closely.

"The military system decreased the value of real estate in Harper's Ferry. The tenure of employment was so uncertain in the armories, that men were afraid to invest. One woman has two stores: she used to get \$300 each for them. Now she rents one for \$200, and can't rent the other.

"(The Government gave the privilege of purchasing their lots to the workmen, so much payable out of each month's wages. Some men who purchased these lots were dismissed by Colonel Huger.) Major S. dismissed one man, a crippled soldier of the war of 1812, who was a good filer on springs. Many men were dropped, and promised that they would be taken back, but were never taken back.

"Question. By whom were you removed, and was any cause assigned for your removal?

"Answer. I was removed by General Taylor; but as I had, on several occasions previous, expressed a desire to the Ordnance Department to resign my position, and was urged by General Cass, Colonel Craig, and Colonel Bonford not to resign. I became indignant at my removal, and would not ask for the cause of it.

"Question. In the construction of houses and shops, and other structures for the use of the establishment, is there under the military system as much regard paid to economy as under the civil system?

"Answer. No, there is not. The military superintendents spent money lavishly on their quarters. The comparison between their quarters and those occupied by the civil superintendents, is like the comparison between a palace and a cottage. Workshops were built, under the military system, beautiful in external appearance, but uncomfortable inside. They were constructed with too many windows, which made it uncomfortable to be working in them in summer time. They were more like green houses than workshops. One shop was built, and after it was done it was discovered to be too small for the machinery that was to go in it. I informed Major Symington that it would be too small, but he disregarded my suggestion.

MONDAY, March 26, 1854.

Colonel Benjamin Moore's examination resumed.

"Question. If the superintendent were a practical mechanic, with good executive qualities, would he have any advantage over a military officer of scientific requirements and experience in his profession, with like executive abilities in the management of labor, and the proper execution of the work?

"Question objected to by Mr. Dickinson.

"Mr. Faulkner asked for the yeas and nays on the motion, 'Shall the question be put?' and resulted as follows:

"Yeas—Messrs. R. H. Stanton, C. J. Faulkner, W. R. Sapp—3.

"Nays—Messrs. E. Dickinson, L. M. Keitt, J. L. Dawson—3.

"So it was decided not to put the question.

"Colonel Moore here begged leave to make an explanation in connection with his testimony given on Monday, the 20th instant, heretofore not placed upon the record, but today ordered to be recorded. Leave being granted, he said:

"I have worked under practical mechanics since 1816, at divers places, and under all circumstances; I have inspected arms made by private contractors, (practical mechanics,) and I can testify of the advantage they possess over men who are not mechanics, in the superintendency of armories. They are acquainted with matters in the preliminary manufacture of a musket, of which a man not a mechanic would know nothing: for instance, when a barrel was forged properly, when springs were bent correctly, when a ramrod was tempered sufficiently to straighten it. He would also know the value of things. For instance, he would not have sold a hundred dozen of files, which cost \$4.50 per dozen, at \$1.25 per dozen, as was done at Harper's Ferry.

Examination resumed.

"Question. Have any improvements been made in the machinery under military, and any under civil superintendency? if so, state them.

"Answer. There have been a great many improvements made under civil superintendency, most of which were, in anticipation of their usefulness, carried out after the military system obtained.

"The inventive genius was more displayed under the civil than under the military superintendency, because there was more certainty in the tenure of their employment, and of their being benefited by the exercise of their genius under the civil than under the military superintendency. Men, in some instances, were compensated for their inventions under the civil; under the military superintendency they were not. The inventor of a patent bit, a workman at the Springfield armory, under the military system, never got paid for the use of his invention, which was of the greatest benefit to the armory.

"Hall, the inventor of the rifle to be loaded at the breech, and Green, made their inventions whilst they were workmen under the civil system. I am not certain as to King, the inventor. Hall died whilst he was on a furlough. He was a sub-superintendent.

"Question. Have the improvements in the manufacture of arms at the armories kept pace with the improvements in private factories?

"Answer. I can't answer as to private factories.

"Question. Is the bearing of a military officer towards the workmen under his control such as, according to your experience and knowledge, the mechanics and workmen of the country are accustomed to in other employments?

"Answer. It is not. It is quite different from the manner I have seen them treated at various places in private establishments. There they are recognized respectfully. The military treat them impolitely and unkind. They are disrespectful, and sometimes repulse the men, especially when they state grievances. I have been repulsed by one military man more than I have ever been by all the civilians I ever worked under in my life put together. Major Symington has repulsed me in the most uncivil manner. He was in the habit of making a big fuss about things being done wrong, before he knew whether they were wrong or not. Sometimes there would be a necessity for a good blacksmith, but Major Symington would not employ one. He would declare that he could get good workmen at \$1.50, who were then getting \$1.80 per day. I was dismissed by General Taylor. The repulsion of myself by Major Symington occurred in 1847 or 1848.

"The examination of Colonel Moore was here concluded, and he was discharged.

"It was ordered by the committee that the evidence of Colonel Moore, adduced on last Monday, be placed on record.

"This is to certify that I have examined the evidence heretofore contained, and I find it to be the same testimony of which it purports to be a true record, said testimony having been given by me.

"BENJAMIN MOORE."

Mr. TAYLOR, of Ohio. I am opposed to the amendment of the gentleman from Pennsylvania, and I hope we shall take a vote upon it immediately, and I trust we shall proceed and finish this bill at once.

The question was then taken on Mr. FLORENCE's amendment to the amendment; and it was not agreed to.

The question recurred on Mr. STANTON's amendment.

Mr. STRATTON. I demand tellers upon that amendment.

Tellers were ordered; and Messrs. FAULKNER and PARKER were appointed.

The question was then taken; and the tellers reported—ayes 80, noes 38.

So the amendment was agreed to.

Mr. BALL. I move that the committee do now rise. The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, the Chairman (Mr. WRIGHT, of Pennsylvania) reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the Army appropriation bill, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message was received from the Senate by the hands of Mr. ASBURY DICKINS, its Secretary, informing the House that the Senate had passed, without amendment, a joint resolution of the House, and acts of the following titles:

H. R. No. 30. Joint resolution to fix the compensation of the employees of the legislative department of the Government, and to prohibit the allowance of the usual extra compensation to such as receive the benefits hereof.

S. No. 60. An act authorizing the construction of a subterranean line of telegraph from the Mississippi or Missouri rivers to the Pacific ocean.

S. No. 393. An act for the better preservation of life and property from vessels shipwrecked on the coasts of the United States.

Mr. WALSH. I move that the House do now adjourn.

The motion was agreed to; and thereupon the House (at twenty minutes to four o'clock, p. m.) adjourned till to-morrow at eleven o'clock, a. m.

LOUISVILLE AND PORTLAND CANAL.

When the river and harbor bill was under consideration in the House of Representatives, on the 11th of July, the following letter from the Attorney General was read. We could not procure a copy at that time:

ATTORNEY GENERAL'S OFFICE, June 12, 1854.

SIR: I have your letter of this morning on the subject of the Louisville and Portland canal.

I concur entirely with the Secretary of the Treasury in opinion of the desirableness of some legislation at the present session of Congress in relation to the canal. It would undoubtedly be the duty of the President, in the absence of any such legislation, to endeavor to take measures to preclude a forfeiture of such rights as the United States may have in the canal. At the same time, it seems to me very undesirable and inconvenient to have the matter so left by Congress, as to give rise to the allegation of abandonment, on the part of the United States, so as to embarrass the Executive by the occurrence, perhaps, of a controversy with the Commonwealth of Kentucky.

I think, therefore, if nothing else be practicable at present, that it might be well to make provisional arrangement for the superintendence of the canal, in anticipation of more complete provisions at the next session of Congress.

I am, very respectfully, CALEB CUSHING.
Hon. WILLIAM PRESTON, House of Representatives

IN SENATE.

TUESDAY, July 18, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. MCKEAN, Chief Clerk, announcing that they had passed, without amendment, the bill from the Senate regulating the time of holding the sessions of the district and circuit courts of the United States, in the eastern district of Louisiana; and also Senate bill for the relief of Thomas K. Glenn.

FUGITIVE SLAVE LAW.

Mr. SUMNER. I present a memorial from the Pennsylvania Society for Promoting the Abolition of Slavery, the same society which enjoyed the friendship of Washington, and of which Benjamin Franklin, Benjamin Rusk, and Dr. Wistar, were early presidents. This memorial is an elaborate document, engrossed on parchment, and signed by the distinguished president of this day, Dr. Parrish, of Philadelphia, with the other officers, and authenticated by the broad seal of the society. It protests at length against the fugitive slave bill, and "earnestly but respectfully solicits the Federal Legislature to adopt, with the least practicable delay, the proper measures for expunging from our statute-book an enactment which as long as it remains there must contribute a dark blot upon our national character in the view of the civilized world."

Among the reasons assigned by the memorialists, is one to which I feel it my duty to call particular attention, and to crave the attention of the chair-

man of the Committee on the Judiciary, [Mr. BUTLER.] They show that, by the operation of the tenth section of the fugitive bill—which gives conclusive force to a record made behind the back of the alleged fugitive—a free colored person, with evidence of his freedom, may be surrendered to slavery. And they add:

"This is not an imaginary case, but is substantially descriptive of one which has recently occurred. A colored man, who had resided in Philadelphia from childhood, and proved by competent witnesses to be a free man, has been reluctantly consigned to a claimant in Georgia by a United States commissioner in Delaware, under the authority of the section alluded to."

Reference is here made to the interesting case of Edward Davis, who escaped from Georgia by concealing himself under the wheel-house of a steamer in a most exposed situation; and who was afterwards surrendered to slavery in opposition to positive testimony to his freedom. Among the papers accompanying the memorial, is one which states that the commissioner declared that "he would give fifty dollars, cheerfully, to be released from making the decision;" and that on account of it "he lost two nights sleep, and had no comfort while in church on Sunday." No wonder at this.

Mr. President, it was an early maxim of the common law, that it were better that one hundred guilty persons should escape than one innocent person suffer.

Mr. ADAMS. I rise to a point of order. Is it in order to discuss this question at length on the presentation of a petition?

Mr. SUMNER. I have no such purpose. I am merely explaining the memorial, and pressing it upon the attention of the Senate. I proceed: A wise man of antiquity remarked, in words often admired, that, in his opinion, the best Government was that under which a wrong to a single citizen was resented as an injury to the whole Commonwealth. And, sir, only at this session, Congress has offered its homage to an American officer, who, in a distant sea, interposed the power of the Government to shield the liberty of an obscure person who claimed his protection. If the spirit of this act, and of these sentiments, prevailed here, an outrage like that described by the memorialists could not occur, without arousing at once the indignant judgment of Congress.

I move the reference of the memorial to the Committee on the Judiciary.

Mr. CLAY. Mr. President, the Senator quotes one old saying from the common law. There is another, sir, to be derived from higher authority, from the sayings of the wise man of Israel, "the dog will return to his vomit." I do not expect, sir, that we shall be able to correct vicious and depraved instincts or corrupt taste; but I do protest against tolerating an abuse of the rules of the Senate, in order to reiterate these hackneyed set phrases which we have heard repeated so often.

Mr. SUMNER. I am accustomed to answer, on this floor, anything in the shape of argument, and I hold myself ready at all times to meet it. I hold myself, also, at all times ready to meet any Senator here who keeps within the rules and orders of debate, for that man is my peer; but a Senator who does not keep within the rules and the orders of debate is not my peer.

Mr. DAWSON. Mr. President, of course I should say nothing on this subject if the State which I have the honor in part to represent had not been alluded to, and alluded to in a manner in which it would not have been, I think, if the Senator from Massachusetts had considered well what he was saying. I suppose he justifies himself upon the representation of facts made in that petition. I only beg to say to the Senate, and through them to the country, that the allegations contained in the petition are not correct, and I feel that this is not the proper place to set afloat as facts statements which have no actual foundation.

Now, sir, it so happens that I am acquainted with Colonel Dean, the Senator from the city of Macon, and county of Bibb, in the Legislature of the State of Georgia, and I know the case to which the Senator referred. I received a communication from a personal friend, Mr. Wales, of Wilmington, Delaware, who was one of the attorneys, and I think the leading attorney engaged in the trial. I recommended to him that if there was the least belief whatever that the boy Davis was a free person of color, Judge Nesbitt late of the supreme court of Georgia, should be employed

to investigate the case. Colonel Dean knowing the facts asked that the laws of the country should be invoked to try whether he was a free person of color or not. He is now in Georgia, and the question can be tried there. A correspondence has taken place on the subject between Mr. Dean and some individuals at Wilmington.

Mr. Dean stated to them that the boy was there, and that, if any of them believed he was a free person, and could convince him such was the fact, he would be the last man in the world to retain in slavery any one who was not a slave. The matter passed off in that way; but the honorable Senator from Massachusetts to-day has set it afloat throughout the whole country that, by the laws of the United States, and by the decision of a commissioner in the State of Delaware, a free man has been sent into slavery. If I were to ask the Senator if he made this statement from any knowledge of his own, he would say he did not, but that he spoke from the representations contained in this petition.

Now, sir, I submit to him and to the country whether it is proper thus to attempt to excite sectional jealousies upon a presumed state of facts; and whether it is justifiable to allow those persons who are governed by prejudice or fanaticism, or any other feeling whatever, to make this body an instrument by which they may circulate their statements, when it is known, or ought to be known, that they are not true?

Mr. President, if we go on in this course, and gentlemen who take pleasure and feel a gratification in exciting one section of this country against the other, continue in this way, conservative men will ask why is it done; for what purpose can it be? Can it be the result of a patriotic feeling, or is it the result of a determination so to excite one section against the other so as to lead to disunion?

Why, sir, no longer ago than two days since, I happened to come across an Abolition paper called the Emancipator, and there I read a speech of Wendell Phillips, who is himself the great leader of the party or faction to which the Senator belongs, in which he said the Constitution of the country established slavery; that by it the South was justified; that the Constitution required the rendition of persons escaping from service, and the principle to which he appealed was the destruction of the Constitution. As an evidence of what he and his followers intend, they burnt up that sacred instrument and also this law, and proclaimed that the disunion of these States was the only course that could rescue them from the oppression, as they call it, of slavery.

Now, am I to believe that the Senator from Massachusetts, under the influence of this feeling, is making an effort to bring about that state of affairs, which is so much desired by the leaders of the party? Does he desire to see accomplished the results contemplated by the individual to whom I have reference, and others connected with him? I surely think not.

Then, after the Congress of the United States have passed a law which has been approved by the President, and acknowledged to be constitutional, why does he not, like a law-abiding man and a patriot, submit to the Government of his country, and not attempt to excite prejudices and jealousies? He does not desire to see the Union dissolved. It can only be then for some personal consideration. What can that personal consideration be, but to throw around him a party—a party which he knows is forming against the Constitution of his country and the Union of these States. That can be the only feeling. It is not for the purpose of advancing the prosperity or the happiness of the Union, but it is for the purpose of advancing the prospects of the individual.

Now, sir, I submit to the country and to the members of this body, whether we should make ourselves a mere instrument in the hands of these fanatics? I will be pardoned for calling them so. For those who are sincere, and honest, and governed by feelings of the heart, and have no hypocrisy, I have a respect, but in regard to those who are governed by personal feelings and considerations, and who desire to make themselves the leaders of this party, or to acquire notoriety at the expense of the country, I cannot call them patriotic.

Here, sir, I am the representative of a State having as much prosperity, and, I trust, as much patriotism as any State in this Union. That State

tolerates slavery—a slavery that has descended to us from our ancestors—a slavery that came from the ancestors of the Senator from Massachusetts himself, and from the State of Massachusetts. With this destiny implanted upon us, and with all the efforts of benevolence and philanthropy to render the condition of all mankind, black or white, in that section of the world happy and prosperous, are we to be daily irritated and perplexed by the solemn declarations we have all heard uttered by the Senator from Massachusetts—calculated to do what? Calculated to make the impression abroad that cruelty is existing in the South; that we of the South would take a free-man and convert him into a slave.

These are the allegations which have been made. Surely they are such as the feelings of no section of the country ought to approve. They ought to recollect well, and I say to the Senator to-day, he ought to know, and he ought to feel, and he does know, and he does feel, that he is making an instrument of himself here, merely to irritate the judgment and the feeling of gentlemen who represent the southern country, and whose destiny has been planted there. Though he may consider it a duty incumbent on him to present these petitions, he ought to avoid presenting them in an offensive manner; he ought to avoid the use of language calculated to irritate gentlemen. But the Senator, I regret to say, repeats those things as if the section of country to which I belong, was a section which was dishonoring the Union of these States, and dishonoring the character of human nature. Then, not he, but the leaders of his party, go further and say that we are governed by a Constitution which is a degradation to our nation, and that we are preserving a union which is calculated to damn us in futurity. Why do this? Ought not the country, and ought not the Senator, to know that these things are not calculated to harmonize, that they are not calculated to arrest what he considers to be an evil, and never can have such an effect? If the enlightenment of the age, if the improved state of the nation, if the character of the South cannot manage this institution, which he calls an evil, I ask him if he has any instrumentality, or any capacity by which he can eradicate it or ameliorate it? I take this occasion to say to him, and to his friends, that instead of benefiting the condition of the people whom they desire so much to alleviate, they are planting more firmly the roots of that which they wish to destroy. They are attempting to make that section of the country rebellious; they are, by the acts which are being perpetrated—I do not say by him, but by the persons whom he represents, and whose medium he is—endeavoring to induce a certain class of population in our country to escape to the northern States, and then to raise all these exciting questions. What reason is there for it, except a mere desire to excite the public mind by creating a great uproar in relation to these questions?

But, sir, I did not intend to say much. I rose merely to speak of the facts, because I am one of those who consider this question as having passed by, and who had hoped it would not be agitated here again. My object in rising was merely to correct the Senator's statement as to Colonel Dean, the owner of the boy Davis, to whom he has referred. The boy, as I understand the facts, as they have been already proved in the trial in Delaware, and as they will be proved again, is a perfect slave. I now assure the Senator, if he wishes to look into the matter, he can go to the town of Macon, in the State of Georgia. I will accompany him there. He will receive no affront. He shall be protected in every form and shape. He shall be protected like any other gentleman who passes through our country. The boy shall be there. The Senator may institute a *habeas corpus*. He may select a jury in the State of Georgia to try the case, and if he, as well as the jury, be not satisfied that the boy is a slave, I pledge myself that he shall be given up.

Upon this statement and these facts, which can be substantiated, is it not unjust to misinform the country, and to attempt to excite the feelings of that portion of the North who are excited about this matter, to attempt to inflame them, and to talk about these men who are petitioning Congress being the friends of Washington and of Franklin? Why is this? It is done for the purpose of proclaiming to the country that the friends

of those glorious men who gave us the Constitution which we now enjoy, entertain particular opinions, and that the present Congress is doing something extraordinary, and that the South are cruel oppressors! Those great men sustained no such opinions as those set forth in the petition presented by that Senator this morning.

This is all wrong. I have no excitement about it. But as a citizen of this Union, as a Union man, desiring the preservation of the Constitution, it does disturb me. I should feel more satisfied, as a member of this body, if the Senator himself would use that propriety which he recommended to another, whose decorum is known to us all. If he, as a patriot should do, would rely upon principle, and not upon prejudice; if he would recognize the Constitution of his country and abide by it, and not be the instrumentality of disturbing it, I should be glad. If it were not that it would be getting into a debate on this question, I should propound several questions to the Senator in relation to his constitutional views; but I will not do it, because it might lead to a prolonged discussion.

Mr. GWIN. I move to lay this paper upon the table, as it is leading to debate.

Mr. RUSK. There is a paper connected with that petition, to the reception of which I object. It is a letter, a very prejudiced one, which seems to have been drawn from a Quaker of Delaware by a letter addressed to him by a Senator in this body, the Senator from Massachusetts. That letter reflects grossly and falsely upon the South, and it reflects upon the officer—

Mr. MASON. The Senator from Massachusetts has brought the paper before us. He is responsible to the Senate for it, and I ask that it may be read.

Mr. SUMNER. Let it be read.

The Secretary read the letter, as follows:

WILMINGTON, 6th month 17, 1854.

TO ALL WHOM IT MAY CONCERN: I called on Samuel Guthrie, commissioner, residing at New Castle, this day, to request of him a copy of his decision in the case of Ned Davis, the salt water fugitive, which he declined to furnish; first, because it would take some two or three hours to write out his decision; and second, he did not wish to write out an opinion just to satisfy the public, that would be published in the papers, and then torn to pieces by those who might see fit to comment upon it; he had given his decision for the delivery of Davis, and did not feel bound to furnish the public with his reasons for so doing. He further stated that John Wales, esq., was present, and had taken down the heads of his reasons for deciding as he did, or he should have furnished them. He seems to have forgotten that, at the time, he promised to write it out at his leisure, and give it to us. He also told me the day of the decision, before he gave it publicly, that he had commenced to write it out, but, not being well, had not completed it. At the time alluded to, the morning before he gave up Davis, he stated to me that he was not prepared to say but what Ned Davis was entitled to his freedom, by the laws of Maryland; but that must be proved in Georgia, from whence he escaped, if anywhere. He had positive proof that he was held as a slave by Dean, of Georgia, and he could not not go into the case to determine whether or no he was held there according to law. The proof of his being held there as a slave was the ground of his decision. If he had been so kind as to have furnished the friends of Ned Davis with those facts—that he could not go into the justice of Dean's claim to Davis, but must return him at all hazards—it would have been worse than folly to employ counsel to attend to his case at all.

Very respectfully,

THOS. GARRETT.

WILMINGTON, DELAWARE, 6th month 17, 1854.

ESTEEMED FRIEND, CHARLES SUMNER: Two or three days since Dylwin Parrish, of Philadelphia, sent me a letter he had received from thee, requesting all the important facts relative to the trial and return of Ned Davis, claimed by Dean, of Georgia, as a slave. I at once put thy letter and his into the hands of ex Senator Wales, who was employed to defend Davis, and requested him to write out all the facts, and forward to thee. At the same time I gave him a copy of a letter from E. A. Nesbit, an attorney of Macon, Georgia, who had been written to to test the validity of Dean's claim to Davis, in answer to which he wrote us he was dead, but were he in life, he would not hesitate to undertake his case. Wales will forward the copy of that letter, also one from his brother, cut from the Pennsylvania, published in Philadelphia, by which it will be found his professions were all gammon. Yesterday, at Wales's suggestion, I went to see Guthrie, at New Castle, to get his own statement, which thee will see he declines to give, for reasons set forth, and afterwards contradicts himself by saying he would have furnished the heads of it, if Wales had not been present, and taken it down. I showed the within statement to Wales, and he directed me to say he would send thee all the documents he can furnish in the case in a day or two. We are boasting to thee that the South is not only just, but honorable, and that a colored person can always have a fair trial for his freedom there; nay, more, I have frequently been boasting to thee they are so tenacious of the rights there, that there are always attorneys of good standing enough to be found there to volunteer to see that they have a fair trial. What has wrought such a sudden change there? The Nebraska-Kansas bill, or the Burns tragedy at Boston? I was in Boston at the time Burns was

taken, and I agree with the Richmond Enquirer—a few more such victories, and the return of slaves from the North will be of the past, not the present. I rejoice that our Pennsylvania friends have petitioned for the repeal of the fugitive slave law. It is odious to all decent men of feeling. Guthrie, who got ten dollars for returning poor Davis, declared to me he would have given fifty dollars cheerfully to be released from making the decision. It showed one of two things: it was repugnant to his feelings to do it, or ashamed to own he done it willingly. He declared to me he lost two night's sleep, and had no comfort while in church on Sunday, reflecting on it. Well, he swallowed the pill, and I presume he will soon be able to conquer his prejudice.

Thine truly,

THOS. GARRETT.

Mr. RUSK. Mr. President—

Mr. BAYARD. Will the Senator allow me to make a few remarks?

Mr. RUSK. I was not through with what I intended to say. I shall be in a minute. With regard to the billingsgate and falsehoods towards the South in that letter I have nothing to say. I care nothing about them. They are the capital of certain parties. It is what they have to say in reply to all arguments. Destitute of principle, they must, as a matter of course, have resort to the calling of names and to the utterance of falsehoods to sustain them in the seeming plausibility of what they say; but here is the principle to which I object.

A member of this body writes a letter to an individual about a transaction, evoking from that individual an answer which is slanderous towards the officer who executed the law, and then presents it to this body. It is a paper slanderous to that officer, and a libel upon him. It talks about the power of his conscience; that he could not have comfort in church; that he got ten dollars for sending this man back. Such poor, pitiful, trifling expressions as these, which form the capital of certain persons are indulged in. This is the principle which I object to. No Senator here has a right to draw from anybody an *ex parte* slanderous statement towards a private individual, much less towards an officer of the Government, and then spread it on the records of the Senate. I object to the reception of the paper.

Mr. GWIN. I want to ask a question of the Chair. Does a motion that the subject lie on the table stop debate?

The PRESIDENT. Certainly it does.

Mr. GWIN. Then I move that it lie on the table.

Mr. SUMNER. On that motion I call for the yeas and nays.

Mr. BAYARD. Mr. President—

The PRESIDENT. Debate is not in order on this motion.

Mr. BAYARD. I hope the honorable Senator will withdraw it for a few minutes.

Mr. GWIN. I will give way to the honorable Senator from Delaware for a minute, if he will renew the motion.

Mr. BAYARD. I should not take part in this discussion, or any notice of the communication which is now before the Senate, though not addressed to the body, were it not that I am personally acquainted with the character of the individual who wrote that letter. I may say of him that, upon the subject of slavery—the abolition of slavery—he is a maniac. Sir, it has been my fortune, within the last ten years, since 1846, to be employed to bring action against that very man, not under the present fugitive slave law, but under the law which had stood since 1793, for, as I call it, stealing or aiding to steal slaves who had escaped from the State of Maryland into the State of Delaware. I brought several actions against him, and I recovered penalties under that law. I obtained verdicts from the juries, without leaving the box, to the amount of nearly \$8,000; but he smuggled away his property in some mode, and covered it up, so that only \$2,000 of the amount of the verdicts could be got out of him. So strong was the sentiment of the jury in my county, (in which I admit there are a vast number of Abolitionists, and persons who are infected with the peculiar notions of the Society of Friends,) that when, after the verdicts of the juries in those cases had been given, and the penalties awarded under the act of Congress, I sued him for trespass, *de bonis asportatis*, the jury gave me, without leaving the box, the full amount of the value of the slaves, in addition to the penalty of the act of Congress. He had been accessory to the removal of slaves by one of the modes in which these

gentlemen, who are so exceedingly philanthropic, remove the property of others, and take it from its owners. He paid the penalty in that case. I mention this as the character of the man, in order that you may see that in any question connected with slavery, I would not take his word for any statement of fact under oath, or not under oath; because I consider him a maniac on the subject. I believe such is the general estimation of him in the neighborhood in which I live.

As regards the commissioner in that case, Mr. Guthrie, he is a gentleman of high standing at the bar, a modest, retiring, firm man. I presume he based his opinion upon the ground which I maintain, under the act of Congress for the delivery of fugitives; and it is this: The object of the act is not to try the question of freedom or slavery—to determine it finally—because the effect of the decision of the commissioner cannot be such as regards the rights of masters. If the slave is returned into his own State, under the laws of that State he has the right to apply for his freedom if he is entitled to it. The principle of the fugitive slave law, as I understand it, is, that slavery being acknowledged by the Federal Constitution, for the purpose of the return of fugitive slaves, if slavery is the condition of the black man in the State from which he escapes, and you prove the fact that he was held in slavery at the time he escaped, and that he did escape, then it follows of necessity that being in a state of slavery he cannot, by his escape, change the jurisdiction which is to determine his right to freedom one way or the other.

That I suppose to be the principle of the law. It is a mere *ex parte* proceeding. It does not bind the slave when he is returned into the State from which he has escaped, and where he has been held in slavery; but the question of freedom or slavery may still be determined there. This is the only fair interpretation of that law. You are to proceed upon it precisely as you do in reference to the escape of criminals, fugitives from justice. You do not mean to try the question whether the man is guilty or not of the crime before you return him, but you return him that he may be tried in the State from whence he escaped. So, by parallel and analogous reasoning in reference to the slave, the Constitution recognizes the right to hold slaves in the States in which slavery is recognized, and it provides for their return; and I say, on no principle, if slavery exists in a State, can the party held to slavery, shift the jurisdiction into another State by his escape. All you have to do is to show the fact that he was held to slavery. If he was held wrongfully, he can apply to the State in which he was held; but he cannot, by his escape, change the jurisdiction which is to determine whether he is a slave or not. I may be wrong in this opinion. I am not going to dilate on it now. I am not going into all the principles which I think necessarily and properly result from it. No doubt I differ in opinion from the Senator from Massachusetts.

It is on that ground, I gather from this letter, that the commissioner in Delaware decided on this case, and I think rightfully. Were I a commissioner, and were a party brought before me as a fugitive slave, and his escape from another State was proved to me, or admitted by himself, I should not enter into the question of whether, under any technical construction of the laws of the State he was, or was not, legally a slave there. It would be enough for me to know that he was held in slavery, and instead of resorting to the laws of the State in which he was held, and which would have removed the evil if he was unjustly held, I say, on a mere summary proceeding, which is not intended to determine finally the question of slavery at all, which does not bind the rights of the negro, which would not be evidence for the purpose of holding him in slavery, and which goes no further than into the *prima facie* case, if the facts were established that he was held in slavery, and that he had escaped while so held, I should return him.

Mr. BENJAMIN. Mr. President—

Mr. RUSK. Will the Senator allow me to state my point of order? I object to the reception of that paper, first, because it is not addressed to the Senate, and secondly, because it contains statements which are disrespectful to the South.

The PRESIDENT. The question then will be upon the reception of the paper, and that question is not debatable, unless by unanimous consent.

Mr. SUMNER. I throw myself upon the magnanimity of the Senate to make a brief statement.

Mr. CLAY. The Senator from Louisiana has the floor.

Mr. BENJAMIN. I am willing to yield it.

Mr. SUMNER. I do not desire—

Mr. TOOMBS. Does it require unanimous consent to permit the Senator to proceed?

The PRESIDENT. In the opinion of the Chair, it does.

Mr. TOOMBS. Then if it does, I object.

Mr. SUMNER. I believe I have the floor.

Mr. CLAY. The Senator from Louisiana was recognized, and has the floor.

Mr. SUMNER. Will the Chair be kind enough to state how the matter stands?

The PRESIDENT. The Senator from Texas objected to the reception of the paper, which has been read. That is the question before the Senate.

A motion was also made by the Senator from California, that the motion to refer the petition lie on the table. The other question is first before the Senate.

Mr. SUMNER. The Senator from California moved to lay the motion to refer upon the table.

Mr. CHASE. That was withdrawn.

Mr. BENJAMIN. The motion of the Senator from California was withdrawn, and after the Senator from Delaware addressed the Chair, I was recognized as having the floor.

The PRESIDENT. That is true. The motion was withdrawn, and the Senator from Louisiana was entitled to the floor. The question now is upon the reception of the paper objected to.

Mr. DOUGLAS. And that is not debatable.

The PRESIDENT. The Chair is of opinion that it is not debatable.

Mr. SUMNER. I ask the Chair whether the first question is not on the motion to refer the memorial?

The PRESIDENT. The Senator from Texas objects to the reception of one of the papers presented by the Senator from Massachusetts.

Mr. WELLER. That is not debatable.

Mr. SUMNER. Do I understand that that paper cannot be received?

The PRESIDENT. It is for the Senate to decide whether it shall be received or not.

Mr. SUMNER. I have no desire to press its reception. I do desire to press the memorial.

The PRESIDENT. The question, then, is on the reference of the memorial.

Mr. SUMNER. I withdraw the paper.

Mr. RUSK. Do I understand that the paper to which I object is withdrawn?

The PRESIDENT. Does the Senator from Massachusetts withdraw it?

Mr. SUMNER. I do.

The PRESIDENT. The question now is on the reference of the memorial.

Mr. SUMNER. And now—

Mr. BENJAMIN. I have the right to the floor.

Mr. SUMNER. I believe I have possession of the floor. I desire to say but a few words.

Mr. BENJAMIN. I will yield to the Senator.

Mr. SUMNER. In the impatience of the Senate, I do not desire to follow the discursive address to which we have listened from the Senator from Georgia, [Mr. DAWSON,] or the Senator from Delaware, [Mr. BAYARD,] touching the various points of law and of fact in this matter, which has been so suddenly brought before us. My object is simply to set myself right. That I can do. I know, sir, that I can set myself right always.

In presenting this memorial, I performed a simple duty. I had also a pleasure in its performance. It was a memorial from an eminent society which has enjoyed much honor in this country, and from which memorials have always been welcomed in Congress, from that early memorial signed by Benjamin Franklin, down to the present time. And it urged a prayer which I am always glad of an opportunity to urge.

When I had the honor to receive the memorial some time ago from the eminent president of the society, I wrote to him, acknowledging its reception, and suggested to him that it would be important, in carrying out the desires of the society, to accompany the memorial with such evidence as they could present in relation to the specific grievance set forth in the memorial. In response to that letter, I received from Dr. Parrish, the presi-

dent, to whom I have referred several papers which accompany the memorial; and also, subsequently, a letter from a gentleman of Delaware, personally unknown to me, and with whom I am not aware that I had had any previous communication. As the letter from Delaware related to this matter and contained what purported to be a certificate of facts, regarded as important, I placed it among other papers accompanying the memorial; and, under these circumstances, I presented them all to the Senate. If the letter contained any expressions justly obnoxious to Congress, or disrespectful to this body, I did not take note of them at the time.

Such, sir, is my simple explanation of these facts; and now with regard to one suggestion that has fallen from the Senator from Georgia, [Mr. DAWSON,] that there are persons here who seek to arouse odium against the South, or to create excitement and ulceration of feeling there. I say distinctly that I am not one of those persons; nor do I believe that any such exist. Sir, I desire no such thing. I desire justice simply; that is all. I wish to see this Union, which binds us all together, a Union of peace and harmony, in fact and in name; but, above all, let it be a Union, where freedom is maintained by constitutional laws. And permit me to say, that just so long as an enactment continues on the statute-book, which defies every sound principle of constitutional law, and every axiom of free institutions, Senators must expect that it will be met by the strongest language of reprobation which can come from honest hearts.

Mr. BENJAMIN. I do not desire to enter into any general question of the constitutionality of the fugitive slave law, or to excite any further discussion on a topic which, in my estimation, ought to be banished from the Halls of Congress; but on several occasions, on this floor, when the question has arisen in the Senate in relation to the precise construction which the Senator from Massachusetts places upon those articles of the Constitution which are intended to secure to the South the return of its property when it has escaped into free States, the Senator has declared that his statements, or his opinions, upon the subject have been misrepresented. I have listened to him, upon each occasion, with great interest, and I can assure him, with a sincere desire to ascertain his precise views of the constitutional obligation on that point; and I did determine, as no one else had done it, that on the very first occasion on which this question should be raised in the Senate I would endeavor to obtain some distinct knowledge of his opinion.

Now, Mr. President, the Constitution of the United States is composed of a very few articles. There are but seven of them in all. The first provides for the organization of the legislative department of the Government; the second for the executive; and the third for the judiciary. The fourth treats of the relation of the States between themselves, and between themselves and the General Government. The fifth is confined to the subject of amendments to the Constitution; the sixth to a declaration of the general principle that the laws of the United States are paramount to those of the States; and the seventh to the ratification of the Constitution itself. The fourth article, which treats of the relations of the States between themselves and of their relations to the General Government, contains but four short sections. The first provides that "full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State." The second is divided into three paragraphs, the first of which says, that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." The second paragraph says, that a "person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime."

The third paragraph says:

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

Now, sir, the Senator from Massachusetts on several occasions upon this floor has denied the obligation, as I understand him, under the Constitution of the United States, to deliver up fugitive slaves from the free States to the owners in the slave States. I understand that to be the extent of his denial. I will respectfully ask the Senator from Massachusetts to inform me if that is what he asserts?

Mr. SUMNER. The manner of the Senator from Louisiana is always so kind and so much in conformity with the proprieties of debate, that I shall have great pleasure in answering his questions; but I should prefer to wait until he gets through.

Mr. BENJAMIN. I simply wish to inquire of the Senator from Massachusetts whether he acknowledges any obligation imposed by the Constitution of the United States, for the return of fugitive slaves from the free States to those by whom they are held to service or labor in the slave States. That is the only question which I desire to propound to him before I proceed with what I have to say.

Mr. SUMNER. And before I answer that question, I desire to ask the Senator from Louisiana, whether, under the clause of the Constitution of the United States, which secures to the citizens of every State the privileges and immunities of citizens of the United States, a colored citizen of Massachusetts can, without any crime, in South Carolina or Louisiana, be seized and thrown into prison, and then afterwards, on failure to pay certain alleged jail fees, be sold absolutely into slavery?

Mr. BENJAMIN. I will answer that I think that is entirely unconstitutional.

Mr. SUMNER. I am very glad that the Senator says it is entirely unconstitutional. I will then ask the Senator if he is ready in his place to introduce an act of Congress to carry out that provision of the Constitution, to secure to the colored citizens of the North their rights in South Carolina and Louisiana?

Mr. BENJAMIN. This is a very extraordinary method of answering a question. I have heard of the Yankee method of answering one question by asking another; but this is answering one by asking two. [Laughter.] It was not my desire to enter into any polemical controversy upon this subject with the honorable Senator from Massachusetts; but, as I stated before, I put the question with a sincere and earnest desire to ascertain whether he and the gentleman with whom he acts, or whose organ he is upon this floor, really recognized any constitutional obligation on the part of the free States, or on the part of Congress, to provide for the return of a fugitive slave from the free to the slave States? Whether that obligation exists anywhere under the Constitution? Or, in other words, whether this article of the Constitution was intended to apply to slaves?

Mr. SUMNER. Before answering the question of the Senator, [laughter,] I should like to have him deal by me as he desires me to deal by him. I should like to have him tell me whether it is in the power of Congress, under the clause of the Constitution to which I have referred, and which is side by side with the other clause on "fugitives from labor," to pass an act to secure to colored citizens of the North, their rights in South Carolina and Louisiana? The Senator must answer that question before he can confront this discussion.

Mr. BENJAMIN. My object is answered, sir.

Mr. CLAY. Exactly; do not say another word.

Mr. BENJAMIN. I imagine, sir, that there is not a man in the country who will not now thoroughly understand the object for which I put the question. That object is entirely answered. To a plain, respectful inquiry put to the Senator from Massachusetts, in relation to his understanding of the provision of the Constitution, about which he declared his sentiments upon this floor, and in relation to which he has always said that his sentiments have been misconstrued, he has answered by submitting to me a series of inquiries. I answered the first, supposing that upon my answering that, he would then be willing to answer my question. Instead of that I find myself put upon the stand. I shall, therefore, decline further discussion.

Mr. GWIN. I move that this subject lie on the table.

Mr. SUMNER. I desire to say one word. I have the floor, I believe.

The PRESIDING OFFICER. The Senator from California moves that the question lie upon the table.

Mr. SLIDELL. If the Senator from Massachusetts has no right to proceed but by unanimous consent, I object.

The PRESIDING OFFICER. The Senator from California moves that the petition lie on the table.

Mr. CLAY. The subject.

Mr. SUMNER. Have I not the floor?

The PRESIDING OFFICER. The question is not debatable.

Mr. SUMNER. I call for the yeas and nays upon it.

The yeas and nays were ordered.

Mr. BUTLER, when his name was called, said: I answer "no." I want everything to come. Let the crisis come as soon as it can.

The question being taken by yeas and nays, resulted—yeas 37, nays 14: as follows:

YEAS—Messrs. Adams, Allen, Atchison, Badger, Bayard, Benjamin, Bright, Brodhead, Brown, Cass, Clay, Clayton, Dawson, Dixon, Dodge of Iowa, Douglas, Evans, Fitzpatrick, Geyer, Gwin, Houston, Hunter, Johnson, Jones of Iowa, Jones of Tennessee, Mallory, Mason, Norris, Pettit, Pratt, Rusk, Sebastian, Sidel, Stuart, Thomson of New Jersey, Toucey, and Weller—37.

NAYS—Messrs. Butler, Chase, Dodge of Wisconsin, Fessenden, Fish, Foot, Gillette, Hamlin, James, Rockwell, Sumner, Toombs, Wade, and Walker—14.

So the motion was agreed to.

TELEGRAPH TO THE PACIFIC.

Mr. BADGER. I ask the Senate now to take up for consideration the motion submitted by me some time since, to reconsider the vote on the passage of the bill authorizing the construction of a subterranean line of telegraph from the Mississippi or the Missouri river to the Pacific ocean. I will make an explanation, and then hope the Senate will indulge me in my request. I made the motion to reconsider, not because I had changed my mind in regard to the bill, but because I thought it highly important that it should be acted upon by a full Senate; and it passed before without a full Senate, and by a majority of but one vote. I made the motion at the instance of gentlemen for whose opinions I entertain the highest respect. I wish now to have that motion taken up, and for the purpose of doing justice all round, and to ascertain the sense of the Senate without any further consumption of time, if my request is agreed to, I shall ask leave of the Senate to withdraw the motion to reconsider, and then that can be voted upon as a test question.

The PRESIDING OFFICER. (Mr. BRIGHT in the chair.) The question is upon the motion made by the Senator from North Carolina.

Mr. WELLER. I call for the yeas and nays upon that motion.

The yeas and nays were ordered.

Mr. BADGER. I imagine that the Senator from California does not understand the question.

Mr. EVANS. Will the Chair state precisely the proposition which is before the Senate.

The PRESIDING OFFICER. It is on the question of granting leave to the Senator from North Carolina to withdraw the motion to reconsider.

Mr. BADGER. I made the motion that the Senate take up the bill for consideration, and I stated that if the Senate agreed to take it up, I should ask leave to withdraw the motion to reconsider.

Mr. WELLER. That is the question before the Senate—shall he have leave to withdraw the motion?

Mr. BADGER. I do not so understand it.

The PRESIDING OFFICER. The Chair understood the motion to be to withdraw the motion to reconsider the vote.

Mr. BAYARD. The pending motion now is to take it up.

The PRESIDING OFFICER. If there be no objection, it will be taken up.

There was no objection.

Mr. BADGER. Now, Mr. President, I will state a little more distinctly the reasons why, as I have said, I shall submit the motion. I find, sir, in consequence of the state of the business

before the Senate, that by pressing the motion to reconsider, I may unduly, and against my intention, do serious injury to it. Now, therefore, with the understanding that it is to enable the Senate to determine whether they will adhere to the bill which they passed or not, I move for leave to withdraw the motion to reconsider.

Mr. STUART. As a test question.

The PRESIDING OFFICER. The question is on granting leave to withdraw the motion to reconsider. Upon that motion the yeas and nays have been demanded.

Mr. DAWSON. The question is whether leave shall be granted to withdraw the motion to reconsider. Is it within the power of the Senate to grant that leave?

The PRESIDING OFFICER. Clearly it is.

Mr. DAWSON. Is not the question directly upon the motion itself an equivalent proposition, and why then change the rule?

Mr. BADGER. I should have no objection to taking the question on that.

Mr. BROWN. We should have a long debate upon it.

Mr. BADGER. I desire simply to say to my friend from Georgia, that under the rules of the Senate, a gentleman who makes a motion can at any time withdraw it, except in case it is a motion to reconsider, which shall not be withdrawn without leave of the Senate.

The PRESIDING OFFICER. The Senator from North Carolina has clearly a right to make the motion. It is in the power of any Senator to object to granting leave, and in that event the sense of the Senate will be taken.

The question being taken by yeas and nays, resulted—yeas 30, nays 19; as follows:

YEAS—Messrs. Allen, Badger, Bell, Benjamin, Brodhead, Cass, Chase, Dodge of Wisconsin, Dodge of Iowa, Douglas, Fessenden, Fish, Foot, Geyer, Gillette, Gwin, Hamlin, Houston, James, Jones of Iowa, Jones of Tennessee, Norris, Rockwell, Rusk, Sebastian, Stuart, Sumner, Thomson of New Jersey, Wade, and Weller—30.

NAYS—Messrs. Atchison, Bayard, Brown, Butler, Clay, Clayton, Dawson, Dixon, Evans, Fitzpatrick, Hunter, Johnson, Mason, Pearce, Pratt, Sidel, Thompson of Kentucky, Toombs, and Walker—19.

So leave was granted to withdraw the motion to reconsider; and it was withdrawn.

Mr. BRIGHT stated that he had paired off with Mr. SEWARD, who was in favor of the bill.

WILLIAM P. S. SANGER.

The Senate proceeded to consider the request of the House of Representatives to furnish them with a certified copy of the bill for the relief of William P. S. Sanger; and it was ordered that the request be complied with.

HOMESTEAD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the House bill "to grant a homestead of one hundred and sixty acres of the public lands to actual settlers."

Mr. GWIN had moved to amend the first section by striking out "free of cost" and inserting "at twenty-five cents an acre payable when the patent shall have issued." Mr. BRODHEAD had moved to amend this amendment by striking out "twenty five," and inserting "fifty." The pending question is on the amendment to the amendment.

Mr. STUART. The Senator from California [Mr. WELLER] is entitled to the floor; but I have suggested to him that I desire to make a motion this morning, and I have his assent to it. After prefacing it with a few remarks, I shall withdraw the substitute which I offered yesterday.

I took occasion yesterday, and, as I thought, with perfect respect to the Senator from California, to ask him, while discussing the amendment to the original bill, to confine himself to that amendment. It will be recollected that the only thing which was done yesterday was the making of a motion, by the Senator from California, to strike out the words "free of cost," and insert "twenty-five cents;" and of another motion by the Senator from Pennsylvania, [Mr. BRODHEAD], to amend that amendment of the Senator from California, by inserting "fifty" instead of "twenty-five," and I think that from that time down to the hour at which we adjourned, which was past four o'clock, the question before the Senate was not discussed at all.

I do not rise to complain, but only to submit that very much time might be saved, (and I submit it with great respect to Senators,) if we would

confine ourselves to the question before the Senate, in our discussions. The most of our debate yesterday was in respect to the proposition which I submitted, and which was not before the Senate for discussion. The original bill and the amendments to it alone were in order.

I find this morning that there is a difference of opinion among those whom I know to be friends of the bill, in respect to the amendment which I have offered; and, sir, willing at all times to consult the wishes and the opinions of others, and against my own judgment, (I am bound to say, decidedly against my own judgment,) I shall withdraw that proposition for the present. I only now wish to submit that I was somewhat surprised to hear the Senator from Pennsylvania, [Mr. BRODHEAD], the Senator from California, [Mr. GWIN], and the Senator from Illinois, [Mr. SHIELDS], say, with so much emphasis and so much confidence, that the proposition which I submitted contained nothing like a homestead principle.

Mr. GWIN. If the Senator will permit me, I never said that. I stated that it contained many other matters of great importance, and that I thought if it did contain the same principle we had better take the homestead bill on its own basis. The Senators from Illinois and Pennsylvania may have stated what the Senator says.

Mr. STUART. What is a homestead? It is simply a place where a man lives. It is his residence; and there is no other known signification of the term. What is the object, therefore, of a bill granting to a man a homestead? It is to give him a place to live on. Upon what terms? Why, sir, it is no less a homestead because you charge him twenty-five cents an acre for it, than it is if you give it to him; and when a Senator rises here, and undertakes to tell me, especially with as much emphasis as the Senator from Pennsylvania did, that it is not a homestead, he has not consulted the dictionary, he has not at all considered the elements of a homestead. It is, I repeat, merely a place where a man resides, and the question of the terms upon which you will grant to a man, woman, or child, a homestead, is a question which belongs, with great propriety, to the Congress of the United States.

It may be that the Senator from Pennsylvania desires to make some reputation in his own State, by being considered the most prominent enemy of the homestead bill. If he does, I do not wish to deprive him of a single iota of it. If there is any other Senator who wishes to be considered the champion *par excellence* of the homestead principles, neither would I take from him a single plume. I am content, Mr. President, (and I beg to be excused by the Senate for uttering it, for I dislike to speak of myself,) to procure at the hands of the Congress of the United States the best law for the actual settlers upon the public land, the best law for the land holding States, and the best method, in my judgment, of disposing of the whole land question in Congress, which Congress in its wisdom is willing to pass.

I have some peculiar notions of my own; but I am only one among a large number of gentlemen here, most of them older, all of them more experienced, and doubtless all abler; and, sir, I only hope, so far as my feeble powers may enable me, to do something towards adjusting this land question, upon a principle which would be satisfactory generally.

Now, it was said by the Senator from Illinois, [Mr. SHIELDS], and I confess to my surprise, that he regarded the introduction of this substitute as an abandonment of the homestead principle.

Mr. WELLER. I understood this morning from the Senator from Michigan, that his desire was to withdraw his substitute, but not to go into a discussion. If he is desirous of entering into the discussion, I should prefer hearing him after I have spoken.

Mr. STUART. The Senator was not in his seat when I stated that I had his consent to withdraw the substitute, and I at the same time stated my desire to preface it with a very few remarks.

Mr. WELLER. The Senator told me nothing about going into a debate upon the question.

Mr. STUART. The very last thing that I wish to do, is to extend the debate on this question, or on any other question. I have refrained, on every question which has been before the Senate, of a prominent character, at this session, from discussing it, in order to save time. I have done

it for that purpose alone; but, sir, I have seen it to be a total failure. I shall, however, pursue that course yet, and, at the suggestion of the Senator from California, I shall say no more, but ask to withdraw the substitute which I offered.

Mr. BRODHEAD. With the consent of the Senator from California, I beg leave to say a word on this subject, as the Senator from Michigan has frequently alluded to me. He has stated that I said his substitute did not contain the homestead principle. That is very certain; and I repeat it.

The homestead bill, as I understand it, meant a free-gift farm, as contradistinguished from the graduation principle, or from the doctrine of ceding the lands to the States; and I repeat, (but not with a view of making myself particularly prominent as the opponent of the homestead bill,) I am in favor of giving cheap homes to poor settlers; and if the Senator from Michigan considers that a homestead bill, I am in favor of it; but, sir, I do not wish to violate a principle for the purpose of doing it. I wish to have some amount paid for these lands, which will approximate to their cost to the Government—which will in some way reimburse it.

Mr. WELLER being entitled to the floor, addressed the Senate at length in support of a modified bill.

Mr. BENJAMIN followed in a speech of considerable length, on the general policy of the land system.

Mr. CASS replied, contending that the true policy for the Government to pursue was to grant the lands to actual settlers without price.

[See Appendix for these speeches.]

Mr. CLAY. I do not rise for the purpose of trespassing on the time of the Senate at this late hour, by making a speech, but I cannot permit the remark of the honorable Senator from Michigan, in regard to what fell from me some days since, to pass unnoticed. I know that he did not design to do me injustice, yet the extent and import which he gave to the word "demagogue," as used by me, was far beyond the sense in which it was intended or used, of which I am well satisfied he would be persuaded upon perusing the speech which I delivered on that day. I did not, by any means, intend to impeach the motives or impugn the conduct of the supporters of the homestead bill on this floor; but I stated that, by pursuing the course of opposition to the measure which I did, I should incur the assaults of demagogues at home; and so I repeat. Now, sir, I say in all candor and frankness, if I could persuade myself that this was a constitutional measure, standing here, as I do, as the representative of one of the new States—a State in which nearly half of all the lands are still public and unappropriated—and if I could reconcile to my conscience a measure fraught with such injustice, as I regard this is, to the old States, as was so eloquently and forcibly portrayed by my friend from Louisiana, then my regard for the interests of my own State would prompt me to support it; and it is because other gentlemen, occupying the position of representatives of States upon this floor, do not regard it as unconstitutional, and I presume do not regard it as unjust to the States, that they support it in good faith, and I believe, without rendering themselves obnoxious to the charge of demagogism. But, sir, what I understand by a demagogue is one who endeavors to lead the people, not for their good, but for his own aggrandizement. I used the word in that sense, and I do not wish to withdraw it. And indeed, as my honorable friend has alluded to the policy of other countries in respect to the disposition of the public lands, I must be permitted to say that I do not think history records the names of greater demagogues than those who have been prodigal of the public funds in order to insure their own elevation. I think Pericles, who ruled the Athenian people less by reason than by the profusion of the public treasures, and the Gracchi who led the Roman people by the distribution of grain from the public granaries, and by the division of the lands were as great demagogues as any who support similar measures in this country.

The PRESIDING OFFICER, (Mr. BRIGHT.) The question is on the amendment of the Senator from Pennsylvania, [Mr. BRODHEAD,] to strike "twenty-five" out of the amendment of the Senator from California, [Mr. GWIN,] and insert "fifty."

Mr. PETTIT called for the yeas and nays; and they were ordered.

Mr. CLAY. I shall vote for that amendment, but I desire to say, at the same time, that I concur in every sentiment and word which was uttered upon it by my friend from Mississippi, [Mr. ADAMS.] I have, and intend at the proper time, to offer another amendment, which will graduate the price of the homestead in a proper proportion to the graduated price of the public lands, for I do not abandon the hope that we shall, ere the close of this session, adopt a graduation bill.

Mr. GWIN. I shall vote against the amendment of the Senator from Pennsylvania, because I think twenty-five cents will be a sufficient price, taking into consideration the five years' residence, and I wish, Mr. President, to make this statement to the Senate, and to the friends of the homestead bill. That proposition comes from an opponent of the bill; and his supporters, among whom is the Senator from Alabama, are also its enemies. Their amendments are intended to destroy the bill. I hope, therefore, its friends will stand by the proposition which I have offered, and vote down the amendment of the Senator from Pennsylvania.

The question being taken by yeas and nays, resulted, as follows:

YEAS—Messrs. Adams, Badger, Bayard, Benjamin, Brodhead, Butler, Clay, Clayton, Dawson, Evans, Fish, Hamlin, Houston, Hunter, Mallory, Mason, Norris, Pearce, Pratt, Rockwell, Thompson of Kentucky, Toombs, and Toucey—25.

NAYS—Messrs. Allen, Atchison, Bell, Bright, Brown, Cass, Chase, Dixon, Dodge of Wisconsin, Dodge of Iowa, Douglas, Fish, Geyer, Gillette, Gwin, Jones of Iowa, Jones of Tennessee, Pettit, Sebastian, Shields, Slidell, Stuart, Sumner, Thompson of New Jersey, Wade, Walker, and Weller—27.

So the amendment to the amendment was rejected.

Mr. WELLER. I understand the amendment of the Senator from Pennsylvania was to insert "fifty" instead of "twenty-five." I now move to strike out "twenty-five" and insert "fifty," together with the provision that at the end of five years the settler shall be entitled to the reduction of fifty cents upon every acre in cultivation. The effect of it will be simply, that at the end of five years the settler will be compelled to pay fifty cents upon every acre that he does not reduce to cultivation.

Mr. GWIN. If my colleague will reduce his amendment to writing, I may accept it.

Mr. WELLER. The Secretary can read it. The amendment was to strike out of Mr. GWIN's amendment "twenty-five cents per acre," and insert:

"Fifty cents per acre, payable in five years, to be returned for every acre which may, within that time, be reduced to cultivation."

Mr. PETTIT. I hope that will not be agreed to. I can see, in the future, thousands of difficulties which will arise out of it. There will be no end to the surveying of each tract of land, to know how many acres have, and how many have not, been reduced to cultivation. There will be no end to the increase of clerks in the Land Office to keep up a record of this matter. It seems to me there is nothing practical in the proposition.

Mr. WELLER. I had not supposed that any western man would be troubled in determining what "cultivation" meant. I think it is a matter which can be very easily attended to at the Land Office. My simple proposition is, that if at the end of five years the settler shall have reduced say sixty acres to cultivation, he shall only be compelled to pay fifty cents per acre upon that which he has not cultivated—fifty dollars, of course, for one hundred and sixty acres of land. I apprehend there would be no difficulty in determining it. It would require, of course, satisfactory proof at the Land Office that the settler had reduced a certain amount to cultivation. Upon what he had reduced to cultivation he would have nothing to pay. My object is to induce the settler to cultivate as much of the land as possible; and therefore, I hope the amendment will be agreed to.

Mr. PRATT called for the yeas and nays on the amendment to the amendment; and they were ordered, and taken with the following result:

YEAS—Messrs. Benjamin, Brodhead, Butler, Clay, Mallory, Rusk, Thompson of Kentucky, Toombs, and Weller—9.

NAYS—Messrs. Allen, Atchison, Bayard, Bell, Bright, Brown, Cass, Chase, Clayton, Dawson, Dixon, Dodge of Wisconsin, Dodge of Iowa, Douglas, Evans, Fessenden,

Fish, Fitzpatrick, Foot, Geyer, Gillette, Gwin, Hamlin, Houston, Hunter, James, Jones of Iowa, Jones of Tennessee, Mason, Pearce, Pettit, Pratt, Rockwell, Sebastian, Shields, Slidell, Stuart, Sumner, Thompson of New Jersey, Wade, and Walker—41.

So it was rejected.

Mr. WELLER. I move that the Senate adjourn.

Mr. BROWN. I ask for the yeas and nays upon that motion.

The yeas and nays were ordered; and being taken, resulted—yeas 27, nays 25; as follows:

YEAS—Messrs. Atchison, Badger, Bayard, Bell, Benjamin, Butler, Clay, Clayton, Dawson, Dixon, Evans, Fish, Fitzpatrick, Foot, Gillette, Hunter, Mallory, Mason, Norris, Pearce, Pratt, Rockwell, Sebastian, Thompson of New Jersey, Toombs, Toucey, and Weller—27.

NAYS—Messrs. Adams, Allen, Bright, Brodhead, Brown, Cass, Chase, Dodge of Wisconsin, Dodge of Iowa, Douglas, Fessenden, Geyer, Gwin, Hamlin, Houston, Jones of Iowa, Jones of Tennessee, Pettit, Rusk, Shields, Slidell, Stuart, Sumner, Thompson of Kentucky, and Walker—25.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, July 19, 1854.

The House met at eleven o'clock, a. m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

UNITED STATES COURTS IN BOSTON, NEW YORK, AND PHILADELPHIA.

Mr. STANTON, of Tennessee. The Committee on the Judiciary has had referred to it Senate bill (No. 38) "to provide for the accommodation of the courts of the United States in the district of Massachusetts." The committee has also had under consideration the condition of the courts in Philadelphia and New York. I would state to the House that the courts in the cities of Boston, New York, and Philadelphia are actually turned out of doors, and that there are no means by which the Government can provide for proper conveniences for them. The bill has passed the Senate on this subject, and I now desire the unanimous consent of the House to report it back, with amendments, in order that it may now be acted on.

There was no objection, and Mr. STANTON, from the Committee on the Judiciary, reported back the bill with amendments, and the recommendation that it do pass.

The committee's amendments were read and agreed to, as follows:

After the word "necessary" strike out the words "and permanent."

After the word "Massachusetts" insert the words "and in the cities of New York and Philadelphia."

Strike out the last part of the bill, which reads as follows: "For a term of not less than ten years, or by purchase; provided that no purchase shall take place except within the limits of an appropriation to be made by Congress," and in lieu thereof insert "until permanent accommodations can be provided as hereinafter proposed," so that the section will read, when amended, thus:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, authorized and empowered to provide necessary accommodations for the courts of the United States, and the officers connected with them, in the district of Massachusetts, and in the cities of New York and Philadelphia, by fitting up and leasing the same until permanent accommodations can be procured as hereinafter proposed.

Add, as an additional section, the following:

Sec. 2. And be it further enacted, That the President be authorized to procure, by purchase or otherwise, suitable sites for buildings to be used as court-houses and post offices, in the cities of Boston, New York, and Philadelphia, and that he prepare and submit to Congress, at as early a day as practicable, plans and estimates for the same.

Mr. STANTON. I will state, in a few words, that the bill, as it came from the Senate, authorized the Secretary of the Interior to make provision for permanent accommodations by a lease of not less than ten years. The Committee on the Judiciary propose to authorize the Secretary to make temporary arrangements for the accommodation of these courts, and then, by a second section, directs the President to procure sites for buildings either by purchase or otherwise. This mode of expression was adopted because it has been intimated to the committee that the city of New York would give to the Government of the United States a site for a court-house and post office in one of the public squares. That may, or may not, be so, and hence the words "by purchase, or otherwise," are used. The committee thought that as the necessity for these court-houses

and post offices is likely to be permanent, it would be economical on the part of the Government to provide for permanent buildings in these three cities. These courts are very important ones, and the gentlemen representing the cities concerned know that they are now actually turned out of doors.

In one or two of these cities they actually refuse to hold any courts, for want of places in which to hold them. From the city of Philadelphia we have had representations from grand juries, judges, and citizens, so that the fact is ascertained beyond any doubt that something must be done, or else justice will be at an end in these cities. I hope the bill will be passed by the House.

Mr. HOUSTON. I wish to call the attention of the gentleman from Tennessee for one moment to the phraseology in that part of the bill which proposes to make it necessary for the President to act—I mean that part of it which directs him to cause sites to be obtained. I think if the gentleman desires to accomplish the object he has in view, he had better employ such phraseology as will leave the matter discretionary with the President. In lieu of the words now employed, I would suggest the words “that he be authorized.”

Mr. STANTON. I accept the amendment. Mr. HAVEN. I do not rise to interpose any objection to the bill, but I would like to hear it read as it is amended.

The bill, as amended, was then read through by the Clerk.

Mr. HENDRICKS. I move further to amend the bill by inserting the city of Indianapolis, in the State of Indiana, as one of the points or places to be provided for in this bill.

I would say just one word to the House in support of this amendment. The business men of the State of Indiana met last winter on this subject, and instructed me to present the question to the House of Representatives, and also instructed the delegation of Indiana to support such a proposition. There is at present no place in the State of Indiana suitable for the Federal courts to hold their sessions. I do not know that I can add any argument which will enforce the necessity of adopting the amendment.

Mr. STANTON. I hope the gentleman from Indiana will withhold his amendment for the present. I assure him that the Judiciary Committee would not have asked the House to consider this bill at the present time, but for the fact that in these cities the Federal courts cannot be held. In the city of Philadelphia, I am informed, the papers connected with the courts are actually locked up in the vaults of one of the banks, because there is no proper place to keep them in. The whole world knows that the court-house in the city of New York has been recently burned down, and that in the city of Boston the courts are turned out of doors, and there is no place whatever for the sessions of the courts to be held in. I presume the gentleman from Indiana will not say that in his State there is this pressing necessity for a court-house; and I therefore hope that the gentleman will not press his amendment in this bill.

Mr. HENDRICKS. The Federal courts have no room at all in the city of Indianapolis. They hold their sessions in the Senate Chamber, which is by no means a suitable building for the purpose. The supreme court of the State of Indiana occupies rooms, so that at the time said court is in session, these rooms cannot be occupied by the Federal courts, and there is no suitable building for the Federal courts in the city of Indianapolis at all. The Senate Chamber is not fit for the purpose. And, therefore, it is that I think this is a proper time to have provision made for the city of Indianapolis in this bill.

Mr. STANTON. I ask the gentleman what he would propose to do when the State is divided into two judicial districts? Does not the gentleman propose to have it so divided?

Mr. HENDRICKS. No, I do not propose it, and I hope it will not be done. It is not necessary to divide the State of Indiana into two judicial

districts. One district does all the business which Indiana presents. I think this is as important a point for building a Federal court as any other proposed in the bill.

Mr. WASHBURN, of Illinois. If there are to be any amendments proposed to this bill, I will also propose to amend the amendment so as to have the State of Illinois come in for a share of the benefit, as there is great need for the erection of a Federal court there. But I am willing that this bill should go through as it is. However, if amendments are to be introduced, it is but fair that we should all have an opportunity of amending.

Mr. HENDRICKS. I am certain the gentleman from Illinois does not propose to embarrass my amendment. I ask him if the business men of his State have instructed him to present that proposition?

Mr. WASHBURN. I would state, in reply to the gentleman from Indiana, that my instructions are—the public good of my own State.

Mr. HENDRICKS. I am instructed to present the proposition I have offered by all the people of the State of Indiana interested in such business. That is my apology for asking the adoption of this amendment in the bill. The cities of Philadelphia, and Boston, and New York are much better able to provide buildings for the Federal courts than the city of Indianapolis is. I think, therefore, that my amendment should be adopted.

Mr. STANTON. I move the previous question.

The previous question was seconded, and the main question ordered to be put.

The question was taken on Mr. HENDRICK'S amendment to the amendment; and it was not agreed to.

The bill was then ordered to a third reading, and was subsequently read a third time, and passed.

Mr. STANTON. I move to amend the title so as to correspond with the amendment adopted. I move that the title be as follows:

Bill to provide for the accommodation of the courts of the United States in the districts of Massachusetts, Pennsylvania, and New York.

The amendment was agreed to.

Mr. CHANDLER. I move to reconsider the vote by which the bill was passed, and also to lay the motion to reconsider upon the table.

The latter motion was agreed to.

PUBLIC BUILDINGS.

Mr. CRAIGE. I ask the unanimous consent of the House to take from the Speaker's table a Senate bill, (No. 227,) for the purpose of having it referred to a standing committee.

No objection being made, Senate bill (No. 227) “to authorize the extension and completion of the Treasury buildings, and also the construction of a building for the War and Navy and Interior Departments,” was taken from the Speaker's table, read a first and second time by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. OLDS. I call for the regular order of business.

The SPEAKER. The regular order of business is the further consideration of the bill “to amend the act entitled an act to amend an act entitled an act to reduce and modify the rates of postage of the United States,” passed August 30, 1852. The pending motion is to refer the bill to the Committee of the Whole on the state of the Union; and upon that question the gentleman from Massachusetts [Mr. ELIOT] has the floor.

Mr. OLDS. If the gentleman from Massachusetts will yield me the floor a moment, I wish to give notice to the House that it is my intention to report to-morrow the post route bill, and I take this occasion to express a wish that those gentlemen who have post routes in which they are interested, and which they desire to have inserted in the bill, will to-day go to the committee room and see that they are in, and in correctly, too; for it

not unfrequently happens that the names of places are spelled wrong.

BILLS REPORTED.

Mr. EDMANDS, by unanimous consent, from the Committee on Invalid Pensions, reported the following bills; which were read a first and second time by their respective titles, referred to the Committee of the Whole House, and ordered to be printed:

An act for the relief of George J. Rallston;
An act for the relief of Joseph McMinn; and
An act for the relief of Asa Leach.

MAIL BETWEEN CALIFORNIA AND CHINA.

Mr. McDOUGALL. I ask the unanimous consent of the House to take from the Speaker's table, for the purpose of having it referred to a committee, a Senate bill in reference to steam communication between the Pacific coast and China.

No objection being made, Senate bill (No. 411) entitled “An act to establish a line of steamships between San Francisco, and Shanghai, in China, touching at the Sandwich Islands and Japan,” was taken from the Speaker's table, read a first and second time by its title, and referred to the Committee on the Post Office and Post Roads.

Mr. McDOUGALL also, by unanimous consent, presented the joint resolution of the Legislature of the State of California, requesting a weekly mail service between the Atlantic coast and San Francisco; which was referred to the Committee on the Post Office and Post Roads.

RATES OF POSTAGE ON NEWSPAPERS.

The House then proceeded to the regular order of business.

Mr. ELIOT, of Massachusetts, who was entitled to the floor, said: I have but a few words that I desire to add. Indeed I should not have entered into the discussion, but that the interests of my own State seemed so deeply involved that I feared it might betoken a remissness which does not by any means exist, if her voice were not heard at all. But I have heard that a friend and colleague from Massachusetts [Mr. WALLEY] designed to speak—so that it may be that, if my time had been more silently spent, it would have been more usefully passed.

But this is my argument: The bill, in order to be effectual, must double to the reader of mailed printed matter the post office charge. That would be, in effect, a tax upon the means of education, and upon intelligence, and would operate as a hindrance to the mental growth of the people. If the bill did not so operate, it would be because the printed matter now subject to charge would be distributed through other channels than the mail. In that case the bill itself would be of no benefit to the Department; so that to benefit the Department it must injure the people!

Such legislation is unwise, unless imperatively demanded by the poverty of the Government. That is not the fact at this time. Nor do the arguments advanced in support of the bill show a rightful necessity for such legislative action. The idea that, at this time, our Post Office establishment should sustain itself, is altogether erroneous. There are too many expensive post routes established, and too much free matter mailed, and too heavy ocean contracts entered into, to make it practicable, without such addition to our postage as would be intolerable. But if the theory were well founded, time enough has not elapsed since the reduction of postages to enable any one to say that, as a permanent establishment, it will not be self-supported.

Nor is it possible to pass a law by which they who use the office shall pay for the benefits of the office, and be just to the several States, without establishing different rates of charge in different sections of country, which no man who regards the Union would advocate. And the argument proves too much. The same kind of argument might be used against the erection of a custom-house at a port of entry, because that port of entry did not pay duties enough to defray the expense. The true theory, so long as one postal

establishment exists, is for the Government to pay a part, and the people a part. All are benefited. And the present system substantially effects that.

Mr. CAMPBELL. I call for the previous question.

The previous question received a second, and the main question was ordered to be put, being first upon the motion to refer the bill to the Committee of the Whole on the state of the Union.

Mr. PECK. I demand the yeas and nays on that motion.

The yeas and nays were not ordered.

Mr. DICKINSON. I move to lay the bill upon the table.

Mr. WASHBURN, of Maine. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken on Mr. Dickinson's motion; and it was decided in the affirmative—yeas 74, nays 67; as follows:

YEAS—Messrs. Appleton, Belcher, Benson, Bugg, Campbell, Carpenter, Chandler, Corwin, Cox, Crocker, Cullom, Curtis, Thomas Davis, Dawson, Dick, Dickinson, Eastman, Edwards, Thomas D. Eliot, Everhart, Farley, Florence, Giddings, Goodrich, Grover, Aaron Harlan, Harrison, Haven, Hughes, Hunt, Ingersoll, J. Glancy Jones, Kittredge, Knox, McCulloch, Mace, Matteson, Maurice, Middleswarth, Morgan, Murray, Andrew Oliver, Parker, Peck, Peckham, Pennington, Bishop Perkins, Pratt, Pringle, David Ritchie, Robbins, Russell, Sahlin, Sapp, Simmons, Skelton, Gerrit Smith, Sillers, Richard H. Stanton, John L. Taylor, Nathaniel G. Taylor, Upham, Vail, Wade, Walley, Wal-h, Elihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, Wheeler, Witte, Hendrick D. Wright, and Zollacofer—74.

NAYS—Messrs. Willis Allen, Ashe, Backs de, Bliss, Boyce, Bridges, Carnahan, Cha-tain, Chrisman, Clark, Cobb, Colquitt, John G. Davis, Dent, Dowdell, Durham, Edgerton, Edmundson, Faulkner, Franklin, Goode, Greenwood, Sampson W. Harris, Hastings, Hendricks, Henn, Hill, Houston, Johnson, Daniel T. Jones, Roland Jones, Keitt, Kerr, Kurtz, Lamb, Lilly, Lindsay, McDougall, McMullin, McNair, McQueen, Macey, Maxwell, John G. Miller, Millson, Morrison, Nichols, Noble, Olds, Orr, Packer, John Perkins Phelps, Powell, Puryear, Keady, Reese, Rowe, Seward, Shaw, William Smith, William R. Smith, George W. Smyth, Hester L. Stevens, Stratton, Trout, and Daniel B. Wright—67.

So the bill was laid upon the table.

Mr. WHEELER. I move that the vote by which the bill was laid upon the table be reconsidered, and that that motion be laid upon the table.

Mr. CLINGMAN. I demand the yeas and nays on the latter motion.

The yeas and nays were ordered.

Mr. HOUSTON. Is it in order to move that the House now resolve itself into the Committee of the Whole on the state of the Union?

The SPEAKER. It is.

Mr. HOUSTON. Then I submit that motion.

Mr. McMULLIN. I trust the gentleman will withdraw his motion until we can dispose of the business now upon the Speaker's table. There are some bills there which ought to be referred.

Mr. HOUSTON. If the House resolves to go to the business on the Speaker's table, the bill which was yesterday postponed until action was had on the Army bill, which is now under consideration in the Committee of the Whole, will come up first in order, and will have to be again postponed.

Mr. McMULLIN. We can informally pass that bill, and go to the other business upon the Speaker's table. It should be disposed of in one way or the other.

Mr. HOUSTON. I must decline to withdraw my motion.

Mr. DAVIS, of Indiana. I demand tellers on the motion.

Tellers were ordered; and Messrs. WHEELER and ROBBINS were appointed.

The question was taken, and the tellers reported—ayes 75, nays 59.

So the motion was agreed to.

ARMY APPROPRIATION BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. WRIGHT, of Pennsylvania, in the chair), and resumed the consideration of the bill "making appropriations for the support of the Army for the year ending 30th June, 1855."

The following paragraph having been reported by the Clerk:

"For repairs and improvements and new machinery at Harper's Ferry, \$39,200."

Mr. FAULKNER said: I was about offering an amendment to that paragraph when the com-

mittee rose yesterday. I now move to reduce that appropriation from \$39,200 to \$35,100.

The explanation of this reduction I can briefly state to the committee. There are three items embraced in the estimate, one of \$1,300, one of \$1,000, and one of \$1,800, in respect to which it is ascertained that the improvements contemplated have already been made there; and, therefore, there is no necessity for any further appropriation for them. While I make this statement, I deem it due to the superintendent at Harper's Ferry, and also to the Secretary of War, who presented the estimates to the House, to state that in document No. 1, pages 276-7, there is conclusive evidence to show that there was no intention to practice any deception whatever on Congress; because the fact is set forth in that document, that these improvements had already been finished. And, therefore, in point of fact, this estimate can be regarded in no other light than an act of mere carelessness and inattention on the part of those who made it out at Harper's Ferry. I move to reduce the appropriation to \$35,100.

[Cries of "Question!" "Question!"]

Mr. DICKINSON. I should like to ask the gentleman from Virginia whether these estimates embrace any expenditures which have already been made there?

Mr. FAULKNER. I have already stated to the committee, that they embrace three items of expenditure, where the work referred to has already been done and paid for. And while I state this fact, I deem it also proper to state, in justice to those who made these erroneous estimates, that they had themselves furnished, in document No. 1, page 276, evidence of the fact, that these estimates embraced improvements which had already been executed and paid for. So that it can be regarded in no other light than as a matter of mere carelessness and inattention, and should not reflect upon the fairness, honesty, or honor of those who made them.

Mr. DICKINSON. I wish to ask the gentleman if he is satisfied, from his own knowledge, that this application for this money upon the estimates is proper to be made, and such as the House ought to vote for?

Mr. FAULKNER. I am satisfied in reference to all the estimates which I have not moved to strike out, that the appropriations should be made, and those which I have asked to be stricken out, are estimates for works which have already been executed and paid for.

Mr. DICKINSON. I am opposed to the amendment, and my object, as the House will see, in asking these questions, was to allow the gentleman to put himself upon the record, with reference to these appropriations. He has signed a report which shows to this House, or states to this House, that great misappropriations have been made of the money appropriated for the Harper's Ferry armory; and, in consequence of that and similar statements, the House has been induced to vote that a change should be made in the superintendency of that work, as well as in other works.

Now, sir, if appropriations are asked for in this bill which can be dispensed with properly, and there is to be a change of the power which is to administer the Government there, it is but due to the incoming administration to allow it to make its own estimates, and its demands for such appropriations as in its judgment are wise and economical, and called for by a just regard for the interest of the Government in the manufacture of arms.

Mr. FAULKNER. Will the gentleman allow me to make one single remark? It is this: I am asking that these three items may be stricken out, after a full interview upon the subject with the Secretary of War, and with the knowledge of the head of the Ordnance Bureau. The explanation in reference to this matter will be found in Document No. 1, page 276, and I never saw or heard of it until yesterday, for if I had, it should have been brought to the attention of the select committee. In this I repair the wrong done to them in the report of the majority. My purpose is justice, so far as it can be obtained.

Mr. PECKHAM. Is it in order to move an amendment at this time to the amendment?

The CHAIRMAN. It is.

Mr. PECKHAM. Then I move to reduce the appropriation in line one hundred and twenty-one—

The CHAIRMAN, (interrupting.) That part of the bill is already passed.

Mr. PECKHAM. Is it irrevocably passed?

The CHAIRMAN. It is.

Mr. PECKHAM. Then I move to amend by providing that no part of the money; except \$40,000, shall be appropriated until six months hereafter. I suppose that amendment is in order. I wish to reduce the \$200,000 appropriation to \$40,000, for the manufacture of arms. Is that amendment in order?

The CHAIRMAN. It is not.

The question was then taken; and the amendment was not agreed to.

Mr. FAULKNER. I move the following amendment:

And the moneys derived from the recent sale of lots at Harper's Ferry, are also hereby appropriated, under the direction of the Secretary of War, for the purpose of improving the property retained by the United States at that place, who is also authorized to apply the remaining installments, as they become due, to the same object; and the Secretary of War is directed to make a report to Congress, exhibiting, in detail, the application made by him of the said proceeds of sale to the improvement of the Government property at that place.

Mr. FAULKNER said: The object of this amendment is to authorize the Secretary of War to make application of the proceeds of the sales of lots which has recently taken place at Harper's Ferry to the improvement of the Government works at Harper's Ferry. It appears from a statement which I hold in my hands from the Major of Ordnance, dated the 18th of May, that "the amount, up to the 31st of March, deposited in the Treasury on account of the sale of public lands at this armory, is about \$27,692 31; the amount in the hands of paymaster, and not yet deposited \$2,100—there remaining yet to be paid by the purchasers the sum of about \$28,854 52, which, together with the sales of unreserved ground authorized ultimately to be made by the report of the board of officers, will amount to at least the sum of \$90,800—not less." That is the amount arising from the sale of lots at Harper's Ferry. I propose by that amendment that, inasmuch as a new arsenal is required there, and other improvements of the public works are required, that the Secretary of War shall be authorized to make application of the sale of this Government property for the improvement of the Government works there, in such manner as, in his discretion and judgment, may seem best for the public interest. This was recommended by the Secretary of War, and is among the estimates laid before Congress. I will further add, that a similar provision passed the Senate at the last session of Congress, but was not acted upon favorably in this House. It strikes me that the application, in every point of view, will be just and proper. It is money arising from the sale of Government property.

The amount expended at Harper's Ferry is far short of what has been expended at Springfield in Massachusetts, for machinery and improvements. They are boasting of their superiority over us in the manufacture of arms, and are making it a matter for exultation that they are able to manufacture the musket one dollar and twenty-five cents cheaper than we can. That is owing to the fact that the Government has expended a larger amount of money at Springfield, in perfecting the machinery and affording other facilities, of which we have not the benefit. I ask, therefore, that this fund, not coming directly out of the public Treasury, but from the very spot where it is proposed to be expended, shall be applied, under the direction of the Secretary of War, to the erection of suitable buildings, and the purchase of such machinery as will put the armory at Harper's Ferry on an equality with its rival at the North. Can my friend oppose that? Is he inclined to see us taunted with inferiority in the manufacture of arms, when the superiority of the Springfield armory results alone from the greater expenditure made there by the Government? We have ample water-power and everything to compete with the Springfield armory, had we at Harper's Ferry the same conveniences of buildings and machinery which they at the North enjoy. I regret that the five-minute rule does not enable me to explain the justice of this proposition more in detail; but I am satisfied, if I had the opportunity of doing so, the committee would look with favor upon my amendment. When the War De-

partment determined upon a sale of the vacant lots at Harper's Ferry—

[Here the hammer fell.]

Mr. CRAIGE. This seems to me to be one of the most extraordinary moves for the expenditure of the public money that I have ever seen or heard of; but it is not more extraordinary than that the amendment should proceed from the source whence it does, and be supported by the argument with which it is. I thought the other day, when we were discussing the question of the superintendency of the national armories, that the great argument against the military system, and by which they endeavored to break it down, was, that under that system the expenditures were more extravagant than under the civil system, because of the larger appropriations for officers' quarters, &c. But is it possible, Mr. Chairman, that this committee will sanction the principle laid down by the gentlemen on the other side, that this money does not come out of the public Treasury? By parity of reasoning, New York should receive all the money collected at that city as duties over and above expenses. The same with Philadelphia. The public money, wherever collected, I apprehend, is taken from the people, and goes into the public Treasury. Therefore, I cannot see any force in the gentleman's argument, that, because the Government receives money from the sale of public property at Harper's Ferry, that money should be appropriated to that place.

I am satisfied of one thing, and that is, that the gentlemen who yesterday, or the day before, were so earnest in opposition to the extravagant expenditures at these armories, are not as earnest now. Circumstances, in other words, alter cases. When endeavoring to break down the military system the expenditures were too extravagant, and by the use of such arguments they succeeded in what they proposed. Now that Harper's Ferry is to be benefited, these appropriations are all right. Indeed, we have one of those extraordinary exhibitions which I always regret to see.

Mr. FAULKNER. I am sure that the gentleman would not speak as he does if he had heard my remarks made yesterday. I expressly disclaimed then making any assault on the military system because of the expenditures, either at Harper's Ferry or Springfield.

Mr. CRAIGE. Very well. But I was going on to say that I was more surprised still at the other argument made by the gentleman, that this appropriation should be granted because it was for the South. I am asked as a southern man to vote for the appropriation. I have always been opposed to these sectional appeals. They are made now on all occasions. We cannot have a miserable appropriation for \$10,000 before us without being asked, either as northern or southern men, to give it our support. The gentleman should recollect the noble sentiment of one for whom he professes to have a great reverence, at least in as small a matter as this, to know no North, no South, no East, no West. If there are any further reasons to be assigned for voting the amendment, I should like to hear them; but until I hear something more convincing than I have yet heard, I shall vote against it.

Mr. KEITT. I desire to ask the Chair if an amendment is in order at this time?

The CHAIRMAN. An amendment is in order. Mr. KEITT. Then I move to strike out the words "Secretary of War," and substitute the following: "under the management of the superintendent, who shall be a practical mechanic, and shall not have held political office."

It is scarcely necessary for me to say, Mr. Chairman, that I have entire confidence in the Secretary of War. His exploits in the field have illumined our banner, and his wisdom in legislation has benefited the whole country. Then I cannot be supposed to refer to him. I offer the amendment as pertinent to the action of the committee upon that portion of the bill now under consideration, which relates to the management of the armories. Sir, I was for giving the widest range to the Administration in the selection of suitable persons to manage these institutions. I was opposed to any invidious discrimination between the various pursuits of the country. I was opposed to the recognition of classes as hostile to the theory of our Government. These are works common to all the country, and are supported by taxes paid by every section into the Treasury, and

my constituents are interested in their profitable and economical management. I shall not tax my constituents to quarter the constituents of any one upon funds thus levied.

But, sir, the committee have acted upon this matter, and let us see its action. The armories were put by law under the Ordnance Department, and the President was authorized to select the most suitable person to manage them. The committee have restricted his discretion, and limited him to a choice among "civilians," as they are termed. Why this change? Mr. BELL, of Tennessee, in 1841, when Secretary of War, appointed a member of the Ordnance Corps to these armories, from a desire, he said, in his testimony before us, to rescue these works from partisan favoritism.

Now, sir, I ask if this Democratic Congress, with eighty majority, and with the prestige of unparalleled success throughout the country, has been reduced to the "lean and slipped condition" of throwing the armories back again into the furnace of party? But, sir, gentlemen who were unsparingly zealous for the change, urged that the great mechanical interest of the Government had a right to these offices. Sir, I recognize no man's right to any office; but these gentlemen zealously urged such right.

The cry was, "working mechanics should be put at the head of these armories." Sir, I believed that this cry was only for effect—now I intend to test it. I believed that politicians were to be put into these superintendencies as a reward for partisan services, and not mechanics, as a tribute to American genius and skill. In this contest between the politician and the mechanic, I am in favor of the mechanic, and I want to test the sincerity of this clamor for the mechanical interest. Sir, one would think, from the impetuous professions here of favor for the mechanics as a class, that the "Know-Nothings" had terrified the Democracy from the embraces of the foreigners, and that, in their alarm, they are convulsively hugging the mechanics. Now, sir, I do not want a time-serving embrace; I want a manly and honest one. I want the committee to support the mechanic against the politician, and not use the mechanic merely to promote the interest of the politician.

I am opposed, as I said before, to any invidious discriminations among our citizens; but if gentlemen are determined to make them, I desire that they be made sincerely and faithfully. If they must be made, I prefer the mechanic to the politician, and I hold gentlemen to that distinction, when they have made it, as the least dangerous. Sir, I do not want a jaded, and broken-down, and spavined politician in these offices. My constituents pay a portion of the taxes, and I want to quarter no politician upon their earnings.

Sir, I cannot think that the Democratic party need to make capital out of the offices at these armories, which were rescued from political favoritism by a Whig Administration, and which act has been approved by every subsequent Democratic Administration. Now, sir, if the object is not to extend the patronage of party, and make political capital out of these offices, but if the object be sincerely to benefit and honor the mechanical interest, let this amendment be adopted.

Sir, I cannot be told that the President should have a wider discretion than what they call the class of mechanics. Sir, I urged unrestricted discretion as important to the public interests; but I was met with the avowal that the mechanics had a right to these offices. If they have such right, do not defraud them out of it. The committee, sir, have expressed their motives for a change; have given as a controlling reason, the right of the mechanics, and now I ask the committee to carry out its purposes in good faith—I want no political speculation.

Sir, I may say in conclusion, that I have full confidence in the Administration, and that I believe that the principles of the Republican party in their entire integrity, are lodged only in the Executive department so far.

Mr. LETCHER. This seems to be a strange sort of doctrine, that military men have no politics. Why, look at it. Is not the President a military man? Are not the Secretary of War, Colonel Davis, and the Attorney General, Mr. Cushing, military men? And is it not notorious that one third of the members of this House, just after the Mexican war, were military men?

Mr. CRAIGE. I rise to a question of order. The gentleman from Alabama [Mr. HOUSTON] introduced a proposition that the Committee of the Whole should be governed by the same rules that we have in the House.

The CHAIRMAN. The Chair decides that the gentleman from Virginia [Mr. LETCHER] is in order.

Mr. LETCHER. I am replying to the gentleman from South Carolina, [Mr. KEITT.] Now, sir, I say, so far as this matter is concerned, that when the gentleman undertakes, by his amendment, to place these armories in the hands of those who have no politics, he will have to go somewhere else than to the Army to find them.

Mr. KEITT. I said that if such an amendment were not adopted, the armories would be under the control of politics.

Mr. LETCHER. Then if they are under the control of politics now, what is the use of all the fuss that is being made about it? If the Army officers are just as much politicians as civilians, what is the use of the gentleman from South Carolina talking about broken-down politicians who have rendered services at the hustings?

Mr. KEITT. I do not say the Army officers are politicians, but I say that when the armories are put under the control of politics as argued here, that even officers would be brought under that control.

Mr. STANTON, of Kentucky. Will the gentleman from Virginia have the goodness to yield me the floor for a moment?

Mr. LETCHER. Certainly.

Mr. STANTON. What I desire to say is this, and I challenge contradiction of the statement, that during the forty-seven years in which these armories were under civil control, not a single man was removed for political causes, and moreover, nearly every man who occupied a position in them died in office or resigned.

Mr. CRAIGE. I apprehend that the Chair did not understand my point of order.

Mr. LETCHER. Gentlemen are creating a great deal of disorder here unnecessarily, by interrupting me. [Laughter.]

Mr. CRAIGE. I made my point of order on the gentleman from Virginia, and I would make it on any other gentleman in the House sooner than on him.

Mr. LETCHER. Oh don't make me an exception.

Mr. CRAIGE. The amendment offered by the gentleman from South Carolina, [Mr. KEITT.] is, that this appropriation, so much desired by my friend from Virginia, should be disbursed under the direction of a mechanic.

Mr. KEITT. That the superintendent should be a practical mechanic.

Mr. CRAIGE. Exactly. His amendment is, that the superintendent hereafter to be appointed at each of these armories, must be a practical mechanic. My friend from Virginia opposed that amendment on the ground that the gentleman from South Carolina proposes to put them under military superintendence. Now, it is no such thing.

Mr. LETCHER. The gentleman from South Carolina also proposed that the superintendent should have held no political office.

A MEMBER. No, sir.

Mr. LETCHER. Well, something of that sort.

Several MEMBERS. Yes.

Mr. LETCHER. I thought it was so. Now, if the gentleman had talked about placing these armories under mechanics, yesterday or the day before, or whatever day he was making his speech before the House, I should have been very much inclined to listen to him with rather more favor than I am inclined to listen to him now. But he made no such point yesterday, merely contending that the armories should be under military superintendence. This is a point on which he falls back with the hope of saving himself by it. The gentleman thought yesterday that none but military men should have charge of these establishments, and now he turns around, and thinks that they should be in charge of mechanics.

Mr. KEITT. My desire is that if civil superintendents are to be appointed, they shall be selected from the ranks of mechanics, so that you shall not

"Hold the bud of promise to the ear,
And break it to the hope."

Mr. LETCHER. Then if the House has determined that the man who has charge of these armories shall be a civilian and a mechanic—

Mr. KEITT, (interrupting.) He is to be a civilian, and the argument was that he should be a mechanic.

Mr. LETCHER. I do not think that the argument was exactly that the superintendent should be a mechanic. But whether it was so or not, I take it that the gentleman who has charge of the armory, is just as competent, if a civilian, to disburse this fund wisely, as any military gentleman that might be appointed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina to the amendment.

Mr. SEWARD. I ask for tellers.

Tellers were ordered; and Messrs. PRESTON, and BAYLY of Virginia, were appointed.

The question was taken; and the tellers reported—ayes 43, noes 80.

So the amendment was not agreed to.

Mr. INGERSOLL. I offer the following amendment:

To William W. Eaton, of Connecticut, for expenses and services as legal adviser employed at the suggestion of, and before the Army commission, sitting at Springfield, Massachusetts, in the summer of 1853, sixty-three days, at eight dollars per day, \$504.

Mr. HOUSTON. That is not in order; it is a private claim.

Mr. INGERSOLL. I will state that this is recommended by—

[Cries of "Order!"]

Mr. INGERSOLL. I wish to make a single suggestion, and I think the Chair will be inclined to rule the amendment to be in order.

The CHAIRMAN. The Chair decides the amendment to be not in order, and the gentleman can make no statement in reference to it. Does the gentleman appeal from the decision of the Chair?

Mr. INGERSOLL. I will appeal, if I can have the opportunity of making a statement to the committee.

The CHAIRMAN. The appeal will not be debatable.

Mr. INGERSOLL. Then I do not appeal.

Mr. HOUSTON. I move the following amendment, and ask for the question upon it:

At the end of line one hundred and twenty-eight, insert the following words:

For military and geographical surveys west of the Mississippi river, \$25,000.

The amendment was agreed to.

Mr. HAVEN. I desire to offer a small amendment, by the recommendation of the Committee of Ways and Means, and also by the Department. Before offering it, however, I desire to say a word, and it is all I shall say in reference to it. It is for the purchase of the planetarium which we have seen in the rotunda of the Capitol. It is thought that it may be useful to the students at West Point. There may be a difference of opinion in reference to it, but I offer the amendment appropriating \$2,000 for that purpose.

The amendment was read, as follows:

For the purchase of Barlow's planetarium for the use of the Military Academy at West Point, \$2,000.

The amendment was agreed to.

Mr. McDUGALL. I move to amend by inserting the following:

For continuing the exploration and survey to ascertain the best route for a railway to the Pacific, and for completing the reports of surveys already made, the sum of \$150,000.

Mr. LETCHER. I raise a question of order on the amendment.

Mr. McDUGALL. The appropriation is estimated for and recommended by the War Department. I send a letter from the Secretary of War to the Clerk's desk in relation to the matter, which I ask may be read.

The CHAIRMAN. Have appropriations been made heretofore for the same object?

Mr. McDUGALL. There have been.

The CHAIRMAN. Under the gentleman's statement the Chair will entertain the amendment.

Mr. HOUSTON. There has been appropriations for the general object; but I would ask the gentleman from California whether his amendment does not contemplate the exploration and survey of entirely new routes?

Mr. McDUGALL. The appropriation of the last session was for the general purpose of explo-

ration and ascertainment of a practicable route. My amendment proposes an appropriation for precisely the same purpose.

Mr. HOUSTON. I understand that the appropriation of the last session was for the survey of a route or routes; that those routes have nearly all been surveyed, and that an appropriation was made in the deficiency bill to complete the surveys. This appropriation, I understand, is for new routes. If my understanding be correct, then I contend that the amendment is not in order.

Mr. McDUGALL. The appropriation of the last session was not made for the survey of any particular route, but for the general purpose of an examination of the country between the Mississippi river and the Pacific coast, for the ascertainment of some practicable route. No one route has been completely surveyed. The object of the appropriation made at the last session has not been accomplished, and my amendment merely proposes to carry out what was begun at the last Congress, and to continue the surveys until some route is determined on.

Mr. HOUSTON. Does the gentleman's amendment contemplate the completion of the routes already surveyed, or the survey of new routes? I repeat, that, if it contemplates new routes, I contend that it is not in order.

Mr. McDUGALL. There were no particular directions accompanying the appropriation made at the last session, excepting that the country between here and the Pacific coast should be examined and surveyed. It did not relate to any particular survey, but provided for the ascertainment of a practicable route.

The letter of the Secretary of War was read by the Clerk, as follows:

WAR DEPARTMENT, July 18, 1854.

SIR: In reply to your letter of the 15th instant, I have the honor to state that it will be seen, by reference to my annual report, and also to my report to Congress on the "first Monday of February" last, that the appropriation made at the last session of Congress to ascertain the most practicable route for a railway to the Pacific, had not been found sufficient to cover thoroughly the vast extent of territory to be explored before that problem could be satisfactorily solved.

The surveys, as far as they have been reported to this office, have failed to indicate any route across the Sierra Nevada range, and adjacent mountains, which is not attended with serious obstacles to the location of a railroad. For the full development of much valuable information collected by the parties charged with those surveys, it will be necessary to have additional means, and to occupy more time in the preparation of a report on the material collected by these parties, than was formerly contemplated. I therefore, in compliance with your request to estimate for continuing the exploration and survey to ascertain the best route for a railway to the Pacific, and for completing the reports of the surveys already made, the sum of \$150,000.

This estimate is not given in detail, from the impracticability of designating the routes to be hereafter surveyed, until the results of the labor already performed have been reported to this office, and the difficulties to be overcome are better understood.

Very respectfully, your obedient servant,

JEFF. DAVIS, Secretary of War.

Hon. J. A. McDUGALL,
Chairman Select Committee on Pacific Railroad.

Mr. McDUGALL. It is well understood by the committee at this time, that the Department undertook to survey two different routes to the Pacific—a northern route and southern route. A partial attempt was made to survey the central route. The surveys of neither the northern or southern routes have been completed; and but little labor has been bestowed in the investigation with regard to the central route. No examination and no exploration at any one point in the great mountain barrier, the Sierra Nevada, which lies along the Pacific, has been made. That whole range of mountains will have to be explored and examined, in order to determine the problem of the practicability of a railroad over that route. The small sum of \$150,000, for a great purpose like this, is altogether inconsiderable. The surveys of the railroad routes to the Pacific have been already commenced, and the appropriations made at the last session of Congress will be to a great extent lost, unless further appropriations are made. I believe this is well understood by the committee, and I ask that the request of the Secretary of War be complied with, and that the surveys be made.

Mr. WASHBURN, of Maine. I oppose the amendment of the gentleman from California, but I will say that I think it is right.

Mr. COBB. I move to strike out the word "fifty," so as to leave \$100,000.

I admit that the work of building a railroad to

the Pacific is a great enterprise, but I have been called to act upon surveys made by individuals, for which we appropriated \$150,000 at the last session of Congress, and what information have I obtained from those surveys which has resulted in anything practicable? I have been less fortunate than many of my colleagues, with whom I have been connected on the select committee. You have had very little information as to the expenditure of the \$150,000, which appropriation was made so that we might arrive at some particular conclusion as to the practicability of the construction of a railroad from the Mississippi to the Pacific ocean. I have never questioned the propriety of such a construction. But we have expended that \$150,000; and the application now is that we appropriate \$150,000 more for the same purpose. And now that we have received all the information that these engineers are able to give us on this subject, what is the result? Why, according to our own proposition, the construction of the work is to be left to private enterprise. We may give them the measures and boundaries, but the work is to be solely under private supervision. We may say that the line is to start at certain points, and to end at certain points; but that is all the control we have over it. We make—if the bill pass—an appropriation of land and money for the purpose of aiding in the construction of the road; but do you suppose that the companies who take the matter in hand are going to be guided by the surveys we have caused to be made? Certainly not. True, the result of these surveys may furnish them with an outline from which they will draw their own conclusions; but that is all. We leave them to determine for themselves how this road shall be constructed. And yet we are asked here to appropriate \$150,000 more for these surveys. Now, I ask, is that proposition politic? Is it right? Is it necessary? Can any good result from it? These are the questions which ought to influence us. True, we may, from these reconnaissances, get some general information in relation to the geography of the country which may result in good; but if that is all the benefit we derive from it, it is not worth the \$300,000 we will have expended. Sir, I am opposed to the proposition. I want to see some practical good growing out of the appropriation of \$150,000 which we have already made. And when it is clearly demonstrated to me that this further appropriation is necessary, I may be willing to vote for it, so as to consummate the object designed.

Mr. McDUGALL. The gentleman from Alabama [Mr. Cobb] was at one time exceedingly anxious to obtain information from the Government offices in relation to these explorations; but his anxiety must have decreased considerably, or he would have learned that there are in the War Department profiles of two lines of road, extending, one from Fort Smith, through New Mexico, to the river Colorado, and one extending from the Upper Mississippi to the Columbia river. Profiles of both lines have been prepared, showing that one of them is altogether practicable, and that the other is unresolved as to a few points. He would find, also, that under that appropriation of \$150,000 which he speaks of, a survey had been made from San Antonio, by El Paso, to the city of San Angelo, in the State of California. And he would find that a profile of that road has been made, leaving, however, a number of points undetermined. And he would further find that the question of the practicability of railroads to the Pacific has been substantially solved—that a line can be constructed by the South, but only by the South. Now, if a road is to be constructed to the Pacific, it is to be constructed as a great national work. And if we have ascertained and determined that we can build a railroad there by the South, let us also ascertain, if you please, whether we can construct another by the North. Let us have the information in all other directions as we have had in the southern direction. But the surveys of the southern line are incomplete; undoubtedly some of the most important points are yet undetermined. And it is as important to the gentlemen of the South as it is to the gentlemen of the other parts of the Union, that these surveys should be completed.

Mr. COBB. Some time since, when the question of these appropriations was up, the gentleman from California seemed to think that \$50,000

would be sufficient; and now he comes and asks you for \$150,000 more.

I understand that Governor Stevens has made an exploration of the northern route, and made surveys, and has ascertained the practicability of that route. The practicability of a southern route is also established. If it is necessary to ascertain the practicability of the middle route, let us appropriate \$50,000, or even \$100,000.

Mr. McDougall. I suggested \$50,000. I think it important to determine two points: one is Noble's Pass, and the other is in our coast range. I submitted the matter to the Secretary of War, whose business it is to understand this matter, and he thinks that, in order to carry on the surveys, \$150,000 will be required. I suggested, when this subject was up before, the sum of \$50,000, because I thought that would be sufficient.

Mr. TAYLOR, of Ohio. I move to amend by making the words "survey" and "exploration" "surveys" and "explorations."

I do not wish to detain the committee; but every one will see that there are three surveys going on, with a view to a route for a railroad to the Pacific.

Mr. McDougall. I will accept the amendment.

Mr. TAYLOR. I have offered the amendment, and I propose to say a word or two upon the subject. I am not disposed to trouble the committee, and I am willing to enter into a bargain with the committee not to speak any more for the next ten days, but to proceed to vote upon the bills as they come up. But the Pacific railroad is a great national work, and there are three routes under survey and exploration. I am willing to make this appropriation, as it is recommended by the Secretary of War, and by those by whom the explorations are made, and who ought to be best informed upon the subject. I have conversed with Governor Stevens, who made one of the explorations. And I understand that this additional appropriation is necessary to carry on the surveys of the northern, the central, and the southern routes. Besides, my friend from Alabama [Mr. Cobb] is wrong in stating that an appropriation of \$150,000 was made at the last Congress for these explorations. I think it was but \$100,000. Although, as a member of this body, I am desirous of having one great thoroughfare to the Pacific, which will make quick time, yet I believe the opinion is fast gaining ground that we shall ultimately have three grand railroads to the Pacific ocean, in order to satisfy the demands of the travel and transportation of this great empire; and, sir, I, for one, am willing to make this little appropriation to carry on the explorations until we get all the information necessary to a correct understanding of the subject. I think, by making the appropriation, as recommended by the Secretary of War, and desired by the gentleman from California, and as imperiously demanded by the state of these surveys and explorations, we shall be performing a public duty, and I therefore hope the appropriation will be made.

Mr. McDougall. I accept the amendment of the gentleman from Ohio.

Mr. LETCHER. I move to reduce the appropriation contained in the amendment to fifty cents.

At the last Congress, when those surveys and explorations were undertaken, we appropriated the sum of \$150,000, with the assurance that that was ample to procure all the information that Government might need for the location of a route between here and the Pacific ocean. Well, sir, this \$150,000 was expended, and during the present session we have appropriated \$40,000 as a deficiency; and now it is proposed to make a further appropriation of \$150,000 for additional surveys and explorations of this country.

Mr. McDougall. Did I understand the gentleman to say that the assurance was given that \$150,000 would be sufficient to complete these surveys?

Mr. LETCHER. It was stated in the discussion upon this subject, at the last Congress, that that sum would be enough for the purpose. It was then represented that this survey was very important, and that this little sum of \$150,000 was all that was needed for the purpose of getting all the information needed in regard to that country.

But it is said now that there is another large

tract of country that must be examined and explored, and that another appropriation is needed for this purpose. Now, sir, I will venture to say, that in the exploration and examination of that whole country you can as well expend \$5,000,000 just as wisely and properly as the \$150,000 which it is now proposed to appropriate.

Sir, how long is this thing to go on? Is it never to stop? Sir, we have had no report from the parties who went out on this expedition last year. It may be that if the report of that exploring expedition was before the House, we should find that we have already all the information that is necessary; that we have a practical route—all that is required by the Government—for this road. It would be better, far better, that we should wait and ascertain the result of the surveys and examinations which we have already authorized and paid for, before we undertake to make provision to obtain information in reference to some other route. I do not understand that we are going to construct three or four roads; and if we do not intend to do this, what do we want with three or four routes? If there is one practicable route, that is all gentlemen need desire. I hope that before the House makes any further appropriation they will ascertain the result of the appropriations they have already made for the accomplishment of this object.

Mr. WASHBURN, of Maine. I hope the amendment of the gentleman from Virginia will not prevail. The gentleman stated that it was understood at the last Congress, when the appropriation of \$150,000 was made that that was all that would be required for these surveys and explorations. Sir, I did not so understand it. I did not vote with that expectation. I supposed that a like sum would again be required; and if it is necessary to accomplish that purpose I am as willing to vote for it as I was to vote for the original appropriation. I understand that the appropriation is needed for the surveys which have already been commenced, and which are incomplete.

Mr. Chairman, the advantages we shall derive from the information obtained through these surveys, as far as pertains to the railroad, will be very important. It will justify all the expenses of a practical and feasible route to the Pacific. But aside from that consideration, much valuable topographical, geographical, geological, and botanical information will be obtained. The information that will be obtained will compensate one hundred fold for the expenditure which will be incurred. I hope that the amendment will not prevail, and that, without further discussion, the vote will be taken, and the amendment of the gentleman from California adopted.

The question was taken on Mr. LETCHER's amendment; and it was disagreed to.

Mr. SOLLERS. I demand tellers on the amendment of the gentleman from California.

Tellers were ordered; and Messrs. EWING and CURTIS were appointed.

The question was taken on Mr. McDougall's amendment, and it was adopted; the tellers having reported—ayes 89, noes 34.

Mr. RICE. I offer the following amendment:

For completing the military road from Mendota to the Big Sioux river, in Missouri, in accordance with the estimate made by the Secretary of War, \$52,475 68, said money to be expended under the direction of the War Department.

Mr. HOUSTON. I make the question of order, that the amendment is not germane to this bill. These appropriations have been made heretofore in other bills, and not in the Army appropriation bill.

Mr. WHEELER. Would not the same reason apply to the last amendment?

The CHAIRMAN. The Chair would inquire if this road has been the subject of previous appropriations by Congress?

Mr. RICE. It has.

The CHAIRMAN. The Chair decides that the amendment is in order, upon the ground that appropriations have been made by Congress upon the same subject heretofore.

Mr. LETCHER. With great respect to the Chair, I appeal from that decision.

Mr. WASHBURN, of Illinois, demanded tellers on the appeal.

Tellers were not ordered.

The question was then taken; and the decision

of the Chair was overruled, and the amendment decided to be out of order.

The following clause was then read:

"For fuel and quarters, and for mileage, or transportation for officers and enlisted soldiers of the Army serving in the Coast Survey, in cases no longer provided for by the quartermaster's department, \$10,000."

Mr. STANTON, of Kentucky. I move to strike out that clause.

Mr. SMITH, of Virginia. I desire to amend the clause, before the question is taken on striking out, by adding the following proviso:

And provided that no mileage or transportation shall be allowed by this act, in any case, to officers, for themselves and their baggage, over and above the sum actually and necessarily paid therefor.

I will state to the committee, that there has already been an appropriation of \$12,000 provided in this bill for officers' transportation. The committee also understand that there is, by law, an allowance made to officers of ten cents for each mile they travel. Under that provision it can readily be seen there is a very large degree of favoritism practiced; not that I charge anything specially at this time.

Mr. PECKHAM, (interrupting.) Will the Chair be kind enough to have the amendment read again?

The amendment was again reported.

Mr. PECKHAM. I submit that that amendment is not in order, and not germane to the provision.

The CHAIRMAN. The amendment is in order.

Mr. SMITH. If the gentleman from New York had been giving his attention to the subject, he would have seen that the amendment was in order. But I am now addressing myself to the Chair. The amendment which I have proposed is, it will be seen, a proper one. As I was going to remark when I was interrupted, the committee understands that there is a law allowing ten cents per mile to officers for mileage, transportation, &c. Under that clause, as is well known, there is a great deal of favoritism practiced. Not that I want to charge it upon anybody particularly, but I believe a great amount of favoritism has been practiced, because if an officer travel and receive ten cents a mile, and actually disburse but three cents, you can see there is a great advantage in his being sent to travel. I propose to correct this, and to provide by this amendment that the officer shall only receive that which he actually and necessarily expends. And that is just, as it seems to me. The question is therefore submitted to the intelligence of the committee, and to its justice, without further observation on my part in support of it.

Mr. STANTON. My proposition now pending is to strike out the whole section; and I desired, if the floor had been assigned to me, to make the same motion in relation to the preceding section. My object is pretty much the same as that of the gentleman from Virginia, [Mr. SMITH,] and he saves me the necessity of saying anything in support of that view of the subject. But I have another purpose to accomplish. I wish to bring to the attention of the House and the country the important fact, that there are over one hundred of the officers of the Army and Navy taken from their regular professional duties, and employed in superintending the construction and management of the light-houses, and engaged upon the Coast Survey—duties which are of a purely civil character, and which might be performed quite as well by citizens who do not hold commissions for life. That the country may know who these officers are thus engaged in civil duties, I will give their names in my printed remarks. Here is a letter from the Secretary of the Light-House Board, giving the names of the officers employed in that service:

THE TREASURY DEPARTMENT,
Office Light-House Board, March 11, 1854.

SIR: In reply to your communication of the 9th instant, asking for a "list of the officers of the Army and Navy employed in the light-house establishment, giving names, rank, compensation, when appointed to such service, and under authority of what law," I have respectfully to report, that the following is a list of all officers of the Army and Navy who have been ordered by their respective Departments to perform service of any description on account of the light-house establishment:

Under the act of Congress approved August 31, 1832, section 8, chapter 112, the following officers are employed as members of the Light House Board, which was organized on the 9th of October, 1852.

Commodore William B. Shubrick, United States Navy;

Commander S. F. Dupont, United States Navy; Lieutenant Thornton A. Jenkins, United States Navy; General Joseph G. Totten, Chief United States Corps of Engineers; Colonel James Kearney, Corps of Topographical Engineers; Captain E. L. F. Hardcastle, Corps of Topographical Engineers.

Under the twelfth section of the above act, the following officers of the Army and Navy are employed as inspectors of the light-house districts, required by the act of Congress to be arranged:

1st district. Lieutenant W. B. Franklin, Corps of Topographical Engineers; appointed inspector December 21, 1852.

2d district. Lieutenant Samuel R. Knox, United States Navy; appointed inspector April 11, 1853.

3d district. Lieutenant A. L. Case, United States Navy; appointed inspector May 10, 1853.

4th district. Lieutenant James S. Biddle, United States Navy; appointed inspector January 10, 1854.

5th district. Lieutenant A. M. Pennock, United States Navy; appointed inspector December 14, 1852.

6th district. Captain D. P. Woodbury, United States Corps of Engineers; appointed inspector December 21, 1852.

7th district. Lieutenant G. L. Selden, United States Navy; appointed inspector May 16, 1853.

8th district. Captain D. Leadbetter, Corps of Engineers; appointed inspector December 21, 1852.

9th district. Lieutenant W. W. Stephens, Corps of Engineers; appointed inspector November 18, 1853.

10th district. Captain J. C. Woodruff, Corps of Topographical Engineers; appointed inspector December 21, 1852.

11th district. Captain L. Sitgreaves, Corps of Topographical Engineers; appointed inspector December 21, 1852.

12th district. Captain J. D. Webster, Corps of Topographical Engineers; appointed inspector January 24, 1854. (Not yet entered upon his duties.)

The following engineer officers of the Army are charged with the superintendence of construction and repairs of light-house works in the vicinity of their military stations, in addition to the appropriate duties of their corps under the War Department, in conformity to the ninth section of the act of Congress, approved March 3, 1851, chapter 38, in the following words: "And he is further enacted, That the President be, and he is hereby, required to cause to be detailed from the Engineer Corps of the Army, from time to time, such officers as may be necessary to superintend the construction and renovating of light-houses."

Major C. A. Ogden, Corps of Engineers, second district, Boston, April 9, 1853.

Major W. D. Fraser, Corps of Engineers, third district, New York, August 4, 1853.

Lieutenant G. G. Meade, Corps of Engineers, seventh district, Key West, March 16, 1853.

Under the above recited section, the following officers are charged with certain specific works, viz:

Major Hartman Bache, Corps of Topographical Engineers, charged with the superintendence of the construction of a light house in Chesapeake bay.

Captain Henry Brewerton, Corps of Engineers, charged with the erection of a small light on Fort Carroll, now in course of construction by him.

Captain J. F. Gilmer, Corps of Engineers, charged with the superintendence of the erection of a small light in Charleston harbor, near the military works under his charge.

Major J. G. Barnard, Corps of Engineers, charged with the placing and fitting of the illuminating apparatus in the light-house at Fort Point and Alcatraz Island, where this officer is charged with the erection of fortifications.

It would seem proper to add, in this connection, that General Totten and Colonel Kearney, members of the Light-House Board, and Captain Woodbury and Lieutenant Stephens, inspectors of the sixth and ninth light house districts, discharge the duties of the light-house establishment, in addition to their appropriate military duties.

Officers of the Army and Navy performing duty under the light house establishment, (by the seventeenth and twelfth sections of the act of Congress approved August 3, 1852, chapter 112,) are prohibited from receiving for such service any other pay or emoluments than those to which they are entitled by law for the performance of duty in the regular line of their profession.

Very respectfully, your obedient servant,

THORNTON A. JENKINS,
Secretary Light-House Board.

Hon. P. G. WASHINGTON,
Assistant Secretary of the Treasury, Washington.

Here, also, are the names of the Army and naval officers employed on the Coast Survey, as furnished by the Superintendent, Professor Bache:

List of Army officers attached to the Coast Survey on the 4th March, 1854.

Rank.	Name.
1	Captain Topographical Engineers.. Thomas J. Cram.
2	Capt. and bvt. major 4th artillery.. Henry Prince.
3	Captain engineers..... H. W. Benham.
4	Captain 3d artillery..... E. O. C. Ord.
5	Captain Topographical Engineers.. Wm. R. Palmer.
6	Captain 2d artillery..... A. A. Gibson.
7	1st lieutenant 2d artillery..... James Totten.
8	Do..... do..... D. T. Van Buren.
9	1st lieutenant 4th artillery..... Joseph C. Clarke.
10	1st lieutenant and bvt. capt. 2d dragoons.. James Oakes.
11	1st lieutenant engineers..... E. B. Hunt.
12	2d lieutenant and bvt. capt. engineers.. J. G. Foster.
13	2d lieutenant 5th infantry..... A. H. Seward.
14	2d lieutenant engineers..... W. T. Trowbridge.
15	2d lieutenant 2d infantry..... James P. Ray.
16	2d lieutenant 7th infantry..... A. W. Evans.

List of Navy officers attached to the Coast Survey on the 4th of March, 1854.

Rank.	Name.
Lieutenant Commanding.....	B. F. Sands.
Lieutenant Commanding.....	H. S. Stollwagen.

James Alden.
John J. Almy.
O. H. Berryman.
T. A. Craven.
E. J. De Haven.
R. Wainwright.
J. N. Maffit.
Max. Woodhull.
S. D. Trenchard.
Thomas B. Huger.
M. C. Perry, jr.
John Rutledge.
Thomas H. Stephens.
J. C. Wait.
J. C. Kennard.
John Wilkinson.
Bayne N. Westcott.
J. C. Febriger.
A. N. Smith.
A. C. Rhind.
R. M. Cuyler.
J. B. McCauley.
Earl English.
J. P. Jones.
R. L. Law.
S. R. Franklin.
W. D. Whiting.
Joseph B. Smith.
Edward Renshaw.
John T. Walker.
John B. Stewart.
Alex. M. De Bree.
S. S. Bassett.
R. C. Duvall.
Leonard H. Lyne.
Thomas C. Eaton.
Dawson Phenix.
Hunter Davidson.
Gustavus Harrison.
George S. King.
J. A. Seawell.
J. G. Maxwell.
H. Erben, jr.
William H. Ward.
James Suddards.
C. B. Williamson.
T. Le P. Crommiller.
James F. Huestes.
Richard B. Tunstall.
A. G. Pendleton.
N. C. Davis.
C. W. Geddes.
E. S. De Luce.
Andrew Lawton.
A. Broadix.
S. H. Houston.
W. C. Wheeler.
H. B. Nones, jr.
F. G. Sumwater.
G. W. Plymton.
J. M. Hayton.
J. C. Hull.
C. Lindley.

It will be seen by these official statements, that on the light-house establishment there are twenty-five officers of the Army and Navy employed, while on the Coast Survey there are eighty-two, making in all one hundred and seven. Now, sir, these officers ought not to be so employed, and all laws which authorize it are wrong. The civilians employed on the same service receive no mileage such as is allowed to the military and naval officers; and while performing duties which are purely civil, they should not receive more pay than civilians.

Mr. McMULLIN. Will the gentleman from Kentucky permit me to ask him a question?

Mr. STANTON. Certainly.

Mr. McMULLIN. I desire to know, in connection with this subject, if the officers of the Army and Navy so employed are receiving pay for extra services, outside of their regular pay as officers of the Army and Navy?

Mr. STANTON. I am glad the gentleman has directed my attention to this point. Under several little amendments to Army and other bills, many officers employed in civil service are allowed nearly double their Army pay; and there is no one of them engaged in the civil service who does not find some advantage from it over his position in the line of his regular duties. If it were not so, you would not find them quartered on the civil service by hundreds. The members of the boards for rivers and harbors, canal around the Falls of the Ohio, for harbor works on the Atlantic coast, and, I believe, the Light-House Board, all get, under a construction of some provision of one of the laws, two dollars per day extra while sitting upon said boards. When making surveys for roads, by a standing regulation of the War Department, they get one dollar per day extra while in the field, as commutation for transportation. The assistant to the Superintendent of the Coast Survey, a military engineer, gets two dollars per day for "personal expenses."

Mr. SMITH, of Virginia. That view of the

subject is a very forcible one, but I do not see how it bears upon the case in hand?

Mr. STANTON. Well, I will show my friend from Virginia. These officers of the Army and Navy all hold commissions, and are amply provided for by the laws relating to their departments. While in discharge of their rightful duties, every proper allowance is made them. They are not now in discharge of military and naval duties.

They are performing duties of civilians, and should fare as civilians. No other persons connected with the Coast Survey or light-house service but military and naval officers, get ten cents a mile for traveling, or commutation for fuel and quarters.

Mr. HOUSTON. I am sure the gentleman has not properly considered this matter. I understand him to say that those officers are provided for elsewhere. That is a mistake. They are not provided for in the Army bill, or anywhere else. This is the only provision made for them. A few years ago these officers were provided for in the civil and diplomatic bill; but the Committee of Ways and Means saw fit to take it out from that bill, and put it into the Army bill; and the appropriation which precedes the one under consideration, covering the same general expense, applies to the officers in the Army regularly, and the appropriation is not made to the officers who are spoken of here. And if the gentleman will examine the law creating the Light-House Board, he will see that the Secretary of War has no discretion. The law itself says that these Army officers shall constitute the Light-House Board, and the Secretary of War only complies with the law.

Mr. STANTON. And does the law say they shall have two dollars a day?

Mr. HOUSTON. I do not know that they get any extra compensation. They are allowed mileage by law, and by the regulations of the War Department. We were bound to report an appropriation for it; and if the amendment of the gentleman from Virginia prevails, that will become the law, and will control the action of the committee hereafter.

Mr. STANTON. Here is the act upon the subject, with the facts as they have occurred under it, communicated to the select committee by the War Department:

"For repairs and contingencies of harbors and rivers, and to meet charges for transportation of officers, and for fuel and quarters, the payment of which is no longer made by the quartermaster's department, and for extra allowance to meet extra expenses, under the special directions of the Secretary of War, \$10,000."

Out of the above there has been allowed by the Secretary of War, and paid to officers constituting boards, as follows:

1st Board—For river and harbor improvements: Colonel James Kearney, Lieutenant Colonel S. H. Long, and Major H. Bache, Corps Topographical Engineers; field officers allowed two dollars per day, subaltern officers one dollar and fifty cents per day.

2d Board—For additional canal around the falls of the Ohio: Lieutenant Colonel S. B. Long, Brevet Lieutenant William Turnbull, and Charles B. Fish, Esq., Civil Engineers. The military officers allowed two dollars per day, and the civil eight dollars, and transportation. This board has ceased.

3d Board—For harbor works on the Atlantic coast: Lieutenant Colonel R. E. De Russy, Major J. L. Smith, and Major C. A. Ogden, Corps of Engineers. Allowed two dollars per day.

I presume, sir, it is by some such construction as is here put upon this law, that the Light-House Board, while sitting in this city, is enabled to get additional pay. One of the boards above alluded to sat more than six months, and received two dollars a day during the whole time, over and above their regular Army pay. If the construction is right, the law is wrong; and if the law was designed to increase their salaries, it should have been done openly, instead of covering up its purpose by appropriation for contingencies and incidental expenses.

I withdraw my amendment, as it was intended simply to get these facts before the country.

Mr. SMITH, of Virginia. I rise for the purpose only of stating the question. The clause to which I seek to attach my amendment is this:

"For fuel and quarters, and for mileage or transportation for officers, and enlisted soldiers of the Army serving in the Coast Survey, in cases no longer provided for by the quartermaster's department, \$10,000."

Then comes in my amendment, and I suppose nobody will object to it.

Mr. TAYLOR, of Ohio. I wish to move an amendment to the original clause, before the question is taken upon the amendment of the gentleman

man from Virginia. I move to strike out the one hundred and thirty-ninth to the one hundred and forty-second line inclusive, as follows:

"For fuel and quarters, and for mileage or transportation for officers and enlisted soldiers of the Army serving in the Coast Survey, in cases no longer provided for by the quartermaster's department, \$10,000."

Mr. T. said: I make this motion for the purpose of giving the chairman of the Committee of Ways and Means an opportunity of explaining the necessity for this appropriation. I desire that he shall give us some information upon this subject, for I confess that, after many years service in Congress, I am constrained to vote upon these vast appropriations without any explanation from any one, and with very little information from the report of the committee. One reason is, that it is impossible for members to examine with any minuteness the reports of the departments upon each appropriation. Here is a bill appropriating \$8,000,000. In a single line there is an appropriation of over \$600,000 for commutation of officers subsistence, which I do not understand. And here, in the item which I propose to strike out, is an appropriation of \$10,000:

"For fuel and quarters, and for mileage or transportation for officers and enlisted soldiers of the Army serving in the Coast Survey, in cases no longer provided for by the quartermaster's department."

I do not understand that. Why are these cases no longer provided for in the quartermaster's department? These are officers outside the regular Army, I suppose. I take it for granted the statement of the gentleman from Kentucky [Mr. STANTON] is true, and that there are officers outside the regular Army who still receive the regular pay of officers of the regular Army of the United States. I say that if the abuses stated by the honorable gentleman from Kentucky here, in his place, do exist, it is a matter that demands reform at the hands of Congress. If these officers do receive their regular pay as officers of the Army, and two dollars per day in addition, because they are assigned to the Coast Survey, or because they are assigned to the Pacific railroad survey, or because they are assigned to the surveys of the northern lakes, I say it is an abuse that ought to be corrected.

Mr. STANTON, of Kentucky. If the gentleman will allow me to correct him, I said that boards were selected out of these Army officers who received this additional compensation. The Light-House Board receive, and the Harbor Improvement Board receive additional pay of two dollars per day for each officer.

Mr. TAYLOR. Is that in addition to their regular pay?

Mr. STANTON. Yes, sir.

Mr. TAYLOR. Then it is an abuse that ought to be corrected. Sir, the compensation of these Army officers is very large. The \$8,000,000 appropriated in this bill would furnish an average compensation of \$1,300 per year to all the officers and men in the present reduced state of the Army. The regular pay of a soldier in Mr. Monroe's time, I believe, was only about \$400 per year, and how, I ask, is this large additional compensation to be accounted for? In my opinion, the committee who reported the bill ought to be prepared to explain it to us. When a gentleman of the experience and diligence of the gentleman from Kentucky gets up in his place and says that Army officers receive, in addition to their regular pay, a further compensation of two dollars per day; when provisions are placed in this bill for the payment of compensation which is no longer allowed by the quartermaster, I want to have the necessity of that appropriation explained, so that we may act understandingly. I ask my friend, the chairman of the Committee of Ways and Means, to explain the necessity of this item.

[Here the hammer fell.]

Mr. HOUSTON. I thought I had explained that section a moment ago; I said then as I say now, that the gentleman from Kentucky is totally mistaken in the statement he has made, that these officers are provided for anywhere else than in this provision in the bill. They are men who have been detached from the Army proper, and when they were detached from the Army proper, and placed upon the Light-House Board, or upon the coast survey corps, they were no longer provided for by the Quartermaster's Department. And in relation to this matter, the appropriation will speak

for itself. These appropriations which it is proposed to make here were deducted originally in the estimates from the general estimates for the Army. There is no such thing as these officers being paid twice. It is utterly incorrect.

Mr. STANTON. Does the gentleman mean to say the statement is incorrect so far as the Light-House Board are concerned?

Mr. HOUSTON. I would ask the gentleman from Ohio to turn his attention a moment to the law which creates the Light-House Board. Those who compose that board are required, under the express language of that law, to be either officers of the Army or Navy.

Mr. TAYLOR. I have no objection to the Light-House Board being constituted of officers of the Army and Navy. I think that was one of the wisest things ever done by Congress. Now, will the gentleman tell me whether it be true or not that these officers of the Army and Navy get two dollars per day in addition to their regular pay?

Mr. HOUSTON. As I have already stated, I do not know whether that is true or not. I understand from a gentleman who is connected with those offices, serving in the coast survey office, that the assertion, so far as they are concerned, is untrue. But I propose to refer the gentleman to the law. It is in these words:

"Sec. 12. And be it further enacted, That it shall be the duty of the Light House Board, immediately after being organized, to arrange the Atlantic, Gulf, Pacific, and Lake Coasts of the United States into light house districts, not exceeding twelve in number; and the President is hereby authorized and required to direct that an officer of the Army or Navy be assigned to each district, as a light house inspector, subject to, and under the orders, of the Light House Board, who shall receive for such service the same pay and emoluments that he would be entitled to by law for the performance of duty in the regular line of his profession, and no other, except the legal allowance per mile when traveling under orders connected with his duty."

Such is the case in reference to the officers serving in the coast survey. As to the other officers I do not know, although I hardly believe that the Secretary of War would be guilty of an abuse in allowing the officers, in the very face of the law, two dollars per day, when the legal allowance of mileage was not equal to that amount.

Mr. TAYLOR. In reference to that matter I only know what was stated by the gentleman from Kentucky.

Mr. STANTON. I can prove what I have said. It cannot be denied.

Mr. HOUSTON. I have shown that the gentleman has mistaken in one of his points. I have not looked at the other. If what is stated be true, then the Secretary of War must be guilty of impropriety. If two dollars a day in addition be paid these officers, when their legal allowance for mileage does not reach that amount, then they are paid in opposition to the law. I want the committee to remember that this is the only appropriation for these officers. If you strike it out, then you deprive the Department of the power to pay that which the law says these officers shall receive. If they are allowed two dollars a day, and that is more than their legal traveling allowance, then there is impropriety on the part of the War Department. About that, however, I know nothing.

Mr. TAYLOR. With the consent of the committee I withdraw my amendment.

Mr. STANTON, of Kentucky. I renew it. I simply wish to vindicate myself from the charge of misrepresentation made against me by the gentleman from Alabama. I am not in the habit of misrepresenting, if I know it, and I am too well acquainted with this subject to mistake the facts.

Mr. HOUSTON. I did not charge the gentleman with misrepresentation. I said that he was in error.

Mr. SMITH, of Virginia. I rise to a question of order. The proposition had been made and discussed *pro* and *con*. Now, when withdrawn, can it be renewed and again discussed? I am perfectly willing to hear the gentleman, but I want the question decided.

The CHAIRMAN. The Chair sustains the question of order.

Mr. STANTON. That I may be in order then, I move the amendment, with the word "necessary" in lieu of "actual."

Mr. Chairman, I said that there were certain boards composed of military and naval officers, for purposes which I indicated, but did not say there was a board of such officers for the Coast Survey. Nor did I say that the officers serving

upon the Coast Survey all receive two dollars per day in addition to their Army or Navy allowances. All I intended to say, or did say, was, that the officers forming these boards, by a construction of law which provided for appropriations for contingencies and extra expenses, not of the individuals of the board, but the board collectively, had their salaries increased two dollars per day, over and above all other legal allowances.

Mr. HOUSTON. I desire to know if I understood the gentleman from Kentucky. Do I understand the gentleman as saying that those officers get, in addition to their pay and regular allowances for travel, fuel, &c., two dollars a day.

Mr. STANTON. They do. Here is the provision of the law upon which the Secretary puts such a construction as to allow that sum, and I will read it to the House.

"For repairs and contingencies of harbors and rivers, and to meet charges for the transportation of officers, and for fuel and quarters, the payment of which is no longer made by the quartermaster's department, and for extra allowances to meet extra expenses under the special direction of the Secretary of War, \$10,000."

The officers in each of the boards, viz: River and Harbor Board, for canal around the Falls of Ohio, and harbor works at the Atlantic coast, have been allowed by the Secretary of War, an addition to their salaries of two dollars per day to field officers, and one dollar and fifty cents to subalterns.

Mr. WADE. In the river and harbor bill, which has already passed this House, there are three distinct appropriations made, in which this same matter is included. In that bill I find the following:

"For the preservation of public property and the contingencies of western river improvements, for the accommodation of transportation, baggage, quarters, and fuel of officers, in cases no longer provided for by the quartermaster's department, and for allowances to meet extra expenses under the special direction of the Secretary of War, \$10,000."

There are two other clauses in the bill identical with this, only that one makes an appropriation of \$15,000, and the other of \$20,000 for the same purpose. I desire the chairman of the Committee of Ways and Means to explain this matter; for it seems that there are appropriations in this river and harbor bill for transportation, baggage, &c., upon the western lake service, and upon the Atlantic service.

Mr. HOUSTON. They are provided for there for the reason that these officers are not provided for in the regular Army appropriation bill.

Mr. WADE. Do they not draw their regular pay?

Mr. HOUSTON. They draw their pay as regular Army officers, and this is the appropriation to meet it. There is no other appropriation to meet it.

[Here the hammer fell.]

Mr. STANTON, of Kentucky, then withdrew his amendment.

The question recurred on Mr. SMITH's amendment.

Mr. LANE, of Oregon. I move to strike out the word mileage in the amendment, for the purpose of being able to make some remarks on this point.

I desire to say that I regret the course which the discussion has taken. I have sat here for a number of days and heard a great deal said about the Army, about Army officers, and Army superintendents, and I have come to the conclusion that it must be painful for a man to hold a position in the Army. I can hardly reconcile it to my feelings that a gentleman can now hold an Army office at all, if they are to be treated as members of this committee desire to treat them; if they are to be restricted to the very smallest pittance. They must be always on duty, and ready to meet the enemy at a moment's notice, and yet they are not to be allowed sufficient to hold soul and body together. I can hardly see how, under these circumstances, men can hold office in the Army. Sir, this course of discussion is unjust to the Army. And I am surprised to see the gentleman from Virginia, [Mr. SMITH,] with his extended knowledge of the country, and having spent a year or two—I do not know how long—on the Pacific, where he must have observed the condition of the officers employed in service on that coast, desiring now to strike off the little mileage

allowance they enjoy, and saying that they shall not have more than they actually expend. Will the gentleman look at his own case, and apply his argument to himself? He travels a short distance here to Washington, and receives at the rate of eight dollars per twenty miles. He can travel here at a cost of five dollars, and yet he pockets with cheerfulness all the mileage allowed him; and I am inclined to think if it were ten times as much, he would as cheerfully pocket it. Let me put this case to gentlemen. The general in command of the forces will order an officer from New Orleans to New York, or from New York to New Orleans, subjecting him to all the perils of cholera, yellow fever, and other diseases. He is required to run all risks, passing through the varieties of climate, and subject to all diseases. If he fall sick by the way, the payment of his doctor's bill is of course provided for by the regulations. But he is required to undergo the fatigue and incur the visits incident to the travel; and yet you would deprive him of his ten cents a mile. It is an unreasonable proposition, and I am sorry to see us descend to such a question. Sir, I know Army officers serving in Oregon and California, discharging their duty at these places, whose pay does not subsist them. They must call on their friends or on their private resources, or they would starve. You see them dressed in coarse flannel shirts and roundabouts, which is the best suit of clothing they can afford to put on. Their pay does not enable them to dress better, and to subsist themselves.

And now, sir, it is proposed to deprive them of that pittance, and to say that they shall not have two dollars a day for extra duty. I do not know that they get it. If they do not get it, they ought to; and if the law does not provide it, it ought to.

I regret to find this crusade against our Army. We have in this country a regular Army, and it is necessary. Let it be kept up, and let the dignity of our Army be sustained. We have, in addition to that, a standing army composed of the whole people of this country; and whenever their services are necessary, they are ready to offer them. While you keep up the regular Army, you should provide for them as Army officers and as gentlemen should be provided for. Why observe economy in the pay of officers particularly? I hope the amendment will not be adopted; and I trust the gentleman from Virginia will withdraw the amendment.

Mr. SMITH, of Virginia. I must be permitted to say, that I am wholly surprised at the remarks of the gentleman from Oregon. I state this—and I stated it in my first remarks—that the proposition embodied in my amendment is designed to give the officers everywhere the expenses which they are actually put to, and thereby cut up a system of favoritism which is believed to prevail. Now, I put it to the committee, if there is favoritism, whether it ought not to be arrested?

Mr. LANE, of Oregon. I beg to ask the gentleman a question. The gentleman from Virginia makes a charge that there is favoritism in the Army, and that it has been practiced there. I would like to have him specify the instances.

Mr. SMITH. It is not necessary that I should do that. I assume that it does exist. If, under this system, an officer can travel for three cents a mile, and yet get ten cents a mile, it will result in favoritism. It is a charge of long standing. I know, and the gentleman knows, that in the country to which he refers, the amount allowed for mileage is not enough. In many instances in the State of California, when an officer is off upon duty, the allowance of mileage does not pay his expenses. If the gentleman from Oregon does not know that, I can appeal to the members from California upon this floor to substantiate what I say. The payment of ten cents a mile for mileage, then, in that State, will not pay an officer's way. I want the amendment which I have offered adopted, in order that we may pay to those officers what they actually expend. My amendment provides that every officer shall be paid what he necessarily and actually pays out. If there is cholera there, and an officer cannot travel the most direct route on that account, but has to go around, and thereby is compelled to pay more than he otherwise would be obliged to, he ought most certainly to be allowed the sum which he actually pays out.

I am perfectly satisfied of the value of this amendment. I ask, why should ten cents a mile be allowed to favorites, when it is not allowed to the great body of the Army—or rather, when the great body of the Army are not in a condition to avail themselves of it? Let this little picking be taken away, and let the officers have the allowance in another form—in an increase of pay. I am not willing that this opportunity for pickings should exist, except it be allowed equally to all, and it is with this view that I have offered the amendment, and without any idea of making war upon the Army, which I am anxious to maintain in its proper dignity and character; and for that reason I do not want to see officers running after pickings, in order that they may put a little pelf into their pockets. Let us have a system; let that system be effective; let it be adhered to; let it be carried out alike to all; let all have an equal share. At the same time, I wish it to be distinctly understood that I do not charge these things upon any one. I am speaking of what we hear talked of every day, and I say the facts should be known.

Some twelve years ago, upon my motion, an order was made that there should be spread upon the Army Register the amount of compensation which every officer of the Army received from whatever source. It was done for the purpose of having it appear what they did receive. This information continued to be incorporated in the Register for some years, but it has since been dropped out; why, I cannot tell.

[Here the hammer fell.]

Mr. LANE, by unanimous consent, withdrew his amendment.

Mr. HAVEN. Mr. Chairman, I move, as a matter of form, to increase the appropriation provided for in the amendment moved by the gentleman from Kentucky, ten dollars.

Sir, I have but a few words to say, and if the committee will but hear me, I am quite willing the Chairman shall knock me down at the expiration of only four minutes. [Laughter.]

I have proposed this amendment so as to enable me to reply, as briefly as I can, to some remarks, some heresies, that have been put forth here within a few days past, upon the subject of the officers of the Army, that ought not to go unnoticed in this debate.

Sir, I desire to say to the committee that I have no connection and no particular personal relations with the Army whatever; but I have sat here, for nearly the whole week past, and listened to the discussion which has been carried on in this committee, in regard to the superintendency of the armories; and, as an impartial man, think the Army officers have had great injustice done them. Irregularities, and vague suggestions and remarks of individuals have been seized hold of, and pertinaciously insisted upon as a disparagement to a whole corps, when no person was justly responsible for them. And every opportunity has been taken to disparage honorable men, who, I am quite sure, sir, deserve better treatment at our hands. I do not desire to complain of the past, of what we have done, but it seems to me high time to interpose and arrest this tendency of things. Sir, these men receive very different treatment at our hands when we are at war, and the country is in actual danger; and, in my opinion, they deserve very different treatment at our hands now.

I have no time to speak of the general questions that have been under discussion in reference to the officers of the Army and Navy, but I must say a few words, however, in reference to the issue that has now been tendered by the honorable gentleman from Kentucky, [Mr. STANTON,] upon the very item now under consideration. I submit to this committee, and to the gentleman himself, that the statements he has made here to-day upon this subject are entirely fallacious, and calculated most eminently, although not intended, to mislead and to prejudice our minds. He moves to strike out this appropriation, made upon regular estimates, "for fuel and quarters, and for mileage or transportation for officers and enlisted soldiers of the Army, serving on the coast survey, in cases no longer provided for by the quartermaster's department;" and in order to sustain himself in this motion, he tells us that these officers and enlisted men receive two dollars per day extra allowance, by reason of being employed in the coast survey service, and provided for in this manner. Such is the impression he leaves upon the minds of

this committee. And to prove it, and make us vote with him, he reads from a work which he has in his hands, that certain boards of officers which he names, who, in acting as such boards, for directing the works of internal improvements, and perhaps the light-house system of the country, have been allowed two dollars per day by the Secretary of War, in addition to their regular compensation. Sir, in reference to that I know nothing. Whether the allowance by the gentleman's Secretary of War to these boards has been proper or improper, whether it has been authorized by law or not, I do not stop here to inquire. That is a question he may settle with his Secretary of War. But, sir, it is not a question between the gentleman and the officers of the Army provided for in this clause he proposes to strike out.

Why, sir, I ask, is this statement read here upon and against these officers of the Army? For what fair purpose can it be legitimately used here? None of these men provided for in this amendment belong to the board or boards about which the gentleman reads. It is wholly and utterly foreign to the matter about which we are legislating; but, sir, it seems to cast discredit upon honorable men, unjustly arraigned here, and not liable to the charge. I do not say the gentleman does it with any wrong or unfair intention; on the contrary, no doubt he believes he is correcting a public evil. Still, sir, it is no less cruel and improper for worthy officers, to whom the application is sought to be made. Sir, if there is impropriety in the extra allowance of the two dollars per day to the boards mentioned, let the gentleman settle that impropriety with the Secretary of War, who has done the business with those boards, and not charge it upon this class of officers, who have nothing whatever to do with those boards—who receive none of the money.

But, Mr. Chairman, I said injustice had been done the officers of the Army within a few days here. I am of that opinion. We ask of them, and have provided by law, that they shall give security for the public moneys for public buildings and public improvements which we intrust to their hands. Sir, you ask this of men who hold our commission, and whom we order, of right, to any service in this line, and which they cannot refuse without being liable to conviction by court-martial, and dismissal from the Army, and to be held in everlasting disgrace. It is no voluntary service sought by them; it is a disagreeable service forced upon them; it is not of their choice. And you insist upon this security, sir, from men who, in the Mexican war, disbursed over \$60,000,000 without a dollar of defalcation—without one penny sticking to their fingers.

This demand is made, too, mostly of the Corps of Topographical Engineers, who are not unfrequently the sons of poor men who cannot furnish security. Sir, these officers have been the best and brightest scholars at West Point; and in consequence of their superior proficiency and good scholarship, owing to that perseverance which often belongs to humble conditions in life, they have received the preference upon graduating of appointments in the Topographical Corps. The greatest security, sir, which such men can give, is found in the fact that the law now provides, when they turn out defaulters, it is the duty of the President to supersede their commissions, and strike them from the rolls of the Army in disgrace. That, sir, has been a security that has never failed. Can gentlemen say as much of civilians and others, who have been charged with the disbursement of public moneys? I really wish they could, and say it truly.

Now, a word more. The gentleman from Kentucky, and the two gentlemen from Ohio, [Mr. WADE and Mr. TAYLOR,] all inquire, and very properly, why this appropriation for the pay of officers having in charge river and harbor improvements, and Coast Survey, and other works of similar character, is separated from the appropriations for the Army engaged in the regular line? Why, sir, my friend, the chairman of the Committee on Ways and Means, explained that. These officers and men are detached for the performance of a particular service—a particular line of duty—and their pay is therefore put down, and provided for, in separate items, under the heads of the service for which they are detached, and to which they belong. Those serving regularly in the Army are estimated for, and appropriated for, under that

head alone; and the estimates come from the Quartermaster General. No others are provided for there; whilst those performing other service under other heads, are estimated for by persons in charge of those heads or service, and we appropriate for them under those heads, and those only. This may be difficult of explanation, but I believe it easily understood, if the mind is brought to bear upon it. If gentlemen will look at the bill, this matter will need no further explanation. It says:

"For fuel and quarters, and for mileage or transportation for officers and enlisted soldiers of the Army serving in the Coast Survey, in cases no longer provided for by the quartermaster's department, \$10,000."

If it had been provided for in the quartermaster's department, it would not have been here. They are detached from the regular line of service and placed here, and here we estimate and appropriate for them. I have done in reference to this matter.

Now, I desire to say to the committee that we have been laboring on this bill for three or four days. Great and important amendments have come and are still to come to us from the Senate to other bills which we have acted upon, and we shall want all the time left of the session for their discussion. There are at most but fourteen working days left of the session; and to avoid passing our appropriation bills by committees of conference, to which, for one, I will never consent, I hope we shall give the rest of our time to other work than damaging the officers of the Army. I suggest and hope we shall now soon bring this debate to a close, and go at once to voting on the bill.

Mr. McMULLIN. I deeply regret, Mr. Chairman, that invidious distinctions have crept into this House of Representatives. For the last two or three days such distinctions have been made in the discussion on this bill between citizens of a common country. It ought not to be so. I am the last man who would reflect on the character of our gallant and patriotic soldiery; the last man to do them the least injustice. While I say this, however, I am for holding each man to his proper and appropriate sphere. Let the military men attend to military matters, and the civilians to civil matters. I like to see members of the bar attending to the law; physicians to physic and their patients; the politician to politics, and the mechanic to his trade.

The proposition now before us for consideration is for an increase of the salaries of certain officers. I hold that we have the right to command the entire time and attention of officers of the Army and Navy. But while gentlemen urge the peculiar claims of these officers, why do they not propose an increase of the poor soldier's pay? He is the man who fights your battles.

My friend from New York [Mr. HAVEN] is mistaken. Propositions are, time and again, presented to us for compromise of the accounts of officers who seem to stand in default to the Government. Such a case was up the other day. I hope that I shall always be found acting liberally towards these officers who are thus placed, by misfortune or otherwise.

But I see, Mr. Chairman, that the military are making rapid strides in monopolizing positions which could be occupied by civilians and mechanics. We have heard much talk of standing armies. The policy of this Government ever has been to have its standing army of the people of the country; and I am opposed to building up any set of men, military or otherwise, calculated to make war on the free institutions of the country. I should like to see this Administration giving military appointments to the military, and civil appointments to the civilians. I think that the pay of the officers is now sufficiently high; but I am of opinion that my colleague's amendment will meet this case. Officers in California, where the expenses are higher than they are in the States, ought to have increased pay I admit. The amendment of my colleague will meet fully and fairly the justice of this case, and I hope it may be adopted.

Mr. HAVEN, by unanimous consent, then withdrew his amendment.

Mr. STUART, of Michigan. I move to amend the amendment of the gentleman from Virginia [Mr. SMITH] by striking out the words "necessary and actual."

I do not think it is necessary in this debate to

say one word further upon this subject; for the clear-minded gentleman from New York [Mr. HAVEN] quite met the case that I wished to bring before the committee. But I am provoked to say one word here, in consequence of the remarks which have fallen from the two gentlemen from Virginia.

I do not, *con amore*, array myself against Virginia; but it so happens that upon the only occasions when I have intruded myself upon the attention of the House, I have been forced into opposition to the views of some of the gentlemen representing that State.

The argument made by the gentleman from Virginia [Mr. SMITH] refutes itself. He admits that the mileage allowed to officers of the Army does not begin to meet the actual expenses which are incurred by those who are sent to California, Oregon, and the distant possessions of the country. Notwithstanding, no appropriations are made by Congress to supply the deficiency in the expenses of these Army officers, and they are impoverished in your distant territories, while their families are left by Congress to starve at home. No provision is made by Congress for these gentlemen, nor is any proposed to be made to supply these extra expenses. How is it possible for an economical officer of the Army to meet these expenses? The law fixes ten cents a mile, not eight dollars for twenty miles travel, as a commutation for traveling expenses. True, an officer of the Army may travel upon your railways and steamboats for three cents a mile; and an economical, prudent, and sagacious man will put the extra seven cents in his pocket, to meet the large expenses which he must incur when he is sent into your distant territories, where the Government makes no provision for his expenses, and where, perhaps, it costs him fifty to seventy-five cents a mile to reach his point of destination.

A MEMBER. And what must he eat?

Mr. STUART. He must eat acorns. They live like the wild Indians of the forest when they are among them. They live so, because this Government is too parsimonious to pay for the value of their services. There is a distinction between the civil and military men who are employed upon your public works; ay, there is a distinction—a most unjust and invidious distinction. A lieutenant in the Army is paid \$1 50 a day. I ask the attention of gentleman of the committee to the fact that a subaltern in the Army is paid one dollar a day, and there is an allowance made here to cover commutation, fuel, quarters, of \$1 50 a day. Granting that, and the pay of the subaltern is \$2 50 a day, all told, what is the civilian who is employed in the same service paid? His pay is eight dollars per day. The subaltern gets one dollar per day, pay proper, and \$1 50 per day commutation for fuel and quarters, and extra expenses. And the civilian gets \$6 50 per day pay proper, and \$1 50 per day commutation for the same expenses. That is the inequality and the injustice of the system.

Mr. SMITH, of Virginia. Mr. Chairman and gentlemen of the committee: Few things have surprised me more than the springing up of this discussion. I submitted a proposition, I hope the committee will mark, a proposition to give officers of the Army when they travel the sum actually and necessarily expended by them, no matter where it is. In some portions of the Union the law allowing ten cents a mile to officers traveling is actually allowing a bonus to the officers selected for the purpose; while the law allowing the same remuneration in other parts of the Union does not permit the payment of the expenses actually incurred. In this state of things, then, the gentlemen are tendered a proposition which equalizes this thing, which gives to each officer the sum actually and necessarily expended by him; and they decry it. Well, sir, this being the proposition that I have submitted—one of equity and justice, it seemed to me—it ought not to have provoked the opposition of gentlemen here; but I have been unfortunate enough to provoke by the ire of the gentleman from Michigan, [Mr. STUART.] He is provoked at that simple proposition, equitable and just as it is. And that gentleman follows the lead of the Delegate from Oregon, [Mr. LANE,] and talks about the allowances for traveling made to members of Congress. Now, I beg to ask the gentleman from Michigan what amount of mileage he receives?

Mr. STUART. Eight dollars for every twenty miles.

Mr. SMITH. How much does he receive in the lump? That is what I want to know.

Mr. STUART. I receive just in the same proportion as the gentleman from Virginia does. I receive a great deal more than I deserve, and a great deal more than I am worth, and so, I think, does the gentleman from Virginia. [Laughter.]

Mr. SMITH. Now, I ask the gentleman from Oregon [Mr. LANE] how much he receives?

Mr. LANE. Does the gentleman from Virginia [Mr. SMITH] want to know that?

Mr. SMITH. Ay. The gentleman who taunts me with receiving mileage at the rate of eight dollars per twenty miles receives, I suppose, \$4,000 for mileage?

Mr. LANE. Yes; all of that.

Mr. SMITH. Five thousand dollars?

Mr. LANE. Yes; all of it.

Mr. SMITH. And the gentleman from Michigan [Mr. STUART] receives \$1,000 or \$2,000, I suppose, to pay his traveling expenses from Michigan to Washington?

Mr. STUART. No, sir; not so much. I wish I did. [Laughter.]

Mr. SMITH. Well, now I say to these gentlemen who talk about mileage to members of Congress, that I am willing to concur with them in supporting a law for the repeal of the whole of this allowance.

Mr. LANE. I want to reply to the gentleman from Virginia, if he will allow me.

Mr. SMITH. I would cheerfully comply with the request of the gentleman from Oregon, if time allowed.

Mr. LANE. Then I say that the gentleman has no right to ask me a question without giving me a chance of replying.

Mr. SMITH. I put the question, and you might have answered it by saying so many thousands of dollars.

Mr. LANE. The gentleman should give me an opportunity of replying to his question, as I desire.

Mr. SMITH. The gentleman from Oregon must know that five minutes is too short a time to admit of more than one speech being made in it. I cannot comply with the gentleman's request. It is not out of disrespect to the gentleman, but from necessity, that I decline to yield him the floor.

Mr. LANE. I will not answer a question, unless I am allowed to reply to it fully.

Mr. SMITH. You could have answered it in a shorter time than this discussion has consumed. Well, now, Mr. Chairman, this is a proposition which is impartial in its operation. But the gentlemen hinge an argument upon it as to the bad pay of the officers of the Army. I say to these gentlemen that I am willing to go with them in putting this thing upon a right and proper principle. This mileage allowance gives to officers in one portion of the country a handsome addition to their pay, while the poor soldier on the frontier, who has got the hard work to do, does not come in for a share of it.

Mr. STUART. They take their turns.

Mr. SMITH. I say they do not take their turns. That is the objection I have to it. When the actual sum necessarily expended is paid to the officer who travels, there will not be, perhaps, any anxiety to obtain orders for surveys and distant expeditions. I cannot understand why some of these gentlemen should receive less than fifty dollars a year for mileage, while so many others receive thousands of dollars. The whole question, then, comes to the proposition which I make

[Here the hammer fell.]

Mr. STUART then withdrew his amendment to the amendment.

Mr. TAYLOR, of Ohio, moved a *pro forma* amendment, and said: Mr. Chairman, when I made the motion to strike out the clause in reference to fuel, officers' quarters, &c., I did not expect to draw out so interesting a discussion as we have since had; but I now look upon it as a public service that I performed when I made the motion, and called upon the Committee of Ways and Means for explanations.

Now, sir, I desire to disclaim any opposition to the Army in the remarks which I make in regard to appropriations for the Army. I am friendly to the Army, and to the officers of the Army, many of whom I know personally, and know to be men

eminent in the service, and distinguished by their deeds for their country, and they are worthy of the kindest consideration from the Congress of their country.

But, Mr. Chairman, when I hear it stated, as it has been by the gentleman from Kentucky, [Mr. STANTON,] that abuses, such as he specifies, do exist in the Army, and when I hear the gentleman from Virginia [Mr. SMITH] charging that favoritism does prevail in the Army, I am bound, by my sense of duty, to call upon the Committee of Ways and Means to explain some of these items.

Sir, this bill appropriates \$8,000,000, and if we had not been engaged so much of the session, and consumed so much time, upon important national questions, I should have desired to call upon the Committee of Ways and Means to explain every item of the bill; and I believe we should be inclined to cut it down more largely if we understood it. I hope the gentleman from Virginia, [Mr. FAULKNER,] the chairman of the Committee on Military Affairs, has his amendment ready, and that when we get through the items of appropriation in this bill, he will offer the Senate bill reforming the Army, as an amendment or additional section, and I, for one, am ready to vote for it. I am ready to vote for a reform of the Army, to pay our soldiers better, and to put our whole military system upon a better footing than it has been for many long years. I am aware of the fact that you cannot get men to serve in your armies at seven dollars a month. They ought to be better paid, and I would reform the Army so that the pay should be more equal and just.

I wish it to be understood, by the committee and the country, that, in moving to strike out the item of \$10,000, I wished to elicit the very information which has been given to us by the chairman of the Committee of Ways and Means, and by the gentleman from New York, [Mr. HAVEN,] because, by voting for it without that explanation, after the declaration which was made by the gentleman from Kentucky, [Mr. STANTON,] that the officers of the Army were receiving, in addition to their regular pay, two dollars a day, and large extra allowances, we should stand, in the estimation of the country, as giving countenance to this extra pay, a charge which I do not wish to subject myself to. At the same time, if the officers and men in the Army are not sufficiently well paid, no man would be more ready to make a reasonable increase of their pay; but I would, while I would increase the pay, increase the work also.

[Here the hammer fell.]

Mr. HOUSTON. I want to occupy a little time in explaining the paragraph which was read by the gentleman from Kentucky, [Mr. STANTON,] When I was upon the floor before, and he asked me in reference to that two dollars a day, I had not seen the book. It is a document which had not before been in my hands, and of course I could not explain it. But I have the book now, and I undertake to say to the committee that the gentleman has entirely mistaken the construction which the Secretary of War made, in allowing that which, he says, the law did not justify. I would like to have the gentleman answer me if he did not vote for the river and harbor bill of the last Congress?

Mr. STANTON. No, sir. I never voted for such a bill in my life.

Mr. HOUSTON. Whether he voted for it or not, Congress passed it, and in that appropriation bill there is an item introduced for the express purpose of allowing these two dollars a day; and I cannot see how it is to be brought up here as a charge against the Secretary of War that he has abused his power.

The clause to which I refer, in the river and harbor bill, is as follows:

"For repairs and contingencies of harbors and rivers, and to meet charges for transportation of officers, and for fuel and quarters, the payment of which is no longer made by the quartermaster's department, and for extra allowance to meet extra expenses, under the special direction of the Secretary of War, \$10,000."

Now, sir, the Secretary of War has not exceeded the authority given him by law. You have made provision by law for these extra allowances. You not only make provision for travel, for commutation, for fuel, for quarters, but in addition to that, you made an extra allowance to meet the extra expenses of these very officers; so that

the Secretary of War has administered the law according to the true sense and letter of the law itself.

Mr. STANTON. If the gentleman from Alabama will allow me a single word, I have here a letter from Lieutenant Kurtz, communicated to the Secretary of War, and by him communicated to the select committee of which I am a member, in which he says:

"The members of the Board of River and Harbor Improvements receive a per diem of two dollars when the board is in session. This board was constituted by order of September 5, 1852, of the Secretary of War, and was in session from November 24, 1852, to July 11, 1853."

Now, sir, according to this letter, this allowance was given to these officers during the session of the board. That board was constituted by the order of the Secretary of War alone; and I should like to know what extra expenses could be incurred by these officers while the board was in session? They are allowed by law for their fuel, for subsistence, for quarters, for transportation, and I should like to know what other expenses they could incur to make necessary an increase of salary, that they do not incur while on military duty?

Mr. HOUSTON. I am not here to audit the accounts of these boards. But I am here to explain this provision in the bill, if I can do so. I said the Secretary of War had carried out the provisions of the law in making extra allowance to the officers of this river and harbor board. Here is the law which makes provision for extra allowances to meet the extra expenses of this very board. These officers are allowed two dollars and one dollar and a half per day, and no extra allowance is given to any other board. I understood the gentleman from Kentucky to say, when he was up before, that this extra allowance was given to the Light House Board.

Mr. STANTON. I did.

Mr. HOUSTON. Where is the evidence of it?

Mr. STANTON. Here in the book I hold in my hand.

Mr. HOUSTON. Here is the report of the Secretary of War in reference to this subject, in which he enumerates the three boards which receive the extra pay. The first board is for river and harbor improvements, for which field officers are allowed two dollars per day, and subaltern officers one dollar and fifty cents per day. The second board is for additional canal around the falls of the Ohio. The military officers are allowed two dollars per day, and the civil eight dollars, and transportation. This board has ceased. The third board is for harbor works on the Atlantic coast. The military officers are allowed two dollars per day. There is no Light-House Board in all these, and there are no other boards which receive extra compensation. The law I presented before, I presented as laying down the line of duty of the Secretary of War, in reference to these boards. Under that law he has constituted three boards to take charge of these river and harbor improvements. That is all he has done. The river and harbor bill, from which I read before, made that his duty; and I think the same provision is contained in the river and harbor bill which passed the House a few days since.

Mr. STANTON. If the gentleman will turn to page 119, he will see that officers of the Light-House Board, belonging to the engineer corps, are set down with others. Colonel Abert, after enumerating the officers connected with this Board, says:

"Under the law of August 30, 1852, a per diem of two dollars additional was paid to officers of the Board of Engineers, to meet extra expenses, under the special direction of the Secretary of War; but this was not considered additional pay."

[Here the hammer fell.]

Mr. TAYLOR, by unanimous consent, withdrew his amendment.

The question recurring on Mr. SMITH's amendment, it was taken, and the amendment was disagreed to.

Mr. HOUSTON. I am directed by the Committee of Ways and Means, to move the following amendment:

Add at the end of the bill:

SEC. 2. And be it further enacted, That of the appropriation of \$50,000 for continuing the topographical and hydrographical survey of the delta of the Mississippi, with such investigation as may lead to determine the most practical plan for securing it from inundations, approved August

31, 1852, the sum of \$5,000 may be applied, under the special direction of the Secretary of War, to the payment of any expenses connected with said survey and investigation incurred prior to the 1st day of July, 1852.

Mr. Chairman, there is a small indebtedness growing out of former appropriations to the object specified in the amendment; but the restriction of the bill of the last Congress prevents the payment of that debt. The amendment is to remove the restriction and pay the debt.

The amendment was adopted.

Mr. McDUGALL. I move to amend by adding the following as an additional section:

SEC. 3. And be it further enacted, That the Secretary of War be, and he is hereby, authorized and directed to examine into and ascertain the amount of expenses incurred by the State of California, in the suppression of Indian hostilities within the said State, prior to the 1st of January, Anno Domini, 1854, and that the amount of such expenses, when so ascertained, be paid into the treasury of the said State: *Provided*, That the sum so paid shall not exceed in amount the sum of \$924,259 63; which amount is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. Chairman, this proposition, in the form of a bill, was reported from the Committee on Military Affairs, with the instruction that it be moved as an amendment to the Army bill. I sought to obtain the floor when this bill was under general discussion, for the purpose of speaking to this particular matter. Opportunity was denied me, in consequence of a rule adopted, that all debate should be on the question pending. I have caused the report of the Committee on Military Affairs to be laid on the desk of each member, and I hope that the committee now understand the question. It is impossible for me to make an explanation of it in five minutes.

I will state that this appropriation is to pay the debt incurred by the State of California in maintaining her frontiers against Indian invasion. Owing to the peculiar condition of California, the Federal Government has not been able to maintain any considerable military force along that frontier. It is well understood that there are numerous powerful tribes of Indians inhabiting the borders of that State. They have been engaged in almost constant war upon our people, and the young State of California, without any money in the Treasury, and without any resources, has been compelled to perform the offices of the Federal Government, and maintain a series of wars which have involved her in a debt of \$1,000,000. The State of California is now paying an annual interest upon that debt of \$80,000—a debt incurred because the Federal Government was not able to discharge the first and highest obligation imposed upon her by the Federal Constitution—the obligation to defend the State against the hostile and savage tribes inhabiting its borders.

It will be perceived that this amendment makes no absolute appropriation, but provides simply that the State shall be paid the amount which the Secretary of War shall ascertain to be due. The State has actually paid the amount of nearly \$1,000,000. There can be no question about the absolute obligation upon the part of the Federal Government to maintain the frontiers of California. Not having discharged her obligations, but having imposed them upon the State, there can be no question that the Federal Government is bound to reimburse to the State of California the expenses incurred by her. I call the attention of the committee to the fact, that in every instance where incursions have been made by hostile Indians, and the General Government has failed to furnish adequate protection to the frontiers, and the States have in consequence been compelled to call out their own militia, the Federal Government has reimbursed their expenses. She reimbursed to the State of Georgia the expenses incurred by her. In the case of Tennessee, Louisiana, Missouri, Michigan, and Illinois, the expenses incurred by them in defending their frontiers against the Indians were reimbursed. It has been always determined by Congress that the Federal Government was bound to meet the expenses incurred by the States in defending their frontiers.

Mr. INGERSOLL. I am opposed to the amendment, and I ask for a vote upon it.

Mr. MACY. I move to amend the amendment so as to increase the appropriation five dollars.

Mr. McDUGALL. I am opposed to the amendment. The debt incurred by the State of California has not been improvidently incurred. I have before me a letter from the General commanding

on the Pacific coast, in which he states that, owing to the temptations to desertion and the distance from the seat of Government at Washington, it is impossible to maintain, upon the part of the Government, a sufficient force to defend the frontiers.

Again: I wish to state to the committee that these accounts were audited and settled and paid according to the rules and regulations of the Army of the United States. I will read a short extract from the report of the State comptroller of California as to the manner in which the accounts were settled by that State. He says:

"A rigid and careful scrutiny has been exercised by the Board of Examiners, (consisting of the Comptroller, Treasurer, and Secretary of State,) in the auditing of war claims, and in the allowances made therefor. Full vouchers, satisfactory proofs, and evidence of the authenticity of each was required, and in the settlement the board, as required by law, endeavored to be guided 'by the rules and regulations of the United States Army,' precisely the mode and manner of such settlement."

Now, I will further call the attention of the committee to some facts having a bearing on the subject. There have been ten different wars with the Indian tribes of the State, and ten different expeditions sent against them. The amount called for by the State to reimburse what has been paid may be thought to be a very large amount. But gentlemen will remember that two small expeditions in Oregon have cost \$380,000. We have appropriated at this present session of Congress \$175,000 to pay for the cost of one expedition against the Rogue river Indians. We have also appropriated \$175,000 to pay the expenses of the Cayuse war. If a series of wars in California, through a period of three years, has cost the government of that State nearly \$1,000,000, the committee will remember that the Florida war cost the Government \$40,000,000.

This war has been on our part economically conducted. We ask only that Congress will not insist on our discharging this debt; a debt upon which we are paying annually an interest of \$80,000. The debt is not justly due from California. It is due from the Federal Government. It is justly due from the Federal Government, and we ask that it shall be paid, not as a matter of favor, but as a matter of right. If a State can have any right under the Constitution, we have a valid one in this claim, and I earnestly hope it may not be denied to us.

Mr. PARKER. I do not rise to oppose the proposition of the gentleman from California. I have no doubt, from the manner in which it has been presented, of the merits of the question. I have no doubt that the State of California has incurred the expenses in question for the purpose of protecting her frontier. For this expenditure she ought to be indemnified; and Congress ought to indemnify her at this session. There might be, I imagine, some question of order raised on the presentation of this amendment. But under the circumstances it may be let pass. If there are meritorious claims involved in the case, and no doubt there are, it is immaterial to me in what form they are presented. Congress ought to dispose of them without hesitation. If the gentleman from California will admit of the amendment which I am about to propose to his amendment, I shall go for it with great cheerfulness, and I think the House ought to adopt it with equal cheerfulness. The amendment I propose is this: Insert after the word "incurred" the words "and now actually paid."

Mr. McDUGALL. Certainly; I accept that amendment.

Mr. PARKER. With these words I think there can be no question but this amendment ought to pass. This Government is bound to protect not only the California frontier, but all the other frontiers of the Republic. If these expenses have been incurred by the State of California, and have been actually paid, it seems to me there can be no question whatever about our liability to reimburse them, and to reimburse them at once. But if the amount is to be left open to be determined hereafter, to be considered whenever it may please the State to pay this amount, God only knows where the end of it will be. But if we find that the accounts are now paid it seems to me that this amendment should be passed without any hesitation.

Mr. MACY, by unanimous consent, then withdrew his amendment.

Mr. ORR. I move to increase the appropria-

tion one dollar, for the purpose of making a few remarks.

With the guards which the gentleman from California has thrown around the amendment which he has offered to the consideration of the committee, I shall vote for it. I think this sum should be paid to the State of California. The circumstances of the settlement of California were peculiar, and it was out of the question for the Government to think of extinguishing the Indian title to that country. When the annunciation went through the country that gold in immense quantities had been discovered there, a large number of emigrants immediately sought that region. They went and took possession of land belonging to the Indians throughout the whole length and breadth of California. The Indians were driven back, and they commenced war upon the settlers and citizens of California from one end of the State to the other. It was perfectly natural that they should have done so. The Government had but very few troops there, and of the few they had, a large portion deserted. It was impossible for the officers to keep the men in the service of the Government, and California was compelled to order out her own citizens to suppress the hostilities. These expenses were therefore incurred in California in making defenses which the Government ought to have made, and which she was doubly bound to make, for the reason that she had not extinguished the Indian title. She had not removed, as she was bound to do, the cause of the war.

The amendment which has been proposed by the gentleman from California is sufficiently guarded; and if the State of California has audited the accounts, and paid \$900,000, it is just, and fair, and right, that the General Government should reimburse this sum. The sum, it is true, looks to be large, and yet you know the exceeding high price of everything in California at that time. Now, to extinguish the Indian title to the territory situated in Georgia and Alabama, which belonged to the Cherokee Indians, the Government paid more than \$10,000,000, while we have not paid one single dollar to extinguish the Indian title in the State of California. We could not have expected anything less than these disturbances; and when the expenses thereof have been devolved upon the State of California, it is right and just that we should compensate California for that outlay.

Mr. LETCHER. I merely rise to inquire of the gentleman from South Carolina whether this account has been presented to the War Department, or to any other Department of the Government for investigation?

Mr. ORR. The amendment which the gentleman from California has framed, directs that the Secretary of War shall audit this account, and pay not exceeding \$900,000, if the State of California has paid it.

Mr. LETCHER. I understand all that; but whenever a proposition of this sort is made, it seems to me that it ought to be presented to a Department, and the Department be required to furnish to the House such information as is in their possession, acquired either from the State of California, or from some other source.

Mr. ORR. The gentleman from Virginia will allow me to suggest that there is no information in any Department of this Government in relation to this matter which it could furnish. These transactions occurred in California, and the services were performed by State troops entirely, and not by United States troops; and information in relation thereto could not be procured at the War Department.

Mr. LETCHER. This is not the first case which has come before Congress for indemnity for expenses incurred in the defense of a State. But the other day we had an application under consideration, for reimbursements of a similar kind to the State of New York. We have had various applications since the Mexican war for reimbursements of expenses incurred by States in that war. Why has not this matter been presented by the Department? Why has it not been referred to a committee of this House for them to examine the facts, ascertain whether this money was due or not, and report to the House?

Mr. ORR. This amendment is a report of a committee of this House.

Mr. LETCHER. What committee?

Mr. ORR. The Committee on Military Affairs. Mr. McDUGALL. And I presented that report to the gentleman from Virginia this day.

Mr. LETCHER. Not in reference to this debt. Mr. McDUGALL. Yes, sir, in reference to this very debt.

Mr. LETCHER. The gentleman showed me a paper in reference to the civil debt of California, but I do not recollect any in reference to this. Now, sir, I do not like the way in which this matter comes before this committee. The members of the House have not seen any report upon this subject. We are to take it for granted that this money has been paid, and that it is due. We are to take it without explanation, and without investigation.

Mr. ORR. I wish to ask the gentleman from Virginia one question. I suppose the Secretary of War had ascertained that nine hundred and some odd thousand dollars had been paid by the State of California *bona fide* to the citizens of that State for the suppression of Indian hostilities. Would the gentleman say that we should not refund that money?

Mr. LETCHER. No, sir; I would not say any thing of the sort.

Mr. ORR. Now, let me make one other remark, and I think I can obviate the difficulty of the gentleman from Virginia in reference to this amendment. The amendment only provides that this money shall be paid when the Secretary of War shall have ascertained that it has been actually paid by the State of California.

Mr. LETCHER. But let me ask my friend from South Carolina how we are to know that the money has been paid in good faith by California? How are we to know that that State has not paid out nominally or really two, three, or four times as much as was necessary, and now comes here to have the whole amount paid back by the United States Government?

Mr. ORR. Does the gentleman suppose a sovereign State of this Confederacy would set to work in this manner to trump up claims against the Government for the benefit of her citizens?

Mr. LETCHER. I know that such intimations have been made with regard to Virginia.

Mr. ORR. But nobody would believe them, especially of Virginia.

Mr. LETCHER. Well, sir, I want the matter fairly understood; that is all.

Mr. ORR. I will withdraw my amendment. The question now being upon Mr. McDUGALL's amendment,

Mr. ORR demanded tellers.

Tellers were ordered; and Messrs. DICKINSON and WHEELER were appointed.

The question was then taken; and the tellers reported—ayes 95, noes 28.

So the amendment was agreed to.

Mr. BENTON. I offer the following amendment:

Sec. 4. *And be it further enacted*, That the Secretary of War be, and he hereby is, authorized and empowered to sell and convey to the city of St. Louis, the ground on which the St. Louis arsenal now stands, with the permanent and fixed improvements: *Provided*, The city shall first pay into the Treasury of the United States the sum of \$250,000, which sum, when so paid, shall be immediately applicable, and hereby is appropriated, to the construction of another arsenal, and the removal thereto of the arms, munitions, machinery, and tools, now in the St. Louis arsenal: *And provided also*, That possession of the said arsenal and ground shall not be delivered to the said city until after the new arsenal is built, and the arms, munitions, machinery, and tools aforesaid removed thereto: *And provided further*, That the cession, when made, and possession thereof delivered, shall remain forever a public park.

If I can get the attention of the committee for three or four minutes, I wish to explain this amendment. In the first place, I have to say that I believe it differs from all the amendments heretofore offered; inasmuch as it makes no appropriation. The case, sir, is this. There was an arsenal built near St. Louis many years ago, when the country around it was desolate and deserted. There was also a magazine built there, but the progress of population required that it should be removed. The progress of population about the arsenal now requires that it should be removed also. Ten or twelve miles below the city, the Government own a tract of land where the barracks and magazine are situated. The proposal, then, is to transfer this arsenal, or rather to supersede it, by one built upon the barrack tract. This subject was referred to the Committee on

Military Affairs at the commencement of the session. We sent it for consideration to the Secretary of War; and as his answer is very brief, I will read it. It is as follows:

WAR DEPARTMENT,
WASHINGTON, January 27, 1854.

SIR: I have considered the subject of the resolution left by you at this Department, directing an inquiry into the expediency of ceding to the city of St. Louis, for the purpose of a public park, the ground on which the United States arsenal now stands, and I herewith transmit a report from the Colonel of Ordnance on the subject.

I see no objection to the cession if time be allowed, and means be provided, for the construction of an arsenal on another site, and the removal thereto of the arms, munitions, machinery, tools, &c., now at St. Louis arsenal, for which purposes the sum of \$250,000 is estimated to be required.

Very respectfully, your obedient servant,
JEFF. DAVIS, Secretary of War.
Hon. THOMAS H. BENTON, of the Committee on Military Affairs, House of Representatives.

Accompanying the letter is one from the Ordnance Department, which goes more into the details upon which the Secretary comes to his conclusions. The ordnance officer says that the present arsenal cannot be broken up until another is provided. The present arsenal should not be vacated or superseded till the new one is built. The Ordnance Department could not possibly dispense with the present one till a new one is constructed. The letter goes on to say:

"On the other hand, there seems no doubt that since the original location of the arsenal, the extension of the city has brought the two into an inconvenient and disadvantageous proximity for both, and that the removal of the arsenal to a site further from the city is desirable. The erection of proper buildings on the new site, and the removal of the ordnance stores and supplies thither, would cost, it is estimated, \$250,000. If means to this extent should be furnished either by the city of St. Louis, in consideration of the cession, or by an appropriation by Congress for the purpose, the erection of the buildings and the removal of the stores might follow as soon as practicable, and when that is done I know of no objection to the cession of the present arsenal to the city."

The conditions mentioned here have been rigorously provided for in the amendment which I have proposed. And I have to say that it is desirable, as we all know, that military establishments should be taken out of cities. Nothing is so inconvenient to a military establishment as the immediate proximity of a town. On the other hand, it is exceedingly desirable that the city of St. Louis should have some outlet—some breathing place. When that town was laid out, its destiny was not foreseen. It is now without parks, without public grounds, without a place for recreation, where the population of the place may go for health and amusement. And, since the lands in and about the city have become so valuable, they have been cut up into small parcels, so that it has now become impossible to get ground large enough for the purpose of a place of recreation for the inhabitants. The ground occupied by the arsenal is wanted for this purpose by the city; and, in this point of view, the Congress of the United States would find an inducement to go as far as possible in making this cession, even if it were sought gratuitously. But we ask nothing gratuitously. The land perhaps originally cost some twenty or thirty dollars per acre, and it is now valued at \$6,000; and we would take it at that rate.

Mr. ROWE. How many acres are there in these grounds?

Mr. BENTON. There are 37 67-100 acres in it.

Mr. McMULLIN. I rise, sir, more for the purpose of obtaining information from the gentleman from Missouri, than to impart information to the committee.

This piece of property is one of the most desirable portions of land which I know of in the entire West. It may be that the sum of \$250,000, proposed in the amendment is ample and sufficient; but, sir, I am inclined to doubt, from the fact of the vast and growing population of St. Louis, and from the very large prices which are asked for and obtained for real estate in that city, whether that sum is sufficient. I therefore desire to propound to the gentleman from Missouri one or two interrogatories. I desire to know whether the sum of \$250,000 will place the Government in possession of a site and buildings for an arsenal in every respect equal to those which are now owned there by the Government? Secondly, I desire to know of the gentleman whether or not the Government could not dispose of its prop-

erty at that point for a sum much greater than \$250,000? If I can be satisfied upon those points, the probability is that I will give the amendment my vote. But my experience is, that whenever the Government enters into a transaction of this sort with individuals, cities, or corporations, the Government gets the worst of the bargain.

In this case I desire no advantage of the citizens of St. Louis, but, on the other hand, I am desirous to deal liberally with them, if the judgment of the Secretary of War, communicated to this House, is correct. But I desire to have the entire communication read to the committee. If, however, no injury is to arise to the Government, certainly I shall not oppose the amendment; but I desire to be fully informed before I vote.

Mr. SMITH, of Virginia. I rise to a question of order. It is, that this whole proposition is new matter, and without any previous authority of law.

Mr. S. then read the amendment, as inserted above.

The CHAIRMAN. The Chair overrules the question of order, and entertains the amendment for this reason: It is a proposition to appropriate money for the purpose of erecting an arsenal, which has already been repaired and built by appropriations heretofore made by law.

Mr. LETCHER. I very respectfully appeal from the decision of the Chair.

The question being "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. ORR demanded tellers.

Tellers were ordered; and Messrs. ORR and KERR appointed.

The question was then taken; and the tellers reported—ayes 82, noes 35.

So the decision of the Chair was sustained, and the amendment decided to be in order.

Mr. BENTON. Mr. Chairman, I will now answer the questions put by the gentleman from Virginia. The first is as to procuring ground for a site. In answer to that, I have to say that the United States now possess, as a free gift of the inhabitants, seventeen hundred acres of land about ten miles below St. Louis, on which are the Jefferson barracks and the powder magazine, the latter of which was removed from this place. They have, therefore, ample ground. The seventeen hundred acres is on the bank of the river, running up and down. So much for the new site.

As for this \$250,000 being sufficient to build it, I refer to the letter of H. K. Craig, accompanying the letter from the Secretary of War. It contains all the material of the Secretary's conclusion. The opinion of the ordnance officer, as well as that of the Secretary of War, is, that \$250,000 will be enough. When we come to compare it with the cost of the present building, we find that the latter has been constructed in the most permanent manner for \$163,000. Then what is proposed to be paid is nearly \$100,000 more than what the present building cost. I know that the present building is patch-work, and has been enlarged from year to year.

Mr. McMULLIN. There is an important interrogatory, to which I wish to direct the gentleman's attention, and that is in regard to the improving value of this property. Is \$250,000 a sufficient consideration for the property?

Mr. BENTON. Here is the answer of the Colonel of Ordnance to that point:

"The site selected, and on which the arsenal now stands, contains 37 64 100 acres, and is estimated to be now worth at least \$200,000, exclusive of the inclosing walls, interior fences, drains, culverts, and roads, which are valued at \$30,000. The buildings which are constructed in the most permanent manner, are valued at \$163,010. The arms and munitions of war of all kinds, together with the machinery, and tools in store and in use, are valued at \$1,275,773. The proposed cession to the city of St. Louis, for the purpose stated in the resolution, will require the abandonment of the land, with its permanent and fixed improvements, and of the buildings, the value of which amounts to \$393,010, and the removal of the rest of the public property."

"St. Louis arsenal is the only arsenal west of the Mississippi, (and excepting that at Pittsburg the only arsenal in the West,) where constructions and repairs of artillery, carriages, implements, arms, accoutrements and ammunition can be carried on to a large extent. It has now great facilities for doing such work, and nearly all the supplies for the West and Northwest are prepared there. It cannot be abandoned without very great injury to the public interest and service, until another and similar arsenal is constructed in that part of the country to supply its place, and the arms, munitions, and all the movable apparatus at the present arsenal are transferred thither. The cession

to the city of St. Louis, until after this shall have been done, is, in my opinion, altogether inexpedient."

"On the other hand, there seems no doubt that since the original location of the arsenal, the extension of the city has brought the two into an inconvenient and disadvantageous proximity for both, and that the removal of the arsenal to a site further from the city is desirable. The erection of proper buildings on the new site, and the removal of the ordnance stores and supplies thither, would cost, it is estimated, \$250,000. If means to this extent should be furnished, either by the city of St. Louis, in consideration of the cession, or by an appropriation by Congress for the purpose, the erection of the buildings and the removal of the stores might follow as soon as practicable; and when that is done, I know of no objection to the cession of the present arsenal to the city."

I have to say that the present arsenal is disadvantageous to the United States in two particulars. [Here the hammer fell.]

Mr. LETCHER. I cannot see why there should be any difference between disposing of the arsenal at St. Louis, and disposing of the one at Wilmington, Delaware. When Congress were called upon at the last session to dispose of the arsenal in Wilmington, they required that the property should be advertised for sixty days, put up at public sale, and sold to the highest bidder. It was accordingly disposed of in that way. It is proposed now to give to the city of St. Louis, for the nominal sum of \$250,000, land which I understand is intrinsically and actually worth to St. Louis at this time, if put into the market and sold to the highest bidder, \$500,000. It is proposed to give them property actually worth \$500,000 for half that sum. What authority has Congress to dispose of this property for so inadequate a price?

Mr. BENTON. What authority has the gentleman for saying that it is worth \$500,000?

Mr. LETCHER. I have the authority of gentlemen from Missouri who so inform us, who fix its value at that sum.

Mr. BENTON. The Ordnance Office says a quarter of a million.

Mr. LETCHER. The distinguished gentleman, when called upon to say what it was worth, did not answer at all, except by reading the letter. I imagine this property is worth half a million. If this property is to be disposed of, why not let the Government dispose of it as it disposed of the public ground and arsenal in Wilmington, by putting it up at public auction, to be sold to the highest bidder? There are thirty-seven acres of ground there on which this arsenal is located. Now, what particular necessity exists for removing the arsenal from its present location? None at all that I know of. Here is a piece of ground which cannot be purchased at public auction for perhaps less than half a million or a million of dollars. Here is this arsenal located and built by the Government, and now it is proposed to us that we are to dispose of these grounds and buildings, and erect a new arsenal on another piece of ground belonging to the Government of the United States. Is there any guarantee that a new building could be constructed capable of accommodating this establishment at \$250,000?

I imagine there is no such guarantee. So far as these expenditures for the erection of public buildings are concerned, we all know, from actual experiment, that it requires from two to five times as much now to accomplish a particular result in the construction of Government buildings as it did ten or twenty years ago. If the Government has no need of this land in the city of St. Louis, we should pass a law exactly the same in all respects as we passed in the case of Wilmington arsenal. The people of St. Louis occupy precisely the same position in this matter that the people of Wilmington did in that. We should pass a bill placing the property in the market, and after due notice, allowing it to be sold to the highest bidder. And then let the city of St. Louis take it at whatever is ascertained at public outcry to be its value.

Mr. McMULLIN. I move to amend the amendment of the gentleman from Missouri by adding thereto "150,000, making the sum to be paid \$400,000. This, Mr. Chairman, is a very important question, and I beg the attention of the committee to the fact, that according to the exhibit of the Secretary of War, produced here to-day by the honorable gentleman from Missouri, this property is estimated as being worth \$393,000 at least. Now, I beg particular attention to that fact. Sir, I think that estimate greatly below the real value. I should not be at all surprised, if the Government should choose to appoint a commis-

sion to go and dispose of the property at its real value, that the Government would receive from \$500,000 to \$1,000,000. According to the State computations, property in St. Louis is the most valuable property in the entire West. St. Louis is destined to become the London of America. You can hardly conceive the value of real estate there.

Mr. LETCHER. If my colleague will allow me, I would make a suggestion as to another similar instance to this, which occurred in the history of Congress. I refer him to the case of the city of Rome, in the State of New York, where an arsenal was located, and where the lands were sold in exactly the same way as this piece of ground in Wilmington, to the highest bidder.

Mr. McMULLIN. I thank my colleague for his suggestion and information. There was another instance of the same character which took place in Chicago. The Government there owned property which it came within the contemplation of the city of Chicago to procure; and it had to pay the highest price for it. So in these various cities alluded to we have evidence that the property of the United States should be so disposed of. I hold it to be the duty of Congress, in disposing of such property, to dispose of it on the best and most advantageous terms. I have no sort of objection to provide by law that the Secretary of War shall appoint a commissioner to go to St. Louis, and examine the property, and make a report on the meeting of this Congress on the first Monday in December next. Let justice, even-handed justice, be done as between the city of St. Louis and the Government of the country.

But, sir, according to the evidence which we have in this case, we are called upon to do what? To dispose of property which, at the lowest estimate, is worth \$350,000. I put the question to every member of this committee, are you prepared to-day to sell \$350,000 worth of property for \$250,000? A gentleman near me says the property is worth \$400,000. I take occasion to say again, that the value of this property is almost incalculable, and it cannot be worth much less than \$500,000; and if it were worth \$1,000,000, I should not be surprised. We should act in reference to this case as we would in a matter in which we were individually interested. Would we as individuals be prepared to make this sacrifice? I am anxious to see the citizens of St. Louis accommodated.

[Here the hammer fell.]

Mr. STANTON, of Tennessee. I am opposed to the proposition of the gentleman from Virginia to increase the amount, whatever that increase may be. It is true that in the letter from the ordinance office, which has been read, the value of this ground and these buildings is stated to be \$393,000. One hundred and sixty-three thousand dollars of that amount is made up in the value of the buildings, which, for the purposes of a public park, for which the property is desired by the citizens of St. Louis, would be of no value.

Mr. SMITH, of Virginia, (interrupting.) The gentleman speaks of the uses to which this ground is to be applied. I ask the gentleman if we have the right to direct that the citizens of St. Louis shall appropriate this property for the purpose of a public park.

Mr. STANTON. We have no such power ordinarily; but when the city of St. Louis proposes to take the property upon that condition, I suppose it is perfectly in our power to annex that condition to the sale—and especially to a gift. It may be true that this land is worth \$500,000. It may be true that it is worth \$800,000. But it must be remembered that this is not a proposition to give this property to St. Louis for \$250,000, to be sold out by it for town lots, and for the purpose of thereby putting two or three hundred thousand dollars into the Treasury of St. Louis. It is for the purpose of being used as a park.

Mr. LETCHER, (interrupting.) I would like to ask the gentleman whether, if put into a park, it would be worth anything?

Mr. STANTON. Whether it is worth anything or not, I presume the Government of the United States might rely upon the faith of the citizens of St. Louis to apply it to that purpose. And if the land is worth \$500,000, the city of St. Louis propose to supply an amount sufficient to transfer this arsenal, and to rebuild it upon property already in the possession of the United States,

and for which the Government has no other use. I do not consider that it is overstepping the bounds of propriety, or doing anything which is not just, in transferring this property to St. Louis. It is true, sir, as I said before, that the Government, by turning land speculator, and selling out this land in town lots, might get a little more than is here proposed to be given for it. But I, for one, am willing to forego that advantage, and give it to St. Louis.

[Here the hammer fell.]

Mr. WALBRIDGE. I move that the committee do now rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, the Chairman (Mr. WRIGHT, of Pennsylvania,) reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the bill of the House (No. 95) "making appropriations for the support of the Army for the year ending 30th June, 1855," and had come to no conclusion thereon.

Mr. WALBRIDGE. I move that the House do now adjourn.

The motion was agreed to; and thereupon (at twenty minutes before four o'clock, p. m.) the House adjourned until to-morrow at eleven o'clock a. m.

IN SENATE.

WEDNESDAY, July 19, 1854.

Prayer by Rev. HENRY SLIGER.

The Journal of yesterday was read and approved.

ENROLLED BILLS SIGNED.

A message was received from the House of Representatives, by Mr. McKEAN, Chief Clerk, announcing that the Speaker had signed the following enrolled bill and joint resolution:

Bill for the relief of Charles Staples, of the State of Maine; and

Joint resolution in relation to fixing the compensation of the employees in the legislative department of the Government, and to prohibit the usual extra compensation to such as receive the benefits hereof.

The PRESIDENT *pro tempore* then signed the above named bills.

PETITIONS, ETC.

The PRESIDENT *pro tempore* presented the petition of William Walker, for himself and the heirs of Henry E. Walker, praying that they may be authorized to locate lands granted to them by the fourteenth article of the treaty of Upper Sandusky, Ohio, dated March 17, 1842, entered into between the United States and the Wyandott tribe of Indians, or to be allowed a commutation in money for the said lands; which was referred to the Committee on Indian Affairs.

Mr. HAMLIN presented a petition of route agents of the Post Office Department, praying an increase of compensation; which was referred to the Committee on the Post Office and Post Roads.

Mr. SUMNER. I present a memorial of Charles Francis Adams and three hundred other inhabitants of the town of Quincy, Massachusetts, without distinction of party, Whigs, Democrats, and Independent Democrats, asking for the repeal of the act of Congress known as the fugitive slave law. I move that it be referred to the Committee on the Judiciary.

It was so referred.

Mr. NORRIS presented a document showing the expediency of constructing an armory for the preservation of the arms of the volunteers and militia of the District of Columbia; which was referred to the Committee on the District of Columbia.

Also, the memorial of Horatio J. Perry, secretary of legation of the United States at Madrid, praying compensation for services as *chargé d'affaires ad interim* at that Court; which was referred to the Committee on Foreign Relations.

Mr. ROCKWELL presented the petition of Peter Parker, secretary of legation of the United States, and Chinese interpreter at Canton, praying compensation for services as *chargé d'affaires ad interim* at that Government; which was referred to the Committee on Foreign Relations.

Mr. MALLORY presented the petition of Eliot Smith, William C. Green, and Nathan Farn-

worth, praying to be allowed salvage of the ship Charles Wharton, employed as a Government transport, and rescued by them when in distress off Tampa bay, and compensation for their time, and the cargoes of their vessels which they were compelled to throw overboard to effect the rescue of said ship; which was referred to the Committee on Claims.

Mr. CHASE presented a petition of citizens of Condersport, Pennsylvania, praying the repeal of the fugitive slave law of 1850; which was referred to the Committee on the Judiciary.

Also, a petition of citizens of Portage county, Ohio, praying that a homestead of one hundred and sixty acres of land may be granted to actual settlers; which was ordered to lie on the table.

Also, a petition of citizens of Highland county, Ohio, praying that measures may be taken to secure to American citizens abroad the rights of worship and of burial according to their religious belief; which was referred to the Committee on Foreign Relations.

Mr. BRIGHT submitted documents in relation to the claim of Edward R. S. Canby to compensation for services as custodian and translator of the public archives of California, and in arranging, and in part indexing the same; which was referred to the Committee on Claims.

Mr. WELLER presented the memorial of William L. Blanchard, praying Congress for relief for losses sustained on account of the Postmaster General's abrogation of his contract for carrying the mail from Salt Lake City, Utah Territory, to Sacramento City, California; which was referred to the Committee on the Post Office and Post Roads.

PETITIONS WITHDRAWN AND REFERRED.

On motion by Mr. STUART, it was

Ordered, That the petition of the heirs of Wolcott Lawrence, late of Monroe, Michigan, deceased, be withdrawn from the files of the Senate, and referred to the Committee on Private Land Claims.

On motion by Mr. MALLORY, it was

Ordered, That Thomas H. Duval have leave to withdraw his petition and papers.

REPORTS FROM STANDING COMMITTEES.

Mr. WADE, from the Committee on Claims, to whom was referred the petition of Ephraim Hunt, praying compensation for his services as a soldier in the late war with Great Britain, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. SHIELDS, from the Committee on Military Affairs, to whom were referred a memorial of officers and soldiers, praying indemnity for clothing and other property lost by the wreck of the steamship Winfield Scott, and a memorial of Colonel William Gates, United States Army, praying remuneration for property lost by the wreck of the steamship San Francisco, reported a bill for the relief of the officers and soldiers of the United States Army, who sustained loss by the disasters to the steamships Winfield Scott and San Francisco; which was read, and passed to a second reading.

Mr. CHASE, from the Committee on Claims, to whom were referred documents in the case of the claim of Israel Ketcham, for indemnity for losses sustained by him as sub-contractor in the erection of fortifications in Dauphin Island, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. BELL, from the Committee on Naval Affairs, to whom was referred the memorial of Cyrus Palmer and Lafayette Bach, owners of the schooner Demarisco, praying compensation for rescuing certain shipwrecked American seamen, under a contract with the collector of the customs at the port of Puget's Sound, asked to be discharged from its further consideration, and that it be referred to the Committee on Commerce; which was agreed to.

He also, from the same committee, to whom was referred the memorial of James P. Espy, praying the purchase by the United States of his ventilator for ships, asked to be discharged from its further consideration; which was agreed to.

Mr. MALLORY, from the Committee on Naval Affairs, to whom was referred the memorial of Richard S. Cox, William A. Bradley, and Gilbert L. Thompson, offering to furnish the

Navy with compressed coal, asked to be discharged from its further consideration.

Mr. MALLORY said that, by a special enactment in 1851, the Secretary of the Navy had the full charge over the whole matter.

The committee were accordingly discharged.

Mr. THOMSON, of New Jersey, from the Committee on Agriculture, to whom was referred the memorial of Warren & Son, for themselves and others, of California, praying the establishment of an agricultural college, asked to be discharged from its further consideration; which was agreed to.

Mr. FISH, from the Committee on Naval Affairs, to whom was referred the memorial of the officers and crew of the United States frigate *St. Lawrence*, asking to be allowed an increase of pay, submitted an adverse report thereon; which was ordered to be printed.

Mr. SLIDELL, from the Committee on Foreign Relations, to whom was referred the petition of Puig, Mir & Co., praying that certain duties paid by them upon American casks and barrels may be refunded, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

He also, from the same committee, to which was referred the memorial of Puig, Mir & Co., of New Orleans, praying the return of duties paid by them upon certain coffee imported into that city in two Spanish brigs, submitted a report, accompanied by a bill for their relief; which was read, and passed to a second reading. The report was ordered to be printed.

BILLS INTRODUCED.

Mr. JONES, of Iowa, asked and obtained the unanimous consent of the Senate to introduce a bill making a grant of land to the State of Iowa, in alternate sections, to aid in the construction of certain railroads in said State; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. BRIGHT, in pursuance of previous notice, asked and obtained leave to introduce a bill for the relief of Lieutenant Colonel Edward R. S. Canby; which was read a first and second time by its title, and referred to the Committee on Claims.

Mr. GWIN asked and obtained the unanimous consent of the Senate to introduce a bill granting the right of way to the Marysville and Benicia Railroad Company through and over the grounds of the United States at Benicia, in California; which was read a first and second time by its title, and referred to the Committee on Public Lands.

LIGHT-HOUSE BILL.

Mr. HAMLIN, from the Committee on Commerce, to whom was referred the bill from the House of Representatives making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes, reported the same back without amendment, and recommended its passage.

INDIAN OFFICE CLERKS.

Mr. HUNTER. I am instructed by the Committee on Finance to report a bill for the relief of the office of Indian Affairs. It is a small private claim, and I hope it will be acted on now.

The bill was read a first and second time by unanimous consent, and considered as in Committee of the Whole.

It proposes to require the Commissioner of Indian Affairs to ascertain the amount due and remaining unpaid to either of the two clerks who were employed in the office from April 1st, 1846, to July 18, 1849, on the business of reservations and grants under Indian treaties; to make their compensation equal to the sum appropriated therefor, as authorized by the act of May 9, 1836, "providing for the salaries of certain officers therein named, and for other purposes," and subsequent acts and joint resolutions extending its provisions; and to pay the amount so found to be due. The sum of \$1,119 80 is proposed to be appropriated for that purpose.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

FUGITIVE SLAVE LAW.

Mr. PETTIT. The Committee on the Judiciary, to whom were referred sundry petitions and

memorials, praying for the repeal of the fugitive slave law, have had the same under consideration, and being of the opinion that legislation upon that subject is inexpedient, have directed me to report them back, and ask to be discharged from the further consideration of the subject.

The PRESIDENT. Will the Senate discharge the committee from the further consideration of these various memorials?

The committee were discharged.

OFFICERS OF THE SENATE.

Mr. MASON. I offer the following resolution:

Resolved, That the additions allowed by the resolution of the 17th instant to the officers and others in the service of the Senate, for the fiscal year ending the 30th ultimo, be paid out of the contingent fund of the Senate.

I have conferred with the chairman of the Committee on Finance, who says that it is desirable this resolution should pass, in order to simplify the accounts. The effect of it is simply to charge the contingent fund of the Senate with the sum probably of \$1,000 for the additional compensation to those officers whose payment relates back to the commencement of the fiscal year. I ask for its present consideration.

There being no objection, the resolution was considered and agreed to.

TEXAS DEBT.

Mr. BRIGHT. I gave notice on Monday that I should ask, yesterday morning, for the consideration of the bill reported from the Committee on Finance "to provide for the payment of such creditors of the late Republic of Texas as are comprehended in the act of Congress of September 9, 1850." I did not make the motion then, in consequence of other business intervening, but I move now to take up that bill.

The motion was agreed to; and the Senate as in Committee of the Whole proceeded to consider the bill.

The bill originally introduced by Mr. Thomson, of Kentucky, provided for the issue of \$8,333,000 of three per cent. stock, redeemable at pleasure after twenty years from January 1, 1851; which was to be distributed amongst the parties holding evidences of the debt of the late Republic of Texas, for the payment of the interest or principle of which the revenues on imports were either specially or generally pledged. The parties before receiving the stock were to file in the Treasury Department a full discharge of any alleged or actual claim against the United States on account of this portion of the Texas debt. It also provided that in estimating the amount of such debts held against Texas, interest should be included up to January 1, 1851, at the rate specified in the certificates or other evidences of debt issued by Texas.

The Committee on Finance, to whom the bill was referred, reported it back on the 15th of June, 1854, with a substitute proposing to distribute \$6,500,000 in cash, *pro rata*, among the holders of such bonds or other evidences of debt of the late Texan Republic, as were reported to be within the provisions of the act of Congress, of September 9, 1850, by the late Secretary of the Treasury, in his report to the President of the United States, approved by him on the 13th of September, 1851. It also provided that the creditors should release their claims, and that the Texas Legislature should release the United States from all liability on account of the \$5,000,000 in stock, reserved under the provisions of the act of September 9, 1850; and that if Texas should not, before January 1, 1855, either release the United States, or procure from the creditors releases of all claim by them against the United States, interest should from that time cease upon the reserved \$5,000,000.

On the 21st of June the bill was recommitted to the committee, who, on the 1st of July reported it with an amendment to strike out all after the enacting clause, and insert a substitute.

The bill was read by the Secretary.

Mr. BRIGHT. As time is very valuable to the Senate, I should be glad if Senators would give their attention to what the Secretary is about to read. That portion which he has just read the committee recommend to strike out, and it is the substitute which he is now about to read on which the Senate is called to act. I hope, therefore, Senators will give their attention to it so that it may be understood.

The substitute was read, as follows:

That in lieu of the sum of \$5,000,000, payable to the State of Texas in five per cent. stock of the United States, by the act entitled "An act proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment by the said State of all territory claimed by her exterior to said boundaries, and of all her claims upon the United States, and to establish a territorial government for New Mexico," passed September 9, 1850, the issuing of which stock was restricted by the first proviso, to the fifth proposition contained in the first section of said act, the Secretary of the Treasury be, and he is hereby authorized and directed to pay to the creditors of the late Republic of Texas, who hold such bonds or other evidences of debt for which the revenues of that Republic were pledged, as were reported to be within the provisions of the said act of September 9th, 1850, by the report of the late Secretary of the Treasury to the President of the United States, and approved by him on the 13th day of September, 1851, or which come within the provisions of said act, according to the opinion upon the Texas compact of the present Attorney General of the United States, addressed to the Secretary of the Treasury, under date of September 26, 1853, the sum of \$6,500,000, to be apportioned among the said holders,

pro rata.
Sec. 2. And be it further enacted, That in all cases where the State of Texas may have paid any portion of the debt described in this act, the said Secretary shall refund to the proper officer of said State the amount actually so paid by the State upon the presentation at the Treasury Department of the evidences of said debt, on which the said State may have made such payment: *Provided*, The said sum shall not exceed the proportion which would have been allowed to the creditor or creditors, if such payment on said evidences of debt had not been made by the State of Texas, and where any original certificates or other evidences of debt have been surrendered to the authority of the State of Texas, such new certificates shall be received as evidences of the original amount of the claim.

Sec. 3. And be it further enacted, That no payment shall be made under this act to any holder of said securities, or evidences of debt, unless the said holder shall first execute to the United States a receipt for the said payment, in which said holder shall forever release all claim against the United States for or on account of the said securities or evidences of debt, and shall also indorse upon said security or evidence of debt, a credit for the amount so received by said holder, in such form as the Secretary of the Treasury may prescribe, and the said certificates, or other evidences of debt, shall then be deposited with the Treasury Department for the benefit of those whom it may concern, until otherwise directed by law.

Sec. 4. And be it further enacted, That before payment of the moneys aforesaid, the Secretary of the Treasury shall give notice, by public advertisement, for the space of ninety days, of the time at which said payment will be made, and no payment shall be made on any bond, certificate, or evidence of debt, which shall not, thirty days before the time limited by said notice, be presented at the Treasury Department.

Sec. 5. And be it further enacted, That the sum of \$8,500,000 be, and the same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of this act.

Sec. 6. And be it further enacted, That this act shall not take effect until it shall be assented to by an act of the Legislature of the State of Texas, and a copy of the act of said State, duly authenticated, deposited in the Treasury Department at Washington.

The pending question was on this amendment; and it was agreed to.

Mr. BRIGHT. Mr. President, this subject has been so long before the Senate, that I should consider it a waste of time this morning to go into the general arguments connected with the question. I deem it proper, however, to state the basis upon which the committee have acted in making this recommendation. The bill upon its face would indicate that it is an appropriation out of the Treasury for the purpose of paying this debt. Such is not the fact.

The amount proposed to be paid by the bill, as it now stands, was appropriated by one of what are known as the compromise measures of 1850. In the act of 1850, defining and settling a boundary between Texas and the United States, the sum of \$10,000,000 was appropriated, \$5,000,000 of which was reserved for the purpose of relieving the United States from any liability that might result in consequence of the debt of Texas, for which her import duties had been previously pledged.

The five millions reserved is in the shape of stock—five per cent. stock—which is now worth in the market, with interest and premium, six and a half millions of dollars. The amount proposed to be appropriated by the bill is just the amount which will be due at the expiration of the time when this stock matures. Hence, the only point presented for the consideration of the Senate is, whether, for the purpose of settling this vexed question, which has been before the Senate for years past, and will be for years to come, unless settled, you anticipate the balance of the time this debt has to run; that is to say, pay the interest now, instead of at the end of the time.

Mr. SHIELDS. If I understand the subject aright, the Government owes \$5,000,000, and the interest which is to accrue upon the \$5,000,000. This bill contemplates giving the \$5,000,000 and the supposed premium upon the stock, and the interest upon the debt and the premium together.

Mr. BRIGHT. The bill cancels the obligation of the United States to issue the stock. That stock is now worth in the market a premium of fourteen per cent. The \$5,000,000, together with interest and premium, on the 1st of January last, would have amounted to \$6,500,000 if the stock were issued; but this bill cancels the obligation of the United States to issue the stock, and requires the payment in money. The stock matures in a little over nine years from this time. Five years of the time, in round numbers, has expired.

Mr. SHIELDS. I wish to ask the honorable Senator what the amount of the original debt, which is \$5,000,000, and the interest accruing upon the \$5,000,000, will be at the expiration of that time?

Mr. BRIGHT. Just what is appropriated in the bill. The bill, as it now stands, proposes to appropriate at this time the amount of the debt for which the United States are liable, \$5,000,000, and the interest on that at the end of fourteen years. That is all it proposes. It is proposed further, that before this bill can take effect, the assent of Texas shall be obtained, and that no part of the money shall be paid until the creditors of Texas have filed a full and final release to the United States. The committee, after a very thorough examination of the case, have come to the conclusion that this is a fair and just settlement between all the parties. We are willing to refer it to Texas for her assent. If she refuses to give that assent, it will then be an open question, and will remain here for further agitation. If she accepts the offer, it will end the question. If any gentleman objects to this, I hope he will propose a substitute that will be more fair, equitable, and just.

Mr. CHASE. If I understand this proposition it is to pay now, in lieu of the five per cent. bonds which were issued, I think, for fourteen years, the sum of \$8,500,000. Those bonds were issued in 1850. There is then now due four years' interest upon these bonds, or twenty per cent., which would make the exact amount at the end of four years, \$6,000,000. The honorable Senator from Indiana states that the premium which this stock now commands in the market would, added to the interest, make altogether the sum of \$6,500,000. The bill proposes to pay \$8,500,000. Taking the statement exactly as it is, then, the proposition is to pay \$2,000,000, for which there is no obligation on the part of the United States existing in contract. That is the simple proposition. It is to pay \$2,000,000 for the sake of getting rid of a vexed question. For one, sir, I am not prepared to vote in favor of that payment.

It has been stated repeatedly upon this floor in the course of the discussions of this winter and past winters, and I think stated by the honorable Senator from Texas, [Mr. Rusk,] that there was no obligation whatever upon the part of the United States to pay any proportion of the debt of Texas. That was my opinion at the commencement of the discussion, and it remains unchanged to day.

Mr. RUSK. The honorable Senator has mistaken me. He puts me on the opposite side from that which I occupy. I have said from the beginning, (I have omitted no occasions, when it could be properly said, and frequently when it could not be properly said,) that the United States were bound in conscience and equity to pay more than one half of the debt of Texas, in consequence of the violation by this Government of her treaty stipulations, in permitting Indians to war upon us continually.

Mr. CHASE. Then I misapprehend the position of the honorable Senator in regard to the obligations of the United States to Texas; but I think I do not misunderstand his opinions in regard to the ground of this obligation. The Senator now states that his ground of obligation is, that the United States have failed to fulfil their obligations in respect to the Indians, and that damages sustained by the State of Texas, in consequence of Indian incursions, have created a claim upon the Treasury of the United States for a very large amount.

But I will ask the honorable Senator whether he or his colleague has ever asserted on this floor that the United States were bound to pay any part of the debts of Texas, upon the ground that they were debts secured by the customs revenue of Texas?

Mr. RUSK. I have not.

Mr. CHASE. The honorable Senator says he has not, and that was the point. The ground upon which this debt was provided for, in the year 1850, was, that the United States were liable to pay the debts of Texas, because by annexation the United States had become possessed of the revenue of Texas, out of which those debts would otherwise have been paid.

Everybody knows, Mr. President, that the United States, in 1845, entered into a solemn compact with Texas, by which it was expressly stipulated that the vast area of Texas, her vast public domain, should be reserved intact to that State, and that the State itself should pay her entire debt, and that that debt should in no event become a charge upon the Treasury of the United States. The honorable Senator from Texas did nothing more than was to be expected from his known candor and fairness, when he repudiated all claim upon the United States on the ground of any obligation to discharge the debts of Texas because the United States had become possessed of her revenues.

I do not propose to go into that matter now. It was settled in 1850, so far as the Congress of that day proposed to settle it. It was settled against my vote; but at that time Congress did agree to assume, in behalf of the United States, \$5,000,000 of the debts of Texas.

Now, sir, we are bound to pay that money. It is a debt honestly due, and it amounts now to \$6,000,000, and I am ready at any time to vote for an appropriation of that sum to be paid to the creditors of Texas, or to the State of Texas herself, as the creditors and Texas shall arrange. But not believing that there was any original just ground of claim, and not believing that there is now any just ground of claim, I am unwilling to pay the sum of \$2,000,000 to the creditors of Texas, when the sole ground urged is not any compact, not any obligation of public duty, but simply to get rid of vexation. If that is a ground of claim, although your Treasury is very full now, it certainly would be empty to-morrow. I thus have stated very briefly the grounds on which I am compelled to vote against this bill; and having stated my views I shall not prolong the discussion.

Mr. TOUCEY. I do not admit the liability of this Government at all in this case. We have, however, a fund in our hands which is to assume the form of a debt, paying interest at five per cent., at a future day, and the premiums on the bonds at this time, as I understand, would be some fourteen or fifteen per cent.

Now, sir, we have this fund, and we have this interest to pay. I shall give my vote in favor of the bill recommended by the committee, on the ground that we pay what we are now willing to pay to buy in any debt or stock, and make a further concession by way of compromise. The amount is not very large, and if we can dispose of this whole subject by making a moderate concession and get rid of it, in conformity with the recommendation of the committee, I acquiesce in it. But in doing so, I cannot recognize the liability of this Government for the debt of Texas. I rise not to discuss the question, but barely to express the ground on which I shall give my vote.

Mr. HUNTER. It is not my purpose to make a speech on this question, but I merely wish to state my views in regard to it. I cannot vote for this bill. I consider it as assuming, in part at least, a debt of Texas which we do not owe. I am willing to carry out the obligation of what is called the boundary act. I am willing to pay over the five millions with interest in any manner that may be designated by the State of Texas and the creditors. I believe, sir, I would go further. I would pay five millions of stock and the premium. I am willing to pay what we owe according to the statement of any fair account, but I am not willing to pay one cent beyond that; and, therefore, I shall vote against the bill.

Mr. BRIGHT. There is an amendment necessary to come in at the end of the first section.

Mr. DIXON. I desire to know of the Senator

from Indiana, if this bill proposes to pay anything but principal and interest?

Mr. BRIGHT. It proposes, as I stated before, to anticipate the interest for the residue of the term. It proposes to pay just what the bonds will amount to at the expiration of the time for which they were issued.

I move to amend, by adding at the end of the first section, the words:

Provided, That the interest on the debt embraced in this act shall be calculated and regulated by the existing laws of the State of Texas.

That was an omission in the bill reported by the committee.

Mr. HUNTER. I do not understand that. The interest on what debt?

Mr. BRIGHT. Upon the debt of Texas. Texas has passed an act whereby the interest on such debt ceased. The object is to make the bill conformable to her legislation, and as far as possible to make it acceptable to her when her Legislature shall come to declare its assent or dissent.

Mr. PEARCE. I apprehend that will make very little difference. The money appropriated by this bill is not sufficient to pay all the claims of the creditors. It proposes to distribute the amount *pro rata*, and there will not be more than enough money, indeed there will not be money enough, to pay the whole of these debts, and the interest upon them to the time when, by the legislation of the State of Texas, the interest ceases; so that it will really make no difference. In regard to the bill itself, I am so situated on the subject, that it does not become me to detain the Senate by any long discussion at present. I however, beg leave to say a very few words.

The obligation of the Government of the United States, under the act of 1850, is to the State of Texas, and not to its creditors. That is certain. It is an obligation to issue to the State of Texas \$5,000,000 in bonds, taking fourteen years to run, and paying five per cent. interest; but this issue is not to be made, according to the act of 1850, until all the creditors of Texas, to whom their duties or customs were pledged for the security of the bonds or other evidence of debts, shall have released any claim which they may have against the Government of the United States, and filed such releases at the Treasury. That is the provision of the act of 1850. It was intended to compel an arrangement between the State of Texas and her creditors. It has failed in its effect. No arrangement has been made. Texas has not paid these creditors her debts; and, except as to a very small portion of them, has paid none of them. The releases have not been filed at the Treasury; and the bonds cannot be issued until the releases of all the claims are filed.

That being the condition of things, it is evident that no settlement of the matter between the creditors of Texas and the State of Texas, and the United States, as against whom these creditors also claim that they have a demand, can be made without further legislation; and I do not see how it is possible for us to adopt any further legislation except by the assent of Texas, because \$5,000,000 of the stock proposed to be issued by the act of 1850 were to be issued to her, and not to her creditors.

In the mean time the creditors are suffering. The delay in effecting a settlement between them and Texas is ruining them. Many of them are our own citizens, and they think—and not without reason—that besides the claim which they have upon Texas, they have a claim upon the Government of the United States. The Senator from Ohio [Mr. Chase] thinks that they have no claim because we appropriated the funds pledged by the State of Texas to the liquidation of these debts.

There are others who think they have a claim. What the precise extent of it is, whether it is perfectly right, or whether it is a claim for a perfect and complete indemnity from the United States, it is not necessary for me to argue. They believe they have a claim, and they have under the laws of nations, I think, good authority for asserting that they have such a claim. But I do not propose—the bill does not propose—to pay the creditors in full. It proposes an arrangement which may be considered a release. Undoubtedly the bill proposes to appropriate a larger sum of money than is now due upon these bonds, even if you include the premium which has been mentioned in the argument. The amount to be given, as stated by the

Senator from Indiana, is the amount of the \$5,000,000 bonds with interest on them, calculated up to the time of their maturity, and, therefore, it is manifest if we adopt this bill, we shall be giving the creditors of Texas a sum between \$2,000,000 and \$1,700,000 more than is now due upon the bonds.

The only question, therefore, is, as to these two millions. Will the United States give the two millions beyond what they now actually owe to the State of Texas, in order to settle this vexed question, in order to relieve ourselves of the perpetual demands of the creditors of Texas, for ample and full indemnity, upon the Treasury of the United States, and in order to relieve them from the consequences of the delay which is so ruinous to them?

I think we have often made appropriations upon grounds vastly weaker than those on which this bill is urged. For myself, I shall not hesitate to give it my vote, not upon the ground that we are under strict legal obligation to pay this money, but because we are under liability to Texas to pay her \$5,000,000 with interest upon it, which in about ten years would amount to the precise sum mentioned in the bill, and because the excess over what we now undisputably owe is, I think, a small consideration to pay for the settlement of a question likely to harass us so long, and which, in all probability, at some day, if not now, will be acknowledged. And it should also be done for the relief of the individual creditors, whose safety from ruin depends upon the action we take on this bill. If we do not pass it, or some other bill like it, the question will remain unsettled until the expiration of the fourteen years, the time for which these bonds were considered as issued.

Mr. SHIELDS. Before the honorable Senator sits down I desire to ask him if he has calculated what the debt, and interest, and premium, up to this time, would be?

Mr. PEARCE. The debt and the interest upon it, up to the 1st of January next, will be \$6,000,000. As to the premium which the Secretary of the Treasury will not pay on these bonds issued and redeemable by him according to the practice pursued, if, according to the statement of the honorable Senator from Indiana, it be fourteen per cent., that would be \$700,000 more; that would be \$6,700,000. So that the Senate are to consider whether they will advance, as a compromise of this disputed question, the sum of \$2,000,000 over and above what we now actually owe. I think we should be cheaply rid of the question by passing the bill to rescue the creditors from ruin, and satisfy the State of Texas.

Mr. WALKER. The amendment offered by the Senator from Indiana, I think, does not alter the question presented by the bill, so far as we should view it in the relations of the United States Government to it. I wish to understand it, his matter, and for that purpose shall state what my present understanding is, so that if I am wrong I may be corrected. If I understand it, the Government of the United States owes the State of Texas \$5,000,000 under the compromise act, as it is called, of 1850. Upon these \$5,000,000, under that act, interest has run which will make it \$6,000,000 on the first of January next. This sum is taken, and the interest is calculated upon it for nine or ten years—which?

Mr. BRIGHT. For nine years.

Mr. WALKER. Then the \$6,000,000 is taken, and nine years' interest calculated upon it, and added to the \$6,000,000, and that is made the aggregate which, in this bill, we are to appropriate for the benefit of the creditors of Texas. If I am correct in that, I should like to hear upon what principle we are to make this advance from \$5,000,000 to \$8,500,000. So far as I have heard any answer to it, it is given by the Senator from Maryland, [Mr. PEARCE,] and that is, that we should pay it by way of compromise. I should like to know if we are in any difficulty with the State of Texas which is forcing us to a compromise? I do not understand the State as raising any serious question with the Government as to the liability of the Government; but if she does raise it—

Mr. PEARCE. If the Senator will allow me, I did not state that it was a controversy between the State of Texas and the United States as to any amount of money. I stated the claim of Texas, as to these \$5,000,000 of bonds, when the re-

leases should be made. The creditors themselves allege that they have a claim against the United States, and many persons think that claim well founded; and it was as a compromise of that claim that I spoke of it.

Mr. BRIGHT. I will state to the Senator that the answer to his position is to be found in the fact that the debt of Texas, at this time, amounts to about \$13,000,000, say thirteen in round numbers. Her creditors have sent memorial after memorial here for the last five years, alleging that the United States is bound for the payment of every dollar of that debt, on the ground that Texas was annexed to the United States under circumstances which took from her all means of paying the debt, and necessarily threw it as a charge upon the United States. That position is denied by many Senators, and by many others admitted. I am one among the latter, and I am not alone in it. Now, for the purpose of effecting a compromise between these parties, and between the creditors of Texas and the General Government, we say to them, we will pay you the \$5,000,000 stipulated under the act of 1850, now; instead of waiting nine years, provided Texas will assent to the arrangement. Who doubts that if this proposition fails another session will find us legislating again upon this subject? Who doubts that the creditors will be found appealing to us for payment of the entire debt, and so will they continue until the time shall have expired for the maturity of the stock stipulated to be issued under the "act" of 1850. This is, in short, another, and it is to be hoped a full and final, compromise of this vexatious and embarrassing subject, and as there is a probability of its acceptance by the State of Texas, let us close it at once and forever, justice to our own citizens and the public interests, alike prompt this course.

Mr. WALKER. The controversy, then, it seems, is not as between Texas and the General Government, but between the creditors of Texas and the General Government; they alleging, on their part, that the Government of the United States is liable for the whole amount of the Texas debt. That is one question. The question before the Senate is, What have we agreed to do? Have we ever assumed the debt of Texas? Not at all; we have not assumed that debt. We stipulated by the act of 1850 to pay to Texas \$10,000,000. Five millions of that ten were reserved in the hands of the Government to meet contingencies contemplated by the act. Now, it is proposed that we shall compromise, in consequence of the claims set up by the creditors of Texas, and pay \$3,500,000 beyond that sum. It is true, that if the debt should now be paid—\$5,000,000, with interest upon it up to the 1st of January next—it would amount to \$6,000,000. That the Government is bound for; but it has never assumed the debt of Texas. She promised, by the compromise act of 1850, to pay \$5,000,000 in a given time, with interest upon it. This is, then, a proposition which, in its equivalents, asks the Government to increase the amount which she has assumed, and to pay to the creditors of Texas \$3,500,000 beyond it. For one, I say, with the Senator from Virginia, I cannot vote for it. I am willing to vote now upon any terms that may be deemed just to the creditors of Texas, and in which the State of Texas shall acquiesce, every dollar that was promised by the act of 1850. They may fix their own terms, but when they fix terms which do not simply ask the Government to comply with its promise of 1850, but ask it to go \$3,500,000 beyond that, I cannot vote for it.

Mr. RUSK obtained the floor.

Mr. BRODHEAD. I do not like to interfere with the business of the Senate.

The PRESIDING OFFICER. (Mr. STUART.) The Senator from Texas has the floor. Does he yield to the Senator from Pennsylvania?

Mr. RUSK. Yes, sir.

Mr. BRODHEAD. Nor do I wish to prevent the Senator from Texas addressing the Senate on this question at this time, if he desires to do so; but I suggest to him whether it would not be better, in view of many considerations, that we should take up this bill to-morrow morning during the morning hour, and as this is the first time it has been before us, we can then consider it more thoroughly. It is a pretty large question, and I think, all things considered, it would be as well to

let it go over until to-morrow, so that we may now take up the homestead bill.

Mr. BRIGHT. I stated when I asked the Senator to take up the bill, that I would not press it to the prejudice of the special order. If, therefore, Senators desire to go on with the special order I will give way, but I think we can have a vote upon this to-day. I hope no Senator wishes to speak upon it.

Mr. MASON. I have stated to the Senator from Indiana, when he said that he thought it would not take more than an hour to consider this bill, that I should feel it my duty to ask the Senate to go into Executive session, and I must do so when the debate upon this question closes, or when the consideration of it is postponed.

Mr. DODGE, of Iowa. Do I understand that the Senator from Texas is willing to postpone the consideration of the subject until to-morrow?

Mr. RUSK. I should prefer to go on now. I shall not occupy more than twenty minutes.

Several SENATORS. Go on.

Mr. RUSK. Mr. President, for several years past, in the early part of every session, some of the Texas creditors have petitioned Congress for the payment of their claims. These petitions have generally been referred to the Committee on Finance; and I have, upon several occasions, urged upon that committee to make an early report, so that time might be allowed for the discussion of the subject.

While I would make no complaint in reference to the action of the committee referred to, I am, nevertheless, compelled to regret that they have always reported at a late day in the session, so that sufficient time has not been allowed for the proper discussion of the grave questions presented by these petitions. I have, upon more than one occasion, said that although Texas had been liberally charged with repudiation, I could show that it was the United States Government, and not Texas, that repudiated just obligations.

In 1850, immediately after the Committee of Thirteen was formed, I presented to Mr. Clay, the chairman of that committee, a proposition from the Texas delegation for the settlement of all matters in dispute between that State and the United States. The proposition was to agree upon the thirty-fourth parallel of north latitude as the boundary line, Texas ceding all north of that line to the United States, and releasing them from all claims hereafter on account of encroachments of the Indians of the United States upon Texas prior to annexation, for a sum sufficient to pay off the Texas debt in full. In the paper which I submitted to Mr. Clay, I stated that a very large portion of that debt had been created by the necessity of defending ourselves against the Indians of the United States, whom this Government was bound, by every principle of humanity and good neighborhood, as well as by treaty obligations, to restrain, but utterly failed to do so. By this failure to comply with their treaty obligations, at a time when she was contending at fearful odds against Mexico, they subjected Texas, at vast expense of blood and treasure, to defend herself against the Indians of the United States, whom you were bound, by the most sacred obligations, to restrain from outrages upon us. I shall, sir, now proceed, as briefly as possible, to show,

First. That the United States were bound to restrain these Indians; and

Secondly. That the Government failed to comply with its obligations in this particular.

If I succeed in establishing these positions, I think it follows as a necessary consequence that this Government is in good faith and honor bound to pay what Texas was forced to expend, in consequence of the violation of the oft acknowledged obligations of the United States.

The first piece of evidence which I shall adduce, is the thirty-third article of the treaty with Mexico in 1831, which is in the following words:

"It is likewise agreed that the two contracting parties shall, by all the means in their power, maintain peace and harmony among the several Indian nations who inhabit the lands adjacent to the lines and rivers which form the boundaries of the two countries; and the better to attain this object, both parties bind themselves expressly to restrain by force all hostilities and incursions on the part of the Indian nations living within their respective boundaries, so that the United States of America will not suffer their Indians to attack the citizens of the United Mexican States, nor the Indians inhabiting their territory, nor will the United Mexican States permit the Indians residing within their territories to commit hostilities against the citizens of

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the United States of America, nor against the Indians residing within the limits of the United States, in any manner whatever. And in the event of any person or persons captured by the Indians who inhabit the territory of either of the contracting parties, being or having been carried into the territory of the other, both Governments engage and bind themselves in the most solemn manner to return them to their country as soon as they know of their being within their respective territory, or to deliver them up to the agent or representative of the Government that claims them, giving to each other reciprocally timely notice, and the claimant paying the expenses incurred in the transmission and maintenance of such person or persons, who, in the mean time, shall be treated with the utmost hospitality by the local authorities of the place where they may be. Nor shall it be lawful, under any pretext whatever, for the citizens of either of the contracting parties to purchase or hold captive, prisoners made by the Indians inhabiting the territories of the other."

At the time this treaty was made, Texas was a part of Mexico, and although she was separated from that country soon after by revolution, that revolution did not obliterate the obligations of the treaty. According to the principles of national law, Texas was bound by all the obligations which were applicable to her in her new capacity as a separate government, and this Government so claimed; for in a treaty made with Texas in 1838, it is recited that Texas was bound by the terms of the treaty made by the United States with Mexico in 1828, in reference to boundary.

The treaty alluded to contains these words:

"Whereas, the treaty of limits, made and concluded on the twelfth day of January, in the year one thousand eight hundred and twenty-eight, between the United States of America on the one part, and the United Mexican States on the other, is binding upon the Republic of Texas, the same having been entered into at a time when Texas formed a part of the said United Mexican States."

Now, sir, it is assumed here that Texas was bound to the United States by the terms of treaties made with Mexico, while Texas was a part of that Republic. If Texas was thus bound to the United States, were not the United States, upon the same principle, bound to Texas; or, in other words, can the United States claim benefits, and at the same time avoid responsibility? The proposition is too untenable to be even asserted, much less insisted upon. After her separation from Mexico, the Republic of Texas claimed the benefit of the thirty-third article of the treaty of 1831, as will fully appear by the letters of her diplomatic representatives here, many of which I might produce; but I will content myself with only reading two of them:

On page 5 Document No. 14, January 3, will be found the letter from which the following is an extract:

TEXAN LEGATION,
WASHINGTON, March 14, 1837.

Within the last two months we have received from our Government several dispatches, all giving detailed accounts of different Indian aggressions. We trust that this Government will feel itself bound alike by humanity and by its treaty obligations, to prevent a recurrence of similar acts of rapine and bloodshed, by the only effectual means in its power, which is the reoccupation of Nacogdoches, or some other point west of the Sabine.

With high consideration, &c., &c.,
W. H. WHARTON.
M. HUNT.

Hon. JOHN FORSYTH, Secretary of State.

Also on page 6 of the same book, the following:

TEXAN LEGATION,
WASHINGTON, July 18, 1837.

I have also to inform you that certain Indians from the United States are still committing their depredations upon the citizens of our eastern frontier, and again I would urge the terms of the existing treaties relative to the control of the Indians in that quarter.

I have the honor to be, &c., MEMUCAN HUNT.
Hon. JOHN FORSYTH, Secretary of State.

These two extracts will be sufficient to show that at that early day, after the separation from Mexico, Texas demanded the fulfillment of the thirty-third article of the treaty with Mexico, in reference to the Indians of the United States. Did this Government deny the obligation? The letter from Mr. Forsyth, of the 29th of July, 1837, will show that, so far from refusing to acknowledge it, the distinguished statesman referred to virtually admitted the force of the demand. On page 7 will be found his answer to the letter from Mr. Hunt, in which he says:

DEPARTMENT OF STATE,
WASHINGTON, July 29, 1837.

SIR: I have the honor to transmit a copy of a letter to this Department from the Department of War, to which a part of your note of the 18th instant was referred, by which you will be reminded of the importance of more particular information upon the subjects thus referred, in order that a proper direction and efficiency may be given to the efforts of this Government for the suppression of the acts complained of.

I have the honor to offer you renewed assurances of my great consideration.
JOHN FORSYTH.
Hon. MEMUCAN HUNT, &c., &c., &c.

Although in this letter Mr. Forsyth did not, in terms, admit the obligation under the treaty named, still he did not deny it; and that, too, when it was the ground on which our Ministers had placed their demand.

This correspondence continued; and in 1839 Mr. Forsyth addressed to Mr. Dunlap the following letter on the same subject:

DEPARTMENT OF STATE,
WASHINGTON, July 17, 1839.

SIR: I have the honor to acknowledge the receipt of your note of the 29th ultimo, calling the attention of this Government to those stipulations in the treaty between the United States and Mexico of the 5th of April, 1831, which relate to Indian incursions and depredations, and transmitting sundry documents evincive of schemes of Mexican authorities to incite Indians within the territory of the United States, and of the disposition of those Indians, to wage war upon the citizens of Texas.

A copy of your note, and the original documents which accompanied it, have been communicated to the Secretary of War, whose province it is to attend to the relations of this Government within the Indian tribes on our soil, and who will, no doubt, exert the best energies of his Department towards the fulfillment, on our part, of the stipulations referred to.

The original commissions to the Indian chiefs, which you requested might be returned to you, are herewith inclosed.

I avail myself of this occasion to renew to you the assurances of my very distinguished consideration.

JOHN FORSYTH.

R. G. DUNLAP, Esq., &c., &c., &c.

Mr. Poinsett, then Secretary of War, under date of the 18th of July, 1839, uses this language:

"Although I am fully convinced these orders have been punctually obeyed, and that the United States officers will use due vigilance in their execution, still they shall be reiterated, and the Texan government may rely upon every exertion being made on our part to fulfill our treaty stipulations in this particular."

Mr. Crawford, Commissioner of Indian Affairs, in a letter to Mr. Armstrong, Indian agent, dated 25th of July, 1839, uses this language:

"You will, therefore, please to exert yourself to prevent any inroads upon Texas by Indians resident within our limits; if such movements are contemplated, they must be counteracted, and our treaty obligations faithfully discharged."

I could go on and read similar statements from Mr. Webster while Secretary of State, but surely this is enough to establish my first proposition.

This brings me to the question—has this Government complied with its obligations on this subject? The first evidence I shall adduce on this head is a treaty entered into by this Government with the Caddo tribe of Indians, then residing in Louisiana; made first day of July, 1835, and proclaimed by the President on the 2d of February, 1836. The second article of that treaty is in these words:

ART. II. The said chiefs, head men, and warriors of the said nation, (Caddoes,) do voluntarily relinquish their possession to the territory of land aforesaid, and promise to remove at their own expense out of the boundaries of the United States, and the Territories belonging and appertaining thereto, within the period of one year from and after the signing of this treaty, and never more return to live, settle, or establish themselves as a nation, tribe, or community of people within the same."

By other articles of this treaty, the Caddo Indians ceded to the United States a quantity of land lying in Louisiana, for which thirty thousand dollars were to be paid to them in goods and horses at once, ten thousand dollars in money before the first day of September, 1836, and ten thousand dollars a year for four years thereafter. This treaty was made about the time the revolution in Texas began; the Indians received a large part of their first thirty thousand dollars in arms and ammunition, with which, in hostile array, they marched into the town of Nacogdoches, where I then resided; and demanded of the political chief that he

should assign them lands in Texas, which was refused. They then went out among the wild Indians, settled, and began a war upon our frontier, which they kept up until within a few years past. Once every year, for the succeeding four years, they made a trip from the prairies to Shreveport, Louisiana, where they received ten thousand dollars each year, which they laid out in arms and ammunition, to be used in their warfare upon Texas. Not only did the Caddoes do this, but they furnished arms and munitions to several other tribes of Indians, and incited them to war upon Texas. There was no single year in which, in their journey from the prairies to Shreveport, they did not steal from and commit murders upon the people of Texas. We had scarcely one engagement with the Indians in which Caddoes were not found among the enemy. Upon one occasion, in an attack upon my camp, one of their principal chiefs was killed within thirty steps of my line. On one of their last visits to Shreveport, to receive their annuity, they most wantonly murdered the family of a Mr. Pearce, within a few miles of the United States line. I pursued them into Louisiana, and took their arms away from them, which, at the time, was complained of as a great outrage upon the integrity of the territory of the United States.

But, sir, the Caddoes were not alone in this warfare upon Texas. There were Cherokees, Shawnees, Delawares, Kickapoos, and many others who joined in this warfare upon Texas. After the battle of San Jacinto, in 1836, Mexico, despairing of the reconquest of Texas by her own arms, offered to the Indians the country, upon condition that they should aid Mexico in exterminating the Texans. One Don Manuel Flores, a citizen of the United States, who resided within a few miles of one of your garrisons, figured largely in this business. General Valentine Canalizo, at that time in command of the Mexican army on the Rio Grande, granted commissions to Flores and Cordova, who received and entered into arrangements with the Indians at Matamoros, issued orders and instructions for their campaign against Texas, and sent officers and agents to incite them to the work of destruction. One of these agents, a Colonel Miracle, was killed in Texas, and the commissions and instructions found in his possession. These documents were all sent on and exhibited to the Government here. They are long, and I shall read but one of them; the others may be all found in Executive Document No. 14, second session Thirty-Second Congress:

Canalizo to the Chiefs of the Tribes.

Don Manuel Flores, and the chiefs of the friendly tribes accompanying him, will make known to you my sentiments towards yourself and my friends, the Indians of your tribe; and also what you have to expect as regards your remaining in quiet possession of the land selected by you within the Mexican territory for settlement. And these individuals are informed in relation to what has to be done.

Have an understanding with said Flores, in order that you may act in such a manner as to be secured in the peaceable possession of your lands, and to prevent any adventurers again destroying the repose of your families, or again treading the soil where repose the bones of your forefathers, and be careful not to deviate from his instructions.

Act under the full assurance of our generosity, of which we have given so many proofs, and that nothing can be expected of the greedy adventurers for land, who wish to deprive you even of the sun which warms and vivifies you, and who will not cease to injure you while the grass grows and water flows.

I desire to hear from you, and to know how I can serve you. Communicate with Manuel Flores in order that he may inform me.
VALENTIN CANALIZO.

CUARTEL DE MATAMOROS, February 27, 1839.

Captain IGNACIO, of the Guapanagues.
Captain COLOXE, of the Caddoes.
The CHIEF of the Seminoles.
Sor. G. MAS GFE DE LOS CHARAQUIES, (intended for Big Mush, of the Cherokees.)
Captain BENITO, of the Kickapoos.
To the FAMA SARGENTO de los Brazos.
Lieutenant Colonel BUL, of the Cherokees, (meaning Bowles.)

Don Manuel Flores was a citizen of the United States, and every one of the tribes addressed were natives of the territory of the United States. I could adduce much more proof to the same effect, if time would permit. The consequences of the war of your Indians upon Texas—for some parts

of all these tribes were engaged in it for several years—were of the most serious character. While we were engaged with some eight thousand Mexican troops, all the families of the eastern portion of the Republic were compelled to leave the country, or they would have fallen a prey to the tomahawk and scalping-knife of your Indians. After

we had driven back the Mexicans, our frontier was drenched in blood by these ruthless savages. We had to make many campaigns; and keep up a standing force for defense against them, which involved large expense. I requested the Auditor to make me out an account of these expenses, which is as follows:

Statement of Expenses incurred by the Republic of Texas prior to the 16th of February, 1846, in maintaining peace with, and protecting her frontiers from the incursions of Indians removed thither and belonging to the United States.

<i>Date of law authorizing expenditure.</i>	<i>Page.</i>	<i>Specific object for which appropriation was made.</i>	<i>Amount.</i>
Dec. 5, 1836	54	For securing peace on the frontier by treaty, &c.	\$20,000 00
May 15, 1838	26	For protection of southwestern frontiers by corps of cavalry	50,000 00
Nov. 7, 1838	1	For fitting out two hundred and fifty men under General Rusk for protection of the northern frontier	20,000 00
Nov. 7, 1838	1	For protection of the frontier	80,000 00
Nov. 16, 1838	2	For arms, munitions, and provisions for General Rusk's command	20,000 00
Dec. 21, 1838	12	For protection of northern and western frontier against Indians	300,000 00
Dec. 29, 1838	25	For protection of frontier against Indians	75,000 00
Jan. 1, 1839	26	For protection of Houston and other counties	5,000 00
Jan. 1, 1839	26	For protection of frontier of Gonzales county	5,000 00
Jan. 15, 1839	42	For paying off arrearages in bureau of Indian affairs for 1838	2,000 00
Jan. 24, 1839	76	For protection of frontier for 1839	1,000,000 00
Feb. 3, 1840	207	For part expenses of removal of Shawnee Indians	15,000 00
Feb. 3, 1840	207	For protection of frontier for 1840	1,016,319 01
Feb. 3, 1840	232	For supplies furnished General Rusk in campaign against the Indians in 1838-'39	30,000 00
Feb. 3, 1840	174	For purchase of beef for three hundred volunteers, to dislodge Indians on upper Brazos	10,000 00
Feb. 5, 1840	243	For supporting Caddo Indians	1,000 00
Feb. 5, 1841	110	For pay of spies and volunteers for frontier service	75,000 00
Feb. 3, 1842	98	For pay of minute men for frontier protection for 1841	9,600 00
Feb. 3, 1842	98	For frontier protection for 1842	20,000 00
Jan. 6, 1843	9	For Indian purposes	10,000 00
Jan. 16, 1843	28	For frontier protection	50,000 00
Jan. 16, 1843	45	For spy company on southwestern frontier	500 00
Dec. 19, 1843	3	For payment of John C. Hays's company mounted volunteers, for protection of southwestern frontiers	6,450 00
Jan. 23, 1844	32	For payment of John C. Hays's company mounted volunteers, for protection of southwestern frontiers	7,142 00
Feb. 5, 1844	108	For Indian purposes	10,000 00
Feb. 1, 1845	79	For protection of southwestern frontiers, (Hays and McKenny's companies)	45,000 00
Various laws.		For amounts audited for which no specific appropriations were made at the time, but which were subsequently, or funded under the funding laws	932,000 00
Total amount, exclusive of interest			\$3,815,011 01

COMPTROLLER'S OFFICE, March 20, 1854.

JAMES B. SHAW, Comptroller.

This, sir, does not cover all the expenses, so that it may be safely asserted that more than one half the entire debt of Texas was created in defending herself against the hostile incursions of Indians whom you were bound by treaty stipulations to restrain, to say nothing of the magnanimity which ought to have been shown by a great and powerful nation towards a weak neighbor, struggling for liberty and existence. The damages to the Republic of Texas growing out of these transactions were incalculable.

The controversy between Texas and Mexico was soon settled, for all practical purposes. After the battle of San Jacinto, the war with Mexico was a nominal affair. Our debt was small, and we had, so far as Mexico was concerned, quiet possession of an empire of the most desirable lands upon this continent. The United States Indians, however, had possession of a large portion of the most valuable of them; and not content with retaining that possession, were daily committing ravages of the most appalling character upon our frontier inhabitants. The property of our citizens was taken, men were shot down at the plow, neither age nor sex were spared, and women and children were carried off into a captivity far worse than death. Accounts of these ravages found their way into the newspapers, and thousands were prevented from removing to Texas who would otherwise have done so, while many who were already there were induced to leave the country.

Our debt, after the Mexicans were expelled from the country, amounted to less than a million of dollars. Our Government was placed upon an economical footing, and we should very soon have been able, from the sale of our lands, to have paid our debts, and supported the Government. But, the fact that your Indians were in possession of the lands, added to the terror which they inspired, caused them to depreciate, so that they could not be sold at any price. To keep up a force for the defense of the frontier large sums were required, and necessity compelled us to make paper issues. Having no means to redeem this paper, its price, as a matter of course, went down, and it descended in the scale until much of it commanded but ten cents in the dollar. That paper constitutes the very debt in controversy, and is now here demanding its full face value, with eight and ten per cent. interest.

Now, sir, suppose this transaction had been between individuals in place of between nations, and was before a court of justice, would not the party violating his contract be condemned to refund the money expended by the other, in consequence of the violation of the contract, as well as the damages which have been sustained?

I shall support this bill, as it is to be submitted to Texas for her approval or rejection. There is now in the Treasury of the United States \$5,000,000 in bonds, bearing an interest of five per cent., redeemable in fourteen years from their date, which was in 1850; four years' interest is now due. If these bonds are allowed to run on to maturity, there will then be due upon them \$3,500,000 interest; this, added to the \$5,000,000 of principal, would make \$8,500,000, the sum proposed to be appropriated now in payment of these bonds.

I had intended, sir, if this bill had come up at an earlier day of the session, to have offered an amendment providing that a board of commissioners, or the officers of the Treasury, should be authorized and required to take testimony, and ascertain and pay the amount which may be found justly and equitably due to Texas on account of the Indian incursions upon Texas. But, sir, we have not time now to investigate this subject as fully as it may be desirable. The friends of the bill are desirous of having a vote upon it as it stands, and I have, therefore, concluded not to offer the amendment.

But here, in my place, I distinctly announce that I believe this claim to be just. I believe this Government in honor bound to pay it; and so believing, I shall, upon all proper occasions, as long as Texas honors me with a commission as her representative, continue to press this claim until it shall be paid.

Mr. MASON. I move to postpone the further consideration of this bill until to-morrow, with the view of going into Executive session.

The motion to postpone was agreed to.

HOUSE BILLS REFERRED.

The bill from the House of Representatives creating a new collection district in the State of New York, to be called the district of Dunkirk, and to constitute Dunkirk a port of entry, and the ports of Barcelona, Silver Creek, and Cattaraugus Creek, ports of delivery, was read twice

by its title, and referred to the Committee on Commerce.

The bill from the House for the relief of Charles Lee Jones, was read a first and second time by its title, and referred to the Committee on Military Affairs.

EXECUTIVE SESSION.

Mr. MASON. I now move that the Senate proceed to the consideration of Executive business.

Mr. HUNTER. I wish to state that the Committee on Finance have reported the civil and diplomatic appropriation bill, and we are now ready to proceed with its consideration. It is not my purpose to oppose my colleague's motion to-day, but I give notice that to-morrow I shall ask the Senate to divide the time, at least with him. Unless we can dispose of that bill this week, I do not well see how we are to adjourn on the 4th of August. I hope, sir, that to-morrow the Senate will agree to take it up and proceed with it. It is a very long bill. I give notice that I shall ask the Senate to-morrow to take it up.

Mr. GWIN. I hope we shall take up the homestead bill. We have spent day after day upon it, and we are now ready to come to a vote.

Mr. PRATT. There is no chance of getting a vote upon that now.

Mr. MASON. The Senator from California will allow me to say to him, and to the Senate, that they are aware that there is important business pending before the Senate, in Executive session, business of very great importance. The session is drawing near to a close; and, therefore, I shall be compelled to ask the Senate to proceed to the consideration of Executive business.

Mr. GWIN. I am in favor of it; but I want to do one thing at a time. I want to get clear of the homestead bill now; and therefore, I hope we shall proceed to its consideration and get through with it.

Mr. CLAY. I will say to the Senator from California, that it is utterly impossible to get through with that bill to-day. I have several amendments which I shall propose to it at the proper time.

Mr. GWIN. We have to dispose of it; and as we have it under consideration, I am opposed to laying it aside for anything until it is disposed of. Therefore, I ask for the yeas and nays on the motion of the Senator from Virginia, with a view to vote against it in order to take up the homestead bill.

The yeas and nays were ordered.

Mr. CLAYTON. I do hope that we shall do something. We have now two measures before us of great importance—the homestead bill, and the Texas debt bill.

Now, the fact is found to be that, when we partially discuss a bill, and then postpone it to another day, it increases debate upon it from day to day. The only proper way to proceed, is to take up some one subject and go through with it, before we proceed with anything else.

If we begin with the homestead bill, and then the next day take up the Texas debt bill, and in the middle of the discussion on that go into Executive session to take up some treaty, the result will be that the Senate will adjourn without action on some of the most important measures. I am not opposed to going into Executive session; but I do hope that now we shall proceed to decide either the homestead bill or the Texas debt bill.

Mr. BELL. I wish to ask the honorable chairman of the Committee on Foreign Relations, if he stated that it was a matter of immediate importance that we should go into Executive session?

Mr. MASON. I will state to the Senator, and to the Senate, that there is a matter pending before the Senate in Executive session of great public interest and great public importance. It is indispensable, I think, to the success of that measure that it should be acted upon within the present session. It may be that it will elicit a good deal of difference of opinion, and a good deal of debate, and it may require time.

I gave notice that I should move an Executive session on Monday, but at the solicitation of gentlemen interested in the homestead bill, I deferred it until I have found, as I am now satisfied, that if that homestead bill be continued it will take up the remainder of the session, for there will be protracted debate upon it, and various amendments

will be offered. I submit to the Senate that Executive matters of the character to which I have alluded, should take a certain degree of precedence when it is indispensable that they should pass.

Mr. BROWN. I shall oppose going into Executive session. It is very clear to my mind that we cannot, by any possibility, do more than pass the necessary bills during the remainder of the session. If day after day is taken up in the consideration of Executive business, we shall have no time for legislative action. If the Executive business is of that pressing importance indicated by the Senator from Virginia, the President can detain the Senate here when the two Houses shall have adjourned, and that too, without incurring any risk of paying extra mileage, which has heretofore been the great bug-bear. I would rather have that sort of Executive session to transact important Executive business, than that the homestead bill and other important bills should be defeated for want of time. The President can very easily detain us here if he chooses to do it for Executive business, after the adjournment of Congress, and we cannot be detained for anything else.

Mr. DODGE, of Iowa. I wish to call the recollection of the Senate and the Senator from Virginia to the fact that many, many months ago, the homestead bill and its friends here begged for an equal participation of time, when another treaty was under consideration, which has since that time been ratified and proclaimed as the law of the land. I hope they will not now give way for another treaty, or for any other measure, but will proceed to consider and dispose of the homestead bill.

Mr. CHASE. Mr. President, I shall vote against the motion to proceed to the consideration of Executive business; but at the same time I am bound to say that I believe that that business to which the Senator from Virginia has adverted has high claims upon the consideration and the prompt consideration of the Senate. I shall vote against the motion, with the earnest hope that those Senators who wish that the homestead bill may be disposed of in some way, will agree that to-day it shall receive that disposition.

We can dispose of it, if we will sit here and do it, but it is perfectly certain that if we adjourn at the usual hour, that bill cannot be disposed of to-day, nor in my judgment during the whole session. The experience of the Senate has demonstrated that if there is a bill which excites great interest and leads to protracted debate, the only way in which it can be disposed of is by appropriating some day to it, and disposing of it on that day.

Mr. ADAMS. Let it be now.

Mr. CHASE. I agree with my friend from Mississippi who says, "now." So say I, now. Let us take up that bill to-day and press it to a final vote.

If the opponents of the bill who are so anxious to proceed to the consideration of other business, if the honorable Senator from Virginia, [Mr. HUNTER,] who presses the consideration, as he thinks it his duty to do, of the civil and diplomatic appropriation bill, and the other honorable Senator from Virginia, [Mr. MASON,] who has charge of the business of the Committee on Foreign Relations, and other Senators, who are opposed to this bill, will to-day agree to give their attention to it, and to keep it before the consideration of the Senate until it is disposed of to-day, we can dispose of it.

Mr. President, I have but another word to say, and that is to the friends of the homestead bill. This bill as it came from the House, in my judgment, has a majority of friends upon this floor, that is to say, if it is put to a vote in the shape in which it came from the House without a material amendment, in my belief, it will be adopted by the Senate. There is an amendment suggested by the Senator from California, [Mr. GWIN,] immaterial wholly in its character, designed to remove an objection to the homestead principle.

Mr. HUNTER. This is not in order. It is not in order to discuss the merits of the homestead bill on this motion.

The PRESIDING OFFICER, (Mr. STUART in the chair.) The Senator is out of order in discussing the homestead bill, or any provision connected with it. The question simply is on going into Executive session.

Mr. HUNTER. We ought to determine what we shall do.

Mr. CHASE. I was aware that I was out of order, but I was not more out of order than many others who preceded me in the debate; but I desist, with the expression of a hope that we shall have a vote.

Mr. BADGER. I wish merely to say that, if the friends of the homestead bill wish it considered, they had better allow us to vote on this question; because I cannot see what is the difference between consuming the day in Executive session, and consuming the day in debating whether we shall go on with it or not.

The question being taken by yeas and nays upon the motion to proceed to the consideration of Executive business, resulted—yeas 20, nays 31; as follows:

YEAS—Messrs. Allen, Butler, Clay, Dawson, Evans, Fessenden, Fish, Fitzpatrick, Foot, Houston, Hunter, Mason, Norris, Pearce, Pratt, Rockwell, Rusk, Sebastian, Thompson of Kentucky, and Toucey—20.

NAYS—Messrs. Adams, Atchison, Badger, Bell, Bright, Brown, Cass, Chase, Clayton, Dixon, Dodge of Wisconsin, Dodge of Iowa, Douglas, Geyer, Gillette, Gwin, Hamlin, James, Jones of Iowa, Jones of Tennessee, Mallory, Pettit, Shields, Slidell, Stuart, Sumner, Thomson of New Jersey, Toombs, Wade, Walker, and Weller—31.

So the motion was not agreed to.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. McKean, Chief Clerk, announcing that the House had passed, with amendments, Senate bill to provide for the accommodation of the courts of the United States, in the district of Massachusetts.

Also, that the Speaker had signed the following enrolled bills; which were then signed by the President *pro tempore*:

An act for the relief of Thomas K. Glenn;

An act regulating the time of holding the sessions of the district and circuit courts of the United States, in the eastern district of Louisiana;

Joint resolution providing for the distribution of the works of Thomas Jefferson; and

An act to incorporate the Georgetown Gas-Light Company.

THE HOMESTEAD BILL.

On motion by Mr. WALKER, the Senate, as in Committee of the Whole, resumed the consideration of the House bill "to grant a homestead of one hundred and sixty acres of the public lands to actual settlers," the pending question being on the amendment of Mr. Gwin to strike out of the first section the words "free of cost," and insert "at twenty-five cents an acre, payable when the patent shall have been issued."

Mr. SHIELDS called for the yeas and nays on the amendment; and they were ordered.

Mr. CLAY. I shall vote against the amendment, and I wish to state very briefly the reasons why I shall do so. I am decidedly in favor of graduating the price of the homestead as we propose to graduate the price of the public lands to all purchasers. My friend from Mississippi [Mr. Brown] has an amendment which he intends to offer if this amendment of the Senator from California should not prevail, which does propose a graduation of the price of the homestead, and with a view of reaching his amendment and voting for that, I shall vote against this amendment. I wish to say at the same time, however, that I do not think this price is low enough for some lands which are subject to entry. As respects the lands in Alabama, I say without hesitation, and my respected colleague, [Mr. Fitzpatrick,] and the Senators from Mississippi, who are acquainted with the character of those lands, will, I believe, fully sustain me in the assertion that the settler will not thank you for the privilege of entering his land at twenty-five cents an acre, for there is not an entire section of unentered public and unappropriated land in the State of Alabama at this day, which on six months notice by advertisement, would bring even the price of twenty-five cents an acre. Those lands are sterile, barren, and valueless, except for the timber upon them, and they are valueless for the timber at this time, because they are remote from market and inaccessible. Hence, I shall vote against the amendment to fix the price at twenty-five cents, with the hope that the amendment of my friend from Mississippi may prevail. It is but sheer justice to the citizens of Alabama that they should not be required to

pay as much for her worst lands as is only demanded of the citizens of other States for their best lands, or that her citizens be made to pay more than her lands are worth, while citizens of other States may obtain lands at less than they are worth.

Mr. MALLORY addressed the Senate upon the pending question, and upon the general principle involved in the bill. [His remarks will be found in the Appendix.]

The question being taken by yeas and nays on Mr. Gwin's amendment, resulted—yeas 19, nays 30; as follows:

YEAS—Messrs. Adams, Atchison, Bright, Butler, Case, Gwin, Houston, James, Johnson, Mallory, Mason, Pettit, Sebastian, Slidell, Stuart, Thomson of New Jersey, Toombs, Toucey, and Weller—19.

NAYS—Messrs. Allen, Badger, Bell, Benjamin, Brodhead, Brown, Chase, Clay, Clayton, Dawson, Dodge of Iowa, Evans, Fessenden, Fish, Fitzpatrick, Foot, Geyer, Gillette, Hamlin, Jones of Iowa, Jones of Tennessee, Norris, Pearce, Pratt, Rockwell, Shields, Sumner, Thompson of Kentucky, Wade, and Walker—30.

So the amendment was rejected.

Mr. BROWN obtained the floor.

Mr. GWIN. There is another amendment of mine, to which I suppose there will be no objection. It is to strike out the word "contracted" in section four.

Mr. BROWN. I wish the floor, if there be no other amendment pending.

The PRESIDING OFFICER, (Mr. STUART.) The Chair does not understand how any other amendment could be pending.

Mr. GWIN. I hope the vote will be taken on my motion to strike out that word.

Mr. BROWN. I suppose there will be no objection to that.

The PRESIDING OFFICER. If there be no objection, the amendment may be considered as agreed to unanimously.

Mr. BRODHEAD. I desire to perfect the bill by an amendment.

The PRESIDING OFFICER. Objection being made to the amendment of the Senator from California, the Senator from Mississippi is entitled to the floor.

Mr. BROWN. Then I move to strike out all after the enacting clause of the bill, and insert the substitute which I send to the Chair.

Mr. WELLER. The bill can be amended before the vote is put upon the substitute.

Mr. BRODHEAD. I desire further to amend the bill before the substitute is offered. I move to strike out the fourth section.

The PRESIDING OFFICER. Unquestionably the Senator has the right to move to amend the bill before the question is taken on any substitute.

Mr. BRODHEAD. My motion is to strike out the bankrupt section—the fourth section—which is in these words:

"SEC. 4. And be it further enacted, That all lands acquired under the provisions of this act shall in no event become liable to the satisfaction of any debt or debts contracted prior to the issuing the patent therefor."

Mr. BROWN. Do I understand the Chair to decide that I have not the right, at this time, to offer my amendment?

The PRESIDING OFFICER. The Chair intended to say that the Senator had a right to offer his amendment; that it would be before the Senate, and be considered after the amendments to the original bill should be disposed of.

Mr. BROWN. That is what I understand.

The PRESIDING OFFICER. The pending motion now is, to strike out the fourth section.

Mr. BROWN. I have an amendment to offer by way of perfecting the bill in the first section; but I yield to the Senator from Pennsylvania.

Mr. CHASE. I move to amend the section which the Senator from Pennsylvania proposes to strike out, by striking out the word "contracted."

Mr. GWIN. That has already been stricken out on my motion.

The PRESIDING OFFICER. It is not stricken out. It was objected to, as the Chair understood, by the Senator from Pennsylvania, and not stricken out.

Mr. CHASE. Then I move to strike out that word.

The PRESIDING OFFICER. Is the proposition to perfect the section which it is proposed to strike out?

Mr. CHASE. It is.

The PRESIDING OFFICER. Then the amendment of the Senator from Ohio is in order.

Mr. GWIN. Was not that amendment permitted to be made by unanimous consent?

The PRESIDING OFFICER. The Chair stated distinctly that the Senator from California could not move more than one amendment at a time. The pending question then was on his motion to strike out "free of cost," and insert "twenty-five cents, payable when the patent shall have issued." He could not move any other amendment while that was pending. The question now is on striking out of the fourth section the word "contracted."

Mr. WALKER. I am one of those who believe that the word "contracted" should be stricken out of the fourth section of the bill; but I also believe that the residue of the section ought to be left, and for this reason: The remainder of the section is necessary for the protection of the Government of the United States. As it will read, if this word be stricken out, the section will simply provide that all the lands settled upon under the bill shall not be sold prior to the issuing of the patent. If you strike out the section, the States might exercise the right of selling the lands before the issue of the patent; and this Government, having itself taken the initiative in regard to the primary disposal of the soil, it would really be a question whether the State government might not sell it. But as the section stands, with the word "contracted" in it, it might be, if Congress could act in the manner proposed, that the lands would forever be exempt from sale under execution. But it is necessary that the remainder of the section should be left for the protection of the Government during the five years occupancy of the settler.

Mr. CLAY. I shall vote against the proposed amendment to strike out the word "contracted," because I do not see that it is going to achieve the objects assumed by the friends of the motion. Suppose the word "contracted" be stricken out, then the section will in effect be this: that no land occupied under this act shall be subject to any debt or debts until the patent has been obtained. What will be the effect of that? I say it will be to divest the States of the right of taxing these lands, because, if the land cannot be sold for any debt until the patent issues, of course it will be in the power of the occupant to avoid all sale of the land, to avoid all liability for contribution, in the way of taxes, towards the support of the State Government, by simply abstaining from asking or receiving a patent. I cannot vote for any provision of this kind. It is said that it is protecting the rights of the Federal Government. I do not think that such will be the effect of the amendment; but it will be to protect the settler in the enjoyment of the land with a perfect immunity from all debts to individuals or to the States, so far as the land is concerned.

Mr. PETTIT. Mr. President, if I understand it, the motion is to strike out the fourth section.

The PRESIDING OFFICER. No, sir; the first amendment is to strike out the word "contracted" in that section.

Mr. PETTIT. At any rate the question ought to be upon striking out the whole section. That section reads as follows:

"That all lands acquired under the provisions of this act shall in no event become liable to the satisfaction of any debt or debts contracted prior to the issuing of the patent therefor."

Let us read it now, leaving out the word "contracted," which it is proposed to strike out, and we shall find that it has little or no meaning. Without that word it reads thus:

"That all lands acquired under the provisions of this act shall in no event become liable to the satisfaction of any debt or debts prior to the issuing of the patent therefor."

The whole section ought to be stricken out for this reason: After the patent issues, the property becomes individual, and has passed from the Government—this Government cannot longer control its disposition. It must be left to the States alone to determine. The *lex loci rei sitæ*—a question which we have examined in another form in this body—clearly and unquestionably governs. The laws of the State will determine how property may be seized and exposed to sale by execution, for what debts it may be liable, through what courts and under what adjudication it must go, and this Government can no longer control it after

it has parted with its title. This section, therefore, ought not to remain at all.

Now, sir, a few words in reference to the question that has been raised by the Senator from Alabama, [Mr. CLAY,] and answered, I think, to some extent, by the Senator from Michigan, [Mr. CASS,] relative to the power of taxation. There is no difficulty at all in the States taxing these lands after they shall have gone into the individual possession of persons, and after improvements have been made. I grant you that that tax will not settle down as a mortgage or lien upon the lands so as to expose them to sale, and divest the title of the United States. But a tax upon their value, the value of the interest of the occupant, may be assessed and levied, and it will be charged against him on the assessment books. If he does not pay it voluntarily, any personal property which he has upon the premises or elsewhere, may be distrained, and may be exposed to sale to pay the taxes assessed upon this realty, this possessory right which he has, whatever the local Legislature may see fit to estimate it at. I say, therefore, there is no trouble about collecting taxes on this kind of property by the States, so long as any personal property of the owner or occupant can be found. I repeat, that I grant the State or Territory in which it may lie cannot seize upon the title and sell it, and divest the General Government of it; but the tax may be collected in the manner I have suggested.

But, sir, not to have the appearance of attempting to control the manner of disposing of the realty within their jurisdiction, I am in favor of striking out this whole section. The amendment to the amendment will leave it awkwardly worded—that the parties shall not "become liable to the satisfaction of any debt or debts prior to the issuing of the patent." It shall not be so sold prior, to be sure; it could not be sold so as to pass the title. That is certain. The possession might be changed by the local Legislature probably, possibly at any rate; but to make the question a clear one, let us keep up the distinction between the powers of this Government, and the rights and powers of the States and territorial governments. No question does exist, in my mind, that as a local matter, this Government cannot entail real estate to persons after they have passed the title. When the title has once passed, it is wholly subject to the disposition of the local laws, and there ought to be no section in reference to it whatever. The question of taxation, as I have said, is clear enough if any personal property can be found upon which to levy. I think that the section ought to be stricken out. When that shall have been done, there is a substantial amendment which I shall propose to the second section.

The PRESIDING OFFICER. The question is on striking out the word "contracted."

Mr. CHASE called for the yeas and nays; and they were ordered.

Mr. PETTIT. I shall vote against striking out that word, with the view of voting to strike out the whole section, when that shall have been defeated.

The yeas and nays were taken; with the following result:

YEAS—Messrs. Bright, Brodhead, Brown, Butler, Chase, Dawson, Dixon, Douglas, Evans, Foot, Gillette, Gwin, Houston, Johnson, Mallory, Pratt, Rockwell, Sebastian, Sidel, Stuart, Sumner, Thompson of Kentucky, Thomson of New Jersey, Toombs, Toucey, Wade, Walker, and Weller—28.

NAYS—Messrs. Allen, Atchison, Clay, Dodge of Iowa, Fitzpatrick, Geyer, Hamlin, Jones of Iowa, Jones of Tennessee, Mason, Norris, Pettit, Rusk, and Shields—14.

So the amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from Pennsylvania, to strike out the fourth section.

Mr. CHASE called for the yeas and nays upon it; and they were ordered.

Mr. CHASE. I desire to say a few words in reference to this question. The Senator from Pennsylvania says that this is a bankrupt law. It is quite the contrary. The whole effect of this section, as it stands, is simply to exempt the homestead from liability for debt until the patent shall vest the title. After the title shall have been vested by the patent, it will be liable for debts precisely as any other property of the party will be. Now, until the title shall so vest, it

is perfectly obvious that no person, except the beneficiary, can acquire the interest, because the interest of the beneficiary himself can hardly rank as even an inchoate title. It may revert, under the circumstances indicated in the bill, to the Government. The sale for debt or taxes can effect nothing as against the Government. The Government will take no title as against the beneficiary; and the consequence is, if you strike out this section, you strike out a vital principle of the bill. It confers nothing upon the beneficiary which the Government has not a clear right to confer. The land remains, until the issue of a patent, against all the world, except as against the beneficiary, the land of the Government. If it so remains the land of the Government, clearly the Government may vest its title, until the issuance of the patent, in such a party as it may see fit. I hope the section will not be stricken out. I regard it as one vital to the bill.

Mr. President, I wish to say another thing. It will not escape observation that when I moved an amendment to the bill, simply to strike out a discrimination between two classes of foreigners, it was rejected; and many Senators voted against it upon the avowed ground that it was not desirable to make any amendments to the bill. I appreciated fully the force of that objection to my amendment, and I acquiesced in the vote by which the Senate decided against it. But, then, immediately after the Senate had rejected an amendment moved by a friend of the bill, it incorporated into the bill a number of amendments moved by its avowed opponents, which have had no other effect than to weaken and jeopard it. This amendment comes from an avowed, and honorable, and manly opponent of the bill. It comes from the Senator from Pennsylvania. I hope the friends of the bill at least will retrace the policy, upon which, in my humble judgment, they entered unadvisedly, and will now agree to vote down every amendment, unless it be such as is absolutely necessary to make the bill perfectly unexceptionable in view of the Constitution.

Mr. BUTLER. I do not intend to take any part in this discussion. I shall vote against the whole bill; and, therefore, it is fair that I shall make this remark. But the Senator from Ohio has touched upon what I regard one of the vital principles of the bill. I am opposed to this tenure by bounty. It is a new tenure. I may designate it a tenure by bounty upon the public lands within one of the sovereign States. Any one who settles upon the public lands, under such a tenure, has not a responsibility to the State in which he lives, equal to the responsibility of other citizens. You make him a federal tenant—a tenant, I again repeat, not owning the lands by money advanced for them, not for a consideration which makes him responsible as a citizen of the State, and subjecting him and his property to the sovereign dominion in which he resides; but a tenant by the bounty of the Federal Government, exempting him from the liabilities of other citizens. I would strike it out; and I say, so far as regards the States in which such lands exist, it is going very far to impose upon them such a class of citizens.

Mr. PETTIT. I am a friend of this bill. Of that no Senator can doubt. But I am not willing to pass a law that shall be totally inoperative, nor to burlesque law-making by passing provisions which can have no vitality or existence, can produce no good result, are only fraught with evil consequences, and must necessarily produce litigation wherever they are sought to be enforced. Now, sir, this provision of the bill seeks to exempt lands from debts existing prior to the issuing, or the "issuance," as the bill says, of the patent. That, I hold, is an utter impossibility for this Government to do. The State governments, and the State governments alone, after this Government has passed the title, have the only power to determine the means by which it shall be exemplified or authenticated; and that applies with no greater force to the fee simple itself than to the possessory right. Your States can determine who shall possess property, which is held individually, as well as they can determine who owns the fee simple. They may give the writ of ejectment to recover the possession. It is true, at common law, the only thing triable in such actions, was the right to immediate possession, and in this country it is vested entirely in the States. Therefore, you would do what would be a nullity, an idle mock-

ing, by undertaking to say by your legislation here, after you have individualized the land, and put individuals in the possession or cultivation of it, and after they have acquired a property and interest in it, that the local laws of the State shall not determine how that possessory right may be forfeited, or the possessor ejected or removed. It is, therefore, a mockery. You cannot do it. The power is as much in the State or in the Territory where the land lies, to determine, after the Government shall have individualized the possession, who shall be the possessor of it, and how it shall be taxed, and how the citizen shall be responsible to the local government, as it is to determine who has the legal title after the General Government shall have surrendered hers. The whole section ought, therefore, to make it harmonious, to make it comport with enlightened judgment and enlightened information, as to the respective rights of the two governments—the State and the General Government—be stricken out. I protest that this Government has no power to determine who shall possess the lands after the possession has been given to A, B, or C. She has no power to control the State legislation as to by what means he may forfeit the right of possession. Will you, though he were a convict and ought to be sent to the penitentiary, say that he ought not to forfeit the possession, but shall forever remain on the land? I only instance that to show the extreme absurdity of this. There is no such power to individualize the possession, and the States alone can control to whom it shall be given under their laws.

Mr. SHIELDS. Before the honorable Senator takes his seat, I wish to ask him a question. As I understand, this is but an inchoate, a contingent right. I would like to know what right the purchaser could get, when he made a purchase, if these lands were sold under an execution? What right would the possessor receive? Then, I ask, would it not be illusory to the purchaser? He could get nothing.

Mr. PETTIT. I say to the Senator, in response, that he would not get the legal title. That is true; but he would get the growing crops; he would get the implements; he would get possession of the house, and the cultivated fields under the law of the State or Territory where such a law was provided for him. They might be sold upon judgment. In many of your States you now provide, though it did not exist at common law, that choses in action, that equitable rights, that the mortgagee's interest, may be sold upon execution. Such is the case in my own State, I know; and I have no doubt it is so in many other States. But a few years ago, you held tenaciously to the old common law doctrine, that nothing but what was tangible property could be sold in that way; now, any chose in action, any bond, any note may be seized and sold at public auction as property, could have been at common law. So you may sell possessory rights; they may be sold in different States. The mere equitable right, the right of redemption, I believe, at common law could always be sold; but it was ideal held that, although by a mortgage, in the form of a fee simple, or conveyance with a defeasance, to be sure, they had mortgaged the property to all the earth, yet, as against the mortgagor, it might be sold upon execution; but the mortgagee's interest could not be sold on execution. It is now provided that they can be seized, and levied upon, and exposed to sale, and all the rights of the mortgagee under the mortgage are transferred by that means to the purchaser at the sheriff's sale. So it is with this property. I grant you, you cannot wrest from the Government the fee simple; but you can wrest from the possessor the possession of his house, his crops, and everything attached to his grounds; and you cannot divest the States of the power to determine as to the transfer of property within their jurisdiction.

The question being taken by yeas and nays, resulted—yeas 26, nays 20, as follows:

YEAS—Messrs. Atchison, Benjamin, Bright, Brodhead, Brown, Clay, Dawson, Evans, Fish, Foot, Geyer, Houston, Hunter, Johnson, Mallory, Mason, Norris, Pettit, Pratt, Sebastian, Slidell, Thompson of Kentucky, Thomson of New Jersey, Toombs, Toucey, and Walker—26.

NAYS—Messrs. Adams, Allen, Chase, Dodge of Wisconsin, Dodge of Iowa, Douglas, Fessenden, Fitzpatrick, Gillette, Hamlin, James, Jones of Iowa, Jones of Tennessee, Rockwell, Rusk, Shields, Stuart, Sumner, Wade, and Walker—20.

So the fourth section was struck out.

Mr. BROWN. I move to amend the first section of the bill by striking out all after the word "enter" and inserting the following, (so that the section will entitle any free white person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, to enter:)

—lands which have been offered for sale for five years, at one dollar per acre; lands which shall have been offered for sale for ten years, at seventy-five cents per acre; lands which shall have been offered for sale for fifteen years, at fifty cents per acre; lands which shall have been offered for sale for twenty years, at twenty-five cents per acre; and lands which shall have been offered for sale for twenty-five years, at twelve and a half cents per acre, payable in every instance at the expiration of five years, or sooner, if the citizen shall elect to make an earlier payment, and the patent shall issue after payment.

The substitute which I had the honor to lay upon the table this morning, and move in lieu of this entire bill, has two main features in it. One is a right of occupancy for ten years without payment; the other is the scale of graduation almost like what I now submit. If this bill is to pass in any form, I am for applying the graduation principle to the payment of the public lands. I voted against fixing the arbitrary price of twenty-five cents an acre, or fifty cents an acre, or any other price; because there is a difference in the value of the land. I am for the graduation principle, because that fixes the nearest approximate price at which you can arrive, in reference to what is the real value of the soil. I take that scale from the bill introduced by the Senator from Virginia, [Mr. HUNTER,] and as I have had occasion to remark once before, I take it, because, having been brought to us from that eminent source, and our minds having been induced to rest upon it, we are prepared to vote upon it, without any great amount of consideration further. I should, if it had been left to me entirely, have fixed a somewhat different scale; but I am satisfied with that. We cannot, of course, sell each particular section of the land at precisely what it is worth; but it is idle to tell me that it is all worth the same price; that if you sell it at all, you must sell arbitrarily at twenty-five cents an acre, whether it is poor or rich. The Senate well knows, that I entertain no constitutional scruples about giving away the land; none on earth; but we have those to deal with who do entertain those scruples, and we must meet on some half way ground, or we cannot get along together. I want to ask gentlemen who think that you have not the constitutional right to give away the land, how near they approach that, by fixing an arbitrary price of twenty-five cents, or say fifty cents an acre? A piece of land is worth, in point of fact, ten dollars an acre; but you say to one man, we will sell to you at twenty-five cents, and to another man you shall not have it if you give ten dollars an acre; and you thus, in fact, give the first man \$9 75 on the acre, and save the Constitution by refusing to give him the land. I am not going, when the Senate is impatient, to debate the proposition. I am quite content, so far as I am concerned, to take the vote without any further discussion. I should not have said thus much, except to draw the attention of the Senate to the amendment.

Mr. GWIN. I am in favor of graduating the price of the public lands, but not on this bill. I am in favor of the principle of the graduation bill, but I want to pass this bill on its own merits as a homestead bill. I shall, therefore, vote against the amendment.

Mr. CLAY. I have simply to say that the bill to which the Senator alludes for graduating the price of the public lands, if he alludes to the one which came from the House of Representatives, only provides for the actual settler or occupant of the lands; and hence the provision of my friend from Mississippi is substantially that provision. If the amendment prevails, I shall vote for the bill. If it does not prevail, I shall vote against the bill. I think it is altogether unjust and unfair to the citizens of my State, where the public land is not absolutely worth twenty-five cents an acre, to exact of them, if we are going to fix any price at all, as high a price as has been paid or can be paid for the best lands bought of the Government.

Mr. GWIN called for the yeas on the amendment; and they were ordered and taken, with the following result:

YEAS—Messrs. Adams, Atchison, Badger, Benjamin, Brodhead, Brown, Butler, Clay, Clayton, Dawson, Evans, Fitzpatrick, Foot, Houston, Hunter, Johnson, Mallory, Ma-

son, Norris, Pearce, Pratt, Rusk, Sebastian, Toombs, and Toucey—25.

NAYS—Messrs. Allen, Bright, Cass, Chase, Dixon, Dodge of Wisconsin, Dodge of Iowa, Douglas, Fessenden, Geyer, Gillette, Gwin, Hamlin, Jones of Iowa, Jones of Tennessee, Pettit, Rockwell, Shields, Slidell, Stuart, Sumner, Thompson of Kentucky, Thomson of New Jersey, Wade, Walker, and Weller—26.

So the amendment was rejected.

Mr. PETTIT. I desire to move an amendment, which it will be seen at once is necessary and essential, to the second section of the bill. The proviso in that section reads as follows:

"In case of the death of both father and mother, leaving an infant child or children, under twenty-one years of age, the right and the fee shall inure to the benefit of said infant child or children, and the executor, administrator, or guardian, may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children, for the time being, have their domicile, sell said land for the benefit of said infants."

I move to strike out the words "children, for the time being, have their domicile," and insert, after the word "such," which now stands before the word "children," the words, "such lands are situated." It will be seen, at once, that the provision here is, that the lands shall be sold according to the laws of the State in which the children are domiciled. This cannot be done. The title to the lands can only be sold according to the laws of the State in which the lands are situated. I therefore offer this amendment.

The amendment was agreed to.

Mr. ADAMS. I move to amend the first section, by adding:

Provided, That before any patent shall issue under the provisions of this act, the patentee shall pay such sum as the land covered by the patent may have cost the Government, to be ascertained by the estimate of the Commissioner of the General Land Office.

The amendment was rejected.

Mr. CLAY. I wish to know of the friends of this bill whether, by the first section, they propose to secure a homestead only on lands subject to private entry, or do they mean to embrace lands not subject to private entry, but which have been surveyed? If they mean to embrace lands which are not subject to entry, but which have been surveyed, then the section achieves their object; but if they mean to confine it to those lands only which are subject to entry, the last words of this section "and after the same shall have been surveyed," should be stricken out; because, in the former part of the section, it is provided that persons of the description mentioned "shall be entitled to enter, free of cost, one quarter section of vacant and unappropriated public lands, which may, at the time the application is made, be subject to private entry at \$1 25 per acre," but it concludes, "or a quantity equal thereto, to be located in a body, in conformity with the legal subdivisions of the public lands, and after the same shall have been surveyed." I move to strike out the words "and after the same shall have been surveyed," because they will produce confusion.

Mr. WALKER. It cannot be denied that the wording of the bill is a little obscure there, but it cannot be denied at the same time that the land must be surveyed before it can be privately entered. Therefore, to strike out these words would not change the effect of the bill, and I hope, for one, that unnecessary amendments will not be made.

Mr. CLAY. I will state, in reply to the Senator, that I submitted this section to the Commissioner of the General Land Office. He approved of the amendment, and said that, as the section stands, it would produce a great deal of difficulty and confusion, and that it would be construed in some quarters probably as embracing lands not subject to entry. At his instance, I have moved the amendment.

Mr. WALKER. It cannot be so construed, except in some locality where it has been discovered that lands can be entered at private entry before they are surveyed.

Mr. CLAY. But all lands which have been surveyed are not subject to private entry. They must first be offered for sale. The section, as it stands, I say does admit the construction I give it, to enable them to enter lands not subject to private entry.

The amendment was rejected.

Mr. CLAY. I have another amendment to move to the second section of the bill. That sec-

tion provides that the party, in order to be entitled to a patent,

"Shall prove, by two credible witnesses, that he, she, or they have continued to reside upon and cultivate said land, and still reside upon the same, and have not alienated the same or any part thereof."

Here is a bounty for perjury. I should like to know where two credible witnesses could be produced to prove this negative, that the party had not alienated the land. I ask some of the friends of the bill to answer that question. I propose to strike out those words, "have not alienated the same or any part thereof" and insert:

Provided, That on proof that the same, or any part thereof had been alienated prior to the issue of the patent, the grant and patent shall be null and void.

The amendment was rejected—ayes 15, noes 20.

Mr. MASON. I offer the following amendment, to come in at the end of the bill:

Provided, That nothing contained in this act shall apply to any of the public lands lying northwest of the Ohio river, and which were ceded to the United States by the Commonwealth of Virginia, pursuant to the act of that Commonwealth, of the 30th of October, 1783, accepted by Congress March 1st, 1784, the same being, by the Virginia acts and deed of cession aforesaid, considered as a common fund for the use and benefit of such of the United States as have become members of the Confederation or Federal Alliance of said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditures, and to be faithfully and *bona fide* disposed of for that purpose, and for no other uses or purposes whatever; and the sixth article of the Constitution of the United States, providing that all debts contracted and engagements entered into before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

If this bill pass, it will certainly introduce a new policy, on the part of this Government, with reference to a portion of the public property. The honorable Senator from Michigan, [Mr. Cass,] when contrasting the policy of this bill, with other bills of general interest that were pending before Congress, said he considered it the great measure of the session, and I agree with him. It is the great measure of the session.

Mr. CLAYTON. And of the age.

Mr. MASON. It is the great measure of the age, to make it more ample, because it asserts a right on the part of this Government, twofold in its character: first to give away the public property without consideration; and secondly, to select the class to whom it shall be given—to give away the public property that it holds under the Constitution, and to select the class to whom they shall give it, because they are to give it only to those who will reside upon and cultivate it.

Now, Mr. President, if that is to be the policy of the Government in reference to the public property, I can see no reason, and I apprehend no Senator can assign a reason, why it shall be limited to the public lands; why they cannot, for the same reasons, go into the public Treasury, and take out the coin and give it to one class of the community to the exclusion of others; why they may not go into the public Treasury and take the public money, and say we will give it to the paupers, to enable them to maintain themselves without labor; or to the manufacturers, to enable them the better to carry on their manufactures? It asserts a power in the Government, I submit with all possible respect to those who differ from me, to exercise an unlawful control over the public property. I agree, then, with the honorable Senator from Michigan, it is the great measure of the session, and probably of the age. It is agrarian—agrarian in its strongest aspect. The whole of the States are tributary to this policy. The great body of the public lands are those which were purchased and paid for out of the Treasury. They became public property, and this bill asserts a right to take that public property, not for the public use, but to give it away.

Sir, I can see no warrant in the Constitution for it; but if it is the purpose of the Senate thus to use the public property, I respectfully submit to them, on the part of the State which I have the honor to represent here, that they shall regard the compact made with that State, at least in relation to so much of this property as was derived from it. That which was called Northwestern Territory, and out of which have been carved five States of the Confederacy, is bound by that compact. I have recited the terms of the compact in the amendment; because, if it be the pleasure of the Senate to reject it, I want it to go on the

record, that my State and my people may know how far this Federal Government regards a compact made with one of its members; how far this Federal Government will regard a compact made with one of the States, when it is in pursuit of a policy which I well know the people of that State will deprecate. Sir, what is the compact? The States, under the articles of Confederation, were urgently requested by the Federal Government of that day, to make a cession of all their public lands for public purposes, upon fair and legitimate grounds, upon the grounds that these lands, having been acquired by the common blood and treasure of the colonies of Great Britain, should not be exclusively applied to those States. Virginia made a very large cession; she made it upon conditions. Those conditions are upon your statute-book; and the Constitution under which we now legislate, and which we are all sworn to support, imposes upon this Congress to regard the engagements entered into by the Confederation.

I have recited that in the amendment. Sir, the compact was this: Virginia passed a law, in pursuance of the recommendation of the old Congress, authorizing her Representatives in Congress, by deed, to convey this domain to the United States, but upon this condition, among others: After reserving a portion of it in order to pay the bounties stipulated to be paid to her officers and soldiery, it says:

"It shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become, members of the Confederation or Federal Alliance of such States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever."

The Representatives of Virginia, thus authorized, did convey the land, and in the deed of conveyance itself recited that it was made to and for the uses and purposes, and on the conditions, recited in the act. That act was signed and sealed in the presence of the old Congress, and by a resolution of Congress accepted; and they made themselves parties to it in all its stipulations and provisions. One of the conditions of the cession was, that only three States should be carved out of this territory; and as evidence that Congress considered itself bound by the stipulations and conditions, it afterwards, by resolution, requested the State of Virginia to relax that portion of her policy, and to enlarge the condition, so as to permit five States to be made. Virginia did it, and that was the only one of the conditions contained in the cession which was relaxed or modified on the part of Virginia.

I submit, then, it is binding upon the Congress of the United States, under the present Constitution, because, as recited in the amendment, by the sixth article of the Constitution all contracts and engagements entered into by the Government under the Confederation are assumed to be binding upon this Government. Now, sir, I do not see, if a compact is to be regarded; if the Congress of the United States is not to set an example to its own people, and to the world, of violating a solemn compact entered into upon good consideration at the time it was done; how we can avoid making the amendment to the bill. Why, sir, what is the stipulation? I do not believe, far-seeing and sagacious as our ancestors were, that they ever contemplated a day when Congress would assume to give away the public property; and whether they did or not, the bill upon your table comes strictly within its purview. What, then, is the condition? The condition is, that these lands shall be treated as a common fund, and that the States then in the Union, and those that thereafter should come into the Union, should have the benefit of that fund. How? In proportion to their common charge in the general expenditure. At that day this general expenditure, under the Articles of Confederation, was apportioned among the States, and the States provided for it; and this was the fund to be for the relief of those States proportionate to its common charge in general expenditure. Now, the power of taxation is given; a revenue is collected from the people of the States in lieu of the apportionment of this common charge; and under the terms of that deed of cession, *mutatis mutandis* it accommodates itself perfectly in reference to the present condition of things and the taxing power, because if you treat this as a fund, bring it into the Treasury as a part

of the common fund, it will then go exactly in proportion for the relief of States for their common charge in support of the Confederacy.

Now, Mr. President, I do not know whether this bill is to pass into a law or not. If it does pass, I, as a representative of the State of Virginia, ask in her name that the land ceded by her shall be exempted from its operation. I ask it under the terms of the conditions upon which the land was ceded; I ask it as a right upon the part of one of the States of the Union, that a compact made with her shall not be violated, but shall be regarded; and if it be the pleasure of the Government to enter into this policy of treating the public property no longer as a trust, but as a subject confided to their arbitrary discretion, to be given away either to classes or to the people *in numero*, let this property, which is exempted by the terms of the cession from any such disposition, be exempt from it.

Mr. FISH. Before the Senator from Virginia takes his seat, I should like to ask him whether the amendment he proposes is confined to the future disposition or restriction upon the lands ceded by Virginia alone, or whether it extends to the other States who have likewise ceded land to the Government?

Mr. MASON. It is confined to Virginia.

Mr. FISH. I would likewise like to ask the Senator whether the deeds of cession executed between the Government and the other States did not contain similar restrictions as to the disposition of the lands?

Mr. MASON. The deeds of cession made by the various States contained various provisions. I think the one made by the State of Connecticut reserved the fee-simple and sold the land afterwards. The deed of cession between New York and the General Government may have contained the same provisions as that of Virginia. I think the terms of it were for the common benefit of all the States, or some equivalent expression. I confined my amendment to the State of Virginia, because I thought it incumbent upon me to bring the attention of Congress to this compact made with her in reference to the lands, so far as she ceded them.

Mr. FISH. It would be utterly impracticable to put into operation the prohibition of this amendment, should it be enacted, as it is impossible at this day to tell what lands were ceded by Virginia, and what were not ceded by her. The claim of Virginia at that time was very extensive in its territorial limit; but it was very doubtful as to the larger portion of what was claimed. Other States, my own among the number, claimed title also to what was then known as the Northwestern Territory. The State of New York, foremost among the old States, executed a deed of cession containing a provision in terms similar to that which the Senator from Virginia has stated, and in effect that which the State of Virginia afterwards attached to its deed of cession. A committee of Congress, some time in the year 1781 or 1782, on the cession of the Northwestern Territory, had referred to it the claims of the several States. The State of New York, the State of Connecticut, and I think the State of Massachusetts, attended by their representatives before that committee, and submitted to it their claims. The State of Virginia refused to submit her title to the land, or give the nature or extent of her claim; and in her deed of cession she made it one of the conditions that the General Government should guarantee to the State all the lands claimed by her, and not embraced within the deeds of cession. That committee, in the absence or in the refusal on the part of the representatives from Virginia to submit her title, reported upon the title of the other States, and, among others, reported that the State of New York had the prior and best title to the territory lying out of her own proposed limits, north of the Ohio and south of the forty-fifth degree of parallel; and in reference to Virginia, also reported distinctly, and recommended the refusal to accept the grant proposed by the State of Virginia, on the ground that that State asked Congress to guarantee her land to which she had no title.

I do not desire at this time to enter into any discussion on that question. My object was merely to interpose a claim for New York to which she is fairly entitled, of having been the first to tender and execute a cession of lands, the title to which at that time was recognized by the

Committee of Congress, and of having had the best title to the Northwestern Territory. If the Senator wishes a vote upon his amendment now, I am inclined to think that I shall vote for it, if he will so modify it as to embrace the land ceded by the other States.

Mr. PETTIT. Mr. President, the Senator from Virginia asks and demands in the name of the Commonwealth that he represents, that her compact of cession of any interest which she may have had in the western lands, shall not be violated. I hardly need say to that Senator, or the Senate generally, that I shall be the first to hold up my hand against any such violation; that I cannot, under any circumstances, be induced to vote for a proposition which shall violate any of the early compacts, as such, which were entered into between the States and the General Government; that if there were any State in the Union which I could be induced to procure a violation of such stipulations against, Virginia would be the last; and I will not attempt, under any circumstances, to violate a compact which that ancient and honorable Commonwealth has entered into. The patriotism of Virginia, ancient and modern, the chivalry of her sons, ancient and modern, forbid that any such thing should be attempted. But allow me, Mr. President, to say I think, if the Senator holds that there is any danger of a violation here, he is grossly mistaken. That no such attempt is made here, nor will this bill violate any such provision, is very clear to my mind.

Sir, let me say to that Senator, that after his State passed the law of 1783, with the provision in it that he read to the Senate, she made another, a subsequent, a different compact with these States. She ratified and confirmed the Constitution of the United States, which, in so many words, if it conflicts—though I hold it does not conflict with it—would abrogate this original compact, because it expressly, in words, authorizes this Government “to dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States.” That was a later and subsequent contract, a subsequent agreement of the Confederation that this Government should dispose of, and make all needful rules and regulations concerning the land. First, while we were a mere Confederation, under the articles, she put in that provision. Then we were poor; then we were weak; then we were contracting debts, or had just contracted debts, to acquire an independent, national existence; but after that was over, when the gloom of the Revolution had disappeared, and the bright effulgence of the political noonday sun was shining upon us, she came forward and said, we should have unlimited power to dispose of the lands ceded by her, as well as by others. Does Virginia propose to repudiate that latter contract, or will she admit that the latter one supercedes her former enactment, her former stipulations? Sir, the latter contract does supercede the former, if there were a conflict; but I hold there is no conflict.

Mr. President, the Senator says that this is an agrarian measure.

Mr. DAWSON. I desire to ask the Senator whether the Government would not be constitutionally bound by the compact with the State of Georgia? That State ceded the land out of which has been formed the States of Alabama and Mississippi with like conditions. Now, how can the constitutional question apply to the subsequent contract made with the State of Georgia?

Mr. PETTIT. Very well, when that comes properly in my way, I will attend to it. I rose to reply briefly to a few remarks of the Senator from Virginia, and that question is not before the Senate. The Senator from Virginia says that this is an agrarian measure. Well, sir, if this measure, which holds out inducements to the citizens of the United States to acquire the realty, the ownership of the soil, to identify themselves with the soil of the country, tends to agrarianism, then I should go for the measure which would consummate it entirely, and would be the perfection or pattern of agrarianism. I only would to God I had the power—for I would not hesitate to exercise it if I had it—to compel every American citizen to own a piece of the soil of the country. By so doing I need not say to you I should give her a defense and strength which she could not have under other circumstances.

Give the man an interest in the soil, let his chil-

dren know that they shall own it, and he may well bid defiance from all invasion abroad, and turmoil and revolution at home. I would carry it to the full extent of agrarianism, if in my power. I repeat, I would compel men to own soil whether they lived upon it or not.

Sir, it is a common saying, it is cant, I may properly observe, to talk of agrarianism and of the Gracchi—those lovers of their race who desired that men should become rural occupants of the country. If to desire that men should be possessors of the soil, coupling patriotism with an interest, making them an ardent, enduring, and available defense in time of need; if to desire that men should have the means by which they could, with little industry, draw from the soil itself the necessary sustenance for them and their families be agrarianism, then I am an agrarian, and to the fullest extent. But, sir, it is not. That term is applied odiously, and as a term of derision and contempt to those who would divide up the present individual ownership of soil among persons who have it not, and cannot acquire it. Some Senators here may have large possessions, more than they can cultivate and dispose of; and there may be people who, per force of law, would divide it out to those who had none to cultivate. But that is not my feeling or desire. I sympathize with no such movement.

Now, let me say to the Senator from Virginia, that if he is desirous of maintaining the provisions of the deed of cession, of the act of the Legislature of Virginia of 1783, I will go with him to the fullest extent, if he will put in this provision as it ought to be. If, instead of saying that the bill shall not apply to the lands of Virginia, he will put in what I propose, I will not object. I will not go into the question of whether Virginia then, or in modern times, has arrogated a little more than justice might always warrant her in doing. I will not go into the question of whether she arrogated to herself the ownership of all the lands, even to the western ocean. I will not contest her right before this tribunal to the ownership of all these lands. If, however, the Senator will amend his amendment so as to make it read, that this act of Virginia referring to it, and the clauses of the Constitution, shall not be violated, then I will go with him, and vote for the amendment; but when he says that the bill shall not apply to the territory northwest of the river Ohio, I shall dispute the right of Virginia now, or at any time, to put any such restrictions upon it. She had no right to do so; she never pretended even to do it.

Mr. MASON. The terms of the amendment are, “the lands ceded by the State of Virginia.”

Mr. PETTIT. Will the Senator amend it as I have proposed, by saying, provided, that this act of Virginia, this deed of cession, this compact, as he calls it, between Virginia and the United States, shall not be violated? If he does, I shall be with him, and then we shall see whether the courts, if it shall be necessary to resort to them, will determine that a grant of lands under this bill is a violation of it. Sir, it is no violation, and it never was; and there is not a court in the Senator's own State but would hold it idle to set up such a pretense or claim.

The Senator says he wants to maintain the compact inviolate. Then let us reaffirm it. I am ready now, and I hope all my successors here may be ready, to affirm and reaffirm the engagements into which our ancestors entered. If Virginia has reserved to herself a right that is inviolable, we cannot change it, but we must give her the full benefit of it. Let the amendment be so amended as to provide that this compact, this deed of cession, shall not be violated, and then, I say to the Senator, I will vote for it upon the yeas and nays; but as long as he shall persist in saying in his amendment that the act shall not apply to the territory northwest of the Ohio river ceded by Virginia, I cannot agree to it. That is making a new law. I am willing to confirm the old law; and if the Senator has any question about that, he will certainly accept my proposition.

Sir, I do not know that I desire to say anything further on this question. I earnestly ask the Senator to put his amendment in the form I have suggested, so that it shall be an express reservation, so that it shall not violate any compact entered into by Virginia and the confederated States. Let the Senator so amend his amendment.

Mr. MASON. I prefer to have it in its present form.

Mr. PETTIT. He will not amend it. Then I move an amendment to this effect, to make it read:

Provided, That no compact entered into between the State of Virginia upon the one part, and the United States upon the other part, by deed of cession and acceptance, shall be violated.

Mr. CASS. Mr. President, I have but a few words to say upon this point, and then I shall leave the subject. That there was a disputed question as to the rights of the States under the Confederation to extend their charters indefinitely westward to the Pacific ocean, is a historical fact which we all know. It was a question which almost divided this Confederation. The States not possessed of any such claim contended, and I think very rightly, that this whole country belonged to the King of England, and that, as it had been conquered from him by the common blood and treasure of the United States, it belonged to this Union. But the States of New York, Connecticut, and Virginia, who contended that their charters ran indefinitely westward, said “it is ours, and we will have it.” For a long while that question threatened the dissolution of the Confederacy. Some of the best resolutions ever passed and drafted, on that subject, were by the Legislature of Maryland, and they serve to show the excited feelings which prevailed at that moment.

Now, with respect to the claim of Virginia, the Senator from Indiana calls on the Senator from Virginia to show where it was. No man can show where it was, nor is it settled, nor can it be settled; for the moment you attempt to settle it, you interfere with the claims of Connecticut, and with the other States who contended that they went indefinitely westward upon their parallels of latitude, to the Pacific ocean. Therefore, the cessions made were all made indefinitely. None were designated by fixed boundaries, and you cannot now point out the cessions.

Well, sir, it was maintained at first on this floor, and is yet by some gentlemen, though I perceive the honorable gentleman from Virginia does not now maintain it, that the clause in the deed of cession, that the lands ceded should be for the common benefit of the States, meant the common benefit of the States respectively and individually, and that, therefore, the lands should be distributed to them. I do not mean to go into that question; but to my mind, nothing is clearer than that the common benefit there meant was the common benefit of the confederated States, and not the common benefit of the individual States. If the cession was for the common benefit of the Confederation, it is a question for us to determine what is the common benefit in the application of the land? I believe it is for the common benefit of this Confederacy that the land should be settled, and that by providing for its settlement we violate no claim of Virginia at all.

I hold in my hand, Mr. President, three acts of Congress, approved by General Washington, carrying into effect this very principle of granting the public lands gratuitously to actual settlers; so that when the honorable Senator from Virginia says that our ancestors never dreamt of such a provision, I show him that our ancestors first set the precedent, and established the principle. The first to which I refer is an act approved March 3, 1791, “granting lands to the inhabitants and settlers at Vincennes, and the Illinois country, in the territory northwest of the Ohio, and for confirming them in their possession.” I have no doubt that there are many other similar acts, but I have had my attention called to these three within the last ten months. This act grants to settlers in Vincennes, who are heads of families, four hundred acres of land, if they lived there before 1783, and then it further provides:

“That the heads of families at Vincennes, or in the Illinois country, in the year 1783, who afterwards removed without the limits of the said Territory, are, notwithstanding, entitled to the donation of four hundred acres of land made by the resolve of Congress of the 29th of August, 1788; and the Governor of the said territory, upon application to him for that purpose, is hereby directed to cause the same to be laid out.”

It contains a further provision:

“That the Governor of the said Territory be authorized to make a grant of land, not exceeding one hundred acres, to each person who hath not obtained any donation of land from the United States, and who, on the 1st day of August, 1790, was enrolled in the militia at Vincennes, or in the Illinois country, and has done militia duty.”

On the 21st of April, 1792, another act was passed and approved by the President, entitled "An act authorizing the grant and conveyance of certain lands to the Ohio Company of Associates." It will be recollected that this company purchased a large tract of land. They did not pay for the whole, or receive a patent for the whole, but they received a patent for what they did pay for; and besides that, they had included in their patent one hundred thousand acres for the express purpose of granting it to every real settler above the age of twenty-one years. Here is the provision:

"That the President be, and he hereby is, further authorized and empowered, by letters patent as aforesaid, to grant and convey to the said Rufus Putnam, Manasseh Cutler, Robert Oliver, and Griffin Green,"

Who were the agents and directors of the company, to my personal knowledge,

"and to their heirs and assigns, in fee-simple, in trust for the uses above expressed, a further quantity of one hundred thousand acres of land: *Provided always, nevertheless,* That the said grant of one hundred thousand acres shall be made on the express condition of becoming void for such part thereof as the said company shall not have, within five years from the passing of this act, conveyed in fee simple, as a bounty, and free of expense, in tracts of one hundred acres, to each male person not less than eighteen years of age, being an actual settler at the time of such conveyance."

This act was approved April 21, 1792. No principle can be more fully established than this principle by that act. General Washington knew all about this compact, and so did the men associated with him.

Mr. WALKER. And he was a Virginian.

Mr. CASS. Besides that, there is another act, and I have no doubt that there are half a dozen such, in the book which I have before me, containing the land laws. I have scarcely had time to look into it; but here I find this provision for the relief of the settlers at Gallipolis, passed in 1795:

"That the President of the United States shall be, and he is hereby, authorized and empowered to cause to be surveyed, laid off, and divided, the remaining twenty thousand acres of land, residue of the twenty-four thousand acres, into as many lots or parts as the actual settlers of Gallipolis shall, on the ascertainment aforesaid, amount to, and the same to be designated, marked, and numbered on a plat thereof, to be returned to the Secretary of the said Territory, together with a certificate of the courses of the said lots; the said lots, or parts of the aforesaid tract, to be assigned to the settlers aforesaid by lot. And the President of the United States is hereby authorized and empowered to issue letters patent, as aforesaid, to the said actual settlers, and their heirs, for the said twenty thousand acres, to be held by them in severalty, in lots, to be designated and described by their numbers on the plat aforesaid, with condition, in the same letters patent, that, if one or more of the said grantees, his or her heirs or assigns, shall not, within five years from the date of the same letters, make, or cause and procure to be made, an actual settlement on the lot or lots assigned to him, her, or them, and the same continue for five years thereafter, that then the said letters patent, so far as concerns the said lot or lots not settled and continued to be settled as aforesaid, shall cease and determine, and the title thereof shall revert in the United States, in the same manner as if this law had not passed."

Now, Mr. President, nothing can be clearer than that. My belief, as a member of the United States Senate, is, that this measure will increase the prosperity of the country in which the United States are interested. I believe it is for the public benefit, for the benefit of Virginia as well as the rest of us.

The honorable Senator from Virginia has repeated an opinion of the honorable Senator from Louisiana, as I understand, to wit: that this is class legislation. Here is an act applying to every citizen of the United States. But, says the honorable gentleman, they will not all take advantage of it. To be sure they will not, but does that make it a class measure? You may say the same thing of the sale of the public lands. You may say that is a class measure, because all will not buy. So of voting; it may be said it is a class measure, because all the people will not vote. My idea is, that that is a class measure which the law confines to a particular class of persons. That is not a class measure which extends to all, and may be embraced by all, though all do not intend to take advantage of it. It is liable to no such reproach.

But the honorable Senator says it is agrarian. As I said yesterday, that is a reproach which has been handed down to us from early times; but I believe that now, since the researches of Niebuhr, Roman history has been pretty well redeemed from it. It is no agrarian law. It is a provision for the settlement of a world, a vast tract of land which we retain in a state of nature, which, in my opinion, we have no moral right to retain forever,

or almost indefinitely, in a state of nature. We hold it upon the condition pointed out in the words of Scripture, that it shall be replenished and subdued. Our only excuse, the only excuse for civilized nations for going to an undiscovered region, and taking possession of a country roamed over by savages, is to carry into effect this very injunction that the world was given to produce, and that he who prevents its produce ought to be allowed to have no certain property in it; and yet we, for the sake of this paltry profit, are to hold our lands out of cultivation for centuries! I do not think it proper, and I hope the Senate will concur with me in this opinion.

Mr. TOOMBS. Mr. President, without going into the general question of this bill, I shall endeavor to put the Senator from Michigan right in one very important part of the history of these cessions, which he has not given very accurately. It is very true that it was contended by the State of Maryland, and other States in the United States who did not hold land, that all the unappropriated lands in the United States, having belonged to the Crown of Great Britain, ought to inure to the benefit of the Confederacy. That doctrine was steadily and uniformly denied, and the Confederation asserted no right over those lands. She could not have done it at any moment. She never did it. It is true, Maryland remained out of the Confederacy until 1781, during the war, because she would not acknowledge that those lands which were to be won from the British Crown by the common arms of all, should not inure to the general benefit of the General Government; but I say that doctrine was repudiated by the Confederacy.

The doctrine of Maryland was not, as stated by the Senator from Michigan, that the title was uncertain. She did not proceed upon the idea that the rights of the States claiming land did not extend to the Pacific ocean, but upon the idea that inasmuch as those lands had belonged to the Crown of Great Britain, the Confederation should succeed to the rights of the Crown; and this claim applied as well to lands within the settled, defined, and undisputed limits of the States, as to those where the claims and rights of the States conflicted and clashed. There was no conflict in Georgia. From the Atlantic ocean to the Mississippi river, her claims to land extended; and Maryland contended that she had a share in the lands there as well as anywhere else. It is true that in the Northwest Territory, New York and Connecticut, as well as Virginia, laid claim to it; but that was not the ground upon which Maryland and the other opponents of the separate ownership of the several States put their objection to it. The territory was not ceded upon that ground. But the other ground to which Maryland adhered with great tenacity, was, that as the lands were wrested by the common arms from the Sovereign of Great Britain, they ought to inure to the common benefit of those who won them. This argument was urged with a great deal of apparent justice, and real justice too. They said that as they had fought to dispossess the British Crown to those lands, they were therefore entitled to participate in them, as well as the States within whose legal limits they existed.

Hence, the idea of the Senator from Michigan on that subject is wholly erroneous. As my colleague [Mr. Dawson] remarked, the cession of the State of Georgia is clearly and indisputably in force. It was made after the Constitution; and the cessions made before the formation of the Constitution was recognized by that instrument. Georgia ceded to the General Government her lands upon certain terms and conditions. It is altogether a mistake, on the part of the Senator from Indiana, to suppose that the Constitution, as a subsequent contract, overruled and altered the compacts by which the States ceded their lands to the General Government. The Constitution could not have done it even if there had been no express clause upon the subject, but there is an express clause affirming the validity of every compact made by the Confederation. I am, therefore, much astonished that the Senator from Indiana, who is usually very accurate on these subjects, should present the view which he has done. I say that, under the power "to make all needful rules and regulations," Congress would be compelled, even without the clause of the Constitution affirming the validity of the contracts of

the Confederation to administer the land according to the terms on which they received it from the original holders.

Mr. PETTIT. Will the Senator allow me a moment?

Mr. TOOMBS. Certainly.

Mr. PETTIT. I did not answer the Senator's colleague fully, in reference to the question which he put to me, and I do not know that I am entirely competent to do so; but I will make this remark to him, and to the Senator on the floor who has yielded it to me: Georgia, in ceding her lands to the United States, subsequent to the Constitution of the United States, which expressly, in so many words, authorized Congress "to dispose of" the public lands, could not make a compact or an agreement in violation of it. Congress could not accept a donation, or surrender of title that would violate the Constitution, or on any condition, or any terms, in violation or contravention of the Constitution itself. The Constitution was over us all, over Georgia as well as the other States; and it expressly provided that Congress might "dispose of" the public lands, and, therefore, if there is any seeming discrepancy between them, the one must give way to the paramount law.

Mr. TOOMBS. The gentleman will find himself in a much greater difficulty now than he was before. As to the cessions before the Constitution, the Constitution is express that the new Government took all the burdens and contracts of the old one; and, therefore, I suppose the gentleman would not attempt to reply to the argument on that point. It is unanswerable. The Constitution expressly confirmed all the existing engagements of the Government at the time; and, therefore, it is not necessary to say anything on that point.

But the gentleman's idea in respect to the cessions subsequent to the Constitution, is somewhat novel and equally untenable. According to his doctrine, this Government can go on and make contracts with the States, or any other Governments, against the Constitution of the United States, and hold the fund derived from those contracts discharged from the obligations of the trust imposed on it. That is the position in which he puts this Government by his argument. Suppose this Government makes a contract, undertakes to carry out certain conditions, to do certain things, to exercise a trust, which she has not a right to do. My idea is that she cannot receive it at all. The gentleman's idea is that she can receive the fund, but is discharged from the conditions; that she takes the fund absolutely because she had no right to make the bargain! The case is this: He makes a contract by which he undertakes a trust, but he says, "I cannot undertake this trust, because I have no authority, and, therefore, I will take the fund discharged from the trust!" That is the gentleman's position. It leaves no room for argument. It is unnecessary to refute such an idea, and hence I say the whole doctrine urged as to the lands ceded by the States as unanswered and unanswerable.

Sir, I do not attach to this measure the importance that many gentlemen do. I do not think with some that it is a great measure for this age or any other age. I do not believe, either, that as much good or as much evil will result from it as some imagine. I do not think it a wise thing; I regard it in the main as a very foolish thing; but I have not attached much importance to it. It is not a new proposition at all. But there would be much less difficulty in the argument of the Senator from Michigan if we had unlimited and uncontrolled powers; if, in other words, this Government was absolute, unchecked, and uncontrolled, and had the lands untrammelled by any conditions whatever; but that is not the case. In the first place, Congress must exercise all its powers, in conformity with the authority under which it acts; and in the second place, the conditions contained in the trusts under which the lands were obtained are not discharged by the Constitution, nor can they be discharged in any other way than by the performance of the trust itself. That is the whole difficulty.

The Senator from Michigan contends that this measure is for the common benefit of the United States. How can that be? The deeds of cession of Virginia and of Georgia state that the land ceded should be for the benefit of all the States in a certain proportion, in proportion to the general charge on each State for the support of the Gov-

ernment. They not only declare it a trust fund expressly, but a trust fund upon specific terms. What do you do with that clause of the deeds of cession? The Senator from Michigan says you are to divide the lands for the general benefit of all, and that this measure will do it; but the deeds say you shall divide it for the benefit of all the States in a certain ratio. You may strike at that; but how can you get rid of it? The Senator has given us three or four speeches upon this question, and I have watched his argument closely; but he has uniformly got around this point, and no gentleman in favor of this bill, unless the Senator from Indiana has attempted to meet it. He has met it by declaring that the provisions of the deeds of cession are void. That is the only way in which they can be got around. That Senator is in the habit of meeting questions directly. He saw the necessity of getting rid of the terms of the trust; and, therefore, he says the Constitution is in conflict with it, and these deeds are clearly void; and hence we take the land without the conditions! I humbly submit that, as to the first class of cases, such as the cession from Virginia, the Constitution is conclusive that the deed is a valid contract. As to the second class of cases, if you accept the trust, but are incapable of holding it, it reverts to the grantor, or you must carry out the trust.

Mr. MASON. Mr. President, I never supposed that the honorable Senator from Indiana, who is certainly a gentleman of legal mind and legal attainments, could have ventured to say that a compact made with the State of Virginia in reference to this property had been superseded by a political engagement, entered into by the States in common, in reference to the dominion over that property; and yet that is exactly the argument, and the only argument which he has adduced, to show that this compact is not binding.

Virginia claimed that this land was her property, and, as a State, she had dominion over it. She ceded that property to the United States under the Confederation. She ceded it as property, and made stipulations with the United States for what purposes that property should be used—that it should be used as a fund for the common benefit of all the States, in proportion to the charges upon those States. Those charges were then regulated by Congress according to a certain ratio. Afterwards, all the States established a new form of government, and to this new Government reverted the property held by the old Government. In this political engagement a doubt might very well arise, the new Government being one of limited power, whether dominion of any kind could be exercised over that property—I mean dominion as distinguished from the right of property. This political engagement simply was that the United States might “dispose of, and make all needful rules and regulations respecting,” their territory or other property. Now, says the Senator, that merged the original engagement. I submit to him at once that the difference is between a compact prescribing the conditions or the terms to which that property should be put, and a political engagement vesting them with dominion to exercise political power over the territory of which the property consisted. If that then be the only reason why this compact with the State of Virginia should not be regarded, I submit to the Senate, at once, that the reason is invalid.

Now, sir, a few words as to what fell from the honorable Senator from Michigan. That honorable Senator undertook to deny the title of the State of Virginia to this property which the Federal Government accepted, thereby admitting her title. Oh, says the Senator, there was some shadowy claim of these States, we know, to extend their limits to the Pacific ocean, but it was never exactly defined. Therefore, although the Federal Government recognized it as the property of Virginia, submitted to the stipulations contained in the deed of cession, never claimed any dominion or right of property in it whatever, except through this cession, as to this particular property, at this day that honorable Senator feels himself at liberty to scout the right of Virginia in general terms, by saying it was a shadowy, vague, and undefined claim!

Sir, I had hoped that honorable Senator was too practiced an American statesman, accustomed to regard the rights of the States, accustomed to regard the sacred obligations of contracts and com-

pacts, whether entered into with the States or with individuals, to avail himself, as he does here, a representative of one of the States, of that property, and then to deny the title of the party ceding it. Yet that is exactly what he has done, and in a most vague, general, and indefinite manner, on his part.

Why, Mr. President, the acceptance by the United States of this very deed of cession was a recognition of the right of property of Virginia; and in that deed of cession the State of Virginia was allowed to make reservation of a portion of that very property which she ceded. Virginia ceded her whole title; but she stipulated that, in consideration of this cession of property, certain expenses which she had incurred in defending the ceded territory should be reimbursed. She further reserved one hundred and fifty thousand acres of land lying northwest of the river Ohio, to be given to General George Rogers Clarke's regiment, who had conquered the country. That reservation, made in the deed of cession, was submitted to, on the part of the Federal Government, and yet, here the honorable Senator from Michigan, without distinctly declaring or defining why, denounces the title of the State of Virginia, accepted with this reservation on the part of that State, of a portion of the very property thus ceded. But there was more reserved. It was further provided that, in case certain land which had been reserved on the southeastern side of the Ohio for military purposes should be found insufficient, the deficiency should be made up in good lands between the Sciota and Little Miami, on the northwestern side of that river. All these reservations were contained in the deed of cession, and acceded to and submitted to by the Federal Government; and yet, the honorable Senator from Michigan denies the title of Virginia.

Mr. President, I do not design nor desire to go into the argument of this measure. I have said that this was the commencement, as I understand it, of an agrarian policy; I have said that, as I understand it, it is the design on the part of the Federal Government to go into an agrarian policy. The honorable Senator says this is the old cry of an agrarian policy. He shuffles that off, too, before the American people in a vague and general way, and he cites here some instances where the General Government, for specific objects, ceded specific portions of land in waste and uncultivated territory as a precedent to show that our ancestors had done what it is here proposed to do. Why, sir, I can very well understand that there may be occasions when you put this property to good use by ceding certain portions of your territory to a particular class of settlers who will go there and settle on it and cultivate it.

Mr. TOOMBS. Will the Senator from Virginia allow me to make a suggestion on that point?

Mr. MASON. With pleasure.

Mr. TOOMBS. I forgot, when I was up before, to allude to the fact that the settlers at Vincennes and Gallipolis, to whom grants were made as stated by the Senator from Michigan, and especially those at Vincennes, were brought there under the French title; and when they were dispossessed of that claim under an adversary title by the Virginia claim being made paramount, it was thought wise to give them a title from our Government. That is the fact.

Mr. MASON. I have not attempted to look into that fact; but I am obliged to the Senator for the explanation which he has given. I can very well understand that, in wild and unsettled territory, under the doctrine of prudent proprietorship which has been spoken of, it would, in some cases, be wise for a proprietor to invite settlers, to a certain extent, to induce men to come, in order to subdue the wilderness and bring into the market his land. I can imagine that very state of things to exist now in the Territory of Utah, which has been taken possession of by a lawless band of people with peculiar institutions and habits, which we consider immoral and demoralizing. They are at a great distance from the settled portions of our country, on both oceans. And I can very well imagine a policy to give a portion of that land to a different race of people, who would go there and reclaim it; and who, in good time, might bring a sufficient number around them to drive out the other set. But what is the policy here? It opens all the public lands everywhere. There is no pre-

tension or profession that the object is to give value to the public lands in the adjacent country. It opens them everywhere, in every State and every Territory where the public lands have been brought into market. Sir, if I recollect aright a measure of this kind originated with the celebrated Industrial Congress, which was held, I think, in the State of New York. I do not mean to say that this bill originated there, but that the policy of this bill originated there, and they said it was to give land to the landless, and homes to the homeless. Sir, if you can give land to the landless out of the public property, can you not give money to the moneyless, and bread to the breadless, upon precisely the same ground? If the only plea is that they have no homes, and that, therefore, you must give them a home, I ask, why are you not, exactly to the same extent, called upon to build them a house? If this is a plea that is good, I would almost assent to what I understand the honorable Senator from Indiana says would be a favorite policy of his, that this Government should have power, not only to give a man land, but to compel him to live upon it. I understood the honorable Senator to state that.

Mr. PETTIT. Not to compel him to live upon it, but to own it.

Mr. MASON. Compel him to own it.

Mr. PETTIT. Yes, sir.

Mr. MASON. Then the honorable Senator must assert a right which I do not understand can be asserted under the limited power of the Federal Government—a right in the Government to substitute the wisdom of the Government for the wisdom of the people; to say to a man “whether you believe your welfare and happiness will be promoted or not, by purchasing land, the wisdom of the Government is superior to yours, and we will compel you to purchase it and own it, and of course make it inalienable.” This bill proposes to make it inalienable as to certain purposes. This is the pretension on the part of the Government. Least of all should it be exercised by a Government like ours, of limited powers; but it is a pretension on the part of the Government to substitute its wisdom in the private pursuits of the people, for the wisdom of the people in those pursuits. Sir, I cannot conceive a measure that will tend more to demoralize the people of the country than the policy prescribed by this bill.

Mr. PETTIT. Will the Senator allow me to ask him, does he deny the power of this Government to give bread to the breadless?

Mr. MASON. The power of the Federal Government?

Mr. PETTIT. Yes, sir.

Mr. MASON. Undoubtedly I do, or a home to the homeless. Why, sir, I am very certain that the honorable Senator voted against the famous bill for the benefit of the insane, that was passed here during this session.

Mr. PETTIT. I did. I held it to be entirely inexpedient; but I did not consider that it was beyond our constitutional power.

Mr. MASON. I can only say, then, that the Senator construes the powers of this Government by a very different scale from that which I do. Mr. President, if this Government could institute a policy which was to control the high moral tone of the American people, I should say it would be to teach them to become independent by their own labor and their own exertion, and yet the policy of the bill is to paralyze the arm of labor, to make the people dependent on the bounty of the Government. You may well put into this bill a provision preventing its beneficiaries from alienating the property which they will receive under it, because there is not one in ten who will receive this bounty at the hands of the Government who will be able to retain it after he gets it. The effect of it upon that population will be to make them improvident and worthless. There is no American citizen, no man with an American tone, with that feeling of independence which ought to belong, and I believe does belong, to our people, who would not feel himself humiliated in receiving this bounty at the hands of the Government. Who is to get it? Does anybody believe that either old or young from the old States will migrate to the West to receive this bounty? No, no. It will be taken only by those in the neighborhood who have immediate access to it, and who will say “if it rains mush and milk, we will hold out the spoon,” or it will be taken by the immense horde of foreign

immigrants now coming into this country, who are seeking a home.

Why, sir, look to the character of that immigration. They are sent over here by contract, embarking from Bremen, or some other part of the continent of Europe, and to be landed by contract somewhere in Minnesota or Ohio. They are sent through with their tickets, treated like bales of merchandise on the way, and are now dying in large numbers in the railroad cars of cholera, without any hand to give them even a drink of water. And that is the class of people whom we are to invite over to our shores, suddenly to be converted into American citizens, by giving them a proprietary right in the soil.

I have no feeling of unkindness whatever towards the foreigner. I would pass no law in the world that would throw any difficulties in the way of his coming here. When they do come, I would admit them under the laws of naturalization, as speedily as their own good would prescribe, to all the rights of the American people. But to hold out a bounty to them in advance, to bring them here by an *exodus*, as it is now properly styled, depopulating the old countries, and generally of the worst part of their population, in order to populate ours, is a policy which, I for one, confess that I more than dislike. Be that, however, as it may, I ask the Senate to give to the State of Virginia the benefit of the contract which she entered into with the United States in 1784; and unless they do give her that benefit, I want the State of Virginia to know what sort of Government it is with which she is associated, and how her rights are disposed of.

Mr. BADGER. Mr. President, I think an examination of the amendment suggested by the Senator from Virginia will show that there is some very serious difficulty involved in the proposition which he submits, and which he thinks to be so simple and unembarrassed. I ask the attention of the Senate to it. In that amendment the Senator proposes to exempt from the operation of this pending bill all lands that were ceded to the United States by the State of Virginia; ceded under certain conditions, which he sets out in the amendment extracted from the deed of cession. Now, I desire to call attention to the language of that cession:

"To be considered as a common fund, for the use and benefit of such of the United States as have become, or shall become, members of the Confederation or Federal Alliance of the said States, Virginia inclusive."

How? As a common fund for the use and benefit of those States, Virginia inclusive. How? "According to their usual respective proportions in the general charge and expenditure, and to be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever." Mr. President, it is undeniable that if any part of that stipulation is binding upon the Government now, each and every part of it is equally binding. If the obligation to retain this as a common fund for the benefit of all the States, Virginia included, be obligatory upon the Government, it is equally obligatory to observe the rule by which the equal and common benefit is to be determined, which forms a portion of the same contract; that is to say, "according to their usual respective proportions in the general charge and expenditure." Now, what is meant by their respective proportions in the general charge and expenditure? Where will you find it under this Constitution and this Government? And to what did that clause relate in the cession of Virginia? The Senator from Virginia said he supposed it related to a charge according to population.

Mr. MASON. I did not say that.

Mr. BADGER. I understood the Senator to say that, but I will understand him not to have said it.

Mr. MASON. The Senator, I am sure, does not desire to ascribe to me what I did not say.

Mr. BADGER. Certainly not.

Mr. MASON. I said, that according to the Articles of Confederation, the general charge among all the States was apportioned among them, and they were to raise the money required by that charge, and pay it into the Federal Treasury; and these conditions were in relief to the States, proportionate to their charges.

Mr. BADGER. Precisely; but I understood the Senator to say, in proportion to population. That, however, is a matter of no importance. This session took place in 1783, and was accepted

in 1784. At that time these States were united under Articles of Confederation, and the eighth article gives us the key to, and the explanation of, the language in that cession which has been referred to. What is it?

"All charges of war, and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common Treasury."

How was it to be supplied?

"Which shall be supplied by the several States, in proportion to the value of all land within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in Congress assembled shall, from time to time, direct and appoint."

Now, sir, according to the terms of the deed of cession from the State of Virginia, the lands were to be applied for the common and equal benefit of the several States, according to the value of all lands which were held by private proprietors,—those lands which had been granted or surveyed with the view of being granted for individual owners in each State. How was that value to be ascertained. By the several States? No; but in such manner as the United States in Congress assembled should direct.

Sir, if that was the rule, as undeniably it was, if this was the meaning of the condition or stipulation contained in the deed of cession, as beyond all question it was, I ask you how you can now apply, according to that rule, the lands ceded by the State of Virginia? It has been said, it was said by the honorable Senator from Virginia, in my eye, [Mr. HUNTER,] that if you sell the lands and put the money into the Treasury, and pay it out in defraying the general expenses of the Government, you accomplish the purpose of the trust declared by this deed of session. But is it not manifest you do not?

At the time when our forefathers were united together under this Confederation, they raised supplies for general purposes—how? Not by levying duties, for the Confederation had no power to do it; not by direct taxation under the authority of one General Government which filled the Treasury from the people directly, irrespective of any consideration regarding their connections with the States, but by a rule established by the eighth of the Articles of Confederation, that for all purposes which the Congress might deem necessary for the common defense and general welfare, the sums deemed necessary should be collected in each State according to the value of the lands in that State which had private proprietors, that value to be ascertained in a method to be directed by the United States in Congress assembled. Now, I pray you, sir, to observe and see whether it is not clear, when the State of Virginia said: "for the equal and common benefit of all the States, herself included," she did not mean that the lands were to be sold, the money put into the Treasury, and appropriated as Congress might think proper. To say, "herself included," in such a case, would be an absurdity. Suppose Virginia were now in the possession of vast funds, and were to present to the Government of the United States \$10,000,000 to go into the Treasury, to be expended in the ordinary disbursements of the Government, for building light-houses, erecting custom-houses, building fortifications, providing for the support of an Army and Navy, and other purposes within the power of this Government, would it not be a pure absurdity to say "for the equal and common benefit of all the States, herself included?" How could she be excluded, if the meaning was that Congress should apply the money just as Congress might think proper, under the Constitution, for the advancement of the common good, according to the plan laid down by Congress, in subordination to that instrument?

Therefore, sir, the very words upon their face show that they meant something else. When we recur to the Articles of Confederation then in force, then constituting the only rule by which the States were charged in the Government, the thing becomes as clear as daylight; and hence, if that portion of the deed of cession from Virginia be now in force and obligatory, according to its terms upon the Government of the United States, it is a violation of it to apply the proceeds of these lands, or the lands themselves, in any other way than among the several States, according to the value of the granted or occupied lands of individual proprietors, to be ascertained in such a

manner as an act of Congress shall provide. Virginia has, in this very cession, made this clear beyond dispute.

And, Mr. President, we understand perfectly well, from the nature of the organization that united the States during that time, wherefore that provision was made. The United States, in Congress assembled, wanted a million of dollars. They had no power to levy it on the citizens of this country. They had no power to impose a tax on the citizen of any State in the Confederation. Then what did they do? Why, the sum to be levied was apportioned between the different States, according to the value of the landed estate belonging to individual proprietors, ascertained in such manner as Congress might prescribe; and the subsequent part of the article, which I did not read, directs that that portion which fell to each State should be collected by the State, and paid into the common Treasury. We understand the language of the deed of cession of the State of Virginia, when we refer to that state of things, with clearness and certainty. It has a definite and appropriate signification. It meant this: that the United States, in Congress assembled, should dispose of these lands, should apply them among the different States, in the first place, by discharging such calls as the United States, in Congress assembled, might have made, under that article, upon the several States for their contribution towards the common Treasury; and I submit, as an irresistible corollary from that first proposition, if there were no such demands to be made, they should pay the money in the same proportion to the States for whose benefit it had been granted.

But be that as it may, sir, and however desirable it might be, or may be, in the judgment of some Senators, or in my own judgment, to carry out literally, and strictly, and according to the terms, the conditions of that deed of cession, it is manifest that it can no longer be done. What, sir, would you have the Congress of the United States pass an act now, sending forth assessors and valuers through the whole extent of this continent, for the purpose of determining the value of real estate held in private hands; and having ascertained it, of what use would it be? We call for no contributions. The States make no contributions to the Treasury now. There is no levy made on the States now, as under the Confederation, for certain specific sums of money ascertained by any rule. This Government collects its revenue by laws applicable to the inhabitants, reaching the individual, drawing money from the several States, or rather from their citizens, according to the amount of importations, or according to the amount of consumption of imported articles, and not at all according to the value of any estate, real or personal, in those States. So that, if you had the value of all the real property ascertained, how would it guide you in disposing of the proceeds of the ceded lands? It could not guide you at all. You would have no charge made upon any State to which to apply her share of what had been produced by the sale of those lands, in order to settle it, and give her a clear discharge from the common Treasury; for there is no charge against her.

Then what are you to do with it? I admit, you might take the proceeds and divide them among the several States, according to the value of the real estate in each State, so ascertained; but I must say, I think the expenditure necessary for making the ascertainment and valuation, would absorb a great deal more than the proceeds of the lands for many years to come.

Hence it is apparent, as I think, that the state of things in regard to the connection between the States—the state of things which bind us together under our present constitutional Union—being so altered from what it was under the Articles of Confederation, we must suppose our forefathers as a set of reasonable, intelligent, practical men—as they undoubtedly were—intended that a corresponding change should take place in the manner of disposing of the national domain. And, therefore, Mr. President, strange as it seems to the Senator from Georgia, [Mr. TOOMBS,] and the Senator from Virginia, [Mr. MASON,] I think there is nothing unreasonable, or inappropriate, or inconsequence in what was laid down by the honorable Senator from Indiana, [Mr. PERRY,] that a state of things having arisen under this Con-

stitution in which the States, as such, were no longer called upon to contribute to a common treasury, in which the United States collect a common treasury by their own direct action upon the citizens, and not through the States, there being no longer such a thing as the eighth article of the Confederation remaining in force; and the public lands still remaining, it is reasonable, in the highest degree, to suppose that, when the new Constitution was adopted, containing a provision that Congress should have power "to dispose of" the public lands, it meant this: That whereas, heretofore, we were able to furnish a rule, and to insist upon the application of a rule, which was reasonable and just, we, the members of the Union, being liable to be called upon for contributions to be raised by ourselves according to a fixed rule; and whereas, we have now established a government having direct operation upon the people, no longer finding it necessary to call upon the States for contributions, and having a complex Legislature, embracing representatives of the people and representatives of the States, we devolve upon that legislative body to make such dispositions of the public lands, as well as of the other property of the United States, as they may deem just and reasonable for the general benefit of all.

Now, Mr. President, what makes this more clear, and, to my understanding, more properly the just and rational interpretation of this provision, is this: Whatever power, under the Constitution, the Congress of the United States has over the public lands, it has over all the other property of the United States, and whatever authority the Congress of the United States has not over any other property of the United States, it has not over the land; for in the Constitution the authority is conferred in precisely the same general words, "to dispose of" one class of property as another. No notice is taken of any residuary provisions in the old deeds of cession. No exceptions are made from the general grant. It was not thought necessary to exempt by words from this provision a reservation or condition in the deeds of cession, which, from the very nature of the case, had become impracticable and inapplicable; but the same general authority is given in identically the same words with regard to the lands, and to every other portion of the public property.

What was said by the honorable Senator from Indiana is, I think, justly said, that when Virginia, New York, and Connecticut ratified this Constitution—for it took effect in no State without the ratification of that State—they agreed voluntarily to devolve upon the Congress of the United States the power to dispose of all the public lands, and all the public property; and if, therefore, before she made that agreement, Virginia had a right to insist upon any restriction as to the power of disposition, she, by that agreement, voluntarily surrendered it. But, sir, if we have no general power to dispose of the public lands, we have no general power to dispose of any other public property of the United States. We had no power to dispose of the brass cannon which we gave to an association here forming that statue of Jackson, which now adorns one of the public squares of this city. It is idle to talk about amounts. It was the property of the United States. If there was a restriction upon a thing worth half a million, there was the same restriction upon a thing worth a penny. We have exercised that power.

Why, sir, with regard to the territory which was ceded to the United States by the State of Virginia, and which once formed a part of the District of Columbia, the seat of Government, that, I take it, was property of the United States. I do not recollect any clause in the Constitution of the United States which authorizes Congress in terms to recede, to give away, to sell, or to dispose of, any part of the ten miles square which might be ceded to the Union for a seat of Government. Not at all, sir. The only article in the Constitution upon that subject is that "Congress shall have power to exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of Government of the United States."

Then, this being the state of the case, the only power being in the first place a direct one, expressly conferred, of exclusive legislation, and in the second place, an implied one to accept a cession of territory, I ask you where we got the

power to retrocede a part of this District to the State of Virginia? It was the public property of the United States. If not, to whom did it belong? To Virginia? It had belonged to her, but was ceded to the United States; and after the cession, I suppose it belonged to us. Where did the Government of the United States get the power to cede that territory, but under its common authority and control, first over the property of the United States, and in the next place over the eminent domain and sovereignty which belonged to the United States over the territory so ceded. It seems to me, then, sir, very evident that the rule under which the State of Virginia intended, and everybody at that time understood that she intended, that this property should be applied, is not the rule of paying the money into our Treasury, as our Treasury is now formed. The Treasury of the Confederation was a common Treasury contributed by the States as States, not according to their population, not according to their wealth, not according to any property that they had in them, except the one item of lands owned by individuals, either granted to, or surveyed for individuals, with the view of being granted. There was therefore a propriety in it, and we can well understand the application of it. It was this. The United States in Congress assembled charged the State of Virginia with \$100,000 for the common defense, and for carrying on the war. But they have sold lands ceded by Virginia, the share of Virginia to which, according to the rule here laid down, would amount to \$100,000. Then the compact required that the \$100,000 should be applied in extinguishing the demand upon Virginia for the \$100,000 directed to be collected by the United States in Congress assembled. That was the application of it.

Then I submit to you, sir, that the moment these requisitions should have ceased under the Confederation, if we suppose such a thing as that the United States in Congress assembled had merely attained power, without breaking up the whole form of the Government under the Confederation, to levy duties, and had no longer any necessity for drawing upon the States, the necessary and unavoidable result would have been, that the money raised by the sales of those lands should be paid over to the States, according to the rule laid down in that instrument. It would have been the only possible method of disposing of them consistently with the terms of the deed of cession.

We cannot carry that out now. Nobody proposes to make a survey, and examination, and estimate of all the lands in the United States, in order that we may determine what is the value of the lands held in the States by private owners. But you say you discharge the obligation by putting the proceeds into the Treasury, and expending them in such manner, at such places, for such purposes, and in such amounts, as Congress may direct. Sir, you do no such thing, according to the rule given in the deed of cession. I say not but that that may be a very proper and allowable mode of applying them; because I hold that under this Constitution Congress has the power to dispose of these lands as Congress pleases—the right to dispose of them for all purposes of general utility to the whole nation. But if that be so, then Congress has a rightful power to dispose of them in such manner as Congress may deem best calculated to promote the harmony, the general interest, and the common welfare of our common country.

Mr. CLAYTON. Mr. President, this bill has already occupied a great deal of the time of the Senate. There are but about two weeks of the session remaining unexpired. I will not overrate the importance of the bills which have to be acted on during that time. All the appropriation bills have to be acted upon. I am anxious to dispose of this bill. If a majority of the Senate is in favor of the measure, I would not throw a straw in the way of its passage. If, on the other hand, there be a majority of the Senate against it, it is important that we should now know it, and that we should have an end of it. I propose, therefore, in view of the importance of the business which remains to be transacted, and which cannot be transacted if this bill be debated *de die ad diem*, to move that the bill be laid on the table. I move this as a test question, and on the motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BRODHEAD. I desire to make a suggestion.

The PRESIDING OFFICER. Debate is not in order.

Mr. BRODHEAD. I desire to make a suggestion to the Senator from Delaware.

The PRESIDING OFFICER. It is not in order. The motion is to lie on the table.

Mr. BRODHEAD. I desire to make a suggestion to the Senator from Delaware, which is usual.

The PRESIDING OFFICER. The Senator from Pennsylvania is not in order while a motion is pending to lay the bill on the table.

Mr. BRODHEAD. Then I ask unanimous consent to make the suggestion. It is a privilege which has always been accorded.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent to make a statement or suggestion to the Senator from Delaware. Is there objection? ["None!" "None!"] The Senator from Pennsylvania will proceed.

Mr. BRODHEAD. I suggest, then, to the Senator from Delaware, whether it would not be better to make a test question on the motion to postpone to December next.

Mr. CLAYTON. I prefer having a test question on the motion to lie on the table.

Mr. FISH. I merely wish to state that my colleague, [Mr. SEWARD,] who is absent, would have voted in favor of this bill on all motions tending to affect the main question, but he has paired off with the Senator from Pennsylvania; [Mr. COOPER.]

Mr. WADE. Upon the final vote on this bill, I agreed to pair off with the Senator from Florida, [Mr. MORRIS.]

Mr. BADGER. This is a final vote, a test vote.

Mr. WADE. I think I ought not to vote on this motion, and I shall not do so.

The question being taken by yeas and nays on the motion that the bill lie on the table, resulted—yeas 24, nays 27; as follows:

YEAS—Messrs. Badger, Bayard, Benjamin, Brodhead, Butler, Clay, Clayton, Dawson, Dixon, Evans, Fessenden, Fish, Fitzpatrick, Foot, Houston, Hunter, Mallory, Mason, Norris, Pearce, Pratt, Thompson of Kentucky, Toombs, and Toucey—24.

NAYS—Messrs. Adams, Allen, Atchison, Bell, Bright, Brown, Cass, Chase, Dodge of Wisconsin, Dodge of Iowa, Douglas, Geyer, Gillette, Gwin, James, Johnson, Jones of Iowa, Jones of Tennessee, Pettit, Rockwell, Sebastian, Shields, Slidell, Stuart, Sumner, Walker, and Weller—27.

So the motion was not agreed to.

Mr. PEARCE. Some two days ago, when I was making some remarks to the Senate, I alluded to the case of Pollard's lessee *vs.* Hagan *et al.* The Senator from Michigan [Mr. CASS] pronounced the opinion which I read to be an *obiter dictum*, and of no value. Since that time I have been looking over the reports, and I find that a case was decided in 1850, in the opinion of which, given by Chief Justice Taney, I find this language:

"The whole question upon the ordinance of 1787, and the acts of Congress extending it to other territory afterwards acquired, was carefully considered in Pollard *vs.* Hagan 3d Howard, 212."

That is the case from which I quoted.

"The subject is fully examined in the opinion pronounced in that case, and with which we concur; and it is sufficient now to refer to the reasoning and principles by which that judgment is maintained, without entering again upon a full examination of the question."

It is very true that the point in dispute in this case was not the point in dispute in that; but the reasoning and arguments of the judge who delivered the opinion in that case are here referred to without objection, and with the statement that his opinion is fully concurred in. That is sufficient.

Mr. CASS. The case was not before the court, and was not argued before the court. It was not necessary to the point in contest, and what right, therefore, had the court to make a decision on so solemn a question as the exemption of the public property from taxation, when it was not before them?

Mr. BADGER. I move that the Senate do now adjourn.

Messrs. DOUGLAS, WALKER, and others, called for the yeas and nays.

They were ordered; and being taken, resulted as follows:

YEAS—Messrs. Atchison, Badger, Bayard, Benjamin, Brodhead, Butler, Clay, Dawson, Dixon, Evans, Fessenden, Fish, Fitzpatrick, Foot, Geyer, Gillette, Houston,

Hunter, Johnson, Mason, Norris, Pearce, Pratt, Sebastian, Thompson of Kentucky, Toombs, Toucey, and Wade—28.
NAYS—Messrs. Adams, Allen, Bright, Brown, Cass, Chase, Dodge of Wisconsin, Dodge of Iowa, Douglas, Gwin, James, Jones of Iowa, Jones of Tennessee, Mallory, Pettit, Rockwell, Rusk, Shields, Stuart, Sumner, and Walker—21.

So the motion was agreed to; and
 The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, July 20, 1854.

The House met at eleven o'clock, a. m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

WITHDRAWAL OF A PAPER.

Mr. COBB. I have a paper in my hand which relates to a case now pending in the Land Office. It is the petition of certain citizens of north Alabama. I ask the unanimous consent of the House to withdraw it from the files of the House, for the purpose of having it presented there.

There being no objection, leave was granted.

POSTAGE ON NEWSPAPERS.

The SPEAKER stated the first business in order to be the motion to lay on the table the motion to reconsider the vote by which the bill to amend an act entitled an act to amend an act entitled "An act to reduce and modify the rates of postage," was laid upon the table; upon which the yeas and nays had been ordered.

Mr. WHEELER. Can I withdraw the motion to reconsider?

The SPEAKER. The gentleman can withdraw it.

Mr. CLINGMAN. The gentleman's motion to reconsider was made yesterday, and it cannot be withdrawn after that day. There is a special rule on that point.

The SPEAKER. The gentleman is mistaken in this. The gentleman may withdraw his motion to reconsider the day it was made, or that succeeding, so that any other member may have the right, under the rule, to renew it. The gentleman can withdraw his motion to reconsider to-day.

Mr. WHEELER. Then I withdraw the motion to reconsider, as well as the one to lay that motion upon the table.

THOMAS C. NYE.

The SPEAKER. Reports are now in order from the Committee on the Post Office and Post Roads.

Mr. JONES, of New York, from the Committee on the Post Office and Post Roads, reported back Senate bill (No. 307) entitled "An act for the relief of Thomas C. Nye, with the recommendation that it do pass.

Mr. OLDS. I would be glad if the gentleman would first allow me to report to the House the post route bill, of which I gave notice yesterday.

The SPEAKER. What motion does the gentleman from New York submit in regard to the bill which he has reported?

Mr. JONES. I ask that it may now be put on its passage. That its object and extent may be fully explained, I ask that the Clerk may read the Senate report.

Mr. JONES, of Tennessee. If I understand the bill, it proposes examination and ascertainment of the losses sustained by a particular individual in consequence of the passage of the law of 1845, for the reduction of the postages of the country. Prior to the passage of that law, when a bidder for a particular route obtained the contract and superseded the old contractor, he was, by law or custom, compelled to take the horses, harness, and stages of his predecessor at valuation. The law of 1845, reducing the postages, repealed that portion of the law, and left afterwards no obligation, on the part of the new contractor to take the stock of the old one.

This bill is to indemnify a contractor for the losses he is alleged to have sustained in consequence of his successor refusing to take his stock. It will open the door of the Treasury, if passed, to thousands, nay millions of dollars of claims. This is the pioneer bill, which will be made the precedent for all the others. On it all the others hang.

Those contractors who failed to get their contract extended, had all their property, horses,

coaches, and stock, of every description, to dispose of, and I cannot see why the Government should be subjected to damages in all these cases in consequence of the law passed in 1845.

Again, it is proposed, when the amount of damages is ascertained, that it shall be paid, and makes an appropriation for that purpose; and the rules require that it shall be considered first in Committee of the Whole House. It is certainly at the head of a very large class of cases, which will be brought here if this is successful; and it should undergo a tolerably thorough examination before it is acted upon.

The SPEAKER. Does the Chair understand the gentleman from Tennessee as raising a question of order?

Mr. JONES. I do.

The bill was then read through by the Clerk.

Mr. LETCHER. I wish to inquire of the gentleman from New York what amount is involved in this bill?

The SPEAKER. A question of order has been raised, which it is the duty of the Chair to decide. If the Chair understands correctly the language employed, the bill does make an appropriation, and by the face of the act the money would be drawn from the Treasury and paid over to the parties, which brings it within the rules requiring bills making appropriations of money to be first considered in Committee of the Whole on the state of the Union, or Committee of the Whole House.

Mr. JONES, of New York. I ask that it may be referred to the committee on the Private Calendar. If I could have the privilege, I should like to make that reference.

The SPEAKER. It being a private bill, it would go upon the Calendar. It would need no vote of the House, unless objection be made.

The bill was then referred to a Committee of the Whole House.

REFERENCE OF MEMORIALS.

Mr. JONES, of New York. I rise to change the reference of certain memorials and petitions, which I think have been referred to the wrong committee. I refer to the petition of the Hon. Mr. Maxwell, of Florida, a member of this House, for the construction of a railroad in the State of Florida, which has been referred to the Post Office Committee. I wish, further, to ask that the reference of the memorial of the Legislature of Iowa, which has been referred to the same committee, may be changed to that of the Committee on Public Lands.

I ask still further, that the reference of the petition for the construction of the Philadelphia, Fort Wayne, and Council Bluffs air-line railroad which has been referred to the same committee, may be changed to that of the appropriate committee. All petitions of this character have been heretofore referred to the Committee on Public Lands. I make this request of the Chair, as I understand it is the duty of the Speaker to see that the proper reference is given to all such petitions and memorials.

Mr. OLDS. I object to the motion of the gentleman at this time.

The SPEAKER. The gentleman from New York raises a question of privilege as to the duties of the Chair in reference to petitions and other matters referred under the rules of the House. From the character of the paper or papers sent to the Committee on the Post Office and Post Roads, the Chair would have no hesitation in deciding that if his attention had been given to them, it was his duty, under the rule, to have given them a different direction to that which they have taken. "It shall be the duty of the Committee on the Post Office and Post Roads to take into consideration all such petitions, matters, and things touching post offices and post roads, as shall be presented, or as shall come in question and be referred to them by the House; and to report their opinion thereon, together with such proposition relative thereto, as to them shall seem expedient." "It shall be the duty of the Committee on Public Lands to take into consideration all such petitions, matters, and things respecting the lands of the United States," &c.

The duties of each of the standing committees of the House are prescribed by the rules of the House; and the Chair has referred to these two Committees on Public Lands and the Post Office and Post Roads, simply for the purpose of saying

that the matters referred to by the gentleman from New York, [Mr. JONES,] would have been, if the attention of the Chair had been drawn to them, referred to the Committee on Public Lands and to the Committee on the Post Office and Post Roads. Then again:

"Members having petitions and memorials to present, may hand them to the Clerk, indorsing the same with their names, and the reference or disposition to be made thereof; and such petitions and memorials shall be entered thereon, subject to the control and direction of the Speaker."

Now, whether the Speaker, by this authority, may have a right to withdraw, by his own order, and change the direction of these misdirected papers, is the question. The Chair doubts that he is authorized to exercise such a power.

Mr. OLDS. Can I be heard a moment in relation to this question?

The SPEAKER. With pleasure.

Mr. JONES, of New York. The gentleman from Ohio will excuse me for one moment. I ask for the reading of the second rule, and the note appended thereto, showing that this proposition is a debatable one, unless the Chair so decides.

The SPEAKER. The Chair thinks that it would, to a limited extent, be a debatable proposition.

Mr. JONES. Well, I wish the 2d rule to be read, together with the note appended thereto, because I think it is the duty of this House to see that the business which comes before them be referred to the appropriate committees.

The rule was read, as follows:

"He (the Speaker) shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any two members—April 7, 1789; on which appeal no member shall speak more than once, unless by leave of the House."

Mr. JONES. Now, I ask that the note may be read, unless the Chair decides that this is a debatable question, because I wish to have the views of the House thereon.

The note was read, as follows:

"Difficulties have often arisen as to a supposed discrepancy between the appeal contemplated in this rule and that referred to in rule 35. There is no discrepancy. The question of order mentioned in the second rule relates to motions or propositions, their applicability or relevancy, or their admissibility on the score of time, or in the order of business, &c. The 'call to order' mentioned in rule 35, on which, in case of an appeal, there can be no debate, has reference only to 'transgressions of the rules in speaking,' or to indecorum of any kind. See also rule 51, in which debate on an appeal, pending a call for the previous question, is prohibited."

Mr. JONES. This is a proposition merely to change the direction of a memorial, and therefore I think it is a debatable proposition.

The SPEAKER. The Chair certainly chooses to regard it as such, inasmuch as he was himself involved in the matter, the rules having made it his duty to superintend the distribution of the business presented under the rules, and therefore he was pleased to be heard thus far upon the subject.

It will be for the House to determine what disposition they will make of the matter, the memorials having been referred, and the attention of the Speaker not having been drawn to them, otherwise he would have given them another direction.

Mr. OLDS. I am not at all tenacious as to what course these papers shall be made to take. I only desire that the House shall pursue its customary policy in regard to any order which it may make in reference to them. It is a customary thing for a great many memorials, upon any particular subject, to be presented to the House, and it is a customary thing, under the rules of the House, for members of this House to give those memorials different directions.

Let me give an illustration directly in point. During the last session of Congress, while the present Speaker was the occupant of the chair, there were forty or fifty memorials presented to this House with reference to the Wheeling bridge. Now, what was the question involved in those memorials? The Supreme Court of the United States had ordered that bridge to be taken down. Some of those memorials were referred to the Committee on the Post Office and Post Roads; a portion of them were referred to the Committee on Military Affairs, and a portion of them went to the Committee on the Judiciary. They were all couched in precisely the same language; and they were all referred under the rules of the House,

under the direction of the same Speaker who now occupies the chair.

Well, what did they ask? They all asked one thing, and that was, that the Congress of the United States should declare the Wheeling bridge a post route. Was that what they wanted in fact? Not at all. They wanted to legalize the structure of the Wheeling bridge. It was purely a judicial question. But it had been referred, under the rules of the House, to the Committee on the Post Office and Post Roads, and that committee, it is true, reported a bill declaring the Wheeling bridge a post route, although you had a post route already in existence from Washington to Columbus, Ohio, passing over this bridge. But in so doing they declared that bridge a legal structure. It involved a legal question—a decision of the Supreme Court.

Well, when the report of that committee was introduced into this House, the question was raised how the Committee on the Post Office and Post Roads had come into possession of that question, as it was purely a judicial question, and more properly belonged to the Committee on the Judiciary. The Chair decided that, inasmuch as the subject was referred to that committee, through the memorials, they had the right to take cognizance of that subject-matter.

Now, here is a memorial sent to the Committee on the Post Office and Post Roads. That the House may fully understand the matter, I will send it to the Clerk that it may be read.

The Clerk commenced the reading of the memorial, but was interrupted by

Mr. HUNT. I have not been able to hear very well what has been going on; but I understand there is something wrong in the mode in which the business of the House has been transacted. I understand that it is now proposed to bring up certain matters that look for an appropriation of land, and to put those matters before the House irregularly, which, according to my view of parliamentary law, is an abuse of the parliamentary law of this House. For instance, the committees of this House have proper duties assigned to them.

Mr. OLDS. I rise to a question of order. I have the floor. I ask that the memorial may be read.

The memorial was read, and is as follows:

To the Honorable the Senate and House of Representatives of the United States:

The undersigned, citizens of the States of Indiana, Illinois, and Iowa, respectfully ask your honorable body to pass a law establishing a mail route by railroad, from Fort Wayne, Indiana, via Leon and New Boston, in Illinois, Westfield and Washington, in Iowa, to the city of Council Bluffs, in said State. That to facilitate the construction of said road, and the establishment of said route, and to secure the speedy and safe transportation of the mails and troops of the United States upon the same, there be granted to the States through which the same may pass, alternate sections of lands, in the same manner that grants have heretofore been made to the State of Illinois, and other States, upon such terms and conditions as Congress may direct.

Mr. OLDS. Now, Mr. Speaker, the point I wish to make is this: that in that memorial there were matters belonging appropriately to the Post Office Committee. Now, sir, although it may also contain matters appropriately belonging to another committee, yet I hold that the Post Office Committee had the right to act upon it.

Mr. PECKHAM. Will the gentleman tell me when that memorial was referred to this committee?

Mr. OLDS. Three or four days ago.

Mr. PECKHAM. Was it not yesterday?

Mr. OLDS. No, sir.

Mr. LETCHER. I wish to ask the gentleman from Ohio if this railroad matter has not been before the Committee on Public Lands; whether they had not agreed to report a bill, but transferred the matter to the Committee on the Post Office and Post Roads, for the purpose of getting it before the House at an earlier day?

Mr. OLDS. I can answer the gentleman so far as the facts are concerned; but I cannot answer him so far as the inference is concerned. I understand that this matter has been before the Committee on Public Lands, and that they have agreed to report a bill. But I do not understand that when the Committee on Public Lands, in their turn, ceased to occupy the floor, there was any understanding between that committee and the Committee on the Post Office and Post Roads by which matters before one committee were to be

transferred to the other committee. I do not know that there was any such understanding between any members of the two committees. So far as the chairman of the Committee on the Post Office and Post Roads is concerned, I can speak certainly, and I say there was no such understanding.

Mr. LETCHER. I did not assert that there was any such understanding between the two committees.

Mr. OLDS. Well, I assert that there was not.

Mr. LETCHER. I do not pretend to gainsay the gentleman at all. But I ask him if it was not true that this petition had been sent to the Post Office Committee within the last two or three days, for the purpose of allowing that committee to undertake to report a railroad bill?

Mr. OLDS. That is the very point I was endeavoring to illustrate. I had the memorial read that I might illustrate it.

Mr. HASTINGS. I should like to have the names signed to that petition read. The memorial has been got up in this city.

They were read, as follows: John Bell, Thomas Tiger, Silas Ramsey.

Mr. LETCHER. One other question and I shall not further embarrass the gentleman.

Mr. JONES, of New York. What is the date of the memorial?

The CLERK. July 17th, 1854.

The SPEAKER. Does the gentleman from Ohio yield the floor to the gentleman from Virginia?

Mr. OLDS. I am willing to answer all questions put to me.

Mr. LETCHER. What I wish to inquire is this: Has the chairman of the committee on the Post Office and Post Roads, or any other member of that committee, notified beforehand that such a memorial would be presented?

Mr. OLDS. I can only answer for myself. I did have notice that a matter of that kind would be presented to the committee. Is the gentleman satisfied?

Mr. LETCHER. That will do.

Mr. MILLSON. Will the gentleman allow me?

Mr. OLDS. Certainly.

Mr. MILLSON. I should like to ask the gentleman what evidence, what documents and papers, were before the committee, and whether notice was given to the committee of the purpose to consider these various applications?

Mr. OLDS. I am happy to find, Mr. Speaker, that the Virginia members on this question are coming up on one side of it; and I want to put the question directly home to them; I want to know how it was that they, at the last session of Congress, voted to sustain a report from the Committee on the Post Office and Post Roads legalizing the Wheeling bridge structure? That was a purely judicial question. Virginia was a unit then, and raised her voice on the other side—and why? Because the Wheeling bridge was within the State of Virginia. It was a question affecting the interests of Virginia. And although I would not assail that State—for I have stood by her on all occasions—yet it does seem strange to me that she should so earnestly oppose the reference to the Post Office Committee of a proposition to make a post route through the States of Indiana, Illinois, and Iowa, couched in precisely the same language used in the memorial in reference to making a post route of the Wheeling bridge, where a post route already existed. I ask why it was that the gentlemen from Virginia did not rise on that occasion and say that it was the duty of the Speaker of the House to order that the Committee on the Post Office and Post Roads should be discharged from its further consideration, and that it should be referred to the Committee on the Judiciary?

The SPEAKER. The Chair will beg the gentleman from Ohio to yield to him a moment. It will be recollected by the gentleman and the House, that the Chair did not undertake to decide that he had the power to withdraw papers from committees and give them different reference.

Mr. OLDS. I did not so understand the Chair at all.

The SPEAKER. Papers are referred under the rule. The Chair stated that, by the rule, it was made his duty to see that proper reference was made of papers. Every gentleman will at once see that it is scarcely possible for the Chair to look at each and every paper presented during

the session, and also attend to his other duties. His attention, at all events, was not called to this matter.

Mr. OLDS. That is the point, and I was going on to say that the Chair acted correctly throughout.

The SPEAKER. The papers were referred, but they were not referred in open House by vote of the House, and cannot therefore be brought back here by a motion to reconsider. Under the circumstances, however, the Chair holds that it is proper in him to receive the motion which has been submitted by the gentleman from New York, for the withdrawal of these papers, or rather that the Committee on the Post Office and Post Roads be discharged from their further consideration, in order that they may be referred to another committee.

The Chair has made this statement that each member might know what was exactly before the body. He thinks, under the circumstances, that the committee may be discharged from the further consideration of the papers, in order to give the House an opportunity to give them the direction which seems to it most proper. The Chair thought some gentlemen did not understand the question before the House.

Mr. OLDS. I did not at all complain of the course pursued by the Chair. I think that the Chair has been perfectly fair. What I desired to illustrate, was what the parliamentary courtesy of the House should be in a case of this kind. Now, if a matter referred to the Committee on the Post Office and Post Roads contains a proposition properly belonging to that committee, have not they cognizance of it? And will anybody now undertake to deny that this memorial does not contain such a proposition, although it may also contain propositions which do not belong to that committee?

What should be the course which the House should pursue in regard to this matter? If the Committee on the Post Office and Post Roads attempt to report to this House upon any matter which the House itself shall not deem as belonging appropriately to that committee, then will be the time for the House to check the committee. If the memorial contains matter that does belong to that committee, so much of that memorial should be left in the hands of the committee. Does the House suffer any detriment in pursuing a course of this kind? Not at all. You are not withholding from the Land Committee business which properly belongs to that committee, because you have hundreds of these petitions, and they are legitimately referred to that committee also. The House suffers no injury by permitting these memorials to remain in the hands of the Committee on the Post Office and Post Roads, so long as they contain matter legitimately belonging to that committee; and it will be time for the House to act, and act understandingly and courteously, when the Committee on the Post Office and Post Roads shall undertake to make a report based upon memorials referred to them that do not legitimately belong to them.

Mr. MILLSON. The gentleman from Ohio, [Mr. OLDS.] without answering the inquiry put to him just now, has alluded to the course of the Virginia delegation in reference to the Wheeling bridge bill. I should like to ask the gentleman from Ohio if he thinks there was anything wrong in the course of the Virginia delegation in regard to that bill?

Mr. OLDS. I will answer the gentleman with great pleasure, by saying that I think their course was entirely right, fair, and honorable.

Mr. MILLSON. If the course of the Virginia delegation was right in the Wheeling bridge case, I shall not, until their course is impugned, undertake to defend it. Then the question recurs to the inquiry I first put to the gentleman from Ohio, and that is, whether there were any papers and documents before the Committee on the Post Office and Post Roads sustaining this memorial, dated the 17th of July; and if so, whether there was any special notice given to the members of the committee that the subject contained in the memorial would be investigated by that committee.

Mr. OLDS. I will answer the gentleman frankly. The reason why I have referred to Virginia upon this occasion, is, that with me Virginia is good authority. I have been taught to live and move and breathe under the resolutions

of '98 coming from Virginia; and when I come into this House sustained by the authority of Virginia, I think I have good authority on my side. I have no complaint to make of Virginia with regard to the Wheeling bridge bill. I thought the act was right. I have only referred to this to show that I have the authority of Virginia, the mother of the resolutions of '98, to show that this memorial, referred to the Committee on the Post Office and Post Roads, contains such matter that even Virginia, under the resolutions of '98, cannot object to that committee's acting on that portion of the memorial relative to the establishment of a post route.

Mr. MILLSON. I have not said a word yet in reference to the propriety of the reference of the memorial. I simply inquired whether any documents and papers were referred.

Mr. WASHBURN, of Maine. I would inquire of the gentleman from Ohio if he understands that in the resolutions of 1798, there is a distinction made between structures in the air and those upon solid ground.

Mr. OLDS. I thought I was acting under the resolutions of '98 when I reported a bill to legalize the Wheeling bridge. That is a structure in the air. Is the gentleman answered? Now, one word with reference to the question propounded by the gentleman from Virginia, [Mr. MILLSON.] I cannot see the pertinency of that question. Was the Post Office Committee to refuse to act on the petition, because there were no papers accompanying it?

Mr. JONES, of Louisiana. Will the gentleman from Ohio permit me to ask him a question?

Mr. OLDS. Certainly.

Mr. JONES. The question I desire to ask the gentleman from Ohio is this: whether it is not the custom of the Committee on the Post Office and Post Roads to entertain petitions referred to them even with but one name subscribed, praying for the establishment of post routes throughout the country?

Mr. OLDS. Yes.

Mr. HOWE. I would like to ask the gentleman from Ohio a question for information; will he permit me to do so?

Mr. OLDS. Certainly.

Mr. HOWE. I understand the gentleman from Ohio to take the ground that this memorial, or the subject-matter of it, is a pertinent subject for inquiry by the Committee on the Post Office and Post Roads, for the reason that it proposes to declare these roads post routes, and hence it becomes an appropriate matter for the inquiry of that committee. Now, I wish to call the attention of the chairman of the Committee on the Post Office and Post Roads, to the fact which he surely must be familiar with, that there is already a law in existence which declares "that all railroads and parts of railroads which are now or hereafter may be in operation, be, and the same are hereby, declared to be post roads." I believe the gentleman himself reported the law.

Mr. OLDS. Yes, Mr. Speaker, the gentleman from Ohio was well aware of all these facts. But that does not come to the point at all. The point is whether that memorial contains matter appropriately belonging to the Committee on the Post Office and Post Roads. Now, what do the signers of this memorial pray for? They pray for the establishment of a post route. Now, what is the duty of the Committee on the Post Office and Post Roads? It is the duty of that committee to see whether a post route already exists over that very road. If a post route does already exist there, it is the duty of the committee to report the memorial back. But is it a reason why the matter should be referred to the committee on Public Lands, because a post route already exists over the same road? Not at all. The question is this, it is a naked, simple question: Does that memorial contain matter relative to the mail service of the United States, and to the post roads of the United States? If it does, then its appropriate reference, or at least the reference of so much of it as relates to this service and these roads, is the Committee on the Post Office and Post Roads. It is for that committee to act upon it; it is for that committee to report upon it; and when it shall appear by the report made that the committee has gone outside of its legitimate duty, then it will be quite time enough to check them or to pass censure upon them.

Mr. DICKINSON. Will the gentleman from Ohio permit me to ask him a question?

Mr. OLDS. Certainly.

Mr. DICKINSON. Is there any post route now over the road referred to in the memorial?

Mr. OLDS. I am glad the gentleman from Massachusetts has propounded this question; for the fact of his asking information on that point, shows the propriety of the Committee on the Post Office and Post Roads acting upon this very memorial. The gentleman admits, by the question, that he does not know whether there is a mail route there or not. And how is he to know that fact? Is he to go and investigate the matter for himself? No, sir. When a question of this kind comes before the House of Representatives, they refer it to its appropriate committee, and it is for that committee to report on it. This is one of the facts which the committee should look into and report upon to the House. The signers of this memorial pray for the establishment of a mail route between the points designated. Now, is it not the business of the committee to see whether there is a mail route there now, and report the fact to the House? The gentleman's question shows the propriety of such action in the matter.

Mr. JONES, of Tennessee. Will the gentleman from Ohio yield me the floor for one moment?

Mr. OLDS. For what purpose?

Mr. JONES. I merely wish to ask him a question.

Mr. OLDS. Very well.

Mr. JONES. Has not the gentleman reported a bill this morning for the establishment of post routes, or for the reestablishment of post routes throughout the country?

Mr. OLDS. I have not reported it yet.

Mr. JONES. Well, has not the gentleman asked to report it?

Mr. OLDS. There is such a bill lying on my desk.

Mr. JONES. Well, I ask the gentleman whether he does not provide in that bill for the establishment of post routes between the points specified in this memorial?

Mr. OLDS. No, sir.

Mr. JONES. Perhaps not directly from one point in Illinois to one point in Iowa, as designated in the memorial; but does not the gentleman propose to establish mail routes through all that country, which will connect these points?

Mr. OLDS. Most undoubtedly, the bill proposes the establishment of mail routes which will connect with the route specified in the memorial, if that route be established. Perhaps it may even provide for a mail route right over this very road. The committee has not looked into the matter yet; it is a matter for them to look into hereafter.

Mr. DICKINSON. I wish to ask the gentleman a question. I want the gentleman to answer the question I put to him, and that is, whether he knows that there is a road now upon this very route? and if there is any road, what kind of a road it is?

Mr. OLDS. That very question shows the propriety of this matter going before the Committee on the Post Office and Post Roads, in order that they may make themselves more familiar with this very question.

Mr. DICKINSON. I wish the gentleman would answer my question, and not evade it in this way. I want him to answer my question.

Mr. OLDS. The gentleman might ask me if there was a route to the moon, but I could not answer him without going to the Post Office Committee room and consulting the post route book.

Mr. DICKINSON. Well, if the gentleman cannot answer such a question as that, he is not fit to be at the head of the committee, and he ought to resign and allow some one to be appointed in his place, who can answer such a question.

Mr. OLDS. If the gentleman will, under the rules of the House, refer to the Committee on the Post Office and Post Roads a memorial, asking for the establishment of a post route from here to the moon, the petition will receive the respectful consideration of that committee, and they will make a report upon it to the House. [Laughter.] It would be a matter for that committee to inquire into.

Mr. BRIDGES. I desire to ask the gentleman from Ohio if it was not the intention of the signers of that petition to obtain a grant of land for rail-

road purposes, under the pretense of getting a grant of land to establish a post route?

Mr. OLDS. I do not know that we, as a committee, have any right to speak or judge of the intention of the petitioners. This House can judge of the intention as well as we can, and it will be time enough for this House to pass its judgment upon that matter when it shall receive the action of the Committee on the Post Office and Post Roads, upon the memorial which has been referred to it.

Mr. BRIDGES. My question is, whether the gentleman thinks that that is the object of the petition? Will he answer my question?

Mr. OLDS. Will the Clerk do me the favor to read this memorial again, for the benefit of the gentleman from Pennsylvania.

Mr. BRIDGES. I have heard the memorial, and do not want to hear it again. I want the gentleman to answer my question whether, in his judgment, that is not the object of the petition?

Mr. OLDS. I know very well what belongs to parliamentary usage and propriety, and when the Committee on the Post Office and Post Roads shall make a report upon the memorial which has been referred to them, in reference to the intention of the memorialists, it will be soon enough to consider that matter. At any rate, the chairman of that committee has no right to give any construction to that memorial, until he ascertains the views of the committee itself.

Mr. BRIDGES. Does the gentleman decline to answer the question which I have put to him?

Mr. OLDS. I never decline to answer a question; but when the gentleman asks me to declare my opinion in relation to the intention of persons who petition this body, I am not authorized to say what their intention may be.

Mr. BRIDGES. I ask only for the gentleman's own construction of their intention.

Mr. OLDS. The direct language of the memorial is, that they may have a grant of land.

Mr. BRIDGES. That is not a direct answer. I want to know what the gentleman's construction is of the intention of the memorialists in regard to the point which I have indicated?

Mr. OLDS. I am not a fool; I know what they mean.

Mr. JONES, of Louisiana. The gentleman from Pennsylvania puts a very pertinent question to the gentleman from Ohio, and one which, perhaps, he is not so well able to answer as I am, and I will answer the question most cheerfully.

I state to the gentleman from Pennsylvania, and to this House, that I myself drew up two of the memorials which have been referred to the Committee on the Post Office and Post Roads. I felt it my duty to do so, as a representative of the State of Louisiana. I not only drew them up, but put my name to them; and I proclaim that I did it honestly, and I apprehend that no man will question the integrity of my motives.

And not only that, the Senators from the State of Louisiana, feeling as deep an interest in this matter as I did, in order to secure the establishment of these roads in the State of Louisiana, put their names to them—at least one of them did to one, and the other did to both of them. I did it without any hesitation, without supposing that I was practicing any cheat upon the House or the country. Why, how can the House or the country be cheated by the course that has been pursued? I say to the gentleman from Pennsylvania and to the House, that I pursued this course because I knew the Committee on Public Lands could not report these bills, and I believed the Committee on the Post Office and Post Roads could. It is for the House to determine whether they can so report or not. It is for the House to determine whether the Committee on the Post Office and Post Roads may have jurisdiction over this matter or not.

What matters it to the House whether it comes from the Committee on Public Lands or from the Committee on the Post Office and Post Roads? So long as a bill comes regularly before the House, what matter is it whether one committee or another report it? How is the House cheated because one committee assumes jurisdiction over a matter which has also been referred to another committee? So far as I am concerned, I speak frankly, and say that I pursued the course which I did because I did not believe the Committee on Public Lands could report upon the matter during the present session, and because I did believe the

Committee on the Post Office and Post Roads could report.

The question then is simply this: Shall the Committee on the Post Office and Post Roads be allowed to have jurisdiction over this matter, or not? I will not go into an argument upon the propriety of giving them that jurisdiction, because the gentleman from Ohio [Mr. OLDS] has already discussed the matter fully. If, under the rules of the House, this matter may properly go to the Committee on the Post Office and Post Roads, is anybody cheated because the matter is presented by that committee? Is anybody cheated because the committee have properly assumed jurisdiction over this matter, when the Committee on Public Lands might also have assumed jurisdiction over it?

Let me say here, that I believe it is competent for the Committee on the Post Office and Post Roads to report this bill, notwithstanding the fact that it has been considered in the Committee on Public Lands, and notwithstanding the fact that they may now be ready to report a bill. But, sir, I will not detain the House longer. I merely rose to state to the House what my motives were in the course I have pursued in this matter.

Mr. OLDS resumed the floor.

Mr. CAMPBELL. I ask my colleague to allow me to say a word by way of explanation.

Mr. OLDS. I have but a word to say, and will yield the floor in a moment. It appears to me that this House has raised a tempest in a teapot in reference to this matter. Why, every gentleman knows that memorials of this kind are every day referred to the different committees of the House. Sir, is there any fraud perpetrated upon the House? I appeal to the members of the House if, during the time I have held a seat upon this floor, I have ever attempted to perpetrate a fraud upon the House? No, sir; I have been open and frank in all my dealings, and I shall be so now.

The question before us is simply this: Does the memorial contain matter that properly comes within the jurisdiction of the Committee on the Post Office and Post Roads? Not, does it contain matter that does not belong to that committee. Why, sir, memorials are referred here every day that contain matter belonging to more than one committee. Your President's annual messages always contain matter belonging to different committees, and are referred, one portion to one committee, and another portion to another committee. Well, suppose the Committee on the Post Office and Post Roads will do what it has never yet done, and what this House has never censured it for, viz: report on matters not referred to it—it will be time enough then to raise this question; it will be time enough to pass censure on that committee when it undertakes to pursue such a course. When that report comes in is the time to raise the question. When that committee reports a railroad bill is the time for gentlemen to come in with their propositions. The present is not the time. Let gentlemen wait and see what will be the action of the Committee on the Post Office and Post Roads on these memorials. It has been seen and admitted that they contain matters properly belonging to that committee. I only ask the House to take that course which seems to be parliamentary. Wait for the action of that committee. If it undertakes to report what does not properly belong to it, then let this House do what is done every day, and discharge the committee, and make a reference to another committee. There is no fraud on the House, none in any way. These memorials all contain prayers for mail routes. Under the rule of the House, they were referred to the committee to which they properly belong.

Mr. CAMPBELL. With my colleague's permission, I shall occupy a moment of the time of the House. I rise for the purpose of saying that I filed one of these memorials, and gave it the reference complained of. I did it openly before the House, as I do everything else. I presented them in the same way that I have presented others.

Now I assert, with due deference to the Chair, and others, that the reference is correct. The memorials embody these distinct propositions:

1. That there shall be a mail route declared;
2. That terms shall be imposed by which the mail transportation shall be forever regulated on the road;

3. That our troops and munitions of war shall be transported on the road; and

4. That there shall be a grant of the public lands.

Now, sir, my position is this: That memorial was properly referable, under the rules of the House, to either of three of the standing committees:

1. The Committee on the Public Lands; because it involved the grant of a portion of the public domain.

2. To the Committee on Military Affairs; because it proposed the transportation of our troops and munitions of war; and

3. To the Committee on the Post Office and Post Roads; because it not only proposed the establishment of a mail route, but declared that this company shall be forever required to transport the mails of the United States on such terms as Congress may impose.

And it is no small consideration, and a matter of no little importance to the people of this country, that the mails of the United States shall be forever transported on that road on such terms as Congress may impose, and why?

Let me refer the House, Mr. Speaker, in connection with the importance of this proposition, to the condition of things now existing in reference to the mail service between this point and the city of New York. You have a railroad between these two points, and a railroad which is in the hands of a company that refuses—yes, sir, refuses—to transport your mails under contract. It only binds itself from day to day; and we have information before us from the Post Office Department, that although it pays that company higher rates for the transportation of the mails than it does to any other company in the United States, yet it will not enter into a contract to transport them for a year.

I hold that the memorial embodying this important provision, that the company will obligate themselves to transport the mails forever, upon such terms as may be imposed by Congress, is one of sufficient magnitude to carry the memorial as well to the Committee on the Post Office and Post Roads as to the Committee on Public Lands. I will say again, that I hold that the proposition that this company shall be required to transport to that far distant frontier troops and munitions of war, would have entitled it to consideration before the Military Committee.

In the present condition of things in this House, knowing that the people of the West were deeply interested in those internal improvements, I saw fit to make my election of the committee to which I should send the memorial. I had a right to make my election. I did make it, and I sent the memorial to the Committee on the Post Office and Post Roads. If there is any sin in it, I rise for the purpose of taking my share of the responsibility in presenting a memorial embracing these three important propositions. I chose to send it to that committee, and it has taken that direction.

Mr. HUNT. There is nothing about this matter for the smartness of debate to expend itself on, nothing about which gentlemen should twit one another to show their wit in controversy. It is a plain matter of parliamentary law and usage. Sir, I was asked to sign a petition to bring before the Post Office Committee a matter which had been referred to the Committee on Public Lands, asking an appropriation of lands for certain railroads to be constructed in Louisiana. I declined signing that petition, because I thought the proposed action was indirect and irregular, for it was openly and candidly avowed by my colleague that he wanted the question in regard to the appropriation of lands to be made through the report of the Committee on the Post Office and Post Roads. This did not appear to me to be regular. My colleague said the responsibility would rest upon the Committee on the Post Office and Post Roads. I said, no, sir, because the proceedings looked to a reference which is through the clerk who files it, and passes the paper to the committee. I said if the object were avowed to this House, that the matter concerning a grant of land, was to be referred to the Committee on the Post Office and Post Roads, the House would say it was not the appropriate committee, and that it appeared to me it would be taking the House by surprise, and bringing up irregularly a matter which could not be brought up if the House knew the object.

Each committee has its appropriate business; its fixed and specific duties under the rules. A reference through the clerk to a committee, stands on the same footing as a reference to a committee by order of the House. It must be a reference of appropriate matter; of business falling within the prescribed and well understood duties of the committee. The reference through the clerk is allowed for the purpose of facilitating and expediting business, and the presumption is that no reference will be made of inappropriate matter. To refer inappropriate matter is irregular and unparliamentary. It tends to confound business; to do away with a proper investigation and consideration of the particular subjects committed to the several committees; to open the door to favoritism and undue preference; to put it in the power of one committee to engross to itself the entire business of the House.

It is not enough to say that there is no fraud in the matter, because these things are to be spoken of hereafter, to be weighed, discussed, and acted upon. But the question concerns the reference of the memorial in the first instance. It is as to the regularity and propriety of the reference; and the responsibility in this case rests upon him who makes the reference through the clerk. Is it not so, sir? And hence it is, Mr. Speaker, that you have defended yourself, and said that, under the arduous duties of your office, you could not look over all these petitions, and see them properly referred. Now, I am as anxious as any member of this House to have these questions of appropriations of land for railroad purposes acted upon. But I will not lend my sanction to any indirect, irregular, and unparliamentary course to effect that which I desire. I know that, if the particular measure in which I take a local interest were before the House, the House would not refuse its sanction to it. I make no charge of fraud upon honorable gentlemen around me. Gentlemen say that this matter is not the business of the committee to which it has been referred.

Sir, a petition having several objects, may be referred to a committee having jurisdiction clearly as to one of them; and in that case the committee would make a proper report, according to its conscience and judgment, as to the objects not within their appropriate jurisdiction. And thus I do not say, that if the real *bona fide* object of the petition referred to the Post Office Committee, is to fix a post route, the committee may not properly charge itself with the petition, although the petition may look at the same time to other objects. But I do say, that where there is no road in existence, a reference, under a fiction, for the purpose of bringing before the House, another object—such as a grant of lands for a railroad—is irregular and unparliamentary and wholly inadmissible.

A motion was made the other day to suspend the rules, in order that a bill granting lands for a railroad might be taken up. A friend of internal improvements, I voted to suspend the rules. But the gentlemen were foiled in that case, and now they resort, in their desperation, to this mode of effecting their object. It was only the other day—on the 17th—that the petition before the House was referred to the Post Office Committee. This fact, in itself, shows the character of the present proceeding.

Mr. HENN. I wish to correct the gentleman from Louisiana.

Mr. HUNT. I derived my information from the Clerk of the House.

Mr. HENN. Will the gentleman allow me to explain?

Mr. HUNT. Certainly, sir. I speak only for the public good.

Mr. HENN. My motion the other day to suspend the rules was not for the purpose of introducing the present bill, but another bill, asking for lands in Iowa for a railroad.

Mr. HUNT. Well, then, it was for the establishment of a road which conflicts with this one. This shows how these things are. Here one company from Indiana, Illinois, and Iowa, are asking for the establishment of a post route over lands in Iowa, which an Iowa company is praying you to grant to them, for a railroad in their State. Do you not see in these facts the benefit of having every matter referred to its appropriate committee?

Now, in what I have spoken, I may, perhaps, subject myself to injurious remarks from the

mean and low-minded, who may misrepresent me as acting against a course which might have led to the taking up of the bill, in which I have a local interest. But that consideration never deters me one moment in my path of duty. We are here to discharge the public duties confided to us, and we ought to do so in a regular and parliamentary manner.

Mr. TAYLOR, of Ohio. Has the morning hour expired?

The SPEAKER. It has.

Mr. TAYLOR. Then I move to go to the business on the Speaker's table.

[Cries of "Oh, no."]

Mr. LETCHER. Will not the business come up in the morning hour to-morrow?

The SPEAKER. It will come up the first thing in the morning hour.

Mr. McMULLIN. I desire to submit a motion, that the House proceed to take up those private bills which a Committee of the Whole House on Saturday last laid aside, and reported to the House, with a recommendation that they do pass.

The SPEAKER. That can only be done by unanimous consent.

Objection being made, the motion was not entertained.

Mr. EDGERTON. I ask my colleague [Mr. TAYLOR] to withdraw his motion to go to the business upon the Speaker's table, in order to enable me to ask the unanimous consent of the House to make a personal explanation in relation to this memorial. It will be better for me to do it now than at any other time. I presented the memorial myself, and I think it is due to me to have the opportunity to make the explanation.

Mr. TAYLOR. I withdraw the motion.

Mr. EDGERTON. I wish to say to the House that I was not in the Hall this morning, when this question came up, and I desire to make an explanation—

Mr. WALSH, (interrupting.) I object to any explanation.

The SPEAKER. Objection being made, the gentleman cannot proceed.

Mr. TAYLOR. I renew my motion.

Mr. EDGERTON. Will this matter come up to-morrow, in the morning hour?

The SPEAKER. It will not, that being private bill day. It will come up in the morning hour, except upon private bill days.

Mr. EDGERTON. Whenever it does come up I desire to speak upon the propriety of the reference of the memorials.

MESSAGE FROM THE PRESIDENT.

A message in writing was here received from the President of the United States, by SIDNEY WEBSTER, Esq., his Private Secretary.

Mr. BAYLY, of Virginia. I desire to ask the consent of the House that that message may be taken up, referred, and printed.

There being no objection, the following communication was laid before the House:

To the House of Representatives:

I herewith transmit a report of the Secretary of State, and accompanying papers, in answer to a resolution of the House of Representatives of the 6th of February last.

FRANKLIN PIERCE.

Mr. BAYLY. I move that the communication, with the accompanying papers, be referred to the Committee on Foreign Affairs, and printed.

The motion was agreed to.

POST ROUTE BILL.

The question recurred on Mr. TAYLOR's motion to proceed to the business on the Speaker's table.

Mr. OLDS. I ask my colleague [Mr. TAYLOR] to withdraw his motion, to enable me to report the post route bill.

Mr. TAYLOR. I withdraw the motion for that purpose.

Mr. LETCHER. I inquire of the gentleman from Ohio whether there is any section in this bill in relation to this route which has been under discussion this morning. Until I know that fact, I object.

Mr. OLDS. It contains nothing of that kind. It only contains the post office routes which are in existence now.

Mr. LETCHER. Very well; I withdraw the objection.

No objection being made, the bill was then read a first and second time by its title, as follows:

A bill to establish certain post routes.

Mr. OLDS. I move to dispense with the reading of the bill through.

Mr. JONES, of Tennessee. I call for the reading of it.

Mr. OLDS. The bill will occupy seventy columns of the Globe, and it will take the Clerk two days to read it through.

Mr. JONES. I call for the reading.

Mr. OLDS. Then I withdraw the bill.

Mr. JONES. I object to that.

Mr. OLDS. Then I move the previous question upon the passage of the bill.

Mr. WHEELER. I move to lay it upon the table; and upon that motion I call for the yeas and nays.

The SPEAKER. The motion of the gentleman from New York must be first put.

Mr. JONES. Before the question is put upon the motion of the gentleman from New York, I demand that the bill be read.

Mr. LETCHER. I desire to know if it is the purpose of the gentleman from Ohio to put this bill upon its passage now?

Mr. JONES. Certainly that is the object.

Mr. LETCHER. Then I hope the motion to lay upon the table will prevail.

Mr. CLINGMAN. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. EASTMAN. Before that motion is put, will it be in order to move to recommit the post route bill?

The SPEAKER. It will not be in order, the previous question having been demanded.

Mr. DAVIS, of Indiana. I rise to a question of order. Is there not a motion pending to go to the consideration of the business upon the Speaker's table?

Mr. CLINGMAN. That motion was withdrawn.

The SPEAKER. The Chair believes the motion is still pending. The gentleman from Ohio, [Mr. TAYLOR], who made the motion, indicated his willingness to withdraw it, to allow his colleague [Mr. EDGERTON] to make a personal explanation; but objection being made to the explanation being made, the gentleman from Ohio did not withdraw the motion. The gentleman from Ohio, [Mr. OLDS], then, by unanimous consent of the House, reported the post route bill, and demanded the previous question.

Mr. OLDS. Will the demand for the previous question bring up the bill in the morning?

The SPEAKER. It will not.

Mr. OLDS. Then the bill will be lost, will it not?

The SPEAKER. The bill will go to the Speaker's table, or somewhere else. The Chair will decide where it goes when the matter comes up.

Mr. WENTWORTH, of Illinois. I rise to a privileged question. I move to reconsider the vote by which the bill was ordered to be engrossed.

The SPEAKER. The bill has not been ordered to be engrossed. No question whatever has been taken upon it.

Mr. WENTWORTH. Then I move to recommit the bill.

The SPEAKER. That motion is not in order while the demand for the previous question is pending.

Mr. WENTWORTH. I ask the gentleman from Ohio to withdraw the demand for the previous question.

Mr. OLDS. I will withdraw it.

Mr. WENTWORTH. I now move to recommit the bill; and upon that motion demand the previous question. That will keep the bill before the House.

The SPEAKER. That motion will be in order, if the motion to lay the bill upon the table be withdrawn.

Mr. WHEELER. I withdraw the motion to lay the bill upon the table.

Mr. WENTWORTH. Then I submit the motion I have indicated.

The question was taken on Mr. CLINGMAN's motion, and it was agreed to; there being, on a division—ayes 95, noes not counted.

ARMY APPROPRIATION BILL.

The House accordingly resolved itself into the

Committee of the Whole on the state of the Union, (Mr. WRIGHT, of Pennsylvania, in the chair,) and resumed the consideration of the Army appropriation bill. The pending question was on the amendment of the gentleman from Virginia, [Mr. McMULLIN,] to increase the amount proposed in the following amendment of the gentleman from Missouri, [Mr. BENTON,] to \$400,000.

Sec. 4. And be it further enacted, That the Secretary of War be, and he hereby is, authorized and empowered to sell and convey to the city of St. Louis, the ground on which the St. Louis arsenal now stands, with the permanent and fixed improvements: *Provided*, The city shall first pay into the Treasury of the United States the sum of \$250,000, which sum, when so paid, shall be immediately applicable, and hereby is appropriated, to the construction of another arsenal, and the removal thereto of the arms, munitions, machinery, and tools, now in the St. Louis arsenal: *And provided also*, That possession of the said arsenal and ground shall not be delivered to the said city until after the new arsenal is built, and the arms, munitions, machinery, and tools aforesaid removed thereto: *And provided further*, That the cession, when made, and possession thereof delivered, shall remain forever a public park.

Mr. McMULLIN. I modify my amendment so that it shall propose an increase of the amount specified in the amendment of the gentleman from Missouri to \$300,000.

Mr. Chairman, since yesterday's discussion I have become more firmly convinced of the importance of this matter. If this public property is to be transferred to the city of St. Louis, I, for one, desire that the Government shall receive a fair equivalent. I should be willing that three disinterested commissioners should be appointed to negotiate a sale to that city. In my judgment, and if gentlemen will give the matter their attention they will concur with me, this property will turn out to be worth more than \$500,000. I grant that the gentleman from Missouri is no more anxious to secure advantages to his constituents than the other members are for theirs, but I put the question to him, whether he, in his representative capacity, will vote to give away public property for \$250,000 which the Secretary of War estimates to be at least worth \$393,000?

I hold that, if this transfer should be made at all, the Government should at least receive something like a fair equivalent for the property. I beg the committee to bear in mind that, according to the showing of the Secretary of War, this property is worth not only \$390,000, but that the Government must incur the expense of transporting the Government stores from that point to the place at which the new arsenal is to be erected. The expense required for this transportation should be taken into the estimate. It is not my purpose here to do anything which shall at all interfere either with the healthful condition of St. Louis, or retard its rapid progress. I desire to see that city continue in its prosperity. If gentlemen of this committee think it is right and proper to make this transfer, all I ask, as one of the Representatives of the people is, that the Government shall receive something like a fair equivalent for the property. It strikes me that \$500,000 is not too much. I should be perfectly willing, as I before remarked, to have the value of the property settled by competent and disinterested commissioners, according to the best information in their power. I think that my amendment will place the mark too low. If it is the object of the gentleman from Missouri to have this transfer made, I ask him to come forward and accept the amendment, or if he or any other gentleman, feeling a direct interest in this matter, will submit a proposition to have the property valued by competent and disinterested commissioners, I will support it, and withdraw my amendment. I do not desire to embarrass unnecessarily or improperly the amendment of the honorable gentleman from St. Louis. It is my deliberate judgment that, if he shall succeed in carrying this amendment in the committee, he will fail to carry it in the House. In my humble judgment, it becomes those gentlemen who have been so pertinacious heretofore in carrying out the estimates of the Secretaries to adhere faithfully to that course now, and carry them out.

[Here the hammer fell.]

Mr. PERKINS, of New York. Of course it is impossible for me to form any opinion other than that indicated by the report of the officers as to the value of this property proposed to be given to the city of St. Louis. It might be fairly assumed and acted upon by this House, that the public officers have given the fair value of this property.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33d CONGRESS, 1st Session.

FRIDAY, JULY 21, 1854.

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But for the object which I have in view, and for the purposes of the argument which I am about to make, I will concede that this property is worth \$500,000. Now, here is a proposition to sell a property worth either \$250,000 or \$500,000 to the city of St. Louis, and that proposition is opposed on the ground that it does not provide for the Government obtaining a fair equivalent value for that property. I concede that we are not receiving the full worth of it. But, I ask, what are we doing here day by day in respect to the disposition of the public property? Are we not squandering it in immense quantities, as compared with this proposition of the public property at St. Louis? There are now in the city of St. Louis, as I understand, one hundred thousand inhabitants, and it requires no great stretch of the imagination to believe that, within half a century from this time, there will be from five hundred thousand to one million of inhabitants in that city, surrounding this property. Now, sir, the argument I make is this: that while we are giving away public lands to foreigners, who are now here or are yet to arrive in this country; while we are throwing money away to build custom-houses, costing twice as much as we can collect in them; while we are giving away swamp lands to the States in which they are located; while we see, in the other end of the Capitol, a proposition to sell the public lands at twenty-five cents an acre, which everybody knows to be worth \$1 25, or more; while we are doing all this, I do not see why the one hundred thousand inhabitants of St. Louis may not be entitled to have property which they wish to possess at half price. Why should they not have it at half price, as well as people traveling through the unsettled portions of the country? Here are one hundred thousand inhabitants in St. Louis, and prospectively, and not long hence, five hundred thousand; and I do not see why we should not treat with them, in the disposal of public lands, as liberally as we treat with all other persons for the public property of the United States, or, at least, for the landed estate of the Government.

Now, we have been referred to the arsenals which have been sold in other portions of the country.

Mr. BRIDGES. Will the gentleman from New York allow me to ask him a question?

Mr. PERKINS. Certainly, sir.

Mr. BRIDGES. The question I put to him is this, whether he is willing to have the public property of the United States sold at half price?

Mr. PERKINS. We are giving it away every day.

Mr. BRIDGES. That is not the question. I want to know whether the gentleman from New York is willing to have the public property sold at half price?

Mr. PERKINS. I will answer that question directly. In this particular case you have got a statement from one of the public officers as to its value, and you propose to sell this arsenal property at half its value, if you choose, to the one hundred thousand inhabitants of St. Louis, situated as they are, with the object of promoting their health and comfort. Now, I say this is a glorious and creditable gift compared with those which you are making every day. And I should support the proposition of the gentleman from Missouri, [Mr. BENTON,] even though I knew that the property was worth \$500,000. Now, is the gentleman from Pennsylvania [Mr. BRIDGES] answered? I repeat, sir, you are daily giving away the public lands to railroad companies and others. You are giving them away to a vastly less number of people than are to be accommodated by this particular favor, either at present or prospectively.

Mr. McMULLIN. Will it be in order for me now further to modify my amendment?

The CHAIRMAN. It will.

Mr. McMULLIN. Then I will modify it so as to make the amount \$500,000.

The question being on Mr. McMULLIN's amendment, tellers were called for, and ordered; and Messrs. KERR and WHEELER appointed.

The question was taken; and the tellers reported—ayes 67, noes 72.

So the amendment to the amendment was not agreed to.

Mr. PRESTON. I move the following as a substitute for the amendment offered by the gentleman from Missouri, [Mr. BENTON:]

That the Secretary of War be, and he is hereby, authorized and empowered to cause to be sold to the highest bidder, for ready money, in a body, on a notice of thirty days in the St. Louis newspapers, the tract of land, 3 767-100 acres, on which the St. Louis arsenal now stands, together with the fixtures and permanent improvements thereon, and deposit the money received for the same in the United States Treasury; and the said money so paid in shall be, and the same hereby is, appropriated to the purpose of building another arsenal on the barracks tract: *Provided*, That the possession of said tract shall not be given to the purchaser thereof until after the new arsenal shall be built, and the arms, munitions, and tools now in the said St. Louis arsenal removed thereto, for which purpose a period of two years is allowed from the passage of this act: *And provided further*, That no sale shall be made for any sum less than the original cost of the land, building, and the permanent improvements thereon, which shall be stated by the Secretary of War, and published at the sale.

Mr. PERKINS, of Louisiana. I would suggest to the gentleman that he modify his amendment so as to appropriate for the new arsenal so much of the money received from the sale of the old one as may be necessary.

Mr. PRESTON. I have no objection to that modification, but I desire first to address the committee upon the subject of the amendment. The reason why the amendment of the gentleman from Missouri did not meet with favor from the House yesterday, was because there was no evidence before the House as to the value of the grounds and improvements to be sold.

Now, sir, the Secretary of War, and everybody who knows anything about the locality of the present site of the arsenal, knows that it ought not to remain where it is. It is difficult to impose the proper discipline upon the soldiers there. It would be much better to have it removed to the Jefferson barracks tract, which is ten miles below the city, and five or six below the present arsenal.

Mr. BENTON. Ten miles below.

Mr. PRESTON. Very well, ten miles below. Now, sir, this amendment proposes that the grounds and permanent improvements shall be put up at auction and sold to the highest bidder, which I think is a fair way to dispose of it. The amendment also provides that the grounds shall not go into the possession of the purchaser until the arms, munitions, tools, &c., shall have been removed to the new arsenal, and reserves two years in which to build the new arsenal. Then it provides further, that the sale shall not be for a sum less than the cost of the grounds, and permanent improvements to be ascertained by the Secretary of War.

The Secretary of War is as anxious to remove the arsenal as the gentleman who represents St. Louis is to obtain a public park. Now, sir, I am willing to go just this far and no further: to sell these grounds to the city of St. Louis for the same price that they are worth to anybody else, and that the sale shall be *in solido*—in a body; and that is just what the amendment provides.

This proposition, it seems to me, is much better than that proposed by the gentleman from Virginia, to appoint a commission to ascertain the value of the lands; for commissions are very likely to give a favorable construction to the purchasing parties. It also requires the money to be paid down at the time of the sale. I prefer the public vendue, which requires the money to be paid down at the time of the sale. There is then perfect guarantee against any difficulty. Adopting the suggestion of the gentleman from Louisiana, I propose that the result of the sale shall go to the removal of the only arsenal which we have west of the Mississippi river to the Jefferson barracks tract, where there are now extensive buildings belonging to the Government.

Mr. PERKINS. My suggestion was not that the whole amount realized shall be appropriated to the building of another arsenal, but so much thereof as shall be necessary.

Mr. PRESTON. So I understand, though I know enough of the wants of the West in this respect, to know that all to be realized from this sale will not be more than enough to construct a proper arsenal at that place.

Another misapprehension exists as to the gentleman's amendment. Colonel Craig, of the Ordnance Corps, states the land to be worth \$200,000, and the property now upon it \$193,000, in all \$393,000. In consequence of the growth of the city the arsenal is not now in a proper position. The money to result from the sale will go to the building of a better arsenal at a more proper place; and at the same time the city of St. Louis will be accommodated. It is not usual in auction sales to put limits as to price; but, inasmuch as we are about to do this at the invitation of St. Louis, I have put in the proviso that the auctioneer shall not let the property go until he receives a bid equal in amount to the precise cost of the ground and buildings as estimated by the Secretary of War. Unless the bidders go beyond that there is no sale at all.

The provision I regard to be right. It fixes a minimum by which the Government cannot possibly lose, while, at the same time, it carries out the wishes of the Department for the removal of the arsenal from its present location. It allows two years in which to remove the armory, and accommodate the city of St. Louis by converting those arsenal lands, no longer proper for the purpose for which they are now used, into a public park, provided she is willing to bid as much for them as anybody else at public outcry. I think the amendment is a just and proper one, and offer it in lieu of the one which was submitted by the gentleman from Missouri.

Mr. CRAIGE. I do not think that the amendment meets the objections which have been urged against that of the gentleman from Missouri. The objection to that was, that by it he proposed to give this public property, worth from \$500,000 to \$1,000,000, to the city of St. Louis for \$250,000. The gentleman proposes to amend so that the property shall be put up at public vendue. If it were proposed to be put up at public auction in small tracts it might be sold; but what individuals will be able to go there and bid for it when it is worth \$500,000 or \$1,000,000. The amendment does not answer the objections made to the amendment of the gentleman from Missouri.

Mr. PRESTON. The Colonel of Ordnance uses this language in regard to the value of the property:

"The site selected, and on which the arsenal now stands, contains 37 64-100 acres, and is estimated to be now worth at least \$200,000, exclusive of the inclosing walls, interior fences, drains, culverts, and roads, which are valued at \$30,000. The buildings which are constructed in the most permanent manner, are valued at \$163,010. The arms and munitions of war of all kinds, together with the machinery, and tools in store and in use, are valued at \$1,275,773. The proposed cession to the city of St. Louis, for the purpose stated in the resolution, will require the abandonment of the land, with its permanent and fixed improvements, and of the buildings, the value of which amounts to \$393,010, and the removal of the rest of the public property."

Mr. CRAIGE. I was coming to that point. The committee has been misled, not only by the gentleman from Kentucky, but by remarks made yesterday in regard to this matter. The Colonel of Ordnance does not say that it is not worth more than \$200,000. He says that it is at least worth \$200,000, and the improvements \$193,000. He does not say that the property may not be worth \$500,000 or \$1,000,000. Although worth more than \$1,000,000; he might say that it was worth at least \$200,000.

The property itself is worth, they say, at least \$200,000. They do not say it is worth more than that—\$500,000 or \$1,000,000. I have no doubt, from the information I have received upon the subject, that the property, consisting, as it does, of thirty-seven acres of land, and surrounded by buildings, is worth at least \$1,000,000.

The question being on Mr. Preston's amendment,

Mr. PRESTON demanded tellers; which were

ordered; and Messrs. STUART, of Michigan, and PRINGLE, were appointed.

The question was taken; and the tellers reported—ayes 92, noes not counted.

So the amendment was agreed to.

Mr. SMITH, of Virginia. I offer the following amendment: to strike out the words "in a body."

The CHAIRMAN. The amendment is not in order. The gentleman cannot strike out what has been already incorporated into the bill as an amendment.

Mr. SMITH. I will say to the Chair that—
[Loud cries of "Order!" "Order!"]

The CHAIRMAN. There is no question pending.

Mr. FAULKNER. I rise to a question of order. I desire to know from the Chair whether we are to regard the amendment of the gentleman from Kentucky [Mr. PRESTON] as having been adopted?

The CHAIRMAN. It has been adopted.

Mr. FAULKNER. Then I suppose the bill is open for additional amendments?

The CHAIRMAN. Yes, sir.

Mr. SMITH. I wish to have the ruling of the Chair understood by the committee.

The CHAIRMAN. The Chair has decided that it is not in order to move to strike out what the committee has inserted in the bill. For if you could strike out one word, you might also move to strike out the whole section. Therefore it is clearly out of order to make such a motion.

Mr. CRAIGE. I rise to a point of order. I do not understand that the amendment of the gentleman from Missouri [Mr. BENTON] has been adopted.

The CHAIRMAN. The question has not been taken on the amendment, as amended.

Mr. CRAIGE. Well, if not adopted, it is in order to move to strike it out.

The CHAIRMAN. The question now is on the amendment, as amended.

The question was taken; and Mr. BENTON's amendment, as amended, was agreed to.

Mr. McMULLIN. I desire to move an amendment to that amendment.

Several MEMBERS. The amendment has been adopted.

The CHAIRMAN. The proposition of the gentleman from Virginia is not in order.

Mr. McMULLIN. Is it in order to move to add a proviso?

The CHAIRMAN. It is in order to move to add a new section to the bill.

Mr. FAULKNER. I now move to amend the bill by inserting an independent section, succeeding that already acted upon.

Mr. McMULLIN. The gentleman will excuse me for a moment. I want to ascertain the facts in this matter. Do I understand the Chair as having decided that the amendment of the gentleman from Missouri, as amended, has been adopted?

The CHAIRMAN. It has been adopted.

Mr. McMULLIN. Well, sir, I desire to correct the Chair in the matter.

[Cries of "Order!" "Order!"]

I was on the floor before the decision of the question was announced, and addressed the Chair with a view to offer an amendment to the amendment.

[Cries of "You were too late!"]

The CHAIRMAN. The gentleman was not in order.

Mr. WALSH. I rise to a question of order. Is there not an amendment already before the committee, offered by the gentleman from Virginia, [Mr. FAULKNER?]

The CHAIRMAN. The gentleman from Virginia was about to move such an amendment.

Mr. WALSH. Then that is the question, I believe, before the committee.

Mr. McMULLIN. I beg to take an appeal from the decision of the Chair.

Several MEMBERS. It is too late.

The CHAIRMAN. In what particular matter does the gentleman appeal?

Mr. McMULLIN. I will submit the question to the Chair. There are a dozen gentlemen around me who are prepared to state the fact to the Chair that I was on the floor and addressed the Chair before the vote on the amendment of the gentleman from Missouri was announced.

[Cries of "Order!" "Order!"]

Mr. McMULLIN. Did I understand the Chair to say that I was not upon the floor, and that I was out of order?

The CHAIRMAN. The Chair did not recognize the gentleman from Virginia until after the question had been put to the committee, and the committee had decided it.

Mr. McMULLIN. I say that I was upon the floor before the question was put.

The CHAIRMAN. But the Chair did not recognize the gentleman.

Mr. FAULKNER offered the following amendment, to come in at the end of the bill:

And be it further enacted, That the monthly pay proper of the several grades of the Army, hereinafter enumerated, shall be at the following rates: a major general, \$265; a brigadier general, \$165; a colonel, \$135; a lieutenant colonel, \$115; a major, \$95; a captain of cavalry, \$85; a captain of artillery and infantry, \$75; a first lieutenant of cavalry, \$65; a first lieutenant of artillery and infantry, \$57; a second lieutenant of cavalry, \$55; a second lieutenant of artillery and infantry, \$47; a cadet, \$33; a sergeant-major, quartermaster-sergeant, principal musician, chief bugler, principal farrier, and ordnance-sergeant, \$33; to each first sergeant of a company of dragoons, mounted riflemen, artillery, and infantry, \$21; to all other sergeants of those arms, \$18; to a corporal of dragoons and mounted riflemen, \$14; to a corporal of artillery and infantry, \$13; to a farrier, blacksmith, saddler, and artificer of dragoons, mounted riflemen, and artillery, \$15; to a bugler of dragoons and mounted riflemen, \$12; to a musician of artillery and infantry, \$11; and to a private of dragoons and mounted riflemen, \$11; and to a private of artillery and infantry, \$10: *Provided*, That the existing allowances shall be confined to officers when on duty, or who shall have left their posts by reason of wounds received in the line of their duty, and that officers absent from duty under any other circumstances shall only be entitled to the pay proper of their respective grades.

Sec. 2. And be it further enacted, That the surgeon general and paymaster general of the Army shall be allowed the pay and emoluments of a colonel.

Sec. 3. And be it further enacted, That every soldier, who, having been honorably discharged from the service of the United States, shall, within one month thereafter, re-enlist, shall be entitled to two dollars per month in addition to the ordinary pay of his grade, for the first period of five years after the expiration of his previous enlistment, and a further sum of one dollar per month for each successive period of five years, so long as he shall remain continuously in the Army; and that soldiers now in the Army, who have served one or more enlistments, and been honorably discharged, shall be entitled to the benefits herein provided for a second enlistment.

Sec. 4. And be it further enacted, That soldiers who served in the war with Mexico, and received a certificate of merit for distinguished services, as well those now in the Army as those that may hereafter enlist, shall receive the two dollars per month to which that certificate would have entitled them had they remained continuously in the service.

Sec. 5. And be it further enacted, That non-commissioned officers, who, under the authority of the seventeenth section of the act approved March 3, 1847, were recommended for promotion by brevet to the lowest grade of commissioned officer, but did not receive the benefit of that provision, shall be entitled, under the condition recited in the foregoing section, to the additional pay authorized to be given to such privates as received certificates of merit.

Sec. 6. And be it further enacted, That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to confer the brevet of second lieutenant upon such meritorious non-commissioned officers as may, under regulations to be established, be brought before an army board, composed of four officers of rank, specially convened for the purpose, and be found qualified for the duties of commissioned officers; and to attach them to regiments as supernumerary officers, according to the provisions of the fourth section of the act approved April 29, 1812, entitled "An act making further provision for the Corps of Engineers."

Sec. 7. And be it further enacted, That the allowance to soldiers employed at work on fortifications, in surveys, in cutting roads, and other constant labor, of not less than ten days, authorized by the act approved March 2, 1819, entitled "An act to regulate the pay of the Army when employed on fatigue duty," be increased to twenty five cents per day, for men employed as laborers and teamsters, and forty cents per day when employed as mechanics, at all stations east of the Rocky Mountains, and to thirty five cents and fifty cents per day, respectively, when the men are employed at stations west of those mountains.

Sec. 8. And be it further enacted, That the provisions of the first section of the act granting pensions to widows and orphans of persons dying in the naval service, approved August 11, 1838, be extended to the widows and orphans of officers, non-commissioned officers, musicians, and soldiers of the Army of the United States, including volunteers and militia, mustered into the service of the United States.

Mr. SMITH, of Virginia. I rise to a question of order. I understand that amendment is a regular bill, reported by a committee other than the one which reported the bill before this committee. I ask whether that bill contains an appropriation, or whether it is not to regulate the Army?

Mr. FAULKNER. It is to regulate military allowances, and clearly in order.

Mr. SMITH. But does it contain an appropriation? I ask that the 81st rule may be read.

Mr. PECKHAM. Before this matter is dis-

posed of, I desire to offer an amendment to the bill itself.

The CHAIRMAN. The question of order must be first disposed of.

Mr. PECKHAM. But this is offered as an additional section to the bill. I propose to offer an amendment to the bill itself, which, as I understand it, will take precedence of the amendment of the gentleman from Virginia.

The CHAIRMAN. The Chair thinks the question of order must be first disposed of. The 81st rule will be read.

The rule was read, as follows:

"81. No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law—unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several departments of the Government."

Mr. HOUSTON. I wish to call the attention of the Chair to the question before the committee. The point of order raised by the gentleman from Virginia, as I understand it, is upon the ground that the amendment is not germane to the bill, this being an appropriation bill.

Mr. TAYLOR, of Ohio. The question of order is not debatable.

Mr. HOUSTON. I am not debating it. I am merely stating the ground upon which the amendment is not in order. The second ground is, that there is no law for the proceedings proposed by the gentleman from Virginia. And, in the third place, because the amendment proposes to regulate a certain class of pensions, which it certainly is not in order to do as an amendment to an appropriation bill.

Mr. WHEELER. I call the gentleman from Alabama to order. The question is not debatable.

Mr. FAULKNER. Do I understand the Chair to decide the amendment to be in order?

The CHAIRMAN. The Chair decides it to be in order.

Mr. JONES, of Tennessee. I suppose the Chair has reasons for his decision. I hope he will state them to the House.

Mr. SMITH, of Virginia. I appeal from the decision of the Chair.

Mr. STUART, of Michigan. I rise to a question of privilege. Before the question is taken upon the appeal, I move that the argument of the gentleman from Alabama be stricken out. [Laughter.]

Mr. SEWARD. I ask that the question may be stated by the Chair.

The CHAIRMAN. The Chair has decided that the amendment offered by the gentleman from Virginia is in order. From this decision the gentleman from Virginia [Mr. SMITH] takes an appeal; and the question now is, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. TAYLOR, of Tennessee. I demand tellers upon that question.

Tellers were ordered; and Messrs. HARRIS, of Alabama, and PENNINGTON, were appointed.

The question was taken; and the decision of the Chair was overruled, the tellers having reported—ayes 56, noes 65.

Mr. PECKHAM. I offer the following amendment:

And be it further enacted, That of the \$340,000 hereby appropriated for the manufacture of arms at the national armories, only \$40,000 be expended until otherwise ordered by the Secretary of War.

Mr. HOUSTON. We have passed the paragraph to which this amendment has reference, and there is nothing to which it can attach properly; and therefore it is out of order.

Mr. PECKHAM. This is a regulation as to the time the appropriation should be made, and therefore it is not inconsistent at this time.

The CHAIRMAN. We have already passed upon the paragraph to which it relates, and the amendment is not in order.

Mr. PECKHAM. I appeal from the decision of the Chair. It is precisely like the case of yesterday, which was simply to reduce the amount.

The question was taken on the appeal; and the decision of the Chair was sustained.

Mr. FLORENCE. I offer the following amendment:

And further, to pay such amount of arrearages as may be found to exist by an increase of the per diem, monthly,

or annual compensation, or for work by the piece, or however it may have been or is executed, of all persons employed in the arsenals of the United States at Philadelphia and elsewhere, twenty five per cent. upon the amount heretofore paid them—commencing with the fiscal year July 1st, 1853; and such increase of twenty five per cent. compensation is hereby allowed to all the operatives, workmen, sewing-women, laborers, superintendents, and clerks, and is appropriated out of any money in the Treasury not otherwise appropriated.

Mr. STUART, of Michigan. Nobody can understand it.

Mr. LETCHER. I rise to a question of order, that the amendment is not germane to the bill.

Mr. FLORENCE. Why is it not germane to the bill? Of course it is out of order, and simply because it awards justice to a meritorious and industrious class of citizens.

Mr. LETCHER. I raise the question of order; and if the gentleman is disposed, let him take an appeal from the decision of the Chair, if he decides the amendment out of order.

The CHAIRMAN. The Chair decides the amendment out of order. Does the gentleman appeal?

Mr. FLORENCE. Oh, no, sir, I am not disposed to be obstreperous. I have had some experience in appealing from decisions of the Chair. If my amendment involved the expenditure of \$500,000, I would probably succeed in overruling the Chair; as it is, I'll let it go, hoping at some future time to succeed in accomplishing the purpose I had in view in offering it. There are hundreds of persons in the employ of the Government in all branches of the public service; revenue, post office, and for supplies to the Army and Navy round and about Philadelphia, who ought to have the compensation now paid them largely increased. But the present, it seems, is not the time. Never mind. I trust, ay, confidently hope,

"There is a better day coming,
Only wait a little longer;"

I do not appeal from your decision, Mr. Chairman.

Mr. LANE, of Oregon. I propose to amend the bill by offering as an additional section, the first section of Senate bill No. 119, to increase the pay of the officers, non-commissioned officers, and rank and file of the Army.

Mr. SKELTON. I rise to a question of order. This amendment is not in order to the bill. The gentleman proposes to increase the pay of the Army.

The CHAIRMAN. The Chair cannot decide whether or not the amendment of the gentleman from Oregon is in order until it be read. The Clerk will report the amendment proposed.

The Clerk reported the amendment, as follows:

Be it further enacted, That the monthly pay proper of the several grades of the Army, hereinafter enumerated, shall be at the following rates: a major general, \$265; a brigadier general, \$165; a colonel, \$135; a lieutenant colonel, \$115; a major, \$95; a captain of cavalry, \$85; a captain of artillery and infantry, \$75; a first lieutenant of cavalry, \$65; a first lieutenant of artillery and infantry, \$57; a second lieutenant of cavalry, \$55; a second lieutenant of artillery and infantry, \$47; a cadet, \$33; a sergeant-major, quartermaster-sergeant, principal musician, chief bugler, principal farrier, and ordnance-sergeant, \$23; to each first sergeant of a company of dragoons, mounted riflemen, artillery, and infantry, \$21; to all other sergeants of those arms, \$18; to a corporal of dragoons and mounted riflemen, \$14; to a corporal of artillery and infantry, \$13; to a farrier, blacksmith, saddler, and artificer of dragoons, mounted riflemen, and artillery, \$15; to a bugler of dragoons and mounted riflemen, \$12; to a musician of artillery and infantry, \$11; to a private of dragoons and mounted riflemen, \$11; and to a private of artillery and infantry, \$10. *Provided*, That the existing allowances shall be confined to officers when on duty, or who shall have left their posts by reason of wounds received in the line of their duty, and that officers absent from duty under any other circumstances shall only be entitled to the pay proper of their respective grades.

Mr. JONES, of Tennessee. I rise to a question of order on that amendment. It is in many respects the same as one which was decided out of order. This is out of order, because the bill under consideration is an appropriation bill proper, while the amendment is one to increase the pay and alter the organization of the Army.

Mr. TAYLOR, of Ohio. I think it is in order. It is for contingencies to carry on one of the departments of the Government. I refer the Chairman to the 81st rule.

The CHAIRMAN. The Chair cannot entertain the amendment, because it is in substance the same as that offered by the gentleman from Virginia, which was admitted by the Chair, but which

decision of the Chair was overruled by the committee.

Mr. TAYLOR. I appeal from the decision of the Chair.

Mr. PECKHAM. On what grounds does the Chair rule that amendment out of order?

The CHAIRMAN. Because the substance of it was contained in the amendment of the gentleman from Virginia, which the committee decided out of order.

Mr. LANE. Allow me to make an inquiry of the gentleman who has raised the point of order. I want to make an explanation.

Mr. FAULKNER. Will the gentleman from Oregon permit me—

Mr. LETCHER. I object to this—we will all be wanting to make explanations.

Mr. FAULKNER. I ask the gentleman from Oregon to withhold his amendment, and I will submit one for the same purpose in different terms.

Mr. LANE. Well, I withdraw my amendment.

Mr. FAULKNER. I offer the amendment in this form:

And be it further enacted, That the sum of \$884,220 be appropriated for the support of the Army, as follows: A major general, \$265; a brigadier general, \$165; a colonel, \$135; a lieutenant colonel, \$115; a major, \$95; a captain of cavalry, \$85; a captain of artillery and infantry, \$75; a first lieutenant of cavalry, \$65; a first lieutenant of artillery and infantry, \$57; a second lieutenant of cavalry, \$55; a second lieutenant of artillery and infantry, \$47; a cadet, \$33; a sergeant-major, quartermaster-sergeant, principal musician, chief bugler, principal farrier, and ordnance-sergeant, \$23; to each first sergeant of a company of dragoons, mounted riflemen, artillery, and infantry, \$21; to all other sergeants of those arms, \$18; to a corporal of dragoons and mounted riflemen, \$14; to a corporal of artillery and infantry, \$13; to a farrier, blacksmith, saddler, and artificer of dragoons, mounted riflemen, and artillery, \$15; to a bugler of dragoons and mounted riflemen, \$12; to a musician of artillery and infantry, \$11; to a private of dragoons and mounted riflemen, \$11; and to a private of artillery and infantry, \$10; *Provided*, That the existing allowances shall be confined to officers when on duty, or who shall have left their posts by reason of wounds received in the line of their duty, and that officers absent from duty under any other circumstances shall only be entitled to the pay proper of their respective grades.

Mr. JONES, of Tennessee. I raise a question of order upon that amendment. We have passed over that part of the bill which makes the appropriation, and it is not in order now to direct how it shall be disposed of. The amendment is also a bill for the reorganization of the Army, and it is not in order to offer such an amendment to this bill.

Mr. TAYLOR. The gentleman is not in order, in debating the question of order.

Mr. JONES. I am only stating the question of order, and not debating it.

Mr. TAYLOR. Well, we want to state questions of order too.

Mr. JONES. I say the amendment is out of order, because it provides for a reorganization of the Army.

Mr. FAULKNER. I want the gentleman from Tennessee to look at the amendment, and see whether it is not an appropriation, and, as such, strictly in order, according to the rules of the House.

Mr. JONES. We have passed that portion of the bill which makes the appropriation.

Mr. HOUSTON. And it is not provided for by law, and on that ground it is out of order.

The CHAIRMAN. The Chair rules the amendment out of order.

Mr. FAULKNER. I take an appeal from that decision of the Chair.

The CHAIRMAN. The Chair rules the amendment out of order now, because, when he admitted it before, the committee overruled his decision.

The question being, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. TAYLOR, of Ohio, demanded tellers.

Tellers were not ordered.

The question was then put; and there were, on a division—ayes 77, noes not counted.

So the decision of the Chair was sustained.

Mr. PECKHAM offered the following amendment as an additional section:

And be it further enacted, That of the \$250,000 hereby appropriated for the manufacture of arms at the national armories, only \$40,000 shall be expended until otherwise ordered by the Secretary of War.

Mr. JONES, of Tennessee. I rise to a question of order upon that amendment. We have passed the part of the bill containing that appro-

priation, and I submit that it is not in order to go back upon the bill.

Mr. PECKHAM. I offer it as an additional section to the bill.

The CHAIRMAN. The Chair rules the amendment out of order, upon the ground that it provides for an appropriation of money in reference to a matter which has already been passed upon by the committee.

Mr. PECKHAM. This amendment is offered in precise accordance with a decision made by the Chair yesterday, on an amendment offered by the gentleman from Virginia, [Mr. SMITH] qualifying what the committee had before voted.

The CHAIRMAN. The Chair rejects the amendment upon the ground that it provides for the disposition of money which has been appropriated in a part of the bill which has been passed.

Mr. PECKHAM. Well, sir, I most respectfully take an appeal from the decision of the Chair.

Mr. KERR. I would inquire if the amendment proposes to appropriate any money?

The CHAIRMAN. It provides for the disbursement of money.

Mr. PECKHAM. It merely provides for the disposition of money already appropriated.

Mr. HOUSTON. Yes; and if members are allowed to go back in this way, we shall never get through with the bill.

The question now being, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. WHEELER demanded tellers.

Tellers were not ordered.

The question was put; and, upon a division, there were—ayes 70, noes 30; no quorum voting.

[Cries of "Call the roll."]

Mr. JONES, of Tennessee. I submit that the Chair has the right to count the committee.

The CHAIRMAN. The gentleman from Tennessee is not in order; the Clerk will call the roll.

The roll was called.

The committee then rose; and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union, had, according to order, had the Union generally under consideration, and particularly the bill of the House, (No. 95,) it being the Army appropriation bill, and having found itself without a quorum, had caused the roll to be called; and had directed him to report the facts to the House, with the names of the absentees.

The names of the absentees are as follows:

Messrs. Abernethy, Banks, Bennett, Bissell, Bliss, Bocock, Brooks, Bugg, Caskie, Chamberlain, Chase, Colquitt, Craig, Cumming, Cutting, Dawson, De Witt, Drum, Dunbar, Dunham, Edgerton, John M. Elliott, Engleth, Etheridge, Fenton, Flagler, Fuller, Gamble, Green, Grey, Hamilton, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Hiesier, Hillyer, Johnson, J. Glancy Jones, Kidwell, Kirtledge, Kurtz, Lamb, Lane, Latham, Lindley, Lyon, McCulloch, Macdonald, Mace, May, Meacham, Smith Miller, Mordecai Oliver, Phillips, Reese, Richardson, Robbins, Rogers, Sage, Seymour, Simmons, Samuel A. Smith, Alexander H. Stephens, John J. Taylor, Tracy, Tweed, Walker, Warren, John Wentworth, and Westbrook.

One hundred and seventy-three gentleman—a quorum—having answered to their names, the committee again resumed its session.

The CHAIRMAN. When the committee found itself without a quorum, the question was on the appeal taken from the decision of the Chair. There will be a recount.

Mr. JONES, of Louisiana. I ask that the Chair will state the question.

The CHAIRMAN. The gentleman from New York [Mr. PECKHAM] submitted an amendment, which the Chair decided out of order. From that decision the gentleman takes an appeal, and the question now is, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. ORR. I demand tellers.

Tellers were ordered; and Messrs. Bocock and Cox were appointed.

The question was taken; and the decision of the Chair was sustained, the tellers having reported—ayes 88, noes 36.

Mr. LANE, of Oregon. I rise to inquire whether an amendment, like the one I send up to the Clerk's desk, is in order? If it is in order, I would be glad to offer it; but if it is ruled out of order, I shall not take an appeal from the decision of the Chair.

The amendment was read, as follows:

And to a private of the dragoons and mounted riflemen eleven dollars, and to a private of the artillery and infantry eleven dollars per month.

Mr. JONES, of Tennessee. I am willing to waive the question of order, and allow that amendment to come in by unanimous consent.

Mr. SMITH, of Virginia. I cannot agree to it. Adhere to the rules.

The CHAIRMAN. The Chair having been overruled by the committee with regard to what seemed to him to be a reasonable construction of the rules, cannot entertain the amendment of the gentleman from Oregon.

Mr. FAULKNER. I have some further amendments to offer to the bill. I am instructed by the Committee on Military Affairs to offer the following amendment:

That from and after the passage of this act, no officer of the Army or Navy, or person employed as agent by a disbursing officer of the Army or Navy, shall be a party to, or directly or indirectly have an interest in, any contract or agreement for the supply of any article, or for the execution of any work for any branch of the service in which such officer or agent belongs. And any officer of the Army or Navy who shall offend against the provisions of this act, shall, on conviction thereof before a court-martial, be cashiered.

Sec. 2. And be it further enacted, That no officer or agent of the United States shall pay for any article sold or work done contrary to the provisions of this act, and any contract or agreement made in violation thereof shall be null and void, and all articles delivered or work done in pursuance of any such contract or agreement, shall be forfeited to the use of the United States.

Mr. JONES, of Tennessee. That amendment, I think, is not in order. This is a bill making appropriations for the support of the Army, and the amendment of the gentleman from Virginia provides for officers of the Navy.

The CHAIRMAN. The Chair rules the amendment out of order.

Mr. FAULKNER. From that decision I appeal.

The question was taken on the appeal, viz: "Shall the decision of the Chair stand as the judgment of the committee?" and it was decided in the affirmative—ayes 90, noes not counted.

So the decision of the Chair was sustained.

Mr. FAULKNER. I offer the following as an independent section:

Be it further enacted, That the provisions of the first section of the act entitled "An act making appropriations for the support of the Army, ending the 30th of June, 1851," approved September 28, 1850, granting extra pay to the officers and enlisted men of the Army serving in Oregon and California, be extended to the officers and men composing the garrison of the post of Fort Laramie, on the Oregon route, during the time they occupied said post; and that the amount which may be found due them under this act shall be paid out of any moneys in the Treasury not otherwise appropriated.

The CHAIRMAN. The Chair cannot receive the amendment, for the same reasons for which the other similar amendments were rejected.

Mr. HAVEN. I move that the committee rise and report the bill to the House, with a recommendation that it do pass.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, the Chairman of the committee reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly House bill (No. 95,) making appropriations for the support of the Army for the year ending the 30th of June, 1855; and had instructed him to report the same back to the House, with various amendments, and with a recommendation that it do pass.

Mr. HOUSTON. I ask for the previous question.

The previous question was seconded; and the main question ordered to be put.

The SPEAKER. The amendments reported from the Committee of the Whole on the state of the Union must first be disposed of. They will be read.

First amendment:

Page two, line twenty-three, strike out the following words: "and horse equipments, \$555,727 70," and insert: "Four hundred and eighty thousand three hundred and fifty-nine dollars and thirty-eight cents."

The paragraph, as amended, reads as follows:

For clothing for the Army, camp and garrison equipage, \$480,359 38.

The amendment was agreed to.

Second amendment:

Page four, line sixty-five, after the word viz., insert the words "horse equipments," and in line seventy, strike out the word "thousand," and insert the words "and seventy-five thousand three hundred and sixty-eight dollars and thirty-two cents."

The paragraph, as amended, will read:

Horse equipments, the purchase of traveling forges, blacksmiths' and shoeing tools, horse and mule shoes, iron and steel for shoeing, hire of veterinary surgeons, purchase of medicines for horses and mules, shoeing horses of mounted corps and repairing dragoon and rifle equipments, \$375,368 32.

The amendment was agreed to.

Third amendment:

Page six, at the end of line one hundred and twenty-two, add the following proviso:

Provided, So much of all laws heretofore passed as authorizes the appointment of military officers to superintend operations at the national armories be, and the same are hereby, repealed; and from and after the passage of this act it shall be the duty of the President of the United States, by and with the advice and consent of the Senate, to appoint a competent and well-qualified civilian as superintendent at each of said armories.

Mr. PECKHAM. I call for the yeas and nays upon that question, as I want to see how many there are in the House who will vote a direct want of confidence in the President.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 117, nays 47; as follows:

YEAS—Messrs. Willis Allen, Thomas H. Bayly, Banks, Belcher, Bennett, Bliss, Bridges, Carcenter, Caruthers, Chastain, Chrisman, Churchwell, Clark, Cobb, Corwin, Cullom, John G. Davis, Thomas Davis, Dick, Disney, Dunham, Eastman, Eddy, Edgerton, Edmundson, Ellison, English, Ewing, Faulkner, Flagler, Florence, Franklin, Fuller, Goode, Goodrich, Greenwood, Grow, Aaron Harlan, Hendricks, Henn, Houston, Hughes, Ingersoll, Daniel T. Jones, George W. Jones, Kidwell, Kittredge, Kurtz, Lamb, Latham, Letcher, Lilly, Lindley, Lindsley, Macdonald, McMullin, McNair, Macy, Matteson, Maurice, Maxwell, Mayall, Middleswarth, Milson, Morgan, Morrison, Murray, Nichols, Noble, Olds, Andrew Oliver, Orr, Parker, Peck, Phelps, Powell, Pratt, Pringle, Puryear, Ready, Reese, Thomas Ritchey, Robbins, Rowe, Russell, Sabin, Sapp, Shaanon, Shower, Simmons, Skelton, Gerrit Smith, William Smith, George W. Smyth, Sollers, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, Stratton, Straub, Nathaniel G. Taylor, Thurston, Trout, Tweed, Upham, Vail, Vansant, Walbridge, Walsh, Elihu B. Washburne, Wells, Tappan Wentworth, Wheeler, Witte, Hendrick B. Wright, Yates, and Zollicoffer—117.

NAYS—Messrs. Aiken, Appleton, David J. Bailey, Barksdale, Barry, Benson, Benton, Boyce, Breckinridge, Bugg, Campbell, Clingman, Colquitt, Cook, Cox, Craige, Crocker, Curtis, Dawson, Dickinson, Dowdell, Edmunds, Thomas D. Eliot, Farley, Hastings, Haven, Hill, Hunt, Roland Jones, Keitt, Knox, McQueen, Norton, Peckham, Pennington, Phillips, Preston, Riddle, David Ritchie, Ruffin, Seward, Shaw, Singleton, William R. Smith, David Stuart, Walley, and Israel Washburn—47.

So the amendment was agreed to.

Mr. STANTON, of Kentucky, moved to reconsider the vote by which the amendment was adopted, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Fourth amendment:

In line one hundred and twenty-four strike out the word "nine;" and insert "five," and strike out the word "two" and insert "one," so as to make the clause read:

For repairs and improvements and new machinery at Harper's Ferry, \$35,100.

The amendment was agreed to.

Fifth amendment:

After line one hundred and twenty-eight insert: For military and geographical surveys west of the Mississippi river, \$25,000.

The amendment was agreed to.

Sixth amendment:

After the one hundred and thirty-fourth line, add: For the purchase of Barlow's planetarium, for the use of the Military Academy at West Point, \$2,000.

The amendment was agreed to.

Seventh amendment:

After line one hundred and thirty-eight, insert: For continuing the explorations and survey to ascertain the best route for a railroad to the Pacific, and for completing the reports of surveys already made, the sum of \$150,000.

The amendment was agreed to.

Eighth amendment:

Add at the end of the bill: Sec. 2. And be it further enacted, That of the appropriation of \$50,000 for continuing the topographical and hydrographical survey of the delta of the Mississippi, with such investigation as may lead to determine the most practical plan for securing it from inundations, approved August 31, 1852, the sum of \$5,000 may be applied, under the special direction of the Secretary of War, to the payment of any expenses connected with said survey and investigation incurred prior to the first day of July, 1852.

The amendment was agreed to.

Ninth amendment:

Sec. 3. And be it further enacted, That the Secretary of War be, and he is hereby, authorized and directed to examine into and ascertain the amount of expenses incurred and

actually paid by the State of California, in the suppression of Indian hostilities within the said State, prior to the first of January, Anno Domini 1854, and that the amount of such expenses, when so ascertained, be paid into the treasury of the said State: *Provided*, That the sum so paid shall not exceed in amount the sum of \$924,259 65; which amount is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

Tenth amendment:

Sec. 4. And be it further enacted, That the Secretary of War be, and he hereby is, authorized and empowered to cause to be sold to the highest bidder for ready money, in one body, on a notice of thirty days in the St. Louis papers, the tract of land of 37 67-100 acres, on which the St. Louis arsenal now stands, together with the fixtures and permanent improvements thereon, and deposit the money received for the same in the United States Treasury; and the sum of money so paid in shall be, or so much thereof as may be necessary, hereby is appropriated to the purpose of completing another arsenal on the barracks tract: *Provided*, That possession of said tract shall not be given to the purchaser thereof until after the new arsenal shall be built, and the arms, munitions, machinery, and tools now in the said St. Louis arsenal removed therefrom, for which purpose the period of two years is allowed from the passing of this act: *Provided*, That no sale shall be made for any sum less than the original cost of the lands, buildings, and permanent improvements thereon, which shall be stated by the Secretary of War, and published at said sale.

Mr. SMITH, of Virginia. I rise to ascertain what I deem important in connection with that amendment. Is it in order?

The SPEAKER. The amendment is in order, having been reported by the Committee of the Whole.

Mr. SMITH. I just desire to know if, when the committees have incorporated an amendment into the bill inconsistent with the bill itself, the House have not the power to reject it as out of order?

The SPEAKER. The House has no such power.

Mr. SMITH. Cannot the House control the Committee of the Whole?

The SPEAKER. The Chair will state the question. The gentleman from Virginia rises to a question of order, and submits that the amendment now pending, reported from the Committee of the Whole, is not in order, upon the ground that it is not consistent with the bill. That may have been a good reason why it should not have been received in committee; but the Committee of the Whole must be its own judge of its own rules of order. This amendment having been reported by the committee, the Chair decides that it is properly before the House, and must be acted upon by the House as an amendment. The Chair thinks there can be no question as to the rule. The Chair, therefore, overrules the question of order raised by the gentleman from Virginia.

Mr. SMITH. Well, sir, I will not appeal from the decision of the Chair, but I think the House have the right to correct any error made by the Committee of the Whole.

The SPEAKER. It is not competent for the House to correct errors that have taken place in committee. It is competent for the committee to judge of its own rules, and it must correct its own errors.

Mr. SMITH. Well, sir, I will call for the yeas and nays upon the amendment.

The yeas and nays were ordered.

Mr. PECKHAM. Is there any amount fixed below which the property shall not be sold?

Mr. PRESTON. Yes, sir. The amendment provides that the property shall not be sold below its prime cost.

The question was taken on the amendment; and it was decided in the negative—yeas 77, nays 81; as follows:

YEAS—Messrs. Appleton, Ball, Banks, Belcher, Bennett, Benson, Benton, Bliss, Boyce, Bugg, Campbell, Carpenter, Caruthers, Chandler, Cook, Corwin, Cullom, Thomas Davis, Dawson, Dick, Dickinson, Edmunds, Thomas D. Eliot, Ellison, Ewing, Farley, Flagler, Franklin, Giddings, Goodrich, Grow, Aaron Harlan, Haven, Hill, Howe, Hughes, Hunt, Daniel T. Jones, Roland Jones, Knox, Lindley, McNair, Macy, Matteson, Mayall, Middleswarth, John G. Miller, Morgan, Nichols, Norton, Parker, Peck, Bishop Perkins, Phelps, Preston, Ready, Reese, David Ritchie, Russell, Sabin, Sapp, Simmons, Skelton, Gerrit Smith, Sollers, Frederick P. Stanton, Richard H. Stanton, Stratton, Nathaniel G. Taylor, Wade, Walley, Elihu B. Washburne, Israel Washburn, Tappan Wentworth, Wheeler, Yates, and Zollicoffer—77.

NAYS—Messrs. Aiken, Willis Allen, Ashe, David J. Bailey, Barksdale, Barry, Booneck, Breckinridge, Bridges, Caskey, Chastain, Chrisman, Churchwell, Clark, Clingman, Cobb, Colquitt, Craige, John G. Davis, Disney, Dowdell, Dunham, Eastman, Eddy, Edmundson, English, Florence,

Fuller, Goode, Greenwood, Hastings, Hendricks, Henn, Houston, Ingersoll, George W. Jones, Keitt, Kidwell, Lamb, Letcher, Lilly, McMullin, McQueen, Maurice, Maxwell, Milson, Morrison, Murray, Noble, Andrew Oliver, Orr, Packer, Peckham, John Perkins, Phillips, Powell, Pratt, Puryear, Thomas Ritchey, Robbins, Rowe, Ruffin, Seward, Shaw, Shower, Singleton, William Smith, William R. Smith, George W. Smyth, Hester L. Stevens, Straub, David Stuart, Thurston, Trout, Tweed, Upham, Vail, Walbridge, Walsh, and Hendrick B. Wright—81.

So the amendment was rejected.

Mr. McMULLIN. I move to reconsider the vote by which the amendment was rejected; and to lay that motion upon the table.

Mr. PRESTON. I demand the yeas and nays.

The yeas and nays were not ordered.

Mr. PRESTON. I demand tellers.

Tellers were ordered; and Messrs. ROBBINS and PRESTON were appointed.

The question was taken; and the motion to reconsider was laid upon the table, the tellers having reported—yeas 82, noes 74.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question then being "Shall the bill pass?"

Mr. BRIDGES demanded the yeas and nays.

Mr. PRESTON demanded tellers on the yeas and nays; which were ordered; and Messrs. LILLY and WHEELER were appointed.

The House was divided; and the tellers reported thirty-three in the affirmative.

So the yeas and nays were ordered.

The question was then taken; and it was decided in the affirmative—yeas 93, nays 62; as follows:

YEAS—Messrs. James C. Allen, Willis Allen, Appleton, Banks, Barksdale, Barry, Belcher, Bliss, Breckinridge, Bugg, Carpenter, Caruthers, Chastain, Chrisman, Clark, Clingman, Cook, Dawson, Eliot, Ellison, English, Farley, Faulkner, Flager, Florence, Franklin, Fuller, Goodrich, Greenwood, Groh, Harrison, Haven, Hendricks, Henn, Houston, Howe, Hunt, Ingersoll, J. Glancy Jones, Roland Jones, Kidwell, Kurtz, Latham, Lindley, Lindsey, Macdonald, McDougall, McMullin, McNair, Macy, Maxwell, Middlesworth, John G. Miller, Nichols, Noble, Olds, Orr, Bishop Perkins, Phelps, Phillips, Pratt, Preston, Ready, Reese, Riddle, Robbins, Rowe, Sabin, Shower, Skelton, William Smith, William R. Smith, George W. Smyth, Sollers, Richard H. Stanton, Hester L. Stevens, Stratton, David Stuart, John L. Taylor, Thurston, Tweed, Upham, Vail, Vansant, Walbridge, Walley, Tappan Wentworth, and Hendrick B. Wright—93.

NAYS—Messrs. David J. Bailey, Ball, Bennett, Benson, Bocoock, Boyce, Bridges, Campbell, Caskie, Cobb, Corwin, Crocker, Cullom, John G. Davis, Thomas Davis, Dent, Dickinson, Eastman, Edmundson, Giddings, Goode, Aaron Harlan, Andrew J. Harlan, Hill, Hughes, Daniel T. Jones, George W. Jones, Knox, Lamb, Letcher, Lilly, McQueen, Matteson, Maurice, Milson, Morgan, Morrison, Murray, Andrew Oliver, Parker, Peck, Peckham, John Perkins, Pringle, Puryear, David Ritchey, Ruffin, Russell, Sapp, Seward, Shaw, Simmons, Singleton, Gerrit Smith, Nathaniel G. Taylor, Trout, Wade, Elihu B. Washburne, Israel Washburn, Wheeler, Witte, Yates, and Zollicoffer—62.

So the bill was passed.

The title of the bill was then agreed to.

Mr. HOUSTON moved to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. JONES, of Tennessee. I move to amend the title of the bill by adding "and to provide for railroad surveys."

Mr. HOUSTON. It is too late to make that motion.

The SPEAKER. The title of the bill has been agreed to.

Mr. JONES, of Tennessee. Then I move to reconsider the vote by which the title of the bill was agreed to.

Mr. HOUSTON. And I move to lay the motion to reconsider on the table.

Mr. JONES. The gentleman from Alabama will wait till he gets the floor to make his motion. [Laughter.]

Mr. HOUSTON. Debate is not in order.

Mr. JONES. Yes; debate is in order; because the previous question does not operate on the title of the bill. Gentlemen should know what they are making questions about.

The SPEAKER. The Chair decides that the proposition to amend the title is debatable, but in a very limited sense.

Mr. JONES. Certainly, sir. I merely wish to state my object in moving to reconsider that vote. My object is, as I was cut off from making a proposition to amend the title, that I may move to amend that title so as to make it indicate what

the bill really is, to make it indicate that it is a bill to make appropriations for the support of the Army for the fiscal year terminating 30th June, 1855, and to provide for certain railroad surveys.

The reason why I voted against the bill is, that as there is a provision in it appropriating money to make surveys of railroads throughout the country; and holding, as I do, that the Government has no power to make internal improvements—

[Cries of "Order!" "Order!"]

Mr. STUART, of Michigan. I rise to a point of order. The remarks of the gentleman from Tennessee are not in order.

The SPEAKER. It is not in order to debate the character of the bill itself, except in so far as the title is to be considered in that connection.

Mr. JONES. Exactly, sir.

The SPEAKER. The reasons why the gentleman voted against the bill are not in order.

Mr. JONES. Except that I may have an opportunity of making the title indicate what the bill is.

The SPEAKER. The Chair understood the latter remarks of the gentleman to go to show that he voted against the bill because he thought certain provisions improper.

Mr. JONES. Exactly; because that appropriation for making railroad surveys is in it, and, in my opinion, improperly in it.

Mr. CHANDLER. I hope the gentleman from Tennessee will accept an amendment which I wish to offer to the title, if it is to cover everything, "and to pay California her expenditures for the Indian war."

Mr. JONES. I am perfectly willing to have that added.

Mr. HOUSTON. I move to lay the motion to reconsider on the table.

Mr. LETCHER. And on that I ask the yeas and nays.

On the call for the yeas and nays, the House was divided, and the Speaker announced 27 voting in the affirmative, and 123 in the negative.

Mr. WHEELER. I call for tellers upon the yeas and nays.

Tellers were not ordered.

So the yeas and nays were not ordered.

Mr. WHEELER. I move that the House do now adjourn.

The motion was not agreed to.

The question was then taken on the motion to lay the motion to reconsider upon the table; and it was decided in the affirmative.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. ASBURY DICKINS, its Secretary, notifying the House that the Senate had passed a resolution of the following title:

Senate resolution (No. 29) "for the confirmation of certain entries and locations of military warrants made in the State of Michigan."

Mr. WHEELER. I move that the House do now adjourn.

The motion was agreed to.

The House accordingly (at three o'clock and fifteen minutes) adjourned until to-morrow at eleven o'clock, a. m.

IN SENATE.

THURSDAY, July 20, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of the Treasury, communicating, in compliance with resolutions of the Senate of the 3d of March, 1853, information respecting the condition of the several marine hospitals, and the expediency of discontinuing the tax upon sailors for their support, and adopting a substitute therefor; and also in relation to the collection and disbursement of the marine hospital fund, showing the amount annually appropriated by Congress; which was referred to the Committee on Commerce, and ordered to be printed.

ADDITIONAL DOCUMENTS.

The PRESIDENT *pro tempore* presented additional documents in relation to the claim of the heirs of Captain Thomas Dinsmore; which were referred to the Committee on Pensions.

PATENT LAWS.

On motion by Mr. CHASE, the bill "to amend the several acts now in force relating to the Patent Office," was recommitted to the Committee on Patents and the Patent Office.

LAND ENTRIES IN MICHIGAN.

Mr. STUART. I wish to ask the attention of the Senate this morning to enable me to introduce a joint resolution, the object of which is to correct a difficulty that has arisen out of a law which was passed at this session, creating a new land district in the State of Michigan. Prior to the knowledge of the change reaching the officers and persons in the neighborhood, certain military land warrants were located in the offices, to which the tract of country was, previously to the passage of that bill, attached. Those locations, without some future legislation, are not valid. I propose, therefore, now to ask the unanimous consent of the Senate to allow me to introduce a joint resolution, proposing to confirm those purchases of land in all cases where the purchases are otherwise regular.

There being no objection, leave was granted to introduce a joint resolution "for the confirmation of certain entries and locations of military warrants made in the State of Michigan," and it was read a first and second time by its title, and considered as in Committee of the Whole.

It proposes to resolve that the entries and locations of military land warrants made at the Ionia, Sault Ste. Marie, and Genesee land offices in Michigan, on or subsequent to the 20th of April last, of land which prior to that time, was situated in those land districts, but by the law of later date, was attached to a new land district, be confirmed, and that patents shall issue for them as in other cases, if those entries and locations are in every other respect regular and valid.

The joint resolution was reported to the Senate without amendment, and the question was stated to be, "Shall it be engrossed for a third reading?"

Mr. DAWSON. I dislike very much to vote upon a proposition which I do not comprehend. This is presented to us without a report, or without a particle of explanation, so far as I have heard. I should be glad to understand it.

Mr. STUART. The Senator will pardon me. I did explain it to the Senate, but probably in the confusion which existed at the time the Senator did not hear me. I stated that, at this session of Congress, a bill had been passed creating a new land district in the State of Michigan, taking it from three original districts, and since the passage of that law certain purchases of land were made at the old districts by land warrants. These purchases are invalid by the law in consequence of the change of the land districts. The effect of this joint resolution is simply to make these purchases valid, provided they are in other respects so, and to save the difficulty of their having been entered at the old offices after the creation of the new districts. That is all.

Mr. DAWSON. That is satisfactory.

The joint resolution was ordered to be engrossed for a third reading, read a third time, and passed.

PRIVATE BILL DAY.

On motion by Mr. BADGER, the Senate proceeded to consider the following resolution submitted by him on the 15th instant:

Resolved, That the resolution of the 24th of January last, setting apart every Friday for the residue of the present session for the consideration of private bills, be, and the same is hereby, rescinded.

Mr. FITZPATRICK. I do not desire to interpose any objection to that resolution, but rise for the purpose of giving notice to the Senate that I shall to-morrow, during the morning hour, ask the Senate to take up and consider the bill to authorize the payment of certain claims for depredations and spoiliations during the hostilities with the Creek and Seminole Indians in 1836 and 1837. The resolution was agreed to.

CIVIL AND DIPLOMATIC BILL.

Mr. HUNTER. I move to postpone all prior orders for the purpose of taking up the civil and diplomatic appropriation bill.

Mr. SUMNER and Mr. WADE. Let us get through with petitions.

Mr. HUNTER. I am afraid if I withdraw the motion we shall have some controverted petitions which will lead to a long debate; so that we may

not be able to get at the bill. I hope the Senators will not press me to yield.

Mr. GWIN. I do hope, Mr. President, that we shall now determine whether we will consider the homestead bill any further during this session. If we are not going to consider it any further, it had better be postponed until the next session. If we do not intend to postpone it until the next session we ought to go on with it this morning. I hope that matter will be decided now, and for that purpose I wish to controvert the motion of the Senator from Virginia, although I should not otherwise desire to oppose it. I want the friends of the homestead bill either to pass it now, or to postpone it until the next session. If we determine to progress with it now, of course the motion of the Senator from Virginia ought to be voted down. If we do not intend to progress with it, the motion ought to be agreed to, and its adoption ought to be equivalent to postponing the homestead bill until the next session.

Mr. WALKER. I have a proposition which I desire to make this morning, not only to the friends of the homestead bill, but to the Senate generally. It is that we should take up the bill, that we should then postpone the further consideration of amendments in detail, let the bill rest as it is, and receive as a counter proposition, and take the sense of the Senate upon either one or the other of the measures which stand in antagonism to it—either that proposed by the Senator from Mississippi, [Mr. BROWN,] or that by the Senator from Virginia, [Mr. HUNTER.] Let us take up the bill, and ascertain the sense of the Senate upon one or the other of these as a counter proposition to it.

As one of the earliest friends of the homestead bill in the Congress of the United States, I must say that, after what I have seen, I am satisfied, and I feel bound so to express myself, that it is not the sense of the Senate that the bill from the House of Representatives should pass. This is my conviction. If that be the sense of the Senate, it can easily express itself upon one of these other propositions. I think that we should take up the bill, and receive one of them as a counter proposition, take the sense of the Senate upon it, and abide by the result. For one, as a friend of the homestead bill, I am willing to do so.

Mr. GWIN. I hope, then, that we shall proceed with the consideration of the homestead bill, and that the Senator from Virginia [Mr. MASON] will withdraw the amendment which he offered yesterday, and which led to debate, and after that, that we shall have a direct vote on a substitute for the homestead bill, and see which has the greatest strength.

Mr. CLAY. I trust that that motion may prevail; and I pledge myself to that understanding. I shall withhold all the amendments which I intended to offer to the bill.

Mr. DODGE, of Iowa. I appeal to the Senator from Virginia not to press his motion on this occasion. If he does, I shall be compelled to vote against it, and it would be with regret that I should be compelled to do so. I know the gentleman from Virginia has a high public duty to discharge, and that he has no motive to gratify but by the dispatch of the public business; but in this case, I regard it as a duty to proceed with the consideration of the homestead bill. We have now reached such a point that we must come to a result upon it to-day. I hope, therefore, we shall proceed to the consideration of the homestead bill, and either pass it or reject it.

Mr. HUNTER. If it be the understanding that the question shall be closed to-day, I withdraw my motion.

TEXAS DEBT.

Mr. BRIGHT. I have said that I should make no motion, nor vote upon a motion in any way tending to embarrass the homestead bill, and I shall not do so; but I made that remark in connection with the understanding that the bill reported from the Committee on Finance, in reference to the debt of Texas, should be disposed of. It was taken up yesterday morning and was debated. I hope it will be taken up again this morning, and I say now, as I said yesterday, if it occupies more than an hour, I will move to postpone it until tomorrow.

Mr. GWIN. I hope that the Senate will take up the homestead bill. I think we can get through

with that in an hour, and get a vote upon it. I do not say this because I am opposed to the proposition of the Senator from Indiana.

Mr. BRIGHT. I do not think we can dispose of the homestead bill in an hour; but if the Texas debt bill takes more than that time, I will move to postpone it.

Mr. DODGE, of Iowa. Say half an hour.

Mr. BRIGHT. I will say half an hour. I think we can dispose of it in that time, and if we do not, I shall be willing to let it go over.

Mr. GWIN. I made a motion distinctly to take up the homestead bill, to postpone all prior orders for the purpose of taking it up. What has become of it?

The PRESIDING OFFICER. (Mr. WELLER in the chair.) The Chair did not hear that motion.

Mr. WALKER. Certainly the Senator made it distinctly.

Mr. BADGER. There was another motion pending.

Mr. GWIN. I made that distinct motion.

Mr. BRIGHT. I hope the honorable Senator will withdraw it. I will say to him that if the Texas debt bill occupies over half an hour I will move to postpone it.

Mr. GWIN. We can vote upon the homestead bill in half an hour.

Mr. BADGER. The Senator from California is mistaken in supposing that we can vote upon the homestead bill in half an hour. I have already said, and I repeat, I shall adopt no course which will lead to the laying aside of the homestead bill, though I am opposed to it. I think the friends of the measure have a right to have it disposed of, but surely the motion of the Senator from Indiana is very reasonable.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill "to provide for the payment of such creditors of the late Republic of Texas as are comprehended in the act of Congress of September 9, 1850;" the pending question being on the amendment of Mr. BRIGHT, to add to the first section of the bill as amended, on the recommendation of the Committee on Finance, the following:

Provided, That the interest on the debt embraced in this act shall be calculated and regulated by the existing laws of the State of Texas.

Mr. BELL. I do not propose to debate this subject, nor have I considered it with any care since about two years ago; but I wish to be informed with regard to certain facts, so as to be assured as to the grounds upon which I propose to give my own vote, and I will do it pretty much by way of inquiry of gentlemen who are better acquainted than I am with the foundation of this bill, as it is now presented to the Senate.

A number of gentlemen yesterday stated that this Government was under no obligation to pay the Texas creditors proposed to be provided for by this bill, except to the extent of the \$5,000,000 which were appropriated by the compromise act of 1850.

If that were true, it would change the opinions and the impressions which I have entertained in regard to this subject; but I understand that there were, two years ago, when this question was presented, bond-holders, creditors of Texas, who had a mortgage upon the customs revenues of that Republic, before its annexation to the United States, to the amount of \$8,000,000, or thereabouts. If I am mistaken in this, I wish those honorable gentlemen who yesterday took the position to which I have adverted, would put me right. Now, how is the fact with regard to the amount of the debts of Texas having a lien upon the customs revenues of Texas at the time she was annexed to the United States? And upon what ground do gentlemen say that this Government is under no obligation to pay those debts?

The amount of those debts in 1852 was what I have stated; but since that time I understand that the Attorney General of the United States has given his opinion in reference to another class of Texas creditors, amounting to some three or four millions of dollars; and he has decided that they come within the same category precisely—that is, that they were creditors of Texas, with a mortgage on the whole revenues of that Republic. This would swell the amount to eleven or twelve millions of dollars; and the interest upon these respective classes at this day would, added to the

principal, make between twelve and thirteen millions.

Mr. PEARCE. I wish to correct the Senator. He is in error as to the amount of that class of claims. There was a class of claims not included in the opinion of Mr. Corwin, but which Mr. Cushing thinks are included in the provisions of the act of 1850. These bonds do not bear upon their face any pledge of the revenue. They were issued under a law passed in February, 1840. Early in February, 1840, the Legislature of Texas had passed an act pledging their revenues for the payment of the debts of the Republic. The late Secretary of the Treasury construed that to have a retrospective operation, and not to apply to bonds that were issued after the date of that act. Mr. Cushing thinks it is prospective as well as retrospective, and the amount of claims that will be subject, in that opinion of Mr. Cushing, is not \$3,000,000, or \$4,000,000, as the Senator supposes, but was in January, 1851, \$1,600,000.

Mr. BELL. Adding to that the interest since that time, I suppose the amount would be about \$2,000,000. That sum, added to the \$8,000,000 ascertained in 1852, would amount to \$10,000,000 at this day, for which we may be considered, perhaps, liable. Sir, honorable Senators stated yesterday, it having been agreed by compact with Texas, when she was annexed to the United States, that Texas should pay her own debts, and the public lands in her limits having been put under her own control for that purpose, we were under no obligation to pay these debts. Then, they say, in 1850, under some idea that we might be held justly responsible, according to public law, for that portion of her debt for the payment of the principal or interest of which the revenues from customs were perpetually pledged, we agreed to give to her what at that time was supposed would be the whole amount of debt subject to this lien on the revenues derived from customs. But that was a conjectural estimate. It turns out since that, that there was a much larger amount than the \$5,000,000 agreed to be appropriated by the compromise act of 1850, belonging to the same class of claimants, which would stand upon the same footing in regard to their equitable claim upon the Government of the United States.

Now, sir, I should like to hear from some gentlemen on what principle it is, if we were under no obligation to pay the national debt of Texas contracted either in her war of independence, or for the support of her Army and Navy after she was independent, and which had liens upon the revenues which vested in the Government of the United States by the compact of annexation, that our agreement to pay the \$5,000,000 discharged us from all obligation to the creditors even for those \$5,000,000, unless we paid that sum *pro tanto*, leaving a large proportion of the creditors unpaid and unsatisfied?

That, however, is not the material question. I should like to know whether, by the compact, the United States were discharged from their obligation to pay these debts under public law—I mean those debts which had a lien upon the revenue which was vested by compact in the Government of the United States—her customs revenue? We know that is the great mode, by indirect taxation, of taxing the people of the country to whatever extent we find it expedient in this Government to tax them, just as Texas did then. We know that the people of this country, except for their local, and municipal, and State purposes, are not willing to submit to direct taxation. But, sir, I lay the principle of public law to be that wherever, either by agreement, by arrangement, or by conquest, a province is annexed to a superior government, and becomes a province or dependency or integral part of that government, we take the country with the burden upon it. The fact that, according to the Constitution, the country so ceded retains local sovereignty to a certain extent, and for certain purposes, does not, I conceive, make the least difference. Whatever obligations or liabilities they are under by a public act of theirs when they were an independent nation, we, the country into which they became merged, must assume the responsibility of the payment of those debts.

I do not propose to go into the argument, or even to state the authorities in reference to that point; but now, take that in connection with the other proposition, that in 1852 there were \$8,000,000 of those debts having a lien or mortgage

upon those revenues at that time; and then there has been the accruing interest since 1852, up to this period. Then, leaving out of view the validity of the decision of the Attorney General made since 1852, there will be an amount of \$9,000,000, which we are under some sort of obligation, in public law, public honor, and honesty, to pay; unless the State of Texas complies with her obligation. She has assumed to pay those debts, either under the compact, or under her agreement to the act of 1850, by which we appropriated \$5,000,000 for the purpose of paying that class of creditors; but we know that Texas has refused to do it. I understand that the argument of the honorable Senator from Texas [Mr. Rusk] yesterday, was made mainly with reference to vindicating the course, the character, and the honor of his State for her refusal to comply with her stipulations. I will not go into that. I dare say the honorable Senator is perfectly right in supposing that this Government, in the circumstances in which we were placed, and from various causes, did not comply with treaty stipulations in regard to freeing the territory of Texas from the depredations of certain Indians. I believe the gravamen of his complaint was, that we sent down the Caddo Indians into the Texas territory in violation of treaty; but that is neither here nor there, in regard to this question.

The point which I wish to reach is, as to the amount we should pay; whether we are restricted to \$5,000,000 and interest upon it, or not? The question is, whether that is the only obligation we acknowledge, or choose to acknowledge; because, as I view this subject, it will be an assumption entirely; for we have the power to do as we please, and there is no tribunal on earth to bring us to account. We cannot be brought into a court of chancery, or any tribunal whatever, to say whether we are bound. We assume that we are bound. Some of the gentlemen who spoke yesterday, as I understand, contended that we were bound for no greater sum than the \$5,000,000 and interest upon it. Some gentlemen, more liberal than others, perhaps, were willing to pay interest up to the 1st of January next. But I say, here are \$8,000,000, for which we are bound just as much as we were for the original \$5,000,000, unless Texas chooses to pay the amount, and that at this date it reaches about \$9,000,000, independently of that class of claims which the Attorney General has decided comes within the same principle, and which, if included, would make the amount for which we are liable at this time, \$10,000,000.

Now, the proposition of this bill is to appropriate \$8,500,000. That will not pay all the claims of that class of creditors whom you are bound, I think, according to public law, to pay. You do not propose to pay the whole amount of their debts, but to appropriate only these \$8,500,000, which will pay them about seventy cents in the dollar of their claims, as I understand. I should like honorable Senators, who have investigated the subject, to tell me how that is?

Mr. CHASE. The sum appropriated by the bill is to be divided *pro rata* among all the creditors.

Mr. BELL. That is what I supposed. That amount, as I understand, will give them about seventy cents on the dollar. What sort of equity or justice is there in it? You do not pay the whole amount. You choose to adopt, in part, the scale assumed by the State of Texas herself. Why, sir, that does not discharge us. We are not discharged, either by the compact or by the creditors from any original obligation which we came under by public law when that country was annexed to this Union under our Constitution. We were not discharged in either event, but we trusted to the good faith of Texas to pay that debt. We supposed there was a sufficient fund provided for the purpose, but we have, since that time, agreed to appropriate \$5,000,000 from other considerations; but that does not discharge us any more than the other, for these creditors were not parties either to the compact by which Texas was ceded to the United States, or to the agreement made in 1850, by which we appropriated \$5,000,000. On what principle, then, is it assumed, as several honorable Senators did yesterday, that we are under no obligation to pay more than the \$5,000,000? It can be on no other ground but on the assumption that as we agreed to pay \$5,000,000, and to relieve Texas

of that amount of her obligations under her compact of annexation, that discharged us from any obligation to the creditors. Surely, there is no ground to say that if we were under any obligation whatever, the payment of these \$5,000,000 discharged us from the obligation to pay any other creditors who existed, of the same class, over and above the \$5,000,000.

Now, sir, these are the propositions: In 1852 there were \$8,000,000 of these debts, and now there are \$9,000,000, independently of the recent class of cases included by the late opinion of the Attorney General; and if you appropriate this amount of money, you do not pay those claims; you do not even pay the principal, to say nothing of the premium talked of yesterday, of fourteen per cent. on the stocks proposed to be issued. It is not a gratuity, in any sense of the word, if you pay the whole amount; but this will not pay the interest from this time forward, and will not anticipate the interest until the expiration of the fourteen years; but it will only pay seventy cents on the dollar. Suppose they do not agree to take this, and release us, what then? They have not released us. It is now four years since this question has been presented to Congress, and we have not been released. I do not know that there is one man whom I represent upon this floor directly interested in these claims at all, certainly no agent for these claims has made application to me upon the subject, except upon my own interrogatory when I yesterday met a gentleman in the lobby, and he gave me no details. The inquiry was merely accidental. I have gone into no investigation of it myself at any time; but the debate yesterday somewhat surprised me; for I was not informed of some particulars which were then produced. I did not remember that in 1852 it was only proposed to pay seventy cents on the dollar in any proposition that was then made.

Now, sir, I wish to have light on this subject. The Senator from Maryland says, the whole amount paid will be only seventy cents on the dollar, and that in 1852, it was \$8,000,000, principal and interest; now it nearly amounts to \$9,000,000 upon the claims as they existed then. Why, sir, I have heard it said, though I cannot vouch for it, that \$12,000,000 or \$13,000,000 was the amount. If I am wrong in the statement which I have made, I should be glad to be corrected.

Mr. BENJAMIN. I do not desire sir, to discuss this question, but simply to state, in a few words, the legal propositions which, in my judgment, are involved in it, and which will control my vote. I shall not argue them, but simply state them. The people of Texas were struggling for their freedom. It became necessary that the State should raise money. They borrowed from citizens of the United States principally, and for the repayment of that money, they pledged their revenues and all their public property. By the use of that money they acquired their independence. After annexing their independence by treaty, they were annexed to the United States by the agreement of annexation. The United States took from Texas the right to these revenues, which had been previously pledged to the creditors, and left to Texas the public lands alone as the fund out of which the debt should be paid. The United States contracted with Texas that Texas should pay the debt, but the creditors never consented to that agreement.

At a subsequent period the United States bought from Texas a portion of the land, (which, by the terms of the contract remained pledged for the debt,) for \$10,000,000. The United States have paid out of that money \$5,000,000 to Texas, but have reserved \$5,000,000 to be paid over to Texas when the creditors of Texas shall release this Government from the obligation, which it was supposed rested on it, to pay the debts for which the revenues were pledged, because the revenues had been taken from Texas by this Government. It turns out that the \$5,000,000 are insufficient. The United States, therefore, took away the public revenues which were pledged for the debt, and also the land which was bound for the debt, and paid one half the price to Texas, and appropriated none of it to the creditors. In other words, they have taken both funds. Under these circumstances the proposition is made by the creditors of Texas, that in order to get something for the debt, which has been running so many years without payment, they will promise a release to the United

States on the payment of seventy cents on the dollar.

Mr. MASON. The facts stated by the Senator from Louisiana are very true; but I differ from him totally in the conclusions which he has drawn from those facts. Now, sir, I apprehend none will deny that the State of Texas and the State of Texas alone, is competent to settle with its creditors, to determine its own debt. As an incident to its sovereign power, the State of Texas alone is competent to determine its own debt, and in making an arrangement for the payment of that debt, or any disposition of it, the State of Texas alone is competent. What has Texas done? She has entered into a compact with the United States by which, whether the United States were or were not liable in equity, they certainly were not liable at law for any portion of this debt. Texas has entered into a compact with the United States by which it is stipulated that upon the payment of these reserved \$5,000,000, those creditors who claim that they have an obligation of some sort upon the United States, will release the United States from its compact with the State of Texas. Whenever the creditors, who claim that the United States is under obligation to pay them, will release the United States, the United States has engaged to Texas to pay her that \$5,000,000, with interest at five per cent. upon it. The fund is ready to be paid in a moment, and has been ready for four years and a half.

What is the objection to the payment to the State of Texas, who alone, under the compact, could receive it? The objection is, that Texas has not furnished from her creditors the previous condition. The only obligation made in the world is on the part of the United States to pay to Texas \$5,000,000, with five per cent. interest upon it whenever the condition is complied with by the release of the United States. What is the proposition made by this bill? It is proposed that in lieu of paying that \$5,000,000 with interest, we shall pay \$5,000,000 with the interest that has accrued to it, which, I understand from the Senator from Indiana, [Mr. BRIGHT,] will, on the first of January next, amount to \$6,500,000. I have a clear conviction that on the first of January next we are bound to pay \$6,500,000 to Texas. We are bound to pay the principal of the debt with the accrued interest upon it, whatever it may be; but we are asked further not only to pay that, but, inasmuch as we are now redeeming our public stock at a premium, that in paying the \$5,000,000 with interest, we shall pay the premium upon it which that stock will command in the market.

Mr. PEARCE. Will the Senator allow me to correct him? The bill does not propose to give any premium at all. The Senator from Indiana, in his argument, said that the amount of our liability now was so much for principal and interest, and that if we now redeemed the stock at the premium which the Secretary of the Treasury allows, we should have to pay so much more. He did not say it was proposed to pay the premium. We propose to pay the principal and interest for the whole time the bonds have to run.

Mr. MASON. That does not make \$8,500,000.

Mr. PEARCE. Yes, sir, it does.

Mr. MASON. Then I received false information, because the report, which accompanies the bill, certainly makes the premium enter into it, if I read it aright. What we owe is the \$5,000,000 with interest—the interest which has accrued up to the time of payment. They ask that we shall pay, not only the interest up to the time of payment, but that we shall pay in advance the interest which shall have accrued when the time of payment arrives. And why? For what reason? We are under no obligations to the creditors of Texas, none that I see or recognize; and if there were any existing, the State of Texas, which is competent to determine her own debt, has agreed to receive a sum *in consoldo* for some acquittance to be given to the United States. But if we pay the interest which will accrue up to 1864, we shall make a most extraordinary bargain so far as financial matters are concerned.

Now, as to the creditors of the State of Texas, those who held this scrip. I happen to know some of them, and for those whom I know, my sympathies have been very strongly engaged. Two of them are ladies whose petition I presented, asking the United States to pay the money. I know their condition, and that of others; but I am not at lib-

erty to consult my sympathies for these people, when I am dealing with a public trust; and I am dealing here with a public trust only. I can know none but the State of Texas, and the contract made with the State of Texas. This application does not come from her, as I understand it; but it comes from the creditors of Texas. They ask us to interpose ourselves between Texas and her creditors, and pay the money directly to them.

Mr. President, the bargain was a bad one when made—I mean a bad one on the part of the United States. I am not aware that there existed any liability to pay this money. I deny that, under the terms of the bargain, any liability is to be implied; but, be that as it may, the contract is made, and we must comply with it, and that is to pay \$5,000,000 with five per cent. interest on it, when Texas produces her acquittance.

Mr. TOUCEY. I do not acknowledge the liability of the Government to pay the debts of Texas. I can never admit that the admission of a State into this Union, by cutting off the right to tax importations involves a liability to pay the debts of that State antecedently contracted. On the contrary, I hold that the compact which exists between the United States and Texas imposes an obligation on Texas alone, and that we stand fairly clear of any claim on the part of the creditors of Texas. But, sir, we have entered into a compact—and this is the point to which I beg leave to call the attention of the Senate—we have entered into a compact with the State of Texas to pay the precise amount which is embraced in this bill, and without a new compact we never can get rid of the obligation of that compact, without paying to Texas the sum of \$8,500,000. The compact was to pay \$5,000,000 at the end of fourteen years, with interest at five per cent. per annum; and five per cent. per annum for fourteen years amounts to \$3,500,000, or to seventy per cent., which added to the original, amounts to \$8,500,000. The sum proposed to be appropriated by this bill is precisely the amount which we have entered into a compact with Texas to pay for the benefit of her creditors.

Now, sir, the only question that arises is with regard to the time of payment. I agree, by the terms of that compact, we can delay the payment of the principal to the end of the fourteen years, and we can delay the payment of the interest, except the annual interest, running through the fourteen years; but when we reach the last end, and satisfy the obligation, we shall have paid \$8,500,000. The question that is presented to my mind is this: With an overflowing Treasury, with a vastly larger claim on this Government, shall we prefer to hold this money in the public Treasury, and pay its interest, instead of now paying it over to Texas under an arrangement by which we become entirely discharged from any claim of her creditors embraced in the bill? It is true, it does not pay the whole amount, but then they had no claim on this Government. Their claim was on Texas, and this payment cannot be made unless with the assent of the State of Texas. When, therefore, the State of Texas consents to this engagement, and receives the money, we have discharged our obligation, and for the purpose of getting rid of this whole claim, I am willing to advance the money now without any discount or deduction, and that is what is proposed to be done by the bill. That being the case, I hope, as it is now understood, the vote will be taken upon it without further debate.

Mr. BRIGHT. The time has elapsed which I asked should be devoted to this bill; and I am under a promise to move to postpone it.

Several SENATORS. Let us take the vote.

Mr. BRIGHT. If it is the pleasure of the Senate to take the vote I have no objection, but I am under a promise to let the bill go over now.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana.

Mr. CHASE. I desire to say a few words upon the subject.

Mr. BRIGHT. Then I move to postpone its further consideration until to-morrow. I promised to do it, and I shall do it.

The motion was agreed to.

BILLS SIGNED BY THE PRESIDENT.

A message was received from the President of the United States, by SIDNEY WEBSTER, Esq., his Private Secretary, announcing that he had this day

approved and signed the following acts and joint resolution:

An act to incorporate the Georgetown Gas Light Company;

A joint resolution providing for the distribution of the works of Thomas Jefferson;

An act regulating the time of holding the sessions of the district and circuit courts of the United States for the eastern district of Louisiana; and

An act for the relief of Thomas K. Glenn.

HOMESTEAD BILL.

On motion by Mr. WALKER, the Senate, as in Committee of the Whole, resumed the consideration of the House bill "to grant a homestead of one hundred and sixty acres of the public lands to actual settlers," the pending question being on the amendment of Mr. Mason to add at the end of the bill the following:

Provided, That nothing contained in this act shall apply to any of the public lands lying northwest of the Ohio river, and which were ceded to the United States by the Commonwealth of Virginia, pursuant to the act of that Commonwealth, of 30th of October, 1783, accepted by Congress March 1, 1784; the same being by the Virginia acts and deed of cession aforesaid, considered as a common fund for the use and benefit of such of the United States as have become members of the Confederation or Federal Alliance of said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and to be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever; and the sixth article of the Constitution of the United States, providing that all "debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution, as under the Confederation."

The amendment led to considerable discussion, when

Mr. BAYARD moved that the further consideration of the subject be postponed until the second Monday in December next. This motion also led to a long discussion, in which Messrs. BAYARD, BUTLER, BADGER, CLAYTON, GWIN, STUART, WALKER, BROWN, and others participated.

Mr. HAMLIN, though opposed to the bill was opposed to the motion, desiring, as he did, to have the bill disposed of at the present session.

Mr. DOUGLAS urged the friends of the bill to resist the motion and sit the bill out.

Mr. CLAY, though opposed to the original bill, would vote against the proposition to postpone.

The question was then taken on the motion of Mr. BAYARD, and decided in the negative, as follows—yeas 24, nays 30.

The question was then taken on the amendment of Mr. Mason, and decided in the negative, as follows—yeas 17, nays 33.

Mr. BROWN then moved his amendment for the original bill, the effect of which is to allow any person to enter a quarter section of unappropriated public lands on the following scale, viz: Lands offered for sale for five years might be entered at one dollar per acre; those for ten years at seventy-five cents; those for fifteen years at fifty cents; those for twenty years at twenty-five cents; and those for twenty-four at twelve and a half cents per acre, payable in every instance at the expiration of five years, or sooner, at the option of the person, but in all cases patent to issue after payment, which was modified by Mr. CLAY, and adopted by Mr. BROWN.

The question having been taken, it was decided in the negative, as follows—yeas 16, nays 32.

Mr. BELL then moved to amend the bill by adding an additional section, the effect of which was to grant to any free white citizen of the United States who is not a freeholder, and who may not desire to settle upon the same a warrant for one hundred and sixty acres of land, which warrant shall be assignable, the assignee receiving it under the requirement to cultivate.

This amendment also led to a long discussion, in which Messrs. BELL, DAWSON, DIXON, HOUTSON, RUSK, GEYER, and others, participated, when the question was taken, and decided in the negative—yeas 12, nays 39.

Mr. CLAYTON moved to lay the bill on the table; but the motion was rejected—yeas 16, nays 35.

Other amendments offered by Mr. BELL were also voted down.

Mr. BAYARD moved to add to the bill a section, the effect of which would be, that any one erecting a habitable dwelling on any vacant quarter section of public land, and occupy the same

for five years, shall be entitled to receive a patent therefor.

This motion led to debate, and it was rejected by the following vote—yeas 19, nays 27.

Mr. HUNTER then moved his bill as a substitute for the original, which embodies the graduation and preemption principles, &c.

Messrs. CASS and BRIGHT advocated the substitute as next best; and if they could not get the bill as it came from the House, they were willing to take Mr. HUNTER's substitute.

Mr. GWIN moved to amend the substitute so that preemptions in California be put at one dollar per acre; which was agreed to.

Mr. BRODHEAD moved to amend the substitute by inserting a provision giving to all persons engaged in the military service since the Revolution one hundred and sixty acres of land.

Mr. HAMLIN modified the amendment, with Mr. BRODHEAD's permission, so as to include all who had been in any battles; and the question having been taken, it was lost, the vote standing—yeas 24, nays 24.

Several attempts were made to adjourn, but were severally defeated on a call of the yeas and nays.

It was apparent that the friends of the bill were determined to resist all efforts to adjourn until the bill was disposed of.

Mr. BAYARD moved to strike out several sections from the substitute, declaring that, much as he was opposed to the homestead bill, he would infinitely prefer it to the substitute of the Senator from Virginia.

A long debate ensued, in which Messrs. JONES, of Tennessee, DAWSON, BUTLER, TOOMBS, and others participated.

Mr. BAYARD then demanded the yeas and nays; and it was decided in the negative—yeas 4, nays 33.

Mr. SEBASTIAN moved two amendments, both of which were agreed to; one was a reservation of certain Indian rights, and the other to give present preemption rights under the bill.

Mr. CHASE moved an amendment, the effect of which was, that when the public lands in any State should be reduced to thirty thousand acres, they should be ceded to the States in which they lie.

Mr. HUNTER opposed the amendment, and the question having been taken, it was decided in the negative—yeas 6, nays 31.

Mr. BENJAMIN moved an amendment to the ninth section, by striking out that portion fixing the price of land to actual settlers at twenty-five cents per acre; or if lands have been in market twenty years, at twelve and a half cents, and to insert "at the graduated price fixed by the first section of the bill."

The question having been taken by yeas and nays, it was rejected—yeas 11, nays 29.

Mr. BAYARD then moved to strike out twenty-five cents an acre and insert "one cent," so that the price would be merely nominal in effect; which, after discussion, was decided in the negative.

Mr. BADGER urged that the bill be reported to the Senate and adjourn. They had been in continuous session from eleven in the morning until eight at night. Such protracted sessions in a season so warm was prejudicial to health and wasting to their energies.

But further amendments were proposed, and the debate continued.

Mr. BROWN submitted an amendment, the effect of which was to subject the alternate sections reserved for railroad grants to the graduating principle.

On this question the yeas and nays were ordered, and it was decided in the negative; yeas 4, nays 39.

Mr. CHASE moved to strike out the word "white," believing, as he did, that it would give strength to the bill.

The question was taken on the motion of Mr. CHASE, and it received 8 affirmative votes to 38 nays.

The question was then taken on Mr. HUNTER's substitute as it was amended, and it was decided in the affirmative, as follows—yeas 34, nays 13.

The bill was then ordered to be engrossed for a third reading, and the Senate adjourned at nine o'clock, p. m.

[A perfect report of the proceedings of this day

could not be prepared in time for the Congressional Globe, but they will be found in the Appendix.]

HOUSE OF REPRESENTATIVES.

FRIDAY, July 21, 1854.

The House met at eleven o'clock, a. m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

The SPEAKER. The business first in order is the disposition of bills on the Speaker's table of a private character.

Mr. PHILLIPS. I ask the unanimous consent of the House to discharge the Committee of the Whole House from the further consideration of the bill of the Senate (No. 257) "to confirm the claim of Dusuan de la Croix to a lot of land therein described," with a view of taking it up and putting it upon its passage. It is a bill to confer the title of a town lot. I will state that this matter has been before Congress for three years without objection to it, and we have never been able to reach it.

No objection being made, the Committee of the Whole House was discharged from the further consideration of said bill; which was then ordered to a third reading, and was accordingly read the third time, and passed.

On motion by Mr. BERNHISEL, it was

Ordered, That leave be granted to withdraw from the files of the House the petition and papers in the case of Orson Hyde, that the same may be referred to the Indian bureau.

Mr. BRIDGES. I ask the unanimous consent of the House to report back from the Committee on Patents and the Patent Office the petition of Cyrus Buckland, master machinist United States armory, and that the same may be referred to the Committee of Claims.

There was no objection; and the petition was accordingly referred.

Mr. MIDDLESWARTH. Circumstances have made it necessary for me to leave the city for a short time. For this reason, I ask the unanimous consent of the House to make certain reports now in my possession.

There was no objection; and

Mr. MIDDLESWARTH, from the Committee on Revolutionary Pensions, made adverse reports upon the petitions in the following cases; which were laid upon the table, and ordered to be printed:

The petition of the children of William Peters, of New York, praying for arrears of pension due to him for services during the revolutionary war; and

The petition of Achsa Noys, of New York, praying for a pension.

WASHINGTON AND ALEXANDRIA RAILROAD.

Mr. MAY. I ask the unanimous consent of the House to take from the Speaker's table Senate bill (No. 388) "authorizing the extension of the Alexandria and Washington railroad into the District of Columbia."

It asks for no appropriation, and I hope there will be no objection to its being taken up and passed.

The bill was read through for information. It authorizes the Alexandria and Washington Railroad Company, incorporated by the Legislature of Virginia, to construct a railroad from Alexandria, in the State of Virginia, to Washington, District of Columbia. To extend this road from any point on the Virginia side of the Potomac river, to which said road may be constructed, at or above the aqueduct of the Alexandria canal into the District of Columbia, connecting with the Baltimore and Washington railroad depot, by the most convenient and practicable route or routes, passing through or along such streets or avenues, except the Pennsylvania avenue, of Washington and Georgetown, as the corporate authorities thereof may respectively approve.

The second section authorizes the said company to construct a bridge over the Potomac river, on or above, or west of the aqueduct of the Alexandria Canal Company, provided said bridge shall only be built on or over the piers of the aqueduct, with the consent of the Alexandria Canal Company; and provided further, that, in constructing said bridge, and crossing the Chesapeake and Ohio canal, said bridge and railroad shall be so constructed as not to injure or obstruct the navigation of said canal; and that this act shall not prevent Congress from giving like privileges to any other railroad company or person.

The third section provides for the establishment of depots in Washington and Georgetown, and for the laying of tracks, with proper turnouts, &c., in said cities, subject to such terms, conditions, restrictions, and taxation, and to such rules and regulations relative to the construction, repairs, and working of the road within said cities as the corporate authorities thereof shall, from time to time, respectively prescribe, so far as it may be within their limits: *Provided*, That no higher rates of taxation shall be imposed than is prescribed in the charters of said cities, and that said company shall keep an office in Washington or Georgetown, and shall have the power to sue and be sued, &c.

Mr. EDGERTON. If the bill gives rise to debate, I shall object to it.

Mr. HAVEN. I have heard the bill read through, and I think that it ought to pass. It is properly guarded, and, with the gentleman's consent, I shall call for the previous question.

Mr. MAY. There are two or three amendments which I propose to offer, and which are necessary for the perfection of the bill.

The SPEAKER. The bill has not been read a second time yet. It will be read a second time, and it will be then open for amendments.

Mr. HAVEN. I withdraw the call for the previous question.

The bill was then read a second time.

Mr. MAY moved the following amendments; which were severally agreed to:

In the fourteenth line, after the words "or avenues" insert "except the Pennsylvania avenue."

In second section strike out the word "their" and insert "a railroad."

Mr. MAY then offered the following amendment:

Add as an additional section:

Sec. 4. *And be it further enacted*, That the Baltimore and Ohio Railroad Company be, and it is hereby, authorized to construct and extend the Washington branch of said road according to such route as may be most convenient through the said District, to some point on the Potomac river, opposite to, and near the city of Alexandria, in Virginia, for the purpose of forming a connection with said river, and the lines of railroad running south, subject to the provisions of its present charter; and the said company are hereby authorized to locate, construct, and operate the said extensions hereby authorized through such parts of the city of Washington or public reservations as the corporate authorities thereof, or the President of the United States, may consent to; and also to build a bridge or bridges over the eastern branch of the Potomac river, at some point above the navy-yard: *Provided*, however, That the same shall not obstruct the navigation thereof; and said company shall have power to locate and establish a depot, and erect the necessary buildings thereon, and also to erect such wharves and piers into said river as may be necessary: *Provided*, That the same shall not obstruct the navigation thereof: *Provided*, further, That the said Baltimore and Ohio Railroad Company be subject to the same conditions and restrictions in extending their road through any part of the city of Washington as are prescribed for the Alexandria and Washington Railroad Company.

Mr. JONES, of Tennessee. I raise a question of order upon that amendment. It relates to a different road and a different subject from that provided for in the bill.

The SPEAKER. The bill came in by unanimous consent, and refers to a railroad in the District of Columbia.

Mr. JONES. Exactly, but not to the Baltimore and Ohio railroad.

Mr. HAVEN. I desire to say that my friend from Tennessee misapprehends the operation of this bill. It simply gives the right to the Baltimore and Ohio Railroad Company to run their road to the river, subject to any restrictions that the corporate authorities may see fit to impose upon them. It is wise to leave this matter to them, and I am willing to leave it in their hands. I move the previous question.

Mr. JONES. I submit this question to the Chair, whether it is in order to put one private bill upon another?

Mr. DAVIS, of Indiana. It is no private bill.

Mr. JONES. Then it has no business here to-day.

The SPEAKER. The gentleman from Tennessee seems to have forgotten that the bill comes up by unanimous consent.

Mr. JONES. This amendment has nothing to do with the Washington and Alexandria railroad. It relates to an entirely different road. When leave was first asked to take up the bill, I asked for the reading of the bill in order that I might

ascertain what was in it; and hearing nothing objectionable in it, I made no objection.

The SPEAKER. Nevertheless, it is in order to amend the bill, and it will be for the House to determine whether or not the amendment shall be adopted.

The previous question was then seconded, and the main question ordered to be put, being first on the adoption of the amendment.

Mr. JONES. On that I call for the yeas and nays.

The yeas and nays were not ordered.

Mr. JONES. I now move to lay the bill and amendment on the table.

Mr. ROBBINS. I call for the yeas and nays on that motion.

The yeas and nays were not ordered.

The question was then taken on the motion to lay the bill on the table; and it was not agreed to.

The question then recurred on the adoption of the amendment.

Mr. WHEELER. I demand tellers.

Tellers were not ordered.

The question was taken; and, on a division, there were—ayes 80, nays 38.

So the amendment was agreed to.

The bill was then ordered to be read a third time.

Mr. HAVEN. I move the previous question upon the passage of the bill.

The previous question was seconded, and the main question ordered to be put.

The bill was then read a third time.

Mr. ROBBINS. Upon the passage of the bill I demand the yeas and nays.

The yeas and nays were not ordered.

The question was then taken; and it was decided in the affirmative.

So the bill was passed.

The title having been read,

Mr. MAY moved to amend the same by adding thereto the words "and conferring certain privileges on the Baltimore and Ohio Railroad Company;" so as to make it read

An act authorizing the extension of the Alexandria and Washington railroad into the District of Columbia, and conferring certain privileges on the Baltimore and Ohio Railroad Company.

The amendment was agreed to.

Mr. TAYLOR, of Ohio. I move to reconsider the vote by which the bill was passed, and also to lay the motion to reconsider upon the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. JONES, of Tennessee. I call for the regular order of business.

Mr. EDGERTON. I appeal to the gentleman from Tennessee to withdraw his call for the regular order of business, to enable me to ask the unanimous consent of the House, to report from the Committee of Claims certain private bills, for the purpose simply of referring them.

Mr. JONES. I cannot withdraw the call. I want the regular order of business.

Mr. KERR. Have we not the right to report private bills on Friday morning?

The SPEAKER. Not to-day.

PAYMENT OF LOAN TO NEW MEXICO.

The joint resolution of the Senate No. 18, being first in order on the Speaker's table, was taken up and read a first and second time by its title, as follows:

A resolution authorizing the Secretary of the Territory of New Mexico to adjust and pay to Juan C. Armijo, José L. Perea, and James L. Collins, the amount by them loaned to the Legislative Assembly of the Territory of New Mexico, under authority of a joint resolution of that body, approved June 17, 1851.

Mr. PHELPS. This resolution does not involve an appropriation or expenditure of money, and I ask that the House shall put it upon its passage at this time. I will explain the facts connected with it in a very few words. Some two or three years ago, the Secretary of the Territory of New Mexico being absent during a session of the Legislature, the Legislature passed a resolution authorizing the negotiation of a loan for the purpose of paying the expenses of the session of the Legislative Assembly. Such a loan was negotiated and received from these men, and disbursed for the payment of the expenses of the session. A portion of the

money can be paid from the Treasury, but the money received from those men cannot be paid without the authority of Congress. There is a sufficient amount of money on hand from the appropriation for these expenses to pay the whole amount, and all that is necessary is the recognition of the loan by Congress. The money ought to be refunded to these men who have actually paid it out, and I hope there will be no objection to having the resolution put upon its passage. I move the previous question.

The previous question was seconded, and the main question ordered to be put.

The joint resolution was then ordered to be read a third time; and it was accordingly read the third time, and passed.

SENATE BILLS.

The SPEAKER laid before the House Senate bills, which were severally read a first and second time by their titles, as follows, and referred to the Committee on Private Land Claims:

S. No. 443. An act for the relief of A. G. Penn; and

S. No. 403. An act for the relief of Gaston T. Raoul.

PRIVATE BILLS.

Mr. DENT. I would ask the unanimous consent of the House for leave to report back to the House several Senate bills.

Mr. SMITH, of Virginia. I understand the gentleman from Georgia is not in good health, and I trust that there may be no objection to his proposition:

There was no objection, and

Mr. DENT, from the Committee on Invalid Pensions, reported back Senate bill (No. 106) "to authorize the payment of invalid pensions to the heirs of Lieutenant Robert White, and others," with the recommendation that it do pass.

The bill was read in *extenso*.

Mr. DENT. The bill is a just one, and if there be no objection, I ask that it be now put on its passage.

Mr. JONES, of Tennessee. Does not the bill provide for an appropriation out of the public Treasury for the payment of these balances of pension?

Mr. DENT. It does.

Mr. JONES. Then, under the rule, it must have its first consideration in a Committee of the Whole.

Mr. TAYLOR, of Ohio. I hope there may be unanimous consent to allow the bill to be now put on its passage.

Mr. JONES. Let it go to the committee.

The SPEAKER, under the rule, ordered the bill to be referred to the Committee of the Whole House.

Mr. DENT, from the Committee on Invalid Pensions, reported adversely on Senate bill No. 360, "for the relief of John McVey;" which was laid upon the table.

The House, by unanimous consent, then proceeded to consider the private bills reported on Friday and Saturday last from a Committee of the Whole House, with the recommendation that they do pass.

Senate bill No. 76. "An act to authorize Victor Morass to relinquish certain lands and enter the same quantity elsewhere."

The bill was read in *extenso*.

The bill was then ordered to be read a third time; and was accordingly read the third time, and passed.

Mr. JONES, of Tennessee. I withdraw any objection to reporting any private bills for the purpose of referring them to a Committee of the Whole House.

The SPEAKER. The House have already disposed of all the private bills upon the Speaker's table.

Mr. JONES. I mean the private bills in the hands of members to be reported, but not to be put upon their passage.

Mr. ORR. I think we had better dispose of the bills reported from a Committee of the Whole House.

Mr. EDGERTON. I will say that it will not take five minutes to report the bills I have in my hands. They can be referred to a Committee of the Whole House.

Mr. MACE. I object.

The following Senate bills reported from a Com-

mittee of the Whole House without amendments, were severally ordered to be read a third time, and were accordingly read the third time, and passed:

S. No. 73. An act for the relief of the legal representatives of Joshua Kennedy, deceased;

S. No. 127. An act for the relief of John Phagan;

S. No. 125. An act for the relief of Ezra Williams;

S. No. 90. An act for the relief of Charles Cooper & Co.;

S. No. 91. An act for the relief of James Dun-ning; and

S. No. 29. An act for the relief of Joseph Mitchell.

House bill (No. 99.) "for the relief of Captain George Simpson, of Galveston," and House bill (No. 131) for the relief of the heirs of Joseph Gerard," reported without amendment, were severally ordered to be engrossed and read a third time; and being engrossed, were accordingly read the third time, and passed.

House bill (No. 173) "for the relief of Mrs. Helen Mackay, widow of the late Colonel Aeneas Mackay, deputy quartermaster general of the United States Army," came up next in order.

Mr. WASHBURN, of Illinois. I demand the previous question upon the engrossment of that bill.

The previous question was seconded, and the main question ordered to be put.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was subsequently read a third time.

Mr. ORR. That was a bill which gave rise to a good deal of debate in committee. I was myself opposed to the principle of the bill. I think it is wrong, and therefore I demand the yeas and nays upon its passage.

The yeas and nays were ordered.

The question was then taken; and it was decided in the affirmative—yeas 92, nays 58; as follows:

YEAS—Messrs. Willis Allen, Appleton, Ashe, Bennett, Benson, Bliss, Bugg, Campbell, Carpenter, Caruthers, Chandler, Clark, Cook, Corwin, Crocker, Cullom, Thomas Davis, Dick, Dickinson, Dunbar, Eastman, Eddy, Edmundson, Thomas D. Eliot, Ellison, Farley, Fenton, Flagler, Florence, Franklin, Goodrich, Greenwood, Grow, Andrew J. Harlan, Harrison, Henn, Hill, Howe, Hughes, Hunt, Johnson, Kerr, Knox, Lamb, Lindsley, McCulloch, McDougall, Mace, Macy, Matteson, Maurice, Mayall, Middlewarth, John G. Miller, Morgan, Nichols, Noble, Olds, Andrew Oliver, Parker, Peckham, Preston, Pringle, Puryear, Ready, Reese, David Ritchie, Thomas Ritchey, Sabin, Sapp, Simmons, Gerrit Smith, Samuel A. Smith, Sollers, Richard H. Stanton, Hester L. Stevens, Stratton, Andrew Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Upham, Vail, Wade, Walley, Elihu B. Washburne, Israel Washburn, Wells, Tappan Wentworth, Wheeler, and Zollicoffer—92.

NAYS—Messrs. David J. Bailey, Thomas H. Bayly, Barry, Belcher, Bocock, Breckinridge, Bridges, Caskie, Chrisman, Churchwell, Cobb, Cox, Curtis, John G. Davis, Dent, Dunham, Edgerton, Faulkner, Fuller, Giddings, Goode, Hendricks, Hibbard, Houston, Daniel T. Jones, George W. Jones, J. Glancey Jones, Roland Jones, Kittredge, Kuriz, Letcher, Lilly, McMullin, McNair, McQueen, May, Smith Miller, Milson, Morrison, Murray, Orr, Bishop Perkins, Phelps, Powell, Robbins, Rowe, Ruffin, Shaw, Shower, Skelton, William Smith, William R. Smith, George W. Smyth, John J. Taylor, Trout, Vansant, Witte, and Hendrick B. Wright—58.

So the bill was passed.

Mr. WASHBURN, of Illinois. I move to reconsider the vote by which the bill was passed, and also to lay the motion to reconsider upon the table.

The latter motion was agreed to.

Mr. EDGERTON. I now ask the unanimous consent of the House, to allow me to report from the Committee on Claims certain bills for the purpose of reference only.

Mr. McMULLIN. I hope the gentleman will wait until we have disposed of the bills upon the Speaker's table.

Mr. EDGERTON. It is not probable that we shall get through with those bills to-day.

The SPEAKER. Debate is out of order.

Objection was made.

The following bills reported from the Committee of the Whole without amendment, were then taken from the Speaker's table, ordered to be engrossed and read a third time, and being engrossed, were severally read a third time, and passed:

H. R. No. 174. A bill for the relief of D. C. Cash and Giles U. Ellis.

H. R. No. 110. A bill authorizing the payment of the balance of the property accounts between

the United States and the State of New York, for military stores in the war of 1812.

H. R. No. 107. A bill for the relief of Robert Grignon was next in order.

An amendment was reported by the Committee of the Whole to strike out the words "Robert Grignon," and insert "the legal representatives of the Menomonee tribe of Indians."

Mr. EASTMAN. I move the following as a substitute to the amendment reported by the Committee of the Whole.

Add at the end of the bill the following words: *Provided*, That before the money shall be paid to the said Grignon, the consent of the said tribe of Menomonee Indians shall be obtained thereon, which consent shall be certified to by the sub-agent of said tribe.

The SPEAKER. The amendment is not in the nature of a substitute, and the question must be first taken upon the amendment reported by the Committee of the Whole.

Mr. TAYLOR, of Ohio. Let us hear the amendment read.

Mr. EASTMAN. I can state the case in less time than it will require to read the amendment. The bill proposes to pay \$19,000 to Robert Grignon, according to the report of the Committee on Indian Affairs, under the treaty of 1836. The gentleman from Virginia, [Mr. LETCHER,] after an examination of the claim, found that the money was due; but, that there might be no chance of fraud, he moved that the money should be paid to the assigns of the said Menomonee tribe of Indians. Now, sir, as it is exceedingly difficult to ascertain what an assignment of a tribe of Indians is, I propose that, instead of adopting this amendment, we shall provide, that this tribe of Indians shall give their assent before the money shall be paid. This is the amendment I have offered.

The question was then taken upon the amendment reported by the Committee of the Whole; and it was disagreed to.

The amendment offered by Mr. EASTMAN was then adopted.

The bill, as amended, was ordered to be engrossed and read a third time; and, being engrossed, was accordingly read the third time, and passed.

The bill of the House (No. 176) "for the relief of Pamela Brown, the widow of Major General Jacob Brown, late of the United States Army, deceased," reported with an amendment, came up next in order.

Mr. KNOX. I move the previous question.

Mr. HENDRICKS. I would appeal to the gentleman to allow a brief explanation of the amendment of the Committee of the Whole.

Mr. KNOX. This bill was considered in committee, after the reading of the report accompanying it; and was reported to the House with amendment, by a general vote.

The SPEAKER. The gentleman from Illinois has called the previous question, and debate is not in order.

Mr. HENDRICKS. I hope the previous question may not receive a second. There ought to be some explanation of the amendment.

The SPEAKER. The amendment will be read.

The Clerk read the amendment, as follows:

Strike out the words: "at the rate of thirty dollars per month, to commence on the first day of January, 1854, and to continue for ten years from that date, and then cease: *Provided, however*, That if the said Pamela Brown shall die before the expiration of said period of ten years, the pension hereby granted shall cease at her death." And in lieu thereof insert the following:

And to pay her a pension at the rate of one half the pay per month to which her said husband was entitled at the time of his death; said pension to commence on the first day of January, 1838, and to continue during her natural life.

Mr. FAULKNER. I beg the gentleman to withdraw his call for the previous question, in order that I may make a single inquiry.

Mr. KNOX declined to withdraw the call for the previous question.

Mr. FAULKNER. I must really ask the House to allow me some explanation of this amendment.

The SPEAKER. Debate is not in order.

Mr. FAULKNER. I would like to inform the House—

[Cries of "Order!"]

The previous question was seconded, and the main question ordered to be put.

Mr. FAULKNER. I call for the yeas and nays upon the adoption of the amendment.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 87, nays 59; as follows:

YEAS—Messrs. Aiken, Appleton, Belcher, Bennett, Benson, Bridges, Bugg, Campbell, Carpenter, Caruthers, Chamberlain, Chandler, Clark, Cobb, Cook, Corwin, Dick, Dickinson, Edgerton, Thomas D. Eliot, Everhart, Farley, Fenton, Flagler, Florence, Franklin, Goodrich, Green, Greenwood, Aaron Harlan, Harrison, Haven, Hill, Howe, Hughes, Hunt, Daniel T. Jones, J. Quincy Jones, Knox, Lilly, McCulloch, McDougall, Mace, Macy, Matteson, Maurice, Middleswarth, John G. Miller, Morgan, Murray, Noble, Olds, Andrew Oliver, Mordecai Oliver, Parker, Peck, Peckham, Pratt, Pringle, Puryear, Reese, David Ritchie, Robbins, Rowe, Russell, Sabin, Sapp, Shower, Simmons, Gerrit Smith, William R. Smith, Sollers, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, John J. Taylor, John L. Taylor, Tweed, Upham, Vail, Wade, Walbridge, Walley, Elihu B. Washburne, Israel Washburn, Tappan Wentworth, and Yates—87.

NAYS—Messrs. James C. Allen, Willis Allen, David J. Bailey, Bliss, Bocock, Breckinridge, Caskie, Chastain, Chrisman, Clingman, Culom, Curtis, John G. Davis, Dent, Dunham, Edmundson, Ellison, Faulkner, Giddings, Goode, Grow, Hendricks, Hibbard, Houston, Johnson, George W. Jones, Roland Jones, Keitt, Kidwell, Kittredge, Kurtz, Lindsley, McMullin, McQueen, May, Smith Miller, Millson, Morrison, Nichols, Packer, John Perkins, Phelps, Ready, Ruffin, Shannon, Shaw, Skelton, Samuel A. Smith, William Smith, George W. Smyth, Stratton, Andrew Stuart, Nathaniel G. Taylor, rout, Vansant, Wheeler, Witte, Hendrick B. Wright, and Zollcoffer—59.

So the amendment was agreed to.

Mr. MORGAN. I move to reconsider the vote by which the amendment was adopted, and to lay the motion to reconsider upon the table.

The latter motion was agreed to.

QUESTION OF PRIVILEGE.

Mr. BAYLY, of Virginia. I rise to a question of privilege. I present the following resolution, which involves a question of privilege, and after it is read, I will only make a very few remarks.

The resolution was then read, as follows:

Resolved, That the committee of which the Hon. Mr. Letcher is chairman, be instructed to communicate to this House any communication made to that committee reflecting upon the representative character of T. H. Bayly, a member of this House, by Ben. E. Green, or others, with a view that the House may take such action as to them may seem proper, the said committee having decided that it was not within their jurisdiction.

Mr. HOUSTON, (*sotto voce*.) That is not a question of privilege.

Mr. BAYLY. It is emphatically a question of privilege.

Mr. HOUSTON. What I uttered was in an under tone, and not intended to be made public; but I will say that I doubt very much its being a question of privilege. A committee having been appointed under the direction of the House, who have charge of this subject, it does seem to me that it ought to be not only permitted but required to finish its action, before a member of this body can, by a resolution of the House, bring the unfinished report of that committee before the House for adjudication or action. I do not pretend to say that the gentleman is not right in bringing the matter to the notice of the House.

Mr. BAYLY. My personal character is involved in it.

Mr. LETCHER. If my colleague will give way a moment, I will satisfy the House about the matter.

Mr. BAYLY. I beg to submit my own statement. This is a matter in which my honor is concerned. The special committee have declined to take jurisdiction of a personal imputation on me—an imputation on one of the oldest members of this House—made against my conduct while I was enjoying the highest favors of this House during two successive sessions of Congress, in one of which I was chairman of the Committee of Ways and Means, and in the other of which I was chairman of the Committee on Foreign Affairs. I have been advised to take no notice of this imputation, on the ground that it obviously grows out of malice. But, sir, I do not choose to do that. By order of the special committee, I have seen that document; and I mean that this House, and the country, shall see that communication, and I mean, if the House will indulge me, that a committee of this House shall be appointed to investigate the charges made against me, that the stamp of falsehood and infamy may be placed upon the brow of my accuser. I do not choose to wait. It is only five minutes ago that I saw this document, and the charge contained in it shall be investigated, if this House will allow me justice.

Mr. LETCHER. Has the resolution been adopted?

The **SPEAKER pro tempore.** It has not been adopted as yet.

Mr. LETCHER. Well, I do not deem it necessary to say more at present than to confirm the statement made by my colleague, that the special committee have disposed of this matter so far as they are concerned. Probably, after the resolution has been disposed of, I may have something more to say in relation to it.

Mr. CAMPBELL. I do not wish to throw any obstructions in the way of the desire of the gentleman from Virginia, [Mr. BAYLY,] nor to cause any delay in this matter. But I should like to learn from the honorable chairman of the select committee the reason why that committee did not take jurisdiction of the matter, and report on it to the House? I should like an explanation to be given on this point, so that the House may thoroughly understand the matter.

Mr. HOUSTON. Mr. Speaker—The **SPEAKER pro tempore**, (Mr. PHELPS occupying the chair.) Does the gentleman from Ohio yield to the gentleman from Alabama, [Mr. HOUSTON?]

Mr. CAMPBELL. I prefer to yield to the gentleman from Virginia, [Mr. LETCHER,] as I have propounded a question to him.

Mr. HOUSTON. I was going to present to the consideration of the gentleman from Ohio himself, [Mr. CAMPBELL,] as well as to that of the gentleman from Virginia, [Mr. LETCHER,] that if we commence to draw out information from that committee, we may interfere with their investigation. I do not know what the committee has been doing; and I may say, in excuse for myself, that I do not know that any charges had been made against the gentleman from Virginia, [Mr. BAYLY,].

Mr. CAMPBELL. I do not propose to draw anything from that committee, except the reasons which will justify this House in yielding to the request of the honorable gentleman who has presented the resolution. If the gentleman's honor has been impugned; if it has been assailed through this committee, I want to know why that committee did not take jurisdiction of the matter, and exculpate him from the charges preferred against him, so as to preclude the necessity of raising another special committee.

Mr. LETCHER. Suppose, sir, a charge were preferred against the gentleman from Ohio, of five or six years' standing, and brought to the attention of that committee, would he consider, under the resolution which organized this committee, limiting it to matters before this Congress, that we had the right to go back five or six years, and commencing there, come down to the present time? There never would be an end to the investigation.

Mr. CAMPBELL. I understand, then, from what the gentleman says, that the committee did not think the resolution under which it acts was sufficiently general in its character to enable them to make an investigation of this particular matter?

Mr. LETCHER. Certainly.

Mr. CAMPBELL. Then I should like to know whether that committee is confining itself simply to the investigation of charges in relation to Colt's patent; for I understand, from the terms of the resolution, and I think it was so understood by the House, that it was the purpose of the House to give that committee full and ample powers to go back and make a full investigation of all these charges of corruption. There have been inuendoes and charges thrown out here, in rather a loose and irresponsible way, affecting the character of the members of this House, involving them in bribery, and in being controlled by improper influences. I think it is high time to put a stop to this system of general and incessant slander.

Some members of this body are perhaps to blame for giving too much weight and dignity to vague outside rumors, and mere newspaper trash. I was not present at the time this committee was raised, but had I been, I should have taken the ground that these loose inuendoes, by being indorsed to some extent by being repeated on this floor, had a greater tendency than anything else to bring odium upon Congress. Upon these idle rumors it was thought necessary to raise a committee of investigation; and now that the com-

mittee is raised, I should hope they would go fully into the investigation of the whole matter, and make a report, so that we may know whether there is any foundation in fact for any of these rumors circulated throughout the country, and repeated on this floor, so as to implicate, to some extent, the entire body.

I will move the previous question upon this resolution, if—

Mr. LETCHER, (interrupting.) I have the floor, I believe.

The **SPEAKER pro tempore.** The gentleman from Ohio [Mr. CAMPBELL] was recognized by the Chair, and was upon the floor. The gentleman from Ohio made an inquiry of the gentleman from Virginia, [Mr. LETCHER,] and, in the opinion of the Chair, he yielded only for a reply.

Mr. CAMPBELL. I merely intimated my purpose to cut off this debate, so that we might proceed to business. But before I make the motion, I will yield to the gentleman from Virginia a moment, retaining, however, my right to the floor.

Mr. EDGERTON. If the gentleman from Virginia will allow me, I wish to say to my colleague, [Mr. CAMPBELL,] that I hope before he calls for the previous question, he will permit me to offer an amendment to the resolution. I propose to amend by inserting after the name of the honorable gentleman from Virginia [Mr. BAYLY] the words "or any other member of this House," and to insert after the name of Mr. Green the words "or any other person."

Mr. CAMPBELL. My judgment differs from that of my colleague. Inasmuch as the honorable gentleman from Virginia [Mr. BAYLY] has felt that the imputation sought to be cast upon his character is of sufficient importance to call the attention of the House to it, I think it is due to him that his request be granted; but I have no idea myself of assuming the position here that there is any ground to suspect any member, until something sufficiently definite is charged by a responsible person.

Mr. GIDDINGS. Will my colleague allow me to make a suggestion?

Mr. CAMPBELL. Certainly.

Mr. GIDDINGS. I merely wish to state that the usual course of this House has been, whenever a member has felt himself assailed in his official capacity, to regard him as possessing a right to demand an investigation, as the gentleman from Virginia has now done. I therefore hope my colleague will withdraw his objection, and that the resolution will be adopted unanimously.

Mr. CAMPBELL. I agree fully with my colleague in what he has said; but it seems to me that it is better to wait until specific charges have been made of sufficient importance to call for investigation, and not to act upon mere idle rumors.

Mr. BAYLY, of Virginia. I ask the gentleman from Ohio to allow me a word.

Mr. CAMPBELL. I had intended to have moved the previous question; but if the gentleman from Virginia desires to speak, I will yield to the gentleman.

Mr. BAYLY. I beg to say that I have not the slightest disposition to make the slightest complaint of the course of the gentleman from Ohio, but I will say to him that this is no case of mere newspaper charge.

Mr. CAMPBELL. I do not so understand it.

Mr. BAYLY. If it had been a mere charge of letter-writers, I should not have felt it due to myself to have said one word. But here is a communication that has been sent to a committee of this House, signed by a name that is known, at least in this House. The gentleman from Ohio may not know, until I inform him of it, that this communication was made to this House substantially many years ago, and it turned out that there was so little semblance of truth about it that the House refused to give it any attention. But, sir, I am a little sensitive about the matter. I want to brand the thing as it will be branded when the facts become known.

Mr. WALSH. I hope the gentleman from Virginia will take the thing as philosophically as I did when a communication was sent by a convicted thief to some blockhead down South about me.

[Cries of "Order!"]

The **SPEAKER pro tempore.** The gentleman from New York is not in order.

Mr. CAMPBELL. I hope the gentleman from

Virginia will not understand me as making any sort of complaint about the course he is taking. On the contrary, I think if a communication about me, of that character, had been sent to a committee of this House by a responsible man, I should have taken the same course that he is taking. I think, under the circumstances, the request of the gentleman for a special committee to investigate the matter ought to be granted. But, sir, my object is to dispose of this matter, that we may go on with the business of the House.

Mr. LETCHER. I hope the gentleman will allow me to say a word before he calls the previous question.

Mr. CAMPBELL. Certainly.

Mr. LETCHER. I want to say a word as to the action of our committee. We decided, at the outset, that our jurisdiction, under the resolution of the House constituting the committee, should be limited to the present Congress and the members of the present Congress; that we had no power to go beyond it. And now a word with regard to this communication. This case goes as far back as the Twenty-Ninth Congress, and goes on to the last Congress in its charges against my colleague. Under these circumstances, we conceived that we had no right to investigate the matter. If we were to go back to investigate the charges that might be brought before us, there would be no stopping; we should not be able to bring the investigation to a close at all. It is our wish to bring our labors to a close as speedily as possible, and, therefore, we have given such a construction to the resolution as will confine our investigations to the present Congress.

Now, one word to the gentleman from Ohio over the way. [Mr. EDGERSON,] with regard to the members of the present Congress, that there may be no misunderstanding as to the duties of the committee. I will say that, so far as members of the present Congress are involved, the committee will, in the discharge of their duty, ascertain the facts so far as they are able, and report them for the action of the House. So far as the members of the House are concerned, our action applies to them, one and all, so far as they are brought before us.

Mr. CAMPBELL. I think that the decision of the committee in that respect was very proper, and I now apprehend their difficulty. I call for the previous question.

The previous question received a second, and the main question was ordered to be put.

The question was taken; and the resolution was adopted.

Mr. BAYLY. The resolution having been adopted, the matter being one of privilege, and being informed by my colleague that he is ready to produce the communication referred to in the resolution, I ask that it may be at once received and read, and the committee ordered.

[Cries of "Agreed!"]

The Clerk then read the communication, as follows:

WASHINGTON, July 13, 1854.

HON. JOHN LETCHER, Chairman of the Committee of Inquiry, appointed under House resolution of the 8th July, 1854:

SIR: The second clause of the resolution of the 8th instant, under which the committee of inquiry, of which you are chairman, was appointed, reads as follows:

"To inquire whether money has been offered to members, or other illegal or improper means used, either directly or indirectly, to secure the passage or defeat of any bill through Congress."

I beg leave to call the attention of the committee to the following case, which, for sake of perspicuity, I state in the form of specific charges:

Charge 1. That W. W. Corcoran, banker, did offer to Thomas H. Bayly, chairman of the Committee of Ways and Means of the Thirty-First Congress, money, or the use of money, coupled with a proposition that said Bayly should unite with said Corcoran in a joint speculation in United States Government securities.

I observe that the resolution does not propose any inquiry as to whether such offers of money, if made, were accepted. But in making this charge, I think proper to add, that, in this particular case, as I am informed, said Bayly, after consultation with his father-in-law, Judge May, declined said Corcoran's proposals, for the reason that Judge May did not think well of said proposed speculations.

Whether or not said offer of the use of money was repeated by said Corcoran to said Bayly, in connection with or apart from other joint or separate speculations, I am not prepared to assert. But that the purpose and effect of said offer was "to secure the passage of a bill through Congress," or as a general inducement to said Bayly, who, as chairman of the Committee of Ways and Means, held a control over all the appropriation bills, in most of which said Corcoran was directly or indirectly interested, is a necessary and irresistible corollary from the subsequent conduct of said Bayly,

and the facts which I herewith respectfully submit, and hold myself ready to prove, viz:

Charge 2. That said Thomas H. Bayly, as chairman of the Committee of Ways and Means, of the Thirty-First Congress, and as chairman of the Committee of Foreign Affairs of the Thirty-Second Congress, did "use improper, if not illegal, means," to wit, willful misrepresentation and falsehood, involving a breach of trust reposed in him by the House, and intended to deceive the House, and thereby "to secure the passage" of the acts of September 26, 1850, and February 10, 1852, making appropriations for the payment of the indemnity due to Mexico under the treaty of Guadalupe Hidalgo, with the full knowledge and purpose on the part of said Bayly, that the money appropriated by said acts would be, and the same was subsequently paid to said Corcoran and others; and with the further knowledge on the part of said Bayly that a large sum of money would be, and a large sum, to wit, near half a million dollars, was thereby lost to the United States, which might have been saved, had the reasonable wishes of the Mexican Government, as to the mode of payment, been acceded to.

Specification 1. Willful misrepresentation. In this: that whereas the Mexican Government, being in great want of money, and under the necessity of procuring advances at an interest of eighteen to twenty-four per cent. per annum from the bankers employed by the United States to pay said indemnity, a proposition was submitted, on behalf of the Mexican Government to the United States Government, and especially to the said Thomas H. Bayly, in his official character of chairman of the Committee of Ways and Means; and whereas, the said proposition was, that an arrangement should be made either to pay the said indemnity in advance of its falling due, directly to the Mexican Government, in the same manner as the payments under the late treaty was made to General Almonte, the Mexican Minister, or that drafts should be accepted by the United States Government, so as to render the same negotiable, the United States Government, in either case, taking a full receipt and acquittance direct from the Mexican Government.

Nevertheless, the said Bayly endeavored to deceive, and did deceive, the House of Representatives, by misrepresenting the nature of the said proposition, submitted as aforesaid, in behalf of the Mexican Government, and by stating that said proposition contemplated that Duff Green and Ben. E. Green were to be employed as the agents and bankers of the United States in making said payment, when said Bayly well knew that no such agency was ever contemplated by the said proposed arrangement.

Specification 2. Falsehood. In this: that said Bayly stated to the House of Representatives that said Ben. E. Green, when acting as chargé d'affaires of the United States in Mexico, had received, and failed to account for, the fourth and fifth installments of the indemnity due by Mexico to citizens of the United States, under the convention of 1843, when said Bayly well knew that his said statement was utterly false. And when afterwards called upon by another member of the House to withdraw said false charge, he (Bayly) said: "I did not so charge, as the report of my speech will show, for this whole matter was involved in doubt."—[see Cong. Globe, 1 sess. 32 Cong., page 359]—when said Bayly well knew that said matter was not involved in any doubt, because the circumstances of these alleged payments had been investigated by Mr. Slidell, United States Minister to Mexico, whose report fully exonerated said Ben. E. Green from all responsibility in the premises, and said Bayly had fully examined not only Mr. Slidell's said report, as published in the congressional records—[Ex. Doc., No. 133, 1st sess. 29th Cong.]—but, as he himself stated, had also examined the original documents on file in the State Department; and, therefore, must have known that his said original charge, and the assertion with which he accompanied the subsequent denial of having made said charge, were alike false and calumnious.

Specification 3. Willful falsehood. In this: that after quoting from the civil and diplomatic bill of the 3d March, 1845, the following clause, to wit:

"For paying the April and July installments of the Mexican indemnities, due in 1844, the sum of \$275,000: *Provided*, It shall be ascertained to the satisfaction of the American Government, that said installments have been paid by the Mexican Government, to the agent appointed by the United States to receive the same, in such manner as to discharge all claims on the Mexican Government; and said agent to be a delinquent in remitting the money to the United States;" the said Bayly, to give color to his said false accusation of said Ben. E. Green, and thereby to secure the passage of said bills, in the form desired by said Corcoran, said as follows:

"After the passage of the law, to which I have referred, Mr. Polk, through Mr. Slidell, and our consul in Mexico, Mr. Black, instituted an inquiry in Mexico to ascertain, if possible, whether the contingency provided for had happened. He became satisfied it had, and the money was paid." [Congressional Globe, second session Thirty-Second Congress, page 340.]

Whereas, said Bayly well knew that no part of the money was ever paid under the act quoted by him, and that Mr. Polk ascertained by the said inquiries of Messrs. Slidell and Black that the said contingency had not happened, and, therefore, refused to make any payments under the act quoted by said Bayly; and that the claimants, because of Mr. Polk's said refusal to pay under the said act, applied at the next session of Congress, and procured the insertion of the following clause in the civil and diplomatic bill of August 10, 1846, to wit:

"For paying the principle and interest of the fourth and fifth installments of the Mexican indemnities due in the year 1844, the sum of \$320,000: *Provided*, The claimants, each for himself, shall relinquish to the United States his right to said installments: *Provided*, further, That each of the claimants shall agree to take in payment the scrip of a stock bearing interest at five per cent. payable in five years."

Respectfully submitted, BEN. E. GREEN."

P. S. I submit herewith a copy of a report from the Comptroller, which fully proves the charge of falsehood as

set forth in specification third. Most of the other proofs which I wish to submit are of record, and easily produced. But the witnesses, whom it will be necessary to call, are intimate friends of said Bayly, and will be very reluctant to state any facts to his prejudice. Nevertheless, fully aware of the disadvantage of my position, I confidently believe that, if your committee will give me a fair chance, I can prove all and more than I have charged.

BEN. E. GREEN.

Mr. WALSH. Is that Green, the reformed gambler?

The SPEAKER *pro tempore*. There is an indorsement on this communication, made, as I understand, by the chairman of the select committee. Shall it be read?

Mr. LETCHER. That is an indorsement made by the committee, stating their reasons for not investigating the matter.

The SPEAKER *pro tempore*. There is also a letter from Mr. Whittlesley accompanying the documents.

Mr. BAYLY. They have nothing to do with the case.

The SPEAKER *pro tempore*. The House only directed the chairman of the special committee to report the communication of Ben. E. Green, which has been read. The other documents accompanying it are not noticed by the resolution.

Mr. BAYLY. It is not, Mr. Speaker, on my own account, as God knows, that I take this course; but it is on account of this House, of which I am one of the oldest members, and whose confidence I have, to a large extent enjoyed, as the positions which I have occupied in this body show. It is on that account alone, that I ask this House to order a committee to look into this matter; and I ask the Speaker that no personal friend of mine be put upon that committee.

The SPEAKER *pro tempore*. What number of members does the gentleman propose that the committee shall consist of?

Mr. BAYLY. I presume, seven.

Mr. WALSH. I hope the gentleman from Virginia [Mr. BAYLY] will withdraw his resolution. It is giving entirely too much importance to the charges of some miserable vagabond. Who is this Green?

Mr. DISNEY. I desire to say a word or two in relation to this matter. At the time the bill was pending before the House providing for the payment of the indemnity to the Republic of Mexico, I was induced to oppose the propositions of the then chairman of the Committee of Ways and Means, [Mr. BAYLY.] This course I was induced to take by allegations made in reference to the then Secretary of State; allegations made by the very same parties who have filed these charges against the gentleman from Virginia. I was at that time indiscreet enough to rely so far on the truth of these allegations, as to commit myself, to a partial extent, before the House. But the result was this, that these parties never could and never did furnish me with the first fact to substantiate the allegations made, and which I was instanced to reproduce to some extent before this House. Experience, then, has taught me the folly of relying upon any statement of the gentleman who make these charges. I object therefore to raising any committee, because I know that such will be the end of it; that it will all end in smoke.

The SPEAKER *pro tempore*. Does the Chair understand the gentleman from Virginia to move that this matter be referred to a committee of seven, with power to send for persons and papers?

Mr. BAYLY. That is my motion.

Mr. HOUSTON. I desire to make a suggestion to the House, which I hope will meet its approbation, and which I think will answer all the purposes of the appointment of a committee. My suggestion is, whether we cannot express the opinion of the House upon the charges contained in that paper by a motion to lay the whole proceedings upon the table, and thus give it a more emphatic reprobation than if it were referred to a committee.

Mr. RITCHIE, of Pennsylvania. I move the previous question.

The previous question was seconded, and the main question was ordered to be put; and being put, Mr. BAYLY's motion was agreed to.

PAMELA BROWN.

The question then recurred upon ordering House bill (No. 176) "for the relief of Pamela Brown," to be engrossed and read a third time;

and being put, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HENDRICKS. I move to reconsider the vote by which the bill was ordered to be read a third time.

Mr. TAYLOR, of Tennessee. I wish to inquire of the Chair whether the previous question does not still operate, and whether the gentleman from Indiana has now the right to make his motion, and debate it?

The SPEAKER *pro tempore*. The previous question is exhausted.

Mr. HENDRICKS. I feel that it is my duty to call the attention of this House for a few minutes—perhaps not to exceed five minutes—to this bill. As the chairman of the committee to which this bill was referred, it became my duty to investigate it. The committee did investigate it, and reported upon it. But when it came back to the House, there was a bill from the Senate upon the same case, containing precisely the provisions which are contained in the amendment which has been reported from a Committee of the Whole House. When that bill came up in the House it was laid upon the table.

I was not in the Hall on Friday last when this bill was considered in Committee of the Whole, and when this amendment, to which I object, was adopted. I tried to get the floor this morning before the question was upon the amendment, but having failed, and the amendment having been adopted, I now feel it to be my duty to explain its effect.

Mrs. Brown applied at the Pension Office for the pension to which she claimed she was entitled under the general law of 1802. That application was rejected because she could not prove her claim. She could not establish the fact that her husband died of the wounds received in the war of 1812, and her application was, for that reason, rejected, and she came here and asked for special relief at the hands of Congress. And why? Because she could not establish her case according to the technical rules adopted at the Pension Office. She comes here and undertakes to establish substantially before Congress what she could not establish technically before the Department, and asks Congress to grant her relief.

And what would she have received, if she had succeeded in establishing her claim to a pension under the law of 1802? She would have received \$100 per month for five years. And if she had established her right to a pension under the law of 1836, she would have received a pension of thirty dollars a month for five years. That is the law now in force, and under that law she could not have received more than the amount I have named. These were the facts under which the case came before us, and I ask the House if it was the duty of the committee to have reported more as special relief than she would have received under the general law, if she had been able to establish her claim technically at the Pension Office? The committee with which I am connected have adopted as their rule, that where special relief is granted, that special relief shall be made to correspond as nearly as possible to the general law. General laws were established on mature and deliberate consideration to cover a class of cases. The committee have adopted as a rule that they will not take special cases which cannot be proved at the Pension Office, and put them on a better footing than those which can. Why not give Mrs. Brown the same relief which she would have obtained had she proved her case in the Pension Office? I know of no reason. The bill, as amended, gives her a pension equal to the half pay of her husband as Major General from 1838 up to this time, and to continue during her natural life. I do not know what it will amount to, nor can we exactly tell until it is submitted to the Attorney General for his consideration. If it be the pay proper, then she would receive \$100 per month since 1838. If it be the general receipts of Major General, then she would receive \$200 per month since 1838. I will now yield to the gentleman from Virginia, who desires to make a few remarks.

Mr. FAULKNER. I thank my friend from Indiana [Mr. HENDRICKS] for the privilege of making one or two remarks on this bill. When it was first announced this morning, I sought to obtain the floor, and to call attention to its provisions;

but I was arrested by a stern and vociferous demand for the previous question. I have not risen to question Mrs. Brown's claim for a pension. Far from it. No member of this body would more promptly solace her declining days by some unmistakable evidence of the gratitude of her country than I would. I well remember, when but a mere youth, the delight which I derived from a motion made by General Harrison, then a member of the Senate, to confer on her a pension. I gave expression to my feelings in the first article which I ever wrote for a newspaper. I am therefore not opposed to giving her a liberal pension; but I am opposed to this bill as it now stands, because, instead of a pension, it bestows an enormous fortune upon that lady. I was in the House when the amendment was offered, a week ago. It attracted but little attention at the time, owing to the difficulty of learning precisely what its character was. It certainly attracted very little of my attention. Observing it the next day in the Daily Globe, I made a calculation of the amount bestowed by the amendment. I saw that the words "proper pay" of a Major General was not used, but such monthly pay as her husband was entitled to at his death. I found that if restricted in its construction to proper pay, it was giving her in hand \$19,000, and \$1,200 per annum—if it received a more liberal construction, such as the language of the amendment would justify, it was giving her from \$38,000 to \$56,000, according to the position which General Brown might have been occupying at his death, and from \$2,500 to \$3,500 per annum for the balance of her life, according to the same rule.

I made out a statement of my view of this law, and forwarded it to the Commissioner of Pensions, with the request that he would advise me of the construction which he would place on this amendment if it became a law, and what amount he would feel required to pay under its terms. Several days have elapsed since I addressed that letter to Judge Waldo, and although I requested an immediate answer, I have not, up to this hour, heard a word from him. I have, within the last half hour, sent a page to the Pension Office to hasten his reply. The messenger has not yet returned. Now, sir, it is certain, under this law, if passed, we shall vote to Mrs. Brown at least \$19,000 in hand, and perhaps \$56,000. If we are disposed to violate the whole object and spirit of the pension system, and to substitute enormous fortunes for pensions, let us at least do it understandingly. That is all I ask. Do not let us vote it in the dark, and protect ourselves behind the plea that we were entrapped by the phraseology of the law, and did not know what we were doing. This House shall have no such pretext for its action upon this occasion. The language of the amendment is very intelligible to the few who comprehend the mode in which the pay of an officer of the Army is calculated. It bestows an enormous sum—far beyond what any one would for a moment contemplate as a proper pension provision—and far beyond what the country would tolerate if they are made acquainted with it. I repeat, sir, I am for a just and liberal pension, but I am against the bestowal of fortunes, the lion's share of which, in all probability, is to go to some scheming and voracious agent.

Mr. TAYLOR, of Ohio. With the permission of the gentleman from Indiana, I will make a word of reply to the gentleman from Virginia. The gentleman said that when this matter was under consideration, a few days ago, it elicited very little attention. It attracted great attention. The report of the Committee on Invalid Pensions was read by the Clerk at the request of members. Reports have been made for the last thirteen years, in favor of giving this poor widow of seventy-nine years of age a pension. The report was read, and the committee, in voting, fully understood the case.

Mr. FAULKNER. I will ask the gentleman from Ohio, if the bill will not, by one construction of it, place \$50,000 in the hands of this lady?

Mr. TAYLOR. I understand this: that favorable reports have been made in this case from 1838 to this time, recommending that she might receive half the pay proper for her deceased husband, one of the most gallant men ever known in the American service. It has been withheld from that time to this, about \$100 a month, which I am willing she should now receive.

Mr. HENDRICKS. The amount to which Mrs. Brown would be entitled, depends upon the law under which she would receive it. Under the law of 1802 she would receive half of the pay received by her deceased husband at the time of his death, which would amount to \$100 per month, as the whole pay of the deceased would be \$200. Why this distinction and this uncertainty in legislating for this lady. She is to be given, in hand, \$20,000, at the lowest rate, and \$1,200 a year as long as she lives. The gentleman from Ohio [Mr. TAYLOR] just stated that Mrs. Brown was seventy-nine years of age.

Mr. TAYLOR. I understood she was seventy-nine, but a friend near me says sixty-nine. I hope she may live twenty years more.

Mr. HENDRICKS. The gentleman from Ohio is mistaken in her age. The committee, at the time the bill was reported, understood, from the evidence before them, that she was seventy-nine years of age. That is my understanding now. I do not care whether she is sixty-nine or seventy-nine. If the object is to give her \$20,000, I say it is not intended for her, but others. The \$1,200 a year will be for her, and it will be as large, if not the largest, pension ever given—\$100 per month. The gratuity of \$20,000 is for others.

The object of the pension laws in this country is not, as in England, to create large estates in favor of particular families; but it is to provide reasonably and properly for those who have served the country. Our general laws express the opinion of Congress from time to time as to the proper provision to be made. We are giving to the soldiers who served with General Brown, and fought as well as he, eight dollars per month, and to the widows of soldiers who have died six dollars a month for five years. There is no influence brought into this House, or the other end of the Capitol, to get anything more in these cases; but Mrs. Brown, and her family must be more magnificently provided for than any family that has ever yet been provided for by the Government. I do not call into question the bravery, gallantry, and distinguished services of General Brown. I admit all that is claimed for them. The report I made to this House admits them to the full extent, and no gentleman will go further than I will in an appreciation of these services; but I am in favor of general legislation; and if we have general laws for the relief of the soldiers of the country and their widows, we should not go beyond them, and make special laws.

Mr. GIDDINGS. Will the gentleman from Indiana permit me a moment, to make an observation?

Mr. HENDRICKS. Certainly.

Mr. GIDDINGS. I wish to make an explanation on behalf of my colleague. This case has been long pending in this body; and the report to which my colleague has alluded has been often before this body. I am of opinion that fifteen years since, a very distinguished member of this House from Massachusetts—Mr. John Reid—made the very disclosures in relation to this case that have been made now by the gentleman from Indiana, [Mr. HENDRICKS], and the gentleman from Virginia, [Mr. FAULKNER]. He then instanced how we act without proper information, and showed how we have totally dissipated the \$50,000—the naval pension fund. [Laughter.] As often as this case has been pending it has been rejected.

Mr. HENDRICKS. The widow of General Brown would have had a pension long ago, had she been satisfied with that provided for by that law which governs in all such cases, when application was made to the pension office. But that was not sufficient. A fortune was asked to be given to her. That is the reason why reports have been made from year to year, and yet no pension given. That is the reason why I oppose this proposition now. I feel it to be my duty to oppose it; and I should be glad if I felt it my duty to go in favor of the bill. I was in favor of a bill to give a pension to Mrs. Brown. I am now in favor of a bill which will give such a pension to her as the widows of other major generals receive who die in the service of their country; but I am not willing to go beyond that. I am not willing to give to other persons besides the widow \$20,000, or \$56,000, as the case may be; and I think the construction will be in favor of the \$56,000. I am willing to have a decent support provided for the widow of Genera

Brown. That is the policy of the pension laws of this country.

I am not willing to go any further. There has been a singular course pursued here this morning in reference to this bill. The gentleman who called the previous question on the bill knew very well that I felt an interest in it. I had myself reported a bill to the House for her relief. I had opposed a bill of the Senate on the same subject; and when the facts were fairly and fully explained to the House, two months ago, the House decided against the bill of the Senate, and ordered it to be laid on the table, where it lies still. This morning, when I wished fully to explain the nature of the bill, the extent of it, the amount of money to be given under it to this aged female, the gentleman from Illinois [Mr. Knox] refused to allow me the opportunity of doing so, although I had charge of the bill, and am, to some extent, responsible for the legislation of this House in regard to it. Why was this? Because the gentleman must have felt convinced that the same statement of facts which had laid the bill on the table before, would have killed his amendment. It was in vain that I told him I wanted to address the House, and that it was proper I should be heard. The gentleman refused to allow me to be heard.

I am against the bill now. I hope it may be defeated. We cannot go back and strike out the amendment. We are past that point. I hope to see a proper bill passed for the relief of Mrs. Brown; but I hope this bill, as amended, will be lost.

Mr. McMULLIN. I am opposed to the amendment of the gentleman from Illinois, [Mr. Knox,] I voted for the bill before; and now I say to the gentleman from Illinois, that if he is willing to take such a pension for Mrs. Brown as she would be entitled to under the general pension laws, I am ready and willing, and anxious to vote to give it to her. But if the gentleman insists on having more than that, I will vote in favor of laying the bill on the table, and will submit to the House a motion to lay it on the table, unless the gentleman from Illinois, will express his determination to ask only the same sort of justice for Mrs. Brown as the general law provides for the widows of other major generals.

Mr. HENDRICKS. I am willing that Mrs. Brown shall receive a pension under a general law. I am willing to remove her from under the technical rules required to be conformed to, at the pension office, and allow the loose proof which she has presented to govern the case. I am willing that she should receive a pension under the law of 1802, which will give her \$1,200 for five years; or under the laws of 1836 and 1852, which would give her thirty dollars a month for ten years. I am willing that she should have relief under either of those laws, but I am opposed to giving a gratuity of \$20,000 to any person. That is the reason why I am opposed to the bill as amended.

Mr. LANE, of Oregon (interrupting,) I desire to say a few words upon this case, if the gentleman from Indiana will allow me.

Mr. HENDRICKS. Certainly.

Mr. LANE. I could not be induced to say a word upon this matter, if I did not feel it a duty which I owe to the House and the country. I think no gentleman in the House will say that I am not a friend to the soldier, and that I do not love and appreciate the character of the brave. To no man in this House will I yield my respect for the memory of General Brown, and in this case I desire to see justice done to his family and widow, and I want to see her stand upon the same footing precisely with the widows of other officers, and gallant men who have fallen in the defense of their country.

I know an instance of a widow of an officer who fell under my own eyes. He was as gallant a man as General Brown, or as any man God ever made. After having received half a dozen shots, he was ordered to the rear. He replied, "It is not worth while; I have but five minutes to live, and perhaps not that, and I will front the enemy while I have life." He fell from his horse with those words upon his lips. I mention this as simply one case, but I know of many others. That man died without leaving any property. The night before he fell he seemed to have some presentiment that he would fall the next day, and he talked about his wife and children. "If I should fall," said he, "what will be the fate of

my wife and children? I have not fifty dollars in the world."

Now, you have granted to that widow, and the orphan children, not one of whom are able to help themselves, half pay proper for five years; and that pay you have extended for five years longer, and that will be the end of it. Now, why is there a disposition, on the part of this House, to discriminate between Mrs. Brown and the widows of other officers? Let there be no discrimination.

I say, further, that if this bill passes, the moment it receives the signature of the President, Mrs. Brown will draw from the Treasury of the United States \$56,000, and there is no accounting officer of the Treasury Department who will refuse it.

Now, do you want to make such a gratuity to anybody? I see no objection whatever to giving Mrs. Brown the \$100 per month, to which she would be entitled under the law of 1802, or the thirty dollars per month to which she would be entitled under the law of 1836. I think myself that fifty dollars per month, which some one has proposed, would be a reasonable compensation. She ought to have a reasonable compensation. But this House ought not to discriminate between Mrs. Brown and others.

The gentleman from Indiana [Mr. Hendricks] has well said that there are several pension laws, under which this could have been allowed. Under the law of 1802 she would have been entitled to \$100 per month, or, more exactly, to \$102 per month as half pay, for the full pay proper was \$204. Under the law of 1836, she would have been entitled to thirty dollars per month. Now, as Major General Brown died of the wounds received in the service of his country, under the circumstances, it would be fair, perhaps, to grant his widow a pension for ten years.

I ask the attention of the House to the reading of the amendment. I say it is fair to place Mrs. Brown upon the same footing precisely that other widows are placed upon. It is not fair that a discrimination should be made between this and other similar cases because she happened to be the fortunate wife of a brave general. I have known many brave soldiers fall, and their widows received only four dollars per month. But let her have all that his position would entitle her to, and that is enough.

Why, sir, but a day or two ago, the House refused to consider a bill increasing the pay of the poor soldier, who now receives only eight dollars per month, while you now propose to give this widow lady enough to pay a whole regiment of them. You nominally give them eight dollars a month; and, after deducting the charges which are made, they really do not receive more than four dollars per month. Sir, they are brave men; they bare their breasts to the foe as gallantly as any men who ever lived. And why this discrimination? Why legislate money into the pockets of any one, when it is not necessary for their support? It is for others, and not for Mrs. Brown. It is to make a fortune for somebody. I hope this species of favoritism will not be countenanced by the House.

Mr. HENDRICKS. I do not think it is necessary to say anything more than I have already said in reference to this bill. I have already made all the explanation that I desire to make. The friends of the bill had explained it this morning as fully as they desired, and I do not, therefore, see any further necessity for debate. I withdraw the motion which I made to reconsider, and move to lay the bill upon the table. I make this motion because the bill is not now amendable. I ask the Chair, however, if the bill could be recommitted, so that it could be amended and referred back to the House?

Mr. HUGHES. I trust the gentleman will not move to lay upon the table. I hope he will not commend to others what he himself complained of this morning.

Mr. HOUSTON. If the vote by which the bill was ordered to be engrossed and read a third time were reconsidered, the bill could then be recommitted, and any amendment made that is desirable.

The SPEAKER *pro tempore*. If a motion to reconsider the vote by which the bill was ordered to be engrossed and read a third time prevails, it will be subject to amendment, notwithstanding the fact that the amendment has been adopted by the

House, and the motion to reconsider laid upon the table.

Mr. HENDRICKS. The House has adopted an amendment which is objectionable, and from which we cannot relieve ourselves, as I understand it. The amendment has been adopted, the vote by which it was adopted reconsidered, and the motion to reconsider laid upon the table. It is therefore no longer in the possession of the House.

The SPEAKER *pro tempore*. An amendment, by way of substitute to the bill, would be in order, and would supersede the amendment.

Mr. CLINGMAN. There is no difficulty about the matter, if the vote by which the bill was ordered to be engrossed be reconsidered.

Mr. HAVEN. I should like to speak five minutes on this matter, although I am wholly uninterested in it.

Mr. HUGHES. I have written a substitute which I hope may be received. I think that it will meet with the approbation of the gentleman from Indiana.

Mr. HENDRICKS. I yield the floor, that the substitute may be read for the information of the House.

The substitute was read, as follows:

Be it enacted by the Senate and House of Representatives in Congress assembled, That the Secretary of the Interior be directed to place the name of Mrs. Pamela Brown, widow of the late Major General Jacob Brown, on the list of pensioners, and to pay her a pension, at the rate of fifty dollars per month; said pension to commence the first day of January, 1838, and to continue during her natural life.

Mr. HUGHES. With the gentleman's permission, I will say a few words on the subject.

Mr. HENDRICKS. I have made the motion to lay the bill upon the table, and I shall not withdraw it, if the friends of the bill insist on going back to give any amount, against the whole policy of the law.

Mr. STUART, of Michigan. Then I hope that the friends of the bill will stand together and oppose the gentleman's motion.

[Cries of "Order!"]

Mr. STUART. There are enough of us here to pass the bill.

[Renewed cries of "Order!"]

The SPEAKER. The gentleman is out of order.

Mr. CUMMING. It is a disgrace to the country to give a major general's widow a pension of only fifty dollars per month.

[Cries of "Order!"]

Mr. HENDRICKS. I demand the yeas and nays on the motion that the bill be laid upon the table.

The yeas and nays were ordered.

Mr. READY. Is it in order to move to recommit the bill?

The SPEAKER. It is not, pending the motion to lay upon the table.

Mr. HUGHES. If the motion to lay upon the table be voted down, I presume that the friends of the bill can then be heard?

The SPEAKER. If the motion to lay upon the table be voted down, the bill will then be open for discussion.

The question was taken on Mr. HENDRICKS's motion; and it was decided in the negative—yeas 65, nays 93; as follows:

YEAS—Messrs. James C. Allen, Willis Allen, Ashe, Barksdale, Barry, Bliss, Bocoock, Boyce, Chastain, Christian, Clingman, Colquitt, Craig, Cullom, Curtis, John G. Davis, Dent, Dowdell, Dunham, Eastman, Eddy, Edmundson, Ellison, Faulkner, Fuller, Giddings, Grow, Hendricks, Hubbard, Houston, George W. Jones, Roland Jones, Keitt, Kerr, Kidwell, Kittredge, Kurtz, Lamb, Leitcher, Lilly, Lindsey, McMullin, McNair, McQueen, May, Milligan, Morrison, Packer, John Perkins, Phelps, Phillips, Powell, Pratt, Ruffin, Shannon, Shaw, Showers, Skelton, William Smith, George W. Smyth, Andrew Stuart, Trout, Vansant, Walsh, Witte, and Hendrick B. Wright—65.

NAYS—Messrs. Appleton, David J. Bailey, Belcher, Bennett, Benson, Bridges, Bugg, Campbell, Carpenter, Caruthers, Chamberlain, Chandler, Churchill, Clark, Cobb, Cook, Corwin, Cox, Crocker, Cumming, Thomas Davis, Dawson, Dick, Dickinson, Edgerton, Edmunds, Thomas D. Elliot, English, Everhart, Farley, Fenton, Florence, Goodrich, Green, Aaron Harlan, Andrew J. Harlan, Harrison, Haven, Henn, Hill, Howe, Hughes, Hunt, Daniel T. Jones, Knox, McCulloch, Mace, Macy, Matton, Maurice, Middleswarth, John G. Miller, Morgan, Murray, Nichols, Noble, Norion, Andrew Oliver, Mordecai Oliver, Orr, Parkes, Peck, Peckham, Pennington, Pringle, Puryear, Ready, David Ritchie, Rowe, Russell, Sabin, Sapp, Simmons, Gerrit Smith, Samuel A. Smith, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, David Stuart, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Thurston, Tweed, Vail, Wade, Walley, Ellihu B.

Washburne, Israel Washburn, Wells, Tappan Wentworth, Wheeler, and Zollicoffer—93.

So the House refused to lay the bill upon the table.

Mr. HAVEN. Mr. Speaker, if the House will bear with me for a short time, I shall be grateful, and I will try and condense all I desire to say within the space of five minutes. From the little experience I have had in this House, I am convinced, I am certain, there is no more fatal way of attacking a bill or any measure, than to take the floor and speak against it, by argument or insinuation, when it has arrived at a point where it is not further amendable under our rules, and is beyond the exercise of the discretion of the House as to its details. Such has been the course of the gentlemen who have addressed the House since the previous question was voted down. They have damaged this bill, sir; I am afraid they have utterly defeated it. And that this widowed lady is again to be sent adrift under the frowns of the House of Representatives.

Now, Mr. Speaker, I have no connection with any parties who are interested in this bill. I do not know the face of one of them—they are strangers to me; but there is a name mentioned in this bill that will not allow me to sit still, although in no way connected with the matter, and hear the claims of Mrs. Brown disparaged or weakened in this House.

Sir, I speak on this subject because I live at a place from which, when I walk into the street from my front door, I can look over into Canada, upon those fields where Major General Brown—whose widow speaks to us in this bill—during the war of 1812, after the reverses of our arms, and when gloom overspread the whole nation, moved with his gallant men as a pillar of fire. Yes, sir, and when he moved, success, order, confidence, victory, followed in his train; and he retrieved our tarnished honor; established the success of our arms; and the whole nation felt proud, and was exalted by what he did. And I should be ashamed beyond recovery, Mr. Speaker, to go home to my constituents, and have it known there that I had, under any circumstances, voted against doing full justice—with no stinted hand—to the widow of that honorable, brave, and gallant man.

Sir, he was not educated to arms. He was a farmer—a brave, noble, cheerful, and hearty man, of solid sense. He won the confidence of the country. He served it cheerfully, at the peril of his life, and I will not forget him when I hear his widow's voice.

I desire to be understood. I do not vote for this bill simply because General Brown was a brave and gallant man, as I have described him. No, sir. There were other men who marched with him, shoulder to shoulder, in those dark days, and during those fearful struggles.

There was Scott, and Ripley, and Miller, and McNeal, and Porter, and there too was that gallant man whose death was announced in the papers but yesterday, General Towson. These men and others, sir, marched with Jacob Brown along our Canadian frontier, and in the enemy's country, at Fort Erie, at Chippewa, at Lundy's Lane, and at Bridgewater; they retrieved the disasters that had fallen upon our army, they burnished up our tarnished honor, and made the country hopeful, cheerful, confident, and proud. Sir, did you not read anew in the papers of yesterday, how the dispatches from Fort Erie told the country that Towson's batteries on that occasion were a continued sheet and flame of fire?

But, sir, I do not desire that this bill shall pass upon any considerations of this kind. I only mention these things as a reason why I would have this House, at this point, stop and look at the facts before they "whistle down the wind" this aged widow, who, we are told, is bending under the weight of seventy-nine years, upon a suggestion made here, that proof could not be made at the Pension Office that her husband's death was the result of wounds, exposure, and hardships in the field, whilst in the country's service.

Mr. HENDRICKS. Will the gentleman allow me one minute?

Mr. HAVEN. I beg to be excused. We are told by my friend from Virginia, [Mr. FAULKNER,] and I beg him to understand, and also the gentleman from Indiana, [Mr. HENDRICKS,] that I approve their desire to watch the Treasury, and to

keep an eye upon all these expenses. We are told by them, that, under this bill, it is uncertain how much Mrs. Brown will get. Why, sir, is it possible that this House has no knowledge of the English language? Cannot it understand a plain narration? What is the difficulty? Let me read the language of the bill:

"That the Secretary of the Interior be, and he is hereby, authorized to place the name of Pamela Brown, widow of the late Major General Jacob Brown."

Sir, I have no desire to slur or hurry over either of those names; I dwell upon them with peculiar pleasure, and the country recognize them as belonging to her.

—"upon the list of the pensioners, and pay her a pension at the rate of one half of the pay per month which her husband was entitled to at the time of his death."

What does that mean? One half pay per month. What was the monthly pay of Major General Brown? That is the only question. It is now how much were his perquisites? how much were his emoluments? or how much were his commutation rations and traveling expenses, about which things we have heard so much in discussing the army appropriation bill within the few days here; but it is how much his pay was per month? The law settles that question. The Army Register settles it. It is there stated, and any gentleman who knows anything about the law, knows what his pay—his pay proper—per month was. I submit, then, to this House, that there is nothing in the suggestion that this bill is equivocal in its language. It is clear and distinct, and the only question properly open for discussion is, whether the half pay per month is too much or not? and whether it goes back too far, starts from too remote a period or not?

Mr. Speaker, I desire to stop here, and say, that in my judgment, our pension laws are grossly wrong. I believe that in too many cases, to too great an extent, they allow agents, and persons of no particular merit, to speculate, so to speak, upon the blood, gallantry, and noble deeds of men who have performed valuable services for the country. They ought to be guarded and graduated more carefully. But I am not disposed to set them aside upon this particular occasion. I, for one, will not commence reform here, when this case comes before us; and when those who represent General Brown's flesh and blood, appeal to Congress and ask us to remember his gallant services when the country was in danger; and smooth the declining years of his bereaved and venerable widow.

Mr. FAULKNER. Will the gentleman yield me the floor for a moment?

Mr. HAVEN. Not at present, as I am almost through with my remarks. Gentlemen say that there are over \$56,000 to be given to Mrs. Brown by this bill. They say it is too much, and that it is more than she can well spend for the purpose of insuring her comfort and happiness during the few years she is to stay with us. I confess that it is more than I would pay to this lady, or those interesting persons, his and her heirs, who will represent her after her death.

But this bill makes no such princely provisions. It provides for the payment to her of one half of the regular monthly pay which Major General Brown received, and that, too, not to commence until ten years after his death, which was in 1828. Sir, will that exceed what the General himself would have accumulated for them, if his years had not been prematurely shortened by wounds and exposure in the country's service? Sir, I think it is more than the widow requires, as the bill is. It may be that it goes back too far; and I desire those gentlemen here who are friendly to this bill—who favor this pension—and who wish to see exact justice done—when I have finished the remarks which I am about making—to settle the precise point which they wish to fix for the commencement of this pension. If they desire to put it at a later date than 1838, let them do so. I prefer they should—

[Loud cries of "No!" "No!"]

Now, Mr. Speaker, one thing more, and then I will leave the matter with the House. It has already taken up too much time—time is getting precious now, sir. But it would not have been necessary to have taken up the time which has been consumed on it, were it not for the fact that these gentlemen made a stand on what they were pleased to call the equivocal language contained in the bill; that they seized upon, as the very Ther-

mopyla of the case, and by which they could, if they had got a vote upon this bill, have finished it, and defeated it forever. Now, there is my honorable friend from Indiana, [Mr. HENDRICKS,] to whom I wish to say a word. I thank him for the manner in which he has acted in relation to all this class of business, and I am far from undertaking to disparage him for what he has done in reference to this bill. He tells us that this woman—this widow—comes here as a matter of grace—as a matter of favor; and that she could not produce proof to satisfy the Pension Department; and that he seems to think a reason for disparaging this claim and defeating this bill.

Let me draw the attention of that gentleman to his own conclusions, to his own sense of justice, on this subject. What does he tell us here? He tells us that he felt constrained, on the proof before the committee of which he is chairman, to report a bill in this lady's favor; and, sir, he has reported that proof to the House. It is satisfactory to all of us, and has been satisfactory to him. What has weakened it in his judgment to-day? Was he willing to compromise with his conscience and his judgment on this question of proof, when he reported his bill in favor of this woman? Or did he, by his small bill, intend to stop half way between the bill now under consideration and nothing at all, because, in his opinion, the proofs he has reported only half established the fact in dispute? Sir, I give him credit for better logic than that. His conclusion is a *non sequitur*, and I commend my friend from Indiana to the task of over-looking, re-examining, over-hauling his argument, and seeing if his better judgment will not prevail; seeing if he did not report his bill because the proof was sufficient, abundant, and if he does not oppose this bill only because of its amount.

Now, one thing more, Mr. Speaker. I dislike this kind of legislation. As a new thing, if it were the commencement of legislation for pensions, I should be strongly inclined to vote against this bill myself, notwithstanding that Mrs. Brown, with her seventy-nine years upon her head, stood before us asking for this boon. But it is a regular part and parcel of our system of legislation. And I will ask the House, if I can induce them to go with me, at some proper time to correct it. But I ask them now, in God's name, not to commence their reform on the trembling head of that poor old lady, the relict of that man who, as I said before, retrieved our disasters, and brought sunshine to the country, after the reverses which had befallen us on our northern frontiers in the war of 1812.

Now, sir, this very report, on which our action is founded, tells us that the widow of Captain Schmuck had received a pension on the same principle; that Elizabeth Armistead, if I remember aright, received a pension on the same principle at the last session of Congress. The next instance is, and I speak it with pride, because he, too, whose widow was provided for here, was a gallant man. He, too, saw sharp service with Brown in the war of 1812 on our northern frontier. The next instance is that of the widow of Brevet Major General Worth. The bill granted to her *half pay*, (that is the language of the bill as appears in this report) during her natural life.

A MEMBER. Was it per month or per year?

Mr. HAVEN. Half pay, no matter whether it is per month or per year. According to my arithmetic, the aggregate of all the time would be the same. That bill was passed on the 7th of January, 1853, as appears from the report.

Mr. LETCHER. It only went back for two or three years.

Mr. HAVEN. Now, let me say this in reference to the remark of my friend from Virginia [Mr. LETCHER.] He says that the pension which was granted to Mrs. Worth only went back two or three years. Why, sir, that gallant man, General Worth, had only died two or three years before the passage of that act, so that it reached back to the time of his lamented death; whereas this bill proposes to start ten years from the time of the death of Major General Brown. He died in 1838, and this bill proposes to give the half pay to the widow from 1838.

Now, I want to ask the friends of this bill—those who have the charge of this matter—if their judgment tells them to ask that this pension should begin at a later date; for if it is so, this is the time I want to know it.

[Cries of "No!" "No!"]

Sir, I am an utter stranger to this bill. I know nothing of this case, only what has been disclosed in debate here to-day. I have spoken for this bill in some shape, because the memory of the deeds of Jacob Brown is very dear to me and to my constituents. The next precedent I find is that of Mary W. Thompson, Elizabeth W. Lomax, and Mrs. A. M. Dade, whose pensions, according to this report, commenced at the date of their widowhood—not ten years after—and continued during their lives. These bills were passed during the last Congress, and I remember that some of these widows came from the State of Virginia, and my friend from that State, [Mr. FAULKNER]—I hope he will excuse me—on that occasion did not find any unsurmountable scruples in reference to them, because the language was equivocal, or because he did not know whether it was for half pay or for whole pay. And why does he find objection now? Has he grown wiser with years?

But I have said more than I intended upon this case. We have blocked up the business of the House with this matter longer than we ought to have done. I am sorry the precedent has been set, but I will never recede from it, on the case of Mrs. Brown. Other truly needy persons are awaiting our action upon this Calendar, and as we have too long blocked up other business against the bill, and as three gentlemen have spoken consecutively against the bill, and only one in its favor, I call for the previous question upon the passage of the bill.

[Cries of "Question!" "Question!"]

Mr. ORR. I rise to a privileged motion, but I wish the gentleman from New York first to withdraw his demand for the previous question.

[Cries of "No!" "No!"]

Mr. ORR. Very well, then, if the gentleman does not choose to do so, I will not make the motion I intended, and if the friends of the bill think they can pass it, let them try, and they will, I think, find themselves mistaken.

Mr. HAVEN. I feel bound to regard the wishes of the friends of this bill, rather than those of the gentleman from South Carolina, and therefore I cannot withdraw.

Mr. WHEELER. I call for tellers upon the demand for the previous question.

Tellers were ordered; and Messrs. WHEELER and CHAMBERLAIN were appointed.

The House was then divided; and the tellers reported—ayes 73, noes 73.

So the previous question was not seconded.

Mr. ORR. When I rose before, I did it with a view of making a motion which would enable the friends of this bill to relieve themselves from the difficulty in which they have been placed, and enable them to pass the bill in a manner which I understood to be acceptable to them. But I confess I was surprised when the gentleman from New York [Mr. HAVEN] refused to withdraw the demand for the previous question, especially when it was understood by several of us who could not support the bill in its present shape, that if the bill was not laid on the table, an amendment would be offered that would be acceptable to the friends of the bill. We understood that the friends of the bill would accept an amendment, and it was for that reason that many of us voted against laying the bill upon the table who would have voted for the motion rather than pass the bill in its present shape.

Mr. HUGHES. I hope the House will not adopt the amendment recommended by the chairman of the Committee on Invalid Pensions. Those who observed the proceedings of the House will have noticed that I tried to get the floor. I myself believed that the original bill, if properly understood, appropriated none too large an amount in this case. But, rather than hazard it, I sent up an amendment which I had prepared, and which, if I could have obtained the floor, I should have advocated. But I could not get the floor. And now, sir, I give notice that, whenever I can get it before the House, I shall present it as a substitute, and urge that that meager sum, at least, be awarded to this aged widow.

Mr. HAVEN. If my friend will allow me but a moment, in order to put myself right, I will not trouble the House again in reference to this matter. The gentleman from South Carolina spoke of an understanding upon the part of the friends of the bill. Sir, I had no understanding with any

one. I had had no conversation with any one upon the subject until it came up in the House to-day. But, sir, when I was appealed to to withdraw the demand for the previous question, there was a general cry of dissent among the friends of the bill, with whom there must have been an understanding, if with any one, and therefore I declined to withdraw the demand.

One word more, and I have done. My friend from Tennessee [Mr. JONES] shows me the statute in reference to Mrs. Worth. It puts her on the pension roll at the rate of fifty dollars per month. Now, to show why I made the assertion that I did, I desire to read from the committee's report.

Mr. LANE, of Oregon. I wish to remark that Worth was Colonel, and Brown was Major General.

Mr. HAVEN. I only want to put myself right. On page second of the Senate report I find the following:

"Act of January 7, 1853, for the relief of Margaret Worth, widow of Brevet Major General Worth, granting to her half pay during her natural life."

I was misled by this, and if the House understand the explanation, I shall now resume my seat.

Mr. JONES, of Tennessee. I understand the gentleman from Oregon to state that at the time Worth was Colonel.

Mr. LANE. He was.

Mr. JONES. That is true, but he was Major General by brevet; and at the time of his death he had the command of Major General by brevet. He died in Texas while in that command, and receiving pay as such.

Mr. LANE. I think that he was receiving pay as Colonel.

Mr. ORR. Mr. Speaker, I wish to say a few words in reply to the gentleman from New York, [Mr. HAVEN.] He himself conceded that the amount of the bill was too large, yet he concluded his speech by moving the previous question, which precluded any reduction of the amount contained in the bill.

The gentleman made an eloquent speech. He eulogized the character and services of Major General Brown. I have nothing to say in derogation of them. Nobody can appreciate his ability and gallantry more than I do; but I feel that it is my duty, as a Representative in this body, not to yield to these appeals to the sympathies and feeling of honorable gentlemen. I remember that at the last session of Congress the bill for the relief of Mrs. Worth, now quoted as a precedent for giving this large pension to Mrs. Brown, was carried through Congress by the same appeal. So anxious were members to pass it, so strong was the feeling in favor of Mrs. Worth, that the previous question was demanded, and I was cut off from speaking to the bill, and the only opportunity that I had of being heard was on a motion to reconsider.

When I then made the objection that the bill would be quoted as a precedent, that we were extending our pension system too far, what was the reply? I was told that there would never again be such a case; that we had no other such officer as General Worth; and that if, perchance, we should hereafter have a case of the same sort, the same principle should be applied. I do not know whether that case goes to the extent that this one does; but I am willing to give Mrs. Brown a pension according to the usual form. I do not know but I would go a little further. And to enable the House to go back, to put the bill in an acceptable shape, and to preserve consistency in our legislation, I shall move to reconsider the vote by which the bill was ordered to be engrossed and read a third time. If the reconsideration be agreed to, it will then be in order to move a substitute. I am of opinion that it will not be in order to strike out that which the House has already inserted; hence, the only way the amendment could be made, would be by way of substitute, when the reconsideration was effected. I would suggest that the gentleman from New York [Mr. HUGHES] offer his substitute, and then allow the chairman of the Committee on Invalid Pensions to move his amendment, so that the sense of the House may be fairly tested. By doing that the bill may be passed, and the House relieved from its embarrassment.

The question was then taken; and the motion to reconsider was agreed to.

The question recurred upon ordering the bill to be engrossed and read a third time.

Mr. HUGHES. I now propose to strike out the enacting clause, and insert as a substitute for the bill what has already been read at the Clerk's desk.

I have been seeking the floor to say something upon this bill, but gentlemen upon my left say, let us vote. I do not wish to occupy the time of the House any further than by reading the last clause of the report of the committee of which the honorable gentleman from Indiana [Mr. HENDRICKS] is chairman. He says, in this report made to the House:

"When General Brown entered the Army, his property and business rendered him independent. He served the country well. But, abandoning his business, his pecuniary affairs became involved, and after many years of suffering he died, 'covered with glory,' but leaving an embarrassed estate. The widow of General Brown is now seventy-nine years old, and is dependent upon her friends for that support which the Government ought to secure to her."

Upon that report the committee introduced a bill here to pay Mrs. General Brown thirty dollars a month, from the 1st day of January, 1854; to last ten years, should she exist so long! This was the magnanimity of my friend from Indiana; and I wonder not that he advocated so warmly a bill that proposed to give such a gross amount to Mrs. Brown.

It would be useless for me to advocate this cause before the House. It would be useless for me to point you to the many brave, gallant, and honorable acts of General Brown. They are engraven upon the grateful hearts of his countrymen; and the cold monumental marble that has been raised by order of this Government to mark his grave, points you to the fact, that he lost his life in the heroic defense of his country. Gentlemen have but to wander with me one of these pleasant mornings, and read for themselves the following, on the east face of the monument erected by Congress to his memory, and written by President Adams. That inscription is as follows:

SACRED

To the memory of

Major General JACOB BROWN,

By birth, by education, by principle,

Devoted to Peace.

In defense of his country,

A warrior;

To her he dedicated his life.

Wounds received in her cause abridged his days.

The amendment which I have offered in the nature of a substitute for the bill is precisely of the same nature as the bills which have passed Congress granting a pension to the widows of Generals Worth, Belknap, Armistead, and Lomax. The cases are exactly similar, with the exception that the high rank held by Major General Brown differs from that of those other honorable gentlemen to whom I have referred. Mrs. Brown exists to-day a spared monument—the last relic of an officer who held that high position—a position which is now held by Major General Scott. And while we have spent some time during the present session of Congress on the bill to give a new title to General Scott, let us not, for Heaven's sake, by all we hold dear, by all we cherish as patriots and lovers of our country, by those memories in which are embalmed the names of those who perished in that country's defense—let us not, I say, hesitate to do this last act of simple justice to Mrs. Brown.

I will not call the previous question, as was said by the gentleman from South Carolina, [Mr. ORR.]

Mr. LANE. It is now proposed to put the bill in a proper shape; and I desire to say that in that shape I hope it will pass. I do not rise to say one word in opposition to what has been said by the gentlemen from New York, [Messrs. HUGHES and HAVEN.]

I have no desire to contravene what has been said by my friend from New York over the way, [Mr. HAVEN,] or by the gentleman from New York who has just taken his seat, [Mr. HUGHES.] Both of them have paid high tributes to the gallantry, worth, and patriotism of General Brown. And if I could command words I would join them in their eulogies, and I might say more than either. But enough has been said in that respect. You have an amendment before you, which, if

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you adopt it, will give to Mrs. Brown over \$9,000, besides placing her on the pension list at the rate of fifty dollars per month for the balance of her life. I think she ought to have it.

I have a word to say to my friend from New York, [Mr. HAVEN.] There is this difference between him and myself: I have been sometime in the field, and have had the command of soldiers. I do not mention that through any sentiment of vanity, but because it gives me the right to say that the credit of victory is not always to be ascribed entirely to the officer in lieu of the men. I am for giving equal credit to both officers and men. I want to have even handed justice done to all. I desire to see justice done to the widow of General Brown. You have a proposition here giving her a good pension, and which I think the House will readily adopt. But when you do that I desire to say that, in my opinion, there are many objects in the country entitled to your protection in this regard, entitled to bounties of this kind. Will you extend the same favor to them? Will you still require the widows of soldiers who have fallen fighting the battles of their country, to subsist on four dollars per month, while here you have before you a bill voting \$20,000 at once to a widow of an officer. Now, I mention this that the House may look to consistency in its action. I am willing to do justice to her if I knew that the House would be willing to do the same justice to others.

I am not quite done yet. I have the floor, and intend to move the previous question, unless my friend from Illinois [Mr. KNOX] wants to take the floor. It is not worth while for me to say that the amendment pleases me, and will please this House, and will, I am confident, be adopted. It is all that Mrs. Brown herself would like to have, and perhaps a little more.

Mr. HENDRICKS. Will the gentleman allow me to have the floor one moment? I do not wish to address the House again, but just to make a few remarks in reply to the gentleman from New York. That gentleman has done me the honor to read to the House a portion of my report in this case. I do not think that the gentleman from New York, by his ardent speech, indorses the gallantry of Major General Brown in any better terms than I did in the report which I made; and it is not generous in him, or in any other gentleman upon this floor, to try to place me in the position of being opposed to granting a pension to Mrs. Brown. I have not occupied that position at all, but I have occupied the position upon this floor, from first to last, in favor of a consistent course of legislation, whether it applies to one person or another.

Mr. HAVEN. I beg pardon of my friend from Indiana for interrupting him. I endeavored to do him full justice in ascribing to him a desire to do full justice to Mrs. Brown. If I did not do so, it was entirely unintentional.

Mr. HENDRICKS. The gentleman cannot claim much for doing me full justice. I did not say that I was in favor of giving Mrs. Brown thirty dollars a month, because the case was not established. I said, in my report, that Mrs. Brown—and I said it in my speech—had applied to the Pension Office, and that, under the laws and regulations which govern that bureau, she could not make out her case there.

Mr. HUGHES. Did not the Pension Bureau once pass her case?

Mr. HENDRICKS. Mr. Gallagher did once pass her case, but it was rejected by two different Secretaries. I did not say I was in favor of paying her thirty dollars a month because her case was not made out at the Pension Bureau. I said, in the report, that the facts, in my judgment, were established, not technically, but substantially, by such evidence as would satisfy a jury sitting in the box.

It is right that the different Departments should have technical rules by which they are to be governed; and, when a case which has merit in it cannot be made out according to the technicalities and laws of the Department, it is proper then to

come here to obtain relief. But they are not satisfied with such relief as they would have got at the Department, provided their case had been made out there. They must go further, and seek relief far beyond that. If the proof had been full and complete in this case, under the rules of the Department, Mrs. Brown would have received \$100 a year for five years. If she had succeeded under the law of 1836, she would have received thirty dollars a month; and by the law of 1852 that was renewed, so as to give her thirty dollars a month for ten years, and then it would end.

Now, the committee framed the bill under the last expressed will of Congress. I ask if it is the duty of the committee to disregard, in its action, the expression of the will of Congress; or is it rather the duty of a committee to follow that will, and to follow the analogy of the laws which have been enacted? We adopted the last legislation of Congress upon the subject, which legislation gives thirty dollars a month for ten years, and we framed the bill accordingly.

I have no objection to Mrs. Brown having a pension under the law of 1802. She originally wanted that, and that satisfied her then. That also has satisfied others. But it does not satisfy her now. That law would have given her \$100 a month for five years, and I ask the gentleman to find and point me to a case of general legislation, where a widow has received a pension for a longer period than five years. I know of no case since the year 1800. All the soldiers who have fought the battles of our country receive the pension for only five years. There is already enough of aristocracy in the Army without increasing it, by increasing the pay after the death of the officer. I am not in favor of this bill as it has been amended, but I am in favor of a consistent system of legislation.

I propose to offer an amendment, without, however, any idea that it will be adopted, after the course which the House has already pursued. I propose to give her the full relief which she would have received under the general law. If she had succeeded in establishing her claim under the law of 1836, she would have received a pension for five years. That is what is given to all other persons under the general law.

I ask again, if it is the duty of a committee to follow the analogies of general laws in their action, or to disregard them? If this House wishes to give Mrs. Brown \$100,000, she shall enjoy it, so far as I am concerned, without a single afterthought. I wish her all prosperity as the widow of Major General Brown. I have no feeling but that. If there are others who are to be enriched by such means, they will never be enriched out of the public Treasury by my vote. I think I have pursued such a course as a committeeman ought to pursue in reporting bills to the House. Now, if my friend from Oregon will yield me the floor still further for that purpose, I will offer an amendment, and then call the previous question.

Mr. LANE. I will allow the gentleman to offer his amendment, but I do not yield for him to call the previous question.

Mr. HENDRICKS. I then move to strike out all after the enacting clause in the bill, and insert the following:

That the Secretary of the Treasury be, and hereby is, authorized and directed to place the name of Pamela Brown, the widow of Major General Jacob Brown, late of the United States Army, upon the roll of pensioners of the United States, at the rate of \$100 per month, to commence the 18th of January, 1854, to continue five years from date, and then cease.

Mr. MILLSON. Now, will the gentleman yield to me for a moment?

Mr. LANE. I will yield to the gentleman from Virginia.

Mr. MILLSON. I do not propose to prolong this debate further than to notice a remark which fell from the gentleman from New York, [Mr. HAVEN,] some minutes since, in which he referred to the case of Mrs. Lomax, which he has somewhat misapprehended. The gentleman took occasion to say that there was a Virginia case which passed the last Congress, and on that occasion

there was no scruple or objection upon the part of the Virginia delegation. My purpose now is to set the gentleman right upon that subject.

I know that allusions have been sometimes made to what is supposed to be the disposition of the Virginia delegation upon this floor, that they only vote for appropriations affecting them or their State, while they vote against such as affect only other constituencies. It is hardly necessary for me here to enter upon a vindication of the course of the Virginia delegation in this House, where it is well understood. Although allusions of this sort are sometimes made in the newspapers, I regret that the gentleman from New York has thought proper thus to speak of the Virginia delegation.

Mr. HAVEN. I may have been again misled by the report. I relied entirely upon that. If the report is wrong, the gentleman from Virginia will correct it. I stood entirely upon the report. That says, among others, that Mrs. Lomax was to receive her pension from the date of her widowhood, to continue during her natural life.

Mr. MILLSON. I understand the facts perfectly, and it is for the purpose of stating them that I have risen.

Mr. HAVEN. I wish the gentleman from Virginia would let this matter pass. Let us have the previous question, and come to a vote.

Mr. MILLSON. I have but a word to say, and I have done. This case first passed the Senate. It was reported first as one of the strongest cases, and I think was the strongest case then presented. It came to the House of Representatives, and was referred to the Committee of the Whole on the Private Calendar. When it came up in Committee of the Whole, a motion was made by the then chairman of the Committee on Invalid Pensions, [Mr. Harris, of Tennessee,] to reduce the amount to what would have been granted under the general law, and there was not a word of objection made to that motion by any one of the Virginia delegation. The committee adopted the amendment, and the bill passed the House in its amended form. It went to the Senate where the amendment was concurred in, and the pension of Mrs. Lomax was reduced to thirty dollars per month for five years, commencing with the date of the application on the passage of the bill.

Afterwards the other bills, seven or eight in number, which had passed the Senate, at the same time came to this House, and without being referred to the Committee of the Whole, as was Mrs. Lomax's bill, were taken up by suspension of the rules, and under the operation of the previous question, passed, just as they passed the Senate. Even the gentleman who made the motion to reduce Mrs. Lomax's allowance thought it was exceedingly unjust to subject her to a rule which was not applied to any of the others, who stood on precisely the same ground. Then it was, at the close of Congress, that we passed a supplemental act restoring Mrs. Lomax's bill to the footing which it occupied when it passed the Senate. So that it seems, that so far from the Virginia case being pressed through Congress by the Virginia members, it was the only one subjected to the operation of this rule, and not a single delegate from Virginia opposed the reduction at the time it was made.

[Cries of "Question!"]

Mr. LANE, of Oregon. I do not like to see hasty legislation. It does not become us. This is an important matter, and deserves at our hands full and mature deliberation. My friend from Indiana has the right view of this question; but, while acknowledging this, I have committed myself to the amendment, and I must say that, of two evils, I took the least. Now, Mrs. Brown would be entitled, were a pension allowed her at the Pension Office, from the time of her husband's death, to \$6,000. If justice were done in this case, she would, under the provisions of the law of 1802, be entitled to \$102 a month for five years. I mention this to show that I am satisfied the chairman of the Committee on Invalid Pensions has been

conscientious. He desires Mrs. Brown to be treated as any other pensioner. He wants her placed on the footing of others, under the general law. Nay, he wishes to do better by her. He cannot establish before the Department her right to a pension, and yet he provides, by the bill he has reported, that she shall be placed on the pension list.

Here let me say, that soldiers fight the battles. I have had the good fortune to acquire some reputation as a commander, but I owe it to my command entirely. I had good help, and so succeeded, and am grateful to them for it; and should I ever fall in the service of my country, and be entitled to a pension for my wife and children, I shall will every cent of it to the soldiers under my command. They fight the battles, and it is the commander who gains the reputation. That reputation is a rich boon, and far above price. It is worth more than money. A disposition has been manifested to give to the commander and his heirs a larger pension than you give to his entire command. Will the House act upon that principle? Will they build up an aristocracy in this country, and say that, because a man has proved himself gallant as a commander, he shall receive a larger sum than the entire force under his command? God knows we have many gallant men in this country. It is a rare thing to find a coward in the service. Give our officers American soldiers, and they will make for themselves a reputation upon the field of which their country may well be proud. Let me say, in conclusion, that I desire to see as nearly as possible an equal distribution of favors on the part of the Government towards those who have served their country in its time of need. As I am under a promise to yield the floor to the gentleman from Illinois, [Mr. KNOX,] I will now do so, for five minutes.

Mr. KNOX. This House will bear me witness that I seldom trouble them with speeches. I am, unfortunately, placed in a wrong position in reference to this measure, which I believe to be one of great justice to an aged widow and her family. It so happens that I am charged with having moved the previous question in order to prevent gentlemen from a full discussion of this question. I wish simply to state the facts. When this measure was under consideration in Committee of the Whole House, I moved an amendment, and called the attention of gentlemen to the report of the committee, of which the gentleman from Indiana [Mr. HENDRICKS] is chairman. The committee immediately called for a vote upon the amendment, and it was adopted and reported to the House. This morning I took the floor, and gentlemen around me who were friends of the bill said, "Call for the previous question." I presumed that the minds of gentlemen were made up in regard to this matter, and it was not out of any want of courtesy to the gentleman from Indiana, [Mr. HENDRICKS,] or any other member upon this floor, that I called for the previous question in compliance with the general request of those around me.

I examined the case thoroughly, and became interested in it from reading first the report made by the gentleman from Indiana, then a report made in the Senate, and afterwards a speech, and the only one made upon it in the Senate, by General CASS, in which he indorsed fully everything contained in the report of the Senate committee. After this examination and investigation, I became thoroughly satisfied that the case was a just and meritorious one; and now I wish merely to add that I hope the House will not consider the case as prejudiced by anything which I may have done or said in regard to the matter.

Mr. LANE. I will yield now for a few minutes to the gentleman from Pennsylvania, [Mr. WRIGHT,] and then I shall call for the previous question.

Mr. WRIGHT, of Pennsylvania. Mr. Speaker, I do not wish to take up the time of the House by any extended remarks on the subject of this bill. But I wish to say a word or two with reference to the claims of a gallant soldier in Pennsylvania. And I hope those gentlemen who are appealing to the House in favor of the widow of General Brown, will permit me to cite an instance which has come under my own observation.

[Cries of "Order!" and "Question!"]

Mr. WRIGHT. I rise for the purpose of elaborating an incident, which proves the truth of that which has fallen from the lips of my friend

from Oregon, [Mr. LANE.] He has stated here, with truth, that it is the "rank" which receives the honors and the pay, and the "file" which does the work. There never were truer words uttered. I hold here in my hand a medal—

[Cries of "Order!" "Order!"]

Mr. EDGERTON. I rise to a question of order. The military service of the country, and the rank and file, is not the question before the House.

The SPEAKER *pro tempore*. The point of order raised by the gentleman from Ohio is well taken.

Mr. WRIGHT. I conceive that I know enough of the rules which govern this body to be aware whether I am in order or not. [Laughter.] Now, I hold here in my hand a medal, and it furnishes an illustration of the principle about which I am going to make an argument. I hold here a letter written by the Governor of Pennsylvania to William Pace, forwarding a medal. The inscription on the medal is:

To WILLIAM PACE,
In testimony of his patriotism and bravery
In the naval action on Lake Erie,
September 10, 1814.

There, sir, is the medal (producing it) granted to that man. Now, I want to say a word in respect to this man.

[Cries of "Order!" "Order!"]

Mr. WRIGHT. I am strictly in order. I give this as an illustration. William Pace was born in the same town in which I was born.

[Laughter, and renewed cries of "Order!"]

Mr. EDGERTON. I rise to a point of order. The remarks of the gentleman from Pennsylvania are not in order, as they have no connection with the question under consideration before the House.

The SPEAKER *pro tempore*. The Chair sustains the question of order raised by the gentleman from Ohio. The merits of William Pace are not under consideration. [Laughter.] The gentleman from Pennsylvania is indulging in a discussion on the merits of William Pace, who served in one of the actions on Lake Erie; and he will perceive that that is not in order.

Mr. WRIGHT. I am merely illustrating my argument by relating an incident connected with the subject before the House.

[Cries of "Order!" "Order!"]

Mr. WRIGHT. I am in order. I want to state here that I went before the Military Committee of the House as an advocate for a pension for this William Pace, who belonged to the ranks, and was deprived of the pension to which he was entitled, because—

[Renewed cries of "Order!" "Order!"]

Mr. LETCHER. I rise to a question of order. The remarks of the gentleman from Pennsylvania are out of order.

Mr. WRIGHT. I am simply illustrating—

The SPEAKER *pro tempore*. The gentleman from Pennsylvania is not in order in discussing what took place on the application of this gentleman for a pension. The gentleman will please confine himself to the bill under consideration.

Mr. WRIGHT. The gentleman from Oregon, in his remarks, alluded to the rank and file of the Army, and the title of the men to as much favor as the officers. If an officer dies, his widow, it appears, is entitled to favor and consideration at the hands of Congress, whether his case comes within the provisions of the rules laid down by the Military Committee of this House, or by the laws of Congress or not. But when it is the case of a man in the ranks, who dies in poverty, as this unfortunate man, it is another thing. It makes no difference whether he receives from his own country a medal for his services, or—

[Cries of "Order!" "Order!"]

Mr. EDGERTON. I call for the enforcement of the rules of the House. The gentleman from Pennsylvania has been decided by the Chair to be out of order, and the rules provide that when a member is called to order, he shall immediately sit down. I insist upon the enforcement of the rule.

Mr. WRIGHT. General Jacob Brown—

[Cries of "Order!" "Order!"]

The SPEAKER *pro tempore*. The gentleman from Ohio has insisted upon the enforcement of the rules of the House, and the gentleman from Pennsylvania will take his seat.

Mr. WRIGHT. I wish to know if I cannot speak to the subject?

Mr. EDGERTON. The gentleman can only speak by the consent of the House.

Mr. FULLER. I move that the gentleman be permitted to proceed in order.

The SPEAKER *pro tempore*. The gentleman can proceed in order.

Mr. WRIGHT. Mr. Brown was a native of my own State. He was a Quaker gentleman, and served his country gallantly.

Mr. RUSSELL. I rise to a question of order. It is this: the gentleman from Oregon [Mr. LANE] is entitled to the floor, and he can only yield it for the purpose of a personal explanation.

The SPEAKER *pro tempore*. The gentleman from Oregon is entitled to the floor, and if the point of order is insisted upon, the Chair will rule that the gentleman from Oregon can permit any other gentleman to occupy the floor only for the purpose of making a personal explanation.

Mr. EDGERTON. I insist upon the enforcement of the rule.

Mr. LANE. I have yielded the floor to the gentleman over the way, and to several others, and there was not a word said about it. I appeal to the House to let the gentleman proceed; and if they will allow the gentleman to go on for five minutes, I will then move the previous question.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania has raised the question of order that the gentleman from Oregon cannot yield the floor, except for personal explanation. It is true the gentleman from Oregon has yielded the floor to other individuals, and if the question of order had been raised in those instances, the Chair would have felt bound to sustain the point of order. Whenever it is insisted upon, the present occupant of the chair will enforce the rules. The Chair must rule the gentleman from Pennsylvania out of order.

Mr. LANE. I am sorry the gentleman from Pennsylvania has been ruled out of order.

Mr. WRIGHT. I am not disposed to quarrel with the House in regard to the right of speaking, yet, not having—

[Cries of "Order!" "Order!"]

Mr. LANE. I now demand the previous question.

The previous question was seconded, and the main question was ordered to be put, being first on the amendment proposed by Mr. HENDRICKS to Mr. HUGHES's amendment.

Mr. LETCHER. I demand the yeas and nays upon the amendment of the gentleman from Indiana.

The yeas and nays were ordered.

The question was then taken, and it was decided in the negative—yeas 60, nays 105; as follows:

YEAS—Messrs. James C. Allen, Willis Allen, David J. Bailey, Barksdale, Barry, Bliss, Bocoock, Caskie, Chamberlain, Chastain, Chrisman, Churchwell, Cobb, Craigie, John G. Davis, Dent, Dowdell, Dunham, Eddy, Edmundson, English, Flagler, Fuller, Giddings, Grow, Andrew J. Harlan, Hendricks, Hibbard, Houston, George W. Jones, Keitt, Kurtz, Letcher, Lindsey, McMullin, McNair, McQueen, Maxwell, May, Mayall, Smith Miller, Milson, Morrison, Orr, John Perkins, Phillips, Powell, Ruffin, Shannon, Shaw, Shower, Skelton, William Smith, George W. Smyth, Frederick P. Stanton, Stratton, Andrew Stuart, Trout, Vansant, and Daniel B. Wright—60.

NAYS—Messrs. Abercrombie, Aiken, Appleton, Ashe, Belcher, Bennett, Benson, Boyce, Breckinridge, Bridges, Bugg, Campbell, Carpenter, Caruthers, Chandler, Clark, Clingman, Corwin, Cox, Crocker, Cullom, Cumming, Curtis, Thomas Davis, Dick, Dickinson, Eastman, Edgerton, Thomas D. Eliot, Ellison, Everhart, Farley, Fenton, Florence, Franklin, Goodrich, Green, Greenwood, Aaron Harlan, Harrison, Haven, Henn, Hill, Howe, Hughes, Hunt, Johnson, Daniel T. Jones, J. Glancy Jones, Kerr, Kidwell, Kittredge, Knox, Lamb, Latham, Lilly, Lindley, Mculloch, Mace, Macy, Matteson, Middlesworth, John G. Miller, Morgan, Murray, Nichols, Noble, Norton, Mordecai Oliver, Parker, Peck, Penckham, Pennington, Bishop Perkins, Pratt, Preston, Pringle, Puryear, Ready, Reese, David Ritchie, Robbins, Rowe, Russell, Sabin, Sapp, Simmons, Gerrit Smith, Sollers, Richard H. Stanton, Hester L. Stevens, David Stuart, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Thurston, Tweed, Wade, Walbridge, Walley, Elihu B. Washburne, Israel Washburn, Wells, Tappan Wentworth, Wheeler, and Zollcoffer—105.

So Mr. HENDRICKS's amendment was disagreed to.

The question then recurred upon Mr. HUGHES's amendment; and being taken, it was decided in the affirmative.

So the amendment was agreed to.

The bill was then ordered to be engrossed and

read a third time; and being engrossed, it was accordingly read the third time.

Mr. HUGHES. I move the previous question upon the passage of the bill.

The previous question was seconded, and the main question ordered to be put.

Mr. LETCHER. I demand the yeas and nays upon the passage of the bill.

The yeas and nays were not ordered.

The bill was then passed.

Mr. HAVEN. I move to reconsider the vote by which the bill passed, and to lay the motion to reconsider upon the table.

The latter motion was agreed to.

Mr. PECK. I move that the House do now adjourn.

The motion was agreed to; and thereupon (at twenty minutes before four o'clock, p. m.) the House adjourned until to-morrow at eleven o'clock a. m.

IN SENATE.

FRIDAY, July 21, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a report of the Postmaster General, communicating, in compliance with a resolution of the Senate, information in relation to proposals submitted to him for the purchase of a site for a post office in Philadelphia; which was referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

Also, a copy of the statutes of Oregon, enacted by the Legislative Assembly at the session commencing 5th December, 1853; which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Mr. THOMSON, of New Jersey, presented a memorial of the Society of the Cincinnati, of the State of New Jersey, praying Congress to pass an act for the relief of the officers and soldiers of the revolutionary army, and their descendants; which was referred to the Committee on Revolutionary Claims.

Mr. WADE presented a memorial, in the form of a resolution, in favor of releasing the bond given for the appearance of Otho Hinton, charged with robbing the mail, and who forfeited his recognizance, now in suit in the circuit court of the United States for the district of Ohio, and of dismissing the suit; which was referred to the Committee on the Judiciary.

Also, a petition of citizens of Ravenna, Ohio, praying that the soldiers of the last war with Great Britain, and the widows of those deceased, may be allowed the same pensions as have been granted to the soldiers of the revolutionary war; which was referred to the Committee on Public Lands.

Mr. CHASE presented the following petitions, praying the abolition of slavery in the District of Columbia; which were ordered to lie on the table:

A petition of Josiah Bond and other citizens of Pennsylvania;

A petition of D. W. Atkinson, and other citizens of Warren county, Iowa;

A petition of Wesley Mart, and other citizens of Ohio; and

A petition of Caleb Stett, and other citizens of Portage county, Ohio.

Also, a petition of Josiah Bond, and other citizens of Pennsylvania, praying the abolition of slavery throughout the United States, or that the people of Pennsylvania may be relieved from the responsibility of aiding in its support; which was ordered to lie on the table.

REPORTS FROM STANDING COMMITTEES.

Mr. THOMSON, of New Jersey, from the Committee on Naval Affairs, to whom was referred a bill to establish a navy-yard and depot near the city of New Orleans, reported it back without amendment.

He also, from the same committee, to whom was referred the petition of L. F. Frazee, praying Congress to purchase his patent life-boat for the use of the Navy, asked to be discharged from its further consideration; which was agreed to.

Mr. PETTIT, from the Committee on Private Land Claims, to whom was referred the petition

of the heirs of Wolcott Lawrence, late of Monroe, Michigan, deceased, praying remuneration for lands improperly sold to him by the General Government, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. BRODHEAD, from the Committee on Claims, to whom was referred the petition of Elliot Smith, William C. Green, and Nathan Farnsworth, praying to be allowed salvage on the ship Charles Wharton, employed as a Government transport, and rescued by them when in distress off Tampa Bay, and compensation for their time, and the cargoes of their vessels, which they were compelled to throw overboard to effect the rescue of said ship, submitted a report, accompanied by a bill for their relief; which was read, and passed to a second reading. The report was ordered to be printed.

ARMY APPROPRIATION BILL.

A message was received from the House of Representatives, by Mr. McKean, Chief Clerk, announcing that the House had passed a bill making appropriations for the support of the Army for the year ending the 30th of June, 1855; which was read twice by its title, and referred to the Committee on Military Affairs.

MEETING OF CONGRESS.

Mr. GEYER asked and obtained the unanimous consent of the Senate to introduce a bill fixing the time for the next meeting of Congress; which was read a first and second time by its title.

HOMESTEAD BILL.

The bill from the House of Representatives "to grant a homestead of a hundred and sixty acres of the public lands to actual settlers," was read a third time, and the question was stated to be, "Shall the bill pass, as amended?"

Mr. SHIELDS. Before the vote is taken I wish to place myself right before my constituents, so far as my own action is concerned in abandoning what was the homestead bill, and voting for the substitute of the Senator from Virginia, which has now become the bill before us. I wish to state that, in voting for it, I am consistent with the course which I myself recommended when at the head of the General Land Office in 1845. I wish to refer to the report which I then made in order to place myself right at home, with my own friends and constituents. At that time I had the honor of making a report upon the subject of the public lands, to which I will refer. I then said:

"I therefore recommend that all lands that have been in the market not exceeding five years constitute the first class; more than five, and not exceeding ten years, the second class; more than ten, and not exceeding fifteen, the third class; more than fifteen, and not exceeding twenty, the fourth class; more than twenty, and not exceeding twenty-five, the fifth class; and that all the residue in market over twenty-five years, and remaining unsold, vest absolutely in the particular States in which they are situated."

Thus it will be seen that I then recommended precisely what is now contained in this bill as it stands, that the public lands should be divided into five classes, the price of which should be graduated according to the time they have been exposed to sale. I also used this language in the same report:

"As \$1 27 is the average maximum price of the best quality of lands, it must be admitted that \$1 25 per acre will be a sufficient minimum price for lands of the first class; one dollar for the second; seventy-five cents for the third; fifty cents for the fourth; and twenty-five cents for land of the fifth class."

I state this because, as I had to abandon what was considered a favorite measure with us in the West, and as none of us abandoned it until we considered it lost, I had the good fortune then, to fall back upon the recommendations which I had the honor to make when I was charged with this subject as the Commissioner of the General Land Office.

Mr. COOPER. I shall not detain the Senate by making any extended remarks upon this bill; but as I was absent during the period of its discussion, I merely rise to state what would have been my course in relation to it, if I had been present. I was opposed to the homestead bill as it originally came to the Senate, and should have voted against it in its original form. I am opposed to it in its present form, and would vote against it if I voted at all, but having paired off with the Senator from New York, [Mr. SEWARD,] I do

not feel myself at liberty to vote. I do not think, at this stage of the matter, that it would be proper to go into a discussion of the reasons which would have induced my opposition to the original bill. It is defeated, and that is enough for me. I merely arose, sir, for the purpose of saying that I was opposed to it, in order that my constituents may know my position in relation to it.

Mr. DOUGLAS. There have been two favorite measures with myself, with the delegation from my State, and with the people of my State, for many years; and, I believe, with the West generally. One was a graduation of the price of the public lands; the other was a homestead to the actual settler. The bill which was ordered to be engrossed last evening accomplishes both objects in a manner entirely satisfactory to some, and I have no doubt to all the people. I do not consider, therefore, that in adopting the substitute of the Senator from Virginia, we abandon anything that is material. On the contrary, we have secured the object entirely satisfactory, so far as the homestead is concerned, and we have secured the graduation principle besides.

The bill accomplished, instead of one good subject, several very good objects, and for that reason I was entirely satisfied with the result of the measure, and believe that our people will be satisfied with it. I do not think we have abandoned the House bill by any means. The bill of General Dawson, of the House, is the principle which, with a very slight modification, has been put into this bill. I think the members of the House will congratulate themselves that the bill has been modified instead of being destroyed, and that the distinguished author of that bill, who has labored so assiduously with it, will feel that while we have done justice to his own measure we have only put in another one which the House of Representatives have several times passed. They have passed the homestead before; they have passed a graduation bill before; and we have put the two together.

Mr. STUART. I should not say a word on this bill, if it were not for the intimation that the homestead principle was abandoned in it. I sought to say something on that subject the other day, but was very abruptly prevented from doing so. This bill combines everything, in my judgment, which is valuable to the United States on the one side, and to the new States and the people generally on the other. It graduates the price of the public lands upon the only principle which is practicable. It confers the power to construct railroads in all cases where the State in which the road is projected thinks it proper that it should be constructed. It also confers upon the States a power to take any portion of the lands which are in the State, at a graduated price, and to apply those lands according to its own wisdom. It secures, in each case, to the Government of the United States the graduated price, by providing that the patent can, in no case, issue until the graduated price is paid into the Treasury, and secures to every actual settler a homestead upon a principle and upon a basis as practically useful as any that can be devised.

It does it at a price within the reach of every man of common capacity and common industry, and, sir, the homestead provision within itself carries with it that check upon the graduation principle which has given more difficulty, I apprehend, to those who have considered the subject than any other, to wit, it prevents private speculators from grasping the graduated land in the State, because if private speculators shall assume to purchase all the lands that lie in the State at twenty-five cents an acre for instance, they do not retard the homestead man, for he can take any class, even the dollar class at twenty-five cents. Hence, if speculation seek to aggrandize itself in this instance, the actual settler ceases to become the purchaser from them, and takes from the Government under this bill at twenty-five cents an acre.

Another check is placed upon that by giving the preëminent right to the States. The State has the first right under the bill to take a graduated class of lands and thus prevent them from being seized upon by speculators, and the price elevated according to speculative cupidity, so that the State never can be the loser if it takes land at a graduated price and sells it, or lets the actual settler take it at the graduated price, for the State is

not to pay until the purchaser has paid, nor is the State chargeable with interest.

Now, Mr. President, when it is said that any principle of the homestead has been abandoned by this bill, a greater mistake never was fallen into. The bill is stripped of all objectionable features, which some gentlemen entertained towards the House bill. It provides a price, as I have said, one within the reach of everybody.

It takes away what some gentlemen think the obnoxious provisions in respect to the character of the persons who might enter the States under the original bill, by leaving it entirely to State laws to determine that subject; for no man can take, under the homestead principle of this bill as it now stands, unless he be a man who, by the laws of the State in which the lands lie, is entitled to hold land therein. In respect to the Territories, this capacity is given upon the only true basis—the basis of the preemption principle.

I shall not detain the Senate upon this subject. I merely rose to discharge a duty to myself. I wished, so far as lay in my power, to correct an error which may have gone abroad to the country, in consequence of remarks which may have fallen from some gentlemen, that the homestead principle is abandoned by the adoption of this bill as it is. Sir, it is secured in a shape which ought to be fully acceptable to every man with whom that principle is a favorite. Having said this much, I shall cheerfully vote for the passage of the bill.

Mr. BADGER addressed the Senate.

Mr. PETTIT. I wish to point out an error in the bill as it stands, which I hope the Senate by unanimous consent will allow to be corrected. It is a provision which was altered in the original bill, but which by a mistake was retained in the substitute of the Senator from Virginia, [Mr. HUNTER,] which has now become the present bill. It is that provision which authorizes executors and administrators to sell the infant's estate according to the laws of the infants domicile instead of according to the laws of the estate where the land lies.

This can easily be remedied by consent. The provision now is: "In accordance with the laws of the State in which such children, for the time being, have their domicile." It should read: "In accordance with the laws of the State in which such lands are situated." I hope there will be universal consent to have this amendment made before the bill is put on its passage.

The PRESIDING OFFICER. (Mr. BRIGHT.) It requires unanimous consent to make an amendment at this stage, but if there be no objection, it will be considered as adopted by unanimous consent.

There was no objection.

The discussion was continued by Messrs. TOOMBS and BADGER.

Mr. MASON. Mr. President, if this discussion is to go on, I will ask that the further consideration of the bill be postponed until to-morrow, for the purpose of going into Executive session.

Several SENATORS. "Oh, no!"

Mr. MASON. I only want to know the fact whether it is to be further discussed.

Mr. CHASE. I desire to say a few words.

Mr. MASON. Here is one gentleman who wants to discuss it.

The PRESIDING OFFICER. Does the Senator submit a motion to postpone?

Mr. MASON. I do.

Mr. HUNTER. I hope my colleague will not press it, but let us get to a vote upon the bill.

Mr. MASON. It is manifest that we cannot get to a vote to-day. The Senators over the way have consumed an hour in discussing a question which, I suppose, is not now involved.

The PRESIDING OFFICER. The question is on the motion to postpone.

Mr. MASON. At the solicitation of Senators, I withdraw it.

Mr. CHASE. I ask the indulgence of the Senate but for three minutes. I do not regard this substitute as carrying out fully the principle of the homestead bill. That principle required free grants of public lands to the landless. The principle of free grants to actual settlers, without reference to their condition, as provided for by the bill, came from the House, and which has been under discussion, was accepted by the friends of the original homestead principle, on the ground

that it was a near approximation to its requirement, since grants to actual settlers would, in fact, be, generally, grants to the landless. But the substitute now before us proposes sales, at very low prices, instead of free grants. I voted, therefore, against its adoption as an amendment of the homestead bill of the House; but the Senate has seen fit to adopt it by a large vote, and the sole question now submitted to me is, whether I will vote for the only measure which can possibly pass at this session.

I have looked carefully into this substitute. I see in it many valuable provisions. I do not see in it some things I desire to see, and I see some I should have wished not to see there. But, sir, weighing the reasons in its favor with those against it, I have come to the conclusion that I am bound to go for it. Although it is not the homestead bill, yet it secures large and important benefits to the actual settler upon the public lands directly through its own provisions, or immediately through the provisions in favor of the land States, which it seems to me ought to commend the bill to the friends of the actual settlers. I shall, therefore, vote for it.

Mr. CLAY. I feel it due to myself to make a single remark by way of personal explanation, in order to satisfy my constituents. I moved an amendment to the substitute which was introduced by my friend from Mississippi, providing that those settlers upon the public lands who held less than one hundred and sixty acres, might be permitted to enter lands adjoining their farms to an amount making, with that which they might own previous to the entry, the number of one hundred and sixty acres. I did not offer that amendment to this bill. My reason was not that I did not think that they were entitled to that preference, but because I was unwilling to peril or defer the passage of a bill which contained so many good things, by providing for an inconsiderable number of the people, and particularly in my State, where the lands will probably be reduced, under the provisions of this bill, to twenty-five cents an acre, at all events. Besides, friends of this measure from other land States, equally interested with myself in behalf of those who may now own less than one hundred and sixty acres of land, thought it better not to embarrass the bill with the amendment suggested. By their advice, I declined offering the amendment.

Mr. JONES, of Tennessee. "I come to bury Cæsar, not to praise him. The evil, that men do, lives after them; the good is oft interred with their bones." Such, I think, is the condition of this bill. Certainly we killed it last night, and all that remains for us to do is to give it a decent burial. I should like to have some pomp and ceremony about it, if I could. I have gone all round the Senate, but I cannot even get pall bearers enough to give it a respectful burial. I hope, therefore, we shall consign it to the grave. We have talked long enough.

Mr. WELLER called for the yeas and nays upon the passage of the bill; and they were ordered, and taken, with the following result:

YEAS—Messrs. Adams, Atchison, Bright, Brodhead, Brown, Butler, Cass, Chase, Clay, Dodge of Wisconsin, Dodge of Iowa, Douglas, Evans, Fitzpatrick, Geyer, Gwin, Hamlin, Houston, Hunter, James, Johnson, Jones of Iowa, Mallory, Mason, Pettit, Rusk, Sebastian, Shields, Sidel, Stuart, Sumner, Thomson of New Jersey, Toombs, Toucey, Walker, and Weller—36.

NAYS—Messrs. Badger, Bell, Dawson, Fessenden, Fish, Foot, Gillette, Jones of Tennessee, Pearce, Pratt, and Rockwell—11.

So the bill was passed.

Mr. BRODHEAD. It will be necessary to amend the title of the bill, in order to make it consistent with the substitute of the Senator from Virginia. I therefore move to amend it so that it will read as follows:

"An act to reduce and graduate the price of the public lands to purchasers and actual settlers, and to grant the right of preemption in certain cases."

Mr. ADAMS. "And for other purposes."

Mr. GWIN. That certainly does not cover the object of the bill. "And for other purposes" should be added to it.

Mr. BADGER. I would suggest that as there is some little difference amongst the friends of the bill, its title should be "An act for certain purposes therein mentioned." That will accomplish everything. [Laughter.]

Mr. BRODHEAD. I add to it the words "and for other purposes."

Mr. JONES, of Tennessee. I do not like that amendment. I am not very anxious about it by any means. I know the Senator from Pennsylvania is, as he was, an enemy of the original bill. It is said by some of the friends of the homestead principle that this is a homestead bill. If it is so, let the title declare it.

The amendment was agreed to; and the title, as amended, was adopted.

On motion by Mr. HUNTER, it was

Ordered, That the bill, as passed, be printed.

TEXAS DEBT BILL.

Mr. BRIGHT. I now move that the Senate take up the Texan debt bill.

Mr. GWIN. I hope we shall take up and consider the civil and diplomatic appropriation bill. Is it the object of the Senator to have discussion on the Texan debt bill?

Mr. BRIGHT. The object of the Senator is to get up the bill, and to have a vote upon it. I suppose it can be done this morning beyond doubt.

Mr. MASON. I ask the Senate, with great regret so far as the Senator's bill is concerned, not to take up that bill, in order that we may go into Executive session, and dispose of Executive business.

Mr. BRIGHT. The Senate will recollect that yesterday morning I promised that if it was discussed over half an hour, I should agree to postpone it. I did so with the understanding that it would be taken up this morning and disposed of.

Mr. PETTIT. I dislike to interfere with my colleague, or any other Senator, but I am very desirous of having a resolution considered, which I laid upon the table last Saturday, providing for the printing of a number of copies of the Kansas and Nebraska act. The session is drawing to a close, and it ought to be acted on.

Mr. BRIGHT. I will ask but an hour for the consideration of the bill. If it shall take more than that time, I shall be willing to let it go over.

Mr. BRIGHT's motion was agreed to; and the Senate accordingly, as in Committee of the Whole, resumed the consideration of the bill to provide for the payment of such creditors of the late Republic of Texas as are comprehended in the act of Congress of September 9, 1850, the pending question being on the amendment of Mr. BRIGHT, to add to the amendment of the committee the following:

Provided, That the interest on the debt embraced in this act shall be determined by the existing laws of the State of Texas.

The amendment to the amendment was agreed to.

Mr. HUNTER. I know it is not in order unless by general consent; but I wish to say that, if the bill is not disposed of at one o'clock, I hope we shall postpone it, and either take up the civil and diplomatic appropriation bill, or go into Executive session.

Mr. STUART. Give an hour to its consideration.

Mr. BRIGHT. That is a method of defeating the bill entirely. Senators could talk it out, if they choose, by that means. I name an hour, for the reason that, I think, within that time we can certainly dispose of it.

Mr. CHASE. I move to strike out "eight," and insert "six," so as to make the amount \$6,500,000.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio, to reduce the amount from \$8,500,000 to \$6,500,000.

Mr. CHASE. I desire to state the grounds on which that amendment is based. It will test the question as well as any other, and I think better, than any other upon this bill. The Senator from Indiana [Mr. BRIGHT] stated to the Senate that the debt and interest at this time amount to something less than \$6,000,000. Adding to the principal and interest the fourteen per cent. which the Secretary of the Treasury now pays in anticipation for debts of this class, being the premium which the stock would command in market, it made, according to the statement of the Senator from Indiana, \$6,500,000. I have verified that statement by my own calculation, and find it to be correct. The simple question submitted to the Senate now is, shall we assume \$2,000,000 of the debt of Texas in addition to that provided

for in the articles of annexation and in the act of 1850?

The Senator from Virginia has well said, and he has been followed in that by the Senator from Connecticut, [Mr. TOWER,] that there was no original obligation on the part of the United States to assume and pay this debt. The obligation is created by a positive statute; and that statute we all, without any exception, propose to fulfill. We do not propose to abate one jot or tittle of any of its obligations. But, sir, the Senator from Connecticut went on to say that this bill was a mere anticipation of interest to become due, and that, therefore, we might pay the amount proposed to be appropriated, although there was no legal claim on the Treasury. That honorable Senator, if I recollect aright, objected to the grant of public lands to the States for a particular purpose, because there was no constitutional power on the part of Congress to dispose of those lands otherwise than to dispose of the money; and that there could be no power to dispose of money, except in execution of some one of the powers of the General Government. He now tells us that there is no obligation whatever to pay these \$2,000,000; and yet he says that he will assume to pay it. I cannot quite perceive the consistency of these positions. There is no obligation to pay the money. It is a mere gratuity; yet he says to this extent we may assume to pay the debt.

Now, sir, one of the articles of the Democratic platform, if I may be pardoned for referring to such a document as that, is, that the Democratic party will not sanction the assumption by the General Government of the debts of any State. This is confessedly, all around, the assumption of \$2,000,000 of the debt of the State of Texas, without any obligation whatever on our part.

I think, sir, I have made myself clear. I simply ask for the yeas and nays on my amendment, because I conceive this to be the test question on the bill, and I suppose it may as well come to the vote.

The yeas and nays were ordered.

Mr. BAYARD. Mr. President, as I voted at the last session of Congress against the issue of stock to the amount of \$8,500,000, or something of that kind, for this debt, I wish now to give my reasons, as succinctly as I can, why I shall vote in favor of the present bill, and against the amendment.

I still adhere to the opinion that the Government of the United States is not bound for any portion of these debts beyond the extent of its agreement to pay. I do not read the law of nations according to the doctrines of some honorable Senators here, and I do not think the obligation for the debts of Texas exists; but there is an evident difference of opinion on that point. A large number of the members of this body entertain the opinion that we are bound for the whole debt of Texas for which the import revenues of that Republic were pledged. I do not admit that principle as affecting distinct nationalities; but I do not mean to enter into that question, but I mean to show why, as a matter of policy, I shall vote for this bill, though I do not consider that there is any obligation, arising out of the law of nations, on us to pay this money, or any obligation in regard to it, within the contract which we have assumed, arising, probably, from the looseness with which the provision was inserted in the act of 1850, which stipulated for the payment of ten millions to Texas. No Senator doubts the obligation to pay to the extent of that stipulation. Well, sir, what was that stipulation? It was to pay Texas \$10,000,000 in a particular mode; that is all. It was to be paid by the issue of a five per cent. stock, redeemable in fourteen years. We issued \$5,000,000 of that stock, but the act contains a proviso that the remaining \$5,000,000, which should bear an interest of five per cent., redeemable in fourteen years, should not be issued—until Texas had done any act, but until the creditors of Texas, who had a specific pledge on her import or revenue duties, should release the United States from any claims they alleged they had upon them. That is the form of the condition; but that condition did not provide that Texas should be required to have those releases filed in any given time. The obligation of the United States was not to pay money, but to issue stock.

What, then, is the position of Texas? She is the creditor of the United States for \$5,000,000.

We have chosen to retain this fund for the benefit of her and her creditors. She and her creditors cannot agree as to the terms on which the settlement shall be made. Texas, therefore, suffers the stock to remain uncalled for. It is drawing interest in the mean time, and it will draw interest until its maturity, and she comes to a settlement with her creditors. The condition does not compel her to have those releases filed at any particular time. The condition affects the creditors. She cannot draw the stock until their releases are filed; but if those releases be filed at the lapse of the time when the stock matures, the payment of the whole amount, principal and interest, is just as obligatory on this Government as if the releases were filed now. The loss may be to Texas, for she will not get her interest in the mean time. But, in point of policy, the loss is also to us, for the money is lying dead in the Treasury, and the interest is running on against us, and we shall have the \$8,500,000 to pay at the end of the time, because the stipulation is to issue stock, and not to pay money. We shall have to pay the whole amount, however, at the end of the fourteen years, and I understand this bill, in point of policy, to be based upon that idea.

What, then, is our condition? We have a redundant Treasury. Here is a case in which there are differences of opinion as to the extent of the obligation, or the equitable obligation, if you please, of the United States, to pay the whole debt, which amounts to over \$10,000,000; but the creditors are willing, as we are informed, to come in and take this \$8,500,000. We propose to pay that under this bill, if the State of Texas will agree to its provisions. Sir, if we do not pass this bill, the result may be, in the course of a few years, with the fluctuations that take place in the body, that the opinion may obtain under those circumstances, that we are bound for the whole debt, and we shall have more than \$10,000,000 to pay, with probably the Treasury not in as good a condition to pay as now.

Under these circumstances, making allowance for difference of opinion, though I do not consider that the obligation to pay exists, yet we are obliged to pay the interest, and whether we pay it in advance, or at the end of the time, is immaterial. It is perfectly certain, with the experience which we have had, that there can be no settlement of the matter on any other terms. Interest is running on against us, and the money is lying idle in the Treasury, and ultimately we shall, at any rate, have to pay \$8,500,000, and probably more, if the character of the Senate, or the views of the Senate, change as to any legal or equitable obligation on our part, under the laws of nations, to pay the whole amount of the claims of these creditors. Many able men sustain that view. I differ from them. I do not go into that ground, however, but in point of policy, thinking that we have nothing to gain by delaying the payment of this interest, and that the Treasury is now in a condition to enable us to do it, I cannot see that there is any great difference between the paying of the interest in advance, instead of paying it hereafter. I am willing, therefore, to vote for this bill.

Mr. DOUGLAS. Mr. President, I do not intend to enter into the argument of this question, but I wish to state briefly the reasons why I cannot vote for the bill. I do not hold that we are under any obligation to pay the debts of Texas any further than we stipulated to do so in the compromise measures of 1850. By one of those laws, we undertook to pay the State of Texas \$10,000,000; \$5,000,000 of which were to be reserved until Texas furnished us with the releases of the obligations of debts for which her customs revenues were bound.

We are now told that there is an inability to agree between the creditors of Texas and the State of Texas, as to the mode of payment of that \$5,000,000. If there is an inability to agree, how can they come to us and ask us to pay the amount? The creditors have no business here. They have made no contract with us. They treated with Texas. Their claim is upon Texas. We owe to the State of Texas these \$5,000,000. We were by the stipulation to pay it to Texas, and not to the creditors. We were not, however, bound to pay it to Texas until she furnished the releases. When Texas shall furnish the releases, we shall be ready to pay. I am ready to vote to pay every

dollar, principal and interest, the moment we can get a receipt which is valid, so as to liquidate the claim against us. If we pay these claims to the creditors without releases from Texas, we shall still owe to Texas, for we shall not have liquidated the obligation.

Then, sir, I am ready to pay the \$5,000,000, and interest upon it, in pursuance of our contract. That is all Texas can claim. It is stated—and I believe correctly—that, taking the \$5,000,000 of principal, and adding the interest up to this time, and adding, besides, the present premium on such stock, the whole would amount to \$6,500,000. That, I think, is the highest sum that can possibly be claimed, if we pay now. But the bill, as it stands, proposes to pay \$8,500,000. How is it that gentlemen arrive at the conclusion that we owe these additional two millions? Why, they say there will be two millions of interest due when the debt shall become payable ten years from now! That is very true. But why should we pay the money now, and pay the interest for ten years on a debt which we do not owe?

We are now paying interest on debts which we owe to foreign countries. If we were to take this money, and with it liquidate debts that we owe to foreign countries, we should stop interest on the amount of \$2,000,000. Hence I say, if we now pay interest for ten years on a debt which we shall not owe during that time, we shall be making a present to the creditors of Texas to the extent of that interest, which is \$2,000,000. I look upon this as a proposition distinctly to make a present, a gratuity, of \$2,000,000 to the State of Texas, for the benefit of her creditors, over and above any legal obligation on our part to pay.

Then, sir, if there is no legal allegation, what moral obligation is there on our part to pay this debt? We are told there is a moral obligation on us, because Texas, prior to her annexation, had pledged her revenues specifically for the payment of a certain portion of this debt. Suppose she had. Well, it is said by the annexation those revenues inured to the Treasury of the United States, and not to the State of Texas. Sir, if Texas has made an arrangement with us since she pledged her revenues, inconsistent with that pledge, it is a question between the bondholders and Texas. It is a question of faith between them with which we have nothing to do, because the creditors have no claim upon us. Texas, when she made the pledge, only pledged her faith. If she has done any act inconsistent with the pledge, it is a question between her and her creditors, with which we cannot interfere.

But, sir, is it true that, by the annexation of Texas, we diminished the means of Texas to pay her debts? If we did not, surely there is no moral obligation upon us to pay any of those debts; but if we did diminish her means to discharge her debts, it may be said there is a moral, although no legal obligation on us, to make up the deficiency. Now, do we not know it to be a historical fact that every creditor of Texas was anxious for annexation, in order thereby to increase the chances of getting his debts paid. Did not the bonds go up in the market two, three, four, or even tenfold the moment annexation took place, in consequence of annexation? Then I say the effect of annexation, instead of diminishing the means of Texas to pay her debts, or instead of diminishing the value of the obligations which she owed, was to enhance them in the market wherever they were found. This shows that we aided Texas and her bondholders by our action, instead of diminishing the value of their bonds.

Again, there was a distinct stipulation in the resolutions of annexation that Texas was to keep her own lands, and pay her own debts; thus showing that she had no claim upon us. Nobody conceived that we were ever to be called upon to pay any portion of her debt. But yet, in 1850, during the slavery agitation, it became necessary for us to buy a piece of land to which Texas had claim, and to pay her liberally for it, in order to settle an existing controversy. We did agree to pay her \$10,000,000 for that land. I voted for it. At the time I voted for it, I did not believe the land was worth enough to pay the expenses of its survey; I do not believe so now. But the \$10,000,000 were well paid to get rid of a difficulty which might carry serious, and even fatal, consequences to the permanency of the Union. We voted cheerfully to pay the \$10,000,000. At that

time the creditors of Texas wished us to insert a stipulation that \$5,000,000 should be reserved, and not paid to Texas until their releases were filed, so that they might get their debts. We were then told that the obligations were only something over \$4,000,000. If I recollect aright, the Senator from Maryland made a communication to us that \$5,000,000 was more than enough to pay the whole.

Mr. PEARCE. At the time to which the Senator refers, I did state, on the authority of a document with which I had been furnished from the auditor's office of the State of Texas, that the amount of the debts of Texas, from which her revenues from imports were pledged, was about \$4,500,000. It turned out afterwards, however, that, in this estimate, they only took into consideration those bonds in which, upon their face, the revenues from customs were pledged *eo nomine*. There were, as it turned out afterwards, other bonds for which the revenues were pledged, though not in that form, but equally as effectual. That enlarged the class. If, at the time of the introduction of that bill, I had been aware of the amount of all the debts for which those revenues were pledged, I think I should have reserved a great deal more.

Mr. RUSK. The words contained in the boundary act are: "The debts for which the revenues of Texas, from impost duties, were specially pledged." There were a great many such debts, but covering, I believe, altogether, a little less than \$5,000,000. The matter, however, was submitted to the Secretary of the Treasury, to determine what class of the debts of Texas came under the provisions of the boundary act. He examined the laws of Texas, and determined that, in all cases where the revenues generally were pledged, there was a special pledge of the revenues from impost duties.

Mr. DOUGLAS. Well, Mr. President, the point I was stating was, that we acted in 1850 upon the supposition that there were less than \$5,000,000 of the debts of Texas for which these revenues were pledged. I did not then understand that we were under the slightest moral or legal obligation to pay one dollar of that indebtedness. I did not understand that that act was making us assume any of those debts; but that, inasmuch as we were to pay \$10,000,000, and as it was understood that Texas was willing to take \$5,000,000, and to furnish receipts for the remainder, and that had been a compromise between Texas and the bondholders, we were willing to pay it in any shape that was agreeable to Texas, to whom the money was to be paid. We therefore put a stipulation that \$5,000,000 were to be reserved.

But I maintain that does not contain any implication that we assumed to pay the bonds, for the assumption was to Texas and not to the bondholders. We had nothing to do with the creditors. We did not acknowledge that we owed anything to the creditors. We acknowledge the debt to be to Texas. The debt was created in consideration of the land she granted. It was an obligation to pay her money, in consideration of that land, and to pay it in a particular form.

Now, sir, there is an attempt to argue that we are bound to pay the debts of Texas, because, prior to annexation, Texas had specially pledged her import revenues for the payment of her debts. If that be true, we are now making a still further assumption, and one the extent of which no one can calculate, by acknowledging that we are bound to pay the debts of Texas, for which her revenues were pledged. If I recollect aright, when the proposition to annex Texas was pending, proof was furnished that the whole of Texas had been specially pledged by Mexico to England for the payment of sixty or eighty millions. If that pledge, binding Mexico to England, holding a lien on Texas, was assumed by us when we annexed Texas, we should be bound, by the same principle, to pay those sixty or eighty millions of dollars to England, for which the whole State of Texas, revenues, lands, and all, was pledged. If I recollect aright, evidence was furnished also that a mortgage was held by the English bondholders, or, perhaps, by England herself, on the northern States of Mexico, including California. If the annexation of California binds us now to pay all the debts for which California was previously pledged, who knows how many millions or hun-

dreds of millions of dollars we may be compelled to pay in consequence of the annexation of California?

Sir, the same assumption would go back and compel us to pay the debts which Spain contracted before the independence of Mexico, inasmuch as she pledged Mexico for the payment of those debts. I fear, sir, that we are about establishing a principle of the assumption of debts which may carry with it one, two, or three hundreds of millions of dollars. No man can see how far it will go.

I am not willing to do any act by which we shall assume any obligation to pay one dollar beyond our stipulation. Our stipulation is for \$5,000,000, with interest. I am ready to pay that to-day; but I am not willing to pay any more than that. If we now pay \$2,000,000 for the purpose of compromise, we thereby admit the principle that we are bound for the whole. The moment you admit that principle, do you think your compromise will stand to-day? Next year, they will demand of us to pay the balance of the debt. The moment we admit the principle, we shall be held responsible for the whole; and if the principle be correct, we ought to pay the whole. Then who knows how far we shall be bound to pay the debts of Mexico to England, and to other European Powers, by which California and Texas were specially pledged.

For these reasons I cannot vote to pay any more than that which we specifically assumed to pay to the State of Texas in consideration of the lands we purchased of her in 1850.

Mr. BRIGHT. Mr. President, there is nothing in this bill which commits the Government to pay a dollar beyond that which she is now committed to pay on the Journals of Congress. The honorable Senator from Illinois must permit me to say that I think his argument is a very unfair one. If there are any mortgages existing of the character to which he refers, I should be glad to see them. I apprehend, however, that his supposition on that head is based merely on rumor, and that neither he nor any other Senator believes there is any probability that the United States can be charged with the payment of any other debt than that named in this bill, by the terms of the bill, or that any principle or precedent will be established by the bill, which is not in accordance with previous legislation.

The honorable Senator from Maryland [Mr. PEARCE] has already stated that, at the time the compromise measures were passed, he prepared the amendment reserving \$5,000,000 from the public Treasury with which to liquidate that part of the debt of Texas for which her public revenues had been pledged. He further states, what I know and what other Senators know to be the fact, that at that time the impression prevailed that \$5,000,000 would cover all that part of the debt of Texas, and no doubt it did cover all that part which upon its face appeared to be pledged for that object. But, as the honorable Senator said, previous acts of the Legislature of Texas had provided that other parts of her debt, issued at a former period, should operate in the same manner. If the committee who reported that bill had known that the debt of Texas, of the description or class I have mentioned, exceeded \$5,000,000, there is no doubt they would have made the proviso broad enough, and the \$10,000,000 would have been reserved. But it was supposed at the time that \$5,000,000 would cover the entire amount, thus relieving the United States from all liability.

By the terms of the act of 1850 we are bound to pay \$5,000,000 in stock, bearing five per cent. interest, and having fourteen years to run. Four years of that time have expired. The interest upon that, together with the premium, amounts, at this time, to \$6,500,000. The entire debt of Texas amounts to between \$12,500,000 and \$13,000,000, and it is contended by many that the United States are liable to pay that sum; but that is a question which it is not necessary to consider now. There are members in both branches of Congress, however, who acknowledge this liability, and it is with these facts looking us in the face that we are called to meet this question. Now, we say to Texas, by this bill, "We will give you, at this time, \$5,000,000, with the interest upon it, instead of requiring you to wait nine years longer." Whether Texas, by the act which appropriated \$5,000,000, is made a party to it in such a way that nothing can be done

with the \$5,000,000 until her consent be obtained, is a question which we do not touch. We say to Texas: "If you will assent to this arrangement, we will make this appropriation." It is nothing more nor less than this: A proposition to say to the creditors of Texas, "We will give you \$8,500,000, in consideration that you will sign full and final releases to the United States for about \$13,000,000; and if there be any excess, if you have any claim in addition to the amount we pay you, look to Texas for it." We say to Texas, by the terms of this bill, "If you consent to this arrangement, we will carry it out in good faith." It is narrowed down to the simple proposition whether we shall advance the interest now, or wait, as the Senator from Delaware said, with an overflowing Treasury, nine years longer, and then make the payment, and in the meantime be importuned from session to session in reference to this debt. The committee, after weighing all the facts, and examining the question in all its bearings, with an anxious desire to do justice to Texas, to the public Treasury, and to the creditors, have said to them: "We will cancel the obligation to issue the stock, and pay you directly the amount that stock will be worth at the end of the term." This seems reasonable to the Committee on Finance; but, if not so, I hope the Senator from Illinois and others who agree with him will come forward with a better plan.

Mr. WALKER. Mr. President, if I understand the amendment of the Senator from Ohio, it reduces the sum which is proposed to be appropriated from \$8,500,000, which includes principal and interest to this time, and anticipated interest for nine years, to \$6,500,000, which is the amount of the principal and interest up to this time, with the present premium upon the stock of the United States. I think that is a fair proposition. I feel willing to go thus far, but no further. I cannot see on what principles of justice we can be called upon to anticipate this interest for such a length of time amounting to such a large sum—\$2,000,000.

Why, sir, if we had been in default, there are those here who would say that we ought not to pay interest. There are those here who would contend that the Government ought not to pay interest, even if it were in default. Who are those Senators? Why, sir, first among them stands the Senator from Delaware; I believe next to him stands the Senator from Indiana; and yet they can now come forward and contend that where the Government is not under any obligation for the debt, where it is not in default, but when the debt is not yet due for nine years, we should step forward and anticipate it, and pay in advance the interest for that period. Yes, sir, those Senators who now contend most strenuously for the anticipation of this interest, and the payment of it to the creditors of Texas, are the very Senators who fight the question of interest here whenever a private claimant sets up a claim to it, although the Government of the United States may have been in default. It looks a little strange to me at least. I am not able to see into the matter.

Mr. BRIGHT. The Senator is not authorized to say that, as a general principle, I fight what he calls interest. I allow interest where I think it is right, and I resist it where I think it is wrong, governing myself by the facts as they present themselves in each case.

Mr. WALKER. That is right; but I believe the Senator and myself have very frequently differed in reference to what was right in regard to interest. I have placed it upon this ground: The Government of the United States, under the Constitution, has no right to take private property for public use without a just compensation. I have said heretofore, that I could see no distinction between taking \$1,000 of private property and appropriating it to public use directly without compensation, and taking it by means of detaining a sum from an individual for a sufficient length of time to produce the amount of \$1,000, at the legal rate of interest, and in this way taking it indirectly. I have said that the Constitution prohibits as effectually the depriving an individual of his property by this indirect means, as it does the depriving him of it by direct and positive means. But, sir, here is a case where the Government is not in default, where the Government has deprived nobody of anything, has appropriated the property of no one for public use, and yet it is asked that the Government shall step forward and ad-

vance interest for a long period, without consideration. If the amount will be \$8,500,000 when the time has arrived, what of it? Is not money now worth in the country five per cent.? I apprehend so. The business community feel that it is worth far more, and the sum which you have locked up in your Treasury is imposing burdens upon the business community, and putting them to the necessity of paying one and a half per cent. per month for money. Still it is here proposed, without any default on the part of the Government, to step forward now to advance nine years' interest to those with whom we have no contract, and to whom we are under no obligation.

The amount is a large one. It is one that attracts attention. There may be danger lurking in its magnitude. It may be supposed that that induces gentlemen to act upon such matters when they would not if there were a small amount involved. I am not sure that Shakspeare meant to charge persons with a lack of proper humanity when he said:

"Through tatter'd clothes small vices do appear;
Robes, and furr'd gowns, hide all. Plate sin with gold,
And the strong lance of justice hurtless breaks:
Arm it in rags, a pigmy's straw doth pierce it."

I do not know that he intended in every instance to charge against humanity that this was their intentional feeling and intentional course; but men, without being aware of it, looking to national matters of this magnitude, sometimes will act differently, and act apparently with more magnanimity, and more justice, than when a solitary and, perhaps, humble individual comes and presents his claim for consideration. I am confident that Senators who advocate this bill intend to do nothing but what is right, but they are certainly (perhaps not appreciating the position they occupy) acting differently upon this large scale from what they do upon a small one. We have so frequently seen it the case here that private individuals have asked for the payment of interest when the debts have been withheld, and seen that interest refused, that we cannot help viewing with astonishment the proposition now to anticipate the obligations of the United States, and to pay nine years beforehand the interest before it is due.

Mr. BRODHEAD. I had not the pleasure of hearing all that my friend from Texas [Mr. Rusk] said the other day in his speech on this subject. I understood him, however, to set up a large claim against the United States for Indian spoliations. Now, if we pass this bill, and pay, as we shall pay under the bill, \$1,800,000 over and above the principal, interest, and premium on the \$5,000,000 up to this time, will it be considered to that extent a credit upon that claim? I have great faith in the honorable Senator from Texas, and I feel quite certain that he would not rise before the American Senate and assert that his State had a claim for a large amount of money, unless there was some foundation for it in justice. Now, I wish to ask him, if we pass this bill, and allow \$1,800,000 over and above the principal, interest, and premium, up to this time, to what extent would it be a payment of the claim for Indian spoliations? Would it be, admitting for the sake of argument that the claim for spoliations is just, a payment *pro tanto*, and to what extent?

Mr. RUSK. I have a few words to say in answer to the inquiry of the honorable Senator from Pennsylvania. I stated the other day, what I will not repeat except in general terms, that the State of Texas claimed about \$4,000,000 from the Government of the United States for that amount, or perhaps a larger amount, expended by the Republic of Texas prior to annexation, in defending herself against Indians whom this Government acknowledged itself bound to restrain from committing depredations. These expenditures were made by Texas in consequence of the violation by this Government of treaties forbidding its Indians to war upon Texas, which violations went on for eight or nine years.

I also stated that, during the pendency of the compromise measures, I endeavored to impress upon the committee the force of this claim for the benefit of the creditors of Texas. Those expenditures constitute a part of the debt now in controversy. No provision in regard to it, however, was put into that act; and in the releases which Texas made under the boundary act, she did not release any claim for these depredations by the Indians of the United States. Now, sir, I be-

lieve I know pretty well the opinions of the people of Texas, and it is my decided conviction that the United States ought in good faith to pay this amount of money to these creditors; and if I understand the opinion of the people of Texas, they would be willing to submit it to any disinterested tribunal you may appoint, on full proof to be made, to ascertain the amount of those claims, and to pay them to the creditors of Texas.

It is a slight mistake to suppose that the principal, interest, and premium on the \$5,000,000 appropriated by the act of 1850, amount to only \$6,500,000, because this will certainly not be adjusted before the 1st of January next; and at that time, counting the premium at fourteen per cent., the principal, interest, and premium will amount to \$6,700,000. The difference between that amount and the \$8,500,000, which is \$1,800,000, would be an advance. I have no sort of doubt in my mind, that whenever the United States choose to investigate and settle the claim in regard to the Indian depredations, Texas will allow that amount to be deducted from the claim.

Mr. BRIGHT. Before the vote is taken, I merely wish to state that the effect of the amendment is to put the bill in such a shape that Texas will not accept its principles.

The question being taken on the amendment by yeas and nays, resulted—yeas 18, nays 25; as follows:

YEAS—Messrs. Adams, Atchison, Butler, Chase, Dodge of Iowa, Douglas, Fessenden, Gillette, Hunter, Johnson, Jones of Tennessee, Mason, Shields, Sumner, Thomson of New Jersey, Wade, Walker, and Weller—18.

NAYS—Messrs. Allen, Badger, Bayard, Bell, Benjamin, Bright, Brodhead, Clay, Cooper, Dawson, Dixon, Evans, Foot, Houston, James, Jones of Iowa, Mallory, Pearce, Pettit, Pratt, Rockwell, Rusk, Sebastian, Stuart, and Toucey—25.

The bill was reported to the Senate as amended, and the amendments made, as in Committee of the Whole, were concurred in.

Mr. WALKER. I wish to ask what is the meaning of the conclusion of the third section? It may be all right, but I do not know that I have a right view of it. It provides for the surrender of the evidences of debt, and that the creditors shall deposit their evidences of debt "with the Treasury Department, for the benefit of those whom it may concern, until otherwise directed by law." Is it understood that even this is not to be a final arrangement of this matter, so far as the Government is concerned, or is it designed that it shall be a final adjustment?

Mr. BRIGHT. It is intended that it shall be a final release, so far as the United States are concerned. In preparing that section, the committee decided that each creditor, on presenting his claim for payment, should, on receiving the amount that he or she might be entitled to under the provisions of this act, enter on the back or face of the evidence thus presented the amount paid, with a full and final release of the United States forever, and the same to be left with the Treasurer of the United States, for the benefit of those interested. Certainly the United States is finally exonerated.

Mr. WALKER. Then I have no objection to that phraseology. I ask for the yeas and nays on ordering the bill to be engrossed for a third reading.

The yeas and nays were ordered; and being taken, resulted—yeas 27, nays 19; as follows:

YEAS—Messrs. Allen, Badger, Bayard, Bell, Benjamin, Bright, Brodhead, Cooper, Dawson, Dixon, Evans, Fish, Foot, Houston, James, Johnson, Jones of Iowa, Mallory, Pearce, Pettit, Pratt, Rockwell, Rusk, Sebastian, Stuart, Thompson of Kentucky, and Toucey—27.

NAYS—Messrs. Adams, Atchison, Butler, Chase, Dodge of Iowa, Fessenden, Geyer, Gillette, Hunter, Jones of Tennessee, Mason, Shields, Sidel, Sumner, Thomson of New Jersey, Toombs, Wade, Walker, and Weller—19.

So the bill was ordered to be engrossed for a third reading, read a third time, and passed.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened.

DAVID TOWLE.

On motion by Mr. HAMLIN, the Senate, as in Committee of the Whole, proceeded to consider the bill from the House of Representatives to create and provide a pension for David Towle.

It proposes to place his name on the pension roll, at eight dollars per month, from the 5th of April, 1848.

The petitioner, on the 14th of April, 1814, enlisted for one year as corporal in the company of Captain Noah Haley, in the thirty-third regiment of United States infantry, commanded by Colonel Isaac Lane, and on the 25th of May joined his regiment at Saco, in Maine, and was afterwards marched to Boston, Massachusetts; thence, on the 14th of August, was ordered for Concord, a march of eighty miles in excessive hot weather. During the march, he became so exhausted and worn down by the fatigue and heat, that an inflammation of the kidneys and stoppage of the urine was produced, which eventuated in a chronic disease of the kidneys and ureter, by which he is wholly disabled from obtaining a living by manual labor.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

KANSAS AND NEBRASKA ACT.

Mr. PETTIT. I move to take up for consideration the resolution which I submitted on Saturday last, to provide for printing ten thousand copies of the Kansas and Nebraska act.

Mr. SUMNER. I suggest that that should not be taken up now. The Senator from Ohio [Mr. Chase] has given notice of an amendment to it, and I know that he has made some preparation with a view to that proposition. The Senate may not be precisely aware of it, and therefore I mention the fact. Of course the Senator from Ohio did not expect that this motion would come up this evening.

Mr. JONES, of Iowa. Why?

Mr. SUMNER. For the reason that we were in Executive session, and he supposed we should continue in Executive session during the whole of the day.

Mr. PETTIT. This resolution has been pending for some time, and that objection has been made half a dozen times, when I proposed to call it up. I know what the Senator from Ohio wishes to do. He desires to amend the resolution by providing for printing, with the bill, all the amendments which he and everybody else offered, together with all their votes upon them, which would make a big book, and I am satisfied the Senate would not agree to print it. He can offer it as an original proposition, and test the sense of the Senate upon it. If his amendment were adopted, the book could not be printed until after the adjournment. I want this bill printed in order to put an end to the falsification that the true bill has not been published. I ask the Senate to sustain their action, and to show to the people an authenticated copy of what they have enacted. It is complained in every part of the country that they have not got that now. I ask the Senate now to take up the resolution, and order this printing, so that we may have it before we leave.

The motion to take up the resolution was agreed to, and the Senate proceeded to consider it.

Mr. CASS. I wish the honorable Senator from Indiana would add to the number. I have received many letters on that very point. The law is not within the reach of the community, and we cannot do them any more proper and acceptable service than to give them the means of obtaining it. I would rather say twenty thousand. The additional cost will not be much. It will make but a small pamphlet.

Mr. PETTIT. I have no objection to making the amount twenty thousand. I accept that amendment.

The resolution, as modified, was agreed to, as follows:

Resolved, That twenty thousand copies of the Kansas and Nebraska act, certified by the Secretary of State, be printed in pamphlet form for the use of the Senate.

SALARIES OF TERRITORIAL OFFICERS.

Mr. DOUGLAS. I am directed by the Committee on Territories, to whom was referred the House bill to increase the salaries of executive and judiciary officers in Oregon, New Mexico, Washington, Utah, and Minnesota, to report it back without amendment, and recommend its passage. I also ask for its immediate consideration.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to fix the salaries of the chief justice and associate judges for Oregon, Washington, Utah, and New Mexico, at \$2,500; and of the chief justice and associate

judges of Minnesota to \$2,000; to increase the salary of Governor of New Mexico to \$3,000, and of the secretaries of Oregon, Washington, Utah, and New Mexico, to \$2,000.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. McKean, Chief Clerk, announcing that they had passed Senate bill authorizing the extension of the Alexandria and Washington railroad into the District of Columbia, with amendments.

Also, that they had passed the following Senate bills and joint resolution:

A bill to confirm the claim of Dusan de la Croix to a tract of land therein described;

Bill for the relief of Charles Cooper & Co;

Bill for the relief of James Dunning;

Bill for the relief of Joseph Mitchell;

Bill authorizing Victor Morass to relinquish certain lands, and to enter the same quantity elsewhere;

Bill for the relief of the legal representatives of Joshua Kennedy, deceased;

Bill for the relief of John Phagan;

Bill for the relief of Ezra Williams; and

A resolution authorizing the Secretary of the Territory of New Mexico to adjust and pay to Juan C. Armijo, José L. Perea, and James L. Collins, the amount by them loaned to the Legislative Assembly of the Territory of New Mexico, under authority of a joint resolution of that body, approved June 17, 1851.

Also, that the House had passed the following bills:

Bill for the relief of Captain George Simpton, of Galveston;

Bill for the relief of the heirs of Joseph Gerard;

Bill for the relief of D. C. Cash and Giles U. Ellis;

Bill authorizing the payment of balance of the property accounts between the United States and the State of New York, for military stores in the war of 1812;

Bill for the relief of Mrs. Helen Mackay, administratrix of Lieutenant Colonel Aeneas Mackay, late a deputy quartermaster in the United States Army.

MADALENA VAN NESS.

The bill for the relief of Madalena Van Ness, widow of Cornelius P. Van Ness, deceased, was read a second time; and, on motion by Mr. GEYER, considered as in Committee of the Whole.

It proposes to appropriate \$9,000 to Mrs. Van Ness in consideration of services rendered by her husband, in the seizure of goods imported into the district of Vermont, in violation of the laws of the United States, during the years 1813 and 1814, while he was collector of the customs for that district, for which services he did not receive the award provided by law in such cases.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

JOHN DONNELL AND SON.

Mr. PEARCE. I ask the unanimous consent of the Senate to introduce a joint resolution for the relief of John Donnell & Son.

Unanimous consent was given, and the joint resolution was read twice by its title.

Mr. PEARCE. If the Senate will allow me to make an explanation of two minutes, I think they will consent to act upon the resolution. If there be any objection, I shall, of course, yield.

Several SENATORS. We are all in favor of it.

Mr. PEARCE. If it can be passed without any objection, I shall not trouble the Senate.

The joint resolution was reported to the Senate without amendment.

Several SENATORS. Read it.

It proposes to require the Third Auditor to reopen and adjust the claims of John Donnell & Son, for damages sustained in consequence of the sinking of the ships Chesapeake and Thomas Wilson for the defense of Baltimore in 1814—the adjustment to be under the Secretary of the Navy, upon the principles laid down and acted upon in the case of the Sciota and other subsequent cases by the Secretary of the Navy.

Mr. PEARCE. I will state in two minutes the

object of the resolution. In 1830, Congress passed an act authorizing payment to be made for the vessels sunk at Baltimore for the defense of the city during the war of 1812, and agreed to pay twenty-five per cent. upon the value of the ships. I have inquired at the Treasury Department, and ascertained that upon all the other vessels they have paid the twenty-five per cent. valuation; but, for some reason which I have not been able to ascertain, deductions were made on the valuation of these two vessels. Their method was to take the lowest estimate as the valuation on which they paid the twenty-five per cent.; but in regard to these two they applied a different rule. The object of the resolution is to put the adjustment of the account in regard to them upon the terms which were applied to all the others, under the direction of the Secretary of the Navy.

Mr. CLAY. I dislike to interpose any objection to the object of the honorable Senator, but I must suppose that there was some good reason why a distinction was made against these parties; and hence I cannot agree that the resolution shall be passed now. I think it ought to go to a committee, and let them report upon it. They certainly can ascertain some cause for the distinction. I therefore move that the resolution be referred to the Committee on Claims.

The motion was agreed to.

RAILROADS IN IOWA.

Mr. DODGE, of Iowa. I am directed by the Committee on Public Lands to report back the bill "making a grant of land to the State of Iowa, in alternate sections, to aid in the construction of certain railroads in said State," and recommend its passage. I ask, as a favor to my colleague and myself, that the Senate act upon it now. It is unanimously reported by the committee.

The Senate proceeded to consider the bill, as in Committee of the Whole.

Mr. DODGE, of Iowa. The bill is precisely such as it has been usual to pass, with the exception that it has in it what is called the Cutting amendment, which restricts the grant of the land to the twenty miles, and to the completion of the road—an amendment which is understood to be necessary in order for the bill to receive the sanction of the President of the United States. An official intimation of that character was made to the committee, and when the fact was made known, every member agreed to the necessity of so reporting the bill. It is precisely the bill which passed before, except that it is more restricted.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

CAYUSE WAR.

Mr. DOUGLAS, from the Committee on Territories, to whom was referred the bill from the House, making appropriations to defray the expenses of the Cayuse war, reported it back without amendment, and asked for its immediate consideration.

The Senate, accordingly, as in Committee of the Whole, proceeded to consider the bill.

It proposes to appropriate the further sum of \$75,000 to pay the actual and necessary expenses incurred by the provisional government of Oregon, in defending the people of the Territory from the attacks and hostilities of the Cayuse Indians, in 1847 and 1848, and for such allowances for the expenses of adjusting the claims on that account as the Secretary of the Treasury may deem proper, not exceeding five dollars per day to each commissioner. The Secretary of the Treasury is to pay out of the appropriation so much as may be necessary to liquidate the claims according to the reports of the commissioners heretofore appointed, and of the Governor of the Territory, that have been communicated to Congress, and no claims are hereafter to be allowed on account of this war, which are not presented at the Treasury Department within the next fiscal year. All the claims and accounts, not heretofore adjusted, are to be settled and adjusted at such place and in such manner as the Secretary of the Treasury may prescribe, and he is empowered to reexamine any award made, and to reduce the amount, if, in his judgment, founded on proof, it should be too much.

Mr. WALKER. I ask the Senator from Illinois if he intends this as the final winding up of the matter relating to the Cayuse war?

Mr. DOUGLAS. It is accompanied by a list of all the claims proved, and is a final winding up. Mr. WALKER. Is there a clause in it declaring it to be final?

Mr. DOUGLAS. I think there is, and I believe it is entirely right.

No amendment being proposed, the bill was reported to the Senate, ordered to a third reading, read a third time, and passed.

COMMITTEE CLERKS.

Mr. EVANS. It has been brought to my notice to-day, by the Secretary of the Senate, that some few days ago resolutions were passed fixing the salaries of the officers of the Senate. Among them is one which was submitted, I believe, by the Senator from Indiana, [Mr. PETTIT] which gives the clerks of committees five dollars a day with twenty per cent. added, commencing with the beginning of the session. Now, sir, in one instance a clerk was appointed on the 22d of May, and if you give him pay from the commencement of the session, you give him fifteen dollars a day.

Mr. WELLER. That is rather too much.

Mr. EVANS. That is one instance. I therefore submit the following resolution:

Resolved, That the clerks of committees of the Senate be paid from the day of their appointment, except those who were on duty from the beginning of the session.

Mr. PETTIT. Let the resolution go over for the present.

The PRESIDING OFFICER, [Mr. BRIGHT.] It goes over, if objected to.

Mr. EVANS. I have no objection to that. I want to bring the attention of the Senate to the matter.

Mr. PETTIT. I want to be heard upon it.

KANSAS AND NEBRASKA ACT.

Mr. CHASE. While I was out of the Chamber, the resolution of the Senator from Indiana, [Mr. PETTIT] ordering the printing of 10,000 copies of the Kansas and Nebraska act was taken up and acted upon. I had stated that I had an amendment to submit to it. I have always been ready to submit it, but when the resolution was called up, other business had been pressing upon the attention of the Senate, and consequently it was not in my power to submit it. I now ask the Senate to reconsider the resolution, and allow me to submit the amendment.

Mr. PETTIT. I object.

Mr. WELLER. I voted in the affirmative on the adoption of the resolution. I move to reconsider the vote.

Mr. PETTIT called for the yeas and nays, and they were ordered and taken, with the following result:

YEAS—Messrs. Allen, Brodhead, Chase, Cooper, Fessenden, Fish, Foot, Gillette, Houston, Mallory, Rockwell, Stuart, Sumner, Wade, Walker, and Weller—16.

NAYS—Messrs. Adams, Atchison, Badger, Benjamin, Bright, Clay, Dawson, Dodge of Iowa, Douglas, Evans, Fitzpatrick, Geyer, Gwin, Johnson, Jones of Iowa, Mason, Pettit, Pratt, Rusk, Sebastian, Thompson of Kentucky, and Toombs—22.

So the motion to reconsider was not agreed to.

On motion, the Senate adjourned.

IN SENATE.

SATURDAY, July 22, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

TEXAS DEBT.

Mr. CLAY. I ask the Senate to take up the bill reported by the Committee on Pensions some time since for the relief of the widow of James Batchelder.

Mr. FOOT. I rise to a question which takes precedence of the motion of the Senator from Alabama. I move to reconsider the vote by which the Senate yesterday passed the bill "to provide for the payment of such creditors of the late Republic of Texas as are comprehended in the act of Congress of September 9, 1850."

My object is not to defeat the bill. I am in favor of its provisions; that is, I am for the payment of the \$5,000,000 provided for by the act of 1850, together with the interest. My object is, if this motion to reconsider the vote on the passage of the bill be agreed to, then to move the reconsideration of the vote by which the bill was ordered to be engrossed and read a third time. If that shall carry, I shall move to reconsider the

vote by which the amendment of the honorable Senator from Ohio [Mr. CHASE] was rejected. I voted against that amendment, but upon reflection I am satisfied that it was an inconsiderate vote. I desire that the amendment offered by the Senator from Ohio shall be reached, and I desire to record my vote in favor of the amendment, and then to vote for the bill. I will say in addition that, in my opinion, it will have the effect to secure with greater certainty the passage of the bill in the other House.

I will state my object again so that Senators may fully understand it. It is to reach the amendment offered by the Senator from Ohio, to strike out "eight" and insert "six," so as to provide for the payment of \$6,500,000, which is the original amount of the \$5,000,000 provided for by the act of 1850, with interest and premium to this time.

Mr. BRIGHT. Upon that motion I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 18, nays 22; as follows:

YEAS—Messrs. Adams, Atchison, Chase, Clay, Dodge of Wisconsin, Dodge of Iowa, Fessenden, Fish, Foot, Geyer, Hamlin, Mason, Sumner, Thomson of New Jersey, Toombs, Wade, Walker, and Weller—18.

NAYS—Messrs. Allen, Badger, Bayard, Bell, Benjamin, Bright, Brodhead, Dawson, Dixon, Evans, Gwin, Houston, James, Johnson, Jones of Iowa, Jones of Tennessee, Mallory, Pearce, Pettit, Pratt, Sebastian, and Stuart—22.

So the motion to reconsider was not agreed to, and the bill stands passed.

PETITIONS, ETC.

Mr. CASS presented documents in relation to the claim of J. G. Schwarr, late consul of the United States at Vienna, praying compensation for diplomatic services; which were referred to the Committee on Foreign Relations.

Mr. SUMNER presented a petition of Lorenzo Sabine and one hundred and sixty-three others, citizens of Framingham, Massachusetts, praying the repeal of the fugitive slave bill; which was ordered to lie on the table.

Also, a petition of men of Massachusetts, praying the repeal of the act of Congress of 1850, known as the fugitive slave bill; which was ordered to lie on the table.

Mr. BRODHEAD presented a petition of citizens of the United States, praying an appropriation for the repair of the wharves and piers at Marcus Hook, on the Delaware river, in the State of Pennsylvania; which was referred to the Committee on Commerce.

Mr. JONES, of Iowa, presented the memorial of James Thompson, of Louisville, Kentucky, surviving partner of Strader & Thompson, praying indemnity for losses sustained by reason of the violation of their contract for carrying the mail, by the Post Office Department; which, together with a memorial already on file in relation to the same claim, was referred to the Committee on the Post Office and Post Roads.

BILL RECOMMENDED.

Mr. SLIDELL. Since the Committee on Foreign Relations made a report on the petition of Mr. Sanford, chargé d'affaires at Paris, I have received, in regard to a portion of his claim, additional information. I therefore move that the bill reported for his relief, together with the report, be recommended to the Committee on Foreign Relations, with the additional papers which I now present.

The motion was agreed to.

REFERENCE OF HOUSE BILLS.

The following bills from the House of Representatives, were severally read a first and second time by their titles, and referred to the Committee on Military Affairs:

A bill for the relief of Mrs. Helen Mackay, widow of the late Colonel Eneas Mackay, deputy quartermaster general of the United States Army;

A bill for the relief of David C. Cash and Giles U. Ellis; and

A bill authorizing the payment of the balance of the property accounts between the United States and the State of New York, for military stores in the war of 1812.

The bill from the House, for the relief of the heirs of Joseph Gerard, was read a first and second time by its title, and referred to the Committee on Claims.

ROBERT GRIGNON.

The bill from the House of Representatives, for

the relief of Robert Grignon, was read a first and second time by its title.

Mr. WALKER. I think there is no necessity for the reference of that bill. If I understand it, it is one which has once or twice passed the Senate heretofore. I will ask my honorable colleague if it is not?

Mr. DODGE, of Wisconsin. It is; and I hope it will be disposed of immediately.

Mr. WALKER. Then I ask the Senate to put the bill upon its passage now.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

It proposes to authorize the Secretary of the Treasury to pay to Robert Grignon, the sum of \$19,000, in full satisfaction of his claims against the United States arising out of the treaty with the Menomonee tribe or nation of Indians, executed September 3, 1836, but before the money is paid the consent of the Menomonee tribe shall be obtained.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

CAPTAIN GEORGE SIMPTON.

The bill from the House of Representatives, for the relief of Captain George Simpton, of Galveston, was read a first and second time by its title.

Mr. WELLER. I hope the Senate will agree to put that bill upon its passage now. It has been pending for several years. The claim was originally reported for \$3,000, and the bill has now passed the House of Representatives proposing to allow \$1,600. As there can be no question as to the propriety of the payment, I hope the bill will be put upon its passage.

There being no objection, the Senate proceeded to consider the bill as in Committee of the Whole.

It directs the Secretary of the Treasury to pay to Captain Simpton \$1,600, in full payment of his claim for indemnification for loss of schooner Alert, whilst in the public service, during the war with Mexico.

In the month of March, 1847, the French bark Jeune Nelly, of Havre, was captured as a prize by the United States steamer Hunter, commanded by Captain McLaughlin, while attempting to violate the blockade of Vera Cruz. George Simpton, being the owner of a schooner called the Alert, was at that time employed by the quartermaster to carry provisions from Sacrificios to Camp Bagara for the use of the division of the army under the command of General Twiggs. After the capture of the French bark, the services of Captain Simpton, who was an efficient seaman and a skillful and experienced pilot, were required by Captain McLaughlin for the purpose of taking the Hunter, with her prize, into harbor. The capture was made late in the evening of the 20th March, and the wind being light, Captain McLaughlin ordered the vessels to be taken into the anchorage under Green Island, to remain until the morning. Before this was done, a severe "norther" sprung up, and the pilot was ordered to take the vessels into the harbor. While attempting to execute this order, the three vessels were driven upon a reef by the violence of the winds, although prompt and vigorous efforts were made by the officers and crew to save them. The Hunter, with her prize, and the schooner Alert, were all wholly lost, the officers and men escaping with great difficulty. Captain Simpton now asks that he may be indemnified for the loss of his vessel.

If this loss had occurred while in the performance of his contract with the Government for the transportation of supplies for the army from Sacrificios to Bagara, the Government would have incurred no responsibility for such loss; but as Captain Simpton was called from his duties under his contract, by the officer in command of the Hunter, to render assistance in securing a valuable prize, and his own vessel was lost while thus employed in the public service, the committee think that he is entitled to relief.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

PAMELA BROWN.

A message was received from the House of Representatives, by Mr. McKEAN, Chief Clerk,

announcing that they had passed a bill for the relief of Pamela Brown, widow of Major General Jacob Brown, of the United States Army, deceased.

Mr. SHIELDS. I hope that bill will be put on its passage.

Mr. JONES, of Iowa. It is exactly the same as the bill which has already passed the Senate.

Mr. CASS. The passage of the bill would be no more than a proper testimonial to the memory of General Brown. The House of Representatives have diminished one half the amount of pension. His widow has been in a state of penury, and now, as a proper mark of our gratitude for his services, we ought to pass this bill, and as a testimonial for what he did, and for those glorious feats of arms which he achieved in the service of his country.

The bill was read a first and second time by unanimous consent, and considered as in Committee of the Whole.

It proposes to direct the Secretary of the Interior to place the name of Pamela Brown upon the roll of pensioners of the United States, at the rate of fifty dollars per month, to commence on the 1st day of January, 1828, and to continue during life.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

BOSTON, PHILADELPHIA, AND NEW YORK COURT-HOUSES.

The Senate proceeded to consider the amendments of the House to the bill of the Senate, to provide for the accommodation of the courts of the United States in the district of Massachusetts. The bill as it passed the Senate was as follows:

That the Secretary of the Interior be, and he hereby is, authorized and empowered to provide necessary and permanent accommodations for the courts of the United States, and the officers connected with them, in the district of Massachusetts, by fitting up and leasing the same for a term of not less than ten years, or by purchase; provided that no purchase shall take place except within the limits of an appropriation to be made by Congress.

The amendments of the House were to strike out "Secretary of the Interior," and insert "President of the United States."

To strike out after the word "necessary" the words "and permanent;" to insert after the word "Massachusetts" the words "and in the cities of New York and Philadelphia."

To strike out the words "for a term of not less than ten years, or by purchase; provided that no purchase shall take place except within the limits of an appropriation to be made by Congress," and insert "until permanent accommodations can be provided as hereinafter proposed."

And to add an additional section; so that the bill, as passed by them, reads as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and empowered to provide necessary accommodations for the courts of the United States, and the officers connected with them, in the district of Massachusetts, and in the cities of New York and Philadelphia, by fitting up and leasing the same until permanent accommodations can be procured as hereinafter proposed.

Sec. 2. And be it further enacted, That the President be authorized to procure, by purchase or otherwise, suitable sites for buildings to be used as court-houses and post offices, in the cities of Boston, New York, and Philadelphia, and that he prepare and submit to Congress, at as early a day as practicable, plans and estimates for the same.

The title was amended so as to read:

Bill to provide for the accommodation of the courts of the United States in the districts of Massachusetts, Pennsylvania, and New York.

Mr. BRIGHT. I move the reference of the bill to the Committee on the Judiciary.

Mr. SUMNER and Mr. BRODHEAD. I hope not.

Mr. BRIGHT. I should feel exactly as the Senators from Massachusetts and Pennsylvania feel, if there was an appropriation in the bill for a court-house at the capital of the State which I represent.

Mr. BRODHEAD. This bill authorizes no appropriation. The doings of the President under it are to be submitted to Congress, and then the whole matter will come up.

Mr. BRIGHT. I have read the bill, and I have heard the amendment read. I want the same privilege extended to every State in the Union that is proposed to be extended by it to New York, Philadelphia, and Boston. There is no reason why an appropriation should not be made for every city,

to accommodate the circuit and district courts of the United States and the post offices.

Mr. BROADHEAD. I beg to assure the honorable Senator from Indiana that there are now no places in which to hold the United States courts in Philadelphia. In the large cities of Boston, New York, and Philadelphia suitable sites for post offices cannot be obtained from private individuals.

Mr. BRIGHT. It is so all over the West.

Mr. BROADHEAD. I hope that the motion of the Senator from Indiana will not prevail. Similar bills have already passed the Senate. They have now been included in one by the House. The bill authorizes the President of the United States to procure, by purchase, or otherwise, suitable sites in Boston, New York, and Philadelphia, for court-houses and post offices. It is absolutely necessary, as a measure of economy. It is right, because we are paying now more in the shape of interest than it would cost to purchase the buildings. We are paying some \$10,000, I think, for the post office in New York, and we cannot get, in Philadelphia, a suitable site for less than six or seven thousand dollars.

Mr. MASON. I desire to ask the Senator a question entirely for information. Has this matter, in regard to a site for the court-house in the city of Philadelphia, at any time during the present session, been before the Judiciary Committee of the Senate?

Mr. BROADHEAD. I do not know whether it has been before the Judiciary Committee of the Senate or not. I introduced a bill which was referred to the Committee on the Post Office and Post Roads. In it there was a provision not only for a place for the courts, but for the post office at Philadelphia. It passed this body after the honorable Senator from South Carolina [Mr. BUTLER] made a few remarks in regard to it. A similar bill passed for the city of Boston. It is hardly right to say that if these provisions are necessary in the cities of Boston, New York, and Philadelphia, every little town throughout the country must have similar provisions. You must have a court-house for the large cities where the principal business is done, and also one for the post office; and if you do not have them, you will be obliged to pay for them either in the shape of rent, or purchase.

Mr. HUNTER. It is obvious that this will lead to debate.

Mr. BROADHEAD. I am willing that it should be passed by the present. It is quite unnecessary to refer it. It is well understood; and if the Senator from Virginia desires to press forward the civil and diplomatic appropriation bill, I am willing, by common consent, to let this go over, so that Senators shall have the opportunity to consider it.

Mr. BRIGHT. I agree with much that is said by the Senator from Pennsylvania. There is an existing necessity for building court-houses at the points named, but I have no doubt that the very same necessity exists in many other points of the United States, and that fact has been indicated by bill after bill being presented here, which still remain among our unfinished business. I have introduced into the Senate a bill proposing an appropriation to build a similar work at the capital of the State which I represent. The same necessity exists for building a court-house at Louisville, St. Louis, New Orleans, Indianapolis, Detroit, Baltimore, and various other points that I might name, all over the United States.

I have no objection to this bill, provided it comes in the right shape. My object in moving the reference is, that the Judiciary Committee may cause an inquiry and examination into the propriety of purchasing sites at all the points where the district and circuit courts of the United States are now held by authority of law. I might say that in the capital of the State I represent, as the Senator said of Philadelphia, we have no place in which to hold the courts of the United States. The business of our supreme court has increased to such an extent that they occupy the capitol at the very time that the United States circuit and district courts sit; and lately they have been subjected to a great inconvenience to find a place at which to hold the sittings. I wish to obviate that difficulty, and I will join the Senator in obviating it, by referring the matter to the Committee on

the Judiciary, so as to let them make an amendment to cover all the cases.

Mr. BROADHEAD. In regard to the several places named by the Senator from Indiana, provision is already made for the sitting of the court in the custom-house erected there.

Mr. BRIGHT. What places?

Mr. BROADHEAD. St. Louis, Pittsburg, Cincinnati, if I am not mistaken, and, perhaps, Louisville. Be that as it may, proper places can be obtained in all those places, or nearly all of them, for a reasonable rent; but, sir, in these large cities they cannot be obtained. The courts have recently been turned out of the State House in Philadelphia, in consequence of the consolidation which has taken place, the city councils desiring to use the rooms occupied by the courts.

The records are now in an unsafe place and condition. I believe the grand jury has been obliged to hold its sessions in some by-house or out-of-the-way place. We must, therefore, rent a building for an extravagant sum, or we must authorize a purchase. There is nothing conclusive in this bill. We do not propose to give to the President of the United States absolute power to bind the Government; he is to make the purchases and submit them, if I understand the bill, to the next Congress, and then the subject will come up.

Mr. BRIGHT. Why not make the same provision in regard to other points?

Mr. BROADHEAD. These are the great commercial depots on this continent.

Mr. HUNTER. I hope the bill will be referred, so as to get rid of this debate. The discussion can be carried on in the committee better than here.

Mr. BROADHEAD. It is not necessary to refer it. I am willing to let it go over a day.

Mr. HUNTER. It is time for us to take up the civil and diplomatic appropriation bill.

Mr. PRATT. I desire to say only one word. However important Philadelphia and Boston may be, as commercial points, I do not think the representatives from the States in which they are situated will contend that they are more important than Baltimore. The United States own no court-house in the city of Baltimore. I think it equally important that one should be provided for them as for Boston and Philadelphia. I do not doubt the importance of having one in Philadelphia and Boston.

Mr. BROADHEAD. Then I ask my friend, why complicate this bill? Why not bring forward a separate measure, as I have done with this?

Mr. PRATT. I understand the object of the bill is not to make a purchase, but to make an inquiry. Then, why not have included in it the same inquiry in reference to Baltimore? I do not think an amendment to that effect would prevent its passage here.

Mr. COOPER. I hope the reference will not be made. I would prefer that the bill should go over a day, and then dispose of it one way or the other. It is certainly very important that some action should be had on this subject. We ought to know whether the Government is disposed to provide a place for holding the courts in Philadelphia, and a site for the post office. If they do not do so, they must resort to the expedient of renting a place for holding the courts until a suitable building is erected. The courts are now literally in the street; for since the consolidation of the city and exterior districts, the property of the city has been taken possession of by the councils, and the rooms which were used by the courts are now used as legislative chambers by the two branches of the councils. The courts have no place to sit in; they are now occupying sometimes one room and sometimes another, as exigency requires. The judges are very anxious that they should know speedily what is to be done, so that they may rent suitable buildings, if the Government does not undertake to purchase or erect them.

Mr. HUNTER. What possible objection can there be to referring the bill? I hope it will be referred and disposed of.

Mr. BROADHEAD. I hope the Senators from Indiana and Virginia will consent to let it be postponed, and not referred. There is no necessity for the reference. We understand the bill.

Mr. BRIGHT. The motion to refer was made from no hostile feeling on my part, but simply to perfect the bill, and make it just towards all the States.

The motion to refer to the Committee on the Judiciary was agreed to.

CHARLES LEE JONES.

Mr. DAWSON. The Committee on Military Affairs, to whom was referred House bill for the relief of Charles Lee Jones, have directed me to report it back, and ask for its immediate consideration.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

It proposes to pay a sum not exceeding \$2,000 to Charles Lee Jones in full for his expenses and services in raising, subsisting, and transporting three companies of volunteers in the District of Columbia to serve in the war against Mexico.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

COMMITTEE VACANCY.

On motion by Mr. MALLORY, it was

Ordered, That the vacancy created by the resignation of the Hon. Edward Everett in the committee on the atmospheric telegraph, be filled by the Chair.

NEBRASKA AND KANSAS BILL.

Mr. CHASE asked and obtained the unanimous consent of the Senate to introduce a joint resolution directing the printing of certain proceedings and votes; which was read, and passed to a second reading.

DEATH OF GENERAL TOWSON.

Mr. PEARCE. I beg leave to give notice to the Senate, that at three o'clock to-day I shall move that the Senate adjourn. I wish to say that my motive in doing so is to enable the several members of the Senate to attend the funeral of the late Major General Towson, whose uncommon gallantry during the last war won for him such rare distinction, and whose long, and valuable, and faithful public service since have confirmed and increased the reputation which he then acquired. I give this notice that the business of the Senate may be formed accordingly.

THE CIVIL AND DIPLOMATIC BILL.

Mr. SHIELDS. The Committee on Military Affairs, to whom was referred House bill for the relief of Mrs. Helen Mackay, widow of the late Colonel Aeneas Mackay, have instructed me to report it back without amendment, and recommend its passage.

Mr. HUNTER. I object to that. I want to look into the bill. I now move that the prior orders be postponed, for the purpose of taking up the civil and diplomatic appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to the consideration of the bill from the House of Representatives, making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1855.

THE PRESIDING OFFICER, (Mr. BADGER.) The Chair, with the consent of the chairman of the Committee on Finance, will report the bill to the Senate without acting on the amendments reported from the committee, and let them be acted upon in the Senate.

Mr. HUNTER. That certainly will expedite the business, if the Senate will agree to do so. The amendments can be made in the Senate as well as in Committee of the Whole.

Mr. STUART. It is of no consequence. We can offer them as well in the Senate as in Committee of the Whole.

The PRESIDING OFFICER. The bill then will be reported to the Senate. The Senate, as in Committee of the Whole, have had under consideration a bill making appropriations for the civil and diplomatic expenses of Government, for the year ending the 30th of June, 1855, and have made no amendments thereto. It is still open to amendment.

Mr. HUNTER. I suggest that the most expeditious, and the safest way for us to proceed, will be to read the amendments, and, if any Senator objects to any one, he can reserve that. Those to which no objection is taken can be voted upon in the gross. I will suggest, in regard to the amendments, that the committee have reported a great many. Sometimes the Department have corrected their estimate; sometimes we had to correct them. Some were incorrect in the first instance. I send to the Chair the modifications which we make in them, which I ask to have read, with the amendments that we propose.

The PRESIDING OFFICER. Does the Senator propose that the amendments be read on until some one is objected to, and then to take the vote?

Mr. HUNTER. Yes, sir.

The PRESIDING OFFICER. The Secretary will proceed to read the amendments.

The Secretary proceeded to read the amendments.

The first was to reduce the appropriation for "horses and carriages," in the items of contingent expenses of the House of Representatives, from \$4,745 to \$4,015.

The next amendment was, under the caption "Library of Congress," to strike out the following clause:

For compensation of librarian, two assistant librarians, and messenger, \$4,500, and insert in lieu of it:

For compensation of librarian, three assistant librarians, and messenger, \$8,000.

The next was to add, after the last mentioned clause, the following:

For compensation of librarian, assistant librarians, and messenger, for the year ending 30th of June, 1854, \$2,700.

The next amendment was to add, at the end of the appropriations for the library, the following:

For the completion and the publication of the works of Thomas Jefferson, and pay of the editor of said work, \$7,200.

The next was to strike out—

For compensation of the Secretary of State, the Assistant Secretary of State, clerks, messenger, and assistant messenger, in his office, \$38,700, and insert in lieu of it:

For compensation of the Secretary of State, the Assistant Secretary of State, chief of foreign desk, examiner, messenger, and assistant messenger, in his office, \$48,200.

The next was to insert, among the items "for the incidental and contingent expenses of the Department of State," the following:

For additional for disbursing clerk and superintendent of the northeast Executive Building, \$200.

The next amendment was to add, after the appropriation "for publishing the laws in pamphlet form, and in the newspapers of the States and Territories, and in the city of Washington, \$18,525," the words:

And such sum shall be paid for publishing the laws in California, Oregon, and Washington, as the Secretary of State may deem reasonable.

The next was to strike out of the appropriation "for extra clerk hire and copying" in the State Department, "\$2,000," the words:

Said clerks to be employed only during the session of Congress, or when indispensably necessary, to enable the Department to answer some call made by either House of Congress at one session to be answered at another.

The next amendment was to strike out:

For printing and paper for the Department of State, \$200.

The next amendment was to insert at the end of the appropriations for the State Department:

For the purchase of fifty sets of Howard's Reports of the Decisions of the Supreme Court of the United States, \$3,500.

"For the purchase of copies of the reports of the Supreme Court and Opinions of the Attorneys General of the United States for the Executive offices of the Territories of Kansas and Nebraska, \$450.

The next amendment was to strike out the item:

For compensation of the superintendent and four watchmen of the northeast Executive Building, \$2,250, and insert:

For compensation of four watchmen of the northeast Executive Building, \$2,400.

The next amendment was to strike out all the appropriations contained in the bill for the compensation of the Secretary of the Treasury, the Assistant Secretary of the Treasury, the Treasurer, the various Auditors and Comptrollers, the Register, and Solicitor of the Treasury, the Commissioner of Customs, and the clerks and messengers in their offices, and the clerks and messengers employed by the Light-House Board, and in lieu thereof insert:

For compensation of the Secretary of the Treasury and Assistant Secretary of the Treasury, clerks, messenger, and assistant messenger in his office, \$46,650.

For compensation of the First Comptroller, and the clerks and messenger in his office, \$30,500.

For compensation of the Second Comptroller, and the clerks and messenger in his office, \$26,150.

For compensation of the First Auditor, and the clerks and messengers in his office, \$37,900.

For compensation of the Second Auditor, and the clerks and messengers in his office, \$34,900.

For compensation of the Third Auditor, and the clerks and messengers in his office, \$21,850.

For compensation of the Fourth Auditor, and the clerks and messenger in his office, \$27,700.

For compensation of the Fifth Auditor, and the clerks and messenger in his office, \$15,550.

For compensation of the Auditor of the Post Office Department, and the clerks, messenger, and assistant messenger in his office, \$163,300.

For compensation of the Treasurer of the United States, and the clerks and two messengers in his office, one additional messenger being hereby created therefor, \$26,900.

For compensation of the Register of the Treasury, and the clerks and messenger in his office, \$51,700.

For compensation of the Solicitor of the Treasury, and the clerks and messenger in his office, \$16,850.

For compensation of the Commissioner of Customs, and the clerks and messenger in his office, \$19,750.

For compensation of the clerks and messenger of the Light House Board, \$8,550.

The next amendment was to insert under the heading of "contingent expenses of the Treasury Department," the following:

For additional for disbursing clerks and superintendents of Executive buildings provided in the third section of the act of 3d March, 1853, entitled "An act making appropriations for the civil and diplomatic expenses of Government, for the year ending the 30th of June, 1854," for the Treasury Department, \$600.

The next amendment was to strike out the following:

For paper and printing of the Treasury Department, including paper, printing, and binding the annual "Statement of Commerce and Navigation," and for paper and printing the annual "Estimates of Appropriations," \$17,200.

The next was to increase the appropriation for compensation of eight watchmen of the southeast Executive building, from \$4,000 to \$4,800.

The next was to reduce the appropriation for the compensation of the Secretary of the Interior, and the clerks, messengers, and laborers in his office, from \$29,800 to \$28,400.

The next was to insert as the first item of contingent expenses in the office of the Secretary of the Interior:

For pay of laborers, \$1,095.

The next was to increase the appropriation for compensation of the Commissioner of the General Land Office, and the recorder, draughtsman, assistant draughtsman, clerks, messengers, and assistant messengers in his office, from \$139,550 to \$165,050.

Mr. DODGE, of Iowa. I wish to inquire of the Senator from Virginia if the pay of the packers has been increased?

Mr. HUNTER. The pay of the packers, I believe, has not been increased. I will state, generally, in regard to the laboring force of the Departments, that the committee have put the principal messengers of the Departments proper at nine hundred dollars a year each, and the assistant messengers at seven hundred and fifty dollars; so that all the messengers get either the one or the other.

We have put the laborers in the Departments at forty dollars a month, thus giving them four hundred and eighty dollars a year.

We have applied this rule throughout. It is a reduction in some cases and an increase in others. I have not been able to say in what instances the amounts are reduced. I believe there is a reduction in the Land Office for one. Some laborers are increased and others diminished; and such must be the effect of any uniform rule. Whenever you establish a uniform rule, it must be somewhere between the extremes. I think I can state, in regard to the packers, that they receive the same pay as the assistant messengers, \$750.

The Secretary proceeded to read the amendments.

The next was to reduce the appropriation for compensation of six laborers in the General Land Office, from \$3,000 to \$2,190.

The next was to increase the appropriation for compensation of the Commissioner of Indian Affairs, and the clerks, messenger, and assistant messenger in his office, from \$27,800 to \$29,900.

The next amendment was to add at the end of the appropriations for the Indian Office, the following:

For rent of building on Seventh street, for the office of Indian Affairs, commencing the 12th of June, 1854, at \$1,200 per annum, \$1,263 33.

For compensation of four watchmen for building occupied by the office of Indian Affairs, commencing the 15th of June, 1854, \$2,500.

The next amendment was to strike out the following:

For compensation of the Commissioner of Pensions, and the clerks and messengers in his office, \$66,800.

For compensation to thirty temporary clerks employed in the office of the Commissioner of Pensions, \$31,300: *Provided*, That no clerk shall receive more than at the rate of \$3 33½ per day.

and insert in lieu thereof:

For compensation of the Commissioner of Pensions, and the clerks and four messengers in his office, \$108,200.

Mr. PRATT. Do I understand that the amendments which are now being read, to which no objections are made, are to be considered as agreed to? Are they to be voted on without explanation?

The PRESIDING OFFICER. The Senator from Virginia proposed that as there were a great many amendments, all should be read together, and those to which there was no objection should be considered as agreed to.

Mr. PRATT. This amendment, I think, requires some explanation. I see that an appropriation of \$31,300 is proposed to be stricken out, and one of over \$100,000 to be inserted. I should like to know the reason for such a large discrepancy.

Mr. HUNTER. I will state generally that we have had to reconstitute this bill nearly, as it came from the House. In the bill as it came to us, the salaries for all the clerks were appropriated according to the old law, and not according to the law passed at this session, which was introduced by the Senator from Mississippi, [Mr. ADAMS.] We had accordingly to change all these items as to amounts, and to some extent the phraseology of the bill. All these amendments are according to estimates, and are, all of them, according to the reformed estimates made up at the Departments, on the basis of the act which has been passed, providing for additional salaries for the clerks.

Mr. ADAMS. I understood from the chairman of the Committee of Ways and Means of the House of Representatives, that the reason why that committee reported the bill in the manner in which they did, was, that they had not received the new estimates from the Departments at the time they reported it, and therefore were compelled to take the old estimates.

Mr. CASS. I suppose that the appropriation of \$31,000, to which the Senator from Maryland alluded, of course never could have included all the clerks in the Pension Office under any law.

Mr. PRATT. The explanation is satisfactory. The Secretary continued to read the amendments.

The next was to strike out of the provision for the contingent expenses of the Pension Office the following:

For engraving bounty land warrants, \$5,000;

For stationery, \$2,500;

For binding books, \$1,000;

For furniture, \$500;

For miscellaneous items, \$1,000.

And to insert in lieu thereof:

For engraving and printing bounty land certificates, \$5,000.

For stationery, \$3,000;

For binding books, \$2,000;

For furniture, \$500;

For miscellaneous items, \$5,000;

For compensation of laborers, \$1,500.

Mr. SHIELDS. I wish to ask at this point, as we are now on the appropriations in reference to the Department of the Interior, whether it is contemplated to add a provision for the appointment of an Assistant Secretary of the Interior? I do not wish to embarrass the honorable Senator from Virginia; but I have an amendment to that effect which I intended to propose. The object of it is to create an Assistant Secretary in the Interior Department, the same as in the Treasury and State Departments. I think that this would probably be a proper place for it to come in. I hold in my hand a letter of the Secretary of the Interior to the Committee on Retrenchment—not to the Committee on Finance, of which the honorable Senator from Virginia is chairman—in which he urgently recommends the creation of such an office. He says the duties of the Department have increased in such a ratio that it has become almost absolutely necessary to have this responsible officer appointed. If the honorable Senator will permit me, I will offer that amendment. I presume he will make no objection.

Mr. HUNTER. I will state in regard to that, that no estimate for that purpose has been submitted to us by the Secretary of the Interior. I understood from him, in a conversation, that there

had been a conference between the Secretaries of the Interior, War, and the Navy, whether they should apply to have a grade of Assistant Secretaries created similar to those in the State and Treasury Departments. I understood from him that if they came to any determination in relation to it, they would address a letter to the Committee on Finance on the subject. We have received nothing from them in relation to the matter; and I supposed the whole thing was laid by for recommendation at a subsequent period.

Now, sir, it would not do, probably, to create this office in the Department of the Interior without going further, because there have been recommendations in other Departments. There have been recommendations for an increase of the salaries of the first clerk in the War Department. If he is to be considered as an assistant secretary, the salary recommended is not too large; but if he be considered as a clerk, it is too great. I understood the different Secretaries were considering whether they would recommend the creation of this grade of office. Until that is done, I shall be unwilling to take the Department of the Interior alone. I hope the Senator will not press that amendment. It can come in as a separate and independent amendment hereafter, when we have disposed of the amendments of the committee. By withholding it until that time, he will have an opportunity to inquire whether there is any general plan on the subject.

Mr. SHIELDS. I am aware that there has been some misunderstanding in relation to this matter. The intention of the Secretary was to address the committee of the honorable Senator from Virginia on the subject; but I have had communicated to me a very strong recommendation, which has been addressed to another committee perhaps by mistake. I will not press the amendment at this time under the circumstances.

Mr. HUNTER. It can be offered as a separate amendment when we are through with the amendments of the committee.

Mr. SHIELDS. Very well.

The Secretary continued to read the amendments of the committee.

The next was to strike out the appropriation of \$8,000 for paper and printing for the Interior Department.

The next was to insert, as the first item under the heading, "for the general purposes of the Department of the Interior," the following:

"For additional for disbursing clerks and superintendents of Executive buildings, provided in the third section of the act of the 3d of March, 1853, entitled 'An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1854,' for the Department of the Interior, \$600.

The next was to increase the appropriation for the compensation of four watchmen for the eastern wing of the Patent Office, occupied by the Secretary of the Interior, from \$2,000 to \$2,400.

Mr. COOPER. I wish now to call the attention of the Senator from Virginia to the clause making provision for the compensation of the Fourth Auditor, and the clerks and messengers in his Department. I did not advert to it at the time it was read by the Secretary; but I find the amount appropriated by the bill, as it came from the House, for that office, was \$25,200. I have a letter from the Fourth Auditor, Mr. Dayton, from which I perceive that he has recommended a larger appropriation than that, in order to provide for the salaries, as arranged by the bill lately passed. I wish to inquire whether provision is made in this case for the payment of the increased salaries of the clerks?

Mr. HUNTER. It is made. That is the cause of these numerous amendments. We had to change the appropriations as made by the House, which were founded on the old grade of salaries. We made the changes so as to give the clerks the increased salaries allowed by the law passed in May last.

Mr. COOPER. That is satisfactory.

The Secretary continued to read the amendments of the committee.

The next was to insert before the appropriations "for Surveyors General and their clerks" the following:

For the preservation of the collections of the Exploring Expedition.

For compensation of keepers, watchmen, and laborers, \$2,980.

For contingent expenses, \$100.

Mr. PRATT. If I understand that amendment, the expenditure proposed by it is an annual one for the preservation of the collections of the Exploring Expedition.

Mr. HUNTER. The Senator from Maryland over the way [Mr. PEARCE] can explain this matter.

Mr. PEARCE. These collections have been, from the time they were received in this country down to the present period; under the charge of the Library Committee, who are very anxious to get rid of that responsibility. But there are other reasons why they should be transferred to the Commissioner of Patents. They are in the Patent Office building, they are under his eye. He is the proper officer to take care of them. He takes care of other things which are connected with them.

The sum appropriated, I will remark, is rather more perhaps than has been heretofore expended by the Library Committee for that purpose; for the reason that it will be necessary to erect additional buildings, and necessary to have an additional watchman, as there is now nothing to prevent burglars from getting into so much of the building as is now going on. I believe that all the allowances are economical; and I am very sure they are below those made in other Departments of the Government. If we do not appropriate this money here, we shall have to appropriate the same sum of money to be expended under the care of the Library Committee. That is the only difference. That committee is not the proper body to take charge of the matter. They are not an executive body properly.

Mr. PRATT. I called attention to the matter, because it struck me as being rather singular that there should be an annual appropriation of about \$3,000, for the purpose of preserving the curiosities collected by the Exploring Expedition. I do not know whether they are worth to the Government this annual expense. I only desired the explanation, as it struck my mind as curious.

Mr. PEARCE. As long as we keep them, we must take care of them, and we cannot take care of them with less expenditure. These are very interesting objects. There are one hundred and twenty thousand people who visit that building annually, and it seems to me that this is a very small expenditure to afford so much gratification to our people.

The Secretary continued to read the amendments.

The next was to increase the appropriation for the compensation of the Superintendent of the Public Printing, and the clerks and messenger in his office, from \$6,595, to \$9,595.

The next was to increase the appropriation for compensation of the Secretary of War, and the clerks, messenger, and assistant messenger in his office, from \$20,750 to \$22,650.

The next was to increase the appropriation for the compensation of clerks and messengers in the office of the Adjutant General from \$11,600 to \$14,750.

Mr. SLIDELL. I desire to inquire, not merely in reference to this amendment, but to others of a similar character, which appear to be an increase of these appropriations, whether the amendments are proposed merely to carry out the provisions of existing laws, or whether they are an increase of salary to that extent?

Mr. HUNTER. These amendments are only carrying out the law. They are necessary to make the appropriation for the increase of salaries as provided by the bill introduced by the Senator from Mississippi, [Mr. ADAMS,] which became the law. In order to provide for that increase of salary, we have had to report in favor of the change of these appropriations.

The next was to increase the appropriation for the compensation of clerks and messenger in the office of the Quartermaster General from \$14,000 to \$16,350.

The next was to increase the appropriation for the clerks and messenger in the office of the Paymaster General from \$10,900 to \$12,350.

The next was to increase the appropriation for the clerks and messenger in the office of the Commissary General of Subsistence from \$8,000 to \$9,350.

The next was to increase the appropriation for the clerks and messenger in the office of the Chief Engineer from \$7,400 to \$8,150.

The next was to increase the appropriation for

the clerks and messenger in the office of the Surgeon General from \$4,400 to \$5,150.

The next was to increase the appropriation for the clerks and messenger in the office of the Colonel of Topographical Engineers from \$5,600 to \$9,950.

The next was to increase the appropriation for the clerks and messenger in the office of the Colonel of Ordnance from \$10,400 to \$12,150.

The next was to strike out the appropriation of \$2,400 for printing and paper for the War Department.

The next was to insert, as the first item under the head "for the several purposes of the Northwest Executive Building," the following:

For additional for disbursing clerk and superintendent of Executive Building, provided in third section of the act of the 3d of March 1853, entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1854," for the War Department, \$200.

The next was to increase the appropriation for the compensation of four watchmen of the Northwest Executive Building, from \$2,000 to \$2,400.

Mr. BELL. I will ask the Senator from Virginia whether that sum of \$2,400 includes the increased compensation which would be required to place those watchmen on an equal footing with the watchmen and messengers provided for by former acts of Congress when these were omitted?

Mr. HUNTER. My impression is that this does put them on an equal footing. There was an addition made which was due to them on account of the bill of the Senator from Mississippi, as I said before. Four hundred dollars are added here to the item as it came from the House on account of that bill, to the benefits of which they are entitled. I cannot say positively that all the watchmen in the Executive buildings receive the same sum. I am inclined to think that they do now; but I shall be able to inform the Senator before the bill is disposed of.

The next was so to amend the following provision:

For rent of house on northwest corner of F and Seventeenth streets, or such other building as the Secretary of War may select, and warming all the rooms in it, \$21,875.

For compensation of superintendent and four watchmen of the building corner of F and Seventeenth streets, \$2,250.

—as to make it read:

For rent of house on northwest corner of F and Seventeenth streets, or such other building as the Secretary of War may select, and warming all the rooms in it, \$32,375; and the Secretary of War is hereby authorized to lease said building, or some other, for a term not exceeding five years, at the rent herein authorized, if in his judgment the same shall be for the public interest.

For compensation of four watchmen of the building on the corner of F and Seventeenth streets, \$2,600.

The next was to increase the appropriation for compensation of the Secretary of the Navy, and the clerks, messengers, and assistant messengers in his office, from \$27,100 to \$28,700.

The next was to increase the appropriation for the salaries of the Chief of the Bureau of Ordnance and Hydrography, and the clerks and messenger in his office, from \$10,000 to \$11,650.

The next was to increase the appropriation for the salary of the Chief of the Bureau of Navy-Yards and Docks, and of the civil engineer, clerks, and messenger in his office, from \$13,700 to \$14,850.

The next was to increase the appropriation for the compensation of the Chief of the Bureau of Construction, Equipment, and Repairs, and of the chief naval constructor, engineering chief, and the clerks and messenger in his office, from \$20,800 to \$22,550.

The next was to increase the appropriation for clerks and messenger in the Bureau of Provisions and Clothing from \$7,300 to \$8,150.

The next was to increase the appropriation for the compensation of the Chief of the Bureau of Medicine and Surgery, and the clerks and messenger in his office, from \$7,900 to \$8,350.

The next was to strike out "for printing and paper for the Navy Department, \$2,000."

The next was to insert among the appropriations, "for the general purposes of the Southwest Executive Building," the following:

For additional for disbursing clerk and superintendent of Executive Building, provided in the third section of the act of the 3d of March, 1853, entitled "An act making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1854," for the Navy Department, \$200.

The next was to increase the appropriation for compensation of four watchmen of the Southwest Executive Building, from \$2,000 to \$2,400.

The next was to strike out the following:

For compensation of the Postmaster General, three Assistant Postmasters General, and clerks, messenger assistants, messengers, and watchmen of said Department, \$124,400.

and to insert in lieu thereof—

For compensation of the Postmaster General, three Assistant Postmasters General, and clerks and messengers of said Department, \$150,150.

The next was to insert among the appropriations for contingent expenses of the Post Office Department the following:

For additional for disbursing clerk and superintendent of Executive Building, provided in the third section of the act of the 3d of March, 1853, entitled, "An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1854," for the Post Office Department, \$900;

For compensation of three watchmen for the Post Office Building, \$1,800.

The next was to strike out this clause:

For printing and paper for the Post Office Department, \$1,000.

The next was to insert, at the end of the appropriations for the Executive Departments, the following:

For paper and printing for the Executive Departments, including paper, printing, and binding the annual "Statement of Commerce and Navigation," and paper, and printing the annual "Estimates of Appropriations," \$30,800.

The next was to amend the following clause, among the appropriations for New Mexico: "For contingent expenses of said Territory, \$1,000;" so as to make it read:

For contingent expenses of said Territory, including the compensation of the person employed by the Governor as a translator, \$1,500.

The next was to insert in the provision appropriating \$20,000 for the compensation and mileage of the members of the Legislative Assembly of New Mexico, its officers, clerks, and contingent expenses, the following:

Including the compensation of the person employed by the Governor to revise and correct the laws of New Mexico, and the expense of printing the same.

The next was to add to the appropriations for the Territory of New Mexico the following:

To enable the Secretary of the Treasury to pay for the preservation of the archives of the Territory from May 5 to September 9, 1852, \$420.

The next was to strike out of the appropriations for Washington Territory the following:

For salaries of Governor, Superintendent of Indian Affairs, three judges, and secretary, \$10,500, and in lieu thereof to insert:

For salaries of Governor, Superintendent of Indian Affairs, three judges, and secretary, \$11,500; it being hereby provided that the respective salaries of the Governor and Superintendent of Indian Affairs be increased to \$2,000 per annum.

The next was to add to the appropriations for Washington Territory the following:

To reimburse the fund appropriated to defray the pay and mileage of members of the Legislative Assembly, and the contingent expenses thereof, the amount fraudulently taken from said fund by Henry V. Colter, and to relieve Charles H. Mason, secretary of said Territory, from his liability therefor, \$2,000.

For compensation and expenses of commission to frame a code of laws for the Territory, \$2,500.

For the completion of the geological reconnaissance of the Territory of Washington, and to make detailed examinations in the coal and mineral regions thereof, \$10,000.

The next was to insert, after the appropriation for the payment of district judges, the following:

For compensation of the district judge of the southern district of California, commencing the 23d of January, 1854, \$4,023 88.

The next was to increase the appropriation for salaries of the Attorney General, and the clerks and messenger in his office, from \$12,300 to \$19,900.

The next was to amend the clause "for salary of the reporter of the Decisions of the Supreme Court, \$1,300," by adding to it:

If only one volume of the reports shall be published; and in case the Supreme Court shall direct him to publish two volumes, then the sum of \$1,300 for each volume so published.

The next was to insert, after the appropriation for the purchase of a custom-house site at Providence, Rhode Island, the following:

For the completion of the custom house at San Francisco, California, including all expenses of filling in, piling, sewers, drains, pavements, inclosure, gateways, the extin-

guishment of private claims for the possession of the whole or any part thereof, and contingencies incident thereto, \$163,388 09.

Mr. STUART. I should like to inquire of the chairman of the Committee on Finance whether that is intended to cover what I understand has been a compensation agreed upon by the State of California, and the United States respecting the custom-house lot in San Francisco?

Mr. HUNTER. This does not cover that. There is another appropriation for it. This is designed to finish the custom-house, to finish the foundation, filling in, and piling to complete the foundation.

Mr. STUART. The present work, as I understand it, is upon a lot which is in dispute.

Mr. HUNTER. It is upon a lot that was in dispute, but the State of California has consented to accept a certain amount which is appropriated here.

Mr. STUART. That is what I wished to inquire, whether the bill contained a provision which was to satisfy the State on that subject?

Mr. HUNTER. Yes, sir, it does.

Mr. WELLER. The Legislature of the State of California passed an act requiring the property to be appraised, and providing for its transfer to the United States on this Government paying one half that appraised value.

Mr. STUART. So I understood.

Mr. WELLER. The lot was appraised by competent persons at \$300,000, and therefore would be transferred to the Federal Government for \$150,000.

Mr. STUART. So I understood, and I wished to know whether the bill contained a provision which was to perfect that title.

The Secretary resumed the reading of the committee's amendments. The next was, in the provision requiring a valid title to the first obtained, and a cession of jurisdiction by the State where any building appropriated for by the act was to be erected, before any of the moneys appropriated hereby, to strike out the words "for any building mentioned in this act," and to insert "by this act for any custom-house or marine hospital;" and to strike out the words "in this act" in a subsequent part of the same proviso.

The next was to insert after the appropriation for the Pittsburg custom-house, the following:

For the erection of a building for a boarding station at Pass a l'Oute, Louisiana, \$3,500: *Provided*, That no part of said sum shall be expended until the title to the land selected as the site of said building be first secured to the United States.

To enable the Secretary of the Treasury to purchase, for the use of the United States, the land and buildings thereon, constituting the boarding station at the southwest pass of the Mississippi river, \$3,500: *Provided*, That no part of said sum shall be expended until the title to said land be secured to the United States, and the consent of the Legislature of the State of Louisiana obtained to said purchase.

The next was to insert, after the last amendment, the following:

For the construction of an appraiser's store on a portion of the square selected for the custom-house at San Francisco, California, including the expense of piling for the foundation thereof, by contract or otherwise, as the Secretary of the Treasury may deem best, \$100,000: *Provided*, That the same restrictions regarding the completion of said work with the sum hereby appropriated, as are contained in this act, concerning the erection and completion of custom-houses and marine hospitals, shall be applicable thereto.

The next amendment was in the following provision to strike out all after "1853," down to "Congress"—[the words to be stricken out are in brackets.]

For the purchase of the lots or parcels of land, with the appurtenances and the buildings thereon, belonging to the State of California, including the expense of piling for the foundation thereof, by contract or otherwise, as the Secretary of the Treasury may deem best, \$100,000: *Provided*, That the same restrictions regarding the completion of said work with the sum hereby appropriated, as are contained in this act, concerning the erection and completion of custom-houses and marine hospitals, shall be applicable thereto.

And to insert, in lieu of the provisos thus proposed to be stricken out, the following:

Five hundred and thirty thousand dollars, with interest

thereon at the rate of six per centum per annum, from the 15th day of September, 1853, until said purchases shall be completed: *Provided*, That the same be so completed within one year from the day such interest is hereby authorized to be paid. And the Secretary of the Treasury is hereby further authorized to purchase, for the use of the United States, such property adjoining thereto, situated on Pine street, on which the United States now holds a mortgage, as may be sold to satisfy the same, at a price not exceeding the amount of said lien.

Mr. BRODHEAD. I desire to make an inquiry and a remark respecting the proposed amendment in reference to the purchase of a site for an assay office in the State of New York. I observe that the Committee on Finance propose to make an amendment to the House bill by striking out this proviso:

Provided, That, before the said purchase is completed, the State of New York shall cede to the United States jurisdiction over said land and property, and shall, by law, exonerate the same, and the property of the United States thereon, from all taxes, levies, and assessments thereon, whilst the same remains the property of the United States: *Provided, however*, That no part of this appropriation is to be used until the Secretary of the Treasury has entered into a negotiation with the lessors of the lot in question to get rid of said lease; and also has ascertained upon what terms said lease can be disposed of, and has reported the result of said negotiation to the next session of Congress.

It is as to this amendment of the Committee on Finance to this portion of the bill that I desire to make an inquiry. I do not exactly understand why the House of Representatives inserted the provision now proposed to be stricken out, unless the House believed that the sum of \$530,000 was too large a compensation for the building and ground. The House must have acted upon the idea that it was too large a compensation, otherwise they would not have directed the Secretary of the Treasury to enter into negotiations with the lessors to get clear of this conditional purchase. Now, I should like to know from the Committee on Finance why it is proposed to strike out this provision which was inserted by the House of Representatives? It seems to me that it was a very good proposition.

Mr. PRATT. Before the Senator from Virginia answers the inquiry of the Senator from Pennsylvania, I wish also to make an inquiry on the same subject. The portion of the House bill which it is proposed to strike out contains the proviso which is usual, I believe, whenever the United States acquire lands within the limits of a State, that the State shall cede jurisdiction and pledge itself not to tax the property ceded. The proviso which it is proposed to strike out is the usual form that, before the purchase is completed, the State of New York shall cede to the United States jurisdiction over such land and property, and exonerate the same as property of the United States from all taxes and levies. I believe that whenever the United States propose to acquire property, they universally require the State Legislature to relieve them from taxation on the property so to be acquired.

Mr. HUNTER. The inquiry of the Senator from Maryland is first in order, although last made, and I shall therefore first reply to him. We understood that the State of New York had already released from taxation any property which might be acquired by the United States, for the purpose of an assay office in the city of New York. It was supposed, indeed it has been found from experience, that perhaps it is better that the States should not cede jurisdiction. A great many offenses may be committed there, which are cognizable by State laws, and for which they provide an adequate remedy, and accordingly a motion will be made by the Senator from Maine, [Mr. HAMLIN,] by the authority of the Committee on Commerce, when the Committee on Finance shall have concluded their amendments, to insert a provision not requiring a cession of jurisdiction.

Mr. PRATT. Let me say to my friend that the jurisdiction ceded is always a limited one, reserving to the States ceding jurisdiction over criminal offenses committed within the territory ceded. For example, take the property at Annapolis, which was ceded by Maryland for a naval school. The State of Maryland ceded her jurisdiction over the property, but she reserved the right to punish criminal offenses committed within the territory so ceded. The territory, however, was ceded to the United States, and the right of taxing relinquished. The Senator from Virginia seems not to be certain on this point. He says that he has understood that the State of New

York has passed a law releasing the property from taxation.

Mr. FISH. I can relieve the Senator of all doubt on that point. The State of New York has passed such a law, and I have a copy of it here. If it be desired, I will send it to the Secretary's desk, and have it read. It exempts the buildings, ground, machinery, and everything in the buildings, from taxation.

Mr. PRATT. Does it relate to property to be bought?

Mr. FISH. Let the act be read.

The Secretary read it, as follows:

An act to exempt the assay office of the United States, in the city of New York, from assessment or tax.

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. 1. No assessment or tax of any description, general or local, shall be imposed, assessed, or collected upon the assay office of the United States, which, by the act of Congress of March, 1853, it is provided shall be established in the city of New York; neither upon the land owned by the United States on which the building or buildings used or to be used therefor, shall, or may be erected; nor upon the machinery used or to be used therein; nor upon the metal, bullion, or coin deposited for melting, remelting, or assaying; nor upon bars or ingots, after melting, remelting, or assaying; while the same is in the custody, possession, or under the control of the officers of the assay office of the United States, in the city of New York.

Sec. 2. This act shall take effect immediately.

Mr. HUNTER. In regard to this matter of jurisdiction, I will state to the Senator from Maryland, that it was not an old practice, but a recent one. Since some of the States attempted to tax such property, that provision has been made. It was done for the purpose of saving it from that taxation; but it was found afterwards to be unnecessary, and to lead to some special inconveniences. By the words of the Constitution, when the State has given its assent to the acquisition of title, or the part of the United States, for any needful building, the jurisdiction follows. The Constitution gives authority to Congress to exercise "exclusive legislation in all cases" over the seat of government, and "to exercise like authority over all places purchased, by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings." If the State assents to the purchase, the jurisdiction follows, as a matter of course.

In regard to the amount, I will state to the Senator from Pennsylvania, that there could have been no objection to that on the part of the House, because they appropriated the amount with one little difference, which I will presently explain. But to that appropriation there were added, by way of amendment, some provisos which seemed to the Committee on Finance to be not only useless, but, in some cases, more than useless. One is the provision that the Secretary of the Treasury should enter into negotiation with the lessor to get rid of the lease. Now, what is the necessity for that? If the United States buy, of course they get rid of the lease, and there can be no necessity for that proviso.

Another proviso was, that no part of the appropriation should be used until the Secretary of the Treasury ascertained upon what terms the lease could be disposed of, and reported the result of such negotiation to the next session of Congress. The effect of that would have been to delay the use of this appropriation until the next session of Congress, and to do so uselessly, because we have now a copy of the contract which was, of course, conditional upon the approval of Congress by which the parties owning the property contracted to sell it to the Secretary of the Treasury for the very sum appropriated here. The contract also provided that if the Government would pay interest up to the date of the payment of the principal, we need not pay the rent of the building. A positive saving will, therefore, be made by adding as we propose to add to the \$530,000, interest at the rate of six per cent. per annum, because the interest is much less than the rent. By pursuing the terms of the contract, as this amendment proposes, we shall acquire the property and get rid of the rent which we should have to pay, by paying a less sum. We thought, therefore, that the condition of the last proviso was worse than useless; that it merely postponed to a later day what ought to be done at once, and also required us to pay more interest than was necessary.

Mr. PRATT. I wish to call the attention of the Senator from Virginia, and of the Senate, to

the phraseology of the New York law, which has been brought to our notice. It provides that no tax shall be imposed "upon the land owned by the United States on which the building or buildings used, or to be used therefor, shall or may be erected." Now, the object of the provision of the bill under consideration is to purchase land within the jurisdiction of the State of New York; and hence it is a purchase of land which was not owned at the time this act of New York was passed; therefore, inasmuch as the act of New York only exempts land owned by the United States, it does not exempt from taxation the land which you now propose to purchase under this bill. I may be in error in this construction, but I think it is the legal construction, and surely there can be no harm by retaining that portion of the bill, as it came from the House, which provides that an exemption from taxation shall be obtained from the State of New York. The law of New York is applicable only to "land owned," and, of course, it meant land owned, at the time that law was passed, by the United States, and upon which they might erect a building which should be exempt from taxation. It is not, according to strict construction, applicable to the land proposed to be purchased by this portion of the bill.

Mr. FISH. Mr. President, I think that the honorable Senator from Maryland is wholly mistaken in his construction of the law of New York. I know very well that if his construction be correct, it is wholly at variance with the interest of those who enacted the law. The Legislature of New York have already passed two acts in reference to this very subject. Some two years since, in anticipation of action at that time by Congress, they passed a prospective law, that any property which should be acquired by the United States, for the purposes of a Mint in the city of New York, should be exempt from taxation. After the bill establishing the assay office was enacted by Congress, that not being a Mint, it was thought necessary to ask for a further act to carry out in good faith the intention of the State to release the property from taxation.

I can state further to the honorable Senator from Maryland, that in the State of New York the mode of taxation is by an annual assessment. The tax is imposed year by year. The phraseology of this act is, "no assessment or tax of any description, general or local, shall be imposed, assessed, or collected upon the assay office of the United States," nor "upon the land owned by the United States on which the building or buildings used, or to be used therefor."

At the present time there is a provision in the lease that, while the property belongs to the banks from which the Government has rented it, the lessors shall pay the taxes. Surely the honorable Senator does not wish to discharge them from that obligation. But the moment the property is owned by the General Government, the act becomes operative, and from that time no assessment or tax can be imposed upon the ground of the United States, or the buildings erected on it for the assay office. The act is perfectly explicit, perfectly effectual for the object which the Senator has in view.

Mr. COOPER. Mr. President, I do not think there can be any difficulty at all about the true construction of the act of New York; but independent of that, the clause of the Constitution which has been referred to by the Senator from Virginia, it seems to me, settles the question sufficiently. I presume the provision inserted in the original bill in the House arose out of some misunderstanding between parties there. It is known to the Senate, and perhaps to the Senator now occupying the chair, [Mr. BADGER,] that some little jealousy has existed between Philadelphia and New York on the subject of the Mint. One party thought this assay office was a kind of embryo Mint in the city of New York, and therefore may have thought they would try to cripple it as far as possible. I do not think that such was the intention at all, and I am confirmed in that by my honorable friend at my side, [Mr. FISH.] He and I understand each other, and I believe my colleague also. I have no objection, of course, to retaining the provisos proposed to be stricken out; but I have the assurance that the original intention of Congress in authorizing an assay office at New York is not going to be violated on the part of our New York friends.

They will get along with their assay office and leave us our Mint. For my part, I do not feel any disposition to cripple them. I rely on their good faith; but as soon as I find that they violate it, I shall make war upon them. Until then, I think it cannot properly be done.

Mr. FISH. I think there is no need of misapprehension. If the assay office, as it is proposed to be established if the other provisions of this bill shall be carried into effect, I assure my honorable friend from Pennsylvania that I do not think New York will ever ask for the mere privilege of stamping coin. We shall have acquired the great commercial advantages which we have so long needed. That is what we want; but we are not anxious to interfere with the possession by Philadelphia of that beautiful building which adorns that city, or interfere with any profit which may result to it from continuing the operations of coinage there. What we want is to save ourselves the cost of transportation on the large amount of bullion brought into New York, and the loss of time and the risk and expense which have heretofore been incurred. But the provisions of this bill, as reported by the Committee on Finance, if enacted, will, I think, give us all that the city of New York will ever ask for on that subject.

Mr. BRODHEAD. I am glad to hear from the honorable Senator from New York the remarks which he has just submitted. They are in accordance with the understanding which was had, and the remarks which were made in debate, when the bill establishing the assay office in the city of New York was under consideration. It will be remembered that I opposed the establishment of that assay office there, on the ground that it was only the commencement of a Mint in that place. The honorable Senator from New York at that time assured me that such was not the fact. Well, sir, the bill passed, appropriating \$150,000 for an assay office in New York city, and now we are told that a contract has been made for \$530,000 for the purchase of a site. I know that property in Wall street is very valuable, and I do not say the Secretary of the Treasury has made an improvident contract. But, looking at this very large sum to be paid for a large building, an apprehension arose in the minds of many people in Pennsylvania that there was a design to do something else with the building than use it merely for an assay office.

Mr. FISH. That is the fact.

Mr. BRODHEAD. So I understand, and I learn now from the chairman of the Committee on Finance, that this building is not to be used for an assay office alone, but is also to be occupied by the assistant treasurer of the United States in New York, to keep the funds and coin belonging to the United States, the custom-house being too small for that purpose. Am I correct?

Mr. HUNTER. The Senator is correct in supposing that this purchase is necessary in order to procure certain easements for the custom-house, which are essential to it, and for which there is otherwise no hope. This property adjoins the custom-house, and by purchasing it we get the use of an alley which is important, and I believe it is proposed to erect on it an additional building for the use of some of the officers in the custom-house.

Mr. FISH. And beyond that let me say the assay office occupies a very small portion of this property. The rear part of the lot is that on which the assay building is erected. The building in front is to be occupied by the assistant treasurer and his clerks, and is also to be occupied by a large number of the clerks of the custom-house, not even connected with the assistant treasurer. The accommodations in the custom-house are insufficient, and hence the necessity of providing them elsewhere. There was a right of way in common between the custom-house and this property, which now becomes solely the property of the United States, and large additional accommodations for the custom-house officers will be obtained in that way.

The PRESIDING OFFICER. If Senators are now satisfied on this amendment, the Secretary will continue the reading of the others.

The Secretary continued to read the amendments of the committee.

The next amendment was to insert, in the following clause, the words in italics:

For expenses of raising, cleaning, and repairing, remoor-

ing, and supplying losses of floating beacons and buoys, and chains and sinkers for the same, and for coloring and numbering all the buoys, \$89,357 32.

The next amendment was to insert the following in the bill:

For expenses which may be incurred in acknowledging the services of the masters and crews of foreign vessels in rescuing citizens and vessels of the United States from shipwreck, \$5,000: *Provided*, That the same shall be expended under the direction of the President of the United States.

For the purchase of blank books, stationery, arms of the United States, presses, and flags, and for the payment of postages for the consuls of the United States, \$10,000.

The next amendment was to strike out of the following clause "\$97,200," and insert "\$160,000:"

For salaries and commissions of registers of land offices, and receivers of public moneys, \$97,200.

The next amendment was to strike out of the following clause "\$14,600," and insert "\$50,000:"

*For expenses of depositing public moneys by receivers of public moneys, \$14,600.

The next was to strike out "\$18,100" from the following clause:

"For incidental expenses of the several land offices, \$18,100,"

and insert:

Including new offices not heretofore provided for, \$40,000.

The next amendment was to insert the following:

For surveying the public lands and private land claims in California, including office expenses incident to the survey of the claims, and to be disbursed at the rates prescribed by law for the different kinds of work, \$300,000.

For rent of surveyor general's office in California, purchase of instruments, records, drawing materials, furniture, fuel, pay of messenger, \$18,300.

For compensation of draughtsmen and clerks, in addition to the amount heretofore estimated, the same being required in consequence of the increased amount of field-work proposed to be executed, \$21,000.

The next amendment was to strike out the following:

For two additional clerks in the office of the Superintendent of the Public Printing, authorized by the joint resolution approved February 6, 1854, \$1,500 each, \$3,000.

The next was to insert the following:

For running the northwestern boundary line between the United States and Great Britain, from the Lake of the Woods to the Pacific ocean, for marking the forty-ninth parallel, and for such survey as may be necessary to fix said boundary between the main and Vancouver's Island, and including the compensation of the officers and others employed in the work, \$242,175.

The next was to strike out the following:

To enable the Secretary of the Treasury to replace the moneys already paid for rents, and to pay the semi-annual payment for rent falling due on the 1st day of January, 1855, on the two leases, each bearing date the 19th day of August, 1853, one thereof with the Bank of the State of New York, and the other thereof from the Bank of Commerce, both being for property on Wall street in the city of New York, leased for the use of the assay office in the city of New York, \$68,458 33.

The next was to strike out of the following clause the proviso:

For the Capitol extension, \$750,000: *Provided*, That each and all persons who have been, or may be appointed hereafter, to disburse the money which is now, or may hereafter be appropriated for the building or repair of any of the edifices or structures for which appropriations are made in this act, and are not now required by law to give bond and security, shall give bond, with good securities, in sufficient penalty, to be approved of by the head of the department under which such disbursement may be made, or the President of the United States, when the work shall be specifically under his direction.

The next was to insert the following:

For continuing the work for a supply of water to the cities of Washington and Georgetown, \$500,000.

For completing the bridge over the Potomac river near the Little Falls, \$75,000.

Mr. SHIELDS. I ask the honorable Senator whether \$75,000 are sufficient to complete that bridge?

Mr. HUNTER. That is the estimate. We put in the estimate, and we know no other rule.

Mr. DODGE, of Iowa. I desire to inquire of the Senator from Virginia, whether, if this amendment be passed, we shall be giving our consent to the water works?

Mr. PRATT. Certainly.

Mr. DODGE, of Iowa. Then I object.

The PRESIDING OFFICER. If the Senator objects, the amendment will be passed over.

The Secretary continued to read the amendments.

The next was to insert the following:

For permanent repair of the roof of the Capitol with copper, \$2,000.

The next was to insert:

For altering the streets, and repairing in front of the east wing of the Patent Office, putting up iron railings, flagging,

footway, putting in order yards, painting new saloon of the Patent Office in fresco, \$14,250.

The next was to insert:

For fuel for the President's House, \$1,000.

For a furnace keeper at the President's House, \$365.

The next was to insert:

For grading done by order of Ignatius Mudd, late Commissioner of Public Buildings, in reservation number seventeen, between Third street east and New Jersey avenue, \$484 89.

The next was to add the following additional section:

And be it further enacted, That the third section of the act making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1854, providing for the classification of the clerks in the Treasury, War, Navy, Interior, and Post Office Departments, as amended by the act of April 22, 1854, shall be, and the same is hereby, further amended, as follows, to wit: In the office of the First Comptroller there shall be two additional clerks of class three; and in the office of the First Auditor there shall be one clerk taken from class three and placed in class four, and four additional clerks allowed of class one; and in the Third Auditor's office five clerks shall be taken from class three and placed in class four, and twenty-seven temporary clerks shall be placed in class one, and one temporary clerk in class three, and four temporary clerks in class two; and in the Sixth Auditor's office one clerk shall be taken from class three and placed in class four, and there shall be added to the clerks in this office ten of class one; and in the Register's office two clerks shall be taken from class three and placed in class four, and two additional clerks added of class one; and in the Treasurer's Office one clerk shall be taken from class two, and one clerk from class three, and placed in class four, and two additional clerks allowed to class one; and in the General Land Office the principal draughtsman shall be classed and paid as a clerk of the third class, and the assistant draughtsman as a clerk of the second class; and in the office of the Secretary of War there shall be added one clerk of class four; in the office of the Adjutant General there shall be one additional clerk of class one; and in the office of the Topographical Engineers one scientific draughtsman as a clerk of class four; and for the superintendency of the building on the corner of F and Seventeenth streets, the Secretary of War is authorized to appoint some one clerk of his Department other than the disbursing clerk, for that purpose, who shall be allowed, in addition to his salary as clerk, \$300; in the Postmaster General's Office there shall be seven additional clerks, two of class two, one of class three, and one of class four; and in the office of the Attorney General, in lieu of the clerks now authorized by law, there shall be one chief clerk, at a salary of \$2,200, one clerk of class one, three of class two, two of class three, and one of class four. And the President of the United States is hereby authorized, whenever it may in his judgment be necessary, to cause counsel to be employed to assist in the prosecution or defense of causes which may be pending in the Supreme Court in which the United States are interested, and to allow to such counsel such compensation as he may deem reasonable. And in the Department of State, instead of the clerks now authorized by law, there shall be four clerks of class one, three of class two, seven of class three, and four of class four. One clerk of class four shall be designated by the superintendent to superintend the northwest Executive building, and to disburse all moneys belonging to the service of said Department not otherwise provided for, who shall give bonds as provided for by the independent treasury act, and receive an additional compensation therefor of \$200 per annum. There shall be one chief of the diplomatic, and one chief of the consular branch of the public service, and one examiner of claims for indemnity preferred by States of the United States against foreign Governments, and by the latter against the former, who shall perform their duties as the Secretary of State may designate; each of whom shall receive an annual salary of \$2,000; and the chief clerk of said Department shall receive an annual salary of \$2,200. No clerk not now employed in the State Department shall hereafter be appointed until he has been examined by a board, to consist of three examiners, to be selected by the Secretary of State, and found qualified in certain particulars to be prescribed by the said Secretary in fixing beforehand a general standard of qualifications for the clerks to be employed in his Department.

The next amendment was to insert the following as an additional section:

Sec. 4. And be it further enacted, That the provisions of the second section of the act of 22d of April, 1854, entitled "An act to amend the third section of the act making appropriations for the civil and diplomatic expenses of government for the year ending the 30th of June, 1854, and for other purposes," be, and the same are hereby, repealed. And from and after the 1st day of July, 1854, the annual salary of the stamp and blank agent for the Post Office Department shall be the same as clerks in the departments of the second class; and that of the clerk in the office of the Commissioner of Public Buildings the same as clerks of the first class; and the Secretaries of State, Treasury, Interior, War, and Navy, Postmaster General, and Attorney General, be authorized to employ one principal messenger each, at an annual salary of \$900, in lieu of those now so employed, and the salary of all other messengers and assistant messengers, including the packers in the General Land Office, heretofore authorized by law to be employed in the Executive Departments in Washington, the messenger in the office of the Commissioner of Public Buildings, doorkeeper and assistant doorkeeper at the Executive Mansion, and keeper of the western gate, Capitol square, shall be \$750 per annum; and the annual salary of the watchmen employed at the Capitol, President's House, and the Executive Departments, and the Auxiliary Guards, shall be \$600; and the public gardener shall receive \$1,400 per annum; and the captain

of the police of the Capitol shall receive \$1,600, and each of his assistants \$1,300 each per annum; and all laborers in the employment of the Executive Departments in the city of Washington shall receive an annual salary of \$480 each; and for the payment of the excess of the sums herein required to be paid over and above those elsewhere contained in this act for said payment, there shall be added thereto respectively such further sums as together will equal the amounts herein authorized, out of any money in the Treasury not otherwise appropriated.

Mr. JAMES. I suggest to the chairman of the Committee on Finance a small amendment, to insert after the words "Auxiliary Guards," "and the watchmen of the Capitol extension."

Mr. HUNTER. I have no objection to that.

Mr. ADAMS. I move to amend the section by inserting after the words which have been inserted on the motion of the Senator from Rhode Island, "watchmen on the Capitol extension," the words "keeper of Lafayette square," so as to make his salary \$600.

Mr. CLAY. I would suggest that that is what his compensation is now. He gets two dollars a day.

Mr. HUNTER. If he gets that, I think it ought to do. Two dollars a day is \$730. I am willing to put him equal with the messengers, at \$750. That will be enough.

Mr. ADAMS. I will suggest \$800.

Mr. HUNTER. The keeper of the Capitol gate gets \$750, and the keeper of Lafayette square ought not to get more than he does. I would suggest to the Senator that it would be better to put him on the same footing with the keeper of the Capitol gate.

The PRESIDING OFFICER. (Mr. Weller in the chair.) The Chair will suggest that the proposition of the Senator from Mississippi reduces the amount.

Mr. ADAMS. I will say \$800 dollars per annum.

Mr. HUNTER. I would suggest to the Senator to insert, "the keeper of Lafayette square," after the words "keeper of the western gate, Capitol square." That will give him \$750 per annum, the same as the gate-keeper gets.

Mr. ADAMS. I will accept that.

The amendment was agreed to.

Mr. SHIELDS. I want to suggest another amendment to the Senator from Virginia, which, it occurs to me, is just and necessary. The section now provides that the salary of "the messenger in the office of the Commissioner of Public Buildings, doorkeeper and assistant doorkeeper at the Executive Mansion, and keeper of the western gate, Capitol square, shall be \$750." And then it says "the annual salary of the watchmen employed at the Capitol, President's House, and the Executive Departments, and the auxiliary guards, shall be \$600." I suggest to the Senator that the watchmen should be put on the same footing with those others, at \$750; because their duties are much more onerous and laborious and trying. They occur at night as well as in the daytime; and I know these men suffer a great deal more than the others. They perform more difficult duties.

Mr. HUNTER. I suggest to the Senator from Illinois that this \$600 is the amount of \$500 which the watchmen used to get, with the twenty per cent. given by the bill of the Senator from Mississippi, [Mr. Adams.] It may be that the watchmen of the Capitol ground are in the habit of getting more than the others. I am not aware of the fact. We equalized all the watchmen of the Departments, and gave them the highest salary that any one now receives—\$600. We thought that enough.

Mr. SHIELDS. But I want this to apply to all Executive departments, because I know that these men have more onerous duties to perform than the messengers who get \$750, and only perform duties during three hours of the day, while the watchmen perform duties during twenty-four hours.

Mr. HUNTER. We found those grades established, and I suppose that they have so continued from the institution of the Government—messengers receiving more than the watchmen, and different classes of messengers receiving compensation. We have not attempted to change that system. We have given the watchmen the highest salary which any one of them was receiving. We thought that was doing enough, and I suggest to the Senator from Illinois, whether there must not be some end to this increase of

salary. We have been dealing pretty liberally with the employees in this District.

Mr. SHIELDS. I have not even commenced the increase of salaries, but I know that these watchmen, who are compelled to stay out all night, are entitled at least to the pay of a messenger, who has services to perform only three hours in a day; and I therefore move to amend by giving them \$750.

Mr. ADAMS. The amendment reported from the Committee on Finance increases the compensation of a portion of these employees to \$600. If you commence with one, you must go to the other. The Senator from Illinois is not advised, perhaps, of the annoyance and discontent that these arrangements produce among the different employees. I am convinced that a large portion of them would be content with \$600, as provided for by the amendment of the committee.

The amendment to the amendment was agreed to.

The Secretary read the next amendment of the committee.

It was to add the following as an additional section:

Sec. 5. *And be it further enacted*, That from and after the 30th of June, 1853, the pay of the Librarian shall be \$2,000, the pay of the two principal assistants each \$1,800, that of the third assistant \$1,200, and that of the messenger \$1,080 per annum.

Mr. PEARCE. It is necessary to amend that by inserting, after the word "librarian," the words "of Congress."

The modification was made.

The next amendments of the committee propose to insert the following additional sections:

Sec. 7. *And be it further enacted*, That the sum of \$300,000 be, and the same is hereby appropriated, to be paid to the State of California, for the expenses of the government of said State from its organization until its admission into the Union.

Sec. 8. *And be it further enacted*, That all persons claiming any interest in, or portion of, any grant of land derived from the Spanish or Mexican Government in Upper California, where such original grant has heretofore been presented to the board of land commissioners within the time specified in the thirteenth section of the act of the 3d of March, 1851, but who have failed to present to the said board the evidence of their derivative title to said interest or portion from the original grantee, be, and they are hereby, authorized to present the same; and the said commissioners are hereby directed to adjudicate the said interest or portion in the same manner as if it had been presented within the time originally proscribed by the aforesaid act of the 3d of March, 1851, entitled "An act to ascertain and settle the private land claims in the State of California."

Sec. 9. *And be it further enacted*, That the first provide to the first section of the act entitled "An act to provide compensation to such persons as may be designated by the Secretary of the Treasury to receive and keep the public money, under the fifteenth section of the act of 6th August, 1846, for the additional services required under that act," approved March 2, 1853, shall not be construed to apply to the collector of the district of Buffalo Creek, while such collector shall be one of the designated depositors of public moneys.

Sec. 10. *And be it further enacted*, That the accounts of the public printers, and the certificates of the Superintendent of Public Printing thereon, so far as the same relate to the printing for the Executive Departments, shall be subject to the examination and control of the accounting officers and Secretary of the Treasury in like manner as other public accounts; and those which relate to the printing for the Senate and House of Representatives shall be subject to the examination and control of the respective Houses in like manner as other expenditures for said Houses.

Mr. BADGER. The next amendment, printed among the amendments coming from the Committee on Finance, I am authorized by the committee to move. It was agreed to by them, on my suggestion. I therefore, in order that it may be understood, have included it here, and now ask that it may be read; and then I shall make a word of explanation upon it.

The amendment was to add two additional sections, as follows:

Sec. 11. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to appoint or employ, in his official household, the following officers, to wit: One private secretary, at a yearly salary of \$2,500; one clerk, at a yearly salary of \$1,600; one steward, at a yearly salary of \$1,000, who shall, under the direction of the President, have charge of, and be responsible for, the plate and furniture of the President's mansion, and shall discharge such other duties as the President may assign him; one messenger, at a yearly salary of \$900; and one assistant messenger, at a yearly salary of \$750. And for the payment of the compensation of the said officers during the present fiscal year, the sum of \$6,750, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Sec. 12. *And be it further enacted*, That a yearly appropriation be made for the purchase of stationery, binding public documents, and other contingent expenses of the Ex-

ecutive office, to be expended by the private secretary, under the direction of the President; and for that purpose, during the present fiscal year, \$650 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. BADGER. I hope the Senate will excuse me for making a very brief statement in regard to this amendment. I have long been impressed with the propriety and necessity of making some provision like what has just been read in regard to the President's official household. As things stand at present, the President has but one secretary—his private secretary—and he is a mere private employee of his, and indeed, he has no means for compensating him except out of his own pocket, or by putting him in the discharge of the office of clerk to sign patents. Whatever may have been the state of things at the commencement of this Government, it is beyond all doubt that the duties required of the office of President of the United States requires some efficient clerical assistance. I know, Mr. President, it was so as far back as the time when I had the honor of a seat in the Cabinet; and every Senator must know that if it was necessary then, it is necessary now. I have considered it rather discreditable that the President of the United States should have neither a secretary or clerk furnished to him by the Government for the purpose of aiding him in the performance of the work essential to the transaction of the public business. Therefore I have proposed, by the amendment, to allow him a private secretary and a clerk.

In the next place I propose to allow him a steward to his household to take the superintendence and charge of the plate, furniture, and other public property of the mansion. I shall give a distinct reason why it seems to me it is very clear that such a provision should be made. We are in the habit every four years of appropriating large sums of money for furnishing and refurnishing the President's House. It cannot be expected that the President of the United States himself is to take the superintendence and charge of this public furniture. The persons whom he employs for ordinary domestic services have enough to do to attend to the ordinary services of his private household; and besides, sir, the man who should take charge of that property ought to be a person of a different grade from those who can be obtained for ordinary employment at fifteen or twenty dollars a month. I mention this fact in illustration of the waste and dilapidation that takes place in the public property in the President's Mansion. I recollect well, when General Harrison was elected President, the first thing he had to order, after he entered the White House as President, was a bed; because there were not enough there to accommodate his family. It seems to me clear that if it is proper for Congress, if it is right, as undoubtedly it is, to make appropriations for this furniture, it is a measure of reasonable precaution and just economy to have an officer there in charge of it, and to superintend the delivery of this public property from the outgoing President into the hands of the official representative of his successor.

I then propose to allow the President a messenger. He has now nobody to act in that capacity. Every head of a Department has a messenger, every head of a bureau has a messenger, and it is known to every gentleman who has business with the Executive departments, that in the ordinary transactions between the President and the Departments, valuable and important public papers have to be sent forwards and backwards, for which purpose, as far as the President is concerned, he has no person.

Then, sir, the amendment embraces another provision, the propriety of which is apparent. It is a small appropriation of \$650 for the binding of public documents, for stationery, and other contingent expenses of the President's office. Now, sir, at this time, and up to this time, the President of the United States, for any purpose, is not furnished with the ordinary stationery which he uses. He receives it—how? By contributions made from the different Departments, or from one of the Departments, which I do not think is a respectable and creditable manner of supplying the Chief Magistrate of the country with the stationery which he uses. Why should not the President of the United States have it? I hope there will be no objection to the amendment which I take pleasure in offering, as it comes with

more propriety from one belonging to another party than that to which the President belongs.

Mr. PRATT. It seems to me that this amendment will incur the President with too many officers and servants. On one page of the bill I find two door-keepers provided for him. Then there is another officer appointed to make fires, and on some other page two other officers are appointed besides those which I have mentioned. Then the amendment which the Senator proposes is to oblige the President to appoint others.

Mr. BADGER. The President is not obliged to appoint them at all.

Mr. PRATT. It will incur him with too many officers.

The PRESIDING OFFICER, (Mr. WELLER in the chair.) If there be no proposition to amend the section reported from the committee, the Secretary will proceed to read the next amendment.

The next amendment was to insert the following as an additional section:

Sec. 13. *And be it further enacted*, That the authority given by the eleventh section of the act approved March 3, 1853, entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1854," to the treasurer of the assay office in New York to issue his certificate of the net value of any bullion or coins deposited in said office is hereby suspended, and shall not be exercised except at such time or times, and during such periods as the Secretary of the Treasury shall be of opinion that the interests of the public, or of those making such deposits, or the condition of the Treasury, render it expedient or convenient to issue such certificates. And whenever the Secretary of the Treasury shall deem it expedient, he may authorize the issuing of the said certificates. The receipts directed by the aforesaid section to be given by the treasurer of the assay office for any gold or silver bullion, in dust or otherwise, or for any foreign coin to be deposited in the said office, shall be payable at the option of the depositor, to be expended in the receipt either in coins of the same metal as that deposited (to be paid as soon as such bullion or coin can be assayed, or the value thereof ascertained either at the office of the Assistant Treasurer of the United States in New York, or at the Mint of the United States, as the depositor shall prefer) or in bars, discs, or ingots, either of pure metal or of the standard fineness, or made from the identical metal deposited without refining—but in all cases such bars, discs, or ingots shall bear a stamp of such form and device as shall be prescribed by the Secretary of the Treasury, accurately designating their weight and fineness; and all gold or silver deposited in the assay office, either to be struck into coin at the Mint, or to be refined or assayed, shall be subject to the charges prescribed by law for such operations at the Mint or branch mints of the United States.

Mr. FISH. I move to amend that section by adding at the end of it the words "to none others." The main clause of that section is intended as explanatory. There was a doubt, under the existing laws, as to whether the coin deposited in the assay office is subject to the charges expressly excepted in the section. It is necessary to put these words in the section to make it clear.

Mr. HUNTER. I agree to that.

The next amendments were to insert the following, as additional sections:

Sec. 14. *And be it further enacted*, That the provisions of the fifth section of an act entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1854," and approved 3d March, 1853, be, and they are hereby, extended to the branch mints and the assay office in New York, respectively.

Sec. 15. *And be it further enacted*, That the said Secretary be, and he is hereby, authorized to employ private establishments, or to contract with individuals for refining gold bullion, if he shall deem it expedient so to do: *Provided, always*, That the said refining shall not subject the depositors to any greater wastage, per ounce, nor to any greater charge for labor, materials, and alloy, per ounce, than is now made, or would hereafter be incurred, on deposits at the Mint, the branch mints, or assay office in New York, respectively; and the said refining shall be subject to such regulations as the said Secretary shall deem proper and sufficient to secure the skillful and prompt performance thereof, and to prevent any loss of metal other than wastage, as aforesaid.

Mr. FISH. I desire to suggest some amendments to this fifteenth section. The first is a verbal one, the necessity of which, I think, will be apparent. It is to make it read "the Secretary of the Treasury," instead of the "said Secretary."

Mr. HUNTER. That is right.

Mr. FISH. Then the next amendment is to strike out the words "per ounce," and insert "or for other cause."

Mr. HUNTER. That is right.

Mr. FISH. Then the next amendment is after the word "respectively" to insert "nor to any greater delay than is now experienced." So that the proviso shall read:

Provided always, That the said refining shall not subject the depositors to any greater wastage per ounce, nor

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to any greater charge for labor, materials, and alloy, or for other cause, than is now made, or would hereafter be incurred, on deposits at the Mint, the branch Mints, or assay office in New York, respectively, nor to any greater delay than is now experienced; and that said refining shall be subject to such regulations as the said Secretary shall deem proper and sufficient to secure the skillful and prompt performance thereof, and to prevent any loss of metal other than wastage, as aforesaid.

Mr. HUNTER. I have no objection to that. The next amendment was to insert the following as an additional section:

Sec. 16. *And be it further enacted*, That the said Secretary be, and he is hereby, authorized, at his discretion, to cause advances to be withheld on deposits of gold bullion, made after the first day of January next, at the Mint, the branch Mints, and the assay office in New York, respectively, unless such deposits be metal of standard fineness, and suitable for coinage without any further refining; and upon the coinage of such deposits so refined by private enterprise, and suitable for that purpose, the Secretary of the Treasury, at his discretion, may charge a seigniorage of not more than one half per centum, nor less than one fourth per centum, upon the value thereof.

Mr. FISH. The same alteration should be made there that was made in the former one: "Secretary of the Treasury" instead of "said Secretary."

Mr. HUNTER. I agree to that. I believe all the printed amendments have now been disposed of. I have been directed by the Committee on Finance to offer several additional amendments, which I will send to the Secretary.

The first was to strike out the words:

For compensation of the officers and clerks of both Houses of Congress, \$56,730," and insert:

For compensation of the officers, clerks, and messengers, and others receiving an annual salary, in the service of the Senate, \$57,010.

For compensation of the officers and clerks of the House of Representatives, \$34,460.

The next was in the clause "for books, \$2,000," to strike out "two," and insert "ten."

The next was in the clause, "for stationery, \$8,000;" strike out "eight," and insert "fifteen."

The next was in the clause, "for newspapers, \$2,000," to make it "\$2,600."

The next was in the clause "for Congressional Globe, and binding the same, \$3,000;" to strike out "\$3,000," and insert "\$65,000."

The next was in the clause "for reporting proceedings, \$25,000;" to strike out "\$25,000," and insert "\$13,000."

The next was to strike out:

For clerks to committees and President *pro tempore*, draughtsmen, messengers, pages, laborers, police, horses, and carriages, \$43,000.

—and insert:

For clerks to committees, pages, police, horses, and carriages, \$30,000.

The next was in the clause "for Capitol police, \$3,500," so as to make it read, \$3,560."

The next was to insert:

For compensation of the surveyor of Washington Territory, and the clerks in his office, \$7,500.

The next was in the appropriation "for compensation of temporary clerks in the Post Office Department," to strike out "\$37,350," and insert "\$50,000."

The next was to insert:

For rebuilding portions of walls, and complete repairs of the building of the branch mint at New Orleans, \$55,000.

The next was in the clause "for compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly" of the Territory of Minnesota, to strike out "\$20,000," and insert "\$30,000."

The next was in the following clause, to strike out "ten" and insert "six of the," and strike out "\$10,800," and insert "\$60,000."

For salaries of ten additional clerks, authorized by the acts of August 6, 1846, August 12, 1848, March 3, 1851, and August 31, 1852, \$10,800.

Mr. HUNTER. In connection with that we find it necessary to increase the number of clerks, and therefore propose the following as an additional section:

Sec. —. *And be it further enacted*, That from and after the 30th of June, 1854, in lieu of the clerks heretofore au-

thorized by law for the office of assistant treasurer at New York, he be authorized to appoint, with the approbation of the President, a chief clerk at a salary of \$2,100; one clerk at \$2,000; two clerks at \$1,800 each; two clerks at \$1,500 each; one clerk at \$1,200; one messenger at \$900; and two watchmen at \$550 each per annum. In the case of the sickness or inevitable absence from his office of the assistant treasurer, he may authorize the said chief clerk to act in his place, and to discharge the duties required by law of the assistant treasurer; and in case of the death, resignation, or inability to act of the assistant treasurer, the said chief clerk shall act as such assistant treasurer until the inability be removed, or said successor be appointed and duly qualified; and all acts of the said chief clerk, in such case, shall be as valid as if performed by the assistant treasurer in person.

The next was to strike out:

For salary of chief clerk to the assistant treasurer at New York, \$1,600.

—and insert:

For clerks, messengers, and watchmen in the office of the assistant treasurer at New York, \$13,900.

The next was to strike out "\$30,500" out of the following clause, and insert "\$43,900."

For the annual repairs and fixtures of custom houses of the United States, \$30,501 59, and for alterations and repairs of the custom-house at Baltimore, heretofore made, and for rent of rooms during the repairs of said building, such sum as may be the Secretary of the Treasury be deemed reasonable and proper of said amount, not to exceed \$5,501 59.

The next was to insert:

For building for the use of the United States courts at Pontotoc, Mississippi, \$4,000

The next was to amend the following clause:

For salaries of fifteen keepers and twelve assistants in light-houses on the coast of California and Oregon, at an average not exceeding \$600 per annum, \$16,200—

by striking out all after the word "exceeding," and inserting "\$800 per annum each, \$21,600."

The next amendment was to insert:

For completing light houses on the coast of California and Oregon, the sum of \$59,434: *Provided*, That it shall be the duty of the Secretary of the Treasury to pay the contractors for building the light-house at Point Roman, near Santiago, what the same is reasonably worth.

The next was to insert:

For outfit of the commissioner to the Sandwich Islands, \$2,500.

The next was to insert:

To enable the Secretary of State to defray the expenses of releasing from captivity among the Indians of Queen Charlotte's Island, or so much thereof as may be necessary, \$2,500.

To enable the Secretary of State to reimburse to Edward Riddle such sums as shall be satisfactorily proved to have been expended by him, or to which said Riddle may have obligated himself on account of his official position at the industrial exhibition at London, England, or so much thereof as shall be necessary, \$26,000: *Provided*, That no portion of the payment made *pro rata* by contributors at said exhibition shall be regarded as within this appropriation.

The next was to insert:

For salaries of registers and receivers in Oregon and Washington Territories, or so much thereof as may be necessary from the act of 17th of July, 1854, \$9,000.

For office rent, fuel, and labor in said office, \$4,000.

For iron safe for receiver's books, stationary and furniture, \$3,000.

The next was to insert:

For surveying standard, parallel, and meridian lines in Washington Territory, an estimated distance of five hundred miles, \$10,000.

The next was to insert:

For office rent of the surveyor general of Washington Territory, fuel, books, stationary, and other incidental expenses, \$5,000.

The next was to insert the words "of the House of Representatives" after the word "resolution" in the following clause:

For compensation to draughtsmen and clerks employed upon the maps of the public lands, under the resolution of 4th May, 1848, \$7,500.

The next was to insert:

For arrearages of necessary traveling and personal expenses due the employees of the northeastern boundary survey during the years 1844, 1845, 1846, and 1847, \$2,016.

The next was to insert the following additional section:

Sec. —. *And be it further enacted*, That so much of the act of the 7th of June, 1844, restricting the employment of inspectors, gaugers, weighers, measurers, and markers in custom-houses to the number then in the service, as may be applicable to those employed in the ports of New York and New Orleans, be, and the same is, hereby repealed.

The next was to insert the following section:

Sec. —. *And be it further enacted*, That from and after the 13th of June, 1853, the annual salary of the chaplains to Congress shall be \$750, and such sum additional to that elsewhere provided, as may be required to pay the same to the 30th of June, 1855, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The next was to add the following as an additional section:

That the President of the United States, by and with the advice and consent of the Senate, shall be, and he is hereby, authorized to appoint a commissioner, at a compensation not exceeding \$4,000 per annum, to ascertain the nature, character, extent, and value of all valid claims arising in Washington and Oregon Territories, under the treaty with Great Britain of the 15th of June, 1846; and should said claims, or any part thereof, be deemed of sufficient public and political importance to justify or require the measure, the President is hereby authorized to direct said commissioner to agree with the claimants and the Hudson Bay Company for the relinquishment of their claims on a just and fair valuation, and to pay over the amount so agreed upon on a full and entire surrender and relinquishment of all rights, title, claim, interest, and demand therein and thereto to the United States: *Provided*, That none of the land acquired under this section shall be subject to preemption, but shall be sold at public auction, unless in cases where, in the opinion of the commissioner, the sum paid for any particular parcel or piece shall be less than a fair price therefor, to be ascertained by the commissioner aforesaid, said sales to be made for cash, and at such times and places, and with such postponement as may be directed by said commissioner; and for carrying into effect the provisions of this act, in case of purchase, a sum not exceeding \$300,000 is hereby appropriated: *Provided*, That the amount to be paid for all said claims, right, and interest shall not exceed the sum herein appropriated; and for defraying the expenses of the commissioner, the further sum of ——— dollars is hereby appropriated, payable out of any money in the Treasury not otherwise appropriated.

Sec. —. *And be it further enacted*, That in case it should be deemed expedient to sell said lands and improvements made, or any part thereof, the President shall be, and he is hereby, authorized, on the extinguishment of the title as aforesaid, to direct the commissioner to take possession of the same for and in the name of the United States, and to lease the same on the terms and conditions, and for such sum as he may deem proper and right, subject, however, to sale, when, in his opinion, it may be proper, after the United States surveys have been extended over the same.

Mr. WELLER. I ask that it may lie over. It will require explanation, in my judgment, before it can be adopted.

Mr. HUNTER. This amendment is reported on the recommendation of the Secretary of State. He had it prepared and sent it down to us. With it there were voluminous papers for the purpose of showing that there was a necessity to act at once. The Hudson Bay Company and the Puget's Sound Company have certain rights under the Ashburton treaty. They are coming into conflict with the rights of our Government, and the people to some extent; and it is supposed that now is a favorable time for closing the matter, and to purchase out their rights. There is a limit in the section that it shall not exceed \$300,000. It used to be a demand for something like a million. There is a statement in the papers which will be found accompanying this item, of claims set up by the company, and the Secretary of State thought it was desirable that the appropriation should be made and authority given at once to treat with them, and in that I believe the Committee on Finance unanimously concurred.

The PRESIDING OFFICER. Does the Senator from California insist on his objection?

Mr. WELLER. I do not desire to interpose objection to the action of the Senate upon it, but it is a very important matter, and it is the first time I have received any information that it was proposed to act upon that subject at this session of Congress. The amendment had better go over.

The PRESIDING OFFICER. It will be passed over.

Mr. HUNTER. I have now offered all the amendments from the Committee on Finance.

Mr. BRODHEAD. Before the Senator from Virginia concludes, I desire to have some explanation in respect to the Riddle amendment, appropriating twenty odd thousand dollars for the expenses of his visit to the London Exhibition. I want that amendment excepted.

The PRESIDING OFFICER. It will be passed over. The Chair wishes to say that there is an amendment, reported from the Committee on Finance, which was passed over at the suggestion

of the Senator from Iowa, commonly called the Washington city water amendment. That now comes up for the consideration of the Senate.

Mr. HAMLIN. I understand that the Senator from Virginia did not desire to press a vote to-day on the contested amendments.

Mr. HUNTER. I am willing, if it is the sense of the Senate, to let all the controverted amendments be passed by for the present, and go on with those about which there is no dispute.

The PRESIDING OFFICER. If that is the sense of the Senate, that course will be pursued, and the amendments excepted will not be acted upon until they are subsequently called up.

Mr. DODGE, of Iowa. Is it in order for me to move an amendment to the bill?

The PRESIDING OFFICER. Certainly.

Mr. DODGE, of Iowa. I wish, then, to move an amendment to the fourth section, so that it shall read:

That the captain of police of the Capitol shall receive the same compensation that is now paid to the postmaster of the Senate; and to each of his assistants the same compensation as is paid to the messengers attending at the principal doors of the Senate.

It is known that the special committee reported some time since a resolution in regard to the officers of the Senate, which the Senate adopted almost unanimously. The object of my amendment is to give to the captain of the Capitol police precisely the same pay which that resolution gives to the Senate's postmaster, which is \$1,750; and to each of his assistants the sum that is paid to the messengers at the door of the Senate. I ask the Senate to consider the relative duties of the two. Some of the police of the Capitol are required to be about at all times, in charge of all the valuable property of the Senate. I trust there will be no objection to giving them an increase of salary.

Mr. CASS. How much do they receive at present?

Mr. DODGE, of Iowa. I answer that the assistant police receive \$1,300 per annum. The messengers at our doors receive \$1,500. My proposition is to give to the police, who are on duty day and night, whether it is fair or stormy, the sum that we give to the men who stand at the doors.

Mr. PRATT. How many of them are there?

Mr. DODGE, of Iowa. Four.

Mr. TOOMBS. It would be very well to inquire whether the pursuing of this course is not a little unreasonable. The argument here appears to be, that because the salaries of some have been raised, we should take the others up. Now, sir, I know very well that all these employees, in both Houses, get more than the Representatives of the people do; and the compensation of all of them is exceedingly liberal, not to say exorbitant.

The amendment was rejected.

Mr. HAMLIN. I am directed by the Committee on Commerce to offer the following amendment:

For revision of the revenue laws already made, and the report showing the changes and alterations therein, \$5,000.

That is according to the estimate of the Treasury Department. Ten thousand dollars were originally appropriated. By a mistake of the engrossing clerks it failed to go into the bill. The Senate passed a bill at this session, appropriating \$10,000. We sent it to the House, and they struck out \$5,000. The Senate concurred. The Secretary has now sent in the revenue laws, but he has not furnished a statement of what the revision consists in. This is to enable him to carry out the original proposition, and it was estimated for by him.

The amendment was agreed to.

Mr. HAMLIN. I propose further to amend, by striking out the words, "for the salary of the Consul at Beirut, \$500," and insert—

That the consul at Beirut, Syria, is hereby created a consul general with a salary of \$2,000 per annum from the 1st of July, 1853. The said consulate shall comprehend both Syria and Palestine, and \$4,000 is hereby appropriated for the salary of the said consul.

That is in accordance with the recommendation and estimate of the Secretary of State. I have it here by me. The Senator from Michigan [Mr. Cass] knows very well what the duties of the consul there are. He is clothed with judicial as well as consular powers. The amendment proposes to give him the title of consul general for social and political reasons. It is recommended by the De-

partment. The Senate passed a bill last year to that effect, and it was then recommended by the Secretary of State, and has been so for the last four years.

Mr. HUNTER. I think that amendment had better go over.

It was passed over.

Mr. HAMLIN. I am also directed to offer the following amendment:

For life-boats and other means of rendering services to shipwrecked mariners and others on the coast of the United States, to be expended by the Massachusetts Humane Society, under the direction of the Secretary of the Treasury, \$10,000.

Mr. PRATT. Let that lie over.

Mr. HAMLIN. I am also directed to move to amend the clause "for the relief and protection of American seamen in foreign countries, \$125,000," by inserting after the word "seamen" the words "and seamen belonging to American vessels."

Mr. TOOMBS. Let that lie over.

Mr. HAMLIN. I also propose the following additional section.

Sec. — And be it further enacted, That the county of El Paso, in the State of Texas, and the Territory of New Mexico, be, and they are hereby, made a collection district by the name of Paso del Norte, and Frontera shall be the place or port of delivery in said district; and a collector shall be appointed to reside thereat, with such other officers as shall be necessary, and the compensation of the collector shall be \$2,000 per annum, including the fees of his office.

Mr. WELLER. That had better go over.

Mr. HAMLIN. I desire to make a single explanation in regard to it, and I think when I make it there will be no objection to it. There is a necessity for it which will, I think, induce every Senator to give his assent to it. There is no revenue officer in New Mexico, and it is in evidence before the committee that there are from \$100,000 to \$300,000 of Mexican goods annually imported into that Territory from the road through El Paso, in a corner of Texas, that being the point through which the road passes. The Senate has passed a bill, and it has gone to the House, creating a district according to the terms of this section. There is no prospect, probably, that the House will reach it at this session, and it now resolves itself into a question of economy whether we will place a revenue officer there who will collect \$30,000 or \$40,000 a year, or leave it subject to no revenue laws.

Mr. TOOMBS. I object to it. The people there are in a God-forsaken country anyhow, and I am perfectly willing that they should take these goods.

Mr. PEARCE. The Committee on the Library have directed me to move to amend the bill by inserting:

To enable the Joint Committee on the Library of Congress to replace the seventh volume and atlas of the exploring expedition, destroyed by the burning of the library, and the plates and other property destroyed by fire in Philadelphia, including the binding, \$9,002 75.

Mr. GWIN. Let that go over.

Mr. PEARCE. If the Senator will allow me to make a brief statement, I think he will not object to it. We have lost, by the burning of the library, twenty-three copies of this seventh volume, and of course we have imperfect sets. All the plates have been destroyed by fire in Philadelphia, and a number of the charts have been also destroyed. We desire to have them replaced, and this amendment proposes to make an appropriation which will replace them.

Mr. GWIN. I should prefer to have it go over.

Mr. JONES, of Tennessee. I ask that the amendments embraced in the eleventh and twelfth sections may go over.

Mr. BRODHEAD. What is the subject-matter of them?

Mr. JONES, of Tennessee. They give additional officers or servants to the President.

The PRESIDING OFFICER. The Chair will state that these amendments were offered from the Finance Committee, and were not objected to, but were agreed to by unanimous consent.

Mr. JONES, of Tennessee. I object to them.

The PRESIDING OFFICER. The Chair thinks it is too late.

Mr. WELLER. I apprehend the Senator can demand a vote upon them when we get into the Senate.

The PRESIDING OFFICER. The Chair announced at the time that if they were not objected to, without any question being taken upon them, they would be considered as agreed to.

Mr. WELLER. We are now in committee, and I suppose when the amendments are reported to the Senate, the Senator from Tennessee can demand a vote upon them.

The PRESIDING OFFICER. The bill is now in the Senate.

Mr. TOOMBS. This is a very short-hand way of disposing of the appropriation bills. We generally go into committee upon them.

Mr. JONES, of Tennessee. I will make the motion to reconsider the vote by which they were agreed to, if I can. I think it is proper to do so.

The PRESIDING OFFICER. The motion to reconsider will be entered.

Mr. GEYER. I move to amend the following proviso in the bill:

"Provided, That none of the moneys, appropriated by this act for any custom-house or marine hospital, shall be used or applied for the purpose mentioned until a valid title to the land for the site of such building, in each case, shall be vested in the United States, and until the State in which such building is to be completed shall in due form, and in a manner that shall bind such State, release and surrender to the United States jurisdiction over the site of such building."

By striking out the words, "and until the State in which such building is to be completed, shall in due form, and in a manner that shall bind such State, release and surrender to the United States jurisdiction over the site of such building."

The amendment was agreed to.

Mr. GEYER. I move the same amendment to the clause in relation to the custom-house at Richmond, Virginia.

The amendment was agreed to.

Mr. HAMLIN. I propose to amend the bill by inserting the following:

For rebuilding the custom-house at Portland, Maine, including accommodations for a post office and rooms for the United States courts, \$200,000.

That has been estimated for by the Department, and has passed the Senate. It was omitted in the other House by mistake.

Mr. HUNTER. I can only say, in regard to these new custom-houses, that they met with great difficulty in this appropriation bill, in the other House; and I feel it my duty, at least so far I can, to resist the additional appropriation for custom-houses upon it. Those that have been commenced, and are partly completed, of course must be carried out; but this is not one of that class.

Mr. HAMLIN. It is to rebuild the custom-house which has been burnt. There has been an appropriation for it. It certainly comes within the same class as those which are to be completed.

Mr. HUNTER. No appropriation for rebuilding it has ever been made.

Mr. HAMLIN. It passed the Senate.

Mr. HUNTER. Not the House.

Mr. HAMLIN. No, sir.

Mr. HUNTER. Then it does not come in the class of those for which appropriations have been made.

Mr. HAMLIN. There has been a building there sanctioned by law for this very purpose, and this appropriation is to restore that building which has been burned down. It would have passed the House but for a mistake, it not being offered at the proper time. I have an amendment including a variety of new custom-houses to offer. I supposed the Senator would oppose that, but I did not suppose that he would resist this. It is recommended unanimously by the Committee on Commerce, and is estimated for and recommended by the Treasury Department.

Mr. CASS. I do not see why, if we have the proper estimate for this, it should not be inserted here. I observe one provision in the bill providing for the purchase of a tract of land. Why, then, should we be precluded from putting in such a case as this?

Mr. HUNTER. There has been a previous appropriation for that, but it was not sufficient to complete it.

Mr. CASS. In some way the previous appropriation went into the appropriation bill. Now, why should we stop with this matter? I do not see any reason in the world for it. The simple question is, whether the appropriation is correct; and we should act upon it without reference to the preceding appropriations. I know myself there are many places in the country where custom-houses should be erected. It does not require an

elaborate determination; but if it is fortified by a report from the Treasury Department, stating its necessity, I would put it in; if not, I would not put it in.

Mr. FESSENDEN. I trust the Senator from Virginia will withdraw his objection to this amendment. This matter came up upon the deficiency bill, and was debated, and was voted to that bill as an amendment, by a very large majority. The Senator then stated that he should have objected, but he yielded to the necessity of the case. Here is a building burnt. Within it was the custom-house and the court-house, and by its burning all these various departments of the Government in Portland have been turned out of doors. Under such circumstances, the Senate put the appropriation in the deficiency bill by a large majority.

I do not see, now, very well, how the Senator can say that this ought not to go into this appropriation bill. We have lost one year, and if it is not put in here, we shall lose another, before the appropriation can be made. Now, sir, under these circumstances, the technical objection which the Senator from Virginia makes, strikes me as really unkind. It is true that there has been no particular appropriation to rebuild the custom-house, yet it is a work authorized by law. A law has been passed heretofore, making an appropriation to build the custom-house, but it has been burned down, and it is a recognized matter; and certainly an appropriation in this bill to rebuild it is not objectionable. There is not a similar case in the whole country; and when the Secretary of the Treasury has recommended it, and sent us the estimate, and the Committee on Commerce have unanimously recommended it, I hope the amendment will be sustained, and that no Senator will object to it.

Now, under these circumstances, will not the Senator from Virginia, and all other Senators, after making such liberal appropriation for almost every object that can be mentioned—certainly without any objection on our part—allow us to have a building at some time or other, and to begin it within a reasonable time, so that the objects of the Government in our city can be accomplished?

Mr. HAMLIN. I find, on looking at the bill as it came to us from the House, that it contains an appropriation for the purchase of a site for a custom-house at San Francisco. That is all very well. It meets my approbation, and will receive my vote. I find, also, that the Committee on Finance have recommended an appropriation to build a custom-house on that site. Now, I appeal to the chairman of the Committee on Finance why we, when we now own the site on which to erect this building, should not stand as well as the people at San Francisco, when there is an appropriation in the bill to buy a site there, and that is followed up by the Finance Committee with an appropriation to erect a building. I think the Senator ought, at least, to be willing, when we own the site, that we should stand on quite as good terms as if we had an appropriation in the bill to buy one.

Mr. HUNTER. The San Francisco case stands on a little different footing, for there was a previous appropriation. I perceive, however, that this amendment does stand on a somewhat different ground from what I supposed, as it is to replace a building which has been burnt down.

Mr. WELLER. I do not see that there can be any objection whatever to this amendment. It is either necessary to have a collection district at this place, or it is not. If it is necessary to have a collection district, we must have a custom-house there, and if we have not got a custom-house there, we must build one. If there be no revenues collected there, and be no necessity for a collection district, let us repeal the law establishing it. So long as we have customs received there, we must have a building. If the old building has been burnt down, we should build a new one. This seems to me to be very clear. It is a matter of no sort of importance to me whether this be a new appropriation or an old one. The only question is, whether it is necessary to have a building there in order to transact the business of the Government. If it is necessary, I am willing to vote whatever amount will accomplish that object.

Mr. HUNTER. I withdraw my objection. The amendment was agreed to.

Mr. HAMLIN. I am further directed by the Committee on Commerce to offer an amendment, to come in after the appropriation for the purchase of a site for a custom-house at Providence, Rhode Island. The amendment is to insert:

And the Secretary of the Treasury shall be, and he is hereby, authorized to contract for the construction of a custom-house on said site, to include accommodations for a post office and United States court room, at a cost not exceeding \$200,000.

The bill now contains an appropriation for the purchase of a site at Providence, but it confers no authority upon the Secretary of the Treasury to erect a building. The amendment gives that authority, and it is limited within the estimates furnished by the Treasury Department, which I have by me.

The amendment was agreed to.

Mr. HAMLIN. By direction of the same committee, I now offer an amendment, containing two additional sections, which contain provisions for the erection of new custom-houses in a variety of places all over the Union. The amendment is to add the following additional sections:

SEC. — Be it further enacted, That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed the following buildings:

At Ellsworth, Maine, for the accommodation of the custom-house and post office, a building of brick with fire-proof floors, constructed of iron beams and brick work, iron roof, shutters, sills, &c., twenty-five feet by thirty, and twenty-five feet in height from the foundation, to cost not more than \$10,000.

At Belfast, Maine, for the accommodation of the custom-house and post office, a building of like materials, forty-five feet by thirty-two and thirty-two feet high, and to cost not more than \$20,000.

At Gloucester, Massachusetts; Toledo, Ohio; Burlington, Vermont, and Sandusky, Ohio, for the accommodation of the custom-house and post office, a building of like materials, sixty feet by forty-five feet and thirty-two feet from the foundation, and to cost not more than \$40,000 for each building.

At Milwaukee, Wisconsin, for the accommodation of the custom-house, post office, and United States courts, a building of like materials, sixty feet by forty-five feet, forty-eight feet in height from the foundation, to cost not more than \$30,000.

At New Haven, Connecticut; Newark, New Jersey; Buffalo, New York; Oswego, New York; Wheeling, Virginia; Chicago, Illinois; and Detroit, Michigan, each for the accommodation of the custom-house, post office, United States courts, and steamboat inspectors, a building of stone, of like floors, beams, roofs, shutters, &c., eighty-five feet by sixty feet, sixty feet in height from the foundation, to cost not more than \$68,000 for each building. The building at Detroit to be erected upon a water lot belonging to the United States.

At Galveston, Texas, for the accommodation of the custom-house, post office, and United States courts, a building of brick, of like floors, beams, roof, shutters, &c., forty-five feet, by seventy feet, forty-eight feet high from the foundation, with a portico on two sides, and to cost not more than \$100,000.

At Petersburg, Virginia, for the accommodation of the custom-house and post office, a building of stone, of like floors, beams, roof, shutters, &c., sixty feet by forty-five feet, thirty-two feet high from the foundation, to cost not more than \$62,000.

SEC. — And be it further enacted, That the several sums mentioned in the preceding section of this act, as the cost of the buildings therein authorized to be constructed, together with ten per cent. thereon, to cover the compensation of architects, superintendents, advertising, and other contingent expenses, and so much as may be required to purchase suitable sites for said buildings, be, and the same are hereby, appropriated for the purposes aforesaid, out of any money in the Treasury not otherwise appropriated: Provided, That no money hereby appropriated shall be used or applied for the purposes mentioned, until a valid title to the land for the site of such building, in each case, shall be vested in the United States, and until the State shall also duly release and relinquish to the United States the right to tax, or in any way assess said site, or the property of the United States that may be thereon, during the time that the said United States shall be or remain the owner thereof.

Mr. HUNTER objected to the consideration of the amendment.

Mr. PEARCE. It is evident that we cannot consider such a large amendment now.

The PRESIDING OFFICER. The Chair will suggest that the amendment already stands over on an objection interposed by the Senator from Virginia.

Mr. PEARCE. Then the hour of three o'clock having almost arrived, I move that the Senate do now adjourn.

The PRESIDING OFFICER. Will the Senator withdraw the motion for a moment, to allow the Chair to present a message from the President of the United States?

Mr. PEARCE. Certainly.

CAPE FEAR RIVER IMPROVEMENT.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States:

To the Senate of the United States:

I have this day given my signature to the act making further appropriation for the improvement of the Cape Fear river, North Carolina. The occasion seems to render it proper for me to deviate from the ordinary course, of announcing the approval of bills by an oral statement only; and, for the purpose of preventing any misapprehension which might otherwise arise from the phraseology of this act, to communicate in writing, that my approval is given to it on the ground that the obstructions which the proposed appropriation is intended to remove, are the result of acts of the General Government. FRANKLIN PIERCE.

On motion by Mr. PEARCE, The Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, July 22, 1854.

The House met at eleven o'clock, a. m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

The SPEAKER appointed the following members as the select committee to investigate the charges made against the honorable THOMAS H. BAYLY: MESSRS. WITTE, of Pennsylvania; SMITH MILLER, of Indiana; HILL, of Kentucky; SHOWER, of Maryland; WALLEY, of Massachusetts; JOHNSON, of Ohio; and ROGERS, of North Carolina.

LAWS OF OREGON.

The SPEAKER laid before the House a communication from the Secretary of the Territory of Oregon, transmitting the Journals and laws of the Legislative Assembly of that Territory; which, with the accompanying documents, was referred to the Committee on Territories.

REFERENCE OF A SENATE RESOLUTION.

Mr. SOLLERS. I ask the unanimous consent of the House to take up a Senate joint resolution for the purpose of having it referred.

There being no objection, Senate joint resolution "in relation to surgeons' mates of the Army of the Revolution, was taken from the table, read a first and second time by its title, and referred to the Committee on Military Affairs.

ADVERSE REPORTS.

Mr. EDGERTON. I ask the unanimous consent of the House to report from the Committee of Claims sundry Senate bills. The committee report them with a recommendation that they do not pass. I ask that they may be referred to a Committee of the Whole House, and, with the reports, printed.

There was no objection, and Senate bills of the following titles were reported from the Committee of Claims:

No. 52. An act for the relief of Mary E. D. Blancy, widow of the late Major George Blancy;

No. 176. An act for the relief of John P. McDermerry;

No. 279. An act for the relief of Hezekiah Miller;

No. 165. An act for the relief of Lieutenant A. G. Williamson;

No. 109. An act for the relief of the legal representatives of Daniel Loomis, deceased;

No. 369. An act for the relief of the legal representatives of the late Colonel John Anderson; and

No. 290. An act for the relief of Rufus Van Brunt.

Mr. EDGERTON. My motion is, that they be referred to a Committee of the Whole House, with a recommendation that they do not pass.

Mr. JONES, of New York. Will it not be better to have them laid upon the table, and ordered to be printed? It seems to me that that is the proper course, and that it will be much better than to lumber up our Calendar in Committee of the Whole with them.

The SPEAKER. It will be for the House to decide.

Mr. JONES. I move, then, that the bills do lie upon the table, and, with the reports, be printed.

Mr. EDGERTON. I would be very much obliged to the gentleman from New York if he would withdraw his motion, and allow the bills to take the direction recommended by the committee. In some of these cases there has been a difference of principle between the Committee of Claims in the House and the Committee of Claims in the Senate, and it is but fair to the claimants that the matters should be discussed in Committee of the Whole. It seems to me, therefore, a matter of propriety that these bills should take the course recommended by the Committee of Claims.

Mr. JONES. The statement of the chairman of the Committee of Claims makes the case all the stronger. I am willing to abide by the decision of the House committee; and I therefore adhere to my motion.

The question was taken; and the motion to lay upon the table was not agreed to.

The bills were then referred to a Committee of the Whole House, and, with the reports, ordered to be printed.

Mr. EDGERTON, from the Committee of Claims, reported adversely on the following cases; which were ordered to lie upon the table, and be printed:

Memorial of Christopher Gill, for compensation for personal damages while on service in the Congressional Library;

Petition of John Robinson;

Petition of Edward H. Herbert, asking payment of a balance claimed for timber delivered to the United States;

Petition of William Brown, for pension and compensation for losses sustained in the war of 1812;

Petition of Captain Henry Eagle, for the return to him of certain money stolen from him which he paid into the United States Treasury, and since retained by the Government out of the pay of the thief;

Petition of James Van Horn; and

Petition of Robert Lanham, for bounty land and compensation for losses in the Florida war.

FAVORABLE REPORTS.

Mr. EDGERTON, from the same committee, reported back bills and a resolution of the following titles, with the recommendation that they do pass; which were referred to a Committee of the Whole House, and, with the accompanying reports, ordered to be printed:

S. No. 410. An act for the relief of James Dixon.

S. No. 342. An act for the relief of William Darby;

S. No. 274. An act for the relief of Levi Price and Andrew Hodge, jr.;

S. No. 278. An act for the relief of Henry La Reintrie;

S. No. 362. An act for the relief of Asa Andrews;

S. No. 193. An act to provide compensation for the services of George Morrell in adjusting titles to land in Michigan; and

House resolution for the relief of James W. Nye.

Mr. E. also, from the same committee, reported a bill for the relief of Mr. G. Smith; which was read a first and second time by its title, referred to a Committee of the Whole House, and, with the accompanying report, ordered to be printed.

THE FLEURIAN CLAIM.

Mr. SMITH, of Tennessee. There is in the Committee of the Whole, Senate bill (No. 103) "confirming a certain land claim in Louisiana, known as the Fleurian claim," which I desire to get before the House, in order that it may be put on its passage. I believe that I have never before asked to take up for consideration any bill out of its usual order, and I trust that I may now have the unanimous consent to discharge the Committee of the Whole from the further consideration of that bill, so that it may be taken up and passed.

Mr. KERR. I make no objection to the gentleman's proposition, but I would like that he would yield me the floor to report back a bill from the Committee on the Judiciary, in order that it may be referred.

Mr. SMITH. I yield to the gentleman for that purpose.

Mr. KERR, from the Committee on the Judiciary, by unanimous consent, reported back Senate bill (No. 239) entitled "An act for the relief of Sylvester Pettibone," with a recommendation that it do pass; said bill was referred to a Committee of the Whole House, and, with the accompanying report, ordered to be printed.

TEMPERANCE IN DISTRICT OF COLUMBIA.

Mr. MAY. By the permission of the gentleman from Tennessee, I ask the unanimous consent to make a report from the Committee on the Judiciary.

Mr. SMITH. I yield for that purpose.

Mr. MAY. I am instructed by the Committee on the Judiciary, to report adversely on the prayer

of the New York Temperance Alliance in reference to the prohibition of the sale of intoxicating liquors in Washington, and to move that the report be ordered to be printed.

Mr. SMITH, of New York. I move that the report on the memorial of the New York Alliance just made, be recommitted, with instructions to the committee to report a bill which shall clothe the city of Washington with express and ample powers to limit the traffic of intoxicating liquors at all places within its bounds; and on this motion I propose to make some remarks.

Mr. SMITH, of Tennessee. I did not yield the floor for any such purpose, and I do not think that the gentleman has any right to discuss this question now.

The SPEAKER. It is impossible for the Chair to know what understanding has been made between gentlemen on the floor. The Chair does know that the gentleman from Tennessee yielded to the gentleman from Maryland, who, being regularly recognized, reported, by unanimous consent, adversely on the memorial which has been indicated. The gentleman from New York [Mr. SMITH] rose, and moved to recommit the report with instructions.

Mr. JONES, of Tennessee. Is it in order to move instructions?

The SPEAKER. It is in order.

Mr. HUNT. I ask my friend from New York, as a favor, to allow this claim to be considered now. The gentleman from Tennessee [Mr. SMITH] had the floor, but, through his politeness and kindness, he has seemingly lost it. I hope, under such circumstances, and considering that this claim affects forty of my constituents in their possession of land, which they have held for ninety-nine years, that the gentleman from New York will accede to the first favor I have ever asked at his hands.

The SPEAKER. The motion of the gentleman from New York may be postponed by unanimous consent, if it be the pleasure of the gentleman and the House.

Mr. SMITH. There may be some person at that time who would object. If I could have the floor on Monday or Tuesday, I am entirely willing to waive my right to it now. Although every person here may be in favor of my having the floor at this time, yet there may be persons present at some other time who would object to considering this matter.

The SPEAKER. By unanimous consent, an arrangement may be made which will prove satisfactory to all parties. Is it the unanimous consent of the House that this proposition to recommit the report be postponed, and considered on the morning of Monday next?

Mr. FAULKNER. I would suggest Tuesday.

Mr. MAY. I wish to say that the gentleman from Tennessee [Mr. SMITH] yielded me the floor for the purpose of presenting that report. Having done so, I supposed it would be printed. The gentleman from Tennessee claims the floor, and he is entitled to it. If the fact that he consented to my presenting the report has embarrassed him in his right to a hearing and consideration of the bill which he proposes to consider, and it be competent for me now to withdraw the report, I beg leave to do so.

The SPEAKER. The report is in the possession of the House.

Mr. MAY. Can I not withdraw it by unanimous consent?

The SPEAKER. The gentleman can effect his object in that way.

Mr. MAY. I trust, then, the unanimous consent will be given, and opportunity afforded me at some other time to make the report.

The SPEAKER. The Chair was about to state a proposition made by some gentleman upon the floor, that the motion to recommit the report be postponed until Monday or Tuesday of next week.

Mr. HOUSTON. To be considered in the morning hour?

The SPEAKER. It would come up at that time, if the unanimous consent of the House is given.

Mr. HOUSTON. I am against taking it out of the morning hour.

Mr. LETCHER. What is the report?

Mr. MAY. It is the report of the Judiciary Committee upon a subject about which the mem-

bers of the committee have been importuned a good deal. The report relates to memorials of temperance societies praying an amendment of the city charter of Washington, so as to give that corporation power absolutely to prohibit the sale of intoxicating liquors. The Judiciary Committee have made an adverse report upon these memorials, upon the distinct ground that the present charter, as amended, confers such power.

Mr. HOUSTON. No one objects to the report of the gentleman from Maryland being withdrawn.

A MEMBER. I object.

The SPEAKER. There is objection made to it by a gentleman to the left of the Chair. The report is in the possession of the House, and a motion has been made to recommit it. It is not competent, therefore, for the gentleman from Maryland to withdraw his report, unless by unanimous consent.

Mr. HENN. Is it in order for me now to move to reconsider the vote by which the report was received?

The SPEAKER. It would be in order if the gentleman from Iowa had got the floor for any such purpose. The gentleman from New York [Mr. SMITH] is on the floor to speak to his motion, and the Chair has decided that he is entitled to it.

Mr. ORR. Will the gentleman from Tennessee [Mr. SMITH] be entitled to the floor when this matter shall have been disposed of?

The SPEAKER. That will depend upon the gentleman from Tennessee himself, and be for the Speaker to determine. The gentleman has no right at all to the floor more than any other member.

Mr. ORR. I understand that the gentleman from Tennessee yielded the floor temporarily to the gentleman from Maryland, and is therefore entitled to it after the gentleman from Maryland has attained his object.

The SPEAKER. The gentleman from Tennessee was recognized by the Chair. The gentleman from Maryland rose, and appealed to him to give way till he could make a report from his committee. The gentleman from Tennessee complied with the request. The report of the gentleman from Maryland was presented, and then the gentleman from New York [Mr. SMITH] moved to recommit. That is the history of the matter; and the gentleman from New York, under the rules of the House, is entitled to the floor on his motion.

Mr. HUNT. If the honorable gentleman from New York will give way for five minutes this bill will be passed. It has received the unanimous approval of the Senate. There is nothing in it for disputation.

The SPEAKER. The Chair would inquire whether or not there be objection to the postponement of the further consideration of this motion to recommit.

Mr. HOUSTON. I object.

The SPEAKER. Then the Chair recognizes the gentleman from New York, [Mr. SMITH.]

Mr. EDGERTON. I rise to a question of order. My question of order is this: that this being private bill day, it requires a vote of two thirds of the House to consider any other business than private business.

The SPEAKER. The point of order raised by the gentleman from Ohio is overruled, on the ground that, by unanimous consent, the report in question was presented to the House by the gentleman from Maryland. This sets aside all the rules of the body, and places the gentleman from New York on the floor to make his speech. This is the history of practice under the rule.

Mr. WASHBURN, of Maine. I suggest that the motion of the gentleman from New York be postponed by unanimous consent.

The SPEAKER, (interrupting.) That has been objected to by the gentleman from Alabama, [Mr. HOUSTON.]

Mr. WASHBURN. I mean that that motion be postponed until after the proposition of the gentleman from Tennessee shall have been disposed of. That matter will take but ten minutes for consideration; and the gentleman from New York will then have the right which he has now.

Mr. HOUSTON. I have objected to that motion; and when I object to a thing, I do not lightly withdraw such objection.

Mr. JONES, of Tennessee. We have arrived at too late a period of the session to go into this

discussion. I therefore propose that, with the unanimous consent of the House, the consideration of this report be postponed till the second Monday in December next.

The SPEAKER. By unanimous consent of the House that object can be accomplished. If the gentleman from New York yield the floor to the gentleman from Tennessee [Mr. JONES] for any such motion, it will be in order to propose it.

Mr. SMITH. I do not yield the floor.

Mr. McMULLIN. Will the gentleman from New York allow me one moment to make a suggestion?

Mr. SMITH. I must decline assent. I would have been half through my speech by this time, and considering that I have risen to make the last speech that I shall ever make on the floor of Congress—as I leave my seat at the close of the session—I cannot think it altogether generous in the House to evince so much unwillingness to hear me.

Mr. S. then addressed the House at length on the subject of the temperance reform, and in favor of a prohibitory liquor law. His remarks are withheld for revision, and will be published in the Appendix.

Mr. SMITH, of Tennessee. I move to lay the report of the Judiciary Committee upon the table, and that it be printed.

Mr. CLINGMAN. I move that it be laid upon the table absolutely. My object is to prevent debate upon the motion to print.

The SPEAKER. The gentleman from Maryland, [Mr. MAX.] when he made the report from the Committee on the Judiciary, moved that it be printed.

Mr. ORR. If the instructions are laid upon the table, they will carry everything with them.

The report was then laid upon the table, and ordered to be printed.

Mr. SMITH, of Tennessee, moved to reconsider the vote by which the report was laid upon the table, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

THE FLEURIAN CLAIM.

Mr. SMITH, of Tennessee. I now ask the unanimous consent of the House that the Committee of the Whole House may be discharged from the further consideration of Senate bill (No. 103,) "to confirm a certain land claim in Louisiana, known as the Fleurian claim."

Mr. SKELTON. I would like to have the bill read for the information of the House.

The bill was then read through by the Clerk.

Mr. SMITH, of Tennessee. I can explain in a very few words the object of this bill. I promise to make no argument, but simply to state the facts upon which it is founded. It appears that, in 1744, Joseph Villers Dubreuil purchased a tract of land in the Province of Louisiana from the Indians, settled upon it, and in 1754 commenced its cultivation. In 1763 he presented his claim to the officers of the French Crown, then acting in the Province of Louisiana. His claim was admitted, his title was decreed to him, and thus the matter rested. It will be remembered that, in 1762, the Province of Louisiana was ceded to Spain by France, under the secret treaty of Fontainebleau, which was not made known until 1764, although, previously to that time, it had been actually transferred to Spain by the French Government. And hence their title, derived in this manner, has been regarded as invalid.

In 1772, however, the original claimant of these lands died. Spain had then taken possession of the Province of Louisiana. Her own officers were acting there. They had complete and full authority in reference to the subject-matter that had been acted upon by the officers of the French Government. This claim was not presented to them directly. But, after the death of the original claimant, it was ordered to be inventoried by the Spanish Governor as a part of the estate of Mr. Dubreuil. It was put up and sold by virtue of a decree of a court deriving its authority from the Spanish Crown, then holding the Province of Louisiana. It was sold, and Charles J. B. Fleurian became the purchaser. He held the land in his own right from that time until the period of his death, and it has now descended to his heirs.

It appears, however, that a portion of this land only was fit for cultivation, a large part of it being *tremblants pueres*—trembling prairie—a tract of

land, the superficies of which is a kind of turf, while the substratum is bog or quagmire, rendering it unfit for cultivation. These claimants are the heirs, representatives, and vendees of Charles J. B. Fleurian. They derive title through him. They have leveed and drained this boggy portion of the land; and they have been cultivating and holding possession of it by themselves, and through their vendors and ancestors, for a period now of a hundred years.

I will remark, however, that the Supreme Court of the United States have decided that these land titles, which were confirmed by the officers of the French Government after the secret treaty of Fontainebleau in 1762, and before Spain had taken possession of the Province of Louisiana, are void, even though the claimants retain possession of the lands. The Supreme Court decided that so far as the legal title of these lands is concerned, it is vested in the United States, because the titles to them were confirmed by officers acting under the authority of the French Crown while the Province really belonged to Spain. Therefore, it becomes necessary, in order to settle the title now in question, that this bill should be passed, so as to authorize the issuing of a patent to the present claimants. It does not conflict in any manner with the vested rights of any individual accruing before the passage of the bill. I therefore ask the previous question.

The previous question was seconded, and the main question ordered to be put; and under the operation of the previous question the bill was ordered to be read a third time, and having been read a third time, was passed.

Mr. SMITH. I move to reconsider the vote by which the bill was passed, and also move that the motion to reconsider be laid on the table; which latter motion was agreed to.

Mr. READY, by unanimous consent from the Committee of Claims, reported the following bills; which were read a first and second time by their title, referred to a Committee of the Whole House, and ordered to be printed:

A bill for the relief of L. H. Lyon and Dean S. Howard, of the State of New York; and

An act supplementary to an act of 1816, entitled "An act for the purpose of relieving those whose property was destroyed by the enemy in the war of 1812."

Mr. McMULLIN. I call for the regular order of business.

Mr. JONES, of Tennessee. I move that the House resolve itself into the Committee of the Whole on the state of the Union.

The SPEAKER. The regular order of business is the consideration of certain private bills upon the table, which were reported by a Committee of the Whole House.

Mr. JONES. I withdraw my motion, if the bills have been reported from a Committee of the Whole House, and allow the House to proceed to their consideration.

The House then proceeded to dispose of the bills heretofore reported from a Committee of the Whole House.

House bill (No. 108) "for the relief of George G. Bishop, and the legal representatives of John Arnold, deceased," reported with a recommendation that it do not pass.

The bill was laid upon the table.

House bill (No. 182) "for the relief of Daniel Steenrod," reported with amendments.

The bill was read, as follows:

Be it enacted, &c., That the petition of Daniel Steenrod, with the accompanying documents and depositions, be referred to the Secretary of War; and he is hereby authorized and directed, in such mode as to him shall seem just and expedient, to appoint an umpire to bear evidence in the city of Wheeling, Virginia, and ascertain and fix what is justly and equitably due the said petitioner thereon; and the Secretary of the Treasury is authorized and directed to pay such sum out of any money in the Treasury not otherwise appropriated by law.

First amendment:

Strike out the words "Secretary of War," and insert "Comptroller of the Treasury."

Second amendment:

Strike out all after the word "authorized," in the fourth line, and insert the following:

To appoint a commissioner to take evidence in the city of Wheeling, or elsewhere, and ascertain and report what is justly and equitably due to said petitioner thereon; and if such report is approved by the Comptroller, the Secretary of War is authorized and directed to pay such sum of money

out of any money in the Treasury not otherwise appropriated: *Provided,* That said commissioner shall be selected out of such persons now in the employment of the Government, for which service no extra compensation shall be paid.

The amendments were agreed to.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The bill of the House (No. 195) "for the relief of Sarah K. Jenks, and the legal representatives of Hartshorne R. Thomas, in the matter of the brig Jane," coming up next in order, having been reported with a recommendation that it do not pass, was read through by the Clerk.

Mr. ORR moved that the bill do lie upon the table.

The motion was agreed to.

The following bills and joint resolution reported without amendments and with a recommendation that they do pass, were then severally taken up, read in *extenso*, ordered to be engrossed and read a third time, and being engrossed, were read a third time, and passed:

H. R. No. 189. A bill for the relief of John S. Jones and William H. Russell, surviving partners of Brown, Russell & Co.;

H. R. No. 190. A bill for the relief of William Hankins;

H. R. No. 196. A bill for the relief of Gilbert C. Russell;

H. R. No. 199. A bill for the relief of Thomas C. Greene;

H. R. No. 238. A bill for the relief of John S. King, of Virginia;

H. R. No. 241. A bill for the relief of the administrators of Oliver Lee, deceased; and

H. R. No. 5. A joint resolution directing the accounting officers of the Treasury to adjust the accounts of William Woodbury, late pension agent at Portland, Maine.

Mr. ORR. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union, in order that the amendments of the Senate to the Indian appropriation bill may be taken up and considered. These amendments should receive our prompt attention and action.

Mr. EDGERTON. I move that the House resolve itself into a Committee of the Whole House on the Private Calendar.

Mr. COBB. That ought to be done, for there remain only three private bill days of this session.

The SPEAKER. The question is not debatable, and the Chair must insist on gentlemen preserving order. This being private bill day, the motion to go into a Committee of the Whole House on the Private Calendar will be first put.

The question was taken; and Mr. EDGERTON's motion was agreed to.

The House accordingly resolved itself into a Committee of the Whole House on the Private Calendar, (Mr. HENDRICKS in the chair.)

The CHAIRMAN. The bill first in order for consideration is House bill (No. 59) "for the relief of Samuel Colt."

Mr. JONES, of Tennessee. I move that bill be informally passed over.

Mr. GREENWOOD. I would suggest, to save time, that the committee commence with the Calendar where it left off on Saturday last.

The CHAIRMAN. The Chair understands that this bill was passed over by unanimous consent.

Mr. CLINGMAN. It was passed over by vote of the committee.

Mr. HOUSTON. It is in order, I presume, to commence the consideration of the bills on the Calendar where the committee last left off. Unless we do this, the bills low down on the Calendar will get no attention at all. I move that we commence where we left off last Saturday.

The CHAIRMAN. This is the first bill in order. The Chair understands that it was only passed over for last Saturday.

Mr. JONES, of Tennessee. I would suggest to the committee that if we wish to make progress on the Calendar, we had better, by unanimous consent, consider this as objection day.

The suggestion was unanimously acquiesced in. The committee then proceeded to consider the bills in the order in which they stood upon the Calendar, when those bills which were objected to were passed over.

House bill (No. 103) "for the relief of Ferdinand Clark." [Objected to by Mr. SKELTON.]

House bill (No. 105) "for the relief of Wilson & Brothers, of St. Louis, in the State of Missouri." [Objected to by Mr. SKELTON.]

House bill (No. 239) "for the relief of Hiram Moore and John Hascall." [Objected to by Mr. SMITH, of Virginia.]

House bill (No. 240) "for the relief of Thomas S. J. Johnson, of the Territory of New Mexico." [Objected to by Mr. EDGERTON.]

Senate bill (No. 139) "for the relief of Charles Kellett."

This bill orders the refunding to Charles A. Kellett of certain moneys paid by him to the collector of New York as duties on the entry of the Chinese junk Key-ing.

The report of the Committee on Commerce was read. The committee adopt the report presented by Mr. Grinnell from the same committee at the first session of the Thirtieth Congress. This report assigns as a reason why the money paid for custom fees should be refunded to the claimant, that the junk Key-ing was not brought to this country for the purpose of commerce, but as an object of curiosity; and that the expenses far exceeded the receipts of the said junk; and cites as a precedent for the course, the case of a Greek vessel which had arrived at New York some years since.

Mr. DAVIS, of Indiana. If I recollect aright that bill was passed upon last Saturday, and was, by a vote of the committee, ordered to be reported to the House, with a recommendation that it do not pass.

Mr. EDGERTON. I would state to the gentleman from Indiana, that he is mistaken in regard to this bill. The question, when it was last before the committee, was, "Shall the bill be reported to the House with a recommendation that it do pass?" The committee decided that question in the negative, which left the bill in the same position in which it had stood before.

Mr. DAVIS. I stand corrected. My impression was as I had stated.

Mr. JONES, of New York. I object to the bill.

The bill was accordingly passed over.

House bill (No. 246) "for the relief of the children and heirs of Major General Baron De Kalb." The bill was read.

It provides, that in consideration of the services and sacrifices of the late Major General Baron De Kalb in the Revolutionary war, the Secretary of the Treasury be authorized and directed to pay to his children and heirs, named in the petition, the sum of \$90,513 61, the same being the amount now due, including interest from the year 1819, at which time the demand was presented for payment.

Mr. PECKHAM. In point of fact, the amount provided for in that bill is too large.

A MEMBER. Then object to it.

Mr. PECKHAM. When it is considered in committee, I shall propose to reduce the amount to what I think is actually due on that claim.

The CHAIRMAN. Does the gentleman from New York propose to amend the bill?

Mr. PECKHAM. I suppose it is not in order to amend it now.

The CHAIRMAN. Then does the gentleman object?

Mr. PECKHAM. The bill is not right as it stands now; and I wish to amend it. I therefore object.

The bill was passed over.

Senate bill (No. 33) "for the relief of the legal representatives of Major Caleb Swan, deceased." [Objected to by Mr. FULLER.]

House bill (No. 265) "for the relief of W. D. Porter, of the United States Navy."

The bill provides for the payment to Captain Porter of the moneys actually expended by him in defraying the expenses of bringing Amin Bey and suite to the United States, in conformity with the request of the United States Minister at Constantinople, such amount not to exceed \$2,024 32, which sum is thereby appropriated for the purpose.

From the report, which was read, it appears that Lieutenant Porter, at Genoa, in the command of the United States storeship Erie, and about to return home, received a letter from the Hon.

George P. Marsh, minister resident of the United States at Constantinople, dated the 20th May, 1850, requesting him to receive Amin Bey, of the Turkish Navy, and his attendants, on board his ship, and give them a passage to the United States. The Minister stated that the visit of Amin Bey was made upon the suggestion of the American legation, and under the proffer of a free passage in a public ship of the United States, for the purpose of examining our navy-yards, docks, ships-of-war, and other public works connected with our military marine; and contained an assurance that, without doubt, the Government would reimburse any expense to which Lieutenant Porter might be subjected by their passage.

Upon the faith of this letter, Amin Bey and suite, together with Mr. John P. Brown, as dragoman of the legation at Constantinople, was received on board the Erie at Genoa, on the 5th July and landed at New York on the 13th September, 1850. On the 30th September Congress passed an act appropriating \$10,000 for the expenses of the agent of the Sublime Porte, "to be disbursed under the direction of the Secretary of State." Of this amount \$4,051 81 was expended by the State Department, and the balance, to wit: \$5,948 19, was transferred to the surplus fund, November 19, 1853. This mission having been regarded as of sufficient importance to the United States, by our Minister at the Turkish Court, to warrant his taking the responsibility of inviting it, and tendering a free passage in a public vessel, the appropriation made by Congress in two weeks after Amin Bey's arrival, to defray the expenses, must be regarded as an approval of the act of our Minister, and an adoption of his letter to Lieutenant Porter. The committee are satisfied from inquiry that the habits of Amin Bey and suite must have subjected Lieutenant Porter to expenses exceeding those of ordinary guests. The amount claimed by him for actual expenses incurred is \$2,024 37, and the greater part of which is substantiated by vouchers.

The bill was then laid aside to be reported to the House, with a recommendation that it pass.

House bill (No. 272) "for the relief of Daniel Bedinger's heirs." [Objected to by Mr. MORGAN.]

House bill (No. 273) "for the relief of the legal representatives of Colonel John H. Stone."

Mr. MILLSON. It became my duty to examine this case during the Thirty-First Congress, and knowing its character, I feel constrained to object to the bill at this time.

The bill was passed over.

House bill (No. 274) "for the relief of the legal representatives of Colonel Willis Riddick, deceased." [Objected to by Mr. MACDONALD.]

House bill (No. 281) "for the relief of Brigadier General John E. Wool."

The bill was read. It authorizes the proper accounting officers of the Treasury to allow Brigadier General John E. Wool, inspector general of the United States Army, double rations from July 21, 1821, to March 3, 1833, being the same as have been allowed by the War Department to other officers of the staff; and when the amount is ascertained, to pay the same out of any money in the Treasury not otherwise appropriated.

Mr. McCULLOCH. I object.

Mr. MACE. I ask the gentleman to withdraw his objection until the report is read. I am sure if the gentleman will hear the report, he will see that it is a perfectly plain case.

Mr. McCULLOCH. I withdraw the objection for that purpose.

The report was read, from which it seems that by the fifth section of the act of the 16th of March, 1802, and by the fourth section of the act of the 3d of March, 1815, every officer of the Army is entitled to a certain number of rations daily, "and to the commanding officers of each separate post such additional number of rations as the President of the United States shall, from time to time, direct, having respect to the special circumstances of each post."

By an exposition given by the War Department to this law, the Quartermaster General, the Commissary General of Subsistence, the Chief Engineer, and the Colonel of Ordnance, were considered as coming within its provisions; and accordingly, by an order of the War Department, dated the 27th of July, 1821, these officers were allowed double rations. At a subsequent period the Adjutant

General was deemed to come within the rule, as extended to others; and by an order dated the 31st of March, 1826, he was allowed double rations. Although denied to Inspector General Wool, the War Department, by an order dated the 25th of February, 1829, allowed Major Nourse, not then in the Army, but chief clerk of the War Department, to receive, retrospectively, double rations for the period that he had performed the duties of Adjutant General, between the 8th of May, 1822, and the 20th of March, 1825. Under this order other officers of the staff were allowed to receive, retrospectively, double rations.

Such was the practical construction by the War Department of the law of the 16th of March, 1802, and sanctioned by appropriations, for eleven years, by Congress; when the present Secretary of War, believing that Brigadier General Wool came within the rule which extended the benefits of that law to others, at the same time considering it but an act of justice to place him in the same situation, allowed him double rations from the 3d March, 1833.

Mr. MACE. I would ask the Clerk to read the letter of Hon. Lewis Cass, which I send up. It is in further explanation of this case.

The Clerk read the letter, as follows:

WAR DEPARTMENT, January 4, 1836.

Sir: I have the honor to return the petition of General Wool which you transmitted to me.

A practical exposition was long since given by this Department to the law allowing additional rations to the commanding officers of posts which brought the heads of bureaus and of departments, stationed at this place, within its provisions. Believing that General Wool came within the rule which extended the benefits of that law to others, I considered it an act of justice to place him in the same situation, and therefore allowed him double rations from the time stated in his petition. He did not ask this Department to make any retroactive allowance; and if he had, the claim could not have been granted, because the President had previously directed that no allowance of that nature should, under any circumstances, be made.

The case of Major Nourse is correctly stated by General Wool, as appears from the inclosed communication from the Second Auditor.

Considering this place as the headquarters of General Wool, it appears to me that the same principles under which this allowance was made to the other heads of the staff departments, would justify the extension to him of the relief which he asks from Congress. His duties are arduous and important; and the expenses to which he is liable are, probably, greater than those of any other officer of the Army, with the exception of his colleague, Colonel Croghan.

Very respectfully, your most obedient servant,

LEW. CASS.

Hon. AARON WARD, Military Committee, Ho. Reps.

There was no objection; and the bill was laid aside to be reported to the House, with a recommendation that it do pass.

House bill (No. 282) "for the relief of the legal representatives of Colonel Francis Vigo."

Mr. MACE. I am satisfied that that bill ought not to pass, and therefore more that it be laid aside to be reported to the House, with a recommendation that it be laid upon the table.

Mr. COBB. Let the friends of the bill have a fair hearing. Object, and let the bill be passed over.

Mr. MACE. Very well, then I object to the bill.

House bill (No. 323) "for the relief of J. C. Buckles, of Louisville, Kentucky."

The bill, which was read *extenso*, authorizes and directs the Postmaster General to pay to J. C. Buckles, of Louisville, Kentucky, out of any moneys appropriated, or that may hereafter be appropriated, for the transportation of the mails, the sum of \$3,006.

There was no objection; and the bill was laid aside to be reported to the House, with a recommendation that it do pass.

House bill (No. 324) "for the relief of McAtee and Eastman." [Objected to by Mr. STUART, of Michigan.]

House bill (No. 325) "for the relief of James S. Graham and Walker H. Finnall."

The bill, which was read *extenso*, authorizes and directs the Postmaster General to pay James S. Graham and Walker H. Finnall \$3,000, as compensation in full for the losses they sustained by reason of the abandonment by the Postmaster General of two contracts made by that officer with them for the transportation of the mail from Washington to Fredericksburg, and from Fredericksburg to Richmond, which contracts bear date December 3, 1847.

The accompanying report of the Committee on the Post Office and Post Roads, which was read at the request of several members, shows that in October, A. D. 1847, the Richmond, Fredericks-

burg, and Potomac Railroad Companies refused to transport the mail of the United States without an increased compensation, and demanded a rate of compensation greater than that for which the Postmaster General was authorized to contract by law. The Postmaster General proceeded to advertise for proposals to carry the mails between Washington and Richmond by post coaches, and proposals were made, accepted, and contracts entered into for the transportation of the mails between the points named—one contract for the mail between Washington and Fredericksburg, and one for the mail between Fredericksburg and Richmond—at the aggregate sum per annum of \$13,080. The contracts were taken by Graham and Finnall, and were to commence the 10th of December, 1847, and to expire on the 30th of June, 1851; making the term of service nearly three years and seven months. The contracts were taken with the understanding and with the just expectation that the full term of service would be enjoyed, and with this expectation the contractors were induced to incur extraordinary expenses in stocking and opening a route upon brief notice, and at the commencement of winter.

The fact that the contractors had good reason to understand that the contract would not be abandoned, appears from the statement of the Postmaster General, Hon. Cave Johnson. It appears, however, that within the first year of the service the Postmaster General succeeded in effecting a satisfactory contract with said railroad companies, and in consequence thereof, on the 30th November, 1848, he gave notice to the contractors of the abandonment of his contract with them, to take effect the 4th of December, 1848. Thereupon the said contractors called upon the Postmaster General for compensation for their extraordinary losses, who, though distinctly expressing his opinion that it would be just to give additional and equitable indemnity, held that he had no legal power to afford relief.

The bill was then laid aside to be reported to the House, with a recommendation that it pass.

House bill (No. 227) "to authorize Robert Graham to locate six thousand nine hundred and ninety-three acres of land in lieu of one undivided half part of certain lands patented to John Edgar and John Murray St. Clair by the Governor of the Northwestern Territory." [Objected to by Mr. NICHOLS.]

Senate bill (No. 303) "for the relief of James M. Goggin." [Objected to by Mr. MACE and Mr. MORRISON.]

Mr. MILLER. I ask the gentleman from Indiana to withdraw his objection.

Mr. MACE. I would be perfectly willing to withdraw the objection if this were the only bill of the kind before the House. But we have rejected more than fifty bills based upon the same principle as this one.

Mr. SMITH, of Virginia. I do beseech my friend from Indiana to withdraw that objection?

Mr. MACE. As there seem to be a great number who wish the objection withdrawn, I will yield to their wishes to do so.

The bill was then laid aside to be reported to the House, with a recommendation that the same do pass.

Joint resolution of the House (No. 24) "for the adjustment of the accounts of John D. Colmesnil." [Objected to by Mr. SMITH, of Virginia.]

Mr. BRIDGES. If the gentleman from Virginia continues to insist upon objecting to all the bills upon the Calendar, there is no use in proceeding with the reading of the cases.

Mr. COBB. Let us go on.

Mr. SMITH. I object to nothing. I withdraw my objection.

Mr. HAVEN. Then I object to the bill.

Mr. LANE, of Oregon. I desire to ask the gentleman from New York to withdraw the objection to the bill.

Mr. HAVEN. Mr. Chairman, if there is any man in this House for whom I would withdraw it, it is for the gentleman from Oregon. But we passed a joint resolution three years ago, under which this account was adjusted and paid, and I do not want to open the account again. I must decline to withdraw my objection.

Senate bill (No. 147) "for the relief of the legal representatives of the late Thomas Chapman,

formerly collector of the port of Georgetown, South Carolina."

The bill, which was read, provides that there shall be paid to the legal representatives of Thomas Chapman, formerly collector of the port of Georgetown, in the State of South Carolina, the sum of \$13,457 54, being the share to which the said Chapman was entitled as such collector, from the cargo of the Swedish ship Diana, condemned for a breach of the non-intercourse act, which was decreed to be forfeited by the said Thomas Chapman, in consequence of his being examined as a witness in behalf of the claimants.

Mr. McQUEEN. I move that the bill be laid aside and reported to the House, with a recommendation that it pass.

The motion was agreed to.

Mr. MORRISON. I objected to Senate bill No. 303, for the relief of James M. Goggin. Upon examination, I am satisfied that the claim is a just one. I therefore desire to withdraw my objection.

The bill authorizes and requires the Postmaster General to settle and adjust the claims of James M. Goggin; and that in such settlement he be allowed a fair and reasonable salary as special mail agent for the State of California, from December 1, 1850, until April 6, 1853, with reasonable allowance for office rent and per diem, and the hire of a clerk.

Mr. McCULLOCH. I object.

Mr. MILLER. I appealed to the gentleman to withdraw his objection. Two gentlemen have already objected, and having become satisfied that the claim is right, have withdrawn their objections. I am sure the gentleman would not object to it if he had examined the facts of the case.

Mr. McCULLOCH. Well, sir, I will withdraw my objection.

The bill was then laid aside to be reported to the House, with a recommendation that it do pass.

House bill (No. 359) "for the relief of the heirs of Captain Nehemiah Stokely." [Objected to by Mr. MILLSON.]

House bill (No. 361) "for the relief of the widow and children of Ezra Chapman, deceased."

The bill authorizes the proper accounting officers of the Treasury to pay to the lawful administrators of Ezra Chapman, late of Tolland, Connecticut, deceased, for the benefit of his widow and children, the sum of \$840, together with interest thereon from March 22, 1838—the same being the aggregate amount of seven years' half pay of Ezra Chapman, the father of the aforesaid Ezra Chapman, deceased, who was an ensign in the army of the Revolution, and died in the service of the United States, September 1, 1778, and which sum of money was due to the said Ezra Chapman, deceased, on account of the services of his said father, by the provisions of the resolution of Congress passed August 24, 1780.

It appears from the report that the father of the memorialist, Ezra Chapman, senior, on the 6th day of August, 1777, entered into the service of the army of the Revolution as an ensign, commissioned by Congress, in Captain Horton's company, in Colonel Baldwin's regiment of artificers, and continued in said service, in said office of ensign until the 1st day of September, 1778, when he died; that the said Ezra, at his decease, left a widow and one son, the memorialist, then about five years of age; that the widow of said Ezra, soon after his decease, married one Elihu Marvin, and died in the year 1788, without leaving any other child; and that neither the said widow, before her said marriage with the said Marvin, or afterwards, or the memorialist, or any other person for them or either of them, has ever received the seven years' half pay of the said Ezra, deceased, to which his widow, or, in case of her marriage, his orphan child, became entitled by virtue of the resolution of Congress, passed the 24th day of August, 1780.

Mr. SKELTON. I object, unless an amendment be made striking out the interest.

Mr. PECKHAM. The interest is only from the time the petition was presented to the House.

Mr. SKELTON. I must object, unless the gentleman will accept such an amendment.

Mr. PECKHAM. I am not authorized by the committee to accept any amendment.

The CHAIRMAN. The Chair will rule that the amendment may be offered, if it give rise to no debate.

Mr. PRATT. I hope the gentleman will withdraw his amendment. He can offer it in the House.

Mr. PECKHAM. If the gentleman insists upon his amendment, I have no objection to its being reported for the action of the House.

Mr. SKELTON. Well, sir, I will withdraw my amendment and my objection.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill (No. 362) "for the relief of the heirs and legal representatives of Joseph Savage, deceased."

The bill directs that there shall be paid to the legal representatives of Joseph Savage, deceased, five years' full pay of a surgeon's mate in the continental line of the army of the Revolution, with interest on the same from January 1, 1837, being the full amount of the sum due to the said Joseph Savage, deceased, for services as surgeon's mate in the Virginia continental line of the revolutionary army.

Mr. ROWE. I object, unless the interest is stricken out.

Mr. BRIDGES. I think this matter of allowing interest should be settled in some way by the House, that we may know whether interest is to be allowed upon these claims or not.

Mr. PECKHAM. It can be very easily settled by a vote of the committee. I propose that the question be put to the committee.

The CHAIRMAN. Does the gentleman from New York propose an amendment?

Mr. PECKHAM. No, sir, I will not propose one; but I think the matter may be very easily settled, if gentlemen object to the payment of interest from the time these claims are presented in the House.

Mr. MILLSON. Although this is a Virginia case, I feel constrained to say that I examined some time ago into the facts of the case, and must object.

House bill (No. 263) "for the relief of the heirs of Thomas Parks, deceased." [Objected to by Mr. LETCHER.]

House bill (No. 364) "for the relief of William A. Duer, John Duer, and Beverly Robinson, trustees of the estate of Sarah Alexander, widow of Major General William Alexander, commonly known as Lord Sterling."

The bill, which was read in *extenso*, authorizes and directs the Treasurer of the United States to pay to William A. Duer, John Duer, and Beverly Robinson, as trustees of the estate of Sarah Alexander, widow of Major General William Alexander, commonly known as Lord Sterling, the sum of \$9,960, it being the amount due the heirs of said Lord Sterling, in money, for commutation pay as a major general in the service of the United States in the army of the Revolution, under the resolutions of Congress of October, 25, 1780, and March 22, 1783; and that there be granted to the said William A. Duer, John Duer, and Beverly Robinson, as trustees as aforesaid, eleven hundred acres of land, the number of acres allowed to a major general in the revolutionary war by the resolution of Congress of August, 12, 1780, to be selected out of any lands belonging to the United States subject to private entry and sale, to be selected under the rules and regulations now prescribed by law for the entry and purchase of lands belonging to the United States.

There was no objection, and the bill was laid aside to be reported to the House, with a recommendation that it do pass.

House bill (No. 367) "for the relief of the legal representatives of John Rice Jones, deceased."

The bill, which was read, authorizes the legal representatives of John Rice Jones, deceased, to locate in legal divisions and sub-divisions, not less than one hundred and sixty acres, an area of three thousand four hundred and eighty-five acres, on any of the public lands which shall have been offered at public sale, and may be subject to private entry; provided, that the location under this act shall be taken and held as in full satisfaction of the claims of said Jones, which are entered as numbers 1285 and 1286, in the report dated January 4, 1813, of the Kaskaskia commissioners; and, on a proper return being made to the General Land Office, from the district land office, of a location in conformity to this act, a patent shall issue; provided, always, that no location shall be made upon

mineral land or lands reserved for the use of schools, or for military purposes.

There was no objection; and the bill was ordered to be laid aside to be reported to the House, with a recommendation that it do pass.

Senate bill (No. 199) "authorizing a patent to be issued to Peter Poncin for certain lands therein described."

The bill allows and reinstates, of the same date, the entry by Peter Poncin of the north half of the southeast quarter, and the south half of the northeast quarter of section thirty six, in township number twenty-nine, of range twenty-three, in the Stillwater land district, Minnesota, cancelled by the Commissioner of the General Land Office, so that the title to said lands may inure to the benefit of his grantees, as far as he may have conveyed the same; provided, that the money paid for said lands shall not have been withdrawn, or, if withdrawn, shall be again paid at said land offices, and that thereupon a patent shall issue in the name of said Peter Poncin for said lands.

There was no objection; and the bill was ordered to be laid aside to be reported to the House, with a recommendation that it do pass.

Senate bill (No. 234) "for the relief of Conrad Wheat, jr., or his legal representatives."

The bill provides that the location of six hundred and forty acres of land, and which is described as survey No. 2,453, in township forty-four north, of ranges five and six east of the principal meridian, in the State of Missouri, made by Conrad Wheat, jr., October 22, 1816, under a certificate of location No. 113, issued the 12th of August, 1816, by the recorder of land titles, to the said Wheat, shall be confirmed; and that the Commissioner of the General Land Office shall be authorized to issue a patent to the said Conrad Wheat, jr., or his legal representatives, for the said lands.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

Senate bill (No. 72) "for the relief of the heirs and representatives of Uriah Prewitt deceased." [Objected to by Mr. CHASTAIN.]

Senate bill (No. 154) "for the relief of Richard King."

The bill provides that Richard King shall be confirmed in his title to two hundred and forty arpents of land on the eastern bank of the Ouachita river, in the parish of Caldwell, State of Louisiana, which was conveyed by the claimant of the Maison Rouge grant to Bagwell Bailly, in 1818, for cutting a road through said grant, and which has remained in the possession of, and in cultivation by, said Bailly and his successors to the present time, and which is now a part of the plantation of said King, on which he has resided for many years; and that a patent shall issue to him for it, after a legal survey is made and returned under the direction of the surveyor general; provided, that this act shall amount only to a relinquishment of title on the part of the United States.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill (No. 363) "for the relief of Robert F. McGuire and Louisa, his wife, late Louisa Lamy."

The bill provides that Robert F. McGuire and Louisa McGuire, his wife, late Louisa Lamy, shall be confirmed in their title to a certain tract of land in the State of Louisiana, containing four hundred arpents, situate in and being a part of the "Baron de Bastrop grant," being the same tract to which the said McGuire and wife derived their title from the conveyance of A. Morehouse, dated April 17, 1809; provided that the act shall be considered only as a relinquishment of title on the part of the United States to the said tract, and not to prejudice the rights of third persons.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

Senate bill (No. 306) "for the relief of James Erwin, of Arkansas, and others."

Mr. LETCHER. Read the report.

Mr. BALL. This is a Senate bill which was referred to the Committee on Indian Affairs. The committee unanimously agreed to recommend its passage. There is, however, no written report. There was a report presented to the Senate by Mr. Brown, Chairman of the Committee on Indian Affairs; and if this will satisfy the gentleman

from Virginia, [Mr. LETCHER.] I ask that it be read.

Mr. LETCHER. That is what I wish to hear. The report was read.

Mr. LETCHER then objected to the bill, and it was passed over.

House bill (No. 369) "for indemnifying Moses D. Hogan for cattle destroyed by the Indians in 1842."

Mr. JONES, of New York. I have strong doubts of the propriety of that bill, and I therefore object to it.

The bill was accordingly passed over.

Senate bill (No. 136) "for the relief of William Senna Factor."

The bill, which was read, is as follows:

Be it enacted, &c., That the sum of \$3,707 be paid to William Senna Factor, out of any money in the Treasury not otherwise appropriated, as indemnity in full for property of Rose Factor, destroyed by order of the American officers of the United States Army, in the Seminole war of 1836, and for property taken by such officers for public use in said war: *Provided*, That the Secretary of the Interior shall first be satisfied that said William Senna Factor is the legal representative of Rose Factor, deceased.

The CHAIRMAN. The Committee on Indian Affairs recommended the following amendment:

Strike out "\$3,707" and insert in lieu thereof "\$2,000."

The report was then read.

The amendment was agreed to.

Mr. LETCHER. I propose to further amend the bill by adding the following proviso:

Provided, That the sum herein mentioned shall be received in full of all claims against the Government for the matters specified in this bill.

The amendment was agreed to.

The bill was then laid aside to be reported to the House, with a recommendation that it pass.

Senate bill (No. 62) "for the relief of Richard M. Bouton, George Wright, and the widow of Marvin W. Fisher."

The bill directs the payment to Richard M. Bouton, George Wright, and to Harriet F. Fisher, the widow and executrix of Marvin W. Fisher, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 each, as a full compensation for the past use of their machines for making and charging percussion caps, in the arsenals of the United States, and also for the future free and undisturbed use by the Government of the said machines, together with the patent-right or rights to the said machines, with their improvements.

Mr. SMITH, of Virginia. I object.

Mr. TAYLOR, of Ohio. I hope the gentleman from Virginia will allow the report in the case to be read. It is a case of extraordinary merit.

Mr. SMITH. I will withdraw my objection for that purpose.

The report was read, from which it appears that Mr. Richard Bouton, in January, 1842, at the request of the commanding officer of the Watervliet arsenal, New York, applied himself to the invention of a machine for making percussion caps. After some years of unremitting labor, he succeeded in constructing one which has been in successful operation since the year 1845, at the Watervliet arsenal, and at the arsenal in the navy-yard in this city. For the right and use of this discovery, however, there are two other competitors, Marvin W. Fisher and George Wright, for each of whose machines merit is claimed equal to Bouton's. Each of the claimants, at the time of the invention of their machines, were employed in the public service, and each claim bounty for the use of their inventions by the Government.

Mr. LETCHER. When were these patents granted?

Mr. TAYLOR. That of Mr. Bouton was granted ten years ago, and has been used ever since by the Government of the United States.

Mr. LETCHER. How with the others?

Mr. TAYLOR. There have been favorable reports on this case for the last ten years.

The CHAIRMAN. Does the gentleman from Virginia object?

Mr. LETCHER. I do, unless there be some explanation of the bill.

Mr. CHANDLER. If allowed, I can satisfy the gentleman of the justice of the bill in a very few words.

Mr. LETCHER. When were these patents granted?

Mr. CHANDLER. Some years ago.

Mr. LETCHER. How long ago?

Mr. CHANDLER. Nearly ten years ago.

Mr. LETCHER. Have these patents expired?

Mr. CHANDLER. They have not.

Mr. LETCHER. When do they expire?

Mr. CHANDLER. Several persons invented an improved method of charging percussion caps, and Mr. Wright ingeniously combined the several improvements, so as to cause a great saving to the country. The Government uses these inventions now, and without paying for them. The bill only appropriates \$5,000 to Bouton, Wright, and the widow of Fisher. I was a member of the committee which first reported on this claim, and we reported a larger amount than is provided for in this bill.

Mr. HOWE. I reported this bill, and, with the permission of the committee, will say a word or two.

Mr. DAVIS, of Indiana. I object to all debate.

The CHAIRMAN. Is there objection to the bill?

Mr. HOWE. I will refrain from saying anything, and hope that there may be no objection to the bill.

There was no objection; and the bill was laid aside to be reported to the House, with a recommendation that it do pass.

House bill (No. 371) "for the relief of Lieutenant George H. Paige, of the United States Army."

The bill, which was read, authorizes and directs the proper accounting officer of the United States Treasury to allow and credit to Lieutenant George H. Paige \$62,23, the amount paid by him to one Philips, a private in the United States Army, for services as an auctioneer, in June, 1849.

There was no objection; and the bill was laid aside to be reported to the House, with a recommendation that it do pass.

Joint resolution of the House (No. 25) "for the relief of Captain J. H. Lendrum, of the United States Army."

The bill, which was read *in extenso*, authorizes and directs the proper accounting officers of the Treasury to settle the accounts of Brevet Captain J. H. Lendrum, of the United States Army, and to credit him with \$2,970 14, moneys disbursed by him out of the moneys of the quartermasters' fund, and \$3,575 96, moneys disbursed by him out of the moneys belonging to the civil fund of California, the vouchers for which were lost and destroyed by reason of the fire in the city of San Francisco, May 4, 1850.

There was no objection; and the bill was laid aside to be reported to the House, with a recommendation that it do pass.

Senate bill (No. 114) "for the relief of Thomas Pember."

Mr. ORR. That bill has been reported from the Committee on Naval Affairs, with a recommendation that it do not pass, and I therefore object to it.

Senate bill (No. 115) "for the relief of Samuel Mickrum."

Mr. ORR. I object to this bill for the same reason that I objected to Senate bill No. 114.

Senate bill (No. 183) "for the relief of passed midshipmen George P. Welsh and Clark H. Wells."

The bill, which was read *in extenso*, authorizes and directs the proper accounting officer of the Treasury to pay to Passed Midshipman George P. Welsh \$341 66, and to Passed Midshipman Clark H. Wells \$342 93, out of any money in the Treasury not otherwise appropriated.

The bill was laid aside to be reported to the House, with a recommendation that it do pass.

Senate bill (No. 30) "for the relief of Thomas Marston Taylor."

The bill and report were read.

Mr. LETCHER. I propose to amend the bill by striking out all that portion of it which relates to lawyers' fees and costs.

The question was taken; and the amendment was not agreed to.

Mr. LETCHER. Then I object to the bill.

The bill was therefore passed over.

Senate bill (No. 31) "for the relief of Purser Francis B. Stockton." [Objected to by Mr. LETCHER.]

Senate bill (No. 113) "for the relief of the

widows and orphans of the officers and seamen of the United States schooner *Grampus*, who were lost in that vessel, in March, 1843, near the coast of the United States."

The bill, which was read, provides that the same provision as is made by the act entitled "An act for the relief of the widows and orphans of the officers, seamen, and marines, of the brig *Somers*," approved August 14, 1848, and an act for the relief of the widows and relatives of certain officers and seamen of the United States brig *Washington*, who were lost overboard in a hurricane, approved February 3, 1853, be also extended to the widows and orphans of the officers and seamen who were lost in the United States schooner *Grampus*, in the gale of March, 1843, near the coast of the United States.

No objection being made, the bill was laid aside to be reported to the House, with a recommendation that it do pass.

Senate bill (No. 275) "for the relief of Andrew J. Dickerhoff."

The bill, which was read, provides that the Secretary of the Interior be directed to place the name of Andrew J. Dickerhoff on the roll of invalid pensioners, and pay him annually a pension of ninety-six dollars, to commence January 1, 1850, and continue during his life.

No objection being made, the bill was laid aside to be reported to the House, with a recommendation that it do pass.

House bill (No. 373) "to provide a pension for Oliver Brown, of Chemung county, New York."

The bill, which was read, provides that Oliver Brown, of the county of Chemung, in the State of New York, be placed upon the pension roll, at the rate of four dollars per month, from March 1, 1854.

The bill was laid aside to be reported to the House, with a recommendation that it do pass.

House bill (No. 374) "to provide a pension for Edmund Mitchell, of Carroll county, in the State of Kentucky."

The bill, which was read, provides that the name of Edmund Mitchell, of Carroll county, in the State of Kentucky, be placed upon the pension roll, at the rate of eight dollars per month, to commence March 1, 1854.

The bill was laid aside to be reported to the House, with a recommendation that it do pass.

House bill (No. 376) "for the relief of James Butler."

The bill, which was read, provides that the Secretary of the Interior be directed to place the name of James Butler upon the roll of invalid pensioners, at the rate of eight dollars per month, to commence January 1, 1854.

The bill was laid aside to be reported to the House, with a recommendation that it do pass.

House bill (No. 377) "for the relief of John H. Hicks, of Indiana."

The bill, which was read, provides that the Secretary of the Interior be instructed to place the name of John H. Hicks, of Indiana, upon the list of invalid pensioners, at the rate of eight dollars per month, from January 1, 1853, and to continue during his natural life.

The bill was laid aside to be reported to the House, with a recommendation that it do pass.

House bill (No. 378) "for the relief of John Brown, second, of New Hampshire."

The bill directs the Secretary of the Interior to place the name of John Brown, second, of the State of New Hampshire, on the roll of invalid pensioners, at the rate of eight dollars per month, to commence February 9, 1852, to continue during his natural life.

The bill was laid aside to be reported to the House, with a recommendation that it do pass.

House bill (No. 379) "for the relief of Mrs. Anna W. Angus, widow of the late Captain Angus, United States Navy."

The bill directs the Secretary of the Interior to continue the pension granted to Anna W. Angus, widow of the late Captain Samuel Angus, of the United States Navy, by an act of Congress passed March 4, 1849, to the further term of five years from the expiration of said act.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill (No. 380) "for the relief of Betsey Nash."

The bill directs the Secretary of the Interior to place the name of Betsey Nash, of Stockbridge, in the county of Madison, State of New York, upon the list of half pay pensioners, as the widow of Doctor Sylvester Nash, at the rate of twenty-two dollars per month, for five years, to commence January 1, 1854.

This bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill (No. 381) "for the relief of Thomas Ellis."

The bill directs the Secretary of the Interior to place the name of Thomas Ellis, of Platte county, in the state of Illinois, upon the roll of invalid pensioners, at the rate of eight dollars per month, from May 11, 1852, during his life.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill (No. 382) "for the relief of Charlotte S. Westcott."

The bill directs the Secretary of the Interior to place the name of Charlotte S. Westcott upon the pension rolls, and cause to be paid to her the sum of twenty dollars per month, for the term of ten years, commencing January 1, 1854; provided, that in case of the marriage or death of the said Charlotte S. Westcott, the pension hereby granted shall be paid to her two children, or the survivor of them.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill (No. 383) "for the relief of Thomas Bronough."

The bill directs the Secretary of the Interior to increase the pension of Thomas Bronough, who is now on the rolls at four dollars, to the rate of eight dollars per month, to commence January 1, 1854.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill (No. 384) "For the relief of Anna E. Cook."

The bill directs the Secretary of the Interior to place the name of Anna E. Cook on the pension rolls at the rate of fifteen dollars per month for five years, commencing January 1, 1854.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill (No. 385) "for the relief of Abraham Ausman."

The bill directs the Secretary of the Interior to increase the pension of Abraham Ausman, whose name is now on the rolls at six dollars, to the rate of eight dollars per month, to commence January 1, 1854.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

Senate bill (No. 133) "for the relief of Lavina Taylor."

The bill directs the Secretary of the Treasury to pay to Lavina Taylor, widow of the late Isaac Taylor, a private in the Army of the United States, a sum equal to five years pay of her said husband; at the rate to which he was entitled at the time of his death, out of any money in the Treasury not otherwise appropriated.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill (No. 387) "for the relief of Francis Petit Smith." [Objected to by Mr. Jones, of New York.]

Mr. BRIDGES. If the gentleman will allow the report to be read, I am sure that he will withdraw his objection.

Mr. JONES. I am opposed to the extension of patents by Congress under any circumstances.

Mr. BRIDGES. Under any circumstances?

Mr. JONES. Yes, sir; but at the same time let me say, that I would be willing to confer on the Commissioner of Patents power to do in such matters what, in his judgment, justice dictated.

House bill (No. 388) "for the relief of Titian R. Peale."

The bill, which was read *in extenso*, authorizes and directs the payment of \$1,782 20 to Titian R. Peale, of Philadelphia, or his legal representative, in full payment for the losses which he sustained of his private property when wrecked in the United States ship *Peacock*, at the mouth of the Columbia river.

It appears from the report of the committee, which was also read, that Mr. Peale was appointed

by the Navy Department on the 28th of December, 1836, a member of the scientific corps to be attached to the South Sea surveying and exploring expedition, organized under the act of Congress of the 18th of January, 1836. He performed constant and valuable service during the expedition, and was on board the United States ship *Peacock* when she proceeded to the northwest coast of America. On the 18th of July, 1841, that vessel was entirely lost in endeavoring to enter the mouth of the Columbia river, the officers and crew having scarcely time to escape with their lives, and being unable to save anything from the wreck. Mr. Peale, upon this occasion, lost all his personal effects—his books and instruments, and a large number of articles which he had collected in his department, and which it would be difficult to replace. But, notwithstanding the calamity, he was enabled, by the exertions of the commanding officer, Captain Hudson, and his own strenuous efforts, to replace, at extravagant prices, and as far as practicable from his own funds, such articles as were indispensably necessary for the completion of the contemplated surveys of the country, and was thus enabled to continue his usefulness to the expedition; and, with others of the scientific corps, traversed over a large portion of Oregon and Upper California, thereby adding much to the information of those countries which we now possess.

Mr. SMITH, of Virginia. I do not like to object to this bill, but I should be glad to hear some reason why the United States should be made an insurer in these cases.

Mr. CHANDLER. I will reply to the gentleman, with the consent of the committee.

The CHAIRMAN. Discussion can only proceed by unanimous consent.

Mr. DAVIS, of Indiana. I object to debate.

Mr. SMITH. I do not object to the bill, being privately assured by the gentleman from Pennsylvania that it is all right.

There was no objection; and the bill was laid aside to be reported to the House, with a recommendation that it do pass.

House bill (No. 389) "for the relief of Sylvester Humphrey, and the heirs of Alexander Humphrey, deceased."

The bill, which was read, authorizes and directs the Secretary of the Treasury to pay to Sylvester Humphrey and the heirs of Alexander Humphrey, deceased, \$2,500—one moiety thereof to Sylvester Humphrey, and the other moiety to the heirs of Alexander Humphrey, deceased—for rebuilding the wharf at Staten Island after it had been destroyed by the storm of September 3, 1821.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

Senate bill (No. 143) "for the compensation of James W. Low and others, for the capture of the British private armed schooner *Ann*, during the late war with Great Britain."

The bill was read.

It authorizes and directs the Secretary of the Treasury to pay to James W. Low, William Driskill, — Southerland, and — Stenchen, *alias* Michael Whitehouse, or to such persons as may be legally authorized to receive the same, as heirs or legal representatives, the sum of \$2,570 30, that being the amount paid into the Treasury of the United States, and placed to the account of fines, penalties, and forfeitures, in consequence of a suit entitled "The United States vs. the schooner *Ann* and cargo," in the district court of Maine, December, 1814, the said schooner having been risen upon and captured by the aforesaid named persons from the British, and delivered to the proper authorities of the United States, in the State of Maine. Such sum is provided to be paid to the said James W. Low and his associates aforesaid, their heirs or assigns, in the following proportions, to wit: to the said James W. Low, for having planned the enterprise and directed the capture of the vessel, as first officer of the prize, eight parts; to William Driskill, as second or assistant officer, four parts; and to Southerland and Stenchen, as seamen or sailors, two parts each.

The second section of the bill provides that it shall be the duty of the Secretary of the Treasury, immediately after the passage of the act, to give public notice thereof, by advertisement for three months, in such newspapers as he shall think will be most likely to give proper information to the

persons so entitled, to apply for their respective shares; and if, after the expiration of six months from the passage of the act, any of the said claimants, or their heirs or legal representatives, shall not have applied for their respective proportions of the sum thereby appropriated, the same shall be paid to such as shall have applied within that period, *pro rata*, according to their relative proportions as aforesaid, or to their heirs or assigns respectively; provided that any one or more of said claimants may apply for their own proportions in the first instance, at any time after the passage of the act.

Mr. JONES, of Tennessee. I want to hear the report read.

The report was accordingly read.

No objection being made, the bill was laid aside, to be reported to the House.

House bill (No. 393) "for the relief of Jacob McLellan."

The bill, which was read, provides that the Secretary of the Treasury cause to be paid to Jacob McLellan, his heirs or assigns, \$450; it being part of a penalty imposed upon the ship *George Turner*, and paid by the said McLellan, in December, 1851, for an alleged violation of the laws of the United States restricting the number of passengers in merchant vessels.

No objection being made, the bill was laid aside to be reported to the House.

House bill (No. 394) "for the relief of Nathaniel Goddard and others." [Objected to by Mr. JONES, of Tennessee.]

Senate resolution (No. 8) "for the relief of the owners of the steamer *Fanny*." [Objected to by Mr. MILLSON.]

House bill (No. 396) "for the relief of Charles I. Davis, administrator of Captain John Davis, an officer in the war of the Revolution."

The bill directs the Secretary of the Treasury to pay Charles I. Davis, administrator of Captain John Davis, an officer of the Revolution in the Pennsylvania line on the Continental establishment, five years' full pay of a captain in such service, being the commutation of half-pay for life promised by the resolves of Congress to such officers as should serve to the end of the war, to be paid to said administrator, for the use of the heirs of said Captain John Davis.

The second section requires the Secretary of War to issue to the heirs of Captain John Davis, late a captain in the ninth regiment Pennsylvania line on the Continental establishment, a land warrant for three hundred acres of military bounty lands, as and for the lands to which the said John Davis was, while in full life, entitled, for and on account of the services rendered by him in the war of the Revolution; and that the same may be located on any vacant or unlocated lands appropriated by Congress for the purpose.

The report was read. The claim is based upon commutation and bounty land promised to certain officers of the Army of the Revolution who should serve until the end of the war. The proof is conclusive that Captain John Davis did serve until the close of the war.

There is no evidence that Captain Davis ever applied for or received his commutation or bounty land. He was a highly respectable man, and his pecuniary circumstances were such as not to make it necessary for him to avail himself of the provisions made by his country for those who, like himself, had served her in her hour of need; and, with a feeling of patriotic independence, he abstained from making the claim during his lifetime. He had married a daughter of John Morton, one of the signers of the Declaration of Independence, and was for many years an associate judge of the courts in Chester county, Pennsylvania. After his death, which took place about the 1st of September, 1827, his family became reduced in their pecuniary condition, and now feel justified in calling for what is justly due from the Government.

The bill was laid aside to be reported to the House, with the recommendation that it pass.

Senate bill (No. 222) "for the relief of John S. Wilson."

The bill, which was read, authorizes and directs the Secretary of the Treasury to pay John S. Wilson \$800, with interest thereon, at the rate of six per cent. per annum, from May 17, 1822, in full compensation for the damages sustained by his being evicted of his title, derived by patent from

the United States, to the east half of section twenty-two and west half of section twenty-three, in township fifty-two north, of range one east, of the fifth principal meridian, in the State of Missouri, by the decree of the Supreme Court of the United States in favor of the devisees of Auguste Chouteau, at the January term, in 1835.

There was no objection, and the bill was laid aside to be reported to the House, with a recommendation that it do pass.

House bill (No. 397) "for the relief of Mrs. Mary A. N. Jones." [Objected to by Mr. McMULLIN.]

Senate bill (No. 229) "for the relief of Thomas S. Russell."

The bill, which was read, authorizes and directs the proper accounting officers of the Treasury to audit the account of Thomas S. Russell, late an assistant commissary of subsistence in Colonel Brisbane's regiment of Florida volunteers, and to pay whatever amount may be found due to him, out of any money in the Treasury not otherwise appropriated, notwithstanding the irregularity of his appointment, and although his name does not appear upon the rolls as one of the staff of Colonel Brisbane; provided, the amount shall not exceed the pay of an assistant commissary of subsistence from February 18, 1836, to May 10, 1836.

The bill was then laid aside to be reported to the House, with a recommendation that it do pass.

Mr. McMULLIN. I withdraw the objection which I made to House bill No. 397.

Mr. JONES, of Tennessee. I object to going back.

The CHAIRMAN. That is equivalent to objection to the bill.

Mr. JONES. Very well.

Senate bill (No. 308) "for the relief of A. G. Bennett." [Objected to by Mr. DAVIS, of Indiana.]

House bill (No. 401) "to provide for three months' extra pay to the third regiment of Missouri volunteers." [Objected to by Mr. GRIMES.]

House bill (No. 402) "for the relief of Charles H. Wilgus."

The bill was read.

It authorizes and directs the Secretary of the Treasury to pay to Charles H. Wilgus, the sum of \$1,762, in full for all property belonging to him and his wife, that was taken, used, or damaged, and for all depredations committed on him by the American troops while at Tampico, during the late war with Mexico.

The bill was laid aside to be reported to the House, with a recommendation that it do pass.

Senate bill (No. 144) "for the relief of Purser T. P. McBlair."

The bill was read.

It directs the accounting officers of the Treasury, in adjusting the accounts of Purser T. P. McBlair, to allow him the several sums paid by him as purser of the United States steamer *Princeton*, to William Taylor, acting boatswain, to John Coale, acting carpenter, and to Armstrong Flomerfelt, acting sailmaker, who were employed on said steamer by the commanding officer thereof, by authority from the Secretary of the Navy, and which said sums were disallowed by the accounting officers of the Treasury, for the reason that the said persons to whom the payments were made were not included in the number permitted by law, of officers of the grades to which they were respectively appointed.

The bill was then laid aside to be reported to the House, with a recommendation that it do pass.

Senate bill (No. 35) "for the relief of M. K. Warrington and C. St. J. Chubb, executors of Captain Lewis Warrington, and others." [Objected to by Mr. LETCHER.]

Senate bill (No. 224) "for the relief of the representatives of Joseph Watson, deceased."

The bill, which was read, provides that the Solicitor of the Treasury be, and he is hereby, authorized and directed to cause to be executed, on the part of the United States, a full release and acquittance of the claim against Joseph Watson, as one of the sureties of Henry Ashton, late marshal of the District of Columbia, and that the property in the city of Washington, at present held in trust as security for the payment of said

claim, be reconveyed to his legal representatives free, and discharged from all such incumbrance; provided, that they release the claim against the United States for services rendered by Joseph Watson, as Indian agent in the Territory of Michigan.

The CHAIRMAN. The Committee on Indian Affairs have reported the following amendment: strike out the word "Indian agent," and insert in lieu thereof the words "superintendent of the Indian department and storekeeper."

The amendment was agreed to.

The bill was then laid aside to be reported to the House, with a recommendation that it do pass.

Senate bill (No. 146) "for the relief of Samuel H. Hempstead."

The bill, which was read, provides that \$1,800 be appropriated out of any money in the Treasury not otherwise appropriated, to pay Samuel H. Hempstead for extra services rendered by him in defending the title of the United States to certain lands situated in the State of Arkansas.

The bill was laid aside to be reported to the House, with a recommendation that it do pass.

Senate bill (No. 300) "for the relief of Thomas Rhodes." [Objected to by Mr. JONES, of Tennessee.]

Senate bill (No. 365) "for the relief of John W. Kelly."

The bill directs the Postmaster General to have the accounts of John W. Kelly, late a contractor on route No. 3,540, from Bainbridge, Georgia, to Apalachicola, Florida, audited and settled by the proper accounting officers, and to allow the said John W. Kelly the contract price stipulated to be paid him, to wit: the sum of \$2,400 per annum, from September 21, 1852, to June 30, 1855, the day on which his contract would have expired, deducting therefrom the payments heretofore made the said John W. Kelly on account thereof; and the sum, when so ascertained and paid, shall be in full of all claims which the said John W. Kelly may have for damages in consequence of the annulment of his said contract on the 21st of February, 1853, by the Post Office Department.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

Senate joint resolution (No. 19) "for the relief of Rebecca Burdall." [Objected to by Mr. JONES, of Tennessee.]

Joint resolution of the House (No. 26) "for the settlement of the claim of Don Juan Jesus Vigil, of New Mexico."

The resolution authorizes and directs the Secretary of War to cause to be audited the claim of Don Juan Jesus Vigil, for a flock of sheep seized from him by a detachment of troops in the service of the United States in the month of January, 1847; and to make compensation to him for so many of said sheep as may have been used by said troops, or were lost to the owner in consequence of said seizure; provided that the whole amount of compensation allowed shall not exceed \$9,000, and that the justice and equity of the allowance be established to the satisfaction of the auditing officer and the Secretary of War; and the amount so allowed shall be paid out of any money in the Treasury not otherwise appropriated.

There was no objection; and the joint resolution was laid aside to be reported to the House, with a recommendation that it do pass.

Mr. BRIDGES. I move that the committee do now rise.

[Cries of "No! This is the last day we shall have for the consideration of private bills!"]

Mr. BRIDGES. I withdraw the motion to rise, as that seems to be the general desire.

House bill (No. 407) "to remit the duties upon certain goods destroyed by fire in the cities of New York and San Francisco."

Mr. JONES, of Tennessee. There is a motion pending in the House to reconsider the vote by which this bill was referred to this committee, and I presume that, under the circumstances, we cannot take action on it.

The CHAIRMAN. It will be passed over.

Mr. JONES. By unanimous consent of the committee, I will withdraw the objection which I made to Senate resolution No. 19, for the relief of Rebecca J. Burdall.

The CHAIRMAN. If there be no objection,

the resolution will be laid aside to be reported to the House, with a recommendation that it do pass.

Mr. ROBBINS. If I am allowed, I will make a brief explanation of the resolution.

[Cries of "Go on! We want to know what it is!"]

Mr. ROBBINS. Mr. Burdall was in the employ of the Government as mail agent between New York and California under the last Administration. By order of the Department he was compelled to remain for the transaction of some business ten or twelve days at Panama. While there he caught and died of the fever, to which strangers are subject. His widow and children are left in a destitute condition, and this resolution is for their relief. It has passed the Senate, and I hope there may be no objection to it here.

Mr. COBB. What amount does the bill propose to give Mrs. Burdall?

Mr. ROBBINS. The balance of pay for the current year's service to which her husband would have been entitled had he lived.

Mr. JONES, of Tennessee. I object. The principle of the bill is a wrong one. It is for the payment of the salary of an officer after his death.

House bill (No. 408) "for the relief of Thomas Underhill; executor of Thomas Underhill, deceased." [Objected to by Mr. JONES, of New York.]

House bill (No. 409) "for the relief of Stephen Lutz, of New York." [Objected to by Mr. PERKINS, of New York.]

House bill (No. 410) "for the relief of the legal representatives of Everard Mead." [Objected to by Mr. WALSH.]

House bill (No. 411) "for the relief of the heirs of Larkin Smith." [Objected to by Mr. WALSH.]

House bill (No. 413) "for the relief of Henry Gardner and others." [Objected to by Mr. JONES, of Tennessee.]

House bill (No. 414) "for the relief of George Mattingly."

The bill, which was read, provides that the Commissioner of Public Buildings be authorized to convey to George Mattingly and his heirs, all the right, title, interest, and estate of the United States of America in and to square No. 495 on the plat of the city of Washington; provided the said Mattingly, or his heirs, shall first produce to the said Commissioner of Public Buildings a certificate of the Secretary of the Treasury that he has paid to him, for the United States, \$387 11, with interest thereon from July 26, 1844.

From the report, it appears that on the 4th day of December, 1840, the claimant purchased at a public tax sale, in the city of Washington, made in pursuance of law, by the collector of taxes, a square of ground marked on the plat of said city as square No. 495, and paid therefor the sum of \$387 11, and received from the mayor of said city on the 26th of July, 1846, a deed for the same; that he has, since acquiring said title, expended in improvements on said square, the sum of \$12,750. The said square was, it appears, erroneously assessed on the books of the city of Washington as the property of an individual who was a large land-owner in that neighborhood. That large arrears of taxes were due on the same and unpaid, and according to law it was offered for sale to pay the said taxes, and after due publication, by repeated advertisements, was, on several occasions, offered for sale, when no one would bid for it, the said square being then quite remote from the improved and the improving parts of Washington. At length, after these failures to sell, the claimant was persuaded to bid for the same, and no one else being willing to purchase it, it was sold to him at a price equal to the taxes due upon it. It now turns out that the title to the said square is in the United States. The claimant has discovered this, and he gives the information which thus destroys his own title. He asks that a deed may be made to him by the Government, of its title, upon his paying the value of the square, at the time he purchased it, into the Treasury, with interest thereon.

The bill was laid aside to be reported to the House, with a recommendation that it do pass.

House bill (No. 415) "for the relief of Nathaniel Reddick, administrator of Richard Taylor, deceased."

The bill provides that the Secretary of the

Treasury be authorized and required to pay to Nathaniel Reddick, administrator of Richard Taylor, deceased, five years' full pay of a lieutenant colonel of infantry; the same having been due the said Richard Taylor as commutation pay for services as a lieutenant colonel of infantry in the Army of the United States in the war of the Revolution.

From the report, which was read, it appears that on the 9th of March, 1846, Nathaniel Reddick was appointed administrator *de bonis non*, of Richard Taylor, deceased, an officer in the Army of the United States in the war of the Revolution, by the court of quarterly session, held for the county of James city, Virginia, and that he bonded as such; that the petitioner, as administrator as aforesaid, claims commutation pay due the said Richard Taylor for services in said war; that from evidence derived from the Department of State, and filed in this case, it appears "that Richard Taylor was a second lieutenant in the sixth regiment of the Virginia line on the 1st day of November, 1776, and that he served to the close of the war, at which period he held the rank of lieutenant colonel;" and that though the petitioner prays for the pay of a captain only, so conclusively is the fact established that the said Richard Taylor was an officer of much higher grade, and consequently was entitled to corresponding pay, the committee report a bill allowing the pay to which he was entitled by the rank he held at the close of the war.

No objection being made, the bill was laid aside to be reported to the House, with a recommendation that it do pass.

House bill (No. 416) "for the relief of John McVea and John F. McNeely, of Louisiana."

The bill, which was read, provides that, upon the return to the land office at Greensburg, Louisiana, of plats of surveys, duly approved by the surveyor general, of township three south, of range one west, and township three south, of range one east, it shall be lawful for John McVea and John F. McNeely to enter, at \$1 25 per acre, the one thousand acre tract or parcel of land which they have long held in possession and cultivation, and which is represented as covering parts of sections one, two, eleven, and twelve, in township three south, of range one west, and parts of sections six, seven, thirteen, and eighteen, of township three south, of range one east, in the Greensburg land district, Louisiana; provided, that the entry shall be made of the quantity aforesaid, according to the legal subdivisions of the public lands, and shall embrace the quantity aforesaid and the land actually cultivated and inclosed by them, as near as may be; and provided further, that the entry or entries made under the provisions of this act shall not be to the prejudice of any valid adverse rights, if any such exist, to any part of the land aforesaid.

The bill was laid aside to be reported to the House, with a recommendation that it do pass.

House bill (No. 417) "for the relief of William Curran."

The bill, which was read, provides that the assignment, bearing date April 25, 1851, from Thomas Myers to William Curran, of bounty land warrant No. 407, for one hundred and sixty acres of land, dated February 7, 1851, and issued to Thomas Myers, private and corporal in Captain Skinner's company, Colonel Mills's regiment New York volunteers, war of 1812, be confirmed and declared effectual to transfer the said land warrant to the said William Curran, and to vest in him the title thereto from the date of said assignment; and this act shall be deemed and taken to be good and sufficient evidence of said assignment, having been duly made in all courts and places whatever.

The report says, it appears by the petition and papers of William Curran, duly verified in the case, that on the 7th of February, 1851, a bounty land warrant of that date was duly issued, under the act of Congress of September 28, 1850, to Thomas Myers, who was a private and a corporal in Captain Skinner's company, Colonel Mills's regiment of the New York volunteers, in the war of 1812, for one hundred and sixty acres of land, which warrant was number four hundred and seven. On the 25th of April, 1851, and before the passage of the act of Congress making land warrants assignable, Thomas Myers sold said land warrant to the petitioner for \$200, which was duly paid; and

thereupon the said Myers duly executed, under his hand and seal, and delivered to said petitioner, an assignment to said warrant, bearing date the 25th of April, 1851—that being the day of its execution—with a power and authority contained in said assignment to said petitioner to locate said warrant on any public lands, according to law, in the name of Thomas Myers; and said assignment also contained an agreement on the part of said Myers that he would convey to said petitioner, by deed, the lands on which said warrant should be located, upon their being patented to him, said Myers. That after said assignment, and about the time of the passage of the act of Congress making land warrants assignable, which was the 22d of March, 1852, Thomas Myers died intestate, leaving no estate, or, at most, but very little, and that no letters of administration have been granted in his case.

The bill was laid aside to be reported to the House, with a recommendation that it do pass.

House bill (No. 418) "for the relief of Enoch S. More."

The bill authorizes and directs the Commissioner of Pensions to correct the said roll by erasing the words thereon which imply that the said Enoch S. More deserted, and insert in lieu thereof the words "sick and absent on furlough."

The second section provides that this act shall vest in the said Enoch S. More all the rights he would have had if he had continued in good health and served in said company according to the terms of his enlistment.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill (No. 413) "for the relief of Patrick Gass."

Mr. COBB. I dislike very much to object, but this bill is an old acquaintance of mine, and I think it ought not to pass. I object.

House bill (No. 420) "for the relief of Rosalie Caxillo."

There being no objection, the bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill (No. 421) "for the relief of A. S. Langhery."

The bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill (No. 423) "for the relief of William J. McElhinny, E. P. Matthews, and Lawrence Cribben."

The bill was laid aside to be reported to the House, with a recommendation that it pass.

Senate bill (No. 374) "for the relief of Sylvester T. Jerauld, assignee of the interest of Henry Richard."

The bill was laid aside to be reported to the House, with a recommendation that it pass.

Senate bill (No. 373) "to ascertain and adjust the titles to certain lands in the State of Indiana."

The bill, which was read, provides that the register and receiver of the land office at Vincennes, together with a fit and proper person learned in the law, and a citizen of Indiana, to be appointed by the President of the United States, be constituted commissioners to ascertain and adjust the title of any claimant to any tract of land, or any part or subdivision thereof, granted by the resolve of Congress of August 29, 1788, and the act of March 3, 1791, entitled "An act for granting lands to the inhabitants and settlers at Vincennes, and the Illinois country in the territory northwest of the Ohio, and for confirming them in their possessions," and the several acts in aid of, and supplementary thereto.

The bill then goes on to fix the duties of the commissioners and the regulations under which claimants are to present their claims.

Mr. JONES, of Tennessee. The gentleman from Georgia, [Mr. HILLYER,] who reported this bill, is not present. It has many provisions, and seems to be of great importance. Deeming it requires more consideration than we can now give it, I object to it.

The CHAIRMAN, (Mr. HENDRICKS.) If the gentleman from Tennessee would allow the Chair, he would state that the object of the bill is merely to ascertain title as between these citizens and the United States. Commissioners are appointed for that purpose. The bill is of great importance to many citizens of Indiana, and is carefully guarded.

Mr. JONES. On the gentleman's statement, I withdraw my objection.

The bill was then laid aside to be reported to the House, with a recommendation that it do pass.

Senate bill (No. 26) "for the relief of Ira Baldwin."

The bill authorizes and directs the Secretary of War to issue a land warrant, for three hundred and twenty acres of land, to Ira Baldwin, a Canadian volunteer, to be located on any of the unappropriated lands of the United States which have been offered for sale and are subject to entry; and also that the Secretary of the Treasury pay him \$180, for three months' extra pay, all which shall be full compensation for his services in the late war with Great Britain.

Mr. JONES, of Tennessee. This bill passed both Houses at the last Congress, but by some means or other failed to receive the President's signature.

There was no objection, and the bill was laid aside to be reported to the House, with a recommendation that it do pass.

Senate bill (No. 329) "for the relief of Thomas D. Jennings."

The bill, which was read, authorizes Thomas D. Jennings, of Florida, to enter, at the minimum price of the public lands, a quantity of land not exceeding one hundred and sixty acres, comprising the improvement on which his late father, Lawrence D. Jennings, resided before his death, on due proof being presented to the register of the proper land office that he would have been entitled to a preemption but for the removal of the family after the death of the father.

The bill was laid aside to be reported to the House, with a recommendation that it do pass.

House bill (No. 424) "for the relief of township forty-five, range one, in Warren county, Missouri."

The bill provides that the board of directors of common schools for said township shall be authorized to select and have set apart for the use of schools in said township, one half of a section of any of the public lands in the land district within which said county is situated, in lieu of the half of said section sixteen, which is covered by the concession to one Kinaird; and when the said board of directors shall make the selection of said half section, they shall notify the register of the land office in said district of the land so selected, and the same shall be reserved from sale and set apart for the use of schools in said township; provided, that said selection and notification be made within twelve months after the passage of this act, and provided said selection shall be according to the legal subdivisions of the public lands, and in quantities not less than eighty acres.

Mr. MILLER, of Missouri. I will explain the object of the bill in a very few words. A part of the sixteenth section in Missouri, reserved for school purposes under the act of 1820, was covered by the Spanish concession, and this bill only provides that the half section may be located upon some other lands.

The bill was laid aside to be reported to the House, with a recommendation that it do pass.

Mr. COBB. I objected to bill No. 419 "for the relief of Patrick Gass." I now withdraw my objection.

The CHAIRMAN. Does the gentleman from Alabama unconditionally withdraw his objection?

Mr. COBB. I do.

The CHAIRMAN. Then the bill in question will be laid aside, and reported to the House.

Mr. MILLSON. I do not know anything about this case, but I think that, as a matter of practice, the proposition cannot be carried out. It requires the unanimous consent of the House for a gentleman to withdraw his objection.

Mr. COBB. Oh, it is done twenty times a day.

The CHAIRMAN. If the report had been read, or if there had been any controversy about the matter, I suppose it would have required the unanimous consent of the House to withdraw an objection.

Mr. MILLSON. I know nothing about this particular case; but I know that, as a matter of practice, it requires unanimous consent to withdraw an objection.

The CHAIRMAN. The Chair decides that

the gentleman from Alabama can withdraw his objection.

Bill No. 419 was therefore laid aside to be reported to the House.

House bill (No. 299) "for the relief of the Pine Grove Academy, in Louisiana."

The bill was read. It provides that the president, directors, and trustees, of the Pine Grove Academy, in the parish of Caldwell, Louisiana, be confirmed in their title to the lot of forty acres of land on which the said academy is situated, near Columbia, donated to them by Hyams, Chew & McCoy, claiming under the Maison Rouge grant, in 1839, as more particularly described in the act of donation; and that the said president, directors, and trustees, be also confirmed in their title to a certain tract or parcel of land situated in said parish of Caldwell, with about one mile front on the west bank of the Ouachita river, and running west between five and six miles, and known as lot No. 23, in the plat number one of the Maison Rouge grant, surveyed by John Dinsmore, a deputy surveyor of the United States, containing about four thousand acres, donated to them by Daniel W. Coxe, one of the claimants of said grant, in 1839, and that patents be issued to them for said lands, after a legal survey, under the instructions of the surveyor general of Louisiana: provided, that the act shall amount only to a relinquishment of title on the part of the United States, and that it shall not be construed to interfere in any manner with the rights of settlers on said lands at the date of this act.

The bill was laid aside to be reported to the House, with a recommendation that it do pass.

Senate bill (No. 167) "for the relief of Joseph Campau."

The bill was read, and laid aside to be reported to the House, with a recommendation that it do pass.

Senate bill (No. 296) "for the relief of Manuel Hernandez."

The bill was read. It authorizes Manuel Hernandez to locate, not to exceed eight hundred arpents of land, French measure, according to the legal subdivisions, on any of the public lands in the State of Florida, subject to private entry, which shall be in full compensation for all the damages he may have sustained in being dispossessed of eight hundred arpents of land about three miles distant from the mouth of the Escambia river, lying and situate between the lands of Joseph Noriega and those of the free mulatto named Charles, being the same lands that were granted to Joseph Hernandez, deceased, by the Spanish Government, on the 8th of October, 1817.

The second section directs the Commissioner of the General Land Office, upon the receipt of the certificate of entry from the register of the proper land office, to cause to be issued a patent for the lands authorized to be located by the act.

The bill was laid aside to be reported to the House, with a recommendation that it do pass.

Senate bill (No. 170) "for the relief of Mrs. Helen Mackay, administratrix of Lieutenant Colonel Aeneas Mackay, late a deputy quartermaster in the United States Army."

Mr. JONES, of Tennessee. Is not this the bill which passed the House a few days since by unanimous consent?

Mr. WASHBURN, of Illinois. This is a bill for the relief of Mrs. Mackay, as the administratrix of Lieutenant Colonel Mackay. She has no interest in it whatever.

Mr. FAULKNER. This is the bill to which I called the attention of the House a few days since. And as I think it requires the discussion and consideration of the House, I object.

The bill was accordingly passed over.

Senate bill (No. 189) "for the relief of Mrs. Sally T. B. Cochrane, widow of the late Lieutenant R. E. Cochrane, United States Army."

The bill, which was read, provides that there be paid, out of any money in the Treasury not otherwise appropriated, \$150 to Mrs. Sally T. B. Cochrane, widow of Lieutenant R. E. Cochrane, late of the United States Army, the value of a horse belonging to said Cochrane, which was used for express riding in the public service, by order of Lieutenant Colonel Garland, United States Army, at Fort Smith, in 1841, and died in consequence of said service.

The bill was laid aside to be reported to the House, with a recommendation that it do pass.

Senate bill (No. 206) "for the relief of the executrix of the late Brevet Colonel A. C. W. Fanning, of the United States Army."

The bill was read.

Mr. JONES, of Tennessee. I object to that bill.

Mr. MACE. I hope the gentleman from Tennessee will withdraw the objection.

Mr. JONES. I have no objection to withdrawing it until the report is read.

The report was then read.

Mr. STUART, of Ohio, and Mr. GIDDINGS, objected.

Mr. WALBRIDGE. I hope the objections will be withdrawn.

Mr. GIDDINGS. I object, and do not withdraw my objection.

Senate bill (No. 285) "for the relief of the heirs of Brigadier General Richard B. Mason."

Mr. MILLSON. I think that bill ought not to be passed. I object. There are not one third the members of the House present, and I move that the committee do now rise.

[Cries of "Division!"]

Mr. MILLSON, by unanimous consent, withdrew his motion to rise.

The CHAIRMAN. Did the gentleman from Virginia object to the last bill which was under consideration?

Mr. MILLSON. I do not think the bill is a proper one to be passed without full consideration.

The CHAIRMAN. That is equivalent to an objection, and the bill will be passed over.

Senate bill (No. 250) "for the relief of William Claude Jones."

The bill, which was read, authorizes and directs the Secretary of War to settle the account of William Claude Jones against the United States, for his military services in the United States Army, and allow him the difference between the pay of a private, which he did receive, and the compensation of a commissary of subsistence, to which he is entitled, from September 28, 1837, to April 2, 1838, and that the same be paid out of any money in the Treasury, not otherwise appropriated.

The bill was laid aside to be reported to the House, with a recommendation that it do pass.

Mr. JONES, of Tennessee. If nobody else in the committee objects to Senate bill No. 206, entitled "An act for the relief of the executrix of the late Brevet Colonel A. C. W. Fanning, of the United States Army," I shall withdraw the objection which I made a few moments ago.

The bill, which was then read, directs the Secretary of the Treasury to pay to Mrs. Harriet O. Read, executrix of the late Brevet Colonel A. C. W. Fanning, of the United States Army, \$7,230, out of any money in the Treasury not otherwise appropriated, being the amount claimed by the said executrix to be due the estate of the said Brevet Colonel Fanning, as commissions for disbursements made by him in 1827 and 1828, at the United States arsenal, in Augusta, Georgia, and as balances of his accounts against the United States for services rendered in 1818 and 1821, as the United States commissioner in receiving and restoring St. Marks, and as Indian agent at Forts Gadsden and St. Marks, from April, 1818, to December, 1821.

Mr. JONES, of Tennessee. I move to strike out all that part of the bill which provides for the payment of two and a half per cent. as commission on disbursements.

Mr. COBB. The amendment is acceptable to the friends of the bill.

The amendment was agreed to.

The bill, as amended, was then laid aside to be reported to the House, with a recommendation that it do pass.

Senate bill (No. 71) "for the relief of Joseph Gonder, jr., and John Duff." [Objected to by Mr. PERKINS, of New York.]

House bill (No. 425) "for the relief of Rebecca Braggerly, widow of David Braggerly, deceased."

The bill was read; and there being no objection to it, it was laid aside to be reported to the House, with a recommendation that it do pass.

Senate bill (No. 108) "for the relief Rebecca Freeman."

The bill directs the Secretary of the Interior to place the name of Rebecca Freeman on the list of pensioners, at the rate of eight dollars per month, during her natural life, commencing January 27, 1847.

There was no objection; and the bill was laid aside to be reported to the House, with a recommendation that it do pass.

Senate bill (No. 241) "for the relief of James Wormsley."

The bill and report having been read, the bill was laid aside to be reported to the House, with a recommendation that it pass.

Senate bill (No. 223) "for the relief of Mary Carlton."

The bill authorizes the Secretary of the Interior to place the name of Mary Carlton on the list of revolutionary pensioners, at the rate of twenty-four dollars a year, to commence October 1, 1838, and to continue during her natural life.

The report having been read, the bill was laid aside to be reported to the House, with a recommendation that it pass.

Senate bill (No. 340) "for the relief of Sarah Crandall."

The bill authorizes the Secretary of the Interior to place the name of Sarah Crandall, widow of James Coon, on the list of revolutionary pensioners, and pay her, during her natural life, at the rate of eight dollars per month, to commence January 1, 1848.

Thereport was then read; and no objection being made, the bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill (No. 426) "for the relief of the legal representatives of Lieutenant Francis Ware."

The bill provides that it appears from the books in the Register's office of the Treasury Department, that there is now outstanding and unpaid in favor of Lieutenant Francis Ware, deceased, a final settlement certificate for commutation pay for the sum of \$251 10 No. 92,816, that the Secretary of the Treasury shall cause to be published, for the space of two weeks, in two of the weekly papers of the city of Washington, a notice that he has been directed to pay said "final settlement certificate," and calling upon any person or persons who may own said certificate to produce it to him for payment; and if, at the expiration of three months from the date of said notice, no person or persons shall present it for payment, it shall be the duty of the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, to pay the amount of said certificate, No. 92,816, with interest on the same, at the rate of three per centum, from January 1, 1791, to January 1, 1832, to the heir or heirs-at-law of said Lieutenant Francis Ware; provided, that before such payment shall be made, the said heir or heirs, as the case shall be, shall execute a bond, payable to the United States, in double the amount to be paid, with two good and sufficient securities, conditioned to indemnify the Government of the United States against the legal claim of any person or persons for the payment of said "final settlement certificate for commutation pay," alleged to be lost or destroyed.

The report was then read; and the bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill (No. 429) "for the relief of James Capen."

The bill directs the Secretary of the Interior to place the name of James Capen on the pension roll, and that the said Capen be entitled to receive the sum of eight dollars per month during his natural life, to commence March 4, 1851.

It appears from the report in this case that the petitioner served a period of five months and twelve days, and that, including the time spent in going to and returning from the places of muster, he served over six months. It also appears that he was draughted for a term of three years' service, and owing to the sickness of his father, he was obliged to hire a substitute. There is no satisfactory evidence furnished that the petitioner actually served six months, thereby entitling him to be placed on the pension roll under the act of June 7, 1832, and to receive arrears of pension from March 4, 1831, to the present time. But as he probably may have served that length of time, and is now very old and infirm, the committee were of opin-

ion that he should be placed on the pension roll—his pension to commence from March 4, 1851, about the date of his application.

The bill was laid aside to be reported to the House, with the recommendation that it pass.

House bill (No. 431) "for the relief of Thomas Ap Catesby Jones, surety for a former postmaster at Norfolk, Virginia."

The bill, which was read, provides that a certain judgment rendered in 1842, against Thomas Ap Catesby Jones and Duncan Robertson, as sureties for Walter F. Jones, formerly postmaster at Norfolk, in the State of Virginia, for \$4,387 09, it being on account of the defalcation of said postmaster as such, shall be declared satisfied, in so far as the said sureties, or either of them, are liable thereon. It also provides that \$2,500 heretofore by said Thomas Ap Catesby Jones, through his agent, paid on said judgment, shall be ordered to be refunded to said Jones, out of any moneys in the Treasury of the United States not otherwise appropriated.

Mr. JONES, of Tennessee. I object to the relinquishment of any security or liability in this case.

Mr. SMITH, of Virginia. I ask for the reading of the report. The bill does not relinquish any security.

Mr. PARKER. I will state briefly the facts in the case.

Mr. JONES. Is there not a report accompanying the bill?

Mr. PARKER. There is.

Mr. JONES. Well, let it be read.

Mr. PARKER. It is too long; but if the committee will allow me, I will state very briefly the merits of the case. [Cries of "Go on."] The necessity for this bill arises on account of Commodore Jones, and a gentleman by the name of Robertson, having become securities for a postmaster at Norfolk, Virginia. At the time Commodore Jones became such security, most of the defalcations of the postmaster had occurred; but his accounts were not then settled, and the former securities were released from their bond, leaving Jones and the other security in this predicament. The Judiciary Committee were unanimous in their opinion, that so far as these defalcations were concerned, there could be no question; but that the law would entirely exonerate the securities. This bill proposes to make no gratuity. But there was no legal right to recover the amount levied on the claimant, as it is perfectly clear, from the documents drawn from the Post Office Department, that the defalcations of the postmaster had occurred because of the laches of the Post Office Department itself. This is perfectly clear. No question can be made clearer. At the time that judgment was taken against him, Commodore Jones was in the Pacific, engaged in the service of his country. He left the matter to be managed by his attorneys, who placed the defense on the ground that the action was not brought in time; and that plea was overruled, and judgment issued.

The CHAIRMAN. Is objection withdrawn?

Mr. JONES. No, sir.

Mr. SMITH, of Virginia. I will add to what has been stated by my colleague, that with the judgment hanging over Commodore Jones, most unjustly and unrighteously rendered, this man will be ruined before next January; every particle of property that he has will be seized to satisfy these claims. I hope the objection will be withdrawn. Let not this man, who is disfigured in his country's service, be denied justice on this floor.

Mr. JONES. I cannot vote for any such bill, Mr. PARKER. But you can withdraw your objection.

The objection was withdrawn, and the bill was laid aside to be reported to the House, with a recommendation that it do pass.

Mr. PERKINS, of New York. Mr. Chairman, in the case of Senate bill No. 71, "for the relief of Joseph Gonder, junior, and John Duff," I objected, and the bill was passed over. I have since read the report, and I am confident that if the facts stated in it are to be relied on, the bill should pass. I withdraw my objection.

The objection being withdrawn, the bill was laid aside to be reported to the House, with a recommendation that it do pass.

House bill (No. 433) "for the relief of James Wright, jr., of the State of Tennessee."

The bill was read.

It increases the pension of James Wright, jr., from \$5 33 per month to eight dollars per month, such increase to commence from May 1, 1854; and directs the Secretary of the Interior to have him paid such increased pension.

The bill was then laid aside to be reported to the House, with a recommendation that it do pass.

Senate bill (No. 281) "for the relief of William Miller."

The bill, which was read, provides that the Secretary of the Interior be directed to place the name of William Miller on the roll of invalid pensioners, at the rate of ninety-six dollars per year, commencing on the 10th of February, 1845, to continue during his natural life.

The bill was laid aside to be reported to the House, with a recommendation that it do pass.

House bill (No. 434) "for the relief of Captain Lewis E. Simonds."

The bill provides that the Secretary of the Treasury be authorized and required to pay to Captain Lewis E. Simonds, of the United States Navy, \$800, it being for his expenses incurred in defending himself against two suits brought against him for arresting and detaining the brig Casket, on the coast of Africa, on charge of being engaged in the slave trade, in 1846, the said Simonds being then in command of the United States armed vessel called the Marion, and acting in the line of his duty.

The bill was laid aside to be reported to the House, with a recommendation that it do pass.

House bill (No. 435) "for the relief of Daniel Morse, of Essex, Chittenden county, Vermont."

The bill, which was read, directs the Secretary of the Interior to place the name of Daniel Morse on the list of invalid pensioners, at the rate of eight dollars per month, commencing on the 8th day of March, 1854.

The bill was laid aside to be reported to the House, with a recommendation that it do pass.

House bill (No. 436) "for the relief of Ira Call, of Huron county, Ohio."

The bill having been read, was laid aside to be reported to the House, with a recommendation that it do pass.

House bill (No. 437) "for the relief of Isaac M. Sigler, of Putnam county, Indiana."

The bill was laid aside to be reported to the House, with a recommendation that it do pass.

House bill (No. 438) "for the relief of John Frazer, and the administrator of the estate of John G. Clendenin, deceased."

The bill having been read, was laid aside to be reported to the House, with a recommendation that it do pass.

House bill (No. 442) "for the relief of Mary H. Cushing."

The bill, which was read, provides that the Secretary of the Interior be authorized and required to issue to Mary H. Cushing, daughter of John Wainwright Cushing, deceased, a soldier of the war of 1812, a warrant for so much military bounty land as the said John Wainwright Cushing would be entitled to receive were he now living.

The bill was laid aside to be reported to the House, with a recommendation that it do pass.

Senate resolution (No. 14) "authorizing settlements under certain mail contracts." [Objected to by Mr. JONES, of Tennessee.]

Senate bill (No. 145) "for the relief of John G. Camp."

The bill, which was read, provides that the accounting officers of the Treasury be directed to settle the suspended accounts for mileage of John G. Camp, late marshal for the middle district of Florida, in the same manner that similar accounts are now settled; provided that the amount therein charged does not exceed what is now allowed by law.

The Committee on the Judiciary had reported to amend in the seventh line, by striking out the words "therein charged does," and inserting the word "shall," and in the eighth line, by striking out the word "allowed," and inserting the word "authorized," so that it would read:

That the accounting officers of the Treasury be, and

they are hereby, directed to settle the suspended accounts for mileage of John G. Camp, late marshal for the middle district of Florida, in the same manner that similar accounts are now settled: *Provided, however,* That the amount shall not exceed what is now authorized by law.

Mr. JONES, of Tennessee. Is there a report?

The CHAIRMAN. There is not.

Mr. JONES. Then I object.

House bill (No. 443) "vesting the title of the United States to certain land in the city of Cincinnati."

The bill provides that the title and interest of the United States to the unsold land, if there be any, in fractional section number eleven, in fractional township number four, in fractional range number one, of John Cleves Symmes's purchase of lands, within the now State of Ohio, be, and the same hereby is, vested in the corporate authorities of the city of Cincinnati, and their successors in office, and in any other occupants of the same, in severalty, upon payment to the Commissioner of the General Land Office of the minimum price of land subject to entry; provided, that nothing in the act shall be so construed as to impair the legal or equitable rights of any other person or persons to the said land, or to any part thereof.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

Senate bill (No. 185) "for the relief of the legal representatives of Samuel Prioleau."

The bill directs the proper accounting officers of the Treasury to pay to the legal representatives of Samuel Prioleau, late of Charleston, South Carolina, \$6,928 60, being in full compensation for property taken from said Prioleau, at Charleston, for the use of the United States, during the revolutionary war.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

Senate bill (No. 337) "for the relief of Eliza M. Evans."

Mr. CRAIGE. Is there a report to this bill?

Mr. PECKHAM. There is a Senate report.

Mr. CRAIGE. I want to know some reason why this interest should be paid.

Mr. PECKHAM. Because the money was advanced to the Government of the United States.

Mr. CRAIGE. Well, sir, I object.

Mr. PECKHAM. I hope the gentleman will not object. I am willing he should move to strike out the interest, and when the bill comes to the House, let the matter be settled.

Mr. CRAIGE. I do not withdraw my objection.

House bill (No. 446) "for the relief of the civil township of Marion, in the county of Mercer, Ohio."

The bill, which was read, provides that the trustees of the civil township of Marion, in the county of Mercer, and State of Ohio, be authorized to select out of the unsold lands of the United States in said State, one section of land for school purposes, in lieu of section sixteen, to which said township is entitled by acts of Congress; and that when the said trustees shall have selected said section of land, they shall notify the Register of the Land Office in the district in which said lands lie, and the same shall be reserved from sale, and set apart for the use of schools in said townships.

There was no objection; and the bill was laid aside to be reported to the House, with a recommendation that it do pass.

House bill (No. 447) "for the relief of the legal heirs of Benjamin Metoyer."

The bill provides that Benjamin Metoyer, of Natchitoches parish, Louisiana, be authorized to enter for himself and the other heirs of Benjamin Metoyer, deceased, as near as may be by legal subdivisions, one hundred and twenty-three and twelve one hundredths acres of land out of any public lands belonging to the United States.

Mr. JONES, of Louisiana. I ask the unanimous consent of the committee to offer an amendment to the bill, and I will now briefly state its object. The lands indicated are those which have been confirmed to these heirs by act of Congress, and because the act of Congress did not authorize the Commissioner of the Land Office to issue patents, he feels that he has not the power to do so. The object of the amendment is to authorize the Land Office to issue patents for the lands which have been confirmed to these heirs by act of Congress.

There was no objection; and the amendment was read and agreed to; as follows:

Add:

And that the Commissioner of the Land Office be authorized to issue to said heirs and legal representatives patents for the lands heretofore confirmed to them by acts of Congress.

The bill, as amended, was then laid aside to be reported to the House, with a recommendation that it do pass.

Senate bill (No. 248) "for the relief of William Harris, of Georgia."

The bill, which was read, directs the proper accounting officers of the Treasury to settle the claim of William Harris, of Georgia, and pay him for his services in the United States Army in the same manner as if he had not deserted therefrom; provided, the same shall not exceed the pay and emoluments of a sergeant of infantry, from April 18, 1814, to November 25, 1816.

The bill was laid aside to be reported to the House, with a recommendation that it do pass.

Senate bill (No. 240) "for the relief of James Edwards and others."

The Secretary of War, by this bill, is directed to ascertain by the best evidence which the nature of the case will admit of, the value of the houses and other property of James Edwards, of the late Edward M. Wanton, and of the late Nehemiah Brush, destroyed at Micanopy, Florida, in 1836, by order of Lieutenant Colonel B. K. Pierce, the commanding officer of that post, to prevent them from falling into the hands of the enemy, and that the amount so ascertained be paid out of any money in the Treasury not otherwise appropriated; provided, the amounts so to be paid shall not exceed \$2,482 32 in the case of James Edwards; \$1,812 50 in the case of the late Edward M. Wanton; or \$800 in the case of the late Nehemiah Brush.

The report accompanying the bill having been read, the bill was laid aside to be reported to the House, with a recommendation that it do pass.

Senate bill (No. 203) "for the relief of Thomas Snodgrass."

The bill was read. It directs that \$230 be appropriated, out of any money in the Treasury not otherwise appropriated, to reimburse to Captain Thomas Snodgrass the expenses by him incurred for a team, and balance for forage and subsistence furnished to his company of volunteers, while employed as a guard or escort for a party of emigrating Cherokees, in 1838; provided nothing contained in the act shall be construed to sanction any claim of the representatives of Washington Smith upon the United States for the same, or any other sum advanced said Snodgrass.

The bill was laid aside to be reported to the House, with a recommendation that it do pass.

House bill (No. 448) "for the relief of William H. Weirick."

The bill was read. It directs the Secretary of War to pay to William H. Weirick, late a second lieutenant in company G, of Colonel J. D. Stevenson's regiment of New York volunteers, out of any money in the Treasury not otherwise appropriated, \$576 26, the amount of mileage from California to New York, and two months' pay, as paid to the other officers and soldiers of said regiment.

The report of the Committee on Military Affairs was read; and the bill was laid aside to be reported to the House, with a recommendation that it do pass.

House bill (No. 469) "granting bounty land to Cornelius Coffey."

Mr. McCULLOCH. I move that the committee do now rise.

The question was put; and there were, on a division—ayes 13, noes 25; no quorum voting.

[Cries of "Call the roll!"]

The Clerk then commenced the call of the roll, but was interrupted by

Mr. JONES, of Louisiana, who said: I am as much opposed to adjourning as any member of the committee can be, but being satisfied from the temper of the House that we shall be able to do nothing to-day, I will, if the committee will permit me, move that the committee do now rise.

[Cries of "No!" "No!"]

The CHAIRMAN. The Chair decides that while the call is proceeding the gentleman cannot submit the motion.

The Clerk resumed the call, but was again interrupted by

Mr. PRESTON, who said: I desire at this stage of the call to submit a motion, which I presume is in order at this time, but will not be after the call of the roll is finished. I would ask the Chair if it is in order now to move that the call be suspended, and the committee rise, and the chairman be instructed to report to the House the bills which the committee have ordered to be laid aside and reported to the House?

The CHAIRMAN. If there is no objection, the Chair will entertain the motion.

[Cries of "Agreed!" "Agreed!"]

Mr. JONES, of Tennessee. If the roll is called through, and you find the committee without a quorum, the Chair cannot report them.

Mr. SMITH, of Virginia. I insist upon having the roll called through.

Mr. CHAMBERLAIN. I desire to inquire what effect the motion of the gentleman from Kentucky [Mr. PRESTON] will have upon the bills not acted upon in committee?

Mr. PRESTON. They will merely remain upon the Calendar.

Mr. CRAIGE. If the motion of the gentleman from Kentucky prevails, there will not be a quorum to do business. But, sir, if nobody else objects to the motion, I certainly shall not.

Mr. SMITH. I withdraw my objection.

Mr. ENGLISH. I wish to inquire whether, by unanimous consent, the gentleman from Tennessee [Mr. JONES] could withdraw his call for a division? If that could be done, it would supersede the necessity for calling the roll, and we could go on with the business of the committee.

Mr. JONES. It is too late for me to withdraw the call; a division has actually taken place, and no quorum has made its appearance.

Mr. HOUSTON. It must be perceived by this time the impossibility of going again into committee, if we now rise. I hope gentlemen will allow these bills to be reported to the House.

Mr. SMITH. I have withdrawn my objection.

Mr. HOUSTON. Then there is no objection. These bills can be reported by unanimous consent, and I hope it will be done.

The CHAIRMAN. It is the opinion of the Chair that the committee has no power to suspend the call of the roll even by unanimous consent. The rule of the House is positive upon the subject. When the committee finds itself without a quorum, the roll must be called. The Chair, however, under the circumstances, will entertain the motion that the bills which have been laid aside be reported to the House; and then the call of the roll may proceed, and, at the conclusion, the bills may be reported to the House.

Mr. JONES, of Tennessee. That cannot be done, because the call of the roll will show that a quorum is not present.

The CHAIRMAN. Does the gentleman from Tennessee object to the motion of the gentleman from Kentucky?

Mr. JONES. Certainly not.

The CHAIRMAN. The Chair will then entertain the motion.

The motion was agreed to.

Mr. HOUSTON. Then we may, by unanimous consent, dispense with the calling of the roll.

The CHAIRMAN. The Chair decides that the rules of the House positively require that the roll shall be called.

Mr. JONES, of Tennessee. I understood the motion of the gentleman from Kentucky to be, that the committee rise, and report the bills to the House. We cannot do one or the other properly without a quorum; but it seems to me we may as well rise as order the bills to be reported.

The CHAIRMAN. The Chair decides that the motion to rise cannot be made.

Mr. HOUSTON. Well, cannot the Chair put the question now that the committee rise and report the bills to the House, and then we can go back into committee, and finish the call, if it is necessary that it should be finished? I hope these bills will not be left in committee. The Chair would expedite the business of the House by pursuing some course by which we could have these bills reported. I feel a good deal of solicitude about the matter, and I hope the Chair will entertain the motion.

The CHAIRMAN. The Chair decides that the motion cannot be made.

Mr. HOUSTON. Cannot the call be withdrawn by unanimous consent? We are all anxious that these bills should be reported.

The CHAIRMAN. It cannot.

Mr. LILLY. I would inquire if we cannot go into the House, and, by unanimous consent, again go into committee?

The CHAIRMAN. The Chair decides that the call of the roll must proceed.

The call was then concluded.

The committee rose; and the Speaker having resumed the chair, the Chairman (Mr. HENDRICKS) reported that the Committee of the Whole House had had sundry bills upon the Private Calendar under consideration, and having found itself without a quorum, had caused the roll to be called, and had directed him to report the facts to the House with the names of the absentees.

The following is the list of absentees.

Messrs. James C. Allen, Willis Allen, David J. Bailey, Thomas H. Bayly, Ball, Banks, Barksdale, Barry, Bell, Bennett, Benton, Bissell, Bliss, Bocoock, Boyce, Breckinridge, Bridges, Brooks, Bugg, Campbell, Carpenter, Caruthers, Chase, Chastain, Chrisman, Churchwell, Clark, Clingman, Colquitt, Cook, Corwin, Cox, Crocker, Cullom, Cumming, Curtis, Cutting, Thomas Davis, Dawson, Dent, De Witt, Dick, Dickinson, Disney, Drum, Dunbar, Dunham, Eddy, Edmunds, Edmundson, Thomas D. Eliot, John M. Elliott, Ellison, Etheridge, Everhart, Ewing, Fenton, Flagler, Franklin, Fuller, Gamble, Goode, Goodrich, Green, Greenwood, Grey, Grow, Hamilton, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Harrison, Hastings, Hibbard, Hiester, Hill, Hillyer, Howe, Hunt, Ingersoll, J. Glancy Jones, Keitt, Kidwell, Kittredge, Lamb, Lane, Latham, Lilly, Lindley, Lindsey, Lyon, McDougall, Mace, Macy, Matteson, Maurice, May, Mayall, Meacham, Middleswarth, Morgan, Noble, Norton, Olds, Andrew Oliver, Mordecai Oliver, Orr, Peck, Peckham, Bishop Perkins, John Perkins, Phillips, Powell, Pratt, Ready, Reese, Richardson, Riddle, David Ritchie, Thomas Ritchey, Rogers, Russell, Sage, Seward, Seymour, Shannon, Shower, Simmons, Samuel A. Smith, William R. Smith, Snodgrass, Solfers, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Stratton, Andrew Stuart, David Stuart, John J. Taylor, Thurston, Tracy, Trout, Tweed, Vail, Vansant, Walbridge, Walker, Walley, Walsh, Warren, Israel Washburn, Wells, John Wentworth, Westbrook, Daniel B. Wright, Hendrick B. Wright, Yates, and Zollcoffer.

The SPEAKER announced that seventy-three members, less than a quorum, had answered to their names.

Mr. KERR. I move that the House do now adjourn.

Mr. HOUSTON. I hope the gentleman will withdraw the motion, and let us adopt some method by which we can get these bills out of committee.

Mr. KERR. Very well, I will withdraw the motion, if the gentleman thinks he can accomplish anything by it.

Mr. HOUSTON. I now ask the Chair whether it is not competent for the chairman of the Committee of the Whole to so amend his report as to report to the House the bills which he had been ordered so to report? I submit that when bills have been laid aside by order of the Committee of the Whole to be reported to the House, that it is the duty of the chairman of the committee to report them to the House. It is true that when the committee rose it had found itself without a quorum; but it is also true that these bills were ordered to be reported to the House when a quorum of the committee was present. I ask, therefore, that the report of the chairman of the committee may be so amended as to report the bills which have been ordered by the Committee of the Whole to be reported to the House.

The SPEAKER. The Chair understands that the Committee of the Whole, when a quorum was present, ordered a variety of bills to be reported to the House, with a recommendation that they do pass. The Chair decides that that report cannot be made under the present circumstances. The rule of the House is positive, that when the committee finds itself without a quorum, the roll must be called, and the chairman must report the absentees to the House. That is the only report that can be made.

Mr. HOUSTON. That is the precise point to which I desire to call the Speaker's attention. Does the fact of a rule of this House devolving on the chairman of a Committee of the Whole House the duty to make a certain report, destroy the order of the committee, which directs him to report these bills to the House? It is cumulative, to me a legal expression, and does not preclude the other.

This is an additional report, which the rules require if, on a call of the roll, no quorum be found present. The other report is not thereby excluded because that was ordered by the committee when there was a quorum.

The SPEAKER. The Chair will say, in reply, that it requires a quorum to do any business. No quorum was present in the committee, and that fact was reported to the House. The rule prescribes that the chairman of a Committee of the Whole House, when it finds itself without a quorum, shall report that fact to the House. The Chair has no doubt that when there was a quorum a Committee of the Whole House did order certain bills to be reported to the House; but it requires a quorum of the committee, as well as of the House, to do business. The report cannot be made, in the opinion of the Chair.

Mr. JONES, of Tennessee. There is a right way to do business, and it is within our power to do so. If gentlemen order a call of the House, and bring absent members here, we can do business, and do it correctly.

The SPEAKER. The decision of the Chair is based on the idea that a quorum is necessary for the discharge of any business in a Committee of the Whole House. Without a quorum no business can be done.

Mr. HOUSTON. I do not want the Chair or anybody else, to be under the impression that I hold the opinion that either the House itself or a Committee of the Whole can do business without a quorum. All I asked was, that business already transacted in a Committee of the Whole House should be presented to the House. To do that no quorum is necessary. The chairman does that. It is his own act, and he only does as he was ordered to do by the committee when there was a quorum.

Mr. McNAIR. How is this report to be made if it cannot be made now? By whom is it to be made, and when?

The SPEAKER. By a call of the House, and the gentleman has a plain answer.

Mr. SKELTON. Let us adjourn. This business can be done in a very few minutes on Monday.

Mr. JONES, of Tennessee. If it goes over to Monday it will not be touched at all in all probability.

Mr. ROBBINS. I would inquire of the Chair whether, if the House now resolve itself into a Committee of the Whole House, it would not be competent to report to the House the bills acted on to-day in committee?

The SPEAKER. If by any test made, it is shown that a quorum is present, it is competent for the House to go into a Committee of the Whole House and do business; but without a quorum no business can be done.

[Cries of let us have a call of the House!]

Mr. JONES. I move that there be a call of the House.

Mr. STUART, of Michigan. If the House now adjourn, in what condition shall we leave these bills?

The SPEAKER. In statu quo.

Mr. SMITH, of Virginia. If the House now adjourn, can the chairman of a Committee of the Whole House report these bills to the House when a quorum may be present?

The SPEAKER. The Chair thinks not, unless, indeed, the House shall resolve itself into a Committee of the Whole House on the Private Calendar.

Mr. ROWE. I move that the House adjourn.

Mr. HENN. I hope the gentleman from New York will withdraw the motion for a moment, in order to allow me to ask the Chair a question.

Mr. ROWE. I will withdraw it.

Mr. HENN. I wish to ask the Chair whether it will be in order on Monday to go into a Committee of the Whole House, and if so, if we cannot go right into the House again and act upon the bills reported by the committees?

Mr. HOUSTON. There is already a motion pending to suspend the rules, which comes up on next Monday, and which will take precedence of everything else.

Mr. SPEAKER. In answer to the gentleman from Iowa, [Mr. HENN] the Chair will say, that there are various motions that may be made which will take precedence of the motion he suggests. It is competent for a majority of the House to set aside those various motions, and go into a Com-

mittee of the Whole House upon the Private Calendar, and when they have done so, having a majority, they may report their action to the House, but not without a majority. According to the report of the chairman, there is no quorum present that can do business, as there are only seventy-two gentlemen present.

Mr. PHELPS. I desire to make a suggestion to the Chair. It seems to me that the labor that has been performed here to-day will not be lost. On Monday, if there should be a desire on the part of the House, a resolution can be introduced, directing the chairman of a Committee of the Whole House to report the action of to-day up to the time that the committee found itself without a quorum.

The SPEAKER. The Chair again repeats that it is not competent for a Committee of the Whole House, or the House, to do business without a quorum. It may be, and the Chair has no doubt such is the fact, that a majority being present, the committee did order various bills to be reported. But, finally, the committee was found to be without a quorum, and, under a special rule, the chairman of the committee was bound, even if there was a unanimous wish to the contrary, to report that fact to the House. That fact is reported. Seventy-two members only are present, and the Chair decides that no business can be done when there is less than a quorum present. It is competent for the House on Monday, or any other day, when they have a majority, if it be their will, to reach the object, by going into a Committee of the Whole House, and reporting their proceedings of to-day. There can be no difficulty about it, if gentlemen will only give their consent to this course.

Mr. HAVEN. I move that this House do now adjourn, for the purpose of taking action upon these bills on Monday.

Mr. McNAIR demanded tellers; which were ordered; and Messrs. McNAIR and APPLETON were appointed.

The question was taken; and the tellers reported—ayes 29, noes 43.

So the House refused to adjourn.

The question recurred on Mr. JONES's motion for a call of the House; which was agreed to.

The roll was called, and the following members failed to answer to their names:

Messrs. Aiken, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Ball, Banks, Barksdale, Barry, Bell, Bennett, Benton, Bissell, Bliss, Bocoock, Boyce, Breckinridge, Bridges, Brooks, Bugg, Campbell, Carpenter, Caruthers, Chandler, Chase, Chastain, Chrisman, Churchwell, Clark, Clingman, Colquitt, Cook, Corwin, Cox, Cullom, Cumming, Curtis, Cutting, Thomas Davis, Dawson, Dent, De Witt, Dick, Dickinson, Disney, Drum, Dunbar, Dunham, Eastman, Eddy, Edmunds, Edmundson, Thomas D. Eliot, John M. Elliott, Ellison, Etheridge, Everhart, Ewing, Farley, Fenton, Flagler, Franklin, Fuller, Gamble, Giddings, Goode, Goodrich, Green, Grey, Grow, Hamilton, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Harrison, Hastings, Hibbard, Hiester, Hill, Hillyer, Hunt, Ingersoll, Daniel T. Jones, J. Glancy Jones, Keitt, Kidwell, Kittredge, Lamb, Lane, Latham, Letcher, Lindley, Lindsey, Lyon, McDougall, Mace, Matteson, Maurice, May, Meacham, Middleswarth, Morgan, Murray, Noble, Norton, Olds, Andrew Oliver, Mordecai Oliver, Orr, Parker, Peck, Peckham, Bishop Perkins, John Perkins, Phillips, Powell, Pratt, Ready, Reese, Richardson, Riddle, David Ritchie, Thomas Ritchey, Rogers, Russell, Sage, Seward, Seymour, Shower, Simmons, Singleton, Skelton, Samuel A. Smith, William R. Smith, Solfers, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, Straub, John J. Taylor, Tracy, Tweed, Vail, Vansant, Walbridge, Walker, Walley, Walsh, Warren, Israel Washburn, Wells, John Wentworth, Westbrook, Wheeler, Daniel B. Wright, Hendrick B. Wright, Yates, and Zollcoffer.

Mr. KNOX. I move that the House do now adjourn.

Mr. FLORENCE. On that motion I ask for the yeas and nays.

The yeas and nays were not ordered.

The question was taken; and Mr. KNOX's motion was not agreed to.

Mr. McMULLIN. I presume that there can be no difficulty on Monday next of getting all these bills on the Private Calendar, that have been ordered to be reported to the House passed. In that view, I move to dispense with the further call of the House, with the intention of moving to adjourn.

Mr. FLORENCE. Will it not require a two-third vote to proceed to the consideration of the Private Calendar on Monday?

The SPEAKER. It may not require a two-third vote. There are various other matters that

may come up which would take precedence of the motion to go into a Committee of the Whole House on the Private Calendar. It will be in the power of a majority of the House, however, on Monday to vote all other motions down, and resolve to go into a Committee of the Whole on the Private Calendar.

Mr. JONES, of Tennessee. Cannot the House on Monday agree to a motion to discharge the committee from the further consideration of such of the bills as have been ordered to be reported to the House?

The SPEAKER. If not objected to, it can be done.

Mr. JONES. And if it be objected to?

The SPEAKER. If objected to, two thirds of the members present can order it.

Mr. JONES. Can order the committee to be discharged from the further consideration of these bills, and to bring them into the House?

The SPEAKER. No doubt of it.

Mr. HOUSTON. But there is already a motion pending to suspend the rules on Monday.

Mr. JONES. That will not consume all the day.

Mr. HOUSTON. There is no foretelling how long it may take.

Mr. FLORENCE. It may take all day.

Mr. JONES. What is the motion to suspend the rules for?

Mr. FLORENCE. For the purpose of considering Mr. COBB's suggestion about graduating the public lands, or some such thing.

Mr. JONES. Mr. COBB can withdraw that motion till this matter is disposed of.

[Cries of "Question!" "Question!"]

The SPEAKER. The question is on the motion submitted by the gentleman from Virginia, [Mr. McMULLIN,] to dispense with all further proceedings under the call.

Mr. WASHBURNE, of Illinois. I would like, before voting on that motion, to ask a question from the Chair. I want myself to see these private bills passed, but before voting on the question to dispense with all further proceedings under the call, I want to know if a majority of the House can, on Monday next, proceed to the consideration of these bills?

Mr. ABERCROMBIE. They can do so if no objection be made.

Mr. WASHBURNE. Of course they can; but I want to know whether they can do so even though objection be made? I want to know whether it is within the control of a majority of the House?

The SPEAKER. If the gentlemen will allow the Chair, he will state that there is a motion pending to suspend the rules, holding over from Monday last, and that will be the first business in order next Monday.

Mr. COBB. I made the motion to suspend the rules, to which the Speaker has referred, and it necessarily comes up next Monday as the first business in order. I would inquire of the Chair if it would be competent for me to waive the right then—

The SPEAKER, (interrupting.) By unanimous consent only.

Mr. COBB. I will be perfectly willing to withdraw the motion on Monday until the House has taken action upon these bills, if it is competent to do so, and I do not thereby lose my right to have it considered afterwards.

The SPEAKER. The gentleman from Alabama will have no control over his motion except to withdraw it, or to have a vote of the House upon it. It will be competent for the House after disposing of that, and some other questions which may arise taking precedence of the motion, to go into a Committee of the Whole on the Private Calendar; and they can go into the Committee of the Whole House by a majority vote.

Mr. McNAIR. Can that report be ordered to be made by a majority?

The SPEAKER. There is no doubt about it, if there is a majority of the House present; if not they cannot.

Mr. HUGHES. There are seventy gentlemen here, which is a sufficient guarantee, that a full House will come to a sensible conclusion, in regard to these private bills, without asking gentlemen to remain here now to pass them. Trusting and relying entirely upon the good sense of the House, I shall vote for the proposition of the

gentleman from Virginia. I hope the House will carry it out and now adjourn. I make that motion.

Mr. FLORENCE. I would say to the House that messengers have been sent out to the residences of different members, and without doubt, we will, in a few moments, have a quorum here.

The question was put on the motion to adjourn, and twenty-eight members only voted in favor thereof.

So the House refused to adjourn

Mr. HENN. Is it in order to debate this matter?

The SPEAKER. It is not

Mr. HENN. I hope the House will not excuse any one who is brought in.

The Clerk then proceeded to call the absentees for the purpose of enabling excuses to be offered.

JAMES C. ALLEN. No excuse offered.

WILLIS ALLEN. No excuse offered.

Mr. TAYLOR, of Ohio. I would like to inquire of the Chair if there is any specific fine imposed upon gentlemen who are absent?

The SPEAKER. That is a matter to be determined by the House itself. It is not regulated by any existing law.

WILLIAM S. ASHE. No excuse offered.

DAVID J. BAILEY. No excuse offered.

THOMAS H. BAYLY. No excuse offered.

EDWARD BALL.

Mr. TAYLOR, of Ohio. I wish to say, in behalf of my colleague, that he is sick. I move he be excused.

[Cries of "No!" "No!"]

Mr. TAYLOR. He is sick, and if he is not excused I shall vote against excusing any one else.

The motion was agreed to.

NATHANIEL P. BANKS. No excuse offered.

WILLIAM BARKSDALE. No excuse offered.

WILLIAM S. BARRY. No excuse offered.

P. H. BELL. No excuse offered.

HENRY BENNETT. No excuse offered.

THOMAS H. BENTON. No excuse offered.

WILLIAM H. BISSELL.

Mr. FLORENCE. Every one knows that Mr. BISSELL has been sick for a long time. I move that he be excused.

The motion was agreed to.

GEORGE BLISS. No excuse offered.

THOMAS S. BOCKOCK. No excuse offered.

WILLIAM W. BOYCE. No excuse offered.

JOHN C. BRECKINRIDGE. No excuse offered.

SAMUEL A. BRIDGES. No excuse offered.

PRESTON S. BROOKS.

Mr. McQUEEN. My colleague, Mr. Brooks, left the city some two days since, with his mother, for a short tour. He is expected back by Monday, at latest. I move that he be excused.

The motion was agreed to.

ROBERT M. BUGG. No excuse offered.

LEWIS D. CAMPBELL. No excuse offered.

DAVIS CARPENTER. No excuse offered.

SAMUEL CARUTHERS. No excuse offered.

JOSEPH R. CHANDLER. No excuse offered.

GEORGE W. CHASE. No excuse offered.

ELIJAH W. CHASTAIN. No excuse offered.

JAMES S. CHRISMAN. No excuse offered.

WILLIAM M. CHURCHWELL. No excuse offered.

SAMUEL CLARK. No excuse offered.

THOMAS L. CLINGMAN. No excuse offered.

ALFRED H. COLQUITT. No excuse offered.

JOHN P. COOK. No excuse offered.

MOSES B. CORWIN. No excuse offered.

LEANDER M. COX. No excuse offered.

WILLIAM CULLOM. No excuse offered.

THOMAS W. CUMMING. No excuse offered.

CARLTON B. CURTIS. No excuse offered.

FRANCIS B. CUTTING. No excuse offered.

THOMAS DAVIS. No excuse offered.

JOHN L. DAWSON. No excuse offered.

WILLIAM B. W. DENT. No excuse offered.

ALEXANDER DE WITT. No excuse offered.

JOHN DICK. No excuse offered.

EDWARD DICKINSON. No excuse offered.

DAVID T. DISNEY. No excuse offered.

AUGUSTUS DRUM.

Mr. LILLY. Mr. Drum left the city some two weeks ago, and has not yet returned. I move that he be excused.

The motion was agreed to.

Mr. ABERCROMBIE. I move that Mr. DENT be excused. He has been unwell—

The SPEAKER. The gentleman from Georgia [Mr. DENT] is in his seat. [Great laughter.]

Mr. ABERCROMBIE. I withdraw the motion.

WILLIAM DUNBAR.

Mr. JONES, of Louisiana. I presume the House is well aware that Mr. DUNBAR has been sick for several weeks. I move that he be excused.

The motion was agreed to.

CYRUS L. DUNHAM. No excuse offered.

BEN C. EASTMAN. No excuse offered.

NORMAN EDDY. No excuse offered.

J. WILEY EDMANDS. No excuse offered.

HENRY A. EDMUNDSON. No excuse offered.

THOMAS D. ELIOT. No excuse offered.

JOHN M. ELLIOTT.

Mr. McMULLIN. Mr. ELLIOTT has been very unwell for the last two days. I saw him last evening, and he complained very much. He cannot be present.

The SPEAKER. The Chair can bear testimony to the fact that Mr. ELLIOTT is unable to be present on account of severe illness.

Mr. McMULLIN. I move that he be excused.

The motion was agreed to.

ANDREW ELLISON. No excuse offered.

EMERSON ETHERIDGE.

Mr. TAYLOR, of Tennessee. I presume that the House is generally aware of the affliction which has called my colleague from this city to his home; and I move that he be excused.

The motion was agreed to.

Mr. CHAMBERLAIN. I move that my colleague, Mr. DUNHAM, be excused. If he is not sick now, I presume that he expects to be. [Laughter.] That is as good an excuse as has been offered yet.

The question was taken; and the House refused to excuse Mr. DUNHAM.

Mr. CHAMBERLAIN. For the same reason I move that my other colleague, Mr. EDDY, be excused.

Mr. HOUSTON. For what reason?

Mr. CHAMBERLAIN. For the reason that if he is not sick he expects to be. [Laughter.]

The question was taken; and the House refused to excuse Mr. EDDY.

WILLIAM EVERHART. No excuse offered.

PRESLEY EWING. No excuse offered.

E. WILDER FARLEY. No excuse offered.

REUBEN E. FENTON. No excuse offered.

THOMAS T. FLAGLER.

Mr. PRINGLE. I move that Mr. FLAGLER be excused. He left the Hall to-day on account of ill health.

The motion was agreed to.

Mr. FLORENCE. I rise to a privileged question. The rule requires the doors to be closed, but not the windows. It is a very warm day, and yet not only the doors but the windows are all closed. I trust the Speaker will order the Doorkeeper to open the windows, so that we may have some air.

The SPEAKER. The Doorkeeper will consult the comfort of members so far as he can under the rules.

THOMAS J. D. FULLER. No excuse offered.

JAMES GAMBLE. No excuse offered.

JOSHUA R. GIDDINGS. No excuse offered.

WILLIAM O. GOODE. No excuse offered.

JOHN L. GOODRICH. No excuse offered.

FREDERICK W. GREEN. No excuse offered.

BEN EDWARDS GREY. No excuse offered.

GALUSHA A. GROW. No excuse offered.

WILLIAM T. HAMILTON.

Mr. HENN. I move that Mr. HAMILTON be excused. He is at home, in Maryland, very sick.

The motion was agreed to.

ANDREW J. HARLAN.

The SPEAKER. The Chair begs leave to state that he saw Mr. HARLAN yesterday evening, and that he was quite unwell. In the opinion of the Chair he ought to be excused.

Mr. PRINGLE. I move that he be excused.

The motion was agreed to.

SAMPSON W. HARRIS.

Mr. DOWDELL. Mr. HARRIS has been sick for two or three weeks, and has not been in the House for two or three days. It is my opinion that he is absent on account of sickness. I move that he be excused.

The motion was agreed to.

WILEY P. HARRIS. No excuse offered.

JOHN SCOTT HARRISON. No excuse offered.

GEORGE HASTINGS.

Mr. HUGHES. My colleague is out of the

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city. He left some days ago, but I think not on account of sickness. I believe he has gone to visit his *alma mater*. I move that he be excused.

The motion was not agreed to.

HARRY HIBBARD. No excuse offered.

ISAAC E. HESTER.

Mr. RUSSELL. I move that Mr. HESTER be excused, as he is absent attending at the sick bed of his mother.

The motion was agreed to.

CLEMENT S. HILL. No excuse offered.

Mr. GREENWOOD. I move that all further proceedings under the call be dispensed with; I am satisfied that no good result is to grow out of this call. We are pressed with heat, as the doors and windows are closed. I hope the House will agree to my motion.

The question was taken; and, upon division, there were—ayes 24, noes not counted.

So the House refused to suspend all further proceedings under the call.

JUNIUS HILLYER. No excuse offered.

THEODORE G. HUNT. No excuse offered.

COLIN M. INGERSOLL. No excuse offered.

DANIEL T. JONES. No excuse offered.

J. GLANCY JONES. No excuse offered.

LAWRENCE M. KEITT. No excuse offered.

ZEDEKIAH KIDWELL. No excuse offered.

GEORGE W. KITTREDGE. No excuse offered.

ALFRED W. LAMB.

Mr. ROBBINS. I move that Mr. LAMB be excused, as he has been unwell nearly the whole of the session.

The motion was not agreed to.

JAMES H. LANE.

Mr. CHAMBERLAIN. My colleague, Mr. LANE, is detained at home on account of sickness in his family, beyond all doubt. I move, therefore, that he be excused.

Mr. HENDRICKS. He is quite unwell himself.

The motion was agreed to.

MILTON S. LATHAM.

Mr. DOWDELL. Mr. LATHAM informed me yesterday that he was afflicted with chills and fever, and I presume that he is now absent on account of ill health. I move that he be excused.

The motion was agreed to.

JOHN LETCHER. No excuse offered.

JAMES J. LINDLEY. No excuse offered.

WILLIAM D. LINDSLEY. No excuse offered.

CALEB LYON.

Mr. HUGHES. Mr. LYON has not been in attendance here for many weeks; and I have understood that he was sick at home. I trust he will be excused.

The motion was agreed to.

JAMES A. McDUGALL. No excuse offered.

DANIEL MACE.

Mr. CHAMBERLAIN. I move that my colleague [Mr. MACE] be excused, for the reason that, for a number of days past—more than a week, indeed—two of his children have been sick. Although their health is improving, yet, in consequence of the fatigue which his wife has suffered incident to their sickness, Major MACE has been kept at home every minute of time when his duty did not imperatively require him to be here. I move, therefore, that he be excused.

The motion was agreed to.

ORSAMUS B. MATTESON.

Mr. WASHBURNE, of Illinois. Mr. MATTESON has been sick last night and to-day. I move that he be excused.

A MEMBER. What is the matter with him?

Mr. WASHBURNE. He was taken sick last night, and is confined to the house to-day.

The motion was agreed to.

JAMES MAURICE. No excuse offered.

HENRY MAY. No excuse offered.

JAMES MEACHAM.

Mr. SABIN. Mr. MEACHAM has been sick for several weeks. I move that he be excused.

The motion was agreed to.

NER MIDDLESWARTH.

Mr. RUSSELL. Mr. MIDDLESWARTH left

town last night, or this morning, on important business. I move that he be excused.

The motion was agreed to.

EDWIN B. MORGAN. No excuse offered.

WILLIAM MURRAY. No excuse offered.

DAVID A. NOBLE. No excuse offered.

JESSE O. NORTON. No excuse offered.

EDSON B. OLDS. No excuse offered.

ANDREW OLIVER. No excuse offered.

MORDECAI OLIVER.

Mr. MILLER, of Missouri. My colleague was quite unwell in the early part of the week, and I have no doubt he is unable to sit through the session without danger of the return of his disease. I move that he be excused.

The motion was agreed to.

JAMES L. ORR. No excuse offered.

SAMUEL W. PARKER. No excuse offered.

JARED V. PECK. No excuse offered.

RUFUS W. PECKHAM. No excuse offered.

BISHOP PERKINS. No excuse offered.

JOHN PERKINS. No excuse offered.

PHILLIP PHILLIPS. No excuse offered.

PAULUS POWELL. No excuse offered.

JAMES T. PRATT. No excuse offered.

CHARLES READY. No excuse offered.

DAVID R. REESE. Excused.

Mr. SMITH, of Virginia. If everybody is to be excused, there is no use in calling the roll; and I therefore move that all further proceedings in the call be dispensed with.

The motion was not agreed to.

WILLIAM A. RICHARDSON.

Mr. WASHBURNE, of Illinois. I move that my colleague be excused, as he has been confined to the house several days by sickness.

The motion was agreed to.

Mr. JONES, of Louisiana. I wish to inquire of the Chair if gentlemen present themselves in the gallery and are excused, whether it relieves them from attendance upon the House?

The SPEAKER. Certainly it does.

Mr. JONES. Then I trust the House will not excuse them.

GEORGE READ RIDDLE. No excuse offered.

DAVID RITCHIE. No excuse offered.

THOMAS RITCHEY. No excuse offered.

SIGN H. ROGERS.

Mr. SHAW. I move that my colleague be excused. I know he has been in very poor health for some time past, and I also know that Mrs. Rogers was very much indisposed a few days since. I have no doubt he is absent on account of ill health.

The motion was agreed to.

SAMUEL L. RUSSELL. No excuse offered.

RUSSELL SAGE.

Mr. ROWE. I move that my colleague be excused. He went home a few days ago upon important business, and he is expected back every day.

The motion was disagreed to.

JAMES L. SEWARD.

Mr. SAPP. I move the gentleman be excused. He is sick. He has been unwell for a number of days.

The motion was agreed to.

ORIGEN S. SEYMOUR. No excuse offered.

JACOB SHOWER. No excuse offered.

GEORGE A. SIMMONS. No excuse offered.

OTHO R. SINGLETON. No excuse offered.

CHARLES SKELTON.

Mr. STRATTON. My colleague has been in ill health almost the entire session, and I move that he be excused.

Mr. HOUSTON. Mr. SKELTON has been here to-day, and went off when we commenced calling the roll.

Mr. JONES, of Tennessee. The gentleman was in the House after the committee rose.

The motion was not agreed to.

HESTOR L. STEVENS. No excuse offered.

CHRISTIAN M. STRAUB. No excuse offered.

JOHN J. TAYLOR.

Mr. LILLY. I am requested by Mr. TAYLOR, who is in the gallery, to say that, in the condition of his health, he thought it very improper to re-

main here, and he therefore went home. [Laughter, and cries of "Order!"]

Mr. SMITH, of Virginia. I hope Mr. TAYLOR will be excused. We have set the precedent in the case of the gentleman from Georgia, [Mr. REESE,] and I think every man who makes his appearance in the gallery should be excused. I make that motion.

The motion was not agreed to.

Mr. JONES, of Tennessee. I move that the Doorkeeper be instructed to admit the gentlemen who are in attendance outside. The only object of the call is to secure a quorum, and I hope they will be admitted.

Mr. MCNAIR. I submit that the motion of the gentleman is not in order.

The SPEAKER. The Chair thinks that, as connected with the call of the House, it is in order to make such a motion.

The question was taken; and Mr. JONES's motion was agreed to.

The members in attendance were accordingly admitted.

The call then proceeded.

ANDREW TRACY.

Mr. SABIN. Mr. TRACY is sick, and utterly unable to be here. I move that he be excused.

The motion was agreed to.

WILLIAM M. TWEED.

Mr. STUART, of Michigan. I move that Mr. TWEED be excused. He has been suffering from indisposition for some days. He has been in his seat occasionally, but I presume he is unable to be here to-day.

The motion was agreed to.

GEORGE VAIL. No excuse offered.

JOSHUA VANSANT. No excuse offered.

HIRAM WALDRIDGE. No excuse offered.

WILLIAM A. WALKER. No excuse offered.

SAMUEL H. WALLEY. No excuse offered.

MIKE WALSH. No excuse offered.

EDWARD A. WARREN.

Mr. GREENWOOD. I move that my colleague be excused. He was called home by sickness in his family. I have heard from him lately, and he says that the sickness in his family still continues.

The motion was agreed to.

ISRAEL WASHBURN. No excuse offered.

DANIEL WELLS.

Mr. EASTMAN. I move that my colleague be excused. He was unwell; and not thinking that we would sit so late, started off to Piney Point to get some fresh air.

The motion was not agreed to.

JOHN WENTWORTH. No excuse offered.

JOHN WHEELER. No excuse offered.

DANIEL B. WRIGHT. No excuse offered.

HENDRICK B. WRIGHT.

Mr. TROUT. My colleague has been unwell for the last two or three days.

Mr. PRELPS. He is at the door. Although unwell, he came up to the House in order to make a quorum. I move that he be admitted.

The SPEAKER. Under the order of the House he has the right to come in.

RICHARD YATES.

Mr. WASHBURNE, of Illinois. I move that my colleague be excused. He is unwell, and not able to be here.

The motion was agreed to.

FELIX K. ZOLLICOFFER. No excuse offered.

The SPEAKER. Eighty-one gentlemen have answered to their names. As the House is aware, quite a number have come in since the call by permission. If it be the pleasure of gentlemen, the Chair will ascertain whether a quorum be present.

[Cries of "Agreed!"]

The SPEAKER, (after counting the members present.) There are ninety-one members present, and it is now for the House to determine what order it will take in the matter.

Mr. FAULKNER. Is it in order to move that we take a recess until eight o'clock this evening?

The SPEAKER. That motion can only be entertained by unanimous consent.

Mr. CHAMBERLAIN. I object to it. And I move that all further proceedings under the call be dispensed with.

Mr. JONES, of Louisiana. I move, and I think the motion will have precedence, that the Sergeant-at-Arms be ordered to bring the absent members to the bar of the House.

The SPEAKER. The motion first made is first in order.

[Here a message was received from the President of the United States, by SYDNEY WEBSTER, Esq., his Private Secretary, notifying the House that he had approved and signed bills of the following titles:

A bill to aid the Territory of Minnesota in the construction of a railroad therein; and

An act to establish the offices of surveyor general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes.]

[A message was also received from the Senate, by ASBURY DICKINS, Esq., their Secretary, informing the House that the Senate had passed, without amendment, bills of the House of the following titles:

An act to create and provide a pension for David Towle;

An act making appropriations to defray the expenses of the Cayuse war;

An act to increase the salaries of the executive and judicial officers in Oregon, New Mexico, Washington, Utah, and Minnesota; and

An act for the relief of Pamela Brown, the widow of Major General Jacob Brown, late of the United States Army, deceased.

Also, that the Senate have passed bills of the following titles:

An act to provide for the payment of such creditors of the late Republic of Texas as are comprehended in the act of Congress of September 9, 1850;

An act for the relief of Magdalena Van Ness, widow of Cornelius Van Ness, deceased; and

An act making a grant of land to the State of Iowa in alternate sections, to aid in the construction of certain railroads in said State.

In which he was directed to ask the concurrence of the House.]

Mr. SMITH, of Virginia. I move that the House do now adjourn.

The question was taken; and, upon a division, there were—ayes 32, noes not counted.

So the House refused to adjourn.

Mr. HAVEN. I desire to make a motion, in all candor, to the House: and that is, that the House excuse me from further attendance to-day.

A MEMBER. For what reason?

Mr. HAVEN. Because I am fatigued and tired out.

The question was taken; and the motion was agreed to.

So, Mr. HAVEN was excused.

Mr. ABERCROMBIE. I move that the Sergeant-at-Arms be sent for the absentees.

Mr. FLORENCE. I rise to a point of order: whether less than a majority of the House can excuse a member from attendance?

The SPEAKER. There is no question about the power of the House to excuse a gentleman from attendance at this time. It is possible they have the power to excuse him altogether. The question, however, does not arise at this time.

Mr. SMITH, of Virginia. I wish to say that Mr. RITCHIE, of Ohio, was unwell, and has been in his bed from ten o'clock in the morning till four o'clock this afternoon. A messenger was sent for him, and he got out of his bed, and is now here. I move that he be excused from further attendance.

The motion was agreed to.

The SPEAKER. The Chair asks pardon of the gentleman from Alabama, [Mr. ABERCROMBIE]; but another motion was submitted by the gentleman from Indiana, [Mr. CHAMBERLAIN], that all further proceedings under the call be dispensed with.

Mr. KNOX demanded the yeas and nays.

Only thirteen gentlemen rising in the affirmative, they were not ordered.

The question was then taken; and, upon a division, there were—ayes twenty-eight—noes not counted.

So the motion was disagreed to.

Mr. HUGHES. I desire to make this suggestion. It seems that we have placed ourselves in a

dilemma. We are all of us anxious that the business transacted in Committee of the Whole House should be reported to the House, and there acted upon. We are all anxious that nothing should be lost by the time that has been spent in committee to-day. I again state, there is no doubt that the good sense of the House on Monday will put us in a condition where we can act upon the business which has transpired in committee to-day. I trust that we will now adjourn, leaving it to the good sense of the House on Monday to act upon this business.

Mr. HOUSTON. Is this debate in order?

The SPEAKER. Debate is not in order.

Mr. HUGHES. I move, then, that we adjourn.

The question was taken; and, upon a division,

there were—ayes 39, noes 43.

So the House refused to adjourn.

The SPEAKER. The question is on the motion of the gentleman from Alabama, [Mr. ABERCROMBIE], that the Sergeant-at-Arms be directed to hunt up, take into custody, and bring before the bar, the absent members. [Laughter.]

Mr. CRAIGE. If that motion is debatable, I want to oppose it.

The SPEAKER. It is not debatable, according to the practice of the House.

Mr. McMULLIN. I appeal to the gentleman from Alabama to withdraw his motion. He is not, perhaps, aware of the fact, that if his motion were agreed to, it would subject those gentlemen who are absent to inconvenience, and to a fine to be imposed by the House.

Several MEMBERS. That is the thing we want.

Mr. CRAIGE. I desire to oppose the motion of the gentleman from Alabama.

[Cries of "Order!" "Order!"]

The SPEAKER. To a very limited extent the Chair thinks that the motion of the gentleman from Alabama is debatable.

Mr. ABERCROMBIE. I withdraw my motion.

Several MEMBERS. I renew it.

Mr. HOUSTON. The object of all of us is not to go through with a call of the House if we can get a quorum. But we have been almost this entire session of Congress struggling to get a quorum here to do business. Now, as several members have come into the Hall since the Chair counted the House, I ask the Speaker would it not be competent for him to ascertain whether there is a quorum present, so as to enable us to transact business? Several gentlemen have come in since.

The SPEAKER. Is it the pleasure of the House that the Chair ascertain whether there is a quorum present?

[Cries of "Yes!" "Yes!"]

After a count, the Speaker announced that there were eighty-four members in their seats.

Mr. TAYLOR, of Ohio. I trust there will be no further obstacle interposed to the continuance of this call till we shall have got a quorum. I hope the Sergeant-at-Arms will be dispatched to bring in the absent members.

[Cries of "Question!" "Question!"]

The SPEAKER. The question is on the motion to dispatch the Sergeant-at-Arms for the absentees.

Mr. CRAIGE. I ask the Chair what sort of propriety will it be in the House to send the Sergeant-at-Arms after one portion of the members, after having given permission to another portion to come in? We attempted this same miserable farce once before, at the commencement of the session. We then dispatched the Sergeant-at-Arms to bring in the absentees; and gentlemen who acted in good faith, and were compelled to vote against excusing absentees, afterwards saw the doors thrown open, and members allowed to come in without question. I do not believe this is fair or just.

Mr. McMULLIN. I appeal to gentlemen to put a stop to this call.

Mr. WASHBURN, of Illinois. Is this discussion in order?

The SPEAKER. Discussion is in order, if gentlemen confine themselves to the question pending, which is as to the propriety of sending the Sergeant-at-Arms for members.

Mr. McMULLIN. There were only some seventy members present when the House was counted. Since that time some ten or twelve members have come in—

A Voice. Twenty.

Mr. McMULLIN. Some fifteen or twenty members have come in since then.

Mr. TAYLOR. Well, I propose that we hear their excuses.

Mr. CRAIGE. If we were to send the Sergeant-at-Arms after those now absent, having allowed some twenty members to come in, I think it would be acting discourteously towards these absentees. [Laughter.]

Mr. HENDRICKS. I rise to a question of order. Is this matter debatable?

The SPEAKER. It is in order so far as the gentleman has gone?

Mr. CRAIGE. I think it advisable that we should pass these private bills. And if there be a majority of the House on Monday willing to pass them, we can pass them without any difficulty.

Mr. McMULLIN. I again appeal to the House to dispense with all further proceedings in the call, and I move that the House do now adjourn.

The motion was put; and there being, on a division of the question—ayes 40, noes 40,

Mr. FAULKNER demanded the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and it was decided in the affirmative—yeas 51, nays 34; as follows:

YEAS.—Messrs. Abercrombie, Barksdale, Barry, Benson, Bridges, Carpenter, Caruthers, Caskie, Chamberlain, Craige, John G. Davis, Thomas Davis, Dent, Dowdell, Eastman, Fenton, Goodrich, Greenwood, Hendricks, Henn, Howe, Hughes, Hunt, George W. Jones, Roland Jones, Kerr, Knox, McCulloch, McMullin, McQueen, John G. Miller, Morrison, Mordecai Oliver, Powell, Preston, Puryear, Reese, Riddle, Robbins, Rowe, Sabiu, Shannon, Shaw, Simmons, Gerrit Smith, William Smith, George W. Smyth, John L. Taylor, Nathaniel G. Taylor, Thurston, Wade, Elihu B. Washburne, Tappan Wentworth, and Witte—54.

NAYS.—Messrs. Aiken, Appleton, Belcher, Chrisman, Cobb, Crocker, Edgerton, English, Faulkner, Florence, Aaron Hartan, Johnson, Kurtz, Lilly, McNair, Macy, Maxwell, Mayall, Smith Miller, Millson, Nichols, Packer, Pennington, Phelps, Pringle, Rufin, Russell, Sapp, Stratton, David Stuart, John J. Taylor, Trout, Upham, and Hendrick B. Wright—34.

So the motion was agreed to; and the House accordingly (at thirty-five minutes past six) adjourned until Monday next.

IN SENATE.

MONDAY, July 24, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of Saturday was read and approved.

ATMOSPHERIC TELEGRAPH.

The PRESIDENT *pro tempore* appointed Mr. ROCKWELL to fill the vacancy in the committee on the memorial of Ithiel S. Richardson, in reference to his plan for an atmospheric telegraph, occasioned by the resignation of Mr. EVERETT.

PENAL CODES OF EUROPE.

Mr. ALLEN. I wish to propose to the Senate to print an extra number of Senate Document, No. 68. It is a very important document not only for the use of the Senate, but for the public at large. It is a communication from Mr. Sanford, late chargé d'affaires at Paris, giving information as to the penal codes of Europe.

The PRESIDENT. What number of extra copies does the Senator propose?

Mr. ALLEN. I believe each Senator now has one. Each should certainly have six or eight; and therefore six hundred copies seems to me to be small enough. The type is now in form, and hence the additional cost will be merely the expense of press-work and paper.

Mr. CASS. This is a very important document which has been collected with a great deal of labor and research, containing the penal codes of Europe, together with the peculiar administration of France. It contains information which cannot be got otherwise. It will be money well applied for the public use to appropriate a sum for this printing. But I do not think the number moved by the honorable Senator is sufficient. I do not think we can better dispose of the public funds, than to expend a small amount for the distribution of this information among the people.

Mr. JONES, of Iowa. Why not make it five thousand?

Mr. ALLEN. I have no objection to that. The type is now in form and it will not cost much.

Mr. DOUGLAS. I would suggest to the Senator from Rhode Island, to make it five thousand. After we have gone to the expense of composition, the extra press-work and paper will amount to very little.

Mr. ALLEN. Then I move that five thousand copies be printed.

The motion was agreed to.

MR. PETTIT'S REMARKS ON MR. BENTON'S LETTER.

Mr. PETTIT. Mr. President, I ask the indulgence of the Senate to allow me a few minutes to reply to a letter which has been in circulation in the papers. I hope there will be no objection.

The PRESIDENT. If there be no objection the Senator will proceed.

There was no objection.

Mr. PETTIT. Mr. President, I ask the indulgence and attention of Senators for a few moments, while I call to their notice a most remarkable letter, which is going the rounds of the newspapers. It is as follows:

WASHINGTON, Saturday, June 17, 1854.

SIR: Your letter has just been received, informing me that Mr. PETTIT, in a public speech in your town, stated that I was the first man to break the Missouri compromise—that I had a law passed by Congress, annexing to the State a large territory, &c. Sir, your Senator is a great liar and a dirty dog, falsifying public history for a criminal purpose. The Missouri compromise line was not violated in annexing the Platte country. Both parties to the compromise agreed to it, the free States being unanimous. There were not even yeas and nays upon it. The General Assembly of Missouri requested it. We applied to the members personally and individually for their consent, which they gave; and without their consent no movement was made, or would have been made. The journals prove this. There is a full account of it in my "Thirty Years View," in the chapter headed "Extension of the Missouri Boundary"—also in my late Nebraska speech it is briefly alluded to, and that is probably all that the dirty dog knew about it, and which he falsified to answer his criminal purposes. I send you some of my Nebraska speeches, and I hope you will find the chapter in the "Thirty Years," and see that this change in the line was asked as a boon from the northern States, and by them granted in a spirit of kindness, and in a way to prove that they would not suffer anti-slavery feelings to prevent them from doing an act of great favor to the State of Missouri, and for which all Missouri was thankful at the time, and I am still. Mr. PETTIT must feel that his cause is villainous when he can thus stand up before his constituents to falsify public history, and to justify his own violation of the Missouri compromise, by telling a lie upon me.

Respectfully,

THOMAS H. BENTON.

JAMES HOWE, Esq., Lafayette, Indiana.

This letter is as ridiculous as it is strange—as absurd as it is low, coarse, and vulgar. If Mr. BENTON can make any one believe that I am a liar, he will have done that which no one who intimately knows me does, can, or will believe. I have always sought after and endeavored to speak the truth in all things. I love her name, cherish her form, and adore her substance, and I would not willingly pervert or pollute either. He who is devoid of sincerity and truth, is without the necessary helm to guide him safely over the dangerous sea of life, and will inevitably become a prey to counter winds and currents, and must strand upon its shoals or wreck upon its rocks.

Mr. President, if I do not establish, beyond a cavil, that Colonel BENTON is a wicked and malicious falsifier of truth, or an imbecile and dotard, I will, in all future time, submit to the epithets he has applied to me.

On the 12th of June last I was at home, Lafayette, Indiana, and made a speech to a large collection of my immediate constituents and neighbors. The speech turned principally upon the Kansas and Nebraska act, and the Missouri compromise. I showed that the act of 1820 was not the real compromise or terms upon which Missouri came into the Union; but that it was Mr. Clay's resolution, a year afterwards, that was entitled to that honor or appellation. I showed that the act of 1820 was not a compromise or compact in the sense in which its friends contended for it; but that it was a mere act of Congress, subject, as any other act, to repeal by the present or any other Congress, as, in their judgment, expediency should justify or require.

BENTON's speech of April 25, 1854, in the House of Representatives, had been largely circulated and was much appealed to then; and those who heretofore had been heard a thousand times to say that he was a thief of money stolen in North Carolina, and secreted in his cravat, and that he had, under the pretense of an honorable duel, committed a cold-blooded murder, that of

Lucas, and that he had been guilty of all the crimes known to the black catalogue of infamy, were now the loudest and most boisterous in singing his praise and referring to his speech. To show that Mr. BENTON was not reliable, and that he could not safely be followed, and that the act of 1820 was not a sacred compact that could not be altered, changed or violated, I said that Colonel BENTON had, in 1836, sixteen years after its passage, procured the passage of another act of Congress changing, altering, repealing, abrogating and violating, *pro tanto*, the act of 1820, called the Missouri compromise, and I read the following act and proclamation:

An act to extend the western boundary of the State of Missouri to the Missouri river.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when the Indian title to all the lands lying between the State of Missouri and the Missouri river shall be extinguished, the jurisdiction over said lands shall be hereby ceded to the State of Missouri, and the western boundary of said State shall be then extended to the Missouri river, reserving to the United States the original right of soil in said lands, and of disposing of the same: *Provided*, That this act shall not take effect until the President shall, by proclamation, declare that the Indian title to said lands has been extinguished, nor shall it take effect until the State of Missouri shall have assented to the provisions of this act.

Approved June 7, 1836.

(United States Statutes, vol. 5, p. 32.)

Proclamation issued by the President of the United States, under the act of June 7, 1836:

By the President of the United States of America.

A PROCLAMATION.

Whereas, by an act of Congress of the 7th of June, 1836, it was enacted that when the Indian title to all the lands lying between the State of Missouri and the Missouri river should be extinguished, the jurisdiction over said land should be ceded by the said act to the State of Missouri, and the western boundary of said State should be then extended to the Missouri river, reserving to the United States the original right of soil in said lands, and of disposing of the same; and whereas, it was in and by the said act provided that the same should not take effect until the President should, by proclamation, declare that the Indian title to said lands had been extinguished, nor until the State of Missouri should have assented to the provisions of the said act. And whereas, an act was passed by the General Assembly of the State of Missouri, on the 16th of December, 1836, expressing the assent of the said State to the provisions of the said act of Congress, a copy of which act of the General Assembly, duly authenticated, has been officially communicated to this Government, and is now on file in the Department of State:

Now, therefore, I, Martin Van Buren, President of the United States of America, do, by this my proclamation, declare and make known, that the Indian title to all the said lands lying between the State of Missouri and the Missouri river, has been extinguished, and that the said act of Congress of the 7th June, 1836, takes effect from the date hereof.

Given under my hand, at the city of Washington, this 28th day of March, A. D. 1837, and of the Independence of the United States of America the sixty-first.

MARTIN VAN BUREN.

By the President:

JOHN FORSYTH, Secretary of State.

(United States Statutes, vol. 5, Appendix.)

This was so plain a contradiction of his present course and late speech that it was a damper on his new friends and admirers; and one of them, Mr. James Horn, who was, and still is, a Whig, not knowing the history of this matter, wrote to BENTON for light, and to know, I suppose, if he could not make some apology for this glaring and absurd inconsistency. BENTON, goaded and maddened at having his tergiversations and contradictory course and actions thus brought to light, and he exposed to the gaze and scorn of all honest and intelligent men, wrote the above letter, which would not be creditable to a lunatic in an asylum or the guiltiest felon in a penitentiary.

It will be seen that he admits in this letter all I charged him with; that is, he procured the passage of the first act that violated, changed, or repealed the act of 1820, by taking a part of this *free territory* and making it *slave* by act of Congress in adding it to the State of Missouri, whose constitution established and protected slavery, thus creating slavery in territory larger than two of the small States, by act of Congress. It did not leave it to the people as the Kansas and Nebraska act does, but forced slavery upon them by law. This is the only instance where slavery has been extended over free territory since the organization of this Government; and this was done by act of Congress procured by Colonel BENTON, and not by the people.

In this letter, Colonel BENTON, unfortunately for himself and his consistency, (for I had never read a line in his work before,) refers to his *Thirty Years*, and, on turning to the first volume of that

work, at page 626, I find a chapter headed "Extension of the Missouri Question," which is as follows:

"This was a measure of great moment to Missouri, and full of difficulties in itself, and requiring a double process to accomplish it—an act of Congress to extend the boundary, and an Indian treaty to remove the Indians to a new home. It was to extend the existing boundary of the State so as to include a triangle between the existing line and the Missouri river, large enough to form seven counties of the first class, and fertile enough to sustain the densest population. The difficulties were threefold:

"1. To make still larger a State which was already one of the largest in the Union.

"2. To remove Indians from a possession which had just been assigned to them in perpetuity.

"3. To alter the Missouri compromise line in relation to slave territory, and thereby convert free soil into slave soil. "The two first difficulties were serious—the third formidable; and, in the then state of the public mind in relation to slave territory, this enlargement of a great slave State, and by converting free soil into slave, and impairing the compromise line, was an almost impossible undertaking, and in no way to be accomplished without a generous co-operation from the members of the free States. They were a majority in the House of Representatives, and no act of Congress could pass for altering the compromise line without their aid: they were equal in the Senate, where no treaty for the removal of the Indians could be ratified except by a concurrence of two thirds—and all these difficulties to be overcome at a time when Congress was inflamed with angry debates upon abolition petitions, transmission of incendiary publications, imputed designs to abolish slavery; and the appearance of the circulating article in South Carolina entitled the 'Crisis,' announcing a southern convention and a secession, if certain northern States did not suppress the abolition societies within their limits within a limited time.

"In the face of all these discouraging obstacles the two Missouri Senators, Messrs. Benton and Linn, commenced their operations. The first step was to procure a bill for the alteration of the compromise line and the extension of the boundary; it was obtained from the Judiciary Committee, reported by Mr. John M. Clayton, of Delaware, and passed the Senate without material opposition; it went to the House of Representatives, and found there no serious opposition to its passage. A treaty was negotiated with the Sac and Fox Indians, to whom the country had been assigned, and was ratified by the requisite two thirds; and this, besides doing an act of generous justice to the State of Missouri, was the noble answer which northern members gave to the imputed design of abolishing slavery in the States actually extending it! and by an addition equal in extent to such States as Delaware and Rhode Island; and by its fertility equal to one of the third class of States; and this accomplished by the extraordinary process of altering a compromise line intended to be perpetual, and the reconversion of soil which had been slave, and made free, back again from free to slave; and all this when, had there been the least disposition to impede the proper extension of a slave State, there were plausible reasons enough to cover an opposition, in the serious objections to enlarging a State already the largest in the Union—to removing Indians again from a home to which they had just been removed under a national pledge of no more removals—and to disturbing the compromise line of 1820, on which the Missouri question had been settled; and the line between free and slave territory, fixed for national reasons, to remain forever. The author of this view was part and parcel of all that transaction—remembers well the anxiety of the State to obtain the extension—her joy at obtaining it—the gratitude which all felt to the northern members, without whose aid it could not have been done, and whose magnanimous assistance, under such trying circumstances, he now records as one of the proofs (this work contains many others) of the willingness of the non-slaveholding part of the Union to be just and generous to their slaveholding brethren, even in disregard of cherished prejudices and offensive eliminations. It was the second great proof to this effect at this identical session, the ratification of the Georgia Cherokee treaty being the other."

In this extract it will be seen that Colonel BENTON boasts of, and prides himself upon, the accomplishment of this very thing, and of driving the Indians from this very territory that had then but lately been ceded and promised by treaty to them forever, and had greatly added to the then largest State in the Union. One would be led to believe, from reading this extract, that he regarded this alteration and repeal of the Missouri compromise as the brightest, most dazzling, and triumphant achievement of his thirty year senatorial career. But I desire to call attention to a few extracts from his Kansas and Nebraska speech of the 25th of April last, to show his proneness to falsehood, the wickedness of his heart, or the imbecility of his head. On page first he says:

"Mr. Chairman, if any bill to impair the Missouri compromise line of 1820 had been brought into this House by a member from a slave State, or under the administration of a President elected from a slave State, I should have deemed it my duty to have met it at the threshold, and to have made the motion which the parliamentary law prescribes for the repulse of subjects which are not fit to be considered; I should have moved its rejection at the first reading."

This will be seen to be utterly false, and a mere pretense; for the bill of 1836, that he admits and boasts of having procured to be brought in to impair the Missouri compromise line of 1820, was brought in by the Hon. JOHN M. CLAYTON, then,

as now, an honored Senator from Delaware, a slave State; and Andrew Jackson, of Tennessee, a slave State, was President of the United States. What beautiful and truthful consistency Mr. BENTON is caught in here! Again, he says:

"I had come into political life upon that compromise. I had stood upon it above thirty years, and intended to stand upon it to the end—solitary and alone, if need be.

To show that this is utterly false, I need only refer to the above extract from his "Thirty Years"—the act of 1836, and the following extract from the same speech, taken from page eight:

"The same votes gave us the Platte country; seven fine counties added to the State! and that by altering the compromise line to include it, and actually converting that fine region from free soil to slave soil. Northern votes enabled it to be done: northern votes altered above an hundred miles of the compromise line for our benefit, upon our request; and I will never be ungrateful to the North for it, nor requite it by a breach of the line to their prejudice. And how did we obtain the northern votes which were necessary for all these measures—the appropriations and treaties for all these Indian removals, and for that alteration of the compromise line which gave us the beautiful Platte country? How did the Missouri delegation of that day—the most amiable and talented Dr. Linn and myself, in the Senate, and General Ashley in the House—how did we obtain that great boon for our State? Did we get these votes by belching Abolitionism against the North? No! no! we got them by appealing to the justice, and the fraternal feelings of our northern brethren, and to which we never appealed once in vain—who, in the last hard trial to get the Cherokees out of Georgia, gave us fourteen affirmative votes to balance seven negatives from the South, and saved the treaty by one vote. And I, who was part of all these transactions, accustomed to solicit northern votes, and express thanks for them, will not now return them evil for good by attempting to deprive them of their share of a compromise which we imposed upon them."

He says "he will not now return evil for good, by attempting to deprive them (the North) of their share of a compromise which we (the South) imposed upon them." How very kind! After he has taken the "beautiful Platte country, seven counties of the first class, equal in size to two of the small States, and in richness of soil to a third class State," and, in fact, all that was once valuable and desirable, and converted it from free to slave territory, he does not now wish to deprive the North of their share. But he says he did not get this territory added to Missouri "by belching Abolitionism against the North;" that is, not by an open, bold, manly, and statesmanlike act, but with the still, sly, cunning, and stealthy action of the thief in the night, and with the serpent's guile in his heart, a lie on his tongue, and the deceptive but false smile of friendship upon his face; as Satan approached Eve, so BENTON approached the northern members of Congress in 1836, and he got them unanimously.

On page second of his speech, in speaking of the compromises of the Constitution, the ordinance of 1787, and the Missouri compromise, he says:

"Thus, all these compromises are settlements of existing questions, and intended to be perpetual. They are all, then, of equal moral validity."

If this be a moral question, and it is a moral wrong to alter or repeal the act of 1820, how much more moral guilt and turpitude rests on Colonel BENTON for having so corrupted all of Congress as to get an unanimous vote, as he says in his letter, for his bill of 1836, than on the friends of the late measure, who were only able to get a small majority, and, therefore, have a less sin to answer for?

In this letter, BENTON says I falsify public history to justify my violation of the Missouri compromise. It would be well and very gratifying to his new friends if he would point out what particle of public history I have falsified. Surely it is not his "Thirty Years." But I needed no justification for a repeal of the act of 1820, but the conviction of my own judgment that it was proper and expedient to do so. It was a mere act of legislation, and was repealable at the will and pleasure of Congress. According to BENTON it was no compact or agreement, but was forced and imposed by the South upon the North.

He says it was resisted at the time by the North—acquiesced in afterwards, and thereby they became bound by it. Beautiful logic. A robs B; B resists at the time, but, for want of strength, acquiesces and suffers his money to be taken. When B gets strength and assistance he demands of A a restoration. A says, true you resisted the robbery at the time, but, for want of strength, you acquiesced, and that makes the transaction a fair

one and the money is mine! There is no evidence that the North acquiesced in this measure, for Mr. BENTON says that the North were unanimous for its repeal in 1836, and the passage of BENTON's repealing act of that year was moved in the House of Representatives by a member from a free State, Mr. Everett, of Vermont. The late repeal of the residue of that measure was brought in by a Senator from a free State, and I, as a northern man, and Senator from a free State, demanded its repeal, because it was unequal, unjust, and degrading to the North. It, in substance, said to the North, you are not capable of establishing your own institutions north of 36° 30'. You do not know what will be best for you, and we will there bind you and fix your institutions for you; but the gentlemen of the South know what instructions they want and what are proper for them, and they may go south of that line and control themselves. This created an invidious distinction, and it is not strange that northern men should have been most anxious and active for its repeal and abrogation. On page two of his speech, he says:

"The third one—that of the Missouri anti-slavery line—was not made upon agreement. It was imposed by votes—by the South upon the North—resisted by the North at the time—acquiesced in afterwards: and by that acquiescence became a binding covenant between both parties; and the more so on the South because she imposed it. I repeat, it was an imposition, not a compact."

"This brings us to the question of repeal, or abrogation of these compromises. The one in the Constitution cannot be got rid of without an amendment to that instrument; and is, therefore, beyond the reach of Congress. The other two, being in the form of statutes, are subjects of legislation, and legally repealable by Congress."

The power to repeal is here plainly and fully admitted by Mr. BENTON. Hear with what ease and directness he contradicts his "Thirty Years." On page four of his speech he says:

"I have stood upon the Missouri compromise for thirty years."

And again, on the same page, he says that the Legislature of Missouri, in 1847, passed the following resolution:

"Resolved, That the peace, permanency, and welfare of our national Union depend upon a strict adherence to the letter and spirit of the eighth section of the act of Congress of the United States entitled 'An act to authorize the people of the Missouri Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain territories,' approved March 6, 1820."

This must have been a withering rebuke to BENTON, after having, in 1836, procured the repeal of that act *pro tanto*, and not strictly adhered to either its "letter or spirit;" and I do not wonder that, after this severe chastisement from his State, and that a slave State, that he should dread to attempt a second repeal, as the whipped child dreads the rod.

Mr. President, can any man say that I did BENTON a wrong, or incorrectly cited history? but, on the contrary, must not all say that I charged him with nothing more than is true, and only what he has recorded in history, and claims for himself? This being the case, to what are we to look as the reason of his writing so beastly a letter? We can only ascribe it to the native depravity of a corrupt, malicious, and wicked heart, or to the frenzied ravings of a brain made a barren waste and a mental and moral chaotic wilderness by the withering but just hand of God laid upon it in punishment for black and numerous precedent crimes.

When Mr. PETTIT uttered these words: "If I do not establish beyond civil that Colonel BENTON is a wicked and malicious falsifier of truth, or an imbecile and dotard, I will in all future time!"

Mr. MASON said: Mr. President, I, with very great reluctance, interfere with any gentleman's desire to make a personal explanation; but, without any reference to the parties concerned in this matter, I submit to the honorable Senator, as a matter of precedent, whether it would be right or expedient in the Senate for a member of the Senate to reflect in the manner he is manifestly about to reflect on a member of the other House?

Mr. PETTIT. In reply, I have only to say this: that Colonel BENTON charges me with things that, if true, render me totally unfit for the association of gentlemen and Senators. I ask the indulgence of the Senate, and I appeal to that Senator to allow me to proceed.

Mr. MASON. I rise to a question of order purely. The assault which the honorable Sena-

tor says has been made upon him, was made through the public journals, as he states. Now, I submit as a question of order—

Mr. PETTIT. I had the assent of the Senate to go on. The Senator cannot make his point of order now, as he did not make it before.

Mr. MASON. The Senate, I take it for granted, gave the assent. I certainly did—without the knowledge of the kind of remark in which the Senator conceived himself authorized to indulge. It is because of the tenor of his remarks that I think it right to make my point of order. I again, without any reference whatever to either of the gentlemen who are involved in this, submit that it is not in order in the Senate to reflect upon the motives or to use injurious language applied to a member of the other House.

Mr. PETTIT. I hope the Senate will allow me to proceed. They have once given me leave, and I do not think I ought to be interrupted now.

Mr. MASON. I must insist on the point of order as a matter of propriety between the two Houses.

The PRESIDING OFFICER, (Mr. STUART in the Chair.) The history of this matter, as the present occupant of the chair understands, is, that the Senate gave unanimous consent to the Senator from Indiana to make a personal explanation.

Mr. PETTIT. I am making it.

The PRESIDING OFFICER. The Chair thinks that, in making a personal explanation, the same rules of order apply as in any other debate; and, therefore, in making a personal explanation a Senator has not the right to reflect on a member of the other House.

Mr. PETTIT. I take an appeal from the decision of the Chair. I was not referring to his [Mr. BENTON's] conduct as a member of the other House; I was referring to his conduct out of doors; not as a member of the House. I was not referring to anything done by him in the House, nor as a member one way or the other. I did not refer to him as a member of the other House, nor to anything which he had done as a member. I was not, therefore referring to a member of the other House.

The PRESIDING OFFICER. What the Senator from Indiana has said, the present occupant of the Chair did not hear, as he was not in the Senate Chamber. The Chair merely sustained the point of order raised by the Senator from Virginia.

Mr. PETTIT. That is what I object to. I have not said, and am not going to say, anything of him as a member of the other House, or as a member of Congress; but I was speaking, and am about to speak, of what has been done and said by him out of the House, and not as a member of that body. I have read the letter on which I wish to comment.

Mr. MASON. It is very true, I doubt not, that the Senator had not proceeded sufficiently far in his remarks for the Senate to form a judgment as to precisely what he was about to say. As far as I understood him, there were no reflections cast on a member of the other House for any act of his in that House, but they were reflections and epithets applied to a member of the other House, and applied by a Senator in his place in the Senate. That is the point of order that I raise.

Mr. PETTIT. I reply to him simply as a citizen for an act done as a citizen. I do not refer to him as a member of the other House in any remarks of mine.

Mr. MASON. But still he is known to this House as a member of the other House.

Mr. PETTIT. I think I am in order. I had the leave of the Senate to proceed; I am not saying anything of a member of the other House; and I should like to know in what I am out of order.

The PRESIDING OFFICER. The Chair has already stated to the Senator and to the Senate, that what the Senator from Indiana had said, the present occupant of the Chair was not advised of, not being in the Senate at the time. He therefore, simply decides the point of order, that it is not in order, in a personal explanation, to refer to a member of the other House acting as such or to reflect on his character.

Mr. PETTIT. I do not propose to do any such thing, and when I do, the Senator can call me to order.

Mr. MASON. Do I understand the Chair as allowing to be in order, reflections on a member of

the other House, for an action not done in the House?

The PRESIDING OFFICER. The Chair intends to decide, and does decide, on his recollection of the rule, that the rule is limited to what a member of the other House says or does, while engaged in the business of the House, and that if out of doors he sees fit to say or write anything in regard to a Senator, he may be alluded to by that Senator as any other citizen of the country may be.

Mr. PETTIT continued his remarks. When he reached that point of his speech where he said: "That is, he did not, by an open, bold, manly, statesmanlike act, but with the still, sly, cunning, and stealthy action of the thief in the night, and with the serpent's guile in his heart and a lie on his tongue."

The PRESIDING OFFICER. (Mr. STUART.) The Chair thinks the Senator is not in order.

Mr. PETTIT. I am not speaking of what he has done now, but of what he did in 1836.

The PRESIDING OFFICER. No matter. The Chair thinks that in this mode of discussion it is not in order, to use language of that character towards any member or a citizen.

Mr. PETTIT. I ask leave of the Senate to finish my remarks. They are but few. Will the Chair put it to the Senate whether I shall go on or not?

Mr. CASS. I would suggest to the Senator, that in his defense of himself, he had better pass by such words as those which he has just used. For one, I prefer not to hear them. I would rather he would pass them by and go on with his other remarks.

Mr. JOHNSON. I move that the Senator be allowed to proceed. This is a pretty severe contest, unquestionably.

Mr. PETTIT. He pitched into me without cause, and I want to pay him back. I always pay my debts.

Mr. JOHNSON. I move that the Senator from Indiana be permitted to proceed. It is nothing more than justice that he should have the opportunity to defend his own character from the assaults made on him.

The PRESIDING OFFICER. The Chair will, with great pleasure, submit the question to the Senate; "will the Senate allow the Senator from Indiana to proceed out of order?"

Mr. PETTIT. That was not in the motion.

Mr. JOHNSON. If the Chair decides it in that way, I shall appeal from the decision.

The PRESIDING OFFICER. The Chair decided the Senator to be out of order in the language he had used. The Senator from Arkansas moved that the Senator from Indiana have leave to proceed. The Chair will, with pleasure, submit the whole question to the Senate, if it is desired.

Mr. GWIN. The motion is that the Senator from Indiana shall be permitted to proceed, and the Chair adds to that "out of order." That is not the question before the Senate.

Mr. MASON. Why, Mr. President, though I did not hear the last remarks of the Senator, I understood the Chair to decide they were not in order.

The PRESIDING OFFICER. That was the decision of the Chair.

Mr. MASON. Then I submit that, if after that decision, a motion be made to allow the Senator to proceed, of course it is that he be allowed to proceed out of order. The proper course will be, I presume, for any gentleman who dissents from the Chair, to appeal from the judgment of the Chair.

Mr. BADGER. Certainly.

The PRESIDING OFFICER. The Chair understands the rule of the Senate and the parliamentary law to be, that he may submit any question of order to the Senate. He is not bound to decide it. He may submit it to the Senate. In this instance, the Chair has stated already that he will with pleasure submit the question to the Senate whether the Senator from Indiana is in order, if it be desired; or he will submit the other question that he have leave to proceed in his remarks, as the Chair thinks, out of order.

Mr. JOHNSON. I moved that he have leave to proceed.

Mr. DAWSON. I dislike to interfere with this matter, but I am one of those who have been

uniformly opposed to individual differences being made the subject-matter of discussion in this body when there is no question before it justifying such a course. If we allow this to be done now, it becomes a precedent, and members of the other House who are attacked, will reply, and it will lead to unpleasantness and unkindness, and destroy, in a great degree, the character of this body.

I admit that my friend from Indiana has strong grounds to ask this favor, but I beg of him to take some other manner to lay his views before the country, without making all of us partakers in the transaction. For one, I agree with the Senator from Michigan, that it is better for the Senator from Indiana to pass over that part of his observations in which he was indulging when called to order. Of course he can publish them on his own individual responsibility. I have no feeling about that; but I submit, as a question of propriety, to my friend from Indiana, whether he ought to indulge in such language in the Senate.

Mr. PETTIT. I was nearly through, and I should like to finish. The Senate gave me unanimous consent to go on.

The PRESIDING OFFICER. The question is on the motion of the Senator from Arkansas, that the Senator from Indiana have leave to proceed in the same order of debate in which he was proceeding before.

Mr. DAWSON. Proceed in order.

Mr. BAYARD. I shall vote against giving permission to proceed in this case, after the decision of the Chair. I understand the Chair to have decided the remarks of the Senator from Indiana to be out of order, as reflecting personally on a member of the other branch of the Legislature. Though not professing any accurate knowledge of parliamentary rules, I have, since I have been in the body, a recollection of but one case similar to the present. That was a case in which a letter had been addressed by the correspondent of the New York Express, I think, to that paper, which was offensive to the then honorable Senator from North Carolina, [Mr. Mangum.] He asked permission of the Senate to make a personal explanation. He obtained it and proceeded. He confined himself to the comments made in that paper, and made no allusion to any party whatever. He rebutted the statements, showed their falsity, and was very severe in his remarks. At the close of his remarks, after making his comments, he said that he understood the author of that communication was a member of the other House. He was instantly called to order by gentlemen all around the Senate Chamber, and he took his seat at the moment. The rule was avoided in that case in that way; but during my experience in the Senate, I have never known an instance in which a member of the House has been suffered to be attacked deliberately in this body, by a review of his conduct, either for his official action or for his action outside of Congress.

I have a further suggestion to make, and I make it in all kindness, for I admit certainly, that the honorable Senator from Indiana has the highest cause for provocation. I think the letter to which he has alluded was both undignified and imprudent, and not proper to have been written; but it was a letter written to the newspapers, and not a statement made in the House of Representatives, and, therefore, it seems to me that a correction, or a rebuttal of it, or any comments on a paper of that character made by a member of the other branch of the Legislature, ought to be in the same mode and by the same medium by which the attack was made.

With these views, I shall be constrained to vote against this motion, because I think if this course be allowed to be pursued further, (and if you allow it in one case you must in others,) the ultimate result must be the creation of a state of feeling, by embittering the members of the two Houses against each other, which will seriously impede the progress of public business.

Mr. WELLER. I ask whether, under the rules of the Senate, questions of this sort are not to be decided without debate?

The PRESIDING OFFICER. That is the opinion of the Chair.

Mr. WELLER. Then I call for the enforcement of the rule.

The PRESIDING OFFICER. The question is on the motion of the Senator from Arkansas, that the Senator from Indiana have leave to pro-

ceed in the order of debate in which he was engaged at the time the Chair called him to order. Senators who are in favor of that will say "aye," those opposed will say "no."

The question being taken, there were—ayes 12, noes 20; so that Mr. JOHNSON's motion was not agreed to.

Mr. DAWSON. I now move that the Senator be permitted to proceed in order.

Mr. CASS. That was my idea in voting for the other motion.

The motion was agreed to.

Mr. PETTIT. It is a very difficult matter to say what is in order. It seems that a man who has been attacked cannot characterize the conduct of another with anything like what it merits. I am now not speaking of a member of the other House; but I am speaking of the acts of a Senator in 1836.

The PRESIDING OFFICER. The Senator from Indiana will, perhaps, allow the Chair to state the ground of his decision, and let the Senate hear it also?

Mr. PETTIT. Certainly.

The PRESIDING OFFICER. The Chair entertains the opinion that it is not in order in the Senate to allude to anybody in language which is so discourteous and exceptionable as to give rise to difficulties among members here or out of doors.

Mr. PETTIT. He ought to have had that admonition before he wrote this infamous letter.

The PRESIDING OFFICER. The Senator will allow the Chair to state, further, that the conduct of a man may be remarked on here in language sufficiently strong, without using any such opprobrious terms. Such opprobrious epithets are not in order. This is the ground of the decision. If the Senate think the Chair wrong, he will certainly have no objection to their so deciding.

Mr. PETTIT resumed and concluded his remarks.

PETITIONS.

Mr. COOPER presented certain documents in relation to the claim of Robert Johnston, to locate certain land warrants of which he is the holder, but which were irregularly assigned or transferred; which were referred to the Committee on Public Lands.

Mr. CLAYTON presented the petition of W. Hunter, praying compensation for his services as acting Secretary of State during a part of the time when the late Daniel Webster was Secretary of State; which was referred to the Committee on Foreign Relations.

Mr. GWIN. Mr. President, I present the memorial of George Frazier, a citizen of California, claiming compensation for losses sustained by the seizure of his property, false imprisonment, &c., by the Mexican authorities of Upper California from 1840 to 1843. I have delayed presenting this memorial for some time, under the hope that either by treaty, or the action of our Government through its Minister at Mexico, Mr. Frazier would receive that indemnification to which he was entitled from the late board of commissioners on Mexican claims, which so strangely neglected honest claims like this, and passed those which have since been branded with fraud and forgery. But I have now no hope except from the justice and equity of Congress, and I bring the case before this body, and move its reference to the Committee on Foreign Relations.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. McKean, Chief Clerk, announcing that they had passed a bill from the Senate, confirming a certain land claim in Louisiana known as the Fleurian claim.

Also, that the House had passed the following bills; which were then read a first and second time by their titles, and referred to the committees as annexed:

A bill for the relief of Daniel Steenrod—Committee on Claims.

A bill for the relief of John S. Jones and William H. Russell, surviving partners of Brown, Russell & Co.—Committee on Military Affairs.

A bill for the relief of Gilbert C. Russell—Committee on Claims.

A bill for the relief of Thomas C. Greene—Committee on Private Land Claims.

A resolution directing the accounting offi-

cers of the Treasury to adjust the accounts of William Woodbury, late pension agent of Portland, Maine.—Committee on Pensions.

A bill for the relief of John S. King, of Virginia.—Committee on Pensions.

A bill for the relief of the administrators of Oliver Lee, deceased.—Committee on Claims.

ESPEY'S METEOROLOGICAL REPORT.

Mr. COOPER submitted a resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President is hereby requested to cause to be transmitted to the Senate the fourth meteorological report of Professor Espy.

NEW POST ROUTE.

Mr. SLIDELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Greensburg, Louisiana, to a point intersecting the railroad from New Orleans to Jackson, Mississippi, at or near the house of Benjamin Wiel.

Mr. SLIDELL also submitted certain documents on the subject; which were referred to the Committee on the Post Office and Post Roads.

ORDER OF BUSINESS.

Mr. HUNTER. I move to postpone all prior orders, for the purpose of taking up the civil and diplomatic appropriation bill.

Mr. HAMLIN. I hope the Senator will allow me to make a report.

Mr. JONES, of Iowa. Are not reports in order?

The PRESIDING OFFICER. But it is in order for the Senator from Virginia to submit such a proposition as he does submit at any time.

Mr. HUNTER. It depends upon the majority to decide. If they prefer to receive reports, they can vote down the motion.

Mr. RUSK. It was my purpose, this morning, to ask the indulgence of the Senate to take up a bill; but as the time has otherwise been consumed, I now give notice that I shall to-morrow morning ask to take up the bill in relation to the officers of the Texas navy. I shall now vote for the motion of the Senator from Virginia.

The PRESIDING OFFICER. Will the Senator from Virginia allow certain House bills to be referred?

Mr. HUNTER. I yield for that purpose.

Various House bills were then referred as elsewhere stated. When the bill for the relief of John S. Jones and William H. Russell, surviving partners of the firm of Brown, Russell & Co. was read,

Mr. GEYER said: I hope that bill will be put upon its passage now. It has already passed the Senate twice, but failed in the House for want of time.

Mr. HUNTER. I hope it will be taken up at some other time. I merely gave way to allow the House bills to be referred. If we begin to act on bills, there are twenty other Senators all around who will ask to have others acted upon.

The PRESIDING OFFICER. It will require unanimous consent to consider that bill at this time. If objected to, it will be referred.

Mr. HUNTER. I do not ask to have it referred; but let it go on the table for the present, and it can be called up at some other time.

Mr. GEYER. Then I should prefer to have it referred, for then it can be reported on immediately.

The bill was then referred to the Committee on Military Affairs.

Mr. SUMNER. I must ask the Senator from Virginia to allow me to present a memorial for the purpose of having it referred.

The PRESIDING OFFICER. The Senate can decide the question.

Mr. CHASE. I believe that that question is debatable. I wish to appeal to the Senator from Virginia, inasmuch as the whole of the morning hour has been consumed by the speech of the Senator from Indiana, to allow half an hour for the consideration of the regular morning business. The chairman of the Committee on Patents and the Patent Office [Mr. JAMES] is very anxious to make a report, in which the whole committee feel a deep interest, and Senators all around have more or less of morning business to present. I hope we shall not proceed to the consideration of the civil and diplomatic appropriation bill, until at

least we have half an hour for morning business.

Mr. HUNTER. I hope the Senate will express their opinion upon the question.

Mr. HUNTER's motion was agreed to.

PATENTS GRANTED TO FOREIGNERS.

Mr. SUMNER. I ask the unanimous consent of the Senate to offer a memorial.

The PRESIDING OFFICER. If there is no objection the memorial will be received.

Mr. SUMNER. I present the memorial of Charles Mackenzie, a British subject, now a resident of Boston, praying that the large fees exacted of foreigners under our patent laws may be abolished, and that foreigners may take patents from the United States on the same footing as citizens.

Mr. BUTLER. A foreigner has no right to petition Congress.

Mr. SUMNER. I ask its reference to the Committee on Patents and the Patent Office.

Mr. MASON. I object to the reception of the petition on the ground that foreigners cannot petition the Government.

Mr. HUNTER. I hope that we shall proceed to the consideration of the civil and diplomatic appropriation bill.

Mr. SUMNER. I understand that the question before the Senate is on the reception of the memorial.

The PRESIDING OFFICER. The Chair understands the Senator from Virginia to object to its reception, and it cannot, therefore, be received.

Mr. SUMNER. That is, at this moment.

MOTION TO RECONSIDER.

Mr. GEYER. Before we proceed to the consideration of the civil and diplomatic appropriation bill, I move a reconsideration of the vote by which the seventh section of that bill, reported as an amendment from the committee, was agreed to. It was passed under a misunderstanding on the part of many Senators on this side of the Chamber. They supposed that we were in Committee of the Whole; but it seems that we were regarded as in the Senate. I therefore move a reconsideration of the vote.

The PRESIDING OFFICER. The motion to reconsider will be entered.

CIVIL AND DIPLOMATIC BILL.

The Senate then resumed the consideration of the bill from the House of Representatives, making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1855.

Mr. HUNTER. When we adjourned on Saturday the amendment which was under consideration was the one, I believe, making provision for new custom-houses, which was reported from the Committee on Commerce.

The PRESIDING OFFICER. The Chair understands the first question to be upon the following amendment:

For continuing the work for a supply of water for the cities of Washington and Georgetown, \$500,000.

Mr. ADAMS. It is well known that a majority of this body favor that amendment. It is equally as well known that a majority of the other branch of Congress do not favor it. Now, I submit to Senators, whether, after two or three deliberate votes have been taken in the other branch, this body will still continue to consume time with that, when they know as well as they can know anything that, according to the intention of the Constitution itself, it cannot become a law at the present time. The Constitution contemplated that no proposition should become a law unless it met with the sanction of a majority of both branches of Congress.

There have been two deliberate votes—one upon the deficiency bill, and the other upon this bill, as is known to Senators, on both of which the proposition has been rejected in the other House. Why will we add it to this bill, and send it back there to accumulate the difficulties which exist between the two Houses, when we already know that the majority of the other House are opposed to it? I shall not interpose any difficulty in the way, although I have not voted for it myself. I am always willing to be governed by the majority, and but for the fact that it is known that a majority in the other House are opposed to it, I should not oppose it now. I hope it will not be ingrafted upon this bill. We have a sufficient number

of difficulties necessarily arising between the two Houses on the bill, without placing upon it a proposition to which we know a majority of the other House are opposed.

Mr. BADGER. What has passed we know. What is future we can only predict. My friend from Mississippi says this provision, he is certain, cannot become a law. Sir, that is very far from being certain.

Mr. ADAMS. The Senator has misapprehended my remarks. I did not say it was certain that it could not become a law. I said it was certain from two deliberate votes in the other House, that the majority were opposed to it; and if it can become a law, it will be against their deliberate judgment, and contrary to the spirit of the Constitution.

Mr. BADGER. It amounts to the same thing; and I wish to state the considerations which influence me in coming to the conclusion that we ought to put this amendment on this bill. This is not a proposition to introduce an original matter into the appropriation bill. At the last Congress we passed an act in which it was provided that water should be supplied to the cities of Washington and Georgetown, upon a plan to be approved by the President of the United States. That is a law which both Houses and the President assented to. The President, under the law, adopted a plan. It then became a plan adopted by law—the plan of the President—selected by him under the authority of this law, being of just the same legal effect and operation as if it had been inserted in the law itself. Then the President, under the authority of that law, having adopted a plan, and having commenced the execution of it, this is a proposition to make an appropriation for the purpose of carrying out the existing law. That is the state of the case now. We know very well that the appropriation cannot be made without the consent of Congress; neither can an appropriation be made for the salary of the President without the consent of Congress. But, surely, even if the House have declined twice to make the appropriation, it is fair for us to presume that they may, on the third occasion, perceive the propriety of it. At all events, it is our duty to propose it to them.

Mr. CASS. When this matter was first brought forward, I was opposed to it, as I was to the extension of the Capitol. I did not think that the projects in either case had been properly matured. I thought they required more consideration. I thought so then, and I think so now. But, sir, when the proposition for the renewal of an appropriation for the Capitol extension came on, though I voted against making the extension in the first instance, I voted for carrying it on in the second instance. I shall vote for this. I have a great regard for, and I take a great interest in, the ruins of centuries which carry us back, with the power of association, to the glorious deeds and days which are accumulated in history. But I take no interest in the ruins of a day or a year—ruins made by the vacillations of Congresses, by change in our legislation from day to day. It is not creditable to our country. A work like this, when begun, should be carried on without any limitation that may be placed upon it, so that it may be restricted as much as possible in the expenditures; but after having been commenced, certainly it should be gone on with. Being opposed, therefore, to this kind of vacillation, which is bad in itself, and bad in its example, I shall vote for the appropriation.

Mr. DODGE, of Iowa. This amendment is, I believe, in regard to the city water-works. I excepted to it when it was submitted on Saturday, when the Senate was making progress with the bill by disposing of amendments which had been submitted by the committee. I know, sir, that the struggle which I make here is a vain one. We have had the manifestation of the will of the Senate on previous occasions; but I intend still to struggle against it, and my hope lies with the people's representatives, who reflect their will in the other House. I hope that it will there meet with its death blow. Of all the many extravagant appropriations which have been made by Congress for this capital, I regard this as the most so; as the most improper in almost every respect; for it will encourage the people in this city to rely upon themselves for nothing, but to look to Congress for everything.

When I resisted it before, Mr. President, I alluded to the fact that there is not a city in America which would not gladly take the seat of Government, and solemnly stipulate never to approach Congress for an appropriation, but would pave and clean its streets, build its court-houses, light its thoroughfares, and water its circumference itself, if you would confer upon it the other advantages which would inure to it from the erection of the mighty public buildings necessary for carrying on the purposes of the Government. Yet, sir, we are to go on, year after year, with these appropriations, while, at the same time, the smallest one which comes up for the benefit of other portions of the country, and especially of the West—appropriations for the most immaterial custom-houses for that growing portion of the Republic, where the business of the country so much requires them, are resisted and fought to death. I shall not detain the Senate, because I know it would be in vain to do so. I know there is a majority here for this appropriation; but I hope, sir, this thing is to be resisted. I resist it now, because if this appropriation be made now upon the yeas and nays, we shall hereafter, as in the case of the Capitol extension, be called to go for it as acquiesced in, and, as a matter of course, that resistance will be vain.

Mr. PRATT. On Saturday last, if I recollect correctly, without a dissenting voice, we voted for a bill proposed by my honorable friend who has just taken his seat, appropriating, I believe, upwards of three millions of acres of land towards some object of importance in the limits of his State. There was not a dissenting voice to it. I did not hear anybody dissent from it. A larger appropriation could not be made for the whole District of Columbia, as a general thing, in any one year; so that I do not think it comes with a very good grace from my honorable friend to oppose this appropriation upon the ground which he does—that the representatives of the people, or of the States, are illiberal to the section of the country which he so ably represents. Mr. President, that certainly should not be an argument addressed to the Senate. If he supposes that this is an extravagant appropriation; if he supposes that the amount is larger than is necessary for the purpose, I can understand that the Senator would be obliged to vote against it. But he is not justified in going against it on the only ground which he has presented.

Mr. DODGE, of Iowa. I regard this as part and parcel of a series of propositions tending to the wasting of the public money in this city; and whatever arguments may be adduced to me, I intend to oppose this, and those.

Now, sir, the bill to which the Senator alludes gave not a single dollar, nor did it diminish the resources of your Treasury one cent. Of that the Senator is aware, if he knows anything about it. He knows that, in that bill, the price of the alternate reserved sections was raised to \$2 50 an acre; that is, double the minimum price at which they are now sold. Not one dollar is lost to the Treasury by that bill. If, by your legislation, any system can be devised by which this work could be done as that railroad is proposed to be built, so that alternate sections in the possession of the Government would be doubled in price along the line of the water-works, I should most readily assent to it, and cheerfully vote for it.

Sir, I made no charge against the Senate of want of liberality. I referred, in general, to Congress; and I repeat what I said. There is not the smallest appropriation proposed for the West which is not resisted. The proposition providing for the opening of the Belize to the great cities of the West, and making an appropriation of \$100,000 for that work, which is one of immense magnitude; the proposition for the clearing out of the rapids, a short distance above St. Louis, to that vast region of country, and appropriating \$100,000 for that work, is resisted and fought, as all appropriations for the West are resisted and fought. A proposition to make the smallest appropriation for a custom-house in Detroit—a city of immense importance, one of the greatest upon the lakes—is resisted by all the means which are known to legislative rules.

Mr. SLIDELL. I am disposed to vote for an appropriation for the erection of water works in the city of Washington. I think there is a necessity for them. Any enterprise that will tend to the building up of the city of Washington, and

make it a more comfortable residence, and give greater security to the public property should be adopted. I have drawn up an amendment to the amendment, which will accomplish the object. It is the same as, or one of a similar character to, a proposition which was offered in the House.

Provided, That the city of Washington shall contribute concurrently with the United States, a sum equal to one third of the total expenditure on the said work, and that for the purpose of providing for such expenditure, the city of Washington shall be entitled to contract a loan payable at a period not longer than twenty years, and shall before contracting for the loan, levy a special annual tax sufficient for the payment of the interest and redemption of the loan at maturity, the proceeds of which tax shall be exclusively appropriated to such purpose.

The PRESIDING OFFICER. The question then is on the amendment to the amendment.

Mr. SHIELDS. If I heard the amendment of the Senator from Louisiana aright, it proposes that the city shall raise a certain sum, one third of the amount which the work will cost, before this appropriation shall apply. Substantially it is that; or, in other words, it proposes a joint partnership between the General Government and the city. I submit to the honorable Senator from Louisiana that it is not worth while, in this case, to adopt such a principle. The Government has now commenced this work. It has made the first appropriation for it; a Government official has made the survey. It is now undertaken by the Government; and my humble opinion is, that if it is to be prosecuted and completed at all, it ought to be by the Government in a way satisfactory to the Government; and this joint partnership is a thing that will not, in the end, attain any good object.

I will say further, that what I regret about these things is this: I recollect, when this measure was first brought forward, that I was at the head of the Committee on the District of Columbia, and I took a great interest in the matter. I was then apprehensive that, after it was commenced, after we took the initiative, after we made an expenditure of money, we should abandon the work, as it seems we are about to do. I shall regret it very much. It must be evident to every person that water is necessary for the health and comfort of this city. Whether the plan proposed is not a little more expensive and extravagant than it might be, I am not prepared to say. I have not thoroughly investigated that matter. Some gentlemen, who seem to understand it better than I do, say that it is rather an extravagant scheme, and that water might be supplied at a much cheaper rate. But I am not prepared to enter into that. What I mean to say is, that if we conclude to go on with the work, we ought to do it ourselves, and not enter into a partnership with the city, for after all we should be compelled to pay the one third which we now endeavor to assess upon it. It would come to that ultimately. We must either do the work ourselves or abandon it; and, for one, as we have commenced it, and as I think it absolutely necessary for the health and comfort of the city as well as of those who visit it, I am prepared to sustain it.

Mr. SLIDELL. So far as the people of Washington are concerned, I think we are under no greater obligation to supply them gratuitously with water than we are to supply them with bread. In reference to the necessities of the Government, and making provision for the national buildings, and the convenience of the persons employed in the discharge of duties for the Government, I have nothing to say against that; but I say very frankly, that if the alternative were presented to me, either to abandon the work, or to carry it on at the whole expense to the Government, I should vote for abandoning it. It is said that the plan proposed is more extensive than it ought to be. I have no doubt, that if the city of Washington, in the first instance, had been willing to assume the responsibility of this work, it would have repudiated so enormous an expenditure. It would have adopted a more economical plan, and, I think, the effect of resisting this work now will be to create a coöperation on the part of the cities of Washington and Georgetown.

It has been said that the city of Washington has not been consulted about it; that the plan has been drawn up by a Government officer; and that if we establish a partnership between the city and the Government, we shall have to meet all the expenses in the end. I cannot see that that will be the case. According to the amendment which I

have proposed the city of Washington is free to accept or reject the proposition. If it rejects it the work will stop, and I am willing that it should be stopped; and then, I think, next year the people of the cities of Washington and Georgetown would consent to it, and be prepared to enter upon some economical, and at the same time, efficient plan to supply water. I have no doubt that that will be the effect of incorporating such a provision.

Mr. MASON. If this were an original question as to the plan to be adopted for these water-works and the appropriation to be made for them, I do not know that I should sanction so large an operation as the plan which has been agreed upon, but I do not feel that the Government can now change the policy which it entered upon some two years ago in reference to this subject, without incurring a wasteful expenditure. I understand the history of the subject to be this: some two years ago Congress appropriated \$5,000 to enable the President to have the necessary surveys made, and to ascertain from what point and at what cost an abundant supply of water could be secured to the city. The President employed certain officers of the engineer corps to make the examinations. Those examinations were made. The reports were made to the President. He submitted them to Congress. They were upon various scales, proposing to bring water from various points. One, I think proposed to bring it from the stream which divides this city from Georgetown—Rock Creek; another from the Potomac, at the Little Falls; and a third from the Potomac at the Great Falls. The expenditure necessary to do it would be proportionate in each case. Congress referred the subject back to the President of the United States with the reports, and left it at his discretion to adopt that plan which he should think most advisable and best, and appropriated \$100,000 to commence the work. The President exercising the discretion vested in him, adopted the plan to bring the water from the Great Falls upon the statement which was laid before him, and which had been before Congress. He has expended the \$100,000 to commence the work; and now it is proposed to cut this off. I readily agree with gentlemen in saying that it seems a very large sum of money to be appropriated in aid of the city of Washington, which honorable Senators say ought to take care of itself, or at least contribute something towards it; but, sir, the city of Washington, we know very well, stands in a peculiar relation to the other large cities of the country. It was planned and laid out, not by the people of Washington, but by the Government of the United States, and most extensively planned and laid out for a city. The streets were made very large and wide. There are large Government reservations which cannot be filled up. The jurisdiction of the city extends over these streets and reservations, and their expenditures, therefore, are very largely increased, not by their own act, but by the act of the Government. The Government property is exempt from taxation; and it owns not only the ground on which its buildings are erected, but a large amount reserved. In that condition of things the apparent jurisdiction of Washington extends over a large space over which they have no jurisdiction in fact. It thus results that their taxation is inordinately increased in proportion to the amount of property; and I think there is a great deal due to the city of Washington as a consideration. But there is another thing to be considered. Public men are brought here from all parts of the Union, and are now required to stay here nine or ten months in each alternate year in the discharge of their duties. Now, we know that nothing is so necessary for comfort and health as an abundant supply of cold water; and I submit to honorable Senators, who are dispersed all over the city, whether, in their respective quarters, they have that abundant supply? I, for one, in my experience, live in a part of the city where the supply is much diminished; and I know another thing. I know that there are nuisances in this city necessarily existing, which are confined to the surface because, if they were sunk below the surface, the water which we drink would be polluted. As long as we are in that condition, the health of the city cannot be preserved. It is perfectly idle to propose to divide the expense. The city of Washington, with its present large debt—and it is large in proportion to its means—cannot supply one third or one fourth of the amount of money neces-

sary to bring the water in. I shall not detain the Senate; but really it seems to me, whether Senators considered it prudent or imprudent at the commencement to sanction the thing, as we have already entered upon it, and expended \$105,000, it would be bad economy now to stop it.

Mr. BUTLER. I have heretofore objected to this appropriation, thinking that primarily the city of Washington, having a much greater interest in it, ought to have moved in the matter; and it does seem to me very strange that a city of its magnitude, with its resources, and with so many inducements as those which have been depicted here, should be so indifferent to its own interests as to be a metropolitan dependent on the public Treasury. Sir, I have every sympathy for the people here, but they ought to set an example; and if we embark in this undertaking, and pay money out of the public Treasury, what interest will they have to take care of it? None at all. The repairs must be bestowed from our funds; and, therefore, I say—and I am going very far when I say so—I am perfectly willing to vote with the honorable Senator from Louisiana to incorporate into this appropriation what will operate as a security upon the city authorities, that they will have some interest, and will exercise some degree of diligence in relation to the matter. They ought to have originated it, and not, like dependents, ask the public Treasury for everything. There are clever men, men of talent, men of enterprise here, whose property is interested, and, if my friend from Virginia will allow me to say so, if the people of the city can put up with nuisances without moving to put them aside until we wash them out with water from the Potomac, I do not think they come forward with very good grace to Congress for the appropriation. I am willing, however, to vote for the amendment of the Senator from Louisiana.

Mr. HAMLIN. I feel disposed to vote for the appropriation, but I want to add to it the amendment offered by the Senator from Louisiana, that this city and Georgetown shall contribute a portion of the fund. Whether the amount proposed by the amendment of the Senator as the proportion which they should contribute, is more or less than would be right and equitable, I am not prepared to say. But, sir, there is one other limitation to which I invite the attention of the Senate. If I understand the reports in this case, they provide that the main aqueduct is to be nine feet in diameter. The Croton works have an aqueduct of but seven feet in diameter, and it supplies a population of more than half a million, perhaps three quarters of a million—a population probably greater than ever can inhabit this city. If I understand it, it is now proposed to build an aqueduct here nine feet in diameter, which would compare with one of seven feet as forty-nine to eighty-one—almost twice as large—and the expenditure would be very nearly double, in consequence of the increase in the size. The volume of water, the head which it would have, and the force which it would exercise upon the aqueduct, would necessarily require one of very great strength to resist the power of the water in it. I apprehend that the expenditure, in that portion of the work, for an aqueduct nine feet in diameter would be at least double that for one of seven feet; and when we reflect that so large a city as New York is supplied, and amply supplied, by an aqueduct of only seven feet, I think we shall only do justice if we restrict and limit this aqueduct to the same dimensions. I therefore offer a proviso to that effect, which I hope my friend from Louisiana will accept as a part of the one which he has already offered.

Mr. SLIDELL. I have here another amendment of a similar character to the one which I have offered.

The PRESIDING OFFICER. Does the Chair understand the Senator from Louisiana to modify his amendment according to the suggestion of the Senator from Maine?

Mr. SLIDELL. I am about to offer a substitute for that amendment. The one which I have offered was drawn up very hastily by me since I came into the Senate to-day. One has since been put into my hand. It is more artistically and carefully drawn, but on the same principle. I will offer it as a substitute for the amendment. It is suggested to me, however, that it would be better to have the sense of the Senate taken separately

upon the proposition which is suggested by my friend from Maine. I therefore offer the following as a substitute for the amendment of the committee:

"For continuing the work of bringing water into the city of Washington, on the plan adopted by the President of the United States, in pursuance of the act of Congress of the 3d of March, 1853, \$500,000: *Provided*, That no part of the sum hereby appropriated shall be expended until the corporations of Washington and Georgetown, or either of them, shall appropriate and pay an amount equal to one third of the said sum for the said purpose; and full power and authority are hereby given to the said corporations respectively to raise by loan, or otherwise, any sum of money that may be necessary to enable them, or either of them, to make the appropriation herein required; and said corporations of Washington and Georgetown, and the inhabitants of said cities respectively, or the corporation making the appropriation, and the inhabitants of said city, shall be authorized to use the surplus water which may be brought by the Washington aqueduct, after supplying the Government establishments in Washington, under such general rules and regulations as may hereafter be provided by Congress; and each of said corporations shall have the right to charge and to collect on the inhabitants of the said city such reasonable tax or rents for the use of the water as will provide for the regular payment of the interest, and gradual payment of the principal, of any money which may be raised under the authority hereby given.

The PRESIDING OFFICER. The question now is on the substitute offered by the Senator from Louisiana, for the amendment of the committee.

Mr. HUNTER. I shall agree entirely with the substitute, if, instead of one-third, the Senator will insert one-fourth, as the sum to be assessed on the city. I believe if we should insert one fourth instead of one third, the two cities would cooperate cheerfully and heartily; we should have the amendment carried through the other House, and we should be able to secure water, which is certainly a great necessity in this city. I do not think when we appropriate money to bring water into the city that we are appropriating it merely for the use of the city. I think the Government is deeply interested in it. We, who are brought here annually for the purpose of legislating for the country, are interested in having a supply of pure and wholesome water—a plentiful supply for the uses of all who are in the city. We are interested, too, on account of the public buildings; and for that reason I look with more favor upon an appropriation of this character, in which, it seems to me, we are more eminently interested, than upon any others for the city. All the people of the Union, who are interested in this Government, are interested in providing it with the necessary means and facilities to conduct its operations with comfort to the members of the two Houses. I would, therefore, if it is in order, in order to test the sense of the Senate, move to strike out "one third," and insert "one fourth;" and then I will go for the amendment of the Senator from Louisiana with all my heart.

The PRESIDING OFFICER. The Chair will suggest to the Senator from Virginia, that that will not be in order. The proposition pending is an amendment to the amendment of the committee.

Mr. HUNTER. Then there is no way in which we can test the sense of the Senate on my proposition.

The PRESIDING OFFICER. No, sir.

Mr. BADGER. The Senate can vote down this proposition, and then the Senator from Virginia can renew it with the modification he suggests.

Mr. PRATT. The Senator's object can be obtained by voting down this, or, if this is adopted it can be amended.

Mr. HUNTER. I cannot offer an amendment to it after it has been agreed to. In order to get at my object, then, I shall have to vote against the amendment of the Senator from Louisiana, with the view of offering it again with "one fourth" instead of "one third."

Mr. DODGE, of Iowa. I trust the Senator from Virginia will make up his mind to sustain the very wholesome amendment offered by the Senator from Louisiana, (for the difference between one third and one fourth is not so great,) and especially when I had made up my mind to go for the amendment of the Senator from Louisiana, and when it would appear to be more proper that each of the cities should give one third, and the Government only one third. I believe the population of this city is about fifty thousand, and I apprehend the Government employees, from

the President down, would not number two thousand. But I wish to call attention to the fact that \$2,319,000 have been appropriated for buildings in this city since 1850.

Mr. HUNTER. If we could get a general vote of the Senate for the proposition putting one third of the expense on the cities, I should prefer it as an amendment to the original proposition; for I want something that we can carry; but I believe one-fourth would be about the right thing, and I believe the cities would go into that cheerfully. I hope, therefore, the Senator from Iowa will agree to making it one fourth, and then we will go together.

Mr. PEARCE. I hope the Senate will not adopt the amendment of the Senator from Louisiana. I will ask what is the object of the liberality of this Government in the supply of a city like this with an abundance of pure and wholesome water? Every one knows that a great deficiency of water exists here, and that what we have is generally bad. All nations, I think, have expended more judiciously the money which they have laid out for a supply of water, perhaps, than that which they have expended for anything else. I cannot conceive of the reasons which will justify such a proposition as that of the Senator from Louisiana. We want to supply water in the public buildings for our own accommodation, and not for the accommodation of the city of Washington. Sir, we are not making this magnificent extension of the Capitol for the benefit of the city of Washington. It is for our own accommodation, and for the honor of the country. This great nation would be disgraced by having buildings mean, and not corresponding to its greatness and power; and so it is with all the public buildings. Almost all the expenditures which the Senator from Iowa has alluded to, are not made for the benefit of Washington at all, but for the credit of the Government, and the accommodation of the public officers. It seems strange that the city of Washington should be asked to take this burden upon itself. The supply of water is needed for the Government, for the protection and security of the public buildings, and the accommodation of the officers of the Government who are here. But it is very manifest that if you appropriate the whole sum for the erection of this aqueduct and the construction of the reservoir which may be necessary, there must still be a large expenditure entailed upon the city of Washington, which they must bear themselves altogether. The Senate know how widely extended the city is; how much more ground it occupies than almost any city in the world, which has no greater population. It occupies more ground than the city of Boston. That is a compact city, and the laying down of the pipes and necessary fixtures for taking the water into the houses of that city cost \$1,800,000. Now, can anybody suppose that the city of Washington could be watered for less? Surely not. And all that expenditure will be required of the city of Washington, even after the aqueduct has been constructed. That will be a very heavy expense, and it will be for the benefit of everybody who resides here to get pure water.

Why, then, should not the Government, which requires this supply of water for the use of its public buildings and their safety, construct the aqueduct itself, and leave it to the city to supply the means of distributing the water? It would be a work worthy of the Government then; and it would be disgraced by calling upon the poor city of Washington to bear a part of the expenses of the aqueduct. This is not a wealthy city; it is not inhabited by capitalists; there is no trade to build up large fortunes. It is the creation of the Federal Government; it has its existence dependent upon the Federal Government; and if the Federal Government were to withdraw from it, it would languish. Those who live here are compelled, from the nature of things, to change their residences very frequently. The greater portion of those who are citizens of Washington are poor people, living from hand to mouth; and when you consider the immense expenditures of the city, I hardly think it is consistent with liberality, in carrying on our great public works, to insist upon saddling on them any portion of the expenses of the aqueduct and reservoir. I hope the Senate will not agree to such a proposition at all; or if it is disposed to put any of the expenditure upon the city, then that it will at all events take the

more reasonable proposition of the Senator from Virginia.

Mr. SLIDELL. It has been suggested to me that the amendment, in the form in which I offered it, simply imposes the obligation upon the city of Washington to contribute two thirds of the actual appropriation made by this bill. I have, therefore, modified my amendment by inserting in the proper place the words, "and agree to pay in like manner the same proportion in all future appropriations."

Mr. COOPER. There is a good deal of justice in the remarks of the honorable Senator from Maryland; but, notwithstanding, I think that the amendment proposed by the Senator from Louisiana ought to be adopted. I admit that the United States ought to do all that is necessary in the way of appropriations for all purposes connected with the public business and public wants of the Government in this city. But the citizens ought to do something for themselves, and I think it would be better for them that they should know that they were compelled to rely upon their own resources. Now, as the Government is contributing thus largely to the comfort, and security, and health of the city, it is not at all unreasonable that the city should be asked to aid, as far as the amendment of the Senator from Louisiana proposes, in this great work intended for its own convenience, as well as for that of the Government. Appropriations are asked for by the city from year to year, and very exorbitant appropriations have been made, to such an extent that the people of the District begin to rely entirely upon Congress, and complain if Congress does not appropriate all the money which is necessary for their local purposes. Now, sir, while Congress ought to do all that is necessary for its own credit, for the erection of buildings consistent with its extent of territory, and its own greatness and power, it is no reason why the citizens, as the citizens of all other portions of the country do, should not contribute at least a proportion of the money necessary to beautify, adorn, and render convenient this great city of the nation.

Mr. RUSK. I shall vote against the amendment of the Senator from Louisiana. I do not think it would be a matter of economy, so far as this expenditure is concerned. It would be a sort of indefinite partnership between the Government and the city of Washington; and I think the end of it would be that the principal expenditure would fall upon the Government, and perhaps the difficulties that would grow out of this not very well defined partnership would belager. I think the expense ought at once to fall upon the Government. This city has none of the means that other cities have for the purpose of raising money to make these improvements. It is not a manufacturing town; it is the seat of Government; and a large portion of its citizens are those who are employed by the Government to do the duties of the different offices belonging to it; and as it is important to the health and comfort of the city, and to that of the employees of the Government, who number thousands, and as it is a matter of necessity for the protection of the public property, I think we should at once go to the expense of erecting the water-works, and I shall therefore vote against the amendment of the Senator from Louisiana.

Mr. JOHNSON. I am inclined, for my part, to support something like the amendment offered by the Senator from Louisiana; but there is one point which, it seems to me, has escaped attention. The matter is treated in the course of debate very much as a matter of favor entirely to the city. It is, however, by a good many admitted that the Government has a very deep interest in the erection of these water-works, not only for the facilities which it would give to the transaction of public business, but also for the security which it will afford to the public records. It is treated by gentlemen as if this were a favor entirely to the city; but I call upon gentlemen of the Senate to reflect for one moment upon the immense amount of public property owned within this city by the Government, not one particle of which is taxed to defray any portion of the expenses of the city—not one particle of which is subject to taxation. This I understand to be the case. All the public buildings here are relieved from taxation; all the public lands that are within the limits of the city, in the shape of lots, are also exempt from any descrip-

tion of taxation, and the value of these amount to millions of dollars. Cast up that item, if you please, in your mind, and look back through the great number of years during which all this property has been here, and during which the city has gone on in the discharge of its duty in all other respects, and yet has not received into the Treasury one cent of revenue from taxation on this public property. Suppose that the proportion which each individual pays, and has paid all the time, in the shape of taxation upon the property which he owns, were taken as the ratio, and applied to the public property—suppose you were to estimate what this Government would have paid if it had had to contribute the same proportion of taxation that the individual citizen has already paid; and then suppose you were to compare that with the sum now asked to be appropriated for a purpose not exclusively for the city, but also for the benefit, the protection, and the security of the public property here, and for further facilities in the transaction of the public business, what case would that present you with? Sir, I do not look upon the matter entirely and exclusively as one that we are doing for the city, or as a matter that we have a right to draw ourselves back from entirely, in consequence of the fact that the city has some interest in it. I cannot but think that the Government, which has so very large a portion of its public property here, property of such a very great value exempt entirely from taxation, should take one of two courses—either contribute something towards its protection, its security, and its facilities, or else subject the public property to its share of taxation; so that that tax might go in aid of these necessary objects. This Capitol alone has cost millions of dollars; the President's House has cost immense amounts—how much I cannot say, for I have never seen an estimate made upon this point. Then there are your State, your Treasury, your War, your Navy, your Interior, and your Patent Office buildings. You have vast numbers of buildings all through the city. You have large amounts of landed property, and none of it pays anything at all in the shape of taxation into the city treasury. I imagine that it would be falling short of the mark to say that within the limits of this city there are \$20,000,000 worth of public property.

Then, sir, these twenty millions pay no tax whatever to contribute anything towards embellishing or improving the city, or towards throwing around it those guards and that protection which, unquestionably, every city is compelled to maintain.

Now, my honorable friend from Iowa, [Mr. DODGE,] for whose judgment I always have the highest regard, and in whose integrity I have the most implicit confidence, as well as whose generosity I am always prepared to expect, and know I shall find, a full and fair amount, alludes to the sum which, since 1850, has been expended by the Government within the limits of this city. There have been expended \$2,500,000 or \$3,000,000. As he asserts it, I have no doubt of the correctness of the statement. But how have they been expended. Were they expended in this city for the benefit of the city? If I should ask him myself, he would readily reply, no, that it was not expended for the benefit of the city, but for the erection of public buildings, and other matters in this city that were material, and absolutely necessary for the transaction of the public business, and the protection of the public property. If, on the contrary, we were to charge each of these expenditures as an obligation conferred on the city, why, then, this city is under a load of obligation which no one has seemed heretofore to estimate, because the very same declaration and extent of obligation must exist towards each individual citizen within the city who has ever expended a dollar on his own account.

I cannot help but look at it, then, that the expenditures made in this city, and for the interest of the public, are matters that carry with them no obligation upon the city itself, although it may be an incidental benefit to the city in that it gives employment to a population which has come here, and consequently yields the amount of business done by those transacting business in the limits of the city. If the Government being here is a benefit to the city, and the city is therefore under obligation to the Government for the amount of money which may be expended by the Gov-

ernment in its buildings, then every individual in the city, who builds a house or performs the slightest act that leads to an expenditure of money, becomes a public benefactor; and an obligation exists on the part of the city towards him; and you therefore announce an amount of obligation that renders the whole argument an absurdity to me. It seems to me that is clear beyond all contradiction.

The simple question then would be, what is the equitable proportion for the city to pay? And if you desire to arrive at strict equity, go back and estimate from the beginning the amount of money which you should have paid, if you had paid taxation on your property in the proportion that each citizen has done. What would it have accumulated to, if you had paid the same tax, through all the time that has passed, upon the Government property? Would it be \$500,000? I imagine, sir, it would be very far above the whole appropriation that is now proposed. Still I am inclined to support the view and principle adopted in the amendment of the Senator from Louisiana, with a slight exception. I should prefer the proposition suggested by the chairman of the Finance Committee, to make the amount contributed by the city one fourth instead of one third; and therefore I shall vote against the amendment of the Senator from Louisiana, in anticipation of the Senator from Virginia offering the proposition in its modified form.

Mr. MALLORY. The amendment of the Committee on Finance is based upon the presumption that the entire work will cost \$2,500,000, and that it will take five years to complete it. The discussion thus far seems to assume the necessity of the work, and no dispute exists as to whether it shall be completed or not; but the dispute simply is as to the proportion which the city of Washington shall bear in its completion, or whether it shall bear any portion of it at all. The proposition of the Senator from Louisiana is, that that proportion shall be one third of the whole amount, which would be \$833,333, distributed through five years; or, in other words, the city of Washington, by that proposition, would be called upon to contribute \$166,666 per annum. As a general proposition relative to Government improvements here, the Government has always been bound, and always will be bound to make its public improvements which are connected with the administration of its own affairs. The providing of water here is of a mixed character, however, and is much more wanted by the city, with its large population, than by those connected with the Government; and no good reason can be given why the city should not bear part of the expense. As a general rule, it is better for the healthful administration of justice here; it is better in every point of view, that the city itself should always be made to bear a fair proportion of the public expenditures of this mixed character.

What is the effect of every public expenditure here? It is to increase the value of all the city property. There is no city in the Union whose city property has gone on increasing with such rapidity as in the city of Washington. It is the result alone of the public improvements here. If you examine the city rents, and the value of the real estate through the course of five years, you will find that it is the immediate result of these improvements. Will not that go on increasing by the adoption of this improvement? Has there ever been any public work here which has caused a greater influence over the value of private property and taxable property than such a provision as this will cause? Certainly not.

Then, on looking at this thing, we ought to calculate its effect upon private property. Its effect upon the Government itself is comparatively trifling, in comparison with the increasing value of the private property of the city. The city ought to bear a portion of the expenses, and I have no doubt that if the common sense of the community could be taken to-day, that common sense would dictate that they should—and they really would—shoulder a portion of the burden for an improvement of this immense character. The difference between one quarter and one third the entire expenditure of \$2,500,000 will be \$208,000 to the city; and that, distributed through five years, will be a very small proportion. I shall, therefore, in the first place, vote for the proposition of the Senator from Louisiana.

Mr. BENJAMIN. I think there are some considerations which have been overlooked in the discussion of this matter, and to which I wish to call the attention of the Senate. We ought, Mr. President, in examining the question as to the obligation and duty of the General Government towards this city—to look back a little to the history of its origin. It is well known that when the General Government was formed, it was thought expedient that the seat of Government should not be in any State—that the Government of the United States should build up this city for its seat of government; and consequently this District, ten miles square, was chosen, and the site selected where there then existed, I believe, not a single dwelling. The Government was established here, and persons were drawn around it whose sole occupation is in ministering to and supplying the wants of those engaged in the administration of the Government. The city, as has been well said by one of the Senators who has already spoken on the subject, was laid out on a scale not adapted to the wants of the small population included in its limits, but upon a scale commensurate with the anticipation of the future greatness of the country. We have, therefore, in this city wide avenues, large public squares, numerous points where no buildings can be found, which are mere ornaments to the city, and triangular spaces at the intersection of almost every avenue with every street in the city.

Over these wide spaces, the corporation of Washington is obliged to spend its care, and keep the city in order, by paving and lighting, and guarding, by all the expenses incident to a municipal corporation. Of what classes is the population of the city composed? It is not composed of commercial classes any further than you can call commercial classes the shopkeepers who keep shops to supply the wants of the officers of the Government and the members of Congress. It is not a manufacturing city. It derives no profit from agriculture. It is not a great market for any product whatever. The population of Washington, irrespective of the public officers, is then composed almost exclusively of those engaged in supplying the wants of the public officers and members of Congress, and a few inhabitants of fortune who choose it as a place of agreeable residence.

It is perfectly obvious that, under these circumstances, any expensive scheme for bringing water into the city, anything that will involve a large expenditure, is utterly beyond the means of the inhabitants. It is, however, said that, although the Government has established this city, and requires an aqueduct for the supply of water for its own purposes, and for the public offices, yet the corporation ought to contribute a part to the expense, because the people who live here will require a portion of this water for their own comfort, health, and convenience. But, in reply to that, it has been well stated by the Senator from Maryland, [Mr. PEABODY], that the corporation of this city, from the very circumstances of the case, will be compelled to contribute towards the work for supplying the city with water, and the expenditure which he has calculated as that which has been incurred in the city of Boston, will be something like \$1,800,000. He thinks this enormous amount will be required, because the plan on which the city has been laid out has been such as to scatter the population over a much larger space than would otherwise be required for that population. Here, then, the city is taxed for the convenience of the General Government with a very large sum of money, in addition to what it would have been subjected to, if it had not been laid out on such a scale and for such a purpose.

But this is the consideration to which I wish to draw the attention of the Senate: Washington is supported by the expenditures of the General Government and of the officers of the General Government. Take them away, and to-morrow there will be no city here. Now, sir, if the General Government imposes upon the corporation one third or one fourth of the prime cost of these water-works, and levies a tax upon the citizens of Washington to make up that sum, where will the burden of that tax fall? I wish you to consider that. If the landed proprietors, if those who own real estate about Washington are subjected to an additional tax for a purpose of this kind, everybody knows, that, according to all the rules of political

economy, they will seek to increase the rent of their property to enable them to bear the increased burden. From whom will that increased rental come? It will come from members of Congress who hire houses; it will come from your secretaries, your clerks, the officers of your Army and Navy, who are obliged to remain in Washington in the discharge of their official duties; or, in other words, the result of making the corporation of Washington pay this contribution, will be, in the end, to tax the already inadequate salaries of the public officers of this Government. We, therefore, by doing that shall throw the burden off the Treasury of the United States, to which the contribution is made by the whole people of the United States; we should throw the burden off that Government which it was originally intended, under the Constitution, should build and sustain a city here, and throw the proportion of it which we now endeavor to put upon the citizens of Washington, in point of fact, upon the members of Congress who meet here for the time being, and the public officers who reside in the city.

I see no justice or propriety in this. I think it will result in nothing. It appears to me that the large works required by the Government ought to be built at the Government expense; and when we consider, as I have already said, that after this heavy sum for the construction of the aqueduct shall have been expended, that then a further heavy sum will be required of the corporation of Washington far beyond their means at present, for distributing the water, we shall find that, although the Government should consent to pay the whole cost of this improvement now, yet that some six, or eight, or ten years would elapse before the city would be supplied with water in all its parts; because even then the corporation will not have the means of extending the pipes all over the city. Let us leave them, therefore, their resources for that purpose. It is equally essential with the construction of the main aqueduct. Then we shall, in some reasonable time, construct an aqueduct to supply the city with water—to supply the public buildings as well as the citizens themselves. I shall, therefore, vote against the amendment of my colleague.

Mr. CASS. I shall vote against the proposition of the Senator from Louisiana, for the reasons given by the Senator from Virginia—believing that the amount which the Senator from Virginia proposes will be sufficient to assess on the city. I shall still further vote for the amendment of the Senator from Maine, reducing the aqueduct from nine to seven feet in diameter, which I consider sufficient for this city, or any city. That, I understand the Senator from Maine, in his estimate, would reduce the expense nearly one half; and, therefore, bring it down to a sum within the reach of the corporation, and would make it not an extravagant sum for the Government, considering the great object to be obtained.

Mr. WELLER called for the yeas and nays on Mr. SIDELL's substitute; and they were ordered; and, being taken, resulted—yeas 20, nays 30; as follows.

YEAS—Messrs. Adams, Atchison, Butler, Cooper, Dodge of Iowa, Fitzpatrick, Gillette, Hamlin, James, Jones of Iowa, Mallory, Sebastian, Sidell, Thompson of Kentucky, Thomson of New Jersey, Toombs, Toucey, Wade, Walker and Weller—20.

NAYS—Messrs. Allen, Badger, Bayard, Bell, Benjamin, Bright, Brodhead, Cass, Clay, Clayton, Dawson, Dodge of Wisconsin, Douglas, Fessenden, Fish, Foot, Geyer, Gwin, Houston, Hunter, Johnson, Jones of Tennessee, Mason, Peabody, Pettit, Pratt, Rockwell, Rusk, Shields, and Stuart—30.

So it was rejected.

Mr. HUNTER. I now renew the amendment which has just been rejected, but substituting "one fourth" instead of "one third."

Mr. CASS called for the yeas and nays; and they were ordered.

Mr. BENJAMIN. Is the question divisible? I wish to have a separate vote on the proviso reducing the size of the aqueduct to seven feet diameter.

The PRESIDING OFFICER. The Chair will state that that is not now part of the amendment.

Mr. BRIGHT. I voted in committee to put this amendment on the bill as it is, that is, to make the water free, and I can find reasons full and ample to justify that course. I am willing, however, to vote for the amendment now offered by the honorable Senator from Virginia, provided it is likely to insure the passage of the appropriation in the

other House. Nevertheless, I look upon it as unnecessary, for I have no doubt that, if we should divide the tax in this way, the Government paying three fourths, and the citizens one fourth, the first Congress which meet after the water-works are in operation would release to the citizens the amount paid by them, and our officers would have to undergo the trouble and expense of making the calculations, and refunding the money. I apprehend there is not a Senator here now who doubts that. The effect, therefore, will be, that we shall enter into this partnership, we shall require the citizens here to advance one fourth the expense, and the first Congress which meets after the water-works are built and in operation, will refund the money. Though I know this will be the effect, I shall vote for the amendment to the amendment now, if the Senator insists upon it.

Mr. CLAYTON. Mr. President, I shall vote, if I vote at all, in favor of this amendment, on the same ground on which the Senator from Indiana announces, that he will act. I not only think it unnecessary to put this tax on the citizens, but I regard it as unjust. This aqueduct, worthy of the capital of this great nation, was commenced by the Government *proprio motu*, not at the instance, or pressure, or demand of the citizens of Washington. It was for our benefit; it was for the benefit of the Government; and now, after we have started the work and expended over \$100,000 upon it, we ask the citizens here to pay one fourth. I think it would be very unjust; but I suppose that the motive of the honorable mover of this proposition is to secure the passage of the original amendment in the other House, and on that ground, like the Senator from Indiana, I shall acquiesce in it.

Mr. ADAMS. Mr. President, I voted for the amendment proposed by the Senator from Louisiana, [Mr. SIDELL], requiring the citizens of this city and of Georgetown, to pay one third the expenses of this work, not that they were interested to the amount of one third, but that the whole thing is for their benefit. The Government has no interest whatever in it. It is for the District of Columbia, disguise it as you will, that you are taxing your constituents millions upon millions. It is for the convenience of the citizens of the District of Columbia. When it is proposed to reduce the amount which they shall contribute to one fourth, I will not vote for that excuse, for it is nothing else.

Sir, Senators upon different sides of the House say that the work has commenced, and we must, therefore, complete it. Why, sir, have you not heard that song upon every extravagant appropriation which has been asked of Congress? They first come forward, and, as an entering wedge, ask for a very small appropriation. In this instance five thousand dollars was asked for a survey. The very moment five thousand dollars or one thousand dollars, or one dollar is obtained, the work is commenced, and the cry is raised, "We must go on with it." Every Senator who has spoken on the subject admits that the plan now adopted is extravagant and unnecessary; and yet it is said because we have commenced it we must continue. That, sir, has been the song of every extravagant appropriation which has been asked from Congress from the foundation of the Government down to the present time, and I have lost patience with it.

There is but one mode by which it can be stopped; and that is, whenever it is ascertained, to the satisfaction of Congress, that appropriations which have been made are being extravagantly used, to stop the work at once, however important it may be. I would stop it if it were within one hundred dollars of completion, if I found that those interested—for I say that, in my judgment, the Government is not interested in this case—were unnecessarily expending the money.

I shall vote against the amendment to the amendment proposed by the Senator from Virginia. If this Government desire to appropriate this money for the purpose of water-works in this District, let it be as water was intended to be—free of charge. Tax your constituents openly for the convenience of the District of Columbia, and learn the people of the District that they are not to rely on themselves for all the improvements necessary, because the Federal Government may happen to have some property here, and therefore none of their internal police is to cost them anything.

They are not to be content, as your constituents or mine would be with good pump wells on every square in the city furnished to their hand; but your constituents and mine must be taxed millions of dollars for the convenience of the District of Columbia. This is the effect of it. I shall vote against the amendment.

Mr. BRODHEAD. It seems to me, sir, that my friend from Virginia, and other Senators, are yielding the question a little too soon. A majority of the Senate is decidedly in favor of the appropriation reported from the Committee on Finance, of \$500,000, to continue this work, to give water free. Although I voted against the commencement of the work originally, I am for proceeding with it for the reasons indicated by the Senator from Michigan. I do not like this idea of a partnership. I do not think it proper for this great Government to enter into a partnership with any city or town corporation. If we are going to give the citizens here water, let us do it upon a pretty large and magnificent scale. In making large buildings in the city of Washington, we gratify a reasonable and just pride of the American people; and I am in favor of it, as we can do it constitutionally, and at the same time get rid of some money in the Treasury, which is lying idle, and which some gentlemen seem to be so anxious to dispose of. I am, therefore, opposed to this amendment of the Senator from Virginia, and hope that we shall not yield the original proposition, unless we find that the House of Representatives are inflexible. For my part, I wish to give them another chance.

Mr. COOPER. Mr. President, I think my honorable friend from Delaware [Mr. CLAYTON] labors under somewhat of a mistake, when he says that this work was commenced without any application from the citizens of the cities of the District. I am not quite sure that they ever presented any formal application to Congress, though I think they did, for the appropriation to introduce water into the District. I am sure, however, that there are very few Senators on this floor who have not been frequently beset within the last three or four years, to exert their influence in order to bring about this very thing.

Sir, I voted for the amendment proposed by the Senator from Louisiana, and I shall vote for the amendment now proposed by the Senator from Virginia. I apprehend none of the difficulties about corporations and partnerships which my worthy friend and colleague [Mr. BRODHEAD] sees in this amendment. There is no such thing as a partnership designed or created by the amendment. It merely proposes that, for the construction of this work, the cities of Washington and Georgetown shall appropriate one fourth part of the expense necessary.

Now, sir, I think it would be better that these people should know that they must rely, to some extent, on their own resources, and not look to the Federal Government for everything. I cannot agree that it was ever designed by those who located the Government at this place, that it was to be built up into a national city, in contradistinction to an ordinary municipal city. It was to be the seat of Government; but it was not to change in that respect the relations of those dwelling in it to the municipality. They were to live upon their labor as the people of other cities. As was remarked this morning by the Senator from Iowa, there are hundreds of cities and towns that would be willing to take the incidental advantages derived from the establishment of the seat of Government in their midst without asking for everything at the hands of the Federal Government, in addition to those incidental advantages, which are very large.

My worthy friend, the distinguished Senator from Louisiana, [Mr. BENJAMIN], seems to apprehend that, if we impose this burden upon the cities of the District, it will come back upon us. I cannot agree with him. I admit that those who come here, either temporarily as visitors, or to remain here in the discharge of their official duties, will have to pay heavily and largely, but I think that already the people here measure the means of members of Congress and every body else pretty well, and they come up just to the standard that they can pay. It will not, therefore, increase the expenses at all. I think that the Government of the United States is going beyond its appropriate sphere when it undertakes to do everything of a police and municipal kind for the inhabitants of

any particular city. There is no reason for it. There is no right in it, whatever plausible arguments may be made about it.

Mr. DODGE, of Iowa. Mr. President, I am quite sure that this appropriation is to pass, and I presume without any amendment of any sort or kind; but I wish to call the attention of the Senate to some of the future difficulties and expenses that will attend it. First, I wish to inquire of the honorable Senator from Maryland whether the Great Falls of the Potomac are not in the neighboring State of Maryland, some ten or fifteen miles from this city?

Mr. PRATT. Yes, sir.

Mr. DODGE, of Iowa. If I remember aright, when the first appropriation of \$5,000 was made, it attracted no attention whatever. That was the entering wedge of this large expenditure. It commenced just precisely as that internal improvement system which fell under General Jackson's veto; first commenced upon every harbor, and every river, and every lake shore in the United States. First, the parties would make interest with the topographical bureau to get a survey; or they would come to Congress and ask for an appropriation of so small an amount as not to attract attention, and get the topographical corps to make a survey. Upon that, a claim would be based for appropriations of thousands, and perhaps millions of dollars. So, in this case, the original appropriation of \$5,000, for the purpose of a survey, attracted no attention, and created no debate; but when it was proposed to appropriate \$100,000, I think the yeas and nays were called; it passed in a very great hurry, and under the same pressure by which we are now surrounded. No consideration was given to it. The millions which it was to involve were not thought of; and because that appropriation was made, we are now asked to continue the work.

But the object of my rising at this time was to make this statement. I learn, not from an inspection of the petitions, but from a Senator on this floor, that already the citizens of Maryland are petitioning Congress for damages which have inured to their property, because of the construction of this work, so far as it has proceeded. One of them was laid upon our table this morning, and I now hold it in my hand. The Senator from Indiana, [Mr. BRIGHT], who is an advocate and supporter of this appropriation, knows that, upon Pennsylvania avenue, between this and Georgetown, for the grading of which we have made a large appropriation, there is a very considerable number of applicants urgently pressing him and other Senators for payment for damages which have been done their property, because of the grading upon the avenue. I believe the petitions have been referred to my friend from Indiana, as a member of the Committee on the District of Columbia. He is cognizant of the fact that, in the opinion of the Attorney General, large claims are justly due against this Government on account of the damages done to the property by the grading of Pennsylvania avenue between this and Georgetown. If this be the fact, I undertake to say we shall have claims *ad infinitum*, from Georgetown to the Great Falls, for damages done by this work.

Again, I understand that the people along the route raise a question of constitutional power, and deny the right of the Legislature of Maryland to pass the act which they did pass, allowing us to tap the Potomac at the Great Falls. They assert that nothing but a convention of the people could confer power on the Legislature to enable them to pass such an act.

But whether this be so or not, Mr. President, this is the entering wedge of an amount of expenditure which will fall but little short of that which has attended the establishment of the magnificent water-works in New York city. Here we are told that, because of the property of the Government, we should not contribute a portion, but pay the entire expense of the water-works, as we have paid for the grading of the avenues, for construction of the city hall, for court-houses, and everything else in this city. And why? Because, forsooth, we own the Capitol and the buildings for the Departments. Do we not own custom-houses and a vast amount of other property in New York and Philadelphia free from taxation, and yet have we heard of any claim from those cities or anywhere else for large appropria-

tions because our property is located there? No, sir; they thank us for placing it there. Philadelphia fights New York whenever it is proposed to give her such a boon as a Mint. But neither of them comes here to ask us to contribute towards the erection of water-works for their cities.

But, Mr. President, if that argument be good, I ask you what can you say when we come here and demand an appropriation for harbors, not for speculation, but for refuge, which have been partially completed, upon those great inland seas, where the lives of our people are exposed to the tempests and waves? What will many of the peculiar friends of this appropriation say then? Many, perhaps, go for this because of its proximity to the Old Dominion, and the advantages which will inure from it to this section of the country. They tell us that we have the constitutional power to go on with this vast expenditure of money; but they will fight to the death an appropriation, though the work may be half done, or three fourths done, for a harbor of refuge at Sheboygan or elsewhere on the most stormy inland seas, where human life is exposed to such imminent perils. Where, sir, is the man, woman, or child, that has died for want of water in Washington or Georgetown? Hundreds of your neighbors and friends, Mr. President, [Mr. SWART in the chair,] and mine have found a watery grave on these inland seas. Our harbors are uncompleted, and we are now struggling to get through a bill to preserve their lives. This is the difference between the two cases.

I know we are beset here by the people of the District for this appropriation: it is urged and pressed by them. Towards them I have none other than the kindest feelings, and am ready to contribute the fair proportion of the Government to this work; but I do not think it is proper to require us to pay the whole cost, and to let them have the water for nothing.

Mr. BUTLER. Mr. President, I rise to say to the friends of the District of Columbia that they had better accept the amendment offered by the honorable Senator from Virginia; for I think a very fair statement of the proposition would at once show that, if by an appropriation of \$3,000,000, we bring water into the city of Washington, and thereby enhance the price of land and real estate twenty-five per cent., or fifty per cent., or one hundred per cent, those who receive this bounty by the enhancement of the value of their property, are in justice bound to make some contribution towards it. Are we to be a bountiful dispenser of the public money for their benefit?

I know, sir, that we are under very strong obligations to take charge of our public buildings, and, perhaps, we have an interest in bringing water into this city, but nothing like the interest of those who are at our doors asking for the appropriation. If the city of Washington had not been built up by rapid settlement—respectable settlers, I grant—there would have been water enough for all the purposes of the public, without the erection of these water works. But, sir, if we are to bestow this money by way of bounty to bring gold in the form of water upon the lands of the proprietors here, it is nothing but right that they should contribute a proportion of the expense, and a larger proportion than one fourth; but I will go for that proposition; and if gentlemen are disposed to pass this appropriation in good faith, they can, by my consent, do it in no other way.

The question being taken by yeas and nays on Mr. HUNTER's amendment to the amendment, resulted—yeas 26, nays 19; as follows:

YEAS—Messrs. Allen, Bell, Bright, Butler, Cass, Clay, Cooper, Dodge of Iowa, Douglas, Fitzpatrick, Gillette, Gwin, Hamlin, Hunter, James, Johnson, Jones of Iowa, Mallory, Mason, Slidell, Sumner, Thompson of Kentucky, Thomson of New Jersey, Toucey, Wade, and Weller—26.

NAYS—Messrs. Adams, Badger, Bayard, Benjamin, Brodhead, Chase, Clayton, Dawson, Fessenden, Foot, Geyer, Houston, Jones of Tennessee, Pearce, Pratt, Rusk, Shields, Stuart, and Walker—19.

Mr. HAMLIN. I now renew the motion further to amend the amendment, by adding to it—

And, provided further, That the main aqueduct shall not be more than seven feet in diameter.

Mr. BENJAMIN. I merely wish to say that, by the report in relation to this aqueduct, it appears that the difference in cost between a seven and nine feet aqueduct, is only \$380,000. The reason of that is, that the general estimate for the

whole work comprehends, not alone the aqueduct, but the basins and all the other portions of the work. The difference in supply will be thirty millions of gallons.

Mr. PRATT. It will be one half.

Mr. BENJAMIN. Yes, sir, I believe it will be over thirty millions of gallons; for a seven feet aqueduct would supply about thirty-one millions of gallons, and a nine feet aqueduct sixty-seven millions. The difference is thirty-six millions of gallons; while the difference of cost is only \$380,000. It appears to me that this simple statement is sufficient to satisfy Senators that there is no necessity for this amendment, and that it will be a very injurious one, indeed.

Mr. JAMES. I would ask the honorable Senator, what is the necessity for a nine feet aqueduct? It is well known, that the aqueduct which leads the water into New York city is but seven feet in diameter, and the fall there is very much less than it is from the Great Falls of the Potomac to this city; and there is water enough brought through that aqueduct to supply two millions of inhabitants. Now, if there is any necessity for an aqueduct giving twice that amount of water, I should like some Senator to say so. I am willing to vote for it if there be any necessity for it; but not otherwise.

Mr. PRATT. In the first place, Mr. President, I doubt the power of Congress to alter the plan which has been adopted. This water is to be taken from the State of Maryland. The original appropriation required the assent of Maryland antecedent to the commencement of the work by which the water was to be taken. The act of the Legislature of Maryland giving that assent recites that:

"Whereas, The Congress of the United States have appropriated the sum of \$100,000 for the purpose of supplying the city of Washington with water, upon such plan as the President of the United States may approve."

The preamble continues, and then the first section is:

"Be it enacted by the General Assembly of Maryland, That if the plan adopted by the President of the United States for supplying the city of Washington with water, should require the said water to be drawn from any source within the limits of this State, consent is hereby given," &c.

So the Senate will perceive that the assent of Maryland to the taking of the water from within her limits, was given exclusively upon the condition that it should be taken upon the plan adopted by the President of the United States. Now, it is known to every one who has looked at the report of the engineer who made the surveys for this work, that the President has adopted a plan by which the aqueduct is to be of nine feet diameter.

In addition to this, the Senator from Louisiana [Mr. BENJAMIN] has shown the Senate, by figures furnished by the engineer, (than whom I venture to say, notwithstanding the suggestions thrown out that there may be a mistake in his estimate, there is not one more skilled in the country,) that a nine feet aqueduct will give double the supply of water which a seven feet aqueduct will give, while the additional cost of the nine feet aqueduct will be only \$380,000.

When, therefore, I look to the consent of Maryland, given upon the hypothesis that the nine feet aqueduct was to be the one adopted, (because the assent was given on condition that the plan adopted by the President should be the one on which this work should be carried on,) and to the fact that the only increase of expense will be \$380,000, I can see no reason for the adoption of the amendment of the honorable Senator from Maine, [Mr. HAMLIN.]

Mr. President, the part of the District of Columbia now owned by the Federal Government was ceded by the State of Maryland. Her great object in passing the law authorizing you to take the property of her citizens for the purpose of bringing water to the District, was, not that the individual citizens of the District of Columbia should be supplied with water, but that this city, built upon the territory which she had conveyed to the United States, should be worthy of the important object for which it was designed.

But, sir, the Senator from Rhode Island [Mr. JAMES] tells us that an aqueduct of seven feet diameter would be sufficient, and that the aqueduct at New York is but seven feet in diameter. Does that Senator know that during the present summer there is not a single one of the fountains

in the city of New York having a sufficient supply of water to play?

Mr. JAMES. Allow me to say to the honorable Senator that that grows out of the want of a sufficient supply of water at the Croton. The aqueduct itself is not filled, nor half filled, now.

Mr. PRATT. Well, sir, I learn from authority in which I have implicit confidence—the authority of the engineer appointed by the President to make this survey, and therefore the authority on which Congress should rely—that what I have stated is correct. Isay this is authority to which Congress should look, instead of the mere opinions of Senators on this floor, who, however scientific they may be, and though they may esteem themselves superior in scientific attainments to this engineer, have never made the survey, and do not know the fall or flow of water, or anything of that kind, except as furnished by him.

Now, the great object of having a nine feet aqueduct, at an additional cost of only \$380,000, is that this city may have its magnificent fountains with an abundance of water, to be played at all times for the comfort and convenience of the citizens of the United States who may visit the national metropolis. I would greatly prefer that no appropriation should be made at the present session, rather than that you should alter the magnificent plan adopted by the President, for the mere purpose of saving \$380,000. If we have no money now in the Treasury to devote to this purpose, let us wait until we have. If we have now such an economical spirit as to prevent us from carrying on this great work as it should be carried on, in accordance with the plan adopted by the Chief Magistrate of the nation, let us wait until this spirit of economy shall have left us. It is certainly unusual in this body, and this is the first time I have seen it attempted to be displayed. I think it is now displayed for a very improper and unworthy object.

Therefore, sir, I conclude, in the first place, that the act of assent of Maryland was an assent to the plan adopted by the President, and Congress has no power to alter the plan to which Maryland assented; and, in the second place, according to the argument of my friend from Louisiana, there is no object in saving this mere pittance, and thereby getting one half less water than otherwise.

Mr. JAMES. A question has been raised between the seven feet and the nine feet aqueduct, and it is said there will be but \$380,000 difference in cost. Even if that be so, it should be borne in mind that the seven feet aqueduct is much less liable to get out of repair; and for that reason the New York aqueduct was made with seven feet instead of a larger diameter. It is known to every gentleman that a large cylinder, particularly a brick cylinder, is very difficult to construct, so that it can be kept in its position, and it is much better to have a seven feet aqueduct than a nine feet one, even at the same cost, for the reason that one is not as liable to get out of order as the other.

Mr. COOPER. The Senator from Rhode Island has said part of what I designed to say. I should make no difference whatever between the seven and the nine feet pipes, on account of the difference in the expense. We are told by my friend from Louisiana that the difference would be but \$380,000, and I presume it would be no more; but it would be greatly better, I am satisfied, that the city and the Government should be supplied with seven feet pipes, which can be easily constructed, various establishments in the country being of capacity equal to casting that kind of pipes, but perhaps not a single one in the country is of capacity enough to cast pipes of the dimensions proposed.

Mr. BENJAMIN. Allow me to say to my friend that the question is not as to the size of the pipes. The question is as to the size of the brick aqueduct. It is the brick aqueduct, the diameter of which it is proposed to reduce to seven feet instead of nine feet. It is already partly built with the diameter of nine feet.

Mr. COOPER. How much of it is built?

Mr. BENJAMIN. I do not know how much, but it is partly built.

Mr. COOPER. Sir, there is no kind of doubt that the supply of water which will be conveyed to the city through a seven feet aqueduct will be more than necessary for all the purposes which have been referred to by several Senators who have spoken. You can have your fountains

played with the water that will be brought to the city through a seven feet aqueduct, as well as through a nine feet aqueduct. There is no necessity for such a large aqueduct. As has been remarked by the Senator from Rhode Island, New York city is supplied, and supplied abundantly, with water through a seven feet aqueduct, and there is nothing like the amount of fall between the head of the Croton aqueduct that there is between the Great Falls of the Potomac and this point; and that makes, as you are perfectly aware, sir, a vast difference in the amount of water pressed through, the amount of head operating very largely in increasing the amount of water that flows through the aqueduct or pipes. Now, sir, when we see by the experience of a city already containing half a million of souls, and probably more than that number, that a seven feet aqueduct supplies water for more than is necessary for all their wants, why is it that we should expend one cent more, making the work less perfect, than by expending the amount that would be required for the smaller class of aqueduct, have a perfect work? There is no reason for it whatever.

Mr. PRATT. My friend from Pennsylvania is altogether mistaken, as I learn, in the fact on which his argument is predicated. The slope or fall of the Croton aqueduct, New York, is one foot.

Mr. COOPER. To how much?

Mr. PRATT. I will give the Senator all the information which I possess. The fall in New York is as one foot compared with nine inches here. That is to say, it is one foot to the mile, and here nine inches to the mile; and, therefore, the slope here is less, and consequently the larger dimension of aqueduct is required. This I learn from the engineer.

Mr. BADGER. Mr. President, I desire to state very briefly the reasons which induce me to vote against the amendment proposed by the Senator from Maine, in addition to what has been so well and satisfactorily said by my friends from Louisiana and Maryland. We authorized, by an act of Congress, this whole work to be constructed on such a plan as the President of the United States should approve. A judgment as to the propriety of the plan depends on a knowledge of science, of mechanics. The President of the United States had access to the very best means in the country to ascertain what was the best plan on which this work should be constructed. Therefore, if he sought for the best plan, he had the highest probability of obtaining it. The President could have had no motive under Heaven but to adopt the best plan; and, therefore, I presume that the plan adopted was the best.

Now, sir, I have not the skill and acquaintance with such matters that some Senators have. I am not a scientific person. I do not understand the operation of mechanical forces. I do not understand any of the elements which would enable me to decide whether a nine feet or a seven feet aqueduct is preferable—whether the larger is necessary or whether the smaller will do. Under such circumstances, I shall not take upon myself to undertake to decide this question, but I shall presume upon the argument *ad verecundiam* that it is proper for me to suppose that the Chief Magistrate, under all the advantages he has had to adopt the best plan, without a possible motive to adopt other than the best, has adopted it.

Sir, as to the suggestions given by those who hang around this Capitol, experimentors, men who have plans for every thing, I for my part do not trouble myself with them. I have no doubt that if you were now to reduce the diameter of this aqueduct to seven feet, you would at the next session of Congress find plenty of scientific persons who would show you that it would be a great deal better to have it five feet, and I have no doubt that ultimately they would get it down to one foot. Nine feet has been selected. It has not been demonstrated, because we have not here the materials from which demonstration could be obtained, and if we had the materials, I have not got information and capacity to enable me to decide, that that character of work is not the best. Why then change it? Why run the risk of losing the great benefits of this work for the purpose of saving a comparatively small sum of money, and with the necessity, in the first instance, of pulling down a part of the work which you have already

built? It is already up. Why interfere with it? Suppose the diameter of the aqueduct be two feet more than is necessary, what harm will it do? Is it not a great deal better to have four feet of aqueduct more than is necessary, than to have six inches less than may be required? Therefore, I shall vote against the amendment to the amendment.

Mr. JAMES. I was in hopes that I should not have anything more to say on this subject; but the honorable Senator from North Carolina has referred to outsiders. Sir, no outsider has spoken to me on this subject. I speak in regard to the seven feet aqueduct from my own knowledge, and I say from my own practical knowledge, that it will furnish water enough, if well constructed and well built, to supply two millions of inhabitants with all the water which they can properly consume.

Mr. BADGER. I had no doubt, sir, that the honorable Senator from Rhode Island did not derive his information from persons outside the Chamber. I had no reference to him. I know he is skilled in the kind of knowledge necessary to enable him to come to an accurate conclusion, and needs no help; but I said what I did because I have heard from the beginning of the session from various quarters, of persons here who professed to have skill in these matters, who had thrown out suggestions that they could give plans, magnificent in their operation, and comparatively cheap in expense. It was that to which I alluded. I have not the skill which the Senator from Rhode Island has, and, therefore, I cannot decide for myself. Then the question is, what shall I do? Take the opinion expressed here, or take the decision pronounced by the President? Sir, I shall take the latter.

Mr. BAYARD. Mr. President, I shall vote against this amendment, not that I have any knowledge of the relative merits of a seven feet or a nine feet aqueduct as the proper diameter, but the Congress of the United States, adhering to what I suppose to be the appropriate functions of the legislative body, determined to have these works erected, and they authorized the Executive to adopt such plan as he might deem most advisable; and after full inquiry into the matter, he did adopt a plan. Now, I think we are too much disposed here to trench on administrative duties. I would rather see each of the Departments of the Government confined to its appropriate functions. This body is not fit to decide as to the details of the construction of a work of this kind. For my own part, when I think a work ought to be erected, I am willing to trust to Executive discretion to see that it is properly done, particularly when the plan has been confided to him for the purpose of execution. It is a more appropriate mode for the construction of all public works. Further, I may be allowed to say, Mr. President, that I do think we might save some loss to the country, and secure some benefit to ourselves, if we adhered a little more uniformly to the maxim of *ne sutor ultra crepidam*, and did not undertake to decide things of which we have no adequate knowledge.

Mr. RUSK. There are two or three reasons which satisfy my mind to vote against the amendment to the amendment. The one stated by the honorable Senator from Delaware, would be conclusive in the absence of any other. This is a matter of detail which requires scientific knowledge. The responsibility of determining the size of the aqueduct was thrown on the President of the United States. As a matter of course, from his position he must have availed himself of the best scientific information at his command, and he has determined upon an aqueduct of nine feet diameter.

Then, sir, there are one or two other reasons which are very conclusive. The additional expense, as stated by the honorable Senator from Louisiana, who I presume speaks from correct information, is but \$380,000, while the supply of water secured by a nine feet aqueduct is about double the other. This city will grow. This is a permanent work. It may, and I trust it will, last for ages to come. It may turn out, after a while, that an aqueduct seven feet in diameter would place us in the condition in which I see by the newspapers New York is now placed. I perceive that it is discussed in the newspapers there, whether or not they should do the work over again, in order to get a sufficient supply of water.

All their papers which I have seen complain that the supply is not sufficient.

When we have such strong reasons as these, I shall certainly vote against this amendment. In the first place, this plan has been determined by the President, on his responsibility, after we threw the responsibility upon him. In the next place, the expense of the larger diameter over the one proposed, being but \$380,000, and the supply of water more than double, I think it would certainly be bad economy to change it at this time.

The amendment of Mr. HAMLIN to the amendment of the committee, was rejected; and the question recurred on the amendment of the committee as modified.

Mr. MASON. After that amendment is disposed of, with the assent of the honorable chairman of the Committee on Finance, I shall ask the Senate to proceed to the consideration of Executive business.

The PRESIDING OFFICER. Inasmuch as the amendment has been somewhat modified in its phraseology, the Chair will have it read again to the Senate.

It was read, as follows:

For continuing the work for a supply of water to the cities of Washington and Georgetown, \$500,000: *Provided*, That no part of the sum hereby appropriated shall be expended until the corporations of Washington and Georgetown, or either of them, shall appropriate and pay an amount equal to one fourth of said sum for the same purpose; and full power and authority are hereby given to said corporations respectively to raise, by loan or otherwise, any sum of money that may be necessary to enable them, or either of them, to make the appropriation herein required. And the said corporations of Washington and Georgetown, and the inhabitants of said cities, respectively, or the corporation making the appropriation, and the inhabitants of said city, shall be authorized to use the surplus water which may be brought to the Washington aqueduct, after supplying the Government establishments in Washington, under such general rules and regulations as may hereafter be prescribed by Congress; and each of said corporations shall have the right to charge and collect of the inhabitants of said cities, such reasonable tax or rent for the use of the water, as will provide for the regular payment of the interest and gradual payment of the principal of any money which may be raised under the authority hereby given.

Mr. DAWSON. I wish to make a suggestion to the Senator from Virginia, as to the phraseology of the amendment. These works were proceeding, but for some time past they have been partially stopped, and part of the hands have been removed, and I see an indication in the amendment which will continue that state of affairs, and leave the work already finished subject to dilapidation and ruin. There is a limitation contained in the amendment that no part of this money shall be employed for the construction of the aqueduct until the amount required to be raised by the cities of Georgetown and Washington shall be raised by them. Now, is it not better to change that and give to those corporations time enough to levy the tax, and to the people to pay it, without suspending the work, and losing by the delay more than their share will perhaps amount to?

I merely suggest this; and I will also take occasion to say, as I said once before here, that I have been up and down these works. I went as a member of the Committee on the District of Columbia, with my friend from Louisiana, [Mr. BENJAMIN.] We looked at the works, and felt proud, as American citizens, that they were being constructed; but we saw that the portion already executed, was subject to ruin from floods, rains, and other causes; and there were not hands enough to protect it in its unfinished state.

Now, sir, can we tell when this sum of money will be raised by these corporations? Let us rely on the corporations until the next meeting of Congress, and let the work go on during the summer and fall; and when we return in the winter, we shall be enabled to put such regulations and restrictions on this matter as shall be desirable. All that I ask is, that the work shall be permitted to go on. The leading hands connected with it are still retained, and about twenty-five laborers with them. This expense is going on daily, without the ability to remove the dirt, and have it carried off in wheelbarrows. I hope the Senator will look to that fact, and make the necessary modification.

Mr. HUNTER. I understand it is not in my power to modify the amendment. It has been voted on.

The PRESIDING OFFICER. It requires unanimous consent to modify it.

Mr. ADAMS. I object.

Mr. HUNTER. I should be unwilling to modify the amendment, because it was drawn up on consultation. The provision, as I understand it, was designed to secure the coöperation of the cities of the District. I believe the cities will be willing to agree to it. I believe that, with such an amendment, the appropriation will probably pass. I think it will work well. The cities will raise the sum required, and we can go on, both parties being satisfied, and finish the work. This was designed as a security, to give evidence that the cities would raise the money before the work was accomplished, in order to satisfy Congress that they would contribute their share before the work goes on.

Mr. PEARCE. I am inclined to think it would be better not to act on this amendment immediately. There is a provision in the charter of the corporation of Washington which forbids the corporate authorities from adding anything to their present debt, or from laying taxes for that purpose, without the consent of two thirds of the citizens, given at an annual election. I have just looked at the charter, and find that to be the case. It would, therefore, require the amendment to be so modified as to give authority to the corporation, either to incur this debt without consulting the citizens, or—

Mr. HUNTER. The amendment does give that authority to the corporation.

Mr. PEARCE. But suppose the corporate authorities should not be willing to incur the debt without the assent of the citizens? They might desire to have the assent of two thirds, at a special election. I think it would be best, perhaps, not to press the amendment now, particularly as it is proposed to go on with some other business.

Mr. BELL. I understand that all these questions are to be put over again in the Senate after the bill shall be reported from the Committee of the Whole.

The PRESIDING OFFICER. The Chair will state that the bill is under consideration in the Senate now, and not in Committee of the Whole.

Mr. MASON. In accordance with the suggestion of the honorable Senator from Maryland, I move to postpone the further consideration of this bill until to-morrow, with the view of considering Executive business.

The motion was agreed to.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business; and after sometime spent therein, the doors were reopened.

REPORTS FROM STANDING COMMITTEES.

Mr. GWIN, from the Committee on Naval Affairs, to whom was referred the petition of Lewis Warrington, jr., a purser in the United States Navy, praying for the difference between the pay of a purser of a frigate, and that of a first class steam frigate, while thus employed on the steamship Mississippi, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to whom were referred the following memorials and petitions, asked to be discharged from their further consideration, which was agreed to.

* A memorial of Stewart Sanderson, of Westport, New York, proposing a plan for harbor defense by means of a floating battering ram.

A petition of E. C. B. Thompson, widow of Charles B. Thompson, praying to be allowed the pension to which her husband was entitled at the time of his death.

A memorial of John D. Gibson, praying for commissions on his disbursements as acting purser of the United States schooner Enterprise.

A memorial of Josiah Tatnall, junior, a purser in the United States Navy, praying Congress to indemnify him for losses sustained whilst purser of United States ship Dale, on the coast of Africa.

He also, from the same committee, to whom was referred certain statistical information in reference to a line of mail steamers proposed to be established by Christian Hansen, between Brooklyn, New York, and certain ports in Europe, asked to be discharged from its further consideration, and that it be referred to the Committee on the Post Office and Post Roads; which was agreed to.

Mr. SLIDELL, from the Committee on Foreign Relations, to whom was recommended the bill for the relief of Henry S. Sanford, reported it back, with an amendment.

Mr. JAMES, from the Committee on Patents and the Patent Office, to whom was recommended the bill to amend the several acts now in force relating to the Patent Office, reported it back with sundry amendments.

BILL INTRODUCED.

Mr. GWIN asked and obtained the unanimous consent of the Senate to introduce a bill for the relief of David F. Douglass, late marshal of the northern district of California; which was read a first and second time by its title, and referred to the Committee on Claims.

LANDS IN INDIANA.

Mr. DODGE, of Iowa. I am directed by the Committee on Public Lands, to which was referred the bill to amend an act entitled "An act for the relief of the inhabitants of the reserved township in Gibson county, in the State of Indiana," approved August 11, 1842, to report it back with amendments. It is a very unimportant bill to the United States, and I ask that it may be put upon its passage now.

Mr. BADGER. I move that the Senate do now adjourn.

The motion was agreed to; and
The Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, July 24, 1854.

The House met at eleven o'clock, a. m. Prayer by Rev. HENRY SLICER.

The Journal of Saturday was read and approved.

ORDER OF BUSINESS.

The SPEAKER. The business first in order is a motion holding over from last Monday, to suspend the rules for the purpose of enabling the gentleman from Alabama [Mr. COBB] to report the following bill:

House bill (No. 34) "granting the right of way and a donation of land to the State of Alabama in aid of the construction of the Coosa and Tennessee railroad, in said State, leading from Gadsden to the Tennessee river, at or near Gunter's Landing."

Mr. COBB obtained the floor.

Mr. DAVIS, of Indiana. Will the gentleman from Alabama yield me the floor a moment?

Mr. COBB. I hope no friend will ask me to yield the floor, if so doing will affect my motion at all.

Mr. DAVIS. It will not affect it.

Mr. COBB. There have been thirty applications to me this morning to yield the floor for various purposes.

Mr. DAVIS. Do you object.

Mr. COBB. No, I do not; but I want to state this if the gentleman will allow me: Last Saturday, I suppose, we did the largest business Congress has ever done since the organization of the Government. The committee at last found itself without a quorum, and were thereby prevented from proceeding further, and reporting the bills to the House. I want to state to the House, before this measure of mine is considered, if it is the pleasure of the House to resolve itself into the Committee of the Whole House, in order to report the action of Saturday, I have not the least objection to their doing so, provided my motion shall come up immediately after, and that the business of the House remain precisely as it is now until that business shall have been disposed of.

Mr. HOUSTON. We can accomplish the same purpose by a much shorter method. I will move, if the House will allow me, that the Committee of the Whole House be discharged from the further consideration of the bills laid aside to be reported to the House on Saturday last, and that they be brought into the House. I will then move that the House, by one vote, concur in the report of the committee; and we can thus dispose of the whole business without consuming but very little of the time of the House.

Mr. DAVIS, of Indiana. I rise to a question of order. I understood the Speaker to recognize me before he did the gentleman from Alabama.

The SPEAKER. That would not alter the state of business at all; for no motion would be in

order except to adjourn, and no discussion would be in order upon any question. The Chair might have recognized the gentleman, not knowing but he wished to move to adjourn.

Mr. DAVIS. Well, sir, is it not true that the Chair recognized me?

The SPEAKER. The Chair did recognize the gentleman, but no motion was in order except to adjourn.

Mr. DAVIS. I asked the gentleman from Alabama to yield to me to enable me to move to report a Senate bill from the Committee for the District of Columbia.

The SPEAKER. But the gentleman from Alabama refused to give way for that purpose.

Mr. DAVIS. I propounded the question distinctly to the gentleman whether he objected to my proposition, and he replied that he did not. The proprietors of the Glenwood Cemetery wish to dedicate the cemetery to-morrow, and I hope there will be no objection to passing this act for their incorporation.

Mr. COBB. Certainly, I have no objection.

The SPEAKER. The Chair will set the gentleman from Alabama and himself right then by propounding the question, whether there be any objection to the gentleman from Indiana reporting a bill?

GLENWOOD CEMETERY.

There was no objection, and the bill was reported, and read by its title, as follows:

An act to incorporate the proprietors of the Glenwood Cemetery.

Mr. DAVIS. I will just state to the House that the bill is in the usual form of acts of incorporation, with all the guards that are usually contained in such acts. I have examined the bill very carefully, and so has the chairman of the Committee for the District of Columbia. I do not think it is necessary to have it read.

Mr. JONES, of Tennessee. I call for the reading.

The bill was read in *extenso*.

The amendment of the Committee for the District of Columbia was read and agreed to, as follows:

Add as an additional section:

SEC. 13. And be it further enacted, That each of the stockholders in said company shall be held liable in his or her individual capacity for all the debts and liabilities of said company, however contracted or incurred, to be recovered by suit as other debts or liabilities before the court or tribunal having jurisdiction of the case.

The bill was then ordered to be read a third time, and was accordingly read the third time, and passed.

PRIVATE BUSINESS.

The SPEAKER. The gentleman from Alabama, [Mr. HOUSTON,] by unanimous consent, proposes that the House shall discharge the Committee of the Whole House from certain bills passed upon by the committee on Saturday last; and further, that the House shall act upon them *en masse*, as reported from the committee. Is the unanimous consent of the House given to that course?

Mr. MILLSON. I desire to ask the Chair if it would not be competent for the House to take a separate vote upon any bill upon which it may be desired?

The SPEAKER. There is no doubt about the propriety of passing each bill upon its own merits, unless the unanimous consent of the House be given to the proposition made by the gentleman from Alabama.

Mr. MILLSON. If the gentleman from Alabama will modify his motion, and allow the bills to be reported to the House and placed in the position in which they would have been placed, had the chairman of the Committee of the Whole reported them to the House on Saturday, I should have no objection. I will go further than that: I will agree that a single vote shall be taken on all those bills upon which a separate vote has not been demanded. There are some of the bills upon which I wish a separate vote.

The SPEAKER. Is it the pleasure of the House that the Committee of the Whole be discharged from the further consideration of these bills, and that they be brought before the House for their action?

[Cries of "Agreed!" "Agreed!"]

Mr. HOUSTON. If the gentleman from Virginia objects, he will defeat my proposition; for it

requires the unanimous consent of the House. My object is to get the speediest action possible upon these bills. I will modify my motion, and move only to discharge the committee from the further consideration of these bills, and bring in the bills as they are ordered to be reported by the committee.

The SPEAKER. If there be no objection, such will be the order of the House.

Mr. RICHARDSON. I hope the gentleman from Alabama will withdraw his motion for a moment, in order that I may submit a motion to take from the Speaker's table a bill to construct a road in the Territories of Nebraska and Washington. The bill makes an appropriation, and it therefore, by the rules, must go to the Committee of the Whole on the state of the Union. My object is to take it from the table, so that we may get action upon it.

There being no objection, the bill was taken from the table, and read a first and second time by its title, as follows:

Senate bill (No. 435) "making appropriation for the construction of certain military roads in the Territories of Nebraska and Washington."

Mr. RICHARDSON. The bill contains an appropriation, and will have to go to the Committee of the Whole on the state of the Union. I move that it be referred to that committee.

The motion was agreed to.

The SPEAKER. The Chair understands that, by unanimous consent, the bills upon the Private Calendar, reported by the Committee of the Whole, are before the House for their action. The Chair proposes to the House that the bills be read by their titles, and be voted upon *en masse*, except such bills as a separate vote may be demanded upon by a member rising in his place and doing so.

[Cries of "Agreed!" "Agreed!"]

The SPEAKER. That will be a convenient mode, and a safe one also.

The following Senate bills were therefore read by their titles:

No. 303. An act for the relief of James M. Goggin.

No. 147. An act for the relief of the legal representatives of the late Thomas Chapman, formerly collector of the port of Georgetown, South Carolina.

No. 199. An act authorizing a patent to be issued to Peter Poucin for certain lands therein described.

No. 234. An act for the relief of Conrad Wheat, jr., or his legal representatives.

No. 154. An act for the relief of Richard King.

No. 136. An act for the relief of William Sena Factor.

The SPEAKER. The following amendments have been reported to this bill:

In the third line strike out \$3,707, and insert \$2,000.

At the end of the bill add the following proviso:

Provided, Said sum shall be received in full of all claims or account of the property herein mentioned.

The amendments were agreed to.

No. 62. An act for the relief of Richard M. Bouton, George Wright, and the widow of Marvin W. Fisher.

No. 183. An act for the relief of Passed Midshipmen George P. Welsh and Clark H. Wells.

No. 113. An act for the relief of the widows and orphans of the officers and seamen of the United States schooner Grampus, who were lost in that vessel, in March, 1843, near the coast of the United States.

No. 275. An act for the relief of Andrew J. Deckerhoff.

No. 133. An act for the relief of Lavinia Taylor.

No. 743. An act for the compensation of James W. Low and others, for the capture of the British private armed schooner Ann, during the late war with Great Britain.

Mr. MILLSON. I ask a separate vote upon that bill.

No. 229. An act for the relief of Thomas S. Russell.

No. 308. An act for the relief of A. G. Bennett.

No. 144. An act for the relief of Purser T. P. McBlair.

No. 224. An act for the relief of the representatives of Joseph Watson, deceased.

No. 146. An act for the relief of Samuel H. Hempstead.

No. 365. An act for the relief of John W. Kelly.

No. 374. An act for the relief of Sylvester T. Jerauld, assignee of the interest of Henry Richard.

No. 329. An act for the relief of Thomas D. Jennings.

No. 167. An act for the relief of Joseph Cam-pau.

No. 296. An act for the relief of Manuel Hernandez.

No. 189. An act for the relief of Mrs. Sally T. B. Cochrane, widow of the late Lieutenant R. E. Cochrane, United States Army.

No. 250. An act for the relief of William Claude Jones.

No. 108. An act for the relief of Rebecca Freeman.

No. 241. An act for the relief of James Wormsley.

No. 223. An act for the relief of Mary Carlton.

No. 340. An act for the relief of Sarah Crandall.

No. 71. An act for the relief of Joseph Gonder, jr., and John Duff.

No. 231. An act for the relief of William Miller.

No. 185. An act for the relief of the legal representatives of Samuel Prioleau, deceased.

No. 248. An act for the relief of William Harris, of Georgia.

No. 203. An act for the relief of James Edwards and others.

No. 240. An act for the relief of Thomas Snodgrass.

The said Senate bills, on which separate votes were not asked for, were then ordered to be read a third time, and were read a third time, and passed.

The following Senate bills was then read:

No. 206. An act for the relief of the executrix of the late Brevet Colonel A. C. Fanning, of the United States Army.

Mr. MILLSON. I call for a separate vote upon that bill.

The following House bills were then read by their titles:

No. 265. A bill for the relief of W. D. Porter, of the United States Navy.

No. 272. A bill for the relief of Daniel Bedinger's heirs.

No. 281. A bill for the relief of Brigadier General John E. Wool.

No. 323. A bill for the relief of J. C. Buckles, of Louisville, Kentucky.

No. 325. A bill for the relief of James S. Graham and Walter H. Finnall.

No. 364. A bill for the relief of William A. Duer, John Duer, and Beverly Robinson, trustees of the estate of Sarah Alexander, widow of Major General William Alexander, commonly known as Lord Sterling.

No. 367. A bill for the relief of the legal representatives of John Rice Jones.

No. 368. A bill for the relief of Robert F. McGuire and Louisa, his wife, late Louisa Lamy.

No. 371. A bill for the relief of Lieutenant George H. Paige, of the United States Army.

No. 257. A joint resolution for the relief of Captain J. H. Lendrum, of the United States Army.

No. 373. A bill to provide a pension for Oliver Brown, of Chemung county, New York.

No. 374. A bill to provide a pension for Edmund Mitchell, of Carroll county, in the State of Kentucky.

No. 376. A bill for the relief of James Butler.

No. 377. A bill for the relief of John H. Hicks, of Indiana.

No. 378. A bill for the relief of John Brown, second, of New Hampshire.

No. 379. A bill for the relief of Mrs. Anne W. Angus, widow of the late Captain Angus, United States Army.

No. 380. A bill for the relief of Betsey Nash.

No. 381. A bill for the relief of Thomas Ellis.

No. 382. A bill for the relief of Charlotte S. Westcott.

No. 383. A bill for the relief of Thomas Bronaugh.

No. 384. A bill for the relief of Anna E. Cook.

No. 385. A bill for the relief of Abraham Ausman.

No. 388. A bill for the relief of Titian R. Peale.

No. 389. A bill for the relief of Sylvester Humphrey, and the heirs of Alexander Humphrey, deceased.

No. 393. A bill for the relief of Jacob McLellan.

No. 396. A bill for the relief of Charles J. Davis, administrator of Captain John Davis, an officer in the war of the Revolution.

No. 402. A bill for the relief of Charles H. Wilgus.

No. 26. A joint resolution for the settlement of the claim of Don Juan Jesus Vigil, of New Mexico.

A bill for the relief of Stephen Lutz, of New York.

No. 410. A bill for the relief of the legal representatives of Everard Meade.

No. 411. A bill for the relief of the heirs of Larkin Smith.

No. 414. A bill for the relief of George Mattingly.

No. 415. A bill for the relief of Nathaniel Reddick, administrator of Richard Taylor, deceased.

No. 416. A bill for the relief of John McVen and John F. McNeely, of Louisiana.

No. 417. A bill for the relief of William Curran.

No. 418. A bill for the relief of Enoch S. More.

No. 419. A bill for the relief of Patrick Gass.

No. 420. A bill for the relief of Rosalie Caxillo.

No. 421. A bill for the relief of A. S. Laughery.

No. 423. A bill for the relief of J. McElhiny, E. P. Mathews, and Lawrence Cribben.

No. 424. A bill for the relief of township forty-five, range one, in Warren county, Missouri.

No. 299. A bill for the relief of the Pine Grove Academy, in Louisiana.

No. 426. A bill for the relief of the legal representatives of Lieutenant Francis Ware.

No. 429. A bill for the relief of James Capen.

No. 431. A bill for the relief of Thomas Ap Catesby Jones, surety for a former postmaster at Norfolk, Virginia.

No. 433. A bill for the relief of James Wright, jr., of the State of Tennessee.

No. 434. A bill for the relief of Captain Lewis E. Simonds.

No. 435. A bill for the relief of Daniel Morse, of Essex, Chittenden county, Vermont.

No. 436. A bill for the relief of Ira Call, of Huron county, Ohio.

No. 437. A bill for the relief of Isaac M. Sigler, of Putnam county, Indiana.

No. 438. A bill for the relief of John Frazer, and the administrator of the estate of John G. Clendenin, deceased.

No. 442. A bill for the relief of Mary H. Cushing.

No. 443. A bill vesting the title of the United States to certain lands in the city of Cincinnati.

No. 448. A bill for the relief of William H. Weirick.

No. 446. A bill for the relief of the civil township of Marion, in the county of Mercer, Ohio.

No. 447. A bill for the relief of the legal heirs of Benjamin Metoyer.

The Committee of the Whole recommended an amendment, to add at the end of the bill the following:

SEC. 2. And be it further enacted, That the Commissioner of the Land Office be authorized and required to issue to said heirs and legal representatives patents for lands heretofore confirmed to them by acts of Congress.

Mr. JONES, of Louisiana. I move to amend the amendment by inserting after the words "to them" the words "or under whom they claim," so that it would read—

That the Commissioner of the Land Office be authorized and required to issue to said heirs and legal representatives patents heretofore confirmed to them, or to those under whom they claim by acts of Congress.

The amendment to the amendment was agreed to.

The question then recurred upon the amendment as amended; and being taken, was decided in the affirmative.

So the amendment, as amended, was agreed to.

Mr. BENNETT. I wish a separate vote to be taken on House bill (No. 280) for the relief of

Betsey Nash, so that I may submit an amendment to it. Without the amendment it will be of no avail.

There was no objection; and the bill was laid aside for a separate vote.

Mr. McMULLIN. There was a bill passed by the Committee of the Whole House, proposing to release a certain individual from the payment of a thousand and upward of dollars lost overboard in the Ohio river.

The SPEAKER. According to the unanimous order of the House, the bills acted on by the Committee of the Whole House on Saturday last were to be taken up and read by their titles; that on those designated by a member rising in his place, separate votes should be had, and that the remainder should be voted on *en masse*.

Mr. McMULLIN. The bill to which I refer sets a very dangerous precedent. The amount of appropriation is small, it is true, but the principle is an important one, and should be well looked to.

The SPEAKER. If the gentleman will refer to the title of the bill, it will, by unanimous consent, be taken from the bills to be voted on *en masse* for a separate vote.

Mr. McMULLIN. I do not recollect the number or the title of the bill. I have only a recollection of the principle involved.

Mr. HENDRICKS. I object.

The bills on which separate votes were not asked, were ordered to be engrossed and read a third time.

The SPEAKER. Shall the third reading of these bills be dispensed with?

[Cries of "Agreed!"]

The bills were then passed.

Mr. ABERCROMBIE. I move to reconsider the vote by which the last lot of bills were passed, and that that motion be laid upon the table.

Mr. ROBBINS. I would suggest that the gentleman embrace in his motion the Senate bills which were previously passed.

Mr. ABERCROMBIE. Very well. I include all the bills which have been passed this morning, of those reported from the Committee of the Whole House.

The motion to lay the motion to reconsider upon the table was agreed to.

The next bill in order was Senate bill (No. 143), "for the compensation of James W. Low and others for the capture of the British private armed schooner Ann, during the late war with Great Britain," on which a separate vote had been asked by Mr. MILLSON.

The bill was ordered to be read a third time; and was accordingly read the third time, and passed.

The next bill in order was Senate bill (No. 206) "for the relief of the executrix of the late Brevet Colonel A. C. W. Fanning, of the United States Army," reported with amendments.

The first amendment was to strike out "\$7,230," and insert in lieu thereof "\$5,980."

The amendment was agreed to.

The second amendment was to strike out the following words:

As commissions for disbursements made in 1827 and 1828, at the United States arsenal in Augusta, Georgia, and

The amendment was agreed to.

The bill, as amended, was then ordered to be read a third time; and was accordingly read the third time, and passed.

The next bill in order was House bill (No. 380) "for the relief of Betsey Nash."

Mr. BENNETT. I offer this amendment: to strike out in the eighth line the words "for five years," and in the ninth line the words "fifty-four," and insert the following words at the end of the bill: "thirty-one, and to continue for ten years."

I wish to state to the House what the trouble about this bill is. The husband of this Mrs. Nash held a commission in the Army, and she was, at his death, entitled to a pension. This matter has been here since 1822, but a bill for her relief has never passed. She is now an old and infirm lady, and the probability is that she will not live much longer. The pension committee have given her a pension, to commence from the 1st of January, 1854. The amendment which I have introduced does not propose to change the amount, but merely that the pension shall com-

commence from the time that the proof of her title to it was made perfect, and let it run on from that time for a period of ten years. That is all that the amendment proposes, and I hope it will be adopted.

Mr. HENDRICKS. I suppose that the committee, in reporting the bill, did not understand the facts of the case thoroughly. The committee is satisfied with the amendment proposed by the gentleman from New York, [Mr. BENNETT.]

Mr. SMITH, of New York. I would say, in addition to the remarks of my colleague, [Mr. BENNETT,] that Mrs. Nash is a very worthy woman. She lives only a few miles from my home. The pension is a small one, and I hope the amendment will be adopted.

The amendment was agreed to.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

Mr. ENGLISH. There is on the Private Calendar a joint resolution reported from the Committee on Military Affairs, for the relief of Francis M. Gwyn. I desire to ask the unanimous consent of the House to have the committee discharged from the further consideration of the joint resolution for the purpose of having it passed. I am certain that no gentleman in the House will object to it when they have heard the statement of facts on which that joint resolution was founded.

Mr. McMULLIN. I was going to suggest to the gentleman from Indiana [Mr. ENGLISH] and to the House, that instead of taking this joint resolution and acting upon it, we take up the Private Calendar and dispose of the bills that are on it. I am perfectly willing to have the joint resolution, to which the gentleman refers, acted on; but I think it better for us to take up the Private Calendar so as to do justice to every bill upon it. If the House consent, I will make a motion to that effect. I would say to my friend from Indiana, that I am as much inclined to indulge him as any other member of the House can be. But the question is, whether it is not better to act on my suggestion, take up the Private Calendar, and dispose of all the bills upon it. I throw out this suggestion for the consideration of the gentleman from Indiana, and of the House.

Mr. ENGLISH. I hope the House will indulge me for two minutes only, in order that I may state the facts on which the joint resolution in question is founded. When the State of Indiana—

Mr. PENNINGTON, (interrupting.) I feel constrained to object to the proposition of the gentleman from Indiana. I have as much interest in some private claims on the Calendar, as that gentleman has.

RAILROAD LANDS TO ALABAMA.

The SPEAKER. Then the question is on suspending the rules for the purpose of enabling the gentleman from Alabama to move to discharge the Committee of the Whole on the state of the Union from the further consideration of the following bill:

House bill (No. 34) granting the right of way and a donation of land to the State of Alabama, in aid of the construction of the Coosa and Tennessee river railroad, in said State, leading from Gadsden to the Tennessee river, at or near Gunter's Landing.

Mr. COBB. Would it be in order, in the peculiar position I occupy, to ask the indulgence of the House, to make a personal explanation, not to consume five minutes, and with the understanding that the Chair may interrupt me at the expiration of that time, if I do not finish speaking before? I trust the House will indulge me.

Mr. WALSH. I object.

The SPEAKER. Objection is made, and the gentleman cannot proceed. The question is upon suspending the rules.

Mr. LETCHER. Upon that I demand the yeas and nays.

Mr. BRIDGES. I call for the reading of the bill which the gentleman from Alabama proposes to suspend the rules for the purpose of introducing. I believe that is in order.

The SPEAKER. The Chair briefly stated to the gentleman from Alabama, [Mr. COBB,] the other day, that no gentleman would have the right to have this bill read upon the motion to

suspend the rules for the purpose of introducing that particular bill. Such has been the practice. The Chair doubts exceedingly whether a member cannot demand the reading of a bill under such inconsistencies and if the gentleman from Pennsylvania demands it, the Chair will thus far change his former decision, and decide that he has the right to have the bill read.

Mr. CLINGMAN. With reluctance I appeal from the decision of the Chair. It will readily be perceived, if such is the ruling of the Chair, that any member, or any number of members of the House, who choose to embarrass and delay its proceedings—

Mr. CAMPBELL. I object to all debate.

Mr. CLINGMAN. I appeal from the decision of the Chair. The point I make is this: that where a proposition is before the House, out of order, no one individual can apply to the House to have it read. A majority may order a proposition read, which is before the House in order; but where it is out of order—

The SPEAKER, (interrupting.) The Chair, however, holds that it is in order, for the reason, that otherwise members would be voting in the dark upon the matter before them. Gentlemen have a right to know what it is they are called upon to suspend the rules for. Such is the decision of the Chair, and from that the gentleman from North Carolina appeals. The question is, "Shall the decision of the Chair stand as the judgment of the House?"

Mr. JONES, of Tennessee. I move to lay the appeal upon the table.

The motion was agreed to, and the appeal was laid upon the table.

Mr. BRIDGES. I now insist upon the reading of the bill.

The bill was accordingly read.

QUESTION OF PRIVILEGE.

Mr. WASHBURN, of Illinois. I rise to a question of privilege, a question affecting the records of this House. I charge that an alteration of an important bill of this House has been made since its engrossment. I wish to call the attention of the House to it, that they may take such action as they think proper in the premises. The bill of this House, No. 346, "to aid the Territory of Minnesota in the construction of a railroad," which passed this House on the 20th of June last, I charge has been altered in an important particular since its engrossment; and, Mr. Speaker, with the permission of the House, I will state briefly some of the circumstances as they appear on the records before me—the original bill, the printed bill, and the engrossed bill.

The bill as introduced here from the Committee on the Public Lands, was drawn up by a gentleman from Minnesota, with whom I am well acquainted. He consulted with me very frequently in regard to some of its provisions, and particularly in regard to the provisions which I charge have been attempted to be altered. The Territory of Minnesota had chartered a company with most extraordinary powers. The grant from that Territory gave it all the lands which had been or should thereafter be granted by Congress to aid that Territory in the construction of a railroad. The charter of itself was a somewhat extraordinary one. It carried with it all the lands which Congress might hereafter grant to the Territory of Minnesota for the purpose of constructing a railroad, and it was supposed by myself and others favorable to this road, and who desired to see a grant of land for that purpose, that Congress would never pass a bill whose provisions would inure to a railroad company directly instead of to the Territory. I, as well as gentlemen who had this matter in charge, thought it could never pass this House without a provision guarding against such a charter. Hence, a provision was inserted into the bill, as follows:

"Sec. 3. And be it further enacted, That the said lands hereby granted to the said Territory shall be subject to the disposal of any future Legislature thereof for the purpose aforesaid, and no other; nor shall they inure to the benefit of any company heretofore constituted or organized."

In that way the original bill was framed, and for the purpose and with the intention of preventing this company from receiving the benefit of this land.

Well, sir, the first alteration—and it was made, I believe, by the committee—was to strike out the word "future." The next alteration, and, on the first glance, it may be thought immaterial—though

it is far from being so, is the substitution of the conjunction "and" for "or." It is believed by many to be a vital alteration, and one that I charge has been made since the engrossment of the bill. This company, at the passage of the bill, not being so constituted and organized, they expect by this alteration to hold the land under it. Hence the object, as I charge, of the alteration. As altered, the section reads as follows:

And be it further enacted, That the said lands hereby granted to said Territory shall be subject to the disposal of any Legislature for the purpose aforesaid, and no other.

Between the word "any" and "Legislature" the word "future" was stricken out by the committee, as I understand.

"Nor shall they inure to the benefit of any company heretofore constituted and organized."

The word "or" is stricken out and the word "and" written over where it was in a different hand-writing. The bill as introduced, and printed, and passed here reads: "Nor shall they inure to the benefit of any company heretofore constituted or organized." I have the engrossed bill before me, and any gentleman by looking at it can see that the substitution of "and" for "or" has been made since the bill has been engrossed. I am told by a gentleman, and member of this House, who has examined the bill on parchment in the office of the Secretary of State, that the same erasure and change is made there.

Now, this is a matter vitally affecting the character of our proceedings. If our records are to be changed, altered, and mutilated in this way, if the object of our legislation is to be perverted as here in this case, there is no safety for any man, any bill, or any legislation.

I am asked if it makes any difference. It is contended by the parties who hold this charter, that it does, and that it gives them the benefit of this grant, but my own opinion is that it does not. That that was the object in view I have no manner of doubt. It is an alteration and mutilation of a record of this House, and I call upon the House to pass the following resolution.

Mr. HENN. Inasmuch as I am upon the Enrolling Committee, it is necessary for me to place this matter right by making the following statement. I have a distinct recollection that when the bill was compared by the committee, the word "future" was not in it. I was surprised that it was not, because I knew it was in the original bill. I then went and got the original bill, and found that the word was stricken out there. I do not know whether the word "or" or "and" was in the bill when we compared it. But I recollect distinctly about the word "future" not being in the bill, and on comparing it with the original, I found it stricken out.

Mr. WASHBURN. There is no question in regard to the word "future." It is only in relation to the other word "and," and the mutilation of the record.

Mr. HENN. I would like to ask the gentleman from Illinois whether he understands the alteration was made since the bill was compared?

Mr. WASHBURN. I understand from the proper authority, that the alteration was made after the bill had been sent from this House to the Senate. It is a House bill, and, of course, it must have been engrossed.

Mr. HENN. The effect of this mutilation I do not exactly understand. I was somewhat surprised that the word "future" should be stricken out in the original bill, because I understood from the friends of the bill at the time it was originated that they desired that word to be retained. I supposed it passed in that way until I came to read the engrossed bill, and found the word "future" stricken out.

The resolution offered by Mr. WASHBURN was then read, as follows:

Resolved, That a special committee of — be appointed for the purpose of inquiring whether the text of House bill 342 "to aid the construction of a railroad in the Territory of Minnesota" was altered, or in any way changed in its language subsequent to its engrossment, or passage in this House, without the authority of the House, and if so, by whom and under what circumstances such change was made; and that said committee be empowered to send for persons and papers, and to examine witnesses on oath in the premises.

Mr. McMULLIN. I would inquire whether the gentleman from Illinois could not effect his object by referring this matter to the select committee of which my colleague [Mr. LETCHER] is

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chairman? We are all aware that it is a difficult thing to keep a quorum here, as we found on Saturday last; and it strikes me, if I recollect aright, that by the wording of the resolution introduced by the gentleman from Virginia, [Mr. LETCHER,] the select committee for the investigation of the charges in the Colt case is clothed with full and complete powers to cover all legislation of this Congress.

Mr. WASHBURN. My first intention was to have this matter referred to the select committee of which the gentleman from Virginia [Mr. LETCHER] is chairman; but, on consultation and after reflection, I was convinced that, with such an amount of labor before them, that committee could not well pay attention to this subject.

Mr. LETCHER. I do not know what the opinion of the committee is respecting the construction to be put upon the resolution on which they were appointed, as to the extent of power delegated to them. But it is certainly my own opinion that this matter does not come within the range of inquiry committed to us. Not at all. And then besides, I should like to see work properly divided and a committee appointed for the purpose specified by the gentleman from Illinois, with probably my colleague [Mr. McMULLIN] placed at the head of it. [Laughter.]

Mr. McMULLIN. My colleague knows that his colleague could not be put at the head of the committee without a departure from parliamentary rules.

Mr. CAMPBELL. I desire simply to suggest to the gentleman who has proposed to introduce this resolution, [Mr. WASHBURN,] that he so modify it as to embrace all interpolations which may have been made in any other papers on file, or in any other of the records of this House. My reason for this is the fact, which the Chair will well remember, that only four days ago an important interpolation had been made to a resolution that had been reported, fixing the compensation of some of the officers of this House. We get into a difficulty about it. The honorable gentleman from Pennsylvania [Mr. CURTIS] had introduced a resolution, some week or two before, which was laid over. When the House came to act on that resolution, and when we were in the midst of the call of the roll on the yeas and nays on the passage of this resolution, it was discovered that an important interpolation had been made in it between the time of its introduction and the time of the vote being taken on it. The matter, however, was passed over.

Now, I know nothing about the merits of that alteration. I do not undertake to say that any fraud was intended. But certainly, sir, it is due to the integrity of this House, that this thing should be put a stop to. And I know no better way of doing so than to have this select committee—if it be instituted—instructed not to confine itself merely to the case now brought to our attention, but to investigate all the facts connected with these interpolations. Remarks were made on the occasion to which I have referred, which might have had a prejudicial effect on the reputation of the clerks. I have no doubt that they were entirely innocent—there was an interpolation in that joint resolution as it appeared to be evident there was. I know nothing of it. But I think it is due to them, as it is due to the members of this House, who do not tamper with the papers on file, that the facts should be known.

For one, I am unwilling that these things should go abroad to the country, casting an aspersion, to some extent, upon all the members of this House. Let us have the examination, and let the facts be made known. Let us understand who it is who make these interlineations, and what the purposes to be accomplished by them. I hope the gentleman will accept a modification of his resolution. I propose to offer the following amendment:

Add at the end of the resolution the following words:
And also in regard to all other cases of interpolations of bills of the House.

Mr. LETCHER. I do not rise to debate this resolution at all, but to give notice that to-morrow

I shall introduce a bill to repeal this bill—the Minnesota land bill.

Mr. McMULLIN. I trust that the gentleman from Illinois will not object to the amendment which has been introduced by the gentleman from Ohio. If it is right and proper to investigate the interpolation of the records in one case, it is so in another. And, sir, it has been well said by the gentleman from Ohio, [Mr. CAMPBELL,] that it is due to the character of the clerks of this body that this whole matter should be investigated. If I am right, or if the gentleman is right in saying that the select committee to which he referred has not the power conferred upon them to examine this case, I shall most cheerfully go for the adoption of the resolution, as submitted by the gentleman from Illinois, [Mr. WASHBURN,] for I am not disposed still further to encumber that select committee in the discharge of the duties they have to perform. If you investigate one case, investigate all, and therefore I hope the House will adopt the amendment offered by the gentleman from Ohio. Let the committee, to be appointed, investigate the first case, and report that to the House, and while the House is acting upon that, let them investigate the other, and make their report. These interpolations are unusual, and I regret that these things have occurred; but having occurred, they should be fully and completely investigated.

Mr. ORR. I believe the resolution should be adopted, and I demand the previous question.

Mr. MACE. I ask the gentleman from South Carolina to withdraw his call for the previous question, and allow me to submit to the House another resolution in reference to this matter.

Mr. ORR. I will hear it read.

The resolution was reported, as follows:

Resolved, also, That the select committee be instructed to inquire what quantity of land has been purchased, and by whom, at the proposed terminus of said Minnesota railroad since the bill passed.

Mr. ORR. As that resolution involves a collateral question only, which is not connected with this matter directly, and although I do not wish to be discourteous to the gentleman from Indiana, I must decline to withdraw my demand for the previous question.

The previous question was seconded; and the main question was ordered to be put.

The first question being upon the amendment offered by Mr. CAMPBELL, it was put; and the amendment was agreed to.

The blank in the resolution was then filled with the word "five."

The question was then taken upon the resolution as amended; and it was adopted.

Mr. WASHBURN, of Illinois. I move to reconsider the vote by which the resolution was adopted; and also to lay the motion to reconsider upon the table.

The latter motion was agreed to.

Mr. MACE. I now ask the unanimous consent of the House to allow me to offer the following resolution:

Resolved, That a select committee be appointed to inquire what quantity of land has been purchased, and by whom, at the proposed termination of the Minnesota railroad, since the bill passed.

Mr. STUART, of Michigan. I move to lay the resolution upon the table.

The SPEAKER. The resolution is not yet before the House.

Mr. STUART. Then I object to its introduction.

Mr. MACE. I move to suspend the rules.

ALABAMA RAILROAD BILL AGAIN.

The SPEAKER. That motion is not in order. A motion is already pending to suspend the rules, submitted by the gentleman from Alabama, [Mr. COBB,] to enable him to move to discharge the Committee of the Whole on the state of the Union from the further consideration of a bill granting the right of way and a donation of land to the State of Alabama, in aid of the construction of the Coosa and Tennessee River railroad, in said

State, leading from Gadsden to the Tennessee river, at or near Gunter's Landing.

Mr. JONES, of Tennessee. If the rules be suspended, and this bill taken up, will it be in order to move other railroad bills as amendments to this one?

The SPEAKER. The Chair will decide that question when it arises.

Mr. COBB. I do not know of any proposition to hitch on other railroad bills, other than these for Alabama, to this one, and I am sure that none will be entertained.

The yeas and nays were demanded and ordered on Mr. COBB's motion.

The question was then taken; and there were—yeas 96, nays 65; as follows:

YEAS—Messrs. Abner, Allen, James C. Allen, Willis Allen, Ashe, Banks, Barksdale, Barry, Benton, Bliss, Breckinridge, Bugg, Campbell, Caruthers, Chamberlain, Chandler, Christian, Churchwell, Clark, Cobb, Cook, Culom, Curtis, John G. Davis, Thomas Davis, Dick, Disney, Dowdell, Eastman, Edgerton, Thomas D. Eliot, Everhart, Farley, Florence, Green, Greenwood, Sampson W. Harris, Harrison, Hunt, Houston, Howe, Hughes, Hunt, Johnson, Roland Jones, Knox, Lamb, Latham, Lindley, Macy, Maurice, Maxwell, Mayall, John G. Miller, Nichols, Norton, Oids, Andrew Oliver, Mordecai Oliver, Orr, Peckham, Pennington, Phelps, Phillips, Preston, Ready, Reese, Richardson, Riddle, Rowe, Russell, Sabin, Sapp, Seward, Shannon, Shower, Singleton, Samuel A. Smith, William R. Smith, George W. Smyth, Solles, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, Stratton, Straub, John L. Taylor, Nathaniel G. Taylor, Thurston, Tweed, Upham, Vail, Elihu B. Washburne, Wells, Tappan Wentworth, Hendrick B. Wright, and Zollcoffer—96.

NAYS—Messrs. Bennett, Benson, Bocoek, Boyce, Bridges, Carpenter, Caskey, Colquitt, Corwin, Cox, Craige, Crocker, Dawson, Dickinson, Dunham, Ellison, English, Faulkner, Flagler, Franklin, Fuller, Giddings, Goode, Grey, Grover, Aaron Harlan, Haven, Hendricks, Hibbard, Hill, Ingersoll, Daniel T. Jones, George W. Jones, Kittredge, Kurtz, Letcher, Lilly, McCulloch, McMullin, McNair, Matteson, Millson, Morgan, Morrison, Murray, Noble, Packard, Parker, Bishop Perkins, Pringle, Puryear, David Ritchie, Ruffin, Shaw, Simmons, Skelton, William Smith, Andrew Stuart, John J. Taylor, Tront, Wade, Walley, Israel Washburn, Wheeler, and Daniel B. Wright—65.

So two-thirds not voting in the affirmative, the rules were not suspended.

ENROLLED BILLS.

Mr. HENN, from the Committee on Enrolled Bills, reported the following Senate bills as correctly enrolled, which, thereupon, received the signature of the Speaker:

An act to confirm the claim of Dusuan de la Croix to a lot of land therein described;

An act for the relief of Charles Cooper and company;

An act authorizing Victor Morass to relinquish certain lands, and to enter the same quantity elsewhere;

An act for the relief of James Dunning;

An act for the relief of Joseph Mitchell;

An act for the relief of John Phagan;

An act for the relief of Ezra Williams;

An act for the relief of the legal representative of Joshua Kennedy, deceased; and

A resolution authorizing the Secretary of the Territory of New Mexico to adjust and pay to Juan C. Armigo, José L. Pereas, and James S. Collins, the amount by them loaned to the Legislative Assembly of the Territory of New Mexico, under the authority of a joint resolution of that body, approved June 17, 1851.

Mr. HOUSTON. I move that the rules of the House be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The question was taken; and, on a division, there were—yeas 86, noes 52.

So the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. WALLEY in the chair.)

The CHAIRMAN. The first business before the committee is the consideration of House bill (No. 96) entitled "A bill making appropriations for the transportation of the United States mail by ocean steamers, and otherwise, during the fiscal year ending 30th June, 1855."

FORTIFICATION BILL.

Mr. HOUSTON. I ask for the consideration

of House bill No. 116, entitled "A bill making appropriations for fortifications and other works of defense, and for repairs of barracks and quarters, for the year ending 30th June, 1855."

The motion was agreed to; and the bill was taken up for consideration.

Mr. HAVEN. I move to dispense with the first reading of the bill.

The motion was agreed to.

The bill was then read by paragraphs for amendment.

Mr. HOUSTON, from the Committee of Ways and Means, offered the following amendment:

After line forty-two insert:

For armament of fortifications in the harbor of San Francisco, California, \$130,000.

The amendment was agreed to.

Mr. PHILLIPS. I move to insert after the amendment which has been just made an amount of \$25,000 for carrying on the fortification of Fort Gaines, on Dauphin Island, Mobile harbor.

I hold in my hand a letter from the Secretary of War, recommending an appropriation of \$25,000 or \$30,000 for the construction of this work. A similar letter has also been presented to the Committee on Military Affairs, and I have their consent and approbation in offering this amendment.

Mr. JONES, of Tennessee. I inquire if that is a new work entirely?

Mr. PHILLIPS. There has been a small appropriation heretofore made for the purchase of the site on Dauphin Island, and the balance to be applied to the construction of the work. Within the last few days the title has become perfect. The original appropriation was made many years ago, and the delay has been owing to the fact that until this time the title could not be perfected, in order to enable the Government to go on with the work. They have purchased one half of the island for a very small amount of money, and this appropriation is asked for to enable the Government to continue the work.

I will read a letter from the Secretary of War upon the subject, if any gentleman desires further information.

Mr. HAVEN. Will the gentleman now yield the floor to me?

Mr. PHILLIPS. I will.

Mr. HAVEN. I will move that the committee rise, for the purpose of closing debate upon this bill, and then I will move directly to go back again into committee.

Mr. SMITH, of Virginia. There will be no unnecessary debate upon this bill. I hope the question will be taken upon the amendment.

Mr. HAVEN. I submit the motion.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, the Chairman (Mr. WALLEY) reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the bill of the House (No. 116) "making appropriations for fortifications and other works of defense, and for repairs of barracks and quarters, for the year ending the 30th of June, 1855," and had come to no conclusion thereon.

Mr. HAVEN. I move the usual resolution to close debate upon the fortification bill in five minutes after its consideration shall again be resumed in committee.

The resolution was considered and adopted.

Mr. HAVEN. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. WALLEY in the chair,) and resumed the consideration of House bill (No. 116) known as the fortification bill, the pending question being upon the amendment offered by Mr. PHILLIPS.

Mr. JONES, of Tennessee. I ask that the letters from the Secretary of War, to which the gentleman from Alabama alluded, may be read.

The letters were read, as follows:

WAR DEPARTMENT, }
WASHINGTON, July 15, 1854. }

SIR: The United States having obtained a perfect title to the site of Fort Gaines, on Dauphin Island, Alabama, the Department is prepared to carry on the construction of the works. In addition to an unexpended balance of \$13,000 available for the work, the chief engineer reports that

\$25,000 or \$30,000 can be expended during the coming season with advantage.

I have, therefore, the honor to request that an amendment to appropriate either of the last named sums be made to the fortification bill.

Very respectfully, your obedient servant,
JEFF. DAVIS, Secretary of War.

Hon. C. J. FAULKNER, Chairman Committee
on Military Affairs, House of Representatives.

WAR DEPARTMENT, }
WASHINGTON, July 14, 1854. }

SIR: I have the honor to acknowledge the receipt of your letter of the 12th instant, asking such a recommendation from this Department as will enable you to move an amendment to provide an appropriation for the construction of a work on Dauphin Island, Mobile harbor.

In reply, I have to state that the operations on Fort Gaines, on Dauphin Island, have been delayed by the difficulty of obtaining a perfect title to the site, in consequence of which the balance available for the work, \$13,000, has remained unexpended for some time.

A satisfactory title having recently been obtained, operations can be commenced, and an appropriation of \$25,000 or \$30,000, in addition to the balance on hand, can be advantageously expended on the work during the coming season; and I have sent to the Committee on Military Affairs a recommendation for that appropriation.

Very respectfully, your obedient servant,
JEFF. DAVIS, Secretary of War.

Hon. P. PHILLIPS, House of Representatives.

Mr. JONES, of Tennessee. To me this seems to be a loose way of commencing so large a work as the one under consideration. We should have before us estimates and plans of some kind as to the particular kind of work which it is proposed to construct there. In my judgment, the more prudent course would be to let this matter go over to the next session, now only three or four months distant. In the mean time, let the Department make estimates of the entire cost—of course, fixing on a plan for the construction of the work—all to be submitted at the next session. The Secretary of War does not even say to us whether he deems the erection of this fortification necessary. Nor does he say anything in his communication as to the plan of the work, or anything as to the probable cost. He merely states that, in his opinion, \$25,000 would be advantageously expended; and this statement he does not make of his own suggestion, or because he thought the work right and proper, but in reply to the request of the gentleman to make such estimate as would enable him to move an amendment in order to this bill.

Mr. PHILLIPS. Mr. Chairman, a few words, I think, will satisfy my friend from Tennessee. His last observation I shall answer first. He says that the Secretary of War has only sent in this requisition in answer to a request from myself. The Secretary states in his letter the reason why requisition was not made from his Department for this appropriation when the others were made. It was simply because of the fact that it was only within the few past days that the Government's title to the site has been perfected. The Secretary would not make a requisition on the Government for an appropriation while the title to the site remained under the shadow of a cloud. When the title was perfected, he then made the requisition; and it has been made within the last few days only, because the title to the site was only perfected within the last few days, and not because I, or any other member of the committee, asked him to do it as a favor.

Another objection. He says that there ought to be some plan fixed on before we go to work. Does the gentleman suppose that an appropriation would be asked for to construct a fortification unless a plan had been adopted by the Department of the Government to which this matter had been intrusted? Does the gentleman suppose that the Secretary could be so ignorant of his duties as to come to this House, and ask for appropriations for the construction of fortifications, the plan of which had not been agreed on? Certainly not. For years past it has been determined to locate a fortification at this important point, the mouth of Mobile harbor. The plan has been completed and adopted, and appropriation is now asked for the purpose of carrying it out.

This is not a new thing; and I will say to my friend, that if there is a point on our whole Gulf coast which requires defense, it is the very one for which we are now asking this appropriation. It is one of the most vulnerable and exposed ports of the whole coast; and in case of any difficulty arising between us and any maritime Power, and the seat of war were the Gulf of Mexico, Mobile would be the city most liable to attack from the

enemy. An important trade and commerce find their protection there. We therefore ask the Government to carry out the recommendation which has been made by the Department, to which the construction of these works are intrusted. I ask for tellers on the amendment.

Tellers were not ordered.

The question was taken; and the amendment was rejected.

Mr. HOUSTON. I am instructed by the Committee of Ways and Means to propose the following amendment, to come in after the last clause of the bill:

For contingent expenses of fortifications not herein mentioned, the preservation of their sites, the protection of titles and repairs of sudden damages to forts, \$20,000.

The amendment was agreed to.

The bill was then laid aside to be reported to the House.

SENATE AMENDMENTS TO THE INDIAN APPROPRIATION BILL.

The committee next proceeded to consider the amendments of the Senate to House bill No. 46, "making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1855."

The first amendment was reported, as follows: Page two, line fourteen, after the word "dollars," insert the following proviso:

Provided, That the President may, from time to time, in his discretion, remove or change the location of any of the superintendencies now or hereafter to be established by law: *And provided further*, That whenever the President may order the transfer of the duties of superintendent of Indian affairs from the Governor of the Territory of Minnesota, the salary of said Governor shall thereafter be \$2,500 per annum.

Mr. HOUSTON. I move that the committee do now rise, for the purpose of limiting debate on this bill.

The motion was agreed to.

The committee accordingly rose; and Mr. JONES, of Tennessee, having taken the chair as Speaker *pro tempore*, the Chairman of the committee reported that the Committee of the Whole on the state of the Union had had under consideration House bill No. 46, with the Senate amendments thereto, and had come to no conclusion thereon.

Mr. HOUSTON submitted the usual resolution closing debate on said bill within five minutes after its consideration should have been resumed by the Committee of the Whole on the state of the Union.

The resolution was adopted.

Mr. HOUSTON. I now move that the rules of the House be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The rules were accordingly suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. WALLEY in the chair.)

The CHAIRMAN. The question pending, when the committee rose, was on the first amendment to the Indian appropriation bill, which has been reported.

Mr. HOUSTON. The first portion of that amendment provides that the President may from time to time, in his discretion, remove or change the location of any of the superintendencies now or hereafter to be established. In that portion of it the Committee of Ways and Means recommend a concurrence. But the committee recommend that the balance of that amendment be stricken out. That is, after the word "law," in the seventeenth line, strike out all down to the twenty-first line. That clause gives the President the power to make a division of the duties of the superintendent and Governor of the Territory of Minnesota. The committee recommend a non-concurrence in it.

The question was taken on striking out the following clause:

And provided further, That whenever the President may order the transfer of the duties of superintendent of Indian affairs from the Governor of the Territory of Minnesota, the salary of said Governor shall thereafter be \$2,500 per annum.

The motion to strike out was agreed to.

The question recurred on agreeing to the amendment of the Senate, as amended, the amendment, as amended, was agreed to.

The second amendment:

Page two, after line twenty-five, insert the following:
For pay of five Indian sub-agents for California, at an annual salary of \$1,500 each, \$7,500.
For pay of four Indian sub-agents in Oregon Territory, at an annual salary of \$1,000 each, \$4,000.

Mr. HOUSTON. The Committee of Ways and Means have recommended a concurrence in the second Senate amendment, with an amendment. They propose to reduce the number of sub-agents from five to three, and to reduce the amount from \$7,500 to \$4,500.

The amendment, if so amended, will read:

For pay of three Indian sub-agents for California, at an annual salary of \$1,500 each, \$4,500.

The amendment to the amendment was agreed to.

The amendment of the Senate, as amended, was then concurred in.

Mr. ORR. I offer the following amendment, to come in immediately after the amendment which has just been concurred in:

For the pay of two Indian sub-agents in the Territory of New Mexico, at an annual salary of \$1,000 each, \$2,000.

The appropriation has been recommended by the Governor of the Territory of New Mexico.

The question being put upon the amendment, Mr. WHEELER called for a division of the House.

Mr. SMITH, of Virginia. I hope the gentleman from New York [Mr. WHEELER] will withdraw his opposition to this amendment, when I assure him that it is the earnest wish of the Delegate from that Territory, who cannot speak a word of our language; and it is also exactly such a provision as is made for the Territory of Washington. There are numerous tribes of Indians in New Mexico, and I hope the gentleman and the committee will not object to the amendment. It is needful. There are no sub-agents there now. There are in that Territory three tribes of Camanches alone. The Delegate from that Territory went to the gentleman from South Carolina, [Mr. ORR.], who is the chairman of the Committee on Indian Affairs, and assured him of its necessity, and desired him to attend to the matter.

There are four sub-agents allowed to Oregon Territory, three to California, and two to Washington Territory, and we ask for this new Territory of New Mexico, only two sub-agents.

Mr. BAYLY, of Virginia. If my colleague will allow me, I will say that, independent of all statements of any individuals, the census shows conclusively that he is precisely right in his statements.

The question being on Mr. ORR's amendment, Mr. SMITH, of Virginia, called for tellers. Tellers were not ordered.

Mr. ORR. I stated to the committee—I do not know whether I was heard—that the Governor of the Territory of New Mexico had assured me that it was necessary that these sub-agents should be appointed to enable him to discharge the functions of superintendent of the Indians in that Territory. I have no feeling whatever in relation to the matter. If the committee do not choose to adopt the amendment they can let it alone.

The amendment was not agreed to.

EXPLANATION.

Mr. STEVENS, of Michigan. A circumstance has occurred in the House this morning which induces me to appeal to the committee to permit me to make a personal explanation.

Mr. WALSH. I object.

Mr. STEVENS. I appeal to the gentleman to withdraw his objection.

Mr. WALSH. If a charge has been made against the gentleman, I will withdraw my objection, but not otherwise.

Mr. STEVENS. A charge has been made against me, and it is for that reason that I desire to make the explanation. It has been stated to me that my name has been connected with the matter upon which a special committee has been appointed this morning, in reference to the alteration of the records of the House.

I, as the member of the committee on Public Lands who reported the bill to the House, feel myself called upon to make a statement of such facts as have come within my knowledge, or so far as I personally know them—and I do so upon my honor—in reference to these alterations.

After this bill had been sent to the committee of which I am a member, and after it had been re-

ferred particularly to me by that committee, gentlemen who were connected with the bill called upon me, and requested that before it was presented to the committee for their report, certain alterations should be made in the third section. They explained the alterations which they desired made—of the design and object of the alterations I was then, and am even now ignorant. One was to effect legislation in Minnesota in regard to lands which might be granted by Congress to that Territory. To do so, I myself struck out the word "future." The other alteration was in reference to the construction that might be given to the word "or" as it then stood in the bill. After hearing what was said on the subject, I thought it proper to strike out that word, and in its place to insert "and."

I knew, Mr. Chairman, that I had stricken out the word "future," and I thought that I had substituted "and" for "or." I presented the bill to the committee. It was adopted, and I was instructed to report it to the House. I did so. It passed this body, and went to the Senate. When in the other branch of Congress, my attention was again called to it; and it was remarked that, as it was before the Senate, the bill did not contain the alteration which I supposed that I had made. I then conferred with one or two members of the Senate on the subject. They rather spoke to me on the subject, and I told them frankly that when I reported the bill from my committee I had made the alteration. When I asked for leave to report the bill to the House, I told them, in addition, that I had stated the substance of it, and, as I thought, the alteration was made, and that, if it were possible, I should be glad if the change indicated were made. This was the last I heard of it while it was in the Senate. Subsequently one of the clerks of the Senate, General Patton, came to me in the lobby, just in front of the center door, and holding out the bill to me, asked whether it was right. On looking at it, I replied that I was of opinion it had passed this House different from what it was then. I think that I said: "General, you will find, by looking at the original draft, that the word 'and' is substituted for 'or.'" Asking me to go to the clerk's room, I went with him there, and to the desk of Mr. Sproule. The matter was talked over, and there I made the statement that I had supposed I had altered the original draft in the way indicated, and that when I voted for it on its passage, I was under the belief it contained that very alteration. The question then arose, Could the alteration be made? (And I might remark just here that several Senators, whose names I shall not mention, stated that these were mere verbal alterations, and might be made, as such alterations were frequently made.)

Mr. HUNT. Name them. It is your duty to do so as part of the truth.

Mr. STEVENS. I shall do what is honorable; and I shall do no more. The clerks referred to, at once said that they did not know that they had the power to make the alteration. After further conversation, the matter was adjourned to Mr. Forney's room. I went with General Patton and Mr. Sproule to Mr. Forney's room, and made a statement similar to the one which I have already given. The matter was discussed, and Mr. Forney asked General Patton how it was about such things? General Patton replied: "We frequently make such alterations." Mr. Forney then said that perhaps it had better be made, or something like that. I then left the room. I presume the alteration was made in consequence of what took place on that occasion.

I have stated this matter fairly and candidly. I wish to withhold nothing. I wish to state everything which took place, however much I may be implicated in the transaction. However much I may have erred as a member of this House and a gentleman, I wish gentlemen to know it. If I have erred, the error is one of judgment and not of the heart. I intended to do nothing wrong. I am fully convinced that Colonel Forney, in yielding his assent to the alteration, supposed that he was only doing that which was right.

I wish to say here, that that was the first and last interview I had with Colonel Forney upon the subject. I never had talked to him before about the bill, so help me God. I do not know what was the design of the gentlemen who spoke to me about having the bill changed from its original form. I allude to those who spoke to me before

the bill was reported from the committee. I say that the word "further" was stricken out by me. I intended to have stricken out the word "or," and inserted "and" in its place. I was not aware it was left out until I was informed by some gentleman of the Senate, or by some person who had learned the fact from the Senate.

Mr. FAULKNER. I wish to ask the gentleman from Michigan if he has any local or personal interest in the matter?

Mr. STEVENS. I have none in the world, except that the road connects the waters of the Mississippi with the waters of Lake Superior by steam navigation, and thereby benefits my State. That is all the interest I have in the world, and the alteration of this bill cannot affect that general purpose at all.

Mr. McNAIR. Do I understand the gentleman as saying that he ordered this thing done?

Mr. STEVENS. I said this: If the thing could be done that I should be highly gratified to have it done.

Mr. HAVEN. Is the gentleman from Michigan through?

Mr. STEVENS. One word more. I was asked if I had any interest in this matter. I have endeavored to explain that I have not, except so far as it benefits my State; and in benefiting my State it benefits a great many other States. The alteration which has been made in this case, as I understand it, simply gives to the companies which are now organized, but were not organized at the time this bill passed, an opportunity to compete in the Legislature for a portion of this land. That is all the difference which the change makes.

Mr. HAVEN. I hope the committee will go on with the business before us. These statements will be embodied in the testimony to be submitted to us by the committee.

Mr. STUART, of Michigan. Will the gentleman from Michigan [Mr. STEVENS] state whether he was not accompanied by a Senator from Iowa at the time he paid his visit to the Clerk?

Mr. SOLLERS. I shall object to gentlemen asking any further questions. We have already appointed a committee for the purpose of investigating this matter, and reporting their action to the House.

INDIAN APPROPRIATION BILL—AGAIN.

Fourth amendment:

For pay of three Indian agents in Washington Territory, for six months, ending June 30, 1854, \$2,250.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence in that amendment.

The amendment was concurred in.

Fifth amendment:

For pay of two Indian sub-agents in Washington Territory, for six months, ending June 30, 1854, \$1,000.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence in that amendment.

The amendment was concurred in.

Sixth amendment:

For salaries of six agents, authorized by this act, at the rate of \$1,500 per annum each, the sum of \$9,000.

Mr. HOUSTON. The committee recommend a concurrence.

The amendment was concurred in.

Seventh amendment:

For salary of five Indian agents, of the second class, according to existing laws, at the rate, in future, of \$500 each per annum, \$2,500.

Mr. HOUSTON. That is an amendment proposing to increase the pay of these officers. The Committee of Ways and Means recommend a non-concurrence in it.

The amendment was non-concurred in.

Eighth amendment:

For pay of six interpreters for the Indian tribes in Washington Territory, \$3,000.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Ninth amendment:

For pay of six interpreters for the Indian tribes in Washington Territory, for six months, ending June 30, 1854, \$1,500.

Mr. HOUSTON. The Committee of Ways and Means recommended the striking out of the word \$500 in this amendment, so as to make the appropriation \$1,000. We did so in pursuance of an

estimate submitted by Governor Stevens, which I hold in my hand. He estimates "for incidental expenses, \$500; for six interpreters for half a year, \$1,000." An examination, however, and also from having had my attention called to the fact by the Indian Bureau, I am satisfied that Governor Stevens has made a mistake in his estimate, and that the sum ought to be \$1,500. The yearly salary of an interpreter is \$500; and, therefore, the salary for half a year of six of them is \$1,500. The Senate were right in their amendment, and the estimate of Governor Stevens was erroneous. The Committee of Ways and Means, therefore, recommend a concurrence in the Senate amendment.

The question was put; and the amendment was concurred in.

Tenth amendment:

For erecting buildings for Indian agents in Washington Territory, \$5,000.

Mr. HOUSTON. The Committee of Ways and Means recommend a non-concurrence in that amendment of the Senate, for the reason that they suppose the appropriation is premature, to say the least of it. Up to this time there have been no treaties made with the Indian tribes in Washington Territory; and no sites have been selected where the agents' buildings can be erected. I understand, however, that my friend from South Carolina has a communication on the subject, which I have no objection to hear read.

Mr. ORR. It is a communication from Governor Stevens, addressed to me as chairman of the Committee on Indian Affairs. His views are in favor of the appropriation being made. He says:

"I also stated what seemed to me strong reasons for an appropriation for agency buildings. The best positions for the three agencies are: for Puget Sound, the south end of Whilby's Island; for the Central agency, the site of Walker's and Bet's mission; for the Eastern agencies, opposite Hell Gate, in the St. Mary's valley. There are absolutely no buildings whatever for these purposes. It is proposed they shall be plain and simple. But there will be required in each case accommodation for the agent and his interpreter, a room for Indian goods, a room for the reception and accommodation of Indians visiting the agencies on business. In addition to which, for the Central and Eastern agencies, a corral will be required for animals. "The sum asked of \$5,000 has been based on a careful calculation of the minimum sum required to get simply comfortable shelter for the Indian officers, &c., where no buildings now exist. I think, by care in managing the business, buildings can be put up which will answer for several years; and it is probable that hereafter repairs and additions can be made at very trifling expense."

I concurred with the gentleman from Alabama, in the impropriety of making any appropriation until I had a conversation with Governor Stevens. The sum of \$5,000 proposed will cover the expenses of the agency buildings; and it is necessary that there should be some buildings at these agencies.

Mr. HOUSTON. I desire to ask the gentleman from South Carolina one question. Is this sum of \$5,000, intended to commence the erection of permanent buildings at the agencies, or is it necessary for providing temporary accommodations?

Mr. ORR. The \$5,000 will be sufficient to complete the buildings as at present advised.

Mr. LANE, of Oregon. I am unwilling to ask money for anything which is not right. But I want to offer, now, an amendment to that amendment. The Indians in Oregon are more numerous than they are in Washington Territory, and they give us more trouble to take care of them. Agency buildings are necessary in Washington Territory, and will be more necessary in Oregon, and I therefore propose to amend the amendment of the gentleman from South Carolina, by adding an equal appropriation for the construction of suitable agency buildings in the Territory of Oregon.

Mr. PECKHAM. I wish to inquire of the gentleman from Oregon whether there have heretofore been any buildings of that sort for these agencies in his Territory?

Mr. LANE. There have been superintendency buildings. We have Indians in different portions of the Territory, but, up to this time, I think there has not been any appropriation for those buildings.

Mr. HOUSTON. Probably the gentleman from New York will be answered to his satisfaction if he will look to the item of the original bill which immediately precedes the place where this amendment comes in. He will find there an appropriation of \$10,000 for the building of agen-

cies and the repairs thereof. The amendment proposed applies to the Washington Territory alone. An appropriation of some amount for that purpose is usually made. We have made them in all Indian appropriation bills, sometimes more, and sometimes less; and the money is applied indiscriminately, to any Indian country, wherever the Department conceives a necessity for such an application exists.

The question was taken; and Mr. LANE's amendment to the amendment was not agreed to.

The CHAIRMAN then announced the question to be upon non-concurring in the amendment of the Senate.

Mr. HOUSTON. I would suggest to the Chair that if he will put the question directly upon concurring in the amendment of the Senate, it may be all done by one vote. The Committee of Ways and Means recommend a non-concurrence; but if the motion to non-concur should be lost, the question would then have to be taken upon concurring in the amendment.

The CHAIRMAN. The Chair will adopt the suggestion of the gentleman from Alabama, and put the question upon concurring in the amendment of the Senate.

Mr. CHAMBERLAIN. I desire to ask the chairman of the Committee of Ways and Means if he still recommends a non-concurrence?

Mr. HOUSTON. That is the recommendation of the Committee of Ways and Means. I will state, however, that information is presented by Governor Stevens's letter, which certainly was not before the committee.

Mr. WALSH. I would inquire whether the Committee of Ways and Means has had a meeting since the letter has been received?

Mr. HOUSTON. Certainly not. The letter has only just been brought out a few minutes ago.

The question being upon concurring in the Senate amendment,

Mr. FLORENCE demanded tellers.

Tellers were not ordered.

The amendment was then non-concurred in.

Eleventh amendment:

For the reappropriation for expenses of the removal of the Catawba Indians to the west of the Mississippi river and of settling and subsisting them one year in their new homes, provided that a home shall first be obtained for them, and that they shall be removed only with their own consent, \$5,000.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence in that amendment. I have a short extract from a letter from the Department, which I will read, if required.

The amendment was concurred in.

Twelfth amendment:

After "1852," in line one hundred and thirty-two, insert the words "as stipulated in the ninth article of said treaty;" so that the paragraph would read:

For payment to the Chickasaw nation in full of the expenses of their commissioners in negotiating the treaty of the 22d of June, 1852, as stipulated in the ninth article of said treaty, \$1,500.

Mr. HOUSTON. That is to make more specific the reference to the treaty. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Thirteenth amendment:

For first of ten installments for the purchase of goods, provisions, and agricultural implements, stipulated in the sixth article of the treaty of the 27th of July, 1853, \$18,000.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence in the amendment. It is due under provision of a recent treaty which has not yet been published. We take it on trust that the Senate have done right.

The amendment was concurred in.

Fourteenth amendment:

For expenses of the transportation of the first of ten installments of goods, provisions, and agricultural implements, stipulated in the sixth article of the treaty of the 27th of July, 1853, \$5,000; *Provided*, That the goods, provisions, and agricultural implements which may be purchased and transported, out of any moneys hereby appropriated, shall not be delivered until the said tribes of Indians shall have assented to the amendments of the Senate of the United States to the said treaty, on account of which they are procured.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence in the amendment.

The amendment was concurred in.

Mr. HOUSTON. I am instructed by the Committee of Ways and Means to move the following amendment, to come in after the fourteenth, which

has just been concurred in. It is made necessary by treaties which were ratified by the Senate a few weeks since:

Delawares.—For the expenses of surveying the lands, as provided in the second article of the treaty of the 7th of May, 1854, \$11,146 95.

For the first of eight equal installments for payment of five chiefs, per third and sixth articles of the treaty of the 6th of May, 1854, \$1,250.

For the first of two installments per fourth article of the treaty of the 6th of May, 1854, \$74,000.

For the purchase of four sections of land for the Christian Indians, per thirteenth article of the treaty of the 6th of May, 1854, \$6,400.

For payment, under the direction of the President of the United States, the sum of \$5,600: *Provided*, That the said Christian Indians shall relieve the United States from all claims or demands for lands or money arising under the third and fourth articles of the agreement of the 8th of November, 1823, made with said Indians, the payment of \$6,400 and \$5,600, as above provided, being in lieu thereof, and in full consideration of the same.

Iowas.—For the expenses of surveying, as provided in the third article of the treaty of the 17th of May, 1854, \$1,987 20.

For the payment of a portion of the \$157,500 due the Iowas, under the second clause of the second article of the treaty of the 19th of October, 1838, to be applied as an agricultural fund, per ninth article of the treaty of the 17th of May, 1854, \$50,000: *Provided*, That the appropriation herein made "for interest on \$157,500, at five per centum, stipulated in the second article of the treaty of the 19th of October, 1838," be reduced to the sum of \$5,375.

For the payment in consideration of removal to their reservation, and of a release of all claims per twelfth article of the treaty of the 17th of May, 1854, \$3,000.

Kickapoos.—For the expenses of selecting the reservation provided in the first article of the treaty of the 18th of May, 1854, and for surveying and making the exterior lines of the same, \$1,000.

For the first installment of interest at five per centum on \$100,000 for education, per second article of the treaty of the 18th of May, 1854, \$5,000.

For the payment of this sum as the first installment in money, per second article of the treaty of the 18th of May, 1854, \$25,000.

For the payment for improvements and the expenses of appraising the same on the land ceded, per fourth article of the treaty of the 18th of May, 1854, \$15,000.

For removal and subsistence, and in consideration of a release of all claims, per eighth article of the treaty of the 18th of May, 1854, \$20,000.

Sacs and Foxes of Missouri.—For expenses of selecting the reservation provided for in the first article of the treaty of the 18th of May, 1854, and for surveying and marking the exterior lines of the same, \$500.

For the first of four installments per second article of the treaty of the 18th of May, 1854, \$15,000.

For removal and subsistence, and in satisfaction of all claims and demands, per sixth article of the treaty of the 18th of May, 1854, \$5,000.

For defraying the expenses of the Creek delegation now in the city of Washington, and with whom a treaty has lately been concluded, \$1,100 55.

The amendment was agreed to.

Fifteenth amendment:

For the expenses of running and marking the eastern boundary line of the Creek country west of the Arkansas, \$8,000.

Mr. HOUSTON. The committee recommend a concurrence in the amendment.

The amendment was concurred in.

Sixteenth amendment:

Navajos.—For fulfilling treaty stipulations with the Navajos, pursuant to the requirements of the tenth article of the treaty of September 9, 1849, \$5,000.

Mr. HOUSTON. In submitting estimates in the early part of the session, this item was not included when it should have been; but it has been estimated for since. The committee recommend a concurrence in the amendment.

The amendment was concurred in.

Seventeenth amendment:

For fulfilling the stipulations contained in the fifth article of the treaty of the 16th of March, 1854, \$41,000.

Mr. HOUSTON. This is an appropriation for carrying out the stipulations of a new treaty. The committee recommend a concurrence.

The amendment was concurred in.

Eighteenth amendment:

For surveying and marking the boundary of the reservation of land stipulated in the first article of the treaty of the 16th of March, 1854, \$1,200.

Mr. HOUSTON. The appropriation here recommended is also for carrying out a treaty stipulation. The committee recommend a concurrence. The amendment was concurred in.

Mr. HOUSTON. My attention has been called to an omission which I had overlooked myself. The Senate amend the bill by striking out the following words, from line four hundred and four-teen to four hundred and seventeen:

For agricultural implements, during the pleasure of the President, stipulated in the fourth article of the treaty of the 15th of July, 1830, \$500.

The last two amendments concurred in were substituted by the Senate in lieu thereof. The committee recommend the striking out of this clause.

The amendment was agreed to.

The nineteenth amendment was to strike out the following words:

Ottos and Missourias.—For education, during the pleasure of the President, stipulated in the fourth article of the treaty of the 21st of September, 1833, \$500.

Mr. HOUSTON. The committee recommend a concurrence.

The amendment was concurred in.

Twentieth amendment:

For fulfilling the stipulations contained in the fifth article of the treaty of the 15th of March, 1854, \$20,000.

Twenty-first amendment:

For surveying and marking the boundary of the reservation of land stipulated in the first article of the treaty of the 15th of March, 1854, \$300.

Mr. HOUSTON. The committee recommend a concurrence in these amendments.

The amendments were concurred in.

Twenty-second amendment was to strike out of the following clause the words "twenty-seventh," and insert in lieu thereof the word "twentieth:"

For interest to be paid as annuity, on \$200,000, at six per cent. per annum, stipulated in the resolution of the Senate of the 27th of May, 1836, \$12,000.

Mr. HOUSTON. The committee recommend a concurrence.

The amendment was concurred in.

Twenty-third amendment:

Rogue Rivers.—For the first of sixteen installments in blankets, clothing, farming utensils, and stock, stipulated in the third article of the treaty of the 10th of September, 1853, \$2,500.

Twenty-fourth amendment:

For the purchase of agricultural implements, clothing, and such other articles as may be deemed conducive to the comfort and necessities of said Indians, and for the expenses of such permanent improvements as may have been made by claimants to land on the reserve named in the second article of the treaty, stipulated in the third article of the treaty of the 10th of September, 1853, \$5,000.

Twenty-fifth amendment:

For payment for the property of the whites destroyed during the late war, stipulated in the third article of the treaty of the 10th of September, 1853, \$15,000.

Twenty-sixth amendment:

For compensation and expenses of commissioners, stipulated in the third article of the treaty of the 10th of September, 1853, \$5,000.

Twenty-seventh amendment:

For the erection of three dwelling-houses for the principal chiefs of said tribe, stipulated in the fourth article of the treaty of the 10th of September, 1853, \$1,500: *Provided*, That no payment shall be made to said Rogue River Indians, or to claimants referred to in these provisions, until said tribe shall have assented to the amendments of the Senate of the United States to the treaty, on account of which the several sums are appropriated.

Mr. HOUSTON. These amounts are all due under the recent treaty with Indian tribes, and the Committee of Ways and Means recommend a concurrence.

The question was taken on the twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, and twenty-seventh amendments, and they were severally concurred in.

Twenty-eighth and twenty-ninth amendments:

Page thirty, line seven hundred and thirteen, strike out the word "third," and insert in lieu thereof the word "fourth," and after the word "installments" strike out the words "of interest;" so as to make the clause read:

For fourth of fifty installments, at the rate of five per centum, &c.

Mr. HOUSTON. The twenty-eighth and twenty-ninth, thirtieth and thirty-first, thirty-second, and thirty-third, thirty-fourth and thirty-fifth amendments, commencing at line seven hundred and thirteen, and going down to line seven hundred and thirty-four, are all of the same character. They are made necessary by the two Houses of Congress having anticipated the installment due to these Indians in the deficiency bill. The third installment was provided for in that bill as it passed the House. And these amendments are simply to make the number of the installments conform to that which is now due to the Indians. Let the vote be taken on the whole of them together.

Thirtieth and thirty-first amendments:

Page thirty, line seven hundred and eighteen, strike out the word "third" and insert "fourth," and strike out the words "of interest."

The clause, as amended, reads:

For fourth of fifty installments, at the rate of five per centum, &c.

Thirty-second and thirty-third amendments:

Page thirty-one, line seven hundred and twenty-four, strike out and insert as in the foregoing.

Thirty-fourth and thirty-fifth amendments:

Page thirty-one, line seven hundred and twenty-nine, strike out and insert as in the foregoing.

The question was then taken on the twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second, thirty-third, thirty-fourth, and thirty-fifth amendments; and they were severally concurred in.

Thirty-sixth amendment:

That the President be authorized to confirm to the Sioux of Minnesota, forever, the reserve on the Minnesota river, now occupied by them, upon such conditions as he may deem just. And further, that it be agreed between the United States and the Sioux bands of Indians, that should it, any time hereafter, be considered by the United States as a proper policy to establish farms among and for the benefit of said Indians, it shall be discretionary with the President, by and with the advice and consent of the Senate, to change the annuities herein provided for, or any part thereof, into a fund for that purpose.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence in that amendment.

The amendment was concurred in.

Thirty-seventh amendment:

For defraying the expenses of witnesses, marshal, attorney, notary, interpreter, and stationery, and copying evidence in the investigation of the official conduct of Alexander Ramsay, late Governor of Minnesota, \$720.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Thirty-eighth amendment:

For services of Robert A. Matthews, for copying the proceedings and evidence in said investigation, under employment of Richard M. Young, one of the commissioners, \$250.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Thirty-ninth amendment:

For paying the expenses and fees of witnesses summoned in said investigation, by the United States, at the instance of Alexander Ramsey, \$350.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Fortieth amendment:

For payment to Thompson Connolly and James Connolly, children of John Connolly, deceased, \$200.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Forty-first amendment:

Stockbridges.—For the removal of the Stockbridge Indians to the country west of the Mississippi river, which has been selected for and approved by them, and for subsistence for one year, stipulated in the eighth article of the treaty of 24th November, 1848, \$7,000.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Forty-second amendment:

Umpquas. (Cow Creek Band.)—For first of twenty installments in blankets, clothing, provisions, and stock, stipulated in the third article of the treaty of the 19th of September, 1853, \$550.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence. The amount in this and the following amendment is due under the treaty of 1853.

The amendment was concurred in.

Forty-third amendment:

For the purchase of blankets, clothing, and goods, stipulated in the first clause of the third article of the treaty of 19th September, 1853, \$1,000.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Forty-fourth amendment:

For the erection of two dwelling-houses, plowing and fencing a field, and purchasing seed, stipulated in the fourth article of the treaty of the 19th of September, 1853, \$1,000.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Forty-fifth amendment:

Utahs.—For fulfilling treaty stipulations with the Utahs,

pursuant to the requirements of the eighth article of the treaty of December 30, 1849, \$5,000.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Forty-sixth amendment:

In line nine hundred and forty-one, under the title "Winnebagoes," insert the words "fifth article of the," so as to make the clause read—

For twenty-third of twenty-seven installments, for pay of two physicians, stipulated in the fifth article of the treaty of the 15th of September, 1832, \$400.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Forty-seventh amendment:

For the expenses of holding a council with, and making presents of goods and provisions to, the Blackfeet, Gros Ventres, and other wild tribes of Indians, immediately within or adjacent to the eastern boundary of Washington Territory, \$80,000.

Mr. HOUSTON. When this bill passed the House, I resisted that appropriation, and my opinion has not changed since that time, although the Senate has put it in; but the Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Forty-eighth amendment:

To pay Andrew Taylor for his reservation of six hundred and forty acres of land at Clitico-Old town, on the waters of the Tennessee river, \$14,720, with interest from the 23d day of August, 1843.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Forty-ninth amendment:

For adjusting difficulties and preventing outbreaks among the Indians in Oregon Territory, \$10,000.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Fiftieth amendment:

For general incidental expenses of the Indian service in Oregon Territory, \$10,000.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Fifty-first amendment:

For expenses of insurance and transportation of annuities payable to Indian tribes, \$3,000.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Fifty-second amendment:

For general incidental expenses of the Indian service in Washington Territory, \$15,000.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Fifty-third amendment:

For general incidental expenses of the Indian service in the Territory of New Mexico, \$25,000.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Fifty-fourth amendment:

For general incidental expenses of the Indian service in the Territory of Utah, \$20,000.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Fifty-fifth amendment:

For general incidental expenses of the Indian service in the Territory of Utah, during the year ending June 30, 1854, \$10,000.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Fifty-sixth amendment:

For general incidental expenses of the Indian service in Washington Territory, for six months ending June 30, 1854, \$5,000.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Fifty-seventh amendment:

For payment of balance due for transportation of presents, goods, and provisions, to the Camanches, Kioways, and other Indians on the Arkansas river, \$1,200.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Fifty-eighth amendment:

To pay for certain goods borrowed by late agent, J. S. Watrous, to fulfill treaty stipulations with the Chippewas, to be replaced out of annuity goods, but which, with the agency building, were consumed by fire, in May, 1853, \$1,136 03.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Fifty-ninth amendment:

For paying to the Winnebago nation of Indians of certain unexpended balances of appropriations under various treaties, on account of annuities, education, provisions, goods, &c., \$40,004 69.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence in that amendment with an amendment. They have instructed me to move to insert, in the one thousand and fourteenth line, after the word "payment," the words "in full;" so that the amendment will read:

For payment in full to the Winnebago Indians, &c.

The amendment to the amendment was agreed to.

The amendment, as amended, was then concurred in.

Sixtieth amendment:

For payment of balance found due the Creek Indians for losses sustained during the war with Great Britain, by that portion of the tribe who were friendly to, and cooperated with the United States, in addition to the appropriation of the 30th of August, 1852, \$258 10.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence in that amendment.

Mr. HOWE. I move to amend the amendment by adding the following:

Provided, That the proper accounting officers of the Department of the Interior be authorized and directed to audit and settle the claim of John Randon, deceased, a friendly Creek Indian, (of the half blood), for losses sustained and property destroyed by the hostile Creek Indians in the war of 1813-14 in such manner, and upon such terms as may be just and equitable, the amount when so ascertained to be paid out of any money in the Treasury not otherwise appropriated, to the heirs and legal representatives of the said John Randon: *Provided*, That the amount shall not exceed the sum of \$5,925.

Mr. HOUSTON. I will ask the gentleman from Pennsylvania if this is the report of one of the standing committees of the House?

Mr. HOWE. It is not.

Mr. HOUSTON. I mean to say, has any committee of the House examined the claim?

Mr. HOWE. It has been examined by myself, but not by any committee. The reason why I propose this amendment at the present time is, that the Senate amendment is for a claim of the same description as the one for which I have offered my amendment.

Some days ago this claim was placed in my hands for examination as a member of the Committee on Military Affairs. It was upon the memorial of Peter Randon, the son and administrator of John Randon, deceased. The history of the matter is substantially this: It appears that during the Creek war of 1813 and 1814 a portion of the Creek nation remained friendly to the United States. They cooperated with us in fighting our battles. During the war depredations were committed upon the property of the friendly Indians by those who were hostile to us to a very considerable amount, and it was understood, at the time of the treaty between the Creek Indians and the United States Government, that the friendly Indians should be indemnified for their losses. No appropriation, however, was made for carrying this understanding or agreement into effect until a claim was presented in 1815, by a Creek Indian named Samuel Mannac, for \$12,595, which was considered by Congress, and the War Department authorized and directed to settle the claim upon just and equitable principles; and his claim was paid in full in May, 1816. Congress, at the session of 1817, passed a law appropriating \$85,000 to pay this whole class of claims. That was the amount indicated by Mr. Hawkins, the Indian agent, and was supposed to be sufficient to cover all that was due for depredations committed on the friendly Indians. The act passed, and the money was placed in the hands of General Mitchell for disbursement. He went to the Creek country, and while there claims to the amount of \$300,000 were filed with him, which the chiefs cut down to \$195,417 90. The appropriation of \$85,000 was divided *pro rata* among the claimants, under the direction of the Secretary of War, leaving a bal-

ance unpaid of \$110,417 90. After the \$85,000 had been disbursed, other claims were presented, a list of which is to be found in a supplemental abstract furnished by General Mitchell, published in House Document No. 200, first session, Twentieth Congress, amounting in all to \$9,770. These claims came in too late to receive any share of the \$85,000. The matter rested until 1824 in this position, Congress, of course, being occasionally importuned to make appropriation for their satisfaction.

The subject was then again referred to the Committee of Ways and Means, and Mr. McLean, of Delaware, reported from that committee, that the \$85,000 was considered in full payment, and that no further appropriation should be made. That settled the matter until 1852, when Congress made an appropriation of \$110,417 90 to pay the balance of the liquidated claims, leaving then a half dozen claims, contained in the supplemental abstract, unprovided for, either by the act of 1817 or that of 1852.

Now, Mr. Chairman, I have examined particularly into this claim of Peter Randon, and so far as I can see, it seems to be as just as any which have been provided for. I have moved the amendment here, because I found the sixtieth Senate amendment provided for the payment of a balance found due the Creek Indians. It may be that the Senate amendment is intended for one of these half-dozen claims; and being proposed by the Senate amendment to make provision for one of them, I thought proper to offer this amendment for another.

[Here the hammer fell.]

Mr. HOWE. I hope that I may have the unanimous consent to explain a little further.

There was no objection.

Mr. HOWE. By the amendment it will be seen that I do not propose to appropriate any specific sum of money. I simply propose to refer this claim of Peter Randon to the Department of the Interior, that it may be examined and compared with the claims which have already been audited and settled, and be adjusted on the same principles. I do not know anything about the price of the articles charged; but the Department is to examine and settle the matter, and when audited and settled, the money is to be paid; but the amount to be paid, it is provided, shall not exceed \$5,925.

Mr. HOUSTON. I do not know anything about the claim to which the gentleman from Pennsylvania has referred. The amendment of the Senate, to which it is proposed to be attached, I understand him to say, provides for the same class of claims, yet that amendment was presented to us not only by the action of the Senate, but the action of the Committee of Ways and Means. It is indorsed also by the proper Department, which has investigated, and fully and distinctly reported on the subject. I am not prepared to say whether the claim is right or wrong; I have not had an opportunity to look into it. I would ask the gentleman whether it has been examined by any standing committee of the House? The course I have endeavored to pursue this session is, that where a committee examines a subject, and brings forward an amendment, to let it pass without remark, unless I understand the subject thoroughly, and am of the opinion that it is wrong.

In regard to the appropriation bills which are under my direction, I make no resistance to amendments, unless I know of some positive objection to them; and where I know nothing of the claim, as is the case in this instance, I let it pass without a word from me. It seems to me that this committee ought to require that these claims should be presented by the order of some standing committee of the House, and not by an individual member.

Mr. HOWE. Will the gentleman allow me to make an explanation? I have written a somewhat lengthy report, which I think I may say, without affectation, will be of some service hereafter, if it is reported and printed. I have drawn up a bill in this case. This subject was referred to me, as a member of the Committee on Military Affairs. I am persuaded that if this subject had not come up until to-morrow, so that I could have finished the report to-day, I should have had the unanimous instructions of the Committee on Military Affairs to report the bill.

Mr. HOUSTON. I do not feel it my duty to

resist an appropriation which is recommended by one of the standing committees of the House, unless it happens to be some matter which is fairly within my jurisdiction.

Mr. HOWE. It is not to be expected that the honorable chairman of the Committee of Ways and Means can look carefully into everything which passes here. I know that he has a large amount of labor upon his hands, and I am sure that he is endeavoring to do everything that is best for the country.

Mr. HOUSTON. The gentleman misunderstood me. I did not mean to say that I would oppose everything that ought to be included in this bill which I had not examined. But I must have some rule to govern me in relation to the amendments that are proposed to the appropriation bills; and I have adopted the rule as the safest for myself, and the safest for the wholesome legislation of this House, that every committee shall take the responsibility of its own action as such. When amendments are proposed I put them upon the responsibility of the committee that makes a favorable report in regard to them, unless it may be in such cases as I have examined, and believed to be wrong.

Mr. HOWE. In reply to the gentleman from Alabama, I wish to remind him again that the amendment I have offered does not make an absolute appropriation, but it refers the case to the Department of the Interior to investigate it. If they find it an honest claim, then it is to be paid, but not otherwise.

The question was taken on the amendment to the amendment; and it was not agreed to.

The question then recurring upon the Senate amendment, it was taken, and the amendment was concurred in.

Sixty-first amendment:

For payment to certain Creek Indians for their individual reserves, sold with the approbation of the Secretary of War, in the year 1841, the Commissioner of Indian Affairs having received the consideration for the use of said Indians in certificates of deposit on the Planters and Mechanics' Bank of Columbus, Georgia, which failing while said certificates were in the hands of the Commissioner, became lost to said Indians, \$2,600.

Mr. HOUSTON. I have a communication from the proper Department explaining that amendment. The amendment, however, explains itself. We received the money of the Indians, and kept the certificates till the bank failed. The result was, that the Indians lost their money. I think we ought to pay it to them.

The amendment was concurred in.

Sixty-second amendment.

For the expenses of making the necessary selections and surveys of land to accommodate the Indians residing within the State of Texas, agreeably to arrangements authorized by an act of the Legislature of that State, allowing the requisite jurisdiction of the Government of the United States for such purposes, and for concentrating and subsisting them, and furnishing suitable stock cattle, agricultural implements, seeds, and other necessary articles incident thereto, \$86,430.

Mr. HOUSTON. The appropriation is intended to carry out an arrangement made between this Government and the State of Texas in relation to the Indians within that region of the United States. Texas, by a law of her Legislature, has authorized the selection of certain quantities of land there for the purpose of placing the Indians upon it and taking care of them. This appropriation is intended to enable the Department to make that selection of land, and to settle the Indians thereon.

The amendment was concurred in.

Sixty-third amendment:

For the second and third of ten installments of provisions and merchandise, in addition to former appropriations, for payment of annuities and transportation of some to certain tribes of Indians, per seventh article of the treaty at Fort Laramie, of 17th of September, 1851, \$24,000.

Sixty-fourth amendment:

For the fourth of ten installments in provisions and merchandise, for payment of annuities and transportation of the same to certain tribes of Indians, per seventh article of the treaty at Fort Laramie, of 17th of September, 1851, \$72,000.

Sixty-fifth amendment.

For surveying and marking boundary lines of such tract or tracts of land as may be provided under the stipulations of the amendments of the Senate to the treaties of 23d July and 5th August, 1851, with the Sioux Indians, \$1,200.

Sixty-sixth amendment:

For expenses of negotiating treaties of the tenth of September, 1853, with the Rogue river Indians, and of the 19th of September, 1853, with the Cow Creek band of Umpqua Indians, \$5,000.

Mr. HOUSTON. The Committee of Ways and Means recommend concurrence in those amendments.

The question was taken; and the sixty-third, sixty-fourth, sixty-fifth, and sixty-sixth amendments were severally concurred in.

Sixty-seventh amendment:

Page forty-five; at the end of the seventh line of the second section add the following words:

Or to prohibit the payment of any claim or claims (other than those of agents or attorneys for claims) for bona fide services rendered to any Indian tribe, in cases where the President may adjudge such service necessary, and the claim or claims therefor just and reasonable.

Mr. HOUSTON. The Committee of Ways and Means recommend a non-concurrence in that amendment.

The amendment was non-concurred in.

Sixty-eighth amendment:

For defraying the expenses of continuing the removal and subsistence of Indians in California, three military reservations, in accordance with the plan submitted by the superintendent of Indian affairs of that State, and approved by the President, the sum of \$200,000: *Provided*, That no portion of this amount shall be paid over to the present superintendent of Indian affairs, until he shall account satisfactorily for the amount already drawn by him out of former appropriations. And that, hereafter, no more than \$20,000 shall be drawn by the said superintendent, or be in his hands unexpended at one and the same time: *And provided*, The sub-agents created by this act shall be appointed by the superintendent, subject to confirmation by the Secretary of the Interior, not to exceed one for each reservation, nor three in all, said reservations to contain not less than five nor more than ten thousand acres; and the said superintendent is authorized to apply, out of the sum hereby appropriated, not exceeding \$25,000, in the extinguishment of conflicting titles and rights to said reserved lands at a price not exceeding \$1 25 per acre, for a valid and indefeasible title to the land so purchased: *And provided*, The State of California shall cede the necessary jurisdiction in such cases with regard to the land so purchased.

Mr. JONES, of New York. I wish to ask a question of the chairman of the Committee of Ways and Means. I want to know why the proviso in that clause was inserted? I refer to the proviso which reads as follows:

"Provided, That no portion of the amount shall be paid over to the present superintendent of Indian affairs until he shall account satisfactorily for the amount already drawn by him out of former appropriations."

What is the necessity of that proviso?

Mr. HOUSTON. I was just going to explain it. The Committee of Ways and Means recommend a concurrence in that amendment of the Senate, with an amendment, which is to strike out the proviso to which the gentleman from New York has referred, leaving in the word "provided," however, and excluding the word "appropriations."

At the time the Senate acted upon this bill, and amended it by the phraseology which is now before the committee, Lieutenant Beale was superintendent of Indian affairs in California. For some cause or other, the Senate saw fit—and I believe it was from the fact that his accounts had not been rendered, and no settlement had taken place between him and the Department for large amounts of money which had been disbursed by him for many months—I say, the Senate saw fit to put in that proviso for the purpose of keeping money out of his hands until he had made a settlement with the Department for the amounts of money which he previously had drawn and disbursed.

Before, however, the Committee of Ways and Means acted upon the Senate amendment, Lieutenant Beale was removed from the superintendency of Indian affairs in California, and another gentleman appointed in his place. The committee, therefore, as the reason which induced the Senate to introduce the proviso in question does no longer exist, recommend that the proviso be stricken out, and the amendment otherwise concurred in. The word "said," in the twenty-second line, before the word "superintendent," must, of course, be stricken out, to make the language conform to the clause when the proviso is stricken out.

The question was taken upon the amendment to the amendment; and it was agreed to.

The Senate amendment, as amended, was then concurred in.

Sixty-ninth amendment:

For general incidental expenses of the Indian service in California, embracing expenses of travel of the superintendent and agent, &c., \$25,000.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Seventieth amendment:

For payment to David Carter, as an emigrant, of the amount of his improvements, valued under the treaty with the Cherokee in 1822, in pursuance of the sixth article thereof, \$2,826 50.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Seventy-first amendment:

For payment to A. V. Brown and others, Chickasaw traders, for ransom of George W. and Meredith Wilson from the Comanche Indians, and to reward the services of persons engaged in that service, \$1,000.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Seventy-second amendment:

To enable the President to negotiate a treaty with the Indians in Michigan, and to change the terms of existing treaties, \$10,000.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Seventy-third amendment:

For a clerk to the superintendent of Indian affairs in the Territory of Washington, \$1,800; and for a clerk to the superintendent of Indian affairs in the Territory of New Mexico, \$1,000; to be allowed in the discretion of the Secretary of the Interior.

Mr. HOUSTON. The Committee of Ways and Means recommend a non-concurrence in that amendment. We did not believe these clerks were necessary for these Governors.

Mr. CHANDLER. I hope the House will not strike out that amendment. I speak particularly with regard to the Territory of Washington, where I know it is very necessary the Governor should have a clerk. I do not know so with reference to New Mexico, but I understand the same assistance is needed there. I hope the House will sustain the amendment.

Mr. JONES, of Tennessee. I hope not.

The amendment was non-concurred in.

Seventy-fourth amendment:

SEC. 3. *And be it further enacted*, That the President be authorized, by and with the advice and consent of the Senate, to appoint a superintendent of Indian affairs for the Territory of Utah, who shall receive an annual salary of \$2,000, and whose duty it shall be to exercise a general superintendence over all the Indian tribes in Utah, and to exercise and perform all the powers and duties assigned by law to other superintendents of Indian affairs.

Mr. HOUSTON. I have a word to say in reference to this amendment, and if any members of the Committee of Ways and Means are present, I desire their attention. The amendment proposes to separate the offices of Governor and superintendent of Indian affairs in the Territory of Utah. The Committee of Ways and Means have recommended a non-concurrence in the amendment of the Senate, and that is the reason why I desired the ear of the members of that committee. I confess that my judgment is for a concurrence with the Senate in the amendment. And my opinions are formed from the fact that the peculiar institutions which prevail in Utah are all of a character that should induce us to separate these important offices. I believe it to be the duty of the Government to take care of the Indians better than they will be taken care of by the Governor of Utah Territory.

I am opposed to separating the offices in the other Territories, but I believe that in Utah it should be done. The Committee of Ways and Means, however, think otherwise.

Mr. HAVEN. I hope the House will not concur in the amendment of the Senate. I am opposed to duplicating these offices in the Territories. The salary of the Governor of Utah was raised to \$3,000, for the very reason that he performs the duties of both the offices which you now seek to separate. I am opposed to making any distinction between Utah and the other Territories.

Mr. WALSH. I desire to ask the chairman of the Committee of Ways and Means what peculiar institutions exist in Utah to which he refers?

Mr. HOUSTON. I refer the gentleman from New York to a debate which took place a month or six weeks ago upon a motion of my colleague over the way [Mr. COBB] in reference the disposition of the public lands in Utah.

Mr. WALSH. That is a very obscure way of answering my question.

Mr. HOUSTON. That debate brings the whole matter up.

Mr. CHAMBERLAIN. Independent of the objection of polygamy, there is another objection which should induce us to concur in the amendment of the Senate. The Governor of the Territory, who is now the superintendent of Indian affairs, is openly hostile to the whole race of Indians. I hope the amendment of the Senate will be concurred in. I think it is due to the Indians of that Territory that we should concur in it.

Mr. BERNHISEL. I hope the amendment of the Senate will be non-concurred in. The Governor of Utah has discharged his duties as superintendent of Indian affairs in a very able manner. He is a father to the Indians. [Roars of laughter.] Since he has been Governor, he has uniformly practised kindness to the Indians. I hope that the House will non-concur in the amendment.

Mr. HOUSTON. I wish to say a word. The Secretary of the Interior and the Commissioner of the General Land Office are pressing and urgent on this subject.

Mr. JONES, of Tennessee. The Secretary of the Interior and the Commissioner of Indian Affairs are anxious that the superintendency of Indian affairs should, in all cases, be separated from the office of Governor. If you set the precedent in this case, the change will be made in all the other Territories. This is the first step to duplicate the offices in all the Territories. I hope the amendment may be non-concurred in.

If there be anything peculiar in Utah Territory why the superintendency of Indian affairs there should be separated in consequence of the present incumbent exercising both offices, the President of the United States and the Senate can correct it by appointing somebody else.

Mr. CHAMBERLAIN. I demand tellers.

Tellers were not ordered.

The question was taken; and the amendment was non-concurred in.

Seventy-fifth amendment:

SEC. 4. *And be it further enacted*, That so much of the act to establish the territorial government of Utah, approved the 9th of September, 1850, as requires the Governor of said Territory to perform the duties of superintendent of Indian affairs, and authorizes him to receive a salary therefor, in addition to the salary allowed for his services as Governor, be repealed, and that the Governor of said Territory shall hereafter receive an annual salary of \$2,500.

Mr. HOUSTON. The Committee of Ways and Means recommend a non-concurrence in the amendment.

The question was taken; and the amendment was non-concurred in.

Seventy-sixth amendment:

SEC. 5. *And be it further enacted*, That the President be, and he is hereby, authorized and required to cause to be fulfilled the stipulations of the ninth and tenth articles of the treaty with the Sacs and Foxes, and other tribes of Indians, concluded on the 15th of July, 1830, by causing said reserved tracts to be surveyed and allotted to the persons properly entitled to the same, in fee-simple, in such manner, and under such rules and regulations as he may prescribe; and to defray the expenses of the same, there be, and is hereby, appropriated the sum of \$10,922 29.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

The seventy-seventh amendment:

SEC. 6. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint two Indian agents for the Indians east of the Rocky Mountains, in addition to the eleven provided for by the fourth section of the act entitled "An act making appropriations for the current and contingent expenses of the Indian department," &c., approved February 27, 1851; one Indian agent for the Indians in the Territory of New Mexico, in addition to the four provided for by the fifth section of the same act; and such number of Indian agents, not exceeding three, as he may deem expedient for the Indian tribes in the Territory of Washington.

Mr. HOUSTON. This is an appropriation made necessary by appropriations made in the first part of the bill.

The question was put; and, on a division, there were—ayes seventy-four—

Mr. WHEELER demanded tellers, which were ordered; and Messrs. KEITT and CLINGMAN were appointed.

The question was taken; and the tellers reported—ayes 99, noes 19.

So the amendment was concurred in.

Seventy-eighth amendment:

SEC. 7. *And be it further enacted*, That the agents appointed under the provisions of the sixth section of this act,

shall, before entering upon the duties of their respective offices, give bond in such penalties, and with such conditions and such security as the President or Secretary of the Interior may require. They shall hold their offices, respectively, for the term of four years, and shall receive an annual salary of \$1,500.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence in that amendment.

The amendment was concurred in.

Seventy-ninth amendment:

Sec. 8. *And be it further enacted*, That to such Cherokees as were omitted in the census taken by D. W. Siler, but who were included and paid under the act of July, 1848, the Commissioner of Indian Affairs be authorized to pay them the same *per capita* allowance that was paid the other Indians under that distribution, provided the Commissioner shall be satisfied that they ought to be included in said *per capita* distribution, and that the sum of \$5,000 be appropriated for that purpose.

Mr. HOUSTON. The committee recommend a concurrence.

The amendment was concurred in.

Eightieth amendment:

Sec. 9. *And be it further enacted*, That the President be, and he is hereby, authorized, by and with the assent of the Indian tribes, respectively, to be obtained in due form, to enter into treaties with the various Indian tribes, to redeem and extinguish the perpetual annuities, or the payment of interest perpetually upon sums of money required to be held in trust, or invested in stocks, by either paying to said tribes the par value or equivalent of the said annuities and perpetual interest, either in whole or in annuities, for a term of years, as he, in his judgment, may deem most advantageous to the Indians, respectively.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence in that amendment with an amendment. They recommend to strike out of the second line, after the word "authorized," the words "by and with the assent of the Indian tribes, respectively, to be obtained in due form," and make it so as to read:

And be it further enacted, That the President be, and he is hereby, authorized to enter into treaties with the various Indian tribes, &c.

The object of the amendment, as proposed by the Committee of Ways and Means, is very evident. The amendment of the Senate proposed to obtain the assent of the Indian tribes, and in this way to change the mode of payment of their annuities. For instance, the annuities to be paid in money might be authorized to be paid in goods of one kind or another; or it might be agreed to pay larger installments, and so shorten the term of their payments. This, in the estimation of the Committee of Ways and Means, would be substantially a new treaty with the tribes. The committee, therefore, thought it better that, in so many words, the President should have power to enter into treaties with the various Indian tribes to accomplish this object.

Mr. HOWE. I am opposed to that amendment. After all our experience with the Indians, I am not in favor of this Government seeking now to make a better bargain with them. I am opposed to buying these perpetual annuities, because the day will never arrive when these Indians, these relics of former large tribes, will cease to need our aid.

I do not believe it is the policy of this Government, or that it is in accordance with the duty of the Government to the Indians, to extinguish these perpetual annuities for cash in hand, which they will soon use up and squander away. If we do that, we shall soon see them outcasts and wanderers.

Mr. JONES, of Tennessee. I submit to the gentleman that he is not opposed to the amendment to this amendment.

Mr. HOWE. I am opposed to the purchase of these perpetual annuities.

Mr. JONES. But if it is to be done, you are in favor of having it done by treaty?

Mr. HOWE. Undoubtedly.

Mr. HOUSTON. The amendment requires that it shall be done by treaty, and that requires the consent of two thirds of the Senate, and, so far, it is a protection of the rights of the Indians.

The question was then taken on the amendment to the amendment of the Senate; and it was agreed to.

Mr. HOUSTON. During this session of Congress, this House has passed a bill, by a large majority, proposing, in some way, to accomplish the very end proposed to be reached by this amendment. I remember I opposed the bill—which was introduced by the gentleman from South Carolina, [Mr. ORN]—or some of its provisions, and they were discussed in the House.

But a bill of that character, proposing to have that general end in view, and authorizing the President of the United States to make propositions to change existing annuities, and existing treaties, passed the House by a large majority. The Committee of Ways and Means, taking that as the express judgment of the House, and in accordance with their own separate judgment, saw fit to recommend a concurrence in this amendment of the Senate.

Mr. WASHBURN, of Maine. I hope this amendment will not be adopted by the House. It seems to me it should be voted down. The effect will be to induce us to make treaties immediately with the Indians, by which we should be able to buy up these perpetual annuities, and pay them the money in hand, which will be wasted, in most cases, in a short time. The Indians will then be upon our hands, to be supported by us, or we will have to turn them loose upon the world. I call for tellers upon the amendment.

Tellers were ordered; and Messrs. MORGAN and SKELTON were appointed.

The question was taken; and the tellers reported—ayes fifty-seven—not a sufficient number, being less than a majority of a quorum.

So the amendment, as amended, was not concurred in.

Eighty-first amendment:

Sec. 10. *And be it further enacted*, That to enable the Secretary of the Interior to settle and pay the claims on file for reservations, and for rents and improvements, under the thirteenth and sixteenth articles of the Cherokee treaty of 29th of December, 1835, in pursuance of the stipulations of the third article of the treaty of August 8, 1846, the sum heretofore appropriated for those purposes, and carried to the surplus fund, is hereby reappropriated.

Mr. GROW. I move to make two or three verbal amendments to that amendment.

I move, in the second line, between the words "the" and "on," to strike out the word "claims," and to insert the words "awards of commissioners." In the third line, after the word "reservations," I move to insert the word "preemptions;" and in the fourth line, after the word "the," I move to insert the word "twelfth;" so that the amendment, as amended, would read:

That to enable the Secretary of the Interior to settle and pay the awards of commissioners, on file for reservations, preemptions, and for rents and improvements, under the twelfth, thirteenth and sixteenth articles of the Cherokee treaty of 29th of December, 1835, in pursuance of the stipulations of the third article of the treaty of August 8, 1846, the sum heretofore appropriated for those purposes, and carried to the surplus fund, is hereby reappropriated.

There are two or three awards for preemptions, and it is necessary that the word should be inserted in order to include them. This amendment is to cover the awards made by the commissioners who were appointed to examine the claims. I think, therefore, the words "awards of commissioners" should be inserted, instead of "claims;" for this appropriation is not to pay all the indefinite claims made, whether awarded by the commissioners or not.

The amendment to the amendment was agreed to.

The amendment, as amended, was then concurred in.

Eighty-second amendment:

Sec. 11. *And be it further enacted*, That, for the payment of the balance of *per capita* due the Cherokee Indians residing in the States east of the Mississippi river, under the treaty of 1835, and supplemental treaty of May, 1836, according to the stipulation of the tenth article of the treaty of August 8, 1846, the sum of \$92,625 18: *Provided*, That the same shall be reimbursed from the sums of money heretofore to be paid to the Western Cherokees, in such manner and in such amounts as the President of the United States may direct.

Mr. HOUSTON. The Committee of Ways and Means recommend a non-concurrence in that amendment.

This is the item which was so ably discussed by the gentleman from Pennsylvania [Mr. GROW] when this bill was before the House a month or six weeks ago. The House then rejected the appropriation, and I hope they will again reject it now.

Mr. GROW. This claim has been before the Committee on Indian Affairs, and was very fully investigated, and reported unanimously by them. It was offered when the Indian bill was up on a former occasion, and adopted by the committee, but was lost in the House.

Mr. Chairman, I shall find it impossible, in the

five minutes allotted to me, to state the merits of this claim. It rests upon treaty stipulations. The obligations which this Government is under to pay this money exist under two treaties. In 1835 a treaty was made between the Government and a part of the Cherokee nation, purchasing their lands, for which we agreed to pay \$5,000,000. In 1836 a supplemental treaty was made by which the Government agreed to pay \$600,000, making in all \$5,600,000 as the treaty fund.

Mr. TAYLOR, of Ohio. I would inquire whether the amendment which the gentleman advocates was recommended by the Committee on Indian Affairs?

Mr. GROW. It was fully examined by the Committee on Indian Affairs, and unanimously agreed to. I am now briefly stating the facts of the case.

A portion of the Indians emigrated under the treaty of 1835-'36 to what is now the State of Arkansas. By a subsequent arrangement, they were removed west of Arkansas. A difficulty grew up between the John Ross party and the treaty-making party. Ross refusing to remove under the treaty, General Scott was sent, in 1838, to remove them by force. He made a supplemental arrangement with John Ross, by which he was to pay \$65 90 the head for the removal of these Indians, provided eighty days were occupied in the removal. If more time was occupied, he was to pay proportionately greater, and if less, then Ross was to refund in that proportion. From eighty to one hundred and fifty-five days was taken in the removal of different detachments of these Indians. The Cherokees, remaining in the States, claim that they are not to be prejudiced by any such arrangement as that. The Government, in 1846, made a new treaty with all the Cherokees. Owing to the large amount of the cost of their removal, difficulties arose in settling the amount still due *per capita*, and to settle these, the Cherokees east and west, and others in the States, entered into new stipulations with the Government in 1846. In that treaty, the Cherokee nation agreed to pay all the claims the Government had against them for removal and subsistence, including these large outlays under the arrangement with General Scott.

But the tenth article of the treaty of 1846 expressly provides that the Cherokees remaining in the States are not in any way to be prejudiced or injured in any of their rights under the treaty of 1835, 1836. By the treaty of 1846, these difficulties were submitted to the Senate of the United States, as umpire between the United States and the Creek Nation. Mr. Sebastian, chairman of the committee of the Senate, to which the matter was referred, reported \$1,571,346 53 to be due the Cherokees. The treaty provided that it should be paid *per capita*. Whatever money, therefore, is now appropriated, is to be paid to these Indians *per capita*, and it cannot be paid to anybody else. I state this, for there are gentlemen who will not vote money when they have the impression that agents are concerned. They think that the money, instead of going to the Indians, is only swallowed up by the agents. No agent can touch this money; for it is to be paid by the treaty, to the Indians themselves, *per capita*. The Committee on Indian Affairs took the decision of the Senate, acting as umpire between the Cherokee Nation and the Government—add to it \$22,212 76, expense of Cherokee committee, improperly deducted from the treaty fund.

[Here the hammer fell.]

Mr. GROW. I move a *pro forma* amendment, so that I may complete my statement.

[Cries of "Go on!"]

Mr. GROW. We took the decision of the umpire. We added to that \$22,212 76 that was taken from their fund, and for which act we could find no provision in the treaty. By the treaty of 1835-'6, \$600,000 of spoiliations and expenses of removal were to be deducted from the treaty fund; but the spoiliations and removals, so charged, amounted to \$25,414 09 more than \$600,000. The Cherokees claim that, under the treaty, it could not exceed \$600,000. That would leave \$1,638,973 38 due at that time. To whom was it due? Under the treaty of 1846, it would be due to all the Cherokees, taking the eastern and western Cherokees together, after deducting all the expenses that are provided for in the treaty of 1846, which would include the expenses of re-

removal, as arranged by General Scott, the excess of which over twenty dollars per head cannot be deducted from the treaty fund, so far as the eastern Cherokees are concerned; for by the tenth article of the treaty of 1846—

"It is expressly agreed that nothing in the foregoing treaty contained shall be so construed as in any manner to take away or abridge any rights or claims which the Cherokees now residing in the States east of the Mississippi river had, or may have, under the treaty of 1835, and the supplement thereto."

Their rights are to be determined, then, by the treaty of 1835 and 1836, by which removal is fixed at twenty dollars per head, and no greater sum could therefore be charged to the treaty fund, so far as the eastern Cherokees are concerned. And that would leave the amount provided for in this amendment still due.

Should the Cherokees who remained in the States, and have become citizens under the laws of the States, be prejudiced in any of their rights secured by treaty, by any act of General Scott, acting as agent of the Government, or by any act of a portion of the tribe to which their assent was never given? The merits of the claim rest upon this brief statement of facts.

Mr. HOUSTON. I had had a very limited opportunity of examining this claim when I discussed the question before. I have since examined it, and I think I can satisfy even the gentleman from Pennsylvania that there is no foundation for the claim. As I have but little time, I will make my statements as brief as possible. In the report made by the gentleman from Pennsylvania, [Mr. Grow,] and also the report made by Mr. SEBASTIAN, of the Senate, they make a balance due the eastern Cherokees; and the calculation is made under the most favorable circumstances for them, the legitimate expenses being deducted, and nothing more. The very expenses which all admit ought to be deducted, are deducted, and this leaves \$1,571,000 for the whole of the Cherokees. Well, sir, the error of the gentleman from Pennsylvania [Mr. Grow] is this: He overlooks the \$523,000, one half of that amount which is due under the treaty to the old settlers, the western Cherokees. Those Cherokees who left the States at an early period, and never did obtain any consideration for their lands, were just as much entitled to their share—every one of them—as the eastern Cherokees were. Every one of them was entitled to his proportion of the purchase money given for these lands. Well, sir, the gentleman goes on and makes out, and the Senate committee go on and make out, that the Cherokees east were entitled to have received \$1,571,346 53; and they propose that all should be given to the eastern Cherokees.

But, sir, the gentleman from Pennsylvania forgot to deduct the \$523,782 17 which is due to the old settlers—due to a branch of the tribe that had left the States, but who were as much entitled to a share of the purchase money as any other branch of the tribe. Now, if you deduct that \$523,782 from the amount claimed by the gentleman from Pennsylvania to be due after deducting the proper expenses, you leave them \$1,047,564 35. Take the gentleman's own positions, as laid down in his speech, and this leaves \$10,153 due to the Cherokees east, and no more. I have no doubt, however, but that this is wrong. I have no doubt that if the settlement were fairly and honestly made, they would be found entitled to more than that.

Here is one thing further, however; and I have omitted a good many points which I think conclusive. Here is the opinion of Attorney General Crittenden on the same section of the treaty. My friend from Pennsylvania claims on the tenth section; and if that doctrine were so, he would have got no claim at all. I hold in my hand the opinion of Attorney General Crittenden, made in relation to these very Cherokees. They wanted a part of the appropriation made in 1850, and a part of the appropriation of 1851. And the question came up, and was presented to the Attorney General, whether, on their leaving the States, they could receive any part of this appropriation. Mr. Crittenden, in his opinion, goes on to consider that tenth article just precisely in the manner in which I regarded it when the matter was up before, and precisely in opposition to the construction given to that article by the gentleman from Pennsylvania. Here is what Mr. Crittenden says:

"The qualification required was expressed in these

terms that they were 'qualified to take care of themselves and their property.' It may be that some not thus qualified did remain, contrary to the terms of the treaty, and have become mingled with those that were entitled to remain, and did remain. But as it would be difficult now to make any discrimination, or to enforce a forfeiture upon the very loose and uncertain terms of their not possessing the required qualification, and as to the tenth article of the treaty of 1846, which recognizes the right of those residing east of the Mississippi river, makes no discrimination, and excludes none on account of their having remained in supposed violation of the treaty, I think it is now too late to question their rights on that ground; and, consequently, they must be admitted among the distributees."

To the fourth question submitted to him, whether if any of the Cherokees who have never removed west of the Mississippi river were entitled, they might be required to emigrate, as a condition precedent to their being paid, he answers as follows:

"The treaty of 1835, article twelve, conceded the rights of individuals and families of Cherokees, who were averse to a removal to the Cherokee country west of the river Mississippi, to remain east, and to receive their due portions of the money to be distributed *per capita*. The treaty of 1846, article tenth, recognized these claims of the Cherokees, then, at the date of the treaty, residing east of the Mississippi. On this subject I have heretofore expressed my views. To require those Indians so residing east of the Mississippi river, at the date of the treaty of August, 1846, to remove to the Cherokee country west, as a condition precedent to their being paid their dividends *per capita* of the balance of the purchase money for the lands east of the Mississippi river never ceded by their nation to the United States, would be without any authority of law, and a breach of the faith of the treaties of 1834 and of 1846, as I firmly believe."

Mr. WHEELER. I move that the committee do now rise.

The motion was not agreed to.

[Cries of "Question!" "Question!"

Mr. MATTESON called for tellers.

Tellers were ordered; and Messrs. EWING and WHEELER were appointed.

The question was taken; and the tellers reported—ayes 45; not a majority of a quorum.

So the amendment of the Senate was not concurred in.

Eighty-third amendment:

SEC. 12. *And be it further enacted*, That the Secretary of the Interior be authorized and required to investigate the claim of the Brotherton tribe of Indians against the United States, and report the facts to Congress at its next session, or earlier if practicable, together with an estimate for such amount as may be found justly due the said Indians.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Eighty-fourth amendment:

Amend the title, by adding to the end thereof the following words: "and for other purposes."

The amendment was concurred in.

Mr. HOUSTON. I move that the committee do now rise, and report the fortification bill and the Indian appropriation bill to the House.

Mr. STUART. I ask the gentleman from Alabama to yield to me for a moment for a personal explanation?

Mr. HOUSTON. I yield to the gentleman.

Mr. STUART. The gentleman gives way to me for a moment, and I rise to a personal explanation.

Mr. JONES, of Tennessee. You had better do that in the House.

Mr. STUART. I desire to make the explanation here. It will occupy but a minute.

I, this morning, asked a question of my colleague, [Mr. STEVENS,] when he was making an explanation in reference to the subject which had been brought to the attention of the House by the gentleman from Illinois, [Mr. WASHBURN,] which question seemed to implicate one of the Senators from Iowa. I asked the question under a mistake, from information which I had derived from an outside quarter. I did understand that one of the Senators from Iowa [General JONES] had gone to Mr. Forney, with my colleague from Michigan, and advised him to make the alteration. But I understand, upon inquiry from Mr. Forney, that I was entirely deceived, and that General JONES never called on him, or spoke to him on the subject. I desired to make this explanation when the question was asked.

The question was then taken on Mr. Houston's motion, and it was agreed to.

So the committee rose; and the Speaker having resumed the chair, the Chairman (Mr. WALLEY) reported that the Committee of the Whole on the

state of the Union had, according to order, had the Union generally under consideration, and particularly the bill of the House (No. 116) "making appropriations for fortifications and other works of defense, and for repairs of barracks and quarters, for the year ending the 30th of June, 1855;" and the bill of the House (No. 46) "making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1855," with the amendments of the Senate thereto, both of which they had instructed him to report to the House, the former with sundry amendments, and the latter with recommendations that the House non-concur in some of the amendments of the Senate, concur in others, and concur in others still with amendments.

Mr. HOUSTON. I move the previous question upon both these bills. I suppose I may include them both in the same motion.

Mr. JONES, of Tennessee. I would propose that a vote be taken on concurring in the report of the Committee of the Whole on the state of the Union in reference to the Senate amendments to the Indian appropriation bill. The committee have recommended to non-concur in some of the amendments, to concur in others, and to concur in others still with amendments. Now I propose that by one vote we concur with the Committee of the Whole in its action, and thus dispose of the bill at once.

Mr. HOUSTON. I have not the slightest objection to that course.

The question was then taken, and the report of the Committee of the Whole in reference to the amendments of the Senate to the Indian appropriation bill was concurred in.

Mr. HOUSTON. I move to reconsider the vote last taken, and to lay the motion to reconsider upon the table.

The latter motion was agreed to.

FORTIFICATION BILL.

Mr. HOUSTON. I now ask the previous question upon the engrossment of the fortification bill.

The previous question was seconded, and the main question ordered to be put.

The amendments reported from the Committee of the Whole were then severally read, and adopted.

The bill, as amended, was then ordered to be engrossed and read a third time; and being engrossed, was read the third time.

Mr. HOUSTON. I demand the previous question upon the passage of the bill.

Mr. DISNEY. I move to lay the bill upon the table.

Mr. HOUSTON. I ask the gentleman to withdraw that motion until the previous question has been seconded.

Mr. DISNEY. I will withdraw it for that purpose.

The previous question received a second, and the main question was ordered to be now put.

Mr. DISNEY. I renew the motion that the bill be laid upon the table.

Mr. McNAIR. I think that we should adjourn. We shall be better able to do the business to-morrow.

Mr. HOUSTON. We should have the yeas and nays first on the passage of the bill.

Mr. WHEELER. I move that the House do now adjourn.

The question was put; and, on a division, there were—ayes 49, noes 81.

Mr. WHEELER. I demand tellers on the motion.

Tellers were not ordered.

So the House refused to adjourn.

Mr. DISNEY. I withdraw the motion that the bill be laid upon the table.

Mr. JONES, of Tennessee. I demand the yeas and nays on the passage of the bill.

Mr. STUART, of Michigan. I would like to know whether the gentleman from Ohio has not moved that the bill be laid upon the table?

The SPEAKER *pro tempore*. The gentleman has withdrawn his motion.

Mr. STUART. I renew it.

The question was taken; and the House refused to lay the bill upon the table.

The yeas and nays were ordered on the passage of the bill.

Mr. SOLLERS. I move that the House do now adjourn.

The question was taken; and the House refused to adjourn.

Mr. WHEELER. I move to lay the bill upon the table.

The SPEAKER *pro tempore*. The motion is not in order, as no business has intervened since a similar motion was made and voted down. According to the decision of the regular occupant of the chair, there must be business changing the character of the bill before the motion to lay the bill upon the table can be renewed.

Mr. WASHBURN, of Maine. I move a call of the House.

The SPEAKER *pro tempore*. That motion is not in order, because the previous question is operating.

The question was then taken upon the passage of the bill, and there were—yeas 72, nays 68; as follows:

YEAS—Messrs. James C. Allen, Willis Allen, Thomas H. Bayly, Belcher, Bell, Benson, Benton, Bliss, Boeck, Boyce, Bugg, Caskie, Chandler, Chrisman, Clingan, Cobb, Corwin, Crocker, Dick, Dickinson, Dowdell, Thomas D. Eliot, Ellison, Farley, Faulkner, Florence, Franklin, Fuller, Goodrich, Harrison, Hibbard, Houston, Howe, Hughes, Hunt, Roland Jones, Kidwell, Kittredge, Macdonald, McNair, Maxwell, Milson, Nichols, Andrew Oliver, Bishop Perkins, Phillips, Puryear, Riddle, David Ritchie, Robbins, Rowe, Seward, Shower, Simmons, Skelton, William Smith, William R. Smith, George W. Smyth, Sol-Jers, Frederick P. Stanton, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Thurston, Upham, Vail, Vansant, Walbridge, Walley, Tappan Wentworth, and Wheeler—72.

NAYS—Messrs. Barksdale, Carpenter, Caruthers, Chamberlain, Clark, Cook, Cox, Dawson, Disney, Eastman, Eddy, Ewing, Fenton, Flagler, Giddings, Greenwood, Grey, Grow, Aaron Harlan, Hendricks, Henn, Hill, Johnson, Daniel T. Jones, George W. Jones, Knox, Lamb, Letcher, Lilly, Lindsley, McCulloch, McMullin, McQueen, Macy, Mateeson, Smith Miller, Morgan, Morrison, Murray, Noble, Norton, Mordecai Oliver, Orr, Packer, Parker, Pennington, Phelps, Powell, Pringle, Ruffin, Sabin, Sapp, Shaanon, Shaw, Singleton, Gerrit Smith, Richard H. Stanton, Hester L. Stevens, Stratton, Andrew Stuart, David Stuart, Wade, Walsh, Elihu B. Washburne, Wells, Daniel B. Wright, Hendrick B. Wright, and Yates—68.

So the bill was passed.

Mr. HOUSTON. I move to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table.

Mr. JONES, of Tennessee. Upon the latter motion I demand the yeas and nays.

The yeas and nays were ordered.

Mr. LILLY. I move that the House adjourn.

The motion was agreed to; and the House thereupon (at four o'clock, p. m.) adjourned till tomorrow at eleven o'clock, a. m.

IN SENATE.

TUESDAY, July 25, 1854.

Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of the Treasury, and of the Attorney General, to whom was referred by a resolution of the Senate of the 3d August, 1846, the memorial of Kingsley B. Gibbs, executor of Zephaniah Kingsley, praying to be allowed interest on his claims arising under the ninth article of the treaty of 1819, between the United States and Spain, communicating their opinions on said claim, and the liabilities of the Government under the ninth article of the treaty aforesaid; which was read.

Mr. MALLORY. That is a communication of very great importance to a large portion of my constituents upon questions arising under the Florida treaty. I therefore move that it be referred to the Committee of the Judiciary, and printed.

The motion was agreed to.

REPORTS FROM STANDING COMMITTEES.

Mr. WADE, from the Committee on Claims, to whom was referred a bill from the House of Representatives for the relief of Joseph Gerard, reported it back without amendment.

Mr. CLAY, from the Committee on Claims, to whom was referred a bill from the House of Representatives for the relief of the administrators of Oliver Lee, deceased, reported it back without amendment.

Mr. MALLORY, from the Committee on Naval

Affairs, to whom was referred a petition of lieutenants in the United States revenue marine service who were attached to the United States naval squadron in the West Indies during the Florida war in 1836, 1837, 1838, and 1839, praying to be allowed the same compensation as officers of like grade in the Navy, submitted a report, accompanied by a bill increasing the pay of certain officers of revenue cutters while serving in the Navy of the United States; which was read, and passed to a second reading. The report was ordered to be printed.

HON. JARED W. WILLIAMS.

Mr. MALLORY (in the absence of Mr. Norris) submitted the following resolution; which was referred to the Committee on the Judiciary:

Whereas, the Hon. JARED W. WILLIAMS was appointed by his Excellency the Governor of New Hampshire, in the recess of the Legislature of that State, to fill a vacancy in the Senate of the United States, which had happened by the death of the Hon. Charles G. Atherton, a Senator, whose term of service would have continued till the 4th of March, 1859; and whereas, it is understood that, since that temporary appointment was made, the Legislature of New Hampshire has been convened at its regular session, and has adjourned to the last Wednesday of May next, without filling said vacancy; and that said State still claims a right of representation under said appointment, which the appointee is not at liberty to surrender by his act without the action of the Senate; at his request, therefore—

Resolved, That the subject be referred to the Committee on the Judiciary, to inquire into the facts connected with it, and to make such report as they deem proper to enable the Senate to determine whether the right of representation under said appointment has expired.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. McKEAN, Chief Clerk, announcing that the House had passed the following bills from the Senate, with amendments, in which they requested the concurrence of the Senate:

A bill for the relief of William Senna Factor;

A bill for the relief of the executors of the late brevet Colonel A. C. W. Fanning, of the United States Army; and

A bill for the relief of the representatives of Joseph Watson, deceased.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker had signed the following enrolled bills and resolution:

An act to confirm the claim of Dusan de la Croix to a tract of land therein described;

An act for the relief of Charles Cooper & Co.;

An act for the relief of James Dunning;

An act for the relief of Joseph Mitchell;

An act authorizing Victor Morass to relinquish certain lands, and to enter the same quantity elsewhere;

An act for the relief of the legal representative of Joshua Kennedy, deceased;

An act for the relief of John Phagan;

An act for the relief of Ezra Williams; and

A resolution authorizing the Secretary of the Territory of New Mexico to adjust and pay to Juan C. Armijo, José L. Perera, and James L. Collins, the amount by them loaned to the Legislative Assembly of the Territory of New Mexico, under authority of a joint resolution of that body, approved June 17, 1851;

Which were thereupon signed by the PRESIDENT *pro tempore*.

INDIAN APPROPRIATION BILL.

The message also announced that the House had agreed to some and disagreed to other amendments of the Senate, to the bill making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with the various Indian tribes for the year ending the 30th of June, 1855, and for other purposes; and that they had agreed to other amendments of the Senate to said bill with amendments, in which they requested the concurrence of the Senate.

The Senate proceeded to consider their amendments to the above-named bill, disagreed to by the House of Representatives; and

On motion by Mr. HUNTER, it was

Resolved, That the Senate insist on their amendments to the said bill, disagreed to by the House of Representatives, disagree to the amendments of the House to the amendments of the Senate to the said bill, and ask a conference on the disagreeing votes of the two Houses thereon.

On motion by Mr. HUNTER, it was

Ordered, That the committee of conference on the part

of the Senate be appointed by the PRESIDENT *pro tempore*; and

Mr. PEARCE, Mr. SEBASTIAN, and Mr. ADAMS were appointed.

A subsequent message from the House of Representatives, announced that they insisted on their disagreement to the amendments of the Senate, and on their amendments to the amendment of the Senate; that they agreed to the conference asked by the Senate on the disagreeing votes of the two Houses, and that they had appointed Mr. G. S. Houston, Mr. S. G. Haven, and Mr. G. A. Grow, as managers of the same on their part.

COLLECTION DISTRICT IN NEW YORK.

Mr. EVANS. I have had for a long time a desire to get before the Senate a bill which was reported from the Committee on Revolutionary Claims, and which was under consideration a long time ago, the fate of which, I think, is very important to be decided at once, as there are hundreds of people living at least in hope upon it.

Mr. HAMLIN. I ask the Senator from South Carolina to allow me to report a bill before his motion is put.

Mr. EVANS. I withdraw it.

Mr. HAMLIN. I am directed by the Committee on Commerce, to whom was referred House bill "creating a collection district in New York, to be called the district of Dunkirk, and constituting Dunkirk a port of entry, and the ports of Barcelona, Silver Creek, and Cattaraugus Creek ports of delivery," to report it back without amendment, and recommend its passage. I also ask that it may receive action at this time. It is in the usual form of all such bills.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

It proposes to create the counties of Cattaraugus and Chautauque, in the State of New York, and the harbors and waters on the southern shore of Lake Erie, west of and including Cattaraugus Creek to the Pennsylvania line, and the islands contiguous thereto, heretofore embraced in the district of Buffalo, a new collection district to be called the district of Dunkirk. There is to be a collector appointed for Dunkirk, and deputy collectors for Barcelona, Silver Creek, and Cattaraugus Creek.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

RIVER AND HARBOR BILL.

Mr. STUART. Will the honorable Senator from South Carolina withdraw his motion for a moment, to enable me to make a report?

Mr. EVANS. I withdraw for that purpose.

Mr. STUART. The Committee on Commerce has instructed me to report back the bill of the House "making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law," with certain amendments. I am instructed by the committee to give notice that I shall ask the Senate to take up and consider that bill so soon as the civil and diplomatic appropriation bill shall be disposed of.

REVOLUTIONARY CLAIMS.

Mr. CHASE. I ask the Senate to take up the resolution which I presented a few days ago, for printing the votes and proceedings on the Nebraska bill.

Mr. EVANS. I have given place already to several gentlemen, and I must now insist upon my motion.

The PRESIDENT. The Senator from South Carolina gave way to receive reports, and other special matters. The question will now be taken on his motion.

Mr. CHASE. I was not aware that anybody was upon the floor. But, Mr. President, I must object to this mode of proceeding. A Senator takes the floor—

The PRESIDENT. The Chair will observe that it is not in order; but if a Senator surrenders the floor, the next person that addresses the Chair is entitled to it.

Mr. CHASE. I yield the floor with great cheerfulness to the Senator from South Carolina.

Mr. BENJAMIN. Will the Senator from Ohio allow me to present a report?

Mr. CHASE. I should prefer to have the res-

olution taken up. It will take but a single moment.

Mr. BROADHEAD. I should like to inquire what the resolution relates to.

Mr. CHASE. It is a resolution which I submitted in regard to printing certain votes and proceedings on the Nebraska bill.

Mr. BROADHEAD. Oh! I thought we had got through with Nebraska.

The PRESIDENT. The Senator from South Carolina is entitled to the floor.

Mr. EVANS. Then I move that the Senate proceed to the consideration of the bill to provide for the final settlement of the claims of the officers of the Revolutionary Army, and of the widows and orphan children of those who died in the service.

Mr. HUNTER. I will state in regard to that, that I shall consider it my duty to press the civil and diplomatic appropriation bill. I think we ought to give that the preference.

The PRESIDENT. The Senator from South Carolina has the right to have his motion put.

Mr. RUSK. That bill will evidently lead to a day or two's debate. I do not like to interpose any objection to the honorable Senator from South Carolina, for, if there is any one member of the Senate, over another, whom I would be willing to accommodate, it would be that honorable Senator, but I know that the bill will certainly lead to debate. I gave notice yesterday that I should this morning move, in the morning hour, to take up the bill in relation to the officers of the late Texan navy. It has been before Congress seven or eight years, and has always been thrown over to the last days of the session for its consideration. It is one of very considerable importance. The bill which the Senator wishes to take up involves a great many principles, and I feel satisfied it will lead to debate; and if taken up it will, as a matter of course, throw my bill out for to-day.

Mr. SLIDELL. This bill is one of more than doubtful justice, and one which I should think it my duty to oppose, very reluctantly, if no one else should. I am sure it will lead to a very protracted debate, and as time is precious, I hope the Senate will not take it up.

Mr. EVANS. I do not think it will lead to any debate. I do not propose to discuss it, and I suppose every Senator is prepared to vote upon it. I am willing to take a vote upon it without any discussion, and have it disposed of, so that those people who are petitioning Congress by hundreds should know their fate; and if they are to have nothing, if we are to squander away hundreds of millions upon wild schemes for the benefit of the present generation, let those who fought your battles in your Revolution know what is to be done for them. If it is the pleasure of the Senate not to take up the bill, let it be so, but I do not propose to discuss it myself. All that I desire is, that it may be acted upon one way or the other.

On a division no quorum voted.

Mr. FOOT called for the yeas and nays; and they were ordered.

Mr. EVANS. I hope this will be considered a test vote.

The yeas and nays being taken, resulted—yeas 23, nays 21; as follows:

YEAS—Messrs. Atchison, Badger, Bell, Bright, Brodhead, Butler, Clayton, Cooper, Evans, Fish, Foot, Geyer, Gwin, Hamlin, James, Mallory, Pettit, Shields, Thomson of New Jersey, Toucey, Wade, Walker, and Weller—23.

NAYS—Messrs. Allen, Bayard, Benjamin, Cass, Chase, Clay, Dawson, Dodge of Wisconsin, Fitzpatrick, Gillette, Houston, Hunter, Johnson, Jones of Tennessee, Rockwell, Rusk, Sebastian, Slidell, Stuart, Sumner, and Toombs—21.

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. SLIDELL. I am sure, Mr. President, that it would be altogether superfluous for any Senator on this floor to disavow any intentional discourtesy towards the honorable Senator from South Carolina. As was said by my friend from Texas, there is no gentleman here to whom, under other circumstances, I should be more disposed to extend every possible facility for getting up the bill and having it acted upon. But I am very sure that it cannot be passed without a long and protracted debate.

I have examined the question with some degree of attention, but I am not now prepared to give my authorities to the Senate. I did intend, when the bill was brought forward for consideration, to

address, at some length, my views to the Senate against its passage. I have not my memoranda with me now; and in order to test the sense of the Senate, whether they are willing to proceed with it now, (involving, as it does, very difficult principles, and an expenditure of \$4,000,000,) to the detriment of matters of urgent importance before the Senate which we scarcely have time to pass, I move that the further consideration of the bill be postponed until the first Monday in December next. I shall consider that a test question, and upon it I ask the yeas and nays.

The yeas and nays were ordered; and taken, with the following result:

YEAS—Messrs. Adams, Allen, Bayard, Bell, Cass, Chase, Clay, Dawson, Dodge of Iowa, Fitzpatrick, Gillette, Gwin, Houston, Hunter, Johnson, Jones of Tennessee, Rockwell, Rusk, Sebastian, Slidell, Stuart, Sumner, Thomson of New Jersey, and Toombs—24.

NAYS—Messrs. Atchison, Badger, Bright, Brodhead, Butler, Clayton, Cooper, Dixon, Dodge of Wisconsin, Evans, Fessenden, Fish, Foot, James, Pearce, Pettit, Pratt, Shields, Wade, Walker, and Weller—21.

So the motion to postpone was agreed to.

JUDICIARY BILL.

Mr. BUTLER. I have been somewhat reproached by those who are interested in the subject, for not bringing forward the bill for the reorganization of the judiciary. I rise merely for the purpose of saying that I could not heretofore ask the Senate to take it up, consistently with the state of public business; and I give notice now that it is my wish and desire, and I hope it will be the general understanding that it shall be taken up at the commencement of the next session.

CIVIL AND DIPLOMATIC BILL.

Mr. HUNTER. I move to postpone the prior orders, for the purpose of taking up the civil and diplomatic appropriation bill.

Mr. RUSK. I hope the Senator will allow me an hour this morning for the consideration of the Texas navy bill. It is but a little after half past eleven o'clock; and I think it would be better to postpone the appropriation bill for a short time.

Mr. HUNTER. There is no earthly chance of getting through with the Senator's bill in an hour.

Mr. RUSK. If the hour expires without its being disposed of, I will move to postpone it until to-morrow.

Mr. HUNTER. I dislike to be in the way of the Senator, but I must insist on my motion to take up the appropriation bill. If the Senate wish to take up the Senator's bill, they can vote down my motion.

The motion was agreed to; and the Senate resumed the consideration of the bill from the House, "making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1855;" the pending question being on the following amendment of the Committee on Finance, as amended:

For continuing the work for a supply of water to the cities of Washington and Georgetown, \$500,000: *Provided*, That no part of the sum hereby appropriated shall be expended until the corporations of Washington and Georgetown, or either of them, shall appropriate and pay an amount equal to one fourth of said sum for the same purpose. And full power and authority are hereby given to said corporations respectively to raise, by loan or otherwise, any sum of money that may be necessary to enable them or either of them to make the appropriation herein required. And the said corporations of Washington and Georgetown and the inhabitants of said cities respectively, or the corporation making the appropriation and the inhabitants of said city, shall be authorized to use the surplus water which may be brought by the Washington aqueduct, after supplying the Government establishments in Washington, under such general rules and regulations as may hereafter be prescribed by Congress; and each of said corporations shall have the right to charge and collect of the inhabitants of such cities such reasonable tax or rent for the use of the water as will provide for the regular payment of the interest and gradual payment of the principal of any money which may be raised under the authority hereby given.

Mr. SLIDELL. I voted in the majority for the adoption of the amendment of the Senator from Virginia, [Mr. HUNTER.] I was under the impression at the time that the amendment contained the provision which I had incorporated into the amendment previously offered by me, making it obligatory upon the part of the corporations of Washington and Georgetown, not only to provide for the payment of one fourth of the sum now appropriated, but one fourth of all future appropriations for this work. I was surprised to find after the vote had been taken, that that portion of

the amendment had been stricken out. Under these circumstances, I think that the provision to guard the Treasury of the United States is perfectly illusory. So far as I am concerned, I should prefer the appropriation to go to the House in its naked form, without any attempt to impose any obligations on the part of the corporations of Washington and Georgetown, such as are contained in the amendment as it now stands, which I am sure will not be enforced under it. I move the reconsideration of the vote by which that amendment was adopted, so as to allow such a provision to be inserted. Perhaps the Senator from Virginia will accept the amendment which I wish to make.

Mr. HUNTER. I cannot accept it, as the amendment has been voted on.

Mr. SLIDELL. Then I ask, if I have the assent of the Senator from Virginia, to incorporate that clause in the amendment?

Mr. HUNTER. I believe I shall have no objection to the Senator's amendment. If I understand it, it is to provide that the corporations of the District shall go on *pari passu* with the Government of the United States.

Mr. SLIDELL. Yes, sir; both as to this and all future appropriations, so that they may pass an ordinance which will bind them to contribute one fourth of all the expenditure for the water-works.

Mr. HUNTER. I have no objection to its being put in.

Mr. SLIDELL. Then I move to reconsider the vote for the purpose of putting in that proviso.

Mr. HUNTER. Perhaps it can be done by unanimous consent.

Mr. PRATT. It is not in order to vote the amendment without a reconsideration, and, therefore, I insist that it shall be done by a motion to reconsider, and in no other way.

Mr. SLIDELL. Then I move the reconsideration.

The PRESIDING OFFICER, (Mr. BRIGHT in the chair.) The Senator from Louisiana moves to reconsider the vote by which the amendment requiring the citizens of Georgetown and Washington to appropriate one fourth the sum appropriated by the amendment, was adopted.

Mr. SLIDELL. I move to reconsider the whole amendment, as it now stands, in order to insert the provision to which I have referred.

Mr. HUNTER. The Senator from Louisiana moves to reconsider my amendment to the amendment of the Committee on Finance. He moves it with a view to offer an amendment to the amendment.

Mr. SLIDELL. My object is to insert after the word "purpose," the words "and shall agree to pay in like manner the same proportion of all future appropriations."

Mr. HUNTER. I think the Senator will attain his object better by moving to insert those words without moving to reconsider.

Mr. SLIDELL. I am not very familiar with the rules, but I understand that no motion to insert can be made until after the amendment be reconsidered.

Mr. WALKER. That is a mistake; it can be done.

The PRESIDING OFFICER. It is entirely in order to move to amend the amendment.

Mr. SLIDELL. Then I move to insert, after the word "purpose," the words "and shall agree to pay in like manner the same proportion of all future appropriations."

Mr. PRATT. I ask for the yeas and nays on the amendment to the amendment. The effect of it, to my mind, is to defeat the whole of the project; and I would rather have it defeated openly. If that proposition be adopted, I shall vote against the whole amendment.

The yeas and nays were ordered; and being taken, resulted—yeas 28, nays 19; as follows:

YEAS—Messrs. Adams, Atchison, Bell, Butler, Cass, Chase, Cooper, Dodge of Wisconsin, Dodge of Iowa, Evans, Fessenden, Fitzpatrick, Gillette, Hamlin, Hunter, James, Johnson, Mallory, Mason, Pettit, Sebastian, Slidell, Sumner, Thomson of New Jersey, Toombs, Toucey, Wade, and Walker—28.

NAYS—Messrs. Allen, Badger, Bayard, Benjamin, Brodhead, Clay, Clayton, Dawson, Fish, Foot, Geyer, Houston, Jones of Tennessee, Pearce, Pratt, Rockwell, Rusk, Shields, and Weller—19.

The amendment to the amendment was agreed to

The question recurring upon the amendment of the committee as amended.

Mr. ADAMS called for the yeas and nays; which were ordered, and taken with the following result:

YEAS.—Messrs. Allen, Badger, Bayard, Bell, Benjamin, Bright, Brodhead, Butler, Cass, Chase, Clayton, Cooper, Dawson, Dixon, Douglas, Fessenden, Fish, Gwin, Hamlin, Hunter, James, Johnson, Mallory, Mason, Rockwell, Rusk, Shields, Stuart, Sumner, Wade, Walker, and Weller—32.

NAYS.—Messrs. Adams, Atchison, Dodge of Wisconsin, Dodge of Iowa, Evans, Fitzpatrick, Foot, Houston, Jones of Tennessee, Pearce, Pratt, Sebastian, Slidell, Thomson of New Jersey, and Toombs—15.

So it was adopted.

Mr. DODGE, of Iowa. I move to amend the provision just adopted by adding the following proviso:

Provided, That no part of this appropriation shall be expended unless in pursuance of a contract to be made with the most responsible bidder, after first inviting proposals for sixty days in twelve or more daily journals for the furnishing of all the materials, labor, tools, machinery, etc., and the completion of the entire work, agreeably to the approved plan of Lieutenant M. C. Meigs, as embraced in his report, within two years from the date of the contract, the contract price for the whole work in no event to exceed the estimate of \$2,500,000.

Mr. HUNTER. I do not exactly understand this amendment, unless the object be to transfer the management of the work from the control of the Secretary of War, where it now is.

Mr. DODGE, of Iowa. The object is, that it shall be done under the general direction of the Secretary of War, but by contract under the limitations prescribed.

Mr. STUART. I submit a question of order to the Chair, whether this provision can be amended now. The question has been taken by the Senate upon the amendment of the Committee on Finance, as amended, and that has been adopted. I submit that now it is too late to amend that.

Mr. HUNTER. I think the Senator from Michigan is undoubtedly right.

The PRESIDING OFFICER. The amendment of the Senator from Iowa is not in order. The final vote upon the amendment has been taken.

Mr. WALKER. I am inclined to think that, even after a proposition has been adopted, it may be amended, according to parliamentary law, by adding something to it. I think you will find it so laid down, sir. It would be singular, indeed, if, after you vote upon an amendment, you cannot afterwards amend the bill. That is this case, because an amendment when adopted becomes a part of the bill; it would be very strange indeed, if you could not amend by adding something to the bill, though it might be in conjunction with the immediate proposition last voted upon. I think you will find it so laid down in Jefferson's Manual.

The PRESIDING OFFICER. The bill is now in the Senate, and not in Committee of the Whole.

Mr. WALKER. I am aware of that; but this, it seems to me, can be amended at any time.

The PRESIDING OFFICER. The Senate have taken a final vote on the amendment of the committee, and it has been adopted.

Mr. WALKER. That is true; but it does not preclude a further amendment to the bill. This now becomes a part of the bill, and certainly, it seems to me, it would be in order to move the proviso.

The PRESIDING OFFICER. Not the provision which has just been adopted as an amendment.

Mr. CHASE. The Chair will allow me to make a suggestion. The amendment which has been recently voted upon has now become a part of the bill, and the bill is liable to be amended precisely as it was before. The amendment moved by the Senator from Iowa is an amendment moved to the bill, and not an amendment to an amendment, and is, therefore, I think, clearly in order.

Mr. DODGE, of Iowa. If the amendment is not in order as a proviso, perhaps it can be moved in the form of an additional section.

The PRESIDING OFFICER. No doubt it will be in order as an additional section.

Mr. DODGE, of Iowa. Then I offer it in that form.

Mr. CASS. If the honorable Senator from Iowa will add to his amendment a proposition to keep the superintendence where it is, and to allow

the superintending officer, under the direction of the War Department, to reject the work if it is improper, so that we may be sure of having it well done, I shall vote for his amendment; but I think some provision of this sort is necessary.

And another thing I wish to suggest. Can this work be properly done within two years? Is not the time too short? I do not know how that is. This is not the material point with me; the other is. I desire that the work, as it goes on, shall be within the control of the superintending officer; so that, when the \$2,000,000 are all expended, it shall not be lost by our receiving a work which is in a bad condition. It is a great deal better to check the errors as they go on, and to give the officer discretion to do so, than it is afterwards to bring up the whole proposition in dispute. I think the amendment of the Senator from Iowa should be modified in that way.

Mr. DODGE, of Iowa. I will make the time three years; and as there is nothing in the amendment which provides for any transfer from the War Department to any other Department, I hardly think it necessary to say anything on that subject; but I am willing to insert the provision which the Senator from Michigan suggests, if he thinks it necessary.

Mr. BRODHEAD. Mr. President, the Senator who offers the amendment, proposes to continue the work under the superintendence of the War Department, and the engineer now in charge. Does not that give them entire control over the subject? The engineer is to inspect the work: the War Department is to take charge of it. If so, why not give it to them entirely? Has not the system of contracts proved an entire failure? Has not the Secretary of the Navy reported to us in his annual report that it has been a failure in the Navy? I fear it will always be so. Sir, you cannot well carry on a great work of this kind by contract; and if you have not confidence in the head of the War Department, or in the engineer in charge, this amendment will be of no service. It will not restrain them at all. They are to give the contract to the "best responsible bidder." Who is to judge of that but the War Department?

Why, sir, in all these matters, if the work is to be constructed, we should make the appropriation, and leave the expenditures to the proper Department as a matter of administration. We cannot administer the fund here. All we can do, is to make the appropriation in this and other cases, and if we have not sufficient confidence in the persons who are to expend the money, we had better not make the appropriation at all. The right mode to make appropriations for the Army and Navy, or for any of the Departments of the public service, is for Congress to make the appropriation, and leave the question of expenditure as a matter of administration.

On these grounds, I object to this amendment. It is no restraint, in the first place, because it refers the matter to the discretion of the head of the War Department and the engineer in charge. I object to it, also, upon the ground that experience has proved that the contract system is a failure, and answers no useful purpose.

Mr. MALLORY. Mr. President, I trust my friend from Iowa will not press this amendment. Concurring as I do in everything that the Senator from Pennsylvania has just said, I would remind the Senate that our fortifications throughout the entire country, under the engineer department, are conducted apart from the contract system. The money is appropriated by Congress, and the Chief of the Engineer Corps and the Secretary of War are held responsible for the construction of the public works, by contract or otherwise, as they think best. In some portions of the country contracts, to small amounts, for the supply of particular materials, are necessarily made; but they are made upon the responsibility of the engineer officer in charge of the work, and we can hold him accountable; but, as a general thing, these funds are administered, and administered very economically by the engineer officers themselves, apart from contracts.

Now, sir, the contract system has been shown here very frequently to be entirely unsatisfactory. But a few days ago we had an example of it presented to us. In my own State, Congress has undertaken to construct a floating dock for naval purposes; it has expended under the contract sys-

tem nearly \$1,000,000 in the construction of that dock; and here is the fact staring us in the face that, for all public uses, that dock might just as well be in the middle of the Atlantic ocean. It is perfectly worthless. No ship of any size at all, either a frigate or a line-of-battle-ship, can be taken on it, and carried into the basin. There it stands; and as my colleague said, on this floor, in which expression of opinion I entirely concur, the Government would absolutely save money by cutting the dock loose and letting it go to sea. In three or five years it will be entirely destroyed by worms. An attempt to put a ship on it has entirely failed, and the board who examined it, so pronounced. That is an example of the contract system. Shall we continue it when we have such frequent proofs before us, that it cannot be carried out with advantage to the public service? I think not.

Mr. DODGE, of Iowa. The Senator from Pennsylvania who resisted this amendment, it strikes me, has made some most extraordinary assertions with regard to the contract system. I understood him to say that it had been repudiated by all the branches of the Government, and found to be a failure every where.

Mr. BRODHEAD. I did not intend to make the assertion quite so broad as that. I say in most instances it is a failure, and that you cannot carry on works of this kind as well by contract as you can otherwise. The engineer in charge and the Department now have power to make a contract if they choose, and to give it to the lowest bidder. Many portions of this work, no doubt, will be given to the lowest bidders; but I do not think we should make an imperative provision requiring the whole of it to be so given.

Mr. DODGE, of Iowa. I am happy, sir, to hear the correction of the Senator. I know that in regard to some very important works of internal improvement now being carried on on the Mississippi river, to wit, the removal of the obstructions of the Des Moines and Rock river rapids, for which Congress appropriated \$100,000, the Secretary of War adopted the contract system, and has let the work. The supplies for the different Departments here are furnished by contract. It strikes me that we can have no better way to carry on these works. I apprehend that the officers of the Topographical Corps are most competent to conduct the general operations, and especially the scientific portion of a work like this; but the superintendence of the men who do the work and the proper judgment as to what they do, belongs to another branch and a different one entirely. I think the amendment will work well. I am willing to adopt any suggestion of any Senator which will carry out the object I have in view, which is to get the work completed within a reasonable time, and have a guarantee that the cost will not exceed the estimates.

Mr. SHIELDS. I should like very much to be able to vote for the amendment of my friend from Iowa, if I could do so, or if I thought it one which would conduce to economy; or to a more efficient construction of this work; but I am compelled, as far as I understand the subject, to agree almost generally with the Senator from Pennsylvania.

I think that the contract system has, in fact, failed; and I believe that is the general impression of the Departments. As far as I have been able to make inquiries into the subject, it has given rise to more roguery than any other system in the Government. I was reading, the other day, a letter from an English gentleman, writing home from Russia, in which he says that all the public works in Russia are constructed by contract. He says the Government will contract for oak, and the contractors will furnish pine, and that is one reason why their vessels are not able to go out and cope with their opponents. He says that, as a general rule throughout that whole Empire, the contractors make it a matter of conscience to cheat the Government.

I think, sir, that, as a general rule here, as well as in Russia, contractors make it a matter of conscience to cheat the Government. In regard to all Executive departments, as far as I have been able to investigate the subject, and as far as I have taken the opinions of men who have been connected with it, the conclusion to which I have come is, that we pay more for the work under contract, and that it is worse done, and the materials are more deficient, than under any other

system. My opinion is, that it would be a very improvident thing to adopt it in this case.

Mr. PRATT. There is one view of this subject, sir, which I desire to present. This work, under the original law, was placed in the hands of the President of the United States. He sent an engineer to make the necessary surveys and estimates in regard to its cost. The report of that engineer was made to Congress a long time ago. Under the authority vested in the engineer, he has contracted for the delivery of the brick along the line of the work, and he has bought stone quarries from which the stone is to come for the purpose of the construction, and the whole plan, and the estimates in regard to the number of brick, and the number of stone to be purchased, and everything of that sort has been made by him. The manner in which the brick is to be placed, and where it is to be placed, and where the stone is to be placed, has already been fixed by him.

Besides this, Mr. President, as an engineer, he looks to this work as one by which his reputation is hereafter to be sustained, and with which his name is to be connected. It is a great work, a national work; and it is one in which this engineer will feel great pride. Now, is it right, in itself, to take from the hands of the party thus appointed by the United States, who has made all the surveys and estimates, the construction of the work, the management of it, and the superintendence of it, and advertise it out to contractors? I do not think so, Mr. President. You have now a certainty that the work will be completed under the management of this engineer, within the estimates which he has made, and constructed of the best materials; that it will be useful to the country and creditable to himself. Now, divide the responsibility, put it into the hands of contractors, and you may have the work of a perishing character—neither creditable nor useful. For the reasons suggested, that here are the estimates which have been made, that the contracts have been made for the materials to be furnished, with the assent of the President, that the engineer is responsible for them being good, and for the quantity which he has advertised for and agreed to purchase, it appears to me that here is a case, at any rate, in which the Democratic principle—if it may be termed one—giving to the civil service the employments which properly belong to the military and to scientific men, ought not to be carried out.

Mr. DODGE, of Iowa. I desire to modify my amendment by adding to it the following:

And the superintendence of the work to be continued under the control and direction of the Secretary of War, who shall have power to reject all the work which, in his opinion, may be improperly or badly done.

Mr. CASS. I consider this as a wise and economical plan. It contains no reflection upon the superintending officer. There is no transfer of the work. His superintendency is to be preserved. I know the officer personally; he is a very able and upright man, and among the most intelligent of our officers. I should hear no imputation cast upon him without defending him; for I know him. But there is no such idea involved in this proposition. What is the advantage of it? It has two very manifest advantages. You are sure now that you will not exceed the given sum, and you stand under a chance of having the work done for a less sum. I defy you, in the long range of appropriations made by the Government, to point out to me a single work which has been kept within the estimates. I do not know how much the Chesapeake and Ohio canal cost, but it cost millions upon millions. That is but an example; it is a reproach to nobody, because it is a very uncertain matter. And, sir, no superintending officer in his condition can manage such a work so far as respects the labor and material, as well as a builder and contractor. It is not human nature it is useless to expect it.

What is the objection to this? I cannot see any at all. The superintending officer is still to have the control of the work; his superintendency is to be preserved; he is, from day to day, to go on and witness the work, just as much as I should do, or any one else would do, if I made a contract with another to do a work for myself. If he now sees bad work done by his day laborers he will stop it, and if he sees bad work done by the day laborers employed by the contractors, he can do the same thing. He, and the officers under him,

of whom, I presume, he will have enough, will, from day to day, go along the work and see that it is properly done. This proposition will not change that. They will do just as they do now, with the advantage that the cost of the materials and of the labor will be transferred to men who will take better care of it, and do it cheaper than your officers can do it. I acknowledge that there are public works, perhaps the building of ships, and others of that description, which should be exempted from this rule. The building of ships had better be done in your own ship-yards, that is of vast consequence; but, in regard to a work like this, under the superintendence of an officer who understands the work, I do not see why it should not be done by contract. There are thousands of works which are now being done by contract. Our works have been done by contract ever since the foundation of the Government, and I trust they will be so done hereafter. I repeat, this may be so guarded—and it is so guarded—by the complete control of the War Department, that no injury can arise; but I think very great advantages will be derived from it.

Mr. SHIELDS called for the reading of the amendment; and it was read as modified.

Mr. CASS. I would suggest that the words "cause to be rejected" be used instead of "to reject."

Mr. WALKER. That is implied in the amendment.

The PRESIDING OFFICER. Does the Senator from Michigan move to amend the amendment?

Mr. CASS. No, sir; I do not care anything about that; but I will ask the Secretary to read the beginning of the amendment.

The Secretary read, as follows:

That no part of the appropriation contained in this act shall be expended, unless in pursuance of a contract, to be made with the most responsible bidder, after first inviting proposals, &c.

Mr. CASS. "Most responsible?"

Mr. DODGE, of Iowa. "And lowest."

Mr. CASS. "Most responsible and lowest bidder" should go together.

Mr. DODGE, of Iowa. Let it be modified by inserting "lowest."

Mr. BENJAMIN. It appears to me that if there is any work on which it would be dangerous to experiment by constructing it under contract, it is precisely the work which is now before the Senate. The proposition is to build the work not as well, but as cheap as possible. We all know that in a work of this character not only ought the materials to be the best, but the workmanship also ought to be such as to give just reason for hoping that it would last for ages. According to the present plan by which the work is constructed, there is no interest, on the part of any workman, to put in inferior work. In relation to the materials, it is in the power of the superintendent to examine them as they are delivered, and to reject them if they are not precisely in accordance with what he requires for the construction. Now, you propose to continue the work by contract, under the superintendence of the Department; but the superintendent cannot have his eye upon every workman who is laying brick or stone. It will be impossible for him to be at all times, and on all occasions, at every part of the work which is to be done at different points. The moment you put the work under the contract system, you make it the interest of the contractor, when the eye of the superintendent is withdrawn from the work, to put in inferior materials and workmanship, to gain greater profits. On the other hand, when the workman is employed by the day, and when the materials are delivered to the superintendent himself, it is possible for the superintendent to exercise a proper supervision over the quality of the materials, and the workman has no interest, no temptation to slight his work.

This work when made is to be covered under ground, and in the greater portion of it defects may be concealed when it is the interest of the contractor to slight his work and conceal them. You may have the work done perhaps for \$50,000, or \$100,000, or \$200,000, or \$300,000 less than the estimate, but what will be the result? In a year or two a secret defect may be found, a deficiency in the supply of water will take place, leaks will occur in the aqueduct, and the whole aqueduct will have to be unearthed and repairs made, so that proba-

bly in the end it would cost double what it will if it is properly done in the beginning. This has been found to be the experience of the Government under all circumstances. It has been so in the Departments and in all the public buildings. The whole subject was discussed when the extension of the Capitol was provided for, and upon all occasions it has been found to be sound economy eventually, although a little additional cost may have been incurred at the beginning, to do the work under the superintendence of the public officers, and to eschew the contract system. If an experiment is to be made with the contract system, I hope it will be made on some other work. Let it be upon anything but this, because the expense for repairs on a work like this is frequently more than the original cost. We have an example in the case of the Chesapeake and Ohio canal. Many other striking examples might be offered. What is proposed to be gained by this change? If Senators have that confidence which they profess in the Secretary of War, and in the superintendent of the work, what is to be gained by this? It can be no great amount. As to limiting it within the amount of the appropriation, we have not only the report of the officer who has made an exact estimate of the cost of every portion of the work to be done, but we have the experience of the portion already done, which has been effected according to the report which we have before us this session, at something less than the estimate which he had originally prepared for that part. I think there is no reason to fear that the estimate will be exceeded, but that on the contrary, it will be adhered to. If our legislation on the subject is to vacillate with the changing opinion of every Congress, we shall expend a great deal of money, and finally have the work obliged to be kept in operation by constant expenditures for repairs. The work is now in safe hands admitting, at the utmost, that \$100,000 or \$200,000 should be expended more than the estimate, it is better to have it permanent, well constructed, and safe, than to run the risk, perhaps, by the adoption of the contract system.

Mr. HUNTER. I am not among those who believe that the contract system is entirely to be abandoned; I think there are some public works which should be executed by a mixture of the two systems—partly by contract, and partly by the personal superintendence of a public officer. In this case, I believe the work is under the charge of an officer of great fidelity, and great intelligence, who will make it a matter of pride to keep the expenditures within the estimate. I believe, sir, that it would be safe, and, in the end, we should probably have it better and more cheaply done, if we did not throw these restrictions around him; but if they are to be thrown around him, there are some matters for which it does not provide. You restrict him as to the estimate for the construction of the work; that is right enough; but he makes no estimate for land damages. He makes no estimate for suiting the portion of the work already accomplished to that which is hereafter to be performed. These things ought to be excluded from the estimate. The estimate was for the purpose of making a work necessary to bring water here. I think, therefore, that this ought to be excluded, if we are going to put this restriction upon him; and we ought to strike out the lowest bidder. If you require him to take a responsible contractor, and allow him to estimate, that is well enough; the estimate is limit enough; but as to requiring him to take the cheapest, you throw upon him the necessity of employing some one who will come here hereafter to be relieved of the contract.

Mr. SHIELDS. Will the honorable Senator, before he takes his seat, allow me to state another defect? There is no provision made here as to making the payments. As the work progresses the payment ought to be made *pari passu*, and some portion of the money be kept back until the final investigation. There is no provision of that kind proposed here. It is always contained in these cases.

Mr. RUSK. It would certainly be economical for the Government to look to the permanent and durable character of this work. It would be much cheaper to make it in a permanent and durable manner at first than to be compelled to make appropriations hereafter to repair it. I see that the amendment would be very likely to shift the responsibility. As the matter now stands, it is de-

volved upon the Secretary of War and an engineer selected from the Army, and we have the guarantee of their reputation against a failure.

There is another consideration. If we require it to be subjected to contract, the end, in my judgment, will be this: the contract will be let out at a price for the superintendence all the time, to the condemnation of the work, if it should not be according to the contract. The contractors will endeavor to make it at as little expense as possible; for in that will be found their profit. What will be the result? If the work is done in a manner not satisfactory to the engineer and Secretary of War, the contractors will forfeit their contract, and call upon Congress for relief.

Mr. DODGE, of Iowa. If the Senator will give way, I will withdraw the amendment.

Mr. HUNTER. I ask, by general consent, that I may be allowed to correct an omission in one of the amendments which have already been agreed to by the Senate. The amendment was:

To enable the Secretary of State to defray the expenses of releasing from captivity among the Indians of Queen Charlotte's Island, or so much thereof as may be necessary, \$25,000.

It omitted to state for the releasing of whom. I propose to add "the crew and passengers of the American sloop Georgiana."

The amendment was agreed to.

Mr. HUNTER. There is another amendment, to which the Senator from Pennsylvania [Mr. BRODHEAD] objected.

The PRESIDING OFFICER. The question is upon that amendment which is to insert in the bill the following:

To enable the Secretary of State to reimburse to Edward Riddle such sums as shall be satisfactorily proved to have been expended by him, or to which said Riddle may have obligated himself on account of his official position at the Industrial Exhibition at London, England, or so much thereof as shall be necessary, \$26,000: *Provided*, That no portion of the payment made *pro rata* by contributors at said exhibition shall be regarded as within this appropriation.

Mr. BRODHEAD. I do not understand why this \$26,000 is to be given to Mr. Riddle to reimburse him for expenses at the World's Fair, in London. That was a gathering of contributors, inventors, and gentlemen, who wished to display themselves in London. Some of them sent a memorial here a year or two ago, presenting a claim to be paid for the transporting of their goods as merchandise to London, for the purpose of exhibiting them there, and I made a report against it from the Committee on Claims. Now, it seems that Mr. Riddle, by virtue of his official position at this industrial fair, in the city of London, is to be reimbursed. What official position did he hold? Where is the law under which he was appointed to that official position? Who appointed him? Who gave him an official position? Certainly we had no law on the subject that I know of; and if this gentleman desired to assume the liability to help other people there, I do not know that he has any more claim on Congress than any other citizen who becomes indebted to his neighbors through an act of liberality. I may be wrong in these views. I hope I am. But such is the impression that I have received in regard to the claim.

I do not know what official position he could hold. Certainly he did not hold one by virtue of any law. I understand that the fair was a voluntary thing, and why we should pay Mr. Riddle \$26,000, I do not well understand. It may be that there is a good reason for it. If there is, I should like to hear it. Who recommends the appropriation? Does any head of a Department assume the responsibility of it? If we pay this, we must pay all other contributors to that fair, and I know a good many of them. Those whom I reported against, from the Committee on Claims two years ago, of course must come forward and have their claim allowed. If I am wrong in these views, I, of course, will withdraw all objection.

Mr. PEARCE. There is another member of the Committee on Finance whom I do not see in his place, who could give a better explanation of this amendment than I can; but I desire to say this: When the Industrial Exhibition at London was proposed, the United States were invited to cooperate, and a communication in relation to it was made by the British authorities to our Executive. The President was without power to adopt any effectual measure on the part of this Govern-

ment; but as far as he had authority he suggested that certain persons should be named as a sort of central commission. That suggestion was promptly carried out, I think, by the Secretary of State designating the members of the central commission. Afterwards the Governors of different States appointed State commissioners, and Mr. Riddle received his appointment to act as commissioner to represent America at this industrial exhibition. The Government went so far as to authorize a national ship to transport the products of American exhibitors to England, but made no provision for the necessary expenses, which I suppose every Senator is aware were defrayed by other Governments, whose subjects or citizens exhibited their products. Some of them, I believe, provided very liberally, one as much as \$100,000; and no other Government, whose products were exhibited, gave less than \$30,000. Well, sir, when the American goods arrived in London, it was found that it was expected from the United States that they should furnish the means of fitting up in proper style that portion of the Crystal Palace which was appropriated for the exhibition of American goods. There were no funds on hand to do this. There was no public functionary vested with authority to do it. Under these circumstances, Mr. Peabody, the American banker in London, advanced the sum of \$20,000, which was expended; and Mr. Riddle also advanced, I believe, a considerable sum, the whole amount being about \$26,000.

Now, sir, it is not proposed by this appropriation to pay Mr. Riddle any salary for his services. It is simply proposed to advance so much money as will repay the generous individuals who, for the interest and honor of their country, advanced the money which was necessary to fit up the portion of the Crystal Palace appropriated for the exhibition of American products, and to pay certain expenses charged by the Government of Great Britain. There were certain fees and charges made by that Government rather unexpectedly, I think, to the American commissioner and exhibitors. A portion of the contributors also advanced money, I suppose according to the value of the articles which they exhibited. It is not proposed to reimburse them anything; but this proposition is simply to reimburse these individuals who advanced the money necessary to enable our countrymen to participate in the exhibition. As my friend from North Carolina suggests, these gentlemen had nothing to exhibit for themselves; but they made these advances merely for the credit and honor of the country, which must have suffered if, after giving the national sanction to it so far as to send a national vessel to England with the goods, the means had not been furnished to fit up a portion of the Crystal Palace to exhibit them in. I think if the Government had been aware of the matter, it would scarcely have refused at the time to give the necessary funds for the purpose of exhibiting specimens of American ingenuity, skill, and industry to the best advantage, in this competition of industrial art with the principal nations of the Old World, who were represented in London; and it does seem to me that we should, for the credit of the nation, as we did not make the appropriation at the time, do what is asked of us now.

Mr. BRODHEAD. I shall ask for the yeas and nays upon this amendment. I cannot agree to it. These gentlemen went there voluntarily, and why we should pay them for exhibiting their goods, wares, and merchandise, I cannot see. They certainly had a motive for doing it. But, sir, patriotism is brought up here. Do you suppose that these inventors, wealthy men, who went to display themselves about the World's Fair, went there out of pure patriotism alone, to maintain the honor of the country? Sir, if the honor of the country were dependent upon that, I do not think it would be worth much, or that it would be much sustained. They went for the purpose of private gain. I take it that they were no better or worse than other people. They exhibited their merchandise and their inventions there; they had a motive in doing it. I suppose it was a very good motive. No doubt many of them sold their inventions, or brought them prominently before the public, by the exhibition of them.

Mr. BADGER. Will the Senator allow me to repeat a suggestion which was made by the Senator from Maryland? The amendment does not

propose to pay any of the contributors one cent. It is not proposed to pay any of the persons who sent articles there to be exhibited. The state of the case is this: They sent a national ship, which the Government placed in a condition for the purpose, with the articles which were to be exhibited. When they arrived at London, it was found, in the first place, that the British Government expected the United States and all other nations to fit up the portion of the Crystal Palace which was assigned to the exhibition of their products respectively. Well, there were all these articles taken over by a national ship, and one of two things had to be done: somebody must advance the money to fit up the portion of the Crystal Palace which was allotted to the United States, and in which were to be exhibited the articles which were sent over in a national vessel, or they must be brought back. That was the state of the case; and now it is proposed only to reimburse the persons who had no more interest in the exhibition than the Senator from Pennsylvania himself, the money advanced by them to fit up that portion of the Crystal Palace. All other nations paid for fitting up the portions assigned to them. The proposition is not to pay the contributors to the exhibition, or the owners of the articles exhibited. They are not to be paid one penny.

Mr. BRODHEAD. Let us examine this statement as now made by the Senator from North Carolina.

Mr. BADGER. It is the same that was made by the Senator from Maryland.

Mr. BRODHEAD. Very well; and repeated by the Senator from North Carolina. He says all the other Governments fitted up certain places in the Crystal Palace for the exhibition of their articles. Our proportion is over \$26,000; that of England is \$26,000; that of France, \$26,000; and so on. Thus you have a very handsome sum; and yet every person who attended that Crystal Palace paid, I believe, a pound, or something near that, for admission. It was a private enterprise. It was got up by gentlemen who wanted to make money, as the Crystal Palace was got up in New York.

Mr. BADGER. In vindication of the propriety of this application, who built the Crystal Palace, who let the Crystal Palace, and into whose pockets the money went, are questions not to be considered. It is not proposed to pay them anything. The proposition is to reimburse the sum of money which was advanced by American citizens in London to fit up that portion of the Crystal Palace allotted to the United States, and those individuals had no concern in the building or in the articles exhibited.

Mr. BRODHEAD. If these American citizens—these patriotic citizens in London—chose to be cheated, chose to suffer this corporation thus to get \$26,000 out of them after inviting them there, without giving them notice that they had to pay for fitting up a portion of the Crystal Palace, are we to reimburse it to them? Can this thing be done with any propriety? We are swelling our appropriations to a very great amount. I do not wish even to seem to be pertinacious against any appropriation; but when it gets up to \$26,000 in a case like this, I feel bound by my sense of duty to resist it.

Mr. DAWSON. I desire to ask the Senator from North Carolina if the \$26,000 were expended in improving the Crystal Palace in London?

Mr. BADGER. The honorable Senator will understand that when the Crystal Palace was built, there were certain portions of its interior assigned for the products of America, which were sent there for exhibition. It was found, when the articles were taken there from the various countries, that each particular department had to be fitted up with such interior arrangements as were necessary to display the articles to the best advantage; and the money was expended in doing that to the portion of the palace which was assigned to the United States.

Mr. DAWSON. For the benefit of the exhibitors?

Mr. BADGER. They did not advance the money to fit it up. Mr. Peabody and Mr. Riddle advanced the money. So far as Mr. Peabody advanced it, it was borrowed by Mr. Riddle, who was then in charge of the American products, and acting as commissioner. The money was bor-

rowed in part, and advanced in part, by Mr. Riddle.

Mr. DAWSON. By whom was Mr. Riddle appointed?

Mr. BADGER. By the President, I believe. The difficulty was this: The articles were all there; they had been sent in a national ship, and unless somebody had advanced the money, they must have been brought back. Mr. Riddle consulted with the American Minister, and on his advice borrowed this sum of money to make the necessary arrangements for the proper display of the goods of the American exhibitors.

The yeas and nays were ordered upon the amendment.

Mr. PEARCE. I have a letter upon this subject from the then American Minister at London. He says:

Boston, July 14, 1854.

DEAR SIR: I have before me your letter of the 10th instant, and should have given an earlier reply, had I been at home. Every circumstance respecting the noble conduct of Mr. George Peabody in coming forward with a loan to pay the carriage upon the merchandise brought to Southampton, in the frigate St. Lawrence, and for fitting up the place allotted to the United States for the reception of the various articles, is fresh in my memory.

The Government of the United States promoted the exhibition, and did as much as could have been expected, with one exception, which was of more importance than anything else, viz: an appropriation of money to carry out the objects recommended. The commissioner came to me, and asked what he should do. I told him unless he would borrow the money to pay the expenses upon the American articles which had arrived, and were on their way to London, they must all be sent back to the United States, which would have proved a lasting source of mortification to every true American citizen, whether at home or abroad. Mr. Peabody called upon me to consult upon the matter, as did many of our countrymen who were then in London, all of whom, so far as I conversed with them, entertained the opinion that Congress would reimburse any one who should come forward and furnish the means to carry forward the great national object. Mr. Peabody, with that promptness for which he is distinguished, in his honorable and high purposes of action, offered to advance the money, which was accepted, to the great relief of every American citizen in Europe. It was deemed a matter of national honor that the United States should be represented in the Crystal Palace, after all that had been said and printed here upon the subject. Mr. Peabody assumed these responsibilities from the highest principles of patriotism. It was pure devotion to the honor and interest of his native land, that he proffered his money for her uses. I am free to say that I had no doubt, under the circumstances attending the exhibition, that Congress would meet the expenses incurred in London, and I cannot but hope that the committee, or whoever has charge of the claim, will make a unanimous report in favor of its payment. I advised to the course that was adopted in London, as you, perhaps, may remember.

I am, dear sir, very faithfully yours,

ABBOTT LAWRENCE.

EDWARD G. TUCKERMAN, Esq.,

National Hotel, Washington.

That is from Mr. Abbott Lawrence. It shows the circumstances under which these advances of money were made. They were not made for the benefit of individuals; they were not made for any pecuniary interest which the party making them had in the exhibition; but purely for the honor and credit of the country. I think that no one can doubt that it would have been discreditable to us in the highest degree, if, after our Government had so far patronized the exhibition as to send American fabrics and inventions to England in a national ship, as contributions to this exhibition, they should have been suffered to return without reaching the Crystal Palace at all. Allow me further to say, sir, that much more than individual interest was concerned in the exhibition. There was not only the national honor and credit involved; not only the introduction into European use of some of our most valuable inventions; not only the increase of trade which the exhibition of some of our products has enabled us to obtain; but our artisans brought back to the country useful practical knowledge and improved taste, which they borrowed from the European inventors and artisans, whose products were submitted to their inspection, thus benefiting the industrial and other classes of our community. It was not, therefore, without a national remuneration; and surely, any one who had any regard for the national credit would have been exceedingly mortified if the result had followed which Mr. Lawrence mentions as certain to have followed if the advances by Mr. Peabody had not been made. I admit there is no legal claim on Congress for these advances. Nobody ever pretended that there was; but we suppose that if Congress had known the facts at the time, an appropriation

would have been made, and what would have been done at the time, ought, under all the circumstances, to be done now.

The question being taken by yeas and nays, resulted—yeas 24, nays 18; as follows:

YEAS—Messrs. Allen, Badger, Bell, Benjamin, Butler, Chase, Clayton, Cooper, Dawson, Fessenden, Fish, Foot, Geyer, Gillette, Gwin, Hamlin, James, Pearce, Pettit, Rockwell, Shields, Sumner, Wade, and Walker—24.

NAYS—Messrs. Adams, Atchison, Brodhead, Cass, Clay, Dodge of Wisconsin, Dodge of Iowa, Evans, Fitzpatrick, Houston, Hunter, Jones of Tennessee, Mallory, Rusk, Sebastian, Shidell, Stuart, and Toombs—18.

And the amendment was agreed to.

The next amendment, which had been expected, was to insert the following:

Sec. 11. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to appoint or employ in his official household, the following officers, to wit: One private secretary, at a yearly salary of \$2,500; one clerk, at a yearly salary of \$1,600; one steward, at a yearly salary of \$1,000, who shall, under the direction of the President, have charge of, and be responsible for, the plate and furniture of the President's Mansion; and shall discharge such other duties as the President may assign him; one messenger, at a yearly salary of \$900; and one assistant messenger, at a yearly salary of \$750. And for the payment of the compensation of the said officers, during the present fiscal year, the sum of \$6,750, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

Sec. 12. *And be it further enacted*, That a yearly appropriation be made for the purchase of stationery, binding public documents, and other contingent expenses of the Executive office, to be expended by the private secretary, under the direction of the President; and for that purpose, during the present fiscal year, the sum of \$650 is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

Mr. JONES, of Tennessee. I object to those sections. I do not suppose that any Senator will think that I am actuated with any desire but one for the public good. But, sir, when the question was started for the increase of salaries, I announced that I was willing to increase them all, and the record shows that I voted for the highest salary proposed by others for the members of this Administration. I should be perfectly willing now, sir, to vote for all appropriations for the President, if I could do so consistently with my convictions of duty under the Constitution. The distinguished Senator from North Carolina will doubtless make it perfectly clear to his own mind, and perhaps to that of the majority of the Senate, that this is not in violation of a constitutional principle; that it does not increase the President's salary. If he can satisfy them of that I shall be perfectly content. The Constitution says:

"The President shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive within that period any other emolument from the United States, or any of them."

The Senator from North Carolina says that this is not increasing his salary. Well, sir, it does this; it certainly saves to him the amount of money embraced in this appropriation, giving him additional officers. What is it? It provides, in the first place, that he shall have "one private secretary, at a yearly salary of \$2,500; one clerk, at a yearly salary of \$1,600; one steward, at a yearly salary of \$1,000, who shall, under the direction of the President, have charge of, and be responsible for, the plate and furniture of the President's Mansion, and shall discharge such other duties as the President may assign him; one messenger, at a yearly salary of \$900; and one assistant messenger, at a yearly salary of \$750." And then the twelfth section makes a provision of \$650 for the purchase of stationery. Another section of the bill, Mr. President, makes an appropriation for the compensation of a doorkeeper at the President's House, \$500; for an assistant doorkeeper, \$365; and then, in another section, "for fuel for the President's House, \$1,000;" and "for furnace keeper for the President's House, \$365." Now, sir, the President is to have these servants, and the Government is to pay for them. If you can go on and make a provision for those servants, why not go through the whole catalogue? If you can give him a fireman, why not supply him with any other servant? If you can supply him with fuel, why not supply his wine cellars? In my judgment you may go on that way, and meet every possible expenditure that would come within the necessary calls of the White House. I repeat, if this proposition had been made at the proper time, I should have voted for it with pleasure; but I am not willing to do by

indirection that which we cannot do directly. I am not willing to increase his salary in this way, by giving him all the servants that would be necessary, and then say that it is no increase of his salary. Suppose we force upon him the necessity of employing servants not provided for, is not that increasing his expenditure? If you may not do that, then I apprehend you cannot do what is asked by my honorable friend. I have no feeling about the matter; but these are my constitutional views, and I am acting under them.

Mr. BADGER. I should agree in the impropriety of this amendment, if it had the effect of indirectly increasing the President's compensation; but to my understanding there is not only no reasonable or probable ground for supposing that it has that effect, but it is demonstrable that it does not have that effect. My friend from Tennessee has referred to some other items in the bill. It might be sufficient to say, that whether those provisions are right or wrong does not affect the question about the amendment which I proposed; but I will dispose of the objections to these provisions.

First, he objects to the provision in the bill which assigns to the President's House a doorkeeper and assistant doorkeeper. My friend does not seem to consider that the President's House is not a private mansion. The President is not the head of a Department, who has a public office, separate and distinct in its location from his private residence, and who, when he goes to his private residence, has there his domestic servants to discharge the duties of domestic servants in his family apart from his public office. The mansion which the President lives in is a public building, opened in nearly the whole extent of it to visitors from day to day. Persons go there who come here from all parts of the United States. They think they have a right to go there; they think it is proper to go there. They look at this house not as the private house of the President, but as a mansion erected by the Government for the accommodation of the Executive head of the nation. We all, who know anything about the matter, know that there is a constant flow of visitors. The doorkeeper who is to be appointed is not to discharge duties relating to the President's private family. There are persons there, as all of us know who have been there, who receive and carry visitors through the public apartments of the house, who show them what they desire to inspect, who explain to them the arrangements of the house, and who give that satisfaction to them in regard to the President's Mansion, as a public building, which is given by the messengers or doorkeepers of the Patent Office, or any other of the public establishments in the city.

It would be exceedingly unfair to impose it upon the President of the United States to pay, out of the compensation given to him for his support, the charge of officers to superintend a building—because he happens to live in it—which is a public building, and which persons visit for the purpose of inspecting, as they do for the inspection of other public buildings. Now, sir, within a few years Congress made provision for extending the gas works to the President's House, and for furnishing it with gas. There might have been some pretense, some show of allegation, that that was an indirect method of increasing the President's compensation, because, undoubtedly, it relieved the President of the expense of lighting the mansion; but then it should be recollected in regard to that appropriation, that its primary object was not to light the private apartments. It was intended to light up those great public rooms which are constantly thrown open during the winter season of the year, to be visited by all the people of the metropolis, and by visitors; and for that reason it was not liable to objection.

Then in regard to the keeper of the furnaces. Congress has recently made provision for erecting furnaces for the purpose of warming the House. Well, sir, the necessity for those furnaces arises from those vast apartments which are for the public use, and not for the private or particular use or benefit of the President. There would have been no necessity for any such provision, if the private apartments of the President only had to be provided for; and, therefore, I do not see the ground of objection to that provision.

But however those things may be, with regard to the particular provision now under consideration, to my understanding it is demonstrable that

it does not directly or indirectly affect the President's compensation. It is proposed, first, to give to him a private secretary and a clerk. Gentlemen may suppose—but if they do they are entirely mistaken—that the office of President of the United States is a sinecure; that he has nothing to do but to receive official visits and write "approved" at the foot of bills. Sir, he has a vast deal to do, and he requires clerical force and assistance to enable him to do it. He has public business to do, business in regard to which, if we now require him to pay for it out of the compensation given him, it would be just to remove the imposition from him. Why should the President be required to make payment for such things any more than the head of a Department? Each head of a Department has his clerical force to assist him in the discharge of his official duties; and if the head of a Department has it, where is the propriety in withholding it from the President, compelling him to pay for it out of his own compensation? But, sir, it has not heretofore been paid out of the private pocket of the President, and it will not now be paid out of his private pocket, whether we make this appropriation or not. The President is left in a situation always dependent for these things on the heads of Departments. I presume he always has been.

Then, with regard to the steward, to take charge of the public property in the mansion, I have explained what I thought was the necessity and propriety of having such an officer. It does not concern the President's private family. The steward, whom we propose in the amendment to take charge of the mansion, is not to be a man to wait upon the table, or to attend to menial services. He is to be an agent of the Government, to take charge of a large amount of valuable property, and to see that it is taken care of; and he is to be chargeable with and responsible for it.

Then with regard to the messengers. As I stated the other day, the messengers proposed to be given to the President are not to be his private servants—not a bit more than the messengers who are kept by the Secretary of War are his private servants. They are to assist the President in the transaction of his public duties. The President has to send to, as well as to receive from, the various Executive Departments, papers and documents of extreme importance, which ought not to be entrusted to the hands of domestic servants about the household. But if they might be trusted with them, where is the propriety of requiring the President to make his domestic servants go upon public errands? But, sir, in point of fact, whether this appropriation is made or not, the President will neither receive nor lose a penny. The services have been performed in a sort of helter-skelter manner, in a way not suitable to the dignity of the President's office—by extra calls upon other officers; and they will be performed without charge upon him, and without being paid for out of his compensation. Therefore, the passage of this amendment will in no way, either directly or indirectly, increase his compensation, and is, therefore, not unconstitutional.

Now, Mr. President, a few words as to these contingent appropriations. It is a curious fact, that until the time of Mr. Fillmore's administration, there was never a dollar appropriated for the purchase of a book of any kind for the Executive Mansion. Every head of a Department had a library; every head of a Department had a contingent fund, so that occasional additions might be made to his library. Every head of a Department had public documents; but up to the time when Mr. Fillmore was President of the United States, there never was a book, nor a public document bought under an appropriation for the presidential mansion. There was nothing in the presidential mansion obtained through an appropriation by Congress to which to refer for any information on any subject that might arise in the performance of public duties. Well, sir, in Mr. Fillmore's time, Congress made an appropriation for the purpose of commencing the formation of a library; and they made provision for supplying public documents, so that the President might have, at least, as much means for the obtaining of information in the prosecution of his duties as we have in the discharge of ours.

Now, sir, these matters are found to be necessary. The President is to have stationery. There are various incidental expenses of that kind con-

nected with the President's House as a public Executive Mansion. To my mind, there is no constitutional difficulty in regard to making such a provision for the President. I do not seek this for the particular person who is President now. I should have moved it when Mr. Fillmore was President, but I did not think it was becoming in me to do so, I being a political friend of his. It is no new idea of mine. My mind has been settled upon it for four years past, and I seize this; the very first session of Congress which has been held when it could not be supposed that I was endeavoring to procure the provision for the personal dignity of the gentleman at the head of the nation whom I had supported for the Presidency, as the head of the political party to which I belong, to bring forward this proposition. I think it is judicious and proper.

Mr. PEARCE. I am very glad that this proposition has been introduced by the Senator from North Carolina, since no suspicion of political partisanship can attach to it. I think, too, that something of the sort has long been demanded by various public considerations. I recollect, sir, a conversation which I had with President Polk, about three days before he left the Executive Mansion. I think the Senator from Tennessee [Mr. BELL] was present. He said to us that he thought it highly important that Congress should organize something like an Executive office for the preservation of official presidential papers. He said that the President often had correspondence of great public interest and value which ought to be preserved, and in an organized Executive office, as the other archives of the Government are.

Now, when the President goes out of office, he must either take such papers with him, or they are destroyed. No place is provided by the Government for their preservation, and of course they disappear. Much that is interesting, and of the greatest value in our political history, is among such papers, and should be deposited in such an office. The amendment of the Senator from North Carolina proposes what will answer this end. I would suggest to him, however, to modify it, so that, instead of providing for a private secretary at \$2,500, he shall provide for a secretary to the President, whose duty it shall be to take care of official papers, and perform such other duties as the President may direct.

Mr. CLAYTON. That is right.

Mr. BADGER. I agree to that willingly.

Mr. PEARCE. Then I think he should have a clerk, because I know, and I presume other Senators know, that the correspondence of the Executive office is exceedingly burdensome. I have seen the letter book of ex-President Fillmore, and I know that it contains matters of exceeding interest and public importance; and I think if this arrangement had been made, some of those letters would have remained on the Executive files for the information and benefit of the President's successors, who now find, on coming into office, that the letters addressed to their predecessors, which might be needed for reference, are either all destroyed, or else have been taken away. I am sure this would be of very great importance, and I think these public considerations demand that the President should have a secretary and clerk to record and preserve such papers, and relieve the President of a portion of his labors.

Then, as to the messengers, I do not see, as the Senator from North Carolina has suggested, why the President is not entitled to, and has not as much public necessity for, messengers as one of the Secretaries. The President has to communicate daily, or very frequently at least, with all the Secretaries, and he must have some one to go on these errands. They are not to be appointed for his personal convenience, but for the dispatch of the public business with which he is charged; and it seems to me that the Government ought to provide him with the means of performing his public functions with facility and promptness. As to the number of messengers, I do not know how many may be necessary, certainly one is, and it may be that two are. He may want both of them, and I do not think the number at all extravagant.

Then, the only one remaining is the steward. Now, I have already said that these employees are for official purposes, and they will not add a penny's increase to the salary of the President, nor to his emoluments, because they are not created

for his private business. It is true that if we do not give him this additional officer, he may be compelled by our injustice to draw from the income which the law allows him to pay for services for which the Government should pay; but if you determine to pay him for those services which the Government require of him, you are simply doing that which you should have originally done. In regard to the stewardship, it may be more nearly allied to something for his personal benefit than the rest of the section; but the object, as stated by the Senator from North Carolina, is to take care of the plate and furniture of the Executive Mansion.

We appropriate large sums, whenever a President comes into office, for furnishing his mansion; and I suppose gentlemen know that there are a great many people who visit the Executive Mansion, who are no better than they should be, and who do not hesitate to help themselves to the public property when they find an opportunity. I take it that if the celebrated "gold spoons" had been really gold, they would have vanished long since, but it is known that they are only silver, gold washed. I know that from rich lace curtains enough have been cut off, and carried away, to make a dress. Now, we want some person charged with authority to look after the plate and furniture of the mansion, and a steward is the proper officer. The salary proposed is not an unreasonable one, and such a provision nothing unusual in the arrangements of Governments.

Why, sir, in my own State of Maryland, which does not contain the thirtieth part of the population of the Union, we used to have, and still have, I believe, a steward of the Executive Mansion, whose business it is to look after these things. I think it is right and proper that the President of the United States should have a steward, whose official duty it shall be to take charge of the furniture. I am sure that we do not mean that the President himself should make it a point to look about and see who steals the spoons and cuts off the curtains; and, therefore, he must have somebody whose especial duty it shall be to do it; and that is proposed to be provided for in this amendment. I am glad to see the liberal spirit in which my honorable friend from North Carolina has introduced the proposition, and I shall support it cheerfully. No personal intimacy or political favor towards the President influences me more than him; but I desire, whoever may be the incumbent of that office, that liberal appropriations shall be made for his comfort, convenience, and dignity, and this provision is necessary for that purpose.

Mr. CLAYTON. If I belonged to the Democratic party, like my friends on the other side of the Chamber, I might remain silent on this question; but, sir, I am at perfect liberty now to express my honest opinions in regard to this matter. I fully concur with my friends from North Carolina and Maryland. The President's salary itself is an insufficient one; but I do not propose to raise it by these means.

The proposition contained in the amendment of the committee is unexceptionable. The officers who are provided for in it are necessary; and, in my opinion, there is nothing more necessary than the establishment of some office for the purpose of taking care of those Executive documents which peculiarly belong to the Executive mansion. The President, at present, has no means of preserving any of those papers unless he sends them to the State Department, where they are deposited, and where, as we know from the past history of the country, they have not been faithfully kept. Nobody can tell who mutilated them, or carried them away; but the fact that they have been mutilated, after being sent down to that Department by the President, and that they have been carried away in years now long gone by, is unquestionable. These papers ought to be preserved in some office under the care of the President, and they should be delivered over to his successor in office.

I will not pursue the subject, for I have no doubt the Senate is tired of it; and I only rose for the purpose of adding my testimony to that of the honorable gentleman who preceded me that the provisions of this amendment are eminently proper.

Mr. JONES, of Tennessee. I do not mean to debate this question, for I am perfectly willing that every Senator on this floor shall vote for the

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amendment; and I do not mean to be understood as entering into any competition with the Senator from North Carolina upon the score of liberality in appropriations—perhaps I had better call it profligacy. I do not know how near he and I may come together; but certainly, as to other Senators on this floor, I claim to be as liberal as any of them. At the proper time I should not hesitate to give the President every servant he wants, from the garret down to the kitchen, or to vote him whatever amount of money is necessary to make him comfortable, and to enable him to discharge his duties as a gentleman ought to do; but I wish to do it according to my understanding of the intention of the Constitution.

I will not say that the three distinguished gentlemen who have spoken [Messrs. PEARCE, BADGER, and CLAYTON] are actuated by any hope of getting to the White House; but if they have any such hope, I may say to them they need give themselves no sort of uneasiness about my vote; but when they are elected President, before they take possession of the White House, I will, under the provisions of the Constitution, vote them enough to pay for all their servants, and their wines in the bargain; but I will not do it after they have taken their seats. That is my position.

Mr. PRATT. I concur entirely in the argument of my friend from North Carolina, and my honorable colleague, so far as they go; but there are objectionable portions of the bill which they have not touched in their arguments. I understand that there is an appropriation of \$1,000 to buy fuel for the President's House, and another appropriation of \$1,000 to pay men to make fires at the President's House. I think the salary of the President is wholly inadequate, and I should be willing to vote to make it double what it is, if we had constitutional power to do so; but the constitutional provision is that the salary of the President shall "neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive within that period any other emolument from the United States." I apprehend the President himself would suppose that this bill which gives him \$1,000 to buy fuel for his family, and another thousand to pay for men to make fires for him, to be unconstitutional, and therefore would veto it. Now, I think we ought not to run the risk of losing this bill, making the necessary appropriations for carrying on the Government, by leaving in it provisions which I think the President will consider as conferring unconstitutional emoluments upon him, and which he will therefore feel bound to veto.

Mr. SLIDELL. I wish to know the exact state of the question. Has the Senator from Tennessee moved to strike out these sections?

The PRESIDING OFFICER. (Mr. STUART in the chair.) The question before the Senate is on the motion made by the Senator from Maryland [Mr. PEARCE] to amend the amendment of the committee by striking out the words, "private secretary," and inserting "secretary who shall take charge of such official papers as shall be confided to him, and perform such other duties as may be directed by the President."

Mr. SLIDELL. I was under the impression that the Senator from Tennessee had moved to strike out section eleven. For the information of the Senate, I will present and have read by the Secretary, an amendment which I intend to offer at the proper time, in lieu of the eleventh and twelfth sections; and I will state briefly the reasons why I wish to offer it.

My amendment provides for two officers, who, I think, are necessary to perform duties in relation to this body, and the House of Representatives, and the Departments, which are purely official, and do not partake in any degree of the personal character of persons attached to the President's household, as such. I look to two such officers; that is to say, I propose to increase the salary of one, and to create the other office, as being essential to the discharge of the proper official duties of the President. That far I am willing to go, and

no farther. My amendment is to strike out all after the enacting clause of the eleventh section, as proposed by the committee, and to insert

"That a yearly salary of \$2,500 be, and hereby is, allowed to the Secretary of the President, from the commencement of the present fiscal year, which sum is hereby appropriated for that purpose; and that a messenger be assigned to the President's office with the same annual compensation as is allowed by law to the principal messengers employed in the Executive departments."

The PRESIDING OFFICER. These two sections are proposed as an amendment by the Committee on Finance, and therefore a motion to strike them out is not in order. The Senate may refuse to adopt them, and then the Senator can move to insert. The question is now on the amendment of the Senator from Maryland to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. SLIDELL. I now move to amend the amendment of the committee as it stands by striking out the eleventh and twelfth sections, and inserting what has just been read.

Mr. CASS. I would suggest to the Senator from Louisiana that there can be no doubt about the propriety of paying for the stationery of the President for public purposes. We provide him with a library, and I can see no objection to furnishing him with stationery.

Mr. SLIDELL. I will act on the suggestion of the Senator from Michigan, and move only to strike out the eleventh section, leaving the twelfth, and to insert in lieu of it:

That a yearly salary of \$2,500 be, and hereby is, allowed to the Secretary for the President, from the commencement of the present fiscal year, which sum is hereby appropriated for that purpose; and that a messenger be assigned to the President's office, with the same annual compensation as is allowed by law to the principal messengers employed in the Executive departments.

Mr. MASON. I wish to inquire of the Senator from Louisiana whether there is any officer now known as the "Secretary of the President?"

Mr. SLIDELL. I had the act authorizing such an officer to be appointed, in my hand a short time ago, and I can get it directly. The Secretary of the President was an office created by law, and to him was assigned the duty of signing land patents. I will state to the Senator from Virginia what my motive was in drawing the amendment in that form. I conceive that the amendment of the Senator from North Carolina, from the Committee on Finance, creates a new office altogether. My object was to give a salary of \$2,500 to the Secretary of the President, an officer already known to the law, as I will presently show.

Mr. MASON. My impression was, that in order to provide the President with a Secretary, we gave a salary of \$1,500 to an officer who should have authority to sign the President's name to land patents; and he is not, by law, the Secretary of the President. He is merely authorized to sign the President's name to land patents. The intention was to provide him with a Secretary in that way, and such is the practice.

Mr. SLIDELL. I will state that there is an assistant secretary, and he is called so in the Blue Book, who receives the same compensation as the chief secretary, \$1,500, and I believe signs all the patents, for I do not believe that the President's secretary signs any patents at all. This is the law to which I referred:

"That it shall be lawful for the President of the United States, by and with the advice and consent of the Senate, to appoint a secretary, with a salary of \$1,500 per annum, whose duty it shall be, under the direction of the President, to sign his name for him to all patents for land sold by and under the authority of the United States."

By a subsequent law, an assistant secretary was appointed, who now in fact signs all the land patents, for I understand the secretary of the President does not sign them at this time.

Mr. BADGER. I hope the Senate will not adopt the amendment proposed by the Senator from Louisiana. I think the amendment in the shape I have proposed it from the Committee on Finance does only what is decent, and proper, and respectable for the President in his official

capacity. If the Senate think it is not proper to give him any assistance, well and good. If they give him any, I hope it will be given with the liberality which the circumstances of the case require.

Mr. MASON. Mr. President, there was one feature in the amendment of the committee, which I understood originated from the Senator from North Carolina, which I really consider a very important and valuable one for the public interests. It is the provision for an officer called a steward, who shall have charge of the public property in the President's House. Now, I happen to have known what possibly may be known to other Senators, that there has occurred more than once in the city of Washington, a sort of interregnum between the going out of one President and the incoming of another; and the President's House and all its contents are, in fact, during that time, abandoned. I have heard from the residents of Washington, living in that neighborhood, that during that interregnum the President's House has been actually the subject of common pillage. There has been nobody in it, and nobody in possession of the property.

Mr. BADGER. Nobody had any authority.

Mr. MASON. As the Senator from North Carolina remarks, nobody had any authority there. I had thought it was the duty of the Commissioner of Public Buildings to take charge of any public building which was left, as the President's House undoubtedly has been in more than one instance, without any authority whatever, or any person in it able to exercise authority. I remember to have heard what was alluded to by the Senator from North Carolina that, at the time when General Harrison came into office, there arose, in some way, a misunderstanding—I do not mean any angry, hostile misunderstanding—but some misinterpretation as to when the outgoing President should go out, and the incoming President come in, and the result of it, as I understand, was that when President Harrison went to the President's House to take possession of that mansion, with the crowd which attended him, and the friends who were with him, when his family came to make arrangements for the night, there actually was not enough bed clothing in the house to accommodate them. It had been stolen or carried away. The rest of the public property there is subject to the same sort of pillage and depredation.

Mr. CLAYTON. I am inclined to think the same thing has occurred on several other occasions.

Mr. MASON. So I have stated. There is an awkward interval between the outgoing of one President and the incoming of another. When that portion of the public property is abandoned, and there is no authority exercised over it, I think that the provision for an officer to reside in the President's House as a public officer, under his control, of course, whose duty it should be to take charge of the public property, was the most valuable feature in the whole amendment. I submit, therefore, to the Senator from Louisiana whether it would not be better to retain that feature.

Mr. SLIDELL. I will suggest to the Senator from Virginia, that there is a very simple mode of getting over the difficulty which he has mentioned as to the danger of the public property in the President's House being carried away, during the time which elapses between the going out of one President and the taking possession by another. Why not provide against that difficulty by offering an amendment, that on all such occasions, when there is no person properly in charge of the Presidential Mansion, the Commissioner of Public Buildings shall be authorized to take proper charge of it for that purpose? This would save the trouble of creating a permanent office.

Mr. MASON. Will it be in order to offer an amendment to the amendment of the Senator from Louisiana?

The PRESIDING OFFICER. (Mr. BRIGHT in the chair.) It will not be in order, as the amendment of the Senator from Louisiana is an amendment to the amendment of the committee.

Mr. SLIDELL called for the yeas and nays on his amendment; and they were ordered; and being taken, resulted—yeas 18, nays 26; as follows:

YEAS—Messrs. Adams, Benjamin, Bright, Dodge of Iowa, Fessenden, Foot, Gillette, Houston, Hunter, Johnson, Jones of Tennessee, Mallory, Mason, Pratt, Rusk, Sebastian, Slidell, and Thompson of Kentucky—18.

NAYS—Messrs. Allen, Badger, Brodhead, Butler, Cass, Chase, Clay, Clayton, Cooper, Dawson, Fish, Fitzpatrick, Geyer, Gwin, Hamlin, James, Pearce, Shields, Stuart, Sumner, Thomson of New Jersey, Toombs, Wade, Walker, Weller, and Williams—26.

So the amendment to the amendment was rejected, and the question recurring upon the amendment of the committee, as it had been amended on the motion of Mr. PEARCE.

Mr. ADAMS called for the yeas and nays; and they were ordered.

Mr. MASON. I have every disposition in the world to make any arrangement by law that will conduce to the convenience or comfort of the occupant of the Executive Mansion; but I am not satisfied that we have the power to do it in the form proposed by this amendment. I recollect very well that at the time the President was allowed a secretary to sign his name to land patents, it was considered the only mode in which the President could have a private secretary, the clause of the Constitution, which has been referred to, being in the way. I am not satisfied in my own mind, by any means, of the constitutionality of giving the President, indirectly, the emoluments proposed to be given by this provision, and I must therefore, reluctantly, vote against it.

Mr. STUART. Mr. President, in considering this subject, I have been unable to come to any conclusion similar to that which has just been presented by the Senator from Virginia. It is by no express provision that we furnish any Department with a single material connected with its business. It is under the general power given to us by the Constitution to appoint necessary officers. Now, sir, can any man question that it is competent for the Congress of the United States to provide the President a house, and to furnish it completely; or they may refuse to provide him a house at all; and does it effect the question of raising or diminishing his salary? Not in the least. You may furnish any amount of service in that house that you deem necessary to protect the property of the Government; for it is, every dollar of it, the property of the Government. The President does not own a cent's worth of it. It is provided for by law, out of the Treasury of the United States.

Sir, it is conceded by every Senator who has spoken on the subject, that past experience has shown conclusively that the only way to protect the property of the United States in the Presidential Mansion is in this or some similar mode; and I submit, without detaining the Senate, that the mode of doing it is simply a question for congressional legal discretion. Anything Congress deems it important and proper to do by law to protect the property of the United States in the Executive Mansion, it has the power to do. Any number of messengers that Congress deems it proper for the head of a Department, or the head of a Bureau, or the President of the United States to have in the public service, is constitutional to provide for. This subject, I confess, is a new one to me, on the score of discretion. On that point I take the opinion and experience of older Senators who have gone before me, and who have occupied positions in connection with the Executive Departments, which enable them to judge of the expediency of the measure, and with them there is no difference of opinion. In respect to the question of constitutional power, I have no difficulty at all.

The question being taken by yeas and nays, resulted—yeas 30, nays 15; as follows:

YEAS—Messrs. Allen, Atchison, Badger, Benjamin, Brodhead, Brown, Butler, Cass, Clay, Clayton, Cooper, Dawson, Dodge of Iowa, Fish, Fitzpatrick, Gwin, Hamlin, Houston, Hunter, James, Johnson, Mallory, Pearce, Shields, Stuart, Thomson of New Jersey, Toucey, Walker, Weller, and Williams—30.

NAYS—Messrs. Adams, Chase, Fessenden, Foot, Geyer, Gillette, Jones of Tennessee, Mason, Pratt, Rusk, Slidell, Sumner, Thompson of Kentucky, Toombs, and Wade—15.

So the amendment of the committee, as amended, was agreed to.

Mr. GEYER. I now wish to call up the motion which I made yesterday, to reconsider the vote by which the Senate adopted the amendment

reported from the Committee on Finance as the seventh section.

The PRESIDING OFFICER, (Mr. BADGER in the chair.) The Senator from Missouri will allow the Chair to say there is an amendment reported by the Committee on Finance which has not yet been disposed of. After that his motion will come up properly.

Mr. GEYER. Very well.

The PRESIDING OFFICER. The question is now on the following amendment of the Committee on Finance, which was reserved for a separate vote on Saturday last:

SEC. — And be it further enacted, That the President of the United States, by and with the advice and consent of the Senate, shall be, and he is hereby, authorized to appoint a commissioner, at a compensation not exceeding \$4,000 per annum, to ascertain the nature, character, extent, and value of all valid claims arising in Washington and Oregon Territories, under the treaty with Great Britain of the 15th June, 1846; and should said claims, or any part thereof, be deemed of sufficient public and political importance to justify or require the measure, the President is hereby authorized to direct said commissioner to agree with the claimants and the Hudson's Bay Company for the relinquishment of their claims on a just and fair valuation, and to pay over the amount so agreed upon, upon a full and entire surrender and relinquishment of all right, title, claim, interest, and demand therein, and thereto, to the United States: *Provided*, That none of the lands acquired under this section shall be subject to donation or preemption, but shall be sold at public auction, unless in cases where, in the opinion of the commissioner, the sum paid for any particular parcel or piece shall be less than a fair price therefor, to be ascertained by the commissioner aforesaid, said sales to be made for cash, and at such times and places, and with such postponements as may be directed by said commissioner; and for carrying into effect the provisions of this section, in case of purchase, a sum not exceeding \$300,000 is hereby appropriated: *Provided*, That the amount to be paid for all the said claims, rights, and interests shall not exceed the sum herein appropriated; and for defraying the expenses of the commission, the further sum of — dollars is hereby appropriated, payable out of any money in the Treasury not otherwise appropriated.

SEC. — And be it further enacted, That in case it shall be deemed inexpedient to sell said lands and improvements immediately, or any part thereof, the President shall be, and he is hereby, authorized, on the extinguishment of the title as aforesaid, to direct the commissioner to take possession of the same for and in the name of the United States, and to lease the same on such terms and conditions, and for such sum or sums as he may deem proper and right, subject, however, to sale, when, in his opinion, it may be proper, after the United States surveys have been extended over the same.

The PRESIDING OFFICER. The Chair will suggest to the Senator from Virginia that there is a blank in the amendment.

Mr. HUNTER. I hope it will be adopted with the blank. I have not the information yet to enable me to move to fill it. The blank is for the expenses of the commission. Before the bill is brought with, I will obtain the information from the Department.

Mr. CLAYTON. I would suggest to the chairman of the committee that he had better withdraw it for the present until he gets the information.

Mr. HUNTER. I will ask that it lie over until to-morrow.

The PRESIDING OFFICER. It will be laid over. The next question in order is the motion of the Senator from Missouri [Mr. GEYER] to reconsider the vote by which section seven was agreed to, as an amendment reported from the Committee on Finance. The section is:

"SEC. 7. And be it further enacted, That the sum of \$300,000 be, and the same is hereby, appropriated, to be paid to the State of California for the expenses of the government of said State from its organization until its admission into the Union."

Mr. GEYER. Mr. President, I made the motion to reconsider the vote on that amendment for the purpose of testing the principle, rather than with any expectation that the Senate would reverse its votes given on former occasions. It proposes to pay \$300,000 to the State of California for the expenses of her State government from the time of its organization until her admission into the Union; and the claim is founded, I believe, on this basis: that if a territorial government had been organized in California, the expenses would have been paid out of the Treasury of the United States, it being of late years the practice here to pay the whole expenses of the territorial governments out of the national Treasury. It is, therefore, a proposition to vote an appropriation for the support of a State government, on the ground that if it had been a territorial government, the expense would have been borne out of the national Treasury! I intend to make this a test vote, so far as I am concerned; and I desire to call the attention of the Senate to the fact that there are

seven States of this Union which supported their territorial governments out of their own local treasuries, during the whole period of their second grade of government. They were Ohio, Indiana, and Illinois, of the old Northwest Territory; and Louisiana, Mississippi, Alabama, and Missouri. Missouri was the last. The Legislature, and the local judiciary, were supported out of the territorial treasury. The expenses of the convention that formed her constitution were borne out of the local treasury. The State was longer out of the Union than California, after the organization of the State government. Her constitution was signed on the 19th of July, 1820, and she was kept out of the Union (notwithstanding the act by which the contract was made, that she should be admitted upon an equal footing with the original States) until the 10th of August, 1821.

Now, sir, if we are to pay the expenses of the State government of California, because if it had been a Territory they would have been payable out of the Federal Treasury, then all the seven States which I have named have a right to demand that the expenses borne by them out of their local treasuries shall be refunded with interest, out of the national Treasury. I have made the motion to reconsider, as I have remarked, not with a view particularly of defeating this amendment, but for the purpose of bringing the attention of the Senate to the principle, and to make it a test vote; for if the amendment does pass, I will, on the part of Missouri, and I hope all the members from the seven States which I have named will, on the part of their States, press on the Government of the United States the claim which they will have as well founded as that of California, on the national Treasury now.

Mr. WELLER. It seems to me, sir, that if the Senator from Missouri desired to test the principle to which he alludes, the proper place for him to do so would be when an appropriation was asked for some of those Territories. Now, sir, it seems to have been the settled practice of the Government, from 1820 to the present day, to pay all the expenses of the territorial governments. That Senator during the present session has been voting money from the Treasury to pay the expenses of territorial governments. If he thought it a bad practice; if he preferred the precedent which had been observed anterior to 1820, that would have been the proper time and place to have raised this question.

I apprehend, if it is the practice of this Government to pay the expenses of Territorial Legislatures, and all the governmental expenses during the territorial existence of any people, then California is clearly entitled to this sum. She was left without any territorial government. The people were compelled themselves, for the protection of their persons and property, to organize a government. They chose to organize a State instead of a territorial government. If they had organized a territorial government, then, under the established practice of this Government, the Federal Treasury would have been held liable for all the expenses; but they established a State government; they established that from necessity, because of the failure of the Federal Government to give them any sort of institutions for their protection.

Mr. President, it does seem to me that this is not the proper place to test the propriety of that practice. I grant that anterior to 1826 the expenses of Territorial Legislatures were defrayed from the local treasuries of the Territories; out Congress, from that day to this, have seen proper to pursue a different practice. They have paid all the expenses of the territorial governments of this Union. If a government was organized in 1849 or 1850 in California, because of the failure on your part to take the initiative, then I hold that you are bound to defray the necessary expenses of that government. This question has been passed upon by the Senate heretofore. I believe it was then fully discussed. I regret very much that it is now brought up. I trust that the motion will not be agreed to by those who are satisfied, as I trust the Senate must be, that the people of California were compelled to form a State government in 1849-'50; and that, therefore, the just and proper expenses which were incurred by that organization should be a charge upon the Federal Treasury.

Mr. GWIN. Mr. President, although Cali-

fornia had a State government, she was recognized by this Government as nothing but a Territory. She was a portion of the territory of the United States outside of any State organization.

Mr. CASS. Or territorial organization either.

Mr. GWIN. Yes, sir; she was left without a territorial or State government. There is another thing in connection with this matter. There was a *de facto* government established in California after the peace, which existed up to the time the State government was organized, and the Government of the United States, out of the "civil fund," which we claimed, but which has been paid into the Treasury of the United States paid every dollar of the expenses of the *de facto* government. That claim was recognized by act of Congress, and this provision was reported at the same time. That bill proposed to pay the civil fund into the Treasury; and it contained a provision for the payment of \$300,000 as an outfit, as it was called by the Senator from Maryland, [Mr. PEARCE,] to the State of California, for the expenses of the State Government from the time of its organization until California was admitted into the Union. Upon the organization of the State government, the military authorities ceased to pay the governmental expenses. The *de facto* government went out of existence when the State government was organized. The actual expense during the period intervening between the State organization and our admission into the Union, as officially communicated to Congress, was \$437,000; so that this amount will really not cover the expenses of the State by \$137,000.

Mr. GEYER. I do not desire to prolong this debate, and I am very much disinclined at any time to occupy the attention of the Senate, and particularly at this period of the session; but it seems to me that this is an appropriate occasion to test the principle, whether the expenses of a government not previously organized by a law of the United States, are to be borne out of the Treasury of the United States. The territorial governments to which I have alluded were all governments imposed upon the people by the Congress of the United States, and at the same time they made no provision whatever for the support of those governments. California is a case in which a State government was organized by the people themselves, and with which the Government of the United States had nothing to do. Now, sir, what I contend for is, that if the people of California are entitled to be paid out of the national Treasury the expenses of a government organized by themselves at their own will, then we, whose Government was organized by the law of the United States, and who were required to pay out of our own Treasury the expenses of that local government, are entitled to have the amount of those expenses refunded.

I merely wish to bring the minds of Senators to bear upon the question, because if this appropriation passes at some future day, the question must be presented in regard to the States to which I have referred. There are seven States interested in it, and the amount is large. Missouri bore her own expenses from the year 1812, under the second grade of government, down to the period of her admission into the Union on the 10th of August, 1821. She never had a dollar of appropriation for a road during her territorial government. There never was a dollar appropriated for a library, or for a government house, or a prison, as there has been in all the Territories since 1820. What I claim is, that when we shall have voted to pay the expenses of a government organized by the people of California, we shall assume also to pay the expenses of a government organized by the Congress of the United States.

Mr. WELLER. There might be some force in the remarks made by the Senator from Missouri, if it were not for the known fact that the people of California were compelled to organize a government. I think that is a much stronger case than if Congress had established a territorial government for them. There was a part of the public domain—a portion of the territory of the United States. One hundred thousand Americans had gone there, knowing that it was a portion of American soil. They found themselves there without any government. Two sessions of Congress were permitted to pass without the organization of a Territory there. I need not allude to the causes

which produced this result. They are well known to the country. It is enough for me to say, that such was the state of things in the American Congress, that this department of the Government utterly failed to give what those American people were entitled to—protection under an organized government. Now, sir, if this necessity did exist, if the people were compelled, because of the failure on your part to discharge your duties, to organize a government, it seems to me that it presents a much stronger case than if a territorial government had been organized in the first instance by Congress.

Mr. CLAYTON. Mr. President, after the notice which has been given to us by the honorable Senator from Missouri, I feel under some difficulty in regard to this appropriation. If we are to go back to make appropriations of this description for all the States and Territories, I suppose it must be something very unexpected to the Senate. At the same time, there is justice in the remark made by one of the Senators from California, that that State or Territory was for a considerable period of time unprotected by this Government, owing, as both these Senators know well, to the fact that Congress refused to make any appropriation to enable the Executive Department to protect it.

Now, sir, I should not like to vote on a question of this magnitude at this moment. I should like to have it in a separate bill. I am willing to do justice. This is a question now sprung upon us, and I have not reflected on it before. I can see a distinction very clearly between this and other States and Territories, but at the same time there is force in the remark of the Senator from Missouri, that the other Governments to which he referred were organized under law. I am anxious to do justice to California, and I prefer that this matter should be presented in a separate bill, so that we can have a fair understanding of it. I repeat, there was a period of time when California was treated shamefully by the General Government, that Government being bound to protect her, and not doing it; and, therefore, I feel disposed to be liberal to her; but I think this claim should be presented in a distinct bill.

Mr. GWIN. I hope there will be no further opposition to this amendment. It has passed the Senate each of the last three years in this very form; and the reason it did not get through the House was, that there was a contest between the State and the United States, in regard to the civil fund, which has been decided in the Supreme Court against the claim of the State. I hope the appropriation will be permitted to pass.

Mr. CASS. I shall vote for this appropriation as I have done before, simply on the ground that protection and taxation should go together. If there is no protection, there should be no taxation; and I think that is an extraordinary kind of government which exercises only one function, and that the function of taxation.

Mr. BRODHEAD. I have a suggestion or two to make about this amendment. I observe that the Army appropriation bill contains an appropriation of upwards of \$900,000 to pay the California war debt; and we have now under consideration an item in this bill appropriating \$300,000 for the expenses of the State government of California. I agreed to this proposition at the last session, but I agreed to it as a compromise. I supposed that it was a payment in full to California for the support of her government before she was admitted into the Union, and since. I do not exactly feel disposed to appropriate both sums, and I think the representatives of California ought to choose between the two. If we allow the \$900,000 for the California war debt—

Mr. WALKER. What debt is it?

Mr. BRODHEAD. I understand it to be a claim which the State of California sets up for expenses to which she was put in order to defend herself against the Indians. I wish to deal liberally on this subject, and to come to some understanding in regard to it at this time, because if we allow this item of \$300,000 in the civil and diplomatic bill, it may endanger the item of \$900,000 in the Army appropriation bill for the payment of the California war debt, as it is called. I wish to hear what my friends from California have to say upon the subject. I am willing to allow one claim, but I do not know that I can go for both.

Mr. WELLER. There is no sort of connection between this appropriation and the one in the

Army appropriation bill, to which the Senator from Pennsylvania has alluded. The State of California claimed that all the revenue collected there anterior to her admission into the Union, was collected without the authority of law, and that the civil fund, as it was called, which amounted to \$1,200,000, belonged to that State. Suits were instituted in regard to it, and recently a decision has been made by the Supreme Court here, declaring that that fund belonged to the Federal Government, that it was rightly and properly collected; and, therefore, the State of California has no longer any claim to it. At the last session of Congress, the Senator from Pennsylvania, and several other Senators, said they were willing to vote an appropriation of \$300,000 by way of outfit to the State of California in lieu of all her claims upon that fund. The war debt which has been referred to, is a debt that has been contracted by the State of California since her admission into the Union, in consequence of the failure of the Federal Government to provide the necessary troops to protect her people. It is well known that it is the practice of this Government, whenever it is found within the limits of a State that there are a large number of Indians, without a sufficient force to give protection to the people, to authorize the Governor of the State to call out the militia to defend the people, and the Federal Treasury is held liable for the expenses thus incurred. This has always been the practice of the Government. The war claim to which the Senator has referred is, therefore, a debt contracted by the State of California since her admission into the Union, in calling out her own people to give protection to person and property when the Federal troops could not.

Thus the Senator will discover that there is no connection between the two cases. This appropriation of \$300,000 is for the civil expenses of the State of California, anterior to her admission into the Union, upon the ground that if she had been a Territory, that sum would have been paid out of the Federal Treasury. The war debt is for expenses incurred since her admission into the Union, for defending her people when the Federal Government could not do it. When the Army bill, containing that appropriation of \$900,000, comes before the Senate, there will be an obligation resting upon the Senators from California to satisfy the Senate that it is a just and fair demand on the Federal Treasury, and that the Federal Government did not have a sufficient force there to give protection to the citizens, because we will not ask that the General Government shall pay two sets of men to do the same work. You have a military force there; you are compelled to defray the expenses of that force; and you will be unwilling to pay the war debt of California until you are satisfied that it was necessary for California to call out her militia to supply that which the Federal troops could not. Of these facts we shall satisfy you.

Mr. BRODHEAD. There are one or two other facts which I think it proper to state in connection with these large items, and which ought to be considered deliberately. I do not wish the Senators from California to infer, from anything I have said, that I have made up a judgment against the claim for the war debt of California. I have not. But, sir, the Senator from California, who has just taken his seat, informs us that this sum of \$300,000 is for expenses of California while she was in the condition of a *quasi* territorial government, upon the ground that the General Government has been in the habit of paying the expenses of all territorial governments. Now, let us see how the facts are. Have we not already paid these expenses? Did we not allow them in the settlement of General Riley's accounts?

Mr. GWIN. No, sir.

Mr. BRODHEAD. I will state all the facts, for I do not wish to misrepresent any facts. We allowed General Riley, as I understood in the settlement of his accounts, the amount which he had disbursed for the payment of the expenses of the convention which assembled to form a constitution. That was one item.

Mr. GWIN. That was before the State government was organized. It was during the existence of the *de facto* government.

Mr. WELLER. It was during the military government of General Riley, but it was after he turned the government over to the State authorities that this debt was incurred; and it amounts

to \$437,000—a great deal more than is proposed to be appropriated.

Mr. BRODHEAD. I only wish to come to some understanding on this matter. I am willing to pay California, and to pay her liberally; but let us see what we have already paid. In the settlement of the accounts of General Riley, for the disbursement of the civil fund which he received, amounting to more than a million of dollars, we allowed him several hundred thousand dollars for the expenses of the convention, which assembled to form a constitution, and a number of other large items. We also directed a debt, incurred by Colonel Frémont, to be paid in London. He was sued for it in London, and we paid the amount. I believe that was \$100,000.

Mr. GWIN. That was in regard to transactions during the Mexican war, in 1846.

Mr. BRODHEAD. Well, I am endeavoring to get all the items together. Now, we have another claim for beef. When was that furnished?

Mr. WELLER. In 1851, to the Indian commissioners.

Mr. BRODHEAD. As I said, I am willing to pay liberally; but I desire to know whether we are to pay the California war debt of over \$900,000, and these \$300,000 besides? Senators who are better acquainted with the subject than I am, will perhaps be able to enlighten me, but I confess I should like to have some further information before I vote on the amendment.

Mr. GWIN. When the Army appropriation bill comes up before the Senate, the war debt will stand on its own merits, and can then be discussed in order. The only question now before the Senate is, whether the appropriation of \$300,000 which has been reported by the Committee on Finance, shall go into the bill. I can assure the Senator from Pennsylvania that, whenever the other item comes up, my colleague and myself can give a full and satisfactory explanation of it. If we do not, of course it will be voted down. The war debt rests on such a foundation of justice that I am sure the Senator will not vote against it. I hope this amendment will be adopted, but I ask for the question upon it.

The PRESIDING OFFICER. (Mr. BADGER in the chair.) The question is on reconsidering the vote by which the amendment was adopted.

The motion was agreed to; and the question recurring upon the adoption of the amendment.

Mr. CHASE. In view of the statement made by the Senator from Missouri, that this is to be a precedent, I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 19, nays 27, as follows:

YEAS—Messrs. Allen, Badger, Bell, Cass, Dodge of Wisconsin, Dodge of Iowa, Douglas, Foot, Gwin, Houston, Mallory, Pearce, Pettit, Rusk, Shields, Stuart, Thompson of New Jersey, Toucey, and Weller—19.

NAYS—Messrs. Adams, Atchison, Benjamin, Bright, Brodhead, Brown, Butler, Chase, Clay, Clayton, Cooper, Dawson, Dixon, Fessenden, Fitzpatrick, Geyer, Gillette, Hunter, Johnson, Jones of Tennessee, Mason, Pratt, Rockwell, Sumner, Thompson of Kentucky, Toombs, and Walker—27.

So the amendment was rejected.

The PRESIDING OFFICER. The question now is on an amendment moved by the Senator from Maine, from the Committee on Commerce, which was objected to at the time, and reserved. It is to insert:

For life-boats and other means of rendering services to shipwrecked mariners and others on the coast of the United States, to be expended by the Massachusetts Humane Society, under the direction of the Secretary of the Treasury, \$10,000.

Mr. HAMLIN. Objection was made to this amendment, I understand, for the reason that it was connected with the Massachusetts Humane Society. Now, there have been annual appropriations for shipwrecked seamen ever since I have been in Congress. Such appropriations are wise expenditures. Vast sums of money are annually saved by them, and great numbers of lives are rescued from the perils of the sea. I apprehend that to the principle of making such appropriations there can be no objection in the Senate.

Sir, in 1848 an appropriation was made for this society in the same way as now proposed. The society is an aged one. It has now a fund from which it receives annually an interest of about \$2,000; but that fund is inadequate to the purposes of rendering such relief as the climate and country require. Senators will recollect that it is in the higher latitudes of the Union, and all the se-

verities of a winter climate are there known. It is proposed to grant \$10,000 to be expended by this society under the direction and supervision of the Secretary of the Treasury. I believe that the expenditure in this mode will be much more beneficial to effect the object, and much more economical, than if it were left without any direction as to the manner in which it should be expended. Similar sums in different years have been appropriated to the Benevolent Life-Saving Association of New York, for the coasts of New Jersey and New York. Sometimes the appropriations have been expended by the Light-House Board, and sometimes in connection with these benevolent associations. I have no hesitation in declaring, myself, that where the Secretary of the Treasury acts in conjunction with these associations, which depend entirely upon contributions, the expenditures are much more beneficial to the country than where left to the Secretary alone. That is my view, and I suppose it is the view of the committee.

Mr. HUNTER. I believe, sir, this is the first instance, certainly it is the first with which I am acquainted, in which the Government has undertaken to appropriate money, and use the agency of a private society for its disbursement. I do not doubt the usefulness of this society; I agree that its objects are benevolent and praiseworthy; but it seems to me that it will be a most dangerous system to establish, to appropriate money to be put at the disposal of private societies.

Mr. HAMLIN. It is not so. It is to be appropriated under the direction of the Secretary of the Treasury entirely.

Mr. HUNTER. The Secretary of the Treasury cannot direct these private associations. They are not officers of the Government. Whatever money is appropriated for this purpose ought to be entirely under the control of the Government and its officers. The kind of agency proposed in this amendment is one which is new, and which, I believe, will turn out to be dangerous and mischievous.

Mr. HAMLIN. Allow me to read from the memorial which has been sent to us from that society. Speaking of the various sums which have been appropriated, they say:

"The income of the society being quite inadequate for the support of their boats and huts, little could have been done but for appropriations made by the General Government and by the State. From the latter source \$10,000 have been received at various times since 1840; and from the former \$5,000 were received in 1848, from an appropriation in the light-house bill of the previous year."

On looking at the proceedings of the Benevolent Life-Saving Association of New York, I find that in 1851 they received from the General Government \$8,467 50; on March 8, of that year, \$9,585; and in 1852, \$414. I find, therefore, that the Government has, on various occasions, availed itself of these societies to disburse appropriations like the present; and hence this does not set a new precedent. I am told further that nearly all the moneys disbursed among the Indian tribes are disbursed precisely in the same way, through such associations, but under the proper head of the Department here.

Mr. WELLER. I have no doubt that this appropriation is necessary and proper; but I do not see the propriety of connecting the Government with a humane society, or any other private institution. If the Secretary of the Treasury is authorized to expend \$10,000 for the relief of shipwrecked mariners on the coast, and finds a private society, organized for the purpose, and thinks that through that society he can disburse the money so as to promote the interest designed to be effected by the appropriation, undoubtedly he would be at liberty to use it in that way. I therefore propose to amend the amendment by striking out that portion of it which refers to the Massachusetts Humane Society. It will then be discretionary with the Secretary of the Treasury whether he will use that society as an instrument to expend the money, or whether he will seek some other instrumentality. I have no doubt, as I said before, about the necessity and propriety of the appropriation; but I desire to leave the Secretary of the Treasury unlimited as to the mode in which he shall expend this sum. I move to strike out the words "to be expended by the Massachusetts Humane Society."

Mr. CLAYTON. I hope the Senator from Maine, will accept the suggestion made to him

by the Senator from California. I have no doubt it will do a great deal of good to make this appropriation, and I hope it will not be defeated in consequence of any peculiar mode of expression in the amendment. Let the Secretary of the Treasury employ the Massachusetts Humane Society if he pleases; but leave these words out, in order that there may be no objection foreign to the real merits of the amendment. I am decidedly for the amendment of the gentleman from Maine, but I hope he will accede to the suggestion of the Senator from California.

Mr. WELLER. My only object is to place the appropriation in such a position that the Secretary of the Treasury can use the Humane Society, or individuals, if he chooses, in the disbursement of the money. I have no doubt that, if he finds humane associations which are doing great good, and giving relief to numbers of shipwrecked mariners, he will disburse the money through that source; but I desire to leave it to the Secretary of the Treasury; or, in other words, that we should have no connection, unnecessarily, with any private or local institution.

Mr. CASS. There is one mode in which the object of the Senator can be obtained; that is to authorize the Secretary to expend the money, through this society, or otherwise, as he may think proper. We do the same thing in regard to the missionary societies for the Indians, and we have done it for many years. Let us put it in such a form that the Secretary of the Treasury may select this society, or use the money in any other mode he thinks expedient.

Mr. WELLER. I prefer my amendment.

Mr. HAMLIN. I wish to modify my amendment by inserting after the words "Massachusetts Humane Society," the words "or in such other way as the Secretary of the Treasury shall deem expedient."

The PRESIDING OFFICER. The Chair will suggest to the Senator from Maine that he cannot modify the amendment, as it is offered by him as an amendment from the Committee on Commerce, and not in his individual capacity as a Senator.

Mr. HAMLIN. Then I desire to state to the Senate that if they shall not see fit to adopt the amendment of the Senator from California to the amendment of the committee, I will propose an additional amendment giving discretionary power to the Secretary.

Mr. GWIN called for the yeas and nays on the amendment to the amendment; and they were ordered.

Mr. MALLORY. Is it in order now to move to increase the amount of the appropriation?

The PRESIDING OFFICER. It is not.

Mr. MALLORY. I wish to ask the Senator from Maine whether this amendment includes the lake coast of the United States?

Mr. HAMLIN. It does not.

Mr. CLAYTON. The sum is altogether insufficient.

The PRESIDING OFFICER. This motion does not affect the sum. An amendment can be afterwards moved to increase or diminish it.

The question being taken by yeas and nays on the amendment to the amendment, resulted—yeas 28, nays 18; as follows:

YEAS—Messrs. Adams, Allen, Atchison, Badger, Bayard, Bell, Brown, Butler, Clay, Clayton, Cooper, Dawson, Dixon, Dodge of Iowa, Fitzpatrick, Geyer, Gwin, Hunter, Johnson, Jones, of Tennessee, Mallory, Mason, Pratt, Sebastian, Slidell, Toombs, Toucey, and Weller—28.

NAYS—Messrs. Benjamin, Bright, Brodhead, Cass, Chase, Dodge, of Wisconsin, Fessenden, Fish, Foot, Gillette, Hamlin, Houston, James, Rockwell, Shields, Stuart, Sumner, and Walker—18.

So the amendment to the amendment was agreed to; and the question recurred on Mr. HAMLIN's amendment as amended.

Mr. WELLER. I desire to know precisely what is included in this amendment. It is an appropriation of \$10,000 for the relief of shipwrecked mariners on the coast of the United States. I desire to know whether that means the Atlantic, the Pacific, or the lake coast, or whether it includes them all. If they be all embraced, of course the amount is wholly insufficient to accomplish the object. I move, therefore, to strike out "\$10,000" and insert "\$20,000."

Mr. HAMLIN. This appropriation follows another of \$10,000 in like words already in the bill. I suppose the Senator is aware that life-boats

are stationed at certain points all along our coast, and this is for their preservation and taking charge of them when there is occasion for using them. If, therefore, this amendment shall be adopted in its present form, there will then be \$20,000 appropriated in this bill for this object, precisely the amount which the Senator wishes to have appropriated.

Mr. WELLER. I think that does not obviate the difficulty, for \$20,000 appropriated in the manner indicated by the Senator from Maine will be wholly insufficient to afford the necessary relief to the vast number of persons who are shipwrecked on the extensive coasts of the United States. There is an immense amount of commerce now on the Pacific, making it necessary, of course, to increase the amount which has heretofore been appropriated for this object in order to extend relief to shipwrecked mariners on the Pacific coast. I therefore persist in my motion to increase the amount to \$20,000.

Mr. HAMLIN. I think if the Senator had examined the matter, he would, and I think he will now, when I state all the facts in relation to it, withdraw his amendment. Ten thousand dollars are already appropriated by the bill for this object. Sometimes we have appropriated \$10,000, and sometimes \$20,000 in the civil and diplomatic bill. But there are \$20,000 more appropriated for a like object in the light-house bill of the present year, so that if this amendment shall be adopted, there will then be \$40,000 for this purpose.

Mr. WELLER. Then I withdraw my amendment.

The amendment of the Committee on Commerce, as amended, was agreed to.

The next question was on the amendment of the Committee on Commerce heretofore reserved, to amend the clause making an appropriation "for the relief and protection of American seamen in foreign countries," by adding, after the word "seamen," the words "and seamen belonging to American vessels."

Mr. HAMLIN. I do not know that I have anything to state in regard to this amendment in addition to what I said the other day when it was presented. It is known to Senators that the law now requires that our vessels shall be manned with a certain proportion of American seamen, and the others may be foreigners. I have a petition before me from the ladies of Honolulu, in the Sandwich Islands, in which they set forth the very great distress which our seamen suffer in those ports, in consequence of the existing law, inasmuch as the existing law does not allow our consul there (nor does it allow any of our consuls at any foreign port) to make any provision whatever for foreigners who are sailing under the American flag.

Now, sir, if we allow foreigners to sail under our flag, if we man our ships with them, I ask are they not entitled, in foreign ports where they are found in distress, to some of that protection which we bestow upon our own citizens in the same circumstances? Why, sir, they have the same interest in protecting the ship, in sailing it, and in preserving it from the hazards of the ocean, and they are subjected to the same regulations in foreign ports. They pay the same hospital money per month to the hospital fund that our own seamen pay.

Sir, we speak of our extended commerce; but with how much force and how much propriety may we speak of it, if we are unwilling to make any appropriation for the relief of those who sail our vessels, who happen to be foreigners, when they are found in foreign ports in distress? I hope the amendment will be adopted.

The amendment was agreed to.

The next question was on the amendment offered by Mr. HAMLIN, from the Committee on Commerce, on Saturday, and then objected to, to strike out "for the salary of the consul at Beirut, \$500," and insert:

That the consul at Beirut, Syria, is hereby created a consul-general with a salary of \$2,000 per annum from the 1st of July, 1853. The said consulate shall comprehend both Syria and Palestine, and \$4,000 is hereby appropriated for the salary of the said consul.

Mr. HAMLIN. I hold in my hand a letter from the Secretary of State earnestly requesting this appropriation, and in it he alludes to the existing state of affairs in that country, and the absolute necessity of having some commercial agent,

or some representative of this Government there. It is true there is very little commercial business at that place, but still it is highly important, in the unsettled state of that portion of the world, that there should be some agent of our Government there. The present compensation of the consul at that port is totally inadequate. The compensation now proposed was recommended by Mr. Webster, while he was Secretary of State. The recommendation was renewed by Mr. Everett when he was at the head of that Department; and it is again urged by the present Secretary.

The amendment was agreed to.

The PRESIDING OFFICER. The question is next on the amendment of the Committee on Commerce to add the following additional section:

Sec. — And be it further enacted, That the county of El Paso, in the State of Texas, and the Territory of New Mexico, be, and they are hereby, made a collection district by the name of Paso del Norte, and Frontera shall be the place or port of delivery for said district; and a collector shall be appointed to reside thereat, with such other officers as shall be necessary, and the compensation of the collector shall be \$2,000 per annum, including the fees of his office.

Mr. WELLER. That amendment, I believe, was laid over the other day in consequence of my objection. I have since satisfied myself that the public interest clearly requires that a collection district should be established at this point; and, therefore, as a matter of course, I now interpose no objection to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. There is another amendment, which was offered by the Senator from Maine, from the Committee on Commerce, on Saturday last, but which was then objected to. It will be read.

The Secretary read it, as follows:

Sec. — Be it further enacted, That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed the following buildings:

At Ellsworth, Maine, for the accommodation of the custom-house and post office, a building of brick, with fire-proof floors, constructed of iron beams and brick work, iron roof, shutters, sills, &c., twenty-five feet by thirty, and twenty-five feet in height from the foundation, to cost not more than \$10,000.

At Belfast, Maine, for the accommodation of the custom-house and post office, a building of like materials, forty-five feet by thirty-two, and thirty-two feet high, and to cost not more than \$20,000.

At Gloucester, Massachusetts; Toledo, Ohio; Burlington, Vermont; and Sandusky, Ohio, for the accommodation of the custom house and post office, a building of like materials, sixty feet by forty-five feet, and thirty-two feet from the foundation, and to cost not more than \$40,000 for each building.

At Milwaukee, Wisconsin, for the accommodation of the custom-house, post office, and United States courts, a building of like materials, sixty feet by forty-five feet, forty-eight feet in height from the foundation, to cost not more than \$50,000.

At New Haven, Connecticut; Newark, New Jersey; Buffalo, New York; Oswego, New York; Wheeling, Virginia; Chicago, Illinois; and Detroit, Michigan, each for the accommodation of the custom-house, post office, United States courts, and steamboat inspectors, a building of stone, of like floors, beams, roofs, shutters, &c., eighty-five feet by sixty feet, sixty feet in height from the foundation, to cost not more than \$88,000 for each building. The building at Detroit to be erected upon a water lot belonging to the United States.

At Galveston, Texas, for the accommodation of the custom-house, post office, and United States courts, a building of brick, of like floors, beams, roofs, shutters, &c., forty-five feet, by seventy feet, forty-eight feet high from the foundation, with a portico on two sides, and to cost not more than \$100,000.

At Petersburg, Virginia, for the accommodation of the custom-house and post office, a building of stone, of like floors, beams, roof, shutters, &c., sixty feet by forty-five feet, thirty-two feet high from the foundation, to cost not more than \$62,000.

Sec. — And be it further enacted, That the several sums mentioned in the preceding section of this act, as the cost of the buildings therein authorized to be constructed, together with ten per cent. thereon, to cover the compensation of architects, superintendents, advertising, and other contingent expenses, and so much as may be required to purchase suitable sites for said buildings, be, and the same are hereby, appropriated for the purposes aforesaid, out of any money in the Treasury not otherwise appropriated: *Provided*, That no money hereby appropriated shall be used or applied for the purposes mentioned, until a valid title to the land for the site of such building, in each case, shall be vested in the United States, and until the State shall also duly release and relinquish to the United States the right to tax, or in any way assess said site, or the property of the United States that may be thereon, during the time that the said United States shall be or remain the owner thereof.

Mr. HAMLIN. I am directed by the Committee on Commerce to modify the amendment by adding to it the following additional sections:

Sec. — And be it further enacted, That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed the following buildings:

At New Orleans, Louisiana, a marine hospital, to cost not more than \$248,000; and when said hospital, shall have been completed, the Secretary of the Treasury shall cause the old hospital at New Orleans to be sold, and the proceeds thereof to be placed in the Treasury of the United States;

At Detroit, Michigan, a marine hospital, to cost not more than \$75,000;

At Pensacola, Florida, a marine hospital, to cost not more than \$30,000;

At Burlington, in the State of Iowa, a marine hospital, to cost not more than \$5,000.

Sec. — And be it further enacted, That the several sums mentioned in the preceding section as the cost of the buildings therein authorized to be constructed, together with ten per cent. thereon, to cover the compensation of architects, superintendents, advertising, and other contingent expenses, and so much as may be required to purchase suitable sites for said buildings, be, and the same are hereby, appropriated for the purposes aforesaid, out of any money in the Treasury not otherwise appropriated; *Provided*, That no money hereby appropriated shall be used or applied for the purposes mentioned, until a valid title to the land for the site of such building, in each case, shall be vested in the United States, and until the State shall also duly release and relinquish to the United States the right to tax, or in any way assess said site, or the property of the United States that may be thereon, during the time that the said United States shall be or remain the owner thereof.

Mr. HUNTER. Mr. President, it seems to me that these appropriations for custom-houses, and especially for new custom-houses, are becoming so numerous, and the amounts so large, that they should be provided for in a separate bill. They ought to be appropriated, if at all, like the appropriations for rivers and harbors or fortifications, in a separate and independent bill. It seems to me that, in relation to these new structures, we ought to mature some regular system, and, like other new appropriations, they should be reported from the Committee on Commerce as a separate bill, like the light-house bill, to provide for new light-houses. It is manifest that if we encumber the civil and diplomatic bill, which already has run out to a very large number of pages, with such amendments as these, relating to systems involving expenditures to the amount perhaps of more than a \$1,000,000, how much I do not know, we shall find it very difficult to get along with the general appropriation bills. I, therefore, suggest now that it would be better if the Senate would adopt it as a rule to appropriate in these bills for nothing but buildings which have been already commenced and purposes already sanctioned by law; and whenever new buildings are required to be put up, let them be proposed in a separate bill. We may get along in that way with some sort of order and consistency; but it is impossible that we can legislate in this manner with propriety and consistency. We know, sir, that this bill had a hard time of it in the House of Representatives with the custom-houses which are already upon it. What will it be when we send it back with all these appropriations embraced in it? I think it would be far better for the Committee on Commerce to present this proposition as a separate bill, and take the sense of the Senate upon it in that day.

Mr. ADAMS. I desire to offer an amendment, which, perhaps, should be offered before the further discussion of this subject. It is to add, as a proviso, at the end of the custom-house appropriations:

Provided, That no money shall be expended for a custom-house, under the provisions of this act, at any place where the customs do not equal the expenses of collection.

Mr. HAMLIN. Mr. President, the best statement which I can make to the Senate, will be one which I have in my hand, that has been prepared at the Treasury Department. It states the case, perhaps, better, and in fewer words, than I could state it. I will not read all of the letter, but only that part which relates to the expediency of erecting the buildings, and their cost. The Secretary of the Treasury says:

The cost of ground, where the Government does not own it, must be an addition to these estimates, and cannot be reduced to as much certainty; and there must be an addition, say of ten per cent., to cover compensation of architect and superintendent, advertising, &c. There are now in the United States one hundred and twenty-nine ports of entry and ports of delivery, having the authority and duties of ports of entry. Of this number custom houses have been constructed at twenty-five ports. Custom-houses are in progress at eleven ports, and custom-houses are about to be commenced, under appropriations heretofore made, at four ports, leaving eighty-nine ports unprovided for. Having carefully considered the question of authorizing, in districts not yet provided for, the erection of permanent and substantial buildings for the use of these public establishments, I am clearly of opinion that such provision ought to be extended, for the following reasons:

1. For the better accommodation of the officers and the

better performance and dispatch of the duties, and for the security and preservation of the records and archives.

2. For the saving of the rents, otherwise to be paid, which, as the Treasury can spare the outlay, should be its policy even more emphatically than an individual similarly circumstanced, as its interests are more enduring than those of the latter.

3. From regard to that rule of equity towards the various portions and districts of the country which is a necessary principle of just government.

For these reasons I am of opinion that the Government should proceed, whilst its means continue to be abundant, to supply suitable buildings for the accommodation of the public business at the ports not yet provided for, selecting the points at which they appear to be most needed, and providing annually for as many as can, for the time, be conveniently constructed; and in expressing this opinion, I see no reason to except, from eventual provision, ports at which but little revenue is collected, and where a mainly preventive force is maintained. The revenue collected may, to some extent, regulate the size of the building to be provided, but to leave such points without revenue officers, requiring such accommodation, would be to invite illicit imports to such points, to the prejudice of the revenues at large.

These are the views of the Treasury Department, in which I say, I think, that the committee may entirely concur. All these appropriations will be less than one half, perhaps not one fourth, of what may have been appropriated in one of your large cities for a custom-house. Still, if the appropriations shall be made, they will furnish, at some fifteen or twenty points, ample buildings which will be safe for the public archives, and afford all the facilities required in these respective locations. It seems to me that it is a wise economy to adopt that system at this time.

Mr. DAWSON. What public archives are there in these places to be saved?

Mr. HAMLIN. Why, sir, all the original certificates which issue from the custom-house offices—all the papers that relate to the ownership of vessels—the registers, the enrollments, the licenses, the bills of sale, the records of the office, and the quarterly returns that are made to the Secretary of the Treasury.

Mr. DAWSON. My only object was to ascertain whether any revenue would be collected at some of these points, and to what extent? Take Toledo, for instance.

Mr. HAMLIN. I have not the table by me to state what amount is collected at Toledo; but if I am right in my recollection, about \$70,000 are received there annually.

Mr. CASS. Between \$70,000 and \$80,000.

Mr. HAMLIN. But let me say to the Senator from Georgia, that the amount of revenue collected at a port is not by any means a certain and true indication of the necessity of public buildings there, as the Secretary of the Treasury has well said in his letter. Sir, I can show the Senator a district which has one hundred thousand tons of tonnage, and yet pays but very little revenue; but there are there all the papers relating to that tonnage, all the enrollments, all the licenses, all the bills of sale, and all the records which should be preserved and protected at least. Consequently, in districts where there is little or no revenue collected, but where they are actually necessary for a large tonnage, and are also necessary for the purpose of protecting the revenue, you must keep up a protective force, because a protective force is as necessary to enforce the revenue laws, as is a force to collect the revenue. At these places, the Secretary has well said that buildings of a less size, and at a less cost, will be required. The scale which he has adopted is one going down to \$10,000, and ranging up to millions in your large cities, although \$100,000 is the highest amount appropriated for here, that being the appropriation for a custom-house, with other offices in it at Galveston, in Texas.

The amendment also provides that the sums therein specified shall be in full for all these buildings, with the single exception of an additional appropriation hereafter to purchase sites. That cannot be known with certainty and accuracy; but the cost of each building, varying from \$10,000 up to a \$1,000,000, can be ascertained, and is ascertained by the Secretary, who has furnished us his estimates for every building he has recommended. Allow me to say, as I do not desire to repeat it, that what he says of the custom-houses applies also to the marine hospitals. All the marine hospitals provided for in the amendment are estimated for, and the limitations and restrictions contained in the amendment are, that they shall in no case cost a single dollar beyond the amount appropriated.

I think, sir, that for these reasons this amendment may well be adopted. I will further say, that the custom-house buildings, which must be in towns, are also to contain accommodations for the post offices; and if the United States courts sit in that place, then we provide that they shall contain rooms for those courts. If there be a board of steamboat inspectors, or any other board of officers for whom buildings are hired by the United States, they are to be provided for in these buildings.

I have but a few words to say in reply to the suggestion of the Senator from Virginia, that these appropriations might and should be made in a separate bill. It may be so, sir; but I think that Senator has himself offered amendments from the Committee on Finance which do not legitimately and appropriately belong to this appropriation bill. Still, as one member of the Senate, always anxious to accommodate that committee, whose duties I know are very laborious, I have voted, without an exception, to sustain their report. When I told that Senator that the Committee on Commerce have labored as industriously, if not intelligently, to consummate objects which are beneficial to the commerce of the country, I hoped he would not have interposed an objection here, particularly when the Senator knew the solicitude of some of his own colleagues for appropriations for the State of Virginia, which are contained in this amendment; although I suppose, of course, that that would not have any effect upon the Senator's mind, as it ought not to have. Now, sir, this amendment is as germane, as proper, as pertinent, as the amendment for bringing water into the city of Washington. My friend suggested that the adoption of this amendment would endanger the bill in the House. Why, sir, what is the history of the matter? The House have incorporated into the bill every amendment for custom-houses, some new and some old, which were asked to be appropriated for. Did they do that for the water-works?

Mr. HUNTER. I think this bill contains no appropriations for new custom-houses.

Mr. HAMLIN. I repeat, that I think I am justified in saying, that in every instance the House incorporated amendments for every custom-house for which they were asked to make an appropriation.

Mr. HUNTER. I think there is no appropriation for a new custom-house in the bill, and there will be none in it, unless the Senator gets them in.

Mr. HAMLIN. I think there is an appropriation in the bill for the purchase of a site for a custom-house at Providence, Rhode Island.

Mr. HUNTER. That is a continuation of a former appropriation for that purpose.

Mr. HAMLIN. I do not understand that it is a continuation of a former appropriation, but I learn that it is an absolute appropriation for the purchase of a site there; and the Senate have, very wisely, I think, added a proviso, giving to the Secretary of the Treasury the power to make a contract for the erection of a building on that site. There is also an appropriation for the purchase of a site in San Francisco; but I know appropriations have been made for a custom-house at that place.

Mr. HUNTER. The Senator knows—no man knows better—that we frequently begin by appropriating a certain sum, and we limit the expenditure to that sum; but it is afterwards found that the site costs more than was expected, and a subsequent appropriation is made; so that it is actually a continuation, though it may not appear to be so on the face of the bill.

Mr. HAMLIN. Well, Mr. President, it is hardly worth while, I think, to detain the Senate at length upon what I believe is not a well founded objection. Every appropriation for every public work must have an existence somewhere. Now, I appeal to the Senate if the public works provided for in this amendment are not as legitimate and as germane to this bill as appropriations that have been recommended by the committee who had the bill specially in charge?

Mr. CASS. The Senator from Maine has said everything that I could have wanted to say on the subject, and has said it better than I could; but I wish to say to him that I hold in my hand a list of these appropriations, which I requested one of the clerks to copy from the statute-book; and in that list I find but three cases for which special appropriations have been made for these objects.

Every one of the others has been commenced and continued by appropriations in appropriation bills.

Mr. HAMLIN. I was about to say, that I knew that for most of the works of this character which have been commenced, the appropriations were made originally in the civil and diplomatic appropriation bill.

Mr. CASS. All but the first three.

Mr. HAMLIN. I think, then, it is now too late to raise such an objection to the bill.

Mr. MASON. As this debate is to go on, I must ask the Senate to postpone the further consideration of the bill, with a view of going into Executive session.

Mr. HAMLIN. Let us take the vote on this amendment.

Mr. MASON. I have no objection to taking a vote; but it is very important that we should have a short Executive session, and the hour is getting late.

Mr. BELL. I should like to know from the honorable Senator from Maine what principle the committee adopted in limiting the number of ports of entry and delivery at which it is proposed to authorize the building of custom-houses and post offices at this time? Is it according to any rule of population, or is it regulated by the amount of revenue collected? What is the limitation? I observe that in the amendment provision is made for custom-houses, post offices, and United States court rooms, in a number of places, but I do not see any decided distinction between many of them and other places for which no provision is made. There are also some provisions in the amendment for the construction of marine hospitals. What is the limitation in regard to them? I inquire for the purpose of obtaining information to control my own course in some degree. I can readily see that it may be an object of public interest and importance, and that it may be true economy for the Government to go on, as rapidly as we have the means, and may find it to be convenient, to afford these custom-house accommodations to all our ports of entry and delivery, and post offices for our large cities; but I should like to know how soon certain other cities in the Union, unprovided for in this amendment, may expect to be dealt with in a similar manner?

But my object in rising was to ascertain whether any rule had been adopted in preparing this amendment, dependent on the population or the revenue collected at the different points. I admit that I do not make this inquiry disinterestedly, either as to the custom-houses or to the marine hospitals. There are in the State of Tennessee two places very much exposed, and where it would be a very great convenience, not only to the people of those places, but to the public in general, if we could have marine hospitals there. Conveniences for custom-houses would also be useful and advantageous there. The city of Memphis, on the Mississippi river, is one of the points most exposed to the diseases which annually affect passengers, particularly emigrants, on the Mississippi river. The town of Nashville is exposed in the same way. Sometimes yellow fever reaches us, and frequently the cholera comes up by the navigation from New Orleans. Neither of these places is a large city. Memphis is a growing city, and will be a large place in a few years. It is now a very considerable city. Nashville is also growing rapidly; but, perhaps, not so rapidly as Memphis. They are both ports of delivery.

Mr. HAMLIN. If the Senator will allow me to interrupt him, I will give him an answer to his question. He must see at a glance that it would not be practicable to commence marine hospitals at every point all over the country, where they may, perhaps, be now necessary, or where they may hereafter be necessary; nor would it be proper to commence custom-houses at every collection district, all at one time.

Mr. BELL. I inquired what was the limitation.

Mr. HAMLIN. If the Senator will allow me, I will answer him.

Mr. BELL. I agree to what the Senator has stated.

Mr. HAMLIN. I have read from the letter of the Secretary of the Treasury, in which he recommends distinctly the erection of a custom-house at every port of entry, and at every port of delivery, and suggests that those should be first built

which are most important; and so of marine hospitals precisely.

Now, a word in relation to Memphis. There were some papers before the Committee on Commerce in relation to the construction of a marine hospital at Memphis. At the earnest solicitation of the Senator's colleague, [Mr. JONES, of Tennessee,] I went myself to the Treasury Department for the purpose of conferring with them in order to induce them to recommend Memphis as a point at which a marine hospital should be now built; but I was told that they had entered into an arrangement with the local authorities of that place by which provision could be made better for the sick, and cheaper for the Government, at present, and, therefore, they did not recommend that as a place where a marine hospital should be built at this time. At the solicitation of the Senator's colleague, I held an interview with the Secretary of the Treasury on that very point. As to Nashville, I will only say, that we had no papers before us, and we had no application asking for any appropriation at that place.

Mr. TOOMBS. I agree with the Senator from Virginia, that we ought to take up this subject by itself. It is a large subject, and the reply made by the Senator from Maine is not satisfactory. If, Mr. President, we are to justify any amount of appropriations, or expenditures, upon the ground that you have done such things before, there is no abuse for which you cannot find an excuse somewhere in the legislation of this Government. But here is a question which confessedly, according to the letter of the Secretary of the Treasury, and the chairman of the Committee on Commerce, looks to a wide spread, incalculable, and, as I believe, unnecessary expenditure of the public money. It has been the custom to establish custom-houses at the points where the revenue is collected. At most of these ports of entry and delivery, the business can be done in a house ten feet by twelve. Every book, every thing connected with the business, can be kept in a house for which we would have to pay only \$500, and yet the Government is to commence building. But we are told now that in these custom-houses there will be provision made for a post office. You are already putting three or four millions upon the producing classes of this country for the benefit of commerce; and I trust the time will soon come in which there will not be a post office on the North American continent owned by the United States. It ought not to be so; for so long as you do take charge of it, you not only carry the great body of the commercial correspondence of the country for nothing, but you put the cost of it upon the industrious classes of the United States.

One argument for the erection of these custom-houses is the want of a place to keep the records. Sir, half the records grow out of an antiquated and absurd and restrictive system, which I trust will not live in the country two years longer—that is your navigation laws and registers. They ought to be abolished. It is in accordance with the principles of a large body of gentlemen on this floor; and I intend to bring the subject to the attention of the Senate, at a very early day, to cut off this artificial and restrictive system, which makes these records necessary. Your wrong system makes it necessary to build houses to keep records which are worse than useless, and have no other tendency than to injure a great portion of the people of this country. I do not see why we should do it.

The Senator from Maine has also proposed to amend a provision in the bill for the relief of American seamen in foreign countries, by proposing that all seamen sailing in American-built vessels shall be included, the use of which I do not see. If this amendment be adopted, and you enter into this system of protection to all who sail under our flag, the difficulty will be this: An Englishman or Dutchman, who has sailed in our ships, will ship in New York for Liverpool or a German port, and he will be carried there, and when you get him there you cannot bring him back; he will be in his own land, among his friends, and will have no reason to return; but if you find an American starving upon a foreign shore, you can send him here. I think it will be found better to take care of these latter, who are our own sailors, for we have not a similar power over foreign ones.

I therefore trust, after such difficulty in this country, and after seventy years have passed in which we have not done this thing, that now, when it is unnecessary, because four fifths of the revenue is collected in New York, and when, according to the laws of centralization, and from absolute, necessary, and uncontrollable causes, it will continue to increase as long as the Union lasts, custom-houses in ports at which little or no revenue is collected may bespeditly abolished. One half of the custom-houses in the West are wholly unnecessary. They are obtained through local influence, and not on account of any public interest. Our revenues ought to be collected at the mouth of the Mississippi, instead of at the little houses along the Mississippi and its tributaries. They are not necessary to collect the Government revenues; there should not be one of them. We ought not, from a sense of economy and of justice to the people, enter into them; and I hope that, perhaps in ten years, we shall not have a custom house of this kind. There ought not to be any now. The people should hold Congress responsible for this expenditure; for they never will be curtailed until they do.

Therefore, I say, this is a large question, involving, directly and indirectly, very great issues, and a vast expenditure of the public money. We ought to take it up, and consider it deliberately in the Senate, and not tack it on a money appropriation bill. Many questions are involved in it; therefore, even those who are in favor of it ought to bring it before us in such a manner that it might be deliberately discussed and considered.

Mr. MALLORY. What is the question before the Senate?

The PRESIDING OFFICER. It is on the amendment of the Senator from Mississippi, to add to the amendment moved by the Senator from Maine, the following:

Provided, That no money shall be expended for custom-houses, under the provisions of this act, in places where the customs do not equal the expenses of collection.

Mr. MALLORY. I trust that will not be agreed to. My friend from Mississippi will see that it ought not to be adopted. It is based upon the assumption—

Mr. MASON. This amendment is evidently to lead to a protracted debate, and I hope the Senator, therefore, will give way and permit me to move the postponement of the bill, in order that we may have an Executive session.

Mr. MALLORY. I shall occupy the floor but a few minutes, and I desire to proceed now while the matter is fresh. I say that it must be manifest to the Senator from Mississippi, that the provision which he offers ought not to prevail, because it is based upon the assumption that the only use of a custom-house is for the collection of the revenue; whereas, one of the most important uses, and one of the strongest arguments for the erection and establishment of them, is their use in preventing an infraction of the revenue laws, and in carrying out the legislation of the country upon the revenue, apart and separate from the collection of the revenue. Why, sir, the entire coasting trade of the United States makes up the larger part of the duties of customs officers. There are many of the most important custom-houses at which but a small portion of the revenue is collected, because their entire duties lie in the transaction of the business of the coasting trade.

In relation to the cost of the buildings, I would remind the Senate that, some years ago, when the Treasury Department in Washington was consumed by fire, all the Treasury circulars which had been written from 1794, or from the origin of the great commercial act establishing the collection of the revenue in this country, and which had accumulated in our custom-houses, and in the Treasury Department, and which constituted the law of the land on that subject, being the adjudications of the Attorney General and the Secretary of the Treasury upon the questions of revenue, were burnt; and had it not been for the fact that the Secretary was enabled to obtain copies of them from the custom-houses of the United States which had not been similarly consumed, the utmost confusion would have prevailed in the laws regulating the collection of the revenue. Hence it is necessary in the erection of custom-houses to provide buildings to secure their records.

In relation to those records, the Senator from Georgia seems to scout the idea of having any of

them at all. He seems to favor the doing away with them all. Would he abolish all these distinctions between foreign and American vessels? Would he abolish all evidence of nationality in our commerce? Would he abolish all the means of ascertaining upon the high seas whether a vessel be American or foreign? If he is not in favor of this abolition, how can you provide for the discrimination, but by a register of enrollment, a license, or some other official record? One is kept at the Department here. The vessel takes one; one is kept here in the office at which the record is issued. I think that this is one of the most important of the duties of the custom-house. Independent of that, it is necessary for the protection of seamen. Our seamen obtain a protection with very little trouble, indeed, in our custom-houses; and let me say that one half or three fourths of the seamen of the merchant marine are foreigners, men who were never naturalized, and were not born in the country. A record of their naturalization, or custom-house naturalization, is their protection, and that is kept in the custom-houses of the country. But, Mr. President, I shall not detain the Senate further.

Mr. HAMLIN. I desire to say a few words in reply to the suggestions of the Senator from Georgia. I think he labors under very serious misapprehensions. In the first place, I have no idea that we shall see our revenue system abolished within ten or twenty years, or within his lifetime or mine. But conceding that we should see it entirely abandoned, and all our navigation laws repealed; conceding that we should see our whole system of revenue laws blotted out of existence, and foreign vessels admitted here to register upon precisely the same conditions that American vessels are now registered; admitting that we shall hereafter draw no distinction between American tonnage and foreign tonnage—admit it in its broadest scope, and then I ask the Senator from Georgia what solitary paper for the protection and safety of the revenue that is now issued could be dispensed with? Not one. You must have the name of the owner of the vessel, so that you may know to whom the penalties attach. You must have bills of lading, in order to know to whom the cargo belongs. You must have the vessel properly cleared; you must have, I again assert, every paper, every record for the protection of the revenue laws which you now have, if you admit foreign vessels on precisely the same ground as American vessels; and therefore the reasons which the Senator from Georgia has stated, to show that there is no necessity for these buildings, I think are wrong. The Senator is erroneous in his position.

The Senator took another ground, and that was, that ports of delivery are not necessary along the valley of the Mississippi. Sir, the Senator had not considered that well; I am sure he had not. Let me ask the Senator from Virginia if he believes that the people of Wheeling could be made to travel all the way to New Orleans for the purpose of paying their duties, and taking the security with them? Most assuredly not. But perhaps the Senator would say that he would allow goods to be imported directly into Wheeling and all interior ports, and to traverse two thousand miles inland. If he would, let me ask him what security there would be for the revenues of the country? Your laws require a vessel to enter at the first port that it reaches when it comes from a foreign country—and why? For the purpose of protecting the revenue. If you will allow a vessel to run down the Atlantic coast two thousand miles, without compelling her to enter a single port when she comes from a foreign country, I ask what would prevent her from discharging her whole cargo of goods, and thus keeping up a public illicit trade, without contributing one dollar to the revenue? It is obvious to every mind the revenue system of the Government is built on that necessity; and, consequently, you must compel a vessel to enter a port that is at the mouth of a river, or at the first port which she reaches. After she has entered and delivered her manifest, and been inspected, then, without breaking bulk, she may go direct to another port inland, where her cargo must conform with the manifest, thus preventing any opportunity of entering into an illicit trade, which would be as broad as the land, if they could run down all the coast, or two thousand miles up a river, without entering into a port. I

think the objections taken by the honorable Senator are without foundation.

Mr. MASON. I move that the further consideration of the bill be postponed until to-morrow, in order to proceed to the consideration of Executive business.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

While the civil and diplomatic appropriation bill was under discussion, a further message was received from the House of Representatives, by Mr. McKean, Chief Clerk, announcing that they had passed the following bills and joint resolutions, in which they asked the concurrence of the Senate:

A bill for the relief of W. D. Porter, of the United States Navy.

A bill for the relief of Daniel Bedinger's heirs.

A bill for the relief of Brigadier General John E. Wool.

A bill for the relief of J. C. Buckles, of Louisville, Kentucky.

A bill for the relief of James S. Graham and Walter H. Finnall.

A bill for the relief of Lieutenant George H. Paige, of the United States Army.

A joint resolution for the relief of Brevet Captain J. H. Lendrum, United States Army.

A bill to provide a pension for Oliver Brown, of Chemung county, New York.

A bill to provide a pension for Edmund Mitchell, of Carroll county, in the State of Kentucky.

A bill for the relief of James Butler.

A bill for the relief of John H. Hicks, of Indiana.

A bill for the relief of John Brown, second, of New Hampshire.

A bill for the relief of Mrs. Anna W. Angus, widow of the late Captain Angus, United States Navy.

A bill for the relief of Betsey Nash.

A bill for the relief of Thomas Ellis.

A bill for the relief of Charlotte S. Westcott.

A joint resolution for the settlement of the claim of Don Juan Jesus Vigil, of New Mexico.

A bill for the relief of the heirs of Larkin Smith.

A bill for the relief of George Mattingly.

A bill for the relief of Nathaniel Reddick, administrator of Richard Taylor, deceased.

A bill for the relief of John McVea and John F. McKneely, of Louisiana.

A bill for the relief of William Curran.

A bill for the relief of Enoch S. More.

A bill for the relief of Patrick Gass.

A bill for the relief of Rosalie Caxillo.

A bill for the relief of A. S. Laughery.

A bill for the relief of William J. McElhiny, E. P. Mathews, and Lawrence Cribben.

A bill for the relief of Thomas Bronaugh.

A bill for the relief of Anna E. Cook.

A bill for the relief of Abraham Ausman.

A bill for the relief of Titian R. Peale.

A bill for the relief of Sylvester Humphrey and the heirs of Alexander Humphrey, deceased.

A bill for the relief of Robert F. McGuire and Louisa, his wife, late Louisa Lamy.

A bill for the relief of Charles H. Wilgus.

A bill for the relief of William A. Duer, John Duer, and Beverly Robinson, trustees of the estate of Sarah Alexander, widow of Major General William Alexander, commonly known as Lord Stirling.

A bill for the relief of the legal representatives of John Rice Jones.

A bill for the relief of William Hawkins.

A bill for the relief of the legal representatives of Lieutenant Francis Ware.

A bill for the relief of James Capen.

A bill for the relief of Thomas Ap Catesby Jones, surety for a former postmaster at Norfolk, Virginia.

A bill for the relief of James Wright, jr., of the State of Tennessee.

A bill for the relief of Jacob McLellan.

A bill for the relief of Charles J. Davis, administrator of Captain John Davis, an officer in the war of the Revolution.

A bill for the relief of William H. Weirick.

A bill for the relief of Rebecca Baggerly, widow of David Baggerly, deceased.

A bill for the relief of the civil township of Marion, in the county of Mercer, Ohio.

A bill for the relief of the inhabitants of town-

ship forty-five, range one, in Warren county, Missouri.

A bill for the relief of the Pine Grove Academy, in Louisiana.

A bill for the relief of Captain Lewis E. Simonds.

A bill for the relief of Daniel Morse, of Essex, county of Chittenden, State of Vermont.

A bill for the relief of Ira Call, of Huron county, Ohio.

A bill for the relief of Isaac M. Sigler, of Putnam county, Indiana.

A bill for the relief of John Frazer and the administrator of the estate of John G. Clendenin, deceased.

A bill for the relief of Mary H. Cushing.

A bill vesting the title of the United States to certain land in the city of Cincinnati.

A bill for the relief of the legal representatives of Everard Meade.

Also, that they had passed a bill from the Senate to incorporate the proprietors of the Glenwood Cemetery.

FORTIFICATION BILL.

The message also announced that the House of Representatives had passed an act making appropriations for fortifications, and other works of defense, and for repairs of barracks and quarters, for the year ending the 30th of June, 1855, in which they requested the concurrence of the Senate.

INVALID PENSION BILL.

The message also announced that the House had agreed to the amendments of the Senate to the bill making appropriations for the payment of invalid and other pensions of the United States for the year ending the 30th of June, 1855.

GLENWOOD CEMETERY.

The PRESIDING OFFICER. Before the Senator from Virginia submits his motion to proceed to the consideration of Executive business, the Chair will suggest that there are certain bills which have been returned from the House with amendments, and which might now be acted upon.

The Senate accordingly proceeded to consider the amendment of the House to the bill of the Senate to incorporate the proprietors of Glenwood Cemetery.

The amendment was to add the following:

SEC. 13. *And be it further enacted*, That each of the stockholders in said company shall be held liable in his or her individual capacity for all the debts and liabilities of said company, however contracted or incurred, to be recovered by suit as other debts or liabilities before the court or tribunal having jurisdiction of the case.

On motion by Mr. ADAMS, it was concurred in.

WASHINGTON AND ALEXANDRIA RAILROAD.

The Senate proceeded to consider the amendments of the House to the bill of the Senate "authorizing the extension of the Alexandria and Washington railroad into the District of Columbia."

The first amendment was to insert in the first section authorizing the extension of the road through such streets or avenues of Washington and Georgetown as the corporate authorities may approve, the words "except the Pennsylvania avenue."

The next was to add, as an additional section, the following:

SEC. 4. *And be it further enacted*, That the Baltimore and Ohio Railroad Company be, and it is hereby, authorized to construct and extend the Washington branch of said road according to such route as may be most convenient through the said District, to some point on the Potomac river, opposite to, and near the city of Alexandria, in Virginia, for the purpose of forming a connection with said river, and the lines of railroad running south, subject to the provisions of its present charter; and the said company are hereby authorized to locate, construct, and operate the said extensions hereby authorized through such parts of the city of Washington or public reservations as the corporate authorities thereof, or the President of the United States, may consent to; and also to build a bridge or bridges over the eastern branch of the Potomac river, at some point above the navy-yard: *Provided, however*, That the same shall not obstruct the navigation thereof, and said company shall have power to locate and establish a depot, and erect the necessary buildings thereon, and also to erect such wharves and piers into said river as may be necessary: *Provided*, The same shall not obstruct the navigation thereof: *Provided, further*, That the said Baltimore and Ohio Railroad Company be subject to the same conditions and restrictions in extending their road through any part of the city of Washington as are prescribed for the Alexandria and Washington Railroad Company.

The title was also amended, so as to read:

An act authorizing the extension of the Alex-

andria and Washington railroad into the District of Columbia, and conferring certain privileges on the Baltimore and Ohio Railroad Company.

Mr. WALKER. One of those amendments is somewhat lengthy. I move that the bill be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. PRATT subsequently said: I suggest to the Senator from Wisconsin that there is no necessity for the reference of the bill. Let it lie on the table, and be called up at some other time.

The PRESIDING OFFICER. If such is the understanding of the Senate, the order for its reference will be withdrawn, and the bill will lie upon the table.

WILLIAM SENNA FACTOR.

The Senate proceeded to consider the amendments of the House to the bill of the Senate for the relief of William Senna Factor.

The first amendment was to strike out "\$3,707" as the amount to be appropriated by the bill, and insert "\$2,000," and to add the following:

Provided, That said sum shall be received in full of all claims on account of the property herein mentioned.

On motion by Mr. SEBASTIAN, the amendments were concurred in.

JOSEPH WATSON.

The Senate proceeded to consider the amendment of the House to the bill of the Senate for the relief of the representatives of Joseph Watson, deceased.

The amendment was to strike out the words "Indian agent," and insert "secretary of the Indian department and store-keeper," denoting the position held by Mr. Watson while in the discharge of his duties.

Mr. WALKER. I would inquire if there is any such officer as "superintendent of the Indian department."

Mr. ADAMS. There was at that time.

Mr. WALKER. Then it is to conform to the law at that time?

Mr. ADAMS. Yes, sir. I move that the Senate concur in the amendment.

The motion was agreed to.

A. C. W. FANNING.

The Senate proceeded to consider the amendment of the House to the bill of the Senate for the relief of the executrix of the late Brevet-Colonel A. C. W. Fanning, of the United States Army. The amendment was to strike out "\$7,230," and insert "\$5,980," as the amount to be appropriated; and to strike out the words "as commissions for disbursements made by him in 1827 and 1828, at the United States arsenal in Augusta, Georgia."

On motion by Mr. SHIELDS, the amendment was concurred in.

SMITHSONIAN INSTITUTE REPORT.

The PRESIDING OFFICER laid before the Senate a letter of the Secretary of the Smithsonian Institute, transmitting the annual report of the Board of Regents.

On motion by Mr. PEARCE, it was ordered to be printed.

Mr. RUSK. I move that ten thousand additional copies be printed.

The PRESIDING OFFICER. That motion goes to the Committee on Printing.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business; and, after some time spent therein, the doors were re-opened, and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, July 25, 1854.

The House met at eleven o'clock, a. m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

The SPEAKER appointed the following gentlemen as members of the committee to inquire into any alterations or mutilations which may have been made in bills of the House after their passage:

Mr. WASHBURN, of Illinois; Mr. BRECKINRIDGE, of Kentucky; Mr. CAMPBELL, of Ohio; Mr. BARRY, of Mississippi; and Mr. DAVIS, of Indiana.

RESOLUTIONS OF CONNECTICUT.

Mr. PRATT, by unanimous consent, submitted the following resolutions from the Legislature of the State of Connecticut; which were laid on the table, and ordered to be printed:

Whereas, in obedience to the spirit of the Constitution of the United States, the early policy of the Government was to discourage, restrict, and repress slavery, and whereas the National Government has been swerved from its original course on this subject; and whereas, the compromise of 1820, by which slavery was prohibited in all the territory then held by the United States north of 36° 30', has been repealed by act of Congress; and whereas, it is proper, in view of this calamitous and unexpected event, that the State of Connecticut should proclaim her principles, and the line of policy she proposes to pursue, in relation to the subject of slavery; now therefore,

Resolved by this Assembly, in the name and in behalf of the people of this State, that we still cherish the great principles of the Constitution, and based upon these principles, the Union of these United States.

Resolved, That the Federal Constitution, ordained to form a more perfect union, to establish justice, and to secure the blessings of liberty, expressly denies to the General Government the power to deprive any person of life, liberty, or property, without due process of law, and that the Government having no more power to establish slavery than to establish a monarchy, should at once proceed to relieve itself from all responsibility for the existence of slavery, wherever it possesses constitutional power to legislate for its extinction.

Resolved, That this General Assembly, in view of the fact that the compromises heretofore made on the subject of slavery, by act of Congress, have virtually been repudiated and deprived of their moral force and authority, by the repeal of the act preparatory to the admission of Missouri, approved March 6, 1820, do declare their determination to return to the original policy of the Government, founded upon the Constitution of the United States.

Resolved, That, in the opinion of this General Assembly, the people of Connecticut demand the repeal of that part of the bill for the organization of the government of Kansas and Nebraska, which declares the Missouri compromise inoperative and void, and will persevere in this demand until the restriction of slavery contained in the act of 1820, shall be restored to full force and effect.

Resolved, That the Hon. Isaac Toucey, a Senator of the State of Connecticut, in the Congress of the United States, having, by his vote on the final passage of the bill for the organization of the Territories of Kansas and Nebraska, disobeyed the solemn and deliberate instructions of the Legislature, and disregarded the wishes, the interests, and the principles of the people of this State, deserves to be, and hereby is, censured by this General Assembly.

Resolved, That the thanks of the General Assembly are hereby rendered to such of our Senators and Representatives in the Congress of the United States as have opposed, by all legal and constitutional means, and to the last extremity, the passage of the act by which the Missouri compromise has been repealed.

Resolved, That our Senators in Congress be instructed, and our Representatives be requested, to introduce into the Congress of the United States, and vote in favor of, such an amendment of the law commonly known as the fugitive slave law, as shall secure to every person claimed under said law, the right of trial by jury in the State where such person may be arrested and held to trial.

Resolved, That a copy of these resolutions be transmitted to our Senators and Representatives in the Congress of the United States, to be by them laid before that body.

Mr. PRATT, in presenting the resolutions, said: Mr. Speaker, the resolutions relate to the recent action of Congress on an important subject; and inasmuch as an esteemed colleague in the other branch of this body [Hon. Mr. Toucey] comes in for a vote of censure, I had, until the introduction of them into the Senate, felt it to be my duty not to present them to the House without a few words of explanation.

Since, however, the honorable Senator has taken occasion to give to the Senate and the country his views upon the important questions involved in the resolutions, I shall refrain from saying anything further than simply to express my dissent from the course pursued by the majority of the Legislature, in assuming to censure a public servant for not obeying the instructions of a party which has uniformly repudiated the doctrine of instructions.

Had the Senator received instructions from a Legislature controlled by the party to which he is indebted for his seat, I take it for granted he would have obeyed, or resigned; if not, a vote of censure would, under such circumstances, be consistent, and, in my judgment, highly proper. That many, perhaps most of the members of the Legislature, who favored the passage of the resolutions, acted from conscientious motives, I entertain not the slightest doubt. With most of the gentlemen I have the pleasure of a personal acquaintance. I know them to be high-minded, honorable, and patriotic. While I would not question the motive, I have a right to question the consistency of the act.

Much as I regret that the honorable Senator saw fit to vote for the repeal of the Missouri com-

promise, I cheerfully concede to him the same freedom which I ask for myself, of voting according to the dictates of my own judgment; and I cannot concur in this vote of censure upon him for the free exercise of his undoubted right.

There are important principles involved in the resolutions, and remedies proposed for the grievance inflicted upon the country by the late act of Congress, which I do not propose in this connection to discuss. This is not the appropriate occasion to enter into a discussion of the questions to which the resolutions relate.

For myself, Mr. Speaker, I have always been opposed to the agitation of subjects connected with slavery, believing, as I do, that such agitation is fraught with mischief and danger, and tends only to harm. For this reason I helped to establish the Baltimore platform in 1852. For this reason, acting in conformity to the spirit of the Baltimore convention, I opposed the repeal of the Missouri compromise. In reviewing my course of conduct in relation to this question, I am sustained alike by the reflection that I have faithfully represented the sentiment of the great majority of my constituents, and the proud consciousness that I have discharged my duty in accordance with my own convictions of right.

Mr. Speaker, the resolutions under consideration contain a censure of my colleague, for the alleged reason that he saw fit to disregard certain instructions previously given. These instructions, as I have before remarked, were voted by a party which has heretofore uniformly repudiated the very doctrine of instruction. These instructions and this censure come, too, from a party whose political action in the Legislature has been inconsistent with itself; a party which at the outset, or rather at the commencement of the session, proclaimed the obliteration of old party lines of demarkation, and the sole issue of the Nebraska question: yet who, nevertheless, took the earliest opportunity of removing from office every Democrat, for the one reason that he was a Democrat, and without reference to his views on this subject. Moreover, they were originated by a few designing politicians in the Legislature, for the object of shaping certain party ends—men who, by ready professions, and the adroit appliances known to active demagogues, have secured positions from whence they derive a power to direct legislative action in a manner widely variant from the general sentiment of the people. I allude here to a few scheming political leaders, and not to the more honest members, who may have been made the unsuspecting parties to a covert political design.

If the resolutions referred to had simply repudiated the proposition to repeal the Missouri compromise, and there ended, they would doubtless have been almost unanimously supported in the Legislature, and would have received the sanction of an overwhelming majority of the people of Connecticut. On that question there is scarcely a division of sentiment in my State. But they went further, and involved propositions directly at war with the fundamental doctrine of State-rights. Under circumstances like these—coming, as the resolutions do, from a party who have exerted themselves to the utmost to prevent the election of Mr. Toucey to the honorable post which he now fills—it might reasonably be expected that he would hesitate to acknowledge their binding force and validity.

Mr. Speaker, I have long felt that the friends of the Republic have more to fear from political aspirants and demagogues, in our National and State Legislatures, than from any other source. If the people would select for their public servants men of tried patriotism, integrity, and firmness, men whose actions correspond with their professions, and who would accept office for the purpose of serving their constituents, and promoting the welfare of the country, instead of those who seek to obtain it by insincere professions, and fair promises: I say if such men controlled the councils of the States and nation, agitation would cease; the country would be quiet and prosperous—a result most sincerely to be desired by all true friends of the Union.

In conclusion, Mr. Speaker, permit me to say, in behalf of the patriotic citizens of Connecticut, that however deeply they may feel the violation of the good faith of the nation, which was effected by the repeal of the compromise of 1820, yet, notwithstanding some of the hasty acts of the late

Legislature may indicate a spirit of nullification, I can assure this House and the country that the masses of that gallant old Commonwealth still cherish the Union, and will remain true to the Constitution.

The SPEAKER. The business first in order is the motion made by the gentleman from Alabama, [Mr. Houston,] to reconsider the vote by which the fortification bill was passed, and to lay that motion upon the table.

PRIVATEER PENSIONS.

Mr. HOUSTON. With the permission of the House, I will withdraw that motion. While I still have the floor, I desire to call upon my friend from Pennsylvania, [Mr. Florence,] if he is in his seat, to withdraw his motion to reconsider the vote by which an amendment to the pension bill was passed in the early part of the session. The bill came into the House from the Senate with an amendment, in which the House concurred, and my friend from Pennsylvania moved to reconsider the vote by which the amendment was agreed to. I desire now that he shall call up his motion, so that we may act upon it, and the pension bill be finally disposed of.

Mr. FLORENCE. In accordance with the gentleman's request, I now call up the motion to reconsider, and I will state, as briefly as I can, my reasons for desiring that the motion may be acted upon, if it is the pleasure of the House. At the time I made the motion to reconsider the vote upon the passage of the invalid pension bill, there was a clause in it appropriating \$2,800 to pay as pensioners those who had served in private armed vessels in the war of 1812. In the deficiency bill there was an item of some thousands of dollars—

Mr. CAMPBELL. I rise to a question of order. Is this proposition debatable?

Mr. FLORENCE. I have the floor upon a motion to reconsider, and I suppose I can debate it. I intended to state my object in making the motion to reconsider, and then leave the matter to the House to determine for itself.

The SPEAKER. That proposition involves, as the Clerk informs me, a question of order, raised by the gentleman from South Carolina [Mr. Orr,] at the time the gentleman from Pennsylvania made his motion. The Chair decided that the motion to reconsider was in order. From that decision an appeal was taken, and that question is now pending.

The question was taken; and it was decided in the affirmative.

So the decision of the Chair was sustained.

Mr. FLORENCE. I will state in one moment the object that I had in view. The deficiency bill, at that time, was under consideration, and had in it an item paying the deficiencies to privateer pensioners.

[HOMESTEAD BILL.]

A message was here received from the Senate, by the hands of ASBURY DICKINS, Esq., its Secretary, notifying the House that the Senate had passed the homestead bill, with amendments.]

Mr. FLORENCE, (resuming.) That item in the deficiency bill for paying these privateer pensioners for the fiscal year ending July 1, 1854, passed the Senate. The object of my moving to reconsider was to insert into the deficiency bill, which had received the sanction of the Senate, this item of \$1,800 to pay for as many privateer pensioners as there are on the list for this fiscal year, beginning the 1st of July, 1854. The opposition that was made to it in the Senate—

Mr. COBB, (interrupting.) Will the gentleman from Pennsylvania yield me the floor for an instant?

Mr. FLORENCE. Yes, sir.

Mr. COBB. While the gentleman from Pennsylvania is breathing, I may accomplish the object for which I rose. I see that a bill has just come in from the Senate proposing to effect many objects—I mean the homestead bill. If the House be willing, I wish an order to be made directing the bill and amendments to be printed for the benefit of the House, so that when the matter comes up to be acted on in this body it may be thoroughly understood. I hope that order will be made.

It was so ordered.

Mr. FLORENCE, (resuming.) In order, Mr. Speaker, that the House may be able to vote intelligibly on this motion to reconsider, I will just

read from the Congressional Globe some remarks made in the Senate by the honorable Senator from Maryland, [Mr. PEARCE], on whose motion this paragraph or item making provision for pensions due private pensioners, in the deficiency bill, was stricken out. On reconsideration, and on examination of the facts in the case, he concluded that it was unjust to withdraw the pensions from these private pensioners, and that the clause providing for their payment should be reinstated.

Mr. CAMPBELL. I desire to be informed by the Chair whether this matter is debatable? I have no objection to listening to a brief explanation, but am not desirous of hearing a long speech.

Mr. FLORENCE. I think I have a right to debate the motion that I have made.

Mr. CAMPBELL. But I do not think the gentleman has a right to read the report of a speech from the Congressional Globe.

The SPEAKER. The motion of the gentleman from Pennsylvania is debatable. It is a motion to reconsider the vote by which amendments were adopted.

Mr. FLORENCE. I never disturb gentlemen who have the floor. I will not occupy the attention of the House more than a few minutes. Mr. PEARCE says:

"In regard to that amendment which reduced the sum appropriated to private pensions, I wish to make a brief statement to the Senate, and state the reasons why I shall take a different course from that which I pursued the day before yesterday. All the statements which I made to the Senate then were, as I find, perfectly correct. I find that the fund was exhausted by the application first of the interest, and then of the principal. It was safely invested, and not a dollar of it was lost by bad investments. On the contrary, the fund was absolutely increased by the amount of \$8,000, when the stocks, in which it was invested, were sold out.

"But, sir, the fund was diminished by the action of Congress in a particular which I am inclined to think leaves an equitable claim on the part of these pensioners against the Government. The original acts pledged this fund to the payment of invalid private pensions, and pensions to the widows of those who were slain in the engagements of the privateers. Such were the pensions provided for by the act of 1814. By the act of 1818, I find that Congress added a new class of pensions, to wit, the widows of those who died by casualties during the period of their services. This was not contemplated by the original acts.

"On looking at the papers which have been sent to me since the debate, I perceive that the proper pensions have amounted in all to not more than \$5,900 in any year; when by the act of 1818, which extended them to the widows of those who died of casualties, the Government paid in one year \$19,000. This difference continued for a considerable length of time.

"The privateer pensions paid to invalids decreased rapidly; so that, in 1838, they amounted to only \$2,850. They had never been more than about \$5,900. The pensions to widows amounted to over \$8,000 in 1817, and ran up, in 1820, to \$19,471; so that it appears that it was the new class of pensions, introduced contrary to the pledge of the original act, which diminished and finally exhausted the fund.

"Under these circumstances, I give up the objection which I had to the original appropriation as it came from the House. I believe it is equitable in the Government to make good to the invalids the pensions which they would have continued to receive but for our own legislation. I hope, therefore, the Senate will not concur in the amendment made as in Committee of the Whole.

"The amendment was not concurred in."

That amendment was to strike out of the House bill the paragraph or item which provided for the payment of the privateer pensions for the fiscal year. The Senator from Maryland made the motion to reconsider in order to reinstate the item making such provision in the deficiency bill. If I understand correctly, it was upon the motion of the gentleman from Maryland that the appropriation to pay pensions for the privateer pensioners was stricken out of the invalid pension appropriation bill for the coming fiscal year; and, as he now admits the claims to be equitable, the appropriation ought to be made.

Mr. HOUSTON. I move to lay the motion to reconsider upon the table. The remarks which the gentleman from Pennsylvania has read apply to another bill, and not to an item in the bill which he moves to reconsider. [Laughter.]

The question was taken, and decided in the affirmative.

So the motion to reconsider was laid on the table.

FORTIFICATION BILL.

Mr. CORWIN. I rise to a privileged question. Yesterday, after the fortification bill was passed, the gentleman from Alabama [Mr. Houston] made a motion to reconsider the vote by which the bill was passed; but this morning he has withdrawn the motion. I desire to renew the

motion to reconsider the vote by which the bill was passed.

Mr. JONES, of Tennessee. I move the previous question upon that motion.

Mr. HOUSTON. Did the gentleman from Ohio vote in the affirmative?

Mr. CORWIN. I did.

Mr. HOUSTON. Then I move to lay the motion to reconsider upon the table.

JACOB MOYER.

Mr. ELLISON, by unanimous consent, reported a bill "for the relief of the heirs of Jacob Moyer;" which was read a first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed.

CLERK TO COMMITTEE.

Mr. DAWSON was here recognized by the Chair.

Mr. WASHBURN, of Illinois. If the gentleman from Pennsylvania will give way to me for a moment, I desire to say that I am instructed by the select committee which was appointed yesterday, to ask the House to allow them a clerk for three or four days only, at the usual rate of compensation.

Mr. ENGLISH. I object.

Mr. WASHBURN. Then I move to suspend the rules, to enable me to introduce a resolution to that effect.

The SPEAKER. The motion to suspend the rules is not in order to-day.

Mr. ELIOT, of Massachusetts. I rise to a question of order. I desire that the 137th rule may be read.

The SPEAKER. The gentleman will please read the rule.

Mr. ELIOT read the rule, as follows:

"Except during the last ten days of the session, the Speaker shall not entertain a motion to suspend the rules of the House at any time, except on Monday of every week," &c.

The SPEAKER. The practice of some of my predecessors, and my own practice, has been to count Sunday as one of the days of the session.

Mr. ELIOT. I desire to ask if this is not one of the ten days?

The SPEAKER. The Chair decides that it is not.

Mr. STANTON, of Kentucky. There is another question involved in this point of order, which it may perhaps be as well to settle now. I understand the joint resolution fixing the fourth day of August as the day upon which the two Houses shall adjourn has not been finally acted upon by the Senate.

The SPEAKER. The Chair decides that this question of order cannot, at this moment, come up legitimately, for the reason that the gentleman from Illinois has not the floor to make the motion to suspend the rules at all. The gentleman from Pennsylvania [Mr. Dawson] was recognized by the Chair, and was upon the floor, and only yielded to hear what proposition the gentleman from Illinois would make. He asked that the select committee appointed yesterday might be allowed a clerk. It was objected to. And if it was competent to move to suspend the rules at all, the gentleman had not the floor to do so. The gentleman from Pennsylvania had the floor, and the floor cannot be taken from him except by a privileged question.

Mr. JONES, of Tennessee. Is there not a privileged question pending—the motion to reconsider the fortification bill?

The SPEAKER. That is true; but the Chair has not yet heard what proposition the gentleman from Pennsylvania desires to submit. The Chair simply recognized the gentleman.

Mr. DAWSON. My object in rising is simply to give notice that to-morrow I shall ask the House to take up the homestead bill, as amended by the Senate; and if the House will do so, I will press it to final action.

FORTIFICATION BILL AGAIN.

The SPEAKER. The question is upon the motion to reconsider the vote by which the fortification bill was passed yesterday.

The gentleman from Tennessee [Mr. Jones] demanded the previous question upon the motion of the gentleman from Ohio, and at the same time the gentleman from Alabama [Mr. Houston] moved to lay the motion to reconsider upon the

table. Neither gentleman, however, had the floor to make any motion.

Mr. JONES. I was recognized by the Chair, and made the motion.

The SPEAKER. The gentleman could not have the floor, for the reason that the gentleman from Ohio [Mr. Corwin] was upon the floor.

Mr. JONES. The gentleman from Ohio made his motion, and took his seat.

The SPEAKER. Both motions are in order now, and must be put in their turn. The question will therefore be first upon laying the motion to reconsider upon the table.

Mr. JONES. Upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken upon Mr. Houston's motion; and it was decided in the affirmative—yeas 77, nays 70; as follows:

YEAS—Messrs. Aiken, James C. Allen, Willis Allen, Appleton, Barksdale, Barry, Bliss, Boyce, Breckinridge, Bridges, Caskie, Chandler, Chastain, Clingman, Craige, Crocker, Dick, Dickinson, Dowdell, Dunbar, Edmonds, Edmundson, Thomas D. Eliot, Farley, Faulkner, Florence, Franklin, Fuller, Goodrich, Harrison, Hibbard, Houston, Howe, Hughes, Hunt, Roland Jones, Kerr, Kittredge, Kurtz, Latham, McDougall, McNair, Maxwell, Millson, Packer, Phillips, Powell, Pratt, Puryear, Riddle, David Ritchie, Robbins, Rowe, Ruffin, Russell, Sabin, Seward, Shaw, Shower, Skelton, William Smith, George W. Smyth, Solters, Frederick P. Stanton, Hester L. Stevens, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Thurston, Upham, Vail, Vansant, Walley, Israel Washburn, Tappan Wentworth, Wheeler, and Wite—77.

NAYS—Messrs. Ball, Bennett, Bugg, Campbell, Carpenter, Chrisman, Churchwell, Clark, Cobb, Cook, Corwin, Cox, Cullom, John G. Davis, Thomas Davis, Dawson, Disney, Eastman, Edgerton, Ellison, English, Everhart, Ewing, Flagler, Giddings, Greenwood, Grow, Aaron Harlan, Hendricks, Ilem, Hill, Johnson, Daniel T. Jones, George W. Jones, Knox, Lamb, Lilly, Lindsey, McCulloch, Macy, Matteson, Maurice, Morgan, Morrison, Murray, Nichols, Norton, Andrew Oliver, Mordecai Oliver, Parker, Peck, Peckham, Phelps, Pringle, Reese, Sapp, Shannon, Simmons, Richard H. Stanton, Stratton, Andrew Stuart, David Stuart, Trout, Tweed, Wade, Elihu B. Washburne, Wells, Daniel B. Wright, and Zollcoffer—70.

So the motion to reconsider was laid upon the table.

SYLVESTER PETTIBONE.

Mr. WELLS. I ask the unanimous consent of the House to discharge the Committee of the Whole House from the further consideration of the bill of the Senate (No. 274) "for the relief of Sylvester Pettibone."

Mr. JONES, of Tennessee. I object, unless the bill be read.

The bill was read *in extenso* for information.

Mr. WELLS. Now, if the House will indulge me for a moment, I will state the circumstances connected with the case.

Mr. McMULLIN. I cannot consent that this motion be made, unless we agree to dispose of all the private bills upon the Calendar.

Mr. WELLS. I hope the gentleman will withdraw his objection.

Mr. McMULLIN. There are several private bills upon the Calendar, and I am willing to go into committee and dispose of all of them; but I object to special privileges being allowed to one gentleman unless the same privileges are allowed to others.

Mr. WELLS. I do not object to all the bills being taken up.

Mr. McMULLIN. I do not withdraw my objection.

PATENT TO CHARLES M' LARAN.

Mr. BARKSDALE. I ask the consent of the House to introduce a bill for the purpose of reference. It is a bill requiring the Commissioner of the General Land Office to issue a patent to Charles McLaran for a tract of land, upon certain conditions.

There was no objection; and the bill was received, read a first and second time by its title, and referred to the Committee on Private Land Claims.

ASTRONOMICAL OBSERVATIONS IN CHILI.

Mr. STANTON, of Kentucky. I rise to a privileged question. Some time since a communication was presented to this House from the Secretary of the Navy, transmitting a report and certain astronomical and other observations of the late naval and astronomical expedition to Chili. A resolution was passed by the House instructing the Committee on Printing to inquire into the expediency of printing ten thousand copies of the report and observations. The committee have had the sub-

ject under consideration, and have instructed me to report the following resolution:

Resolved, That there be printed and bound by the public printer and binder of the House six thousand copies of the report and two thousand copies of the observations of the United States Naval and Astronomical Expedition to Chitt, five thousand copies of the report and observations for the use of the Secretary of the Navy, two hundred and fifty for the superintendent of the expedition, and the remainder for distribution by the members of the present House; the said work to be printed in quarto or octavo form, as the work will admit, and the Committee on Printing may direct.

Mr. JONES, of Tennessee. I move to lay the resolution upon the table.

The motion was not agreed to.

The resolution was then adopted.

Mr. STANTON, of Kentucky, moved to reconsider the vote by which the resolution was adopted, and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

POSTAL SERVICE IN CALIFORNIA.

Mr. PHELPS obtained the floor, but yielded to Mr. McDOUGALL. There is on the Speaker's table, a bill of the House (No. 344) making provision for the postal service in the State of California, and in the Territories of Oregon and Washington, which has come from the Senate with several amendments, and I now ask the unanimous consent of the House to take it up, that the amendments of the Senate may be concurred in.

Mr. WHEELER. I object, and call for the regular order of business.

Mr. McDOUGALL. I am compelled to leave the city this evening, in consequence of illness in my family. This matter is in my charge; and as I may not again be in my seat during this session, I would be glad if the gentleman from New York would withdraw his objection, and let the amendments of the Senate be concurred in.

Mr. WHEELER. I withdraw my objection, and ask that the bill be read for information.

The bill was read *in extenso*.

The amendments of the Senate were then read and concurred in, as follows:

In the first section strike out "fifty cents," and in lieu thereof insert "twenty-five cents."

Add at the end of the first section the following:

Provided, That no letter or letters, or other mailable matter, shall be delivered by any postmaster to such carriers, unless requested to do so in writing by the person or persons to whom said letters or other mailable matter may be directed.

So that, as amended, the section will read as follows:

That the Postmaster General be, and he is hereby, authorized to empower the special agents of the Post Office Department in the State of California, and in the Territories of Oregon and Washington, to appoint letter-carriers for the delivery of letters from any post office in the said State or Territories, and to allow any letter-carrier so appointed to demand and receive a sum for all letters, newspapers, or other mailable matter, not more than may be recommended by the postmaster for whose office such letter-carrier may be appointed: *Provided*, That not more than twenty-five cents shall be charged for any letter, newspaper, or ounce of other mailable matter. All such appointments may be determined, and rates of compensation modified within the limits aforesaid, whenever the same is found expedient in the opinion of the appointing agent: *And it is further provided*, That all such appointments and contracts shall be subject to the approval of the Postmaster General; and upon notice to any carrier of his rejection by the Postmaster General, his appointment and contract shall be determined; and that all letter-carriers appointed in pursuance of this act shall be subject to the provisions of the forty-first section of the act entitled "An act to change the organization of the Post Office Department, and to provide more effectually for the settlement of the accounts thereof," approved July 2, 1836, except as herein otherwise provided: *Provided*, That no letter or letters, or other mailable matter, shall be delivered by any postmaster to such carriers, unless requested in writing to do so by the person or persons to whom said letters or other mailable matter may be directed.

Mr. LETCHER. Will the gentleman from Missouri yield the floor to me for a moment, to enable me to introduce a bill, of which I gave notice yesterday?

Mr. PHELPS. The gentleman must excuse me. I have yielded to the gentleman from California, and there are many others who desire that I shall yield to them, but I must insist on my motion.

RECEPTION AND REFERENCE OF BILLS AND REPORTS.

The SPEAKER. The Chair hopes that he will be indulged, in this immediate connection, in making a single remark. The Chair understands that there are a great many gentlemen seeking the floor, and often, to their great disappointment, not obtaining it, for the purpose of simply intro-

ducing bills, of which previous notice has been given, for the purpose of reference. The Chair begs to be indulged in suggesting that all such bills be now received and referred.

Mr. PHELPS. I have no objection to that course.

Mr. LETCHER. I shall not attempt to practice any deception upon gentlemen. My object in introducing the bill to repeal the Minnesota railroad grant is to put it upon its passage.

The SPEAKER. Then the proposition of the Chair does not cover the gentleman's case.

Mr. STANTON, of Tennessee. I ask the unanimous consent of the House to report back from the Committee on the Judiciary, Senate bill supplementary to an act entitled "An act to authorize notaries public to take and certify oaths, affirmations, and acknowledgments in certain cases."

It is a short bill, and it will not take five minutes to dispose of it.

The SPEAKER. By the order of the House just made, only such bills are to be received as are introduced for the purposes of reference.

Mr. JONES, of Tennessee. I will interpose no objection to the reporting of such bills as gentlemen wish to report for the purpose of reference.

The SPEAKER. The Chair has so decided.

Mr. JONES. With the understanding that none of them are to be put upon their passage, or brought back here by reconsideration.

Mr. CHAMBERLAIN, in pursuance of previous notice, introduced a bill "for the relief of John Carpenter and others;" which was read a first and second time by its title, and referred to the Committee on the Post Office and Post Roads.

Mr. ROWE, from the Committee on Revolutionary Pensions, reported back Senate bill (No. 357) "for the relief of Urban Stoll;" which was referred to a Committee of the Whole House, and ordered to be printed.

Mr. WENTWORTH, of Massachusetts, from the Committee on Commerce, reported back Senate bill No. 425, "An act to constitute Tusculumbia, in the State of Alabama, a port of delivery," with amendments.

Mr. DAVIS, of Indiana. I rise to a question of order.

The SPEAKER. The bill reported by the gentleman from Massachusetts cannot be considered in the House at this time. The order of the House is that only such bills as shall not give rise to debate may be received and referred.

Mr. WENTWORTH. I do not ask for its consideration at this time; but I desire merely to call the attention of the Chair to the fact that the bill is reported with amendments.

The SPEAKER. What disposition does the gentleman desire to make of the bill?

Mr. WENTWORTH. To refer it.

Mr. DAVIS. My point of order is, that the order just established by the House only provides for the introduction of bills of which previous notice has been given, and not for the reception of reports from committees.

The SPEAKER. Such was the order of the House. The introduction of bills of which previous notice had been given, was only embraced in the proposition.

Mr. WENTWORTH. Well, then, I withdraw the bill.

Mr. WENTWORTH, of Massachusetts. I ask leave to introduce the following resolution:

Resolved, That the Committee on Commerce be directed to inquire what legislation is necessary to regulate or prohibit the introduction into any port or place into the United States, by any foreign Government or individual, of any foreigner being insane, blind, or otherwise disabled; and to report by bill or otherwise.

The resolution was agreed to.

Mr. FENTON, in pursuance of previous notice, introduced "a bill to authorize the partition of the Alleghany and Cattaraugus Indian reservations, in the State of New York;" which was read a first and second time by its title, and referred to the Committee on Indian Affairs.

The provisions of the bill are as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior of the United States be authorized and directed to enter into a regulation with the owners and proprietors of the right of preemption of the Alleghany and Cattaraugus reservations, in the State of New York, now occupied by a portion of the Seneca tribe of Indians, with a view to a partition of the said two res-

ervations between the said Indians and the said owners and proprietors, so that certain portions of the said two reservations which in the aggregate shall be equal in value to the interest now secured by treaty stipulations to the said Indians and their descendants, may be set off and confirmed to the said Indians, and so that all the interests and rights of the said owners and proprietors therein may be forever extinguished.

Sec. 2. And be it further enacted, That no such negotiation shall be entered into by the said Secretary of the Interior until the said Indians, through their chiefs, or otherwise, according to the usages and customs of the said tribe, shall consent to such partition. Nor shall any arrangement that may be settled and agreed upon by the said Secretary of the Interior, and the said owners and proprietors, be obligatory until the said Indians shall, in like manner, have signified their approval thereof.

Sec. 3. And be it further enacted, That in case such partition shall be made according to the provisions of this act, then the title of the portions of the said tracts so set off and confirmed to the said Indians shall become vested in the said Indians as tenants in common; and partition thereof shall be made among them on such principles as pertain to the several rights and interests of individuals, and on such terms and in such manner as may hereafter be prescribed by law.

Mr. WRIGHT, of Mississippi, in pursuance of previous notice, introduced a bill granting land in alternate sections to the States of Mississippi and Tennessee, respectively, to aid in the construction of a railroad from Grenada, Mississippi, to Memphis, Tennessee; which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. SINGLETON. I ask the unanimous consent of the House to introduce the following resolution:

Resolved, That the President of the United States be requested, as far as in his judgment is compatible with the public interest, to communicate to this House, whether the progress of negotiation with Spain has removed the necessity for provisional action by Congress, as indicated in his message of March 13, 1854; or whether he still thinks it advisable that measures should be taken to augment the Executive power, to protect and secure the national honor, rights, and interests.

Mr. FARLEY. I object.

Mr. SINGLETON. Then I move to suspend the rules, to enable me to introduce this resolution.

The SPEAKER. Such a motion is not in order to-day.

Mr. HOUSTON. Is it in order for me to report a bill now for the purpose of having it referred to a committee?

The SPEAKER. It can be done by unanimous consent.

Mr. HOUSTON. It is a bill which ought to go to the Committee on Commerce.

No objection being made, the Committee of Ways and Means were accordingly discharged from the further consideration of a bill "for the relief of H. Southmayd & Son;" and the same was referred to the Committee on Commerce.

Mr. WENTWORTH, of Massachusetts. I am directed by the Committee on Commerce to call the attention of the House to the fact that a bill for the relief of Thomas Butler has passed the Senate, and been referred to the Committee on Commerce. The papers have been passed upon by the committee, but the bill has been mislaid, and the committee are unable to find it. The committee ask that the Senate be requested to furnish to the House a copy of the bill.

It was so ordered.

Mr. FULLER, from the Committee on Commerce, to which was referred the petition of Stephen Patterson and others, made a report thereon, accompanied by a bill to refund to the officers of the customs and others of the district of Passamaquoddy certain moneys; which bill was read a first and second time by its title, committed to a Committee of the Whole House, and the bill and report ordered to be printed.

Mr. FULLER, from the same committee, to which was referred the bill of the House (No. 216) "to repeal an act entitled 'An act concerning tonnage duty on Spanish vessels,'" reported the same, with a recommendation that it do not pass.

Ordered, That the Senate bill be laid on the table.

On motion by Mr. FULLER, it was

Ordered, That the Committee on Commerce be discharged from the further consideration of the petition of John Connel, on behalf of sundry claimants for a return of duties under the tariff of 1823; of the papers in relation to the wreck of the ship Aberdeen, in San Francisco Bay; of Huntington & Brooks, for return of duties; of Knox & Shain, for return of duties; of A. Delmas, of Mississippi; of Edward H. Swift, of New York, for return of duties; of citizens of North and South Carolina, and other States, for a repeal of the prohibition of the carriage of turpentine, &c., by steamboats; of Anne Dudley; and of citizens of

New York and Illinois, in favor of the repeal of the duty on sugar and molasses.

On motion by Mr. FULLER, it was

Ordered, That the Committee on Commerce be discharged from the further consideration of the memorial of Edward Robinson and others, of Thomaston, Maine, relative to a demand of redress from Peru; and that the same be referred to the Committee on Foreign Affairs; that the Committee on Commerce be discharged from the further consideration of a petition of tobaccoists, residents of Louisville, Kentucky, and that the same be referred to the Committee of Ways and Means; and that the same committee be discharged from the further consideration of the memorial of the Common Council, and of the citizens of Evansville, Indiana, in relation to the location of a western armory at that place, and that the same be referred to the Committee on Military Affairs.

Mr. STANTON, of Tennessee, from the Committee on the Judiciary, reported back, with a recommendation that it do pass, Senate bill to amend several acts respecting copyrights; which was referred to the Committee of the Whole on the state of the Union.

Mr. STANTON. I now ask the consent of the House to allow me to put a little bill upon its passage. It is a matter that requires immediate action, and to which there will be no objection. It is Senate bill (No. 320) supplementary to an act entitled "An act to authorize notaries public to take and certify oaths, affirmations, and acknowledgments in certain cases." The Committee on the Judiciary have instructed me to report it without amendment.

There was no objection; and the bill was reported and read *in extenso*. It authorizes notaries public to take depositions, and do such other acts in relation to evidence to be used in the courts of the United States, in the same manner, and with the same effect, as commissioners to take acknowledgments of bail and affidavits may now take or do.

The bill was ordered to a third reading; and was read the third time, and passed.

Mr. FAULKNER, from the Committee on Military Affairs, reported back, with a recommendation that it do pass, Senate bill (No. 368) "for the relief of Charles Merchant;" which was referred to the Committee of the Whole on the state of the Union.

Mr. DISNEY. I desire to call the attention of the House to a bill very important in its character, to remedy defects in certain land titles. The Supreme Court has decided that the titles to a certain class of lands granted by the General Government to the States are defective in their character, and will convey no valid right to the lands at all. These lands have gone out of the possession of the parties to whom they were granted into the hands of innocent purchasers, and it is a matter of the highest importance that the defect should be remedied. I make these remarks for the purpose of calling the attention of the House to the subject, and for the purpose of giving notice that on to-morrow I shall ask leave to take up the bill and put it upon its passage.

Mr. HOUSTON. I move that the House insist upon its disagreement, and concur in the request for a committee of conference.

The motion was agreed to.

Mr. NORTON, from the Committee on the Post Office and Post Roads, reported a bill "for the relief of John Frink;" which was read a first and second time by its title, referred to a Committee of the Whole House, and, with the accompanying report, ordered to be printed.

Mr. STUART, of Ohio, from the Committee on Invalid Pensions, reported a bill, which was read a first and second time by its title as follows, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed:

A bill granting compensation and bounty land to certain American seamen who were prisoners of war during the war of 1812.

Mr. S. also, from the same committee, reported a bill "for the relief of Jacob Baker, of Sandusky, Ohio;" which was read a first and second time by its title, referred to a Committee of the Whole House, and, with the accompanying report, ordered to be printed.

Mr. S. also, from the same committee, reported back Senate bill (No. 381) "for the relief of William Brown;" which was referred to a Committee of the Whole House, and, with the accompanying report, ordered to be printed.

Mr. HENDRICKS, from the Committee on Invalid Pensions, reported adversely on Senate bill

(No. 191) "for the relief of Thomas B. Parsons;" which, with the accompanying report, was laid upon the table, and ordered to be printed.

Mr. H. also, from the same committee, reported a bill "for the relief of Tunstall Quarles;" which was read a first and second time by its title, referred to a Committee of the Whole House, and, with the accompanying report, ordered to be printed.

On motion by Mr. HENDRICKS, it was

Ordered, That the petition and papers of William Stern be withdrawn from the files of the House, and re-referred to the Committee on Invalid Pensions

Mr. CORWIN, from the Committee on Revolutionary Claims, reported a bill "for the relief of the heirs of Rignault, alias Nick Hillery;" which was read a first and second time by its title, referred to a Committee of the Whole House, and, with the accompanying report, ordered to be printed.

Mr. LINDLEY, by unanimous consent, introduced "a bill granting to the State of Missouri the right of way and a portion of the public domain to aid in the construction of a railroad from Alexandria to Bloomington;" which was read a first and second time by its title, and referred to the Committee on Public Lands.

Mr. NICHOLS, from the Committee on Private Land Claims, reported adversely on the petition of Jacob Kerr; which, with the accompanying report, was laid upon the table, and ordered to be printed.

Mr. N. also, from the same committee, reported back Senate bill (No. 288) entitled "An act supplementary to an act confirming claims to land in the State of Missouri, and for other purposes," with an amendment, and a recommendation that it do pass; which was referred to the Committee of the Whole on the state of the Union, and the bill, as amended, ordered to be printed.

Mr. N. also, from the same committee, reported back Senate bill (No. 216) "for the relief of Joseph Smith," with a recommendation that it do pass; which was referred to a Committee of the Whole House, and ordered to be printed.

Mr. N. also, from the same committee, reported back Senate bill (No. 423) "for the relief of Gaston T. Raoul," with a recommendation that it do pass; which was referred to a Committee of the Whole House, and ordered to be printed.

Mr. N. also reported back Senate bill (No. 443) "for the relief of A. G. Penn," with a recommendation that it do pass; which was referred to a Committee of the Whole House, and ordered to be printed.

Mr. N. also reported back Senate bill (No. 334) "for the relief of Francois Cousin," with a recommendation that it do pass; which was referred to a Committee of the Whole House, and ordered to be printed.

Mr. ASHE, from the Committee on Naval Affairs, reported back Senate bill (No. 109) "for the relief of William P. Sanger," with a recommendation that it do pass; which was referred to a Committee of the Whole House, and ordered to be printed.

Mr. EASTMAN, from the Committee on Indian Affairs, reported back Senate bill (No. 161) "for the relief of Theodore E. Elliott," with a recommendation that it do not pass; which was laid on the table, and ordered to be printed.

Mr. HUGHES, from the Committee on Private Land Claims, reported back House bill (No. 228) "for the relief of George McGirk," with a recommendation that it do pass; which was referred to a Committee of the Whole House, and ordered to be printed.

Mr. TAYLOR, of New York, from the Committee for the District of Columbia, reported back a bill "incorporating the Mutual Fire Insurance Company of the District of Columbia;" which was referred to a Committee of the Whole House, and ordered to be printed.

Mr. PHELPS. I now move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The rules were accordingly suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. FULLER in the chair.)

INDIAN APPROPRIATION BILL.

A message was here received from the Senate, by ASBURY DICKINS, their Secretary, informing the House that the Senate insist upon their amendments to the bill of the House (No. 46) "making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1855," disagreed to by the House, and that they disagree to the amendments of the House to the same, and ask for a committee of conference.

THE NAVY APPROPRIATION BILL.

Mr. PHELPS. I believe, Mr. Chairman, that the first bill on the Calendar is House bill No. 97, which I propose the committee shall now consider. It is a bill making appropriations for the naval service for the year ending 30th of June, 1855.

Mr. PHELPS. I move to dispense with the first reading of the bill. I hope no objection will be made to that motion.

The motion was agreed to.

Mr. PHELPS. I now move that the committee rise, with a view of enabling me to introduce a resolution for the purpose of limiting debate upon this bill.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, the Chairman of the committee reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly House bill No. 97, and had come to no conclusion thereon.

Mr. PHELPS submitted the usual resolution, closing debate on bill No. 97 within thirty minutes after the committee should have resumed the consideration thereof.

Mr. BRIDGES. I propose to amend the resolution by striking out thirty minutes, and inserting in lieu thereof five minutes.

Mr. PHELPS. I demand the previous question on the adoption of the resolution.

The previous question was seconded, and the main question was ordered to be put.

The question was taken on the adoption of Mr. BRIDGES's amendment.

The House was divided, and there were, on a count—ayes fifty; not half of a quorum.

Mr. WHEELER. I call for tellers.

The SPEAKER. The number of members voting in the affirmative is less than half of a quorum; and as there is evidently more than a quorum present, there is no necessity for tellers. The vote on a count is sufficiently decisive.

So the amendment was not agreed to.

The question was then taken on Mr. PHELPS's resolution; and it was adopted.

Mr. PHELPS moved to reconsider the vote by which the resolution was agreed to, and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

Mr. PHELPS. I move that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly again resolved itself into the Committee of the Whole on the state of the Union, (Mr. FULLER in the chair,) and resumed the consideration of the Navy appropriation bill.

Mr. BOCOCK addressed the committee for half an hour in favor of a reform and reorganization of the Navy, and in explanation of various amendments which he designed to offer. His remarks will be found in the Appendix.

The hour having now arrived for closing the general debate on the bill, under the order of the House,

Mr. PHELPS, who, as the member reporting the bill, was entitled to the floor for one hour, replied at length to the remarks of Mr. BOCOCK, and explained the course of the Committee of Ways and Means with regard to the bill. His speech, which is withheld for revision, will be published in the Appendix.

The Clerk then proceeded to read the bill by paragraphs for amendment.

Mr. PHELPS. I offer the following amendment:

After the word "Navy," in the eighth line, strike out "\$3,992,648," and insert in lieu thereof "\$3,367,000;" so as to make the clause read:

For pay of commission, warrant, and petty officers, and seamen, including the engineer corps of the Navy, \$3,367,000.

The object of this amendment is to provide for the increase of the wages of seamen. It is proposed to give authority to the Secretary of the Navy to increase the wages of the seamen employed aboard vessels of the United States.

Mr. SOLLERS. Does it leave the increase discretionary with the Secretary of the Navy?

Mr. PHELPS. It does.

Mr. FAULKNER. I understand, Mr. Chairman, that the object of the amendment proposed by the gentleman from Missouri, [Mr. PHELPS,] is to appropriate \$300,000 extra, for the increase of the wages of the seamen employed in our Navy. This makes it in order for me to compare the compensation given to seamen and that given to the enlisted soldiers in our Army. The gentleman from Virginia [Mr. BOCOCK] tells us that seamen now receive twelve dollars per month, and this amendment will raise their compensation to eighteen dollars per month. A seaman has the additional inducement to service, in the fact that, if he dies in the line of his duty, his widow and orphans will be pensioned. A private of infantry now receives but seven dollars per month—with no pension promised his widow and infant children, if he is killed in the service of his country. Still I do not complain of this increased pay proposed for our seamen. It is all right. I am gratified that the amendment has been offered. And I cannot permit the occasion to pass by without expressing my regret that the same impulse did not stimulate the Committee of Ways and Means, when the Army appropriation bill was under consideration a few days ago, to come forward with a similar act of justice to the rank and file of the Army.

Mr. HOUSTON. If the gentleman from Virginia [Mr. FAULKNER] will allow me, I want to state to the committee what my proposal was. I proposed to the gentleman from Virginia, that if he would let the amendment come in by general consent, we would allow the increase of pay to the non-commissioned officers and privates of the Army. That it was not adopted, is, therefore, certainly more the fault of the gentleman from Virginia than the fault of the Committee of Ways and Means.

Mr. FAULKNER. The gentleman from Alabama [Mr. HOUSTON] did say to me that if I would offer so much of my bill as increased the pay of the enlisted men, that he would make no opposition to such an amendment. But I said to him, that I was acting as the organ of a committee, and that I could not mutilate their proposition. He, or the gentleman from Missouri, could have done then what they have done now; but I could not do so without a betrayal of the trust confided to me.

Mr. CLINGMAN. Is this discussion legitimate?

Mr. JONES, of Tennessee. Will the gentleman from Virginia [Mr. FAULKNER] permit me to say a word?

Mr. FAULKNER. Mr. Chairman, I hope these points of order will not be further sprung upon me. If there is any branch of the public service which has been cruelly neglected by Congress, it is that with which I have the honor to be now officially connected, as chairman of the Committee on Military Affairs. Not a single opportunity has yet been allowed me to present, in any detail before this House and the country, the exigencies and necessities of that important branch of the public service. Until a comparative recent period, the principal duties of that committee devolved upon the gentleman from Illinois, [Mr. BISSELL,] whose health disabled him from asking their consideration by Congress. Since the retirement of Colonel BISSELL from the duties of that committee, I have sought, in every form, to bring the wants and necessities of the Army to the consideration of this body. But I have been arrested, in every effort, by points of order. Railroad bills, private bills, everything seems to find a readier access to the ear of this House, than our suffering and dilapidated Army. I was absent when the Army appropriation bill was most unexpectedly taken up, and thus I was deprived of the opportunity, at that time, of presenting, in some detail, the present condition and necessities of the Army.

Mr. JONES, of Tennessee. If the gentleman

will permit me, I will say that when the gentleman from Oregon, [Mr. LANE,] I think it was, proposed an amendment to the Army bill to increase the pay of the non-commissioned officers and privates, I rose in my seat and proposed that the question of order should be waived, that the House might decide upon that question, and, if I mistake not, the gentleman's colleague from Fairfax objected.

Mr. FAULKNER. It was not my colleague; it was I who requested the gentleman from Oregon to withdraw his amendment, and the reason was a very plain and palpable one, as I can explain to the committee.

The CHAIRMAN. The Chair would remind the gentleman that he should confine his remarks to the question under discussion.

Mr. FAULKNER. I will endeavor to do so. It is important that the fact noticed by the gentleman from Tennessee shall be explained to the House. In the scheme devised to encourage enlistment and reenlistment in the Army, and embraced in my bill, the inducements held out to recruits are both pecuniary and honorary. There are some important inducements to enter the Army beyond the monthly pay. Thus, for example, the preferences of the Army are opened to the common soldier. There are provisions for his widow and orphan children, if he dies in the service. The increase of pay, as a mere pecuniary compensation, would have been inadequate to accomplish its object. I therefore objected to the simple transfer of the provision increasing the pay, as it would have mutilated the scheme, and have failed to accomplish any practical good. The result would have been deceptive, and left us where we now are, with our Army every day thinning to a mere skeleton.

I have availed myself of this, as I must of every occasion, to press this subject upon the consideration of this House, until it adjourns. I hope yet I may be allowed some full and fair opportunity to place before this body those facts which, when heard, I know will impress every member of this body with the necessity of action on the Army bills.

Mr. BOCOCK. I rise for the purpose of offering an amendment to the amendment. I offer the amendment in good faith. I have made no fancy speeches, and do not deal in fancy stocks.

I move to strike out the following clauses:

For pay of commission, warrant, and petty officers, and seamen, including the engineer corps of the Navy, \$2,992,648.

For pay of superintendents, naval constructors, and all the civil establishments at the several navy-yards and stations, \$115,350.

and insert the following:

For pay of commission, warrant, and petty officers and seamen, including the engineer corps of the Navy, \$3,010,948, including the extra pay at the navy yard, California, of the following officers: One captain, \$7,000; one commander, \$4,000; one lieutenant, \$3,000; one master, \$2,000; one purser, \$4,000; one surgeon, \$3,600; one boat-swain, \$2,000; one gunner, \$2,000; one carpenter, \$2,000; one clerk to purser, \$2,000; one steward, \$600.

For pay of superintendent, naval constructors, and all civil establishments at the several navy-yards and stations, \$153,350, including the pay of the civil branch of the officers at the navy yard, California, as follows: One storekeeper \$3,500; one civil engineer \$4,000; one assistant engineer, to be also the inspector of lumber and building materials \$2,500; one draughtsman and clerk to engineer \$2,000; one clerk of the yard \$2,000; one clerk to the commandant \$2,000; one clerk to the storekeeper \$2,000; one porter and messenger \$900; one navy agent \$5,000; one clerk to navy agent \$3,000; one clerk (second) to navy agent \$2,500; one master joiner \$2,500; one master mason \$2,500; one master blacksmith \$2,500.

That adds a small amount to the amount now appropriated. The amount in the bill is \$2,992,000, and the gentleman from Missouri [Mr. PHELPS] moves to increase it about \$300,000, and I move to increase it \$100,000, for the purpose of covering the extra expenses at the California navy-yard.

Mr. PHELPS. I rise to a question of order. I desire to know whether that amendment is in order? It proposes, if I understand it, to provide that certain officers shall receive a certain salary over and above what the law provides. Its effect is to repeal or modify the law so far as these officers are concerned. I think it is clearly out of order.

Mr. BOCOCK. The proposition is to pay certain officers of the Navy more than they are now paid. Now, sir, no appropriation bill has ever passed this House in which amendments have not

been incorporated, regulating the amounts that are to be paid to certain officers. That is what is proposed by this amendment; and if the committee will allow me, I think I can show to their satisfaction, that the amendment is, to some extent, necessary.

Mr. BRIDGES. How much does it propose to increase their pay?

Mr. CLINGMAN. I ask that the Chair shall decide the question of order.

The CHAIRMAN. The Chair thinks the amendment is not in order, and so decides.

Mr. BOCOCK. Then I must appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Virginia proposes an amendment to increase the salaries of certain officers of the Navy in California over and above the amount provided by law. The Chair rules the amendment not to be in order. The gentleman from Virginia appeals from the decision of the Chair; and the question is, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. TAYLOR, of Ohio. I demand tellers on the appeal.

Tellers were not ordered.

The question was taken; and the decision of the Chair was sustained.

Mr. HENN. I wish to oppose the amendment moved by the gentleman from Missouri; and in doing so I would ask him, in the first place, how much this bill appropriates to the Navy?

Mr. PHELPS. I have already stated it in the remarks which I made a few months ago. The bill as it came from the Committee of Ways and Means, appropriates \$7,641,000. That committee have directed amendments to be offered which appropriate two million and odd dollars in addition. As originally introduced, the bill did not embrace the estimates for the improvement of the navy-yards. It was a subject-matter of conference between the Committee of Ways and Means, and the Committee on Naval Affairs, and we had not acted on it at the time the bill was reported. Hence the amendments we design offering.

Mr. HENN. I understand the gentleman to say, then, that the bill, with the amendment which will be proposed by the Committee of Ways and Means, will appropriate something like the sum of \$9,000,000.

Mr. PHELPS. Nine million three hundred and ninety-six thousand dollars.

Mr. HENN. We have already appropriated this session \$6,000,000 for the construction of six new steamships. That makes \$15,000,000. Now, I would ask the gentleman, how much more is to be appropriated this session for the Navy?

Mr. PHELPS. The gentleman is mistaken as to the amount appropriated by the bill providing for the construction of six new steamships. Three millions of dollars, and not \$6,000,000 was the amount appropriated; and that money was directed by the act to be for the construction of these steam frigates, and no other purpose. That does not diminish the amount of expenditure required to keep up your Navy.

Mr. MACDONALD. I rise to a question of order.

Mr. HENN. I am opposing the amendment of the gentleman from Missouri, and am in order.

Mr. MACDONALD. That amendment was opposed by the gentleman from Virginia.

Mr. HENN. I have said all that I desired to say. My object was that the committee should know how much we have appropriated and are to appropriate to the Navy.

The question was then taken on Mr. PHELPS's amendment; and it was adopted.

Mr. SMITH, of New York. I move to amend the bill by adding after the following paragraph:

"For provisions for commission, warrant, and petty officers and seamen, including engineers and marines attached to vessels for sea-service, \$636,200."

these words:

But no intoxicating liquors shall be provided for a beverage.

I hope, sir, that the committee will bear with me in my folly—my characteristic folly—of endeavoring to make things better than we find them. The most common objection to reforms is, that we should take things as we find them. I admit, that we should. But, I add, that we should labor to leave them better than we find them.

The armies and navies of the world are nurseries

of drunkenness: and drunkenness is the cause, more than all other causes put together, of the insubordinations, troubles, crimes, which abound in armies and navies. To this appalling fact the American Army and Navy constitute no exception. Now, the bill before us proposes no change in this respect. On the contrary, it would have this evil go on, after the old fashion. But the amendment, which I have offered, proposes a radical change in this respect; and a change no less blessed than radical.

All are aware that, in every department and employment, sober men are more to be relied on than drunken men, and are better and happier men. This is as true of sailors and soldiers, as of any other men. How carefully, then, should Government refrain from whatever might encourage intemperate habits in their sailors and soldiers! How steadfastly should we refuse the folly and the sin of putting the cup of woe and ruin and death to their lips!

Would we have our armed vessel carry, wherever she may go, high evidence of the strength and wisdom of America? Then let it be a temperance vessel. Were the world to know, that the American Army and Navy are divorced from rum, the world would be impressed with the strength and wisdom of America, as it never yet has been. Would we make our Army and Navy a far greater terror to our enemies than they otherwise can be? Then let us make them a cold water Army and Navy.

But, sir, we do not wish our Navy to harm the world. We wish it to bless the world. We would rather have it exert a redeeming moral influence than find occasion to wield its physical force. Then, sir, let our ships of war, whatever lands they may visit, be to those lands temperance lecturers. Such temperance lecturers would move the world, and bless the world. Would that our ships of war might undergo this transformation! Little occasion would there then be for the ordinary offices of a navy.

Adopt my amendment, sir, and let it become a law, and five years will not pass away, before liquor rations will cease from the Army, as well as from the Navy: and ten years will not pass away, before both the Army and Navy will be purged of drunkards. For by that time, we shall, in that case, refuse to enlist drunkards either into the Army or Navy. And then, sir, thousands of fathers and mothers will bless God, and bless you, for the precious reform, which you shall this day have begun. They will remember you with gratitude and love. For they will then hope, that if their sons shall enter the Army or Navy, they will, nevertheless, escape drunkenness. And the hope that their children will not be drunkards, is a precious hope to every right-hearted parent—as precious to every good parental heart, as the apprehension, that they will be drunkards, is withering to such a heart.

And should it be so, sir, that our Army and Navy shall be freed from the curse of rum-drinking, our hope will then be quickened, that the whole country will be freed from this curse. Judges and law-makers will be ashamed to drink rum, when our sailors and soldiers have ceased to drink it; and who else will not, then, be ashamed to drink it? If only for the happy reflex influence upon ourselves of our attempts to introduce this reform into the Army and Navy, these attempts would be well paid for.

[Here the hammer fell.]

Mr. SMITH, of Virginia. I would ask the gentleman from New York, if he does not know that liquor is sometimes used as a medicine?

Mr. SMITH, of New York. Certainly; and my amendment very carefully guards against prescribing it as medicine.

Mr. SMITH, of Virginia. The amendment, as I understand, denies all provision for the use of intoxicating liquors.

[Cries of "Not at all!" "Only as a beverage!" "Read the amendment!"]

The amendment was again read for information.

Mr. SMITH, of Virginia. Well, now, Mr. Chairman, let us take the amendment as it stands. It proscribes the use of intoxicating liquors as beverages. We know that beverages are provided for the sick. We know that it is very often the case, in instances of extreme debility, that these liquors are prescribed and given as beverages, in

order to sustain sinking nature. In the shape of toddy, for instance. [Laughter.]

Now, I am very ready to concede, as all of us will be, that the honorable gentleman from New York has a most expanded benevolence. He really has endeavored, and most steadily endeavored, to violate the laws of God, as I conceive, in making inferior beings the equals of superiors. We can all, therefore, concur in opinion, and I do most heartily, indeed, concur in it, as to the benevolent field in which the gentleman delights to roam. I have no sort of doubt—none in the world, the honorable gentleman is animated by the purest motives and principles that can animate men. But, I ask him if he does not know that a little of these intoxicating liquors gives unwonted and powerful development to the physical energies of man? Does he not know that if he stops short of drunkenness, a man under the influence of generous drink, has double powers?

But, as on this subject, the gentleman has undertaken the work of reform. I ask him if from his experience, he is not perfectly aware, that there are in the world more gluttons than drunkards, and if he does not also know that gluttony is more destructive to animal life and morality than drunkenness itself?

However, I am perfectly willing myself to see the amendment adopted, although, in my opinion, the object is one of very questionable value and utility. Still, as the gentleman from New York, who is a peace man, proposes to make the Army and Navy of the United States terrors to the world, in that view of the subject the question is conclusive. And although I am opposed to interfering with the question, still I am willing to secure the end proposed by creating terrors to evil-doers in the shape of a temperance Army and temperance Navy.

I have made these remarks, Mr. Chairman, without any purpose of seriously engaging in the discussion. I would be very glad, however, to have a vote taken on the amendment of the gentleman from New York, so as that we may see to what extent the House is determined to carry these temperance doctrines.

[Cries of "Question!" "Question!"]

Mr. FLORENCE. I ask the gentleman from New York to modify his amendment in the manner which I am about to propose.

[Loud cries of "Question!" "Question!"]

The CHAIRMAN. Debate is not in order.

Mr. FLORENCE. I do not intend to debate it. I merely ask to modify the proposition of the gentleman from New York.

[Renewed cries of "Question!" "Question!" and "Move an amendment!"]

Mr. FLORENCE. I cannot get the chance of moving an amendment.

Mr. STANTON, of Tennessee. I move to amend the amendment by adding thereto the following:

And no officer shall be allowed to use intoxicating liquors except for medicine.

The amendment proposed by the gentleman from New York is simply to abolish the grog rations; but it does not prohibit the officers from carrying wine and liquors among their stores. If the first amendment is to be adopted—and I suppose it is not, judging from the feeling of the committee—it is unfair; because it is just as right and fair that "Jack" should have his grog, as that the officer in his cabin should have his wine. If the one is to be prohibited, it is but justness and fairness that the prohibition should extend to the officers, and prohibit them from filling their cabins with wine and liquors.

Mr. CLINGMAN. I am opposed to the amendment, and hope it will not be adopted.

The question was taken upon the amendment to the amendment; and it was agreed to.

The question recurring upon the amendment, as amended,

Mr. WHEELER called for tellers.

Tellers were ordered; and Messrs. WHEELER and FLORENCE were appointed.

The question was taken; and the tellers reported—ayes 71, noes 50.

So the amendment, as amended, was agreed to.

Mr. SOLLERS. I have an amendment which I am aware is a little out of order to offer at the point of the bill to which it applies; but it escaped my attention when the committee were consider-

ing that clause of the bill. I desire to offer, at the end of the following clause:

For pay of superintendents, naval constructors, and all the civil establishments at the several navy-yards and stations, \$113,350,

this proviso:

Provided, That in settling the accounts of the late navy agent at Memphis, the sum of \$2,964 59, already received by him, and passed to his credit upon the books of the Treasury Department, shall not be deducted from his salary as acting purser, provided for by an act making appropriations for the naval service for the year ending June 30, 1853.

The CHAIRMAN. The Chair will state to the gentleman that the committee have passed the clause of the bill to which he alludes, and that it is not in order to go back.

Mr. SOLLERS. I am aware that it is not, but I hope I shall have the unanimous consent of the committee to offer it.

Mr. PHELPS. I rise to a question of order. That is evidently a private claim.

The CHAIRMAN. The Chair thinks the amendment is not in order.

Mr. SOLLERS. Does the Chair rule the amendment out of order upon the ground that it is a private claim, or because it was not offered in time?

The CHAIRMAN. The Chair rules it out of order upon the ground that it is for a claim not authorized by law.

Mr. STANTON, of Kentucky. I do not understand that it is a private claim at all. It is to authorize the Auditor of the Treasury to settle the accounts of this navy agent under the law of 1852, without deducting the money which he has already received under that law.

Mr. PHELPS. I rise to a question of order. The Chair has decided this amendment to be out of order, and it is not debatable.

The CHAIRMAN. The gentleman from Kentucky was making a statement of facts upon which the Chair will judge whether the amendment is in order or not.

Mr. STANTON. The last Navy appropriation bill contained a provision giving the Navy agent at Memphis the pay of a purser. But, in settling his accounts, the Auditor decided that there must be deducted from his salary some commissions which he had received as navy agent. This amendment is simply to authorize the Auditor of the Treasury to settle his accounts without deducting these little commissions which he has already received, and to which he was entitled under the law passed two years ago. That is the effect of the amendment. It does not propose to appropriate a single cent.

Mr. JONES, of Tennessee. Then its effect is to repeal the law passed at the last Congress.

Mr. STANTON. Not at all.

Mr. JONES. Then let us have the law read.

The CHAIRMAN. If the amendment be not to change existing law, the petitioner has his remedy before the proper accounting officers of the Treasury. If it be to change existing law, this is not the proper place, and the Chair decides the amendment to be out of order.

Mr. STANTON. According to my construction it is not a change of the law, but only to make the law effective. The law is as follows:

"And the navy agent at Memphis, for the time during which he has performed or may perform the duties of purser, in addition to his own, shall be allowed and paid the annual salary of a purser on duty at navy-yards of the second class, which shall not be in addition to his commission, but in lieu thereof."

Up to the time this law passed he was receiving commissions as navy agent. He had one per cent. on all moneys disbursed by him. The intention of the law was that he should receive the pay of purser, he doing duty in both offices at the same time. When his commissions were paid him, they were deducted out of what Congress allowed him by this law.

The CHAIRMAN. Does the gentleman take an appeal from the decision of the Chair?

Mr. STANTON. Certainly I do.

Mr. FLORENCE. I demand tellers on the appeal.

Tellers were ordered; and Messrs. STUART, of Michigan, and SOLLERS, were appointed.

The question was taken; and the decision of the Chair was sustained, the tellers having reported—ayes 78, noes 41.

Mr. PHELPS. I am instructed by the Committee of Ways and Means to move to strike out

the words "one hundred and sixty" and insert in lieu thereof the words "five hundred and thirty-two" in the following clause:

For repairs of vessels in ordinary, and for wear and tear of vessels in commission, including fuel and purchase of hemp, \$2,164,950.

I briefly explained the object of the amendment when I was addressing the committee before. This amendment is rendered necessary in consequence of the increased expenses of the Japan expedition. It proposes to increase the item in the bill \$370,000.

The amendment was agreed to.

✓ **Mr. STANTON, of Tennessee.** I offer the following amendment:

And the Secretary of the Navy is hereby required to purchase supplies of hemp for the Navy by contract, for such periods, not exceeding five years, as he may deem expedient, giving such contract to the lowest responsible bidder, after due advertisement: *Provided*, That in all cases preference shall be given to persons proposing to furnish American water-rotted hemp at prices not exceeding those proposed for foreign hemp: *And provided also*, That the test, as now applied, shall be raised from four thousand pounds to four thousand four hundred pounds upon the rope of one and three-fourth inches in circumference.

It is hardly necessary for me to say anything more in reference to this amendment; but I will simply call the attention of the committee to the fact that it does not propose to purchase American hemp at a higher price than the foreign article can be bought for; but it proposes simply to give the preference to American hemp at the same price, and at the same time it proposes to raise the test from four thousand pounds to four thousand four hundred pounds. In the remarks I made a little while ago, I stated that when American hemp—

Mr. BOCKOCK. I am very sorry to interrupt the gentleman, but I desire to see the same rules of order applied to one gentleman that are applied to another. I raise the question of order, and ask if the amendment he proposes is not to change an existing law in reference to the purchase of hemp.

Mr. STANTON. Every appropriation that has been made, in reference to the purchase of hemp, has been made in an appropriation bill of this kind. This provision has express reference to an appropriation for the purchase of hemp. It is certainly competent for the committee to direct the mode in which hemp shall be purchased. It is by no means out of order.

The CHAIRMAN. Will the gentleman from Tennessee state whether or not, under the existing law, the Secretary of the Navy is required to purchase American hemp?

Mr. STANTON. There is a law already existing, which authorizes him to purchase it in the open market. The only difference is, that I propose that he shall enter into a contract, after due advertisement, with the lowest bidder offering bids for all kinds of hemp, foreign and American; and giving preference to American hemp, at the same prices as foreign. That is perfectly legitimate in connection with this bill. It is not anything in the shape of a proposition to increase the pay of officers, which would not be in order. It is a very different proposition. It is one which connects itself directly with the appropriation for the purchase of hemp; directing the manner in which that appropriation shall be expended.

The CHAIRMAN. The Chair is inclined to overrule the point of order raised by the gentleman from Virginia, [Mr. Bockock], on the ground that the amendment of the gentleman from Tennessee merely points out the mode in which the hemp is to be purchased.

Mr. BOCKOCK. Overrules it on the grounds laid down by the gentleman from Tennessee, although the amendment does change the existing law in relation to the mode of purchasing hemp. [Cries of "Order!" "Order!"]

Mr. STANTON. I think that the gentleman from Virginia [Mr. Bockock] was hardly respectful to the Chair in stating that this amendment was ruled in order because it came from me. I think it is just such a provision as has been over and over again adopted in Committee of the Whole on bills of this kind. It is such an one as was adopted within a few days past in the Army appropriation bill, changing the law in reference to the particular appropriation. I need refer only to the conditions adopted in relation to the superintendencies of the armories, and to the various

other provisions which have been always adopted in bills of this kind.

But the question is here, whether we shall give to the grower of American hemp a fair chance with the grower of foreign hemp, or whether the trade shall be kept in the hands of several gentlemen in Boston, who may have influence over certain gentlemen in the Navy Department. I do not allude to the Secretary of the Navy, and I do not know whether improper influences have been exerted at all, only I have heard it. The question is, I say, whether we shall give the trade to those gentlemen who have influence enough to procure the purchase from them of hundreds of tons of foreign hemp at prices higher than have been ever given for American hemp; or whether, by fairly publishing for proposals, we shall give the American grower of hemp an equal chance with the foreign grower. That is the question submitted by this amendment; and I think no gentleman can find any valid objection to it.

Mr. PHELPS. The amendment, if I understand it correctly, provides that the contract for water-rotted hemp shall be made for five years. [To Mr. STANTON.] Is that the terms of the amendment?

Mr. STANTON. The amendment restricts the contracts to five years, within the discretion of the Secretary of the Navy.

Mr. PHELPS. Yes; for such period, not exceeding five years, as the Secretary of the Navy may deem expedient. In other words, the contract is to be given for five years. That will be the construction given to it.

And now I wish to call the attention of the committee to one fact in connection with this five years' contract. In consequence of the war that is now raging in Europe the price of hemp has been considerably increased. If, therefore, the Secretary of the Navy should advertise at this time for proposals for the supply of hemp for the term of five years, the contract would be taken at the present exorbitant price of hemp, notwithstanding that if peace should be restored within that time the price of hemp would be greatly reduced. I know that it has been for some years past the custom to have the Secretary of the Navy buy water-rotted hemp for the use of the Navy. I approve of that course. Yet with all the inducements that have been held out to the hemp-grower to supply water-rotted hemp for the use of the Navy, but a very small quantity has been ever purchased of that grown in this country. There is but a very small supply. There are but a few growers and manufacturers of water-rotted hemp; and if you make a contract at this time for five years, and make the contract with an American producer, you will give a much higher price for the hemp than that which would be paid by the Secretary of the Navy if he should purchase year by year, as the exigencies of the service might require. It is for this reason that I am opposed to the amendment.

But the object can be accomplished under the present law. If an American proposes to furnish hemp at as cheap a rate as foreign hemp can be procured, the Secretary of the Navy can make the contract with him under the existing law. Under that law he is required to award the contract to the lowest bidder. He is, of course, in making the contract, to take into consideration the strength of the hemp, and state where it is to be delivered. The advertisement is published in the papers throughout the country, and those who are disposed to compete in the furnishing of the Navy with water-rotted hemp have all the advantages under the existing law, that they would have under the proposed amendment. The American grower can come forward and make his bid, knowing that the proposition of the lowest bidder will be accepted.

Mr. SKELTON. I move to strike out "five" and insert "one," so as to make the contracts extend only for one year. I think that contracts from year to year are the best for the country under the circumstances. It is sufficient to test this experiment of growing hemp; and the reasons stated by the gentleman from Missouri, [Mr. PHELPS], are sufficient to satisfy us of the propriety of the amendment which I have offered.

Mr. STANTON, of Tennessee. I am opposed to this amendment offered by the gentleman from New Jersey, for the reason that the proviso, as it now stands, gives to the Secretary of the Navy a discretion to contract for one year, or for any

period between that and five years. I am willing to trust the Secretary of the Navy, believing he will do what is best and right.

I say now to the gentleman from Missouri, [Mr. PHELPS], who comes from a hemp-growing region, that the reason, and the sole reason, why you find the singular fact that not a single pound of American hemp was purchased during the last year from the West, is, that persons manufacturing the water-rotted hemp have no assurance that it will be taken by the Department. But give them the assurance of a fair contract, and they will manufacture it, and in sufficient quantities to supply the wants of the Government. But a few years ago a quantity of water-rotted hemp was sent to Boston, and it was refused and rejected, in express violation of the contract under which it was delivered, when it was a better article than that which was afterwards purchased by the Government.

Mr. PHELPS. Does the gentleman allude to the David Myerle case?

Mr. STANTON. I do.

Mr. PHELPS. I know he came into the State of Missouri to induce the hemp-growers to embark in that business; but he failed in it?

Mr. TAYLOR, of Ohio. Will the gentleman from Tennessee state by whom the contracts to which he has referred are made?

Mr. STANTON. By the Bureau of Construction and Repairs, I presume.

Mr. FLORENCE. Was it the Myerle hemp?

Mr. STANTON. Yes.

Mr. FLORENCE. The contract was made by a board of navy commissioners.

Mr. STANTON. I think it is fair, and subject to no valid objection, to leave this matter, as to the length of time for which the contract shall be made, to the discretion of the Secretary of the Navy. If the condition of things at the present time is such as to make hemp unusually high, of course the Secretary will contract for a shorter time. He will do what the interest of the Government requires, so as fairly to carry out the objects of this bill.

Mr. BRIDGES. Which is best in quality, Russian or American water-rotted hemp?

Mr. STANTON. I will say to the gentleman, and the records of the Department will show, that specimens of American water-rotted hemp have been furnished, which, upon experiment, underwent a higher test than any foreign hemp.

[Here the hammer fell.]

The amendment to the amendment was disagreed to.

Mr. JONES, of Tennessee. I propose, before the vote is taken upon the amendment offered by my colleague, to amend by striking out from that amendment so much as proposes to advertise the purchase of the lowest bidder. I believe the whole system of low bidding for supplies to the Government is fraught with much evil. If you have officers who are trustworthy at all, it is much better to send them into the market and allow them to purchase such articles as are needed, than to undertake to purchase from the lowest bidder, judging from samples. Let them go into the market when supplies are wanted, and purchase such as are wanted at the market price.

The amendment to the amendment was agreed to.

The question then recurred upon the amendment, as amended; and being taken, the amendment was disagreed to.

When the following clauses of the bill were read:

For the purchase of nautical instruments required for the use of the Navy, for repairs of the same, and also of astronomical instruments, \$10,500.

For the purchase of nautical books, maps, and charts, and for backing and binding the same, \$12,500.

Mr. BOCKOCK said: I have a very simple amendment to offer. It is, that these two items be united in one. It would then read:

For the purchase of nautical instruments required for the use of the Navy, for repairs of the same, and also of astronomical instruments; for the purchase of nautical books, maps, and charts, and for backing and binding the same, \$23,000.

I will briefly state the object of the amendment, which has been offered at the request of Lieutenant Maury, who has charge of the National Observatory. A certain amount is appropriated for the purchase of books for that institution, and a certain other amount for the purchase of nautical

instruments. Now, sir, at the commencement of the year they cannot tell how many books they will want, how many will have to be bound, and how many backed. They do not know how many instruments they will want. It may turn out that more books and fewer instruments will be wanted than were estimated for; or it may turn out that more instruments and fewer books will be wanted; and without increasing the amount, I propose to lump both clauses into one. Then Lieutenant Maury can expend it for books or instruments, as he may deem proper. It does not increase the amount at all.

Mr. JONES, of Tennessee. It does not increase the amount at all, but it gives a large discretion to Lieutenant Maury. He can apply the whole \$23,000 either for books, or instruments, and then come here and tell us that he has applied it for books, and has bought no instruments which are absolutely necessary, and ask for additional appropriations. Here are his own estimates, and if he finds that \$12,000 is not enough for books, and binding, and backing them, let him make his estimate in the deficiency bill for what will be enough. If he finds that \$10,500 is not enough for the purchase of instruments, let him send in his deficiency estimate for the deficiency bill.

Mr. BOCK. If the appropriation for books be not enough for the purpose, will he not have to come and ask for the deficiency, when, perhaps, there is an unexpended balance for instruments in his hands? If my amendment be adopted, he will not have to come here; he can take the unexpended balance for instruments and apply it for the purchase of books.

Mr. JONES. We always do best when we make our appropriations specific.

The question was taken; and the amendment was adopted.

Mr. HAVEN. I offer the following amendment, not by direction of the committee; for I take it that the committee is against me:

Insert:

To enable the Secretary of the Navy to pay the salary of Professor James P. Espy, for the current fiscal year, ending 30th June, 1855, \$2,000; payment to be made in the same manner and under like control as former appropriations for meteorological observations.

Mr. PHELPS. I rise to a question of order on the amendment.

Mr. HAVEN. Let me state just why I think the amendment is in order. Similar appropriations are to be found in the Navy appropriation bills for the last three or four years. You will find it referred to in the report of the Secretary of the Navy, President's message and accompanying documents, page 302. On page 393 the committee will find a letter from Professor Espy, from which I will read a short extract. After detailing the duties which he has performed in reference to collecting and collating meteorological observations that have been made at the military posts in the country, he uses the following language in his letter to the Secretary of the Navy:

"I have already finished collating the years 1849, 1850, and 1851, with the exception of the third quarter of 1849, and the third quarter of 1851. These quarters I shall finish by the end of the present year, and if you so direct, the report for these three years can then be handed in to Congress. But I respectfully suggest that a report on this subject would be greatly increased in value by even a small increase of time contained in it; and I should be pleased if you would allow the report to be withheld from Congress till its second session, at which time the year 1852 would be embodied in it."

This man has been regularly and continuously employed; and you will find, in the cases referred to, that the Secretary of the Navy has made the recommendations of which I have spoken. You will find, by referring to page 112, that this appropriation of \$2,000 a year was not only made for that year, but for the year previous. In the act of the last session, at page 221, you will find that the same appropriation was made, and in the precise way in which it has been made in every particular case. I now offer this amendment, because my friend from Georgia, [Mr. STERNES], who is my colleague upon the Committee of Ways and Means, told me that he had always attended to it, and he intrusted it to my hands now. I wish to perform that trust faithfully, as it is an appropriation which I think ought to be made. It is certainly one which has been adopted as an amendment to this bill for the last half dozen years.

The CHAIRMAN. The Chair would inquire whether the office was established by law?

Mr. HAVEN. Certainly; and this man is in the employment of the Government. He is now engaged in making a report.

Mr. PHELPS. I differ with the gentleman as to the fact whether the office was established by law. I admit that in two or three naval appropriation bills an amendment was passed making provision for the prosecution of meteorological surveys, but those appropriations were only made from year to year. There is no such officer provided for by law. His term of office expired the 1st of July, and there is no law providing for the continuation or further prosecution of these meteorological surveys. It is for these reasons that I raise the question of order.

Mr. HAVEN. I will not say whether I am right or wrong in reference to this matter; but I do say that for a series of years appropriations have been made from year to year for this purpose, contained precisely in the same words as my amendment. This man is in the public employment—

Mr. SMITH, of Virginia. Will the gentleman say whether the office of Mr. Espy, who used to be called the Storm King, is an office created by law?

Mr. HAVEN. The question which my friend from Virginia puts me has reference to the designation of the man that fills the office—Storm King, as he says—rather than to the employment in which he is engaged. I cannot say whether there is such an office as the head of a bureau of meteorological surveys, but I do understand that the law has made provision for this office. I have pointed to the place where provision is made for the office, and for paying the man who has been employed under the law to fill it.

The CHAIRMAN. If the Chair understands the facts of the case, this was a special service for which the appropriation was made; and the service and office expires with the exhaustion of the appropriation. The amendment would not, therefore, be in order under the rule established.

Mr. HAVEN. Allow me to say one thing further. When the Secretary of the Navy called the attention of the House to this matter—

[Loud cries of "Order!" "Order!"]

The CHAIRMAN. Does the gentleman appeal from the decision of the Chair?

Mr. HAVEN. I do; and I desire simply to say that ever since I have been in this House—

Mr. PHELPS. I rise to a question of order. There is an appeal pending; and no debate is in order.

Mr. STANTON. I desire to make a suggestion. This is in continuation of works which have already been commenced. These observations have been carried on for a series of years.

[Cries of "Question!" "Question!"]

The CHAIRMAN. The question is, "Shall the decision of the Chair stand as the judgment of the committee?"

The question was taken, and the decision of the Chair was not sustained; there being, on a count, only thirty-one in the affirmative.

The CHAIRMAN. The question is on the amendment submitted by the gentleman from New York, [Mr. HAVEN.]

Mr. STANTON, of Tennessee. I propose to amend the amendment by adding:

Provided, That the hemp agents appointed for Kentucky and Missouri be dispensed with after the passage of this act.

Mr. HAVEN. I hope the gentleman will not mix up hemp with my amendment. It does not hang on.

Mr. STANTON. The hemp agents in those States are now unnecessary. They have not purchased a pound of hemp for the last few years, and will not purchase a pound for the next five years. I will, however, withdraw my amendment.

Mr. WALSH. I move to amend the amendment by adding the following:

Provided, That no portion of the said amount be appropriated for the purchase of intoxicating liquors for beverages.

[Laughter.]

Mr. FLORENCE. I move to amend the clause by striking out the word "three" and inserting the word "four;" so that it shall read:

For the wages of persons employed at the Observatory and Hydrographical Office, viz: one lithographer, one instrument maker, two watchmen, and one porter, \$4,160.

There are employed at the National Observatory—

The CHAIRMAN. The Chair rules the amendment out of order, as not being germane to the pending amendment.

Mr. WALSH. I appeal from the decision of the Chair.

The question being, "Shall the decision of the Chair stand as the judgment of the committee?" it was put, and decided in the affirmative.

So the decision of the Chair was sustained.

Mr. HAVEN. I rise to a question of order. We have passed from that clause of the bill and gone to another.

Mr. FLORENCE. Then I will put my amendment in another shape. I move to amend by adding:

And to increase the pay of the lithographer and two watchmen employed at the National Observatory, \$1,000.

Mr. HAVEN. I propose, if the gentleman will allow me, to say that his amendment does not trouble my amendment, and perhaps it will be better to take the question upon my amendment first, and then offer his amendment.

Mr. FLORENCE. Then we will have passed from the clause. But I have no objection to do so, if my amendment will come in immediately after the gentleman's amendment is voted on. I will now briefly state the reason why I offer the amendment.

Mr. JONES, of Tennessee. Is that amendment in order. I submit that it is an expenditure not authorized by law? I make that point of order.

The CHAIRMAN. The Chair thinks the point of order is well taken, and he therefore decides the amendment to be out of order.

Mr. FLORENCE. Why, Mr. Chairman, is it not in order to strike out "\$3,000" and insert "\$4,000?" That is my motion, and I intended to have stated that the object was to increase the compensation of these officers.

The CHAIRMAN. The Chair thinks the amendment is not in order.

Mr. FLORENCE. Is it not in order to offer an amendment to enable the Secretary of the Navy to increase the compensation of certain officers of the Navy?

The CHAIRMAN. The Chair decides that the amendment contains an appropriation not authorized by existing law, and is, therefore, not in order.

Mr. FLORENCE. I appeal from the decision of the Chair.

The question "Shall the decision of the Chair stand as the judgment of the committee?" was taken, and the decision of the Chair was sustained.

Mr. STUART, of Michigan. I move to amend the amendment of the gentleman from New York, [Mr. HAVEN,] by increasing the appropriation one dollar.

I have moved the amendment merely for the purpose of enabling me to ask one or two questions, to which I ask the attention of the gentleman from New York. There is now an officer employed by the Smithsonian Institution whose duty it is to receive and to make all these meteorological calculations, and to report upon them. Reports are sent from all the different military stations in the country to him. He is employed at present in getting out a work upon this subject at the expense of the Smithsonian Institution. What I want to know is, whether these are the same services upon which Professor Espy is employed?

Mr. HAVEN. I can only answer the gentleman by reference to the documents. I know nothing of the computations of the Smithsonian Institution; but I doubt not the gentleman is correct in what he states.

Here is Professor Espy's letter:

IRVING HOTEL, WASHINGTON, }
September 8, 1853.

Sir: In answer to your letter of the 6th instant, requesting me to "furnish you a report of my labors, and their results, connected with meteorological observations conducted by me, under the direction of the Navy Department, during the past year," I have to report progress as follows:

During the year, as in several former years, I have had access to all the meteorological journals kept at the various military posts by order of the surgeon general, and to all the journals procured by the Smithsonian Institution, which are very numerous, and embrace a very wide extent of territory, which, united to the journals of my own correspondents, furnish the means, such as the world never possessed before, of generalizing the phenomena of storms, and educating laws which apply to their origin, the direction and velocity of their motion, in the United States; the direction

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and violence of the wind in different parts of the storm at the same time; the state of the barometer in the storm and around its borders; the causes which produce these phenomena; and the means of predicting, in all great storms of dangerous violence, their approach in time to prepare for them. How much of all this I have already done, and how much remains to be done, and with what prospect of success, you will judge by examining my previous reports to the Department.

The plan which I adopted in those reports, in collating the meteorological journals, was, to exhibit to the eye, on skeleton maps of the United States, the various phenomena of the winds and rains and barometric fluctuations, by appropriate symbols, so that, by a glance, it might be seen where a storm was raging, how far it extended, in what direction, and with what violence the wind blew in its borders, and beyond; how the barometer stood within and beyond its borders; and how far, and in what direction, the center of the storm had moved by the next day at the same hour. This plan I have not seen proper to change in the report now in progress for the Department.

I have already finished collating the years 1849, 1850, and 1851, with the exception of the third quarter of 1849, and the third quarter of 1851. These quarters I shall finish by the end of the present year; and, if you so direct, the report for these three years can then be handed in to Congress. But I respectfully suggest that a report on this subject would be greatly increased in value by even a small increase of time contained in it; and I should be pleased if you would allow the report to be withheld from Congress till its second session, at which time the year 1851 would be embodied in it.

Whatever you direct me to do on this, shall be done to the best of my ability.

Very respectfully, your obedient servant,
JAMES P. ESPY.

Hon. J. C. DOBBS.

These calculations are of very great service to science. They are the handmaid to the great business in which Lieutenant Maury is engaged. It seems that Professor Espy has access to the journals kept at the various military stations in the country, to all the journals received by the Smithsonian Institution, and besides that, has a very large correspondence of his own from which he deduces his facts, and reports to the Secretary of the Navy.

Mr. STUART, by unanimous consent, withdrew his amendment to the amendment.

Mr. HAVEN's amendment was then agreed to.

Mr. PHELPS. I am instructed by the Committee of Ways and Means to move to strike from the enumeration in the bill of the purposes for which contingent expenses may accrue, the words "furniture for Government houses."

The amendment was agreed to.

Mr. PHELPS. I am instructed by the Committee of Ways and Means to move to increase the appropriation for contingent expenses from \$600,500 to \$706,860. That was the estimate of the Secretary of the Navy, and, on re-examination, the Committee of Ways and Means agreed to restore it. We believe it to be proper and right.

The amendment was agreed to.

Mr. PENNINGTON. I move to insert the following:

To enable the Secretary of the Navy to test any improvements in steam boilers, or any other steam machinery in reference to the construction of steamers for the Navy of the United States, as in his opinion may be calculated to benefit the public service, \$10,000.

Mr. PHELPS. I rise to a question of order. This is an appropriation not authorized by existing law.

Mr. PENNINGTON. There has been an appropriation made for the construction of six naval steamers for the use of the United States Navy. The object of the amendment is to enable the Secretary of the Navy to test such improvements in steamship machinery as may be submitted to him by machinists, artisans, and others. It does seem to me to be a very proper amendment to this bill.

The CHAIRMAN. In the opinion of the Chair it would be a pertinent amendment to the bill authorizing the construction of these steamships, but not to this bill.

Mr. PENNINGTON. The Secretary of the Navy thinks the amendment a highly desirable one. I appeal from the decision of the Chair.

The question was taken; and the decision of the Chair was overruled, and the amendment decided to be in order.

The amendment was then agreed to.

The following clause was then read:

For the erection and repair of buildings, for the improvement and preservation of the grounds, and for contingencies at the Naval Academy at Annapolis, Maryland, \$39,678: *Provided*, That no part of this sum shall be expended until a contract, with security, to be approved by the Secretary of the Navy, be entered into for the completion of a workshop, at a sum not exceeding \$5,000, and herein provided for.

Mr. SOLLERS. I move to strike out the proviso. My impression is, that the works ought to go on as rapidly as possible; but if the proviso be retained the work will be retarded, and hundreds of workmen, my constituents, will be thrown out of employment. I have no objection to a workshop being erected, at the expense of the Government; but I object to this proviso, as you will perceive, from the reading of it, that all the works in process of erection will be obstructed until this workshop is completed. That is doing manifest injury to the service.

Mr. JONES, of Tennessee. The gentleman is mistaken. It is for the Naval School at Annapolis. This proviso relates to the workshop at the Naval School, and not at the navy-yard.

Mr. SOLLERS. I know it is for the Naval School at Annapolis. I think I ought to know, as Annapolis is in my district.

Mr. SMITH, of Virginia. Will the gentleman from Maryland allow me to call his attention to the fact that the proviso only requires that a contract shall be made, and not that a workshop shall be erected?

Mr. SOLLERS. I equally object to that. It will be some time before the contract can be completed. Now, there are works in progress which will be obviously and necessarily delayed until a contract is entered into by the Secretary of the Navy with some contractors who choose to undertake the work. I desire that those works shall go on; and if they are to go on, and if it is necessary that they should be completed, you have no right, nor is it your duty, to offer any obstruction to their completion. I can see no reason in the world why the works at present commenced at the Naval School at Annapolis should be obstructed until this contract is completed. At what time is the contract to be completed? Is it limited to twelve months, two years, or five years?

Mr. PHELPS. I would suggest to the gentleman from Maryland an amendment, which I think will accomplish the object he has in view, and that is: after the words "shall be expended," the words "for a workshop."

Mr. SOLLERS. I withdraw my motion to strike out, and offer that amendment; and I also move to amend by striking out the words "of a workshop," in the latter part of the clause, and inserting in lieu thereof the words "of the same."

The clause as it would stand, if amended, was then read, as follows:

For the erection and repair of buildings, for the improvement and preservation of the grounds, and for contingencies at the Naval Academy at Annapolis, Maryland, \$39,678: *Provided*, That no part of this sum shall be expended for a workshop until a contract with security, to be approved by the Secretary of the Navy, be entered into for the completion of the same, at a sum not exceeding \$5,000, and herein provided for.

The amendments were then agreed to.

Mr. JONES, of Tennessee. I offer this amendment, to come in at the end of the clause just read:

For the purchase of Barlow's planetarium for the use of the Naval Academy at Annapolis, \$3,000.

I offer the amendment under the direction of the Committee of Ways and Means. It will be recollected by the committee, that a similar provision was passed in the Army bill for the Military Academy at West Point. This instrument is much more important for a naval school than it is for a military one.

The amendment was agreed to.

Mr. HAVEN. Mr. Chairman, if my proposition should meet with the approbation of my friend from Missouri, [Mr. PHELPS,] who has charge of this bill, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. JONES, of Tennessee, having taken the chair as Speaker *pro tempore*, the Chairman of the committee reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, particularly House bill No. 97, and had come to no conclusion thereon.

Mr. BRIDGES moved that the House adjourn. The motion was agreed to.

The House thereupon (at twenty-five minutes past three o'clock, p. m.) adjourned till to-morrow at eleven o'clock, a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, July 26, 1854.

The House met at eleven o'clock, a. m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

The SPEAKER appointed the following gentlemen as a committee of conference, on the part of the House, to meet a like committee of the Senate on the disagreeing votes on the amendments of the Senate to the Indian appropriation bill: Messrs. HOUTSON, HAVEN, and GROW.

The SPEAKER. The business first in order is the motion submitted by the gentleman from New York, [Mr. JONES,] to discharge the Committee on the Post Office and Post Roads from the further consideration of certain memorials sent to that committee, with a view to send the said memorials to the Committee on Public Lands, and on that proposition the gentleman from Virginia [Mr. LETCHER] has the floor.

Mr. WASHBURNE, of Illinois. Will my friend from Virginia give way to me for one moment?

Mr. LETCHER. I will for a moment.

CLERK TO INVESTIGATING COMMITTEE.

Mr. WASHBURNE, of Illinois. I ask the unanimous consent of the House to allow the special committee, appointed day before yesterday, a clerk for a few days, at the usual rate of compensation.

Mr. WALSH. I object.

Mr. WASHBURNE. It is impossible for the committee to get along without a clerk. I move to suspend the rules, to enable me to introduce a resolution to that effect.

The SPEAKER. Does the gentleman from Virginia yield the floor for that purpose?

Mr. LETCHER. I merely yielded the floor to hear the proposition of the gentleman from Illinois, and if there was no objection to it, to allow him to introduce it.

The SPEAKER. The Chair will only remark, that if the gentleman from Virginia yields the floor for the purpose of allowing the gentleman from Illinois to submit the motion, he loses the floor altogether.

Mr. WASHBURNE. Is there any objection to my proposition?

The SPEAKER. A half dozen gentlemen object, on different sides of the House.

Mr. LETCHER. Then I cannot yield the floor.

Mr. PHELPS. I hope the gentleman from Virginia will yield me the floor for a moment to make a suggestion to the House.

Mr. LETCHER. I yield.

Mr. PHELPS. I wish to say a word in relation to the business to be transacted to-day. I desire, as soon as I can get the floor for that purpose, to submit a motion that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of taking up and proceeding with the consideration of the Navy appropriation bill. It is important that the Senate should have it soon, in order to commence their deliberations upon it; and I believe that in the course of two hours, if the House will go into committee, we can dispose of that bill. I am very desirous of taking it up before motions are entertained to suspend the rules, for the purpose of putting bills upon their passage. I hope the

gentleman from Virginia will allow me to submit the motion at this moment.

[Cries of "No!" "No!"]

Mr. PHELPS. Will the gentleman from Virginia yield?

REPEAL OF THE MINNESOTA RAILROAD BILL.

Mr. LETCHER. I cannot yield for that purpose. I gave notice some two or three days ago that I should offer a bill, at the first convenient opportunity, to repeal an act to aid the Territory of Minnesota in the construction of a railroad. I take this opportunity to offer that bill; and if it is objected to, I shall move to suspend the rules to enable me to introduce it.

Several Members objected.

Mr. LETCHER. Then I move to suspend the rules.

Mr. CAMPBELL. I wish to inquire of the gentleman from Virginia whether he is willing to have the bill referred to the select committee which was appointed a day or two since?

Mr. LETCHER. I do not see that there is any necessity for its going there.

Mr. PHELPS. I now ask the gentleman from Virginia to withdraw his motion at this time, and allow me to submit a motion that the House resolve itself into the Committee of the Whole on the state of the Union. I make the request for this reason: if the question which the gentleman from Virginia brings forward at this time shall be taken up, I fear that its discussion will consume a good part of the day; and in such case the Navy bill will go over until another day.

Mr. LETCHER. I cannot withdraw it.

Mr. PENNINGTON. I rise to a point of order. It is this: the gentleman from Virginia, leaving the floor for a specific purpose, has no right to occupy the floor for the purpose of submitting a motion to suspend the rules for another purpose.

The SPEAKER. The gentleman from Virginia had the floor regularly, and he chose to abandon his first purpose, and submit a motion which any other gentleman could have done, having obtained the floor regularly and in order.

Mr. PENNINGTON. But he has yielded the floor for another purpose.

The SPEAKER. He has not yet yielded the floor at all.

Mr. PENNINGTON. Will the gentleman be entitled to the floor after this matter is disposed of?

The SPEAKER. He will not. He will have no more right to it than any other member, because he has abandoned it.

Mr. OLDS. I rise to a question of order; as to the order of business. The same morning that the gentleman from New York [Mr. JONES] submitted a motion to discharge the Committee on the Post Office and Post Roads from the further consideration of the memorial, by the unanimous consent of the House after that motion was submitted, the post route bill was introduced, and it seems to me, under the decision of the Chair, made last session, it takes precedence of all other matters.

Mr. TWEED. I object to the consideration of the bill.

The SPEAKER. The Chair did not recollect the history of the matter; but if that given by the gentleman from Ohio be correct, the post route bill is first in order.

Mr. OLDS. I am willing, however, that it should go over until to-morrow morning.

The SPEAKER. It may go over by unanimous consent.

Mr. WALSH. I object.

The SPEAKER. Then the bill must be taken up and read. The Chair is, however, informed that the bill is in the hands of the printers, or the engrossing clerks, and not in the House. It will be for the House to say what they will do under the circumstances.

Mr. OLDS. I move that the further consideration of the bill be postponed until to-morrow morning.

The motion was agreed to.

Mr. LETCHER. I now call up my motion to suspend the rules, to introduce the bill I have indicated.

The bill was read by its title, as follows:

An act to repeal "An act to aid the Territory of

Minnesota in the construction of a railroad therein."

The bill was then read *in extenso*.

Mr. WASHBURN, of Illinois. I demand the yeas and nays upon the motion to suspend the rules.

The yeas and nays were ordered.

The question was then taken upon Mr. LETCHER's motion; and there were—yeas 100, nays 60; as follows:

YEAS—Messrs. Aiken, Appleton, Ashe, Barksdale, Bennett, Benson, Boccock, Bridges, Bugg, Carpenter, Caskie, Chastain, Churchwell, Colquitt, Cox, Craig, Crocker, Curtis, Dawson, Dick, Dickinson, Dowdell, Dunbar, Edmundson, Thomas D. Eliot, John M. Elliott, Ewing, Faulkner, Fenton, Flagler, Franklin, Fuller, Giddings, Goode, Goodrich, Grow, Aaron Harlan, Harrison, Haven, Hibbard, Hlester, Hill, Howe, Hunt, Daniel T. Jones, George W. Jones, Roland Jones, Kerr, Kittredge, Knox, Kurtz, Lamb, Letcher, Lilly, McCulloch, McMullin, McNair, McQueen, Matteson, Maurice, Millson, Morgan, Andrew Oliver, Parker, Peck, Peckham, Bishop Perkins, John Perkins, Phelps, Phillips, Powell, Preston, Puryear, Reese, David Ritchie, Rogers, Ruffin, Russell, Shaw, Shower, Simmons, Skelton, William Smith, George W. Smyth, Sollers, Stratton, Andrew Stuart, Nathaniel G. Taylor, Prout, Vail, Vansant, Wade, Walley, Walsh, Tappan Wentworth, Wheeler, Witte, Daniel B. Wright, and Hendrick B. Wright—100.

NAYS—Messrs. James C. Allen, Willis Allen, David J. Bailey, Barry, Bliss, Breckinridge, Campbell, Caruthers, Chandler, Clark, Clingman, Cobb, Cook, Corwin, John G. Davis, Thomas Davis, Disney, Eastman, Eddy, Ederton, English, Farley, Green, Greenwood, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Hendricks, Henn, Houston, Hughes, Johnson, Lindsley, Macy, Maxwell, Mayall, John G. Miller, Smith Miller, Nichols, Noble, Olds, Mordecai Oliver, Orr, Pack, Pennington, Pringle, Robius, Sabin, Sapp, Seward, Shaanon, Frederick P. Stanton, Hester L. Stevens, David Stuart, John L. Taylor, Tweed, Ellihu B. Washburne, Wells, John Wentworth, and Yates—60.

So (two thirds not voting in favor thereof) the rules were not suspended.

NAVY APPROPRIATION BILL.

Mr. PHELPS. I now move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union, with a view of taking up the Navy appropriation bill.

The motion was agreed to.

The rules were accordingly suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. FULLER in the chair,) and resumed the consideration of the bill of the House (No. 97) "making appropriations for the naval service for the year ending the 30th June, 1855."

Mr. PHELPS. I have an amendment which I am instructed by the Committee of Ways and Means to offer.

It is as follows:

For construction, extension, and completion of the following objects, and for contingent expenses at the several navy-yards:

Portsmouth, New Hampshire.—For quay wall connecting dock basin; completing engine-house and machinery; tools for machinists and smiths; launchery and hauling up ways; cisterns for officers' quarters; extending ship-house No. 4; extension of ship-house and launchery; and repairs of all kinds, \$63,550.

Mr. Chairman, I desire the ear of the committee for one moment, in which I shall briefly explain the amendments I have been instructed by the Committee of Ways and Means to offer. I remarked yesterday that the Committee of Ways and Means delayed reporting the appropriations for the improvement of the navy-yards in the Navy appropriation bill, in order that the estimates might be submitted to the Committee on Naval Affairs. The amendment has been adopted by the Committee of Ways and Means, and also meets with the concurrence of the Committee on Naval Affairs. The appropriation proposed is a reduction on the estimates which have been submitted to us.

The amendment was agreed to.

Mr. PHELPS. I am instructed by the Committee of Ways and Means to move the following amendment:

Insert the following:

Boston, Massachusetts.—For machine shop, smithery, foundry, and forge shop, boiler-house and chimney; new steam engine for dry-dock; extension of ship-house and slip, and repairs of all kinds, \$166,750.

Mr. Chairman, the estimates submitted by the Department amounted to \$265,000. Some of the expenses at these navy-yards, and particularly the one at Boston, are rendered necessary in consequence of the construction of the new steam frigates provided for during this session.

Mr. HOUSTON. I would ask the gentleman from Missouri a question, and the answer will probably recommend all the amendments he has to offer in regard to these navy-yards to the favorable consideration of the committee without any further explanation. Are not the amendments which the gentleman is now offering in relation to the navy-yards such as have been approved of, not only by the Committee of Ways and Means, but by the Committee on Naval Affairs?

Mr. PHELPS. I have already stated that fact. They are all recommended by both committees.

The question was taken; and the amendment was agreed to.

The question was then taken on the following amendments presented by Mr. PHELPS, by instruction of the Committee of Ways and Means, and they were severally adopted:

New York.—Towards foundry and boiler-shop; completing steam saw-mill; continuation of quay wall; dredging channels; lightning conductors; water pipes; iron railing on wall along Navy street; extension of ship-house and slip; saw-mill machinery; launchingslip; balance due city of Brooklyn for lien on amount of assessments and repairs of all kinds, \$71,615. *Provided*, That so much of the first section of the act making appropriations for the naval service for the year ending the 30th of June, 1854, approved 3d of March, 1853, as empowers and directs the Secretary of the Navy to sell and convey to any purchaser all that part of the navy-yard which lies in Brooklyn, between the west side of Vanderbilt avenue and the hospital grounds, containing about twenty-six and a half acres, including Vanderbilt and Clinton avenue, be, and the same is hereby, repealed.

Philadelphia, Pennsylvania.—For furnace for heating mast-booms; steam stove for boat shed; raising old steam box house; completing wharf No. 4; raising engine house; extension of ship-house and slip; and repairs of all kinds, \$57,726.

Washington, District of Columbia.—For completion of saw-mill; completion of ordnance building; completion of marine railway; extending boiler-shop; converting old ordnance shop into machine shop; quay wall; removing shears; extension of ship-house and slip; filling in around foundry and laboratory; dredging channel; machinery; steam hammer and slanting machine, and repairs of all kinds, \$23,067.

Norfolk, Virginia.—For brick saw sheds; completing storehouse No. 14; shed and machinery for saw mill; setting up engine boilers and machinery; reservoir; commencing foundry and machinery for the same; extension of ship-house and slip, and repairs of all kinds, \$152,281.

Pensacola, Florida.—For continuation of permanent wharf; continuation of deep basin; raising walls of dock basin; engine and blast pipes; for smiths' and machine shops, and repairs of all kinds, \$143,500.

Memphis, Tennessee.—For excavation and embankment, smiths' shop; storehouse, and repairs of all kinds, \$13,400.

Sackett's Harbor, New York.—For raising end of ship-house; building pier; leveling, grading, and repairs of all kinds, \$4,500.

San Francisco, California.—For blacksmiths' shop; carpenters' shop; storehouse, and wharf, \$200,000.

Mr. PHELPS. I am instructed by the Committee of Ways and Means to offer the following amendment, to come in at the end of the bill:

For the reappropriation of the following sum carried to the surplus fund under the provisions of the tenth section of the act entitled "An act making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1853, and for other purposes," approved the 31st August, 1850, to be applied to the payment of all the expenses incurred prior to the first day of July, 1852, for carrying into effect the provisions of the act providing for the prosecution of the war between the United States and the Republic of Mexico, \$27,156 50.

I merely desire to state that this amendment provides for the reappropriation of the fund which has been carried to the surplus fund. There were some incidental expenses incurred in carrying into effect the provisions of the act providing for the prosecution of the war, and which have not been provided for; and, in consequence of the unexpended balance having been carried to the surplus fund, there is no money to pay them. The appropriation is recommended by the Secretary of the Navy and by the Secretary of the Treasury. I therefore offer the amendment, and hope the committee will adopt it.

The amendment was agreed to.

Mr. SEWARD. I offer the following amendment:

For establishing a navy-yard and depot at Brunswick, Georgia, \$50,000.

Mr. PHELPS. I rise to a question of order. The amendment submitted by the gentleman from Georgia is not for the purpose of carrying on any work authorized by an existing law. There is no navy-yard or depot now at the point designated.

The CHAIRMAN. The Chair is of opinion that, under the 81st rule, such an amendment would not be in order. The Clerk will read that rule.

The 81st rule was read, as follows:

"No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several departments of the Government."

Mr. SEWARD. Well, my amendment comes within the provisions of the last clause of that rule. It is for a contingency for carrying on one of the departments of the Government.

The CHAIRMAN. Has there been an appropriation made for it by law?

Mr. SEWARD. Not at all; nor is it necessary under the last clause of the rule just read.

The CHAIRMAN. The Chair construes the rule differently.

Mr. SEWARD. Then I appeal from the decision of the Chair.

The question was taken; and the decision of the chair was sustained.

Mr. BOCKOCK. I move the following amendment:

And be it further enacted, That whenever any seaman on board of a vessel of war in service shall violate the laws or the rules and regulations for the better government of the Navy, he shall be liable to forfeit such portion of his pay as shall be adjudged proper by a commission composed of the officer in command, and the two officers next in rank; and all pay thus forfeited on board of any ship, shall constitute a merit fund, to be distributed at the consummation of the cruise by the commission aforesaid, among the crew who have been faithful in the discharge of their duty, a record of which proceedings shall be kept and returned to the Navy Department.

Mr. SEWARD. I rise to a question of order. The amendment is not in order under the same rule by which my amendment was declared out of order.

Mr. BOCKOCK. The amendment does not propose to appropriate money, but only specifies how the money appropriated in the bill shall be disbursed. It is as much in order as was the amendment to cut off the spirit rations, for that only determined how the money previously appropriated should be disposed of.

The CHAIRMAN. The Chair, reluctantly, sustains the question of order, and rules the amendment out of order upon the ground that an amendment for the government, regulation, and discipline of the Navy is not germane to a bill making appropriations for the support of the Navy.

Mr. BOCKOCK. What is the difference between the amendment, in principle, and that offered by the gentleman from New York, [Mr. SMITH?]

Mr. SOLLERS. I hold in my hand an amendment which I shall offer as an additional section to the bill. I should not offer it, as there are some doubts about its being in order, but for the fact that when the House, as they will recollect, were engaged upon the Army appropriation bill, a provision of exactly the same sort, and embracing the same principle, as that which I hold in my hand, was offered by the gentleman from Kentucky, [Mr. STANTON,] and it was ruled by the House to be in order. I refer to the amendment offered to the Army bill, to change the superintendency of the armories at Springfield and Harper's Ferry from a military to a civil one. But for that decision I should not offer the amendment now.

The amendment was read, as follows:

And be it further enacted, That the Secretary of the Navy shall cause to be enlisted in the Navy of the United States as seamen, no one who is not a native-born American citizen, and the commissioned and non-commissioned officers of the Navy shall hereafter be native-born American citizens, and that before either officers or seamen shall be permitted to serve in the Navy, competent proof shall be adduced by them that they are native-born Americans.

Mr. PHELPS. I rise to a question of order. The amendment of the gentleman from Maryland is not in order, because it is an attempt to regulate and govern the Navy, while this is a bill only to appropriate money for its support.

Mr. SOLLERS. I have pointed out the precedent upon which I have offered the amendment.

The CHAIRMAN. The Chair thinks the point of order well taken, and rules the amendment out of order.

Mr. SOLLERS. Then I have another thing to say, and that is, I give notice now that when the bills come up for the reorganization of the Navy and Army, I shall steadily and uniformly adhere to the principle contained in that amendment, and I shall offer it as an amendment to those bills, so that no one not a native American citizen, shall

hereafter serve either as officer, seaman, or soldier in either of these branches of the public service.

Mr. PHELPS. I now move that the committee rise, and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, the Chairman of the committee reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill (No. 97) making appropriations for the support of the Navy, and had directed him to report the same to the House, with sundry amendments thereto.

Mr. PHELPS. I move the previous question upon the engrossment of the amendments.

Mr. SEWARD. I move to postpone the further consideration of the bill until the second Tuesday in December next.

The SPEAKER. The motion is not in order, for the reason that the previous question is demanded.

Mr. SEWARD. I understand the rule only to apply where the previous question has been ordered by the House. In the present case the previous question has only been demanded; and, therefore, I submit that the motion is in order.

The SPEAKER. The rule is very clear upon that point. No motion to amend or to postpone can be made after the previous question has been demanded, until the House has determined whether the main question shall be ordered.

Mr. JONES, of Tennessee. And I would submit, further, that if the motion had been already made, the ordering of the main question would cut it off.

The previous question was then seconded; and the main question ordered to be put.

Mr. SEWARD. Is my motion in order?

The SPEAKER. It is not. The main question having been ordered to be now put, no motion is in order except to adjourn, and to lay the bill on the table. The House must be brought to a direct vote first upon the pending amendments to the bill, and then upon the bill itself. If the motion to postpone had been made in order, it would be cut off by the ordering of the main question.

Mr. SEWARD. I move then that the bill do lie upon the table.

The motion was not agreed to.

By unanimous consent, the amendments reported from the Committee of the Whole on the state of the Union were then read over, and the question being taken in gross, upon such a separate vote was not demanded on, they were agreed to.

Mr. PHELPS moved to reconsider the vote by which the amendments were agreed to, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

The first amendment (on which a separate vote had been demanded by Mr. SEWARD) was to strike out, after the word "Navy," in the following clause:

"For pay of commission, warrant, and petty officers, and seamen, including the engineer corps of the navy, \$2,992,643,"

—the words "two million nine hundred and ninety-two," and insert in lieu thereof, "three million three hundred and sixty-seven."

The amendment was agreed to.

The second amendment (upon which a separate vote had been demanded by Mr. SEWARD) was to add at the end of the following clause:

"For provisions for commission, warrant, and petty officers, and seamen, including engineers and marines attached to vessels for sea service, \$686,200,"

—this proviso:

But no intoxicating liquors shall be provided for a beverage, and no officer shall be allowed to use intoxicating liquors except for medicine.

Mr. JONES, of Tennessee, demanded the yeas and nays on the amendment.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 84, nays 65; as follows:

YEAS.—Messrs. Aiken, Willis Allen, Appleton, Ball, Bennett, Benson, Brooks, Campbell, Carpenter, Chamberlain, Clark, Cook, Corwin, Crocker, Curtis, Thomas Davis, Dick, Dickinson, Dunham, Eastman, Eddy, Edgerton, Edmonds, Thomas D. Eliot, Ellison, Everhart, Fenton, Florence, Giddings, Goodrich, Greenwood, Aaron Harlan, Harrison, Hendricks, Hens, Hiestler, Howe, Hughes, Johnson, Daniel T. Jones, Kittredge, Knox, McCulloch, Macey, Matteson, Maurice, Mayall, Morgan, Murray, Norton, Andrew Oliver, Parker, Peck, Peckham, Pennington, Pratt, Pringle, David Ritchie, Russell, Sabin, Sapp, Shaw,

er, Simmons, Singleton, Skelton, Gerrit Smith, William R. Smith, Sollers, Frederick P. Stanton, Richard H. Stanton, Stratton, Andrew Stuart, Thurston, Trout, Upham, Wade, Walley, Elihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Wheeler, and Yates—84.

NAYS.—Messrs. Abercrombie, David J. Bailey, Barksdale, Benton, Bockock, Boyce, Bugg, Caruthers, Caskey, Chastain, Chrisman, Clingman, Cobb, Colquitt, Cox, Craige, Dowdell, Dunbar, Edmundson, John M. Elliott, Ewing, Farley, Franklin, Sampson W. Harris, Wiley P. Harris, Hibbard, Hill, Hunt, George W. Jones, Roland Jones, Keitt, Kerr, Kurtz, Lamb, Letcher, McDougall, McMullin, McNair, McQueen, Maxwell, Smith Miller, Millson, Morrison, Noble, Orr, Phelps, Phillips, Powell, Preston, Robbins, Ruffin, Seward, Shannon, George W. Smyth, Hesor L. Stevens, David Stuart, John L. Taylor, Nathaniel G. Taylor, Tweed, Vail, Walsh, Westbrook, Witte, Hendrick B. Wright, and Zolliecoffer—65.

So the amendment was agreed to.

Mr. STANTON, of Tennessee. I think it likely that the amendment, as it now stands, may be a little doubtful. I hope, by unanimous consent, that it may be amended so as to confine its operation on board of the national vessels.

Mr. STUART, of Michigan. I object.

Mr. JONES, of Tennessee. Better, by unanimous consent, strike it all out.

Mr. GIDDINGS moved to reconsider the vote by which the amendment was agreed to, and to lay the motion to reconsider upon the table.

Mr. BOCKOCK demanded the yeas and nays.

Mr. CLINGMAN demanded tellers on the yeas and nays.

Tellers were ordered; and Messrs. VAIL and FLORENCE were appointed.

The House was then divided, and the tellers reported—yeas thirty-nine.

So the yeas and nays were ordered.

Mr. KEITT. I would inquire whether that amendment precludes an officer from drinking on board of a vessel, or any where else?

The question was then taken; and it was decided in the negative—yeas 79, nays 81; as follows:

YEAS.—Messrs. Aiken, Willis Allen, Appleton, Ball, Belcher, Bennett, Benson, Campbell, Carpenter, Chamberlain, Cook, Corwin, Crocker, Gullion, Curtis, Thomas Davis, Dick, Dickinson, Dunham, Eastman, Eddy, Edmonds, Thomas D. Eliot, Everhart, Fenton, Flagler, Florence, Giddings, Goodrich, Greenwood, Aaron Harlan, Andrew J. Harlan, Harrison, Hendricks, Hens, Hiestler, Johnson, Daniel T. Jones, Kittredge, Knox, McCulloch, Macey, Matteson, Maurice, Mayall, Morgan, Murray, Norton, Andrew Oliver, Parker, Peck, Peckham, Pratt, Pringle, Russell, Sabin, Sapp, Shaw, Simmons, Singleton, Skelton, Gerrit Smith, William R. Smith, Sollers, Frederick P. Stanton, Richard H. Stanton, Stratton, Andrew Stuart, Thurston, Trout, Upham, Wade, Walley, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Wheeler, and Yates—79.

NAYS.—Messrs. Abercrombie, James C. Allen, Ashe, David J. Bailey, Barksdale, Benton, Bockock, Boyce, Bridges, Brooks, Bugg, Caruthers, Caskey, Chastain, Chrisman, Clark, Clingman, Cobb, Colquitt, Cox, Craige, Dawson, Disney, Dowdell, Dunbar, Edgerton, Edmundson, John M. Elliott, Ewing, Farley, Faulkner, Franklin, Fuller, Green, Sampson W. Harris, Wiley P. Harris, Hibbard, Hill, Hughes, Hunt, Ingersoll, George W. Jones, Roland Jones, Keitt, Kerr, Kurtz, Lamb, Letcher, McMullin, McNair, McQueen, Maxwell, Smith Miller, Millson, Morrison, Nichols, Noble, Mordecai Oliver, Orr, Pennington, John Perkins, Phelps, Powell, Preston, Reese, David Ritchie, Robbins, Ruffin, Seward, Shaw, William Smith, David Stuart, John L. Taylor, Nathaniel G. Taylor, Tweed, Vail, Walsh, Westbrook, Witte, Daniel B. Wright, and Hendrick B. Wright—81.

So the House refused to lay the motion to reconsider upon the table.

The question then recurred upon reconsidering the vote by which the amendment was agreed to.

Mr. STUART, of Michigan, demanded the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and it was decided in the affirmative—yeas 83, nays 76; as follows:

YEAS.—Messrs. Abercrombie, James C. Allen, Ashe, David J. Bailey, Thomas H. Bayly, Barksdale, Bennett, Bockock, Boyce, Bridges, Bugg, Caruthers, Caskey, Chastain, Clark, Clingman, Cobb, Colquitt, Dawson, Disney, Dowdell, Dunbar, Edgerton, Edmundson, John M. Elliott, Ewing, Farley, Faulkner, Franklin, Fuller, Goode, Green, Sampson W. Harris, Wiley P. Harris, Hibbard, Hunt, Ingersoll, George W. Jones, Roland Jones, Keitt, Kerr, Kurtz, Lamb, Latham, Letcher, Lindley, Macdonald, McMullin, McNair, McQueen, Maxwell, Smith Miller, Millson, Nichols, Noble, Mordecai Oliver, Orr, Pennington, John Perkins, Phelps, Powell, Preston, Reese, Robbins, Ruffin, Seward, Shannon, Shaw, George W. Smyth, Straub, David Stuart, John L. Taylor, Nathaniel G. Taylor, Tweed, Vail, Vansant, Walbridge, Walsh, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zolliecoffer—83.

NAYS.—Messrs. Aiken, Appleton, Ball, Banks, Belcher, Benson, Benton, Brooks, Carpenter, Chamberlain, Cook, Corwin, Crocker, Cullum, Curtis, Thomas Davis, Dick, Dickinson, Dunham, Eastman, Eddy, Edmonds, Thomas

D. Eliot, Ellison, Everhart, Fenton, Flagler, Florence, Giddings, Goodrich, Aaron Harlan, Andrew J. Harlan, Hendricks, Henn, Hiestler, Howe, Johnson, Macy, T. Jones, Kittredge, Knox, Lindsley, McCulloch, Macy, Materson, Maurice, Mayall, Morgan, Murray, Andrew Oliver, Parker, Peck, Peckham, Pringle, David Ritchie, Russell, Sapp, Simmons, Skelton, Gerrit Smith, William R. Smith, Sollers, Frederick P. Stanton, Richard H. Stanton, Stratton, Andrew Stuart, Thurston, Trout, Upham, Wade, Walley, Ellihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, Wheeler, and Yates—76.

So the motion to reconsider was agreed to.

The question then recurred upon the adoption of the amendment.

Mr. SMITH, of Virginia. Can the question be divided?

The SPEAKER. It cannot; it must be taken as a whole.

Mr. INGERSOLL. Is an amendment to the amendment now in order?

The SPEAKER. It is not, as the previous question is pending.

Mr. TAYLOR. Will it be in order to add the words, "while engaged in the public service?"

The SPEAKER. No amendment is in order.

Mr. MAURICE called for the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and there were yeas 80, nays 80; as follows:

YEAS—Messrs. Aiken, Willis Allen, Appleton, Ball, Banks, Belcher, Bennett, Benson, Brooks, Carpenter, Chamberlain, Corwin, Crocker, Cullom, Curtis, Thomas Davis, Dick, Dickinson, Dunham, Eastman, Eddy, Edmunds, Thomas D. Eliot, Ellison, Everhart, Fenton, Flagler, Florence, Giddings, Goodrich, Aaron Harlan, Hendricks, Henn, Hiestler, Howe, Johnson, Daniel T. Jones, Kittredge, Knox, Lindsley, McCulloch, Macy, Materson, Maurice, Mayall, Morgan, Murray, Norton, Andrew Oliver, Parker, Peck, Peckham, Pratt, Pringle, David Ritchie, Russell, Sabin, Sapp, Simmons, Singleton, Skelton, Gerrit Smith, William R. Smith, Sollers, Frederick P. Stanton, Richard H. Stanton, Stratton, Andrew Stuart, John L. Taylor, Thurston, Trout, Upham, Wade, Walley, Israel Washburne, Wells, John Wentworth, Tappan Wentworth, Wheeler, and Yates—80.

NAYS—Messrs. Abernombie, James C. Allen, Ashe, David J. Bailey, Thomas A. Bayly, Barksdale, Boeck, Boyce, Bridges, Burg, Caruthers, Caskie, Chastain, Chrisman, Clark, Clingan, Cobb, Colquitt, Cox, Craige, Disney, Dowdell, Dunbar, Edgerton, Edmundson, John M. Elliott, Ewing, Farley, Franklin, Fuller, Goode, Green, Sampson W. Harris, Wiley P. Harris, Hibbard, Hill, Hunt, Ingersoll, George W. Jones, Roland Jones, Keitt, Kurtz, Lamb, Latham, Letcher, Lindley, McDougall, McNaair, McQueen, Maxwell, Smith Miller, Millson, Morrison, Nichols, Noble, Orr, John Perkins, Phelps, Phillips, Powell, Preston, Reese, Robbins, Ruffin, Seward, Shannon, Shaw, William Smith, George W. Smyth, David Stuart, Nathaniel G. Taylor, Vail, Vansant, Walbridge, Walsh, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollcoffer—80.

The SPEAKER voted in the negative.

So the amendment was disagreed to.

Fifth amendment, on which a separate vote was demanded by Mr. JONES, of Tennessee:

To enable the Secretary of the Navy to pay the salary of J. P. Espy, for the current fiscal year 1855, \$2,000; the payment to be made in the same manner, and under like control, as former appropriations for meteorological observations.

The question was taken; and the amendment was agreed to.

Eighth amendment, upon which Mr. JONES, of Tennessee, had asked for a separate vote:

To enable the Secretary of the Navy to test any improvements in steam boilers, and other steam machinery, with reference to the construction of steamers for the Navy of the United States, as in his opinion may be calculated to benefit the public service, \$10,000.

Mr. WASHBURN. I demand tellers on the amendment.

Tellers were appointed; and Messrs. Cox and Churchwell were appointed.

The question was taken; and the tellers reported—yeas 75, noes 62.

So the amendment was agreed to.

Twentieth amendment, on which a separate vote was demanded by Mr. JONES, of Tennessee:

San Francisco, California.—For blacksmith shop, carpenter shop, storehouse, and wharf, \$200,000.

Mr. LATHAM demanded tellers on this amendment.

Tellers were ordered; and Messrs. Cox and Wheeler were appointed.

The question was taken; and the amendment was disagreed to—only eighteen voting in the affirmative.

The amendments having now been disposed of, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. PHELPS demanded the previous question on the passage of the bill.

The previous question received a second, and the main question was ordered to be put.

Mr. MORGAN demanded the yeas and nays on the passage of the bill.

The yeas and nays were not ordered.

The question was then taken; and the bill was passed.

Mr. PHELPS moved to reconsider the vote by which the bill was passed, and that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ENROLLED BILLS.

Mr. GREEN, from the Committee on Enrolled Bills, reported as correctly enrolled the following bills; which thereupon received the signature of the Speaker:

House bill (No. 107) "for the relief of Robert Grignon."

House bill (No. 344) "making provision for the postal service in the State of California, and in the Territories of Oregon and Washington."

House bill (No. 176) "for the relief of Pamela Brown, the widow of Major General Jacob Brown, late of the United States Army, deceased."

House bill (No. 50) "making appropriations for the payment of invalid and other pensions of the United States for the year ending the 30th of June, 1855."

House bill (No. 162) "to increase the salaries of executive and judiciary officers in Oregon, New Mexico, Washington, Utah, and Minnesota."

House bill (No. 99) "for the relief of Captain George Simpton, of Galveston."

House bill (No. 63) "for the relief of Charles Lee Jones."

House bill (No. 269) "to create and provide a pension for David Towle."

House bill (No. 109) "creating a collection district in New York, to be called the district of Dunkirk, and constituting Dunkirk a port of entry, and the ports of Barcelona, Silver Creek, and Cataraugus Creek ports of delivery."

House bill (No. 232) "making appropriations to defray the expenses of the Cayuse war."

MESSAGE FROM THE SENATE.

A message was here received from the Senate, by ASBURY DICKINS, Esq., their Secretary, informing the House that the Senate have agreed to the amendments of the House to the following bills of the Senate:

Senate bill (No. 136) "for the relief of William Senna Factor."

Senate bill (No. 137) "to incorporate the proprietors of the Glenwood Cemetery."

Senate bill (No. 206) "for the relief of the executrix of the late Brevet Colonel A. C. W. Fanning, of the United States Army."

Senate bill (No. 224) "for the relief of the representatives of Joseph Watson, deceased."

Also, that the Senate had passed bills of the House of the following titles:

House bill (No. 411) "for the relief of George Mattingly."

House bill (No. 189) "for the relief of John S. Jones and William H. Russell, surviving partners of the firm of Brown, Russell & Co."

House bill (No. 289) "for the relief of Pine Grove Academy, of Louisiana."

House bill (No. 438) "for the relief of John Frazer, administrator of the estate of John G. Clendenin, deceased."

Also, that the Senate had passed joint resolution and bills of the following titles:

Senate resolution (No. 25) "for the relief of the legal representatives of Seth M. Leavenworth."

Senate bill (No. 468) "for the relief of David F. Douglass, late marshal of the northern district of California."

Senate bill (No. 182) "for the relief of Thomas Butler."

In which he was directed to ask the concurrence of the House.

MRS. VAN NESS.

Mr. STANTON, of Tennessee: I ask the unanimous consent of the House, and if it is not granted, I shall move to suspend the rules for that purpose, to take from the Speaker's table Senate bill (No. 445) "for the relief of Mrs. Magdalena Van Ness, widow of Cornelius P. Van Ness, deceased."

Mr. JONES, of Tennessee. We cannot take up that bill unless we go to the business upon the Speaker's table. I have no objection to proceeding to the business upon the Speaker's table.

Mr. STANTON. I move to suspend the rules for the purpose of taking it up.

The question was taken; and, upon division, there were—yeas 49, noes not counted.

So (two thirds not voting in favor thereof) the rules were not suspended.

RELATIONS WITH SPAIN.

Mr. SINGLETON. I ask the unanimous consent of the House to introduce the following resolution:

Resolved, That the President of the United States be requested, as far as in his judgment is compatible with the public interest, to communicate to this House whether the progress of negotiation with Spain has removed the necessity for provisional action by Congress, as indicated in his message of March 15, 1854; or whether he still thinks it advisable that measures should be taken to augment the Executive power, to protect and secure the national honor, rights, and interests.

Mr. PECK. I object.

Mr. SINGLETON. I move that the rules be suspended; and upon that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 56, nays 106; as follows:

YEAS—Messrs. Aiken, Willis Allen, Ashe, Barksdale, Barry, Boeck, Boyce, Breckinridge, Bridges, Brooks, Caskie, Chamberlain, Chastain, Churchwell, Clingan, Cobb, Colquitt, Craige, Curtis, Dowdell, Dunbar, Edmundson, John M. Elliott, Faulkner, Florence, Goode, Greenwood, Grey, Sampson W. Harris, Wiley P. Harris, Hibbard, Roland Jones, Keitt, Kidwell, Kittredge, Kurtz, Lilly, McMullin, Maxwell, Orr, John Perkins, Phillips, Powell, Seward, Shaw, Shower, Singleton, George W. Smyth, Frederick P. Stanton, Stratton, Andrew Stuart, Vail, Walbridge, Witte, Hendrick B. Wright, and Zollcoffer—56.

NAYS—Messrs. Abernombie, James C. Allen, Appleton, David J. Bailey, Ball, Banks, Belcher, Bennett, Benson, Campbell, Carpenter, Chandler, Chrisman, Clark, Cook, Corwin, Cox, Cullom, John G. Davis, Thomas Davis, Dick, Dickinson, Disney, Dunham, Eastman, Eddy, Edgerton, Edmunds, Thomas D. Eliot, Ellison, English, Farley, Flagler, Franklin, Fuller, Giddings, Goodrich, Aaron Harlan, Harrison, Hendricks, Henn, Hiestler, Hill, Howe, Hughes, Hunt, Ingersoll, Johnson, Daniel T. Jones, George W. Jones, Kerr, Knox, Latham, Lindley, Lindsley, McCulloch, Macdonald, Macy, Materson, Maurice, Mayall, Smith Miller, Millson, Morgan, Morrison, Murray, Nichols, Noble, Norton, Olds, Andrew Oliver, Parker, Peck, Peckham, Pennington, Bishop Perkins, Pratt, Preston, Pringle, Puryear, Reese, David Ritchie, Robbins, Russell, Sabin, Sapp, Shannon, Simmons, Skelton, Gerrit Smith, Hestor L. Stevens, John L. Taylor, Nathaniel G. Taylor, Thurston, Trout, Upham, Wade, Walley, Walsh, Ellihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Wheeler, and Yates—106.

So (two thirds not voting in favor thereof) the rules were not suspended.

REORGANIZATION OF THE ARMY.

Mr. FAULKNER. I ask the unanimous consent of the House to permit me to report back from the Committee on Military Affairs Senate bill (No. 119) "to regulate the pay and increase the efficiency of the Army of the United States, and for other purposes."

Mr. WALSH. I object.

Mr. HUNT. I move that the rules be suspended to enable the gentleman from Virginia [Mr. FAULKNER] to report back the bill, that it may be taken up. I hope that gentlemen on this side of the House will vote for the suspension of the rules.

Mr. FAULKNER. I call for the yeas and nays on the motion to suspend the rules.

The yeas and nays were ordered.

Mr. JONES, of Tennessee. Let the bill be read.

The bill was read *in extenso* by the Clerk.

The question was then taken; and there were yeas 106, nays 39; as follows:

YEAS—Messrs. Abernombie, Aiken, Willis Allen, Appleton, Ashe, David J. Bailey, Thomas A. Bayly, Banks, Barksdale, Belcher, Boeck, Boyce, Brooks, Carpenter, Caskie, Chamberlain, Chandler, Chastain, Chrisman, Churchwell, Clingan, Cobb, Colquitt, Cook, Corwin, Cox, Craige, Crocker, Curtis, Dick, Dickinson, Dunbar, Eddy, Edmunds, Thomas D. Eliot, Ellison, English, Ewing, Farley, Faulkner, Florence, Franklin, Goodrich, Grey, Grow, Sampson W. Harris, Wiley P. Harris, Harrison, Henn, Hiestler, Hill, Howe, Hughes, Hunt, Ingersoll, Roland Jones, Keitt, Kerr, Kidwell, Knox, Kurtz, Lamb, Lindley, Lindsley, McDougall, Maxwell, Smith Miller, Noble, Olds, Andrew Oliver, Mordecai Oliver, Peckham, Pennington, Bishop Perkins, Phillips, Powell, Pratt, Pringle, Puryear, Reese, David Ritchie, Rogers, Russell, Sabin, Shannon, Shower, Simmons, Singleton, Sollers, Frederick P. Stanton, Richard H. Stanton, David Stuart, John J. Taylor, John L. Taylor, Nathaniel G.

Taylor, Trout, Upham, Vail, Vansant, Walbridge, Walley, Walsh, Wells, John Wentworth, Westbrook, and Hendrick B. Wright—108.

NAYS.—Messrs. Ball, Bridges, Clark, John G. Davis, Thomas Davis, Dunham, Eastman, Flagler, Fuller, Giddings, Hendricks, Houston, Daniel T. Jones, George W. Jones, Kittredge, Letcher, McCulloch, McMullin, McQueen, Maurice, Morgan, Murray, Nichols, Norton, Parker, Phelps, Rufin, Sapp, Seward, Shaw, Skelton, Gerrit Smith, George W. Smyth, Stratton, Thurston, Wheeler, and Zollicoffer—37.

So (two thirds voting in favor thereof) the rules were suspended.

Mr. FAULKNER, from the Committee on Military Affairs, then reported the bill back, with sundry amendments, and with a recommendation that it do pass.

Mr. F. then said: Mr. Speaker, I am much gratified by the decision of the House. The condition of the Army demands the consideration of Congress, and I have now the assurance that its grievances, if not remedied, will at least be heard. All that I propose now to do, is to make a brief explanation of the leading provisions of the bill, reserving my right, under the rules of the House, to close the discussion, if I should deem it necessary to do so.

We propose to amend the bill as it passed the Senate by striking out the ninth section, which authorizes the appointment of sixty-two cadets—that is, two additional cadets from each State, to be appointed upon the recommendation of the respective Senators. We regard the provision as in conflict with the Constitution, which vests the appointing power in the President. But that difficulty might be obviated. We have not, however, been able to learn any satisfactory reason why the number of cadets should be increased at West Point. The institution is doing well, and is now popular. We are unwilling to adopt any step that may furnish material for opposition to it as now established. A conclusive reason with us for striking out that amendment is, that it is in conflict with one of the most valuable provisions of the bill itself. That bill opens to the rank and file the preferences and distinctions of the Army, as I shall hereafter more fully explain. By it the President is authorized, by and with the advice and consent of the Senate, to confer the brevet of second lieutenant upon the meritorious enlisted men of the Army, under certain regulations therein presented—which places them at once in the line of promotion—upon the footing of graduated cadets at West Point. They are to be attached as supernumary officers to the companies as graduated cadets now are awaiting a vacancy. To increase, therefore, the number of cadets, must to that extent interfere with the promotion of the meritorious non-commissioned officer.

I will now proceed briefly to explain the provisions of this bill as they have been retained, and as they have been recommended, by the Committee on Military Affairs, to the adoption of this House.

The first section of the bill proposes to increase the pay of the Army, from the private inclusive, to the major general. The present pay of a private of infantry is seven dollars per month; we propose to increase it to ten dollars per month. The largest percentage of increase is upon the pay of the private soldier. There is a gradual decrease of that percentage as you ascend to the higher officers—perhaps not exact and uniform on the scale of decrease; for one of the great objects of this bill is to regulate, upon just and proper principles, the relative pay of each officer and enlisted man, and to correct some gross relative inequalities that exist under the present system.

I am well aware that there exists upon the part of many gentlemen of this body an earnest opposition to an increase of the pay of the commissioned officers. Of this fact I cannot be ignorant, for it has already been loudly proclaimed on this floor. All that I propose to say at this time on that branch of the subject is, that after the fullest consideration which the committee has been able to give to the subject, we believe the pay of most of the commissioned officers of the Army to be inadequate—some of them grossly inadequate—and that in the present schedule of increase, as set forth in the bill, we have sought as earnestly as possible to establish a just and proper position and relative compensation from the highest to the lowest officer of the Army. The scheme, if erroneous, is in the power of this House, to whose judgment and discretion it is now submitted.

But, sir, whatever may be the diversity of opinion as to the propriety of increasing the pay of the commissioned officers, there should and can be none as to the enlisted men. It is a point upon which we need not speculate; the fact proclaims itself in your thinned and dilapidated Army. You cannot obtain recruits—men will not enlist at the compensation now provided by law. There is, therefore, no alternative before us but to disband the Army, close up our recruiting service, surrender our frontier settlements to the horrors of Indian depredation and cruelty, or to provide such inducements as will fill the ranks of the Army.

It may suit the continental nations of Europe, where the rights of personal liberty are but imperfectly recognized, to resort to the system of conscription and levies in raising those standing armies which have now become, as it were, the fundamental principle of government among them, but in this country, and in England, there is but one mode in which an army can be raised, and that is by voluntary enlistment. Men must be as free to accept or reject the bounty for military service as to accept or reject employment in any other branch of business, or we cease to be a free people. Such being the character of our Government and its institutions, if we want an army, we must resort to that sound and universally-acknowledged principle, that whenever men are wanted for any occupation in society, they can only be had by holding out to them a suitable encouragement to perform the same. I know of no countries on earth where the system of voluntary enlistment could be successfully resorted to but England and the United States. It is a remarkable fact, that notwithstanding the military spirit of the French people, the voluntary recruiting before the year 1792 only averaged sixteen thousand men a year, of whom Paris alone furnished one third, and yet that was at a period when wealth was less general in that country than it is at the present day. Since 1815, voluntary enlistment averages about five thousand a year, besides about four thousand who reenlist, and almost always choose the infantry or light cavalry. In this country, until October, 1852, we had averaged each year about four thousand recruits, an adequate supply under our existing military establishment; but since October, 1852, the number of recruits has been rapidly decreasing each year. The whole number of enlisted men from the 1st of October, 1852, to 1st of October, 1853, was but two thousand eight hundred and sixty-three, it being one thousand three hundred and eleven less than the year 1850-'51, and one thousand seven hundred and three less than for the year 1851-'52, and this notwithstanding an increased force of recruiting officers. So that we are informed by the Secretary of War, in his report to the President at the commencement of Congress, that four thousand six hundred recruits would be required for the ensuing year, to fill our Army to its proper legal strength, small as that legal strength is.

I hold in my hand a letter from the Adjutant General, bearing date the 5th of July, 1854, in which, in reply to my inquiries as to the condition of the recruiting service since the date of his last annual report in November, he says;

"Since the report of the Adjutant General of November 20, 1853, there has been no material improvement in the recruiting service; and the same difficulty in obtaining men exists now, as heretofore, during the last few years. Some months since the Secretary of War authorized the payment of a premium of two dollars, at the principal rendezvous, for every accepted recruit furnished, yet even this appears to have produced no sensible effect. Officers have been placed at all points where there is a chance of procuring recruits, and it is known that every effort has been made, but it has been found impossible to meet the wants of the Army."

"As illustrative of the embarrassment of the service in this particular, I will mention that, notwithstanding the most strenuous exertions to keep the companies full in the departments of New Mexico and Texas, where, from the character of our Indian relations, troops are most needed, yet in the latter department—although containing within its limits rather less than a third of the Army—upwards of two thousand recruits are required, of which number, probably, it will not be practicable to supply by autumn more than three hundred. There seems to be no remedy for this state of affairs but an increased compensation to the soldier, and greater incentives to enlistments and reenlistments. Without some improvement, the number of enlistments made will not fill the vacancies caused by the ordinary casualties by deaths, discharges, and desertions."

It is manifest, therefore, that unless we desire to see our Army perish and waste away under the influence of desertions and expiration of periods

of enlistment; unless we mean to fold our arms, neglect our national obligations, and surrender our emigrants to the tomahawk and scalping knife of the Indian, we must review our system, and make such changes as will adapt it to the exigencies of the times.

Perhaps some gentlemen may think that our Indian population is very harmless and pacific, and that there is no urgent, pressing necessity for the distribution of well appointed forces in our western Territories. A brief review of the condition of our Indian population—increased under our recent territorial acquisitions to four hundred thousand souls—would promptly dispel such an error. I shall not at this time consume the time of this House by going into that review, but I will ask the Clerk to read some well authenticated statements which I have taken from the recent morning papers, and which coincides with all the official information which we have from New Mexico. The Clerk then read as follows:

"OUR INDIAN AFFAIRS.—SAD CONDITION OF THINGS.—At no period since the organization of this Territory has it been so sorely stricken, and so completely at the mercy of the Indians, as at this time. It appears as though all the Indians of the Great West had combined to overrun and destroy us. Within the last fortnight, the county of San Miguel has been sadly dealt with by a band of Cheyennes and Kiowas from the plains near the Arkansas river. They made a descent upon that defenseless frontier, murdered twenty herdsman, carried off ten shepherd boys captive, and drove off a large number of horses and mules, and, in the wantonness of their acts, they strewed the valley with the dead carcasses of cattle and sheep. In the southern part of the Territory, the Mesqueros are in full blast, and almost daily robbing our citizens of their sheep and cattle, on their way to California. Many of the emigrant parties have suffered severely from murder and robbery."

"The Camanches seem to have turned their attention particularly to the northern part of Mexico, where they fairly run riot in their devastations. They have murdered as many as twenty citizens in a single day, and seem to set at defiance all attempts to stop their incursions. The Jicarillas are almost lost sight of in the hostilities of the other tribes; they appear to be almost entirely subdued. The Navajos, the most powerful tribe in the country, have also commenced depredations. Seven of them ran off eight hundred sheep, but Agent Dodge has procured the return of one hundred, and hopes to be able to restore the balance."

"An express has been sent to General Garland, now at El Paso, urging his immediate return to headquarters, where his presence is much needed. The acting Governor, Hon. William S. Messervy, has very properly ordered out a portion of the militia to repel the invasion of San Miguel county, in addition to those ordered out to defend the county of Rio Arriba."

"Colonel Cook has ordered two companies of dragoons to pursue the Cheyennes and Kiowas, who are now devastating the frontier of San Miguel county."

"Under the circumstances, it becomes the duty of every man to hold himself in readiness to answer the call of the acting governor to take up arms. In the two counties of Rio Arriba and San Miguel, where the call has already been made, we hope the citizens will respond promptly, and turn out to a man to defend their homes and property. If we do not want a general Indian war, we must act vigorously, and put down the tribes that have already risen.—*Santa Fe Gazette*, May 29.

"FROM NEW MEXICO.—General Garland received, while at El Paso, a dispatch from Santa Fe, stating that a number of very serious depredations had been committed by the Indians in the neighborhood of Acon Chico, and in other portions of the Territory of New Mexico. Secretary Messervy had made a call, in the absence of Governor Merrivether, for four hundred volunteers. In consequence of this General Garland and staff left El Paso direct for Santa Fe, with a view of superintending the movements of the troops in the above named quarter."

"A letter from W. W. H. Davis, Esq., editor of the *Santa Fe Gazette*, dated May 29, says:

"I reached home from the lower country Friday, the 25th instant, safe and sound. We have no news here but that which relates to the Indians and the war. Hostilities still continue. Within a few days the Kiowas, Cheyennes, and Arapahoes have opened the ball and commenced hostilities on our frontiers. It is said the tribes soon are to have a general junta, in order to combine against the whites. The Governor has called out the militia, and four hundred of them are now embodied, and some already in the field. I fear we will have a general Indian war."

"No further intelligence has been received from the expedition under the command of Colonel Cook, who was lately sent out in pursuit of the Jicarillas."—*National Intelligence*.

Mr. FAULKNER. This bill proposes to encourage the recruiting service of the country,

1. By increasing the pay of the enlisted soldier—a private of infantry from seven to ten dollars, a private of dragoons from eight to eleven dollars, and so on, according to the plan exhibited in the bill. The judgment of every gentleman in the House will teach him that the present pay is wholly inadequate, and the fact sufficiently proclaims itself in the results of the recruiting service. I believe, with the other inducements embraced in the bill, the proposed pay will be sufficient. I know it is below the wages of agricultural labor, and greatly below the wages of men-

chanical labor. But all experience has shown that a soldier may be enlisted for a sum less per month than the ordinary and usual wages of labor in civil life, if not too far below that point. This may be accounted for by the attractions which a soldier's life present to many persons, the absence of domestic care, and the imposing spectacle of military parades and evolutions, and the martial music by which they are accompanied. Or it may be that, in every country, there must be some occupation which is the common sewer of unemployed labor, and that the Army is that occupation. Be the precise cause what it may, the fact is as I state; and ten dollars a month, although below the wages of the lowest order of civil labor, will, it is believed, with the other provisions of the bill, be a compensation sufficient to fill the ranks of the Army.

2. Encouragement is given to reenlistment by the additional pay of two dollars per month. The experience of the service has abundantly shown that this is a provision that looks both to economy and efficiency. One experienced soldier, both in an economical and military sense, is worth a half a dozen raw recruits. A large proportion of desertions, disabilities, and deaths occur in the first year of their enlistment. With the expansion of our territory, the cost of sending recruits to our distant frontiers is greatly increased; and it is estimated by the Secretary of War that the expenses of the enlistment, transportation, subsistence, loss by desertion, death, and disability, will average ninety-one dollars for each man enlisted under the present system. And if this be added to the pay, clothing, medical attendance, &c., of the recruit, from his enlistment until he joins his company, the actual cost of each man, from his enlistment until the period when his actual service commences, will be \$121. This expense we propose to save, by a moderate bounty, to ensure reenlistment, besides the advantages of an experienced and well disciplined soldier.

3. We propose to encourage enlistment, and to attract a better class of recruits, by opening to meritorious non-commissioned officers the chances of reaching the honors and preferments of the Army. In looking over the Army Register—in the list of nine hundred and sixty-four commissioned officers—I find the names of but nineteen who were promoted from the ranks. This under some special acts of Congress passed during the war of 1812, and the late Mexican war. We propose to make that a permanent feature in our system, so that if there be a youth of courage and enterprise, who lacks the necessary influence to procure for himself a cadetship at West Point, let him enter the enlisted corps of your Army, and by his own gallant conduct and with his own good sword cut his way to the highest preferments of the Army. I am happy to say that this feature in the bill has met the hearty approval of every Army officer to whom I have mentioned it; and I am sure it cannot fail to attract the favorable consideration of this House.

Mr. TAYLOR, of Ohio. I wish to propound a question to the gentleman from Virginia, if he will give way for a moment.

Mr. FAULKNER. Certainly.

Mr. TAYLOR. I am very desirous, Mr. Speaker, to vote for this bill, if I see the necessity of doing so. And that I may know whether there is such a necessity, I desire my friend from Virginia, who is now the chairman of the Committee on Military Affairs, in the absence of the gentleman from Illinois, [Mr. BISSELL,] to state what is the aggregate force of the Army now allowed by law? How many men are now employed in the Army of this country? And what is the opinion of the Committee on Military Affairs as to whether this bill will enable us to fill up the numbers to the necessary amount?

Mr. FAULKNER. I will answer the gentleman from Ohio with pleasure. As they are now posted, the authorized strength of the Army is thirteen thousand eight hundred and twenty-one; but the actual number is less by three thousand three hundred and twenty-six, making the present actual strength of the Army, according to the returns last fall, something upwards of ten thousand. Of this force, about eight thousand are distributed through New Mexico, California, Texas, Washington, and Oregon, and the routes to these Territories, and the residue upon our Canada line, Atlantic and Mexican coasts.

Mr. TAYLOR, of Ohio, (interrupting.) My friend from Virginia does not apprehend my question. I want to know how many men are now in the field?

Mr. FAULKNER. I cannot give to the gentleman any reliable information of later date than the official returns of last fall. At that time, the total of enlisted men, as reported, was nine thousand and two hundred and thirty-four. Now, when he is informed that the vacancies in our Army, from discharges by expiration of enlistment, from disability, from death and desertion, amount annually to about three thousand eight hundred, he can form some idea of the wretched skeleton our Army will soon present, if some effectual steps are not taken to encourage enlistment. We were told in December that we should want four thousand six hundred recruits to bring our Army up to its full legal organization; and the question is, where are they to come from, unless your system is changed?

Mr. HENDRICKS. I desire to ask the gentleman one question. He says that to fill the ranks of the Army requires four thousand six hundred men. How many of those are officers? How many commissioned officers are wanted in the Army whose compensation you must raise in order to secure their services?

Mr. FAULKNER. Not one out of the four thousand six hundred are commissioned officers I speak of. We want that number of enlisted men for the Army. They are required to raise the Army to its legal strength, and to meet the pressing exigencies of the country.

Mr. HENDRICKS. If I understand the gentleman correctly, it is necessary to raise the pay of the men, in order to secure their enlistment. I ask if it is necessary to raise the pay of the commissioned officers in order to secure their services?

Mr. HUNT. I hope the gentleman will be allowed to proceed in order.

Mr. HENDRICKS. I have been listening with great pleasure to the remarks of the gentleman; but I wanted to know the facts, and for that purpose I interrupted him. And it was not out of order to do so, as the gentleman yielded me the floor for that purpose.

Mr. FAULKNER. The gentleman from Indiana well knows that the rule upon which we are acting in regulating the pay of the officers and privates must necessarily be different. It is so in the very nature of things. We propose to increase the pay of the soldier up to that point that will enable us to purchase his temporary service—service which we have not now. In regulating the pay of the officers of the Army, a distinct inquiry is presented, and it is what is a just and proper compensation, according to their respective grades and responsibilities, of men who have dedicated their lives to the service of the country? I am well aware that there is a difference of opinion, in this Hall and elsewhere, upon the points presented in that gentleman's interrogatory. Some think the increase of pay ought not to be extended beyond the enlisted men; others think that captains and lieutenants should, by all means, be embraced in any increase of pay. But, as I have already said, the Committee on Military Affairs, whose organ I am, upon this occasion, think the pay should be increased throughout every grade of the Army, according to the plan set forth in the bill. It will be for the House to determine between us.

Sir, the compensation of an officer may seem, at first view, to be a reasonable compensation to those who are not familiar with the sacrifices and exposures to which he is subject; but when it is recollected that he is subject to constant changes of residence by the order of his Government—that many of the officers are stationed on our western and Pacific frontiers, where provisions and every necessary and comfort of life brings extravagant prices—that his pay from Government constitutes all that he can properly or honorably earn—it is only matter of surprise that men of talent and enterprise seek or continue in the Army. It cannot be the pay—it is the prospective rewards of fame, and a generous ambition and love of their profession, that can alone account for their clinging to the service with such inadequate compensation as is now provided for the junior officers of the Army.

Mr. Speaker, the last important feature of the bill, and to which I was about adverting when interrupted, is that which proposes to extend to

the Army the pension laws which are now in force for the benefit of the Navy. It is difficult to see any reason for the discrimination which has existed between these kindred branches of the public service. And such a provision is now especially needed to encourage the necessary enlistments for that branch of the public service.

I have thus, sir, briefly explained the leading provisions of the bill, which is all that I designed when I rose; and I accordingly yield the floor to some of the several gentlemen around me who seem to be exceedingly anxious to assail it in part, if not in whole.

Mr. GROW. I have but a few words to say upon this bill. Having voted to suspend the rules for its introduction, I desire to make a brief explanation of the reasons that controlled that vote. The tendency in this country—and those who have served in this House for the last few years cannot help but notice it—is to increase the salaries of all officers, military and civil. That a fair and reasonable compensation should be paid to the employees in every department of the Government for their services there can be no objection; but what reason can there be for increasing the highest rate of service as at present paid, either military or civil? Sir, in the Departments, the heads of bureaus, and those occupying the highest positions, receive a respectable and sufficient compensation, while it may be true that of the lower grade of service is not sufficiently paid, in consideration of the expense of living here at the present time. The clerks who received, under the classification bill of last year, \$900, worked at their desks, many, if not all of them, more hours per day than others who perform a less amount of service, and receive \$1,600 or \$1,800. But still when it was proposed to increase the lowest rates of pay, it was claimed that you must also increase the highest, in order to keep up the relative grade.

I am opposed to increasing the salaries of the higher grade, now paid to the employees of the Government, civil or military. The pay of your Major General is now \$200 per month, besides the pay for rations and other allowances that I believe amount to about an equal sum. Now, sir, is not \$200 a month, with about an equal amount for expenses, a sufficient compensation for this officer? The exact amount for rations, forage, &c., that an officer in the Army receives, I am not sufficiently informed on military matters to compute, but I believe those of a Major General amount to as much or more than this pay proper. What propriety is there in increasing his pay? Is not \$200 per month sufficient?

Mr. BRIDGES. I will inquire of my colleague whether the pay of a Major General does not now amount to \$4,000 per year?

Mr. GROW. As I have already stated, I am not acquainted with the precise number of rations, &c., allowed officers, nor the rate at which they are reckoned. At \$200 per month, this officer receives \$2,400 annually, which is about one half of what my colleague says he really receives. If my colleague be right, then the officers receive in fact nearly double the pay, as stated in the Blue Book.

Now, what propriety is there in the Government becoming a gratuitous pensioner of men, because they choose to serve their country in the Army or Navy, rather than in its civil departments? The Government should pay a fair compensation for their services, and no more, even though they are officers. Those who go forth under their command, like them, to bare their bosoms in defense and protection of the country, ought also to receive a fair compensation, and no more; but it should be in some proportion to the pay of the officer, and at least as much as the individual could command in the ordinary business pursuits of life.

There is no doubt but that the pay of the common soldier and the lower grade of officers in the Army ought to be increased; for in agriculture, or any other branch of industry, where there is no risk of life or limb, save the ordinary casualties of life, and where, too, no skill is required, they can command from twelve to sixteen dollars per month. And in the service of his country the soldier should receive as great a compensation as his services would command in any other branch of industry, and no more. Because for the additional risk he incurs on the battle-field, the Government guarantees, in case he falls in its service,

that his widow shall be provided for at the public expense. Therefore a compensation should be paid to your men in the Army and Navy equal to the compensation that they would receive in the ordinary avocations of life.

But what is the reason urged for the increase of the higher grade of officers' pay? That is not necessary, I take it, in order to provide the Army with officers. There can be no such necessity, I presume, for the proposed increase. The only reason urged for the increase of the pay of the soldiers, is to enable the Government to fill up the rank and file of the Army. Let that be done, in order that the service of the country may be furnished with the proper quota of men. But I have not yet heard of any difficulty in obtaining competent persons to fill offices, either in military or civil life. There has been no trouble in filling the civil offices under the Government on account of the salary. Nor has there been any difficulty so far in the history of the country to find officers to command your soldiers in peace or war? Then there is no reason for this enormous increase of the pay on that account. It is an unreasonable demand on the tax-payer of the country, and is unjust to the rank and file of the Army. Why should you increase the soldier's pay only three dollars per month, and that of the officer sixty-five dollars?

While there is a general tendency to increase the salaries of officers, it becomes this House to guard well their appropriations for such purposes. It becomes them to scrutinize well all the bills of this character that are proposed for their action. Sir, I have but little faith in bills prepared in your bureaux providing for the efficiency of your Army and Navy and the increase of pay among their officers and men, so far as their relative pay is concerned. Those bureaux, both Army and Navy, are controlled in their recommendations by old officers—men who have been schooled in one particular discipline, and who have been taught, almost from childhood, to revere rank and reverence the plume, disregarding the merits and services of the more obscure. They have always asked an increase of pay for the officers, to the neglect of the subalterns. You will find, whenever a proposition has come up here for the reorganization of the Navy, and an increase of pay for those in the service, that the commodores and captains are always specially to be provided for. It seems, in this Army bill, that the old officers of the Army must take care of their own class, and an increase of pay is provided for them to the disregard of the rights and interests of the private in the ranks.

This has been the general tendency of things since I have had the honor of a seat upon this floor. Propositions of this character always come from the old class of officers—men who are bound up with their own class; and it is for them, their interests and rights, that they labor, not looking so closely to the interest of those whom work has made inferiors. The gentleman from Virginia [Mr. FAULKNER] no doubt thinks that the increase he desires is all proper, and he has, undoubtedly the sanction and approval of the officers in and about the Departments. They propose to increase the pay of your private in the ranks three dollars a month, and the pay of your general sixty-five dollars a month. Why this discrimination? Should not the services of the soldier, who gives to his country his whole time, and who risks his life and braves danger the same on the battle-field, and whose services secure the triumph that adds glory to the officer, be rewarded by a compensation something proportionate to that awarded to his general?

Mr. PECKHAM. Will the gentleman from Pennsylvania allow me to ask him a question? I would ask him why there should be any difference in the pay at all?

A VOICE. Why have any pay at all? Let them serve for nothing.

Mr. GROW. I ask no man to serve me, or serve his country, without a fair compensation for his labor. Would you grant a bounty to a man, out of the public Treasury, who occupies a position of honor and glory because of his position, over and above all reasonable compensation for his services? While he is occupying a position of honor and of trust, let him be paid some additional compensation for the duties of that position. I make no objection to differences of pay, for

there are differences of responsibility in your Army. If a man has additional duties devolved upon him, requiring greater responsibility, he should be compensated to that extent. But I do object to the distinctions made in this bill, for the compensation proposed for the higher grades is unreasonable for the service rendered.

Mr. PHILLIPS. I ask the gentleman from Pennsylvania, if by this bill the compensation of the private soldier is not increased in a greater ratio than the compensation of the officer?

Mr. GROW. But then comes the question, was the compensation right before? I do not know whether it is so or not. The compensation of the private soldier now is seven dollars per month. This bill proposes to increase it to ten dollars. The compensation of the Major General now is \$200 per month. It is proposed to increase it to \$265. I care not whether the proportion of increase is the same or not. The question comes back again, "Was the pay right before?" For we are acting not on precedent, nor are we bound by its authority. We are acting on principles which we believe fair, just, and right; and not upon the authority of what has been done heretofore, when the world looked upon the wearer of the helmet and the waving plume as the great savior of mankind. Times have changed; and men's opinions of the relative worth of chieftain and citizen have changed also. Now "peace hath her victories no less renowned than those of war." The world's greatest heroes are no longer plumed warriors.

Why is it still insisted that the General must be paid so large a compensation? The notion has come down to us from ancient days, that the man holding a position of high honor must be furnished with the means of ostentatious display, and that, therefore, he must be paid by the Government a large compensation. The idea has come down to us from olden times that "the royal family" is to be provided for at the public expense. Whoever, then, is high in the State must be paid an enormous salary, to support him in idleness and extravagance. And hence have come grades in labor, and distinctions in society, based not on moral and intellectual worth, but on accidental rank, and factitious inequalities. Because the pay of officer and soldier was once fixed at a particular rate, must it therefore always continue in the same ratio? Because your soldier has been poorly paid heretofore, and your General well paid, is that any reason why we should always continue the disproportion? I care not what the relative pay has been heretofore, or what the relative increase proposed by this bill is. The question is, is ten dollars per month for a private soldier in the ranks a fair compensation for his services, when the General who commands is paid \$265 per month, in addition to large extra allowance for rations?

Mr. TAYLOR, of Ohio, (interrupting.) I wish to ask the gentleman from Pennsylvania [Mr. GROW] a question, if he will give way to me a moment.

Mr. GROW. Certainly.

Mr. TAYLOR. I should like the gentleman to state what would be a fair proportion between the pay of the private soldier and that of the Major General. It is very easy to complain of the proposition of the Committee on Military Affairs; but what proportion does he think should exist between the grades?

Mr. GROW. I will state what my opinion is, and what my action will be on this bill. I will not vote to increase the pay of any officer who receives now forty dollars or upwards per month. I will vote to increase the pay of men who receive less than that sum, because I believe that in almost any other business in life they could command larger compensation than is now paid them in the Army. But the pay of the General is now as large as he could command in any other pursuit, with the advantage that it is a life office. There is no, or scarcely any, civil service in this country where he would receive \$400 per month for his services. I believe that the pay of all grades that is fixed above forty dollars per month is sufficiently large now. So believing, I shall vote against all increase of pay for officers who receive that amount or more.

I have but a word further to say, and then I will yield to others and trespass no longer on the patience of the House. I propose to offer an

amendment to this bill, by striking out all after the fourth line to the letter "a" in the fourteenth line—which provides for the increase of pay to all officers above sergeant major, so the section will provide only for the increase of soldiers and officers under that rank.

Mr. TAYLOR, of Ohio. Is the bill open to amendment now?

The SPEAKER. The Chair would inquire of the gentleman from Virginia, if he reports this bill back to the House without amendment?

Mr. FAULKNER. No, sir, the committee recommend two amendments.

The SPEAKER. Then the amendment proposed by the gentleman from Pennsylvania will be in order.

Mr. GROW. I propose further to amend by striking out of this bill all after and including the word "provided" in the twenty-sixth line, with the exception of the eighth section.

The SPEAKER. The gentleman must propose one amendment at a time.

Mr. GROW. What does the Chair decide in regard to my amendment?

The SPEAKER. It will be in order at its proper place. The bill will be read for amendment, and when the proper place is reached, the gentleman may submit it in order.

Mr. GROW. The remarks I have made were in explanation of my vote to suspend the rules for the purpose of giving this measure opportunity for consideration in the House.

ENROLLED BILLS.

Mr. GREEN, from the Committee on Enrolled Bills, reported as correctly enrolled the following Senate bills; which thereupon received the signature of the Speaker:

An act confirming a certain land claim in Louisiana, known as the Fleurian claim.

An act for the relief of John S. Wilson.

An act to ascertain and adjust the titles to certain lands in the State of Indiana.

An act to incorporate the proprietors of the Glenwood Cemetery.

An act for the relief of Ira Baldwin.

An act for the relief of James M. Goggin.

An act for the relief of the legal representatives of the late Thomas Chapman, formerly collector of the port of Georgetown, South Carolina.

An act authorizing a patent to be issued to Peter Poncin for certain lands therein described.

An act for the relief of Conrad Wheat, jr., or his legal representatives.

An act for the relief of Richard King.

An act for the relief of William Senna Factor.

An act for the relief of Richard M. Bouton, George Wright, and the widow of Marvin W. Fisher.

An act for the relief of Passed Midshipmen George P. Welsh and Clark H. Wells.

An act for the relief of the widows and orphans of the officers and seamen of the United States schooner Grampus, who were lost in that vessel, in March, 1843, near the coast of the United States.

An act for the relief of Andrew J. Deckerhoff.

An act for the relief of Lavinia Taylor.

An act for the relief of Thomas S. Russell.

An act for the relief of A. G. Bennett.

An act for the relief of the representatives of Joseph Watson, deceased.

An act for the relief of Samuel H. Hempstead.

An act for the relief of John W. Kelly.

An act for the relief of Sylvester T. Jerauld, assignee of the interest of Henry Richard.

An act for the relief of Thomas D. Jennings.

An act for the relief of Joseph Campau.

An act for the relief of Manuel Hernandez.

An act for the relief of Mrs. Sally T. B. Cochran, widow of the late Lieutenant R. E. Cochran, United States Army.

An act for the relief of William Claude Jones.

An act for the relief of Rebecca Freeman.

An act for the relief of James Wormsley.

An act for the relief of Mary Carlton.

An act for the relief of Sarah Crandall.

An act for the relief of Joseph Gonder, jr., and John Duff.

An act for the relief of William Miller.

An act for the relief of the legal representatives of Samuel Prioleau, deceased.

An act for the relief of William Harris, of Georgia.

An act for the relief of James Edwards and others.

An act for the relief of Thomas Snodgrass.

An act for the relief of the executrix of the late Brevet Colonel A. C. W. Fanning, of the United States Army.

Mr. PHELPS then obtained the floor, but yielded it to

Mr. PECKHAM, who moved that the House adjourn.

The motion was agreed to; and thereupon the House (at three o'clock and twenty minutes p. m.) adjourned until to-morrow at eleven o'clock, a. m.

IN SENATE.

WEDNESDAY, July 26, 1854.

Prayer by Rev. HENRY SLIGER.

Mr. BADGER. I hope, at this period of the session, there will be no objection, as it is usually done when we are hard pressed for time, to omit the reading of the Journal. I move that that be done.

There being no objection, it was so ordered.

DAVID F. DOUGLASS.

Mr. BRODHEAD. The Committee on Claims, to whom was referred the bill for the relief of David F. Douglass, late marshal of the northern district of California, have instructed me to report back the bill without amendment, and to recommend its passage. It is a meritorious case which is recommended by Mr. Whittlesey. I also present a report in the case, which I ask may be printed.

The report was ordered to be printed.

Mr. GWIN. I hope the bill will be passed now. Its object is to enable the settlement of the accounts of the late marshal for the northern district of California. Mr. Whittlesey, the Comptroller, has sent it here, and asked for its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to direct the accounting officers, in the settlement of Mr. Douglass's accounts, to allow such charges as he paid the bailiffs and criers of the district court, certified by Judge Hoffman, who held the court, to be necessary, reasonable, and proper, and as low as competent persons could be obtained to perform such offices.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

FORTIFICATION BILL.

The bill from the House of Representatives, making appropriations for fortifications and other works of defense, and for repairs of barracks and quarters, for the year ending the 30th of June, 1855, was read twice by its title, and referred to the Committee on Finance.

GEORGE MATTINGLY.

The private bills heretofore received from the House of Representatives were read, and appropriately referred, as stated below. When the bill for the relief of George Mattingly was announced,

Mr. BADGER said: I should be very glad if the Senate would dispose of that bill immediately. It is one about which there can be no question.

The Senate, by unanimous consent, proceeded to consider the bill as in Committee of the Whole.

It proposes to authorize the Commissioner of Public Buildings to convey to George Mattingly and his heirs, all the right, title, and interest of the United States in and to square numbered four hundred and ninety-five, of the plot of the city of Washington, if he or they shall first produce to the Commissioner a certificate of the Secretary of the Treasury that he paid to him for the United States the sum of \$387 11, with interest thereon from July 26, 1844.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

PINE GROVE ACADEMY.

When the bill for the relief of the Pine Grove Academy, in the State of Louisiana, was announced,

Mr. SLIDELL said: The Committee on Private Land Claims of the Senate have reported a bill in precisely the same terms as this one; and there can be no doubt that the Senate would have passed it if it had been reached in regular order. I ask, therefore, that this bill may now be considered without a reference.

There being no objection, the Senate proceeded, as in Committee of the Whole, to consider the bill.

It proposes to confirm the title of the president, directors, and trustees of the Pine Grove Academy, in the parish of Caldwell, Louisiana, in their title to a lot of forty acres on which the academy is situated, which was donated by some of the claimants under the Maison Rouge grant. It also proposes to confirm them in their title to another tract of land in the same parish, of about one mile front on the west bank of the Ouachita river, known as lot 23, in plat No. 1, in the Maison Rouge grant, surveyed by John Dinsmore, a deputy surveyor of the United States, containing about four thousand acres, donated to them by Daniel W. Cox, one of the claimants of the grant in 1839, with a proviso that the act shall operate only as a relinquishment of title on the part of the United States, and shall not interfere with the rights of settlers on the land.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

FRAZER AND CLENDENIN

When the bill for the relief of John Frazer, the administrator of the estate of John G. Clendenin, came up—

Mr. PETTIT. I ask for the consideration of that bill now. It is a matter with which I am familiar, and there is no doubt that if it were referred, the Committee on Private Land Claims would recommend its passage.

The Senate, by unanimous consent, proceeded to consider the bill. It proposes to reimburse to the parties the amount expended by them for the purchase of a certain tract in Indiana, together with interest thereon, and also their expenses in defending their title to the land, with interest on that sum; but before any payment shall be made, the accounting officer is to be satisfied by proof as to the amount expended by them in purchasing the tract and prosecuting their title to it, and that no more shall be allowed than the United States received for the land, with interest on that sum, and that no more than seventy-five dollars shall be allowed for their expenses in defending their title.

Mr. CASS. I do not like to object to this bill; but I really prefer that it should be referred to the proper committee.

Mr. PETTIT. This is a matter with which I am perfectly familiar. If it be referred at all, it will be to my committee, and I know it will be favorably reported on. It is now before the Senate, and might as well be acted on at this time.

Mr. CASS. I do not doubt the merits of the case; but I think we ought to have a report. I withdraw my objection, however, to oblige the Senator from Indiana.

Mr. HUNTER. After this is disposed of I shall object to considering any more of these bills now. It is time that we were getting to the appropriation bills.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read a first and second time by their titles, and referred to committees, as annexed:

A bill for the relief of W. D. Porter, of the United States Navy—Committee on Foreign Relations.

A bill for the relief of Daniel Bedinger's heirs—Committee on Revolutionary Claims.

A bill for the relief of Brigadier General John E. Wool—Committee on Claims.

A bill for the relief of J. C. Buckles, of Louisville, Kentucky—Committee on the Post Office and Post Roads.

A bill for the relief of James S. Graham and Walter H. Finnall—Committee on the Post Office and Post Roads.

A bill for the relief of William A. Duer, John Duer, and Beverly Robinson, trustees of the estate of Sarah Alexander, widow of Major General William Alexander, commonly known as Lord Sterling—Committee on Revolutionary Claims.

A bill for the relief of the legal representatives of John Rice Jones—Committee on Private Land Claims.

A bill for the relief of Robert F. McGuire and Louisa, his wife, late Louisa Lamy—Committee on Private Land Claims.

A bill for the relief of Lieutenant George H. Paige, of the United States Army—Committee on Military Affairs.

A joint resolution for the relief of Captain J. H. Lendrum, of the United States Army—Committee on Military Affairs.

A bill to provide a pension for Oliver Brown, of Chemung county, New York—Committee on Pensions.

A bill to provide a pension for Edmund Mitchell, of Carroll county, in the State of Kentucky—Committee on Pensions.

A bill for the relief of James Butler—Committee on Pensions.

A bill for the relief of John H. Hicks, of Indiana—Committee on Pensions.

A bill for the relief of John Brown, second, of New Hampshire—Committee on Pensions.

A bill for the relief of Mrs. Anne W. Angus, widow of the late Captain Angus, United States Army—Committee on Pensions.

A bill for the relief of Betsey Nash—Committee on Pensions.

A bill for the relief of Thomas Ellis—Committee on Pensions.

A bill for the relief of Charlotte S. Westcott—Committee on Pensions.

A bill for the relief of Thomas Bronaugh—Committee on Pensions.

A bill for the relief of Anna E. Cook—Committee on Pensions.

A bill for the relief of Abraham Ausman—Committee on Pensions.

A bill for the relief of Titian R. Peale—Committee on the Library.

A bill for the relief of Sylvester Humphrey, and the heirs of Alexander Humphrey, deceased—Committee on Claims.

A bill for the relief of Jacob McLellan—Committee on Commerce.

A bill for the relief of Charles I. Davis, administrator of Captain John Davis, an officer in the war of the Revolution—Committee on Revolutionary Claims.

A bill for the relief of Charles H. Wilgus—Committee on Military Affairs.

A joint resolution for the settlement of the claim of Don Juan Jesus Vigil, of New Mexico—Committee on Military Affairs.

A bill for the relief of the legal representatives of Everard Meade—Committee on Revolutionary Claims.

A bill for the relief of the heirs of Larkin Smith—Committee on Revolutionary Claims.

A bill for the relief of Nathaniel Reddick, administrator of Richard Taylor, deceased—Committee on Revolutionary Claims.

A bill for the relief of John McVey and John F. McNeely, of Louisiana—Committee on Private Land Claims.

A bill for the relief of William Curran—Committee on Private Land Claims.

A bill for the relief of Enoch S. More—Committee on Private Land Claims.

A bill for the relief of Patrick Gass—Committee on Private Land Claims.

A bill for the relief of Rosalie Caxillo—Committee on Private Land Claims.

A bill for the relief of William Hankins—Committee on Military Affairs.

A bill for the relief of A. S. Laughery—Committee on Private Land Claims.

A bill for the relief of William J. McElhiny, E. P. Mathews, and Lawrence Cribben—Committee on Private Land Claims.

A bill for the relief of township forty-five, range one, in Warren county, Missouri—Committee on Private Land Claims.

A bill for the relief of the legal representatives of Lieutenant Francis Ware—Committee on Revolutionary Claims.

A bill for the relief of James Capen—Committee on Revolutionary Claims.

A bill for the relief of Thomas Ap Catesby Jones, surety for a former postmaster at Norfolk, Virginia—Committee on the Judiciary.

A bill for the relief of James Wright, jr., of the State of Tennessee—Committee on Pensions.

A bill for the relief of Captain Lewis E. Simonds—Committee on Naval Affairs.

A bill for the relief of Daniel Morse, of Essex,

Chittenden county, Vermont—Committee on Pensions.

A bill for the relief of Ira Call, of Huron county, Ohio—Committee on Pensions.

A bill for the relief of Isaac M. Sigler, of Putnam county, Indiana—Committee on Pensions.

A bill for the relief of Mary H. Cushing—Committee on Public Lands.

A bill vesting the title of the United States to certain lands in the city of Cincinnati—Committee on the Judiciary.

A bill for the relief of William H. Weirick—Committee on Military Affairs.

A bill for the relief of the civil township of Marion, in the county of Mercer, Ohio—Committee on Public Lands.

A bill for the relief of Rebecca Bagerly, widow of David Bagerly, deceased—Committee on Revolutionary Claims.

BROWN, RUSSELL AND COMPANY.

Mr. JONES, of Tennessee. The Committee on Military Affairs, to whom was referred the bill from the House of Representatives, for the relief of John S. Jones and William H. Russell, surviving partners of the firm of Brown, Russell & Co., have instructed me to report it back without amendment, and recommend its passage. I ask for its consideration now.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. Its object is to direct the Secretary of War to settle and adjust the claims of John S. Jones and William H. Russell, surviving partners of Brown, Russell & Co., for losses of oxen and wagons sustained in the transportation of military stores from Fort Leavenworth to Santa Fé, and limits the amount to be allowed to \$38,800.

In the fall of 1850, an extraordinary necessity arose for forwarding military supplies from Fort Leavenworth to Santa Fé. Owing to the lateness of the season, and the risk to be encountered in such a journey in the winter time, the acting quartermaster, Brevet Major Ogden could find no persons willing, at any price, to undertake the service, except Russell, Brown, and Jones. These persons entered into a contract with Major Ogden, acting on the part of the Government, to receive the supplies at Fort Leavenworth, with suitable means of conveyance, to be approved by that officer, and transport them, "with all practicable dispatch," to Santa Fé. The contractors accordingly entered on the service with three trains, consisting of one hundred wagons, and upwards of twelve hundred head of oxen; and after a toilsome journey, and much exposure, arrived at a point about forty-five miles from Santa Fé, when they were stopped by a snow storm of extraordinary severity. Mr. Brown, one of the contractors, was in charge of the trains, and at this point left them, and went into Santa Fé, to report his progress to the officer in command there, and procure his assent to a suspension of the journey until better weather. Mr. Brown was taken ill on his arrival at Santa Fé, and died a few days after, in consequence, as was believed, of the hardships and exposures he had suffered. After waiting several days for Mr. Brown's return, the person next in charge went also to Santa Fé, and there finding his principal at the point of death, represented to the commandant of the post, Captain Easton, the condition of the trains, and the state of the weather and roads, and that it would cause great loss to endeavor then to proceed; asking, consequently, his concurrence in a temporary delay. This was refused by Captain Easton, in consequence, as is shown by his affidavit, and those of the clerks in the quartermaster's department, of the necessities of the garrison, and he demanded that the supplies be brought on immediately, and if not, that he would have them brought at the contractor's expense. The agent, consequently, returned to the encampment, and thence hastened the supplies through to Santa Fé. To effect this, it appears by the deposition of the agent, C. O. Jones, that he expended upwards of \$14,000 in the purchase of forage, and in the hire of extra teams and men; and from sundry depositions, that nearly the whole number of the cattle belonging to the trains perished from the exposure. It also appears that, on the settlement of the estate of the deceased partner, (Brown,) the actual loss of the contractors in the transaction was a fraction less than

\$40,000. It is shown that these losses might have been avoided by a temporary delay at the point where the trains were encamped.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time and passed.

TEXAS NAVY.

Mr. RUSK. I move to dispense with all prior orders, for the purpose of taking up the bill to provide for the surviving officers of the late Texan Navy.

Mr. HUNTER. I have a proposition to make to the Senate, which I hope will be accepted by all. If they will agree to take up the civil and diplomatic appropriation bill this morning, and sit it out to-day, I think we can conclude it probably by four o'clock, the usual hour of adjournment. I shall then not be in the way of gentlemen to-morrow, and they can get up what they choose.

Mr. RUSK. It is now only half past eleven o'clock.

Mr. HUNTER. I suggest that it will be an actual saving of time to finish the appropriation bill.

Mr. RUSK. What will become of my bill then?

Mr. HUNTER. The Senator may try the sense of the Senate upon it to-morrow.

Mr. RUSK. I will make a proposition to the honorable Senator from Virginia?

Mr. WALKER. I will say to the Senator from Virginia, that I think it will be impossible to finish the civil and diplomatic appropriation bill until we shall have had another Executive session. I could tell him why, but I cannot speak of such matters in open session. He will find on conference with the chairman of the Committee on Indian Affairs, [Mr. SEBASTIAN,] that we cannot dispose of this bill until we have had an Executive session.

Mr. HUNTER. We can get so nearly through that we can see our way clear.

Mr. MASON. We have very important business to dispose of at this session. We have Executive business to attend to. This is the first appropriation bill that we have had before us. It is not yet finished, and I apprehend it will require a day or two yet to finish it. I have the kindest disposition towards the Senator from Texas, but I am opposed to taking up any business of a character which is not pressing in preference to that which is pressing.

Mr. RUSK. I introduced this bill at a very early part of the session. I have been very anxious all the time to get it up, but it has been delayed by other business. It will be useless to attempt to get it up at this session unless within a few days. It is a matter which involves questions of considerable importance, especially to the parties who are to be affected by it. I hope the Senate will take it up.

On a division,

The PRESIDING OFFICER decided that the motion was lost.

Mr. RUSK called for the yeas and nays; but they were not ordered.

SETH M. LEAVENWORTH.

Mr. RUSK. The Committee on the Post Office and Post Roads, to whom was referred the petition of the legal representatives of Seth M. Leavenworth, have instructed me to report a joint resolution for their relief. I hope it will be acted upon now. It merely requires the execution of a law.

The joint resolution was read twice, and considered as in Committee of the Whole. It proposes to direct the Sixth Auditor of the Treasury to examine and ascertain the amount of damages which may have been due to Leavenworth under the provisions of a joint resolution for his relief, passed August 6, 1846, to allow twelve months to his legal representatives to file proof in regard to it, and to direct that the amount found to be due, be paid to them.

Mr. CHASE. I ask for the reading of the report accompanying the joint resolution.

Mr. HUNTER. I hope it will be laid over. We have not time for that now. We should take up the civil and diplomatic appropriation bill.

Mr. RUSK. One word of explanation will settle the matter, and prevent the necessity of calling it up again. A resolution was passed in 1846, requiring the Postmaster General to settle certain damages for a violation of a contract with

Seth M. Leavenworth. The Postmaster General refused to take any action on the subject. Leavenworth has since died. The report on the old case is there, and it makes a very strong case. This only requires the Auditor to examine, ascertain, and pay what damages may be due.

The PRESIDING OFFICER. Is the Senator from Ohio satisfied?

Mr. CHASE. Yes, sir.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

PETITION.

Mr. MALLORY presented the memorial of Charles E. Sherman, attorney in fact of Robert Harrison, and other claimants, under the ninth article of the treaty of 1819 with Spain, praying payment of the decrees in his favor, as attorney aforesaid, made under the acts to carry said treaty into effect; which was referred to the Committee on the Judiciary.

REPORTS FROM STANDING COMMITTEES.

Mr. MALLORY, from the Committee on Naval Affairs, to whom was referred the memorial of E. A. Williams and W. D. Ligon, asking to be relieved from their liability as sureties upon the official bonds of W. H. Kennon, purser in the United States Navy, submitted an adverse report thereon; which was ordered to be printed.

Mr. SLIDELL, from the Committee on Foreign Relations, to whom was referred the memorial of Anne S. P. Chew, executrix of William W. Chew, praying to be allowed the outfit of a chargé d'affaires, during the time the testator acted in that capacity at the Court of St. Petersburg, in 1839 and 1840, submitted an adverse report thereon; which was ordered to be printed.

Mr. SHIELDS, from the Committee on Military Affairs, to whom was referred the bill from the House of Representatives, authorizing the payment of balance of the property accounts between the United States and the State of New York, for military stores in the war of 1812, reported it back without amendment.

Mr. JOHNSON, from the Committee on Printing, to whom was referred the motion to print the petition of John A. Sutter, praying indemnity for losses sustained in consequence of the forcible seizure of his lands and property by settlers, under the plea that they were unappropriated public lands, reported against printing the same.

He said he was instructed to say that, although it had been usual for the last four years to print memorials from State Legislatures, yet it had not been so in the case of private individuals, and therefore the committee had reported adversely to the printing of this petition.

The report was concurred in.

Mr. BUTLER, from the Committee on the Judiciary, to whom was referred the petition of J. H. Taliaferro and others, sureties of D. F. M. Thornton, a purser in the Navy, praying to be released from their liability, submitted a report, accompanied by a bill for the relief of J. H. F. Thornton, Lawrence Taliaferro, and H. T. Taliaferro, sureties of D. M. F. Thornton, late a purser in the Navy of the United States; which was read, and passed to a second reading. The report was ordered to be printed.

CANAL IN FLORIDA.

On motion by Mr. MALLORY, the report of the Secretary of War, communicating information respecting the survey of a route for a canal across the peninsula of Florida, was ordered to be printed.

BILL INTRODUCED.

Mr. SHIELDS asked and obtained the unanimous consent of the Senate to introduce a bill granting the right of way across Rock Island, in Illinois, to the Chicago and Rock Island Railroad Company; which was read, and passed to a second reading.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. McKean, Chief Clerk, announcing that they had passed a bill from the Senate supplementary to an act entitled "An act to authorize notaries public to take and certify oaths, affirmations, and acknowledgments in certain cases;" also, that they had passed a bill for the relief of Benjamin Metoyer, in which they requested the concurrence of the Senate.

Also, that they had concurred in the amendments of the Senate to the bill of the House making provision for the postal service in the State of California, and in the Territories of Oregon and Washington.

The message also announced that the House had passed an order requesting the Senate to send them a certified copy of the bill of the Senate for the relief of Thomas Butler, the original having been mislaid.

The Senate proceeded to consider the above order of the House of Representatives, and in concurrence therewith, directed the transmission to them of a certified copy of the above-named bill.

ENROLLED BILLS SIGNED.

A message was received from the House of Representatives, by Mr. McKean, Chief Clerk, announcing that the Speaker had signed the following enrolled bills:

An act to create and provide a pension for David Towle.

An act to increase the salaries of executive and judicial offices in Oregon, New Mexico, Washington, Utah, and Minnesota.

An act making appropriations to defray the expenses of the Cayuse war.

An act for the relief of Robert Grignon.

An act for the relief of Captain George Simpson, of Galveston.

An act for the relief of Pamela Brown, widow of Major General Jacob Brown, of the United States Army, deceased.

An act for the relief Charles Lee Jones.

An act creating a collection district in New York, to be called the district of Dunkirk, and constituting Dunkirk a port of entry, and the ports of Barcelona, Silver Creek, and Cattaraugus Creek ports of delivery.

An act making appropriations for the payment of invalid and other pensions of the United States for the year ending the 30th of June, 1855.

An act making provision for the postal service in the State of California, and in the Territories of Oregon and Washington.

Which were thereupon signed by the President *pro tempore*.

During the discussion on the civil and diplomatic appropriation bill, a brief period before the adjournment, another message was received from the House of Representatives, by Mr. McKean, Chief Clerk, announcing that the Speaker had signed the following enrolled bills:

An act for the relief of James M. Goggin.

An act for the relief of the legal representatives of the late Thomas Chapman, formerly collector of the port of Georgetown, South Carolina.

An act authorizing a patent to be issued to Peter Poncin for certain lands therein described.

An act for the relief of Conrad Wheat, jr., or his legal representatives.

An act for the relief of Richard King.

An act for the relief of Richard M. Bouton, George Wright, and the widow of Marvin W. Fisher.

An act for the relief of Andrew J. Dickerhoff.

A bill for the relief of Lavinia Taylor.

An act for the relief of Samuel H. Hempstead.

An act for the relief of John W. Kelly.

An act for the relief of Sylvester T. Jerauld, assignee of the interest of Henry Richaud.

An act to ascertain and adjust the titles to certain lands in the State of Indiana.

An act for the relief of Ira Baldwin.

An act for the relief of Thomas D. Jennings.

An act for the relief of Rebecca Freeman.

An act for the relief of James Wormsley.

An act for the relief of Mary Carlton.

An act for the relief of Sarah Crandall.

An act for the relief of Joseph Campau.

An act for the relief of Manuel Hernandez.

An act for the relief of Mrs. Sally T. B. Cochran, widow of the late Lieutenant R. E. Cochran, United States Army.

An act for the relief of William Claude Jones.

An act for the relief of Joseph Gonder, jr., and John Duff.

An act for the relief of William Harris, of Georgia.

An act for the relief of James Edwards and others.

An act for the relief of Thomas Snodgrass.

An act for the relief of William Miller.

An act for the relief of the legal representatives of Samuel Prioleau, deceased.

An act for the relief of John S. Wilson.

An act for the relief of Thomas S. Russell.

An act for the relief of A. G. Bennett.

An act for the relief of the widows and orphans of the officers and seamen of the United States schooner Grampus, who were lost in that vessel, in March, 1843, near the coast of the United States.

An act to confirm a certain land claim in Louisiana, known as the Fleurian claim.

An act to incorporate the proprietors of the Glenwood Cemetery.

An act for the relief of Passed Midshipmen George P. Welsh and Clark H. Wells.

An act for the relief of William Senna Factor.

An act for the relief of the executors of the late brevet Colonel A. C. W. Fanning, of the United States Army.

An act for the relief of the representatives of Joseph Watson, deceased.

Which were then signed by the President *pro tempore*.

CIVIL AND DIPLOMATIC BILL.

The Senate resumed the consideration of the bill from the House, "making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1855."

Mr. HAMLIN had submitted an amendment for the erection of certain custom-houses, as published yesterday.

Mr. ADAMS had moved to amend the amendment by adding to the custom-house appropriations the following proviso:

Provided, That no money shall be expended for a custom-house under the provisions of this act at any place where the customs do not equal the expense of collection.

The pending question is on this amendment to the amendment.

Mr. ADAMS. My object in offering that amendment was not to discontinue any collection district, or to remove any one from office, but it has been represented that Congress has passed various bills establishing custom districts and appointing officers where no customs are collected, or if any at all, very little. It does seem to me that if the receipts into the Treasury are not equal to the expenses of collecting, we should not go on to build custom-houses.

I admit, sir, that this is intended rather as an inquiry into this report. If we have collection districts all over the country at an expense to the Government, without any corresponding advantage, when the commerce of the country does not require such districts, it is right that we should know it. At all events, this proposition limits the expenditures to the districts where the customs amount to the expenses of collection. I am not disposed to detain the Senate, but this seems to me to be a most reasonable proposition, and one to which none can reasonably object.

Mr. HAMLIN. I hope that the amendment to the amendment will not be adopted. There are two rules, I think, which prevail in the collection of the revenue. There are two classes of officers necessary in the revenue department, one to collect revenue, the other to prevent frauds on the revenue; one to serve as a preventive force, the other as a collective force; and one is just as necessary as the other.

We all know that in a very few of the principal ports, nine tenths of all our revenue is collected; but still, if we had no preventive force at other points, the whole revenue system would be evaded. It is true, in point of fact, in some districts where little or no revenue is collected, the preventive force is necessary, and a vast number of officers are required for the keeping of records, and the charge of papers. I refer to those districts particularly composed of fishermen. They add to the wealth of the country though they do not pay duties on imports.

Mr. RUSK. So far as the appropriations are concerned for my own State, the amendment to the amendment would not affect it. I hope, however, that it will not pass. I see no good reason for it; and I see very many good reasons against it.

These custom-houses are necessary to protect the revenue. I will instance the State of Texas. Our exports there amount to \$10,000,000, and upwards, annually. I have no idea that I should be under the estimate, if I should say that the imports, upon which duties are paid, and which are

consumed within that State, amount to \$5,000,000 annually; and, perhaps, considerably more. If so, there would be a revenue derived from the consumption by the people of that State of \$200,000, or \$300,000; but the amount of duties collected in her ports would fall very far short of that sum, because the goods would be imported into New York, and would go by the coastwise trade to the ports of Texas. They would do so for two reasons: In the first place, there is a larger amount of capital in the city of New York for the purpose of making these importations; and, in the second place, the accommodations offered by the custom-house there, are much greater than in any of the ports of my State.

Under such circumstances the operation of the Government is to give an additional inducement to the larger importations of the large cities, over and above the amount of capital which they have, by the facilities which the Government itself affords to those larger ports for the collection of duties, by these means adding to the expenses and additional charge for reshipment and freight along the coast to be received at Texas. It seems to me that the Government ought, at least, to put the smaller ports upon an equality in point of accommodation, because, as a matter of course, great expenses would be saved, if you made the trade as direct as possible between the producer and consumer.

The amendment to the amendment was rejected.

Mr. DAWSON. I desire to present an amendment to the amendment for the custom-houses. Brunswick, in the State of Georgia, has been, during this session of Congress, made a port of entry. It is one of the finest harbors in the entire South, and the nearest one to the Gulf of Mexico. There are now several canals in connection with it just being completed, and their celebration has just taken place. Then there is a railroad from that place directly over to Mobile, which will make it one of the most important ports in our part of the country. I now ask, sir, to have appropriated for the building of a custom-house at that port, \$50,000. I would further state, that my friend from Vermont [Mr. Foor] is very well acquainted with its location, and knows the great importance of that place. If any appropriation should be made of this kind, an appropriation for Brunswick is indispensably necessary, for it is now a port of entry. My amendment is to add the following:

For the building of a custom-house and post office at Brunswick, in the State of Georgia, \$50,000.

Mr. HAMLIN. Is that in order? Has it been recommended by a Department or reported from a committee?

The PRESIDING OFFICER. Will the Senator from Georgia inform the Chair whether the amendment to the amendment is moved by direction of a standing committee of the Senate, or in pursuance of an estimate from the head of a Department?

Mr. DAWSON. It is not moved by a committee.

Mr. HAMLIN. Or estimated for by a Department?

Mr. DAWSON. No, sir.

Mr. HAMLIN. Then it is excluded by the rule.

Mr. DAWSON. The paper which was read yesterday, from the Department, in regard to the amendment which is pending, was not an estimate made by the Department; it was merely a letter in response to the members who had asked some questions on that subject.

Mr. HAMLIN. I had the estimates in every case in my hands.

Mr. DAWSON. I can obtain one. But, Mr. President, have I not a right to move an amendment to the amendment, whether it is recommended by the committee or anybody else? I do not offer this as an original proposition, but as an amendment to an amendment.

The PRESIDING OFFICER. The Chair is of opinion that under the rule no original amendment can be made unless it be recommended by a standing committee, or be in pursuance of an estimate from a Department. The Senator from Georgia moves to amend the amendment, and the Chair supposes that the same rule applies to such amendment.

Mr. DAWSON. If I then address a letter to the Secretary of the Treasury, and obtain from

him a recommendation in reply, will that make this in order?

The PRESIDING OFFICER. Yes, sir.

Mr. DAWSON. Very well, I can do that.

Mr. BRODHEAD. I desire to offer an amendment to the amendment of the Committee on Commerce, to which I think there can be no objection; certainly none on the part of the friends of this measure. It is one which is well guarded, and it asks for no appropriation of money at this time. I hope it will meet with general approbation. I make it as a report from a committee:

And the Secretary of the Interior be, and he is hereby, authorized and empowered to provide necessary accommodations for the courts of the United States and the officers connected with them in the district of Massachusetts, by fitting up and leasing the same until permanent accommodations can be provided, as hereinafter proposed.

And be it further enacted That the President cause to be procured, by purchase or otherwise, suitable sites for buildings to be used as court-houses and post offices in the cities of Boston, New York, Philadelphia, and Baltimore; and that he prepare and submit to Congress, at as early a day as practicable, the plans and estimates of the same, together with any contract or contracts he may make for any site or sites, which contract or contracts shall be conditional and only effective in case they are approved by Congress.

The material part of this amendment consists of the second section, which authorizes the President of the United States to make conditional contracts, and submit them to the next Congress, for suitable sites for the courts and post offices in the cities of Boston, New York, Philadelphia, and Baltimore. Provisions for most of the other States are contained in this bill. There has been recommendation after recommendation for this. Bills providing for each of these places have passed the Senate separately. There is an absolute necessity for it; much more than there is for many of the provisions of the original amendment.

The courts are literally in the streets in the city of Philadelphia. Suitable places cannot be obtained there for them. Buildings cannot be hired from individuals suitable for the post office, either in New York or Philadelphia, except at an enormous rent. The amendment which I have offered authorizes conditional contracts to be made, and they are to be submitted to Congress.

Mr. GWIN. I think the Senator had better change it, and have the estimates and propositions sent, but no contract made.

Mr. BRODHEAD. My amendment provides that the President shall submit the conditional contracts, which he may make, to the next Congress.

Mr. GWIN. It should not provide for a contract. Let us have the propositions for Congress to act upon.

Mr. BRODHEAD. The contracts are only to be conditional.

Mr. HUNTER. Is that amendment in order? There is no estimate for it.

The PRESIDING OFFICER. The amendment proposes no appropriation at all, and the Chair knows no objection to it. It merely authorizes conditional contracts to be made.

Mr. BRIGHT. This subject has already been referred to the Committee on the Judiciary for the purpose of ascertaining whether or not the public interest would be promoted by erecting suitable buildings at the capital of every State, or at every point where the circuit and district courts of the United States are held by authority of law. No greater necessity for such building can exist at any one of the points named in the amendment to the amendment than exists at the capital of the State which I represent. As evidence of that, I will refer to the memorial of the Legislature which is now on file here, to various petitions which I have presented, and to the bill which I introduced at an early stage of the session. I do not wish to embarrass the proposition of the Senator from Pennsylvania. It may be that there are Senators who do not desire appropriations for buildings within their respective States; but I do desire it for my State; and I intend to resist this amendment, unless Indianapolis is included in it. Therefore, if the Senator insists upon his amendment, I move, as an amendment to it, that Indianapolis be inserted.

The PRESIDING OFFICER. That is not now in order. The amendment offered by the Senator from Pennsylvania is an amendment to a pending amendment.

Mr. BRIGHT. I ask the Senator from Pennsylvania whether he will accept it?

Mr. BRODHEAD. If I do, I will have to accept every other amendment of the same kind.

Mr. BRIGHT. I understand that every Senator feels he has a right to such an amendment.

Mr. BRODHEAD. There are many places and cities not provided with post offices. The amendment reported from the Committee on Commerce makes provision for post offices in the various places mentioned in it.

Mr. CASS. In all of them?

Mr. BRODHEAD. I know that two or three of the places are provided for in the original amendment, advocated by the Senator from Michigan. Provision is made in several of them for post offices, and perhaps in all of them. And why, sir, should the city of Boston, or New York, or Philadelphia, not have suitable accommodation for post offices, when all the little towns mentioned in the original amendment are provided for? There is more business done in one day, in the post office at New York, than is done in all the post offices provided for in the original amendment. I do not wish to say anything that will damage that amendment, but I say this for the purpose of showing the absolute necessity for the provision made in the amendment which I have offered.

Mr. WALKER. For my life I cannot see why there should be opposition to this amendment. Here is a proposition to submit to the President of the United States the power to contract for these buildings at places where they are a matter of absolute necessity.

Mr. BRODHEAD. He is to make conditional contracts, which are to be submitted to Congress.

Mr. WALKER. They are to be conditional contracts which are to be submitted to Congress, and passed upon and ratified or rejected by it. While it is deemed expedient and proper that appropriations should be made for the other places in the United States mentioned in the original amendment, I cannot for my life see why this should not be done for the places named in the amendment to the amendment. In one case they have no court-house, and in the other the apartments are very inconvenient. I believe it is so in both places.

A SENATOR. Where?

Mr. WALKER. Philadelphia and Boston.

Mr. BRODHEAD. They have none in Philadelphia.

Mr. ROCKWELL and Mr. SUMNER. And none in Boston.

Mr. WALKER. I cannot see the reason for the opposition to the proposition. I shall support it cheerfully.

Mr. BUTLER. It is but just to the Committee on the Judiciary, of which I am chairman, that I should say a word here. Originally a proposition came to the committee from the city of Boston, asking that some arrangements should be made, by the Secretary of the Interior, I think, to afford them some place in which to hold the United States courts. Under the circumstances, it was thought reasonable that in Boston, where there had been such opposition made to the Federal courts, we should have some permanent place in which the Federal judge could hold his court. Out of that grew the amendment, in substance, which is now proposed. It has been the subject of conversation before the committee, and I give notice to the Senate that it will be the commencement of a system of having Federal court-houses in every State of the Union. I do not know but that it may be right; but I can say that this is not the proper bill, nor this the proper occasion to decide upon such measures.

Mr. BRODHEAD. Whether there is an absolute necessity or not for having Federal court-houses in all the States I do not know, but certainly when we are paying \$6,000, or \$8,000, or \$10,000 for places in which to hold the courts in New York, and the same amount in Philadelphia, and perhaps the same in Boston, and \$10,000 rent for a place, the lease of which will soon expire, for a post office, and when we are obliged to pay \$6,000 or \$8,000 a year rent for a place in which to hold the post office in Philadelphia, it becomes a question whether it would not be sound economy to make purchases at once, and not be taking leases of buildings which afford very imperfect accommodation. If there is any necessity for the original amendment, there is great necessity for this.

The original amendment makes an appropriation of money from the Treasury; the one which I have offered directs the President of the United States to make conditional contracts, and that is the proper way to do it. If we were to direct him merely to submit propositions, one set in Philadelphia or New York would say this is the best site, these are the best proposals; another set would advocate other sites and other proposals. You must leave it as a question of administration to make conditional contracts, and submit the same to Congress. That is the best way. We shall then have the contract in form before us. It is, therefore, sound economy, it is right in form; and certainly, although this bill is pretty large, although it may be somewhat questionable whether it will ever be sustained in a committee of conference, which I think very doubtful, it is proper to put this in. If there is any necessity existing in Indiana, as indicated by the honorable Senator, [Mr. BRIGHT,] I have no objection to include Indianapolis. I therefore put "Indianapolis" in the amendment after the word "Boston."

The PRESIDING OFFICER. The Senator from Pennsylvania modifies his amendment by inserting "Indianapolis."

Mr. BRODHEAD. I have received notice from gentlemen around me which induces me to withdraw the modification. I should be willing to modify it, but I cannot obtain the consent of the committee.

Mr. BRIGHT. I have not been resisting this proposition on the ground that I do not think it necessary; but I insist on my amendment, believing it to be quite as just as the other. If the Senator will accept it, I will go with him for his proposition.

Mr. COOPER. I think the amendment proposed by my colleague should meet with the favor of the Senate. I admit that the suggestions of the Senator from South Carolina have a great deal of force; but inasmuch as provision is made in the bill for the purchase of sites, and the erection of buildings for these purposes at various points, I cannot conceive why it is improper that the President should be clothed with power to make conditional contracts, and to submit them to Congress at the next session for its action. It seems to me that it is proper.

I do not know what the condition of Boston or New York is in this respect, not having made inquiry into it, but I know what the condition of Philadelphia is. We have no convenient edifice for the post office; we have no edifice at all in which the courts of the United States can be held. Our post office is in a building which is very inconvenient for the purpose, and unsafe in many respects. There is not the necessary amount of room for the clerical force which is engaged in assorting and distributing the mails. I think, therefore, it is highly convenient and proper that the amendment of my colleague should be made.

I have no objection at all to the amendment which is proposed by the Senator from Indiana, if it be in order. I have no objection to it if there is a necessity for a court-house at the place to which it alludes. I shall go cheerfully with the Senator to put it in the bill as an amendment, when it may be in order. I have no objection to it, but I do not see why the amendment of my colleague should not prevail.

Mr. BRIGHT. I understand the Senator from Pennsylvania accepts my modification.

The PRESIDING OFFICER. He first accepted it, but then withdrew his acceptance.

Mr. BRIGHT. But he now accepts it.

Mr. BRODHEAD. Yes, sir.

The PRESIDING OFFICER. Then the amendment to the amendment will be so modified.

Mr. TOUCEY. The State which I, in part, represent, has as great a necessity for a provision of this kind as any other State, but I shall not embarrass this bill by moving an amendment. I deem the proposition which is embraced in the amendment offered by the Senator from Pennsylvania to be one of the highest importance. Sir, how is it possible that the judicial power of this country can be maintained without suitable accommodations in the States, with questions arising which involve local hostility? And in what manner can the laws of the country be executed without a place of refuge where your courts of justice may sit? Why, sir, in Boston at this time, you have no place, in Philadelphia you have none; you

are dependent altogether upon accidental circumstances. This great Government with an overflowing Treasury, with mighty powers, has not yet provided itself with suitable buildings in these places to administer justice. It is well known that in some of the States we have already been threatened with exclusion from the court-houses of the States; though it has not been successful.

I deem the policy of this proposition to be a general policy, which ought to be entered upon, and carried out, of erecting permanent court-houses in every State of the Union. It is due to the sovereign people. It is due to the efficiency of the laws. I am aware that upon this bill, you cannot enter upon a general policy of that kind, but I would go to the extent of the pressing exigency which is provided for by the amendment of the Senator from Pennsylvania. Without, therefore, embarrassing it, or extending the number of appropriations, I hope that the amendment to the amendment will prevail.

Mr. BAYARD. I should cheerfully vote for this amendment, if I did not know that its object could be reached by a bill which passed the Senate in the early part of the session, and subsequently, if I am not incorrect, was returned by the House to us, with an amendment, and referred, I believe, to the Committee on the Judiciary. The bill which passed the Senate provided accommodations for the courts at Boston, which, with the evidence before the committee, we supposed were essentially necessary. When it went to the House, it was amended by providing only for temporary accommodation in Boston, and authorizing the President to procure sites for the courts in Philadelphia, New York, and Boston.

With that amendment it was referred to the Committee on the Judiciary. That is a very appropriate bill. It will pass by amending it in the mode suggested, to which I should cheerfully assent, by adding Indianapolis, with the restriction of making the contracts conditional, on procuring the sites. I think that would answer the purpose. I think, therefore, there is no necessity for putting it in an appropriation bill, to which certainly it does not belong. I will go for that bill when it is reported back, as I suppose it will be, without hesitation. I think we have a guarantee that it will pass the House, because they have already passed it giving the general, absolute discretion to the President to procure the sites, without any restriction as to the price being conditional.

Mr. RUSK. As a separate measure I should vote for the amendment of the Senator from Pennsylvania; but as an amendment to the amendment which is pending, I shall vote against it. The Committee on Commerce have submitted an amendment, which has been estimated for and recommended by the Treasury Department, and here is a different amendment altogether offered to it. Each should stand upon its own merits; but here comes in a proposition for a post office at New York, another at Boston, another at Indianapolis, and I understand there are several other propositions of the same kind.

The result will be to defeat the whole proposition. There are some persons who would vote for the custom-houses, which are recommended by the Secretary of the Treasury as necessary, but would vote against this proposition; there are certain others who would vote for this proposition, but against the other. It is a sort of log rolling which I do not think is right. Let every tub stand upon its own bottom. Let us vote on the merits of the proposition which is before us on the recommendation of the Treasury Department, and if it is adopted or rejected, let the other be offered as a separate amendment.

There is another custom-house and post office which should be provided for—one in the city of Savannah. It is a very strong case, and one that has great merit in it; but I shall not embarrass this proposition by offering it at this time. I shall vote against attaching the amendment of the Senator from Pennsylvania to the original amendment.

Mr. HUNTER. I hope we shall get a vote. I am anxious, and the Senate must be anxious to have the bill disposed of to-day. I merely rise to ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STUART. At an early day in the session the Senate, by courtesy, allowed the Senator from

Pennsylvania to introduce a bill and have it immediately acted on for the purpose of providing accommodations for the United States courts, and for the post office in the city of Philadelphia. The bill went to the House, and has come back here with sundry amendments providing similarly for other places, and the whole subject, I think, was referred a day or two since to the Committee on the Judiciary. Now, sir, I am decidedly opposed to having so many strings to a bow. That bill has passed and is in the hands of a committee of this House. If they report in favor of agreeing to the amendments of the House, and the Senate concur in their report, the bill will become the law of the land, and will provide for New York, Boston, and Philadelphia. Now, to come in and propose to put that upon an appropriation bill, after what has been done, is a species of legislation which I cannot sanction. For that reason I shall vote against the amendment of the Senator from Pennsylvania.

Mr. BUTLER. I concur in every word that has been said by the honorable Senator from Michigan. There is no use for the committees to take into consideration these separate measures if they can be discussed and ingrafted upon an appropriation bill. I had some difficulty myself in concurring with the majority of my committee, in regard to the amendments of the House of Representatives to the bill which has been referred to by the Senator from Michigan; but I have rather come to the conclusion that what is proposed by that can be well done without any danger; but if that bill should be passed in the form in which it has passed the House, it will come before the Senate under the common responsibility of having passed through the ordeal of the judgment of a committee. But when you put such propositions upon an appropriation bill, one after another, and multiply them as you may to embrace all the States, and I do not know but that it will end in that, I cannot agree to it. I cannot consent to legislate in this inconsiderate way without having the common guarantees of the consideration of our committees.

Mr. JOHNSON. I do not understand, Mr. President, from my friend from Indiana, [Mr. BRIGHT,] that there is anything peculiar in the case of Indianapolis; but when that is inserted, it devolves, in some measure, a responsibility upon the Representative of every State where there is insufficient accommodation for the United States courts, to propose a similar measure for his State. In my own State, there are two judicial districts, which are insufficiently provided for; and I know that if provision shall be put in this bill for a court-house at Indianapolis, it will be expected that I should offer a proposition to commence similar buildings in my State. I have no objection to the proposition of my friend from Indiana being added to the amendment of the Senator from Pennsylvania; and in regard to places in my own State, I have made up my mind that I will not offer an amendment for them, but will let the question be taken on the amendment as it stands; but I shall most certainly, under the circumstances, vote against the whole amendment; for I believe that whenever we commence such buildings, where there are not peculiar circumstances demanding them, the rule will be fixed and firmly established, and we shall have to build court-houses in every judicial district within the limits of the United States. Do not offer a proposition to provide for these in my own State, for the simple reason that I am not disposed to embarrass the business of the Senate; but I doubt the propriety, and I do not see the necessity, of constructing court-houses in every judicial district; for it must result in that. All I can say is, that I feel constrained to vote against the whole amendment.

Mr. TOOMBS. Mr. President, I have a few words to say in reply to the answer made yesterday by the Senator from Maine [Mr. HAMLIN] to my remarks then, as to his amendment for the building of new custom-houses. The Senator's answer was not as satisfactory to me, as it seemed to be to himself. I urged that custom-houses on the western waters, on the tributaries of the Mississippi, were not necessary. The only answer he gave to that—and he seemed to think it was perfectly satisfactory—was this: He appealed to the Senator from Virginia to know whether his constituents at Wheeling could go all the way to New Orleans to pay duties on articles imported

for them. Why, sir, it is done at every town and village in the United States where there is not a custom-house, and which is equally remote from a custom-house as Wheeling is from New Orleans. The great principle should be that the Government should collect the revenue at the most convenient points; and the very fact which the Senator from Maine stated that they have to do everything at New Orleans but pay the duties, is conclusive that it is unnecessary to establish these custom-houses, instead of supporting the argument which he makes in their favor. The goods pass by New Orleans and have to be entered there, and everything which is to be done with them is done there, except the payment of the duties. There is no reason but the personal convenience of the persons living on these waters, why they should not pay the duties at the ports where the goods are entered from the sea. No ship from the sea can go up to Wheeling. The goods are unladen at New Orleans. They are put on other vessels, and scattered from there all over the interior of the country. The building of custom-houses at these points can be for no purpose in the world, but first to build up a number of offices under the Government, and, in the second place, for the purpose of bringing in a large expenditure for the erection of custom-houses. As I said yesterday, all the business to be performed in most of these custom-houses can be done in a building, ten by twelve. There is no necessity in the world for the erection of these large buildings. It is nothing but a profligate waste of money.

The gentleman used an argument in reference to the northeastern coast, that it was necessary to build custom-houses there in order to preserve the records of the Government. Why, sir, I take it as a general rule that the record property of the people throughout the United States, of the largest counties and municipalities, is kept in buildings or rooms not twenty feet square. Here it is proposed to erect buildings none of which are to cost less than \$10,000, and some of which are to amount to \$80,000 or \$100,000, even at points where there may be little or no revenue. The Senator says that at such points it is necessary to keep bills of sale and ships' registers and licenses. Sir, there is nothing necessary for our ships, except the evidence of nationality to be carried in the ships themselves, showing their right to sail under our flag. I can see no necessity for building large houses to contain records to show on which side of the St. John's a vessel's keel was built. Why, sir, I take it, that in every county in the Senator's own State, the records are kept in some side room in the court-house, containing all the titles to land throughout the State; but here we are to go on, and erect magnificent buildings, after we have done without them for seventy years, at every port of entry, whether there is commerce there or not, at an expense ultimately, perhaps, of \$70,000 or \$80,000 each.

The idea is presented that we should vote for it because Mr. Guthrie has recommended it. I know he has recommended it, but I think a more profligate and wasteful recommendation for expenditure never emanated from any Department. I suppose that officer, as well as his chief, has forgotten the inaugural address, in which he said, or intimated, that unless he could reduce the public expenditures below the rate at which they had been for several years past, his own administration would be a lamentable failure. Sir, does that fate remain to be written? When has a Congress met from 1775 to this hour, in which such wasteful extravagance, both as to amounts and measures, has characterized it, as the one now sitting in both ends of this Capitol. Look at the amount of appropriations for this year! I think it is very likely they will exceed \$70,000,000.

Another idea seems to be that we may vote this sum because we have the money now in the Treasury. In this gentlemen start on an error. We have not a dollar. I know it has been alleged that because of a full Treasury we are paying interest on our debts nine or ten years ahead; and that was given as a reason to induce us to pass, the other day, a proposition to pay sixty per cent. on a certain portion of our debts which have not yet accrued. But, sir, we owe more money than we have cash in the Treasury of the United States; and I do not consider a nation or a man to be overrun with money who has outstanding obligations greater than the cash he can command.

This has been the excuse for pouring out the Treasury at every end, and for every purpose.

I rely on the general remarks which I made yesterday. I say, in the first place, that custom-houses are unnecessary at these places. Besides, the ports of entry may be changed, and so with the places for the sessions of the district courts at different places. Population concentrates at some particular place, and you are continually changing the courts from one town to another. How, then, are you going to erect permanent buildings for them? At some places, like New York, and Boston, and Philadelphia, where they are permanent, and likely to be so, it may be necessary. But suppose you build your court-houses, and then change the place of holding the courts, can you take up and move a court-house? It is very easy to rent buildings which will accommodate the courts; and there are few places in the United States, where the supreme courts of the States are held, where it is not perfectly easy to obtain buildings for this purpose which are vacant three fourths of the time. That is the way in which you have got along for the last seventy years. Why can you not do so now?

I am willing to admit that at particular points custom-houses are necessary, and I wish them to be adequate for all purposes; and there are places where court-houses are necessary, and I am willing to vote for them. But each case must stand on its own necessity. I am not willing to agree to the doctrine of the Secretary of the Treasury, and the chairman of the Committee on Commerce, that we must erect public buildings at a cost of \$20,000, or \$80,000, or \$100,000, or \$300,000, or \$400,000 at every port of entry, whether there be any commerce there or not. I believe the expression of Mr. Guthrie is, that we should have them at those ports, whether there be little or no commerce there or not. It is said that it is necessary, because ship-building may be carried on there. That may be so in the Senator's State, but it does not apply to other custom-houses provided for by the amendment. Think, for instance, of the idea of building ships at Wheeling, or Pittsburg! I believe steamboats are built at Pittsburg to a large extent, and I do not know whether they are built at Wheeling or not; but the idea that we must erect buildings at ports where there is no commerce, with the idea of preserving ships' papers. I take it, is one of the wildest bases on which we can make appropriations of the public money.

THE PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania, to the amendment offered by the Senator from Maine, from the Committee on Commerce.

MR. MALLORY. Is that amendment now subject to amendment?

THE PRESIDING OFFICER. It is not. It is itself an amendment to an amendment.

MR. MALLORY. Then, before the question is taken on it, I will ask the Senator from Pennsylvania, who proposed it, to accept the amendment which I now hold in my hand, which is in the same words as a bill that has been reported by the chairman of the Committee on the Judiciary. It is a small bill for the erection of a court-house at Key West, Florida. It was presented at the earnest representations and suggestions of the judge of the district court of the United States for that district, and at the request of the members of the bar. They have renewed that representation.

Now, while the yellow fever is prevailing in that district, they pronounce it dangerous to health to hold the court in the old court-house; but that is the best building they can obtain, and it is rented, I think, at \$360 a year. The United States have already paid for that court house over \$1,200. This proposition is in accordance with the estimates of the Department. The judge and the bar unite in a recommendation for an appropriation to enable the Department to erect a new court-house, as a suitable one cannot be rented in the entire district. The Committee on the Judiciary reported it as an independent measure. It proposes but a small appropriation—\$8,000.

THE PRESIDING OFFICER. (Mr. Badger.) I would suggest to the Senator from Florida that it is not competent for him to move any amendment which proposes an appropriation. The amendment of the Senator from Pennsylvania does not propose any appropriation; it is to authorize the President to make certain inquiries.

MR. MALLORY. The proposition which I hold in my hand is a bill reported from the Committee on the Judiciary.

THE PRESIDING OFFICER. If the Senator is authorized by the Committee on the Judiciary to move it as an amendment, when the other is disposed of, it will be perfectly competent for him to do so.

MR. BRODHEAD. If I felt so disposed, I could not accept this, for the reason which has been stated by the Chair.

MR. DOUGLAS. I will present a case, though, which I think the Senator from Pennsylvania can accept, and which I have no doubt he will take great pleasure in accepting. It is to add "Springfield, Illinois," after "Indianapolis, Indiana." It is the seat of government of that State, and the place of holding the United States courts.

MR. BRODHEAD. I believe I cannot modify my amendment now, except by unanimous consent, as the yeas and nays have been ordered.

THE PRESIDING OFFICER. Unanimous consent is not necessary. The Senator can modify the amendment by the consent of the Senate.

MR. DODGE, of Iowa. I am sure it will afford my friend from Pennsylvania equal pleasure to insert "Iowa city, in the State of Iowa."

MR. DOUGLAS. One at a time.

MR. BROWN. I should like to have Jackson, Mississippi, also included.

MR. BRODHEAD. I am like the man in the almanac, pointed at all round; but I have this remark to make to all my friends: I regret that I yielded to my friend from Indiana, though he made a very strong case. I think that Boston, New York, Philadelphia, and Baltimore ought to stand together. There is a great necessity for these buildings there; and there is a difference between a city with five hundred thousand inhabitants and a small place like Springfield, in Illinois. I must therefore decline further to modify my amendment.

MR. BRIGHT. I know this body is just, and I am never unwilling to trust it upon any proper occasion. I see that many of my friends feel that I have embarrassed this single proposition. I do not desire to stand in that attitude. My object in offering my amendment was not to embarrass the original proposition, but it was to carry out, in good faith, what I regarded as my duty; but I will not run the risk of hazarding the good will of gentlemen here by insisting on my amendment in view of the peculiar state of things. I presume the Senator from Illinois will insist on inserting Springfield, if Indianapolis be retained?

MR. DOUGLAS. I cannot insist, because I asked to have it put in as a favor, as it is not in order for me to move it as an amendment.

MR. BRIGHT. I presume the Senator from Iowa will insist?

MR. DODGE, of Iowa. No, sir.

MR. BRIGHT. Will the honorable Senator from Illinois?

MR. DOUGLAS. I do not wish to make any bargains here. This is my view of the subject: We must determine whether or not we shall erect court-houses for the district courts of the United States. The case presented at Springfield, Illinois, is precisely like that at Indianapolis, Indiana. It is the seat of government of the State, and the place where the United States courts are held, and where they will probably meet in all time to come; or at least it is one of the places where they will continue to meet. You rent buildings there now, and are paying rent for them, but they are inconvenient buildings. The question is, whether or not we are going to carry out the policy of erecting buildings, instead of renting them, at those points, the capitals of the States, where the courts will be permanent. If it is to be done elsewhere, I must ask that the same justice be extended to my own State as towards others. Hence I do not feel at liberty to waive it, in order to carry through other appropriations.

MR. BRIGHT. That is precisely the condition of things in the capital of the State which I have the honor in part to represent. We have no building there but one which is rented for this purpose, and that is a very inconvenient one, and not at all adapted to the wants of the courts. I am very sorry that the matter has assumed such a shape that I cannot insist on inserting it in connection with the four great points named in the amendment of the Senator from Pennsylvania—

Baltimore, Philadelphia, New York, and Boston. A greater necessity may exist there for these buildings; and I rise for the purpose of saying that I will not embarrass the proposition of my friend from Pennsylvania, if it has that effect, and I therefore ask leave to withdraw my amendment to insert Indianapolis, being satisfied that when I bring it up as a bill by itself, I shall get every vote in the body in favor of it.

MR. TOUCEY. I wish only to say that at the four points which are mentioned in the amendment of the Senator from Pennsylvania, the courts of the United States are in permanent session from year's end to year's end, and that is the reason why that proposition should go through without making provision for other cases.

THE PRESIDING OFFICER. Do I understand the Senator from Pennsylvania as proposing to withdraw the modification which was made at the suggestion of the Senator from Indiana?

MR. BRODHEAD. Yes, sir.

THE PRESIDING OFFICER. The Senator from Pennsylvania asks permission to modify his amendment by striking out "Indianapolis."

Permission was granted; and the question was taken by yeas and nays upon agreeing to the amendment to the amendment, as proposed originally by Mr. Brodhead, and resulted—yeas 19, nays 24; as follows:

YEAS—Messrs. Badger, Bell, Benjamin, Bright, Brodhead, Clayton, Cooper, Fessenden, Fish, Houston, Mallory, Pearce, Pratt, Rockwell, Sumner, Thomson of New Jersey, Toucey, Walker, and Weller—19.

NAYS—Messrs. Atchison, Bayard, Brown, Butler, Dawson, Dodge of Wisconsin, Dodge of Iowa, Douglas, Evans, Fitzpatrick, Foot, Gillette, Hamlin, Hunter, James, Jones of Tennessee, Mason, Pettit, Rusk, Shields, Slidell, Stuart, Toombs, and Wade—24.

So the amendment to the amendment was rejected.

MR. HUNTER. I now ask for the yeas and nays on the amendment of the Committee on Commerce. I hope we shall have a vote on it, and dispose of the bill to-day.

The yeas and nays were ordered.

THE PRESIDING OFFICER. The Chair understands the whole four sections offered by the Senator from Maine, including custom-houses and marine hospitals, to be proposed as one amendment.

MR. HAMLIN. Yes, sir.

The question being taken on the amendment by yeas and nays, resulted—yeas 31, nays 16; as follows:

YEAS—Messrs. Badger, Bell, Benjamin, Cass, Chase, Clayton, Cooper, Dodge of Wisconsin, Dodge of Iowa, Douglas, Fessenden, Fish, Foot, Gillette, Gwin, Hamlin, Houston, James, Mallory, Rockwell, Rusk, Shields, Slidell, Stuart, Sumner, Thomson of New Jersey, Toucey, Wade, Walker, Weller, and Williams—31.

NAYS—Messrs. Atchison, Bayard, Bright, Brodhead, Brown, Butler, Dawson, Evans, Fitzpatrick, Hunter, Johnson, Jones of Iowa, Jones of Tennessee, Mason, Pratt, and Toombs—16.

MR. HAMLIN. I am also directed by the Committee on Commerce to propose to amend the bill by striking out in the proviso in reference to the erection of custom-houses the words:

"And until the State in which such building is to be completed, shall, in due form and in a manner that shall bind such State, release and surrender to the United States jurisdiction over the site of such building."

THE PRESIDING OFFICER. That amendment has already been made on the motion of the Senator from Missouri, [Mr. Geyer.]

MR. HAMLIN. Then I have but one further amendment to offer from the Committee on Commerce. I find that the House have included in the bill, appropriations for the completion of every marine hospital in process of construction with one exception, and that is in my own State. It was omitted, I apprehend, by mistake. There is in the annual estimates submitted, by the Department an estimate of \$50,000 for the marine hospital at Portland. There is also in the same estimates an item of \$50,000 for sick and disabled seamen at Cincinnati, and the Secretary of the Treasury has also recommended a small sum, \$5,000, for the temporary relief of sick and disabled seamen at St. Marks, Florida. I therefore propose to add, after the appropriation for marine hospitals, the following:

For prosecuting operations on the marine hospital at Portland, in the State of Maine, \$50,000.

To provide a suitable building as marine hospital at St. Marks, Florida, \$5,000.

To provide accommodations for sick and disabled seamen at Cincinnati, Ohio, \$50,000; and the Secretary of the

Treasury is hereby authorized to use such part of said sum for the purchase of a site for a marine hospital at said place as he may deem expedient.

The amendment was agreed to.

Mr. HAMLIN. I have no further amendment; but my colleague on the committee, the Senator from Michigan, [Mr. STUART,] has one more.

The PRESIDING OFFICER. The Chair will suggest, before that amendment is offered, that the question should be taken on an amendment which was moved by the Committee on the Library, which is to insert at the end of the appropriations for the library of Congress, the following:

To enable the Joint Committee on the Library of Congress to replace the seventh volumes, and atlas of the Exploring Expedition, destroyed by the burning of the library, and the plates and other property destroyed by fire in Philadelphia, including binding, \$9,002 75.

The amendment was agreed to.

Mr. STUART. I am instructed by the Committee on Commerce to offer an amendment to this bill to provide for life-boats upon Lake Michigan. A memorial was presented to the Secretary of the Treasury, and by him referred to the Committee on Commerce, asking an appropriation for this purpose. I shall not detain the Senate by stating now, what I presume every Senator knows, in respect to the loss of life and property on that lake.

Mr. HUNTER. I would suggest that this ought to go into the light-house bill. I understand it is for light-boats.

Mr. STUART. No, sir, life-boats, surf-boats. It is probably known to everybody that the loss of life and property is probably greater on that lake—for the want of things of this sort—than on any other equal amount of coast in the United States, from peculiar causes connected with the direction of the wind, and the range of the lake. It is not a case of occasional occurrence; but it occurs annually, and I may add, occurs frightfully. They ask for the construction of some twenty-five boats, to be located at the places which are indicated in the amendment. Upon consulting with the Secretary of the Treasury, I find that to purchase the boats and put them at the points where they are to be used, will cost about \$500 a piece, so that the appropriation will only amount to \$12,500, which will put the people of that lake in a condition to save not only an immense amount of property, but to prevent a frightful loss of life which occurs every year. The amendment is to insert:

For the purchase of metallic surf-boats to rescue lives and property, \$12,500; to be located at each of the following points, to wit:

On the east side of Lake Michigan, at Michigan City, one, New Buffalo one, St. Joseph one, Kalamazoo one, Manistee one, Grand River one, Muskegon one, White River one, Pier Marquette one, and South Black River one; and on the west side of Lake Michigan, at Chicago, two, at Kenosha one, at Milwaukee one, at Sheboygan one, at Death's Door one, at Two Rivers one, at Manitowish one, Waukegan one, Racine one, Port Washington one, Washington harbor one, South Manitowish Island one, Kalley's harbor one, and at Calumet one; to be expended under the direction of the Secretary of the Treasury, who shall also adopt such measures as shall be necessary for the preservation of such boats.

Mr. RUSK. I regard this as one of the most meritorious amendments which has been offered. We have supplied these life-boats on the Atlantic coast, and made liberal appropriations for them. I think it is nothing but just and right to provide for them on Lake Michigan.

Mr. HAMLIN. I desire to say that all the points designated along the Atlantic coast at this time are such as have been designated, after survey, by the Treasury Department. The amendment proposes to designate certainly the points. Probably they are the best points; but I think it would be better to add, at the end of the points named, the words "or at such points as shall be designated by the Secretary of the Treasury."

Mr. STUART. I have no objection to that.

The amendment, as thus modified, was agreed to.

Mr. SLIDELL. I perceive that, according to the phraseology of an amendment which has been adopted, on the motion of the Committee on Finance, as to a boarding station at the southwest pass of the Mississippi, exclusive jurisdiction is required to be ceded by the State of Louisiana. That clearly was not the intention of the Committee, and I therefore move to strike out the words "the consent of the Legislature of Lou-

isiana obtained to said purchase," and insert in lieu of them "the release of such land from taxation or assessment of any kind," so as to require the Legislature to consent to release the land from taxation and assessment.

Mr. HUNTER. There is no objection to that amendment.

The amendment was agreed to.

Mr. HUNTER. I have now a few amendments to offer from the Committee on Finance. The first is to correct a clerical error in the appropriation for lighting the President's House, and Capitol, and the public grounds "around the Executive offices on Pennsylvania avenue." I move to strike out the word "on" and insert "and."

The amendment was agreed to.

Mr. HUNTER. I have another amendment in the appropriation for salaries of the officers of the Mint: to insert after "assistant assayer" the words "assistant melter and refiner;" and to increase the appropriation from \$23,400 to \$24,900. This is according to a subsequent estimate.

The amendment was agreed to.

Mr. HUNTER. I have another small amendment to offer: to insert at the end of the appropriations for the Indian office the following:

For fuel and lights, and necessary fixtures for warming and lighting the rooms occupied by the office of Indian Affairs, \$1,616.

The amendment was agreed to.

Mr. CLAYTON. I am instructed by the Committee on Foreign Relations to move an amendment to provide for the compensation of the services of William Hunter, commissioned to act as Secretary of State in the absence and sickness of Mr. Webster. Only the sum of \$1,500 is proposed to be appropriated to pay that gentleman for acting as Secretary of State. I will briefly state that the act of 1792 authorized the President of the United States to commission the person who was commissioned in this case to perform temporarily the duties of the Secretary of State under such circumstances. Among the papers which were sent to the committee were the commissions of the President to William Hunter to act as Secretary during the absence of Mr. Webster. Some years ago it was customary to pay compensation for services of this description without applying to Congress for a special act. I have before me a number of cases of that sort, but I will not cite them unless the position is controverted.

Mr. HUNTER. I only ask the judgment of the Chair as to whether the rule does not exclude the amendment. If the rule does not exclude it, I have nothing to say.

Mr. CLAYTON. Of course this case is within the rule, because it is to carry out an existing law. It is to carry out the act of 1792, and on that ground the Senator will see at once that it is not liable to the objection.

The PRESIDING OFFICER. The Chair has very great doubts whether this amendment can be received under the rules of the Senate.

Mr. CLAYTON. It is to pay for services directed to be performed by the act of 1792. This is an appropriation to carry out that act; and if the Chair will look at the rule, he will see that an appropriation for the purpose of carrying out an existing law is excepted from the objections which are made to amendments of this description.

The PRESIDING OFFICER. The Chair understands the rule to be that amendments proposing additional appropriations must be for the purpose of carrying out an existing law or treaty, or moved by the direction of a standing or select committee of the Senate, or in pursuance of a recommendation from the head of a Department; but no amendment can be moved in any of these cases for the purpose of allowing or discharging a private claim.

Mr. CLAYTON. This is not, I think, a private claim. It is to pay a salary for performing services which have been directed by a former law. It is therefore exempted from the operation of the rule.

The PRESIDING OFFICER. The Chair is satisfied that it is not a private claim, but that it is admissible under the rule.

Mr. CLAYTON. Now, sir, I will proceed to state that formerly compensation for services of this description was paid out of the Treasury, without coming to Congress for a special act. I hold in my hand an account of the receipts and

expenditures for 1815; and whoever will take the pains to refer to them, will see a number of cases. I will refer briefly to but one or two of them to show the justice of this claim, and to prove that it is such a one as has been commonly paid without even appropriation by Congress.

Mr. HUNTER. I understand the Chair to decide the amendment to be in order. The only objection I raised was the point of order. I did not object to the merits of the amendment.

Mr. CLAYTON. Then there is no objection. The claim is a plain one, and I have nothing to say. The amendment is to insert, after the appropriation for extra clerk hire of the State Department, the following:

For services of William Hunter, commissioned as acting Secretary of State during the absence of Secretary Webster, for services as such acting Secretary in 1851, 1852, and 1853, \$1,500.

Mr. WELLER. I move to amend that amendment by adding the proposition which I hold in my hand. It makes provision for similar services rendered by the present Secretary of the Senate. The Senate will see at once that it is based precisely on the same grounds. It is to add:

For paying to Asbury Dickens the difference between the compensation of head of a Department and chief clerk of a Department, for the time he acted as Secretary of State or Secretary of the Treasury, by an appointment of General Jackson, to be ascertained by the proper accounting officers, a sum not exceeding \$2,500.

Mr. CLAYTON. I have no objection to that. It is perfectly just, and I accept it as part of my amendment.

The amendment, as modified, was adopted.

Mr. CLAYTON. I have another amendment, to carry out an existing law, which has passed at this session. I am authorized to report it by the Committee on Retrenchment. It will be recollected that when the bill providing compensation for the clerks in the different Departments was under consideration, I put to the honorable Senator from Mississippi, [Mr. ADAMS,] who is chairman of that committee, the question whether the bill, as it stood, made provision for the clerks in the State Department, as it did for the clerks in the other Departments. I held at the time in my hand an amendment which I intended to offer, in case there was any doubt about it. He replied that there was no doubt that the committee had considered the subject, and they intended that the clerks in the State Department should be placed on precisely the same foundation with the others. For that reason I did not press the amendment. I thought with him, upon examining the bill, that the provision was clear, and that all the clerks would be paid alike. But after the law was passed at this session, a difference of opinion arose at the other end of the avenue about it. The Attorney General gave an opinion that the clerks in the State Department were entitled as the clerks in the other Departments were. That, however, was not the opinion of the very able gentleman who is the First Comptroller of the Treasury; and the end of it was, that though these clerks were intended, and it was so expressly stated at the time of the passage of the bill, to be placed upon the same footing as the others, they are not so in fact. Now, I want to carry out what we all supposed and knew were the provisions of that act.

I want the Senator from Virginia to understand distinctly the ground on which I put this amendment. It is to carry out the provisions of an existing law. I propose to carry out the provisions of a law passed at this session, as he knows. It is to provide for paying the clerks in the State Department the same compensation as is paid to others, for the fiscal year ending the 30th of June last.

Mr. HUNTER. In regard to that, I would say that it would hardly be proper to go back for the purpose of making up back pay to these clerks. It would be difficult to do it. Some of the clerks in the State Department get more than any in the new classification, others get less. The reason they were excluded was, that at the time of the former classification, Mr. Webster, as Secretary of State, addressed a letter to the Committee on Finance, requesting that his clerks should not be included in the classification. Since then, the present Secretary has asked that they shall be brought in, and accordingly they have been brought in agreeably to his estimate and recommendation. That is as much as we can do. We cannot go back for the purpose of equalizing,

because there are different grades of salaries, and what would you do with those who receive more than any under the existing classification? We cannot disturb the past, I think, without raising some difficulty.

The PRESIDING OFFICER. The Chair would suggest, before the matter is further discussed, that the amendment be read.

It was read. It is to insert, at the end of the appropriations for the State Department, the following:

That the act approved the 22d April, 1854, entitled "An act to amend the third section of 'An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1854,' and for other purposes," shall be so construed as, in regard to increased compensation for the fiscal year ending the 30th of June last, to include within its provisions the clerks of the Department of State; and that the chief clerk in that Department shall receive the same compensation as the chief clerks in the other Departments of the Government for the last fiscal year; and that the money necessary to carry these provisions into effect, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. CLAYTON. I think there can be no objection to that. It is to provide for these clerks for the last fiscal year. That is all. It carries out the intention of the existing law which was misconstrued at the other end of the avenue. If the Senator from Virginia makes any objection, I shall insist upon bringing forward the amendment when the Senator from Mississippi is here. He understands more fully all the facts connected with it than I do; but unfortunately he is now out of his seat.

Mr. HUNTER. I do not wish to attempt more than we can carry in this bill. There is already liberal provision made for these clerks, under the estimate and recommendation of the Secretary of State, and I think we ought to stop there. I believe the Senator will find that there is difficulty in carrying out his plan, owing to the difference in the grades of compensation, of which I have spoken. You cannot compensate them as you can the classified clerks, because of the different grades of compensation.

Mr. CLAYTON. I think there would be no difficulty whatever. It is due from me to say that most of these clerks served under me while I was in the State Department, and a more faithful set of officers I never knew. Beyond all doubt they perform quite as much labor as any other clerks, and probably much more. The fact was, that in consequence of the small force of the Department, many of them were often called upon by me, and, as I understand, by my successors, to act as amanuenses and clerks, to perform duties not attached to their particular positions in the Department; and they did perform, consequently, extra duties, for which they received nothing. All they ask is to be put on the same footing with the clerks of the other Departments. It is clearly an act of justice.

Mr. HUNTER. I thought this was offered from the Committee on Foreign Relations, but I learn not. How, then, does it come in order? Is it from any committee?

Mr. CLAYTON. From the Committee on Retrenchment.

Mr. BRIGHT. I should like to have the honorable Senator explain how it happens that this proposition to increase the compensation of these clerks was not before the Committee on Retrenchment raised for that purpose, and why they did not recommend the increase?

Mr. CLAYTON. I was unfortunate in not being heard by the honorable Senator. They did recommend it, and they did, as they thought, draw the law so as to provide for this compensation. When the bill which has passed both Houses and become a law, was before the Senate on a former occasion, I put the question to the Senator from Mississippi, [Mr. ADAMS,] and chairman of the Committee on Retrenchment, whether the bill put the clerks in the State Department on the same footing as the others, and he said, yes. Afterwards, although the Attorney General was clearly of opinion, and gave a long and elaborate opinion on the subject, I am told that these clerks ought to be placed on the same footing with the others, yet in the Treasury Department he was overruled, and they were not allowed to take the position which Congress intended, and which the committees of both Houses stated to the Department they intended they should have under the bill. This amendment now is only for the

purpose of carrying out the intent of Congress in passing the law. If my friend from Indiana will take the pains to look at the act as passed, he will, I think, form the same opinion which I have formed, and the same opinion which the committee formed in regard to it, and the same opinion that was expressed by the Senator from Mississippi on a former occasion: that these clerks are entitled to the same compensation with other clerks. The same opinion was also adopted by the Attorney General. The sum is a small one; but this is an act of justice; it should be paid to these men. If there is any difficulty in regard to it, I trust the amendment will be laid over until the Senator from Mississippi can be heard about it. If there is no objection, I hope it will be adopted now.

Mr. THOMSON, of New Jersey. I have prepared an amendment for the purpose of carrying out the intention and meaning of the act approved the 22d of April, 1854, by which it was provided that "all clerks not provided for in this act performing the same or similar duties with any of the other classes, shall receive the same compensation as is allowed to such class." Under this there has been a good deal of difference of opinion.

Mr. HUNTER. I will suggest to the Senator from New Jersey that his amendment cannot be entertained until some disposition be made of that of the Senator from Delaware.

Mr. THOMSON, of New Jersey. If the Senate will allow me, I will read my short amendment, and perhaps it may embrace what the Senator from Delaware has in view. It is in these words:

And provided, That whenever clerks of the first class shall perform the same or similar duties with clerks of any one of the other classes, they shall receive the same compensation as is allowed to such class.

It provides for a set of clerks who were formerly called temporary clerks, but by the bill of the Senator from Virginia, they are now called, for the most part, clerks of the first class; and the term "temporary clerks" has been entirely done away with in the bill, as I understand it. My proposition is to provide that those clerks shall receive compensation in proportion to the services they perform. It is carrying out, in the very language, the intent of the act of April 22, 1854.

Mr. HUNTER. I will simply state that the amendments of the Committee on Finance were in pursuance of the estimate, and recommendation of the Secretary of the Treasury.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Delaware, from the Committee on Retrenchment.

Mr. RUSK. I propose to amend it by inserting after the words "State Department," the words "clerks of the United States Coast Survey." They were excluded by a similar decision, and receive much lower salaries, and perform, I am told, heavier work than anybody else. Besides, there are but few of them.

Mr. HUNTER. I understand that the clerks in the Coast Survey Office are now arranged according to a scale which is founded upon a system of promotion; and I understand that, although the grade of salary is somewhat lower there than elsewhere, that system is working admirably, because they know they will be promoted according to merit. There is danger that any such amendment as this would disturb that scale. It might produce such a scale of salary as to make the present arrangement no longer possible. I think there would be some hazard at least in interfering with it.

Besides that, I have another objection to this. If we go on increasing the salaries of the officers of the Coast Survey, where is the limit? We have now before us petitions from officers in almost every custom-house in the Union, and from all the navy-yards—we have petitions for a general increase of salaries; and I think, sir, (Mr. BADGER in the chair,) you must recollect that in the Committee on Finance we determined that there were so many of these petitions that the subject would have to be laid over until the next session, when we should have to look into it as a system, and see whether there be a necessity for the general increase in salaries; for it amounts to that. If we grant all the applications which are made, many of them having quite as much merit as this, we shall have to make a very general in-

crease of salaries. I think the whole subject had better go over until the next session. We have gone far enough when we make a distinction in regard to the Executive officers. In arranging them, it was perhaps right and proper that we should equalize the salaries, and make some just arrangement in regard to them first. When that object is accomplished, we may look abroad to see whether anything more is necessary as to the other officers.

Mr. RUSK. The first objection which the honorable Senator takes to the amendment, is, that it may disturb the order of promotion which is now established in the Coast Survey Office. There is no danger of that, for my proposition simply increases the salaries, and will make the higher clerkships just as desirable as now. The relative distinction will be precisely the same. But the question is one of justice between the employees in the State Department and in the Coast Survey Office. A general law has been passed, to which the honorable Senator himself contributed largely, to increase the salaries of the clerks of the different Departments. One reason given for that was, that the expenses of living in the city of Washington were very high, and that they had increased within a few years past, so that the salaries of the clerks were too low to enable them to meet the additional expense which they had to incur. So far as the State Department is concerned, I am uninformed; but so far as the Coast Survey is concerned, I know the same reason applies there, and with much more potency, because these officers receive lower salaries than those in any other Department. I do not propose to put them on any extra footing, but only on an exact equality with the clerks in the other departments.

Mr. HUNTER. I wish to suggest this difficulty. The force in the Coast Survey office is composed partly of civilians and partly of officers of the Army and Navy. How will you discriminate? Will you give this increased pay to the civilians and deny it to the officers of the Army and Navy?

Mr. RUSK. The amendment confines it to the clerks.

Mr. HUNTER. Why that discrimination? Why give it to the clerks and not to the others, who may be doing quite as much?

Mr. RUSK. Because they have a larger salary than the clerks.

The amendment to the amendment was agreed to; and the amendment, as amended, was rejected.

Mr. COOPER. I move to amend the third section, which has been inserted on the motion of the Committee on Finance, by inserting between lines fourteen and fifteen, "and in the fourth Auditor's office, in class three, one clerk." This is recommended by the Secretary of the Treasury. The clerk proposed was left out of the bill. He is now employed in the office, and the Auditor declares that it will be altogether impossible to get along without him.

Mr. GWIN. That is right. We will put it in.

Mr. HUNTER. There were two clerks that were left out, but the amendment of the Senator from Pennsylvania extends to but one of them. Both ought to go together.

Mr. COOPER. Then I will modify my amendment by striking out "one clerk," and inserting "two clerks."

The amendment, as modified, was agreed to.

Mr. MASON. I am instructed by the Committee on Foreign Relations to offer the following amendment, to come in immediately after the clause for office rent of the consulate at Zurich:

For payment to Blythe & Co., of Port Louis, in the Island Mauritius, the sum of \$7,854 50, it being the amount of two bills of exchange drawn upon the Department of State by George M. Farnum, commercial agent, in payment of expenses incurred in relieving destitute American citizens, which drafts were cashed by said Blythe & Co.

The necessity for that appropriation, and one of a similar character which I hold in my hand to follow it, results from the existing state of things in reference to the migration of our people. There are annual appropriations, as we all know, for the relief of destitute American seamen, but there are none for the relief of destitute American citizens. They are now going into Australia and California, and are occasionally thrown into foreign ports without the means of living. There were a large number of American citizens thrown ashore,

as it were, by the stress of weather, at the Island of Mauritius, and they were provided for by our commercial agent there, but the Department of State had no means to reimburse him.

Mr. GWIN. There was a precisely similar case in regard to our Consul at Panama, where he relieved destitute American citizens.

Mr. MASON. I have another amendment which will provide for that.

The amendment was agreed to.

Mr. MASON. I am also instructed, by the Committee on Foreign Relations, to offer this amendment, to come in after the appropriation for the relief and protection of American seamen in foreign countries:

And to enable the diplomatic and consular representatives of the United States in foreign countries to afford relief, and provide the means of returning home to such citizens of the United States, in foreign countries, as may have been reduced to a state of destitution of the necessities of life, by shipwreck, or necessary abandonment of the vessel in which they were embarked; and, also, to such citizens of the United States, as, being on their way from one part of the United States to another, have become destitute in foreign countries, in consequence of shipwreck, disease, or any other casualty, \$20,000.

Mr. HUNTER. I should like to hear an explanation of that.

Mr. MASON. I gave the explanation a moment ago, when, I apprehend, my colleague was not present. I said there was a fund annually appropriated for the relief of destitute American seamen, but none for the relief of destitute American citizens who are not seamen; and in consequence of the state of things which has arisen from the immense emigration to California, and the large emigration of our citizens to Australia, it has been found that they are thrown ashore at various points in a state of destitution, and are necessary to be provided for by our commercial agents, or by our diplomatic corps, who are without any fund applicable to such an object. The necessity of an appropriation for this purpose was strongly brought to the notice of the Department of State in a letter from Mr. Clay, our Minister at Peru; and this appropriation is recommended by the State Department.

The amendment was agreed to.

Mr. MASON. I offer another amendment from the same committee. It is to insert after the appropriation for clerk to the legation at London:

For salary of a clerk to the United States legation at Paris, \$500.

The amendment was agreed to.

Mr. MASON. I am also instructed by the same committee to move the following amendment, to come in after the first amendment which I offered:

That the Secretary of the Treasury audit and settle the accounts of Robert C. Schenck, late Envoy Extraordinary and Minister Plenipotentiary of the United States to Brazil, and John S. Pendleton, late Chargé d'Affaires of the United States to the Argentine Confederation, for additional compensation, and for expenses incurred by them in the performance of special services not pertaining to their respective missions, and at points distant from those to which they were originally accredited, in compliance with instructions from the Department of State. In settling which accounts the certificate of the parties shall be regarded as sufficient evidence as to the amount of expense incurred, where no regular voucher can be produced. And a compensation at the rate of twenty-five dollars per diem shall be allowed to each of them for the time they were so employed, to be paid out of any money in the Treasury not otherwise appropriated.

Mr. TOOMBS. I move to amend the amendment by striking it all out and inserting, as a substitute, the following:

To pay Robert C. Schenck, in full compensation for his services as Envoy Extraordinary and Minister Plenipotentiary on his special mission to the Oriental Republic of Uruguay, under instructions from the President of the United States, in the year 1852, \$9,000; and to pay him in full compensation for his services on a like special mission to the Argentine Confederation in the year 1853, the further sum of \$9,000.

I shall also offer an amendment to provide for Mr. Pendleton, if this shall be adopted. I will explain the circumstances of the case.

Mr. Schenck was our Minister Plenipotentiary to Rio, and at the time he was there, the British and French Governments proposed to this Government to unite with them in a commission to send Ministers Plenipotentiary to form treaties with the Argentine Republic and with Uruguay, in South America. Mr. Fillmore, then President, commissioned Mr. Schenck to these separate courts, and directed him to go down some one thousand or one thousand five hundred miles in the performance of this duty. He went there, and

united with the French and English Ministers, and formed treaties which have been brought to the Senate and ratified unanimously. Mr. Pendleton, who was our chargé at Buenos Ayres, was associated with him; and they were made, in fact, Ministers Plenipotentiary to these Powers to negotiate these treaties, and they went there for the purpose.

The ordinary practice of the Government in such cases has been to give an outfit under such circumstances. My amendment provides the amount of an outfit to Mr. Schenck, for both the courts to which he was commissioned, and with which he made treaties. Mr. Pendleton, who was a chargé also, went to two of these courts, and I have an amendment to offer to provide for him after my present amendment shall be disposed of. They are not necessarily connected at all. By looking at the history of the Government from its foundation down to 1825, it will be seen that such allowances were uniformly made in cases like these. A paper was prepared in 1825 by Mr. Monroe, showing all the cases up to that time. The uniform plan was to give persons who were sent on these special missions the amount of an outfit, or to allow them expenses limited to the amount of an outfit. In some of the cases, that of Mr. Pinckney, for instance, at Naples, under the name of expenses, they allowed him an outfit of \$9,000. There are many such cases in point. There is the case of the treaty of Paris, of 1804. Three commissioners were sent there to negotiate that treaty. One of them was our minister resident at the Hague, and an outfit of \$9,000 was allowed him for going to Paris. Why, sir, at this very session, the Senate and House of Representatives, in the deficiency bill, made a similar allowance to Mr. Kerr, of Maryland, who was sent as chargé to Nicaragua, and commissioned to the "national representation," as I believe they termed it, where he was not received. After he had drawn his outfit for the mission to which he was sent, we allowed him the outfit for the other mission to which he was commissioned. I say, therefore, the rule has been uniform to make these allowances. Sometimes they have been under the name of expenses, it is true. A very striking instance is the case of Mr. Clay, who was sent a commissioner to Ghent. He was sent on two missions; one to make a treaty of peace with England, and the other to make a commercial treaty. After the treaty of peace was concluded, the English declined pursuing the commercial treaty there, and he went to England. He claimed and obtained his outfit for that, though he was but a commissioner in both cases. It was decided by Mr. Wirt, the Attorney General, that he was entitled to his outfit. That opinion can be found in the first volume of the Opinions of the Attorneys General. It was decided that he was entitled to it as a matter of right. Mr. Murray, who was minister resident or chargé d'affaires at the Hague, being sent to Paris as commissioner to negotiate a treaty, was also allowed \$9,000, as appears by the paper to which I have referred, prepared by Mr. Monroe. In every case in which the Government transferred ministers resident to special duties, the allowance was made. All the cases are collected, and may be found in the reports of your commissioners. I have reviewed the whole of them. There are some cases in which the allowance was made under the name of expenses, but the expenses were fixed precisely at the amount of an outfit, or approximated very near to it. It appears, then, that this has been the practice of the Government.

I can give another instance of it. Mr. Adams, when appointed commissioner to negotiate the treaty of Ghent, was Minister to Russia; but he was ordered to the Hague to take part in that special treaty, the treaty of peace, and was subsequently transferred as Minister to England. He claimed his outfit, but it was contested, and the question was referred to Mr. Wirt, who decided that he was entitled to it as a matter of right. In fact, when he was called into the Cabinet of Mr. Monroe, it was objected that he had public money in his possession which did not belong to him. An investigation was had, and the Attorney General decided that he was entitled to it by law, and he held his place as Secretary of State.

There are numerous cases in which, wherever a minister abroad has been sent to another court for a special or general mission, an outfit has been

allowed to him. Mr. Schenck's case comes directly within the practice of the Government, and what was decided by Mr. Wirt to be a legal right, and not a gratuity. I hope, therefore, in his case, the Senate will not depart from the established practice.

Mr. MASON. The petition of Mr. Schenck, on whose behalf the Senator from Georgia offers a substitute for the amendment of the Committee on Foreign Relations, was to allow him two outfits, in addition to the outfit which he received as Minister to Brazil.

Mr. TOOMBS. That is my amendment.

Mr. MASON. And that is the amendment now offered by the Senator from Georgia. The petition of Mr. Pendleton, who was chargé d'affaires at Buenos Ayres, was to allow him an outfit equal to the outfit of a Minister Plenipotentiary, for the special mission upon which he was sent. The Committee on Foreign Relations had the subject under consideration, and made a report accompanied by a bill. That bill is the amendment I now offer to the civil and diplomatic appropriation bill. In that report the committee assigned these reasons for their action:

"To allow the full prayer of the memorialists in these cases, would, in the opinion of your committee, be the introduction of a new system of compensation for public services, unsanctioned by the principles of a wise and just economy. The allowance of outfits to our foreign ministers, it is presumed, was not designed to operate as an indirect mode of increasing their compensation, but as means to enable them to fit up, at the courts to which they are accredited, such establishments as might be suited to their station.

"In this case the memorialists had been regularly accredited as the diplomatic representatives of the United States—one as full Minister to Brazil, and the other as chargé d'affaires to the Argentine Confederation, at which places only did the expense of permanent establishments devolve on them. The special missions on which they were sent were temporary in their character, under letters of credence only to negotiate treaties, and not further accrediting them."

Now, Mr. President, we know very well that, under the law, the compensation of a Minister Plenipotentiary is \$9,000 a year, with an addition of \$9,000 for an outfit, and he is allowed the half of an outfit on his return home, provided he comes back with the permission of the Government. I have not investigated the Opinions of the Attorneys General spoken of by the Senator from Georgia; but it may be that, in construing the law, it has been considered that if a minister resident abroad has added to his duties, as minister resident at one court, the duties of minister resident at another, he is entitled by law to an outfit for his new mission. But the view taken by the Committee on Foreign Relations, is this: It is very much the custom, wherever the occasion requires it, and it conduces very much to the public convenience, where you have a minister resident abroad, and it is deemed important, in our foreign relations, to send that minister to transact a special business somewhere else, the President of the United States directs him to go to the point indicated, and transact this special business, and his expenses upon the mission are paid by direction of the President out of the fund for contingent expenses of intercourse with foreign nations. It is considered that, being in the service of the Government, resident abroad at one court, he may be sent elsewhere on special business on having his expenses paid. That was the case with these two gentlemen. Mr. Schenck was associated with Mr. Pendleton, and sent to negotiate treaties with some of the South American Powers, near to, or not remote from, their places of residence at the Courts where they were accredited; and Mr. Pendleton was sent on a separate mission, according to my recollection, to the Government of Paraguay. They were absent altogether, according to my impression now, from four to six months.

It seemed to the committee that it would be exorbitant to allow them a full outfit of \$9,000, as a compensation for this casual but extraordinary service, in addition to all the expenses to which they were subjected being paid. There is no obligation on the Government to do it. There is an obligation on the Government—not a legal, but a moral and equitable obligation—to pay them, and pay them justly, for any extraordinary services they may have rendered; but I do not know that the measure of compensation always to be adopted is to be the round sum of an outfit—far less two outfits—when there happen to be two missions.

The committee, on looking at the case of Mr.

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Kerr, the one adverted to by the Senator from Georgia, passed on at this session, found that, although he was but chargé d'affaires at Nicaragua, he was directed to go to Guatemala, and perhaps one or two other States in Central America, to exchange the ratification of certain treaties; and he was directed further to present himself at a partial confederation of some of these States called their "national representation," to which he was accredited for general purposes as minister. The committee reported, in that case, in favor of allowing him an outfit for his whole services, in addition to his expenses; and that provision passed the Senate. In this instance, however, the committee thought it would be wise and safe, in order to avoid a precedent hereafter, to draw the distinction between accrediting a special minister to a court generally, and sending him, for special purposes, to transact a particular piece of business which ends his functions there.

The committee made, as was thought, a very liberal allowance in addition to the expenses of these gentlemen. All their ordinary expenses have been paid, as far as it was in their power to present vouchers; but the committee were aware that they might have incurred expenses which were necessary to be incurred for which they could have no vouchers. The amendment offered by the committee, therefore, directs that any expenses of that kind shall be paid to them upon their certificates that the money was expended, and, in addition, allows them for the time that they were occupied twenty-five dollars a day—twenty-five dollars a day being about at the rate of \$9,000 a year. This seemed to the committee to be a fair and equitable allowance.

Mr. TOOMBS. Mr. President, I differ from the Committee on Foreign Relations on the very clause of the report which the chairman has read. They say that by the allowance proposed in my amendment a precedent would be established. Now, I have shown that they violate all precedent by not allowing it. The precedents from 1789 until now have all been in favor of allowing these outfits, under this precise state of things. The cases which I cited before I have now before me. Every single case of the transfer of a minister, or the sending one abroad, from 1789 to 1825, was collected in Mr. Monroe's memorial, and they are precisely as I have stated.

The case which the Senator from Virginia has put, of gentlemen being sent to exchange ratifications of a treaty, is not the case here. These gentlemen were commissioned with plenipotentiary powers, directed to go to these Governments as Ministers Plenipotentiary, by a joint commission, to form treaties. They did that to the satisfaction of the Government, and to the satisfaction of the Senate. I say, therefore, that Mr. Schenck's case stands precisely upon the same footing of that of Mr. Adams, who was Minister to Russia, and the chairman of the Committee on Foreign Relations cannot draw a distinction between them. Mr. Adams was Minister Plenipotentiary in Russia. He was commissioned with the special duty of making a treaty of peace at Ghent. He went to Ghent under this commission for the special purpose of making a treaty of peace with England. He did help to make it; and his claim for an outfit was allowed. He was then sent from there to England, and an outfit was allowed for that.

The case of Mr. Murray, who was Minister at the Hague, is precisely the case of the other gentleman, Mr. Pendleton, of lower grade. Mr. Murray was chargé or minister resident at the Hague, and he was sent, in connection with two other gentlemen, to Paris, under a joint commission, in 1804, to make a treaty. He was allowed an outfit of \$9,000, because he was *quo ad hoc* a Minister Plenipotentiary at the Court of Versailles.

Again, there is the case of Mr. Monroe. While Minister to England, he was commissioned to Spain on a special duty; and he claimed, and was allowed an outfit for that. Then there is the case of Mr. Clay, which I have already stated. He

was a commissioner. He was not sent as minister to England, but was taken from the House of Representatives, and made a commissioner. I presume, however, that it makes no difference what a gentleman followed before. Nor does it in the case of these two gentlemen. Mr. Clay was sent as commissioner, with plenipotentiary powers, to Ghent, to negotiate a treaty of peace, and at the same time had other letters commissioning him to make a commercial treaty. The negotiations touching the commercial treaty were transferred to London, and he was allowed an outfit for going from Ghent to London, although he had been commissioned at the same time to make both a treaty of peace and a commercial treaty. His claim for an outfit, I know, was contested, but it was allowed on a reference of the case to the Attorney General, Mr. Wirt.

I say that the committee in this case are violating precedent against these gentlemen. I do not think it is a dangerous precedent. I have shown that, from the latter part of the last century down, the precedents have been uniform. The case of Mr. Kerr is one not near as strong as this. He was a chargé, commissioned to the "National Representation" in Central America, who never did receive him. The House of Representatives and the Senate, in the deficiency bill, at this very session, allowed him his outfit—not his expenses only. A certain class of expenses is allowed; but the Committee on Foreign Relations, at this session, reported in favor of allowing him an outfit. He had been paid his expenses to these courts, where he went to exchange the ratifications of treaties. He had no plenipotentiary powers to make treaties at the courts to which he was sent, so that this case is much stronger than even that.

Again, let me refer to Mr. Pinckney's case. Mr. Pinckney was sent to St. Petersburg, and was directed to go by way of Naples, and deliver a letter of credence at Naples; and he was allowed \$9,000 for that service, and it was expressly stated to be in the form of an outfit, corresponding to his grade. On his way to Russia he stopped at Naples, and delivered the letters of credence. He was not accredited to make a treaty; he made no treaty there; he did nothing but deliver a letter of credence; and yet the Government allowed him \$9,000 in the shape of an outfit. In this case, however, the Committee on Foreign Relations propose to depart from the established precedent.

Mr. Schenck being Minister at Rio, was sent to Uruguay to make a treaty. He went there. He was commissioned by the President in the recess of Congress. It was an emergency of great importance. It was about the time of the overthrow of Rosas. England and France had been trying for twenty years to get treaties to secure the navigation of the noble rivers in that quarter, and commercial intercourse with the people there. They commissioned ministers to go there. This Government sent Mr. Schenck and Mr. Pendleton, and they made treaties which were satisfactory to the Government, and were unanimously ratified by the Senate.

The services of these gentlemen were very valuable and important; but that is not the point. We sometimes send ministers to countries which will not receive them, but we allow outfit and salary to those ministers. Several cases of that kind have occurred since I have been in Congress; and they have been constantly allowed. Whenever there has been a new commission to a new court, for independent purposes, this allowance has been made. In some cases, the allowance was made in the form of expenses, which overran the amount of an outfit.

Mr. Jay, when he was Chief Justice of the United States, was sent to England to negotiate a treaty. During that time, he received his salary as chief justice of the United States, and drew, in the shape of expenses, nearly \$12,000. The allowance in that case was put in that form. There are similar cases running all through the history of the Government from its commencement.

I do not think this is a class of cases liable to

great abuse. There are not many of these gentlemen abroad, and I think they are the poorest paid agents of the Government. Some effort was made during the last Administration, and has been made at several times during the history of the Government, to ascertain whether they were paid a fair compensation; and, I believe, the universal opinion expressed by every man whom you had abroad, was that the compensation was altogether too small. But these men, being but few, not having any congressional influence, have not had their salaries increased. They are not like the eight hundred or one thousand appointees in the shape of clerks, dependent, perhaps, on both Houses of Congress. Their salaries can be carried up at will, as they have been twice within the last three years, because they have personal influence, personal relatives, and, perhaps, personal appointors in Congress. But our ministers and chargés abroad, being but few in number, having little congressional influence, are not increased in salary. I hope, however, that we shall not refuse to them what a law officer of the Government has declared to be their legal right. That was Mr. Wirt's opinion in the case of Messrs. Adams and Clay. It has been in accordance with the uniform practice of the Government, from which I have known no variation.

Mr. RUSK. I shall very cheerfully vote for the substitute of the Senator from Georgia. According to the statement made by that honorable Senator, it has been usual, where services of this character have been required, to allow an outfit. It seems to me that it is utterly impossible for these gentlemen to ascertain what their expenses were. They were associated in making these treaties, as I understand, with the Ministers of France and England, who were extremely well paid, while ours were extremely poorly paid. They succeeded in obtaining as good treaties, if not better ones, than those obtained by other Governments. They were in a country where the expenses were very large. They were sent among a people with whom it was necessary to incur heavy expenses. Inasmuch as that was so, and it has been the uniform rule to allow an outfit in each case where a Minister abroad has been sent to a new Court, I think it is nothing but fair and just to do it here. It is admitted on all hands, I believe, that our diplomatic agents abroad are more poorly paid than those of any other Government whatever. In this case the services of these gentlemen were important. They made treaties which were ratified unanimously by the Senate, and regarded as of the utmost consequence to the United States. Under such circumstances, I shall cheerfully vote for the amendment of the Senator from Georgia, and I think the allowance ought to be made.

Mr. PRATT. Mr. President, the diplomatic intercourse of our Government is regulated by law. We have different classes of officers—ministers, chargés, and other agents of the Government to discharge diplomatic duties. By law, they are entitled to salaries and to certain perquisites. When, therefore, the gentleman whose name is indicated in the amendment of the Senator from Georgia, was appointed by the President, by and with the advice and consent of the Senate, Minister to the Government of Brazil, he became entitled by law to a salary of \$9,000, and to an outfit of \$9,000 for going. As minister at that point, the President had no right to send him to any other. He was entitled by law, as minister at that point, to the particular compensation I have named. The President had no earthly authority to impose upon him the obligation, as minister to that Government, to go to some other, for the purpose of discharging similar diplomatic duties. Hence, when the Government required him to go there, it would have been optional in him to go or not. If he did go, he went as minister, and he would be entitled, according to my conception, to whatever he might, according to the antecedent usage of the Government, be justified in considering the compensation operating on the Government to induce him to go.

Take the case of this gentleman. He was re-

quested to go from a Government to which he was accredited to some other, for the purpose of making a treaty. In determining in his own mind whether to go or not, he had a right to look to the antecedent usage of the Government for the purpose of ascertaining what he was to receive for going. According to the statement of the honorable Senator from Georgia, that usage had been universal, and therefore he had a right to suppose that by receiving this appointment and consenting to discharge the duty, he would receive what every other officer from the commencement of the Government similarly situated had received.

Now, in order to illustrate this, allow me to put a single case: suppose that, instead of sending this minister to discharge this special duty, the President, during the recess of the Senate, had appointed somebody else to go there. That person would unquestionably be entitled to be paid. He would have received not only the compensation which this amendment allows, in conformity with the usages of the Government, but he would have received also \$9,000 salary. It seems to me, therefore, that, according to strict principle, this gentleman is entitled to the compensation which the amendment of the Senator from Georgia authorizes to be paid.

Mr. BUTLER. As my friend from Georgia seems to have informed himself fully on this subject, I will take the liberty of asking him some questions with a view to inform myself. I understand from him that when Mr. Clay was ordered to Ghent, he received \$9,000 outfit and \$9,000 salary.

Mr. TOOMBS. A salary, at that rate, per annum.

Mr. BUTLER. He was ordered from there to the Court of St. James, as I understand the Senator, after the ratification of the treaty of peace, to negotiate a commercial treaty. Did he also receive, for that service, or that mission, \$9,000?

Mr. TOOMBS. Yes, sir; he claimed \$9,000, and \$4,500 was paid at once, and payment of the balance suspended; but it was afterwards paid over, on the decision of the Attorney General.

Mr. BUTLER. Was he also allowed his expenses?

Mr. TOOMBS. Yes, sir; his accounts are all stated in the book which I have before me.

Mr. MASON. Mr. President, the committee have said nothing in the report on the subject of precedents; but they have said, as I apprehend will now be apparent to the Senate, that if these memorialists are to be compensated by giving them a round outfit to all the places to which they were sent for the purpose of negotiating treaties, it will establish a precedent. The committee have said this in their report:

"To allow the full prayer of the memorialists, in these cases, would, in the opinion of your committee, be the introduction of a new system of compensation for public services, unsanctioned by the principles of a wise and just economy."

Now, sir, if these gentlemen are by law entitled to an outfit because they were sent upon these special missions, they have only to apply at the Department of State and have it paid, or that Department would have sent an estimate here to Congress for these outfits and expenditures incurred under the law. It is because the law does not sanction it, that they come here and ask it at the hands of Congress.

The Senator from Maryland, I apprehend, is utterly mistaken in his idea that a minister abroad who is sent to one court, is by law exonerated from obeying the directions of the President to go to another court. A minister who is resident abroad, is under the direction of the President. If the President directs him in the course of the public service to go to another country and transact special business, and he declines, of course he forfeits his commission as insubordinate. It is the usage of all countries; it has been the usage of our country, to consider our ministers as under the control of the Executive, to be sent, if the public service requires, from one court to another for the transaction of special business.

Now, sir, here is the naked case of gentlemen in South America, commissioned there to certain courts, who were directed to go to other Governments for the purpose of negotiating treaties. That will very frequently arise again; and if it is the sense of the Senate that they are entitled, because of alleged precedents, necessarily to receive

a round outfit, whether they go a thousand miles or five hundred miles or fifty miles, it will be the establishment of a precedent from which we are not hereafter, I presume, to depart. I said before, sir, that I did not look to the cases adduced by the Senator from Georgia, because I did not regard this as a matter of precedent at all. The compensation of our diplomatic functionaries, further than what the law entitles them to, is entirely within the control of Congress, to be judged of by the circumstances of each case. I can very well understand that Mr. Clay, having negotiated the treaty of peace at Ghent, and being ordered to London on special services there, might be considered, in the estimation of the Government, as entitled to a sum equal to \$9,000, when, if he had been sent from one place in South America to another, he would not have been so entitled; because we know very well that in Europe a man who is clothed with diplomatic functions is subjected to a scale of expenditures to which he is not subject in the little courts of South America, and therefore what would be proper in one case would not be proper in the other. I will not detain the Senate. The question is before them. I will not trouble them further.

Mr. DAWSON. I wish to ask the chairman of the Committee on Foreign Relations one question. As I understand it, the President of the United States appointed these two gentlemen as full ministers, to do a certain act, in different States from those where they represented this Government.

Mr. MASON. The fact was this: Mr. Schenck was Minister Plenipotentiary, and Mr. Pendleton was Chargé d'Affaires, and those gentlemen, thus occupying these grades at the countries to which they were accredited, were vested with plenary powers to go and negotiate treaties with other Governments.

Mr. DAWSON. That necessarily made Mr. Pendleton, for the objects intended by the commission, a full minister, instead of a chargé.

Mr. MASON. That may be the Senator's inference.

Mr. DAWSON. Necessarily so. He went under a joint commission. Mr. Schenck already was a full minister; and he could not have been reduced down. When the President appointed these gentlemen, he did it under the Constitution, appointing ministers to do particular acts in different States from those to which they were accredited. When Mr. Schenck went to perform that duty, he went as the minister of this Government, appointed by the President. If he had not executed the order given to him by the President before the meeting of Congress, would not the President have submitted his nomination to the Senate of the United States for confirmation? Under the law he cannot draw both outfit and salary, because the confirmation did not take place. Now we, as the Senate, have ratified the acts of these gentlemen by unanimously confirming the treaty which they submitted to us, and have thereby substantially confirmed the nomination. Now, are they not, in legal acceptance, entitled to all the rights which arise under the law, even in the double capacity? I think so, and more especially after the precedent has been established.

Mr. MASON. I will mention a single case. Recently, Mr. Borland was sent as Envoy Extraordinary and Minister Plenipotentiary, accredited to the five Governments of Central America, to reside sometimes at one of them and sometimes at another. It was deemed convenient to send a minister plenipotentiary to that country, instead of the chargés who had been heretofore sent to some of these States. Now, under the views taken of the obligations of the Government by some gentlemen, that gentleman is entitled, by law or by the usage of precedent, to five outfits, and may come here for them.

Mr. DAWSON. When Mr. Borland went out, his commission contained on its face all the States to which he was accredited.

Mr. MASON. So it did.

Mr. DAWSON. And he accepted the commission under that view. Mr. Schenck, when he went to Rio, went as minister to reside at Rio. He afterwards performed this duty eighteen hundred miles from there. Can it be presumed that an American minister, going to act with foreign ministers from England and France, and other Governments, should go there stripped of any of the

means of sustaining the national character and dignity of this nation, for want of a sufficient sum? Certainly not. And it is known to us all that the salaries of these officers are so small that it is difficult for them properly to sustain the character of the nation as it ought to be.

Mr. BAYARD. This debate has satisfied me as to one question, not as to the measure of compensation which ought to be allowed to these gentlemen. It has satisfied me that this is clearly a private claim. I do not see how it can be put on any other ground. If there be any meaning in the rule of the Senate, this amendment cannot be attached to the bill. I object to it on that ground, though I do not wish to pass any judgment on the claim itself.

Mr. MASON. It is proper that the Senate should understand that the salaries of each of these gentlemen—one as minister, at \$9,000 a year, and the other as chargé, at \$4,500 a year—were continuing during the period that the committee propose to pay them at the rate of twenty-five dollars a day; so that, if the amendment of the committee be adopted, Mr. Schenck would receive, during that period, at the rate of a double salary, and Mr. Pendleton would receive his own salary, and at the rate of a minister plenipotentiary during that period.

Mr. DOUGLAS. Mr. President, I am willing to pay these two gentlemen the highest sum which is deemed reasonable, but I am not willing to pay it as an outfit. I am not willing to recognize the principle that where a minister at one court is detailed on special business at another, he is to have an outfit for being thus detailed. The object of an outfit was to enable the minister to buy his furniture and go to housekeeping at the place to which he should be sent. The outfit was given to enable him to procure a house, and set up an establishment. Then his salary was to cover the residue. That practice was adopted when it was the custom, at most of the capitals of Europe, to rent houses unfurnished, and it took a large portion of the salary to furnish a house and get prepared to live in it. Afterwards, he was to have only his salary. For that reason there was double pay for the first year, in the shape of salary and outfit. Now, the practice is to rent houses furnished at nearly all the courts; and I believe the whole doctrine of outfits ought to be abolished, and the salaries increased, so as to give the ministers so much for each year.

In regard to this amendment, I am unwilling to make this allowance as an outfit; and yet these gentlemen were sent to these respective places, fifteen or eighteen hundred miles distant from the countries to which they were accredited, and had to pass through a region where traveling is perhaps unsafe, in concert with the representatives of foreign countries, and are compelled, of course, to incur heavy expenses. I think they should be amply paid; but I am not willing to recognize the principle that each time an officer of this nature is detailed on a special duty, he shall have an outfit for it. Within the last year an instance came under my own notice. We had a slight difficulty, on account of a small claim on the king of Greece, by one of our citizens, and also another question in connection with Dr. King. Mr. Marsh, our Minister in Turkey, was sent from Constantinople down to Athens to attend to it. I do not know how often he went, but he went several times. He could go there in a couple of days in a steamer, so that much time was not occupied in those trips. I insist that Mr. Marsh ought to be paid for these trips, and well paid for his extra expenses and services at Athens, while he was Minister at Constantinople; but I should not be willing to say that for each time he took the steamer from Constantinople to Athens, whether he was gone one week or three months, he should have a full outfit. It might be that in the course of a year or two in this way, his outfits would run up to more than double the amount of our claims against that Government.

It is often very convenient to detail a minister to go to some neighboring court, where we do not deem it necessary to have a constant resident minister, to do a special act. Take the case of Germany, where there are a large number of small States. We have a representative at Berlin. We may desire to send him down to Dresden, in Saxony, or to Hanover, or to any of the little independent dukedoms there; but if we should send

him to ten or fifteen or twenty of them in a year, occupying a day or two in each case, are we to be obliged to pay an outfit in every case? Shall we pay an outfit when he goes to Dresden, where he can go in four hours, or to the free town of Hamburg, where he can go in four or five hours, or to Bremen, which it will take him six or seven hours to reach, or to Hanover, where he can arrive in four and a half hours, or to Wurtemberg, or to any of those small kingdoms? I apprehend it will not do to recognize the principle that each time a minister is detailed in that way for special duty, he must be paid a full outfit.

In this case, when Mr. Schenck was appointed Minister to Rio, he went under a law providing \$9,000 outfit and \$9,000 salary for the minister there; but there was no law of Congress authorizing or providing for missions to the other nations to which he was sent to make treaties. There was no salary, no appropriation to pay for such services; but he took that appointment under this implication: that he would go and obey the orders of this Government, and perform this special duty, and receive such pay therefor as Congress should deem just and proper under the circumstances. There was no law recognizing this mission; there was no law providing for it; there was no salary fixed for it. In this case I believe we paid his expenses, whereas, we do not pay the expenses of regular ministers. Why? It was outside of the law,—a case arising where there was an exigency for the appointment of a special minister for the occasion. There was a manifest propriety in detailing the nearest diplomatic representatives of our Government to perform this duty, and they should be well and liberally paid for it. I am not prepared to say that the sum specified by the Senator from Georgia is too much. I make no point on the amount, but I insist that it must be paid as a proper and just recompense to these gentlemen, for the services which they performed under the circumstances, and not as an outfit. If we commence the principle of allowing outfits in these cases, we shall get into great difficulty in future, and perhaps may lay the foundation of large claims in those cases to which I have referred that have already occurred. I am willing to be liberal, and I do not know that I shall vote against the amendment fixed by the Senator from Georgia, but my object is to protest against what is urged here as a legal obligation.

Mr. BADGER. I should like to know what are the terms of the amendment. Is there anything said in it about outfits? Let it be read.

The Secretary read the amendment of Mr. Toombs, as inserted above.

Mr. TOOMBS. The Senator from Illinois will perceive that there is no outfit mentioned in my amendment.

Mr. MASON. If that amendment be adopted, this officer will have received a higher rate of compensation than any officer ever did before under this Government, I presume. He will have received \$22,500 for six months' service.

Mr. ATCHISON. If the Senator from Georgia will withdraw his amendment, I propose to double the amount proposed by the committee. We shall then adopt the principle of *per diem* compensation, as proposed by the committee, and it will amount to a little more than \$9,000 for six months' services. I will propose to amend the amendment of the committee by striking out twenty-five dollars, and inserting fifty dollars, including expenses.

Mr. BUTLER. They have had their expenses.

Mr. TOOMBS. As my amendment is in conformity with precedent, I do not feel at liberty to withdraw it. If it be voted down, the Senator from Missouri can offer his amendment. My proposition is in conformity with the precedents and the usual practice of the Government, and I think it right.

Mr. ATCHISON. It was because I believed those precedents and that practice to be preposterous that I made the suggestion.

Mr. SLIDELL. I would ask the Senator from Georgia whether Messrs. Clay and Adams, when they were transferred from one point to another on those special missions, were not commissioned by the President, by and with the advice and consent of the Senate? I think that makes a very material difference.

Mr. TOOMBS. They were not so commissioned in both cases. They were commissioned as

commissioners to Ghent, by the President, by and with the advice and consent of the Senate, but, I think, not in the other cases.

Mr. SLIDELL. My impression was, that they were so commissioned in the other cases by the President, by and with the advice and consent of the Senate.

Mr. TOOMBS. They were to negotiate the treaty of peace.

Mr. SLIDELL. Then I should like to ask another question. The Senator from Georgia claims this compensation for Mr. Schenck on the ground that he was sent to these two different South American Republics, Uruguay and Paraguay, as Minister Plenipotentiary and Envoy Extraordinary. I rather think he is under a misapprehension as regards the facts. He was sent as special commissioner, but it does not appear that he was sent as minister plenipotentiary.

Mr. TOOMBS. He was sent as a commissioner with plenipotentiary powers.

Mr. SLIDELL. So are all commissioners.

Mr. TOOMBS. He was accredited to the sovereign of the country, and not to the Minister for Foreign Affairs. Both these gentlemen were commissioned as full ministers, according to the uniform practice of the Government, as their commission was directed to the sovereign, and not to the Secretary for Foreign Affairs.

Mr. SLIDELL. I wish to state a distinction which I draw. Every person who is sent to a foreign Government for the purpose of performing a special duty, is *quod ad hoc* clothed with plenipotentiary powers—that is clear; and the grade in which he serves regulates the standard of compensation. Now, this is the point to which I wish to direct the attention of the Senator from Georgia: What was the tenor of the commission under which Mr. Schenck acted in negotiating the treaties with these two Republics? Was he sent there in the capacity of Envoy Extraordinary and Minister Plenipotentiary? Or was he a simple commissioner, deputed for a specific purpose? That is the point.

Mr. TOOMBS. I have his commission here; and I can state to the Senator that he was sent as commissioner, as Mr. Clay, and Mr. Adams, and the other gentlemen who were sent to Ghent. He was accredited to the sovereign. I think the Senator is in error in regard to his distinction. It does not follow, of course, that, if a gentleman be accredited to a court for a special duty, he has plenipotentiary powers. That does not necessarily result. When a man is sent as minister resident or chargé, he is not accredited to the sovereign of the country. These gentlemen had precisely the same powers as Mr. Murray when he was sent to Paris, and precisely the same powers as Mr. Clay and Mr. Adams when they were sent to Ghent. Those were full missions, and they were allowed the outfit of a full mission.

Mr. BUTLER. I have endeavored to attain something like a conclusion conformable to principle in this matter; and if my friend from Georgia had made good the general proposition with which he started out, and which I think he has maintained with a great deal of plausibility, at least, I should have voted with him; but as I understand now—and really it is from what he has stated, as from anything else—when John Quincy Adams, Minister Plenipotentiary at the Court of St. Petersburg, was required to act in the negotiation of the treaty of Ghent, he was appointed by the President, by and with the advice and consent of the Senate, for that purpose. When Mr. Clay left the United States for the purpose of negotiating the treaty at Ghent he also went under the same sanction, with an incidental power to go to London as commissioner and negotiate a commercial treaty with Great Britain, upon the contingency of the success of the treaty of Ghent. So far as regards the claim for an outfit, I understand they claimed it by virtue of their commission derived from the President and Senate of the United States.

Mr. TOOMBS. Not that. They were not accredited to London, but the negotiation of the commercial treaty was expected to be at London. Mr. Clay was not sent to London, but at the time he was sent to Ghent to negotiate the treaty of peace, he was also instructed to form a commercial treaty.

Mr. BUTLER. I wish to make these two propositions clear, or to have them made clear.

When John Quincy Adams was selected to go to Ghent, he was made Minister in addition to his functions as Minister Plenipotentiary at St. Petersburg.

Mr. TOOMBS. He was.

Mr. BUTLER. He received that commission, as I understand, by the nomination of the President and the sanction of the Senate.

Mr. TOOMBS. He did.

Mr. BUTLER. Mr. Clay received his appointment by the nomination of the President and sanction of the Senate, and Mr. Clay had authority to go to London and negotiate this commercial treaty. Now, as I understand, Mr. Clay did not, in the first place, claim an outfit as Minister to Great Britain, but his accounts were suspended, and that claim was a subsequent matter.

Mr. TOOMBS. The Senator did not understand me, or I was very unfortunate in my remarks. The negotiations for the commercial treaty were transferred to London, because the British Government did not wish to make the treaty at Ghent, and I said that Mr. Clay claimed the whole \$9,000 for going to London. He was allowed at first only \$4,500 for an outfit, and he was subsequently allowed the balance under the opinion of the Attorney General. But I will correct myself as to one point. I am not sure, (my opinion is rather otherwise,) though the Senator from Louisiana says it is so, that those commissioners were appointed by the President and confirmed by the Senate.

Mr. BUTLER. That would be a very important element in my judgment.

Mr. TOOMBS. My impression is the other way, but I am not certain.

Mr. BUTLER. Assuming, however, that they went with the full authority of the Senate and the President of the United States, I think they were properly paid. I think Mr. Clay was properly paid. The measure of compensation was to be allowed by Congress, or the accounting officer, and \$9,000 was adopted as that measure. I am willing to acquiesce in it, but it is a precedent that ought not to be followed.

Mr. MASON. Here are the commissions of these gentlemen. I have sent for them, and will read them to the Senate.

MILLARD FILLMORE, *President of the United States of America, to his Excellency the President of the Oriental Republic of Uruguay:*

GREAT AND GOOD FRIEND: I have made choice of Robert C. Schenck, one of our most distinguished citizens, an Envoy Extraordinary and Minister Plenipotentiary to Brazil, to proceed to Montevideo on business connected with the welfare of our respective countries. I consequently pray your Excellency to give credence to whatever Mr. Schenck shall say to you on our part, and most of all when he shall assure your Excellency of our ardent desire to maintain unimpaired, and to strengthen the friendly relations which fortunately exist between the United States and the Oriental Republic of Uruguay.

And so I pray God to have your Excellency in His safe and holy keeping.

Written at Washington, the 29th day of April, A. D. 1852.

Your good friend,

MILLARD FILLMORE.

By the President:

DANIEL WEBSTER, *Secretary of State.*

Mr. TOOMBS. I will ask the Senator if that is not the precise language of the letters of credence which he carried to Brazil?

Mr. MASON. No, sir.

Mr. TOOMBS. It is an exact copy, and they carry nothing else abroad.

Mr. MASON. When Mr. Schenck went to Brazil, he carried with him a letter of credit, announcing that he was Envoy Extraordinary and Minister Plenipotentiary at Brazil. He was there in that character, and clothed with that name. In this paper he is described as Envoy Extraordinary and Minister Plenipotentiary to Brazil, by way of describing the person that was sent on a special mission to Uruguay; and so in the case of Mr. Pendleton. This is a joint commission.

MILLARD FILLMORE, *President of the United States of America, to all whom these presents shall come, Greeting:*

Know ye, that for the purpose of confirming between the United States and the Argentine Confederation, or the States now or at any time composing the same, jointly, or severally, perfect harmony and good correspondence, and reposing special trust and confidence in the integrity, prudence, and abilities of Robert C. Schenck, Envoy Extraordinary and Minister Plenipotentiary of the United States to Brazil, and of John S. Pendleton, Chargé d'Affaires of the United States to the said Confederation, I hereby invest them jointly or severally, with full and all manner of power and authority for and in the name of the United States to meet and confer with any person or persons duly author-

ized by the Government of the said Argentine Confederation or by the Government of either of the States now or at any time composing the same, being invested with like power and authority, and with him or them to agree, treat, consult, and negotiate of and concerning general commerce between the United States and the Argentine Confederation or the States now or at any time composing the same jointly or severally, and to conclude and sign a treaty or treaties touching the premises, transmitting the same to the President of the United States for his ratification, by and with the advice and consent of the Senate thereof.

In testimony whereof I have caused the seal of the United States to be herewith affixed.

Given under my hand at the city of Washington, the 27th day of April, A. D. 1852, and of the Independence of the United States, the seventy-sixth.

MILLARD FILLMORE.

By the President:

DANIEL WEBSTER, Secretary of State.

These papers show that these two gentlemen are described by their proper title to make known to the two Governments to which they were sent who they were. One was a minister to Brazil, the other was chargé d'affaires at the Argentine Confederation; and they were sent as special commissioners for the purpose of making treaties with these Republics.

Mr. RUSK. I understand the honorable Senator from South Carolina [Mr. BUTLER] to say that these two gentlemen had been commissioned by the President, and confirmed by the Senate, in this capacity, for the purpose of making these treaties, notwithstanding they held the offices specially, one of minister to another Government, and the other of chargé d'affaires. Now, sir, what difference is it? The history of the case is this: A crisis arose in these countries. It was presumed by the President, that commercial treaties could be formed. It had been attempted before, but it had been an utter failure, both on the part of this Government and the Governments of Europe. That crisis arose when the Senate was not in session. The President, therefore, could make no appointments of this description, and he must necessarily devolve this duty upon this minister and this chargé d'affaires. They went. The British and French Governments, at the same time, availing themselves of this very crisis in the affairs of the country, sent their ministers for the purpose of making commercial treaties, which were regarded of vast importance, with them. It had been regarded as of vast importance for a number of years to have commercial relations with these countries, if possible.

Suppose the Senate had been in session when the crisis arrived, and they had been asked, would they not have confirmed the appointment necessary to have obtained these important commercial treaties? I think there is no doubt of it. There certainly can be no doubt of it; because when the treaties were made and sent here, they were at once confirmed. They were sanctioned by the Senate. Then everything was acquired by these gentlemen which could have been acquired if they had had in their pockets the additional commissions which now seem to be made of importance. The action of the Senate, confirming the treaties, is conclusive proof that if it had been in session at the time, it would have authorized the appointment of these persons for the purpose of obtaining the commercial treaties. We have availed ourselves of the labors of these gentlemen, and now, upon a matter of etiquette, because they did not have a particular commission in their pockets, we are called upon to refuse to pay them. Sir, taking it for granted that the Senate would have sanctioned these missions if they had been in session, and it cannot be disputed, for they sanctioned the treaties, and if they were regarded as matters of so much importance as to lead them to sanction the treaties unanimously, they certainly would have regarded it at the time as a matter of considerable importance to have them commissioned, and having availed ourselves of the labors of these gentlemen, I am willing to pay them.

Mr. MASON. I desire to ask the Senator a question. Suppose the President of the United States had thought proper to send a minister to negotiate treaties with Uruguay and Paraguay, and with the other States, the names of which I do not recollect, and had asked the Senate for an appropriation to do it, and had sent one minister to discharge that service, would that minister not have received only a single outfit of \$9,000, and a single salary of \$9,000?

Mr. RUSK. Certainly; because that would

have been his arrangement. But I can answer that question by asking another. Suppose he had asked for the outfit for two ministers, one to have gone to each of these places; would they not both have received outfits and salaries? It is obvious they would. Certainly that would have been the case, and the supposition is as strong on the one side as on the other.

Mr. President, the services have been performed. The Government has availed itself of them by sanctioning the treaties made by these gentlemen. Those treaties have been regarded by the Government as matters of considerable importance, and I shall not stickle over their want of a particular kind of commission in their pockets, to withhold from them their compensation.

Mr. TOUCEY. I rise to call attention to one fact. At the time when these commissions were issued, when these instructions were given to these two ministers who had been appointed and confirmed, and were resident abroad, the Senate was in session, and now the claim is made that they are entitled to an outfit on the ground of a new appointment either as minister of the first or second grade. By what right or authority, when the Senate is in session, can the President of the United States, without sending in to this body the nomination, send a minister to any other country, and give him a title in consequence of the new office which is conferred? I think it shows that it was not the intention of the President to make a new appointment, but merely to call upon those individuals, who were already holding foreign appointments, to discharge occasional duties; and now, as a remuneration, I am willing to make them an ample compensation for their expenses; but I am not willing to admit that they received a new appointment at the hands of the President entitling them to an outfit, when it never had been submitted to the Senate which was in session, whether it would agree to confirm the appointment or not. I am therefore opposed to the proposition of the Senator from Georgia, but am in favor of the one that comes from the Committee on Foreign Relations.

Mr. BUTLER. I shall detain the Senate but a very few minutes, to put myself right. I feel confident of my conclusions now. Before Mr. Schenck could receive \$9,000 as an outfit, he must do so *in virtue officii*, that is, as a minister plenipotentiary, deriving his powers from the nomination of the President, and the confirmation of the Senate; and if he had presented himself to the Department, *in virtue officii*, they would have paid it just exactly as it was paid John Quincy Adams, who left St. Petersburg, and claimed, by virtue of his commission, an outfit to Ghent; or, as did Mr. Clay; and until they bring themselves within that character, they have no right to claim it as an outfit. The outfit of \$9,000 is incident to an office regularly derived from the constitutional authority of the President and the Senate of the United States. So far from the President of the United States intimating that Mr. Schenck was to be regarded with the dignity of a Minister Plenipotentiary, he did not even give him the designation; but to what monstrous abuses would this lead? Suppose that a President, after he has found that he is to go out of office, chooses, by a commission of this kind, to detail a favorite minister to go to the twenty-two courts in South America, to Central America, to Mexico; or suppose to the courts in Europe, where they can go from one to another in a few hours. Suppose the President were to detail one of his favorite ministers to go to England, to France, to Belgium, to Rome, and to Constantinople, according to the doctrine of my friend from Georgia, *in virtue officii*, he could claim, as a matter of right, an outfit of \$9,000. I would allow him for the services, and for going to a different place, a fair and liberal compensation; but I would not allow him the outfit incident to an office that can only be derived from the President and the Senate.

Mr. RUSK. No such abuse as that of which the Senator speaks has been committed in this case.

Mr. BUTLER. I do not say that it has. I say it might be committed.

Mr. RUSK. Hence that objection cannot apply here. If these persons had been ministers appointed by the President, and confirmed by the

Senate, to these Republics, they would have been entitled to \$9,000 as a salary. All that is necessary to answer in regard to what the President might do, is, that they have to come here for the purpose of getting an appropriation; and if anything was done improperly, all that it would be necessary for the Senate to do, would be to reject it. Nobody pretends that there was anything improper in this case.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Georgia to the amendment.

Mr. RUSK called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 17, nays 24; as follows:

YEAS—Messrs. Badger, Bell, Benjamin, Brown, Cooper, Dawson, Fish, Foot, Geyer, Pettit, Pratt, Rockwell, Rusk, Thompson of Kentucky, Thomson of New Jersey, Toombs, and Wade—17.

NAYS—Messrs. Adams, Allen, Atchison, Bayard, Bright, Brodhead, Butler, Dodge of Wisconsin, Evans, Fitzpatrick, Hamlin, Houston, Hunter, James, Jones of Tennessee, Mason, Norris, Sebastian, Shields, Slidell, Toucey, Walker, Weller, and Williams—24.

So the amendment to the amendment was rejected.

Mr. ATCHISON. (Mr. WELLER in the chair.) I move now to amend the amendment of the committee in accordance with the suggestion that I made to the Senator from Georgia, by striking out "twenty-five" and inserting "fifty," which will be including the expense.

Mr. MASON. Does the Senator mean that the expenses shall be paid out of the fifty dollars?

Mr. ATCHISON. Yes, sir.

Mr. BUTLER. That would be worse for them than the original amendment is.

Mr. MASON. Their expenses are all paid except—

Mr. ATCHISON. Then I move to strike out "twenty-five dollars," and insert "fifty dollars" per diem.

Mr. MASON. That will give them exactly the sum proposed by the Senator from Georgia.

Mr. ATCHISON. No—less \$9,000 outfit.

Mr. MASON. Twenty-five dollars a day for the time employed is at the rate of \$9,000 a year. If you give them fifty dollars a day, that is at the rate of \$18,000; and that is what the Senator from Georgia proposed to give by his amendment.

Mr. TOOMBS. The Senator from Virginia does not seem to comprehend my amendment at all. I did no such thing. I proposed to give Mr. Schenck the amount of \$18,000; therefore, the amendment of the Senator from Missouri is precisely half of mine. That is the effect of it.

Mr. MASON. The amendment of the Senator from Georgia was to pay Mr. Schenck \$18,000 for some five or six months' service. The Senator from Missouri proposes to pay him at the rate of fifty dollars a day for about six months' service, which is at the rate of \$18,000 a year. If this be done, it will be taken as a precedent to establish the position, that if a minister is sent from one country to another to transact special business, besides his salary going on all the time at \$9,000 a year, and expenses, he may have fifty dollars a day.

Mr. WALKER. With the desire to know afterwards what the country may think of paying, under these circumstances, fifty dollars a day, I ask respectfully for the yeas and nays on the amendment to the amendment.

The yeas and nays were ordered.

Mr. TOUCEY. If I understand it, these ministers have already been paid their annual salary during the very period of six months for which it is now proposed to pay them twenty-five dollars a day in addition; and the proposition contained in the amendment to the amendment is to make it fifty dollars a day, so that in case of the minister plenipotentiary during these six months, he will be receiving at the rate of seventy-five dollars a day.

The question was taken by yeas and nays, and resulted as follows:

YEAS—Messrs. Atchison, Badger, Bell, Benjamin, Cooper, Dawson, Fessenden, Fish, Foot, Geyer, Pearce, Pettit, Pratt, Rockwell, Rusk, Shields, Toombs, and Wade—18.

NAYS—Messrs. Adams, Allen, Bayard, Bright, Brodhead, Brown, Dodge of Wisconsin, Evans, Fitzpatrick, Hamlin, Houston, Hunter, James, Jones of Tennessee, Mason, Sebastian, Slidell, Thomson of New Jersey, Toucey, Walker, Weller, and Williams—22.

So the amendment to the amendment was rejected.

Mr. WALKER. I move to strike out of the amendment reported from the committee the words:

And a compensation at the rate of twenty-five dollars per diem shall be allowed each of them for the time they were employed, to be paid out of any money in the Treasury not otherwise appropriated.

That will leave the amendment a provision simply to pay the expenses of these gentlemen, and when they cannot produce their vouchers, that their own certificates may be taken for the items of their expenses. I make this motion upon the ground that, aside from their expenses, the Government was entitled to their time. If they had remained at the points to which they were originally appointed, the Government would have been entitled to their services. They spent no more time in going on the special mission than they would have spent in remaining. This provides for allowing their expenses, and their own certificates are to be taken when they cannot produce vouchers. Upon my amendment I simply ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MASON. The committee were satisfied, from the papers before them, and I dare say other Senators would be satisfied, that these gentlemen, being absent from the places to which they were appointed to reside, and being obliged to continue their establishments there, were put to actual expenses by their absence, and we thought we had measured them a fair and just allowance in giving them at the rate of an additional salary.

Mr. WALKER. Suppose there were expenses incurred; can they not bring them under the item of expenses, and thus avoid precedent of giving double compensation for the time spent in the service of the country?

Mr. GWIN. In regard to the suggestion of the Chairman of the Committee on Finance, when the *chargé* was absent, were not his duties performed by the secretary of legation, and did he not receive at the rate of \$4,500?

Mr. MASON. While he was absent the secretary of legation was acting as *chargé ad interim*; and the secretary has asked to be paid the difference between the salary of the one office and that of the other. The committee reported in his favor.

The question was taken by yeas and nays; and resulted—yeas 13, nays 30; as follows:

YEAS—Messrs. Adams, Allen, Badger, Bright, Dodge of Wisconsin, Fitzpatrick, Gillette, Jones of Tennessee, Sebastian, Toombs, Wade, Walker, and Williams—13.

NAYS—Messrs. Atchison, Bell, Benjamin, Brodhead, Brown, Butler, Cooper, Dawson, Dodge of Iowa, Evans, Fassenden, Fish, Foot, Geyer, Hamlin, Houston, Hunter, James, Mallory, Mason, Pettit, Pratt, Rockwell, Rusk, Shields, Slidell, Thompson of Kentucky, Thomson of New Jersey, Toucey, and Weller—30.

So the amendment to the amendment was rejected.

The question then recurred on the amendment of the committee.

Mr. WADE called for the yeas and nays; and they were ordered.

Mr. PEARCE. Mr. President, I do not wish to consume the time of the Senate; but I desire to say that I shall vote against this proposition, considering the amount proposed to be paid by it as entirely inadequate. I have not heard the arguments advanced in the case; but I merely wish to say, that I understand Mr. Schenck was absent from Brazil eighty-three days on his mission, and he traveled on that occasion four thousand eight hundred miles, and was constantly engaged in arduous labors, which resulted in the successful conclusion of a treaty. It is proposed to pay him at the rate of \$2,075 for that service. In the performance of that service he was obliged to leave his house, in which he had just established himself, and to pay out of his own pocket more than \$800, which leaves a balance of \$1,200 for this service. On the second occasion he was absent ninety-five days, during which time two treaties were negotiated. It is proposed to pay him for that \$2,375. He had to pay out of his own pocket for the care of his property during that time \$380, leaving \$1,895 for the making of these two treaties. That is \$947 for each treaty. Now, sir, while he was negotiating one of these treaties, it became necessary to employ a clerk. I would remark here, that for these expenses vouchers have been produced to the State Department, but no allowance has been made.

Mr. MASON. It is allowed by this amendment.

Mr. PEARCE. Then he had to employ a clerk for two weeks, whose expenses have been paid at this Department, \$1,000 for his services; so that absolutely they have given the clerk who was employed more money than is given to Mr. Schenck for the time he was employed in making the treaty.

The question being taken by yeas and nays, resulted—yeas 27, nays 17; as follows:

YEAS—Messrs. Allen, Atchison, Bright, Brodhead, Brown, Butler, Chase, Dawson, Dodge of Wisconsin, Dodge of Iowa, Evans, Gillette, Houston, Hunter, James, Jones of Tennessee, Mallory, Mason, Pettit, Pratt, Shields, Slidell, Thompson of Kentucky, Thomson of New Jersey, Toucey, Weller, and Williams—27.

NAYS—Messrs. Badger, Bayard, Bell, Benjamin, Cooper, Fassenden, Fish, Fitzpatrick, Foot, Gwin, Pearce, Rockwell, Rusk, Sebastian, Toombs, Wade, and Walker—17.

So the amendment was agreed to.

Mr. MASON. I am instructed by the Committee on Foreign Relations to offer the following amendment:

For payment to Lieutenant W. D. Porter, of the Navy of the United States, the sum of \$1,748 61, being for so much money expended by him for expenses incurred in bringing Amin Bey, the Turkish envoy, and his attendants to the United States in the year 1850, at the request of the United States minister resident at Constantinople.

Mr. HUNTER. Is not that a private claim?

Mr. MASON. An appropriation to Lieutenant Porter passed the Senate at the last session, and my impression is, upon an appropriation bill. It would seem at first to be in the nature of a private claim; but it is for expenses incurred by direction of the minister at Constantinople, and it seemed to us in the nature of current services of the country. The expenses were really incurred by the officer. The Government made an appropriation of \$10,000 to pay the expenses of this agent while in the country, all of which I have been told has been drawn.

The PRESIDING OFFICER. (Mr. WELLER in the chair.) The Chair thinks that this amendment is in order. It is brought forward by the order of a standing committee. The Chair is disposed to entertain it.

Mr. TOOMBS. I ask the chairman of the committee if that was the cost of his passage here in a public ship?

Mr. MASON. No, sir. Lieutenant Porter commanded one of the public ships, and he was requested by the minister to furnish a passage to Amin Bey.

Mr. TOOMBS. I understand that. But did it cost near \$2,000 to bring him here?

Mr. MASON. Lieutenant Porter received him on board his ship as a guest, and provided for him by having apartments put up in the ship for him. He provided for him and suite, entertained them, and fed them all the way. It is shown that he incurred these actual expenses.

Mr. TOOMBS. Did not the Government appropriate \$10,000 for the expenses of Amin Bey?

Mr. MASON. The Government appropriated \$10,000 to pay his expenses after he arrived in this country to enable him to travel about.

Mr. HUNTER. It seems to me that this is a private claim. I am compelled to raise the question.

The PRESIDING OFFICER. The Chair has great doubt about it. He decided that it was in order, but if the Senate thinks proper to overrule the decision, the Chair is willing to submit the question to them. The question of order, therefore, which is raised, will be submitted to the Senate.

The question was put; and the Chair decided that the decision of the Chair appeared to be overruled.

Mr. BUTLER. No appeal was taken from the decision.

The PRESIDING OFFICER. The Senator from Virginia [Mr. Hunter] took an appeal.

Mr. BUTLER. I do not think he did.

Mr. HUNTER. The President has the right to submit the question. I did not appeal, but I am glad the question has been submitted to the Senate.

Mr. BUTLER. It is fairly in order. Nobody is going to appeal.

The PRESIDING OFFICER. The Chair entertains doubt upon the subject, and he is willing to refer the question to the Senate.

Mr. HUNTER. I hope the sense of the Senate will be taken.

The PRESIDING OFFICER. The Chair will put the question to the Senate.

The question was taken; and the amendment was declared to be out of order.

Mr. MASON. I have here a class of amendments which the Committee on Foreign Relations have instructed me to offer. Reports have been made in each case. They are to pay certain secretaries of legation at foreign courts the compensation of *chargé d'affaires*, while acting in that character. In each instance we have ascertained, at the Department of State, that the services were rendered, I believe the invariable practice of the Government has been to make the allowance. The first one that I offer is in the case of Mr. Sanford. In it there is an allowance of the small sum of \$1,170 63 additional for clerk hire, which he shows was actually and necessarily paid by him while acting as secretary of legation. The others are simply for the difference in pay. I present them all as a class.

Mr. GWIN. I raise the question whether they are not private claims?

The PRESIDING OFFICER. The Secretary will read the amendment.

The Secretary commenced to read:

That the Secretary of the Treasury be, and he is hereby, directed to pay out of any money in the Treasury not otherwise appropriated—

Mr. GWIN. The Secretary is reading that from a printed slip. A part of it has been stricken out. I should like to hear the whole of it read.

The Secretary read "Senate bill No. 430."

Mr. GWIN. From what committee is it reported?

The Secretary continued to read:

"Mr. SLIDELL, from the Committee on Foreign Relations, submitted a report, accompanied by the following bill:

"July 22 recommitted to the Committee on Foreign Relations.

"July 24 reported with an amendment, (to insert the words printed in italics,) accompanied by a report.

"A bill for the relief of Henry S. Sanford."

Mr. GWIN. That is it.

The PRESIDING OFFICER. The Secretary will read the amendment, &c.

It was read, as follows:

That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Henry S. Sanford, late acting *chargé d'affaires* of the United States at Paris, the sum of \$2,223 82, it being the amount of the difference between the salary received by him, as secretary of legation at Paris, from the 14th day of May, 1853, to the 22d day of January, 1854, and the salary of a *chargé d'affaires* for the same period, together with the usual outfit of a *chargé d'affaires*, and for necessary clerk hire paid by him while secretary of legation at Paris, the further sum of \$1,170 63.

Mr. MASON. I ought to have stated that that case was reported upon by the Senator from Louisiana, [Mr. SLIDELL] from the Committee on Foreign Relations, and it was not put into my hands until just now by him, so that I did not make the statement that it contained also an appropriation for outfit, and is distinguished in that way from the others in the class which make provision only for the difference between the pay of the secretary of legation and *chargé d'affaires*.

Mr. BADGER. I desire to know whether it is not a private claim?

The PRESIDING OFFICER. The Chair is of the opinion that it comes within the prohibition of the rule, and is, therefore, out of order.

Mr. MASON. The custom of the Senate at least has been, in all other instances, to permit appropriations of this kind to be put upon the appropriation bills; and the reason by which they are distinguished always is this: these gentlemen are officers in the public service; they are discharging other duties than those pertaining to their office, for which no appropriation by law has been made; and, heretofore, they have gone upon the appropriation bills. It is the very case, I apprehend, presented a little while ago by the Senator from Delaware, in regard to the chief clerks in the Department of State, while discharging the duties of the office of Secretary of State. They were paid the same salary by an appropriation on this bill. If the Chair decides the amendment to be out of order, I must respectfully appeal from the decision, because I have a precedent in the case of the Senator from Delaware.

Mr. BADGER. The cases would be alike if

this were an appropriation to carry out the provision of an existing law—if there was a law which entitled the party to receive the compensation, and he had not received it.

Mr. MASON. It strikes me the cases are precisely alike in this. There is no law to pay a chief clerk in the Department of State the salary of the Secretary of State while he acts as such.

Mr. BADGER. There is the mistake of the Senator.

Mr. MASON. I yield if I am mistaken. I had supposed that there was none, or that it would not have been necessary to come here for a special act.

Mr. BADGER. The act of 1792 authorizes the President to make these appointments of acting officers, and the custom of the Government for years has always been to pay them as a matter of course; but they come to Congress when the money has not been appropriated.

Mr. MASON. I was not aware of that.

The PRESIDING OFFICER. The question is on the appeal.

Mr. MASON. I withdraw it.

Mr. SLIDELL. I should like to ask the Senator from North Carolina how he distinguishes this case, to which he now objects, from the one which he so earnestly advocated of Schenck and Pendleton.

The PRESIDING OFFICER. The Chair will inform the Senator from Louisiana that there is no question now before the Senate.

Mr. SLIDELL. I hope the Senator will answer the question.

Mr. BADGER. I will say to the Senator from Louisiana that I expressed no views upon that subject—none at all. When I came into the Senate to attend to what was going on, I found that case before the body, and under discussion. No question had been raised as to its being in order.

The PRESIDING OFFICER. The Secretary will read the next amendment.

Mr. MASON. The rest are of the same character, and of course must fall with the one which has been read. I have another amendment which I am instructed by the Committee on Foreign Relations to offer, to increase the salaries of the Ministers to Great Britain and France to the sum of \$15,000 per annum, and to discontinue the outfit. I had it drawn up here, but it has been mislaid. I will write it out again.

Mr. BRIGHT. While the Senator is preparing his amendment, I have a small one to offer from the Committee on Finance. It is to insert:

To enable the Secretary of the Interior to pay for two hundred and twenty feet and five inches of granite coping used in the improvement of the triangular square at the corner of 13th street and Pennsylvania avenue, \$515.47.

The amendment was agreed to.

Mr. MASON. I offer the following amendment to come after the appropriation for the salaries of the ministers to the two courts mentioned:

Provided, That the salaries of the Ministers to Great Britain and France, shall be hereafter, to each, at the rate of \$15,000 per annum, and that the outfits to those missions be hereafter discontinued.

Mr. SHIELDS. I ask the honorable Senator why deny the outfit? Why not leave it just as it is?

Mr. MASON. At the last session the Senate put upon the appropriation bill a provision making the salary \$15,000 a year for the Ministers to the four courts of Great Britain, France, Spain, and Russia. The House disagreed to it; and it was lost. It was thought absolutely necessary, by the Committee on Foreign Relations, that the salaries of the ministers to these two Governments, at least, should be increased, and, at the same time, that the outfit should be discontinued. The policy in discontinuing the outfit, as I understood it, was that it would induce ministers to remain during the full term of four years, for which they are usually sent—during one Administration—and that during the four years the increased salary would largely overgo the existing salary with the outfit.

Mr. PRATT. The manifest effect and operation of this amendment would be to discriminate between the present incumbents and all others who should hold similar offices hereafter. Those gentlemen now holding the positions, have received the outfit of \$9,000, and they are to receive in addition to that outfit \$15,000, instead of \$9,000 a year for the future. If they were to resign to-

morrow, and some other citizen should be sent to fill their place, he would be entitled to \$15,000 per annum, and would be entitled to no outfit. Now, I am decidedly in favor of increasing the salaries of all these officers. This, however, does not increase, but, on the contrary, diminishes the salary, except to the present incumbents. Now, any party receiving an original appointment, would receive the first year \$18,000. By the amendment he would only receive \$15,000. It therefore does not increase the salary of those hereafter to be appointed. It rather diminishes their emoluments and fees, and is confined exclusively for the benefit of those now in office.

Mr. MASON. Undoubtedly it will discriminate between those now in office and those hereafter to be appointed; but you cannot well change the salaries without discriminating between the predecessors and their successors in office.

Mr. PRATT. The Senator corresponds in opinion with me as I understand. Then his object can be effected by striking out the latter part of the amendment, so that it will increase the salaries to \$15,000, and leave the outfit as it is. That will leave the successors of the present incumbents entitled to the outfit. I do not desire to discriminate between them. There is no necessity for it; because, by striking out the latter part of the amendment, you accomplish the very object which the Senator professes to desire to obtain, and put all others upon the same footing with those, giving them a salary of \$15,000 and the outfit.

Mr. MASON. The object of the committee was to discontinue the outfit where they increased the salary. The latter part is prospective, and applies to the present and all future ministers. If you strike it out, you will leave the outfit with the additional salary. I should have no objection to that, but I am afraid it could not be carried elsewhere.

Mr. SHIELDS. I do not wish to raise any objection here, but I merely suggest, for the consideration of the honorable Senator from Virginia, that this outfit is necessary. No one, unless a wealthy citizen, could appear at either of those courts without the aid of the outfit. I think depriving them of it would have an injurious effect; and I concur, therefore, with the Senator from Maryland.

Mr. MASON. Probably the Senator did not hear what I said just now, that, at the last session, we proposed to increase those salaries to \$15,000, leaving the outfit as it stands. The House disagreed to it. We do not legislate alone; we legislate in union with the other branch; and the probability is, that if we continue the outfit, the House will again disagree to it, and I should rather take half a loaf than no bread.

Mr. FISH. I think the chairman of the Committee on Foreign Relations omits to state that the increase of salary at that time embraced the ministers to two other courts, Spain and Russia. It was probably on account of their being connected that the House did not conceive the necessity for the increase to exist, and they may on that account have disagreed to the amendment, but may not object to increase the salaries of the Ministers to England and France.

Mr. MASON. I will modify my amendment by striking out the last clause.

Mr. SLIDELL. I trust the chairman of the committee will not do that. If he does, I shall be obliged to vote against the amendment.

The PRESIDING OFFICER. Does the Chair understand the Senator from Virginia to make that modification in the amendment?

Mr. MASON. It seems to be so generally unacceptable to discontinue the outfit, that, not to detain the Senate, I propose to modify it by striking out the words, "and the outfit appropriated by law to those missions shall be henceforward discontinued."

Mr. SLIDELL. I move to reinstate that provision which the chairman of the Committee on Foreign Relations has stricken out; and I wish to state very briefly the reasons which induced me to do so. The Committee on Foreign Relations thought that it was very desirable to hold out inducements to ministers to remain for as long a period as possible at their posts. They wished to avoid the temptation which is found in many instances, to induce persons to accept appointments, receive the outfit, go abroad, and remain for so limited a time that really they can be of no

use to the Government. The amount which would be given to these ministers under the amendment of the committee, if they remained abroad four years, would be \$60,000. Under the old system they would have received \$36,000 as salary and \$9,000 outfit; that would be \$45,000. The honorable Senator from Maryland has said that the amendment, if adopted in the form in which it was originally presented by the chairman of the Committee on Foreign Relations, would be unjust and unequal in its operation. It would be so, but to a much more limited extent than he supposes. I will take the case of the present incumbent at London. He was appointed, if I mistake not, in the month of April of last year. He received his outfit; but under the provision of the amendment, as I desire it shall stand, and as originally offered by the chairman of the committee, he will have received, during the period of some fifteen months, \$6,000 less salary than is proposed to be given to the minister hereafter appointed to either of these courts. That would make a difference in the compensation. He would receive, supposing this amendment to be adopted, and the salary be not changed by any future Congress, less in the form of salary, by \$7,500, than his successor would receive, while he would have received \$9,000 more in the way of outfit; so that the whole difference reduces itself to the sum of \$1,500, neither more nor less.

In legislating for the future, I do not know that we are obliged to have any particular reference to the past. It seems to me, with all respect, that there is nothing in the argument of the Senator from Maryland but this: that he objects that if this provision be adopted, the present minister to London will be compelled to remain abroad four years to receive \$15,000 more than his successors.

As regards the question of outfit, I do not think, Mr. President, that outfits are at all necessary. As a general rule, I would say they are not necessary. A minister going to London or Paris may be under the necessity of expending money to prepare himself; but, as I understand it, it is now customary to pay in advance a certain portion of the salaries of the ministers in addition to the outfit. That proportion depends upon the discretion of the Department. A minister going abroad with a salary of \$15,000 may receive six months' salary in advance. My great objection to the system of outfits, I repeat, is, that it holds out inducements for men to go abroad for the mere purpose of jobbing. I think it is a vital error in our system, and I wish to get rid of it altogether. When the opportunity arrives, I shall feel disposed to make an effort generally to get rid of it, and to make whatever increase may be necessary in the salaries.

Mr. BUTLER. I move that the Senate do now adjourn.

Mr. GWIN called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 18, nays 30; as follows:

YEAS—Messrs. Allen, Butler, Chase, Clayton, Cooper, Fitzpatrick, Foot, Gillette, James, Pearce, Pettit, Rockwell, Rusk, Sebastian, Sumner, Thompson of Kentucky, Toombs, and Wade—18.

NAYS—Messrs. Adams, Atchison, Badger, Bayard, Bell, Benjamin, Brodhead, Brown, Dawson, Dodge of Wisconsin, Dodge of Iowa, Douglas, Fessenden, Fish, Geyer, Gwin, Hamlin, Houston, Hunter, Johnson, Mallory, Mason, Pratt, Shields, Slidell, Thomson of New Jersey, Toucey, Walker, Weller, and Williams—30.

So the motion to adjourn was not agreed to.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Louisiana to insert in the amendment of the committee the following words:

And the outfit appropriated by law to those missions shall be henceforward discontinued.

The question was then taken; and the Presiding Officer declared it to be rejected.

Mr. SLIDELL called for the yeas and nays; but they were not ordered.

Mr. MASON. I have found that, probably by the construction under the existing law, the amendment which I have offered, as it stands, may entitle these ministers to a full year's salary and outfit, so that they will receive a salary of \$15,000, and an outfit of \$15,000. To avoid that construction, I propose to modify it by adding the following:

The outfit to each not to exceed the sum of \$9,000.

The PRESIDING OFFICER. The question is on the amendment as modified.

Mr. SLIDELL. I hope I can have the yeas and nays upon that, at least.

The yeas and nays were ordered.

After the roll had been called,

Mr. WALKER said: I wish to know if I have voted right? I intended, by the vote I gave, to go against the \$15,000 outfit.

The PRESIDING OFFICER. The Senator voted wrong then.

Mr. WALKER. I think the Senate have been voting under a misapprehension. If I understand the explanation of the Senator from Virginia, it is this: without his modification, they might receive an outfit of \$15,000, a year's salary. He proposes to give \$9,000 outfit. I voted to allow \$9,000, and to prevent the \$15,000 outfit.

The PRESIDING OFFICER. The question is on the amendment with that modification. The Senator has voted for the whole amendment.

Mr. WALKER. That I intended to do.

Mr. JOHNSON. I should like to hear the amendment, as modified, read.

It was read as follows:

Provided, That the salary of the ministers to Great Britain and France shall be hereafter \$15,000 per annum to each; the outfit to each not to exceed the sum of \$9,000.

Mr. MASON. If the Senate will allow me, I will state that I first offered the amendment to pay to the two ministers the sum of \$15,000 each per annum; but upon examining the existing law, I found that, under it, the probable construction would be to make the salary of each \$15,000, and the outfit \$15,000. It was to avoid that construction that I modified it by leaving the outfit at \$9,000, which it now is; so that, if the proposition carries, we may hereafter pay the ministers to these courts a salary of \$15,000, and an outfit of \$9,000.

The question being taken by yeas and nays, resulted—yeas 21, nays 25; as follows:

YEAS—Messrs. Allen, Badger, Bayard, Bell, Benjamin, Brown, Butler, Clayton, Cooper, Dawson, Fish, James, Mason, Pearce, Pettit, Pratt, Shields, Thomson of New Jersey, Toucey, Walker, and Weller—21.

NAYS—Messrs. Adams, Atchison, Brodhead, Chase, Dodge of Wisconsin, Dodge of Iowa, Fessenden, Fitzpatrick, Foot, Gillette, Houston, Johnson, Rusk, Sebastian, Slidell, Sumner, Toombs, Wade, and Williams—25.

So the amendment was rejected.

Mr. MASON. The Committee on the District of Columbia have instructed me to offer the following amendment:

To reimburse the expenditure made by the Commissioner of Public Buildings for the repair of the Potomac bridge, when injured by fire, \$4,500.

The amendment was agreed to.

Mr. MASON. In the absence of the chairman, I am directed to offer another amendment from the same committee. It is to insert:

To enable the Secretary of the Interior to pay the outstanding debts of the penitentiary, \$12,175 66.

Mr. President, the fact in relation to that amendment, as appears from the report of the warden and keepers, is this: For a long series of years, they have been accumulating a debt there for the purchase, chiefly, of materials for the workmen. The larger portion of it is due to one man in the city of Washington; and they report that the custom of giving credit at the institution, which they have been obliged to do, disables them from meeting these debts. It is to wipe out the outstanding debts that this amendment is offered.

Mr. GWIN. I desire to ask a question of the chairman. Are not these men officers of the Government? and have they contracted debts without an appropriation being made?

Mr. HUNTER. I do not understand how they had any right to contract the debt.

Mr. MASON. I do not know what right they had to contract the debt. They were placed there with instructions to keep the mechanics employed, and sell the materials, and these debts were contracted for the purchase of materials.

The amendment was rejected.

Mr. BELL. I desire to submit a motion to amend this bill, which, I trust, will meet with the unanimous assent of the body. I propose to amend the clause "for salaries of the Chief Justice of the Supreme Court, and eight associate judges, \$41,000," by striking out "\$41,000" and inserting:

Which said salaries shall hereafter be, the Chief Justice \$7,000, and of the associate justices \$8,500 each, commencing with the present fiscal year, \$59,000.

I do not propose to say a single word on the amendment, unless some one opposes it.

Mr. FITZPATRICK called for the yeas and nays, and they were ordered.

Mr. RUSK. At the proper time I will vote cheerfully for the increase of the salaries of the Judges of the Supreme Court. The judiciary system is in a wretched condition; but I am not willing to touch it by piece-meal. Whenever the proposition comes up to reorganize the Supreme Court, I will vote for it.

Mr. BUTLER. I must be permitted to say, in justice to myself, that as chairman of the Committee on the Judiciary, I reported a bill to accommodate every portion of this Confederacy. I have attempted to call it up twice, but these stronger bills, involving money appropriations, have pushed it aside. Money has been appropriated for almost any purpose, except as a legitimate compensation for intellectual service. I am for this amendment.

The yeas and nays were taken on the amendment, with the following result:

YEAS—Messrs. Adams, Badger, Bayard, Bell, Benjamin, Brodhead, Brown, Butler, Clayton, Cooper, Dawson, Fish, Geyer, Gwin, Hunter, James, Mallory, Mason, Pearce, Pettit, Pratt, Rockwell, Shields, Stuart, Thomson of New Jersey, Toombs, Toucey, Weller, and Williams—29.

NAYS—Messrs. Atchison, Chase, Dodge of Wisconsin, Dodge of Iowa, Fessenden, Fitzpatrick, Foot, Gillette, Houston, Johnson, Rusk, Sebastian, Slidell, Sumner, Wade, and Walker—16.

So the amendment was agreed to.

Mr. COOPER. At the suggestion of the chairman of the Committee on Finance, I move to reconsider the vote on the appointing of two additional clerks in the Fourth Auditor's office. The recommendation of the Secretary is, that there shall be one in the First and one in the Fourth Auditor's office.

Mr. BADGER. That amendment may be made by general consent, if there be no objection.

Mr. COOPER. It is the same amendment proposed this morning, with this exception: that one of the clerks should be in the First Auditor's office, instead of both in the Fourth.

The amendment was agreed to by general consent.

Mr. BADGER. I desire to offer an amendment to the bill. It proposes no appropriation. I will explain in a few words the object of it. In the second week of the session, I think it was, the Senate passed a bill which I introduced, to correct the phraseology of a clause in the river and harbor bill, which was passed some two years ago, in which an appropriation was made for an improvement in North Carolina; but by some inaccuracy, the language was used "by the construction of a breakwater." My object is merely to correct that phraseology. The amendment is:

And he it further enacted, That the "act making appropriations for the improvement of certain rivers and harbors," approved the 30th of August, 1832, be, and the same is hereby amended by striking from the clause in which they occur, the following words: "by the construction of a breakwater across Croatan Sound."

Mr. STUART. A provision is made for that in the river and harbor bill.

Mr. BADGER. I am aware that there is a provision in that bill intended to attain that object; but it is evident to everybody that there is an extreme probability of that bill not passing this session.

Mr. STUART. I think the probability is precisely the reverse of that.

Mr. BADGER. Suppose it should become a law, and this were provided for twice, it will do no harm. This does not make an appropriation.

Mr. STUART. The only objection is this: there is an objection to giving to a particular district of country advantage over all others in respect to this question.

Mr. BADGER. No particular advantage is asked. The appropriation has been made, and this is merely to correct a mistake in the phraseology of the bill. That is the whole of it. No appropriation of money—no advantage is asked for. The money appropriated under that bill has been applied to every other point, except this one.

Mr. STUART. The same thing is true of the Red river raft. The Senator from Arkansas [Mr. JOHNSON] had a bill passed through this body for the purpose of correcting that; it has not been passed by the other House, but the river and harbor bill also contains a provision for it.

Mr. BADGER. I know that, and he is going to offer an amendment, and I shall vote for it.

Mr. ATCHISON, (Mr. WELLER in the chair.) I move that the Senate do now adjourn.

Mr. MASON called for the yeas and nays; and they were ordered, and taken with the following result:

YEAS—Messrs. Atchison, Chase, Clayton, Cooper, Fessenden, Foot, Gillette, James, Pearce, Pettit, Pratt, Rockwell, Stuart, Sumner, Thomson of New Jersey, Toombs, Wade, and Weller—18.

NAYS—Messrs. Adams, Badger, Bayard, Bell, Benjamin, Brown, Dawson, Dodge of Wisconsin, Dodge of Iowa, Fish, Geyer, Gwin, Houston, Hunter, Johnson, Mallory, Mason, Rusk, Sebastian, Shields, Slidell, Toucey, and Walker—23.

So the motion was not agreed to.

Mr. SLIDELL. I move an amendment to the amendment. The Secretary, I presume, has the river and harbor bill at the desk. I think North Carolina has already had enough advantages over the rest of the States in this particular, and she shall have no more, so far as I am concerned. I move to substitute the river and harbor bill for the amendment offered by the Senator from North Carolina.

Mr. HUNTER. What amendment?

The PRESIDING OFFICER. The Senator from North Carolina has moved an amendment correcting an error in a previous law; the Senator from Louisiana now proposes to amend that by inserting what is commonly called the river and harbor bill.

Mr. HUNTER. In what? The civil and diplomatic appropriation bill? [Laughter.]

Mr. ATCHISON. Read the amendment to the amendment.

The PRESIDING OFFICER. The Senator from Louisiana will please to send up his amendment.

Mr. SLIDELL. The bill is at the Secretary's table. It has been reported from the committee.

Mr. ADAMS. I raise a question of order. The amendment offered by the Senator from North Carolina does not propose any appropriation. He may, therefore, properly offer it without the sanction of a committee. The Senator from Louisiana, however, proposes an amendment to this amendment, which makes a large appropriation, without the sanction of a committee. I raise that question of order.

Mr. SLIDELL. It appears to me, with all due deference to the Senator from Mississippi, there is nothing in this question of order. The river and harbor bill has been reported by the proper committee.

The PRESIDING OFFICER. The Chair will decide the question of order. The Chair decides the amendment of the Senator from Louisiana is not in order. The Senator can take an appeal from that decision.

Mr. DODGE, of Iowa. I hope that, by general consent, the amendment of the Senator from North Carolina will be agreed to. It seems to me to be eminently proper; and, whether the river and harbor bill is passed or not with it in it, no harm will be done. There is no greater friend of the river and harbor bill than myself; but I do not desire to embarrass this with it.

Mr. PETTIT. I may be allowed to enter my protest against this amendment. I do it with great reluctance and regret; for the Senator from North Carolina, who moves it, is uniformly liberal in voting for all reasonable and rational appropriations. I regret exceedingly to feel constrained to oppose his amendment; but why do I do it? If I understand it, two years ago an appropriation was made of \$100,000, or about that amount—

Mr. BADGER. Fifty thousand dollars.

Mr. PETTIT. Fifty thousand dollars, the Senator says, for certain works in North Carolina, and because those works were badly described in the law, or such works were described as could not be made at the places mentioned, or were inappropriate, the money has not been expended. The Senator now seeks to make an amendment here by which that money remaining still in the Treasury can be taken out and applied to a new work not described in the law, appropriating the money. A certain work was described in the law, but that work cannot be done, or is inappropriate to be done. The money, therefore, has not been drawn from the Treasury to construct that work, and the Senator now proposes to amend the law, so that the description of work that will then be allowed can

be accomplished, and this money appropriated. That is precisely the case.

Now, allow me to say, that while I do not think North Carolina has met with any more favor than she ought to meet with, or that any more money has been appropriated for Cape Fear river than ought to be appropriated, I think she has got a decided advantage over what we must expect to get for other States and other localities. None of us can be mistaken in the inklings or givings out as to what the result will be if we pass the river and harbor bill. I want the effect of the presidential veto to reach all portions of this Union alike. It is unnecessary for me to go into the constitutional argument of the power of this Government to make these appropriations, and much less of its duty to make them—not to say its power, but its duty. But, I repeat, I desire that all portions of the Union shall be placed upon the same footing, and not by a mere hap-hazard guess at the existence of the fact that this Government, by some accident or other, has placed a little obstruction, however large or however small, in the mouth of the Cape Fear river, by which sands and dirt and rubbish have gathered about the mouth of the river, and obstructed its—

Mr. HUNTER. Is this in order? I am reluctant to interpose; but we are anxious to get through with the bill.

Mr. PETTIT. If the Senator wants to adjourn, I will give him the floor to make the motion.

Mr. HUNTER. I do not want to do that.

Mr. PETTIT. Very well. I am in order. You cannot get over me in that way. [Laughter.]

The PRESIDING OFFICER. The Chair thinks the Senator is in order.

Mr. PETTIT. I will give way to the Senator to move an adjournment.

Mr. HUNTER. Not at all.

Mr. PETTIT. Under these accidental circumstances of an obstruction having been made, as it is alleged, upon the face of the bill, a bill has been approved making an appropriation of \$140,000 for Cape Fear river. I have never been on that river. I know not how large it is; whether it is a perennial, or whether it is a spring or fall stream, I do not pretend to know. I take it for granted that the appropriation was right and proper; that it was no larger than necessary. But by this amendment, disguise it as you will, it proposes to appropriate—I use that term, for it is that—out of the Treasury \$50,000 which is there, and which cannot be expended under any law in existence whatever. The Senator admits that no such thing can be constructed as a breakwater, for none is needed—none is required. There was a mere *lapis penna* in drawing the bill; there is no possibility of spending the money; and though this amendment does not say in so many words that it shall be appropriated, it says that it shall be applied to the construction of other works. It is, to all intents and purposes, an appropriation of \$50,000 out of the Treasury, which cannot be drawn or applied unless this amendment be passed. Now, then, if it be unconstitutional, as it is said, and given out, to make these appropriations, let us put our hands at once upon all the money that is remaining in the Treasury, and not appropriate it by any hide-and-go-seek means, for the purpose of indirectly violating the Constitution in doing that which you cannot do directly. What is the reason of it? You have \$50,000 in the Treasury which cannot be used without that amendment; and the amendment authorizes its use. It is provided for in the general river and harbor bill. I hope to see that bill pass. It has passed the House, and I hope will pass here. Let the Cape Fear river, or let the improvements in North Carolina take the direction and suffer the fate of the others. Let it be decapitated with all other parts. Let North Carolina stand upon a condition equal with all her sisters. She has already obtained an advantage by one bill, which the Senator from North Carolina, by his seducing and prevailing power of speech, has induced us to pass. She has the advantage of that, appropriating \$140,000, all on account of the power of his tongue. That is all that I want to say against him; but I am opposed to adding this \$50,000 more to that advantage by an indirect appropriation; although the Senator has had one advantage, let him hereafter stand upon an equality with us; and if our works die, let his die with them.

Mr. BADGER. I should very much prefer

the support of my friend from Indiana to the expressions, with which he has overcome me, of his excessive flattery. Now, sir, I have no objection to his making an onslaught upon the principles which the President has indicated on the bill for the improvement of Cape Fear river; but I insist that I have a right to ask that Senator that the general subject of the improvements of rivers and harbors should not be urged for preventing the Senator from doing a simple act of justice to my State. The Senator says that he thinks North Carolina ought to be put upon an equality in this matter with the other States. Would to God that it were so. She has, sir, less money appropriated for her benefit than any State in this Union; but that has nothing to do with the question. By the act of 1852 a certain sum of money was appropriated, not for the erection of a breakwater, but for opening a communication with the Atlantic ocean; but the appropriation indicated the erection of a breakwater as the method of accomplishing the object. Its object was the opening of the communication. That is the object specified by the law; but, as I stated, upon an examination being made, it was found that a breakwater would not accomplish the declared object of the provision. Now, it is sought to strike those words out of the bill. Why should they not be stricken out? My friend from Indiana says that he wants the consequences of a veto of the river and harbor bill, if it should come, to apply everywhere. Well, sir, the river and harbor bill contains appropriations for the benefit of the State of North Carolina, small in amount, but considerable, compared with those sums which we have been in the habit of receiving; but the amendment does not propose, directly or indirectly, to make an appropriation. The object expressed in the original bill was the opening of a communication with the ocean. When it was examined, it was found that the mode specified would not accomplish the object. I only ask that the mistake may be corrected. It seems to me to be a very simple request; and I hope it will be agreed to.

The amendment was agreed to.

Mr. MALLORY. I desire to offer an amendment, making no appropriation, which, in the language of the Senator from Tennessee, [Mr. BELL,] I hope will receive the unanimous assent of the Senate:

That the President of the United States be authorized and directed to appoint two persons to investigate and collect proof, under the instructions of the Department of the Interior, of the depredations upon private property by the Indians in Florida, subsequent to the 25th of December, 1825, the report and testimony to be submitted to Congress at its next session.

The question was taken; and, on a division, there were—yeas 15, noes 10; not a quorum voting.

Mr. MALLORY. I ask for the yeas and nays.

Mr. COOPER. I move that the Senate adjourn.

The motion was agreed to; and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, July 27, 1854.

The House met at eleven o'clock, a. m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

The SPEAKER. The first business in order is the consideration of the bill regulating the pay and increasing the efficiency of the Army of the United States, and for other purposes.

Mr. HOUSTON obtained the floor, but yielded to

Mr. FULLER. Before proceeding to the regular order of business, I desire to have taken up and considered House bill (No. 242) "authorizing the purchase or construction of four additional revenue cutters." I should not ask its consideration now, if I were not fully impressed that it was one of great public importance.

INDIAN APPROPRIATION BILL.

Mr. HOUSTON. I rise to a privileged question, and I shall ask that it be first disposed of. On the part of the committee of conference on the Indian appropriation bill, I am instructed to submit the report which I send to the Chair.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 46) "making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with

various Indian tribes, for the year ending June 30th, 1855, and for other purposes," having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate concur in the amendments of the House of Representatives to the first, second, fifty-ninth, sixty-eighth, and eighty-first amendments of the Senate; that the Senate concur in the amendment of the House of Representatives to the fourteenth amendment of the Senate with amendments, as follows:

In line fifteen of the amendment of the House of Representatives, strike out the word "seven," and insert "seventy." In line twenty-four of said amendment strike out the word "five," and insert "one;" and in line thirty-three of said amendment strike out the word "five," and insert "one."

That the Senate do recede from its seventy-fourth amendment, and that the following be substituted for its seventy-fifth amendment:

And be it further enacted, That the Secretary of the Interior be, and he is hereby authorized, if in his judgment the public interest will be promoted thereby, to cause to be disbursed such of the moneys appropriated in this act for the Utah Indians, either under treaty stipulations, or for general incidental expenses, by the Indian agent in that Territory, as he may think proper: *Provided*, That said agent shall, under no circumstances, receive any additional compensation therefor.

That the Senate do recede from its seventh, seventy-third, eighth, and eighty-second amendments. That the House of Representatives concur in the sixty-seventh amendment of the Senate with the following amendments:

After the word "rendered," in fourth line of the amendment of the Senate, insert the words "within or upon any Indian territory," and in same line strike out the words "in cases," and in lieu thereof insert "for medical or manual services, or in cases of humanity."

And that the House of Representatives do recede from their disagreement to the tenth amendment of the Senate and agree thereto.

GEO. S. HOUSTON,

S. G. HAVEN,

G. A. GROW,

Managers on the part of the House.

J. A. PEARCE,

S. ADAMS,

W. K. SEBASTIAN,

Managers on the part of the Senate.

Mr. HOUSTON. I have the bill before me which I used when the amendments were before the committee, and I will explain them in a very few minutes. I will take them in order as I find them in the bill.

The first amendment of the Senate proposes to establish the salary of Governor and superintendent of Indian affairs in Minnesota, whenever the President of the United States shall see fit to separate those offices. The House disagreed to that amendment, and the Senate have receded from it, and they have yielded their proposition for a separation of the offices of Governor and superintendent.

The next amendment of the Senate was a proposition creating five Indian sub-agents in California. The House reduced the number to three, and in that reduction the Senate concurred.

The next amendment of the Senate was a proposition to increase the salaries of five Indian agents. The House disagreed to the amendment, and the Senate have receded from it.

A MEMBER. Is the pay increased?

Mr. HOUSTON. No; the compensation of the agents is not increased.

The next amendment in order is number ten. It is "for erecting buildings for Indian agent in Washington Territory, \$5,000." The House non-concurred in that amendment, and the committee of conference on the part of the House have receded from their disagreeing vote. That is the only case in which we have yielded.

The next amendment in controversy is number fourteen. That was an amendment which the House had put on the Senate amendment, making appropriations for recent Indian treaties. The Senate agree to the House amendment by correcting the wrong phraseology which had, some how or other, crept in and destroyed its sense.

The next was an amendment in which the House inserted the words "in full." The amendment of the Senate was for payment to the Winnebago nation of Indians of certain unexpended balances; and the House inserted the words for payment "in full." The Senate agree to that amendment of the House.

The next amendment of the Senate, on which there was a disagreeing vote, was number sixty-seven. I will read the section as it went from the House originally, and then read the amendment as it is now agreed upon:

SEC. 2. And be it further enacted, That no existing provisions of law, prescribing the manner in which payment shall be made to Indians, shall be so construed as to repeal or contravene the seventeenth section of an act entitled "An act to regulate trade and intercourse with the Indian

tribes, and to preserve peace on the frontiers," approved June 30, 1834.

That section was preserving in its force what was known as the Indian intercourse act. The Senate added to it the following as an amendment:

"Or to prohibit the payment of any claim or claims (other than those of agents or attorneys for claims) for *bona fide* services rendered to any Indian tribe, in cases where the President may adjudge such service necessary, and the claim or claims thereof just and reasonable."

The House disagreed to that amendment of the Senate, and the committee of conference have agreed to a modification of it, so as to make it read:

"Or to prohibit the payment of any claim or claims (other than those of agents or attorneys for claims) for *bona fide* services rendered within or upon any Indian territory, to the Indian tribes, for medical or manual services, or in cases of humanity."

The amendment is reported by the committee of conference for the purpose of restricting that which they were apprehensive was an enlargement of the principle which permitted the interference of attorneys and agents with the business of Indians in the departments. We have thought proper to restrict it to a certain class of claims, and for services performed within the Territories.

I will illustrate by one example. The small-pox broke out among, I believe, the Menomonee tribe of Indians; and with a view to save the lives of the Indians, and to counteract the spread of that dreadful disease, they were necessarily compelled to have a physician, and to have the balance of the tribe vaccinated. And, under the existing law, that physician could obtain no compensation.

The object of the amendment, as modified by the committee of conference, is to authorize the payment of such a claim as that, and at the same time to prevent the inroads which these agents are making ordinarily, on the funds of the Indians.

The sixty-eighth Senate amendment, which was amended by the House, was in reference to the Indians in California. The amendment was as follows:

For defraying the expenses of continuing the removal and subsistence of Indians in California, three military reservations, in accordance with the plan submitted by the superintendent of Indian affairs of that State, and approved by the President, the sum of \$200,000: *Provided*, That no portion of this amount shall be paid over to the present superintendent of Indian affairs, until he shall account satisfactorily for the amount already drawn by him out of former appropriations. And that, hereafter, no more than \$20,000 shall be drawn by the said superintendent, or be in his hands unexpended at one and the same time: *And provided*, The sub-agents created by this act shall be appointed by the superintendent, subject to confirmation by the Secretary of the Interior, not to exceed one for each reservation, nor three in all, said reservations to contain not less than five nor more than ten thousand acres; and the said superintendent is authorized to apply, out of the sum hereby appropriated, not exceeding \$25,000, in the extinguishment of conflicting titles and rights to said reserved lands at a price not exceeding \$1 25 per acre, for a valid and indefeasible title to the land so purchased: *And provided*, The State of California shall cede the necessary jurisdiction in such cases with regard to the land so purchased.

The House amended the same by striking out the words:

"That no portion of this amount shall be paid over to the present superintendent of Indian affairs, until he shall account satisfactorily for the amount already drawn by him out of former appropriations."

This restrictive provision, which was stricken out by the House, was intended to apply to Lieutenant Beale, who was then the superintendent of Indian affairs in California. Before, however, the House acted upon that amendment, Lieutenant Beale was removed, and another agent appointed in his place. The House, therefore, struck out that portion of the Senate amendment, which was intended to apply to Lieutenant Beale, leaving the other restrictions to remain upon the present superintendent of Indian affairs there. The Senate concur in that amendment.

The next amendment of the Senate was the seventy-third, which provides that the superintendents of Indian affairs in the Territories of Washington and New Mexico—or rather the Governors of those Territories, for they are the superintendents of Indian affairs in their respective Territories, shall each be allowed a clerk, the former at a salary of \$1,800, and the latter at a salary of \$1,000 per annum. The House rejected the Senate amendment, and upon a conference, the Senate have receded from it.

The seventy-fourth Senate amendment was as follows:

SEC. 3. *And be it further enacted*, That the President be authorized, by and with the advice and consent of the Senate, to appoint a superintendent of Indian affairs for the Territory of Utah, who shall receive an annual salary of \$2,000, and whose duty it shall be to exercise a general superintendence over all the Indian tribes in Utah, and to exercise and perform all the powers and duties assigned by law to other superintendents of Indian affairs.

This amendment was, as the House will remember, discussed in the Committee of the Whole. I was at the time in favor of separating in that particular Territory the office of Governor from that of the superintendent of Indian affairs. The House, however, saw fit to agree with my friend from New York, and my friend from Tennessee, and overruled me. The Senate have receded from that amendment, and the House concur in a section which authorizes the Secretary of the Interior, if he thinks the public interest demands it, to disburse the appropriation made in this bill, through the instrumentality of the Indian agents out there. I will read the clause upon which we have agreed:

And be it further enacted, That the Secretary of the Interior be, and he is hereby, authorized, if in his judgment the public interest will be promoted thereby, to cause to be disbursed such moneys as are appropriated in this act for the Utah Indians, either under treaty stipulations, or general incidental expenses, by the Indian agents in that Territory, as he thinks proper: *Provided*, Said agent shall in no instance receive any additional compensation therefor.

The eightieth amendment was as follows:

SEC. 9. *And be it further enacted*, That the President be and he is hereby, authorized, by and with the assent of the Indian tribes, respectively, to be obtained in due form, to enter into treaties with the various Indian tribes, to redeem and extinguish the perpetual annuities, or the payment of interest perpetually upon sums of money required to be held in trust, or invested in stocks, by either paying to said tribes the par value or equivalent of the said annuities and perpetual interest, either in whole or in annuities, for a term of years, as be, in his judgment, may deem most advantageous to the Indians, respectively.

It gives the President authority, after obtaining the consent of the Indian tribes, to make arrangements with them to buy in their perpetual annuities. The Senate also have receded from that amendment.

The eighty-first Senate amendment, which the House agreed to with an amendment, was the following:

SEC. 10. *And be it further enacted*, That to enable the Secretary of the Interior to settle and pay the claims on file for reservations, and for rents and improvements, under the thirteenth and sixteenth articles of the Cherokee treaty of 29th of December, 1835, in pursuance of the stipulations of the third article of the treaty of August 8, 1846, the sum heretofore appropriated for those purposes, and carried to the surplus fund, is hereby reappropriated.

The House amended it so as to make it read:

That to enable the Secretary of the Interior to settle and pay the awards of commissioners, on file for reservations, preemptions, and for rents and improvements, under the twelfth, thirteenth, and sixteenth articles of the Cherokee treaty of 29th of December, 1835, in pursuance of the stipulations of the third article of the treaty of August 8, 1846, the sum heretofore appropriated for those purposes, and carried to the surplus fund, is hereby reappropriated.

And the House agreed to it as amended. The Senate concur in the amendment of the House.

The eighty-second Senate amendment, to which the House disagreed, is this:

SEC. 11. *And be it further enacted*, That for the payment of the balance of *per capita* due the Cherokee Indians residing in the States east of the Mississippi river, under the treaty of 1835, and supplemental treaty of May, 1836, according to the stipulation of the tenth article of the treaty of August 8, 1846, the sum of \$92,625 18: *Provided*, That the same shall be reimbursed from the sums of money hereafter to be paid to the Western Cherokees, in such manner and in such amounts as the President of the United States may direct.

The Senate have also receded from this amendment.

The committee of conference on the part of the House have given up the tenth amendment, which proposes to give \$5,000 to erect buildings for Indian agents in Washington Territory, and that is all they have yielded, except a slight modification of one or two other amendments. I think the result of the committee will recommend itself to the good sense of the House, and I hope the report will be adopted.

Mr. ORR. I have examined the report of the committee of conference upon this bill, and I concur with the gentleman from Alabama that this House have obtained more than might have been reasonably anticipated. I therefore move the previous question upon the adoption of the report.

The previous question was seconded, and the main question ordered to be put.

The report of the committee of conference was then adopted.

Mr. PHELPS then resumed the floor.

RELATIONS WITH SPAIN.

Mr. BARKSDALE. I ask the gentleman from Missouri to yield me the floor, to enable me to ask the unanimous consent of the House to introduce a bill merely for the purpose of reference. It is a bill to grant to the President of the United States \$10,000,000 during the recess of Congress to enable him to protect the tranquillity and honor of the United States in our existing difficulties with Spain.

Mr. JONES, of Tennessee. I object.

Mr. BARKSDALE. I appeal to the gentleman to withdraw his objection. My object is merely to refer the bill.

Mr. JONES. I cannot.

DESTRUCTION OF GREYTOWN.

Mr. CHANDLER. I ask the gentleman from Missouri to yield to me, to enable me to offer the following resolution:

Resolved, That the President of the United States be respectfully requested to furnish to the House of Representatives any official information which may have been received at the Departments, relative to the destruction of Greytown, (or San Juan del Norte,) by Captain Hollins, of the United States vessel Cyane; and also, that the President be requested to furnish to the House copies of the instructions given to Captain Hollins relative to the demand for satisfaction which was made in the name of the United States upon the authorities of Greytown, (or San Juan del Norte,) before the bombardment and destruction of that place.

Mr. SEWARD. I object.

Mr. JONES, of Tennessee. I demand the regular order of business.

REORGANIZATION OF THE ARMY.

The House then resumed the consideration of the bill of the Senate to regulate the pay and increase the efficiency of the Army of the United States, and for other purposes.

Mr. PHELPS, who was entitled to the floor, said: I shall decline to yield the floor further, Mr. Speaker. When I obtained the floor yesterday, I did not intend to have occupied the attention of the House but for a few moments upon this bill.

There can be no doubt something ought to be done to promote the efficiency of the Army. Complaints are continually reaching us from the frontiers of the country that the present Army is wholly unable to protect our citizens there from the ravages and the encroachments of the Indians. It was but a short time ago the greater part of a small detachment of soldiers belonging to the regular Army were massacred by the Indians in New Mexico. The Indians of that country, emboldened by their success, and in consequence of the inadequacy of the military force in that Territory, are continually making incursions upon the settlements in the valley of the Rio Grande; and wherever they make their appearance, the destruction of property and the massacre of the defenseless citizen marks their path. And hence any measure which will secure greater protection to the citizens upon the frontier, will meet my approbation. Hence, there are portions of this bill which meet with my hearty approval. But there are portions which cannot receive my assent; and, if presented to me as a whole, I shall be compelled to vote against the bill.

The provision for the augmentation of the number of enlistments in the Army by the increase of pay, and holding out other inducements, such as promotion from the ranks of the regular Army and others, meets with my entire approbation. When the chairman of the Committee on Military Affairs [Mr. FAULKNER] proposed this bill as an amendment to the Army appropriation bill, I, at the time, expressed my willingness to vote so much as provided for the increase of the pay of the rank and file of the Army. I should have been glad had that provision been ingrafted upon that bill. It has not, and the proposition is now before us under the suspension of the rules. I am now ready to vote anything reasonable to afford adequate compensation to the men who are employed in the service of the country. I agree with the gentleman from Virginia, that the present pay of the private in the Army is entirely inadequate. While men engaged in agriculture, mechanics, and in the construction of the public works, receive fifteen, twenty, twenty-five, or even thirty dollars per month, your soldier only receives seven and eight dollars as pay per month, together with the allowance for clothing, of about \$2 50 per month.

It is true, the soldier possesses many advantages which these other laborers have not. In case of

sickness, he is taken care of at the expense of the Government. He has entered into a contract with the Government for a period of five years, during which he is to serve the country at a rate of wages stipulated at the time of his enlistment. He knows while he is in the service he will be provided for in all exigencies as far as the Government and his situation can afford. We know that when there was not the great disproportion between the wages of the soldier and that of men engaged in the industrial pursuits of life, there was no difficulty experienced in securing desired enlistment. The deficiency in the rank and file of the Army is more than four thousand. Four thousand recruits are wanted, but cannot be obtained for our Army at the present pay; and the gentleman from Virginia properly remarked, that unless something be done by way of remedy, you might as well close the recruiting offices. But I do object, Mr. Speaker, to this bill being carried through the House under the operation of the previous question, and without affording proper opportunity for its being made by amendment palatable to members generally. I do object to its being carried through under the pretext of sympathy for the rank and file. That is the point.

The other day the gentleman from Virginia took occasion to refer to the course pursued by me in reference to the amendment to the Navy appropriation bill for increased pay to the Navy. The Committee of Ways and Means, and the Committee on Naval Affairs, did agree to make increased appropriation, in order that the seamen of the Navy might receive higher wages than they now receive. But when the gentleman from Virginia [Mr. BOCOCK] indicated his intention to bring forward his proposition for the reorganization of the Navy as an amendment to the Navy appropriation bill, I made resistance, and successfully. What have we before us? Why, sir, we have under consideration a bill providing for the increase of the pay of all the officers in the Army, from the highest to the lowest. It also provides for increase of the pay of the rank and file, and promotion from the ranks.

Besides, the last section provides, and I believe that it meets with the approval of the Committee on Military Affairs, that the widows and orphans of soldiers dying in the service, instead of being pensioned as now for five years, shall be pensioned on the Government during life. Is this a wise provision? You do not find any difficulty now in obtaining officers for the Army at the present compensation. Your Army list shows fifty-six brevet second lieutenants without any place in the regular line of the Army as such to assign them for duty. They are attached to the several corps as supernumeraries, waiting for vacancies, to receive their commissions as second lieutenants. I have a document in my possession which shows the amount of compensation of every description received by officers of the Army during the fiscal year ending the 30th June, 1853. It is a part of the Army Register, but not published with it. I recollect when I first came to Congress that the Army Register contained not only the name of every officer of the Army, precisely as the Army Register now does, but also the entire amount of compensation of every description which each officer received during the preceding fiscal year.

The document to which I have referred shows that some of the field officers of the Army receive more than \$3,000 per annum for the services which they perform. This sum includes their pay and emoluments. You have at this time in the Army one major general and two brigadier generals. Last year you paid for the services of four major generals and three brigadier generals. You have this system of brevet rank and brevet pay by which it becomes almost impossible to ascertain, from the statement of pay, &c., as published in the Army Register, the amount of compensation which these officers receive. You have an Army regulation, if an officer is assigned to the command of a military department or post, he shall be entitled to double rations during the time he is in command of such military department or post. You have provided by law that an officer who has served in the Army of the United States shall be entitled to an additional ration for each five years' of service. This is what is termed service or longevity rations. Almost every one of these military departments is under the command of a field officer; and in the event such officers have had leave of absence, then

the senior captain is charged with the command. The officer having command of that department is, in many instances, entitled to pay according to brevet rank, and is also entitled to additional rations for commanding the department, besides the regular service rations which are given him.

Mr. PECKHAM. I wish to ask the gentleman from Missouri this question: Is it not the fact that brevet officers do not receive the pay of the rank to which they are breveted, unless they are performing the duty of such grade?

Mr. PHELPS. I answer the question of the gentleman from New York with pleasure. They do not. They receive pay in this way: For instance, a first lieutenant of the Army, if he be in command of a company, is entitled to the pay of a captain, if he holds that brevet rank; and if he shall have the command of a military post, he would receive emoluments accordingly.

Mr. HOUSTON. I desire to ask a question of my friend from Missouri, who seems to have given a deal of attention to this subject. I ask him whether it is not true, in reference to breveted officers of the Army, that almost all officers who hold brevet rank higher than their regular commission in the line, are assigned the command of military posts and positions, and receive the pay which correspond with their brevet appointments?

Mr. PHELPS. The gentleman from Alabama [Mr. HOUSTON] inquires of me whether many of the officers who hold brevet rank, are not receiving the pay of their brevet commission. Such I understand to be the fact. Examine your Army Register, and you will find, in most instances, that there are brevet officers, whose names are given, commanding at certain military posts and stations throughout the country. For instance, in the department of the East, out of some eight or ten military posts mentioned, you will find that more than one half, nearly two thirds, of these posts are commanded by officers holding brevet commissions.

Mr. HOUSTON. Certainly; and drawing brevet pay.

Mr. PHELPS. Yes, they draw brevet pay during the time they hold such command; and they also receive the emoluments of that brevet rank. They draw, as I before remarked, the additional rations belonging to their brevet rank, in addition to their regular rations, during the time they have commanded, corresponding to their brevet rank. And, in addition to that, they are allowed longevity rations for every five years of their service, commencing from the day on which they entered the service.

Under the regulations of the service the Army is now divided into three divisions—the eastern, the western, and the Pacific. It is subdivided into eleven military departments. You have at this time some seventy-eight posts garrisoned by troops, or at which officers are stationed. Perhaps in entering upon these details I may make some mistakes. I may have been led into some errors perhaps from the hasty manner in which I have examined the subject. But, in the statement which I make in relation to the number of military posts, I am nearly correct, sufficiently correct for all practical purposes. Now, it is proposed by the Committee on Military Affairs, in the bill now under consideration, and which has received the sanction of the Senate, that we shall increase the pay of the major general of the Army from \$200 per month, which he now receives as his pay proper, to the sum of \$265 per month.

I do not, in speaking of this matter, in referring to the general-in-chief of the Army of the United States, do so from any want of respect for that gentleman, for he has my highest respect as a military man. But it becomes necessary to fix the pay of the officers of the Army, without respect to the individuals who hold those positions. The general-in-chief commanding the Army of the United States received during the fiscal year ending the 30th of June, 1853, for annual pay, rations, forage, and allowances for servants, \$5,626; and for fuel, quarters, and transportation of baggage, an additional amount sufficient to make the whole amount of pay \$6,809.

Your brigadier generals in the Army of the United States, received during that period of time, for pay, rations, allowance for servants, forage, and allowance for fuel, quarters, &c., one of them upwards of \$7,000, and the other upwards of

\$8,000. Both are major generals by brevet, and both received the pay of a major general.

Mr. FAULKNER. I desire to ask the gentleman from Missouri if the sum of \$1,218 40, embraced in that statement, does not include the mileage for twelve thousand miles traveled by General Twigg?

Mr. PHELPS. No, sir. The traveling allowance is a separate allowance. You will find in the Army appropriation bill some \$120,000 for defraying the mileage of officers when traveling under orders, and without troops, and for transportation of their baggage. The report from which I read includes, in one column, the pay proper; in another, pay for rations; in another, pay for allowances for servants, forage, fuel, quarters, and transportation of baggage, &c.

Mr. FAULKNER. I tell the gentleman that the item of \$1,128 40, set down for the transportation of baggage, was for mileage. It is the mode of stating the account.

Mr. PECKHAM. Can the change be for anything else?

Mr. PHELPS. One at a time, if you please. The \$1,200, to which the gentleman from Virginia alludes, is the amount for the transportation of baggage allowed to General Twigg, and not to General Wool. Will the gentleman inform me where General Twigg traveled twelve thousand miles during that year?

Mr. FAULKNER. I am not prepared to inform the gentleman where General Twigg traveled, in that fiscal year, but I am officially informed by the War Department that the heading, of transportation of baggage, embraces the expenditures for mileage.

Mr. PHELPS. If he traveled twelve thousand miles in the fiscal year ending June 30, 1853, some member of this House should know where it was. Now, is it to be said that General Twigg was paid for the travel of twelve thousand miles during that time, and no member of this House know where he was engaged in traveling?

Mr. SMITH, of Virginia. I would say to the gentleman from Missouri, that he is a member of the Committee of Ways and Means, and he certainly ought to know the fact; and if he does not know, he cannot expect other gentlemen to know, or cast any imputation upon my colleague.

Mr. PHELPS. My understanding differs from your colleague's understanding. I understand this item to be for the transportation of baggage.

Mr. PECKHAM. Where?

Mr. PHELPS. From post to post. It also embraces traveling allowance. However, this matter is immaterial. The amount of money allowed to officers for traveling, depends upon the amount of travel they may perform without troops, under the order of the Secretary of War, or under the orders of the commanding officer.

I only wanted to call the attention of the House to the allowances to these officers for pay, rations, forage, and servants, and I spoke of the other matters only incidentally. Here, then, you find that each brigadier general receives \$5,626, the same amount as is paid to General Scott, showing that during that time they received pay according to their brevet rank.

Mr. TAYLOR, of Ohio. I desire to ask the gentleman from Missouri a question, for I suppose a large number of members believe with me, that the expenses of the Army as well as of the Navy, ought to be cut down. I myself, believe, that in the present reduced condition of the Army, the expenses should be cut down one half. I wish to ask the gentleman from Missouri if he will not bring forward some measure to accomplish that object. I would cooperate with him heartily in such a measure. But, sir, the regular Army appropriation bill has passed; and unless some special measure is brought forward, there will be no opportunity of accomplishing any reform in this quarter. I would go with him in abolishing all pay for brevet rank. I think it is unfair that a brigadier general should, by brevet, receive the pay of major general. Indeed, I am opposed to the brevet rank altogether. It is a delusion, and ought to be abolished. I would pay the officers of the Army well and liberally, when performing their duty, but I would abolish all brevet rank, and would increase the pay of the rank and file.

Mr. PHELPS. The gentleman from Ohio, misunderstands me, if he supposes that I alluded

to these gentlemen in any derogation of their character. No, sir, I make no reflections upon those military gentlemen. I have been called upon to refer to their names, and have presented them. But, sir, I do not believe they have received any pay to which they are not entitled under the existing laws. I make no charges upon any of the officers of the Army. I believe they are incapable of taking any pay to which they are not entitled. Their pay is allowed by the accounting officers of the Government.

Mr. TAYLOR. Then, why does not the gentleman propose some remedy? Why does not he introduce a measure abolishing all pay for brevet rank.

Mr. PHELPS. I concur fully with the gentleman in the opinion that pay for brevet rank should be abolished, and I am also in favor of abolishing all command in consequence of brevet title.

Sir, this brevet rank² was originally conferred merely as an honorary distinction, and not with the intention of conferring any additional command, or of giving any additional pay. Now, as to the question of the gentleman from Ohio, why I do not bring forward some measure proposing a reform in the expenditures of the Army, and reforming the abuses that are existing, I have to say that I happen to belong to that much abused Committee of Ways and Means. Charges have been made, ever since I have been a member of the House of Representatives, that the Committee of Ways and Means are seeking to monopolize all the business of the House, and to deprive other committees of the business which legitimately belongs to them; and if I, as a member of that committee, had come forward with a proposition for the reform of the Army, and another proposition for the reform of the Navy, and another for reorganizing the various departments of the Government, it would have been said at once that the matter emanated from the Committee of Ways and Means, and the committee would then be justly liable to the charge of endeavoring to absorb all the business of the House. The rules of the House intrust this subject to another committee, who are supposed to be more familiar with the Army laws and the Army regulations than the Committee of Ways and Means, which is simply the finance committee of the House.

Mr. HOUSTON. While the gentleman from Missouri is upon the subject of reform in the Army, and especially upon the subject of brevet pay, I ask him to allow me to say that those subjects belong peculiarly to the Committee on Military Affairs. Sir, at a very early period of the session, the House, upon my motion, unanimously adopted a resolution instructing the Committee on Military Affairs to inquire into the expediency of so modifying the existing laws with reference to the Army officers, that members of the House could tell what pay they did receive—to so modify them, that officers of the Army should receive monthly pay, service rations in kind, and nothing else. And, sir, I had hoped that resolution would have brought about some of these great reforms; but there is nothing said about it. There is no report from the committee on the subject.

Let me give notice just here, that before the bill is finished I intend to offer an amendment, if I get the opportunity, providing that brevet rank shall not carry pay under any circumstances.

Mr. FAULKNER. With the permission of the gentleman from Missouri, I shall make a brief reply to what fell from the gentleman from Alabama. I have never seen the resolution to which the chairman of the Committee of Ways and Means refers. He may remember that three or four weeks ago I called on him for the purpose of inquiring whether some such resolution had not been offered by him. He answered me in the affirmative; but I have never seen the resolution.

Now I understand, from a conversation with the Secretary of War, that while great abuses have existed in this matter of brevet pay under one construction of the law, his construction of the law is different, and that it is his purpose to have those abuses reformed. It was a casual conversation with the Secretary. I may be mistaken, but such was the impression left on my mind.

As to the other point of inquiry to which the gentleman alluded, it is one which goes to a radical reform of the whole system of pay of the Army, and which has been in operation since the

foundation of the Government. I did not feel prepared to go into the reform, of substituting fixed salaries for pay and rations. I did, after my conversation with the gentleman from Alabama, address a communication to the War Department on the subject. I found that it was a reform involving so much of detail and examination that it was impossible to go into it during the present session of Congress. But I will say, in reply to the gentleman from Alabama, that the pay of an officer of the Army, so far as his rations are concerned, is as easily ascertained, and as susceptible of exact results, as if the whole amount was payable by law in money. Any gentleman, by taking the Army Register, can at once see what is the pay of any officer in the Army, except those contingencies depending on special service, which form no part of the regular pay. There is no concealment; no disguise about it. The present system has its advantages, and it may have some evils attached to it; but it is all set forth in the Army Register, except those contingent rations, which, depending upon special service, cannot be estimated in advance of the employment and service.

Mr. PHELPS. In regard to the statements of the Army Register, I hold an opinion different from that entertained by the gentleman from Virginia. I declare it as my opinion, that any gentleman making computation of the entire pay of any field officer in the Army of the United States, will find the result falls short nearly \$1,000 of the pay actually received. Let us take for illustration the pay of a colonel of mounted rifle men or dragoons. His pay proper, rations, and commutations for servants and forage, amount to \$183 the month, or \$2,196 the year, as stated in the Army Register. Now, I tell this House as matter of fact, that there is not a colonel of the Army who, for the fiscal year of 1853, did not receive \$3,000, or near that amount. One of the colonels of dragoons received \$3,295 for the fiscal year ending on the 30th June, 1853; the other, for eleven months in the same year, received \$2,766.

In the Army Register you will find the monthly pay of a colonel of infantry set down at \$166 the month, amounting to \$1,992 per annum. By examination, you will find that longevity rations and rations for commanding posts are not embraced at all. Turn to the colonel of the third regiment of infantry, to whom nothing was allowed for fuel, quarters, transportation of baggage, &c., and you find that for the year to which I have referred he received \$2,615. He was on leave. If he had been commanding a military department or post, he would have received double his regular rations. I speak in round numbers, but his pay is something less than \$2,600. In this connection I will refer to another instance, that of a colonel who is not on duty, the colonel of the fourth regiment of infantry, who, I believe, has not been on duty for six or eight years. His pay for the year was \$2,733 60, while his pay, as put down in the Army Register, would only amount to \$1,992.

Mr. FAULKNER. Wherever it appears from the document to which the gentleman from Missouri has called the attention of Congress, that the pay of an officer is greater than appears in the Army Register, it results from acts of contingent service, of which it is impossible to make an estimate in advance. Such, for example, his post rations, his transportation of baggage, mileage, &c. I say in every instance where, by that document, it appears that the pay of an Army officer is greater than appears in the Army Register, it results from such contingent services or expenditures—services and expenditures cast upon him by the Government, and which we do not regard as a part of his regular duties. I will remark, moreover, if the gentleman will examine the document, he will see that many of these allowances belong to a different fiscal year, thus swelling the aggregate by portions of pay due for former years.

Mr. PHELPS. I think I have examined this subject with as much care as my friend from Virginia. I have no disposition to make any statements except such as I believe to be true. I have mentioned but one instance where an amount on account of a preceding year was embraced, and that a small sum. I regard the bill now under consideration as a bill intended more particularly for the increase of the pay of officers of the Army than for the increase of the pay of the rank and file. You find many officers of the Army de-

claring that their compensation is too small. I recollect that a friend of mine, a member of this House, remarked to me, not long since, when he returned from a little journey, which he had taken for his health, that wherever he went he found the hotels filled with officers of the Army and Navy, who were traveling about on leave of absence, and drawing their pay in the mean time.

Mr. HENN. I desire to ask the gentleman from Missouri this question: Whether there is actually any deficiency in the number of officers of the Army?

Mr. PHELPS. I have already stated to the House that there is no deficiency in the number of officers; but that, on the contrary, there is a large supernumerary list. Here is the Army Register, published last winter, and I find by it that there were at that time fifty-six officers, graduates of West Point, attached to the Army with the brevet of second lieutenants, waiting for vacancies to occur in the list of second lieutenants, in order to be commissioned as second lieutenants. We may now add to that number of fifty-six the number of those comprised in the class which has just graduated this summer, amounting, I suppose, to some fifty. This shows, if no vacancies have occurred since the publication of the last Army Register, and if the number of graduates at West Point this summer amounts to fifty, as I suppose it does, that we have at this time one hundred and six supernumerary officers attached to the Army of the United States, with the commission of brevet second lieutenant.

But if there is no deficiency in the officers, there is a deficiency in the men. I know that since we have been here, we have heard gentleman say: "We must increase the Army; we must have another regiment formed." But there is no necessity for that. I cannot conceive that there is any necessity for it. It has been my policy to fill up the ranks of the Army. You have a sufficient number of officers now. But you want the men. You want the men who shoulder the musket, and who mount the horse to pursue the Indians who attack our frontier settlements. It is not, I repeat, the officers that you want. They are there; but they are rendered inefficient because they have not men fitted for the service, owing to the smallness of the compensation allowed them. You find that many of the men who are enlisted as dragoons, when they are brought into service, sit the saddle in the most awkward manner, and are hardly fitted for the service in which they are engaged.

But, sir, I am aware this bill is to be followed by another, if this one is successful. And I presume it is right for me, in this connection, to refer to that. The bill I allude to is a bill providing for a retired list for the Army. We have before us at this time two bills relating to the Army. One is "to regulate the pay and increase the efficiency of the Army of the United States and for other purposes," which means "to increase the pay of the officers, and make a slight addition to that of the men." The pay of the men is to be increased by it from seven dollars per month to ten dollars; but the pay of the officers is to be increased much more. The other bill which we have before us, and which is to be the sequence of the one now under consideration, is a bill to promote the efficiency of the Army by retiring disabled officers. And you propose to pay to the disabled officers so retired the higher pay provided for in the bill which is now under consideration. Thus, then, if, after having passed this bill, you would place a colonel of the Army of the United States on the retired list, you would order him a pension of \$1,620 per year. If the bill now under consideration should pass as it is now in print, and if you provide for a retired list of officers, then, I repeat, a colonel who would be put on the retired list, would receive a pension of \$1,620 per year. Again, if a major of the Army is placed on the retired list, his pension would be \$1,140. A lieutenant colonel would receive \$1,380; a captain of cavalry would receive \$1,020; a captain of artillery and infantry would receive \$900.

Go into the States and see the salaries that are paid to your best officers. See the salaries that are paid to your Governors or judges, who are called upon to decide those intricate questions involving not only the property and the reputation of your citizens, but even their life and liberty. You will find very many States of the Union where the laws are as properly administered as in

any other, and where the judges of the circuit and supreme courts are not receiving as much pay as it is proposed to give to some of these officers who are to be retired from the Army.

Mr. HUNT. That bill is not now before the House.

Mr. PHELPS. I know it is not. I am advertising it though. Again, as if these pensions were not sufficiently large for retired officers, it is proposed that, with their pay proper, they shall receive their service rations; that is, one ration per day for every five years they may have been in the service of the United States. Now, an officer may be in the Army for twenty years before he may be promoted to the office of major, and perhaps twenty-five before he reaches the rank of lieutenant colonel or colonel, and perhaps longer. But suppose it is only twenty-five years when he reaches the rank of colonel, and being incapacitated for service, you then retire him. His pay proper and his service rations would amount to about \$2,000; and this you propose shall be his pension. I ask if such a measure as this is calculated to produce a reform in the Army of the United States? Is the House ready for such action? If the House is ready to adopt an amendment of this kind, be prepared in five years from this time to retire your officers employed in the civil service, and retire them upon a pension adequate to their support and the maintenance of their families. Such a system of pensions cannot meet with my approval. If you wish to promote efficiency in the Army and Navy, provide that from this time forward every person who enters the Army or Navy shall, at forty-five years, leave the service, unless the President of the United States, by and with the advice and consent of the Senate, think proper, on account of the ability of an officer, or of his distinguished services, to continue him in his present rank, or promote him. You will then have efficient officers. You now have field-officers in the Army who are unable to mount the horses upon which they are required to perform their duty.

I have made these remarks with the view of calling the attention of the House to this matter. I did not intend to detain the House so long when I rose to address it.

Mr. ORR. There are two or three sections in the bill reported from the Committee on Military Affairs, which I think should be adopted by the House at the present session. There are other sections of the bill which I do not think can be matured now; and there are still other sections which should be stricken from the bill.

That portion of the bill which proposes to increase the compensation of the non-commissioned officers and privates of the Army of the United States ought to be passed, and we have this evidence of it, that the recruiting service shows that there is now a deficiency of about four thousand men in the Army. But we do not find that the same difficulty exists in the ranks of the officers. It may be that it is necessary that the compensation of the officers should be increased, and I am inclined to the opinion that the compensation of the officers of the lower grades should be increased. We cannot do that this session; but in reference to the common soldiers, and the non-commissioned officers, we can act; and we should do it, for the purpose of filling up the deficiency which now exists in the Army. That is one part of the bill which ought to be passed at the present session.

The sixth section of the bill has attracted my attention, and I am strongly and decidedly in favor of it. I think something of the sort ought to have been adopted a long time ago. It is a remarkable fact, that in this country there is not an employment or occupation a man can embark in, but by good conduct and meritorious services he may expect to be promoted, unless he enters the Army of the United States; but that, to him, is a sealed book, so far as hopes of promotion are concerned. The sixth section provides that if a soldier distinguishes himself, humble though he may be, the President of the United States shall have power to give him a rank and commission in the regular Army. That section will do more for the recruiting service than an increase of the compensation of the soldier to fifteen or twenty dollars a month. Young men who have been disappointed in getting to West Point, who have not had the political influence necessary to get

them an appointment there, will be induced to enlist in the Army, looking forward to the time when they will be promoted. It will fill up the rank and file, and for that reason I look upon this section as the most material—as the very essence of the bill itself. If you adopt it, I think you will hereafter have no difficulty in filling up any deficiency that may occur in your Army when the young men of the country come to understand it.

But the particular purpose for which I rose was not to discuss elaborately the merits of the bill. In my opinion it would require a very long time to perfect it in all its features. I rise, therefore, for the purpose of making this proposition to the House: I think that something should be done to increase the efficiency of the Army. I am very anxious to perfect the bill properly, and it is evident that it cannot be done while the general debate is going on. I suppose there are quite a number of gentlemen who still desire to speak. I know there are a good many men here who could speak well upon the subject. But the only way by which the general debate can be stopped in the House is by the previous question; and when the previous question is sustained, all amendments are cut off, except those pending, and only two can be pending or received; and you cannot, therefore, perfect the bill as you could in Committee of the Whole. You must take the bill as it comes from the committee who reported it, with, at most, only one or two amendments, or reject it.

Now, sir, for the purpose of enabling the House to perfect the bill; for the purpose of enabling them to strike out such features as they may think obnoxious, and to insert such others as they may think desirable; for the purpose of giving the opportunity of considering the bill fairly, I propose that the House shall, by unanimous consent, suspend the hour debate, and that we shall retain the five-minute debate, and allow amendments to be offered the same as if we were in Committee of the Whole. By that arrangement we shall be able to perfect the bill, and every gentleman who desires to be heard will have the opportunity. I ask the consent of the House to submit that proposition, and I hope there will be no objection.

Mr. JONES, of Tennessee. I would suggest to the gentleman that a better plan would be to refer the bill to the Committee of the Whole on the state of the Union, and that the House resolve itself into committee for the purpose of considering it.

Mr. HUNT. I desire to understand whether, if the proposition of the gentleman from South Carolina be acceded to, the acting chairman of the Committee on Military Affairs will still have the right to his hour for closing the debate? He has that right now, I believe; and if the proposition of the gentleman is acceded to, I ask that the right of the gentleman from Virginia to close debate shall be reserved.

The SPEAKER. The gentleman from Virginia will still have the right to close debate, unless that rule be suspended along with the others.

Mr. WALSH. If this proposition is agreed to, will the House be restricted to five-minute debate?

Mr. ORR. So far as this particular bill is concerned.

Mr. WALSH. Then I object.

Mr. ORR. Well, Mr. Speaker, will it be in order for me to move to refer this bill to the Committee of the Whole on the state of the Union, coupled with a motion that it be made the special order for this day, and with the further motion that the general debate shall be closed in five minutes after the committee shall take up the bill for consideration?

Mr. LETCHER. That is not in order.

The SPEAKER. The propositions of the gentleman will be in order if moved one at a time.

Mr. LETCHER. So I suppose, but not as an omnibus.

The SPEAKER. Is the proposition which has just been made by the gentleman from South Carolina agreed to?

Mr. WALSH. No, sir; I object.

The SPEAKER. The gentleman has changed his proposition. He now moves that the bill be referred to the Committee of the Whole on the state of the Union, and made the special order of the day for this day.

Mr. WALSH. I do not object to that prop-

osition, if it be understood that the gentleman is not to move to close debate.

Mr. GIDDINGS. Is not the motion of reference debatable?

The SPEAKER. It is; but the gentleman from South Carolina is still upon the floor.

Mr. ORR. I am still occupying the floor, to know whether unanimous consent is granted to my proposition.

The SPEAKER. Is there objection to the proposition of the gentleman from South Carolina?

Mr. WALSH. I shall not object, if it be understood that the gentleman is not to move that debate be closed.

Mr. ORR. It is due to the gentleman from New York that I should say that if the House agree to my proposition, I shall move to close debate.

Mr. WALSH. In what time?

Mr. ORR. In five, ten, or twenty minutes, so that we may dispose of the bill to-day.

The SPEAKER. The Chair again asks whether there is objection to the proposition of the gentleman from South Carolina, that the bill be referred to the Committee of the Whole on the state of the Union, and be made the special order of the day for this day?

Mr. WALSH. I object, provided the gentleman is going to close debate.

Mr. PHELPS. This morning, in the hurry of debate, I inadvertently made a mistake in regard to the subject of transportation of baggage and mileage. The item of \$120,000 in the Army appropriation bill, passed at this session of Congress, was for mileage, as well as transportation of baggage.

Mr. ORR. I move that this bill be referred to the Committee of the Whole on the state of the Union, and made the special order of the day for this day; and on that motion I demand the previous question.

Mr. SMITH, of Virginia. Can the gentleman submit three distinct motions at once?

The SPEAKER. The Chair is of opinion that the gentleman cannot now submit his motion to make the bill a special order.

Mr. ORR. All the House need do would be to ask for a division of the question.

Mr. JONES, of Tennessee. If the gentleman will move that the bill be referred to the Committee of the Whole on the state of the Union, call the previous question, and let it be referred, he can then ask the unanimous consent to make it a special order. If there be objection, he can move a suspension of the rules for the purpose.

The SPEAKER. If the gentleman has two thirds to support him, he can effect his object, and in no other way.

Mr. ORR. Well, then, I make the motion, and at the same time desire that the House shall understand it is submitted in good faith, in order to have the bill considered. I desire to couple the motions, so that the House, after reference, cannot refuse to make it a special order.

The SPEAKER. The proposition is objected to, and the Chair will inform the gentleman that he cannot have the bill made a special order without a suspension of the rules.

Mr. ORR. What will preclude me from making the motion?

The SPEAKER. If the gentleman will inform the Chair what rule will allow him to do it, then he may discuss the question. The Chair knows of no such rule.

Mr. ORR. If there be any rule precluding me, I shall move a suspension of the rules.

Mr. WALSH. To save time, I will withdraw my objection.

Mr. McMULLIN. I renew the objection.

Mr. ORR. Then I move that the bill be referred to the Committee of the Whole on the state of the Union. If that motion be agreed to, I give notice that I shall then move that the bill be made the special order of the day for this day. I call for the previous question on the motion of reference.

The previous question received a second, and the main question was ordered to be put.

The question was then taken upon Mr. ORR's motion, and it was agreed to.

Mr. ORR. I now move that the bill be made the special order for this day; and upon that motion I demand the previous question.

Mr. McMULLIN. I object.

Mr. ORR. I move to suspend the rules for that purpose.

The question was taken; and two thirds voting in favor thereof, the rules were suspended.

Mr. ORR. I now submit the motion that the bill be made the special order for to-day.

The motion was agreed to.

Mr. ORR. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. McMULLIN. I should have no objection to the course of the gentleman from South Carolina—

The SPEAKER. The motion now pending is to suspend the rules for the purpose of going into the Committee of the Whole on the state of the Union, and the gentleman from Virginia would not be in order except by unanimous consent.

Mr. ORR. I withdraw temporarily the motion I made for the purpose of making this statement.

The SPEAKER. There is nothing before the body that is debatable.

Mr. JONES, of Tennessee, moved to reconsider the vote by which the bill was referred to the Committee of the Whole on the state of the Union, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. ORR. I withdraw my motion that the House resolve itself into the Committee of the Whole, and propose the usual resolution to close debate upon this bill in twenty minutes after the committee shall proceed to consider it.

The SPEAKER. During the last Congress the Chair entertained a motion of that kind. A gentleman from North Carolina objected to it as out of order. The Chair overruled the objection, and the gentleman from North Carolina took an appeal, for the single reason that the subject-matter upon which it was proposed to close debate had not been considered at all. The Chair again decides that it is in order to make the motion.

Mr. ORR. Well, I submit the resolution.

The question was taken, and the resolution was agreed to.

Mr. ORR moved to reconsider the vote by which his resolution was adopted, and also moved to lay the motion to reconsider on the table; which latter motion was agreed to.

Mr. ORR. I now move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. MILLSON, in the chair,) and proceeded to consider the special order, being Senate bill (No. 119) "to regulate the pay and increase the efficiency of the Army of the United States, and for other purposes."

Mr. LETCHER. I do not propose, at this late period of the session, to occupy the time of the House with anything like a speech on this bill. I rise merely to present a few practical considerations in the shape of facts and figures, for the purpose of showing the operations of this bill, so far as the compensation of the officer is concerned.

It is known that every branch of the Government, civil, military, and others, are setting up now for an increase of compensation; and the very moment you undertake to increase the pay of one class of public servants, you find another class devising plans for an increase of their compensation. Now, I happen to have in this connection a statement showing the increase of compensation under this bill to the various officers therein enumerated. It has been made out by those who are interested in carrying out the recommendation of the Secretary of the Treasury to the Committee of Ways and Means for the increase of the pay of the Comptrollers, the Auditors, and almost everybody else employed at the other end of the avenue.

I learn from this statement that in the quartermaster general's office, the brigadier general receives now in the way of pay, rations, forage, servants, clothing for same, fuel, quarters, per diem, medicines for himself and family, and mileage when traveling on duty, the sum of \$4,413 94. By the bill now under consideration, if it be passed, that officer will receive \$5,145 94. The first lieutenant colonel, one of his assistants, receives now \$2,978 20; and if this bill should be passed, he will receive \$3,458 20 per annum. The first brevet

major, another of his assistants, now receives \$1,810 16. It will be by this bill increased to \$2,230 16. The captain now receives \$1,977 05, and by this bill it will be increased to \$2,397 05. The chief colonel in the adjutant general's office now receives \$3,873 09, and under this bill it will be increased to \$4,413 09. The major, who is the judge advocate, now receives \$2,519 57, and his pay will be by this bill increased to \$2,939 57. The brevet major now receives \$2,894 18, and by this bill his pay will be increased to \$3,314 18.

In the Commissary General's office the chief colonel gets \$3,421 04, and that will be raised to \$3,961 04. The assistant captain, in the same office, now receives \$1,946 40, and that will be raised to \$2,366 40.

In the Ordnance office the chief colonel now receives \$3,547 89, and that will be raised to \$4,087 89. The assistant captain in the same office now receives \$2,640 53, and that will be raised to \$3,060 53.

In the Paymaster General's office the chief colonel now receives \$3,779 93, and that will be increased to \$4,319 93. The pay of assistant lieutenant colonel, in the same office, is now \$3,012 04, and that will be increased to \$3,492 04.

In the Surgeon General's office the salary of the chief—rank of colonel—is now \$3,787 13, and that will be raised by this bill to \$4,437 13. One assistant, rank of major, receives now \$2,845 03, and it will be raised to \$3,265 03. One assistant, rank of captain, now receives \$2,002 05, and that will be raised to \$2,622 05. Another of the same rank, now receives \$1,736 29, and that will be raised to \$2,156 29.

In the Engineer's office the chief colonel now receives \$3,592 04, and that will be raised to \$4,132 04. One assistant, rank of lieutenant, now receives \$1,366 02, and that will be raised to \$1,746 02.

In the Topographical Engineer's office the chief, rank of colonel, now receives \$3,462 24, and that will be raised to \$4,002 24. One assistant captain now receives \$1,911 24, and that will be raised to \$2,331 24.

Now, sir, as I said before, this list was made out, not for the purpose of showing the operation of this bill—not to be used in debate here—but made out for the purpose of showing that there are certain comptrollers, chief clerks, auditors, treasurer, commissioner of customs, solicitor, and register, up at the other end of the avenue, who are on the lookout for increased compensation, having ascertained that Congress commenced this session by appropriating pretty largely in that way, and that the Secretary of the Treasury had recommended it. It has resulted in this Army bill; and this statement was made out for the purpose of showing that the salaries of these gentlemen, in civil pursuits here, ought to be increased as well as those of the Army officers.

Now, sir, it seems to me there ought to be some stopping point. When the pay of the clerks was increased, in the early part of the session, we were told that it was a case *sui generis*—that nothing of the sort would be likely to happen again; and that there would be no necessity of increasing the pay of those who now receive more. But no sooner is that done, than we find a proposition to increase the pay of the Army, and that is followed by a proposition to increase the pay of those who receive now three or four thousand dollars a year.

Mr. FAULKNER. Will the gentleman inform me from what document he read those statements?

Mr. LETCHER. From a paper prepared by a civil officer at the other end of the avenue, which was intended to show that when you carry out the provisions of this bill, increasing the pay of the Army, you ought to increase their compensation in a corresponding ratio. It was prepared for the purpose of showing that he who now receives \$3,000 a year, ought to receive a larger sum for his services.

Now, sir, it does seem to me that there ought to be some stopping place to this kind of legislation. You began a year ago by increasing the salaries of the Cabinet officers. You raised their compensation \$2,000 each; and you come here this session and increase the compensation of the employees of the Government, adding on sum after sum; and after all this has been done, after having destroyed the relative proportion which exists between the salaries of the clerks, auditors, secre-

taries, and Cabinet officers of the Government, the very next thing you hear is, that you must go on and increase the pay of all the intermediate grades of employees.

Now it does seem to me that it is time to begin to look about us, and see where and when this thing is to end. It is time for us to fix the point somewhere for it to stop. The expenses of this Government have already grown to a monstrous extent. They will, if I am not very greatly mistaken, be found to have swelled, during the present year, to an amount beyond that of any previous year, not even excepting the expenditures during the existence of the Mexican war. Without having made any computation, but speaking entirely from recollection, the current expenses of the Government for the present year will not fall short of \$70,000,000.

Now, sir, I do not care whether this is done by Democrats or Whigs. It is just as wrong, in my estimation, if done by the Democrats, as if it had been done by the Whigs. But, sir, let me say that the real Democratic party of this House are not responsible for this extravagance. It is the Whigs of the House, and a fraction of the Democratic party who have acted with them, who have voted these appropriations.

Mr. REESE. Who are the real Democrats of the House?

Mr. LETCHER. Well, sir, I believe I pass for one. I think the gentleman from Tennessee, over the way, [Mr. JONES,] passes for another. I do not choose to particularize further. [Laughter.]

But, really, Mr. Chairman, this is not a jesting matter. It is a serious matter, and I ask the House to consider it, as it deserves to be considered, seriously.

Now, sir, so far as the soldiers are concerned, it is said that there are not enough of them to answer the purpose of the Government, and that it is impossible, with the present rate of compensation, to supply the deficiency. I am entirely willing to vote any sum necessary to supply that deficiency.

Mr. KEITT. I desire to interrupt the gentleman for a single moment. The gentleman says the Democratic party of the House are not responsible for these expenditures, but that the Whig party, with a fraction of the Democratic party, are responsible. Now, I want to know whether, when a man departs from the creed adopted by the Democratic party, he is still a Democrat? In other words, is the Democratic party split in two? When a fraction of the Democratic party refuse to sanction the doctrines which the majority have laid down, are they to be considered as Democrats? And further, whether, when there is a large Democratic majority in the House, that majority is not responsible for the measures adopted by the House?

Mr. LETCHER. Well, sir, the gentleman from South Carolina, in a speech the other day, in which he alluded to this subject, laid down pretty much the same doctrine that I have laid down now. I think the gentleman then took occasion to give notice that on some suitable occasion he should read the House a lecture, and I think the gentleman then said something about Democrats in this House departing from the principles of Democracy.

Mr. KEITT. I did not say it was not true, I only wanted to know whether the gentleman thought it was or not.

Mr. SEWARD. Will the gentleman from Virginia give us the articles of faith of modern Democracy?

Mr. LETCHER. My friend from Georgia told us the other day that he had not read the resolutions of 1798, and he surely has no right to get up and make that inquiry of me. [Great laughter.]

Mr. SEWARD. I did not say I had not read them; I said I did not understand them. That was the trouble.

Mr. LETCHER. Well, sir, that is about the same thing. A gentleman who does not understand the resolutions of 1798 has no right to come here and put questions to me about Democracy.

Mr. SEWARD. I doubt whether the gentleman from Virginia understands them himself.

Mr. LETCHER. Mr. Chairman, I hope I shall not be drawn off again. I was going on to say that we have been told that the Army is not

strong enough under the present rate of compensation—that there is a deficiency of some three or four thousand men in making up the regular complement of soldiers. Now, sir, if the complement of soldiers is wanting, and if increase of pay is necessary to secure it, I am perfectly willing that the increase of pay recommended in this bill for non-commissioned officers and privates shall be made. But I give notice that, if I have an opportunity, I shall move to strike out from the first section of the bill the following lines:

“A major general, \$255; a brigadier general, \$165; a colonel, \$135; a lieutenant colonel, \$115; a major, \$95; a captain of cavalry, \$85; a captain of artillery and infantry, \$75; a first lieutenant of cavalry, \$65; a first lieutenant of artillery and infantry, \$57; a second lieutenant of cavalry, \$55; a second lieutenant of artillery and infantry, \$47; a cadet, \$33.”

The CHAIRMAN. That amendment was submitted by the gentleman from Pennsylvania, [Mr. Grow,] and is now pending.

Mr. LETCHER. If I can get the floor I shall move to strike out the whole bill, from the twenty-sixth line of the first section.

Mr. McMULLIN. I have listened to this discussion, Mr. Chairman, with somewhat of mortification. I had not expected that a bill of the character of the one now under consideration would have emanated from the source whence it did. Had the proposition been merely for the increase of the present pay of the rank and file of the Army, and of the officers from the captain down, I should not have been disappointed. I was indeed disappointed, nay, mortified, at seeing my colleague, [Mr. FAULKNER,] now acting, in the absence of the chairman, as head of the Committee on Military Affairs, come here with this bill proposing a large increase of the pay of the officers of your Army, a pay now higher by a great deal than that given to the civil officers under the Government.

There are but few of us who have looked into this subject with a view of obtaining exact information in reference to the amount actually received by officers of the Army, in the way of compensation for their services. Your major general receives over \$7,000 per annum. Call on General Scott, the highest officer in command, and he will tell you that his pay is upwards of \$7,000. Is not that enough? The actual pay of every officer of the Army is within a fraction of double what it seems to be on the Army Register. Notwithstanding the receipt of these large salaries, they are continually crying More! more! During the last Congress, chief clerks and heads of bureaus came forward, when we manifested a disposition to increase the salaries of clerks, and asked that their salaries might also be increased in proportion; and now, while we are all willing and anxious to increase the pay of the private soldiers who fight the battles of the country, I doubt whether we shall succeed in that praiseworthy object unless we also increase the pay of the officers of the Army.

Mr. KEITT. Do not the officers also fight?

Mr. McMULLIN. Sometimes they do, and other times they do not. Very frequently they keep out of harm's way.

It has been well said by my colleague that you find every employee of the Government asking for an increase of pay. It was but the other day that you increased the pay of your Cabinet officers. Gentlemen need not tell me that this Democratic Congress is not to be held responsible for this increase. I have already heard it proclaimed in this Hall that the Whig party intend to go before the country in the next presidential election, cry out and spare not, against the extravagance of a Democratic Administration. Who can deny the fact? But when you come to examine the records, it will not be difficult to show that the Whig party have voted for the most extravagant appropriations made by this Congress. It is true that they will attempt to hold this Democratic Congress, with a majority of fifty or sixty, responsible; and when you go before the country, and appeal to the country to know why this Administration has expended upwards of sixty millions of dollars, you will be told, as my colleague has told the House to-day, that a fraction of the Democratic party, together with the Whig party, have made those expenditures. I tell my colleague, who reported this bill, that the Democratic party will be held responsible. Notwithstanding the fact that we can show by the record that the

Whigs have voted for some of the most extravagant appropriations, yet, managed by my adroit friend from Ohio, [Mr. CAMPBELL,] and others of his associates, they will go before the country and hold this Congress responsible for extravagant appropriations. I ask, then, if this committee are prepared by their votes to increase the pay of their officers?

The hour having now arrived for closing the general debate upon the bill, under the order of the House,

The CHAIRMAN stated that the pending question was upon the motion of the gentleman from Pennsylvania, to strike out all after the enacting words of the bill down to the fourteenth line.

Mr. CAMPBELL. I did not propose to participate in this discussion at all. Nor is it my intention to consume any more of the time of this House—

The CHAIRMAN. Does the gentleman from Ohio submit an amendment?

Mr. CAMPBELL. I move to strike out the whole section.

The CHAIRMAN. That amendment is not in order. The Chair would suggest to the gentleman that it is competent to amend any part of the section proposed to be stricken out.

Mr. CAMPBELL. I move to reduce the amount in the fifth line of the bill to sixty-five dollars, instead of two hundred and sixty-five dollars. I move this amendment simply for the purpose of making a few remarks in reply to those made by my friend from Virginia, [Mr. McMULLIN.] He alluded to the probable course which the Whig party would take in the next presidential election; and has kindly singled me out as one of those who might occupy a prominent part in the canvass. I do not know, sir, in the present mixed up condition of parties, where I shall be found in the next presidential canvass; but I hope I shall be found, in all future time, as I have been in all the past, in favor of an economical expenditure of the funds of the people's Treasury. Sir, if I recollect aright, it was asserted by the party in power, in the last presidential struggle, that the Whig party had wantonly and extravagantly expended the money of the people; and we were promised, in the event of a Democratic triumph, retrenchment and reform. I presume that no one was more eloquent in these charges and promises than my friend from Virginia was in his district. At the opening of the present session, after the election of the Speaker, I took occasion to advert to the fact, that there was in this Hall a majority of more than two to one of the Democratic party, coming into power on the strength of these promises, and I called upon that majority to recollect that, so far as I was concerned—as one of the minority—I would hold the party in power to a strict accountability for all their acts of legislation. And the gentleman should not be surprised, therefore, if, on some future occasion, we bring the record of their legislative acts against them, on the trial before the people. But the gentleman from Virginia now complains that a portion of the Democratic party have been aided by some of the Whig members of this House to carry through extravagant and unnecessary appropriations. If the Democratic party, being in a majority of two to one in both legislative branches, and holding all the Executive offices, does not hold itself responsible to the people for the reckless expenditure of the public money, I should like to know from the honorable gentleman how large a majority it will require in order to make that party accountable? [Laughter.]

Mr. FAULKNER, (interrupting.) I desire to make a single remark, if the gentleman from Ohio will permit me.

Mr. CAMPBELL. I cannot yield the floor now. I am about to close in a minute or two.

Mr. FAULKNER. I wish to make but a single remark, which is this: I will not call the gentleman to order, because he is replying to the gentleman from Virginia, [Mr. McMULLIN.] But I give notice—it being my duty to attend to this bill—that I will hereafter call every gentleman to order who deviates from the proposition under discussion.

Mr. CAMPBELL. Then I hope the gentleman will make his point of order when his colleague deviates from the rule, when he expands on the gross and wanton expenditure of his party,

and seeks to make a party that is stripped of all power—

Mr. FAULKNER. I said to the gentleman that I did not mean to call him to order; but I gave notice that I intended hereafter to call every gentleman to order who did not speak to the amendment under discussion.

Mr. CAMPBELL. I understand my friend means nothing unkind or unfair.

I merely rose to call the attention of the House to the fact that this notice was served by me on the majority at the opening of the session, the moment after the Speaker was elected, and before the House was fully organized, as will be shown by the record of the debates. Now, sir, coming in, as the Administration party did, with this overwhelming majority, it will not answer the purpose of gentlemen who have made to the people such promises of retrenchment and reform, to attempt to make the Whigs, who are destitute of power, responsible for the measures of extravagance by which their Congress, pursuing the recommendations of their Executive officers, appropriates, in a single session, \$70,000,000.

[Here the hammer fell.]

Mr. GIDDINGS. I will detain the committee but for a moment in reply to my colleague, [Mr. CAMPBELL.] I am opposed to his amendment. This Army bill has been one of the standing subjects of contention of this House for the last twenty years, and I have never known one single improvement made upon it, except when the leading men of both parties united in a determination to effect a reform. I believe the last improvement made was in 1842. At that time the distinguished gentleman from Tennessee—the late Postmaster General [Mr. Johnson]—and the venerable member from Massachusetts, [Mr. Adams,] with all their energies, brought their combined influence to reduce the Army to the basis of 1820. The leading men of both parties united for the purpose of that reform, and they succeeded. From that day until this I have known no reform on this subject. Sir, the party in power has uniformly endeavored to increase the Army and Navy, and the party out of power has almost uniformly opposed it.

Mr. FAULKNER. I rise to a question of order. If I understand the present position of business before the committee, we are now acting under the five-minute rule, and the remarks of every gentleman must be confined, according to the rules which govern the committee, to the particular amendment under consideration; and if any gentleman departs from the discussion of the particular amendment under consideration, I feel bound to call him to order, and I do so on this occasion.

Mr. GIDDINGS. I am speaking to the subject of reform.

Mr. FAULKNER. Is there any amendment pending on that subject; and if so, what is it?

The CHAIRMAN. The Chair thinks the gentleman from Ohio has not deviated from the question, and that he is in order. The gentleman is making an argument, intending to show that the amount specified in the sixth line should be reduced.

Mr. GIDDINGS. My colleague proposes to reduce the compensation of major general merely. I am opposed to that amendment, and I am stating definitely and distinctly the reasons of my opposition to it.

So far as parties are concerned, I only wish to observe, that no party has ever stood forth here as the advocate of reform upon this question. And as to the expenditures of the parties, I have nothing to say further than this, that the party in power has uniformly been limited in their expenditures by their ingenuity in squandering money, and apparently by nothing else; and I can testify that the late Whig party was limited by anything else than that. I know something about that party, for I once belonged to it; and no Administration ever squandered more treasure than the last. And if this present Administration shall go further than the last, it will be because they possess more talent, and find themselves capable of improving upon former examples. [Laughter.]

And now with regard to expenditures. Who does not see that the whole system of maintaining an Army in time of peace is an incubus resting upon the nation, and nothing else? There is no more necessity for it than there is for the fifth wheel of a coach. I am told that an Army is

wanted to protect our settlements upon the frontiers from the ravages of the Indians. Sir, the friendly Indians upon our borders are the best protectors that can be found upon the face of the earth; and our trappers, hunters, and backwoodsmen, are the next best; and our border men, who are accustomed to the rifle, and to hardships, are the next. Either of these are a thousand times more efficient than your Army.

Again, as to these expenses, let me assure this committee that if they will appropriate one fourth the amount now annually expended in support of the Army to furnish food for the Indians, the frontier will be protected without bloodshed, or the trouble of an Army. We may save this vast expenditure. Sir, give me the money now used to supply food, and arms, and ammunition to our troops, and I will protect the frontier, and you may disband the Army. Yes, sir, we can feed the Indians, and make them our friends for the money we now use in feeding our Army and in supplying them with *matériel* of war. Common sense teaches us that these depredations are usually, ay, always, committed for the purpose of obtaining food, or for revenge of injuries received from the whites. These are the only motives which guide the wild savage. Now, if we supply his wants, or rather his food, and treat him kindly and justly, we shall need no army to fight him. They must sustain life; for that purpose they steal horses, and use them for food; they steal cattle and hogs for the same object; but, if you will feed them, they will have no occasion to commit depredations of that kind. You will make them your friends, your allies, who will protect you with their lives. Sir, I repeat, you can furnish them with the means of subsistence for one fourth the amount which you appropriate for the support of the Army. It is far cheaper to sustain their lives than it is to kill them.

Sir, I appeal to history, I appeal to the better judgment, to the conscience of every man, if this is not so, if it has not been the case from the days of William Penn down to the present time? The best protection that has ever been afforded against Indian depredations has been found in being just, generous, and kind to them, in making them our friends rather than our enemies.

[Here the hammer fell.]

Mr. PERKINS, of New York. I move to amend the amendment by reducing the amount five dollars.

I rise, Mr. Chairman, for the purpose of saying that I conceive it to be indispensable for the safety of the frontiers of the several Territories of this Government that the Army should be increased. As the settlers are extending into Minnesota, Washington, and all the other Territories calculated to excite the Indians to the commission of outrages upon them, it is necessary that our Army should be kept up to the full complement now authorized by law. And it is impossible to keep it full unless the pay of the soldiers is increased. I say that a large number of troops is required for the defense of the sparse settlements in the Territories, and therefore I shall vote for this bill, though there may be some provisions in it which do not commend themselves to my judgment. Still, sir, I think some of the officers, and especially the officers of companies, the lieutenants, captains, &c., should have their salaries increased as much as is provided for in this bill. The officers of our Army and their families are of those who have been accustomed to live respectably and fashionably. It is necessary that their pay should be sufficient, in order that they may properly preserve the dignity of their positions; and this is the object of the proposition which is under consideration.

Let anybody look into the matter, and I am sure that they will frankly acknowledge that the present pay of a lieutenant is entirely inadequate for the support of a family. Then, this being so, the necessity and obligation is as great for the increase of the pay of captain, lieutenant, and so on down, as for the increase of the soldier's pay. It is, in my opinion, a disgrace to the country to insist on refusing to give these young gentlemen, holding commissions in the Army, sufficient to support themselves and families decently and out of debt. It is our duty, if we employ such officers, to pay them, so that they may live respectably, and up to the dignity of their position, and not to disgrace it and themselves by running

into debt. I shall go for carrying out the general provisions of the bill so far as regards the increase of the pay of the soldiers and of the officers from captain down. I think that the major general's pay is enough now; but the fact that the bill provides for an increase of it will not prevent me giving it my vote. I can see no way for disposing of the Army, unless you let out the killing off of these Indians to the Mormons, and give them the spoils by way of compensation. Then we may have peace on the frontier.

Mr. SMITH, of Virginia. What is the question before the committee?

The CHAIRMAN. The question is on the amendment of the gentleman from New York to the amendment of the gentleman from Ohio.

Mr. SKELTON. I arise to a question of order. A motion was made to strike out a greater portion of the bill. To that the gentleman from Ohio moved an amendment. Then the gentleman from New York rose and submitted an amendment. I contend that the last amendment is not in order until that of the gentleman from Ohio is disposed of.

The CHAIRMAN. The Chair overrules the question of order. A motion was made to strike out a portion of the bill. Amendment was then in order to the portion proposed to be stricken out. The amendment of the gentleman from Ohio was an amendment in the first degree, and the amendment of the gentleman from New York was an amendment to that amendment.

Mr. SMITH. If the gentleman from New York will withdraw his amendment, we may get rid of this question of order.

Mr. PERKINS declined withdrawing his amendment.

The question was taken; and Mr. PERKINS's amendment was rejected.

The question was next taken on Mr. CAMPBELL's amendment; and it was rejected.

Mr. SMITH, of Virginia. I now move to strike out the words "sixty-five." The committee will see at once that I present a practical question for their consideration. It is a direct issue between the law as it now stands and that proposed by this bill. The committee can at once come to a vote upon the question of increasing the pay of a commanding general of the United States Army. This being the question, I propose to submit a few remarks, and I shall do so in consequence of the strange remarks to which I have listened. I do not suppose that there are half a dozen men in the House who could, by any device, be induced to abolish the Army altogether. If we are to have an Army, gentlemen must desire to have it efficient, and to have it efficient you must pay a sum sufficient to enable the officers, who are men of honor and spirit, to live as becomes such men. At this time our Army, as we all know, is dispersed to a very great extent over our wild country, upon the frontiers; and our Army officers out there are compelled to submit to most oppressive exactions. One would suppose that pay there would not be needed; but it is entirely absorbed, as we all know. I refer to this because the question has been made here, and it has been discussed in the committee, whether the commander-in-chief of the Army of the United States, who has permanent quarters, a settled residence, and fixed habits, receives pay enough, or whether he receives too much.

There is a wide difference between the case of a commanding general and that of his subaltern officers. One of the great evils of the service, and that which renders the miserable pittance which the subordinate officers receive wholly inadequate for their wants, is that which arises out of the necessity of raising money at a sacrifice, as they must be in readiness to obey orders at all times. I presume this committee understand that if a poor subaltern is ordered to go to California, he does not then get a dollar of pay for transportation and mileage. He has to raise money in some way. How does a captain of the artillery, who receives but forty dollars a month, and who has to live like a gentleman, raise the money necessary for his wants? Unless he has other means, he has to apply to the Jew, and pay an enormous usury. I advert to these things for the purpose of having this committee and the country understand that I am not one of those who will hesitate in meting out full and exact justice in this case as well as in all others. I am not

afraid of expenditures, bound as I am by every obligation of duty as a politician, and as a man, to sustain only that expenditure which is just and economical.

Mr. McNAIR. Is the pay of the major general now \$265 per month?

Mr. SMITH. His pay is \$200 now. The bill under consideration proposes to make it \$265 per month.

Mr. McNAIR. Well, I want to know why it is that the gentleman from Virginia is arguing in favor of increasing the pay of Army officers, when his amendment is to reduce it?

Mr. SMITH. If the gentleman had been listening to my remarks—

Mr. McNAIR. So I have.

Mr. SMITH. If he had paid attention to them, he would not have had occasion to ask that question. I stated distinctly to the committee that in the question under consideration, they should give attention to the fact that this commanding officer of ours, this major general, has fixed quarters, a permanent location, and a domestic establishment, and that he was, therefore, not under the necessity of incurring all the expenses of change of position to which subordinate officers are subjected. I did not even say that I would vote for the amendment, but that I rose simply for the purpose of presenting this as a practical question to the consideration of the committee. I said in my remarks that the officers of the Army, the brigadier generals, the colonels, the captains, and the lieutenants, who are compelled to obey orders, and to go from post to post as ordered by superior officers, have to sustain their domestic establishments independently of the expenses to which they are themselves subject, while the major general has a fixed and permanent residence. And I say that there is a wide difference in this.

[Here the hammer fell.]

Mr. LANE, of Oregon. I feel unwilling, Mr. Chairman, very unwilling, to oppose the amendment. The provisions of this bill generally strike me as being founded in right and justice. The commander of the Army—the major general—would receive, by this bill, in pay and allowances, \$5,600. But the gentleman from Virginia [Mr. McMULLIN] has made a mistake of some hundreds of dollars in his calculations. He stated that the commanding general, if he were asked the question what his income from the Army is, would say that he received over \$7,000 per annum. But I think his answer would show that he received no such amount. The commanding general of the Army has passed through all the grades which the gentleman from Virginia speaks of. Commencing his service in the ranks, he fought his way up to his present high and honorable position. And the pay he now receives will barely do more than maintain his rank. He is subjected to many expenses which he must defray out of his own pocket. He has to keep horses, and pay for them out of his income. He has to pay for his servants, for his uniform, for the support of his family, for all the expenses incident to his position; so that he can never lay by anything out of his pay. The major general has spent a large portion of his life in the service without saving a dollar; and, in the position he now occupies, he is not able to lay by any money.

Then, as my friend from Virginia [Mr. SMITH] has well said, the subordinates of the Army cannot subsist upon their present pay. At the time when the present rates of pay and allowances were fixed, subsistence did not cost, in this portion of the country, half as much as it now does. You have increased the pay of your clerks in the public offices of the Government. You have increased the pay of persons in almost every branch of the public service, and you have left the pay of the Army as it was first established. You have left them in a position that they cannot subsist themselves; and in my portion of the country, as the gentleman from Virginia so well said, unless an officer has a fortune and means of his own, or rich friends to assist him, he cannot live on his pay; he must leave the Army in debt. Many officers would be thus actually forced out of the service, and compelled to resign, were it not that their patriotism, love of country, and pride, induce them to hold to it at every sacrifice, without being able to afford a dollar to pay for their uniform. You must increase their pay, or they cannot subsist. And why

discriminate between the officer and the soldier? The other day I was misunderstood in my remarks while discussing a pension bill, and if so, I would like to place myself right now. I hold that the widow of a general who dies in the service, or of wounds received while in the service, should receive a pension according to the rank of her husband; and so in regard to the widow of a lieutenant, and they should draw pay for an equal number of years. I say this for fear that my remarks were misapprehended the other day.

Mr. BRIDGES. I wish to ask the gentleman from Oregon a question. I wish to know if he ever knew an officer of the Army to leave the service because of the insufficiency of the pay?

Mr. LANE. I can answer the gentleman very readily. I have known many such instances. I have known many officers leave the Army because the pay was insufficient, and I can point them out to him.

Mr. BRIDGES. Name one.

Mr. LANE. I will mention the instance of Captain Britton, who quitted the Army because he could not subsist upon the pay. I have had some experience as to this matter, and know something about it. I entered the Army as a private, and came out of the service a brevet major general. The pay of a brigadier general at that time was about \$3,000, and how could a brigadier general, who had to keep four horses and two servants, subsist upon that? It took a large portion of my salary to subsist myself, to pay for my servants, my horses, and other expenses.

Here the hammer fell.

[Cries of "Go on!" "Go on!"]

Mr. SKELTON. Will the gentleman from Virginia withdraw his amendment, to enable me to introduce another?

[Cries of "Go on!"]

Mr. LANE. Then, that I may proceed in order, I move another amendment.

The CHAIRMAN. The gentleman from Oregon is not entitled to the floor. The Chair recognized the gentleman from New Jersey, [Mr. SKELTON.]

Mr. SKELTON. I rise to offer an amendment to the amendment, which is really necessary to be incorporated in it before it is adopted. I move to except from the part which is proposed to be stricken out, the third and fourth lines, as follows:

"That the monthly pay proper of the several grades of the Army, hereinafter enumerated, shall be at the following rates."

The CHAIRMAN. The Chair thinks that amendment is not in order. The pending amendment is the one offered by the gentleman from Virginia, [Mr. SMITH.]

Mr. SKELTON. I understood the gentleman from Virginia withdrew his amendment.

Mr. SMITH, of Virginia. I will withdraw my amendment, if there is no objection.

No objection being made, the amendment was withdrawn.

Mr. SKELTON. I now offer my amendment to the amendment. I offer it with a view of perfecting the amendment, as I suppose the House will strike out the part proposed by the gentleman from Pennsylvania, and I wish those two lines to be retained in the bill, as they should be; and I suppose, likewise, from the indications which I have seen here to-day—

The CHAIRMAN, (interrupting.) The Chair would state to the gentleman from New Jersey, that his amendment is not strictly in order, as the gentleman from Pennsylvania proposes to insert equivalent words.

Mr. SKELTON. No, sir; he moves to strike out all after the enacting clause down to the fourth line.

The CHAIRMAN. Then the gentleman's amendment is in order.

Mr. SKELTON. The question for the committee to determine is, are the provisions of this bill necessary to promote the efficiency of the Army of the United States? I am willing the merits of the bill shall turn upon that point. If it is necessary to increase the pay of the officer, in order to promote the efficiency of the Army, then I am willing that an increase of pay should be accorded to them. But, sir, I contend that it is not necessary to increase the pay of the officers for that purpose, and I contend that it is necessary to increase the pay of the rank and file. I do not

understand that this increase is necessary to procure the requisite number of officers. On the contrary, as the gentleman from Indiana [Mr. HENRICKS] has told us, there are men all over the country who are extremely anxious to obtain positions as officers of the Army at the present rates. There are no deficiencies occurring in the list of officers. But, from the statements which have been made, the places are all full, and there are a large number of supernumeraries. I say we have more officers than we have soldiers for them to command; and hence the amendment of the gentleman from New York, to increase the pay of the subordinate officers, is not necessary. But it is said that these officers move in the fashionable circles of life, attend balls, parties, &c., and hence it is necessary that they should receive an additional compensation. Now, sir, I contend that it is entirely unnecessary that we should provide for such things for those who are to fight the battles of the country.

But the gentleman from Oregon [Mr. LANE] says these officers cannot live on their present pay. Now, a major general is allowed fifteen rations per day in addition to the regular pay, which is \$200 per month; and besides he is allowed seven horses and four servants. He is allowed all these, and still the gentleman from Oregon says he cannot live. He tells us that the major generals are starving upon \$200 a month and fifteen rations a day, while the common soldier has but seven or eight dollars a month and one ration a day, and yet he can live. That is the kind of argument that has been brought before this House to show the necessity of increasing the pay of the officers of the Army. This is not a kind of logic that will stand. I contend that there is no reason whatever for increasing the pay of these officers. The pay they now receive is sufficient to command the best talent of the country. The best talent of the country has already been engaged in that service, and what good purpose will be served by increasing the pay beyond what it now is? But the same reasoning does not apply to the rank and file of the Army. It is unjust to pay your officers such exorbitant sums, and still increase them, while you do not pay the poor soldiers, those who do your work, enough to induce efficient men to join the Army; and hence, while I am opposed to increasing the pay of the officers, I am in favor of increasing the compensation of the rank and file.

Mr. SMITH, of Virginia. I desire to call the attention of the gentleman from New York, and of the committee, to one or two facts in connection with this subject. The gentleman from New Jersey says you can obtain Army officers enough at the present rate of compensation. I do not know whether the gentleman voted for increase of pay to the clerks, but we know that, at the time the salaries were raised from \$900 to \$1,200, plenty of men could have been found willing to discharge the duties for \$500 per annum.

Mr. SKELTON. I voted against increase of pay.

Mr. SMITH. I have only mentioned the fact by way of illustrating my argument. There is Colonel Magruder, who has pay and rations running up to seventy-nine dollars per month. That officer was sent to California, and compelled to incur heavy expenses. In discharging his duty there, he would have been beggared and a bankrupt in reputation and fortune, if he had not been blessed through an interesting source with other means than those accruing from his rank. He was in the wilderness when that unhappy catastrophe happened which resulted in the death of the gallant Craig. He was a captain in pursuit of deserters from our Army, some of whom had served in the British Army. When he overtook them, he bared his breast covered with honorable wounds, and they slew him, widowing his wife and making orphans of his children. He had forty dollars per month. We have men who have been twenty years in the service, and who have periled their lives often on our battle-fields, and yet we are told that there are men plenty to take their commissions at the present allowance. You pay the lowest of your clerks \$1,200 per annum, or \$100 the month. You pay the gallant officer who has been twenty years in the service, and is covered with wounds, only eighty dollars the month. In the very instance to which I have alluded, when the Indians brought in the deserters

who had been soldiers in the British Army for many a year, to answer to the offended laws of the country, the reward had to be paid, and there was no money. This same gallant officer staked his own credit, and borrowed the money at ten per cent. The Government refunded the principal, but the interest at ten per cent. for eight months, was a tax on his pay. That gentleman is in your service now, and yet the gentleman from New Jersey is against giving him the allowance given your clerks of the lowest grade. I would have the officers of the Army soldiers in the true spirit of chivalry. I would not stint them; for of all objects under the sun, the poor, needy, beggar soldier is the most unhappy. I would have him economical, but he should be liberally provided with that which is indispensable to his dignified and manly support. Is it an argument to be listened to by the American Congress, that these gentlemen should not have an increase of pay because there are others willing to take their places at their present pay? I can tell the gentleman from New Jersey that he can get plenty to fill his seat at two dollars per day, and he gets eight.

[Here the hammer fell.]

Mr. SOLLERS. I move to increase the pay of a major general five dollars.

The CHAIRMAN. That amendment is not now in order.

Mr. SOLLERS. Then I move to strike out the words "thirty-five," and insert in lieu thereof the word "forty."

I confess that I have offered this amendment, not with a view of having it carried, but for the purpose of expressing some of the opinions I entertain upon the subject now under consideration. I have heard many things here which, heretofore, were considered as slander upon our republican Government. If this discussion could have taken place, and this proposition been moved in the House of Representatives, during the late war with Mexico, I take it for granted that no member of this House would have dared to raise his voice against it. If he had dared at that time to have spoken disparagingly of the services of our fellow-citizens in that war, he would have been met by the indignant voice of every American citizen within the limits of the United States. And yet, it seems, that in a very short space of time, we have forgotten all their gallant and heroic deeds that covered the country with glory; and because these men now ask for an increase of pay—a small increase of pay not at all proportionate to the expansion, wealth, and greatness of the Republic for which they fought and bled—is it to be denied to them?

The battles upon the plains of Mexico tell a tale that ought never to be forgotten by the members of this House or by the American people. In any great emergency that may arise between our Government and foreign nations, we are not to rely upon a standing army. But we must rely upon volunteers from the mass of the people to fight our battles, and these volunteers are to be commanded by officers of the regular Army of the United States. What is the fact in reference to the war with Mexico? There was a disproportion unheard of and unknown before in any battles that were ever fought upon the face of the earth, between the number of officers and men that were killed upon its battle-fields. History has recorded nothing like it. It required the skill and heroism of officers of the Army to lead and direct these volunteers upon the fields of battle; and it was through their exertions that our victories there were achieved. Shall we, then, deny them this miserable pittance, this slight increase of their pay, after all they have done, and all the gallant deeds they have performed? No! The American people will sanction no such proceedings. They expect us to deal liberally with these officers, especially with those who, in the time of need, in the full heat of the battle, poured out their blood like water in defense of their country. I appeal to gentlemen. I ask gentlemen to trust to their own feelings in this matter. There is not a genuine American heart that throbs with love for his country that is not willing to grant an increase of pay to those who bear the brunt of our battles. I trust and believe, that this amendment will be adopted. I am very far from saying that the compensation of ordinary soldiers is sufficient. I would increase their pay. We do not appreciate

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their services in these piping times of peace; but let a war break out requiring their services, and then we shall appreciate their worth. I hope and trust that no serious opposition will be made to this amendment.

Mr. CLINGMAN. I oppose the amendment offered by the gentleman from Maryland, [Mr. SOLLERS,] and I do so merely for the purpose of making a remark. When the gentleman from Virginia was on the floor speaking of the pay of a certain officer, I rose to ask him the name of the person to whom he alluded. He did not answer me publicly, but he mentioned the name so as that I overheard it. I understood him to say that the officer in question received only forty dollars per month, or four hundred and eighty dollars per year. I find on looking at the letter of the Secretary of the War Department, of February 17, 1854, and at the Army Register, that the receipts of that officer last year were \$2,305 22.

A MEMBER. Whom do you speak of?

Mr. CLINGMAN. Of Captain Magruder, who is colonel by brevet. I find that the Army Register fixes his pay at \$993 per year.

A MEMBER. What page is it on?

Mr. CLINGMAN. Pages 32 and 33. And then his rations amount to \$801; his allowance for servants, \$213, and so on, making his whole receipts for the year \$2,305 22. Now, how it was that the gentleman from Virginia managed to get the idea that the pay of that officer was only forty dollars per month, I cannot say. I suppose somebody has misled him. I was myself misled this morning by a gentleman of the committee. I am disposed to pay what is right; and if an officer of one grade is only receiving \$480 per year, that is one reason why I should vote for an increase of the pay of the officers. But as the gentleman from Virginia has been mistaken, and as the officer who he thought received only \$480 per annum, actually, according to the report of the Secretary of War, received \$2,305, I think it right that the committee should think some time before they determine to make the increase proposed.

Mr. ASHE. The first class clerks in Government offices receive \$2,200 a year, and the ordinary custom-house clerks receive from \$2,300 to \$2,500.

Mr. CLINGMAN. My colleague tells me that the clerks in the custom-houses receive from \$2,000 to \$3,000 per year. Now, if that is so, I will vote for a proposition to reduce their pay. I have resisted the propositions to increase the pay of the clerks here. A gentleman from Virginia tells us that there are clerks here receiving \$1,200 a year, while we could get as competent men to do the work at \$500. That is precisely why I voted, this session, against increasing their pay. But if we waste money on one branch of the public service, that is no reason why we should waste it on all.

Mr. FAULKNER. I would like to call the attention of the gentleman from North Carolina to the fact that he will find, in a note appended to the Army Register, that out of the sum of \$2,305 received by Captain Magruder, \$365 was pay for service in California, and \$123 for the fiscal year of 1852; that he was the commandant of a post, and that the pay received by him for servants and forage was far less than his actual expenditures for the same objects. His command of the post gave him the pay of a lieutenant colonel.

Mr. CLINGMAN. Well, that deduction would bring his pay down to \$1,800. But the gentleman will see there that his pay proper is stated as \$993, instead of \$480; that his rations amount to \$801, and so on. I have no feeling about this matter. If the amendment of the gentleman from Pennsylvania [Mr. GROW] prevails, I will support the bill. I have no doubt we ought to increase the pay of the common soldiers and non-commissioned officers. The proper rule is to pay a fair compensation for the service we receive. It is conceded on all hands that we cannot get soldiers to serve at the present rate of pay. I am willing to vote for a proper compensation for soldiers and officers. Gentlemen say we have voted an increase of pay

to the clerks, and, therefore, we should vote for this increase for the officers and soldiers of the Army. I do not consider that, by any means, a good reason. Gentlemen should recollect that they are voting a permanent increase. I have no hope that we shall ever be able to reduce any of these increased salaries to the proper proportions. If we act in the dark, and vote at this time for high rates of pay, there they stand; we cannot get them back to what they were. Therefore it is that I think it is better for us to content ourselves at this time with increasing the pay of the privates and non-commissioned officers of the Army; and, at the next, or some other session, we can deliberately consider the question of increasing the compensation of the commissioned officers.

Mr. LANE of Oregon. Is it in order now to move to amend the bill?

*The CHAIRMAN. It is in order to move to amend the amendment of the gentleman from Maryland, [Mr. SOLLERS.]

Mr. LANE. Well, the gentleman from Maryland moves to amend by increasing the pay five dollars. I will move to increase it ten dollars. I move the amendment to obtain the opportunity only to notice, in order that the committee and the country may understand this thing—some of the remarks which fell from the gentleman from New Jersey, [Mr. SKELTON,] and from the gentleman from North Carolina, [Mr. CLINGMAN,] who has just taken his seat. The gentleman from New Jersey holds the opinion that a major general receives compensation at the rate of \$200 a month, and that he is entitled to seven horses, four servants, and fifteen rations while he is employed in actual service. Well, that is all true; but the seven horses he must pay for himself, and he has to pay for them out of his own funds at the rate of two or three hundred dollars apiece, most likely, amounting perhaps, in all to \$2,100. Then he has to pay for all they eat, for the gentleman will remember that, in these items which foot up \$5,526, everything of this kind is included.

Mr. SKELTON. I want to ask the gentleman from Oregon a question in regard to those seven horses.

Mr. LANE. Not now, I want to go on with my statement. I want to say that a major general in the field has to furnish his own horses, and is allowed fodder for them, but it is counted with this sum of \$5,526. He pays also for four servants, and pays for all they eat too. He is allowed rations, but he does not draw them from the commissary, but commutes for them at twenty cents a ration. He also subsists his own household and servants, bears all their expenses, and generally comes out at the end of the year in debt.

I desire to say one word now in relation to this case of Magruder, which has been referred to. He commanded the military department upon the Pacific. He was in command of our forces in California. He held the brevet rank of colonel. While in command of that department, and in the performance of the duties connected therewith, in a country where the high prices of everything absorbed all that he received in paying for his servants, subsisting his horses, and meeting his other expenses, he received pay at that rate. His pay, as stated by the gentleman from Virginia, [Mr. SMITH,] is forty dollars a month, and no more. And when ordered upon duty upon a brevet rank, he receives the pay of that brevet rank. That was his case, and such cases furnish no argument against the increase of salary. It is too small, and ought to be increased.

I want to notice the remark of my worthy friend from Ohio [Mr. GIDDINGS] about the management of the Indians. "Feed them and you will have peace," he says. "Feed them, and dispense with your armies, for you will have no use for them." We have been taught a lesson by the Father of our country: "In peace prepare for war." It is by no means certain that we should not have war, though we should feed the Indians. I once knew a man who went into the Indian country, and undertook to feed and subside the

Indians. He was wealthy, or at least he carried means with him. He introduced among the Indians the science of agriculture; he introduced the plow, prepared the ground, sowed wheat, built a mill, and fed the Indians well, but about the time that he had got all things right, the Indians killed him and his wife, and to pay the expenses of the troubles which grew out of that murder this House have appropriated \$175,000. I tell the gentleman you cannot manage the Indians in any such way. Shoot them, feed them with powder and ball, and have troops in the field ready to do that when it becomes necessary. This is the only food that will keep them peaceful. We have the troops and we have officers, and they are officers too, who will not place themselves in the rear of their troops, but will occupy their proper posts in the fight. You have not to-day, an officer in the Army, who would protect himself by placing himself in the rear of his troops. Field officers on horseback, are necessarily placed in the rear. To increase the pay of the privates, the non-commissioned officers, and the commissioned officers, and that of the commanding general, in my judgment, is right and proper. The good of the country requires it, and I hope the House will pass the bill.

Mr. GIDDINGS. I am opposed to the amendment of the gentleman from Oregon.

Mr. LANE. Then I will withdraw my amendment.

Mr. GIDDINGS. Not until I have made some remarks upon it. I know something about the nature of these Indians. I have been with them, eat with them, and slept in their cabins. I have associated with them in war, and in peace. I think I understand their character, their habits, their gratitude; and let me again say what I said when I was before up, that their whole history shows that when you treat them well, when you show yourselves friendly, they will be friendly in return. The Indian never forgets a favor, nor forgives an injury. They possess more gratitude than any other people I have been acquainted with. Gratitude for favors, and revenge for injuries constitute their moral code, their education, their religion. There is no fraud about them; when you have obtained the confidence of these wild men of the forest, they will never forget your kindness.

But, Mr. Chairman, I spoke upon this subject when I was up before, and I will not detain the committee by repeating what I then said. If gentlemen desire to make any reform in the Army, this is not the time to do it. We are just at the heel of the session. Let the subject go over until the next session, when we may have an opportunity of investigating it, and when more facts connected with it can be presented than our time will now admit of. Let the gentleman from Tennessee, [Mr. JONES,] or the gentleman from Missouri, [Mr. PHELPS,] or other members like them, be placed upon the Committee on Military Affairs, and let them investigate the subject, and give us facts and arguments in favor of reducing the Army—of disbanding it, if you please. Let us hear both sides. Let us see if we cannot act more intelligently on the subject than we can now under the pressure of the five-minute rule, just at the moment when we are thinking how we can best close the session, and return to our constituents.

This bill, containing important provisions, intended to place the Army upon a permanent basis, to organize it upon a system which is to continue for many years to come, is now to be passed through under railroad speed. It is wrong. We are doing injustice to ourselves as well as the country, injustice to the subject, injustice to the Army, by this hot haste. There is no pressing necessity for immediate action; no interest is suffering. We shall be here again in four months. We shall then have time to deliberate—to do justice to the subject, and to ourselves, and to the country.

I am opposed to the whole Army organization. I am against the whole system of cutting throats advocated by the gentleman from Oregon. I do

not believe in christianizing the Indians by whipping them, by shooting them, by cutting their throats. I do not believe that "bayonets and balls" are the best agents for civilizing the heathen. He has told us of a man who was murdered with his family by the Indians. I have no doubt that man had tried the very means proposed by the gentleman from Oregon. He had probably shot some of the Indians. He doubtless acted upon the theory of the gentleman by whipping or killing them.

Mr. LANE. Never; never.

Mr. GIDDINGS. Well, did not their neighbors?

Mr. LANE. No, sir; they always had treated them with kindness.

Mr. GIDDINGS. I am acquainted with the whole system of bringing on Indian wars. No Indian ever did, or ever will, murder a white person unless he thinks he has cause for doing so. It is the frequent practice of the whites in the western territory to shoot the Indians, as intimated by the gentleman from Oregon.

Mr. LANE. If the gentleman will allow me, Dr. Whitman's mission was not to California. He was in Oregon, four or five hundred miles from any settlement, and had always treated the Indians with uniform kindness.

Mr. GIDDINGS. Well, sir, the Indian draws no distinction between white persons. He imputes the sin of one to all who come within his power, unless they be acknowledged friends. And we are all conscious that from the time Lewis and Clarke went to Oregon to this day, the whites have occasionally murdered the Indians.

Mr. LANE. No, sir; they are generally treated with kindness.

Mr. GIDDINGS. I doubt not that they are generally treated with kindness, but occasionally with "balls and bayonets." There are in every border community outlaws to civilization, who appear to delight in showing themselves greater savages than the Indians. I appeal to the experience of every man who has resided upon the frontiers, and who is acquainted with border life. Was it not so in Florida, in all our Indian difficulties? But some gentlemen appear to have made up their minds that we must have an Army; and in order to do that, we are told that we must increase the pay on account of the glory, as my friend from Maryland [Mr. SOLLERS] told us. The people must pay for nodding plumes and blazing uniforms. They toil for funds to be spent in glory. We must support men in luxury and vice, in indolence and ease, on account of glory. Now, sir, I think our true glory consists in cultivating the arts of peace, in promoting the industry and the virtue of the whole nation.

[Here the hammer fell.]

Mr. LANE, by unanimous consent, withdrew his amendment.

Mr. TAYLOR, of Ohio. I move to amend by adding twenty dollars.

Mr. Chairman, I did not intend to say anything in relation to this bill, which has been reported by the gentleman from Virginia, [Mr. FAULKNER], now acting as chairman of the Committee on Military Affairs; but after listening attentively to the discussion, it does seem to me that I may say something, in order that my vote may be understood. In the first place, if we had the time, I would, with my colleague and other gentlemen, desire to go into a thorough investigation of the condition of the Army and Navy of the United States, and to reform and reinvigorate them. But you, Mr. Chairman, and this committee, well know that this whole session of Congress has been exhausted by discussions in relation to our Territories and their organization; and that these important questions can have now but little of our time.

This bill comes to me recommended by the Committee on Military Affairs of the Senate, at the head of which stands General SHIELDS, one of the most gallant and distinguished officers of the country. I understand from my friend from Virginia, that it passed the Senate unanimously; and it is further recommended by the Committee on Military Affairs of this House. Then, notwithstanding the diversity of opinion among gentlemen on this floor in debate—some of whom, I have no doubt, honestly speak their sentiments, and others who speak and act for popular favor—it comes strongly recommended. In the words of the old

adage, it is better sometimes to be deceived than never to trust.

Mr. Chairman, as was very well said by my colleague, no party in this House or country has ever agreed on what is exactly a proper reform for the Army. His reference to an arrangement between Mr. Adams and the gentleman from Tennessee as to the reform for the Army, as late as 1842, ought to have some weight with this body. If distinguished gentlemen on all sides of the House then thought the pay of the Army was not too great, I do not think it is too great now. If the pay of Army officers was proper and right then in the estimation of the country, the simple increase now proposed to be given is not, in fact, any enlargement of what the pay then was. Money has increased in value. The great yield of gold from California has served to lessen the pay of the very men who conquered that country.

In looking into the communication of the Secretary of War, I find the pay of the commander of our forces to be a little over \$6,800 per annum, while the pay of the brigadier generals is \$7,000 and \$8,000.

But I say that their pay is not equal to what it was in 1840. I am in favor of increasing the pay of the rank and file. I am in favor of another provision. I desire to introduce an amendment in this very section, providing that only one half of the proper pay shall be allowed to officers of the Army when they are not on duty. That is a real reform, which I hope the committee will take into consideration. I intend to introduce such an amendment, to come in at line thirtieth.

Mr. FAULKNER. I say to the gentleman from Ohio that such a provision is already in the bill.

Mr. TAYLOR. I do not see it in the printed bill.

Mr. FAULKNER. The gentleman will find it in the proviso.

Mr. TAYLOR. I propose to insert the words "one half pay proper," so as to allow the officers of the Army, when they are recreating in the country, and are not on duty, half of the pay that they receive while engaged in the duties of their profession.

Mr. ORR. I am opposed to the amendment of the gentleman from Ohio. I suppose a majority of the committee have their minds made up, first as to whether they will vote an increase of compensation to the officers of the Army. There may be two classes—those who propose to increase the compensation of all the officers, and those who propose to increase the compensation of officers from captain down. In running over the provisions of this bill, I find that if you commence the increase with captains, the compensation of a captain will be about twenty dollars per month more than that of the major who commands him, and so on. I take it for granted, therefore, that we will not be able to mature a plan by which the compensation of commissioned officers can be increased in a fair ratio, without consuming a great deal of the time of the House. I propose to the committee, then, with a view of disposing of this bill, that we should take a test vote upon the proposition of the gentleman from Pennsylvania, [Mr. Grow.] He proposes to strike out everything pertaining to the pay of commissioned officers, and make the increase of pay only in the case of non-commissioned officers and privates. If his amendment does not prevail, then we should go to work and fix the compensation that ought to be paid to each officer. If there be a majority of the committee who are opposed to any increase, why, it is but a waste of time to be maturing now the amount that you are to pay to a brigadier general, a colonel, a major, &c. I hope that the question will now be taken upon the amendment of the gentleman from Pennsylvania.

Mr. TAYLOR, by unanimous consent, withdrew his amendment.

The question recurred on Mr. SOLLERS's amendment.

Mr. ROBBINS. Is it in order to move to amend the bill at this time?

The CHAIRMAN. The amendment of the gentleman from Maryland [Mr. SOLLERS] is an amendment to an amendment, and no other amendment is now in order.

Mr. ROBBINS. When the vote shall have been taken on that amendment, I desire to offer one.

The question was taken on Mr. SOLLERS's amendment; and it was not agreed to.

Mr. ROBBINS. The amendment now pending, I believe, is the one offered by my colleague, [Mr. Grow]; is it not?

The CHAIRMAN. It is.

Mr. ROBBINS. Then I want to amend that, in order that we may take a test vote, as suggested by the gentleman from South Carolina, [Mr. ORR.] I move to amend by striking out the fifth, sixth, seventh, and eighth lines, down to the word "captain," in the eighth line; so that the bill will read, "that the monthly pay proper, of the several grades of the Army, hereinafter enumerated, shall be at the following rates: a captain of cavalry, \$85," &c.

I repeat to the committee, that the object of my making that proposition is to have a test vote taken, as suggested by the gentleman from South Carolina. I would like the test vote to be taken on this amendment. I do not wish to make any remarks on it.

Mr. PECKHAM. Is that amendment amendable?

The CHAIRMAN. It is.

Mr. PECKHAM. I wish to amend it in this shape: Strike out the following words, between the fourth and sixth lines: "a major general, \$265; a brigadier general, \$165," and insert in lieu of the figures, after the other grades, as follows: a colonel, \$100; a lieutenant colonel, \$100; a major, \$90.

Mr. PECKHAM. Mr. Chairman, the amendment proposed by me, and sent up to the Clerk's desk, strikes out the proposed increase as to the major general, the brigadier generals, and modifies the pay of the other grades down to that of captain. I believe, if we are to make any correction at all in the bill, the one proposed is a proper one; and the committee can show its disposition to alter, as well with respect to this amendment, as to any other. I do not propose to discuss the position taken by the gentleman from North Carolina, [Mr. CLINGMAN], that we shall be satisfied if we can obtain men to fill up the service, and shall pay so much only as is necessary to that end. I have no sort of doubt that you can procure men to accept the post of major generals for less than five thousand dollars a year. I have no doubt that persons could be found willing to become members of Congress for one quarter the amount we are now paid. I have no doubt you could obtain somebody to occupy the White House for one half the salary of \$35,000, perhaps for less.

A MEMBER. Twenty-five thousand dollars salary.

Mr. PECKHAM. Twenty-five thousand dollars proper, and \$10,000 for rent of house, furniture, &c.

Mr. MCNAIR, (interrupting.) I ask the gentleman, could men be procured to fill these places as well?

Mr. PECKHAM. That is a very different thing. But you can fill them, certainly, I admit, not in a manner to promote the welfare of the country. Sir, there are many considerations which induce me to favor this additional pay to the Army, not only to the privates, the men in the ranks, but to the officers; and I am willing to include an increase to the major general. That position is rarely attained. It is held only by one man in the service. It may be the goal of the ambition of every enterprising officer, but though long lives are spent in active service—in deeds of valor and high desert—yet not more than one in thousands can justly hope to attain it. Mere length of service is not sufficient, promotion for deeds of gallantry is necessary—so that the confidence of the nation shall keep pace with the promotion. After a lifetime of toil and effort—of study as well as action—ought the highest military position in our country to be meanly paid? So meanly, that every officer with a family dies in poverty who looks to his pay alone for support! The gentleman from Oregon [General LANE] has shown to the House that the whole amount of pay and rations, &c., is barely sufficient to maintain such an officer in the field, and I will say nothing on that subject. He has had practical knowledge. But, sir, as to the officers of a lower grade, we all know many who have spent an ordinary lifetime in the service, and have yet arrived at no higher position than captain in fact, with rank of lieutenant colonel by brevet—men of over forty years of age, who have spent over

twenty in the service, at the petty pay of about \$1,500 a year, pay, rations, and all—obliged to travel from one extremity of this continent to the other—and as a gentleman behind me well says, with a family to maintain at home. This includes allowance for servant and forage, which they are frequently compelled to expend—thus reducing their actual pay to about \$1,000.

Sir, the pay of all this class of officers, from captain down, is less than that of the clerks in the Departments. The clerks in all our offices here, as a general thing, get far better pay. Let it also be borne in mind that this pay was fixed in early days by men who had the welfare of the country at heart, who had knowledge on the subject, but fixed at a time when a dollar was worth more than a dollar and a half now. When we have raised the salaries of all the clerks here about us, the salaries of the Cabinet, and properly so, too, and of other officers throughout the land, why not be reasonable and just—not liberal, but just to the Army? I have no occasion to compliment the Army of our country, if our little band can be called an army. They require no compliments. They stand in need of "material aid," and I hope this House will grant it. I was very much pained to hear my worthy and distinguished friend from Pennsylvania [Mr. Grow] state to the House that he would not raise the salary of any man who receives more than forty dollars a month. I was sorry to hear it. I shall not allude to any motive that would induce gentlemen here to pay privates and not pay officers. That while the one might be popular, the other might be odious; I do not believe that that is enlightened public sentiment. The people are willing to do justice to all, and I did think that the position of my friend was taking a step lower as to pay than his uniformly high-toned manly course had induced me to expect from him.

Mr. LETCHER. The argument of the gentleman from New York illustrates exactly this, and nothing more; that because you have taken one false step, you must take another. His argument is, that because Congress have increased the salaries of the clerks and other employees of the Government, a step admittedly wrong, and because a dollar ten or twenty years ago was worth more than a dollar now, it follows, as a necessary consequence, that you must increase the pay of the Army officers and men to a corresponding extent. You have started wrong, but because you have started, you must go on wrong.

Mr. INGERSOLL. I would like to ask the gentleman what percentage upon the present pay it is proposed to give these men?

Mr. LETCHER. I do not know precisely, but I suppose about twenty per cent. I judge from the fact that that is about the proportion that is kept up in the various departments of Government. I presume that is about the percentage that is proposed to pay by this bill.

Mr. PECKHAM. The gentleman is mistaken. It is less than ten per cent.

Mr. LETCHER. Well, sir, I think, if the gentleman will take the pay of all these officers, he will find that I am not far from right. The increase in the case of the rank and file is more than twenty per cent.

The amendment to the amendment was not agreed to.

The question then recurred upon Mr. ROBBINS's amendment.

Mr. HUNT, in substance, said: Mr. Chairman, I have been shocked at the attack which has been made on the Army of the country. It was truly remarked by the eloquent gentleman from Maryland, that in times of danger men are ready to do honor to those to whom their liberties are intrusted, and to increase their pay. But, sir, what do we now witness? A barbarous assault is made upon the Army. Some gentlemen are unwilling to fill up its diminished ranks, and to supply the numbers necessary to meet the exigencies of the times; while others, though willing to recruit the service, and to give an increased pay to the privates, wholly refuse to do equal justice to the officers, by increasing their slender pay.

Mr. Chairman, the Army is a military system, and as such, it should be fairly kept up. Justice should be done alike to the officer and to the soldier. It is demagogism to declare, "I love the men, but cannot love the officers." A wise man and a patriot will properly appreciate each class,

and uphold a due system of rank and order. We have been officially informed that four thousand men are needed for the Army; that such is the want of troops on our frontier, there is no safety for life and property there, and that murders and depredations are of constant occurrence. Can an American Congress allow such a state of things to continue? Soldiers are wanted, and soldiers must be had. And, sir, they can only be had by the means designated by the bill—an increase of pay. It will not answer to say that our citizens can protect themselves. It is the duty of Government to protect them—a duty that cannot be dispensed with. Besides, I am unwilling to trust to the loose and disjointed action of our citizens, conducted without system and authority. The, in all probability, ill-directed efforts of volunteers, will not be half so good in the way of protection as those of our regular soldiery. Moreover, their acts will be those of men heated by revenge, and reckless of right, and not of men well-tempered and just—of soldiers always standing by the law, and only operating in a hostile manner to bring about and to secure peace, law, and order in the country. And, sir, in addition to these observations, it may be added, that the expense of this species of warfare would be enormous, and would at last be defrayed by the Government that had failed to perform its duty in the first instance.

And here, sir, I will say a word or two on the proposed increase of pay for the soldier. If this question were submitted to the people of the United States, they would say, give such an amendment as will command the services of proper men for the ranks—of Americans, if it be practicable, whom you now exclude by your low rates. Depend not, as you have been doing, upon foreigners, who may be willing to take a pittance; but offer such a sum for enlistment as will induce ardent and patriotic young citizens to leave their peaceful shades, and array themselves under the banner of their country; especially under the present bill, which stimulates ambition by opening the door of preferment to merit and good conduct.

I will now briefly notice some remarks that have been made in the course of the debate. It was substantially contended by an opponent of the bill, that the families of officers ought not to be provided for like those of gentlemen in civil life; that their children ought not to be educated in the arts and sciences, and trained in the accomplishments and refinements of polite society; and it was especially insisted that officers and their families ought not to go to balls and routs. He who imagines that he can commend himself to favor by such narrow and illiberal views, deludes himself, and does great injustice to the good sense and good feeling of any portion of the American constituency.

I have proposed to increase the pay of a major general with a view to make these desultory observations; but I am led by the proposition to submit a few remarks suggested by it. The pay of the general-in-chief of the Army is altogether inadequate, considering his position, and apart from his distinguished services to the country. Sir, gentlemen who are opposed to increasing the pay of such an officer, do not reflect upon the expenses incident to his position, and upon the long or extraordinary course of services necessary to obtain his commission, and upon the skill, knowledge, and ability requisite for the performance of those services. In any other country than our own, such services as General Scott has rendered his country, would have secured the largest fortune, as well as the highest honor. In ours, it leaves the hero nothing beyond his fame, and the love and heart-felt gratitude of his fellow-citizens—the noblest and sweetest of human rewards, truly—but still, such as ought also to be accompanied with the comforts and enjoyments which wealth could supply to him and his family.

Mr. Chairman, it was the knowledge of the narrow fortune of our illustrious fellow-citizen that led a neighboring nation, not long since, to imagine that he might accept her chief magistracy or imperial rule. But, sir, it was a vain and delusive imagination. Faithful to his country, and true to his fame, the noble patriot clung fast to his commission. May his virtue inspire us with a proper feeling to do him justice in regard to rank and fortune. He who asserts that the pay of a major general in our service is too large, has failed to consider or to appreciate the knowledge, labor,

and long service necessary to reach that position in the regular Army. Such an officer must be a man of science; not only be a thorough and accomplished soldier, in a limited or merely technical sense, but a jurisconsult and international lawyer, fit to negotiate treaties, and, if necessary, to do as General Scott did in Mexico, frame and promulgate in the midst of arms a wise and noble code of laws and morals adapted to the circumstances in which fortune had placed the victor and the vanquished, a code which would establish his reputation alike for humanity and wisdom. The remarks in respect to the pay of a major general have their application in a proper degree to the inferior grades of authority. Let us then, Mr. Chairman, stand as well by the officers as by the soldiers of the Army. Let us cherish science. Let us honor patriotism. Let us reward service.

It is said that we have all the officers that we need, and that others not in service are in waiting for advancement. What of it? Does this prove that service ought not to be properly rewarded? Is it contended that we may have ignorant men for low prices? Shame upon such barbarism! What gentleman would dare to stand before an enlightened constituency, and maintain such a proposition?

[Here the hammer fell.]

Mr. PHELPS. I was not aware that any gentleman here had assailed the officers of the Army. In any remarks I have made, I have been far from assailing the character of any officer of the Army of the United States; and, therefore, the remarks in which the gentleman from Louisiana [Mr. Hunt] has indulged can have no application to anything I may have said. I have obtained the floor for the purpose, if permitted to do so, as I know it is not exactly in order, of indicating what I desire to offer as a substitute for the bill under consideration. I desire to present it to the committee at this time, entertaining the opinion that—

Mr. WALSH. I rise to a question of order. Is the gentleman from Missouri speaking to the amendment under consideration?

The CHAIRMAN. The gentleman is speaking in opposition to it.

Mr. PHELPS. It must be apparent to every gentleman here, that we are not prepared at this session of Congress to legislate correctly with reference to the increase of salaries and compensation to be given to the officers of the Army. The gentleman from Louisiana correctly remarked that at this time there is a deficiency of men in the Army. If there is a deficiency, let us remedy the existing evil, and let us provide for filling up the rank and file of the Army, in order to maintain peace upon the frontier. If there was a deficiency of officers, and if they were resigning their commissions because of the inadequacy of their pay, I would increase their pay so as to command the services of good and efficient officers. But just at the close of the session there is no time to determine what should be the proper compensation. There is no pressing necessity for action upon the proposition to increase the pay of these officers now, and we can just as well postpone it to some future time. It is for this reason I shall propose, as soon as I can have an opportunity, a substitute for this bill which shall provide an increase of pay for the rank and file of the Army, retaining such provisions of this bill as relate merely to the rank and file.

Mr. WALSH. I insist upon my question of order. The gentleman stated that he desired to oppose the amendment of the gentleman from Louisiana, but he is telling us about a new proposition which he desires to submit to the committee. The gentleman has spoken eleven times already upon this question—

The CHAIRMAN. The gentleman from Missouri is in order, as he is speaking in opposition to the amendment of the gentleman from Louisiana, [Mr. Hunt.]

Mr. PHELPS. The amendment of the gentleman from Louisiana is to increase the pay of the major general, as proposed in this bill. I think it is legitimate to argue against it by saying that we are not prepared at this time to decide whether the pay of the major general, or any other officer of the Army named in the first section of the bill, ought to be increased. It seems to be the general desire of the committee that that branch of the question should be postponed for future considera-

tion; and there seems to be an unanimity of opinion that the pay of the rank and file should be increased. It is for the purpose, therefore, of obtaining that which I believe will give to us a more efficient Army, that I shall endeavor to present to the committee the amendment which I have indicated.

[Cries of "Question!" "Question!"]

Mr. WALSH. Is an amendment in order now?

The CHAIRMAN. Not at this time; there is an amendment to an amendment pending.

The question is on the amendment of the gentleman from Louisiana [Mr. HUNT] to the amendment of the gentleman from Pennsylvania, [Mr. GROW].

Mr. HUNT. I propose to withdraw my amendment.

Mr. CLINGMAN. I object.

The question was taken on Mr. HUNT's amendment; and it was not agreed to.

Mr. WALSH. I offer the following amendment to the first section of the bill:

Section first, line sixteen, strike out the words "twenty-three," and insert "thirty-two;" in the nineteenth line, strike out the word "eighteen," and insert "twenty-eight;" in the twentieth line—

The CHAIRMAN, (interrupting.) The Chair would suggest to the gentleman from New York that that amendment will be in order presently, but at this time it is not. The pending amendment is the amendment of the gentleman from Pennsylvania, [Mr. ROBBINS], to strike out all from the end of the fourth line to the words "a captain," in the eighth line.

Mr. McMULLIN. I move to amend by diminishing the amount proposed to be paid to the major general twenty dollars.

I was surprised, Mr. Chairman, at the speech of my worthy friend from Louisiana. I was surprised at the arguments he used in advocating, as he did, the policy of increasing the salary of that officer. I understood the honorable gentleman as charging, in his speech, that attacks had been made upon the Army. Who—allow me to ask that honorable gentleman—has attacked the Army here to-day?

Mr. HUNT. Those who do not want to employ soldiers at their proper rate of pay.

Mr. McMULLIN. If the gentleman intended to allude to me in his remarks, I expressly declared my purpose to vote to increase the pay of the non-commissioned officers and privates, but at the same time I expressed my unwillingness to increase the pay of the commissioned officers. We heard, too, from the same gentleman, some other charges preferred against members of this House. I do not know to whom he alluded when speaking of demagogism. I hope the gentleman did not mean to include me within the scope of that term. I have heard other gentlemen, not in public speeches, but in conversation, speaking of demagogism. Sir, I tell this committee, the House, and the country, that when I undertake to demagogue, if I do so at all—

Mr. HUNT, (interrupting.) One word. On my honor I had not the gentleman in my mind.

Mr. McMULLIN. I do not believe the gentleman from Louisiana intended to include me. But the charge has been preferred against somebody.

Mr. STUART, of Michigan. I rise to a question of order. I submit that the remarks of the gentleman from Virginia are not pertinent, inasmuch as they do not concern the question before the committee, which is to decrease the pay of the major general.

The CHAIRMAN. The Chair is of opinion that the gentleman from Virginia is hardly in order.

Mr. McMULLIN. I am replying to the remarks of the gentleman from Louisiana, and if my remarks are out of order, his were out of order. But I desire to proceed in order strictly.

The CHAIRMAN. The Chair would state to the gentleman from Virginia, that the rule allows five minutes for a speech in opposition to, and five minutes in explanation of, an amendment.

Mr. McMULLIN. I am aware of that. I desire to state, in connection with the amendment which I have offered, that while these gentlemen are scientific men, as stated by the gentleman from Louisiana, they are educated at the expense of the country, and not only that, if they fall upon the

field of battle, their widows are provided for by law. Sir, I am the last man in this House to detract from the merits of these gallant men, but when we are paying them a fair and adequate compensation, I hold that it is not right that this committee should still increase their pay. If the Army is not an efficient one, and it is admitted not to be, let men come forward and increase the pay of the rank and file, and I will vote for it. I have not known of an instance of any officer resigning because of the inadequacy of his salary.

[Here the hammer fell.]

Mr. McMULLIN, by unanimous consent, then withdrew his amendment.

Mr. GOODRICH offered the following amendment, to come in after the enacting clause of the bill:

That the grade of lieutenant general be, and the same is hereby, revived in the Army of the United States, in order that when, in the opinion of the President and Senate, it shall be deemed proper to acknowledge eminent services of a major general of the Army in the late war with Mexico, in the mode already provided for in subordinate grades, the grade of lieutenant general may be specially conferred by brevet, and "by brevet only, to take rank from the date of such service or services: *Provided, however,* That when the said grade of lieutenant general by brevet shall have once been filled, and have become vacant, so much of this bill as revives said grade in the Army shall expire and be of no effect.

Mr. FAULKNER. I rise to a question of order. I submit that that amendment is out of order.

Mr. LANE, of Oregon. Certainly it is not. The effect of it would be to reorganize the Army.

Mr. GOODRICH. The object of the bill, according to its title, is "to regulate the pay and increase the efficiency of the Army of the United States, and for other purposes." Now, I should like to know what that "for other purposes" means, if it will not cover such an amendment as this.

The CHAIRMAN. The Chair will not undertake now to decide whether the amendment of the gentlemen from Massachusetts will be in order to any portion of the bill or not. He certainly decides that it is not in order as an amendment to the amendment of the gentleman from Pennsylvania, which is to strike out a portion of the bill.

Mr. LETCHER. I move to amend by excepting the first line that the gentleman from Pennsylvania proposes to strike out. He proposes to strike out seven lines. I propose to retain one of those lines.

Mr. JONES, of Tennessee. That is not in order. There is an amendment to an amendment already pending.

Mr. LETCHER. I should like to know the reason why it is not in order? I ask the Chair to decide.

The CHAIRMAN. The Chair thinks the amendment is in order, but he thinks the effect will be, if adopted, to retain that line in the bill.

Mr. LETCHER. That is precisely what I propose. The gentleman from Pennsylvania proposed to strike out from the commencement of the section. I propose to strike out after the word "rates," in the fourth line, to the words "a captain," in the eighth, so that the clause will read:

That the monthly pay proper of the several grades of the Army, hereinafter enumerated, shall be at the following rates: a captain of artillery and infantry, seventy-five dollars, &c.

Mr. ROBBINS. That is necessary to make my amendment intelligible. I accept it.

Mr. LETCHER. The gentleman may accept it after I have made my remarks upon it. I have offered this amendment merely for the purpose of showing that the proposition of the gentleman from Pennsylvania will not work at all. If you strike out all down to the word "captain," a captain of infantry and artillery will then receive eighty-five dollars per month, while a major, under the present law, will get only \$65 50 per month—\$24 50 more than a major will receive; and with the balance there would be the same disproportion. A lieutenant of artillery would get fifty-seven dollars, which is within \$3 50 of what a major gets. My object was merely to call attention to that difficulty in the amendment of the gentleman from Pennsylvania.

Mr. FAULKNER. I am glad that my colleague has called attention to the proposed amendment, because the scheme of compensation recommended by the committee, has been carefully made out in view of the relative rank of all the

officers of the army. The amendment would derange the proper proportion of pay between the officers, and introduce disorder and confusion.

Mr. GROW. If my amendment prevailed, would the pay of sergeant-major be greater than that of lieutenant?

Mr. FAULKNER. It would not.

Mr. ROBBINS accepted Mr. LETCHER's amendment as a modification of his own amendment.

The question then recurred on Mr. ROBBINS's amendment.

Mr. ROBBINS demanded tellers.

Tellers were ordered; and Messrs. McMULLIN and WHEELER were appointed.

Mr. PECKHAM. Before the vote is taken, by the consent of the gentleman from Pennsylvania, I desire to modify his amendment, so as to make the pay of major ninety dollars per month.

The CHAIRMAN. The gentleman from Pennsylvania cannot accept the amendment, for he proposes to strike out those very words.

Mr. PECKHAM. Then I move to amend by inserting, as the pay of major, ninety dollars, instead of ninety-five dollars per month.

The question was taken; and the amendment was rejected.

The question was then taken on Mr. ROBBINS's amendment; and the tellers reported—ayes forty-nine, noes not counted.

So the amendment was rejected.

The question then recurred upon Mr. GROW's amendment.

Mr. JONES, of Tennessee, demanded tellers.

Tellers were ordered; and Messrs. PHILLIPS, and DAVIS of Rhode Island, were appointed.

The question was taken; and the tellers reported—ayes 76, noes 53.

So the amendment was agreed to.

Mr. WALSH. I suppose my amendment is now in order.

Mr. WALSH's amendment was reported, as follows:

Strike out all after the word "dollars" in the fourteenth line, and including the word "dollars" in the twenty-sixth line, and insert "a sergeant major, quartermaster sergeant, principal musician, chief bugler, principal farrier, and ordnance sergeant, twenty three dollars; to each first sergeant of a company of dragoons, mounted riflemen, artillery, and infantry, twenty-one dollars; to all other sergeants of those arms, twenty eight dollars; to a corporal of dragoons and mounted riflemen, twenty-five dollars; to a corporal of artillery and infantry, twenty five dollars; to a farrier, blacksmith, saddler, and artificer of dragoons, mounted riflemen, and artillery, fifteen dollars; to a bugler of dragoons and mounted riflemen, twelve dollars; to a musician of artillery and infantry, eleven dollars; to a private of dragoons and mounted riflemen, eleven dollars; and to a private of artillery and infantry, ten dollars."

Mr. WALSH. The abuses which exist in the Army are so numerous and so intolerably flagrant, and have been clung to with such pertinacity—with such a contumacious disregard of public sentiment on the subject, that the indignation of the people, thus aroused, has at length imperatively demanded some action on the subject by Congress, which should at least partially correct the evil. The bill reported by the Committee on Military Affairs; now under discussion, and to which I have offered a salutary and very reasonable amendment, is claimed, by its supporters, to meet this demand. But, while its pretended design it to aid those most deserving, and most in need of aid, a little scrutiny will readily convince every honest and unprejudiced man that its real purpose is to give the eggs to the commissioned officers, and the soup, in which they have been boiled, to the poor non-commissioned officers and privates. [Laughter]

Now, sir, I, for one, shall join in no vulgar warfare against the officers as such. I shall not echo the demagogue cry that they are already receiving entirely too much pay, but I do insist that that of the private, the mechanic, and the other hard working, harder used, and miserably remunerated men attached to the Army, should be increased to, at least, the extent set forth in my amendment. I am well satisfied that while it is much more pleasant to be a colonel, or even captain, at fifty cents a month, than to be a private at twenty dollars, men who are capable of performing the duties of officers are not so overflowing with questionable patriotism and self-sacrifice as to work for nothing for a Government which can squander millions annually upon the most unworthy objects. Sir, if our coast were blockaded, our commerce driven from the seas, our Treasury empty, our

credit and resources exhausted, and our soil polluted by the presence of a foreign foe, there is no patriotic man in the country who would not willingly assume, and patiently endure his full share of the general calamity. But in a time of profound peace, and unexampled prosperity like the present, with a surplus of thirty millions in the Treasury, and a grasping and unscrupulous horde of vultures taxing their miserable wits, and vile ingenuity, to devise schemes by which they may deplete it, no man is called upon, or indeed justified, in sacrificing himself or family by serving the Government for a compensation less than that to which he is by his capacity or services entitled.

Sir, after all the laudation which has so repeatedly been here heaped upon the "poor soldier," and the "working man," I had confidently hoped that some gentleman would have saved me the necessity of having to offer this amendment in their behalf. Latterly, I have had no desire to speak on those subjects, because I have a great aversion—I feel an utter abhorrence at the bare thought of being confounded, even in the remotest degree, with those hollow-hearted individuals who clamor so loudly and incessantly about the wrongs and sufferings of the industrious poor, while generally proverbial, where known, as among those most instrumental in producing those wrongs, and most inexorably rapacious in preying upon those sufferings. I need not tell this House, nor the world, that I have rendered at least as much service to, and made as many and as bitter sacrifices for the working classes and the poor, as any man who ever occupied a seat upon this floor; but I have heard so much in favor of the "hard-fisted" working man from those who could not themselves be beat to a hard day's work with a club, [laughter;] I have heard so much about land monopoly from the largest land owners in the United States; I have heard so much driveling and impudent profession upon all those matters, by men whose daily acts violate their professions, that I have not only a delicacy, but an absolute repugnance towards saying anything on such occasions, when I can avoid it with anything like justice to myself, and those whom I have, at all times and in all places, defended when defense was needed, and promised to effect any good.

The great evil of the present day is an entire absence of all real faith and sincerity. We have a plenty of empty professions. The world is literally satiated with loud sounding professions, as hollow as the hearts of those who make them. Mankind now want practice, not preaching. The Christianity of religion, and the Democracy of politics have become mere idle abstractions, at least with those who claim to be the chosen expounders and defenders of each. Their great, humanizing mission is treated as an obsolete idea, and is chiefly used by heartless hypocrites as an effective means of gulling the multitude whom they are plundering, while deluding. If we are to have aristocrats, and there does not seem to be any likelihood of getting rid of them very soon, let them be men of diamond breastpins, Spanish cloaks, gaudy equipages, and a bearing as proud as the promptings of their hearts would have it. Let us have men who openly avow their purpose to the world, and advertise their intention of rendering the rights and interests of all subservient to their own luxurious enjoyment and personal gratification, and while I cannot approve the heartlessness of such conduct, while I despise and detest the craven servility of the masses who submit to it, I cannot but admire the boldness and independence, which, seeking no justification beyond its own caprice and power, indignantly spurns concealment. I can stand almost anything which is open, bold, and manly, but I loathe, detest, and execrate grasping avarice, and intolerant purse proud aristocracy, when, hypocritically assuming the garb of mock humility, it unblushingly styles itself "Democracy, and the poor man's friend."

[Here the hammer fell.]

[Cries of "Go on!" "Go on!" all over the Hall.]

Mr. INGERSOLL obtained the floor in opposition to the amendment, but yielded to Mr. WALSH.

The CHAIRMAN. Does the gentleman from New York wish to oppose the amendment?

Mr. WALSH. No, sir; I do not belong to those who blow both hot and cold on the same

question. I would inquire of the Chair if further amendment be now in order?

The CHAIRMAN. It is.

Mr. WALSH. Then I move an increase of one dollar more per month to the proposed pay of the soldiers.

The CHAIRMAN. The gentleman cannot move to amend his own amendment, but he may move to amend that portion of the bill proposed to be stricken out.

Mr. ORR. I move to amend the amendment of the gentleman from New York, by reducing the proposed pay of privates from eighteen dollars to eleven dollars. I have no remark to make.

Mr. WALSH. I hope that amendment will not prevail. It must be well known to all that our Army differs essentially in certain respects from all other armies. It does not move and act, during times like the present, in large bodies. It is sparsely scattered over a vast frontier, where it is often absolutely necessary that a single soldier shall rely exclusively on his own individual intelligence—where he has no one but himself to consult, and consequently he should be a man of much higher intelligence and energy, than can be procured, in any number, for less than twenty dollars a month. Five thousand of the right sort of men, sir, are far better for our purposes than seven, or even ten thousand, of those who can, as a general thing, be entrapped at the present shamefully pitiful prices. It may, and doubtless is, perfectly appropriate, that a heartless, grasping, and inexorable wretch in private life, should take every possible advantage of the necessities of his fellow men, but it is utterly disgraceful in a great, wealthy, and prosperous nation, like ours, to imitate the base example. Its duty is to protect—not prey upon—the misfortunes of the most helpless and destitute portion of its citizens. Poverty has been repeatedly coupled with disgrace, during the debates of this session, and even by men, too, who affect great love for the working classes.

The term loafer, has been repeatedly applied to the most industrious and deserving men—to men whose only offense has been that of being so abjectly poor, as to be compelled to accept whatever pittance selfishness and injustice might deign to offer for their services and labor. Sir, a man's poverty, at the present day, and at all other times for anything I have ever been able to learn to the contrary, is far oftener the result of an unshaken devotion to principle, far oftener the legitimate consequence of a generous and high-toned nature, than of any want of worth or competency in the individual. Rich men are usually much more indebted for their wealth to their heartlessness than any superior ability. How can you expect to get soldiers for seven, or even ten dollars a month? If they received three times what even I propose to give them, they would, with the exception of sailors and marines, be, by far, the worst paid persons in the service of the Government.

We are very ready to claim, and very desirous of appropriating to the national fame, all the glory which the fatigue, the privation, the peril, and the suffering of the poor private won for our arms in Mexico; but what was our treatment of these same penniless heroes before they left? What has it been since their return? Why, sir, the best recruiting officer the Government had in the North during that war—and to the eternal disgrace of those who permitted it, be it said—was the atrocious vagrant act. Yes; under its infamous provisions hundreds of unoffending men were kidnapped, many of them from famishing families, to win rags, wretchedness, and broken constitutions (if not graves) for themselves, while winning immortality for their commanders, and imperishable glory for the nation, by which they have been thus inhumanly outraged. Their treatment in every respect has been the same. The Government, finding it impossible, even with the aid of this kidnapping process, to obtain a half sufficiency of men at seven dollars a month, offered one hundred and sixty acres of land to each soldier who should honorably serve during the war. Now, the Government price of this land is one dollar and a quarter an acre, which would make two hundred dollars. Why not then give them that amount in cash? Because it would not enable those who gave it to go in with land speculators and knavish brokers, and realize fortunes, by plundering the

penniless, clothesless, and war-worn soldier on his return.

Many of my own personal associates, among even the world-renowned New York volunteers, were so necessitated, on their return home, as to be compelled, in consequence of the combination which then existed among the rich rascals who speculated in land warrants, to dispose of their warrants for less than twenty-five dollars. Under the present state of things, we have generals for Presidents, colonels for Congressmen, and privates for the poor house and potter's field. I have no objection to the first; but I want something better for the private than a life of suffering, penury, and degradation, a wretched death, and a pauper's grave. This is no mere declaration. Many of these self-same volunteers, even, who fought as gallantly, and suffered as uncomplainingly as ever men fought or suffered, died, in the very midst of the city they had honored, of absolute want, and were interred in potter's field, and this, too, where clamorous patriotism and canting philanthropy revel in the most sumptuous and superabundant luxury. Numbers of others have only been saved from a like fate by the generous aid of companions nearly as poor as themselves. I trust, therefore, the committee will see the absolute necessity, to say nothing of the justice, of increasing the pay of the soldier to something near a proper return for his services, and I also hope that gentlemen who have been advocating the mechanics will evince the sincerity of their professions by voting in favor of my amendment.

Mr. BRIDGES. I move that the committee rise.

The motion was agreed to.

So the committee rose; and Mr. JONES, of Tennessee, having taken the chair as Speaker *pro tempore*, the Chairman of the committee reported that the Committee of the Whole on the state of the Union had had under consideration, according to the special order of the House, Senate bill (No. 119) "to regulate the pay, and increase the efficiency of the Army of the United States, and for other purposes," and had come to no resolution thereon.

Mr. ORR. I ask the unanimous consent of the House to offer the following resolutions:

Resolved, That the President of the United States be requested to communicate to this House, if not incompatible with the public interests, the correspondence between the Secretary of State and our Minister to the Netherlands, in the case of Captain Walter M. Gibson.

Resolved, That the President of the United States be requested to communicate to this House, if not incompatible with the public interests, the correspondence from the Consul General of Egypt on the subject of the expulsion of the Greeks from Egypt.

The question was taken; and the resolutions were severally adopted.

Mr. SOLLERS. I move that the House do now adjourn.

The motion was agreed to.

The House thereupon (at thirty-five minutes past three o'clock, p. m.) adjourned till to-morrow at 11 o'clock, a. m.

IN SENATE.

THURSDAY, July 27, 1854.

Prayer by Rev. HENRY SLICER.

The Secretary proceeded to read the Journal of yesterday. At the end of five minutes—

Mr. BRODHEAD said: I presume it will take half an hour to read the remainder of the Journal. Yesterday morning we suspended the reading of the Journal of the previous day. I hope the same course will be pursued now.

The PRESIDENT. It requires unanimous consent. Is there objection?

Mr. CHASE. I object.

The Secretary continued, and concluded the reading of the Journal; and it was approved.

NAVAL APPROPRIATION BILL.

A message was received from the House of Representatives, by Mr. McKEAN, Chief Clerk, announcing that they had passed a bill making appropriations for the naval service for the year ending the 30th of June, 1855, in which they requested the concurrence of the Senate.

The above-named bill was read a first and second time by its title, and referred to the Committee on Finance.

SHARP'S RIFLE.

Mr. TOUCEY submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of an appropriation for the purchase of the Sharp rifle, for the use of the Army of the United States.

CAPTAIN LESLIE COOMBS.

Mr. SHIELDS submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Pensions be, and they are hereby, instructed to inquire into the expediency of allowing the late Captain Leslie Coombs, all the arrearages of pension justly due to him.

MRS. BATCHELDER.

Mr. ADAMS. I move to postpone the prior orders with a view of taking up the bill for the relief of Mrs. Batchelder.

Mr. WADE. Will the Senator allow me to make a report from the Committee on Claims?

Mr. ADAMS. I insist on my motion, and ask for a vote upon it.

Mr. HUNTER. I would suggest to the Senator from Mississippi, that if he will allow us to finish the civil and diplomatic appropriation bill to-day, he can, after that, get up his bill much more easily than now. We ought to finish that bill to-day, so that the House may have a chance of seeing our amendments. It will not be long before the day of adjournment comes round, and I hope we shall go immediately to the consideration of that bill.

Mr. BADGER. I hope so too.

Mr. ADAMS. I have great anxiety for the consideration of the bill which I propose to take up, and would not think of continuing its consideration longer than the morning hour, but if the general wish be that we shall go on with the civil and diplomatic appropriation bill, I will give way for that purpose.

CIVIL AND DIPLOMATIC BILL.

Mr. HUNTER. I move then to postpone the prior order, for the purpose of taking up the bill from the House of Representatives "making appropriations for the civil and diplomatic expenses of the Government for the year ending June 30, 1855." I hope Senators will permit it to be taken up so that we may finish it to-day.

Mr. CHASE. I trust that the Senator will allow the committees to report.

Mr. HUNTER. I hope we shall devote to-day to the civil and diplomatic bill, and reports can be made to-morrow.

The motion was agreed to; and the Senate accordingly resumed the consideration of the bill.

Mr. FITZPATRICK. I move to reconsider the vote by which the Senate yesterday rejected the amendment of the honorable Senator from Delaware, [Mr. CLAYTON] allowing the same compensation to the clerks in the State Department as to those in the other Departments.

The PRESIDENT. That motion will be received, but it cannot be considered at present, as there is an amendment offered yesterday by the Senator from Florida, [Mr. MALLORY] which is pending, to add the following as an additional section:

Sec. — And be it further enacted, That the President of the United States be authorized and directed to appoint two persons to investigate and collect proof, under the instructions of the Department of the Interior, of the depredations upon private property by the Indians in Florida, subsequent to the 25th of December, 1835—the report and testimony to be submitted to Congress at its next session.

Mr. DODGE, of Iowa. I am friendly to the amendment of the Senator from Florida, but there is an exactly similar case in Iowa, and I trust, therefore, that my friend from Florida will allow the benefits of his amendment to be extended to my State. We are twin sisters; we were born together, and I hope we shall not be separated in any measure of redress when we have alike suffered. I move, therefore, to add after "Florida" the words "and Iowa." In that frontier State we suffered from like depredations. I trust, therefore, my friend will agree to my amendment.

Mr. MALLORY. Mr. President, the testimony which I have offered, was once obtained by officers of the Army, who were detailed for that purpose, so that I presume this will involve no additional expense whatever. The information was

filed at the Department; but, by some means, has gone out of the possession of the War Department, and is beyond their reach. It is highly necessary, in view of the private claims continually coming up, that the Department should have the information desired. I should have no objection to a separate proposition for the State of Iowa; but I can see no similarity between the two cases.

The amendment to the amendment was agreed to, and the amendment, as amended, was adopted.

Mr. WELLER. Is there any amendment now before the Senate?

Mr. FITZPATRICK. If the Senator from California will indulge me, I will make a brief statement in reference to the motion to reconsider, which I made.

The PRESIDING OFFICER, (Mr. BRIGHT in the chair.) There is another amendment which was passed over on Saturday last. It is one reported from the Committee on Finance, to add the following additional sections:

Sec. — And be it further enacted, That the President of the United States, by and with the advice and consent of the Senate, shall be, and he is hereby, authorized to appoint a commissioner, at a compensation not exceeding \$4,000 per annum, to ascertain the nature, character, extent, and value of all valid claims arising in Washington and Oregon Territories, under the treaty with Great Britain of the 15th of June, 1846; and should said claims, or any part thereof, be deemed of sufficient public and political importance to justify or require the measure, the President is hereby authorized to direct said commissioner to agree with the claimants and the Hudson's Bay Company for the relinquishment of their claims on a just and fair valuation, and to pay over the amount so agreed upon, upon a full and entire surrender and relinquishment of all right, title, claim, interest, and demand therein and thereto to the United States: *Provided*, That none of the land acquired under this section shall be subject to donation or preemption, but shall be sold at public auction, unless in cases where, in the opinion of the commissioner, the sum bid for any particular parcel or piece shall be less than a fair price therefor, to be ascertained by the commissioner aforesaid, said sales to be made for cash, and at such times and places, and with such postponements as may be directed by the said commissioner; and for carrying into effect the provisions of this section, in case of purchase, a sum not exceeding \$300,000 is hereby appropriated: *Provided*, That the amount to be paid for all said claims, rights, and interests, shall not exceed the sum herein appropriated; and for defraying the expenses of the commission, the further sum of — dollars is hereby appropriated, payable out of any money in the Treasury not otherwise appropriated.

Sec. — And be it further enacted, That in case it shall be deemed inexpedient to sell said lands and improvements, immediately, or any part thereof, the President shall be, and he is hereby, authorized, on the extinguishment of the title as aforesaid, to direct the commissioner to take possession of the same, for and in the name of the United States, and to lease the same on such terms and conditions, and for such sum or sums as he may deem proper and right, subject, however, to sale, when, in his opinion, it may be proper, after the United States surveys have been extended over the same.

Mr. HUNTER. I move to fill the blank for the expenses of the commissioner, with \$500.

The amendment to the amendment was agreed to.

Mr. WELLER. I take it for granted that this subject has been properly investigated by the Committee on Finance, who reported the amendment. It seems to me, however, that it is a very singular amendment to move to the civil and diplomatic appropriation bill. It embraces a large subject, and provides for the appointment of a commissioner to pass upon great questions. It seems to me that it ought to have been brought forward as a separate proposition. It is a subject of much importance, and is entitled to that degree of consideration before it is adopted. The Committee on Finance, however, having given it full investigation, and recommended its passage, as a matter of course, I interpose no objection.

Mr. HUNTER. I will state in regard to this, that in the progress of our investigations on this bill, that estimate was sent down by the Secretary of State. He was very anxious that it should go in this bill. He submitted with it a report of Governor Stevens, a very able report, which shows the fact that we are getting into collisions with these companies, who have certain rights under the Ashburton treaty. It is important that these things should be settled and got out of the way. If foreigners have rights in our territory, they may become troublesome.

There is a limit in the amendment as to the sum which shall be paid. The commissioner is not to purchase unless for a sum not exceeding \$300,000. We all know that when these companies endeavored to sell their rights some years ago, they asked \$1,200,000. This is carefully guarded and drawn up by the State Department, with the assistance,

I believe, of the Land Office. It contains two sections in order to preserve the valuable property which may be acquired by purchase, consisting in part of improved farms and houses. There does remain the objection of putting it in the civil and diplomatic bill; but, sir, it is to be remembered that that is the bill upon which the State Department relies for its appropriations. The fact that it has two or three sections, arises out of the desire to guard the United States in relation to the property which is proposed to be purchased.

The amendment was agreed to.

Mr. FITZPATRICK. Mr. President, I now move to reconsider the vote by which the amendment proposed by the Senator from Delaware [Mr. CLAYTON] yesterday was rejected, as I think the Senate could not have understood the question involved at the time. As it was, sir, the amendment proposed to provide compensation for the employees in the office of the Secretary of State. They were supposed to have been provided for in the bill reported from the Committee on Retrenchment and Reform some time ago, but I understand that, under some regulation or order, they were ruled out, and have not been put on the same footing as all the clerks in the other Departments. When I reached the Senate yesterday the amendment was then under discussion; the vote was about being taken, and I did not really understand the question myself. Since then, I have been assured by the chairman of the Committee on Retrenchment and Reform, [Mr. ADAMS] that in the original bill they were proposed to be put upon precisely the same footing with all the clerks in the various Departments which that bill was intended to provide for; but, under certain rules of construction, they have been excluded, and hence receive a lower compensation for their services than those in any other Department. I trust, therefore, that the Senate will agree to reconsider the vote of yesterday, and that the amendment of my friend from Delaware will prevail.

The PRESIDING OFFICER, (Mr. BRIGHT.) It is moved to reconsider the vote disagreeing to the amendment to insert in the bill the following:

That the act approved the 22d of April, 1854, entitled "An act to amend the third section of the act making appropriation for the civil and diplomatic expenses of Government for the year ending the 30th June, 1854, and for other purposes," shall be so construed as in regard to increased compensation for the fiscal year ending the 30th of June last, to include within its provisions the clerks of the Department of State, and the clerks in the office of the Coast Survey; and that the chief clerk in that department shall receive the same compensation as the chief clerk in the other departments of the Government for the last fiscal year; and that the money necessary to carry these provisions into effect is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. ADAMS. If I can have the attention of the Senate for a very few minutes, I will explain that amendment. The bill reported by the Committee on Retrenchment and Reform, which passed the Senate some time ago, was intended to extend to the different Executive departments in Washington. Under the bill classifying the clerks in the different Departments, it so happened that those in the State Department were not classified. There was a provision in the bill, however, which, it was believed by the committee, would extend to all clerks whether classified or not, by reference to the character of the labor they were performing. When the bill was before the Senate, the Senator from Delaware [Mr. CLAYTON] inquired of me whether it embraced the clerks in the State Department. All the reasons, if they were good, for embracing the clerks of the other departments, operated equally in favor of these clerks. I so stated to him at the time, and, consequently, it was then understood that they were embraced. The Attorney General determined that they were embraced. The Comptroller entertained a different opinion; and they have been excluded by his decision. I think all the reasons operate in their case which operated in the others, and that was the reason that it was proposed to provide for them.

Mr. HUNTER. I hope the vote will not be reconsidered. If it is, we shall have amendments offered embracing all the other clerks in the District. I hope when we have decided a question we shall adhere to it.

Mr. CLAYTON. How can it be possible that any other amendment will be offered, founded upon this reason? This amendment was offered for the express purpose of carrying out the provisions of an existing law. It does not make a new law;

as the Senator from Mississippi has said, the bill which passed fixing the compensation of the clerks was understood to embrace the clerks of the State Department as well as the others. The Attorney General gave the same opinion; the committees in both Houses gave the same opinion. Nobody doubted it; and yet the Comptroller determined that those clerks were excluded. This is nothing more than a proposition to pay them for the last fiscal year the same sum as the others. It is a small matter, but it is a matter of absolute justice.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment.

Mr. RUSK. Is it on agreeing to it as it was rejected?

The PRESIDING OFFICER. It is.

Mr. RUSK. An amendment was attached to it before it was rejected to include the clerks in the Coast Survey. It was so amended yesterday, and after that amendment had been made the whole was rejected.

The PRESIDING OFFICER. The question now is on the whole amendment as it was rejected yesterday.

Mr. PEARCE. That amendment, I believe, includes the pay of clerks and other employees in the Coast Survey.

Mr. RUSK. The clerks only.

Mr. PEARCE. I think the Senate had better not meddle with that matter. The regulation of the pay of clerks and other employees in the Coast Survey is devolved upon the Secretary of the Treasury. He can fix, and he can alter their compensation as he sees right and proper; and in point of fact I believe their pay is better graduated according to their merits and services, than in any other Department of the Government. I think it would be a great deal better to leave them alone, and let the power remain where it is, and where it has been exercised judiciously. If there be any necessity for an alteration of their salaries, it can be done by the Secretary of the Treasury. I hope, therefore, the Senate will not agree to that part of the amendment.

Mr. FITZPATRICK. I trust my friend from Texas will not embarrass the original amendment. The case of the clerks proposed to be provided for in it, has been thoroughly examined by a committee, and the object was to put the employees in the State Department upon an equal footing with the others who now receive a higher compensation than those employed in the State Department. Now, I submit to the Senator from Texas, how it is possible that Senators can vote understandingly upon the proposition which he offers, when it has never been submitted to a committee. I do not know myself what compensation the clerks in the Coast Survey receive.

The clerks in the State Department stand upon a very different ground. The intention of the Committee on Retrenchment and Reform was to include the clerks in the State Department in the bill which provides for the compensation of all the other clerks. I do not understand that the case of the clerks in the Coast Survey has undergone any examination before any of our committees, but, on the contrary, the clerks in the State Department have, and it was supposed that they were provided for in the bill reported by that committee. Then, as the Senator from Maryland [Mr. PEARCE] says, the clerks in the Coast Survey are as well paid as any class of clerks in the Government. I hope, therefore, my friend from Texas will not embarrass the amendment, for it is literally and truly carrying out what the committee intended to do before, but which has been prevented by one of the officers of the Government.

Mr. RUSK. I am not seeking to embarrass the amendment. I am offering a more meritorious one than the original proposition itself.

The PRESIDING OFFICER. The amendment of which the Senator from Texas speaks, in regard to the clerks in the office of the Coast Survey, was put in the amendment yesterday, and is therefore a part of the original amendment.

Mr. RUSK. Yes, sir.

Mr. PEARCE. Then, as that provision is in the amendment, I move to strike it out.

The PRESIDING OFFICER. That cannot be done. It can be reached only by moving to reconsider the vote by which it was inserted yesterday.

Mr. PEARCE. I make that motion.

Mr. RUSK. Did the Senator vote in the affirmative?

Mr. PEARCE. I did not vote at all.

Mr. ADAMS. Before the vote is taken I wish to say, that in fixing the compensation of the clerks, the Committee on Retrenchment and Reform adopted the rule, that, when the head of a Department had the right to fix the compensation, we would not interfere with it. When the law fixed it, we investigated the matter, and determined upon what we considered would be a proper compensation; but in no instance did we intentionally—although we did it in one or two cases by mistake—interfere with it where the head of a Department, as in this case, has the right to fix it. We supposed that the head of a Department would be a better judge of the value of the services of the employees than we could be, and Congress having left it to him, that we should not interfere.

Mr. BAYARD. I move to reconsider the vote by which the amendment including the clerks in the Coast Survey was adopted.

Mr. RUSK. If I understood the honorable Senator from Mississippi, [Mr. ADAMS,] he stated that the intention of the committee was only to operate upon such as had their salaries fixed by law, and not upon those which were left to the discretion of the head of the Department. If that was the case, it was gross injustice towards these clerks. I take issue with the honorable Senator from Maryland, [Mr. PEARCE] as to their being well paid. There are men—excellent clerks—there, with families, getting \$900 a year.

Mr. PEARCE. I will state to the Senator that I said nothing about their being well paid. I stated that their pay was better graduated, according to their merits and services, than in any other department; of that I am sure. I know that the employees in the Coast Survey begin with low salaries, which I think an excellent thing. They give to a young man employed in the field, I think, about \$190 a year and rations. They make him learn something before they undertake to give him high pay.

That is a proper principle, and I think it would be well if it was carried out a little further. I hold that all who are in the Coast Survey, and who are called upon to perform services which entitle them to a large remuneration, get an adequate remuneration; and the thing is better arranged under the system which now prevails, than it will be if we undertake by law to change it.

Mr. RUSK. This does not alter the arrangement by law at all. It only gives to these clerks the same extra additional compensation which is given to all the other clerks. The Senator from Maryland admits that they are upon low pay, and are better graduated than any clerks in any of the Departments. Well, sir, they are more meritorious. Here you have the State Department with the pay not well graduated, some of the clerks running up to \$2,000 salary, and clerks in the Coast Survey, with families, running from \$450 to \$600 or \$700 only. Now, while you propose to increase the salaries, which are high, of the clerks in the State Department, on account of the high price of living in Washington, are we to do the gross injustice of refusing it to those who have small compensation, and who discharge their duties faithfully, and are properly graduated?

Mr. PEARCE. We do not propose to do anything of the sort. We leave it where it has been all along, with the Secretary of the Treasury, to make the necessary and proper allowance. I say they are now paid according to their merits, and that is all they ought to ask. We have had a sufficiency of paying clerks without reference to their abilities, and I am getting tired of it. If this provision is not stricken out, I shall vote against the whole amendment.

Mr. STUART. I desire to make an inquiry of the Senator from Maryland. The Secretary of the Treasury, as I understand it, has now the power to graduate and pay these clerks as he pleases, and that by a provision of law.

Mr. PEARCE. Yes, sir.

Mr. STUART. Then I do not see any difficulty on the subject. If the Secretary possesses the power to raise the pay of the clerks at any time he pleases, under an existing law, that is enough.

Mr. RUSK. If the salaries of the other clerks are fixed by an existing law, so are these, when-

ever the Secretary chooses to fix them, and when you choose, by a special act of Congress, to increase the others so much per cent., is it not fair that they should be increased?

Mr. STUART. If all ought to be increased? But cannot the Secretary of the Treasury judge of that better than Congress?

Mr. RUSK. Then we ought to vest the whole discretion in the heads of Departments.

Mr. STUART. That is another question.

Mr. RUSK. I dislike to see one set selected out, and particularly favored above all others.

Mr. HOUSTON. My attention has been at this moment called to the subject, and it really appears very strange that all other Departments should be provided for specially, and that these should be excluded—that it should be left to a particular officer to afford them the extra compensation if he thinks proper, while all the other Departments receive this per centage on their ordinary pay.

Now, if it is right to give a per centage or advance upon the pay of the regular salaried clerks in the different Departments, why should it not be done in this Department? If the object is to do justice to all, leave it to the Secretary of the Treasury to fix within his discretion the extras to be given to all the clerks, and let not an exception be made of one particular Department. If it is fair to make the increase in one Department it is fair to make it in all. If it is fair to make it generally, it is not fair to make an exception of this particular class of officers, so that I cannot see any reason for excluding these and admitting others. Either make it discretionary altogether, or make it discretionary as to none. It is the plainest thing in the world to my mind.

The PRESIDING OFFICER. The Senator from Delaware [Mr. CLAYTON] moves to reconsider the vote by which the Senate agreed to the amendment increasing the compensation of the clerks in the Coast Survey office.

Mr. RUSK. I understand, from the honorable Senator from Mississippi, that there were some clerks in the Navy Department not included in the provisions of the bill which has been passed; but on a suggestion from him, the Secretary of the Navy increased their compensation *pro rata* with the allowance made by Congress. This, then, is the only bureau which is left unprovided for.

The motion to reconsider was agreed to, there being, on a division—ayes 25, noes 11.

The question recurred on the original amendment of Mr. RUSK to the amendment of Mr. CLAYTON, to add, after the words "Department of State," the words "and the clerks in the office of the Coast Survey."

Mr. RUSK. I can see no reason for any discrimination. I ask for the yeas and nays upon my amendment to the amendment.

The yeas and nays were ordered.

Mr. CLAYTON. I wish now, as the question is before the Senate for consideration, to suggest that the amendment of the Senator from Texas was originally out of order. My amendment to provide for the clerks in the State Department was in order, because it was to carry out the provisions of an existing law. That was clear; but how is this in order? It is not estimated for; it does not propose to carry out the provisions of an existing law; but is an entirely new matter. I think my honorable friend from Texas will see, upon the very suggestion of it, that his amendment was out of order originally.

Mr. RUSK. I see in the suggestion that they stand upon precisely the same footing as the others. The honorable Senator is mistaken in supposing that his original amendment was to carry out an existing law. It goes upon the very ground, and he so stated, that the clerks in this State Department were not included in the law.

Mr. CLAYTON. The gentleman is mistaken. They were included in the law, and the Senator from Mississippi has so explained it. The committees of both Houses so stated to the Department, and the Attorney General so decided, and yet the Treasurer has not paid it. It is, therefore, clearly a case to carry out the law as it was passed, and as we all understood it.

Mr. RUSK. The Secretary of the Treasury is the person properly charged with interpreting what the law is.

Mr. CLAYTON. The Attorney General.

Mr. RUSK. No, sir; the Secretary of the Treasury, because he has the law to execute. He

is, therefore, the proper judge. He has decided that they are not included, and this is to make a law to include them. Whatever may be the understanding of gentlemen as to what the law ought to be, the case is as I have stated.

The question being taken by yeas and nays upon the amendment to the amendment, resulted—yeas 21, nays 19; as follows:

YEAS—Messrs. Adams, Allen, Badger, Brodhead, Cass, Chase, Dodge of Wisconsin, Dodge of Iowa, Gillette, Gwin, Houston, Jones of Tennessee, Rusk, Sebastian; Shields, Stuart, Sumner, Thomson of New Jersey, Wade, Walker, and Weller—21.

NAYS—Messrs. Bayard, Bell, Benjamin, Bright, Clay, Clayton, Cooper, Dawson, Evans, Fish, Fitzpatrick, Foot, Geyer, Hunter, Mason, Pearce, Rockwell, Slidell, and Toombs—19.

So the amendment to the amendment was agreed to, and the question recurred on the amendment, as amended.

Mr. WELLER. If I understand the case, this legislation is now necessary, in order to satisfy the scruples of the First Comptroller of the Treasury. Since I have been a member of the Senate, I believe, at every session, we have been compelled to pass a law to give an interpretation, such as was originally intended by Congress, before accounts could pass the First Comptroller of the Treasury. All the other officers of the Government have given a just and liberal construction to the law, and such a one as would have enabled these clerks to receive their pay; but, in consequence of the peculiar view taken by the First Comptroller of the Treasury, this amendment has now become necessary. Sir, it does seem to me that the intention of Congress ought to have governed in the interpretation of the law. The First Comptroller could not have doubted that. Neither Congress, nor any honest man could have doubted as to the honest construction; but the First Comptroller seems to have entertained his doubts, and, therefore, as I think, the necessity of this legislation.

The amendment of **Mr. CLAYTON**, as amended, was agreed to.

Mr. ATCHISON. I move to reconsider the vote by which the Senate yesterday rejected the amendment proposed by the Senator from Virginia, [Mr. MASON,] in relation to the compensation of our Ministers to France and England.

Mr. WELLER. I trust the vote will be taken on that motion without any discussion, for we are spending the whole of this day in undoing what was done yesterday. I hope the vote will be taken at once.

Mr. MASON. The honorable Senator who made this motion apprised me of his intention. If the vote be reconsidered, I shall propose to take from the amendment that provision which allows the outfit, so as to present it in the original form, to increase the salary without providing the outfit, and I hope it may pass in that form. The Senate will indulge me in saying only this: That it is impossible for those ministers to live with their present salaries. They were fixed at an early period of the Government—I think in 1809, or perhaps before that. The salaries of all the other officers have been increased since then, but they are left exactly where they were at that time. I am informed that the Minister at France now pays for his house \$2,000 a year, and he has been obliged to take an inferior house. I learned this morning, in casual conversation, that in the year 1813, Mr. Crawford, then our Minister in France, obtained one of the best hotels in Paris at a rent of \$300. There is the difference. I hope the vote will be reconsidered.

Mr. SLIDELL. Did I understand the Senator from Virginia to say that he intends, if the vote be reconsidered, to place in the amendment a provision withholding an outfit in future?

Mr. MASON. The amendment, as rejected, proposed to give them, in addition to the increased salary, an outfit of \$9,000. I propose to strike out the outfit.

Mr. SLIDELL. Or, rather, to put in a provision that there shall be no outfit.

Mr. MASON. Yes, sir.

Mr. WELLER. I desire to make a single remark in relation to this amendment. The Senator from Virginia yesterday introduced an amendment to cut off the outfit for these two missions. If I understood him correctly, no such amendment as that was ever agreed to by the Committee on Foreign Relations. No authority, therefore,

was given by the committee to report the amendment in any other form than as a simple increase of the salary to \$15,000, leaving the outfit to stand where it did, at \$9,000.

The motion to reconsider was agreed to, there being, on a division—ayes 18, noes 15.

THE PRESIDING OFFICER. The question is now on the following amendment offered yesterday by the Senator from Virginia, from the Committee on Foreign Relations, to insert, after the provision for payment of the salaries of foreign ministers, the following:

Provided, That the salaries of the Ministers to Great Britain and to France shall be hereafter at the rate of \$15,000 per annum to each, the outfit to each not to exceed the sum of \$9,000.

Mr. MASON. I propose to amend the amendment by striking out the words, "the outfit to each not to exceed the sum of \$9,000," and inserting "the outfit to each to be hereafter discontinued."

Mr. WELLER. I desire to inquire of the Chair whether those words now proposed as an amendment were not yesterday stricken out from the original proposition introduced by the Senator from Virginia? If those words have been stricken out by a vote of the Senate, is it now in order for the Senate to propose to replace them?

Mr. MASON. I think the facts were these: I offered the amendment originally discontinuing the outfits, but afterwards modified it by allowing outfits at the rate of \$9,000. It was altered on my modification. There was no vote of the Senate upon that modification.

Mr. WELLER. I recollect that there was a formal motion made by some Senator on the other side of the Chamber to strike out those words; but it is wholly unnecessary to raise the question of order. Let the Senate pass upon the propriety of the amendment.

THE PRESIDING OFFICER. Does the Senator from California raise a question of order?

Mr. WELLER. The Senator from Virginia and myself might not be able to agree precisely upon the facts, and therefore I do not press the point.

Mr. BRODHEAD. I do not exactly understand the effect of this amendment, and I wish to make an inquiry in reference to it. Suppose the two gentlemen now at London and Paris should return at the end of the year, would they not have received their outfit, and, under this amendment, at the rate of \$15,000 a year, from this time; whereas, those hereafter appointed will only receive \$15,000 a year and no outfit. Would not the effect of this be to give the present incumbents more than \$15,000 a year? If so, is that right? Why not, at the same time, increase the compensation of the Ministers to Spain and Russia? The expenses at both those courts are nearly as much as at London and Paris.

Mr. MASON. Mr. President, it would be impossible to increase the salaries of the ministers to any of those courts, without making a difference between the predecessors of the incumbents and those coming after them. I will say to the honorable Senator, that at the last session the Senate, by a vote, agreed to increase the salaries of the Ministers, not only to England and France, but the Ministers to Russia and Spain, to the amount of \$15,000 a year, and the House disagreed to the whole. London and Paris are the two most important courts. They are the most expensive ones; and I have, by the instructions of the committee, confined the amendment to those two courts, in the hope that it would be more acceptable to Congress.

Mr. BADGER. I hope the Senate will not agree to strike out the provision which now forms part of the amendment. As the amendment stands, it gives \$15,000 a year salary to the representatives of the United States at these two courts, with a provision that the outfit shall not exceed \$9,000. The Senator now proposes to strike out the provision that the outfit shall not exceed \$9,000, and to provide that no outfit shall be allowed hereafter. It is admitted that these two courts are the most expensive courts to which our ministers are sent. They are, therefore, the very courts at which an outfit is particularly required. If this amendment be made, what will be the consequence? A gentleman is sent to London, where the expenses are very much greater than they are at Madrid. For the first year he will receive

\$15,000. A gentleman is sent to Madrid, where the expenses are much less, and for the first year he will receive \$18,000. My own opinion is, that it will operate unjustly and unequally in that respect. Besides, I consider the \$9,000 outfit, with the \$15,000 salary, is a very poor compensation to defray the expenses of a gentleman, if he is to live there in the society in which he mixes at the courts of London and Paris.

Mr. MASON. Now, sir, is not the simple answer to the argument of the Senator, that yesterday the Senate rejected the amendment in the very form in which the Senator from North Carolina now asks that it shall be put? It is because they rejected it that I modified it in this form. I would prefer it in the shape he proposes, but I believe it cannot be adopted in that way.

Mr. DOUGLAS. I think the amendment proposed by the Senator from Virginia ought to receive our sanction. The proposition, as I understand it, is, that hereafter the salaries of our Ministers at France and England shall be \$15,000 instead of \$9,000 a year, and that no outfit shall hereafter be allowed to them. I think that is the great principle which ought to be carried into all our missions. The allowance of outfits originated in a period of our Government when our ministers abroad found it necessary to furnish their own houses; and the outfit of \$9,000 was intended to enable them to buy furniture, and to fit up their houses. Now, however, the practice there is to rent the houses furnished, so that an outfit is not wanted for that purpose; but you do want a salary sufficient to enable the minister to occupy that house during the four years, or the length of time he may remain there.

Sir, unfortunately, it has been too much the practice under our Government, when a gentleman gets his appointment, to leave his outfit at home, and then go abroad and live upon the \$9,000 salary in such a way as he is compelled to live there on that amount. I think the minister should only be permitted to draw his salary by the quarter; and he should have as much the second year as he got the first, and so of the third and fourth years. It is too great an inducement to a minister, if he can go abroad with \$9,000 outfit and \$9,000 salary, and stay one year and receive \$18,000. It is a great inducement on him to resign at the end of the first year, and for another to go, stay a year, draw \$18,000, and resign, and so, in that way, to be continually changing our ministers, and paying an outfit to each new minister. Your system of outfits is an inducement to ministers to resign when they have secured their outfit and the first year's salary.

I hope to see the system of outfits abolished everywhere, and let the salary be so much a year, and as much for the second year as for the first, and so on. Then let us rent at each court, for fifteen or twenty years, a house, to remain as the permanent residence of our minister all the time. You can get a house there on a lease of fifteen or twenty years for half the rent that you can a house for one, two, or three years. I would therefore prefer to appropriate about \$2,500 or \$3,000 a year for permanent rents of buildings. I would require the minister to reside in the building furnished to him, so that he could not go and put himself into a hotel, and thereby save his salary, if you give him a good one. I wish that every American who goes into those cities may know where the American legation is, and that it shall be a respectable building, and one of which, as an American citizen, he will not feel ashamed. Then take away the outfit, and let the minister have just the same salary the second year and the third year that he had the first year, and there will be no inducement to resign at the end of one year. I think this would be the better system. I think the outfit ought to be abolished altogether. We ought to authorize our respective ministers to rent a house for their legations, and give them so much for keeping it up, and let that be uniform during the whole period. By this plan, all inducement to resign after the expenditure of the outfit would be taken away.

Mr. COOPER. Mr. President, I concur most cordially in most of the remarks made by the honorable Senator from Illinois. I have seen something of the working of our system abroad, and I am satisfied that the explanation he has given of the manner in which the outfit is usually expended by the representative before he leaves

home, is true. He then goes abroad, and depends upon an inadequate salary, and puts himself in some out of the way place, where one of his respectable countrymen is almost ashamed to visit him. Thus degrading his station in order to eke out his salary, and to make the two ends meet at the close of the year. That I have seen to be the case in more places than one in Europe. I think the salary ought to be a sufficient one, and that this temptation to quit, after a few months' service, should be removed by doing away with the outfit. I have no doubt it would have a salutary influence.

Pay your representatives abroad, if you send representatives at all, a salary adequate to the office which they hold, and which will place them on a par with the representatives of other countries. Every American who has been abroad has seen that unless our ministers possess large private fortunes, they are altogether excluded from the circles in which the ministers of other Governments move. Now, we can talk about republicanism at home, and may say we ought to be above the little court dress, and all things of that sort, abroad; but, sir, it requires other stuff than you have been in the habit of sending abroad, to set themselves in opposition to the condition of things in the cities to which they are sent to reside. You do not send men there of mettle enough to withstand the force of public opinion; and on the salaries you give them, they are unable, without shifts which are discreditable to the representatives of the Government, to live in a style that befits their condition, and the greatness and material splendor of their country at home. Sir, I am decidedly in favor of the proposition of my friend from Illinois, and I think it will be an improvement upon the payment of our diplomatic corps abroad.

Mr. BRODHEAD. I desire to say a word to put myself right, because I do not wish to be misunderstood on this question, for considerations which will suggest themselves to the minds of Senators. I am in favor of the proposed increase of salary. I voted for it last spring, including Spain and Russia. I think we ought to make an increase to our Ministers in Spain and Russia, in a proper proportion, at any rate. If we provide for an increase to our Ministers at London and Paris, we ought to provide for the others at the same time. If \$15,000 be necessary for London and Paris, I suppose that \$12,000 would be a very proper compensation at Madrid and St. Petersburg. I understand that the difference in expense is very little.

Mr. COOPER. They do not receive so many people. That is the only difference.

Mr. BRODHEAD. Be that as it may, we ought to have some system about this, and not take care of the principal gentlemen, and let our other ministers abroad go upon poor pay. When I was up before, I said that I was willing to pay the present gentlemen at these courts \$15,000 a year from the date of their appointments up to this time, and as long as they choose to stay there; but they may choose to return before the year is out, and thus for part of the year they would receive at the rate of \$15,000 per annum, and an outfit besides, making about \$20,000, or nearly so. I do not know that this will happen; but I should like to know from the chairman of the Committee on Foreign Relations, why we cannot put in an increase for the Ministers at Russia and Madrid.

Mr. MASON. I have said half a dozen times to the Senate, that last winter, by instruction of the Committee on Foreign Relations, I proposed an amendment to increase the salaries of all four of these missions to this amount, but the House would not agree to it; and, therefore, I believe it is impracticable to do it. I now take the half loaf, because it is better than no bread; and simply for that reason. Perhaps when we have done the one, they will allow us to do the other.

Mr. BRODHEAD. There is a very ready answer to that. This is a new Congress, and the proposition to increase the salaries of our ministers abroad has not been submitted to the present Congress. It was presented at the close of the last session of Congress. If this Congress, which is a new one, will agree to increase the salaries of these ministers, may we not suppose that they would also agree to increase the salaries of the others? There is no reason why they should not;

and we are not to presume that the House of Representatives is unreasonable. I therefore move to amend the proposition by inserting \$12,000 salary for the Minister at Spain, and \$12,000 for the Minister at Russia.

The PRESIDING OFFICER. That will not be in order at present, as there is now an amendment to an amendment pending. As the amendment to the amendment has been modified by the mover since it was offered, it will be read again.

It was accordingly read. It was to strike out the words "the outfit to each not to exceed the sum of \$9,000," and to insert "and that hereafter the outfits of Ministers to England and France shall not be allowed."

Mr. BAYARD. I have no objection to the discontinuance of outfits either to our Ministers to France or England, or any other country. I am rather inclined to the opinion that the system of sufficient salaries would be much better than to provide outfits. I consider, however, that the proposition now made in reference to the Ministers to France and England is a barlesque as regards any increase of compensation. For the first year it is actually a reduction of salary, and for two years (which is the extent of time under the same you pay, that our ministers can afford, unless they are men of fortune, to remain either at Paris or London) the increase would be but \$3,000. For two years, under the present law, they receive \$27,000, and under the proposition of the Senator from Virginia they would receive \$30,000.

Sir, I think there is a necessity for an increase of the salary of these ministers. I am perfectly satisfied myself, from all I have heard, that you cannot expect an American citizen to reside abroad as your minister, especially if you expect him to keep house as is contemplated by the honorable Senator from Illinois, in either London or Paris, at the lowest sum, for less than \$18,000 a year. I have no objection to the amendment to the amendment; but if that be adopted, I shall move to amend the original amendment by increasing the salary from \$15,000 to \$18,000. I believe also that our Minister at St. Petersburg ought to be included, because, that is beyond all question, one of the most, if not the most, expensive Court of Europe; and in these matters you cannot regulate the habits of foreign countries, but you must adapt yourself to them. I am satisfied that a salary of \$15,000 will be inadequate as a compensation, if you strike out the outfit. There is no attainable object to be accomplished by it, and yet it is a nominal increase. I shall, therefore, at the proper time, move to amend the original amendment so as to include the St. Petersburg, and to make the salary \$18,000 a year. If that be voted down I shall oppose the whole amendment, and leave the present compensation stand as it is until we can change it by substituting a proper system.

Mr. HUNTER. I do not rise to debate this amendment, but merely to suggest to the Senate the importance of getting through with this bill to-day, and to express the hope that we may now have a vote.

Mr. ADAMS. Mr. President, I think the manifestation of the conflicting views expressed by different Senators, shows the impropriety of placing this amendment on the civil and diplomatic bill. If any changes are necessary in relation to the compensation of our representatives abroad, the principle which makes it necessary in the cases under consideration, makes similar changes necessary in regard to our ministers at other Governments than those embraced in this amendment. I desire only to call the attention of Senators to the impropriety of attempting to change, on this bill, the existing laws in reference to the compensation of our representatives at these two courts. I have no disposition to consume the time of the Senate, or to enter into this discussion; but surely if it is necessary to change the character of compensation of these representatives, it is necessary to change the character of the compensation of others, and it is evident that we cannot increase the compensation of these without giving dissatisfaction.

I think, sir, such a proposition should be brought forward in a separate and independent measure embracing the whole subject, and not be proposed as an amendment to the civil and diplomatic bill. We have already made a great number of amendments to the bill, and I desire to call the attention of the Senate to the fact, that

there is known to be a very great difference of opinion between the two Houses, in reference to many of the questions which we have embraced in our amendments. We hazard the bill by doing so; and I now give it as my judgment, that this bill will not become a law at the present session, owing to the extraordinary amendments which have been made to it by the Senate in reference to all manner of subjects.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Virginia, to the amendment offered by him from the Committee on Foreign Relations.

Mr. SLIDELL called for the yeas and nays; and they were ordered.

Mr. BRODHEAD. Do I understand the Senator from Virginia as willing to accept my modification?

Mr. MASON. No, sir.

The question being taken by yeas and nays on the amendment to the amendment, resulted—yeas 25, nays 17; as follows:

YEAS—Messrs. Atchison, Bayard, Bright, Brown, Chase, Cooper, Dawson, Dodge of Wisconsin, Dodge of Iowa, Douglas, Foot, Gillette, Hunter, Johnson, Jones of Tennessee, Mason, Rockwell, Slidell, Stuart, Sumner, Thompson of Kentucky, Thompson of New Jersey, Toucey, Walker, and Williams—25.

NAYS—Messrs. Adams, Allen, Badger, Bell, Brodhead, Evans, Fessenden, Fish, Fitzpatrick, Geyer, James, Mallory, Rusk, Shields, Toombs, Wade, and Weller—17.

So the amendment to the amendment was agreed to.

Mr. BAYARD. I now move to amend the original amendment by striking out "fifteen," and inserting "eighteen," so as to make the compensation \$18,000; and on that amendment I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 11, nays 29; as follows:

YEAS—Messrs. Allen, Badger, Bayard, Brodhead, Brown, Cooper, Dawson, Geyer, James, Mallory, and Thompson of New Jersey—11.

NAYS—Messrs. Adams, Atchison, Bright, Chase, Dodge of Wisconsin, Dodge of Iowa, Douglas, Evans, Fessenden, Fitzpatrick, Foot, Gillette, Gwin, Hunter, Johnson, Jones of Tennessee, Mason, Rockwell, Rusk, Shields, Slidell, Stuart, Sumner, Thompson of Kentucky, Toombs, Toucey, Wade, Walker, and Weller—29.

So the amendment to the amendment was rejected.

Mr. DODGE, of Iowa. The question is now, I understand, on the amendment of the Committee on Foreign Relations, as amended, to increase these salaries.

The PRESIDING OFFICER. It is.

Mr. DODGE, of Iowa. On that question I call for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The amendment, as amended, is to insert after the appropriation for the salaries of our ministers abroad, the following:

Provided, That the salaries of the Ministers to Great Britain and France shall be hereafter at the rate of \$15,000 per annum to each; and that hereafter outfits of Ministers to Great Britain and France shall not be allowed.

Mr. BAYARD. I shall vote against this amendment, because I think it is a mere mockery as to any increase of compensation. The amount which it proposes to allow I think entirely inadequate. I know the present salaries are too low; but I believe they had better stand where they are than to make such a mockery of an increase. If it be true that the House of Representatives of the United States are unwilling to pay your foreign ministers an adequate compensation, let it stand as it is until the effect on your service shall be such that they will be forced to do it. I think that this is a mockery on anything like an increase of compensation, and therefore I shall vote against the amendment.

Mr. BRODHEAD. Those are my sentiments exactly.

Mr. CASS. As I know the increase to be proper and necessary, I shall vote for it.

The question being taken by yeas and nays, resulted—yeas 25, nays 21; as follows:

YEAS—Messrs. Atchison, Bright, Brown, Cass, Clay, Cooper, Dawson, Douglas, Evans, Fessenden, Foot, Hunter, Johnson, Jones of Tennessee, Mallory, Mason, Rockwell, Shields, Slidell, Stuart, Thompson of Kentucky, Thompson of New Jersey, Toucey, Walker, and Weller—25.

NAYS—Messrs. Adams, Allen, Badger, Bayard, Benjamin, Brodhead, Chase, Dodge of Wisconsin, Dodge of Iowa, Fish, Fitzpatrick, Geyer, Gillette, Hamilton, James, Pearce, Rusk, Sumner, Toombs, and Wade—21.

So the amendment was adopted.

Mr. WELLER. I move to amend the bill by inserting, after the appropriation for the marine hospital at San Francisco, the following:

And the Secretary of the Treasury shall be authorized to appoint some suitable person to act as inspector of drugs and medicines for the port of San Francisco, in the State of California, at an annual compensation of \$3,000.

The amendment was agreed to.

Mr. BAYARD. I have a number of amendments to move to the bill, by direction of the Committee on Public Buildings. The first is to come in at the end of the provision for compensation of the messenger in charge of the main furnace in the Capitol:

For painting and repairs inside of the Capitol, a new furnace under the Senate Chamber and Supreme Court room, &c., \$5,000.

This is in accordance with the estimate of the Secretary of the Interior, and I do not know why it was not put in the deficiency bill. The work was done, I understand, from necessity, and certainly must have been omitted by mistake, or it would have been passed before.

The amendment was agreed to.

Mr. BAYARD. The next amendment which I have to offer is to follow the one which has just been adopted. It relates to the gas fixtures of the Capitol, which absolutely require to be renewed. They were originally, as the Commissioner of Public Buildings states, of lead. They have become very leaky, and the officers have been obliged to turn the gas off. This appropriation is absolutely required. The amendment is to insert:

For repair and renewal of the gas pipes through the Capitol, and fixtures necessary for the lighting of such committee rooms therein as require it, and lighting East Capitol street from the Capitol to Third street \$7,000.

The amendment was adopted.

Mr. BAYARD. The next amendment is for a very small sum, to insert, after the appropriation for lighting the President's House and the Capitol, and public grounds, the following:

For furnishing lamps and lamp-posts from Sixteenth to Seventeenth streets, on Pennsylvania avenue, in front of Lafayette square, \$500.

At present, sir, Pennsylvania avenue, opposite the President's House, is lighted upon one side, but there are no lamp-posts on the other side, in front of Lafayette square. I presume it is owing to some accident.

The amendment was agreed to.

Mr. BAYARD. The next amendment is to follow the one just adopted, to insert:

For completing the improvement of Pennsylvania avenue west of Seventeenth street, \$9,000.

That is among the estimates of the Department for work which is now in progress of construction. It was estimated in the report of the Secretary of the Interior at \$4,500; but the Commissioner of Public Buildings informed me that the sum was entirely insufficient. I subsequently called on the Secretary of the Interior and ascertained that it was so, and that this amount is the proper one, and that it will thoroughly complete and finish the work.

The amendment was agreed to.

Mr. BAYARD. I have one more amendment to offer from the Committee on Public Buildings. It is to insert after the appropriation for the Capitol extension, the following:

For the enlargement of the General Post Office building, \$300,000: *Provided*, The same shall be done according to the following described plan: The building, when completed, to cover the entire block bounded by E, F, Seventh, and Eighth streets, and to have a court yard in the center, approached by an archway in the middle of the western front, sufficiently spacious for the ingress and egress of mail wagons; the present walls running parallel to Seventh and Eighth streets to be continued to F street, with rooms on each side, arranged to suit the purposes of the Department; accommodation to be made for the city post office in the center of the block on F street; and an arcade of about sixty feet in length to be made for a letter delivery, the delivery arcade to be surrounded by a recessed portico of four columns, flanked by coupled pilasters; the fronts on Seventh and Eighth streets each to have the present design of the south end repeated on the north end, and a portico of six columns, coupled at the corners, introduced in the center of the block; the style of architecture of the present building to be carried out in the additions; and the whole to be made thoroughly fire-proof, and to be constructed under and subject to the direction of the President of the United States.

Mr. President, this amendment is introduced in consequence of an application of the Postmaster General, made to the Committee on Public Buildings, in the beginning of June, representing the

entire inadequacy of the present General Post Office Department building for the performance of the functions of that department of the Government. The plan proposed has, I think, been well arranged. It was scrutinized and examined by the committee, who were perfectly satisfied that it would answer all the purposes, and that the enlargement was necessary. The whole cost of the enlargement will amount to \$650,000. The appropriation proposed in the present amendment is \$300,000. I have here, and ask the Secretary to read, the communication of the Postmaster General, and the description and estimate of the work by the architect of the public buildings. I am satisfied, myself, that the work is essentially necessary for the performance of the duties of the General Post Office. It will also combine accommodation for the city post office in the same building, and will provide ample room for both at, I do not think, an exaggerated cost; at all events, it is entirely necessary.

The Secretary read the letters, as follows:

POST OFFICE DEPARTMENT, June 3, 1854.

SIR: Finding the present Post Office building entirely too small for the business of the Department, I requested the architect of public buildings to prepare plans and estimates for extending it. These plans I herewith submit to you, together with a report and estimate from Mr. Walter, and respectfully request you to bring the subject before the committee, with a view to such action of Congress in reference to it as may be deemed most expedient.

I am of opinion that these plans, if properly carried out, will afford ample and convenient accommodations, not only for the Post Office Department, but also for the city post office, which is now kept in a very frail and unsafe building, adjoining the General Post Office.

I am, very respectfully, your obedient servant,

JAMES CAMPBELL, *Postmaster General*.

HON. JAMES A. BAYARD,

Chairman of the Committee on Public Buildings.

ARCHITECT'S OFFICE, UNITED STATES CAPITOL, }
WASHINGTON, D. C., December 21, 1853. }

SIR: I have the honor to lay before you, in compliance with your request, the accompanying design for an extension of the General Post Office, with accommodations for the city post office.

I propose to extend the building around the entire square, leaving a court-yard in the center of ninety-five by one hundred and fifty-four feet, for light and air. The style of architecture of the present structure to be kept up throughout the additions, as represented on the drawings of the several fronts, to which I respectfully refer you, for a general idea of the appearance the building will present, if completed according to this plan.

The front on E street, and the portions now constructed on Seventh and Eighth streets will remain unchanged. The front on Seventh street will have a portico in the center consisting of six columns, in relief, coupled at the corners, which will not only be in harmony with the present building, but afford an imposing center to the composition, and form a pleasing variety with the pilasters and engaged columns on each side. In the center of this front it is contemplated to make a door of entrance for the General Post Office Department, in addition to the present entrance on E street, as Seventh street is the business thoroughfare, and as the eastern wing of the Patent Office building, on the adjoining block, opens upon the same street.

The front on Eighth street is similar to that on Seventh street, excepting that in place of the entrance door there is a gateway leading into the court-yard for the admission of mail wagons.

The front on F street is arranged for the accommodation of the city post office. It has a deeply recessed portico in the center, consisting of four columns, flanked by coupled pilasters, supporting an entablature similar to that on the E street front, and which will give the entire work. The portico is supported by an arcade, in which the letter-delivery is placed. In the arrangement of this part of the building, I have studied to make it as convenient as possible, both for the public and for the clerks in the office, the accommodations are quite as ample as those of the present city post office, and quite as convenient, and the entire building is fire proof.

By thus placing the city post office in the center of the north front, the General Post Office Department is not interfered with, and the connections between the additions on Seventh and Eighth streets, and the present building remain unbroken, the entries or corridors of which will extend in continuous lines from E to F streets, lighted by windows at each end. In the basement story alone, one of these corridors is stopped by the gate or entrance on Eighth street for the passage of mail wagons, but the rooms occurring between this passage and F street will, no doubt, be eventually wanted for the clerks of the city post office. I have, therefore, connected them with that Department, so that there is no connection whatever between the General Post Office and the city post office, each being separate and distinct from the other.

In the present building there are sixty-five rooms, containing, in the aggregate, about twenty six thousand five hundred superficial feet, exclusive of halls and stairways; and in the additions there are ninety-nine rooms, containing about thirty-nine thousand five hundred feet, or one and a half times as much room as in the present building.

The space devoted to the city post office embraces twenty rooms, containing, in the aggregate, about twelve thousand five hundred superficial feet, leaving seventy-nine rooms, measuring twenty-seven thousand feet for the General Post Office Department, which is more than equal to its present accommodations.

Should this plan be carried out, the General Post Office Department will have one hundred and forty-four rooms, containing fifty-three thousand five hundred superficial feet, exclusive of halls and stairways; and the city post office will have twenty rooms, containing twelve thousand five hundred feet.

The entire cost of the work will be about \$650,000, provided the finish throughout is not more expensive than that of the present building.

The fronts on Eighth and F streets may be built first, so as not to interfere with the present city post office; and after these portions are completed and occupied, the front on Seventh street may be constructed without inconvenience to the Department.

I am, sir, very respectfully, your obedient servant,
THOMAS U. WALTER.

HON. JAMES CAMPBELL, *Postmaster General*.

Mr. BRODHEAD. Had we not better wait to build this post office for Washington city until we get one provided for the cities of Philadelphia and New York? I believe there are about half a million of people in Philadelphia, and a suitable place for a post office is quite as difficult to be obtained there as it is here. The same remark will apply to New York.

Mr. BAYARD. I only know that this work is represented by the proper officer to be absolutely necessary, and I presume no person can go into the building and not perceive that the enlargement is needed. It may be necessary that there should be post office buildings in Philadelphia and New York; but when those questions come up properly, I shall be perfectly willing to give such votes as I think proper in reference to them on the information before me. But I can see no necessity for entangling this proposition to erect a building which the necessities of the country, connected with the whole postal system of the United States require, by a mere appendage which may, in part, be merely to ornament other cities, and may, in part, be requisite. When it comes up on its own merits, I shall be willing to consider it.

Mr. BRODHEAD. I do not wish to embarrass the bill. When I brought forward a similar proposition yesterday morning in reference to buildings in other cities, I was charged with a desire to embarrass the bill; or at any rate it was said that the effect of my amendment would be to embarrass it. Now, here comes a similar proposition. I am in favor of it, but I say there is a great deal more necessity for post office buildings in Philadelphia, New York and Boston, and certainly in Philadelphia than there is in the city of Washington. I am in favor of this, however.

Mr. STUART. Then let us take the vote on it.

Mr. BRODHEAD. Very well.

Mr. TOOMBS. I rise to a question of order. This amendment I believe is to carry out no existing law.

Mr. BRODHEAD. It is in accordance with the recommendation of the Department.

Mr. TOOMBS. I rise, sir, to enter my protest against the larger portion of Senators here being deprived of their rights under the system now sought to be introduced. You have your committees who may bring in these propositions when individual Senators cannot, and you have but to go one step further to fix it as the French Minister did, by sections, and cut down the rights of a minority altogether. Here, on a money bill, the main object of which is to do nothing but appropriate what is necessary to carry out existing laws, you propose many expenditures for extravagant purposes, because the Executive Departments recommend them. Sir, that is the very reason why they should not pass. If I know anything as to the business of the Senate and House of Representatives, it is to examine and keep in check the practices of your executive officers. But it seems that all the Senate want, as a reason for passing a thing, is, that the executive officers of the Government demand it! Two or three people get here, and propose to one of your committees a project for the expenditure of \$1,000,000, and it is to be put through on a money bill. I protest against such a course. The Senator from Delaware says this will involve an expenditure of \$650,000. We know when it starts with that amount where it will end. I do not suppose anybody who has had any experience in public life here, is so soft enough to believe that the \$650,000 proposed will finish these buildings. If you are to tack propositions for the building of post offices and everything else to the civil and diplomatic appropriation bill, I must enter my protest against it; first, because it ought not to be here; and secondly, because it is wrong in itself. I shall con-

tinue to make this protest until, if not the Senate, the country at least will hear it, and stop these infamous abuses.

THE PRESIDING OFFICER. Does the Senator object to the amendment as being out of order?

Mr. TOOMBS. Yes, sir.

THE PRESIDING OFFICER. It is clearly within the rule as being estimated for by the Department, and recommended by one of the standing committees of this body.

Mr. BAYARD. I have no further remarks to make. The committee investigated the matter thoroughly, and they believe the building is absolutely necessary for the purposes of the Government. The honorable Senator from Georgia may have better information on the subject without having examined into it; but such being the belief of the committee, not merely on the statements of two or three men, but on their own personal investigation, they have reported this amendment to the Senate.

Mr. TOOMBS. That is one of the very difficulties of which I complain. We are not allowed to know anything about these matters; but here on a money bill, what an Executive officer sends, and a committee recommends, we are to vote for without any opportunity for discussion! My objection is, that we are not ready to vote without investigation; and yet we are expected to vote away millions of the public money on a confidence which I am not authorized to give in my position as a Senator.

Mr. JAMES. The Committee on Public Buildings have had under consideration the proposition for the extension of the General Post Office building, and they are perfectly satisfied that the necessity of the case actually demands it; and it is for these reasons that the chairman reported this amendment to the Senate.

Mr. BAYARD. I am as much indisposed as any one to embarrass an appropriation bill; and though the committee would have sanctioned it, I forebore to press, as an amendment to this bill, the appropriation for the completion of the Treasury building and the enlargement of the War and Navy Department buildings, and introduced it in a separate bill. It has passed the Senate in a separate bill; but it became necessary to offer this as an amendment to this bill, because the recommendation came in at too late a day to allow a separate bill to be passed.

The question being taken on the amendment by yeas and nays, resulted—yeas 16, nays 25; as follows:

YEAS—Messrs. Allen, Bayard, Benjamin, Brodhead, Dodge of Wisconsin, Dodge of Iowa, Douglas, Hamlin, James, Rusk, Slidell, Stuart, Thomson of New Jersey, Toucey, Walker, and Weller—15.

NAYS—Messrs. Adams, Bright, Brown, Chase, Clay, Cooper, Dawson, Evans, Fessenden, Fitzpatrick, Foot, Geyer, Gillette, Gwin, Hunter, Johnson, Jones of Tennessee, Mallory, Rockwell, Sebastian, Shields, Sumner, Thompson of Kentucky, Toombs, and Wade—25.

So the amendment was rejected.

Mr. BAYARD. I am instructed by the Committee on the Library to move to amend the bill by inserting among the appropriations for the Library of Congress, the following:

For the purchase of one thousand copies of the proposed edition of Eli Tappan, of the acts of Congress of a general nature now in force, upon the plan contained in his prospectus, \$6,000: *Provided*, That no part of this appropriation shall be expended until a copy of the proposed work has been submitted to the Attorney General of the United States, and been approved by him: *And provided further*, That the price shall not exceed six dollars per volume, and no payment shall be made for any copy until delivered at the Department of State.

Mr. HUNTER. Is that from a committee?

Mr. BAYARD. It is reported by order of the Committee on the Library. Application was made at the last Congress in reference to this matter. No action was had upon it then; but I had occasion, as a member of the committee, to examine into the proposed publication, and I was satisfied that it would be a work of great value and use, and that the subscription for the number proposed on the part of Congress would not be unreasonable. I believe the work was entered into more for its utility, and the reputation which it would confer upon the author, than from any expectation of profit. The plan is to publish all the laws of a general nature in a single octavo volume of about twelve hundred pages, with such notes and references as will concentrate the laws

on different subjects. I think it can be done. There is to be no codification, no alteration about it. It is simply to arrange them into appropriate chapters, so as to have a convenient reference to all the laws on a particular subject of a general nature. I am satisfied that it will be a book of great utility to Congress for ordinary use, as well as to members in committees; because now, in any examination upon almost any subject, you have to go through nine volumes to get at the construction of the law. Believing the book to be of great value, and having sufficient guards imposed that no improper work will be published, because the amendment requires the approval of the Attorney General to the book before it is purchased, the committee were unanimous in recommending that this subscription should be made. I can only say further, that the gentleman who proposes to publish it is a lawyer, personally unknown to me, except in the intercourse which I had with him during the last Congress. I have had none during the present. The impression made upon my mind from several conversations with him, was, that he is entirely competent to perform the work in a proper manner, and that, with his ideas, he will give us really a valuable book. Beyond that I have no personal knowledge of him whatever. I believe the work will be of benefit to us; and coinciding with me in that opinion, the committee have instructed me to report the amendment.

Mr. HUNTER. This is to purchase a book which is not yet published. I think we have gone far enough in this book-making matter.

Mr. BAYARD. The money is not to be paid unless it is published. The amendment requires that every copy is to be delivered before it is paid for; and further, the appropriation is not to be expended until the book has been examined and approved of by the Attorney General.

The amendment was rejected.

Mr. JOHNSON. There has been a decision made at the Treasury in regard to officers connected with the legislative department, which renders it necessary that we should have an explanatory clause in this bill. I therefore propose to amend the bill by inserting:

That the joint resolution approved the 20th of July, 1854, shall be so construed as to embrace the Superintendent of Public Printing, and the clerks and messengers in his office.

A decision was given on the 6th of February last, under another act of a somewhat similar character, a portion of which I will read. It relates to the compensation of officers:

"The beneficiaries entitled to receive under that section must have been employed in the executive or legislative departments of the Government. I do not think the Superintendent of Public Printing is in the department of either."

"The whole subject is treated of in a decision on the 18th of October, 1852, which I will place in your hands if you will call at the office. I cannot furnish you with a copy, by reason of not having any clerk to put the work."

Subsequently, on the 6th of March, the following decision was made:

"Having been informed by Mr. HAMLIN, of the Senate, that a different construction had been put upon the act by the Senate, and that an allowance had been made to him, by a vote of the Senate, as to other messengers, and that the Superintendent of Public Printing was deemed to belong to the legislative department of the Government, I now inform you that any payment within the terms of the act mentioned, for such length of time as he served, will be allowed in the settlement of your account."

That connects him with the legislative department. Subsequently, within a few days past, a different decision has been given at the Treasury Department, which has thrown some portion of them upon the executive department. It is necessary that there should be some uniformity in the decisions upon this question, and not have some brought in under one color, and some under another, and some not at all. The Superintendent of Public Printing, and the force under him, certainly, belong to the legislative branch of the Government. It is so; since the Superintendent himself, and the whole force under him, are entirely, under the authority, and peculiar control, and direction, and supervision of the Committees of Printing of the Senate and the House. Their accounts must pass through the hands of the Joint Committees on Printing. They are acted upon entirely by them. The reason why it has been deemed and adjudged that the Superintendent is connected with the Executive Department is more particularly because his appointment is made by the President. At the time that this sys-

tem of the Superintendent of Public Printing was established, the President was authorized to appoint the Superintendent, for the simple reason that there was no other more appropriate quarter to which the power of appointing could be referred; but all that he has to do is connected with the legislative department, and not with the executive department at all. I am therefore instructed by the committee to offer this amendment, and, if it be adopted, it will render uniform the decisions in regard to his true position, and that of those who are under him. I trust the Senate will adopt it. It gives no compensation beyond that already provided. It simply gives uniformity to the decisions.

The amendment was agreed to.

Mr. JOHNSON. I have here a matter of importance, which I am instructed by the Committee on Printing to bring before the Senate. Under their instructions, I offer the following amendment, to come in after the item in the bill making an appropriation for lithographing and engraving:

Provided, That hereafter, when any maps, plates, or other engravings, shall be ordered to be engraved and printed for either House of Congress, the Superintendent of Public Printing shall invite proposals for the execution of all engravings and printings, specifying the particulars of style and time; and on the receipt of such proposals, shall contract with the lowest bidder who shall offer for the same; and should such contractor fail to furnish such maps, plates, or engravings, within the time specified in his contract, the Joint Committee on Printing shall have power to abrogate such contract, and require the Superintendent to prosecute such contractor for the penalty of such contract; and when the said Superintendent shall advertise for the annual supplies of printing paper for the congressional and executive printing, he shall, at the same time, and in the same manner, advertise for such paper as may, in his opinion, be necessary for the printing of such maps, plates, or other engravings; and the contracts for the paper shall be made by the said Superintendent, in like manner, and under the same restrictions, as by law are now provided in the purchase of congressional and other printing paper.

The Committee on Printing of the Senate have considered this matter, and it is most imperative that something should be done in regard to the engravings. I will give a short synopsis of the reasons and facts connected with the subject.

The maps, plates, and other engraving are now contracted for by the Secretary of the Senate and Committee on Engraving of the House of Representatives, each for their respective Houses. The amendment proposes to place this authority with the Superintendent of Public Printing for the following reasons:

First, the superintendent now having charge of the printing of Congress, can make the contracts for the engravings correspond in point of delivery with the time the printing is finished, so that the great delay in the delivery of books ordered by either House experienced during the present session, for want of engravings, may be avoided hereafter. Every member of the body is familiar with the extraordinary, to them unaccountable, and to all outrageous, delay that has accompanied the delivery of most of the books ordered to be printed by the Senate.

Second, the Superintendent has now the authority of law to inspect and receive, or reject such engravings as may be ordered by Congress, whilst the contracts for these engravings are beyond his control, thus leaving great room for difficulties to arise between the contractors, the Superintendent, and the contracting authority. Contractors are prone to slight or spoil their work, or procrastinate in its delivery, relying upon the liberality of the contracting power to interfere between them and the execution of their bonds.

The contractor is responsible to the Superintendent of Public Printing; but a committee of the House of Representatives, in one instance, and the Secretary of the Senate in the other, are the only ones that have control of him, to make his contracts, or to govern them, and fix them in accordance with what may be the necessities and interests arising from the action which has already taken place in regard to the printing, either in this body or in the other.

3d. The Government is now paying much more for paper for engravings than it can be procured for by contract, (this we are informed is the case;) and, under the proposed system, paper can be procured of a better quality than that now used, and at a much less price.

The Senate will perceive at once that there is a relation existing directly between the subject-matter of printing, which is under the control of the

Superintendent of Public Printing, and the subject-matter of engraving, which has been left, in the reorganization of our system of printing, as it was under the old system, in the hands of the Secretary of the Senate and of a committee of the other House. There is an evident propriety in having the whole matter of printing and engraving connected; and, in order that they may be carried on *pari passu*, they should be under the control of some one individual, subject to the supervision of the Joint Committee on Printing of the two Houses.

At present I have to say to the Senate what I imagine will surprise them; and yet, if they reflect for a moment, they will at once recognize that something of the sort must have been the case. There are now in the Union office, of this city, one hundred tons of printed matter, not delivered for the simple reason that the plates and engravings have been contracted for in such a manner that the works cannot be issued because the engravings are not prepared and ready. In regard to Marcy's report, which was ordered four months ago, and the copies of which ought to have been delivered by this time, I understand that the engravings and plates were not even ordered until the day before yesterday. I understand it is already printed. The Agricultural Report was ordered on the 30th of March, but the plates are not all even contracted for at this time. Now, how can such a system be carried on? and what a condition of things is this in connection with the public business! The Senate must see that it is out of the question, and will not do at all. We must do something to concentrate this class of business under some one head, and make that head responsible for the work. All this printing, as I understand, could have been delivered if the plates had been prepared. The whole of this matter would have been delivered at this session, and distributed, and been sent to the people, or would have gone to whatever object it was designed for, if all these things had been in the hands of any one who would have attended to it as it should have been done. But now it is certain that the one hundred tons of printed matter cannot be delivered to you up to the end of this Congress—this session and the next session both taken together. The amendment which I have offered I have reason to believe; and the Committee on Printing have reason to believe, will do away with the difficulty.

Mr. GEYER. I desire to make an inquiry of the chairman of the Committee on Printing. I understood him to say that the plates for Marcy's report were not ordered until within a few days.

Mr. JOHNSON. The plates for Marcy's report, as I understand, which was ordered to be printed some four months ago, were not ordered until the day before yesterday.

Mr. GEYER. I have seen that report in the hands of members of the House as a Senate document, ordered by the Senate, with the plates. That has been furnished to members of the House some three or four weeks since.

Mr. BADGER. Is my friend certain that it is Marcy's report?

Mr. GEYER. Yes, sir, on the exploration of Red river.

Mr. BADGER. I am not disposed to throw any unnecessary difficulty in the way of the amendment moved by the Senator from Arkansas, but I confess I have no disposition to pass any law giving the Superintendent of Public Printing any further control than he is now allowed over the public printing.

Mr. WELLER. If my friend from North Carolina will allow me, I desire to say, I shall submit a proposition to insert after "Superintendent of Public Printing," the words "together with the Secretary of the Senate."

Mr. JOHNSON. I imagine there is not a member of the body who has a higher regard for the Secretary of the Senate than I have, but I do not believe he has got anything to do with that business of the Senate. There is no man who would make any movement with more reluctance than I would to take from him the slightest particle of patronage, or who would more positively refuse to do anything which would cast upon him the slightest reflection, than myself. I do not know that the Secretary wants to have anything to do with this; but I have understood the contrary, whether correctly or not, I cannot say, for I have not chosen to ask. This is a matter of

public business to be transacted. All these subjects of printing, plates, and engravings, are akin to each other. They cannot be got along with if divided, so as to make them proceed with uniformity. I will further say, that if the Secretary of the Senate even desired to have control of it, I should consider that his desire was more earnest for the control of a matter of that sort than his judgment was good for the interest of the public in that respect.

I do hope that the Senator from North Carolina, who objects to giving this to the Superintendent of Public Printing, will recollect that the Superintendent is bound by the most rigid laws which you have already enacted, and he is made peculiarly subject, in every instance and in all particulars, to the direct supervision and action of the joint committee of the two bodies. The power of removal also rests with the President, so that at any moment when there should be cause for such a course, either or both of the committees would have him displaced upon the spot. If you join the Secretary of the Senate with the Superintendent, I suggest to the Senator from California that the Committee on Engraving, of the other House, when this goes there, will also have to be inserted. Then we shall have the Committee on Engraving, the Secretary of the Senate, and the Superintendent of Public Printing acting upon the matter of letting out engravings, which is a small matter. We shall have them all acting on the engravings and superintending them, while the printing will be superintended by the Superintendent of Public Printing, acting alone. I trust and hope, for the public interest, and in conformity with the wishes and opinions of the Committee on Printing, that the amendment which I have offered may be permitted to pass just as it stands; and I feel disposed to say that I can even guarantee that under it the public service, in this particular, henceforth will be done promptly and uniformly and more cheaply.

Mr. BRODHEAD. The Senator from Arkansas seems to proceed upon the supposition that the Superintendent of the Public Printing can advertise, and make contracts for the engravings sooner than the Secretary of the Senate.

Mr. JOHNSON. Not at all.

Mr. BRODHEAD. Has there been any delay? Is the delay in the delivery of the public documents attributable to this matter of the engravings? If so, it amounts to a considerable charge. I do not know why it is that the Secretary of the Senate cannot make contracts at as early a period for engravings as the Superintendent of the Public Printing. I do not wish to be understood as expressing a positive opinion against the measure of the Senator from Arkansas. I do not wish to cast any reflection upon any one; but I think that the Superintendent of the Public Printing, the Secretary of the Senate, and the Clerk of the House would be a very good board to take charge of this matter.

Mr. WELLER. It might be supposed, from some remarks made by the Senator from Arkansas, that there has been some consultation between the Secretary of the Senate and myself in regard to this matter. I desire to say, that I have never conversed with that gentleman on the subject. I know not what he wishes. Whether he desires to continue in the superintendence of these engravings or not, is a question about which I know nothing. My only object was to divide the responsibility between the Superintendent of Public Printing and the Secretary of the Senate. A large amount of money has been expended, and is constantly expended, by this Government for these engravings. I desire that that responsibility may rest upon the Superintendent of Public Printing, who is under the control of the President, and upon the Secretary of the Senate, who is under the control of this body. The Senator says that if there be anything wrong under his amendment, if it be adopted, the President of the United States can remove the Superintendent. I answer to that, if my amendment be adopted, and anything wrong is done by the Secretary, he can be removed by this body. By agreeing to my amendment, we can better advance the public interest. At all events, I should prefer that the Superintendent of the Public Printing and the Secretary of the Senate should have charge of the engravings ordered to be contracted for by this body. I therefore make the motion—which I indicated a few minutes

ago—to put the Secretary of the Senate with the Superintendent of Public Printing.

There is one other point to which I must allude. I understand the Senator from Arkansas to say that there has been a most extraordinary delay in obtaining these engravings; that there are now one hundred tons of printed paper in the Union office—the public printer of the other branch of Congress—not delivered to the House ordering them. If there has been this delay; if this matter has accumulated in that office, because of the failure of a public officer to obtain the engravings, I think it is due to this body that the Senator should say where the responsibility rests. If the public printing is delayed; if we are prevented from sending over the country that which we have ordered to be printed, and if this delay is occasioned by the act of a public officer, it is the duty of the committee who have the special charge of the subject to inform the body where the blame rests.

Mr. JOHNSON. I should be glad to know where the fault rests. I do not know it; and there again is another evidence that something ought to be done in regard to the matter. The Committee on Printing has no control over, has nothing to do with, the letting of these engravings at all. It is not my business to go about and hunt up this; and to tell you the truth, I do not know whose fault it is. There must be a fault somewhere. There are the books; they are printed, ready for delivery, and yet there are no engravings with them. Where the fault is I know not. I know that the House Committee on Engraving has had the benefit and charge of the orders which they have issued for the agricultural reports. As to the matter of Marcy's reports, I do not know whether the order originated first in that body or this.

Mr. WELLER. I should very much like the Senator from Arkansas to inform me what are the duties of the Committee on Printing? I do not pretend to know what object was sought to be obtained by the Senate originally in the establishment of that committee. If I understand its duties, they were to take charge of the public printing that might be ordered by the Senate. If they ordered an extra number of five thousand copies of a work to be distributed among the members, it is the duty of that committee, who thus reported in favor of it, to inform us why it is that the order has not been complied with. To what other committee of this body could I go, if I desired to ascertain why an order of the Senate in regard to the public printing had not been complied with? To what committee could I apply, if not to the Committee on Printing? If they have not the general supervision of this subject, how comes it that they are reporting this proposed change? If the Senator has ascertained all the facts, which I doubt not he has, that he has this morning stated to the Senate, why not also have obtained the facts as to who are to blame for this most extraordinary delay in the public printing? That is a question, in my judgment, of practical importance to the body. We have seen proper to order the printing of an extraordinary number of a certain document. That document has not been presented to us within a reasonable time. I desire to know where the fault attaches, where the blame lies; and if I cannot get that information from the Committee on Printing, I do not see the necessity of having a committee on the subject.

Mr. FESSENDEN. I wish to say one word by way of explanation. This amendment comes from the joint and unanimous action of the Committee on Printing of both Houses. It does not originate from the Senate committee at all. The difficulty does not exist in the action or want of action of the Secretary of the Senate. The matter in the House is managed by a committee of the House, and we all know that he cannot have anything to do with contracts and business managed by the committee of the other branch. I do not understand that there has been the slightest delay, or the slightest want of action, on the part of the Secretary of the Senate. He has been prompt in making his contracts. But I know, as the committee well know, that on the part of the House it has been not unfrequently the case that the contracts for engravings have not been made for months after the order; and in that way, as a consequence arising from the imperfect manner in which the matter is managed in the other branch, has occurred this large accumulation of printed matter; and consequently the joint committee on the part

of the Senate and the House unanimously came to the conclusion that the whole matter should be put into the hands of somebody who would see to it, and get the plates along as fast as possible, in order keep up with the accumulation of printed matter. So far as the Senate is concerned, I repeat, and I am instructed to repeat, that there has been no imputation whatever, of any kind, on the officer in charge of it here. The difficulty arises in the other body.

Now, with regard to the amendment of the Senator from California, the only difficulty that arises in my mind is, that if you join the Secretary of the Senate with the Superintendent of Public Printing, it may be necessary, on the part of the House, to join somebody there to them. I do not know that there would be any objection to it; but it would seem natural that both should have an officer on their part connected with it. I only suggest this. I have no particular opposition to the amendment proposed by the Senator from California. I do not know that it is improper, but my experience has been that business of this kind is always done better and more promptly by one individual than by a committee or by a commission, or by a number of individuals.

Mr. BADGER. The supposed necessity for this amendment, as I understand the matter from the explanations which have been made, arises from this fact: When engraving have been ordered for the Senate, and where the contract has had to be made by our Secretary, he has made it promptly; but the contractor, in some cases, delays to execute the contract. In the other House the same thing happens. Now, sir, I do not see how the fact of the contract being made by the Superintendent of Public Printing will have any greater tendency to insure the prompt execution of it by the contractor than if that same contract were made by the Secretary of the Senate. The amendment proposes that suits shall be brought against the contractor. That may all be very well; but why cannot suits be brought upon our system of letting out the engraving now just as well and just as effectually as upon the proposed new system?

Mr. FESSENDEN. Will the Senator allow me to say that the difficulty arises from the fact that the contracts are not made in the other House at the proper time?

Mr. BADGER. If the contracts are not made in the other branch of Congress, allow me to say it ceases to be a matter of any importance to us in the Senate, because, by an amendment which was put upon the deficiency bill during this session, we have separated the connection between the two Houses in regard to their printing. When printing is hereafter ordered by the Senate, it is not to be done by the printer of the House when the House has already ordered the printing of the document, but the printer of each House is to do the printing of that House respectively. Now, therefore, the proposition here is to make a prospective amendment to the law, which is unnecessary; for, according to the statement, the difficulty arises in the House; while our engraving is done promptly. Then there is no necessity for the amendment for past cases; and as to future cases, we have no connection with the House. Our own printer is to do our printing, and our own engraving is to be done under the direction of ourselves. Therefore, if our Secretary makes a contract, and the contractor does not comply with it, he can be sued; and I do not see what virtue there will be, so far as the Senate is concerned, in a bond given by the contractor to the Superintendent of the Public Printing, which would not be in a bond taken by the Secretary of the Senate. Besides, as I mentioned when I commenced, I am exceedingly unwilling to give any further control over the public printing or engraving, or over any of the operations of the Senate, to any executive officer, than he now has by law.

Mr. FITZPATRICK. So far as regards the casting of censure on that officer, I assure the Senate that I have never heard the slightest intimation of it, or any intimation that he has been derelict in his duty.

Mr. BADGER. What officer?

Mr. FITZPATRICK. The Secretary of the Senate.

Mr. WELLER. Will the Senator allow me to say—

Mr. FITZPATRICK. I do not charge you with that.

Mr. WELLER. I did not intend, in the slightest degree, to reflect upon the Secretary.

Mr. FITZPATRICK. I did not mean that you did. I have never heard any intimation that he has been at all derelict in his duty. But, sir, the proposition submitted by the chairman of the Committee on Printing, is one that engaged the serious attention of the committee, and let me assure Senators that they are not aware of the trouble and embarrassments which are connected with that matter. They are involved in mystery; and although I have been connected with the committee, during the greater part of this session, I am frank to say that I am not well enough informed now of the duties which attach to that office. You must take some gentleman who has clearer senses than mine, to understand all the things which attach to such a question.

The great inducement which prompted the offering of the amendment, was to simplify the subject, to put it in some form and shape which the committee would comprehend, and to enable us to hasten forward the work. Now, I will ask you, sir, and every Senator, where is the necessity of connecting the Secretary of the Senate with this matter, when you have an officer singled out by the President of the United States for his intelligence, for his capacity, to superintend the printing, and everything connected with it? He has charge of, and supervises everything connected with it, and all that we ask now, is, while carrying on the work, to locate the responsibility upon him, and to obviate the necessary embarrassments which now do surround the printing, and to say that he shall contract for all the plates and engravings. Is there anything exceptionable in that? Is there any alarming power to be delegated to that officer? By no means. But, I venture to say, the Secretary of the Senate would be glad to be rid of that duty. We do not ask for the putting of anything at the disposal of the Superintendent, but, we ask simply, as he has to supervise every other matter connected with the public printing, that he shall have the power to advertise for the engravings to carry on the work.

The object, the whole design, the intention of the committee is to simplify and put this matter in such a form that the work shall progress and be accomplished without delay. Is there any great necessity, I repeat, why the Secretary of the Senate should act jointly with the Superintendent of the Public Printing? The proposition simply is, to give the Superintendent the power to purchase the plates under contract, and if there should be anything improper in his conduct he would be responsible to this body. These are the reasons which prompted the joint committee to submit the amendment. We want this matter put in such a shape that this officer can carry on the work with more expedition, so that we need not be delayed in receiving what we order. If the amendment contemplated putting at his disposition a large amount of money, or if the contracts were such as should not be delegated to the discretion of any individual, I assure you that I should be the last man to delegate such a power. But the amount necessary to be involved in the purchase of these plates is small, and I do assure you that by the adoption of this amendment, you will add greatly to the dispatch of the business. I hope the Senate will agree to it.

Mr. BAYARD. I shall vote against this amendment, because it is an attempt to legislate upon the public printing by way of an amendment on the general appropriation bill. I am opposed to the present printing system, and hope when it properly comes up, on the report of a committee, to see a different one introduced. Therefore, I am opposed to amending this bill by attaching to it such a provision in a place where we can have no proper discussion upon it. I shall, therefore, vote against the amendment.

Mr. EVANS. I desire to say a few words on this subject. As chairman of the committee appointed to superintend the contingent expenses of the Senate, this thing has come under my supervision, for the Secretary of the Senate, in no instance, has undertaken to make contracts without the consent of the committee. It seems to me, as we have thought proper to sever the printing of the Senate entirely from that of the House, and to have no connection with it, we ought to have it

entirely under our own officer. If the Senate desires a document to be printed, the bare order indicates that the printer of the Senate is to do the work. This amendment proposes to take from the control of the Secretary of the Senate the engravings, and give them to a man who is not an officer of the Senate, but an officer of Congress of both Houses; and, therefore, for consistency and propriety's sake it would seem to me that things had better remain as they are. It is within my personal knowledge that there has been no delay in any of the engravings ordered by the Senate, except perhaps in one instance, in which the contractor instead of furnishing them when he should have sent them here, sent an excuse. In every instance where the thing has been practicable, it has been done promptly and efficiently.

I have thought it necessary to say this much in vindication of the Secretary of the Senate, if he needs any vindication. He does not desire this sort of patronage. It may be desired elsewhere; he does not desire it, and, therefore, it is not because he desires it that I have felt any inclination to say anything; but it is because, if you adopt the amendment, you will spoil the symmetry of your system. The printing of the two Houses is entirely disconnected, and that of each is carried on under its own officers.

The PRESIDING OFFICER. The question is on the amendment offered by the gentleman from California to the amendment.

Mr. WELLER. I do not wish to embarrass the proposition, and for reasons satisfactory to me, which it is not necessary to mention, I withdraw the amendment.

Mr. BADGER. I move, in accordance with the idea thrown out by the Senator from South Carolina, [Mr. EVANS,] to strike out the words "Superintendent of Public Printing," and insert "Secretary of the Senate."

Mr. JOHNSON. This subject was under discussion in the joint committee of the two Houses, and met with their unanimous concurrence. As to agreeing to the amendment or not agreeing to it, I do not care a cent what is done with it. It is perfectly immaterial to me. The Senate may leave its business just as it is if they choose. It is sufficient to say that the committees of the two Houses were unanimous in coming to the conclusion that the matter should be conducted in a different manner, if we hoped to arrive at any good result.

In regard to one point about which some Senators have displayed some sensitiveness unnecessarily, for there was no occasion for it, as far as I was concerned at least, as to the performance of his duties by the Secretary of the Senate. I will state, as I thought I had sufficiently stated before, that there is no blame cast upon that officer for his method in the discharge of his duty, and I have still further reason, on making further inquiry into the matter, to say that that officer has discharged his duty unexceptionably. I have heard nothing to the contrary, and I have implied nothing to the contrary; but the joint committee deemed that it was necessary to do something in order to have an effective system, and they have presented, as the means which they propose, the amendment, believing that the business should be concentrated, if we expect it to be well done. If the Senate chooses to vote it down, I care not.

Mr. BADGER's amendment to the amendment was agreed to.

Mr. JOHNSON. The amendment has now been amended. The object, I presume, is attained. The whole amendment is killed. The House cannot be expected to agree that the Secretary of the Senate shall act as their agent, to manage their matter of engraving, and supersede their own Committee on Engraving. I shall therefore vote against the whole amendment.

The amendment, as amended, was rejected.

Mr. JOHNSON. The Committee on Printing have instructed me to offer the following amendment, to come in after the clause making appropriation for the paper and printing of the Senate:

Provided, That whenever it shall be the opinion of the Committee on Printing that the character of any document ordered to be printed may render such change necessary, the size may be changed from octavo to quarto form; but in no case shall the price to be paid for composition and press work exceed the *pro rata* as established by the printing act of August 26, 1852, for the printing of congressional documents.

This originates in consequence of the fact that in some works—as in the case of Gillies's Report,

which has been ordered by the House—the plates cannot be got in the octavo pages, and there is no authority under the law, as it stands, to alter it to a quarto page. This is merely to give the authority, when it may be absolutely necessary in the execution of the work, to change it.

The amendment was agreed to.

Mr. SLIDELL. I desire to offer an amendment, which, it is necessary to state to the Senate, comes within the class of private claims which were decided as being out of order yesterday. I will very briefly state the reasons why I now ask the adoption of this particular amendment.

Mr. HUNTER. If it is out of order, it cannot be received.

Mr. SLIDELL. It can be received by unanimous consent.

Mr. HUNTER. I object to receiving anything out of order.

The PRESIDING OFFICER. (Mr. BRIGHT.) The rule is imperative that private claims cannot be received.

Mr. SLIDELL. I will simply state that it is recommended by the Secretary of the Treasury and the Secretary of State as being one of strict justice towards certain Spanish subjects. The Secretary of State considers it important and necessary for the dispatch of certain pending negotiations with Spain to dispose of it. It is one of strict justice. I think the case for which it provides is equal in hardship to that of the Black Warrior. If the Senate chooses to reject it under these circumstances, very well.

The PRESIDING OFFICER. Does the Senator offer this amendment?

Mr. SLIDELL. I do; and suggest these reasons why it should be received.

The PRESIDING OFFICER. The amendment will be read.

Mr. SLIDELL. There is a letter on file among the papers from the Secretary of State on the subject.

The amendment was as follows:

Sec. — And be it further enacted, That the Secretary of the Treasury is hereby authorized and required to release a judgment rendered in the circuit court of the United States, in the fifth circuit and eastern district of Louisiana, on the 13th of February, 1854, in the case of the United States vs. Puig, Mir & Co., of New Orleans, for the sum of \$1,310 54, and interest thereon, being the amount of duties claimed to be due, and payable to the United States, on certain coffee imported into the port of New Orleans from Cuba, in the Spanish brig *Pepita*; and that the said Secretary of the Treasury is hereby further authorized and required to release a judgment rendered in said court, at the same date, in the case of the United States vs. P. Puig, and Puig, Mir & Co., of New Orleans, for the sum of \$3,761 12, and interest thereon, being the amount of import duties claimed to be due and payable to the United States, on certain coffee imported into the said port of New Orleans from Cuba, in the Spanish brig *Astador*; but if the judgments aforesaid, or any part thereof, shall have been paid by the defendants, the Secretary of the Treasury is hereby further authorized and required to refund to them, out of any moneys in the Treasury not otherwise appropriated, the amount so paid.

The PRESIDING OFFICER. It belongs to the class of private claims intended to be excluded by the rule.

Mr. SLIDELL. I have stated so; and I ask the unanimous consent of the Senate for its consideration.

Mr. HUNTER. I cannot agree to it.

The PRESIDING OFFICER. The Senator from Virginia objects, and it cannot be received.

Mr. JONES, of Tennessee. I desire to offer an amendment to the bill. Yesterday, the Senator from Georgia [Mr. Dawson] submitted a proposition to amend the amendment which related to custom-houses, reported from the Committee on Commerce, by its chairman, [Mr. Hamlin], so as to establish a custom-house and post office at some port in his State. The Chair decided that to be out of order under a rule which, I understand, is one of the rules of the Senate. Now, Mr. President, it does seem to me that it is a very strange rule, and as unjust and unequal as it is strange. What is it? Under that rule, it was decided yesterday by the Chair, that the Senator from Georgia could not make a proposition to build a custom-house in his State, where it was very much needed. And why? Because, forsooth, some one of the Departments had not seen fit to recommend it. Now, I submit to you, Mr. President, and to the American Senate, if we are to legislate under such duress as that? Are we to be dependent for our action upon the views and caprices, or upon the judgment of any of the

Departments of this Government? Is it not a violation of every principle of equality and justice? Is it not a trespass upon the rights of every Senator here? Your constituents, sir, and my constituents, their rights, and their interests, are to be adjudged by some Secretary of a Department.

Mr. DOUGLAS. I dislike to interrupt my friend, but I must call him to order. I understand him to make an attack upon the rules of the Senate, and as there is no motion pending to modify or repeal those rules, I do not conceive that it is in order.

Mr. JONES, of Tennessee. I would say to my friend from Illinois, that I am only stating this in order to make out my case before the Senate, and then I shall appeal to their justice and their judgment for the remedy. I am only arguing the case of propriety to get a vote which I am sure I shall get.

I repeat, Mr. President, that I am required, and you are required, and the Senator from Illinois is required, before we can offer an amendment here asking for an appropriation for custom-houses in either of our States, or for a hospital or for any other purpose, to get the approbation and consent of some one of the Departments, or else be fortunate enough to secure the consent and approbation of a majority of some one of the committees of the Senate.

Mr. HUNTER. I will suggest to the Senator that if there is anything in the rules which he dislikes, he can move to repeal them; but this is not the proper occasion on which to argue in regard to them.

Mr. JONES, of Tennessee. I hope the Senator will allow me to put myself right. It is all I ask. I do not desire to get a dollar out of the Treasury, but I simply ask to stand right before my constituents, and under this rule I cannot do so. I put it on a question of privilege, if you please. I will state the case distinctly. At the commencement of this session of Congress, a large memorial was sent here from my constituents asking Congress to establish a marine hospital at Memphis. I was required, under the rules of the Senate, to refer it to the Committee on Commerce, which I did with great pleasure.

The PRESIDING OFFICER. The Senator will allow the Chair to remark that there is nothing before the Senate.

Mr. JONES, of Tennessee. I hope you will allow me to make my speech, and propose an amendment.

The PRESIDING OFFICER. The Senator can now propose his amendment, and the Chair will decide whether it is in order.

Mr. JONES, of Tennessee. I am sure the Chair will rule it out of order.

The PRESIDING OFFICER. Then the Senator is clearly out of order.

Mr. JONES, of Tennessee. I am aware of that; but I hope I shall be allowed to put myself right before the Senate and my constituents. I appeal to the magnanimity of the Senate.

Mr. RUSK. Offer the amendment, and then appeal from the decision of the Chair.

Mr. JONES, of Tennessee. Well, here it is. I propose to add, at the end of the amendment which was adopted on the motion of the Senator from Maine, [Mr. Hamlin], as chairman of the Committee on Commerce, the following:

At Memphis, in the State of Tennessee, for the purchase of a site, and the erection of a marine hospital, the sum of \$50,000.

I was very well aware, Mr. President, that under the rules it would be ruled out of order, as was the amendment of my friend from Georgia; but it is against that injustice that I want to put myself right. I want to enter my protest against it, state the circumstances, and show to the Senate the injustice which is done to my constituents under that rule. With the consent of the Senate, I will do it in a few minutes; but if there is one Senator here who will deny me the privilege to put myself right—

The PRESIDING OFFICER. The Senator is clearly out of order, the amendment itself being excluded by the rule. It is in the power of the Senate to overrule the decision.

Mr. JONES, of Tennessee. Then I take an appeal from the decision of the Chair; and I suppose I may be permitted to speak on that question.

The PRESIDING OFFICER. The question is, whether the decision of the Chair, declaring

the Senator from Tennessee to be out of order, is to stand as the judgment of the Senate?

Mr. JONES, of Tennessee. Before the vote is taken, I desire to argue that matter. I put it upon the ground that it is an act of injustice to me and every Senator on the floor, and to that extent is an infringement of the constitutional rights of every Senator. By what power and authority does the Senate undertake to declare to me that I shall not represent the wishes of my constituents?

The PRESIDING OFFICER. The question is not a debatable one.

Mr. JONES, of Tennessee. If I have not the right to show that the rule is unconstitutional, I should like to know what power we have here, except that which is exercised by a dominant majority?

Mr. WELLER. There is a rule here abridging liberty of speech. You cannot say anything upon a question of this sort.

The PRESIDING OFFICER. The Chair decided that the Senator was out of order in arguing an amendment after it was decided to be out of order.

Mr. JONES, of Tennessee. I am arguing the rule on the appeal.

The PRESIDING OFFICER. From that he appeals. The question is, whether the decision of the Chair shall stand as the judgment of the Senate. That is not debatable.

The decision of the Chair was sustained—ayes nineteen, noes not counted.

Mr. RUSK. I have a small amendment to offer to the third section, which has been adopted as an amendment, on the recommendation of the Committee on Finance. It now provides that

In the office of the First Auditor there shall be one clerk taken from class three, and placed in class four, and four additional clerks allowed of class one.

I understand that these four clerks are performing the duties of the third class. I also understand that it was recommended by the Auditor that they should be put down in the third class, but, by some means in transcribing the recommendation at the Treasury Department, they were put down as in class one. I therefore move to strike out "one" and insert "three."

Mr. ADAMS. The statement of the Senator I understand to be correct. The duties to which those clerks are assigned are in the third class.

The amendment was agreed to.

Mr. RUSK. I have another amendment which I am directed to offer by the Committee on the Post Office and Post Roads. It is to strike out:

For improving and repairing the room in the custom-house at Savannah, used as post office, \$1,000.

—and insert:

For the erection of a building for the post office at the city of Savannah, in the State of Georgia, \$50,000; on condition that the said city shall furnish a site for the building.

Mr. President, I shall make but a few words of explanation in reference to the amendment. In the construction of a custom-house at Savannah, the room which was assigned to the post office department is, I believe, in the basement of the building, and is entirely unsuitable for the purpose of a post office. It is cold and damp, and lights have to be used in it day and night. There is no arrangement in the custom-house there by which the post office can be accommodated. Savannah is a place of growing importance, with its roads extending out west. It is a very considerable seaport town; and I believe it will be a matter of economy to adopt the amendment. The citizens propose to furnish a site for the post office; and \$50,000 will make a building suitable for it. I believe it will be a matter of economy on the part of the Government to adopt that plan.

Mr. HUNTER. I suggest to the Senator from Texas that that will lead to an entirely new range of appropriations. The Senator from Pennsylvania [Mr. Brodhead] will come up again with his proposition for the post office in Philadelphia, and thus they will go on accumulating. I think it will be the best plan to keep these buildings out of the bill.

The amendment was rejected.

Mr. GWIN. I offer the following additional sections:

Sec. — And be it further enacted, That the seventh section of the act of January 18, 1837, entitled "An act supplementary to an act establishing the Mint and regulating the coins of the United States," be so amended as to extend the allowance for the annual salary of the clerks in

the Mint of the United States to \$1,800 each, from and after the 1st day of July, 1854 at the discretion of the officers authorized by law to appoint, with the approbation of the President of the United States, including also one clerk in the office of the assistant treasurer at Philadelphia.

SEC. —. *And be it further enacted*, That the second section of the act of July 3, 1852, entitled "An act to establish a branch mint of the United States in California," be so amended as to allow to the clerks authorized to be employed therein, \$3,000 per annum each, to take effect from and after the first day of July, 1854; and such additional sum as, together with those elsewhere provided in this act, will equal the respective salaries authorized by this section of this act, are hereby appropriated out of any moneys in the Treasury not otherwise appropriated, for the payment thereof.

SEC. —. *And be it further enacted*, That all the appointments of clerks and assistants authorized to be employed in the office of the assistant treasurers of the United States, and in the offices of the Mint and branches thereof, and assay office, New York, shall respectively be made with the approbation of the President, by the assistant treasurer, director, superintendent, and treasurer of the Mint, said branch Mints and assay office, whose bonds are held in the Treasury Department in trust for the proper performance of their respective duties.

That is the form of a bill which was reported by the Committee on Finance, and passed the Senate, fixing the compensation of the clerks in the Mints and branches. It is reported from the committee.

Mr. SLIDELL. I have no objection to the amendment of the Senator from California, so far as regards the Mint of New Orleans, raising the salaries of the clerks there. I desire to suggest to him, however, that by the present allowance the clerks receive \$1,500 a year, and the cashier \$1,800. Now, if the salaries of the clerks be increased, so as to be made equal to what the cashier now receives, the cashier, whose duties are much more arduous and responsible, ought also to have his increased, and I suggest to the Senator from California that he should increase the salary of the cashier to \$2,200.

Mr. GWIN. The amendment, as I offer it, is in accordance with the recommendation of the Department.

Mr. SLIDELL. Then I shall move to amend it by raising the salary of the cashier.

Mr. HUNTER. I suggest that it is better not to depart from the estimate in relation to the clerks. It is shown to be actually necessary to increase their salaries in order to get an experienced class of men; but as to increasing the salaries of the higher officers; I think they had better come in as a separate measure hereafter, and not be put in this bill.

Mr. SLIDELL. I will state, for the information of the Senator from Virginia, that it is impossible to retain the services of an efficient cashier at the present salary. A man capable of occupying the position, can get a much higher salary in commercial houses in New Orleans. My colleague, who has received several letters on the subject, will confirm that statement. The clerks now receive \$1,500 a year, and the cashier \$1,800. It is utterly impossible to obtain the services of a responsible man at the rate of salary now given. They are obliged to have an inferior class of men. It is only within the last two or three weeks that the cashier of the Mint at New Orleans left his place, because he obtained a much higher salary in a mercantile house. I shall, therefore, offer the amendment to increase the salary of the cashier in a corresponding ratio with that of the clerks.

Mr. GWIN. I will accept that amendment.

The question being put on the amendment, as modified, the Presiding Officer declared that it appeared to be rejected.

Mr. BRODHEAD. There is no objection to the amendment. The Committee on Finance are in favor of it; everybody agrees to it; the Senator from Virginia [Mr. HUNTER] agrees to it; and the Secretary of the Treasury has especially called for it.

The question was again put; and, on a division, no quorum voted.

Mr. BRODHEAD. There is no objection to the amendment. The Committee on Finance agree to it; we all agree to it. [Laughter.]

The PRESIDING OFFICER. That is a matter which the Chair cannot decide except by a count.

Mr. BRODHEAD. I ask for another count.

Mr. STUART. The Senator who called for a division can withdraw his call.

The amendment was then agreed to—ayes 21, noes not counted.

Mr. GWIN. I propose the following amendment:

SEC. —. *And be it further enacted*, That from and after the 30th June, 1854, the annual salary of the director of the Mint shall be \$5,000; that of the superintendent of the branch mint, and the assistant treasurer of the United States at San Francisco, California, \$6,000 each; that of the superintendent of the assay office at New York, and of the assistant treasurer at Philadelphia, Pennsylvania, \$4,500 each; that of the superintendent of the mint, and the assistant treasurer at New Orleans, Louisiana, and of the treasurer at Boston, Massachusetts, \$4,000 each; and that of the assistant treasurer at Charleston, South Carolina, \$3,000: *Provided*, That it shall be their further duty, when designated by the President of the United States, to perform the services now authorized by law to be performed by the agents for paying pensions, or any other duties, without any greater aggregate of compensation than is herein provided.

Mr. HUNTER. I hope this will be laid over until the next session. I went for the increase of the salaries of the clerks, because it is indispensable; but it is not necessary to raise these salaries to retain the services of those superior officers. I hope it will go over. We have already put a great deal upon this bill, and we should not add such items as this.

Mr. GWIN. I will make a statement in regard to the officers in California, and, I suppose, other gentlemen can speak of those in their several States. The treasurer of the branch Mint at San Francisco has a salary of \$4,500. In addition to that, and the duties which are placed upon him as assistant treasurer, he has to superintend the accounts of all the disbursing officers in California. He has to receive, on deposit, and he is liable for, as treasurer of the Mint, and Assistant Treasurer of the United States, the amount of from \$50,000,000 to \$75,000,000 a year. His salary is only \$4,500, while our appraisers get \$6,000. He gives a bond of \$400,000. So much for the assistant treasurer. There is no officer of the Government who has to disburse such large amounts as the treasurer of that branch Mint. Now, it is proposed to increase his salary \$1,500. It is the same in regard to the superintendent. He has important duties to perform. By the establishment of the assay office in New York, and the Mint in California, more money will be coined at that point than all the other Mints in the United States. It is estimated that the amount coined there will be \$30,000,000 a year.

Mr. BRODHEAD. I beg to say a few words in regard to the two officers in Philadelphia. One is the Director of the Mint. He has charge of all the Mints in the United States. When his salary was fixed in 1837, there were about \$3,000,000 coined annually; now there are \$60,000,000 alone in Philadelphia, besides the California Mint, and at the assay office in New York, which are added to him. His salary is fixed at \$5,000. The salary of the treasurer of the Mint, and the Assistant Treasurer of the United States in the city of Philadelphia—which office is now occupied by Dr. Sturgeon, with whom Senators are acquainted—is \$4,000. This proposes to give him \$4,500. His salary was fixed when there were about \$3,000,000 coined; now there are \$60,000,000, and he is answerable for that, and gives a bond in \$300,000. He receives now \$2,000 as treasurer of the Mint at Philadelphia; \$1,000 for his additional duties as Assistant Treasurer of the United States, and \$1,000 for paying pensions—making \$4,000. This proposes to give him for all \$4,500. It therefore increases his actual compensation but \$500.

All the officers of the Mint and branch Mints in the United States are under the charge and control of the Director of the Mint at Philadelphia. His salary is proposed by the amendment to be fixed at \$5,000, and that of the Treasurer at \$4,500, and for that he is to perform all the duties which he now performs. Can there be any objection to this? I know that the Senator from Virginia objects to it; but why? He says that the bill is already loaded. Did he not yesterday vote for an increase of the salaries of the judges of the Supreme Court of the United States? They hold their office for life. But here are gentlemen temporarily in the public service, subject to the mutations of politics, handling millions and millions of dollars belonging to the Government; and it becomes, therefore, an imperative duty, in view of many considerations, that their salaries should be increased. I hope the amendment will be agreed to. I hope the Senate of the United States will not ask gentlemen to give bonds in \$300,000,

and handle \$60,000,000 for less than \$4,500 a year. The amendment is right and proper in every respect. The scale of salaries mentioned in it was sent here by the Secretary of the Treasury, in a letter which I have read. I therefore hope, as it is recommended by the Secretary of the Treasury, and as it is justified by such reasons as I have stated, that the Senate will agree to it.

Mr. DAWSON. I am as liberal as any man ought to be in the distribution of the public money, but I ask the Senator from Pennsylvania what salary is given to the Governor of his State?

Mr. BRODHEAD. We give him \$3,500. At the last session of the Legislature, I believe, they increased it; I do not know how much.

Mr. DAWSON. Three thousand five hundred dollars is the salary of the Governor. The salary of the Superintendent of the Mint is \$5,000.

Mr. BRODHEAD. No, sir; the salary of the Director of the Mint is now \$3,500, and he controls all the Mints in the United States.

Mr. DAWSON. He controls all the Mints of the United States! What control does he exercise over them? What hour of his time is taken up by that control? He never goes to one of those branch Mints. He receives a report of not more than fifteen lines as to the amount of coinage at the other Mints; and, sir, he has no responsibility growing out of the bonds which are spoken of. The honesty of the superintendent or director constitutes his bond. Are we to pay men because a large amount of money goes into a box or into the Treasury over which they have superintendence, because they give a bond? Why, sir, a bond is no security at all. I would not give a snap of my finger for it. It is the honesty of the man to which I look. Well, are we to pay for that? Every man is an honest man. Why is it that men who are appointed to superintend working establishments are to receive greater salaries than you give to the intellectual men who control the State—your Governors and your chief justices? No man in the State receives such a compensation as is here proposed to be given to these officers. Sir, by doing this, you hold out an inducement by your high salaries to make every man who is in an elevated position, where he may be useful to his State and to the country, come down to labor for the General Government because of the salary.

Mr. BRODHEAD. My friend from Georgia commenced by asking me a question. Now, I ask him, why he voted yesterday to increase the salaries of the judges of the Supreme Court?

Mr. DAWSON. I voted to increase them because the position requires men of high attainments. They must spend all their life in study to make themselves acquainted with legal knowledge. Are we, because we raise the salaries of men of their attainments, men who control the rights of the people and the constitutional rights of the States, and superintend the laws of the country to raise the salaries of all other officers under the Government? Sir, this thing of raising the salaries has gone already too far. You make your clerks receive as much as your major generals who fight the battles of your country. The lowest clerk, in one of your Departments, receives more than the major who fights your battles. Why is all this? You are prostrating all your proceedings. You are so acting as not to bring down the higher class who are engaged for the interests of the country to low salaries; but you are bringing all the small ones to the highest point.

Your Doorkeeper here receives more than you do, Mr. President, for the discharge of your duties. There is not a dependent on the Senate Chamber who does not receive more money than those who are engaged in transacting the legislative business of the country. We have forgotten ourselves. No man can touch his own salary here, when he knows that he cannot subsist with the means which are appropriated for his sustenance, and yet he may go down and raise the salaries of others while he will not touch his own.

Mr. BRODHEAD. The Senator from Georgia commenced with a sort of *argumentum ad hominem* reply to me. I should like to know how many dollars per day he yesterday voted to foreign ministers?

Mr. DAWSON. I voted to increase the salaries of foreign ministers to such an amount as under the laws and Constitution of the country they are entitled to.

Mr. BRODHEAD. How much per day?

Mr. DAWSON. I do not know that their salary was \$9,000 per annum and an outfit, and we have raised it. But why does the Senator ask that question? Is it an argument in favor of raising the salaries of men who are not employed from one day to the other? Not at all. The reason why I resist this proposition is this: The General Government is now raising the salaries of the officers whom they have the power to appoint in the different States to such a degree, that the salaries allowed by the States to their officers are being degraded. I have adopted it as a rule, that I should vote for giving to no district judge in any one of the States a higher salary than the chief justice of that State receives; for I have no idea of letting the General Government bid off, and take the most elevated characters in the State, merely because Congress may be able to give them a larger salary. That is the reason of my action. I have voted for the increase of salaries in California. The Senator may ask me why I did that. I have done it because the expenses there are so extravagant. But the day is soon coming when a man will be able to live there as cheaply as he does here; and when that day arrives, I venture to say that the Senator from California will not ask for an increase of salaries to a point higher than are given in the other States. It is a mere temporary inconvenience, which does not exist in Philadelphia. A judge of the supreme court in Pennsylvania receives nothing like the amount proposed to be given to these officers, and he is engaged from morning to night, nearly every day, either in the court-house or in his private chambers. I have looked over the salaries of the officers of various States, and I find nothing to justify an increase of what is given to the director and superintendent of the Mint. My friend, Dr. Sturgeon, for whom I have the greatest possible respect, served many years as Secretary of State in Pennsylvania, where his duties were much more continuous and arduous, and required much more devoted attention than the duties of his present office.

Mr. COOPER. He was not Secretary of State.

Mr. DAWSON. What then?

Mr. COOPER. Treasurer.

Mr. DAWSON. As treasurer of the State his duties were much more arduous than those which he has to perform now. I should sooner see him have this increase than almost any other man in Pennsylvania; but I object to the principle. As to the superintendent of the mint in Georgia, I might ask you to raise his salary upon the same principle; but I do not think he deserves it, because he gets now more than the officers of the State of Georgia generally get.

Mr. COOPER. I do not like to find myself in opposition to the chairman of the Committee on Finance, whenever I can vote with him; but I must vote in favor of this amendment, and I desire to say a word in reply to the remarks of the Senator from Georgia.

I do not think his argument has much force in it. He asks how much we pay our Governor, and how much we pay our other executive and judicial officers who are engaged in the discharge of their respective duties in Pennsylvania. My colleague answered that we pay our Governor \$3,500. We pay him but \$3,000. We did pay him \$4,000, until a spirit of demagogism, designed to elevate certain individuals in the popular favor, swept over the State, and reduced the salaries below a respectable grade. But, sir, is the amendment which is proposed unreasonable? I shall not argue it further than the State of Pennsylvania is concerned; but I am sure the proposition is not unreasonable. The Senator is very widely mistaken in regard to the duties incumbent upon the treasurer of the Mint. They are very large and most responsible. As my colleague has informed the Senate, he gives bonds, in pursuance of law, to the amount of \$300,000. The Senator from Georgia tells you that that is nothing; that every man is honest. But the law exacts the bond. He has been obliged to give it, and it was with difficulty that he did give it; and let me tell the Senator that a number of gentlemen declined this very office. How many, my colleague can tell; three I think, two I know declined it, because of the inadequacy of the salary, and the largeness of the security demanded. He has to discharge the duties, onerous in themselves, of

treasurer of the Mint; he pays all the pension certificates drawn on the office at Philadelphia, and he has other duties besides.

Now, sir, I know something of his duties from a conversation which I had with him; and I know what the duties of a State treasurer are; and there is no comparison between the two. The duties of his office are perhaps as onerous, and indeed more onerous, I believe, than the duties of any other officer, State or National, within the limits of Pennsylvania. The director has far less duties, and they are less responsible, although the office is higher, and a higher salary has been attached to it. Now, I am sure that anybody who will undertake to examine the character of the duties incumbent upon the treasurer will not say that they require less mind, although it may be of a different kind than that which is applied to the adjudication of the rights of individuals and States. It requires as high a degree of talent to discharge the duties of that station as it does to discharge the duties of chief justice of the State. The talents required for the two offices are of a different kind; but, sir, they both require talents of a high character, in order to discharge the duties satisfactorily. Dr. Sturgeon possesses that kind of talent in an eminent degree. He was not a man who shone here, although he was universally esteemed; but he is a man whose financial abilities, whose honesty and integrity every man confides in. He ought to be paid for the duties which he performs. I have no doubt that the amendment is equally just, as applied to the other officers whose salaries it raises.

Mr. HUNTER. I hope we shall take the question. I understand it is the intention of the Senate to sit this bill out to-day.

Mr. WELLER. I have an amendment to propose to the amendment. I know of no other place to which it more properly applies than here. I think it will commend itself to the favorable consideration of my friend from Georgia. It simply proposes to give an adequate compensation to an officer in California, who is literally starved out under the existing law. It provides that he shall be allowed the same compensation that is paid for similar services under the laws of that State. It is as follows:

The fees and compensation of the marshal in California shall correspond with the fees and compensation allowed to sheriffs or other officers for similar services in the courts of that State.

I offer that amendment.

Mr. BRODHEAD. That can come in as a separate and independent proposition.

Mr. HUNTER. I suppose there is not a State in the Union in which there is not some ground for Senators' saying that the marshal's fees should be increased. If this amendment in regard to marshals in California be agreed to, Senators from all the other States will feel it their duty to offer amendments in relation to theirs. This proposes to apply to the marshal in California what I understand was the old law in regard to marshals, but repealed by the late one. I believe we shall have to make some general provision in regard to marshals, but it cannot be done on this bill.

Mr. WELLER. I think we have been promised for the last two or three years that the inconvenience and hardship, to which I have alluded, should be removed. But the reform spoken of by the Senator from Virginia is like some of my reforms. They are a day ahead of me, and retain their position. I can never find a proper time at which to correct these evils. I know an instance myself in which the marshal in California was required, under the law, to perform services which were absolutely necessary, and in which he expended some \$400 or \$500. Every Senator who would examine the account would be perfectly satisfied with the propriety of every item in it; and under the law as it now stands he is entitled to some forty dollars. It is utterly impossible to obtain any responsible man to discharge the duties of the office of marshal in California for a less compensation than is paid to our sheriffs. The fair and legitimate presumption is, that the State Legislature, who have the keeping of the public money in their hands, will take the care of fixing the rates of compensation for their public officers at the lowest point at which they can be fixed. In California there has been recently a great reduction in the fees allowed to some of the public officers. Under the law of 1850,

the fees of nearly all the civil officers were much higher than they are now; but the people having turned their attention to the subject, through the Legislature, they reduced the fees of the sheriffs and all the other officers to the lowest point at which their services can be commanded. All I propose is, that for similar services the marshal of the United States shall be allowed the same compensation as, under the State law, is allowed to sheriffs. I know, sir, that there are some States in the Union where the State laws allow a much smaller amount than the law of the United States allows a marshal. I first inclined to the opinion that the better course was to introduce a general proposition allowing the marshals in all the States the same amount of fees as are allowed to sheriffs for similar services; but I understand the operation of that would be to reduce the fees of the marshals in some of the New England States. Therefore, I have introduced the amendment in relation to this particular instance, in which I know the grossest injustice is done to an active, efficient, and energetic public officer. Whenever the Senator from Virginia comes forward and proposes to correct any defects that exist in the marshal's fees in the State of Virginia, he shall have my support. I will go with him to correct abuses wherever I find them, and I will attack them whenever they are presented.

Mr. BRODHEAD. The original amendment relates to the officers of the Mint and sub-treasurers. The amendment of the Senator from California to that amendment, relates to marshals. It ought to be a separate section. It is not a germane amendment. I therefore hope he will permit us to take a vote on the amendment offered by his colleague.

Mr. JOHNSON. In regard to this matter of marshals, I have no doubt in the world that there is justice in the suggestions of the Senator from California, and I do believe that when the rates of fees were established for them, there was an outrage committed upon that particular branch of the service. I know, sir, that in my State that is the case; I should, therefore, be glad to see something done in reference to the whole matter; but as to taking up this isolated single proposition I will not agree to it. I believe that our legislation throughout this session, in regard to salaries, showing a general spirit of increase, is altogether distinguished by the most extraordinary inequality, and by the most exceptionable manner. I think that it ought to be done with some regularity. I presented, at the commencement of this session, petitions asking for a revision of the fees in these cases in my State, and also introduced a resolution which was passed, and referred to the Judiciary Committee, from which committee I have never heard in regard to these matters, nor in regard to the salaries of the judges of the district courts.

The proposition to which the Senator from California [Mr. WELLER] has proposed his amendment, is to increase the pay of the treasurer and superintendent of the Mint. I understand that \$4,500 a year is the salary that is proposed to be given to the treasurer of the Mint. Well, sir, that is all going wrong; I do think most solemnly \$4,500 a year is a large amount.

Mr. BRODHEAD. For the treasurer of the Mint?

Mr. JOHNSON. For the treasurer of the Mint \$4,500 is ample, and ought to be satisfactory. I understood the Senator to say that it was \$4,500.

Mr. BRODHEAD. I know that my friend from Arkansas wants to be right. Dr. Sturgeon is at present treasurer of the Mint at Philadelphia. He is also Assistant Treasurer of the United States, and therefore has the control of about \$60,000,000. He is also the person who pays pensions. For all these services he now receives \$4,000, and for them all we propose to give him \$4,500.

Mr. JOHNSON. Do all these services belong to one office, or different offices conferred on the same individual?

Mr. BRODHEAD. They are different offices which, by this amendment, are put in one.

Mr. JOHNSON. They are different offices to which the same individual is appointed; the gross amount of receipts that he has from all is what?

Mr. BRODHEAD. It is now \$4,000. It is proposed to make it \$4,500.

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Mr. JOHNSON. If we give him \$4,500 for this, I am to understand that the operation and effect of it will be, that all the offices will be combined in one.

Mr. TOOMBS. We have never allowed anything for the payment of pensions, and it is only brought in as an excuse.

Mr. BRODHEAD. They have received since 1846 about two per cent., which entitles them to about \$1,000 a year. It is provided that it shall not go over \$1,000 a year. That is in the \$4,000.

Mr. JOHNSON. I was not aware of the fact. There is no man in the United States for whom I have a higher esteem than I have for Dr. Sturgeon, or to whom I should more gladly pay the highest tribute in my power; but I must say that I think the whole matter is going too far. I believe that the party to which I belong are to suffer for this; and I have listened to the invective and the denunciation that I have heard, in one or two instances, from the other side of the Chamber, with something like a feeling that there was justice in it. I should be glad to see it stopped. We have heard nothing but increase, increase all around, and to everybody. The rivalry has been as to who should increase the most, or to the greatest number. The criticism I make upon it, I say, can hardly be said to be unjust, for such is actually the case. Ceaselessly, proposition upon proposition comes, and you turn round and speak of judging relatively as to what has been done, to create a rule by which to govern yourselves in what you will do in another instance. You can establish no rule in this way that will attain any species of justice. I look to the district judges of the United States now serving, and I find what? I cannot speak from examination in regard to other States, but I can in regard to my own, and I believe it to be no more correct than in some of the others. I find that they are paid only \$2,000 yearly. There is one of the highest class of functionaries known to this Government, one of the most power, one that is expressly, from the nature of their avocation and occupation, deprived of the power to engage in any other business. Their position requires, from the very nature of their duties, a superior class of intellect, and the highest class of moral integrity, and they must be men of standing in the community.

That is what I find in regard to the judiciary; but I find here scarcely anything said in regard to their salary except in the single case of the judges of the Supreme Court of the United States, for you have raised their salaries—that of the chief justice to \$7,000, and that of the associate judges to \$6,500. They are to receive pay at that rate; but the poor judges out upon the circuits, in the country are to receive but \$2,000, while the directors of the Mint are receiving \$4,500 or \$5,000, and the clerks about this Capitol \$3,000 and \$3,500. I believe every head of a Bureau gets \$3,500, certainly \$3,000; and at this rate we are paying all around.

I do hope sincerely to see these propositions begun to be voted down; for the voting down of any of them I have not yet seen commenced; and I have felt that there has been justice in the denunciation to which I have listened of the—I would hardly like to characterize it as profligate, but certainly the very improvident—manner in which we have been voting on the subject of salaries. No increased pay is given to us here, and yet the compensation of Senators and members of the House is acknowledged, all around, to be entirely inadequate. For my own part, I know that I am compelled to borrow the money with which to pay my debts here, before I leave the place, and I believe it is the case with a large number of others. Neither my position nor my standing in the body authorizes me to come forward to endeavor to procure a change in our compensation, or I should do it, and take the responsibility at once; but nothing is proposed to be done in our case, while every other case, whether pitiful or important, is brought forward to have added twenty or thirty per cent., and some times one hundred per cent.

to it. I think it is time to stop upon others, or commence upon ourselves.

Mr. MALLORY. The amendment now, I understand, is in favor of the marshals in California. I desire to ask the honorable Senator from California what the marshal's office in that State is worth? What are the fees and emoluments of that office? Can he inform me?

Mr. WELLER. The maximum is fixed by law; and out of that, of course, he is required to pay his assistants. I think the limit is \$10,000.

Mr. GWIN. At the present rate of fees the marshal's office in California is not worth \$2,000 a year after all the expenses are paid. It was supposed, when the rates were fixed, that he would receive \$12,000; but the expenses of his office eat up nearly all the profits.

Mr. MALLORY. I know of no Federal office in which a maximum is fixed, where the officer does not reach the maximum. I have never known a case of that kind. The fees of all our marshals and district clerks are fixed in that way: not to extend beyond a certain maximum. But it is well known that they always reach it, and sometimes go beyond it, and pay money into the Treasury over and above the maximum of receipts allowed to them.

Mr. President, all salaries, I presume, are, or should be based upon the responsibilities of the office, and the duties to be performed. Now, we have occupied about one third of our time during the consideration of this bill in the determination of the increase of salaries. We have increased the salaries of the clerks of the Departments throughout. We have increased the salaries from the heads of Departments, foreign ministers, and judges of the Supreme Court, down to our door-keepers, without taking into consideration the important fact that no extra duties have been devolved upon them, but simply that the means of living are now more expensive than they were when these salaries were fixed.

A proposition is made to increase the salary of the treasurer of the Mint at Philadelphia, and the Senator from that State brings forward two considerations, one of which has not been presented heretofore: that is, that not only have the expenses of living increased in this case, as in others, and not only have the duties been increased by the handling of \$60,000,000 instead of \$3,000,000, but that the responsibilities of the office have been increased in proportion as \$3,000,000 are to \$60,000,000; and it is to such a proposition, made under such circumstances, that for the first time we heard the cry raised against an increase of salaries. I have no doubt that a number of honorable men, capable of accepting offices of that kind are deterred from doing so because they cannot give a \$300,000 bond. It is only the wealthy men who can receive an office of this character at such a salary as is now allowed, when they have to give such a large bond. If there has been any reason whatever for the large increase of salary that has been made since we have been discussing this bill, from door-keepers to heads of departments, foreign ministers, and judges of the Supreme Court, there are certainly three reasons to one to be given why this salary should be increased.

Mr. WELLER. I have no disposition whatever to embarrass, in the slightest degree, the original amendment proposed by my colleague; but I regard the one which I have submitted as quite as important as the other. I believe that much greater injustice is done to the marshal in California, than is done either to the superintendent of the Mint, or the assistant treasurer. The Senator from Florida must remember that out of the maximum of \$10,000 to which I alluded, the marshal must pay the necessary expenses of his office. I undertake to say, that after deducting those expenses, the marshal for the northern district of California will not receive at the rate of \$2,000 per annum. Why, sir, he is compelled, in the performance of his duty under the fee bill, instead of charging the mileage allowed by law, to charge the actual expense of serving process. Your law authorizes either the charging of mile-

age or the actual expenses. He is compelled to charge the actual expenses, and he is allowed nothing for the time spent by his deputies in executing such process, though none of those deputies can be employed for less than five dollars a day. The most indifferent cannot be obtained for less; so that the more writs that officer has to serve outside of the city of San Francisco, the more money he loses, and the less valuable his office becomes.

But, Mr. President, if the friends of the original proposition think this embarrasses it, I will withdraw it for the present, but I shall feel it to be my duty to submit it as a separate amendment to the bill.

The PRESIDING OFFICER, (Mr. BRIGHT.) That amendment being withdrawn, the question is on the original amendment offered by the Senator from California, [Mr. GWIN.]

Mr. GWIN. Mr. President, we were compelled to pass yesterday, I think, a bill to authorize the accounting officers, in the adjustment of the accounts of the late marshal for the northern district of California, to allow him the amount which he paid for criers of the court, which was certified by the judge who held the court to be reasonable. It was three times as much as was allowed by law, but he could not get proper persons for less. The bill passed the Senate without opposition. The present compensation allowed the officers under that miserable abortion, called the fee bill of last session, will not pay one third the expenses which the officers have to incur in my State. The amendment of my colleague, however, has been withdrawn for the present. I wish now to modify my amendment by striking out the assistant treasurer of the Mint at New Orleans, so as to provide for an increase only of the superintendent of the Mint at New Orleans. I find that the assistant treasurer is already provided for.

Mr. SLIDELL. I will state for the information of the Senator from California, that his amendment, so far from increasing the salary of the assistant treasurer at New Orleans, will reduce it.

Mr. GWIN. I will modify my amendment by striking out all that relates to the assistant treasurer at New Orleans.

Mr. SLIDELL. I think he is entitled to an increase of \$500, to put him on a footing with the other officers.

Mr. GWIN. He has \$4,500 now.

Mr. SLIDELL. I move to make it \$5,000.

Mr. GWIN. I modify my amendment by leaving out the assistant treasurer of New Orleans.

Mr. SLIDELL. I withdraw my motion.

Mr. BENJAMIN. I have an amendment to offer to the amendment of the Senator from California. It is in relation to some of the subordinate officers of the Mint at New Orleans. I offer it, not for the benefit of the officers, but for the benefit of the public.

I can bear full testimony to what my colleague stated a few moments ago, that the branch Mint at New Orleans is losing its most valuable officers daily. I speak of the subordinates alone. The salaries allowed to them are so insufficient that they are daily withdrawn from the Mint, tempted away by higher offers from the banks, and insurance offices, and merchants, at New Orleans. As soon as an officer is ascertained to be a valuable clerk, when employed in these subordinate offices, the offices of other public institutions at New Orleans offer an increased salary, and take him away. Quite recently the superintendent of the Mint was compelled to allow an increased compensation to three or four of the officers, in regard to whose compensation he had a discretion by law, in order to prevent the banks from getting them. He has been obliged to increase the salary of his porter, and of his runner or messenger, the banks having need of officers of that kind of experience.

I propose to provide for the salaries of the melter, coiner, and refiner, and the subordinate officers. They are all below what they ought to be.

Without making, however, any specific increase of salary, I propose this amendment to the amendment, so that the salaries of the assayer, melter, and refiner of the branch Mint at New Orleans, shall be increased twenty per cent. on the amount now allowed by law.

The PRESIDING OFFICER. The Chair understands that the amendment of the Senator from Louisiana is an amendment to the amendment of the Senator from California.

Mr. BENJAMIN. Yes, sir. I will state, however, that the salary of the superintendent of the Mint at New Orleans, as proposed to be increased by the proposition of the Senator from California, is too great. He proposes to give him \$4,000 per annum. I prefer that the increase should be taken from the superintendent's salary, and that this diminution should be added to the inferior officers. I propose, therefore, a further amendment to place the salary of the superintendent of the Mint at New Orleans at \$3,000, and that these inferior officers be increased twenty per cent. That will save as much on one as we give to the others.

Mr. SLIDELL. I understand the Senator from California to have stricken out the treasurer at New Orleans, because his amendment, as offered, in fact reduced his salary from what it now is.

Mr. GWIN. Yes, sir.

Mr. DAWSON. Will the Senator from California be kind enough to say whether the officers of the Mints in North Carolina and Georgia are also increased?

Mr. BRODHEAD. The Secretary of the Treasury did not recommend them.

Mr. DAWSON. Then the doctrine is, I suppose, that the Secretary of the Treasury is to govern all the legislation of the country.

Mr. BENJAMIN. My amendment is to make the salary of the superintendent of the Mint at New Orleans \$3,000, and to increase the salaries of the inferior officers twenty per cent.

Mr. GWIN. I am willing to agree to that.

Mr. DAWSON. Do I understand that the Secretary of the Treasury also recommends the increase of salaries proposed by my friend from Louisiana?

Mr. GWIN. No, sir. I was going to make that statement. I have no objection to the amendment of the Senator from Louisiana; but it goes outside of the estimates of Secretaries of the Treasury; and I am now acting entirely on the estimates sent from the office. I agree in everything that the Senator from Louisiana has said; but if he wishes to accomplish his object, I think he had better wait until the next session, and get estimates for this purpose from the head of the Department. If you vary from the estimates at all, you run the risk of losing the whole.

Mr. DAWSON. I wish to ask whether we consider ourselves bound here by the rules of the body in such a way as that we cannot increase the salaries of the officers of the Government until a recommendation for the purpose comes to us from the Treasury Department?

Mr. GWIN. It is not in order, unless it comes from a Department, or from a committee.

Mr. BADGER. Allow me to suggest to my friend, that he can move to increase the salary of every officer of the Government without the authority of a committee, or that of the head of a Department; but he cannot move to make an appropriation for that purpose without that sanction. That is the rule.

Mr. DAWSON. I want to know if a proposition depends upon the request of a head of a Department; for instance, the Secretary of the Treasury?

Mr. GWIN. Yes, sir.

Mr. DAWSON. I never understood that to be the construction of the rule; but if it be so, I desire to know who recommended the increase of the salaries of the judges of the Supreme Court? What Department recommended that? This, sir, is strange legislation, confining ourselves in the powers of this body as a part of the legislative branch of the Government, and especially in the appropriation of money, to what the heads of Departments may have recommended.

Mr. BENJAMIN. I wish the Senate to understand the precise question. The Senator from California offered an amendment, by which the salary of the superintendent of the branch Mint at New Orleans was increased to \$4,000. Believing that it is better to increase the salaries of

the inferior officers, my motion is simply to take off \$1,000 from the proposed salary of the superintendent, and divide it among the inferior officers, who are inadequately paid. I do not propose to increase the appropriation at all.

The amendment to the amendment was agreed to; and the question then was on the amendment; as amended, as follows:

Sec. —. *And be it further enacted*, That from and after the 30th of June, 1854, the annual salary of the Director of the Mint shall be \$5,000; that of the superintendent of the branch of the Mint, and of the assistant treasurer of the United States at San Francisco, California, \$6,000 each; that of the superintendent of the assay office at New York, and of the assistant treasurer at Philadelphia, Pennsylvania, \$4,500; that of the superintendent of the branch Mint at New Orleans, Louisiana, \$3,000; that of the treasurer at Boston, Massachusetts, \$4,000; and that of the assistant treasurer at Charleston, South Carolina, \$3,000: *Provided*, That it shall be their further duty, when designated by the President of the United States, to perform the service now authorized by law to be done by agents for paying pensions, or any other additional duties that may be required, without or other greater aggregate measure of compensation than is herein provided, and that the salaries of the assayer, coiner, melter, and refiner, in the branch Mint at New Orleans, be increased twenty per centum over the amount now allowed them by law.

Mr. HUNTER called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 11, nays 29; as follows:

YEAS—Messrs. Benjamin, Brodhead, Cooper, Dodge of Iowa, Gwin, Pettit, Shields, Slidell, Sumner, Thomson of New Jersey, and Weller—11.

NAYS—Messrs. Adams, Allen, Bright, Chase, Dawson, Dodge of Wisconsin, Douglas, Evans, Fessenden, Fitzpatrick, Foot, Geyer, Gillette, Houston, Hunter, James, Johnson, Jones of Tennessee, Mason, Norris, Pearce, Rockwell, Rusk, Sebastian, Stuart, Thompson of Kentucky, Toombs, Wade, and Walker—29.

So the amendment was rejected.

Mr. WELLER. I now move, as an additional section, the amendment which I offered a short time ago, and which I then withdrew. The Senate have already decided, so far as my State is concerned, that two public officers shall be starved out. I am anxious to see whether they are also determined that the marshals shall be starved out. I have no objection to modify the amendment, so that it shall apply to all the States, so as to allow the same fees that are allowed to sheriffs and similar officers of the higher courts of the States. I do not ask that my State shall have any particular advantages over any other State of this Union. I know that the Legislature of California, in fixing the fees of these public officers, was as economical as any Legislature in the Union, and surely you do not expect that your Federal officers there shall perform public duties for one fourth what is allowed by the State laws to State officers for similar services. I am not an advocate for large salaries, nor should I propose to increase the compensation of any of these officers, if I were not satisfied of the fact that it is absolutely indispensable. Look, if you please, at your judges in California. You pay the district judge of the United States for the northern district of California, \$3,500 a year, while the circuit judges of the State receive \$7,500, and the judges of the supreme court of the State \$10,000 a year. I undertake to say that the Legislature of California would have reduced the compensation of all these officers if they could obtain competent men to fill them for less. All we now ask is, that you will give to the marshals in California the same compensation that is paid by the State authorities for similar services there, and that you ought to be willing to do.

The Secretary read the amendment, as follows:

Sec. —. *And be it further enacted*, That the fees and compensation allowed the marshals of the United States for the northern and southern districts of California, and to the marshals in all the States, shall correspond with the fees and compensation allowed by State laws to sheriffs or other officers for similar services in the higher courts of those States.

Mr. FITZPATRICK. I concur in what has been said by the honorable Senator from California, in reference to the inadequacy of the compensation allowed to the marshals of the United States. It will be recollected that at an early period of the session I submitted a memorial on the subject, and had it referred to the Committee on the Judiciary, and at that time I called their special attention to the subject; and other Senators also made suggestions in regard to it. From the intimations thrown out on that occasion, I am perfectly satisfied that the law regulating the compensation of marshals needs revision. I know it

was intended to cut down the enormous fees which had been allowed in some of the large cities, and was intended to protect the inhabitants of these cities from speculation; but the effect has been to cut down the compensation in some of the States to such a low point that it is almost impossible to get men to discharge the duties of the offices. If it is the sense of the Senate that the compensation of the marshals of California shall be increased, I shall feel it to be my duty to offer an amendment providing for an increase of the compensation of the marshals in my State.

But, sir, there is a reason which prompts me to withhold my support from this amendment. I do not concur in the propriety of loading down this bill. It is out of place, and altogether improper, in my estimation, to attempt to ingraft on this bill amendments of this character. The question raised by the amendment is now pending before the Judiciary Committee; and I trust that at the next session, if not at this, we shall be able to agree upon some proposition by which we shall increase the compensation of these officers to a proper amount by a general and not a partial system of legislation. Under this view of the subject I shall be constrained to vote against this amendment.

Mr. BRODHEAD. My friend from Alabama talks about loading down this bill. Let me ask him whether he did not vote for the increase of the salaries of the judges of the Supreme Court?

Mr. FITZPATRICK. I did not.

Mr. BRODHEAD. I am satisfied.

Mr. ADAMS. I hope the Senator from California will modify his amendment so as to restore it to what it formerly was, and not include other States than his own. The existing law gives to the marshal in Mississippi almost double what the State laws allow to sheriffs, and yet it is a very poor compensation to the marshal. I presume it is so in nearly all the States; so that by his amendment, as it now stands, instead of increasing, you will greatly diminish the compensation of the marshals. They have but few processes to serve, and have no perquisites but those embraced in the fee bill. You will, therefore, by this amendment, ruin the business of the marshals.

Mr. MALLORY. I trust the Senator from California will restore his amendment to what it was before. If I am to vote for the amendment at all, I should prefer it in its original state, because I believe injustice will be done by including all the other States, my own among the number. I will also say to my friend from California, that I think he is mistaken in supposing that out of the maximum of \$10,000 allowed to the marshal, he has to pay his deputies and all the expenses of his office. If the Senator will reflect on it, I think he will perceive that the \$10,000 is the maximum beyond which the marshal cannot receive, and that all the expenses of the office are first to be paid. I will say nothing against allowing the marshals in California what the State officers receive for similar services, because I know that their duties there must be arduous. But I simply protest against including in the same proposition all the other States, because it will be a reduction instead of an increase.

Mr. WELLER. I did not wish to modify my amendment by including all the other States. I merely suggested that if it were more acceptable to the Senate, I would agree to that; but I did not modify it myself. I therefore strike out the words "and to the marshals of all the States," so as to confine it simply to the marshals in California. Now, let me say to my friend from Alabama, [Mr. FITZPATRICK,] that at the last session of Congress my colleague and myself were as well satisfied as we are now that the fee bill was an iniquitous one, and would work a great injustice to a large number of meritorious officers. We were told, however, that the last session was too short to allow a remedy, and now this is too long a one! Sir, I should like to know when my friend from Alabama will soberly and seriously set himself to work to correct this crying abuse? At the last session of Congress, nothing could be accomplished because the session was too short. Now we have had some eight months, and here, at the close of this session, it is said that at the next session we can correct this evil! Well, sir, the next session, so far as reform is concerned, will never come. As regards my own State, my anxiety is to save a useful public officer, and place

him in a position where he will not be compelled to resign. At the present compensation it is utterly hopeless to suppose that he can continue to discharge the duties of his office.

Mr. JOHNSON. If there is any member of the Judiciary Committee present, I should be glad to hear from him on this subject. The whole matter was referred to them, and I should like to know to what conclusion they have arrived. The Senator from Indiana, who is a member of that committee, is present; perhaps he can inform me.

Mr. PETTIT. I will state to the Senator frankly all that I know upon that subject. The Judiciary Committee, as is the practice of all other committees, I believe, divides out its business, specially charging one member with the examination of this, that, or the other matter, and he reports his views to the committee. The whole subject of increasing salaries and fees of judges, clerks, and marshals, was put in the hands of the Senator from Georgia, [Mr. TOOMBS], and I am inclined to think he is averse to any alteration or change. I think, therefore, that the Committee on the Judiciary will not probably report anything at this session upon the subject of the compensation of these officers.

Mr. JOHNSON. Then, as the subject was referred to the Senator from Georgia, I would ask him whether he ever reported it to his committee, and whether the committee has taken any action on the matter?

Mr. TOOMBS. On the question of the compensation of judicial officers?

Mr. JOHNSON. Yes, sir. It is a pretty hard case if we are to refer subjects to that committee, and never hear of them afterwards.

Mr. TOOMBS. The state of the case is this: I prepared, after a great deal of trouble, some information on the subject of the compensation of the judges, clerks, marshals, and attorneys of the United States courts, and I reported it to the committee, and there was some understanding in reference to it among them. The Senator from Delaware, [Mr. BAYARD], however, had a substitute for the bill which I proposed; but I think we virtually came to an agreement. The committee, however, instructed me not to report the bill until after action should be had on the bill for the reorganization of the judiciary. That has now been before the Senate for about four months, and has not been acted on. In obedience to that command of my committee, I have not made any report upon the subject.

Mr. FITZPATRICK. In answer to my friend from California, who asked when I would seriously and soberly consider the subject of increasing the compensation of these officers, I will say that, at an early part of the session I introduced a resolution in relation to it, and had it referred to the Committee on the Judiciary. I do not now see in his seat the honorable Senator from South Carolina, who is chairman of that committee, but I presume he will bear testimony that I repeatedly called on him and urged action on the subject. I do not know, whether, from my repeated importunities, he would consider that I was sober or not. [Laughter.]

Mr. TOOMBS. I can answer the gentleman. That matter was referred to me also. The whole subject as to the increase of compensation of marshals, district attorneys, and clerks, and raising the salaries of the judges, was referred to me, and they all stand in the condition I have just stated.

Mr. FITZPATRICK. So I understood.

Mr. WELLER. I hold in my hand the law fixing the compensation of these Federal officers, and I propose to read three lines from it:

"The expenses of the marshal while employed in endeavoring to arrest, under process, any person charged with or convicted of a crime, the sum actually expended, not to exceed two dollars per day, in addition to his compensation for service and travel."

I know a case where the marshal of the northern district of California was applied to by a captain of a vessel immediately after he had left the harbor of San Francisco, upon information properly filed, that sixteen of his crew were in a state of mutiny. They placed themselves in a state of mutiny as soon as the vessel left the harbor of San Francisco. One of the officers reached the shore, and gave information to the marshal. The marshal was compelled to go and employ some eight or ten men to accompany him, in order to arrest the mutinous seamen, who were then ten

miles from the city of San Francisco. The whole expense was about \$500. Every man who went on that service went at the hazard of his life; for there was a violent gale blowing at the time. For that service he is allowed under this law forty dollars, and he paid for it out of his own pocket \$500; and that you call justice!

The amendment was rejected; there being, on a division—ayes 17, noes 19.

Mr. JAMES. I am instructed by the Committee on Patents and the Patent Office to offer the following amendment, to come in after the appropriation for the contingent expenses of the Patent Office:

To reimburse the patent fund for expenses already incurred and paid for furnishing the new wing of the Patent Office, the sum of \$16,000; and the appropriation made by the act approved the 31st of May, 1851, for finishing said wing be, and the same is hereby, authorized to be transferred by the proper accounting officers of the Treasury to the credit of the patent fund.

It will be seen, sir, by the amendment, that no appropriation is called for. It is simply a transfer which is recommended by the Commissioner of Patents, and also by the Secretary of the Interior.

The amendment was agreed to.

Mr. JAMES. I have another amendment to offer from the same committee, to come in before the appropriation for contingent expenses of the Patent Office:

For the purchase of books for the library of the Patent Office, and for supplying a deficiency in former appropriations the sum of \$5,000, to be paid out of the patent fund.

This calls for no appropriation from the Treasury. I hope there will be no objection to it.

Mr. HUNTER. Is there an estimate for it?

Mr. JAMES. It is recommended by the Secretary of the Interior and the Commissioner of Patents.

The amendment was adopted.

Mr. JAMES. I have one more amendment to offer from the same committee. It is to come in immediately after the one which has just been adopted:

For the annual compensation of a librarian, to be appointed by the Commissioner of Patents, the sum of \$1,600, the amount now allowed by law to clerks of the third class, to be paid out of the patent fund.

Mr. HUNTER. This is an additional office.

Mr. JAMES. It is called for by the Commissioner of Patents, and recommended by the Secretary of the Interior. It is to be appropriated out of the patent fund, and not out of the Treasury.

The amendment was agreed to.

Mr. DOUGLAS. I am authorized by the Committee on Territories to offer a few amendments in pursuance of the act of Congress which recently passed for the organization of the Territories of Kansas and Nebraska. It will be recollected that the act contained a provision that the usual appropriations should thereafter be made for the erection of public buildings, and for libraries in those Territories. In pursuance of that provision, I offer amendments to appropriate \$25,000 for public buildings in Kansas, and the same sum for public buildings in Nebraska, and also to repeal so much of the provision of that act as located the seat of government of Kansas at Fort Leavenworth. The reason for that is, that the Secretary of War has notified the Governor of Kansas that the buildings at Fort Leavenworth and the military reservation cannot be spared for the seat of government; that it is all necessary for military purposes, and that a divided jurisdiction would be destructive to the military operations there. For these reasons the Secretary of War cannot surrender the control of the public buildings at that place for a seat of government. I therefore propose to allow any other place to be selected as the seat of government for the Territory, the same as for Nebraska. The first amendment which I offer from the Committee on Territories is to add at the end of the territorial appropriations the following:

For the erection of public buildings in the Territories of Kansas and Nebraska, to be expended under the direction of the Governors thereof respectively, \$25,000 for each of said Territories; and so much of the act for the organization of said Territories as locates the seat of government of Kansas at Fort Leavenworth is hereby repealed.

Mr. BRODHEAD. I wish to ask whether that act does not make these appropriations for Nebraska?

Mr. DOUGLAS. The act contains no appropriations at all. They were all stricken out from the original bill; but it authorized the usual appropriations to be made hereafter. This, therefore, is merely to carry out that act.

Mr. DODGE, of Iowa. Is the amendment to appropriate \$25,000 for this purpose?

Mr. DOUGLAS. For each Territory.

Mr. DODGE, of Iowa. I think \$40,000 has been the usual amount appropriated.

Mr. DOUGLAS. That has been when there has been an extra appropriation. I merely wish now to make the usual appropriation which has been made at first for public buildings. I should not like to go beyond that.

The amendment was agreed to.

Mr. DOUGLAS. I am also directed by the same committee to offer the following amendment, to come in after the one just adopted:

For libraries at the seat of government of each of the Territories of Kansas and Nebraska, under such regulations as shall be prescribed by law, \$5,000 for each of said Territories.

The amendment was adopted.

Mr. BELL. I have waited for some time to offer an amendment, which is to do what I consider to be an act of sheer justice. I offer the following amendment, to come in at the end of the appropriations for New Mexico:

For the payment of Richard H. Weightman, for mileage and per diem compensation for the second session of the Thirty-first Congress, as an agent claiming to be a Senator elected from New Mexico, \$2,460.

Mr. HUNTER. Is that in order? Does it come from a committee?

Mr. BELL. It is from a committee, I will inform the honorable Senator—the Committee on Territories.

Mr. SLIDELL. I think it is a private claim, if I understand what a private claim is.

Mr. BELL. It certainly cannot be a private claim.

The PRESIDING OFFICER, (Mr. BRIGHT.) If the amendment be recommended by a committee, it is in order of course.

Mr. SLIDELL. I have already had several claims of this sort ruled out of order, and I should feel that I was not doing justice to myself if other claims of a similar character were allowed to pass without objection.

Mr. BELL. This certainly is not a private claim.

The PRESIDING OFFICER. There is an existing law, as a matter of course, paying Senators their mileage and per diem. This is an appropriation recommended by the Committee on Territories, to carry out the law.

Mr. SLIDELL. It is denied that Mr. Weightman ever was a Senator. I cannot call it a doubtful question. He has not the least pretension to be called such, and I cannot allow it to be considered that he was a Senator.

Mr. BELL. Does the Chair decide the amendment to be out of order?

The PRESIDING OFFICER. The Chair decides that it is in order.

Mr. BELL. Now, I think I can appeal to the sense of justice of the honorable Senator from Louisiana in regard to this matter. I will not argue the question at this late period, for I know this is not the time for argument; but I wish to state a few facts.

Mr. SLIDELL. If the Senator from Tennessee is addressing his argument solely to me, allow me to say to him that I think I understand the case very well, and know all the facts.

Mr. BELL. Then, I will address the statement to other honorable Senators, excluding the honorable Senator from Louisiana.

Mr. SLIDELL. Oh, no; not at all.

Mr. BELL. A provisional government was organized in Oregon before the organization of that Territory, and they sent a Delegate or agent here. He made application for mileage and per diem, and it was acceded to him, though no territorial government had then been formed in Oregon. The same thing occurred in Utah. They sent a Delegate here to know in what relations they were to stand to this Government, no territorial government having been organized for them. After you formed a territorial government for Utah, you paid the Delegate sent here by the Mormons there. This case comes from the Territory of New Mexico. They organized in

1850 a State government, and supposed they would be accepted as a State of the Union. They therefore sent no delegate, but their Legislature chose two Senators, and the people elected one Representative who, it was of course presumed, would act as Delegates or agents. It was supposed that, even if they were not accepted as members of the two Houses, they would be here in such a position as to represent the wishes and wants of that Territory. One of the persons selected as Senators [Mr. Weightman] came on to this city; the other did not.

Well, sir, you did not accept the constitution of New Mexico, but refused her admission as a State. You, however, paid the Representative whom she sent to the other House as an agent his mileage and per diem; but, by an accidental omission, you failed to provide for the payment of Mr. Weightman, who came here claiming to be Senator elect from New Mexico. I learn from Senators who were privy to the transaction, that it was by an accidental omission that he was not provided for. I have no personal connection whatever with this gentleman. I know him; but I have not seen him for a long time. This is a question that has been presented to the Committee on Territories for two or three sessions past, and has always been favorably acted on by them. I make the proposition to pay Mr. Weightman on the same ground that you paid the Delegate from Oregon, who came without authority, on the same ground that you paid the Delegate from Utah, who came without authority, and on the same ground that you paid the Representative from New Mexico, who was sent here with Mr. Weightman. Upon what principle of justice can there be a discrimination between them? What objection, after these precedents, can there be to paying Mr. Weightman? The honorable chairman of the Committee on Territories, if he were now present, would confirm every fact I have stated, and would show that it was by an accidental omission Mr. Weightman was not paid with the others.

Mr. STUART. I rise only for the purpose of calling the attention of the Senate to the fact that we had a very lengthy discussion of this subject upon the deficiency bill, in the course of which the Senate was advised of every fact in relation to the case, and the majority then voted in favor of the proposition. I had the fortune or misfortune to vote against it; but I only ask that we shall now come to a vote upon it, believing that we have all the knowledge which we can get by discussion.

Mr. SLIDELL. I do not desire to be misunderstood in reference to this matter. I have a very decided opinion about the question. I voted with the Senator from Michigan on the occasion to which he refers, after an examination of the subject; but I have raised the question of order, whether this is not obnoxious to the same objection which various other amendments that have been offered to this bill have met with on the part of Senators, and which have been ruled out of order. I wish to know whether it is not a private claim. I think it is.

The PRESIDING OFFICER. The Chair has decided that, in his opinion, the amendment is in order. The question is on the amendment of the Senator from Tennessee.

Mr. DODGE, of Iowa. I recollect well the circumstances under which this individual came here. I never was more sensibly impressed with the justice of a claim in my life than I am of the justice of this claim, in view of all the precedents and of the condition of the country at the time. As I stated on a former occasion, this allowance would have been made at the compromise session of 1850 by an overwhelming majority, but for the unfortunate opposition of my friends from Texas, who, by their capital management, got \$10,000,000 for their State to settle the boundary difficulty.

Mr. HOUSTON. Let me say to my friend from Iowa that I have had time to look into this matter, and that I am satisfied that it is a just claim. I cannot speak for my colleague; but for myself I am prepared to vote for the amendment as a just allowance which ought to be made.

The amendment was agreed to.

Mr. ADAMS. I have one little amendment to offer. It is the only amendment I have offered, or shall offer, to this bill. It is to add the following additional section:

Sec. — And be it further enacted, That the act of April 22, 1854, is hereby so construed as to allow the clerks in

the Patent Office, appointed under the second section of the act of March 3, 1839, who were not embraced in the said act of April 22, the same increase of compensation as was allowed to messengers, watchmen, and laborers, by said act of April 22: *Provided, however,* That no clerk shall receive a greater amount of additional compensation than was allowed to clerks of like grade by said act of April 22.

I only wish to say, that all the clerks not embraced in that law of April 22, 1854, have been embraced in this bill, with the exception of these clerks. Their salary was fixed in 1839, and there is the same reason for increasing it as for increasing the salaries of the other clerks.

Mr. HUNTER. These, as I understand, are the copying clerks in the Patent Office. I went to see the Secretary of the Interior on the subject, and I understand that they are compensated by the word, and well compensated. It is a kind of business at which an adroit and skillful clerk can make more money than many of the regular clerks. I think it would be improper to disturb that arrangement. I understand it is one of the best arranged of all the classes of temporary clerks. I do not think they are entitled to come under the benefits of the general provisions of the act of April 22d last.

Mr. ADAMS. I was governed in this matter by the opinion of the Commissioner of Patents, under whom these clerks labor. If their salary was correctly fixed, in 1839, at ten cents per one hundred words, with the present expense of living, I suppose it would hardly be a reasonable compensation now.

The amendment was rejected.

Mr. CHASE. I desire to move a reconsideration of a vote on an amendment which has already been adopted.

Several SENATORS. Let us first get through with the amendments which we have to offer.

Mr. CHASE. I yield to the general sense of the Senate.

Mr. GWIN. I have an amendment to offer as an additional section:

Sec. — And be it further enacted, That the district judges for the State of California, while in the discharge of their duties, imposed by the act of the 3d March, 1851, entitled "An act to ascertain and settle the private land claims in the State of California," be allowed at the rate of \$2,000 per annum, in addition to their salaries as district judges for the State of California, which shall be in full for their services.

I will state, Mr. President, that it has been the practice of the Government for the last thirty years, where additional duties in the settlement of land claims have been imposed on the judges of the district courts, to allow them additional compensation for services thus performed. There was a law passed in 1824 for the judges of Missouri and Arkansas for similar services, and this amendment is in the very words of that law furnished to me by the Attorney General. The same case has occurred in Louisiana, Mississippi, and Florida. It has been the case in every State where these additional duties have been imposed on the judges.

To show the necessity of some additional compensation to these judges in California, I will inform the Senate of some statements which I have from the Attorney General, in answer to inquiries which I put to him. He says that this has been the practice of the Government for thirty years—from the time the first act passed to bring these cases into the United States courts. He then states, in regard to the number of cases, that:

"The number of land claims on the docket of the commissioners in California, at the date of the last report thereof, was about four hundred and fifty. The number now in my office is ninety; and according to the present course of business before the commissioners, the number of cases certified to me will be greatly increased before any decision of the Supreme Court can be had, so as to establish general principles, and remove the necessity of appeals to the district courts."

There were upwards of eight hundred cases before the commissioners originally. The residue have been acted upon. There are now, as the Attorney General states, ninety cases of appeals to the district courts. I presume that every case decided against the United States, and every case decided against private claimants, will be appealed to the district courts. The lands are so valuable, and the amounts involved so great, that it will be impossible to settle these cases until some few of them are decided in the Supreme Court of the United States. The district judge for the southern district of California gets but \$2,800, and the

judge for the northern district only \$3,500. There has not been a day, since the northern district was organized, that the judge was able to sit on the bench, that his court has not been in session. There is not a judge in the United States, not excepting the judges on the Supreme Court bench, who has more duties and more responsibilities. All I wish, is to give the judges in California compensation in proportion to their services.

Mr. SEBASTIAN. Mr. President, I am friendly to the object which the Senator from California has in view, that of compensating judicial officers for extra labor which has been imposed upon them since the acceptance of their offices; and, in moving to amend the amendment, as I propose to do, I do it, not with any view to embarrass that proposition, but in the utmost good faith. I am for the consideration of as much of this subject together as is germane to the common purpose in view. I therefore move to amend the amendment of the Senator from California by adding to it:

For payment of salary, in addition to that now allowed by law to the district judge of the State of Arkansas, at the rate of \$2,500 per annum in future, \$500.

Mr. GWIN. I hope the Senator from Arkansas will not embarrass my proposition by his amendment. They relate to entirely different matters.

Mr. SEBASTIAN. The only difference between the two cases is this: The additional duties imposed on the district judge of Arkansas are permanent in their character, and running through all future time, whereas the proposition of the Senator from California is to pay for temporary services already performed. The two propositions are alike for extra services in both cases, and I can see no reason why you should make any discrimination between them. Neither is now ingrafted in any existing law, but both alike bring up the question of compensation for extra services.

The compensation of the district judge of the State of Arkansas is grossly inadequate, as every Senator who can well appreciate the value of legal services, and the order of talent required for a district judge, must readily perceive. The salary now allowed by law is but \$2,000 for holding two protracted terms of the district court at the seat of government, and two additional terms near the boundary of the Indian nation, with an additional jurisdiction and an additional court for the purpose of trying Indian cases. That duty has been imposed upon him by law. It was something beyond what he expected, and what he had a right to expect at the time he accepted the office; and to that extent it is literally extra duty. I insist that it is not only right to pay extra compensation in this case, but it is right in all cases similarly circumstanced. I allude now not to those general considerations which have been adduced here in favor of an increase of all salaries, in consideration of the changed condition of things in the country, but I speak of a condition of affairs which applies to this particular judgeship and no other that I am aware of in the western country. I hope, therefore, that the amendment which I have offered will not be considered an embarrassment to the proposition of the Senator from California. The only difference between the two cases is, that my proposition is for permanent and extra service, while his is for temporary services already performed.

Mr. GWIN. I trust the Senator will not insist upon his amendment. I wish to have a vote on mine as a separate proposition. It is one entirely in accordance with all the precedents where district judges have had imposed upon them duties connected with the settlement of private land claims. I know that the judge in Arkansas does not get enough, and I am perfectly satisfied that he should have increased compensation; but here is an extraordinary necessity in California. These judges will not try the cases unless they get a sufficient compensation, and you cannot force them to try them, so that all our land cases may lie over for years. They can resign, if they choose, and leave the land claims in their present unsettled state. In the present condition of land claims in that State, there are great conflicts arising, and unless we give the judges a sufficient compensation to discharge these duties which have been imposed upon them since their office

were created, we cannot expect them to work day and night to clear their dockets.

Mr. DAWSON. Will the Senator from California state to me how it is that they are not bound, as judges, to investigate land claims?

Mr. GWIN. Why, sir, the judges of the Supreme Court of the United States laid over land cases for six years, because they were not prepared to take them up.

Mr. DAWSON. But the question I ask, is, whether it is not part of the duty of these judges, as judges, to attend to this business?

Mr. GWIN. It is an additional duty which has been imposed on them, and for which judges in all the other States have always been paid. It was imposed on them by a separate and distinct law, and not by the act under which they were appointed. My object is not to bring up the general question of raising the salaries of the judges of the district courts, which I know are wholly inadequate. I have confined my amendment strictly to the precedents cited by the Attorney General in his letter, in which he shows that in every State of the Union where these land claims by special laws have been brought within the jurisdiction of the district court, the district judges have always been allowed extra compensation.

Mr. DAWSON. I think there is a mistake about this matter. The laws of Congress prescribe what shall be the duties of judges; and they are as much bound to consider questions relating to land titles as those relating to the titles to personalty, if they fall within their jurisdiction. Now, there never has been any deficiency in the powers of the courts in reference to title to personalty or to real estate.

Mr. GWIN. If the Senator will permit me, I will read the law to which I refer, to show him that this is nothing but what is usual. It is in these words:

An act enabling the claimants to lands within the limits of the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims.

Sec. 13. And be it further enacted, That the district judge for the State of Missouri shall, while in the discharge of the duties imposed by this act, be allowed at the rate of eight hundred dollars per annum, in addition to his salary, as district judge for the State of Missouri, which shall be in full for his services.

Approved May 26, 1824.

This was the first law which authorized these cases to be brought into the United States courts. Prior to that time, they were brought before Congress by the commissioners. Subsequently they were tried in the district courts, and then the district judges were always allowed additional compensation.

Mr. DAWSON. The Congress of the United States have no power to take away from the courts the cases which they shall try. The Constitution regulates that.

Mr. BENJAMIN. Will my friend from Georgia allow me to explain?

Mr. DAWSON. Certainly.

Mr. BENJAMIN. The cases of which the Senator from California speaks are cases where claimants claim titles to land, as against the General Government, under grants made by foreign Governments previously to the acquisition of the States where the claims are made to the Union, and, consequently, there is no jurisdiction in the courts of the United States to try those claims, unless it be specially imposed on them.

Mr. DAWSON. That is what I supposed.

Mr. BENJAMIN. This is an additional duty imposed on the judges, and for such special duty they have always been paid extra.

Mr. DAWSON. Now, I wish to know of the Senator from California whether there has been any special act of Congress requiring the judges of the United States courts there to try these titles to land?

Mr. GWIN. The law is, that the claims are to be examined by the board of commissioners, and the same law gives a right of appeal from their decision to the district court.

Mr. DAWSON. It gives a right of appeal to the district court, and thus changes the whole character of the precedent cited from Missouri. In that case the judge was a commissioner to try the land cases. He tried all the cases as commissioner; and then, if the parties were dissatisfied, they could appeal to the court. That is the way in which he received additional compensation; but this is a different case. Now, I will say to the

Senator that, at the proper time, whenever we ascertain the extent of the duty discharged by these judges, if it shall be thought that it does not come within the general purview of the duties assigned to the district judges, I will vote for proper additional compensation; but I cannot vote to increase their salaries \$2,000 a year, when there is no law requiring of them the discharge of this duty.

Mr. GWIN. The Senator is mistaken. They are bound, by law, to try those cases.

Mr. DAWSON. They are bound to try appeals from the commissioners, in order that the cases may go from the district to the Supreme Court. That is all.

Mr. GWIN. But they try them as entirely new cases.

Mr. MALLORY. Mr. President, my friend from California always speaks in such a tone of earnest indignation against the parsimonious legislation of the country for California, that I generally feel disposed, without questioning the matter, to vote with him. Here, however, he asks an increase of salary to the extent of \$2,000 per year in addition to the salary now allowed to the district judges of California. The district judge of the northern district of California already receives \$3,500. If we allow the increase now proposed, it will be a far greater increase than ever has been given to a district judge on similar grounds. If the Senator would take the increase to the judges in Missouri and the other Territories, including Florida, for such services, and confine himself to that, there would be some parallel between them; but he goes further. The salaries of the district judges of California have been already based upon the increased expenditure necessary to live in that State; and, therefore, in giving them additional allowance, we need not take that matter again into consideration. But in the case to which the Senator from California alludes, the judges were not called upon to act on those land cases as judges, but they sat as commissioners, not as judges, and no appeals lay from them as judges, or as commissioners, to the circuit or supreme court. I can be corrected if I am wrong in this.

Mr. GWIN. The gentleman speaks of his own State. It was not so in Missouri.

Mr. MALLORY. But if the honorable Senator will look at one of the last decisions of the Supreme Court on this subject, he will find that a case brought up from the northern district of Florida was set aside exclusively on the ground of a want of jurisdiction in the judge of the district court sitting as judge. If these district judges in California are to try causes in appeal as judges, then I should be willing to vote an increase of salary to them, but not upon the ground that we are giving them a salary to try land causes; because, as has been remarked by the Senator from Georgia, they will be bound to take jurisdiction of those causes any how, with their present salary. If that salary is not sufficient, and it seems to be low for California, I am willing to vote an increase, but not in this way.

Mr. JOHNSON. Mr. President, I am not unfavorable to the proposition of the Senator from California, and I shall be glad to see it adopted. I have, however, already made some remarks today which will show him that I am sincere in endeavoring to get for my own State the proposition which has been offered by my colleague as an amendment to the amendment of the Senator from California. The amendment offered by my colleague only proposes to give \$500 additional to the district judge of Arkansas. I make no complaint of the Senator from California for bringing forward his proposition for a larger increase in his State. On the contrary, I think it necessary, and shall support it.

There is a peculiarity in the case of Arkansas which eminently entitles the amendment of my colleague to the favorable consideration of the Senate. Before I touch on that, however, let me remind the Senator from California that, in the cases to which he refers in Missouri and Arkansas, the district judge was allowed the additional compensation for doing this duty as a land court; and in that view, perhaps, a distinction could be drawn between that increase of compensation and the one proposed by the Senator. The jurisdiction given over land cases in California to the district court is but an appellate jurisdiction, not inconsistent at all with the regular business of that

court, but being in fact a part of the business of the court at the time it was established by law, and before the judge was appointed to it. So I understand the case to be. I do not understand that it is a separate and distinct burden which was put upon the district judges in California.

Mr. GWIN. The Senator is mistaken; it is.

Mr. JOHNSON. The Senator from California says it is. At any rate, the judges in California have only an appellate jurisdiction over these land causes. It has been a jurisdiction attached to those judges since their offices were created, and since the judges were appointed, according to the statement now made by the Senator. That renders the case presented by him more meritorious, but still it does not give it any precedence over the application made by my colleague, particularly when the additional salary asked for by him is not, by any means, so great as that proposed by the amendment of the Senator from California.

My colleague and myself ask for additional compensation for additional services, which have been imposed on the district judge in Arkansas since his appointment. We might well, in support of this proposition, appeal to the clause in the Constitution of the United States, familiar to the mind of every Senator, that the judges of the United States shall "receive for their services a compensation which shall not be diminished during their continuance in office." It cannot be denied, that if you impose extra services upon an officer after he has been appointed at a fixed salary, you may put such an amount of services on him as to overburden him, and thereby effectually diminish his salary, in fact, so as to drive him from the office rather than submit to it.

Now, sir, the case submitted by my colleague is this: The district judge of the United States, in Arkansas, receives only \$2,000 a year. Since the time he was appointed to that office, an additional district court has been provided there. It is one which takes jurisdiction of all the Indian territory west of our State, and embracing with it some five or six counties of Arkansas, in order that there may be places within the State for the selection of juries and other facilities for carrying on the business of the court. That district embraces, as I have said, all the Indian territories west of Arkansas, and its business is very heavy. By the creation of this new district, a large class of business, of which the district court of Arkansas never before had jurisdiction, has now been added to the duties of the present judge. The consequence of it is, that he has to travel one hundred and seventy miles, twice a year, to hold that court. The terms are long. The jurisdiction extends over the vast tract of country lying west of Arkansas, and some of it west of Missouri, and running on to the boundaries of New Mexico.

From this statement any Senator can see at once the difference between the duties now imposed on the district judge in Arkansas, and those which were required of him when he was first appointed. He is now required to hold five court terms, and he is necessarily constantly engaged in them. His compensation remains at \$2,000, as it was when he was originally appointed, although the traveling and incidental expenses thrown upon him by the creation of the new district in that State, as well as the labor and service required of him, have been greatly increased.

I cannot believe, under these circumstances, but that the case of the judge in Arkansas is one which ought to be provided for. The judge himself has felt how onerous it is. He has hitherto been unable to get his representatives in the Senate and House to act upon the subject, or at least they have been unable to get it before the two Houses. At an early period of the session, we had the question referred to the Committee on the Judiciary; but we have never heard, from that day to this, a word from the Judiciary Committee in reference to it, and we now learn that, under an order of the committee, the gentleman to whom they referred the subject was directed not to bring forward a remedy for such injustices as this until the bill for the reorganization of the judiciary department should be taken up and acted on. I have seen no effort to take up that bill. I regret exceedingly that there has been no effort to bring it to the consideration of the Senate; or at least, such a slight and comparatively unimportant effort as to show that the feelings of the committee could not be very strongly in favor of action. This is

an isolated case, and I hope it will be provided for on its own merits. I am, sir, sorry that I have had to support my colleague in his amendment to add this to the amendment of the Senator from California; but I feel constrained to support it in that mode; and I hope it will be adopted.

Mr. GWIN. Mr. President, the difference between the two cases is, that the Senator from Arkansas proposes a permanent increase of the salary of the district judge in that State, whereas the proposition I make is to give increased compensation to the judges in California per annum, just so long as Congress chooses to give this compensation for extra services rendered. It is only to be paid from year to year, as appropriated by Congress. It is for additional services, not connected with the general question of judicial salaries at all. I did not want to introduce the subject of increased judicial salaries, because I knew that would break down of its own weight as an amendment to this bill; but these are isolated cases. My proposition is to pay for duties imposed on the district judges in California by the act of March 3, 1851, to settle private land claims in California, and not included in the act to establish judicial districts in that State, which was passed in September, 1850. It is well known that that bill, as it passed the Senate, established the salary of the judge of the northern district of California at \$6,000, and of the southern district at \$4,000. It was amended in the House, so as to allow the salaries which are now paid. When it came back to us from the House, the member of the Judiciary Committee, who had it in charge, [Mr. Dayton, of New Jersey,] appealed to the Senators from California to accept that; and said there could be no doubt that the salaries would be increased the next year; but from that day to this we have never been able to get an increase. It was an entirely insufficient salary, and I declared, then, that I was opposed to giving less than \$6,000 for the judge of the northern district of California. Every member of the Senate knows that I protested against fixing the salaries at the rate at which they were then established; but now we have put additional duties on these judges, and I ask no increased salary for them, but simply additional compensation for the additional duties imposed on them by the act of March 3, 1851.

Mr. WELLER. I have but a few words to say in addition to what has been so well said by my colleague. There is nothing now operating so detrimentally on the interests of California as the unsettled condition of land titles. There has not been a single mail from that State opened in this city during the last three months, which has not brought intelligence of violence and bloodshed, growing out of these difficulties. In every portion of the State there has already been a vast amount of bloodshed because of the unsettled condition of land titles there. It is a contest between the claimant and the settler. The settler will not yield that which he has cultivated, until the highest tribunal known to your laws, has finally confirmed the validity of the original claim.

Now, the law imposes on the district judges in California, the duty of passing on these land claims. You established a board of land commissioners; you allow an appeal from their decision to the district court, and from the district court to the supreme court. I know that the judge of the northern district of California, in the discharge of the duties which already belong to his office, is constantly employed. I do not see for myself, how it is possible for the judge of the northern district to discharge the duties imposed upon him, even without these land cases being submitted to him at all. I know that during the past summer his court was in session nearly every day, and he was not allowed scarcely an hour for recreation or amusement. In the discharge of the ordinary business of her courts he finds enough to put his physical and mental energies to the fullest test.

You have imposed the examination of the land claims upon that court. In order to pass upon them speedily, the judge will have to draw upon his physical energies to the utmost extent they are capable of enduring. In order to induce him to do that, it is proposed, during the period that these additional duties are imposed upon his court, to allow him an additional compensation of \$2,000. The board of commissioners to investigate land claims expires on the 4th of March next by limitation of law, and the probability is that there will

be no extension of their service. In the mean time the vast multitude of cases passed upon by them must be submitted to the district courts. My colleague and myself are anxious to afford every inducement to the speedy settlement of these claims. If there be more riots, if there be more bloodshed, as there already have been, we desire that the bloodshed shall be upon other hands, and not upon ours. There is an obligation resting on us to do everything in our power to procure a speedy settlement of the land claims. We have endeavored to urge it this day on the consideration of the Senate. If the Senate choose to take the responsibility of all the difficulties that will result from the unsettled condition of these land claims, let them do so; but no part of it shall rest upon me. If you are willing to do gross injustice to these judges, by exacting the most onerous service from them without compensation, let it be so decided. But I must say there is neither reason nor justice in this.

Mr. GWIN. I appeal again to the Senator from Arkansas not to embarrass my proposition by insisting on his amendment; but let him bring it up as a separate measure. I am in favor of it, and will vote for it as a distinct amendment.

Mr. STUART. I wish to make a suggestion to the Senator from California, and to the Senator from Arkansas. Undoubtedly, I apprehend, there will be a proposition to increase the salaries of the judges of the district courts. If no other Senator moves it, I shall offer it myself. Their present inadequate salaries are a crying evil, and they ought to be increased, and it ought to be done upon this bill. It is equally true, however, that there are a great many things upon this bill that ought not to be done.

While I am on the floor, I wish to correct what the Senator from California [Mr. Gwin] said, in one particular. He said it had always been customary to pay for such services. The fact is, that these services were imposed upon the territorial judges of Michigan. The Senate has again and again passed bills to pay them for that duty, but down to this day they have not been paid. It is a striking fact; but still it does not go to prove that the judges in California ought not to be paid. I think a compromise may be got at, and if we are disposed to save time I think it will be better for the Senators from Arkansas to withdraw their proposition, and let it come up as it will in a few minutes on a proposition to increase the salaries of the district judges which should be increased, and increase them on a proper basis on which we can agree without difficulty.

Mr. PETTIT. I will offer such an amendment, if the Senators who have offered the pending amendments will withdraw them.

Mr. SEBASTIAN. To avoid prolonging this debate, I will, under the assurance of the Senator from Indiana that the subject shall be brought up, withdraw my amendment; but if it be not brought up by others, I shall bring it up myself.

Mr. GWIN. Now, I hope the Senate will take into consideration the special case provided for in my amendment. It is to pay for special services under a special law, and it is only an increase from year to year, as those services may be continued.

Mr. BUTLER. Originally, Mr. President, it was proposed that these land claims in California should be decided by commissioners as a separate body, and that their decisions should be subject to revision by the Supreme Court, or should be subject to the revision of Congress. The Senator from California himself, and I think very properly, said that he wished to bring these claims within the jurisdiction of the district court as a court, so that they might be brought up to the Supreme Court to be decided, and not left to mere commissioners. Now, sir, so long as a judge is a judge with the jurisdiction, and no more than the jurisdiction of a judge, he must abide by the salary which is awarded to him by law. Whenever, however, you make him a commissioner, separate from his functions as a judge, and give him a jurisdiction different from that of a judge, you ought to pay him as a commissioner. But in this case I cannot vote for this increase because these duties were incident to the judicial functions of the judge. I have said, as the Senator from California knows, that I believed the salaries of the district judges in California were too low, and I have always been willing to raise

them; but, consistently with my opinions that this judge is exercising no more than the jurisdiction of a judge incident to the very law which the Senator himself insisted upon, and I think very properly, I cannot vote for this proposition.

Mr. GWIN. It is very true that I insisted on these cases coming up to the Supreme Court of the United States through the district courts; but the Senator from South Carolina ought to recollect, and I am sorry he seems to have forgotten the fact, that, when the act extending the judicial system to California was proposed, a bill was reported from the Judiciary Committee, and it passed the Senate, without a dissenting voice, giving the judge of the northern district of California \$6,000, and of the southern district \$4,000.

Mr. BUTLER. I was in favor of it.

Mr. GWIN. Certainly; but when it went to the House, they struck the salaries down to \$3,500 in the one case, and \$2,800 in the other. The Senator from New Jersey, [Mr. Dayton,] then a member of the Committee on the Judiciary, who had charge of the bill, appealed to the Senators from California, rather than defeat the measure, to agree to the salaries fixed by the House, and he said that at the next session we could obtain an increase. I regret that I ever agreed to have any judicial system established there with such insufficient salaries. He promised, however, that the salaries should be increased at the next session; but they never were; and now the proposition which I bring forward is to pay these judges for duties imposed upon them subsequent to the creation of the districts. It is very true that I was always in favor of these claims going to the Supreme Court of the United States, but I never supposed the judges of the district courts were properly compensated, independent of these duties.

Mr. PETTIT. If the Senator from California insists on his amendment, I shall move to strike it out, and insert the proposition which I hold in my hand, which is the House bill of this session, adjusted with great care, in reference to the proper and reasonable compensation of district judges throughout the United States. It is a bill which has been reported from the Committee on the Judiciary of that House. I will say to the Senator from California, that it provides for his State at the rate of \$5,000 for the judge of the northern district, and \$3,000 for the judge of the southern district, which I think is a liberal compensation, and one which they ought, at any rate, to be glad to take.

Mr. GWIN. I will withdraw my amendment, and let the Senator offer that, if he will make the salary of the judge of the southern district \$3,500. I am sure it ought to be that.

Mr. PETTIT. If the amendment of the Senator from California is withdrawn, I offer the amendment which I hold in my hand. It is the House bill of this session regulating the salaries of the district judges of the United States.

Mr. ADAMS. I rise to a question of order.

The PRESIDING OFFICER. If the Senator insists, it will require unanimous consent to withdraw the amendment of the Senator from California, as the yeas and nays have been ordered on it.

Mr. ADAMS. I know nothing of the merits of the proposed amendment of the Senator from Indiana, but I am opposed to anything being offered to this bill which is not according to the rules of the Senate. I raise that question of order.

Mr. PETTIT. I believe the Senator from California accepts this as a substitute for his proposition.

Mr. GWIN. I am willing to accept it.

The PRESIDING OFFICER. The yeas and nays have been ordered on the amendment of the Senator from California, and it requires unanimous consent now to withdraw it, or to change it as proposed.

Mr. HUNTER. Is it in order to accept that? It is not reported by any committee, as I understand.

Mr. PETTIT. It is reported by the committee of the House.

Mr. HUNTER. But that does not bring it within our rule.

The PRESIDING OFFICER. The Chair has not decided that question. The first question is, will the Senate consent to the withdrawal of the amendment of the Senator from California?

Mr. HUNTER. No one objects to that.

Mr. ADAMS. I make no objection to the withdrawal of that amendment.

The amendment was withdrawn.

Mr. PETTIT. Then I offer, as an amendment, the House bill of this session, to which I have referred, without alteration.

Mr. HUNTER. Is that in order?

Mr. ADAMS. If I understand the rules, the fact that a bill has been reported by a committee of the House does not confer jurisdiction upon this body to receive it as an amendment to an appropriation bill. It must come from a committee of this House. Though this may be a bill reported by a committee in the other House, it now becomes the proposition of the Senator from Indiana, as an individual Senator; and the fact that he has concluded to adopt it, does not give it the character of the report of a committee.

Mr. STUART. It is just such an amendment as was offered here yesterday by the Senator from Tennessee, increasing the salaries of the judges of the Supreme Court. It is not excluded by the rule at all.

The PRESIDING OFFICER. The Chair will, if desired, submit the question to the Senate whether the amendment is in order.

Mr. WELLER. If I understand this proposition, it is to increase the salaries of officers already created by law. If that be the proposition, I apprehend it is clearly within the rules of the Senate. I can move at any time to increase the salary allowed to any officer provided for in the civil and diplomatic appropriation bill, if I see proper, or the salary of any officer who is provided for under the laws of the United States. If I suppose at any time that a public officer ought to receive more pay than he is allowed, I can make a motion to increase it.

Mr. PETTIT. This is not an appropriation of money.

Mr. HUNTER. If it contains no appropriation, I admit there is no rule against it.

The PRESIDING OFFICER. Yesterday the Senate entertained a proposition introduced by the Senator from Tennessee on the same subject. The Chair, therefore, thinks that this is in order.

Mr. PETTIT. Before any vote is taken on my amendment, I will, at the suggestion of the honorable Senator from Wisconsin, strike out the word "Wisconsin" where it occurs. I modify the amendment in that way at his instance.

Mr. WELLER. I should like to hear what the amendment is as it stands.

The Secretary read it, as follows:

Sec. —. And be it further enacted, That the judges of the district courts of the United States shall receive, as compensation for their services, the following yearly salaries, to be paid quarterly from the Treasury of the United States, to wit:

The judges of the district courts of the States of Maine, New Hampshire, Vermont, Rhode Island, Connecticut, Delaware, New Jersey, and Iowa, \$2,000.

The judge of the northern district of Florida, \$2,250.

The judge of the western district of Virginia, North Carolina; eastern, western, and middle districts of Tennessee; northern and southern districts of Mississippi; western district of Pennsylvania; western district of Louisiana, Texas, Kentucky, Ohio, Indiana, Missouri; eastern and western districts of Arkansas, Illinois, and Michigan, \$2,500.

The judges of the districts of Georgia, South Carolina, eastern district of Virginia, northern district of New York, northern and southern districts of Alabama, \$2,750.

The judges of the districts of Maryland, Massachusetts, eastern district of Pennsylvania, southern district of Florida, and southern district of California, \$3,000.

The judge of the eastern district of Louisiana, \$3,500.

The judge of the southern district of New York, \$3,750.

The judge of the northern district of California, \$5,000.

Mr. GWIN. I hope the Senator from Indiana will put the judge of the southern district of California at \$3,500. His salary is \$2,800 now, and that is entirely insufficient.

Mr. PETTIT. I have no objection to that. I amend my amendment in that way.

Mr. DAWSON. I will state to the Senator that there are two places for holding the courts in the State of Georgia—Marietta and Savannah. There are two districts, and one judge presides over both, and the amount of his salary, strange to say, is not so much, by one half, as that proposed for the small State of Louisiana or Arkansas.

Mr. PETTIT. The House committee adjusted that to their liking; and I do not wish to make any material alteration in what they agreed on. I think the amendment suggested as to the

southern district of California is proper, and I have included it.

Mr. FITZPATRICK. Let me suggest to the Senator from Indiana that, instead of there being two districts in Alabama, as provided for in this amendment, there are three, and but one judge to hold the court in the three districts. If the object really be to increase the compensation of that judge to what is reasonable and fair, let me ask, why was it not proposed to increase it to \$3,000? That is the proposed salary of the district judge of western Louisiana, and I am satisfied it is a fair one.

Mr. PETTIT. I relied very much upon the action of the House committee on that subject.

Mr. STUART. I wish to suggest to the Senator from Alabama, that I presume there is not a single case in the amendment which meets exactly the judgment of any Senator here. It is to a great extent a compromise. It must necessarily be so. It is probably as nearly right as we can get it. The House committee perfected that scale of salaries after a great deal of consultation and care, and I think we had better take it as it is.

Mr. HUNTER. It seems to me that we cannot go into such a system as this upon the civil and diplomatic bill. Gentlemen are already differing on the details of this measure. We have but a few days of the session left, and I think it is highly improper to be adding on these immense sums of appropriation to this bill.

Mr. WELLER. Let me say to the Senator from Virginia, that notwithstanding we may differ as to some of these details, I trust there will be a majority of the Senate in favor of the amendment; and that ought to be entirely satisfactory to him. However widely we may differ among ourselves, if we agree to take this as a compromise, my friend from Virginia will be placed in the situation of the Irishman who was enlisted. He will be forced to volunteer. [Laughter.]

Mr. ATCHISON called for the yeas and nays upon the amendment, and they were ordered.

Mr. ADAMS. I am not advised as to other States; but this amendment gives to the district judge of the United States court in my State a higher salary than our State pays to the circuit judges who are upon an equality in point of dignity; and, according to my recollection, I have never voted, nor will I ever vote, to pay a Federal officer more than the States pay for similar services to their State officers.

Mr. MALLORY. I shall vote for this amendment; but I feel bound, in doing so, to say, that in consideration of the fact that the judge of the northern district of Florida has to travel entirely over the State twice a year, and hold court in numerous places, this increase of \$250 is a paltry matter. I will, however, go for the amendment.

Mr. PETTIT. I hope the Senate will consent to take it as a compromise. It is the best we can do.

Mr. TOOMBS. Mr. President, having had charge of this matter as a member of the Committee on the Judiciary, I feel bound to state that I will not accept this amendment as a compromise, or in any other form; and I do not know but that it is my duty to go at length into the whole history of this judiciary question, and show the various ramifications which it has undergone, and the principle on which the compensation of our judges has been based. There is immense difficulty, I know, in fixing such a system. I was willing to vote for an increase of salary in California, as an exceptional case; but here, sir, we are now called to pass upon a proposition to which my attention was not called until the reading of it; and it is to be added to a money bill—the civil and diplomatic bill—to be put through in five minutes, without consideration, by the Senate. I know the Committee on the Judiciary have had difficulties in regard to it, and my friend from Delaware [Mr. BAYARD] offered a substitute for the bill reported to the committee by myself. The committee had the subject under consideration for months, and yet now, it seems, we can take it up in half an hour, and put it on a money bill! I think it shows an utter disregard of that consideration which questions of this magnitude and importance ought to receive from the Senate of the United States. It is extraordinary to the last degree. I do not suppose that any gentleman has looked to it, except as regards the judges in his own State. That is about all that attracted his attention. I am in

favor of increasing many of these salaries, and had prepared a bill to do it upon certain well defined principles. This amendment, it seems to me, has departed in several cases from those principles. The idea of picking up and attaching to a money bill a proposition to reorganize the judiciary, to increase judicial salaries all over the United States, on the idea that the legislative bodies of the country have neglected their duties for eight or nine months, is a mode of transacting the public business that ought to be scouted from this body, and I enter my protest against it. I will not go into the subject. I simply content myself with voting against the amendment, and saying that there is not a man who can rise up in his place and state that the salaries in that proposition are fixed properly in all the districts. I do not think my friend from Indiana can do it.

Mr. PETTIT. I do not recollect every one from memory.

Mr. TOOMBS. Nor anybody else. The old principle was that we should give the judges of the United States courts the highest compensation given to the judiciary in the States where they sat. There are some cases which are to be exceptions to the rule, where you compel the judges to reside in places like New York, and Boston, and Philadelphia. I recollect a case in Connecticut, where you passed a law making that district judges serve also in New York. That duty threw him under extraordinary additional expenses, and made his case one which I was willing to except from the general principle. But here, now, Senators propose to vote for the amendment merely on being satisfied of one fact, that the salary of the judge in their own State is raised. It seems to be a proposition to increase all these salaries, generally, with the idea of providing for particular cases, and we are to take whatever the House committee may have fixed, without enquiring into it. It seems as if gentlemen acted on the principle "the Devil take the hindmost, so you increase the salary of my judge; that is all."

Mr. ATCHISON. I move that the Senate do now adjourn. I wish an opportunity to look into this matter.

Mr. HUNTER. I hope the motion to adjourn will not be agreed to. I ask for the yeas and nays on it.

The yeas and nays were ordered; and being taken, resulted—yeas 11, nays 32; as follows:

YEAS—Messrs. Allen, Atchison, Butler, Chase, Dawson, Fitzpatrick, Norris, Sumner, Toombs, Wade, and Weller—11.

NAYS—Messrs. Adams, Bayard, Bell, Benjamin, Bright, Brodhead, Brown, Cooper, Dodge of Iowa, Douglas, Evans, Fish, Geyer, Gillette, Gwin, Houston, Hunter, James, Johnson, Jones of Tennessee, Mallory, Mason, Pettit, Rockwell, Rusk, Sebastian, Shields, Slidell, Stuart, Thompson of Kentucky, Thomson of New Jersey, and Walker—32.

Mr. BUTLER. Mr. President, the impatience of the Senate shall not prevent me from doing justice to the committee with which I am connected. We prepared a bill which would regulate this whole subject. By that bill we provided for circuit judges with a salary of \$4,000. If that bill, providing for these circuit judges, shall go into operation, it will change the duties of the district judges materially. It is found upon the idea of subordination—supreme judges, circuit judges, and district judges. But, if you increase the salaries of these district judges as now proposed, you cannot diminish them. Gentlemen who have considered the subject are, perhaps, prepared to vote for this amendment on their independent judgments. I am not. I can only say, as far as regards the consideration I have given it, that I am not prepared to commit myself to the arbitrary system laid down in this proposition. California, Florida, and some other places I would make exceptions, but when gentlemen interposed with other bills, and refused to let me take up the judiciary bill, when I moved for its consideration, and claimed from me the day which was assigned for it, let the blame rest upon others.

I am not going at this late period of the session to embark in the general discussion of the judiciary system. I have given notice that I shall ask the Senate to take up the judiciary bill at the next session, and when that system comes to be adopted, perhaps it will be found that, by this very proposition, you will have given to the district judges a larger salary than to the circuit judges, who will have to travel over several States and to

perform very onerous duties. We are now going into these matters because each gentleman supposes he understands what his district judge has to do. Well, sir, under the system that may be adopted these duties may be very much modified. And here I may say that as far as regards the old States—the Atlantic States—we are not interested materially in a change of the present judiciary system; but a modification of it is obviously required in order to meet the wants of the western and northwestern States, and California. It is in regard to them that I think the system should be modified; but do not modify it by this patchwork of bringing up a proposition to change our system of salaries in this bill, when, perhaps, you cannot fix them properly hereafter if this be now done. If gentlemen choose to vote blindfold, let them swallow it on faith. I wish to act with intelligence and understanding.

Mr. STUART. I wish to put a practical application of the Senator's doctrine which in itself is sound. The district judge of my State is obliged to live in Detroit, where his ordinary expenses for house rent, and diet for himself and family will equal his salary—\$1,500. He cannot even clothe himself properly, he cannot educate a child that he has out of his salary. In the mean time, is he to go badly clad, his children without education, and upon the very brink of starvation, to wait for a general reorganization of the judiciary system? Sir, it never will be. He must have something, and I am for taking this.

Mr. FITZPATRICK. I voted some time since against the amendment of the Senator from California, [Mr. WELLER,] to increase the compensation of the marshals in his State, on the ground that it was improperly attempted to be placed on this bill. I am satisfied that the proposed increase of compensation allowed in this amendment to the district judge of Alabama, is not so much as it should be; but whether it is so or not, I am utterly opposed now, on this bill, to adding such a proposition. I am not able to say whether the increased compensation allowed to the several judges throughout the United States is adequate. I know nothing of the amount which should be allowed to them; and yet, at the heel of the session, when the question has not been discussed, when but few can speak for anything beyond the limits of their own State, it is proposed to reorganize the whole judicial system of the United States, so far as the district judges are concerned, and at an enormous expense. I cannot consent to any such thing. I will not detain the Senate, but I will content myself with voting against the amendment.

Mr. JONES, of Tennessee. Mr. President, I have made up my mind to vote against this bill. Other gentlemen are giving their reasons why they will vote for and against amendments; I will give you my reason. I have made up my mind to vote against the whole bill on its final passage, because I believe it would kill any man in the world who would vote for it, and kill any party who would attempt to sustain it. With that honest conviction, I shall vote against it, because I cannot approve it; but as a majority here have a right to legislate upon this subject, I am going to vote with the majority for everything they offer; and, therefore, unless it conflicts with my constitutional duties, I will vote for this amendment. We have a judge in our State, as you know, sir, [Mr. BELL, in the chair,] who performs more service than any man I ever knew for less money; and I am willing to vote him an increase of salary. If the majority wish to put this amendment on the bill, I am willing to vote for it, but I do so with the express declaration that, on the final passage of the bill, I shall vote against the whole of it.

Mr. BAYARD. The amendment now offered, Mr. President, proposes to adjust the salaries of all the district judges of the United States, by way of increase. That it is desirable in itself, I do not doubt. It ought to be done; but I confess that I am somewhat opposed to doing it in this shape; but it seems to me that we can do it in no other mode than by attaching it to an appropriation bill. I have looked over the classification of salaries proposed in the amendment of the Senator from Indiana. It does not exactly agree with all my opinions, but it comes pretty near to them; and I dare say I may have erred in some of the items which I endeavored to introduce into the bill that

I drew up as a substitute for that which received the sanction of a majority of the Committee on the Judiciary. I find this amendment so nearly resembling my own views, that I can see no objection on that score to voting for it.

Next, sir, comes the objection of the honorable Senator from South Carolina. If it existed in point of fact, it would be sufficient to induce me to vote against the amendment. The honorable Senator from South Carolina seems to think that it will interfere with the bill reported by the Committee on the Judiciary in reference to the reorganization of the judiciary system of the United States. If I supposed that, I should unhesitatingly vote against the amendment; but I do not think so. That bill, according to my recollection, has no relation to the district judges at all. It organizes circuits; it provides for the circuit judges, and gives to them the performance of duties now performed by the Supreme Court judges; but it leaves the districts mainly as they were before, and the labors of the district judges what they were before. That their salaries are inadequate, I am satisfied. Then, sir, no one salary in this amendment, with the exception of the judge of the northern district of California, exceeds \$3,750. I think the amount proposed for New York is too little, and so for Boston and Philadelphia, and perhaps one or two other places. None of the salaries come up to the amendment which the committee agreed to recommend as the salary of the circuit judges. On the whole, I think the amendment not so objectionable as to compel me to vote against it; and I see no other mode of accomplishing this desirable object.

Mr. BENJAMIN. As a great deal has been said about changing the system of the judiciary, and the enormous increase of salaries by this amendment, I wish to state that the whole amount of this amendment distributes less than \$10,000 to increase the salaries of the district judges of the United States. That is the whole amendment.

The question being taken by yeas and nays, resulted—yeas 18, nays 23; as follows:

YEAS—Messrs. Allen, Bayard, Bell, Benjamin, Brodhead, Brown, Foot, Gwin, James, Johnson, Jones of Tennessee, Mallory, Pettit, Sebastian, Shields, Stuart, Thomson of New Jersey, and Weller—18.

NAYS—Messrs. Adams, Atchison, Butler, Chase, Cooper, Dawson, Dodge of Iowa, Evans, Fessenden, Fish, Fitzpatrick, Gillette, Houston, Hunter, Mason, Norris, Rockwell, Rusk, Slidell, Sumner, Thompson of Kentucky, Toombs, and Wade—23.

So the amendment was rejected.

Mr. PETTIT. I wish to offer another amendment.

Mr. GWIN. I hope the Senator will allow me to renew the amendment which I withdrew, in order to enable him to offer his.

Mr. PETTIT. After a while. I have been waiting very patiently for five or six days, and I will give the Senator a full opportunity when I am through, and vote with him besides. I think it is the worst policy, and the greatest curse that ever befell a people, to starve their officers. I want the judges paid, so that they shall not be under the necessity of taking bribes, or stealing.

Mr. CHASE. Are they doing it?

Mr. PETTIT. I am a little afraid they will be reduced to it. [Laughter.] I have an amendment to offer in pursuance of an estimate made under the law by the present Commissioner of Public Buildings. It is to appropriate \$8,000 for the improvement of Indiana avenue in this city, not for the State of Indiana; but I take it, the amendment comes very properly from an Indiana Senator, if there is any doubt about the estimate, I will turn to it.

Mr. HUNTER. I think the Committee on Public Buildings had this question before them. The chairman can state.

Mr. BAYARD. The subject was before the committee, and the committee decided not to recommend the appropriation.

The PRESIDING OFFICER, (Mr. BELL in the chair.) Does the Senator from Indiana offer this amendment by direction of a committee?

Mr. PETTIT. No, sir; but as an estimate from the proper Department under the law. My amendment is:

For gravelling Indiana avenue, from New Jersey avenue to Third street west, setting the curb-stone on each side thereof thirty feet from the building line, paving with brick a width of six feet next the curb-stone, paving the gutters, planting trees, and extending the brick arch the full width of the street, \$8,000.

So far as the question of estimate is concerned, I understand that anything estimated for by the appropriate department is properly offerable as an amendment. Now, the law provides "that all estimates of the public buildings and grounds shall hereafter be submitted by the Commissioner of Public Buildings to the Committee on Public Buildings and Grounds, to be examined and approved by them before they are reported to the House." And it further provides, that the commissioner shall "annually, at the commencement of the year, report the manner in which the appropriations for the public buildings and grounds have been applied." That is the law requiring him to submit his estimates. I have his regular estimates here, and among them I find one in the very words of the amendment which I have offered, as follows:

For gravelling Indiana avenue, from New Jersey avenue to Third street west, setting the curb-stone on each side thereof thirty feet from the building line, paving with brick a width of six feet next the curb-stone, paving the gutters, planting trees, and extending the brick arch the full width of the street, \$8,000.

Mr. ATCHISON. I rise to a point of order. This estimate does not come from the head of a Department, as I understand.

Mr. PETTIT. It comes from where the law requires.

Mr. ATCHISON. But the rule of the Senate requires it to come from the head of a Department, or to be reported by a committee. This comes from neither.

Mr. PETTIT. I do not know what particular consequence a head of a Department may have.

The PRESIDING OFFICER, (Mr. BELL.) The Chair understands the rule to require an estimate from the head of a Department.

Mr. PETTIT. Very well; but here the law requires that this officer, the Commissioner of Public Buildings shall make the estimates; and I take it that that office is a department in itself, and that Mr. French is the head of that department, and is as valuable a one as any other. Let me remind the Senate that this avenue has recently become more occupied than Pennsylvania avenue itself.

Mr. ATCHISON. I call the Senator to order. I wish to know whether the point has been settled—whether the amendment is in order or not?

The PRESIDING OFFICER. If the rules are observed, the Chair must say that this amendment is out of order.

Mr. PETTIT. I will not take an appeal; but I have another amendment which is in order.

For continuing the improvement of the harbor of Michigan City, Indiana, \$19,000.

This recommendation comes from the head of a Department. I take it from the report of the Secretary of War, where there is an estimate in so many words: "For continuing the improvement of the harbor of Michigan City, Indiana, \$19,000." I ask that it shall be inserted here. It is the only harbor in Indiana.

Mr. HUNTER. What is the date of the estimate?

Mr. PETTIT. This year. Here I find it in the report of the Secretary of War, for the first session of the Thirty-Third Congress. This is the only port in Indiana; and the Secretary of the Treasury has prepared a bill creating it a port of entry, instead of a port of delivery, as heretofore. That bill is in the House of Representatives in the charge of the Committee on Commerce; and it will undoubtedly become a law, I think. Unless this money shall be appropriated, the works already commenced there will go to decay and ruin.

Mr. DAWSON. Was there any appropriation for it at the last Congress?

Mr. PETTIT. Yes, sir; \$20,000 were appropriated.

The amendment was rejected.

Mr. GWIN. I now renew the amendment which I offered a short time ago, but withdrew. It is to add the following additional section:

Sec. — And be it further enacted, That the district judges for the State of California, while in the discharge of the duties imposed by the act of the 3d of March, 1851, entitled "An act to ascertain and settle the private land claims for the State of California," be allowed, at the rate of \$2,000 per annum each, in addition to their salaries as district judges for the State of California, which shall be in full for their services.

The amendment was agreed to; there being, on a division—yeas 19, nays 13.

Mr. BRODHEAD. I have a small amendment

to offer, which I will explain. There was an appropriation made some years ago to pay the outstanding loan office and final-settlement certificates; but one of them, No. 265, was lost, and I ask to have a sufficient sum to pay it reappropriated, upon certain proof being produced that the man who claims it is the proper legal owner, and upon his giving bond to indemnify the Government. I offer it in pursuance of a recommendation of the Treasury Department, and by the unanimous consent of the Committee on Revolutionary Claims of this body. It was ruled in order at the last Congress, and was adopted by the Senate as an amendment to the civil and diplomatic appropriation bill; but it was lost in the committee of conference, where I am afraid it will be lost again. My amendment is to add the following:

For the payment of a lost final-settlement certificate, No. 265, issued for \$14,180 56, a claim for which has been presented at the specie value thereof, to be computed by the Register of the Treasury, payment to be made to Henry G. Carson, administrator of *bonis non cum testamento annexo*, of Curtis Grubb, deceased, surviving partner of the late firm of Curtis & Peter Grubb, to whom said certificate was issued: *Provided*, Satisfactory evidence be produced to the Secretary of the Treasury that said administration is the *bona fide* holder of said claim: *And provided further*, That the said holder of said claim shall give bond, with security to be approved by the Secretary of the Treasury, to indemnify the Government and refund the amount he shall receive by virtue of this act, in case the said certificate should ever be presented by any other person, and payment thereof demanded. And so much money as is necessary to pay the specie value of said certificate shall be paid out of any moneys in the Treasury not otherwise appropriated.

Mr. HUNTER. I ask for the decision of the Chair whether that is not a private claim.

Mr. BRODHEAD. The amendment is in order, for two reasons; first, because the amount is asked for by the Treasury Department, and second, because I have the authority of a standing committee to offer it. Besides that, when it was offered at the last Congress, by my colleague, as an amendment to the civil and diplomatic appropriation bill, it was ruled to be in order. I have the record of that transaction before me in the Congressional Globe, and can refer to it.

The PRESIDING OFFICER. (Mr. BELL.) If it has been ruled by the Senate to be in order, the Chair will observe that precedent, though, in his own opinion, according to the strict terms of the rule, it would be excluded.

Mr. WALKER. It was decided to be in order at the last session, to my recollection.

The PRESIDING OFFICER. If such was the decision, the Chair rules it to be in order. The question is on the amendment of the Senator from Pennsylvania.

Mr. TOOMBS. I should like to understand when this certificate was issued; and how do we know that it is due? I do not know whether this case belongs to a class that was before Congress some years ago, but I remember that not long since, when statements from the books of the Treasury were printed, there was a large class of cases where it appeared that sums were due to various people on the Treasury books. Persons immediately took out letters of administration all over the country, and attempted to get payment for the claims. Now, I want to know when this certificate was lost, and what evidence we have of its loss. Is the evidence of it simply the fact that there appears on the Treasury books to be so much due to A, B, or C? That is not the slightest evidence that anything is due to anybody. That class of cases has been elaborately considered in Congress for the last eight or ten years, and condemned—justly condemned. I wish to understand what this case is. I do not know when this certificate was issued. I wish to know something about it. Does it belong to the class of which I have spoken? I ask for information.

Mr. BRODHEAD. It does not belong to that class.

Mr. TOOMBS. Then I want to know to what class it does belong. I wish to hear some explanation of how this money is due by the Government. That ought to be a matter of some consequence, I think.

Mr. WALKER. This case is entirely dissimilar to the class of cases mentioned by the Senator from Georgia. At an early period of the Government these loan office and final-settlement certificates were issued by the Government when it had no money to pay. They were a species of

bills of credit issued at the Treasury Department; and as they were presented when the Treasury had money, they were paid. If this certificate was in existence, and had not been lost, it would be paid immediately on its presentation at the Treasury, but it has been lost; and the reason why it has not been paid is, that at the Treasury they demand the surrender of the certificate itself before liquidating it. This amendment provides for the loss, and requires ample security to be given in case the original should ever be found.

Mr. TOOMBS. That cannot be the state of the case at all, because then you put the Government, after the lapse of forty or fifty years, to show that the certificate was paid. That is exactly the class of cases which we have condemned.

Mr. WALKER. Not at all. The Senator does not understand me. It has been sufficiently proved before the Committee on Revolutionary Claims that this certificate did exist in the hands of the claimant, and its loss has been proved. After proper search and diligence, it cannot be found. If it was in existence, it could be presented at the Treasury and payment of it made; but at the Treasury the surrender of the certificate is required before payment. This amendment provides that the amount shall be paid, and requires the parties to give ample security to the Government that, if the certificate is ever found by any one and presented, they will indemnify the Government. Consequently the Treasury cannot lose anything.

I will mention another fact. An appropriation was made some years ago for taking up these loan office and final-settlement certificates. This one could not be presented, and, of course, could not be paid; and, consequently, the balance which was appropriated has lapsed, and this is but a reappropriation of what was formerly appropriated for the very purpose. I think it provides sufficiently for guarding the Government against any possible contingency of loss.

Mr. TOOMBS. This is precisely one of the class of cases that I supposed. The books of the Treasury show that a loan office or final-settlement certificate was issued to A, B, or C forty, or fifty, or sixty years ago. A great many persons, on seeing publication of that fact, said: "why, here was a certificate issued to my ancestor, and I am entitled to it." Such people accordingly came here, and claimed the amount. They, in effect, said to the Government, after forty, or fifty, or sixty years, "though the presumption is that these certificates have been returned and canceled, yet, unless you can show that they were redeemed, we will presume the existence of the certificate, and hold you responsible." I say, sir, that a party who received a loan office certificate fifty or sixty years ago, is to be presumed to have received payment for it, unless there be peculiar circumstances showing, beyond question, that it was lost, and never canceled. On the statement of the gentleman from Wisconsin, this is precisely one of the class of cases which have been condemned, and justly condemned by Congress. Why, sir, you may take out of the Treasury hundreds of thousands of dollars if you are to appropriate merely on the ground that the books of the Treasury show that an amount was at some time due to this or that individual, and that the Government cannot show that those debts were canceled. If that principle be sound, the administrator, at this time, of the party to whom a certificate was issued half a century ago, may come forward and say, "I find that a certificate was issued to the original parties for whom I am administrator, and unless you can show that you have canceled the debt, you must pay me." Will the Senate sanction such a doctrine? Sir, under the appropriation which we made to pay a portion of these certificates, the Government was plundered to a large amount. It was one of the most wretched acts ever passed by Congress. I had occasion, a few years ago, as a member of the Committee of Ways and Means of the other House, to examine the subject thoroughly, and I was satisfied then, as I am now, that people came here with these cases, and that money was poured out of the Treasury to pay them, without a shadow of right.

Mr. WALKER. I venture to say, Mr. President, that the Senator from Georgia, cannot show that under the former appropriation, one of these certificates was ever paid without a surrender of

the instrument. The reason why this one was not paid was, because the certificate could not be surrendered as others were. In consequence of the non-ability of these parties to surrender the certificate, the appropriation has lapsed, and now when there is complete proof of the loss of the certificate, the holders simply ask that they shall be paid the amount.

Mr. COOPER. Mr. President, I think that this is a just claim against the United States. Two years ago, I examined the claim and urged its passage in this body. It was passed by the Senate as an amendment to the civil and diplomatic appropriation bill, but, as my colleague stated, was lost in the committee of conference.

The Grubbs, at the time of the Revolution, were the founders of cannon, and they manufactured for the Government a large quantity of cannon and cannon balls, which were furnished by them. The Government, as was stated by the Senator from Wisconsin, not being in a condition to pay at the time, issued its certificate of indebtedness to the Grubbs. That certificate went into their hands. They were a wealthy family, and it remained with them. Payment was not made by the United States, but the certificate remained in the hands of old Mr. Grubb until his death, some thirty years ago. After the transfer to the hands of an administrator *de bonis non*, the certificate was lost; and at the time of the appropriation made to pay a certain class of these claims on presentation at the Treasury, this certificate could not be found, and four years ago, I think, application was first made for the payment of the claim. I had charge of it at the time, and I remember that on a vote by yeas and nays it passed this body.

I admit, sir, what my friend from Georgia says, that the mere fact of a certificate standing unpaid on the books of the Treasury, to any particular person is very little evidence of its authenticity. It is evidence of this fact, and perhaps no more: that at one time the Government was indebted to A, B, or C D, to such an amount; but the presumption of time—which is a substantial one, regarded in all judicatories—is against its existence at this period, unless there be something to rebut the presumption of payment by lapse of time. Here the facts were such as satisfied the Senate that that presumption was rebutted, and the Senate allowed the amount, but it was stricken out, as I have said, by the committee of conference.

Mr. WELLER. If I understand this proposition, it is a very simple one. If I were to give my promissory note to an individual, payable two years hence, and it should not be paid at that time, but after the lapse of some eight or ten years the payee should lose the note, and produce satisfactory evidence to me of its loss, I should consider myself bound as an honest man, to pay that debt. I am in favor of compelling this Government to do whatever integrity and honesty would demand in the case of common individuals. Now, sir, the issuing of the certificate was evidence of the indebtedness of the Government. That certificate has been lost, and I would compel this Government to observe the same rules which honest men are compelled to observe in their transactions.

Mr. DAWSON. This is equivalent to an absolute appropriation of the amount of principal and interest due upon this paper. The amendment is to provide for a claim which has been interposed for the amount of this certificate, which appears upon the books of the Treasury. There is no evidence whatever, that I have heard, that this paper was at any time, or has been during the last thirty years, in the possession of any one of these claimants. The only restriction placed on them in the amendment is:

"Provided, satisfactory evidence be produced to the Secretary of the Treasury that said administrator is the *bona fide* holder of said claim."

What is the claim? Suppose they presented it; what will the Secretary of the Treasury have to do? He will find the name of Grubb upon the books for such a certificate, and that will be all the evidence. The man to whom it was issued is dead. The executor or administrator upon his estate is dead. Then, when this matter is discovered, some twenty, or thirty, or I do not know how many years afterwards, administration *de bonis non cum testamento annexo*, is taken out for the purpose of getting this claim. It is not required that the parties shall go back and show that the original holder is dead, that the first

administrator is dead, and that this man is now authorized to receive payment of the claim; but he is to receive it merely on the ground that it is entered on the books of the Treasury that such a certificate was issued to the Grubbs. There is not a particle of proof that it has been in the possession of any one of these individuals for years, or that it has been lost. In any court in the world they would have to prove the existence of the paper, and the loss of the paper, and then the doctrine of my friend from California would come in.

Mr. WELLER. I apprehend, in this case, that the record shows the issuing of the certificate.

Mr. DAWSON. But where is the evidence of the loss of it?

Mr. WELLER. The loss of the paper is to be proved by the person who is now administrator.

Mr. DAWSON. There is no provision of that sort in the amendment.

Mr. WELLER. You allege that it has been paid by the Government; then the onus is thrown on the Government.

Mr. DAWSON. The presumption always is when time runs, and a paper of this sort has not been presented, that it has been paid. The law presumes payment after the statute of limitations commences to run. Up to that period you can come in and prove the loss of the paper and other facts necessary to require payment.

Mr. WELLER. I do not think there is any statute of limitations as to the Government.

Mr. MALLORY. I wish to ask whether the amendment contains interest?

Mr. DAWSON. Certainly. It is necessarily to pay the face of the paper with interest.

Mr. WALKER. These certificates on their face bear interest.

Mr. ALLEN. The certificate ought not to draw interest for any longer period than when debts of the same class were paid. The interest ought not to be allowed to go beyond such a day.

The PRESIDING OFFICER. Does the Senator move an amendment to the amendment?

Mr. ALLEN. No, sir, I merely suggest that the certificate ought not to draw interest beyond the day when debts of the same class were paid by the Government, which was about the year 1822 or 1823. At that time all that were presented were paid off. This amendment, therefore, includes thirty years' interest, to which the parties have no right.

Mr. RUSK. I vote with great distrust on all these old claims. I remember one which was before the Committee on Military Affairs some years ago, which gave rise to this distrust in my mind. It was a claim for upwards of \$40,000. It was prosecuted by as honest a man, I suppose, as ever came before Congress to make a claim. He came here and urged it session after session, at considerable expense to himself. The Committee on Military Affairs examined it closely. The claimant had been a quartermaster in the war of 1812, and there were a large number of accounts to be examined. He was honestly impressed as any man could be that the Government owed him over \$40,000. There were two or three reports in his favor, but by some means or other they did not come up, and were not acted upon. The question was re-referred to the Committee on Military Affairs when I was a member of it. We had sent to the Departments over and over again, and got all the papers connected with these accounts. Finally, at the last session at which it was referred to the committee, before we reported on it he came into the committee room one morning, and said he wanted to withdraw his papers; for, on examining to find a little more testimony, he actually found his receipt to the Government for the amount.

The amendment was rejected.

Mr. BRODHEAD. I move to amend the bill by striking out of the second section this clause:

And further, that all appropriations which are herein made, or may be hereafter made, for repairs or improvements of the public buildings, grounds, and streets within the District of Columbia, and now under the charge of the Commissioner of Public Buildings and Grounds, shall be expended under the direction of the Secretary of the Interior, and that all laws or parts of laws inconsistent with this section shall be, and the same are hereby, repealed.

Mr. HUNTER. I am willing to agree to that amendment. I believe it is right.

Mr. TOOMBS. Probably some of the rest of us do not know what it is. Let us hear it.

The Secretary read the amendment again.

Mr. TOOMBS. Why should this clause be stricken out?

Mr. BRODHEAD. If Congress orders a certain improvement to be made, the Secretary of the Interior, under this section, has to come down and inspect it. That is business which pertains to the Commissioner of Public Buildings. His accounts are settled at the Treasury upon proper vouchers. I hope the amendment will be agreed to.

The amendment was adopted.

Mr. BRODHEAD. I have one more amendment to offer. It speaks for itself. It is to add the following additional section:

Sec. — And be it further enacted, That there shall be allowed to the Assistant Secretary of State, to the Assistant Secretary of the Treasury, to the First Comptroller of the Treasury, to the Second Comptroller of the Treasury, and to the Commissioner of Customs, an annual salary each at the rate of \$4,500; as to the First Auditor of the Treasury, to the Second Auditor of the Treasury, to the Third Auditor of the Treasury, to the Fourth Auditor of the Treasury, to the Auditor of the Treasury for the Post-Office Department, to the Treasurer of the United States, to the Register of the Treasury, to the Commissioner of the General Land Office, to the Commissioner of Pensions, to the Commissioner of Indian Affairs, and to the Commissioner of Patents, each at the rate of \$4,000. The said salaries to commence from and after the first day of July, 1854; and so much thereof as is not otherwise appropriated by this or former acts, shall be paid out of any moneys in the Treasury not otherwise appropriated.

The PRESIDING OFFICER. Is this offered from any committee of the Senate?

Mr. BRODHEAD. It is offered in pursuance of the letter of the Secretary of the Treasury.

Mr. HUNTER. I ask for the yeas and nays upon that amendment.

The yeas and nays were ordered.

Mr. JOHNSON. I understand that this proposition is to increase the salaries of the auditors, comptrollers, and other heads of bureaus. Do they not all now get as much as Senators and Representatives?

Several Senators. More; more.

Mr. JOHNSON. Then, sir, I would suggest whether it is proper now in this bill to go into the subject of increasing all the auditors, and the head of every bureau and Government establishment in the city of Washington, when their pay is more than we receive. I think that at present some of these auditors and other officers get a great deal more than they are entitled to.

Mr. BRODHEAD. By the letter of the Secretary of the Treasury, it appears that the salaries of the comptrollers were fixed some fifty-five years ago, and at that time the comptrollers received more than the Postmaster General. The salaries of all the officers in and about Washington have been increased except the comptrollers. They are high officers, having responsible functions. The Senate can do as they please with this amendment; but I wish to justify myself for offering it. The same necessity exists for increasing the salaries of these other officers. They are meritorious men, performing highly responsible duties. They dispose of large quantities of public business. They guard the public Treasury. For these, and other reasons which appear on record in the communication from the Treasury Department, I urge the amendment.

Mr. JOHNSON. I wish to ask the Senator what these officers now receive. Is it not \$3,000 a year? Do not the Comptrollers receive that amount?

Mr. BRODHEAD. I think the Comptrollers receive \$3,000 or \$3,500.

Mr. GWIN. The First Comptroller receives \$3,500, and the Second \$3,000.

Mr. JOHNSON. Then, let me ask, what does a Senator receive?

Mr. BRODHEAD. That is an *argumentum ad hominem*. I know that my pay as a Senator is less, perhaps, than that of any gentlemen on this floor.

Mr. JOHNSON. Less than \$3,000 a year?

Mr. BRODHEAD. Yes, sir, less than \$2,000; but that has nothing to do with the question under consideration. The question is not whether we receive enough, but whether these officers receive enough.

Mr. GEYER. Mr. President, I have voted against several amendments which have been offered for the increase of salaries. I have thought for a long time that this was about the largest omnibus that ever was attempted to be built in the

Senate. A moment ago we refused to receive what I considered some of the most respectable passengers who have been offered, the judges of the district courts of the United States. We refuse to receive them, and we are now increasing the salary of every clerk, auditor, and comptroller, and making this, instead of being an appropriation bill, a salary bill.

Mr. BADGER. Perhaps it would be appropriate for the Committee on Retrenchment. [Laughter.]

Mr. GEYER. It is properly suggested by the Senator from North Carolina, that it would be very appropriate for the Committee on Retrenchment. [Renewed laughter.] I do hope that, before the close of this session, or, at the furthest, at the commencement of the next session, we shall have some regulation by which we shall prevent the general legislation of the country from being introduced upon the appropriation bills. I hope yet to live to see the day when an appropriation bill will be what its name purports, an appropriation of money for the public service authorized by law. I shall vote very cheerfully, when a proper bill is presented, for an increase of salaries which ought to be increased, but I regret very much that I, among others, have been seduced into voting for any increase of salaries on this bill.

The question being taken by yeas and nays on the amendment, resulted—yeas 9, nays 30; as follows:

YEAS—Messrs. Allen, Brodhead, Cooper, Fitzpatrick, Gwin, Jones of Tennessee, Rusk, Thomson of New Jersey, and Toombs—9.

NAYS—Messrs. Adams, Atchison, Badger, Bayard, Bell, Benjamin, Butler, Chase, Dawson, Dodge of Iowa, Evans, Fessenden, Fish, Foot, Geyer, Gillette, Houston, Hunter, Johnson, Mallory, Mason, Pearce, Rockwell, Sebastian, Shields, Silldell, Sumner, Thompson of Kentucky, Wade, Walker, and Weller—30.

So the amendment was not agreed to.

Mr. THOMSON, of New Jersey. I wish now to submit an amendment, to come in at the third section, which provides somewhat for a redistribution of the clerks in the Executive Departments. It is an amendment which I explained yesterday, in the few remarks I then made. I will not detain the Senate by saying anything further on it. My only object is that the clerks shall be paid according to the work they perform. This amendment is to provide for that. It is to insert:

And provided, That whenever clerks of the first class shall perform the same or similar duties with any of the other classes, they shall receive the same compensation as is allowed to such classes.

Mr. HUNTER. I hope that will not be adopted. The effect of it will be to allow each Auditor, or other head of a bureau, to break up the classification, and to say that certain clerks of the lowest class are performing the duties of those of the higher classes.

Mr. BADGER. It is to abolish all classifications.

Mr. HUNTER. It is. That is the effect of it. Mr. THOMSON, of New Jersey. The words of this amendment are the very words of the act which was passed on the 22d of April, 1854, which was intended to provide for this class of cases. There were a set of clerks known as temporary clerks. They have been abolished by name, but they have been incorporated into a class called first-class clerks. The act of April 22d provides that all clerks not provided for in it, that is, the temporary clerks, who are now called first-class clerks, "performing the same or similar duties with any one of the other classes shall receive the same compensation as allowed to such class." When a clerk in the first class is performing the duties of a clerk of the second or third class, I think he should be entitled to the pay of the grade whose duties he is performing. That seems to me to be manifestly proper. It is, of course, very much a matter of discrimination with the head of a bureau or the head of a Department. He is to say whether a clerk is doing more duty than belongs to the class to which he is assigned. The object of my amendment is, in such cases, to allow the clerks to receive pay in proportion to the duties they perform.

Mr. BADGER. I wish only to say in this matter that it may, or it may not, be proper to abolish the classification which has been adopted in the Departments in reference to the clerks. If it is proper to abolish it, it ought to be done. If

it is proper to retain it, this amendment ought not to be adopted, for it allows the classification, but also allows the head of a Department or of a bureau to select his favorites, and pay them the highest rates.

The amendment was rejected.

Mr. WELLER. I desire now to offer an amendment which seeks to effect in part what I desired to accomplish a while ago with regard to the marshals of California. I have changed the proposition so as to put it in a shape that will be more acceptable to other gentlemen. Though this does not accomplish what I desire, it remedies to some extent the evils of which I complained before. It is to insert:

And be it further enacted, That the marshals in the northern and southern districts of California shall be entitled to thirty per cent. in addition to the fees and compensation allowed by the act of February 26, 1853, entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes."

Mr. RUSK. I intend to vote for that amendment; and if the Senator from California thinks the proposition I am about to make will embarrass it, I will not offer it. I propose to amend the amendment by adding after the word "California," the words "and the State of Texas." I will, in a few words, state the reason for this. The mileage allowed in the fee bill which we passed last year to the marshal is ten cents, which does not begin to pay him. The State of Texas has a territory of two hundred and seven thousand square miles, and there are four places in the State for holding the United States courts. The marshal there is a gallant and noble man. He is absolutely losing money by the rate of mileage now allowed him. If, however, my proposition is regarded as embarrassing the other, I will withdraw it; but I think it cannot be so considered.

The amendment to the amendment was agreed to; and the amendment, as amended was rejected; there being, on a division—ayes 17, noes 20.

Mr. STUART. I have an amendment to propose, by the instructions of the Committee on Commerce, to which I hope there will be no objection. We have made certain appropriations in the bill for life-boats on the Atlantic coasts, and upon the lakes; but the amount provided for does not come up to the recommendation of the Secretary of the Treasury, and what is required by a bill which has passed the Senate, and which is now pending in the House of Representatives, and which may, and probably will, become a law, at this session. If not, the amendment I now propose will not have any effect. It is simply to provide for appropriating a balance that will become due should that bill pass into a law. My amendment is in these words:

For the purpose of carrying out the provisions of an act entitled "An act for the better preservation of life and property from vessels shipwrecked on the coasts of the United States," \$52,460; to be expended under the direction of the Secretary of the Treasury.

The whole amount estimated for by the Secretary of the Treasury for this purpose was \$92,460; but \$40,000 have been appropriated for in this bill and the amendments already adopted.

Mr. HUNTER. What is the act which is referred to in the amendment?

Mr. STUART. That act contains no appropriation. It is a bill which has passed the Senate, and is now pending in the other House. I proposed this on the recommendation of the Secretary of the Treasury, to cover the whole ground. In order to facilitate the passage of that bill, there was no appropriation in it.

Mr. DAWSON. We are now late in the month of July, and the appropriations which we have already made in this bill for life-boats cannot be expended between now and the next session of Congress, unless they are hurried on unreasonably in every direction.

Mr. STUART. I can assure the Senator from Georgia that he is greatly mistaken. These boats are furnished with facility, and can be sent to California before the commencement of the next session.

Mr. ATCHISON. I move that the Senate now adjourn.

The motion was not agreed to.

The PRESIDING OFFICER put the question on Mr. STUART's amendment, and announced that it was rejected.

Mr. STUART. I call for a division. The amendment is founded upon an estimate made and furnished to the Committee on Commerce by the Secretary of the Treasury.

The PRESIDING OFFICER. The Chair understands the question to be decided.

Mr. STUART. It is not too late to ask for a division. I will ask that the recommendation of the Secretary of the Treasury may be read. It seems to me that there can be no difficulty about the matter when it is understood.

Mr. HUNTER. We have decided the question. It is getting late in the evening, and we are anxious to dispose of the bill.

The PRESIDING OFFICER. The Chair thought the noes had it very decidedly.

Mr. STUART. I am aware of that; but it has been the commonest thing all day, after the Chair has announced a result, to call for a division, or to order the yeas and nays. Now, sir, if appropriations which are necessary to carry on the business of the Government are to be defeated, after we have been spending all day talking about things that do not belong to the bill, simply from want of time, I will vote to adjourn, and let us take another day for it.

The PRESIDING OFFICER. Is there any objection to taking the question again?

Several SENATORS. None at all!

Mr. STUART. Now I ask for the reading of the paper.

The Secretary read it, as follows:

SIR: In compliance with the request contained in your letter of the 7th instant, I have the honor to submit the estimate of the appropriation which will be required to carry into effect the provisions of the bill entitled "A bill for the better preservation of life and property from vessels shipwrecked on the coast of the United States:—"

For establishing twenty-eight additional boat stations on the coast of New Jersey and Long Island, at \$2,000 each.....	\$58,660
For repairing twenty-six existing stations.....	10,000
For compensation of keepers at fifty-four stations, at \$200 per annum.....	10,800
For compensation of two superintendents, at \$1,500 per annum each.....	3,000
For the annual appropriation for the purchase of boats for other portions of the coast.....	10,000
	\$92,460

JAMES GUTHRIE.

HON. HANNIBAL HAMLIN, Chairman of the Committee on Commerce, United States Senate.

Mr. STUART. Allow me to say again, that I hope there will be no difference of opinion in the Senate about this matter. We have by special provisions added to this bill appropriations for \$40,000 of that amount. The general bill to which I alluded, which has passed the Senate, and which is now pending in the House, will, unquestionably, become a law at this session. So I am assured by the chairman of the Committee on Commerce in the House. It will require the additional \$52,460 to carry out the provisions of that act, and the effect of this amendment is to provide means for giving that law effect throughout the coasts of the United States.

Mr. BADGER. Now, sir, I wish to ask the Senator from Michigan this question. He refers to a certain act which he supposes will be passed. How is it possible that we should refer, in a bill which we are passing, to an act which has not yet passed? Suppose it does not pass.

Mr. STUART. I can answer the Senator very readily. If it does not pass, the appropriation contained in this amendment will go for nothing.

Mr. BADGER. But in what a position would the Senate be presented to the public, as not knowing what acts have passed?

Mr. JOHNSON. I move that the Senate do now adjourn.

Mr. HUNTER. I hope the Senate will consent to finish the bill before an adjournment.

Mr. JOHNSON. Many Senators have gone away, and I think we have hardly a quorum here.

Mr. HUNTER. I think we have a quorum. I hope we shall not adjourn now.

The motion to adjourn was not agreed to; there being, on a division—ayes 16, noes 24.

Mr. MALLORY. I wish to suggest to the honorable Senator from Michigan not to ask for any more expenditures on account of life-boats at present. The two life-boats which have been stationed at the point where I reside have been there now for two years, but have never been used in a single instance, and repeated requests have been

made by the collector there to have them withdrawn. I believe that such is the condition of the life-boats in the State in which I reside, that every one of them is perfectly useless. I believe now, that if a redistribution of life-boats is to take place, perhaps we have enough on hand already.

Mr. STUART. I am not at liberty to withdraw the amendment. It is one which I have been instructed to offer by the Committee on Commerce, and it is not within my power to withdraw it. It is in the power of the Senate to vote it down.

Mr. BADGER. I am satisfied that there is no chance of getting through with this bill to-night. I hope, therefore, that the Senate will adjourn. I make the motion that the Senate do now adjourn.

Mr. ADAMS. No question has been taken since the last motion to adjourn was put.

The PRESIDING OFFICER. (Mr. BELL in the chair.) That is true; the motion, therefore, cannot be entertained.

The amendment was rejected.

Mr. FISH. I move to amend the bill by adding the following additional section:

Sec. — *And be it further enacted, That all vacancies in any of the classes of clerks authorized by the third section of the act approved March 3, 1853, entitled "An act making appropriations for the civil and diplomatic expenses of the Government for the year ending 30th of June, 1854," shall be filled by promotion according to seniority.*

That is one of the provisions which was contained in the bill which passed the Senate by a large majority. The House struck it out; I propose now to put it in this bill.

Mr. STUART. That is one amendment of all others connected with these clerkships which ought not to be adopted. To carry out the clerkship grade by seniority cuts off all authority on the part of the head of the bureau or Department to determine anything about qualifications. It operates badly enough in the Army and Navy. I hope never to see it introduced into the civil service.

Mr. BADGER. I believe a question has intervened since the former motion to adjourn was put. I now renew the motion that the Senate adjourn.

The motion was lost—ayes 13, noes not counted.

The question was taken upon Mr. FISH's amendment; and it was rejected.

Mr. JOHNSON. A few moments since a vote was taken upon the proposition of the Senator from California, [Mr. WELLER,] to amend the bill by increasing the compensation of marshals. I move, at the special instance of my friend—because I shall certainly not change my vote on the final result—to reconsider the vote, so that he may have the yeas and nays upon it.

Mr. WELLER. I hope the Senate will agree to the reconsideration, and then give us the yeas and nays upon the adoption of the amendment. My only desire is to obtain the yeas and nays upon it. That will supersede the necessity of asking for them upon the motion to reconsider.

Mr. BADGER. I was in favor of the amendment; but I cannot vote for the motion to reconsider at this stage of the session. If we act upon propositions and reject them, and then reconsider them, we shall never get through with the bill. I advise the Senator, therefore, to call for the yeas and nays upon this motion.

Mr. WELLER. We may just as well have them on the direct vote. I do not want to discuss the question. I only want the yeas and nays upon the direct proposition.

The question was taken; and the Presiding Officer declared that the motion appeared to be lost.

Mr. WELLER called for the yeas and nays; and they were ordered.

Mr. JOHNSON, when his name was called, said: As this is a test question, I shall vote against my own motion.

The yeas and nays were taken, and resulted—yeas 18, nays 19; as follows:

YEAS—Messrs. Bell, Brodhead, Chase, Dodge of Iowa, Douglas, Fitzpatrick, Foot, Gillette, Gwin, Jones of Tennessee, Mallory, Pettit, Rockwell, Sebastian, Stuart, Sumner, Wade, and Weller—18.

NAYS—Messrs. Adams, Allen, Atchison, Badger, Bayard, Benjamin, Cooper, Evans, Fessenden, Fish, Geyer, Hunter, Johnson, Mason, Sebastian, Shields, Slidell, Thompson of Kentucky, and Walker—19.

So the motion to reconsider was rejected.

Mr. SHIELDS. I move to amend the clause

"for compensation of three inspectors of said penitentiary," (in the District of Columbia) "\$300," by striking out "three hundred," and inserting "seven hundred and fifty."

Mr. HUNTER. If we increase the salary of a portion of these officers, we ought to increase the others. Why except the inspectors?

Mr. SHIELDS. What I propose to reinstate is the old salary. They only get a hundred dollars each. All I want is a vote.

The amendment was rejected.

Mr. SHIELDS. The committee appointed to report upon the atmospheric telegraph, have instructed me to report the following amendment, to come in under miscellaneous appropriations.

Mr. WELLER. I should like to have an opportunity of seeing that that amendment is inserted in the proper place; and in order to enable me to accomplish that object, I move that the Senate adjourn.

Mr. SHIELDS. This is the last amendment that I have. I simply wish the Senate to vote upon it.

Mr. WELLER. I withdraw my motion.

The amendment was to insert the following:

For the construction of an atmospheric telegraph, on the plan of Ethel Richardson, under the direction of the Postmaster General, from the President's House to the Capitol, \$10,000.

The amendment was rejected—ayes 18, noes 20.

Mr. DODGE, of Iowa. I move to amend the clause in the bill appropriating \$1,000 for contingent expenses of the Territory of Utah, by striking out "\$1,000," and inserting "\$1,500." I ask that a letter from the Governor of Utah to the Delegate may be read.

Several SENATORS. It is not necessary.

The amendment was rejected—ayes thirteen, noes not counted.

Mr. DODGE, of Iowa. I move to amend the fourth section of the bill by inserting after the words "Auxiliary Guard," in the clause relating to the increase of their salaries, the words:

The said Auxiliary Guard to be hereafter appointed by the Commissioner of Public Buildings.

I will state that we are appropriating some \$15,000 for the Auxiliary Guards, who are appointed by the Mayor of the city. My amendment proposes to take from that officer the appointment, and confer it upon an officer of our own, to wit: the Commissioner of Public Buildings.

Mr. GWIN. If the Senator will insert Secretary of the Interior, instead of Commissioner of Public Buildings, I will agree to it.

Mr. DODGE, of Iowa. I will do that. I make that modification.

Mr. DOUGLAS. I hardly know whether to vote for this motion or not; but I have a word to say upon that item of expenditure. We have been paying this Auxiliary Guard, so far as I know, from time immemorial.

Mr. BADGER. Since 1842.

Mr. DOUGLAS. We pay them, and I have never seen but one of them in the course of the eleven years which I have been here; and the one that I did see I met at a livery stable. He told me that his beat went by my house, and he wanted us to raise his pay. I have lived there three years. His beat is by my house every day and night, and I have never set my eyes upon him since. I doubt whether the guard are on duty. I doubt whether they render service. I doubt whether the money which we appropriate is not so much thrown away, and I do think that, until they are on duty so that they can be called, so that they can be of use, so that you can find somebody who has ever seen them when they are needed, we ought to strike out the annual appropriation.

Several SENATORS. Make that motion.

Mr. DOUGLAS. I will make the motion to strike out.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa.

Mr. DODGE, of Iowa. Upon that I ask for the yeas and nays.

Mr. BADGER. These Auxiliary Guards are not intended to be found or seen by well disposed persons; therefore it is not at all surprising that the Senator from Illinois has not seen them. [Laughter.]

Mr. DOUGLAS. I would like the Senator from North Carolina to give his testimony. Has he ever seen them?

Mr. BADGER. I am like the Senator from Illinois. I have never seen them, and I never expect to see them. [Renewed laughter.]

Mr. DOUGLAS. I do wish to see them.

Mr. BADGER. Get into a row, then. [Continued laughter.]

Mr. DOUGLAS. I am speaking seriously. I have had occasion sometimes to have the guard called for protection. We know that houses are burning down in the city as regularly as sunrise and sunset follow each other. I have sat in my house at night and seen six houses burnt by incendiaries within two hundred yards—all burning at once—and when the guard were called for, none could be found. Sometimes every night for a week, in that quarter, houses have been on fire. I want to know what becomes of this guard at such times. I only raise this question for the purpose of calling the attention of the Senate and the authorities of the city to the fact, that if a guard are on duty, those who require their attention do not know where they are.

Mr. RUSK. I had some doubts at first about voting to strike out this provision; but when they have been able to find the Senator from Illinois but once in three years, and the Senator from North Carolina not at all, I am satisfied that they are of no use. [Laughter.]

Mr. ADAMS. I think the Senate is about to act unadvisedly in reference to this question. I understand this Auxiliary Guard to have their duty to perform at nights. There are thirty of them. Each one has his beat. One thing I know, sir; we have not one fire now to ten which we had two years ago. This guard perform their duty from dark until daylight. Not one of them ever lies down or sleeps at night. They are not permitted to engage in any other kind of business. They have detected and been the means of convicting some half dozen persons who were engaged in setting houses on fire, and they have several others now in custody; and perhaps we have no public officers in the District of Columbia who render more service in the protection of the property of this place, and who are more poorly paid, according to the services they render to the city, than this Auxiliary Guard.

Mr. DOUGLAS. I cannot concur with the Senator that there were ten fires two years ago to one which we have now. There has hardly been a night this spring in which houses have not been burnt down in this city. There have within sight of my own house been thirty or forty burnt within the last three months. There is scarcely a night in which there is none burnt. On one occasion, while there were six houses being burnt down near my dwelling, a man left his house on New Jersey avenue to go to the fire, and while he was absent, his own house was set on fire, and his wife burnt nearly to death in bed before she could get out. These things are frequently occurring. I have never known a period when there was so much danger in the city as within the last two or three months. I can say nothing about these men, only that I do not see them.

A SENATOR. Perhaps you do not know them when you see them.

Mr. DOUGLAS. I think they should be required then to carry some badge, so that they may be recognized. We ought to know who they are, so that we may call on them for protection; but when a man's beat is by your own house, and in three years you never set your eyes on him, either night or day, and when these fires take place and he cannot be found, seen, or heard of, I have my doubts whether he is on duty. I do not believe that that man in that part of the town does go on his duty.

The yeas and nays were ordered on the amendment.

Mr. STUART. I have full confidence in the statement presented by the Senator from Illinois. The question is as to the remedy. As it stands now, I believe these officers are appointed by the corporate authorities, and the United States Government pays them. If there is a mode better calculated than any other to get a set of men good for nothing, that would be the one. I am inclined to think that the proposition now before the Senate, submitted by the Senator from Iowa, will remedy this evil. If this guard shall be appointed by the authority that pays them, I think you will have an efficient set of men. The Senator from Illinois has shown very clearly the necessity of a

guard, provided that guard can be a good one. If this plan fails, if the guard appointed by a responsible officer of this Government, and subject to the Government, will not answer the purpose on a fair trial, I shall go with the Senator from Illinois, when he moves to strike the provision out; but I submit, that at this time, perhaps, we had better take the proposition of the Senator from Iowa, and change the mode of appointment, and try that.

Mr. DOUGLAS. I am willing to do that.

Mr. MASON. The Auxiliary Guard is a part of the police of the city of Washington. The city of Washington covers so much ground that it is found impossible for the resources of the city to furnish a police. As there was a large portion of the public property of the United States in the city, it was considered a proper policy that the Government should contribute to the support of the police. Although the Government pays them, they are appointed by the head of the police in the city—the Mayor—and are under his control. I would ask how the Secretary of the Interior, who now comes from Michigan, or any future Secretary of the Interior, coming from a distant portion of the country, can know the qualifications of the people of Washington, in order to form the police. If you give him the power, you will have it a matter merely of political patronage, and a sort of political infirmity.

Mr. HOUSTON. I in part concur with the Senator from Virginia. I am not in favor of discharging this guard. I think they ought to be retained. I do not think that they act to the satisfaction of every one; but it does appear that a police is necessary for the extent and peculiar situation of this place. If the appointment of this guard be left to the Superintendent of Public Buildings, and if he is acquainted with the population of the place generally, with their capabilities, their industrious habits, and all these matters, he can make a better selection than the Secretary of the Interior would have it in his power to do. The Secretary has business accumulating upon his hands, and a great addition is made to it by this bill. Now, if you compel him to give his personal attention to this subject, he must be acquainted with the individuals he appoints; and it does seem to me that he would have to rely either upon the corporation or some other person entirely independent of himself, and that he would, therefore, be a bad hand to select suitable persons to constitute the guard. The appointing power should have a personal knowledge of the population of Washington, in order to give efficiency to the guard, and we can get no person on whom the responsibility could better rest than the Commissioner of Public Buildings. I shall, therefore, move to amend the amendment by striking out "Secretary of the Interior," and inserting "Commissioner of Public Buildings."

Mr. PEARCE. Mr. President, I am afraid that the Senate are likely to be misled by the Senator from Illinois. It should be remembered that he has such an aversion to public places, and is so passionately fond of privacy, that he has withdrawn himself almost altogether from public haunts, and sequestered himself in seclusion. I have no idea that any body would find him anywhere but at home, [laughter;] and I should, therefore, have been surprised if the Auxiliary Guard had been able to find him. I think it likely that that guard perambulates the streets of Washington where they are needed.

Mr. DOUGLAS. I never should have dreamed that the man of whom I spoke was one of the Auxiliary Guard. He found out where I lived, and stated to me that he was one, and made himself known to me because he wanted his salary increased. I asked him where his beat was. He described it "right by your house." Three years have elapsed since that, and I have never set eyes on him or heard of him since. I do not believe he is there, and I do not want him to take his pay unless he attends to his duty.

Mr. PEARCE. The guard are never stationed at any particular places. The Senator lives almost at the *ultima thule* of the city, and they might pass his house two or three different times during the night, and it would be no marvel if they were not seen by him. I do not think, sir, that we can draw an unfavorable conclusion from the statement made in relation to this guard. The Senator does not mingle among his fellow-citizens; he does

not know everything that is being done; he does not have a hand in it; and, therefore, I contend he cannot charge them with being derelict in their duty. [Laughter.] I think, sir, the expenditure for this guard is a wise and proper one; and I hope that the amendment of the Senator from Iowa will not prevail.

THE PRESIDING OFFICER. The question is on striking out "Secretary of the Interior," and inserting, "Commissioner of Public Buildings."

Mr. DODGE, of Iowa. If I have the power, I accept that modification.

THE PRESIDING OFFICER. The question now is on the amendment as modified.

Mr. THOMPSON, of Kentucky. I have never seen any guard here, auxiliary or any other. I do not know whether they are appointed or whether they are not appointed; but I am unwilling to place in the power of the Secretary of the Interior, or of the Treasury, or any other man who is in power here, under the influence of a political party, the privilege of appointing the guard—I will not say the legion of honor and the imperial guard around the royal person—but the guard that would belong to the political party in power, and by which it could have a police and surveillance and watchmanship, and guardianship over the men who may be opposed to them in politics. I think it would lead to perversion and injustice toward those who should happen not to be in the favor of the party in power, whoever they may be.

Mr. DODGE, of Iowa. I named the Commissioner of Public Buildings, because he is an officer responsible to us, having charge of a vast amount of property, for which we are called upon to vote millions. We have been called upon to bring water into the city; and one of the arguments used was, that that property might be protected. I undertake to say that, when this guard is appointed by the Commissioner of Public Buildings, you will hear no Senator rise upon this floor, and, upon his responsibility, make the statement which the Senator from Illinois has made. As to the tirade of the Senator from Kentucky about partisans, allow me to say that there is a most singular discrepancy between the practice when in power and the preachings of that party to which he belongs; and if there has been any party in the country which has gone as much as any other to establish the doctrine that to the victors belong the spoils, in the face of their assertion that they have no friends to reward, and no enemies to punish, it is his party. I have none of that disregard for party which is manifested by the Senator from Virginia, [Mr. Mason,] who takes the opportunity to give a side blow to my amendment. I have partisan politics. Sir, the Secretary of the Interior, or the Commissioner of Public Buildings, will know as well the qualifications of the men to be appointed on this guard as he does in regard to other officers, when, after the presidential election, he is called upon to appoint a Commissioner, or to decide who will make proper clerks. Who are they that remove the clerks and appoint others? They are those who come in in the exercise of that power; and in this instance the Commissioner will be familiar with his duties, will be familiar with the police of the city, and will be perfectly competent to make the appointment.

Mr. PEARCE. This is not a party question.

Mr. DOUGLAS. Party has nothing to do with it.

Mr. JONES, of Tennessee. I do not think it is a question of party. I deny that there is any Whig party or Democratic party. I should like to have some police here who could find them out. [Laughter.] I will vote for any police that will find either of these parties. Now, Mr. President, I am not in favor of the amendment of my friend from Iowa, for these plain reasons: I do not mean by any vote of mine to make the Secretary of the Interior the captain of police. The amendment proposes that the Commissioner of Public Buildings shall have this power of appointment. I am unwilling to impose that upon him. I do not think he is an officer suitable to act as a policeman. You have established a city here, and have erected for that city a corporate authority. I think the corporation is competent to manage its affairs. I have not been here very long, but I am prepared from two years residence, to say that I believe it is the best administered city in some respects I

ever saw. Sir, I have an argument which is clear to my mind that the system which we have now is the best system that we can devise. Why? I draw that conclusion from the intimate acquaintance which I have with the habits of the Senator from Illinois, and the Senator from North Carolina. I say intimate knowledge of their habits; and when they have not seen a policeman for three years, it is perfectly conclusive that it is a good police. Another argument, in regard to my friend from Mississippi, is conclusive that they are always in the performance of their duty. Now, we understand why it is. The Senators from Illinois and North Carolina never go out; how then can they expect to see a policeman? But my friend from Mississippi, who stands up for them, and knows them, sees them, and can see them whenever he wants to see them.

A SENATOR. Where does he go?

Mr. JONES, of Tennessee. I do not know where he goes. [Laughter.] That is none of my business; but from my knowledge of the gentlemen from intimate personal association with them, I think these policemen have vindicated their character for vigilance, because they have never seen the Senators from Illinois and North Carolina, but they have constantly seen the Senator from Mississippi. [Laughter.]

Now, Mr. President, in all seriousness, all I have to say is, in the name of God, if you have a corporate authority here, let that corporate authority manage its own affairs, and do not put it upon the President, or the head of a Department, to select their officers down to the police, and say that this man is to be appointed and that man not. I think they are able to take care of themselves.

Mr. PETTIT. I am decidedly in favor of taking these appointments from the Mayor of the city, and I think I can show my reasons for it very briefly. We have taken upon ourselves, or rather they have been forced upon us, all the expenses of this city. All the public improvements are made, all the streets are paved, at our expense. The water-works are made at the expense of the Government. The police, the auxiliary police, are paid at the expense of the Government. The Government and the city are partners; and, as a Senator said to me a few moments ago, we have a very unfortunate or unequal partnership with the city. We are the paying partner, the furnishing partner, and the city is the disbursing partner. When we furnish the money for the employment of these men, it seems to me exceedingly proper that we should appoint and select them by some person whom we designate. The public money is to be expended to pay these men, and there is no reason why a public functionary of the United States should not have the selection of these pensioners, or those to whom this money is to be paid. I think this city occupies a different position from what Philadelphia, Baltimore, New York, or other cities occupy. There they rely upon taxation, upon their own property and resources, and it is quite proper that they should have the entire control of their subalterns—the control not only of the appointment of the chief, but of the subalterns. It is not so here. This city applies to us to be entirely maintained in its expenditures, and it ought not to complain if we gave it the officers, as we make the expenditure. Upon every principle this power of appointment ought to be changed from the mayor.

Mr. WELLER. I think it must be obvious to all that it is impossible to get through with the bill to-night, for the amendment which is now pending has opened a wide door for discussion; and I do not know that it will terminate until a late hour. I have only this remark to make: I have heard but one Senator say that he has ever seen any of this Auxiliary Guard, and that was my friend from Mississippi. Now, I will venture to say that he never did see any of them, unless they came to him to apply for an increase of pay. I ask him whether he ever did see them at any other time?

Mr. ADAMS. They thought they were very badly treated by the committee of which I have the honor of being chairman, in not being provided for in the increase of salaries, and they did come to me, and that is the only acquaintance I had with them. [Laughter.]

Mr. WELLER. I supposed that to be the

case. I have, therefore, a simple motion to make, and that is, that the Senate do now adjourn.

The motion was lost.

The yeas and nays having been taken on the amendment of Mr. DODGE, of Iowa, resulted—yeas 16, nays 22; as follows:

YEAS—Messrs. Atchison, Dodge of Wisconsin, Dodge of Iowa, Douglas, Fitzpatrick, Gwin, Houston, Hunter, Mallory, Norris, Pettit, Rusk, Sebastian, Stuart, Walker, and Weller—16.

NAYS—Messrs. Adams, Allen, Badger, Bell, Brodhead, Chase, Cooper, Evans, Fessenden, Fish, Foot, Geyer, Gillette, James, Jones of Tennessee, Mason, Pearce, Rockwell, Slidell, Sumner, Thompson of Kentucky, and Wade—22.

So the amendment was rejected.

Mr. SLIDELL. I move to strike out all that part of the bill which makes any appropriation for the Auxiliary Guard.

Mr. HUNTER. This Auxiliary Guard was established in 1842. I have never heard it disputed, until this evening, that it was useful. I think we ought not to strike out these things without a little more consideration. The guard has been very useful in maintaining the peace and order of the city; and I confess I was surprised to hear the criticism of the Senator from Illinois. I hope the amendment of the Senator from Louisiana will not prevail.

THE PRESIDING OFFICER. Will the Senator from Louisiana point out the clause to which his amendment applies?

The Secretary read from the bill, "and the Auxiliary Guard, and the watchmen of the Capitol extension, shall be \$750."

Mr. SLIDELL. My amendment is to strike out the appropriation for the Auxiliary Guard.

THE PRESIDING OFFICER. The Chair understands that has been inserted in the bill by a vote of the Senate.

Mr. DOUGLAS. I do not understand that that is the portion of the bill which the Senator proposes to amend. He moves to strike out the appropriation for the guard, not the increase of pay.

THE PRESIDING OFFICER. The Chair understands the proposition is to strike out the increase of pay.

Mr. DOUGLAS. No, sir; the total pay.

Mr. SLIDELL. The clause which I move to amend is the following:

For compensation of the Auxiliary Guard, fuel, and oil for lamps, \$16,400.

I move to strike out that portion which applies to the compensation of the Auxiliary Guard.

The Secretary read the clause.

Mr. SLIDELL. My amendment will be to add, "and the Auxiliary Guard is hereby abolished."

Mr. HUNTER. Does the Senator propose to strike out the appropriation for fuel and oil for lamps?

Mr. SLIDELL. No, sir, I do not propose to do that; but I have not the means at hand to know how much of the appropriation to strike out, as that which relates to the Auxiliary Guard.

THE PRESIDING OFFICER. The Chair would suggest to the Senator from Louisiana that he should put his amendment in some form.

Mr. SLIDELL. I shall prepare it in form.

Mr. CHASE. If there is no question before the Senate, while the Senator from Louisiana is preparing his amendment, I will move to reconsider the vote by which the amendment, relating to the water-works was adopted. On that motion I will say all I have to say in a very few words. This bill has swelled out of all proportion as an appropriation bill; and I think the friends of the Administration ought to be thankful to anybody who makes a motion to reduce, in any degree, the appropriations provided for in it. I voted for this proposition with a great deal of reluctance, upon the understanding that the cities were to contribute one fourth of the whole expense of this establishment.

Mr. DOUGLAS. Will the Senator allow me to say a word?

Mr. CHASE. Certainly.

Mr. DOUGLAS. On consultation with the Senator from Louisiana, we have come to the conclusion to let this guard go over till next winter, and give them one session to redeem themselves, if they can do so.

Mr. CHASE. I was saying that I voted upon it with the understanding that the cities were to

contribute one fourth of the whole expenditure. I find, upon examination, that instead of being one third, as proposed by the Senator from Louisiana, or one fourth, as was understood by the Senate, it is to be but one fifth. The Government appropriates \$500,000, and the amendment requires the cities to contribute one fourth of that amount in addition, so that, together, the appropriation of the Government and the cities will be \$625,000, making one fifth of the whole as the contribution of the cities. I merely refer to that, as showing a misunderstanding of mine; it may have been a misunderstanding of other Senators.

Upon further reflection, also, I have come to the conclusion that this is an extravagant appropriation. The city in which I reside contains a population of two hundred thousand inhabitants. The water-works by which the whole city is supplied, from the Ohio river, have fallen short in the whole cost of construction, from the commencement to this day, of \$1,000,000. Here we are about to enter into a plan which is variously estimated for from \$2,300,000, the estimate of the engineer, to \$5,000,000, which is the estimate of other persons, for the purpose of supplying this city with water. I am satisfied that, upon a discrete and prudent plan, the city can be supplied with an abundance of water for less than half the first sum. These are the grounds upon which I have moved the reconsideration. I hope the Senate will agree to it. I ask for the yeas and nays.

The yeas and nays were ordered.
Mr. BAYARD. The motion, I believe, is to reconsider the amendment which authorizes the introduction of an appropriation into this bill for the continuance of these water-works. I should vote for that motion, were it not that I think it would lead to a long debate; and this bill ought to pass to-day, if we mean to get through with the other appropriation bills. I shall, therefore, vote against the reconsideration.

The question being taken by yeas and nays, resulted—yeas 19, nays 21; as follows:

YEAS—Messrs. Adams, Atchison, Chase, Dodge of Wisconsin, Dodge of Iowa, Evans, Fitzpatrick, Foot, Geyer, Gillette, Houston, James, Pettit, Sebastian, Slidell, Wade, Walker, Weller, and Williams—19.

NAYS—Messrs. Allen, Badger, Bayard, Bell, Brodhead, Cooper, Douglas, Fessenden, Fish, Gwin, Hunter, Jones of Tennessee, Mallory, Mason, Norris, Pearce, Rockwell, Rusk, Shields, Stuart, and Thompson of Kentucky—21.

So the motion was lost.

Mr. GWIN. The Senator from Maine, [Mr. Hamlin,] who was called suddenly home to-day by a telegraphic dispatch, announcing sickness in his family, left with me an amendment to be proposed to this bill. The object is to equalize the compensation of the keepers of naval stores.

Mr. HUNTER. That ought to come in on the naval appropriation bill. I suggest to the Senator to withhold it, and offer it to that bill.

Mr. GWIN. I withdraw that. Mr. President, there is no question in which my colleague and myself feel so much interest as in regard to the judiciary of our State. It is perfectly notorious that the judges there have not the power to discharge the duties imposed upon them. I will state, Mr. President, my reason for offering the amendment which I shall now propose, and the reason which exists for the appointment of a new circuit judge. I consider that the supreme bench should be perfectly familiar with the land claims coming up before it. It is perfectly notorious that we passed an appropriation to obtain Mexican law books, and we paid a large amount to have them translated; but when the consideration of these cases came up during the last term of the supreme court, it was ascertained that there were unexpected side issues which the judges could not examine. Therefore I offer these additional sections:

Sec. — And be it further enacted, That the Supreme Court of the United States shall hereafter consist of the Chief Justice and nine associate justices, of whom any six shall constitute a quorum; and for this purpose there shall be one additional justice of the said court, with like duties, powers, and compensation, and who shall take the same oath as the other associate justices.

Sec. — And be it further enacted, That a tenth circuit be, and the same is hereby, constituted, consisting of the State of California, and the Territories of Oregon and Washington, in and for which a circuit court shall be held on the first Monday of August, in each and every year, at San Francisco; and to this circuit the associate justice hereby directed to be appointed is hereby assigned; or the Supreme Court may, from time to time, as often as said court may see right, assign any other associate justice to said court, and arrange their duties, so as to provide for

holding the courts, from which any associate justice may have been withdrawn and assigned to said tenth circuit.

Mr. PETTIT. Mr. President—

Several SENATORS. There is no danger of that passing.

Mr. PETTIT. Well, if it will not carry, I shall say nothing about it. I am satisfied.

The amendment was rejected.

Mr. GWIN. I have another amendment to offer. I shall not make a speech on it. It is to give to the clerk in the office of the First Comptroller what was intended to be given him by the law of 1850. The Comptroller has requested to have the law so altered as to enable him to draw his salary as the law was intended. This was sent to me by the First Comptroller of the Treasury. He recommends it:

That the increase of the salary of the clerk in the office of the First Comptroller provided to be paid by the act of September 30, 1850, shall date from the 1st of July, 1849, the commencement of his increased services; and that a balance of \$333 33 be paid to him.

Mr. HUNTER. Is not that a private claim?

Mr. GWIN. No, sir; that was the original intention of the law, but an interpretation was given to it so as to deprive him of the compensation. I hope there will be no objection to it.

Mr. HUNTER. That is a private claim. I submit to the Chair if it is not.

Several SENATORS. Let it go.

Mr. WELLER. I have only one remark to make. I believe this is the third amendment which has been to-day offered to the civil and diplomatic bill to remove difficulties existing in the office of the First Comptroller of the Treasury. Now, it is astonishing that we are called upon to legislate so often in regard to the Comptroller of the Treasury, to define what we intended when we passed certain laws. I say it is a very remarkable fact that we should be called upon, after we have passed laws, to pass other provisions to remove the scruples of the First Comptroller. I shall vote for the amendment.

Mr. HUNTER. Let us have the question.

The amendment was rejected.

Mr. NORRIS. I have a small amendment to offer. It is to insert:

For one additional clerk in the office of the assistant treasurer in Boston, Massachusetts, \$1,200.

This is recommended by the Secretary of the Treasury.

Mr. HUNTER. That is right.

The amendment was agreed to.

Mr. MALLORY. I offer the following amendment:

Sec. — And be it further enacted, That whenever it shall be necessary for the head of any Department or office to employ special agents other than officers of the Army or Navy, who may be charged with the disbursement of the public moneys, they shall, prior to entering upon their duties as such, give bonds in such form, and with such security, as the head of the Department or the office employing said agents may approve.

Mr. HUNTER. I hope the Senator will not press that amendment here. We had to strike out a provision of the bill which provided for the engineers. They disbursed money and got nothing for it; and we never lost a cent by them. I am afraid this will reach further than the Senator intends; at any rate, I hope he will reserve it for another appropriation bill.

Mr. MALLORY. There is no more proper place for it than this. To show the propriety of it, I will say that it was drawn up in the Department, and the only exception is to inserting the officers of the Army and Navy excepted, which meets the objection of the Senator from Virginia. One of the most flagrant abuses in this power of appointing special agents for the disbursement of money, is exhibited in a document on your table which you have not taken the trouble to read. It happened to occur in my State; I am, therefore, very well acquainted with it. Here, the Department of the Interior tells you, are \$14,600 yet unpaid out of \$70,000 entrusted to agents. No bonds were taken. This amendment does not call for an appropriation, but it meets a crying abuse in the appointment of special agents for the disbursement of the public moneys without proper guards.

Mr. HUNTER. I have no objection to it; let it go.

The amendment was agreed to.

Mr. SLIDELL. I wished to correct a clerical error in the amendment which was introduced by

the Senator from California regulating the salaries of clerks in the different Mints. I offered an amendment to it which passed the Senate, allowing a certain additional salary to one of the clerks in the Mint at New Orleans, by the name of the cashier. He performs the duties of cashier; but in looking at the law under which he holds office, I find he is designated as "chief clerk." I presume there can be no objection to making that alteration.

Mr. HUNTER. None at all.

The PRESIDING OFFICER. That alteration will be made, if there be no objection.

Mr. WELLER. I desire to submit an amendment to modify the law of the 26th February, 1853, to obviate a difficulty in regard to California. It is:

That so much of the act passed the 26th February, 1853, being an act to regulate the fees and costs to be allowed to clerks, marshals, and attorneys, of the circuit and district courts of the United States, and for other purposes, as fixes the compensation to be allowed "for expenses while employed in endeavoring to arrest under process any person charged with, or convicted of, a crime, the sum actually expended, not to exceed two dollars a day, in addition to his compensation for such services and travel," be amended so as to read, "for expenses while employed in endeavoring to arrest under process any person charged or convicted of a crime, the actual necessary expenses in addition to his compensation for services and travel."

That law reads in this wise: "for expenses while employed in endeavoring to arrest under process any person charged with, or convicted of, crime, the sum actually expended, not to exceed two dollars per diem." I propose to strike out those words, so that the Department may be authorized to allow him what was actually expended, and what was absolutely necessary to accomplish the object.

The amendment was agreed to.

The amendments were then ordered to be engrossed; and the bill was ordered to be read a third time.

Mr. SLIDELL. I have prepared an amendment in relation to the Auxiliary Guard.

Mr. HUNTER. The bill is ordered to be engrossed, and it cannot be amended now.

The bill was read a third time.

Mr. ATCHISON. I ask for the yeas and nays upon the passage of the bill.

The yeas and nays were ordered.

Mr. FITZPATRICK. I am requested by my friend from Mississippi [Mr. Brown] to say that if he had been here he would have voted for the bill; but he was necessarily called to his residence.

The question being taken by yeas and nays on the passage of the bill, resulted—yeas 25, nays 16; as follows:

YEAS—Messrs. Allen, Badger, Bayard, Bell, Brodhead, Cooper, Douglas, Evans, Fish, Fitzpatrick, Geyer, Gwin, Houston, Hunter, James, Mallory, Mason, Pearce, Rockwell, Rusk, Sebastian, Shields, Slidell, Stuart, and Williams—25.

NAYS—Messrs. Adams, Atchison, Chase, Dodge of Wisconsin, Dodge of Iowa, Fessenden, Foot, Gillette, Jones of Tennessee, Norris, Pettit, Sumner, Thompson of Kentucky, Wade, Walker, and Weller—16.

So the bill was passed; and,

On motion by Mr. BADGER, its title was amended by adding "and for other purposes."

INDIAN APPROPRIATION BILL.

While the civil and diplomatic appropriation bill was under consideration,

Mr. PEARCE, by unanimous consent, made the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill "making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1855, and for other purposes," having met, after full and free conference, have agreed to recommend, and do recommend to their respective Houses, as follows:

That the Senate concur in the amendments of the House of Representatives to the first, second, fifty-ninth, sixty-eighth, and eighty-first amendments of the Senate.

That the Senate concur in the amendment of the House of Representatives to the fourteenth amendment of the Senate, with amendments, as follows: In line fifteen of the amendment of the House of Representatives, strike out the word "seven" and insert "seventy;" in line twenty-four of said amendment, strike out the word "five" and insert "one;" and in line thirty-three of said amendment, strike out the word "five" and insert "one."

That the Senate do recede from its seventy-fourth amendment; and that the following be substituted for its seventy-fifth amendment:

And be it further enacted, That the Secretary of the Interior be, and he is hereby, authorized, if, in his judgment, the public interest will be promoted thereby, to cause to be disbursed such of the moneys appropriated in this act for the Utah Indians, either under treaty stipulations or for

general incidental expenses, by the Indian agent in that Territory, as he may think proper: *Provided*, That said agent shall, under no circumstances, receive any additional compensation therefor.

That the Senate do recede from its seventh, seventy-third, eightieth, and eighty-second amendments.

That the House of Representatives concur in the sixty-seventh amendment of the Senate, with the following amendments:

After the word "rendered," in the fourth line of the amendment of the Senate, insert the words "within or upon any Indian territory;" and in the same line, strike out the words "in cases," and in lieu thereof insert "for medical or manual services, or in cases of humanity."

And that the House of Representatives do recede from their disagreement to the tenth amendment of the Senate, and agree thereto.

JAS. ALFRED PEARCE,
S. ADAMS,
W. K. SEBASTIAN,
Managers on the part of the Senate.
GEO. S. HOUSTON,
S. G. HAVEN,
GALUSHA A. GROW,
Managers on the part of the House.

Mr. PEARCE. I should like to have the unanimous consent of the Senate to consider this now. I will give such explanations as may be necessary in regard to the report.

Unanimous consent was given.

Mr. STUART. I should like to have some explanation of the report.

Mr. PEARCE. I shall make very brief explanations of the different recommendations. The first amendment of the Senate was to insert in the bill the following provisos:

Provided, That the President may, from time to time, in his discretion, remove or change the location of any of the superintendencies now or hereafter to be established by law: *And provided further*, That whenever the President may order the transfer of the duties of superintendent of Indian affairs from the Governor of the Territory of Minnesota, the salary of said Governor shall thereafter be \$2,500 per annum.

The House struck out the second, and the committee recommend that the Senate recede from it. The House were fixed in their determination not to allow it. The President may, in his discretion, separate those duties, and they were unwilling to make this provision in anticipation of action by him.

The second amendment of the Senate was to insert:

For pay of five Indian sub-agents for California, at an annual salary of \$1,500 each, \$7,500.

For pay of four Indian sub-agents in Oregon Territory, at an annual salary of \$1,000 each, \$4,000.

The amendment of the House to it was to strike out "five," and insert "three," and decrease the total of salaries accordingly from \$7,500 to \$4,500. There are but three settlements of Indians there, and three sub-agents. The committee recommend the Senate to concur in the House amendment.

The amendment of the House to the fifty-ninth amendment of the Senate is merely verbal. The Senate amendment was to insert:

For payment to the Winnebago nation of Indians of certain unexpended balances of appropriations under various treaties, on account of annuities, education, provisions, goods, &c., \$30,004 69.

The House amended it by putting "in full" after "payment." The committee recommend a concurrence in that.

The sixty-eighth Senate amendment was to insert:

For defraying the expenses of continuing the removal and subsistence of Indians in California, three military reservations, in accordance with the plan submitted by the superintendent of Indian affairs of that State, and approved by the President, the sum of \$200,000: *Provided*, That no portion of this amount shall be paid over to the present superintendent of Indian affairs, until he shall account satisfactorily for the amount already drawn by him out of former appropriations. And that, hereafter, no more than \$20,000 shall be drawn by the said superintendent, or be in his hands unexpended at one and the same time: *And provided*, The sub-agents created by this act shall be appointed by the superintendent, subject to confirmation by the Secretary of the Interior, not to exceed one for each reservation, nor three in all, said reservations to contain not less than five nor more than ten thousand acres; and the said superintendent is authorized to apply, out of the sum hereby appropriated, not exceeding \$25,000 in the extinguishment of conflicting titles and rights to said reserved lands at a price not exceeding \$1 25 per acre, for a valid and indefeasible title to the land so purchased: *And provided*, The State of California shall cede the necessary jurisdiction in such cases with regard to the land so purchased.

The House amended it by striking out the words:

That no portion of this amount shall be paid over to the present superintendent of Indian affairs, until he shall account satisfactorily for the amount already drawn by him out of former appropriations.

They propose to strike that out because the superintendent, to whom it especially referred, has been superseded, and another now holds the office. The committee recommend a concurrence in that.

Then they propose that the Senate agree to the House amendment to our eighty-first amendment, which is merely verbal. As it passed the Senate, it read:

Sec. 10. *And be it further enacted*, That to enable the Secretary of the Interior to settle and pay the claims on file for reservations, and for rents and improvements, under the thirteenth and sixteenth articles of the Cherokee treaty of 29th of December, 1835, in pursuance of the stipulations of the third article of the treaty of August 8, 1846, the sum heretofore appropriated for those purposes, and carried to the surplus fund, is hereby reappropriated.

The House amended it so as to make it read:

That to enable the Secretary of the Interior to settle and pay the awards of commissioners, on file for reservations, preemptions, and for rents and improvements, under the twelfth, thirteenth, and sixteenth articles of the Cherokee treaty of 29th of December, 1835, in pursuance of the stipulations of the third article of the treaty of August 8, 1846, the sum heretofore appropriated for those purposes, and carried to the surplus fund, is hereby reappropriated.

The committee recommend a concurrence in that.

Mr. HUNTER. I hope, by general consent, the Senate will dispense with particular explanations, and let us have the vote. The House has agreed to the report.

The report of the committee was concurred in.

The other points of difference between the two Houses were the following:

The fourteenth amendment of the Senate was to insert:

For expenses of the transportation of the first of ten installments of goods, provisions, and agricultural implements, stipulated in the sixth article of the treaty of the 27th of July, 1853, \$5,000: *Provided*, That the goods, provisions, and agricultural implements which may be purchased and transported, out of any moneys hereby appropriated, shall not be delivered until the said tribes of Indians shall have assented to the amendments of the Senate of the United States to the said treaty, on account of which they are procured.

The House amended it by adding the following:

Delawares.—For the expenses of surveying the lands, as provided in the second article of the treaty of the 7th of May, 1854, \$11,146 95.

For the first of eight equal installments for payment of five chiefs, per third and sixth articles of the treaty of the 6th of May, 1854, \$1,250.

For the first of two installments per fourth article of the treaty of the 6th of May, 1854, \$74,000.

For the purchase of four sections of land for the Christian Indians, per thirteenth article of the treaty of the 6th of May, 1854, \$6,400.

For payment, under the direction of the President of the United States, the sum of \$5,600: *Provided*, That the said Christian Indians shall relieve the United States from all claims or demands for lands or money arising under the third and fourth articles of the agreement of the 8th of November, 1823, made with said Indians, the payment of \$6,400 and \$5,600, as above provided, being in lieu thereof, and in full consideration of the same.

Iowas.—For the expenses of surveying, as provided in the third article of the treaty of the 17th of May, 1854, \$1,987 20.

For the payment of a portion of the \$157,500 due the Iowas, under the second clause of the second article of the treaty of the 19th of October, 1838, to be applied as an agricultural fund, per ninth article of the treaty of the 17th of May, 1854, \$55,000: *Provided*, That the appropriation herein made "for interest on \$157,500, at five per centum, stipulated in the second article of the treaty of the 19th of October, 1838," be reduced to the sum of \$5,375.

For the payment in consideration of removal to their reservation, and of a release of all claims per twelfth article of the treaty of the 17th of May, 1854, \$5,000.

Kickapoos.—For the expenses of selecting the reservation provided in the first article of the treaty of the 18th of May, 1854, and for surveying and marking the exterior lines of the same, \$1,000.

For the first installment of interest at five per centum on \$100,000 for education, per second article of the treaty of the 18th of May, 1854, \$5,000.

For the payment of this sum as the first installment in money, per second article of the treaty of the 18th of May, 1854, \$25,000.

For the payment for improvements and the expenses of appraising the same on the land ceded, per fourth article of the treaty of the 18th of May, 1854, \$15,000.

For removal and subsistence, and in consideration of a release of all claims, per eighth article of the treaty of the 18th of May, 1854, \$20,000.

Sacs and Foxes of Missouri.—For expenses of selecting the reservation provided for in the first article of the treaty of the 18th of May, 1854, and for surveying and marking the exterior lines of the same, \$500.

For the first of four installments per second article of the treaty of the 18th of May, 1854, \$15,000.

For removal and subsistence, and in satisfaction of all claims and demands, per sixth article of the treaty of the 18th of May, 1854, \$5,900.

For defraying the expenses of the Creek delegation now in the city of Washington, and with whom a treaty has lately been concluded, \$1,199 55.

The committee recommend the Senate to concur in the amendment of the House, with amendments to correct the phraseology of it.

The seventy-fourth amendment of the Senate was to insert the following:

Sec. 3. *And be it further enacted*, That the President be authorized, by and with the advice and consent of the Senate, to appoint a superintendent of Indian affairs for the Territory of Utah, who shall receive an annual salary of \$2,000, and whose duty it shall be to exercise a general superintendence over all the Indian tribes in Utah, and to exercise and perform all the powers and duties assigned by law to other superintendents of Indian affairs.

The House disagreed to it; and the committee recommend the Senate to recede from it.

The seventy-fifth amendment of the Senate was to insert:

Sec. 4. *And be it further enacted*, That so much of the act to establish the territorial government of Utah, approved the 9th of September, 1850, as requires the Governor of said Territory to perform the duties of superintendent of Indian affairs, and authorizes him to receive a salary therefor, in addition to the salary allowed for his services as Governor, be repealed, and that the Governor of said Territory shall hereafter receive an annual salary of \$2,500.

The House disagreed to it; and the committee recommend the Senate to recede from it, and substitute in its place the following:

And be it further enacted, That the Secretary of the Interior be, and he is hereby, authorized, if, in his judgment, the public interest will be promoted thereby, to cause to be disbursed such moneys as are appropriated in this act for the Utah Indians, either under treaty stipulations, or for general incidental expenses, by the Indian agents in that Territory, as he may think proper: *Provided*, That said agent shall, under no circumstances, receive any additional compensation therefor.

The amendments from which the committee recommend the Senate to recede were the following:

No. 7, to insert:

For salary of five Indian agents, of the second class, according to existing laws, at the rate, in future, of \$500 each per annum, \$2,500.

No. 73, to insert:

For a clerk to the superintendent of Indian affairs in the Territory of Washington, \$1,800; and for a clerk to the superintendent of Indian affairs in the Territory of New Mexico, \$1,000; to be allowed in the discretion of the Secretary of the Interior.

No. 80, to insert:

Sec. 9. *And be it further enacted*, That the President be, and he is hereby, authorized, by and with the assent of the Indian tribes, respectively, to be obtained in due form, to enter into treaties with the various Indian tribes, to redeem and extinguish the perpetual annuities, or the payment of interest perpetually upon sums of money required to be held in trust, or invested in stocks, by either paying to said tribes the par value or equivalent of the said annuities and perpetual interest, either in whole or in annuities, for a term of years, as he, in his judgment, may deem most advantageous to the Indians, respectively.

No. 82, to insert:

Sec. 11. *And be it further enacted*, That, for the payment of the balance of *per capita* due the Cherokee Indians residing in the States east of the Mississippi river, under the treaty of 1835, and supplemental treaty of May, 1836, according to the stipulation of the tenth article of the treaty of August 8, 1846, the sum of \$92,625 18: *Provided*, That the same shall be reimbursed from the sums of money hereafter to be paid to the Western Cherokees, in such manner and in such amounts as the President of the United States may direct.

The sixty-seventh amendment of the Senate to which the House disagreed, was to add to the following section:

Sec. 2. *And be it further enacted*, That no existing provisions of law, prescribing the manner in which payment shall be made to Indians, shall be so construed as to repeal or contravene the seventeenth section of an act entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," approved June 30, 1834.

the words:

Or to prohibit the payment of any claim or claims (other than those of agents or attorneys for claims) for *bona fide* services rendered to any Indian tribe, in cases where the President may adjudge such service necessary, and the claim or claims therefor just and reasonable.

The committee recommend the House to concur in the amendment with amendments, so as to make it read:

Or to prohibit the payment of any claim or claims (other than those of agents or attorneys for claims) for *bona fide* services rendered within or upon any Indian territory, to the Indian tribes, for medical or manual services, or in cases of humanity.

The tenth amendment of the Senate to which the House disagreed, but from which disagreement the committee recommend them to recede, was to insert:

For erecting buildings for Indian agents in Washington Territory, \$5,000.

The report having been concurred in, the bill is finally passed.

On motion, the Senate adjourned at seven o'clock, p. m.

IN SENATE.

FRIDAY, July 28, 1854.

Prayer by Rev. HENRY SLICER.

On motion by Mr. BADGER, the reading of the Journal was dispensed with.

BOMBARDMENT OF SAN JUAN.

Mr. PEARCE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President of the United States be requested to communicate to the Senate all the information in his possession respecting the bombardment of Greytown or San Juan de Nicaragua, by Captain Hollins, in command of the United States ship Cyane, with copies of all orders or instructions, if any, given by the Executive to said Hollins in relation thereto.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of the Interior, communicating, in compliance with a resolution of the Senate, a certified copy of the register of "heads of families" entitled to life estate reservations under the Cherokee treaties of 1817 and 1819; which was read, and referred to the Committee on Indian Affairs.

Also, a message from the President of the United States, communicating, in compliance with a resolution of the Senate, the fourth meteorological report of Professor Espy; which was read, and referred to the Committee on Naval Affairs.

PETITIONS, ETC.

Mr. BRODHEAD presented the petition of Frances C. Elliott, widow of the late Captain J. D. Elliott, United States Navy, praying indemnity for extraordinary expenses incurred by her late husband while in command of the Mediterranean squadron, and compensation for serving during the war of 1812; which was referred to the Committee on Claims.

Also, a memorial of citizens of Philadelphia, remonstrating against the repeal of the duty on railroad iron; which was referred to the Committee on Commerce.

Mr. BRODHEAD. I beg to say that I understand that some of these railroad speculators intend to offer an amendment to some appropriation bill for that purpose.

Mr. DODGE, of Iowa, presented the petition of Fallot A. Whitney, praying the confirmation of his title to a lot of ground in the city of Washington; which was referred to the Committee on Private Land Claims.

REPORTS FROM STANDING COMMITTEES.

Mr. RUSK, from the Committee on the Post Office and Post Roads, to whom were referred the following bills from the House of Representatives, reported them back without amendment:

A bill for the relief of James S. Graham and Walker H. Finnall; and

A bill for the relief of J. C. Buckles, of Louisville, Kentucky.

Mr. MASON, from the Committee on Foreign Relations, to whom was referred the memorial of Horatio J. Perry, secretary of legation of the United States at Madrid, praying compensation as *chargé d'affaires* at times when he discharged the duties of that office, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of R. M. Walsh, praying compensation for his services as *chargé d'affaires* at Mexico, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of George W. Lippitt, United States consul at Vienna, praying compensation for diplomatic services, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to whom

was referred the memorial of Henry Savage, praying compensation for diplomatic services rendered the United States, in Central America, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of J. B. Holman, praying extra compensation as secretary of legation of the United States at Chili, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Peter Parker, secretary of legation, &c., at Canton, China, praying compensation as *chargé d'affaires* from the 24th of May, 1852, to the 31st of December, 1853, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Joseph Graham, United States consul at Buenos Ayres, praying compensation for services as *chargé d'affaires, ad interim*, at that place, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to whom was referred the memorial of Ferdinand Coxé, late secretary of legation of the United States to Brazil, praying compensation for diplomatic services, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. GWIN, from the Committee on Naval Affairs, to whom was referred the memorial of James R. Howison, secretary of the Naval Academy, praying to be allowed the same compensation from the date of his appointment, as that which he now receives, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the memorial of Thomas Ap Catesby Jones, a captain in the Navy, praying the restitution of his pay, suspended by the sentence of a court-martial, reported a bill for his relief; which was read, and passed to a second reading.

Mr. JOHNSON, from the Committee on Printing, to whom was referred a motion to print additional copies of the eighth annual report of the Board of Regents of the Smithsonian Institution, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed, for the use of the Senate, ten thousand extra copies of the eighth annual report of the Regents of the Smithsonian Institute, five hundred of such copies to be given to the secretary of the Smithsonian Institution for its use.

Mr. WADE, from the Committee on Claims, to whom was referred a bill from the House of Representatives, for the relief of Sylvester Humphrey, and the heirs of Alexander Humphrey, deceased, reported it back without amendment.

Mr. PETTIT, from the Committee on Private Land Claims, to whom were referred the following bills from the House of Representatives, reported them back without amendment:

A bill for the relief of the inhabitants of school township forty-five, range one, in Warren county, Indiana;

A bill for the relief of William J. McElhiney, E. P. Matthews, and Lawrence Cribben;

A bill for the relief of A. S. Laughery;

A bill for the relief of Rosalie Caxillo;

A bill for the relief of Patrick Gass;

A bill for the relief of Enoch Moore;

A bill for the relief of William Curran;

A bill for the relief of John McVey and John F. McKneely, of Louisiana;

A bill for the relief of Robert F. McGuire and Louisa, his wife, late Louisa Larny;

A bill for the relief of the legal representatives of John Rice Jones, deceased; and

A bill for the relief of Thomas C. Greene.

Mr. CHASE, from the Committee on Claims, to whom was referred a bill from the House of Representatives, for the relief of Daniel Steenrod, reported it back with sundry amendments.

He also, from the same committee, to whom

was referred the memorial of Henry Savage, praying compensation for diplomatic services rendered the United States, in Central America, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

FORTIFICATION BILL.

Mr. HUNTER, from the Committee on Finance, to whom was referred a bill from the House of Representatives, making appropriations for fortifications and other works of defense, and for repairs of barracks and quarters, for the year ending the 30th of June, 1855, reported it back without amendment.

ARMY APPROPRIATION BILL.

Mr. HUNTER, from the Committee on Finance, to whom was referred a bill from the House of Representatives, making appropriations for the support of the Army for the year ending the 30th of June, 1855, reported it back with sundry amendments.

POST OFFICE APPROPRIATION BILL.

Mr. HUNTER, from the Committee on Finance, to whom was referred a bill from the House of Representatives, making appropriations for the service of the Post Office Department during the fiscal year ending the 30th of June, 1855, reported it back without amendment.

PACIFIC RAILROAD.

Mr. GWIN submitted the following resolution for consideration; which was referred to the Committee on Printing:

Resolved, That ten thousand copies of the several reports of the officers in charge of explorations to determine the practicability of a railroad from the Mississippi to the Pacific, be, and the same are hereby, authorized to be printed for the use of the Senate, in quarto form; and that five hundred copies are authorized to be printed for the Secretary of War, and two hundred and fifty for each of the officers aforesaid.

BILL INTRODUCED.

Mr. MALLORY asked and obtained the unanimous consent of the Senate to introduce a bill to amend the "Act requiring foreign regulations of commerce to be laid annually before Congress," approved 16th of August, 1842, and for other purposes; which was read a first and second time by its title, and referred to the Committee on Commerce.

ENROLLED BILLS SIGNED.

A message was received from the House of Representatives, by Mr. McKean, Chief Clerk, announcing that the Speaker had signed the following enrolled bills:

An act for the compensation of James W. Low and others, for the capture of the British private armed schooner Ann, during the late war with Great Britain;

An act for the relief of Purser T. P. McBlair;

An act for the relief of George Mattingly;

An act for the relief of the Pine Grove Academy in Louisiana;

And act for the relief of John Frazer, and the administrator of the estate of John S. Clendenin, deceased;

An act supplementary to an act entitled "An act to authorize notaries public to take and certify oaths, affirmations, and acknowledgments in certain cases; and

An act for the relief of John S. Jones and William H. Russell, surviving partners of the firm of Brown, Russell & Co.

Which were thereupon signed by the President *pro tempore*.

LOUIS E. SIMONS.

Mr. MALLORY. The Committee on Naval Affairs, to whom was referred the bill from the House of Representatives, for the relief of Captain Louis E. Simons, have instructed me to report the bill back without amendment, and ask the consent of the Senate to have it acted on now. I will state the character of the bill. Mr. Simons, as naval officer on the coast of Africa, seized a vessel supposed to be a slave. She was tried in Boston and found not to be so, and he was prosecuted for damages and mulcted in \$800, but the court found that he had probable cause of seizure. It is simply to relieve him from these liabilities that this bill is asked.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

It proposes to authorize the Secretary of the Treasury to pay \$300 to Captain Simons, for his expenses incurred in defending himself against two suits brought against him for arresting and detain-

THE CONGRESSIONAL GLOBE.

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33D CONGRESS, 1ST SESSION.

SATURDAY, JULY 29, 1854.

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ing the brig Casket, on the coast of Africa, on the charge of being engaged in the slave trade in 1846, he being then in command of the United States armed vessel Marion, and acting in the line of his duty.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

POST ROUTE BILL.

A message was received from the House of Representatives during the consideration of the river and harbor bill, by Mr. McKean, their Chief Clerk, announcing that the House had passed a bill entitled "An act to establish certain post roads," in which they requested the concurrence of the Senate.

Mr. RUSK. Mr. President, I ask the unanimous consent of the Senate to permit that bill to be read a first and second time now.

There being no objection, the bill was read a first and second time by its title.

Mr. RUSK. Mr. President, I now ask the unanimous consent of the Senate to put it upon its passage. It contains all the post routes in the United States. There is great difficulty existing now in ascertaining what is a post road and what is not. Some of the laws establishing post routes were passed seventy or eighty years ago. This bill, which has been prepared with great labor, contains a compilation of all the post routes in the United States, with perhaps an exception of one or two for which provision will be made hereafter in a supplemental bill.

One reason why I ask for its immediate passage is this: On looking at the Secretary's desk, Senators will see the immense mass of manuscript of which the bill consists, and it must be obvious that it will require nearly all the leisure time of the clerks, from the present to the closing hour of the session, for its enrollment.

The PRESIDENT. It requires unanimous consent to put the bill on its passage now.

Mr. CASS. I am not sure that I ought to consent to the passage of the bill without amendment. I have an amendment, to establish a post route, which I desire to offer.

Mr. RUSK. If it has been sent to the Committee on the Post Office and Post Roads, it has been incorporated in the bill.

Mr. CASS. But I did not send it to the honorable member's committee.

Mr. RUSK. The effect of amending the bill, and sending it back to the House would be to delay it to such a period as to lose it entirely. I propose to have the post-route referred to by the honorable Senator, and two or three others, provided for in a supplemental bill.

Mr. CASS. I withdraw the objection.

There being no further objection, the bill was considered as in Committee of the Whole, reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by Mr. WEBSTER, his Private Secretary, announcing that he had, on the 27th instant, approved and signed the following acts and joint resolution:

- An act for the relief of Joseph Mitchell;
- An act for the relief of the legal representatives of Joshua Kennedy, deceased;
- An act authorizing Victor Morass to relinquish certain lands, and to enter the same quantity elsewhere;
- An act for the relief of Charles Cooper & Co.;
- An act for the relief of James Dunning;
- An act for the relief of Ezra Williams;
- An act for the relief of Rebecca Freeman;
- An act for the relief of John Phagan;
- An act for the relief of Thomas S. Russell;
- An act to confirm the claim of Dusan de la Croix to a lot of land therein described;
- An act to ascertain and adjust the titles to certain lands in the State of Indiana;
- An act for the relief of Mary Carlton;

An act for the relief of James Edwards and others;

- An act for the relief of Lavinia Taylor;
- An act for the relief of James Wormsley;
- An act for the relief of Ira Baldwin;
- An act for the relief of Thomas Snodgrass;
- An act for the relief of Passed Midshipmen George P. Welsh and Clark H. Wells;
- An act for the relief of William Miller;
- An act for the relief of Sarah Crandall;
- An act for the relief of Mrs. Sally T. B. Cochran, widow of the late Lieutenant R. E. Cochran, United States Army;

An act for the relief of Conrad Wheat, jr., or his legal representatives;

- An act for the relief of Sylvester T. Jerauld, assignee of the interest of Henry Richard;
- An act for the relief of Richard King;
- An act for the relief of Thomas D. Jennings;
- An act for the relief of the legal representatives of Samuel Prioleau, deceased;
- An act for the relief of Richard M. Bouton, George Wright, and the widow of Marvin W. Fisher;

An act authorizing a patent to be issued to Peter Poncin for certain lands therein described; and

A resolution authorizing the Secretary of the Territory of New Mexico to adjust and pay to Juan C. Armigo, José L. Perea, and James L. Collins, the amount by them loaned to the Legislative Assembly of the Territory of New Mexico, under authority of a joint resolution of that body, approved 17th of June, 1851.

INCREASE OF THE ARMY.

A message was received from the House of Representatives, by Mr. McKean, Chief Clerk, announcing that the House had passed a bill entitled "An act to increase the pay of the rank and file of the Army, and to encourage enlistments," in which they requested the concurrence of the Senate.

By unanimous consent the bill was read a first and second time by its title, and referred to the Committee on Military Affairs.

TEXAS NAVY.

Mr. RUSK. I move to dispense with the prior orders of the day, and proceed to the consideration of the bill to provide for the surviving officers of the late Texas navy.

Mr. WADE. Will the Senator allow me to make a report?

Mr. RUSK. I may lose the floor if I do so.

Mr. WADE. It is very manifest, from our knowledge of the bill which the Senator from Texas proposes to take up, that it will lead to debate. I shall, therefore, be obliged to ask the Senate not to take it up, in order that we may proceed at once to Executive session.

Mr. RUSK. I hope the bill will be taken up. There can then be no difficulty in making reports by unanimous consent. It has been done two or three times, and I shall not object to reports being made after the bill shall be taken up.

Mr. MASON. If the bill be taken up, it will interfere with the Executive session, which it is well known is imperiously demanded by the interests of the public service.

Mr. SEBASTIAN. I shall be much obliged to the Senator from Texas if he will allow me to call up a resolution in regard to the printing of some documents, in reference to which a motion to reconsider was made. The printing has been done long since, but, in consequence of the pendency of the motion to reconsider, it has not been delivered to us.

Mr. RUSK. I would yield in a moment, but that is a thing which can be done at any time by unanimous consent, whereas, if I lose the floor I may not be able to get it again. I insist on my motion.

Mr. SEBASTIAN. I ask that it be done by unanimous consent?

The PRESIDING OFFICER. Does the Senator from Texas withdraw his motion?

Mr. RUSK. No, sir.

The PRESIDENT. Then the question is on

proceeding to the consideration of the bill to provide for the surviving officers of the late Texas navy.

Mr. JOHNSON. If the question is put on that motion, before we can get our reports off our hands, I shall be compelled to vote against it. I wish to make some reports, and I hope the usual morning hour will be allowed for that purpose.

The PRESIDENT. The Chair must put the question on the motion of the Senator from Texas, unless it be withdrawn.

Mr. RUSK called for the yeas and nays; and they were ordered.

Mr. WELLER. I understand the Senator from Texas has no objection to the introduction of reports which will not give rise to debate. There seem to be several Senators who desire to report bills. If such be the fact, I think their reports had better be received by general consent.

The PRESIDENT. The Chair did not so understand the Senator from Texas.

Mr. RUSK. There can be no difficulty about making reports, by unanimous consent, after the bill shall be taken up. That is a thing which has been done three or four times, and I shall make no objection to it, and I presume no other Senator will.

Mr. MASON. I hope the Senate, in voting on the motion of the Senator from Texas, will make it a test vote between taking up the bill to provide for the Texas navy, and going into Executive session. I must ask for an Executive session.

The question being taken by yeas and nays, resulted—yeas 19, nays 22; as follows:

YEAS—Messrs. Bell, Bright, Brodhead, Dawson, Dodge of Iowa, Fitzpatrick, Gwin, Houston, James, Jones of Tennessee, Mallory, Pettit, Pratt, Rusk, Sebastian, Stuart, Thomson of New Jersey, Toombs, and Weller—19.

NAYS—Messrs. Adams, Allen, Atchison, Badger, Benjamin, Brown, Chase, Clayton, Dodge of Wisconsin, Fessenden, Fish, Foot, Geyer, Gillette, Johnson, Mason, Pearce, Rockwell, Seward, Sumner, Wade, and Walker—22.

So the motion was not agreed to.

EXECUTIVE SESSION—ORDER OF BUSINESS.

Mr. MASON. I ask the Senate now to postpone all other business, and proceed to the consideration of Executive business.

Mr. RUSK. I hope the Senator will allow us the morning hour.

Mr. STUART. A few days ago when I reported back, from the Committee on Commerce, the House bill to continue the improvements of rivers and harbors, I gave notice that, on the disposition of the civil and diplomatic bill, I should ask the Senate to take up that bill. I may be mistaken, but I think that the bill is in such a condition—the committee recommending no further appropriations than those which have passed the House—that it may be disposed of here without a lengthy debate; and I am in hope, without any debate at all of any consequence. I think it can be disposed of in an hour or two. I shall, therefore, vote against going into Executive session now, and shall insist upon taking up that bill. So far as my own action goes, however, I am ready to say to the Senator from Virginia, that if the Senate take up the bill, and, contrary to my expectation, a lengthy debate shall spring up on it, I will, after a while, give way for an Executive session.

Mr. HUNTER. I should like to propose a compromise to the two Senators. I think they had better let me report the Post Office and Army appropriation bills. I think we can dispose of them to-day.

Mr. WELLER. Why, Mr. President, we had the promise of the Senator from Virginia yesterday, that if we passed the civil and diplomatic appropriation bill, he would no longer be in the way; and now he is the first Senator this morning to propose his own business to the exclusion of other business.

Mr. BADGER. He meant that he would no longer be in the way with the civil and diplomatic appropriation bill. [Laughter.]

Mr. MASON. I must insist on my motion.

Mr. BELL. I am sorry to hear the Senator

from Michigan say that if any debate arises on the river and harbor bill he will give way.

Mr. STUART. I said that if it ran into a lengthy debate, by and by I would give way for an Executive session.

Mr. BELL. Now, Mr. President, I appeal to that honorable Senator to say whether, if this bill is not taken up, we have any prospect of getting the decision of the Senate on it this session. If we allow it to be overlaughed now by an Executive session, and then by appropriation bill after appropriation bill, all of which must and will pass, as you know, we shall have this bill postponed until the last night of the session, and then we know what will become of it.

Mr. STUART. If the Senator will allow me to interrupt him, I do not believe that he and I, being firm friends of this bill, can do better than just vote against Executive session, and against all the appropriation bills until this is disposed of. That is my intention, and I shall vote to take up no other appropriation bill until this bill is disposed of. I think we had better not spend much time in discussing it.

Mr. BROWN. I shall vote against going into Executive session, for the reason which I have assigned two or three times before: that I see no necessity for pressing Executive business upon us to the exclusion of matters of legislation. I should not have said anything now except to say, that if we fail to go into Executive session, I shall vote against taking up the river and harbor bill. I do not wish to be understood as voting against the Executive session for the purpose of taking up that bill. I am opposed to taking it up at all.

Mr. GWIN. The chairman of the Committee on Finance has the fortification bill ready to report without a solitary amendment. In my opinion, it will pass in five minutes. There will be no debate upon it at all. It contains the estimates of the Department only. It passed through the other House, and it is not proposed by any one here to amend it. I believe the same thing may be said of the Post Office appropriation bill; and if we should spend a short time this morning on those appropriation bills, to which there will be no objection and no amendment, we shall make very important progress before we go into Executive session, if the Senate determine to do that. I therefore hope the Senator from Virginia [Mr. HUNTER] will ask the privilege of reporting these appropriation bills, in order that they may be passed at once.

Mr. BENJAMIN. I hope the friends of the river and harbor improvement bill will insist upon supporting the motion of the Senator from Michigan. It is very obvious that unless the friends of those improvements, now make a stand, and agree to vote against everything until the decision of the Senate can be had on taking up that bill, we shall not reach it at this session. As the bill now stands, I believe, with my colleague on the Committee on Commerce, [Mr. STUART], it will occupy but little time of the Senate. As regards the Executive session sought for by the Senator from Virginia, it will be perfectly easy for the Senate, if it is found that this bill leads to a protracted debate, at one or two o'clock to postpone its further consideration until to-morrow morning. We can go on with it for a time, and leave the rest of the afternoon for Executive session. It is said that these appropriation bills can be passed in an hour or two. If they can be passed in an hour or two before the river and harbor bill is taken up, they can be passed in an hour or two after it is disposed of just as well. The river and harbor bill is a House bill. Our action upon it makes it complete; and there will then remain nothing but the action of the Executive to determine whether it shall become a law or not. I hope that the vote on taking up this bill will be considered as a test vote with the friends of the measure.

Mr. HUNTER. I would suggest to the Senator from Louisiana that if I could be permitted to report these two bills, to which I imagine there will be neither amendment nor opposition, they would not interfere with his taking the stand which he desires to take in reference to the river and harbor bill. I think we can get through with them in fifteen minutes.

Mr. GWIN. The Senator from Louisiana certainly will not object to the fortification bill. His State, as well as mine, is interested in it.

Mr. BENJAMIN. If the river and harbor bill

be taken up, I will agree to lay it aside, by unanimous consent, for a minute or two, so as to pass those appropriation bills, and then go on with it again. I want the bill taken up.

Mr. HUNTER. I do not promise to take up the river and harbor bill.

Mr. WELLER. I hope we shall have a vote on this proposition. We are in the habit of consuming a great deal of time in discussing the question whether we shall do anything or not, or the order in which we shall do it. If this river and harbor bill pass, under the Constitution the President will be entitled to ten days to consider it. There are not ten days of this session left; and, in my opinion, he would require full ten days to satisfy himself of the constitutionality of it. I do not know what we should gain by taking it up.

Mr. JOHNSON. I may get the ear of the Chair, probably, by raising a question of order. It is this: We have a morning hour set apart for the transaction of specific business. It seems to be impossible to get that business transacted. The whole hour seems to be consumed in this debate on the river and harbor bill. Now, is it in order, in any way, to bring forward a motion to take up the river and harbor bill during the morning hour?

The PRESIDING OFFICER. It is in order to suspend the usual order of business by a vote to that effect.

Mr. JOHNSON. Is there any motion pending in regard to the river and harbor bill?

The PRESIDING OFFICER. There is a motion pending to go into Executive session.

Mr. JOHNSON. I hope very much that the Senator will allow us, before he asks us to go into Executive session, to get clear of the regular morning business, because we have not had an opportunity for a week, I believe, to devote the hour to that business.

Mr. MASON. If the Senate will determine to proceed to the consideration of Executive business, I shall then, with great pleasure, allow half an hour, by unanimous consent, to be devoted to morning business before actually going into Executive session.

Mr. JOHNSON. That is all I want.

Mr. SEWARD. I desire to say that I think we had better proceed with the river and harbor bill. The appropriation bills are sure to pass—there is no fear of them; but the river and harbor bill may not pass. I hear only one reason why we should not take it up; that is, that it is so late in the session that it will not leave ten days for the President to examine it after we have passed it. That is a reason for taking it up immediately. I hope, therefore, that the friends of the bill will insist upon taking it up, and taking it up now, and not give way for the Executive session.

Mr. DAWSON. In reply to the argument of the Senator from New York, I beg to say that it has been intimated by the friends of the river and harbor bill that it will take less time to consider it than any of the appropriation bills. We had better, therefore, agree to the proposition of the Senator from Virginia; for the President will then have more time to consider bills that may require mature examination. There is no bill, gentlemen may be assured, upon which the President will require so little time for consideration, as the river and harbor bill; for upon that subject his mind has been long since made up.

Mr. CHASE. I trust the river and harbor bill will be taken up. If there are votes enough to confirm any treaty, there are, as everybody knows, votes enough to sit it out and compel the fulfillment of it. We can take up the treaty any day next week; and if the friends of the treaty desire it, and they are in the majority, they can accomplish the whole object in a single day.

It is impossible to do that with the river and harbor bill. So also with the appropriation bills. No appropriation bill, during my period of service here, has ever failed. We know from experience that in one instance, at least, and I think in more than one, the river and harbor bill has failed, in consequence of being taken up at too late a period in the session; and I think we shall risk nothing now in saying, that if the river and harbor bill is not taken up this week, it will not be taken up for definite action at all.

Mr. BRODHEAD. The Senator from Ohio says there is no danger of the appropriation bills. That may be; but how do we pass them? On the last nights of the session? Suppose the chair-

man of the Committee on Finance, or the chairman of the Committee on Ways and Means in the other House, should, under the terrible labor which they have to encounter, break down during this oppressive weather, what kind of condition should we be in? They are especially in charge of these matters; and they are especially acquainted with them. It is not the way to legislate upon appropriation bills to put them off to the last.

Mr. BADGER. Will my friend from Pennsylvania allow me to suggest to him that if we consume the whole morning in debating whether we will do anything, we may break down the appropriation bills, the river and harbor bill, and everything else. By continuing this course we shall do nothing.

Mr. BRODHEAD. That is true; but as I only occupy about half the time which the honorable Senator does in making speeches, I shall make a few more remarks now. I consider legislative business much more important than any Executive business that we can transact, at any rate during the present session; and if either class of business is to go over, I prefer that it should be the Executive business; because if it should be very pressing, and the interests of the country should require us to assemble here again, the Executive can call us together. For these reasons I shall vote against going into Executive session.

The PRESIDING OFFICER put the question on Mr. MASON's motion, and declared that it was lost.

Mr. MASON called for the yeas and nays.

The PRESIDING OFFICER. It is too late. The Chair has decided.

RIVER AND HARBOR BILL.

Mr. STUART. I move that the Senate proceed to the consideration of the river and harbor bill.

Mr. MASON. I ask for the yeas and nays upon that motion.

The yeas and nays were ordered.

Mr. ADAMS. I desire to say that yesterday morning I made a motion to take up the bill for the relief of Mrs. Batchelder. I gave way, with the view of considering the civil and diplomatic appropriation bill, with the understanding that that bill was to be called up this morning. I shall, therefore, vote against this motion, for the purpose of calling up that bill, if it should fail.

The yeas and nays were taken, with the following result:

YEAS—Messrs. Allen, Atchison, Badger, Bell, Benjamin, Bright, Cass, Chase, Clayton, Dodge of Wisconsin, Dodge of Iowa, Douglas, Fessenden, Fish, Foot, Geyer, Gillette, James, Johnson, Jones of Tennessee, Pearce, Pettit, Pratt, Rockwell, Rusk, Sebastian, Seward, Shields, Shidell, Stuart, Sumner, Thomson of New Jersey, Wade, Walker, and Weller—35.

NAYS—Messrs. Adams, Brodhead, Brown, Butler, Dawson, Fitzpatrick, Gwin, Houston, Hunter, Mallory, Mason, and Toombs—12.

So the motion to take up the river and harbor bill was agreed to.

After the motion was agreed to, and before proceeding to the consideration of the bill, various memorials and reports were received by unanimous consent, which are classified elsewhere, and the following business was transacted:

CHAH-TAH-KEE, MUSCOGEE, AND CHAH-TAH TERRITORIES.

Mr. JOHNSON. Early in the session I introduced a bill to establish the Territories of Chah-tah-kee, Muscogee, and Chah-tah, which was referred to the Committee on Territories. I am now directed by the committee to report it back. I ask that the usual number of the bill and reports in the case may be printed; and, under the instruction of the committee, that the bill be made the special order for the 15th of December next.

The PRESIDING OFFICER. The question is first on making it a special order.

The motion was agreed to, and the motion to print was agreed to.

Mr. JOHNSON. I am instructed by the Committee on Printing to recommend that five thousand extra copies of the bill and report be printed for the use of the Indian department, with the view of distribution among these different tribes of Indians, that they may be heard from distinctly through their councils, their chiefs, and their principal people, by the next session of Congress. I ask, then, under the instruction of the Com-

mittee on Printing, that five thousand additional copies may be ordered for the Indian department. The motion was agreed to.

BRIG GENERAL ARMSTRONG.

Mr. GEYER. I ask the Senate to consider the motion which I submitted some time ago to reconsider the vote by which the bill for the relief of the owners of the private armed brig General Armstrong was rejected. The object is simply to place it on the Calendar.

The motion to reconsider was agreed to, and the bill goes on the Calendar.

GOVERNOR RAMSAY.

Mr. SEBASTIAN. I hope the Senate now will oblige me by taking up the resolution for printing additional documents in regard to the investigation of charges against Governor Ramsay. It will lead to no debate at all. It is absolutely necessary to act upon it now.

The motion to proceed to the consideration of the resolution was agreed to.

The resolution was as follows:

Resolved, That in addition to the documents in the case of Alexander Ramsay, late Governor of the Territory of Minnesota, ordered to be printed on the 8th instant, all the papers on file, as well as the correspondence between the Commissioners and the First Comptroller, be printed in Executive document No. 61, of the present session.

Mr. SEBASTIAN. I move to strike out the words "as well as the correspondence between the Commissioners and the First Comptroller," and insert, "all the papers on file referred to said committee."

That amendment, I believe, suits all parties and interests, and has been agreed upon.

The amendment was agreed to; and the resolution, as amended, was adopted.

ROCK ISLAND.

Mr. SHIELDS. I ask the unanimous consent of the Senate to take up the bill granting the right of way across Rock Island for a railroad.

Mr. STUART. I think the Senate had better not take up that now.

The PRESIDING OFFICER. It requires unanimous consent. Does the Senator from Michigan object?

Mr. BENJAMIN. I object.

BOSTON, PHILADELPHIA, AND NEW YORK COURTS.

Mr. TOUCEY. I ask leave to report back from the Judiciary Committee the Senate bill which passed the House with an amendment, providing temporary accommodation for the courts in Boston, New York, and Philadelphia. I ask for its consideration now.

Mr. BENJAMIN. I object to taking up anything for consideration but the river and harbor bill. I object to anything but reports and memorials. I am compelled to do so, or we shall not get at the river and harbor bill at all.

POSTAGES.

Mr. RUSK. I want to make an appeal to the honorable Senator from Michigan, [Mr. STUART], to the honorable Senator from Louisiana, [Mr. BENJAMIN], and to the Senate generally.

A very important bill has come from the House of Representatives in relation to postage, which will simplify the business of the Post Office Department and increase the revenue, two things which are very desirable. It is a very short bill, and the Committee on the Post Office and Post Roads propose but a very short amendment. I am sure there can be no objection to it, and unless it returns immediately to the House, it may fail.

The PRESIDING OFFICER. It requires unanimous consent to consider it.

Mr. CHASE objected.

Mr. RUSK. I understand the Senator from Ohio interposes objection.

Mr. STUART. Let us now proceed to the consideration of the river and harbor bill.

RIVER AND HARBOR BILL.

The Senate accordingly proceeded to consider the bill from the House "making appropriations for the repair, preservation, and completion of certain works heretofore commenced under authority of law."

It was considered until half past four o'clock, when the Senate adjourned.

[See Appendix for the debate on the River and Harbor bill.]

HOUSE OF REPRESENTATIVES.

FRIDAY, July 28, 1854.

The House met at eleven o'clock, a. m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

Mr. WASHBURN, of Illinois. I rise to a question of privilege. I desire to say, in reference to the special committee appointed by the House the other day—

Mr. OLDS. That is not a question of privilege.

The SPEAKER. The Chair does not know yet whether it is or not.

Mr. WASHBURN. The House will recollect that a special committee was appointed a few days since to inquire into the circumstances connected with the alteration of bill No. 342, "making a grant of land to the Territory of Minnesota for the construction of a railroad therein;" and also as to interpolations made in a certain joint resolution. The committee have nearly finished their investigations in relation to the first subject committed to them. As to the second subject—in relation to the interpolation of any joint resolution of this House—the investigation involves matters of delicacy to me, which, with other considerations, render it proper, in my judgment, that I should be excused from further service on the special committee. I therefore ask the House that I may be excused.

Mr. LETCHER. What is the matter of delicacy involved?

Mr. WASHBURN. It is not proper for me to state it.

Mr. COBB, (in his seat.) I would move that the whole committee be excused. It is too delicate a subject.

Mr. WASHBURN was excused; and the Speaker thereupon appointed Mr. SIMMONS as his substitute.

EXECUTIVE COMMUNICATION.

The SPEAKER laid before the House a communication from the Secretary of War, transmitting to the House a report from the Colonel of Engineers, submitting a report and estimate on the improvements of Brazos river, in Texas; also, reports on surveys of Georgetown harbor, South Carolina, and Savannah river, from Savannah to Augusta, in conformity to the act of August 30, 1852.

On motion by Mr. HOUSTON, the communication and accompanying documents were ordered to lie on the table, and be printed.

ENROLLED BILLS.

Mr. HENN, from the Committee on Enrolled Bills, reported as correctly enrolled Senate bills of the following titles; which thereupon received the signature of the Speaker:

An act for the compensation of James W. Low and others, for the capture of the British private armed schooner Ann, during the late war with Great Britain;

An act for the relief of Purser T. P. McBlair; and

An act supplementary to an act entitled "An act to authorize notaries public to take and certify oaths, affirmations, and acknowledgments, in certain cases."

Also, the following House bills:

An act for the relief of John S. Jones and William H. Russell, surviving partners of the firm of Brown, Russell & Co.;

An act for the relief of the Pine Grove Academy, in Louisiana;

An act for the relief of George Mattingly; and

An act for the relief of John Frazer, and the administrator of the estate of John G. Clendenin, deceased.

POST ROUTE BILL.

Mr. HOUSTON. There is one appropriation bill still behind, and to dispose of which will take but a very short time, and for the purpose of acting upon it now, I move that the House resolve itself into the Committee of the Whole on the state of the Union. I am anxious to get rid of it, and I hope we may go into committee.

Mr. OLDS. I call for the regular order of business.

The SPEAKER. This is private bill day. The post route bill was introduced the other day under a suspension of the rules; and day before yesterday it was postponed, and by unanimous

consent, the House proceeded to the consideration of another matter.

Mr. HOUSTON. I hope the gentleman from Ohio will allow us to dispose of this remaining appropriation bill first.

Mr. OLDS. The disposition of the post route bill will not occupy more than ten minutes.

Mr. SMITH, of Virginia. Is not this private bill day?

The SPEAKER. The Chair states that this is private bill day under the rules. The Chair also states, however, that the House is now acting under a suspension of the rules, which makes the post route bill the first and only business in order before the body.

Mr. CHANDLER. I ask the unanimous consent of the House to offer now the resolutions which I offered yesterday? I think they contain nothing which can be objected to.

Mr. OLDS. Let us dispose of the post route bill first, and then I shall have no objection to the gentleman's resolution.

The SPEAKER. The question is upon seconding the demand for the previous question.

Mr. JONES, of Tennessee. Before that question is put I desire to have the bill read. I call for its reading now.

Mr. OLDS. It will take two days to read it.

Mr. JONES. We have been here eight months, and I cannot, for one, consent to the passage of any bill without having it read to the House, so that they may know what there is in it.

Mr. OLDS. If the House will permit me to make a statement not exceeding three minutes, I think I can obviate all difficulty.

Mr. HOUSTON. I desire to ask a question before the gentleman makes his statement. If the gentleman from Tennessee intends to persist in his demand for the reading of the bill, it is useless to have the statement. But if it will satisfy the gentleman, and obviate the necessity for the reading of the bill—

The SPEAKER. Then the gentleman from Alabama objects.

Mr. HOUSTON. Not at all. If there is any prospect of dispensing with the reading of the bill I shall be glad to hear it.

Mr. OLDS. I wish to state to the House that this bill contains nothing except post routes. I have a letter from the Postmaster General recommending the reestablishment of these post routes. I have also a certificate from the clerk in the Post Office Department, who prepared these routes so far as the work was done in the Post Office Department. But, sir, I have a precedent for making the motion that the reading of the bill be dispensed with. The present Speaker entertained such a motion at the last session. I move, therefore, that the reading of the bill be dispensed with. I will repeat what I said the other day, that this bill would make seventy columns of the Globe, and would take the Clerk two days to read it.

Mr. JONES. It should have been here six months ago, when we could have had it printed.

Mr. WASHBURN, of Maine. I would inquire of the gentleman whether, besides the establishment of these post routes, there are not one or two sections of the bill of a general character? If so, I would like to have them read it.

Mr. OLDS. There is no section relating to anything except the establishment of post routes.

Mr. WASHBURN. But I thought, perhaps, there were one or two sections relating to their establishment besides that merely defining them.

Mr. OLDS. None at all.

Mr. HOUSTON. I desire to ask the gentleman from Ohio a question which may obviate some of the difficulty in reference to this bill. I ask him whether this bill proposes to repeal any post route which has heretofore been established?

Mr. OLDS. None whatever. They are all retained; and if any of them should have been omitted in the bill, they would not be repealed. There is no repealing clause in the bill.

Mr. WHEELER. I demand the yeas and nays upon the motion to dispense with the reading of the bill.

The yeas and nays were not ordered.

Mr. PHELPS. I call for tellers. We shall find ourselves without a quorum unless they are ordered.

Tellers were ordered, and Messrs. JONES, of Louisiana, and COX, were appointed.

The question was taken; and the tellers reported—yeas 103, noes 20.

So the motion was agreed to, and the reading of the bill was dispensed with.

The previous question then received a second, and the main question was ordered to be now put. The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read a third time, and passed.

Mr. OLDS. I move to reconsider the vote by which the bill was passed, and that that motion be laid upon the table.

The latter motion was agreed to.

INDIAN HOSTILITIES IN WASHINGTON TERRITORY.

Mr. FAULKNER. Mr. Speaker, I ask the unanimous consent of the House to permit to be read a communication, which I received last night from the Secretary of War, showing the existence of alarming hostilities in the Territory of Washington. The communication is short. The Secretary of War states his utter inability to command the requisite force for the protection of the settlements there.

The SPEAKER. Is it the pleasure of the House to have the communication read?

Mr. JONES, of Tennessee. I would inquire of the gentleman from Virginia why the Secretary of War did not make his communication to Congress?

Mr. FAULKNER. He made his communication to me as acting chairman of the Committee on Military Affairs, to advise me of the state of things which is set forth in the paper. It is short, and I hope that the gentleman will permit it to be read.

Mr. JONES. He ought to have sent a communication to Congress.

There was no objection, and the Clerk read the communication, as follows:

WAR DEPARTMENT,
WASHINGTON, July 27, 1854.

SIR: I have the honor to submit herewith, for the information of the Committee on Military Affairs, a copy of a communication from Governor I. J. Stevens, of Washington Territory, to the effect that the Fort Simpson Indians have recently made an attack on the border settlements of that Territory; and killed several persons, and among them it is feared the chief justice of the Territory.

This information is submitted with a view to advise the committee of the inadequacy of the military force in that country, and of the inability of the Department to increase it.

Very respectfully, your obedient servant,

JEFF. DAVIS, Secretary of War.

Hon. C. J. FAULKNER, Chairman of the Committee on Military Affairs, House of Representatives.

WASHINGTON, D. C., July 25, 1854.

SIR: By the last mail I have received advices from the Hon. C. H. Mason, Secretary of the Territory of Washington, and acting Governor, to the effect that the Fort Simpson Indians, a numerous and warlike race, have recently made an attack on the border settlements of the Territory, and have killed some four to eight persons. It is rumored that the Hon. Edward Lander, the chief justice of the Territory, is among the missing.

I will earnestly call the attention of the Department to the inadequacy of the force stationed on Puget's Sound, and to the absolute necessity of some adequate means of transportation other than canoes and sailing vessels.

These Fort Simpson Indians are in English Territory, and it is unquestionable that a force of ten large war canoes have gone up the waters of the Sound to opposite the head of Whitby's Island. They have returned, it is said, to renew their depredations with a larger force.

I am, sir, very respectfully, your most obedient,

ISAAC J. STEVENS,

Governor Territory of Washington.

Hon. JEFF. DAVIS, Secretary of War, Washington, D. C.

Mr. FAULKNER. I move that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of taking up what was made the special order of the House.

Mr. JONES, of Tennessee. The special order expired yesterday. It was only made for one day, and the bill is at the foot of the Calendar, and you will have to lay aside every bill upon the Calendar before you can get to it.

Mr. FAULKNER. I should like to have the opinion of the Speaker upon that point.

The SPEAKER. The Chair understands that debate was closed yesterday.

Mr. ORR. The committee were instructed to vote upon the amendments, and report the bill back.

The SPEAKER. The resolution is, that when the committee shall resume the consideration of the bill, they shall do so. Can they resume its consideration in preference to other bills, is the question? The Chair doubts if they can do so.

Is the order of the House upon the committee to resume the consideration of the bill? The Chair doubts.

Mr. ORR. With a view of carrying out and executing in good faith the proposition which I made to the House yesterday, I ask a suspension of the rules, so as to continue the consideration of this bill from the Military Committee, and make it the special order when the House shall again resolve itself into the Committee of the Whole on the state of the Union. I think that we can dispose of the bill in one hour after we take it up. We have already spent one day upon it. Is it not better that we should go on and mature the bill in two hours?

Mr. JONES. You cannot do it in the remainder of the session.

Mr. CHANDLER. Before that question is put, I ask permission of the House to present the resolution which was ruled out yesterday.

Mr. PHILLIPS. Is it in order to present a resolution while the House is engaged upon another subject?

The SPEAKER. The gentleman from Pennsylvania asked the unanimous consent of the House.

Mr. PHILLIPS. I object.

Mr. BALL. I rise to inquire whether a motion to go into the Committee of the Whole on the Private Calendar—this being the day set aside for the consideration of private business—would not take precedence of the motion now pending?

The SPEAKER. The motion to go into the Committee of the Whole on the Private Calendar is in order; but it is also in order to move to suspend the rules generally, or for any particular purpose; and the Chair thinks that the motion first submitted is first in order. The Chair has no doubt of the correctness of this decision. The rule is clear that it is as much in order to suspend the rules generally as for any particular purpose.

Mr. HOWE. I appeal to the gentleman from South Carolina [Mr. ORR] to withdraw, for a moment, his motion to suspend the rules for the purpose of taking up the Army bill. I desire him to do so, for the purpose of enabling me to offer a resolution that the standing committees of the House having charge of private bills may be permitted to report them at the Clerk's desk, for the purpose of having them referred merely. As this is private bill day, I think it but fair that this opportunity should be given of having these bills thus referred.

Mr. McMULLIN. I feel compelled, under the circumstances, to object to the proposition.

The question was then taken on Mr. ORR's motion to suspend the rules; and it was not agreed to—two-thirds not voting in favor thereof.

DESTRUCTION OF GREYTOWN.

Mr. CHANDLER. I ask the unanimous consent of the House to introduce the resolution which has been already read from the Clerk's desk this morning.

Mr. HOUSTON. Is there not a motion pending, submitted by the gentleman from Virginia, [Mr. FAULKNER,] to go into Committee of the Whole on the state of the Union?

The SPEAKER. That motion could not be in order, because it would have been in order before the motion to suspend for a special purpose, as made by the gentleman from South Carolina, [Mr. ORR.]

Mr. ENGLISH. Before the resolution submitted by the gentleman from Pennsylvania [Mr. CHANDLER] be read, I desire to know whether a motion to go into Committee of the Whole on the Private Calendar will not take precedence of that gentleman's motion?

The SPEAKER. In the opinion of the Chair it will not.

Mr. CHANDLER's resolution was then reported, as follows:

Resolved, That the President of the United States be respectfully requested to furnish to the House of Representatives any official information which may have been received at the Departments, relative to the destruction of Greytown (or San Juan del Norte) by Captain Hollins of the United States vessel Cayene; and also that the President be requested to furnish to the House copies of the instructions given to Captain Hollins relative to the demand for satisfaction, which was made in the name of the United States upon the authorities of Greytown, (or San Juan del Norte,) before the bombardment and destruction of that place.

Mr. DISNEY. I object to the introduction of that resolution.

Mr. CHANDLER. Then I move that the rules of the House be suspended, so as to enable me to introduce it; and on that motion I call for the yeas and nays.

The yeas and nays were ordered.

Mr. OLDS. I would like to inquire of the Chair whether the resolution contains the clause usually inserted in resolutions calling for information—"if, in the opinion of the President, it is not incompatible with the public interests?"

Mr. CHANDLER. It does not contain that clause, but it is unnecessary to insert anything of the kind, as it is always understood.

Mr. OLDS. Well, suppose the gentleman embodies it in his resolution.

Mr. PECKHAM. The resolution is in itself simply a request, and there is no need of such a clause.

Mr. CHANDLER. I have no objection to have it inserted. (To the Clerk,) Let that clause be embodied in the resolution.

The question was then taken on the suspension of the rules; and there were—yeas 122, nays 35; as follows:

YEAS—Messrs. James C. Allen, Appleton, Ashe, David J. Bailey, Ball, Belcher, Bennett, Benson, Benton, Bocoock, Breckinridge, Brooks, Campbell, Carpenter, Caruthers, Chamberlain, Chandler, Churchwell, Cobb, Cook, Corwin, Cox, Crocker, Curtis, John G. Davis, Thomas Davis, Dawson, De Witt, Dickinson, Eastman, Edgerton, Edmands, Edmundson, Thomas D. Eliot, Ellison, Everhart, Farley, Faulkner, Flagler, Florence, Fuller, Giddings, Greenwood, Grow, Aaron Harlan, Sampson W. Harris, Wiley P. Harris, Harrison, Haven, Hendricks, Hill, Houston, Howe, Hughes, Hunt, Daniel T. Jones, George W. Jones, Kerr, Kittredge, Knox, Kuriz, Lamb, Latham, Lindley, Lindsey, McCulloch, Matteson, Maurice, Mayall, John G. Miller, Millson, Morgan, Morrison, Murray, Nichols, Norton, Andrew Oliver, Mordecai Oliver, Parker, Peckham, Phelps, Phillips, Pratt, Preston, Pringle, Puryear, Ready, David Ritchie, Robbins, Rogers, Russell, Sabin, Sage, Sapp, Shaw, Simmons, Skelton, Gerrit Smith, Samuel A. Smith, Sollers, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Stratton, Andrew Stuart, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Thurston, Trout, Upham, Wade, Walbridge, Walley, Elihu B. Washburne, Israel Washburn, Wells, Tappan Wentworth, Wheeler, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollcoffer—122.

NAYS—Messrs. Barry, Chastain, Clark, Craige, Disney, Dowdell, Dunbar, Eddy, John M. Elliott, English, Goode, Henn, Hibbard, Johnson, Roland Jones, Letcher, McMullin, McNair, McQueen, Macy, Maxwell, Noble, Orr, Ruffin, Shannon, Shower, William Smith, George W. Smyth, Heator L. Stevens, Straub, David Stuart, Vail, Vansant, and Walker—35.

So (two thirds voting in favor thereof) the rules were suspended; and Mr. CHANDLER's resolution was introduced.

Mr. BOCOOCK. If the gentleman from Pennsylvania will consent to modify it, I would wish to have the resolution put in the usual form.

Mr. CHANDLER. It has been already so modified.

The question was then taken on Mr. CHANDLER's resolution; and it was adopted.

Mr. CHANDLER moved to reconsider the vote by which the resolution was adopted, and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

SUPERINTENDENT OF FOLDING ROOM.

Mr. WITTE. I ask the unanimous consent of the House to enable me to submit the following resolution:

Resolved, That the Clerk of the House be directed to pay to Thomas J. Galt, superintendent of the folding room, the same compensation now paid to the librarian of the House, to commence from 1st July, 1853.

Mr. EDGERTON. I propose to amend that resolution.

Mr. WITTE. I ask for the previous question on my resolution.

Mr. EDGERTON. I suggest that the gentleman should hear what my resolution is, and perhaps he will accept it as an amendment. I will state that I know no reason why the superintendent of the document room should not have the same compensation; and the object of my resolution is to give to the superintendent of the document room the same pay that the superintendent of the folding room receives.

Mr. WITTE. I insist upon the previous question.

Mr. McMULLIN. I desire to know of the gentleman from Pennsylvania what the increased pay will amount to?

Mr. WITTE. About \$250.

Mr. McMULLIN. What is his present compensation?

Mr. WITTE. About \$1,250.

The previous question was then seconded; and the main question was ordered to be put.

Mr. EDGERTON. I appeal to the gentleman to allow my resolution as an amendment.

Mr. WITTE. I would say to the gentleman from Ohio, that I would readily accommodate him, but I cannot do it.

The main question question upon the adoption of the resolution, it was put, and decided in the affirmative.

So the resolution was adopted.

Mr. WITTE moved to reconsider the vote by which the resolution was adopted, and also to lay the motion to reconsider upon the table; which latter motion was agreed to.

SUPERINTENDENT OF DOCUMENT ROOM.

Mr. EDGERTON. I offer the following resolution:

Resolved, That the Clerk of the House of Representatives be, and he hereby is, authorized to pay to Samuel H. Lamborn, superintendent of the House document room, in lieu of his present pay, the same per diem compensation as is now received by the messenger of the Speaker, commencing with the present session, and to continue until otherwise ordered by the House.

The object of the resolution is simply to put the superintendent of the document room upon the same footing as the superintendent of the folding room.

The resolution was adopted.

Mr. EDGERTON moved to reconsider the vote by which the resolution was adopted, and also to lay the motion to reconsider upon the table; which latter motion was agreed to.

REPEAL OF FUGITIVE SLAVE LAW.

Mr. ELIOT, of Massachusetts. I ask the unanimous consent of the House to introduce a bill of the following title:

An act to repeal an act entitled "An act to amend, and supplementary to, an act entitled an act respecting fugitives from justice, and persons escaping from the service of their masters," approved September 18, 1850.

Mr. BRIDGES. I object.

Mr. ELIOT. I move to suspend the rule to enable me to introduce the bill, and I call for the yeas and nays upon my motion.

Mr. SOLLERS. I wish to ask the gentleman from Massachusetts a question. Do I understand that the bill proposes an alteration of the fugitive slave law?

Mr. PHILLIPS. It repeals it.

Mr. ELIOT. It certainly does propose to repeal the fugitive slave law of 1850.

The bill, which was read for information, is as follows:

Be it enacted, &c., That an act entitled "An act to amend and supplementary to, an act entitled an act respecting fugitives from justice, and persons escaping from the service of their masters," approved September 18, 1850, be, and the same is hereby, repealed.

The question was taken, and there were—yeas 45, nays 120; as follows:

YEAS—Messrs. Ball, Bennett, Benson, Campbell, Carpenter, Corwin, Crocker, Thomas Davis, De Witt, Dick, Dickinson, Eastman, Edmands, Thomas D. Eliot, Everhart, Giddings, Goodrich, Aaron Harlan, Howe, Daniel T. Jones, Knox, Matteson, Mayall, Morgan, Norton, Parker, Pennington, Pringle, David Ritchie, Russell, Sabine, Sage, Sapp, Simmons, Gerrit Smith, Andrew Stuart, Thurston, Trout, Upham, Wade, Walley, Elihu B. Washburne, Israel Washburn, Wells, and Tappan Wentworth—45.

NAYS—Messrs. Aiken, James C. Allen, Willis Allen, Ashe, David J. Bailey, Barry, Benton, Boveck, Boyce, Breckinridge, Bridges, Brooks, Caruthers, Chamberlain, Chastain, Chrisman, Churchill, Clark, Clingman, Cobb, Cook, Cox, Craig, Curtis, John G. Davis, Dawson, Disney, Dowdell, Drum, Dunbar, Eddy, Edgerton, Edmundson, John M. Elliott, Ellison, English, Farley, Faulkner, Florence, Fuller, Goode, Greenwood, Grow, Sampson, W. Harris, Wiley P. Harris, Harrison, Harrison, George W. Henn, Hibbard, Hill, Houston, Hunt, Johnson, George W. Jones, Roland Jones, Keitt, Kerr, Kidwell, Kittredge, Kurtz, Lamb, Latham, Letcher, Lindley, John G. Miller, Nair, McQueen, Macy, Maurice, Maxwell, John G. Miller, Smith Miller, Millson, Morrison, Murray, Nichols, Noble, Olds, Andrew Oliver, Orr, Peckham, Phelps, Phillips, Pratt, Preston, Puryear, Reese, Riddle, Robbins, Rogers, Ruffin, Seward, Shannon, Shaw, Shower, Skelton, Samuel A. Smith, William R. Smith, George W. Smyth, Alexander H. Stephens, Hester L. Stevens, Stratton, Straub, David Stuart, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Vail, Vansant, Walbridge, Walker, Wheeler, Witte, Daniel B. Wright, Hendrick B. Wright, and Zoll-coffer—120.

So two thirds not voting in the affirmative, the rules were not suspended.

Mr. GREEN stated that if he had been within the bar when his name was called, he should have voted no.

Mr. McMULLIN desired to make a short statement before he voted.

Objection was made.

INCREASE OF PAY TO SOLDIERS.

Mr. FAULKNER. I ask the unanimous consent of the House to report a bill "to increase the pay of the rank and file of the Army, and to encourage enlistments." I will state to the House that my purpose is to strike out all those features of the bill which is now in Committee of the Whole, which have given rise to discussion, and to confine it simply and solely to the encouragement of enlistments. I hope there will be no objection.

No objection was made.

The bill was read the first time *in extenso*. The first section provides that the pay of the non-commissioned officers, musicians, and privates of the Army shall be increased at the rate of four dollars per month, to continue for the term of three years from and after the 1st day of January next, and until otherwise fixed by law.

The second section provides that every soldier, who, having been honorably discharged from the service of the United States, shall, within one month thereafter, reenlist, shall be entitled to two dollars per month in addition to the ordinary pay of his grade, for the first period of five years after the expiration of his previous enlistment, and a further sum of one dollar per month for each successive period of five years, so long as he shall remain continuously in the Army; and that soldiers now in the Army, who have served one or more enlistments, and been honorably discharged, shall be entitled to the benefits herein provided for a second enlistment.

The third section provides that soldiers who served in the war with Mexico, and received a certificate of merit for distinguished services, as well those now in the Army as those that may hereafter enlist, shall receive the two dollars per month to which that certificate would have entitled them, had they remained continuously in the service.

The fourth section provides that non-commissioned officers who, under the authority of the seventeenth section of the act approved March 3, 1847, were recommended for promotion by brevet to the lowest grade of commissioned officer, but did not receive the benefit of that provision, shall be entitled, under the condition recited in the foregoing section, to the additional pay authorized to be given to such privates as received certificates of merit.

The fifth section authorizes the promotion of non-commissioned officers.

The sixth section provides an allowance of twenty-five cents per day to soldiers who are employed to work on fortifications, &c., and of forty cents when employed as mechanics; and thirty-five and fifty cents respectively when employed west of the Rocky Mountains.

The bill was then read a second time by its title.

Mr. BARKSDALE. I would be glad if allowed to make a brief statement.

The SPEAKER. Does the gentleman from Virginia yield to the gentleman from Mississippi?

Mr. FAULKNER. If the gentleman desires to make an inquiry in regard to the bill, I yield. I do not yield for any other purpose, because the necessity of the bill is too urgent.

Mr. BARKSDALE. I wish to state, Mr. Speaker, that I was necessarily absent when the gentleman from Massachusetts [Mr. Eliot] made his motion to suspend the rules in order that he might introduce a bill to repeal the fugitive slave law. If I had been present, of course I should have voted against the motion.

Mr. FAULKNER. I demand the previous question.

The previous question received a second, and the main question was ordered to be now put.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read a third time.

Mr. SMITH, of Virginia. Does the bill propose to increase the pay of the rank and file of the Army four dollars per month?

Mr. FAULKNER. It does.

Mr. SMITH. Then, their pay will be twelve dollars per month.

Mr. FAULKNER. If the bill pass, the pay of infantry will be eleven dollars per month, and that of dragoons twelve dollars per month. I call for the previous question on the passage of the bill.

The previous question was seconded, and the main question was ordered to be put.

The bill was passed.

Mr. ORR moved to reconsider the vote by which the bill was passed, and that that motion be laid upon the table.

The latter motion was agreed to.

EXTRA PAY TO OFFICERS OF THE HOUSE.

Mr. ASHE. I ask the unanimous consent of the House to introduce the following resolution:

Resolved, That the usual extra compensation be paid to the pages, folders, and such other employees who have heretofore received the same, and who have not and shall not receive the benefits of the joint resolution approved July 20, 1854.

Mr. JONES, of Tennessee. I object.

Mr. ASHE. I move to suspend the rules.

Mr. HOUSTON. I ask the Chair whether it is in order to entertain that resolution in the face of the law that passed a few days ago?

The SPEAKER. As the Chair understands the reading of the resolution, it does not conflict with the law at all.

Mr. HOUSTON. The resolution passed this month applies, as I understand it, to all the employees in the legislative department of the Government.

The SPEAKER. The Chair does not recollect the precise terms of the joint resolution referred to by the gentleman from Alabama. The Chair again states that it is his opinion that it does not conflict with the resolution introduced by the gentleman from North Carolina.

Mr. McMULLIN. I desire to be informed by the gentleman from North Carolina, whether, under the resolution to which the gentleman from Alabama has called the attention of the Chair, the pages and other employees of the Government will not receive the twenty per cent. extra compensation which has been allowed to others?

The SPEAKER. This resolution proposes the usual compensation to such as have not received additional pay in the shape of twenty per cent.

Mr. JONES, of Tennessee. If I understand the resolution, it does not provide the usual compensation for those who were provided for in the joint resolution, but it provides for such as shall not avail themselves of its benefits. They may waive taking the increased compensation under that, and take it under this.

Mr. McMULLIN. I then understand the further operation of this resolution to be this.

Mr. TAYLOR, of Ohio. Is this resolution debatable?

The SPEAKER. It is not debatable. The proposition is to suspend the rules.

Mr. McMULLIN. I do not mean to debate it. I only desire to be informed, so as to vote understandingly.

The CHAIRMAN. That may be so; but the gentleman is called to order on the left of the Chair.

Mr. McMULLIN. Who called me to order?

The SPEAKER. The gentleman who called to order will rise in his seat.

Mr. TAYLOR, (rising.) I did not specially call the gentleman to order; but I meant that if the matter be debatable, we all want to be heard upon it.

The SPEAKER. That is the same thing. The question is on the motion of the gentleman from South Carolina to suspend the rules.

Mr. SMITH, of Virginia. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. PRATT. I should like to be informed whether the folders are employees of the House. They work by the piece. I take it they are not. [Cries of "Order!" and "Question!"]

The question was taken on the motion to suspend the rules; and there were—yeas 90, nays 63; as follows:

YEAS—Messrs. Aiken, Ashe, Ball, Bell, Bennett, Carpenter, Caruthers, Chamberlain, Chandler, Chastain, Corwin, Crocker, Thomas Davis, Dawson, De Witt, Dickinson, Diency, Dowdell, Eddy, Edgerton, Edmands, Edmundson, Thomas D. Eliot, Ellison, Everhart, Florence, Giddings, Goodrich, Greenwood, Andrew J. Harlan, Harrison, Hill, Howe, Hughes, Hunt, Johnson, Keitt, Kerr, Knox, Kurtz, Lamb, Latham, Lindley, Mc-

Culloch, McDougall, McNair, Macy, Maurice, Maxwell, Smith Miller, Nichols, Norton, Olds, Andrew Oliver, Mordecai Oliver, Peck, Peckham, Preston, Puryear, Riddle, Robbins, Rogers, Ruffin, Russell, Sapp, Seward, Shannon, Shower, Simmons, Gerrit Smith, Samuel A. Smith, Sollers, Richard H. Stanton, Bester L. Stevens, Straub, Andrew Stuart, John L. Taylor, Trout, Upham, Vail, Wade, Walley, Ellihu B. Washburne, John Wentworth, Tappan, Wentworth, Westbrook, Wheeler, Hendrick B. Wright, and Zollcoffer—90.

NAY—Messrs. Willis Allen, Appleton, Barksdale, Barry, Belcher, Bocock, Boyce, Bridges, Brooks, Christian, Clingman, Cobb, Colquitt, Cox, Curtis, John G. Davis, Dick, Dunbar, Dunham, Eastman, English, Farley, Faulkner, Fuller, Grey, Grow, Aaron Harlan, Sampson W. Harris, Haven, Hendricks, Henn, Hibbard, Houston, Ingersoll, Daniel T. Jones, George W. Jones, Kidwell, Kittredge, Letcher, McMullin, McQueen, Matteson, Millson, Morgan, Morrison, Murray, Noble, Parker, Phelps, Phillips, Pratt, Reese, Rowe, Sabin, Sage, Shaw, Skelton, William Smith, William R. Smith, George W. Smyth, John J. Taylor, Nathaniel G. Taylor, Wells, and Daniel B. Wright—63.

So (two thirds not voting in the affirmative) the rules were not suspended.

MESSAGE FROM THE PRESIDENT.

[Here a message was received from the President of the United States, by SIDNEY WEBSTER, Esq., his Private Secretary, notifying the House that he had approved and signed bills of the following titles:

- An act for the relief of Charles Lee Jones;
- An act to create and provide a pension for David Fowle;
- An act creating a collection district in New York, to be called the district of Dunkirk, and to constitute Dunkirk a port of entry, and the ports of Barcelona, Silver Creek, and Cattaraugus Creek ports of delivery; and
- An act making appropriation to defray the expense of the Cayuse war.]

[A message was received from the Senate by ASBURY DICKINS, Esq., their Secretary, informing the House that the Senate had passed a bill of the House, establishing certain post routes.]

PRIVATE CALENDAR.

Mr. ENGLISH. I move that the House do now resolve itself into a Committee of the Whole on the Private Calendar.

The question was taken; and the motion was agreed to.

The House accordingly resolved itself into a Committee of the Whole on the Private Calendar, (Mr. ENGLISH in the chair.)

The CHAIRMAN. This is objection day. All the bills on the Private Calendar previous to bill No. 449 having been objected to when the committee was last in session, the bill first on the Calendar is House bill (No. 449) "granting bounty land to Cornelius Coffey."

Mr. FULLER. Mr. Chairman, on a former occasion I made an objection to Senate bill "for the relief of the legal representatives of Major Caleb Swan, deceased." Since then I have looked into the matter, and am now satisfied that the provisions of the bill are right. I therefore ask leave to withdraw my objection.

Mr. JONES, of Tennessee. I object. We cannot go back in that way.

Mr. FAULKNER. I hope the gentleman from Maine will be permitted, by unanimous consent, to withdraw his objection to the bill in question. He objected without having examined it, and now he is satisfied that it ought to pass.

The CHAIRMAN. The Chair understood the gentleman from Tennessee [Mr. JONES] as objecting.

Mr. JONES. Yes; we cannot go back.

The Clerk then reported the bill for the relief of Cornelius Coffey. It directs the Secretary of the Interior to issue to Cornelius Coffey, late a private in company G of the light infantry of the United States Army, a land warrant for one hundred and sixty acres of land.

From the report, which was read, it appears that the memorialist was enlisted on the 19th of June, 1848, into the Army of the United States, at Milwaukee, Wisconsin, by Lieutenant E. W. Wright, of the fifteenth infantry; that the war with Mexico had terminated on the 30th of May previous, but that the news of its termination had not reached Milwaukee at the time of the enlistment of the memorialist; that Lieutenant E. W. Wright, acting on orders received on the 13th of June, 1848, offered those who enlisted, (among whom was the memorialist,) as an inducement to enlist, the land bounty and a bounty of twelve dollars in money; that the said inducements were held

out until the latter part of July, a date subsequent to the enlistment of the memorialist, when Lieutenant Wright received orders to cease offering those inducements; that the memorialist has received the money bounty, but has been deprived of the land bounty, for the reason that he enlisted after the termination of the Mexican war, and therefore could not have served, actually or constructively, in that war.

No objection being made, the bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill "for the relief of the heirs of James Greer, deceased." [Objected to by Mr. JONES, of Tennessee.]

House bill "for the relief of John H. King."

The bill and report were read.

Mr. LETCHER. That bill comes within the principle established by our committee, and I must object to it.

Joint resolution "giving one hundred and sixty acres of land to Francis M. Gwin, of Indiana."

The resolution proposes that the Secretary of the Interior be directed to issue to Francis M. Gwin, of New Albany, Indiana, a land warrant for one hundred and sixty acres of land, in consideration of his gallant services in serving during the Mexican war whilst he was a minor.

From the report of the committee it appears that Francis M. Gwin, soon after the outbreak of the Mexican war, expressed a desire to join the armies of his country; that he applied to be admitted into Captain Sanderson's company in the Indiana volunteers; but being at that time hardly fifteen years of age, he could not be mustered into the service, and therefore could not receive any pay or emolument from the United States; that, undaunted by the disadvantages which on that account would occur to him, he marched to the seat of war with that company, and served in Taylor's line twelve months, during which time he performed gallant services in the battle of Buena Vista; that on the day of that memorable battle, with musket in hands, doing duty in the ranks, he fell in the rear by a rapid movement, and was run over by the enemy's cavalry, and was left for dead; but soon after sprang up, and, by pushing rapidly forward, again joined the forces; and that he continued with the command until the expiration of enlistment, and only left when the troops were mustered out of service.

The joint resolution was laid aside to be reported to the House, with a recommendation that it pass.

House bill "for the relief of Eleanor Hoople, of the Province of Canada."

The bill and report were read.

Mr. McMULLIN. I object.

Mr. CHAMBERLAIN. I rise to express the hope that the gentleman from Virginia will withdraw his objection.

Mr. McMULLIN. I do not want to be understood as being wanting in chivalry or gratitude towards a poor woman who took care of one of our wounded soldiers. But it is the duty of every State in the Union to look after its own volunteers or private citizens.

Mr. FAULKNER. This man was not a volunteer; he was a soldier of the American Army.

Mr. McMULLIN, (after the next bill had been read.) Well, at the instance of the gentleman from Virginia, I waive my objection. I did not understand that the old lady was a Canadian.

Mr. PECK. I rise to a question of order. I inquire of the Chair whether it is in order to go back on the Calendar in this way?

The CHAIRMAN. Not unless by the unanimous consent of the committee.

Mr. PECK. Then I object.

Mr. FAULKNER. Well, I am glad, at all events, that the objection to this bill will not appear on the record as coming from one of the Virginia delegation.

Mr. PECK, (after the next bill had been reported.) I desire to withdraw my objection in the case of bill No. 452.

Mr. JONES, of Tennessee. I object to the gentleman doing so. It is not in order to go back on the Calendar.

The bill was passed over.

House bill "providing for the grant of land to the Vermont volunteers for their services at the battle of Plattsburg."

Mr. JONES, of Tennessee. I object; that bill is contrary to the general law.

The bill was passed over.

House bill "for the relief of Charles W. Carroll."

Mr. JONES, of Louisiana. I object.

Mr. McNAIR. I hope the gentleman from Louisiana will withdraw his objection.

Mr. JONES. No, sir; I cannot.

Mr. WITTE. I ask for the reading of the report.

The CHAIRMAN. Objection has been made to the consideration of the bill.

Mr. WITTE. I rise to a point of order. Although objection has been made, I desire the Chair to state whether it is not competent for any member of the House to ask for the reading of the report?

The CHAIRMAN. The Chair is not advised on that point; but it occurs to him that if objection be made after the reading of the bill, it is a sufficient objection to the further consideration of the bill.

Senate bill "for the relief of Jean Baptiste Beaubien."

Mr. WHEELER. I object to that bill.

Mr. CHAMBERLAIN. If the gentleman from New York will listen to the reading of the report in that case, I think he will withdraw his objection.

Mr. McDUGALL. I saw no gentleman in his place rise and object to that bill.

The CHAIRMAN. It is objected to by the gentleman from New York.

Mr. WHEELER. I object to it.

Mr. McDUGALL. I wish to have a letter read in reference to that case.

Mr. JONES, of Tennessee. I would say, in reference to House bill (No. 452) "for the relief of Eleanor Hoople, of the Province of Canada," that I have no objection to it. My objection was to going back upon the Calendar.

The objection to that bill being withdrawn, the bill was laid aside to be reported to the House.

Senate bill "for the relief of Jean Baptiste Beaubien," was then read.

It authorizes the Commissioner of the General Land Office to issue a patent to Jean Baptiste Beaubien for certain lots of land in the State of Illinois.

The report was then read.

Mr. McDUGALL. I have received a letter in reference to this case from the honorable gentleman from Illinois, [Mr. BISSELL,] which I would ask be read.

The Clerk read the letter, as follows:

BERKELEY SPRINGS, VIRGINIA, July, 1854.
I feel great interest in the success of Senate bill No. 299, which you were so kind as to report for me. It involves no appropriation of money, and merely does an act of long delayed justice to a very meritorious and early settler of Illinois. I am confident that, if the members of the House understood the merits of the bill as well as you and I do, it would pass that body as unanimously as it did the Senate.

Should the bill not be reached in its regular order on the Calendar, I hope that you will ask for me that the Committee of the Whole be discharged from the bill, and that it be brought before the House on its merits.

I have the honor to be your obedient servant,

W. H. BISSELL.

General J. A. McDUGALL.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill "for the relief of John Cole."

The bill proposes that the Secretary of the Interior be directed to pay to John Cole, of Lake county, Ohio, now a pensioner of the United States, the sum of ninety-six dollars per annum, in lieu of any pension heretofore allowed to him, such pension to be computed from the day of the passage of this act, and to be continued during his natural life.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill "for the relief of George Lynch."

The bill proposes that George Lynch, of St. Charles county, Missouri, shall be paid a full pension of eight dollars per month, in lieu of six dollars per month, the amount which he is now receiving under a special act of Congress heretofore passed for his benefit. The pension of eight dollars a month is to commence on the sixth of June, 1852, the time at which his proof of total disability was perfected.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill "for the relief of Evelina Porter, widow of the late Commodore Porter, of the United States Navy." [Objected to by Mr. HENDRICKS.]

House bill "for the relief of Joseph Webb." The bill proposes that the pension of Joseph Webb be increased so that he shall be entitled to receive, from and after the first day of January, 1852, the sum of eight dollars per month, during his natural life, in lieu of the pension which he now receives under the act of June 25, 1854.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill "for the relief of John Steene." The bill, which was read, proposes that the Secretary of the Interior be instructed to place the name of John Steene upon the roll of invalid pensions, and to pay him a pension, at the rate of eight dollars per month, during his natural life, commencing on the first of January, 1853.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill "for the relief of George Elliott." The bill proposes that George Elliott, of Franklin county, Missouri, shall be allowed a pension of eight dollars a month, instead of the pension of six dollars a month which he is now receiving, under a special act of Congress, the increase of pension to commence and be calculated from the first of January, 1852, when his proof of total disability was perfected.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill "for the relief of Mary Rutherford, widow of Samuel Rutherford."

The bill directs the Secretary of the Interior to place the name of Mary Rutherford, widow of Samuel Rutherford, upon the roll of invalid pensions, and to pay her a pension, at the rate of four dollars per month, for the period of five years, commencing on the 1st of January, 1854.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill "for the relief of Warren Raymond."

The bill directs the Secretary of the Interior to place the name of Warren Raymond, of the State of New York, upon the roll of invalid pensioners, at the rate of four dollars per month, to commence on the 1st of January, 1853, and to continue during his natural life.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

Senate bill "for the relief of the heirs and representatives of Colonel Alexander G. Morgan."

The bill directs the accounting officers of the Treasury to settle and pay the claims of Alexander G. Morgan, of Missouri, for services in raising troops for the Florida service, in the year 1837, and also for military services in Florida; provided, that the pay and allowances to him shall not exceed the compensation of a captain of cavalry, from September 11, 1837, to March 18, 1838.

Mr. MILLSON. I would inquire of the gentlemen who reported this bill, if this is the same individual for whose benefit a law was passed in 1838?

Mr. HOWE. The same individual, but that was for different services. I will explain the matter in a very few words. This individual seems to have been an amateur Indian fighter. He served in the Black Hawk war as a volunteer, and as aid to General Brady, without commission. He formerly applied to Congress for pay for services rendered in that war, and he was allowed a compensation by a law passed for that purpose.

This bill is for pay of subsequent services rendered in the Florida war. He seems to have been a gallant man and a brave soldier.

Mr. MILLSON. I notice that the former law for his relief, passed subsequent to the date of the services which he asks pay for now. Did his application then embrace a claim for these services?

Mr. HOWE. Not at all. In looking over the records, my eye fell upon that claim, and I examined it with great care.

No objection being made, the bill was laid aside to be reported to the House with a recommendation that it do pass.

Senate bill "for the purchase of the copyright of a work published by Thomas H. Sumner,

wherein he describes his new method of ascertaining a ship's position at sea."

Mr. SMITH, of Virginia. That is a case which requires examination. Let it go over.

Mr. APPLETON. If the committee will allow me a moment to explain, I think the gentleman will withdraw his objection.

Mr. LETCHER. Let the report be read.

Mr. SMITH. I withdraw my objection until the report is read.

The report was read.

Mr. APPLETON. If the committee will allow me a moment for explanation of the case, I am satisfied the gentleman from Virginia will withdraw his objection. Mr. Sumner having received the best education which this country affords, chose for his profession that of a mariner, and seeing the hazard and loss resulting from not being able to ascertain a ship's position when the meridian of the sun could not be obtained, he gave his whole mind to the investigation of the matter, and produced a work which is now in universal use in the United States Navy and mercantile marine. Not being satisfied with the discoveries which he then made, he pursued the subject with such intensity, that he became deprived of God's greatest blessing to man on earth, and he became a maniac, and has ever since been confined in a mad house, and supported by those who can ill afford it.

Mr. SMITH. I withdraw my objection.

No objection being made, the bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill "for the relief of Isaac Adams." [Objected to by Mr. JONES, of Tennessee.]

House bill "for the relief of Julia Aiken."

The bill directs the Secretary of the Interior to pay to Julia Aiken, the only child of William Yool, who died in the naval service of the United States in the year 1801, on her sole and separate receipt, and for her sole use and control, the amount of pension she would have been entitled to receive under the provisions of the act of March 3, 1837, if her claim had been allowed while that act was in force.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill "for the relief of the legal representatives of Gustavus B. Horner, deceased."

Mr. MILLSON. I think, as a matter of propriety, after a bill has been several times reported upon adversely, and laid upon the table by the House, that it should not pass without objection.

Mr. SMITH, of Virginia. Why, sir, I do not understand that bill to have ever been reported against to the House at all. It has several times passed the Senate.

Mr. MILLSON. I object, if the facts are as I understand them to be. I ask whether the bill has not heretofore been rejected by the House?

The CHAIRMAN. The Chair is not informed. Mr. MILLSON. Then I object. But if I find that I am mistaken, I will withdraw my objection.

Mr. SMITH. I ask that the report be read.

The CHAIRMAN. There is no report.

Mr. SMITH. Well, sir, I hope my colleague will withdraw his objection.

Mr. MILLSON. I stated that this bill had several times been considered and rejected by the House. If such is the case, it appears to me the bill ought not to pass by unanimous consent without consideration. If, however, I find myself mistaken, I will withdraw my objection.

Senate bill "for the relief of Phineas M. Nightingale, administrator of the estate of General Nathaniel Greene, deceased."

The bill was reported by the Committee on Revolutionary Claims, with amendments to strike out the word "nine," in the fifth line, and to insert "eight;" to strike out "eighteen," in the same line, and insert "five," and to strike out the word "sixty," in the sixth line, and to insert "fifty." The amendments were agreed to.

The bill, as amended, directs the Secretary of the Treasury to pay to Phineas M. Nightingale, administrator of the estate of General Nathaniel Greene, deceased, \$8,005 53, with interest, at the rate of six per cent. per annum, from July 6, 1850, until paid—the same being in liquidation of a balance due to the estate of said Nathaniel Greene for becoming security for Banks & Co., Army contractors in the Revolution. The said sum

to be paid out of any money in the Treasury of the United States not otherwise appropriated.

The bill, as amended, was laid aside to be reported to the House, with a recommendation that it pass.

House bill "for the relief of the heirs of Lieutenant Andrew Finley."

Mr. LETCHER. I object. This is the first time that this bill has been reported on favorably, while it has been reported against four times.

Mr. ROGERS. I think the gentleman is mistaken.

Mr. LETCHER. I have the record here, and I do not think that I am.

House bill "for the relief of the administrator of Thomas Wishart."

The bill, which was read *in extenso*, proposes that the Secretary of the Treasury be directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal representative or representatives of Thomas Wishart, late a lieutenant in the continental line of the Army of the United States in the war of the Revolution, five year's full pay of a lieutenant of infantry; also, the interest thereon from January 13, 1854, the time at which the first favorable report was made in the case.

It appears from the report of the committee, which was read, that Sidney Wishart, and other heirs of Thomas Wishart, claim the commutation pay due to Thomas Wishart for his services as lieutenant in the Army of the United States in the war of the Revolution. The Army records of that war, on file in the War Department, show that Thomas Wishart was appointed, in November, 1776, a lieutenant in the fifteenth Virginia regiment on the continental establishment of the Army of the United States; that as such he received land bounty from the United States, and the pay of lieutenant to the — day of September, 1778; at which time he became, as it is fair to presume, a supernumerary, under the arrangement of the Army made about that time. His name is not on the list of officers retained in service, nor on the list of those who became supernumerary in pursuance of the reduction of the regiments in 1778; nor do any of the pay accounts now in existence show that he received pay subsequent to September, 1778. Upon this state of facts, and for the service aforesaid, Thomas Wishart had no claim on the United States for half pay or commutation; nor does it appear that Thomas Wishart in his lifetime, or his heirs since, set up a claim to commutation for that service; but it does appear that in 1793 Thomas Wishart petitioned Congress for the commutation pay due to him as a lieutenant in the continental service, and in support of his claim he adduced evidence to prove his service as a continental officer, after he became supernumerary, as aforesaid, in 1778, so as to entitle him to the benefit of the resolution of Congress of the 20th of October, 1780, which allowed half pay to all such officers as thereafter should become supernumerary, or retire for the want of service.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill "for the relief of Lincoln Bates."

The bill proposes that the Secretary of the Treasury be directed to pay to Lincoln Bates, out of moneys not otherwise appropriated, the sum of fifty-five dollars, in full of the damages sustained by him as a night watchman in the public stores at New York, in July, 1849, in suppressing a fire therein, being the amount of his account as now on file in the Treasury Department.

From the report, of the committee, which was read, it appears that previous to and on the 12th of January, 1849, Lincoln Bates was employed by the Government as a night watchman in the appraiser's department of one of the public stores of the New York custom-house, at No. 12 Broad street; that during the night of the day mentioned, while he was so employed, he discovered that the store in which he was engaged had taken fire from the spontaneous combustion of vitriol; that the fire was extending with great rapidity, and threatened the entire and immediate destruction of the building and contents; that the store was at that time filled with valuable goods on storage; that he, at the imminent peril of his life, and by extraordinary efforts, succeeded in suppressing the fire and saving the property; that in these efforts his hands and face, and other parts of his person, were badly

burned, and his clothes destroyed; that he has suffered great pain and distress, and was confined for upwards of a month, losing his time and subjected to expenses for medical attendance; and that for this damage he rendered a bill to the Treasury Department of fifty-five dollars, in November, 1849, through Hugh Maxwell, Esq., then collector of the port of New York.

The bill was laid aside to be reported to the House, with the recommendation that it pass.

House bill "for the relief of the legal representatives of Charles Pavie."

The bill, which was read, proposes that the Commissioner of the General Land Office be authorized and required to correct the error in the description of the claim for land by Charles Pavie (No. 37) in the report of the register and receiver of the land office at Ouachita, Louisiana, dated July 24, 1837, and confirmed by the act entitled "An act confirming certain land claims in Louisiana," approved July 6, 1842, and to have the same located on the south or right side of Red river descending, not exceeding the quantity claimed and confirmed as aforesaid; provided, that this is only to operate as a quit claim on the part of the United States.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill "to revive the act approved March 3, 1823, and the act approved May 26, 1824, supplemental thereto, in reference to the Rio Hondo claims to land in Louisiana."

The bill provides that the act approved March 3, 1823, entitled "An act providing for the examination of the titles to land in that part of the State of Louisiana situated between the Rio Hondo and the Sabine river," and the act approved May 26, 1824, entitled "An act supplementary to an act providing for the examination of titles to land in that part of the State of Louisiana situated between the Rio Hondo and the Sabine," shall be revived for and during the space of two years from the promulgation of this act. And it also provides that the register and receiver at Natchitoches shall, severally, receive, as a full compensation for the duties required of them by the acts herein revived, the sum of fifty dollars whenever they shall have finished the business required of them by the acts herein revived, and shall forward their reports to the Secretary of the Treasury.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill "authorizing the Secretary of the Treasury to pay John Charles Fremont for beef furnished the California Indians."

The bill authorizes the Secretary of the Treasury to pay the sum of \$183,825, with interest thereon from June 1, 1851, at the rate of ten per cent. per annum, to John Charles Fremont, in full of his account for beef delivered to Commissioner Barbour for the use of the Indians in California in 1851-'52.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill "authorizing the Secretary of the Treasury to settle the accounts of Thomas Jordan, assistant quartermaster in the United States Army."

The bill authorizes the Secretary of the Treasury to audit and settle, upon the principles of equity and justice, the accounts of Thomas Jordan, assistant quartermaster in the United States Army, arising out of his disbursements as disbursing officer of the quartermaster's department at the city of Vera Cruz, Mexico, from August 10, 1847, to August 1, 1848.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill "for the settlement of the claims of W. P. Buckner and Pierce Crosby, passed midshipmen in the United States Navy."

The bill was read. It authorizes and directs the Secretary of the Treasury to adjust and settle the claims of W. P. Buckner, passed midshipman, and Pierce Crosby, passed midshipman and acting master in the United States Navy, for a share of the proceeds of the sale of the schooner Oregon and cargo, seized and confiscated in the month of April, 1843, under the President's regulations of March 1, 1847, at the port of Tampico during the war with Mexico, and to pay the said claims out of any moneys in the Treasury arising

from military contributions collected in Mexico in pursuance of the regulations of the President, before referred to; provided, that before any money is paid in these cases, any claim submitted by the owners of the vessel before mentioned, for remission of the penalty and the payment of the proceeds under the confiscation, shall first be duly examined and decided by the Secretary of the Treasury, under the direction of the President of the United States.

The bill was laid aside to be reported to the House with a recommendation that it pass.

Senate bill "for the relief of Dr. S. R. Addison, passed assistant surgeon in the United States Navy."

The bill was read. It requires the accounting officers of the Treasury to allow and pay to Dr. S. R. Addison, passed assistant surgeon in the Navy of the United States, the difference of pay between that of his grade and a surgeon, from April 4, 1848 until June 1, 1850, being the period during which he served as surgeon on board the United States sloop-of-war Saint Mary's, and that the same be paid out of any money in the Treasury not otherwise appropriated.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill "for the relief of Herman Chittenden."

The bill requires the Secretary of the Interior to place the name of Herman Chittenden upon the pension roll, and cause to be paid to him the sum of eight dollars per month so long as he shall live, commencing March 1, 1854.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill "for the relief of William Gove, of Maine."

The bill directs the Secretary of the Interior to place the name of William Gove, of the State of Maine, upon the pension rolls, and cause him to be paid the sum of eight dollars per month, so long as he shall live, commencing January 1, 1854.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill "for the relief of Jonathan Pearce."

The bill requires the Secretary of the Interior to place the name of Jonathan Pearce, of Muskingum county, Ohio, upon the pension rolls, and cause to be paid to him the sum of eight dollars per month, so long as he shall live, commencing January 1, 1854.

Mr. BALL. I ask that the report be read.

The report of the Committee on Invalid Pensions was read. It appears from it that Jonathan Pearce was a private in Captain James Brown's company of Colonel Miller's regiment of Ohio militia, as substitute for his brother, who was drafted in August, 1812, at Zanesville, Ohio, and served six months, when he was honorably discharged. The original certificate of discharge is on file in the Pension Office in an application for bounty land. That Pearce was one of a company despatched on an expedition against the Indians, and was absent eight days, and had food for five days only. That in consequence of lack of food and exposure he took sick, and remained so for six weeks, then partially recovered, and served out his time. That soon afterwards his disease settled in his limbs, producing chronic rheumatism, and he has suffered from it ever since. And that, for the last twenty or twenty-five years he has hobbled round on crutches; he is now aged sixty-three; incurable, and a man of good character.

Mr. BALL. I ask the attention of the committee for a very few moments. I presume there is no objection to this bill, but I want the pension of this man to commence two years back. The application was made two years ago, but the case has been delayed to this time. He is confined to his bed, and is able neither to get in or out of it, and for the last twenty-five years he has not been able to perform a single day's labor, all resulting from exposure upon the Maumee river, and sleeping on the snows during the campaign of 1812. I move that the bill be amended by striking out "eighteen hundred and fifty-four," and inserting "eighteen hundred and fifty-two."

The amendment was agreed to. No objection being made, the bill was then laid aside to be reported to the House, with a recommendation that it pass.

House bill "for the relief of William Parker."

The bill, which was read, directs the Secretary of the Interior to cause to be paid to William Parker, of New York, the sum of four dollars per month so long as he shall live, commencing January 1, 1853. This sum to be in addition to the pension of four dollars per month granted him by the act of May 19, 1824.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill "for the relief of Zebina Rawson."

The bill, which was read, directs the Secretary of the Interior to place the name of Zebina Rawson upon the pension roll, and to pay him eight dollars per month from March 1, 1852, during his natural life.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

Senate bill "for the relief of Gideon Hotchkiss." [Objected to by Mr. PECK.]

Senate bill "for the relief of David Myerle."

Mr. HENDRICKS. It is hardly worth while to read the bill in that case, as it is a very much controverted one.

Mr. FLORENCE. Let the bill be read. Mr. HENDRICKS. I will not object, if any one insists upon having the bill read.

The bill was read.

Mr. MURRAY. I object to that bill.

The bill was accordingly laid over under the rule.

Joint resolution "for the relief of John A. Bryan."

The resolution, which was read, directs the Secretary of War to receive proof of the number of days that John A. Bryan was engaged in the discharge of the duties of a commissioner to make and carry into effect a treaty with the Wyandotte Indians, being appointed commissioner for the purposes aforesaid by the Secretary of War, on the 19th of April, 1836, and to pay the said Bryan at the rate of eight dollars per day whilst so engaged, out of any money in the Treasury not otherwise appropriated, deducting therefrom any amount that said Bryan may have heretofore received for said services.

The report shows the facts upon which the petitioner's claim against the Government is founded to be as follows: On the 19th of April, 1836, the petitioner was appointed a commissioner, by the Secretary of War, Mr. Cass, to make and carry into effect a treaty with the Wyandotte Indians. His duties were prescribed by the Secretary of War, and his compensation fixed at eight dollars per day. The petitioner discharged the duties thus imposed upon him.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill "for the relief of Andrew H. Patterson." [Objected to by Mr. EDGERTON.]

House bill "for the relief of Polly Carver, widow and executrix of Nathan Carver, deceased."

The bill, which was read, provides that the sum of \$334 79 be appropriated, out of any moneys in the Treasury not otherwise appropriated, for the payment and full satisfaction of the claims against the Government of the said Polly Carver, as widow and executrix of the said Nathan Carver, deceased.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

Senate bill "for the relief of Asbury Dickens." [Objected to by Mr. JONES, of Tennessee.]

Senate bill "for the relief of Zachariah Lawrence, of Ohio."

The bill, which was read, provides that there be paid to Zachariah Lawrence, of Morgan county, in the State of Ohio, out of any money in the Treasury not otherwise appropriated, the sum of \$2,645 40, his portion of the prize money for capturing and taking into the port of Passamaquoddy, in 1813, the British sloop Venture.

The Committee of Claims reported the following amendment:

Add at the end of the bill these words: "And there shall be paid to each of the other persons composing the boat's crew, severally, or to their legal representatives, the sum of \$1,322 70, as the share of each in the capture of the said sloop Venture, on satisfactory proof being made to the Secretary of the Treasury of their being such persons, or their legal representatives."

Mr. MILLSON. I find that this bill has been

twice adversely reported on, and I therefore now object to it.

Mr. EDGERTON. When reported on adversely there was no record evidence of the court's condemnation of the vessel. The committee called for the evidence, and on it reported favorably on the bill.

Mr. MILLSON declined withdrawing his objection.

Mr. ORR. There is no necessity for reporting the next six bills. The standing committees recommend that they do not pass.

Mr. JONES, of Tennessee. I think it would be better to report them to the House, with a recommendation that they do not pass.

Mr. ORR. I have no objection to the course suggested by the gentleman from Tennessee, as it will rid the Calendar of these cases.

Mr. MILLER, of Missouri. I hope the gentleman from South Carolina will adhere to his first motion.

Mr. ORR. Very well, then. I object to the consideration of the following Senate bills next in order upon the Calendar, as they are reported with a recommendation that they do not pass.

An act for the relief of Michael Nourse;
An act for the relief of the sureties of Daniel Winslow;

An act for the relief of J. Boyd, of Louisiana;
An act for the relief of the legal representatives of the late Captain William G. Williams;
An act for the relief of Jacob Gideon;
An act for the relief of John McAvoy; and
An act for the relief of John Devlin.

House bill "for the relief of Lloyd Dorsey and others."

The bill authorizes Lloyd Dorsey, of the county of St. Charles, and State of Missouri, to enter, at the proper land office in said State, at the minimum price of the public lands, the southeast fractional quarter of section twenty-two, township forty-six, range four east, containing one hundred and forty-two and eighty-nine one hundredth acres; and to enter, for the use and benefit of the heirs of George Pitzer, deceased, the southwest fractional quarter of section twenty-two, township forty-six, range four east, containing one hundred and four acres, and the northeast fractional quarter of section twenty-seven, township forty-six, range four east, containing forty-six acres; provided, that nothing in this act contained shall prejudice the rights of any person or persons having any legal or equitable claim to the lands herein mentioned, or any part thereof.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill "for the relief of Sidney P. Pool, of the State of Maine."

The bill directs that the Secretary of the Interior place the name of Sidney P. Pool upon the roll of invalid pensioners; and that said Pool be paid a pension, at the rate of six dollars per month, from January 1, 1854.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

Senate bill "for the relief of Jonas P. Levy and José Maria Jarrero." [Objected to by Mr. JONES, of Tennessee.]

House bill "for the relief of George J. Rallston."

The bill instructs the Secretary of the Interior to place the name of George J. Rallston upon the pension roll, and to pay him at the rate of eight dollars per month, from January 1, 1854, to continue during his life.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill "for the relief of Joseph McMinn."

The bill was read.
It instructs the Secretary of the Interior to place the name of Joseph McMinn upon the pension roll, and to pay him at the rate of four dollars per month during his natural life, commencing the pension from the 1st of August, 1854.

Mr. EDMANDS. I move to amend the bill by substituting the word "January" for the word "August," so as to make the pension commence from the 1st of January, 1854.

The amendment was agreed to.

The bill, as amended, was laid aside to be reported to the House, with a recommendation that it pass.

House bill "for the relief of Asa Leach."

The bill was read. It instructs the Secretary of the Interior to place the name of Asa Leach upon the pension roll, and to pay him at the rate of four dollars per month, commencing August 1, 1852, to continue during his life.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

Senate bill "for the relief of Thomas C. Nye." [Objected to by Mr. JONES, of Tennessee.]

Senate bill "to authorize the payment of invalid pensions to the heirs of Lieutenant Robert White and others."

The bill was laid aside to be reported to the House, with a recommendation that it pass.

Mr. ORR. I make the same motion, in reference to the next seven cases, which I made a few minutes since in reference to some already passed by. The Committee of Claims have reported them, with a recommendation that they do not pass.

The following seven Senate bills, to which Mr. ORR objected, were then laid aside under the rule:

An act for the relief of Mary D. Blaney, widow of the late Major General Blaney;
An act for the relief of Rufus Van Brunt;
An act for the relief of the legal representatives of the late Colonel John Anderson;
An act for the relief of the legal representatives of Daniel Loomis, deceased;
An act for the relief of Lieutenant A. J. Williamson;
An act for the relief of Hezekiah Miller;
An act for the relief of John P. McElderry.

The next bill in order was Senate bill for the relief of James Dixon. [Objected to by Mr. HENDRICKS.]

Senate bill "for the relief of Levi Pierce and Andrew Hodge, jr."

The bill, which was read, authorizes the Postmaster General to settle with and discharge Levi Pierce and Andrew Hodge, jr., sureties on the official bond of William H. Ker, formerly postmaster at New Orleans, on their paying or securing to pay, within one year, the sum of \$12,500; and either of the said sureties may thus be discharged on his paying, or securing to pay, one half of the above sum; provided, the Postmaster General, and the United States district attorney for the eastern district of Louisiana, shall be satisfied that it is for the interest of the United States that such settlement should be made; and provided further, that such settlement with, and discharge of one surety, shall not be construed to discharge the other.

No objection being made, the bill was laid aside to be reported to the House, with a recommendation that it pass.

Senate bill "for the relief of Henry La Reintrie."

The bill, which was read, authorizes and directs the Secretary of the Treasury to pay to Henry La Reintrie the sum of \$593, which shall be in full satisfaction and discharge of said La Reintrie's claim for services rendered to the United States legation near the Government of Chili, and as bearer of dispatches from that legation to Washington.

The bill was laid aside to be reported to the House with a recommendation that it pass.

Senate bill "to provide compensation for the services of George Morrell in adjusting titles to lands in Michigan."

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Maria Morrell, widow of George Morrell, late a judge of the United States for the Territory of Michigan, for the services of the said George Morrell, in ascertaining, adjusting, and settling claims to land, and performing other duties in conformity with the act entitled "An act to provide for the adjustment of titles of land in the town of Detroit and Territory of Michigan, and for other purposes," approved the 21st of April, 1806, and with "An act relative to the plan of Detroit, in Michigan Territory," approved the 28th of May, 1830, at the rate of \$500 per annum, from the time of his appointment as a judge of the United States for said Territory, to the 24th day of September, 1836, to be paid out of any money in the Treasury not otherwise appropriated.

Mr. STUART, of Michigan. I desire to amend that bill before the question is taken upon it. I move to insert after the words "George Morrell" where they first occur, the words "and William Woodbridge and Henry Chipman;" to strike out the words "George Morrell" where they last

occur, and insert the word "judges," and to change words in the singular to the plural where it is necessary to make the bill conform to such amendments.

Mr. HENDRICKS. I object. Are those amendments reported from a committee?

Mr. STUART. They are not; but there is a bill pending for the relief of those gentlemen, which, in its provisions, is exactly the same as this one.

Mr. KERR. I never objected to any proposition here in my life. But I understand that the claims of these two individuals have not been before any committee for investigation.

Mr. STUART. Certainly they have been investigated by a committee, and a bill reported for their relief. All three of these persons were judges of the Territory at the same time, and stand upon precisely the same footing.

Mr. KERR. Then I do not object.

The amendment was then adopted, and the bill as amended, laid aside to be reported to the House, with a recommendation that it pass.

Senate bill "for the relief of Asa Andrews."

The bill, which was read *in extenso*, authorizes and requires the proper accounting officers of the Treasury to settle and adjust the accounts of Asa Andrews, late collector of customs for the district of Ipswich, in the State of Massachusetts, for office rent and expenses, including clerk hire, and for the services of a deputy, during the time he performed the duties of said office, and that the amount found due, not exceeding \$1,983 80, be paid to said Asa Andrews, or his legal representatives.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

Senate bill "for the relief of William Darby." The bill, which was read, provides that there be paid to William Darby the sum of \$1,500, in full compensation for his labor and materials furnished in surveying and making a map of the territory of Louisiana, in the years 1812 and 1813.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

Senate bill "for the relief of William G. Smith."

The bill, which was read *in extenso*, proposes that the Secretary of the Treasury be authorized and required to pay, out of any money in the Treasury not otherwise appropriated, \$500, to William G. Smith, for recapturing a vessel in the war of 1812, together with a midshipman and four seamen of the British navy; which prisoners were delivered to Commodore Perry, at Newport, Rhode Island.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

House resolution "to pay Jonas W. Nye, out of the contingent fund, the sum of \$525, in full satisfaction of his claim for compensation for the use of horses and carry-alls furnished the post office of the House under a contract with the postmaster, dated June 15, 1844."

The resolution was laid aside to be reported to the House, with a recommendation that it pass.

Senate bill "for the relief of Sylvester Pettibone."

Mr. McMULLIN. I have examined this case and am not disposed to object, if the friends of the bill will accept an amendment increasing the amount from \$500 to \$1,000.

Mr. KERR. The bill does not require the payment of any sum, though the committee recommend that he should pay \$500 and the costs. I submit to my friend from Virginia, with all deference, that \$500 and costs is quite enough to require a man to pay under such circumstances. I think, if the committee will hear the report, they will be satisfied that \$500 and the costs are all we ought to require.

Several MEMBERS. Read the report.

The report was then read by the Clerk.

Mr. McMULLIN. I propose to amend the bill by making the amount \$1,000.

Mr. SMITH, of New York. I knew this old man well. I appeal to the pity of the gentleman from Virginia, and I hope he will consent to the sum of \$500.

Mr. SMITH, of Virginia. I propose an amendment which I hope will be acceptable to the committee; it is provided the party shall pay \$500 and costs.

Mr. KERR. Very well; I am willing to accept that amendment.

Mr. SMITH. I think it will be accepted all round.

[Cries of "Question!" "Question!"]

The CHAIRMAN. The gentleman from Virginia, who first addressed the Chair, [Mr. McMULLIN] proposed that the party should pay \$1,000. His colleague, who last addressed the Chair, [Mr. SMITH,] proposes to make it \$500 instead of \$1,000.

Mr. SMITH. I ask my colleague to modify his proposition as I have suggested.

Mr. McMULLIN. I have thought, Mr. Chairman, that the—

[Cries of "Order!"]

The CHAIRMAN. The question cannot be debated. Does the gentleman accept the modification of his colleague?

Mr. McMULLIN. I do.

The question was put; and the amendment was amended.

The CHAIRMAN. If there be no objection, the bill will be laid aside, as amended, to be reported to the House with a recommendation that it pass.

Mr. STUART, of Ohio. I object.

House bill "for the relief of L. R. Lyon and Dean S. Howard, of the State of New York."

The bill directs the Secretary of the Treasury of the United States to cause to be paid to L. R. Lyon and Dean S. Howard, late partners, under the name and style of Lyon & Howard, of the State of New York, or their legal representatives, out of any money in the Treasury not otherwise appropriated, the sum of \$8,617 81, in full for the balance due them for constructing a dredging machine at Whitehall, New York, under contract entered into November 2, 1836; and a dredging machine to be delivered at Monroe, in the State of Michigan, by contract entered into October 15, 1836.

Mr. McMULLIN. I call for the reading of the report.

The report was read.

No objection being made, the bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill "further supplemental to an act entitled, 'An act to authorize the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes.'"

Mr. LETCHER. It seems to me that bill is out of place upon this Calendar. It is a general law and not a private claim. I think it should go to the Committee of the Whole on the state of the Union.

Mr. EDGERTON. I move that the bill be laid aside to be reported to the House, with a recommendation that it be referred to the Committee of the Whole on the state of the Union.

The motion was agreed to.

Senate bill "for the relief of Urban Stoll."

The bill, which was read, directs the Secretary of the Interior to pay to Urban Stoll, now a pensioner of the United States, a sum equal to seventy-two dollars per annum, from July 4, 1845, to the time when his present pension was allowed.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill "to refund to the officers of the customs and others, of the district of Passamaquoddy, certain moneys."

Mr. LETCHER. I object, unless there is a report.

Mr. FULLER. Those moneys were paid by the Clerk, by mistake, into the Treasury, instead of paying it to these officers. There are letters from the Secretary of the Treasury and Attorney General which show the facts.

Mr. LETCHER. I think a report from a committee ought to accompany the bills in all these cases. And unless there is a report, I object.

Senate bill "for the relief of Captain Charles G. Merchant."

It directs the proper accounting officers of the Government to settle the accounts of Charles G. Merchant, brevet captain of the United States Army for the second quarter of 1849, on just and equitable principles, without reference to the usual forms, so as to relieve the said Charles G. Mer-

chant of the effect of the loss of his quarterly returns for said quarter; provided the amount to be allowed to the said Charles G. Merchant in such settlement shall not exceed \$215 69.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill "for the relief of John Frink."

It directs the Postmaster General to pay to John Frink, out of any money appropriated for mail transportation, \$750, the amount of two fines—one in the third and the other in the fourth quarter of 1839—wrongfully imposed on said Frink, and deducted from his pay for carrying the mail on route No. 2811, from Joliet to Danville, Illinois, in said year.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill "for the relief of Jacob Boker, of Sandusky City, Ohio."

It directs the Secretary of the Interior to place the name of Jacob Boker, of Sandusky City, Ohio, upon the pension roll, and cause to be paid to him the sum of eight dollars per month, for and during his natural life, commencing June 27, 1854.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

Mr. STUART, of Ohio. I objected to the bill of the Senate for the relief of Sylvester Pettibone. Understanding, however, that it is a very hard case, I withdraw the objection.

Mr. JONES, of Louisiana. It seems to me that we had better go through the Calendar first, and then return and take up such bills as the objections to are withdrawn. I therefore object now to the withdrawal of the objection.

Senate bill "for the relief of Thomas Ellis."

The bill requires the Secretary of the Interior to place the name of Thomas Ellis, of Platte county, in the State of Illinois, upon the roll of invalid pensions, at the rate of eight dollars per month, from May 11, 1852, during his life.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

House bill "for the relief of Tunstall Quarles."

Mr. JONES, of Tennessee. There is no report accompanying that bill. I object.

Mr. HENDRICKS. If the committee will allow me I will state—

Mr. WALSH. I object to any statement.

Mr. JONES, of Tennessee. I understand that the gentleman who reported the bill for the relief of Tunstall Quarles, did so with a recommendation that it do not pass.

The CHAIRMAN. It does not so stand on the Calendar. The Chair understands that the bill was reported without any recommendation at all.

Mr. HENDRICKS. The Chair is mistaken, and I hold that the gentleman from New York has not the right to object to correction of the Calendar. I reported the bill from the committee with a verbal recommendation that it do not pass. There is no written report.

The CHAIRMAN. The Calendar will be corrected as indicated, unless objection be made.

There was no objection, and the correction was accordingly made.

House bill for the relief of "Reginald alias Nick Hilary." [Objected to by Mr. LETCHER.]

Senate bill "for the relief of Gaston T. Raoul."

The bill authorizes Gaston T. Raoul to enter, free of cost, six hundred and forty acres of land, according to legal subdivisions, on any of the public lands of the United States, subject to entry at private sale, in full compensation for claim No. 456 of the report of James O. Cosby, dated June 7, 1813, and for which a certificate of confirmation, No. 168, was issued on the 24th January, 1838, by the register and receiver of the land office for the John Core claim, for his son, a minor, in the parish of Livingston, State of Louisiana.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

Senate bill "for the relief of A. G. Penn."

The bill in this case authorizes A. G. Penn, of the parish of St. Tammany, Louisiana, to enter, by way of preemption, the southwest quarter of section twenty-three, township six south, of range ten east, in the Greensburg land district, State of Louisiana, upon his paying therefor to the proper

officer of the land office \$1 25 per acre, provided, the act shall not be so construed as to interfere with any adverse claim to the land authorized to be purchased, if any such there be.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

Senate bill "for the relief of François Consin."

Mr. NICHOLS. I move that the bill be laid aside to be reported to the House, with a recommendation that it be laid upon the table, for the reason that a bill of precisely the same import passed the House last Saturday.

The motion was agreed to.

Senate bill "for the relief of W. P. S. Sanger." Objected to by Mr. WALSH, of New York.]

Senate bill "for the relief of the legal representatives of George McGirk," was the last upon the Calendar.

The bill was read. It authorizes the legal representatives of George McGirk to enter without payment, one hundred and sixty acres of land in any land office in the State of Missouri, in lieu of a tract of land claimed by them in said State; and it directs the Register of the Land Office, on payment of his fee, to issue the necessary certificate, on the return of which a patent shall issue in favor of said legal representatives.

The bill was laid aside to be reported to the House, with a recommendation that it pass.

Mr. HENDRICKS. Mr. Chairman, I objected to-day to bill No. 457, "for the relief of Emeline Porter, widow of the late Commodore David Porter, of the United States Navy." That bill was reported from the committee of which I am a member—the Committee on Invalid Pensions. But the evidence in that committee did not satisfy my mind of the truth of the facts reported by the committee. I therefore objected to the bill to-day. Still, I am unwilling to continue an objection to a bill reported by the committee of which I am a member; and I now ask the unanimous consent of the committee to permit me to withdraw my objection.

Mr. LETCHER. I object to his withdrawing it.

Mr. JONES, of Louisiana. The Chair understood me as objecting to Senate bill No. 239, "for the relief of Sylvester Pettibone," and the bill was passed over. Now, the Chair misunderstood me. I did not object to the bill, but I insisted on going through the Calendar first. I had no objection to the bill at all.

The CHAIRMAN. It was objected to by the gentleman from Ohio on the left of the Chair, [Mr. STUART.]

Mr. JONES. He has withdrawn that objection.

The CHAIRMAN. The Chair states that it is not in order to go back on the Calendar without the unanimous consent of the committee.

Mr. HENDRICKS. I appeal to the gentleman from Virginia [Mr. LETCHER] not to oppose my withdrawing objection in the case of Mrs. Porter. I do not wish to appear as objecting to a bill that has come from my own committee.

Mr. LETCHER. The gentleman from Indiana does not wish to be found objecting to a bill reported from his own committee; but if he is not satisfied that the bill is right, I think it but proper that he should object to it.

Mr. HENDRICKS. I think I have a right to withdraw my objection.

The CHAIRMAN. Not unless by unanimous consent. Does the gentleman from Virginia withdraw his objection?

Mr. LETCHER. I do not, sir. I say so distinctly.

The CHAIRMAN. Then it will not be in order to go back on the Calendar.

Mr. FAULKNER. The committee will recollect that the gentleman from Maine [Mr. FULLER] objected last week to the Senate bill "for the relief of the legal representatives of Major Caleb Swan." This morning he rose in committee and asked unanimous consent to withdraw his objection. But the gentleman from Tennessee [Mr. JONES] objected to his doing so, because we had not gone through the Calendar. We have now passed through the Calendar, and I ask—

The CHAIRMAN. The Chair decides that under the standing objection it will not be in order to go back to the Calendar.

Mr. LETCHER. What standing objection? Does the Chair refer to the objection made by me?

The CHAIRMAN. Yes. The Chair understood the gentleman from Virginia as objecting to going back on the Calendar.

Mr. LETCHER. Then the Chair misunderstood me. I made no such objection. The simple question was, whether the gentleman from Indiana [Mr. HENDRICKS] should have leave to withdraw his objection to a certain bill, and to that I objected.

The CHAIRMAN. Then the Chair will hear the proposition of the gentleman from Virginia, [Mr. FAULKNER.]

Mr. FAULKNER. I have stated all that I designed to say. I trust now that there will be no objection to the gentleman from Maine [Mr. FULLER] being permitted to withdraw his objection, which he made without consideration, and without knowledge of the facts. He has since examined the bill, and he is perfectly satisfied that it ought to pass.

Mr. HOWE. What bill is it?

Mr. FAULKNER. Senate bill No. 33.

The CHAIRMAN. The Chair has not heard the gentleman from Maine ask to withdraw his objection to any bill.

Mr. JONES, of Tennessee. I withdraw my objection to Senate bill (No. 363) "for the relief of Jonas P. Levy and José Maria Jarrero."

No further objection being made, the bill was laid aside to be reported to the House, with a recommendation that it pass.

Mr. FULLER. On a former occasion I objected to Senate bill "for the relief of the legal representatives of Caleb Swan, deceased." I have since examined the bill and papers, and am satisfied that the bill is right, and I therefore withdraw the objection.

No further objection being made to the bill, it was laid aside to be reported to the House, with a recommendation that it pass.

Mr. STUART, of Ohio. I withdraw my objection to Senate bill "for the relief of Sylvester Pettibone."

Mr. WALSH. I object.

The bill was laid over under the rule.

Mr. RUSSELL. On Friday last the gentleman from Ohio [Mr. NICHOLS] objected to House bill to authorize Robert Graham to locate six thousand nine hundred and ninety-three acres of land in lieu of one undivided half part of certain lands patented to John Edgar and John Murray St. Clair by the Governor of the Northwestern Territory. The gentleman from Ohio is now willing, I believe, to withdraw his objection.

Mr. BRIDGES. I object to it.

The bill went over under the rule.

Mr. JONES, of Tennessee. I now move that the committee rise and report the bills to the House.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, the Chairman of the committee reported that the Committee of the Whole had had the Private Calendar under consideration, and had directed him to report back to the House, House bill further supplemental to an act entitled "An act to authorize the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes," with a recommendation that the same be referred to the Committee of the Whole on the state of the Union; also Senate bill "for the relief of François Cousin," with a recommendation that the same be laid on the table. Also, that the committee had directed him to report back to the House the following resolution and bills, with a recommendation that they pass.

A joint resolution for the relief of John A. Bryan;

An act for the relief of the legal representatives of Major Caleb Swan, deceased;

A bill granting bounty land to Cornelius Coffey; Joint resolution giving one hundred and sixty acres of land to Francis M. Gwin, of Indiana.

A bill for the relief of Eleanor Hoople, of the Province of Canada;

An act for the relief of Jean Baptiste Beaubien;

A bill for the relief of John Cole;

A bill for the relief of George Lynch;

A bill for the relief of Joseph Webb;

A bill for the relief of John Steene;

A bill for the relief of George Elliott;

A bill for the relief of Mary Rutherford, widow of Samuel Rutherford;

A bill for the relief of Warren Raymond;

An act for the relief of the heirs and representatives of Colonel Alexander G. Morgan;

An act for the purchase of the copyright of a work published by Thomas H. Sumner, wherein he describes his new method of ascertaining a ship's position at sea;

A bill for the relief of Isaac Adams;

A bill for the relief of Julia Aiken;

A bill for the relief of the legal representative of Gustavus B. Horner, deceased;

An act for the relief of Phineas M. Nightingale, administrator of the estate of General Nathaniel Greene, deceased;

A bill for the relief of the heirs of Lieutenant Andrew Finley;

A bill for the relief of the administrator of Thomas Wishart;

A bill for the relief of Lincoln Bates;

A bill for the relief of the legal representatives of Charles Pavie;

A bill to revive the act approved March 3, 1823, and the act approved May 26, 1824, supplemental thereto, in reference to the Rio Hondo claims to land in Louisiana;

A bill authorizing the Secretary of the Treasury to pay John Charles Frémont for beef furnished the California Indians;

A bill authorizing the Secretary of the Treasury to settle the accounts of Thomas Jordan, assistant quartermaster in the United States Army;

A bill for the settlement of the claims of W. P. Buckner and Pierce Crosby, passed midshipmen in the United States Navy;

An act for the relief of Dr. S. R. Addison, passed assistant surgeon in the United States Navy;

A bill for the relief of Herman Crittenden;

A bill for the relief of William Gove, of Maine;

A bill for the relief of Jonathan Pearce;

A bill for the relief of William Parker;

A bill for the relief of Zebina Rawson;

A bill for the relief of Polly Carver;

A bill for the relief of Lloyd Dorsey and others;

A bill for the relief of Sidney P. Pool, of the State of Maine;

An act for the relief of Jonas P. Levy and José Maria Jarrero;

A bill for the relief of George J. Rallston;

A bill for the relief of Joseph McMinn;

A bill for the relief of Asa Leach;

An act to authorize the payment of invalid pensions to the heirs of Lieutenant Robert White and others;

An act for the relief of Levi Pierce and Andrew Hodge, jr.;

An act for the relief of Henry La Reintrie;

An act to provide compensation for the services of George Morrell in adjusting titles to lands in Michigan;

An act for the relief of Asa Andrews;

An act for the relief of William Darby;

A bill for the relief of William G. Smith;

A resolution to pay Jonas W. Nye, out of the contingent fund, the sum of five hundred and twenty-five dollars, in full satisfaction of his claim for compensation for the use of horses and carryalls furnished the post office of the House under a contract with the postmaster, dated June 15, 1844;

A bill for the relief of L. R. Lyon and Dean S. Howard, of the State of New York;

An act for the relief of Urban Stoll;

An act for the relief of Captain Charles G. Merchant;

A bill for the relief of John Frink;

A bill for the relief of Jacob Baker, of Sandusky city, Ohio;

An act for the relief of William Brown;

An act for the relief of Gaston T. Raoul;

An act for the relief of A. G. Penn;

An act for the relief of the legal representatives of George McGirk.

Mr. JONES, of Tennessee. If it is in order, I move that the House concur in the report of the Committee of the Whole House.

[Cries of "Right!" "Right!"]

Mr. JONES. And then the Clerk can put the bills in regular order upon the Journal.

The SPEAKER. There are various other recommendations in reference to particular bills. The

Chair understands the proposition to be to concur in the report of the committee in all its recommendations in reference to the bills which have been reported to the House.

There was no objection; and the report of the Committee of the Whole House was concurred in.

CIVIL AND DIPLOMATIC BILL.

A message was here received from the Senate by ASBURY DICKINS, their Secretary, informing the House that the Senate had passed the bill of the House (No. 48) making appropriations for the civil and diplomatic expenses of the Government for the fiscal year ending the 30th of June, 1855, with amendments, in which he asked the concurrence of the House.

Mr. HOUSTON. It is impossible for the House to consider these amendments properly unless they are printed. I ask, therefore, that the bill, with the amendments, may be referred to the Committee of Ways and Means, and that it may be printed. If the House will assent to the proposition, I think I can get it printed by to-morrow morning.

There was no objection; and the bill and amendments were accordingly referred and ordered to be printed.

SYLVESTER PETTIBONE.

Mr. WELLS. I ask the unanimous consent of the House to discharge the Committee of the Whole House from the further consideration of Senate bill (No. 239) "for the relief of Sylvester Pettibone."

There was no objection, and the bill was reported to the House.

Mr. WELLS. I now move to put the bill upon its passage.

The bill was read through. It provides that Sylvester Pettibone, of Wisconsin, and his real and personal property, be released and relieved from two judgments in favor of the United States, obtained against him, the said Pettibone, in the district court of the United States for the district of Wisconsin, and from all liens and encumbrances created by said judgment: *Provided*, That the costs of the suit in which said judgment was rendered shall first be paid by said Pettibone.

Mr. LETCHER. The committee made an amendment to that bill.

The SPEAKER. So the Chair understands, but it does not necessarily come up with the bill. The committee is simply discharged from the consideration of the bill.

Mr. JONES, of Tennessee. I suppose the amendment may come up by general consent.

The SPEAKER. Certainly, it may come up, if there be no objection.

The amendment was reported. It alters the proviso at the end of the bill, so that it will read:

Provided, That \$500 and the costs of the suit in which said judgment was rendered, shall first be paid by said Pettibone.

Mr. STANTON, of Tennessee. This is a case in which the whole property of a very respectable old man in Wisconsin has been sold for forfeiture of bail on his part in favor of the United States. It is either sold, or about to be sold.

Mr. KERR. It has been sold.

Mr. STANTON. This relief is a mere act of grace on the part of the Government of the United States; and I think that it is a small business to propose to reserve \$500. If the bill is to be passed at all, give the old man his land back on the payment of the costs, and without other reservation.

[Cries of "Agreed!"]

Mr. SMITH, of New York. With the permission of the gentleman from Wisconsin, I will say a word. I know this old man. I have known him more than thirty years. He removed from my neighborhood to Wisconsin. He was one of the pioneers who broke the way to the settlement of that country. His little all has been sold under this judgment. Is it not punishment enough for his imprudence to require him to pay the bill of costs? I acquiesce in the spirit and letter of the remarks of my honorable friend from Tennessee, and I hope that the House will be content to release the poor old man on the payment of the two bills of costs.

Mr. KERR. I wish to add one word to what has been said. As a member of the Judiciary Committee, I had charge of this particular case. I myself entertained the opinion that he ought to be released entirely. I have always insisted on

that; but we went into committee to-day, and in order to induce gentlemen to withdraw their objections, we agreed to an amendment, that Mr. Pettibone should be made to pay \$500. I think that it would be bad faith to back out from that amendment now. I think the House ought to agree to it. Had not the amendment been adopted in committee, we would not have got the bill into the House.

Mr. JONES, of Tennessee. If gentlemen will let the vote be taken, the amendment will be voted down.

Mr. WELLS. I call for the previous question. The previous question received a second, and the main question was ordered to be now put.

The question was taken on the amendment; and it was rejected.

Mr. McMULLIN. I move to reconsider the vote by which the amendment was rejected. The friends of this bill—

[Cries of "Order!"]

The SPEAKER. Discussion is not now in order.

Mr. McMULLIN. I withdraw the motion I made, and move to recommit the bill.

The SPEAKER. The previous question is resting upon the bill, and no motion to commit is in order.

Mr. McMULLIN. May I not make an appeal to the friends of the bill?

[Cries of "Object."]

Mr. SMITH, of Virginia. Is it in order to move to lay the bill upon the table?

The SPEAKER. That motion would be in order.

Mr. SMITH. I make that motion, and call for the yeas and nays. I want a record of the vote. I call on every honest man upon this floor—

[Cries of "Order! order!"]

The yeas and nays were not ordered.

Mr. SINGLETON. I ask the unanimous consent of the House to make a personal explanation.

Several MEMBERS. Let us get through with this bill first.

Mr. SINGLETON. I was necessarily absent this morning when the vote was taken upon suspending the rules, for the purpose of introducing a bill repealing the fugitive slave law. I wish merely to say that, if I had been present, I should have voted against suspending the rules.

The question was then taken upon Mr. SMITH's motion, and it was decided in the negative.

So the House refused to lay the bill upon the table.

The question now recurred upon Mr. McMULLIN's motion, that the vote by which the amendment was rejected be reconsidered.

Mr. EDGERTON. I move to lay the motion to reconsider upon the table.

The question was taken; and Mr. EDGERTON's motion was agreed to.

The bill was then ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. WELLS moved to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

W. P. S. SANGER.

Mr. WALSH. I objected to Senate bill No. 169 for the relief of W. P. S. Sanger, on the ground that it was for extra pay, and that the bill did not state the amount due. But I have been assured by a number of gentlemen that the bill is perfectly correct; and I therefore ask leave to move that the Committee of the Whole House be discharged from the further consideration of the bill.

Mr. LETCHER. I object. We have just had a sample of that mode of doing business.

Mr. JONES, of Tennessee. I rise to a privileged question. I move to reconsider the vote by which the House concurred in the report of the Committee of the Whole House, in relation to the various bills and resolutions reported by it; and I also move to lay the motion to reconsider on the table.

The question was taken; and the latter motion was agreed to.

Mr. HOUSTON. The amendments to the civil and diplomatic appropriation bill, which have been just sent in from the Senate, and committed

to the Committee of Ways and Means, will require the consideration of that committee during the hours of the session of this House. I therefore ask the permission of the House to enable the Committee of Ways and Means to sit in committee during the hours of the session of this House.

Mr. HENN. I wish to amend that proposition so as that it may include in the same permission the Committee on Enrolled Bills. They are in the same condition as the Committee of Ways and Means, and have to be in and out of the House every five minutes. I also propose that they be allowed to vote whenever they come into the House.

The order was made in respect to both these committees.

Mr. CAMPBELL. I move also to include in the same order the select committee appointed to examine the charges in reference to the alterations in the Minnesota railroad bill.

Mr. LETCHER. I should like to amend the proposition by including all the other committees.

The motion of Mr. CAMPBELL was agreed to.

Mr. JONES. I think it is very good time now for this House to adjourn; and I submit that motion.

The motion was agreed to.

The House thereupon (at a quarter before four o'clock, p. m.) adjourned till to-morrow at eleven o'clock, a. m.

IN SENATE.

SATURDAY, July 29, 1854.

Prayer by Rev. HENRY SLICER.

The Secretary proceeded to read the Journal; but he was interrupted by

Mr. COOPER, who moved that the further reading of the Journal of yesterday be dispensed with; which was agreed to.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of War, accompanied by reports on the improvement of the Brazos river, Texas, and surveys of Georgetown harbor, South Carolina, and the Savannah river, from Savannah to Augusta, in the State of Georgia; which was read, and ordered to be printed.

PETITION, ETC.

Mr. RUSK submitted an additional document in relation to the claim of Betsey W. Eve; which was referred to the Committee on Foreign Relations.

Also, the petition of Samuel D. Hay, United States district attorney for the district of Texas, praying compensation for services in prosecutions for violation of the neutrality laws on the Rio Grande; which was referred to the Committee on the Judiciary.

PETITION WITHDRAWN.

On motion by Mr. GEYER, it was Ordered, That R. H. Miller have leave to withdraw his petition and papers.

REPORT FROM A STANDING COMMITTEE.

Mr. BUTLER, from the Committee on the Judiciary, to whom was referred the bill for the relief of Thomas Ap Catesby Jones, surety for a former postmaster at Norfolk, Virginia, reported it back without amendment.

HOUSE BILL REFERRED.

The bill for the relief of the legal heirs of Benjamin Metoyer was read a first and second time by its title, and referred to the Committee on Private Land Claims.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. McKean, Chief Clerk, announcing that they had passed the following bills from the Senate:

An act for the relief of the legal representatives of Major Caleb Swan, deceased;

An act to authorize the payment of invalid pensions to the heirs of Lieutenant Robert White and others;

An act for the relief of the heirs and representatives of Colonel Alexander G. Morgan;

An act for the purchase of the copyright of a work published by Thomas H. Sumner, wherein

he describes his new method of ascertaining a ship's position at sea;

• An act for the relief Sylvester Pettibone;

An act for the relief of Levi Pierce, and Andrew Hodge, jr.;

An act for the relief of Henry La Reintrie;

An act for the relief of Dr. S. R. Addison, passed assistant surgeon in the United States Navy;

An act for the relief of Jean Baptiste Beaubien;

An act for the relief of William Darby;

An act for the relief of Urban Stoll;

An act for the relief of Asa Andrews;

An act for the relief of Jonas P. Levy, and José Maria Jarrero;

An act for the relief of Captain G. Merchant;

An act for the relief of William Brown;

An act for the relief of Gaston T. Raoul; and

An act for the relief of A. G. Penn.

The message also announced that the House had passed the following bills of the Senate, with amendments, in which they asked the concurrence of the Senate:

An act to provide compensation for the services of George Morrell, in adjusting titles to land in Michigan; and

An act for the relief of Phineas M. Nightingale, administrator of the estate of General Nathaniel Greene, deceased.

Also, that the House had passed various bills, in which they requested the concurrence of the Senate.

The bills received from the House were accordingly read a first and second time by their titles, and referred—the following to the Committee on Pensions:

An act for the relief of Julia Aiken;

An act for the relief of George J. Rallston;

An act for the relief of Mary Rutherford, widow of Samuel Rutherford;

An act for the relief of John Steene;

An act for the relief of William Parker;

An act for the relief of Herman Chittenden;

An act for the relief of Warren Raymond;

An act for the relief of Zebina Rawson;

An act for the relief of William Gove;

An act for the relief of George E. Elliott;

An act for the relief of Joseph Webb;

An act for the relief of George Lynch;

An act for the relief of Joseph McMinn;

An act for the relief of Jonathan Pearce;

An act for the relief of John Cole;

An act for the relief of Asa Leach; and

An act for the relief of Jacob Baker.

The following were referred to the Committee on Private Land Claims:

An act for the relief of Sidney P. Pool;

An act for the relief of Loyd Dorsey;

An act for the relief of the legal representatives of Charles Parie; and

An act for the relief of the legal representatives of George McGirk.

The following were referred to the Committee on Military Affairs:

An act granting bounty land to Cornelius Coffey;

An act for the relief of Eleanor Hoople, of the Province of Canada; and

An act authorizing the Secretary of the Treasury to settle the accounts of Thomas Jordan, assistant quartermaster in the United States Army.

The following were referred to the Committee on Claims:

An act for the relief of Lincoln Bates;

An act for the relief of Polly Carver, widow and executrix of Nathan Carver, deceased; and

An act for the relief of L. R. Lyon and Dean S. Howard, of the State of New York.

The following was referred to the Committee on the Post Office and Post Roads:

An act for the relief of John Frink.

The following was referred to the Committee on Revolutionary Claims:

An act for the relief of the administrator of Thomas Wishart.

INDIAN APPROPRIATION BILL.

The message also announced that the House of Representatives had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with the various Indian tribes for the year

ending the 30th of June, 1855, and for other purposes.

The Speaker of the House having signed the above enrolled bill, the President *pro tempore* accordingly affixed his signature thereto.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by Mr. WEBSTER, his Secretary, announcing that he had this day approved and signed the following acts:

An act for the compensation of James W. Low and others, for the capture of the British private armed schooner *Ann*, during the late war with Great Britain;

An act for the relief of Purser T. McBlair; and An act supplementary to an act entitled "An act to authorize notaries public to take and certify oaths, affirmations, and acknowledgments in certain cases."

PHILADELPHIA, NEW YORK, AND BOSTON COURTS.

The PRESIDENT. The Chair will present to the Senate the bill to provide for the accommodation of the courts of the United States in the district of Massachusetts, which has been returned from the House with an amendment.

Mr. TOUCEY. I hope that the Senate will now act upon the amendment. I think there will be no discussion in regard to it. I will state that the Senate passed a bill providing for the temporary accommodation of the courts in Boston. The House amended it by providing for the temporary accommodations for the courts in Philadelphia and New York, and annexed a second section, authorizing the President to make contracts for the purchase of sites and plans for the erection of buildings. The Committee on the Judiciary have reported to concur in that amendment, with a further amendment making the contracts conditional, and subject to the approval of Congress, to which there can be no objection.

The amendment to the amendment of the House was agreed to; and the amendment, as amended, was concurred in.

WASHINGTON AND ALEXANDRIA RAILROAD.

The PRESIDENT. There is also a bill upon the table authorizing the extension of the Alexandria and Washington railroad into the District of Columbia, which has been returned from the House of Representatives with amendments.

Mr. ADAMS. One of the amendments is very important. I move the reference of the bill and amendments to the Committee on the District of Columbia.

Mr. BRIGHT. I hope that will not be done. I think we can act upon it. I shall ask the Senate to disagree to the amendments of the House.

Mr. ADAMS. I withdraw my motion.

The PRESIDENT. The question then is on concurring in the amendments of the House.

The amendments were published among the proceedings of Friday, the 21st instant.

Mr. SHIELDS. I desire to ask a question for information. I was not in the Senate when this bill was originally passed. I was very much opposed to a railroad crossing the Avenue between this and the Executive Mansion; and I desire to know whether that is authorized by this bill.

Mr. BRIGHT. This is the same bill which was before the Senate on the application of the Washington and Alexandria Railroad Company, asking the right of way across the Long Bridge. The Senate refused to grant that privilege; but, as the bill shows, gave the privilege of building a bridge across the Potomac river, at or above the aqueduct, and granted the right of way through the District of Columbia, to connect with the Baltimore and Ohio railroad on the western side of the city. In that situation it went to the House, and the House have appended an amendment, giving the right of way on the eastern side of the city to a point on the Potomac river opposite to Alexandria. I am opposed to that on the ground that it is calculated to embarrass the original bill. If the Baltimore and Ohio Railroad Company desire a privilege of that kind, they ought to apply for it in a separate bill. For that reason I move that the Senate disagree to the amendment of the House.

Mr. COOPER. I am told if the Senate concur in the amendment, it will defeat the road pro-

vided for in the bill; for it will be impossible to get subscriptions to that road. I am, therefore, in favor of the motion made by the Senator from Indiana.

Mr. PRATT. The original charter, to which the amendment of the House was placed, was a charter authorizing an individual to make a railroad connecting with the Baltimore and Ohio railroad on the west of the city, by making one through Georgetown across the Potomac river above the aqueduct. The amendment of the House is to authorize the Baltimore and Ohio Railroad Company to make a connection with the Virginia works at Alexandria, by carrying a road from the terminus of the company in Washington to the east, so as to strike the eastern branch of the Potomac river above the navy-yard, and crossing at that point, and going on the Maryland side of the District of Columbia on that side of the eastern branch of the Potomac, along the margin of the river, until it arrives opposite to Alexandria, where it is calculated by boats to take the passengers across to Alexandria. My friend from Indiana says that he is altogether opposed to this; that if the Baltimore and Ohio Railroad Company want this connection, they ought to introduce a new bill. Why, Mr. President, if the privilege ought to be granted to them, it will strike every one that there could be no place so proper as the present bill in which to grant it. Here you are about to give a private individual, for private purposes, the right to make a railroad to connect with another road which has cost some \$1,500,000, and you are asked to refuse to that road which has made the great connection between this city and Baltimore, and consequently with the East and the West, the privilege of connecting their road with the Virginia roads running south.

Now, sir, except for the mere isolated desire of giving to this private corporation the pecuniary advantages which the charter would give to him, there is no member who will rise in his place and assert that this privilege ought not to be granted to the road.

When the original bill was here, something was said by my friend from Wisconsin, [Mr. WALKER,] about the charges made on the Baltimore and Ohio railroad. Mr. President, that road is not to blame, and never has been to blame, for the charges supposed to be exorbitant in carrying passengers between this city and Baltimore. When the application was made to the Legislature of Maryland for a charter, at my instance—for I was then a member of the Legislature—for the purpose of relieving the State from a debt which she had incurred, a *per capita* tax of fifty cents was placed upon passengers over that road, or one fifth of the gross receipts of the road went to the State as a bonus. The charge which was made, therefore, of fifty cents, which goes into the State treasury, is one from which it is not within the compass of the company to relieve themselves; and they ought not to be blamed, as they have been by my friend from Wisconsin, and others, for the charge which is supposed to be exorbitant.

But I state again, the rejection of the amendment of the House will give to a private corporation, instead of to a company that has already done so much, the exclusive right of making the connection between the Baltimore and Ohio railroad at the East, and the Virginia works of internal improvement in the South. I was in favor of authorizing this individual to make this road, and I do not care (if it does not interfere with the convenience of the people of Washington, which is protected by the amendment absolutely, by requiring the authority of the corporation before it can be made) how many railroads are built here. The more that are made the better, if they do not interfere with private interests. This is the first time in the legislation of the country that I have ever heard of excluding from a participation in such a benefit a company which has gone to all the expense of making an extended connection between the seat of Government and other places, and also to the Virginia companies going south, because you want to give the exclusive privilege to an individual. Mr. President, I do hope that a sense of common justice will induce the Senate to concur in this amendment. If they do not prefer to concur in it, and there be doubt about the policy of it, let them reject the whole bill. In the present position of things, as I said before, there is no immediate necessity for its passage. We

might at another session, perhaps, be better advised as to the proper course to pursue.

My friend from Indiana [Mr. BRIGHT] tells me that this is a public company, for whose benefit the bill was passed. I have never seen its charter. It is immaterial, however. The Senator says it is a chartered company—chartered through Mr. French and somebody else, who are associated with him in making this road. You are then to give to a new and independent company, which has expended no money and made no improvement, the exclusive patronage of making a connection between roads which have expended millions for the convenience of the country, induced, I admit, by a sense of what is necessary for their own profit. Virginia has spent, and is spending, some \$15,000,000 or \$20,000,000 on roads. Many of these roads concentrate here. The Baltimore and Ohio railroad has spent some \$15,000,000 or \$20,000,000, by which communication between the seat of Government and the far West, and between the seat of Government and New York and other places, has been established. I ask, can any one announce any principle why a new company should be incorporated to make this communication, instead of allowing a company which has been long incorporated, and spent so much money, to do it for themselves? The object is to connect the southern roads with the northern roads. Let the Virginia and Maryland roads do it. I know, at least I am notified by the directors of the Virginia roads, that they are altogether opposed to putting this into the hands of a private individual. I hope, therefore, if the amendment be wrong in any particular, the Senate will alter it and send it back to the House; but do not let us, by hasty legislation, do injustice to those persons who have spent so much capital in producing the benefits which have resulted from this connection with the seat of Government.

Mr. RUSK. I shall say but a very few words upon this subject, for I know that time is very important. The original bill which passed the Senate, passed under very strong guards. It had undergone the thorough investigation of a committee. One of the strongest oppositions which it met with when it was introduced and proposed that the railroad should cross the river at the Long Bridge, and one of the most difficult to overcome, and which, unless the objectionable provision had been stricken out, would have prevented the passage of the bill, was, that it would obstruct the navigation of the river. Now, here is a privilege in the amendment to the same effect, accorded to the Baltimore and Ohio railroad.

Mr. PRATT. My friend is mistaken. I do not desire him to fight shadows while he is arguing a point. This road is to strike the eastern branch of the Potomac above navigation.

Mr. RUSK. The original bill, as it will be well remembered by Senators, had many of its provisions, which were regarded as too liberal, stricken out, and it was restricted. It was restricted with regard to the avenue. No private property was allowed to be gone through at all. The Senator from Maryland is mistaken in supposing that it is for the benefit of private individuals. The bill proposed that an incorporated company should do the work. There is also incorporated by the Legislature of Virginia a company for the other side of the Potomac. But here is an amendment sprung upon us to give to an incorporated company, the Baltimore and Ohio railroad, the privilege of going through the streets; and if they can get the consent of the corporation of condemning and using private property; and if they can get the consent of the President of the United States, of going through any of your reserved grounds. This I ought to investigate before I agree to grant such privileges. It would be wrong to encourage two rival companies within three or four miles of each other, because both would be broken down, and we should not get the connection which is so desirable to the public. But if it were desirable that we should have two roads within two or three miles of each other, who in the Senate is prepared to give the privilege to the Baltimore and Ohio Railroad Company, when we do not know anything about the provisions of its charter? If there were no other objections, I should vote against it on that ground. The original bill which went from the Senate received the careful examination of a committee, underwent a lengthy discussion in the Senate, and was adopted

on mature deliberation; but this amendment is sprung upon us, and it proposes to give to another company a great deal more extended privileges than the bill originally proposed to give to the other company.

Mr. BROWN. This bill is taking up all the morning hour. We have very little time to debate a bill of this sort, and, therefore, I move that it lie on the table.

Mr. TOUCEY. I hope the motion to lay the bill upon the table will not be agreed to.

Mr. BROWN. We cannot get a vote upon the bill. If the Senate would consent to come to a vote, I would withdraw my motion; but really we ought not to consume the time with its discussion.

Mr. BADGER. In effect it would only be postponing the bill to the next session. We have no time to consider it now.

Mr. PRATT called for the yeas and nays on the motion, and they were ordered; and being taken, resulted—yeas 14, nays 28; as follows:

YEAS—Messrs. Allen, Atchison, Badger, Bayard, Bell, Benjamin, Brown, Cass, Chase, Pearce, Pratt, Rockwell, Slidell, and Stuart—14.

NAYS—Messrs. Bright, Butler, Cooper, Dawson, Dodge of Wisconsin, Dodge of Iowa, Evans, Fessenden, Fish, Fitzpatrick, Geyer, Gillette, Hunter, Johnson, Jones of Tennessee, Mason, Morton, Norris, Rusk, Sebastian, Seward, Sumner, Thompson of Kentucky, Toombs, Toucey, Wade, Walker, and Weller—28.

So the motion to lie on the table was rejected.

Mr. MASON. I wish to say a single word in reference to the State of Virginia, which I represent here. My impressions are favorable to the railroads proposed to be benefited. Both propositions are that this road shall be done by private companies, and by those companies alone; and my disposition would be, wherever the public interest would admit it, to give to those companies the largest liberty to construct ways for the public convenience. But I do not know how far the interest of the State which I represent may be affected by terminating the railroad at the point proposed by the amendment. I shall, therefore, vote against the amendment, with the knowledge, that although the Baltimore and Ohio company has been operating their road for twenty years, this plan did not occur to them until an apparent rival interest started up in Virginia to make a railroad to cross the Potomac at a different point. I shall therefore vote against the amendment.

Mr. TOUCEY. I am opposed to this amendment *in toto*. I am in favor of the legislation which has already taken place on the part of the Senate. I think it is due to the people of this District, both the inhabitants of Washington and the inhabitants of Georgetown, that the Senate should adhere to the bill as they passed it before. I ask a moment's attention. After we had provided that there should be a railroad from Alexandria by way of Georgetown, without interfering with the navigation of the river, to connect with the Baltimore road at this depot, the Baltimore and Ohio company steps in and proposes to extend a branch to the east of this Capitol, opposite to Alexandria, by which they will have the power of carrying all the freight and all the passengers down to a point upon the Potomac, opposite Alexandria, and thus break up the legislation which was intended by the Senate, and which was intended in Virginia. I hold that it is due to the people of this District, as well as to the people of Virginia, that the railroad from Alexandria, by way of Georgetown to the depot in this city, should be carried out, and that we should not incorporate into the bill an amendment that will defeat it.

Sir, I am in favor of that road for two or three considerations. In the first place, it is the shortest way, and by the route which is proposed by the bill as it passed the Senate, passengers can come from Alexandria to the depot in a shorter time than they can by any other way, because they are not interrupted by the passage of any ferry which requires slow movement. According to the celebrated engineer whose report has been laid on our tables, it is the shortest route in point of time. In the second place, it is due to the citizens of Georgetown. They are entitled to the accommodation of this road. Cars passing through to the south by way of Georgetown can take passage there, and can connect with the northern roads by that route in less time than by any other, according to

the report of the engineer. I am also in favor of it, because I desire to get rid of any obstruction in the river below Georgetown. Whether there will be a bridge across that river in any place, either below or here, whether it will ultimately lead to one or not, I do not know. I say I am utterly opposed to it. I think it is due to the citizens of Georgetown that the river should be kept open. I am opposed to closing up these great channels of communication which the God of nature has opened. I say they have a right to have the channel kept open, and not have it obstructed.

Mr. PEARCE. I ask the Senator from Connecticut whether the amendment provides for a bridge across the Potomac?

Mr. TOUCEY. It does not; but I suggest that it will probably lead to a bridge there.

Mr. COOPER. If the Senator from Connecticut will allow me, I will state a fact that will fortify his views. The bill, as it passed the Senate, I am told by an authority that I will vouch for, was satisfactory to the Councils both of Washington and Georgetown, and they are opposed to the amendment.

Mr. TOUCEY. I have the same information. I understand that the bill, as it passed the Senate, is satisfactory to the inhabitants of Georgetown and Washington, and I say that we, the exclusive Legislature of this District, are bound to look to the interests of our constituents, the inhabitants in the District; and I am unwilling to allow this company, that already has a road in the North, to step in merely for the purpose of interrupting the communication that is proposed in that bill. I consider the bill, which has already passed the Senate, as the only means that will ever clear out the obstructions of this river, and give to the citizens of Georgetown their rights—their equitable rights; and it will relieve the inhabitants of Washington from the obstruction in the river that already exists, and which, in my judgment, and I think in the judgment of every prudent man, is prejudicial to the health of the city. I say that upon every consideration we ought to oppose this amendment and adhere to the bill as it passed the Senate, and the House of Representatives will probably approve of it.

Mr. DAWSON. It is a great mistake on the part of the Senator from Connecticut to suppose that the city of Georgetown alone is interested in this matter.

Mr. TOUCEY. I do not suppose it.

Mr. DAWSON. They have scarcely any interest in it at all. Here is a disconnection from the Baltimore and Ohio railroad depot to Alexandria. The question is, how we shall make up that want of connection. A proposition came before this body asking us to sanction the laying of a road across the Long Bridge to connect with the Baltimore depot. The city of Georgetown interposed, and said that it would lead to the permanent location of the Long Bridge, and thereby damage the navigation of the river, and increase sickness in the city of Georgetown, and be a gross detriment to it. Then, without any application or investigation, we granted the right to a railroad upon the opposite bank, on the Virginia side, to above the heights of Georgetown, and around the heights to the railroad depot for Baltimore. Now, sir, look at that route, and I beg any southern man to look at it, and say whether we are going to submit ourselves to such an inconvenience? When you get here to start down South, directly in an opposite direction you turn North, and go around the heights of Georgetown for four miles to go to Alexandria. That was done by way of an amendment to the bill, which passed to carry us directly over the Long Bridge.

When the bill was before us on a former occasion, Mr. President, I told you that the southern railroad and the northern railroad companies were all exceedingly anxious to close up this disconnection. After this arrangement is made to carry a road around Georgetown and across the river above the Falls, the Baltimore and Ohio railroad claim that they can carry their road directly down to the southern branch of the Potomac, and then across to the city of Alexandria, which would be in a direct line, and four miles shorter, than around Georgetown. Now, are we not entitled to it? Where is the objection to it? The Senator from Connecticut says that it will deprive the company that is already established of a vested right. Sir, it has no vested right whatever.

Mr. TOUCEY. I did not say so.

Mr. DAWSON. What kind of a road did you say?

Mr. TOUCEY. I stated that a company was already organized in Virginia. They propose to connect, by the shortest road in point of time, by way of Georgetown. It is acceptable to the people of Georgetown and to the people of Washington, as I understand; and it will close up this gap without needing a ferry, in winter as well as in summer, to cross the river.

Mr. DAWSON. In the first place, there is no company incorporated in Virginia to carry the road up by Georgetown; none at all. They cannot cut a foot of land there until the Virginia Legislature meets and grants the charter. It is all a mistake about their having a charter for that. It has yet to be obtained from the State of Virginia.

Mr. TOUCEY. It has to be modified.

Mr. BRIGHT. The Senator from Georgia is mistaken. I have a certified copy of the charter in my hand.

Mr. DAWSON. To where does it give the company the right to run the road?

Mr. PRATT. To the Long Bridge.

Mr. BRIGHT. Not at all. I will read from the charter, of which I have a certified copy.

"Then from the city of Alexandria, in the State of Virginia, to the city of Washington, in the District of Columbia, crossing the Potomac at some eligible point between the two cities."

Mr. DAWSON. Yes, sir, that was intended to be up to the Long Bridge. Well, now, Mr. President, what do we propose to do here? We propose to make two roads, one almost four miles nearer than the other, down to Alexandria in a direct southern line. You propose to make one four miles further by a circuitous route. You say you want no bridge across the Potomac. We do not want a bridge across that river. We do not propose to make any obstruction. We propose to have a ferry boat there similar to the one on the Susquehanna, which passes on the great route to New York. Where is the harm in that? I cannot see that there is a single ground for opposition to it, especially when it is desired by all the companies north and south. The railroad company of Maryland has the right to run directly opposite to Alexandria, and the only thing to be done is to connect with Alexandria. That will then give a direct route to the south, and a direct route to the north. I hope, Mr. President, that for the convenience of the country, the whole country, we shall have the opportunity of making a road on a direct line by a practicable route, and not be driven to the necessity of going around the hills of Georgetown. It is important to the South, and important to the traveling interest.

Mr. RUSK. I desire to ask the Senator a question. He says the distance is four miles greater by way of Georgetown. How far could he travel on a railroad during the time it would take him to change from the cars to the ferry boat and cross the river?

Mr. DAWSON. I cannot state anything in relation to that. I do not know even the practicability of the route. I do not know whether a bridge will be built. All I know is this: that a railroad succeeds best when made in a line to go direct from point to point; and any temporary obstruction or passing a water course is no justification for turning around and going a longer distance.

Mr. BAYARD. There is one objection to this amendment, which will render it impossible that I should vote for it. The Senate passed a bill authorizing the Washington and Alexandria Railroad Company to construct a railroad between the Baltimore and Ohio railroad depot, stationed in this city, and that of the Virginia Railroad Company, stationed in Alexandria. That bill having passed the Senate, was sent to the House, and it comes back with an amendment from the House, which authorizes the construction of a road for a similar purpose—a rival road by a different route between the same points. Now, sir, I have no evidence that the convenience of the traveling public requires the construction of two roads, and I do not believe it would be practicing good faith or sound legislation to give to these two companies the privilege of cutting each other's throats for the purpose of benefiting the traveling community. I do not think it is proper to give

two or three companies the same rights for similar purposes, when one line is sufficient.

It is very evident, if you pass this amendment, you destroy the original act, and destroy it beyond the possibility of a doubt of its ever being within the bounds of a sound speculation. It is impossible to suppose, if you give the privilege to this great company, who have a connection North and West, with a large capital, of making a connection with the South also, that the other small company can ever attempt to compete with them. The mere fact of the Baltimore and Ohio railroad having control of the connection with their own depot will throw greater advantages in favor of their own branch line, and will render it impossible for the other road to gain any of the advantages of such a connection. Therefore it would be folly for them even to construct their road, and they would be obliged to abandon it. All that is authorized in the original bill would be abandoned. You give the city the controlling power; and when you take into consideration the relative positions of the two railroad companies, you will find that we literally destroy the grant made by the bill which passed the Senate in the first instance. At least that is the effect of it, in my judgment, and, therefore, I shall vote against it.

Mr. PEARCE. If it is so, if that is the fact, then it seems to be perfectly clear that the road proposed to be authorized to the point opposite Alexandria must furnish greater facilities than the road proposed to be made to Alexandria, around by Georgetown. The road to which the Senator objects, that it would destroy the construction of the other road, would offer greater facilities.

Now, sir, this bill was asked for at first, to allow the Virginia railroad to cross at the Long Bridge. I voted for that, because I believed they would never be able to execute the road which we have allowed them to make by the original bill. That road would run a course of about ten miles, to cross the Potomac river. They are not to cross lower down than the aqueduct. They never can cross at that aqueduct, I am satisfied. There is no room for them; and they will never have the capital to make a separate bridge for themselves beyond that. I believe if the bill remains as it is, we shall never have any road constructed at all. But we passed the bill, and the House, with great liberality, has authorized the construction of a branch road from the Baltimore and Washington railroad to a point opposite Alexandria. It does seem to me that that is liable to no objection. It is not injurious to the city of Washington. And if the authorities of Georgetown and Washington are opposed to it, they are so without any justifying reasons. It will furnish the traveling community all the advantages which they desire, and it will not diminish the advantages which the city of Washington would derive from the other company. They have a depot here, and it will remain here. There is not a solitary reason, that I can perceive, why the two cities should be opposed to it. In point of time, I believe there is scarcely any difference between the two roads. It will be at least four or five miles longer in going by the Georgetown road than by the Baltimore and Ohio road. It will occupy about twelve minutes to go that distance, and it will take but little more time to cross the Potomac in a steamboat, constructed as the steamboats are on the Susquehanna.

As to a bridge over the river at Alexandria, the argument drawn from that is entirely fallacious. We have the control of the matter in our hands. Maryland and Virginia must unite with it. They cross the Susquehanna, I think, in about fifteen minutes when there is no obstruction; and all the ice in that river furnishes very little obstruction, except at periods when there is a rise in the river and the ice is forced upon the flats. Then, indeed, there is a difficulty, and it is that difficulty which has induced Maryland to authorize the construction of a bridge there. Here there will be no need for it. I do not know the exact point to which this road is to come, but the Baltimore and Washington railroad company already have the right, under their charter, to carry the road to the Potomac river. What they want is authority to make it outside of the State limits. Surely this is no great boon to a company which is the pioneer of these railroads, and which has expended

enormous sums of money in furnishing facilities, which every body must admit to be very desirable and all important. No objection can be raised as to its being a monopoly. This proposes competition. You want to give a monopoly to the other company. I think the plan which allows two roads to be made is vastly more liberal.

Mr. STUART. This bill has already occupied an hour. I do not see that we are any nearer coming to a conclusion on it than when we began. As it is very important that we should proceed with the consideration of the river and harbor bill, I make the motion to postpone the further consideration of this subject until Monday.

Mr. BRIGHT. I hope the Senator will withdraw that motion, and give us an opportunity to dispose of the bill.

Mr. BROWN. Let us have the vote now.

Mr. HUNTER. If we could get a vote on it it would be very desirable.

Mr. BRIGHT. I should like to make a short speech in reply to the Senator from Maryland.

Several SENATORS. Oh, no.

Mr. BRIGHT. But I will forego that if we can have a vote.

Mr. STUART. If the Senate will vote, I withdraw the motion.

Mr. PRATT called for the yeas and nays on concurring in the House amendment, and they were ordered; and being taken, were—yeas 7, nays 41; as follows:

YEAS—Messrs. Benjamin, Dawson, Geyer, Jones of Tennessee, Morton, Pearce, and Pratt—7.

NAYS—Messrs. Adams, Allen, Atchison, Badger, Bayard, Bell, Bright, Brown, Butler, Cass, Chase, Cooper, Dodge of Wisconsin, Dodge of Iowa, Evans, Fessenden, Fish, Fitzpatrick, Foot, Gillette, Gwin, Houston, Hunter, James, Mallory, Mason, Norris, Pettit, Rockwell, Rusk, Sebastian, Seward, Shields, Shidell, Stuart, Sumner, Thompson of Kentucky, Toucey, Wade, Walker, and Weller—41.

So the amendment was not concurred in.

ORDER OF BUSINESS.

Mr. STUART. I move that the Senate proceed to the consideration of the river and harbor bill.

The PRESIDING OFFICER, (Mr. BADGER in the chair.) The Chair will ask permission of the Senate to dispose of various bills which have come from the House.

Various House bills were then read twice, and referred to committees, as stated in a previous part of this report, for the convenience of classification.

PHINEAS M. NIGHTINGALE.

The PRESIDING OFFICER. The Senate bill for the relief of Phineas M. Nightingale, administrator of General Nathaniel Greene, deceased, has been returned from the House with an amendment.

Mr. BROWN. The amendment proposes to reduce the principal sum to be paid \$1,000, it being ascertained that the estimate of the Senate was too large. It is entirely satisfactory, and I hope it will be concurred in.

The amendment was concurred in.

GEORGE MORRELL AND OTHERS.

The PRESIDING OFFICER. Senate bill to provide compensation for the services of George Morrell, in adjusting titles to land in Michigan, has also been returned from the House, with amendments.

The amendments of the House were to add the names William Woodbridge and Henry Chipman, and to correct the phraseology of the bill by substituting plural pronouns for singular, so as to make it apply to the three parties.

Mr. STUART. I hope the amendments will be concurred in.

They were concurred in.

JOHN CHARLES FREMONT.

The bill from the House, authorizing the Secretary of the Treasury to pay John Charles Fremont for beef furnished to the California Indians, was read twice by its title.

Mr. SEBASTIAN. I hope the Senate will consider the bill now.

Mr. RUSK. It has been investigated by the Committee on Indian Affairs.

Mr. GWIN. I hope it will be acted upon now. It has been thoroughly investigated by the Committee on Indian Affairs.

Mr. CASS. It is a very hard case, and the payment is justly due.

Mr. RUSK. The Committee on Indian Affairs have investigated the subject on information communicated by the Department of the Interior, and had determined to move an amendment exactly similar to the Army appropriation bill.

The Senate proceeded to consider the bill as in Committee of the Whole.

It proposes to direct the Secretary of the Treasury to pay \$183,825 with interest from the 1st of June, 1851, at the rate of ten per cent. per annum, to John Charles Fremont in full of his account for beef delivered to Commissioner Barbour, for the use of the Indians in California in 1851-'52.

Mr. HOUSTON. Has any motion been made to refer this bill? Ought it not to be referred?

The PRESIDING OFFICER. No motion has been made to refer it.

Mr. EVANS. Why is interest allowed at the rate of ten per cent.? That is the only objection I have to the bill. If there is any reason for that, I shall vote for it; otherwise, I cannot.

Mr. RUSK. The reason is this: The money raised by Colonel Fremont for the purpose of purchasing these supplies, was had at a very exorbitant interest, much greater than is proposed to be paid in the bill. It was three per cent. a month, I believe. I do not know what it was exactly, but it was a very exorbitant rate of interest.

Mr. WELLER. Ten per cent. is the legal rate of interest in California.

Mr. EVANS. I am satisfied.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

BUCKNER AND CROSBY.

House bill "for the settlement of the claims of W. P. Buckner and Pearce Crosby, passed midshipmen in the United States Navy," was read twice by its title.

Mr. MALLORY. That bill is to authorize the payment of a share of prize money. It is to authorize the Treasury Department to pay two junior officers, midshipmen, for a capture during the Mexican war. There is no objection to it. I am authorized by the committee to ask for its consideration now. It is simply to authorize the payment of a small sum which is remaining in the Treasury for distribution.

The Senate proceeded to consider the bill as in Committee of the Whole.

No amendment being proposed, it was reported to the Senate, ordered to a third reading, read a third time, and passed.

FRANCIS M. GWIN.

The joint resolution from the House, giving one hundred and sixty acres of land to Francis M. Gwin, of Indiana, was read a first and second time by its title.

Mr. PETTIT. I hope that this joint resolution will be put upon its passage now. It is a plain case, and one of very great merit. It is for the benefit of a young man who went into the Mexican war, was too young to be enlisted, but fought through all the battles. The object is to give him one hundred and sixty acres of land.

The Senate proceeded to the consideration of the resolution as in Committee of the Whole.

Mr. BRIGHT. The facts in the case are as stated by my colleague. I hope there will be no objection to it.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

JOHN A. BRYAN.

The joint resolution from the House of Representatives for the relief of John A. Bryan, was read a first and second time by its title.

Mr. WELLER. I ask that that may be disposed of now. The claim, I believe, has passed both Houses of Congress three or four times, but it has never passed both Houses at the same Congress.

Mr. WALKER. I hope it will be acted on.

The bill was considered as in Committee of the Whole.

It proposes to direct the Secretary of War to receive proof of the number of days that John A. Bryan was engaged in the discharge of duties as commissioner to make and carry into effect a treaty with the Wyandotte Indians, for which purpose he was appointed by the Secretary of War

on the 19th of April, 1836, and to pay him eight dollars per day, deducting any amount which he may have heretofore received.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

WILLIAM G. SMITH.

House bill for the relief of William G. Smith was read twice by its title.

Mr. JAMES. I ask for the passage of that bill now.

The Senate accordingly proceeded to consider the bill as in Committee of the Whole.

It proposes to require the Secretary of the Treasury to pay \$500 to William G. Smith for recapturing a vessel in the war of 1812, together with a midshipman and four seamen in the British navy; which persons were delivered to Commodore Perry at Newport, Rhode Island.

No amendment being made, the bill was reported to the Senate, ordered to a third reading, read a third time, and passed.

LOUISIANA LAND CLAIMS.

The bill from the House of Representatives to revive an act, approved March 3, 1823, and an act approved May 26, 1824, supplemental thereto, in reference to the Rio Hondo claims to land in Louisiana, was read twice by its title.

Mr. SLIDELL. I hope the Senate will proceed to the consideration of that bill now. It simply extends the time for the investigation of the claims.

The bill was considered as in Committee of the Whole.

It proposes to revive for the space of two years, from its promulgation, the acts severally approved March 3, 1823, for the examination of titles to land in that part of the State of Michigan situated between the Rio Hondo and Sabine rivers, and May 26, 1824, and to direct that the register and receiver at Nacogdoches shall severally receive as full compensation for the duties required of them by the acts revived, the sum of fifty dollars, whenever they shall have finished the business required of them, and forwarded their report to the Secretary of the Treasury.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

ENROLLED BILLS SIGNED.

A message was received from the House of Representatives, by Mr. McKean, Chief Clerk, announcing that the Speaker had signed the following enrolled bills:

An act for the relief of Lewis E. Simonds; and
An act authorizing the Secretary of the Treasury to pay John Charles Frémont for beef furnished to the California Indians.

Which were thereupon signed by the President *pro tempore*.

RIVER AND HARBOR BILL.

Mr. HUNTER. I ask by general consent that a private bill reported from the Committee on Claims, for the relief of Daniel Steenrod, may be taken up. If it gives rise to debate, I will be willing to let it go over.

Mr. SLIDELL. There are a great number of bills in precisely a similar situation which have come from the House, and been reported from the Committee on Private Land Claims.

Mr. PETTIT. We had better take up the whole Private Calendar.

Mr. HUNTER. The Senators have just disposed of one of their own bills.

Mr. STUART. I hope the Senate will proceed to the consideration of the river and harbor bill. I believe my motion is pending.

Mr. MASON. I feel it to be my duty again to ask the Senate to go into Executive session in preference to taking up the river and harbor bill. I need not assign the reasons to show that there is a pressing necessity for the discharge of Executive business. The Senate are aware of them. I apprehend we cannot take a vote on this river and harbor bill. I think there is business of more importance in Executive session, and I hope, therefore, the Senate will not take up the bill, but will go into Executive session.

Mr. BRIGHT. I am satisfied that time will be saved by permitting me to take up Senate bill No. 434 (providing for taking charge of the Louisville and Portland canal, and to prevent the same

from falling into bad repair,) before we proceed with the consideration of the river and harbor bill. It is merely to give to the President power to take charge of this work until Congress shall legislate on the subject.

Mr. WALKER. It is in the river and harbor bill.

Mr. BRIGHT. I know it is; but I wish to strike it out of the river and harbor bill, and have it acted upon independently. The bill contains one section, and I apprehend there will be no objection to it.

Mr. MASON. I certainly should object to giving the President charge of any internal improvement in the world.

Mr. STUART. I wish to press my motion to take up the river and harbor bill.

The PRESIDING OFFICER. The Chair has no control over the Senate. The motion is a debatable one.

Mr. STUART. I am aware of that. I hope the question will be taken.

Mr. STUART's motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law.

Several hours were consumed in the consideration of this bill, and without disposing of it, the Senate adjourned.

[The debate on the bill will be found in the Appendix.]

HOUSE OF REPRESENTATIVES,

SATURDAY, July 29, 1854.

The House met at 11 o'clock, a. m. Prayer by Rev. HENRY SLICER.

READING OF THE JOURNAL.

Mr. STRATTON. I hope that, by unanimous consent of the House, the reading of the Journal of yesterday will be dispensed with.

Mr. PECK. I object.

Mr. MILLSON. There never was an occasion when it was more necessary that the Journal should be read. The House yesterday passed a batch of bills without ever having the titles of them read.

The Clerk then proceeded to read the Journal.

ORDER OF BUSINESS.

The SPEAKER. The business first in order is the proposition to discharge the Committee on the Post Office and Post Roads from the further consideration of certain memorials which were submitted the other day by the gentleman from New York, [Mr. JONES,] and to refer them to the Committee on Public Lands.

CORRECTION OF THE JOURNAL.

Mr. MILLSON. I rise to a question of privilege, as to the correction of the Journal. From my hearing of the Journal as it has been just read, I observe that the bill "for the relief of the legal representatives of Major Caleb Swan, deceased, is reported as having passed the House yesterday. That bill could not have passed the House; and it is necessary that I should explain to this body why it is that it could not have passed.

Mr. JONES, of Tennessee. If the gentleman will permit me, I will explain the matter.

Mr. MILLSON. With pleasure.

Mr. JONES. When we first took up the Private Calendar yesterday in Committee of the Whole House, the gentleman from Maine [Mr. FULLER] proposed to withdraw the objection which he had made on the preceding Friday to the bill of the Senate, No. 33—the Swan case. I then objected to going back, or rather I stated that we could not go back on the Calendar; and it was held by the chairman of the committee that, without unanimous consent, we could not, and the bill was accordingly not taken up. We went through the remainder of the Calendar, commencing where we left off last week; and, if I recollect aright, after we had gone through the bills, the gentleman from Maine again rose and asked to withdraw his objection. To that request there was no objection, I believe.

Mr. MILLSON. That is what I was about to state to the House; but the gentleman from Maine, near the close of the session, came forward and proposed to withdraw his objection to the bill for the relief of the heirs of Caleb Swan, deceased, I

rose in my place and distinctly said, "I object to the withdrawal of it." I spoke so loudly, and so earnestly, perhaps, that several of my colleagues rushed to me, and insisted that I should not object, and that I should withdraw the objection, which I declined to do. My objection was insisted upon, and I would have objected originally, if the gentleman from Maine had not done so.

Afterwards, the chairman of a Committee of the Whole House made a report to the House without indicating any particular bills, which the Committee of the Whole had ordered to be laid aside to be reported to the House, with a recommendation that they do pass. After the report of the chairman of the committee was made, the gentleman from Tennessee made a motion, which I then regarded as somewhat extraordinary, that the House should concur in the whole report of the committee, and the bills were then acted upon, without having the title of any one of them read. But the consent of the House to the passage of the bills, reported from the committee, only applied, of course, to such bills as the committee had agreed to recommend. The committee could not have recommended the passage of a bill to which I objected.

The SPEAKER. The Chair would say, that he is informed by the Clerk, that his recollection is very clear that the gentleman from Maine made two efforts to withdraw his objection, and on the second occasion, he was allowed to do so by the unanimous consent of the committee, and so the Clerk has recorded it.

Mr. MILLSON. It was just before the adjournment of the House, for I was here until the adjournment, and among the last to quit the Hall. I was near the Clerk's desk, and the gentleman from Maine came down and desired to withdraw his objection to a certain bill. I asked for the title of the bill. It was given, and I then said I objected. My colleague here, [Mr. FAULKNER,] and my colleague behind me, [Mr. SMITH,] came up, and urged me to withdraw the objection.

Mr. FAULKNER. I was standing near my colleague, and heard him object to that bill.

Mr. HENDRICKS. I rise to a question of order.

The SPEAKER. The gentleman from Virginia is upon the floor upon a question of order.

Mr. HENDRICKS. It is in reference to the same question that I desire to say a word. I was going to say that the House can know nothing in reference to the action of a Committee of the Whole House, except what is reported by the chairman, and what appears upon the Journal; and I do not think it competent for the House to correct the Journal in reference to what took place in committee.

The SPEAKER. The Chair takes it for granted, however, that the House must, in some way or other, have the power to correct the irregularities and errors of the Committee of the Whole. But, in what precise form the case may be reached, the Chair cannot, at this moment, state.

Mr. FAULKNER. I will say to the House that I was standing near my colleague when he objected to the bill for the relief of Caleb Swan's heirs. I was, at the time, near my colleague. I heard him make the objection, though not, as I think, in a very loud voice. I thought, at the time, that the objection came rather late. In this I may be mistaken. I immediately commenced conversation with my colleague, for the purpose of satisfying him that he was in error in making the objection. That colloquy between us lasted for some five or ten minutes.

Mr. MILLSON. I will state that I made the objection immediately when the gentleman from Maine proposed to withdraw it. My colleague from the Fauquier district [Mr. SMITH] was near me at the time.

Mr. SMITH, of Virginia, took the floor.

Mr. ORR. Is the question debatable?

The SPEAKER. Explanations are in order.

Mr. SMITH. I was going to state that this particular bill has attracted a good deal of attention in the House, not on account of the amount involved for it seems that is small, but because of the peculiar hardship of the case. I confess that having become acquainted with the circumstances of the case, I participated very strongly in that feeling, not from the fact of having any personal or representative interest in it, for I had neither, but simply as an act of justice.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

MONDAY, JULY 31, 1854.

NEW SERIES.....No. 126.

At the time when my colleague from the Norfolk district [Mr. MILLSON] made the objection, I was standing near him, having approached him for the same purpose that my colleague from the eighth district [Mr. FAULKNER] has stated, both of us, I am sure, with the kindest intentions, to induce him to withdraw his objection. While thus engaged, the gentleman from Maine proposed to withdraw his objection. My colleague [Mr. MILLSON] objected, but the objection was not heard by the chairman, and the bill was laid aside, reported to the House, and passed. That is the history of the whole transaction. The whole question comes to this: The chairman did not hear the objection, and the bill was therefore laid aside. He did not hear it, and, therefore, it was the same, it seems to me, as if no objection had been made. The case is similar to a case yesterday, when I objected, and the objection was not recognized, with the exception that there were much more offensive and obnoxious circumstances in my case than in this.

Mr. ENGLISH. As chairman of a Committee of the Whole House yesterday, I desire to say, that I have no recollection whatever of the action upon this particular bill. The memorandum which I kept during the progress of business in committee I handed to a reporter for the Congressional Globe. I have no exact recollection of what occurred in the committee yesterday, and have, unfortunately, no other paper now to which I can refer.

Mr. MILLSON. My statement to the House was, that when the gentleman from Maine withdrew his objection, I inquired what bill it was? The name was given, and I then said in an audible tone "I object." This is my statement to the House; and although I referred to my two colleagues, yet while I have no desire to intimate that their concurrent statement would not fortify any statement I might make, I take occasion to say that I did not refer to them because I deemed that it was necessary to fortify my statement by their attestation. I referred to them simply to show that, as they came to me, I spoke audibly. It was with no other view I referred to my colleagues.

Mr. SMITH. I will say that my colleague was standing here, where the gentleman from Maine [Mr. FULLER] is now sitting. My colleague from the eighth district [Mr. FAULKNER] was about three steps from him. I, myself, was within two or three steps. We might have heard the objection, as we did; but the Chair might not have heard it, as he did not. There is no doubt about that.

Mr. MILLSON. I have simply risen, Mr. Speaker, to a correction of the Journal. I have stated that I objected to the bill. I did not require the indorsement of either of my colleagues to my statement. If I required any, there are a number of gentlemen here who also heard me make objection. My reference to my colleagues was merely to show, that as they came to urge me to withdraw my objection, they could have hardly supposed that the objection was too late. If they had supposed that it was too late, they could have hardly imagined a necessity for its withdrawal. And to show, also, that, as they heard me, I spoke loud enough—as loud as it was my duty to speak under the circumstances.

Now, if the bill had been reported to the House, if it had been read in the House, if the question had been taken on its passage by its title, then we could reach it by a motion to reconsider. That is now too late. The order of the House only applied to those bills which were laid aside in committee to be reported to the House; and as this bill was not laid aside in committee, I presume that it was not, or the chairman did not report these bills, naming the title of any of them; and as the House only agreed to pass those bills which were reported, I thought that the only way to reach my object was to make a motion to correct the Journal. I have nothing further to say on the subject.

The SPEAKER. It is stated by the gentleman from Virginia, in his place, that the Journal of

yesterday is improperly made up in this: That the bill for the relief of the legal representatives of Caleb Swan, deceased, was not, as stated by the Journal, reported to the House.

Mr. SMITH. I wish to say a word in connection with the correction of the Journal.

[Cries of "Order!"]
The SPEAKER. The Chair recognizes the gentleman.

Mr. SMITH. Gentlemen cry order. I am unwilling to violate the rules of order at any time. I wish to ask—and I am in order—whether, if an objection made be withdrawn, and then renewed, and not heard by the Chair, that is an objection at all to be regarded by this House? The gentleman does not say that the Chair heard the objection.

The SPEAKER. The subject is not debatable. The facts connected with it may be explained. A motion is made to amend the Journal. The statement is, that the Journal does not represent the facts correctly in connection with the bill which has been indicated; that the bill could not have been reported to the House, having been objected to by the gentleman from Virginia. The memorandum of the Clerk is, that the bill was laid aside to be reported to the House. It will be in the recollection of all, that the bills were passed *en masse*, without the reading of the title of any of them. Under the circumstances, the Chair entertains the motion to correct the Journal, and thinks, if the correction be made, the effect will be to send the bill back to a Committee of the Whole House.

The question now being upon Mr. MILLSON's motion,

Mr. COBB called for tellers on the yeas and nays.

Tellers were ordered; and Messrs. COBB and CLINGMAN were appointed.

The question was taken; and the tellers reported—yeas 34, noes not counted.

So the yeas and nays were ordered.

Mr. ORR. May I be indulged in a remark or two upon the merits of this matter?

The SPEAKER. Debate is not in order. A statement of facts connected with the case would be in order.

Mr. ORR. I desire to state what I understand to be the fact.

Mr. PECK. I call the gentleman to order.

The SPEAKER. The gentleman may state what he knows to be facts. [Laughter.]

Mr. ORR. I do not like to violate any rule of order. The gentleman from New York [Mr. PECK] called me to order. If I get out of order, I suppose the Speaker can set me right.

The SPEAKER. That is doubtful. [A laugh.]

Mr. ORR. Is it true in point of fact that an error has been committed in making up the Journal?

The SPEAKER. That is the question which we are trying.

Mr. ORR. Was not the report of the chairman of a Committee of the Whole House, that this bill was laid aside, with a recommendation that it do pass?

[Cries of "Order!" "Order!"]

The SPEAKER. That is a question of fact which is also being tried. And the Chair must here remark, that the gentleman from South Carolina is making an argument according to the most approved style, [laughter;] and to that extent is out of order.

Mr. ORR. Well, I ask the unanimous consent of the House to indulge me for two minutes.

[Cries of "Hear him!"]

The SPEAKER. Is it the pleasure of the House that the gentleman from South Carolina be indulged?

Assent was expressed.

Mr. ORR. My reason for asking this courtesy from the House is this: I think the precedent which we are about to establish, is an important one—that of changing the Journal when there has been no error committed. Now, I have no doubt that the statement made by the gentleman from Virginia [Mr. MILLSON] is entirely correct. I

have no doubt that he intended to object, and did object, to the bill in question. But an objection is not one, if it does not reach the ear of the Presiding Officer. Do we not, almost every day, see instances of gentlemen asking the unanimous consent of the House to introduce a particular measure? Some gentleman says "I object," the Speaker does not hear the objection, and entertains the motion. Now, would it be competent for the House, after having passed a bill to a second or third reading, to go back, and say that an error had been committed, inasmuch as a member had objected to it, but which objection was not heard by the Chairman of the committee? That is the very gist of the matter. The Chair did not hear the objection of the gentleman from Virginia; and it is, to all intents and purposes, just as if objection had not been made.

The SPEAKER. The Chairman of the committee states that he does not recollect anything about the matter.

Mr. HUNT. With the indulgence of the House, I would make one remark in relation to this matter.

Assent was expressed.

Mr. HUNT. This, Mr. Speaker, regards the integrity of our proceedings. There was some confusion here yesterday arising from the conversations which gentlemen held in the House at the time the committee was in session. A man of honor, a member knowing his privilege, objected to a certain bill. The objection was heard by friends around, and it is entitled to its due weight, as coming from a Representative on this floor. There is no reproach cast upon the gentleman who occupied the chair, or upon the Clerk. But the fact being known, it is now a part of the truth of the proceedings of the body, and it becomes this House to give a true record to the country.

Mr. ENGLISH. I desire to remark, that I have not stated to the House that I did not hear the objection of the gentleman from Virginia. What I stated was, that I had no recollection of the case, one way or the other; and the memorandum which I had kept of the proceedings of yesterday I handed to the reporter of the Globe; therefore I have no paper to which I can refer to remind me of the facts.

The SPEAKER. The Chair so understood the gentleman from Indiana; and the Chair supposed he had so represented him to the House.

Mr. SMITH, of Virginia. I rise for the purpose of calling the attention of members of the House to the fact that the Chair was heard by one of the members from California [Mr. McDONGALL] distinctly, and with a loud voice, to announce that the bill would be laid aside to be reported to the House, with a recommendation that it pass.

Mr. PECKHAM. I wish to state to the House that I sat in my place here, and distinctly heard the gentleman from Virginia make the objection; and heard appeals made to him to withdraw it.

Mr. SMITH. Still, that does not touch the fact.

Mr. RITCHIE, of Pennsylvania. I wish to state to the House, that I made a written memorandum in my diary of those bills that were laid aside to be reported to the House; and I find here the observation in writing, opposite to the bill in question, that it was so laid aside. The observation I set down in those cases where that result was announced from the Chair. I could not have heard the objection of the gentleman from Virginia; for if I had, I should have marked the objection.

Mr. HUGHES. I rise to a question of order. I desire to ask a question from the Speaker for information. I ask if, under the rules and practice of the House, we have a right to go behind our own record upon the statement of any gentleman on this floor?

Mr. LETCHER. I rise to a question of order.

The SPEAKER. The gentleman from New York [Mr. HUGHES] is addressing the Chair on a

question of order. It is, to be sure, in the nature of an argument. However, the Chair thinks that it is perfectly competent for the House to correct the Journal. The Chair thinks that the House may correct any mistake, such as that alleged by the gentleman from Virginia, to have been committed in this case. And if not in the shape of correcting the Journal, then it can be done in the shape of a question of privilege, and the subject matter can be set correct. The Chair has no doubt about the power of the House.

[Cries of "Question!" "Question!"]

Mr. SMITH, of Virginia. I rise to a question of privilege. The proposition here is to correct the Journal. Now, if the Journal is right, according to the understanding of the Presiding Officer, it cannot be corrected.

The SPEAKER. The Chair would inform the gentleman that debate is out of order.

[Cries of "Call the roll!"]

The question was then taken; and it was decided in the negative—yeas 63, nays 84; as follows:

YEAS—Messrs. James C. Allen, Barksdale, Belcher, Bennett, Boyce, Chastain, Chrisman, Clark, Clingman, Colquitt, Craig, Cullom, Dowdell, Edmundson, Ellison, Faulkner, Flagler, Goode, Goodrich, Greenwood, Grey, Grow, Wiley P. Harris, Haven, Houston, Hunt, Daniel T. Jones, George W. Jones, Roland Jones, Knox, Lamb, Letcher, McCulloch, McMullin, McQueen, Mattheson, Maurice, Milson, Morgan, Morrison, Murray, Parker, Peck, Peckham, Pennington, Phillips, Pratt, Reese, Robbins, Rowe, Ruffin, Sage, Shaw, Skelton, Stratton, Andrew Stuart, John J. Taylor, Nathaniel G. Taylor, Upham, Vansant, Daniel B. Wright, and Zollcoffer—63.

NAYS—Messrs. Aiken, Willis Allen, Appleton, Banks, Benson, Benton, Bridges, Carpenter, Caruthers, Chandler, Churchwell, Cobb, Cook, Corwin, Cox, Crocker, Curtis, John G. Davis, Dawson, Dick, Drum, Dunham, Eastman, Eddy, Edgerton, Edmunds, Thomas D. Eliot, John M. Elliott, Everhart, Farley, Fuller, Giddings, Aaron Harlan, Harrison, Hendricks, Henni, Hibbard, Hiester, Hill, Howe, Johnson, Kerr, Kurtz, Lane, Lindsey, McDougall, McNair, Macy, Maxwell, Mayall, John G. Miller, Nichols, Noble, Norton, Mordcaid Oliver, Orr, Pringle, Puryear, Ready, David Ritchie, Rogers, Russell, Sabin, Sapp, Seward, Shower, Gerrit Smith, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, John L. Taylor, Thurston, Trunt, Tweed, Vail, Wade, Walbridge, Wayler, William B. Washburne, Israel Washburn, Wells, John Wentworth, Wheeler, and Hendrick B. Wright—84.

So the motion of Mr. MILLSON was not agreed to.

Mr. HENN, when his name was called on the above vote, said: I vote "no," because I do not think the House has any right to correct the action of the committee in this way.

ENROLLED BILL.

Mr. GREEN, from the Committee on Enrolled Bills, reported as correctly enrolled the following bill, which thereupon received the signature of the Speaker:

An act making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1855, and for other purposes.

PERSONAL EXPLANATIONS.

Mr. HOUSTON here obtained the floor.

Mr. FENTON. Will the gentleman give way for a moment, that I may make a personal explanation? It will take but a moment.

Mr. HOUSTON. I yield for that purpose.

Mr. FENTON. I had no knowledge yesterday of the intention of the gentleman from Massachusetts [Mr. ELIOT] to offer a resolution to repeal the fugitive slave law. At the time the resolution was made by him to suspend the rules for that purpose, I was absent from my seat attending to necessary business at one of the Executive departments. If I had been here, I should have voted in favor of suspending the rules.

Mr. CULLOM. I desire also to say, that I was confined to my room yesterday, and for several preceding days, by indisposition. Had I been here, I should have unhesitatingly voted against the proposition of the gentleman from Massachusetts, [Mr. ELIOT.]

Mr. READY. I desire to say that I was detained from the House yesterday by indisposition when the motion was made to suspend the rules for the purpose of introducing a bill to repeal the fugitive slave law. Had I been here, I should have voted in the negative.

Mr. SMITH, of Virginia. With the permission of the gentleman from Alabama, [Mr. HOUSTON] I would also say that, at the time the motion was made to suspend the rules yesterday, by the gentleman from Massachusetts, I happened to be

out upon official business; and as my position is uncertain and not well understood, [laughter.] I think it important to say that, had I been here, I should have voted in the negative.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by ASBURY DICKINS, Esq., their Secretary, informing the House that the Senate had agreed to an amendment of the House to a bill of the Senate entitled "An act to provide for the accommodation of the courts of the United States in the district of Massachusetts," with an amendment, in which he was directed to ask the concurrence of the House.

OCEAN MAIL STEAMER BILL.

Mr. FULLER. I ask the gentleman from Alabama, who has the floor, to yield to me to make a motion to take up the bill in relation to the safety of lives on board of steamboats, &c. I desire to take up Senate bill (No. 408) from the Speaker's table, which contains a provision to extend the provisions of that act to the Pacific coast. It is a very important bill, and I desire simply to offer an amendment to it, that it may be acted upon, and be sent to the Senate to receive their action.

Mr. HOUSTON. I would state to the gentleman that the Committee of Ways and Means have adjourned to meet again at one o'clock, for the purpose of considering the civil and diplomatic bill. This appropriation bill, in reference to mail steamer service, remains upon the Calendar of the Committee of the Whole on the state of the Union, and I propose to occupy the time from now until one o'clock in the consideration and passage of that bill; and for that purpose I move that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. FULLER. I am admonished that the close of this session is near at hand, and I fear the bill may go over, and not be passed. Its passage now will probably save the lives of hundreds of passengers.

Mr. JONES, of Tennessee. Is this question debatable?

The SPEAKER. It is not.

The question was then taken upon Mr. HOUSTON's motion; and it was agreed to.

So the rules were suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. ENGLISH in the chair,) and proceeded to consider the first bill upon the Calendar, being House bill "making appropriations for the transportation of the United States mail by ocean steamers and otherwise, during the fiscal year ending the 30th of June, 1855."

Mr. HOUSTON. I move to dispense with the first reading of the bill, and that the clerk proceed to read it by paragraphs for amendment.

The motion was agreed to.

Mr. HOUSTON. I now move that the committee rise, for the purpose of going into the House and closing the general debate upon this bill.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, the Chairman [Mr. ENGLISH] reported that the Committee of the Whole on the state of the Union had had, according to order, the Union generally under consideration, and particularly the bill of the House No. 96, and had come to no conclusion thereon.

Mr. HOUSTON. I move the usual resolution to close debate upon the mail steamer appropriation bill. I do not know whether any one wishes to speak upon it or not.

Mr. CLINGMAN. I think five minutes will be long enough to allow for debate.

Mr. HOUSTON. Very well, I move the usual resolution to close the general debate upon House bill No. 96, in five minutes after the committee shall again resume its consideration.

The resolution was adopted.

Mr. HOUSTON moved to reconsider the vote by which the resolution was adopted, and also moved that the motion to reconsider do lie upon the table.

The latter motion was agreed to.

Mr. HOUSTON. I now move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

So the rules were suspended, and the House

resolved itself into the Committee of the Whole on the state of the Union, and resumed the consideration of the bill "making appropriations for the transportation of the United States mail, by ocean steamers and otherwise, during the fiscal year ending June 30, 1855."

The Clerk then proceeded to read the bill by paragraphs for amendment.

Mr. OLDS. I move to amend the second paragraph of the bill, by striking out from the word "dollars," in the eighth line, to the end of the paragraph, as follows:

"And that the Secretary of the Navy is hereby directed forthwith to give the notice provided in the first section of the act entitled 'An act to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1853,' approved the 21st day of July, 1852, to terminate the arrangement for the additional allowance for the transportation of the United States mail between New York and Liverpool, in the Collins line of steamers, as therein provided."

Mr. Chairman, I do not make this motion because I am in favor of this increased compensation to Collins's line, for I am opposed to it, but my construction of the statute is that Congress cannot give notice, until after the 31st day of December, 1854. Now, the Committee on the Post Office and Post Roads, reported at an early day of the session, a bill not only giving this notice, but putting an end to all these steam mail contracts. It now stands on the Calendar, but cannot be reached at this session of Congress. My proposition is to strike out this clause of the bill now under consideration, for the reason that I think the statute does not permit notice to be given until after the 31st day of December, 1854. At the next session the bill reported from the Post Office Committee will come up for consideration.

Mr. ROBBINS. Is there a notice of the kind referred to in this bill? If so, where is it?

Mr. OLDS. There is, and it is that part of the bill from the eighth to the eighteenth line, inclusive.

The statute to which reference has been made, reads as follows:

"Provided, That it shall be in the power of Congress, at any time after the 31st day of December, 1854, to terminate the arrangement for the additional allowance herein provided for, on giving six months notice."

It seems to me that that proviso will not admit of any doubtful construction. Notice may be given after the 31st day of December, 1854, for the termination of these contracts. That being so you do not lose anything by permitting these words to be stricken out, and letting the matter go over until the next session of Congress, when the bill reported from the Committee on the Post Office and Post Roads will come up for consideration. You must make the compensation for this year; and if you wait and take up that bill at the next session of Congress, give notice and terminate all these contracts, Congress and the people will have lost nothing, and you will have got rid, to say the least of it, of a doubtful construction of this statute giving extra compensation.

Mr. SKELTON. I hope that this amendment may not prevail. The gentleman says that he is opposed to this extra compensation, but that he is not in favor of giving the notice now, simply for the fact that the act requires that the notice shall be given after the 31st day of December, 1854. We do not propose to give notice immediately, but to give instruction that notice shall be given after that time.

Mr. OLDS. The bill provides that notice shall be given forthwith.

Mr. SKELTON. Suppose it does; that does not prevent what is proposed. We can amend the section, and give notice according to the law.

I am in favor of terminating these contracts, and for this reason: The great expense of our post office system is in consequence of the extraordinary compensation paid for the transportation of ocean mails by steamers. The moment that these contracts are terminated, we shall be able to save millions of dollars annually to the Government. By abolishing these contracts we shall secure the cheap ocean postage, and instead of the present high rates we shall be able to have letters carried for two cents each.

Now, I hold that it is proper and expedient, that the interest of the country demand an abolition of these ocean contracts. I hope this committee will not strike out this clause, but will pass it in a modified form; and that notice shall be given to the proprietors for this service according to the bill and according to the law.

Mr. MORRISON. I move an amendment to the amendment to strike out in the ninth and tenth lines the word "forthwith." I believe that amendment to the amendment will meet the objection of the gentleman from Ohio and others.

Mr. WALBRIDGE. I desire to move an amendment to the amendment.

The CHAIRMAN. It is not in order to amend at this time, there being an amendment to the amendment already pending.

Mr. WALBRIDGE. I favor, then, the amendment of the gentleman from Ohio; and my reasons for doing so I will briefly give. The British Government, through the line commonly recognized as the Cunard line, had the uninterrupted carrying of the mails from 1837 to 1849, a period of twelve years, and paid into the exchequer of that country, within that period of time, £6,000,000 sterling, and received for their own services £2,000,000. Great Britain refused to enter into any postal arrangement with us until the Collins line was established, and the keel of the Atlantic was laid. Then a postal arrangement was made between the United States and Great Britain upon the following basis:

1. That either nation has the power to abrogate the treaty, upon giving six months' notice.
2. That the withdrawal of either line annuls the treaty.
3. That the United States shall receive five twenty-fourths of the postage on letters brought by Cunarders.
4. That Great Britain should receive from the Collins steamers eight twenty-fourths of the postage.

In this ratio of increase during the present year there will be received from postages derived from this line sufficient to liquidate all these expenses. The postages in the Cunard line increased to twenty-nine per cent. If this contract is annulled and this notice is given, all the advantages now accruing to the Collins line must pass to the Cunard line. I agree with the gentleman from Ohio, [Mr. OLDS,] that there is no power at this session to terminate that contract. The act of July, 1852, under which it was made, expressly declares as follows: "Provided, That it shall be in the power of Congress, at any time after the 31st day of December, 1854, to rescind this extra compensation upon giving six months' notice."

Another consideration connected with this subject is, that in compliance with such instructions, the Postmaster General did advertise and receive bids on all the lines or routes, but none for the carrying of the mails between New York and Liverpool. While bids were put in for other lines, there was no application made for carrying the mails between New York and Liverpool. I wish to remark here, that, by the increasing compensation, the Collins' line have averaged, each way, two days increased speed; and in order to make this speed; the expenses have increased in the same ratio. A great and important consideration which is involved in this question, is the contest for the supremacy of the seas between this country and Great Britain. I am aware that upon the ocean our gallant Navy has fully vindicated its reputation to cope with that of Great Britain. The struggle now going on between Great Britain and America, is for the supremacy of the ocean, and the maritime ascendancy of the globe.

The original investment for the performance of this service was \$3,000,000. The annual interest on that sum, at the rate of six per cent. per annum, is \$180,000. The insurance upon the ships is certainly not less than six per cent., and that item amounts also to \$180,000. The annual depreciation of the property may be estimated at seven per cent. which amounts to \$210,000, making an average of \$570,000, to be accounted for before the receipts commence to pay the running expenses of the ships. But yet, since the appropriation was passed in 1852, wages have increased thirty-three per cent.; coal has increased three dollars per ton; and the difference in these two items of labor and fuel make an additional expense of \$5,000 per trip. But all these considerations are subordinate to that higher question at this time, involved in this discussion, will the Government break its plighted faith, and disregard the provisions of the act, in the form of a contract, as the deficiency bill of 1852 will demonstrate.

The contest between the Collins and Cunard lines is for the maritime supremacy of the seas.

It involves the commercial pride and honor of the respective Governments to which they belong. I know, sir, that England has achieved her proudest triumphs on the ocean. One of her favorite bards has said:

"Her march is o'er the mountain wave,
Her home is on the deep."

And I know, too, sir, that our gallant Navy has ever been able to cope with Great Britain during the last war; but "peace hath its victories not less renowned than those of war." This peaceful struggle is still progressing. Thus far we have been victorious, and the greatest maritime triumphs on record have been achieved by the genius of Fulton, backed by the indomitable energy of Collins. Sir, this contest is not individual, it is national—and I believe the American people will continue to uphold an enterprise that has reflected upon the country so much credit. It is not for the city of New York that I solicit your favorable action, but for the honor and glory of the whole Republic.

The question was taken on the amendment to the amendment; and it was not agreed to.

Mr. MACE. I desire to ask a question for information.

The CHAIRMAN. Does the gentleman from Indiana propose to amend the amendment?

Mr. MACE. I desire first to ask a question from the Chair. Is the debate on this bill under the five-minute rule?

The CHAIRMAN. It is.

Mr. MACE. I propose to amend the amendment by striking out of the eighth line of the bill "\$858,000." I was not in the House, Mr. Chairman, when the order was made restricting debate on this bill to five minutes. I regard the bill as an exceedingly important one. It will be recollected by the House that at an early day of this session, a committee was appointed—of which I had the honor of being chairman—for the purpose of investigating all frauds which had been committed in relation to the disbursement of the money appropriated for the mail steamer service. This being a question of great importance, not only to the House, but to the country at large, it strikes me as exceedingly strange that a proposition should be made on a question of this kind to close the debate in five minutes. When the great interests involved are considered, when the amount of money paid yearly by this Government for this transportation of the mails from New York to Liverpool, and for the transportation of the mails on the Pacific coast, are taken into consideration, it strikes me as exceedingly strange indeed that any one would make a proposition in this House, and that this House should accede to it, to close debate in five minutes. When you take into consideration the amount of money expended for the purpose of transporting the mails, &c., how is it possible, I ask, that an individual can discuss this great question in the space of five minutes?

Now, sir, I desire to offer to this committee my views in full in relation to this measure. And in addition to that, I wish to state that almost every man upon the committee to which I belong desires that the information which is before him, in regard to the various questions involved in this bill, should be heard by the House.

This bill, as I understand it, is an appropriation bill to carry out the preceding acts of Congress in reference to these lines. I am told—I have not examined into it—that the chairman of the Committee on the Post Office and Post Roads has a bill pending in this House, in connection with which this whole question can come up. It ought to be investigated; but when you tie me down, and tie down the members of this House to a five-minute discussion, it is impossible, utterly impossible, as every man of this committee will bear me out in saying, to give to the House our views in regard to this matter fully, and as they ought to be given. I trust that, inasmuch as the five-minute rule has been adopted by the House, when the bill reported by the chairman of the Committee on the Post Office and Post Roads comes up, the whole question in reference to terminating the contracts with Collins, with Sloo, and with Aspinwall, may be fully and thoroughly discussed. I cannot discuss it now. It would take, perhaps, two hours to do it, at least one, and I trust when that bill comes up, not only the questions in reference to these contracts, but the question in relation to what we shall do hereafter about our mail

steamer service, may be fully and thoroughly discussed.

[Here the hammer fell.]

Mr. CLINGMAN. I am opposed to the amendment of the gentleman from Indiana, [Mr. MACE.] I think it wrong in itself. I have an amendment which I desire to offer to the committee, and one which I hope will meet the views of a majority of the House. I was one of the individuals who voted for this subsidy of \$858,000 during the last Congress. I thought I did right then; and I am satisfied with the vote now, and am opposed to striking it out. At that time, I moved an amendment which I intend to repeat upon this occasion. It is to request the President of the United States to take such steps as he thinks necessary to put a stop to this system. The objection to the system is two-fold. First, it pays a large amount of money from the Treasury of the United States for the use of ships which cannot be used in time of war, except for transports. But the second and principal objection is this, that you pay large amounts of money to the owners of ships engaged in the business of transporting passengers and goods, which enables them to underwork every body else. Such a system as that ought to be abandoned. Great Britain began it by paying large sums to the Cunarders. Under that arrangement large sums of money were paid to them, by which they were enabled to defy competition, and to underwork our own people; and for that reason they asked us to give them similar advantages, and we have been called upon in this way to give, until both Governments pay large sums of money. I find, by looking at a report recently made in the House of Commons, by one of its committees, that they seem disposed to abandon the system in England. I am not willing to abandon it here, as long as the English system is kept up.

If the proposition under consideration be voted down, I intend to offer an amendment, and it will be to this effect: to authorize the President of the United States to leave the system as it now stands, until he can make an arrangement with Great Britain to withdraw this aid to the Cunarders; and then authorizing the Postmaster General to abolish the contract with the Collins line, and others. There is no excuse on the face of the earth for paying the extravagant sum we do pay, to Sloo and others, for running from one of our ports to another. I think we ought to let out the carrying of the mail by ocean steamers to the lowest bidder. Something of that sort is absolutely necessary, or we shall go on in these profuse expenditures for the benefit of particular individuals, at the expense of the General Government. I therefore hope the committee will be willing to adopt such a proviso to this section as I have indicated, or something else that will accomplish that purpose. I do not care whether my amendment is adopted or not. But I hope some proposition will be adopted by which the President shall be authorized to make some arrangement with the British Government by which both Governments shall abolish this system.

[Here the hammer fell.]

The amendment to the amendment was not agreed to.

Mr. CLINGMAN. I move the following as a proviso to the section which the gentleman from Ohio proposes to strike out:

Provided, That this notice shall not be carried into effect until the President shall have been able by treaty or otherwise, to induce the British Government to reduce the subsidy paid to the Cunard line, or to abolish the system altogether; in which event the Postmaster General is instructed to take the necessary steps to get rid of the existing contracts with ocean steamers for the transportation of the mail.

Mr. PHILLIPS. I would suggest to the gentleman from North Carolina, that he may accomplish his purpose better by offering his amendment as a substitute for the clause which it is proposed to strike out, and not as a proviso to it. I think he will find that the proviso will be found to be inconsistent with the section itself.

Mr. CLINGMAN. Not at all. If the gentleman will listen to it, he will find that it will answer the purpose perfectly. It provides that, before this notice shall be given, the President shall, if he is able, make an arrangement with the British Government by which the whole system of granting subsidies to these lines of steamers shall be abolished. It then authorizes the Secre-

tary of the Navy, in that event, to take such steps as are necessary to terminate our contracts with these parties.

There is no time for the discussion of this subject fully. But I have come to the conclusion, from an examination of the reports recently made in the British Parliament, that that Government are becoming satisfied that the experiment they are making will not end in anything good. I believe the British Government will be glad to enter into an arrangement by which they shall abandon the system altogether. And if that can be done, we can discontinue our contract in reference to the Collins line with a better conscience. We can then authorize the Postmaster General to contract with the lowest bidder for carrying the mails by ocean steamers, as we do in regard to our other mails. Or, we can adopt the two penny system, which was referred to by my friend from New Jersey, [Mr. SKELTON.]

I am perfectly satisfied that we had better get rid of this system. These ships are not what we need in time of war. I believe they will not carry heavy batteries. It may be they might be made useful for transportation, but we can get other ships that will answer just as well for that purpose. I would prefer, however, not to abolish the system so far as the Collins line are concerned, while the British system is kept up. I agree with my friend and the eloquent gentleman from New York, [Mr. WALBRIDGE,] that it would be wrong to abandon this field to Great Britain. We accepted England's challenge and beat her successfully. I do not come now to take down our flag while hers is floating in the breeze; but let us by common consent, change the system. I hope that my amendment, or one looking to the same purpose may be adopted.

Mr. JAMES C. ALLEN. Mr. Chairman, I am opposed to the amendment of the gentleman from North Carolina, and to any other amendment which looks to the continuation of these contracts a day beyond the time at which this Government has the power to terminate them. And it seems to me that gentlemen who will look to the facts and figures as they are on the records before them, and who have regard for the postal interests of the country, will hold the same opinion in this respect, that I do. If you look to the contracts themselves you find that the company has not complied with many of their most important provisions. They contracted to furnish five steamships, and have only furnished four; and up to this time we have no evidence that the other one is being constructed.

But aside from this, for I have no time to discuss this part of the subject, if you will look to the amount paid the Collins line, and then to the trifling amount received by the Government from the mails carried, it is enough to startle any man who originally supported this appropriation. We pay to that company \$33,000 for each trip. Now, what is the revenue derived, by way of postage, from that line? For the fiscal year ending in 1853 we had \$192,000 of receipts. Then, sir, this shows that the Government loses on every trip of the Collins line the immense sum of \$27,658 16. Can the Post Office Department stand up under such a ruinous arrangement? For every trip of these steamers across the Atlantic we lose \$27,658 16. I refer, for the truth of the statement, to the report of the Postmaster General.

Now, I would ask, whether the mere fact that we have steamers which beat those of England in point of speed, is sufficient to induce us to incur this large expenditure of money from the Treasury? Shall we, for the sake of having it said that we are sustaining a line which can make faster time than the Cunard line, continue this great bonus to this company? It seems to me that we ought not to do so. So long as we keep up this extravagant system of ocean mail carriage, our country must suffer. We shall hear of enormous deficits in the revenues of the Post Office Department.

I say again that I am opposed to the gentleman's amendment. I am in favor of such action as will terminate these contracts. I think that Congress has the power to do so. I am of opinion that the Collins line has violated its contract, not only in the build of its vessels, but also in the number which it was to furnish. In view of these violations, then, I contend that we have the right to put an end to the contract at any moment. I believe that it is our duty to terminate it now.

When we can only keep up this system by giving \$27,658 on each trip, it is our bounden duty to put an end to this contract at the earliest possible moment.

Now, I am not in favor of giving to the Postmaster General the power given by the amendment of the gentleman from North Carolina, [Mr. CLINGMAN,] or rather, I am not in favor of such legislation as might lead to a continuation of these contracts.

[Here the hammer fell.]

Mr. WASHBURN, of Maine. I move to strike out the words "instructed," and insert the word "authorized."

If the amendment I have offered is adopted, it will not make it imperative upon the Postmaster General to suspend the Collins line. I hope this committee will not, at the present time, take any measures that will lead to a suspension of that line. This question was very fully discussed in the last Congress, and the majority were then satisfied of the importance of establishing that line, and of the necessity of keeping it up after it was established. At that time it was proved conclusively here that the stock was selling in the markets of New York, and in the markets of the world, at not over fifty per cent., and it was considered to be the very best test that could possibly be applied as to the value of the stock. At present I believe the stock is considerably under par; and it is very evident that this great national enterprise, which has done so much to sustain the honor of the American name abroad, and which has so much aided to give the dominion of the seas, cannot be sustained without the aid of the National Government, especially as the Cunard line has been established, and is now sustained by the exchequer of Great Britain. If we reduce the amount paid to the Collins line for carrying the mail, the result will be, that these steamers will be taken off the route. I submit that they have not had a sufficient length of time to test the experiment; and I do believe that, in the course of time, the amount received from postages will be sufficient to make this a self-sustaining line. I do not believe that it is prudent, proper, and wise, nor do I believe that it is true economy at this period in the history of this great enterprise, that we should withdraw our protection from this line.

Mr. PENNINGTON. Will the gentleman from Maine yield me the floor for a moment?

Mr. WASHBURN. Certainly.

Mr. PENNINGTON. I have had occasion, Mr. Chairman, as a member of the committee appointed to investigate the frauds alleged to have been committed in the disbursement of the appropriations for the Collins steamers, to look into the question in relation to the Collins line, to see how far it is now a self-sustaining institution of the Government. I found that the cost of that line is \$858,000 per annum. That is the amount reported by the committee as the appropriation for the fiscal year ending June, 1855. Now, the question is, how much is received by the Government for postages between Great Britain and the United States? We received last year \$791,230 52 for postages between Great Britain and the United States; and every dollar of that is received without any other cost to the Government of the United States than this sum of \$858,000 per annum.

[Here the hammer fell.]

Mr. McQUEEN. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Maine, [Mr. WASHBURN,] as I am opposed to all protection by this Government. I have been opposed to this whole system from the beginning. I have looked upon it from the first as one of the worst species of protection ever adopted by the Government, because it secures to a chartered company a monopoly that is unjust, and from which they are realizing an immense profit at the expense of the people, and by the fostering legislation of the Government. As has been said by the gentleman from Illinois, [Mr. ALLEN,] a few moments ago, this company came to Congress originally asking them to grant a charter by which they were to build five ships; and after they had obtained the charter, at an enormous expense to the Government, they went into operation, and have never, to this day, built but four. Again, they obligated to construct those ships in such a manner as would make them suitable for naval purposes in time of war; and yet almost every experienced officer who has examined

these ships, and whose reports were published by order of this House a year or two ago, declared that there is not one of them suited for purposes of war, nor can they be made so, if at all, without great expense. At first they were allowed \$19,000 a trip from New York to Liverpool, but afterwards they came here, and, by some sort of influence, they managed to get a bill through Congress, by which their compensation was increased from \$19,000 to \$33,000, although they never had complied with the first obligation imposed upon them by the charter.

At that time, I will say to my friend from North Carolina, [Mr. CLINGMAN,] who has submitted a proposition changing the provision contained in this bill, that I well remember the friends of the measure came here with clamorous appeals to the patriotism of the country, on the ground that they had to contend with the Cunard line, supported largely by the money of the British Government, and were in danger of being run off the seas; when the fact was, the Cunard line were then getting but little, if any, over \$13,000 a trip, and this company, at the very time, \$19,000, and, by some influences unknown to me, they succeeded in getting \$33,000. Now, I ask my friend from North Carolina to unite with us in some measure, and to take such course as will bring the affairs of this company to the speediest close. When I go to the Post Office Department and ask for additional mail facilities in my part of the country, I am met with the answer that the post offices yield too small an income to justify the expense, and yet here we have a measure drawing out of the Treasury annually upwards of \$850,000 for the transportation of the mails between New York and Liverpool, whilst we all know well, sir, we have to pay heavily our portion of the expenses.

Suppose these \$850,000 were disseminated in the improvement of our postal arrangements throughout the country annually, and among the people who support the Treasury, would not the benefits to them be incalculably great? I have constituents who have to send twenty or thirty miles to the nearest post office; and when I go to the Department and complain, I am met, and truly, too, sir, with the argument, that by the system of legislation pursued for the last several years by Congress, the post office has become an immense burden on the National Treasury, and it is not in the power of the head of the Department to render such facilities as are often demanded, and my own judgment tells me the answer is often too true to allow me to blame when I am refused. I ask again of members of this House, if this annual outlay of \$850,000 given to this company by a special species of protection—a protection heretofore unknown, even to this Government—were distributed throughout the country, how much would it benefit our constituents? And shall we pursue a system longer by which the millionaire shall be enabled to wallow in the lap of luxury and affluence, and thereby deprive our own constituents of the benefits which the sum so paid would afford them? I saw one of these ships, sir, the Baltic, a splendid vessel. It came here in open day; and its owners invited, with many others, the members of this, and the other body of the legislative department of the Government, to see the ship, and to partake of sumptuous fare upon it; and I have made the remark in private, and will repeat it here, that if I could be induced to vote for any measure, for the accomplishment of which such means were used, I would vote for this, because these things were done in open day, and aboveboard, and there was something manly about it; but I never have voted for it, and maintain most earnestly that we should adopt the shortest possible mode to get clear of these contracts, and extricate ourselves from this whole system, which seems to me to be wrong from the beginning, and wholly unjust towards those who confide in us; and I trust this committee will pursue that course.

[Here the hammer fell.]

Mr. WASHBURN, by unanimous consent, withdrew his amendment.

Mr. WHEELER. I renew the amendment of the gentleman from Maine, [Mr. WASHBURN.] I rise merely for the purpose of replying to the remarks of the gentleman from Illinois, [Mr. JAMES C. ALLEN,] and of the gentleman from South Carolina, [Mr. McQUEEN.]

The CHAIRMAN. The Chair thinks the gentleman cannot occupy five minutes upon the amendment of the gentleman from Maine.

Mr. WHEELER. Then I move to increase the appropriation five dollars.

Mr. PECKHAM. I rise to a question of order. The gentleman can renew the amendment of the gentleman from Maine, if that amendment has been withdrawn, and he can argue it also.

The CHAIRMAN. The Chair will entertain the amendment.

Mr. WHEELER. Well, then, I renew the amendment of the gentleman from Maine. I have been somewhat astonished, Mr. Chairman, at the attacks made upon this line, coming from the quarter that they do, particularly as the company have been charged with not fulfilling their part of the contract. Now, sir, this fifth ship has been spoken about. It was expressly declared in that contract that the fifth ship was not to be built until called for by the Navy Department; and, sir, it has not yet been called for.

Mr. McQUEEN. I wish to ask the gentleman if the ships which have already been built, have not been pronounced by the officers of the Government unfit for war purposes?

Mr. WHEELER. Every one of those ships have been accepted by the Navy Department. When they were built, inspectors were appointed by that Department, and they made their reports, and every one of these ships were accepted by the Government. Not only so, but the four steamers have made the whole number of trips contracted to be made by the five.

Mr. WALLBRIDGE, (interrupting.) I have in my hands a letter addressed by Mr. Collins to the Postmaster General, which I desire to have read.

Mr. WHEELER. Not now. After I get through. The charge has also been made that these vessels are not fit for war purposes. Now, if that is the case, it is very singular that they were accepted by the Navy Department.

Mr. McQUEEN. The only way in which I can explain that is, that they have been accepted because they are better than none.

Mr. WHEELER. I am not surprised, Mr. Chairman, to find gentlemen who are opposed to these contracts, and who have made these attacks, so very anxious to explain the position they have taken. These ships are equal to every emergency. They are as strong as any side-wheel steamer can be. They are as strong as they can be built, and will answer every war purpose that side-wheel steamers can be put to.

The gentleman from Illinois has charged that a great loss has devolved upon this Government in keeping up this line. Sir, why did not the gentleman give us all the facts in the case? Why did he not state that an arrangement had been entered into between the Collins and Cunard lines by which they were to alternate in their trips, and by which this Government has received during the past year in the shape of postage, \$791,230 32, and by which the real cost, over and above the aggregate postages received to the Government, would be only \$66,769 48? Why did not the gentleman make this statement? Why did he not state the facts of the case fully? He did state the facts correctly so far as he went. Sir, I am surprised to hear these attacks made upon this line.

Mr. BARRY. The gentleman in his statement gives the Collins line the whole benefit of the amount of postage received from both lines.

Mr. WHEELER. I said an arrangement, as I understood, had been entered into between the Collins and Cunard line to alternate their trips, and that the cost to the Government over and above the aggregate postages received by both lines would be only \$66,769 48.

Sir, the honor of the country is involved in the maintenance of this line of steamers. In my opinion, no set of men on this continent have honored this nation more than the men who projected this line of steamers. They have established and maintained our supremacy on the ocean. Sir, within the last month this line has made the quickest trip upon record, and has reduced the time from New York to Liverpool from fifteen to nine days.

[Here the hammer fell.]

Mr. JAMES C. ALLEN. I desire to oppose the amendment of the gentleman from New York. I am charged with having made a partial state-

ment in reference to the connection of this Government with these lines of steamers. I have been charged with not stating all the facts of the case. And, sir, before I take my seat, I desire to notice that charge.

Mr. WHEELER. I will say to the gentleman, that I charged him with nothing in any offensive sense.

Mr. ALLEN. Not at all. I did not so understand the gentleman. Sir, I do not intend to do injustice to the Collins line; but I said, and I say now, that the ships of that line have not been constructed according to contract. If the gentleman will look at the contract, he will see that they were to be so constructed as to make them easily convertible by the Government into steamers for war purposes; and if the gentleman will look into the reports which have been made by the officers appointed to examine the ships, he will find that, with one exception, they have refused to assert that the ships are capable of being easily converted into war steamers. The general tenor of their reports is, that they are admirably constructed for the purpose for which they were intended. This is the tenor of the reports of all, with the exception of Commodore Perry, who follows the language of the act, and says that they may be easily converted into steamers for war purposes.

Again, sir, if the gentleman will look at the reports of the Secretary of War during the last Administration, in his recommendations to Congress upon the subject, he will find that he speaks of them as not adapted for war purposes. The present Secretary of the Navy, in his report which has been transmitted to Congress, states in substance the same thing. It is true that the Secretary of the Navy, and the officers who have been selected for the purpose of inspecting these vessels, may be mistaken, and the gentleman from New York may be right. I choose, however, to rely more on their statements than upon his; and it is on their testimony that I say, so far as the adaptation of the steamers to war purposes is considered the Collins company have not complied with their contract. The Government, it is true, has accepted them, and, it may be, is bound by that acceptance; but, I again repeat, that all the testimony goes to show that they are not adapted for war purposes.

The question of the gentleman from Mississippi [Mr. BARRY] was well put to the gentleman from New York. I cannot conceive why the gentleman took the amount of postage derived from the Cunard line, and passed it to the benefit of the Collins line. The statement I made before was that for the mail matter brought to and carried from the United States, the Collins line netted to the Government \$192,000 last fiscal year, and that we paid \$27,658 each trip more than we received. And I ask the gentleman again how it is that he contends the Government ought to keep up a line of this kind at such an enormous expense?

Mr. WHEELER. As the gentleman has referred to Commodore Perry, I would like to have read just here what he has written on the subject.

Mr. ALLEN. I cannot give way now. The gentleman will get the floor in a moment, and he himself can have it read. Commodore Perry is the only inspecting officer who has reported favorably on these steamers. They are only one or two exceptions in regard to my statement, and I am not certain whether they are not in regard to the Sloop, and not the Collins line.

The question was well put by the gentleman from Mississippi. Great Britain would have the same right to say that the postages received by the Collins and Cunard lines ought to be alone set down to her, as we have to say that the postages received by the Cunard line ought to be set down to the credit of the Collins line.

Mr. BANKS. I move to strike out the words "to be able," and in lieu thereof to insert "endeavor."

Mr. Chairman, I do not move the amendment for the purpose of adding strength to the proposition of the gentleman from North Carolina, [Mr. CLINGMAN,] because I intend to vote against it. I am not opposed to the principle involved; and if it were an original question I would vote for his proposition, believing that it will turn out ultimately to be the right one. I am not now in favor of it. I prefer the amendment moved by the gentleman from Ohio, inasmuch as it now gives us a decided advantage. His proposition provides for notice hereafter, and in the mean time the Govern-

ment of the United States shall be relieved from the obligation to take the steamers at appraisement, or whatever rule of valuation may be agreed on.

I desire to say, in reference to this matter, that while I do not agree with the gentleman from Ohio, that we had not the right, and, therefore, agree with the gentleman from New Jersey, [Mr. SKELTON,] so far as he states that we have the power under the statute of 1852, still, I believe that it is not acting in good faith upon the part of the Congress of the United States to take this step at this time. I concede, upon reading the proviso just read by the gentleman from Ohio, that there is no propriety, no good faith, in the action by the Congress of the United States upon this subject at this time, and for this reason: The contractors with the Government have built four steamers, at a cost of not less than \$750,000 each. They have expended an amount, therefore, something like \$3,000,000. There are other expenses attendant upon the running of those steamers to and fro between this country and European ports, which is not much less than \$75,000 for each of the twenty-six trips annually made. Upon the investment of this large capital in this business, they had a right to ask that the Congress of the United States should not intervene in the provisions of that contract until the time fixed by the statute had actually arrived. They had the right to put a construction upon that statute, which was the most favorable to them. A reasonable construction upon their part would be, that it should not be a mooted question in Congress, before the 31st of December, 1854, and having invested so much capital, the proprietors would seem to have a right to insist upon this construction of the proviso, that Congress could not in good faith terminate or make a proposition to terminate this arrangement until after the expiration of the term fixed by the statute.

I think that we ought not to act upon this question at this time; and, inasmuch as there are other propositions before Congress, coming from the Committee on the Post Office and Post Roads, from the special committee, as indicated by the gentleman from Indiana, [Mr. MACS,] I think that we should have a full opportunity to debate the matter. I hope, therefore, the proposition to sever the connection of the Government with the line of steamers will not be pressed at this time. It has been said that they have not complied with the terms of the contract, which required the building of five steamers. Suppose the statement may be correct in point of fact. The object the Government of the United States had in view, in aiding the Collins line was, doubtless, to obtain a certain number of trips between Great Britain and the Atlantic ports, and to transport the mails at certain regular periods. When this enterprise was undertaken, we were in the dark as to what could be done. Then the time of passage between the United States and Great Britain was twelve and fourteen days. It has been greatly reduced, until it now requires but a few hours more than nine days. Four ships may, therefore, do the work originally contemplated by the contractors for five. And, in point of fact, I understand that the contract provides for the number of ships designated, if the Government shall demand them. This has not been done, and of course, upon this statement, there has been no failure on the part of the contractors. It was an object, in order to secure regularity, that there should be one steamer constantly in port and ready for immediate service. During the time when long passages were made, it might naturally have been supposed that the larger number of vessels would be required. As speed acquired, and the time diminished, there was less need of the largest number to accomplish the full number of trips, and Government made no call for the fifth steamer. The full service has been performed, and this shows no failure on the part of the contractors.

[Here the hammer fell.]

Mr. BANKS then withdrew his amendment.

Mr. WALBRIDGE. I renew Mr. BANKS's amendment.

[The committee here rose informally, and the Speaker having resumed the chair, a message was received from the Senate, by ASBURY DICKINS, Esq., its Secretary, notifying the House that the Senate had passed, without amendment, bills and a joint resolution of the House, of the following titles:

An act for the relief of William G. Smith;
An act for the settlement of the claims of W. P. Buckner and Pierce Crosby, passed midshipmen in the United States Navy;

An act authorizing the Secretary of the Treasury to pay John Charles Frémont for beef furnished the California Indians; and

Joint resolution giving one hundred and sixty acres of land to Francis M. George, of Indiana.]

Mr. WALBRIDGE. I do not design to trespass on the indulgence of the House, having addressed the committee to-day before. I will only state that I sent to the Chair a correspondence between the Postmaster General and Mr. Collins. I have read it myself, and I believe it will throw some light on the subject.

The correspondence was read by the Clerk, as follows:

POST OFFICE DEPARTMENT, January 24, 1854.

SIR: Please state whether you employ more than four ships, viz: the Atlantic, Pacific, Arctic, and Baltic, for the service on your line between New York and Liverpool.

I am requested by the chairman of the Committee of Ways and Means of the House of Representatives to inform him of the number employed.

I am, respectfully, your obedient servant,
JAMES CAMPBELL.

E. K. COLLINS, Esq.

NEW YORK, January 28, 1854.

SIR: With much pleasure do I reply to your letter of 24th, in answer to the inquiry as to the number of ships employed by us to carry the United States mails between this and Liverpool. As this information is especially desired for the honorable Committee of Ways and Means of the House of Representatives, I beg you will pardon me for communicating some facts in relation to the mail steamers.

After the law passed authorizing the Postmaster General to make contracts for transatlantic mail steamers, he advertised, for several months, for proposals for carrying the mails for five years, to which we made no offer, knowing, as we did, that we could not get capitalists to incur the great outlay for that term of service, which would be necessary to build suitable steamers for the twofold object of war and mail steamers, (the clause requiring that all mail steamers should be built suitable for war purposes, so that they might, at almost a moment's warning, be converted into war steamers, was inserted at my instance, after the bill had passed a second reading in the Senate.)

The Postmaster General reported to Congress that he had accepted the offer of Mr. Mills, and there we supposed was the finale of that service. Some time after, having business in Washington with the Treasury Department, I called to pay my respects to Mr. Hobbie, then the First Assistant Postmaster General, who had long known the importance I had considered the establishment of mail steamers. He expressed his astonishment at not having received from me a proposition to carry the mails. I gave him my reasons, as herein before stated; he replied that the Postmaster General would like to see me. I arranged with Mr. H. to call on him, which arrangement was complied with. After a somewhat lengthy interview, he desired me (as you will see on reference to my letters in the Department) to make a proposal to carry the mails between New York and Liverpool, and at some time to state, in writing, why Liverpool should be adopted as the terminus in Europe; (which letter is also in the Department.) Some time after my proposals were made, I called on the Postmaster General to know what the Government had concluded to do; his reply was "that, as he could not recommend any further special mail service, the Administration would have the naval war steamer bill (then before Congress for ten war steamers) reduced to half its number; and that our steamers would be considered as substituted for those taken from the bill." As soon as this was communicated to the chairman of the Naval Committee as the wish of the Administration, they readily assented to it; and, with some modifications, a bill was passed to build four war steamers, and to which there was an amendment authorizing the Secretary of the Navy to contract with us in conformity to our proposals to the Postmaster General.

When we proposed to carry the mails, we intended, in good faith, to perform that service, and whether we have or not, your Department must judge. When my proposition was first made, the average time of the steamers from Liverpool to Boston was fifteen days and six hours, equal to at least sixteen days to New York, and at that time I did not suppose that the service could be performed with less than five steamers, to insure the regular transmission of the mails, which is so essential to commerce and for revenue to the Government, nor could the service of twenty trips, as called for in the original contract, have been performed with less than five ships of two thousand tons each; but by our increased size and speed, we have not only been enabled to make our passages in the average time of a little over eleven days, (the cost of which over that of the time taken, as herein stated by the English steamers, is more than doubled,) but we are also enabled to make twenty-six instead of twenty voyages per annum, as at first contemplated.

As soon as it was known that our Government had contracted with us, no pains were spared in England to deride the idea that America could build ocean steamers, and never was British influence more exerted to defeat the interest of her great maritime rival, than in their endeavors to vanquish our line. Knowing that the English clamor, and to have the star spangled banner float untarnished, we must do more than England had done, and we believe that the world acknowledges the triumph of the seas to be still ours! After unceasing efforts of several months, (owing to the discredit which had been thrown on ocean steamers by those that had been built in this country,) it was

with great difficulty that we got subscribed a little over a million of dollars; and although we advertised in almost every large city in our country for additional subscribers, before and after we got the increased pay for the service, not a single share was taken, notwithstanding every exertion to get new subscribers, in order to lessen the indebtedness of the company, which yet remains nearly one million and a half of dollars; but, fortunately, the original subscribers to the stock were men who had full as much regard for the pride of the nation as for their own interest; they left me untrammelled, with but one edict, which was, that "You must not make a failure, if you risk every dollar." Does history produce as much devotion to country's honor by any other men? I think not. As before remarked, it was necessary to do more than England had done; and, in so doing, we built four ships of much greater tonnage and power than our competitors, by which means we are enabled to perform the service with three ships, and have always a spare ship in port; but the cost of keeping that spare ship is nearly \$150,000 per annum. The ships of our line are the Atlantic, Pacific, Arctic, and Baltic. We have at command the most essential part of the frame for the fifth ship, which the honorable, the late Secretary of the Navy, Graham, did not deem necessary to be built at present, remarking that we had better wait to see what improvements our rivals would make.

As many attempts have been made recently to throw discredit on ocean mail steamers for war purposes, I beg leave to state that the cost of ours was greatly enhanced to build them suitably for that purpose; and that all our plans were submitted to, and approved by, the Navy Department, and I am not aware that a similar course has been pursued by any other contractors or their assignees. I am at any time prepared to prove that, up to this time, the equal of our four steamers has not been built, for war or peace purposes, either in or out of the Navy; and it would afford me much pleasure to appear before the honorable the Committee of Ways and Means to convince them of what I have herein stated. Yours, respectfully,

EDWARD K. COLLINS.

TO HON. JAMES CAMPBELL,
Postmaster General, Washington, D. C.

Mr. STANTON, of Tennessee. I rise to oppose the amendment, which I believe is to strike out the words "have been able," and to insert the word "endeavor." I prefer the original phraseology, because it requires the withdrawal of the British steamers before the American steamers shall be withdrawn. As connected with that act, and pertinent to it, I desire to say a single word in reference to that subject. The remark has been made by a number of gentlemen, that these vessels are unfit for war purposes. I believe it is universally admitted, that these steamers are the safest steamers in the world, and that they are not only the safest, but that they are stronger and better built than any war vessels afloat. I have it from the lips of a distinguished officer of the Navy—one who has served his country in both a civil and military capacity—that these vessels are better fitted than any vessels afloat for the purposes of war. Commodore Perry told me that if he had his choice of vessels for war steamers, he would take one of these in preference to any other.

Now, sir, the objection made to the construction of the British steamers, and mentioned in a report of the admiralty upon that subject, rendering them, as the admiralty thought, unfit as vessels of war, was to the mode of construction of their bows and sterns; and those defects are entirely overcome, in the construction of the vessels of the Collins steamers. As a proof of the fact, that these vessels are the safest and strongest steamers afloat, and therefore susceptible, at a small expense, of being converted into war steamers, I will state a fact which I heard in New York, but from no authoritative source, and I mention it only to call to the attention of those who would be likely to know about it; and that was, that it was currently reported there that the Emperor of Russia, as also the Emperor of France, had both made application to the owners of the Collins line for the purchase of one or more of those vessels for war purposes, and that Mr. Collins declined upon the ground that they were vessels belonging to the United States; or, at least, that they were at the command of the United States for war purposes at any time they might be demanded; and that, therefore, it was not in his power to dispose of them. Now, sir, I do not know whether these statements are true or not; I mention them for the purpose of asking gentlemen who know whether they are so or not.

Mr. CLINGMAN. I suppose I cannot debate the amendment. But I rise for the purpose of modifying my amendment.

The CHAIRMAN. The Chair thinks the amendment cannot be modified unless the amendment offered by the gentleman from New York to the amendment is disposed of.

Mr. CLINGMAN. But I may desire to modify my amendment by accepting the amendment

of the gentleman from New York. At least I think I have the right to modify my amendment. Mr. WALBRIDGE, by unanimous consent, withdrew his amendment.

Mr. CLINGMAN. I now modify my amendment so that it will read:

Provided, further, That the President shall endeavor by treaty or otherwise, to induce the British Government to abandon in a similar manner the subsidy paid to the Cunard line, in which event the Postmaster General is instructed to take the necessary steps to get rid of the existing contracts with ocean mail steamers for the transportation of the mails.

I only desire to say that I desire that the President shall be instructed to induce the British Government, if possible, to abandon their contract with the Cunarders, and then we can, with a better conscience, abandon our system.

Mr. JONES, of Tennessee. This is a very interesting debate; but, like all good things, it must have a termination. I move that the committee rise, that I may move to suspend the rules for the purpose of terminating the five minute debate.

The question was taken; and the motion was not agreed to.

Mr. TAYLOR, of Ohio. I move to strike out of the proviso the words "in a similar manner."

It is a very difficult thing in a speech of five minutes to discuss as it should be discussed, so important a question as this. Gentlemen who were here a few years ago, when this appropriation was made for an increase of compensation to the Collins line, will recollect very well, no doubt, the exciting and interesting debate that then ensued. Well informed gentlemen from all parts of the country looked upon the competition between the British steamers of the Cunard line and the American steamers of what is called the Collins line, as a great national question. I recollect distinctly that a distinguished Senator from Texas stated, in a report to the Senate, that the people of the United States had paid the British Government, for postages charged by the Cunard line, \$5,000,000. We had no competition or share of the postages between Europe and the United States prior to the establishment of this line. A postal arrangement was made by the United States and Great Britain, after which the Collins line was established, and now we receive about \$790,000 per annum for transporting mails under this postal arrangement.

And here let me say to gentlemen of this committee, that the four ships of the Collins line, in point of tonnage, exceed seven of the Cunard line of steamers. The British Government sustained their line. The Collins line was established by the capital, not of Mr. Collins alone, but of men of capital and enterprise in the country, and they were to make about twenty trips a year. About \$3,000,000 were expended by those gentlemen in this great enterprise. They found, in competition with the Cunard line, aided by the British Government, that it was a losing business, their stock at that time being worth only about fifty cents for the one dollar paid by them, and they appealed to Congress, as it was a national measure, for an increase of compensation, if they would increase their trips to twenty-six instead of twenty per annum, and Congress gave it to them. I think it would be a violation of good faith towards this company now to give them notice that their contract will terminate on the 31st of December next, as will be perceived from the reading of the proviso:

"Provided, that it shall be in the power of Congress at any time after the 31st day of December, 1854, to terminate the arrangement for the additional allowance herein provided for on giving six months' notice."

I think the motion of my colleague, the chairman of the Committee on the Post Office and Post Roads, [Mr. OLDS,] to strike out all of the section from the eighth to the tenth line, is a proper one. Let us not legislate to-day, and next year reverse that legislation and violate our own contracts. You must adhere to your own propositions, or the enterprising men of the country will pay no attention to them. I say that these ships of the Collins line are among the very best in the world. Nay, I believe they are the very best in the world. I would take Commodore Perry's judgment about them in preference to that of half a dozen old fog officers who have not gone to sea for perhaps twenty years. Commodore Perry is a host in himself. When Washington was appointed commander-in-chief of the Army the second time, during the Presidency of John Adams, he was

urged to accept that appointment by the President, because his very name, as Mr. A. said, was worth several armies. Commodore Perry's opinion about the strength and utility of these Collins steamers is worth a dozen of such men as are sent from their quarters at home to investigate the utility, strength, quality, and power of these steamships. And Perry says that these Collins steamers are suited for war purposes, and among the very best ships built. I have sailed across the ocean in one of them myself, and I have seen nothing abroad equal to them. I have heard hundreds of men in Europe expressing their admiration of them as the best ships on the face of the globe. And I believe that they are fit for many purposes of war.

I have not time to enlarge on this subject; but I will say, that the faith of the Government is pledged here. The faith of the Government is pledged to this company until after the 31st of December, 1854, when you may give the notice to discontinue the contract. My colleague on my right [Mr. OLDS] made a proper and honorable motion to strike out all the first section of the bill except that making the appropriation, and I hope it will be adopted by the committee.

I have referred to Commodore Perry's opinion in relation to these steamers, and I will send it to the Clerk's desk that it may be read.

The following extracts from a letter written by Commodore Perry to the Secretary of the Navy, were accordingly read:

"According to my calculations, the cost of the conversion of either the beforementioned vessels, exclusive of armaments, repair of machinery, &c., would not, or certainly ought not, to cost for each steamer over \$20,000; and it could readily be done for this at any of our navy-yards. With respect to the description and weight of their respective armaments, I am clearly of the opinion that the first class steamers already named could easily carry four ten-inch Paixhan guns on pivots—two forward and two aft—of the weight of those in the Mississippi, and ten eight inch Paixhan guns on the sides; and this armament would not incommode the vessels, and the weight less than the ice, which is usually forty tons, and stowed away in one mass."

"In the general operations of a maritime war they could render good service, and especially would they be useful from their great speed as dispatch vessels, and for the transportation of troops, always capable of attack and defense, and of overhauling or escaping from an enemy."

"The Atlantic, Baltic, and Arctic, have all been built, inspected, and received by the Navy Department."

Mr. GIDDINGS. I shall not enter into any particulars in relation to the amount of this appropriation. I wish to say a word or two in answer to my colleague, [Mr. TAYLOR.] Mr. Chairman, the impolicy of attempting to follow foreign Governments in their extravagances of legislation, must be apparent to us all.

Mr. WASHBURN, of Maine. Let me suggest to the gentleman from Ohio that we are making foreign Governments and foreign people follow us.

Mr. GIDDINGS. I understand the gentleman from Maine to say that we are making foreign Governments follow us. The whole argument in favor of this subsidy to the Collins line, urged at the commencement of this system, was, that the British Government had established and subsidized the Cunard line; and that, therefore, we, the American Congress, were bound to do the same thing. That it was necessary, in order to maintain our national glory, to keep up our reputation as the greatest people upon earth. And now what a spectacle are we presenting to the country and to the world! A proposition has been made here to-day not merely to legislate on the subject ourselves, to transact our own business, to control our own affairs, but to direct or request the President of the United States to interpose with the English Government, for the purpose of affecting the legislation of the British Parliament. Now, I am very willing to go to almost any length in legislation; I would not limit our power by any ordinary rules of jurisdiction; I would be willing to insist that we are really the greatest people upon earth. Indeed, I will even say, at this time, that I would object to the annexation of Great Britain. Then we might legislate for her without difficulty; but I doubt the propriety of attempting it now. I am not willing to direct the President to interfere with the legislation of any foreign Government.

I do not know of anything which would have struck me as more entirely without the line of our duty than the proposition which is now made to control the British Government in its extrava-

gance; to ask a foreign Power to desist from its unwise legislation—saying if they will cease to be unwise and extravagant, we will then cease to follow out a system which is palpably wrong. We are sent here to legislate for ourselves, for our own country, not to correct the abuses of the British Parliament, nor to adopt the errors of foreign Governments; not to follow the example of foreign nations in their extravagance. Who did not see this state of facts at the time this subject was first hurried upon the consideration of Congress? The avenues to this House were soon crowded, and our Halls almost surrendered to the possession of lobby members, who were endeavoring to get us to establish lines of steamers to almost every port in the civilized world. If I recollect aright, the gentleman from Illinois [Mr. WENTWORTH] introduced a resolution to exclude them from the Hall, in order to allow members to get to and from their seats. Gentlemen who have served in Congress for a few years past must recollect these things. They succeeded. We yielded to their demands in part. We established several lines. We have tried the experiment; it has failed. I cannot say that I have been disappointed, but all must admit the principle to be wrong.

Let me say that, in my opinion, the only proper course is to let the carrying of these foreign mails be open to competition, so that all may have an equal chance for the service, and let the company whose bid is most advantageous to the Government have the contract. I do not look at the expense. It is not our province, nor is it consistent with the principles of the Government, to speculate in this matter, by bestowing favors upon certain individuals, nor by entering into partnerships with companies to build ships, and give them a monopoly, thereby discouraging other commercial men who cannot compete with the Government. I object to such a course. Though having generally very little sympathy with gentlemen over the way, yet, on this occasion, I thank them for discarding the idea of granting monopolies to individuals. It is opposed to the whole spirit of our republican institutions. Monopolies cannot exist in a pure Government. No Government can maintain its character for justice, if it grants monopolies of this description. The very favoritism shown to one is of itself a wrong to others. It is unjust to all others. If justice be virtue, let it be dealt out with an even hand to every man. Let each enjoy the same privilege, and none will complain.

I do not object to the character of those steamers; nor do I care whether they were suitable for war vessels or not. I would not have given one cent more to this company if they had furnished the best ships for war in the universe. We merely wanted the mails carried. The speed with which they were transported was a matter of consideration, but whether there were two or five Paixhan guns, or none at all, on board the ships, was a matter of perfect indifference with us. When the proposition to bestow this monopoly on the company was first brought forward, I regarded the plan for making the ships suitable for war steamers a sheer humbug, invented for the purpose of giving the prestige of war to the matter, to cover up the favoritism, and render it more acceptable to the people. I looked upon it, and supposed other gentlemen to regard it, an argument *ad hominem*, in order to induce us to vote for the main proposition. I do not believe there was a man who supposed we were to have war during the existence of this contract. No man expected it. No one had any more idea of such an event then than we have now. The whole truth is, this extravagant expenditure has been made for the purchase of national glory. To follow the example of England in her career of glory. Well, sir, the glory has departed—the money is gone—and the gentleman from North Carolina desires to pass a law directing the President to exert his best endeavors, with Her Britannic Majesty and her Parliament, not to lead us after any more such phantoms of glory. Now, sir, I would act as becomes an American Congress—as becomes American statesmen. I would act independent of British examples; independent of all monarchies. We profess to be a Democracy, a republican government, and to deal in plain matters of fact, and not in matters of show; in stern realities, and not in vain glory.

[Here the hammer fell.]

Mr. TAYLOR, of Ohio, by unanimous consent then withdrew his amendment.

Mr. GOODE. I move to strike out the first line of the amendment of the gentleman from Ohio. Now, sir, I believe it to be competent for the House to give this notice. The language is express and emphatic that it shall be competent for Congress, after the 31st day of December next, to terminate this contract, and to put the parties in possession of the fact that we intend to do so. We are required to give them six months' notice. The terms of the proviso refer to the termination of the contract, and not to the notice. The object is to give the parties notice of the termination of the arrangement. The contract gives us the right to terminate it after the 31st of December, and the plain reason and intention of the proviso enables us to give the notice before that time.

But it is said that this contract ought not to be terminated because our faith is pledged. How? These men contract with us for twenty trips, at \$19,250 a trip, and all that was pledged on the part of the Government was pledged then in that contract. What we have given them since on account of the twenty trips, is all a mere gratuity, and without one particle of consideration accruing to the Government. We put the contract at a certain sum, and they came forward here and induced us to increase the amount from \$10,250 to \$33,000 a trip, and that increase was made without consideration or equivalent, making in all \$858,000 per year for these vessels, and for what? I call upon this House to say for what? Do we pay this \$858,000 to this line because the service we receive from these vessels is sufficient to compensate us? Sir, the statement which has been made here in reference to the earnings of this line also include the earnings of the Cunard line. Our Postmaster General has given us the returns of the revenue received by these different lines of steamers, from which it appears that the net earnings of the Collins line of steamers are set down at \$192,000 and a fraction.

And again, it has been stated that this Government has paid less to the Collins line than the British Government has paid the Cunard line. Now, sir, the British Government pay to the Cunarders £175,000 per annum, being less than \$900,000, and require them to make fifty trips a year. Now, let us see which Government pay the most for the service rendered. The British Government pay less than \$900,000 for fifty trips a year. The United States Government pay \$858,000 for twenty-six trips, being about an equal sum for about half the service.

But, sir, I was astonished at the position and argument of my friend from North Carolina, [Mr. CLINGMAN.] He justifies the support of the Collins line, on the ground that before it was established the Cunard line, supported by the bounty of the British Government, were affecting injuriously American commerce and navigation. The private merchantmen of our country and the Collins line is brought forward and supported; to defend and protect the American merchantmen against this injurious action of the Cunarders. The gentleman finds American shipping interest assailed, in jeopardy, about to be driven from the seas, by the unequal and unfair competition of one line of ocean mail steamers, supported by the bounty of the British Government, and he proposes to relieve our shipping interest; to keep our flag flying on the seas, by incorporating another line of ocean mail steamers, to be supported by the bounty of the American Government! The Collins line, receiving from us a bounty of \$858,000, brought forward to act in concert—actually to alternate—with the Cunard line, receiving a bounty of near \$900,000 from England, and done for the safety and protection of the private merchantmen of our own country. American commerce unable to support the unequal competition of one line of ocean steamers, supported by the bounty of Government, subjected to the more unequal competition of two lines of ocean mail steamers, supported by the bounty of Government! and this, too, as a measure of relief!

Mr. WASHBURN, of Maine. I rise to oppose the amendment of the gentleman from Virginia. I am opposed to it because I am opposed to anything which will have a tendency to terminate this contract at present. Formerly, as it has been said, the mails and passengers between this country and Europe were transported by means of

sailing vessels, occupying thirty or forty days upon the voyage. At length it was demonstrated that the Atlantic could be crossed by steam; that our steam shuttles could ply between the United States and the other hemisphere. The Cunard line of steamers was established under the bounty of the British Government, to ply between Liverpool and Boston. The mails which had heretofore been carried by sailing vessels were transferred to these steamers, and the whole business of carrying the mails between the two continents was carried on by the Cunard—a British line of steamers—and the United States, the greatest maritime Power in the world, the greatest ship-building and ship-owning country in the world, had nothing to do with it. We submitted for a time, and allowed them to monopolize the whole business. It was not deemed to comport with our honor nor our dignity, to our position, nor the advantage of the country that it should be so; and in time a steamship company of our own was established. The steamers were constructed, and what was accomplished? The time now occupied in crossing the Atlantic from the points in Europe and America, instead of being, as it was before the Collins line commenced running, from fourteen to fifteen days, is only from nine to ten days. Time is money; and we have saved so much in hastening the transit of freight, the mails, and passengers from one continent to another. We have done this for the advantage of commerce. Everybody knows how advantageous it is that correspondence should be carried on in the shortest possible time, with the greatest celerity and certainty between important commercial points.

By the construction of these steamers we gained an important advantage. The people and the commerce of the country have gained by it. We have gained a thousand fold more than we have expended on it. The postage was then four times what it is now. That British monopoly would have continued to this day, and may be indefinitely, had there been no rivalry. In consequence of the competition the postage has been reduced by treaty to one half or one third what it was before, and the advantage has been felt by the whole country. By increasing the correspondence between Europe and America, and particularly the poorer classes who have emigrated to this land, and their friends at home, we have done great service to the country. We have, in cheapening postage to the million, saved more than we have expended. We have accomplished all these great results, and we find now, although we pay \$800,000 and more each year, yet that we receive directly and indirectly, but really and truly, over \$700,000 and lose only some \$70,000 annually, and even this loss we may hope to overcome in a year or two.

[Here the hammer fell.]

Mr. GOODE, by unanimous consent, withdrew his amendment.

Mr. JAMES C. ALLEN. I move to strike out the first and second lines of the amendment.

Mr. Chairman, I would inquire of the friends of the Collins line, if these ships be all that they are claimed to be, if they are superior to those of the Cunard line—and I do not pretend to deny it—how it happens that, while the two lines are alternating in the carrying of the mails between Europe and America, the proceeds of the Collins line amounted only to \$150,000 for the last year, while those of the Cunard line amounted to \$439,687?

Mr. WALBRIDGE. The reason of the difference is obvious: the Cunard line made double the number of trips.

Mr. ALLEN. But it turns out that their receipts from postage amount to three times those of the Collins line. I ask gentlemen why this is? I can explain it only on one principle, and that is that the Collins line instead of turning its attention to the mail interests of the country, has been looking to the carrying of passengers and freight between the two countries. I can explain it on no other principle. Look at the amount of mail matter sent from this country, and the amount received from Great Britain, and compare them. While one performs fifty trips, and the other twenty trips during the year, the former takes three times the mail matter that the latter does. So much for the advantage in point of vessels.

I call upon gentlemen again, I say, to explain why it is that the preference in the transmission of mail matter is given to the Collins line. I know

it is said that Great Britain prefers to transport all her mail matter upon her own line. But that does not answer the other objection, that the amount of matter transported from this country to Great Britain by the Cunard line is more than double the amount transmitted by the Collins line.

I desire to make another remark in addition to what was said by the gentleman from Virginia, and it is this: That the proviso in the law giving us the power to terminate this contract with the Collins line after the 31st of December, relates to the termination of the contract, and not to giving notice. Since, then, we pay an exorbitant amount to the Collins line, and as we receive comparatively nothing, so far as the revenues of the Post Office Department are concerned, let us bring them back to the original contract, and let us hold them to it, until we can get rid of the whole concern.

Mr. HOUSTON. I do not propose to enter into a debate upon this proposition. My object is to see if I cannot induce the committee to come to a vote upon it. We have but very little time to act upon this matter. However much we may discuss this question here, the vote we take is hardly a test. Although I am in favor of the proviso being retained in the bill, with a view of getting a test vote upon it in the House by the yeas and nays, I would rather that it be stricken out. Let us go into the House and have a test vote upon this thing.

[Cries of "Agreed!" "Agreed!"]

The question was taken upon Mr. ALLEN's amendment; and it was rejected.

The question recurred upon Mr. CLINGMAN's amendment.

Mr. MACE. I offer the following amendment to strike out, from the seventh to the eighteenth lines inclusive, and insert:

That the Postmaster General be, and he is hereby, instructed to declare at an end all the ocean mail steamer service now in use, so soon as, in his opinion, the public interest will justify it; and he shall anticipate the ending of said contracts by advertising for the like ocean mail steamer service to the lowest and best bidder, so as not to obstruct the mail steamer service now employed.

The CHAIRMAN. The amendment of the gentleman from Indiana seems to be an amendment to the original section, and not an amendment to the amendment of the gentleman from North Carolina. [Mr. CLINGMAN.]

Mr. MACE. I offer it then as an amendment to the amendment of the gentleman from North Carolina. I do hope that, as I have paid much attention to this matter of ocean mail steamers, the committee will hear me patiently; and all the regret that I have on this occasion is, that I have not a full hour, that I might lay before the committee, in full, the views that I entertain in reference to the ocean mail steamer service, not only between New York and Liverpool, but also in relation to the Sloo and Garay contracts, and the Aspinwall contract in the Pacific, from Panama to California and Oregon.

Sir, let the truth be told at once, that the Congress of the United States, from 1847 down to the present time, have been guilty of the most egregious blunders in relation to this whole business. In 1847, when the first contract was made for this mail steamer service, the general idea throughout the country in relation to it was, that it would have a tendency to build up the Navy of the United States. And when the bill was introduced authorizing the construction of four steam vessels, the question was taken, and—strange to say—not one single speech was made upon it except by a gentleman from Ohio. That was the cause of all the subsequent legislation of the same kind that we have had from that time to the present. Not only have we appropriated subsidies for the Collins line of steamers, but we have done the like for all the other ocean mail service of the country. The whole system is wrong. The Aspinwall line and the Sloo line show out the system in bold relief. More money has been appropriated for these lines in proportion to the amount received from postage than has been appropriated even to the Collins line. The whole system is wrong from beginning to end; and it is well for Congress to consider it now.

The point is this: these contracts have all had ten years to run from the period at which they were entered into. Five years of that time has expired, and we have appropriated more than five millions to the service without an adequate return. All these lines are on the same footing, and now

the proposition which I offer is the only one which, I think, Congress ought to consider in relation to the matter—that is, to strike from the service every single one of these mail steamers, including the Collins line, including the Sloo line, including the Aspinwall line—and let all these contracts come back to Congress for readjustment.

Mr. OLDS. I am opposed to all these amendments except the motion made by myself; and my reason is this, that I cannot see you can accomplish anything by any of these other motions. The bill proposed by the Committee of Ways and Means makes the compensation to this line continue up to the 30th of June, 1856; and my motion is, that after the 31st of December, you give them the notice. There is no loss to the Government by delaying this matter, and you thereby obviate every difficulty. Before the 31st of December, take up the bill reported by the Committee on the Post Office and Post Roads, and then strike out all of these lines. Take them up together, and treat them all together. The terms of the proviso give six months beyond that time. I am, therefore, in favor of putting off the whole matter until the 31st of December, and then take up the bill on the Calendar, and strike down all the lines together.

The question was then taken upon Mr. MACE's amendment to the amendment; and it was not agreed to.

Mr. GOODE moved a *pro forma* amendment, and said:

I offer an amendment to enable me to reply to the gentleman from Ohio, in answer to his proposition to postpone this notice until the next session of Congress. Now, sir, his argument is, that we cannot give the notice until the 31st day of December next. On the 31st day of June one year of this contract terminates; and if we put off the matter until the next session, and until after the 31st of December, I fear we shall not be able to give the six months' notice to take effect on the 31st of June, as it is just six months from the 31st of December to the 31st of June, so that another year may commence to run under the contract, and we shall be in for another annual appropriation by adopting the suggestions of the gentleman from Ohio.

I am opposed to the amendment of the gentleman from North Carolina, for this reason: that he proposes to make this matter a subject of arrangement between the two Governments. Such a thing may be pending for ten years, and nobody can tell for how long a time. If you adopt his proposition, when we come here at the next session and undertake to provide for giving notice then, it will be an argument with the gentlemen who advocate this line, that it has become a matter of diplomatic arrangement, and that consequently it would be indecorous to the Executive and to the Court of St. James for Congress to undertake to give the notice. The support of this line causes a loss of \$665,000 a year to the Treasury of the United States. I affirm that such is the amount of loss to the Government annually. We pay to this line \$858,000 a year; and receive in return only \$192,000, making a difference of \$665,000, throwing off fractions—a dead loss to the Government every year. In reference to the whole system of ocean mail steamer service, the Government, in supporting it, sustains a dead loss of over a million and a half of dollars, and it can be demonstrated by the report of the Postmaster General himself. Is Congress prepared to carry on this system of bounties to companies and individuals, distributing annually among a favored few—perhaps a dozen men—\$1,500,000?

Sir, I hate demagogism, and I hate demagogues; but I love truth; and it is the truth that we are taxing the people of this country at the rate of \$1,500,000 a year in supporting these splendid mail steamers. The gentleman over the way from Ohio [Mr. TAYLOR] brings up the affirmation of Commodore Perry as an authority that these steamers are fit for war purposes. I affirm that I can bring more than a dozen authorities to support the proposition that they are unfit for, and cannot be adapted to, the purposes of war. Not one of the Collins line of steamers can possibly be appropriated to that purpose. They are good for nothing, in that respect, in comparison with the amount of money that has been expended upon them. This whole system is wrong and rotten. Throw open the trade and the business to the competition of all, advertise for contracts to carry

your mails, as you advertise all other contracts. Let the mails be carried upon the ocean upon the same principle that they are carried on land, and give the contract to the lowest responsible bidder, and in so doing Congress will discharge its duty to the country.

Mr. DISNEY. When I voted to go into the Committee of the Whole on the state of the Union upon this bill this morning, I did it with the expectation that the debate or discussion would occupy but a very short time. Sir, there is not an old member upon this floor who has not heard this question of carrying the mail by ocean steamers discussed over and over again. There has not been an idea advanced upon this subject to-day that has not been reiterated—I was going to say a thousand times; but it has been said over and over again, and no new light can possibly be shed upon the subject. I have no doubt that the members upon this floor have generally, if not universally, made up their minds upon the questions before the committee, and I appeal to the chairman of the Committee of Ways and Means to stop this debate, and bring the House to a vote upon this bill.

The amendment to the amendment was not agreed to.

The question was then taken upon Mr. CLINGMAN's amendment; and it was not agreed to.

The question then recurred upon the original amendment, offered by Mr. OLDS.

Mr. TAYLOR, of Ohio, demanded tellers upon the amendment.

Tellers were ordered; and Messrs. PARKER and RIDDLE were appointed.

The question was taken; and the tellers reported—ayes 70, noes 72.

So the amendment was disagreed to.

Mr. HAVEN. I move to amend by striking out the word "forthwith," and inserting in lieu of it the words "immediately after the 31st day of December, 1854;" so that notice, instead of being given forthwith, should not be given until after the above mentioned time. I shall not argue the amendment.

Mr. GOODE. I rise to a question of order. That question has been expressly decided by the committee.

The CHAIRMAN. The Chair understands that the proposition of the gentleman from New York is to strike out the word "forthwith," and it is, therefore, a different question from the one just disposed of.

Mr. HOUSTON. I rise to a question of order. The committee having refused to strike out these lines, it is not in order now to move to strike them out and insert anything else, or to strike out any portion of them. The matter which the committee has refused to strike out is not now amendable.

The CHAIRMAN. The Chair thinks that a proposition to strike out does not preclude a proposition to strike out and substitute something else.

Mr. HAVEN. I desire to make this remark. I listened to the remarks of the gentleman from Virginia, [Mr. GOODE,] and I doubt not that he honestly entertains the opinions he put forth; but, in my judgment, strictly, technically, accurately, and legally speaking, as a question of law, this notice cannot be properly given until the 31st day of December has expired. The language of the proviso is—

"That it shall be in the power of Congress at any time after the 31st day of December, 1854, to terminate the arrangement for the additional allowance herein provided for on giving six months' notice."

Suppose you transpose it, and say that upon giving six months after the 31st of December, 1854, you may terminate the agreement. The notice must be given, and must commence at that time, for the purpose of terminating it. I do not desire to argue the point, but I desire to submit it to the committee, as my opinion, that you might as well give notice in reference to any other transaction, and by that means hasten the performance of an agreement which is provided for at a different time, and under different circumstances.

Mr. HOUSTON. I differ with the gentleman from New York as to the effect of that proviso in the law of 1852. The time mentioned is for the termination of this extra allowance. There is nothing in the law that says we shall postpone the time of giving notice. We may give notice whenever we see fit to do so. We might have given

notice the very day after this bill was signed, that we would terminate this contract at the expiration of six months after the 31st of December, 1854. The time mentioned in the law has reference directly to the time the contract expires? If, however, the Executive Department of the Government should construe the law as the gentleman from New York does, there would then be no harm done, for they would give the notice for the 31st of December.

Mr. TAYLOR, of Ohio, demanded tellers upon Mr. HAVEN's amendment.

Tellers were ordered; and Messrs. CAMPBELL and McMULLIN were appointed.

The question was then taken; and the tellers reported—ayes 82, noes 61.

So Mr. HAVEN's amendment was adopted.

[The committee here informally rose, and the House received a message from the President of the United States, by SIDNEY WEBSTER, his Private Secretary, informing the House that he had signed sundry bills of the House.]

The committee then resumed its session.

Mr. HOUSTON. I am instructed by the Committee of Ways and Means to offer the following amendment, to come in at the twenty-fourth line. It is to carry out existing contracts:

For carrying out the contract entered into by the Post Office Department under an "Act to provide for a tri-monthly mail from New Orleans to Vera Cruz, by way of Tampico and back by steam vessels," approved August 30, 1854, \$54,700.

The amendment was agreed to.

Mr. OLDS. I offer an amendment, to come in immediately after the amendment, just adopted.

The Clerk commenced to read the amendment; but was interrupted by

Mr. HOUSTON, who said: That is a proposition to enter into a new contract. It proposes an appropriation for an object not authorized by law.

Mr. OLDS. It does not make any appropriation at all.

Mr. HOUSTON. Whether it does or not, it proposes to authorize the Department to enter into a new contract, and such an amendment is not in order upon this bill.

Mr. ORR. If it does not make an appropriation, it certainly ought not to be in the bill.

Mr. LETCHER. If the Chair decides the amendment in order, I take an appeal.

The CHAIRMAN. The Chair will first hear the entire amendment read.

The amendment was reported, as follows:

Provided, That the Postmaster General be, and he is hereby, authorized and directed to contract with the Tehuantepec company for the transportation of the United States mails, in weekly trips from Mobile or New Orleans to San Francisco, via Tehuantepec, for the term of four years, at a compensation of \$750,000 per annum, the service to commence upon the completion of the plank road now being constructed across the isthmus of Tehuantepec, said service to be performed within fourteen days each way.

Mr. HOUSTON. Now, sir, my point of order, in the first place, is, that there is no law authorizing the appropriation, if the amendment makes an appropriation; and whether it does or not, it certainly proposes legislation which cannot legitimately be made in an appropriation bill. I think the amendment is clearly out of order.

The CHAIRMAN. The Chair will inquire of the gentleman from Ohio whether the amendment is in pursuance of existing law?

Mr. OLDS. My opposition to the point of order raised by the gentleman from Alabama is, that the amendment makes no appropriation, and contains no provision except one which may legitimately come into an appropriation bill. The bill contains the annual appropriation for a semi-monthly mail between the Atlantic and Pacific coasts. My amendment proposes to direct the Postmaster General to contract for a weekly mail.

The CHAIRMAN. The Chair thinks the amendment is not in order, unless in pursuance of preexisting law. The Chair decides it to be out of order.

Mr. STANTON, of Tennessee. I have an amendment to offer, which I think will be in order. I move the following proviso:

Provided, That the Postmaster General be, and he is hereby, authorized and directed to contract with the lowest responsible bidder, for a weekly transportation of the California mails, by such route as in his judgment shall best combine the advantages of celerity, certainty, and economy—the compensation for such service in no event to ex-

ceed that now paid for the transportation of a semi-monthly mail.

Mr. HOUSTON. I raise the same point of order with reference to this amendment as to that just offered by the gentleman from Ohio.

Mr. STANTON. I simply desire to say, that this bill provides for the transportation of a semi-monthly mail between the Atlantic and Pacific coasts, for which it makes an appropriation of over seven hundred and twenty thousand dollars. Now, my amendment proposes that the Postmaster General shall contract with the lowest bidder for a semi-weekly service, by which we shall get a weekly instead of a semi-monthly service for the same amount.

Mr. PECKHAM. It is not the same service. Mr. HOUSTON. This bill is confined strictly in its provisions to existing contracts made in pursuance of law. There is no appropriation made in the bill that is not to carry out such contracts. The gentleman's amendment stands on an entirely different footing. There is no law authorizing the provisions of the gentleman's amendment, but it proposes to enact a new one.

The CHAIRMAN. The Chair is informed that the gentleman's amendment is based upon an existing law, but that it proposes to change existing laws. He therefore rules it to be out of order.

Mr. HOUSTON. I am instructed by the Committee of Ways and Means to move to strike out "\$85,314," and in lieu thereof to insert "\$120,000," so that the paragraph will read:

For the transportation of the mails across the isthmus of Panama, \$120,000.

The amendment is necessary, because on that route the transportation of mail matter is paid for by the pound, and the increasing size of the mail requires this increase of appropriation.

The question was taken; and the amendment was agreed to.

Mr. PENNINGTON. I move to add, as an additional section, the following:

Sec. 3. And be it further enacted, That the arrangements now subsisting for the transportation of the mails from New York to New Orleans, Charleston, Savannah, Havana, and Chagres, and back; and from Panama to California and Oregon, and back; and from Charleston and Havana, and back; be terminated as soon as, in the opinion of the Postmaster General, it may be done consistently with the public interest; and that the Postmaster General shall give notice of such termination accordingly: *Provided*, That, in the opinion of the Postmaster General, with the concurrence of the Secretary of the Navy and the Attorney General of the United States, the same may be done without violation of any contract now lawfully binding on the United States.

Mr. Chairman, I do not intend to debate the amendment at much length. The committee are impatient to dispose of the bill, and I shall content myself with a statement of a few facts bearing upon the questions involved in the proposition which I submit.

Mr. HOUSTON. I did not perfectly hear the reading of the amendment, but I do not think that it is in order. I think that it is a change of existing law in reference to those lines. The bill proposes to effectuate the contracts, to carry them out, and thus proposing to terminate these contracts, and being a change of the law, is therefore out of order.

Mr. ORR. In reply to the gentleman from Alabama, I would suggest that the existing law in reference to some of these lines provides for this very notice being given.

Mr. HOUSTON. The existing law in relation to the Collins line provides for notice being given; but I believe that is the only case.

Mr. ORR. But the law allows the Government to take the vessels of the other lines, whenever it sees fit, and before the termination of the contract.

Mr. HOUSTON. The Government has a right to do that without any legislation. The amendment proposes to rescind contracts.

Mr. WALSH. Is the question debatable?

The CHAIRMAN. It is not.

Mr. WALSH. Then I ask the Chair to enforce the rules equally on all.

The CHAIRMAN. The Chair doubts whether the amendment is in order; but, under the circumstances, he entertains it.

Mr. PENNINGTON. Mr. Chairman, it will be seen by the committee that the amendment contemplates the possibility of terminating the arrangements now subsisting for the transportation of the mails on the connecting lines between the

Atlantic and Pacific coasts, and on the isolated line between Charleston and Havana; for all which appropriations are made by the bill. The mail service on these connecting lines is now performed under two distinct arrangements; one for the line between New York and Chagres, or Aspinwall, at the rate of \$290,000 per annum, and the other for the line between Panama and California and Oregon, at the rate of \$348,250 per annum, the transportation across the Isthmus of Panama being paid for by weight at twenty-two cents per pound, for which an appropriation of \$120,000 is proposed by the bill as already amended; and all constituting together one continued and connecting chain from New York to California and Oregon. The sum total of these three appropriations, making up the cost of these lines for what may be called the Pacific mail service, is \$758,250. These figures are shown by the bill.

Now, sir, what is the service performed by these lines for this great outlay; and what does the Government realize from it for its reimbursement? The service, as all know, affords us only a semi-monthly mail between the Atlantic and Pacific; and the accounts of the Post Office Department show that the net revenue from it, including inland, sea, and foreign postages, is only \$271,242 63. Upon this, the most favorable basis of calculation for these lines, it appears incontestably that we are maintaining this service at the cost of \$487,007 35 over and above all that is in any way realized from it. Nor is this all. This calculation credits the lines, as I have already said, with the inland, sea, and foreign postages, and makes no deduction for the commissions of postmasters and other incidental expenses. If the proper deductions are made on these accounts, we shall have a result showing the disbursement of an amount largely exceeding half a million of dollars beyond the net revenue derived from the service. And besides this, it is equally certain that no inconsiderable part of the postages received from these lines is diverted from other existing post routes, equally, if not more, expeditious, between New York, New Orleans, Charleston, Savannah, and elsewhere, on the Atlantic side. We have no means of ascertaining accurately what sum ought to be deducted on this account, but it cannot fail to strike the committee that the Government is maintaining these lines at an enormous expense beyond the revenue it derives from them.

As I have already said, the arrangements now subsisting secure only a semi-monthly mail; and we all know that a proposition has frequently been made, and importunately urged upon us by the representatives from California, to provide a weekly instead of a semi-monthly service, at an additional cost of \$250,000; and thus to increase the expense to an amount exceeding \$750,000 over and above the income derived from the arrangements. Now, sir, while I cheerfully concede that it is highly important to afford such a facility of intercommunication between the two oceans, and while I am not disposed to insist that it shall be wholly self-sustaining, but am willing to afford it at any reasonable, and even with a liberal, expenditure of the public money beyond what may be realized from it, I am not prepared to make so extravagant a draft on the national Treasury to sustain it. And yet I cannot conceal from myself the imminent probability that even this immense burden will be cast upon the Government, if no practicable and rightful means can be devised to extricate it from the existing entanglements, and to secure the facility at a less cost.

The other line referred to in the amendment is that between Charleston and Havana. For this line the bill proposes, in accordance with the present arrangement, an appropriation of \$50,000. The accounts of the Post Office Department show that the entire revenue from this line is only \$7,945 63, including inland postage; showing an expense to the Government in maintaining this line of \$42,044 37 over and above its receipts from the same source. If from this we make a fair deduction for inland postages, postmasters' commissions, and other incidental expenses, we shall find the expense to the Government greatly increased. But this is not all. This line is wholly superfluous, so far as I am able to discover. The New York and Chagres line is required to touch at Charleston, (if practicable,) and at all events at Savannah, New Orleans, and Havana; and if there be any necessity for the separate line between

Charleston and Havana, the committee ought to know it.

If it be alleged that it is impracticable for the New York and Chagres line to touch at Charleston, and this be conceded, it cannot be said as to Savannah, New Orleans, or Havana. The Charleston mails may, therefore, readily be taken to Savannah or New Orleans, and thence to Havana, just as the mails of other parts of the southern States are distributed from the same points, and just as the mails from Boston, Newark, and other northern cities, are taken from New York. It is manifest, then, as it seems to me, that the appropriation for this line is wholly indefensible, and is a charge upon the public Treasury for the aid of those interests of the commerce of Charleston which are almost, if not exclusively, aside from the postal interests of the General Government connected with that city.

I do not wish to be understood as objecting to the making of postal arrangements with reference to the facilities which they may incidentally afford to the great interests of commerce, foreign and domestic, of the whole, or of any portion, of our common country; and I trust I am, and ever shall be, incapable of any narrow or merely sectional view of any great national question. On the contrary, I would gladly afford such incidental facilities by liberal appropriations, with direct reference to that object; for this would be in accordance with that generous and beneficent policy which, in my judgment, ought to characterize the legislation of this great and growing Republic. But, sir, while I would do this, I would make no postal arrangement as a mere cover for aid to a local commerce in which no great national or general public interest is involved.

Entertaining these views, Mr. Chairman, I have felt it to be my duty, especially as a member of the select committee on the steamship mail service, to propose the amendment now before the committee. I offer it with no design that any facility demanded by the public interests, and proper to be afforded by the Government, shall be withheld. I desire rather that greater facilities shall be afforded; and I would make a way to accomplish this end, as I believe may be done in regard to the lines embraced by the amendments, with greatly diminished demands upon the public Treasury. This has been an object of desire with Congress, not less than with the Post Office Department, for several years. By an act of the last Congress the Postmaster General was directed to inquire and report to this Congress for what sums these services could be procured, in case new contracts should be made. This inquiry was made, and the Postmaster General, in his annual report, states that he has an offer for a semi-monthly mail service between the Atlantic and the Pacific for \$300,000 per annum, including the Isthmus transportation, which now costs \$120,000, nearly half of the whole sum! This would save the Government \$458,250 annually.

The Postmaster General further states that the same service can be increased to a weekly mail for a *pro rata* allowance; in other words, for an annual allowance of \$600,000. This would furnish a weekly mail for an aggregate compensation less by \$158,250 per annum than is now paid for a semi-monthly mail, and less by \$408,250 per annum than it would cost under the existing arrangements with the increased service compensated for at the rate of \$250,000 per annum, as proposed by the bill introduced and pressed upon us here so earnestly by the California members. The advantages of such an arrangement over that now existing are too patent to need a further exposition. The postal facility, increased from a semi-monthly to a weekly service, at an expense for the latter of scarcely more than one half of that now paid for the former, with the incidental and not less important facility of more frequent intercommunication for passengers and freight, are considerations which press heavily for a change in the present order of things, if such change may rightfully be effected.

The only question that remains to be considered is, whether this change may rightfully be effected by the sole act of the Government? My own impression is that it may. I have not time now to enter into an examination of the facts upon which that impression is founded. Nor is it necessary to do so for the purposes of this amendment. They will be found, for the most part, embodied in the report of the select committee on the steam-

ship mail service, recently made, in the several acts of Congress, from March 3, 1845, to this time, relating to this service, and in Executive Document No. 91, Thirty-Second Congress, first session, referred to in the report of the select committee.

If the amendment proposed that Congress should itself now declare absolutely that these arrangements shall be terminated, a full development of facts sufficient to justify such action should be clearly in the possession of Congress; and if I were now suggesting such a proceeding, I should feel it to be incumbent on me to be prepared, and to take the time necessary to present to the committee the most unequivocal grounds for such a measure, and the most ample materials for forming a judgment upon the proposition; for no gentleman on this floor can entertain more scrupulous or conservative views than myself in regard to the obligation and inviolability of contracts. But such is not the tenor of my amendment. It proposes no hasty nor harsh proceeding; but contemplating these arrangements as subsisting, and presupposing a willingness on the part of those with whom they exist to go on with them, (as doubtless is the fact from the very great profit which is understood to attend them,) it is designed to authorize the Postmaster General to put an end to them whenever he shall be able to make more satisfactory and advantageous arrangements for the same service.

It speaks of subsisting arrangements. It does not recognize them as contracts, nor does it declare that they are not such. The question as to whether the contracts originally made for these lines are still binding is left open and untouched, and to the end that the Government shall not be involved by the act of the Postmaster General, whether wilfully or inadvertently, (if such a supposition may be entertained,) in the violation of a contract to which it may have pledged its faith, and which has been fulfilled in good faith towards the Government, and that the Government shall not, through the Postmaster General, repudiate any obligation lawfully binding upon it however onerous, it expressly inhibits him from intervening in the matter, unless he, in concurrence with the Secretary of the Navy, with whose Department the contracts out of which these arrangements have grown were originally made, and the Attorney General of the United States, as the chief law officer, shall be of opinion that the arrangements may be terminated in good faith, and in that case to do so, if the public interests shall so require.

Now, sir, I am unable to see any reasonable objection to this course of action. I presume that if the arrangements contemplated by the amendment can be superseded by others greatly more advantageous to the Government, without a violation of its pledged faith, no gentleman of the committee will think it consistent with that public economy, which should ever be regarded as among the cardinal principles of the Government, to withhold his support from the amendment.

I have sought by the amendment to provide the most ample protection to those with whom these arrangements now exist against injustice, and I have been the more particular in that respect, because of the conviction which my short experience here has forced upon me, that a large proportion of the class of private claimants who are forced to prosecute their demands before Congress, subjected to the law's delay, and to that hope deferred which maketh the heart sick, have the profoundest provocation, if not good cause, to curse the Government of their allegiance.

If, indeed, I could suppose that those to whom the amendment proposes to intrust the duty and responsibility contemplated by it, would abuse a trust at once so delicate and important, involving not only the honor of the Government and their own, but the interests of all the parties concerned in the arrangements, I should withhold the proposition, preferring that the Government should suffer rather than that private individuals should be made the victims of the injustice of a powerful Government, against which they can have no legal redress, and only the chance of tardy justice from Congress.

I think it wiser to repose this trust where the amendment proposes to place it, than that Congress should act definitively upon the subject. I have bestowed some care upon it, and have a very decided impression upon my mind in regard to it; but I frankly confess that I should be reluctant to

declare these arrangements absolutely terminated, or to say by my vote here that they may be terminated lawfully and rightfully by the sole act of the Government, however much I desire it as a measure of retrenchment. Under all the circumstances, therefore, I prefer the course indicated by the amendment. Something ought to be done to reduce this enormous expenditure, if possible, consistently with the rights of the parties and the duties of the Government. I hope the amendment may be adopted, and that it may prove to be the incipient means of the desired reform.

Mr. WALBRIDGE. Mr. Chairman, I respond, with alacrity, to any measure that shall have for its object the multiplication of our mail facilities with California; but that question is not now immediately involved in this discussion. The action of the gentleman from New Jersey [Mr. PENNINGTON] would, it seems to me, strike at existing contracts, where the faith of the Government has been already pledged, and where private individuals have thus been induced to invest a vast amount of capital in the public service. On the 3d of March, 1847, Congress directed the Secretary of the Navy to contract, on the part of the Government, for the transportation of the mail from Panama to such port as he may select in the Territory of Oregon. The United States were then engaged in war with Mexico. The service was remote and difficult, and the inducements limited, except as they might be presented by the Government. The Secretary of the Navy, in obedience to the authority of Congress, pursued the course usually adopted by the Postmaster General in making contracts for carrying the ordinary inland mails, and issued proposals, by publication, and invited the fullest competition. These proposals were published, for months, in the large cities, where capital would most probably be induced to make the investment, and engage in the service. A contract was finally awarded to Major Harris, an influential resident of this city, and by him assigned to the Messrs. Aspinwall, wealthy and influential merchants of the city of New York. By the terms of the contract, the Secretary of the Navy reserved to Congress the right to abrogate and annul, or to ratify and confirm his action, as will be seen by the following extract from his annual report of that year:

"The great distance at which the service is to be performed, the heavy expenses which must be incurred by the contractors on the Pacific coast, the necessary shops and materials for repair, the indispensable fuel and depot for coal, induce me to adopt the term of ten years as the duration of this contract, which has been adopted by the Post Office Department for its foreign mail contracts. But to guard myself against the reproach of exceeding the authority which it was the intention of Congress to confer, a clause is inserted in the contract, reserving to Congress the right to annul the contract, at its approaching session, if it shall be deemed proper or expedient to do so."

Such was the condition of this contract when Congress assembled in the session of 1847 and 1848. The authority had been reserved by the cautious Secretary to give Congress complete control over what he had done, if they should exercise the power then. Congress affirmed and sanctioned his contract. Yes, sir, they did more. They realized the magnitude of the investment necessary to carry out, in all its provisions, this contract, and they generously stepped forward and advanced the necessary funds from the Treasury, without interest, to enable the contractors to finish the steamships designed for the service, provided the contractor should deliver and take the mails at certain other ports on the Pacific. Congress then not only approved, but they amended and ratified the terms of the contract. That this action of Congress was final, and the contractors became vested with certain rights, and among them the duration of the term of the contract, is clearly deducible from the subsequent action of the Government. California had become an integral portion of the United States. Her golden lands had attracted thither the enterprising and ambitious from every section of the Union. It was palpable that a mighty empire was to arise upon the Pacific, augmenting our trade, increasing the demand for our manufactures, multiplying our commerce, and adding to the strength and greatness of the Republic. It was desirable to increase the mail facilities between her and the older States, the increase of population in California had rendered this indispensable. Congress undertook to provide for this necessity, and during the session of 1850-'51 it was enacted:

"That the Secretary of the Navy, and the Postmaster General, be authorized, by and with the consent of the contracting parties respectively, to rearrange the running of the United States mail steamships, so as to afford more direct dispatch between the ports of the United States and the Isthmus of Panama." And the Postmaster General was also directed to make the service from Panama to California and Oregon conform with the service required by the existing contract on the Atlantic side of the Isthmus, by increasing the trips of the Pacific line to semi-monthly."

The Administration under which the original contract was formed had gone out of power, another had come in, yet no change was sought to be effected that should abrogate the contract; for in the supplemental contract, providing for an increase in the number of trips, it provided for payment "beginning on the commencement of said service, and ending on the last day of September, 1858, being the termination of said contract."

Sir, the faith of the Government was thus solemnly pledged for the period of ten years. In the mean time, circumstances have materially changed the condition of our affairs. Our interests on the Pacific have multiplied and augmented in a ratio unprecedented in any previous period of our history. California has augmented the value of every species of property throughout the Union. Yes, sir, she has raised the price of labor throughout all civilized States. It is due to her and to ourselves that we multiply and increase the facilities between her and us. I shall be ever ready, by my action here, to do so whenever it can be effected; but where the faith of the Government has been pledged, where individuals have acted upon that faith, where they have invested large means, while we are seeking to promote the public good, let it not be accomplished by an utter disregard of the rights of others. Fidelity to contracts is the loftiest obligation recognized in nations or individuals. If this service is no longer desired, let us first comply with our contract; and if it is to be abrogated, let us liquidate the damages, and leave no imputation that we have acted in punic faith with those who have entered into covenants with us.

Mr. BARRY. I move to amend the amendment as follows:

Insert in it "the Collins line from New York to Liverpool, and the line from New York, via Southampton, to Bremen."

In proposing to discontinue other lines, Mr. Chairman, I do not see why all the mail lines existing between this country and Europe should not be included. I do not see why the Collins line to Liverpool, and the Bremen and Southampton line, should be left out of the arrangement. The amendment before the committee, which I propose to amend, leaves out the Collins line and the Bremen and Southampton line; and it seems to me that if we are to indulge in extravagant appropriations for ocean mail service, they ought to be for service between different points of our own country; for the benefit of the country at large. They should be to secure full, free, and speedy communication between different parts of the Union, instead of being squandered on a few lines connecting one or two commercial points with other portions of the world. The Bremen and Southampton line makes just as many trips as the Collins line. The two lines run semi-monthly. They make two trips a month each way; and yet you only give the Bremen and Southampton line something over \$350,000, while to the Collins line, making the same number of trips, you give \$875,000, or thereabouts. While we propose to discontinue this enormous monopoly to the Collins line, I am in favor of no discrimination for other lines. The pay of the line between New York and California, as shown by previous discussion, is enormous, and it ought to be cut down. And so with all the lines, if shown that their profits are enormous, they ought to be reduced. Put them all upon the same footing. Give the power and authority to examine into them all, and if the mails can be carried cheaper, give the Government the benefit of it. I trust the gentleman will accept my amendment; and if he does not, that the committee will vote it in.

Mr. CLINGMAN. I am opposed to the gentleman's amendment, but I do not propose to discuss it.

The question being on Mr. BARRY's amendment,

Mr. WHEELER called for tellers.

Tellers were ordered; and Messrs. SOLLERS and AIREN were appointed.

The question was taken; and the tellers reported—ayes 85, noes 47.

So the amendment was agreed to.

Mr. CLINGMAN. I move to amend the amendment, by adding at the end the following words:

And that the transportation of the mails upon this line be let to the lowest bidder.

The amendment to the amendment was agreed to.

The question then recurred upon Mr. PENNINGTON's amendment as amended.

Mr. HUNT. I move to insert the words "after public advertisement" before the words "to the lowest bidder," in the amendment, as now amended.

The amendment was adopted.

Mr. MACE. I move to add the words:

That all our mail steamship contracts be at once terminated.

Mr. HOUSTON. I rise to a question of order on the amendment.

The CHAIRMAN. The Chair decides that the amendment is not in order.

Mr. BARRY. I move to amend by inserting the following:

Collins line from New York to Liverpool, and from New York, via Southampton, to Bremen.

The amendment was adopted.

Mr. MACE. I move to strike out the word "Chagres."

Mr. HOUSTON. That word has just been inserted, and the amendment is not in order.

The CHAIRMAN. The word having just been inserted in the bill, the Chair decides that the amendment is not in order.

Mr. MACE. I move to add the words, "so soon as it comports with the public interest."

The CHAIRMAN. These words are already in the amendment.

Mr. MACE. I move to insert "1856." Mr. Chairman, I observe a great deal of anxiety on the part of the committee to pass over this matter in rather a hurried manner. It will be recollected that, at an early day of this session, a committee was raised for the purpose of inquiring into everything connected with appropriations for the mail steamship service. It was raised for the purpose of inquiring into the legality of the payments which have been made in regard to this service. For seven Mondays in succession I endeavored to enlarge the powers of this committee, but at every point I was met with objection under the rules of this House.

Mr. BRIDGES. I ask the Chair whether the gentleman from Indiana is in order?

The CHAIRMAN. The Chair cannot decide the point of order raised by the gentleman from Pennsylvania until the gentleman from Indiana shall have proceeded far enough in his remarks to determine whether he is out of order.

Mr. MACE. After I had failed in the most humiliating manner to accomplish my object, I did succeed in getting a clerk for twenty days for the purpose of aiding the committee in making a report within the purview of the resolution which had been adopted by the House. I appeal to every gentleman upon the committee, and there were eight besides myself, if I have not been prompt in my attendance upon the meetings of that committee, if I have not advised with them, and if I have not at all times been anxious to apply a remedy to the great evil which has existed in this Government for the last five years in reference to our ocean mail steamers? Under these circumstances, then, I will not submit to be told by members of this House—I know from what quarter the statement comes—that the committee have made a white-washing report in reference to this case; and I pronounce here, that any man who charges that I have been guilty of any dereliction of duty in reference to this whole matter, is a liar and a scoundrel.

[Loud cries of "Order!" "Order!"]

Mr. SEWARD. I have stated that the gentleman from Indiana, in his first remarks made here upon this subject, said that this contract was fraudulent, and that he was able to show it. I have said since, without seeing the report, that I had understood that the effect of it was to relieve these companies of all the charges made against them, and that it was a white-washing report; and I wish the gentleman to understand that I am responsible for what I say out of doors.

Mr. MACE. I will state to the gentleman from Georgia—

[Cries of "Order!" "Order!"]

The CHAIRMAN. The gentleman from Indiana must confine his remarks to the amendment he has offered.

Mr. MACE. I say to the gentleman from Georgia, and I appeal to every man here who knows anything about it, whether, in the investigation of this matter, we have not traveled over the whole ground?

[Here the hammer fell.]

Mr. SEWARD. I did not mean to impeach the motives of the gentleman from Indiana. I merely stated that he had made charges against this company, and that I had understood from the report made since he had relieved that company from the charges he had made against them.

Mr. HAVEN. I oppose the amendment under consideration, for the purpose of keeping the floor for a few moments; but what I desire to say is in reference to the general amendment offered by the gentleman from New Jersey, [Mr. PENNINGTON.]

I hardly know, Mr. Chairman, what would be wise on the part of this committee in reference to that general amendment now. Here are the various lines of steamers, named in that amendment, engaged in the transportation of our mails, under a kind of system, so to speak, that we have been maturing, year after year, for half a dozen years past. Contracts have been awarded to and made with the lowest bidders; and it seems to be understood by all the gentlemen here they have yet four, and, in some cases, five years to run.

The question now submitted by this general amendment is, shall we place these contracts, and the contractors for these various lines, in the hands and under the absolute and arbitrary control of the Postmaster General and the Attorney General? Shall these contractors, who have several millions of dollars invested in ships and steamers, on the faith of this Government, and under its valid and binding contracts, be placed in the absolute power of the officers named in the amendment, without the right of trial by a jury, or by the courts of the country, and without any right of appeal whatever?

As I understand the amendment—but I am not quite sure I heard it aright—we are to place it in the power of these officers to lay violent, if not profane hands upon these contracts, and to declare they shall be ended and broken on our part, right or wrong, and that we will be no longer bound by them. Sir, we have the power to do this; we may make such an enactment that cannot, I suppose, be denied; but can any man justify the expediency, the propriety, the good faith, or rather the utter destitution of all faith of such a proceeding on our part, and that, too, in the very face of the report of the committee, of which my friend from Indiana [Mr. MACE] was chairman, fully exculpating these companies, and the men who compose them, from all wrong, fraud, or violation of these contracts on their part? Can it be possible that gentlemen of this committee, who profess to respect the rights of property, as well as of the persons of our citizens, can so openly authorize them to be violated, and without giving the parties in interest the benefit of a trial before the ordinary tribunals of the country, and without making the least provision for payment of damages, for our unlawful termination of our solemn contracts and plighted faith? These contracts were made after advertisement, and with the most advantageous bidder after full competition.

Sir, would it not better comport with the honor, nay more, with the honesty of this Government, that it should keep these contracts on its part, and live up to them so long as they are faithfully observed and kept by the contractors? In my opinion, no Government but a republican one could long survive such shameless disregard and violation of plighted faith and private rights. It is true, the compensation, as things are turning out in these cases, may be large; the contracts were made some time ago, and things have changed; but, nevertheless, they are our engagements, and we would not let the contractors off with so little ceremony, if things had turned out differently. If these contracts are to be violated on our part, and violently terminated without cause, let us say so here and now; but if they are only to be avoided by us on the ground the contractors have violated them, let us give the contractors the benefit

of a trial before the ordinary legal tribunals of the country. The Constitution secures the right of trial by jury in all suits at common law where the value in controversy shall exceed twenty dollars; and that would be a prudent and safe guide in cases like this. How incongruous to intrust this matter with political executive officers. These officers will not thank us, I am sure, for letting all these contending and immense steam interests loose upon them at once. I doubt whether they will regard it as an acceptable service.

Mr. WALSH. I rise to a question of order. I insist that the gentleman is not speaking to the amendment before the House.

Mr. HAVEN. I did not hear distinctly what the amendment was.

The CHAIRMAN. The amendment is that submitted by the gentleman from Indiana, [Mr. MACE,] which is to prevent the operation of the section from taking effect till 1856.

Mr. HAVEN. Very well; then I submit that the remarks I have made apply properly to the time between this and 1856, and also to the time between 1856 and the expiration of these contracts, and that makes them in order, I believe. [Laughter.] Of course, sir, I would not go on out of order. It seems to me what I have been saying is pertinent to this whole case, in whatever aspect it may be viewed. I hardly know what I ought to say more. These gentlemen—men of great enterprise—have millions of money invested in these operations; and your special committee, armed with power to send for persons and papers, and administer oaths, report to us in substance they can find nothing on which they can put their hand giving color to any suspicion, neglect, or disregard of public interest on the part of these contractors.

It seems to me, Mr. Chairman, in fact, it is my very decided opinion, that after this kind of legislation, capitalists, business men, will be very cautious how they undertake to deal with a Government of so questionable a faith, and that will lay violent hands in this way on its own solemn promises.

I do not intend to, and will not urge or solicit this committee to act in one way or the other. I only desire that they reflect, before acting finally. My own judgment tells me that, in good faith and fair dealing, if we made a bargain in 1848 or 1850, which was then a good bargain, we had better live by it as long as the other parties to it keep it honorably. I would not enter into these bargains now, if it were an open question. But they are bargains binding upon all, except, perhaps, those who, by their votes here, can exercise a kind of irresponsible power in the premises.

Mr. ORR. Will the gentleman from New York permit me to make a remark?

Mr. HAVEN. Certainly.

Mr. ORR. I do not understand the section as proposing to abrogate this contract, if such abrogation would be in violation of existing law. It proposes to refer the matter for decision to the Secretary of the Navy, the Attorney General, and Postmaster General.

Mr. PHILLIPS. Will the gentleman from New York permit me—

Mr. HAVEN. Not now. One at a time. Let me first answer the suggestion of the gentleman from South Carolina, [Mr. ORR.]

If we now propose to abrogate this contract, the question as to whether or not the contractors have faithfully kept and performed them, is a question of fact for a jury of the country to determine, or for the adjudication of the courts. It belongs to them by the Constitution of the country, and it ought not to be taken from the common tribunals of the country and transferred to those officers who hold their appointment for other purposes entirely.

I will now hear the gentleman from Alabama, [Mr. PHILLIPS.]

Mr. PHILLIPS. I will state this to the gentleman from New York, that this House, by a unanimous vote, could not pass a law authorizing the contract to be violated.

Mr. HAVEN. Very well, sir.

Mr. PHILLIPS. And this provision, which is inserted here, is to authorize the officers mentioned in it—the Attorney General, the Postmaster General, and the Secretary of the Navy—to exercise the right which has been secured by law; which is, by notification, to put an end to the contract; but the period at which that contract is to be ended

is a question of law depending on the terms of the contract; and the unanimous vote of every member of the House could not pass a law authorizing this contract to be violated.

Mr. HAVEN. Mr. Chairman, my friend from Alabama [Mr. PHILLIPS] seems to me, to concur very nearly in my views. True, we cannot rightfully, lawfully, or in good morals, violate our contracts, and disregard our plighted faith; but suppose wrongfully, and in bad morals, we pass a law for that purpose, I ask my friend what, and where, is the remedy of the party aggrieved. He cannot sue the Government; its sovereignty is not liable to answer to a citizen's suit in court. His only remedy is by petition for redress to us—to the very power that has wantonly damaged him. What relief could he expect from so faithless a tribunal? But further: I ask my friend the difference between our passing a law to violate these contracts directly, and on our own responsibility, and passing one depriving the contractors of their right of trial by the legal institutions of the country, and placing them at the mercy of irresponsible political Executive officers? For whilst these contractors cannot sue the Government, the Government can sue them, and so try the questions between them by a court and jury.

[Here the hammer fell.]

The question was then taken on Mr. MACE's amendment; and it was not agreed to.

Mr. PHILLIPS. I move to amend the amendment by adding "the Secretary of War." In the first place, the matter of putting an end to the contracts is a mere question of policy with the Government, not predicated on any charge of mismanagement, fraud, or corruption on the part of the employees of the Government. It is a question whether it is policy for us to put an end to the contracts, without regard to the question whether they are well or ill managed. Now, as to the power on the part of this House to put an end to the contracts, that is a question which is in the contracts themselves; and if we cannot in a given time put an end to the contracts, because they stipulate for another time, I repeat that the whole power of this House is incompetent to change it, and to take away from the humblest citizen in this country the right vested in him by the contract made with any department of the Government.

But the gentleman from New York [Mr. HAVEN] says again that you would deprive the party of the benefit of the tribunal of the courts of the country. My answer to that is, that you can no more deprive him of a right to resort to the legal tribunals of the country, if he has such a right now, than you can of his rights under the contract. And if the Secretary of the Navy, the Attorney General, the President, and all the Cabinet, were to decide that under this contract they had the right to put it to an end on a given day, it would not impair the rights of the party under the contract, or deprive him of the right, if he thinks it incorrectly decided, of appealing to the supreme tribunal of the land, the courts of the country. It is perfectly clear to my mind that we have not the power to do it; and it is not proposed to do it by the amendment which has been offered. So far from proposing to violate the contract, and taking the matter out of the tribunals, it proposes to leave the matter in the hands of the parties to the contract. The Government decides for itself that it has the right to put an end to the contract in a certain time. The other party are satisfied that this Government have not the right to put an end to the contract. None of their rights are forfeited by the action of the Government. They have the right to appeal to the tribunals, which have been organized by the Constitution of the United States for their protection.

Mr. CHANDLER. Not having thus far participated in this debate, I rise to make a very few remarks in opposition to the amendment of the gentleman from Alabama.

Mr. PHILLIPS. I withdraw the amendment.

Mr. CHANDLER. I have no amendment to offer, but I object to the amendment being withdrawn until I have said what I have to say in reference to the subject to which it relates. I wish simply to say, that at times this House has acted with a total disregard of contracts. I thought the gentleman from Alabama [Mr. PHILLIPS] seemed to be willing to vote upon this as a proposition that was in violation of the plighted faith

of the nation. But now he tells us that whatever amendments this House or Congress may adopt, the owners of these lines of steamers have their remedies in the courts; that the tribunals established by the Constitution will protect them in their rights. Why, sir, does not the gentleman from Alabama know—does not every gentleman upon this floor know, that the best plea any man could make against the law would be *nolo contendere*. No men would undertake to enter into a contest before the tribunals of the country with the Government of the United States which has nothing which it fears to lose.

Mr. PECKHAM. If the gentleman from Pennsylvania will allow me to interrupt him, I would like to ask the gentleman from Alabama who is going to give these prosecutors the right to prosecute in the courts? Who are to be the defendants? Does the gentleman suppose that any persons can sue against the Government of the United States? Is not the disposal by the Government of the United States, of any contract, perfect and absolute? Talk about suing this Government! You can do no such thing.

Mr. CHANDLER. That is all very evident, and it is the point to which my remarks are tending. Sir, pass this amendment, and all that you would do would be to divest certain persons of the power of demanding what the Government had contracted to pay. Should they present themselves before the Department for redress, the Government would be armed with an act of Congress which forbids them to pay it. When they come here and ask for the money we have contracted to pay them, Congress may set them at defiance, and wear them out with delay, pleading against them for pay that their claim is too large, and then entering the plea that the claim is too old. This Government is continually putting itself upon its sovereignty towards the people, seldom manifesting its justice, which is the attribute of real sovereignty; and it is continually putting the people upon their faces as petitioners for their rights, instead of coming here to assert them. The best step that could be taken—and the motion which I would make, if I were in a position to do it—would be to move to strike out the enacting clause of the bill, let it be reported to the House, and sent back to the committee which reported it, with instructions to make it a bill of appropriations, as it ought to be.

[Voices: "That's right; make the motion."]

The chairman of this committee has ruled every amendment which has been offered here today, for the purpose of making new appropriations—and with great justice and propriety, I have no doubt—as out of order. But, although not one word has been said against it, I am sure he will concur with me that those which have been adopted, and some of the provisions of this bill, should have been ruled out of order as not germane to a bill simply to provide ways and means to pay for certain contracts. That should be the effect of the bill, instead of attempting to enlarge contracts, make new contracts, and violate existing contracts, as we have been trying to do from beginning to end.

Mr. PHILLIPS, by unanimous consent, withdrew his amendment.

The question recurred on Mr. PENNINGTON's amendment, as amended.

Mr. PENNINGTON. I demand tellers.

Tellers were ordered; and Messrs. SOLLERS and CAMPBELL were appointed.

The question was taken; and the amendment was agreed to, the tellers having reported—ayes 82, noes 42.

Mr. BRIDGES. I move that the committee do now rise, and report the bill to the House.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, the chairman (Mr. ENGLISH) reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly a bill "making appropriations for the transportation of the United States mail, by ocean steamers and otherwise, during the fiscal year ending the 30th of June, 1855," and had directed him to report the same back with sundry amendments.

Mr. JONES, of Tennessee. I move the previous question.

The previous question was seconded, and the main question ordered to be put.

The amendments reported from the Committee of the Whole on the state of the Union were then taken up and acted on.

First amendment:

In ninth and tenth lines strike out the word "forthwith," and insert the following: "immediately after the 31st of December, 1854."

Mr. WASHBURN, of Maine. I wish to inquire of the Chair if it is in order to have a separate vote? I ask for a division of the question upon the first section.

The SPEAKER. It would not be in order.

Mr. WASHBURN. I understand by the 53d rule that it is in order to ask for a division of the question.

The SPEAKER. The gentleman from Maine cannot make the division as proposed by him.

Mr. WASHBURN. I ask for the reading of the 53d rule.

The SPEAKER. If the gentleman from Maine designs to take an appeal from the decision of the Chair, the Clerk will read the 53d rule, so that the House may act understandingly upon the matter.

Mr. WASHBURN. I do take an appeal most respectfully from the decision of the Chair.

The 53d rule was then read, as follows:

"Any member may call for the division of a question which shall be divided, if it comprehend propositions in substance so distinct, that one being taken away a substantive proposition shall remain for the decision of the House. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall preclude neither amendment nor a motion to strike out and insert."

Mr. WASHBURN. I ask that the proposition may be read, that it may appear where the substantive proposition was left.

The SPEAKER. Does the gentleman desire a separate vote upon parts of the amendment that has been read?

Mr. WASHBURN. Upon parts of the bill. Upon so much of the bill as is contained from the ninth line to the eighteenth, inclusive.

The SPEAKER. Does not the gentleman from Maine remember that the previous question is operating, which cuts off all amendments?

Mr. WASHBURN. I do not offer an amendment. I ask simply a separate vote.

The SPEAKER. The Chair decides that no such separate vote can be had under the rules.

Mr. ORR. The original matter is not now before the House, but the question is upon an amendment.

Mr. STEPHENS, of Georgia. The proposition of the gentleman from Maine is simply equivalent to a motion to amend the bill. It is clearly out of order.

The question was then taken on the appeal, and the decision of the Chair was sustained.

The question was then taken upon the amendment, and it was agreed to.

Second amendment:

For carrying out the contract entered into by the Post Office Department, under an "Act to provide for a tri-monthly mail from New Orleans to Vera Cruz, by way of Tampico and back by steam vessels," approved August 30th, 1854, §54,700.

The amendment was agreed to.

Third amendment:

On page three, after the word "Panama," in the nineteenth line, strike out "\$85,314," and insert in lieu thereof "\$120,000."

The clause, as amended, will read:

For transportation of the mails across the Isthmus of Panama, \$120,000.

The amendment was agreed to.

Fourth amendment:

Add the following additional section to the bill:

Sec. 3. And be it further enacted, That the arrangements now subsisting for the transportation of the mails from New York to Liverpool, from New York, via Southampton, to Bremen; from New York, via Cowes, to Havre, and back; from New York to New Orleans, to Charleston, Savannah and back; from Panama to California and Oregon, and back; and from Charleston to Havana, and back, be terminated as soon as, in the opinion of the Postmaster General, it may be done consistently with the public interests; and that the Postmaster General shall give notice of such termination accordingly: *Provided*, That, in the opinion of the Postmaster General, with the concurrence of the Secretary of the Navy, and the Attorney General of the United States, the same may be done without the violation of any contract now lawfully binding on the United States; and that the transportation of the mails on these lines be let to the lowest responsible bidder, after previous advertisement.

The amendment was agreed to.

The bill was then ordered to be engrossed and

read a third time; and being engrossed, it was accordingly read the third time.

The bill was then passed.

Mr. ORR moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

ENROLLED BILLS.

Mr. GREEN, from the Committee on Enrolled Bills, reported as correctly enrolled the following bills; which thereupon received the signature of the Speaker:

House bill (No. 474) "authorizing the Secretary of the Treasury to pay John Charles Fremont for beef furnished the California Indians; and

An act for the relief of Captain Lewis E. Simonds.

TEXAS CREDITORS.

Mr. ORR. I ask the unanimous consent of the House to take up from the Speaker's table Senate bill No. 96, being a bill adjusting the debts of the Texas creditors.

Mr. WALSH. I object.

Mr. ORR. Then I move that the rules be suspended, for the purpose of taking up the bill indicated by me.

Mr. CHAMBERLAIN. Mr. Speaker—

Mr. CAMPBELL. I rise to a privileged question. I move that the House do now adjourn.

The SPEAKER. The Chair saw the gentleman from Indiana [Mr. CHAMBERLAIN] addressing the Chair simultaneously with the gentleman from South Carolina, [Mr. ORR.]

Mr. CHAMBERLAIN. With due deference to the Speaker, I assert that I rose to my feet and addressed the Chair before the gentleman from South Carolina.

[Loud cries of "Order!" "Order!"]

Mr. CHAMBERLAIN. I wish to remark—

The SPEAKER, (interrupting.) The gentleman from Indiana brings distinctly before the body a charge of partiality on the part of the Speaker.

Mr. CHAMBERLAIN. I did not pretend to charge the Speaker with partiality.

The SPEAKER. Then why address the Chair on that point?

Mr. CHAMBERLAIN. I wished to call the attention of the Chair and of the House to the motive which I had in rising to address the Chair when I first did. It was this: My object was to call for the yeas and nays on the passage of the mail steamer bill. It was for that purpose I rose to my feet.

The SPEAKER. The Chair can only say to the gentleman from Indiana, that he did not know he had risen and addressed the Chair at all in that connection.

Mr. CHAMBERLAIN. I made the effort to have the yeas and nays with all my might.

The SPEAKER. The Chair reiterates that he did not hear the gentleman from Indiana at all.

The question was taken on Mr. CAMPBELL's motion to adjourn; and it was agreed to.

The House thereupon, (at ten minutes before four o'clock, p. m.) adjourned till Monday at eleven o'clock, a. m.

IN SENATE.

Monday, July 31, 1854.

Prayer by Rev. HENRY SLICER.

On motion by Mr. COOPER, the reading of the Journal was dispensed with.

EXECUTIVE BUSINESS.

Mr. MASON. I move to postpone all prior orders, with a view to go into Executive session; and on that motion I ask for the yeas and nays.

Mr. COOPER. Will my friend from Virginia allow me to have a resolution passed for the printing of the report of Professor Espy. It will give rise to no debate. If it does, I will withdraw it.

Mr. MASON. If my motion can be considered as before the Senate, I will, of course, give way to any of the ordinary morning business; not otherwise.

PROFESSOR ESPY'S REPORT.

The PRESIDENT. Then the resolution of the Senator from Pennsylvania will be received.

It was read, as follows:

Resolved, That there be printed for the use of the Senate three thousand copies of the fourth meteorological report of Professor Espy; and that the printing and binding be executed in the same manner as the printing and binding of the third report.

Mr. COOPER. This is the same number that was printed heretofore.

Mr. ADAMS. I think the rules require that such resolutions shall go to the Committee on Printing.

The PRESIDENT. The resolution must go to that committee.

PETITIONS, ETC.

Mr. SUMNER presented the petition of Elijah D. Brigham, praying permission to change the name of the brig Glamorgan to that of Wizard; and that a new register may be issued for her under that name; which was referred to the Committee on Commerce.

Mr. WELLER presented the memorial of John C. McFarren and Samuel D. Sturgis, officers of the Army, praying compensation for services rendered by them respectively in grades higher than that to which they belong; which was referred to the Committee on Military Affairs.

REPORTS FROM STANDING COMMITTEES.

Mr. ADAMS, from the Committee on the Post Office and Post Roads, to whom was referred the memorial of James Thompson, and the administrator of C. M. Strader, reported a joint resolution for the settlement of the claim of the late firm of C. M. Strader & Co., mail contractors; which was read, and passed to a second reading.

Mr. SHIELDS, from the Committee on Military Affairs, to whom were referred the following bills and joint resolutions from the House of Representatives, reported them back without amendment:

A bill for the relief David C. Cash and Giles U. Ellis;

A bill for the relief of William Hankins;

A bill for the relief of Lieutenant George H. Paige, of the United States Navy;

A bill authorizing the Secretary of the Treasury to settle the accounts of Thomas Jordan, assistant quartermaster in the United States Army;

A joint resolution for the relief of Brevet Captain J. H. Lendrum, United States Army; and

A joint resolution for the settlement of the claim of Don Juan Jesus Vigil, of New Mexico.

Mr. ALLEN, from the Committee on Pensions, to whom was referred the bill for the relief of John S. King, of Virginia, reported it back without amendment.

COMMITTEE ON ENROLLED BILLS.

On motion by Mr. JONES, of Iowa, that an additional member be appointed on the Committee on Enrolled Bills, and that the appointment be made by the President *pro tempore*; in accordance therewith Mr. Thomson, of New Jersey, was appointed.

BOMBARDMENT OF SAN JUAN.

A message was received from the President of the United States, by Mr. WEBSTER, his Secretary, transmitting, in compliance with a resolution of the Senate of the 23d instant, reports from the Secretaries of State, and of the Navy, in relation to the bombardment and burning of San Juan de Nicaragua, together with sundry documents respecting the same; which were referred to the Committee on Foreign Relations, and ordered to be printed.

ENROLLED BILLS SIGNED.

A message was received from the House of Representatives, by Mr. McKEAN, Chief Clerk, announcing that the Speaker had signed the following enrolled bills and joint resolutions:

An act for the relief of the legal representatives of Major Caleb Swan, deceased;

An act to authorize the payment of invalid pensions to the heirs of Lieutenant Robert White and others;

An act for the relief of the heirs and representatives of Colonel Alexander G. Morgan;

An act for the purchase of the copyright of a work published by Thomas H. Sumner, wherein he describes his new method of ascertaining a ship's position at sea;

An act to provide compensation for the services of George Morell in adjusting titles to land in Michigan;

An act for the relief of Sylvester Pettibone;

An act for the relief of Levi Pierce, and Andrew Hodge, jr;

An act for the relief of Henry La Reintrie;

An act for the relief of Dr. S. R. Addison, passed assistant surgeon in the United States Navy;

An act for the relief of Jean Baptiste Beaubien;

An act for the relief of William Darby;

An act for the relief of Urban Stoll;

An act for the relief of Asa Andrews;

An act for the relief of Jonas P. Levy and José Maria Jarrero;

An act for the relief of Captain Charles G. Merchant;

An act for the relief of William Brown;

An act for the relief of Gaston T. Raoul;

An act for the relief Phineas M. Nightingale, administrator of the estate of General Nathaniel Greene, deceased;

An act for the relief of A. G. Penn;

An act for the settlement of the claims of W. P. Buckner and Pierce Crosby, passed midshipmen in the United States Navy;

An act for the relief of William G. Smith;

An act to revive the act approved March 3, 1823, and the act approved May 26, 1824, supplemental thereto, in reference to the Rio Hondo claims to land in Louisiana;

Joint resolution giving one hundred and sixty acres of land to Francis M. Gwin, of Indiana; and

Joint resolution for the relief of John A. Bryan. The above named bills were subsequently signed by the President *pro tempore*.

CHARLES GORDON.

Mr. FOOT. I am directed by the Committee on Public Lands to report the following resolution:

Resolved, That the Secretary of the Senate be directed to pay to Charles Gordon, out of the contingent fund of the Senate, the sum of \$1,500, it being for his services as draughtsman for the Senate from March 3, 1839, to January 1, 1840.

Mr. President, I think a simple statement of facts will suffice to satisfy the Senate that this resolution should be passed. Mr. Gordon had been employed, under resolutions of the Senate, as draughtsman to the Committee on Public Lands for several years. On the last day of a session, the 3d March, 1839, those resolutions were repealed at the last hour of that session, and without consideration. The result would be, that the work upon which his labor had for years been bestowed, would be left in an incomplete condition. There were nine maps of States, containing the public lands, which were then in an incomplete state. The Committee on Public Lands, to remedy this, directed Mr. Gordon to proceed with the work, and complete these maps. Mr. Walker, of Mississippi, being then chairman of that committee, gave him assurance that Congress would make him compensation. Under this assurance and direction, Mr. Gordon proceeded with the work and completed those maps, and delivered them to the Senate, to the satisfaction of the Committee on Public Lands. He was engaged in that work from the 3d of March, 1839, to the 1st of January, 1840. Mr. Walker has himself certified the fact of his employment, and the correctness of Mr. Gordon's statements in his memorial, and that this amount ought to be paid. Fifteen hundred dollars is at the rate of compensation which had been paid him for such services for seven years preceding, during which he had been engaged in this work; that is, at the rate of \$1,800 per annum. I report this resolution, for payment of those services, by direction of the Committee on Public Lands, and I ask that it be considered now.

Mr. BRODHEAD. I desire to inquire of the Senator from Vermont whether this gentleman's case is not pending before one of the standing committees of this body.

Mr. FOOT. This case has been pending before the Committee on Public Lands, and that committee have directed me to make this report.

Mr. ADAMS. I have no doubt it is all right; but still, I think such propositions should be considered as others, and therefore I object to the present consideration of this resolution.

The PRESIDENT. Then it must lie over for one day, under the rules.

COMMITTEE CLERKS.

Mr. EVANS. I move to take up the resolution which I submitted some days ago in refer-

ence to the payment of clerks to committees. I suppose it will lead to no debate.

The motion was agreed to; and the Senate accordingly proceeded to consider the following resolution:

Resolved, That the clerks of the committees of the Senate be paid from the day of their appointment, except those who were on duty from the beginning of the session.

Mr. PETTIT. The amendment, which was made in reference to the payment of committee clerks, to the resolutions relative to the compensation of the officers and employees of the Senate, was made on my motion. That amendment was that the committee clerks should be paid from the commencement of the session. I offered it knowingly and designedly. I did not know, however, that there were some of the clerks who had been appointed recently. I supposed they had all been appointed within a month or two, at any rate, of the commencement of the session. The reason I had in desiring that they should be paid from the commencement was this: A number of committees hesitated at first about asking for the employment of a clerk, and in those cases the business of the committee had accumulated, and had not been done; and when the clerk came in a month or two months later than the commencement of the session, he found all the business of the committee to do. He found it piled up on his hands, for Senators could not find time to attend to it.

For this reason, I thought it was right that such clerks should be paid from the commencement of the session; but seeing that some have been appointed very recently, I do not think that provision will operate entirely fair. I think, however, that those clerks who were not employed later than two months after the commencement of the session, ought to be paid from the first day of the session, for the reason I have stated, that they were compelled to do all the business of the session as much as if they had been at work all the time. I therefore move to amend the resolution so as to provide that those who were appointed before the 1st of February, shall draw their pay from the beginning of the session.

Mr. EVANS. On the 19th of January, at the instance of some one, I suppose the Senator from Indiana, the Senate agreed to this resolution:

Resolved, That such of the clerks of the standing committees of the Senate as have been on duty from the first day of this session be paid therefrom.

The resolution that I submit does not conflict with this. Mine is, that those in actual employment from the first of the session shall be paid from that time. The resolution giving the committees the right to employ clerks was proposed on the 15th of December; but there were many clerks, those who had been the clerks to former committees, who were here and attended under the expectation and promise that they should be reappointed from the beginning of the session, and those ought to be paid from that time. This resolution provides for them. It allows those who served from the commencement of the session to be paid from that time.

Now, the correct principle is, that a man should be paid for his labor. Those who were not here at first, and did not come for two months after the commencement of the session, ought not to be paid from the beginning; for, at most, it is true that but very few of them have much to do. The committees meet, on an average, once a week; and the clerk has the remainder of the time to arrange the papers. So far as I know anything about the committees, it does not take very long to arrange the papers and make out such statements as I have seen. I think, therefore, the true principle is, that each man should be paid for the labor he performs, and for nothing else. This resolution is intended to cover that principle. If the gentleman's clerk was on duty from the first of the session, he will be entitled to be paid, and, in fact, I believe he has been paid from the beginning of the session. Such is my information.

Mr. MASON. I submit to the Senators that they allow the vote to be taken at once; otherwise I shall be obliged to interpose and ask for the vote on my motion.

Mr. EVANS. I have nothing more to say.

Mr. PETTIT. I will allow the vote to be taken in a few minutes. So far as some of the committees are concerned, I do not know how much labor the clerks may have, but I think every member of the Committee on Private Land Claims will bear

me witness that we have had for our clerk a most onerous and burdensome service, and that he has performed his labors efficiently and ably. I know that every member of that committee will bear witness to this. It is true he did not commence with us at the beginning of the session; he commenced some time in January; but it is equally true that he found the major part of the business untouched, and that he was compelled to go into the investigation of cases which had been referred to us at the beginning of the session. I do not wish to make invidious comparisons, but I will say that that committee required there should be a lawyer of capacity to investigate legal questions. Such a clerk I found; and I do him no more than justice when I say he ought to be paid from the commencement of the session. If the other committee clerks have labored as he has labored, and with the intelligence and capacity he has, they ought to be paid for that extra time. I know some have been employed only a month or two, and ought not to be paid from the commencement of the session. Our files will show the number of cases which have been examined and reported upon by the Committee on Private Land Claims; and I presume they are no more than from any other committee, but they show the faithfulness of our clerk.

Mr. ADAMS. Mr. President, I will not detain the Senate for a minute, but I desire to call their attention to the fact that, at the close of the last session, it was distinctly understood that no extra compensation would be given to the employees of the Senate. These clerks were employed at four dollars a day. The Senate, by a resolution since that time, have agreed to give them five dollars a day, and twenty per cent. upon that, which amounts to six dollars a day. Not content with that, they desire to go back and receive compensation before their services commenced. I think it is time to put a stop to it. When you make a contract with clerks, why not require them to abide by it, as we abide by our contract to take eight dollars a day? I saw no propriety in giving the increased pay which we have already agreed to give; and I can see still less propriety in paying for services never rendered. If we pay them six dollars a day from the time they commenced their services, I think it is enough, and I can see no propriety in paying them for the time when they were at home or here seeking employment. I hope the amendment of the Senator from Indiana will not be adopted, and that the resolution, as offered by the Senator from South Carolina may be agreed to.

The amendment was rejected; and the resolution was adopted.

POST ROUTES.

Mr. RUSK. The Committee on the Post Office and Post Roads have directed me to report a bill "to establish certain additional post roads." It is to provide for three or four post routes, which are not in the general bill, and I ask the unanimous consent of the Senate to consider it at this time.

There being no objection, the bill was read twice by its title, and considered as in Committee of the Whole.

The Secretary was about to read the bill through. Mr. RUSK, (interposing.) There is no use in reading the bill through. It is simply to provide for three or four post routes which were omitted in the general bill, as I have already said.

There being no objection, the reading of the bill was dispensed with.

Mr. DODGE, of Iowa. With the consent of the Senator from Texas, I move to amend the bill by adding the following post route in Iowa:

From Fort Madison, by West Point and Big Mound, to Keosauqua, in Iowa.

The amendment was agreed to; and the bill was reported to the Senate, as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read a third time, and passed.

RATES OF POSTAGE.

Mr. RUSK. The Committee on the Post Office and Post Roads, to whom was referred the bill from the House of Representatives, further to amend the act entitled "An act to reduce and modify the rates of postage in the United States, and for other purposes, passed March 3, 1851," have instructed me to report it back with amendments.

It is an important bill, and must go to the House to-day or to-morrow, or it may fail altogether. It is designed to operate upon the revenues of the Department, and I hope it will be considered at once.

There being no objection, the Senate proceeded, as in Committee of the Whole, to consider the bill.

The first amendment of the committee was a verbal one, to strike out "on" and insert "in."

The next amendment was to insert after the provision requiring all letters to be prepaid, the following:

Except upon letters and packages addressed to officers of the Government on official business, which shall be so marked upon the envelope.

The next amendment was to strike out "such prepayment shall be by stamps," and insert "the Postmaster General may require postmasters to place post office stamps upon all prepaid letters upon which such stamps may not have been placed by the writers."

The next amendment was in the second section to strike out of the provision making it a penal offense for any person to seal stamps or stamped envelopes for more than their value, the words:

"For any larger sum than that indicated upon the face of such stamp or stamped envelope," and insert in lieu thereof, "for any larger sum than that charged therefor by the Post Office Department."

The amendments of the committee were agreed to.

Mr. BRIGHT called for the reading of the bill as amended, and it was accordingly read.

It proposes to fix the following scale of postages:

For every single letter in manuscript, or paper of any kind in which information shall be asked for or communicated in writing, or by marks or signs, conveyed in the mail for any distance between places in the United States not exceeding three thousand miles, three cents; and for any distance exceeding three thousand miles, ten cents.

For every such letter or paper when conveyed wholly or in part by sea, and to or from a foreign country, for any distance not exceeding three thousand miles, the ocean postage shall be five cents; and for any distance exceeding three thousand miles, such ocean postage shall be ten cents, (excepting, however, all cases where such postages have been, or shall be, adjusted at different rates by postal treaty or convention already concluded or hereafter to be made.)

For a double letter there shall be charged double the rates specified; and for a treble letter, treble those rates; and for a quadruple letter, quadruple those rates; and every letter or parcel not exceeding half an ounce in weight shall be deemed a single letter; and every additional weight of half an ounce, or additional weight of less than half an ounce, shall be charged with an additional single postage; and upon all letters passing through or in the mail of the United States, excepting such as are from a foreign country, the postages as above specified shall be prepaid, except upon letters and packages addressed to officers of the Government on official business, which shall be so marked on the envelope. And from and after the 1st day of January, 1855, the Postmaster General may require postmasters to place post office stamps upon all prepaid letters upon which such stamps may not have been placed by the writer.

And all drop-letters, or letters placed in any post office not for transmission through the mail, but for delivery only, shall be charged with postage at the rate of one cent each; and all letters which shall hereafter be advertised as remaining over, or uncalled for, in any post office, shall be charged with one cent each, in addition to the regular postage; both to be accounted for as other postages now are.

It also provides that it shall not be lawful for any postmaster or other person to sell any postage stamps or stamped envelopes for any larger sum than that charged therefor by the Post Office Department; and any person who shall violate this provision shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined in any sum not less than ten, nor more than five hundred dollars. The act is to take effect and be in force from and after the commencement of the next fiscal quarter after its passage.

Mr. BRIGHT. I dislike very much to object to anything proposed by the honorable Senator from Texas, and particularly in a matter about

which he seems to feel so much interest as about this; but I am not at all satisfied as to the provisions of this bill.

Mr. RUSK. Then I move to postpone its further consideration until to-morrow morning.

The motion was agreed to.

WILLIAM WOODBURY.

Mr. SUMNER. I am directed by the Committee on Pensions, to whom was referred the joint resolution from the House of Representatives "directing the accounting officers of the Treasury to adjust the accounts of William Woodbury, late pension agent at Portland, in Maine," to report it back without amendment, and to ask that it be put at once upon its passage. I will say that it is recommended by the Commissioner of Pensions; and the Senator from Maine, [Mr. HAMLIN,] who is now out of his seat, has it particularly at heart that it should be passed at this session. I ask, therefore, that it be acted on at once. It will occupy no time.

There being no objection, the Senate proceeded, as in Committee of the Whole, to consider the joint resolution.

It is designed to authorize the Secretary of the Treasury to adjust the accounts of William Woodbury, late pension agent, and credit him with the entire amount paid to the heirs of Keziah Hartshorne, deceased.

Mr. Woodbury, as pension agent at Portland, pursuant to the directions of the Commissioner of Pensions, dated January 20, 1849, placed the name of Keziah Hartshorne, deceased, upon the pension roll for revolutionary services; and, subsequently, upon the presentation of the pension certificate, paid the amount therein specified to be due, to the heir of Keziah Hartshorne, deceased. On the settlement of his accounts at the Treasury, for the first quarter of 1849, the amount of two years of the pension included in that certificate, from the 4th of March, 1841, to the 4th of March, 1843, was disallowed by the accounting officers of the Treasury, on the ground that there was no law allowing a pension for those two years.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

PERSONAL EXPLANATION.

Mr. MASON. I now ask the Senate to take the vote on my motion to proceed to the consideration of Executive business.

Several Senators. Let us make reports.

Mr. MASON. I have a drawer full of reports myself, but my public duty requires me to insist on my motion to proceed to the consideration of Executive business.

Mr. HOUSTON. With the leave of the Senator from Virginia, I wish to make a single remark. I am reluctant at any time to interfere with the ordinary course of business, but I rise to request the Senate, before they adjourn to-day, to pass an order to meet at half past ten o'clock to-morrow morning, for the purpose of affording me half an hour to make some explanations. This will not retard the business at all. If Senators do not all choose to leave their committee rooms, and come to the Senate Chamber at that time, it will not be material; the reporters will be here, and I do not care about an audience. It is a matter of importance to me, and I trust the Senate will concede that courtesy.

The PRESIDING OFFICER. The question is on the motion of the Senator from Texas, that when the Senate adjourns to-day, it adjourn to meet at half-past ten o'clock to-morrow morning, for the purpose of enabling him to make a personal explanation.

The motion was agreed to.

EXECUTIVE SESSION.

The PRESIDENT. The question now is on the motion of the Senator from Virginia, that the Senate proceed to the consideration of Executive business.

Mr. STUART. On that question I shall ask for the yeas and nays, with a view, if the Senate refuse to go into Executive session, of asking them to proceed to the consideration of the river and harbor bill.

Mr. MASON. I asked for the yeas and nays myself, when I first made the motion, and I have no objection to having them.

The yeas and nays were ordered; and being taken, resulted—yeas 19, nays 31; as follows:

YEAS—Messrs. Allen, Atchison, Brodhead, Butler, Clay, Douglas, Evans, Fessenden, Fitzpatrick, Gwin, Houston, Hunter, Mallory, Mason, Morton, Rockwell, Rusk, Toombs, and Toucey—19.

NAYS—Messrs. Adams, Bayard, Bell, Benjamin, Bright, Brown, Chase, Clayton, Cooper, Dawson, Dodge of Wisconsin, Dodge of Iowa, Fish, Foot, Geyer, Gillette, Johnson, Jones of Iowa, Jones of Tennessee, Pettit, Pratt, Sebastian, Seward, Slidell, Stuart, Sumner, Thompson of Kentucky, Thomson of New Jersey, Wade, Walker, and Weller—31.

So the motion was not agreed to.

BETSEY NASH—MRS. BATCHELDER.

Mr. SEWARD. I am instructed by the Committee on Pensions to report back the bill from the House of Representatives, for the relief of Betsey Nash, with an amendment. She is a poor and very aged woman. The bill appropriates a small amount which she has been seeking here for sixteen years, and I am requested to report the bill back, with a slight amendment reducing the amount. As there is no probability that she will live until the next session, I ask for the consideration of the bill now.

Mr. CLAY. I wish to ask the Senator from New York what is the character of the pension? Mr. SEWARD. Half pay for the services of her husband, who was in the war of 1812.

Mr. CLAY. Did he die in the war?

Mr. SEWARD. He died of wounds received in the war.

There being no objection, the Senate proceeded, as in Committee of the Whole, to consider the bill.

It directs the Secretary of the Interior to place the name of Betsey Nash, of Stockbridge, in the county of Madison, State of New York, upon the list of half pay pensioners, as the widow of Doctor Sylvester Nash, at the rate of twenty-two dollars per month, to commence from January 1, 1831, and to continue for ten years.

The amendment of the committee, which was to strike out "ten years," and insert "five years," was agreed to.

Mr. ADAMS. I move to amend the bill by adding, as additional sections, the bill for the relief of Mrs. Batchelder.

Mr. STUART. Is that in order?

The PRESIDENT. The Chair is of opinion that it is. This is a pension bill, and the Chair understands the amendment to be, to give a pension to Mrs. Batchelder.

Mr. STUART. I have understood that on a private bill of this character, it was not in order to move another private bill as an amendment.

The PRESIDENT. It is often done. The Chair is of opinion that it is in order.

Several SENATORS. Read the amendment.

The Secretary read it, as follows:

Sec. —. And be it further enacted, That the Secretary of the Treasury be, and he is hereby, directed to pay to the widow of James C. Batchelder, who was killed at Boston on the 26th of May, 1854, while assisting the United States marshal for the District of Massachusetts in executing a law of Congress, the sum of \$3,000, out of any money in the Treasury unappropriated.

Sec. —. And be it further enacted, That the said sum shall be held by her in trust, and shall inure solely to the benefit of said widow and her child, or children; and no sale, transfer or mortgage of the same, in prejudice of said trust, prior or subsequent to the passage of this act, shall be valid.

Mr. STUART. We have had notice from several Senators that they intend to discuss this question at length. It opens the whole slavery agitation from beginning to end; and if we raise that question, we cannot pass any appropriation bills at this session. I move to postpone the further consideration of the bill and amendment until to-morrow.

Mr. ADAMS. On that motion I ask for the yeas and nays. The yeas and nays were ordered, and taken with the following result:

YEAS—Messrs. Allen, Atchison, Bayard, Bell, Bright, Cass, Chase, Clayton, Dodge of Iowa, Geyer, Gillette, Rockwell, Stuart, Sumner, Wade, and Walker—16.

NAYS—Messrs. Adams, Benjamin, Brodhead, Brown, Butler, Clay, Cooper, Dawson, Dodge of Wisconsin, Douglas, Evans, Fessenden, Fish, Fitzpatrick, Foot, Gwin, Houston, Hunter, Johnson, Jones of Iowa, Jones of Tennessee, Mallory, Mason, Morton, Pearce, Pettit, Pratt, Rusk, Sebastian, Seward, Slidell, Thompson, of Kentucky, Thomson, of New Jersey, Toombs, Toucey, and Weller—36.

So the motion to postpone was not agreed to.

Mr. SEWARD. I now ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. FOOT. I ask for the reading of the report in the case of the original bill.

The report was read, from which it appears that, in the summer of 1814, a draught of militia was called for the defense of the northern frontier, and that Sylvester Nash volunteered as a private soldier, under the command of Major Eliphalet Hodgkiss, and marched to Sackett's Harbor. While at that place it was very sickly; and being a physician, he was requested by the officers to attend the sick, (there being no surgeon among the volunteers,) which service he performed, and for which he received no compensation, except as a private soldier. After his return home, he received a warrant as surgeon to Colonel Erastus Cleveland's regiment of detached militia, and repaired again to Sackett's Harbor, and discharged the duties of physician until about the 20th of October, when he was attacked with dysentery, which continued upon him the remainder of the time he was in the service, and for about six months after; and he was unable to attend to his profession or perform any labor for a year, when he was attacked with chronic rheumatism, which continued in a severe manner about six months; and, from that period to the present, he has been affected with a weakness in the small of his back and kidneys, disabling the lower extremities so as to unfit him almost entirely for pursuing any kind of business. He applied to the War Department for a pension, but his claim was objected to, on the ground that he was mustered and returned as a well man; which he explains, by saying that the orders of the muster-master required every man who could walk to appear on parade for mustering; and that, though very feeble, he was then able to walk, and appeared accordingly, and was mustered; but the department thought the case not coming within the rules prescribed, and finally rejected it, with a recommendation that he apply to Congress. There was ample evidence as to the service and disability, leaving no doubt on the minds of the committee as to the propriety of the allowance to his widow.

Mr. SUMNER. Now, I call for the reading of the views of the committee in the case provided for by the amendment.

The Secretary accordingly read the following papers:

Views of Mr. JONES, of Iowa, Mr. CLAY, and Mr. WILLIAMS, of the Committee on Pensions, on a resolution of the Senate instructing them to inquire into the expediency of granting a pension to the widow of James Batchelder, of Massachusetts, who was killed while assisting the United States marshal to execute a law of Congress.

The Committee on Pensions, to whom was referred a resolution of the Senate instructing them to inquire into the expediency of granting a pension to the widow of James Batchelder of Massachusetts, recently killed while assisting the United States marshal to execute a law of Congress, beg leave to report:

The facts of this case, so far as they have come to the knowledge of your committee, are these:

On the 26th of May last, 1854, a negro named Anthony Burns was arrested in the city of Boston, by the United States marshal for the district of Massachusetts, upon a warrant issued by the United States commissioner for the said city, under the provisions of laws of Congress approved September 12, 1793, under the administration of General Washington, and September 18, 1850, for the recapture of fugitives from labor. He was claimed as a slave by a citizen of the State of Virginia, and was arrested and held with a view to an examination before the said commissioner, according to law. While in the custody of the United States marshal, and confined and guarded by said marshal and a small force of deputies, in a room of the court-house in the city aforesaid, a violent attack, with a view to his rescue, was made upon the court-house by a fanatic and lawless mob. After several attempts, the attacking party succeeded in battering down one of the principal doors of the court-house, and effected an entrance, armed with clubs, axes, pistols, &c. They were resisted by the marshal and his force, and, after a desperate struggle, driven from the building. In this struggle James Batchelder, one of the small but resolute force under the marshal, became a sacrifice to his devotion to his duty, under the laws of his country. The verdict of the coroner's jury was as follows: "That on the 26th of May, about forty-five minutes past nine o'clock, p. m., while James C. Batchelder was employed, with others, by Watson Freeman, Esq., United States marshal, as an assistant in defending one of the west entrances of the court-house in the city of Boston, from the assaults of a mob, he received a wound in the left groin, severing the femoral artery, which caused his death, and that said wound was inflicted by a long, narrow, and sharp instrument in the hands of some one of the persons engaged in the assault, to the jurors unknown, &c., &c."

By this act of violence the widow of Batchelder is deprived of a husband and protector. The question is as to the propriety of granting her a pension, in view of the circumstances attending the death of her husband. The Senate need not be told that the case does not come within the provisions of any general law of Congress. But it cannot be denied that the practice of the Government has seemed to recognize an analogy in cases of this character to those pro-

vided for in the general statutes, and that it has been deemed "expedient" to acknowledge and reward distinguished and patriotic services, though rendered in the discharge of duties not of a military character, but involving hardship and hazard. In numerous instances has Congress rewarded such services to the individuals rendering them, or by acts of gratuity to the widows and orphans of those whose lives were sacrificed therein. As early in our history as 1794, the sum of \$2,000 was voted to the widow of Robert Forsyth, marshal of Georgia, who was killed in the discharge of his duty. In 1820, the sum of \$500 was granted to the widow of John Heap, of Baltimore, "who was beset by ruffians and murdered" while carrying the United States mail. And in 1844, a pension was granted, for life, to an Indian woman of the Creek nation, for her interference to save the lives of prisoners condemned to death by her people. Instances are not rare upon our statute books in which pensions, sums of money, lands, or other manifestations of the public gratitude have been bestowed for services rendered by public officers and private citizens not connected with the military establishment of the country; but enough have been cited to show the scope of congressional action in the reward of meritorious services, and to show further that the expediency and propriety of expressing the obligations of the public, in some appropriate manner, has been recognized and practiced upon by the Government in cases where the services and sacrifice have not been more remarkable than in the instance now under consideration.

But the analogy of this case to that of the soldier who is provided for under the general statutes, may be made more apparent by noting two facts: First, that under the general laws the revenue police of the country, "when acting in cooperation with the Navy or Army," have been granted pensions, "in the same manner, and to the same extent;" second, that had any of the United States troops, employed in conjunction with the marshal's force, (of which Batchelder was one,) at Boston, to aid the execution of the law and preserve the peace, been disabled, his case would have found ample provision in the general pension laws. It would be difficult to define the distinctions of position or obligation which would in equity demand a pension in the case of the soldier, and refuse it in the case of a marshal, both being employed under contract with the Government, and under oath to support the Constitution and the laws, and engaged in the same service, and exposed to the same dangers.

But, again, if there is merit in the soldier's sacrifices and heroisms in defense of the honor and security of his country against a foreign enemy, there is none the less of merit in the patriotism and courage of the public officer who offers up his life in defense of the majesty of the law, against the violent assaults of a domestic foe.

But there are further and peculiar considerations which weigh with your committee in favor of a recognition of the merits and patriotism of the services of Batchelder, in rendering which he lost his life. He was engaged at the time in assisting to execute a law of Congress—a law which but makes provisions for carrying out and sacredly maintaining one of the express obligations of the Constitution. It is well known that, under the peculiar municipal regulations of at least one half of the States of this Union, (a state of things which existed, was recognized, and guaranteed, in the organization of the Government,) obedience to the law, and a faithful observance of the requirement of the Constitution respecting the rendition of fugitives from labor, is an absolute necessity to the harmony, peace, and perpetuity of the Confederacy.

Under these circumstances, it has become necessary as a security to property, and to allay agitation and quiet sectional misgivings; to assure the whole country of the determination of the General Government to faithfully adhere to the compromises of the Constitution, and of its ability to protect and secure the rights of all as guaranteed by that instrument. And it becomes the duty of Congress, in some emphatic way, to express its approval of the public officer, who, true to his oath and his duty, fearlessly executes the law of the land. One most appropriate means of doing this, and, at the same time, discharging a public obligation, will be to reward the services of Batchelder to his bereaved widow. While the committee deplore the existence of a spirit of riot and insubordination, and of a disregard of all the duties of citizenship, and especially the valuable life that has been sacrificed to it, they cannot but congratulate the Union upon the fact that the people of Massachusetts, her citizen soldiery, and her public officers are, as ever, ready to rally to sustain the supremacy of law, and vindicate the honor and the devotion to the Constitution and the Union of that glorious old Commonwealth. The conduct of the United States marshal and his deputies, the mayor and police of Boston, and the citizen and regular soldiery upon this occasion, was worthy of all praise; and the committee regard it both a pleasure and a duty to commend their promptness to obey the call of duty, their firmness, moderation, and prudence, by which alone consequences the most deplorable were averted, and the law executed with so little sacrifice of life and property.

After due deliberation, the committee have preferred, in this case, to acknowledge the obligations of the country to the widow of the deceased Batchelder, not in the form of an annual pension, but by granting to her a sum adequate to a provision for her future support, if invested and husbanded with proper prudence and economy. They herewith report a bill for which they ask the favorable consideration of the Senate.

GEO. W. JONES, of Iowa,
C. C. CLAY, JR.,
JARED W. WILLIAMS.

Views of Mr. SUMNER and Mr. SEWARD.

The undersigned, a minority of the Committee on Pensions, cannot concur with the majority of the committee in reporting a bill for the relief of the widow of the late James Batchelder. They also dissent from the report accompanying the bill, which, however, is understood not to proceed from a majority of the committee.

In granting pensions, or bounties of a kindred nature, it has been the habit of the committee to require evidence of all essential facts and circumstances; not, indeed, accord-

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ing to the rigorous forms of a court of law, but with substantial fullness and authenticity. Applications for pensions are constantly rejected for defect of testimony. But this reasonable practice, which is a necessary safeguard against abuses, has been disregarded in the present case. No evidence of any kind—not a shred or particle—was produced. The majority of the committee undertook to act at once, on loose and general report, gathered at a moment of excitement from the public press. In this respect they have obviously proceeded with more haste than discretion. Such a course cannot be in conformity with approved precedents. In itself it will be a bad precedent for the future.

But this proceeding seems more obnoxious to comment, when it is known that it appeared, from the very sources on which the committee relied, that the facts in question are all at this moment the subject of judicial inquiry, *still pending*, in the courts at Boston. Several citizens have been indicted for participation in the transaction to which reference is made, and in which Batchelder is said to have been killed. Their trials have not yet taken place, but are near at hand. Under these peculiar circumstances, the indiscreet haste of the committee, thus acting in advance of authentic evidence and *lite pendente*, is enhanced by the possible detriment to the grave interests of justice, which all will admit should not be exposed to any partisan influence from abroad. The report accompanying the bill, without any aid from human testimony, undertakes to pronounce dogmatically on facts which will be in issue on these trials. Anticipating the court, and literally without a hearing, it gives judgment on absent persons, as well as on distant events.

On grounds irrespective of the merits of the case, the undersigned object to any action upon it on the present evidence, and in the existing state of things. They object for two reasons: first, that such action would become a bad precedent, opening the way to a disregard of evidence in the distribution of pensions and bounties; and secondly, that it would be an interference—offensive though indirect—with the administration of justice, in matters *still pending*, and involving the fortunes of several citizens. These reasons are ample.

But on other grounds, of a different character, and vital to the merits of the case, the undersigned must dissent from the majority of the committee.

Regarding the act of Congress, usually known as the fugitive slave bill, as unconstitutional, while it is justly condemned by the moral sense of the communities where it is sought to be enforced, the undersigned are not disposed to recognize any services rendered in its enforcement as meritorious in their character. Especially are they unwilling to depart beyond the clear line of precedents, in voting bounties on account of such services. This, of itself, is a sufficient reason for opposition to the proposed bill.

But admitting for the moment the asserted constitutionality of the fugitive slave act, and its conformity with just principles of duty; and admitting further, that efforts for its enforcement are to be placed in the same scale with efforts to enforce other acts of Congress, of acknowledged constitutionality and clear conformity with just principles of duty, then the undersigned beg leave to submit that, according to the practice of our country, such efforts have not been considered as entitled to the ordinary reward of pensions or kindred bounties.

The pensions and kindred bounties of our country have been founded exclusively on *military and naval* services. In England, *civil* services, whether on the bench, in diplomacy, or in the departments of State, are subjects of pension; but it is otherwise here. With us there are no general laws to this end; nor are there special laws of such clear meaning and character as to become precedents, sanctioning pensions or bounties for civil services. A report of this committee, made by its chairman at this very session of Congress, states the rule and practice of Congress. Here is the whole report. (Rep. Com., No. 199.)

In Senate of the United States, April 11, 1854.—Mr. Jones, of Iowa, made the following report:

The Committee on Pensions, to whom was referred the petition of Rebecca Bright, beg leave to report:

"That the petitioner is the widow of Jacob Bright, an armorer, who was killed at the navy-yard in this city by the bursting of a shell. He being an employee of the Government, and in no sense to be regarded as in its 'military or naval service,' the committee can find no reason, founded in law or justice, for pensioning his widow. Her case is precisely that of the widow of a laborer, or mechanic, employed by the day or month upon any public work. They therefore recommend that the prayer of the petitioner be rejected."

And yet, in the very teeth of this recommendation, made by themselves at this very session, the committee now propose to bestow a bounty upon such services. If the committee were right in their former report, they cannot be right now.

The report accompanying the bill shows that three of the committee have felt that their recommendation needed the support of precedents, and they have ransacked the records for them. Two only are produced.

The first is an act of Congress, bearing date June 7, 1794, which provides "that the sum of \$2,000 be allowed the widow of Robert Forsyth, late marshal of the district of Georgia, for the use of herself and the children of the said Forsyth." On search in the office of the Secretary of the Senate, where this bill originated, and also at the Treasury, where the money was paid, no papers have been found showing the occasion of this grant; nor has anybody undertaken to state any. This precedent, then, can be of little value in establishing an important rule in the dispensation of national bounties.

The only remaining precedent adduced by the committee is an act bearing date May 8, 1820, and providing "that the Postmaster General be directed to pay to the widow of John Heap, late of the city of Baltimore—who, while employed as a carrier of the mail of the United States, having the said mail in his custody, was beset by ruffians and murdered—out of the money belonging to the United States, arising from the postage of letters and packets, \$500 in ten equal semi-annual payments." On this precedent Congress will surely hesitate to establish a rule which will open a new drain upon the bounty of the country.

The general laws do not award pensions or bounties for services in enforcing the revenue laws of the country, and it is not known that any special acts have ever been passed rewarding such services, though they have often been rendered at imminent danger to life, as well from shipwreck as from the violence of smugglers. The proposed bill will be an apt precedent for bounty in this large class of cases; and it may properly be opposed by all who are not ready for a new batch of claimants.

The undersigned venture to make a single comment further on the report accompanying the bill. This report, not content with assigning reasons for its proposed bounty, proceeds to take cognizance of the conduct of the people of Massachusetts; the citizens, soldiers, the marshal and his deputies, the mayor and police of Boston, in the recent transaction, and assumes to hold the scales of judgment. In this respect it evinces an indiscreet haste similar to that already displayed in acting on the present proposition, without authentic evidence, and during the pendency of judicial investigations. It appears from the public journals, out of which all our information on this matter is derived, that the conduct of several public functionaries on this occasion in Massachusetts has been seriously drawn in question. The marshal of the district is openly charged with making the arrest of the alleged fugitive, under the fraudulent pretense that he was a criminal—a scandalous device which no honest man can regard without reprobation. The mayor of Boston is also openly charged with a violation of the primal principles of free institutions and of the law of the land, in surrendering the city for the time being into the possession of a military force, and thus establishing there that supremacy of arms under which all law is silent. But on these things the undersigned express no opinion. They desire only to withhold all assent from the blindfold ratification which the report accompanying the bill volunteers, without reason or occasion, to the conduct of public functionaries as well as of others, who, according to some evidence, may have acted very badly.

CHARLES SUMNER.
WILLIAM H. SEWARD.

Mr. SEWARD. Mr. President, this is the first of the last four days of the session. I wish distinctly to state the attitude of this question before the Senate, in order that the Senate and the country may see, if any embarrassment should result to the business of the Senate, upon whom the responsibility will lie. The House of Representatives has sent to us this morning a bill for the relief of Betsy Nash, a very aged widow of an officer.

Mr. ADAMS. If the Senator from New York will allow me a moment, I desire to say that the friends of the bill are perfectly willing to take a vote, upon the reading of the report of the majority, and of the views of the minority of the committee, without any argument beyond the simple statement of the papers which have been read. If they desire to discuss it, of course we desire to discuss the other side.

Mr. SEWARD. I was proceeding to say that the House of Representatives had sent to us a bill for the relief of Betsy Nash, the very aged widow of an officer of the army of 1812, who suffered from disease contracted in the public service at Sackett's Harbor, in consequence of which he was disabled, and languished, and died. His case was presented for sixteen years. It was presented in the first place to the pension department, and the pension department finding it not to come technically within the letter of the law, was obliged to reject it, but recommended it to the favorable consideration of Congress. A bill for her relief passed one House and then went to the other alternately each session for several years, but never passed the two Houses at the same session. So the passage of the bill was delayed without the fault of the officer while living, or his widow after his death, for sixteen years. At a very late day of the present session the House of Representatives entertained the subject, upon the unanimous report of the Committee on Pensions in that House, which recommended the passage of a bill allowing half pay for a period of ten years. That bill came before the Committee on Pensions of the Senate this morning, and, on examination, they concluded that half pay for ten years was not within the line of precedents adopted by their

committee, and therefore reduced it to five years, reducing the sum proposed to be paid by the House to a small pittance; and the committee, upon the suggestion that the widow was old and infirm, and probably could not survive until the next session of Congress, recommended its passage immediately.

Now, sir, that is the case of an old widow. It had been long delayed, and yet now when her bill is before us an amendment to it is proposed, which brings up, at this stage of the session, all the questions involved in the proceedings of the execution of the fugitive slave law in Boston. I need not say that it is a subject-matter entirely different and foreign to it. It tends to bring up a disputed question. So far from the committee being unanimously in favor of the amendment, there was not a majority which united in its recommendation. It involves questions of great magnitude, and entirely irrelevant to the subject-matter of the original bill. What is recommended in the original bill is a pension, which is to be granted in accordance with the uniform practice of Congress from the Revolution down to this day. What is proposed by the amendment is to give a bounty to the widow of a person who was not a soldier engaged in the military service of the country, but a civil officer assisting in the execution of a process. What is proposed in the original bill is a pension. What is proposed in the other case is a bounty, a bounty which is a matter of discretion, and, therefore, unless great care is taken, may be acted upon from motives and considerations which might be capricious.

Now, then, it will be seen at once that whatever may be the circumstances of this matter, as to its effect upon public business, this bill, if amended as proposed, cannot pass Congress at the present session. Only four days remain until the expiration of the session, and as to an amendment of this character, if it shall pass here—and it cannot be expected to pass without debate—the House of Representatives, who are engaged in very important business, cannot be likely to take up a question which is so much litigated, and so much litigated in the House of Representatives, as to the payment of a bounty to the widow of a person for his assistance in the execution of the fugitive slave act. It is but a few days since a proposition to repeal that law received forty-nine votes in the other House. And when they were prepared to vote for the repeal of the fugitive slave law, they cannot be expected to vote for a bounty of this character, for services in its execution, at least without discussion or debate upon this subject.

Thus, then, not only the original measure, so right, just, and humane in itself, but this new measure, which, although so questionable, many have so much at heart, may fail. We shall, then, without attaining the object of giving a bounty to the person named in the amendment defeat the main purpose of the House of Representatives, which they have expressed in the bill which they sent here. I regret the presentation of the subject at this time, because it will, without doubt, tend to injure a meritorious claim. It is not my purpose unnecessarily to debate the question. Honorable Senators who favor the amendment have said that they are ready to take the question upon the reports without argument. The effect of such a proposition as that, would be the surrendering of the right of debate, and we should come here to the consideration of the questions, which in future may come up, without the benefit of that argument which is always presumed to be necessary for the enlightenment of the country, as well as the enlightenment of the Senate itself.

I need not say one word in behalf of the original bill. I am sure that the consideration which induced the House of Representatives to pass it unanimously, and which induced the Senate unanimously to take it up, would also induce the Senate to pass it. I appeal to them to carry out this intention by letting that bill pass which is in itself unobjectionable, and let the other come in as a distinct proposition for a bounty upon its own

merits. That is the true mode of proceeding. But, sir, if that shall not be the pleasure of the Senate, I have to suggest to them that, according to the showing of the report which has been made by the Senator from Massachusetts, [Mr. SUMNER,] in which I concurred, the proposition contained in the amendment, is in entire conflict with the habitual practice of the Government from its commencement until the present day.

A case at the very present session has been submitted to the Senate which is contained in this report, in which the Committee on Pensions, following up the rule which had prevailed, refused to grant compensation to a person who was injured in the civil service of the country. The distinction between the case of the allowance of a pension for military services and extraordinary compensation for public civil services, is just as broad as the line which separates the military and naval service from the civil service of the country. The military service is one which requires exclusive devotion, and which withdraws the man who enters it from the pursuits of civil life. It requires the soldier or officer to devote himself, in the prime of life, and the officer especially with the expensive acquirements perhaps of military education and study, to a hazardous course of life. When the officer or soldier returns from the battle field, it is only poetry to say that he can convert the sword into the plowshare. The whole pension system, or at least a large portion of our legislation from the beginning to this day, in this country, as in every other country that ever supported an army or navy, is that a pension should be granted to those who entered into the navy or army upon considerations of duty or patriotism, and became incapacitated for the support of themselves and families.

On the other hand, the civil service is one which brings its reward and its fame without running any peculiar hazard, and even with profit and without any unnecessary sacrifice. It is voluntary on the part of our citizens to assume the office of President of the United States, as it is to assume the office of marshal or deputy marshal. It is voluntary on the part of the citizen to assume the office of representative in the Senate, or in the House of Representatives, or any other civil office which is attended with no peril of life or limb. We are all of us paid for the discharge of our duties in the civil department, and this compensation is regarded as adequate. We are all of us, as Senators in Congress, agents in the civil service of the country, but at the same time that we are performing our duty in that capacity, and receiving compensation for it, we also have our farms, our mercantile and professional employments, and our various other vocations which constantly follow us, and to which we can at last return with ease from those labors, and by assiduity in pursuing them, make provision for the support of our families.

This distinction is a just and necessary distinction; for if we require of a soldier extraordinary duties, which incapacitate him from supporting himself and educating his family, it is right to provide a hospital for him when disabled, to provide bounty land for him, upon which he can retire when he has completed the term for which he was employed in his country's service, and even pensions to his widow and family when he falls. This distinction must be adhered to. If we hold out equal inducements to hope for pensions and rewards in the civil service, equal to those offered in the military service, the tendency will be at once to discourage enlistments in the Army and in the Navy of the United States, and to encourage still greater competition in the service of the civil departments of the Government, when we know that the competition for places in the civil service has become so extensive as a resort for a livelihood, as to induce all manner of intrigue and corruption for the acquisition of places.

I have said that this was a broad distinction. I have said that it has been adhered to, and I will give to the Senate, in addition to the cases presented in the report, another case, which occurred some two or three years ago, of a civil officer who was recognized and provided for by law as entitled to make certain charges for services rendered. He was a New York pilot, required to go on board a public armed ship of the United States, in the port of New York, to conduct her into the harbor, and, after arriving on board, and while he

was performing that duty, the cable slipped accidentally, through the carelessness of an officer or seaman in the public vessel, and the pilot lost a limb, and was disabled for life. I brought the case before the Senate some two or three years ago. I presented it to the Senate as a meritorious one. After due consideration, and admitting its entire hardship, and stating that they could scarcely see the difference between the military and the civil service in such a case, the Senate threw it out because the pilot was in the civil service; and the result was, that no relief was granted to him.

So far, then, as the present question is concerned, without going into any dispute in regard to the case in the original bill, claiming that it is entitled to the favorable consideration of the Senate, inasmuch as it provides a pension for the benefit of the widow of a worthy soldier, I think that we ought not to embarrass it, or render it doubtful, for the purpose of providing a bounty in another case. I cannot vote for this Boston case, which contains so many objectionable features. Especially does it present before Congress a necessity for considering the validity of the fugitive slave law. The constitutionality of that law is disputed and denied. The resistance itself was a consequence of that dispute, and of a repugnance of sentiment of a portion of the country to the law. The law, for these reasons, fails to be executed without extraordinary expenditure and extraordinary efforts on the part of the Executive. That law is now under consideration in many of the courts. The supreme court of the State of Massachusetts has affirmed its constitutionality, or is understood so to have done. The supreme court in another State (Wisconsin) has denied its constitutionality. For myself, it is enough for me to say that I agree with the supreme court of Wisconsin on that subject. But while this question is open, and while it will ultimately be referred to, and decided by, the highest tribunal, the tendency of this measure is to induce persons, by largesses, to assist in the execution of what I, with them, deem an unconstitutional law. With-out going into the merits of the constitutional question at the present time, it is enough for me to say that there is a division in this House, and in the other House, and that this division is continually widening. The number of those who believe that the law is constitutional is becoming less and less. The number to-day is far less than the number yesterday; and, according to the indications, they are less now than they will be a year hence; and they will grow less and less every year hereafter.

Then, at the present time, under such circumstances, believing that this law is entirely unconstitutional, I submit it is neither right nor wise to give it a factitious support in this mode, unless it shall be shown that there is an extreme case requiring such action. There is no extreme case before us in the original bill. This widow, Betsy Nash, and her husband, have been before us for sixteen years, imploring the attention of Congress. The Batchelder case is two months old, no more. Now, if the widow of the soldier who fought the battles of his country in the war of 1812, whose services are admitted, and whose claim is supported by precedents in the history of the country without number, could wait here for sixteen years, this Batchelder case, asking from us a bounty to be paid immediately, can wait until another session, especially if, by allowing it, we risk the original bill? It would give me no pleasure, no satisfaction, no triumph personally to defeat this amendment; for it shall be the pleasure of Congress that services of this kind, in the execution of the fugitive slave law, besides being paid for in the lavish way that we have seen, shall also be put on the level of having served in the Army and in the Navy, and so receive an extraordinary bounty, I shall yield. We shall see whether proceedings so extraordinary will operate to overcome the repugnance of freemen and the free States to the fugitive slave law. I can wait.

But again, sir, the facts in this case are assumed. There is no evidence that I know of. (My associate on the Committee on Pensions can inform me whether I am correct or not.) I do not know that a petition has been presented asking for it. The honorable Senator who moved the amendment can answer whether a petition has been presented by the person to whom it is proposed to

allow the bounty. Receiving no answer, I presume that Mrs. Batchelder has not applied for a pension, that her name is put up here to oppose and defeat the granting of a pension to an unfortunate woman, without her knowledge, consent, or interference. There has been no petition presented. No petitions, recommendations, or representation of facts, are presented by anybody in her behalf. There is no information, no legislative information, no information such as the Senate requires, upon which this bill is to proceed. All we know of it is, that certain transactions occurred in the city of Boston in regard to the fugitive slave law; that Mr. Batchelder was killed, and that we are now acting upon the newspaper accounts of the day, while a judicial investigation of the matter is being prosecuted with care. When this investigation shall have been completed, and the decision of the court shall be known, it will then be time to act. We shall then know whether James Batchelder perished in supporting the execution of this law, or whether he did not; whether he perished in resisting a number of persons who were opposing the execution of the law, or whether he perished by the designs of private malice, which took this occasion to revenge itself.

Now, sir, I present these views with calmness, and after due deliberation, and with purposed moderation, because it was not my purpose to elicit a discussion of this subject, which could in any way embarrass measures of great public interest which are yet to be considered within the four days that remain to us of this session. In doing so, I have simply performed my duty in assigning the reasons, if the amendment shall pass, which will determine me to vote against this bill.

Mr. WELLER. I am exceedingly anxious that this discussion should be got rid of. It seems to me at this late day of the session we are spending our time very unprofitably in the discussion of this question. I could get rid of the debate by a motion that the subject lie on the table, but I have no desire to defeat the original bill, which, as far as I understand it from the reading of the report, is a very meritorious one. It is an act of justice which ought to have been done before; but it is impossible to discuss now the various questions which are involved in the amendment. I do not know that the time will ever come when it will be profitable to discuss the question of the repeal of the fugitive slave law; but this amendment involves a more important question—the propriety of placing a name upon the pension roll for civil services. Generally I am opposed to that. There may be particular circumstances in this case which will justify Congress in granting a pension to the surviving widow. At all events, that question ought to be fully discussed, because it will be cited hereafter as a precedent, and we shall be called upon to make appropriations from the Treasury, wherever an individual has lost his life in the performance of civil duty.

Now, Mr. President, I appeal to the Senator from Mississippi to withdraw his amendment. I should not ask him to do that, if I were not satisfied that the original bill ought to pass, and that it will be impossible to obtain a vote on it to-day, if this discussion goes on. Here we are with several important questions, which must be disposed of at this session of Congress. We are in the middle of the dog-days; none of us are disposed to labor more than eight or ten hours a day. We shall be compelled to labor that much to dispose of the necessary business which is before us. I ask, therefore, that this question, so far as the amendment is concerned, may go over to the next session. Then we shall have an opportunity to discuss all the questions at length; and if the Abolitionists on this floor desire to revive the slavery agitation by a discussion of the repeal of the fugitive slave law, it can be done then in mid-winter, when there can be no danger of anybody being hurt. I ask my friend from Mississippi, therefore, as he sees the intention of the Abolitionists on this floor to discuss the amendment, to withdraw it. They oppose it, as they say, upon principle. They have no principle about them. It is a part of their profession and desire to agitate this thing.

Mr. ADAMS. I have no desire to embarrass the regular business of the session, or to do an act in conflict with the judgment of any friend. I have offered the amendment in good faith. I introduced the original resolution which occasioned the

report of the committee on the subject. It was not my purpose or desire to increase the fanaticism of the North, or to excite the indignation of the South, at the shedding of the blood of a faithful officer in the discharge of his duty in maintaining the laws of the country, and the rights of the South. I had no such desire. The Senator from New York, however, has spoken on the impropriety of bringing up this question at so late a day. Why is it so? The committee would have reported promptly on the resolution which was passed unanimously by this body, but for the opposition of that Senator and his colleague [Mr. SUMNER] on that side of the question. They have occasioned the delay. I have attempted, (believing, as I did, that it was important, that there was not a question before the body that has occupied its consideration of more importance than are the principles involved in this measure,) time and again, to call it up. When it was in order, I have offered it as an amendment to a meritorious bill. I felt it to be my duty to offer it. I proposed to the Senators upon the other side, presuming that every Senator had made up his mind on the subject, to take a vote on the amendment and bill without discussion. The Senator from New York has thought proper to go on and give us his views in relation to it. I am willing still, upon the reports of the committee which have been read, to throw in the speech of the Senator from New York upon that side of the scale, and take a vote without saying another word on the merits of the amendment. I hope that the Senate, if there should be further discussion, will permit it to come from the other side of the House.

Mr. STUART. I desire to unite with the Senator from California in asking the Senator from Mississippi to withdraw his amendment. It seems obvious that discussion will grow out of it, and that at very great length, at a stage of the session when there is no time for it. I doubt not there are many Senators who, like the Senator from California, are not prepared to act this day upon setting the precedent of giving pensions for civil services. I confess to be among that number. I think there is more importance in it than has been supposed, perhaps, by some Senators. I could not, therefore, vote upon this question without giving, at length, the views which I entertain upon the general subject. I take it for granted that other Senators feel similarly. I do not wish to embarrass the proposition at all at the proper time; but I hope the Senator will, in view of all the circumstances, withdraw the amendment, and let the original bill pass. If he does not, I shall feel it to be my duty, under the circumstances, to move to postpone the whole subject until the next session of Congress—the original bill as well as the amendment. I think, sir, we have now a disposition on the part of the majority of the Senate to dispose of the river and harbor bill to-day. The other appropriation bills are crowded upon the Senate. The chairman of the Committee on Finance [Mr. HUNTER] has appealed to me to-day to allow him to pass one or two of the smallest appropriation bills. The whole business of the session is blocked, and will stand blocked here, if the slavery question be discussed. I hope the Senator from Mississippi will withdraw the amendment, or else agree that the subject may be postponed until the next session of Congress; for I certainly, having in charge, under the instruction of the Committee on Commerce, the river and harbor bill, shall deem it to be my duty to make the motion to postpone.

Mr. CLAY. I do not propose to enter into the discussion of this question at this time. I am indisposed to trespass upon the attention of the Senate, when I see that they are impatient and anxious to act. Yet, sir, I cannot permit the occasion to pass without saying, in justification of that portion of the committee which made the report in favor of the bill for the relief of Mrs. Batchelder, that I stand prepared, on a proper occasion, to vindicate that report throughout, and to show that the bill is sustained by precedents—by many precedents—by some which have been reported during this session, one at least by one of the members of the committee who oppose the bill. I allude to the Senator from Massachusetts, [Mr. SUMNER.] I will convict him out of his own mouth, either of an ignorant or willful misrepresentation of the action of the Senate upon this subject—

The PRESIDING OFFICER, (Mr. COOPER in the chair.) The Senator is not in order.

Mr. SUMNER. Mr. President—

Mr. CLAY. I do not yield the floor, Mr. President.

Mr. SUMNER. I rise to a question of order. The PRESIDING OFFICER. The Senator from Alabama is certainly out of order.

Mr. CLAY. I shall forbear; but there are things asserted in the views of the minority which are a gross and unwarrantable reflection upon that portion of the committee who signed the report in favor of the bill, and hence I cannot sit patiently by and hear, from that quarter especially, anything derogatory to the character of gentlemen on this floor. I am prepared to show, and will show, I say, by the action of the Senate, by the action of the Committee on Pensions, and by the action of the Senator from Massachusetts himself, that this bill is not without precedent, and that it is a stronger case, appealing on stronger grounds to the support of the Senate, than the one which he has reported from the Committee on Pensions, and recommended to the favorable consideration of the Senate.

It is charged again, that this report is unsustained by any evidence. I want to meet that, and to show that that charge, likewise, is wholly unfounded in fact, and that it is sustained by more and better evidence than many cases which have come before the Senate during this session, and received the unanimous support of the Senate. I further propose to show that it is not only sustained by precedent, and by testimony, but that it is sustained by principle; that the very principle which lies at the foundation of your whole pension system will support it, and that there is no pension which has been allowed by Congress during this session that is better sustained by principle than this case. But, sir, as I remarked in the outset, I am enfeebled by recent sickness, and feel myself physically unable to do justice to myself or the occasion; hence I do not desire to debate it; but if the Senate should think proper to discuss it, I wish to meet the opponents of this measure on all the questions which they present.

Mr. STUART. I move to postpone the further consideration of the question until the second Monday in December next.

Mr. PETTIT. I ask for the yeas and nays upon that motion.

Mr. STUART. The Senator from Mississippi [Mr. ADAMS] prefers that I should move that it lie upon the table.

Mr. ADAMS. I prefer that motion, so that if we should have leisure at any time during the present session, it can be called up.

Mr. STUART. I have no objection to that. I therefore make the motion that the subject lie on the table.

Mr. CASS. I hope my colleague will withdraw that motion for one moment.

Mr. STUART. Certainly.

Mr. CASS. Mr. President, I cannot vote for taking up any question which would interfere with the river and harbor bill. That is now under consideration; and unless immediately disposed of, it will be lost at this late stage of the session. I am in favor of this measure of compensating the family of Batchelder, who was killed, not long since, at Boston. Your laws grant pensions to the near connections of all persons who lose their lives upon the field of battle, while defending their country against a foreign enemy. This man fell in the holiest of causes—in defending the Constitution of his country when violently and ruthlessly attacked; and I know of no case which commands itself more strongly to the sympathy of the American people, or to the favorable action of the American Congress. I shall vote for the sum reported, as a feeble compensation to a bereaved and afflicted family, and also as an encouragement to all persons called out by competent authority to assert the majesty of the laws, to execute that duty fearlessly and faithfully—knowing that a grateful country will take charge of those dearest to them, should their lives be the sacrifice of their patriotic exertions.

Mr. WADE. I do not rise for the purpose of detaining the Senate upon this subject. I am in hopes that the amendment will be withdrawn. I disagree entirely with the Senator from Michigan, [Mr. CASS.] I think, sir, it involves principles of great consequence to this nation. I think it is a

case of first impression arising out of an unconstitutional law, which is odious to the people of the North; which many of us regard as entirely unconstitutional. If, sir, it should be decided to be unconstitutional, how improper it would be to pension those who volunteer to stand forward in its vindication. There are many questions involved in the measure. Prominent is the question of pensioning the widow of one who dies in the civil service. It is a matter of great consequence, and as an advocate of the river and harbor bill, in which the State that I represent in part has as great an interest as any other, I hope that this exciting question will not be thrust upon the Senate at this time. I hope the Senator from Mississippi will withdraw the amendment, and let us go to work with the great measure of the improvement of rivers and harbors. It is because I am so anxious to bring that measure to a vote, that, notwithstanding the people of my State are so much interested in it, I have not opened my mouth to speak upon it. I wish to do nothing but vote upon it. I think a majority of the Senate are in favor of sustaining this great measure of public policy, which is so much asked for by the State of Ohio, and other States. I am very anxious that a vote should be taken upon it.

I am the last man who would shrink from an investigation of the question involved in the amendment, which has been submitted by the Senator from Mississippi. Let it come up at the proper time in the session, when its merits can be properly debated, and I shall not shrink from its investigation. This session began with an agitation of the slavery question, to the detriment of other great public measures. I hope it will not now be renewed on this bill. I implore the Senator from Mississippi to withdraw the amendment, and not have the whole subject ordered to lie on the table, because the original bill seems to be a proposition which everybody wishes to see passed; and by its defeat we should be doing great injury to a meritorious claimant. I hope, therefore, the Senator will withdraw the amendment, and postpone it until a future time, when it can be brought up under proper circumstances, and be properly debated. There are different opinions prevailing upon it—honestly prevailing. All I wish is, that it may be presented to us at a time when it can be properly discussed.

Mr. RUSK. I think, sir, this matter is in as proper a condition to be voted upon as any that I have ever seen before the Senate. The facts are short. There is no dispute about them at all, and half a moment's reflection will satisfy every gentleman upon the propriety of the principle upon which he should act, either in voting for, or against the amendment. The opponents of the measure choose to say that they are not going to permit it to pass; but they will consume time, and, perhaps, endanger the river and harbor bill, and some of the appropriation bills. Well, then, the object of the discussion is not to elicit anything on which the Senate may act. The object is, at this stage of the proceedings, if it is not postponed on this threat, to make the Senate Chamber a sort of platform on which to address the angry passions out of doors. Under such circumstances, although I should not have offered the proposition, if I had it in charge, as an amendment to the bill, yet as it is up, and as this threat has been thrown out, I shall vote against ordering the bill to lie on the table, and against its postponement.

Mr. WADE. I do not know that the Senator from Texas alludes to me as making a threat.

Mr. RUSK. No, sir; I did not.

Mr. WADE. I made none; and I do not understand that any threats have been made.

The PRESIDING OFFICER, (Mr. COOPER in the chair.) The question is on the amendment of the Senator from Mississippi.

Mr. STUART. If it is the design of the Senate to take the question on this amendment now, I must ask their attention for five minutes, while I state the reasons which influence my mind in voting against it.

I have no hesitation in declaring that the Constitution, in my judgment, provides clearly and definitively for the return of fugitive slaves. I have just as little hesitation in declaring that, in my opinion, the laws which have been enacted for carrying out that provision, are within the constitutional power of Congress; and if they were insufficient for the purpose of carrying out

the constitutional provision, I am free to add the declaration, that I would, at any time while a member of Congress, vote for additional legislation to effect that object. In all this, I subscribe to what I deem to be the plain provisions of the Constitution of the United States, and pronounce no opinion whatever upon the question of slavery in the abstract.

But, sir, the proposition that is now before the Senate, regard it as you will, is plainly a proposition to pension the widow of a man who falls in the civil service of the country. It is true that the case alluded to of the marshal in Georgia, Mr. Forsyth, is a case in point; but that was as long ago as 1794, and has not been acted upon to any great extent certainly, if to any extent, at all since that time. This question then, I say, involves the principle whether Congress will pension the widows and children of individuals who fall in the civil service of the United States, for I apprehend there is no Senator who will say that he would confine it to cases where individuals fell in aiding the execution of the fugitive slave law. That would be a distinction so invidious and so obnoxious to a large portion of the country, that nobody would think of proposing a law like that. Therefore, I do not regard this question at all in respect to the execution of that law, and I am not disposed to give my views upon it in that light. I think that the report which was made by the Senator from Iowa, as chairman of the Committee on Pensions, respecting the case which occurred in the navy-yard in this city, was a case in point against this proposition. The committee therefore decided, and the Senate sanctioned the report, that, inasmuch as that man was not connected with the naval or military service of the country, his widow was not entitled to a pension, and they refused it.

Now, sir, if Congress is about to change the law on this subject, it certainly ought not to be done in the morning, and within five days of the heel of the session, when there is no opportunity to examine it or discuss it. Sir, I have never thought that it was a clear proposition originally, that Congress possessed the power, under the Constitution, to grant pensions in military or naval cases. There certainly is no constitutional authority in express terms, and it can only be inferred from the fact, which you must assume, that without it there would be difficulty in furnishing the naval and military service of the country with men; because, unless there is a necessity of that character inferable from the power to raise and support armies and navies, there is no constitutional power to grant pensions in those cases. It might be, that if a condition of things had arisen in the country where a civil law could not be executed, there would be some analogy. If the President of the United States should inform Congress, through the medium of a message, that a law of Congress could not be executed without holding out some provision of this kind, the contingency might perhaps arise which would assimilate it to what is assumed in the case of the Army and Navy.

But, Mr. President, it will be recollected that there is this difference: it is the business of Congress to raise and support armies and navies under the Constitution; it is the business of the President of the United States, under the Constitution, to see that the laws are faithfully executed. Congress, therefore, if the power is conferred by the Constitution, has the right to infer or to assume that the naval and military service of the country demands the passage of laws pensioning the survivors of those who fall in the service, without any indication from the President, whatever; because, I repeat, to raise and support armies is the duty of Congress under the specific provisions of the Constitution. It is not the duty of Congress to execute the laws, and therefore Congress has no right to assume, without an indication or intimation from the President of the United States, that a law which it has passed will not be executed unless there is held out to those whose duty it is to execute it some provisions of this character. Hence I infer that there is a plain difference, a clear distinction, between the powers in these two cases—as plain a distinction as there is between the duties of Congress and the duties of the President of the United States. The one is to enact the laws, the other to execute them.

Now, sir, until the President of the United States shall, in the mode pointed out by the Constitution, report to Congress that the laws gener-

ally, or a particular law, cannot be executed without some provision of this kind, I cannot consent to vote for a bill which pensions the widow of an individual who has fallen in the civil service of the country.

I shall not detain the Senate by any lengthy discussion; but I have deemed it my duty to say this much, for two reasons: First, because I shall find myself obviously compelled to vote against my distinguished colleague, whose views are different from mine on this question; secondly, to correct the impression which might possibly be inferred from my vote, that I was opposed to the execution of the fugitive slave law. I think I have done enough, personally, to save myself from any imputation of that sort. I conclude by repeating, that upon any proper occasion, and upon all proper occasions, while I am honored with a seat in Congress, when it shall be found necessary, in order to execute this, or any other law, in the opinion of the President of the United States, whose duty it is to execute the laws, to have further legislation by Congress, I shall vote for any further legislation to execute this, as well as all other laws which are sanctioned, in my judgment, by the plain provisions of the Constitution.

Mr. ADAMS. Mr. President, I will not detain the Senate by going into a discussion of the merits of this claim. I beg leave only to call the attention of the Senator from Michigan, who has just closed his remarks, to another case in point. He admits the case of Major Forsyth, in 1794, to be in point. That was one of the first sessions of Congress under this Government. Then I would ask him if he did not, this session, vote for granting a pension to the widow and children of Captain Gunnison. He was under the direction of the Secretary of War, to be sure, but he was engaged in civil engineering, an enterprise not so hazardous to life as the execution of this law in the city of Boston. You have precedents all through the legislation of the Government down to the present time.

Mr. STUART. I certainly did vote for that case, and I find no difficulty in distinguishing it from this. Congress passed a law by which certain explorations were to be made under the direction of the War Department, and Captain Gunnison, who fell in that service, was an officer in the Army, and if he had hesitated to obey the order of the War Department, he would have been cashiered, and expelled from the service, as he would have been if he had disobeyed an order while in the actual military service of the country. Sir, I see a distinction between the present case, and one where Congress sees fit to pass laws calling upon the War Department to do certain acts, and the War Department, in virtue of the power conferred upon it, puts its officers in the service, and sends them not upon the borders among the Indians, where there is as much, and more hazard—I repeat with emphasis to the Senator, where there is more hazard in a small party of this character, than there would be if there was an army of one thousand men fighting the same Indians under a declaration of war. If a man is killed under those circumstances, I will vote as cheerfully to grant a pension to his widow, as I would if he had fallen under the walls of Mexico. There is a plain and palpable difference between that case and the case of the man who is executing civil process.

Mr. ADAMS. The Senator has shown very good reasons why he voted as I supposed he had voted; and I do not object to that; but he has failed to show a distinction between Congress passing a law and requiring the Secretary of War to execute it, and passing a law and requiring the President, who is the commander-in-chief of the Army and Navy, to execute. The Constitution requires of him to see that that law be faithfully executed. We passed a law in conformity to the requirements of the Constitution. The execution of that law, owing to a peculiar state of circumstances where it was to be executed, I repeat, was as hazardous to life (and experience has shown it in this case) as was the enterprise in which the gentleman was engaged, for whose widow the Senator voted to grant a pension. I see no distinction in the two cases. By our legislation we declare to our citizens that if they will go and fight our battles, we will pay them a certain sum of money as a regular compensation for their services, if they should live and return to

their families, but that, if they should lose their lives in the service of their country, their families should be cared for and provided for by the Government by pensions. I understand your policy to be, further, that whenever you require public service of a character hazardous to life, it is the province of Congress, it is the duty of Congress, as a matter of policy as well as of justice, if an individual, in attempting faithfully to execute that law, loses his life, to provide for his family. Whether he loses his life in such a case, in the civil or military service, can make no possible difference. The only distinction which can be drawn, is that, if a man is engaged in civil service, when the ordinary discharge of that duty is not more hazardous than other civil occupations, if he loses his life, the Government will not provide for his family; but if that service be extra hazardous to life, Congress, as a matter of policy and justice, has heretofore provided, and should continue to provide, for such a case.

The present case is familiar to every one. The execution of this law, every one knows, was, under the circumstances, a hazardous task. Almost any man in that community, if he had the choice left to him to have gone into the Mexican war and meet the enemy, with the sympathies of the whole country on his side, would prefer meeting the enemy under such circumstances, rather than to execute the fugitive slave law in the city of Boston. I say nothing against the city of Boston or its citizens. I give them great credit for executing the law as they did, under the state of public feeling which I know existed there at that time. But there was hazard of life in executing the law. The widow of James C. Batchelder has lost her husband; she has lost her protector; she has lost him on whom she had been in the habit of leaning for support and protection; she lost him while he was engaged in executing a law which this Congress required him to execute. The only consolation she has now is, that he died at his post in defense of the Constitution and the laws of his country. I was going to say, that if there was a man on this floor, or elsewhere, unwilling to vote for this proposition, I desired to see him; but I do not. But I want the country to know the fact.

You cannot pay for the shedding of innocent blood. You cannot atone for the first pang of anguish and grief, when this lady was expecting her husband to return from his daily labor, and she was informed he was dead. You cannot make her compensation. But the amount proposed is reasonable. That cannot be denied; but the only argument offered by the Senator from New York against my proposition is, that the bill to which this is an amendment is a most meritorious one, that Congress has neglected for many years to perform its duty in that case. If Congress has neglected to perform its duty in reference to another, is that any argument that it should fail now to do its duty in this case?

I will not, however, be betrayed into a discussion of the merits of this question. I have desired from the commencement only to get a vote on it. I take it for granted the whole country, North and South, will approve of the proposition. I happened to be at Boston on the next day after the delivery of the fugitive slave about whom the excitement was raised. I heard the subject spoken of very freely amongst the people there. I had the honor of offering the original resolution directing the committee to make an inquiry into the expediency of granting a pension in this case, and I heard it spoken of; but I heard no man whether opposed to the fugitive slave law or not, intimate an opinion that Congress ought not to provide for the widow. Congress required him to execute the law, and I take it for granted there is no man North or South who will not approve such a just proposition as this.

I desire to say, before I conclude my remarks, that I am not urging the passage of this amendment particularly on account of the necessities of this poor lady, who has to labor for her living, and who was dependent upon the daily labor of her husband while he was alive. The South would provide for her wants if they were fifty times as great as they are; but public charity is fickle and uncertain; and we might provide in this instance, and in others we might not. For the very cogent reasons offered by the honorable Senator from Michigan, [Mr. Cass,] I think it is the duty of Congress at once and promptly, to the

neglect of all other business, to throw its protecting arms around those who faithfully discharge their duty in executing the laws passed by Congress. I have so looked upon it and so acted. I regret exceedingly that the consideration of the subject has come up at this time. It was not my fault, for I have tried on all occasions, from the very moment I received the information, to have the consideration of Congress upon this subject. If it conflicts with other business now, I regret it, but I have no discretion under the circumstances.

Mr. SEWARD. Before the yeas and nays are taken on this question, I wish to say that, in order to give evidence of my desire to conduct the public business, and proceed first with that which is most important, I shall vote to postpone the very bill which I myself reported.

The PRESIDING OFFICER. The question is on the amendment. There is no motion at present pending to postpone.

Mr. BRIGHT. As I shall vote against the amendment, I wish to state my reasons for doing so. This is the first instance I have known since I have had a seat in this body, where a member moved to take a private bill from the files and add it as an amendment to a bill reported from a committee. It is clearly out of order to my mind. I approve of much that was said by the honorable Senator from Michigan, [Mr. Cass,] and if this were brought forward as an independent proposition, I should vote for it; but I will not establish a precedent here that permits a Senator, when a report is made from a standing committee, to move to take a private bill from the files and add it to that report.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Mississippi.

Mr. SEWARD. There is a prior question to that. This amendment is not now in order. There is an amendment reported by the committee to the original bill.

Mr. BENJAMIN. It is too late to raise the question of order now.

The PRESIDING OFFICER. I think it is too late. The amendment was received by the Senate; and it is too late, at this time, to object to it.

The question being taken by yeas and nays upon Mr. ADAMS's amendment, resulted—yeas 34, nays 14; as follows:

YEAS—Messrs. Adams, Atchison, Bayard, Bell, Benjamin, Brodhead, Brown, Butler, Cass, Clay, Dawson, Dodge of Wisconsin, Dodge of Iowa, Evans, Fitzpatrick, Geyer, Gwin, Houston, Hunter, Jones of Iowa, Jones of Tennessee, Mason, Morton, Norris, Pearce, Pettit, Pratt, Rusk, Sebastian, Slidell, Thomson of New Jersey, Toombs, Toucey, and Weller—34.

NAYS—Messrs. Bright, Chase, Cooper, Fessenden, Fish, Foot, Gillette, Rockwell, Seward, Stuart, Sumner, Thompson of Kentucky, Wade, and Walker—14.

So the amendment was agreed to.

Mr. SUMNER. I beg leave now to offer the following amendment to the section which has just been added:

Provided, That the act of Congress, approved September 18, 1850, for the surrender of fugitives from service or labor, be, and the same is hereby, repealed.

Mr. BENJAMIN. I rise to a question of order. Is that amendment in order?

The PRESIDING OFFICER, (Mr. COOPER.) The Chair believes it is not.

Mr. SUMNER. It is clearly in order, particularly after what the Senate has done to-day in connecting these two bills together.

Several SENATORS. The question is not debatable.

Mr. MALLORY. I will ask the Senator to indulge me for a moment.

Mr. SUMNER. Certainly.

Mr. MALLORY. I was not present when the question was taken on the amendment of the honorable Senator from Mississippi. I was accidentally absent, and I ask the consent of the Senate to have my vote recorded in the affirmative.

The PRESIDING OFFICER. The Senator asks unanimous consent to record his vote in favor of the amendment on which the question has just been taken. Is there objection? [None.] The motion will be received.

Mr. SUMNER. Do I understand the Chair as ruling that my amendment is out of order?

The PRESIDING OFFICER. He does. The amendment is not in order in the opinion of the Chair.

Mr. WALKER. Why?

Mr. TOOMBS. Is there not yet an amendment proposed by the committee to the original bill? Was that passed on?

The PRESIDING OFFICER. The proposition of the Senator from Massachusetts is an amendment to the amendment proposing to repeal the fugitive slave law. The Chair has ruled it out of order.

Mr. TOOMBS. There was an amendment proposed to the original bill, by the Senator from New York, from the committee, and then the amendment with reference to the Boston case came up. Now, I want to know if the first amendment has been acted upon?

The PRESIDING OFFICER. Yes, sir; it was adopted. Do I understand the Senator from Massachusetts that he desired to take an appeal?

Mr. SUMNER. I do not presume to take an appeal from the decision of the Chair, though I do respectfully submit to the Chair that, according to the practice of the Senate, an amendment like that now proposed, to a new section of a pending bill is not out of order, and I submit further, that the proposition which I now make for the repeal of the fugitive act, is entirely germane to that on which the Senate has just voted. In coupling the Batchelder bill with the other, the Senate itself has prepared the way for my proposition.

Mr. SEWARD. The Senator from Massachusetts, I think, does not understand the ground on which the decision is put. The Chair decides that it is out of order, because it is an amendment to an amendment—

The PRESIDING OFFICER. No, sir; not because it is an amendment to an amendment, but generally. As far as that is concerned it would be in order; but it is on the ground that the Senator from Massachusetts—

Mr. SUMNER. Do I understand that the Chair decides that the proposition I have submitted is out of order?

The PRESIDING OFFICER. Yes, sir.

Mr. SUMNER. Inasmuch as it relates to a matter of public legislation, and not to a private claim, I do not understand the ground of the decision of the Chair.

The PRESIDING OFFICER. The motion is to amend the bill which is now pending, by a proposition to repeal the fugitive slave law. The Chair does not consider that a proposition within the rules, nor a proposition to amend under the parliamentary law. It is not a proposition, germane as it seems to me, to the bill that is now under consideration. It is not admissible.

Mr. SUMNER. The Senate has already decided that a proposition to grant bounty—

Mr. SLIDELL. I rise to a question of order. The Senator from Massachusetts cannot address the Chair in relation to the point of order. It has been decided.

The PRESIDING OFFICER. He has appealed as I understand.

Several SENATORS. He has not.

The PRESIDING OFFICER. Then nothing is before the Senate on that point.

Mr. BRIGHT. Now, I desire to inquire whether the committee who reported the original bill did not report an amendment with it? There has been no vote upon any other amendment than the one upon which the yeas and nays were taken; but we are quite as much in order in that as we were in permitting the Senator from Florida to vote. I call the attention of the Senate to that subject, for the purpose of showing how closely we adhere to rules here.

The PRESIDING OFFICER. The Senator was allowed to vote by unanimous consent.

Mr. BRIGHT. The Senate, by unanimous consent, cannot break down a rule. The 17th rule provides expressly, that

"When the yeas and nays shall be taken on any question, in pursuance of the above rule, no member shall be permitted, under any circumstances whatever, to vote after the decision is announced from the Chair."

The PRESIDING OFFICER. The Senator is not in order in discussing that matter. If the question had been made at the time, it would probably have been so decided; but there have been frequent decisions during the present session which are precisely in point, and one two or three days ago.

Mr. BRIGHT. With due deference to the opinion of the Chair, I will state that the Chair is

mistaken. This is the first instance I have ever known where, after the yeas and nays were taken and the result announced, a Senator was permitted to record his vote. I asked that privilege myself, some time ago, when I had not the pleasure of voting upon territorial bills.

Mr. MALLORY. I withdraw the vote.

Mr. BRIGHT. I do not object to it as coming from the Senator from Florida, but I refer to it for the purpose of showing how closely we adhere to rule.

Several SENATORS. "Order!" "Order!"

Mr. BRIGHT. I am not out of order in stating that no question has been taken on the amendment recommended by the committee. I wish to know what that amendment is.

The PRESIDING OFFICER. It was in substituting five years for ten, in the original bill, as the length of time during which the pension should continue. I understand the question was taken on that.

Mr. BRIGHT. There has been no vote taken upon any amendment recommended by the committee.

Mr. SLIDELL. The Secretary can settle that matter.

The PRESIDING OFFICER. The Secretary says that the question was put upon that amendment, and it was agreed to. At that time I was not in the chair.

Mr. BRIGHT. I should like to hear what the amendment was which was recommended by the committee.

The Secretary read it, as follows:

In the original bill strike out "ten" and insert "five," so as to make it read "to continue for five years."

Mr. BRIGHT. Does the Chair state that there was a vote upon that proposition?

The PRESIDING OFFICER. So I understand from the Secretary.

Mr. ATCHISON. I was in the chair at the time, and my impression is that that amendment was agreed to.

The PRESIDING OFFICER. The question now is upon ordering the amendment to be engrossed; and the bill, as amended, to be read a third time.

Mr. SUMNER called for the yeas and nays; and they were ordered; and being taken, resulted—yeas 37, nays 12; as follows:

YEAS—Messrs. Adams, Atchison, Bayard, Bell, Benjamin, Brodhead, Brown, Butler, Cass, Clay, Cooper, Dawson, Dodge of Iowa, Evans, Fitzpatrick, Geyer, Gwin, Houston, Hunter, Johnson, Jones of Iowa, Jones of Tennessee, Mallory, Mason, Morton, Norris, Pearce, Pettit, Pratt, Rusk, Sebastian, Slidell, Thompson of Kentucky, Thomson of New Jersey, Toombs, Toucey, and Weller—37.

NAYS—Messrs. Bright, Chase, Fessenden, Fish, Foot, Gillette, Rockwell, Seward, Stuart, Sumner, Wade, and Walker—12.

Mr. SUMNER. In pursuance of notice, I now ask leave to introduce a bill.

Mr. STUART. I object to it, and move to take up the river and harbor bill.

The PRESIDING OFFICER. The other bill is not disposed of. The third reading of a bill for the relief of Betsey Nash.

The bill was read a third time, and passed.

Mr. ADAMS. I move to amend the title by adding "and the widow of J. C. Batchelder."

The amendment was agreed to, and the title, as amended, agreed to.

FUGITIVE SLAVE LAW.

Mr. SUMNER. In pursuance of notice, I ask leave to introduce a bill, which I now send to the table.

Mr. STUART. Is that in order?

Mr. SUMNER. Why not?

Mr. BENJAMIN. There is a pending motion of the Senator from Michigan to take up the river and harbor bill.

The PRESIDING OFFICER. That motion was not entertained, because the Senator from Massachusetts had and has the floor.

Mr. STUART. I make the motion now.

The PRESIDING OFFICER. The Chair thinks it is in order to give the notice.

Mr. SUMNER. Notice has been given, and I now, in pursuance of notice, introduce the bill. The question is on its first reading.

The PRESIDING OFFICER. The first reading of a bill.

Mr. NORRIS. I rise to a question of order.

Mr. SUMNER. I believe I have the floor.

Mr. NORRIS. But I rise to a question of order. I submit that that is not the question. The Senator from Massachusetts has given notice that he would ask leave to introduce a bill. He now asks that leave. If there be objection, the question must be decided by the Senate whether he shall have leave or not. Objection is made, and the bill cannot be read.

Mr. SUMNER. Very well; the first question, then, is on granting leave, and the title of the bill will be read.

The PRESIDING OFFICER, (to the Secretary.) Read the title.

The Secretary read it as follows: "A bill to repeal the act of Congress approved September 18, 1850, for the surrender of fugitives from service or labor."

The PRESIDING OFFICER. The question is on granting leave to introduce the bill.

Mr. SUMNER. And I have the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is entitled to the floor.

Mr. SUMNER. I shall not occupy much time; nor shall I debate the bill. Some time ago, Mr. President, after the presentation of the memorial from Boston, signed by twenty-nine hundred citizens without distinction of party, I gave notice that I should, at some day thereafter, ask leave to introduce a bill for the repeal of the fugitive slave act. Desirous, however, not to proceed in that matter prematurely, I awaited the action of the Committee on the Judiciary, to which the memorial, and others of a similar character, were referred. At length an adverse report was made, and accepted by the Senate. From the time of that report down to this moment, I have sought an opportunity to introduce this bill. Now, at last, I have it. At a former session, sir, in introducing a similar proposition, I considered it at length, in an argument which I fearlessly assert—

Mr. GWIN. I rise to a point of order. Has the Senator a right to debate the question, or say anything on it until leave be granted?

The PRESIDING OFFICER. My impression is that the question is not debatable.

Mr. SUMNER. I propose simply to explain my bill; to make a statement, not an argument.

Mr. GWIN. I make the point of order.

The PRESIDING OFFICER. I am not aware precisely of what the rule of order on the subject is; but I have the impression that the Senate cannot debate—

Mr. SUMNER. The distinction is this—

Mr. GWIN. I insist upon the application of the decision of the Chair.

Mr. MASON. Mr. President, there is one rule of order that is undoubted; that when the Chair is stating a question of order, he must not be interrupted by a Senator. There is no question about that rule of order.

The PRESIDING OFFICER. The Senator did not interrupt the Chair.

Mr. SUMNER. The Chair does me justice in response to the injustice of the Senator from Virginia.

The PRESIDING OFFICER. Order, order!

Mr. MASON. The Senator is doing that very thing at this moment. I am endeavoring to sustain the authority of the Chair, which certainly has been violated.

The PRESIDING OFFICER. It is the opinion of the Chair that the debate is out of order. I am not precisely informed of what the rule is; but such is my clear impression.

Mr. WALKER. If the Senator from Massachusetts will allow me, I will say a word here.

Mr. SUMNER. Certainly.

Mr. WALKER. It is usual, upon notice being given of intention, to ask leave to introduce a bill. The bill is sent to the Chair, and it is taken as a matter of course that the Senator asking it has leave. But in this instance, differing from the usual practice, objection has been made to leave being granted. The necessity is imposed, then, of taking the sense of the Senate on granting leave to the Senator to introduce his bill. That, then, becomes the question. The question for the Chair to put is, Shall the Senator have leave?

The PRESIDING OFFICER. That was the question proposed.

Mr. WALKER. Now, sir, it does seem to me that it is proper, and that it is in order, for the Senator to address himself to the Senate, with the view of showing the propriety of granting the

leave asked for. He has a right to show that there would be propriety on the part of the Senate in granting the leave. I think, therefore, as this may become a precedent in future in regard to other matters, that it should be settled with some degree of deliberation.

Mr. GWIN. Let the Chair decide the question.

The PRESIDING OFFICER. The Chair has decided that debate was not in order, in his opinion.

Mr. SUMNER. From that decision of the Chair I most respectfully take an appeal.

The PRESIDING OFFICER. From that ruling of the Chair an appeal is taken by the Senator from Massachusetts. The question is on the appeal.

Mr. BENJAMIN. In order to put a stop to the whole debate, I move to lay the appeal on the table. That is a motion which is not debatable.

Mr. SUMNER. Is that motion in order?

The PRESIDING OFFICER. Certainly it is in order.

Mr. WELLER. I desire to make one remark in regard to the rule.

The PRESIDING OFFICER. It is not in order now. The question must be taken without debate.

Mr. SUMNER. Allow me to state the case as it seems to me. I was on the floor, and yielded it to the Senator from Wisconsin strictly for the purpose of an explanation. When he finished I was in possession of the floor; and then it was that the Senator from Louisiana, on my right—

The PRESIDING OFFICER. Will the Senator from Massachusetts give leave to the Chair to explain?

Mr. SUMNER. Certainly.

The PRESIDING OFFICER. A point of order was made by the Senator from California, [Mr. GWIN,] that debate was not in order upon the question of granting leave; and the Chair so decided. The Senator from Massachusetts then lost the floor, as I apprehend, and he certainly did by following it up by an appeal. After that he could go no further. He lost the floor then again for a second time, and then it was that the Senator from Louisiana intervened with another motion, which is certainly in order, to lay the appeal on the table. That is not debatable. This, it seems to me, is the state of the case.

Mr. CHASE. Will the Chair allow me to make a single statement?

The PRESIDING OFFICER. Certainly.

Mr. CHASE. The Senator from Massachusetts rose and held the floor during the suggestion made to the Chair by the Senator from Wisconsin. The Chair then, after the Senator from Wisconsin had finished his suggestion, declared his opinion to be, notwithstanding the suggestion, that debate was not in order. The Senator from Massachusetts then took an appeal, and retained the floor for the purpose of addressing the Senate on that appeal. While he occupied the floor, the Senator from Louisiana rose and moved to lay the appeal upon the table. That will be borne out by the gentlemen present.

The PRESIDING OFFICER. That is so; but the Chair does not understand that debate was in order on the appeal. The appeal was to be decided without debate, and therefore the Senator from Massachusetts necessarily lost the floor after he took the appeal.

Mr. BELL. I would inquire whether there is not a bill already pending for the repeal of the fugitive slave law?

The PRESIDING OFFICER. I have not inquired of the Secretary; but it is my belief there is a similar bill pending; but it was not on that ground the Chair made this ruling.

Mr. BELL. I would inquire whether there is not such a bill pending? Did not the honorable Senator from Ohio some time ago bring in such a bill?

Mr. WELLER. I think he did.

Mr. CHASE. No, sir.

Mr. BELL. Then I am mistaken.

Mr. CHASE. My bill is not on that subject.

The PRESIDING OFFICER. The question is on the motion of the Senator from Louisiana, to lay on the table the appeal taken by the Senator from Massachusetts from the decision of the Chair.

Mr. CHASE. I ask if the motion of the Sen-

ator from Louisiana is in order when the Senator from Massachusetts retained the floor for the purpose of debating the appeal?

Mr. BENJAMIN. The Senator is not in order in renewing that question, which has already been decided by the Chair.

The PRESIDING OFFICER. If the Chair acted under an erroneous impression in supposing that debate on the appeal was not in order, when it actually is, it was the fault of the Chair, and it would not have been in order for the Senator from Louisiana to make the motion which he did make, while the Senator from Massachusetts was on the floor. But the Chair recognized the Senator from Louisiana, supposing that the Senator from Massachusetts had yielded the floor. The Senator had taken an appeal; he followed it up by no address to the Chair, indicating an intention that he intended to debate the appeal, or the Chair certainly should so far have recognized him. But the Chair would reconsider his ruling in that respect, with the consent of the Senator from Louisiana.

Mr. BRIGHT. The Chair will permit me to suggest that I think the motion proper to be entertained now is the one proposed by the Senator from New Hampshire, [Mr. NORRIS.] The Senator from Massachusetts presented his bill; the Senator from New Hampshire raised the question as to whether the Senate would grant leave to introduce it; and I think the proper question to be put now is, will the Senate grant leave to introduce a bill repealing the fugitive slave law? The effect of the motion of the Senator from Louisiana would be to lay the subject on the table, from which it might be taken at any time for action. For one, I desire to give a decisive vote now, declaring that I am unwilling to legislate upon the subject, that I am satisfied with the law as it reads, and that I will not aid the Senator from Massachusetts, or any Senator, in—

The PRESIDING OFFICER. The Senator from Indiana is certainly not in order.

Mr. BRIGHT. I certainly am in order in calling the attention of the Chair to the fact that the Senator from New Hampshire—

The PRESIDING OFFICER. The Senator from Indiana is not in order.

Mr. BRIGHT. Then I will sit down and ask the Chair to state wherein I am out of order?

The PRESIDING OFFICER. In discussing a question which is not before the Senate.

Mr. BRIGHT. I claim that the motion is before the Senate. The Senator from New Hampshire raised the question immediately that—

The PRESIDING OFFICER. The Chair decides otherwise.

Mr. BRIGHT. Then I appeal from the decision of the Chair, and I state this as my point of order: that before the bill was presented in legal parlance, the Senator from New Hampshire raised the question as to whether the Senate would grant leave, and that is the point now before the Senate.

The PRESIDING OFFICER. The Chair will state the question which he supposes to be pending. The Senator from California made a point of order that debate on the bill proposed to be introduced by the Senator from Massachusetts, was not in order. The Chair so ruled. From that ruling the Senator from Massachusetts took an appeal. The Chair supposed that the Senator from Massachusetts had yielded the floor, and he gave the floor to the Senator from Louisiana, who moved to lay that appeal on the table. That is the question which is now pending. The Chair before suggested that if the Senator from Massachusetts had not yielded the floor, he had made a mistake in giving the floor to the Senator from Louisiana, but he did not suppose that the Senator from Massachusetts, after taking the appeal, without some indication of his intention to debate it, could continue to hold the floor, and he therefore recognized the Senator from Louisiana. The Chair is sorry if he did the Senator from Massachusetts injustice in that respect, but he did not hear him, and recognized the Senator from Louisiana.

Mr. BRIGHT. I would respectfully ask the Chair what has become of the motion submitted by the Senator from New Hampshire?

The PRESIDING OFFICER. The Chair did not understand him to submit a motion, but the Senator from California took his point of order.

Mr. BRIGHT. I wish to inquire of the Sen-

ator from New Hampshire whether he has withdrawn his motion?

The PRESIDING OFFICER. It was not entertained. It is not in his power to say whether it was withdrawn or not, for it was not entertained.

Mr. NORRIS. I think I can inform my friend from Indiana how the matter stands. The Senator from Massachusetts proposed to introduce a bill on notice given. I raised the question that it could not be introduced without leave of the Senate, if there was objection.

Mr. SUMNER. Do I understand the Senator to say without notice given? I asked leave to introduce the bill in pursuance of notice.

Mr. NORRIS. The Senator from Massachusetts, I have already stated, offered his bill agreeably to previous notice.

Mr. SUMNER. Precisely.

Mr. NORRIS. The question was then raised, whether it could be received if there was objection. The question arose whether leave should be granted to the Senator from Massachusetts to introduce the bill?

Mr. SUMNER. That is the first question.

Mr. NORRIS. The Senator from Massachusetts, upon the question of granting leave, undertook to address the Senate. He was then called to order by my friend from California, for discussing that question. The Chair sustained the objection of the Senator from California. From the decision of the Chair the Senator from Massachusetts took an appeal, and that is where the question now stands, unless the Senator from Louisiana had a right to make the motion which he did make, which was to lay the appeal on the table.

The PRESIDING OFFICER. The question is, unless the Senator from Louisiana will disembarass the Chair by withdrawing it, on the motion of the Senator from Louisiana, to lay the appeal on the table.

Mr. SUMNER. On that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FOOT. On what motion have the yeas and nays been ordered?

The PRESIDING OFFICER. On the motion of the Senator from Louisiana.

Mr. WALKER. I wish to know, before voting, what will be the effect of a vote given in the affirmative on this motion? Will it carry the bill and the whole subject on the table?

Mr. FOOT. An affirmative vote carries the whole measure on the table.

The PRESIDING OFFICER. Yes, sir; if the motion to lay on the table be agreed to, it carries the bill with it.

Several SENATORS. No, no.

Mr. BENJAMIN. The question is whether, on the motion for leave to introduce the bill, there shall be debate? The Chair has decided that there shall be no debate. Those who vote "yea" on my motion to lay the appeal of the Senator from Massachusetts on the table, will vote that there is to be no debate upon the permission to offer the bill, and then the question will be taken upon granting leave.

Mr. WALKER. The Chair decides differently. The Chair decides, if I understand, that it will carry the bill on the table. Then, how can we ever reach the question of leave when objection is made?

Mr. WELLER. I object to this discussion. The Chair will decide that question when it arises. It does not arise now. I insist that the Secretary shall go on and call the roll.

Mr. WALKER. Suppose some of us object to it?

Mr. WELLER. Then I object to your discussing it.

The PRESIDING OFFICER. The Chair, on reflection, thinks that the motion, if agreed to, would not have a further effect than to bring up the question of granting leave.

Mr. BRIGHT. I desire to understand the Chair. I do not wish to insist on anything that is not right, or that is not within the rules. That, I insist upon having. The honorable Senator from Louisiana is right in his conclusions as to his motion, provided he had a right to make the motion; but I doubt whether he had a right to make that motion while the motion of the honorable Senator from New Hampshire was pending. I do not wish, however, to consume the time of the Senate.

If the effect of the decision of the Chair is to bring us back to the question as to whether we shall receive the bill or not, I will yield the floor.

The PRESIDING OFFICER. That is it.

Mr. BRIGHT. Very well.

Mr. SUMNER. Before the vote is taken, allow me to read a few words from the rules and orders, and from Jefferson's Manual.

"One day's notice, at least, shall be given of an intended motion for leave to bring in a bill."

That is the 25th rule of the Senate, and then to that rule, in the publication which I now hold in my hand, is appended from Jefferson's Manual, the following decisive language:

"When a member desires to bring in a bill on any subject, he states to the House, in general terms, the causes for doing it, and concludes for leave to bring in a bill entitled, &c. Leave being given, on the question, a committee is appointed to prepare and bring in the bill."

Now, I would simply observe, that my purpose was merely to make a statement—

Mr. BENJAMIN. I call to order.

The PRESIDING OFFICER. The Senator had presented his bill, and was debating it afterwards. The question is on the motion of the Senator from Louisiana, to lay the appeal on the table; and on that the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 35, nays 10; as follows:

YEAS—Messrs. Adams, Atchison, Bell, Benjamin, Brodhead, Brown, Butler, Cass, Clay, Cooper, Dawson, Dodge of Iowa, Evans, Fitzpatrick, Geyer, Gwin, Johnson, Jones of Iowa, Jones of Tennessee, Mallory, Mason, Morton, Norris, Pearce, Pettit, Pratt, Rusk, Sebastian, Sidel, Stuart, Thompson of Kentucky, Thomson of New Jersey, Toombs, Toucey, and Weller—35.

NAYS—Messrs. Chase, Fessenden, Fish, Foot, Gillette, Rockwell, Seward, Sumner, Wade, and Walker—10.

So the appeal was ordered to lie on the table.

The PRESIDING OFFICER. The question now is on granting leave to introduce the bill.

Mr. SUMNER. On that question I ask for the yeas and nays.

Mr. STUART. I rise to a question of order; and I think if the Chair will consider it for the moment, he will, or, at least, I hope he will, agree with me. The parliamentary law is the law under which the Senate act. Whenever there is a motion made to lay on the table a subject connected with the main subject, and it prevails, it carries the whole question with it. It is different entirely from the rules in the House of Representatives. The rules in the House vary the parliamentary law, and you may there move to lay a matter on the table, because that is the final vote, and is equivalent to rejecting it, and a motion to take it up from the table is not in order. But now the Presiding Officer will see that if this course be pursued, the Senate may grant leave to introduce this bill, they may go on and pass it, and yet next week it will be in order for the Senator from Massachusetts to move to take up the appeal which the Senate has just laid on the table; whereas the whole subject on which his appeal rested might have been passed and sent to the other House. That surely cannot be so. The ruling of the Chair in this respect, therefore, I suggest is wrong, and the motion to lay on the table carries the whole subject with it. It is important to have the matter settled for the future practice of the Senate.

The PRESIDING OFFICER. At the first meeting of the proposition, the Chair was of that opinion; but he is perfectly satisfied now that it did not carry the whole question with it. The question was on the motion to lay the appeal on the table, and that motion was exhausted when it did lay the appeal on the table. It did not reach back to affect the question of granting leave. That is now the question before the Senate. On that the yeas and nays have been asked for by the Senator from Massachusetts.

The yeas and nays were ordered.

Mr. STUART. I will not take an appeal from the decision of the Chair; but I only wish to say that as I am satisfied I am right, I do not wish, by acquiescing in the decision of the Chair, to embarrass us when such occasions may arise again.

The question being taken by yeas and nays upon granting leave to introduce the bill, resulted—yeas 10, nays 35; as follows:

YEAS—Messrs. Chase, Dodge of Wisconsin, Fessenden, Foot, Gillette, Rockwell, Seward, Sumner, Wade, and Walker—10.

NAYS—Messrs. Adams, Atchison, Bell, Benjamin, Bright, Brodhead, Brown, Butler, Cass, Clay, Cooper, Dawson, Evans, Fitzpatrick, Geyer, Gwin, Johnson,

Jones of Iowa, Jones of Tennessee, Mallory, Mason, Morton, Norris, Pearce, Pettit, Pratt, Rusk, Sebastian, Sidel, Stuart, Thompson of Kentucky, Thomson of New Jersey, Toombs, Toucey, and Weller—35.

So the Senate refused to grant leave to introduce the bill.

Mr. DOUGLAS subsequently said: I was called out of the Senate Chamber to one of the Departments on some business, for a short time, to-day. If I had been here when the vote was taken on the Batchelder case, I should have voted for it. I desire, also, to state that I should have voted against any permission to allow the introduction of a bill to repeal the fugitive slave law, believing that the Constitution must be enforced under all circumstances.

CIVIL AND DIPLOMATIC BILL.

Mr. BRODHEAD. In engrossing the amendments which we made to the civil and diplomatic appropriation bill an error was committed by the clerks. A portion of the bill, as it came from us to the House, relating to the management of the public buildings and the powers of the Commissioner of Public Buildings, was stricken out; but in engrossing the amendments that one was accidentally omitted. Our amendments, I understand, are now under consideration in the House, and I wish to send a message to them on the subject. I therefore offer the following resolution which has been prepared according to the usual form:

Resolved, That the Secretary inform the House of Representatives that the following amendment, made by the Senate to the bill entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1855," were accidentally omitted in engrossing the amendments made by the Senate to the said bill; and that the House be requested to receive the said amendment as a portion of those made by the Senate, viz:

Amend the second section by striking out after the words "two Houses of Congress," the following words: "and further that all appropriations which are herein made, or may be hereafter made, for repairs or improvements of the public buildings, grounds, and streets, within the District of Columbia, and now under the charge of the Commissioner of Public Buildings and Grounds, shall be expended under the direction of the Secretary of the Interior; and that all laws or parts of laws inconsistent with this section, shall be, and the same are hereby, repealed."

Mr. SLIDELL. A similar error was made in omitting a portion of the amendment which was adopted by the Senate as the thirty-first section of the bill, by which the clerks of the branch Mint at New Orleans were put on the same footing with the clerks in the Mint at Philadelphia. The Secretary has in his possession a letter which I addressed to the chairman of the Committee on Finance on the subject, which will confirm the statement I am about to make. When that section was offered as an amendment by the Senator from California, I suggested an amendment which was accepted by him, to place the clerks in the branch Mint at New Orleans on the same footing as to salary with those in the Mint at Philadelphia. The chairman of the Committee on Finance assented to it, and I took it for granted that it had been incorporated in the amendment; but this morning, on reading the bill, as printed with our amendments, to my great surprise I discovered that it was not there; and inasmuch as another error is to be corrected, I move to amend the resolution by adding to it that the Secretary inform the House that we amended our one hundred and eighty-third amendment by inserting after the words "United States," the words "and branch Mint at New Orleans." The connection is this: It is the provision allowing \$1,800 as the annual salary of clerks in the Mint of the United States and branch Mint at New Orleans.

Mr. STUART. Do I understand the Senator to say that the amendment which he now suggests was actually made by the Senate when the bill was pending?

Mr. SLIDELL. I suggested the amendment, and it was immediately accepted by the Senator from California as part of his amendment, which was adopted. There is a letter in the possession of the Secretary which I have written to the chairman of the Committee on Finance on the subject, which can be read if desired.

Mr. STUART. I only wished to ascertain whether that fact existed; because, if so, it is just such a condition of things as that where the rule authorizes a correction.

The amendment, was agreed to; and the resolution, as amended, was adopted.

OCEAN STEAMER BILL.

A message was received from the House of Representatives, by Mr. FORNEY, their Clerk, announcing that they had passed a bill making appropriations for the transportation of the United States mails by ocean steamers and otherwise, during the year ending June 30, 1855, in which they asked the concurrence of the Senate.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole resumed the consideration of the House bill, "making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law."

Various amendments were offered and debated at length. The discussion was continued until eleven o'clock, p. m., when, without disposing of the subject,

The Senate adjourned.

[See Appendix for the proceedings on the River and Harbor bill.]

HOUSE OF REPRESENTATIVES.

MONDAY, July 31, 1854.

The House met at eleven o'clock, a. m. Prayer by Rev. HENRY SLICER.

The Journal of Saturday was read and approved.

THE TEXAS DEBT.

The SPEAKER. The business first in order is the motion made on Saturday last by the gentleman from South Carolina [Mr. ORR] to suspend the rules for the purpose of taking up the following Senate bill:

An act to provide for the payment of such creditors of the late Republic of Texas as are comprehended in the act of Congress of September 9, 1850.

Mr. HOUSTON. If the gentleman from South Carolina, who moved to suspend the rules for the purpose of taking up that bill, will allow me to do so, I should like to take up the civil and diplomatic appropriation bill, and to pass on the Senate's amendments. [Cries of "Agreed!"] It is important that this should be done early, as, unless it is done early, the bill will inevitably be lost. I appeal to the gentleman from South Carolina to withdraw his motion.

Mr. ORR declined to withdraw his motion.

The SPEAKER. The question is on suspending the rules for the purpose of taking up the Texas creditors' bill.

Mr. PHELPS. On that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CAMPBELL. I desire to inquire of the gentleman from South Carolina whether, if the rules be suspended, it is his intention to move the previous question?

Mr. ORR. It is not, as far as I am concerned. I desire that an amendment may be submitted to the bill in question, reducing the amount to \$6,500,000, so that both sides of the House may have an opportunity of voting on it as they desire.

Mr. CAMPBELL. I will inquire, also, whether the gentleman will allow the introduction of an amendment providing that the act shall not take effect until the State of Texas shall, by an act, release the United States Government from all claims she may have.

Mr. ORR. I suppose that provision is now in the bill.

Mr. HOUSTON. If the House will allow me, I ask permission to report back the civil and diplomatic bill, and have it referred to the Committee of the Whole on the state of the Union.

Mr. WHEELER. I object.

The question was then taken; and there were—yeas 71, nays 67; as follows:

YEAS—Messrs. Abercrombie, Appleton, Bell, Benton, Boyce, Breckinridge, Bridges, Bugg, Caruthers, Chandler, Chrisman, Churchwell, Clark, Cox, Crocker, Culm, John G. Davis, Dawson, Dick, Disney, Dunbar, Edmundson, John M. Elliott, English, Greenwood, Grey, Grow, Andrew J. Harlan, Harrison, Hendricks, Hill, Hunt, George W. Jones, Keitt, Kerr, Kurtz, Lindsley, McDougall, McNair, Maxwell, Mayall, John G. Miller, Olds, Mordecai Oliver, Orr, Peckham, Phillips, Pratt, Preston, Puryear, Ready, Reese, Riddle, Robbins, Seward, Shannon, Gerrit Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, Stratton, Straub, Andrew Stuart, David Stuart, John J. Taylor, John L. Taylor, Wheeler, Yates, and Zollcoffer—71.

NAYS—Messrs. James C. Allen, Barksdale, Barry, Belcher, Bennett, Campbell, Carpenter, Caskie, Chastain,

Corwin, Craig, Thomas Davis, Dickinson, Eastman, Edgerton, Ellison, Farley, Flager, Fuller, Giddings, Goode, Aaron Harlan, Sampson W. Harris, Henn, Houston, Howe, Hughes, Daniel T. Jones, Kidwell, Kittredge, Knox, Lamb, Lane, McCulloch, Macdonald, McQueen, Macy, Mateson, Morgan, Morrison, Murray, Nichols, Norton, Andrew Oliver, Parker, John Perkins, Phelps, Powell, David Ritchie, Ruffin, Russell, Sabin, Sage, Sapp, Shaw, Simmons, Singleton, Skelton, Nathaniel G. Taylor, Trout, Vail, Vansant, Wade, Ellihu B. Washburne, Israel Washburn, Tappan Wentworth, and Daniel B. Wright—67.

So the rules were not suspended, two thirds not voting in favor thereof.

CIVIL AND DIPLOMATIC BILL.

Mr. HOUSTON, by unanimous consent, then reported back from the Committee of Ways and Means, the bill of the House (No. 48) "making appropriations for the civil and diplomatic expenses of the Government, for the fiscal year ending June 30, 1855."

Mr. H. I now move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. JONES, of Tennessee. I rise to a privileged question. I move to reconsider the vote by which the civil and diplomatic bill was referred to the Committee of the Whole on the state of the Union, and also to lay the motion to reconsider on the table.

The latter motion was agreed to.

TRADE BETWEEN THE UNITED STATES AND PERU.

Mr. RIDDLE. I ask the gentleman from Alabama to withdraw his motion for a moment, to allow me to present a bill and report from a special committee, in order that they may be referred and printed.

Mr. HOUSTON. I have no objection to yielding a moment for that purpose.

Mr. RIDDLE accordingly reported the following bill; which was read a first and second time by its title, and the bill and report referred to the Committee of the Whole on the state of the Union, and ordered to be printed:

A bill regulating in part the trade between the United States and the Republic of Peru.

PROPERTY DESTROYED AT GREYTOWN.

Mr. WHEELER. I ask the gentleman from Alabama to allow me to present to the House the memorial of several merchants of the city of New York, asking for redress for the destruction of their property at Greytown by the United States ship-of-war Cyane.

Mr. RICHARDSON. I object to it.

Mr. ORR. Let it be presented and referred under the rule.

The memorial was so disposed of.

HOMESTEAD BILL.

Mr. DISNEY. I ask the gentleman from Alabama to suspend his motion until I can have an opportunity to move to take up the amendments of the Senate to the homestead bill.

[Cries of "Agreed!" and "No!" "No!"]

Mr. HOUSTON. I cannot do it.

EXECUTIVE COMMUNICATION.

The SPEAKER, by unanimous consent, laid before the House a communication from the Post Office Department, transmitting, in compliance with an act of July 2, 1836:

1. A copy of the abstract of the offers for carrying the mails made within the year preceding the 1st of July, 1853.

2. A report of all contracts made for the transportation of the mail within the year aforesaid.

3. A statement of all such land and water mails as have been established or ordered within said year.

4. A report of additional allowances made to mail contractors within said year.

5. A report of curtailments of mail service and pay ordered within said year.

The communication was laid upon the table, and ordered to be printed.

CORRECTION OF THE RECORDS.

Mr. STRAUB. I rise to what I suppose to be a question of privilege. At the time the death of Mr. Muhlenberg, one of my colleagues from Pennsylvania, was announced in this House, there were several historical mistakes made. I ask the consent of the House that they may be corrected upon the public records.

The proposition was assented to.

THE ARMORY QUESTION.

Mr. DICKINSON. During the discussion in reference to the superintendence of the armories, some facts came to my knowledge which I feel it my duty to bring to the notice of the House. I ask the consent of the House to offer the following resolution; asking information from the Department:

Resolved, That the Secretary of War be, and he is hereby, requested to communicate any information he may have in relation to the application by either of the commissioners who visited the Springfield armory under the act of 3d March, 1853, for the office of superintendent of either of the national armories, or any recommendation by either of said commissioners for the appointment of any other person to that office; and in relation to any application by, or in behalf of, any of the commissioners from Harper's Ferry, or Springfield, who testified before the select committee of the House, to which was referred the question of the expediency of employing military officers in the supervision of civil works, for any office in either of said armories, or any recommendation of either of said witnesses of other persons for any such office; and in relation to any application by either of the members of said select committee in their own behalf, or in behalf of any other person or persons for appointment to any office connected with the prosecution of any of the various public works which are the subject of inquiry by such committee.

Mr. CHURCHWELL. I object.

Mr. DICKINSON. It is simply a resolution calling for information. I hope the gentleman from Tennessee will withdraw his objection.

The SPEAKER. The Chair understood the gentleman from Virginia [Mr. FAULKNER] also to object.

Mr. FAULKNER. No, sir; I said I hoped the objection would be withdrawn.

Mr. CHURCHWELL. I will withdraw my objection.

The resolution was then considered and adopted.

TELEGRAPH TO THE PACIFIC.

Mr. FARLEY. I ask the gentleman from Alabama to withdraw his motion for a moment, to allow me to request the House to take up a bill from the Speaker's table, (Senate bill No. 60,) "authorizing the construction of a subterranean line of telegraph from the Mississippi or Missouri river to the Pacific ocean." I ask that it may be taken up and referred to the Committee on Territories. It will give rise to no discussion. I do not propose to put it upon its passage.

There being no objection, the bill was taken up, read a first and second time by its title, and referred to the Committee on Territories.

Mr. DAWSON obtained the floor.

Mr. PHELPS. I rise to a question of order. Is not the motion of the gentleman from Alabama still before the House?

The SPEAKER. It is.

Mr. PHELPS. Then I call for the regular order of business.

The SPEAKER. The motion of the gentleman from Alabama is before the House, and is the only motion now in order; but the House have, by unanimous consent, indulged several gentlemen in several motions. Gentlemen have risen to ask unanimous consent, and the Chair has indulged them; and, in his opinion, properly indulged them.

THE HOMESTEAD BILL—AGAIN.

Mr. DAWSON. Mr. Speaker, I wish to make a request of the gentleman from Alabama. I desire that he will withdraw his motion that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union on the civil and diplomatic appropriation bill, so that I may be afforded an opportunity to ask the unanimous consent of the House, and, in the event of an objection, that I may ask a suspension of rules, to take up the homestead bill as amended by the Senate, as I am anxious to offer further amendments, so as to secure more fully the rights of actual settlers, in which I have full confidence the House will sustain me, and then to press the bill to final action.

Mr. SOLLERS. I object to granting the gentleman unanimous consent.

The question was then taken on Mr. Houston's motion; and it was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. ORR in the chair.)

CIVIL AND DIPLOMATIC BILL.

Mr. HOUSTON. Mr. Chairman, I move that the committee take up for consideration the amend-

ments of the Senate to the civil and diplomatic appropriation bill.

The motion was agreed to.

Mr. HOUSTON. I hope that the committee may, by unanimous consent, agree to close debate on these Senate amendments. If there be objection, I shall move to go into the House for the purpose of closing debate.

Mr. TAYLOR, of Ohio. We had better go into the House to secure the purpose indicated.

Mr. HOUSTON. Well, I move that the committee do now rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had had the state of the Union generally under consideration, and particularly the amendments of the Senate to the civil and diplomatic appropriation bill, and had come to no resolution thereon.

Mr. HOUSTON. I submit the usual resolution closing debate on the amendments of the Senate to the civil and diplomatic bill in five minutes after the Committee of the Whole on the state of the Union shall resume the consideration of the same.

The resolution was adopted.

Mr. HOUSTON moved to reconsider the vote by which the resolution was adopted, and also moved to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. HOUSTON. I now move that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. ORR in the chair,) and resumed the consideration of the amendments of the Senate to the civil and diplomatic bill:

Second amendment:

Strike out the words "for compensation of the officers and clerks of both Houses of Congress, \$56,730," and insert in lieu thereof the following:

For compensation of the officers, clerks, messengers, and others receiving an annual salary, in the service of the Senate, \$57,010.

For compensation of the officers and clerks of the House of Representatives, \$34,460.

Mr. HOUSTON. The Committee of Ways and Means recommend a non-concurrence in that amendment.

The amendment was non-concurred in.

Third amendment:

Strike the word "two" out of the clause "for books, \$2,000," and insert in lieu thereof the word "ten," so as to make it read, "for books, \$10,000."

Mr. HOUSTON. The committee recommend a concurrence in the amendment.

The amendment was concurred in.

Fourth amendment:

Strike out the word "eight" in the clause "for stationery, \$8,000," and insert in lieu thereof the word "fifteen," so as to make it read, "for stationery, \$15,000."

Mr. HOUSTON. The committee recommend a concurrence in that amendment.

The amendment was concurred in.

Fifth amendment:

Add the words "six hundred dollars" at the end of the clause, "for newspapers, \$2,000," so as to make it read, "for newspapers, \$2,600."

Mr. HOUSTON. The committee recommend a concurrence in the amendment.

The amendment was concurred in.

Sixth amendment:

Strike the word "three" out of the clause "for Congressional Globe and binding the same, \$3,000," and insert in lieu thereof the words "sixty-five," so as to make it read:

For Congressional Globe and binding the same, \$65,000.

Mr. HOUSTON. This amendment is rendered necessary by the fact that the Senate have passed a resolution taking a large additional number of copies of the Congressional Globe, as they had a right to do.

The amendment was concurred in.

Seventh amendment:

Strike out the words "twenty-five" in the clause "for reporting proceedings, \$25,000," and insert in lieu thereof the word "thirteen," so as to make it read:

For reporting proceedings, \$13,000.

Mr. HOUSTON. The committee recommend a concurrence.

The amendment was concurred in.

Eighth amendment:

Strike out the clause: "For clerks to committees and President *pro tempore*, draughtsman, messengers, pages, laborers, police, horses and carry-alls, \$43,000," and insert in lieu thereof the following:

For clerks to committees, pages, police, horses and carry-alls, \$30,000.

Mr. HOUSTON. The Committee of Ways and Means recommend a non-concurrence. That amendment is intimately connected with amendment No. 2; and if we non-concur in the second amendment, that action makes it necessary we should non-concur in the eighth. A good many of the officers provided for in the clause stricken out in No. 8 are transferred to the clause No. 2; and if we concur in this, we thereby deprive the Senate of the appropriation necessary to carry on their business.

The amendment was non-concurred in.

Ninth amendment:

Page three, after the word "dollars," insert as follows: *Provided*, That whenever, in the opinion of the Joint Committee on Printing, the character of any document ordered to be printed may render such change necessary and proper, the size of the page may be changed from octavo to quarto form; but in no cases shall the prices to be paid for composition and press-work exceed, *pro rata*, those established by the printing act of August the 26th, 1852, for the printing of congressional documents;

The clause, as amended, will read:

For paper and printing of the Senate, \$85,000, provided, &c.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence in that amendment.

The amendment was concurred in.

Tenth amendment:

Page three, after the word "thousand," strike out the words "seven hundred and forty-five," and insert in lieu thereof the words "and fifteen."

The clause, as amended, reads:

For horses and carriages, \$4,015.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence in that amendment.

The amendment was concurred in.

Eleventh amendment:

Page four, line sixty-five, after the word "hundred," add the words "and sixty."

The clause, as amended, reads:

For Capitol police, \$3,560.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence in the amendment.

The amendment was concurred in.

Twelfth amendment:

Strike out the words, "For compensation of Librarian, two assistant librarians, and messenger, \$4,500," and insert in lieu thereof as follows:

For compensation of Librarian, three assistant librarians, and messenger, \$8,000.

For compensation of Librarian, assistant librarians, and messenger, for the year ending the 30th of June, 1854, \$2,700.

Mr. HAVEN. The Committee of Ways and Means recommend a non-concurrence in that amendment.

The amendment was non-concurred in.

Thirteenth amendment:

To the clause "for purchase of law books for said library, \$2,000," add the following words:

For the completion and the publication of the works of Thomas Jefferson, and pay of the editor of said work, \$7,200.

To enable the Joint Committee on the Library of Congress to replace the seven volumes and atlas of the Exploring Expedition, destroyed by the burning of the library, and the plates and other property destroyed by the fire in Philadelphia, including binding, \$9,970 75.

Mr. HAVEN. The Committee of Ways and Means recommend a concurrence in the amendment.

The amendment was concurred in.

Fourteenth amendment:

To the clause "for the compensation of the Secretary of State and Assistant Secretary of State," add the following words:

Chiefs of foreign desks, examiner."

Mr. HAVEN. The Committee of Ways and Means recommend a non-concurrence in the amendment.

The amendment was non-concurred in.

Fifteenth amendment:

In the same clause strike out the words "thirty-eight thousand seven hundred" and insert in lieu thereof the words "forty-eight thousand two hundred and fifty,"

The clause, as amended, reads:

For compensation of the Secretary of State and Assistant Secretary of State, chiefs of foreign desks, examiner, clerks, messenger, and assistant messenger, in his office, \$48,250.

Mr. HAVEN. The Committee of Ways and Means recommend a non-concurrence in that amendment.

Mr. PERKINS, of Louisiana. I would like to ask the gentlemen of the Committee of Ways and Means for an explanation in regard to this amendment.

Mr. HOUSTON. The explanation is this: These amendments are made to defend a section of the bill which the committee will reach after a while, and which proposes to change the names of some of the clerks in the State Department, and increases their compensation, and also gives an additional number of clerks to that Department. The Committee of Ways and Means non-concur both in this amendment and the one which we shall after a while reach. It falls back, therefore, upon the existing law in relation to the compensation and the number of clerks in that Department.

Mr. PERKINS. I would ask the gentleman from Alabama if the effect of non-concurring will be to reduce the salaries of the head of the consular bureau?

Mr. HOUSTON. It will not reduce any salaries at all.

The amendment was then non-concurred in.

Sixteenth amendment:

Insert among the items "for the incidental and contingent expenses of the Department of State," the following:

For additional compensation for disbursing clerk and superintendent of the northeast Executive Building, \$200.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence. The amendment was non-concurred in.

Seventeenth amendment:

Add, after the appropriation "for publishing the laws in pamphlet form, and in the newspapers of the States and Territories, and in the city of Washington, \$18,525," the words:

And such sum shall be paid for publishing the laws in California, Oregon, and Washington, as the Secretary of State may deem reasonable.

Mr. HAVEN. The Committee of Ways and Means recommend an agreement.

The amendment was concurred in.

Eighteenth amendment:

Strike out, under the head of "incidental and contingent expenses of the State Department," after the words "for extra clerk hire and copying, \$2,000," the following:

"Said clerks to be employed only during the session of Congress, or when indispensably necessary to enable the Department to answer some call made by either House of Congress at one session to be answered at another."

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence. The amendment was non-concurred in.

Nineteenth amendment:

Page six, after line one hundred and thirty-seven, insert the following:

For services of William Hunter, commissioned as acting Secretary of State during the absence of Secretary Webster, for services as such acting Secretary in 1851, 1852, and 1853, \$1,500.

For paying to Asbury Dickens the difference between the compensation of head of a Department and chief clerk of a Department, for the time he acted as Secretary of State, or Secretary of the Treasury, by an appointment of General Jackson, to be ascertained by the proper accounting officers, a sum not exceeding \$2,500.

Mr. HAVEN. The Committee of Ways and Means recommend a non-concurrence.

The amendment was non-concurred in.

Twentieth amendment:

Page seven, line one hundred and forty-nine, strike out the following:

For printing and paper for the Department of State, \$200.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a concurrence. The amendment was concurred in.

Twenty-first amendment:

Insert at the end of the appropriations for the State Department:

For the purchase of fifty sets of Howard's Reports of the Decisions of the Supreme Court of the United States, \$3,500.

For the purchase of copies of the reports of the Supreme Court and Opinions of the Attorneys General of the United States for the Executive offices of the Territories of Kansas and Nebraska, \$450.

Mr. HAVEN. The Committee of Ways and Means recommend a concurrence.

Mr. PECKHAM. I would inquire of the gentleman from New York what is to be done with these different sets of Howard's Reports?

Mr. HAVEN. This amendment was inserted by the Senate, and it was concurred in by the Committee of Ways and Means, and upon the ground that the officers of the country and the official wants of the country require it. There are some additional district courts, not only in the Territories, but in the State of California, and the Secretary of State and some of the Departments are destitute of them.

The amendment was then concurred in.

Twenty-second amendment:

Insert at the end of the appropriations for the State Department, the following:

That the act approved the 23d April, 1854, entitled "An act to amend the third section of 'An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1854,' and for other purposes," shall be so construed as, in regard to increased compensation for the fiscal year ending the 30th of June last, to include within its provisions the clerks of the Department of State and the clerks in the Office of the Coast Survey; and that the chief clerk in the State Department shall receive the same compensation as the chief clerks in the other Departments of the Government for the last fiscal year; and that the money necessary to carry these provisions into effect is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

Mr. HAVEN. The Committee of Ways and Means recommend a non-concurrence.

The amendment was non-concurred in.

Twenty-third amendment:

Strike out the clause of the bill: "For compensation of the superintendent and four watchmen of the northeast Executive Building, \$2,250," and insert in lieu thereof:

For compensation of four watchmen of the northeast Executive Building, \$2,400.

Mr. HAVEN. The Committee of Ways and Means recommend a non-concurrence in that amendment.

The amendment was non-concurred in.

Twenty-fourth amendment.

Strike out the following from the original bill: "For compensation of the Secretary of the Treasury and Assistant Secretary of the Treasury, clerks, messenger, and assistant messenger in his office \$32,000;

"For compensation of the First Comptroller, and the clerks and messenger in his office, \$34,500;

"For compensation of the Second Comptroller, and the clerks and messenger in his office, \$25,300;

"For compensation of the First Auditor, and the clerks, messenger, and assistant messenger in his office, \$30,900;

"For compensation of the Second Auditor, and the clerks, messenger, and assistant messenger in his office, \$31,700;

"For compensation of the Third Auditor, and the clerks, messengers, and assistant messenger in his office, \$66,950;

"For compensation of temporary clerks, employed in the office of the Third Auditor on bounty-land service, and arrears of pay, \$29,608: *Provided*, That no clerk shall receive more than at the rate of \$1,000 per annum under this act, except one, whose salary shall be \$1,500 per annum, and four whose compensation shall be four dollars per day;

"For compensation of the Fourth Auditor, and the clerks, messenger, and assistant messenger in his office, \$25,200;

"For compensation of the Fifth Auditor, and the clerks and messenger in his office, \$12,300;

"For compensation of the Auditor of the Post Office Department, and the clerks, messenger, and assistant messenger in his office, \$130,600;

"For compensation of the Treasurer of the United States, and the clerks, messenger, and assistant messenger in his office, \$21,500—the office of assistant messenger being hereby created, at an annual salary of \$500;

"For compensation of the Register of the Treasury, and the clerks, messenger, and assistant messengers in his office, \$36,950;

"For compensation of the Solicitor of the Treasury, and the clerks and messenger in his office, \$12,500;

"For compensation of the Auditor of the Post Office Department, and the clerks, messenger, and assistant messenger in his office, \$130,600;

"For compensation of the Treasurer of the United States, and the clerks, messenger, and assistant messenger in his office, \$21,500—the office of assistant messenger being hereby created, at an annual salary of \$500;

"For compensation of the Register of the Treasury, and the clerks, messenger, and assistant messengers in his office, \$36,950;

"For compensation of the Solicitor of the Treasury, and the clerks and messenger in his office, \$12,500;

"For compensation of the Commissioner of Customs, and the clerks and messenger in his office, \$17,700;

"For compensation of the clerks and messenger of the Light-House Board, \$7,600;"

—and insert in lieu thereof, as follows:

For compensation of the Secretary of the Treasury and Assistant Secretary of the Treasury, clerks, messenger, and assistant messenger in his office, \$46,650;

For compensation of the First Comptroller, and the clerks and messenger in his office, \$30,050;

For compensation of the Second Comptroller, and the clerks and messenger in his office, \$26,150;

For compensation of the First Auditor, and the clerks and messengers in his office, \$37,900;

For compensation of the Second Auditor, and the clerks and messengers in his office, \$36,100;

For compensation of the Third Auditor, and the clerks and messengers in his office, \$121,850;

For compensation of the Fourth Auditor, and the clerks and messenger in his office, \$29,300;

For compensation of the Fifth Auditor, and the clerks and messenger in his office, \$15,550;

For compensation of the Auditor of the Post Office Department, and the clerks, messenger, and assistant messenger in his office, \$163,300;

For compensation of the Treasurer of the United States, and the clerks and two messengers in his office, one additional messenger being hereby created therefor, \$26,900;

For compensation of the Register of the Treasury, and the clerks and messenger in his office, \$51,700;

For compensation of the Solicitor of the Treasury, and the clerks and messenger in his office, \$16,850;

For compensation of the Commissioner of Customs, and the clerks and messenger in his office, \$19,750;

For compensation of the clerks and messenger of the Light-House Board, \$8,550.

Mr. HOUSTON. The Committee of Ways and Means recommend a non-concurrence in that amendment. The amendment is to make the appropriation conform to the increased compensation of the clerks in the Departments. The Committee of Ways and Means recommend a non-concurrence, for the purpose of placing the compensation of the clerks under the existing laws. We have another amendment which provides for the increase.

Mr. JONES, of Tennessee. I would call the attention of the chairman of the Committee of Ways and Means to an amendment which that committee have recommended to be made to the matter the Senate have proposed to strike out. We propose to strike out in the two hundred and thirty-second line the words "\$36,950," and to insert "\$41,750."

Mr. HOUSTON. The gentleman from Tennessee is correct. That is to provide for three additional clerks authorized by the deficiency bill.

The clause, if amended, would read:

For compensation of the Register of the Treasury, and the clerks, messenger, and assistant messengers in his office, \$41,750.

Mr. HOUSTON. The recommendation, then, is to disagree to the whole amendment with an amendment.

Mr. JONES. I think the proper course would be first to amend the clause proposed to be stricken out.

The CHAIRMAN. The Chair thinks it would not be in order to go back to the original text of the bill.

Mr. JONES. The clause proposed to be stricken out has not gone out of the control of the House. The Senate has refused to concur in it, and it is therefore brought again before the House.

The CHAIRMAN. The Chair thinks it would not be in order.

Mr. JONES. Then let it go. Let the vote be taken upon concurring in the whole amendment.

The question was taken; and the amendment was non-concurred in.

Mr. ROBBINS. Now, I suppose, it will be in order to strike out and insert, so as to provide a compensation for these three clerks?

The CHAIRMAN. It is the opinion of the Chair that the committee cannot go back to amend the original text of the bill.

Mr. HOUSTON. My motion was to disagree to the Senate amendment with an amendment.

The CHAIRMAN. The Chair thinks that motion would have been in order.

Mr. HOUSTON. That was the motion I originally made.

The CHAIRMAN. Then the Chair will entertain the motion to strike out "\$36,950," and to insert in lieu thereof "\$41,750."

Mr. LETCHER. Is it in order to go back and to move to strike out?

The CHAIRMAN. It is not in order to go back to the original text. The gentleman from Alabama moved that the committee non-concur in the amendment of the Senate with an amendment. The Chair should have put both motions at the same time. He did not then understand the gentleman from Alabama, and now puts the motion which ought to have been put before.

Mr. OLDS. Is it parliamentary to non-concur with amendments? I think not; but it is in order to move to strike out and insert.

The CHAIRMAN. If the question of order is raised and insisted upon, the Chair must decide the motion cannot be made; for you cannot touch the original text.

Mr. HOUSTON. If the gentleman from Ohio is so fond of questions of order, I must submit. The amendment is only to increase the appropriation in order to pay the legal salaries of clerks created by ourselves.

Mr. OLDS. Gentlemen can move to strike out and insert. I only desire that we may proceed according to the rules which we have adopted to regulate our proceedings.

Mr. HAVEN. What becomes of the amendment?

The CHAIRMAN. The amendment has been ruled out of order, and the Senate amendment non-concurred in.

Twenty-fifth amendment:

For additional compensation for disbursing clerks and superintendents of Executive buildings, provided in the third section of the act of 3d March, 1853, entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1854," for the Treasury Department, \$600.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence in the amendment.

The amendment was non-concurred in.

Twenty-sixth amendment:

For revision of the revenue laws already made, and a report showing the changes and alterations therein, \$5,000.

Mr. HAVEN. The Committee of Ways and Means recommend a non-concurrence in the amendment.

Mr. FULLER. I hope that the committee will concur in the twenty-sixth amendment of the Senate. The Secretary of the Treasury has prepared a codification of the revenue laws, which will make a volume of about three hundred pages. It changes, in many respects, all the existing laws on the subject. That communication has been sent to the Senate, and will be printed during the vacation. Congress will be called upon to act on the subject at the next session. Any gentleman familiar with the codification of statutes knows that it is necessary, where you change the law, to have it numbered and accompanied by explanatory notes. I believe this amendment of the Senate important and necessary because the Committees on Commerce of the Senate and this House have had this subject under their consideration during the whole of the present session. Both committees believe that this appropriation for the purpose of preparing this report in the vacation will be an economical expenditure of the public money, and will greatly add to the proper understanding of the bill when the House will be called to act on the subject at the next session.

For these reasons in brief—and I would like to go more into detail, but will not take up the time of the committee—I hope that the committee will concur in the amendment of the Senate.

Mr. HAVEN. I desire to say, Mr. Chairman, by way of justification of the Committee of Ways and Means, and in answer to the gentleman from Maine, that for this revision of the revenue laws this House, at the present session, passed a bill appropriating \$5,000. Ten thousand dollars was asked for; but it slipped up after discussion, and it was referred to the Committee of Ways and Means. The committee reported back in favor of allowing \$5,000 for the codification of these laws. This gentleman was appointed some time last year. My friend suggests that it is an onerous business to compile and codify these laws. It was the opinion of the Committee of Ways and Means then—and it was their opinion now—when acting upon this bill, and it was the opinion of the House and Senate this session, that the \$5,000 provided for in that bill was a full and sufficient compensation; and I hope the House will not concur in the amendment of the Senate.

Mr. FULLER. I move to increase the amount one dollar, in order that I may make a brief explanation.

It will be remembered that the appropriation of \$10,000 for this purpose was inserted in the civil and diplomatic bill of last year; but by a mistake or omission of the engrossing clerk, the amendment was not incorporated in the act. The Secretary of the Treasury employed persons to codify the laws; and it was not until the work had partially progressed, that the omission was discovered. The appropriation was originally for \$10,000, as it should have been. It is true, that \$5,000 have been appropriated. That amount of money has been expended, and the commissioner when he got it quit the work. Since that time, the Secretary has summoned to his aid two of the clerks in his Department, who have worked at nights in order to complete this revision. It is still an imperfect work, and incomplete in its character for the want of this report to accompany it; and it is for that purpose I ask an appropriation of \$5,000.

Mr. HAVEN. This, I am free to say, is turn-

ing out a little different from what I supposed. It would seem, from the explanation given by my friend from Maine, that the commissioner to whom we paid \$5,000 has cheated us. We paid him \$5,000 for doing the entire work, and nobody else had anything to do with it. We employed nobody else to do it. He speaks of commissioners. There was but one man employed, and I believe we paid him \$5,000. If there be any truth in the fact, as suggested by him, that he has abandoned the contract, and failed to finish the report, that is an additional reason why we should not pay the advance now asked to anybody else. But I understand the facts differently from my friend from Maine. I understand that it is trying to ring in again the additional \$5,000 that both Houses refused to give the commissioner when the subject was under consideration before. I should think that \$5,000 was pretty good pay for a gentleman coming from the interior of the State of Pennsylvania. It is more than justices of the Supreme Court get. I have nothing further to say.

Mr. LETCHER. Who is to get this money?

Mr. HAVEN. The Committee of Ways and Means understood it was to be appropriated here for the benefit of the commissioner. I have understood it was for him. I understand the gentleman from Maine now to say, that the commissioner has backed out and left his work, and that he wants this sum of \$5,000 for the Secretary of the Treasury to pay the clerks who were engaged at nights upon this work. If this is true, it is dishonorable on the part of the commissioner to abandon the work; and, for one, I am not disposed to vote money to pay any one else in advance for work until it is done.

Mr. FULLER. I desire to correct the statement of the gentleman from New York. If the committee had investigated this subject as I have, I think they would concur in this amendment of the Senate. In the first place, I do not know that Judge Barrett was employed for any particular time. He worked so long as he was employed by the Secretary of the Treasury, for the compensation agreed to be paid him. The act originally contemplated three commissioners. I can say to gentlemen of the committee, that this work of codifying the laws is a work of great labor. I will say further, in order to have a proper understanding of the matter, that I care not who does the work, or how much compensation you give for the service; but it is important that we should have a report showing the difference between the old revenue laws and the present law.

Mr. FULLER, by unanimous consent, then withdrew his amendment to the amendment.

Mr. GROW. I move to amend the amendment by increasing the appropriation five dollars. I propose this amendment for the purpose of being able to say a word or two in explanation of the conduct of this commissioner, in reply to the remarks of one of the members of the Committee of Ways and Means, [Mr. HAVEN.] The commissioner came here to codify the revenue laws. His salary was fixed by the Secretary of the Treasury. Congress appropriated \$10,000 for the purpose, instructing the Secretary of the Treasury to devote that sum to the payment of the service of the three commissioners to whom the work was to be assigned. They were unwilling, however, to undertake the work for the consideration of \$10,000. Two of them, therefore, refused to serve, leaving the other commissioner to commence the work. He did so; and Congress made an appropriation of \$5,000 last session to pay the expenses of that compilation, including not only the salary of the codifier, but the salaries of clerks, the expenses of office, &c.

Your codifier refused to serve any longer at that pay. Had he not a right to do so? He came here for no express time. Is he bound to stay here four or five years without sufficient remuneration from the Government? He was at liberty to leave whenever he pleased; and if his pay were insufficient, that was a good reason for him to leave; and he exercised that right. What reason can be found by the Committee of Ways and Means, or by this House, to refuse to appropriate this commissioner a sufficient amount of compensation? Congress authorized the Secretary of the Treasury to employ whom he chose for that work; and the person employed had, of course, a right to leave when he thought proper. This right the commissioner exercised.

Mr. JONES, of Tennessee. The committee will recollect that early in the present session this whole subject was fully debated here. The law and resolution of a late session authorized the employment of three commissioners for the purpose of revising the revenue laws. The Secretary of the Treasury, for reasons that are known to this committee, did not employ three commissioners, but he employed one. That gentleman expected, as he served, to get \$10,000, which sum, it was believed, would be appropriated for the work. This House and the Senate, on discussion, and on investigation of the subject, determined at this session to appropriate but \$5,000 for the purpose, believing that that would be ample compensation for one commissioner. And now it is proposed in this bill to pay the additional \$5,000 for him. I hope that will not be done.

The question was taken on Mr. GROW's amendment to the amendment; and it was not agreed to.

Mr. FULLER. I move to amend the amendment by increasing the appropriation ten dollars.

I am unwilling, Mr. Chairman, that a question of so much importance as I know this to be should go out sideways on an attack upon the commissioner appointed by the Secretary of the Treasury, or on the point of the difference between \$5,000 to \$10,000. Gentlemen will understand that this project to codify the revenue laws of the United States involved an examination of all the statutes passed since the establishment of the Government, of all your Treasury circulars, of all the decisions of the Supreme Court, and of the thousand and one different and modified tariff laws which have been passed.

This whole subject has been taken up, and has been codified, and the report will be presented to the House, for its action, at the commencement of the next session of Congress. Now, sir, when that question shall come up, the members of this House will want to act understandingly upon it, and I say it is necessary that we should have, with that law, the accompanying report, numbering each amendment, one, two, three, &c., and referring to the old act, so that we can understand what it is. I say the \$5,000 recommended by the Secretary of the Treasury is necessary, and the work will be, for this House, a most useful and beneficial one. But I do not want, as I said before, to have this question shoved off in a sideways manner.

Mr. LETCHER. I want to know who is to get the money, if Judge Barrett has resigned?

Mr. FULLER. I am willing to leave that to the discretion of the Secretary of the Treasury, as he has his reputation at stake upon it.

Mr. LETCHER. This money is wanted, as the gentleman says, for two persons who have been working at nights upon this matter. I want to know who these two persons are who are to receive it; for it looks to me very much like a demand for extra compensation in a roundabout way.

Mr. FULLER. I say the work would be incomplete without the report.

Mr. LETCHER. The gentleman told us in his opening remarks that three of those men had worked at night, and that this money was wanted to cover the expense of that sort of work. Now, I want to know who the persons are, whether they are salaried officers or not; and if they are, who they are. The gentleman certainly knows; can he inform the House?

Mr. HAVEN. If there is a moment of the gentleman's time left, I desire to say that the gentleman from Maine is still mistaken, and that he is not more enlightened than the rest of us. He says that this money is not wanted to pay for any work which has already been done. But the very language of this amendment is, "for revision of the revenue laws already made."

I desire now to say one word in reply to the gentleman from Pennsylvania, [Mr. GROW.] I have not attacked Judge Barrett. I say that, upon the hypothesis which the gentleman from Pennsylvania himself has presented, he has behaved dishonorably; but I do not think he has; and I hope the truth will turn out differently from what they allege. The law, which was passed some time ago, was so stringent that it required the Secretary of the Treasury to report to us, the first week of the next session of Congress, the items of money which he has paid out of that \$5,000.

The question was then taken upon Mr. FULLER's amendment; and it was not agreed to.

The question recurring upon agreeing with the Senate amendment, it was put; and decided in the negative.

So the amendment was non-concurred in.

Twenty-seventh amendment:

Strike out, under the head "Light-House Board," the following:

"For paper and printing of the Treasury Department, including paper, printing, and binding the annual 'Statement of Commerce and Navigation,' and for paper and printing the annual 'Estimates of Appropriation,' \$17,200."

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Twenty-eighth amendment:

Page seventeen, line three hundred and ninety-five, insert the words "eight hundred," so that the clause shall read:

For compensation of eight watchmen of the southeast Executive Building, \$4,800.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Twenty-ninth amendment:

Strike out the clause: "For compensation of the Secretary of the Interior, and the clerks, messengers, and laborers, in his office, \$29,800," and insert in lieu thereof:

For compensation of the Secretary of the Interior, and the clerks and messengers in his office, \$28,400.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a disagreement to that amendment.

The amendment was non-concurred in.

Thirtieth amendment:

Insert under the head of "Department of the Interior" the following:

For paying of laborers, \$1,095.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a disagreement to that amendment.

The amendment was non-concurred in.

Thirty-first amendment:

In line four hundred and twenty-eight strike out "\$139,500," and insert "\$165,050," so that the clause will read:

For compensation of the Commissioner of the General Land Office, and the recorder, draughtsman, assistant draughtsman, clerks, messengers, assistant messengers, and packers in his office, \$165,050.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a disagreement to that amendment.

The amendment was non-concurred in.

Thirty-second amendment:

In line four hundred and thirty-one strike out "\$3,000," and insert "\$2,190," so that the item will read:

For compensation of six laborers, \$2,190.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a disagreement to that amendment.

The amendment was non-concurred in.

Thirty-third amendment:

In line four hundred and fifty strike out "\$27,800," and insert "\$29,900," so that the item will read:

For compensation of the Commissioner of Indian Affairs, and the clerks, messenger and assistant messenger in his office, \$29,900.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a disagreement to that amendment.

The amendment was non-concurred in.

Thirty-fourth amendment:

Strike out "For compensation of the Commissioner of Pensions, and the clerks and messengers in his office, \$66,800."

For compensation to thirty temporary clerks employed in the office of the Commissioner of Pensions, \$31,300: *Provided*, That no clerk shall receive more than at the rate of \$3.33 per day," and insert in lieu thereof:

For rent of building on Seventh street, for the office of Indian Affairs, commencing the 12th of June, 1854, at \$1,200 per annum, \$1,263.33;

For compensation of four watchmen for building occupied by the office of Indian Affairs, commencing the 15th of June, 1854, \$2,500;

For fuel and lights, and necessary fixtures for warming and lighting the rooms occupied by the office of Indian Affairs, \$16;

For compensation of the Commissioner of Pensions, and the clerks and four messengers in his office, \$108,300.

Mr. HOUSTON. I propose that the question shall first be taken upon striking out. I then propose to move to insert what the Senate substitute under the head of Indian Affairs where it properly belongs.

The CHAIRMAN. The Chair thinks the

course proposed by the gentleman from Alabama would not be in order.

Mr. HOUSTON. Well, sir, then I will say, that the Committee of Ways and Means recommend a concurrence in that amendment with an amendment. I move to amend the Senate amendment, in the four hundred and seventy-eighth line, by striking out "\$108,200," and inserting "\$97,800," so that the item would read:

For compensation of the Commissioner of Pensions, and the clerks and four messengers in his office, \$97,800.

The amendment to the amendment was agreed to.

The amendment of the Senate, as amended, was then concurred in.

Thirty-fifth amendment:

Strike out the following:

"For engraving bounty land warrants, \$5,000;

"For stationery, \$2,500;

"For binding books, \$1,000;

"For furniture, \$500;

"For miscellaneous items, \$1,000;" and in lieu thereof insert the following:

For engraving and printing bounty land certificates, \$5,000;

For stationery, \$3,000;

For binding books, \$2,000;

For furniture, \$500;

For miscellaneous items, \$5,000;

For compensation of laborers, \$1,500.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a concurrence in the amendment.

The amendment was concurred in.

Thirty-sixth amendment:

Strike out the words: "For paper and printing for the Department of the Interior, \$8,000."

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a concurrence in the amendment.

The amendment was concurred in.

Thirty-seventh amendment:

For additional compensation for disbursing clerks and superintendents of Executive Buildings, provided in the third section of the act of 2d March, 1853, entitled "An act making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1854," for the Department of the Interior, \$600.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence in the amendment.

The amendment was non-concurred in.

Thirty-eighth amendment:

In the following paragraph, after the word "thousand," insert "four hundred."

For compensation of four watchmen for the eastern wing of the Patent Office, occupied by the Secretary of the Interior, \$2,000.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a concurrence in the amendment.

The amendment was concurred in.

Thirty-ninth amendment:

For the annual compensation of a librarian, to be appointed by the Commissioner of Patents, the sum of \$1,600, the amount now allowed by law to clerks of the third class, to be paid out of the patent fund.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence in the amendment.

The amendment was non-concurred in.

Fortieth amendment:

For the purchase of books for the library of the Patent Office, and for supplying a deficiency in former appropriations, the sum of \$5,000, to be paid out of the patent fund.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a concurrence in the amendment.

The amendment was concurred in.

Forty-first amendment:

To reimburse the patent fund for expenses already incurred and paid for furnishing the new wing of the Patent Office building, the sum of \$16,000 of the appropriation made by the act approved 31st of May, 1854, for furnishing said wing, be, and the same is hereby authorized to be transferred by the proper accounting officers of the Treasury to the credit of the patent fund.

Mr. JONES. The Committee of Ways and Means recommend a concurrence in the amendment.

The amendment was concurred in.

Forty-second amendment:

For the preservation of the collections of the Exploring Expedition;

For compensation of keepers, watchmen, and laborers, \$2,980;

For contingent expenses, \$100.

Mr. JONES. The Committee of Ways and Means recommend a non-concurrence in the amendment.

The amendment was non-concurred in.

Forty-third amendment:

For compensation of the Surveyor General of Washington Territory, and the clerks in his office, \$7,500.

Mr. JONES. The Committee of Ways and Means recommend a concurrence in the amendment.

The amendment was concurred in.

Forty-fourth amendment:

Strike out the words:

"For compensation of the Superintendent of the Public Printing, and the clerks and messenger in his office, \$6,595," and in lieu thereof insert the following:

For compensation of the Superintendent of the Public Printing, and the clerks and messenger in his office, \$9,595: *Provided*, That the joint resolution, approved the 20th of July, 1854, shall be so construed as to embrace the Superintendent of Public Printing, and the clerks and messenger in his office.

Mr. JONES, of Tennessee. The Committee of Ways and Means propose that the proviso in the Senate amendment be stricken out, and that then we concur in the amendment as amended.

Mr. STANTON, of Kentucky. I hope the proviso will not be stricken out. The messengers and clerks in the office of the Superintendent of Public Printing, as well as the Superintendent himself, are employed for the purpose of executing the work of the two Houses of Congress. They are clearly legislative employees, and, as such, are as much entitled to this extra compensation as any of the other officers employed about this building. I understand that a construction is put upon the resolution passed July 20, by which they are deprived of the extra compensation allowed by that resolution. It seems to me right and proper, while the rest of the employees at both ends of the Capitol shall receive extra compensation under that resolution, that these gentlemen also should receive it. I hope the House will not strike out that proviso.

Mr. JONES, of Tennessee. The Superintendent receives himself \$2,000, and his clerks, I believe, \$1,500 each. I think that this compensation is amply sufficient for the Superintendent and his clerks.

Mr. STANTON. Almost every clerk in that department has more duties to perform, and is more constantly at work, than the clerks employed by the two Houses of Congress.

Mr. HOUSTON. Mr. Towers conducted his business with two clerks; but now there are four employed in this department. The clerks in the State Department are excluded from the benefit of any increased compensation, as well as the clerks in the office of the Superintendent of Public Printing. There are a great many clerks who do not enjoy the benefit of this extra compensation. Our object in recommending striking out a portion of this amendment was to let this question of increased compensation rest at present, so that at the next session we may take up this subject and mature some proper system, which shall embrace all these clerks.

Mr. STANTON. I have only to say, in reply to the gentleman, that the increase of business in the office made it necessary to employ additional clerks.

Mr. JAMES C. ALLEN. I desire to make an inquiry of the gentleman from Kentucky. I understand that the law increasing the salaries of the clerks of both Houses of Congress has been so construed as not to include the Superintendent of the Public Printing, and the clerks employed in his office. Now, I understand that the proviso has been added here in the Senate amendment, for the purpose of enabling them to receive additional compensation as the other clerks receive it. The duties of the Superintendent have increased in proportion to the amount of increase in the public printing.

The CHAIRMAN. Debate upon the amendment has been exhausted already, and no further debate is in order.

Mr. JAMES C. ALLEN. I move, then, to increase the amount of the appropriation.

The CHAIRMAN. There is no appropriation provided for in the proviso.

Mr. JAMES C. ALLEN. I move, then, to strike out the words "clerks and messengers," for the purpose of making a few remarks. I understand that the construction given to that law cuts

off the Superintendent of Public Printing and his clerks employed in his office, from any additional compensation. If it be right to increase the compensation of the other clerks in the Capitol—

Mr. STEPHENS, of Georgia. I rise to a question of order. I understand that the gentleman from Illinois proposes to amend the amendment submitted by the Committee of Ways and Means.

The CHAIRMAN. That is the proposition.

Mr. STEPHENS. Then it is an amendment in the third degree, and is out of order.

The CHAIRMAN. The Chair is inclined to concur in the view of the question of order taken by the gentleman from Georgia. Under the practice of the House, we have been in the habit of treating the Senate's amendment as an amendment, and it is only amendable in the second degree. The Chair, therefore, thinks that the amendment of the gentleman from Illinois is not in order.

Mr. PECKHAM. What does the Chair mean by the "second degree?"

The CHAIRMAN. An amendment to an amendment is in the second degree.

Mr. PECKHAM. And was not the proposition of the gentleman from Illinois to amend the amendment?

The CHAIRMAN. Yes; and that amendment which the gentleman from Illinois proposes to amend is itself an amendment to a pending amendment. That makes it in the third degree, and is not in order.

Mr. PECKHAM. Then no amendment can be in order here at all?

Mr. HENN. Has not the gentleman from Illinois a right to perfect the original amendment? The amendment of the Committee of Ways and Means is a motion to strike out; and the proposition of the gentleman from Illinois is in order, as it proposes to perfect the Senate's amendment.

Mr. STEPHENS. There is no doubt about the question of order. The original question before the House is on agreeing to the Senate's amendment. That is the question pending. The Committee of Ways and Means proposes to amend it. That is an amendment in the second degree. The proposition of the gentleman from Illinois now is to amend that proposed amendment to the Senate's amendment.

The CHAIRMAN. Yes; but the gentleman from Georgia is aware that it is in order to perfect the portion proposed to be stricken out before a vote can be taken on the amendment to strike out, the amendment to strike out being considered as held in abeyance until the proposition to perfect is disposed of.

Mr. STEPHENS. The amendment of the gentleman from Illinois is nevertheless an amendment in the third degree.

The CHAIRMAN. In the opinion of the Chair, derived from the suggestion of the gentleman from Iowa, the amendment of the Committee of Ways and Means to strike out cannot be entertained until the part proposed to be stricken out is perfected; and it is this which the amendment of the gentleman from Illinois proposes to do.

Mr. STEPHENS. That is the case when the vote is on the original proposition; but when it involves an amendment in the third degree, it cannot be entertained. And hence, when there is an amendment in the second degree proposing to strike out, the question is first to be taken on it. Otherwise we might multiply amendments to the tenth or hundredth degree.

The CHAIRMAN. The Chair thinks it is in order to amend any section proposed to be stricken out before the vote is taken on striking out; and upon that ground the Chair will hold the amendment of the gentleman from Illinois in order.

Mr. JAMES C. ALLEN. I was remarking, when interrupted by the question of order, that, as I understand, the construction given to the resolution raising the salary of the clerks of this House, cuts off the Superintendent of Printing from the benefits of that law. I presume that no member will dispute the fact that the business of that officer has increased in quite as great a ratio as that of other clerks about this establishment; and I cannot, for the life of me, see why it is that you ought to cut him off from the benefits of the resolution increasing the salary of employees of the House of Representatives.

It does seem to me that this bill should be so amended, that the Superintendent of the Public

Printing shall be permitted to take the increased salary, which I have no doubt was intended to be given to him, at the time of the passage of that act; and from the receipt of which he has been excluded, by the fact that he holds his appointment from the President of the United States, and is not an employee or appointee of this House.

It seems to me that the amendment of the committee ought not to prevail. If there has been an increase of salary to other officers, and to the Clerk of the House of Representatives, the same reason which induced that increase, it seems to me, ought to apply to the Superintendent; for it is known, as I before remarked, that his business has increased in quite as great a proportion as that of the clerks about the Departments and of this House.

Mr. MURRAY. I am opposed to striking out this proviso, and I wish to say only a word upon it. All the clerks about the Capitol have had their pay increased, with the exception of the Superintendent of the Public Printing, and the clerks in his office. I do not know of any reason why other clerks should be allowed an extra compensation, and the Superintendent and his clerks excluded. They should all be placed upon the same footing, and I am therefore in favor of the amendment passed by the Senate.

Mr. JONES, of Tennessee. I desire to ask the gentleman from New York a question, and that is, if he does not think that the Superintendent and his clerks now receive a sufficient compensation?

Mr. MURRAY. I was opposed to the increase of the compensation of any of the employees about the Capitol; but as the House has seen fit to increase the compensation of others, I see no reason why these should not be included, and their compensation increased also.

Mr. JONES. But does not the gentleman think that they now get enough under the law as it is?

Mr. MURRAY. I will be perfectly frank with the gentleman. I think they all get enough. I voted against the increase of compensation; but as the House saw fit to do it, I think these gentlemen have equal claims to it.

The question was taken upon Mr. ALLEN's amendment; and it was not agreed to.

The question then recurring on agreeing to the proposition to strike out the proviso of the forty-fourth amendment,

Mr. TAYLOR, of Ohio, called for tellers.

Tellers were ordered; and Messrs. CUMMING and CHAMBERLAIN were appointed.

The question was taken; and the tellers reported—ayes 73, noes 62.

So the proviso was stricken out.

The question then recurring upon the amendment of the Senate, as amended; and being taken, was decided in the affirmative.

So the amendment was concurred in.

Forty-fifth amendment:

In the five hundred and eighty-third line strike out "\$20,750," and insert "\$22,650," so that the item, as amended, would read:

For compensation of the Secretary of War, and the clerks, messenger, and assistant messenger in his office, \$22,650.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a disagreement to that amendment.

The amendment was non-concurred in.

Forty-sixth amendment:

In the five hundred and ninety-third line strike out "\$11,600," and insert "\$14,750," so that the item, as amended, would read:

For compensation of the clerks and messenger in the office of the Adjutant General, \$14,750.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a disagreement to that amendment.

The amendment was non-concurred in.

Forty-seventh amendment:

In line six hundred and one strike out "\$14,000," and insert "\$16,350," so that the amendment, as amended, would read:

For compensation of the clerks and messenger in the office of the Quartermaster General, \$16,350.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a disagreement to that amendment.

The amendment was non-concurred in.

Forty-eighth amendment:

In line six hundred and fourteen strike out "\$10,900," and insert "\$12,350," so that the clause, as amended, would read:

For compensation of clerks and messenger in the office of the Paymaster General, \$12,350.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a disagreement to that amendment.

The amendment was non-concurred in.

Forty-ninth amendment:

In line six hundred and seventeen strike out "\$8,000," and insert "\$9,350," so that the clause, as amended, would read:

For compensation of the clerks and messengers in the office of the Commissary General of Subsistence, \$9,350.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a disagreement to that amendment.

The amendment was non-concurred in.

Fiftieth amendment:

In the following paragraph strike out "\$7,400," and insert in lieu thereof "\$8,150:"

For compensation of the clerks and messenger in the office of the Chief Engineer, \$7,400.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence in the amendment.

The amendment was non-concurred in.

Fifty-first amendment:

From the following paragraph strike out "\$4,400," and in lieu thereof insert "\$5,750:"

For compensation of the clerks and messenger in the office of the Surgeon General, \$4,400.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence in the amendment.

The amendment was non-concurred in.

Fifty-second amendment:

From the following paragraph strike out "\$5,600," and in lieu thereof insert "\$9,950:"

For compensation of the clerks and messenger in the office of the Colonel of Topographical Engineers, \$5,600.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence in the amendment.

The amendment was non-concurred in.

Fifty-third amendment:

From the following paragraph strike out "\$10,400," and insert in lieu thereof "\$12,150:"

For compensation of the clerks and messenger in the office of the Colonel of Ordnance \$10,400.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence in the amendment.

The amendment was non-concurred in.

Fifty-fourth amendment:

Strike out the following paragraph:

For printing and paper for the War Department, \$2,400.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a concurrence in the amendment.

The amendment was concurred in.

Fifty-fifth amendment:

For additional compensation for disbursing clerk and superintendent of Executive Building, provided in the third section of the act of the 3d of March, 1853, entitled "An act making appropriations for the civil and diplomatic expenses of Government, for the year ending the 30th of June, 1854," for the War Department, \$200.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence. The amendment was non-concurred in.

Fifty-sixth amendment:

In the following paragraph, after the word "thousand," insert the words "four hundred:"

For compensation of four watchmen of the northwest Executive Building, \$2,000.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a concurrence in the amendment.

The amendment was concurred in.

Fifty-seventh amendment:

From the following clause strike out "\$21,875:"

For compensation of superintendent and four watchmen of the building corner of F and Seventeenth streets, \$23,500.

For rent of house on northwest corner of F and Seventeenth streets, or such other building as the Secretary of War may select, and warming all the rooms in it, \$21,875;

For compensation of superintendent and four watchmen of the building corner of F and Seventeenth streets, \$23,500, and in lieu thereof insert the words:

Thirty-two thousand three hundred and seventy five dollars; and the Secretary of War is hereby authorized to lease said building, or some other, for a term not exceeding five years, at the rent herein authorized, if, in his judgment, the same shall be for the public interest.

Mr. JONES, of Tennessee. The Committee

of Ways and Means recommend a non-concurrence in the amendment.

Mr. HOUSTON. That amendment is disagreed to by the Committee of Ways and Means; and I desire to call the attention of the committee to it, for a purpose which I will now state. It proposes to increase the rent of the Winder building to \$30,000 per annum. Mr. Winder has given the Secretary of War notice to abandon the building, or agree to pay \$30,000 rent per annum for five years. I wish to suggest whether it would not be better for us to amend the Senate's amendment by offering to purchase the building at \$200,000, which was the proposition at the last session of Congress.

[Cries of "Yes!" and "No!"]

Mr. HOUSTON. I have no feeling about the matter; but it is evident that the Department will have to abandon the building, or take a five years' lease at \$30,000 per annum.

Mr. CHANDLER. I would ask the chairman of the Committee of Ways and Means whether he understands the proprietor of the building will take \$200,000 for it?

Mr. HOUSTON. I do not know. He offered to take that amount at the last Congress.

Mr. TAYLOR, of Ohio. I move to add the following words:

And that the Secretary of War be, and he is hereby, authorized, if, in his opinion, the interest of the United States would be promoted by the purchase of the building owned by William H. Winder, and now rented by the Government, situated at the corner of Seventeenth and F streets, in the city of Washington, to purchase the same at a valuation to be made by disinterested parties, mutually chosen by the Secretary of War and the proprietor, the amount of the valuation, so to be ascertained, to be paid by him out of any money in the Treasury not otherwise appropriated.

Mr. HOUSTON. I desire to say to the gentleman from Ohio that he had better propose his amendment as a substitute for that of the Senate. Let it come in immediately after the appropriation in the original text of the bill, because if the Senate amendment should be voted down, then the amendment of the gentleman will go with it.

Mr. TAYLOR, of Ohio. I would inquire whether, if my amendment be rejected, I could offer it then by proposing to strike out the Senate amendment, and insert mine in lieu of it?

The CHAIRMAN. It will be in order to move to strike out and insert.

Mr. TAYLOR. I offer it as an additional section. In the early part of this session, the subject of purchasing or renting Winder's building was discussed in the Committee on Public Buildings and Grounds, of which I am a member, and the matter underwent a thorough examination by them. This building has been in the occupancy of the Government for many years, at a rent of \$21,800. Reports of committees of the House in former Congresses were examined, and particularly that made by my friend from Kentucky, [Mr. STANTON] in the last Congress, which I now hold in my hands. It was recommended by the Committee on Public Buildings and Grounds that this building should be purchased at the sum of \$250,000. Mr. Winder asked \$300,000, and a committee of this House two years ago proposed to give him \$250,000 rather than rent it at \$21,000 and upwards a year. It will be recollected by gentlemen who were members of the last Congress that the Committee of Ways and Means proposed—I think my friend from Tennessee [Mr. JONES] suggested it—that we should buy it at \$200,000, if Mr. Winder would agree to that price, and that we came within a few votes of assenting to the proposition. Mr. Winder stated to the Committee on Public Buildings and Grounds that he would agree to take that sum under protest as being less than the building cost him; but he was willing to take it in order to save other property being sacrificed.

I think, without pretending to be a judge of the value of this property, although I have examined this subject carefully, that the Committee on Public Buildings and Grounds have made a proposition to the House which is a fair and just one to all parties. What is it? It is the amendment I send to the Chair, that the Secretary of War be authorized, if, in his opinion, it is necessary for the public interests, to buy this building at a valuation to be made by parties mutually chosen. I do not know what the building is worth. Mr. Winder says it cost him \$250,000, but is willing, as an honest and fair man, to abide by such a val-

uation. The building is absolutely necessary for the public convenience, and I think we ought to agree to this valuation. If I wished to sell a farm, I should be perfectly willing to have a valuation made under such circumstances as is proposed here. In my opinion, it is the best mode of procuring the building. If you say, as the gentleman from Alabama [Mr. Houston] proposes, that you will buy the building for \$200,000, will Mr. Winder take it? Will you say that you will retain the building and not pay the rent? It is out of our power, because Mr. Winder gave legal notice last December that he must have \$30,000 instead of \$21,000, in order to pay his taxes, insurance, and have a reasonable return for his outlay of capital. The building was put up at the request of the Government. They have occupied it for a long series of years. But they have not paid \$20,000 a year for it during the whole time. For a part of the time, when the building was unfinished, the proprietor received only from \$9,000 to \$10,000 for it. In my humble judgment, and in the judgment of the Committee on Public Buildings and Grounds, the best policy for this House to pursue, is to authorize the purchase of the building in question, rather than to pay \$30,000 a year rent for it. And, for one, I am perfectly willing that the Secretary of War be authorized to purchase it.

Mr. STEPHENS, of Georgia. I am opposed to the amendment of the gentleman from Ohio, [Mr. Taylor.] I am opposed to the purchase of the building on the plans suggested. At the last Congress, I thought it would be much better for the Government to buy this building for \$200,000. But that has not been done. Congress refused to buy it. I have no doubt myself that the building cost more than \$200,000. I have no doubt of the correctness of the statement made by Mr. Winder, at the last Congress. He was willing then to take \$200,000; but I know not whether he is willing to take it now. My opinion is that it is worth more than \$200,000. He has since given notice to the Government that the rent will be increased. I ask the chairman of the Committee of Ways and Means, if he has had a communication from the Secretary of War on the subject?

Mr. HOUSTON. Yes; I have had a communication recommending the purchase of the building.

Mr. STEPHENS. I wish to have that communication read. I wish the committee to be informed of the state of the case, as laid down in the letter of the Secretary of War.

Mr. HOUSTON. The communication in question is down in the committee room, but I will send for it. The Secretary of War states the facts to be—

Mr. STEPHENS, (interrupting.) I know what the facts are, but I wish the communication to be read to the committee.

Mr. TAYLOR, of Ohio. I have a letter from the Secretary of War on the subject, if the gentleman from Georgia desires to have it read. It is to the effect that it is better for the Government to buy the building at \$250,000 than to pay \$30,000 per year rent for it.

Mr. STEPHENS. That is a fact which we all know. What I want to have read is a communication from the Secretary of War to the chairman of the Committee of Ways and Means, stating that he thinks that this rent is a moderate rent; but that his opinion is, that Government had better buy the building than pay this rent for it. That is the opinion of the Secretary of War. The Government has got no other place for the transaction of the business to which this building is applied.

Now, sir, I know no better thing for the House to do than to concur in the Senate's amendment; and at the next session of Congress, if we can adopt some plan by which the building can be purchased, why let us adopt it. But for the time being we must pay the rent. I thought that the action of the House last session was wrong, and I think so yet.

Mr. McNAIR. I desire to ask the gentleman from Georgia at what time does the lease close?

Mr. STEPHENS. The lease was for five years.

Mr. McNAIR. But how long is it from this time?

Mr. STEPHENS. The present lease has closed on the 1st of July. Before the expiration of the lease—six months ago—a notice was served

on the Government, as you will see from the letter of the Secretary of War, that the rent would be increased. So that the Government now has got to pay the increased rent, or leave. There is no existing lease at all. And, as I remarked a moment ago, it is better for us to concur in the Senate's amendment; and next winter, if we can make any terms with Mr. Winder for the purchase of the building, let us do it. I hope, therefore, that the committee will concur in the amendment of the Senate.

Mr. GOODE. The gentleman from Georgia proposes that we make a temporary arrangement, and then arrange the matter next session, while the landlord at this very time is insisting upon a general arrangement for five years. I am willing to consent to the purchase now, if gentlemen who have examined the matter are willing that it should be done.

Mr. STEPHENS. According to my suggestion, between this and the next session of Congress, the Secretary of War and Mr. Winder can make any arrangement they can agree upon, and communicate that agreement to the House. In the mean time, by a temporary arrangement, we can go on and use the building as we now are doing.

Mr. SAGE. Would it be in order to make a suggestion to the gentleman from Ohio. I desire that he should add to his amendment the words "at a sum not exceeding \$225,000."

Mr. TAYLOR. I cannot modify my amendment.

Mr. WALSH. I move to amend the amendment of the gentleman from Ohio, by adding after the word valuation the words "two hundred thousand dollars."

The CHAIRMAN. The amendment is not in order now.

Mr. STEPHENS, of Georgia. I ask that the letter from the Secretary of the Treasury, which I requested from the gentleman from Alabama, may be now read.

The CHAIRMAN. No further amendment is in order until the pending amendment is disposed of. If there is no objection, the letter will be read.

Mr. ROWE. I object.

The question was then taken upon Mr. TAYLOR's amendment; and it was not agreed to.

Mr. CRAIGE. I now move to amend the amendment by inserting the following words:

Provided, That the Secretary of War may purchase the said building for a sum not exceeding \$200,000.

I offer the amendment in consequence of a conversation I had with Mr. Winder at, or near the commencement of the session. In the capacity of chairman of the Committee on Public Buildings and Grounds, I had a conversation with him, and at that time he was willing to accept \$200,000 for the building; and the committee to which I have the honor to belong, were unanimously of the opinion then, that the building ought to be purchased, although we have a bill which we have been anxious to report for some time, providing for the completion of the Treasury Buildings and for the erection of a building for the War and Interior Departments. The committee were of opinion that this building would be necessary for the use of the Government until those other buildings should be completed; and, at the same time, they thought they ought not to exceed that sum. The committee, however, finally agreed that the gentleman from Ohio should report a bill to purchase the building at \$250,000. But the effect of the present measure of the Senate, which will give \$10,000 a year more for rent than we pay now, will be to enhance the value of the property to such an extent, that the property cannot be purchased for anything like that money. If this pending amendment is adopted, the result will be, that the Government will purchase the building at that price, and I hope it will be adopted; for I think the building ought to be purchased.

Mr. JONES, of New York. I think that Mr. Winder has taken precisely the right course, in accordance with the usual practice of the House, to have this building purchased. If I recollect right, this very property was offered to us during the last session of Congress for a less sum than \$200,000. If I am not mistaken, he offered us the same property then for about \$180,000. But, now, I suppose he thinks that by raising the rent about \$10,000, and threatening that he will turn

us out, he can accomplish his object. And I think he is upon the high road to accomplish it.

But, sir, I doubt whether there is any sincerity in this attempt. I would not vote for the proposition at all. I can see no reason why we should at this time be dragged into the purchase of a building which will be of no earthly use to us whatever. The only possible advantage that can be derived from the purchase of the building is, that if it should be set on fire it would burn every thing in it. Sir, when a similar proposition was under discussion, upon a former occasion, it was stated that the building was so rickety that whenever a storm came up the clerks were compelled to flee out of it, for fear it would tumble down over their heads. A part of the roof has been blown off since I have been here, and the whole roof leaks like a riddle. I doubt very much whether, if the Government were out of the way, the building could be rented for \$10,000.

Mr. CRAIGE. I desire to ask the gentleman if the roofs of other Government buildings have not been blown off under similar circumstances; and further, whether the building is not in the actual occupancy of the Government, and one hundred and forty clerks employed in it?

Mr. McNAIR. That panic among the clerks took place at the time of the earthquake.

Mr. JONES. I say I doubt whether, by any manner of means, that building could be made to bring more than \$5,000 if the Government were to abandon it. The building is not needed by the Government even now. The Surgeon General's Office is there, the Pension Office is there, and other offices are there; but if they were distributed among the different departments of the Government, room enough could be found for them, where the papers connected with them would be much safer than where they are.

I am opposed to the amendment, and hope no provision will be made for the purchase of this building.

Mr. JONES, of Tennessee. I would suggest to the gentleman from North Carolina that he substitute his amendment for that of the Senate. The two propositions would come very awkwardly in the same amendment.

Mr. CRAIGE. I accept the gentleman's suggestion, and offer the amendment as a substitute.

Mr. CRAIGE's amendment was again read.

Mr. TAYLOR. If the amendment be adopted, how would the paragraph then read? It seems to me that it does not provide for the rent at all.

The CHAIRMAN. It provides the original sum passed on when the bill was pending before the House.

Mr. TAYLOR. It is offered then as a substitute for the Senate amendment?

Mr. CRAIGE. I propose to purchase the building and not to rent it at all.

Mr. TAYLOR. Does not the gentleman propose to rent it at all?

Mr. CRAIGE. No, sir.

Mr. HOUSTON. If the gentleman will look at what immediately precedes the Senate's amendment, he will find that, if we vote down that amendment, we fall back on the original text of the bill, which proposes to rent the building for \$19,500 per annum. Then would come in the proviso, authorizing the purchase of the building for \$200,000.

Mr. TAYLOR. I understand that the Senate's amendment is to strike out the provision for rent altogether.

The CHAIRMAN. The Chair understood the amendment of the gentleman from North Carolina, to be a substitute for the amendment of the Senate.

Mr. CRAIGE. Yes, sir, and to leave the original text of the bill.

Mr. JONES, of Tennessee. The gentleman's amendment provides for non-concurring in that portion of the Senate's amendment which strikes out, and substituting what has been read at the Clerk's desk for what the Senate proposes to insert.

The CHAIRMAN. If the gentleman's amendment be adopted it will make no provision for paying rent.

Mr. CRAIGE. Oh! yes.

The CHAIRMAN. If the gentleman offers his amendment as a substitute, that will be its effect.

Mr. STEPHENS, of Georgia. The gentle-

man's amendment is out of order. It proposes to amend the original text.

Mr. CRAIGE. The gentleman from Georgia misapprehends my amendment. It does not propose to amend the original text. It leaves that as it is, but proposes to substitute other words for those of the Senate amendment.

Mr. STEPHENS. The amendment of the Senate was to strike out certain words, and to insert in lieu thereof other words.

Mr. CRAIGE. I propose to let the original text stand, so far as the rent is concerned.

Mr. STEPHENS. The gentleman wants the original text to stand as it was, and to substitute for the Senate's amendment what he has offered?

Mr. CRAIGE. Yes sir.

Mr. STEPHENS. That cannot be done.

Mr. WASHBURN, of Maine. I understand the gentleman to substitute his amendment for what the Senate proposed to add.

Mr. STEPHENS. The gentleman proposes to disagree to the Senate's amendment, and to add something to the original text.

Mr. WASHBURN. May he not amend the Senate amendment, or any part of it, by striking it out, and substituting anything else? He proposed to strike out a part of what the Senate has adopted, and insert something else.

The CHAIRMAN. The Chair then understands the amendment of the gentleman from North Carolina to be to agree to the Senate amendment, with an amendment.

Mr. CRAIGE. If the Chairman will look at the beginning of the clause, commencing at the six hundred and seventy-first line, he will find that it reads thus:

"For rent of house on northwest corner of F and Seventeenth streets, or such other building as the Secretary of War may select, and warming all the rooms in it, \$21,875."

I am willing that that should be left in, and after the six hundred and seventy-seventh line, instead of "\$32,375," insert:

Provided that the Secretary of War may, if he sees proper, purchase the building at a sum not exceeding \$200,000.

I am perfectly satisfied that Mr. Winder will take \$200,000.

Mr. RICHARDSON. I desire to ask the Chair a question for information. Does not the fact that the committee disagree to the amendment of the Senate leave the bill as it passed the House?

The CHAIRMAN. If they disagree to the amendment of the Senate.

Mr. HOUSTON. If the gentleman from North Carolina will modify his amendment, I think it will be in order—so as to make this clause precede what he has already sent to the Chair:

For rent of house on northwest corner of F and Seventeenth streets, or such other building as the Secretary of War may select, and warming all the rooms in it.

Then it will be in order as a substitute for the original text and the Senate amendment.

Mr. CRAIGE agreed to the modification.

The amendment, as modified, was read as follows:

For rent of house on northwest corner of F and Seventeenth streets, or such other building as the Secretary of War may select, and warming all the rooms in it, \$21,875: Provided, That the Secretary of War be authorized to purchase said building at a sum not exceeding \$200,000.

Mr. TAYLOR. I understand that as going back to the original text of the bill.

The CHAIRMAN. The Chair thinks not.

Mr. JONES, of Tennessee. These words are still in the text.

Mr. TAYLOR. Certainly they are.

Mr. JONES. If the gentleman from North Carolina will commence his amendment with the words proposed to be stricken out by the Senate, (\$21,875; for compensation of superintendent and four watchmen of the building corner of F and Seventeenth streets, \$2,250,) then he could more correctly insert his proposition for the purchase of the building.

Mr. WALSH. That is precisely what the gentleman from North Carolina proposes to do.

The CHAIRMAN. The Clerk will again report the modified amendment.

The amendment as modified, was again reported.

Mr. JONES. The first part of that amendment is here in the original House bill, and the Senate has not stricken it out.

The CHAIRMAN. The gentleman from North Carolina will modify his amendment so as

to commence in line six hundred and seventy-seven.

Mr. STEPHENS. Let him strike out the Senate's amendment and insert the proposition in his own words, beginning with the words \$21,875.

Mr. CUMMING. I want to say one word. Add to the amendment the words, "or such other building." It appropriates \$200,000 for any building, so far as I can see.

Mr. CHAIRMAN. Debate is not in order.

Mr. PENNINGTON. I wish to ask a question for information. I desire to know whether it is competent for this committee to adopt a substitute for the Senate's amendment? If so, there is not the slightest difficulty in obviating all the difficulties in which the committee is involved. Now, what is the Senate's amendment?

[Cries of "Order!" and "Question!"]

The CHAIRMAN. The modified amendment of the gentleman from North Carolina will perhaps meet the views of the gentlemen of the committee. The gentleman from North Carolina proposes to strike out that which the Senate strikes out, and insert the following in lieu of that which the Senate has inserted. After the word "it," in the six hundred and seventy-third line, insert the following words:

Twenty-one thousand eight hundred and seventy-five dollars: Provided, That the Secretary of the Treasury be authorized to purchase the said building at a sum not exceeding \$200,000.

Mr. STANTON, of Kentucky. I suppose it is in order to move to amend this proposition by striking out. We certainly have a right to perfect it before the question is taken.

The CHAIRMAN. The Chair thinks that further amendment at this time is not in order.

Mr. STANTON. I propose to make the Senate amendment, as it now stands, more acceptable to the House by my amendment; and perhaps, if my amendment should make it more acceptable, it would defeat the amendment of the gentleman from North Carolina.

The CHAIRMAN. The Chair thinks the amendment is not in order.

Mr. WALSH. I wish to ask my friend from North Carolina one question, and that is, whether he desires, by his amendment, to leave it optional with the Secretary of War to rent this or any other building; but that if he purchase any building, he must purchase this alone?

Mr. CRAIGE. My amendment does not make it imperative that he shall purchase any building.

The question now being on Mr. CRAIGE's amendment,

Mr. OLDS called for tellers.

Tellers were ordered; and Messrs. CHAMBERLAIN and KITTREDGE were appointed.

The question was then taken; and the tellers reported—ayes 87, noes 36.

So the amendment was agreed to.

Mr. JONES, of Tennessee. I now propose—

Mr. SMITH, of Virginia. I wish to amend the amendment which has just been voted upon.

Mr. JONES. You cannot do that. The amendment has been adopted, and it is not competent for the committee to amend it now.

Mr. SMITH. What I propose is, to offer a proviso to come in at the end of the amendment which has been adopted; I have the right to do that.

The CHAIRMAN. The gentleman from Tennessee was first recognized, and is entitled to the floor.

Mr. SMITH. I rise to a question of order. I desire to amend the amendment which has just been voted upon. The gentleman from Tennessee, as I understand it, wishes to amend the bill further on. If the gentleman is allowed to make his motion, it will cut me off from making mine. I desire to offer a proviso to the amendment which has been adopted, and I hold that that amendment must take precedence of a motion to amend the bill further on.

The CHAIRMAN. The Chair overrules the question of order.

Mr. SMITH. But let me say a word in explanation. This building is not paid for.

Mr. JONES. I understand all that.

Mr. SMITH. Well, I appeal to the gentleman to allow my amendment to be read.

Mr. JONES. I have no objection to the gentleman's amendment being read; but I submit, as a

question of order, that the amendment having been adopted, no amendment to it can be entertained.

The CHAIRMAN. The Chair thinks the amendment cannot be amended in the present stage of proceeding.

Mr. SMITH. I appeal to the committee to allow my amendment to be read.

Mr. JONES. I have no objection to that.

Mr. SMITH. The amendment offered by the gentleman from North Carolina, which has been adopted by the committee, as a substitute for the amendment of the Senate, is liable to bring us into trouble in the form in which it has been adopted. This building has not been paid for, and I propose to add a proviso that, in the event of the purchase of the building, a portion of the money to be paid shall be applied to pay for the materials and labor expended in the erection of the building which are still due Winder's building, as it is called, but the title is not even in Winder.

Mr. HIBBARD. I rise to a question of order. I refer the Chair to Jefferson's Manual to show that, when an amendment has been adopted as a substitute, it is impossible to amend it.

Mr. SMITH. It has not been adopted. There is no reason why the Chair should not entertain the amendment. The amendment of the gentleman from North Carolina has been adopted as a substitute for the Senate's amendment, but the question has not been taken upon the adoption of the amendment of the Senate as amended; and, therefore, amendments are still in order.

The CHAIRMAN. The Chair will say to the gentleman from Virginia, that, even if the amendment which had been adopted could be amended, he would not hold the amendment which the gentleman proposes to offer to be in order, for the reason that it proposes to control the disposition of money which is appropriated for the purchase of this building.

Mr. SMITH. The Chair does not understand my amendment. I presume he has not read it. It has been read to the committee. [Cries of "Order!"] It is no use for gentlemen to cry "Order." I am in order; and I ask that my amendment may be read.

[Renewed cries of "Order!"]

Mr. SMITH. I am not out of order.

The CHAIRMAN. The gentleman is out of order.

Mr. CULLOM. The Chair has recognized my colleague, [Mr. JONES,] and the gentleman from Virginia is not in order.

The CHAIRMAN. The proposition will be read, if there be no objection, for the information of the committee.

There being no objection, Mr. SMITH's amendment was read by the Clerk, as follows:

Provided, That in the purchase or leasing of said building it shall be agreed that the rents, as they fall due, or the purchase money, as the case may be, shall be applied by the Secretary of War to pay all arrears which may be due for labor and materials expended in the construction of said building.

The CHAIRMAN. The Chair rules the amendment out of order.

Mr. SMITH. I appeal from that decision of the Chair.

I would like to call the Chair's attention to this point.

[Cries of "Order!"]

The CHAIRMAN. The gentleman must remember that debate is not in order.

Mr. SMITH. I do not wish to debate the question.

The CHAIRMAN. If the gentleman desires to state the ground on which he appeals from the decision of the Chair, it will be in order for him to do so. Debate, however, is not in order.

Mr. SMITH. I do not desire to debate the question. The ground of my appeal from the decision of the Chair is this: The amendment of the gentleman from North Carolina provides for the making of a contract, and my amendment merely provides one of the terms of that contract, and is, therefore, in my opinion, strictly in order.

The question was taken on the appeal; and the decision of the Chair was sustained.

Mr. JONES, of Tennessee. As the amendment of the gentleman from North Carolina has been adopted, I now propose that we disagree in so much of the Senate's amendment as proposes to strike out the words, "for compensation of

superintendent and four watchmen of the building corner of F and seventeenth streets, \$2,250," and with so much as proposes to insert the words "\$32,375; and the Secretary of War is hereby authorized to lease said building, or some other, for a term not exceeding five years, at the rent herein authorized, if, in his judgment, the same shall be for the public interest." If the amendment which I propose be adopted, then the bill will be left with an appropriation for the renting of the building at the present price, and authority to purchase it at \$200,000. That is what I think ought to be done, and what I suppose this committee desires to be done, judging from the vote just taken.

Mr. TAYLOR, of Ohio. I desired very much, before the question was taken on the amendment of my friend from North Carolina, [Mr. CRAIG], to have offered an amendment, and made some statements in reply to what fell from the gentleman from New York, [Mr. JONES], as to this being an entirely worthless building. I will now merely state that the gentleman from New York is antagonistic in his opinion to the Committee on the Public Buildings and Grounds of the last Congress; and one of its members was himself an experienced practical builder. They said that the building had been constructed with great care, of good material, and is perfectly fire-proof. Now, I am aware that the committee has adopted an amendment to purchase the building; but I am not at all certain as to the propriety of the amount stipulated to be paid. It is said to have cost more than \$200,000. Property has advanced in value in this city; and ground has also advanced with equal rapidity.

Mr. LANE, of Oregon. Time is of great value now, and I would ask, Mr. Chairman, whether the gentleman from Ohio is in order?

The CHAIRMAN. The Chair thinks that the gentleman from Ohio is in order.

Mr. TAYLOR. I shall not detain the committee long. Mr. Robert Mills, who was in the public employment some years ago as an architect, stated that this property was worth \$260,000; and the committee at the last Congress recommended that it should be purchased for \$250,000. It was stated in a report of the committee at the last session that the proprietor would take \$300,000 for it. Now, this committee has voted that he shall sell it for \$200,000, and be forced to take \$21,000 per annum rent, when he asks \$30,000. We are now occupying the building of a private citizen without his consent, and giving him a price for its use far below what he has asked. Now, I am aware that the gentleman from North Carolina had a private conversation with Mr. Winder, in which the latter agreed to take \$200,000 for his building. I understood him to say that he would not take that amount for it, and hence the amendment that it should be purchased at a valuation.

Mr. CRAIG. There is no difficulty on that subject.

Mr. TAYLOR. Are you aware that Mr. Winder will take \$200,000 for the property?

Mr. CRAIG. I am not.

Mr. TAYLOR, of Ohio. Inasmuch as I understand the proposition—

Mr. WASHBURN, of Maine. I submit that there is no proposition before the committee.

The CHAIRMAN. The Chair is of the opinion that the object which the gentleman from Tennessee [Mr. JONES] had in view was accomplished by the amendment of the gentleman from North Carolina, [Mr. CRAIG].

Mr. WASHBURN. Exactly, and there is no question before the committee.

Mr. SMITH, of Virginia. I hope to be indulged by the House for a moment in making a remark, as I am really desirous of information in regard to this matter. If we authorize this property to be rented or purchased, can we not attach to it a condition that the rent shall be applied to this purpose of paying for the material?

The CHAIRMAN. The Chair decided that such an amendment would not be in order.

The question recurring on the amendment, as amended,

Mr. WASHBURN, of Maine, demanded tellers; which were not ordered.

The question was taken; and a division being had, there were—ayes 80, noes not counted.

So the amendment, as amended, was concurred in.

Fifty-eighth amendment:

For compensation of superintendent and four watchmen of the building on the corner of F and Seventeenth streets, \$2,600.

Mr. JONES, of Tennessee. The committee recommend a concurrence in that amendment.

The amendment was concurred in.

Fifty-ninth amendment:

Strike out in line six hundred and ninety-one "seven thousand one," and insert in lieu thereof "eight thousand seven," so as to make the clause read as follows:

For compensation of the Secretary of the Navy, and the clerks, messenger, and assistant messenger in his office, \$8,700.

Mr. JONES, of Tennessee. The committee recommend a non-concurrence.

The amendment was non-concurred in.

Sixtieth amendment:

In line six hundred and ninety-nine strike out the words "ten thousand eight hundred," and insert in lieu thereof the words "eleven thousand six hundred and fifty," so as to make the clause read:

For compensation of the chief of the Bureau of Ordnance and Hydrography, and the clerks and messenger in his office, \$11,650.

Mr. JONES, of Tennessee. The committee recommend a non-concurrence in that amendment.

The amendment was non-concurred in.

Sixty-first amendment:

In line seven hundred and six strike out the words "thirteen thousand seven hundred," and insert in lieu thereof the words "fourteen thousand eight hundred and fifty," so as to make the clause read:

For compensation of the chief of the Bureau of Navy Yards and Dock, and of the civil engineer, clerks, and messenger, in his office, \$14,850.

Mr. JONES, of Tennessee. The committee recommend a non-concurrence in that amendment.

The amendment was non-concurred in.

Sixty-second amendment:

In page thirty, line seven hundred and fifteen, strike out the words "twenty thousand eight hundred," and insert the words "twenty-two thousand five hundred and fifty."

The clause, as amended, reads:

For compensation of the Chief of the Bureau of Construction, Equipment, and Repairs, and of the chief naval constructor, engineer-in-chief, and the clerks and messenger, in his office, \$22,550.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence in that amendment. I will state to the committee that quite a number of these small amendments were made by the Senate, to conform this bill to that for the increased compensation, passed some time ago. The Committee of Ways and Means have a proposition to put them all into the one clause. That is the reason why they recommend non-concurrence in this.

The amendment was non-concurred in.

Sixty-third amendment:

Page thirty, line seven hundred and twenty-two, strike out the words "seven thousand three hundred," and insert in lieu thereof the words "eight thousand one hundred and fifty."

The clause, as amended, reads:

For compensation of the clerks and messenger in the Bureau of Provisions and Clothing, \$8,150.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence.

The amendment was non-concurred in.

Sixty-fourth amendment:

Page thirty, line seven hundred and twenty-eight, strike out "7,900," and insert in lieu thereof "8,350."

The clause, as amended, reads:

For compensation of the Chief of the Bureau of Medicine and Surgery, and the clerks and messenger in his office, \$8,350.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence.

The amendment was non-concurred in.

Sixty-fifth amendment:

Strike out the following clause:
"For printing and paper for the Navy Department, \$2,000."

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Sixty-sixth amendment:

For additional for disbursing clerk and superintendent of Executive Building, provided in the third section of the act of the 3d of March, 1853, entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1854," for the Navy Department, \$200.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence in that amendment.

The amendment was non-concurred in.

Sixty-seventh amendment:

Page thirty-one, line seven hundred and forty-eight, after the word "thousand," add the words "four hundred."

The clause, as amended, reads:

For compensation of four watchmen of the southwest Executive Building, \$2,400.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a concurrence in that amendment.

The amendment was concurred in.

Sixty-eighth amendment:

Page thirty-two, line seven hundred and sixty, strike out "\$1,450," and insert in lieu thereof the following words, "and messengers of said Department, \$150,150."

The clause, as amended, reads:

For compensation of temporary clerks necessarily employed from the 9th of May, 1853, to the 30th of June, 1854, and messengers of said Department, \$150,150.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence in that amendment.

The amendment was non-concurred in.

Sixty-ninth amendment:

For compensation of temporary clerks necessarily employed from the month of May, 1853, to the 30th of June, 1854, \$1,450 98.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence in that amendment.

The amendment was non-concurred in.

Seventieth amendment:

For additional for disbursing clerk and superintendent of Executive Building provided in the third section of the act of the third of March, 1853, entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1854," for the Post Office Department, \$200.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence.

The amendment was non-concurred in.

Seventy-first amendment:

For compensation of three watchmen for the Post Office Building, \$1,800.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence in that amendment.

The amendment was non-concurred in.

Seventy-second amendment:

Page thirty-three, line seven hundred and eighty-three, strike out "for printing and paper for Post Office Department, \$1,000," and insert in lieu thereof:

For paper and printing for the Executive Department, including paper, printing, and binding the annual "Statement of Commerce and Navigation," and paper and printing the annual "Estimates of Appropriations," \$30,800.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a concurrence in that amendment.

The amendment was concurred in.

Seventy-third and seventy-fourth amendments:

Page thirty-three, line seven hundred and ninety-eight, insert the words "assistant melter and refiner," and in line seven hundred and ninety-nine strike out "\$33,400," and insert in lieu thereof "\$34,900," so as to make the clause read:

For salaries of the director, treasurer, assayer, melter, and refiner, chief coiner, and engraver, assistant surveyor, assistant melter, and refiner, and seven clerks, \$34,900.

Mr. HAVEN. The Committee of Ways and Means recommend a non-concurrence in those amendments.

The amendments were severally non-concurred in.

Seventy-fifth amendment:

Insert after the appropriations for the Mint at New Orleans, the following:

For rebuilding portions of walls and complete repairs of the building of the branch Mint at New Orleans, \$55,000.

Mr. HOUSTON. The Committee of Ways and Means recommend that the House concur in that amendment with an amendment. The committee propose to strike out "\$55,000," and insert in lieu thereof "\$37,000."

The amendment of the committee was agreed to.

The amendment of the Senate, as thus amended, was then concurred in.

Seventy-sixth amendment:

Page thirty-six, line eight hundred and seventy-one, under the head of "Territory of Oregon," strike out "twenty," and insert in lieu thereof "thirty," so as to make it read:

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1st Session.

TUESDAY, AUGUST 1, 1854.

NEW SERIES...No. 128.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, \$30,000.

Mr. HAVEN. The Committee of Ways and Means recommend a concurrence in that amendment.

The amendment was concurred in.

Seventy-seventh amendment:

Page thirty-six, line eight hundred and seventy-six, in the appropriation for the contingent expenses of the Territory of New Mexico, strike out "\$1,000," and insert in lieu thereof, "including the compensation of the person employed by the Governor as a translator, \$1,500;" so as to make the clause read:

For contingent expenses of said Territory, including the compensation of the person employed by the Governor as a translator, \$1,500.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a concurrence.

Mr. STANTON, of Kentucky. I propose an amendment to that clause, by adding at the end of it the following:

And the Clerk of the House of Representatives shall pay to William Carr Lane, out of the contingent fund thereof, mileage and per diem to the day when the contest for the seat as a Delegate from the Territory of New Mexico was decided.

Mr. LETCHER. Is that amendment in order?

Mr. JONES, of Tennessee. It is irrelevant.

The CHAIRMAN. The Chair decides the point of order well taken, and rules the amendment out of order.

Mr. STANTON. There is certainly a law authorizing the appointment of a Delegate from that Territory to this Congress.

Mr. JONES, of Tennessee. The question is not debatable.

The CHAIRMAN. The Chair rules the amendment out of order, upon the ground that it is not germane to the Senate amendment.

Mr. STEPHENS, of Georgia. If the gentleman from Kentucky will look forward to line eight hundred and eighty-nine, he will see where his amendment will be germane.

The question was then taken on the Senate amendment, and it was concurred in.

Seventy-eighth amendment:

Page thirty-six, line eight hundred and eighty-one, among the appropriations for the Territory of New Mexico, insert, "including the compensation of the person employed by the Governor to revise and correct the laws of New Mexico, and the expense of printing the same," so as to make the clause read:

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, including the compensation of the person employed by the Governor to revise and correct the laws of New Mexico, and the expense of printing the same, \$20,000.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Seventy-ninth amendment:

To enable the Secretary of the Treasury to pay for the preservation of the archives of the Territory from May 5th to September 9th, 1852, \$420.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend an agreement to the amendment.

The amendment was concurred in.

Eightieth amendment:

For the payment of Richard H. Weightman for mileage and per diem compensation for the second session, Thirty-First Congress, as an agent claiming to be a Senator elect from New Mexico, \$2,460.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence in that amendment.

Mr. STANTON, of Kentucky. I propose to amend that amendment by adding at the end the following:

And the Clerk of the House of Representatives shall pay to William Carr Lane, out of the contingent fund thereof, mileage and per diem to the day when the contest for a seat as Delegate from the said Territory of New Mexico was decided.

Mr. JONES, of Tennessee. I submit a question of order in reference to this amendment. It is not in order, because there is no law authorizing the appropriation.

The CHAIRMAN. The Chair decides that

the amendment of the gentleman from Kentucky is not in order, upon the ground that it is not germane to the section under consideration, and for the further reason, that there is no provision of law authorizing it. It is true that the amendment provides for a claim similar to that set up for Mr. Weightman; but there is no connection whatever between the two cases, and none can be made to exist legitimately.

Mr. STANTON. I ask the Chair whether, if this section inserted by the Senate be rejected, it will then be in order to offer mine as an independent section?

The CHAIRMAN. It will not.

Mr. STANTON. Then I must appeal from the decision of the Chair; and I ask for tellers upon the appeal.

Tellers were ordered; and Messrs. KERR, and ELLIOTT, of Kentucky, were appointed.

Mr. McMULLIN. I ask the Chair to state the question.

The CHAIRMAN. The Chair has ruled the amendment of the gentleman from Kentucky not to be in order, upon the ground, among others, that it is not germane to the amendment of the Senate under consideration. That is a sufficient reason for his decision, and the question, therefore, is, "Shall the decision of the Chair remain as the judgment of the committee?"

Mr. MILLSON. If the committee should reverse the decision of the Chair, I desire to ask if it will then be in order to object to the amendment for another reason than that now stated?

The CHAIRMAN. Should the committee reverse the decision of the Chair, he will then rule the amendment to be in order.

Mr. MILLSON. Then I desire to state another reason why the amendment is not in order.

Mr. KERR. I object.

Mr. MILLSON. Have I not the right to state reasons why the amendment is not in order?

The CHAIRMAN. One question of order is already pending, and it is not in order to raise another while that is pending.

Mr. MILLSON. But I desire to state additional reasons why the amendment is not in order.

[Cries of "Order!" "Order!"]

Mr. MILLSON. I ask the Chair if it is competent for the Senate to vote upon a proposition to pay money out of the contingent fund of this House.

Mr. HUNT. I rise to a question of order. The gentleman from Virginia is out of order. He is making an argument.

The question was then taken on the appeal; and the decision of the Chair was sustained; the tellers having reported—ayes 73, noes 51.

Mr. LANE, of Oregon. I offer the following amendment:

That the widow of Samuel K. Thurston, late Delegate from Oregon, be allowed the difference between the mileage her late husband received as such Delegate, and that allowed the present Delegate.

Mr. JONES, of Tennessee. I ask the Chair if that amendment is in order?

The CHAIRMAN. The Chair rules the amendment offered by the gentleman from Oregon out of order, upon the same ground that he ruled the amendment of the gentleman from Kentucky out of order.

Mr. JONES. The committee recommend a non-concurrence in the eightieth amendment.

Mr. STANTON, of Kentucky. I move to strike out the name of "Roger H. Weightman," and insert in lieu thereof "William Carr Lane;" and also to strike out the word "Senator," and insert in lieu thereof the word "Delegate."

The CHAIRMAN. The same objection would apply to the amendment offered by the gentleman from Kentucky, as to the amendments that have been already offered and ruled out of order. The proposition is to make a complete change of the existing text.

Mr. STANTON. I cannot see the distinction which the Chairman draws. The amendment I offer is to pay a Delegate sent by the people of New Mexico to this Congress. I propose to sub-

stitute the name of William Carr Lane in the place of that of Roger H. Weightman; but, according to the decision of the Chair, the amendment cannot be made.

The question was taken; and the amendment of the Senate was non-concurred in.

Eighty-first amendment:

Strike out in the nine hundred and thirty-fifth and nine hundred and thirty-sixth lines "\$10,500," and insert in lieu thereof "\$11,500;" it being hereby provided that the respective salaries of the Governor and superintendent of Indian affairs be increased to \$2,000 per annum; so as to make the clause read as follows:

For salaries of Governor, superintendent of Indian affairs, three judges, and secretary, \$11,500; it being hereby provided that the respective salaries of the Governor and superintendent of Indian affairs be increased to \$2,000 per annum.

Mr. JONES. The committee recommend a non-concurrence in the amendment.

The amendment was non-concurred in.

Eighty-second amendment:

To reimburse the fund appropriated to defray the pay and mileage of members of the Legislative Assembly and the contingent expenses thereof, the amount fraudulently taken from said fund by Henry V. Colter, and to relieve Charles H. Mason, Secretary of said Territory, from his liability therefor, \$2,000.

Mr. JONES. The committee recommend a concurrence in that amendment.

The amendment was concurred in.

Eighty-third amendment:

For compensation and expenses of commission to frame a code of laws for the Territory, \$2,500.

Mr. JONES. The committee recommend a non-concurrence in the amendment.

The amendment was non-concurred in.

The committee here rose informally; and the Speaker having resumed the chair, a message in writing was received from the President of the United States, by SIDNEY WEBSTER, Esq., his Private Secretary.

ENROLLED BILLS.

Mr. GREEN, from the Committee on Enrolled Bills reported as correctly enrolled the following bills and joint resolutions; which thereupon received the signature of the Speaker:

Joint resolution for the relief of John A. Bryant;

An act for the relief of William G. Smith;

An act for the settlement of the claims of W. P. Buckner and Pierce Crosby, passed midshipmen in the United States Navy;

An act to revive the act approved March 3, 1823, and the act approved May 26, 1824, supplemental thereto, in reference to the Rio Hondo claims to land in Louisiana;

Joint resolution giving one hundred and sixty acres of land to Francis M. Gwyn, of Indiana;

An act for the relief of William Darby;

An act for the relief of A. G. Penn;

An act to provide compensation for the services of George N. Corell, in adjusting titles to land in Michigan;

An act for the relief of Gaston T. Raoul;

An act for the relief of Asa Andrews;

An act for the relief of Urban Stoll;

An act for the relief of Captain Charles G. Merchant;

An act for the relief of Phineas M. Nightingale, administrator of the estate of General Nathaniel Greene, deceased;

An act for the relief of the legal representatives of Major Caleb Swan, deceased;

An act for the relief of William Brown;

An act for the relief of Jonas P. Levy and José Maria Ferrero;

An act for the relief of Sylvester Pettibone;

An act for the relief of Levi Pierce and Andrew Hodge, jr.;

An act for the relief of the heirs and representatives of Colonel Alexander G. Morgan;

An act for the relief of Jean Baptiste Beau-bien;

An act for the purchase of the copyright of a work published by Thomas H. Sumner, wherein he describes his new method of ascertaining a ship's position at sea;

An act for the relief of Dr. S. R. Addison.

passed assistant surgeon in the United States Navy;

An act for the relief of Henry La Reintree; and
An act to authorize the payment of invalid pensions to the heirs of Lieutenant Robert White and others.

MESSAGE FROM THE PRESIDENT.

Mr. BAYLY, of Virginia. I ask the unanimous consent of the House to take from the Speaker's table the message which has just been received from the President of the United States, in order that it may be referred and printed.

The SPEAKER. Is it the pleasure of the House that the message should be presented?

[Cries of "Yes!" "Yes!"]

The SPEAKER accordingly laid before the House a message from the President of the United States, in answer to a resolution of the House of Representatives of the 28th instant, requesting information in regard to the destruction of San Juan del Norte, inclosing therewith reports from the Secretary of State and the Secretary of the Navy, with accompanying documents.

Mr. BAYLY. I move that the message and accompanying papers be referred to the Committee of Ways and Means, and be printed.

No objection being made, it was so ordered.

Mr. PECKHAM. Is it proper to move that the papers be read now.

[Cries of "Read!" "Read!"]

Mr. WHEELER. I call for the reading of the papers.

The SPEAKER. The call for the reading comes too late, the papers having already been referred.

Mr. JONES, of Tennessee. It has never been customary to read the documents accompanying a message, and it has never been done.

Mr. WHEELER. It is time it was done then.

Mr. PECKHAM. I do not insist upon it.

CIVIL AND DIPLOMATIC BILL—AGAIN.

The committee then resumed its session, and proceeded with the consideration of Senate amendment number eighty-three, in reference to compensation for codifying the laws of the Territory of Washington.

Mr. LANCASTER. The Legislative Assembly of the Territory of Washington convened in the latter part of the month of February, and immediately appointed a commission for the codification of its laws. They appointed the chief justice of the Territory, one of the associate justices, and one of the late justices of the Territory of Oregon, as such commission. By the labors of these commissioners a code of laws, and a full code, as I understand from my correspondents, was drawn up, and the time of the sitting of the legislative body was very much diminished by the aid of the labors of that commission. They have performed their duties as commissioners, and the Legislative Assembly has adjourned; and it was supposed, from the course pursued by Congress in such cases, that they were entitled to compensation for their services. I believe it will be admitted that in almost every Territory of the United States, commissioners have been appointed to aid the Legislature in drafting the laws, and they have been paid in every case where they have been so appointed. Acting upon such precedents, the Senate placed this amendment in the bill.

I believe I have set forth all the facts connected with the case; that they were appointed by the Legislature; that they sat as a board of commissioners; that they drafted a code of laws and submitted it to the Legislature; that the code was adopted; and that thereupon the Legislature adjourned. The amount placed in this bill is intended for the payment of those commissioners.

Mr. JONES, of Tennessee, obtained the floor.

Mr. LANE, of Oregon. If the gentleman will allow me, I desire to propose an amendment.

Mr. JONES. I wish first to speak in opposition to the amendment already pending. I cannot see the necessity of codifying the laws of the Territory of Washington so early after its organization. But if it were necessary and proper that it should be done, it would have been right for them to have obtained an appropriation before they directed the service to be performed. It is not right that we should recognize the acts of a Territorial Legislature, which creates liabilities upon the Treasury of the United States, when those acts are passed without the authority of Congress.

If they pass laws incurring liabilities without first obtaining that authority, they should look to their own people, and raise the amount necessary by taxation.

Sir, this is setting a bad precedent. It will be a very bad practice if followed out. The Territorial Legislatures will then become appropriating powers, as well as the Congress of the United States, out of the national Treasury. The whole thing, I think, is wrong. Even if it were necessary to have this service performed, they should not have directed it to be done until Congress had made an appropriation to defray the expenses. The Committee of Ways and Means recommend a non-concurrence in the amendment.

Mr. LANCASTER. I will not detain the committee but a moment.

The CHAIRMAN. There is no proposition before the committee that is debatable.

Mr. LANCASTER. I move to increase the appropriation to \$3,000.

Mr. Chairman, I cannot see the difference of principle between Congress appropriating a certain sum of money beforehand and commissioners acting after the appropriation is made, and the principle of their acting before that appropriation is made, if they acted properly and like honest men. This, sir, is the most remote Territory belonging to this Government. It is, for the most part, a wilderness. But, sir, it was organized by the direction of Congress; and when that organization took place, it became necessary for that legislative body to enact laws for the purpose of giving validity to the business of the Territory; and it also became necessary for them to call in the aid of the most able men in the Territory to frame a code of laws. The Legislative Assembly accordingly employed the best talent that the Territory afforded, and the best that could then be obtained, and a code of laws was framed. Yet now the objection is raised that they acted before an appropriation was made.

Sir, in Oregon a board of commissioners was appointed for the same purpose; and the same thing has been done, I believe, in several, if not all, of the other Territories, for the purpose of framing a proper code of laws for the government of the Territory.

But the gentleman from Tennessee complains that this board of commissioners acted before authority was given them by Congress. Sir, it was necessary that these laws should be enacted at once, and it was necessary that they should be framed into a proper code. These commissioners performed that duty, and now ask as compensation for their labors, \$2,500.

Mr. JONES, of Tennessee. I will ask the gentleman if the judges of the Territory were appointed to perform this service?

Mr. LANCASTER. I will tell the gentleman who they were. Chief Justice Lander, of Washington Territory, one of the associate justices of Washington Territory, and ex-Judge Strong, of Oregon. These were the three persons who constituted that commission.

Mr. JONES. I suppose they had nothing else to do?

Mr. LANCASTER. This was not any part of their duties as judges. They were appointed at a certain salary to perform certain duties, and they were not bound to perform others without extra compensation.

Mr. PECKHAM. Do I understand the gentleman to say that these commissioners were then officers of the Government?

Mr. LANCASTER. They were then sitting as judges.

I will say now, in conclusion, not desiring further to consume the valuable time of the committee, that the Territory was without laws, and it does seem to me that we should not object to the Legislature employing the best legal minds within their reach for this purpose.

Mr. JONES, of Tennessee. I suppose that there was a Legislature then to make laws.

Mr. LANCASTER. The appointment of this commission for the purpose, was the cause of the saving of a great deal of time and money. The Legislature, to accomplish the same purpose, would have been compelled to remain long in session, and at a very heavy expense.

Mr. LANCASTER, by unanimous consent, withdrew his amendment.

Mr. LANE, of Oregon. I move to amend the

Senate's amendment by substituting for it the following:

That the Secretary of the Treasury be authorized to settle and pay the commission to frame a code of laws for the Territory of Washington, at the same rate per diem as has been allowed a similar board in Oregon.

Mr. Chairman, if the Senate amendment be adopted, I desire that the amendment which I have just offered may be made to it. It is the just principle for the payment of these commissioners, and I presume that the gentleman from Washington will not object to it.

Now, I will state why I offered the amendment. The Territory of Washington, by law, provided that the commissioners for the framing of its code of law should be paid ten dollars per day. We did not ask that amount for the commissioners who framed the code for Oregon. We only asked half that price. I think that we had better not discriminate between these Territories. They lay side by side. If the committee at all provide for the payment of these commissioners, let them be paid as those for Oregon were, at five dollars per day.

The question was taken; and the amendment to the amendment was agreed to.

The question was then put on the amendment of the Senate, as amended; and, on a division, there were—ayes sixty—

Mr. LETCHER. I demand tellers.

Tellers were ordered; and Messrs. HARRIS, of Alabama, and PARKER, were appointed.

Mr. JONES, of Tennessee. The Committee of Ways and Means have recommended a non-concurrence in the Senate amendment.

The question was taken; and the tellers reported—ayes seventy-one; noes not counted.

So the Senate amendment, as amended, was concurred in.

Eighty-fourth amendment:

For the completion of the geological reconnaissance of the Territory of Washington, and to make detailed examinations in the coal and mineral regions thereof, \$10,000.

Mr. JONES, of Tennessee. The committee recommend a non-concurrence in the amendment.

Mr. LANCASTER. I move to increase the amount \$100. Some time ago, I do not recollect how long since, geologists were appointed to make a geological survey of the Pacific coast. Their field of labor was in Oregon Territory. The division of the Territory of Oregon leaves the Territory of Washington without a geological survey, and there has not been an extended geological reconnaissance upon the coast itself. The Pacific coast is supposed to contain an immense amount of coal. The coal now necessary to supply the United States marine is taken to that part of the country from the East. It is highly desirable that these coal fields, which are supposed to lie upon the coast, should be examined by geologists, and this amendment of the Senate makes an appropriation of \$10,000 to carry out that object.

It appears to me highly important and necessary that the Government should make this survey, and open the veins of these coal-fields for the use of our steam marine. We ought not to seek our coal-fields in Japan, in China, and other countries of the East. It is expected by this appropriation to develop and bring out the resources of these fields. How much is expected to be attained by this examination I am not able to say, but the discovery of coal-beds alone, is sufficient of itself to warrant the appropriation contained in the amendment of the Senate. I hope the appropriation may be granted, and that geologists may go to that wilderness country, make an examination of that coast, and show to the world, if there is any truth in the statements which have been circulated, that there is an abundance of coal upon that coast. Let the survey and examination be made by officers of the Government, in whose statements the country will place implicit reliance. I hope the committee will agree to the amendment of the Senate, and grant us this appropriation for making that survey. Geological surveys are, by no means, of recent date, or of unusual occurrence. Several of the States have made them, as they had the power to do so, by acts of their own legislation. Such surveys have been made in some of the Territories, and is it unreasonable, situated as we are, that we should ask for an examination of the Pacific coast to be made at the expense of this Government, in order to ascertain whether we cannot come in competition with foreigners in supplying our own marine with coal?

Mr. LANE. The gentleman from Washington Territory [Mr. LANCASTER] has called the attention of the committee to the fact that a geological survey had been commenced on the Pacific, in the Territories of Washington and Oregon, or rather in the territory which was all at that time Oregon, without the authority of law, and without an appropriation having been previously made to carry it on. I will explain how that was. A geologist in the service of the United States Government was ordered in that direction. He made explorations for some time, and the expenses incurred by him amounted to the sum of \$72,000. At the last session of Congress—I desire the committee to recollect—that gentleman was in Washington. He said, "if you can procure a law to pay the amount of the debt already contracted, and give me a certain further amount, I will complete the whole survey of that country." The operations which he was then carrying on were in what is now Washington Territory. He spoke of the extensive coal beds there; and at his solicitation I said to the House, "Give the gentleman all that he asks now. He has commenced this work, and has discovered a field of coal in Washington Territory; and by making this appropriation he will complete it." Congress promptly gave him the amount required; and he said it was sufficient—amply sufficient for him. Now, I am willing to say to the committee, that so far as the labors of this gentleman in Oregon are concerned, there is not a gentleman in that Territory who believes that the survey was worth one cent to the country. If I had known then what I have known since in respect to this survey, I would not have asked an appropriation to complete it. But, at all events, this gentleman, during the last Congress, received all that he himself said would be necessary to make a thorough examination of Washington Territory. He certainly made a reconnaissance of the coal beds on the Pacific coast. I only mention this that the truth of history may be made known.

Mr. SMITH, of Virginia. The gentleman from Oregon was not, as I understood him, speaking in opposition to the amendment offered by the gentleman from Washington, [Mr. LANCASTER.] I move to amend by striking out—

The CHAIRMAN, (interrupting.) The question is first on the amendment of the gentlemen from Washington Territory.

Mr. LANCASTER. I propose, by unanimous consent, to withdraw it.

There being no objection, the amendment was withdrawn.

Mr. SMITH. I now move to amend the amendment, by reducing the appropriation to one dollar. It seems to me, Mr. Chairman, that everybody connected with this Government conceives that he has a perfect right to incur liabilities to any amount without permission or authority. Here we are going on in this way, with a perfect looseness, and a general tendency to extravagance which is bringing us into a most extraordinary condition of things. The truth is we cannot employ an officer to perform a certain duty, we cannot give him a specific direction to act upon, nor can he get instructions from any of the Departments, that he does not believe himself at perfect liberty to incur liabilities to almost any amount. If I understood the gentleman from Oregon, [Mr. LANE,] he himself says that this officer was detailed by the Government here to make geological surveys and explorations out in that Territory. He was detailed by the geologist of Iowa, to go into Oregon and make an exploration, and under that authority to carry out some particular prescribed duty. He went on at large, holding himself at liberty to charge the Treasury of the United States at will. Many of the old States of this Union have not yet felt themselves impelled to make a geological survey of their territory, but the Territories which have just come into being, just received an existence, have gone on, without authority of law, and entered into geological examinations of their Territory, and in doing so, have undertaken to charge the public Treasury. Now, sir, I put it to the gentleman from Oregon if he thinks this thing is right?

Mr. LANE. I will say to the gentleman from Virginia, that last year I did ask Congress to make an appropriation to cover the expense, and an additional appropriation was granted by Congress to prosecute the survey to completion. The surveyor

said that the appropriation which was then made would be all that he should want, and that it would complete the reconnaissance which he wanted to make of the Pacific coast.

Mr. SMITH. That being the case, and he having then obtained all that was necessary at that time, it is perfectly evident that he did not care at all for the limitation placed upon him by our action in Congress, and he goes on and increases the expenses at his mere pleasure.

Now, I am disposed to be liberal towards the Territories; but they are setting up for themselves too rapidly, and are becoming regardless of the obligations which we recognize; and we are told by a gentleman, in whom we ought to have more confidence, that the survey of Oregon was not worth a baubee, and we are asked to appropriate \$10,000 for perfecting the survey in Washington. He asks, what is the appropriation of \$10,000 for a survey, compared with the benefits we shall derive from it? I consider it but an attempt to keep certain gentlemen on pay. That is the whole secret of the matter.

In California a man goes out to prospect—that is, to hunt for gold; and he does it at his own expense; and if he finds a mine, he makes his pile. But these Territories get the Government to prospect for them; and if they find a spot of wealth, they enjoy the benefits of that success.

I think this amendment ought not to prevail.

Mr. LANCASTER. I wish to correct the gentleman's misconception. I do not know what ground the gentleman from Oregon [Mr. LANE] has for saying that the geological survey of Oregon Territory is useless. I know nothing of it; but I do know that this surveyor has reported extensive fields of coal existing upon the coast of Washington Territory. The Legislature of that Territory memorialized Congress to continue that survey, and to appropriate \$10,000, not to go through the survey of the whole Territory, but to test it. This memorial came from the Legislative body, and I submitted it to the departments at Washington. It was a fair, open-handed, manly transaction, as far as the Delegate from Washington is concerned; a fair, open proposition for exploring the coal fields known to exist upon the Washington coast, and brought to light by the geologists in the employ of the Government of the United States.

Mr. SMITH, of Virginia. I would ask the gentleman if this appropriation is intended to test these coal fields, or have they been already tested?

Mr. LANCASTER. We have information from the geologist that they exist. We wish to know whether they do exist. We desire that an appropriation of \$10,000 shall be made to accomplish that object. Our Territorial Legislature has recommended it. The Department has recommended it. The Senate has voted the appropriation into this bill; and I, as the Delegate of the Territory, urge it upon this floor.

Sir, it is very difficult to believe the statements that are made in reference to this remote Territory by those who have visited it. People believe the facts are misrepresented. Although reports were made by officers of the Government, under oath, you would still not believe half that can be told of that Territory. You would not comprehend its timber, its fertile soil, its mineral wealth, its inland seas, its resources, which no one can appreciate who has not seen the Territory, nor calculate the value their development will prove to the country. Its mineral lands will supply your steam marine with coal, instead of bringing it thousands of miles, as you now do.

[Here the hammer fell.]

Mr. SMITH, by unanimous consent, withdrew his amendment.

The question then recurred upon the amendment of the Senate.

Mr. CARPENTER demanded tellers.

Tellers were not ordered.

The amendment was then non-concurred in.

Eighty-fifth amendment:

For the erection of public buildings in the Territories of Kansas and Nebraska, to be expended under the direction of the Governors thereof, respectively, \$25,000 for each of said Territories; and so much of the act for the organization of said Territories as located the seat of government of Kansas at Fort Leavenworth, is hereby repealed.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommended a non-concurrence in that amendment.

Mr. STANTON, of Kentucky. I have an amendment which I desire to propose to that amendment.

Mr. PHELPS. I desire to offer a few remarks upon the Senate amendment itself, if the gentleman from Kentucky will allow me.

The CHAIRMAN. No debate is in order, unless the gentleman proposes an amendment.

Mr. PHELPS. Then I move to increase the appropriation to \$30,000.

The CHAIRMAN. The gentleman from Kentucky has the floor to offer an amendment.

Mr. STANTON. My amendment will be soon disposed of. I move to add the following to the Senate amendment:

Provided, That Thomas Johnson shall be allowed and paid out of the said fund appropriated for Kansas, mileage and per diem according to the usual rate, for the present session of Congress, he having been elected, under authority of the provisional government of Nebraska, as a Delegate from said Territory to Congress.

Mr. JONES, of Tennessee. I rise to a question of order. I submit that there was no such Territory at the time this gentleman was elected.

The CHAIRMAN. The Chair thinks the amendment is not in order.

Mr. STANTON. The case is precisely the same as that of California. Senators and Representatives were elected from California when it was not a State, precisely as this Delegate was elected from Nebraska when it was not a Territory.

The CHAIRMAN. This gentleman has never been recognized as a Delegate by the House.

Mr. PHELPS. I move to increase the appropriation to \$35,000.

Mr. Chairman, I have offered this amendment for the purpose of calling the attention of the committee to the necessity for passing the amendment which has been adopted by the Senate. You have organized the Territories of Kansas and Nebraska, and provided for the election of their respective Legislatures; but you have failed to make provision for a building in which the Nebraska Legislature is to hold its sessions. No place whatever is provided for that Legislature. In the bill you did make provision for the Territory of Kansas by providing that the seat of government should be at Fort Leavenworth. But even when that Legislature convenes at Fort Leavenworth, there is no building there which it may occupy. That is a military reservation, and the Secretary of War declares that there is no building there which he can, consistently with the public interest, spare for the purposes of the Legislature. I would refer to the letter addressed by the Secretary of War to the Governor of Kansas Territory.

I am of opinion that provision should be now made for temporary buildings for the use of the Legislatures, and that we should wait until the Territorial Legislature shall provide by law the permanent seats of government in the Territories. I will be willing to accept a less amount than that contained in the amendment; but if temporary buildings were to be erected, there need not, and I presume there will not, be the whole of this money expended.

Now, I would ask gentlemen whether they will have the Legislatures convened out of doors? Where, then, will they convene? They will be in session during the ensuing winter. I do not know what time the Governors may be enabled to have the enumeration made, as provided in the act for the organization of the two Territories. I do not know at what time the Governors of Nebraska and Kansas may direct the election for the members of the Legislature to be held; nor do I know where they may, by proclamation, determine the meeting of the Legislatures. The presumption is, that all these things will take place as soon as possible; for, at this moment, the people of the Territories have no municipal law for their government. No courts of justice are established, and there is no provision for the prosecution and punishment of crime which may be committed within their limits—not even for the prosecution and punishment of crimes committed against the laws of the United States. Prior to the organization of these two Territories, the Indian countries lying west of Missouri and Arkansas were attached to the districts of those States, so far as the criminal law of the United States was concerned. It was of frequent occurrence that when crimes were committed on the Santa Fé trail, or the Oregon trail, that persons were arrested and taken to

the State of Missouri, to be tried before the district or circuit court of the United States held there, or to the district or circuit court of the United States of Arkansas.

[Here the hammer fell.]

Mr. HAVEN. Mr. Chairman, I hope this committee will agree with the Committee of Ways and Means, and non-concur in the Senate's amendment. I think this committee will act wisely in so doing. I do not know that it is necessary for me to argue the question as to whether there is any occasion for this appropriation to be made at this particular time? The total want of population in these Territories to be governed; the fact that no officers have ventured out there yet, and that emigrants going there with the intention to settle are having to fight their way in, and the lateness of the season now; all seem to concur in showing that this appropriation is wholly gratuitous at this time, and uncalled for.

But there is another question lying back of this. For one, I am desirous of knowing distinctly whether gentlemen here, upon the other side of the House, are anxious to commence tinkering with the Kansas and Nebraska act already. Do they start the proposition to repeal it in whole, or in any of its parts. Here is, in this amendment of the Senate, most certainly, a provision to repeal a part of it; and the gentleman from Missouri has asked us to concur in that provision to repeal a portion of it. I hope this committee will do no such thing; but will, on the contrary, at once, and without further debate, non-concur.

Sir, if the wishes of the gentleman from Missouri [Mr. PHELPS] are complied with, a door will be opened here into that Kansas and Nebraska act at which some other gentlemen will like to enter. If this is to be an open question, I and others will desire to take a hand in it. I remember when that memorable act was upon its passage here but a short time ago, that I begged, and other gentlemen here urged, the House to allow us to offer some amendments to that bill. We advised the friends of the measure that, in our opinion, it was unwise, hasty, and very indiscreet legislation, to say the very least of it. I think the whole House will remember that, and some other facts connected with its passage. I doubt whether it can be forgotten. Are the friends of that bill sick of it already; or is the bill so weakly that it needs doctoring now? Has so brief a period as two months convinced gentlemen of their fatal error, and brought round a state of things that makes it, in their judgment, desirable to repeal a part of that act? Sir, they must remember that there is another part of that act to which we are as averse, which is as offensive to us as the provision they seek to repeal is to them. But if they insist upon the repeal of this portion which the Senate has asked us to repeal, I feel it my duty to inquire of the Chairman if it is in order for me to move to insert after the words "Fort Leavenworth" the following:

And also so much thereof as declares the Missouri compromise superseded, inoperative, and void; so that it will then read, "and so much of the act for the organization of the said Territories as located the seat of government of Kansas at Fort Leavenworth; and also so much thereof as declares the Missouri compromise superseded, inoperative, and void, is hereby repealed."

If, Mr. Chairman, gentlemen upon the other side of the House will open that subject, and repeal the bill in certain particulars, we, upon this side of the House, will, of course, feel ourselves justified in following their example; and not knowing whether they will vote for the Senate amendment, we must vote in ours before we allow them a vote on that question, otherwise they will get a repeal of what is obnoxious to them, whilst we shall fail in bringing them to a trial upon our amendment.

But I hope this committee will engage in no such business. The Committee of Ways and Means think it a wiser course to non-concur in this amendment. And I hope this committee will take the vote at once, and non-concur, and proceed to consider the other amendments of the Senate to the bill.

Mr. PHELPS, by unanimous consent, then withdrew his amendment.

Mr. WALLEY. I move to amend by striking out the words, "as located the seat of government of Kansas at Fort Leavenworth," and inserting the following:

"And so much of said act as repeals the eighth section of the act providing for the admission of Missouri be, and the same are;" so that the clause would read:

For the erection of public buildings in the Territories of Kansas and Nebraska, to be expended under the direction of the Governors thereof, respectively, \$25,000 for each of said Territories; and so much of the act for the organization of said Territories as repeals the eighth section of the act providing for the admission of Missouri, be, and the same is hereby repealed.

Mr. JONES. I rise to a question of order. That amendment is not germane. This is an appropriation bill.

Mr. WALLEY. The section already provides for a partial repeal. I propose to make a further repeal.

The CHAIRMAN. The Chair is of the opinion that the amendment is not in order.

Mr. GIDDINGS. I move an amendment: to strike out the words "so much of," and also the words "as located the seat of government of Kansas at Fort Leavenworth," so that the clause will read:

For the erection of public buildings in the Territories of Kansas and Nebraska, to be expended under the direction of the Governors thereof, respectively, \$25,000 for each of said Territories; and the act for the organization of said Territories is hereby repealed.

Mr. WRIGHT, of Pennsylvania. I rise to a question of order. I ask whether the amendment of the gentleman from Ohio is in order?

The CHAIRMAN. The Chair is of opinion that the amendment is in order.

[Cries of "Read the amendment."]

The CHAIRMAN. The gentleman from Ohio proposes to strike out the words "so much of," in the nine hundred and eighty-third line, and to strike out in the nine hundred and eighty-fourth line the words "as located the seat of government of Kansas at Fort Leavenworth;" so that the section, if so amended, will read:

For the erection of public buildings in the Territories of Kansas and Nebraska, to be expended under the direction of the Governors thereof, respectively, \$25,000 for each of said Territories; and the act for the organization of said Territories is hereby repealed.

Mr. STANTON, of Kentucky. The Chair having ruled that amendment in order, I take an appeal from the decision of the Chair; and I desire to state the grounds on which I base my appeal. My reason for the appeal is simply this: The amendment of the gentleman from Ohio proposes to accomplish precisely what the Committee of Ways and Means proposes to accomplish in striking out the section. The effect of the gentleman's amendment is to nullify the whole section, and make it of no effect at all, while the proposition of the Committee of Ways and Means is to strike it out. The clause proposes to appropriate money to be expended within the Territory, but the gentleman's amendment proposes to repeal the territorial act; and he attempts to accomplish indirectly what the Committee of Ways and Means proposes to accomplish directly. It is therefore out of order.

The CHAIRMAN. The gentleman from Kentucky will perceive that it is not for the Chair to decide a question of this sort. The Chair cannot be responsible for the fact as to whether the committee legislate sensibly or not.

Mr. STANTON. Well, my proposition is to let the committee decide the question.

Mr. PHILLIPS. I desire to ask the Chair for information. I understand that the Chair has decided that in an appropriation bill an amendment proposing to repeal the territorial acts of Kansas and Nebraska is in order.

The CHAIRMAN. The gentleman from Ohio proposes to strike out certain words. It is in order for him to do so. If the words left in the clause repeal an act, the Chair cannot be responsible for it.

The question being "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. SOLLERS called for tellers.

Tellers were ordered; and Messrs. HUGHES and KEITT were appointed.

The question was taken; and the tellers reported—ayes 97, noes 30.

So the decision of the Chair was sustained, and Mr. GIDDINGS's amendment ruled in order.

Mr. GIDDINGS. I regret that so many gentlemen should appear to have felt it necessary to oppose my amendment. Sir, I have offered it in the most perfect good faith. I entertain no doubt that its repeal will meet with the hearty approval of the President, for whom I entertain feelings of

kindness. I have no doubt that his entire Cabinet most heartily desire its repeal, and would now be still more grateful could they say it had never been passed. For them, too, I have the kindest regard, and would repeal this law, if I had no other inducement than to relieve them from a burden, an incubus which sits heavily upon them, and is rapidly sinking them in the estimation of the American people. And I am quite sure that if gentlemen here would not conceal their feelings, they would unite with me most heartily in the repeal of this law.

Mr. MACDONALD. I rise to a question of order. I submit that the gentleman is not speaking to his amendment.

The CHAIRMAN. The Chair requests that the gentleman will confine himself strictly to his amendment. The gentleman had not proceeded far enough to enable the Chair to decide precisely to what point they were tending. But judging from the commencement of his remarks, the gentleman will not be in order if he does not get a little nearer to his amendment. [Laughter.]

Mr. GIDDINGS. I will endeavor to keep myself within the rules. I urge the adoption of the amendment for the reason that, in justice and propriety, it ought to pass. This law ought to be repealed. Every moral and every political consideration worthy of statesmen urges that it be stricken from our statute-book. In this opinion, I sincerely think, every member of this body concurs. Or perhaps I should rather say I believe every member regrets its passage; but the partisan attachments of some may lead them to regard it as better to let it remain until next session. I speak of this consciousness of members from the presumption which teaches me that all have carefully noticed its effect upon the people, both North and South, and have contemplated the results which must inevitably flow from it. On those points it would appear almost impossible that any two members can differ. In this way I arrive at the conclusion in my own mind, that no members of this body can be found who do not, in the innermost recesses of their hearts, desire the repeal of this law, and regret its enactment.

Sir, this law has had its full effect on some points. Indeed, I can almost say it has done its perfect work, in scattering the old political organizations of the country to the four winds of heaven. It has obliterated old party lines, and thrown Whig and Democratic parties into chaos. Old fogies of the North and progressives of the South now find themselves so mixed up with each other, that at times I have been led to believe they had forgotten their own identity; while many southern members have become conscious of duty, and now "sit clothed in their right minds" acting with northern patriots. It is in vain that we hear the cry of Whiggery, or the more solemn and heart-rending appeals of the old line Democracy. They grow more and more faint, and both will soon be lost amid the rolling thunders of Republicanism and free Democracy. It has left the President in a minority; in truth, he is now very much in the condition of his grand Whig prototype, John Tyler, who boasted of presenting to the world the phenomenon of "A President without a party;" or if he be not now without a party, we may reasonably expect he will soon be in that condition, if this law be not repealed. This statute has also created an excitement throughout the country, to which no other political movement has approximated. It is to the Administration like that which was written upon the wall to Belshazzar. It not only says this Administration has been weighed in the balance and found wanting by the popular judgment of the nation, but it foretells the downfall of our "American Babylon"—of that power which has so long swayed the destinies of this Republic. If it be true that God brings good out of evil, surely I, and all lovers of liberty, have cause to thank those who brought forward and advocated the Nebraska bill. We have passed dry-shod over the sea of popular commotion, whose billows parted to let us through, and then returned to overwhelm the hosts of oppression. We witness the effect of this law in the country. It is exhibited in our primary meetings, in mammoth conventions, in the tone of the public press, in our sermons, in the action of our clergy, of our lawyers and our judges, of our farmers and mechanics; among all classes it has created an intense feeling that bids defiance to all the mes-

meric efforts which the President, his Cabinet, and party can put forth. We witness the effects of this law in the Senate Chamber. There its effects have been salutary indeed. There the blind see, the dumb speak, and the poor have the gospel of freedom preached to them. Have not these facts resulted from the passage of the bill which I propose to repeal, and are they not matters of great good? I am now speaking of the good which God has brought out of this evil statute. In this production of good, the law has taken effect, has done its perfect work, and should be repealed. We see men flocking to Kansas armed for the bloody conflict to which the advocates of oppression have invited them. They are going in companies of ten, of twenty, of fifty, of hundreds, and soon they will go in companies of thousands. There men of conflicting opinions, opposing interests, are concentrating, ready armed and equipped for the maintenance of their antagonistic policy. There bombastic resolutions on one side are met with stern purpose and quiet determination on the other. There this law bids fair to result in civil war. And when blood commences flowing, who will predict the time when, or place where, it shall stop? Verily, if we love our country, if we regard the peace, the interests, or the honor of our nation, we shall not hesitate to repeal this law; to strike it from our statute-book, to obliterate every trace of its existence, so that coming generations shall find no evidence that such a barbarous law ever had an existence.

Sir, it would appear that the Committee of Ways and Means must have had some ideas of this nature, when they recommended the repeal of one of the important provisions of this law; yet it strikes me as bad policy to repeal it by piece-meal—one provision now, and another in the next appropriation bill that comes up. Let us do it at once; let us act boldly, as become statesmen. The law is impolitic, wrong, wicked; let us strike it from existence at a single blow. I think the committee were timid; they were too delicate. Had they recommended its entire repeal, they would have far better satisfied this House and the country. The people demand bold, energetic, efficient action. They will be satisfied with nothing short of that; and if we refuse to act in that manner, the people will set us an example in the coming elections. They have the power in their hands, and will hold us to a strict accountability. Already we hear the mutterings of the distant thunder; thousands and hundreds of thousands of freemen are threatening retributive justice upon those public servants who have proven recreant in the late conflict. In every free State we see the gathering storm. It is not of the diminutive size of a man's hand, like that which was seen by the prophet of old; it has already overspread the whole northern hemisphere, and threatens to overwhelm the advocates of oppression with popular indignation. As it rolls on, we see serviles and dough-faces turn pale and quake; and they already call upon the rocks and mountains of a slaveholding Administration to fall on them, and hide them from the indignation of the people.

Sir, I feel great solemnity when I look over this Hall and call to mind the many victims who must fall a prey to that popular vengeance which has been kindled by this passage of the law. I could point them out with almost unerring accuracy. They feel it; they are conscious of their coming doom. They find the Executive arm too short to save them; too weak to protect them. For them there is no escape. It is not merely political death that so terrifies them; their horror arises from the consideration that their immolation has been *voluntary*; that they have sacrificed themselves to the bloody Juggernaut of oppression.

Now, sir, would it not be an act of justice to our distressed fellow-members to repeal this law at once; now, before the close of the present session? Why, sir, the fatal cholera now sweeping over this land is but a feeble representation of that political pestilence about to sweep from this body so many of our friends and associates. How many now holding seats here will fall, prematurely fall, before this fatal pestilence, no one can foretell. But when this House shall convene, one year from December next, many of our youthful companions in service will lie low in the valley of political forgetfulness, and the grass will grow green over their political graves. That Congress will

perform the work now proposed. They will do that which we shall have left undone.

[Here the hammer fell.]

Mr. McMULLIN. Mr. Chairman, I am happy in being afforded an opportunity to define my position in regard to the bill which has passed Congress for the organization of the Territories of Kansas and Nebraska. I understand that the gentleman from Ohio [Mr. GIMMINGS] has offered an amendment for its repeal, and that in moving it he said that he believed that there was not a member of this body who was not at heart in favor of the repeal. Did he, could he have believed what he said? In making that declaration, the member from Ohio sported with the character of the American Congress. No member upon this floor knew better than he did that there were none here for the repeal of the Nebraska-Kansas act except those, like himself, Abolitionists, or their twin brothers.

I have said heretofore that I would not again engage in a discussion with the member from Ohio, after he had pocketed the indignity which he did from his colleague, [Mr. OLDS;] but his declaration to-day was so bold, so reckless, so uncalled for, and so directly at war with my feelings of what is right, that I cannot permit myself to remain silent.

Mr. WASHBURN, of Maine. Let me ask the gentleman a question.

Mr. PHILLIPS. I rise to a point of order. The gentleman is traveling beyond the legitimate scope of debate.

The CHAIRMAN. The gentleman, in his remarks, must confine himself to giving reasons why the words indicated should not be stricken out.

Mr. McMULLIN. I have no belief that this committee will, for one instant, entertain the idea of repealing this Nebraska-Kansas act, the declaration of the member from Ohio to the contrary notwithstanding. I was not present when the law was passed; but had I been, no act would have given me greater pleasure than yielding it my vote. Let the gentleman from Ohio go home and sing the syren song which he has heretofore sung against the South. The enactment of this act was called for by the people, and they will sustain its supporters. I, for one, never would have voted for the Missouri compromise. I would have voted for the organization of these Territories, and I repeat that I do not think that there is a member upon this floor who would vote for the repeal of the Nebraska-Kansas act, except an Abolitionist or Free-Soiler. If there be such a man, let him rise and show himself. If there be a man here who denies the doctrine that the people are capable of governing themselves, let us see him. If there be a member upon this floor for the repeal proposed, I should like to see his face.

Mr. MORGAN. I am for it.

Mr. McMULLIN. Then you ought to get down upon your marrow-bones and ask God to forgive you for showing yourself. [Great laughter.]

[Here the hammer fell.]

Mr. MAURICE. I demand tellers on the amendment.

Tellers were ordered; and Messrs. FARLEY and LETCHER were appointed.

The question was taken; and the tellers reported—ayes 62, noes 77.

So the amendment was not agreed to.

The question then recurring upon the Senate amendment, it was taken; and decided in the negative.

So the amendment was non-concurred in.

Eighty-sixth amendment:

For libraries at the seat of government of each of the Territories of Kansas and Nebraska, under such regulations as shall be prescribed by law, \$5,000 for each of said Territories.

Mr. HOUSTON. The Committee of Ways and Means recommend a non-concurrence.

The amendment was non-concurred in.

Eighty-seventh amendment:

In the nine hundred and ninety-third line strike out "\$41,000," and insert "which said salaries shall hereafter be, of the Chief Justice, \$7,000, and of the Associate Justices, \$6,500 each, commencing with the present fiscal year, \$59,000;" so as to make the clause read:

For salaries of the Chief Justice of the Supreme Court and eight Associate Judges, which said salaries shall hereafter be, of the Chief Justice, \$7,000, and of the Associate Justices, \$6,500 each, commencing with the present fiscal year, \$59,000.

Mr. HAVEN. Mr. Chairman, I wish to say

a word upon this amendment. I desire the committee to forget the little episode upon the Nebraska and Kansas question for a moment, and I ask them to give their attention to the amendment I propose. I move to amend the amendment of the Senate by striking out the word "seven," and insert "six" in its place. I also move to strike out "six," at the end of the same line, and insert "five" in its place; and also to strike out the word "nine," in the last line.

Mr. Chairman, the amendment of the Senate provides for increasing the compensation of the judges of the Supreme Court—that of the Chief Justice from \$5,000 to \$7,000, and that of the other judges from \$4,500 to \$6,500.

I am satisfied, sir, that that amendment cannot receive the sanction of this House. A majority of the Committee of Ways and Means are against it, and I am quite sure that a large majority of the House is against it. I have uniformly voted this year against all increase of salaries, but always with a declaration to the House, that when I could get an opportunity, I should cheerfully vote to increase the pay of the judges, both of the supreme and of the district courts. They all require increase, and some of the latter judges get much less pay than the clerks in the Departments here. For one, I do not think the amendment of the Senate goes too high. I would be glad, sir, to see that amendment adopted; but knowing the sense of the House, I feel bound to respect it. So far as I am concerned, I always act here somewhat in reference to what I believe to be the opinion of the other gentlemen on this floor; their judgment as well as mine controls this matter; and the opinion of a majority of us all must govern; and it is for that reason I propose the amendment, and hope the majority here will concur with me in sustaining it.

Sir, these salaries ought to be increased; and my proposition is to increase that of the Chief Justice from \$5,000 to \$6,000; and that of the Associate Judges from \$4,500 to \$5,500. That is lower than it ought to be. I should prefer going \$500 more on each of them. This is a great office. These men have a silent, but all-powerful control over the business and destinies of this nation. The compensation attached to these offices has not, to my knowledge, been increased since the organization of the Government. These men pass, finally and forever, on all questions that come up from the courts below, and upon many questions where sovereign States are the parties. Now, there are thirty-one States in this Union—each of which is equal in prosperity, in standing, in wealth, and in commercial importance, to most of the kingdoms and republics of antiquity. Every one of these sovereign States has to wheel into line at the decision, at the mandate, of this august tribunal—the Supreme Court of the United States. It ought, therefore, to be placed in the highest and most secure and dignified position in the Government—to be well paid, and kept, as it always has been, thank God, above the breath of suspicion, and the temptations of want.

But I do not ask the committee to act upon any consideration of that kind. I say that the business of the country has increased so immensely within the last twenty years that these gentlemen have to come to this city annually to hold their court in bank, and remain nearly, or quite, half the year; and the other half of the time they spend in their circuits, constantly engaged in their laborious duties in the vicinities of their homes; so that they must live as a kind of vagrants, or vagabonds, at one or the other of the places, on their present salaries, with their families dispersed, or else it is absolutely necessary that they keep up establishments both here and at home. Sir, after board, washing, traveling expenses, and incidentals are paid from their present salaries, and the cost of keeping up their families at a frugal rate at home, on the supposition those families are not to accompany them here, how much do you suppose is left of their present salaries to provide for educating families, for sickness, and to guard against want in old age? They have no perquisites, and no retired list. We vote money to steam mail ships and Government contractors by thousands and without stint; but we do no justice to these frugal men, of simple tastes and habits, and of unobtrusive manners, but who so creditably fill the greatest and most conservative place in the Republic.

I hope our trifling, if so it may be called, on

the last amendment but one may be forgotten, and that we may consider this question in sincerity and candor. I should like to give more; for my opinion of this great tribunal partakes of profound veneration; but I believe this is all this committee will consent to give, and I truly hope it will not withhold this. I ask, therefore, that the committee will express its assent to my proposition, and increase the salaries of these judges accordingly.

Mr. PHILLIPS. Will it be in order to move to correct the gentleman's amendment?

The CHAIRMAN. It is not in order now.

Mr. PHILLIPS. Then I propose to make a few remarks in addition to that which has fallen from the gentleman from New York; but I oppose his motion.

The CHAIRMAN. The gentleman from Alabama will be in order in speaking in opposition to the amendment of the gentleman from New York.

Mr. PHILLIPS. Singular as it may appear, I speak in opposition to the motion of the gentleman from New York, while I concur with the gentleman's argument. The gentleman's motion is to reduce the amount which the Senate has reported to us as a proper compensation for the judges. The gentleman's argument is to show that their salaries ought to be increased. So that I oppose his motion, though I concur in his argument.

Now, it is very clear to this House—it is very clear to the country—it has been a matter which has received public attention, that the salaries of the judges of the Supreme Court, as they are now fixed by law, are wholly inadequate compensation for the responsibilities and the duties which attach to the office. The Supreme Court of the United States is, perhaps, the most august judicial tribunal in the world. It not only passes on all the disputed transactions between man and man brought before it, on all the relations between the citizen and his Government, but it sets, as it were, in judgment on the States, and on the National Legislature itself, looking to that law which is declared to be the supreme law of the land. It sits in judgment over the national and over the State governments. A more august tribunal has not existed in ancient or modern times, or one possessing greater powers or responsibilities. Now, sir, what salaries do you give to these officers? The sum of \$4,500. What salary is proposed to be given to them by the amendment of the Senate? Six thousand five hundred dollars! The gentleman from New York, [Mr. HAVEN,] not thinking that is too large in itself, but apprehending that the good sense and justice of this House would not recognize its propriety, is willing to lessen the amount reported by the Senate. I should be unwilling to do that, unless forced to it; and it seems to me that we should concur in the Senate amendment. Look at the amount of duty which these gentlemen have to perform. This court is in constant session from January to June; and is sitting, day after day, adjudicating the most important cases which can come before a judicial tribunal.

Again, they are at a vast expense in traveling from one extreme of our territory to the other. Look for a moment at the compensation derived by professional gentlemen—and it is from the ranks of the profession that they are taken. Look to the amount of compensation which a lawyer of third-rate reputation derives in many cities throughout the Union from the practice of his profession. And is the amount of \$6,500 per annum too much to give to the Judges of the Supreme Court of the United States? Could not either of the gentlemen who set upon that bench command for his services, in almost any city of the Union, more than that.

[Here the hammer fell.]

Mr. BRIDGES. I rise for the purpose of asking the committee to take a recess until seven o'clock; believing that we can then work with more comfort to ourselves than now.

[Cries of "No!" "No!"]

Mr. JONES, of Tennessee. I object.

Mr. WALBRIDGE. I move that the committee do now rise.

Mr. KERR. I call for tellers on that motion. Tellers were ordered; and Messrs. Boccock and Westbrook were appointed.

The question was taken; and the tellers reported—ayes 73, noes 50.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, the Chairman (Mr. ORR) reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the bill of the House (No. 48) making appropriation for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1854, and the amendments of the Senate thereto, and had come to no conclusion thereon.

Mr. WALBRIDGE. I move that the House do now adjourn.

CHANGE DAILY HOUR OF MEETING.

Mr. FULLER. I rise to a privileged question. I move that when the House adjourns, it adjourn to meet to-morrow at nine o'clock, a. m.

[Loud cries of "No!" "No!" all over the Hall.]

Mr. HOUSTON. My object in rising is to ask the House if they will not consent to meet this evening?

[Cries of "Yes!" "Yes!" and "No!"]

The SPEAKER. The motion can only be submitted by unanimous consent.

Mr. REESE. I object.

Mr. PECKHAM. I rise to a privileged motion. I desire to make a motion to fix the hour of meeting when the House adjourns.

The SPEAKER. The gentleman from Maine [Mr. FULLER] has already submitted a proposition that when the House adjourns, it adjourn to meet at nine o'clock to-morrow morning. The motion, however, cannot be entertained except by unanimous consent, pending a motion to adjourn; and, if that motion be withdrawn, only by a suspension of the rules.

Mr. ORR. I appeal to the gentleman from New York to withdraw the motion to adjourn.

Mr. WALBRIDGE. I will withdraw it.

Mr. HOUSTON. I now move that the House take a recess until seven o'clock this evening. I believe I am more unwell than any one here, but am willing to hold an evening session.

The SPEAKER. Is there objection to the proposition of the gentleman from Alabama?

[Cries of "Object!"]

Mr. PHILLIPS. Is it in order to move a suspension of the rules for the purpose indicated by the gentleman from Alabama?

The SPEAKER. It is.

Mr. PHILLIPS. I move, then, that the rules be suspended, in order that we may take a recess until seven o'clock this evening.

The question was taken; and the rules were not suspended.

Mr. HOUSTON. I move that the hour for the daily meeting of the House be ten o'clock instead of eleven o'clock, a. m., until otherwise ordered.

Mr. ROWE. I object.

Mr. WALBRIDGE. I move that the House do now adjourn.

The question was taken; and the House refused to adjourn.

Mr. HOUSTON. I move a suspension of the rules for the purpose I have indicated.

The motion was agreed to—ayes 95, noes 45.

So the rules were suspended, two-thirds voting in the affirmative.

Mr. FULLER. I move to amend the proposition of the gentleman from Alabama by inserting nine o'clock instead of ten o'clock, a. m.

The amendment was disagreed to.

The question was then taken upon Mr. Houston's motion; and it was agreed to.

So it was ordered that the daily hour of meeting be ten o'clock, a. m.

LANDS FOR THE STATE OF ALABAMA.

Mr. COBB. I ask the unanimous consent of the House to report from the Committee on Public Lands, "a bill granting to the State of Alabama public lands in alternate sections to aid in the construction of railroads from Mobile to Girard, from Selma to or near Gunter's Landing, with branches from or near Gadsden, through Wills and Chattanooga valleys to the eastern State line of Alabama, from Memphis to a point intersecting the Nashville, Chattanooga, and Charleston railroad, at or near Stephenson, Alabama; from Beard's bluff, via Elyton and Tuscaloosa, to some point on the Mobile and Ohio railroad, and from Montgomery to the northern State line of Alabama, via Decatur and Athens, in said State."

Mr. JONES, of Tennessee. I object to the introduction of the bill.

Mr. COBB. I move to suspend the rules.

Mr. LETCHER. I move that the House adjourn.

The motion was agreed to; and thereupon (at four o'clock, p. m.) the House adjourned till to-morrow at ten o'clock, a. m.

IN SENATE.

TUESDAY, August 1, 1854.

The Senate met this morning at half past ten o'clock.

Prayer by Rev. HENRY SLICER.

On motion by Mr. FOOT, the reading of the Journal was dispensed with.

PETITIONS.

Mr. SLIDELL presented the petition of Richard Albritton, praying permission to enter a section of land in lieu of that claimed by him under a certificate of confirmation, and disposed of by the United States as public lands, and compensation for his improvements on said lands; which was referred to the Committee on Private Land Claims.

Mr. COOPER presented a petition of citizens of Harrisburg, Pennsylvania, praying the repeal of the fugitive slave law; which was referred to the Committee on the Judiciary.

REPORTS FROM STANDING COMMITTEES.

Mr. JAMES, from the Committee on Patents and the Patent Office, reported a digest and index of patents which have been extended or renewed by acts of Congress, with reference to the act in each case; which was ordered to be printed.

Mr. NORRIS, from the Committee on the District of Columbia, to whom was referred the petition of William B. Kibby, praying the payment of a certain sum of money due him by the United States for articles furnished the penitentiary of the District of Columbia, submitted a report, accompanied by a bill for his relief; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. PETTIT, from the Committee on Private Land Claims, to whom were referred the following bills from the House of Representatives, reported them back, without amendment:

An act for the relief of the legal representatives of George McGirk;

An act for the relief of the legal representatives of Benjamin Metoyer;

An act for the relief of the legal representatives of Charles Pavie; and

An act for the relief of Lloyd Dorsey and others.

He also, from the same committee, to whom was referred the bill for the relief of Sidney P. Pool, of the State of Maine, asked to be discharged from its further consideration, and that it be referred to the Committee on Pensions; which was agreed to.

Mr. JONES, of Iowa, from the Committee on Pensions, to whom were referred the following bills from the House of Representatives, reported them back without amendment:

An act for the relief of George M. Bentley, of the State of Indiana;

An act to provide a pension for Oliver Brown, of Chemung county, New York;

An act to provide a pension for Edmund Mitchell, of Carroll county, in the State of Kentucky;

An act for the relief of James Butler;

An act for the relief of John Brown, second, of New Hampshire;

An act for the relief of John H. Hicks, of Indiana;

An act for the relief of Thomas Ellis;

An act for the relief of Abraham Asmus;

An act for the relief of Thomas Bronough;

An act for the relief of Rebecca Baggerly, widow of David Baggerly, deceased;

An act for the relief of the legal representatives of Lieutenant Francis Ware;

An act for the relief of James Capen;

An act for the relief of James Wright, jr., of the State of Tennessee;

An act for the relief of Daniel Morse, of Essex, county of Chittenden, in the State of Vermont;

An act for the relief of Ira Call, of Huron county, Ohio;

An act for the relief of Isaac M. Sigler, of Putnam county, Indiana;

An act for the relief of John Cole;
An act for the relief of George Lynch;
An act for the relief of Joseph Webb;
An act for the relief of John Steene;
An act for the relief of George Elliott;
An act for the relief of Warren Raymond;
An act for the relief of Julia Acken;
An act for the relief of Herman Chittenden;
An act for the relief of William Gove;
An act for the relief of William Parker;
An act for the relief of George J. Rallston;
An act for the relief of Joseph McMinn;
An act for the relief of Asa Leach; and
An act for the relief of Jacob Baker, of Sandusky City, Ohio.

Mr. EVANS, from the Committee on Revolutionary Claims, to whom was referred the bill from the House of Representatives, for the relief of the heirs of Captain Matthew Jack, reported it back with amendments.

BILL INTRODUCED.

Mr. NORRIS asked and obtained the unanimous consent of the Senate to introduce a bill to incorporate the Friend's Aid Society of the District of Columbia; which was read a first and second time by its title, and referred to the Committee on the District of Columbia.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by Mr. WEBSTER, his Secretary, announcing that he had this day approved and signed the following acts:

An act for the relief of the legal representatives of Major Caleb Swan, deceased;

An act to authorize the payment of invalid pensions to the heirs of Lieutenant Robert White and others;

An act for the relief of the heirs and representatives of Colonel Alexander G. Morgan;

An act for the relief of Sylvester Pettibone;

An act for the relief of Levi Pierce, and Andrew Hodge, jr.;

An act for the relief of Henry La Reintrie;

An act for the relief of Dr. S. R. Addison, passed assistant surgeon in the United States Navy;

An act for the relief of Jean Baptiste Beaubien;

An act for the relief of William Darby;

An act for the relief of Urban Stoll;

An act for the relief of Asa Andrews;

An act for the relief of Captain G. Merchant;

An act for the relief of William Brown;

An act for the relief of Gaston T. Raoul;

An act for the relief of A. G. Penn;

An act to provide compensation for the services of George Morrel, in adjusting titles to land in Michigan; and

An act for the relief of Phineas M. Nightingale, administrator of the estate of General Nathaniel Greene, deceased.

A MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. FORNEY, their Clerk, announcing that they had passed the following bills of the Senate:

An act to establish a port of delivery at Lake Port, on Lake Pontchartrain, and for other purposes;

An act constituting Madison, in the State of Indiana, a port of delivery; and

An act creating a collection district in Texas and New Mexico.

ORANGE AND ALEXANDRIA RAILROAD.

The message also announced that the House insisted on their amendments to the bill of the Senate authorizing the extension of the Alexandria and Washington railroad in the District of Columbia; and that they asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Messrs. McMULLIN, MAY, and KERR, a committee of conference on their part.

On motion by Mr. BRIGHT, it was ordered that the Senate agree to the conference asked by the House of Representatives on the above named bill, and that the appointment of the committee on the part of the Senate, be made by the President *pro tempore*. Messrs. BRIGHT, TOUCEY, and FISH were appointed.

DAILY HOUR OF MEETING.

Mr. SLIDELL submitted the following resolution for consideration:

Resolved, That the daily hour of meeting of the Senate, for the residue of the session, be ten o'clock, a. m.

CHARLES GORDON.

Mr. FOOT. I reported yesterday morning, from the Committee on Public Lands, a resolution directing the Secretary to pay out of the contingent fund of the Senate, the sum of \$1,500 to Charles Gordon, for his services as draughtsman to the Committee on Public Lands for a period of ten months, when he was employed under the authority of a resolution of the Senate. In consequence of an objection then made by the Senator from Mississippi, [Mr. ADAMS,] the resolution had to lie over. If he has no objection, I ask for its consideration this morning.

Mr. ADAMS. I did not object on account of the merits of the resolution, but simply that I wished to give priority to other business.

The motion to take up the resolution was agreed to; and it was adopted.

DANIEL STEENROD.

Mr. HUNTER. I wish to call up a bill for the relief of Daniel Steenrod, which has been reported from the Committee on Claims, of which the Senator from Pennsylvania is chairman.

Mr. BRODHEAD. That is a bill which the Committee on Claims reported with amendments. It is a small claim, and the committee propose amendments to which, I presume, there will be no objection. It is a House bill, and it ought to be acted upon immediately, as our amendments will have to go back to the House.

Mr. FESSENDEN. I have heard something about that claim, which makes it necessary for me to object until I can look into it.

Mr. HUNTER subsequently said: The Senator from Maine is willing to withdraw his objection to the House bill for the relief of Daniel Steenrod; I therefore move to proceed to its consideration.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

It proposes that the petition of Daniel Steenrod, with the accompanying documents and depositions, shall be referred to the First Comptroller of the Treasury, who is to be authorized to appoint a commissioner to take evidence in the city of Wheeling or elsewhere, and ascertain and report what is justly and equitably due the petitioner, and if such report is approved by the Comptroller, the Secretary of the Treasury is authorized to pay such sum of money out of any money in the Treasury not otherwise appropriated; but there is a proviso that the commissioner shall be selected out of persons now in the employment of the Government, for which service no extra compensation shall be paid.

The Committee on Claims propose to amend the bill, so that it shall read, as follows:

Be it enacted, &c., That the petition of Daniel Steenrod, with the accompanying documents and depositions, be referred to the Secretary of War, who is hereby authorized to ascertain what is justly and equitably due to said petitioner thereon; and to pay such sum as may be found due, out of any money in the Treasury not otherwise appropriated.

The amendments were agreed to, and the bill was reported to the Senate as amended, and the amendments were concurred in, and ordered to be engrossed, and the bill to be read a third time. The bill was read a third time, and passed.

SHERMAN PIERCE.

Mr. FOOT. I ask the consent of the Senate to consider a small invalid pension bill, which has been reported by the Senator from Rhode Island, [Mr. ALLEN,] from the Committee on Pensions. It is a bill for the relief of Sherman Pierce. He is a poor man, ninety years of age.

Mr. HUNTER. Then I hope we shall act upon that case; but after it is disposed of, if I can get the floor, I shall move to take up the fortification bill.

Mr. FOOT's motion was agreed to; and the bill was read a second time, and considered as in Committee of the Whole.

It is designed to direct the Secretary of the Interior to place on the pension roll the name of Sherman Pierce, of Londonderry, Windham county, Virginia, and to pay him, during his natural life, \$12 per month, commencing January 1, 1854.

Pierce served in the war of 1812 a period of about seventy-five days, (being the full term of his enlistment,) and was honorably discharged. His health has become so impaired on account of his sufferings and hardships while in service, as to wholly disable him from procuring a livelihood. No evidence of sickness or disability is afforded by the rolls, or his discharge; but two reputable physicians certify to his present total disability, and their belief that it results from his remarkable exposure while in the service of the United States. Three of his former comrades in the service, attested to be men of truth and respectability, make oath to his having been a healthy man prior to his enlistment, and sick and lame to such an extent as to wholly disable him ever since his discharge. He was a quartermaster's sergeant in Colonel Martindale's regiment, who were embarked on bateaux, at Champlain, in November, 1812; the bateaux came down the river and attempted to cross the lake in the midst of a storm of snow and a strong rain. Some of the bateaux were driven ashore on Isle La Motte, and some on Grand Isle, and the men were exposed to all the inclemency of the weather, without shelter or sufficient provisions, for two days and nights; and to this exposure, of which many died, is attributed the disability of Pierce.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

LOUISVILLE AND PORTLAND CANAL.

On motion by Mr. BRIGHT, the Senate, as in Committee of the Whole, proceeded to consider the bill "to provide for taking charge of the Louisville and Portland canal, and to prevent the same from falling into bad repair;" which had been reported from the Committee on Roads and Canals, with an amendment.

The bill was originally introduced by Mr. DIXON, and was reported from the Committee on Roads and Canals by Mr. BRIGHT, with an amendment, the effect of which would be to make it read as follows:

Whereas the Legislature of the Commonwealth of Kentucky, by an act passed the 21st of January, 1842, authorized the Louisville and Portland Canal Company to appropriate the net income of the company in purchasing the shares other than those owned by the United States, until the United States should be the sole owner of the stock of said company; and whereas the United States will, under said arrangement, become the sole owner of said stock before the next session of Congress, and it is necessary to provide for the custody and preservation of the public property aforesaid, and to provide the proper officers to take charge and custody of the same, so that the commerce and navigation of the Ohio may not be obstructed, and that said canal may not fall into decay or bad repair; therefore,

Be it enacted, &c., That so soon as the United States shall, under said arrangement, become the sole owner of said stock, the President of the United States is hereby authorized, and directed to appoint the proper officers to take possession of said canal on the part of the United States, and to take control of the canal and canal property aforesaid, and manage the same until further provided by law.

Mr. WALKER. I understand the provisions of the bill very well; but I cannot see or understand what may be its operation. What is the Government to do with the canal when it takes charge of it?

Mr. BRIGHT. The last annual report of the Secretary of the Treasury shows that before the meeting of the next Congress, the Louisville and Portland canal will become the property of the United States, the dividends on her stock having been applied under an act of the Commonwealth of Kentucky in purchasing and retiring the stock of private individuals. Under these circumstances it becomes necessary to provide for the custody and management of the canal, and as there is not time at the present session to pass a bill with all the proper details, the Committee on Roads and Canals recommend that the President be authorized to take such steps as he may deem necessary to secure the United States in her rights, and at the same time give the public the use of said canal, until further legislation can be had.

The amendment of the committee was agreed to, the bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, read a third time, and passed.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. McKEAN, Chief Clerk, announcing that they had passed a bill from the

Senate to constitute Tusculum, in the State of Alabama, a port of delivery, with amendments, in which he was directed to ask the concurrence of the Senate.

RELATIONS WITH SPAIN.

Mr. MASON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested to inform the Senate (if, in his opinion, it be not incompatible with the public interest) whether anything has arisen since the date of his message to the House of Representatives of the 15th March last concerning our relations with the Government of Spain which, in his opinion, may dispense with the suggestions therein contained touching the propriety of "provisional measures" by Congress to meet any exigency that may arise in the recess of Congress affecting those relations.

Subsequently a message was received from the President of the United States, by Mr. WEBSTER, his Secretary, in relation to the above resolution; which was referred to the Committee on Foreign Relations, and ordered to be printed.

The following is the message:

To the Senate of the United States:

I hasten to respond briefly to the resolution of the Senate of this date, "requesting the President to inform the Senate (if in his opinion it be not incompatible with the public interest) whether anything has arisen since the date of his message to the House of Representatives of the fifteenth of March last, concerning our relations with the Government of Spain, which, in his opinion, may dispense with the suggestions therein contained, touching the propriety of 'provisional measures' by Congress to meet any exigency that may arise, in the recess of Congress, affecting those relations."

In the message to the House of Representatives referred to, I availed myself of the occasion to present the following reflections and suggestions:

"In view of the position of the Island of Cuba, its proximity to our coast, the relations which it must ever bear to our commercial and other interests, it is vain to expect that a series of unfriendly acts, infringing our commercial rights, and the adoption of a policy threatening the honor and security of these States, can long exist with peaceful relations. In case the measures taken for amicable adjustment of our difficulties with Spain should unfortunately fail, I shall not hesitate to use the authority and means which Congress may grant to insure the observance of our just rights, to obtain redress for injuries received, and to vindicate the honor of our flag. In anticipation of that contingency, which I earnestly hope may not arise, I suggest to Congress the propriety of adopting such provisional measures as the exigency may seem to demand."

The two Houses of Congress may have anticipated that the hope then expressed would be realized before the period of its adjournment, and that our relations with Spain would have assumed a satisfactory condition, so as to remove past causes of complaint, and afford better security for tranquility and justice in the future. But I am constrained to say that such is not the fact. The formal demand for immediate reparation in the case of the "Black Warrior," instead of having been met on the part of Spain by prompt satisfaction, has only served to call forth a justification of the local authorities of Cuba, and thus to transfer the responsibility for their acts to the Spanish Government itself.

Meanwhile, information not only reliable in its nature, but of an official character, was received to the effect that preparation was making within the limits of the United States, by private individuals, under military organization, for a descent upon the island of Cuba, with a view to wrest that colony from the dominion of Spain. International comity, the obligations of treaties, and the express provisions of law, alike required, in my judgment, that all the constitutional power of the Executive should be exerted to prevent the consummation of such a violation of positive law, and of that good faith on which mainly the amicable relations of neighboring nations must depend. In conformity with these convictions of public duty, a proclamation was issued to warn all persons not to participate in the contemplated enterprise, and to invoke the interposition in this behalf of the proper officers of the Government. No provocation whatever can justify private expeditions of hostility against a country at peace with the United States. The power to declare war is vested by the Constitution in Congress; and the experience of our past history leaves no room to doubt that the wisdom of this arrangement of constitutional power will continue to be verified whenever the national interest and honor shall demand a resort to ultimate measures of redress. Pending negotiations by the Executive, and before the action of Congress, individuals could not be permitted to embarrass the operations of the one and usurp the powers of the other of these depositaries of the functions of Government.

I have only to add that nothing has arisen since the date of my former message to "dispense with the suggestions therein contained touching the propriety of provisional measures by Congress."

FRANKLIN PIERCE.

WASHINGTON, August 1, 1854.

PERSONAL EXPLANATION.

Mr. HOUSTON, in pursuance of previous notice, proceeded to address the Senate in reference to certain charges contained against him in a book published by General Thomas Jefferson Green. [The speech will appear in the Appendix.]

RIVER AND HARBOR BILL.

Mr. BENJAMIN. I move that the Senate resume the consideration of the river and harbor

bill, which was the business pending before the Senate, when we adjourned last evening.

Mr. MASON. I must ask for the yeas and nays on that motion, because I cannot but consider that preference should be given to an Executive session for business which is well known to the Senate.

The yeas and nays were ordered.

Mr. CHASE. I wish to make an inquiry of the Chair: whether this bill, having been the business under consideration at the time of adjournment last evening, is not first in order now? and whether we are not to proceed with it without any motion to that effect?

The PRESIDENT. It requires a motion.

Mr. GWIN. It is perfectly evident, that if the river and harbor bill be taken up this morning, we shall jeopardize all the appropriation bills. I hope those gentlemen who have charge of that measure will give us two, or three, or four hours this morning for the consideration of four or five appropriation bills now on the table, which we can pass in that time. By so doing, we could put the business upon which the Government rests—the bills which are necessary to carry on the Government—in such a position that there could be no danger of their being lost. I hope, therefore, those who have this bill in charge will give us two or three hours this morning for the consideration of those appropriation bills. Some of them have been reported back just as they came from the House, without amendment. I am satisfied that, in a very short time, we can put ourselves in such a position as to insure the passage of the regular appropriation bills. I hope, therefore, the gentlemen in charge of the river and harbor bill will give a short time this morning for those bills.

Mr. BENJAMIN. I am sorry to decline acceding to the suggestion of the Senator from California.

Mr. HUNTER. I move to postpone the prior orders for the purpose of—

The PRESIDENT. That is not in order. There is now a motion before the Senate.

Mr. HUNTER. What is it?

The PRESIDENT. To proceed to the consideration of the river and harbor bill; and on that motion the yeas and nays have been ordered.

The yeas and nays being taken, resulted—yeas 28, nays 18, as follows:

YEAS—Messrs. Atchison, Bell, Benjamin, Bright, Cass, Chase, Cooper, Dodge of Wisconsin, Dodge of Iowa, Douglas, Fish, Foot, Geyer, Gillette, James, Jones of Iowa, Jones of Tennessee, Pettit, Pratt, Rockwell, Seward, Slidell, Sumner, Thompson of Kentucky, Thomson of New Jersey, Wade, Walker, and Weller—28.

NAYS—Messrs. Adams, Allen, Brodhead, Brown, Butler, Clay, Dawson, Evans, Fitzpatrick, Gwin, Hunter, Mallory, Mason, Morton, Norris, Rusk, Toombs, and Toucey—18.

The Senate accordingly, as in Committee of the Whole, resumed the consideration of the bill from the House, "making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law."

Various amendments were offered, and the bill was reported to the Senate, and the amendments made as in Committee of the Whole were concurred in. Several amendments were then proposed; some of which were rejected and others adopted, and finally, the amendments were ordered to be engrossed, and the bill to be read a third time by a vote of yeas 31, nays 17.

The bill was then read a third time, and passed [See Appendix for the detailed proceedings.]

CHARLOTTE S. WESTCOTT.

Mr. JONES, of Iowa. The Committee on Pensions, to whom was referred House bill for the relief of Mrs. Charlotte S. Westcott, have instructed me to report it back without amendment, and recommend its passage; and I ask for its consideration at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides for a pension of twenty dollars a month, commencing on the 1st of January last, with a proviso that, in case of the marriage or death of Mrs. Westcott, the pension shall be paid to her children, or the survivor of them.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate pro-

ceeded to the consideration of Executive business; and, after some time spent therein, the doors were reopened.

FORTIFICATION BILL.

On motion by Mr. HUNTER, the Senate, as in Committee of the Whole, proceeded to consider the House bill "making appropriations for fortifications and other works of defense, and for repairs of barracks and quarters, for the year ending the 30th June, 1855."

Mr. SLIDELL. I ask the Senator from Virginia if there is anybody here who represents the Committee on Military Affairs. That committee, as I understand, have an amendment which they are prepared to report, in which my State is deeply interested. If no member of it is here, I shall object to proceeding with the consideration of the bill.

Mr. GWIN. I am very much opposed to the fortification bill myself, in its present form; but it is perfectly notorious that by amending it we shall endanger it in the House. It passed the House by only three majority. It may suit the Senator from Texas, [Mr. Rusk,] but it does not suit some of the rest of us. There are some important appropriations in it; but I hope it will not be amended.

Mr. SLIDELL. I understand the Committee on Military Affairs have agreed to recommend an amendment to the bill, which will deeply interest my State; and if they are not prepared now to report it, I shall have to vote in favor of an adjournment. I have not the amendment in my possession; and if there is no gentleman here from the committee prepared to offer it, I cannot consent to proceed with the consideration of the bill.

Mr. SEWARD. I move that the Senate adjourn.

Mr. GWIN. I call for the yeas and nays.

The yeas and nays were not ordered.

The motion was agreed to; and

The Senate, at seven o'clock, p. m., adjourned until eleven o'clock to-morrow.

HOUSE OF REPRESENTATIVES.

TUESDAY, August 1, 1854.

The House met at ten o'clock, a. m. Prayer by Rev. HENRY SLICER.

The Journal of yesterday was read and approved.

The SPEAKER announced as the first business in order the motion submitted yesterday evening by the gentleman from Alabama, [Mr. COBB,] to suspend the rules for the purpose of enabling him to report, from the Committee on Public Lands, "a bill granting to the State of Alabama public lands, in alternate sections, to aid in the construction of railroads from Mobile to Girard, from Selma, to or near Gunter's Landing, with branches from or near Gadsden, through Wills and Chattanooga valleys, to the eastern State line of Alabama, from Memphis, Tennessee, to a point intersecting the Nashville, Chattanooga and Charleston railroad, at or near Stephenson, Alabama, from Beard's Bluff, via Elyton to Tuscaloosa, to some point on the Mobile and Ohio railroad, and from Montgomery to the northern State line of Alabama, via Decatur and Athens, in said State."

CONSULAR SYSTEM.

Mr. PERKINS, of Louisiana, by unanimous consent, reported from the Committee on Foreign Affairs, a bill to "remodel the diplomatic and consular system of the United States;" which was read a first and second time by its title, and, with an accompanying report in writing, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

THE GUANO TRADE.

Mr. SOLLERS. I ask the unanimous consent of the House to present a resolution, which I am directed to offer by the select committee, upon the guano trade.

The resolution was read, as follows:

Resolved, That twenty-thousand extra copies of the report of the special committee raised upon the guano trade be printed for the use of the members of the House.

Mr. SOLLERS. I hope there will be no objection to the resolution.

Mr. JONES, of Tennessee. The resolution must go to the Committee on Printing.

The resolution was referred, under the rule, to the Committee on Printing.

REPORT OF SMITHSONIAN INSTITUTION.

The Speaker laid before the House a communication from the Secretary of the Smithsonian Institution, transmitting the annual report of the Board of Regents of that institution, and requesting that the same be laid before the House of Representatives.

The SPEAKER. The annual report does not accompany the letter of the Secretary. The Chair understands that there is but one copy. It is very voluminous, and is now in the other end of the Capitol.

Mr. ENGLISH. I move that the communication and report be laid on the table, and ordered to be printed; and I move that twenty thousand extra copies be printed, and that that motion be referred to the Committee on Printing.

It was so ordered.

THE GUANO REPORT—AGAIN.

Mr. HUNT obtained the floor.

Mr. SOLLERS. I rise to a privileged question. The resolution which I submitted just now was, I took it for granted, to be put upon its passage. I did not conceive that there would be a motion to refer it.

The SPEAKER. The Chair was in the act of putting the question on the adoption of the resolution, not recollecting at the moment that the rules of the House required it to be referred to the Committee on Printing, until the gentleman from Tennessee [Mr. JONES] rose in his place and demanded the execution of the rule.

Mr. SOLLERS. Well, I hope the gentleman from Tennessee will withdraw his objection, and let the resolution be put upon its passage. It is a very important matter, and one in which the agriculturists of the country are deeply concerned.

Mr. STANTON, of Kentucky. Cannot the rules be suspended for the purpose of having the resolution put upon its passage?

The CHAIR. Yes, if a motion could be got in for that purpose. But there is now a motion pending to suspend the rules; and the motion indicated could only be made by unanimous consent.

Mr. SOLLERS. Then I move that the rules be suspended.

The SPEAKER, (interrupting.) The gentleman from Tennessee objected to the consideration of the resolution. The order was therefore made that it be referred, as the rules require, to the Committee on Printing.

Mr. SOLLERS. I hope the gentleman from Tennessee will withdraw his objection. As I said before, this is a matter of great importance, and I doubt whether, if it were referred to the Committee on Printing, we could get a report in time.

The objection was not withdrawn.

The SPEAKER. The gentleman from Louisiana [Mr. HUNT] is on the floor, and only gave way for explanation on the part of the gentleman from Maryland.

PORT OF DELIVERY ON LAKE PONTCHARTRAIN.

Mr. HUNT. I only ask to occupy the attention of the House one moment. I wish to oblige a friend, and I therefore ask the favor of the House for my colleague, [Mr. DUNBAR,] who has been for some time too unwell to occupy his place. Sir, an act was committed to his care "to establish a port of delivery at Lake Port on Lake Pontchartrain, and for other purposes," which I desire may now be taken up and passed. There is no objection to it. The bill has passed the Senate, and I hope the House will allow it to be put upon its passage here. As I said, my colleague has been too unwell to attend to the matter himself. He has not asked any previous favors from this House.

The SPEAKER. What is the number of the bill?

Mr. HUNT. It is Senate bill No. 243, and is in the Committee of the Whole on the state of the Union.

There being no objection, the Committee of the Whole on the state of the Union was discharged from the further consideration of Senate bill (No. 243) "to establish a port of delivery at Lake Port, on Lake Pontchartrain, and for other purposes;" and said bill was ordered to be read a third time;

and was accordingly read the third time, and passed.

Mr. JONES, of Tennessee. Some of the gentlemen interested in the report made on the guano trade are anxious to have that report printed under the resolution offered by the gentleman from Maryland, [Mr. SOLLERS,] and also wish that the House should adopt the resolution without sending it to the Committee on Printing. I will withdraw my objection to that course.

Mr. WALSH. If that is the guano report, I object.

PASSAGE OF SENATE BILLS.

Mr. WENTWORTH, of Massachusetts, obtained unanimous consent to make a report from the Committee on Commerce, and thereupon reported back to the House, without amendment, Senate bill (No. 418) entitled "An act creating a collection district in Texas and New Mexico."

The bill having been read *in extenso*, was ordered to be read a third time; and was accordingly read the third time, and passed.

Mr. W., from the same committee, also reported back, with an amendment, Senate bill (No. 425) "to constitute Tusculum, in the State of Alabama, a port of delivery."

The amendment provides that Paducah, in the State of Kentucky, Shreveport, in Louisiana, and Jeffersonville, in Indiana, shall severally be constituted ports of delivery in the collection district of New Orleans.

The amendment was agreed to.

The bill, as amended, was then ordered to be read a third time; and was accordingly read the third time, and passed.

The title was then read.

Mr. WENTWORTH. I move to amend the title by adding thereto the words, "and for other purposes."

The amendment to the title was agreed to.

Mr. W., from the same committee, next reported Senate bill (No. 413) constituting Madison, in the State of Indiana, a port of delivery.

The bill was read *in extenso*.

Mr. DISNEY. I would inquire of the gentleman from Massachusetts whether these bills are all of the same character?

Mr. WENTWORTH. They are.

Mr. DISNEY. Then I hope they will be disposed of at once without reading.

Mr. WALSH. I desire to know of the Chair if the gentleman from Massachusetts has a right to report all these bills?

The SPEAKER. The Chair understood the gentleman from Massachusetts, when he asked the consent of the House to make a report from the Committee on Commerce, that it was to report only a single bill; but the gentleman has several which he says he included in the motion.

Mr. WALSH. Has the gentleman the right to have these bills passed?

The SPEAKER. If the bills are reported from the committee, the gentleman has the right to move to put them upon their passage.

Mr. WALSH. I object to this bill.

The SPEAKER. The Chair thinks it is too late to object to this bill, it having been received and read.

Mr. WENTWORTH. I distinctly stated, when I asked the consent of the House, that I wished to report several bills from the Committee of Commerce, mainly for the establishment of ports of entry and ports of delivery.

Mr. JONES, of Tennessee. I move to refer these bills to the Committee of the Whole on the state of the Union, and that they be printed, so that the House may see what they are. We can then take them up and act upon them the next session of Congress.

Mr. WENTWORTH. I hope that will not be done.

The SPEAKER. The Chair at the moment was certainly inattentive to the language used by the gentleman from Massachusetts, in asking the consent of the House to make this report, supposing that he desired to report only a single bill. The Chair decides that it is too late to object to the bill now under consideration, but he will entertain objections to other bills reported by the gentleman, if they are made in time.

Mr. WENTWORTH. I ask the House simply to allow me to say that I have been trying to get the floor for the last three weeks for the purpose of re-

porting these bills, which the Committee on Commerce have instructed me to report, but I have not succeeded until the present moment. The House will bear me witness that I have occupied but very little of their time during the present session. These bills are applicable to various sections of the country, for the establishment of such ports of entry and delivery as the wants of the business of those ports have rendered necessary.

Mr. WASHBURN, of Illinois. I hope the gentleman from Massachusetts will move to suspend the rules to enable him to report these bills.

The SPEAKER. A motion to suspend the rules is not in order, from the fact that there is already a motion pending to suspend the rules submitted by the gentleman from Alabama. The question is upon ordering the bill before the House to be read a third time.

The bill was then ordered to a third reading; and was accordingly read the third time, and passed.

Mr. WENTWORTH. I now ask leave to report another bill of the same character.

Mr. WALSH. I object.

Mr. DISNEY obtained the floor.

Mr. MAXWELL. The chairman of the Committee on Commerce has several bills of a similar character to those just passed, establishing ports of delivery in Florida, which I ask that the gentleman may be allowed to report.

The SPEAKER. Is it the pleasure of the gentleman from Ohio and the House that the report shall be now submitted?

Mr. DISNEY. I cannot yield now. I ask the unanimous consent of the House for leave to report back from the Committee on Public Lands two Senate bills, one in relation to a grant of land heretofore made to the State of Illinois, and the other in relation to a similar grant made to the State of Wisconsin. The facts in both cases are precisely similar, and the bills are identical in phraseology. The language in both is copied from a law in relation to a precisely similar case in regard to the State of Indiana. The Committee on Public Lands have instructed me to ask the unanimous consent for leave to report them back and put them on their passage.

Mr. STEPHENS, of Georgia. I would ask the gentleman to embrace in his proposition Senate bill (No. 352) extending, in certain cases, the provisions of the act entitled "An act to extend preemption rights to certain lands therein mentioned," approved March 3, 1853.

Mr. DISNEY. I must decline the gentleman's proposition. I hope that the House will now dispose of these bills. I repeat, that the facts in both cases are alike. They are precisely similar to a case which occurred in Indiana some years ago. The rule for the government of all such cases has been already fixed.

Mr. EASTMAN. Have not these bills been recommended by the Commissioner of the General Land Office?

Mr. DISNEY. They have.

Mr. CHASTAIN. I object to the gentleman's proposition.

Mr. DISNEY. I move, then, that the rules be suspended for the purpose which I have indicated.

The SPEAKER. There is now pending a motion for the suspension of the rules.

Mr. JONES, of Tennessee. I hope that the gentleman from Alabama [Mr. COBB] will consent to his motion for a suspension of the rules going over until to-morrow morning, so that we may suspend the rules and go into the Committee of the Whole on the state of the Union on the Senate amendments to the civil and diplomatic appropriation bill. I submit the motion to go into committee.

Mr. PECKHAM. I ask the unanimous consent to report three or four Senate bills merely for reference.

Mr. JONES. I object.

The SPEAKER. The question is on the motion to suspend the rules, submitted by the gentleman from Alabama, [Mr. COBB.]

Mr. JONES. Is not my motion in order?

The SPEAKER. Does the gentleman from Alabama withdraw his motion?

Mr. COBB. I do not, sir.

Mr. JONES. I insist, then, on the regular order of business.

Mr. McMULLIN. I would ask the gentleman to yield to me a moment.

Mr. COBB. I cannot just now. If the House will allow me, I think that I may make a suggestion which will meet with the general concurrence. An appeal has been made to me to let my motion for a suspension of the rules go over until to-morrow morning, with a view of the House going into the Committee of the Whole on the state of the Union on the Senate amendments to the civil and diplomatic appropriation bill. I have not the slightest objection to the proposition. If it be the pleasure of the House, I shall even waive those rights in which my whole political existence is involved.

The SPEAKER. Is it the pleasure of the House that the motion submitted by the gentleman from Alabama shall go over until to-morrow morning?

There was no objection; and it was ordered accordingly.

Mr. JONES, of Tennessee. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

COMMITTEE OF CONFERENCE.

Mr. McMULLIN. I hope the gentleman will withdraw his motion for a moment.

Mr. HOUSTON. The gentleman desires to ask a committee of conference on a Senate bill.

Mr. JONES. What bill is it?

Mr. McMULLIN. It is Senate bill No. 388, "authorizing the extension of the Alexandria and Washington railroad into the District of Columbia." The House made an amendment to the bill, but the Senate disagreed to that amendment; and I now move that the House insist on its amendment, and that a committee of conference be appointed on the part of the House to meet a like committee on the part of the Senate on the disagreeing vote.

The motion was agreed to.

Mr. STANTON, of Kentucky. I rise to a privileged question. I desire to make a report from the Committee on Printing.

The SPEAKER. The Chair thinks that the motion pending, made by the gentleman from Tennessee, [Mr. JONES,] is of equal privilege.

Mr. PHELPS. A communication was made from the Senate yesterday, to the House of Representatives, showing that the Secretary of the Senate had, by mistake, neglected to engross two amendments to the civil and diplomatic bill. I ask that that message may be referred to the Committee of the Whole on the state of the Union, to be considered in connection with the civil and diplomatic bill.

It was so ordered.

The question was then taken upon Mr. JONES's motion; and it was agreed to.

CIVIL AND DIPLOMATIC BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. ORR in the chair,) and resumed the consideration of the amendments of the Senate to House bill (No. 48) "making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1855."

The CHAIRMAN. The committee, at its last sitting, had under consideration the eighty-seventh amendment of the Senate, which is in line nine hundred and ninety-three, to strike out "\$41,000," and insert as follows:

Which said salaries shall hereafter be, of the Chief Justice, \$7,000, and of the Associate Justices, \$6,500 each, commencing the present fiscal year, \$59,000.

So as to make the clause read as follows:

For salaries of the Chief Justice of the Supreme Court and eight Associate Judges, which said salaries shall hereafter be, of the Chief Justice, \$7,000, and of the Associate Justices, \$6,500 each, commencing with the present fiscal year, \$59,000."

The gentleman from New York [Mr. HAVEN] proposed to amend the amendment by striking out the word "seven," and inserting in lieu thereof the word "six," and to amend also in the same line by striking out the word "six," and inserting in lieu thereof "five," and in the last line by striking out the word "nine."

The question was taken on Mr. HAVEN's amendment; and it was disagreed to.

The question recurred on the Senate amendment.

Mr. PHILLIPS. I propose to amend the amendment by reducing the sum one dollar on each of the proposed augmentations of salary.

Mr. HOUSTON. I desire to say to my col-

league that, under the circumstances of our having so short a portion of the session left to act on all the bills before Congress, I shall insist on the Chair administering the rule which requires members to speak to their amendments. I say so in respect to my colleague's amendment, because I know that he will understand and appreciate my motive.

Mr. PHILLIPS. I desire to make a correction in my amendment. I propose to increase the salaries one dollar, instead of reducing them that amount. I am very well aware of the value of the time of the House at this period of the session. I know that there are important bills to be perfected, but I also know this, that there is not a measure before this House which is, in my estimation, of more importance than the particular amendment which now addresses itself to the attention of this committee. If there is one branch of this Government which should, more than another, receive the favor of this House, it is the Supreme Court, which constitutes a coordinate branch of the Government. The judges of this court have no political alliance, and therefore it is, I suppose, that no gentlemen on this floor are particularly interested in seeing that proper justice is done to them. If this were a proposition to increase the compensation of the clerks of the House, of the pages of the House, or of the clerks of the Departments, there would be scores of gentlemen ready to stand up and urge the House to agree to it. I say, that if the judges of the Supreme Court were men of political influence, there would not be so few members in this House anxious to urge their just claims upon us for an increase of salary. Unlike almost every other branch of the Government, they are cut off from the exercise of political influence. They hold their sessions remote from us, and remote from the society over which they might have influence. That is the reason why so few members of this House seem disposed to support the Senate's amendment proposing to increase their salary; a proposition which seems to me to be nothing more than common justice. Sir, I say if there is any one branch of the public service ill-paid, it is the service to which I have reference. We have propositions to increase the salaries of all other officers of the Government. Almost every other branch of the public service has succeeded in having the salaries of officers increased. Compare the labor, the responsibilities, the expenses attending this position, and you will find that even common justice requires, at our hands, that we should vote the increase proposed here by the Senate and by my motion.

Mr. STANTON, of Tennessee. Will the gentleman yield me the floor?

Mr. PHILLIPS. Yes; you may have the rest of my time.

Mr. STANTON. I oppose the amendment of the gentleman from Alabama. My object in rising at this time is to oppose that amendment, for the reason that I am in favor of the original amendment of the Senate.

Now, sir, I presume that it is not necessary before this committee—composed as it is of gentlemen, many of them belonging to the legal profession, and all of them sufficiently well acquainted with the high character and importance of the duties performed by the judges of the Supreme Court of the United States—to refer to them. And, sir, I feel that nothing more is necessary, if, indeed, so much is necessary, than to say that I believe that the sum proposed by the Senate, as an amendment to this clause, is not more than sufficient for—

Mr. CLINGMAN. I rise to a question of order. I think the gentleman is speaking upon the same side with the gentleman from Alabama.

Mr. STANTON. No, sir; I am opposed to his amendment. I contend that the amount recommended by the Senate is just the right amount, and that the one dollar which the gentleman from Alabama proposes to add to it is one dollar too much, and for that reason I am opposed to his amendment. That is the point of my argument, and I will confine my remarks within the limits of proper debate in regard to it.

[Here the hammer fell.]

Mr. GROW. Is that speech in opposition to the one made by the gentleman from Alabama?

The CHAIRMAN. The gentleman from Tennessee said so. [A laugh.]

Mr. PHILLIPS. I withdraw my amendment, if there is no objection.

Mr. JONES, of Tennessee. I object to the withdrawal. Let us have a vote upon it.

The question was then taken upon Mr. PHILLIPS's amendment; and it was not agreed to.

Mr. PHELPS. I move to strike out the Senate amendment, and insert in lieu thereof the words "and their salary shall be the same as now prescribed by law." I offer this amendment merely for the purpose of affording me the opportunity of expressing my opinion upon the amendment of the Senate. You have had presented to you, at the present session of Congress, a plan for the reorganization of the judiciary of the United States.

Mr. PHILLIPS. I rise to a question of order. The gentleman proposes, by his amendment, to strike out the amount proposed by the Senate, and to insert in lieu thereof the amount now prescribed by law. I ask if a concurrence in the recommendation of the committee, that is to non-concur in the amendment of the Senate, does not produce that very effect? Whether that question is not involved in the question of concurrence or non-concurrence, and if so, the amendment cannot be in order.

Mr. PHELPS. The gentleman from Alabama misunderstands my amendment. It is to amend the amendment of the Senate by striking all of it out, and inserting in lieu thereof the words "and their salaries shall be the same as now prescribed by law."

The CHAIRMAN. The Chair understands the amendment, and is of opinion that it is in order.

Mr. PHELPS. At the commencement of this session of Congress you had presented to both Houses of Congress a proposition for the reorganization of the judiciary of the United States. Complaints are made to you from every quarter, of the insufficiency of the salaries of the judges of the United States courts. The judges of the district courts of the United States come here, and ask for an increase of their salaries. The committee of this House who were charged with the investigation of this matter, have declared their intention to report a bill providing for the reorganization of all the courts of the United States. Plans were pending, at that time, for the centralization and consolidation of the Supreme Court of the United States, in order not to require the judges of the Supreme Court of the United States to perform circuit court duties, but to constitute another set of judges to perform those duties. Now, if it is the intention of Congress to consolidate the Supreme Court of the United States, and to release them from the performance of circuit court duties—and the reason upon which they ask to be released from the performance of their circuit court duties, is, that the business of both the Supreme Court and the circuit courts, have greatly increased within the last few years—you release them from the performance of that class of their duties which causes them a great part of their expense, and that is the necessity of traveling over distant portions of the country in order to hold their circuit courts.

I have another objection to the increase of these salaries. I object to the enlargement of the salaries in this manner. I object to a minority, or at least to but a small majority of the committee fastening upon the civil and diplomatic bill an amendment providing for the increase of salaries, a subject which legitimately and properly belongs to another and a separate bill. If you are going to reorganize the judiciary, in the bill for that purpose you should fix the salaries of the judges, and graduate the salaries of the different grades of judges as you believe to be right and proper. Do not let the salaries of the judges of the Supreme Court of the United States alone be here raised, and thereby allow it to be said that partiality has been shown to those judges. Many of the judges of the district courts receive but a thousand dollars a year, and others only fifteen hundred, who, in the discharge of their duties, and oftentimes in consequence of the absence of the judges of the Supreme Court, who properly hold the circuit courts, have to hold the circuit courts and perform the duties of the judges of those courts. Now, then, you propose to make an invidious distinction. You propose that the salaries of the Supreme Court judges shall be increased, while you do not propose to increase the salaries of another equally meritorious class of citizens and

equally meritorious officers at all. That is the reason why I oppose the amendment.

Mr. JONES, of Tennessee. I am opposed to this amendment, and to every other amendment that can be offered to this proposition. The Committee of Ways and Means have recommended a non-concurrence in this amendment, and this committee are as competent to vote upon the whole proposition now as they would be if they were to discuss it under the five-minute rule for the balance of the day. I am opposed to the amendment, and ask that the vote may be taken at once.

Mr. SMITH, of Virginia. I suppose the speech made by the member of the Committee of Ways and Means, who has just taken his seat, was intended as a backer to that of his colleague upon the Committee of Ways and Means, [Mr. PHELPS,] and that it is in order to speak in opposition.

Mr. JONES, of Tennessee. I rise to a question of order. What is there before the committee that the gentleman from Virginia can speak upon?

Mr. SMITH. I submit that the gentleman from Tennessee did not speak in opposition to the gentleman from Missouri. The gentleman from Missouri proposes to allow the salaries of the judges to remain as they are. The gentleman from Tennessee proposes to do the same thing.

The CHAIRMAN. But the gentleman from Tennessee proposes to accomplish the same object by a different course.

Mr. PHELPS's amendment was then disagreed to.

Mr. SMITH. I now propose to reduce the amounts appropriated in this amendment to \$6,500 for the Chief Justice of the Supreme Court, and to \$6,000 for the Associate Judges.

Mr. CHAIRMAN, if I can get the ear of the committee for a few moments, I think what I have to say will not be entirely unprofitable. I suppose the American people, as well as the American Congress, ought to be disposed, and are disposed, to place these high functionaries in an independent position. They are intrusted with the highest jurisdiction. They have the gravest duties to perform, and they should never know the pressure of pecuniary wants. They should be placed beyond the reach of temptation. Their salaries ought to be sufficient to make them perfectly independent.

Mr. SEWARD. I rise to a question of order.

Mr. SMITH. Oh, I hope the gentleman from Georgia will allow me to go on without interruption.

Mr. SEWARD. I insist upon my point of order. The gentleman has moved to reduce the salaries of the judges, and he is making a speech in favor of increasing them.

The CHAIRMAN. The Chair has not been able to hear a word the gentleman from Virginia has said, and, therefore, cannot decide whether he is in order or not.

Mr. SMITH. Why I go for increasing the amount of these salaries.

Mr. SEWARD. But the amendment was the other way.

Mr. SMITH. My amendment is to reduce the amount fixed in the Senate amendment, but to increase that allowed under existing law. But, sir, I am making my argument to those in this committee who can appreciate it.

Mr. SEWARD. I doubt very much whether anybody in this committee can appreciate the speeches of the gentleman from Virginia at all times. [Laughter.]

Mr. SMITH. I am very sure that is the condition of the gentleman from Georgia. But, sir, to proceed: And as I find it necessary to repeat the remarks I have already made, I hope what time has already been consumed will not be taken out of my five minutes. I was saying that it was the very highest duty of the American people, and of the American Congress, to place these high functionaries in a position pecuniarily which shall place them entirely beyond the reach of temptation. They should never become embarrassed in the discharge of their high and grave duties by the wants of life. I said that in this view of the subject all of us would be prepared to do what was right and proper.

The question is just this: Is the salary which they are now receiving sufficient to place them in this situation? I was going on to state, and I will

now state, and come down to the gentleman's comprehension, good as it is. I have no doubt that one of our present judges has to travel eleven thousand miles, and pay \$500 as traveling expenses. Judges get no mileage. He has, I say, to pay \$500 as traveling expenses out of his salary of \$4,500. Besides, out of this \$4,000, he has to pay in the city of Washington \$3,000 a year for the house which covers him, and there is left then \$1,000 to supply his table, and to support and educate his family, and I put it to the committee, and to the honorable gentleman from Georgia himself, whether this pittance is proper compensation for a Judge of the Supreme Court of the United States.

The committee then have the facts as to one of these judges. I shall not comment on the salary paid Chief Justice Taney. He is known, respected, and beloved; yet he and his family are unable to live on the salary which he now receives. While we all participate in the burdens of increased expenditure, are these high functionaries of the Government to be denied what is absolutely necessary to their support? And I say to this committee that one of the judges, feels, that instead of the Government supporting him, he is helping to support the Government. He lays out \$3,000 in house-rent, \$500 as traveling expenses, in going over a distance of eleven thousand miles, and has \$1,000 left for the support and education of his family. Will you not increase this man's salary, and at least leave him \$2,500, the amount proposed by my amendment? Is the allowance an unreasonable one? Can any member refuse the proposition his vote in view of all the circumstances?

Mr. SEWARD. I am opposed to increase of pay for this reason: The Judges of the Supreme Court are not responsible to the people of this country, and it sometimes happens that in the exercise of the power with which they are clothed, they commit great outrages on the people's rights. They sometimes use power which does not belong to them under the Constitution of the United States. We have had a recent instance of the exercise of such power, and the only way in which we can control this branch of the Government is to refuse to increase its pay. Let us teach them that while they are not directly responsible to the people, they are, at least, dependent on the people of this country for their salaries.

Now, in reference to the gentleman from Virginia, [Mr. SMITH.] It is perfectly apparent to the members of this committee that he has undertaken to assume to himself the responsibility of the entire legislation of this country. [Laughter.] He has set up for himself a higher order of intellect than anybody else is willing to accord to him, [renewed laughter;] and I want the gentleman to understand, however much he may desire to read lectures to other people, that when he undertakes to read them to me he must do it respectfully. I have sought to injure the feelings of no one. I have treated all respectfully, and I shall not tolerate disrespect from the gentleman from Virginia, or anybody else. When I am the aggressor, and do wrong, I shall acknowledge it.

Mr. SMITH. Will the gentleman yield to me a moment?

Mr. SEWARD. Certainly.

Mr. SMITH. I will ask the gentleman if it is not disrespectful to get up here, and say that an argument, addressed in support of a proposition, is not in support of that proposition?

Mr. SEWARD. The gentleman said that my comprehension was so dull that he knew I could not appreciate the argument.

The CHAIRMAN. The gentleman from Georgia must confine himself to the amendment.

Mr. SEWARD. Having said thus much, I propose to say nothing more.

The question was taken upon Mr. SMITH's amendment; and it was rejected.

Mr. HUNT. I move to increase the salaries in the amendment \$1,000.

My object in addressing the committee is to support the proposition of the Senate, although I do not deem the amount moved in addition to that recommended by the Senate, at all too large. As wise and enlightened legislators we should duly appreciate the learning, virtue, and ability of the judges of the Supreme Court, who only attain their elevated position after a life of great labor—the *incubationes viginti annorum*—the study, the reflections, and practice of many years. A judge

of the Supreme Court must have varied, extensive, and profound attainments; and he must especially be learned in all the departments of his high profession. And, Mr. Chairman, all these attainments and this learning cannot be acquired by the ablest man in a period short of fifteen or twenty years; for, whatever may be the force of natural genius, labor, and study, and experience are necessary for the acquisition of the knowledge indispensable to a judge. Properly estimating that knowledge so requisite to the administration of public justice, and knowing how few possess it fully, we should take care to keep the door of honor open to the competent by offering such salaries as may operate upon their ambition to aspire to and accept the exalted and dignified office of a judge. The salary of a judge of the Supreme Court should at least be sufficient to maintain him and his family according to the condition in which he stands in society. His expenses are necessarily large. He must receive and entertain the members of the bar, and other distinguished and learned persons who will feel disposed to visit him. And if he has children they must be liberally educated, and supported in a manner suitable to his high position. Gentlemen should bear in mind too, the severe and constant duties of the judge. His life is devoted to labor by day and by night, by the light of the sun, and by the light of the lamp. While others are indulging in recreation and enjoyment, he is poring over books of ancient and modern learning, examining and developing the principles of his noble science, and weighing those things which are proper to form a perfect judgment for his country, and all parties that appear before his tribunal.

In estimating what is a proper salary for a judge we should not lose sight of what an eminent lawyer usually earns by his practice at the bar. It is not uncommon for a distinguished lawyer in any of our large cities, and even elsewhere, to earn \$15,000 or \$20,000 a year. While this is the case, it is certainly but fair that the judge should receive at least the salary proposed in the amendment of the Senate.

But there are other considerations which recommend the amendment. A judge should be independent in his circumstances. He ought not to be troubled and harassed by pecuniary cares. He should be free and ready at all times, to devote his entire energies, his heart and soul to the cases that come before him for his decision. And he should also be independent through his salary, so as to be beyond temptation and beyond suspicion. He ought so to be provided for, as not only to be able to maintain his family properly, but to command the entire confidence of his fellow citizens in the uprightness and disinterestedness of his action.

And now, looking upon this matter practically, we all know that the expenses of living have increased greatly in Washington of late years, and that if a judge who has a family, rears up his children here, where he is obliged to spend so much of his time, he can with difficulty meet his expenses, unless he is possessed of a private fortune. Now, then, I would ask, is the office to be kept open only to the wealthy? Are the wise, the virtuous, and the learned, who have lived regardless of worldly pelf, and who have not accumulated riches, to be excluded from the bench. Is this Democratic doctrine? Is this a doctrine for the government of science? No, sir; let us be just and liberal. Let us appreciate learning. Let us fairly compensate labor. Let us secure independent men for the judgment seat, men above suspicion, men who will faithfully devote their time to the business of their great office.

But, it has been urged as a reason against an increase of salary, that the judges are not responsible to the people. Not responsible to the people! Is this true, constitutionally? Sir, they are responsible to the people as long as they are responsible to the organs constituted by the people to impeach and to try them in case of delinquency. But, I would ask, if you diminish the salaries of judges, do you thereby increase their responsibility? If you adopt a pitiful salary which would only be received by a mean, an ignorant, and an incompetent man, do you thereby increase the responsibility of the judicial office?

[Here the hammer fell.]

Mr. STANTON, of Tennessee. I rise simply to say that I am opposed to the amendment of the

gentleman from Louisiana, and I hope the vote will be taken on the amendment, as I desire to offer another as soon as it is disposed of.

The question was taken on Mr. HUNT's amendment; and it was not agreed to.

Mr. STANTON, of Tennessee. I propose the following amendment to the amendment of the Senate:

And the salary of the judge of the orphans' court in the District of Columbia, shall be \$2,000.

Mr. JONES, of Tennessee. I submit a question of order in respect to this amendment. It is on a different subject entirely. It has no connection with the Supreme Court; and it proposes to change the existing law.

The CHAIRMAN. The Chair sustains the question of order raised by the gentleman from Tennessee, and rules the amendment of his colleague out of order.

Mr. McMULLIN. I move to amend the amendment of the Senate by reducing the increase \$900 in each case.

I shall not detain the committee five minutes; but I desire to call the attention of the committee to this important fact: This civil and diplomatic bill was originally intended to make appropriations. It was not intended to be made the medium for the increase of salaries.

Mr. HUNT. I ask if the gentleman is in order? I object to his proceeding in this argument, as he is not speaking to his amendment.

The CHAIRMAN. The gentleman from Virginia has hardly proceeded far enough for the Chair to determine whether he is in order or not. But the Chair has been appealed to by three different gentlemen to enforce the rule, and the Chair will feel himself constrained to do so. The Chair, therefore, hopes that the gentleman from Virginia will confine himself strictly to the explanation of his amendment.

Mr. McMULLIN. I shall do so. Now, it occurs to me, that this amendment of the Senate should not have been put into this bill. This is an appropriation bill, and is not to be made a national omnibus to carry through this House all the amendments of a character similar to this.

Mr. HUNT. I respectfully repeat my question of order.

Mr. McMULLIN. The gentleman has made his speech; and the call to order comes with a bad grace from him. I hold that the salaries of the judges of the Supreme Court are now amply sufficient for them. When the President, who rules over this great nation, is unable to find men competent to discharge these duties, for the salaries now provided, then, and then only, it will be time for gentlemen to act upon this doctrine for an increase of the salaries of the judges. Sir, whenever a vacancy happens in the office of a judge, either in a State or a Territory, you find swarms of applicants coming forward with recommendations of appointment for that office.

The CHAIRMAN. The Chair would inform the gentleman that the rule requires that he should confine his remarks to the amendment.

Mr. McMULLIN. That was what I was doing. I was attempting to show that it is not necessary to increase the salaries of the judges; and is it not a legitimate argument to that end, to show that when there is a vacancy in the office of one of these judges, you find swarms of persons seeking the appointment to the vacancy?

I admit that these gentlemen live a life of labor, and that they are gentlemen of high legal qualifications and attainments. But have you ever known a judge resign his office on account of the inadequacy of his salary? Has the gentleman from New Orleans [Mr. HUNT] ever known an instance of that sort?

Mr. PERKINS, of Louisiana, (in his seat.) I have known such cases.

Mr. McMULLIN. Well, the gentleman is a rare man.

But aside from that matter, I hold, Mr. Chairman, that the committee ought not now to increase these salaries. You have before the House a general bill providing for the increase of the judges' salaries generally. Now, this whole matter of salaries should be settled in connection with that bill. Let this civil and diplomatic bill have as few amendments attached to it as possible.

[Here the hammer fell.]

Mr. HOUSTON. I am opposed to the amendment of the gentleman from Virginia, and I am

opposed to any other amendment which may be offered to the Senate amendment. I want to get to a vote immediately upon the question of concurrence or non-concurrence. I appeal to the committee to proceed at once to a vote. We have much other and important business connected with this bill, and I doubt not all of our minds are made up upon this question.

The question was then taken upon Mr. McMULLIN's amendment; and it was not agreed to.

The question then recurring upon concurrence in the Senate amendment,

Mr. WASHBURN, of Maine, demanded tellers.

Tellers were ordered; and Messrs. KNOX and SOLLERS were appointed.

The question was taken, and the tellers reported—ayes 56, noes 80.

So the Senate amendment was non-concurred in.

Eighty-eighth amendment:

For compensation of the district judge of the southern district of California, commencing the 23d of January, 1854, \$4,028 88.

Mr. PARKER. I have a proposition to amend that amendment, which I think will meet with universal approbation in this committee. It is in reference to the regulation of the salaries of the district judges of the United States. I send up my amendment to the Clerk's desk, and ask to have it read.

Mr. HOUSTON. If the gentleman does not wish to have his amendment read, I will make a point of order upon it now. The gentleman has stated what it is.

Mr. PARKER. I do wish to have it read. I move to add at the end of the Senate amendment the following:

And that the judges of the district courts of the United States shall receive, as compensation for their services, the following yearly salaries, to be paid quarterly from the Treasury of the United States, to wit:

The judges of the districts of the States of Maine, New Hampshire, Vermont, Rhode Island, Connecticut, Delaware, New Jersey, Iowa, and Wisconsin, \$2,000.

The judge of the northern district of Florida, \$2,250.

The judges of the western district of Virginia, North Carolina, eastern, western, and middle districts of Tennessee, northern and southern districts of Mississippi, western district of Pennsylvania, western district of Louisiana, Texas, Kentucky, Ohio, Indiana, Missouri, eastern and western districts of Arkansas, Illinois, and Michigan, \$2,500.

The judges of the districts of Georgia, South Carolina, eastern district of Virginia, northern district of New York, northern and southern districts of Alabama, \$2,750.

The judges of the districts of Maryland, Massachusetts, eastern district of Pennsylvania, southern district of Florida, and southern district of California, \$3,000.

The judge of the eastern district of Louisiana, \$3,500.

The judge of the southern district of New York, \$3,750.

The judge of the northern district of California, \$5,000.

Mr. HOUSTON. I now raise a question of order upon that amendment. It proposes to increase the salaries of the district judges. The amendment of the Senate, to which it is offered, makes appropriation for the increase of the salaries in pursuance of a law passed the present session of Congress, and is, therefore, a proper and legitimate appropriation to be inserted in a general appropriation bill. There is no law authorizing the increase proposed in the amendment of the gentleman from Indiana. I submit, therefore, that the amendment is not in order.

Mr. PARKER. I desire to say a word upon the question of order.

Mr. HOUSTON. It is not debatable. I object.

Mr. PARKER. This is for the compensation of district judges.

The CHAIRMAN. The gentleman from Indiana cannot proceed with his reasons except by the unanimous consent of the committee. If the gentleman takes an appeal from the decision of the Chair, he can state the grounds of his appeal.

Mr. PARKER. I do appeal, and upon this ground. The amendment of the Senate is to provide for the compensation of a district judge. My amendment is to provide for the compensation of other district judges. The amendment is, therefore, germane upon its face.

The CHAIRMAN. The Chair thinks the gentleman is arguing his amendment, and not stating the grounds of his appeal.

Mr. PARKER. I will observe, further, that the salaries of the judges of the courts in California are already fixed by law.

Mr. HOUSTON. I must call the gentleman to

order. He is arguing his amendment. The difference between the amendments is very clear.

Mr. PARKER. There is no difference whatever between them.

Mr. KERR. I ask for tellers upon the appeal. Tellers were not ordered.

The question was taken; and on a division, there were—ayes 56, noes 46; no quorum.

Mr. BELCHER. I demand tellers.

The CHAIRMAN. Tellers have been refused, but they may be, by unanimous consent, now ordered.

There was no objection.

Tellers were ordered; and Messrs. McNAIR and Cox were appointed.

The question was taken; and the decision of the Chair was sustained, the tellers having reported—ayes 70, noes 56.

The question was then taken; and the amendment of the Senate was concurred in.

Eighty-ninth amendment:

Strike out "\$12,300," and insert "\$19,900," so that the paragraph will read:

For salaries of the Attorney General, and the clerks and messenger in his office, \$19,900.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence in the amendment.

The amendment was non-concurred in.

Ninetieth amendment:

Insert at the end of the clause, "For salary of the reporter of the Decisions of the Supreme Court, \$1,300," the words "if only one volume of the reports shall be published, and in case the Supreme Court shall direct him to publish two volumes, then the sum of \$1,300 for each volume so published;" so as to make it read:

For salary of the reporter of the Decisions of the Supreme Court, \$1,300, if only one volume of the reports shall be published; and in case the Supreme Court shall direct him to publish two volumes, then the sum of \$1,300 for each volume so published.

Mr. PECKHAM. I move to strike out the Senate amendment. I think that we are getting reports enough from this Supreme Court, as well as from other courts; and from the specimen we have had of the reports of that court, I do not think that we ought to offer a premium to increase the number. I think that in the reports of the Supreme Court of the United States already published, there is a greater quantity of chaff for the same quantity of wheat than in any other reports. We have reports of the argument, of all the papers and pleadings, making sometimes one case constitute a volume. I hope that the committee in this case will not offer a premium, at least so far as the latter clause of this section is concerned. The latter part of the clause proposes, that if the Supreme Court shall direct him to publish two volumes, then the sum of \$1,300 shall be paid for each volume so published. I move to strike out the latter part of the clause. I have no objection to the first part. I would much rather give him \$2,000, if he would publish but one volume, than \$3,000 if he published two. The less of these reports we have in this extended form the better for the country and the profession.

Mr. JONES, of Tennessee. I suppose that the committee, after the very high-wrought eulogy pronounced upon this Supreme Court, will at least trust them to say whether they will have one or two volumes of these decisions printed.

Mr. PECKHAM. I ask for a division of the question.

The CHAIRMAN. The gentleman from New York [Mr. PECKHAM] proposes to strike out the Senate amendment.

Mr. PECKHAM. I will withdraw my amendment, as I have no objection to allowing the vote to be taken on concurring or non-concurring with the Senate amendment.

Mr. WALSH. I renew the amendment, and call for a division of the question.

The CHAIRMAN. The gentleman from New York proposes to strike out from the Senate amendment all after the word "published," or the following words:

And in case the Supreme Court shall direct him to publish two volumes, then the sum of \$1,300 for each volume so published.

Mr. JONES, of Tennessee. If the gentlemen will just non-concur with the Senate amendment, they will accomplish the object they have in view. In the original bill passed by the House, the appropriation for the salary of the reporter of the decisions of the Supreme Court was fixed at \$1,300, upon the presumption that he was to pub-

lish but one volume. If you non-concur in the Senate amendment, you have the thing as it was originally passed.

Mr. WALSH. I do not insist upon it, if it is distinctly understood that it leaves the proposition as stated in the first two lines.

The amendment was non-concurred in.

Ninety-first amendment:

Page forty-three, line one thousand and thirty-five, strike out the word "ten," and insert in lieu thereof the words "six of the."

The clause, as amended, reads:

For salaries of six of the additional clerks, &c.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a concurrence in the amendment.

The amendment was concurred in.

Ninety-second amendment:

Line one thousand and forty strike out "\$10,800," and insert in lieu thereof "\$6,000."

The clause, as amended, reads:

For salaries of six of the additional clerks, authorized by the acts of August 6, 1846, August 12, 1848, March 3, 1851, and August 31, 1852, \$6,000.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a concurrence in that amendment.

The amendment was concurred in.

Ninety-third amendment:

For one additional clerk in the office of the assistant treasurer at Boston, Massachusetts, \$1,200.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Ninety-fourth amendment:

Page one thousand and forty-five strike out "for salary of chief clerk to the assistant treasurer at New York, \$1,600," and insert in lieu thereof the following:

For clerks, messenger, and watchmen in the office of the assistant treasurer at New York, \$13,900.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a concurrence in the amendment.

The amendment was concurred in.

Ninety-fifth amendment:

Page forty-six, line one thousand one hundred and ten, after the word "dollars," add the following:

And the Secretary of the Treasury be, and he is hereby, authorized to contract for the construction of a custom-house on said site, to include accommodations for a post office and United States court room, at a cost not exceeding \$200,000.

The clause, as amended, reads:

To purchase a site for custom-house at Providence, Rhode Island, \$24,000, and the Secretary of the Treasury, &c.

Mr. HAVEN. The Committee of Ways and Means recommend a non-concurrence in the amendment.

Mr. DAVIS, of Rhode Island. I propose to amend the amendment of the Senate by increasing the appropriation \$100.

I would not rise at this time in the House to ask this appropriation for the city of Providence, if I did not see that every other city of equal size in this whole Republic, and under similar circumstances as those under which Providence stands, has received appropriations as large as that asked for. Some of no more than half the population have received appropriations amounting to that which is asked for Providence. And I do not see why we should be singled out at this time to be excluded from the common benefits conferred on other cities.

The revenues paid to the national Treasury from this port in Rhode Island has amounted to \$10,000,000, and we have never from the first received any appropriations for a custom-house, save of about \$8,000, by which the present building was erected. We ask but one fiftieth part of the revenues received there in that long time to erect a building necessary for the business of the city. This building is designed to accommodate not merely the custom-house, but the post office, and the courts of the United States. The site has been selected, having three of its sides fronting streets; and you cannot put up a cheap or small building to meet the increase of business, and afford suitable accommodation for all these departments.

I think in view of these facts, that the city of Providence and the State of Rhode Island, though she is a small State, should be treated as other cities and States are, which collect equal revenues. I ask that, and nothing more. I ask the Com-

mittee of Ways and Means to show me a single city in this whole country on the seaboard, with an equal population and revenue, where an amount near to this has not already been appropriated, or is not in the progress of appropriation? We have already a site, and I ask what we are to do with it, if you do not allow us an appropriation to erect a building thereon?

Now, sir, allow me to make a statement of facts, which will show the propriety of making such an appropriation. The city of Charleston, with a population not larger than ours, has already had \$1,000,000 appropriated for a custom-house at that point. She collects a larger revenue than Providence does, and I do not say she is not entitled to a larger appropriation than Providence. But the question is, is she entitled to three, four, or five times as much as we are? We do not object to what she has, but justice compels us to say that if she is entitled to \$1,500,000, and it will require that sum at least to complete hers, the city of Providence may fairly ask for \$200,000. The city of Richmond, with a population of twenty-seven thousand, and a revenue about equal to ours, has had appropriated for her \$250,000. Is Providence entitled to anything less than that? Mobile with about the same population, and with not much larger revenue, has also received \$250,000. In speaking of these places, I speak of their population as shown by the census of 1850. The population of Providence now, is fifty thousand. Mobile with a population of twenty thousand in 1850, has received \$250,000, and Providence, it seems to me, is the only place which gentlemen are willing to cut off. Is it because she is a small State? That is no reason why this injustice should be done, and I appeal to gentlemen from the large States to sustain us in this matter, and give us their aid. We have not asked anything before and we only ask now for a fiftieth part of the revenue which has been collected in that city, to erect a building which shall be useful and elegant.

[Here the hammer fell.]

Mr. HOUSTON. I do not expect to engage in any debate growing up in reference to these custom-houses. I expressed my views very fully when this subject was up in connection to another bill; but I feel bound, in justification of the action of the Committee of Ways and Means, to present the facts bearing upon this case.

[The committee here rose informally, and the Speaker having resumed the chair, a message was received from the Senate, by ASBURY DICKINS, Esq., their Secretary, informing the House that the Senate had passed a bill of the House, for the relief of Daniel Steenrod, with an amendment, in which he was directed to ask the concurrence of the House.]

Mr. HOUSTON, (resuming.) The gentleman from Rhode Island, I think, makes an entire mistake in the manner in which he discusses this amendment. He speaks of the population of his city in comparison with that of other places. The amount of revenue collected at Providence is about \$65,000 a year, while at Richmond the amount of revenue collected is more than \$150,000; and at Mobile it is over \$100,000. So the committee will see that the gentleman fails in his argument whenever he refers to the amount of population of the cities, and loses sight of the amount of business which is done at these several points. It is the matter of the amount of business done at any of these cities, taking into consideration, at the same time, the number of persons in the employ of the Government there, which makes it necessary to have these custom-houses at all.

Besides, the Committee of Ways and Means recommended an appropriation, which was adopted by the House, and which goes to the full extent of the recommendation of the Secretary of the Treasury. The recommendation of the Secretary of the Treasury at the commencement of the present Congress, was in these words:

"On a full examination of the city of Providence, no suitable site could be obtained for a new custom-house for a less sum than \$30,000; and if a new custom-house is to be erected, it would be bad economy to build on an improper site.

"The Department being satisfied that a proper site will cost that amount, has asked for \$24,000 in addition to the \$16,000 already appropriated, in order to bring the subject to the attention of Congress, and recommending the appropriation for that purpose, and of that amount."

In this bill, preceding the amendment of the Senate, gentlemen will perceive that there is an

appropriation of \$24,000 for this purpose, which is the amount the Secretary of the Treasury asked for. But, sir, this amendment is based upon no recommendation or estimate of the Secretary of the Treasury—at least upon none that has ever come before the Committee of Ways and Means, or become a part of the records of the House. Then, again, at the last session of Congress, we made an appropriation, which is in the following language:

"For the purchase of land additional to the present custom-house lot at Providence, Rhode Island, \$16,000; and for the erection of a new custom-house at said port, which shall be so constructed and arranged as to furnish a suitable room for the United States circuit and district courts, with the necessary offices for district judge, clerk, marshal, &c., \$34,000: *Provided*, That the entire cost of such additional site and building shall in no event exceed the sum hereby appropriated."

But, in the report of the Secretary of the Treasury at the present session, it was stated that a proper site could not be obtained for the amount appropriated. The Secretary of the Treasury asked that a further appropriation of \$24,000 should be granted for that purpose. The Committee of Ways and Means recommended, and the House agreed, that that additional amount should be appropriated; making, in all, \$74,000 for completing the building for a custom-house, court-room, &c. It is true that further appropriations were asked for all these custom-houses, but the committee recommended this.

Now, sir, I have no feeling in relation to the matter. I do not care whether the committee agrees to this amendment or not. But I ask that the vote shall be taken.

Mr. DAVIS's amendment was disagreed to.

Mr. DAVIS, of Rhode Island, moved a *pro forma* amendment, and said: Mr. Chairman, I desire to state that when the calculations were made for the first building in Providence, it was contemplated to build only a custom-house. But on an examination of the city, it was found that the sum appropriated for the purchase of a site, would not purchase a proper one. The Department, therefore, recommended an additional appropriation for a site. I will state, however, that this appropriation, which it is now proposed to make, is for a custom-house, court-room, and post office—the same as the other custom-houses which have been provided for.

Now, one word in reference to another subject. The gentleman says the revenue collected at the city of Providence is not as great as that collected in other cities. Now, sir, the revenue collected there is more than it is in two or three other cities where custom-houses are established. The revenues collected at Providence are about the same that they are in Richmond, and they are more than they are in some of the other cities. They are larger than they are in Louisville. They are larger, so far as those from the post office is concerned, and that is a point that should not be overlooked.

They have about fifty officials there, and that is much more than you will find in many of these custom-houses. They have about twenty-five connected with the custom-house proper, about fifteen in the post office, and ten or twelve connected with the courts; so that we stand on as good footing as most of the places where custom-houses are established. Sir, the city of Providence is important enough in point of revenue, in point of population, and in point of wealth to demand the erection of this building, and I hope this House as a matter of justice, will adopt the amendment.

I appeal to the generosity of the House, while they are appropriating more than \$2,000,000 for the West, that they should do something for the East. The East is entitled to some consideration as well as the West. It is true that the sun sets in the West, but it is equally true that it rises in the East. We only ask for this little amount, and I trust it will be granted.

Mr. HOUSTON. I do not intend to submit an argument. I have said all that I desire to on the question under consideration. In answer to the gentleman from Rhode Island, I would refer him to the law, which is in these words:

"For the purchase of land additional to the present custom-house lot at Providence, Rhode Island, \$16,000; and for the erection of a new custom-house at said port, which shall be so constructed and arranged as to furnish a suitable room for the United States circuit and district courts, with the necessary offices for district judge, clerk, marshal, &c., \$34,000: *Provided*, That the entire cost of such additional

site and building shall, in no event, exceed the sum hereby appropriated."

So the gentleman is evidently mistaken.

Mr. DAVIS. It could not be made.

Mr. DAVIS's amendment was rejected.

The question recurred on concurrence in the Senate's amendment.

Mr. THURSTON. I demand tellers.

Tellers were ordered; and Messrs. WASHBURN, of Maine, and PRATT, were appointed.

The question was then taken; and the amendment of the Senate was concurred in; the tellers having reported—ayes 69, noes 53.

Ninety-sixth amendment:

For the rebuilding of the custom-house, Portland, Maine, including accommodations for a post office and rooms for the United States courts, \$200,000.

Mr. HAVEN. The committee recommend a concurrence.

The amendment was concurred in.

Mr. FULLER. I propose the following amendment, to come in at the end of the clause just read:

That \$3,600 of the above sum, which was appropriated in the civil and diplomatic bill of 1850, be hereby reappropriated for the purpose of repairs, alterations, and furniture, for the custom-house at Castine, in the collection district of Penobscot.

In explanation of that amendment, I have this to say, that by the appropriation act of 1850, in the civil and diplomatic bill, the sum named in my amendment was appropriated for repairs at that place.

Mr. WALSH. Is the amendment in order?

The CHAIRMAN. The Chair is of the opinion that the amendment is not in order.

Mr. FULLER. The amendment I offer is a distinct and independent amendment. It makes a reappropriation of the sum of money which was appropriated in a former bill.

The CHAIRMAN. The Chair decides that it is not in order, as it introduces an original proposition.

Mr. FULLER. I offer it as a distinct, independent proposition, to carry out an existing provision of law.

The CHAIRMAN. It is not in order to any amendment which the Senate has sent back to the House.

Mr. FULLER. I would ask whether the amendment would be in order at any other portion of the bill. It is clearly within the meaning of the rule, that the appropriation must be made in accordance with an existing law.

The CHAIRMAN. That may be true, and the amendment may have been perfectly in order to the original bill or in the Senate. But the committee are now engaged in the consideration of the Senate amendments, and the Chair decides that the amendment offered by the gentleman from Maine is not in order to the amendment of the Senate.

Mr. LINDSLEY. I offer the following amendment:

To increase the salary of the custom house officer at Sandusky, so as to make it \$1,250, equal to that of the collector at Detroit.

Mr. HOUSTON. I rise to a question of order.

Mr. JONES, of Tennessee. It changes existing law.

The CHAIRMAN. The Chair thinks that the amendment is not in order. It is not germane to any pending amendment, and it proposes to change existing law.

Mr. LINDSLEY. An amendment passed at the last session of Congress precisely like this.

The CHAIRMAN. It may have originated in the other wing of the Capitol. The rules which govern that body are very different from our own.

Mr. LINDSLEY. I respectfully give notice that on to-morrow, or some subsequent day, I shall introduce a bill for the purpose of accomplishing the same object.

Ninety-seventh amendment:

For the completion of the custom-house at San Francisco, California, including all expenses of filling in, piling, sewers, drains, pavements, inclosure, gateways, the extinguishment of private claims for the possession of the whole or any part thereof, and contingencies incident thereto, \$163,386 09.

Mr. HAVEN. The Committee of Ways and Means recommend a non-concurrence.

The amendment was non-concurred in.

Ninety-eighth amendment:

Page forty-seven, line one thousand one hundred and twenty-nine, strike out the words "for any building mentioned in this act," and insert in lieu thereof the words "by this act for any custom-house or marine hospital."

The amendment, as amended, reads:

Provided, That none of the moneys appropriated by this act for any custom-house or marine hospital shall be used or applied for the purposes mentioned, &c.

Mr. HAVEN. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Ninety-ninth amendment:

Line one thousand one hundred and thirty-four, after the word "States," strike out the following:

"And until the State in which such building is to be completed shall in due form, and in a manner that shall bind such State, release and surrender to the United States jurisdiction over the site of such building."

Mr. HAVEN. The Committee of Ways and Means recommend a non-concurrence in the amendment.

The amendment was non-concurred in.

One hundredth amendment:

Line one thousand one hundred and forty-two, strike out the words "any building," and insert in lieu thereof the words "said buildings."

The sentence of the clause, as amended, reads:

That none of the said moneys appropriated for said buildings by this act, &c.

Mr. HAVEN. The Committee of Ways and Means recommend a concurrence in that amendment.

The amendment was concurred in.

One hundred and first amendment:

Page forty-eight, line one thousand one hundred and fifty-six, after the word "mentioned," strike out the words "in this act."

The sentence, as amended, reads:

And the said Secretary of the Treasury shall enter into no contract, either conditional or final for the purposes mentioned, which shall involve an expenditure in any one case beyond the sums appropriated and remaining unexpended for such case.

Mr. FULLER. I now renew the amendment which I offered before. The amendment which I propose is, to increase the sum to \$46,601 59, provided that \$3,601 59, appropriated by the act approved 30th September, 1850, for repairs and alterations in the custom-house at Castine, in the collection district of Penobscot, be incorporated.

Mr. HOUSTON. If I understand the gentleman, it appears that there is no call for this appropriation from the Department, the Department having at this session of Congress asked for an amount which covers that as well as it is covered by this appropriation. We propose \$30,000 to be appropriated for the annual repairs of this custom-house; and it can be applied to this custom-house at Castine as well as to any other; and no doubt it is intended to be in part so applied.

Mr. FULLER. I am not aware of that fact.

Mr. STEPHENS, of Georgia. I would say to the gentleman from Maine that his proviso could come in at the end of the eleven hundred and eighty-third line. If placed anywhere else, it will not make sense.

Mr. WALSH. Let us take a vote upon it.

Mr. FULLER. I accept the suggestion of the gentleman from Georgia.

The CHAIRMAN. The gentleman could not offer his proviso at the end of the eleven hundred and seventy-eighth line.

Mr. STEPHENS. To put it in there would be to qualify the amendment of the Senate.

Mr. HAVEN. The gentleman, to accomplish his object, might say, "provided that so much of the sum recommended be appropriated," &c., as he desires.

Mr. FULLER. That is the amendment.

Mr. JONES, of Tennessee. As you cannot amend the original text, I would like to know where the proviso comes in?

The CHAIRMAN. It comes in after the words "\$43,000."

Mr. JONES. But there is no place to put in a proviso there.

Mr. HENDRICKS. Let us vote upon it, and vote it down.

Mr. PHELPS. I would suggest to the gentleman from Maine that he can accomplish his object by moving to strike out "\$43,000," and to insert in lieu thereof "\$45,600"—that is, by increasing the Senate amount by the amount which he wishes to have appropriated to his particular purpose.

Mr. JONES. That is not in order, for there is no place to put in the proviso.

The CHAIRMAN. The Chair thinks it is in order.

Mr. JONES. Then you will have to make a place for it; for it does not read with the text.

The CHAIRMAN. If the text does not read well, the Chair is not responsible for it.

Mr. JONES. If you put it in there, you divide the sum appropriated, and insert a proviso in the middle of it.

Mr. HIBBARD. As I understand it, the motion of the gentleman from Maine relates to the custom-house at Castine; and, if it is in order, I desire to oppose that amendment. I refer gentlemen of the committee to Executive document No. 3, page 272, where they will find the finance report of the Secretary of the Treasury. In that report I find that this custom-house at Castine, Maine, was purchased in the year 1852 for \$800. An additional site was afterwards purchased of the inhabitants of Hancock county for \$400, and the sum of \$750 has been expended in repairs. Another part of the report shows that only seven or eight employees have been engaged there. I do not remember the amount of revenue which is collected. It is not very much.

The custom-house, then, cost \$1,200 in all, and in addition to that, \$750 have been expended for repairs, making in all \$1,950. And now the gentleman asks for \$3,000 to expend in repairing this custom-house. When this fact is taken into consideration, I should hardly suppose the gentleman would ask for this sum to repair a custom-house which originally cost but \$1,200.

[The committee here informally rose; and the Speaker having resumed the chair, a message was received from the President of the United States, by Mr. SIDNEY WEBSTER, his Private Secretary, notifying the House that he did on this day approve and sign sundry House bills and joint resolutions.]

A message was also received from the Senate, by Mr. ASBURY DICKINS, their Secretary, informing the House that they had passed bills of the following titles:

An act for the relief of Sherman Price; and

An act to provide for taking charge of the Louisville and Portland canal, and to prevent the same from falling into bad repair.

In which he asked the concurrence of the House.]

The question now being upon Mr. FULLER's amendment, it was taken, and decided in the negative.

So the amendment to the amendment was not agreed to.

The question then recurred upon concurring in the amendment of the Senate, as amended; and being taken, it was decided in the negative.

So the amendment was non-concurred in.

One hundred and third amendment:

Strike out in the proviso to the clause of the bill, making an appropriation for the completion of the Richmond custom house the words "in due form, and in a manner that shall bind said State, release and surrender to the United States jurisdiction over the site of such building; and shall also," so as to make it read:

Provided, That none of the moneys appropriated for this building in and by this act, or by any former act, and now remaining unexpended, shall be used or applied for the purposes mentioned in this act by the Secretary of the Treasury, until a valid title to the land for the site of such building shall be vested in the United States, and until the State of Virginia shall duly release and relinquish to the United States the right to tax or in any way assess said site, or the property of the United States that may be thereon, during the time that the said United States shall be, or remain the owner thereof.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence in this amendment.

The amendment was non-concurred in.

One hundred and fourth amendment:

Strike out in the twelve hundred and eleventh line the words "in this act," so that the clause would read:

And the said Secretary of the Treasury shall enter into no contract, either conditional or final, for the purpose mentioned, which shall involve an expenditure beyond the sums appropriated and remaining unexpended.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a concurrence in that amendment.

The amendment was concurred in.

One hundred and fifth amendment:

For buildings for the use of the courts of the United States at Pontotoc, Mississippi, \$4,000.

Mr. STEPHENS, of Georgia. The commit-

tee of Ways and Means recommend a concurrence in that amendment, with the following amendment:

Provided, That said sum shall complete said building; and also the sum of \$5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, to enable the Secretary of the Interior to make a contract with the proper authorities for furnishing a suitable building for the permanent use and accommodation of the United States district court in holding its sessions at Marietta, Georgia, which contract the said Secretary is hereby authorized to make: *Provided*, It can be made for the sum aforesaid, or less: *And provided*, That said contract shall be made with sufficient guarantees to secure to said court a suitable building for holding said court, so long as its sessions may be held at that place, without further charge on the United States.

The amendment was agreed to.

The Senate amendment, as amended, was concurred in.

One hundred and sixth amendment:

For the erection of a building for a boarding station at Pass a l'Ouvre, Louisiana, \$3,500: *Provided*, That no part of said sum shall be expended until the title to the land selected as the site of said building be first secured to the United States.

Mr. HAVEN. The Committee of Ways and Means recommend a non-concurrence in the amendment.

The amendment was non-concurred in.

One hundred and seventh amendment:

To enable the Secretary of the Treasury to purchase, for the use of the United States, the land and buildings thereon, constituting the boarding station at the southwest pass of the Mississippi river, \$3,500: *Provided*, That no part of said sum shall be expended until the title to said land be secured to the United States, and the consent of the Legislature of the State of Louisiana obtained to the release of said land from taxation or assessment of any kind.

Mr. HAVEN. The Committee of Ways and Means recommend a concurrence in the amendment.

The amendment was concurred in.

One hundred and eighth amendment:

For the construction of an appraiser's store on a portion of the square selected for the custom house at San Francisco, California, including the expense of piling for the foundation thereof, by contract or otherwise, as the Secretary of the Treasury may deem best \$100,000: *Provided*, That the same restrictions regarding the completion of said work with the sum hereby appropriated, as are contained in this act concerning the erection and completion of custom-houses and marine hospitals, shall be applicable thereto.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a concurrence in the amendment.

Mr. LETCHER. They have a custom-house there, and I should like to have some explanation of this amendment.

Mr. WALSH. There is no such thing known in New York city as an appraiser's building. The room occupied by the appraisers there is not as large as the clerk's room here. I should like to have some explanation of the amendment from the committee?

Mr. HAVEN. Mr. Chairman, the gentleman from Virginia speaks of this amendment in connection with the custom-house. We have just disagreed to vote \$160,000 for a custom-house at San Francisco. This is for an appraiser's building.

We are now paying a very large rent, at least a quarter of this amount, for the use of a building for these appraisers. The Committee of Ways and Means, after some hesitation, agreed to recommend a concurrence in the amendment. I can give no other explanation.

Mr. WALSH. What is the object of having an appraiser's building? As I have already said, Mr. Chairman, the appraisers in New York city do the whole of their business in a room smaller than that occupied by the clerks of this House. There is no such thing known in any city of the country as an appraiser's building.

Mr. HAVEN. It is a place where goods are stored to some extent, and where the appraisers inspect them for the purpose of ascertaining whether they are liable to one or other kind of custom.

Mr. HOUSTON. I will say that, by erecting this building, we shall save the heavy rent which we are now forced to pay. In a few years the rent would amount to the present appropriation. We own the ground on which it is proposed to erect this building.

The question then being upon concurring in the Senate amendment,

Mr. LATHAM demanded tellers.

Tellers were not ordered.

The question was taken; and the amendment was non-concurred in—ayes forty-eight, noes not counted.

One hundred and ninth amendment:

Strike out the words: "*Provided*, That before the said purchase is completed, the State of New York shall cede to the United States jurisdiction over said land and property, and shall by law exonerate the same and the property of the United States thereon from all taxes, levies, and assessments thereon, whilst the same remains the property of the United States, \$530,000: *Provided, however*, That no part of this appropriation is to be used until the Secretary of the Treasury has entered into a negotiation with the lessors of the lot in question to get rid of said lease, and also has ascertained upon what terms said lease can be disposed of, and has reported the result of said negotiation to the next session of Congress," and insert in lieu thereof the following:

Five hundred and thirty thousand dollars, with interest thereon at the rate of six per cent. per annum, from the 15th day of September, 1853, until said purchases shall be completed: *Provided*, That the same be so completed within one year from the day such interest is hereby authorized to be paid.

And the Secretary of the Treasury, at his discretion, is hereby further authorized to purchase, for the use of the United States, such property adjoining thereto, situated on Pine street, on which the United States now hold a mortgage, as may be sold to satisfy the same, at a price not exceeding the amount of said lien.

So that, as amended, it would read:

For the purchase of the lots or parcels of land, with the appurtenances and the buildings thereon, belonging to the one thereof to the Bank of Commerce, and the other thereof to the Bank of the State of New York, and particularly referred to and described in two contracts: one with each of said banks, for the leasing and right to purchase the same, bearing date the 19th of August, 1853, \$530,000, with interest thereon at the rate of six per cent. per annum, from the 15th day of September, 1853, until said purchases shall be completed: *Provided*, That the same be so completed within one year from the day such interest is hereby authorized to be paid.

And the Secretary of the Treasury, at his discretion, is hereby further authorized to purchase, for the use of the United States, such property adjoining thereto, situated on Pine street, on which the United States now hold a mortgage, as may be sold to satisfy the same, at a price not exceeding the amount of said lien.

Mr. JONES, of Tennessee. The committee recommend a concurrence in the amendment.

Mr. BAYLY, of Virginia. I am surprised to hear my friend from Tennessee [Mr. Jones] express a willingness to concur in this amendment. The bill was bad enough as it passed this House. There was a provision inserted in it upon my motion to meet the argument that was then made that, at the amount of rent asked, it was cheaper to buy the building than to continue to pay the rent. A provision was inserted by this House to authorize the Secretary of the Treasury to negotiate and get clear of that lease. The Senate have so amended the bill as not only to strike out this provision of the House to get clear of this enormous contract, but they have added to it by authorizing the purchase of still more land there. I hope that the committee will disagree to the Senate amendment.

I believe in the first instance that the rent was an improvident one, and that the agreement to purchase predicated upon that first error was an improvident one, and as bad as the bill was when before the House. I think the Senate amendment makes it still worse. I hope that the committee will disagree to the amendment of the Senate.

Mr. JONES, of Tennessee. As much as the gentleman from Virginia may be surprised to hear me express a willingness to concur in this amendment, he could not be more surprised than I am to find that he opposes the purchase of this property, under all the circumstances. If it is his object to get clear of this lease upon the best terms for the Government, then, in my opinion, the gentleman can accomplish his object by purchasing the property according to the proposition made. He can do it better in that way than he can by selling that lease. It has been shown here, over and over again, that if that lease is to go on for fifteen years, you will have paid more money than the purchase money would amount to by some \$295,000. And then, you will have to give up the property; whereas, if you pay this \$530,000 now, you will have the use of the property for the fifteen years for which it is leased, and for which you have agreed to pay \$795,000; and then, at the end of that term, you will own the property, and can sell it, or dispose of it to the best advantage. Then, if you wish to get rid of the lease, the best and most economical way, I think, is, as the figures demonstrate, to purchase the property under the proposal which you have in this contract.

The gentleman from Virginia says he is sur-

prised, again, that we are not only willing to purchase this property, but that we also wish to buy still another piece. Well, sir, in reply to that, I will say that I suppose the gentleman has heard of the name of Jesse Hoyt, of New York. He became insolvent, being liable to the Government for a large amount; and a mortgage was made by him on this other small piece of property, which is not worth so much as the other; and we are desirous that, when the property comes to be sold under that mortgage, the Secretary of the Treasury may buy it at a price not exceeding the debt for which this mortgage was given.

A MEMBER. How much is it for?

Mr. JONES. It is somewhere about \$60,000 or \$64,000, with a prior lien upon it of \$10,000. And if it is sold now under the mortgage, without authority being vested in the Secretary of the Treasury to buy it, it may be bought up for the \$10,000, the amount of the prior lien, and the Government would not get one cent upon the debt which is now a lien upon that piece of property.

Mr. HAVEN. If the gentleman from Tennessee will allow me a moment of his time, I desire to say to the committee in brief, that the House is entirely familiar with the merits of the proposition made by the Senate to strike out. The matter was discussed before, when the appropriation of \$530,000 was inserted, and that superseded the necessity of the amendment which we have objected to number seventy-four, and of amendment one hundred and forty-two, which the Committee of Ways and Means have recommended to be stricken out.

Then as to the other clause. I believe the gentleman from Tennessee has sufficiently explained why we chose to purchase the other piece of land. It has no necessary connection with the Mint in any way or shape. There is a mortgage of \$10,000 upon it, which is held by some person whom we do not know; and then the United States has got a second mortgage on it for the amount of Jesse Hoyt's defalcations under General Jackson. The property is worth \$40,000; but it may be bought up at \$10,000, unless the Secretary of the Treasury get authority to bid for it to the amount of the mortgage we have on it. It will then be our property, and we can sell it or use it in whatever way we may choose.

Mr. STUART, of Michigan. Do I understand the gentleman from New York as saying that the defalcations of Jesse Hoyt took place under the administration of General Jackson?

Mr. HAVEN. Yes.

Mr. STUART. Not at all. It was under Mr. Van Buren.

Mr. HAVEN. Well, the House can determine about that. I understand that this is the last of Jesse Hoyt's securities, except another small mortgage. He is entirely insolvent; and it is a matter of doubt whether we could get five dollars out of him. We can get nothing except out of this piece of property. It seems to me that this is a full, though brief explanation.

Mr. FLORENCE. Is it in order to move to strike out the Senate amendment, and to insert the House proposition?

Mr. JONES, of Tennessee. That is the proposition pending.

The CHAIRMAN. The gentleman would be in order in moving to strike out the Senate amendment.

Mr. FLORENCE. Then I move to strike it out. I was not surprised at the remark made by the gentleman from Tennessee, [Mr. Jones,] that the Committee of Ways and Means recommended a concurrence in this proposition, but I am surprised that it has indeed ever been brought again into this House after the verdicts which have been given against it three or four times by this House. It will be recollected by the committee that when the first proposition for the establishment of an assay office in the city of New York was made, and when an appropriation was made for that purpose, it was said that it would cover the whole expense. That appropriation was \$100,000. I do not believe the House of Representatives are now going to follow the example of Jesse Hoyt in its action upon this appropriation. It would not surprise me if every particle of property in Wall street should be proposed to be bought, before long, for the use of this assay office; for it was said, and prophetically too, when this proposition was first submitted, that it looked to the

establishment of a Mint of the United States, and not merely for the establishment of an assay office.

Now, let us look to the property, and let us look to the proposition submitted by the gentleman from Pennsylvania, [Mr. ROBBINS.] I am told—I do not know, for I have not visited the premises—but I am told that the assay establishment in New York is located in a very narrow street, standing back from the main street, in a narrow alley leading from the custom-house—I state facts as I have heard them—at a place where it is hardly protected from fire; and if the establishments around it should take fire, the whole would be reduced to a mass of ruins. Now, the proposition of my colleague proposes to direct—and very properly too—that the Secretary of the Treasury shall take early means to make a disposition of the property. If it is so valuable, let it be sold. When the original proposition was brought in here, it was said that the city of New York would provide a place for the building of the assay office, or a branch Mint, as it was then said. Well, now, if they are desirous of keeping this assay office among them, why do they not keep their pledge, and present a lot of land to the United States?

The proposition now pending directs the Secretary of the Treasury to sell the property, and to make an arrangement with the lessees, and report the result to the House at the next session of Congress. I submit it to the House, and this committee, in all fairness and equity, whether we will submit to the attempt to dragoon this House into making this enormous and extravagant appropriation? In the first place, if it is in order, I would desire—

Mr. PECKHAM, (interrupting.) I merely desire to ask the gentleman what extravagant appropriation he refers to?

Mr. FLORENCE. The extravagant appropriation of \$580,000.

Mr. WALKER, (interrupting.) I wish to advert to one remark made by the gentleman; and that is in reference to the liability of this building to take fire. Now, the building is most emphatically fire-proof in all its parts. It is as thoroughly constructed as any building in the United States, and as fire-proof as stone, brick, and iron can make it.

Mr. FLORENCE. I do not care how thoroughly fire-proof it is, it is impossible, in case of fire, to get access to this building; and furthermore, in case of the burning of the surrounding buildings, the walls would tumble down upon it, and crush it into one mass of ruins.

I do not desire to occupy the time of the committee at this late hour of the session, and I trust this amendment will not be concurred in. The whole question was fairly and freely discussed on a former occasion.

[Here the hammer fell.]

Mr. HAVEN. I can give no explanation of this amendment, further than has already been given. This proposition has no connection with the assay office at all. It stands by itself, as a single proposition. The only question for the committee to decide is, whether they will allow this property, which is worth \$45,000, to go, rather than pay this prior claim, which will secure it to the Government?

Mr. FULLER. Why did the Committee of Ways and Means recommend to strike out the proviso at the end of the provision for the assay office?

Mr. HAVEN. Because the authority of the State of New York has been already ceded. That is the only reason. Now, sir, I have no more to say upon this subject. I hope the committee will not longer discuss it, but come at once to a vote. It is a matter of no consequence to the city of New York whether the committee concur or non-concur in the amendment.

Mr. JONES, of Tennessee. I will simply make one remark to the gentleman from Pennsylvania, [Mr. FLORENCE,] who also seems surprised that I should support this amendment. Sir, the gentleman may recollect that on a former occasion, when it was proposed to purchase a certain marble palace in Chestnut street, Philadelphia, that I supported that proposition. I voted for it because I thought it was right, because the Government needed the building, and because it could be obtained upon better terms than they

could obtain any other building that would answer the purpose equally well.

Mr. FLORENCE. I withdraw my amendment.

Mr. ZOLLICOFFER. I move the following amendment:

And the Secretary of the Treasury is hereby authorized to purchase a site, and contract for the construction of a custom-house at Nashville, Tennessee, to include accommodations for a post-office and United States court room, at a cost not exceeding one hundred thousand dollars, and to be paid only out of any net revenues which may arise out of customs duties to be collected at that port within the next four years.

Mr. FLORENCE. I submit that that amendment is not germane to the proposition under consideration. I submit that it is not in order.

The CHAIRMAN. The Chair thinks it is not in order.

Mr. ZOLLICOFFER. I had supposed that amendment would not be decided as germane to any appropriations in this bill; but, sir, I have seen various amendments offered and received, making appropriations for the establishment of custom-houses, both in this House and in the Senate. I would now be glad if the committee would indulge me in a short statement in reference to this amendment.

Mr. HENDRICKS. I rise to a question of order. I want to know whether the amendment offered by the gentleman is in order? If it is, I have an amendment to offer to it.

The CHAIRMAN. The Chair decides that it is not in order, upon the ground that it is not germane to the subject under consideration.

Mr. ZOLLICOFFER. Not germane to the bill itself, or not germane to the particular item under consideration?

The CHAIRMAN. To the item under consideration.

Mr. BAYLY, of Virginia. I suppose the amendment is still open to amendment. I move to strike out from the twelve hundred and ninety-sixth line to the thirteen hundred and first, inclusive, as follows:

And the Secretary of the Treasury, at his discretion, is hereby further authorized to purchase, for the use of the United States, such property adjoining thereto, situated on Pine street, on which the United States now hold a mortgage, as may be sold to satisfy the same, at a price not exceeding the amount of said lien.

I desire to strike out this provision, because I have yet heard no reason advanced to show why we should make this appropriation for the purchase of this additional lot. As well satisfied as I have been from the beginning, that the lease and contingent purchase of the first lot was improvident, I am still more satisfied that this is so. I have heard no reason assigned for the purchase of this second lot, except that there are two liens upon the property; first, to a private individual, and, secondly, to the United States; and it has been said here in debate, that unless there is some provision made to enable us to purchase it at the price of the first lien, it may be bid off for a less price to some private individual, and the Government will not only not get the lot, but will not get anything.

Now, sir, has it come to this, that in the great city of New York lots cannot bring their value, especially in Wall street, until the Government, by appropriation, is made one of the bidders. Without questioning the accuracy of the information of the gentleman from New York and others, it strikes me that there is no necessity for creating a bidder for a lot so near the assay office as this will be by appropriation, in order to make it bring its value under the lien which is on it.

Mr. HAVEN. If the gentleman will allow me, I will say that is a portion of the business for which I never asked. I have no particular fancy for one way or the other. If the gentleman and the committee think that the interests of the country may be better protected by letting it go as it is, I am willing the amendment shall be stricken out.

Mr. BAYLY. I do not think that the Government wants the lot at any price; and I do not think there is any occasion for this Government being made a bidder at vendue in order that we may make a little money by running the property up. I do not think that it is a proper business for this Government to go into speculation in town lots.

Mr. PECKHAM. Where a party has a lien on property, is it not the general practice to give directions that at the sale it shall not be sacrificed

to the injury of that lien? Is not that the universal practice all over the country?

Mr. BAYLY. That is a question it would take long to go into. There may be some question about the legality of it, and I could argue the question with the gentleman, if the proper occasion arose. But whether that be proper in the case of individuals or not, there is no occasion for the Government going there with authority to run up the price of a lot in such a city as New York. But I doubt the propriety, or the legality, even, among individuals, of the thing to which my friend refers.

Mr. HOUSTON. The gentleman from Virginia says that there has been no reason given for the purchase of this additional strip of land. I do not care much about it. If the committee wish to strike it out, very well; but let us get along with the bill. I think that there are reasons why this amendment should not be stricken out. That property is immediately adjoining the New York custom-house. It also adjoins the property for which we have a lease, and the purchase of which we have authorized by this bill. Gentlemen who have looked into the subject, I presume that I may venture to say, are compelled to admit that the accommodations of the custom-house at New York city are not enough for the business there by one third. You have your custom-house officers crowded, three and half a dozen in one room not large enough to accommodate one half the number. I saw these things myself. Even, Mr. Chairman, if this lot be not necessary to us now, how long will it be before the growing business of that great city will make it necessary? How long will it be before you will not only need that, but other lots? Now you have an opportunity of securing this lot under favorable circumstances. You have a lien on the property, a second lien to be sure; but the property is worth some \$45,000. The first lien is only for \$8,000 or \$10,000. If the Secretary of the Treasury be authorized to become a bidder at the sale, he cannot only protect the interests of the Government in the collection of the debt, but he may purchase under favorable circumstances the property for which he may some day or other, if you do not purchase it now, be compelled to pay ten times what we may not get it for.

The question was taken upon Mr. BAYLY's amendment; and it was rejected.

The Senate amendment was then concurred in.

One hundred and tenth amendment:

And the Secretary of the Treasury shall be authorized to appoint some suitable person to act as inspector of drugs and medicines for the port of San Francisco, in the State of California, at an annual compensation of \$3,000.

Mr. JONES, of Tennessee. The committee recommend a non-concurrence in the amendment.

The amendment was non-concurred in.

One hundred and eleventh amendment:

For prosecuting operations on the marine hospital at Portland, in the State of Maine, \$50,000.

Mr. JONES of Tennessee. The committee recommend a non-concurrence in that amendment.

Mr. MACDONALD. I propose to increase the amount \$1,000.

I simply desire to call the attention of the committee to what appears to me to be a very strange thing in this bill, although I do not know that I am correct in my opinion. It will be noticed in this bill that marine hospitals at various points are provided for, commencing at Cleveland; and in House document No. 2 you will find that the Secretary of the Treasury recommends appropriations for the completion of marine hospitals at Cleveland, at St. Louis, at Chicago, &c., all of which are included in this bill. In the same document, on page 46, the Secretary recommends appropriations for the completion of the marine hospitals at Vicksburg, at Portland, and at Cincinnati.

What strikes me as most singular in the bill is, that the proposition to continue the work at Vicksburg is authorized and provided for, or, in other words, they have complied with the recommendation of the Secretary of the Treasury in each particular case, excepting in the city of Portland. I suppose the Committee of Ways and Means can explain it, but I can hardly understand why it is so. There are no hospital accommodations east of Boston. At Portland we are exposed to the hardships of a severe winter, and if there is

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any place upon the Atlantic coast where the sailor needs protection, and where he is exposed to hardship and disease, it is at this very city of Portland: In commercial importance Portland is the seventh or eighth port in the whole country. I hope that the recommendation of the Committee of Ways and Means will be disregarded. The Government already own a site there. Shall it be occupied or not? If it is to be occupied, we must have some money to put up a building. If it is not to be occupied, you had better direct the site to be sold.

Mr. LETCHER. I am opposed to this amendment, and I am opposed to all other amendments that may be offered to this bill. We have but a few days more of this session left to dispose of this and other bills. It is perfectly manifest, I think, from what has occurred in this House, and from the recommendations of the Secretary of the Treasury, and from what has occurred in the other wing of the Capitol, that the thirty millions surplus is to be spent, and I think we can get along just as well, and probably as profitably, if we vote in all these propositions, and be done with them, and let the money go.

Mr. MACDONALD, by unanimous consent, then withdrew his amendment.

Mr. WASHBURN, of Maine. I move to amend the amendment by increasing the sum fifty dollars. I desire to say that we appropriated, during the last Congress, \$30,000 or \$40,000 for the purpose of purchasing a site for the marine hospital in the city of Portland. That site, I believe, has been purchased, and now it is proposed to appropriate something for erecting the hospital thereon; that is, to carry out the original object which Congress had in view in making an appropriation for the site. And it was, by the slightest accident, occasioned by the absence of the gentleman who had the matter in charge at the time the bill was originally in the House, that the appropriation was not made when the other appropriations were made. If he had been here this appropriation would undoubtedly have gone through as a matter of course; as it would have passed easily on its merits.

There is now no marine hospital in the country east of Boston. It is known that there is a vast number of sailors in that region of country. A large proportion of these sailors come from the Provinces, and from the State of Maine. The hospital in Boston is at this time crowded and over crowded. It is more than full, and the question arose in the Committee of Ways and Means at the last Congress, whether we should make the hospital of Boston larger than it was, and make an additional appropriation for increasing and repairing it, or whether we should build a new one in the State of Maine. And it was decided, I believe, upon the recommendation of the honorable member from Boston, that it would be better, instead of having a hospital too large and overgrown, to have more of them, and among them one in Maine; that it would be better to have one in Maine than to have a large single one in Boston. Upon his recommendation, a gentleman who knew, perhaps, better than any other man in this House, what the wants of the country require, the appropriation of last year was made. It was made for the purpose of having another hospital on the northeast coast, for the reason that it would be a saving to the Government, and a saving to the sailor. The sailor would then have a hospital near to the place where he is disabled, and where such accommodations are required. Then he would not have to beset the long distance from the Bay of Fundy or the coast of Halifax to Boston. It was for that reason that the Committee of Ways and Means last year recommended an appropriation in favor of that object, and an appropriation was made. All we ask for now is simply an appropriation to carry on the operations, and that would have been granted when this bill was under consideration before the House on a former occasion, if the gentlemen who had charge of this matter had been in the House at the time to offer the proposition. I understand that the only reason why the Committee of Ways and Means have recommended a non-concurrence

in this Senate amendment is, that they came to the conclusion to have no more hospitals if they could prevent it.

Mr. HIBBARD. In the year 1852 Congress appropriated \$30,000 for this marine hospital. The site was purchased for \$11,000, as appears from the finance report of the Secretary of the Treasury. The Secretary, however, says:

"This selection not being considered judicious, a second commission has been appointed to select another site. Their recommendation has not yet been acted upon."

Here, then, is an appropriation of \$30,000, of which \$11,000 has been paid for a site, which has been pronounced an injudicious one, and a recommendation has been made to change it. Nineteen thousand dollars remains in the Treasury in no-wise expended for any purpose. It seems to me, admitting for the sake of the argument—which I do not admit in fact—that it is desirable to have an appropriation, that there is money enough appropriated for present purposes, for we have the original amount of \$30,000 which was appropriated, and nothing really done which is proposed to be done, for it must be remembered that it is recommended to give up the site already purchased. Nothing appears to show what the new site, proposed to be purchased, will cost. There is no report upon the subject. The recommendations have been too liberal, in our opinion, and though they have been most liberal, we still are asked for this appropriation of \$50,000. Now, in the city of New York, the center of all the commercial transactions of our country, there is no marine hospital, and the people do not want one there. They have entered into a better system, which is to support the patients at private boarding houses.

Mr. WALSH. In the city of New York the Government pays for such sick sailors as may be there, the sum of three dollars per week for board at the city hospital.

Mr. HIBBARD. We have made appropriations for hospitals where there were no patients, and where there never will be. I admit that I, for one, am against this whole system; at least to the enlargement of the system, as is now proposed to be done. I do not say that there should be no marine hospitals, but I say it is worse than folly to scatter them about in places where there are patients ranging in number only from one up to ten and twelve a year, as the report before me shows. I hope the committee will make no appropriation for this point. I do not think there is any need for it at all.

Mr. WASHBURN's amendment to the amendment was disagreed to.

Mr. WASHBURN, of Maine. I move to increase the appropriation ten dollars, for the purpose of saying a word in reference to this subject.

I find, from Senate document No. 2, that there are marine hospitals at Chelsea, near Boston; Norfolk, Virginia; Ocracoke, North Carolina; Cleveland, Ohio; Chicago, Illinois; Pittsburg, Pennsylvania; Louisville, Kentucky; Paducah, Kentucky; Natchez, Mississippi; New Orleans, Louisiana; Mobile, Alabama; and Key West, Florida. Appropriations have been made for such establishments at Napoleon, Arkansas; Vicksburg, Mississippi; Evansville, Indiana; Portland, Maine; San Francisco, California.

Mr. WALSH. Yes; and at one half of these places a sailor would be regarded as great a curiosity as a native of Kamschatka.

Mr. WASHBURN. That may all be true. I believe there are a good many of the locations of these marine hospitals which were badly selected. But, sir, such is not the case with reference to Portland. I venture to say there are no ports in the United States, with the exception of Boston, New York, New Orleans, and San Francisco, where there are so many sick and disabled seamen who need to be taken care of as at Portland. And whatever necessity there may be or may not be at other locations, whether marine hospitals have been injudiciously erected or not, I say, that if they are to exist anywhere, there should be one at Portland.

Mr. HIBBARD. If the gentleman will allow

me, there is a marine hospital at Pittsburg, and there are no patients there at all.

Mr. WASHBURN. That may all be; and if it is so, a marine hospital should not have been placed there. But, sir, I repeat, that because some of these hospitals have been placed in improper locations, is no reason why such institutions should not be established where they are necessary. I say that one is very much needed at Portland, and the fact is well known to this committee.

Now, in reference to the argument of the gentleman from New Hampshire, [Mr. HIBBARD,] that a site has already been purchased, I will state that a site was purchased for \$11,000; but it was afterwards ascertained that it was an improper one, and a part of this appropriation is to be applied for the purchase of a new site.

Mr. MACDONALD. If my colleague will allow me, I will state that he is under a misapprehension in reference to this site for a marine hospital in Portland. He states correctly that a site was originally purchased for the construction of a marine hospital. An objection was made to it, and the Secretary of the Treasury ordered the operations to be suspended on that account. But, upon further examination, the objection has been since removed. The site is regarded as a good one, and there is no purpose to obtain any other.

Mr. WASHBURN. Well, sir, then there is no reason why they should not go on and complete the hospital. I think if the committee will look at the facts as they exist in reference to this case, they will not fail to agree to this amendment.

Mr. STANTON, of Tennessee. I am opposed to this amendment, and ask that a vote may be taken upon it.

Mr. WASHBURN. I will withdraw my amendment, if there be no objection.

Mr. WALSH. I object.

The amendment was disagreed to.

The question then recurred upon concurring in the Senate amendment.

Mr. WASHBURN. I demand tellers.

Tellers were ordered; and Messrs. HENDRICKS and WALKER were appointed.

The question was taken; and the amendment was concurred in, the tellers having reported—ayes 77, noes 47.

One hundred and twelfth amendment:

To provide a suitable building as a marine hospital at St. Marks, Florida, \$5,000.

Mr. HAVEN. The Committee of Ways and Means recommend a non-concurrence in the amendment.

Mr. MAXWELL. I move to increase the appropriation five dollars.

Mr. Chairman, I wish to call the attention of the committee simply to the necessity for an appropriation for a hospital at St. Marks. I thought that the modesty of the request, if nothing else, would have commended it to the favor of the Committee of Ways and Means. We only ask \$5,000 for a suitable building as a marine hospital at this place; and if there be a necessity for a marine hospital anywhere in the United States, we can claim that it is necessary at St. Marks. It is exposed to all the epidemics which rage on the southern coast during the summer and fall. Trade between that point and New York, Boston, and other northern cities, commences before these diseases have worn away.

We have no interest of our own in this matter. We have no seamen to provide for in these hospitals. The seamen to be provided for come from your northern ports, and thus become exposed and subject to diseases which carry them off, as many were carried off during the past season; for at this little place the loss by death was greater in proportion to the population than in the city of New Orleans, where the epidemic raged to such a fearful extent during the last season. With these facts before the committee, I am sure that they will not refuse this modest appropriation of \$5,000 to build a hospital for seamen at that port.

I hope, therefore, that the committee will concur in the amendment of the Senate.

The question was taken on Mr. MAXWELL's amendment to the amendment, and it was not agreed to.

Mr. SEWARD. I move to amend the amendment, by inserting after the word "Florida" the words "Darien, Georgia," and at the end of the word "dollars," adding the word "each."

The amendment, if so amended, would read:

To provide a suitable building as a marine hospital at St. Marks, Florida, and Darien, Georgia, \$5,000 each.

Mr. JONES, of Tennessee. I rise to a question of order. I ask the Chair whether that amendment is in order or not? There is no law authorizing the erection of a marine hospital at Darien.

The CHAIRMAN. The same reason which applied to the gentleman's amendment for the marine hospital at Savannah, applies also to this. The Chair is of opinion that the amendment is not in order.

Mr. SEWARD. I should like to know the reason why it is not.

The CHAIRMAN. Does the gentleman from Georgia take an appeal from the decision of the Chair?

Mr. SEWARD. Yes, sir; I do.

The CHAIRMAN. The gentleman from Georgia [Mr. SEWARD] offers an amendment to the amendment providing for the erection of a suitable building for a marine hospital at Darien, Georgia, and increasing the appropriation. The Chair rules the amendment out of order, because there is no law authorizing the erection of any such building. The gentleman from Georgia appeals from the decision of the Chair ruling his amendment out of order. The question will be: "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. SEWARD. I would like to state my reason for appealing from the decision of the Chair. I understand that there is no law providing for a marine hospital at St. Marks, Florida, any more than at Darien. I think, therefore, that my amendment is germane to the amendment of the Senate.

The question being on the appeal taken by the gentleman from Georgia,

Mr. SEWARD asked for tellers.

Tellers were not ordered.

The question was taken; and the decision of the Chair was sustained.

The question recurred on the amendment of the Senate.

Mr. COBB demanded tellers.

Tellers were ordered; and Messrs. KERR and BOGOCOCK were appointed.

The question was taken; and the tellers reported—ayes 80, noes 50.

So the Senate's amendment was concurred in.

One hundred and thirteenth amendment:

Page fifty-five, line thirteen hundred and thirty, under the head of "marine hospital," insert the following:

To provide accommodations for sick and disabled seamen at Cincinnati, Ohio, \$50,000; and the Secretary of the Treasury is hereby authorized to use such part of said sum for the purchase of a site for a marine hospital at said place as he may deem expedient.

Mr. STANTON, of Tennessee. I desire to offer an amendment to the Senate amendment. I move to strike out all after the word "seamen," and insert in lieu thereof the following words: "upon the Mississippi and Ohio rivers, \$50,000;" so as to make the clause read:

To provide accommodations for sick and disabled seamen upon the Mississippi and Ohio rivers, \$50,000.

The part of the clause which I propose to strike out provides for the erection of a marine hospital in the city of Cincinnati. Of all the places upon our western waters I consider a marine hospital at that point unnecessary, on account of the facts which were presented in debate here this morning, that in private hospitals disabled seamen can be accommodated much more easily and cheaply to the Government than they can be by the construction of a public hospital. If there is any place upon the Mississippi river, or in the whole western country, where it is desirable that a public hospital should be erected, it is at Memphis; for that is the highest point upon the Mississippi where the fevers of the southern gulf coast do not reach, and at that point all sick seamen would naturally disembark. You find, in fact, that hardly one of them is willing to stop at Napoleon, where

the Government of the United States went to a heavy expense in the erection of a hospital. The result is, that a number of these men are thrown upon Memphis at a great expense to them, though I am happy to say that the Secretary of the Treasury has been in the habit of furnishing accommodations to those seamen by an expenditure of a part of the fund at his command at the private and public hospitals at that place. It is of more importance that this money should be expended there than at any other point lower upon the Mississippi river, and it is nothing more than right that a portion of these expenditures should be appropriated to that part of the river.

The committee will perceive that this amendment is not for boatmen upon the river, but for sick and disabled seamen. But whether it relates to boatmen or not, it is right and proper that this sum should be expended, not at Cincinnati alone, but that it should be distributed at all the important points of the river, and especially below the city of Cincinnati, where the largest number of men engaged on the ocean and river are always to be found in a disabled and sick condition.

Mr. DISNEY. I feel very certain, that if the members of this committee were aware precisely of the state of facts in regard to the sick and disabled boatmen, or seamen—for that is the term used in this amendment, and that is the phraseology always used in reference to our river boatmen, as well as to seamen proper—I repeat, if the members of this committee were familiar with the state of these boatmen at Cincinnati, the amendment of the gentleman from Tennessee would not have been offered by him. Now, one word in regard to the gentleman's argument. There is force in it, if it were applicable to the city of Cincinnati. Heretofore, the private hospitals of that city have taken care of these men, and the Government has been enabled to avoid the expense, responsibility, and cost of the erection of a public building for that specific purpose.

The directors of these local hospitals have given the Government notice that they cannot longer take care of this class of persons. At the commencement of the present session of Congress, the Secretary of the Treasury recommended the appropriation which the amendment of the Senate calls for. This appropriation is necessary, because, as I have said, there are no public accommodations for taking care of the sick and disabled seamen who arrive there. Sir, there is not a port in the whole country where a marine hospital is more needed than one there.

Any one who is at all acquainted with the facts knows that these buildings have been constructed up and down the Mississippi river without regard to the wants of the localities which were selected. The number of sick and disabled boatmen who land at Cincinnati exceeds four times that at any marine hospital upon the Mississippi river, with the exception, perhaps, of New Orleans alone. You have located your hospitals at the wrong places. But because they have been located at the wrong places, where there are no patients to accommodate, is that any argument why you should not establish one at a point where the boatmen do come, and where they need to be accommodated?

The Government is now actually reduced to the necessity of letting out the taking care of these sick and disabled boatmen to the lowest bidder. At this time a party has contracted to take care of these boatmen, and no hospital can be obtained for their accommodation. They are placed in mere ordinary buildings—in common residences. There is no alternative left but to adopt this course, or turn them into the streets. The Government has no other means of protecting them. Such is the condition of affairs in that city at this time. I have no personal interest in the matter, except to see proper provision made for those boatmen. It is not an appropriation which is asked for specially by the city of Cincinnati; but it is needed by the boatmen; and if the facts were properly understood, there would be no objection to this amendment.

Sir, this is a proper provision for a general appropriation bill. Appropriations have been made for this work under existing laws. Such appropriations have been inserted in other appropriation bills which have passed this House.

So stands the case, and the committee must judge for itself whether they will allow the appro-

priation to be made. As I remarked, the taking care of those sick and disabled seamen is now done by contract by parties who occupy ordinary residences, and take the patients as a matter of speculation.

[Here the hammer fell.]

Mr. STANTON's amendment was not agreed to.

Mr. TAYLOR, of Ohio. I move to increase the amount contained in the Senate's amendment \$1,000.

Mr. Chairman, I have offered this amendment for the purpose of saying, that if gentlemen will look in House miscellaneous document, page eleven, they will see that the Secretary of the Treasury recommends this appropriation for the reason that the sick and disabled seamen, who land at Cincinnati, cannot be properly taken care of, unless further provisions be made for their accommodation. I simply ask that gentlemen will look to the miscellaneous document, to which I have referred, and see the recommendations of the Secretary of the Treasury, and the reasons for making them, in reference to this appropriation. I think the House will concur in the amendment of the Senate, if they will look for a moment at the important position of that great city. Sir, Cincinnati does not ask for this appropriation. The State of Ohio does not ask it. But the Secretary of the Treasury, under the best advice he can get, says it is absolutely necessary, in order properly to take care of the sick and disabled seamen at that point. Sir, the Ohio river has thousands of miles of navigation, and, with the Mississippi river, it has five thousand miles navigation.

And here I take occasion to say that the State of Ohio asks for nothing of the General Government except what its officers deem necessary for the best interests of the United States. She is an interior State, having a population of two million inhabitants, and paying one twelfth of the \$50,000,000 or \$60,000,000 revenue of the Government. She does not ask for a dollar beyond what is asked as necessary. Cincinnati is a city of two hundred and fifty thousand or three hundred thousand inhabitants, and deals with five million of people. Ohio is a State having \$300,000,000 of taxable property, and notwithstanding she pays one twelfth of the revenue of the Government; men are found to oppose a small appropriation of \$50,000 to take care of sick and disabled seamen there. Having appropriated for Vicksburg, St. Louis, Chicago, and other places in the West, I say that this committee will do itself injustice in withholding this small appropriation of \$50,000 to take care of sick and disabled boatmen who navigate the five thousand miles of your western waters. Give this sum for the benefit of the boatmen of the United States who manage the steamers, flat-boats, and rafts of your western waters. What is \$50,000 to a State which contributes one twelfth of your revenue?

We do not ask it for ourselves. We ask it for the western boatmen. We ask it because the Secretary of the Treasury has said that it is necessary. We ask it because he says there will be no accommodation there after the 1st day of July, 1854, for the sick and disabled seamen. They are now quartered in the medical college at so much per head. This amendment is recommended by the Department as one eminently entitled to the favor of the Government.

[Here the hammer fell.]

Mr. STANTON, of Tennessee. I am opposed to the amendment of the gentleman from Ohio, not because I do not think that an appropriation is necessary for sick and disabled seamen at Cincinnati; but I think that these appropriations should be made for places all along the Mississippi and Ohio rivers. I know that a large proportion of these men are to be found in a sick and disabled condition at Cincinnati; but that is not the only place, and there is no reason why appropriation should be solely confined to it. I agree with the gentleman from Ohio, [Mr. DISNEY,] that the western marine hospitals are placed on wrong sites. I think there is nothing more certain than the correctness of that position. You cannot get a seaman to disembark at Napoleon, if he happens to fall sick at that point. He knows that the hospital may be three or ten feet under water. At least the adjoining ground may be submerged, and he cannot expect anything but death. And, in my judgment, that hospital ought not to be at that point.

I have no doubt that at Cincinnati, Memphis, and other places, private accommodations of a proper character may be found. Nevertheless, I should be perfectly willing to see an hospital built at Cincinnati, for I believe that to be one of the proper places. At the same time I am bound to say that it is equally right and equally indispensable that one should be located at Memphis, or at least that an appropriation should be made to accommodate the sick and disabled seamen there. It is as necessary to have an hospital there as at Cincinnati.

Mr. TAYLOR, by unanimous consent, withdrew his amendment.

Mr. DISNEY. I move to increase the amount of appropriation five dollars. I do it in order that I may make a simple statement of facts which I had intended to present to the committee, when my time so suddenly expired. Gentlemen will find, in turning over the reports of these institutions, that while at some of the marine hospitals in these western waters, the number of patients is sometimes five, ten, or fifteen, and in others, sometimes forty a year; there has been, upon an average, in the hospital at Cincinnati, something like four hundred. Gentlemen talk about the necessity of hospitals at Memphis, and other places. But when boatmen get sick they go to a great commercial city like Cincinnati, where they can find employment when they get convalescent. You will find them there every year, and they far outnumber the patients at all the other hospitals put together. The Secretary of the Treasury has made a specific recommendation that you should make this allowance. As to these seamen being provided for in the hospitals conducted by private enterprise, they go into the business as a matter of speculation, and if they find it unprofitable, then these poor sick invalids will be cast out. The local institutions are not capable of accommodating them, and they have refused to do so.

Mr. HOUSTON. I am opposed to the amendment. The appropriations for new marine hospitals and custom-houses will amount to something over \$3,000,000 at a fair calculation.

Mr. TAYLOR, of Ohio. I would inquire what the amount of the appropriation in the whole bill is?

Mr. HOUSTON. It is more than \$16,000,000.

Mr. TAYLOR. What a petty amount is appropriated for marine hospitals upon the western waters!

Mr. HOUSTON. I do not intend to discuss the propriety of making the particular appropriation under consideration. The appropriations made for new marine hospitals, and new custom-houses in this bill, over and above the amount in the bill when it went from the House, will amount to more than \$3,000,000. I presume from the votes given here this morning, that these amendments are all going into the bill. If gentlemen are going to put them in, let them do it at once and speedily.

The question was then taken; and the amendment was rejected.

The question then recurred upon concurring in the Senate amendment.

Mr. DISNEY demanded tellers.

Tellers were ordered; and Messrs. KERR and WESTBROOK were appointed.

The question was taken; and the tellers reported—ayes 65, noes not counted.

So the Senate's amendment was concurred in.

One hundred and fourteenth amendment:

For life-boats, and other means of rendering assistance to shipwrecked mariners and others, on the coast of the United States, to be expended under the direction of the Secretary of the Treasury, \$10,000. For the purchase of metallic surf-boats to rescue lives and property, and to be located at each of the following ports, \$12,500, viz: On the east side of Lake Michigan, at Michigan city, one; New Buffalo, one; St. Joseph, one; Kalamazoo, one; Manistee, one; Grand River, one; Muskegon, one; Pier Marquette, one; and South Black River, one. And on the west side of Lake Michigan, at Chicago, two; Kenosha, one; Milwaukee, one; Sheboygan, one; Death's Door, one; Two Rivers, one; Manitowoc, one; Waukegan, one; Racine, one; Port Washington, one; Washington Harbor, one; South Manitou Island, one; Kalley's Harbor, one; and at Calumet, one; or at such other points as shall be designated by the Secretary of the Treasury, to be expended under the direction of the Secretary of the Treasury; who shall also adopt such measures as shall be necessary for the preservation of such boats.

Mr. HAVEN. The Committee of Ways and Means propose an amendment to that section, the main point of which is to strike out part of the

appropriation, inasmuch as it is duplicated in the bill. The amendment strikes out that portion which proposes to locate the boats at certain points, and leaves that to the Secretary of the Treasury. On application to the Secretary of the Treasury, the gentleman who give security for these boats can have them at any points they desire.

[Cries of "That is right!"]

The Clerk read the amendment, as follows:

Strike out the words in lines thirteen hundred and sixty-eight, sixty-nine and seventy, and to the word "dollars" in line thirteen hundred and seventy-one, "For life-boats and other means of rendering assistance to shipwrecked mariners and others, on the coast of the United States, to be expended under the direction of the Secretary of the Treasury, \$10,000."

After the word "at" in line thirteen hundred and seventy-three, strike out the words "each of the following ports, \$12,500, viz: On the east side of Lake Michigan, at Michigan City, one; New Buffalo, one; St. Joseph, one; Kalamazoo, one; Manistee, one; Grand River, one; Muskegon, one; White River, one; Pier Marquette, one; and South Black River, one. And on the west side of Lake Michigan, at Chicago, two; Kenosha, one; Milwaukee, one; Sheboygan, one; Death's Door, one; Two Rivers, one; Manitowoc, one; Waukegan, one; Racine, one; Port Washington, one; Washington Harbor, one; South Manitou Island, one; Kalley's Harbor, one; and at Calumet, one; or,"

And in line one thousand three hundred and eighty-four, strike out the word "other;" and after the word "boats," in line one thousand three hundred and eighty-seven, insert: "but no part of the money shall be paid to persons having care or charge of any of said boats, but the same shall be kept by the person or persons in whose care they shall be placed by the Secretary of the Treasury, without expense to the United States;" so that the amendment shall read:

For life-boats, and other means of rendering assistance to shipwrecked mariners and others, on the coast of the United States, to be expended under the direction of the Secretary of the Treasury, \$10,000. For the purchase of metallic surf-boats, to rescue lives and property, and to be located at such points as shall be designated by the Secretary of the Treasury, to be expended under the direction of the Secretary of the Treasury, who shall also adopt such measures as shall be necessary for the preservation of such boats; but no part of the money shall be paid, &c.

Mr. HAVEN. That leaves the appropriations substantially as it finds them now. It proposes to strike out the specific localities, and leaves the Secretary of the Treasury to distribute these boats as, in his judgment, he deems best. But it further provides that no part of this money shall be paid to compensate any persons who keep these boats. The way that thing is done now, or the way in which it ought to be done, is, that commercial men, at points upon the lakes, and upon the sea-coast, make application, by letter, to the Secretary of the Treasury, for boats. The Secretary says to them: Give me a bond for \$1,000, and I will send you a boat, and you shall take care of it, and use it for the benefit of commerce, and pay the expenses attending the keeping of it up. Business men, interested in navigation, do not ask to make this a charge upon the Government. If the Government will give them a boat, it is all they ask.

Mr. WALLEY. I agree entirely with the argument of my friend from New York, but not in the latter part of his amendment; and I agree in his statements, so far as they are correct; but it is my misfortune to have to correct his statement in part, so far as it relates to the first part of the amendment contained between lines thirteen hundred and sixty-eight and thirteen hundred and seventy-one, which he says is a reduplication of the previous clause which was passed in the bill as it went from the House originally.

I am in the possession of facts in reference to this matter, which I will state for the consideration of the committee. The truth of the matter is, that I was requested to have an appropriation made in behalf of an association in the city, which I have the honor, in part, to represent, to be applied for this very purpose stated in the Senate amendment. I so stated to the chairman of the Committee on Commerce in this House. He advised me to have the amendment put on in the Senate. I went to see the chairman of the Committee on Commerce in the Senate, and he assured me that he would attend to it. The Committee on Commerce, however, objected to making the appropriation in the form I proposed, because they did not want to admit the name of an association in the bill. They said that a general appropriation had been made, but that they would add to the appropriation which the House had recommended to the Senate, to be expended under the discretion of the Secretary.

Mr. HAVEN. How much was it?

Mr. WALLEY. Ten thousand dollars. It was so stated to the committee, and the committee recommended it, and I have the authority of one of the members of the Committee on Commerce in the Senate—I refer to Mr. STUART, of Michigan—for saying that the committee intended it as an appropriation in addition to that which the House had placed in the bill. They did it in consideration of the facts urged in the memorial to which I have referred, and which one of my colleagues in the Senate presented to the Senate from the association of merchants in Boston.

Mr. HAVEN. The original amount in the bill is \$10,000 for this purpose. Then follows the Senate substitute, substantially the same as that contained in the original bill, except adding thereto the words "to be expended under the direction of the Secretary of the Treasury." That the Committee of Ways and Means propose to strike out.

Then there is a further appropriation, placed in the bill by the Senate, of \$12,500, which the Committee of Ways and Means propose to leave in the bill. So that, in addition to the usual appropriation of \$10,000—striking out the duplicate \$10,000—we have \$12,500 more than has heretofore been appropriated.

Mr. WALLEY. Exactly, as I stated to the committee. There was an appropriation of \$10,000 put into the bill by the House for light-boats, as a means of rendering assistance to wrecked mariners, and which had no reference to the association of merchants. The committee put in \$10,000 more; and it was founded upon the fact, that upon our coast last fall there was an immense destruction of property and life. Hundreds of lives were lost last December. Heretofore an association of merchants have had charge of this matter.

The provision has been made several times by the State Legislature of Massachusetts. But, sir, I ask gentlemen to remember that the proposition made here for life-boats will not touch the coast of Massachusetts. That provision has reference to the wants of the lake coast exclusively, and will not touch our coast. There is a provision for the coast of New Jersey and that of Long Island; and that is all. It was but a short time since that a ship was cast away upon our coast, and many lives lost, that could have been saved if these life-boats had been there.

Mr. HAVEN. I will simply say, in reply to the gentleman from Massachusetts, that we put \$10,000 into another bill for this purpose. The committee did not want to duplicate the provision, and, therefore, they recommended that it should be stricken out.

Mr. WALLEY. I desire to ask the gentleman in what other bill the provision of which he speaks has been inserted?

Mr. HAVEN. In the light-house bill.

Mr. WALLEY. That was not in reference to the Massachusetts coast at all.

Mr. HAVEN. Yes, sir; it applied to the whole coast, from Maine to California.

Mr. WALLEY. I desire to ask a division of the question before the entire amendment of the Senate is disposed of. I have no objection to the recommendation of the Committee of Ways and Means being adopted in reference to the last portion of the amendment; but I hope the first portion will be retained. I ask the Chair whether the question is divisible?

The CHAIRMAN. The Chair thinks the question may be divided.

Mr. WALLEY. Then I ask that the question may be first taken upon concurring in the following clause:

For life-boats, and other means of rendering assistance to shipwrecked mariners and others, on the coast of the United States, to be expended under the direction of the Secretary of the Treasury, \$10,000.

Mr. SKELTON. Is that amendment debatable?

The CHAIRMAN. It is not.

The first portion of the Senate amendment was then non-concurred in.

Mr. STUART, of Michigan. I do not know that the committee fully understand the amendment.

The CHAIRMAN. The question has been decided.

Mr. STUART. Do I understand that the \$10,000 is to be stricken out, and that the \$12,500

is to be distributed over the whole coast of the United States?

The CHAIRMAN. No, sir.

Mr. SKELTON. Would it be in order to move to amend that portion of the amendment proposed to be stricken out?

The CHAIRMAN. Yes, sir.

Mr. SKELTON. I move to increase the appropriation to \$11,000.

Mr. Chairman, I have moved the amendment with a view of presenting some facts to the committee which I have learned in my examination of the subject. There is an appropriation in the light-house appropriation bill for the coasts of New Jersey and Long Island; but it does not meet the recommendation of the Secretary of the Treasury by some \$30,000. The life-boats located on the coasts of New Jersey and Long Island have been in use for six years, and the number of lives saved by them during the last year was more than two thousand seven hundred. The many shipwrecks and disasters which have occurred on our coasts of late loudly call for an extension of the life-boat system which has been so successfully begun. By it many lives and a large amount of property have been saved. As I have said, the appropriations do not meet the recommendations of the Secretary of the Treasury by some \$30,000. I think, since protection has been so successfully afforded on the New Jersey and Long Island coasts, that it should be extended to all the other coasts of the country.

Mr. STUART, of Michigan. Is it in order to offer an amendment?

The CHAIRMAN. It is not. But the gentleman may oppose the amendment of the gentleman from New Jersey.

Mr. SKELTON, by unanimous consent, withdrew his amendment.

Mr. STUART. I move to amend by increasing the appropriation to \$12,000. Mr. Chairman, if I understand the amendment of the gentleman from New York, it is to strike out the item of \$10,000 in the first clause of the Senate's amendment, which will leave the \$12,500, now provided for Lake Michigan, to be distributed at his discretion over the entire coast of the United States.

Mr. SKELTON. Except the coast of New Jersey and Long Island?

Mr. STUART. Yes, sir. It will then give only \$12,500 for the Atlantic, Gulf, Pacific and Lake coasts of the United States. The Senate's amendment provides \$10,000 for the New England, Gulf and Pacific coasts, and then adds \$12,500 for the coast of Lake Michigan. Now I cannot speak with the certainty of statistical information, which gentlemen do, who reside on the Atlantic coast, as to the necessity of the appropriation there, but I do know the urgent necessity which exists for this appropriation for life-boats for the coast of Lake Michigan. Every year, sir, closes with a record of the loss of thousands upon thousands of property destroyed on the coasts of that lake. A large amount of this property might be saved by these surf-boats, which could reach and remove from stranded vessels, at least the money and valuables, before they have gone to pieces.

But, sir, that is comparatively of trifling consequence. Assuredly, the bills of mortality are swelled with the names of scores of our best and bravest seamen, who meet an untimely fate upon that perilous sea. Sympathy and tears for their misfortunes, sir, are the impulses of humanity; but to provide such measures of safety as will best protect them against a recurrence of such misfortunes, is the duty of legislation; this is the substantial aid and comfort they demand—this they are entitled to—to do less is but to mock at their calamity. Sir, a great proportion of these valuable lives may be saved by this appropriation. It is upon the coasts of this lake that the danger is most imminent; and these life-boats properly distributed, cannot but prove useful in rescuing many a shipwrecked mariner from a watery grave. Where is the man with the sensibilities of humanity, who would not even himself, from his private fortune, cheerfully pay the value of any of these boats, if, in a moment of peril, he could thus save a fellow man; and, sir, will this committee, will the Congress of the United States, withhold this trifling appropriation, pitiful and small as it is, in the list of fifty odd millions of dollars, which are to be expended by this Government for other purposes? And yet, more es-

pecially, shall it be withheld from the northwest, an important region of the country, which, as yet, has no share, even to the value of a single dime, in this schedule of appropriations.

Sir, we have paid into the Treasury our full proportion of the money and surplus which now swells its coffers. It has been drawn from the hard earnings of an industrious, virtuous, frugal, and patriotic people; it has been paid without grudge and without complaint; it has resulted in fertilizing the barren hills of New England and the eastern States, and we now claim only a small share of what is our own, in common with other portions of the Republic, not as mendicants at the door of the Treasury, but as a right.

Mr. Chairman, there are few appropriations proposed to Congress which are less exceptionable, or which promise greater good than this, and I believe the generous emotions of the committee will combine with their sense of justice and right, and that the amendments of the Senate will be agreed to.

[The committee here rose informally, and the Speaker having resumed the chair, a message was received from the Senate by Mr. DICKINS, their Secretary, informing the House that they insisted upon their disagreement to the amendments of the House to the bill of the Senate (No. 388) entitled "An act authorizing the extension of the Alexandria and Washington railroad into the District of Columbia," and agreed to the conference asked by the House, upon the disagreeing votes of the two Houses upon the same, and have appointed Mr. BRIGHT, Mr. TOUCHEY, and Mr. FISH, the managers at the said conference on their part.]

Mr. HAVEN. I am desirous of bringing this matter to a vote as soon as possible, but I am fearful that the committee do not understand the precise action of the Committee of Ways and Means. I sympathize with my friend from Michigan [Mr. STUART] in reference to all he says about the Northwest, so far as that matter is concerned. He concedes that an appropriation of \$12,500 for that section of the country is made. There is no complaint in reference to that, but the only complaint is in reference to striking out the first portion of the amendment.

The text of the bill was as follows:

"For life-boats and other means of rendering assistance to wrecked mariners and others on the coast of the United States, \$10,000."

That is the usual appropriation which has been made in all previous bills.

The amendment of the Senate reads as follows:

"For life boats and other means of rendering assistance to shipwrecked mariners and others on the coast of the United States, to be expended under the direction of the Secretary of the Treasury, \$10,000."

I suppose that appropriation would apply to the Northwest coast as much as it would apply to the Atlantic.

Mr. STUART. But, if that Senate clause is stricken out, the \$12,500 now appropriated for the lake coast will have to be divided between the lake coast and the Atlantic sea-board.

Mr. HAVEN. Very well, sir. I see that, so far as the gentleman from Michigan is concerned, I am understood so far. Now, let me finish, and I will answer him. Here is the life-boat appropriation in the text, which has always been in previous bills of this character. We have appropriated \$10,000 in the light-house bill, which has gone to the other House, and which relieves the Treasury of any application for the New Jersey coast, and leaves the rest to be applied to Massachusetts and elsewhere.

I now come to the remarks of the gentleman from Michigan. We have already, as I said, passed an appropriation of \$10,000 for the New Jersey coast. Now, the proposition is, to add to the sum already appropriated \$12,500, and to limit the expenditure in the way I have pointed out. The amendment says nothing about any particular coast at which the boats are to be located, but it is simply for the purpose of rescuing lives in danger from shipwreck. For this purpose, it proposes to appropriate \$12,500 for boats, to be located at such points as shall be designated by the Secretary of the Treasury.

Now, in lieu of designating any particular points, my amendment proposes to strike out these places that have been mentioned in the Senate's amendment, and leave it all to the discretion of the Secretary of the Treasury. Why should

we not do that? Why should we go into particular details? How do we know that there are men at the places pointed out here, who are ready to obtain and take care of the boats? If we wanted to go into particularities in legislation, why do we not say to the Secretary of the Treasury that the boats are to be so many feet long, and so many feet wide, and have so many oars? But no. We furnish these boats, and then let the Secretary of the Treasury, on the application of proper men, and without additional expense to the Treasury, locate them at certain places and points, when proper application has been made for them.

If the committee understand me, I am done, and cannot be drawn into saying another word about this matter, unless it becomes necessary.

Mr. STUART, of Michigan. I have one word to say—

The CHAIRMAN. Debate is not in order.

Mr. STUART. I desire to ask the gentleman from New York one single question. That is: whether he proposes to keep this appropriation of \$12,500 to Lake Michigan?

Mr. HAVEN. I understand that it is proposed to be appropriated by the Secretary of the Treasury to the western and northwestern lakes; and, therefore, the term "coast" is not used.

Mr. STUART. This restricts it to Lake Michigan—

The CHAIRMAN, (interrupting.) Further debate is not in order.

Mr. STUART, by unanimous consent, then withdrew his amendment.

Mr. WALLEY. I propose to amend the amendment by adding \$100 to the amount.

I am sure, Mr. Chairman, that if the committee understood this matter, they would agree with me in opposing this amendment—that is, they would retain and concur in all this first branch of the Senate's amendment. But the gentleman from New York [Mr. HAVEN] says that heretofore there has been a general appropriation for this purpose, and that now we ask for specific appropriations. Oh, yes, sir; and the committee have granted it. They have granted a specific appropriation at the instance of my friend from New Jersey, [Mr. SKELTON.] They granted a specific appropriation of \$10,000 in respect to the claims of New Jersey and Long Island. The gentleman from New York supported it, and the committee of the House granted the appropriation; and they were right, for the New Jersey coast was entitled to it.

Now, Massachusetts comes forward and makes out a case for a similar appropriation, not for Boston or for her coast, but for the whole coast. We do not want it for Bostonians merely, or for the people of Massachusetts merely, but we want it for the benefit of the mercantile service. We want it because it is needed by the Navy, and because we have no means to meet the demands made upon us for protection along our rocky coast. Why, sir, the \$10,000 have been appropriated heretofore, and this year we have added to it. Added how? Added to it because we have made a like appropriation for the West, and another for New Jersey. And now, when a case is made out in Massachusetts, my friend from New York shuts his eyes and ears, and says do no more. This action does not contrast well with the action of England upon the subject. The Northumberland life-boat report states:

"In England and Wales, with a sea-board of five thousand miles, there are seventy-five life-boats, forty-five of which are on the east coast, from five to ten miles apart. The life-boats of Liverpool alone have landed, during the last eleven years, one thousand one hundred and twenty-eight persons. There are seventy-three stations furnished with rockets; thirty of which have mortars, and forty-one of which have rockets and mortars, at the expense of the Government. At twenty-two stations two hundred and fourteen lives have been saved by mortars and rockets, besides several crews near Yarmouth, and many lives at eight other stations, where no account has been kept of the number. Fifty-five persons on the coast of Yorkshire have been saved by Cartes's rocket apparatus, and by means of the 'life-belt' and buoy four hundred and sixty persons in twelve years."

Now, what I ask is, not that this appropriation be given to Massachusetts, or to any Massachusetts merchant or any association of Massachusetts, but I say it is pennywise and poundfoolish, when, as the gentleman from Michigan says, you spend millions upon millions, and will not trust your own Secretary with \$10,000 when a case is made out where life can be saved and suffering prevented upon the Atlantic coast. It is not for

Massachusetts alone. We do not ask for it. You have given \$10,000 for New Jersey and the Long Island coast, and why will you not give \$20,000 for general purposes along the coast?

Mr. HOUSTON. The gentleman from Michigan and the gentleman from Massachusetts use a very singular mode of argument, I think, in their advocacy of this proposition. They say we are spending large amounts of money. That is true, and it is just what I have been trying to prevent. But whenever these propositions come up for a vote, the gentleman from Massachusetts is found passing through the tellers in favor of them; and my friend from Michigan [Mr. STUART] has been very deep in that kind of work himself. And when they are themselves assisting to force those large amendments through the House and the committee, with what sort of grace can they come and chide us for our efforts to restrain them in particular cases? If gentlemen would only keep their own skirts clear, I would receive a lecture from them upon the expenditures of the Government; but as they continue to vote for these large, and, as I think, unnecessary appropriations, it does not become them to say that we are appropriating large amounts.

Mr. WALLEY. I wish to say that I give every vote here conscientiously and discriminatingly. At the same time that the gentleman votes for \$10,000,000, I vote against it, and then I ask him to vote for \$10,000, and he refuses because of its extravagance.

Mr. HOUSTON. The gentleman is welcome to refer to the \$10,000,000 vote; but I do not think it is more to his credit to have voted against it, than to mine to have voted the other way. I am satisfied with that vote, if the gentleman is, and I leave that matter to his own conscience and to his sense of responsibility to the country. But the gentleman says he votes upon his conscience. That that is true I have no doubt, and if he does vote upon his conscience, why does he come here and throw it in the face of this House that these appropriations are extravagantly made, when he himself is one of the leading members of this House who make these appropriations.

Now, in reference to this particular appropriation, the case is this: heretofore we have been in the habit of appropriating \$10,000 for this purpose. That is the usual appropriation, but in some cases a specific amount has been given for the protection of the New Jersey coast. Now, after we have made the usual appropriation of \$10,000, and have given also \$10,000 to the New Jersey coast, we propose to add \$12,500 for the lake coast. And I ask the gentleman from Massachusetts why, when the sum of \$10,000 which has heretofore been appropriated has proved sufficient for the whole of the United States, it is necessary now to appropriate \$10,000 for the New Jersey coast, \$12,500 for the lake coast, and \$25,000 for the balance of the coast.

Mr. WALLEY, by unanimous consent, withdrew his amendment.

Mr. STUART, of Michigan. I move to increase the appropriation \$5,000.

Mr. Chairman, the impression seems to have been created upon the minds of some of the members of the committee, that in the remarks I before made upon this amendment, I reflected upon the action of the House for voting the large appropriations which have been made by this Congress. Sir, if I have voted erroneously upon any questions which have been up for our action heretofore, the record will convict me. I shall not seek to evade any share of responsibility which attaches to those votes. I must, however, respectfully remind the distinguished gentleman from Alabama, that, whether I have voted right or wrong, I have followed his lead, upon nearly every question which has been submitted to the House, from the opening of the session to this day—including the Nebraska-Kansas bill. I have been willing to support him, sir, in some of (what I regarded, and still regard) his abstract and immaterial views upon subjects in which I conceive nobody, and nobody's interest, is very seriously involved, (unless it be a class of politicians whose sole stock in trade is agitation,) in the hope, vain though it has proved, that when sober, serious, and substantial interests, in which my constituents and State had a stake, and were concerned, might come up for consideration, he, too, would

take the mark, and "render unto Caesar the things which are Caesar's."

Now, the gentleman complains that to-day I have been falling from grace, and that I am voting "all wrong." Sir, I plead guilty to the charge of deserting the gentleman, much as I esteem him, and regret the necessity which makes me part company with so agreeable an associate and so reliable a voter, but when I found to-day the same parsimonious course which has heretofore characterized the Committee of Ways and Means, in reference to appropriations for my section of the country persisted in, I was compelled to abandon his lead, and follow that of my friends, who are seeking to secure appropriations for works which the Ways and Means stigmatize as "works of internal improvement," but which I believe to be both constitutional and necessary, and which are intimately connected with the material interests of the constituency I am honored with representing. I admit, sir, that I have been laboring and voting with these friends (some of them new ones, it is true, so far as voting and political associations go) for the appropriations for rivers and harbors, custom-houses, and marine hospitals. To be specially obnoxious to censure by the enemies of these works is, indirectly, to be complimented for some supposed efficient service in their favor.

And now, sir, let me say to my friend from Buffalo, [Mr. HAVEN,] that this appropriation, though it purports to be for the peculiar benefit of my State, and the other States bordering on Lake Michigan, in point of fact is of far more value and importance to the city of Buffalo, which the gentleman represents, than it is to my State. Sir, a large proportion (how large I cannot estimate, but I should judge one third) of the commerce and the vessels on Lake Michigan is owned in that wealthy and flourishing city, which the gentleman represents so ably. The seamen, shipped aboard these vessels, many of whom, with each returning season, are recorded among the host who have been swallowed in the surging billows of Lake Michigan, are of the gentleman's own constituency. It is for the protection of the lives of the men of his own city, and of the property of his merchants, that this appropriation of \$12,500 has been proposed and adopted by the Senate. The gentleman says "the intention was"—"the understanding was"—"that this appropriation of \$12,500 was to go for the benefit of the lake coast." Ay, sir; but that "understanding" does not appear upon the record in the amendment as offered by the gentleman from New York. Sir, it is Jesuitism—it is just of a piece with the Jesuitism which I think I have seen at work to deprive the northwest of its due share of interest in this Government. The amendment of the gentleman from New York amounts to this, precisely, and no more. All I ask is that it may be properly understood and heeded by gentlemen whose interests, and the interests of whose constituents, are at stake in this matter—it is to strike out the \$10,000, and to leave the \$12,500 for the *Atlantic, Gulf, Pacific, and Lake coasts*.

[Here the hammer fell.]

Mr. HAVEN. I desire that the committee will now vote on the question. I feel as strongly for the interests of northern commerce as any gentleman here.

The question was taken; and the amendment was voted down.

The question then recurred on the first branch of the Senate's amendment.

Mr. WALLEY. I demand tellers.

Tellers were ordered; and Messrs WASHBURN, of Maine, and MAXWELL, were appointed.

The question was taken; and the first portion of the Senate amendment was concurred in, the tellers having reported—ayes 68, noes not counted.

The question then recurred on Mr. HAVEN's amendment to the latter portion of the Senate amendment.

Mr. STUART, of Michigan. I demand tellers.

Tellers were not ordered.

The question was taken; and Mr. HAVEN's amendment was rejected.

The latter portion of the Senate amendment was then concurred in:

One hundred and fifteenth amendment:

Strike out in line one thousand four hundred and eight, "\$600 per annum, \$16,200," and insert in lieu thereof, "\$800 per annum each, \$21,600;" so as to make the clause read:

For salaries of fifteen keepers and twelve assistants, at an average not exceeding \$800 per annum each, \$21,600.

Mr. STEPHENS, of Georgia. The committee recommend a non-concurrence.

The amendment was non-concurred in.

One hundred and sixteenth amendment:

For completing the light-houses on the coast of California and Oregon, the sum of \$59,434: *Provided*, That it shall be the duty of the Secretary of the Treasury to pay the contractors for building the light-house on Point Lema, near San Diego, what the same is reasonably worth.

Mr. STEPHENS. The committee recommend a concurrence.

The amendment was concurred in.

One hundred and seventeenth amendment:

Provided, That the salaries of the Ministers to Great Britain and France shall be hereafter at the rate of \$15,000 per annum; and that hereafter outfits of Ministers to Great Britain and France shall not be allowed.

Mr. JONES, of Tennessee. The committee recommend a non-concurrence.

The amendment was non-concurred in.

One hundred and eighteenth amendment:

For salary of a clerk to the United States legation at Paris, \$500.

Mr. INGERSOLL. I offer the following amendment, to come in at the end of this clause:

And the Secretary of the Treasury be, and he is hereby, directed to pay out of any moneys in the Treasury not otherwise appropriated, to the late acting chargé d'affaires of the United States at Paris, the sum of \$6,223 82, it being the amount of the difference between the salary received by him as secretary of legation at Paris, from the 14th day of May, 1853, to the 23d day of January, 1854, and the salary of a chargé d'affaires for the same period; together with the usual outfit of a chargé d'affaires. And for necessary clerk hire during four years, paid by him while secretary of legation at Paris, the further sum of \$1,170 63.

Mr. JONES, of Tennessee. I rise to a question of order. There is no law authorizing that amendment. If there is any claim, it is a private claim, and it has no place in an appropriation bill.

Mr. INGERSOLL. If the Chair decides this question out of order, I shall feel bound to take an appeal from the decision of the Chair. I hope gentlemen of the committee will hear me while I offer a word of explanation in regard to this matter. If this amendment is ruled out of order, it will be the first time, since I have been a member here, that an appropriation of this kind has been refused. It comes from the Committee on Foreign Affairs. There has been a report made upon it in the Senate. Appropriations of this kind were submitted as amendments last year, and I hope that the amendment I have offered now will be considered in order.

The CHAIRMAN. The Chair is of the opinion that the amendment is not in order.

Mr. INGERSOLL. I feel bound to take an appeal from the decision of the Chair.

The question was taken on the appeal; and the decision of the Chair was sustained.

The Senate amendment was then non-concurred in.

One hundred and nineteenth amendment:

For outfit of the Commissioner to the Sandwich Islands, \$2,500.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence.

The amendment was non-concurred in.

One hundred and twentieth amendment:

Page sixty-one, line one thousand four hundred and seventy-seven, after the word "seamen," add the words "and seamen belonging to American vessels."

The clause, as amended, reads:

For the relief and protection of American seamen, and seamen belonging to American vessels in foreign countries, \$125,000.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

One hundred and twenty-first amendment:

Add to the foregoing clause the following words: And to enable the diplomatic and consular representatives of the United States, in foreign countries, to afford relief to, and provide the means of returning home, to such citizens of the United States, in foreign countries, as may have been reduced to a state of destitution of the necessities of life, by shipwreck or the necessary abandonment of the vessel in which they embarked; and also to such citizens of the United States as being on their way from one part of the United States to another, have become destitute in foreign countries, in consequence of shipwreck, disease, or any other casualty, \$20,000.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence in this amendment.

The amendment was non-concurred in.

One hundred and twenty-second amendment:

Page sixty-one, line one thousand four hundred and ninety-four, strike out the words "for salary of the consul at Beirut, \$500," and insert in lieu thereof the following:

That the consul at Beirut, Syria, is hereby created a consul general, with a salary of \$2,000 per annum, from the 1st of July, 1853; said consulate shall comprehend both Syria and Palestine, and \$4,000 is hereby appropriated for the salary of said consul.

Mr. HOUSTON. The Committee of Ways and Means recommend a concurrence in that amendment, with the following amendment:

In line one thousand four hundred and ninety-seven, after the word "annum," strike out the words "from the 1st of July, 1853," and in the one thousand four hundred and ninety-ninth line, strike out the word "four," and insert in lieu thereof the word "two."

The amendment, if amended, would read:

That the consul at Beirut, Syria, is hereby created a consul general, with a salary of \$2,000 per annum; said consulate shall comprehend both Syria and Palestine, and \$2,000 is hereby appropriated for the salary of said consul.

Mr. PERKINS. I propose to modify that amendment. Strike out the word "general," after consul, and leave the office still a simple consulate, with the salary proposed. This will be in agreement with the report made this morning by the Committee on Foreign Affairs, fixing the salary of that consulate at \$2,000, and abolishing the consul generalship.

Mr. HAVEN. I would suggest to the gentleman from Louisiana, that as the bill proposed by him this morning is not yet a law, we had better keep this amendment till it passes.

Mr. HOUSTON. I agree to modify the amendment as suggested by the gentleman from Louisiana.

The question was taken on Mr. Houston's amendment, as modified, and it was agreed to.

The question recurred on the Senate amendment, as amended; and it was concurred in.

One hundred and twenty-third amendment:

For payment to Blythe and Company, of Port Louis, in the island of Mauritius, the sum of \$7,854 50, it being the amount of two bills of exchange drawn upon the Department of State by George M. Farnum, commercial agent, in payment of expenses incurred in relieving destitute American citizens, which drafts were cashed by said Blythe and Company.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence in the amendment.

The amendment was non-concurred in.

One hundred and twenty-fourth amendment:

Page sixty-two, line fifteen hundred and ten, insert the following:

That the Secretary of the Treasury audit and settle the accounts of Robert C. Schenck, late Envoy Extraordinary and Minister Plenipotentiary of the United States to Brazil, and John S. Pendleton, late Chargé d'Affaires of the United States to the Argentine Confederation, for additional compensation, and for expenses incurred by them in the performance of special services not pertaining to their respective missions, and at points distant from those to which they were originally accredited, in compliance with instructions from the Department of State. In settling which accounts the certificate of the parties shall be regarded as sufficient evidence as to the amount of expense incurred, where no regular voucher can be produced. And a compensation at the rate of twenty-five dollars per diem shall be allowed to each of them for the time they were so employed, to be paid out of any money in the Treasury not otherwise appropriated.

Mr. HIBBARD. The Committee of Ways and Means recommend a concurrence in that amendment of the Senate, with an amendment:

After the words, "Argentine Confederation," in the fifteen hundred and fourteenth line, strike out the words "for additional compensation and," and after the word "produced," in line fifteen hundred and twenty-two, strike out the words "and a compensation at the rate of twenty-five dollars per diem shall be allowed to each of them for the time they were so employed," so as to make the Senate amendment, if so amended, read:

That the Secretary of the Treasury audit and settle the accounts of Robert C. Schenck, late Envoy Extraordinary and Minister Plenipotentiary of the United States to Brazil, and John S. Pendleton, late Chargé d'Affaires of the United States to the Argentine Confederation, for expenses incurred by them in the performance of special services not pertaining to their respective missions, and at points distant from those to which they were originally accredited, in compliance with instructions from the Department of State. In settling which accounts the certificate of the parties shall be regarded as sufficient evidence as to the amount of expense incurred, where no regular voucher can be produced. To be paid out of any money in the Treasury not otherwise appropriated.

Mr. SOLLERS. I desire to hear from some member of the Committee of Ways and Means an explanation of the reasons of that amendment.

Mr. HIBBARD. The explanation is brief, I suppose. An additional compensation for Mr. Schenck is asked for upon the ground that he performed other duties than those which originally

devolved upon him by the terms of his original commission. The Senate propose to give him double pay for his services—the same pay, if I recollect right, that he would have received had he, during that time, been acting as a regular minister. It was the opinion of a majority of the Committee of Ways and Means that an amendment which should leave to this officer, so acting, his original pay for the whole time, and then for the duties which he was subsequently called upon to perform at another place, should pay him for his time and expenses, would be a fair provision. And that is the amendment.

Mr. SOLLERS. Do I understand the gentleman from New Hampshire to say that the only compensation he asks for, is pay for the time and expenses he incurred in the performance of the additional duties, and that all the committee propose to allow him is his expenses?

Mr. HIBBARD. That is our amendment.

Mr. SOLLERS. Then I hope it will be voted down.

Mr. HIBBARD. The amendment of the Senate will show what the gentleman asked for. By looking at it, the gentleman from Maryland will understand its provisions. Our amendment proposes to pay him for the whole time at the rate allowed by law for the commission; and it further provides for paying him for his expenses. Under the amendment he would have pay for full time and all his expenses.

Mr. STEPHENS, of Georgia. I well understand this amendment; and, perhaps, gentlemen will better understand it after hearing me. The amendment of the Committee of Ways and Means is to allow these gentlemen their expenses and nothing else. That is what the amendment is. They so amend the Senate amendment as to allow them their simple expenses and nothing else.

While Mr. Schenck was at Rio, a proposition was made by the French Government and the English Government to make joint treaties with two distant governments—far distant. The proposition was accepted by our Government, and these gentlemen were appointed as its agents to go to these distant countries. They went and negotiated two important treaties which have since been confirmed by the President and by the Senate. They rendered not only an important service, but a very acceptable service to the United States. They asked as compensation for their services, the outfit of a minister; and they asked what I assert, it has been the universal practice of this Government to grant for similar services. I state to this committee that no gentleman here can point me to an instance of the kind, where a minister has been detached from his post and detailed to perform a service similar to that performed by these gentlemen, where that compensation has not been allowed.

Mr. KERR. I would suggest that during the present session, we have made the same allowance to William Bosman Kerr, for the performance of similar services.

Mr. STEPHENS. Certainly it has been made during the present session. But for the performance of this service the Senate agreed to allow to Mr. Schenck and Mr. Pendleton a compensation of twenty-five dollars per day, which is a *pro rata* allowance upon the salary of a minister. That amendment has come to this House, and our Committee of Ways and Means propose to strike out even that allowance. Sir, it seems to me the least we can do, to concur with the Senate amendment, and, in my opinion, that would come far short of doing justice to those gentlemen.

The action of the Senate is in opposition to the heretofore universal practice of the Government; but at this late period of the session, rather than to disagree to their action, I am willing to accede to their proposal, and grant these gentlemen this *pro rata* allowance.

But the Committee of Ways and Means propose to strike out the proposition of the Senate, and simply allow these gentlemen for their actual expenses. Sir, I appeal to the committee—I appeal to every American—is it honorable? Is it right that your foreign ministers, men of position, men appointed to carry the ensign of the Republic to foreign nations, should be dismissed under circumstances like these with their expenses? I repeat, sir, that I should have preferred to have followed the practice of the Government from the beginning, which has been as I have stated. But

inasmuch as the Senate have deviated from that practice, and have agreed to give them a reasonable compensation, I shall vote to concur in their proposition, and give these gentlemen a per diem compensation equal *pro rata* to the salary of a minister, and I hope the House will concur in that proposition, and not dismiss these gentlemen with merely their expenses, as is proposed by the Committee of Ways and Means.

Mr. HIBBARD. I wish to inquire of the gentleman from Georgia whether, if the amendment of the Senate be adopted, these gentlemen will not be paid not only for the performance of this additional service, but at the same time, receive their salaries under the original missions to which they were appointed?

Mr. STEPHENS. Certainly.

Mr. HIBBARD. And will they not thus receive pay for the performance of duties which they could not perform? The Committee of Ways and Means proposed to pay them the salary of minister, the same they would have received as ministers if they had not been detached, and in addition, to pay all their expenses consequent upon the performance of their additional duties.

Mr. STEPHENS. I ask the gentleman whether it is not true that Mr. Adams, when he was Minister to Russia, and was invited to become one of the commissioners to negotiate the treaty of Ghent, did not receive his outfit as minister? I ask whether Mr. Clay as another of the commissioners to negotiate the same treaty, did not receive the outfit of a minister? I ask whether Mr. Pinckney did not receive the same outfit for the performance of a similar service?

[Here the hammer fell.]

The question was taken; and the amendment of the Committee of Ways and Means was rejected, there being, on a division—ayes 53, noes 68.

The question was taken; and the amendment of the Senate was concurred in, there being, on a division—ayes 79, noes 52.

One hundred and twenty-fifth amendment:

For expenses which may be incurred in acknowledging the services of the masters and crews of foreign vessels in rescuing citizens and vessels of the United States from shipwreck, \$5,000: *Provided*, That the same shall be expended under the direction of the President of the United States.

Mr. HAVEN. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

One hundred and twenty-sixth amendment:

For the purchase of blank books, stationery, arms of the United States, presses, and flags, and for the payment of postages for the consuls of the United States, \$10,000.

Mr. HAVEN. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

One hundred and twenty-seventh amendment:

To enable the Secretary of State to defray the expense of releasing from captivity among the Indians of Queen Charlotte's Island the crew and passengers of the American sloop Georgiana, \$2,500, or so much thereof as may be necessary.

Mr. PHILLIPS. The Committee of Ways and Means recommend a concurrence in the amendment, with an amendment to strike out "\$2,500," and in lieu thereof to insert "\$15,000." The object is to cover all the expenses incurred in rescuing twenty-seven American citizens from captivity in Queen Charlotte's Island.

The question was taken, and the amendment of the Committee of Ways and Means was agreed to; and then the Senate amendment, as amended, was concurred in.

One hundred and twenty-eighth amendment:

To enable the Secretary of State to reimburse to Edward Riddle such sums as shall be satisfactorily shown to have been expended by him, or which said Riddle may have obligated himself to pay, on account of his official position at the Industrial Exhibition at London, England, or so much thereof as shall be necessary, \$25,000: *Provided*, That no portion of the payments made, *pro rata*, by contributors at said exhibition shall be regarded as within this appropriation.

Mr. JONES, of Tennessee. The committee recommend a non-concurrence.

Mr. BAYLY, of Virginia. I move to strike out that amendment. I make this motion because I know of no authority that any person had to confer upon Edward Riddle, "official position" as commissioner to the Industrial Exhibition at London. I do not wish to argue the merits of the case, but I desire to say this, if he was sent there

as commissioner, I know of no authority by which the thing was done. I am not, therefore, prepared to vote for the amendment of the Senate.

Mr. JONES, of Tennessee. He was sent there under the authority of a private association of this city, called the Central Association, I believe. The Government had nothing to do with it.

Mr. BAYLY. If that is the case, then the point I made—

Mr. STANTON, of Tennessee. I rise to a question of order. If I understood the gentleman from Virginia, he moved to strike out the Senate amendment. I ask if that motion is in order.

The CHAIRMAN. It is tantamount to a non-concurrence. The motion of the gentleman from Virginia perhaps is not strictly in order. The gentleman would be in order in making remarks, if he moved to amend by reducing the amount of appropriation one dollar.

Mr. BAYLY. As my friend from Tennessee [Mr. STANTON] is disposed to be so critical, I beg leave to say to him that the word "non-concurrence" is not an English word. [A laugh.]

Mr. STANTON. I did not use it.

Mr. BAYLY. The proper form of expression would be to say that the House do not concur in the amendment.

Mr. STEPHENS, of Georgia. Will the gentleman from Virginia allow me to say a word? The Government of the United States invited artists, mechanics, and inventors to contribute articles for the industrial exhibition, and ordered a Government vessel to take them; but when they got to Southampton, the means had not been raised for transporting them to the exhibition. Our Minister informed us that it would have disgraced the nation if they had been left in that condition. Mr. Peabody then advanced the necessary funds out of his own private means to forward them to their destination. It was to save the honor of the country that he took this step, and through his instrumentality the articles were delivered.

Mr. TAYLOR, of Ohio. I desire to say a few words. I think that this amendment of the Senate ought to be adopted by this House; and the best argument to show that it ought to be adopted is a letter from Mr. Abbott Lawrence, then our Minister to England, written to a gentleman in this city on the 14th of July of the present year, which letter I send to the Clerk's desk to be read. I would like to say further that this letter was introduced in the Senate by Mr. PEARCE, and it proved to the Senate the necessity of this appropriation. I ask that the Clerk may read it, as it will at once show the committee the merits of the question.

The letter was read, as follows:

Boston, July 14, 1854.

DEAR SIR: I have before me your letter of the 10th instant, and should have given an earlier reply, had I been at home. Every circumstance respecting the noble conduct of Mr. George Peabody in coming forward with a loan to pay the carriage upon the merchandise brought to Southampton, in the frigate St. Lawrence, and for fitting up the place allotted to the United States for the reception of the various articles, is fresh in my memory.

The Government of the United States promoted the exhibition, and did as much as could have been expected, with one exception, which was of more importance than anything else, viz: an appropriation of money to carry out the objects recommended. The commissioner came to me, and asked what he should do. I told him unless he would borrow the money to pay the expenses upon the American articles which had arrived, and were on their way to London, they must all be sent back to the United States, which would have proved a lasting source of mortification to every true American citizen, whether at home or abroad. Mr. Peabody called upon me to consult upon the matter, as did many of our countrymen who were then in London, all of whom, as far as I conversed with them, entertained the opinion that Congress would reimburse any one who should come forward and furnish the means to carry forward the great national object. Mr. Peabody, with that promptness for which he is distinguished, in his honorable and high purposes of action, offered to advance the money, which was accepted, to the great relief of every American citizen in Europe. It was deemed a matter of national honor that the United States should be represented in the Crystal Palace, after all that had been said and printed here upon the subject. Mr. Peabody assumed these responsibilities from the highest principles of patriotism. It was pure devotion to the honor and interest of his native land, that he proffered his money for her uses. I am free to say that I had no doubt, under the circumstances attending the exhibition, that Congress would meet the expenses incurred in London, and I cannot but hope that the committee, or whoever has charge of the claim, will make a unanimous report in favor of its payment. I advised to the course that was adopted in London, as you, perhaps, may remember.

I am, dear sir, very faithfully yours,

ABBOTT LAWRENCE.

EDWARD G. TUCKERMAN, Esq.,
National Hotel, Washington.

Mr. PERKINS, of Louisiana. I propose to amend the amendment by reducing the sum to one dollar.

I offer this amendment for the purpose of saying that there seems to me to be involved in this question a principle which cannot be decided as a mere pecuniary matter. This is an appropriation to meet obligations resulting from a position which, it has been properly stated on this floor, was in no sense national. The person who incurred the pecuniary obligation which we are called upon to discharge, was the agent, not of the United States Government, but of an association in this city. The Government refused to recognize him as its agent. It refused to recognize the Crystal Palace, or the exhibition as one in which it could, as a Government, cooperate.

It is said that the honor of the country was involved, and that it was to sustain this that the money was advanced! Sir, I do not admit this to have been in any sense true. The national honor was not intrusted to the keeping of this gentleman. I deny that, because Congress chose to assist particular individuals by the use of a national vessel to carry them and their property over to Great Britain free of expense, that any one could be justified in the inference of an intention to pay the expenses of their agent while there. This would be to tax us for our liberality; and it is precisely against inferences of this kind that I wish the legislation of this House to operate. When it is once understood that Congress means only what it says, and nothing more, we will have fewer applications of this kind. There is too great a disposition already, and I fear it is increasing, to forget that calls of this kind do not address themselves to the discretion, but to the power of Congress.

In this particular case Congress not only refused to appoint an agent when asked to do so, but refused to acknowledge the right of any one to represent us in any way as nationally present at the exhibition; and yet we are expected, after it is all over, to pay the obligations of the person, on the express ground of his having been our official representative, where we protested we had no right to and would not be represented. I regret to be compelled to oppose the appropriation of money for a purpose which in itself I approve, but there is a principle in this thing which should be checked. These exhibitions are to occur again. Next year there is to be one in France, and the year after there may be another in England. This precedent, if admitted, will result in far more injury than can possibly result from the failure to pay this small amount of money.

Mr. GROW. If there is a moment of the gentleman's time left, I wish simply to say, that it seems the Government furnished the means of transporting these articles to England; and we are now called upon to pay for our liberality. We are called upon to pay the agent for services rendered to private individuals—an agent who was not authorized by the Government, and not requested by the Government to perform the services. The services were not performed by the Government, but by an individual citizen.

Mr. TAYLOR, of Ohio. I call the gentleman to order. He is speaking upon the same side as the gentleman from Louisiana.

Mr. GROW. I am speaking in the gentleman's time.

Mr. TAYLOR. Then the gentleman is not in order. I want to speak in opposition to the amendment. I refrained from occupying the few minutes to which I was entitled, when I rose before, thinking that the mere reading of the letter of Mr. Lawrence, our Minister in England at the time the expenses were incurred, would satisfy every gentleman of the propriety of making this allowance. As stated by my honorable friend from Georgia, [Mr. STEPHENS,] when the United States furnished a vessel to transport the articles furnished by our mechanics to the British exhibition, they were landed on the coast at a distance from their point of destination, and something was necessary to be done to bring them to the place of exhibition. There was no money to do it. An American merchant, Mr. Peabody, one of the most upright men in the mercantile profession, an honor to the profession everywhere, always ready to do a liberal action to his countrymen, advised with the American Minister as to whether, if he should advance this money, the

Congress of the United States would reimburse him. Mr. Lawrence thought Congress would reimburse him. He did advance the money, which aided our American mechanics to exhibit their inventions which did them honor the world over. This is nothing to Mr. Peabody, personally, he having advanced the money to Mr. Riddle, but Mr. Riddle desires us to reimburse him, that he may be able to reimburse Mr. Peabody. The necessity and propriety of making this appropriation is made plain by the letter of Mr. Lawrence, which has just been read, and there ought not to be a dissenting opinion. When our American mechanics were in trouble, and unable to lay the proud trophies of their genius before the world, an American merchant, proud of his country, stepped in to their aid, for the honor of his native country, and enabled them to exhibit the fruits of their skill and ingenuity, and it seems to me that we ought not to withhold this appropriation for reimbursing those advances.

Mr. PERKINS, by unanimous consent, withdrew his amendment.

Mr. BAYLY, of Virginia. I move to strike out in the fifteen hundred and forty-fourth line, the words "on account of his official position at the Industrial Exhibition at London, England," and insert what I send up to the Clerk's desk. I want to show what his position really was. Insert the following:

To Mr. Edward Riddle:

SIR: You are appointed an agent to proceed to the Industrial Exhibition to be held in London during the present year. The following instructions are for your government:

1. You are specially charged with the care and display of the goods transmitted to the exhibition, under the direction of the central authority of the United States.
2. You will at all times pay the utmost respect to the rules and regulations of the Royal commissioners for the arrangement of the exhibition.
3. You will aid and advise American contributors or their agents, when called upon to do so, in the display and arrangement of their goods.
4. At the close of the exhibition you will make a report of your proceedings under this appointment.

Done at the city of Washington, January 24, 1851, by order of the Executive Committee of the Central Authority of the United States. PETER FORCE, Chairman.

JOS. C. G. KENNEDY, Secretary.

Now, it appears to me, that if we are going to pay this man for his services in an official capacity, we ought to know from what source his official capacity was derived. It was not derived from this Government at all. It was derived from Mr. Peter Force and Mr. Kennedy; and those gentlemen, however respectable they may be as private individuals, certainly have no right to confer an official character upon anybody who is to be recognized as such in a general appropriation bill.

Mr. TAYLOR, of Ohio. I should be sorry if the gentleman's amendment should prevail. It did not require the reading of that paper to show that Mr. Riddle was not appointed to any official position by the President of the country. But it is well known that a national vessel, at the expense of the Government, was furnished to convey these articles to the World's Fair, in London; and this gentleman, I well recollect, and I think the gentleman from Virginia will also recollect, together with another gentleman of this city—Mr. Stansbury, I think was his name—were appointed for the purpose of facilitating the arrangement, in the Crystal Palace, of the articles which were carried out in that national vessel. Now, sir, suppose that national vessel had landed these articles upon the shores of England—

Mr. BAYLY. The gentleman speaks of my recollection. Sir, I do recollect these circumstances well; and I recollect, also, that I thought at the time that the whole thing was wrong. I thought so then, and I still think that it was wrong. It was setting a very bad precedent; and for that reason, and for that alone, I am opposing this amendment of the Senate.

Mr. TAYLOR. The gentleman from Virginia thinks this was a bad precedent. Sir, I think it was a glorious precedent, to send a ship from this country—a national ship—to convey the products of the ingenuity of the mechanics of the country to the World's Fair in London. I trust it is a precedent that will be followed in all time to come, whenever a like occasion presents itself. I recollect well the pride with which I looked upon the display of American enterprise and American ingenuity which I saw in that exhibition. And shall it

be said that when the Executive of the country thought the matter of sufficient importance to send a national vessel to carry these articles, that we will refuse the amount necessary to pay the expenses of carrying them from the shore where they were landed to the Crystal Palace? Sir, when these articles were landed in England, Mr. Riddle found himself without the necessary funds to carry them up to the exhibition, when an American merchant, a wealthy merchant in London, went to the American Minister and said, "I will advance the money for the exhibitors of the United States, believing that the Congress of the United States will generously reimburse me." The American Minister said: "I see no difficulty in the way. If you advance the money, Congress will reimburse you." He promptly paid the money; the inventions were exhibited, and the character of the United States was upheld, yea, glorified throughout the world by the praiseworthy exertions of Messrs. Peabody and Riddle. The amendment of the Senate is to reimburse them, and I hope it may be concurred in.

Mr. PECKHAM. Had not Mr. Peabody the right to assume that the Government authorized it by sending out a national vessel?

Mr. TAYLOR. Certainly. He felt himself authorized by that circumstance to advance the money.

[Cries of "Question!" "Question!"]

Mr. BAYLY. I withdraw my amendment. I only submitted it for the purpose of exhibiting the character of the amendment, so that it might be rejected.

Mr. SOLLERS. I move to reduce the appropriation to twelve and a half cents.

Mr. Chairman, if I thought it would be in order I would move to reduce the appropriation to a sufficient amount for a bronze medal. [Laughter.] I have witnessed, during the progress of the civil and diplomatic appropriation bill through Congress, many extraordinary things. It was to be hoped that a purely Democratic Congress would have been a little economical in the administration of the Government. But now we are called on to give a gentleman—a Mr. Riddle—who he is God only knows; I assure the committee I do not—[laughter]—who has thrust himself into this business unasked, uncalled for, and without commission. He derived the whole of his duties and authority from an obscure agricultural society within the limits of the District of Columbia. He went for the honor and the credit of the thing to the city of London. He put himself at the head of the commission, and assumed to discharge the duties of an envoy extraordinary and minister plenipotentiary, so far at least as the industrial exhibition was concerned; and because he occupied what he as well as the Senate complacently calls an official position, he is to have \$26,000 for his services.

By what authority did this man undertake to borrow money on the credit of the United States? Who authorized him to go to Mr. Peabody and make a loan, predicated on the faith and credit of this Government? He was qualified with no such authority. He derived no such authority from any appointment by the United States. He went there with the high commission under the seal of this agricultural society, of which Mr. Force was president, and Mr. somebody else (a Mr. Kennedy, I believe) was secretary. Under the broad seal of this magnificent society he went to London, and undertook to borrow money on the faith and credit of the United States. Then with superlative impudence he asks this Democratic Congress to sanction what he has done. Gentlemen, the thing is ridiculous. There is not a man, woman, or child in the country that will not regard it as such. The truth of the matter is, that this Mr. Riddle entered into this matter upon his own responsibility, unasked and unsought. Then, in order to keep up his high character as minister plenipotentiary and envoy extraordinary, he negotiated a loan of \$26,000 from Mr. Peabody, who gives dinners in a room with the portraits of Queen Victoria and Prince Albert on one side, and that of our President on the other, and commences his patriotic festivities by drinking the healths of Her Majesty and her consort first, and of George Washington afterwards.

Now, I am a Whig, and of course occupy a hostile position to the Democratic party; but if an enemy, I claim to be a generous one. Gentlemen of the Democratic party, take care how you

appropriate money from the Treasury. I, for one, hold you to a strict accountability before the people of the United States for all your extravagance. [Cries of "Good!"] To be forewarned is to be forearmed. You have already done enough to forfeit the confidence which a generous people reposed in you. Take care that you do not put weights around your necks which will sink you so low that the hand of resurrection cannot reach you.

Mr. HAVEN. It is now quarter past three o'clock, and we have only two days remaining of this session. I hope that we will proceed to voting. I do not propose to discuss this question. I shall merely say that my Democratic and Whig friends had all the glorification of this thing when it took place. The country burst out into a magnificent blaze upon the subject; and now, if these gentlemen are willing to back down when it comes to paying the man who advanced money to sustain the glory and honor of the country, let the country know who they are.

Mr. SMITH, of Virginia. I understand that the proposition is to pay Mr. Riddle for money advanced by Mr. Peabody. I propose, in this connection, an amendment to strike out the name of "Edward Riddle," and insert that of "Peabody" wherever the name Riddle occurs.

I suppose it is perfectly plain that if Mr. Peabody advanced money, he is the man to receive it, and nobody else. Mr. Riddle, I understand, is a horse dealer and auctioneer in the city of Boston. That is what I understand to be his employment. I do not pretend to question his honesty, but there is no account rendered of these expenses. Upon what principle should we pay a gentleman for expenditures made by him, of which we have no account, when it is avowed upon the face of the amendment that another individual advanced the money.

I say this to the honorable gentleman from Ohio, [Mr. TAYLOR,] that it is a great reflection upon American mechanics to suppose that they would carry their inventions to England without having money. I do not believe a word of it. I do not believe that an American who got his freight for nothing in an American ship, went to England without having money to pay his expenses. This amendment is contrived, I have no sort of question, for the purpose of getting money out of the Treasury of the United States. But look at the principle of the thing. It is gravely maintained that a gentleman here, without authority from the official powers of this Government, has a right to go on and incur expenses to any extent that he may please, and then make an appeal to Congress to relieve him.

I was rejoiced to hear the Whig gentleman from the State of Maryland [Mr. SOLLERS] rebuke Democrats. To what a condition have we come, when a Whig here upon this floor, in this presence, feels it to be his duty to rebuke the Democratic party for a want of economy, and for fostering and sustaining enormous expenditures. Yet such is the fact; and, therefore, I submit this amendment. It is so plain and palpable that gentlemen can hardly resist it.

Mr. CHANDLER. I rise to oppose the introduction of the name of Mr. Peabody in this amendment. I think it discourteous, in the first place, and wrong altogether. A gentleman who, in the hour of extremity to American citizens abroad, advanced to them a large sum of money, so that they might stand erect with citizens of other countries, demands and deserves from us not merely a return of the small pittance loaned, but the hearty thanks of every man who has an American heart within his bosom. Sir, I have no sympathy with the man who, here or elsewhere, would so underrate American character as to suppose that it was not concerned in all the transactions of trade. A man may indeed sink down into the business of buying and selling, and thereby lose the good regard of those who live upon the labor of others. But, in my opinion, no American citizen loses his character or his claims on the respect of others, because he earns his living by the sweat of his brow.

Sir, on the shores of England a ship of the United States arrived, stored with the productions of American artisans. They were without means to convey them thence [Southampton] to London, a distance of seventy odd miles. There were, besides, more than three miles for the goods to be

conveyed by horse carriage to the place where they were to be exhibited.

Sir, France had assisted her mechanics to place their productions in the Crystal Palace. Austria came to the help of her own people. Turkey was careful that the Musselman should not lack credit with the Christian; and even little Switzerland assisted her ingenious artisans to take a place in the World's Fair; the great exhibition by nations—and while these and the people of other nations were placing their productions on shelves, or in the divisions respectively assigned to them in the beautiful structure, the evidences of American skill lay on the wharves at Southampton, more than seventy miles from London. Most of the owners were here, in this country. Their half dozen agents were there, indeed, with means barely sufficient to pay their own board and traveling expenses—and the exhibition was opening without a single article in the location bearing the sign of the United States.

The Government had agreed to convey these goods to the exhibition. The owners did not consider that they might be landed seventy miles from the palace. They were so landed, and were exposing the representatives of the industry of this country to the sneers of those of the other parts of the world, because they had nothing in the hall of the exhibition, and to the contempt of the British for their inability to pay the cost of carrying these goods from Southampton to London. Let this statement be understood. Let any one figure to himself the mortification of the American delegates, and the ridicule which that state of things naturally drew upon them, upon us, upon every American.

In that hour of extremity, I repeat it, an American citizen, whose heart throbs with American feeling, who scorned, when they invited him to British citizenship, to give up his right to American citizenship, this man stepped forward and redeemed the character and credit of his fellow-citizens. At that moment of trouble he enabled them to win for themselves, and, while winning for themselves, to reflect it upon us and upon every man in the country, who has earned, or who does earn his bread by the sweat of his brow—to win honor at that exhibition where the whole world stood emulous, every part of it for its own share.

Sir, to introduce the name of that man into this clause, as if he were a petitioner, for this petty amount, for this sum of \$26,000, not half or quarter the sum which he expends every year in extending hospitality to his fellow-citizens, bearing testimony not only to his love of his own home, but his regard for American citizenship, would be unworthy of us. I trust that this House will never so demean itself as to truckle in this matter, and throw responsibility on that man who stepped forward and helped our citizens at that time. Let us not only be honest, but let us be delicate, and let us be just. While we vote fairly to pay this money, we recognize no official position in that gentleman who has the misfortune of earning his living by trading in Boston; we simply carry out the views of the country in putting in this bill an appropriation to pay the money which was supplied to our fellow-citizens.

Mr. SMITH, of Virginia. I ask the gentleman from Pennsylvania whether he wants the man who is entitled to this money to have the appropriation in his name, or in that of another?

Mr. CHANDLER. I want the amendment to pass now, so that the money shall be paid to the borrower, to be refunded by him to the man who advanced it with such generous liberality.

The question was taken; and Mr. SMITH's amendment was not agreed to.

Mr. WALBRIDGE. I move to amend by adding \$500 to the \$26,000. I certainly should not have mingled in this discussion, but for the fact that it was my fortune to have been present in London during the period when this transaction occurred. It is proper to observe that every nation in Europe was represented at that Crystal Palace, in their official capacity. The Government of the United States was not. Our Government presented itself there under these circumstances: A vessel of a national character, in the service of the country, was placed at the disposal of the exhibitors. Their goods were landed at a distance from the Palace, and they were without the means of placing them in a proper position in

the Palace. Under these circumstances, the American commissioner, unable himself to furnish the funds, and unable to procure them through his friends, called upon an eminent American banker, whose name has so often been mentioned here in connection with this matter. That gentleman, as a precautionary measure, called upon the Minister of the United States, and asked his opinion in reference to the transaction. Predicated upon what was stated to him by our Minister, Mr. Peabody came forward in this time of need to uphold and support the character of the United States, and without the aid he thus afforded them, all the efforts which had been made upon this side of the water to place American skill and invention before the European world, would have been entirely lost; and notwithstanding American skill had solicited a place in the Crystal Palace for the exhibition of their goods, it would not have been assigned them, and the United States would have been still further disgraced, but for this advance which was made to them.

Mr. SMITH, of Virginia. I would ask the gentleman from New York this question: Does he know of a single man who carried articles to that exhibition who was without the means of getting his goods to the Crystal Palace?

Mr. WALBRIDGE. I do not know in reference to that particularly; but gentlemen who devote themselves, and sacrifice themselves for the good of their country, are generally poor, and have not means.

Mr. SMITH. Do you know of such a man?

Mr. WALBRIDGE. In response to that inquiry, I will say, that I have this day received several letters soliciting aid, under the same circumstances; and I do not think they were very able; for if they were, they would not now be soliciting aid of the Government.

I desire to reiterate the fact that Mr. Peabody came forward and made this advance—I do not say at the solicitation of the American minister, but under strong representations from him, that since the Government had placed at the disposal of these American contributors a national vessel, his assistance might be considered legitimately necessary to carry out that aid, so far as the exhibitors were concerned, and that the Congress of the United States would refund to him the advances which he should make. It is for the American people, and for this Congress, to determine whether, under these circumstances, they will suffer an appropriation to be made to cover advances which added materially to their honor.

Mr. BAYLY, of Virginia. With Mr. Peabody I have very little acquaintance. I have no doubt he is worthy of all the commendation which has been bestowed upon him. As to Mr. Riddle, I know nothing of him; and the only interest I take in this appropriation arises out of the fact that it will create a mischievous precedent. It refers to a matter which I wish to be well understood by this House, so that, if they mean to set a precedent, they may do so knowingly.

Now, in the first place, this bill assumes that Mr. Riddle was there in an official capacity. Who conferred it upon him? Where did his commission come from? It came from two respectable private gentlemen of this city; but he had no authority from the Government. The provision, therefore, is false upon its face.

But, sir, I go beyond that. I have no idea that where a private individual from patriotic motives—to place it upon the highest grounds—or from mercenary motives, to place it upon the lowest grounds, takes upon himself to go to the World's Fair, that he has any right to come here and ask this Government to defray his expenses. They have no claim upon us. I opposed this thing when it occurred. I saw then that the seed was sown which would grow up as I have seen it grow up.

Mr. CLINGMAN. I ask the gentleman to allow me to interrupt him for a moment. My object is this: I want to know if it was not then generally understood that the Government of the United States undertook to transport these articles to the exhibition? It was then supposed that the vessel could land near the exhibition; but it turned out that it was compelled to land seventy miles off. Now, I want to know if it was not the understanding that the Government was to transport these articles to the exhibition, and whether it was not the duty of the Government, with that understanding, to transport them there?

Mr. BAYLY. Why, Mr. Chairman, I am surprised that a gentleman with the clearness of intellect which the gentleman from North Carolina possesses should ask me such a question.

Mr. CLINGMAN. Who furnished the ship to transport them?

[The committee here informally rose; and the Speaker having resumed the chair, a message was received from the Senate by Mr. ASBURY DICKINS, their Secretary, informing the House that the Senate had passed the river and harbor bill with amendments, in which he was directed to ask the concurrence of the House.]

Mr. BAYLY. The gentleman from North Carolina asks me if there was not an understanding that the Government should pay this expense?

Mr. CLINGMAN. No, sir; that was not my question. I asked if the United States Government, did not—I think by an act of Congress—furnish a ship to transport the articles for exhibition by American exhibitors, and whether it was not the understanding then that they were to carry them to the Crystal Palace?

Mr. BAYLY. No, sir; I am quite sure the Government of the United States, as a Government, have done nothing of the kind. The only instance of which I recollect when the Government has undertaken to transport goods free of cost was during the famine in Ireland, when gentlemen came here and asked for a ship to carry supplies to that country. The ship was granted, and it turned out just as I predicted at the time, that these gentlemen afterwards came in here with a bill of expenses.

Sir, I am opposed to this whole thing, and have been from the beginning. It is wrong in principle. If the thing is carried out, anybody may get up an industrial exhibition in London, or anywhere else, and then come here with protestations of patriotism, and make us pay the expenses. That is the principle, and I say again that I am opposed to it.

When General La Fayette came to this country his passage was offered to him free by the captain of a certain vessel. That captain brought him here, and then came to the Government to ask for indemnity for his hospitality to La Fayette.

But as far as these exhibitors are concerned, they have no claim upon anybody. The English Government remitted the duties upon all these articles. They were received free of duty, and were mostly sold by the exhibitors. Our Government had no participation in the transaction. The whole thing amounts to just this: These men want the United States Government to pay for carrying their fabrics abroad. Why, I should like anybody to tell me the difference between sending them to New York and London. I have a very fine horse that I should be glad to exhibit at the world's fair—at any world's fair, in New York or London—but I should be very loth to ask this Government to pay the expense of taking him there.

[Here the hammer fell.]

The question was taken on Mr. WALBRIDGE's amendment; and it was rejected.

Mr. SMITH, of Virginia. I move to reduce the appropriation to \$6,000. Mr. Chairman, I propose to call the attention of the committee to what is to follow the adoption of the Senate amendment. In a letter addressed to a member of this body, I find it stated that if it be deemed a matter of national credit that this debt should be paid to Mr. Peabody, it follows that it is but just that the exhibitors should be reimbursed for the unexpected and heavy expenses incurred by them. So, then, the committee will see that if we adopt this amendment, we have got to pay the expenses of every man who went to the World's Fair of London. Look at this communication, and you will observe that their name is legion. Here is the communication in print, and a copy has, I understand, been sent to each member from New York. A whole host of claimants will arise from this source, to be paid from the public Treasury. Look at the items. Here is the account of one of them. What do you really think it is? For cartage from store, sixty-two cents; ferryage to Brooklyn, one dollar; postage, fifty cents; sundry charges in Southampton, and so on. The very charge for freight, cartage, and ferryage from the start from New York, and everywhere where these expenses originally commenced, are to be brought here as items which we are to pay. Are we going to do this thing?

Are we to allow men to sport their patriotic feelings, and, just so soon as the emotion has subsided, to turn around and get up a question of dollars and cents? Are we to pay the expenses of all who choose to go to New York to exhibit their inventions? Mr. Chairman, we have to stop this thing here. The principle of the amendment is a dangerous one, and once adopted, we shall have before us thousands of similar cases. It recognizes the right of taxing the Government without authority of law.

Mr. HUGHES. Mr. Chairman, it is with surprise and regret that I have witnessed opposition to this amendment which has come to us from the Senate. In my judgment, it is right and proper that the provision should be inserted in this bill. Indeed, it will be an evil day when we shall sit here to deliberate and to strike out appropriations of this kind—appropriations so eminently national. I am aware that the time has elapsed when the necessity for the expenditure of this money existed; but let us roll back the tide of time for a little while. Let us look at the period when the American heart beat with short pulsations at the position our country was to assume among the nations of the earth at this great industrial exhibition at London. We all know that it was a dark period; but, in the glad sequel, we know, too, that while some palms were taken by other nations, that our happy Republic stood proudly preëminent in all the utilitarian inventions of the day. When the Crystal Palace was constructed—that proud pile of iron and glass—what accommodations were afforded to our citizens, in order to display their inventions? None, sir! There, amid the radiance of the Kohinoor diamond, the fine fabrics and manufactures of France, and the brilliant display of other nations, a small place was allotted the United States. What was to be done—as yet it was naked, and was to be filled up? The goods of our inventors, which had been sent, at the public expense, in the United States frigate St. Lawrence to Southampton, were to be conveyed to London, and placed in proper order for exhibition. How much we should have been mortified and chagrined, had not Mr. Peabody stepped forward as he did, and stood, as it were, godfather to the country on that occasion, by advancing the means on which this appropriation is based? As I understand, sir, Mr. Riddle gave his obligations to Mr. Peabody, which Mr. Peabody holds to this day. Mr. Riddle was then appointed by the Regents of the Smithsonian Institution, of whom the President of the United States is *ex-officio* President. Mr. Force, as secretary of the Regents, signed the commission.

Mr. JONES, of Tennessee. Will the gentleman allow me to correct him? The Smithsonian Institution or the President had nothing to do with it. Peter Force, as chairman of the society, and J. C. Kennedy, as secretary, commissioned Mr. Riddle.

Mr. HUGHES. The facts may be as stated by the gentleman. I heard the argument in the Senate upon this subject. It was there asserted, that this whole thing was recognized by the then Secretary of State, Mr. Webster. It was a national undertaking. Money has been paid; and it now remains to be seen whether the news shall go abroad that an American Congress will repudiate the acts of those who represented us at the great Industrial Exhibition. It was said, by the gentleman from Virginia, [Mr. SMITH,] that Mr. Riddle—a gentleman whom I know very well—was a horse-dealer and auctioneer in Massachusetts. I ask if it is worse to be a horse-dealer in Massachusetts than to run a line of stage-coaches in Virginia, or any other State, whether it be a regular or *extra* line of coaches.

Mr. SMITH, of Virginia. I want the gentleman to remember that I expressly stated that I made no reflection upon Mr. Riddle.

Mr. HUGHES. It was stated as a matter of reflection upon Mr. Riddle, as I thought. I know him well; and he is as high-minded and honorable a gentleman as lives in Massachusetts—pursuing his business in a laudable way. If he sells anything, he sells *quadrupeds*, not *bipeds*; and I am glad that his vocation is of that description—his auctioneering of that sort. [Laughter.]

The question was taken upon Mr. SMITH's amendment; and it was rejected.

Mr. WENTWORTH, of Illinois. If the

friends of this bill want it killed, they had better talk it to death. [Laughter.]

Mr. SMITH, of New York, I move to increase the sum one dollar.

The honorable gentleman from Virginia [Mr. BAYLY] spoke of a mischievous precedent in this case. There is such a precedent. But it is not to be found where that gentleman finds it. It will not be found in our adoption of the Senate amendment. That mischievous precedent came into being when the Government embarked in this affair; and put one of its vessels at the service of its citizens. Had the Government kept clear of this affair, and confined itself to its sole legitimate office of protecting persons and property, we should not have been annoyed by this amendment of the Senate. But the Government mixed itself up with the proper business of its citizens. Therein was the mischievous precedent; and in that precedent lies our obligation to meet the consequences which we are now called on to meet; and to repay the money which was advanced, because we gave a governmental aspect and character to the enterprise.

When our ingenious citizens were tempted by the liberality of the Government to put their inventions on board this vessel, they did not foresee, that a great expense must be incurred between the arrival of their fabrics on the English coast and the getting of them upon exhibition. This expense they were not able to meet. Indeed, they were not there to meet it. The question now was what to do with the fabrics. Should they be left at Southampton, where they were, or be returned to America? Either would have been deeply disgraceful to our Government and nation; for either of them would have been attributed to niggardly conduct, on the part of the Government. The representatives of the various nations of the earth, assembled at the Crystal Palace, would have thus attributed it. They would have held our Government responsible for the failure of these inventions of our citizens to reach the Palace—for they would, of course, have held the importation of these inventions to be a governmental enterprise. Surely, if the appearances in the case led both Mr. Peabody and Mr. Lawrence to regard the importation of the inventions as an enterprise of the Government, these strangers and the whole British public, would have been justified in so regarding it. In the eyes of all these, then, our Government and nation would have been disgraced, if the fabrics had not reached the Palace. Honor, therefore, great honor, is due to Mr. Peabody for having come forward so generously to shield his native land and her Government from impending disgrace; and dishonor, deep dishonor, will follow the refusal to enable Mr. Riddle to repay the \$26,000, which Mr. Peabody's strong American feelings prompted him to lend Mr. Riddle.

I cannot believe, that we are willing to let Mr. Peabody, or Mr. Riddle, lose this money. Sure I am, that our country will not be found willing to have either of them lose it.

The question was taken upon the amendment of Mr. SMITH, of New York; and it was not agreed to.

The question recurring upon the Senate amendment,

Mr. SOLLERS demanded tellers.

Tellers were ordered; and Messrs. WESTBROOK and SOLLERS were appointed.

The question was then taken; and the tellers reported—ayes 66, noes 80.

So the Senate amendment was non-concurred in.

Mr. STANTON, of Tennessee. I now propose that the committee take a recess until six o'clock.

Mr. JONES, of Tennessee. I am opposed to that. I do not want to sit here at night. Let us go on with the business until night-fall. I object.

Mr. CLINGMAN. Why, sir, the majority have the right to take a recess.

Mr. STANTON. That was my understanding. I make the motion that the committee take a recess until six o'clock. I think it is competent for me to submit that motion.

The CHAIRMAN. The Chair thinks the motion cannot be entertained in committee, except by unanimous consent. He recollects to have

declined to receive such a motion some time last year, and his decision was sustained.

Mr. STANTON. I must very respectfully take an appeal from the decision of the Chair.

Mr. STEPHENS, of Georgia. I do not see upon what principle it requires unanimous consent to entertain this motion. I think the Chair is confounding the action of the committee with that of the House, where it does require unanimous consent, or a suspension of the rules; because the order of the House is, that when it adjourns it shall adjourn to meet at a fixed hour. But in committee, if we can do that at all without the permission of the House, we can do it as well by a majority vote as by unanimous consent. Whatever the committee can do at all it can do as well by a vote of the majority as by unanimous consent.

Mr. WENTWORTH, of Illinois. I hope the committee will not take a recess. There are plenty of refreshments up stairs. There are refreshments down stairs; and there is no necessity of gentlemen going home to dinner.

The CHAIRMAN. The Chair decides that it is not in order to move to take a recess. If it were so, the committee might take a recess beyond the next adjournment, and within three days. The gentleman from Tennessee appeals from the decision of the Chair. The question now is, "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. STEPHENS, of Georgia. Will the Chair hear me one moment?

The CHAIRMAN. The question is not debatable.

Mr. PURYEAR. I demand tellers.

Tellers were ordered; and Messrs. TAYLOR, of New York, and PURYEAR, were appointed.

The question was taken; and the decision of the Chair was sustained; the tellers having reported—ayes seventy-six, noes not counted.

Mr. ROWE. I move that the committee do now rise.

The question was taken; and the committee refused to rise.

One hundred and twenty-ninth amendment:

Strike out "\$97,200," and insert "\$160,000," so that the paragraph will read:

For salaries and commissions of registers of land offices and receivers of public moneys, \$160,000.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a concurrence in the amendment.

Mr. STEPHENS, of Georgia. I move that the committee do now rise. We have been sitting here for six hours and upwards.

Mr. WALKER demanded tellers, which were ordered; and Messrs. PRINGLE, and STUART, of Michigan, were appointed.

The question was taken; and the tellers reported—ayes 66, noes 63.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the state of the Union generally, and particularly the Senate amendments to House bill (No. 48) "making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June," 1855, and had come to no resolution thereon.

Mr. HOUSTON. I offer a resolution suspending the five-minute debate on the civil and diplomatic appropriation bill.

[Cries of "Yes!" "That is right!"]

Mr. WALSH. I object.

Mr. HOUSTON. Then I move to suspend the rules, for the purpose of introducing the resolution indicated.

Mr. ORR. Let me suggest to the gentleman from Alabama that a motion be first submitted to take a recess.

[Cries of "No!" "No!"]

If this motion be carried, and if, after we meet again in the evening, this five-minute debate becomes at all tiresome, the committee can rise and close debate.

[Cries of "Oh! no!"]

Mr. JONES, of Tennessee. Let us close debate and adjourn.

Mr. PECKHAM. I would inquire of the Chair, if the five-minute debate be entirely sus-

pended, on what can we vote except on the mere report of the committee?

Mr. McNAIR. On nothing at all.

Mr. PECKHAM. We can have no information except the *ipse dixit* of the Committee of Ways and Means.

The SPEAKER. The proposition is not debatable.

Mr. WALBRIDGE. I move that when the House adjourns, it adjourn to meet again this evening at seven o'clock. I mean that the House take a recess to that time.

[Cries of "No!" "No!"]

The SPEAKER. That motion is not in order, except by unanimous consent.

Several MEMBERS. I object.

Mr. ORR. Then I move to suspend the rules, for the purpose of admitting the gentleman's motion.

The SPEAKER. The gentleman from Alabama [Mr. HOUSTON] has already moved to suspend the rules for a different purpose.

Mr. HOUSTON. I do not want to stand in the way of the gentleman's proposition to take a recess. For the present, therefore, I withdraw my motion to suspend the rules, to allow that question to be taken.

Mr. ORR. Then I move that the rules be suspended for the purpose of taking the question on the motion to have a recess till seven o'clock.

Mr. JONES, of Tennessee. I object; there is another motion pending.

The SPEAKER. This is a motion to suspend the rules. An objection does not defeat it.

Mr. JONES. Then I hope that the House will vote it down.

The question was taken; and, on a count, there were—ayes 78, noes 49.

So (two thirds not voting in the affirmative) the rules were not suspended.

Mr. HOUSTON. I now make my motion to suspend all further five-minute debate upon the civil and diplomatic bill.

Mr. SAGE. I call for the yeas and nays upon that motion.

Mr. SOLLERS. I wish to ask one question of the gentleman from Alabama.

The SPEAKER. Is it the pleasure of the House to hear the gentleman's question?

[Cries of "Hear him!" "Go on!"]

Mr. SOLLERS. I only want to ask the gentleman from Alabama whether his motion, if adopted, would exclude a member from asking the Committee of Ways and Means for an explanation of an amendment?

Mr. HOUSTON. That would depend entirely upon the construction which the Chairman of the Committee of the Whole on the state of the Union should give to the motion.

Mr. SOLLERS. Then I hope the motion will not be adopted.

Mr. TAYLOR, of Ohio. I wish to ask the gentleman from Alabama if his motion is to suspend five-minute debate upon the civil and diplomatic bill only?

[Cries of "Order!" "Order!"]

Mr. HOUSTON. That is all.

Mr. PECKHAM. I move that the House do now adjourn.

The question was taken; and the House refused to adjourn.

The question recurring upon Mr. HOUSTON's motion,

Mr. SAGE withdrew his demand for the yeas and nays.

Mr. ORR. I think it is likely that we can get along faster by pursuing a different course. With the permission of the gentleman from Alabama, I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

[Cries of "That's it!" and "No!" "No!"]

Mr. HOUSTON. I withdraw my motion, for the purpose of enabling the gentleman from South Carolina to submit his motion.

[Mr. GREEN, from the Committee on Enrolled Bills, reported as correctly enrolled bills of the following titles, which thereupon received the signature of the Speaker:

An act to constitute Madison, in the State of Indiana, a port of delivery.

An act to create a collection district for Texas and New Mexico.

An act establishing a port of delivery upon Lake Pontchartrain, and for other purposes.]

Mr. CHASTAIN. I ask leave to withdraw certain papers from the files of the Committee on Indian Affairs, the subject matter of them having been disposed of in the Indian appropriation bill.

There was no objection, and leave was granted.

Mr. WASHBURN, of Maine. I would suggest to the gentleman from South Carolina that he withdraw his motion, and allow the gentleman from Alabama to renew his. Then let us adjourn, and come here in the morning and dispose of this bill.

Mr. ORR. I will state to the gentleman from Maine—

The SPEAKER. The Chair must arrest the gentleman from South Carolina, and declare that debate is out of order.

Mr. WALSH. I demand tellers upon the motion to go into the Committee of the Whole on the state of the Union.

Tellers were ordered; and Messrs. JONES, of Louisiana, and GREY, were appointed.

The question was taken; and the tellers reported—ayes 71, noes 53.

So the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. ORR in the chair,) and resumed the consideration of the amendments of the Senate to the civil and diplomatic bill.

One hundred and twenty-ninth amendment:

Strike out "\$97,200," and insert in lieu thereof "\$160,000," so that the paragraph will read: For salaries and commissions of registers of land offices and receivers of public moneys, \$160,000.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a concurrence.

Mr. MILLSON. Mr. Chairman, I move to amend the amendment by adding the words:

"—but no part of the increased salaries herein provided for shall take effect until after the termination of the present Congress."

The Chair will perceive that I have offered this amendment for the purpose of enabling me to submit a word or two in order.

Mr. HOUSTON. There is no increase of salary provided for by the amendment.

Mr. MILLSON. Well, then, let the amendment read, "no part of the sum herein provided for," &c. If the amendment be adopted, it will give us, at the next session of Congress, the opportunity of revising and repealing this appropriation. Now, sir, I have very little confidence in appropriations which shall be made from now to the close of the session. There are but three days of the session remaining, unless there be an extension. Whenever a question comes up, there is an evident impatience in the committee. There is a call for "Question!" "Question!" Gentlemen are forced to vote without due reflection or deliberation; and many gentlemen are prevented from engaging in debate, which I think, so far, has been a very profitable one, and not at all abused, by the evident impatience of the committee. The very gentlemen who, in the face of the protest of many of us, determined to close the session on the 4th of August—

Mr. HOUSTON. I call the gentleman to order. I ask that he be confined to a discussion of his amendment.

The CHAIRMAN. The Chair hopes that the gentleman will confine his remarks strictly to his amendment.

Mr. MILLSON. I have confined my remarks to my amendment.

The CHAIRMAN. The Chair sees in one way how the remarks of the gentleman may be made applicable to his amendment.

Mr. MILLSON. My amendment was worded with a view to enable me to make a few remarks in order. When interrupted, I was going on to say that the gentlemen who insisted on closing the session on the 4th of August, ought not to expect that those who objected to so early an adjournment on the ground that there was not sufficient time left for a mature consideration of these questions, should abstain from that discussion which is necessary to their being properly understood. I have but little fear of the votes of the House, when these votes are the result of proper discussion, but I do very much apprehend danger in

what will take place when there is no deliberation. I have offered the amendment for the purpose of making these remarks, and now withdraw it.

The question was taken, and the amendment of the Senate was concurred in.

One hundred and thirtieth amendment:

In line one thousand five hundred and seventy-seven strike out "\$14,600," and insert "\$50,000," so as to make the clause read:

For expenses of depositing public moneys, by receivers of public moneys, \$50,000.

Mr. JONES, of Tennessee. The committee recommend a concurrence.

The amendment was concurred in.

One hundred and thirty-first amendment:

In lines one thousand five hundred and seventy-nine and one thousand five hundred and eighty strike out "\$18,100" and insert the words "including new officers not heretofore provided for, \$40,000;" so that the clause as amended, would read:

For incidental expenses of the several land offices, including new officers not heretofore provided for, \$40,000.

Mr. JONES, of Tennessee. The committee recommend a concurrence.

The amendment was concurred in.

One hundred and thirty-second amendment:

For salaries of registers and receivers in Oregon and Washington Territories, or so much thereof as may be necessary, per act of 17th July, 1854, \$9,000.

For office rent, fuel, and labor for said offices, \$4,000.

For iron safes for receivers, and for books, stationery, and furniture, \$3,000.

Mr. JONES, of Tennessee. The committee recommend a concurrence.

The amendment was concurred in.

One hundred and thirty-third amendment:

For surveying the public lands and private land claims in California, including office expenses incident to the survey of claims, and to be disbursed at the rates prescribed by law for the different kinds of work, \$300,000.

Mr. JONES, of Tennessee. The committee recommend a concurrence.

The amendment was concurred in.

One hundred and thirty-fourth amendment:

For rent of surveyor general's office in California, purchase of instruments, records, drawing materials, furniture, fuel, pay of messengers, \$18,300.

Mr. JONES, of Tennessee. The committee recommend a concurrence.

The amendment was concurred in.

One hundred and thirty-fifth amendment:

For compensation of draftsmen and clerks, in addition to the amount heretofore estimated, the same being required in consequence of the increased amount of field-work proposed to be executed, \$21,000.

Mr. JONES, of Tennessee. The committee recommend a concurrence.

The amendment was concurred in.

One hundred and thirty-sixth amendment:

For surveying standard parallel and meridian lines in Washington Territory, (an estimated distance of five hundred miles,) \$10,000.

Mr. JONES, of Tennessee. The committee recommend a concurrence.

Mr. TAYLOR, of Tennessee. I move that the committee rise. We have been sitting here six hours and a half.

The question was taken upon Mr. TAYLOR's motion; and it was decided in the negative.

So the committee refused to rise.

The question then recurring upon concurring with the Senate amendment,

Mr. HOUSTON demanded tellers.

Tellers were ordered, and Messrs. MATTESON, and JONES, of Louisiana, were appointed.

The question was taken; and the tellers reported—ayes, 84, noes 12.

A quorum not voting, the Clerk proceeded to call the roll, when the following gentlemen failed to answer to their names.

Messrs. Abercrombie, Ashe, Ball, Banks, Barry, Bell, Benton, Bissell, Bliss, Breckinridge, Bridges, Brooks, Carpenter, Caskie, Chamberlain, Chandler, Chase, Clarke, Clingman, Colquitt, Cook, Corwin, Cruze, Cullom, Cumming, Curtis, Cutting, Thomas Davis, Dean, Dent, DeWitt, Dickinson, Disney, Drum, Dunbar, Dunham, Eastman, Edwards, Edmundson, Thomas D. Eliot, English, Etheridge, Everhart, Ewing, Fenton, Franklin, Gamble, Grey, Hamilton, Andrew J. Harlan, Sampson W. Harris, Hastings, Hendricks, Hiestler, Hillyer, Howe, Ingersoll, J. Glancy Jones, Keitt, Kerr, Lamb, Lane, Latham, Lindley, Lyon, McDougall, McMullin, Mace, Maurice, May, Mayall, Meacham, Middlesworth, John G. Miller, Smith Miller, Morrison, Noble, Norton, Andrew Oliver, Packer, Parker, Peck, Bishop Perkins, John Perkins, Ready, Reese, Richardson, David Ritchie, Thomas Ritchie, Rowe, Russell, Sage, Seymour, Shannon, Showers, Simmons, Samuel A. Smith, Frederick P. Stanton, Alexander H. Stephens,

Straub, Tracy, Tweed, Walley, Warren, Ellihu B. Washburne, Wheeler, Witte, Hendrick B. Wright, and Yates.

The committee rose, and the Speaker having resumed the chair, the Chairman of the committee reported that the Committee of the Whole on the state of the Union had had, according to order, the Union generally under consideration, and particularly the Senate's amendments to the civil and diplomatic appropriation bill; and, finding itself without a quorum, had directed the roll to be called, and the names of the absentees to be reported to the House.

One hundred and twenty-eight gentlemen having answered to their names, being a quorum, the committee resumed its sitting.

The CHAIRMAN. The question is on the pending Senate's amendment, number one hundred and thirty-six, in which the Committee of Ways and Means recommend a concurrence.

The question was taken, and the amendment was concurred in.

One hundred and thirty-seventh amendment:

For office rent for the surveyor general of Washington Territory, fuel, books, stationery, and other incidental expenses, \$5,000.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a concurrence in the amendment.

The amendment was concurred in.

One hundred and thirty-eighth amendment:

Strike out the following clause:

For two additional clerks in the office of the Superintendent of the Public Printing, authorized by the joint resolution approved February 6, 1854, at \$1,500 each, \$3,000.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

One hundred and thirty-ninth amendment:

Page seventy-one, line one thousand seven hundred and twenty, after the word "resolution," add the words "of the House of Representatives."

The amendment, as amended, reads:

For the compensation to draughtsmen and clerks employed upon the maps of the public lands, under the resolution of the House of Representatives of 4th of May, 1848, \$7,500.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

One hundred and fortieth amendment:

For running the northwestern boundary line between the United States and Great Britain, from the Lake of the Woods to the Pacific ocean, for marking the forty-ninth parallel, and for such survey as may be necessary to fix said boundary between the main and Vancouver's Island, and including the compensation of the officers and others employed in the work, \$242,170.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence in that amendment.

Mr. LANCASTER. I believe, Mr. Chairman, that I would not be performing my duty as a Delegate from the Territory of Washington, were I to sit here without saying something on this question. I propose to amend the amendment of the Senate by increasing the sum one dollar. I have no doubt in my own mind of the correctness of the motives of the Committee of Ways and Means of this House. But I will say, that if that boundary line is ever intended to be run by the Government of the United States, now is the time that it should be run. And I will state, for the information of the committee, that the inhabitants who are American citizens, are now contending with the British authorities for the possession of three islands, which lie in the channel, between Vancouver's Island and the main land. Forcible possession has been taken of one of these islands by the citizens of Great Britain, and forcible possession has been taken by the United States authorities of the same island. I learn by my last advices from Washington, that the flags of both nations have been raised on the same island, and that the subjects of Great Britain have recently transported large numbers of cattle and sheep on to this island. The Americans are contending, with arms in their hands, for this island, and as strictly resisted by the subjects of Great Britain.

The Indians who reside in that Territory, and near the division line, do not know where the line is. They believe all the country around that part belongs to the British. They see no flag in those waters carried by steamers, except the British flag. They observe no warlike demonstrations

there, except British. They see and hear British subjects claiming and contending for these islands. They observe the British flag placed there, and hence they conclude that they are British waters and British lands. They have long known the flag of England, and they have been in her service for the past forty years. They have been well armed by her for the purpose of taking furs and killing wild animals; and the white men in the employment of England have been, for the last forty years, encouraged, as a matter of policy, to take wives from among the Indians, and a numerous race of half-breeds is the result, whose sympathies are with the natives. Many of these half-breeds are in possession of the soil. They have selected their homes. They have placed the lands in cultivation; and by the donation law of Congress, they are excluded, and a division is made by that law separating the American half-breed from the foreign half-breed; and by the operation of that law Indian families are divided, a part of the children can hold land, while others of the same families are excluded.

A powerful tribe to the North of the line of 49° of whom I made mention in my remarks to-day upon another subject, regard the whole of Puget's Sound as belonging to England. It is that tribe who made prisoners of twenty-seven American citizens who were wrecked on Queen Charlotte's Island. They have recently made a descent upon the inhabitants of Puget's Sound, and have forced them from their homes into fortifications, and their houses are now deserted and empty. Their stock and property are all liable to be burned and destroyed by these Indians. Some of the inhabitants have been murdered and butchered in cold blood, and it becomes exceedingly necessary that the boundary line should be established, that the Indians at least may know where the boundary line between Great Britain and the United States is; and that Great Britain and her subjects may know how far they may go, and what land belongs to them, and what to the United States.

This territory, of which I have been speaking, does belong to the United States, by the terms of the treaty. You will see by the treaty that the boundary line comes down the parallel of 49° of north latitude to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly through the middle of the said channel, and of Fuca's Straits to the Pacific ocean. You see that the line through these channels conforms to no parallel of latitude. It cannot be known except by a survey. The Puget Sound Company and the Hudson Bay Company claim that these islands all lie on the west side of the line, and therefore belong to England; and the Americans claim that these islands, all of them, lie on the east side of the line, and therefore are the rightful property of the United States. And unless the line is established, it will lead to a war. It is an inducement to trouble, vexation, and the shedding of blood; and every day that the establishment of the line is put off prolongs the evil day. If it was necessary to establish the boundary line between Maine and the British possessions, it is equally necessary to establish the boundary line between us and the British in Washington. I speak the sentiments of those I represent, when I appeal to Congress not to delay this matter, to make the survey immediately, and settle the rights of the contending interests in that quarter.

I hope the Congress of the United States will order the line to be run, that this pillage may be stopped, and this incentive to war be removed.

Mr. CAMPBELL. I am in favor of striking out this amendment, and agree with the committee in recommending a non-concurrence in the Senate amendment. I wish now to put in a five-minute speech by way of notice of what I wish to say in an hour's speech, which it would not be proper to make so near the close of the session. I am opposed to paying any money out of the National Treasury at this time for running any line in the northern part of this continent between the possessions of Great Britain, or of any other Power, and the United States. I offer now the simple reason, that the day is not far distant when all the British possessions upon this continent will be annexed to the United States of America.

It will be recollected, Mr. Chairman, that some months ago I submitted to the House a resolution, proposing that the Executive be authorized to open

negotiations with the Government of Great Britain, with the view of ascertaining the terms upon which she would consent to such annexation, with the assent of the people of the Provinces. Sir, since that time, as gentlemen in this committee have observed, that resolution and other causes have given rise to a debate in the British Parliament on this subject, in which the ground was assumed by British statesmen that the day was fast approaching when the connection of the British colonies in North America with the mother country must be abandoned.

The CHAIRMAN. The Chair is compelled to call the gentleman to order. The gentleman must confine himself in opposition of the amendment.

Mr. CAMPBELL. Very well. I am opposed to the amendment, because I am opposed to making any appropriation for running the boundary line between the United States and the British possessions as a useless expenditure.

The CHAIRMAN. The amendment is to increase the appropriation one dollar; and the gentleman must confine himself to showing why it should not be increased that amount.

Mr. CAMPBELL. I will, sir. I am against increasing the appropriation one dollar; and I am endeavoring to show that no appropriation at all should be made. Sir, no man of progress—no man who looks at the condition of things as they exist at the present day—can doubt that the period is not far distant when all that part of the North American continent will become parts of one Federal Government, and recognize as their national flag our "stars and stripes."

I referred to the fact, that in the British Parliament the position has been assumed that the Government must look to no very distant period when their colonial possessions in North America must be abandoned. And, sir, it was then frankly, but truly, avowed, that if, in an unfortunate hour, there should be a conflict between the two nations, it would be impossible for that Government to hold her possessions upon this continent. I am no "fillibuster," and look fearfully upon every proposition to extend our territory by the power of arms; but I desire to give notice that I intend, before this Congress closes, to offer a resolution to open negotiations looking to the honest and peaceful extension of our territory in the North.

The CHAIRMAN. The Chair must again arrest the gentleman in his remarks, and remind him that he must confine his remarks to opposing the amendment. The course of remark the gentleman is pursuing is certainly not in order.

Mr. CAMPBELL. Then I will move to strike out the whole appropriation.

The CHAIRMAN. That is not in order for the reason that there is an amendment already pending.

[Here the hammer fell.]

The amendment to the Senate amendment was not agreed to.

Mr. CAMPBELL. I now move to amend by—

Mr. FLORENCE. I will move an amendment if the gentleman will allow me. I move to strike out "forty-ninth," and to insert "fifty-four forty."

A MEMBER. Or fight. [Laughter.]

Mr. FLORENCE. No sir, I do not accept that modification.

Mr. CAMPBELL. Now, sir, I am opposed to that amendment. I am opposed to reviving a line between the United States and the British possessions at 54° 40', or any other parallel on this continent, because looking to the present condition of things—

Mr. STUART, of Michigan. I rise to a question of order. The amendment of the gentleman from Pennsylvania is certainly not in order. He proposes to run a line in the British possessions. The gentleman from Pennsylvania proposes the line of 54° 40' or fight. [Laughter.]

Mr. FLORENCE. No, sir, I did not accept the modification.

Mr. STUART. Well, sir, there is no such line in the American possessions.

Mr. FLORENCE. I call the gentleman from Michigan to order. He is discussing his point of order, not stating it.

Mr. STUART. Well, I raise the question of order, and I ask the Chair to decide it. The Senate's amendment is to run the line of 49°,

which is the one recognised by the law and treaty. There is no such line as that proposed in the gentleman's amendment on the American possessions.

The CHAIRMAN. The Chair has no doubt that the gentleman from Pennsylvania may move to strike out 49°, and insert in lieu thereof 54° 40'.

Mr. FLORENCE. I never believed that the line ought to have been 49° of latitude.

The CHAIRMAN. The gentleman is not in order.

Mr. CAMPBELL. In relation to the line of 54° 40', I very much regret that on a certain occasion the gentleman's party "*jimmied*," (to use a western expression.) [Laughter.]

The CHAIRMAN. The gentleman must confine himself to an explanation of his amendment.

A MEMBER. The gentleman should confine himself to an opposition of the amendment of the gentleman from Pennsylvania.

Mr. FLORENCE. And not to the party to which the gentleman from Pennsylvania belongs.

The CHAIRMAN. The gentleman from Ohio understands the rules, and the Chair trusts that in his remarks he will confine himself to them.

Mr. CAMPBELL. I certainly shall. If the rule is to be rigidly enforced on me, I have simply to say, that the further north we have to expend money in surveying a line, the better.

The CHAIRMAN. If the gentleman had been in the committee all day he would have found that the Chair has pretty strictly enforced the rule on all gentlemen.

Mr. CAMPBELL. I do not doubt it, but as I have been out on a committee of investigation, I hope the Chair will indulge me a moment longer. I propose to give notice to members that if I can get the ear of the Speaker, I will, at a proper time, introduce a resolution looking to a correspondence with the Government of Great Britain, with a view to the peaceful annexation of all the British possessions in North America. Believing that such a destiny awaits these possessions, I am opposed to these appropriations for running lines. For this opinion, I have reasons which I am prepared to give now, but I cannot expect to do that so near the close of the session. I expect to give them next session, should I live to return. My only desire now is to call attention to the fact that I shall introduce and urge my resolution in good faith; not that I now expect to carry it at this time, but intending to follow it up at the next session as an important national measure. Then I will give the reasons in full, which I now refrain from doing in order that the legitimate business of the House may progress.

The question was taken; and Mr. FLORENCE's amendment was rejected.

The Senate's amendment was non-concurred in.

One hundred and forty-first amendment:

For arrearages of necessary traveling and personal expenses due employees on the northeastern boundary survey during the years 1844, 1845, 1846, and 1847, \$2,016.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a concurrence in the amendment.

The amendment was concurred in.

One hundred and forty-second amendment:

Strike out the following:

"To enable the Secretary of the Treasury to replace the moneys already paid for rents, and to pay the semi-annual payment of rent falling due on the 1st day of January, 1855, on the two leases each bearing date the 19th day of August, 1853, one thereof with the Bank of the State of New York, and the other thereof from the Bank of Commerce, both being for property on Wall street in the city of New York, leased for the uses of the assay office in the city of New York, \$68,458 33."

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a concurrence in the amendment.

The amendment was concurred in.

One hundred and forty-third amendment:

For repair and renewal of the gas-pipes through the Capitol, and fixtures necessary for the lighting of such committee-rooms therein as need it, and lighting East Capitol street from the Capitol to Third street, \$7,000.

For painting and repairs inside of the Capitol, new furnaces under the Senate Chamber and Supreme Court room, &c., \$5,000.

Mr. JONES, of Tennessee. The Committee of Ways and Means propose the following amendment:

Strike out "for repair and renewal of the gas pipes through the Capitol, and fixtures necessary for the lighting of such committee-rooms therein as need it, and lighting East Capitol street from the Capitol to Third street, \$7,000."

Also, in line eighteen hundred and fifteen, strike out the words "and so forth," and at the end of the line insert the following: "For furnishing and putting up new furnaces, repairing old furnaces, rebuilding and ventilating air chambers of the House of Representatives, \$4,500;" so that the amendment, as amended, will read:

For painting and repairs inside of the Capitol, new furnaces under the Senate Chamber and Supreme Court room, \$5,000.

For furnishing and putting up new furnaces, repairing old furnaces, rebuilding, and ventilating air chambers of the House of Representatives, \$4,500.

The question was taken; and the amendment was agreed to.

The amendment of the Senate, as amended, was then concurred in.

One hundred and forty-fourth amendment:

To enable the Secretary of the Interior to pay for two hundred and twenty feet and five inches of granite coping, used in the improvement of the triangular square at the corner of Thirteenth street and Pennsylvania avenue, \$515 47.

Mr. JONES, of Tennessee. The committee recommend a concurrence.

The amendment was concurred in.

Mr. HOUSTON. There is a mistake, as I understand, in the printing of the next amendment. There are two amendments instead of one, and the Senate have omitted numbering the first amendment which is to strike out all from line eighteen hundred and sixty-one to line eighteen hundred and seventy-one inclusive. That will be amendment number one hundred and forty-four and one half.

Mr. STANTON, of Kentucky. I hope the Clerk will read what is proposed to be stricken out, and that the committee will not agree to strike it out.

One hundred and forty-four and a half amendment:

Strike out the following proviso: "Provided, That each and all persons who have been, or may be, appointed hereafter to disburse the money which is now, or may hereafter be, appropriated for the building or repair of any of the edifices or structures for which appropriations are made in this act, and are not now required by law to give bond and security, shall give bond, with good securities, in sufficient penalty, to be approved of by the head of the Department under which such disbursement may be made, or the President of the United States, when the work shall be specifically under his direction."

The clause, as amended by the Senate amendment, would read:

For the Capitol extension, \$750,000.

Mr. FULLER. Would it be in order for me to move an amendment by striking out and inserting?

The CHAIRMAN. The Chair thinks that such an amendment would be in order.

Mr. FULLER. I then offer the following amendment, which I am instructed by the Committee on Commerce to offer:

To make a report and synopsis, to be furnished to Congress at the first of the next session, showing the changes and alterations made in compiling and codifying the revenue laws, explanatory of the same, to be prepared by the direction of the Secretary of the Treasury, \$5,000, and—

Mr. JONES, of Tennessee. That is not in order.

The CHAIRMAN. The Chair is of the opinion that the amendment is not germane to the Senate amendment.

Mr. FULLER. I suggested to the Chair whether striking out and inserting in the amendment would not be in order.

The CHAIRMAN. The words proposed to be inserted would have to be germane to the Senate amendment.

Mr. FULLER. My amendment is germane to the subject of the Senate's amendments.

The CHAIRMAN. But not germane to the pending amendment of the Senate.

The question was then taken; and the Senate amendment was non-concurred in.

One hundred and forty-fifth amendment:

For continuing the work for a supply of water to the cities of Washington and Georgetown, \$500,000: *Provided*, That no part of the sum hereby appropriated shall be expended until the corporations of Washington and Georgetown, or either of them, shall appropriate and pay an amount equal to one fourth of said sum for the same purpose, and shall agree to pay in like manner the same proportion of all future appropriations; and full power and authority are hereby given to said corporations, respectively, to raise, by loan or otherwise, any sum of money that may be necessary to enable them, or either of them, to make the appropriation herein required; and the said corporations of Washington and Georgetown, and the inhabitants of the said cities respectively, or the corporation making the appropriation, and the inhabitants of such city,

shall be authorized to use the surplus water which may be brought by the Washington aqueduct, after supplying the Government establishments in Washington, under such general rules and regulations as may hereafter be prescribed by Congress; and each of said corporations shall have the right to charge and collect of the inhabitants of such city such reasonable tax or rent for the use of the water as will provide for the regular payment of the interest, and the gradual payment of the principal, of any money which may be raised under the authority hereby given.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence in the amendment.

The amendment was non-concurred in.

One hundred and forty-sixth amendment:

For completing the bridge over the Potomac river, near the Little Falls, \$75,000.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence.

Mr. SMITH, of Virginia. I wish to make an inquiry of the Chair, for information. If the committee do not concur in the Senate's amendment, will it then be in order to offer an amendment?

The CHAIRMAN. If the amendment be non-concurred in, it will have been disposed of.

Mr. SMITH. Then, as the amendment is to go over, I will not raise a question now. Let us vote on the Senate's amendment.

The CHAIRMAN. Does the Chair understand the gentleman from Virginia as offering an amendment?

Mr. SMITH. I have sent an amendment to the Clerk's desk, but the suggestion has been made that we shall concur in the Senate's amendment, and then have a vote by the yeas and nays in the House. I have no objection to that.

[Cries of "Question! Question!"]

The CHAIRMAN. The question is on the amendment of the Senate, in which the Committee of Ways and Means recommend non-concurrence.

The question was taken; and the amendment was non-concurred in.

One hundred and forty-seventh amendment:

For permanent repair of the roof of the Capitol with copper, \$2,000.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

One hundred and forty-eighth amendment:

Page seventy-eight, line one thousand nine hundred and twelve, strike out the word "on," and insert in lieu thereof the word "and," so as to make the clause read:

For lighting the President's house and Capitol, the public grounds around them, and around the Executive offices, and Pennsylvania avenue, \$22,000.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

One hundred and forty-ninth amendment:

Page seventy-nine, line one thousand nine hundred and sixteen, among the appropriations for public buildings and grounds, insert the following:

For furnishing lamps and lamp-posts from Sixteenth to Seventeenth streets on Pennsylvania avenue, in front of Lafayette square, \$500.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

One hundred and fiftieth amendment:

Insert after the preceding amendment, the following: For completing the improvement of Pennsylvania avenue west of Seventeenth street, \$9,000.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence:

Mr. STANTON, of Kentucky. I desire to offer the following amendment to that Senate amendment. It is to add after the words "dollars," the following:

And for a culvert across Judiciary square, \$5,500.

Mr. JONES, of Tennessee. That amendment is not in order, and I would say to the gentleman from Kentucky that there is not a drop of water in Judiciary square, or within a whole street of it.

Mr. STANTON. The Commissioner of Public Buildings says there is.

Mr. JONES. E street is between Judiciary square and that drain to which the Commissioner refers.

Mr. STANTON. I think the amendment is in order. There have been general laws for the last forty years for making improvements in the city of Washington, and this amendment is part of the system.

The CHAIRMAN. The Chair thinks the question of order well taken, and rules the amend-

ment out of order. We are now considering a Senate amendment, and no amendment is in order to that, except one which is germane to that amendment. The Chair cannot see that an amendment to provide for the construction of a culvert across Judiciary square is germane to the improvement of Pennsylvania avenue, which is the object of the Senate amendment.

The question was then taken upon agreeing to the Senate's amendment; and it was decided in the negative.

So the amendment was non-concurred in.

One hundred and fifty-first amendment:

After the last amendment insert the following:

To reimburse the expenditure made by the Commissioner of Public Buildings for the repair of the Potomac bridge, when injured by fire, \$4,500.

Mr. HAVEN. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

One hundred and fifty-second amendment:

Page seventy-nine, line one thousand nine hundred and twenty-seven, after the appropriation for completing the Patent Office Building, insert:

For altering the streets, and repairing in front of the east wing of the Patent Office, putting up iron railings, flagging footway, putting in order yards, painting new saloon of the Patent Office in fresco, \$14,250.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a concurrence.

Mr. HOUSTON. I have just received a note from the Commissioner of the General Land Office, asking for an appropriation—which the Committee of Ways and Means recommended at one time—for additional repairs to the Patent Office. It is for fitting up a portion of the basement of that building, in order to locate some of the clerks in it. The Commissioner of the General Land Office assures me that the Commissioner of Patents and the Secretary of the Interior concur in the recommendation.

The amendment was read, as follows:

For iron railing and flagging in front of the old portion of the Patent Office Building, for altering the windows in the rear, and dressing off the granite to conform to the front, and for private stairway in the building, \$5,750.

The amendment was agreed to.

The question then recurred upon concurring in the amendment of the Senate, as amended; and being taken, it was decided in the affirmative.

So the amendment was concurred in.

One hundred and fifty-third amendment:

For fuel for President's House, \$1,000.

Mr. JONES, of Tennessee. The Committee of Ways and Means have recommended a concurrence in that amendment, but I hope it will be non-concurred in.

The question was put; and the Chair announced the vote in the negative.

Mr. PECKHAM. I rise to a question of order. I rose and addressed the Chair before the question was put upon concurring in the amendment. I desire to speak in reference to it.

The CHAIRMAN. The Chair did not recognize the gentleman, nor did he hear him until after the vote had been announced.

Mr. PECKHAM. Well, sir, I desire to speak upon this item. It is true the amount involved is very small, very contemptible; but the principle involved is a very important one. It is quite unusual in the history of the Government.

Mr. HOUSTON. It is not unusual. The same item has heretofore been allowed.

The CHAIRMAN. Debate is not in order. The Chair will, however, inform the gentleman, that he had announced that the amendment was non-concurred in.

Mr. PECKHAM. Then I have nothing to say. I thought the question was decided differently.

Mr. JONES, of Louisiana. I submit that the amendment has not been decided. I call for tellers.

Tellers were not ordered; and the amendment was non-concurred in.

One hundred and fifty-fourth amendment:

For a furnace keeper for the President's House, \$365.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a concurrence, but I think the amendment ought to be non-concurred in.

Mr. PECKHAM. I move to reduce the amount specified in the amendment five dollars.

As in the last amendment, the amount involv

is a very contemptible one, but the principle is of very great importance as connected with the salary of the President of the United States. The Constitution of the United States provides:

"The President shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive within that period any other emolument from the United States, or any of them."

Now, Congress might just as well attempt to pay the President's butcher's bill, or his tailor's bill, as such items as this.

Mr. JONES, of Louisiana. The gentleman from New York states that the President of the United States is entitled to \$25,000 a year for his services, and nothing more. Sir, I should like to know whether he pays for house rent? I should like to know whether he pays for a good many other things connected with his expenses? Sir, the President not only does not pay for house rent, but he does not pay for any of the curtains in the east room of the White House, nor does he pay for any of the furniture there. Appropriations have been made for those things from the beginning of the Government down to the present time. Sir, the object of this opposition is manifest. I call upon the Democratic party to stand by the President when he is attacked in this insignificant manner. It seems to me extraordinary that this little attack should be made, at this time, on the President, and when the chairman of the Committee of Ways and Means says that these appropriations are usual, and ought to be made.

Mr. JONES, of Tennessee. It is not one of the planks of the Democratic platform. [Laughter.]

Mr. PECKHAM. Has an appropriation like this been made since the organization of the Government?

Mr. STUART, of Michigan. Yes, sir; one was made at the last session.

The question was taken; and Mr. PECKHAM's amendment was disagreed to.

Mr. WALSH. I demand tellers on the Senate amendment.

Tellers were ordered; and Messrs. BENSON and KITTREDGE were appointed.

The question was taken; and the amendment was concurred in, the tellers having reported—ayes 64, noes 59.

One hundred and fifty-fifth amendment:

For grading done by order of Ignatius Mudd, late Commissioner of Public Buildings, in reservation No. 17, between Third street east and New Jersey avenue, §484 89.

Mr. JONES, of Tennessee. The committee recommend a non-concurrence.

The amendment was non-concurred in.

Mr. JONES, of Tennessee. The amendments are numbered wrong. There are no numbers from one hundred and fifty-five to one hundred and fifty-nine.

One hundred and fifty-ninth amendment:

Sec. —. And be it further enacted, That the Secretary of the Treasury be, and is hereby, authorized and directed to cause to be constructed the following buildings: At Ells worth, Maine, for the accommodation of the custom house and post office, a building of brick, with fire proof floors, constructed of iron beams and brick work, iron roof, shutters, sills, &c., twenty-five feet by thirty, and twenty-five feet in height from the foundation, to cost not more than \$10,000. At Belfast, Maine, for the accommodation of the custom-house and post office, a building of like materials, forty-five feet by thirty-two, and thirty-two feet high, and to cost not more than \$20,000. At Gloucester, Massachusetts, Toledo, Ohio, Burlington, Vermont, and Sandusky, Ohio, for the accommodation of the custom-house and post office, a building of like materials, sixty feet by forty-five feet, and thirty-two feet from the foundation, and to cost not more than \$40,000 for each building. At Milwaukee, Wisconsin, for the accommodation of the custom-house, post office, and United States courts, a building of like material, sixty feet by forty-five feet, forty-eight feet in height from the foundation, to cost not more than \$50,000. At New Haven, Connecticut, Newark, New Jersey, Buffalo, New York, Oswego, New York, Wheeling, Virginia, Chicago, Illinois, and Detroit, Michigan, each for the accommodation of the custom-house, post office, United States courts, and steamboat inspectors, a building of stone, of like floors, beams, roofs, shutters, &c., eighty-five feet by sixty feet, sixty feet in height from the foundation, to cost not more than \$8,000 for each building; the building at Detroit to be erected upon a water lot belonging to the United States. At Galveston, Texas, for the accommodation of the custom-house, post office, and United States courts, a building of brick, of like floors, beams, roof, shutters, &c., forty-five feet by seventy feet, forty-eight feet high from the foundation, with a portico on two sides, and to cost not more than \$100,000. At Petersburg, Virginia, for the accommodation of the custom-house and post office, a building of stone, of like floors, beams, roof, shutters, &c., sixty feet by forty-

five feet, thirty-two feet high from the foundation, to cost not more than \$62,000.

Mr. JONES, of Tennessee. The committee recommend a non-concurrence.

Mr. STANTON, of Tennessee. At the request of the member from the Knoxville district, I offer the following amendment. If it is adopted, I shall offer one of the same kind for Memphis:

At the end of the section, insert the following: "And the customs to be collected at the port of delivery at Knoxville, Tennessee, for the next five years, are hereby appropriated for the construction of a custom-house at that port."

Mr. JONES, of Tennessee. I rise to a question of order. There is no law authorizing the construction of such a building.

The CHAIRMAN. The Chair is inclined to second the views of the gentleman from Tennessee, and rules the amendment out of order.

Mr. WASHBURN, of Maine. I call for tellers on the original proposition.

Mr. SMITH, of New York. I move to add one dollar to each sum mentioned in the Senate's amendment. In making this motion I signify that I am in favor of building these custom-houses. On what ground it is that the building of them is objected to, I do not know. Is it on the ground that the tariff system should be abandoned; and that, therefore, all custom-houses, both existing and prospective, must fall with it? If on that ground, then I welcome the objection, for I am an absolute free-trade man, would have Government supported by direct taxes, and do not expect to see Government right until it is so supported. But it is not on that ground that the building of these custom-houses is objected to. None of the objectors propose free trade. All are in favor of continuing to defray the expenses of Government by duties. Hence all of them are to be regarded as in favor of safe and suitable buildings for custom-house business, wherever there is enough of such business to make such buildings necessary. I take it for granted that the only question in the case, which these objectors allow to be pertinent and influential with them, is, whether there is business to warrant the erection of the proposed custom-houses. Others must speak for the custom-houses recommended in other States. I will confine myself to the advocacy of the two recommended to be built in my own. Both are needed, by the fact that, in each of the towns, (Buffalo and Oswego,) there is a vast amount of custom-house business. That of Oswego, I feel safe in saying, exceeds that of any town in the nation above tide-water. Indeed, there are scarcely more than half a dozen towns in the whole nation that exceed Oswego in custom-house business. The duties payable on bonded and unbonded property passing through Oswego in the year 1853, exceeded \$696,000. This year they will probably exceed \$1,000,000. I learn from the collector of that port that they amounted, up to the 30th June, to \$518,276.

To enforce my claim for a custom-house in Oswego, I will read to the committee an extract from a letter which I received a fortnight since from the collector:

"You will see that our business is constantly and largely increasing. The bonded property received here from Canada this year to the end of June, is nearly equal to the total of last year; and the last year showed a very large increase on any former year."

Speaking of the contracted and unfit building which Government leases, the collector says:

"The custom-house building here is eighteen feet by fifty feet, and contains no vault or place of deposit for the public moneys collected here except a common iron safe. My clerks and assistants when fully employed, as is the case the greater part of the business season, are about as closely stowed as children at the desks of a well filled country school-house."

I would add that the collector has also informed me, as a further illustration of the large amount of business in his office, that the number of persons employed in it is thirty-five.

I have, now, ended my plea for a custom-house in Oswego. Confident I am that the facts in this plea cannot be resisted. But if, by possibility, they shall be resisted, and Government shall refuse to build a custom-house in Oswego, what shall I say to reconcile my constituents to such refusal? What pacifying explanations will you enable me to make to them? What shall I be able to say to them in vindication of the justice, impartiality, consistency of Government?

[Here the hammer fell.]

Mr. INGERSOLL. I am opposed to the amendment, and call for a vote.

The question was taken upon the amendment of Mr. SMITH, of New York; and it was not agreed to.

Mr. PHELPS. I propose to reduce the amount proposed to be appropriated in this section to \$100,000.

I offer this amendment for the purpose of calling the attention of the committee to the amount of money proposed to be appropriated in this section. Sixteen custom-houses are estimated for, and provided for in this amendment of the Senate. The gross amount of money proposed in this section is \$1,018,000, and it embraces merely the expense of the erection of the buildings; but the next section provides that there shall be an additional sum appropriated not to exceed ten per cent. upon the sum appropriated by the section now under consideration, for the purpose of covering the compensation of architects, superintendents, advertising, and other contingent expenses in the erection of these various buildings. And not only that, but in addition thereto, the section also provides that so much money shall be appropriated from the Treasury as may be necessary to purchase suitable sites for these various buildings specified in the clause under consideration.

I am opposed to the erection of these buildings in the manner proposed in this bill. Here is a system of log rolling, a system of packing together measures so as to gain the support of members from different parts of the Union to the whole, to unite together a sufficient number of members of this House who are interested in some of these buildings, in order to carry them all through. On the contrary, each building should be left to stand upon its own merits; and the committee should be permitted to decide upon the merits of each proposed building in this amendment; and that is the only way that the advocates of this measure can bring the matter forward in a fair, proper, and legitimate manner. I know that the rules of the House and of the Senate permit these combinations; but still I say it is not proper to be done. If a gentleman desires to have a custom-house erected at any particular place in the Union, let him be prepared to give the House reasons for it; and let the committee be called to vote upon it standing by itself.

Mr. INGERSOLL. I desire to ask the gentleman from Missouri, if he does not know that the Committee on Commerce have been ready for two sessions of Congress to make a report upon the custom-houses; but that they have not had an opportunity to get their report before this body?

Mr. PHELPS. I have been informed, by rumor, that the Committee on Commerce have been prepared to report in favor of some custom-houses.

Mr. INGERSOLL. I did not mean to be understood as saying that they were prepared to report in favor of all these custom-houses.

Mr. PHELPS. Some of them. The gentleman from Connecticut, then, admits, that the Committee on Commerce have been ready to report in favor of some custom-houses, but he does not claim that the committee were ready to report in favor of all the custom-houses proposed in this section.

[Here the hammer fell.]

Mr. WENTWORTH. I think this matter had better go to the House for its decision without further discussion. I oppose the amendment of the gentleman from Missouri, and ask for a vote upon it.

Mr. PHELPS, by unanimous consent, withdrew his amendment.

Mr. LILLY. I move to amend, in line two thousand and thirty-three, after the word "Newark," by inserting the words "and Perth Amboy."

Mr. JONES, of Tennessee. I raise a question of order upon that amendment. There is no law authorizing it.

Mr. LILLY. There is a custom-house there already, one of the oldest in the country.

Mr. JONES, of Tennessee. Then you do not want another.

Mr. LILLY. But it is not adequate to the wants of the business of the place, and there is no accommodations for the post office. I hope Congress will authorize the erection of a building that

will accommodate the post office as well as the inspectors and employees of the custom-house.

Mr. JONES, of Tennessee. I call the gentleman to order. The question of order is not debatable.

The CHAIRMAN. The Chair decides the amendment not to be in order, upon the ground that there is no law authorizing it.

Mr. SIMMONS. I move to amend, in the two thousand and twenty-fourth line, by inserting after the word "Vermont," the words "Plattsburg, New York."

Mr. JONES, of Tennessee. I raise the same question of order in reference to that amendment, that it is not authorized by any existing law.

The CHAIRMAN. Upon that ground the Chair decides the amendment not to be in order.

Mr. FULLER. I move to increase the appropriation five dollars for each custom-house.

It is due perhaps, as chairman of the Committee on Commerce, that I should say a word in reference to this Senate amendment. Our committee have had twenty-five applications for the establishment of new custom-houses in different portions of the Union, accompanied with memorials, references, and statistics, relative to the places for which they were asked. The committee, after careful consideration of all these memorials and papers, have agreed to report in favor of nine custom-houses.

Mr. LETCHER. I rise to a question of order. The gentleman from Maine is not explaining his amendment.

The CHAIRMAN. So far as the gentleman from Maine had proceeded in his remarks, the Chair does not think they were in order. The gentleman will confine himself to the amendment under consideration.

Mr. FULLER. I will do so. If the gentleman from Virginia had waited for a moment, he would have been able to see the pertinency of my remarks to the amendment under consideration.

Mr. LETCHER. If I had waited, the gentleman's five minutes would have been out, and it would have been too late.

Mr. FULLER. Well, sir, I was proceeding to say that the Committee on Commerce had recommended the erection of nine new custom-houses. The Senate have incorporated all those in this amendment, and seven in addition, which is very moderate for the Senate.

Mr. JONES. I ask that the Chair enforce the rule, and that the gentleman shall confine himself to the explanation of his amendment.

The CHAIRMAN. The Chair will endeavor to do so. But the Chair, in the confusion, has not been able to hear enough of the gentleman's remarks to tell whether he was in order or not.

Mr. FULLER. It is very hard speaking at this late hour of the day. I suppose it is in order to advocate the nine custom-houses which the Committee on Commerce in the House have agreed to report in favor of.

Mr. JONES. I must call the gentleman to order. It is not in order for the gentleman from Maine to make a report from the Committee on Commerce.

The CHAIRMAN. The Chair does not understand the gentleman as submitting a report.

Mr. FULLER. I do not know but what the reasons which operated on the minds of the committee in favor of the nine, will apply with equal force to the remaining seven. A prudent man, with abundant means, would erect a suitable building in which his business might be transacted; and it is right and proper that the Government should have suitable buildings for its employees. In order to secure that object, the committee procured plans and estimates for the different places for which buildings were asked. The expense was placed at \$10,000, \$30,000, \$40,000, and \$88,000. In many instances it was found that the buildings furnished convenient court-rooms and post offices, as well as custom-houses.

[Here the hammer fell.]

Mr. WENTWORTH, of Illinois. I oppose the amendment, and ask for the vote.

The question was taken; and the amendment was rejected.

Mr. MACY. I demand tellers on the amendment of the Senate.

Tellers were ordered; and Messrs. RIDDLE and MAXWELL were appointed.

The question was taken; and the amendment

was concurred in, the tellers having reported—ayes 70, noes 52.

One hundred and sixtieth amendment:

SEC. —. *And be it further enacted*, That the several sums mentioned in the preceding section of this act, as the cost of the buildings therein authorized to be constructed, together with ten per cent. thereon to cover the compensation of architects, superintendents, advertising, and other contingent expenses, and so much as may be required to purchase suitable sites for said buildings, be, and the same are hereby, appropriated for the purposes aforesaid out of any money in the Treasury not otherwise appropriated: *Provided*, That no money hereby appropriated shall be used or applied for the purposes mentioned until a valid title to the land for the sites of such buildings in each case, shall be vested in the United States, and until the State shall also duly release and relinquish to the United States the right to tax, or in any way assess said site, or the property of the United States that may be thereon, during the time that the said United States shall be or remain the owner thereof.

Mr. JONES, of Tennessee. The committee recommend a non-concurrence.

Mr. STUART, of Michigan, demanded tellers upon the amendment; which were ordered; and Messrs. HENDRICKS and ELLISON were appointed.

The question was taken; and the tellers reported—ayes 65, noes 53.

So the amendment was concurred in.

One hundred and sixty-first amendment:

SEC. —. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed the following buildings:

At New Orleans, Louisiana, a marine hospital, to cost not more than \$248,000; and when said hospital shall have been completed, the Secretary of the Treasury shall cause the old hospital at New Orleans to be sold, and the proceeds thereof to be placed in the Treasury of the United States.

At Detroit, Michigan, a marine hospital, to cost not more than \$75,000.

At Pensacola, Florida, a marine hospital, to cost not more than \$30,000.

At Burlington, in the State of Iowa, a marine hospital, to cost not more than \$15,000.

SEC. —. *And be it further enacted*, That the several sums mentioned in the preceding section as the cost of the buildings therein authorized to be constructed, together with ten per cent. thereon, to cover the compensation of architects, superintendents, advertising, and other contingent expenses, and so much as may be required to purchase suitable sites for said buildings, be, and the same are hereby, appropriated for the purposes aforesaid, out of any money in the Treasury not otherwise appropriated: *Provided*, That no money hereby appropriated shall be used or applied for the purposes mentioned, until a valid title to the land for the site of such buildings, in each case, shall be vested in the United States, and until each State shall also duly release and relinquish to the United States, the right to tax or in any way assess said site, or the property of the United States that may be thereon, during the time that the United States shall be or remain the owner thereof.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence in the amendment.

Mr. JONES, of Louisiana. I move to amend the Senate amendment, as follows:

At the end of line two thousand and seventy-seven, insert the following:

At Shreveport, Louisiana, a marine hospital, to cost, with the site on which it shall be built, not less than \$25,000.

Mr. JONES, of Tennessee. The amendment is not in order. There is no law for the work.

The CHAIRMAN. The Chair is of opinion that the amendment is not in order, and therefore decides the question of order well taken.

Mr. JONES, of Louisiana. I would inquire of the Chair if the Senate has the power of putting into a bill of the House an amendment which is not in order to the bill, while we in the House are excluded from making any such amendment?

The CHAIRMAN. The gentleman will see how that can very well be done. The Senate rules of order are very different from our rules of order.

Mr. HENN. I move to strike out the word "fifteen" in the two thousand and eighty-third line, and insert in lieu thereof the word "twenty," so that the appropriation for the marine hospital at Burlington, Iowa, shall be \$20,000 instead of \$15,000. I move the amendment for the purpose of enabling me to say a word or two in behalf of that appropriation. Burlington is situated between the two rapids of the Mississippi river, and is the most important point above St. Louis, and the most suitable for a marine hospital. In the winter time it is impossible for seamen and mariners to get either up or down the river, if caught in the rapids when winter overtakes them. There are no less than six hundred and fifty-eight boats trading at that point, and there has been paid into the hospital fund at that point, by the mariners engaged in the trade, up to this time, \$20,000, and

I merely propose to increase the amount in the bill to such a sum as will make it equal to what has been actually paid to that fund by mariners who have been engaged on the boats trading at this very point.

There has been appropriated for the lower Mississippi the sum of \$239,000 for marine hospitals. There has been appropriated for marine hospitals, outside of this Congress, \$186,000 for the Ohio river, but there has never been appropriated anything for the upper Mississippi, except \$41,000 for a marine hospital at St. Louis; and it is important that we should have a hospital at some point above that. This is the only one in the bill for that part of the country, and I hope the committee will increase the amount to \$20,000, and that the amendment of the Senate will be adopted.

Mr. HIBBARD. I hope the amendment will not be adopted. This Senate amendment proposes to appropriate, for the construction of the buildings alone, the large sum of \$358,000, and the next section adds ten per cent. for the payment of architects, superintendents, and incidental expenses connected with their construction, which will amount to \$35,800 more; making in all \$393,800, and beyond that, there is in the section this remarkable provision:

"And so much as may be required to purchase suitable sites for said buildings be, and the same is hereby, appropriated for the purposes aforesaid out of any money in the Treasury not otherwise appropriated."

This Senate amendment then goes on to appropriate money for the sites of these buildings without specifying the sum, thereby giving an unlimited discretion as to the sum to be expended for such purposes, and the expense will hardly be less than \$100,000.

Mr. HENN. I would ask the gentleman if this committee have not adopted, in the section immediately preceding the one under consideration, a provision exactly similar to this one?

Mr. HIBBARD. Well, I think the committee did wrong. I did not vote for it. I think we are going to very great extremes by voting such a provision as this into the appropriation bill. It is a kind of legislation which, if not actually unprecedented, is almost so, and I trust this committee will not pursue it any further.

These sites cannot cost less than \$100,000, making in all \$493,000. That sum will not begin to erect those buildings. Next year we shall be asked for a sum as large as this, and for years to come we shall be called upon to continue the appropriations; and I say that the amount of millions of dollars will not pay the expense of erecting these buildings, if we once lay the foundations by this appropriation.

I submit to the committee whether there is one of these marine hospitals which would obtain fifty votes if it stood alone. No one, if considered upon its own merits, could receive fifty votes in this House. Sir, we are now asked to vote an appropriation of more than half a million of dollars in this single clause to the bill; and that, I ask gentlemen to remember, to a bill which already appropriates between seventy and eighty millions.

[Here the hammer fell.]

[Loud cries of "Question!" "Question!"]

Mr. ZOLLICOFFER. I raise a question of order in reference to the amendment of the gentleman from Iowa. The 81st rule provides that no amendment shall be in order to an appropriation bill making an appropriation which is not provided for by law. I submit that the amendment of the gentleman is not provided for by law.

The CHAIRMAN. The Chair thinks the amendment is in order.

Mr. ZOLLICOFFER. The proposition of the gentleman is to increase the Senate amendment from \$20,000 to \$25,000. In other words, he proposes to make an appropriation of \$5,000 which is not authorized by law. Other amendments have been ruled out of order upon precisely the same grounds; and I must submit, that if they were out of order under the 81st rule, this is also out of order under the same rule.

The CHAIRMAN. The Chair is of the opinion that the amendment of the gentleman from Iowa is in order. It simply proposes to strike out the sum named, and to insert a different one. The principle of the rule is disregarded, it is true, but the language of the amendment is such that it cannot be ruled out of order. It is in order to

move to increase the appropriation, and that is what the amendment proposes to do.

Mr. ZOLLICOFFER. Amendments have been offered by other gentlemen to-day, and have been ruled out of order, upon the same rule. I appeal from the decision of the Chair.

The question, "Shall the decision of the Chair stand as the judgment of the committee?" was taken, and decided in the affirmative.

So the decision of the Chair was sustained.

Mr. HENN's amendment was then disagreed to.

The question then recurred upon concurring in the Senate's amendment.

Mr. HUNT. For the purpose of saying a word in reference to the item for New Orleans, I move to increase the appropriation \$20,000.

Mr. Chairman, this amendment is based upon the report of the Secretary of the Treasury, which I hold in my hand, accompanied by documents supporting the recommendation. I am not informed, from my own observation, as to the present condition of the hospital upon the opposite side of the river from the city of New Orleans. I think the site was an injudicious one, in the first instance. But, sir, if the House desires to be informed upon the subject, the report and accompanying documents may be read. I am sure that blindly to non-concur in the amendment would be to do great injustice to the case.

Mr. JONES, of Tennessee. I believe there is already a marine hospital at New Orleans, or rather upon the opposite side of the river, at Algiers, and the proposition now is made to sell that hospital, put the proceeds in the Treasury, and establish one upon the city side of the river.

Mr. HUNT. That is the proposition.

Mr. JONES. I am not very well acquainted with the facts, but it strikes me that the best place for the hospital is upon the opposite side of the river, where it is.

Mr. HUNT. The doctors disagree with you. [Laughter.] The doctor is a better judge of diseases than the honorable member. It is said that patients, in crossing the river, are exposed to the elements, to the sun and the rain; that it takes a long time to carry them to the hospital, and that death frequently occurs in consequence.

Now, it is urged that the hospital should be on the side where the vessels lie, and to which the patients can be carried without exposure and resort to the river, which is sometimes contrary in its eddies, and will not always allow crossing with safety. In this report, too, it is said that the building is in a dilapidated condition, and is not sufficiently commodious for the purpose for which it was erected. I derive my information from the documents. And it is further said that it has not those adjacent grounds which are fit for a hospital. It is recommended by the doctor who has charge of the hospital, that they should have the use of the hospital for soldiers, which is on the same side of the river with the city, and which may be made convenient for about \$7,000. The grounds adjacent to the hospital there amount to twenty acres, while there are but three hundred feet, or yards, in the grounds of the hospital on the other side of the river. The hospital in the city is accessible at all times, and can more easily be reached than the one across the river. Twenty-eight thousand dollars will repair the present hospital on the side of the river on which it stands; but it is said that it ought not to be repaired, in consequence of its not serving the purpose for which it was built.

Mr. JONES, of Tennessee. In this, as in almost every other case during this session, the recommendation of the Secretary of the Treasury is appealed to. If the Secretary gains notoriety for anything while at the head of his Department, it will surely be for his recommendations of custom-houses and marine hospitals. [Laughter.] These recommendations will mark the era of his administration. In after times it will be referred to as the administration of the Treasury Department for recommending custom-houses and marine hospitals. So far has the Secretary gone, that he even recommends the selling of one hospital that another may be built. [Laughter.]

The question was taken; and the amendment was disagreed to.

Mr. JONES, of Louisiana. I move to increase the appropriation one dollar.

Mr. Chairman, I move the amendment for the purpose of stating one or two facts which it is

important the committee should know to come to a proper conclusion on this subject. The New Orleans marine hospital is not on the same side of the river as the city, but is on the opposite side, at a considerable town called Algiers. That is a low, swampy place, and the building there is now in a dilapidated condition. The committee has heard what my colleague has said on the subject.

This is the fact to which I would call the attention of the committee. The Opelousas railroad is now being constructed from Algiers to the West. When constructed, these hospital grounds will be greatly enhanced in value. The amount for which they might be sold would go far to construct a new marine hospital in New Orleans, where the hospital ought to be; for there the steamboats stop and the hands land. Then, inasmuch as the Government will be able, in consequence of the construction of this Opelousas railroad, to sell the property in Algiers for a largely increased value, and inasmuch as what will result from the sale will enable the Government of the United States to build a new hospital in New Orleans, I do not see what objection there can be to the amendment of the Senate.

Mr. LETCHER. I do not exactly see the force of the argument of my friend here. He says that this marine hospital is now in Algiers. He says that is a bad location. Well, was it considered such when the building was constructed there? I imagine when the hospital was first located there that it was taken to be a preferable location over New Orleans. But the object now is to get rid of this point at the termination of the railroad for the purpose of building another house in the city of New Orleans, to add, in connection with the custom-house, which cost three or four millions of dollars, to the value of real estate there.

The gentleman from Tennessee [Mr. Jones] has said that this Administration is likely to be characterized for its skill and efficiency in pulling down and putting up houses, if it is never marked by anything else.

[Here the hammer fell.]

Mr. JONES, of Louisiana. I withdraw my amendment.

Mr. CAMPBELL. I move that the committee rise.

The motion was disagreed to.

The question then recurred upon concurring in the Senate amendment.

Mr. WASHBURN, of Maine, demanded tellers; which were not ordered.

The question was then taken; and the amendment of the Senate was non-concurred in.

Mr. WESTBROOK. I move that the committee rise.

The motion was disagreed to.

One hundred and sixty-second amendment:

Sec. 3. *And be it further enacted*, That the third section of the act making appropriations for the civil and diplomatic expenses of the Government, for the year ending the 30th of June, 1854, providing for the classification of the clerks in the Treasury, War, Navy, Interior, and Post Office Departments, as amended by the act of April 22, 1854, shall be, and the same is hereby further amended as follows, to wit: In the office of the First Comptroller there shall be two additional clerks, of class three; and in the office of the First Auditor there shall be one clerk taken from class three and placed in class four, and four additional clerks allowed, of class three; and in the office of the Second Auditor there shall be one additional clerk, of class one; and in the Third Auditor's office five clerks shall be taken from class three and placed in class four, and twenty-seven temporary clerks shall be placed in class one, and one temporary clerk in class four, and four temporary clerks in class two; and in the office of the Fourth Auditor there shall be one additional clerk, of class three; and in the Sixth Auditor's office one clerk shall be taken from class three and placed in class four, and there shall be added to the clerks in this office ten of class one; and in the Register's office two clerks shall be taken from class three and placed in class four, and two additional clerks added of class one; and in the Treasurer's office one clerk shall be taken from class two and one clerk from class three and placed in class four, and two additional clerks allowed to class one; and in the General Land Office the principal draughtsman shall be classed and paid as a clerk of the third class, and the assistant draughtsman as a clerk of the second class; and in the office of the Secretary of War there shall be added one clerk of class four; in the office of the Adjutant General there shall be one additional clerk of class one; and in the office of the Topographical Engineer one scientific draughtsman as a clerk of class four; and for the superintendency of the building on the corner of F and Seventeenth streets, the Secretary of War is authorized to appoint some one clerk of his Department other than the disbursing clerk for that purpose, who shall be allowed, in addition to his salary as clerk, \$200 per annum; and in the office of the Postmaster General there shall be seven additional clerks, viz: four of class two, two

of class three, and one of class four; and in the office of the Attorney General, in lieu of the clerks now authorized by law, there shall be one chief clerk, at a salary of \$2,200, one clerk of class one, two of class two, one of class three, and one of class four. And the President of the United States is hereby authorized, whenever it may, in his judgment, be necessary, to cause counsel to be employed to assist in the prosecution or defense of causes which may be pending in the Supreme Court in which the United States are interested, and to allow to such counsel such compensation as he may deem reasonable. And in the Department of State, instead of the clerks now authorized by law, there shall be four clerks of class one, three of class two, seven of class three, and four of class four, one clerk of class four to be designated to superintend the northeast Executive Building, and to disburse all moneys belonging to the service of said Department, not otherwise provided for, who shall give bonds as required by the independent treasury act, and receive an additional compensation therefor of \$200 per annum. There shall be one chief of the diplomatic, and one chief of the consular branch of the public service; and one examiner of demands for indemnity preferred by citizens of the United States against Governments and of the latter against the former, who shall also perform such other duties as the Secretary of State may designate, each of whom shall receive an annual salary of \$2,000; and the chief clerk of said Department shall be allowed compensation of \$2,200 per annum. No clerk not now employed in the State Department shall hereafter be appointed until he has been examined by a board to consist of three examiners, to be selected by the Secretary of State, and found qualified in certain particulars, to be prescribed by the said Secretary in fixing beforehand a general standard of qualifications for the clerks to be employed in his Department.

Mr. HOUSTON. I am instructed by the Committee of Ways and Means to offer the following substitute for that whole section:

And be it further enacted, That there be appropriated out of any moneys in the Treasury not otherwise appropriated, a sum sufficient to pay to the clerks and employees of the Government, for the year ending 30th June, 1855, such additional compensation as they may be entitled to receive under the act of 22d April, 1854, entitled "An act to amend the third section of the act making appropriations for the civil and diplomatic expenses of the Government for the year ending 30th June, 1854, and for other purposes," and whose additional compensation is not otherwise provided for: *Provided*, That all laborers in the employment of the Executive departments of the Government in the city of Washington shall receive an annual salary of \$480 each: *Provided further*, That the Postmaster General be allowed, in addition to his present number, three clerks of class two, and two of class three; that the Attorney General be allowed in addition to his present number, one clerk of class one, two of class two, and one of class three; that the Secretary of the Treasury be allowed in the Sixth Auditor's office, in addition to the present number, seven clerks of class one, one shall be taken from class three and put in class four; and in the Treasurer's office one clerk shall be taken from class two and one from class three and put in class four; and that the money necessary to pay the compensation, and increased compensation under this section be, and the same is hereby, appropriated.

The question was taken; and the amendment of the Committee of Ways and Means was agreed to.

Mr. STRATTON. I propose to amend the amendment as follows:

Provided further, That appointments shall hereafter be made to fill vacancies in the several Departments from such States as have the smallest number of employees in proportion to population.

Mr. JONES, of Tennessee. I rise to a question of order. We cannot limit the appointing power.

The CHAIRMAN. The Chair is of opinion that the amendment is not in order. Its effect would be to change the existing law.

Mr. STRATTON. The amendment of the Committee of Ways and Means, I believe, specifies the manner in which they shall be appointed.

The CHAIRMAN. The gentleman from Alabama offered his amendment as a substitute for the Senate amendment, which is in order. But the amendment of the gentleman from New Jersey proposes to prescribe, by a new law, how, and in what manner, the appointments shall be made.

Mr. STRATTON. But the amendment of the gentleman from Alabama also prescribes the manner in which the appointments shall be made.

The CHAIRMAN. The Chair rules the amendment of the gentleman from New Jersey out of order.

One hundred and sixty-third amendment:

Page eighty-nine, line two thousand one hundred and seventy-five, insert the following:

Sec. —. *And be it further enacted*, That the provisions of the second section of the act of 22d April, 1854, entitled "An act to amend the third section of the act making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th June, 1854, and for other purposes," be, and the same are hereby, repealed. And from and after the 1st day of July, 1854, the annual salary of the stamp and blank agent for the Post Office Department shall be the same as clerks in the departments of the second class; and that of the clerk in the office of the Commissioner of Public Buildings the same as clerks of the first class; and the Secretaries of State, Treasury, Interior, War, and

THE CONGRESSIONAL GLOBE.

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Navy, Postmaster General, and Attorney General, be authorized to employ one principal messenger each, at an annual salary of \$900, in lieu of those now so employed, and the salary of all other messengers and assistant messengers, including the packers in the General Land Office, now authorized by law to be employed in the Executive Departments in Washington, the messenger in the office of the Commissioner of Public Buildings, doorkeeper and assistant doorkeeper at the Executive Mansion, and keeper of the western gate, Capitol square, and the keeper of Lafayette square, shall be \$750 per annum; and the annual salary of the watchmen employed at the Capitol, President's House, and the Executive Departments, and the Auxiliary Guards, and the watchmen of the Capitol extension, shall be \$750; and the public gardener shall receive \$1,400 per annum; and the captain of the police of the Capitol shall receive \$1,600, and each of his assistants \$1,300 each per annum; and all laborers in the employment of the Executive Departments in the city of Washington shall receive an annual salary of \$480 each; and for the payment of the excess of the sums herein required to be paid over and above those elsewhere contained in this act for said payment, there shall be added thereto respectively such further sums as, together, will equal the amounts herein authorized, out of any money in the Treasury not otherwise appropriated.

Mr. HAVEN. The Committee of Ways and Means recommend a non-concurrence.

Mr. WRIGHT, of Mississippi. I move to amend the amendment of the Senate by adding the following proviso:

Provided, That none of the draughtsmen in the hydrographical and topographical survey shall be allowed less than is now paid to the lowest grade of clerks in the other Departments of Government.

Mr. JONES, of Tennessee. I raise the point of order that that amendment is not in order. It proposes to change the existing law.

The CHAIRMAN. The Chair thinks the point of order well taken, and rules the amendment out of order.

The question was then taken upon agreeing to the Senate amendment; and it was decided in the negative.

So the Senate amendment was non-concurred in.

One hundred and sixty-fourth amendment:

SEC. — *And be it further enacted*, That from and after the 30th of June, 1853, the pay of the librarian of Congress shall be \$2,000; the pay of the two principal assistants each, \$1,800; and that of the third assistant, \$1,200; and that of the messenger, \$1,200.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence in that amendment.

The amendment was non-concurred in.

Mr. PECKHAM. I move that the committee do now rise.

[Cries of "No!" "No!" and confusion.] *

The motion was not agreed to.

One hundred and sixty-fifth amendment:

SEC. — *And be it further enacted*, That the collections of the exploring expedition, now in the Patent Office, be placed under the care and management of the Commissioner of Patents, who is hereby authorized to employ one principal keeper of said collections at an annual salary of \$900, one assistant keeper at an annual salary of \$750, one night watchman at an annual salary of \$600, and two laborers at an annual salary each of \$355.

Mr. JONES, of Tennessee. The committee of Ways and Means recommend a non-concurrence in that amendment.

The amendment was non-concurred in.

One hundred and sixty-sixth amendment:

SEC. — *And be it further enacted*, That all persons claiming any interest in, or portion of, any grant of land derived from the Spanish or Mexican Governments in Upper California, where such original grant has heretofore been presented to the board of land commissioners within the time specified in the thirteenth section of the act of the 3d of March, 1851, but who have failed to present to the said board the evidence of their derivative title to said interest or portion from the original grantee, be, and they are hereby, authorized to present the same; and the said commissioners are hereby directed to adjudicate the said interest or portion in the same manner as if it had been presented within the time originally prescribed by the aforesaid act of the 3d of March, 1851, entitled "An act to ascertain and settle the private land claims in the State of California."

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence in that amendment.

Mr. McDUGALL. I move to add five dollars to the appropriation.

Mr. Chairman, I wish to submit a word or two on this amendment before the committee acts upon

it. The Committee of Ways and Means have recommended a non-concurrence. I must suppose that they have not investigated or considered the amendment proposed by the Senate, or they would have determined otherwise. In my judgment, there is no provision in the bill equally important with this.

By the treaty with Great Britain for the settlement of our northwestern boundary, the possessory rights of the Hudson's Bay Company were confirmed to them. What these possessory rights were, no one then knew; what they now are, no one knows. It appears it is a fact, that, upon some vague and undefined pretense of right, that company now claim a large portion of the best and most available lands in the Territory of Washington—lands needed for settlement, and needed for the development of the resources of the country. This uncertain, undefined, and, at most, temporary claim, is a serious obstacle to the settlement and progress of one of our most valuable possessions on the Pacific. Puget's Sound ranks next to the Bay of San Francisco, and its dependent country is yet to constitute one of the great States of the Confederacy. It would be a wise, just, and most politic act on the part of this Government to open up the whole of that country to settlement, and relieve it from the incubus of a foreign incorporation, in foreign interests, with foreign sympathies, claiming, with uncertain and doubtful right, the fairest portion of the country. I ask why it is not? I insist it is as legitimate to extinguish the title of the Hudson's Bay Company, as to extinguish the Indian titles to lands within our Territories.

The importance of developing the resources of our northwestern coast is, I believe, understood by this committee. I only wish to call its attention to the fact that the extinguishment of this claim is essential to the prosperity and progress of that important portion of our country. In this matter I have no interest; the people of that country are not my constituents; indeed, I have been informed here that the people of Puget's Sound are to be the antagonists and rivals of my own people in the great commerce of the East. And this may be so; and the bare possibility of the fact is alone sufficient reason why their rights of property should be ascertained and settled without delay. I insist, sir, that this amendment is both politic and just, and should be adopted by the committee.

Mr. PHELPS. I have but a few words to say in opposition to the amendment submitted by the gentleman from California. In the first place, this is not the proper bill, nor time, for any general legislation concerning the proceedings in any court of justice, or any of the land courts of California. In 1851 we made provision for the establishment of a board of commissioners to adjudicate land titles in California. At this very session of Congress we have prolonged the time for which that commission was appointed; and if a necessity had existed at the passage of that bill for such a provision as this of the Senate's amendment, I would ask why the Representatives of that State failed to have it then inserted? I am opposed to this hasty legislation—a legislation which may seriously affect the proceedings of the board of commissioners, now sitting in California.

There is this objection to the amendment. Suppose a Mexican or a Spanish citizen presented his claim to the board of commissioners, claiming to derive his title to land from the Mexican, or Spanish Governments, and the board of commissioners decided adversely to it. Then another person, claiming an interest in the same alleged grant, comes forward, and, by the provision of this amendment, files his title papers, and claims that his case shall be adjudicated. His interest all depends on the alleged grant which had previously been decided on adversely by the commissioners. Thus you will have a new case brought up for adjudication, embracing precisely the same subject-matter as the one already decided, viz: the validity of the grant from the Mexican or Spanish Government. It was for these reasons

that the Committee of Ways and Means concluded to recommend a non-concurrence in the amendment.

Mr. PECKHAM. There is, as I observe, no limitation in the amendment.

Mr. McDUGALL. The commission expires on the 4th of March next.

Mr. PHELPS. Let me say, in addition, that if this amendment be concurred in, the commission will not expire on the 4th of March next. At the next session we shall be called on to further extend their time for the purpose of allowing an adjudication of these claims.

[Cries of "Question!"]

Mr. HOWE. There appears in the amendment to be no limitation as to the time within which these claims shall be presented; and to remedy the defect, I move to add the following:

Provided, That no such claim shall be adjudicated which shall not be presented on or before the 4th day of March next.

Mr. JONES, of Tennessee. There is no necessity for that amendment. You have already extended the time of the commission, and you may do it again.

Mr. HOWE. It appears to me that if the amendment of the Senate is to be adopted, it is necessary that we should provide a limitation within which these claims shall be presented. I think such a provision should be added as a matter of safety.

Mr. McDUGALL. I do not object to the amendment of the gentleman from Pennsylvania. It is right; but I do insist that there shall be a fair hearing for that class of claims which have been excluded by a misinterpretation of the law. These claimants are almost the entire American population of the Pacific coast.

But the gentleman says that we had a law passed for the examination of these titles, and the time for their examination extended for another year. I desire to say to the gentleman from Missouri, that the whole coast of California is five hundred miles in extent; that it is a very large State, equal to four or five States of the Confederacy; that it has been populated for over one hundred years; that rights and claims have grown up during that period which need investigation. There is a necessity, too, for investigating the rights and claims of our citizens there which grew out of the treaty with Mexico. We have a right to a full investigation of the claims of our citizens, if it should take fifty or one hundred years. What, I ask, is this amendment? That the law may be so amended as that all rights and claims arising under the Spanish grant may be presented for investigation—claims which would have been presented heretofore but for a misunderstanding of the law. I have practiced law there, and I did not understand it to be necessary myself to present claims subordinate to the original grant. I did not understand the law as it has been construed. All I ask now is, that our citizens may have the opportunity of presenting their claims, and have a just and full hearing. I accept the amendment of the gentleman from Pennsylvania, [Mr. Howe.]

The question was taken upon Mr. McDUGALL's amendment, as modified; and it was rejected.

The question recurring upon the Senate amendment, it was taken; and the amendment was non-concurred in.

One hundred and sixty-seventh amendment:

SEC. — *And be it further enacted*, That the first proviso to the first section of the act entitled "An act to provide compensation to such persons as may be designated by the Secretary of the Treasury to receive and keep the public money, under the fifteenth section of the act of 6th August, 1846, for the additional services required under that act," approved March 2, 1853, shall not be construed to apply to the collector of the district of Buffalo creek, while such collector shall be one of the designated depositors of public moneys.

Mr. JONES, of Tennessee. The committee recommend a non-concurrence.

The amendment was non-concurred in.

One hundred and sixty-eighth amendment:

SEC. — *And be it further enacted*, That the accounts

of the public printers, and the certificates of the Superintendent of Public Printing thereon, so far as the same relate to the printing for the Executive Departments, shall be subject to the examination and control of the accounting officers and Secretary of the Treasury, in like manner as other public accounts; and those which relate to the printing for the Senate and House of Representatives shall be subject to the examination and control of the respective Houses in like manner as other expenditures for said Houses.

Mr. PHELPS. I am instructed by the Committee of Ways and Means to offer the following amendment:

Page ninety-two, after the word "therein," in line two thousand two hundred and fifty-eight, strike out the words "so far as the same relate to the printing of the Executive Departments."

Page ninety three, after the word "accounts," in line two thousand two hundred and sixty-two, strike out the residue of the clause, which reads "and those which relate to the printing for the Senate and House of Representatives shall be subject to the examination and control of the respective Houses in like manner as other expenditures for said Houses;" so that, as amended, the clause will read:

Sec. — And be it further enacted, That the accounts of the public printers, and the certificates of the Superintendent of Public Printing thereon, shall be subject to the examination and control of the accounting officers and Secretary of the Treasury, in like manner as other public accounts.

The amendment will explain itself. The Secretary of the Treasury will refer to the accounts of the public printing; and the certificates of the Superintendent of the Public Printing shall be subject to the examination and control of the Secretary of the Treasury, in like manner as other public accounts.

The amendment proposed by the Committee of Ways and Means was agreed to.

The question recurred on the Senate's amendment, as amended; and it was concurred in.

One hundred and sixty-ninth amendment:

Sec. — And be it further enacted, That the President of the United States be, and he is hereby, authorized to appoint or employ in his official household the following officers, to wit: one secretary to the President, at a yearly salary of \$2,500, who shall take charge of such official papers as shall be confided to him, and perform such other duties as may be directed by the President; one clerk, at a yearly salary of \$1,600; one steward, at a yearly salary of \$1,000, who shall, under the direction of the President, have charge of, and be responsible for, the plate and furniture of the President's Mansion, and shall discharge such other duties as the President may assign him; one messenger, at a yearly salary of \$900; and one assistant messenger, at a yearly salary of \$750. And for the payment of the compensation of the said officers, during the present fiscal year, the sum of \$6,750, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence in the amendment.

Mr. FLAGLER. I move to amend the amendment by striking out in line two thousand two hundred and seventy, the words "twenty-five," and insert in lieu thereof the words "fifteen;" and in line two thousand two hundred and seventy-three, strike out all after the word "dollars." The clause, if so amended, would read:

And be it further enacted, That the President of the United States be, and he is hereby, authorized to appoint or employ in his official household the following officers, to wit: one secretary to the President, at a yearly salary of \$1,500, who shall take charge of such official papers as shall be confided to him, and perform such other duties as may be directed by the President; one clerk, at a yearly salary of \$1,600.

This section proposes an increase of nearly \$7,000 to the expenses of the Executive Department. I suppose it has crept in here in the general increase of expenses of the National Government in almost every conceivable way, and looks like an attempt to implicate the President in that vast enlargement of our national expenditure. I am persuaded he does not desire this increase of officers in or about his household. I think I can prove, not by any express declaration, but by inference, that he is opposed to this increase, and that he will exclaim, if it passes, "An enemy hath done this." On a certain 4th of March, standing in the presence of thousands of his countrymen not far hence, he uttered these memorable words:

"In the administration of domestic affairs, you expect a devoted integrity in the public service, and an observance of rigid economy in all departments, so marked as never justly to be questioned. If this reasonable expectation be not realized, I frankly confess that one of your leading hopes is doomed to disappointment, and that my efforts, in a very important particular, must result in a humiliating failure."

Now, assuming—and I hope it will not be regarded as a violent assumption—that the President meant what he said on that occasion, he will

not thank us for swelling the expenses of the White House, as proposed by the Senate. I would be glad to move the extract which I have read from the inaugural as a substitute for this section. Would that be in order, Mr. Chairman? [Laughter.]

The CHAIRMAN. The gentleman has an amendment already pending.

Mr. FLAGLER. I would withdraw that if this is in order.

The CHAIRMAN. The Chair thinks it is not in order.

Mr. WHEELER. Have it read at the desk for information.

Mr. FLAGLER. I acquiesce in the decision of the Chair. I am satisfied, upon due reflection, that the economical language of the inaugural would not be in harmony with the extravagance everywhere apparent in the plethoric proportions of this bill. I think it a pity, however, that it cannot be embalmed and laid away in so fitting a sepulcher.

The question was taken upon Mr. FLAGLER's amendment; and it was not agreed to.

Mr. GIDDINGS. I propose to ask the Chair whether an amendment coming in after the word "dollars," in the two thousand two hundred and eightieth line, after the provision of a salary for a messenger, in these words, "and for one lady of the bedchamber, \$500," would be in order? [Laughter.]

Mr. PRATT. Nonsense.

Mr. PECKHAM. I have an amendment to offer to this Senate amendment, and one word to say upon it. I move to strike out all this appropriation except one dollar. What I said in regard to lighting the fires and keeping the furnaces in the President's House applies to this appropriation. Here is a number of new officers originated to form an "official household" for the President. I have no idea, Mr. Chairman, none whatever, of increasing the salary of the President of the United States in a petty, sideways, indirect manner. If his pay is not enough, I am in favor of increasing it in a straightforward, manly, Democratic mode.

Mr. PRATT. The President does not ask for any more.

Mr. PECKHAM. But as long as the Constitution remains unaltered, which prohibits any change of his salary to affect an unexpired term, I do not see how we can aid the President in his present term; but we can raise his salary by the commencement of his next term. [Laughter.]

Now, sir, I do not care to argue this question, and I do not intend to elaborate at all—

Mr. JONES, of Tennessee. Let us have a vote then.

Mr. PECKHAM. As soon as I am through I will. But this idea of a sort of kitchen court, a bedchamber court, strikes me as at least a novelty in this land of republican simplicity. But if the President desires them, let him employ them, and give them such titles as he pleases. I have no objection. If he have not the means to pay—if his salary is too small—let us take no diagonal, sinuous way to add to it. A petty mode of doing things, besides being unconstitutional; but let us go openly to the subject, and increase the salary as much as propriety shall require. I shall not go for these things.

Now, the worthy gentleman from Louisiana [Mr. JONES] may advocate this, and think that it is a small matter, and appeal to the Democracy to sustain him. I will not find fault with his taste or his principles. He deems it rather a matter of taste.

Mr. JONES, of Louisiana. Will the gentleman from New York allow me to say a word?

Mr. PECKHAM. No, sir. It would be granting what the gentleman denied me; still, I will not forget to be courteous, and I will yield the floor.

Mr. JONES. With that statement, I decline to occupy the floor in the gentleman's time.

Mr. HIBBARD. Will the gentleman allow me to explain?

Mr. PECKHAM. Not now. As I said, I have no wish to attack the President. I would not act in reference to a matter of this kind, either directly or indirectly, from personal considerations. But, sir, I desire to act as it seems to me the House should act. If the salary of the President of the United States is not sufficient, let it

be increased by a direct act of Congress. But let us keep out of the President's kitchen, and not violate the Constitution in this petty way. As to this furnace-tender of the President, I think I understood the chairman of the Committee of Ways and Means to say that this was the first time the allowance was ever made or proposed. I wish to inquire of him if I am correct?

The CHAIRMAN. The gentleman from New York must confine himself to the explanation of his amendment.

Mr. PECKHAM. I desire to ask the chairman of the Committee of Ways and Means whether this furnace appropriation has ever been made before?

The CHAIRMAN. The Chair must call the gentleman to order. The amendment to which the gentleman from New York refers has been disposed of, and it is not in order to refer to it.

Mr. HIBBARD. I do not see what principle is to be settled by the adoption or the rejection of this amendment. I desire it, however, to be understood that this amendment originated in the Senate. It is not an appropriation that the President has asked from the Senate, or from the House. It has not been asked by any Executive Department. But it was put in by the Senate upon their own motion. I do not, therefore, see the pertinency of the remarks of the gentleman from New York. I will state further, that the Committee of Ways and Means have recommended a non-concurrence in the amendment, and I hope the vote will be taken upon it.

Mr. JONES, of Louisiana. I should like to ask the gentleman from New Hampshire whether this amendment was not offered in the Senate by a Whig, and mainly supported by the votes of Whig Senators?

Mr. HIBBARD. I will state, in reply to the gentleman, that I believe this amendment was offered by a very respectable Senator on the Whig side, and that it was carried through under his lead.

Mr. WHEELER. I should like to know whether the Whigs have a majority in the Senate?

Mr. HIBBARD. I will tell the gentleman.

Mr. PECKHAM. I call the gentleman from New Hampshire to order. He is not speaking in opposition to the amendment.

Mr. HIBBARD. Well, sir, I must say the call to order comes with a very bad grace from the gentleman from New York, who himself opened the way for this discussion.

Mr. PECKHAM. I call the gentleman to order.

When I was upon the floor, and desired to ask the chairman of the Committee of Ways and Means a question, I was called to order.

The CHAIRMAN. The gentleman indicated his purpose to ask a question in reference to an amendment which had been disposed of by the committee, and therefore the Chair called the gentleman from New York to order.

Mr. HIBBARD. Well, sir, I will not proceed, if it is objected to; but I must repeat, that this comes with a very bad grace from the gentleman from New York.

Mr. PECKHAM's amendment was disagreed to.

The amendment of the Senate was then non-concurred in.

One hundred and seventieth amendment:

Sec. — And be it further enacted, That a yearly appropriation be made for the purchase of stationery, binding, public documents, and other contingent expenses of the Executive office, to be expended by the Secretary to the President, under the direction of the President; and for that purpose, during the present fiscal year, \$550, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence in that amendment.

The amendment was non-concurred in.

Mr. HAVEN. I will state to the committee that amendments, numbers one hundred and seventy-one, one hundred and seventy-two, one hundred and seventy-three, and one hundred and seventy-four, all of them, relate to the subject of the Mint. They are all connected, and I propose that without reading, the vote be taken upon them in gross. The Committee of Ways and Means recommend a non-concurrence.

The CHAIRMAN. If it be the pleasure of the committee, the question will be taken on all the amendments indicated at once.

There was no objection.

The question was taken; and the amendments were non-concurred in.

One hundred and seventy-fifth amendment:

SEC. 1. *And be it further enacted*, That from and after the 30th of June, 1854, in lieu of the clerks heretofore authorized by law for the office of the assistant treasurer at New York, he be authorized to appoint, with the approbation of the President of the United States, one chief clerk, at a salary of \$2,100, one clerk at \$2,000, two clerks at \$1,800 each, two clerks at \$1,500 each, one clerk at \$1,300, one messenger at \$900, and two watchmen at \$550 each, per annum. In case of the sickness or unavoidable absence from his office of the assistant treasurer, he may authorize the said chief clerk to act in his place, and to discharge all the duties required by law of the assistant treasurer; and in case of the death, resignation, or inability to act of the assistant treasurer, the said chief clerk shall act as such assistant treasurer until the inability be removed, or until a successor be appointed and duly qualified; and all the acts of the said chief clerk in such cases shall be as valid as if performed by the assistant treasurer in person.

Mr. HAVEN. The Committee of Ways and Means recommend a concurrence in the amendment with an amendment, which is to strike out all from the words "and in case of the death, resignation, or inability to act of the assistant treasurer, &c.," to the end of the amendment. Although it may be important to have somebody to act in the place of the assistant treasurer in such a contingency as is stated, still it would be wrong to place in the hands of a person under no bail the sum of \$60,000,000. The committee think that portion of the amendment ought to be stricken out, and so recommend.

Mr. HOWE. The amendment of the Committee of Ways and Means does not go far enough.

Mr. HAVEN. The gentleman says that the amendment does not go far enough. If the committee will look to that portion of the Senate's amendment preceding that which is proposed to be stricken out, it will be seen that, in case of the sickness, or unavoidable absence from his office, of the assistant treasurer, he may authorize his chief clerk to discharge its duties. He, then, is responsible for the act. In case of resignation or death, his bail is no longer responsible, for he is then no longer the assistant treasurer.

Mr. HOWE. If the committee be assured there is no doubt in the matter, I have no objection to make.

Mr. PENNINGTON. There is doubt in the matter. The words "may authorize" are construed to mean very frequently "shall authorize;" and, in my opinion, they would relieve the sureties of the assistant treasurer. I would suggest that all that portion of the Senate's amendment from the words "in case of the sickness, or unavoidable absence from his office of the assistant treasurer," &c., to the end, be stricken out.

The question was taken; and Mr. HAVEN's amendment was agreed to.

Mr. PENNINGTON. Now, I move to strike from the Senate's amendment the words:

"In case of the sickness or unavoidable absence from his office of the assistant treasurer, he may authorize the said chief clerk to act in his place, and to discharge all the duties required by law of the assistant treasurer."

Mr. Chairman, it does seem to me perfectly clear that, in authorizing the assistant treasurer to devolve the discharge of the duties of his office on another person, we virtually relieve him from all responsibility. His sureties will not be responsible in case of the defalcation of his substitute. There cannot be any doubt of this. The term "may," is often construed to mean "shall." Then this may be construed to impose an imperative duty on the assistant treasurer to devolve this duty on his chief clerk. Though we do not make this duty imperative, still, in devolving the duties of his office on his chief clerk, we relieve his sureties.

Mr. WALKER. I apprehend that this substitution is absolutely necessary for carrying on the business of the office, and I have on my table a letter signed by the present and the two preceding assistant treasurers, in which they state that such substitution is absolutely necessary. There have been times when, owing to the illness of the assistant treasurer, important papers in reference to the business of his office have been carried to his bed-side, and even to his death-bed, and he has been compelled to sign them without any more knowledge of their contents than a man would be supposed to have, when suffering pain upon a sick bed. The letter which I have in my possession in reference to this subject, is signed by Mr. Dix, the preceding sub-treasurer, Mr. Bradish, and by

the present assistant treasurer, Mr. Cisco, and they say in the letter, that this power of substitution is absolutely necessary.

The question was taken upon Mr. PENNINGTON's amendment; and it was rejected.

Mr. PRINGLE. I offer the following amendment in line two thousand three hundred and seventy-one, after the words "he may," insert in lieu the words "in his discretion."

The amendment was agreed to.

The question then recurring upon the Senate amendment, as amended, it was taken; and the amendment was concurred in.

One hundred and seventy-sixth amendment:

SEC. —. *And be it further enacted*, That so much of the act of the 7th of June, 1844, restricting the employment of inspectors, gaugers, weighers, measurers, and markers, in the custom-house to the number then in service, as may be applicable to those employed at the ports of New York and New Orleans, be, and the same is hereby, repealed.

Mr. JONES, of Tennessee. The committee recommend a concurrence.

The amendment was concurred in.

One hundred and seventy-seventh amendment:

SEC. —. *And be it further enacted*, That from and after the 30th of June, 1853, the annual salary of the chaplains to Congress shall be \$750, and such sum additional to that elsewhere provided as may be required to pay the same to the 30th of June, 1855, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. JONES, of Tennessee. The committee recommend a non-concurrence.

Mr. OLDS. I move to increase the amount of appropriation \$500. I offer the amendment for the purpose of saying to the committee that the Senate amendment proposes to give the Chaplains of this Congress precisely what the Chaplains of the preceding Congress received. Under the act of the 22d of July, in which you added twenty per cent. to the compensation of the employees about the Capitol, you would increase the compensation of the Chaplains from \$500 to \$600, but the extra allowance which you have always given them heretofore would make their salary \$750. While you have been thus increasing the salaries of the employees and clerks about the Capitol, I think it but right and proper that we should adopt the amendment of the Senate, and thus increase the compensation of the Chaplains of Congress to \$750.

Now, I ask, admitting that we give them \$750 per annum, can they live at less than that?

[Cries of "Question!" "Question!"]

Mr. CLINGMAN. I oppose the amendment. I do not think that any salaries ought to be increased.

Mr. OLDS, by unanimous consent, withdrew his amendment.

The Senate amendment was then non-concurred in.

One hundred and seventy-eighth amendment:

SEC. —. *And be it further enacted*, That the county of El Paso, in the State of Texas, and the Territory of New Mexico, be, and they are hereby, made a collection district by the name of El Paso del Norte, and Frontera shall be the place or port of entry for said district, and a collector shall be appointed to reside thereat, with such other officers as shall be necessary. The compensation of the collector shall be \$2,000 per annum, including the fees of his office.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence in the amendment.

The amendment was non-concurred in.

One hundred and seventy-ninth amendment:

SEC. —. *And be it further enacted*, That the "Act making appropriations for the improvement of certain harbors and rivers," approved the 30th of August, 1852, be, and the same hereby is, amended by striking from the clause in which they occur the following words: "by the construction of a breakwater across Croatan sound."

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence.

Mr. SHAW. I think I will be able to satisfy the committee that this amendment ought to be adopted. During the last Congress an appropriation was made for the purpose of constructing a work in North Carolina, by which it was specified that the work should be accomplished in a particular way. The Secretary of War sent a proper officer there for the purpose of examining this work, previous to commencing operations. That officer reported to the Department that, in his opinion, the plan proposed in the act itself would be, to say the least of it, injudicious; and he suggested not only a more feasible, but a cheaper

plan for the construction of the work within the amount appropriated. The Secretary of War declined using any of the money that had been appropriated, and has asked Congress, in his report, to modify the act simply by striking out the words in the last line of this amendment, in order that he might use such discretion in expending the money as would enable him to carry out the work efficiently.

I suppose, Mr. Chairman, it would be out of order, were I to refer to anything which occurred in the other end of the Capitol, but I trust the committee will pardon me if I say that, in the early part of the present session, the modification which is contained in this amendment, was passed in the other end of the Capitol even without a reference. The bill containing it came to this House and was referred to the Committee on Commerce, which committee, at least three months ago, reported it back to this House, with a recommendation that it do pass. I have been anxious, from that time to the present moment, to call up that bill, confident as I have been, and confident as I am now, that this House will adopt it, and enable the Secretary to expend this money according to the act of last Congress, save so far only as the mode in which the work shall be accomplished.

I desire further to state to this committee that this modification does not carry in itself the appropriation of a single dollar of the public money. It does not ask for a single cent of additional appropriation, but only asks that such discretionary power shall be vested in the Secretary of the Treasury, as is recommended in the report of the engineer.

The question being upon concurring in the Senate amendment,

Mr. SHAW called for tellers.

Tellers were ordered; and Messrs. HUGHES and MILLSON were appointed.

The question was then taken; and the tellers reported—ayes 67, noes 53.

So the Senate amendment was concurred in.

Mr. HAVEN. The Committee of Ways and Means propose that the one hundred and eightieth and one hundred and eighty-first amendments of the Senate be non-concurred in, and that, if there be no objection, they be considered together.

The CHAIRMAN. Is there objection to the proposition?

There was no objection; and the amendments were read, as follows:

One hundred and eightieth amendment:

And be it further enacted, That the President of the United States, by and with the advice and consent of the Senate, shall be, and is hereby, authorized to appoint a commissioner, at the compensation of not exceeding \$4,000 per annum, to ascertain the nature, character, extent, and value, of all valid claims arising in Washington and Oregon Territories under the treaty with Great Britain of June 15, 1846; and should said claims, or any part thereof, be deemed of sufficient public and political importance to justify or require the measure, the President is hereby authorized to direct said commissioner to agree with the claimants and the Hudson's Bay Company for the relinquishment of their claims on a just and fair valuation, and to pay over the amount so agreed upon, on a full and entire surrender and relinquishment of all right, title, claim, interest, and demand, therein and thereto, to the United States: *Provided*, That none of the lands acquired under this section shall be subject to donation or preemption, but shall be sold at public auction, unless in cases where, in the opinion of the commissioner, the sum bid for any particular parcel or piece shall be less than a fair price therefor, to be ascertained by the commissioner aforesaid; said sales to be made for cash, at such times and places, and with such postponements, as may be directed by the said commissioner; and for carrying into effect the provisions of this section in case of a purchase, a sum not exceeding \$300,000 is hereby appropriated: *Provided*, That the amount to be paid for all the said claims, rights, and interest, shall not exceed the sum herein appropriated; and for defraying the expenses of the commissioner, the further sum of \$500 is also appropriated, payable out of any money in the Treasury not otherwise appropriated.

One hundred and eighty-first amendment:

SEC. —. *And be it further enacted*, That in case it should be deemed inexpedient to sell said lands and improvements immediately, or any part thereof, the President shall be, and he is hereby, authorized, on the extinguishment of the title as aforesaid, to direct the commissioner to take possession of the same, for and in the name of the United States, and to lease the same on such terms and conditions, and for such sum or sums, as he may deem proper and right, subject, however, to sale, when in his opinion it may be proper, after the United States surveys have been extended over the same.

Mr. McDUGALL. I move to strike out the first five words of the amendments.

Mr. Chairman: I wish to submit one or two words on these amendments before the committee

acts on them. The Committee of Ways and Means have recommended a non-concurrence. In my judgment, they are the most important features of this entire bill. By the treaty for the settlement of our controversy with Great Britain in regard to the line separating Oregon from Canada, the rights of the Hudson's Bay Company was, to a certain extent, recognized. They now claim the right to an undefined territory in Washington Territory. It covers the best land there. That company has no determined or ascertained rights; but they have undefined rights by the treaty. The uncertainty of the matter prevents settlement and the development of the resources of the north-western coast.

The claim of that company, unintelligible as it is, should be settled. I say that it is as proper for the Government to extinguish the title of the Hudson's Bay Company as it is for it to extinguish the Indian title. The importance of developing the resources of the northwestern coast of our country is well known to this Congress. I say, without something authorizing us to settle and compromise with the Hudson's Bay Company, that country cannot be speedily settled, and its wealth cannot be fairly developed, for this company has too large an interest to develop it upon that extreme northwest coast. In this matter I know that the interests of Puget's Sound are regarded as antagonistical to the interests of the bay of San Francisco. But I say that they are important interests, and the people of this whole Confederacy are interested in the settlement of the lands there. The passage of this amendment will secure the settlement of that country.

Mr. PHELPS. I am opposed to the amendment proposed by the gentleman from California [Mr. McDougall.]

This is a proposition to buy the rights of the Hudson's Bay Fur Company in the Territory formerly known as Oregon Territory, but now embraced in two territories, Washington and Oregon. Under the treaty of 1846, the Hudson's Bay Company claim certain rights, and so far as they are recognized by that treaty, I deem it proper to read the third article of that treaty:

"In the future appropriation of the Territory south of the forty-ninth parallel of north latitude, as provided in the first article of this treaty, the possessory rights of the Hudson's Bay Company and all British subjects who may be already in the occupation of the land or other property, lawfully acquired within the said territory, shall be respected."

I now say that the Hudson's Bay Company have the possessory right to continue only during the continuance of the charter of that company. The charter of that company will expire in the year 1863—nine years hence; and that company will have no more right to territory, or land in that Territory, than any other squatter upon the public lands.

But further: I have in my possession a report, submitted at the instance of the Secretary of State, by Governor Stevens, the Governor of the Territory of Washington. He was instructed to inquire into the value of the rights of the Hudson's Bay Company, and the Puget's Sound Agricultural Company. I find that he values these rights to be worth \$300,000. One tract of land claimed by the Puget's Sound Agricultural Company, being fifteen miles by fifty or sixty—I am not particular in relation to the dimensions—Governor Stevens says is almost unexplored, and is only occupied for the grazing of their cattle and flocks of sheep. He estimates that, upon that tract, there are five thousand head of cattle and sixteen thousand head of sheep; and that the value of this tract, with the cattle and sheep, cannot exceed in amount \$150,000; which goes to make up a part and parcel of the \$300,000 embraced in this appropriation. Do we want to buy these cattle and sheep? I say that the companies have no rights for which the Government of the United States ought to pay them one dollar.

Mr. HAVEN. I do not intend to discuss the merits of this matter at all, for I have not the time to do so. Suffice it to say, that we have two hundred miles in extent upon the Pacific coast, and we give every man who settles there two or three hundred acres of land. It is hardly necessary to acquire more land there by buying out these possessory rights.

[Cries of "Question!" "Question!"]

Mr. McDougall, by unanimous consent, then withdrew his amendment.

Mr. LANCASTER. I propose to amend the

amendment by increasing the appropriation one dollar; and I do so to say that I do hope the committee will not pass upon this important matter in this great hurry and precipitation. I pledge myself that every single member of this committee who does so, will some day, when he is better informed, regret the vote he has given, if he sustain the action of the Committee of Ways and Means. When the members come to know the facts of the case, they will regret sustaining that committee on this question, if they should do so. [Cries of "Question!"] I have not occupied much time on this floor. Since I came here, I have never, on any occasion, unless it concerned my section of the country, troubled the House, and therefore I claim a few moments on the present occasion. [Cries of "Agreed."] I will read from article four, in this treaty:

"The farms, lands, and other property of every description belonging to the Puget's Sound Agricultural Company, on the north side of Columbia river, shall be confirmed to the said company."

The gentleman from Missouri contemplated the third article of the treaty, and not the fourth article, and all his remarks apply to the third article. The fourth article says nothing in relation to the possessory rights.

"The farms, lands, and other property of every description belonging to the Puget's Sound Agricultural Company shall be confirmed to the said company."

This company claim a large tract of land by virtue of this treaty bordering on Puget's Sound. There is an extensive settlement on that claim formed by American citizens, and they have encroached upon the rights of that company. If the treaty has any meaning in it, then their rights are invaded, and their forbearance is a matter of surprise. There are meeting houses upon it, a county seat laid off, and a large village built up upon it, United States troops fortified upon it, and, as I am informed, are paying rents to that company. United States paying rents! and learned men here say that that company have no rights there by virtue of that treaty. This claim is covered by American citizens, and they are warned off by the company. These settlers and the servants of the company are in constant collision. The rights of neither are defined or set out by metes and bounds. These settlers look to you, and rely upon you, for relief. By a proviso contained in the treaty you are permitted to purchase out the company's interests, and it should be done at some price, and that at once. They were once your constituents, as they have emigrated from every portion of the United States; every city and every county in the whole Union has a representation there; and they have relations and friends here in the States who are now your constituents, and who sympathize with the people of Washington in their troubles.

Mr. JONES, of Tennessee. Do I understand the gentleman from Washington Territory to say that these rights were to be confirmed to the Puget's Sound Agricultural Company?

Mr. LANCASTER. I say so. I will read the article of the treaty again.

Mr. JONES. Why, this is for the Hudson's Bay Fur Company, and not for the Puget's Sound Agricultural Company.

Mr. LANCASTER. If I only had time, I should speak about this appropriation; but I am bound down by the five-minute rule, and the subject is far too weighty to be discussed in five minutes; and my time is about out. I think I may venture to trespass on the committee a short time; and I promise not to disturb the House any more this session.

The article of the treaty reads:

"The farms, lands, and other property of every description, belonging to the Puget's Sound Agricultural Company, shall be confirmed to the said company."

Now, I say that this bill before you, as I look upon it, affects every claimant under the treaty, the Puget's Sound Agricultural Company as well as the Hudson's Bay Company, as also all British subjects. The bill seeks to wipe away from the whole Territory, and from Oregon, every vestige of right, whatever it may be, which is granted by the treaty.

And I say further—as I said before—the settlers are all over the country, upon the best tracts of lands belonging to the Hudson's Bay Company, and to the Puget's Sound Agricultural Company. These companies have been there for some forty

years. They have the Indians under their control; they keep the Indians and half-breeds for shepherds and herdsmen. The American citizens who have settled in that country are located in the best sections of it. They are scattered all over the western portion of the Territory, on the streams, in the valleys, and on the prairies. Settlements are far remote, in many instances, from each other, and separated by high mountains and streams, and the thickest and heaviest forests on earth. And now they appear before the American Government, asking it to settle the difficulties now arising between them and the Indians, and half-breeds and British, on the subject of the rights of the Puget's Sound Agricultural and Hudson's Bay Companies. You have had to settle difficulties in that region before. You have had the Cayuse war, and the Rogue River Indian war, and you have had to pay the expenses of those wars. The inhabitants of the country now appeal to you. They ask you, as emigrants from every part of the United States, to give them protection, to extend to them the constitutional aid which is in your power. They have committed no wrong by going there to that remote region. They have been invited by you to go there; and it was not their fault that a foreign company, the stockholders of which reside in London, should, by virtue of a treaty made by the high contracting powers, continue in the very heart of the Territory. The stockholders in London desire to make money by the operations of the companies in Washington; and the persons who are acting as agents—and necessarily by instructions—whatever may be their desire as men, among us, to preserve peace, they have not the power to do it. And I say to you here, that as a matter of prudence, as a principle of saving to the Government, a far larger sum than this bill calls for, that as a matter of humanity, by a desire to save the lives of those who are there, by a desire to remove fear and a well-grounded apprehension of another destructive war with the Indians, agree to the Senate amendment, or issue a commission of appraisal; do something which shall show that, as the guardians of an infant Territory, you have her welfare and prosperity at heart.

[Here the hammer fell.]

The question being upon Mr. LANCASTER's amendment.

Mr. McDougall said: I hope the gentleman from Washington will be allowed to go on

[Cries of "Go on!" "Go on!"]

Mr. STUART, of Michigan. I am opposed to the amendment of the gentleman from Washington, and ask for a vote upon it.

Mr. LANCASTER, by unanimous consent, withdrew his amendment.

Mr. STUART. I now move to reduce the appropriation \$1,000; and I yield to allow the gentleman from Washington to finish his remarks.

Mr. LANCASTER. I am thankful for the opportunity to speak again in favor of Washington. I represent that country, and I am here for the purpose of protecting its interests; and I say here before you, that I urge nothing to the consideration of this committee but what I believe to be honestly true and just. I have been a settler there a long time.

Mr. JONES, of Tennessee. I rise to a question of order. It is, that the gentleman must confine himself to opposing the amendment made by the gentleman from Michigan.

The CHAIRMAN. The gentleman must confine his remarks to an explanation of the reasons why he opposes the amendment of the gentleman from Michigan.

Mr. LANCASTER. Well, I am doing so. I was about to state why I knew of the situation of things there, why I knew of the feelings of the citizens, their wants and their fears. Seven years ago this summer I removed across the Rocky Mountains into that Territory, and I have remained there from that time to this, and I intend to be faithful to its interests. I hope this appropriation will not be reduced, and I hope that the amendment will prevail. In the five minutes which were allotted me I spoke mainly of the Puget's Sound Agricultural Company. My friend from Michigan, to whom I am indebted for this act of courtesy—which appears to be a part of his character, and for which he will accept my thanks—feels desirous that something should be said of the operation of the Hudson's Bay Company.

Mr. Chairman, you will perceive, as I read the

third article of the treaty, that this company stands on a different ground. It is in these words:

"ART. 3. In the future appropriation of the territory south of the forty-ninth parallel of north latitude, as provided in the first article of this treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who may be already in the occupation of land, or other property, lawfully acquired within the said territory, shall be respected."

"My time will not permit a construction of this treaty. Five minutes! It would require as many hours. The Hudson's Bay Company are in possession of many tracts of land, which they call forts—both in Washington and Oregon; and this company, like the Puget's Sound Agricultural Company, own large herds of cattle, sheep, and horses. I have no personal knowledge save of the post at Vancouver. The Hudson's Bay Company claim at this place a tract of land, as is said, of thirty-six miles up and down the Columbia river, by about fifteen miles wide. This tract is supposed to be the best land in the Territory. Upon this tract the Fort Vancouver is situated, a strong and well fortified place. This claim of land is all settled by adverse claimants, under the donation law, even up to the cannon's mouth on the fort. Their fields are taken, their fences removed, their houses occupied, and they are defied. They have warned the people away, and from some they receive rents.

The officers in charge are bound to obey the instructions which are furnished from London by the stockholders, and they have manifested a strong desire to prevent collisions between the company's servants and the American settlers. The lands are becoming more and more valuable, and it will not be in the power of the officers in charge, nor of any other force, to prevent destruction of property and loss of life. In the meantime, the settler is without confidence in his title; the improvements of the country are retarded, its prosperity impeded; a belligerent and hostile feeling created, and a public display of settled hatred manifested. These officers are men, and they cannot be blamed for being influenced by the passions common to man. They feel that Britain has solemnly guaranteed, by treaty with our Government, some rights to them; that their rights, whatever they be, shall be respected; and this company, like the Puget's Sound Agricultural Company, has its influence over the Indians and half-breeds. Suppose that some of the members of this House should go there, and use the language we have heard here to-night, the Hudson's Bay Company would be driven out in twenty-four hours, and they would go north into the Cuba of the great Mediterranean of the Pacific—to Vancouver's Island—and they would have it in their power to call for an indemnity, through the home Government, which would sound something like the millions we have heard of this session.

The destruction would not stop at Vancouver. I have been there a long time; I know the spirit of some who were there; and I say here in your presence, that the present state of things cannot continue long. Is it desirable? Is it necessary? Is it called for? By what principle of justice can you desire that these large tracts of land in the very heart and core of the Territory should be possessed and controlled by foreigners who reside six thousand miles from their possessions, and who owe allegiance to a foreign nation where they reside, and who never intend to become Americans? Suffer me most solemnly to inquire of you individually, why you will not yield to the judgment of the Senate? This bill has had the sanction of the Departments. This present Administration, by and through the proper Departments, recommend the passage of this bill. If you are dissatisfied with the bill in its present form, why not amend it? Why not permit a commission to issue? Choose some good man; if you are not satisfied with Governor Stevens's report, authorize another.

Was this case transferred to some other society, I ask if there would not be a change in the sentiments of some of us? Suppose such claims were held by non-residents under the same circumstances in Texas, or in New Mexico, or California, or Ohio, New York, or the District of Columbia, would you hesitate about the propriety of sending out a commissioner? Let the millions which have been appropriated answer this question. Turn over the record; begin at Texas; pass through Mexico with her treaty stipulations, and then through California; and then look at the rec-

ord—for the record will live when we are dead—and compare the demand of Washington, with her reasons, with the record, and then vote; and, as honest men, I shall have no fears for the result. The day will come when you will feel proud of your possessions on the Pacific. Looking as they do, on China and Japan; rich as they are in minerals, and all that is desirable to make a nation great, powerful, rich, and respected. The day is not far distant.

Mr. STUART, by unanimous consent, withdrew his amendment.

The question was then taken upon the one hundred and eightieth and one hundred and eighty-first amendments, and they were non-concurred in.

One hundred and eighty-second amendment:

SEC. —. *And be it further enacted*, That the President of the United States be authorized and directed to appoint two persons to investigate and collect proof, under the instructions of the Department of the Interior, on the depredations upon private property by the Indians in Florida, subsequent to the 25th December, 1835, the report and testimony to be submitted to Congress at its next session.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence in that amendment.

Mr. MAXWELL. I have an amendment to offer to that amendment. I move that three commissioners be appointed instead of two.

I should not have said one word in reference to this amendment, but for the great importance I attach to it. It is well known to many of the members of this House, that claims have been constantly coming before Congress from the State of Florida, for indemnity for Indian depredations, committed during the Seminole war. These claims are constantly occupying the time of this House, and the object of this amendment is to facilitate the investigation of these cases, against which there has been heretofore a prejudice, I may say, an improper prejudice, created in this House. Sir, the reason why these claims coming from the State of Florida have created such a feeling in opposition to them is, because, from the circumstances in connection with them, they have run up to a very large amount; and, without reference to their justice or propriety, they are rejected in this House. As I have said, the simple and sole object of this Senate amendment is to facilitate the investigation of these claims. I trust the amendment will be concurred in by the House.

Mr. HAVEN. I desire to say five words in opposition to the amendment of the gentleman from Florida. The Committee of Ways and Means were opposed to constituting an itinerant board of commissioners to proceed to Florida for the purpose of hunting up claims to be presented to Congress. I recollect some years ago, a Senator from Florida remarked that he had presented claims for horses so often that he had become tired of it, and should in future go for hogs. [Laughter.] I hope the committee will not agree to support this commission, and that we shall come to a vote upon the proposition without further debate.

Mr. MAXWELL's amendment was not agreed to. The Senate amendment was then non-concurred in.

One hundred and eighty-third amendment:

SEC. —. *And be it further enacted*, That the seventh section of the act of January 18, 1837, entitled "An act supplementary to the act entitled 'An act establishing a Mint, and regulating the coins of the United States,'" be so amended as to extend the limit for the annual salary of clerks in the Mint of the United States to \$1,800 each, from and after the 1st of July, 1854, at the discretion of the officers authorized by law to appoint, with the approval of the President of the United States, including also one clerk in the office of the assistant treasurer at Philadelphia, and that the salary of the chief clerk of the branch Mint at New Orleans shall be \$2,200 from and after the 1st of July, 1854.

Mr. PHELPS. I do not rise to move an amendment, but merely to call the attention of the committee to the message which was sent from the Senate this morning, stating that the Secretary had made some mistakes in the amendments adopted by that body, as communicated to us. One of the mistakes is in the section now under consideration. After the words "Mint of the United States," where they first occur, should be inserted "and branch Mint at New Orleans." I would ask the unanimous consent of the committee to consider the words as part of the amendment. The Committee of Ways and Means recommend a non-concurrence in the amendment.

Mr. JONES, of Tennessee. I do not think that the correction comes in properly, and I object to it.

Mr. CHANDLER. I do not rise to argue the question. You have given the clerks of the Sub-Treasury at New York \$2,200 per annum, and this amendment only gives the clerks of the Sub-Treasury at Philadelphia, and the clerks connected with the United States Mint there, a salary each of \$1,800 per annum. We do not ask that they shall have \$2,200 per annum, but only \$1,800, and I hope that the amendment may be concurred in.

Mr. DAWSON. I concur in every word that my colleague has said. These clerks deserve a salary of \$1,800 per annum, and I hope the Senate's amendment will meet with the committee's concurrence.

Mr. CHANDLER. I demand tellers.

Tellers were ordered; and Messrs. Dawson and Rows were appointed.

The question was taken; and the amendment was concurred in, the tellers having reported—ayes 81, noes 48.

One hundred and eighty-fourth amendment:

SEC. —. *And be it further enacted*, That the second section of the act of July 3, 1852, entitled "An act to establish a branch of the Mint of the United States in California," be so amended as to allow to the clerks authorized to be employed therein three thousand dollars per annum each, to take effect from and after the 1st day of July, 1854. And such additional sums as, together with those elsewhere provided in this act, will equal the respective salaries authorized by this and the preceding section of this act, are hereby appropriated out of any money in the Treasury not otherwise appropriated for the payment thereof.

Mr. JONES, of Tennessee. The Committee of Ways and Means recommend a non-concurrence.

The amendment was non-concurred in.

One hundred and eighty-fifth amendment:

SEC. —. *And be it further enacted*, That all appointments of clerks and assistants authorized to be employed in the offices of the assistant treasurers of the United States, and in the offices of the Mint and branches thereof, and the assay office in New York, shall respectively be made, with the approbation of the President, by the assistant treasurer, director, superintendent, and treasurers of the Mint and said branches, and assay office, as the case may be, whose bonds are held at the Treasury Department in trust for the proper and faithful performance of their respective duties.

Mr. JONES, of Tennessee. The committee recommend a non-concurrence.

The amendment was non-concurred in.

One hundred and eighty-sixth amendment:

SEC. —. *And be it further enacted*, That the district judges for the State of California, while in the discharge of the duties imposed by the act of the 3d of March, 1851, entitled "An act to ascertain and settle the private land claims in the State of California," be allowed at the rate of \$22,000 per annum each, in addition to their salaries as district judges for the State of California, which shall be in full for their services.

Mr. JONES, of Tennessee. The committee recommend a non-concurrence.

Mr. LATHAM. I move to increase the compensation one dollar.

The compensation intended in this amendment is for services which were rendered by these officers while they were not in the line of their regular and ordinary duties. So far as the settlement of these claims by the judges of the district courts is concerned, their duties are increased. Their duties are different from those performed by other judges in other district courts throughout the Union. As far as the principle itself is concerned, I may be permitted to state what has been the uniform custom whenever commissioners have been appointed for the purpose of settling claims; and when the cases have gone to the district courts, the judges of those courts have had compensation different from that provided for by the act regulating their salary.

Mr. WHEELER. Will the gentleman from California tell us what the salaries of these judges are now?

Mr. LATHAM. I will in a moment. In the States of Arkansas, Missouri, Louisiana, Florida, Mississippi, and Alabama, commissioners have been appointed for the purpose of adjudicating similar land titles. And whenever the right to appeal to the district courts was given, increased compensation has been allowed to the judges of such courts. In the State of Missouri, the additional compensation given was \$800 per annum. In the State of Alabama, if I recollect right, or have been informed right, \$1,500 per annum was given to these judges; and that increased compen-

sation was continued so long as that district courts were employed in adjudicating these claims.

Mr. HOUSTON. Oh! it was a smaller amount than that.

Mr. LATHAM. The gentleman from Alabama says that the sum allowed to the district judges in his State was smaller than that I have mentioned. Whatever the amount was I cannot correctly state, but it is sufficient for my purpose to state that an additional salary was given to them over and above their regular compensation. The gentleman from New York [Mr. WHEELER] asks me what the salaries of these judges are. I will tell him. The salary of the district judge of the northern district is \$3,500 per annum; that of the judge for the southern district is \$2,800. These salaries are inadequate to the duties and responsibilities of their office. The district court of San Francisco is in session nine continuous months in the year. Now, then, this law which authorizes the taking of an appeal from the decision of these land commissioners to the district courts imposes an additional labor upon the judges, compelling them to hold their courts from the 1st of January to the 31st of December. The State of California pays to the judges of her supreme court \$10,000 a year. She pays to her district judges \$7,000 a year. And every gentleman present who knows anything connected with that State—the gentleman from Virginia [Mr. SMITH] knows it full well—knows that it is absolutely impossible for the judges of the district courts to save any part of their salary. It is as much as they can do, if they can do it at all, to live comfortably on \$3,500 a year. The judge of the district court of the northern district of California, a gentleman of great ability, has told me that his salary was not sufficient compensation for him; and he told me that he was excluded by the duties of his office from embarking capital in any of the commercial enterprises of the day.

Mr. LETCHER. I am opposed to the amendment, and I will not occupy five minutes in saying all that I have to say in opposition to it. If I am not mistaken, the gentleman from California is very much mistaken in regard to the salaries of judges in his State. One of them receives \$5,000.

Mr. LATHAM. The salary of the judge of the northern district of California was originally \$5,000, and he discharged the duties of both districts. But when a judge was appointed for the southern district, the salary of the judge of the northern district reverted to \$3,500 per annum. The chairman of the Committee of Ways and Means will bear me out in that statement. The salary of the judge of the southern district was \$2,800.

Mr. LETCHER. It is manifest, taking the matter to be as the gentleman from California states, that the judge of the northern district of California is now getting a salary equal to that of a judge in the district of New York, and as high as the salary received by any judge in any State on this side of our country. Now, what is proposed to be done by this amendment? It is proposed to almost double that salary, by the addition of \$2,000 to it, while the salary of the other judge is proposed to be increased in the same ratio. Is this fair, when the judge in my district gets only \$1,600, and is obliged to travel one thousand one hundred miles a year, at his own cost and charges, and at all seasons of the year? His travel costs him \$400, and he then has \$1,200 left as his compensation. Is it justice, when such a state of things exists here, to augment the salaries of the judges in California to almost double the present amount? Our judges are compelled to perform as much labor, and receive only one third of the compensation given to the judges in California.

The question was then taken on Mr. LATHAM's amendment; and it was not agreed to.

Mr. McDOUGALL. I move to increase the appropriation two dollars. I wish to say one word in reference to this matter. The judge of the northern district of California receives \$3,500 per annum, and I am told by the gentleman from Virginia that the judge in his district gets only \$1,600 per annum. I tell the gentleman from Virginia that \$1,600 in his district is worth more than \$5,000 in the northern district of California. It is more valuable to the judge, and will go further.

Now, I wish to state one fact. The judges of California to settle the land contests of that State

receive a compensation of \$8,000 per annum. Upon what basis was that compensation placed? Upon the California basis of compensation for services there. And the \$8,000 paid to the land commissioners is less than we pay our own State judges. We pay to our supreme judge \$10,000 a year. We pay to our district judges \$6,000 per annum. Now, what is asked here of the United States? These judges discharge not merely the duties of the judges of a Federal tribunal; they determine not merely duties belonging to a district proper, but they determine matters belonging to both a district court and a circuit court. And to this same court are carried, by appeal, all the land contests of that State; and I undertake to say that whoever undertakes to discharge the duties of this office in California, is a slave. He is compelled to perform services both day and night, for month after month. He performs duties, as judge, not only during the spring and fall terms, but for the whole twelve months of the year. And I say that if you pay this additional compensation of \$2,000 per annum, you pay only a just and fair compensation for the service he renders.

Mr. WHEELER. The gentleman from California said the judges of California received only \$3,500 and \$2,800 per annum. Sir, here is the official register, which puts it down at \$5,000.

Mr. McDOUGALL. That was formerly.

Mr. HOUSTON. I will say to the gentleman from New York, that after the appointment of judges for the southern district of California, one was discontinued temporarily, and the remaining judge received \$5,000; but since that arrangement has been dispensed with, the judges have returned to the old rates of compensation.

Mr. McDOUGALL. I simply ask that this amendment shall be fairly considered.

Mr. BRIDGES. I rise to oppose the amendment, but not to discuss it. I ask for a vote.

Mr. McDOUGALL. I will withdraw my amendment, if there be no objection.

Mr. WALSH. I object.

The amendment was then disagreed to.

Mr. SMITH, of Virginia. I propose the following amendment:

After the word "each," in the twenty-five hundredth line, insert the words "for three years;" so that it will read:

Be allowed at the rate of \$2,000 per annum each for three years, in addition to their salaries as district judges for the State of California, which shall be in full for their services.

Mr. Chairman, the committee will perceive that the object of this amendment is to make provision that this additional compensation shall not be given to these judges for life, or for a very long term of years. The object of this compensation, if we allow it at all, is to remunerate them for present labor in revising the work of these land commissioners. I have proposed to make it continue for a specific period, for the time for which any great amount of labor will be required. The committee will perceive that if it is allowed to run as long as there is any of this business to do, it may linger along for years, while the greater part of the labor may be performed in two or three years.

Mr. WALSH. I am opposed to the amendment, and ask for a vote upon it.

Mr. SMITH's amendment was not agreed to.

The question then recurred upon concurring in the Senate amendment.

Mr. PERKINS, of Louisiana. I move to amend the amendment of the Senate, by providing that this additional compensation shall not continue for more than five years. I understand this will meet the views of the member from California, and I trust it will be adopted. I hope gentlemen will reflect before they refuse to place the Federal judges of California at least on a par with other Federal officers in that State. Is it wise, in a State like California, so remote from the central authority, and where judges are exposed to influences which do not operate in other portions of the country, to place them on salaries less than they can make in almost any other employment? If the State has found it necessary to pay salaries of \$6,000 or \$8,000, to obtain the proper talent for a State judiciary, do the United States want judicial officers who are less qualified?

But, sir, in making these remarks, I confess I am influenced by feelings that may not operate upon other members of the committee. I know the gentleman who fills the office of judge in

North California. He has passed through the early settlement of the country unquestioned in the purity of his character. We have been told by the member from California, [Mr. LATHAM,] that though restricted in his means, he has scrupulously refrained from engaging in speculations which have made the fortunes of others, lest it should reflect upon his administration of justice. This shows him to be the man for his position, and in a country where the force of law depends so much upon the character of the judge, it is policy to seek to retain him.

Mr. WALSH. Who is he?

Mr. PERKINS. He comes from the gentleman's own State. If at the bar, he could make ten times the amount he now receives, and I do not think it just to impose upon him additional duties without additional compensation.

Mr. WALSH. It is very singular that the gentleman should have an indisposition to name so extraordinary a man.

[Cries of "Question!" "Question!"]

The question was taken; and Mr. PERKINS's amendment was rejected.

The question was taken; and the amendment of the Senate was non-concurred in.

One hundred and eighty-seventh amendment:

Sec.—And be it further enacted, That so much of the act passed 26th February, 1853, being "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes, as fixes the compensation to be allowed for expenses while employed in endeavoring to arrest under process any person charged with or convicted of a crime, the sum actually expended, not to exceed two dollars per day in addition to his compensation for service and travel," so as to read "for expenses while employed in endeavoring to arrest under process any person charged with or convicted of a crime, the actual necessary expenses in addition to his compensation for service and travel."

Mr. HAVEN. The Committee of Ways and Means recommend a non-concurrence in the amendment. I thought when the bill passed at the last session that it was a bad one; this amendment makes it worse.

The amendment was non-concurred in.

One hundred and eighty-eighth amendment:

Sec.—And be it further enacted, That whenever it shall become necessary for the head of any Department or office to employ special agents, other than officers of the Army or Navy, who may be charged with the disbursement of public moneys, they shall, prior to entering upon duty as such, give bond in such form and with such security as the head of the Department or office employing said agent may approve.

Mr. STANTON, of Kentucky. To make this amendment conform in spirit to a clause which was adopted by a very large majority during the day, I move to strike out the words "other than officers of the Army or Navy."

The question was taken; and the amendment was agreed to.

The Senate amendment, as amended, was concurred in.

One hundred and eighty-ninth amendment:

Amend the title of the bill by adding the words "and for other purposes."

The amendment was concurred in.

Mr. JONES, of Tennessee. I move that the committee do now rise and report the amendments to the House.

Mr. HOUSTON. In looking over the amendments, I see in several of them the word "&c." occurring, and I now ask the unanimous consent to be permitted to strike it out wherever it occurs.

The CHAIRMAN. Is there objection to the proposition of the gentleman from Alabama?

There was no objection; and it was ordered accordingly.

Mr. HAVEN. I desire to say one word before the committee rises. The Senate have sent us a paper indicating that they desired to amend the last section of the bill by striking out these words:

"And further, that all appropriations which are herein made, or may be hereafter made, for repairs or improvements of the public buildings, grounds, and streets within the District of Columbia, and now under the charge of the Commissioner of Public Buildings and Grounds, shall be expended under the direction of the Secretary of the Interior; and that all laws, or parts of laws, inconsistent with this section shall be, and the same are hereby, repealed."

I wish to treat the Senate with all respect, and propose that the amendment be considered as before us. It is an amendment which ought not to be made, and I hope that it may be non-concurred in.

Mr. HOUSTON. The words proposed to be

stricken out are a part of the original text of the bill, and while I am disposed to treat the Senate communication with every degree of respect, yet I am unwilling to set a precedent for invading the original matter of the bill.

Mr. WALSH. Is this discussion out of order?

The CHAIRMAN. It is.

Mr. WALSH. Then I object to it.

The question was taken on Mr. JONES's motion; and it was agreed to.

So the committee rose, and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the Union generally, and particularly the amendments of the Senate to House bill 48, "making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1855," and had instructed him to report back some of the amendments to which they had agreed, others to which they had agreed with amendments, and others which they had non-concurred in.

Mr. JONES, of Tennessee. With the approbation of the gentleman from Alabama, [Mr. Housron,] I propose that the House sustain the previous question, order the main question to be put, and then adjourn. With that view, I move the previous question.

The previous question was seconded.

Mr. BARKSDALE. Is a motion now in order to lay the bill upon the table?

[Cries of "Let the main question be ordered first!"]

Mr. BARKSDALE. I move to lay the bill upon the table.

[Cries of "No, no!"]

Mr. BARKSDALE. I withdraw my motion for the present, but I shall renew it.

The main question was then ordered to be put.

Mr. BARKSDALE. I now move to lay the bill upon the table.

Mr. JONES, of Tennessee. I move that the House adjourn.

The motion was agreed to, and the House, thereupon, at twenty-five minutes of nine o'clock, p. m., adjourned till to-morrow morning at ten o'clock, a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, August 2, 1854.

The House met at ten o'clock, a. m. Prayer by Rev. HENRY SLIGER.

The Journal of yesterday was read and approved.

The SPEAKER appointed Messrs. McMULLIN, MAY, and KERR, a committee of conference, to meet a like committee on the part of the Senate, in relation to the disagreeing votes of the two Houses upon the bill of the House entitled "An act to authorize the extension of the Alexandria and Washington railroad into the District of Columbia."

The SPEAKER announced as the business first in order, the motion made last evening by Mr. BARKSDALE, to lay the civil and diplomatic bill upon the table.

Mr. STANTON, of Kentucky. I rise to a privileged question. I desire to make a report from the Committee on Printing.

The SPEAKER. There is nothing in order except the motion to lay the civil and diplomatic bill upon the table, unless it be by the unanimous consent of the House.

Mr. WHEELER. I object to everything, and call for the regular order of business.

CHARLES G. GUNTER.

Mr. ABERCROMBIE. I ask the unanimous consent of the House to make a report from the Committee on Private Land Claims. It is in relation to a private claim which has been for years before the House. It has already passed the Senate two or three times. There has never been any objection to it. The parties interested are very much aggrieved in consequence of the delay on the part of Congress to pass this bill. I hope the House will consent to take it up now.

Mr. SAGE. I wish to inquire of the gentleman from Alabama whether this is anything but a simple bill?

Mr. ABERCROMBIE. It is simply a Senate bill of a private character, and will require no time

to pass the House. I desire to report it back without amendment.

There being no objection, the bill was received and read by its title, as follows:

An act to relinquish the reversionary interest of the United States to a certain reservation therein mentioned, and confirm the title of Charles G. Gunter thereto.

Mr. ABERCROMBIE. I will now briefly state the facts in this case.

Mr. JONES, of Tennessee. Oh, no; we do not want to hear them.

Mr. ABERCROMBIE. If the House be not satisfied, I will explain.

Several MEMBERS. Oh, we are satisfied.

The bill was then ordered to be read a third time; and it was accordingly read the third time, and passed.

REPORTS OF SENATE BILLS.

Mr. PECKHAM. I ask the unanimous consent of the House to report back four Senate bills from the Committee on Military Affairs, for the mere purpose of reference.

Assent was expressed.

Mr. PECKHAM. The Committee on Military Affairs report back the following bill, with a recommendation that it do pass:

Senate bill (No. 338) "for the relief of Robert C. Thompson, the legal representative of William H. Thompson, deceased, formerly brigadier general in the revolutionary war." Referred to a Committee of the Whole House.

Mr. PECKHAM. The Committee on Military Affairs report the following bill back, with a recommendation that it do not pass:

Senate bill (No. 398) "for the relief of the heirs of Captain Joshua Chamberlain, deceased."

The report and bill were ordered to be laid on the table, and the former was ordered to be printed.

Mr. PECKHAM. The Committee on Military Affairs report back the following bill, with a recommendation that it do pass; but with an amendment virtually denying the relief asked for:

Senate bill (No. 353) "for the relief of the legal representatives of Henry King, deceased." Referred to a Committee of the Whole House, and ordered to be printed.

Mr. PECKHAM. The Committee on Military Affairs report back the following bill, with a recommendation that it do pass:

Senate bill (No. 375) "relative to the accounts of General Stephen Moyer." Referred to a Committee of the Whole House, and ordered to be printed.

Mr. FAULKNER. I ask the unanimous consent of the House to permit me to report back the following bill, from the Committee on Military Affairs:

Senate bill (No. 269) "granting the right of way over, and depot grounds on, the military reserve at Fort Gratiot, in the State of Michigan, to the Port Huron and Lake Michigan Railroad Company."

Unanimous consent being given, the report was received.

The bill was then ordered to be read a third time, and was accordingly read the third time, and passed.

UNITED STATES COURT IN BOSTON, ETC.

Mr. WALLY. I ask the unanimous consent of the House to take from the Speaker's table a bill which has come back from the Senate with an amendment. I desire that the House shall concur in that amendment, and it will not take five minutes to do so, as there will be no objection to it. It is a bill to authorize the lease of a building in Boston for the accommodation of the United States court, and the procuring of sites for court-houses in Boston, New York, and Philadelphia. The House have passed the bill, and the Senate have amended it so that the purchase shall not be binding unless the sanction of Congress is obtained.

No objection being made, the bill was taken up, and read in *extenso*.

The Senate amendment, which was read, was to add at the end of the bill the following:

Together with any contract or contracts he may make for any site or sites, which contract or contracts shall be conditional, and made subject to the approval of Congress.

The amendment of the Senate was agreed to.

Mr. FLORENCE. I rise to a question of privilege. I move to reconsider the vote by which the Senate amendment was agreed to, and also to lay the motion to reconsider upon the table.

The latter motion was agreed to.

HOMESTEAD BILL.

Mr. PHILLIPS. I move that the House proceed to the business upon the Speaker's table, for the purpose of taking up the Senate amendments to the homestead bill.

Mr. MATTESON. I object to the motion.

Mr. PHILLIPS. Then I move to suspend the rules, to enable me to submit the motion.

The SPEAKER. There is already a motion pending to suspend the rules. There is also a motion pending to lay the civil and diplomatic bill upon the table; both of which take precedence of the motion proposed by the gentleman from Alabama. This motion cannot be received. The rules cannot be suspended at this time at all.

Mr. PHILLIPS. I ask, in order that I may understand what are my rights, whether, after having made this motion to proceed to the business upon the Speaker's table, which the Chair says is not of equal privilege with others already pending, it will come up in order when the others are disposed of?

The SPEAKER. The motion to go to the business upon the Speaker's table cannot be made while the others are pending. The Chair will explain the precise condition of the business before the House. The amendments to the civil and diplomatic bill were reported from the Committee of the Whole on the state of the Union yesterday evening, and the previous question ordered upon them. The motion was then made that the amendments be laid upon the table. That motion is first in order. If it be decided in the negative, the concurrence in the amendments, under the operation of the previous question, will next be in order. When that business is disposed of, there is pending a motion made by the gentleman from Alabama, [Mr. Cobb,] to suspend the rules, which lies over from yesterday. No motion to suspend the rules is, therefore, in order, until this business has been disposed of. Gentlemen upon the right and the left demand the regular order of business, and the proposition is therefore in order.

CIVIL AND DIPLOMATIC BILL.

Mr. WENTWORTH, of Illinois. I demand the yeas and nays upon the motion to lay the amendments to the civil and diplomatic bill upon the table.

Mr. PHELPS. I understand that the gentleman from Mississippi, who made the motion, will withdraw it.

Mr. BARKSDALE. I will withdraw it.

Mr. WHEELER. I renew the motion.

Mr. DISNEY. I rise to a question of order. I understand the Chair has entertained a motion to lay upon the table the civil and diplomatic bill. The point I make is simply this: That it is not competent for this House, having once passed a bill, and, subsequently, amendments having been made by a coördinate branch of the Government to that bill, to lay that bill upon the table. They have no power over the bill except to act upon the specific amendments made by the coördinate body. There has never been, I undertake to say, in the whole history of parliamentary legislation, any other practice allowed.

Mr. WHEELER. Is this debate in order?

The SPEAKER. Debate is not in order.

Mr. DISNEY. Well, sir, I have risen to a point of order.

The SPEAKER. The Chair overrules the gentleman's point of order.

Mr. DISNEY. I appeal from the decision of the Chair; and I desire to state the grounds upon which I take an appeal.

The SPEAKER. The gentleman has already stated the ground of his appeal; but, if he desires to repeat it, the Chair will be happy to hear his explanation, if it is the pleasure of the House that he should proceed.

Mr. WHEELER. I object.

Mr. DISNEY. I desire to state the grounds upon which I take an appeal from the decision of the Chair; for I have not yet stated them. I appeal from the decision of the Chair, because it is laid down by parliamentary writers upon these subjects, that when a bill has once passed a legislative body, passed to another coördinate body,

and afterwards returned to the originating body with amendments, that body has no power over the bill, except to act upon the amendments which have been returned to it—either to agree, or to disagree to them. The originating branch has no power over it. It is so expressly laid down by every writer on civil law.

The SPEAKER. Will the gentleman turn to a single writer who has so laid down? The Chair would like to know to what rule the gentleman refers?

Mr. DISNEY. The Chairman will find the matter stated and settled on page ninety-five of Jefferson's Manual.

The SPEAKER. The Chair is determined in his own mind as to the rule on this subject. It is in order to move to lay the amendments of the Senate upon the table; and if the motion be agreed to, it carries the bill with it. The Chair has no doubt about his decision; and not desiring to make a speech, he calls on the House to decide between him and the gentleman from Ohio.

Mr. SKELTON. I move to lay the appeal upon the table.

The question was taken; and the motion was agreed to.

The SPEAKER. The question now recurs on the motion to lay the amendments of the Senate to the civil and diplomatic appropriation bill upon the table.

Mr. WENTWORTH, of Illinois. I demand the yeas and nays.

[Cries of "No!"]

Mr. ORR. I hope the gentleman will withdraw his demand for the yeas and nays until we see how the House stands by division.

Mr. WENTWORTH. I withdraw the demand. The question was taken; and the House refused to lay the Senate amendments upon the table.

Mr. HOUSTON. It will consume nearly the whole day to read the amendments, and I would suggest, if gentlemen are prepared to do so, that they state the amendments on which they desire separate votes, and that the remainder be voted on *en masse*.

Mr. LETCHER. Will it be in order to move that the House concur in the report of the Committee of the Whole on the state of the Union?

The SPEAKER. That may be done by unanimous consent, but not otherwise.

Mr. LETCHER. If there be no objection, I would submit that motion.

Mr. GREENWOOD. I desire that the one hundred and seventy-ninth amendment may be excepted, so that a separate vote may be taken on it. I have otherwise no objection to the gentleman's proposition.

Mr. LETCHER. I have no objection to excepting the gentleman's amendment.

Objection was made to Mr. LETCHER's proposition by several members.

The SPEAKER. The amendments will be read; and if any gentleman desires a separate vote on any amendment, he will rise in his place and indicate it. Then, those on which separate votes are not asked, will be voted on *en masse*.

Mr. STEPHENS, of Georgia. A great deal of time will be consumed by the reading of all the amendments. Let each member who desires a separate vote on any amendment rise now, and specify it, and then let us vote on the others together.

The SPEAKER. That can only be done by unanimous consent.

Mr. MURRAY. I object; and, if allowed, I would suggest that the amendments be read by their numbers, and gentlemen can then indicate those on which they desire a separate vote.

The SPEAKER. Is it the pleasure of the House that the proposition be agreed to?

[Cries of "Agreed!" "Agreed!"]
There was no objection; and the proposition was adopted.

The Clerk then proceeded to read the amendments by their numbers, when those on which separate votes were not demanded were passed over, to be disposed of *en masse* hereafter.

Mr. HOUSTON. Amendments number two and number eight have a direct relation to each other. They both relate to the Clerks of the Senate and their extra pay. I would like to have the House agree to both of these amendments. One enlarges the appropriation, and the other diminishes another appropriation. I do not desire

to have a contest with the Senate about the pay of their officers.

The SPEAKER. The gentleman from Alabama does not seem to understand the order of the House.

Mr. HOUSTON. I merely desire in this instance to have the amendments voted upon together, with a view to their concurrence.

The SPEAKER. The question then is upon agreeing to amendments number two and number eight, which will be read by the Clerk.

The amendments were read, as follows:

Second amendment:

For compensation of the officers, clerks, messengers, and others receiving an annual salary, in the service of the Senate, \$57,010.

Eighth amendment:

For clerks to committees, pages, police, horses and carriages, \$30,000.

The question was taken; and the amendments were agreed to.

Twenty-second amendment, on which a separate vote was asked by Mr. RUSSELL:

That the act approved 23d April, 1854, entitled "An act to amend the third section of the act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1854, and for other purposes," shall be so construed as in regard to increased compensation for the fiscal year ending the 30th June last, to include within its provisions the clerks of the Department of State, and the clerks in the office of the Coast Survey; and that the chief clerk in the State Department shall receive the same compensation as the chief clerks in the other Departments of the Government for the last fiscal year, and that the money necessary to carry these provisions into effect, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The SPEAKER. The Committee of the Whole on the state of the Union have reported against concurring in this amendment.

Mr. RUSSELL demanded the yeas and nays. The yeas and nays were not ordered.

The question was then taken; and the amendment was non-concurred in.

Mr. HOUSTON. If the House will allow me, I desire to make a correction in line two hundred and thirty-two. When the deficiency bill was before the Committee of the Whole on the state of the Union, we allowed three \$1,600 clerks to the Register of the Treasury; and therefore this appropriation of \$36,950 should be \$41,750. It will save a deal of trouble, if the correction be made now.

The correction was ordered, and the clause, as corrected, reads:

For compensation of the Register of the Treasury, and the clerks, messenger, and assistant messengers in his office, \$41,750.

Forty-fourth amendment, on which a separate vote was demanded by Mr. MURRAY:

For compensation of the Superintendent of the Public Printing, and the clerks and messenger in his office, \$9,595: *Provided*, That the joint resolution, approved the 30th July, 1854, shall be so construed as to embrace the Superintendent of Public Printing, and the clerks and messenger in his office.

Mr. HOUSTON. The Committee of the Whole on the state of the Union have concurred in this amendment, with an amendment, which is to strike out the proviso.

The SPEAKER. The question is first upon agreeing to the amendment to the amendment.

Mr. STRATTON. I believe the Committee of the Whole on the state of the Union struck out the proviso.

The SPEAKER. That is the amendment which the House will now vote upon.

Mr. HOUSTON. Will the Chair put the question in the shape of agreeing to the report of the Committee of the Whole on the state of the Union?

The SPEAKER. The Chair is perfectly willing to put it in that form.

Mr. MURRAY. I have no objection to that. I demand the yeas and nays.

The yeas and nays were not ordered. The question was then put; and it was decided in the affirmative.

So the report of the Committee of the Whole on the state of the Union was agreed to.

Fifty-seventh amendment:

Mr. CHASTAIN. I call for a separate vote upon that amendment, and upon it I call for the yeas and nays.

The SPEAKER. The Committee of the Whole on the state of the Union recommended a concur-

rence in that amendment, with an amendment, which the Clerk will report.

The Senate amendment was to strike out from the following clause the part in brackets:

For rent of house on northwest corner of F and Seventeenth streets, or such other building as the Secretary of War may select, and warming all the rooms in it, [\$21,875;

For compensation of superintendent and four watchmen of the building corner of F and seventeenth streets, \$2,250:] and insert in lieu thereof the following:

Thirty-two thousand three hundred and seventy-five dollars; and the Secretary of War is hereby authorized to lease said building, or some other, for a term not exceeding five years, at the rent herein authorized, if, in his judgment, the same shall be for the public interest.

The Committee of the Whole amended the Senate amendment by striking out all after the words "warming all the rooms in it," and inserting in lieu thereof the following:

Twenty-one thousand eight hundred and seventy-five dollars: *Provided*, The Secretary of War be authorized to purchase the said building at a sum not exceeding \$200,000; so as to make the clause read:

For rent of house on northwest corner of F and Seventeenth streets, or such other building as the Secretary of War may select, and warming all the rooms in it, \$21,875: *Provided*, That the Secretary of War be authorized to purchase said building at a sum not exceeding \$200,000.

The yeas and nays were not ordered.

The question was then taken; and the recommendation of the Committee of the Whole was concurred in.

Mr. HOUSTON. The seventy-third and seventy-fourth amendments are rendered necessary by the adoption of a subsequent amendment of the Senate, authorizing the compensation for these officers, which these amendments were inserted to provide for. If the House concur in that amendment, they should also concur in these. I ask for a separate vote upon them. The Committee of the Whole on the state of the Union recommend a non-concurrence.

The amendments are to insert, in the seven hundred and ninety-seventh line, after the word "assayer," the words "assistant melter and refiner;" and in the seven hundred and ninety-ninth line strike out the words "three thousand four," and insert "four thousand nine;" so that the clause will read:

For salaries of the director, treasurer, assayer, melter and refiner, chief coiner and engraver, assistant assayer, assistant melter and refiner, and seven clerks, \$24,900.

The amendments were concurred in.

Ninety-fifth amendment:

And the Secretary of the Treasury be, and he is hereby, authorized to contract for the construction of a custom-house on said site, to include accommodations for a post-office and United States court-room, at a cost not exceeding \$300,000.

Mr. PHELPS. I ask for a separate vote upon that amendment.

The amendment was concurred in.

One hundred and eighth amendment:

For the construction of an appraiser's store on a portion of the square selected for the custom-house at San Francisco, California, including the expense of piling for the foundation thereof, by contract or otherwise, as the Secretary of the Treasury may deem best, \$100,000: *Provided*, That the same restrictions regarding the completion of said work with the sum hereby appropriated, as are contained in this act concerning the erection and completion of custom-houses and marine hospitals, shall be applicable thereto.

Mr. HOUSTON. That is to provide for an appraiser's store in California. It would be a great saving to the Government if the House would concur in it. I ask for a separate vote on it.

Mr. LETCHER. Have not the Committee of the Whole on the state of the Union concurred in it?

Mr. HOUSTON. No, sir; the committee have recommended a non-concurrence.

The amendment was concurred in.

One hundred and eleventh amendment:

For prosecuting operations on the marine hospital at Portland, in the State of Maine, \$50,000.

Mr. GROW. I ask for a separate vote on the amendment.

The SPEAKER. The Committee of the Whole reported a concurrence in the amendment.

The amendment was concurred in.

One hundred and twelfth amendment:

To provide a suitable building as a marine hospital at St. Marks, Florida, \$5,000.

Mr. GROW. I ask for a separate vote on the amendment.

The SPEAKER. The Committee of the

Whole reported a concurrence in the amendment. The amendment was concurred in.

One hundred and twenty-eighth amendment:

To enable the Secretary of State to reimburse to Edward Riddle such sums as shall be satisfactorily shown to have been expended by him, or which said Riddle may have obligated himself to pay, on account of his official position at the Industrial Exhibition at London, England, or so much thereof as shall be necessary, \$26,000: *Provided*, That no portion of the payments made, *pro rata*, by contributors at said exhibition, shall be regarded as within this appropriation.

Mr. HUGHES. I ask a separate vote on the amendment.

The SPEAKER. The Committee of the Whole reported a non-concurrence in the amendment.

Mr. LILLY. I demand the yeas and nays on the amendment.

The yeas and nays were ordered.

The question was taken on a concurrence in the amendment; and it was decided in the negative—yeas 87, nays 88; as follows:

YEAS—Messrs. Abercrombie, Appleton, Ball, Banks, Belcher, Bennett, Benson, Benton, Bliss, Breckinridge, Carpenter, Caruthers, Chandler, Clark, Clingman, Cook, Corwin, Crocker, Cullom, Thomas Davis, De Witt, Dick, Dunbar, Eastman, Edmonds, Thomas D. Eliot, Everhart, Farley, Florence, Goodrich, Aaron Harlan, Harrison, Haven, Hill, Howe, Hughes, Hunt, Kerr, Knox, Lindsley, McCulloch, Macdonald, Mace, Matteson, Maurice, Mayall, John G. Miller, Morgan, Noble, Norton, Andrew Oliver, Mordecai Oliver, Parker, Peck, Peckham, Pennington, Preston, Pringle, Puryear, Ready, Reese, David Ritchie, Robbins, Russell, Sabin, Sage, Sapp, Simmons, Gerrit Smith, Richard H. Stanton, Alexander H. Stephens, Hestor L. Stevens, Andrew Stuart, David Stuart, John L. Taylor, Thurston, Upham, Vansant, Walbridge, Walley, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Westbrook, Wheeler, and Zollcoffer—87.

NAYS—Messrs. Aiken, James C. Allen, Willis Allen, David J. Bailey, Barksdale, Barry, Boyce, Bridges, Brooks, Caskey, Chastain, Chrisman, Churchwell, Cobb, Colquitt, Cox, Craigie, Curtis, John G. Davis, Dawson, Dowdell, Eddy, Edgerton, Edmundson, Ellison, English, Fenton, Fuller, Gamble, Giddings, Goode, Grey, Grow, Sampson W. Harris, William H. Hill, John H. Jones, Ingersoll, Johnson, Daniel T. Jones, George W. Jones, Roland Jones, Keitt, Kidwell, Kittredge, Kurtz, Lamb, Latham, Letcher, Lilly, McDougall, McMullin, McNair, McQueen, Mace, Maxwell, Smith Miller, Millson, Morrison, Murray, Nichols, Oids, Orr, Parker, John Perkins, Phelps, Richardson, Rowe, Ruffin, Seward, Shannon, Shaw, Shower, Singleton, Skelton, William Smith, William R. Smith, George W. Smyth, Sollers, Frederick P. Stanton, Stratton, John J. Taylor, Trout, Wade, Vail, Wade, Daniel B. Wright, and Hendrick B. Wright—88.

So the amendment was non-concurred in.

Pending the above vote,

Mr. INGERSOLL said: I am requested by Mr. CURTINE to state that he is absent from the city by sickness and order of his physician.

One hundred and forty-fifth amendment:

For continuing the work for a supply of water to the cities of Washington and Georgetown, \$500,000: *Provided*, That no part of the sum hereby appropriated shall be expended until the corporations of Washington and Georgetown, or either of them, shall appropriate and pay an amount equal to one fourth of said sum for the same purpose, and shall agree to pay in like manner the same proportion of all future appropriations; and full power and authority are hereby given to said corporations, respectively, to raise, by loan or otherwise, any sum of money that may be necessary to enable them, or either of them, to make the appropriation herein required; and the said corporations of Washington and Georgetown, and the inhabitants of the said cities respectively, or the corporation making the appropriation, and the inhabitants of such city, shall be authorized to use the surplus water which may be brought by the Washington aqueduct, after supplying the Government establishments in Washington, under such general rules and regulations as may hereafter be prescribed by Congress; and each of said corporations shall have the right to charge and collect of the inhabitants of such city such reasonable tax or rent for the use of the water as will provide for the regular payment of the interest, and the gradual payment of the principal, of any money which may be raised under the authority hereby given.

Mr. SMITH, of Virginia. I ask for a separate vote on the amendment.

The SPEAKER. The Committee of the Whole reported a non-concurrence in the amendment.

Mr. COOK. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 71, nays 110; as follows:

YEAS—Messrs. Abercrombie, Appleton, Ashe, Thomas H. Bayly, Ball, Banks, Barry, Bell, Benson, Bliss, Breckinridge, Bugg, Chandler, Chastain, Clingman, Cook, Crocker, Cullom, Curtis, Dawson, De Witt, Dunbar, Eddy, Edmonds, Edmundson, Thomas D. Eliot, Everhart, Farley, Faulkner, Florence, Goode, Goodrich, Grey, Sampson W. Harris, Harrison, Hill, Hunt, Roland Jones, Kerr, Latham, Mace, May, Norton, Parker, Peckham, Pennington, John Perkins, Preston, Reese, Riddle, David Ritchie, Robbins, Rogers, Russell, Sabin, Shower, William Smith, William R. Smith, Alexander H. Stephens, Hestor L.

Stevens, John L. Taylor, Tweed, Upham, Vansant, Walbridge, Walker, Walley, John Wentworth, Tappan Wentworth, Westbrook, and Zollcoffer—71.

NAYS—Messrs. Aiken, James C. Allen, Willis Allen, David J. Bailey, Barksdale, Belcher, Bennett, Boyce, Bridges, Brooks, Carpenter, Caruthers, Caskey, Chrisman, Churchwell, Clark, Cobb, Colquitt, Corwin, Cox, Thomas Davis, Disney, Dowdell, Eastman, Edgerton, John M. Elliott, English, Fenton, Flagler, Fuller, Gamble, Giddings, Greenwood, Grow, Aaron Harlan, Wiley P. Harris, Haven, Hendricks, Henn, Hibbard, Houston, Howe, Hughes, Ingersoll, Johnson, Daniel T. Jones, George W. Jones, Keitt, Kittredge, Knox, Kurtz, Lamb, Letcher, Lilly, Lindsley, McCulloch, McMullin, McNair, McQueen, Mace, Matteson, Maurice, John G. Miller, Smith Miller, Millson, Morgan, Morrison, Murray, Nichols, Noble, Oids, Andrew Oliver, Mordecai Oliver, Orr, Parker, Peck, Phelps, Phillips, Powell, Pratt, Pringle, Puryear, Ready, Richardson, Rowe, Ruffin, Sage, Sapp, Seward, Shannon, Shaw, Simmons, Singleton, Skelton, Gerrit Smith, George W. Smyth, Sollers, Frederick P. Stanton, Richard H. Stanton, Stratton, Andrew Stuart, John J. Taylor, Trout, Vail, Wade, Israel Washburn, Wells, Wheeler, Daniel B. Wright, and Hendrick B. Wright—110.

So the amendment was non-concurred in.

One hundred and forty-sixth amendment:

For completing the bridge over the Potomac river, near the Little Falls, \$75,000.

Mr. SMITH, of Virginia. I ask for a separate vote on that amendment.

The SPEAKER. The committee recommend a non-concurrence in this amendment.

Mr. SMITH, of Virginia, demanded the yeas and nays.

The yeas and nays were not ordered.

Mr. SMITH, of Virginia, demanded tellers.

Tellers were ordered; and Messrs. CASKEY and Cox were appointed.

The question was taken; and the tellers reported—yeas forty-six; noes not counted.

So the amendment was non-concurred in.

One hundred and fifty-third amendment; on which Mr. FLORENCE demanded a separate vote.

For fuel for the President's house, \$1,000.

The question was taken; and, on a division, there were—yeas twenty-four; noes not counted.

So the amendment was non-concurred in.

One hundred and fifty-fourth amendment; on which Mr. STUART, of Ohio, demanded a separate vote.

For a furnace-keeper at the President's house, \$365.

The question was taken; and, on a division, there were—yeas forty-three; noes not counted.

So the amendment was non-concurred in.

One hundred and fifty-ninth amendment:

Mr. JONES, of Tennessee. I ask for a separate vote upon that amendment; and I call for the yeas and nays upon it.

The Senate amendment was reported as follows:

Sec. —. *Be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed the following buildings:

At Ellsworth, Maine, for the accommodation of the custom-house and post office, a building of brick with fire-proof floors, constructed of iron beams and brick work, iron roof, shutters, sills, &c., twenty-five feet by thirty, and twenty-five feet in height from the foundation, to cost not more than \$10,000.

At Belfast, Maine, for the accommodation of the custom-house and post office, a building of like materials, forty-five feet by thirty-two, and thirty-two feet high, and to cost not more than \$20,000.

At Gloucester, Massachusetts; Toledo, Ohio; Burlington, Vermont; and Sandusky, Ohio, for the accommodation of the custom-house and post office, a building of like materials, sixty feet by forty-five feet, and thirty-two feet from the foundation, and to cost not more than \$40,000 for each building.

At Milwaukee, Wisconsin, for the accommodation of the custom-house, post office, and the United States courts, a building of like materials, sixty feet by forty-five feet, forty-eight feet in height from the foundation, to cost not more than \$50,000.

At New Haven, Connecticut; Newark, New Jersey; Buffalo, New York; Oswego, New York; Wheeling, Virginia; Chicago, Illinois; and Detroit, Michigan, each for the accommodation of the custom-house, post office, United States courts, and steamboat inspectors, a building of stone, of like floors, beams, roofs, shutters, &c., eighty-five feet by sixty feet, sixty feet in height from the foundation, to cost not more than \$88,000 for each building. The building at Detroit to be erected upon a water lot belonging to the United States.

At Galveston, Texas, for the accommodation of the custom-house, post office, and United States courts, a building of brick, of like floors, beams, roofs, shutters, &c., forty-five feet, by seventy feet, forty-eight feet high from the foundation, with a portico on two sides, and to cost not more than \$100,000.

At Petersburg, Virginia, for the accommodation of the custom-house and post office, a building of stone, of like floors, beams, roof, shutters, &c., sixty-feet by forty-five feet, thirty-two feet high from the foundation, to cost not more than \$62,000.

The yeas and nays were then ordered.

Mr. McMULLIN. I believe the committee concurred in that amendment.

The SPEAKER. The Chair so stated.

Mr. McMULLIN. And the Committee of Ways and Means recommended a non-concurrence.

The SPEAKER. The Chair does not know about that.

The question was then taken, and it was decided in the affirmative—yeas 97, nays 86; as follows:

YEAS—Messrs. Ashe, Ball, Banks, Belcher, Bell, Bennett, Benson, Benton, Campbell, Carpenter, Caruthers, Chandler, Clark, Cook, Corwin, Crocker, Cullom, Thomas Davis, De Witt, Dick, Disney, Dunbar, Eastman, Edgerton, Edmonds, Thomas D. Eliot, Everhart, Farley, Fenton, Flagler, Florence, Fuller, Giddings, Goode, Goodrich, Green, Greenwood, Aaron Harlan, Harrison, Haven, Henn, Hill, Howe, Hughes, Hunt, Ingersoll, Johnson, Kerr, McDougall, Latham, Lindsley, McCulloch, Macdonald, McDougall, Mace, Mace, Matteson, Mayall, John G. Miller, Morgan, Noble, Norton, Mordecai Oliver, Parker, Peckham, Pennington, Preston, Pringle, Richardson, Riddle, David Ritchie, Russell, Sabin, Sapp, Shannon, Simmons, Gerrit Smith, Sollers, Frederick P. Stanton, Alexander H. Stephens, Hestor L. Stevens, David Stuart, John L. Taylor, Thurston, Tweed, Upham, Wade, Walbridge, Walker, Walley, Ellihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Westbrook, and Wheeler—97.

NAYS—Messrs. Abercrombie, Aiken, James C. Allen, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Boyce, Breckinridge, Bridges, Brooks, Bugg, Caskey, Chastain, Chrisman, Churchwell, Cobb, Colquitt, Cox, Craigie, Curtis, John G. Davis, Dowdell, Dunham, Edmundson, John M. Elliott, Faulkner, Gamble, Grey, Grow, Andrew J. Harlan, Sampson W. Harris, Hendricks, Hibbard, Houston, Daniel T. Jones, George W. Jones, Roland Jones, Keitt, Kittredge, Lamb, Letcher, Lilly, McMullin, McNair, McQueen, Maurice, May, Smith Miller, Millson, Morrison, Murray, Nichols, Oids, Orr, Parker, Peck, John Perkins, Phelps, Phillips, Powell, Pratt, Puryear, Ready, Reese, Robbins, Rowe, Ruffin, Seward, Shaw, Shower, Singleton, Skelton, William Smith, William R. Smith, George W. Smyth, Richard H. Stanton, Stratton, Andrew Stuart, John J. Taylor, Trout, Vail, Vansant, Daniel B. Wright, and Hendrick B. Wright—86.

So the Senate amendment was concurred in.

Mr. STUART, of Michigan, moved to reconsider the vote by which the amendment was agreed to, and to lay the motion to reconsider upon the table.

Mr. CLINGMAN. I call for the yeas and nays upon the last motion.

The yeas and nays were not ordered.

The motion to lay the motion to reconsider upon the table was then agreed to.

One hundred and sixtieth amendment:

Mr. ABERCROMBIE. I ask for a separate vote upon that amendment.

The amendment was reported, as follows:

Insert after the amendment which has just been adopted the following:

Sec. —. *And be it further enacted*, That the several sums mentioned in the preceding section of this act, as the cost of the buildings therein authorized to be constructed, together with ten per cent. thereon, to cover the compensation of architects, superintendents, advertising, and other contingent expenses, and so much as may be required to purchase suitable sites for said buildings, be, and the same are hereby, appropriated for the purposes aforesaid, out of any money in the Treasury not otherwise appropriated: *Provided*, That no money hereby appropriated shall be used or applied for the purposes mentioned, until a valid title to the land for the site of such building, in each case, shall be vested in the United States, and until the State shall also duly release and relinquish to the United States the right to tax, or in any way assess said site, or the property of the United States that may be thereon, during the time that the said United States shall be or remain the owner thereof.

Mr. PHELPS. I ask for the yeas and nays upon agreeing to that amendment.

The yeas and nays were ordered.

The question was then taken; and it was decided in the affirmative—yeas 87, nays 78; as follows:

YEAS—Messrs. Ashe, Ball, Banks, Belcher, Bell, Benson, Carpenter, Chamberlain, Chandler, Clark, Cook, Corwin, Crocker, Thomas Davis, De Witt, Dick, Disney, Dunbar, Eastman, Edgerton, Edmonds, Thomas D. Eliot, Everhart, Farley, Fenton, Flagler, Florence, Fuller, Giddings, Goode, Goodrich, Greenwood, Aaron Harlan, Harrison, Haven, Henn, Hill, Howe, Hughes, Hunt, Ingersoll, Johnson, Kidwell, Latham, Lindsley, McCulloch, Macdonald, McDougall, Mace, Mace, Matteson, Maxwell, Mayall, John G. Miller, Morgan, Noble, Norton, Parker, Pennington, Preston, Pringle, Riddle, David Ritchie, Rogers, Russell, Sabin, Sapp, Shannon, Simmons, Gerrit Smith, Alexander H. Stephens, Hestor L. Stevens, David Stuart, John L. Taylor, Thurston, Upham, Wade, Walbridge, Walker, Walley, Ellihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Westbrook, and Zollcoffer—87.

NAYS—Messrs. Abercrombie, Aiken, James C. Allen, David J. Bailey, Barksdale, Boyce, Bridges, Bugg, Caskey, Chastain, Churchwell, Clingman, Cobb, Colquitt, Cox, Craigie, Cullom, John G. Davis, Dawson, Dowdell, Dunham, Edmundson, John M. Elliott, English, Faulkner,

Gamble, Grey, Grow, Sampson W. Harris, Wiley P. Harris, Hendricks, Hibbard, Houston, Daniel T. Jones, George W. Jones, Roland Jones, Keitt, Kittredge, Lamb, Letcher, Lilly, McQueen, Maurice, May, Smith Miller, Milson, Morrison, Murray, Olds, Orr, Packer, Peck, John Perkins, Phelps, Phillips, Powell, Puryear, Ready, Reese, Robbins, Rowe, Ruffin, Sage, Shaw, Shower, Singleton, Skelton, William R. Smith, George W. Smyth, Solters, Stratton, Andrew Stuart, John J. Taylor, Trout, Vansant, Daniel B. Wright, and Hendrick. B. Wright—78.

So the Senate amendment was agreed to.

Mr. STUART, of Michigan. I move to reconsider the vote by which the amendment was concurred in, and to lay the motion to reconsider upon the table.

The latter motion was agreed to.

One hundred and sixty-first amendment:

Sec. —. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed the following buildings:

At New Orleans, Louisiana, a marine hospital, to cost not more than \$248,000; and when said hospital shall have been completed, the Secretary of the Treasury shall cause the old hospital at New Orleans to be sold, and the proceeds thereof to be placed in the Treasury of the United States.

At Detroit, Michigan, a marine hospital, to cost not more than \$75,000.

At Pensacola, Florida, a marine hospital, to cost not more than \$20,000.

At Burlington, in the State of Iowa, a marine hospital, to cost not more than \$15,000.

Sec. —. *And be it further enacted*, That the several sums mentioned in the preceding section as the cost of the buildings therein authorized to be constructed, together with ten per cent. thereon to cover the compensation of architects, superintendents, advertising, and other contingent expenses, and so much as may be required to purchase suitable sites for said buildings, be, and the same are hereby, appropriated for the purposes aforesaid, out of any money in the Treasury not otherwise appropriated: *Provided*, That no money hereby appropriated shall be used or applied for the purposes mentioned until a valid title to the land for the site of such building, in each case, shall be vested in the United States, and until the State shall also duly release and relinquish to the United States the right to tax or in any way assess said site or the property of the United States that may be thereon during the time that the United States shall be or remain the owner thereof.

Mr. STUART, of Michigan. I ask for a separate vote on the amendment.

Mr. LETCHER. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken on concurring in the Senate's amendment, and it was decided in the affirmative—yeas 72, nays 70; as follows:

YEAS—Messrs. Ashe, Ball, Bell, Benson, Bliss, Carpenter, Chamberlain, Clark, Corwin, Crocker, Cullom, De Witt, Dick, Disney, Dunbar, Eastman, Edgerton, Edmunds, Thomas D. Elliott, Ellison, Everhart, Farley, Florence, Giddings, Grey, Aaron Harlan, Harrison, Henn, Howe, Hunt, Ingersoll, Johnson, Kerr, Lindsley, McCulloch, Macdonald, Macey, Matteson, Maurice, Maxwell, Mayall, Morgan, Andrew Oliver, Mordecai Oliver, Parker, Pennington, John Perkins, Preston, Richardson, Rogers, Russell, Sabin, Sapp, Shannon, William R. Smith, Solters, Hester L. Stevens, David Stuart, John L. Taylor, Thurston, Upham, Wade, Walbridge, Walker, Walley, Elihu B. Washburne, Israel Washburne, Wells, John Wentworth, Tappan Wentworth, Westbrook, and Wheeler—72.

NAYS—Messrs. Abercrombie, Aiken, James C. Allen, Appleton, Barksdale, Belcher, Bridges, Caskie, Chastain, Christian, Clingman, Cobb, Colquitt, Dawson, Dowdell, John M. Elliott, English, Gamble, Greenwood, Grow, Sampson W. Harris, Wiley P. Harris, Haven, Hendricks, Hibbard, Houston, Daniel T. Jones, George W. Jones, Keitt, Kittredge, Knox, Lamb, Letcher, Lilly, McMullin, McNair, McQueen, May, Smith Miller, Milson, Morrison, Murray, Nichols, Olds, Orr, Peck, Phelps, Powell, Pratt, Puryear, Ready, Robbins, Rowe, Ruffin, Sage, Shaw, Shower, Singleton, Skelton, Gerrit Smith, William Smith, George W. Smyth, Richard H. Stanton, Andrew Stuart, John J. Taylor, Trout, Vail, Vansant, Daniel B. Wright, and Zollicofer—70.

So the amendment was concurred in.

Mr. HARRIS, of Alabama. I would ask the unanimous consent of the House to amend the one hundred and sixty-second amendment, by adding to it these words:

In the Department of State, one clerk at a salary of \$1,200; one at \$1,400; one at \$1,600; and one at \$1,800.

I will state that I understand the clerical force of the State Department is totally insufficient for the proper discharge of the duties devolving on it. The object of the amendment is simply to supply an omission. We have given seven additional clerks to the Treasury Department, and four to the Attorney General's Office. Requests have been made from the State Department for this increase of its clerical force; and, inasmuch as the object is to facilitate the public business, I trust that no objection will be made to the introduction of the amendment.

Mr. LETCHER. I should like to know whether the Secretary of State has applied for these clerks?

Mr. HOUSTON. I received a communication from the State Department.

Mr. HAVEN. If it be in time, I object to the introduction of the amendment.

The SPEAKER. Objection does not come too late.

Mr. HARRIS, of Alabama. I would ask the gentleman to withhold his objection until the letter of the Secretary of State is read by the Clerk?

Mr. HAVEN. I do not wish to get the House into a snarl; and if the chairman of the Committee of Ways and Means is willing that the amendment shall come in, I will withdraw my objection.

Mr. HOUSTON. I received a note from the Secretary of State in relation to the clerical force in his office, which I will ask the Clerk to read, although it is a private note.

Mr. LETCHER. Let him send an official communication to this House.

Mr. HOUSTON. It is as responsible as if it were official. The Secretary of State has already sent an official communication to the Senate in respect to remodeling his Department. We were unwilling to remodel it in an appropriation bill. This amendment proposes to leave out all the details, except the provision for four additional clerks.

Mr. LETCHER. I object.

One hundred and sixty-sixth amendment:

Sec. —. *And be it further enacted*, That all persons claiming any interest in, or portion of, any grant of land derived from the Spanish or Mexican Governments in Upper California, where such original grant has heretofore been presented to the board of land commissioners within the time specified in the thirteenth section of the act of the 3d of March, 1851, but who have failed to present to the said board the evidence of their derivative title to said interest or portion from the original grantee, be, and they are hereby, authorized to present the same; and the said commissioners are hereby directed to adjudicate the said interest or portion in the same manner as if it had been presented within the time originally prescribed by the aforesaid act of the 3d of March, 1851, entitled "An act to ascertain and settle the private land claims in the State of California."

Mr. McDOUGALL. I call for a separate vote on that amendment. This is merely a local matter concerning the State of California alone; and I hope the House will concur in the amendment of the Senate.

The SPEAKER. The committee recommend a non-concurrence in the amendment, and the question is upon agreeing to the Senate amendment.

Mr. STEPHENS, of Georgia, demanded tellers; which were ordered; and Messrs. HENDRICKS and WALKER were appointed.

The question was taken; and the tellers reported—yeas 51, noes 87.

So the Senate amendment was non-concurred in.

One hundred and seventy-sixth amendment.

Mr. HIBBARD. I call for a separate vote upon that amendment. I am satisfied that it ought to be adopted, and that it was non-concurred in from a misapprehension of the facts.

The amendment was reported, as follows:

Sec. —. *And be it further enacted*, That so much of the act of the 7th of June, 1844, restricting the employment of inspectors, gaugers, weighers, measurers, and markers in custom-houses to the number then in the service, as may be applicable to those employed in the ports of New York and New Orleans, be, and the same is hereby, repealed.

The question was taken upon agreeing to the amendment; and it was decided in the negative.

So the amendment was non-concurred in.

One hundred and seventy-seventh amendment:

Mr. STEPHENS, of Georgia. The one hundred and seventy-seventh amendment of the Senate is that which provides for an increase of the salary of the chaplains. The committee, last night, non-concurred in the Senate amendment. I think we ought to concur; and I ask for a separate vote upon it.

Mr. JONES, of Tennessee. Both committees non-concurred in the amendment.

The amendment was reported, as follows:

Sec. —. *And be it further enacted*, That from and after the 13th of June, 1853, the annual salary of the chaplains to Congress shall be \$750, and such sum additional to that elsewhere provided, as may be required to pay the same to the 30th of June, 1853, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The question was taken on agreeing with the amendment; and it was decided in the negative.

So the amendment was non-concurred in.

One hundred and seventy-ninth amendment.

Mr. JONES, of Tennessee. I ask for a separate vote upon the amendments, and the yeas and nays upon it.

The amendment was reported, as follows:

Sec. —. *And be it further enacted*, That the "act making appropriations for the improvement of certain harbors and rivers," approved the 30th of August, 1852, be, and the same hereby is, amended, by striking from the clause in which they occur the following words: "by the construction of a breakwater across Croatan sound."

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 57, nays 82; as follows:

YEAS—Messrs. Ashe, Ball, Benson, Carpenter, Chandler, Clingman, Cox, Craig, Crocker, De Witt, Dunbar, Edmundson, English, Farley, Florence, Fuller, Giddings, Grey, Aaron Harlan, Haven, Hendricks, Henn, Howe, Ingersoll, Johnson, Kerr, Knox, McCulloch, McDougall, Matteson, Norton, Pennington, Pringle, Puryear, Riddle, David Ritchie, Rogers, Ruffin, Russell, Sabin, Sapp, Shaw, Singleton, George W. Smyth, Solters, Frederick P. Stanton, Hester L. Stevens, Stratton, John L. Taylor, Trout, Vail, Walley, Elihu B. Washburne, Israel Washburne, John Wentworth, Tappan Wentworth, and Wheeler—57.

NAYS—Messrs. Abercrombie, Aiken, Willis Allen, James C. Allen, Appleton, David J. Bailey, Barksdale, Belcher, Benton, Bocock, Boyce, Bridges, Brooks, Caruthers, Caskie, Chamberlain, Chastain, Christian, Clark, Cobb, Colquitt, Corwin, Cullom, Curtis, Thomas Davis, Dawson, Dick, Dowdell, Dunham, Eastman, Eddy, John M. Elliott, Ellison, Gamble, Greenwood, Grow, Wiley P. Harris, Hibbard, Houston, Daniel T. Jones, George W. Jones, Kidwell, Kittredge, Kurtz, Lamb, Letcher, Lindsley, Macdonald, McMullin, McNair, McQueen, May, John G. Miller, Milson, Morgan, Morrison, Murray, Andrew Oliver, Mordecai Oliver, Peckham, John Perkins, Phelps, Powell, Pratt, Ready, Reese, Robbins, Skelton, Gerrit Smith, William Smith, Richard H. Stanton, Andrew Stuart, David Stuart, John J. Taylor, Tweed, Upham, Vansant, Wade, Wells, Daniel B. Wright, Hendrick B. Wright, and Zollicofer—82.

So the amendment was non-concurred in.

One hundred and eighty-second amendment:

Sec. —. *And be it further enacted*, That the President of the United States be authorized and directed to appoint two persons to investigate, and collect proof, under the instructions of the Department of the Interior, on the depredations upon private property by the Indians in Florida, subsequent to the 25th December, 1835—the report and testimony to be submitted to Congress at its next session.

Mr. MAXWELL. I demand a separate vote on the amendment.

The SPEAKER. The Committee of the Whole report a non-concurrence in the amendment.

Mr. LANCASTER. What has become of the one hundred and eightieth and one hundred and eighty-first amendments?

The SPEAKER. The Clerk read the number, but no gentleman rose to ask a separate vote.

Mr. LANCASTER. I rose and asked a separate vote on them.

The SPEAKER. The Chair did not hear the gentleman. If it be the pleasure of the House, the question will be taken separately on the one hundred and eightieth and one hundred and eighty-first amendments.

[Cries of "I object!" all over the Hall.]

Mr. FULLER. It is very difficult for those on the outside seats to hear what is read at the desk of the Clerk, and I hope that the Delegate from Washington Territory will be indulged in a separate vote on the amendment he has indicated.

The SPEAKER. Is there objection?

Mr. CHAMBERLAIN. I object.

The SPEAKER. The Chair must enforce the rule. He did not hear the gentleman from Washington Territory ask for a separate vote, and decides that it is now too late to go back.

Mr. MAXWELL. I demand tellers on the one hundred and eighty-second amendment.

Tellers were not ordered.

The question was taken; and the one hundred and eighty-second amendment was non-concurred in.

One hundred and eighty-third amendment:

Sec. —. *And be it further enacted*, That the seventh section of the act of January 18, 1837, entitled "An act supplementary to the act entitled 'An act establishing a Mint and regulating the coins of the United States,'" be so amended as to extend the limit for the annual salary of clerks in the Mint of the United States to \$1,800 each, from and after the 1st of July, 1854, at the discretion of the officers authorized by law to appoint, with the approbation of the President of the United States, including also one clerk in the office of the assistant treasurer at Philadelphia, and that the salary of the chief clerk of the branch Mint at New Orleans shall be \$2,200 from and after the 1st of July, 1854.

Mr. PERKINS, of Louisiana. An error occurred in the engrossing of that amendment in the Senate. In the original draft after the words "Mint of the United States" were these words:

"and the branch Mint at New Orleans." The error has been called to the attention of the House by special message from the Senate. The object of the insertion of these words which I now propose is merely to place the clerks of the Mint at New Orleans on the same footing as those in New York and Philadelphia.

Mr. HOUSTON. The message showing the error is now on the Speaker's table. There was no objection, and the words were inserted.

Mr. CHANDLER demanded tellers on concurring in the amendment.

Tellers were ordered; and Messrs. WRIGHT, of Mississippi, and Cox, were appointed.

The question was taken; and the tellers reported—ayes 73, noes not counted.

So the amendment was concurred in.

One hundred and eighty-fifth amendment:

Sec. —. *And be it further enacted*, That all appointment of clerks and assistants authorized to be employed in the offices of the assistant treasurers of the United States, and in the offices of the Mint and branches thereof, and the assay office in New York, shall respectively be made, with the approbation of the President, by the assistant treasurer, director, superintendent, and treasurers of the Mint and said branches, and assay office, as the case may be, whose bonds are held at the Treasury Department in trust for the proper and faithful performance of their respective duties.

Mr. LATHAM. I ask for a separate vote on that amendment.

The SPEAKER. The committee recommend a non-concurrence.

The question was taken; and the amendment was non-concurred in.

One hundred and eighty-eighth amendment:

Mr. LETCHER. I believe it is not in order after we pass the one hundred and eighty-ninth amendment to move to lay the amendments upon the table; and for the purpose of testing the question, I move to lay the amendments upon the table; and upon that motion I ask the yeas and nays.

Mr. GREENWOOD. I move a call of the House.

The SPEAKER. That motion is not in order, the previous question still operating.

Mr. RICHARDSON. Do I understand the Chair as entertaining the motion to lay the amendments of the Senate on the table?

The SPEAKER. Yes.

Mr. RICHARDSON. And that motion carries the bill with it?

The SPEAKER. It does; all go together.

Mr. WASHBURN, of Maine. Have we finished the amendments?

The SPEAKER. We have not.

The question was taken on Mr. LETCHER's motion; and it was decided in the negative—yeas 70, nays 113; as follows:

YEAS—Messrs. Abercrombie, James C. Allen, David J. Bailey, Barksdale, Barry, Benton, Bocoek, Bridges, Brooks, Campbell, Chamberlain, Chastain, Churchill, Clingman, Cobb, Colquitt, Craig, Cullom, Curtis, John G. Davis, Dowdell, Dunham, Eddy, John M. Elliott, English, Sampson, W. Harris, Wiley P. Harris, Hill, Daniel T. Jones, Keitt, Kittredge, Knox, Lamb, Letcher, Lilly, McCulloch, McMullin, McNair, Matteson, May, Murray, Norton, Olds, Andrew Oliver, Parker, Peck, John Perkins, Phelps, Pratt, Ready, Reese, Rogers, Rowe, Sage, Seward, Shaw, Singleton, Skelton, Andrew Stuart, John J. Taylor, Nathaniel G. Taylor, Trout, Tweed, Vail, Walsh, Elihu B. Washburne, Wheeler, Daniel B. Wright, Hendrick B. Wright, and Zollieffer—70.

NAYS—Messrs. Willis Allen, Appleton, Ball, Banks, Belcher, Bell, Bennett, Benson, Breckinridge, Bugg, Carpenter, Caruthers, Caskey, Chandler, Chrisman, Clark, Cook, Corwin, Cox, Crocker, Thomas Davis, Dawson, Dick, Disney, Dunbar, Eastman, Edgerton, Edmands, Thomas D. Eliot, Ellison, Everhart, Farley, Fenton, Flagler, Florence, Fuller, Gamble, Giddings, Goode, Goodrich, Greenwood, Grow, Aaron Harlan, Harrison, Haven, Hendricks, Hens, Hibbard, Houston, Howe, Hughes, Hunt, Ingersoll, Johnson, George W. Jones, Kerr, Kidwell, Kurtz, Latham, Lindley, McDonald, McDougall, Mace, Macy, Maxwell, Mayall, John G. Miller, Smith Miller, Milson, Morgan, Nichols, Noble, Mordecai Oliver, Orr, Packard, Peckham, Pennington, Phillips, Preston, Pringle, Puryear, Richardson, Riddle, David Ritchie, Robbins, Ruffin, Russell, Sabin, Sapp, Shannon, Shower, Simmons, Gerrit Smith, William Smith, George W. Smyth, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, Stratton, David Stuart, John L. Taylor, Thurston, Upham, Vansant, Wade, Walbridge, Walker, Walley, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, and Westbrook—113.

So the House refused to lay the Senate amendments on the table.

Pending the call,

Mr. SOLLERS gave notice that he been within the bar at the time his name was called, he should have voted in the affirmative.

The Clerk then read the last amendment.

Mr. HOUSTON. The House made an order yesterday in relation to "&c." wherever it appears in the amendments. I do not know that it is necessary to take any action upon it now; but I will move that all of them that occur be stricken out from the bill.

The motion was agreed to.

The SPEAKER. There were certain amendments recognized by the committee yesterday, which were sent in to the House after the bill.

Mr. HOUSTON. They were not recognized. The message of the Senate was rejected yesterday.

The SPEAKER. The Chair understands that the Committee of the Whole on the state of the Union rejected the propositions contained in the supplemental amendments. That is the truth of the case; for the Speaker was in at the time. A portion of the report of the committee is a rejection of two supplemental amendments. The question is on agreeing to the report of the committee.

Mr. HOUSTON. The only objection that I have to this course is, that it will multiply the amendments between the House and the Senate. The amendment now proposed to be read was not entertained by the Chair at all. I made the point of order myself, and it was ruled by the Chair that the original text of the bill could not be touched.

The SPEAKER. The Chair will follow the record.

Mr. HAVEN. I think the course suggested by the Chair ought to be followed. That is, to follow the record, and take the question on the adoption of the amendment.

The SPEAKER. The Chair has just learned from the Clerk that there is no record in relation to it. It cannot, therefore, be considered.

Mr. ORR. The message from the Senate was not considered by the committee.

The question was taken on agreeing to the report of the Committee of the Whole on the state of the Union, in relation to all those amendments on which separate votes had not been taken; and the report was agreed to.

Mr. JONES, of Tennessee, moved to reconsider the vote just taken, by which the report of the committee was agreed to, and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

Mr. ORR. I demand the regular order of business.

Mr. HAVEN. I desire to ask the House to take up and refer to the Committee of the Whole on the state of the Union the river and harbor bill.

Mr. ORR. I object.

RAILROADS IN ALABAMA.

Mr. HAVEN. Then I move to suspend the rules, to enable me to make that motion.

The SPEAKER. There is a motion now pending to suspend the rules. The gentleman from Alabama [Mr. COBB] has moved to suspend the rules, to enable him to report the following bill:

A bill granting to the State of Alabama public lands in alternate sections to aid in the construction of railroads from Mobile to Girard, from Selma to or near Gunter's Landing, with branches from or near Gadsden, through Wills and Chattanooga valleys to the eastern State line of Alabama; from Memphis to a point intersecting the Nashville, Chattanooga, and Charleston railroad, at or near Stephenson, Alabama; from Beard's bluff, via Elyton and Tuscaloosa, to some point on the Mobile and Ohio railroad, and from Montgomery to the northern State line of Alabama, via Decatur and Athens, in said State.

The question being on the motion to suspend the rules,

Mr. COBB called for tellers.

Tellers were ordered; and Messrs. WHEELER and BARKSDALE were appointed.

The question was taken; and the tellers reported ayes sixty-eight, not two thirds of a quorum.

So the rules were not suspended.

Mr. ORR. I demand the regular order of business.

The SPEAKER. The regular order of business is on a motion to discharge the Committee on the Post Office and Post Roads, from the further consideration of certain memorials.

EXTRA PRINTING.

Mr. STANTON, of Kentucky. I rise to a privileged question. I have a report from the

Committee on Printing, which I desire to make. I believe that committee have the right to report at any time.

The SPEAKER. The gentleman is in order.

Mr. STANTON. I am instructed by the Committee on Printing to offer the following resolution:

Resolved, That there be printed ten thousand extra copies of the annual report of the Board of Regents of the Smithsonian Institution, including the minority report upon the distribution of the fund—seven thousand copies for distribution by the members of this House, and three thousand for the use of the institution.

Mr. JONES, of Tennessee. I move to lay that resolution upon the table.

The motion was not agreed to.

The resolution was then adopted.

Mr. STANTON. I am also instructed by the same committee to offer the following resolution:

Resolved, That twenty thousand extra copies of the report of the special committee raised upon the guano trade, be printed for distribution by the members of this House.

The resolution was adopted.

Mr. ORR. Has the morning hour commenced?

The SPEAKER. It has commenced.

Mr. MURRAY. I rise to a privileged question. I desire to report back from the Committee on Printing Senate bill "to provide for the payment of the printing of the returns of the Seventh Census, and for the paper purchased for said printing." The subject of the bill was provided for in the deficiency bill. I move to lay the bill upon the table.

The motion was agreed to.

Mr. MURRAY. I also desire to report back the resolutions which have been referred to the Committee on Printing:

For printing extra copies of Andrews's Report.

For printing twenty-five thousand copies of Scott's Infantry Tactics.

For printing extra copies of the Alphabetical List of Private Claims.

The committee report adversely; and I move that the resolutions be laid upon the table.

The motion was agreed to.

Mr. JONES, of Tennessee, moved to reconsider the vote by which the adverse reports from the Committee on Printing were laid upon the table, and that that motion be laid upon the table.

The latter motion was agreed to.

RIVER AND HARBOR BILL.

Mr. HAVEN. I ask the unanimous consent of the House to take up the river and harbor bill, for the purpose of moving its reference to the Committee of the Whole on the state of the Union. I do so in order to facilitate the reference of other bills, to which objection will be made, unless the course I have suggested be pursued.

Mr. ORR. I object.

Mr. HAVEN. I move to suspend the rules, then, in order that it may be taken up for the purpose I have indicated.

Mr. PRESTON. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken on the motion to suspend the rules; and there were—yeas 99, nays 76; as follows:

YEAS—Messrs. Abercrombie, Appleton, Ball, Banks, Bell, Bennett, Benson, Bliss, Bugg, Campbell, Carpenter, Caruthers, Chamberlain, Chandler, Churchill, Clark, Cook, Corwin, Cox, Crocker, Cullom, Thomas Davis, Dawson, De Witt, Dick, Dunbar, Eastman, Eddy, Edgerton, Edmands, Thomas D. Eliot, Ellison, English, Farley, Fenton, Flagler, Florence, Giddings, Goodrich, Greenwood, Aaron Harlan, Harrison, Haven, Hens, Hill, Howe, Hughes, Johnson, Kerr, Knox, Lindsey, McCulloch, McDougall, Mace, Matteson, John G. Miller, Smith Miller, Morgan, Nichols, Norton, Mordecai Oliver, Parker, Peck, Peckham, Pennington, Preston, Pringle, Puryear, Ready, Reese, Richardson, David Ritchie, Robbins, Rogers, Russell, Sabin, Sage, Sapp, Seward, Shower, Simmons, Gerrit Smith, George W. Smyth, Sollers, Andrew Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Trout, Upham, Vansant, Wade, Walley, Elihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Wheeler, and Zollieffer—99.

NAYS—Messrs. Abercrombie, Aiken, James C. Allen, Willis Allen, Ashe, David J. Bailey, Barksdale, Barry, Belcher, Bocoek, Breckinridge, Bridges, Caskey, Chastain, Chrisman, Clingman, Cobb, Colquitt, Craig, Curtis, John G. Davis, Disney, Dowdell, John M. Elliott, Faulkner, Fuller, Gamble, Goode, Grow, Sampson W. Harris, Hendricks, Hibbard, Daniel T. Jones, George W. Jones, Roland Jones, Keitt, Kittredge, Kurtz, Lamb, Letcher, Lilly, McMullin, Macy, Maurice, Maxwell, May, Mayall, Milson, Morrison, Murray, Olds, Andrew Oliver, Orr, Packard, John Perkins, Phelps, Powell, Pratt, Rowe, Ruffin, Shannon, Shaw, Singleton, Skelton, William Smith, Richard H. Stanton, Hester L. Stevens, Stratton, David Stuart, John J. Taylor, Tweed, Walbridge, Walsh, Westbrook, Daniel B. Wright, and Hendrick B. Wright—76.

So the House refused to suspend the rules, two thirds not voting in the affirmative.

Mr. SKELTON. I ask unanimous consent to take up and pass Senate bill (No. 393) "for the better preservation of life and property from vessels shipwrecked on the coast of the United States."

Mr. COBB. It is too late in the session to take up matters of such consequence, and, therefore, I object.

Mr. SKELTON. I move to suspend the rules for the purpose I have indicated. The bill makes no appropriation at all.

The question was taken; and the House refused to suspend the rules.

HOMESTEAD BILL.

Mr. DAWSON. I move that the House do now proceed to the consideration of the business upon the Speaker's table.

Mr. JONES, of Tennessee. Is that motion now in order?

The SPEAKER. If objected to, it is not.

Mr. WASHBURN, of Maine. I object.

Mr. DAWSON. Then I move to suspend the rules, to enable me to submit that motion.

Mr. HENDRICKS. At the expiration of the morning hour, could not a majority go to the business upon the Speaker's table?

The SPEAKER. It could. The business in order is the consideration of the motion of the gentleman from New York, [Mr. JONES,] to discharge the Committee on the Post Office and Post Roads from the further consideration of certain memorials, and that they be referred to the Committee on Public Lands.

Mr. ORR. I hope the gentleman from Pennsylvania will withdraw his motion to suspend the rules, and wait until the expiration of the morning hour to go to the business upon the Speaker's table.

Mr. WHEELER. I hope the gentleman from Pennsylvania will insist on his motion.

Mr. DAWSON. I ask that the question be put on my motion.

Mr. PRESTON. I demand the yeas and nays. The yeas and nays were ordered.

The question was taken on the motion to suspend the rules; and it was decided in the negative—yeas 81, nays 86; as follows:

YEAS—Messrs. Abercrombie, Willis Allen, David J. Bailey, Barksdale, Barry, Belcher, Benton, Bliss, Boyce, Breckinridge, Chamberlain, Chandler, Clark, Clingman, Cobb, Colquitt, Cook, John G. Davis, Dawson, Disney, Dowdell, Dunbar, Dunham, Eastman, Eddy, Edgerton, Edmundson, Ellison, English, Faulkner, Florence, Goode, Sampson W. Harris, Wiley P. Harris, Hendricks, Henn, Hibbard, Houston, Johnson, Roland Jones, Keitt, Kidwell, Lamb, Latham, Letcher, Macdonald, McDougall, McMullin, Mace, Maxwell, Mayall, John C. Miller, Smith Miller, Olds, Mordecai Oliver, Orr, Parker, John Perkins, Phelps, Phillips, Powell, Pratt, Richardson, Rowe, Ruffin, Shannon, Shaw, Shower, Singleton, William R. Smith, George W. Smyth, Frederick P. Stanton, Hester L. Stevens, David Stuart, John J. Taylor, Trout, Tweed, Walbridge, Westbrook, Daniel B. Wright, and Hendrick B. Wright—81.

NAYS—Messrs. Aiken, Appleton, Ball, Banks, Bennett, Bridges, Bugg, Carpenter, Caskey, Chastain, Chrisman, Churchwell, Corwin, Cox, Craigie, Crocker, Cullom, Cumming, Thomas Davis, Dick, Edmonds, Thomas D. Elliot, Everhart, Farley, Flagger, Gamble, Goodrich, Grow, Aaron Harlan, Harrison, Haven, Hill, Howe, Hughes, Daniel T. Jones, George W. Jones, Kerr, Kittredge, Knox, Kurtz, Lindsley, McCulloch, McNair, McQueen, Matteson, Maurice, Millson, Morgan, Murray, Norton, Andrew Oliver, Peck, Peckham, Pennington, Preston, Pringle, Puryear, Ready, Reese, David Ritchie, Rogers, Russell, Sabin, Sage, Sapp, Seward, Simmons, Skelton, Gerrit Smith, William Smith, Richard A. Stanton, Stratton, John L. Taylor, Nathaniel G. Taylor, Thurston, Upham, Vail, Vansant, Watley, Walsh, Elihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, Wheeler, and Zollicoffer—86.

So the House refused to suspend the rules, two thirds not voting in the affirmative.

Mr. HUGHES, by unanimous consent, introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the President be requested to lay before Congress, at its next session, if consistent with the public interests, such information as may be in the possession of the War Department, touching the cause of any difficulties which may have arisen between the Creek and Seminole Indians, since their removal west of the Mississippi; together with the number of Seminole or other Indians who have left the country assigned them; and whether they, or any of them, have been engaged in hostilities against the people of the United States since leaving our Territory.

PENSION AND BOUNTY LAND LAWS.

Mr. CHURCHWELL. I am instructed by the Committee on Revolutionary Pensions to report to the House the following joint resolution:

Resolved, That the Clerk of the House be directed to purchase, out of the contingent fund, for the use of its members, twenty-two thousand copies, and that the Secretary of the Senate be directed to purchase—copies, for the use of its members, of the Digest of the Pension and Bounty Land Laws, prepared by F. F. C. Triplett: *Provided,* That said work shall be printed on paper equal in quality to that on which the Opinions of the Attorneys General are printed: *And provided further,* That the same shall not cost more than \$1 65 per copy.

Mr. WALSH. I object.

Mr. CHURCHWELL. I move a suspension of the rules, that I may be allowed to report the resolution.

Mr. LETCHER. Must not that resolution go to the Committee on Printing?

The SPEAKER. It has not been received yet; but it is competent for the gentleman to move to suspend the rule which requires the resolution to go to the Committee on Printing.

Mr. CHURCHWELL. I have a letter from the Commissioner of Pensions on the subject, which I ask may be read.

[Cries of "Object!"]

The joint resolution was then received, under a suspension of the rules, and was read a first and second time.

Mr. CHURCHWELL. I ask the unanimous consent of the House to have a letter from Mr. Waldo, the Commissioner of Pensions, read.

There being no objection, the letter was read, as follows:

PENSION OFFICE, July 12, 1854.

SIR: You have asked my opinion in regard to the compilation of the Pension and Bounty Land Laws, Decisions of Secretaries, and Opinions of Attorneys General, now being made by F. F. C. Triplett, Esq., of this city. I have examined several parts of this work, and have had a general view of the whole, and I do not hesitate to say that the compilation, when completed, will be of great merit and usefulness. It presents the various pension laws in such an aspect as to give something of form and symmetry to our pension system, and will make the administration of those laws more intelligible. It is, in short, just such a work as the wants of the public demand, and should be generally distributed. I think it deserves the patronage of Congress. No member can serve his constituents better than to place this work within their reach. This will enable them to understand their rights, and to prosecute them without troubling their Representative, as is now the general practice. It will also greatly facilitate the transaction of business in this bureau, and make it more uniform. I would commend this matter to your favorable consideration, and remain your obedient servant,

L. P. WALDO, Commissioner.

Hon. WM. M. CHURCHWELL.

Mr. CHURCHWELL. I demand the previous question upon the engrossment of the resolution.

On seconding the demand for the previous question, there were, upon a division—yeas 64, noes 37; no quorum voting.

Mr. CHURCHWELL demanded tellers; which were ordered; and Messrs. LILLY, and JONES of Louisiana, were appointed.

The question was taken; and the tellers reported—yeas 81, noes not counted.

So the previous question was seconded.

Mr. LETCHER. Is it in order now to move to refer this resolution to the Committee on Printing?

The SPEAKER. It is not in order, for the reason that the demand for the previous question has been seconded.

The main question was ordered to be put.

Mr. MILLSON. I move to lay that joint resolution on the table.

Mr. LETCHER. And on that motion I ask for the yeas and nays.

The yeas and nays were ordered.

The question was then taken on Mr. MILLSON's motion; and it was decided in the negative—yeas 67, nays 88; as follows:

YEAS—Messrs. Abercrombie, Aiken, Barksdale, Barry, Boccock, Boyce, Caskey, Clark, Clingman, Cobb, Colquitt, Cook, John G. Davis, Dowdell, Dunbar, Dunham, Eastman, Edmundson, Edmundson, Thomas D. Elliot, English, Farley, Fuller, Gamble, Goode, Greenwood, Haven, Hendricks, Houston, Daniel T. Jones, George W. Jones, Roland Jones, Keitt, Kidwell, Kittredge, Kurtz, Latham, Letcher, Lindsley, Macdonald, McMullin, McQueen, May, Mayall, Millson, Morgan, Nichols, Parker, Phillips, Powell, Puryear, David Ritchie, Robbins, Rogers, Ruffin, Sabin, Seward, Shaw, Skelton, Andrew Stuart, Nathaniel G. Taylor, Vansant, Walbridge, Walsh, Wheeler, and Hendrick B. Wright—67.

NAYS—Messrs. Willis Allen, Belcher, Bennett, Benson, Breckinridge, Bridges, Bugg, Carpenter, Caruthers, Chandler, Chastain, Chrisman, Churchwell, Corwin, Cox, Crocker, Cullom, Thomas Davis, Dick, Disney, Edgerton, John M. Elliott, Ellison, Everhart, Fenton, Flagger, Florence, Goodrich, Green, Henn, Howe, Kerr, Knox, Lamb, Lilly, McCulloch, Mace, Macey, Matteson, Maurice, Morrison, Norton, Andrew Oliver, Mordecai Oliver, Orr, Peck, Pen-

nington, John Perkins, Phelps, Pratt, Preston, Pringle, Ready, Reese, Riddle, Rowe, Russell, Sage, Sapp, Shannon, Singleton, Gerrit Smith, William Smith, William B. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, John J. Taylor, Thurston, Trout, Upham, Vail, Wade, Elihu B. Washburne, Wells, John Wentworth, Tappan Wentworth, Westbrook, and Daniel B. Wright—88.

So the House refused to lay the joint resolution on the table.

The joint resolution was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. CHURCHWELL. I call for the previous question upon the passage of the bill.

Mr. JONES, of Tennessee. Does not this resolution make an appropriation? It seems to me it does, and at the rate of \$36,300.

The SPEAKER. The Clerk will again read the resolution.

The resolution was accordingly read.

Mr. JONES, of Tennessee. There is no such fund as is referred to in the contingent fund.

The SPEAKER. Then there is no appropriation made by the resolution.

Mr. SMITH, of Virginia. Is that proposition up for action?

The SPEAKER. The Chair was about stating the business before the committee, and replying to the question of order raised by the gentleman from Tennessee, that, in his opinion, the bill contains an appropriation, and that, under the rules, it must be referred. The Chair overrules the objection made by the gentleman from Tennessee. The bill proposes to appropriate the money out of the contingent fund of the House.

Mr. JONES. What has the House to do with the Senate's contingent fund?

The SPEAKER. It is a resolution which the House has a right to pass, if it chooses to do so.

Mr. FULLER. If this is a resolution for the republication of laws, should it not go to the Committee on Printing?

The SPEAKER. It is a joint resolution, having the force of a law, according to the decision of those who have gone before me. It authorizes the purchase of books. It is a law of Congress which we are about to pass.

Mr. LETCHER. Will there be any extra cost for binding these books?

The SPEAKER. That is for the House to determine.

Mr. LETCHER. It strikes me that there is.

Mr. HOUSTON. I desire to know if that part of the resolution which applies to the Senate does not make an appropriation? I would like to have the resolution read again.

The resolution was again read.

The SPEAKER. The Chair overrules the question of order. The resolution provides for the buying of certain books, to be printed at \$1 65 a copy, and paying for them out of the contingent fund of the House. It does not, according to the rule, appropriate money. The Chair, therefore, overrules the question of order raised by the gentleman from Alabama.

Mr. SMITH, of Virginia. I desire that the gentleman shall so amend his resolution as to provide that these books shall be bound.

Mr. CHURCHWELL. I have no objection to that. I accept the amendment.

The SPEAKER. The gentleman cannot accept the amendment, except by unanimous consent.

Mr. CHURCHWELL. I ask the consent of the House to make a few observations in reference to it.

Mr. JONES, of Tennessee. I object. Mr. Triplett is not going to sell his book in sheets. It is not a book until it is bound.

The SPEAKER. Is it the unanimous consent of the House that the gentleman from Tennessee be allowed to modify his resolution?

Mr. JONES. I object; and move to lay the resolution upon the table.

Mr. SMITH, of Virginia. I submit that that motion is not in order. It has been once made and voted down by the House.

The SPEAKER. The resolution has since been ordered to be engrossed and read a third time.

Mr. JONES. I ask the yeas and nays upon the motion.

The yeas and nays were ordered.

The question was then taken; and it was de-

cided in the affirmative—yeas 81, nays 67; as follows:

YEAS—Messrs. Abercrombie, Aiken, James C. Allen, Appleton, David J. Bailey, Barksdale, Barry, Benton, Bockton, Brooks, Bugg, Caskie, Christian, Clark, Clingman, Cobb, Colquitt, John G. Davis, Dunbar, Dunham, Eddy, Edmunds, Thomas D. Eliot, English, Farley, Fuller, Gamble, Giddings, Goode, Greenwood, Grow, Aaron Harlan, Sampson W. Harris, Wiley P. Harris, Haven, Hendricks, Hibbard, Houston, Daniel T. Jones, George W. Jones, Roland Jones, Keitt, Kidwell, Kittredge, Knox, Letcher, Lindsley, Macdonald, McMullin, McQueen, May, Mayall, Millson, Morgan, Morrison, Murray, Nichols, Olds, Andrew Oliver, Packer, Pennington, Phillips, Powell, Furay, Ready, David Ritchie, Ruffin, Shaw, Singleton, Skelton, Gerrit Smith, George W. Smyth, Andrew Stuart, Nathaniel G. Taylor, Vansant, Wade, Walbridge, Walsh, Daniel B. Wright, Hendrick B. Wright, and Zollcoffer—81.

NAYS—Messrs. Willis Allen, Banks, Belcher, Bennett, Benson, Breckinridge, Bridges, Campbell, Carpenter, Caruthers, Chamberlain, Chastain, Churchwell, Cook, Corwin, Cox, Crocker, Dick, Disney, Eastman, Edgerton, John M. Elliott, Ellison, Everhart, Fenton, Florence, Goodrich, Green, Harrison, Henn, Kerr, Kurtz, Lamb, Lilly, McCulloch, McNaire, Mace, Macy, Matteson, Maurice, Norton, Mordecai Oliver, Parker, Peck, Phelps, Pratt, Preston, Pringle, Riddle, Robbins, Rowe, Russell, Sapp, Seward, Shannon, William Smith, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, John J. Taylor, Trout, Upham, Vail, Elihu B. Washburne, Wells, Tappan Wentworth, and Westbrook—67.

So the resolution was laid upon the table.

Mr. STUART, of Michigan, moved that the vote by which the resolution was laid on the table be reconsidered, and that the motion to reconsider be laid upon the table; which latter motion was agreed to.

ENROLLED BILLS.

Mr. HENN, from the Committee on Enrolled Bills, reported as truly enrolled bills of the following titles; which were signed by the Speaker:

An act to relinquish the reversionary interest of the United States to a certain reservation therein mentioned, and to confirm the title of Charles G. Gunter;

An act to constitute Tuscumbia, in the State of Alabama, a port of delivery, and for other purposes;

An act to provide for the accommodation of the courts of the United States in the district of Massachusetts, and in the cities of New York and Philadelphia; and

An act granting the right of way over the depot grounds on the military reserve at Fort Gratiot, in the State of Michigan, to Port Huron and Lake Michigan Railroad Company.

COMPENSATION TO A COMMITTEE CLERK.

Mr. PHILLIPS. I offer the following resolution:

Resolved, That the clerk to the Committee on Territories be, and he is hereby, allowed the usual *per diem* compensation received by clerks of committees, for such time as he may have served on such committee, over and above the time specified in the resolution employing said clerk.

Mr. WHEELER. I object.

The SPEAKER. The business in order before the body is the consideration of the motion to discharge the Committee on the Post Office and Post Roads from the further consideration of certain memorials, and that they be referred to the Committee on Public Lands.

Mr. PHILLIPS. Has the morning hour expired?

The SPEAKER. It has not. It was progressing when the House suspended all rules to take up the joint resolution on which we have been acting. It is now morning.

Mr. ORR. Is it not more than an hour since the Chair stated the morning hour had commenced?

The SPEAKER. It is an hour and a half.

Mr. ORR. I would inquire how we are to tell when the morning hour expires, if it is to run by intervals? When it commences to run, it strikes me that it runs through.

The SPEAKER. The House suspended the morning hour twenty minutes before it had expired.

Mr. ORR. I move that the House do now proceed to the consideration of the business upon the Speaker's table.

The SPEAKER. If there be no objection, the motion will be entertained.

Mr. WHEELER. I object.

Mr. ORR. I insist that my motion is in order.

The SPEAKER. The Chair decides that it is not.

Mr. ORR. I appeal from the decision of the Chair.

Mr. PRINGLE. I move that the House do now adjourn.

Mr. ORR. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 86, nays 64; as follows:

YEAS—Messrs. Appleton, Banks, Bennett, Benson, Carpenter, Christian, Corwin, Craige, Crocker, Cullom, Thomas Davis, Dick, Dunbar, Edgerton, John M. Elliott, Ellison, Everhart, Farley, Fenton, Flagler, Fuller, Goode, Goodrich, Grow, Wiley P. Harris, Haven, Hunt, Daniel T. Jones, George W. Jones, Kerr, Kittredge, Knox, Lamb, Lilly, Lindsley, McMullin, McQueen, Matteson, Maurice, Morgan, Morrison, Murray, Nichols, Norton, Olds, Andrew Oliver, Parker, Peck, Pennington, Powell, Preston, Pringle, Parryear, David Ritchie, Robbins, Rowe, Ruffin, Sabin, Sage, Sapp, Seward, Shannon, Shaw, Singleton, Skelton, Gerrit Smith, William Smith, Richard H. Stanton, Alexander H. Stephens, Stratton, Andrew Stuart, Nathaniel G. Taylor, Thurston, Upham, Vail, Vansant, Wade, Walker, Walsh, Elihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, Wheeler, Hendrick B. Wright, and Zollcoffer—86.

NAYS—Messrs. Abercrombie, Aiken, James C. Allen, Willis Allen, David J. Bailey, Barksdale, Belcher, Bockton, Bridges, Caruthers, Chamberlain, Chandler, Chastain, Churchwell, Clark, Clingman, Cobb, Colquitt, Cook, Dawson, Disney, Dowdell, Dunham, Eastman, Eddy, Edmunds, English, Paulkner, Florence, Gamble, Green, Greenwood, Aaron Harlan, Harrison, Hendricks, Henn, Hibbard, Houston, Howe, Roland Jones, Keitt, Kidwell, Kurtz, Macdonald, Mace, Macy, Maxwell, May, John G. Miller, Millson, Mordecai Oliver, Orr, Packer, John Perkins, Phelps, Phillips, Pratt, William R. Smith, George W. Smyth, Hester L. Stevens, David Stuart, John J. Taylor, Trout, and Westbrook—64.

So the motion was agreed to; and thereupon the house (at half past three o'clock, p. m.) adjourned until to-morrow at ten o'clock, a. m.

IN SENATE.

WEDNESDAY, August 2, 1854.

Prayer by Rev. HENRY SLICER.

On motion by **Mr. WELLER**, the reading of the Journal was dispensed with.

EXECUTIVE COMMUNICATION.

The **PRESIDENT** *pro tempore* laid before the Senate a message of the President of the United States, communicating, in compliance with a resolution of the Senate of the 10th July, 1854, correspondence and documents in relation to the claims of persons for services performed, and supplies and subsistence furnished to the Indians in California, under contracts with the Indian agents in 1851; which was read, and ordered to be printed.

PETITION, ETC.

Mr. FISH presented the petition of Albert Horn, William H. De Foust, and other American citizens recently residing at, or carrying on business with, San Juan del Norte, praying indemnity for property destroyed by the recent bombardment of that town, by Commander Hollins, of the United States Navy; which was referred to the Committee on Claims.

Mr. JOHNSON presented the memorial of William R. Glover and T. W. Mather, praying the passage of a law directing the Sixth Auditor to adjust and allow their quarterly compensation under a contract made with the Postmaster General for the transportation of the mails on the Mississippi and Ohio rivers; which was referred the Committee on the Post Office and Post Roads.

REPORTS FROM STANDING COMMITTEES.

Mr. SLIDELL, from the Committee on Foreign Relations, to whom was referred the memorial of Joseph M. Hernandez, in behalf of the claimants under the ninth article of the treaty of 1819 with Spain, asked to be discharged from its further consideration, and that it be referred to the Committee on the Judiciary; which was agreed to.

Mr. PETTIT, from the Committee on Private Land Claims, to whom was referred the petition of William W. Gitt, assignee of land warrants lost, praying the passage of an act authorizing the Commissioner of the General Land Office to issue other warrants in his favor, submitted an adverse report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Martin Fenwick, praying the confirmation of his title to a certain tract of land, submitted an adverse report thereon; which was ordered to be printed.

Mr. SEWARD, from the Committee on Com-

merce, to whom was referred a bill to amend the "Act requiring foreign regulations of commerce to be laid annually before Congress," approved August 16, 1842, and for other purposes, reported it back without amendment.

Mr. THOMSON, of New Jersey, from the Committee on Naval Affairs, to whom was referred the petition of William Black, a boatswain on board one of the ships composing the United States exploring expedition in 1838 and 1839, praying to be allowed the same amount of extra pay as was allowed other officers of the same grade, asked to be discharged from its further consideration; which was agreed to.

Mr. FISH, from the select committee appointed to inquire into the causes of the mortality and sickness on board emigrant vessels, submitted a report, accompanied by a bill for the better protection of life and health on board of passenger ships; which was read, and passed to a second reading. The report was ordered to be printed.

Mr. FISH moved that ten thousand additional copies of the report of the select committee be printed; which motion was referred to the Committee on Printing.

He also, from the same committee, to whom was referred the petition of John Lea, of Cincinnati, representing that he has discovered a preventive of the cholera, and praying an investigation into the merits of it, asked to be discharged from its further consideration; which was agreed to.

Mr. STUART, from the Committee on Commerce, to whom was referred the bill from the House of Representatives, for the relief of Jacob McLellan, reported it back without amendment.

Mr. GWIN, from the Committee on Naval Affairs, to whom was referred the petition of Hugh Wallace Wormley, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of William Davis, submitted an adverse report thereon; which was ordered to be printed.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by **Mr. WEBSTER**, his Secretary, announcing that he had this day approved and signed an act for the purchase of the copyright of a work published by Thomas H. Sumner, wherein he describes his new method of ascertaining a ship's position at sea.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by **Mr. FORNEY**, their Clerk, announcing that the House had agreed to the amendment of the Senate to their amendments to the bill to provide for the accommodation of the courts of the United States, in the district of Massachusetts.

Also, that they had passed the following bills of the Senate:

An act to relinquish the reversionary interest of the United States to a certain reservation therein mentioned, and to confirm the title of Charles G. Gunter thereto; and

An act granting the right of way over, and depot grounds on, the military reserve at Fort Gratiot, in the State of Michigan, to the Port Huron and Lake Michigan Railroad Company.

The message also announced that the Speaker had signed the following enrolled bills:

An act to establish a port of delivery at Lake Port, on Lake Pontchartrain, and for other purposes;

An act constituting Madison, in the State of Indiana, a port of delivery;

An act creating a collection district in Texas and New Mexico; and

An act to constitute Tuscumbia, in the State of Alabama, a port of delivery, and for other purposes.

Which were thereupon signed by the President *pro tempore*.

WILLIAM H. WEIRICH.

Mr. WELLER. I am instructed by the Committee on Military Affairs to report back House bill for the relief of William H. Weirich. If there be no objection, I ask for its consideration at this time.

The Senate proceeded, as in Committee of the Whole, to consider the bill.

It proposes to direct the Secretary of War to

pay to William H. Weirich, late second lieutenant of company G, in Colonel J. D. Stevenson's regiment of New York volunteers, \$576 26, the amount of mileage from California to New York, and two months' pay, as were paid to other officers and soldiers of that regiment.

No amendment being proposed, the bill was reported to the Senate, ordered to a third reading, read a third time, and passed.

ABIGAIL STAFFORD.

Mr. BROWN. Some time since I submitted a motion to reconsider the vote whereby the joint resolution explanatory of an act for the relief of Abigail Stafford was rejected. I ask the Senate to consider that motion now, for the purpose of disposing of the subject. If it gives rise to any debate, I will consent to let it go over until next session.

Mr. HUNTER. I hope we shall not consider that now. Will a single objection prevent it?

The PRESIDENT. No, sir. It is a question for the Senate to decide.

Mr. HUNTER. I hope the Senate will not take it up. We ought to consider the appropriation bills. If we do not, how will it be possible for us to get through with the business of the session?

Mr. BROWN. If it takes ten minutes, I will let it go over.

The motion was not agreed to—ayes ten, noes not counted.

ORDER OF BUSINESS.

Mr. HUNTER. I move to suspend all prior orders, for the purpose of taking up the fortification bill.

Mr. PETTIT. I desire to make a report.

Mr. SLIDELL. I hope the Senator will give us an opportunity to make reports from committees.

Mr. HUNTER. Unless we go on with the appropriation bills, it will be impossible to get through with the business by the time fixed for adjournment.

Mr. WELLER. It will not take ten minutes to make reports.

Mr. PETTIT. I object to proceeding to the consideration of the fortification bill, until I have had an opportunity to present reports from a committee.

Mr. HUNTER. I will withdraw my motion for half an hour.

Various reports and petitions were then presented, which are stated in a former part of the report, for the convenience of classification.

UNFINISHED BUSINESS OF THE SESSION.

Mr. SLIDELL. I desire to offer a resolution, which will save some of the time of the Senate, and to which I presume there will be no objection. It is as follows:

Resolved, That all subjects before the Senate at the close of the present session, including those before committees, shall be continued to the next session, and shall then be proceeded with in the same manner as if no adjournment of the Senate had taken place; and the papers which have been referred to the committees, and may be in their possession at the close of the session, shall be returned informally to the Secretary, and by him restored to the committees when appointed at the next session.

Mr. RUSK. I suggest to the Senator that that is already the rule.

Mr. SLIDELL. This applies merely to petitions which are pending before committees. It is to obviate the necessity of the committees asking to be discharged from the consideration of the business, and having it again referred to them at the next session.

Mr. RUSK. There is no necessity for that.

Mr. SLIDELL. The Secretary of the Senate tells me that there is, and that it will save a vast deal of trouble.

Mr. SUMNER. I will inquire if the resolution proposed by the Senator from Louisiana is not a superfluity, and if it is not already provided for by an existing rule?

Mr. SLIDELL. It is not.

Mr. SUMNER. I think the Senator will find that it is a superfluity.

Mr. SLIDELL. There is a joint resolution to which, perhaps, the Senator from Massachusetts refers, which applies only to bills. This resolution is simply to obviate the necessity of committees asking to be discharged from the business pending before them, and having it at the next session referred to them as unfinished business,

I am told by the Secretary it will save time. That is my only object in offering it. I have no interest in the matter at all.

Mr. BROWN. I suggest to the Senator from Massachusetts, though it may be a superfluity, to let it pass. It can do no harm, and we can pass it in less time than it will take to talk about it.

The resolution was considered, by unanimous consent, and agreed to.

THE BRIG GLAMORGAN.

Mr. SEWARD. I am instructed by the Committee on Commerce, to whom was referred the memorial of the owner of the brig Glamorgan, praying that the name may be changed, and a register issued, to report "a bill to change the name of the American-built brig Glamorgan to that of Wizard." I ask for the consideration of the bill now. This vessel was seized and condemned as a slave. She is a very good vessel, and, since her condemnation, has been bought by citizens of the United States, who wish to remove the taint which attaches to her former name.

The bill was read a first and second time by unanimous consent, and considered as in Committee of the Whole. It proposes to authorize the owner of the brig Glamorgan, of Boston, to change her name to that of Wizard, and to direct the Secretary of the Treasury to issue to her a register under that name, she having been condemned and sold by the United States authorities for having been employed in the slave trade, and having been purchased since by her present owner.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

HON. JARED W. WILLIAMS.

Mr. BUTLER. Mr. President, a resolution touching a question of privilege in relation to the right of the Hon. Mr. Williams to hold his seat on this floor was referred, some weeks ago, to the Judiciary Committee. I do not know but that I owe an apology to the Senate for not reporting on it earlier, as it is a matter which I know, according to parliamentary usage, should be acted upon as promptly as possible; but there were papers which had to be produced at the instance of the incumbent, without which the committee could not very well proceed. The committee have had the same under consideration, and report, by a resolution, that the incumbent is not entitled to his seat. It is a question for the Senate to say, whether they will consider it now, as I think they ought, or whether it shall be postponed.

Mr. CLAYTON. It ought to lie on the table, and be printed.

The report and resolution were laid on the table, and ordered to be printed.

MARYSVILLE AND BENICIA RAILROAD.

Mr. DODGE, of Iowa. The Committee on Public Lands, to whom was referred a bill granting the right of way to the Marysville and Benicia Railroad Company through and over the grounds of the United States at Benicia, California, have had the same under consideration, and have directed me to report it back, and recommend its passage. I ask that it may be put upon its passage now.

Mr. HUNTER. I hope we shall not put such bills upon their passage now.

Mr. GWIN. It will take but a minute to consider it.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to grant to the company the right of way, sixty-six feet in width, for their road through and over the grounds of the United States at and near Benicia, the route across the grounds to be approved by the Secretary of War, before it is entered upon for the purpose of constructing the railroad, and the grant is only to be made if it shall be without detriment to the public interest in the opinion of the Secretary of War.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

PORTS OF DELIVERY.

The PRESIDENT. The bill of the Senate to constitute the city of Tusculum, in the State of Alabama, a port of delivery, has been returned from the House with an amendment. The Chair will present the amendment to the Senate for consideration.

The amendment was in the form of an additional section, providing that Paducah, in Kentucky, Shreveport, in Louisiana, and Jeffersonville, in Indiana, shall be constituted ports of delivery within the collection district of New Orleans, and making the usual provision in regard to the appointment of the surveyors of customs and their duties. The title was also amended by adding "and for other purposes."

Mr. CLAY. I move that the Senate concur in the amendments, so that the bill may be finally passed.

The amendments were concurred in.

FORTIFICATION BILL.

Mr. HUNTER. I now move to suspend all prior orders for the purpose of taking up the fortification bill.

Mr. BELL. Is the half hour out?

Mr. HUNTER. The reports have been gone through with.

Mr. BELL. I made an attempt yesterday to get up a private bill which came from the House; but on account of the objection of one Senator, I failed. I hope it will be taken up now. It is a bill for the relief of Rebecca Baggerley. She is upwards of eighty years of age, and may not live more than a year or two. I am sure there can be no objection to the bill. It grants her a pension of only twenty dollars a year.

Mr. HUNTER. I agreed to give way for reports, but not for the passage of bills. I must ask that my motion be put to the Senate. They can vote it down if they are not disposed to go on with the appropriation bills.

Mr. HUNTER's motion was agreed to.

Mr. BELL. I now ask the unanimous consent of the Senate to pass the bill of which I have spoken.

Mr. HUNTER. I cannot give way for the passage of bills. It is more important that we should go on now with the appropriation bills. The Senator can get his bill up at another time; but I do not see why, when we are about to enter on appropriation bills, we should suspend them for the purpose of acting on a private bill.

Mr. BELL. It might be acted upon and passed while you are finding the appropriation bill.

The PRESIDENT. The Chair will inform the Senator that his bill can be taken up at another time, and doubtless it will be passed. It is a House bill.

Mr. BELL. Very well, sir, I will take your guarantee.

The Senate, as in Committee of the Whole, accordingly resumed the consideration of the bill from the House, making appropriations for fortifications and other works of defense, and for the repairs of barracks and quarters for the year ending the 30th June, 1855.

Mr. HUNTER. I will state, in reference to the bill, that the Committee on Finance have reported it back exactly as it came from the House. It has been difficult, for some years, to get any bill for fortifications through the House. This one was passed, I believe, by only three majority, and we were afraid to jeopardize it by reporting any amendment. We have, therefore, reported it to the Senate as it came from the House, and hope it will be passed in that shape; for we believe that if we make any amendments and send it back to the House, it will be in danger.

The bill was read.

Mr. BAYARD. I had intended to move to increase one of the appropriations contained in the bill—that for Fort Delaware—but I am satisfied, for the reasons urged by the Senator from Virginia, that it would be impolitic to amend the bill; and, further, I do not think we should have time to get through with the other appropriation bills, if we amended it. I, therefore, forbear to offer the amendment, though I think I could give good reasons for it.

Mr. WELLER. In the absence of the chairman of the Committee on Military Affairs, [Mr. SHIELDS,] who has been called away by the serious, and, perhaps, fatal illness of his friend and colleague in the other House, [Mr. BISSELL,] I am instructed by the Committee on Military Affairs to offer the following amendment, to come in after the clause "for repairs and construction of Fort St. Philip, Mississippi river, Louisiana, \$25,000;":

And for commencing the tower, battery, and fortification at or near Proctorsville, in the State of Louisiana, \$30,000.

This has been properly estimated for by the Department. If any Senator is desirous of it, the report of the Engineer's department can be read to show the absolute necessity for the appropriation. The letter, however, is somewhat lengthy.

Mr. MALLORY. Perhaps the most important fortification in which the country is now engaged, is that at Tortugas. We have the estimates of the Department for two years in succession, upon our table, showing that about \$250,000 would be the proper appropriation for that work, and that that sum could be most economically consumed in its construction. In the face of that opinion, however, given at successive Congresses, the Department has now called for only \$50,000 for one fort, and \$75,000 for the other. That is the present call of the War Department, and still you have upon your table, I say, estimates for the sum of \$250,000. Now, had I not a perfect conviction of the fact, that if you put any amendment at all upon the bill it must be lost, I should feel constrained, in virtue of the vast importance of Tortugas, particularly at this moment, to move an amendment to increase the appropriation in the bill. I will say to my friend from California, that I have had assurance from quarters which I am not permitted to doubt, that if we attempt to amend the bill, it will fail in the House; and if it should fail, the important works which we now have going on, and with the hands completely initiated to the work, with all their plans to carry it on, must be suspended, and the implements sold. This little pittance is necessary, to keep it in progress. It would be a great national evil to have the work stopped; and, convinced as I am that it will be stopped, if we amend the bill, I am constrained to vote against all amendments, because, if any be made, the appropriation for Tortugas, which is one of the most important works, should also be increased.

Mr. WELLER. I regret very much that this bill is in the condition in which it is represented to be by my friend from Florida—that if any amendment should be added to it by the Senate, no matter how necessary it may be, the bill will fail. I have felt it to be my duty to present this amendment, not only because the work is important in itself, but because the Committee on Military Affairs, who had charge of the subject, have directed me to do it. I know nothing with regard to it except what appears from the papers sent to us from the department. They show that it is absolutely indispensable that the appropriation should be made; and I hope, sir, that it will not endanger the passage of the bill in the other House. I should be very sorry if we found ourselves, in the latter days of the session, placed in a position to be compelled to refuse important works simply because the House of Representatives would not agree to them. I do not believe that amending any of these appropriation bills, in a proper way, and for public works of acknowledged utility, will endanger its passage in the slightest degree.

Mr. SLIDELL. I would ask my friend from Florida whether the appropriations to which he alludes as contained in this bill, coming to us from the House of Representatives, is not in accordance with the estimate of the War Department? He thinks that a large sum may be judiciously expended. It appears that the Secretary of War entertains a different opinion, and it has been left to us not to exceed the estimates of the War Department. In relation to the amendment offered by the acting chairman of the Committee on Military Affairs, I have to say that it is one of the most important and absolutely indispensable points to be fortified for the protection of the great commercial city of New Orleans. Proctorsville, where it is contemplated to build the fort, is situated at the terminus of a railroad some twenty-eight or thirty miles long, making a most direct and easy communication from the sea to the city of New Orleans. I look upon it as absolutely indispensable for the protection of that city. I really cannot appreciate the force of the argument adopted by the Senator from Florida. He says, that if we put any amendment upon the bill, it will be lost. He is more familiar with legislative forms than I am, but my impression is, that if the amendment be agreed to by the Senate, it will be submitted to the House for concurrence. The House may refuse to concur, or they may concur. If they do not concur, we shall have resort to a

committee of conference. I think I have never known an appropriation bill lost under such circumstances. I wish this amendment to be agreed to by the Senate; and if the House be obstinate in objecting to its introduction, I shall yield with the best grace that I may to inevitable necessity. I ask the Senate, if there be any doubt upon the subject, to have the Secretary read from the report, which will entirely satisfy them that there is not one item in the bill more meritorious than this.

Mr. WELLER. I have only one additional remark to make. In consequence of the peculiar position in which this bill has been placed, the committee on Military Affairs have concluded to report but this amendment. Ordinarily that committee have presented a good many amendments to the fortification bill; but, I repeat, in consequence of the peculiar circumstances attending the condition of this bill, they have but this small amendment to offer.

Mr. HUNTER. I hope we shall be able to act on this bill speedily. It is impossible for us to debate these appropriation bills at any length. The House has probably passed the last which it has before it at this time, the civil and diplomatic bill. I merely throw out this suggestion for the consideration of Senators.

Mr. MALLORY. It is with a great deal of regret that I say anything against the amendment for New Orleans. I know it is important, and I regret very much that it is not in the bill. As to the estimate of the Department, it has for years estimated for fortifications, but the House of Representatives have refused to pass a fortification bill at all, and this is the first which we have had under the estimate. They have framed this after a deliberate examination of the whole subject, and they have not proceeded upon the estimates which the Department furnished. The estimate for the works to which I refer is in these words:

"The most economical, as well as the most expeditious mode of completing these works, would be to appropriate for each port, at once, the whole sum stated in the estimate as necessary for its completion, namely:

For Fort Taylor.....	\$730,000
For Fort Jefferson.....	889,662

giving authority to the President to assign annually, or from time to time, as large a portion thereof as should be found compatible with an advantageous prosecution of the operations, or as public exigencies should, in his opinion, seem to require.

"With such grants the works need never be suspended. The most favorable times for making contracts, procuring supplies, and pressing various kinds of work could always be profited by, and a large sum in contingent expenditures—increasing rapidly with the extension of the time, and scarcely at all with the enlargement of force—would be saved.

"The next best mode would be to appropriate a much larger amount annually for each fort than heretofore.

"The sum of \$150,000 might be advantageously expended next year on each; and, should it be deemed important to press on the constructions more vigorously, disposition may be made for an advantageous application of the sum of \$250,000 to each."

Now, if I were not convinced that the incorporation of an amendment would give rise to an examination of the bill in the House, and to a committee of conference, and that it would delay if not defeat the bill, I should certainly not put myself in this position in voting against an amendment, knowing its importance. But I have seen members of the House, who are supposed to be well informed on this subject, and I have seen the engineer of the Department, and after mature deliberation, I have become convinced that, by amending it, we may defeat the passage of the bill entirely; and it is for that reason that I am opposed to the amendment.

Mr. BAYARD. I agree with the Senator from Florida. If this debate were prolonged, I could readily show that the work, the appropriation for which I would desire to have increased, is just as important as any one which is before us; and in addition to that, the faith of the Government is pledged to the construction of that work, and has been broken for twenty years past. These are considerations which do not apply to other works. But I do not wish to detain the Senate under the circumstances surrounding this bill. Sir, we must now look to this fact. You have the Army bill untouched here; you have the Navy bill untouched here; you have but two days of the session left; you have no bill before the House of Representatives except the civil and diplomatic appropriation bill; and if one amendment is offered and adopted to this bill, no Senator, with the opinions he entertains of important works in his own vicinity,

will fail to insist that they should be properly appropriated for, and thus the bill would be endangered. I understand that it passed by but a majority of three votes in the House. I, therefore, think it would be exceedingly unwise to amend it at all. Under these circumstances, I shall vote against the amendment.

Mr. RUSK. The very argument made use of against the amendment would induce me to vote for it. It is stated that for a number of years the House of Representatives have absolutely refused to make appropriations of this description, and that this bill passed by a majority of only three votes. It is admitted on all hands that there ought to be amendments to it, and the argument used against amending it is that it will cause the loss of the bill in the House. That is no sufficient argument to me. I doubt the policy of these expenditures. I am inclined to concur with the minority of the House upon the subject; but if they are to be made at all, there should be something like equality and justice in them. I doubt the policy of this general system of fortifications any way, and I very much doubt the policy of making these small appropriations. A fortification is a thing which must be made according to some system. The expenditure of \$25,000 would do no good so far as a fortification is concerned. How is it possible for those who expend the money to know upon what plan to begin the work, because future appropriations to carry it on according to any system are admitted to be extremely doubtful, inasmuch as Congress for a number of years have refused to make the appropriations, and now by a very small majority the House passed this bill, and when we are told that if we receive any amendment, however just it may be, the entire bill will be lost. I believe you had better take the money which you appropriate for these objects, and pay it to the officers and soldiers of the Army. I think that would produce a great deal more efficient defense of the country than by expending it for fortifications.

Mr. FITZPATRICK. I take it for granted that the amendment is a legitimate one, and, under ordinary circumstances, I should vote to incorporate it in this bill; but we cannot shut our eyes to the fact that we are near the close of the session, and that all the bills alluded to by the Senator from Delaware wait for the action of this body; and the prospect is, that the civil and diplomatic appropriation bill will engage the attention at least of a committee of conference between the two Houses. I know nothing of the merits of the amendment. I take it for granted, on the estimate of the War Department, that it is proper, and, under proper circumstances, I should vote to incorporate it into the bill; but we must look now at the condition in which the bill stands, in acting upon the amendment. I have an amendment, sir, which I should desire to offer, one that I believe is essential, one that is important to the sea-coast which we have at Alabama, and that is for the construction of a fortification at the mouth of Mobile bay; but with all my anxiety to get it adopted, and to have the work in progress, I am willing, under the circumstances which surround us, to forego offering it as an amendment. If, however, the bill is to be amended, I could not consent to withhold it, and I shall press it upon the Senate. I have uniformly pressed it on the consideration of the chairman of the Committee on Finance, but he, from a very solemn sense of his duty, has resisted my application to recommend the amendment to the bill. If we open this bill to amendment, and impede its progress through this body, I could not consent to withhold it. No gentleman can be more desirous to press an amendment of his own than I am to press this; but I feel satisfied that, if the amendment of the Senator from California be adopted, we shall load the bill down with amendments. Under this conviction, I am perfectly willing that the bill should pass as it is, without any amendment. I think it due to the public service, and due to the country, that it should go from this body without sending it back to the House with amendments to be acted upon there.

Mr. PRATT. This bill contains very many appropriations for the completion of forts and fortifications, which have all been commenced. The amendment, if I understand it, is for a new work not heretofore commenced, one which I am sure is very desirable to the country, and would be ben-

official; but it is for a new work. The money which it proposes to appropriate is not to be expended towards the completion of a work already commenced under; the antecedent policy of the Government, but it is for the commencement of a new work. I shall be compelled, in order to secure the advantages which this bill does give towards the completion of the works already commenced, to vote against this amendment, as well as every other amendment that may be offered.

There is one other consideration which I desire to submit. Under the present condition of your Army you cannot man your forts. Those already established upon the Mississippi river, above New Orleans, have not more than one old man in them to sweep them out. If you should go to war with Spain, it could send over from Cuba a sufficient force, before we could find men to man them, to take them; and it would require millions of dollars to be expended by the Government for the purpose of getting them out. The true policy, therefore, I think, would be to enlarge the Army, so as to put some force in the forts already existing.

MR. SLIDELL. I know how precious time is, and I shall detain the Senate but a moment. The Senator from Maryland objects to the amendment, on the ground that it is for the commencement of a new work. There are several other items of the same character in this bill. I will not say another word on the amendment. I will simply ask the Secretary to read the letter from the Engineer Department on the subject.

The Secretary read it, as follows:

ENGINEER DEPARTMENT,
WASHINGTON, 18th March, 1854.

Sir: In answer to the letter of the Military Committee of the Senate, inclosing resolution of the Senate, instructing them to inquire into the expediency of making an appropriation for the construction of a fortification at or near Proctorville, Louisiana, referred to this office for report, I have the honor to state that the importance of constructing as speedily as possible a small defensive work at Proctor's Landing has been frequently urged by this Department.

On this subject, I beg to refer to my annual report, dated November 1st, 1845, in which it is stated, as to Proctor's Landing:

"From the landing above named to the city of New Orleans, a distance of about twenty-eight miles, there is a beautiful road, one of the best in the State; and not a single obstacle, natural or artificial, now exists, to prevent or impede an enemy debarking at Proctor's from marching troops of all kinds, with baggage and artillery, directly up to the city; and there is nothing, moreover, to prevent his reaching that landing place in boats. An expedition following this route would encounter none of the impediments which the English found to be nearly insurmountable in the route they followed in approaching the city. Why the defense of this avenue was not provided for in the system proposed by General Bernard, I have not been able to divine. At any rate, now that the other channels of approach are for the most part provided with adequate fortifications, this demands an immediate attention. The defenses should consist of an inaccessible tower of capacity sufficient to accommodate a small garrison; and an exterior battery competent by its fire to prevent the approach of boats, for both which an estimate will accompany this report. It is presumed Congress will not hesitate to grant the proper appropriation."

In a letter to the Secretary of War, December 27, 1845, it is stated:

"Proctor's Landing is without defense; but as an excellent road leads from this landing place directly to the city—distance twenty-eight miles—it is of the first importance that it should be occupied without delay, and we only await the sanction of Congress. The defense should be a strong tower surrounded by a battery."

In a letter to the Secretary of War, February 27, 1846, the Department had occasion to report as follows in answer to a call from the Senate for information as to the project for defense at the place in question:

"In the spring of 1841, on a personal examination made by me of the environs of New Orleans, I became satisfied that an avenue which had been entirely neglected, if not overlooked, was in fact one of the most practicable routes to the city, and one most easily availed of by an enemy. The attention of the Government was accordingly directed to this circumstance, as well as to the probability that other undefended approaches might also exist, to settle which doubt an accurate reconnaissance was recommended of all that region. This reconnaissance, subsequent surveys of the particular locality, and an examination made by me in person, having confirmed the first impression, this Department has two or three times, in its reports to the Secretary of War, repeated its views as to the necessity of a work at the point mentioned."

In a letter to the same functionary, April 3, 1846:

"Next, at the southern end of Lake Borgne, is Proctor's Landing, from which point a good road conducts to the city. Works have been projected for the defense here, but their erection has not yet been authorized by Congress. They should be begun and finished as soon as possible."

The above quotations are given to show the opinions on this subject entertained for several years in this Department, and the anxious desire to secure their favorable consideration by the Government.

I have now only to add, that a grant, at the present ses-

sion, of \$30,000 for the proposed tower and battery, would be regarded as a very important contribution to the security of the city of New Orleans, enabling us to enter very effectually upon the commencement of the work.

I have the honor to be, very respectfully, your obedient servant,
JOSEPH G. TOTTEN,
Brevet Brigadier General United States Engineers.

Hon. **JEFF. DAVIS,** Secretary of War.

The question was taken on the amendment; and it was rejected—ayes 8, noes not counted.

The bill was reported to the Senate without amendment; and the question was stated to be, "Shall the bill be read a third time?"

MR. CHASE. I ask for the yeas and nays.

MR. HUNTER. I hope the Senator will let the bill be ordered to its third reading, and ask the yeas and nays on its passage.

MR. CHASE. That will answer my purpose.

The bill was ordered to a third reading. It was read a third time; and on the question of its passage, the yeas and nays were ordered and taken, and resulted—yeas 35, nays 9; as follows:

YEAS—Messrs. Allen, Atchison, Bayard, Bell, Benjamin, Brodhead, Butler, Clay, Clayton, Cooper, Dawson, Dodge of Wisconsin, Dodge of Iowa, Evans, Fessenden, Fish, Fitzpatrick, Foot, Geyer, Hunter, James, Johnson, Jones of Iowa, Jones of Tennessee, Mallory, Morton, Pearce, Pratt, Rockwell, Sebastian, Seward, Slidell, Stuart, Walker, Weller—35.

NAYS—Messrs. Bright, Brown, Chase, Gillette, Houston, Rusk, Sumner, Toombs, and Wade—9.

POST OFFICE APPROPRIATION BILL.

MR. HUNTER. I now move that the Senate proceed to the consideration of the Post Office appropriation bill.

MR. MASON. I submit to my colleague that we ought to go into Executive session for twenty minutes. The Senate is now full, and it is very desirable to have an Executive session.

MR. HUNTER. If we go into Executive session, we shall spend the remainder of the day there, and have no time for the appropriation bills. I shall be willing in the evening to go into Executive session, if we can have the morning for the appropriation bill. The House will soon get through with the civil and diplomatic appropriation bill, and then they will have no other appropriation bill on which they can be acting.

MR. MASON. My colleague knows that late in the evening we cannot get a full Senate, and, therefore, I ask that we may go into Executive session now. I hope the motion of my colleague will not prevail.

MR. HUNTER. I hope the question will be taken.

MR. SEWARD. I think we shall be able to get out of Executive session in twenty minutes, if we go in now. If we wait until night, we may be in a great deal longer. I hope, therefore, the motion of the chairman of the Committee on Finance will not be agreed to.

MR. HUNTER. I think it is to be presumed that there will be a full attendance of Senators here all day. We are near the close of the session, and it is known that it is necessary to have a full attendance in order to transact the public business. The best way in which we can divide our time is to take up the appropriation bills now.

MR. STUART. Let us have a vote. We spend more time in talking about what to do than it would take to dispose of a great deal of business.

MR. HUNTER's motion was agreed to; ayes 20, noes 17. The Senate accordingly, as in Committee of the Whole, proceeded to consider the bill from the House of Representatives, making appropriations for the service of the Post Office Department for the fiscal year ending 30th June, 1855.

MR. RUSK. I am instructed by the Committee on the Post Office and Post Roads to offer several amendments. The first is to add the following as a new section:

SEC. —. And be it further enacted, That hereafter the Postmaster General be authorized and directed to continue the mail service between Charleston, Key West, and Havana during August and September by a competent steamer, as it is now being performed during ten months of the year, and that to enable him to do so \$10,000 are hereby appropriated, out of any money in the Treasury not otherwise appropriated.

The contract at present furnishes the mail between Key West and Havana for ten months in the year. For two months, the most important time of the year, the mails are not carried under the present contract. The amendment only authorizes the filling of it up. It would give twenty-

six mails, at all events, to Key West during the year.

MR. SEWARD called for the yeas and nays, and they were ordered.

MR. MALLORY. The amendment authorizes the Postmaster General, as I understand it, to carry the mails two months in the year; when they are not now carried. I will say to the Senate, in relation to it, that the town to be supplied with the mails by the appropriation, is the largest town in the State. The population is three thousand. It is the county seat. It has a military station also. It contains military barracks; and they have, in progress of construction, two large fortifications. A number of smaller places are dependent upon this place for mails, and it has now but twenty mails per annum.

MR. BAYARD. My objection to the amendment is, that it ought to be in the post route bill. There is nothing like it in this bill. It is not offered in its proper place here. I shall therefore vote against it without knowing whether such a provision ought to be made or not. This is a mere appropriation bill in every respect, and the amendment is to establish a post-route.

The question was taken by yeas and nays, and resulted—yeas 34, nays 9; as follows:

YEAS—Messrs. Bell, Benjamin, Brown, Butler, Chase, Clay, Cooper, Dawson, Dodge of Wisconsin, Evans, Fessenden, Fitzpatrick, Geyer, Houston, Hunter, James, Johnson, Jones of Iowa, Jones of Tennessee, Mallory, Morton, Pettit, Pratt, Rockwell, Sebastian, Slidell, Stuart, Sumner, Toombs, Wade, Walker, and Weller—34.

NAYS—Messrs. Allen, Atchison, Bayard, Bright, Brodhead, Clayton, Fish, Gillette, Pearce, and Rusk—9.

The amendment was agreed to.

MR. RUSK. I am directed, by the Committee on the Post Office and Post Roads, to offer the following amendment:

For the creation of post routes, as contained in the bill passed at the present session of Congress establishing routes, \$1,000.

That is according to the estimate of the Department.

The amendment was agreed to.

MR. RUSK. I offer the following amendment:

SEC. —. And be it further enacted, That there be allowed and paid to the postmaster of Washington city, District of Columbia, out of any money in the Treasury not otherwise appropriated, a commission of one mill per pound upon the aggregate weight of the public documents printed by order of Congress, and deposited in the office of the said postmaster to be mailed; said allowance to commence with the fiscal year beginning July 1, 1853, and be computed for the first year, from the ascertained weight for the month of January, 1854; and that said postmaster be required to pay out of said commissions to the clerks and other employees in his office a sum not exceeding \$250 per annum, as compensation for the extra labor performed by them in the assortment and mailing of said documents; and that he be required to account for and settle with the Post Office Department for the disbursement of those commissions, and any surplus that may remain, in the same manner as is now required in the settlement of his other accounts.

MR. HUNTER. I hope we shall not put that matter in this general appropriation bill. We ought not to touch the question of the compensation of clerks and postmasters in this bill. If we begin with the question of the compensation of postmasters, I do not know where we shall find ourselves. I hope the amendment will not be agreed to.

MR. RUSK. The compensation of postmasters and clerks everywhere, except in the city of Washington, has been provided for by a bill which we have passed. These clerks, as appears from the evidence before the committee, labor as hard as any clerks in the city of Washington. They have several times petitioned to be put upon the same footing with the clerks in the Department, but inasmuch as they do not belong to the Department, the Committee on the Post Office and Post Roads believed it best to put them on an equality with other clerks in the city of Washington, or as near as may be so by this method. It will be a very small charge on the immense amount of printed matter which passes through the office. They have very laborious duties to perform, and their salaries are very low. One thing will result from the adoption of this amendment, you will ascertain precisely the amount of matter which passes through the city of Washington, which is very important.

MR. PRATT. Before my honorable friend takes his seat, I shall be glad to know what will be the probable addition to the compensation of the clerks by this amendment?

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

WEDNESDAY, AUGUST 2, 1854.

NEW SERIES...No. 131.

Mr. RUSK. They are to get a mill on every pound of public documents sent through the office.

Mr. PRATT. What will that pay all the employees in the post office?

Mr. RUSK. I have an estimate here, from which an idea may be formed. From the account which was kept for the month of January, 1854, of letters and documents sent through the post office of Washington city by the members of the Senate and House of Representatives, they were found to be as follows: There were sent through the office, franked by members of Congress, seventy-seven thousand seven hundred and twenty-seven letters, weighing three thousand four hundred and forty-six pounds, the postage of which, prepaid, would have been \$4,663 44. In the same month six hundred and ninety-three thousand five hundred and eight pounds of public documents were sent, the postage on which, at the prepaid rates, would have been \$100,961 20. That is for one month. The number of clerks and employees in the office is thirty. The chief clerk has a salary of \$1,800 a year. Then there is one clerk at a salary of \$1,500, three at a salary of \$1,400, one at a salary of \$1,300, two at a salary of \$1,150, two at \$1,000, two at \$900, and sixteen all under \$900, getting about \$750 each.

Mr. BAYARD. I trust this amendment will not be adopted. It relates merely to the increase of compensation of the postmaster and clerks, in my judgment without any sufficient data as to extent to which you are going to increase it. You are going to pay at the rate of a cent on every pound.

Mr. RUSK. A mill.

Mr. BAYARD. A mill on every pound of public documents. They are franked, and carried without cost to individuals, but are a charge on the Government. You are going to increase that cost, and without, as I see, any sufficient data to justify the increase. We have no evidence here of what is the compensation of the postmaster of Washington, which justifies making this increase, nor is there any sufficient data to show to what extent the increase will go. Further, the amendment is retrospective. It goes back to the 1st of July, 1853. I moved the other day, by the instruction of the Committee on Public Buildings, at the request of the Postmaster General, an amendment to the civil and diplomatic appropriation bill, for the purpose of the enlargement of the post office, which, according to the statement made by him, was absolutely requisite for the convenience of the public officers. It was voted down without a moment's hesitation. Here you propose to increase the pay of officers whose compensation is already quite sufficient, I should presume, from the ordinary emoluments of postmasters, and the quantity of business transacted here, and to increase it not only by paying them for the future, but it is retrospective in its operation, and that, too, in an ordinary appropriation bill. I think if this matter is to be allowed, if this change is to be made in the mode of compensation of the postmaster here, there are other cases in which changes also might be desirable. But if it is desirable, it ought to come up in a separate bill, where it would be more maturely considered. I am opposed to the amendment.

Mr. SEWARD. I hope that the amendment will be agreed to. The clerks in the city post office are the only employees of the Government in Washington, that have not had their compensation increased. We can find no better place in which to increase it than in this bill. It will produce no difficulty at all.

Mr. EVANS. I desire to say a word in regard to the amendment. Is there any occasion for an increase of salaries, when for every vacancy there are fifty applications? My motion is that you should give a salary which will compensate, and which will induce competent men to take the office. Now, it is notorious that for every vacancy there are at least fifty applications. These people work till three o'clock and no longer. The argument, if it proved anything, would prove that you needed an additional number. They work till

three o'clock, and then the office is closed, and they do not work afterwards.

Mr. RUSK. If the Senator will allow me, they work about twelve hours a day. This is not an amendment in relation to the clerks of the Post Office Department. It relates to those in the city post office, and they work more than twelve hours a day.

Mr. MORTON. Being a member of the committee who reported the amendment, I beg leave to say a few words. I know not whether this be the proper bill in which to introduce an amendment of this kind or not, or whether this is the proper manner for increasing the compensation of the clerks; but this I know full well: there is no corps of clerks in the employ of the Government more competent, and who perform more laborious duties, than the corps of clerks in the Washington city post office. This mode of compensating them will be no direct draft on the Treasury. The whole amount, if distributed between them, will not be more than \$250 to each as the increase of their compensation. They labor from twelve to fourteen hours per day, and many of them fifteen or twenty hours. Many of them receive less than \$800 each per annum. I presume there is no appropriation bill more proper in which to introduce the amendment than the post office bill itself. I shall certainly vote for the amendment, unless Senators will suggest a more proper bill in which it should be placed.

Mr. BAYARD called for the yeas and nays on the amendment; and they were ordered.

Mr. WALKER. I hope the amendment will be agreed to. Our documents have to be distributed at this point. From here they are radiated all over the country. These clerks are certainly more poorly paid than any other clerks in this city, and the mode of compensation proposed is more just than any other—this being, for the extra labor, only the small pittance of one mill on the pound, as mentioned in the amendment. The aggregate cannot go beyond the increase mentioned, for if the amount in the weight of the public documents should go beyond that, they cannot receive for it. For one, I shall vote for it cordially. I hope it may be adopted.

Mr. BAYARD. I do not think it exactly applies to the extra labor. I presume the case occurs to other members of Congress as it does to myself. All the documents, at least during the short session, are sent to me here in one bag. The labor is performed by the local officers in my State. That is constantly done during the short session.

The question was taken by yeas and nays on the amendment; and resulted—yeas 27, nays 11; as follows:

YEAS—Messrs. Adams, Allen, Benjamin, Brodhead, Brown, Dodge of Wisconsin, Douglas, Fessenden, Fish, Fitzpatrick, Gillette, Houston, James, Johnson, Jones of Iowa, Jones of Tennessee, Mallory, Morton, Rockwell, Rusk, Sebastian, Seward, Stuart, Sumner, Toucey, Wade, and Walker—27.

NAYS—Messrs. Atchison, Bayard, Bright, Chase, Clay, Clayton, Foot, Geyer, Hunter, Pratt, and Toombs—11.

So the amendment was agreed to.

Mr. RUSK. I have another amendment, to which I think there will not be a dissenting voice:

SEC. —. *And be it further enacted*, That the surviving late Vice President of the United States shall have, during his life, the same authority to frank letters and other mail matter, which he possessed while in office, and the same authority shall belong to the future Vice Presidents after they go out of office.

The amendment was agreed to.

Mr. RUSK. I propose the following amendment:

SEC. —. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized to increase the salaries of the route agents, provided such increase shall not exceed twenty per cent. increase on their present salaries respectively.

Mr. HUNTER. I hope we shall not put amendments increasing salaries on this bill. I think we have as much on it as we can carry.

Mr. RUSK. I hope the amendment will be adopted.

Mr. STUART. I think it ought to give the Postmaster General a discretion. Under it, as it now stands, he will be obliged to give all the route agents the increase at the same rate.

Mr. RUSK. He is authorized to increase their salaries.

Mr. STUART. I think there should be additional words to the effect, that he shall increase them to such amount as he shall deem necessary, not exceeding the twenty per cent.

Mr. RUSK. That is what is in the amendment.

Mr. STUART. I think under it, as it now stands, he would have to raise all alike.

Mr. RUSK. No, sir.

Mr. STUART. It appears so to me.

Mr. HUNTER. I do not see that these officers have any more claim to an increase of salary than any others engaged in the various departments outside the city of Washington. This ought to be a subject of general legislation, and I do not think that we ought to discriminate in favor of one set of employees, and neglect all the others. We have not time to go into the subject now in a general bill, and I think we ought not to act on it partially.

Mr. BRODHEAD. I desire to inquire of the Senator from Texas whether the Postmaster General has not now the power to increase the compensation of the route agents? Do they now receive all that they are entitled to receive by law?

Mr. STUART. I propose to amend the amendment, by inserting the word "such" before "route agents," and adding the words, "as he may think proper;" so as to make the amendment read, in effect, that he may increase the pay of such route agents as he thinks proper, provided the amount shall not go beyond twenty per cent.

Mr. RUSK. I accept that.

The PRESIDING OFFICER, (Mr. BRIGHT in the chair.) The question then is on agreeing to the amendment as modified.

The question was taken; and the amendment was rejected.

Mr. RUSK. I offer the following amendment:

For transportation of the mails from Vera Cruz, by way of Acapulco, to San Francisco, twice a month, under the contract made by the Postmaster General with Abert C. Ramsey and Edward H. Carmick; \$10,000: *Provided*, Nothing herein contained shall be so construed as to sanction said contract for a longer period than until the 1st day of January, 1855, and no part of said appropriation shall be used until the said Ramsey and Carmick shall signify to the Postmaster General, in writing, their acquiescence in the tenor of this proviso: *And provided further*, That said contractors be required to alternate with the mails now carried by way of Panama.

Mr. HUNTER. I should like to hear some explanation of that.

Mr. RUSK. Some two years ago there was a general law passed, authorizing the Postmaster General, whenever he saw proper, to advertise for the transportation of the United States mails through any foreign country, from one part of the United States to another. Under the provisions of that law, the Postmaster General—Mr. Hubbard, I believe, was in that office at the time—advertised for the transportation of the mails between New Orleans and San Francisco. There were a number of bids received. I think the Nicaragua company proposed to carry the mails twice a month between New Orleans and San Francisco, in something over twenty days, for \$240,000.

Mr. SEWARD. By what route?

Mr. RUSK. By the Nicaragua route. The individuals named in the amendment, proposed to carry it from Vera Cruz to Acapulco, and from there to San Francisco, so as to reach it in seventeen days. I think that was the time. The report of the Postmaster General will show it. They made one trip, and came within the time prescribed by the Postmaster General, under their bid for \$424,000, I believe it was. The Postmaster General entered into a contract with them, which was not to be of binding force and effect unless it was sanctioned by Congress, and an appropriation made to carry it out. The contract was made on

the 3d of March, as well as I remember, when Congress had no time to act upon the subject. It was a part of the system of the Postmaster General, at that time, to have a mail from New Orleans to Vera Cruz. That mail is now going on, and being carried, I believe, for \$69,000, though I do not remember the exact sum. These gentlemen, after they had performed one trip, called for the mails at the different termini of the route, but they were refused to them on various grounds, which will be found stated in the Postmaster General's report of this year. He declined to make the contract because of the unsettled state of Mexico. He said nothing about Congress not having sanctioned it; but he did not like to risk the valuable mails going to California by this route, from what information he had of the state of Mexico. The terms were that they were to transport the mails from Acapulco to San Francisco in appropriate vessels, vessels of the same character as those in which other mails are carried. Under these circumstances the Committee on the Post Office and Post Roads, have instructed me to offer this amendment, which, if adopted, will enable this matter to be decided. It is not to go beyond the first of January next, and places no obligation whatever upon the Government beyond that period, because there is a proviso attached to it, requiring the parties to signify in writing, to the Postmaster General, the acceptance of the terms before he is allowed to use the appropriation.

Mr. SEWARD. What will be the saving of time in the transportation of the mail between New York, by New Orleans and San Francisco?

Mr. RUSK. I think something over seven days.

Mr. SEWARD. Seven days? It is a mere experiment.

Mr. HUNTER. What would be the expense for a year?

Mr. RUSK. Four hundred and twenty-four thousand dollars.

Mr. WELLER. I move to strike out the whole amendment, and insert the following:

That the Postmaster General be, and he is hereby, authorized and directed to contract with the lowest and best bidder, after the usual advertisement, for the transportation of the mails of the United States from New York, Philadelphia, or Baltimore, and from New Orleans to San Francisco, also from San Francisco to New York, Philadelphia, or Baltimore, and to New Orleans, by the most expeditious and practicable route, the service to be performed semi-monthly, and at such times, under the direction of the Postmaster General, as, in connection with other mail service, will secure as near as practicable a weekly mail each way between the points designated and determined upon: *Provided*, That the entire cost of such service shall not exceed \$250,000 per annum.

And be it further enacted, That no contract under the provisions of this act shall be made for a period of more than four years, and that any contract so made may be determined on three months previous notice from the Postmaster General without loss to the Government; and it shall be the duty of the Postmaster General to determine any existing contracts for the service herein required, and to make a new contract therefor whenever greater expedition can be secured within the provisions of this act expressed.

And be it further enacted, That all laws, now in force, authorizing the Postmaster General to assess fines or penalties for the non-performance of mail contracts, shall be, and the same are made, applicable to any contract made in pursuance of this act.

I move that as a substitute to the amendment proposed by the chairman of the Committee on the Post Office and Post Roads. It will be seen that the only object which we seek to obtain is a weekly mail. We already have a semi-monthly mail, which is provided for under a contract, which cannot now be terminated. It is proposed to leave this open to competition. There are various routes over which the mail may be carried—the Tehuantepec route, the Honduras route, and, also, the one advocated by the Senator from Texas, the Ramsey route. This throws the whole matter open to competition, and provides for a semi-monthly mail, in addition to what we have, at a cost not to exceed \$250,000 per annum. It invites competition from all the various routes. Our only object in the matter is, of course, to get a mail. We are perfectly indifferent as to the route over which it will pass. We consider it just and fair, however, to allow those interested in the different routes the opportunity of competing for the transportation. I could go into other explanations, but I know time is precious; and I suppose the attention of the Senate has already been directed to the importance of this subject.

Mr. HUNTER. I am unwilling to add to the

appropriations, which are already so large, in this bill. It already appropriates \$8,388,000, and that is exclusive of the appropriation for the ocean mail steamers. It contains a provision that \$2,344,464 shall be paid out of the Treasury of the United States, to meet a deficiency. A great deal of this expense is incurred in the California mail service. I think that we ought not to add to these appropriations which are already so large, unless there is some great necessity for it, and if others are added they ought to be distributed, perhaps, more equally over the whole country; but the appropriations are already too large, and I cannot agree to vote for anything to swell them further.

Mr. BRODHEAD. As a member of the Committee on the Post Office and Post Roads, I desire to state this case as I understand it. The first question which arises is, will you increase the mail service to California? They now have semi-monthly mails at a very considerable expense, and the question is will you make it a weekly service. At the close of the last Administration, Ramsey and his partner entered into a conditional contract to carry the mails from Vera Cruz, by way of Acapulco, to San Francisco, for the term of four years, for four hundred and twenty-odd thousand dollars per annum, making it considerably over a million of dollars for the four years. But there was a provision that the contract was not to go into effect until it was sanctioned by Congress and an appropriation made in pursuance of the contract. Under this contract, therefore, these contractors had no right to demand pay, because it was not an effective contract. It was not to be agreed to by both parties until an appropriation was made. No appropriation was made. The contract was negotiated in February, 1853, and signed March 3, 1853. It contained a condition that it was not to go into operation until sanctioned by Congress and an appropriation made. Now, the proposition of the honorable Senator from Texas is to give them one quarter's pay. Well, sir, we all know what that is. If we pay them for one quarter, if we give the service to this route for that time, of course we sanction the contract for four years, at over four hundred and twenty thousand dollars a year. That is the plain, naked truth. The honorable Senator from California submits a proposition, which will not be at an expenditure of more than \$250,000. He throws it open to competition. He proposes that the Postmaster General shall enter into a contract to carry this mail semi-monthly, for a sum not exceeding \$250,000. I should like to know from him whether the service can be performed for that money?

Mr. WELLER. I have not the slightest doubt but that it can be got for a less sum than \$250,000.

Mr. BRODHEAD. The question is, whether we will allow over \$420,000 or \$250,000. There may be an obligation in equity to carry out the contract with Ramsey. He is a highly honorable, respectable gentleman, so far as I know, and I know him very well. If there is an obligation to carry out this contract with him, it should be carried out. If there is not, we ought to adopt the proposition of the Senator from California, and give it to the lowest bidder. If we can save over \$200,000 a year, certainly we ought to do it. With all my kind feelings for these contractors, I cannot, as one of the guardians of the public Treasury, give over \$400,000 for mail services which we can get for \$250,000. It is very questionable whether we ought to make an appropriation for this or not. The amount of money which we pay to keep up the Government in California is very large. I will not say but that I shall be compelled, from a stern sense of duty, to vote against a further appropriation for mail service in California.

Mr. SEWARD. It seems to me that a single remark in connection with the amendment proposed by the Committee on the Post Office and Post Roads, of which I have the honor to be a member, will win for it the favorable consideration of the Senate.

In the first place, we now have but a single mail to California, and but a single mail between the Atlantic and Pacific waters. This mail we send round by way of Panama, and it is the best we could do; for we have no railroad, and we have no Nicaragua route. Though it was known that the mails were carried on this route with expedition, under the circumstances, yet the com-

merce which now exists between these two points, and which is daily increasing, required a much more frequent dispatch of the mails; and for the purpose of securing that, we have provided for having their transmission across Tehuantepec. That probably will quicken the service on both routes. At this time the enterprise of a citizen of Pennsylvania has established a route through a part of Mexico which, of course, reduces the distance very considerably, and he at once assured the Postmaster General that if a contract were given to him he could reduce the time now allowed for carrying the mails seven days, which was about one quarter of the whole period employed. He made a contract with the Postmaster General in terms for \$480,000, provided Congress should make an appropriation for carrying the mails on his route. This contractor made the experiment, and brought the mails from San Francisco to New York in seven days less time than the other. It has therefore been demonstrated, and what has been done before can be done now. It is very important to have the mails carried by that route. This gentleman came before the Committee on the Post Office and Post Roads and asked for an appropriation to fulfill the contract. The session is now far advanced. The House has not yet acted upon the subject, and the committee, well satisfied that it had been demonstrated by experiment, concluded to give him a fair trial, one which would be made before Congress met next session; and they have, therefore, allowed him three months—from now until the first day of January. It will take him a month before he can put his plan into operation, and he will then have three months to fulfill his contract, at the end of which time Congress will be in session, and can review the whole subject and determine whether it will give him the contract, or whether the plan proposed by the Senator from California is the lowest and best.

Now, there can be no objection to the passage of this amendment. It is not giving him \$420,000, but is paying him for one quarter, with the proviso that it shall not be taken as a preliminary contract beyond one quarter's pay. Some honorable Senator proposes a larger sum, thinking that it ought not to be too limited. I think it will be sufficient. The Committee on the Post Office and Post Roads had that proposition before them, and considering the state of the mail service, and the present advanced stage of the session, have concluded that it would not be wise and expedient to recommend the adoption of that system at this time, and have, therefore, provided that this contract shall be ratified in so far as to demonstrate the necessity of the experiment. We shall then have the light derived from this experiment before us at the next session, and the whole matter will then come up with a determination on our part to revise the whole system, and to consider the various propositions, including that of the honorable Senator from California. I hope, therefore, that the amendment of the committee will be adopted.

Mr. PRAATT. I merely wish to state my information on this subject without making any speech about it. The practical effect of the two propositions, as I understand them, is this: One is to pay \$424,000 to a particular company, the other is to open the contracts to the lowest bidder, and limit the amount to \$250,000. That is the substitute offered by the Senator from California to the amendment. I think the true policy would be for all to vote for the amendment to the amendment, and then those who may not think the amendment right can vote it down.

Mr. WELLER. We have already a semi-monthly mail to California, or rather to Oregon by way of San Francisco, for which we pay in the neighborhood of \$800,000 annually, under the contract commonly called the Aspinwall contract. My proposition does not interfere with that, but simply proposes that the Postmaster General shall be authorized to receive propositions for the transportation of a semi-monthly mail. It would give us a weekly mail at a rate not exceeding \$250,000, and it invites competition from all these various routes, from the one proposed by the Senator from Texas, as well as from the Tehuantepec, the Honduras, or any other route.

Mr. COOPER. I am in favor of the substitute proposed by the Senator from California. From the information which I possess, I have no doubt at all that the mail can be transported between

New York and San Francisco for the amount proposed in the substitute. I am satisfied that a semi-monthly mail can be transported for \$250,000 per annum, and that the company which is now engaged in the trade of that country between San Francisco and New York, is ready, at any time, to make a contract with the Government to carry the mail upon those terms. I have no doubt of it whatever.

Mr. BENJAMIN. I only wish to make a suggestion on one point, in relation to this matter. I believe it will be found, after all that has been said in relation to the treaty concluded with Mexico, that the most valuable of all the acquisitions made by it has been the right of way across the Isthmus of Tehuantepec for the passengers and the mails of the United States. I have no objection to the amendment of the Senator from California, as it stands; but I do not think that it provides sufficiently for a preference in favor of such a route as may agree to carry the mails within the shortest time. I think not only economy in money, but in time, is equally to be desired, and ought to be provided for. I am satisfied that the mail could be carried between San Francisco and New Orleans regularly in thirteen days by the Isthmus of Tehuantepec. I am not at all indisposed to let the mail be carried by way of Vera Cruz and Acapulco, as long as that shall be the speediest route, and when they can be carried by that route in a reasonable time. But I desire, in making provision for future contracts, that the Postmaster General shall be instructed to look not merely at the sum which the transportation of the mail will cost, but also at the length of time it will take. I think time ought to be taken into consideration rather than money, in the making of such a contract, although, of course, both must be duly regarded. I shall, therefore, if the Senator from California will accept such an amendment, offer a proviso, that the Postmaster General be instructed, in entering into the contract, to make the element of time—speed—one of the main guides in forming the contract, as much so as the price which shall be paid for the transportation.

Mr. WELLER. I have no doubt that the Postmaster General, in making the contract, will consider that very important element, time, as well as the amount to be paid. I have no objection, however, to accept such a modification as the Senator from Louisiana suggests. I have proposed my amendment because I think, in determining upon the matter, the contract should look to that as well as to the amount to be paid. My only object, of course, is to get a mail weekly, and in the shortest time that it can be carried. I have no partiality for any route. I have not the slightest interest or personal feeling in it. I have no prejudice against any one of them. I simply desire that my constituents shall get a mail at the lowest rate at which it can be obtained, and in the very shortest possible time.

Mr. RUSK. I shall vote against the substitute of the Senator from California, and if it be adopted to the amendment of the committee, I shall vote against the whole, for the reason that I think it would be bad policy to make a permanent contract at the present moment, over which we should not have future control, or which would subject us to a claim for damages. I take issue, and shall do so at the proper time, with the statement of the honorable Senator from Louisiana, that the most important acquisition made by the late treaty with Mexico was the route across Tehuantepec. I do not by any means depreciate that transit way, but that is but a small article in the scale of advantages acquired by the treaty with Mexico. There were three matters included in it infinitely superior to this route across Tehuantepec. One was the release from the eleventh article of the treaty of Guadalupe Hidalgo; another was the right of way which it gives us over our own territory, to aid our own possessions on the Pacific ocean; and the other, and not an inconsiderable one, was that the treaty itself is worth infinitely more than the whole sum paid.

The amendment of the committee proposes to keep this matter entirely under the control of Congress. The honorable Senator from Pennsylvania is mistaken when he supposes that it sanctions a contract for the term of four years for \$420,000. It makes an appropriation of \$10,000, which would be the pay for one quarter's service, according to the amount allowed by the contract.

Mr. BRODHEAD. I intended to say, and to be understood as saying, that the effect of it would be to sanction the entire contract, because if I allow these gentlemen a quarter's salary, and they put their stock on the route from Vera Cruz to Acapulco, some three hundred miles, and have their steamboats in operation, I should not be willing to abandon or drive them off. It must result in loss to them, and it would be wrong to allow them one quarter's salary without continuing the contract. We ought to continue the contract if we allow a quarter's salary.

Mr. RUSK. The answer to that whole argument is found in the proviso to the amendment:

Provided, That nothing herein contained shall be construed as to sanction said contract for a greater period than until the first day of January, 1855, and no part of said appropriation shall be used until said Ramsey and Carmick shall signify to the Postmaster General, in writing, their acquiescence in the terms of this proviso.

Mr. WELLER. I have this remark to make in answer to the Senator from Texas, who affirms that we are placing this contract beyond our control. By the express provision of my amendment this thing is guarded against:

That no contract under the provisions of this act shall be made for a period of less than four years, and that any contract so made may be determined on three months' previous notice from the Postmaster General without loss to the Government; and it shall be the duty of the Postmaster General to determine any contract for the service, and make a new contract therefor, whenever greater expedition can be secured within the provisions expressed in this act.

Now, sir, upon three months' notice, by my amendment, the contract, if one be made, can be terminated at the very moment it is ascertained that a more expeditious route can be secured. Is there anything more fair or just than that? It is simply an authority to the Postmaster General to make a contract; and if that route subsequently be found a slow one, or if a new one be opened, over which the mail can be more expeditiously transported, he is compelled by the terms of the amendment to terminate the contract. It is not left discretionary with the company. We do not choose to put it in that condition; but it is made the imperative duty of the Postmaster General, when a more expeditious route is discovered, to terminate the old contract. It all resolves itself into this: If the Senate are willing to establish a weekly mail to California, this amendment ought to be adopted. Upon many of the routes in the old States of the Union you have three daily mails; upon some of them you have as high as four mails per day. We ask for the establishment of a weekly mail; and if you have concluded to give us one, let competition be invited from all the routes within the limits prescribed by the amendment.

I do not desire to enter into a discussion of the relative merits of the routes. I may have my own views upon the subject, but I am very sure I have no prejudices against either route. My only solicitude is to have the mail transmitted in the shortest time, and at the lowest possible expense, either by the way of the Vera Cruz, Tehuantepec, Honduras, or any other route. I am willing to leave it open to competition from all the parties interested in the different routes.

The PRESIDING OFFICER. Does the Senator from California accept the modification suggested by the Senator from Louisiana?

Mr. WELLER. I should like to hear it read.

Mr. BENJAMIN. It is to add the following: *Provided, however*, That in all contracts for carrying the mail under the provisions of this act, the Postmaster General shall have due regard as well to the length of time as to the cost of carrying the mails; taking both subjects into consideration in making the contract.

Mr. WELLER. I accept that.

Mr. HUNTER. As I said before, I shall vote against increasing the appropriations under this bill. We have already appropriated for mail transportation to California \$730,000, according to the report of the Postmaster General.

Mr. WELLER. I think the Senator is mistaken in that. That is an appropriation to carry the mail from New York to Oregon, stopping, of course, at San Francisco; but this route was originally intended to transport the mail from New York to Oregon Territory. I do not know why the Senator charges the State of California with the \$731,000 which is appropriated upon that route.

Mr. HUNTER. Then I say, from the Atlantic to the Pacific coast, and I repeat it, we already

pay for that service \$731,000. I am unwilling to add to the already very large appropriations contained in this bill, for additional services anywhere. In relation to the two propositions which are now in competition with each other, I should be at a loss to decide. At first, I thought the proposition of the Senator from California had the superior merit of leaving it to the lowest bidder; but I do not know how that will turn out, because we are to pay according to time as well as distance; and when you come to apply that, I do not know how it will turn out.

Mr. BRODHEAD. No, sir; it says that the contract is not to exceed \$250,000, if I understand it; so that the Postmaster General, in no event, can go over the \$250,000; but I am of opinion that this whole subject should go over until the next session.

Mr. WELLER called for the yeas and nays on the amendment; and they were ordered.

Mr. CASS. I understand this amendment authorizes the advertising for the contract. I shall vote aye.

The question was taken by yeas and nays; and resulted—yeas 32, nays 10; as follows:

YEAS—Messrs. Allen, Atchison, Bayard, Bell, Benjamin, Bright, Brodhead, Brown, Butler, Cass, Chase, Clay, Cooper, Dawson, Dodge of Wisconsin, Dodge of Iowa, Evans, Fitzpatrick, Geyer, Gillette, Hunter, James, Jones of Iowa, Jones of Tennessee, Mason, Morton, Pearce, Pratt, Rockwell, Slidell, Stuart, and Weller—32.

NAYS—Messrs. Clayton, Fish, Foot, Johnson, Pettit, Rusk, Seward, Toombs, Wade, and Walker—10.

So the amendment to the amendment was agreed to, and the question recurred on the amendment of the committee, as amended.

Mr. BRODHEAD. The question now is, whether we shall increase the mail service at this session for California. For my part, I am against it.

Mr. WALKER. So am I. I ask for the yeas and nays upon it.

The yeas and nays were ordered, and taken, with the following result:

YEAS—Messrs. Bayard, Bell, Benjamin, Cass, Cooper, Dawson, Jones of Tennessee, Thompson of Kentucky, and Weller—9.

NAYS—Messrs. Atchison, Bright, Brodhead, Brown, Butler, Chase, Clay, Dodge of Wisconsin, Dodge of Iowa, Evans, Fitzpatrick, Foot, Gillette, Houston, Hunter, James, Johnson, Jones of Iowa, Morton, Pearce, Rockwell, Rusk, Seward, Stuart, Sumner, Toombs, Wade, and Walker—28.

So the amendment, as amended, was rejected.

Mr. RUSK. I offer the following amendment:

To enable the Postmaster General to purchase the patent of the clam-shell padlock, should he be of opinion the public service requires it, \$5,000.

I have a long statement here from the Postmaster General. At his request the amendment is offered. There is now great difficulty in procuring a lock which cannot be knocked open. He thinks that under the arrangement, with \$5,000, he can procure the patent of that lock, and under the present laws nobody else will be entitled to use it. He says in his communication that it is the only lock that has never been knocked open.

Mr. BRODHEAD. I believe that is all right.

Mr. PRATT. There is one part of it which I cannot understand. Why give \$5,000 to make an experiment on a lock?

Mr. RUSK. It is not an experiment.

Mr. PRATT. Very well; I do not care. Why have a lock at all? You must depend upon the honesty of the man who carries the mail, that he will not take the trouble to knock it open. He can cut the bag open, if he is dishonest.

Mr. RUSK. They can open the common locks; all these mail locks I have examined myself. The locks which they have had in use until recently, and which they have had to throw aside, can be knocked open by a stick. I have seen it done; they shut with a spring, and parties can open the lock, examine the contents of the mail, and then lock it again, so that they may do that without detection. These are the only ones, I am informed by the Post Office Department, that cannot be so deranged, and they have been in use for a number of years.

The amendment was agreed to.

Mr. RUSK. I have one more amendment which I will read and explain. I hope there will be no objection to it.

And be it further enacted, That the Postmaster General be, and he is hereby, authorized to pay to Cranston Laurie a reasonable compensation for performing the duties of two

desks in the Post Office Department, not to exceed the half-pay of a clerk for the time he was employed.

Mr. Laurie, I understand, is a clerk of very superior qualifications, and it was found necessary at the close of every year, in order to secure accuracy in the making out of certain returns, that he should perform the duties of two desks, on account of the limited number of clerks and the large amount of business in the Department. It is certified by the Assistant Postmaster General that Mr. L.'s statement is correct, in which he says he works there sometimes until twelve o'clock at night. The returns, I understand, are always found correct. It is by no means a precedent, for there will not likely be found a similar case.

The amendment was agreed to.

Mr. BROWN. I offer the following amendment to the bill:

Sec. —. *And be it further enacted*, That the Postmaster General be authorized and required to establish a mail on the Mississippi river from Cairo to New Orleans, and contract for the same for one line, or in such divisions and sections, or both, as will be most compatible with the public interest; and to facilitate the execution of this section, the Postmaster General may make immediate temporary arrangements for carrying said mail by separate boats, and if he fails to obtain separate boats, after advertising for thirty days, he may make private contracts for carrying said mail. Said mails shall not be carried more than seven, or less than three times a week, each way; but if the Postmaster General is of opinion that a daily mail is needed over one part of the route, and tri-weekly mails over another part, he may contract accordingly.

Mr. President, the southern, southwestern, and western Senators know that for years we have been struggling to get a mail on the river Mississippi. It is the most important service to the people of that section of the country that can be devised; and yet from one cause or another we have been delayed year after year, and I venture to say it is the only river which supports as much commerce as that does, or one fifth or one tenth part, which has not a mail. Why, sir, the commerce of the Mississippi is more in the aggregate than the whole exports of the Union put together. I saw it estimated last year at \$250,000,000; and that is more, I say again, notwithstanding my friend from Florida [Mr. MALLORY] shakes his head, than the whole of your foreign exports. I have seen an estimate, coming from what I think competent authority, that within the last two years it has been \$250,000,000. At all events it is very great. And yet, notwithstanding that state of affairs, we have been unable to get anything like mail service upon that stream. I think the time has come when there should be a change in this regard. The amendment proposes to authorize the Postmaster General to put service upon the river from Cairo to New Orleans. He has service from Louisville and St. Louis, and all the points above that as far as Cairo. This will be directing a further continuance of the line from Cairo to New Orleans. In addition to that, if he thinks proper, he may fill up the intermediate points by short routes. I propose that for this reason: I know very well that the Postmaster General cannot have the mail carried from New Orleans to Cairo six times a week, and land at all the intermediate points; because, if a boat undertook to stop at every one of the landings on the river, it would take some seven or eight days to go up; and if a boat were required thus to ascend the river from New Orleans to Cairo, it would carry no freight, no passengers, and not even the mail, because some boat going ahead of it would take the whole. I propose, therefore, that the Postmaster General be authorized to make a contract, if he thinks proper, to run through the whole line, stopping, of course, at the principal points, and then that, between the intermediate points, he may make short routes.

This is all arranged after mature deliberation and study; and if the Postmaster General attempts to execute it he can do it, and put service upon the river cheaper under this amendment than under any other scheme, in my opinion, that can possibly be devised. Without detaining the Senate, I will simply say, that having studied the subject, I think I understand what I am about.

Mr. HUNTER. I am not able to estimate what would be the precise effect of the amendment offered by the Senator from Mississippi. It does not propose a direct appropriation of money, but then I am uncertain as to how much money it may require to carry it into execution. Nor do I know how far it proposes an advantageous arrangement

in relation to the mails. Do I understand it to come from a committee?

Mr. BROWN. No, sir. It does not propose any appropriation whatever—not a sixpence; but it simply proposes to authorize the Postmaster General to contract for carrying the mail on that river. Let me tell the Senator from Virginia this: We have a law authorizing a mail upon the river, and the Postmaster General undertakes to execute it in this way: He advertises for the service, and he gets extravagant bids, which he rejects. He advertises again and again, gets bids which he rejects, and so it goes on from year to year. In the mean time we get no mail; and we are getting tired of that. The reason why the Postmaster General does not get proper bids is this: He advertises from one point to another where no boats land; and if he is to have good boats built especially to carry the mail, it will be at so enormously an increased expense, that the thing will be impracticable. This amendment authorizes him to make such contracts on such routes as he thinks proper to make them on; and I will tell the Senator why I do that. There are packets running from New Orleans to Natchez, for instance. Let him contract with a packet to run the mail that length. Then there are packets from Vicksburg to Napoleon. Let him make contracts with those packets. There are others from Napoleon to Memphis. Let him contract with them. Then, again, there are those from Memphis to Cairo. Let him contract with them. Then he has a continuous line made up by these four lines, which can run in connection; but under the present law the Postmaster General advertises for the line from Louisville to New Orleans. He cannot have the mail carried in that way. I do not care if he paid out millions of dollars for it, it cannot be done. Why? First, because of the expenditure. A boat starts from New Orleans, and if it undertook to stop at every point to land the mail, it would require ten days to go up the river, and a boat of less speed going up with nothing but freight and passengers, would go up in seven days. Will a merchant of New Orleans put his mail in the first boat when it takes three days longer than another boat? Certainly not. Can a boat get passengers which will take three days longer than another? Can it get freight, or anything else? Four mail boats, under that system, would simply run up and down the river, carrying no mail, no freights, no passengers—nothing. It would be of no practical utility whatever. What I want is, that the Postmaster General may be authorized to contract for one continuous line, stopping at the principal commercial points, such as Baton Rouge, Vicksburg, Napoleon, Memphis, &c., where all the boats stop anyhow; and then by way of supplying the little offices on the river he can put in short packets, and contract, for instance, for running a packet from New Orleans to Vicksburg, another from Vicksburg to Napoleon, another from Napoleon to Memphis, and another from Memphis to Cairo, all which I know is practicable; and in that way you can get the service required. I will say to the Senator from Virginia that the Postmaster General informed me he did not want any appropriation.

Mr. WELLER. I desire to ask what the probable cost of a contract would be made in conformity with the amendment?

Mr. JOHNSON. If my friend from Mississippi will allow me, I will ask the Senator from California what is the cost of the Shanghai line? What is the cost of the Pacific lines generally? What is the cost of the Atlantic lines? What is the cost of the whole of them? Sir, I venture to say that if you count them up, you will find that it is millions; but here is the Mississippi river in our midst, where a mail has never yet been carried with any kind of regularity or benefit to the community. I see here Senators all over the floor who are interested in this matter; their constituents are all interested in it, and a very large portion of the Union is interested in it. I believe one half of the whole Union is interested, and yet there never has been a systematic or regular line upon all that river, a river which carries the commerce mentioned by my friend from Mississippi. He says it is \$250,000,000 annually. I never before heard it estimated at less than \$300,000,000, and the country is still going on increasing in prosperity and business, yet there is no mail line there. When the demand is constant, when it is

incessant, when the business relations of the country are so direct, so immediate, and so immense, still there is no line there, and there never has been an effort made to get a line. Here are the Senators from Indiana, from Ohio, from Illinois, and from Virginia all interested in it. Distant as Virginia is, she is at one end of the line, and all these States, and all that lie below—the Northwest, the South—all the South except the States on the Atlantic slope—are deeply interested, and yet an adequate effort has never been made to put mail service on that route. It is astonishing to me that this has never been done before.

Mr. CHASE. Will the Senator allow me to say one word? There is already a law upon the statute-book providing for this service. The only reason why it is not executed, is, that the Postmaster General has not yet made the contract which the law requires.

Mr. JOHNSON. My friend from Mississippi [Mr. Brown] has explained the difficulty in regard to that. He has made an investigation of the subject. That law has been standing very long on the statute-book; but it has been inoperative and ineffective. It has stood there as a useless enactment. It has never produced the effect which it was designed to produce. I believe that the amendment which is now before us will be effective, and that it will obtain for all that immense number of people the object desired. If there is any one project in regard to mail facilities which has been brought before this country that ought, from its size, its character and description, to be more absorbing and overpowering than any other, in connection with mail matters, it certainly seems to me it should be this. I can only say that I am confounded and surprised that this thing has never been effected before. I do hope that the effort which my friend from Mississippi makes to have a route established there, and put in operation in spite of all the little difficulties which seem to have surrounded it heretofore, and to have virtually destroyed it during the past two or three years altogether, will succeed. I believe if it is done as he proposes, it will be effective; and I repeat, I am astonished, that some such plan has not been adopted heretofore. Here are the Senators from Ohio, Indiana, and Illinois; from Missouri, Iowa, and Wisconsin; from Arkansas and Louisiana; from Mississippi, Kentucky, and Tennessee; here are those from Virginia and Pennsylvania, all interested in this proposition; and I do hope that they will look at the matter seriously, as it stands; and I cannot but believe that while we are having lines across the Pacific and the Atlantic, our internal communication will be deemed worthy of some consideration, and to have some merit in it. It seems to me to be exceedingly strange that we cannot get any system established, and that we have been utterly unable to do it heretofore.

Mr. WELLER obtained the floor.

Mr. BROWN. Will the Senator allow me to answer his question before he proceeds?

Mr. WELLER. I want to speak of the manner in which that question has been answered. I expect to vote for this amendment; and I did express my surprise that no direct plan had been adopted for the transportation of the mail upon the Ohio and Mississippi rivers. I am a friend, therefore, to the amendment of the Senator from Mississippi. Desiring, however, to know what would be the probable cost for transporting the mail, I asked the Senator, in good faith, to inform me if he had the necessary data in his possession, what would be the probable cost of carrying out this plan? The Senator from Arkansas, to whom I put no interrogatory upon the subject, comes in, and instead of answering the question, proceeds to make a fling at a bill which passed, providing mail facilities from California to Shanghai.

Mr. JOHNSON. The Senator will pardon me for interrupting him. So far from intending it as a fling, I voted, and no man knows it better than the honorable Senator, for that bill. It was not a fling, for I would not make a fling at it.

Mr. WELLER. I know the honorable Senator from Arkansas did that, but he let down upon me to-day when I was making an effort to get a weekly mail for my constituents. He saw proper then to record his vote against me. He thinks he ought to have a daily mail on the Mississippi river for the convenience of his constituents, and I agree that they ought to have it; but when I

ask to get a weekly mail to San Francisco, the Senator thought I was not entitled to it. I shall, however, return good for evil. I intend to vote for the amendment, and if defects exist in the former law, or if there has been a mistake or refusal of the Postmaster General to execute a former law of Congress, I hope the amendment now proposed will be so specific that there will be no evading it. I expect to vote for the amendment; but I cannot answer the Senator's question as to how much was appropriated by the Shanghai and San Francisco bill, which was passed. He ought to know that, as he voted for it, I believe. I do not know how that may be, but my only object in asking the question was to justify the Senate in voting for the amendment, as I intend to vote for it. My desire was to strengthen, not to defeat the amendment.

Mr. CASS. There is something in this I do not understand. Certainly the Postmaster General would not refuse to execute an act of Congress without some reason for it. There must have been some considerations operating upon him to lead him to do that.

Mr. JONES, of Tennessee. I think I can answer the Senator's question. It will be remembered that a few years ago, after a series of years of ineffectual application for mail service on the Mississippi river, the Senate, in spite of the opposition of the then Postmaster General, directed him to make a contract for daily service from Louisville to New Orleans, and from St. Louis to New Orleans, and a tri-weekly service from Nashville to New Orleans. The then Postmaster General, Judge Hall, had been entreated for years to put on that service. For some cause, I know not what, he refused, at all times, to do it. The Senate took the question under consideration, and set aside the judgment of the Postmaster General, and ordered positively and unequivocally that that service should be established. Before the time came for Mr. Hall to make the contract, he was transferred from the Post Office Department to the judiciary, and another gentleman took his place. A short time before he went out of office, he made a contract, under that law, for carrying the mail from St. Louis and Louisville to New Orleans. That contract was made with Glover & Co., of New Orleans. The day arrived when they were to commence their service. A new Postmaster General came in—the present incumbent—and examined the contract, and found in it a provision that the boats carrying the mail should not carry any freight. He issued an order to his agents at Louisville not to deliver the mails to Glover & Co., if there was any freight on board. They went down with the mail, at the appointed time, and found freight upon the boat. They refused to deliver the mail. The contract was suspended. The present Postmaster General suspended it, and has made no other permanent contract, but has made some conditional ones. For instance, he made a contract to carry the mail from Louisville to St. Louis. He made a special contract with a company to carry the mail, and that contract is going on now; but he failed to make a contract for carrying it from the mouth of the Ohio to New Orleans; and the only mail service that we have on the river between the mouth of the Ohio and New Orleans is just such service as the Postmaster General, in his wisdom and beneficence, or in the conceptions of his own right, chooses to make with the transient boats that go along.

The amendment offered by my friend from Mississippi is simply this: The Postmaster General asserts that he cannot make contracts under that law, because they would amount to too large a sum; and, sir, under his constructions of the law, it would be too large a sum, because he would require the boats to carry the mail, without taking a single pound of freight, an absurdity that never could have entered into the mind of any but a man who never saw the Mississippi river. There is the difficulty. He would not permit boats that carried the mail to carry any freight whatever, although they bound themselves under penalties and bonds to deliver the mail according to the contract. He excused himself under that provision, and nullified the contract with Glover & Co. He has refused, up to this time, to make any contract. Under the most urgent entreaties of all the friends of this measure, embracing, I believe, near one half of the States

of the Union, he recently issued another proposal to carry out this law of Congress, passed two years ago. He has had bids received under the proposal; and the difficulty intended to be obviated by the amendment of the Senator from Mississippi is this: He wanted a continuous daily line from St. Louis and Louisville to New Orleans; he cannot get that for a reasonable sum; he has bids for it, but I understand they are so high that he has determined not to execute them. This proposition is to reaffirm and reindorse the law of two years ago, and enable him to let out detached portions of the route. From Memphis to New Orleans the mails can be carried for a small sum, because we have regular packets; but if you require these gentlemen to run packets three times a week to go to St. Louis or Louisville, you involve them in an expenditure of money to which they are wholly incompetent. If the friends of this measure desire to see mail communication on that river, they can only get it by reaffirming the law passed two years ago, and so amending it as to enable the Postmaster General to let it out in detached contracts, instead of letting it out in an aggregate contract from Louisville and St. Louis to New Orleans. That is the effect of the amendment, and I am sure it is just. It involves no expenditure of money which was not authorized by the law which was passed two years ago.

Mr. DODGE, of Iowa, obtained the floor.

Mr. BROWN. I hope the Senator from Iowa will allow me to answer the inquiry of the Senator from California as to the probable cost of the mail facilities provided for by the amendment. I might make an approximation to the cost, yet I might be very wide of the mark; but of this I am perfectly satisfied, that the mail can be carried for a great deal less money under that amendment than under the law as it now stands; and the question is simply between having no mail, as we have none now, and having it under that amendment at less cost than it would be under any other plan.

Mr. DODGE, of Iowa. I wish to move an amendment to the amendment. It is to insert after the word "Cairo" the words "and also from thence to St. Pauls, Minnesota."

Mr. BROWN. I would suggest to my friend that a large portion of that route is already supplied with the mail. It is so below St. Louis. How much above that it is I do not know.

Mr. DODGE, of Iowa. There is no difficulty in regard to that. As I understand the amendment of the Senator, on any portion where there is a mail, that is not to be contracted for or interfered with. There are several gaps, of several hundred miles extent between Cairo and St. Pauls, the capital of Minnesota Territory, for which regular mails are not provided. I am friendly to the amendment of the Senator from Mississippi, and I wish it success. I intend to vote for it; but I desire, when it reaches Cairo, that it shall also extend to St. Pauls.

Mr. JONES, of Tennessee. I would suggest to the Senator from Iowa that his amendment would be better if he would say from St. Louis to St. Pauls, because there is already a daily line from Cairo to St. Louis. I suggest to my friend that if he will change his amendment in that way, I will go for it. There is a daily line now from Cairo to St. Louis. I should have no objection to making provision by his amendment from St. Louis to St. Pauls.

Mr. DODGE, of Iowa. Then I will say from St. Louis. But, I understand, from the phraseology of the amendment of the Senator from Mississippi, that the Postmaster General will not be bound to relet any portion of the route on which there is a mail.

Mr. BROWN. Certainly not.

Mr. DODGE, of Iowa. It is therefore proper that I should move to insert this amendment now. From Galena to St. Pauls there will be no more service, but there is a gap from St. Louis to Galena, Illinois, for which I wish to provide; and we can do so by saying from Cairo to St. Pauls, Minnesota.

Mr. BROWN. I have no objection to it.

Mr. DODGE, of Iowa. I supposed that the Senator would not have objection to it, or I should not have offered it. I would withdraw it if I thought he was opposed to it. I shall vote for his amendment.

Mr. ATCHISON. I have my doubts about

the amendment of the Senator from Mississippi, and also the amendment of the Senator from Iowa. I am willing to furnish mail facilities, both by land and water, wherever they are necessary; but it strikes me that, for one third of the year, at least during the winter, it would be found impossible for boats to run up the Mississippi river. Then, sir, how will they receive their mails up to St. Paul?

Mr. BROWN. How have they had them before?

Mr. ATCHISON. They have had them by boats; and they have had them by railroads, and by stages, when the water is low. Now, sir, I am for taking what is right, and I am for taking nothing more than is reasonable; because, if we ask for what is preposterous, we are apt to lose what is reasonable. Therefore, I shall vote against the amendment proposed by the Senator from Mississippi.

Mr. BROWN. The Senator says that there are certain seasons in the year at which boats cannot run on the river. Then he expresses some doubt about the propriety of my amendment. I believe that is not covered by the objection. If there is a daily mail from Cairo to St. Louis, I apprehend, whenever you run a boat there, you can run one from Cairo to New Orleans. Let me say, in this connection, that unless this mail is established, the rest of the offices on the river Mississippi will have no mail facilities at all; for I have more than once undertaken to explain here, but Senators will not listen, or will not understand, that the whole of the lower Mississippi, except at important points, is inaccessible from the interior, and especially during high water. The high lands along back of the river, as the Senator knows very well, are cut off from a communication except by boats; therefore, they do not undertake to get the mails from the banks of the Mississippi, through the swamps, to the interior. It has never been attempted, or whenever it has, it has been simply ridiculous.

You must give these mails by the river, or not give them at all. There are, in my own State, certainly not less than twenty-five post offices, supplied entirely and wholly by the river, and they cannot be supplied in any other way. We have a mail line there, but nothing but a line. What we want is service on it, as the Senator from Tennessee has said; and I repeat it. The only mail sent on the river is just such as was contracted for in New Orleans by some transit boats going up the river. If they do not happen to find any, the mail is not sent; and if it is sent, it is only landed at such points as the boat thinks proper to stop at, and it never thinks proper to stop at landings, unless it happens to have freight or passengers for them. That is all wrong. I trust the amendment will be adopted. I know it is absolutely necessary. I want to talk no more about it.

Mr. BELL. I desire to know if I understand this amendment properly. I should like to hear some gentleman give an explanation of its operation. We have now a law authorizing the Postmaster General to give us a daily mail on the Mississippi from New Orleans to Louisville, and from New Orleans to St. Louis, in distinct lines. We appropriate to carry the mail from St. Louis to New Orleans daily. Under the authority given, the Postmaster General advertises for proposals, and requires the same line to carry the mail daily from Louisville to New Orleans, and not only from Cairo, but from Louisville, at great cost. At some seasons of the year it is impracticable to carry a daily mail to all the points on the route, on account of the ice and other obstructions. What I fear now is, that this proposition will nullify that law altogether, and that we shall have no prospect of continuing the daily line hereafter between these points and New Orleans. I want my friend to consider that point. We have, as has been stated already, a daily line from Louisville to Cairo, and a daily mail from Cairo to St. Louis, except when the ice obstructs the upper Mississippi. They have the enjoyment of that daily mail now.

Mr. DODGE, of Iowa. If the Senator from Tennessee will allow me to interrupt him, I will withdraw my amendment to the amendment.

Mr. BELL. That amendment is withdrawn. Now, what is the objection to having a daily line from Cairo to New Orleans? If any amendment ought to be adopted, it ought to be to supply that

defect in the former law, and not require the Postmaster General to contract with the same company to carry to St. Louis and Louisville. My idea is, that there is a daily mail between these points already, except under the accidental obstructions of the ice, for example, in the upper Mississippi, and sometimes in the Ohio river. We have these daily lines.

Mr. BROWN. If the Senator from Tennessee will allow me, this amendment says nothing about a mail from Louisville or St. Louis to Cairo, because there is already service there. It authorizes and requires the Postmaster General to put service on the balance of the river in one continuous line through, or with sections leaving out the continuous line. Then it authorizes him to make contracts for daily service, or for tri-weekly service, taking a part of it daily and a part of it tri-weekly. I will tell you why I did that. Take the section from Memphis, for instance, to Vicksburg; the service three times a week would absolutely be an embarrassment. You could not get the postmasters to open the mails. That is the only obstacle. They are very important offices to the persons who live there, but they do not want a daily mail, especially a daily mail up and down. The Postmaster General can under this, and, if he does his duty, he will put a daily service upon the whole line. This will not interfere with the old law between Cairo and New Orleans. It does not require the line to be daily to all the intermediate points on the river, but gives them as much as they want, and gives the larger points a daily mail.

Mr. BELL. The result of the adoption of this proposition will be that Louisville, Cincinnati, Pittsburg, and St. Louis will all be cut off, and will have no prospect of a daily communication with New Orleans. They have it now, clearly; but then this proposition does not require the establishment of a daily line between New Orleans and Cairo. Now, everybody knows that the daily communication between the whole southwestern country is to be supplied from Cairo to New Orleans. Is there any impediment in the establishment of such a line as this? We do not want the mails delivered at all these post offices, and it is not required; it cannot be done. What is the impediment? I want the Senate to consider, I want the honorable Senator from Missouri to consider, I want the honorable Senators from Ohio, Indiana, and Illinois, and the whole of the northwestern and northern States to consider what the real impediment is to having a daily communication between Cairo and New Orleans. When you get it established to Cairo, you will have it to the whole of the country northwest. The impediment is that it costs a little more than the Postmaster General thinks he can afford. He thinks that the revenue derived from the postal service for carrying the mails west does not supply a sufficient proportion to justify the expense that would be necessary. Now, sir, if the proposition of my friend from Mississippi succeeds, you nullify the act which we already have for our benefit. If the Postmaster General takes any exception to the former law, the proper way would be to modify it, to require him to advertise for contracts for the daily mail between New Orleans and Cairo, and then with the principal cities on the river, and you will have the benefit of the daily mail.

As to the extent for which this should be provided, the inconveniences under which the very small post offices on the line of the Mississippi labor, are not such as to require them to have a daily mail, instead of a tri-weekly one. These inconveniences ought not to counterbalance the benefits derived by the northern States and the eastern States, by the daily mail between New Orleans and all the remaining portion of the western country. Now, sir, Louisville has a deep interest—I say nothing of Nashville; nothing of Memphis—in having a daily communication with the southern commercial depot—New Orleans. If the amendment be adopted, it will nullify the existing law requiring the Postmaster General to establish a daily mail between Cairo and New Orleans. My friend will not say that that is an impracticable project. There is no difficulty in having a daily line. They can run experimental trips to Louisville in five days, and they can go to Cairo in about four days; and under a contract made to secure a daily mail to Cairo, unless some difficulty intervenes, such a provision should be made. If the effect of this is

to discharge the Post Office Department of its obligation to supply a daily mail to the whole West, particularly the southern commercial metropolis, New Orleans, and the Northwest, we ought to consider very seriously whether the difference between what the Postmaster thinks he ought to give, and what he is compelled to give, should lead us thus to act?

Mr. HUNTER. The Senator from Tennessee will allow me to make a suggestion? I do not deny the rights of the people of the States on the Mississippi to have these mail facilities; but I only wish to suggest whether we had not better take time, in order to digest a plan to secure the object.

Mr. BELL. We have a law now.

Mr. HUNTER. Then why offer this amendment?

Mr. BELL. I do not press it.

Mr. BROWN. Because the Postmaster General will not execute that law. He has not done it for two years.

Mr. BRIGHT. I am quite sure that if the honorable Senator from Mississippi [Mr. Brown] had been thoroughly acquainted with the law and all the facts connected with the proposition which he has introduced, he would not have presented it. There is no necessity for legislation, in order to secure the mail service asked for by his amendment. There is now a law, full and ample, and it is not the fault of any Senator or member of the House that it has not been executed. It is the fault of the Postmaster General. There is a contract existing at this time, made in April or May, 1853, whereby all the mail service intended to be provided by the honorable Senator's amendment, was to have been commenced in December last. The parties who made it were ready, willing, and offered to execute it; but the Postmaster General gave such a construction to some of its provisions as to prevent any attempt at its performance, and thus defeated the object of the law. If this question is to be argued at length, I shall ask the Secretary of the Senate to read a report which was communicated to the Senate on the 9th of February last, in answer to a resolution offered, I believe, by the Senator from Kentucky, [Mr. Thompson.] This "report is in answer to a resolution of the Senate respecting the measures taken to establish a daily mail between certain places on the Ohio and Mississippi, as required by the eleventh section of the 'act to establish certain post roads and for other purposes,' approved August 31, 1852." I shall ask the Secretary to read so much of that report as may be necessary to explain the matter; but before he does that, I wish to read the law now in force on this subject. I think I can satisfy the honorable Senator that legislation is not necessary in this case. The eleventh section of the act of August 31, 1852, reads as follows:

"Sec. 11. And be it further enacted, That it shall be the duty of the Postmaster General to issue proposals and contract for the transportation of a daily mail between Louisville and Cairo, St. Louis and Cairo, Cairo and Memphis, and Memphis and New Orleans, and to supply such intermediate points as he may order, from time to time, on suitable and safe steamboats."

Now, I will ask the Secretary to read the first two pages of the report of the Postmaster General: The Secretary read them, as follows:

POST OFFICE DEPARTMENT, February 9, 1854.
SIR: In obedience to the resolution of the Senate of the 24th January, 1854, I have the honor to submit the following report:

The eleventh section of the act of Congress, approved August 31, 1852, made it "the duty of the Postmaster General to issue proposals, and contract for the transportation of a daily mail between Louisville and Cairo, St. Louis and Cairo, Cairo and Memphis, and Memphis and New Orleans, and to supply such intermediate points as he may order from time to time, on suitable and safe steamboats."

Under this act of Congress my predecessor advertised on the 31st December, 1852, that proposals would be received until three, p. m., of 10th February, 1853, (to be decided on or before the 1st March following,) for conveying the mails for four years from 1st July, 1853, by an express line, stopping at the principal offices only between Louisville and New Orleans, and way lines connecting such principal offices and supplying all intermediate offices, and also by a connecting line from St. Louis and Cairo.

A copy of the advertisement is herewith transmitted, marked A. It was published in the National Intelligencer, Republic, and Union, of Washington city; Express, New York; Gazette, Pittsburg, Pennsylvania; Gazette, Cincinnati; Ohio; Journal, Louisville, Kentucky; Intelligencer, St. Louis, Missouri; Eagle and Enquirer, Memphis, Tennessee; Gazette and Democrat, Little Rock, Arkansas; and Commercial Bulletin, New Orleans.

The abstract, marked B, shows the several bids that were received under said advertisements.

On the 1st March, 1853, the Postmaster General accepted

the bid of Messrs. Glover & Mather, which is in the following words, viz:

"We, William R. Glover, of Louisville, Kentucky, and Thomas W. Mather, of the city of New York, propose to carry the mails on routes No. 5,102 *express*, and way lines from Louisville, Kentucky, to New Orleans, Louisiana, agreeably to the advertisement of the Postmaster General, dated the 31st day of December, 1852, and by the following mode of conveyance, viz: in steamboats, as required by the advertisement, for the annual sum of \$450,000.

"WILLIAM R. GLOVER,
"THOMAS W. MATHER."

"WASHINGTON CITY, January 21, 1853."

On the 2d March, 1853, the following letter was addressed to those bidders, viz:

"GENTLEMEN: The Postmaster General has accepted your proposal for carrying the mail on routes No. 5,102, Louisville to New Orleans, express line.

5,102a, Louisville to Evansville, way line.

5,102b, Evansville to Cairo, do.

5,102c, Cairo to Memphis, do.

5,102d, Memphis to Napoleon, do.

5,102e, Napoleon to Vicksburg, do.

5,102f, Vicksburg to St. Francisville, do.

5,102g, St. Francisville to New Orleans, do.,

agreeably to the advertisement of the Postmaster General, dated December 31, 1852; service to be daily in new low, pressure steamboats, and to commence on or before the 1st day of October next, all for the compensation of \$450,000 a year.

WILLIAM H. DUNDAS,

"Second Assistant Postmaster General."

Immediately after taking charge of the Department, representations were made to me that the public service did not require two lines between Louisville and New Orleans, and the following letter was received, which was, of course, entitled to great consideration:

WASHINGTON, D. C., March 11, 1853.

The undersigned respectfully recommend that no contract be entered into with the accepted bidders on the routes between Louisville, Cairo, St. Louis, and New Orleans. They are satisfied that one daily mail over these routes will be as much as the wants or wishes of the public will require; and that the expenditure of so large an amount as is requisite for two daily mails is unnecessary.

They would respectfully suggest that the accepted bidders be notified of the fact that the Department has suspended the acceptance until the matter can be investigated by yourself. Very respectfully,

J. D. BRIGHT,
S. P. CHASE,
D. R. ATCHISON,
S. ADAMS,
THOMAS J. RUSK,
JOHN PETTIT,
GEORGE W. JONES.

HON. JAMES CAMPBELL, Postmaster General.

On receiving this communication I suspended the acceptance of the bid for such service, until I could make full inquiry on the subject.

On the 12th March, 1853, I caused Messrs. Glover & Mather to be addressed as follows:

POST OFFICE DEPARTMENT, }
CONTRACT OFFICE, March 12, 1853. }

I am instructed by the Postmaster General to say, that he has not had time, since he came into the Department, to examine the matter of the acceptance of the proposal of yourself and T. W. Mather for conveying the mails on the Ohio and Mississippi rivers, between Louisville and New Orleans, but that it is his intention to reconsider the acceptance as soon as he can find time to give it his attention.

WILLIAM H. DUNDAS,

"Second Assistant Postmaster General."

WILLIAM R. GLOVER, Louisville, Kentucky.

Mr. BRIGHT. The late Postmaster General, Mr. Hubbard, had accepted proposals for carrying the mails in a double line of steamers, from Louisville to New Orleans. That is, there was to be an express line starting daily from Louisville, and running through without delivering mails except at the principal points, and another line was to start from the same place, and stop at all the intermediate points. The accepted bidders for this double service agreed to perform it for \$450,000.

The object of the letter just read was to postpone definite action until the present Postmaster General could satisfy himself that the amount of service proposed to be performed, and the mode of performing it, was not adapted to the interests and wants of the public. The gentlemen who joined in that letter had all taken an active part in passing the law that I have just read. They felt then very much as the Senators from Arkansas and Mississippi seem to feel now; and hence their anxiety to see the work entered upon under such auspices as would insure its continuance. They believed an attempt to establish a double line, or, as it was called, an "express" and a "way line," would defeat both; that one line would accommodate the entire community, and that only one line could be sustained. They further believed that the introduction of low pressure boats, on the plan proposed by the late Postmaster General, would prove a failure, as it had on our western rivers.

It appears that the present Postmaster General,

after examining the whole subject, decided, as he had a right to do under the enlarged discretionary powers given him by law, to annul the contract, which he did, and made an entire new contract, which is now in force, cutting off one of the lines altogether, and a large portion of the way-service called for in the printed proposals, reducing the amount to be paid from \$450,000 down to about \$300,000. This service, I understand, was to have been commenced by the contractors, Glover & Mather, some time last winter; and, if my information is correct, (and I have no reason to doubt it,) these contractors were ready, willing, and fully prepared, on the day named in their contract, to perform it; but on calling for the mail at the post office both in Louisville and New Orleans, they were told they could not have it, because the boats on which they intended carrying it had taken freight on board. The effect of this unjust, illegal, and arbitrary order has been to bring about the very state of things of which the honorable Senators from Mississippi and Arkansas complain. It has left the people of the great valley of the Mississippi, from the falls of the Ohio to New Orleans, without any regular mail facilities, and forced them to fall back upon the old plan of hiring such transient boats from day to day, or from week to week, as would undertake the service, which, in reality, is little better than no service at all; for I am informed that, under this system of shipping the United States mail, it is not uncommon for a boat starting from New Orleans to Louisville three, four, five, and sometimes six days behind another having the mail on board, for the boat last starting to deliver her mails in advance of the other. All experience proves that we cannot rely upon this transient service for anything like system or regularity in our mail communication upon western waters. We must have a regular line, and this the public are now entitled to, under the existing laws; and, as I said before, it is no fault of Congress that this service is not now performed. It is the fault of those having charge of your postal arrangements. It is they who have broken down the contract regularly made, for a cause that is nothing more than a mere pretext, and so regarded by every man who knows anything about the expense of navigating western waters by steam. Why, sir, the idea of a steamboat running in any trade on the Ohio or Mississippi river, and paying even her expenses, without carrying freight, is preposterous; and any man at all conversant with the facts involved in such a proposition, and would deny it, is either insincere or demented. Freight is the important item in the business of all western steamboats, I care not in what trade they may be engaged; and deny to any line of boats this privilege, and they would not pay their daily running expenses, after adding on and paying them the highest rate of compensation for mail service ever paid on the Ohio or Mississippi rivers; and, sir, in this position I will be sustained—fully sustained—by every man who knows anything about the subject of which I speak. The Senator from Ohio knows what I say is true, (the Senator from Ohio nods assent;) so do the Senators from Tennessee, and doubtless others; but I have no wish to prolong this debate now. We have not time. All these facts will doubtless be before us in another form. I shall content myself at present with repeating, that I do not think the amendment at all necessary; the law now in force is full, ample; and it is only a willful disregard of that law by those whose duty it is to see it executed, that deprives the public of the mails they so much need.

Mr. WALKER. Mr. President, I cannot very well appreciate the censure which seems to be attempted to be cast upon the Postmaster General in this case. It appears that his predecessor advertised for service on this route. There were bidders for the service. A bid was accepted, and a contract entered into for \$450,000. After this contract was entered into, it was discovered by certain gentlemen now in the Senate, that the extent of the service was greater than they deemed necessary. They therefore addressed the Postmaster General a letter on the subject, representing to him that the service provided for by that contract was greater than was necessary, and would cost more than it was proper to allow. They desired him to take the matter into consideration, as he Senator from Indiana says, because he and others who signed the letter thought the character

of the contract was such, and the amount to be paid was so great, that the whole scheme would be broken down. The Postmaster General took their letter into consideration; he received their suggestions; he perceived their propriety, and he acted in accordance with them, and disbanded the contract. In reviewing the subject, he deemed a modification of the contract to be necessary. He altered the proposals. The persons who were the first contractors came forward, accepted the modified proposals, and entered into a contract for one daily line at \$297,000 a year. It seems that they were ready to perform that service at the specified time; but as there was, in the original proposals, a provision that the boats to carry the mails should not be freight boats, when they applied for the mail, having nothing but freight boats, the mail was refused them. Now, Mr. President, I have traveled somewhat upon the Mississippi and Ohio rivers, and I do say unqualifiedly that the general class of freight boats there are not proper for carrying the mails. Who that has been at Louisville, or Cincinnati, or St. Louis, or Memphis, and other points, has not seen the annoyances to which persons are put? A man sees the shingle of one of these boats up to leave at a certain hour in the day. After seeing this, he will go on board, pay his passage, take his baggage, and yet he may not get off for three or four days; and when he does get off, how is he treated? Why, they start down the river, and the first point they come to the boat stops to take on board twenty, or thirty, or forty hogsheads of tobacco, and so it goes on.

Mr. BRIGHT. I do not wish gentlemen to argue on a supposed state of facts. The Senator is entirely mistaken. The mail boats start from Louisville at a certain hour. They are bound to do it; and unless they do, they are finable under the law.

Mr. WALKER. I know what the law requires, and I know they advertise to start at a certain time, but I have been stating the case as it actually exists. Every one who has traveled on these mail boats knows that he is detained at every one of the stopping points until the boat makes up a cargo. We have had some example of mail-boats on the Ohio river, and I say that those packets formerly used, when I was in the habit of traveling on them, the old White, the Ben Franklin, number 1, 2, 3, and I believe they went up to 10, did not do a freight business.

Mr. BRIGHT. They always did.

Mr. WALKER. They did an express business, but they did not do a freight business, such as was contemplated to be excluded under this contract. I do not deem it proper that the Postmaster General should be censured in this manner without his views upon it being heard. For my part, so far as I have witnessed his action, I believe he would not violate an act of Congress; I believe he would not run counter to Congress, and would not set himself up in opposition to the legislative department of the Government. I do not think he has done so, and I venture to say when his explanation is heard on the subject, he will give good and sound reasons for the course he has pursued.

Mr. JONES, of Tennessee. My friend from Wisconsin may have traveled on the Mississippi, but I do not think he knows much about it; and his traveling there must have been in olden times. Now, sir, the only difficulty in the way is the one suggested by the Senator from Indiana, [Mr. BRIGHT.] The Postmaster General, under the law passed by Congress, issued proposals for carrying an express mail and a way mail on this route. Certain Senators, believing that to be impracticable, addressed him a letter, and asked him to change it. Glover & Co. were the contractors under the first proposition. In obedience to the suggestions of those Senators, and yielding to their experience as to that river—for all of them either lived there, or had traveled much upon it—the Postmaster General changed the order, and the same company—Glover & Co.—took the contract for carrying one daily mail on this line.

The Senator from Wisconsin says that after this contract was made, the Postmaster General did right in excluding them from carrying the mails, because they carried freights. Now, let me tell that Senator, that there never was a mail carried on the Mississippi, or on any of its tributaries, in any other character or class of boats. The very line to which the Senator alluded, from

Cincinnati to Louisville, carries freight with every mail, and makes money enough from the freight to defray expenses. I know it; because I have traveled on that line time after time. A mere freight boat, with reference to time and speed, is one thing, and the carrying of way freight is a different thing. But to what does all that amount to, and what right had the Postmaster General to consider it? It was not in his contract. There was his written and signed contract with Glover & Co. They gave abundant security, according to his own requirements, to carry the mail in accordance with the contract, and his remedy was under the contract. For him to set aside his own contract, or rather a change of contract made in obedience to the suggestion of Senators interested in the matter, when there was no provision in that contract excluding the carrying of freights, was a usurpation of power which ought not to be tolerated by the Senate.

Mr. PRATT. Will my friend allow me to ask him one question, for I wish to understand this matter before I vote.

Mr. JONES, of Tennessee. Certainly.

Mr. PRATT. I understand that the Postmaster General issued an advertisement, by which he asked for proposals to carry the mail in boats which were not to carry freight. Then a contract was entered into which was silent in reference to that point. Now, I ask my friend as a lawyer, or I will ask any lawyer on this floor, whether, when the contract was entered into under an advertisement which required that the party contracting should not carry freight, the advertisement would not be considered as part of the contract, although the contract itself might be silent on the subject?

Mr. BRIGHT. The honorable Senator is mistaken as to the fact.

Mr. PRATT. I ask for information.

Mr. JONES, of Tennessee. In the first place, the facts are not as the Senator from Maryland supposes; and, in the next place, I should differ from my friend on the question of law, though doubtless he is a better lawyer than I am. I do not choose, however, to mix this question with technicalities. I want the people of the valley of the Mississippi to know how it is, and why it is, that they have been denied the enjoyment of advantages and benefits which have been secured to all other portions of the country. Besides, the law guarantees them this mail service. A proposition was made to carry the mail daily under the law. That proposition was accepted by a responsible company, under bonds, guarantees, and security. The contract was set aside by the Postmaster General succeeding the one who made the contract, under the advisement of Senators here, and a new contract was made. The parties went forward and consummated that contract, and prepared their boats to carry it out. A boat at the proper time was at the wharf at Louisville, with steam up; but when the agent applied for the mails, the postmaster refused to give them. Why? Because he said they were required to be carried upon vessels which had no freight. No such provision was in the contract, and it cannot be shown in the contract. It never was there, and it could not have been there, because no sensible man who ever traveled on that river could believe, for a single moment, that men would agree to carry a daily mail from Louisville to New Orleans for \$290,000 a year, and exclude everything else but the mail. They were bound to carry it according to time. They stipulated for time. They gave bonds and security to carry it within that time. And the Postmaster General refused to deliver them the mail to carry. That, however, is not exactly the point which I wish to get at.

Mr. HUNTER. I know my friend will pardon me for interrupting him; but I wish to suggest to him that we have but little time left. We ought to be disposing of this bill. I wish to make that suggestion.

Mr. JONES, of Tennessee. I am as sensitive, I hope, as any one here in regard to the rights and interests of this Government, and I would defer to the Senator from Virginia as soon as any Senator on this floor, but I have been told the same thing over and over again since I have been here. All this important business is reserved to the close of the session, and when untold millions of dollars, and the rights and interests of my constituents are at stake, I am told that the time is

too short. If the time is too short, let gentlemen offer a resolution to extend the time, and I will vote for it; but sooner than see the rights of my constituents disregarded, I would speak away the last hour of the session, and feel that I had violated no right of the constituents of the Senator from Virginia, or of the country. We have been postponed from year to year, and other measures have been carried forward; and now we are told that because the time is short, justice cannot be done to nearly one half the States of this Union.

But, sir, let me come to the point at which I wish to arrive. I will ask the honorable Senator from Indiana if, after the Postmaster General refused to give the mails to Glover & Co. because they carried freight on their boats, he did not give part of that same contract to another company who did carry freight on their boats from Louisville to St. Louis? And did he not give them \$70,000 a year, without any warrant of law, upon a special and private contract, and allow them to carry freight on their boats? I ask the honorable Senator if he knows anything of that?

Mr. BRIGHT. I will say, in reply, that I understand the company carrying the mail from Louisville to St. Louis, before this contract was entered into, received about \$70,000 per annum for that service, and always carried both freight and passengers, as every boat does on our western rivers. I never heard of an instance where a boat's business was confined exclusively to passengers. After the mail was refused to Glover & Mather, on the St. Louis branch of the line, the old contractors, Rodgers, Shirlock & Co., were permitted to go on and perform the same service at the old rates, receiving the same compensation as before; carrying freights, of course! for no boat in that, or any other trade in the West, could pay expenses and be debarred this privilege.

Mr. JONES, of Tennessee. That is just what I supposed. Then here is your Postmaster General, so fastidious about his advertisements for carrying the mail, that, though he leaves it out of his contract, he refuses to allow the mail to be carried under a contract, on the ground that the boats carry freight. Afterwards he turns round and gives the best part of that contract to another contractor, whose boats are carrying freight every day, and that contractor is in this city to-day drawing his money for that identical part of the contract—\$70,000 for carrying the mail from Louisville to St. Louis. And yet, from the mouth of the Ohio to New Orleans, we are to have no mail service, not even twice a week, or tri-weekly, much less daily, because the Postmaster General says his proposition was that no freight should be carried upon the boats. If you can carry freight on the mail boats from Louisville to St. Louis, why not to Memphis, to Vicksburg, to Natchez, to Napoleon, to New Orleans, and all along the river? There is something wrong about this matter, and I think it is time to get at it. Congress has accorded this service to us; and if your executive officers choose to set aside and treat your edicts with contempt, it is time, I think, that the Senate should stand up for its own dignity, and read a lecture to such gentlemen as choose to set aside the laws passed by the Congress of the United States. This officer has violated the law for two years; he now refuses to comply with it; and this amendment is intended to obviate such difficulties as he suggests, and to enable him to carry it out. In my opinion, he will not do it after you pass this.

Mr. BROWN. I am exceedingly anxious to get a vote, quite as much so as my friend from Virginia, and therefore I do not intend to make a speech; but I have a few words to say in explanation. The law which my friend from Indiana has read has been on the statute-book for two years. It has not been executed. If it stands there two years longer it will not be executed. I will not take time to explain why it will not be. But here is an amendment which expresses the sense of Congress in such explicit terms that the Postmaster General cannot misunderstand it. More than that, it not only authorizes him to do this thing, but requires him in so many words to do it. There is another law behind which I know the failure to execute this statute is sheltered, and that is a provision in the General Post Office law, which allows the Postmaster General to reject bids for excess. He has two or three times advertised

under the law of the last Congress, and made no contract. This amendment authorizes him to advertise; and if he does not get bids which he can accept, it requires him to make private contracts to carry the mails at all events. What we want is the service. I would rather have it by advertisement; but if that fails time after time, and he cannot by advertisement get such bids as he can accept, then let him make private contracts; but do not let us stand here to all eternity on mere technicalities.

I think, with my friend from Indiana, that the Postmaster General has not discharged his duty under this law. I believe he has rejected as excessive bids which were not so, and bids which he ought to have accepted. Still he shelters himself behind the law. I want to take away that shelter, and put him in a position where he must make a contract, and must have a mail carried. He can make contracts under this provision; if it passes, he will be compelled to do it, and he can make them cheap. Without another word, I hope the vote will be taken.

Mr. JONES, of Iowa. I desire to ask the Senator from Mississippi to allow me to renew, in part, the amendment which my colleague offered. Its object is to fill up the gap between Keokuk, in the State of Iowa, and Galena, in the State of Illinois. That is the only part of the Mississippi river upon which the mail is not now carried by steamboats. It is not carried, I believe, for the reason that the Postmaster General does not believe he has authority to do it. The mail is carried by steamboats from St. Louis to Keokuk daily, and it is carried from Galena to St. Pauls daily. There is a gap of about two hundred and fifty or three hundred miles which I desire to see supplied; and I hope, therefore, the Senator will agree to amend his amendment by inserting after "New Orleans" the words "and from Keokuk, Iowa, to Galena, Illinois."

Mr. BROWN. That would not connect the lines together. My amendment is for one continuous line from Cairo to New Orleans. Now, my friend proposes to commence above St. Louis, and go from Keokuk to Galena, which would make altogether a separate line. It ought to be offered as a separate amendment, and in that form I will vote for it.

Mr. JONES, of Iowa. Suppose it be added as a proviso to the Senator's amendment, in these words:

Provided, That the Postmaster General be also authorized to contract for carrying a daily mail from Keokuk to Galena.

Mr. BROWN. The Senator can offer that as a separate amendment.

Mr. JONES, of Iowa. If the Senator will not accept it, I will not offer it now, because I do not wish to embarrass the amendment of the Senator from Mississippi.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Mississippi.

Mr. PRATT called for the yeas and nays; and they were ordered.

Mr. BRIGHT. I will only repeat that I am unwilling to give the Postmaster General any such power as is contemplated by this amendment, for the reason that he now has, under the general law, authority to employ temporary service at any time; and prior to and since the execution of the contract in this case has, as I am informed, done it.

Mr. BELL. I think I cannot vote for this amendment, because I understand that it is an abandonment of the claim of the West to have a daily mail between Cairo and New Orleans.

Mr. JOHNSON. I do not regard it as an abandonment, and therefore I shall vote for it.

Mr. BENJAMIN. I think the Senator from Mississippi made an explanation, which, if it had been listened to by the Senate, would have been entirely satisfactory, and would have shown gentlemen the necessity, the absolute necessity, of the section which he has proposed to add to the bill. The section of law, which was read by the Senator from Indiana, provides, as follows:

"That it shall be the duty of the Postmaster General to issue proposals and contract for the transportation of a daily mail between Louisville and Cairo, St. Louis and Cairo,"

Now we come to the part between Cairo and New Orleans:

"Cairo and Memphis, and Memphis and New Orleans."

The law therefore restricts the Postmaster General distinctly in the service between Cairo and New Orleans to two routes, one from Cairo to Memphis, and the other from Memphis to New Orleans; and it does not authorize him to subdivide those contracts. It does not authorize him to make any other contract than these. It gives him no discretion. It requires a daily mail between "Cairo and Memphis, and Memphis and New Orleans." Now, as has been perfectly well explained by the Senator from Mississippi, you cannot contract for any reasonable sum for a daily mail between Memphis and New Orleans, or between Memphis and Cairo; but if you will allow the Postmaster General to contract for a daily mail between New Orleans and Natchez or Vicksburg, and then allow him to make another contract for the conveyance of the mail between Natchez or Vicksburg and Memphis, and thus subdivide this contract, so as to take advantage of the daily packets between the intermediate points on the river, you can get your mail carried daily. The object, then, of the Senator from Mississippi, is to enlarge the power granted to the Postmaster General by this section of law, so as to enable him to take advantage of the local means of conveyance, and thereby attain the object that all have so much at heart.

Mr. BELL. But does not the amendment also provide that, if he thinks proper, he shall not contract for a mail more than three times a week?

Mr. BENJAMIN. The gentleman does not understand the section, I am satisfied. I do not so read it.

Mr. BRIGHT. I so understand it.

Mr. BELL. And I.

Mr. BENJAMIN. If the gentlemen will allow me to say a few words more, I shall abandon the floor to them. The next point provided for by the Senator from Mississippi is this: It is true the general law provides that the Postmaster General shall have permission to reject bids when he advertises for proposals, provided they are in excess of what he deems to be fair compensation for the service rendered; and it is also true, as suggested by the Senator from Indiana, that the Postmaster General has power, under the general law, to provide for temporary service; but the section presented by the Senator from Mississippi is not intended for one case or the other. The section presented by the Senator from Mississippi provides that, if the Postmaster General, after advertising, shall find that the cost of carrying the mail is greater than the exigencies of the service justify, he shall be at liberty to reject the bids, and then make private contracts without advertising for the whole term for which he has advertised—not a mere temporary contract to supply the deficiency for a moment, but a permanent contract, if he can do it on private terms, for less than the bids which are offered in response to his advertisement.

Now, in relation to the tri-weekly mail of which the Senator from Tennessee speaks. The provision of the Senator from Mississippi is simply that, as between Memphis and Cairo, the Postmaster General shall be authorized to make the mail a tri-weekly one, if he cannot succeed in getting it carried daily on terms to suit him; but between Memphis and New Orleans it is to be a daily mail.

Mr. BELL. I think the honorable Senator is entirely mistaken. Let the amendment be read.

Mr. BENJAMIN. I understand it to be as I have stated.

Mr. BROWN. The provision is, "shall not be carried more than seven, nor less than three times a week each way."

Mr. BELL. Certainly. If he finds that a daily mail will cost more than he thinks ought to be expended, he is authorized to establish a tri-weekly mail, and no more. That is the ground on which I said it was a repeal of the former law.

Mr. BENJAMIN. I do not so understand the amendment; but if that be the meaning of it, it can be easily altered so as to effect the object which I know the Senator from Mississippi has in view.

Mr. BRIGHT. The Senator from Louisiana [Mr. BENJAMIN] and myself do not disagree as to the enlarged discretionary powers which the Postmaster General possesses under the general law regulating his duties; and I will demonstrate that he has exercised them to their fullest extent in this case. In the first place, the proposals pro-

vided, as I said when I was first up, that the service should be double, and upon low pressure boats; and the bid was accepted at \$450,000; but upon the representation of those Senators whose names I read a few moments since, that such service was not adapted to the western waters, that there was too much of it, that the public would be satisfied with less, the Postmaster General at one stroke of his pen swept all out, annulled the contract, and directed his assistant to make a written proposition to the present contractors, saying we will pay you, not \$450,000, as has been agreed upon by the original proposals, but \$297,000, reducing the service, lengthening the time, altering the character of the boats to perform the service, and changing it generally.

This the Postmaster General had a perfect right to do; but had he a right to make a contract, involving the great responsibilities as this contract did, silent as to the privilege and right of the contractors to carry freight, and after the time arrived for the commencement of its performance, to set up the absurd nonsensical objection that the boats provided to carry the mail had freight on board, and therefore the mail could not be delivered.

Mr. BENJAMIN. The Senator will permit me to say that I do not at all pretend to defend the past action of the Postmaster General, but I wish to place it beyond his power to deprive us hereafter of this mail.

Mr. BRIGHT. I was about further to remark, that if a proposition inhibiting these contractors from carrying freight had been proposed, I am instructed by them to say that they would have said at once, it is impossible to perform it on such terms. I am informed, and believe, that the actual running expenses of vessels from Louisville to New Orleans and back, such as these contractors had provided for carrying this mail, are from \$5,000 to \$6,000 per trip. Now, what is the rate of compensation which they were to receive per trip for carrying this mail? A friend has just handed me a statement which shows that from Louisville to New Orleans and back, the round trip, as it is called, the pay would be less than \$500, being less than one tenth of the amount required to pay the actual running expenses of the vessel performing it.

All the facts connected with this matter go to prove that the Postmaster General knows little or nothing about the wants of our western constituencies, and still less about our commerce and postal arrangements. For one, I do not believe the amendment pending, if adopted, will enlighten him in the least, and lest it might, per possibility, be construed into an approval of his course, I shall vote against it.

Mr. JONES, of Tennessee. To obviate the difficulty suggested by the Senator from Indiana, I propose to amend the amendment of my friend from Mississippi by adding these words:

Provided, That nothing herein contained shall be so construed as to justify the Postmaster General in failing or refusing to execute the law passed at the last Congress providing for a mail service on the Mississippi river, or in any wise to impair the rights of parties heretofore contracting for this service.

I hope my friend from Mississippi will accept this proposition.

Mr. BROWN. I have modified my amendment so as to meet the views of the Senator from Tennessee, [Mr. BELL,] and I trust also my friend from Indiana, by adding:

And said mail shall be carried daily from Cairo to New Orleans; and the Postmaster General is authorized, at his discretion, to restrict the delivery of the mail at all other points than Cairo, Memphis, Napoleon, Vicksburg, Natchez, Baton Rouge, and New Orleans, to three mails a week each way.

I tried to explain before, that to undertake to deliver a daily mail at all the little offices on the bank of the river would be wholly impracticable; and if it could be done, the people would consider it a decided bore. They want no such service; but the great points do.

The PRESIDING OFFICER, (Mr. STUART in the chair.) As the yeas and nays have been ordered, it requires the consent of the Senate to allow the modification to be made.

Mr. BROWN. I suppose there can be no objection to my modifying it as I have proposed.

Mr. BRIGHT. I have no more objection to that than to the whole amendment. I am opposed to giving the Postmaster General more enlarged discretionary power than is necessary. Under

the general law, as I stated before, the Postmaster General has all the authority that is proposed to be given by the amendment; and the only reason for the amendment is to seem to legalize that which ought not to be legalized.

Mr. JONES, of Tennessee. Does the Senator from Mississippi accept the amendment which I suggested?

Mr. BROWN. I have no objection to adding this proviso:

Provided, That nothing herein shall be construed to interfere with existing rights of parties.

Mr. JONES, of Tennessee. That will accomplish the object I have in view.

Mr. BROWN. That is perfectly right.

Mr. BRIGHT. I would rather take the vote on the amendment as it is offered, and afterwards on the proposition of the Senator from Tennessee.

Mr. BROWN. Very well; I will afterwards vote for the amendment of the Senator from Tennessee myself.

The question being taken on the amendment by yeas and nays, resulted—yeas 18, nays 25; as follows:

YEAS—Messrs. Adams, Allen, Bell, Benjamin, Brown, Clay, Cooper, Dawson, Dodge, of Iowa, Douglas, Fitzpatrick, Johnson, Jones, of Iowa, Jones of Tennessee, Sebastian, Slidell, Thompson of Kentucky, and Weller—18.

NAYS—Messrs. Atchison, Bright, Brodhead, Butler, Cass, Chase, Clayton, Fessenden, Foot, Geyer, Gillette, Houston, Hunter, James, Mason, Norris, Pratt, Rockwell, Rusk, Seward, Stuart, Toombs, Toucey, Wade, and Walker—25.

So the amendment was rejected.

The bill was reported to the Senate as amended, and the question was stated to be on concurring in the amendments made as in Committee of the Whole.

Mr. PEARCE. There is one amendment which it seems to me violates the rules of the Senate. I refer to the one appropriating money for arrears of pay due to a clerk in the Post Office Department. I inquire whether that is not contrary to the rules of the Senate?

The PRESIDING OFFICER, (Mr. STUART.) The first question is on concurring in the amendments made as in Committee of the Whole. The Senator from Maryland can have that amendment excepted if he wishes.

Mr. PEARCE. I ask to have it excepted, so that the question may be decided.

The Presiding Officer put the question on all the other amendments, made as in Committee of the Whole; and they were concurred in.

The PRESIDING OFFICER. The question now is on concurring in the amendment which was excepted at the request of the Senator from Maryland.

Mr. PEARCE. It seems to me that that is out of order. I make that point.

Mr. RUSK. Is it not too late?

The PRESIDING OFFICER. The Chair thinks it is too late to make the point of order, as the Senate, as in Committee of the Whole, have agreed to the amendment.

The amendment was concurred in.

The PRESIDING OFFICER. The bill is still open to amendment.

Mr. BENJAMIN. I now move as an amendment the section which was offered by the Senator from Mississippi, [Mr. BROWN,] and rejected. It may be a matter perfectly agreeable to gentlemen on this floor to give a vote of censure against the Postmaster General, and I do not know that I should be disposed at all to object to their gratification of that desire, if it were not at the expense of my constituency, and, as I believe, of the interests of the whole valley of the Mississippi. Now, sir, unless some amendment of this kind is put in this bill, it is perfectly certain we shall remain subject to the same inconveniences in the valley of the Mississippi, to which we are now subject, and have been for the last five or six years. Gentlemen object to the passage of this amendment on the ground that the law, as it was passed two years ago, provided a daily mail for us in the valley of the Mississippi; and to our remonstrances that we do not get that mail, that we are deprived of the facilities which all other portions of the Union enjoy, the answer is, that it is the fault of the Postmaster General; that the Postmaster General does not execute the law; that the law is well enough as it is, and the evident intention is to pass a vote of censure on him. Now, sir, if they will

offer a distinct and independent vote of censure on the Postmaster General I may vote for it, so that I can get my mail. But to take the postal service of the whole valley of the Mississippi, and sacrifice it to the mere gratification of a desire to reprimand the Postmaster General for his neglect of his duties, is what I think the Senate, on reflection, will not be willing to do.

Mr. WELLER. It is just the other way. The vote is an approval of his conduct, as far as it goes.

Mr. BENJAMIN. So far from that, gentlemen said they rejected this section because the law, as it stood, was sufficient; and the object is to reprimand the Postmaster General for not having executed the law as it stood. They say that the law, as it stood, was sufficient; and that, if we have not all the mails, it is the fault of the Postmaster General. The Postmaster General says, he does not construe the law as gentlemen on this floor do. We propose, by this amendment, to give him such a law as will make it impossible for him to violate the intention of the Senate and of the other branch of Congress. We do this with a view of securing a daily mail for the valley of the Mississippi. I can see no reason for refusing to make this provision declaratory of the intention of Congress, other than a desire to censure the Postmaster General for non-compliance with the law. As I have already said, I repeat, this is a vote of censure on the Postmaster General, to which, as such, I have no objection, provided gentlemen will not pass it at the expense of my constituents.

Mr. GEYER. I ask that the amendment may be read.

The Secretary read it, as follows:

SEC. — And be it further enacted, That the Postmaster General be authorized and required to establish a mail on the Mississippi river from Cairo to New Orleans; and that he contract for the same in one line, or in such divisions or sections, or both, as may be most compatible with the public service. And to facilitate the execution of this section, the Postmaster General may make immediate temporary arrangements for carrying said mail by the trip; and if he fails to obtain acceptable bids, after advertising for thirty days, he may make private contracts for carrying said mail. And the said mail shall be carried daily from Cairo to New Orleans, and the Postmaster General is authorized, at his discretion, to restrict the delivery of the mail at all other points than Cairo, Memphis, Napoleon, Vicksburg, Natchez, Baton Rouge, and New Orleans, to three mails a week each way.

Mr. BRIGHT. I do not know, Mr. President, how the Senate may construe the vote which has been taken. Whether they concur in the opinion expressed by the Senator from Louisiana or not, is a matter of very little consequence, so far as the merits of this question is concerned. The Senate having voted by yeas and nays on this question understandingly, I feel quite sure they will not reverse that vote without some other better reason than yet heard offered. Now, sir, I repeat that the law which has been read, authorizes the Postmaster General, without another word of legislation, to enter into a contract to carry the mail to and from any points between Louisville and New Orleans; and permit me to say, that I am quite as anxious to see this much needed service in operation as any Senator present, and will aid in such legislation as may be necessary to effect the object; but I cannot consent to redeclare a law so plain in all its provisions as the one which has been disregarded, and not executed in this instance. All the gentleman's argument about giving power to the Postmaster General to employ temporary service is wasted upon me. That power the Postmaster General possesses now, and has for years past, and it has been exercised often before and since the making of the contract over the route in controversy. Hence I say, if the power given under existing laws is not plain and broad enough to demand and secure this service, nothing we can enact will.

Mr. WELLER. Mr. President, really, I do not understand the tactics of my friend from Indiana, although he is about as easily understood as any Senator upon this floor. I voted for the amendment of the Senator from Mississippi, and the reason was simply this: I understand that under the previous law, the Postmaster General thought there was some discretion in him, and under that law he refused to make this contract, or, having made the contract, he set it aside. The object which the Senator from Mississippi has in view is to compel him to make a contract for the transportation of the mail on these rivers. Now,

the Senator from Indiana says he is in favor of that; he wants the mails carried; but he entertains a different opinion in regard to the original law from that entertained by the Postmaster General. As there is a difference of opinion between the executive and the legislative branch of the Government, it has become necessary to legislate still further. The Senator from Mississippi now proposes to put the law in such a shape that there will be no discretion in the executive department, and that the Postmaster General will be compelled to give them this mail, which is so much demanded by the public interests. The last vote, in my judgment, is an approval of the conduct of the Postmaster General in refusing to make that contract. In other words, so far as the effect of that vote is concerned, it is declaring that the Postmaster General has exercised his discretion, if he has any discretion over the subject, in the proper way. I want the mail; and what have I to do to accomplish it? I have to vote for an amendment which puts it on such grounds that the Postmaster General dare not refuse to enter into a contract. That is the reason I vote for the amendment.

I do not undertake to censure the Postmaster General. It is a matter of no sort of consequence to me whether he has acted properly or not, in the past. I desire to put the law in such a shape that he will not dare, as an executive officer, to refuse to carry it out. The Senator from Indiana refuses to go with me. That is the whole of it. I want the mail, and he says he wants it. The Postmaster General says he has not power to do otherwise than he has done. The Senator thinks he has. There is a difference of opinion. To obviate that difficulty which exists between the Department and certain Senators here, I voted for the amendment. That amendment, if it effects anything, will compel the Postmaster General to make a contract.

Mr. BROWN. The vote just given is neither a positive indorsement of the conduct of the Postmaster General, nor a vote of censure. While one Senator, judging from the debate, has evidently felt inclined to censure the Postmaster General for failing to do what the law required, others have voted against the amendment, because they thought a vote in favor of it would be a censure on him. Those disposed to censure him by vote, and those disposed to screen him for censure, have evidently acted together to vote down this amendment.

Now, I wish to call attention to one fact, and I hope the Senate will attend to it. All the Senators from the States through which this line runs from Cairo to New Orleans, have voted for the amendment, while those who live off the line, and have no direct interest in it, have voted it down. The two Senators from Arkansas, the two Senators from Tennessee, the two Senators from Louisiana, and the two Senators from Mississippi, (covering the whole of the country between Cairo and New Orleans, except a small portion of Kentucky,) have voted for this amendment. Now, I ask Senators whether we ought not to have the right to speak first in reference to the arrangement of our own mail affairs; and if the amendment is acceptable to the Senators through whose country the line runs, ought it not to be acceptable to Senators elsewhere? I respectfully submit to my friend from Indiana, whether his opinion that the Postmaster General has failed in the performance of his duties under the law, ought to operate to the detriment of my constituents? I care not what may be the opinions entertained by my friend from Indiana, of the conduct of the Postmaster General? I am standing up here speaking for justice; appealing, in the name of a people who have no mail facilities, for the passage of this amendment; and I especially submit again, that if the two Senators from Arkansas, the two from Tennessee, the two from Louisiana, and the two from Mississippi, being the Senators most immediately and directly interested in this question, think this proposition will be effective, ought we not to have it.

Mr. JONES, of Iowa. And the Senators from Iowa voted for it.

Mr. BROWN. But that part of the river through which this mail is to run does not touch Iowa. I do not say that other Senators ought to take it, as a matter of course, because we vote for it; but I do say that those of us who live imme-

diately on the line, ought to know more about it than those who live further off. My friend from Indiana may feel like censuring the Postmaster General for failing to perform his duty, and I shall not stop to screen that officer, for I think myself he has not discharged his whole duty; but I wish something done in this matter. The Postmaster General, for two years, has stood out against the execution of the law. Now, what does my friend from Indiana propose to do? Suppose he stands out two years longer, are my constituents to be all this time without mails, because my friend from Indiana thinks the Postmaster General ought to do the very thing which the Postmaster General thinks he ought not to do? I ask my friend if this were a matter in which the people of Indiana were directly interested, and he brought forward a proposition on the subject, he would think it proper to have it defeated as this has been? The Mississippi river, from Cairo to New Orleans, does not run by Indiana at all. My friend has a daily mail on the Ohio river along his State, and so have the Senators from Missouri on the Mississippi, in front of the State. It is true they are not connected with the mails below, but still they have their daily mail covering the whole front of Indiana on the Ohio river. We have none at all. The Postmaster General has refused to give us any. The Senator from Indiana censures him for that, and so do I; but we are without remedy, and we are without power. We have not even the impeaching power. What can we do? Are we still content to complain and hear complaints, and do nothing, and are the people to be left without mails to all eternity? My philosophy is different; I would move in the premises; I would make the law still more stringent, and so word it, that there could be no possibility of avoiding it. I have tried so to word the amendment, and I think I have done so. I trust the Senate will at least give the Senators through, or between whose States that part of the river proposed to be covered by the amendment runs, the privilege of wording the law for themselves, as they desire to have it.

Mr. RUSK. Mr. President, I am very anxious to see a daily mail on the Mississippi river, but this is a very complicated business, and one which we cannot well consider at the close of the session on an appropriation bill. There is a law now in force requiring a daily mail to be carried on the Mississippi river. It has not been executed, and another law will make it no better. The effect of passing this will be merely to repeat the same thing twice over. Then I have other objections to the amendment. As soon as the Illinois Central railroad shall be finished to Cairo, there will be a difference on the river which will require new arrangements. Besides, the amendment gives to the Postmaster General entirely too much discretion. In my judgment, it is not sufficiently matured. I cannot see precisely what will be the effect of it. I am not in possession of the facts in regard to the contract made by the Postmaster General. I think he committed an error when he refused to give the mail to boats carrying freight. But it is a very difficult matter to adjust a plan that will get a mail there on a proper basis, and I do not think we can settle it now on this bill.

Mr. DOUGLAS. Let me suggest that, as the Illinois Central railroad will be done before long, this arrangement ought to be made before that time; for that will increase the necessity of a daily mail to New Orleans.

Mr. WALKER. I wish, sir, to make a remark in reply to the Senator from Louisiana. He construes the vote against the amendment offered by the Senator from Mississippi into a vote of censure on the Postmaster General. I voted against that amendment, but with the very opposite motive to that attributed, not expressly by him, but in which I was embraced, by the remarks of the Senator from Louisiana. I should have voted for that amendment if it had not been for the position taken by some of those so friendly to it, who threw the whole blame on the Postmaster General. For one, I am not willing to concede that he is so blameable as to require this imperative demand on him, that he shall do thus and so; and, consequently, I voted against the amendment, but not for the purpose of censuring him.

Mr. GEYER. I do not rise to debate this question, but to put the honorable Senators, who are favorable to the amendment, in possession of the

reasons why I voted against it as it stood. I understood it to be a proposition to give authority, and a mandate to the Postmaster General to make a contract, irrespective of any arrangements already entered into; and so understanding it, I did not feel authorized to vote for it.

Mr. BROWN. Then the Senator misunderstood it. I say so with all possible respect. The amendment does not release the Postmaster General from the necessity of advertising, and it does not even compel him to accept bids if he thinks them excessive; but after he has exhausted that remedy, it authorizes him to make a private contract.

Mr. GEYER. I understand that a contract has already been entered into, and this amendment is mandatory on the Postmaster General to make another contract, either for the entire route, or in parts. The honorable Senator from Tennessee moved an amendment which was designed to save any existing contract; but that has not been incorporated in the amendment of the Senator from Mississippi. Now, I am prepared to vote for a proposition which shall make it obligatory on the Postmaster General either to execute the contract he has entered into, or make a new one; but while there is an outstanding contract, I am unwilling to authorize, and still less to command, the Postmaster General to make a new contract, which seems to me to be a recognition by the Senate of his indisposition to execute an existing contract.

Mr. JOHNSON. Mr. President, my honorable friend from Texas spoke of this question as being exceedingly complicated, and he said that this was too late a period of the session to consider it properly. There is no doubt as to the latter remark; but I will ask the Senator whether there ever was a time when this subject was considered at any earlier period of the session? It is hopeless for us to expect any legislation on the subject except in this connection; and when it is brought up in connection with the appropriation bills, it always is the latest hour of the session when it is approached. Therefore, so far as that point is concerned, there is no prospect that we shall ever have any more favorable time.

The reasons which have been presented in favor of the amendment by the Senator from Mississippi, I believe to be sound and correct; and so believing, I voted for the amendment before, and shall vote for it again with great pleasure.

But, sir, the idea of censuring the conduct of the Postmaster General has attracted some attention here. Now, I wish to say that my vote on this question is governed by no disposition to censure or to pass any judgment whatever, either of censure or of approval, upon the action of the Postmaster General under the existing law. The law is in existence. It never has been enforced. The reason why I do not know. The reason may be good, but it is impossible for me to say until I know something of the facts. Those facts I know nothing of from him. I have heard assertions made from which it would seem that censure could justly be imposed on him; but I have not heard his statement, and I do not presume to pass any censure on him. The amendment is to remedy a difficulty which exists somewhere, and which has prevented the execution of a law that has been in existence for two years. It is to remedy the difficulty, so that we may have the service. If the difficulty exists, it exists under a law. If we pass the proposed new law, it will certainly attain the object, or else difficulties will arise under it. With the matter of censure I have nothing to do. I simply ask for the service, which we have not had under a law that has been in existence for two years. If the Postmaster General wishes to make any showing in regard to the facts, let him do so; but I wish, in the mean time, to obtain a law which will give us the service.

The remarks of the Senator from Texas in regard to the Illinois Central railroad have nothing to do, I think, with the subject. There is already a regular daily mail from St. Louis to Cairo, and from Louisville to Cairo. The completion of the Illinois Central railroad to Cairo will only add another daily mail to that point, and makes more imperative the necessity for a daily mail from New Orleans to Cairo, connecting with that road. I hope the amendment will obtain more favor on this vote than it did on the last.

Mr. WELLER. This subject, I think, is fully understood by the Senate, and I hope we shall be

able to obtain a vote. Before the vote is taken, however, I desire to say, that I did not understand myself as voting to censure the Postmaster General, or to approve of his conduct. As far as I have seen the acts of the Postmaster General, he is an able and efficient public officer, and I believe an honest man; but I vote for the amendment, because those who are advocates for this service say legislation is necessary to accomplish the object. That is the only reason I vote for it. I spoke in my former remarks of the general principle of Congress doing its own business, and leaving the executive officers to theirs. I hope the question will now be taken.

Mr. SLIDELL. I have been absent from the Senate Chamber, and have not heard this discussion; but I am told that Senators on this floor have censured the conduct of the Postmaster General, for not carrying into effect the provisions of a law, applicable to a contract made with Glover & Mather. As I understand the facts of the case, I think they perfectly exonerate the Postmaster General from any censure whatever. His predecessor in office had advertised for proposals to carry the mail from Louisville to New Orleans in high pressure boats, not carrying freight. A bid, I think, was made for \$450,000.

A SENATOR. The facts have been stated before.

Mr. SLIDELL. I certainly have no disposition to consume the time of the Senate uselessly. I am told that these facts have been stated before, but I was told by another Senator, my colleague, that they were not stated.

Mr. BENJAMIN. I do not think they have been stated as fully as my colleague was about doing.

Mr. SLIDELL. I merely wish then to say that it has been the uniform practice of the Post Office Department, in making a contract, to consider the particulars of the advertisement, as part of the contract.

Mr. WELLER. I understood that the Senator from Louisiana is mistaken, and that there is nothing whatever in the advertisement in regard to the transportation of freight.

Mr. SLIDELL. I think there is.

Mr. WELLER. That is a very material fact.

Mr. BRIGHT. I will correct the Senator from Louisiana. In the proposals issued originally for the service in low pressure boats, there was a clause providing that freight should not be carried.

Mr. SLIDELL. Exactly.

Mr. BRIGHT. That was in the original proposals, which, as I have stated, were set aside, and the Department issued a proposal to the present contractors, after the suspension of the former contract, to know whether they would perform the service.

Mr. SLIDELL. Precisely, without any subsequent advertisement, and that is exactly the point. I contend that the Postmaster General has no right to deviate from the terms of a proposal once made. I do not think he has any such right under the law, though he may have under the usage of the Department. What I mean to say, as to the main point of the case, is, that, after having by his own volition, dispensed with the necessity of having low pressure boats, and reduced the price of the contract from \$450,000 to \$297,000, he gave it to the gentlemen whose claims are advocated by the Senator from Indiana. Now, I say, that under the contract as entered into by the predecessor of Judge Campbell, the mail service could not have been better performed, the price being \$290,000, than it had been previously, and has been since, for the sum of \$70,000 or \$80,000 a year. There could not possibly have been, with boats carrying freight from Louisville to New Orleans, any greater degree of speed, or certainty of communication, than there is under the existing system, when the Postmaster General ships his mails on board each boat at the lowest possible price. I understand the present cost is about \$80,000; and the effect of any attempt now, if it were successful, to oblige the Postmaster General to carry out this contract, would be to entail on the Government an additional expense of \$210,000, without adding one particle to the utility of the service.

Mr. JONES, of Tennessee. I should like to ask the Senator from Louisiana, who undertakes to state what facilities we have, to tell me how

often we get mails at Memphis from St. Louis and Louisville?

Mr. SLIDELL. I really cannot answer that question.

Mr. JONES, of Tennessee. That is just as I supposed; the Senator does not know anything about it.

Mr. SLIDELL. I do not think my admission went so far. I may, perhaps, not have that very accurate information which the Senator possesses on this and all other subjects; but I think I do know something about it. I hope he will correct the remark he has just made. I am not in the habit of stating anything of which I know nothing.

Mr. JONES, of Tennessee. I am willing to concede to the Senator from Louisiana superior intelligence on every subject except this; but I understood him to say that the Postmaster General, for an expenditure of \$80,000 or \$90,000 a year, had as good mail service as he could have obtained at \$290,000 under the law. That is the point which I controvert. Under that law we were entitled to daily mail service from Louisville and St. Louis to Memphis and New Orleans; but I undertake to say, there are now sometimes three or four days when we never get a mail at all. I undertake to say, further, that if we can have no better mail service on the river than we have now for \$80,000 or \$90,000, it would be the interest of this Government to abolish it altogether. It is a mere pretext for mail service, without any of its substance or reliability. How long does it take to get a mail from Memphis to this city? There are honorable Senators who know that it requires eleven or twelve days to get a mail from Memphis here. If we had a daily mail from New Orleans to Louisville, as was provided by the law two years ago, we should get the mails here in five or six days at the furthest. The mail service we now get on the Mississippi river for \$80,000 or \$90,000 a year is a mere sham. It is that much money thrown away. All the express letters are carried by other conveyances, and this mail boat goes along, taking ten days or two weeks from Louisville to New Orleans, and at the end of two weeks you get your mail. That is the kind of mail service we have now. It is no service at all. It is sporting with the interests of the people of the valley of the Mississippi, and ought to be abolished.

But, sir, some difficulties seem to exist in the minds of Senators as to releasing the Postmaster General by this proposition from his obligation to previous contractors. I have no wish to interfere with those contracts, and, therefore, I propose to amend the amendment by adding the following proviso, which I hope the Senator from Louisiana will accept as part of his proposition:

Provided, That nothing herein contained shall be so construed as to justify the Postmaster General in failing or refusing to execute the law passed at the last Congress, providing for mail service on the Mississippi river, or in anywise to interfere with the rights of parties contracting for that service.

Mr. BENJAMIN. I have no objection to accepting that as a part of the amendment. We have no desire to interfere with any existing contracts or laws. All we desire is to get our daily mail.

Mr. WELLER. It strikes me that the latter branch of the amendment of the Senator from Tennessee will effect the object without containing that which might be regarded as a censure on the Postmaster General. Let him confine his proposition to the latter clause:

Provided, That nothing herein contained shall be so construed as to impair the rights of other parties which may have entered into contracts with the Postmaster General."

Mr. JONES, of Tennessee. At the suggestion of the Senator from California, I will modify my amendment so as to retain only the last clause, and make it read:

Provided, That nothing herein contained shall be so construed as to interfere with the rights of parties heretofore contracting for that service."

Mr. BRIGHT. I still adhere to my original position, that legislation is unnecessary on this subject; that the existing laws are full and ample; but I do not object to the amendment with the proviso suggested by the Senator from Tennessee. If the Senators from Mississippi and Louisiana still think legislation necessary, I am willing to withdraw my objection.

Mr. BROWN. I think there is an absolute necessity, because the Postmaster General does nothing in the premises.

Mr. BRIGHT. There is an honest difference of opinion, and I am willing to withdraw my objection, provided the amendment of the Senator from Tennessee is adopted.

The amendment of Mr. BENJAMIN, as modified, was agreed to; as follows:

Sec. —. And be it further enacted, That the Postmaster General be authorized and required to establish a mail on the Mississippi river, from Cairo to New Orleans, and that he contract for the same in one line, or in such subdivisions, or sections, or both, as may be most compatible with the public service; and to facilitate the execution of this section, the Postmaster General may make immediate temporary arrangements for carrying said mail by the trip; and if he fails to obtain acceptable bids, after advertising for thirty days, he may make private contracts for carrying said mail; and the said mail shall be carried daily from Cairo to New Orleans. And the Postmaster General is authorized, at his discretion, to restrict the delivery of the mail at all other points than Cairo, Memphis, Napoleon, Vicksburg, Natchez, Baton Rouge, and New Orleans, to three mails a week, each way: *Provided*, That nothing herein contained shall be so construed as to interfere with the rights of parties heretofore contracting for that service.

The amendments were ordered to be engrossed, and the bill to be read a third time.

Mr. JONES, of Iowa. I wish now, if it is in order, to offer the amendment which I intimated some time ago.

The PRESIDING OFFICER. It is too late; the amendment cannot be received.

The bill was read a third time, and passed.

TRANSMISSION OF BILLS.

Mr. WELLER, (during the consideration of the Post Office appropriation bill, said:) I ask the unanimous consent of the Senate to make a motion to suspend the 16th and 17th joint rules of the two Houses. The 16th provides that "no bill that shall have passed one House, shall be sent for concurrence to the other on either of the three last days of the session;" and the 17th that, "no bill or resolution that shall have passed the House of Representatives and the Senate, shall be presented to the President of the United States, for his approbation, on the last day of the session." Some bills were passed this morning, which makes it necessary to suspend those rules. I ask unanimous consent to submit the motion.

Mr. WALKER. For the general purposes of the session?

Mr. WELLER. Yes, sir.

Mr. WALKER. The rules had better be suspended separately for each bill. That is the course which has heretofore been pursued.

Mr. WELLER. Then I make it applicable to these two bills.

Mr. PRATT. And all appropriation bills.

Mr. WELLER. I will include them also.

Unanimous consent was given, and Mr. WELLER submitted the following resolution; which was considered, and agreed to:

Resolved, That the 16th and 17th joint rules of the two Houses be suspended during the present session, so far as relates to bills S. 462, granting the right of way to the Marysville and Benicia Railroad Company, through and over the grounds of the United States at Benicia, in California; S. 488, to change the name of the American-built brig Glamorgan, to that of Wizard; and to any general appropriation bills.

CIVIL AND DIPLOMATIC BILL.

A message was received from the House of Representatives, by Mr. FORNEY, their Clerk, announcing that the House had agreed to some, and disagreed to others, of the amendments of the Senate to the bill making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1855; and had agreed to other amendments of the Senate to said bill, with amendments, in which they requested the concurrence of the Senate.

The Senate proceeded to consider their amendments as amended, and disagreed to by the House of Representatives; and,

On motion by Mr. HUNTER, it was

Resolved, That the Senate disagree to the amendments of the House of Representatives to the amendments of the Senate to the said bill, insist on their amendments disagreed to by the House, and ask a conference on the disagreeing votes of the two Houses thereon.

On motion by Mr. HUNTER, it was

Ordered, That said committee be appointed by the President pro tempore.

And Mr. HUNTER, Mr. BRIGHT, and Mr. FISH were appointed the committee of conference on the part of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker had signed the following enrolled bills:

An act to provide for the accommodation of the courts of the United States in the district of Massachusetts, and in the cities of New York and Philadelphia.

An act to relinquish the reversionary interest of the United States to a certain reservation therein mentioned, and to confirm the title of Charles Gunter thereto.

An act granting the right of way over, and depot grounds on, the military reserve at Fort Gratiot, in the State of Michigan, to the Port Huron and Lake Michigan Railroad Company.

The PRESIDENT *pro tempore* thereupon signed the above mentioned bills.

AMENDMENT OF THE RULES.

Mr. PRATT submitted the following resolution for consideration:

Resolved, That hereafter the Senate will not receive or consider any bill or proposition (other than the general appropriation bills for the support of the Government) which appropriates money for more than one object.

HOUR OF MEETING.

On motion by Mr. SLIDELL, the Senate proceeded to the consideration of the following resolution, submitted by him on the 1st instant:

Resolved, That the daily hour of meeting of the Senate, for the residue of the session, be ten o'clock, a. m.

Mr. WELLER. I know that some of the standing committees are compelled to sit at ten o'clock, in order to prepare amendments to the appropriation bills.

Mr. RUSK. I move to strike out "ten," and insert "nine." There will be but two days of the session remaining after to-day, and there are a great many private bills from the House, which ought to be passed, and got out of the way for the next session.

Mr. SLIDELL. If it meet the assent of the Senate, I will accept the amendment of the Senator from Texas.

Several SENATORS. "No!" "No!"

Mr. SLIDELL. Then let the question be taken upon it.

The amendment to the amendment was rejected; and the original resolution was agreed to.

EXECUTIVE SESSION.

On motion by Mr. MASON, the Senate proceeded to the consideration of Executive business; and, after sometime spent therein, the doors were reopened.

OCEAN MAIL STEAMER BILL.

The bill from the House, making appropriations for the transportation of the United States mails by ocean steamers and otherwise, during the fiscal year ending the 30th of June, 1855, was read twice by its title, and referred to the Committee on Finance.

ABSENT SENATORS' COMPENSATION.

Mr. GWIN. I offer the following resolution:

Resolved, That the Secretary of the Senate pay, under the direction of the President of the Senate, the usual per diem to such Senators as did not take their seats at the opening of the session by reason of sickness of themselves or families, providential causes, or necessary business.

I will state the facts in regard to several Senators. Several SENATORS. It is not necessary.

The resolution was agreed to.

Mr. BRIGHT. I desire to hear the Senator's statement as to the reason for this. There is a law now providing for a Senator if he is absent on account of sickness of himself.

Mr. GWIN. This extends further to Senators who, from sickness or other providential causes, or necessary business, were prevented from taking their seats at the beginning of the session. A Senator who is here on the first day of the session, and is absent any part of the balance of the session, receives his pay for the whole; but one who is necessarily detained, and cannot take his seat at the beginning, receives no compensation for that time. There are several cases here now.

Mr. BRIGHT. I understand it to be in the nature of an order for this session, but is not to stand as a law.

Mr. GWIN. That is all.

Mr. DODGE, of Iowa. Is the resolution open to amendment.

The PRESIDING OFFICER, (Mr. WELLER in the chair.) It has been adopted.

Mr. DODGE, of Iowa. I suppose there will be no objection to including the usual compensation to the reporters.

Several SENATORS. Do not offer it as an amendment to this.

CHRISTIAN INDIANS.

Mr. CASS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be requested to report to the Senate, at the commencement of the next session of Congress, the nature of the titles of the Christian Indians to the lands in the State of Ohio, purchased of them by a contract or agreement made with them in the year 1823, pursuant to an act of Congress of the 3d of March of that year; and what amount has been received by the United States from the sale of said lands.

GILLIS'S REPORT.

Mr. JOHNSON. I am directed to make two reports from the Committee on Printing. One is in regard to Gillis's report. A resolution was referred to the committee, providing for the printing of ten thousand copies of it. I am instructed to report in favor of printing five thousand copies of the first number, and one thousand each of the subsequent ones.

The report was concurred in.

MORTALITY ON BOARD EMIGRANT SHIPS.

Mr. JOHNSON. The next report I have to make is in favor of the printing of five thousand extra copies of the report of the select committee on mortality on board of emigrant passenger ships. The resolution was referred to us for the printing of ten thousand copies. I am instructed to report in favor of the printing and binding of five thousand copies for the use of the Senate.

JAMES M'MINN.

Mr. JONES, of Iowa. I move that the Senate proceed to the consideration of the bill for the relief of James McMinn.

Mr. GWIN. I must object. I desire to have the naval appropriation bill taken up, so as to have it the unfinished business of to-day.

Mr. CLAY. I hope the Senate will not take up private bills when we have public business to dispose of.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

It proposes to direct the Secretary of the Interior to place the name of James McMinn upon the pension rolls, at the rate of four dollars per month, from the 1st of January, 1854, to continue during life.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

NAVAL APPROPRIATION BILL.

Mr. HUNTER, from the Committee on Finance, to whom was referred the bill from the House making appropriations for the support of the Navy, for the year ending the 30th June, 1855, reported it back without amendment.

REPORTERS' COMPENSATION.

Mr. DODGE, of Iowa. I offer the following resolution:

Resolved, That there be paid, out of the contingent fund of the Senate, to each of the reporters of the Congressional Globe for the Senate, the same sum which was paid them at the last session of Congress.

Mr. BRIGHT. Let it lie over.

The resolution lies over one day, under the rule.

Mr. BRIGHT. I move that the Senate adjourn.

Mr. GWIN. I ask for the yeas and nays upon the motion. I hope the Senate will take up the naval appropriation bill, so that we may proceed with its consideration to-morrow.

The question was taken by yeas and nays, and resulted—yeas 11, nays 23; as follows:

YEAS—Messrs. Atchison, Chase, Clay, Cooper, Evans, Foot, Gillette, Houston, Seward, Sumner, and Wade—11.
NAYS—Messrs. Adams, Allen, Bell, Benjamin, Brodhead, Brown, Cass, Dawson, Dodge of Wisconsin, Dodge of Iowa, Douglas, Geyer, Gwin, Hunter, Johnson, Jones of Iowa, Mallory, Pratt, Rusk, Slidell, Toombs, Walker, and Welles—23.

So the motion was not agreed to.

NAVAL APPROPRIATION BILL.

Mr. GWIN. I move that the Senate proceed to the consideration of the naval appropriation bill.

The motion was agreed to.

Mr. RUSK. I move that the Senate adjourn.

Mr. BELL. Will not the Senator allow me to have the small bill taken up, which I endeavored unsuccessfully to have considered before the Executive session.

Mr. BRIGHT. I hope the naval appropriation will be read. I wish to hear it read.

The PRESIDING OFFICER. The Senator from Texas moves that the Senate adjourn.

Mr. BELL. I hope the Senator will allow me to have this bill passed. It is a House bill for the relief of a widow, who is eighty years of age.

Mr. RUSK. If that can be done by common consent, without displacing the naval appropriation bill, I have no objection.

The PRESIDING OFFICER. If there be no objection, that bill will be taken up.

Mr. BRIGHT. I object. I wish to hear the naval appropriation bill read.

The PRESIDING OFFICER. The Senator from Tennessee asks the unanimous consent to have a private bill considered.

There was no objection.

MARY H. CUSHING.

Mr. DODGE, of Iowa. While the bill of the Senator from Tennessee is being looked for, I ask to be allowed to make a report from the Committee on Public Lands, in behalf of a blind and insane girl. It is a favorable report on a House bill to give her the forty acres of land to which her heroic father was entitled.

Unanimous consent was given, and the bill was reported and considered as in Committee of the Whole.

It proposes to direct the Secretary of the Interior to issue to Mary H. Cushing, daughter of John Wainwright Cushing, deceased, a soldier of the war of 1812, a warrant for so much bounty land as he would be entitled to receive, were he now living.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

REBECCA BAGGERLEY.

On the motion of Mr. BELL, the Senate, as in Committee of the Whole, proceeded to consider the bill from the House, for the relief of Rebecca Baggerley, widow of David Baggerley, deceased.

It proposes to direct the Secretary of the Interior, to place the name of Rebecca Baggerley, widow of David Baggerley, who was a soldier in the Maryland line in the war of the Revolution, on the pension roll, under the acts of July 7, 1838, March 3, 1843, June 17, 1844, and July 29, 1848, at the rate of twenty dollars per annum, to be paid as other pensions have been paid, in pursuance of the provisions of those acts.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

EXTENSION OF THE SESSION.

Mr. STUART submitted the following resolution for consideration:

Resolved, (the House of Representatives concurring,) That the time fixed by the resolution of the 1st of July, for the adjournment of the present session of Congress be, and the same is hereby extended to —, at 12 o'clock, m.

The Senate then, at seven o'clock, p. m., adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, August 3, 1854.

The House met at ten o'clock, a. m. Prayer by Rev. HENRY SLICER.

Mr. JONES, of Tennessee. The Journal of yesterday is uninteresting, and as we shall want every moment of time left us of the session, I move that its reading be dispensed with.

The motion was agreed to.

CORRECTION OF A MISTAKE.

Mr. HOUSTON. In the communication to the Senate of the action of this House on the amendments of that body to the civil and diplomatic appropriation bill, there were one or two errors, and I now desire that a request may be sent to the Senate for the return of that bill and amendments, so that correction may be made.

Mr. JONES, of Tennessee. I suppose that if the bill and amendments be returned, the Clerk can make the necessary corrections, without their

being brought into the House for action in the matter.

Mr. CLINGMAN. Would it not be best for the House to send a message by the Clerk to the Senate, setting forth the errors of the communication referred to by the chairman of the Committee of Ways and Means?

Mr. HOUSTON. I think the course which I have suggested to be pursued in the matter is the best one.

Mr. HAVEN. I object. I do not know whether this is a privileged question or not; but I now give notice that I shall object to everything until the river and harbor bill is referred to the Committee of the Whole on the state of the Union.

Mr. HOUSTON. Is not my question a question of privilege? There is an error in the communication to the Senate of the action of this House on the amendments of that body to the civil and diplomatic appropriation bill. The amendment for the marine hospitals at New Orleans, and various other places, is reported to have been non-concurred in, when it was concurred in by this House; and I now ask that the error may be corrected, and I present it to the House as a question of privilege.

Mr. HAVEN. I am the last man to throw any obstruction in the way of our legislation. But there is another ordinary appropriation bill which has a majority in its favor in both Houses; and I insist upon it that the people are entitled to some consideration, as well as the Government.

Mr. ORR. The gentleman from New York desires to take up the river and harbor bill out of order and out of place before the homestead bill, which was first considered, first passed, first returned from the Senate, and is first upon the Speaker's table. I object to taking up the river and harbor bill, and I suppose the gentleman desires now to throw all the obstacles he can in the way of carrying on the Government. He may do so if he chooses, but I say to him that I shall not withdraw my objection to taking up the river and harbor bill out of its order.

The SPEAKER. Debate is not in order.

[A message was here received from the Senate by ASBURY DICKINS, Esq., their Secretary, informing the House that they had passed bills of the following titles:

A bill making appropriations for the service of the Post Office Department during the fiscal year ending the 30th June, 1855;

An act for the relief of William H. Weirich;

An act for the relief of Rebecca Baggerly, widow of David Baggerly, deceased; and

An act for the relief of Mary H. Baggerly, deceased.

Also, that they insisted on their amendments disagreed to by the House, to bill of the House (No. 48) making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th June, 1855; that they disagreed to the amendments of the House to said amendments, and had appointed a committee of conference, consisting of the following gentlemen: Messrs. HUNTER, BRIGHT, and FISK, to meet a like committee of conference, to be appointed by the House on the said disagreeing votes.]

Mr. CLINGMAN. Will it not be in order to move to suspend the rules? Preparatory to making such a motion, I will ask the Chair if the question presented by the gentleman from Alabama is a privileged question?

The SPEAKER. The Chair holds that if an error has been committed by the Clerk, or in any other form, in any bill passed by the House, that it is competent for the House to correct that error; and in that form it becomes a privileged question.

Mr. CLINGMAN. I move, then, that a message be sent to the Senate informing them of the error, and requesting that it may be corrected. I think that will be sufficient.

The SPEAKER. The bill, as the Chair is informed by the Clerk, is at this moment already reported back by the Senate to this House. Perhaps that fact would vary the gentleman's motion.

Mr. CLINGMAN. I presume, then, that it is only necessary for us to have the bill sent back in a corrected form; and if a message is necessary, I will make such a motion.

Mr. HAVEN. I desire the yeas and nays upon that question.

The SPEAKER. The Chair suggests that, perhaps, the most convenient mode of reaching

the object would be to send a message to the Senate by the Clerk, correcting the error, and informing the Senate what the action of this House was upon that particular item in the bill.

Mr. CLINGMAN. If that will accomplish the object, I am ready to make the motion.

Mr. JONES, of Tennessee. It will be recollected that the Senate sent a message here of that kind upon this very bill, but the House did not entertain it.

Mr. HAVEN. They paid no regard to it whatever.

Mr. CLINGMAN. It is competent, I take it, for the Speaker and Clerk to send the bill back in a corrected form—it having passed the House. If the Clerk made the mistake, I presume this can be done.

The SPEAKER. The Senate, however, have passed upon the action of the House, as it appears in the bill, and has so reported to the House.

Mr. CLINGMAN. I presume it would require a motion to have the error corrected.

The SPEAKER. It will require a motion; and if the gentleman submits a motion according to his own views, the Chair will put it.

Mr. STANTON, of Tennessee. I desire to make a suggestion to the House. I understand the fact to be in regard to the alleged error in this bill, that the House is reported as having disagreed to an amendment in reference to a particular custom-house to which, in fact, they had agreed. I understand that the Senate have disagreed to our proposition; and I suppose the whole thing can be settled now by our simply agreeing to the disagreement of the Senate.

The SPEAKER. If that be the true state of the case, the Chair thinks that it would be the most convenient mode of reaching the object desired.

Mr. HOUSTON. That perhaps would be the most convenient mode, but it would not be the proper and legal mode. I intend to ask for a committee of conference, and we can make the correction there. It is proper, however, that the Journal should present a true record; and I regret that the gentleman from New York should interpose an objection when he must know that all I ask is, that the report of the action of the House shall set forth what that action really was.

Mr. HAVEN. I did not hear the proposition of the gentleman from Tennessee, [Mr. STANTON,] and I do not know what it is. I desire to interpose no obstacles in the way of any appropriation bill whatever; but the river and harbor bill, which I desire to take up, is an ordinary appropriation bill, and is not like the other legislation upon the Speaker's table that gentlemen want to reach. I do not desire to make any objection to the correction of this error, but I shall interpose any obstacle to any other appropriation bill until the river and harbor bill takes the ordinary course of legislation.

Mr. HOUSTON. My motion is to send to the Senate and ask for the return of the bill and amendments for the purpose of making the corrections in question. This is the legitimate and proper way to do it. The bill, however, is here, and the Senate report that they insist upon that particular amendment, with others, and have appointed a committee of conference to pass upon these disagreeing votes between the two Houses. Therefore, with a view to ease the trouble of my friend from New York, [Mr. HAVEN,] for I dislike to see him troubled in his mind, I will ask for the appointment of a committee of conference to meet that of the Senate. To try and apply the remedy in this way I make that motion.

Mr. HAVEN. As to the subject of the committee of conference, while I am desirous that that committee should be appointed, I desire that it shall be delayed until this other matter is passed upon; and on the gentleman's motion I ask the yeas and nays.

Mr. JONES, of Tennessee. I submit this question to the Chair: That the message having been communicated from the Senate at the time when there was no question before the House, is not legitimately before the House?

The SPEAKER. The Chair holds that the subject-matter of appointing a committee of conference is in order now. The gentleman from Alabama [Mr. HOUSTON] moves that the House agree with the action of the Senate in relation to the appointment of a committee of conference; and

on that motion the gentleman from New York [Mr. HAVEN] demands the yeas and nays.

Mr. HENN. Can I move to amend the motion of the gentleman from Alabama? I wish to submit an amendment instructing the committee, on the part of the House, to adhere to that amendment which the House agreed to, and about which the mistake has been made.

Mr. HOUSTON. That would not be in order.

The SPEAKER. It is not in order to instruct a committee of conference. When they report to the House it will be then for the House to adopt or to reject their action. But in the form in which the gentleman from Iowa proposes, the Chair thinks that proposition not in order.

Mr. HENN. This is an unusual case, and I think the committee of conference should be instructed as I propose.

The SPEAKER. The Chair held that it was in order to move to take such action as would lead to the correction of errors, and that in this way it might be a privileged question. The gentleman from Alabama, however, with a view to attain that object, proposes a committee of conference to meet a like committee on the part of the Senate on the disagreeing votes of the two Houses.

Mr. HENN. Is it not competent to instruct that committee?

The SPEAKER. Not in this connection.

Mr. JONES, of Tennessee. I would say to the gentleman from Iowa, that a vote of the House upon the yeas and nays, concurring in that amendment, will be a strong instruction to the committee of conference.

The yeas and nays were then ordered.

ALTERATION OF RECORDS OF CONGRESS.

Mr. CAMPBELL. I rise to a question of privilege. The select committee appointed under a resolution of the House to investigate the alterations alleged to have been made to the Minnesota land bill, and also the alteration of other bills and joint resolutions, desire to make a report. I wish to say, sir, that upon one branch of the investigation the committee make a unanimous report. In relation to the other branch there is a majority report and a minority report, each one of which recommends the immediate passage of a bill.

I will now send to the Clerk's desk the unanimous report of the committee, touching the matter of the interlineation of the joint resolution of this House, and ask that it may be read, after which my colleague [Mr. BRECKINRIDGE] upon the committee will present the report of the majority upon the other branch. Then the report of the minority will also be presented.

The report was then read, as follows:

The select committee appointed to investigate the alterations made in House bill No. 342, to aid the construction of a railroad in the Territory of Minnesota, "and also in regard to all other cases of interpolation of bills or joint resolutions of the House during the present session," in considering the latter branch of the inquiries, have unanimously agreed upon the following report:

That they have taken testimony in regard to the interpolation of the joint resolution, fixing the compensation of the employees in the legislative department of the Government, which is herewith submitted. They have come to the conclusion that the words "and public folders" were interlined and read at the Clerk's desk through mistake. It appears that Messrs. WENTWORTH and FLORENCE made an effort to procure the said alteration through Mr. CURTIS and the committee who had reported it, but there is no evidence to show that they sought such change by any improper means. On application to Mr. CURTIS, he (Mr. C.) took a copy, (not the original resolution,) and as a private memorandum for his own use, interlined in pencil on said copy the words mentioned. The original as well as said copy were carried to the Clerk's desk by the Speaker's page; and at the same time Mr. WENTWORTH said to the Clerk, "All right, all right." From these facts, Mr. Barclay, the Journal Clerk, inferred that the committee had directed the change, and he accordingly interlined upon the original resolution the said words, "and public folders." The resolution was then twice read, and the yeas and nays, on a suspension of the rules, were partly taken, when the attention of the House was called to the interpolation. Thereupon, Mr. CURTIS having announced that it was not authorized by the committee, the Speaker ordered the words stricken out, and the resolution was then passed in the form in which it had been agreed on and reported by the Committee on Accounts.

The committee therefore think that none of the parties had any fraudulent or improper design in regard to this matter.

LEWIS D. CAMPBELL,
JOHN C. BRECKINRIDGE,
N. S. BARRY,
JOHN G. DAVIS,
G. A. SIMMONS.

Mr. WENTWORTH, of Massachusetts. I rise to a question of privilege. I notice that in the

report there is the name of WENTWORTH connected with that transaction. There are two gentlemen of that name in this House. If the report is intended to be derogatory to Mr. WENTWORTH, I do not intend to bear any part of it, but if it is intended to be complimentary, I do not desire a compliment not intended for me.

Mr. CAMPBELL. The testimony which has been submitted, accompanying the report, will certainly make that matter plain.

Mr. WENTWORTH. No, sir; I am not satisfied with that. I want the name to be made explicit in the report.

Mr. WENTWORTH, of Illinois. I hope the name will be put in as JOHN WENTWORTH, of Illinois.

Mr. CAMPBELL. I suppose there will be no objection to that alteration being made.

There was no objection; and the change was made.

Mr. CAMPBELL. I now move that the report, with the accompanying resolution, be laid upon the table, and ordered to be printed.

The motion was agreed to.

Mr. BRECKINRIDGE. I have been instructed by the majority of the committee to offer a report, accompanied by testimony. The minority have also a report to submit to the House. The points of difference between the recommendations of the majority and minority will be fully shown by the reports themselves, and relate to suggestions touching the conduct of members and officers of the House.

It is not proposed, at this time, to read the testimony. I will state, however, that the report which I hold in my hand, has been drawn up by myself, and it is so near the close of the session that I have not been able to get it copied, and as my handwriting, like that of some other members of the House, is somewhat illegible to others, I ask the consent of the House to read it myself. It is as follows:

The select committee, appointed under a resolution of the House of the 24th of July, 1854, to inquire into an alleged alteration in the text of House bill, No. 342, making a grant of land to the Territory of Minnesota, after its engrossment and passage through the House, "and also in regard to all other cases of interpolations of bills or joint resolutions of the House during the present session," beg leave to report:

That they have considered the subjects submitted to them as thoroughly as possible, and have taken a large mass of testimony, which is herewith presented to the House. There is but one other witness whose testimony is desired by any of the committee, and they expect to have it filed to-morrow morning, and they ask that it may be printed with the other testimony. A considerable portion of the testimony they regard as irrelevant, but they believe that whatever has a material bearing upon the subject-matters of the resolution is exhibited on the record. It has been impossible, at this late period of the session, and with the pressure of business upon the members of the committee, to prepare an elaborate report, analyzing at length the testimony taken. Your committee, therefore, must content themselves with submitting the evidence, and their conclusions founded upon it.

Ist. In regard to the alleged alteration in the text of the bill granting land to aid Minnesota Territory in the construction of a railroad therein, they report the following summary of facts preceding to, and connected with, said alteration:

On the 4th of March last the Legislature of Minnesota, in anticipation of a grant of land by Congress for the railroad proposed, passed an act of incorporation, vesting in a company, when formed and organized in pursuance of the charter, the said grant, for the purpose of constructing the road under certain limitations and conditions. A copy of the charter is filed with the testimony. It may be added here, that it appears from the evidence, that a company has been organized under the provisions of the charter, the stocks subscribed, and steps taken to comply with the conditions contained in the act of incorporation, and there is no evidence that said company were apprised of any unauthorized change in the bill prior to the resolution of this House directing an investigation; but your committee not deeming themselves authorized, under the resolution of the House, to examine the merits of the claim of said company to the grant in virtue of the Minnesota charter, leave that subject to the determination of the House.

Other parties, however, being unwilling that any company formed under said act should receive the grant, and desiring to leave the disposition of it to some future Legislature of the Territory, framed a bill, which was offered to the House Committee on Public Lands, the third section of which was as follows:

"Sec. 3. And be it further enacted, That the said lands hereby granted to said Territory shall be subject to the disposal of any future Legislature thereof for the purpose aforesaid, and no other; nor shall they inure to the benefit of any company heretofore constituted or organized. And the said railroad shall be and remain a public highway for the use of the Government of the United States, free from toll or other charge upon the transportation of any property or troops of the United States; nor shall any of said lands become subject to private entry until the same shall have been first offered at public sale at the increased price."

The parties who were dissatisfied with the Minnesota

charter, and who desired the grant to be thrown upon a future Legislature, wished the third section to be reported from the committee, and passed by the House in the above form; while those who desired the company to receive the grant by virtue of the charter wished the word "future," before the word "Legislature" to be stricken out, and the word "and" to be substituted for the word "or" between the words "constituted" and "organized."

Your committee do not deem it necessary to enlarge upon the objects and aims of those conflicting interests. They find that the bill without being referred to from the House, was sent by the framers of it first to the Committee on Public Lands; that it was referred in committee to Hester L. Stevens, a representative from Michigan; that Mr. Stevens recommended to the committee to report the bill with the "future" stricken out, and the word "and" substituted for "or," and that it was directed to be reported with those changes in the original draft; that Mr. Stevens accordingly did strike out the word "future" before the bill was reported to the House, and supposed he had made the other change also, but neglected to do so, and the bill was reported and passed this body with the word "or" instead of the word "and" between the words "constituted" and "organized," in the third section; that shortly after the bill passed the House, and before it passed the Senate, the attention of Mr. Stevens was called to the fact that the second change intended had not been made; that Mr. Stevens then went to the Senate, where the bill was pending, and, after explaining the above facts to General Jones, a Senator from Iowa, asked him if the correction could then be made; that General Jones replied, he believed verbal changes were sometimes made, but he would inquire of Mr. Patton, who had been for a long time one of the engrossing clerks of the Senate; that they then spoke to Mr. Patton on the subject, who stated that changes deemed verbal and unimportant were often made, but that as this was a bill from the House, he supposed it could not be done without the consent of the Clerk of the House, or of the committee which reported the bill; that Mr. Stevens and Mr. Patton then proceeded to see Mr. Sproule, one of the engrossing and enrolling clerks of the House; that Mr. Stevens asked him if the word "and" could be substituted for the word "or," in the third section, saying that it was the purpose of the committee so to report the bill, and that the omission had been accidental; that, as Mr. Sproule doubted his power to act in the premises, the three went to the room of Mr. Forney, the Clerk of the House, and desired the correction to be made; that Mr. Forney asked if such corrections were usual under similar circumstances, and was informed by Mr. Patton that verbal and unimportant changes were often made, and that such a correction would be made in the Senate; that Mr. Forney supposed the proposed change to be unimportant, and at length yielded to the request, and directed Mr. Sproule to make it; that at this time the engrossed bill, the original bill, and the enrolled bill, were all in the Clerk's office, the bill having been enrolled, as is customary, in advance of the passage through both Houses; that Mr. Sproule accordingly immediately substituted the word "and" for the word "or," in the third section of the engrossed bill, and at the same time made a corresponding change in the original and engrossed bills, and in this form it passed the Senate, was signed by the Presiding Officers of both Houses, and approved by the President.

Your committee, therefore, report that the text of the bill in question was changed after it passed the House in one particular, to wit: by substituting the word "and" for the word "or," between the words "constituted" and "organized," in the third section, and they believe that the foregoing statement explains the mode and circumstances of the change. They have, in addition, taken testimony with a view to determine whether any of the corrupt motives, or intended to practise a fraud on the House; and, after a careful review of all the evidence, they have to report that they do not find such motives or intentions, but, on the contrary, from the evidence, they distinctly acquit them of any criminal or improper purpose.

Your committee report that Mr. STEVENS supposed, under his information in regard to the prevailing custom in both Houses, that it was proper to make the change, to carry out the unexecuted intention when the bill was reported to the House, and that the Clerk of the House directed the change under the influence of the same sentiments.

But while your committee make this report in regard to the motives of the parties, they would express in strong language their conviction that any unauthorized change in the text of a bill or resolution of the House, no matter what the intentions of the parties may be, is of the most dangerous tendency; and in this view of the case, they express the opinion that the change in question deserves severe censure. To Mr. Sproule your committee attach no blame, as he acted under the direction of his superior.

They deem it proper to add that the evidence shows that verbal and corrections, which are considered merely changes and unimportant, are sometimes now made in both Houses, and they venture to call the attention of the House to this custom as highly pernicious in its tendencies, and calculated to produce the most injurious results. In the opinion of your committee it is highly censurable in any member or officer of the House to make any change, even the most unimportant, in any bill or resolution which has received the sanction of this body.

Your committee have thus reported the facts bearing upon the change in the text of the bill after its engrossment and passage through the House, and this may be thought to exhaust the duty imposed upon them by the resolution of the House. They do not assume to instruct the House upon the question whether any legislation is proper, or if so, in what form it shall be taken; but inasmuch as the text of the act, now on the statute book, is not in the precise form in which it was voted on in the House, and as a majority of the committee are of opinion that the word "and" for the word "or" is material in its legal effect, they suppose it to be within the scope and spirit of the resolution under which they have acted, to report a bill with a view to remedy the error, if it shall be the pleasure of the House to take such action as it may think to be in

its power to place the text of the act in the exact form in which it passed this body.

The bill reported by the majority of the committee, after reciting that the bill which passed the House had been changed by the substitution of "and" for "or" between the words "constituted" and "organized," in the third section, restores the word "or," it being the intent to place the act in the exact form in which it was voted upon by the House.

The second section provided that, by virtue of no act heretofore passed by the Minnesota Legislature, shall the Governor, auditor, and treasurer have the power to designate the company, or companies, who shall receive the benefit of the act.

Mr. BRECKINRIDGE. In explanation of this second section, I will state to the House the following facts: The committee have already presented the fact of the organization of the company, and of their claim under this matter, which the committee did not undertake to decide. By the nineteenth section of the act which passed the Minnesota Legislature, incorporating the company, it is provided:

"In case the persons incorporated by this act shall fail or neglect to accept the privilege to the same, and to comply with the conditions within the time, and in the manner herein described, the same may be accepted by any other company approved of by the Governor, auditor, and treasurer of the Territory, which, upon complying with the terms and conditions of this act, will be vested with all rights, powers, and immunities vested in the corporation herein named; and shall be subject to all the liabilities in said act, set forth in as full and ample a manner as the company hereby organized."

The object of the committee being, in case those who had organized themselves under the charter granted by the Legislature of Minnesota had failed to comply with the conditions of the act, that it should not be in the power of the officials of the Territory to put it into the hands of any other company prior to the action of the Minnesota Legislature.

Mr. PHILLIPS. Will the gentleman from Kentucky be good enough to state by what members of the committee the report just read has been signed?

Mr. BRECKINRIDGE. I do not believe that the members of the committee have signed it. The report, however, is made by Mr. DAVIS, Mr. BARRY, and myself.

Mr. CAMPBELL. I am instructed by the minority of the special committee to present a report, embracing their views on the present condition of the testimony taken.

Before proceeding, however, to read the report, it is but proper to say, that the committee have been assiduously engaged, from eight o'clock in the morning till some time in the night, since their appointment. The minority think that the testimony touching one branch of the inquiry is yet incomplete. It has been impossible to get the attendance of witnesses, deemed by all of the committee important to this investigation. And, by way of exhibiting or illustrating that fact, I have but to say to the House, on behalf of the minority, that this morning, for the purpose of getting certain information which we deemed important, questions were propounded by telegraph to a witness in the city of New York, who was unable to attend. We have had no answers to those interrogatories yet. If the House gets any before its adjournment to-morrow, those answers must be subject to all the uncertainties of sending interrogatories, and receiving responses by telegraph. I will read the report. It is as follows:

The minority of the select committee appointed to investigate the alleged alterations in the bill which passed the House of Representatives granting public lands to the Territory of Minnesota, to aid in the construction of a railroad therein, &c., &c.

I. That an alteration was made in the bill mentioned in the resolution subsequent to its engrossment and passage by the House, and that the alteration was not merely clerical, but material, completely changing one of its most important features; that the bill which passed the Senate and was approved by the President, and is now considered to be a law, has never been acted on by the House of Representatives.

II. That the alteration was made by Mr. Sproule, the engrossing clerk, by the authority and under the directions of Mr. Forney, the Clerk of the House, without which the said enrolling clerk had previously refused to do so.

III. The next point of inquiry embraced in the resolution, and the only one under which the committee have encountered difficulties, is, "under what circumstances was such change made."

The testimony under this branch of the investigation, although voluminous, is yet incomplete, and we do not deem it proper to form conclusions, setting a willful fraud upon any party, upon partial or imperfect testimony, taken by the committee in great haste under the disadvantages which surround them at the close of the session. Besides, several witnesses, deemed important, reside at a great distance from the capital, and their attendance cannot now be procured. We therefore think that all the testimony taken, except as hereinafter mentioned, should be withheld from publication at this time, and that the committee should be authorized to continue its inquiries at the next session. A resolution to that effect is herewith reported. It is regarded as a matter of justice to the parties whom the testimony taken might tend to implicate in a fraudulent purpose, to withhold the evidence taken until a full, thorough, and deliberate investigation may be had touching their agency in the matter.

There are certain facts connected with this most extraordinary infringement upon the rights of the House, so clearly and conclusively proven, that we proceed to state them briefly and as intelligibly as we can in a hurried report.

Two distinct bills granting lands to Minnesota Territory have been acted upon by both branches of Congress. The first bill originated in and passed the Senate. It came to the House, and there failed about the 10th of March. Whilst this measure was pending before Congress, certain parties applied to the Territorial Legislature of Minnesota, then in session, for a charter for a company known as the "Minnesota and Northwestern Railroad Company." After a protracted controversy in the Legislature, this charter passed on the 4th of March, whilst the bill granting lands, and which afterwards failed, was before this House. That charter, as will be seen by reference, transferred in advance to said company all the lands which Congress might grant to the Territory, and, amongst other things, required the corporators to organize the company on or before the 1st of July. The nineteenth section provides that "if the corporators did not so organize, &c., then the governor, secretary, and treasurer of the Territory might select any other company to receive the benefit of said grant."

The first bill having failed in Congress, we now proceed to give a brief history of the second bill—that which was altered. We do this to throw light on the "circumstances" attending the alteration. The third section, (that which was altered,) as originally prepared and sent to the Committee on Public Lands, contained these words:

"That the said lands hereby granted to the said Territory, shall be subject to the disposal of any future Legislature thereof, for the purpose aforesaid, and no other; nor shall they inure to the benefit of any company heretofore constituted or organized."

The effect of this language would be, first, to place said railroad company in the power of a future Legislature as to the lands granted; secondly, to exclude it and all other companies constituted or organized.

Whilst this bill was being prepared, and was before the Committee on Public Lands, George W. Billings, one of the said corporators, was in Washington conferring with those who prepared it, for the purpose of having it so worded as to secure the grant to the said company.

The bill was in the charge of the Hon. Mr. STEVENS, as a member of the Committee on Public Lands. Before reporting the bill to the House, he, understanding that he had authority from the committee to do so, erased the word "future." The original draft, with this erasure, was put on its passage without having been printed, and those who took special interest in the matter supposed it was the identical bill sent into the committee, as Mr. S. had not advised them of the change. The bill passed in this House on the 20th of June. It was properly engrossed and sent to the Senate, where it was taken up and printed. When printed, it was found to contain the words, excluding all companies, "constituted or organized." The company already mentioned was therefore excluded by the bill. The word "or" was erased in the manner stated from the enrolled bill, and the word "and" inserted, and the same alteration was made in the original bill and the enrolled bill, which was afterwards approved by the President. The corporators were limited to the first of July to organize, and if organized prior to the passage of the bill, they would be excluded from the grant, unless the word "and" was thus substituted for "or." The bill thus altered passed the Senate June 28th, was approved by the President June 29th, and the company organized July 1st. That company now claims that the lands, by the terms of the act thus altered, inure to its benefit.

In view of these facts, we regard the immediate passage of an act to correct the terms of the grant as of the utmost importance. If such action is not had before the close of this session, it may be claimed that such rights to these lands have vested in the said company as cannot be taken away by future legislation. We cannot recommend a repeal of the grant, for the reason, that we do not think the laboring pioneers of Minnesota should be punished on account of wrongs to which they are not a party. Nor do we agree entirely to the bill proposed by the majority. In our judgment, the entire third section should be repealed, and such provisions substituted therefor, as will, beyond doubt, place the grant of land under the control of Legislatures hereafter to be chosen by the people, and prevent the transfer of such an important power to the Governor and other officers appointed by the Executive. This we regard as due to the principle of "popular sovereignty." Accordingly, we have reported such a bill.

It is due in justice to add that, as yet, no proof has been taken, nor have we any reason to believe that any such exists, to lead our judgments to the conclusion that either of the alterations was made or procured by any member or officer of either branch of Congress with a design to perpetrate any fraud, or to do any wrong; or through corrupt or criminal motives; or that any such member or officer was actuated by such motives in aiding the passage of the bill. Whether the action of Mr. Stevens and of Mr. Forney, resulting either from want of proper attention as to the effect of such an alteration, a disposition to accommodate others, or from negligence of duty, calls for any further action of the House, is for the House itself to decide. Whilst we are

neither disposed nor prepared to deny the purity of the motive, we condemn the act as a culpable error. If such a system prevails, there can be no certainty or reliability in congressional action. There can be no safety to members under such a practice, because it falsifies the votes they give under the solemnities of their oath, by making them appear as voting for measures which they would have opposed. It brings odium upon Congress, and destroys public confidence in congressional proceedings.

The sanctity of the record should always be preserved, and those charged with it should be held to the most rigid accountability.

LEWIS D. CAMPBELL.

I concur in the foregoing report, except that I prefer the form of the bill recommended by the majority to that of the bill accompanying this report.

G. A. SIMMONS.

Mr. CAMPBELL. I will now read the bill and resolution referred to:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third section of an act entitled "An act to aid the Territory of Minnesota in the construction of a railroad therein," approved June 29, 1854, be, and the same is hereby, repealed.

SEC. 2 *And be it further enacted,* That the lands granted to said Territory by virtue of the act aforesaid, shall not be subject to disposal under the provisions of any act heretofore passed by the Legislature of said Territory, nor shall any portion of the lands inure to the benefit of any company heretofore constituted or organized in said Territory, or elsewhere, but in future legislation shall have the right to dispose of the same for the construction of one or more railroads therein: *Provided,* That in no event shall the Governor, or other person in said Territory, have power to designate the company or companies to whose benefit said grant shall inure; and any railroad which may receive aid from said grant of land, shall be and remain a public highway for the use of the Government of the United States, free from all toll or other charge on transportation of any property or troops of the United States. Nor shall any of the said lands be subject to private entry until the same shall have been first offered at public sale at the increased price.

The latter clause is the same as that in the original third section of the bill.

The resolutions reported are as follows:

Resolved, That the select committee appointed to investigate the alterations made to the bill "granting lands to the Territory of Minnesota, to aid in the construction of a railroad therein," be directed to continue their investigation at the next session of Congress.

Resolved, That the testimony of Messrs. Jones, Stevens, Forney, Sproule, Lee, Buck, and French, having reference to the facts immediately connected with the alteration made to the Minnesota land bill, be made part of the reports printed, and that the balance of the testimony taken be retained by the committee until their final report is submitted.

Mr. Speaker, I desire now to say one word by way of explanation of the difference between the two bills. This chartered company procured this charter from the Minnesota Legislature on the 4th of March, one of the corporators of which sought to have the bill pass here in a particular form. In that charter there is a section which provided that if the charter failed, the governor, treasurer, and secretary might have the power to designate the company to receive these lands. The bill reported by the majority of the committee takes away the power of that act, but it does not provide anything against the future, so that the very Legislature which gave that extraordinary power might be convened in an extra session, and pass an act in the future that would carry the same power to the Governor and those officers; for the bill reported by the majority simply guards against that which was done heretofore, while the bill reported by the minority provides that no such power over these lands shall be given to those officers; and the whole thing will be left subject to the action of the Legislature hereafter to be chosen by the people. That is the important distinction; and the second difference is this: The testimony which this committee has most assiduously sought for, in order to probe to the bottom the outside influences and motives which produced this important change, has not yet been had, but has been telegraphed for. It is for that reason that the minority think—although they do not ask to sit during the recess, and although every member of the committee would be glad to avoid the discharge of any such duty—it due to the integrity of Congress, and the inviolability of the records of this House, that the committee should act at some time in the future with the powers they have.

Mr. PHILLIPS. I desire to ask the gentleman a question before he sits down. What is the object of proposing to continue the sitting of this committee, when the minority as well as the majority of the committee have reported to the House their opinion that the alteration was immaterial, and that they exonerate all the parties who made it of fraudulent intent?

Mr. CAMPBELL. There is testimony which

might tend to some extent to implicate other parties, and might tend to implicate to some extent members of this House. The minority think it important that full testimony should be taken to wipe out even the suspicion that might be raised under the imperfect state of testimony, or, if not to wipe out, to fasten with some degree of certainty on the right persons the crime, if there has been any perpetrated.

The SPEAKER. The Chair would like to inquire in relation to the reception of the bill reported by the majority of the committee. Shall it be read a first and second time?

Mr. BRECKINRIDGE. Before that is done, allow me to make one or two other explanations.

Mr. CAMPBELL. For the purpose of having the matter tested, I wish the gentleman from Kentucky first to allow the question to be taken on the bill proposed as a substitute—the bill of the minority. If that be voted down, then the question can be taken on the bill reported by the majority.

CIVIL AND DIPLOMATIC BILL.

Mr. JONES, of Tennessee. I desire the gentleman from Kentucky to permit me one moment. I wish to appeal to the gentleman from New York [Mr. HAVEN] to withdraw his objection to the appointment of a committee of conference on the civil and diplomatic appropriation bill. He is aware that there is a large number of amendments on which the two Houses disagree. Then there are the army bill, the navy bill, the post office appropriation bill, all behind the one which he speaks of, and which he is desirous of getting up. It will take a considerable portion of the remaining time of the session for the committee of conference to act upon the civil and diplomatic appropriation bill; and if he will withdraw his objection, and permit the committee of conference to be appointed, all his purposes can be answered.

Mr. HAVEN. I will answer that appeal in a moment, by saying that if my friends are willing to do it, I am desirous—inasmuch as the civil and diplomatic appropriation bill has got ahead of this other appropriation bill—that a committee of conference should be appointed. If they are agreeable to this—

Several MEMBERS. Yes, yes.

Mr. HAVEN. But I insist that I will not consent to any action on the other appropriation bills. I will withdraw my objection to the proposition of the gentleman from Alabama, if that is agreeable to the House.

The SPEAKER. Then if there be no other objection to the proposition of the gentleman from Alabama, a committee of conference will be appointed.

There being no objection, the following named gentlemen were appointed a committee of conference, to meet a similar committee on the part of the Senate on the disagreeing votes of the two Houses on the amendments to the civil and diplomatic appropriation bill: Messrs. HOUSTON, HAVEN, and HENDRICKS.

Mr. HUNT. I rise to a question of privilege. I do not know that it is competent for a committee of conference to correct an error made in this House. I understand that an amendment to the civil and diplomatic appropriation bill, reported to have been non-concurred in, was concurred in. Now, I desire the correction to be made in the proper place by the proper person.

The SPEAKER. The Chair, in reply to the gentleman from Louisiana, [Mr. HUNT,] would say that that subject was investigated. However, the gentleman has submitted no motion.

Mr. BRECKINRIDGE. There are one or two words of explanation which I wish to offer.

Mr. HUNT. Did I understand the Chair to say that I had made no motion?

The SPEAKER. The Chair so understood the gentleman, and so remarked, in order to call his attention to it.

Mr. HUNT. Then I wish to be distinctly understood. From what I have been told here, I have learned that no motion is necessary, and that action may be taken on this matter by the committee of conference. I am alluding to an amendment which passed in relation to marine hospitals. I have been informed by the gentleman from Alabama that the amendment of the Senate has been recorded as non-concurred in.

The SPEAKER. By a mistake, such is the fact; a Committee of the Whole House agreed to

the amendment in question; but, as has been conceded this morning on all sides, and as is within the recollection of the Chair, by some mistake in numbering the amendment, it was reported to the House as having been non-concurred in. It is competent, however, for the committee of conference to settle it; and the Chair supposes that there will be no difficulty about it.

Mr. HUNT. Then I am satisfied.

Mr. HOUSTON. It is, perhaps, due to the clerks—

Mr. HUNT. I believe I have the floor. I wish it distinctly understood, that an error committed in this House must be corrected in this House. It can be done by unanimous consent, and I ask that it may be done, and let the bill go in its proper shape to the committee of conference.

The SPEAKER. The Chair begs leave to inform the gentleman from Louisiana that the bill has been already passed upon by the Senate in the shape in which it was sent to them, with the error in it. The Senate have adhered to all of their amendments, and it has been sent back from the Senate, with a request that a committee of conference be appointed on the part of the House. The bill is now in possession of the House, and it will tend to delay if the course indicated by the gentleman should be taken.

Mr. HUNT. Understanding that has been done which I desire to have effected, I will not now submit a motion.

Mr. STANTON, of Tennessee. I desire to suggest whether it would not be in the power of the House to recede from its disagreement as to that amendment, and then appoint a committee of conference as to the rest of the amendments? That would settle all the difficulty.

Mr. HOUSTON. I desire to say a word which perhaps is due to the clerks of the House, who have had the management of this bill. It is this: The numbers which the printers placed opposite to the amendments do not correspond with the numbers in the original bill from the Senate, and in that way this confusion has crept in; and it is an error which may be corrected without the least impropriety by the conference committee. As it now stands, the House disagreed to the amendment; and when the bill went back to the Senate the Senate insisted upon the amendment; and the committee of conference can settle the matter according to the action of the House.

The SPEAKER. The House has already ordered a committee of conference; and this subject can only be reached in the House by reconsidering that vote.

ALTERATION OF THE RECORD—AGAIN.

Mr. BRECKINRIDGE. I do not intend to detain the committee more than a minute or two, to make an explanation founded upon the remarks of the gentleman from Ohio, [Mr. CAMPBELL,] in regard to the governor, auditor, and treasurer of Minnesota. For the reason which I explained when I was offering the report of the majority, the majority thought proper to insert a second section to the bill, to prevent these executive officers from indicating any company, in case the legal result of what has taken place should be that the company, as organized, has failed to comply with the charter. But if the House chooses to make a grant of land to Minnesota, the majority of the committee did not propose to make a proposition to the House to fix and limit the territorial government from indicating the manner in which that Territory should dispose of that grant. That is the difference between the suggestion of my friend from Ohio and the balance of the committee; and the gentleman from New York, [Mr. SIMMONS,] who signed the report of the gentleman from Ohio, states that he prefers the bill offered by the majority of the committee.

One other word. Your committee have been in session—and I am instructed to say so—for more than a week. The subject matter of investigation was simple and direct. They could have exhausted the subject in one or two days. They believe they did, but some latitude was given, and a great deal of matter is contained in that record, which, while it does not reflect upon anybody, is irrelevant to the matter in hand.

My friend from Ohio [Mr. CAMPBELL] stated something in regard to the names of some gentle-

men of this House having been mentioned in that testimony, and that he deems it proper that the committee should stand over until the next session. It is true that the name of a member of this House was mentioned in the course of that testimony; but not upon the knowledge of any party concerned, or bearing directly upon the fact of the alterations. In the course of the evidence, the name of some individual in New York was mentioned; and it was stated that he might answer two or three questions touching the matter in connection with which his name was mentioned; but the committee have directed that these interrogatories shall be put to these persons, and they have authorized me to ask that their answers, as soon as they can be obtained, shall be filed with the evidence. But your committee did not suppose they would have any material bearing upon the matter in hand. I am instructed to say, that the committee have examined the matter submitted to them by the House thoroughly, and the facts as to who made the alterations, as far as they have been able to ascertain them, are fully spread out in the evidence. The majority of the committee have not felt authorized to inquire into any matter not pertaining to the matter in hand. They believe that no member of the House would be implicated by any further investigations; and, therefore, they recommend that the evidence, in full, be printed, together with whatever answers may be received to the interrogatories we have sent to the person to whom I have referred in New York, which are expected to-morrow morning, and that the committee may be discharged from the further examination of the subject.

And, now, in reference to the bill reported by the majority of the committee, I will state that four of the committee concur in reporting the bill which I read to the House. My friend from Ohio, [Mr. CAMPBELL,] however, prefers the one which he has read to the House. By reference to the terms of the resolution raising the committee, the House will observe that the committee were simply instructed to inquire into the change in the text of the bill, as to who made the alteration, and under what circumstances it was done. They might very properly have confined themselves simply to a report responsive to the resolution. They doubted for some time whether, under the instructions of the House, and being a select committee, they had the right to report any recommendations for the action of the House.

MESSAGES FROM THE SENATE AND PRESIDENT.

[A message was here received from the Senate, by ASBURY DICKINS, Esq., their Secretary, informing the House that they had passed the following bills of the House without amendment:

- A bill for the relief of John Frink;
- A bill for the relief of civil township of Marion, in the county of Mercer, Ohio;
- A bill for the relief of James Walsh;
- A bill for the relief of W. D. Porter of the United States Navy;
- A bill for the relief of Benjamin Hammond, of the State of New York;
- A bill for the relief of Henry W. Halsted;
- A bill for the relief of Jesse R. Faulkner, of Missouri; and
- A bill for the relief of John McVea and John F. Kneely, of Louisiana.

Also, that they had passed a resolution suspending, for the remainder of the session, the 16th and 17th joint rules, in which he had been directed to ask the concurrence of the House.]

[A message, in writing, was received from the President of the United States, by SIDNEY WEBSTER, his Private Secretary.

Mr. BAYLY, of Virginia. I move that the message which has just been received be taken up and read.

There being no objection, the Speaker presented the following message:

WASHINGTON, August 2, 1854.

To the House of Representatives:

I herewith transmit to you a copy of the treaty between the United States and Great Britain, negotiated at Washington on the 5th of June last. It has been concurred in by the Senate, and I have no doubt that the ratifications of it will soon be exchanged. It will be observed that by the provision of the fifth article the treaty does not go into operation until after legislation thereon by the respective parties.

Should Congress, at its present session, pass the requisite law on the part of the United States to give effect to its

stipulations, the fishing grounds on the coasts of the British North American Provinces, from which our fishermen have been heretofore excluded, may be opened to them during the present season, and apprehended collisions between them and British fishermen avoided.

For this reason, and for the purpose of securing to the citizens of the United States, at the earliest practicable period, other advantages which it is believed they will derive from this treaty, I recommend the passage by Congress, at the present session, of such a law as is necessary on the part of the United States to give effect to its provisions.

FRANKLIN PIERCE.

On motion by Mr. BAYLY, of Virginia, the communication was referred to the Committee on Foreign Relations, and ordered to be printed.]

ALTERATION OF THE RECORD—AGAIN.

Mr. BRECKINRIDGE, (resuming.) Mr. Speaker, I had only a word or two to offer when the interruption occurred. It is impossible for the committee to make the House acquainted with the testimony spread on the record, or to go into a discussion of it now. They can only state their opinions and conclusions, and the House must take such action as it thinks proper on the recommendations from the committee.

I am instructed to say that four of the committee prefer the form of the bill which has been submitted by the majority; that they believe they have examined all the evidence material to the alteration in the text of the bill which can be obtained; that the only witness who was, by any individual on the committee, supposed to be material in any form, or who could give any testimony, not touching the alteration, but touching other matter which had been introduced, was in the city of New York and unable to be here; and that to gratify the gentleman whose name had been mentioned, the committee had directed interrogatories to be put to him, although the whole of it was founded on hearsay, and have asked that that shall be printed with the testimony, when it comes. Under those circumstances a majority of your committee ask that the evidence, including the answer to their interrogatories, shall be published for the satisfaction of the House; and that they may be discharged from the further consideration of the subject.

In regard to the bill offered by the majority, as I was remarking, your committee thought, at one time, that it was proper for them to confine themselves to the resolution under which they were appointed, and to report simply the fact of the alteration, by whom made, the circumstances under which it was made, and then let the House act on the report as it may think proper. But, inasmuch as a change in the word indicated had been made after the bill was engrossed and had passed the House, your committee supposed that they did not transcend the spirit of the resolution under which they were appointed, by offering a proposition to the House to put it *in statu quo ante bellum*, that the House, if it chose, might pass a supplemental act, which restored it to the condition in which it was. It is not for us to volunteer any action to the House.

Mr. TAYLOR, of Ohio. I would suggest to the gentleman from Kentucky, that he had better call for the previous question, and let us pass this bill. I for one, am disposed to do it.

[Cries of "That is right!"]

Mr. HUNT. The report ought not to be passed over by this House without an expression of opinion on the part of members. I for one, desire to express my opinions on the conduct of the Clerk of this House and the member from Michigan.

Mr. CAMPBELL. If the House will give me its attention for a few minutes, I will briefly state the reasons why the minority of the committee think that further testimony should be taken. Now, I put it to each and every member of that committee, and each and every member of this House, whether the reports of the majority and minority of the committee do not show that a gross fraud has been perpetrated by the interpolation in an act of this House, and I would put it to the House whether either report settles the fraud upon any person, and whether, under such circumstances, and especially when the committee has had only a few days in which to pursue its investigations, and those at the close of the session, it is not due to Congress and the country that we should make some further effort to ferret out the originator of the fraud whether he be a member, an officer, or an outsider. Why, sir, this Minnesota bill makes a larger grant of the public domain than any bill ever passed by Congress

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33d CONGRESS, 1st Session.

THURSDAY, AUGUST 3, 1854.

NEW SERIES...No. 132.

before. Millions of acres, by the insertion of the word "and" in the place of the word "or," were taken away from the control of the Legislature of that Territory, and given to an incorporated company which had procured a charter from the Legislature. I appeal to the honorable gentleman who has just taken his seat, to say if there is anything that we have said in the report which fastens suspicion upon any member of this House? But neither of the reports goes so far as to say that there is nothing that does not fasten suspicion in some other quarter.

Mr. JONES, of New York. Will the gentleman from Ohio inform me whether the committee know who are the directors in that company; and if they do, will he not inform the House, so that we may better judge in relation to this matter?

Mr. CAMPBELL. By reference to the charter, which is made a part of the testimony, it will be seen that the corporators are the Messrs. Schuyler, of New York.

Mr. JONES. Which Schuyler?

Mr. CAMPBELL. George Schuyler, Ketchum, &c.

Mr. LETCHER. I desire to make an inquiry of the gentleman from Ohio. It is perfectly manifest, from the reports of the majority and minority, that a fraud has been perpetrated, and I desire to be informed who committed it?

Mr. CAMPBELL. The committee could not come to a positive conclusion of sufficient strength to authorize us to make a solemn report in regard to that matter to this House, for the reason that we had not time to go thoroughly into an investigation of all the matters connected with this affair. There are parties living in the Territory of Minnesota whose testimony, I now state to the House, I believe to be important to a thorough understanding of this subject. So much for the proposition to extend the investigation.

Now a word, and but a word, as to the proposition to take away the power by which one or two or three officers of the Territory of Minnesota may designate the company to which this vast domain shall be given. The bill of the majority proposes simply to nullify the act heretofore passed giving them that power. There is nothing in the bill of the majority which would preclude the Legislature, composed of the very identical members, from assembling and again passing an act of that kind. It is for that reason, and for the purpose of guarding the rights of the people there, that I have provided in the bill of the minority that the people shall elect a Legislature in future which shall decide in what way this vast domain shall be disposed of. Such, let me say, was evidently the intention of the parties who first prepared that bill, and sent it to the Committee on Public Lands.

I now move, Mr. Speaker, that the bill reported by the minority, be taken as a substitute for that of the majority; and on that motion I ask the previous question.

Mr. COBB. I ask the gentleman from Ohio to withdraw his call for the previous question, to enable me to make one or two remarks.

Mr. CAMPBELL. I withdraw the call for the previous question, as requested.

Mr. COBB. The gentleman from Ohio speaks of the bill as giving away millions of acres of the Territory of Minnesota. Now, I want to ask that gentleman one question—I am posted up on it myself, and, inasmuch as I have voted for this bill, I desire that my vote shall always be estimated according to its worth. What I want to know from him is: He states that the bill grants some millions of acres. Has he ever calculated the amount really granted by it? If not, I can tell him.

Mr. CAMPBELL. Well, I should like to know.

Mr. COBB. Then I suppose you have not made a close calculation: have you?

Mr. CAMPBELL. No.

Mr. COBB. Well, then, that the thing may go properly to the country, I will state the quantity of land granted by that bill. I was myself of the same opinion as that entertained by the

gentleman from Ohio in relation to the quantity of land granted under that bill. But I have an estimate that was made by a properly qualified person, from which I learn that, if the railroad track be run in a direct line, the quantity of land granted will be less than six hundred thousand acres.

Mr. CAMPBELL. Well, that is no small quantity.

Mr. COBB. One more suggestion. According to the bill, if the track be constructed meandering between certain places, the company may get more than that quantity of land; but I do not believe that in any case they can get more than seven hundred thousand acres.

Mr. CAMPBELL. I further withdraw the demand which I made for the previous question for my colleague on the committee, [Mr. BARRY,] who I understand wishes to make some observations.

Mr. BARRY. I wish to make a few remarks to the House on this subject; but I promise to occupy very little of its time.

The SPEAKER *pro tempore*. (Mr. JONES, of Tennessee, in the chair.) The Chair desires to state the question before the House, that there may be no mistake or misapprehension. The Chair understands that the gentleman from Kentucky [Mr. BRECKINRIDGE] made a report from the committee, and concluded that report by making a motion to discharge the committee from further consideration of the subject, and to print the report and testimony. That is, in the opinion of the Chair, the question pending before the House. The Chair thinks that the question on the bill read by the gentleman, and the motion to discharge the committee, and to print the report and testimony, cannot both be pending at the same time. The question, therefore, before the House is the motion to discharge the committee, and to print the report, including the testimony.

Mr. MILLSON, (interrupting.) I desire to ask a question of the Chair. I desire to ask the Chair whether, if the main question shall be ordered, it will not bring the House to vote on the report of the committee alone? And will it be in order afterwards to introduce any resolution in reference to the conduct either of the Clerk or of anybody else? And will it not cut off the motion to postpone the further consideration of this whole question to the next session of Congress? I wish to be informed on these questions before we proceed to vote on the demand for the previous question.

The SPEAKER *pro tempore*. The present occupant of the Chair is of opinion that the pending question is the motion made by the committee through their organ, the gentleman from Kentucky, to discharge the committee, and to print the report and minutes of the testimony. If the previous question shall be sustained on that, and if the vote be taken, the question will be disposed of.

Mr. MILLSON. Then it is not in order to move a postponement of the question until we can have read the evidence, so as to understand the question fully?

The SPEAKER *pro tempore*. It will not, if the previous question be sustained, and the main question ordered to be put.

Mr. BARRY. The question which the committee was chiefly to examine, was in reference to a certain interlineation and alteration in records, and the circumstances under which it had been made. The examination of that involved but few facts, and the evidence of but few persons. But in going into the investigation, we made the discovery, as was stated by the gentleman from Michigan, that the alteration was requested by a certain person outside of the House. Then the committee proceeded to inquire from that person and others what was his motive in making the request. That is the outside portion of this testimony; and if we were to ferret it to the bottom, as we are called upon to do, it would take the committee six months; because we would have to examine every man who had had a conversation upon the sub-

ject, or who had had anything to do with the subject, directly or indirectly.

As to the first part of the examination, we were enabled to report upon it in full, and unanimously, and to state that there was no corrupt design on the part of any member of this House, or any officer of the House. Now, shall we stop with the report which we have made, and not let it go to the country, because we cannot with absolute certainty tell whether or not the motives of the person who suggested the change outside of the House were criminal? This House cannot, of course, understand the question without the testimony; and when they see it, they will discover that a large portion of it is irrelevant. We did not know what was to be proved, or what witnesses were to be called for examination. When a lawyer examines a case, the party for whom he appears tells him what is to be proved, and what witnesses shall be called, so that he knows who to ask and what to ask. But in this case the committee had no such aid. We were entirely in the dark. When we examined a person, and he alluded to another in mutual connection, we had to send for him to explain what the other had alluded to. Thus we were groping in the dark in relation to the testimony; and were the committee to sit six months, they would still be groping in the dark.

The gentleman from Ohio [Mr. CAMPBELL] has said that there are witnesses in Minnesota who were not examined. That gentleman said to the committee, and perhaps truly, that if we should take their testimony, we should elicit important information. I do not know but what we should, for I do not know who has any knowledge about this matter. In examining them, we should grope in the dark, as we have been all through on the examination.

There is one witness in New York whom it was thought necessary to examine. The Sergeant-at-Arms sent a deputy after him eight or nine days ago. But he is sick, and cannot come. In a letter from him he says he knows nothing upon the subject which will criminate anybody in reference to the matter before us. We have now sent to him, by telegraph, certain interrogatories, and the answer to them will be received by mail to-morrow morning, we hope.

Mr. HIBBARD. I desire to ask a question. Am I right in understanding that neither the minority or majority report impute improper motives to any officer or member of this House?

Mr. BARRY. I understand it is so. It is certainly so in the majority report, and I think it is in the other. I say that all further examination will result as that which we have heretofore had. We shall be groping around in the dark to find out something, perhaps to find nothing material, and perhaps to find out nothing. For instance, the testimony of Mr. Hunt was hearsay. On examining one witness, he said, I was informed by Mr. Hunt that such and such things are facts. Now, we inquire of Mr. Hunt if that is so. All the information we can get from him will be as to the truth of what has been asserted by another witness. That is all. The gentleman in reference to whom such statements were made came forward and openly and frankly denied their truth.

Now, sir, I say, why protract this investigation into another session, when we have no specific charges before us against any individual upon which we can act? It would be merely to beat about to find intimations upon which we can obtain evidence. In my own opinion, there is no reasonable prospect that any further material can be found upon which to act. We have had before us the men who are most deeply concerned in the matter, and who, if there has been any corrupt proceedings in reference to the matter, know it, and refuse to divulge it.

Mr. CAMPBELL, (interrupting.) I propose, if the gentleman will allow me, that by common consent we should first act upon the bills reported by the different branches of the committee, then upon the resolutions reported by them, and lastly, upon ordering the reports and testimony to be print-

ed. If there is no objection, I will make that proposition, and I do it for the reason that it is important; it has been so regarded by both branches of the committee, that there should be some immediate action in reference to the matter. I ask the unanimous consent that the bills reported by the majority and minority be taken up and acted upon.

Mr. BARRY. I will not object, if it is the wish of the House.

Mr. STEPHENS, of Georgia. I do not give my consent, unless with the understanding that I be heard upon the subject.

Mr. CAMPBELL. I certainly shall not object to that.

The SPEAKER. It can be only done by unanimous consent.

Mr. BRECKINRIDGE. I object, if the effect will be to cut off the gentleman from Mississippi [Mr. BARRY] from finishing his remarks.

The SPEAKER. The Chair thinks it proper to state here that the minority of a committee have no right to make an independent report, except by unanimous consent. The proper course would be, when the bill reported by the majority comes up, for the gentleman from Ohio to offer his as a substitute.

Mr. CAMPBELL. I believe it was the understanding of the House that both bills should be reported.

Mr. STEPHENS, of Georgia. I desire to know distinctly whether it is the understanding that I shall be heard upon these bills?

Mr. CAMPBELL. Certainly it is.

The SPEAKER. The motion to discharge the committee, and to print the reports and testimony, is first in order.

Mr. STANTON, of Tennessee. I hope the proposition to act upon these bills at the present time will not be agreed to.

Mr. BRECKINRIDGE. Why, sir, it requires unanimous consent, and I have objected until my friend from Mississippi shall have an opportunity to conclude his remarks. If the gentleman from Georgia desires also to speak, I shall be happy to hear him.

Mr. BARRY. I simply desire to say, in answer to the inquiry of the gentleman from Alabama, [Mr. Cobb,] that the land donated by this Minnesota bill will amount to about five hundred and seventy-six thousand acres.

Now, one word in reference to this railroad company. A prejudice has been created against them in consequence of a statement which has been made that the Schuylers are connected with it. I desire to say, that the Schuylers were connected with the company as it was originally incorporated; but since that time the company has been reorganized, and their names are not, in any way, connected with the corporators, nor do they own one dollar of the stock.

Mr. JONES, of New York. Will the gentleman be good enough to read the names of the corporators?

Mr. BARRY. I do not know their names.

Mr. JONES. Then I ask the Clerk to read them. I believe their names are in the bill, or the report of the committee.

Mr. BARRY. I do not think their names are there.

Mr. JONES. The names of the original corporators are there, are they not?

Mr. BARRY. The names of the original corporators are there, but not those of the present company.

Mr. JONES. I ask that the names of the original corporators may be read.

Mr. DISNEY. I object to the reading.

Mr. HIBBARD. Will the gentleman allow me one word?

Mr. BARRY. Certainly.

Mr. HIBBARD. I do not desire to interrupt the gentleman's remarks, but merely to remind the House that there are now eight general appropriation bills unfinished and pending between this House and the Senate. We have agreed to adjourn to-morrow at noon.

[Cries of "Order!"]

The SPEAKER *pro tempore*. The Clerk will now report the names of the corporators of the Minnesota and Northwestern Railroad Company. The Clerk then read the names, as follows: Robert Schuyler, William P. Burrall, George L. Schuyler, Morris Ketchum, Edward Bement, R. B. Mason, and George W. Billings, of the city of

New York; Erastus Corning, of the city of Albany; John W. Forbes, Curtis B. Raymond, and John Gardner, of the city of Boston; W. B. S. Moore, of the city of Bangor, Maine; Frederick S. Jesup, of Dubuque, Iowa; Franklin Steele, Charles W. Borup, Orange Walker, Alexander Wilkin, Willis A. Gorman, Alexander Ramsey, James Stinson, and J. Travis Rosser, of the Territory of Minnesota.

Mr. BARRY. Those are the names of the original corporators. That company is now organized, and has been since the 1st of July. I do not know the names of the directors, yet it is testified that the Schuylers are not of them, and that they had no stock or connection with the company as organized.

Mr. PRATT. I will state that William P. Burrall, whose name has been mentioned among others, is as respectable a gentleman as lives in New York, or anywhere else. I have nothing to say of the others.

Mr. BARRY. I hope that the House will take no action on this subject which will prevent the reports of the majority and minority of the committee, as well as the accompanying testimony, from being printed. The House cannot act intelligently on this subject until it has examined the testimony beyond this one point, that they know that there was a change made in the language of the bill. We can, without further evidence, proceed to reinstate the language of the bill as it passed this body. We cannot go any further than we have safely, unless we have the reports of the committee, and the testimony accompanying them, be printed and examined. I hope that no action will be taken which will in any way tend to prevent the testimony, as presented by the majority and minority of the committee, from being at once printed. I trust that the gentleman will persevere in his motion, and that the reports from the committee be laid upon the table, and ordered to be printed.

Mr. STEPHENS, of Georgia. Mr. Speaker, I have no objection to the passage of the bill which has been reported from the committee. That bill provides that "or" be reinstated for "and," but I do not think that the alteration referred to is one of a very material character. The gentleman from Ohio, [Mr. CAMPBELL,] to whose report and remarks I have listened attentively, speaks of a very great fraud having been committed. I cannot perceive it. The words in the bill, as it was read when it passed this House, were "nor shall they inure to the benefit of any company heretofore constituted or organized." The word "and" has been substituted for the word "or," so that it now reads "shall not inure to the benefit of any company hereafter constituted and organized." And in this way it read when it passed the Senate. Gentlemen seem to consider the word "constituted" as equivalent to the word "incorporated" or chartered. This, in my judgment, is a radical error. When a charter is granted, corporators named, the company is not constituted until the corporators meet, accept the charter, and form themselves into a body-politic. Until this be done, no corporate company can be said to be constituted.

Mr. CAMPBELL. Whatever may be the legal effect of the word, it is very evident, from the proof, that that company was not organized until the 1st day of July; and, not being organized, the insertion of the word "and" would make the land inure to its benefit.

Mr. STEPHENS. I know nothing about these outside matters. I know nothing of the organization of any company which may claim the benefits of this act. I look at the language of the law as it passed the House, and how far the interest of any company or anybody can possibly be affected by the alteration which has been made. The gentleman from Ohio speaks of a company that was not organized until 1st July; well, it could not have been constituted either; for constituted and organized in this connection must mean the same thing; and it does seem to me to be very immaterial whether we say "constituted and organized," or "constituted or organized." This I say in reply to so much of the remarks of the gentleman from Ohio [Mr. CAMPBELL] as represented a great fraud as having been committed by the officers of the House, or somebody. It seems to me that the alteration, under the circumstances stated in the report, might have been

deemed immaterial, and made without subjecting the persons concerned in the least degree to any imputation of wrong. The committee has exonerated all parties.

Mr. CAMPBELL. If the parties themselves regarded it as immaterial, why did they go to the extent of procuring an erasure and change in an enrolled bill of this House? The question is this: If the parties to this transaction regarded this thing in the light in which you do, as immaterial, why did they go to the extent of having the word "or" erased from an enrolled bill of this House, and inserting in its place the word "and"?

Mr. STEPHENS. I do not know that "the parties" did it. I know nothing of the parties, or any parties.

Mr. CAMPBELL. Somebody did it. Somebody procured it.

Mr. STEPHENS. From the evidence which has been read here, I understand that a member upon this floor, who had the bill in charge, moved this amendment, or verbal alteration, in committee, which was carried, and he supposed that it was so read in the House. He may have regarded it as a very immaterial matter.

Mr. CAMPBELL. I have no doubt that the gentleman who procured the alteration to be made after the bill left the House, may have regarded it as immaterial; but, on the other hand, I have no doubt that the outside influence that sought to make the erasure did regard it as material.

Mr. STEPHENS. I am not speaking of outside influences, for I know nothing about them. The gentleman speaks of "parties," but I do not think that we should consider the position of any "parties" who may claim benefits under the act. I look to the record before us. On and from that I speak when I say that the alteration seems to me to be verbal and immaterial. If I were to go beyond this record, and speak of what I hear outside, I am inclined to think that the whole of this affair has been got up by some parties outside of this House, and whose object is to break down this bill and get the land hereafter themselves.

Mr. CAMPBELL. A committee was appointed to investigate all the facts and circumstances connected with this matter; and they have done it laboriously and to the best of their ability, in the short time they have had.

Mr. STEPHENS. What does the report state above any outside influences?

Mr. CAMPBELL. It is expressly stated in one of the reports that Mr. Billings, one of the corporators under the charter granted by the Minnesota Territory, was here before the bill went to the Committee on Public Lands seeking to get it couched in such a manner as to carry the grant to that particular company, and in such terms as to give no power over the grant to future Legislatures.

Mr. STEPHENS. Well, sir, there is no evidence that I have heard that he succeeded in his wishes. I know nothing about him, however, or any other members of that or any other company which wishes an interest in the grant. But my object in rising was to call the attention of the House to the character of the alteration which the gentleman from Ohio [Mr. CAMPBELL] calls a "great fraud."

The gentleman argued as if "constituted" was the same thing as "incorporated." And, inasmuch as a particular company had been incorporated, but not "organized" at the time the bill passed, he argued that the alteration was made for their benefit. If *constituted* be equivalent to *incorporated* in this connection, then "or organized," in the original draft of the bill, was nothing but sheer nonsense. The words are "any company heretofore constituted or organized." The use of the words "or organized" here must have been resorted to for the purpose of being more explicit in the meaning of "constituted," and not for the purpose of designating another class; for suppose it had read "any company heretofore incorporated or organized, who does not see that with this reading "or organized" is perfect nonsense? No company could have been organized before it had been incorporated. And if "constituted" means in this bill "chartered" or "incorporated," then "or organized" makes like nonsense. But read, as I suppose the draughtsman meant it should be, it makes good sense.

I make these observations, Mr. Speaker, to

show the perfect immateriality of the alteration, as it seems to me the reports of the committee remove all blame or fraudulent intent from any person connected with it. This is my understanding of their reports. The only other question is, whether anybody has been injured by it? I think not; for, in my opinion, it is perfectly immaterial whether the words in the bill were "constituted and organized," or whether they were "constituted or organized." They mean the same thing, so far as I can understand.

Mr. CAMPBELL. I may state to the gentleman from Georgia, in regard to other influences, that it is proved that after the bill was printed in the Senate, and after the word "or" was discovered to exist in it instead of the word "and," Mr. Billings, one of the corporators of this company, did go to a Senator and appeal to him to have this alteration made; and that is the origin of the suggestion, so far as the committee have it in evidence. It came from one of the corporators of this company to a Senator, who, doubtless not supposing that there was anything improper in it, applied to the Clerk of the Senate to know whether the alteration could be made, and then they came round to the Clerk of the House, and the alteration was procured. The desire to have the alteration is traced by the evidence to Mr. Billings, one of the corporators named in the charter. He must have a purpose.

Mr. STEPHENS. I have already stated that I know nothing about Mr. Billings or any of these corporators. I know nothing of the evidence on that point—I understand the report—I spoke of that. But the statement of the gentleman amounts to this, that Mr. Billings requested a Senator to have a change of verbiage made in—I suppose—a parliamentary manner. This it seems it was thought had been done in the committee in this House, and the change was made before the bill passed the Senate. But it does not concern me how the alteration was made, as it was not made for the purpose of fraud, nor, in my opinion, contains fraud in it. There is no man, I suppose, in the House, who would not have given his consent to the alteration, if his attention had been called to it.

Mr. CAMPBELL. If the gentleman from Georgia will permit me, I will explain that the alteration could not have been made in a parliamentary way, for this reason: It was then about the 28th of June; this charter would have become void on the first of July. If the word "and" had been substituted in a parliamentary way in the Senate, the bill would have come back to this House with an amendment. It would have gone to the Speaker's table, and the first of July would have elapsed before it became a law.

Mr. STEPHENS. Again the gentleman is assuming all his facts. If the "and" had been substituted for the "or" in the Senate, I question if there is a man in this House who would have failed to have given assent immediately to the correction. Because I defy any gentleman to look into it, and say whether there is any difference between the two words, in the connection in which they are used. I make these remarks to show that—as I think—there has been "great cry and no wool" in this matter. So far as I am concerned, I have no doubt in the world that the bill would have been passed as readily with one word in it as with the other.

Mr. STANTON, of Tennessee. I am very much inclined to believe, with the gentleman from Georgia, that the substitution of the word "and" for the word "or" is quite as immaterial as he supposes it to be. But whether it be material or immaterial, it seems to me that it is impossible for us to act on this subject any further than to order the reports of facts made both by the majority and minority of the committee to be printed. Now, that is the very thing that I think the House ought to do. It is very uncertain as to what the effect of the alteration is. It seems, from the opinions of the majority and minority of the committee, that the gentleman who originally reported the bill, intended to have reported it with the word "and" in the connection in question. He supposed—or some of those having interest in it supposed—that it would be a material alteration. The gentleman who had the bill in charge believed the word "and" to have been in the bill. And I suppose there are not three members on the floor of the House who knew, at the time the bill was passed, whether it contained the word "and," or

the word "or" in this connection. Nor do I suppose that there are three gentlemen on the floor who cared whether it was one or the other word, or to what company the benefits or advantages of the grant should inure.

But if there is a material difference in the bill by the substitution of the word "and" for the word "or," I beg the House to remember that by the passage of this act, and by the subsequent or prior action of the Legislature of the Territory of Minnesota, rights may have been derived under that grant. Obligations may have been assumed, money may have been paid, innocent parties may have come in and been deceived by the passage of this law. If so, I hold it would not be right, and it would not be in the power of this House, to withdraw that grant. I do not know how these things are, but it has been said here, upon the floor of this House, by the gentleman from Mississippi, [Mr. BARRY,] and by others, that the original corporators in that act are not the parties now interested in the grant which has been made by Congress. Do you know, does this House know, has the committee examined the fact, whether this grant has passed into the hands of innocent purchasers, or whether its benefits inure to the original corporators, or to the parties who have been implicated in procuring this fraud?

Sir, it is doubtful whether fraud could be implied against any persons in reference to this matter, when it is shown, upon the floor of this House, that a member of this House, acting upon his own belief as to the immateriality of this alteration, and designing to carry out the object of the committee, made this alteration innocently, and when the reports of both committees exonerate all parties of any intention of fraud. It seems to me that if any correction is to be made in this bill, it ought to be made according to the intention of the committee which reported the bill, when the intention of the House did not appear to be one way or the other, except that the bill passed the House in a condition not intended by those who reported it to the House. I think, sir, in order to perfect the examination of this question, the passage of those bills—if they are to be passed at all—ought to be postponed until they are deliberately examined; and, therefore, I shall move, at the proper time, to refer this matter to the Committee of the Whole on the state of the Union.

Mr. BRECKINRIDGE. I was going to inquire, in advance of that proposition, and in order to dispose of this matter, that we may proceed to the other pressing business before the House, whether the motion pending is not that the reports be printed, and that the committee be discharged?

The SPEAKER. It is.

Mr. BRECKINRIDGE. Then I insist upon it, and call the previous question.

Mr. CAMPBELL. I understand that unanimous consent was given to take up first the bills and resolution reported before that motion was made.

The SPEAKER. The Chair did not so understand it. The Chair stated that the pending question before the House was the proposition made by the committee through their organ, the gentleman from Kentucky, [Mr. BRECKINRIDGE,] to discharge the committee, and print the report and evidence. Did the Chair understand the gentleman from Kentucky as suggesting any other question?

Mr. BRECKINRIDGE. No sir.

Mr. STANTON, of Tennessee. I do not propose to make any motion now; but when it shall be in order to do so, I shall move to refer this subject to the Committee of the Whole on the state of the Union, in order that it may be postponed until the next session, when it can be deliberately examined.

ERROR IN FORTIFICATION BILL.

Mr. HOUSTON. One of the members of this House, upon the enrolling committee, has called my attention to an error which has, by some means, crept into the fortification bill. The amendment which was adopted by the House, appropriating \$20,000 to preserve the fortification sites, &c., not mentioned in the bill, is, by the omission of the word "not," made to apply to the fortifications included in the bill, and to which the appropriation was not intended to refer. It now reads: "For contingent expenses of fortifications herein mentioned." It should have read: "For

contingent expenses of fortifications not herein mentioned." The object was to preserve the sites, and keep in repair such fortifications as we had made no specific appropriations for in the bill.

The SPEAKER *pro tempore*. Is it the unanimous consent of the House that the bill shall be correctly enrolled?

Mr. GIDDINGS. I object.

[Cries of "Too late."]

The SPEAKER *pro tempore*. The Chair thinks the objection comes too late, and will direct the correction to be made.

ALTERATION OF THE RECORD—AGAIN.

Mr. STANTON, of Tennessee. While I think the time of the House is exceedingly precious at this period of the session, and as I trust that Congress will not prolong its session beyond to-morrow morning, as I believe we can transact the necessary business of the House by that time, with proper diligence, I move the previous question upon the proposition before the House.

Mr. CULLOM. I desire to inquire of the Chair if the motion of the gentleman from Kentucky [Mr. BRECKINRIDGE] is divisible, so that the question may first be taken upon the motion to print, and then upon the motion to discharge the committee from the further consideration of the subject? I am willing that the reports and testimony shall be printed, but I am not willing that the committee shall be discharged without further investigation.

The SPEAKER *pro tempore*. In the opinion of the Chair, if the motion of the gentleman from Tennessee prevails, and the matter is referred to the Committee of the Whole on the state of the Union, the committee will not be discharged from the consideration of the subject.

Mr. CULLOM. I did not understand the gentleman from Tennessee as making that motion.

Mr. STANTON. I have not made any such motion. I gave notice that when the bills reported by the committee came up for consideration, if I could get the opportunity, I should move to refer them to the Committee of the Whole on the state of the Union, but I have no wish to give the reports that direction.

Mr. BRECKINRIDGE. I ask the Speaker, that the House may correctly understand the condition of the business before us, if the motion pending is not that submitted by myself, that the committee be discharged from the further consideration of the subject, and that the reports and testimony be printed?

The SPEAKER *pro tempore*. That is the motion now pending.

Mr. BRECKINRIDGE. What will be the effect of the previous question upon the motion?

The SPEAKER. It will be to bring the House to a direct vote upon the matter under consideration.

Mr. WASHBURN, of Maine. Will the ordering of the previous question bring the House to a vote upon the bills reported by the committee, as well as upon the reports and testimony reported therein?

The SPEAKER *pro tempore*. The vote must be first upon disposing of the reports and testimony, and the House will decide as to its action upon the bills when they come up.

Mr. BRECKINRIDGE. Certainly, the bills will be brought before the House as soon as the reports are disposed of.

The previous question was seconded, and the main question ordered to be put, being upon Mr. BRECKINRIDGE's motion to discharge the committee, and to print the report and testimony.

Mr. CAMPBELL demanded the yeas and nays, and tellers on the yeas and nays.

Tellers were ordered; and Messrs. STUART, of Michigan, and WESTBROOK were appointed.

The question was taken; and the yeas and nays were ordered—forty members voting therefor.

Mr. SKELTON. If the committee be discharged from the further consideration of the subject, will the bill be brought before us for our action?

The SPEAKER *pro tempore*. The present occupant of the Chair may not be presiding when that question arises. The bill is not now before the House.

Mr. BRECKINRIDGE. I would ask the Speaker whether, if the committee be discharged

from the further consideration of the subject, and the reports be ordered to be printed, it is not in the power of the House to act on the bill which is proposed?

The SPEAKER *pro tempore*. The Chair has stated several times that he may not be presiding over the body when this question arises. His opinion, however, is that the bill is not before the House, and that it can only get in by unanimous consent, or a suspension of the rules, because it is not within the provisions of the resolution creating and fixing the duties of the committee. The Chair may be wrong, but that is his decision.

The question was then taken on Mr. BRECKINRIDGE's motion; and it was decided in the affirmative—yeas 95, nays 73; as follows:

YEAS—Messrs. Aiken, James C. Allen, Willis Allen, Appleton, Ashe, Banks, Barksdale, Barry, Belcher, Bliss, Boock, Boyce, Breckinridge, Bridges, Brooks, Caruthers, Chamberlain, Chastain, Chisman, Churchwell, Clark, Cobb, Curtis, John G. Davis, Disney, Dowdell, Dunbar, Edgerton, Edmundson, John M. Elliott, English, Fenton, Florence, Fuller, Gamble, Green, Greenwood, Andrew J. Harlan, Wiley P. Harris, Hendricks, Henn, Hibbard, Hughes, Ingersoll, Johnson, George W. Jones, Keitt, Kidwell, Kittredge, Kurtz, Latham, Lindsley, Macdonald, McDougal, McMullin, McNair, Macy, Maxwell, Mayall, John G. Miller, Smith Miller, Nichols, Oids, Orr, Packer, Phillips, Pratt, Richardson, Riddle, Robbins, Rowe, Russell, Sapp, Seward, Shannon, Shaw, Singleton, Gerrit Smith, William R. Smith, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Stanton, Straub, David Stuart, Thurston, Trout, Tweed, Upham, Vail, Vansant, Walsh, Wells, Westbrook, and Hendrick B. Wright—95.

NAYS—Messrs. Abercrombie, Bennett, Benson, Campbell, Carpenter, Caskey, Clingman, Cook, Corwin, Cox, Craige, Crocker, Cullom, Dick, Eastman, Edmunds, Thomas D. Eliot, Ellison, Farley, Faulkner, Flagler, Giddings, Goode, Goodrich, Grey, Grow, Aaron Harlan, Sampson W. Harris, Hill, Hunt, Daniel T. Jones, Knox, Lamb, Letcher, Lilly, McCulloch, McQueen, Matteson, Maurice, Millson, Morgan, Morrison, Murray, Andrew Oliver, Mordecai Oliver, Parker, Peck, Peckham, Pennington, John Perkins, Powell, Preston, Pringle, Puryear, Reese, David Ritchie, Rogers, Rufin, Sabin, Sage, Simmons, Skelton, William Smith, George W. Smyth, Andrew Stuart, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Wade, Walley, Tappan Wentworth, Wheeler, Daniel B. Wright, and Zollicoffer—73.

So the motion was agreed to.

REPEAL OF THE MINNESOTA LAND BILL.

The SPEAKER, (who here resumed the chair.) The Chair is of opinion that the bills reported from the majority and minority of the committee are before the House, and in this shape: Without objection a bill was reported from the majority of the committee, and without objection the minority made a report, and moved a substitute for the majority's bill. Under the operation of the previous question, the question will first be on reading the bill reported from the majority of the committee a second time.

Mr. ORR. Does the previous question operate on the bills which have been reported from the committee?

The SPEAKER. The previous question having been seconded, and the main question ordered to be now put, the second reading of the bill reported from the majority is under the operation of the previous question.

Mr. BARRY. I rise to a privileged question. I move to reconsider the vote by which the committee was discharged from the further consideration of this subject, and by which the reports and accompanying testimony were ordered to be printed; and that that motion be laid upon the table.

The latter motion was agreed to.

Mr. ORR. I agree entirely with the Chair that the two bills are properly before the House, they being portions of the majority and minority reports; but I did not suppose that the previous question operated on the bills. I rose for the purpose of moving to strike out the second section of the bill reported from the majority of the committee.

The SPEAKER. The bill has not been read a second time. By unanimous consent, both reports were made, and each, among other things, contained a proposition in the form of a bill. The bills were read the first time, but neither of them has been read a second time. The gentleman from Ohio has moved his as a substitute for that reported by the majority.

Mr. ORR. Then, when the bill is read a second time, the previous question will be exhausted?

The SPEAKER. It will.

The bill was read a second time.

Mr. ORR. I understand that the substitute moved by the gentleman from Ohio is now before the House?

The SPEAKER. It is.

Mr. ORR. It is in order to move an amendment to the bill reported by the majority.

The SPEAKER. It is in order.

Mr. ORR. Then I move to strike out the second section of that bill, so that the bill formerly passed may be left in the condition in which it passed this body, and so that if any fraud has been perpetrated, those who have perpetrated it will derive no advantage from it. I make the motion, and I demand the previous question upon it.

Mr. CAMPBELL. What will be the effect of the previous question?

The SPEAKER. The effect of it will be to bring the House to a vote, first upon the amendment to the original bill as proposed by the gentleman from South Carolina, [Mr. ORR.] and then upon the substitute of the gentleman from Ohio, [Mr. CAMPBELL.]

Mr. CRAIGE. I ask the gentleman from South Carolina to withdraw the demand for the previous question.

Mr. ORR. I will withdraw the demand, if the gentleman from North Carolina promises to renew it.

Mr. CRAIGE. The only object I have in asking the gentleman from South Carolina to withdraw the demand for the previous question is, that I may be allowed to make an inquiry. I desire to ask the Chair if the amendment of the gentleman is adopted, whether it will be in order to offer another amendment, or whether the previous question would still apply, because I desire to offer an amendment to strike out the bill reported by the gentleman from Kentucky, [Mr. BRECKINRIDGE], and to insert in lieu thereof the bill originally drawn by my friend from Virginia, [Mr. LETCHER], to repeal the Minnesota land bill.

Mr. STANTON, of Tennessee. I desire to make a suggestion. It is apparent, from the various amendments proposed from different sides of the House, that there is considerable contest about this matter. We are now within twenty-four hours of the close of the session, and it seems impossible to investigate this matter properly, and it ought, therefore, to go over until the next session. I desire to make a motion to refer the whole subject to the Committee of the Whole on the state of the Union.

The SPEAKER. Does the gentleman from North Carolina give way for such a motion?

Mr. CRAIGE. I do not yield the floor for that purpose. The object I had in view was, that this matter might be placed in such a shape that the House could vindicate its own character and its own legislation. It must be perfectly apparent to the House, that both committees were agreed that a wrong had been perpetrated. In the language of the gentleman from Ohio, [Mr. CAMPBELL], a great fraud has been committed. Who committed that fraud, the committees have not apprised us? In order that we may vindicate our own honor, and place this matter where it was before the falsification of the record took place, I desire to have a direct vote upon the question of repealing this bill, thus indirectly casting censure upon those who did really perpetrate the fraud. In accordance with my promise to the gentleman from South Carolina, I renew the demand for the previous question. But before I take my seat, I move to strike out the substitute offered by the gentleman from Ohio, [Mr. CAMPBELL], and insert in lieu thereof, the bill originally reported by my friend from Virginia, [Mr. LETCHER], which is as follows:

"That the bill entitled an act to aid the territory of Minnesota, in the construction of a railroad therein, which passed this House on the 20th day of June, 1854, and approved by the President of the United States, the 29th day of June, 1854, be, and the same is hereby, repealed."

The previous question was seconded; and the main question ordered to be put, being first upon striking out the second section of the original bill, as follows:

"And be it further enacted, That, in no event, by virtue of any act heretofore passed by the said Territorial Legislature, shall the governor, auditor, or treasurer of such Territory, have power to designate the company or companies to whose benefit the grant shall inure."

The question was taken; and on a division, there were—ayes 43; noes not counted.

So the amendment was not agreed to.

The question recurred on the amendment to the substitute, as offered by the gentleman from North Carolina, [Mr. CRAIGE.]

Mr. WASHBURN, of Illinois. On that I ask the yeas and nays.

Mr. PECK. I demand tellers on the yeas and nays.

Tellers were ordered; and Messrs. CLINGMAN and PECK were appointed.

The House was divided; and the tellers reported—ayes forty-nine, (more than one fifth of the members present.)

So the yeas and nays were ordered.

The question was then taken; and it was decided in the affirmative—yeas 105, nays 59; as follows:

YEAS—Messrs. Aiken, Ashe, David J. Bailey, Banks, Barksdale, Bennett, Benson, Boock, Boyce, Bridges, Brooks, Bugg, Carpenter, Caskey, Chastain, Chisman, Cobb, Cox, Craige, Cullom, Curtis, Dawson, Dick, Dowdell, Edmunds, Edmundson, John M. Elliott, Ellison, English, Farley, Faulkner, Fenton, Flagler, Florence, Fuller, Gamble, Goode, Goodrich, Grey, Grow, Aaron Harlan, Sampson W. Harris, Wiley P. Harris, Harrison, Haven, Hibbard, Hill, Howe, Hunt, Ingersoll, George W. Jones, Keitt, Kerr, Kidwell, Kittredge, Knox, Kurtz, Lamb, Letcher, Lilly, Lindsley, McNair, McQueen, Matteson, Maurice, Millson, Morgan, Morrison, Murray, Nichols, Norton, Andrew Oliver, Packer, Parker, Peck, Peckham, John Perkins, Phillips, Powell, Preston, Puryear, Ready, David Ritchie, Rogers, Rufin, Sage, Shannon, Shaw, Skelton, William Smith, William R. Smith, George W. Smyth, Straub, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Trout, Vail, Vansant, Wade, Walsh, Tappan Wentworth, Wheeler, Hendrick B. Wright, and Zollicoffer—105.

NAYS—Messrs. James C. Allen, Willis Allen, Appleton, Barry, Bell, Bliss, Breckinridge, Campbell, Caruthers, Churchwell, Clark, Clingman, Cook, Corwin, Crocker, Cumming, John G. Davis, Disney, Dunbar, Eastman, Edgerton, Giddings, Greenwood, Andrew J. Harlan, Hendricks, Henn, Hughes, Johnson, Roland Jones, McCulloch, Macdonald, McMullin, Macy, John G. Miller, Smith Miller, Oids, Mordecai Oliver, Orr, Pennington, Phelps, Pratt, Reese, Richardson, Riddle, Rowe, Russell, Sabin, Sapp, Seward, Simmons, Singleton, Gerrit Smith, Alexander H. Stephens, David Stuart, Thurston, Upham, Walley, Ellihu B. Washburne, and Wells—59.

So the amendment was agreed to.

Mr. CRAIGE moved to reconsider the vote by which the amendment was agreed to, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

The question was then taken upon the substitute, as amended; and it was agreed to.

Mr. EDGERTON. I move to lay the bill upon the table.

The motion was not agreed to.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was read a third time.

Mr. CRAIGE. I demand the previous question upon the passage of the bill.

The previous question was seconded, and the main question ordered to be put.

The bill, as amended, was then passed.

Mr. CAMPBELL moved to reconsider the vote by which the bill was passed, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

The title was then read, as follows:

An act declaring the true intent and meaning of an act approved the 2d of June, 1854, entitled "An act to aid the Territory of Minnesota in the construction of a railroad therein."

Mr. CRAIGE. I move to amend the title so as to make it read:

An act to repeal an act entitled "An act to aid the Territory of Minnesota in the construction of a railroad therein," approved the 2d of June, 1854.

The motion was agreed to.

SUSPENSION OF JOINT RULES.

Mr. LETCHER. I move to suspend the 16th and 17th joint rules, so that this bill may be sent to the Senate and approved by the President.

Mr. WALSH. I object.

Mr. LETCHER. I move to suspend the rules. Mr. HOUSTON. If I am not mistaken, a resolution has been sent to us from the Senate proposing to suspend those rules for the remainder of the session. I ask the Chair if there is not such a resolution upon the Speaker's table?

The SPEAKER. There is such a resolution from the Senate.

Mr. LETCHER. I ask that it may be read.

It was read, as follows:

Resolved, That the 16th and 17th joint rules be suspended, so far as relates to bills which have been or may be passed during the present session.

Mr. JONES, of Tennessee. I move to amend that resolution, so as to make it apply only to bills which have been passed. It is the usual custom to suspend the rules only for bills which have been passed, and not to suspend them altogether.

The SPEAKER. The Senate resolution will be considered as before the House, unless objected to.

Mr. HAVEN. I desire to say that I shall object to this resolution being taken up, and that I shall object to any business being done out of order until the river and harbor bill has been taken up and referred to the Committee of the Whole on the state of the Union.

[Cries of "Order!" "Order!"]

Mr. JONES. I submit that the objection of the gentleman from New York comes too late. The resolution had been taken up from the Speaker's table, and read without objection.

The SPEAKER. It is due to the gentleman from New York to state that he was upon the floor addressing the Chair—the Chair did not know for what purpose—before the resolution was taken up. The Chair, however, recognized the gentleman from Tennessee. He now decides, therefore, that the objection comes in time; and the question will be upon the motion of the gentleman from Virginia to suspend the rules, for the purpose of moving to suspend the 16th and 17th joint rules, so far as this bill is concerned.

The question was taken; and (two-thirds having voted in the affirmative) the rules were suspended.

The motion to suspend the 16th and 17th joint rules was agreed to.

REMOVAL OF THE CLERK OF THE HOUSE.

Mr. HUNT obtained the floor.

Mr. DAWSON. I move that the rules be suspended, and that the House do now proceed to the consideration of the business upon the Speaker's table, in order that the amendments of the Senate to the homestead bill may be taken up. I may move further to amend, so as to more securely preserve the rights of actual settlers.

Mr. HUNT. I am entitled to the floor, Mr. Speaker, on a question of privilege.

Mr. CAMPBELL. I would ask the gentleman, before he states his question of privilege, to allow me to make a motion in regard to the business of the special committee, which reported this morning, in order that it may be closed up.

Mr. HUNT. I yield to the gentleman.

Mr. CAMPBELL. I move that that committee be authorized to certify to the claim of the clerk employed by it, and that he be paid.

There was no objection; and the motion was agreed to.

Mr. HUNT. The question of privilege which I now feel it my duty to offer to the consideration of the House, inasmuch as no action on the subject has been proposed on the other side of the House, is embraced in the following resolution:

Resolved, That John W. Forney, the Clerk of this House, by directing and causing to be made the alteration of House bill No. 342, entitled "An act to aid the Territory of Minnesota in the construction of a railroad therein," mentioned in the report of the special committee of this House, has falsified a record of this House in violation of the parliamentary law and of his sworn duty, and that the said John W. Forney, Clerk of the House of Representatives, should be, and is hereby, removed from the office of Clerk of this House.

Mr. DISNEY. I rise to a point of order. My point is simply this: A question, to be a privileged one, must relate to some right or privilege of the member raising it, or of some other member of this House in whose behalf, or against whom, the question is raised. A matter impeaching an officer of this House is not a privileged question by parliamentary law; and therefore I hold that the gentleman is not entitled to the floor as moving a privileged question.

Mr. HUNT. This is a matter which concerns the honor and character of the House.

The SPEAKER. The Chair overrules the question of order which has been raised by the gentleman from Ohio. In the opinion of the Chair, the question of the gentleman from Louisiana is a question of privilege.

Mr. HUNT. Mr. Speaker, this is a question concerning the integrity of the proceedings in which you participate. The personal honor of every member, and the character of this House, and of this nation, are involved in its consideration.

Mr. Speaker, and gentlemen of the House, the

Clerk of the House of Representatives is an informed and experienced officer. He knows well the parliamentary law, and thoroughly understands the duty and the business of the Clerk's office. With this knowledge and this experience, we find that he has knowingly and deliberately directed and caused to be made, an alteration falsifying the proceedings of this House in the bill to which I have referred, and that to such a degree, that the House has felt it to be its duty immediately, and with an almost unanimous voice, to repeal the act in question. It is said, in one of the reports from the special committee, that the Clerk has not been actuated by a corrupt motive in this matter—that he has not been bribed.

Sir, I do not look to the motive of the Clerk, which I do not know in this case. I look to his act—to his act, which has just made you feel it to be your duty to repeal the altered act. I look to the character of this House—to the integrity of our proceedings, and to the maintenance of the parliamentary law confided to us by our constituents; and I say that we owe it to our individual honor, and to the character of this House, and of this nation, to maintain and preserve the integrity of our proceedings—to uphold the parliamentary law, and to remove him from office, who, having falsified the record, is unworthy any longer of the confidence of this House and of this nation.

Sir, my reason for presenting a resolution looking directly to the Clerk, is, because he is *fons et origo mali*, the head and front of this offending; because, if he had done his duty, the shame and the reproach of a falsification could not have been cast upon the records of the House.

Mr. Speaker, I was well pleased to hear the concluding remarks of one of the reports read this morning; and as they are so apposite to the present occasion, so just applicable to the case before us, and should not fail to exert a wholesome influence on our judgment and conduct, I will beg leave of the House to read them in the present connection:

"If such a system [such action as has taken place in the present instance] prevails, there can be no certainty or reliability in congressional action. There can be no safety to members under such a practice, because it falsifies the votes they give under the solemnities of their oath, by making them appear as voting for measures which they would have opposed. It brings odium upon Congress, and destroys public confidence in congressional proceedings.

"The sanctity of the record should always be preserved, and those charged with it, should be held to the most rigid accountability."

I have acted in this matter upon the suggestions of my own understanding and feelings, regulated by my views of right. Finding that no one had come forward to offer such a motion as I deemed called for, and concurring in the honorable sentiments uttered by the gentleman from North Carolina, [Mr. CRAIG], who addressed you in relation to the repeal of the altered act, I have thought proper to submit the resolution, which is now before the House, for its consideration.

Mr. STEPHENS, of Georgia. After hearing the reports of this committee, I think that there is no necessity on the part of the House, nor is it our duty to take the action indicated by the resolution of the gentleman from Louisiana, [Mr. HUNT.] Both of these reports state conclusively, if I did not misunderstand the reading, that there was no proof before the committee showing any culpability on the part of any individual having any connection with this matter whatever. However improper the committee may have considered the act, and however improper the House may consider it, if there was no improper motive, no improper intent—and this committee have so considered it—the House should not and ought not to take the course indicated by the gentleman from Louisiana. I think, as I stated when I was up before, that the facts disclosed by the majority and minority reports show that there was not the slightest intention upon the part of any one of the gentlemen named to commit a wrong, much less a fraud. I have not seen in the facts as reported by the committee any evidence that there was any intention on the part of these gentlemen to commit even an impropriety. Why should this House sanction the course which the gentleman from Louisiana [Mr. HUNT] has indicated, and remove the Clerk? Has anything been disclosed which warrants an impeachment of his motives, or an imputation upon his character and integrity? The gentleman from Louisiana says

in this resolution that the Clerk has falsified the records. Sir, I do not so understand it at all. I do not consider, from the reports of the committee, that the Clerk was guilty of any falsification of the record. If in the original bill the word had been inserted in the character "&," and if the subordinate clerk had asked him, "Shall I write the word and instead of the character?" and he had been told to write it out "and," would that have been falsification of the record? And yet the facts disclosed show no more intention of committing a fraud upon the country, making a falsification of the record, than if this very thing had been done. Or again, if a word had been written in figures in the original bill, and if the subordinate clerk had asked the Clerk, "Shall I write it out?" and he had written it out, it would have been the same as in this case, so far as the intention or motive is concerned. In such a case the act might be improper—the Clerk might have no right to make the alteration of his own record—yet where there is no criminal motive, where there is no intention of fraud, where there is not even the consciousness of any impropriety, how could a party be charged with falsification, and why should this House take such a course as that indicated by the gentleman from Louisiana? I think it is time to stop this affair. We have already gone too far, in my opinion. I think there is no propriety in our going further. I am utterly opposed to the resolution submitted by the gentleman from Louisiana. Amongst the first and greatest duties we owe to ourselves, and the country, is to do justice to all parties, and to deal unjustly towards none. To cast censure where there was no bad motive or improper intent, would, in my opinion, be an act of gross injustice on our part.

Mr. ORR. The reports that have been made by this special committee exonerate entirely not only the honorable gentleman from Michigan, who reported the bill, but the Clerk also. The testimony states, distinctly, that the member of this House who originally reported this bill from the Committee on Public Lands, which has given rise to this controversy, went to the Clerk of the House to have the required alteration made, supposing that such alteration was immaterial. The Clerk then declined to make it until he would have conferred with a Clerk of the Senate who had much more experience in such matters than the Clerk of the House. And inasmuch as the Clerk of the Senate told the Clerk of the House that it was customary to make these alterations, he directed it to be made. Now, I have no doubt that the parties who went originally to Mr. STEVENS to get him to make the alteration, had a fraudulent purpose to subvert; and I have as little doubt that the honorable gentleman, [Mr. STEVENS], and the Clerk of the House, were entrapped into making the alteration, supposing that it was an immaterial one.

Besides that, if it were proper that action should have been taken on the subject, I think that the honorable gentleman from Louisiana should have offered his resolution as a substitute for the resolution offered by the committee. It would have been then appropriate; it would have been then in order for him to have moved his resolution. If the committee had felt or seen anything in the testimony which would have at all justified the proceeding against the Clerk, that committee, as honorable men, would have felt themselves bound to report to the House, and to recommend the removal of the Clerk. They did not so recommend. But the honorable gentleman from Louisiana proposes his resolution at this time. He does not allege that there was any corrupt intention or improper motive in making the alteration. He believes there was a wrong done—and it is a great wrong—upon the House. It was an impropriety in the Clerk; it was an impropriety in those who made the change. It was the duty of the Clerk to have the bill engrossed exactly as it passed the House, whether it made sense or not. But when he had before him the testimony of the Senate Clerk that this was a customary thing, when there is not a particle of testimony implicating his honor or integrity in the least degree, I think it would look very much like persecuting the Clerk of the House if we were to prosecute the investigation any further; and, therefore, I move to lay the resolution on the table.

Mr. HUNT. I hope the gentleman from South

Carolina will not do that; it is not just nor generous. The gentleman has—I do not consider in an offensive light—reproached me for not having been quicker in my action upon this matter. Why, sir, it is only a few minutes since these reports of the special committee were read. I had known nothing of what they contained. I—

The SPEAKER, (interrupting.) The question is not debatable.

Mr. ORR. If the gentleman from Louisiana desires to make any explanation I will allow him to do so before I insist on my motion to lay the resolution on the table.

Mr. HUNT. Certainly it is my purpose to make a personal explanation, and I will not abuse even the poor privilege which the gentleman allows me. It is a personal explanation to account for my conduct in this matter. I felt it my duty to act upon this matter as soon as I could. It is not five minutes since the reports were read, and I knew nothing of their contents previous to the reading. My remarks are in order, and are not precluded by the action of the House upon the reports. The reports recommend a repeal of the altered law. That repeal has been made. I have my own views of the conduct of the Clerk, and of the penalty which should fall upon him. As soon as I had an opportunity, after the repeal of the altered act took place, I rose in my place and offered the resolution which I had hoped would have come from some gentleman on the other side of the House.

Mr. CHURCHWELL. I desire to ask the gentleman one question.

Mr. HUNT. A thousand, sir, if you please.

Mr. CHURCHWELL. I ask the gentleman whether both reports do not exonerate every one connected with this business?

Mr. HUNT. The gentleman asks me a question which answers itself upon the record before the House; he asks me argumentatively, and I must be allowed to reply argumentatively. I reply, first, by saying that I am an independent gentleman and legislator; and that if he, and all the friends connected with him in politics, or by social intercourse, were of one mind, and I was of another, I should feel it my duty to express my independent opinion. Is that an answer?

Mr. CHURCHWELL. It is not.

Mr. HUNT. Well, sir, the gentleman may be controlled by the judgment of others. I judge from the facts as disclosed. I did not say that I believed the Clerk had been bribed. There is no evidence upon the subject. This rule of law is charitable: *De non apparentibus, et non existentibus eadem est ratio.*

The presumption is that he has not been bribed; and I do not know what influences have been brought to bear upon his mind. But I think the integrity of this House is involved in this matter, and so regarding it, I have brought it to the attention of the House.

Mr. ORR. I have no doubt that the honorable gentleman from Louisiana would adopt exactly the course he has indicated, if he felt himself standing alone, and all the rest of the House against him. I think, however, that the House will be prepared to sustain the report of both the majority and minority of the committee that there is nothing in the testimony or circumstances going to show that there was any fraud, direct or indirect, upon the part of either Mr. STEVENS, of Michigan, or the Clerk of this House. Therefore I move to lay the resolution upon the table.

Mr. HAVEN. I ask the gentleman from South Carolina to give me a moment?

[Cries of "No!" "No!" and "Question!"]

Mr. WHEELER. I call for the yeas and nays upon the motion.

The yeas and nays were ordered.

Mr. CHANDLER. I rise with earnestness to ask the gentleman from South Carolina to withdraw his motion for a moment. His motion is doing injustice to his friend.

Mr. ORR. As the gentleman from Pennsylvania comes from Mr. Forney's own town, and differs with him in politics, I withdraw the motion to lay the resolution on the table, that he may be heard. But I ask him to renew the motion.

Mr. CHANDLER. I rise to appeal to the House in behalf of—

Mr. SEWARD. I rise to a question of order. I submit that the gentleman from South Carolina

had no right to withdraw his motion to lay upon the table after the yeas and nays were called.

The SPEAKER. The gentleman had the right to withdraw his motion, no action having been taken upon it. The gentleman from Pennsylvania is entitled to the floor.

Mr. CHANDLER. Mr. Speaker, I do not rise to defend the Clerk of this House; because I do not know anything of the circumstances of the case, more than has been stated in the reports. I listened with interest to the reports, both of the majority and the minority of the committee, and I was compelled to believe that an error—a gross error—has been committed—one that calls for the deliberate consideration, and, perhaps, the censure of the House.

But, sir, the proposition is now made to strike down a man before he can be heard. If I understood the statement of the gentleman from Michigan, [Mr. STEVENS,] the other day, he fully, clearly, and distinctly relieved our Clerk from any appearance of any intention to do anything wrong, if wrong was done. And if I understand the report of both the majority and minority, he stands acquitted of intentional wrong by the whole of the committee.

Mr. HUNT. The Clerk must be presumed—although he is seldom seen here—to know what is going on in the House. He must have known that this investigation was going on. Now, I desire to ask the chairman of the committee who had the matter in charge, whether Mr. Forney was notified in relation to this matter, and whether he was called before the committee?

Mr. CHANDLER. Mr. Speaker, I am not a political friend, scarcely a personal friend, of this officer of the House. We are antagonistic to each other in our politics. The peculiar position of antagonism of political men in the city in which we live, is such as to give rise to no feelings of special friendship between us. But, sir, I speak this word as a man. I speak it as one who asks that, before the blow be struck, the man at whom it is aimed shall have the opportunity of being heard. "Strike, but hear."

Our laws punish no man without trial. And, sir, if the blow is to be struck, it must fall first upon the honorable gentleman from Michigan. Not that I impute to him any wrong, if any wrong has been done. But if there is to be any censure passed upon any one, honorable gentlemen must know that it will fall first, however it may be aimed, upon the gentleman from Michigan. Who does not know that, if we are to strike this blow, before it can reach the Clerk of this House, it must fall with triple implication upon our comember?

Mr. HUNT. I can hear the gentleman very imperfectly in the confusion. Do I understand him to cast an imputation upon me for not first instituting proceedings against Mr. STEVENS, of Michigan?

Mr. CHANDLER. Certainly not. The honorable gentleman knows that I deem him an honorable man. But it is but right that he should deal honorably, justly, and even mercifully with any man before he would strike him down; before he would press a proposition which carries with it an imputation, placing him in a position, the atmosphere of which will hang around him all his life. The suspicion of intended wrong is of itself a horrible punishment for an error.

I repeat it, sir, I do not say the Clerk of the House has not committed error. I do not say that he ought not to receive the rebuke which, in a modified form, this resolution will carry with it. But I say that the very defense which is forced upon his friends is of itself almost a sufficient punishment for the error. That we should preserve purity, integrity, and correctness in our documents, is something which needs no argument to prove, it requires no consideration. But, sir, the character of our body for justice, the character of our institutions demands that we should be pure as the parchment upon which we record our acts.

I say, therefore, that I would rather not see the question put in the form in which the honorable gentleman from South Carolina [Mr. Orr] has presented it to the House, viz: To lay the resolution upon the table. Let the previous question be called, and then let us have a direct vote on the resolution. If I vote to lay the resolution upon the table, it may be said that I voted to stifle in-

quiry. If I do not vote to lay it upon the table, it may be said that I am expressing myself against the Clerk.

• Mr. ORR. I hope, then, that the gentleman, instead of renewing my motion, will call for the previous question on the resolution.

Mr. HAVEN. I hope that the gentleman will do no such thing. I would hate, in addition to what has taken place, to have it go out to the country that the floor is farmed out among the friends of the accused, and that nobody else can be heard.

Mr. CHANDLER. I do not stand upon this floor as the friend of the Clerk. I do not stand here as his advocate or defender; I only stand here as the asserter of justice, and of the proper mode of procedure. I ask that the House shall inquire before it passes censure. I ask it to consider, first, all that has been so candidly and satisfactorily said by gentlemen of the committee. I ask that we should not distinguish the termination of this session of Congress by an act which we cannot recall—an act which becomes injustice, even if the error is sufficient to it. The punishment becomes injustice by the manner and temper in which it is administered. I do not wish to withhold any man, whoever, or wherever he may be, from the well earned censure to which he may have exposed himself. If he is guilty, let him be punished. If he has erred, let there be correction or commination; but, before we do one or the other, let him be heard. Let him present the matter to the House by his friends; and, more than all, let us pause before we strike the blow. Between the accusation and the trial, let there be time to deliberate and sober down our thoughts; and, between the sentence and the blow, let there be something to distinguish our justice, and show that we only seek our rights.

Mr. HUNT. Allow me a word before you move the previous question. It has been said by the honorable gentleman, that a hearing should have been granted to the Clerk. Does the honorable gentleman recollect the nature of this proceeding? This was an investigation into the conduct of the Clerk and others. It was well understood, and well known by the Clerk, and every man upon this floor. The committee called the Clerk before them and heard him. He testified under oath. Is the honorable gentleman prepared to say that we have not the full evidence in regard to this matter from the Clerk's statement, as well as the testimony of the other witnesses? It was so full, sir, that the committee asked for no further time to prosecute this investigation. The committee did not believe that he was bribed, or governed by a corrupt motive; but they had a full knowledge of his participation in the matter of alteration. It appears to me, therefore, that the argument that he has not had a hearing is unjust. And, sir, does the House of Representatives owe nothing to its own character and to the country? That is the question.

Mr. CHANDLER. I know, sir, that the gentleman has not uttered, but he has continually insinuated the charge of bribery on this floor, by repeatedly saying that he had not made it.

Mr. HUNT. The gentleman is mistaken in my character. I do not believe that the Clerk has received a *quid pro quo*. It does not appear, and I do not believe it. I do not charge it, and I never insinuate. The gentleman knows my character too well, and he will do me the justice to say that I am accustomed to speak right on, and call things by their right names. I judge of the Clerk's act by the surrounding circumstances and his official character.

Mr. CHANDLER. I only wish that other members of the House understood the gentleman's character as well as he imagines that I do; for it cannot have escaped gentlemen that that was the undertone of his remarks.

Mr. HUNT. Does the gentleman mean, after my disavowal, to repeat such a thing as that?

Mr. CHANDLER. I do not. Exactly the contrary. I only mean to express regret that the gentleman should have found it necessary to make such a disavowal.

Mr. HUNT. God knows what his motives are. They are known only to the great Searcher of hearts.

[Cries of "Order!"]

Mr. CHANDLER. I wish simply to say, that all we know of this matter is, that a member of

this House declared upon his honor—and that was sufficient for us—that he was instructed to make such alteration by the committee; that he thought he had made it; and when it appeared after the passage of the bill that one word was omitted, that he went to one of the engrossing clerks and asked to have it altered; that he declined to act until Mr. Forney had looked into the matter; who, doubtful in regard to it, although unable to see what material effect it would have, appealed to others of more acquaintance and experience in these matters, and gathered from them that it was “within the line of safe precedent.” That seems to be the history of the case. The honorable gentleman from Louisiana asks whether the House of Representatives does not owe something to its sense of justice in this matter. Sir, it is one of the first duties which this House owes to itself to avoid injustice.

Mr. CAMPBELL. I ask the gentleman from Pennsylvania to yield me the floor for a moment.

Mr. CHANDLER. Then I will request my friend from Ohio to be as brief as possible, not in regard to myself, but to the time of the House.

Mr. CAMPBELL. The gentleman who has yielded to me the floor for a moment has certainly farmed it out to no friend of Mr. Forney. In politics I am his antipode. I differ from him, I believe, on every great issue before the country. I have always voted against him when he has been a candidate for the office of Clerk of this House. Socially, I have had no intercourse with him. I believe that the whole amount of my conversations with him during the entire term I have served in this House—now five years—would not make up the space of thirty minutes, and then exclusively on business matters. In short, sir, I may say, to be frank, I do not like the man. But I do undertake to say, nevertheless, with great respect to the opinions of my friend from Louisiana, [Mr. HUNT], that I think, under all the circumstances of the case, it would be an act of injustice for us to take any hasty action on a resolution calculated to affect the reputation of this officer. He is no friend of mine; but, sir, I should deserve the scorn of all honorable men were I not, as a member of this House, incapable of doing aught, willfully, to blast the honor of any political or personal foe, without full proof of guilt, and calm, impartial, and deliberate investigation. Now, Mr. Speaker, I had the honor of being on the committee who reported this morning; and although not agreeing with the majority upon all the points, yet, after a most careful and laborious investigation, my mind was impressed with the conviction that this alteration—so far as we were enabled to learn from the testimony which, in a short time, we were enabled to bring before us—was, so far as the Clerk and the gentleman from Michigan were concerned, rather the result of a disposition to accommodate friends, or of a neglect in not looking into the legal effect of the change, than any corrupt or selfish purpose. No impropriety is yet disclosed, other than that which was the result of the hurry or negligence of the occasion. Certainly there is nothing in the testimony which should now induce us to stigmatize him with acting from corrupt motives. I have risen for the purpose of making a suggestion, and I hope it will be adopted by the common consent both of the friends and opponents of the Clerk; and I make the suggestion for the reason, that if a vote is now taken, the members of the House will be compelled to vote in the dark, until they have read the testimony now ordered to be printed. If gentlemen will allow the consideration of this resolution to be postponed until sometime in December, the testimony will have been printed; and every member will then be able to make up his mind upon the facts contained in that record. It will be much better for the Clerk, if he is to be exonerated, that it should be done by a large vote, after full investigation; and if, on the other hand, this House shall then find that it is necessary for the protection of its integrity, after examining all the proof, they can declare him guilty then, and turn him out of office. I make that suggestion, Mr. Speaker, and I hope that the gentleman who have participated in this proceeding, will, by common consent, allow it to go over. We are now upon the eve of the session, and if this House finds it necessary to have a new Clerk, they can act upon the matter more understandingly at the opening of the next session.

Mr. CHANDLER. I hold in my hand one of the reports which has been made to this House, and both of them exonerate Mr. STEVENS, of Michigan, and every officer of the House, and we are asked here to give, what the lawyers call, a judgment notwithstanding the verdict. I do not wish to say anything more except to reiterate for myself, what has been said by the gentleman of Ohio, relating to the Clerk of this House, and that is, that I am not on intimate terms with, and do not stand as the advocate of a social friend, but that I stand here as a man for a man, and in behalf of justice, and nothing more. I took the floor at the kindness of the gentleman from South Carolina, with the promise that I would renew his motion; and I therefore call the previous question, on the motion that the resolution be laid on the table.

Mr. HAVEN. Is the previous question demanded by the gentleman from Pennsylvania?

The SPEAKER. It is.

Mr. HAVEN. Then I ask him to withdraw it?

Mr. CHANDLER. I took the floor by the courtesy of the gentleman from South Carolina, [Mr. ORR,] and I have discharged my duty, and I give back the subject to the gentleman from South Carolina. The floor is his and not mine.

Mr. HAVEN. The gentleman from Pennsylvania dare not take the responsibility, and I ask the gentleman from South Carolina to withdraw it?

Mr. CHANDLER. I dare not take the responsibility of doing what I have promised not to do.

Mr. ORR. The gentleman from South Carolina dare take the responsibility, and remembering how he was treated by the gentleman from New York the other day, he declines to withdraw it.

[Loud cries of “Good!”]

Mr. LETCHER. Is it in order to move to postpone this matter until the second Tuesday in December next?

The SPEAKER. It is not, as the previous question is pending.

Mr. HAVEN. I desire the yeas and nays.

The SPEAKER. The gentleman cannot have them upon the demand for the previous question.

Mr. HAVEN. Very well. I will wait until I can have them.

The previous question was then seconded.

Mr. HAVEN. Can the yeas and nays be demanded properly upon ordering the main question?

The SPEAKER. The gentleman can demand them upon that question.

Mr. HAVEN. I do demand them then.

The yeas and nays were ordered.

The question was taken, and it was decided in the affirmative—yeas 136, nays 41, as follows:

YEAS—Messrs. Aiken, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Banks, Barksdale, Barry, Belcher, Bell, Benson, Bliss, Bocock, Boyce, Breckinridge, Bridges, Brooks, Bugg, Caruthers, Chamberlain, Chandler, Chastain, Christian, Churchwell, Clark, Clingan, Cobb, Corwin, Craig, Cumming, Curtis, John G. Davis, Dawson, De Witt, Dick, Disney, Dowdell, Dunbar, Eastman, Eastman, Eddy, Edgerton, Edmundson, John M. Elliott, English, Everhart, Faulkner, Fenton, Florence, Fuller, Gamble, Greenwood, Grow, Aaron Harlan, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Hendricks, Hubbard, Houston, Howe, Hughes, Ingersoll, Johnson, George W. Jones, Roland Jones, Keitt, Kerr, Kidwell, Kittredge, Kurtz, Lamb, Latham, Lilly, Lindsley, Macdonald, McDougall, McMullin, McNair, Macy, Maurice, Maxwell, May, Mayall, John G. Miller, Smith Miller, Morrison, Murray, Nichols, Noble, Olds, Andrew Oliver, Mordecai Oliver, Orr, Packer, John Perkins, Phelps, Phillips, Pratt, Ready, Reese, Richardson, Riddle, Robbins, Rowe, Rufin, Russell, Sapp, Seward, Shannon, Shower, Singleton, Gerrit Smith, William Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Straub, John J. Taylor, John L. Taylor, Thurston, Trout, Tweed, Vail, Vansant, Wade, Walbridge, Walker, Walsh, Ellihu B. Washburne, Wells, Westbrook, Daniel B. Wright, Hendrick B. Wright, and Zollcoffer—135.

NAYS—Messrs. Abercrombie, Ball, Bennett, Benson, Campbell, Carpenter, Caskie, Cook, Crocker, Cullom, Edmunds, Thomas D. Eliot, Farley, Flagler, Giddings, Goode, Goodrich, Grey, Harrison, Haven, Hill, Hunt, Knox, Letcher, McCulloch, McQueen, Matteson, Millson, Morgan, Parker, Pennington, Powell, Puryear, Sabin, Sage, Skelton, Andrew Stuart, Nathaniel G. Taylor, Walley, Israel Washburn, and Wheeler—41.

So the main question was ordered to be now put, being upon the adoption of Mr. HUNT's resolution.

Mr. ORR demanded the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and it was decided in the negative—yeas 18, nays 154; as follows:

YEAS—Messrs. Abercrombie, Bennett, Carpenter, Caskie, Cox, Flagler, Goode, Grey, Harrison, Hill, Hunt,

Knox, Letcher, Millson, Parker, Powell, Andrew Stuart, and Wheeler—18.

NAYS—Messrs. Aiken, James C. Allen, Willis Allen, Appleton, Ashe, David J. Bailey, Banks, Barksdale, Barry, Belcher, Bell, Benson, Bliss, Bocock, Boyce, Breckinridge, Bridges, Brooks, Bugg, Campbell, Caruthers, Chandler, Chastain, Christian, Churchwell, Clark, Clingan, Cobb, Corwin, Craig, Crocker, Cumming, Curtis, John G. Davis, Dawson, De Witt, Dick, Disney, Dowdell, Dunbar, Dunham, Eastman, Eddy, Edgerton, Edmunds, Edmundson, Thomas D. Eliot, Ellison, English, Everhart, Farley, Faulkner, Fenton, Florence, Fuller, Gamble, Goodrich, Greenwood, Grow, Aaron Harlan, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Hendricks, Henn, Hibbard, Howe, Hughes, Ingersoll, Johnson, Daniel T. Jones, George W. Jones, Roland Jones, Keitt, Kerr, Kidwell, Kittredge, Kurtz, Lamb, Latham, Lilly, Lindsley, Macdonald, McDougall, McMullin, McNair, McQueen, Macy, Matteson, May, Mayall, John G. Miller, Smith Miller, Morrison, Murray, Nichols, Noble, Olds, Andrew Oliver, Mordecai Oliver, Orr, Packer, Peck, Peckham, Pennington, John Perkins, Phelps, Phillips, Pratt, Pringle, Ready, Reese, Richardson, Riddle, David Ritchie, Robbins, Rowe, Rufin, Russell, Sapp, Seward, Shannon, Shaw, Shower, Singleton, Gerrit Smith, William Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hestor L. Stevens, Straub, David Stuart, John J. Taylor, Nathaniel G. Taylor, Thurston, Trout, Tweed, Vail, Vansant, Walbridge, Walker, Walley, Walsh, Ellihu B. Washburne, Wells, John Wentworth, Tappan Wentworth, Westbrook, Daniel B. Wright, Hendrick B. Wright, and Zollcoffer—154.

So the resolution was not agreed to.

ENROLLED BILLS.

Mr. GREEN, from the Committee on Enrolled Bills, reported as correctly enrolled the following bills and joint resolutions; which thereupon received the signature of the Speaker:

- An act for the further relief of Albro Tripp;
- An act for the relief of the civil township of Marion, in the county of Mercer, Ohio;
- An act for the relief of John Fink;
- An act for the relief of Joseph McMinn;
- An act for the relief of John McVey and John F. McKneely, of Louisiana;
- An act for the relief of W. D. Porter, of the United States Navy;
- An act for the relief of James Walsh;
- An act for the relief of Benjamin Hammond, of the State of New York;
- An act for the relief of Henry N. Halsted;
- An act for the relief of Rebecca Baggerley, widow of David Baggerley, deceased;
- An act for the relief of Jesse R. Faulkner, of Missouri;
- An act for the relief of Mary H. Cushing;
- An act to provide a pension for James K. Welch;
- An act for the relief of Henry J. Snow, of Rome, in the State of New York;
- An act for the relief of James M. Lewis;
- An act for the relief of Charlotte S. Westcott;
- Joint resolution directing the accounting officers of the Treasury to adjust the account of William Woodbury, late pension agent at Portland, Maine;
- An act for the relief of William H. Weirich; and
- An act making appropriations for fortifications and other works of defense, and for repairs of barracks and quarters for the year ending June 30, 1855.

The SPEAKER. Is it the pleasure of the House that the Chair appoint two additional members on the Committee on Enrolled Bills? It becomes necessary, the Chair understands, on account of the mass of business on hand.

No objection was made; and the Speaker appointed Messrs. SAPP and STRATTON such additional members on the Committee on Enrolled Bills.

THE COLT PATENT CASE.

Mr. LETCHER. I rise to what I suppose is a privileged question. As chairman of the select committee raised to investigate the influences brought to operate upon members of Congress in reference to the Colt case, and in reference to other cases, I am now ready to report. I have a report to make, signed by the gentleman from Indiana, [Mr. EDDY,] the gentleman from North Carolina, [Mr. RUFFIN,] and myself. The gentleman from New York, [Mr. WHEELER,] and the gentleman from Rhode Island, [Mr. THURSTON,] have another report; and the gentleman from Tennessee [Mr. ZOLLCOFFER] has another report; and the gentleman from Massachusetts, [Mr. ELIOT,] still another report. [Laughter.] The reports are accompanied by the evidence taken before the committee.

At this late period of the session, I do not propose to have all these reports read, unless it should be requested by some member of the House; but I ask that the reports and accompanying evidence may be laid upon the table and printed. Before that is done, however, I desire to inquire whether by this disposition of the reports, the committee will be discharged from the further consideration of the subjects committed to them, or whether this investigation will extend into the next session?

The SPEAKER. Do the committee desire to be discharged from the further consideration of the subjects referred to them?

Mr. LETCHER. No, sir. They ask in their reports that they may have liberty to make further investigations the next session.

The SPEAKER. The Chair is of the opinion that it is competent for the committee to report in part, but whether the committee would hold over until another session without an express order of the House to that effect, is quite questionable.

Mr. LETCHER. Well, sir, I move that the reports and testimony lie upon the table, and be printed.

The motion was agreed to.

Mr. WENTWORTH, of Illinois. I ask that the committee have leave to hold over until the next session.

Mr. DISNEY. I object.

Mr. WENTWORTH. I move to suspend the rules.

Mr. DAWSON. I claim the floor.

WASHINGTON AND ALEXANDRIA RAILROAD.

Mr. McMULLIN. I rise to a privileged question. I have a report to make from a committee of conference.

The SPEAKER. The gentleman has the right to make the report.

Mr. McMULLIN. The committee of conference appointed to confer upon the disagreeing votes of the two Houses upon the bill authorizing the extension of the Alexandria railroad into the District of Columbia, have instructed me to make the following report—

Mr. GOODE. I desire to say that if I have the right to object to the reception of that report, I object.

The SPEAKER. The Chair decides that the report is properly before the House.

The report was then read, as follows:

The committee of conference upon the disagreement of the two Houses in reference to the bill entitled "An act authorizing the extension of the Alexandria and Washington railroad into the District of Columbia, and conferring certain privileges on the Baltimore and Ohio Railroad Company," have had the subject under consideration, and recommend that the Senate recede from its disagreement to the amendments of the House, and that the said bill, as it passed the House, be adopted, with the following additional section:

Provided, however, That this section shall remain suspended for two years from the 1st day of January, 1855; and if, at the end of that time, the Alexandria and Washington Railroad Company shall not have completed a railroad to Alexandria, and have the same in good running order, in pursuance of the requirements of the preceding section of the act, then the Baltimore and Ohio Railroad Company shall have the privilege of extending their road by either of the routes authorized by this act: *And, provided further,* That if said Baltimore and Ohio Railroad Company shall not have executed so much of the provisions of this act as relates to their company, by the 1st day of January, 1859, then this act shall be void.

FAYETTE McMULLIN,

HENRY MAY,

JOHN KERR,

Managers on the part of the House.

J. D. BRIGHT,

J. TOUCHY,

HAMILTON FISH,

Managers on the part of the Senate.

Mr. SEWARD. Do I understand the committee of conference propose to add an additional section to that bill; a section not considered and acted on either by the House or Senate?

Mr. McMULLIN. I was just about stating that the committee of conference have agreed to a suspension of the following provision, put in the bill by the House, until 1857:

SEC. 4. *And be it further, enacted,* That the Baltimore and Ohio Railroad Company be, and it is hereby, authorized to construct and extend the Washington branch of said road, according to such route as may be most convenient through the said District, to some point on the Potomac river, opposite to, and near the city of Alexandria, in Virginia, for the purpose of forming a connection with said river, and the lines of railroad running south, subject to the provisions of its present charter; and the said company are hereby authorized to locate, construct, and operate the said extensions hereby authorized through such parts of the city of Washington or public reservations as the corporate authorities thereof, or the President of the United

States, may consent to; and also to build a bridge or bridges over the eastern branch of the Potomac river, at some point above the navy-yard: *Provided, however,* That the same shall not obstruct the navigation thereof, and said company shall have power to locate and establish a depot, and erect the necessary buildings thereon, and also to erect such wharves and piers into said river as may be necessary: *Provided,* The same shall not obstruct the navigation thereof: *Provided, further,* That the said Baltimore and Ohio Railroad Company be subject to the same conditions and restrictions in extending their road through any part of the city of Washington as are prescribed for the Alexandria and Washington Railroad Company.

The amendment of the committee of conference meets with the approbation not only of the friends of the Alexandria and Washington Railroad Company, but also with that of the friends of the Baltimore and Ohio Railroad Company. It is of great moment, as all will admit, that this link of the connection between the North and the South by railroad should be completed. The House fully understand the question, and I call the previous question on the report of the committee of conference.

Mr. JONES, of Tennessee: Is it understood by the proviso now reported, that if the Alexandria and Georgetown Railroad Company make their road, that this other one shall not be constructed? If that be so, then it will be a monopoly, and no other road can be constructed.

Mr. McMULLIN. The report of the committee of conference is, that if the Alexandria and Washington city Railroad Company shall have completed their road to Alexandria within two years from the first day of January next, that the Baltimore and Ohio Railroad Company shall have no right to extend their road.

In the event of the failure of the Alexandria and Washington Railroad Company to extend their road, then the Baltimore and Ohio Railroad Company have the right to extend their road to the Potomac; and if they fail to extend their road within two years thereafter, then this act is null and void, and Congress may confer the same power upon any other company.

Mr. JONES, of Tennessee. I am very much opposed to monopolies; and I move to lay the whole concern upon the table.

Mr. SEWARD. I desire to present this question of order to the Chair. Can a committee of conference substitute an independent section not embraced either in the Senate amendment or the House bill, and legislate in that kind of way?

The SPEAKER. The Chair thinks that the committee cannot agree to and incorporate an independent and separate amendment.

Mr. JONES, of Tennessee. I submit to the Chair, that it is a proviso to the section of the bill which was in disagreement between the two Houses. I suppose the committee of conference might propose to amend that disagreeing vote.

The SPEAKER. The Chair understands that it is a modification of the disagreeing votes of the two Houses.

Mr. SMITH, of Virginia. I hope the gentleman from Tennessee will withdraw his motion. Not a friend of this bill has ever said one word upon this subject, and I beg that he will allow an explanation to be made in regard to this bill.

The question was taken upon Mr. JONES's motion; and, upon division, there were—ayes 11, noes not counted.

So the House refused to lay the report upon the table.

Mr. SMITH, of Virginia. I feel very much inclined—

Mr. JONES, of Tennessee. The previous question is pending and debate is out of order.

Mr. SMITH. I ask my colleague to withdraw the demand for the previous question.

The SPEAKER. The amendment upon which the two Houses disagreed will be read by the Clerk.

The Clerk then read the fourth section of the bill, as printed above.

Mr. SEWARD. I withdraw my point of order.

The SPEAKER. Then the question is on seconding the demand for the previous question.

Mr. GOODE. Is the amendment in order to be voted for after the gentleman from Georgia has withdrawn his point of order?

The SPEAKER. The Chair has not heard any objection at all to the report. It has been received without objection, and it is doubtful whether the objection now made is not too late.

Mr. GOODE. Exactly; on the ground that the report of the committee is not to the bill of the House or to the amendments of the Senate.

The SPEAKER. The Chair does not understand the report of the committee to change the original bill; but it does modify and come to an agreement on the amendments of the House which were made to the bill, and on which the two Houses disagreed.

The previous question was seconded, and the main question was ordered to be put; and under the operation of the previous question, the report of the committee was agreed to.

Mr. McMULLIN moved to reconsider the vote by which the report was agreed to; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

Mr. HIBBARD took the floor.

The SPEAKER. The gentleman from Pennsylvania [Mr. Dawson] is entitled to the floor. He has twice yielded it already.

POST OFFICE APPROPRIATION BILL.

Mr. HIBBARD. I wish to make a motion which will not occupy the House a moment. It is in relation to the Post Office appropriation bill, which has come down from the Senate.

Mr. DAWSON. What motion does the gentleman wish to make?

Mr. HIBBARD. I wish to move to take up the Post Office appropriation bill just sent from the Senate, for the purpose of having it referred to a committee of conference.

Mr. JONES, of Tennessee. Has that bill, with the amendments, passed through the Committee of the Whole on the state of the Union? The House has not passed on the amendments of the Senate.

Mr. HIBBARD. No; but I propose to move to disagree to the amendments, and to ask a committee of conference at the same time.

Mr. JONES. Oh, no; let it be referred to the Committee of Ways and Means.

Mr. HIBBARD. There are but two amendments. I move to take up the bill which is now upon the Speaker's table, for the purpose of referring it to the Committee of Ways and Means. The motion was agreed to.

HOMESTEAD BILL.

Mr. DAWSON. I move that the House proceed to the consideration of the business upon the Speaker's table, for the purpose of taking up the homestead bill, as amended by the Senate.

Mr. TWEED. I object.

Mr. DAWSON. Then I move to suspend the rules, to enable me to make the motion.

The SPEAKER. It is not in order. We have had no morning hour. The gentleman and the House will remember that the whole day has been spent, not only with privileged questions, but with questions of privilege, and therefore no part of the morning hour has been consumed in receiving reports from committees.

Mr. DAWSON. Is not the morning hour running yet?

The SPEAKER. It is not.

Mr. DAWSON. It is hardly necessary to move the suspension of the rules, but yet I am willing to try it once more. I make the motion.

Mr. COBB. I call for the regular order of business.

Mr. BRIDGES. I appeal to my colleague to allow this bill to go over until the next session. It is too late at this period of the session to perfect such a bill before the adjournment. The tendency of the bill is to sweep away the public lands.

[Cries of "Order!" "Order!"]

The SPEAKER. The gentleman from Pennsylvania cannot debate the motion.

Mr. DAWSON. I ask the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 70, nays 92; as follows:

YEAS—Messrs. Abercrombie, James C. Allen, Willis Allen, Barksdale, Barry, Boyce, Breckinridge, Brooks, Caruthers, Chastain, Churchill, Clark, Clingman, Cobb, Cook, Cumming, John G. Davis, Dawson, Disney, Dowdell, Dunbar, Dunham, Eastman, Eddy, Edgerton, Edmundson, English, Florence, Goode, Sampson W. Harris, Wiley P. Harris, Hendricks, Henn, Hibbard, Houston, Ingersoll, Roland Jones, Keitt, Kidwell, Kittredge, Lamb, Latham, Letcher, Lilly, Macdonald, McDougall, Macy, Maxwell, John G. Miller, Noble, Mordecai Oliver, Orr, Peckham, John Perkins, Phelps, Phillips, Richardson, Sapp, Single-

ton, George W. Smyth, Hestor L. Stevens, Straub, Trout, Walbridge, Walker, Walsh, Wells, Daniel B. Wright, and Hendrick B. Wright—70.

YAYS—Messrs. Aiken, Appleton, Banks, Belcher, Bennett, Benson, Bliss, Bridges, Bugg, Campbell, Carpenter, Caskie, Chandler, Chrisman, Corwin, Craige, Crocker, Curtis, Thomas Davis, De Witt, Dick, Edmonds, Thomas D. Eliot, John M. Elliott, Everhart, Farley, Faulkner, Fenton, Flagler, Franklin, Fuller, Gamble, Giddings, Goodrich, Grow, Aaron Harlan, Harrison, Haven, Hill, Howe, Hughes, Hunt, Johnson, Daniel T. Jones, George W. Jones, Knox, Lindsley, McCulloch, McQueen, Matteson, Maurice, Millson, Morgan, Murray, Nichols, Parker, Peck, Pennington, Preston, Pringle, Puryear, Ready, Reese, David Ritchie, Robbins, Rogers, Rowe, Russell, Sage, Seward, Shannon, Simmons, Skelton, Gerrit Smith, William Smith, Frederick P. Stanton, Richard H. Stanton, John J. Taylor, John L. Taylor, Nathaniel G. Taylor, Thurston, Tweed, Upham, Vail, Vansant, Wade, Walley, Israel Washburn, John Wentworth, Tappan Wentworth, Wheeler, and Zollicoffer—92.

So (two thirds not having voted in the affirmative) the rules were not suspended.

Before the result was announced,

Mr. PHELPS said: I desire to know whether the vote granting the Committee of Ways and Means leave to sit during the sessions of the House also included leave for the members of that committee to vote upon questions taken by yeas and nays, at any time before the result is announced, whether they were in the Hall when their names were called or not? It seems to me they should be entitled to that privilege, otherwise they will be deprived of the privilege of voting.

The SPEAKER. The Chair is of the opinion that the members of a committee, under such circumstances, have the right to vote as the gentleman suggests. Such, in the recollection of the Chair, has been the practice upon former occasions. The Chair hopes that there will be no objection to the members of the Committee of Ways and Means being permitted to vote.

Mr. PHELPS. I have only raised the question now, so that in future we might know what our rights really are.

Mr. JONES, of Tennessee. Mr. Speaker, I say that any member of this House who is absent from the Hall on any committee, by order of the House, has the right of voting, and he has that right whether his vote will change the result or not.

Mr. HENN. I made the motion the other day by which the members of that committee were allowed to vote; and when it was adopted there was no understanding that they should not vote, if their votes would change the result. The understanding was that they should be allowed to vote if they came into the Hall before the result was announced.

The SPEAKER pro tempore. (Mr. BOCK.) The Chair so holds, and deems that to be the proper and natural understanding.

Mr. JONES. Does the Chair decide that he cannot vote in the case specified?

The SPEAKER pro tempore. The Chair decides that the members of the Ways and Means have the right to vote if they come into the Hall before the result is announced.

POST OFFICE APPROPRIATION BILL.

Mr. HIBBARD. I desire to report back to the House from the Committee of Ways and Means the Senate amendment to the Post Office appropriation bill.

Mr. MATTESON. I object.

Mr. HIBBARD. I move a suspension of the rules for the purpose I have indicated.

Mr. MATTESON. I demand the yeas and nays on that motion.

Mr. ORR. I would ask the gentleman from New Hampshire whether this is not one of the appropriation bills which it is necessary we should pass to carry on the Government?

Mr. HIBBARD. It is.

Mr. CAMPBELL. I shall object to all the appropriation bills until the river and harbor bill shall have been considered.

The yeas and nays were ordered.

The question was taken on **Mr. HIBBARD's** motion; and it was decided in the negative—yeas 93, nays 64; as follows:

YEAS—Messrs. Aiken, James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Banks, Barksdale, Barry, Belcher, Bock, Bridges, Caskie, Chasrain, Chrisman, Churchwell, Clingman, Cobb, Craige, Curtis, John G. Davis, Thomas Davis, Disney, Dowdell, Dunbar, Eddy, Edgerton, Edmundson, John M. Elliott, English, Everhart, Faulkner, Florence, Fuller, Goode, Greenwood, Grow, Sampson W. Harris, Hibbard, Hill, Hughes, Ingersoll, Johnson, Daniel T. Jones, George W. Jones, Roland

Jones, Keitt, Kidwell, Kittredge, Kurtz, Lamb, Latham, Lilly, McDougall, McMullin, McQueen, Macy, Maxwell, Millson, Murray, Nichols, Noble, Orr, John Perkins, Phelps, Phillips, Powell, Pratt, Riddle, Robbins, Rowe, Rufin, Shannon, Shaw, Singleton, Skelton, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Straub, David Stuart, John J. Taylor, Thurston, Trout, Tweed, Vail, Vansant, Walbridge, Walker, Walsh, Westbrook, Daniel B. Wright, and Hendrick B. Wright—93.

NAYS—Messrs. Abercrombie, Appleton, Bennett, Benson, Campbell, Carpenter, Caruthers, Chandler, Cook, Crocker, Cumming, Dawson, Dick, Edmonds, Thomas D. Eliot, Farley, Fenton, Flagler, Franklin, Giddings, Goodrich, Grey, Aaron Harlan, Harrison, Haven, Howe, Hunt, Kerr, Knox, Lindsley, McCulloch, Matteson, Maurice, John G. Miller, Morgan, Norton, Mordecai Oliver, Parker, Peck, Peckham, Preston, Pringle, David Ritchie, Rogers, Russell, Sabin, Sage, Sapp, Seward, Simmons, Gerrit Smith, Andrew Stuart, John L. Taylor, Nathaniel G. Taylor, Upham, Wade, Walley, Elihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, Wheeler, and Zollicoffer—64.

So the House refused to suspend the rules, two thirds not voting in the affirmative.

GILLIS'S REPORT.

Mr. RIDDLE. Mr. Speaker, almost two weeks since, the House ordered the printing of seven thousand five hundred and twenty copies of the report of Lieutenant Gillis to be printed; but they did not order it to be illustrated. Accompanying it are some valuable maps and plates; and in order that they may be engraved and printed, to be included in the work, for distribution to members at the next session I am instructed by the Committee on Engraving to introduce the following resolution:

Resolved, That the Committee on Engraving be, and they are hereby, authorized to contract for the engraving, or lithographing, and printing of the maps and plates accompanying the report of Lieutenant Gillis, so lately ordered to be printed by the House of Representatives.

The question was taken; and the resolution was adopted.

DANIEL STEENROD.

Mr. KIDWELL. I ask the unanimous consent of the House to take up and consider House bill No. 182, "An act for the relief of Daniel Steenrod." This bill passed the House a few days since, and went to the Senate, where it was passed, with a few unimportant amendments. I feel great interest in its passage, and I hope there will be no objection to taking it up and considering it at this time.

There being no objection, the bill was then taken up and read, as follows:

That the petition of Daniel Steenrod, with the accompanying documents and depositions, be referred to the First Comptroller of the Treasury, and he is hereby authorized to appoint a commissioner to take evidence in the city of Wheeling or elsewhere, and ascertain and report what is justly and equitably due the said petitioner therein; and if such report is approved by the said Comptroller, the Secretary of the Treasury is authorized to direct to pay such sum of money out of any money in the Treasury not otherwise appropriated: *Provided further,* That said commissioner shall be selected out of any such persons now in the employment of the Government, for which services no extra compensation shall be paid.

First amendment:

After the word "the," where it first occurs, strike out the words "First Comptroller of the Treasury, and the," and insert in lieu thereof the words, "Secretary of War, who."

The amendment was agreed to.

Second amendment:

After the word "to," where it first occurs in the same line, strike out the words, "appoint a commissioner to take evidence in the city of Wheeling and elsewhere, and."

The amendment was agreed to.

Third amendment:

In line nine, after the word "ascertain," strike out the words "and report."

The amendment was agreed to.

Fourth amendment:

After the word "and" strike out all to the word to, including the word "direct," in the twelfth line.

The amendment was agreed to.

Fifth amendment:

In line thirteen, before the word "out," strike out the words "of money," and insert in lieu thereof the words, "as may be found due."

The amendment was agreed to.

Sixth amendment:

After the word "appropriate" strike out all to the end of the bill.

The amendment was agreed to.

CHARGES AGAINST HON. T. H. BAYLY.

Mr. WALLEY. I rise to a privileged ques-

tion. I am instructed by the select committee upon the charges preferred against the Hon. THOMAS H. BAYLY, to report in part from that committee, and I move that the report be laid upon the table, and printed. I offer a resolution with reference to the payment of a clerk, similar to those reported by the other investigating committees.

Mr. BAYLY. I ask that the report may be read.

[Cries of "Oh, no!"]

Mr. BAYLY. It is a question of privilege, and I insist upon it.

The resolution was reported, as follows:

Resolved, That the committee appointed by the House to investigate charges preferred against the Hon. THOMAS H. BAYLY be authorized to employ a clerk, from the 21st ultimo; and that the committee be authorized to audit his bill.

The question was put; and the resolution was agreed to.

Mr. WALLEY. The gentleman from Virginia [Mr. BAYLY] desires to have the report read. It is a very short one, and I hope his desire may be gratified.

Mr. BAYLY. I insist upon it.

The SPEAKER. The Chair hopes that there will be no objection made.

Mr. BAYLY. It is a question of privilege; and I insist upon the report being read.

The report was accordingly read, as follows:

HOUSE OF REPRESENTATIVES, August 3, 1854.

The select committee appointed by the resolution of the House of Representatives of 21st July, 1854, to investigate the charges preferred by Ben E. Green against the Hon. THOMAS H. BAYLY, ask leave to submit the following report:

The committee have diligently attended to the duty imposed on them by the passage of this resolution, but have been unable to arrive at such a result as will enable them to report in full at this time.

The complainant having made oath to the charges as preferred, proceeded to adduce testimony in support of the first charge, and offered record and documentary evidence in support of the second charge and specifications.

The evidence was not all submitted until after the adjournment of the House on the 2d instant; and the complainant submitted his argument this day. Mr. BAYLY offered an affidavit, stating what he could prove by certain witnesses, but rested his case upon the testimony of the complainant, without calling any witnesses, or submitting any argument.

Under these circumstances, it must be obvious that the committee cannot, by possibility, report in full at the present session. They, however, are satisfied that the complainant failed entirely to establish the first charge. In relation to the remaining charge, they express no opinion, inasmuch as the complainant relies (mainly, if not entirely) upon record and documentary evidence, which your committee have had no opportunity of examining, or even reading.

Your committee therefore report all the evidence which has been submitted to them, and reserve to themselves the privilege of reporting in full at a future day.

All which is respectfully submitted.

For the committee:

SMITH MILLER,
JACOB SHOWER,
SAMUEL H. WALLEY,
H. H. JOHNSON,
SION H. ROGERS,

} Committee.

The report was ordered to lie on the table, and be printed.

POST OFFICE APPROPRIATION BILL.

Mr. ORR. I rise to a privileged motion. I believe that the motion to suspend the rules to allow the committee to report back the Post Office bill has not been agreed to.

The SPEAKER. It has not.

Mr. ORR. Well, I move now to reconsider the vote by which that bill was referred to the Committee of Ways and Means; and on that I demand the previous question.

Mr. CAMPBELL. And I move to lay that motion on the table, unless the gentleman will agree to take up the river and harbor bill.

Mr. ORR. And if the gentleman will consent to take up the homestead bill, he can get up the river and harbor bill.

The SPEAKER. This is not a debatable question.

Mr. WASHBURN, of Maine. I ask if there is not an appropriation made in that Post Office bill?

Mr. ORR. I do not know whether there is or not.

Mr. JONES, of Tennessee. A motion has been made here to suspend the rules to take up the land bill. It does seem to me that those who have charge of the bill, the friends of the measure, should be satisfied with the action of the

House, and that the House should now permit a motion to be made to take up the river and harbor bill; and if that fails, I think the advocates of that measure should be satisfied, at least, until after the disposition of the appropriation bills.

Mr. CAMPBELL. I wish to say that I shall take every opportunity to get up that bill, as it is ahead of all other appropriation bills.

Mr. JONES. I make this remark to the gentleman from Ohio. He knows that the Government does not stop, that the operations of the Army, the Navy, or the civil service of the country do not stop by the failure of the river and harbor bill at the session of Congress, but that they must all stop if the civil and diplomatic appropriation bill does not pass.

Mr. CAMPBELL. I will say to the gentleman that there has been but one river and harbor bill for fifteen years, and the friends of that bill intend that it shall go through this session, if possible.

Mr. DISNEY. I desire to make a single suggestion. It is this: go to the Speaker's table, and all these bills can be reached.

Mr. CAMPBELL. I call for the yeas and nays upon the pending motion.

Mr. ORR. I withdraw, for the present, the motion to reconsider the vote by which the bill was referred to the Committee of Ways and Means, with a view to enable the friends of the river and harbor bill to move to take it up; and if they fail in their motion, I hope, then, they will adopt the same course, which, perhaps, the friends of the land bill have done.

EXTRA COMPENSATION TO PAGES, ETC.

Mr. FLORENCE. I ask the unanimous consent of the House to offer the following resolution:

Resolved, That the usual extra compensation be paid to the pages, folders, and such other employees who have heretofore received the same, and who have not and shall not hereafter receive the benefit of the joint resolution approved July 20, 1854.

Mr. SMITH, of Virginia. That resolution has once been presented and rejected. I object to it. It is not in order.

Mr. JONES, of Tennessee. I submit this question to the Chair and to the House. The joint resolution which has been passed in relation to the compensation of the employees of the House, provides for the increase of all the persons embraced in that resolution, and we cannot repeal that joint resolution by a simple resolution of this House.

Mr. FLORENCE. I will say to the House, that the resolution provides for those who do not take advantage of the joint resolution.

Mr. JONES, of Tennessee. Exactly; but the joint resolution applies to all, and they cannot waive the right.

Mr. FLORENCE. This resolution provides that they may not be included in that resolution. I earnestly pray that the sympathies of this House may be excited for those poor folder boys, and that they may be provided for. I move that the rules be suspended, to enable me to introduce the resolution.

Mr. SMITH, of Virginia. I call for the yeas and nays upon that motion.

The yeas and nays were not ordered.

Mr. FLORENCE. I demand tellers upon the motion.

Tellers were ordered; and Messrs. DAVIS, of Indiana, and STUART, of Michigan, were appointed.

The question was taken; and the tellers reported—ayes 92, noes 32.

So (two thirds having voted in the affirmative) the rules were suspended.

Mr. FLORENCE. I now offer the resolution, and call the previous question upon its adoption.

The previous question was seconded, and the main question ordered to be put.

Mr. CLINGMAN. I demand the yeas and nays upon the passage of the resolution.

Mr. SMITH, of Virginia. Is it in order to submit a few words on the resolution?

The SPEAKER. The call for the previous question having been sustained, debate is not in order.

Mr. MORGAN. I demand tellers on the yeas and nays.

Tellers were ordered; and Messrs. KERR and CHURCHWELL were appointed.

The question was taken; and the yeas and nays were ordered.

The question was then taken on the adoption of the resolution; and it was decided in the affirmative—yeas 88, nays 50; as follows:

YEAS.—Messrs. Aiken, Ashe, Thomas H. Bayly, Banks, Bennett, Benson, Bliss, Bridges, Bugg, Carpenter, Caruthers, Chamberlain, Chandler, Claiborne, Churchwell, Crocker, Cumming, Thomas Davis, Dawson, De Witt, Disney, Edmundson, Thomas D. Eliot, Ellison, Everhart, Farley, Fulton, Florence, Gannett, Giddings, Goodrich, Andrew J. Harlan, Harrison, Hill, Howe, Hughes, Hunt, Johnson, Keitt, Kerr, Knox, Kurtz, Lamb, Latham, Lilly, McCulloch, Macdonald, McDougall, McNair, Macy, Maurice, Maxwell, May, Smith Miller, Nichols, Norton, Andrew Oliver, Peckham, Pennington, Pringle, Puryear, Riddle, Robbins, Rogers, Sabin, Sapp, Seward, Shower, Simmons, Gerrit Smith, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, Straub, Andrew Stuart, John L. Taylor, Upham, Vail, Vansant, Wade, Walker, Elihu B. Washburne, John Wentworth, Tappan Wentworth, Westbrook, Wheeler, and Hendrick B. Wright—88.

NAYS.—Messrs. Abercrombie, Appleton, Barksdale, Barry, Caskey, Chrisman, Clark, Clingman, Cook, John G. Davis, Dick, English, Faulkner, Fuller, Greenwood, Gray, Grow, Aaron Harlan, Wiley P. Harris, Hibbard, Ingersoll, Daniel T. Jones, George W. Jones, Roland Jones, Kittredge, Leitcher, McMullin, McQueen, Matteson, Millson, Morgan, Murray, Noble, Parker, John Perkins, Phelps, Pratt, Reese, Rufin, Sage, Shaw, Singleton, William Smith, William R. Smith, George W. Smyth, Nathaniel G. Taylor, Wells, and Daniel B. Wright—50.

So the resolution was passed.

Mr. FLORENCE. I move to reconsider the vote by which the resolution was adopted; and that that motion be laid upon the table.

The latter motion was agreed to.

PAY TO EXTRA PAGE.

Mr. KEITT. I submit the following resolution:

Resolved, That Charles P. Coe, who has been acting as a page on the floor of the House of Representatives during the present session—since 5th of December last—be paid the same amount of pay and compensation as shall be paid to the regular pages for the same session.

Mr. JONES, of Tennessee. I object to that resolution. We have too many pages already here.

Mr. KEITT. This page has been here during nearly the whole of the present session working like the other pages, and unless this resolution passes, he will not be entitled to one dollar of pay. He is one of nine children, and his mother is in straitened circumstances.

Mr. JONES. I would ask the gentleman from North Carolina by what authority a page more than the regular number was appointed?

Mr. KEITT. He was appointed by the proper officer.

Mr. JONES. No officer of this House has such power.

Mr. KEITT. I move that the rules be suspended, in order that I may submit the resolution.

The question was taken; and the rules were suspended.

The resolution was then adopted.

RIVER AND HARBOR BILL.

Mr. WENTWORTH, of Illinois. I would ask the unanimous consent of the House to take the river and harbor bill from the Speaker's table, in order that it may be referred to the Committee of the Whole on the state of the Union. If the reference be allowed, I shall pledge myself not to move to go into committee to consider that bill until ten o'clock to-night. I speak in behalf of the friends of that measure, and I should be sorry if they were to break my pledge. If they attempted to do it, I should oppose them.

The SPEAKER. Is the gentleman's proposition agreed to?

Mr. INGERSOLL. I object.

Mr. WENTWORTH. I move a suspension of the rules, for the purpose which I have indicated.

The question was put; and, on a division, there were—ayes sixty-seven—

Mr. WENTWORTH. I demand tellers.

Tellers were ordered; and Messrs. HARRIS, of Alabama, and HUGHES, were appointed.

Mr. JONES, of Tennessee. It is known to both sides of this House that I am as much opposed to the river and harbor bill as any gentleman in or out of it can be; but I am willing to meet the question, and I am willing, for one, to take the bill up, and let a majority of this House vote upon the amendments of the Senate. If a majority are for it, let it go to the President, and let him veto it.

Mr. INGERSOLL. I withdraw my objection.

Mr. DISNEY. I renew it.

The question was taken; and the tellers reported—ayes 71, noes 52; not two thirds voting.

Mr. CAMPBELL demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 76, nays 57; as follows:

YEAS.—Messrs. Appleton, Banks, Bennett, Benson, Bliss, Bugg, Campbell, Carpenter, Caruthers, Chamberlain, Chandler, Churchwell, Clark, Cook, Cox, Crocker, Culom, Dick, Eastman, Edgerton, Edmonds, Thomas D. Eliot, English, Farley, Flagler, Florence, Giddings, Goodrich, Grey, Aaron Harlan, Harrison, Haven, Henna, Hill, Howe, Hughes, Hunt, Johnson, Knox, Lindsley, McCulloch, McDougall, Matteson, Maurice, Morgan, Noble, Mordecai Oliver, Parker, Pennington, Preston, Pringle, Puryear, Reese, Riddle, Rogers, Sabin, Sage, Sapp, Seward, Shannon, Simmons, Gerrit Smith, Hester L. Stevens, Andrew Stuart, David Stuart, John L. Taylor, Nathaniel G. Taylor, Upham, Vansant, Wade, Watley, Elihu B. Washburne, Israel Washburn, Wells, John Wentworth, and Tappan Wentworth—76.

NAYS.—Messrs. Abercrombie, Aiken, Willis Allen, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Belcher, Boeck, Boyce, Breckinridge, Brooks, Caskey, Chastain, Clingman, Cobb, Craig, John G. Davis, Disney, Edmundson, Everhart, Faulkner, Fenton, Gannett, Gray, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Hendricks, Hibbard, Ingersoll, Daniel T. Jones, Kittredge, Kurtz, Lamb, Leitcher, Lilly, McMullin, McNair, McQueen, Macy, May, Smith Miller, Millson, Murray, Orr, Parker, John Perkins, Phelps, Powell, Rufin, Shaw, Singleton, William Smith, George W. Smyth, Straub, John J. Taylor, and Daniel B. Wright—57.

So (two thirds not voting in favor thereof) the rules were not suspended.

Pending the call of the roll, Mr. MAXWELL stated that he had paired off upon all questions affecting this bill with Mr. BALL, of Ohio, who was called home by sickness in his family.

NATIONAL HOTEL COMPANY.

Mr. DAVIS, of Indiana. I ask the unanimous consent of the House to enable me to make a report from the Committee for the District of Columbia.

A MEMBER. For what purpose?

Mr. DAVIS. I desire to have one bill put upon its passage, and a few others to be referred merely.

I wish to report and have put upon its passage, the bill to incorporate the National Hotel Company of the city of Washington, and I desire to say this one word. I have tried for two weeks past to get the floor for the purpose of introducing this bill for Mr. HAMILTON, the chairman of the committee, who is confined at home by severe indisposition, and is unable to get here. I have risen half a dozen times for the purpose of getting the bill before the House, and now I ask the unanimous consent of the House to introduce it, and have it put upon its passage.

Mr. JONES, of New York. I object.

Several MEMBERS. Withdraw your objection.

Mr. DAVIS. The bill is accompanied by an amendment.

Mr. JONES, of New York. I have not withdrawn my objection.

Mr. DAVIS. Then I move to suspend the rules, so as that the bill may be put upon its passage.

The question was taken; and the rules were suspended.

The bill was then read by the Clerk *in extenso*.

The following amendments, recommended by the Committee for the District of Columbia, were then read:

Sec. 8. *And be it further enacted*, That each of the stockholders in the said National Hotel Company in Washington city, shall be held liable in his or her individual capacity for all the debts and liabilities of the said company, however contracted or incurred, to be recovered by suit, as other debts and liabilities, before the courts or tribunals having jurisdiction of the case.

Sec. 9. *And be it further enacted*, That it may be lawful for Congress hereafter to alter, amend, change, or repeal the foregoing act.

The question was taken upon the amendments; and they were agreed to.

The bill was then ordered to be read a third time, and was accordingly read the third time.

Mr. CHAMBERLAIN. I call for the yeas and nays upon the passage of the bill, and I call for tellers upon the yeas and nays.

Tellers were not ordered.

The yeas and nays were not ordered.

The question recurring upon the passage of the bill,

Mr. DAVIS, of Indiana, demanded tellers.

Tellers were ordered, and Messrs. HUGHES and STRAUB were appointed.

The question was then taken on Mr. Davis's motion; and the tellers reported less than a quorum voting.

Mr. PRESTON. I move that the House take a recess until eight o'clock this evening.

The SPEAKER. That motion is not in order. Mr. ENGLISH. I move that the House proceed to the consideration of the business upon the Speaker's table.

The SPEAKER. That motion is not in order. Mr. CAMPBELL. I move that the House do now adjourn.

Mr. BRECKINRIDGE. I move that there be a call of the House.

The SPEAKER. That motion is in order, but the motion to adjourn must take precedence.

Mr. COBB. I ask for the yeas and nays upon the motion to adjourn. Let us take the yeas and nays, and by that time a quorum will be present.

The yeas and nays were not ordered. Mr. WASHBURN, of Maine. I demand tellers upon that motion.

Tellers were not ordered. The motion to adjourn was not agreed to.

Mr. PRESTON. I rise to a question of privilege. The motion to adjourn is always in order, and I believe a motion to fix the time of adjournment takes precedence of that motion. I move that when this House adjourns it adjourn to meet at eight o'clock this evening.

The SPEAKER. There is no rule which will authorize the motion to adjourn to a particular hour to be made at all.

Mr. PRESTON. I then move to suspend the rules to permit me to make that motion.

The SPEAKER. The House is already acting under a suspension of the rules, the House having suspended the rules to enable the gentleman from Indiana to report certain bills. That business had not been disposed of when the House found itself without a quorum. The question now is upon the motion that there be a call of the House.

Mr. BRECKINRIDGE. As several committees of conference are now absent from the House, if it is the unanimous consent of the House that the House take a recess until seven o'clock, I will withdraw the motion that there be a call of the House, and substitute that motion.

Mr. McDOUGALL. I object to the motion for a recess.

Mr. PRINGLE. I move that the House do now adjourn.

Mr. McMULLIN. I hope the gentleman will withdraw his motion, so that I may move to suspend the rules in order that the House may take a recess.

Mr. PRINGLE. I withdraw the motion to adjourn for that purpose.

The SPEAKER. The House is now acting under a suspension of the rules.

Mr. BRECKINRIDGE. Unless there was unanimous consent to taking a recess, I did not withdraw the motion that there be a call of the House. And on that motion I demand tellers.

Tellers were ordered; and Messrs. TAYLOR, of Tennessee, and BRECKINRIDGE were appointed.

The question was taken; and the House refused to order a call of the House, the tellers having reported—ayes 28, noes 96.

The question then recurred on the passage of the bill to incorporate the National Hotel Company.

Mr. DAVIS, of Indiana. I desire to make a short statement in regard to this bill before a recount is had. I will not occupy the time of the House five minutes. This is a Senate bill to incorporate a company in the city of Washington for the purpose of building a hotel. It was referred, some four months ago, to the Committee for the District of Columbia, and the committee unanimously agreed to report it with an amendment introducing the individual liability clause. It is a bill in which I have no earthly interest. It is drawn up in the usual form of bills of incorporation, and it expressly provides that this company shall not engage in banking, or the issue of any bills in the shape of money for circulation. The amendment of the committee, to which I desire to call the attention of the House, and which, I think, will prove satisfactory to the House, introduces the individual liability clause. The stockholders of this company are individually liable in their own individual capacity for all the debts of the company in whatsoever manner they shall be

contracted. And, further, Congress reserves the right to repeal, alter, modify, or change this charter at pleasure. I think that is sufficient to warrant the passage of this bill, knowing, as I do, that members desire a good hotel in Washington where they can get something good, clean, and nice to eat.

Mr. JONES, of New York. I desire briefly to give my reasons for opposing this bill. I am satisfied that special legislation is generally wrong, although, perhaps, there may be an exception in this case, although I doubt it very much. This bill merely amounts to this: that we are going to build a palace hotel where rich members of Congress and rich men who come here can stop, and pay three dollars a day. By establishing a hotel of this kind, you will break down all the other hotels.

[Cries of "They ought to be broken down!"] Mr. JONES. I do not know whether I am in order or not; but I hope the House will indulge me.

Mr. BRECKINRIDGE. I understand from the gentleman who reported the bill, that there is a provision in it that no member of Congress shall be charged more than his daily pay. [Laughter.]

Mr. JONES. I look upon this question in a practical light. I do not intend, however, that it shall affect my pocket at all, for the hotel will not be built until I am at home, where I ought to be. [Laughter.] I know that the effect of sending splendid steamers and floating palaces across the Atlantic to Europe is to drive off all competition. It is the same with these grand hotels. I know—and I think that the common sense of every member of the House will bear me out in the opinion—that if we encourage the building of a palace in Washington, as large as this one is to be, we drive away all competition. [Laughter, and cries of "That is what we want!"]

The question being on the passage of the bill, Mr. JONES call for tellers.

Tellers were ordered; and Messrs. HUGHES and COX were appointed.

The question was taken; and the tellers reported—ayes 83, noes 45.

Mr. McNAIR. I call for the yeas and nays.

The SPEAKER. The yeas and nays were demanded upon the passage of this bill, and they were refused by the House, no quorum appearing in the House. The Speaker counted, and there was no quorum. In fairness, the Chair believes the call for the yeas and nays to be in order.

The yeas and nays were not ordered. So the bill was passed.

MESSAGE FROM THE SENATE.

A message was here received from the Senate, by ASBURY DICKINS, Esq., their Secretary, informing the House that they had concurred in the report of the committee of conference upon the disagreeing votes of the two Houses upon the bill authorizing the extension of the Alexandria railroad into the District of Columbia.

UNITED STATES ARMORIES.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of War; which was read, as follows:

WAR DEPARTMENT, WASHINGTON, August 3, 1854.
SIR: I have the honor to submit the inclosed papers in reply to the resolution of the House of Representatives of the 31st ultimo, requiring information in relation to the application by either of the commissioners who visited Springfield armory under the act of March 3, 1853, for the office of superintendent of either of the national armories, or any recommendation by either of said commissioners for the appointment of any other person to that office; also, in relation to any application by or in behalf of any of the witnesses from Harper's Ferry or Springfield, who testified before the select committee of the House, to whom was referred the question of the expediency of employing military officers for the supervision of said works, for any officers in either of said armories, or any recommendation of either of said witnesses for any such office; also, in relation to any application by either of the members of said select committee, in their own behalf or in behalf of any other person or persons, for the appointment to any office connected with the prosecution of any of the various public works which are the subject of inquiry by said committee. From these papers it appears, that of the four civil commissioners who visited Springfield, one is a candidate for the superintendency of that armory, being recommended by the other three for that post; and that one of the latter has been recommended for the superintendency of Harper's Ferry armory; of the nine witnesses from Harper's Ferry and Springfield, who testified before the select committee, that three were candidates for the office of superintendent, and two for offices in said armories. Of the select committee, that the chairman was an applicant for the office of Commissioner of Public Buildings, when it included the

supervision of the Capitol extension—a work referred to in the resolution—and that one of the members has recommended persons for office in the Harper's Ferry armory. Very respectfully, yours,

JEFF DAVIS, Secretary of War.

HON. LINN BOYD, Speaker House of Representatives.

Mr. FAULKNER. I move that the communication be laid upon the table and printed. It was so ordered.

REPORTS FROM COMMITTEES.

Mr. DAVIS, of Indiana. By unanimous consent, from the Committee for the District of Columbia, reported back, with a recommendation that it do pass, Senate bill (No. 16) "to suppress the circulation of small notes, as currency, in the District of Columbia."

Referred to the Committee of the Whole on the state of the Union.

Mr. D. also, from the same committee, reported the following bills; which were severally read, the first and second time by their titles, referred to the Committee of the Whole on the state of the Union, and ordered to be printed:

A bill for the condemnation of land, &c., for the Washington aqueduct;

An act allowing the Metropolitan railroad to extend into the District of Columbia, and for other purposes; and

An act authorizing the corporate authorities of Georgetown to impose additional taxes, and for other purposes.

Mr. WENTWORTH, of Massachusetts. I ask leave of the House to present three or four reports from the Committee on Commerce, some of which I should like to have put upon their passage, and the rest to be referred; but if the House should order them all to be referred, I shall be content.

Leave was granted.

PROLONGATION OF THE SESSION.

Mr. JONES, of Tennessee. I suppose that every gentleman upon this floor is satisfied that we cannot get through with our business by tomorrow, at twelve o'clock. I have a resolution proposing to extend the time until Monday next, at twelve o'clock, m.

[Loud cries of "No!" "No!"]

Mr. WENTWORTH then reported back, from the Committee on Commerce, the following Senate bills and resolution; which were referred to a Committee of the Whole House, and ordered to be printed:

An act for the relief of Thomas Butler;

An act for the relief of the West Feliciana and Georgia Railroad and Banking Companies; and

Joint resolution for the relief of Charles W. Morgan, William R. Rodman, and Edward Menan.

PORTS OF DELIVERY.

Mr. WENTWORTH. I now propose to report, and have put upon its passage, the bill of the Senate (No. 219) constituting Cairo, in the State of Illinois, a port of delivery.

The bill was read in *extenso*.

Mr. HENN. Do I understand the intention of the gentleman from Massachusetts to be to put that bill upon its passage?

The SPEAKER. The gentleman so stated.

Mr. HENN. I object to any bill being put upon its passage, unless the gentleman will also move to discharge the Committee of the Whole from the first bill reported by the Committee on Commerce, and also put that upon its passage. I will not consent that one bill reported by that committee shall take precedence of another in the action of the House upon it.

The SPEAKER. The Chair thinks the objection comes too late. The gentleman from Massachusetts stated distinctly when he asked leave to make a report, that his purpose was to put some of the bills upon their passage.

Mr. HENN. If it is too late to object, I move to amend the bill by what I send to the Clerk's table.

Mr. RICHARDSON. I hope the gentleman will not embarrass the passage of this bill. It is merely to constitute Cairo a port of delivery. There can be no objection to it.

Mr. HENN. I presume there will be no objection to my amendment.

Mr. RICHARDSON. But if the bill is amended it must go back to the Senate, and the whole will be lost.

Mr. WENTWORTH. I have not yielded the floor. I move the previous question upon the passage of the bill.

Mr. HENN. I think I have the floor legitimately, and have indicated my purpose to offer an amendment.

The SPEAKER. The Chair did recognize the gentleman from Iowa, because he supposed the gentleman from Massachusetts had yielded the floor altogether. If the gentleman, however, claims the floor for the purpose of moving the previous question, the Chair will decide that he is entitled to it.

Mr. HENN. I claim the right to object to the bill. I did object distinctly before the title had been read.

The SPEAKER. The Chair overrules the question presented by the gentleman from Iowa, upon the ground that the gentleman from Massachusetts twice distinctly stated that he had two bills which he desired to put upon their passage, and several others which he wished to have referred.

Mr. HENN. Well, sir, I will withdraw all objection, and allow the bill to pass without opposition from me.

The bill was then ordered to be read a third time; and it was accordingly read a third time, and passed.

Mr. WENTWORTH, from the Committee on Commerce, reported back Senate bill No. 200, constituting San Pedro, in the State of California, a port of entry and delivery; which was ordered to a third reading, and was accordingly read a third time, and passed.

Mr. SMITH, of Virginia. I should like to know something of the character of these bills.

Mr. WENTWORTH. They are drawn up in the usual form, and are recommended by the Secretary of the Treasury as necessary to the wants of commerce.

Mr. WENTWORTH, from the Committee on Commerce, reported back a bill; which was read a first and second time by its title, as follows, referred to the Committee of the Whole on the state of the Union, and ordered to be printed:

An act to provide for the establishment of a marine hospital at Shreveport, in the State of Louisiana, and Galena, in the State of Illinois.

Mr. MAXWELL. There is a bill which the chairman of the Committee on Commerce wishes to report, and I trust the gentleman will also include it in his report, as he has the floor.

Mr. WENTWORTH. Very well. I report back from the Committee on Commerce, Senate bill (No. 178) constituting Pilatka and Bayport, in the State of Florida, ports of entry and delivery, respectively.

Mr. HENN. I hope the gentleman will allow me to move, as an amendment, a provision constituting Keokuk and Dubuque, in the State of Iowa, ports of delivery. It has met with the approbation of the Committee on Commerce.

Mr. WENTWORTH. Gentlemen say that I have no right to offer amendments under the rule which has been adopted. Without the consent of the House I cannot do it. I move the previous question upon the passage of the bill.

Mr. HENN. The gentleman will force me to object to the bill. I will state for the information of the House, that this was one of the first bills reported from the Committee on Commerce, and referred to the Committee of the Whole on the state of the Union. I offer it as an amendment to this bill, and desire that it may be acted on, in order to save time.

The SPEAKER. If exception be taken to the bill, it cannot be received.

Mr. WENTWORTH. I desire to state that I am in favor of the bill of the gentleman from Iowa, and I am willing to accept it as an amendment.

The SPEAKER. If the introduction of the bill is not objected to, the question will be upon reading it the third time. If objected to, the bill cannot be received.

Mr. HENN. I withdraw the objection.

The SPEAKER. The Chair will consider the amendment as before the body.

The amendment was then read, as follows:

That Keokuk and Dubuque, in the State of Iowa, be, and hereby are, constituted ports of delivery within the collection district of New Orleans; and there shall be appointed a surveyor of the customs for each of said ports,

who shall be residents thereat. Said surveyors shall perform the duties and receive the salary and emoluments prescribed by the act of Congress approved on the 2d day of March, 1831, entitled "An act allowing the duties on foreign merchandise imported into Pittsburg, Wheeling, Cincinnati, Louisville, St. Louis, Nashville, and Natchez, to be secured and paid at those places."

Mr. HENN. I move the previous question.

Mr. CAMPBELL. I object to that amendment. It is the entering wedge for custom-houses upon the Mississippi.

The SPEAKER. The Chair asked whether there was any objection, and paused, but heard no objection, and the amendment was sent up to the Clerk's desk. The Chair thinks that the objection came too late. The Chair is very well aware that misunderstandings will grow up when there is so much confusion in the Hall. The question now is upon the adoption of the amendment.

Mr. LETCHER. I move that the bill, with the proposed amendment, be laid on the table.

The question was taken; and, on a division, there were—ayes 28.

The SPEAKER. Not half of a quorum.

[Cries of "Count the other side!"]

The SPEAKER. The Chair will ascertain whether there is a quorum in the House.

After a count, the Speaker announced that there were one hundred and twenty-nine members in their places.

So Mr. LETCHER's motion was not agreed to.

The question recurring on the demand for the previous question, the previous question was seconded, and the main question ordered to be put.

The question was then taken on the amendment, and it was agreed to; and, under the further operation of the previous question, the bill was ordered to a third reading. It was then read the third time, and passed.

Mr. HENN moved to amend the title by inserting the word "Keokuk and Dubuque," in the proper place.

The title of the bill was so amended.

Mr. DISNEY took the floor.

CHARGES AGAINST HON T. H. BAYLY.

Mr. MILLSON. I rise to a privileged question. The special committee which was charged with the investigation of certain complaints against my friend and colleague, [Mr. BAYLY,] have made a partial report, in which they absolve my colleague in the most absolute and unqualified manner from the first matter of complaint alleged against him; they report, however, that as respects the second allegation, involving some matters which I do not myself—and which, perhaps, the House will not deem of very great importance, they have not had an opportunity of investigating the subject, requiring, as it does, the examination of the Congressional Globe, as to certain speeches made by members of the House. They therefore ask that they may reserve to themselves the right to report upon that branch of the inquiry at a future day. But, as after the session terminates, their powers will be at an end, and having the most absolute assurance that the rest of their investigation of that matter will be what it has been in reference to the part of the inquiry which they have considered, and reflecting, as I am sure I do, the wishes of my friend from the Accomac district, [Mr. BAYLY,] I move that the committee have leave to continue their investigation at the next session of Congress.

The motion was agreed to.

Mr. CAMPBELL. I rise to a privileged motion, and one which I make in view of taking a recess. Most of the members came here early this morning, and are very much fatigued; and as we cannot take a recess under the rules of the House proper, and for the purpose of enabling the House to take a recess under the rules, I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The SPEAKER. The gentleman's colleague [Mr. DISNEY] was regularly recognized by the Chair before the gentleman, and he is, therefore, entitled to the floor in preference, and the gentleman cannot submit the motion unless his colleague yields to him.

Mr. CAMPBELL. I ask my colleague to yield to me to enable me to make that motion?

TITLE TO LANDS GRANTED TO STATES.

Mr. DISNEY. I cannot yield. I desire to ask

the consent of the House to take up and pass three several bills, each of which is of great importance, and to each of which I imagine no objection will be made.

The first is a Senate bill, rendered necessary by a decision of the Supreme Court at its last session, by which were pronounced as invalid the title to all the lands granted by the General Government to the different States of the Union by the act of 1831; which lands have passed into the possession of the different States, and from them into the hands of innocent purchasers, and by them now held, without a title, according to the decision which I have referred to. The whole transaction has been carried on in good faith on all sides. Congress supposed the title valid, the Land Office supposed the title valid. The lands were taken possession of by the States and sold to innocent parties. By a recent decision of the Supreme Court, it has been held that all grants couched in the language "shall be granted," possessed no title whatever. I ask, therefore, the House to take up that bill of the Senate and put it upon its passage.

Mr. PRINGLE. Read the bill for information. The bill was read by its title, as follows:

An act to vest in the several States and Territories a title in fee to lands which have been, or may be, certified to them.

Mr. DISNEY. I move to put the bill upon its passage, and desire to say a solitary word upon it. [Loud cries of "No!" "No!" "Let it Go!" and confusion.]

Mr. DISNEY. Very well; if the House are satisfied, I am.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

Mr. DISNEY. I now desire to report two bills, from the Committee on Public Lands, which are of the same character, both of which I desire to have put upon their passage. The first is Senate bill (No. 259) to authorize the State of Wisconsin to select the residue of the lands to which said State is entitled, under the act of 8th of August, 1846, for the improvement of the Fox and Wisconsin rivers.

The bill was read *in extenso*.

It was then ordered to a third reading; and was accordingly read the third time, and passed.

Mr. DISNEY. The other is Senate bill (No. 19) to authorize the State of Illinois to select the residue of the lands to which she is entitled, under the act approved March 2, 1827; to aid said State in opening a canal to connect the waters of the Illinois with those of Lake Michigan.

The bill was read through.

Mr. DISNEY. This bill was reported from the Committee on Public Lands. I only desire to state—

[Cries of "Question!" "Question!"]

Mr. DISNEY. If the House will pass the bill, I certainly do not desire to explain it.

The bill was then ordered to a third reading; and it was accordingly read the third time, and passed.

The SPEAKER. The Chair would propose that a half hour be set apart for receiving reports from committees of the House for the purpose of reference only. If it be agreed to, it will relieve the House and Speaker a great deal.

[Cries of "I object!"]

PROLONGATION OF THE SESSION.

Mr. JONES, of Tennessee. I offer the following resolution:

Resolved, That the joint resolution of the two Houses directing the President of the Senate and the Speaker of the House of Representatives to adjourn their respective Houses at twelve o'clock, m., Friday, the 4th of the present month, be rescinded; and that said officers adjourn their respective Houses at twelve o'clock, m., on Monday, the 7th of August.

Mr. MATTESON. I object.

Mr. JONES. I move to suspend the rules for that purpose.

Mr. MATTESON. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken on Mr. JONES's motion; and it was decided in the negative—yeas 60, nays 82; as follows:

YEAS—Messrs. Aiken, James C. Allen, Ashe, Thomas H. Bayly, Barksdale, Belcher, Boccock, Boyce, Caskie, Clark, Clingman, Cobb, Cook, Culom, Curtis, John G. Davis, Disney, Dunbar, Eastman, Everhart, Florence, Sampson W. Harris, Wiley P. Harris, Hendricks, Henn, Hibbard, Houston, George W. Jones, Roland Jones, Kid-

well, Kittredge, McDougall, McMullin, Macy, Maxwell, May, Smith Miller, Millson, Olds, Phelps, Phillips, Powell, Pratt, Richardson, Riddle, Rogers, Sapp, Shannon, Showers, Singleton, William Smith, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, Straub, David Stuart, Nathaniel G. Taylor, Upham, Walker, Westbrook, and Daniel B. Wright—60.

NAYS—Messrs. David J. Bailey, Bennett, Benson, Bliss, Bridges, Brooks, Campbell, Carpenter, Chamberlain, Chandler, Christian, Cox, Craig, Crocker, Thomas Davis, Dowdell, Edmunds, Ellison, Farley, Faulkner, Fenton, Flagler, Fuller, Gamble, Giddings, Goode, Greenwood, Grey, Grow, Aaron Harlan, Andrew J. Harlan, Harrison, Hill, Howe, Hughes, Hunt, Daniel T. Jones, Keitt, Kerr, Knox, Kurtz, Letcher, Lilly, Lindsley, McCulloch, McNair, McQueen, Matteson, Maurice, John G. Miller, Morgan, Morrison, Murray, Nichols, Noble, Andrew Oliver, Mordecai Oliver, Orr, Peck, Pennington, Pringle, Puryear, Reese, Robbins, Ruffin, Russell, Sabin, Sage, Seward, Shaw, Simmons, George W. Smyth, Andrew Stuart, Trout, Vail, Vansant, Wade, Walbridge, Walsh, Israel Washburn, Wells, John Wentworth, and Hendrick B. Wright—82.

So the rules were not suspended, two thirds not voting in the affirmative.

Mr. BAYLY, of Virginia. I ask the unanimous consent of the House for leave to report some bills from the Committee on Foreign Affairs. I will say to the House that I shall not ask that any of them shall be put on their passage, but merely that they shall be referred.

Mr. HOWE. I hope that the Chair will again put his proposition to the House.

The SPEAKER. Is there objection to the proposition submitted by the Chair that a half hour be devoted to receiving reports from committees for reference?

Mr. JONES, of Tennessee. If the balance of the session be devoted to receiving reports from committees, the appropriation bills cannot be passed.

Mr. BAYLY. The bills which I have to report will not consume much time. One of them is to execute the reciprocity treaty; but I do not propose to put it on its passage at this session.

Mr. HOWE. I have endeavored to make some reports from the Committee on Military Affairs, and have always been met with objection. I object, unless the proposition of the Speaker be adopted, and we shall all have a fair chance.

Mr. BAYLY. I move to suspend the rules for the purpose indicated.

The question was taken; and the rules were suspended.

RECIPROCITY TREATY.

Mr. BAYLY, from the Committee on Foreign Affairs, reported a bill "to carry into effect a treaty between the United States and Great Britain, signed the 5th day of June, 1854," which was read a first and second time by its title, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. BAYLY, from the Committee on Foreign Affairs, reported back Senate bills and resolution of the following titles; which were severally referred to the Committee of the Whole House, and ordered to be printed:

An act for the relief of the personal representatives of William A. Slacum;

An act to make compensation to Henry Cronchey for extra services;

An act for the relief of Hiram Paulding;

An act for the relief of the representatives of Thomas D. Anderson, deceased, late consul of the United States at Tripoli;

Joint resolution manifesting the sense of Congress towards Commander Edward Marshall, commanding her Britannic Majesty's ship *Virago*, and the officers and crew who were detached by his order for the relief of the surveying party under the command of Lieutenant J. G. Strain; and

An act for the relief of William Duer.

Mr. COBB. I would ask the unanimous consent of the House that the House proceed to receive reports from committees. I have no reports to make myself. If there be objection, I shall move a suspension of the rules.

NATIONAL ARMORIES, ETC.

Mr. STANTON, of Kentucky. Mr. Speaker, I rise to a question of privilege. I move to reconsider the vote by which the communication from the Secretary of War, received this morning, was laid upon the table, and ordered to be printed, so that I may be afforded an opportunity to correct some mistakes made therein, concerning myself as a member of this House. The communi-

cation is in answer to a resolution of this House adopted a few days ago, the object of which was to ascertain whether or not either of the six gentlemen appointed by the President some time ago to visit the Springfield armory had recommended anybody to office as superintendent of either of the national armories. It was the design of the resolution, I have no doubt, to discredit the reports of some of these gentlemen, with a view to defeat the measure in regard to the armories, now pending in the Senate.

The Secretary was further called on for information as to whether either of the gentlemen who had testified, on oath, before the select committee, on the subject of the superintendency of the national armories, had, at any time, been applicants for position in any one of those armories. The design of this part of the resolution is equally apparent, and also grows out of an earnest desire to defeat the armory measure, by discrediting testimony given by respectable men, under the solemn obligations of an oath. The resolution further required the Secretary of War to communicate to this House the fact whether any member of the select committee had made application for any office connected with the works named in the resolution, under which it was created, either for themselves, or in behalf of others. The gentleman from Virginia [Mr. FAULKNER] and myself were the members to which reference was made. The Secretary of War says that the chairman of the select committee—myself—was an applicant for the office of Commissioner of Public Buildings and Grounds, when it included the supervision of the Capitol extension, and that the gentleman from Virginia had recommended persons for office at Harper's Ferry armory. So far as I am referred to, the Secretary of War communicates to this House what is not true, as I never made application for Commissioner of Public Buildings, when that office "included the supervision of the Capitol extension." The mistake, no doubt, arises from the letter of the Secretary of the Interior, who writes to the Secretary of War and communicates a note written by me on the 31st of March, 1853, at the request of several gentlemen of this city; and the most urgent in requesting me to write it was the late General Armstrong.

The note referred to related to the office of the Commissioner of Public Buildings. I stated in it to the Secretary that I had been importuned by many of the citizens of Washington, because of some supposed fitness which they imagined I possessed for that post, to seek for the office of Commissioner. I did not ask for the appointment, nor did I really desire it. I only stated that if it were conferred on me, I would endeavor to discharge its duties. But in a very short time after I published a card declining to have anything to do with it, and refusing to be considered as seeking or desiring the office. The Secretary of the Interior says:

"The extension of the United States Capitol is the only civil public work the subject of inquiry by the special committee of the House of Representatives with which this Department has any connection. By order of the President, issued on the 1st of April, 1853, the charge and supervision of this work was transferred to your Department. Previous to such transfer it had been under the immediate supervision of the Commissioner, an officer of the Department, who acted in the capacity of disbursing agent."

Now, sir, here is a very great mistake, which I am sure must be unintentional by Mr. McClelland. You can readily see the effect of it. The idea conveyed is, that I sought the office of the Commissioner of Public Buildings in order that I might have the disbursement of the fund appropriated for the extension of the Capitol; and as a member of the select committee, my conduct had been controlled by motives of disappointment. I had met with no disappointment, and any inference that my course has been directed by such motives is absolutely false. Why, sir, the Capitol extension was not under the specific direction of the President of the United States; and the very law which put it under his direction, required that he should appoint an architect, who was charged with the disbursement of the money. At the time the late Administration went out of power, the architect who was in charge of the work had the disbursement of the fund, gave bonds, and settled his account regularly every month at the Comptroller's office. The Commissioner of Public Buildings had no more connection with the work than you, Mr. Speaker. He had nothing what-

ever to do in his official capacity with that work. His duties were confined to other objects. It is all a gross mistake.

It will be recollected that at the close of the last session of Congress a law was passed relieving the architect from the disbursement of the funds at the Capitol, and authorizing the President to appoint an agent for that purpose. The history of that enactment is this: An amendment was offered to the civil and diplomatic appropriation bill in the Senate authorizing the Commissioner of Public Buildings to disburse that money. This was before the 4th of March, 1853—a month before my note was written. When it came into this House, I went myself to the chairman of the Committee of Ways and Means, and requested him not to agree to the amendment of the Senate, with that provision in it, and the words "Commissioner of Public Buildings" was stricken out, and the words "a disbursing agent" substituted at my request, by the chairman of the committee. And the law passed the House in that shape, giving the President the power to appoint a disbursing agent other than the Commissioner. It could not, therefore, be true that the work was under the immediate supervision of the Commissioner. The letter of mine to which the Secretary refers was written a month after that law came into operation. The fact is, the Commissioner of Public Buildings, from the time of the first appointment of the architect, never had anything to do with the disbursement of the money at the Capitol, as the reports to Congress and the laws and records of the Government will show. The Secretary has no doubt been misled, and I am satisfied has not knowingly lent himself to this unjustifiable and disreputable effort to prejudice the armory question by misrepresenting and assailing myself and others.

Now, I have written a letter to the Secretary of the Interior calling his attention to the errors contained in his letter to the Secretary of War, and do not doubt he will cheerfully correct them; and I ask that the printing of the communication of the Secretary of War may not be ordered until I can receive the answer of the Secretary of the Interior. I want the antidote to go with the poison.

Mr. FAULKNER. When the gentleman from Massachusetts, [Mr. DICKINSON], some days ago, submitted his resolution asking the information now furnished by the War Department, it was objected to by my friend from Maryland, [Mr. VANSANT], and also by the gentleman from Tennessee, [Mr. CHURCHWELL]. At my request they withdrew their objections, and the resolution was adopted. I thought the inquiry a very small affair, and scarcely worthy of the attention of the gentleman from Massachusetts, or of the consideration of Congress. Still, as the statement had gone abroad, and been widely circulated, that some of the commissioners engaged in the investigation at Springfield had been applicants for the place of civil superintendent; as that statement had been denied, and as many unfounded and exaggerated reports had gained currency on that subject, I thought it better that the facts should appear before the country in some authentic form, that those concerned in the inquiry might fearlessly confront the accusation, and have justice done to their character and motives. The inquiry was, in many respects, objectionable in principle, but it did not become the friends of these gentlemen to oppose any obstacle to the full development of the truth. So, when the response of the Secretary of War was received a few moments ago, and partially read at the Clerk's table, I asked that its further reading be dispensed with, and printed.

My friend from Kentucky [Mr. STANTON] now asks that the motion to print be reconsidered; and in his remarks sustaining his proposition he has informed the House that my name is alluded to in the report of the Secretary of War, and that a letter of mine is among the papers ordered to be published. Sir, the Secretary of War, or any other Secretary, is at perfect liberty to publish any letter of mine addressed to him officially or privately, so far as I care. Certain it is that no letter of mine will be found in any Department of this Government presenting my name for any Executive post or appointment. No, sir; I have the proud gratification to say before this House, that at no period of my life, nor under any Ad-

ministration which has ever exercised power in this country, has my name, directly or indirectly, been presented to any President or Cabinet Minister for office. The letter written by me, and now to be published, is one recommending a most excellent and competent mechanic to the post of master armorer at Harper's Ferry. I made that recommendation, not only from my own sense of its propriety, but because urged and instructed to do so by a large body of my constituents. That letter has been eviscerated from the files of the War Department, where it has been permitted to slumber for more than twelve months, and is now laid before this House for the avowed and sole object of detracting from the great weight and influence of the evidence of Adam Rhuleman, by seeking to show that he was interested in the change of superintendency at Harper's Ferry.

I cannot see how this fact can support the conclusion sought to be drawn from it. His application for the post was made, and his testimony given, under the military superintendency. He did not come forward as a volunteer to testify. He was brought before the committee by the stern mandate of this House, and his evidence is marked by all that clearness, force, and caution which distinguishes an honest and truthful witness. I know Mr. Rhuleman well, and I know him to possess a reputation for truth not excelled by any of his assailants. I feel proud of the interest which I have taken in his advancement. I desired him to fill the place of a man at Harper's Ferry, who had by his partisan conduct rendered himself unworthy of the post. The Secretary of War, in my judgment, erred most grossly in permitting him to remain in office one hour after he had himself pronounced a severe official judgment upon his conduct; and I here assert that the interests of the Government could not have been better subserved than by the appointment of Mr. Rhuleman to the place to which I recommended him, and which he is so eminently qualified to fill.

Mr. STANTON, of Kentucky. I did not intend to convey any such impression.

Mr. KEITT. Mr. Speaker, I did not expect to engage in any discussion upon this subject again this session. The information just communicated to the House by the Secretary of War, in conformity with a resolution of this body, I have not had time to examine. I desire, however, to have it printed, as it throws light upon the evidence submitted to the special committee as to the change of superintendence of the armories. My friend from Massachusetts [Mr. Dickinson] submitted his resolution to me before offering it to the House. I concurred in the propriety of getting the information called for in it, as it would hereafter enable the House to act with more deliberation, and with more fullness of knowledge. I had heard that most of the witnesses who testified before the committee, had been dismissed for good cause from the armories, and were again applying for admission into the armories, or were applying for offices in it, and if employed, were making applications for higher offices. I understood, too, that some of the commissioners who had been appointed to examine into the condition and management of the armories, and who had conducted an examination into the one at Springfield, had made application for the superintendency of one or more of said armories. This information I desired the House to be put in possession of. In every civilized community a witness is ruled from the stand who has a personal and specific interest in the issue. The House adopted the amendment of the gentleman from Kentucky, [Mr. Stanton], as I conceived, upon the testimony of these witnesses, and the report of these commissioners. Now, sir, if it appeared that all, or nearly all of these persons, upon whose statements and advice this change was made, were personally interested in the issue of the cause in which their testimony was given, might I not expect or hope that the House would review its decision?

Mr. VANSANT. Does the gentleman from South Carolina say all the witnesses were applicants?

Mr. KEITT. I am not sure, but I think all were.

Mr. VANSANT. Mr. Hobbs was not; he left the army because of vile oppression.

Mr. KEITT. I am sick, sir, sick of this cry of oppression—oppression. Oppression has been

rung in our ears with as much sobbing tenacity as Ophelia cried "Willow, willow." I should like to hear or see some proof of the oppression, apart from declamation. My friend from Maryland [Mr. VANSANT] is honest, perfectly honest; but I cannot agree with him that oppression has been proved in any case. I may be mistaken, sir, in saying that every witness was an applicant, but I have heard that nearly all were. However, sir, the communication from the Secretary of War will show everything.

I was saying, sir, that if all, or nearly all, of those upon whose statements or advice the change in the management of the armories was made, were interested in the result, would not the House regard their testimony as biased and unreliable, and its own decision, thus influenced, as unwise? I repeat, sir, that in every civilized community a witness is ruled from the stand, if he has a personal interest in the issue of the case he proposes to testify in, unless he releases such interest. These witnesses, it is said, have such interest, and have not released—it will they be unprejudiced witnesses? Interest, sir, unconsciously warps. I did think, sir, that with these material, important, and flagrant facts brought to the attention of the House, its decision would be reviewed. I thought so, because it was a matter of prime interest with us all—with each of us. All of our constituencies are interested in the profitable and economical management of these armories, and in the efficient and skillful manufacture of arms. They are interested in their profitable management, because they pay the taxes out of which they are supported, and they are interested in the skillful manufacture of arms, because their sons and kinsmen, or friends and neighbors, may commit, in battle, their lives and honor upon their efficiency. I did think then, sir, that the House would review a material change like this, when the testimony upon which it made it was destroyed. Here, too, I may say that I have heard, and other members have heard, of threats and rumors of expulsion, when this change has been consummated.

It will be remembered that, when the change was under discussion, I told the committee that it would inure to the benefit of the politicians. Yes, sir, in a struggle, the "spoils" will go to them. Sir, I believed that behind the "masked battery" of the "mechanics," they were firing upon the public interest and the Treasury. This belief has been deepened by recent rumors. We have been told here that intriguers for the change in the management of the armories, and for putting them under the control, as it is said, of "civilians," have threatened the expulsion of every mechanic who did not aid and cooperate for the procurement of this change. Yes, sir, these "mechanics," whose interests are so dear, are to be sacrificed, unless they belong to the agitating and intriguing portion of them. If they dare to uphold the public interest, if they dare to uphold the most profitable management of the armories, if they dare to refuse participation in a scheme of agitation to change an existing law, they are to be sacrificed. Yes, sir, in a scheme of agitation, those who will not share in the plot are to be offered up as a holocaust to appease the vengeance of the intriguers. And this is protection to the "mechanical interest." If this be protection, then God save the mark!

Let me ask the House, sir, to look this matter in the eye. It is said that the mechanics in the armories, who refused to agitate for the change, in the event of the consummation of such change, are to be dismissed. Sir, I fear that this is a prelude to a political saturnalia. I fear you will make these armories political shambles. Threatenings of these expulsions have already come to us; and when the change is made, the shrift will be short, and the death warrant quickly made out. Sir, can it be that the only men in our land trained up by special instruction to superintend the manufacture of arms, are to be excluded from such office? Can it be, sir, that the Administration is to be excluded in the selection of its agents from that class specially instructed to the performance of the duties involved in the office to be filled?

Mr. Speaker, I will not trouble the House further. I desired to invoke its attention to the fact that many of the witnesses were interested.

Mr. VANSANT. If you want disinterested witnesses, where will you get them?

Mr. KEITT. Sir, I will only say that one of

the witnesses came from my own State, [Major Huger.] His family is one of revolutionary renown. His name one which gems the brightest page of the history of my own State. He won laurels, too, in the Mexican war. He had been superintendent at Harper's Ferry, but was not when examined before us. He told me he went there as a matter of duty only, and it was regarded by all the officers as unpleasant duty. He received no compensation as superintendent, and was subjected to continual annoyance and persecution. Sir, he was a disinterested witness.

Mr. CRAIGE. I hope the gentleman from Kentucky will send up to the Clerk's desk and have read the letter written by him to the Secretary of the Interior.

Mr. STANTON. Certainly; I have no objection. The letter was then read by the Clerk.

Mr. STANTON. I am ready to say, and repeat what I said before, that this was the only document, in reference to this matter, which went to the Department; and this was written at the request of General Armstrong. I make the motion to reconsider, in order to afford the Secretary of the Interior an opportunity to correct the error which I am sure he has unintentionally committed, with respect to this matter. I want but the facts as they really existed.

Mr. WASHBURN, of Maine, moved to lay the motion to reconsider upon the table.

The question was taken; and, upon a division, there were—ayes 40, noes not counted.

So the House refused to lay the motion to reconsider upon the table.

The question was then taken upon the reconsideration; and, upon a division, there were—ayes 35, noes not counted.

So the House refused to reconsider the vote.

The rules were then suspended; and it was

Ordered, That for half an hour reports be received from committees for reference only, and that should not give rise to debate.

Mr. HIBBARD, from the Committee of Ways and Means, to whom was referred Senate bill (No. 380) "to authorize the coinage of gold pieces of the value respectively of ten eagles and five eagles, and for other purposes," reported the same back to the House with an amendment, in the nature of a substitute.

Mr. McDUGALL asked the unanimous consent of the House to put the bill upon its passage.

Mr. ORR objected.

Objection being made to the passage of the bill, it was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

POST OFFICE APPROPRIATION BILL.

Mr. HIBBARD. The Committee of Ways and Means have also instructed me to report back House bill No. 336, entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1855." There are seven amendments to the bill, adopted by the Senate, in two of which the Committee of Ways and Means recommend concurrence. Those two are Nos. 1 and 4. In the rest of the Senate's amendments the committee recommend non-concurrence. I hope the House will now proceed to consider these amendments.

The Senate's amendments make appropriations. With the consent of the House, we can act upon them without referring the bill to the Committee of the Whole on the state of the Union.

The SPEAKER. If objection be made, the bill and amendments must go to the Committee of the Whole on the state of the Union.

Mr. HAVEN. I object.

The SPEAKER. Then the bill and amendments must go to the Committee of the Whole on the state of the Union.

Mr. HAVEN. Is the bill so referred now?

The SPEAKER. It is.

Mr. HAVEN. By what process?

The SPEAKER. By the order of the House that bills should be reported by the committees, and reported without debate. By the unanimous consent of the House the rules were suspended for that purpose.

Mr. HAVEN. Well, I ask the Speaker how this bill was put in the position that the Committee of Ways and Means could report on it?

The SPEAKER. It was referred to that committee this morning.

Mr. HAVEN. I beg pardon of the Speaker.

I understood that the friends of the river and harbor bill would have allowed no such business to be done. [Laughter.]

REPORTS FROM COMMITTEES.

Mr. MILLER, of Missouri. I am instructed by the Committee of Claims, to report back Senate bill (No. 361) "for the relief of Frederick Vincent, administrator of James Le Caze, survivor of Le Caze & Mallet," with an amendment. I hope it will be put upon its passage.

The SPEAKER. It can only be done by unanimous consent.

Mr. WALSH. I object.

Mr. MILLER. Then I ask that it be referred to the Committee of the Whole House, and ordered to be printed.

I was so ordered.

Mr. RUFFIN, from the same committee, reported adversely on the petition of Isaac C. Lockwood; also, adversely on the petition of Archibald M. Kitzmiller; also, adversely on the petition of Benjamin M. Sayer; which reports were severally ordered to be laid on the table, and printed.

Mr. VANSANT. It is evident that there is a determination upon the part of the minority of the House not to take up any appropriation bills; and as I feel fatigued, I move that the House do now adjourn.

Mr. PHILLIPS. Before that motion is put, I ask leave to make a report from the Committee on Territories.

The SPEAKER. There is an order that the committees shall make reports for half an hour, and in that time all the reports can be got in.

Mr. VANSANT's motion was not agreed to.

Mr. FENTON, from the Committee on Commerce, reported back House bill (No. 395) to amend an act entitled "An act to provide for recording the evidence of vessels, and for other purposes," passed July 29, 1850. Referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. F. also, from the same committee, reported to increase the compensation of the inspectors of customs; which was read a first and second time by its title, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. HENN, from the Committee on Public Lands, reported a bill for the relief of James Holstein; which was read a first and second time by its title, referred to a Committee of the Whole House, and the bill and report ordered to be printed.

Mr. H. also, from the same committee, to which was referred a bill to provide for the sale of the public lands in the Territory of Nebraska, and to establish a land office therein; and a bill to provide for the survey and sale of the public lands in the Territory of Kansas, and to establish a land office therein, reported back the same, and asked to be discharged from the further consideration thereof, on the ground that the objects of the bills had been accomplished by another act.

It was so ordered.

Mr. STANTON, of Tennessee, from the Committee on the Judiciary, reported a bill for the relief of William Case; which was read a first and second time by its title, referred to a Committee of the Whole House, and the bill and report ordered to be printed.

Mr. S. also, from the same committee, to whom was referred Senate bill (No. 194) to provide a place for a post office in the city of Philadelphia, and for the courts of the United States for the eastern district of Pennsylvania, reported back the same, and asked to be discharged from the further consideration thereof, on the ground that the object of the bill had been accomplished by another bill.

It was so ordered.

Mr. PARKER, from the Committee on the Judiciary, reported a bill to regulate the salaries of the district judges of the United States; which was read a first and second time by its title.

Mr. PARKER. I ask the permission of the House to put the bill upon its passage.

Mr. WALSH. I object.

Mr. PARKER. Then I move to suspend the rules to enable me to do so.

The SPEAKER. The motion cannot be made,

as we are now acting under the suspension of the rules.

Mr. PARKER. Then I hope the gentleman from New York will withdraw his objection.

Mr. WALSH. I cannot withdraw it.

Mr. PARKER. Then I withdraw the bill. No objection being made, the bill was withdrawn.

Mr. NICHOLS, from the Committee on Private Land Claims, reported the following Senate bills; which were referred to a Committee of the Whole House, and ordered to be printed:

An act authorizing the legal representatives of Antonio Vasquez, Hypolite Vasquez, Joseph Vasquez, and John Calligan, to enter certain lands in Missouri.

An act for the relief of the heirs and legal representatives of William Weeks.

An act for the benefit of the heir-at-law of Lieutenant C. A. Wickliffe.

Mr. NICHOLS. I now desire to report, from the Committee on Private Land Claims, a Senate bill "appointing commissioners to ascertain certain facts relative to certain private land claims in the State of Michigan." It is to ascertain all the facts that can be ascertained as to what law these claims are under, whether they have not expired by limitation, &c. It is important that the bill should be passed during the present session. There can be no reasonable objection to it, and I ask the unanimous consent of the House to put it upon its passage.

Mr. WALSH. I object.

Mr. NICHOLS. I appeal to the gentleman from New York to withdraw his objection. It is of very great importance that it should be passed.

Mr. WALSH. I do not withdraw my objection.

Mr. NICHOLS. I have another bill from the same committee which I am also very anxious should be put upon its passage. It is Senate bill (No. 297) for the relief of Sylvanus Culver. I hope no member of the House will object. It is a revolutionary claim. The claimant, I know, is a very worthy person, and the claim is a just one. I ask the unanimous consent of the House to put the bill upon its passage.

There was no objection; and the bill was read *in extenso* by the Clerk.

It provides for granting one hundred and twenty acres of land to Sylvanus Culver.

The bill was then ordered to a third reading; and was accordingly read a third time, and passed.

Mr. NICHOLS. On Friday last, under a misapprehension of the state of facts as to the action of our committee, Senate bill No. 336 was laid upon the table. I ask now that that bill may be taken up and placed upon the Calendar, or, if I can have the unanimous consent of the House, put the bill on its passage.

Mr. MACDONALD. I object to the bill being put on its passage.

Mr. MILLER. If the gentleman from Maine understood the circumstances under which this bill was laid upon the table the other day, I think that he would withdraw his objection to the bill now.

Mr. MACDONALD. I cannot withdraw my objection.

The bill was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. GREENWOOD, from the Committee on Indian Affairs, reported back Senate bill (No. 233) for the relief of Susan Coody and others, with a recommendation that it do pass; which was referred to a Committee of the Whole House, and ordered to be printed.

Mr. HOWE, from the Committee on Military Affairs, reported a bill; which was read a first and second time by its title, as follows, referred to a Committee of the Whole House, and with the accompanying report, ordered to be printed:

A bill for the relief of the heirs and legal representatives of John Randon, deceased.

Mr. H., from the same committee, reported a bill; which was read a first and second time by its title, as follows:

A bill for the relief of Captain Isaac D. Beauregard.

Mr. EDGERTON. I ask the unanimous consent of the House to put that bill on its passage.

Mr. WALSH. I object.

The bill was referred to a Committee of the

Whole House, and, with the accompanying report, ordered to be printed.

Mr. ASHE, from the Committee on Naval Affairs, reported a bill for the relief of Lieutenant J. C. Carter; which was read the first and second time by its title, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. PHELPS, from the Committee of Ways and Means, reported House bill (No. 289) "authorizing the payment, by the Secretary of the Treasury, of certain drafts drawn by Lieutenant Demert for ransom of American citizens, prisoners of the Indians of Queen Charlotte Island, and for other purposes; which was laid on the table, and the committee discharged from its further consideration.

Mr. ASHE, from the Committee on Naval Affairs, reported a bill for the relief of Charles J. Porcher; which was read the first and second time by its title, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. CRAIGE. I am instructed by the Committee on Public Buildings and Grounds to report the following bill:

An act to authorize the extension and completion of the Treasury Buildings; and also the construction of a building for the War, Navy, and Interior Departments.

I ask the unanimous consent of the House to put the bill upon its passage.

Mr. WALSH. I object.

Mr. CRAIGE. I hope gentlemen will allow me to make a short statement in regard to the necessity of the passage of this bill. I have been trying to get the floor for the last ten or twelve days, and have sought it again and again for the purpose of making this report. The bill has already passed the Senate. Every Administration, from the days of General Jackson down to this time, has recommended the erection of these buildings; and every head of the Department, from that time to this, has recommended it. At this particular time, I am informed, that the public archives of the country are actually in the greatest danger. The records of the Treasury Department and the State Department are exposed to destruction for the want of a suitable place in which to deposit them.

Mr. WALSH. My objection is not withdrawn.

Mr. CRAIGE. I move that the rules be suspended.

The SPEAKER. That motion would not be in order, as the House is now acting under a suspension of the rules.

On motion by Mr. TAYLOR, of Ohio, it was Ordered, That Jacob Benner, of Ross county, Ohio, have leave to withdraw papers filed by him, in order that he might present them to the Commissioner of Patents.

Mr. PHILLIPS. I am instructed by the Committee on Territories to report the following bill:

A bill declaring the southern boundary of New Mexico.

I ask that the bill may be read for the information of the House, with a view of putting it upon its passage, in accordance with the recommendation of the committee. I ask that the bill may be read, so that every gentleman will see at once the necessity that exists for its passage.

Mr. HAVEN. I hope there will be no objection; and that the bill will be allowed to pass.

There being no objection, the bill was ordered to be engrossed and read a third time; and having been engrossed, it was read the third time, and passed.

Mr. CHURCHWELL, from the Committee on Revolutionary Pensions, reported a bill; which was read a first and second time by its title, as follows, referred to a Committee of the Whole House, and ordered to be printed:

An act in addition to an act entitled "An act to continue half pay to certain widows and orphans," approved February 3, 1853.

Mr. PHILLIPS. In relation to the bill just reported from the Committee on Revolutionary Pensions, I ask that the rules be suspended, with a view of having that bill sent to the Senate.

The SPEAKER. If not objected to, joint rules 16 and 17 will be suspended in this particular case, and the bill will be sent to the Senate.

There being no objection, the rules were suspended.

Mr. EDMUNDSON, from the Committee on Invalid Pensions, reported back the following bill, with a recommendation that it do not pass:

An act for the relief of Nancy Payne and Sarah Laramee.

Mr. E., from the same committee, presented an adverse report on the petition of Ellen A. Schmuck.

Mr. E., from the same committee, reported a bill; which was read a first and second time by its title, as follows, referred to a Committee of the Whole House, and ordered to be printed:

A bill for the relief of Jephtha L. Heraminger. Mr. E. I am instructed by the same committee to report adversely on the petitions of Esther Bartlett, and another, inasmuch as one of the general bills passed covers the cases.

The petition and reports were laid on the table.

Mr. E. I am also instructed, by the same committee, to report back, under the same circumstances, a bill for the relief of certain widows and orphans.

Laid on the table.

Mr. EDMUNDSON. I ask the unanimous consent of the House to offer the following resolution:

Resolved, That joint rule No. 16 be so far suspended as to receive from the Senate a bill changing the name of the brig Glamorgan.

There being no objection, rule No. 16 was suspended for the purpose indicated.

Mr. JONES, of Tennessee. Is there not on the Speaker's table a joint resolution of the Senate proposing to suspend joint rules Nos. 16 and 17?

The SPEAKER. There is, to suspend them generally.

Mr. JONES. Then I propose we take up that resolution, and act upon it.

The SPEAKER. The House is now acting under a suspension of the rules.

Mr. HIBBARD. I ask if the thirty minutes, for which the rules were suspended, have not expired?

The SPEAKER. The time has expired.

Mr. STRAUB. Although the time has expired, I hope the balance of the committees will be permitted to go on and make their reports.

The SPEAKER. There are but three or four committees more, and the Chair hopes they may be permitted to report.

No objections were made, and

Mr. HENDRICKS, from the Committee on Invalid Pensions, to which was referred Senate bill (No. 191) for the relief of Thomas B. Parsons, reported back the same, and asked to put it upon its passage.

Mr. WALSH objecting, the bill was referred to a Committee of the Whole House, and the bill and report ordered to be printed.

Mr. VAIL, from the same committee, to which was referred Senate bill (No. 276) for the relief of Mrs. Ann W. Angus, reported back the same, with a recommendation that it do pass.

The bill was referred to a Committee of the Whole House, and the bill and report ordered to be printed.

Mr. V. also, from the same committee, to which was referred Senate bill (No. 192) for the relief of Amos Knapp, reported the same back to the House, with a recommendation that it do not pass.

The bill was ordered to be laid upon the table.

Mr. STRAUB, from the Committee on Invalid Pensions, to which were referred the petition of William Jacob, a soldier in the war of 1812, for a pension; the petition of Adam Hays, late a surgeon in the United States Army, for back pension; the petition of William Clark, asking arrears of pay as an invalid pensioner; and the petition of John Fullins, asking for a pension, made adverse reports upon the same respectively; and they were ordered to be laid upon the table.

Mr. FULLER, from the Committee on Commerce, to which was referred Senate bill (No. 245) to amend the provision of the fifty-sixth section of the act entitled "An act to regulate the collection of duties on imports and tonnage," approved March 2, 1779; reported back the same, with a recommendation that it do pass.

Mr. FULLER. I ask that the bill may be put upon its passage now.

Mr. WALSH. I object.

The bill was referred to the Committee of the Whole on the state of the Union, and the bill and report ordered to be printed.

Mr. EDMANDS, from the Committee on Invalid Pensions, reported a bill for the relief of Lot Davis; which was read a first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed.

Mr. EDGERTON, from the Committee of Claims, reported a bill for the relief of the legal representatives of John Putnam.

Mr. E. I ask to put that bill upon its passage. No objection being made, the bill was read a first and second time.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was subsequently read the third time, and passed.

Mr. FULLER. The gentleman from New York, [Mr. WALSH,] consents to withdraw his objection to the Senate bill which I reported a short time since, and I now move that the bill be put upon its passage. It is Senate bill (No. 145) to amend the provisions of the fifty-sixth section of an act entitled "An act to regulate the collection of duties on imports and tonnage," approved the 2d of March, 1799."

The bill was read *in extenso*.

It was then ordered to a third reading, and was accordingly read a third time, and passed.

PAY OF THE EMPLOYEES OF THE HOUSE.

Mr. SMITH, of Va. I have a resolution for the introduction of which I ask the unanimous consent of the House, and to which I am sure there will be no objection. I desire to offer the following:

Resolved, That a select committee be appointed to report to this House at its next session, the amount received by each of its employees from all sources for the services performed by them during the present session; the amount they will be entitled to receive under the existing laws at the next session; and also the time each is actually and necessarily employed during the present Congress.

Mr. JONES, of Tennessee. I would suggest to the gentleman that he specify the number of his committee.

Mr. SMITH. I will say five.

There was no objection, and the resolution was considered and adopted.

Mr. JONES, of Tennessee. I rise to a privileged question. I move that the vote by which the resolution was adopted be reconsidered, and that the motion to reconsider do lie upon the table.

The latter motion was agreed to.

Mr. EDGERTON. I move to suspend the 16th and 17th joint rules, to enable the bill, which has just been passed, to be sent to the Senate and be signed by the President.

Mr. WALSH. I object. We have had enough of this sort of business. I shall object to anything out of the regular order.

Mr. WRIGHT, of Pennsylvania, from the Committee on the Judiciary, reported a bill more effectually to provide for the punishment of certain crimes against the United States; which was read a first and second time by its title.

Mr. PRESTON. I will ask the House to put that bill on its passage. There is no statute in our books to punish the forgery of land warrants or assignments. Forgeries have been committed, and the culprits have escaped. The bill provides a remedy, and I think that it ought to be passed before we adjourn.

Objection was made, and the bill was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. WRIGHT, from the Committee on the Judiciary, reported a bill; which was read a first and second time by its title, as follows, referred to a Committee of the Whole House, and with the accompanying report, ordered to be printed:

A bill for the relief of Edward Burcher.

Mr. FENTON asked and obtained leave to introduce a bill; which was read a first and second time by its title, and referred to the Committee on Commerce. The bill is entitled:

An act in relation to the employment of apprentices in the merchant service of the United States.

Mr. McDOUGALL. I offer the following resolution:

Resolved, That the Secretary of War be requested to procure a report from F. W. Lander, civil engineer, of a railroad route from Puget's Sound, by Fort Hall, to Great Salt Lake and the Mississippi river; and that he cause a copy thereof to be furnished to this House.

Resolved, further, That the reports of surveys for a railroad to the Pacific made under the direction of the Secretary of War, also the said report of F. W. Lander, be printed for the use of the House during the recess.

Mr. WALSH. I object.

Mr. McDOUGALL. I move to suspend the rules for the purpose indicated.

The question was taken; and the rules were suspended.

Mr. LETCHER. I demand the yeas and nays on the passage of the resolution.

The question was put; and there were only thirteen in the affirmative.

The SPEAKER. There are only one hundred and four members in the Hall.

Mr. ORR. I move that there be a call of the House.

Mr. ROBBINS. I demand tellers on the yeas and nays.

The SPEAKER. The gentleman has a right to have tellers.

Tellers were ordered; and Messrs. WENTWORTH, of Massachusetts, and CHAMBERLAIN, were appointed.

The question was taken; and the tellers reported—ayes 23, noes 103.

So the yeas and nays were not ordered.

Mr. ORR. I should like to inquire of the gentleman from California [Mr. McDOUGALL] if the survey of Puget's Sound, by Fort Hall and Salt Lake City, to the Mississippi river, has been already made?

Mr. McDOUGALL. It has been made, and the engineer who made it is now in Washington.

Mr. ORR. Then I have no objection to the resolution.

Mr. WALSH. The survey has been made, I believe, for a private company; and the object of this resolution is to get Congress now to pay for the expense of it.

Mr. CHAMBERLAIN and Mr. McDOUGALL. Not at all.

Mr. UPHAM. If it be in order, I should be glad to state to the House, briefly, the facts of the case. Mr. Lander was employed as the chief civil engineer accompanying Governor Stevens in his explorations to Puget's Sound last winter. At the request of the Legislature of the Territory of Washington, and under their auspices, he started for Puget's Sound with but four men. He explored a country never before explored—a country full of dangers and difficulties. And he has ascertained a perfectly practicable route for a railroad from Puget's Sound, to a point in intersection with the central route of the Pacific railroad. He also explored the country from the mountains to Council Bluffs. And his explorations are known to be of great value. He is a competent and experienced railroad engineer, and was acting, as I have said, under the auspices of the new territorial government of Washington. And if this House is to act next winter, on the great question of the Pacific railroad, it will be of extreme importance to have the facts which he has collected brought before them.

The SPEAKER. The question is on the adoption of the resolution.

Mr. JONES, of Tennessee. I move to lay the resolution on the table.

The motion was not agreed to.

The question was then taken on the resolution; and it was adopted.

THE POST OFFICE APPROPRIATION BILL.

Mr. HIBBARD. For the purpose of acting on the general post office appropriation bill, I move that the rules be suspended, and that the House do now resolve itself into the Committee of the Whole on the state of the Union.

Mr. PRESTON. I object.

Mr. HAVEN. I hope the motion will not be agreed to.

The question was taken; and, on a division, there were—ayes 71, noes 72.

So (two thirds not having voted in favor thereof) the rules were not suspended.

Mr. WENTWORTH, of Illinois. I demand the yeas and nays.

Mr. PRINGLE. I call for tellers upon the yeas and nays.

Tellers were ordered; and Messrs. CHURCHWELL and MATTESON were appointed.

The House was then divided; and the tellers reported—ayes 30, (a sufficient number;) and the yeas and nays were ordered.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33d CONGRESS, 1st Session.

THURSDAY, AUGUST 3, 1854.

NEW SERIES....No. 133.

The question was then taken; and it was decided in the affirmative—yeas 85, nays 45; as follows:

YEAS—Messrs. Ashe, David J. Bailey, Banks, Belcher, Bocoock, Boyce, Breckinridge, Bridges, Brooks, Caskie, Chamberlain, Churchwell, Clark, Clingman, Cobb, Curtis, John G. Davis, Thomas Davis, De Witt, Eddy, Edgerton, John M. Elliott, Ellison, English, Florence, Franklin, Fuller, Gamble, Goode, Greenwood, Grow, Wiley P. Harris, Hibbard, Johnson, George W. Jones, Roland Jones, Keitt, Kerr, Kidwell, Kurtz, Latham, Letcher, Macdonald, McMullin, McNair, McQueen, Macy, Maxwell, May, Smith Miller, Millson, Morrison, Nichols, Noble, Orr, Packer, John Perkins, Phelps, Phillips, Powell, Pratt, Puryear, Riddle, Robbins, Ruffin, Shower, Skelton, Gerrit Smith, William Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Stratton, Straub, Andrew Stuart, John J. Taylor, Thurston, Vansant, Walbridge, Walsh, Westbrook, Daniel B. Wright, and Hendrick B. Wright—85.

NAYS—Messrs. Appleton, Bennett, Carpenter, Chandler, Cook, Corwin, Edmonds, Thomas D. Eliot, Everhart, Farley, Fenton, Giddings, Grey, Aaron Harlan, Harrison, Haven, Hill, Howe, Hunt, Knox, Lindsley, Matteson, Morgan, Mordecai Oliver, Parker, Peck, Pennington, Preston, Pringle, Ready, Reese, David Ritchie, Russell, Sabin, Sapp, Seward, Simmons, John L. Taylor, Nathaniel G. Taylor, Upham, Wade, Elihu B. Washburne, Israel Washburn, John Wentworth, and Tappan Wentworth—45.

So the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. WRIGHT, of Pennsylvania, in the chair.)

The **CHAIRMAN**. The first business in order is the consideration of the Senate amendments to the Post Office bill. The amendments will be reported.

First amendment:

Page two, after line nine, insert the following:

For compensation of post routes, as contained in the bill passed at the present session of Congress establishing routes, \$1,000.

To enable the Postmaster General to purchase the patent of the "clam-shell padlock," should he be of opinion that the public service requires it, the sum of \$10,000.

Mr. HIBBARD. The Committee of Ways and Means recommend a concurrence in that amendment. I will not detain the committee by debating it, as it recommends itself.

The amendment was concurred in.

Second amendment:

At the end of the bill add the following section:

Sec. 3. *And be it further enacted*, That hereafter the Postmaster General be authorized and directed to continue the mail service between Charleston, Key West, and Havana, during August and September, by a competent steamer, as it is now being performed during ten months of the year; and that to enable him to do so, \$10,000 are hereby appropriated, out of any money in the Treasury not otherwise appropriated.

Mr. HIBBARD. The route referred to in that amendment is not now recognized by any law, and the amendment establishes, therefore, a new route. The Committee of Ways and Means recommend a non-concurrence.

The amendment was not agreed to.

Third amendment:

Sec. 4. *And be it further enacted*, That there be allowed and paid to the postmaster of Washington city, District of Columbia, out of any money in the Treasury, not otherwise appropriated, a commission of one mill per pound upon the aggregate weight of public documents printed by order of Congress, and deposited in the office of said postmaster to be mailed; the said allowance to commence with the fiscal year beginning July 1, 1853, and to be computed for the first year for the ascertained weight for the month of January, 1854. And that the said postmaster be required to pay out of the said commissions to the clerks and other employees of his office, a sum not exceeding \$250 each, per annum, as compensation for the extra labor performed by them in the assortment and mailing of said documents; and that he be required to account for, and settle with, the Post Office Department, for the disbursement of these commissions, and any surplus that may remain, in the same manner as is now required in the settlement of his other accounts.

Mr. HIBBARD. The Committee of Ways and Means being of the opinion that the adoption of that amendment would produce a great and unnecessary expense, recommend a non-concurrence.

Mr. VANSANT. I hope that the recommendation of the committee will not be agreed to, but that the House will concur in the Senate amendment in that particular. I have had some experience in connection with the Post Office Department

in this country, in one of our largest offices, and I know something of the nature and extent of the services required to be performed by the clerks in that Department. I know, of my own observation, that the clerks in that department of the service perform more labor, and work more hours, than do the clerks connected with any other department of the General Government, and they are generally poorer paid than the clerks in any other office of the General Government; and I do hope this amendment will be agreed to.

Mr. JONES, of Tennessee. Will the gentleman from Maryland tell me what officer of this Government is not poorly paid, and worked to death, at that? [Laughter.]

Mr. VANSANT. That question is not pertinent to the subject I am discussing. I am speaking of the labors of the clerks in the Post Office Department.

Mr. JONES. This amendment has no reference to the clerks in the Post Office Department. It is in reference to the clerks in the city post office.

Mr. VANSANT. I understand all that; but, sir, the clerks in the city post office belong to the General Post Office Department.

Mr. JONES. No more than those in the post office in the city of Baltimore do.

Mr. VANSANT. They are a part of the Post Office Department; and let me say, that I believe the clerks in the post offices, not only in the city of Washington, but in the cities of New York, Boston, Philadelphia, and Baltimore, are poorer paid and harder worked than the employees in any other department of the Government. This amendment, I believe, would give them about \$200 each additional pay.

Mr. HIBBARD. It will give them about \$250 each.

Mr. VANSANT. I presume the gentleman from New Hampshire is right.

Mr. HIBBARD. It proposes to pay one mill per pound upon all the matter which passes through the office.

Mr. VANSANT. Well, sir, I hope this amendment will be concurred in. I do not regard it as liberal. It is pure, sheer justice to the clerks in this post office.

The amendment to the Senate amendment was not agreed to.

The amendment of the Senate was then non-concurred in.

[The committee here informally rose; and the Speaker having resumed the chair, a message was received from the Senate, by ASBURY DICKINS, Esq., their Secretary, informing the House that they had concurred in the amendments of the House to the bill of the Senate (No. 178) to incorporate the National Hotel Company in Washington city; that they had concurred in the amendments of the House to the bill of the Senate (No. 179) to constitute Pilatka and Bayport, in the State of Florida, ports of delivery respectively.]

The committee then resumed its session.

Fourth amendment:

Sec. 5. *And be it further enacted*, That the surviving late Vice President of the United States shall have, during his life, the same authority to frank letters and other mail matter, which he possessed while he was in office; and the same authority shall belong to future Vice Presidents, after they go out of office.

Mr. HIBBARD. The Committee of Ways and Means recommend a concurrence in that amendment.

Mr. ROBBINS. I demand tellers upon concurring.

Tellers were ordered; and Messrs. WALSH and FLORENCE were appointed.

The question was put; and, on a division, there were—ayes 57, noes 63.

The **CHAIRMAN**. There is no quorum.

Mr. MORGAN. I hope we shall progress with the business without having constantly to drum up members.

Mr. ROBBINS. Let us have a recount.

[Cries of "Call the roll!"]

The roll was then called, and the following gentlemen failed to answer to their names:

Messrs. Aiken, James C. Allen, Ashe, Thomas H. Bayly, Ball, Banks, Barry, Belcher, Bennett, Benson, Benton, Bissell, Boyce, Breckinridge, Brooks, Campbell, Carpenter, Chandler, Chase, Chastain, Chrisman, Colquitt, Crocker, Cullom, Cumming, Cutting, Thomas Davis, Dean, Dent, Dickinson, Disney, Drum, Durham, Edmundson, John M. Elliott, Etheridge, Ewing, Flagler, Goode, Hamilton, Andrew J. Harlan, Hastings, Henn, Hester, Hillyer, Howe, Daniel T. Jones, J. Glancy Jones, Kittredge, Lamb, Lane, Lyon, McCulloch, Mace, Mayall, Meacham, Middleswarth, John G. Miller, Smith Miller, Olds, Packer, Bishop Perkins, Richardson, Thomas Ritchey, Ruffin, Seymour, Shannon, Singleton, Skelton, Samuel A. Smith, George W. Smyth, Sollers, David Stuart, Tracy, Trout, Upham, Vail, Walker, Warren, Westbrook, Witte, Yates, and Zollicoffer.

The committee rose; and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the Post Office appropriation bill, with the Senate amendments thereto; and having found itself without a quorum, had caused the roll to be called, and had directed him to report the facts to the House, with the names of the absentees.

A quorum having answered to their names, the committee again resumed its session.

The amendment was again read by the Clerk.

Mr. STRATTON. I offer the following amendment:

And the same shall extend to all who have been members of either House of Congress, or who may hereafter be, but it shall not extend to those of the present Congress.

The question was taken; and the amendment was rejected.

The question then recurred upon the Senate amendment.

Mr. WHEELER demanded tellers.

Mr. ROBBINS. I wish to state to the Chair, that tellers were appointed, the question was taken, and the tellers reported, when the committee found itself without a quorum.

The tellers having resumed their places, the question was again put, and the amendment was non-concurred in.

Fifth amendment:

Sec. 6. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized to pay to Cranston Laurie a reasonable compensation for performing the duties of two desks in the Post Office Department, not to exceed half pay of a clerk for the time he was so employed.

Mr. HIBBARD. The Committee of Ways and Means recommend a non-concurrence in that amendment.

[Cries of "Question!" "Question!"]

Mr. CHAMBERLAIN. I do not know on what ground the committee have come to the conclusion to recommend a non-concurrence in this amendment. The facts with reference to this claim of Mr. Laurie's are succinctly stated in the words of the amendment itself. The Senate felt conscious that it was a claim of strict justice. Certainly nothing but justice is to be subserved by the amendment. The Senate adopted it almost without a dissenting voice.

I ask if this committee are ready to do injustice by refusing this claim. Sir, there is not a duty incumbent on us as representatives of the people higher than that of allowing just claims. Seeing as we see, and knowing as we know, that many persons in public employment are paid beyond their just deserts, it is a duty that we owe to the public, it is a duty that we owe to ourselves, to encourage the faithful in well-doing. This, sir, is precisely a claim of that nature; and I hope, therefore, that the recommendation of the Committee of Ways and Means will not be followed, but that this committee will concur in the amendment of the Senate.

Mr. LETCHER. I hope the committee will do no such thing.

Mr. HIBBARD. I have but one word to say in reference to this amendment. The Committee of Ways and Means have recommended a non-concurrence in it, on the ground—as I understand it—first—

[Loud cries of "Question!" "Question!"]

The question was then taken; and the Senate amendment was non-concurred in.

Sixth amendment:

SEC. 7. *And be it further enacted*, That the Postmaster General be authorized and directed to establish a mail on the Mississippi river from Cairo to New Orleans, and from Keokuk, Iowa, to Galena, in Illinois, and that he contract for the same in one line, or in such divisions or sections, or both, as may be most compatible with the public service; and to facilitate the execution of this section, the Postmaster General may make immediate temporary arrangements for carrying said mail by the trip, and if he fails to obtain acceptable bids after advertising for thirty days, he may make private contracts for carrying said mail, and the said mail shall be carried daily from Cairo to New Orleans, but the Postmaster General is authorized, at his discretion, to restrict the delivery of the mail at all other points than Cairo, Memphis, Napoleon, Vicksburg, Natchez, Baton Rouge, and New Orleans, to three mails a week, each way, provided nothing herein contained shall be so construed as to impair the rights of parties heretofore contracting for said service.

Mr. HIBBARD. The Committee of Ways and Means recommend a non-concurrence in that amendment.

The committee here informally rose; and the Speaker having resumed the chair, a message was received from the President of the United States, by SIDNEY WEBSTER, Esq., his Private Secretary, informing the House that he had signed a joint resolution, and bills of the House of the following titles:

Joint resolution directing the accounting officers of the Treasury to adjust the accounts of William Woodbury, late pension agent at Portland, Maine;

An act making appropriations for fortifications and other works of defense, and for repairs of barracks and quarters for the year ending the 30th of June, 1855;

An act for the relief of Jesse R. Faulkner, of Missouri;

An act for the relief of James Walsh;

An act for the relief of W. D. Porter, of the United States Navy;

An act for the relief of the civil township of Marion, in the county of Mercer, Ohio;

An act for the relief of Benjamin Hammond, of the State of New York;

An act for the relief of Charlotte S. Westcott;

An act for the relief of Henry N. Halsied;

An act for the relief of John Frink;

An act for the relief of John McVey, and John F. McKneely, of Louisiana;

An act for the relief of Henry J. Snow, of Rome, in the State of New York;

An act to provide a pension for James K. Welch;

An act for the further relief of Albro Tripp;

An act for the relief of James M. Lewis;

An act for the relief of William H. Weirech;

An act for the relief of Rebecca Baggerley, widow of David Baggerley;

An act for the relief of Joseph McMinn;

An act for the relief of Mary H. Cushing;

An act to revive the act approved March 3, 1823, and the act approved May 26, 1824, supplemental thereto, in reference to the Rio Hondo claims to land in Louisiana.

The committee then resumed its session, and resumed the consideration of the Senate amendments to the Post Office bill.

Mr. WRIGHT, of Mississippi. I ask that the sixth amendment may be again read.

The amendment was accordingly read.

Mr. WRIGHT, of Mississippi. Mr. Chairman, I desire to get the attention of the committee to the amendment of the Senate. At this period of the session it is not to be expected that members will take the time to examine every proposition with scrutiny; and for this reason, and in view of the importance of the Senate's amendment to the interests of my State, I feel that I have some apology for asking the indulgence of the committee. The State of Mississippi pays a large sum annually into the Treasury. She bears this heavy burden without a murmur. The little benefit she receives in return is not in the shape of appropriations of money, to build great edifices to adorn her cities, nor in improving harbors and rivers, but in the mail facilities which are grudgingly extended to her people.

Sir, the importance of this department of the Government, which controls the mails, is much underrated. There is no function performed by the General Government in which so many persons are interested as in this matter of the public mails. Every man, woman, and child is interested in the administration of this department of the

Government. Our highest social and intellectual enjoyments are dependent in a great degree upon it. The people watch its operations with jealous vigilance, and the slightest interruption or delay, in the regular transmission of the mails, is sure to bring forth complaint and censure. Politicians imagine that the minds of the people are absorbed in the schemes and plots which ambition coins for its own purposes. But let me assure gentlemen on this floor, let me assure all parties, that a blundering, partial, inefficient administration of the Post Office Department, produces more discontent among the people than any other cause of complaint.

Gentlemen may, in the exuberance of their fancy, suppose the introduction of some small hobby will beget for them a mammoth reputation, and link their names with immortality. Let me suggest to such it is not only a mistake, but a very silly blunder. The instincts of the masses are nature's philosophy. It seldom errs, and, in the end, seldom or ever misleads us. We have heard, in these Halls, much in reference to cheap postage, its effects upon the business of the country and the social relations of communities. I grant that it should be reduced to the lowest capacity of a self-sustaining machine; but when reduced below that, you defeat the object of its reduction. When you reduce the Department to the necessity of stinting the rural districts of the country in post offices and post roads, to make the Department sustain itself, you deal unjustly with its administration, and inflict a wanton injury upon the most worthy portion of our fellow-citizens. Under the present system, the large cities are the beneficiaries, and the farming and planting communities are the sufferers. What does the farmer or planter care whether his letters cost him three or five cents, when he has to send ten or fifteen miles to a post office, before he can learn the market value of his products? To him, at least, it is the system of a pennywise and poundfoolish policy.

I was much surprised when I heard from the gentleman, just now, that the Committee of Ways and Means did not concur in the amendment of the Senate; but I suppose it was because it appropriated \$500,000, for the establishing of a mail line, upon the Mississippi river, from Cairo to our great southern metropolis. I have seen, since I have been here, vast sums of money appropriated to objects altogether local in their character, and partial in their benefits. Yes, sir, to objects of doubtful policy, and, in the estimation of some, calling for the exercise of a power as doubtful as is its policy. When I saw this, I took it for granted that a meritorious proposition would have decidedly a good time, and meet with universal commendation. I know that there were some gentlemen here, who, having no very distinct idea of any proposition, objected to all to make a show of wisdom. I doubted whether, upon a proposition as clear as this, there could be found a single objector. But in this, it seems, I was slightly mistaken. I had not quite learned the harness that was necessary to give a bill a safe passage through this body. If it had been started in some omnibus, in company with marble-fronted custom-houses, I think it would, in all probability, have made the trip. Or, if it had taken passage with some river and harbor appropriation, or with some ocean mail steamer, I think it would have floated through. But it is the misfortune of this amendment, that it started alone, standing on its own merits, upon its perilous voyage, and hence the danger of being wrecked. It has the misfortune not to have even the recommendation of the Postmaster General. If it had come within the range of the duties of the Secretary of the Treasury, I am inclined to think he might have favored it. His liberality on such subjects superinduces the belief. But unfortunately for it, it was not cradled in the circle of his official sphere. It is true, it has the approval of the Senate; but the Senate is not conservative, in the estimation of many worthy and talented gentlemen in this end of the Capitol, who doubtless think their places would be much better filled by themselves. But I am inclined to think, when the people of the great valley of the Mississippi come to look at this question, they will know how to appreciate its friends and reward its enemies.

Wise legislation adapts itself to the necessities of the case, and takes advantage of surrounding

circumstances. The God of nature has placed on this continent a valley greater in extent than most of the European kingdoms, and richer in its products than the valley of the Nile. Through this valley flows the Mississippi river. Its length is eighteen hundred miles, and the waters that lave its shores pass through eighteen States of this Union. It bears upon its bosom their commerce—a commerce equal to, if not exceeding, \$300,000,000 per annum. This river, with its tributaries, are to the Union what the main arteries are to the human system in a commercial point of view. Without them the commerce of this valley would be stagnant as the Dead Sea, and the energies of the proud and industrious people who inhabit it paralyzed and prostrated.

"Westward the star of empire takes its way;"

and gentlemen upon this floor should be careful how they undertake to rob this vast region of its just rights. As you stand upon some stately steamer as she plows the waves of this mighty river, cast about and compute, if you can, the untold commerce which flows in from the young and vigorous West. Look to the East, and she, too, comes with her products. Nor is my own "sunny South" wanting in paying her tribute to nature's laws. From the head of navigation to the Gulf stream there is an exhibition of one prominent fact; and that fact is, that there is more of marketable values that find their destination over this stream than any other in the world. Much of these commodities are exchanged by our own citizens, but much more finds a market in foreign countries. That which goes abroad is exchanged for foreign products. The duties raised from these importations supply our Government with the revenues which sustains and upholds it.

Now, I submit, if it is not just and proper that those who fill the purse might be permitted, occasionally, at least, to unloose the purse-strings. Yet gentlemen would recommend a non-concurrence, when the Senate proposes, after long delayed justice, to give to the people of this vast valley their undoubted rights in mail facilities, and an equal chance in the race of trade, by a knowledge of the market, whether at home or abroad. In their estimation it is proper enough to establish a line of ocean mail steamers to Shanghai. We could afford to give \$850,000 to the Collins line, at a loss of something like \$600,000 per annum, to promote our commerce with a foreign Government. Yes, we can afford millions to certain favorite lines of ocean steamers to promote our commerce with foreign people; but when half a million is asked for our own citizens, and that portion of them, too, which pays into the Treasury two thirds of its revenue, it is thought to be extremely prodigal. They think it right to give to the importer at the large cities upon our coast the advantage of a knowledge of the market abroad, but decidedly wrong to give to the planter, farmer, and artisan, who create the utilities in which the importer deals, the same information. I never entertained a very high opinion of that charity which sought its objects abroad; for, like the horizon, their generosity recedes as you approach it. I think our own people who produce the utilities in which exporters and importers deal, are entitled to a correct knowledge of their market value, and to give them this information, I would send them the mails. I have ever thought it the duty of this Government to distribute its favors with an equal hand, and when it fails in this, it is derelict in duty. A knowledge of the market can only come through such a medium, and when it is eked out to one, and showered upon another, it is not only favoritism, but the worst species of protection in disguise. The mails from this city, often, do not reach the section of country in which I reside for weeks, when they ought to be received in seven or eight days. Such a system may secure to itself a notorious notoriety, but its popularity is exceedingly problematical. Why send them around the southern route, some one hundred and fifty miles south of their destination? Is it because of railroad lines owned by soulless corporations or moneyed capitalists? Or is it because of the intervening of large commercial cities? I am inclined to the opinion, if we could lower our vision, and cease to gaze upon the marble palaces of the city millionaire, and look to the honest and laboring producer, we would subserve the purposes of useful legislation

quite as well. Why not place the means in the hands of the Postmaster General, and enable him to employ steam packets plying on the Mississippi river? Nature has dictated the policy, and, unless we are blind, we will seize upon the suggestion.

Mr. FAULKNER. I would inquire of the gentleman whether there is any regular mail line on the Mississippi river?

Mr. WRIGHT. There is none. The law giving the contract to the lowest bidder, (except on certain pet lines,) is wrong in principle; for the mails ought to be transmitted on the speediest route.

Mr. STANTON, of Kentucky. I would beg to refer the gentleman to the law of August 31st, 1852, authorizing for the contracting for a daily mail from Louisville.

Mr. WRIGHT. I understand that full well. I desire the necessary means placed at the disposal of the Postmaster General, and then, if the law is not executed, there can be no two opinions as to where the fault lies. I ask no special favors for any particular section of country, but insist upon equal and evenhanded justice. But who are to be benefited by this line? I might say that portion of the people who mainly bear the burden of the Government directly, and every other portion of the people indirectly, except those Shylocks who reside on the pet lines now in operation, and who, owing to their superior means for information, like harpies, prey upon those less favored. Gentlemen upon this floor, who have in some instances exhibited such a degree of prodigality in the expenditures of the Government, that some who desired to practice economy thought it almost criminal, may, by voting for this amendment, do much to relieve themselves from that obloquy and reproach which otherwise might attach to them. They have a choice opportunity to give a demonstration that if they are prodigal to a fault they are just to a tittle.

[Here a member of the committee interrupted.]

Mr. WRIGHT. I am not at all taken by surprise that gentlemen who have monopolized so large a share of the time of the committee, in what some thought useless and unprofitable discussion, in the hope of filling the public eye, and swelling themselves into an undue importance, should grudgingly yield a few minutes to one who has had the modesty, as well as forbearance, to sit in silence under their daily efforts. It is said that "modesty is a quality that highly adorns a woman." It is extremely doubtful whether it would bring its market value in this body, especially so with those who most need it.

Now, Mr. Chairman, if gentlemen had waited but for a moment, they might have saved themselves of all their trouble. I had not intended, when I commenced, to occupy the attention of the committee but for a few moments. I have already exceeded the time I had allotted to myself; but the importance of the subject must be my apology. I would, however, appeal to every member of this House, who resides within the limits of the Mississippi valley, to recollect their constituents and the duties of the Representative. If they do this, there will be but little uncertainty in the result of this issue. I would ask them to remember, that "charity begins at home."

Mr. HIBBARD. For the purpose of terminating debate upon this bill, I move that this committee do now rise, with a view of offering, in the House, a resolution to accomplish that object.

A MEMBER. "Oh, no! let us go on."

Mr. HIBBARD. Well, as it is suggested around me, that further debate may not be desired upon this amendment, on the part of any member, if the committee is ready to take the question upon it, I will withdraw my motion.

Mr. GREY. I should like to say a few words, and I should like to have this whole matter fully understood.

Mr. HIBBARD. After we shall have terminated the general debate, the subject can be prosecuted under the five-minute rule, and it seems to me that that will afford ample opportunity to say all that is necessary to say upon it.

Mr. GREY. I think the committee will agree to that amendment if they fully understand it.

Mr. HIBBARD. I dislike to be discourteous to the gentleman, and prevent him from making a speech, but really we have not time at this stage of the session.

Mr. GREY. I will not occupy more than five minutes.

Mr. HIBBARD. Very well; I withdraw my motion.

Mr. GREY. I want but a few moments to explain the matter, for I am confident it is not understood by the committee and the House. The assertion that there is no mail upon the Mississippi river, from New Orleans up to the mouth of the Ohio, will astonish the members of this House. I ask gentlemen from New York what they would think, if this Government should deny to them a mail from New York city, up through their noble Hudson, on to the northern part of the State, and westward to the borders of the great lakes? Congress, in the session of 1852, became convinced that there ought to be a mail upon the Mississippi river, and in August of that year a bill was reported to the House, authorizing the Postmaster General to advertise and establish a mail from Louisville to New Orleans. That law is still in existence now, and we are inquired of, why ask any other law upon the subject? I will tell gentlemen, and tell the Committee of Ways and Means why it is. Under the provisions of that law, and according to the provisions of that law, the Postmaster General, Mr. Hubbard, advertised. Accordingly, the bids were received, and a contract entered into for the transportation of that mail. When Postmaster General Campbell, who succeeded Hubbard, came in, he annulled the contract, and told the parties that he could not carry out the contract with them. Why? Because he thought the bids were too high; and yet a contract, in pursuance of law, had been entered into with the lowest bidder. But that contract was annulled by the Postmaster General; and he negotiated with the contractors, and got them to take a less amount. Well, a new contract was executed by the Postmaster General, under the seal of the Government; but the very day that contract was to go into operation, he sent a special messenger on to Louisville, and annulled and repudiated that contract also. I want the House to understand that the Postmaster General has disregarded the law of 1852, and left us without a mail upon the Mississippi river.

And what has been his action since? The routes were advertised, and the matter was to have been acted upon last Thursday. Bids were in, but the Postmaster General thought all of them too high, and refused to accept any of them. In other words, he decided that that section of the country was not entitled to mail facilities if they cost so much; and, therefore, he disregarded a positive law of the Government, and refused to accept any of the bids.

Well, sir, the matter came up in the Senate. Senators from the West knew that he had repudiated the contract made for the carrying of that mail, and therefore brought the matter before the Senate for investigation. The subject was investigated by a committee of that body, and a report made upon it. And, sir, the Senate knew what they were about when they inserted a provision in this bill expressing the decided will of Congress that the Postmaster General should carry into effect the law of 1852, and establish a regular mail upon the Mississippi river. That law is now a dead letter, because the Postmaster General will not carry it out; and it will remain so as long as we permit the Postmaster General to disregard it. That law required the Postmaster General to advertise and to execute a contract for carrying the mail from Louisville to New Orleans.

Now, Mr. Chairman, I ask the committee to remember that that whole extensive region of country, reaching from the Alleghanies to the Rocky Mountains is all interested in the establishment of this mail. Every portion of it sends their produce to the New Orleans market, and are deeply interested in receiving daily intelligence as to the state of that market. The Mississippi river is the central line for millions of dollars worth of produce. But the people of the Mississippi valley are not the only ones interested in the establishment of these mail facilities. The merchants of New York are deeply interested in it. They hear daily from Wisconsin, Ohio, Indiana, Michigan, and all the northern and western States, and it is of very great importance that they should also hear daily from New Orleans. Yet, sir, in defiance of law, the present Postmaster General, who is an eastern man, who knows nothing, and

I expect cares nothing, about the wants of the West, has been permitted to disregard those wants, while he has made contracts for carrying the mail in ocean steamers from the Atlantic cities at the cost of \$2,500,000 a year. I hope the House will concur in this amendment of the Senate.

Mr. HIBBARD. I think it is time that this debate should be closed, and for that purpose I move that the committee do now rise.

Mr. PRESTON. I have but a word to say, and I hope the gentleman will withdraw his motion. I desire to say something upon this question, and do not expect to trouble the House again. I hope the gentleman will withdraw for the present.

Mr. HIBBARD. I cannot.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the amendments of the Senate to the bill of the House, making appropriations for the service of the Post Office Department for the year ending the 30th of June, 1855, and had come to no conclusion thereon.

[Mr. HENN, from the Committee on Enrolled Bills, reported as correctly enrolled bills of the following titles; which thereupon received the signature of the Speaker:

An act to constitute Pilatka and Bayport, in the State of Florida, ports of delivery respectively; and Keokuk and Dubuque, in the State of Iowa;

An act for the relief of Mrs. Helen Mackay, widow of the late Colonel Eneas Mackay, deputy quartermaster general United States Army;

Joint resolution for the relief of Brevet Captain J. H. Lendrum, United States Army; and

A bill making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes.]

Mr. HIBBARD. I move the usual resolution to close debate in the Committee of the Whole on the state of the Union on the Senate amendments to the Post Office appropriation bill in five minutes after its consideration shall be again resumed.

The resolution was adopted.

Mr. HIBBARD. I move that the House do now resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. WRIGHT, of Pennsylvania, in the chair,) and resumed the consideration of the Senate amendments to the Post Office appropriation bill.

Mr. STANTON, of Tennessee. Mr. Chairman, the law, as it now stands, authorizes the Postmaster General to establish this mail; but if, it be the object to make it imperative on that officer to do what the law now simply authorizes him to do, then I think that it is incumbent on this committee to agree to that amendment. Sir, it is a shame, an outrage on the rights of the western people, that they should want the mail facilities to be afforded by the adoption of this provision. Now, I happen to know the fact that the mails are sent on the Mississippi river by the boats which will take them at the lowest price, which are generally the slowest boats running on that river. Gentlemen leaving Memphis, Tennessee, have stopped at Natchez and Vicksburg, posted letters there, and, after stopping twenty-four hours at New Orleans, have returned home before their letters had reached there by the mails. In consequence of this state of things, the merchants do not send their letters through the mails; and I have been assured, by gentlemen who profess to know something of the matter, who ought to, and who, I have no doubt do, know the facts they state, that a very large proportion, even as much as three fourths, of the mail matter, is carried outside of the mails. The policy of cutting down mail facilities in order to increase the receipts of the Department is a very unwise and shortsighted policy; and the effect of it will be to defeat the very object in view. The only way to make the system productive is to extend mail facilities, and to send your mails upon the fastest possible lines, and pay whatever may be necessary to carry the mails from St. Louis or Louisville to New Orleans in the shortest possible time. If this

amendment, as I suppose it does, makes it imperative upon the Postmaster General to establish this mail, whatever may be the cost, within the bounds of reason, after fair competition among bidders, then I am ready to support it, because I believe it to be my duty, by every consideration, to do what I can to secure additional mail facilities for that section of the country.

Mr. PHELPS. I move an amendment, to strike out the last six lines of the amendment under consideration.

I am opposed to the amendment of the Senate; for, as I understand it, it intends to take away from the Postmaster General that discretion which he exercises over every other postal route in the United States. For instance, the Postmaster General advertises proposals for carrying the mails upon the various routes, reserving to himself the right to refuse to enter into a contract with the lowest bidder, if the amount proposed for the transportation of the mails shall be unreasonable. Two years ago there was an attempt to coerce the Department to place a daily mail upon the route between Louisville and New Orleans. Proposals were invited, and the lowest amount that was then bid was something like \$450,000 for the performance of that service daily. It was \$40,000 additional for the performance of service from Cairo to St. Louis. Prior to that time the mails had been carried for so much per trip, the steamboats being required to stop at the most important points upon the river. That system seemed to work very well.

The amendment now proposed by the Senate changes the rights of the contracting parties. The Postmaster General, in his annual report, states, that upon the advertisement of his predecessor, Mr. Hubbard, the lowest bid was \$460,000 a year for the whole service between New Orleans and Louisville.

There are \$40,000 appropriated for the line between St. Louis and Cairo. On the 4th of March, 1853, the Postmaster General made a different regulation in regard to it; and proposals were received for transporting the mails between Louisville and New Orleans in seven days, each way; and for additional mail lines between Louisville and Cairo, &c., at a compensation of \$279,569 per year, being the average amount of the lowest bids. This contract has been since executed, and the facilities which it affords are believed to be amply sufficient. It took effect on the 1st of December last, and is to remain in force till June 30, 1857.

One word more. There is an additional provision in this amendment, which requires that if the Postmaster General make a contract, as required in the preceding part of the amendment, he shall save the existing rights of all. That is what the committee propose to strike out.

Mr. GROW. There is some mistake about the mail on the Mississippi river. It is required now to be carried as it has been carried for years. The contract with Glover & Mather was made by Mr. Hubbard, before the present Postmaster General came into office. This contract required the mail service to be performed on boats without freight. They were simply to carry passengers and mails; but no freight. For this purpose the Government agreed to pay large rates of compensation. The contract was held by Glover & Mather, at \$450,000 per annum. But when they came to execute that contract, in the last days of Mr. Hubbard's administration—when they came to perform the service of carrying the mails on the river—instead of carrying them on boats without freight, they took them on boats with freight, as they had been always in the habit of doing. As the contractors were not complying with the terms of their contract, the Postmaster General refused to pay the price stipulated, unless they should carry the mails in boats having no freight on board; because he could get the service performed in the same way at \$279,000, and thus effect a saving to the Government of some \$160,000 a year in this item. He therefore gave notice to the contractors that they should carry the mails according to the terms of the advertisement and of their contract, and if not, that he should annul it. The contractors found that they were unable to comply with the stipulated terms; and for that reason the contract was annulled, and an arrangement made to carry the mail between Louisville and New Orleans for \$279,000 per year. The mail, therefore, has been since carried exactly as

it previously had been. Advertisements calling for bids for carrying the mail between Louisville and St. Louis have been published. Whether the time for determining the contract has arrived or not I do not know, but I understood that last Thursday was the day.

Mr. WRIGHT, of Mississippi. I ask the gentleman from Pennsylvania to state whether or not any mails have been carried under contract by that line?

Mr. GROW. The mails have been carried by Glover & Mather just as they had been carried for years, and just as they were carried before that contract was entered into. There is no regular contract now for the yearly transportation of the mails between these points. But, by a special contract with Glover & Mather, they are carried as they have been all the time. This contract for transporting the mails in boats, not carrying freight, was in order to save the time consumed in shipping and unshipping freight.

[The committee here rose informally; and the Speaker having resumed the chair, a message was received from the Senate, by the hands of ASBURY DICKINS, Esq., their Secretary, informing the House that the Senate had passed a bill of the House for the relief of Thomas Bronaugh, with an amendment, in which he was directed to ask the concurrence of the House.]

The committee then resumed its session.

Mr. GREY. If the gentleman will allow me a moment, I wish to make one remark. The gentleman states that the mail is carried from New Orleans to Louisville by the trip, just as heretofore. Sir, I tell the gentleman it was carried by the trip, but it amounted to a nuisance, and it was worse than no mail; and the Congress of this nation, becoming convinced of that, and seeing the necessity of other arrangements, passed a law authorizing the Postmaster General to advertise for, and let out a contract for, a regular mail by boats, to such parties as would give good bond and security for performing the work.

[Here the hammer fell.]

The question was then taken upon the amendment to the amendment; and it was not agreed to.

Mr. PRESTON. I believe that the amendment ought to be adopted, and I shall merely say a few words to the House.

The CHAIRMAN. The gentleman is not in order, unless he offers an amendment.

Mr. PRESTON. Then I move to strike out the words "authorize and," in the seventh section. I believe this section should be adopted. It does simply one thing; it insures a mail between Cairo and New Orleans by sections, or stages—Cairo being at the junction of the Ohio and the Mississippi rivers. It then insures a mail between Keokuk, Iowa, and the lower parts of the river. Our mail service on the Mississippi river is in a bad condition at the present time. The carrying of the mail between the principal points will soon be done by railroads, but we require a regular mail upon our river for our way mails, and the Postmaster General is bound to give it. The Senate have put in this provision, and I believe it was by unanimous consent that it was put in. The gentleman from Mississippi [Mr. WRIGHT] is correct in asking that we should concur in it, and not exclude it, in conformity with the recommendation of the Committee of Ways and Means.

One word more: For three years we have been struggling to get a mail. Postmaster General Hubbard let the last mail contract to Glover & Mather, and the trouble with the contract was this: There is no such word in the contract as "freight," but there was some such word in the advertisement for the contract. The Postmaster General insisted that the advertisement was part of the contract. The contractors contended that it was not. Why, \$1,000,000 a year would not pay a man for running a line of boats from New Orleans to Louisville, unless they were permitted to carry freight. The advertisement was no part of the contract. Can gentlemen show me an instance where the advertisement enters into any part of the contract? The present Postmaster General altered Mr. Hubbard's contract, and that produced all the difficulty; and in the conflict between the Postmaster General and the contractors, the Postmaster General insisted that they should not carry freight, when every man who knows anything about it knows that \$1,000,000 would not pay for running a line of boats to carry the

mail, excluding freight. That interpolation produced the difficulty; and the result is, that we have now no mail upon the river.

I hope the House will concur in that amendment of the Senate, and make it obligatory on the Postmaster General to let that contract for carrying the mail. I concur with the gentleman from Mississippi, and with the gentleman who represents the Memphis district, [Mr. STANTON,] and, I believe, every man in this House, who represents any portion of the Mississippi river, believes that this mail ought to be established by this House.

Mr. ELLIOTT, of Kentucky. Is there any mail service in the United States where the carrying of freight is prohibited?

Mr. PRESTON. I do not know. I cannot answer the question. But, sir, any one who knows anything of the business of steamboating upon the Mississippi river, knows that it is impossible to maintain a line of mere passenger boats there.

The amendment to the Senate amendment was disagreed to.

The question then recurred upon the Senate amendment.

Mr. GREENWOOD. I demand tellers.

Tellers were ordered; and Messrs STANTON, of Tennessee, and SEWARD, were appointed.

The question was taken; and the tellers reported—ayes 89, noes 52.

So the amendment was concurred in.

Mr. MAXWELL. It was my misfortune, when this bill was taken up, to have been called to the Senate on business connected with bills in that body. I desire to say now, in justice to myself, that, at Key West, a place of three or four thousand inhabitants, and where an immense commerce passes annually, there is only a semi-monthly mail, with the exception of two months of the year. Many shipwrecks occur on that coast, and there ought to be speedy mail communication with all the commercial points of the Union.

Mr. HIBBARD. We have passed the subject to which the gentleman proposes to speak, and I object to his proceeding further out of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HIBBARD. I move that the committee do now rise, and report the amendments of the Senate to the House.

The question was taken; and the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the amendment of the Senate to the Post Office appropriation bill, and had directed him to report the same back, some with, and others without concurrence.

Mr. HIBBARD. I demand the previous questions on the adoption of the amendments.

The previous question received a second, and the main question was ordered to be put.

The first amendment of the Senate, in which the Committee of the Whole on the state of the Union recommended a concurrence, was agreed to.

Mr. LILLY moved to reconsider the vote by which the amendment was agreed to, and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

Second amendment:

At the end of the bill add the following section:

Sec. 3. And be it further enacted, That hereafter the Postmaster General be authorized and directed to continue the mail service between Charleston, Key West, and Havana during August and September, by a competent steamer; as it is now being performed during ten months of the year, and that to enable him to do so \$10,000 are hereby appropriated, out of any money in the Treasury not otherwise appropriated.

The SPEAKER. The committee recommend a non-concurrence in the amendment.

The amendment was non-concurred in.

Mr. HIBBARD moved to reconsider the vote by which the amendment was rejected, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Third amendment:

Sec. 4. And be it further enacted, That there be allowed and paid to the postmaster of Washington city, District of Columbia, out of any money in the Treasury not otherwise appropriated, a commission of one mill per pound upon the aggregate weight of public documents printed by order of Congress and deposited in the office of said postmaster by mail, the said allowance to commence with the

fiscal year beginning July 1, 1853, and to be computed for the first year from the ascertained weight for the month of January, 1854; and that the said postmaster be required to pay out of the said commissions to the clerks and other employees of his office a sum not exceeding \$250 each per annum, as compensation for the extra labor performed by them in the assortment and mailing of said documents, and that he be required to account for and settle with the Post-Office Department for the disbursement of these commissions, and any surplus that may remain, in the same manner as is now required in the settlement of his other accounts.

The SPEAKER. The committee recommend a non-concurrence in the amendment.

The amendment was non-concurred in.

Fourth amendment:

Sec. 5. *And be it further enacted*, That the surviving late Vice President of the United States shall have, during his life, the same authority to frank letters and other mail matter, which he possessed whilst in office, and the same authority shall belong to the future Vice Presidents, after they go out of office.

The SPEAKER. The committee recommend a non-concurrence in the amendment.

The amendment was non-concurred in.

Fifth amendment:

Sec. 5. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized to pay to Cranston Laurie a reasonable compensation for performing the duties of two clerks in the Post Office Department, not to exceed the half pay of a clerk for the time he was so employed.

The SPEAKER. The committee recommend a non-concurrence in the amendment.

The amendment was non-concurred in.

Sixth amendment:

Sec. 7. *And be it further enacted*, That the Postmaster General be authorized and directed to establish a mail on the Mississippi river from Cairo to New Orleans, and from Keokuk, Iowa, to Galena, in Illinois; and that he contract for the same in one line, or in such divisions or sections, or both, as may be most compatible with the public service; and to facilitate the execution of this section, the Postmaster General may make immediate temporary arrangements for carrying said mail by the trip, and if he fails to obtain acceptable bids, after advertising for thirty days, he may make private contracts for carrying said mail, and the said mail shall be carried daily from Cairo to New Orleans, but the Postmaster General is authorized, at his discretion, to restrict the delivery of the mail at all other points than Cairo, Memphis, Napoleon, Vicksburg, Natchez, Baton Rouge, and New Orleans, to three mails a week each way: *Provided*, Nothing herein contained shall be so construed as to impair the rights of parties heretofore contracting for said service.

The SPEAKER. The Committee of the Whole recommend a concurrence.

Mr. JONES, of Tennessee. I ask for the yeas and nays on the amendment.

The yeas and nays were not ordered.

Mr. STANTON, of Tennessee, demanded tellers.

Tellers were ordered; and Messrs. GREY and ROBBINS were appointed.

The question was then taken; and the tellers reported—yeas 91, noes 36.

So the sixth amendment was concurred in.

Mr. BARKSDALE moved to reconsider the vote by which the amendment was agreed to, and also to lay the motion to reconsider upon the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message was here received from the Senate, by ASBURY DICKINS, Esq., their Secretary, informing the House that the Senate had passed the following joint resolution:

Resolved, (the House of Representatives concurring,) That the time fixed by the resolution of the first of July for the adjournment of the present session of Congress be, and the same hereby is, extended to Monday, the 7th instant, at twelve o'clock, m.

ENROLLED BILLS.

Mr. GREEN, from the Committee on Enrolled Bills, reported as correctly enrolled bills of the following titles; which thereupon received the signature of the Speaker:

An act for the relief of Daniel Steenrod; and
An act to establish certain post roads.

BOUNTY LAND FOR OFFICERS, ETC.

Mr. COBB. I desire to do an act for the gentleman from Illinois, [Mr. BISSELL] which he has not had an opportunity of doing for himself, but which ought to be done, and which I hope the House will give me their assistance in doing now.

By referring to the Calendar in the Committee of the Whole on the state of the Union, it will be seen that the first bill in order, and the first we should consider if we were to go into committee,

is House bill No. 8, to repeal the first proviso of the fourth section of the act entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved September 28, 1850.

I ask the House to take up that bill and pass it.

I will state to the House, that when we had under consideration originally the bill to grant bounty lands to officers and soldiers of the Army, it was supposed that we should be exceedingly hard run for votes; and in order to get the then members of Congress to vote for it, we added a proviso excluding all persons who were then members of Congress from the benefits of the act. There were then about six or seven members who would have been included.

It is but sheer justice now that we should repeal that proviso. They were gallant men; they rendered honorable service to the country; and I think it but justice to them that we should grant them the same privileges which are enjoyed by others who served with them in the Army. Colonel BISSELL reported the bill early in the session, and I ask that, in justice to him, the House will take up the bill and pass it.

Mr. JONES, of Tennessee. Will the gentleman from Alabama answer me one question?

Mr. COBB. I do not know whether I shall be able until I hear it.

Mr. JONES. Will the gentleman tell me by what vote the bill, to which he refers, passed the House?

Mr. COBB. I think it passed finally by a very heavy vote; but it is nevertheless true, that at one time we expected to be very hard run for votes. There were men in that House who were opposed to every measure that proposed to do justice to the old soldiers.

Mr. JONES. It is the first time I ever heard that the friends of the bill expected to be troubled for votes enough to pass it.

Mr. COBB. Well, I had more to do with the bill than the gentleman had. I introduced it, and it was under my guardianship during the entire time it was pending. It is true, as I said, that when the bill came to a final vote a large majority of the House voted in favor of it. But at an earlier portion of the session, the prospects for its passage were not by any means flattering. In this state of the case the persons then members of Congress, who had been in the Army, came forward and offered to sacrifice their own claims to justice, in order that justice might be done to others. This proviso was accordingly added, excluding them from the benefits of the law; and it is to do justice to these very individuals that I ask the House to pass this bill. I now ask the consent of the House to discharge the Committee of the Whole on the state of the Union from the further consideration of the bill, with a view of putting it upon its passage.

Mr. ROBBINS. I desire to inquire of the gentleman from Alabama whether the bill proposes to repeal the whole law to which he refers?

Mr. COBB. No, sir; only the proviso that excludes those who were then members of Congress from its benefits.

There was no objection; and the Committee of the Whole on the state of the Union was discharged from the further consideration of the bill.

Mr. COBB. I move to put the bill upon its passage.

The bill was read *in extenso*.

It was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

SUSPENSION OF JOINT RULES.

Mr. COBB. I move that the 16th and 17th joint rules be suspended, so that the bill may go to the Senate.

Mr. JONES, of Tennessee. The Senate sent us a resolution suspending the 16th and 17th joint rules for the remainder of the session; but we have, so far, refused to take it up for action. Then we suspended those rules in order to send that body the bill to repeal the Minnesota land bill; but it refused to suspend the rules, and the bill was returned to us.

A MEMBER. But they passed it.

Mr. JONES. Yes, sir; they did pass a bill on the same subject, but not the bill which we sent from here. They took a copy of it, and moved

it as an amendment to a private bill. I now propose that we take up and pass the resolution of the Senate for the suspension of those rules.

Mr. COBB. I understand that before, when that resolution was proposed to be taken up, the gentleman himself objected. I have no objection to its now being taken up and passed.

Mr. HAVEN. I object.

Mr. JONES. I move that the rules be suspended for the purpose I have indicated.

Mr. SAGE. I demand tellers.

Tellers were ordered; and Messrs. SMITH, of Virginia, and GREY, were appointed.

The question was taken; and the tellers reported—yeas 90, noes 42.

So the rules were suspended.

Mr. JONES, of Tennessee. I ask for the previous question upon the adoption of the resolution.

The previous question was seconded, and the main question was ordered to be put.

The question was then taken; and the resolution was agreed to.

ENROLLED BILLS.

Mr. HENN, from the Committee on Enrolled Bills, reported as correctly enrolled the following bills, which thereupon received the signature of the Speaker:

An act to authorize the State of Wisconsin to select the residue of the lands to which she is entitled, under the act of the 8th of August, 1846, to aid in the improvement of the Fox and Wisconsin rivers;

An act authorizing the extension of the Alexandria and Washington railroad into the District of Columbia, and conferring certain privileges on the Baltimore and Ohio Railroad Company;

An act to incorporate the National Hotel Company of Washington city;

An act to constitute Cairo, in the State of Illinois, a port of delivery;

An act authorizing the State of Illinois to select the residue of the lands to which she is entitled, under the act of the 2d of March, 1827, granting land to aid that State in opening a canal to connect the waters of the Illinois river with those of Lake Michigan;

An act to vest in the several States and Territories the title in fee of the lands which have been or may be certified therein;

An act for the relief of Sylvanus Culver;

An act to amend the provisions of the fifty-sixth section of the act entitled "An act to regulate the collection of duties on imports and tonnage," approved the 2d of March, 1799; and

An act constituting San Pedro, in the State of California, a port of entry and delivery.

Mr. LETCHER obtained the floor.

Mr. FAULKNER. I ask my colleague to yield the floor a few moments, to enable me to make a brief explanation due to an absent friend and member of this House. The gentleman from Alabama, [Mr. COBB], in referring to a bill which passed a few moments since, designated it as "Colonel BISSELL's bill." It is true, Colonel BISSELL reported the bill from the Committee on Military Affairs, and is one of the gallant officers of our Mexican army who will receive a land bounty by virtue of its provisions. Yet it is due to that distinguished gentleman to say, that the Committee on Military Affairs acted upon the subject in pursuance of a resolution adopted by this body; that Colonel BISSELL took no part in the deliberations or action of the committee upon that bill; and, I think, it was on the motion of the gentleman from Pennsylvania [Mr. HOWE] that he was instructed to report the bill to this House. I have deemed this brief explanation due to the character of that gentleman.

Mr. HOWE. The gentleman from Virginia has correctly stated the facts in connection with this bill. Colonel BISSELL behaved with remarkable delicacy in the matter. Knowing that, under the provisions of the bill, he would be entitled to bounty, as a recipient of the favors granted by the bill, he declined acting on the matter in the committee; and it was upon my motion that he was directed to report the bill to the House.

REPEAL OF MINNESOTA LAND BILL.

Mr. LETCHER. Is there a bill upon the table for the relief of Thomas Bronaugh?

The SPEAKER *pro tempore*. The Chair understands that there is such a bill on the table.

Mr. LETCHER. Then I shall do what I have not done here for some three years—move to take up a private bill for consideration.

Mr. PHELPS. I desire to return my thanks to the gentleman from Virginia for calling up a bill for the relief of one of my constituents. [A laugh.] I desire to have it passed.

Mr. ORR. I should like to have the bill read before unanimous consent is given—the entire bill, with amendments.

Mr. WALSH. I shall do what I very seldom do; that is, *object*. [Laughter.]

Mr. LETCHER. Then I move to suspend the rules, in order to enable me to submit a motion to take up the bill.

The bill, which was read through, simply provides for the payment of a pension to the individual named therein.

The Senate amendment, which was also read, was as follows:

Sec. 2. *And be it further enacted*, That the bill entitled "An act to aid the Territory of Minnesota in the construction of a railroad therein," which passed the House of Representatives on the 20th of June, 1854, and which was approved by the President of the United States on the 29th of June, 1854, be, and the same is hereby, repealed.

The question being on the motion to suspend the rules,

Mr. COOK demanded the yeas and nays. The yeas and nays were not ordered.

The question was then taken; and there were, on a division—yeas 101, noes 26.

So the rules were suspended, two thirds voting in favor thereof.

Mr. LETCHER. I now move to take up the bill.

The motion was agreed to.

Mr. JONES, of Tennessee. I move the previous question on the adoption of the amendment.

The previous question was seconded; and the main question ordered to be put.

The question being first upon the Senate amendment,

Mr. HENN said: I move to lay the bill upon the table. I want to find out if there are any railroad men in the House.

The yeas and nays were not ordered.

The motion to lay the bill and amendment upon the table was not agreed to.

The Senate amendment was then agreed to.

Mr. LETCHER. There is an amendment in the title to make it conform to the bill.

The amendment was read, as follows:

Add at the end of the title the words "and to repeal the act to aid the Territory of Minnesota in the construction of a railroad therein," so that the bill, as amended, would read:

An act for the relief of Thomas Bronaugh, and to repeal the act to aid the Territory of Minnesota in the construction of a railroad therein.

The amendment was concurred in.

Mr. LETCHER moved to reconsider the vote by which the amendments of the Senate were concurred in, and also moved to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. PRESTON obtained the floor.

Mr. JONES, of Tennessee. I ask the gentleman from Kentucky to give way for a moment, to allow me to ask the consent of the House to take up the resolution from the Senate extending the session until Monday next. It is evident that we cannot dispose of all the business before us before twelve o'clock to-morrow. I hope the House will pass that resolution, and then adjourn for the night.

Mr. PRESTON. I cannot give way for that purpose.

HOMESTEAD BILL.

Mr. DAWSON. I ask the gentleman to give way to me for a moment.

Mr. PRESTON. For what purpose?

Mr. DAWSON. To enable me to move to postpone the further consideration of the homestead bill until the next session of Congress.

Mr. PRESTON. I will yield to the gentleman for that purpose.

Mr. DAWSON. Mr. Speaker, I have made several ineffectual attempts to bring to the consideration of the House the homestead bill, as amended by the Senate. Had I succeeded in getting it before the House, I should have moved an amendment that would have restored fully the homestead feature of that bill. It is now evident that, at this

late period of the session, it will not be possible to consider it; and I, with a view of placing it in a position where we can amend it and bring it to a final vote at the earliest moment, ask the consent of the House to offer the following resolution, to which I hope there will not be a dissenting voice:

Resolved, That House bill No. 37, with the Senate amendments thereto, be referred to the Committee of the Whole on the state of the Union, and made the special order for the third Tuesday in December next, and from day to day until disposed of.

Mr. BRIDGES. I object.

Mr. DAWSON. I move to suspend the rules, for the purpose of enabling me to offer the resolution.

Mr. HOUSTON. If the House will allow me, I will suggest that if they will consent to extend the session until ten o'clock on Monday morning, we can then dispose of that bill before we adjourn.

[Cries of "Order!" "Order!"]

Mr. HOUSTON. I desire to make a proposition to all parties in the House whose bills have been conflicting with each other for the last two days.

[Renewed and prolonged cries of "Order!"]

The question was then taken upon Mr. Dawson's motion; and (two thirds not voting in the affirmative) the rules were not suspended.

[Here a message was received from the Senate, by ASBURY DICKINS, Esq., their Secretary, notifying the House that that body insisted on its amendments to the Post Office appropriation bill, and asked a committee of conference on the disagreeing votes between the two Houses.]

Mr. PRESTON obtained the floor, but yielded to

Mr. HIBBARD. If there be no objection, I move that a committee of conference be appointed to meet the one appointed by the Senate, on the disagreeing votes of the two Houses on the Post Office appropriation bill.

Mr. WENTWORTH, of Illinois. I object, and shall object until the river and harbor bill is referred.

LOUISVILLE AND PORTLAND CANAL.

Mr. PRESTON. I ask the unanimous consent of the House for leave to take up and put on its passage Senate bill (No. 434) "to provide for taking charge of the Louisville and Portland canal, and to prevent the same from falling into bad repair." I will state its features, and, if allowed to do so, I do not think, when I have concluded, that any gentleman will object. The President has recommended that the Louisville and Portland canal should be taken in charge.

Mr. ENGLISH. I object.

Mr. PRESTON. Then I move that the rules be suspended for the purpose I have indicated. The same provision is made in the river and harbor bill as is made in this bill, but with the difference that in this there is no appropriation.

Mr. ENGLISH. As I understand it, it is not in the river and harbor bill exactly as it is in this one.

Mr. PRESTON. I think that it is; but I will not argue the question. I demand the yeas and nays on my motion.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 91, nays 52, as follows:

YEAS—Messrs. Appleton, Bennett, Benson, Bliss, Breckinridge, Campbell, Carpenter, Caruthers, Chandler, Churchill, Clark, Cox, Cullom, Curtis, Thomas Davis, Dawson, De Witt, Dick, Dunbar, Dunham, Edgerton, Edmunds, Thomas D. Elliot, Ellison, Everhart, Fenton, Flagler, Florence, Goodrich, Green, Greenwood, Grey, Grow, Aaron Harlan, Andrew J. Harlan, Harrison, Haven, Henn, Hill, Howe, Hughes, Hunt, Roland Jones, Kerr, Kidwell, Knox, Lindsley, McDougall, Maurice, Nichols, Norton, Andrew Oliver, Mordecai Oliver, Parker, Pennington, Preston, Pringle, Reese, Riddle, David Ritchie, Robbins, Russell, Sabine, Sage, Sapp, Shower, Simmons, Gerrit Smith, William Smith, Frederick P. Stanton, Richard H. Stanton, Alexander II. Stephens, Hester L. Stevens, Straub, Andrew Stuart, David Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Tweed, Upham, Wade, Walley, Elihu R. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, Wheeler, Daniel E. Wright, and Zollicoffer—91.

NAYS—Messrs. James C. Allen, Willis Allen, David J. Bailey, Barksdale, Beacock, Bridges, Brooks, Caskie, Chamberlain, Clingman, Cobb, Craig, Dowdell, Eastman, Edmundson, English, Fuller, Giddings, Goode, Sampson W. Harris, Daniel T. Jones, George W. Jones, Kittredge, Kurtz, Lamb, Lilly, McNair, Macy, Maxwell, Smith Miller, Milson, Morrison, Murray, Orr, Packer, John Perkins, Powell, Pratt, Payear, Rowe, Rudin, Shaw, Singleton, Skelton, George W. Smyth, Stratton, John J. Taylor, Vail, Vansant, Walbridge, Walsh, and Wells—52.

So the rules were not suspended; two thirds not voting in the affirmative.

CAPTAIN DUNCAN N. INGRAHAM.

Mr. ORR. I ask the unanimous consent of the House to take up House resolution (No. 7) "of thanks of Congress and presentation of a medal to Captain Duncan N. Ingraham," returned from the Senate with amendments.

Mr. DUNHAM, (in his seat.) I object.

Mr. ORR. I move that the rules be suspended for that purpose.

Mr. HENN. I do not believe that a gentleman has the right to object unless he rises in his place and makes it.

Mr. DUNHAM. Well, I rise in my place and object.

Mr. CAMPBELL. I would inquire of the gentleman from South Carolina whether, if the rules be suspended in this case, the gentleman will support a motion for a suspension of the rules in order that the Committee of the Whole on the state of the Union be discharged from the further consideration of a bill relating to the conferring of the title of lieutenant general? If not, I object.

Mr. ORR. I ask for the yeas and nays upon the motion to suspend the rules.

Mr. CAMPBELL. I withdraw my objection.

Mr. ORR. As the objection is withdrawn, I call for tellers.

POST OFFICE APPROPRIATION BILL.

Mr. HIBBARD. I rise to a privileged question. The Senate have sent down the Post Office appropriation bill, informing us that they insist upon their amendments disagreed to by the House. I move that we insist upon our disagreement, and that a committee of conference be appointed upon the part of the House, to meet a like committee on the part of the Senate, upon the disagreeing votes of the two Houses.

The SPEAKER *pro tempore*, (Mr. JONES, of Tennessee, in the chair.) The Chair does not consider that a privileged question.

Mr. HOUSTON. The Speaker so ruled today.

The SPEAKER *pro tempore*. The Chair is aware that it has been ruled to be a privileged motion for a committee of conference to report at any time.

Mr. HOUSTON. And also to ask for a committee of conference. The Speaker so ruled in regard to the civil and diplomatic bill.

The SPEAKER *pro tempore*. The Chair is informed that the Speaker so ruled this morning in relation to a committee of conference upon the civil and diplomatic bill, and will entertain the gentleman's motion.

The question was then taken; and Mr. HIBBARD's motion was agreed to.

Mr. HAVEN. I move to disagree to the amendments of the Senate upon the river and harbor bill, and ask for a committee of conference.

The SPEAKER *pro tempore*. There are amendments to the river and harbor bill which have never been before the House, and if taken up under the rules and practice of the House, they would have to go to the Committee of the Whole on the state of the Union.

Mr. HAVEN. I move to disagree to the amendments of the Senate.

The SPEAKER *pro tempore*. This morning a committee of conference was asked for upon the disagreeing votes of the two Houses in relation to the Post Office appropriation bill. In that case, it will be recollected that the Senate amendments to the Post Office bill were considered in Committee of the Whole on the state of the Union, were reported to the House, and that the House took action upon them. They have since been sent to the Senate, and the Senate insist upon their amendments disagreed to by the House, and ask for a committee of conference. The gentleman from New Hampshire [Mr. HIBBARD] asked that the message asking for a committee of conference might be taken up and agreed to, which was done; and in that condition of things it was ruled to be a privileged motion. The river and harbor bill, as the gentleman from New York [Mr. HAVEN] sees, is not in that condition.

Mr. ORR. That bill is not before the House, but is upon the Speaker's table.

CAPTAIN INGRAHAM—AGAIN.

The question recurred on Mr. ORR's motion to suspend the rules, for the purpose of taking up the joint resolution of thanks of Congress and presentation of a medal to Captain Duncan N. Ingraham.

Mr. WALSH demanded the yeas and nays.

Mr. ORR called for tellers on the yeas and nays.

Tellers were ordered; and Messrs. WALKER, and HARLAN, of Indiana, were appointed.

The House divided, and the tellers reported—ayes thirty-three; (more than one fifth of the members present.)

So the yeas and nays were ordered.

The question was taken; and there were—yeas 109, nays 34; as follows:

YEAS—Messrs. Aiken, James C. Allen, Willis Allen, Appleton, David J. Bailey, Banks, Barry, Belcher, Bennett, Benson, Boyce, Breckinridge, Bridges, Brooks, Bugg, Campbell, Caskey, Chamberlain, Chandler, Churchwell, Clark, Clingman, Cobb, Craigie, Curtis, John G. Davis, Dawson, De Witt, Dick, Dowdell, Dunbar, Edgerton, Edmunds, Edmundson, Ellison, English, Fenton, Florence, Gamble, Goodrich, Green, Greenwood, Grey, Grow, Andrew J. Harlan, Sampson W. Harris, Wiley P. Harris, Haven, Hendricks, Houston, Hughes, Hunt, Ingersoll, Johnson, Daniel T. Jones, Roland Jones, Keitt, Kidwell, Kittredge, Knox, Kurtz, Lamb, Latham, Lindsley, McDougall, McNair, McQueen, Macey, May, Smith Miller, Murray, Nichols, Noble, Andrew Oliver, Orr, Packer, John Perkins, Phelps, Phillips, Pratt, Preston, Pringle, Rowe, Russell, Sage, Sapp, Shaw, Singleton, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, Straub, Andrew Stuart, David Stuart, John J. Taylor, Nathaniel G. Taylor, Thurston, Upham, Vansant, Walker, Walley, Elihu B. Washburne, Israel Washburn, John Wentworth, Tappan Wentworth, Westbrook, Hendrick B. Wright, and Zollcoffer—109.

NAYS—Messrs. Abercrombie, Caruthers, Cullom, Dunham, Farley, Franklin, Giddings, Goode, Aaron Harlan, Harrison, Hibbard, Hill, George W. Jones, Kerr, Macdonald, McMullin, Maxwell, Millson, Morrison, Norton, Mordecai Oliver, Parker, Pennington, Puryear, Reese, Riddle, Sabin, Simmons, William Smith, George W. Smyth, Stratton, John L. Taylor, Wade, and Walsh—34.

So (two thirds voting in favor thereof) the rules were suspended, and joint resolution No. 7 was taken from the Speaker's table.

Mr. ORR. I now ask that the Senate's amendments may be reported.

The Clerk reported the amendments, as follows:

First amendment:

Strike out the first section.

Second amendment:

Strike out the third section.

Third amendment:

Amend the second section by striking out all of that section after the word "in," in line thirteen, and insert in lieu thereof the words following:

Commander Duncan N. Ingraham, of the Navy of the United States, as a testimonial of the high sense entertained by Congress of his gallant and judicious conduct on the 2d July, 1853, in extending protection to Martin Kozsta, by rescuing him from illegal seizure and imprisonment on board the Austrian war brig Hussar.

Mr. ORR. The change that was made by the Senate in the resolution adopted by the House, was to vote a medal to Captain Ingraham in lieu of the thanks of Congress, which were provided by the resolution. On examination it was found that the House proposed to pay to Captain Ingraham a more distinguished compliment than had ever been paid, I believe, to any other of our naval officers. The friends of Captain Ingraham did not desire that he should be distinguished above all his peers. The Senate resolution, I think, meets entirely the views of the House. I hope, therefore, that the House will concur in the Senate's amendments. I ask the previous question.

The question being on the seconding the demand of the previous question,

Mr. ORR demanded tellers.

Tellers were ordered; and Messrs. STRAUB and ROBBINS were appointed.

The question was taken; and the tellers reported—ayes 80, noes 40.

So the previous question was seconded.

The main question was then ordered to be put.

The amendments of the Senate were then concurred in.

The Senate also proposed to amend the title so as to make it read, "a resolution directing the presentation of a medal to Commander Duncan N. Ingraham."

The amendment was agreed to.

Mr. DICK obtained the floor.

Mr. CAMPBELL. I ask the gentleman to yield me the floor for a moment, to enable me to ask the House to take up a joint resolution.

PIONEER MANUFACTURING COMPANY.

Mr. DICK. I wish to occupy the time of the House only for a moment myself, and then the gentleman may have the floor. I ask the unanimous consent of the House to discharge the Committee of the Whole House from the further consideration of Senate bill (No. 49) "to incorporate the Pioneer Manufacturing Company, of Georgetown."

Mr. WALSH. Is it the gentleman's intention to put the bill upon its passage?

Mr. DICK. Yes, sir.

Mr. WALSH. Then I object.

Mr. DICK. I move to suspend the rules for that purpose.

The question was taken; and (two thirds having voted in the affirmative) the rules were suspended.

Mr. DICK. I now submit the motion that the Committee of the Whole be discharged from the further consideration of the bill I have indicated.

The motion was agreed to.

The bill was then ordered to a third reading; and it was accordingly read the third time and passed.

Mr. DICK. I move to reconsider the vote by which the bill was passed, and that that motion be laid upon the table.

The latter motion was agreed to.

TITLE OF LIEUTENANT GENERAL.

Mr. KERR. I ask the unanimous consent of the House to discharge the Committee of the Whole on the state of the Union from the further consideration of Senate bill (No. 4) "authorizing the President to confer the title of lieutenant general by brevet for eminent services."

Mr. McMULLIN. Before that question is taken, I desire to make a suggestion to the gentleman from North Carolina.

Mr. WALSH. I object to the suggestion.

Mr. McMULLIN. Mr. Speaker, have I not the right to make a suggestion?

The SPEAKER. The gentleman cannot occupy the floor unless by unanimous consent.

Mr. KERR. Is there objection to the proposition which I have submitted, Mr. Speaker?

Mr. WALSH. Yes, sir; I object to it.

Mr. McMULLIN. I would suggest to the gentleman from North Carolina to move a suspension of the rules, for the purpose of taking up the resolution of the Senate extending the session. When that is disposed of, we can act on the resolution which he has indicated.

Mr. KERR. I cannot yield to any gentleman, or for any motion, as objection has been made. I move to suspend the rules for the purpose I have named.

Mr. CAMPBELL. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 71, nays 82; as follows:

YEAS—Messrs. Abercrombie, Aiken, Banks, Bennett, Benson, Bugg, Campbell, Carpenter, Caruthers, Chandler, Clingman, Cook, Cullom, Dawson, De Witt, Dick, Edmunds, Edmundson, Thomas D. Eliot, Everhart, Fenton, Flagler, Franklin, Goodrich, Greenwood, Grey, Aaron Harlan, Haven, Hill, Howe, Hughes, Hunt, Ingersoll, Keitt, Kerr, Knox, Latham, McCulloch, McDougall, Matteson, May, Morgan, Mordecai Oliver, Parker, Pennington, Preston, Pringle, Puryear, Reese, David Ritchie, Russell, Sabin, Sage, Sapp, Seward, Simmons, William R. Smith, Richard H. Stanton, Alexander H. Stephens, Straub, John L. Taylor, Nathaniel G. Taylor, Thurston, Trout, Upham, Wade, Walley, Elihu B. Washburne, Israel Washburn, Tappan Wentworth, and Zollcoffer—71.

NAYS—Messrs. James C. Allen, Willis Allen, Barry, Belcher, Bell, Bliss, Bocoock, Boyce, Bridges, Caskey, Chamberlain, Churchwell, Clark, Cobb, Craigie, Thomas Davis, Dowdell, Eastman, Edgerton, Ellison, English, Farley, Florence, Fuller, Gamble, Goode, Green, Grow, Sampson W. Harris, Wiley P. Harris, Hendricks, Henn, Johnson, Daniel T. Jones, George W. Jones, Roland Jones, Kidwell, Kittredge, Kurtz, Lamb, Letcher, Lilly, Lindsley, Macdonald, McMullin, McNair, McQueen, Macey, Maxwell, Smith Miller, Morrison, Murray, Nichols, Noble, Olds, Orr, Packer, John Perkins, Phelps, Powell, Pratt, Riddle, Robbins, Rowe, Rufin, Shaw, Shower, Singleton, Skelton, William Smith, George W. Smyth, Frederick P. Stanton, Hester L. Stevens, Stratton, Andrew Stuart, David Stuart, John J. Taylor, Walker, Walsh, John Wentworth, Daniel B. Wright, and Hendrick B. Wright—82.

So the House refused to suspend the rules, two thirds not voting in the affirmative.

Pending the above vote, Messrs. MILLSON, DAVIS, of Indiana, and BARKSDALE, stated that had they been present when their names were called they would have voted in the negative.

Mr. STUART, of Michigan, said: Mr. Speaker, I voted "aye," but I changed my vote to

"no;" because I believe that the bill carries with it an annuity of \$20,000.

NAVAL APPROPRIATION BILL.

Mr. PHELPS. I move that the naval appropriation bill be taken from the table for reference.

Mr. HAVEN. I object.

Mr. CAMPBELL. Let the gentleman embrace the river and harbor bill in his motion, and it will be agreed to.

Mr. PHELPS. I move to suspend the rules to take up, and refer the general appropriation bill which I have indicated.

Mr. MATTESON. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. HAVEN. I am as desirous as the gentleman from Missouri can be, to have all the general appropriation bills disposed of; and I am sure that if he will include the river and harbor bill, his motion will be carried unanimously.

The question was taken; and there were—yeas 101, nays 56; as follows:

YEAS—Messrs. Abercrombie, Aiken, James C. Allen, Willis Allen, Banks, Barksdale, Barry, Belcher, Bell, Bocoock, Boyce, Bridges, Caskey, Chamberlain, Churchwell, Clark, Clingman, Cobb, Craigie, John G. Davis, Dawson, Dick, Dowdell, Edgerton, Edmundson, John M. Elliott, Ellison, English, Faulkner, Florence, Fuller, Gamble, Goode, Green, Greenwood, Grow, Sampson W. Harris, Wiley P. Harris, Hendricks, Houston, Hughes, Johnson, Daniel T. Jones, George W. Jones, Roland Jones, Kidwell, Kittredge, Kurtz, Lamb, Latham, Letcher, Lilly, Macdonald, McDougall, McMullin, McNair, McQueen, Macey, Maxwell, May, Smith Miller, Millson, Morrison, Murray, Nichols, Olds, Orr, Packer, John Perkins, Phelps, Phillips, Powell, Pratt, Puryear, Riddle, Robbins, Rowe, Rufin, Shaw, Shower, Singleton, Skelton, William Smith, William R. Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Alexander H. Stephens, Hester L. Stevens, Stratton, Andrew Stuart, David Stuart, John J. Taylor, Thurston, Trout, Vail, Walbridge, Walker, Walsh, Daniel B. Wright, and Hendrick B. Wright—101.

NAYS—Messrs. Bennett, Benson, Bugg, Campbell, Carpenter, Chandler, Cook, Cullom, Thomas Davis, De Witt, Edmunds, Thomas D. Eliot, Everhart, Farley, Fenton, Flagler, Franklin, Goodrich, Grey, Aaron Harlan, Haven, Henn, Hill, Howe, Hunt, Kerr, Knox, Lindsley, McCulloch, Matteson, Maurice, Morgan, Noble, Parker, Pennington, Preston, Pringle, Reese, David Ritchie, Russell, Sabin, Sage, Sapp, Seward, Simmons, John L. Taylor, Upham, Wade, Walley, Elihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, and Zollcoffer—56.

So (two thirds not voting in favor thereof) the rules were not suspended.

CIVIL AND DIPLOMATIC BILL.

Mr. HOUSTON. I ask leave to make a report from the committee of conference appointed by the two Houses on the disagreeing votes on the civil and diplomatic appropriation bill.

The report was submitted, and read by the Clerk, as follows:

The committee of conference on the disagreeing votes of the two Houses on this bill (H. R. No. 48) "making appropriations for the civil and diplomatic expenses of Government for the year ending 30th June, 1855, and for other purposes," having met, after full and free conference, have agreed to recommend, and do recommend to their respective Houses as follows:

That the Senate do concur in the amendments of the House of Representatives to the forty-fourth, fifty-seventh, seventy-fifth, eighty-third, one hundred and fifth, one hundred and twenty-eighth, one hundred and fifty-first, one hundred and sixty-eighth, and one hundred and seventy-fifth amendments of the Senate.

That the Senate do concur in the amendments of the House of Representatives to the one hundred and twenty-second amendment of the Senate with amendments, as follows: Strike out the words "created a consul with," in lines one and two of Senate amendment, and in lieu thereof insert the word "allowed," and after the word "annum" in line three of said amendment insert the words "and the."

That the Senate do concur in the amendments of the House of Representatives to the one hundred and forty-fifth amendment of the Senate, with an amendment, as follows: Add at the end of the amendment of the House of Representatives to the said Senate amendment, the words "For repair and renewal of the gas pipes through the Capitol, \$3,500."

That the Senate do concur in the amendment of the House of Representatives to the one hundred and sixty-second amendment of the Senate, with the amendments as follows: after the words "in the," in line twenty-four of the amendment of the House of Representatives to said Senate amendment, insert the words, "First Auditor's office, in addition to the present number, two clerks of class one; in the," and after the word "four," in line thirty of said amendment, insert "and that the Secretary of State be allowed, in addition to his present number of clerks, two at an annual salary of \$1,200 each, one at an annual salary of \$1,400, and one at an annual salary of \$1,600."

That the Senate do recede from its eleventh, thirteenth, fourteenth, fifteenth, seventeenth, eighteenth, twenty-first, twenty-second, twenty-fourth, twenty-fifth, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second, thirty-seventh, thirty-ninth, forty-fifth, forty-sixth, forty-seventh, forty-eighth, forty-ninth, fiftieth, fifty-first, fifty-

second, fifty-third, fifty-fifth, fifty-ninth, sixtieth, sixty-first, sixty-second, sixty-third, sixty-fourth, sixty-sixth, sixty-eighth, sixty-ninth, seventieth, seventy-first, eightieth, eighty-first, eighty-fourth, eighty-fifth, eighty-sixth, eighty-seventh, eighty-ninth, ninetieth, ninety-ninth, one hundred and third, one hundred and sixth, one hundred and tenth, one hundred and seventeenth, one hundred and eighteenth, one hundred and nineteenth, one hundred and twenty-first, one hundred and twenty-third, one hundred and twenty-ninth, one hundred and forty-second, one hundred and forty-eighth, one hundred and fifty-third, one hundred and sixty-third, one hundred and sixty-sixth, one hundred and seventy-first, one hundred and seventy-second, one hundred and seventy-third, one hundred and seventy-fourth, one hundred and seventy-sixth, one hundred and seventy-eighth, one hundred and seventy-ninth, one hundred and eightieth, one hundred and eighty-first, one hundred and eighty-second, one hundred and eighty-fourth, one hundred and eighty-fifth, one hundred and eighty-sixth, and one hundred and eighty-seventh amendments.

That the Senate do recede from its twenty-third amendment, and concur in the original item, with an amendment, as follows: Strike out "36.9," in line twenty-four, page seven of the bill, and in lieu thereof insert "41.7."

That the House of Representatives do recede from its disagreement to the forty-second, one hundred and second, one hundred and fifteenth, one hundred and fifty-sixth, one hundred and fifty-eighth, one hundred and sixty-first, and one hundred and sixty-fifth amendments of the Senate, and agree thereto.

That the House of Representatives do recede from its disagreement to the ninety-seventh amendment of the Senate, and agree thereto, with an amendment, as follows: Strike out all of the Senate amendment, and in lieu thereof insert: "For extinguishment of private claims to the possession of the whole or any part of the custom-house lot in San Francisco, \$10,000."

That the House of Representatives do recede from its disagreement to the one hundred and forty-seventh amendment of the Senate, and agree thereto, with an amendment, as follows: Strike out all after the word "provided," in line eight, to and including the word "direction," in line eighteen, on page fifty-eight of the original bill, and in lieu thereof insert "that any officer of the Army or Navy who has been, or may be appointed hereafter, to disburse the money which is now, or may hereafter be, appropriated for the erection, alteration, or repair of any of the edifices, structures, or works for which appropriations are made in this act shall be subject to all the pains, penalties, and liabilities contained in the provisions of the act entitled 'An act to provide for the better organization of the Treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue,' approved August 6, 1846."

That the House of Representatives do recede from its disagreement to the one hundred and forty-ninth amendment of the Senate, and agree thereto, with an amendment, as follows: In line two of said amendment strike out "75" and in lieu thereof insert "15."

That the House of Representatives do recede from its disagreement to the one hundred and sixty-fourth amendment of the Senate, and agree thereto, with an amendment, as follows: Strike out all after the word "enacted," in line one of said amendment, to the end thereof, and in lieu insert "that the Librarian of Congress shall receive \$1,800, the Assistant Librarians \$1,500 each, and the messenger \$1,200 per annum, and the money is hereby appropriated to pay the same."

That the House of Representatives do recede from its disagreement to the one hundred and seventy-seventh amendment of the Senate, and agree thereto, with an amendment, as follows: Add at the end thereof the words "Provided, That the said sum shall be in full of all compensation to be received by said chaplains."

That the House of Representatives do recede from its amendment to the one hundred and eighty-eighth amendment of the Senate.

That the House of Representatives do recede from its disagreement to the thirty-third amendment of the Senate, and the Senate concur in the amendment of the House of Representatives to the thirty-fourth amendment of the Senate.

R. M. T. HUNTER,
J. D. BRIGHT,
Managers on the part of the Senate.
GEO. S. HOUSTON,
S. G. HAVEN,
THOS. A. HENDRICKS,
Managers on the part of the House.

Pending the reading of the report,

Mr. CLINGMAN. I move to dispense with the further reading of the report, as it gives us no information. If the gentleman explain it as he goes along it will save time.

The motion was agreed to.

Mr. HOUSTON. It would be very difficult for me to explain all the amendments that were acted on in the committee of conference, as there were over one hundred amendments acted on by the conferees. There were, Mr. Speaker, one hundred and five amendments in issue between the two Houses, which were submitted to the conferees on this bill; and the action of the committee is as follows: The Senate recede from seventy-eight of their amendments. The Senate concur in the amendments of the House to ten more of their amendments. The Senate concur in the amendments of the House to three of the Senate amendments with amendments. The House recede from nine amendments; and recede from disagreement to five of the Senate amendments with amendments.

A MEMBER. What are these?

Mr. HOUSTON. I will pick out the nine amendments as I pass over them. I suppose the six are not so important. The first amendment, from a disagreement to which the House recedes, is the one hundred and second. This is the House provision:

For the annual repairs and fixtures of custom-houses of the United States \$30,501 59, and for alterations and repairs of the custom-house at Baltimore heretofore made, and for rent of rooms during the repairs of said building, such sum as may by the Secretary of the Treasury be deemed reasonable and proper of said amount, not to exceed \$5,501 59.

The Senate amended that by increasing the sum to \$43,001 59. The evidence submitted to the Senate, and which came before the committee of conference from the Secretary of Treasury, satisfied the committee that a custom-house—I believe it was the one in Salem, Massachusetts—required repairs, and the Secretary had omitted it in making out his estimates. He asked that the appropriation should be increased to \$43,000. The committee, therefore, have recommended a concurrence in that amendment.

The next amendment, from a disagreement, to which the committee recommend the House to recede, is the one hundred and fifteenth.

The clause, as it went from the House, I will read:

For salaries of fifteen keepers and twelve assistants, at an average not exceeding \$600 per annum, \$16,200.

That refers to the keepers and assistants of the light-house upon the California and Pacific coast. The Senate amended that clause by striking out "\$600 per annum," and inserting in lieu thereof "\$800 per annum," and then altering the amount appropriated, so as to make it correspond. By their amendment the salaries of those light-house keepers and their assistants, will be \$800 per annum instead of \$600. We agree to their amendment.

The next amendment, from a disagreement to which the committee recommend the House to recede, is the one hundred and fiftieth, as follows:

For completing the improvement of Pennsylvania avenue west of Seventeenth street, \$9,000.

That is the portion of the avenue west of the War Department, and extending to Georgetown. In the estimation of the committee, it was thought proper to recede from our disagreement to that amendment.

The next amendment is on page eighty, and is numbered one hundred and fifty-five. It reads as follows:

For grading done by order of Ignatius Mudd, late Commissioner of Public Buildings, in reservation number seventeen, between Third street east and New Jersey avenue, \$484 89.

The committee found this money was due, and, therefore, determined to pay it.

The next amendment is on page eighty-five, and is numbered one hundred and sixty-one. The Senate propose to insert the following:

Sec. — And be it further enacted, That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed the following buildings:

At New Orleans, Louisiana, a marine hospital, to cost not more than \$24,800; and when said hospital shall have been completed, the Secretary of the Treasury shall cause the old hospital at New Orleans to be sold, and the proceeds thereof to be placed in the Treasury of the United States.

At Detroit, Michigan, a marine hospital, to cost not more than \$75,000.

At Pensacola, Florida, a marine hospital, to cost not more than \$30,000.

At Burlington, in the State of Iowa, a marine hospital, to cost not more than \$15,000.

Sec. — And be it further enacted, That the several sums mentioned in the preceding section as the cost of the buildings therein authorized to be constructed, together with ten per cent. thereon to cover the compensation of architects, superintendents, advertising, and other contingent expenses, and so much as may be required to purchase suitable sites for said buildings, be, and the same are hereby, appropriated for the purposes aforesaid, out of any money in the Treasury not otherwise appropriated: *Provided*, That no money hereby appropriated shall be used or applied for the purposes mentioned until a valid title to the land for the site of such building, in each case, shall be vested in the United States, and until the State shall also duly release and relinquish to the United States the right to tax or in any way assess said site or the property of the United States that may be thereon during the time that the United States shall be or remain the owner thereof.

This amendment was really concurred in by the House; but, owing to a mistake in the numbering, it was reported by the Clerk as non-concurred in. The committee have, therefore, reported that it be retained.

The next amendment is upon page ninety-one,

and numbered one hundred and sixty-five. The Senate propose to insert the following:

Sec. — And be it further enacted, That the collections of the Exploring Expedition, now in the Patent Office, be placed under the care and management of the Commissioner of Patents, who is hereby authorized to employ one principal keeper of said collections, at an annual salary of \$900, one assistant keeper at an annual salary of \$750, one night watchman at an annual salary of \$600, and two laborers at an annual salary each of \$365.

Upon examination of that amendment, Mr. PEARCE, of the Senate committee, who is a member of the Joint Committee on the Library, assured us that these officers are now kept up and paid to have charge of this collection. The object of the amendment is only to relieve the Joint Committee on the Library from their responsibility concerning the matter. There is, I believe, an increase of one messenger, besides which it will cost no more money than under the present arrangement. The committee, therefore, report in favor of the House receding from its disagreement.

These are all the amendments from which the House recedes from its disagreement to the Senate amendments. There are five others, however, from which the House recede with amendments. The first of that class is on page seventy-eight, of the printed bill, and is as follows:

For completing the bridge over the Potomac river, near the Little Falls, \$75,000.

The Senate committee agreed to strike out the "\$75,000" and to insert "\$15,000," which releases us from all responsibility in the matter.

The next of that class is on page ninety-one, numbered one hundred and sixty-four. It reads:

Sec. — And be it further enacted, That from and after the 30th of June, 1855, the pay of the Librarian of Congress shall be \$2,000, the pay of the two principal assistants each \$1,800, and that of the third assistant \$1,200, and that of the messenger, \$1,200 per annum.

We have agreed to that amendment by amending it so as to increase the salary of the Librarian of the congressional library from \$1,500 to \$1,800 per annum, that of his assistants to \$1,500, and of the messenger to \$1,200. This will put them about upon a par with the other employees about the Capitol. I believe they are the worst paid officers in our employ.

The one hundred and seventy-seventh amendment is in the same category: It is the amendment proposing an increase of the compensation to the chaplains. The Senate receded from that amendment; but before the conclusion of our conference, we learned that the House had passed a resolution giving the chaplain of the House an amount of money which would make his pay equal to that proposed by the amendment. We were then appealed to on the part of the Senate. We were told that by a law which governed them they could not vote out of the contingent fund anything to increase the compensation of the chaplain of the Senate. We then agreed to reconsider, and to put both chaplains on an equal footing. However, we attached the following proviso, to prevent any misunderstanding in relation to the action of the House:

Provided, That the said sum shall be in full for the compensation to be received by said chaplains.

Mr. HUGHES. What is the amount?

Mr. HOUSTON. Seven hundred and fifty dollars. The chaplains have heretofore received by law \$500 each, as salary; but at the termination of every session they have had the usual extra compensation of \$250 each allowed them. So regularly had they received it, that they regarded it as a part of their salary. That terminates these amendments. Now, if the committee desire further explanation—

[Cries of "No! you have done well, and deserve the thanks of the House."] Mr. COBB. What has become of the water-works?

Mr. HOUSTON. The Senate have receded from them.

[Cries of "Question!" "Question!"]

The question was taken; and the report of the committee of conference was adopted.

Mr. ORR. I move to reconsider the vote by which that report was adopted; and that that motion be laid upon the table.

The latter motion was agreed to.

PROLONGATION OF THE SESSION.

Mr. HUGHES. I move to take up the Senate resolution changing the day for the adjournment of the session.

[Cries all over the Hall of "I object!"]

Mr. HUGHES. I move that the rules be suspended, in order that that resolution may be taken up and considered.

Mr. MATTESON. I demand the yeas and nays.

Mr. HENN. I should like to say one word before the vote is taken. It is utterly impossible—

[Cries of "Order!"]

Mr. PHELPS. I hope that the gentleman may be allowed to make his statement. He is a member of the Enrolling Committee.

Mr. MATTESON. I object to any statement.

The SPEAKER *pro tempore*. (Mr. JONES, of Tennessee.) The gentleman from Iowa is a member of the committee which is charged at this stage of the session with more business than any other. Is it the pleasure of the House to hear what he has to say in regard to the business of that committee?

Mr. MATTESON. I object.

Mr. HENN. I will state to the House that it is utterly impossible for the Committee on Enrolled Bills—

[Cries of "Order!"]

Mr. McMULLIN. Let the gentleman make his statement.

The SPEAKER *pro tempore*. The Chair thinks that that being a privileged committee—it having the right to report at any time—the gentleman may have a right to make a statement of the condition of the business before it.

Mr. MURRAY. The Committee on Enrolled Bills merely desire to make a report, in order that the House may understand the condition of business.

Mr. HAVEN. Will the House allow me to say a word to my friends around me. I hope they will hear the gentleman from the Committee on Enrolled Bills. We all desire to know the condition of the business, and to do what is right.

Mr. HENN. It is utterly impossible for the Committee on Enrolled Bills to compare all the bills that the House and Senate are acting upon between this time and twelve o'clock to-morrow.

Mr. HAVEN. If it is the pleasure of the House to act upon all the appropriation bills, including the river and harbor bill, I have no objection then, whatever, to interpose to any course the House may see fit to take.

Mr. WENTWORTH, of Illinois. I will vote to extend the time.

REFERENCE OF APPROPRIATION BILLS.

The SPEAKER *pro tempore*. The Chair was about to ask if it is the pleasure of the House to take up the appropriation bills which have been returned from the Senate with amendments for the purpose of reference. If there be no objection, the bills will be presented.

Mr. ENGLISH. I object.

Mr. PRESTON. I demand the yeas and nays upon the motion made by the gentleman from New York, [Mr. HUGHES.]

Mr. HUGHES. I withdraw the motion I made, and move to suspend the rules to enable those appropriation bills to be taken up and referred.

Mr. GOODE. I desire to ask the Presiding Officer whether it is in order to take up more than one bill at a time?

The SPEAKER *pro tempore*. The Chair thinks that it is in order to move to suspend the rules to take up every one of them. It is in order to move to suspend the rules to go to the business on the Speaker's table, including everything on it; and the motion can be limited to any less number than all the business on the Speaker's table. The Chair thinks that the business which is included in this motion is sufficiently indicated by the character of the motion to enable the members of the House to vote intelligently.

The question is on the suspension of the rules; on which tellers have been demanded.

Tellers were not ordered.

Mr. PERKINS, of Louisiana. I ask for the yeas and nays.

The yeas and nays were not ordered.

The question was taken; and, on a division, there were—ayes 105, noes 33.

So (there being more than two thirds in the affirmative) the rules were suspended.

The question being upon Mr. HUGHES's motion that the House appropriation bills, with the Senate amendments, be taken from the Speaker's table—

Mr. GOODE. Do I understand the Speaker to decide that it is in order to take a vote upon a motion to take up more than one bill at a time?

The SPEAKER *pro tempore*. Certainly, the Chair decides that the gentleman could move to suspend the rules for the purpose of taking up all of the bills upon the Speaker's table.

Mr. GOODE. Is it in order to take up two bills at a time and refer them?

The SPEAKER. It is in order to move to take them all up, one at a time in their order. We never put two bills upon their passage at once.

The motion was then agreed to.

The following bill was then taken from the Speaker's table:

An act making appropriations for the repair preservation, and completion of certain public works heretofore commenced under the authority of law.

The bill was referred to the Committee of the Whole on the state of the Union.

Simultaneous with the announcement that the bill was so referred,

Mr. LETCHER said: Cannot the yeas and nays be ordered upon its reference?

The SPEAKER. Suppose you do not refer it. The Chair decides, however, that it is referred.

Mr. HAVEN. If the gentleman is willing to take a vote upon it without reference, we are ready.

Mr. LETCHER. I understand the Speaker to say that the vote has been taken, and that the bill is referred.

The SPEAKER. The Chair decides that the rules require that bills making appropriations shall have their first consideration in the Committee of the Whole on the state of the Union.

Mr. LETCHER. Does the Speaker, then, decide that the yeas and nays cannot be had on the question of reference?

The SPEAKER. Any member of the House can move to refer it to a standing committee, and he can call the yeas and nays upon that motion. He can also move to refer it to the Committee of the Whole on the state of the Union; and if the question were not already decided, perhaps he could call the yeas and nays upon that; but if he failed in referring it, he could not have it considered and put upon its passage.

Mr. LETCHER. I know it could not be considered; but I called for the yeas and nays upon the motion to refer.

The SPEAKER. The Chair thinks the call came too late.

Mr. LETCHER. The yeas and nays were called for before the decision was announced.

The SPEAKER. The Chair did not hear that call.

Mr. LETCHER. Well, I take an appeal from the decision of the Chair.

The SPEAKER. The Chair decides that the result of the vote was announced before he heard the call for the yeas and nays, and from that decision the gentleman from Virginia appeals. [Laughter.]

Mr. PRESTON. I move to lay the appeal upon the table.

Mr. BOCOCK. Does the Chair decide that it is too late to take an appeal after the question has been announced?

The SPEAKER. After the result of the vote has been announced.

The question was then taken; and decided in the affirmative.

So the appeal was laid upon the table.

The following bill was then taken from the Speaker's table:

An act making appropriation for the naval service for the year ending June 30, 1855.

Mr. PHELPS. I move that it be referred to the Committee of the Whole on the state of the Union.

The motion was agreed to.

Mr. PHELPS. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

EXTENSION OF THE SESSION—AGAIN.

Mr. HUGHES. I withdraw my motion to

suspend the rules for the purpose of allowing the appropriation bills to be referred. I now again ask the consent of the House to take up the joint resolution extending the session until Monday next. I am opposed to extending the session, but I want the question to be settled.

Mr. CAMPBELL. I object.

Mr. HUGHES. I move to suspend the rules to enable me to move to take up that resolution.

Mr. HAVEN. I hope the House will allow me to say just one sentence.

The SPEAKER *pro tempore*. The motion is not debatable.

Mr. HAVEN. I am aware of that, but I desire to say to the House that I am thankful for what it has just done, and that especially after the statement that has just been made by a member of the Committee on Enrolled Bills, [Mr. HENN,] in reference to the condition of the business of the House. I shall interpose, and I hope our friends on this side of the House will interpose, no further objection to the extension of the session. If it is the will of the majority, I am willing to sacrifice three more days to accomplish the object we have in view.

[Cries of "Order!"]

Mr. MATTESON. I demand the yeas and nays upon the motion to suspend the rules.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 79, nays 78; as follows:

YEAS—Messrs. Aiken, James C. Allen, Appleton, Barry, Belcher, Bell, Bocoek, Boyce, Breckinridge, Bugg, Caskie, Chamberlain, Clark, Clingman, Cobb, Cook, John G. Davis, Eastman, Edgerton, Edmundson, John M. Elliott, Faulkner, Florence, Goodrich, Sampson W. Harris, Wiley P. Harris, Haven, Hendricks, Henn, Hibbard, Houston, Hunt, Ingersoll, George W. Jones, Roland Jones, Kerr, Lamb, Letcher, McDougall, McMullin, McNair, Macy, Maxwell, May, Smith Miller, Millson, Noble, Olds, Orr, Phelps, Phillips, Pratt, Preston, Riddle, David Ritchie, Rowe, Seward, Shower, Singleton, William Smith, George W. Smyth, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, Straub, David Stuart, John J. Taylor, Nathaniel G. Taylor, Upham, Vail, Vansant, Walker, Elihu B. Washburne, John Wentworth, Tappan Wentworth, Westbrook, Daniel B. Wright, Hendrick B. Wright, and Zollicoffer—79.

NAYS—Messrs. Willis Allen, David J. Bailey, Barksdale, Bennett, Bliss, Bridges, Brooks, Campbell, Carpenter, Caruthers, Chandler, Chastain, Churchwell, Craige, Cumming, Thomas Davis, Dawson, De Witt, Dick, Dowdell, Dunham, Edmonds, Thomas D. Eliot, Ellison, English, Farley, Fenton, Flagler, Franklin, Fuller, Gamble, Goode, Green, Greenwood, Grey, Grow, Aaron Harlan, Hill, Howe, Hughes, Daniel T. Jones, Kelt, Kidwell, Knox, Kurtz, Lilly, Lindsley, McCulloch, McQueen, Matteson, Morgan, Murray, Nichols, Mordecai Oliver, Packer, Parker, Pennington, John Perkins, Powell, Pringle, Reese, Robbins, Ruffin, Russell, Sabin, Sage, Sapp, Shaw, Skelton, Alexander H. Stephens, Stratton, Andrew Stuart, Trout, Wade, Walley, Walsh, Israel Washburn, and Wells—78.

So (two thirds not having voted in the affirmative) the rules were not suspended.

Pending the call of the roll,

Mr. HENN said: As I made a statement some time ago which might mislead some gentlemen as to their votes, I will say, that upon consultation with one of my colleagues [Mr. GREEN] upon the Committee on Enrolled Bills, he gave it as his opinion that the committee could examine all the bills before the hour fixed for adjournment to-morrow, if the House will pass them. Such, however, is not my opinion.

Mr. GREEN. I desire to say, as a member of that committee, that I think the Committee on Enrolled Bills can examine properly all the bills, if the House will pass them, before twelve o'clock to-morrow morning.

Mr. PRESTON. As some gentlemen upon the other side of this House have intimated that if the session be extended until Monday, we can in the mean time take up and dispose of the river and harbor bill, I desire to know whether such is the understanding, and upon the answer will depend my vote upon this motion.

Mr. PHELPS. I will state to the House that, under the circumstances stated by my friend from Kentucky on my left, I am willing the river and harbor bill shall come up and receive a fair vote. I am opposed to the bill but I am ready to vote at once.

Mr. PRESTON. Then I vote aye.

The SPEAKER here resumed the chair.

ENROLLED BILLS.

Mr. GREEN, from the Committee on Enrolled Bills, reported as correctly enrolled a joint resolution and bill of the following titles; which were signed by the Speaker:

Joint resolution directing the presentation of a medal to Commander Duncan N. Ingraham; and an act for the relief of Thomas Bronaugh, and to repeal the act to aid the Territory of Minnesota in the construction of a railroad therein.

Mr. PHELPS. I now move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. HAVEN. Before that motion is put, I desire to offer a resolution closing debate upon the two bills which have just been referred to the Committee of the Whole.

Mr. PHELPS. That is not in order.

Mr. HAVEN. The Chair ruled the other day that such a motion was in order.

Mr. ENGLISH. I move that the House do now adjourn.

The question was taken, and the House refused to adjourn; there being, on a division, only forty-three votes in the affirmative.

POST OFFICE APPROPRIATION BILL.

Mr. HIBBARD. I am directed by the committee of conference on the part of the House, on the disagreeing votes of the two Houses in reference to the Post Office appropriation bill, to report that, after meeting with the committee of conference on the part of the Senate, and a full conference, they have been unable to agree. They recommend that the House do insist on its disagreement to the amendments of the Senate. If that be done, I shall then move the appointment of another committee of conference.

The question was taken; and the House insisted on its disagreement to the amendments of the Senate to the Post Office appropriation bill, and asked for a committee of conference.

Thereupon the SPEAKER appointed Messrs. OLDS, CHANDLER, and BOCK, as the managers on the part of the House.

The question was taken; and Mr. PHELPS's motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. McMULLIN in the chair.)

RIVER AND HARBOR BILL.

The CHAIRMAN. The first question before the committee for consideration is the amendments of the Senate to the river and harbor bill.

First amendment:

Strike out " \$18,000 " and insert in lieu thereof " \$100,000," so that the paragraph will read:
For continuing the improvement of the Des Moines rapids, in the Mississippi river, \$100,000.

Mr. HAVEN. I move a concurrence in that amendment.

Mr. WENTWORTH, of Illinois, demanded tellers, which were ordered; and Messrs. GREY and McDUGGALL were appointed.

The question was taken; and the tellers reported—ayes 69, noes 75.

So the amendment was non-concurred in.

Second amendment:

In line seven hundred and ten, after the words " New York harbor," insert the words " for continuing the removal of rocks at Hell Gate and Diamond Reef, New York harbor, including the amount expended prior to August 30, 1862, \$20,000."

Mr. PHELPS. I propose to reduce the amount ten dollars. If I understand the history of the matter, it is this. Some citizens in the city of New York concluded that they would endeavor to improve the harbor of New York. A gentleman by the name of Maillefer was employed, I believe, to remove the rocks at Hell Gate. If it is the duty of the Government of the United States to reimburse to the citizens the funds advanced by them for improving the harbor of New York in this appropriation bill, it is also proper and right that they should reimburse to the citizens of Baltimore the amount of money which individuals have expended upon the harbor of that city.

It will be recollected that a bill passed the Senate proposing to appropriate \$140,000 for the improvement of Cape Fear river, North Carolina; and it also contained another appropriation of \$50,000 for the purpose of reimbursing the amount to the city of Wilmington which they had expended. An appropriation of \$150,000 was also proposed for the purpose of improving the harbor of that city. The bill which we now have under consideration contains an appropriation for the improvement of the harbor at Dubuque. If it be right to refund this money to New York, it is

also right to refund it to the private citizens or corporations of other towns and cities who have expended money for the purpose of improving the navigation of the rivers or bays on which such towns are situated.

Mr. WENTWORTH, of Illinois. We have no time to lose. I, therefore, simply say that I oppose the amendment.

Mr. PHELPS. I withdraw my amendment. I only offered it for the purpose of making this explanation.

Mr. STUART, of Michigan. I desire to ask whether this appropriation is for the purpose of refunding money expended by the corporation of New York, or by any private individuals?

Mr. WENTWORTH. All that I can say is, that this amendment was added to the bill of the Senate, and that the distinguished Senator from the State of Michigan voted for it. [Laughter.]

Mr. STUART. I do not care if all the Senators voted for it. I do not vote for it except I understand it to be right. I hope some gentleman will give me the information I want. I appeal to my friend from New York. If it is right, I shall vote for it.

Mr. HAVEN. Does the gentleman from Michigan inquire of me?

Mr. STUART. Yes, sir.

Mr. HAVEN. I can safely say to the gentleman from Michigan, in reference to this amendment, that although I have no information on the subject other than that derived from having heard the amendment read, and though it was not before our committee, yet, from the reading of the amendment, and from the knowledge that I have of the history of the case, I am aware that this sum includes some \$6,000 or \$8,000 which has been expended prior to the time mentioned in the amendment itself.

Mr. PHELPS. Nine thousand dollars.

Mr. HAVEN. Very well. And the balance, I suppose, is for the purpose of completing the work. That is what I suppose it to be. I cannot, on my honor, say how the truth of the matter really is; but I have no doubt that it is as I have stated.

Mr. STUART. Was the \$9,000 expended under the direction of the Government of the country?

Mr. HAVEN. The \$9,000, or whatever sum it was, as I understand it, was expended by some of the large forwarding merchants and ship owners of the city of New York, for the purpose of ascertaining whether this was a practical and feasible operation. Mr. Maillefer removed that rock, and opened this dangerous passage through Hell Gate, and thereby saved hundreds of thousands of dollars in shipping and property transported, which would be otherwise in danger of loss and destruction. I can make no further explanation.

Mr. CUMMING. I propose to amend the amendment of the Senate by increasing the appropriation \$20,000. Sir, the merchants of New York do not come begging to Congress. I live myself on the other side of the river; but I take pleasure in saying so. They do not come here to beg an appropriation. They are willing, and their representatives are willing, to give large sums all over the South, East, and West, for the improvement of rivers and harbors. This appropriation is for the improvement of one of the most important entrances to the most important port in the United States—to the port which pours into your Treasury the very money which we are all quarreling about. These gentlemen had subscribed certain sums of money for the purpose of testing the feasibility of removing the rocks from Hell Gate. They proceeded to a certain extent, and found that it was a thing which could be done. They have already removed rocks from that place to an extent sufficient to enable any vessels to enter there—rocks upon which have been stranded hundreds of merchant vessels; and not only that, but rocks upon which frigates have been stranded, and innumerable lives lost. They have made that which was a terror to the navigators of Long Island sound, almost a plain open channel. Now they ask a small sum of money to enable them to complete that which they have so successfully commenced; though I do not believe they have begged for what the Senate have inserted here. They ask a small sum of money to make an open and plain channel of that which has been the Scylla and Charybdis of this country. I hope, there-

fore, that instead of refusing these gentlemen, if they ask it, this small sum, you will put the amount at twenty-five or thirty thousand dollars instead of \$20,000.

Mr. FULLER. It is true that Hell Gate is one of the most dangerous places of navigation in our whole country. It is true that I regard the improvement at the point for which this appropriation is proposed, as one of the most important and valuable ones. And it is true that the merchants of New York, who tested the experiment of removing those rocks, through the agency of Mr. Maillefer, are entitled to great credit for their enterprise, and they had the satisfaction of seeing that the money in that instance did a great deal of good; for everybody knows that the result of their labors was the increase of the depth of the water from eight to eighteen feet. But I am opposed to the principle of refunding to private individuals, the money which they have subscribed for such a purpose. Perhaps the original contributors may have become insolvent, or may have died; and in such instances it would be utterly impracticable to refund the money to them.

Mr. WALSH. The merchants of New York are able to make their own improvements, and they do not want a cent refunded.

The question was then taken on the amendment to the amendment; and it was not agreed to.

Mr. PHELPS. I offer the following as an amendment to the amendment:

And the amount which has been heretofore expended by any city or town for the improvement of the river or harbor upon which it is situated, shall be refunded, and be paid out of any money in the Treasury not otherwise appropriated.

Mr. WENTWORTH, of Illinois. I rise to a question of order. That amendment introduces a new item into the bill.

The CHAIRMAN. The Chair overrules the point of order, and decides that the amendment is in order, as being germane to the amendment of the Senate.

Mr. PHELPS. I am willing to yield any credit to the city of New York for the enterprise of its merchants. I know it is a city where the merchants are enterprising. I know they are wealthy, and are ready to do anything to promote the interest of the city, and I rejoice in the prosperity of the city. But when you undertake to legislate money into the pockets of individuals who have paid it out for these improvements in one portion of the Union, why not go to the other portions of the Union and refund the money which has been paid out for such improvements in the small cities and towns? When you undertake to refund this money to the city of New York, the great commercial emporium of the nation, why not do the same for the city of St. Louis, the city which I, in part, represent upon this floor?

Sir, the city of St. Louis has expended some two or three hundred thousand dollars in making improvements in her harbor, because the General Government would not remove the obstructions there; and the money has been raised from her citizens by taxation. They did it for the purpose of promoting the prosperity of the city. But if it be proper to refund those \$9,000 to New York, because she comes here as a suppliant, it is equally right to refund to St. Louis the two or three hundred thousand dollars which her citizens have paid. It is right that the citizens of Wilmington should be paid for what they have expended in their harbor; and it is equally right and proper that the money expended by all the cities in the United States for such purposes should be refunded to them.

Mr. CUMMING. Has New York ever refused to vote to St. Louis, or any other city, what they have asked for improvements like these?

Mr. PHELPS. What I asked was, that St. Louis should be placed upon the same footing with New York in this bill.

Mr. CUMMING. I am perfectly willing, so far as I am concerned, to place St. Louis upon the same footing with New York in this bill. I am willing to place Wilmington, North Carolina, upon the same footing. I am willing to place Baltimore upon the same footing. I am willing to place Boston, or any other city in the United States, upon the same footing with New York.

Mr. HAVEN. I fear we are taking up too much of the time of the committee in discussing these amendments. It seems to me we cannot well

spend more without prejudice to other bills, which need the action of the House. I may be allowed to say, however, that I did not expect my friend from Missouri would be willing to go before the country as such an ardent advocate for refunding money paid out by private citizens for such improvements. For one, I am quite willing that this amendment should be non-concurred in. In fact, I am inclined to think the committee had better non-concur in it; but I hope, at all events, they will vote upon it without further discussion.

Mr. PHELPS. I am not a friend to these appropriations, but I am a friend to justice—justice to all sections of the Union.

[Cries of "Order!" "Order!"]

The CHAIRMAN. No further debate is in order.

The amendment offered by Mr. PHELPS was then disagreed to.

Mr. HENN. I move to decrease the appropriation one dollar.

Mr. HAVEN. While I do not wish to interfere with my friend from Iowa, I must raise a question of order upon his amendment. The Senate amendment does not make any specific appropriation. It is to refund the money which has been paid.

The CHAIRMAN. The Chair understands the amendment of the gentleman from Iowa to move to decrease the appropriation for New York, and if that is his amendment, the Chair thinks it is in order.

Mr. HAVEN. But there is no specific appropriation named in the Senate amendment, and, therefore, an amendment cannot be offered to reduce any amount.

The CHAIRMAN. Then the Chair will decide the amendment to be out of order.

Mr. HENN. I move to strike out the whole appropriation for New York.

Mr. HAVEN. Again I raise a question of order. There is no specific appropriation for New York.

The CHAIRMAN. The Chair will then be compelled to decide the amendment out of order.

Mr. HENN. Well, sir, I move to strike out of the Senate amendment the words "including the amount expended prior to August 30."

The CHAIRMAN. That is in order.

Mr. HENN. I wish to say only two or three words, and not to consume the time of the committee. I wish to know whether the friends of the river and harbor bill are going to stand by each other? If they are, let us vote down this and every other amendment to the bill.

[Cries of "Order!"]

Mr. ORR. The gentleman ought to confine himself to his proposition, and not lecture his friends here.

Mr. HENN. I wish to know whether the friends of the river and harbor bill desire to have it go back to the Senate or not? If we concur in all these amendments, it will not go back, and then we may save the bill. I wish to see all its true friends, then, try to save it. I withdraw the amendment.

Mr. WALSH. I object to the withdrawal of the amendment.

The question was taken; and the amendment was rejected.

The question was taken; and the amendment of the Senate was non-concurred in.

Third amendment:

After this paragraph: "For continuing the reopening of a communication between the Albemarle Sound, in North Carolina, and the Atlantic ocean, \$50,000," add the following:

In addition to the sum of \$50,000 appropriated by the act of August 30, 1852, and this sum, as well as a former appropriation, may be used for a breakwater, or such other works as the Secretary of War may deem best adapted to accomplish that object.

Mr. HAVEN. I hope we shall non-concur in that amendment.

The amendment was non-concurred in.

Fourth amendment:

For the improvement of the Brazos river, in the State of Texas, \$44,000.

Mr. WENTWORTH, of Illinois. I hope there will be a non-concurrence in the amendment.

The amendment was non-concurred in.

Fifth amendment:

Insert the words "and Passaic river, below the town of

Newark and of Newark bay," so that the paragraph will read:

For continuing the improvement of the harbor at Newark, and Passaic river, below the town of Newark, and of Newark bay, New Jersey, \$25,000.

Mr. PENNINGTON. I move, *pro forma*, to increase the appropriation one dollar.

I have only to say to the committee that this amendment of the Senate is proper and necessary to subserve the purpose for which the appropriation was originally put into the bill.

I withdraw my amendment.

The question was taken; and the amendment of the Senate was non-concurred in, there being, on a division, only forty-nine votes in the affirmative.

Sixth amendment:

For the survey of the harbors of San Pedro, Santa Barbara, Monterey, San Francisco, Humboldt, and Trinity, in the State of California, and the rivers Sacramento, San Joaquin, and Colorado, and the harbor of Appalachicola, Florida, \$50,000.

For a survey for a breakwater at Grace's Point, Block Island, \$5,000.

Mr. McDUGALL. I wish to say if there is any part of the bill that is legitimate that amendment is.

The amendment was non-concurred in.

Seventh amendment:

Page fifteen, line eight, after the word "bidders," strike out all to the end of the bill, which comprises the following words:

Provided, That all persons entrusted with the disbursement of the fund appropriated for the works named in this act shall be required to give bond and ample security for the faithful application of the same.

The amendment was non-concurred in.

Eighth amendment:

Add at the end of the bill the following section:

Sec. 4. And be it further enacted, That the Secretary of War be, and he is hereby, authorized to contract with the proper parties for the purchase of Grant's pass near the entrance of Mobile harbor, on the mail route from New Orleans to Mobile, and that he report said contract to Congress at its next session for approval.

The amendment was non-concurred in.

Mr. HAVEN. I move that the committee rise, and report the amendments to the House.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the Union generally, and particularly the Senate amendments to House bill (No. 392) "making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law," and had instructed him to report back the same to the House, with a recommendation that the House disagree to all said amendments.

Mr. HAVEN. I call for the previous question.

Mr. LETCHER. I move to lay the amendments on the table; and on that I ask the yeas and nays, if I am in time in doing so.

Mr. STUART, of Michigan. Is it competent to ask a separate vote on the several amendments?

The SPEAKER *pro tempore*, (Mr. JONES, of Tennessee, in the chair.) It is competent to do so.

Mr. STUART. Then I demand a separate vote on each of the amendments.

Mr. CAMPBELL. I ask the Chair whether, if the motion to lay the amendments on the table prevail, it does not carry the whole bill with it?

The SPEAKER *pro tempore*. If the amendments are laid on the table, they carry the bill with them.

Mr. LETCHER. I withdraw my motion to lay the amendments on the table.

The previous question was then seconded, and the main question ordered to be put.

Mr. ORR. I ask the yeas and nays on the adoption of the first amendment.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 70, nays 76; as follows:

YEAS—Messrs. Appleton, Banks, Bennett, Benson, Bliss, Bug, Campbell, Carpenter, Caruthers, Clark, Cook, Cullom, Cumming, John G. Davis, Thomas Davis, DeWitt, Dick, Disney, Dunham, Eastman, Edgerton, Edmands, Thomas D. Eliot, Eliot, Farley, Fenton, Flagler, Florence, Franklin, Goodrich, Green, Greenwood, Grey, Aaron Harlan, Haven, Henn, Hill, Howe, Hughes, Hunt, Johnson, Knox, Latham, Lindsley, McCulloch, Matteson, Maurice, Smith Miller, Morgan, Noble, Mordecai Oliver, Parker, Pennington, Preston, Pringle, Riddle, David Ritchie, Robbins, Russell, Sabin, Sage, Sapp, Seward, Shaw, Simmons, Frederick P. Stanton, Hester L. Stevens, Nathaniel G. Taylor, Thurston, Upham, Wade, Walley, Elihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Yates, and Zollcoffer—85.

NAYS—Messrs. Willis Allen, David J. Bailey, Barks-

dale, Barry, Belcher, Bell, Boeock, Boyce, Breckinridge, Bridges, Brooks, Caskey, Chamberlain, Chastain, Churchwell, Cobb, Craige, Dawson, Dowdell, Edmundson, John M. Elliott, English, Everhart, Faulkner, Fuller, Gamble, Goode, Greenwood, Grow, Wiley P. Harris, Hibbard, Houston, Ingersoll, Daniel T. Jones, George W. Jones, Keitt, Kidwell, Kittredge, Kurtz, Lamb, Letcher, McMullin, McNair, McQueen, Macy, Max, Smith Miller, Millson, Morrison, Murray, Nichols, Olds, Orr, Packer, John Perkins, Phelps, Powell, Pratt, Riddle, Rufin, Shaw, Shower, Singleton, Skelton, William Smith, George W. Smyth, Richard H. Stanton, Stuart, Straub, Andrew Stuart, Vail, Vansant, Walbridge, Walsh, Daniel B. Wright, and Hendrick B. Wright—76.

So the first amendment was non-concurred in.

Mr. PHELPS. I move to reconsider the vote by which the first amendment has been non-concurred in; and I also move that the motion to reconsider be laid on the table.

Mr. HENN (at half past one o'clock, a. m.) moved that the House do now adjourn.

Mr. CAMPBELL. I move that there be a call of the House.

Mr. HENN. Then I withdraw my motion.

Mr. PHELPS. And I withdraw the motion that I made to reconsider the vote by which the first amendment was rejected.

The call of the House was not ordered.

Mr. SMITH, of Virginia. Is it in order now to move to lay the bill and amendments on the table?

The SPEAKER *pro tempore*. It is in order to move to lay the amendments on the table.

Mr. SMITH. Then I move to lay the amendments on the table.

Mr. PRINGLE. I move a call of the House.

The SPEAKER *pro tempore*. The gentleman cannot do so. The motion for a call of the House is not in order when the previous question has been ordered.

Mr. PRINGLE, (at one o'clock and thirty-five minutes, a. m.) Then I move that the House do now adjourn.

Mr. ORR. Is that the entertainment that our friend over the way invited us to?

[Laughter, and cries of "Order!"]

The question was taken; and the motion to adjourn was not agreed to.

The question recurring on Mr. SMITH's motion,

Mr. PHELPS. I appeal to my friend from Virginia to withdraw his motion to lay the amendments on the table.

Mr. SMITH. Well, I do so.

Mr. WALSH. And I renew it.

Mr. BARKSDALE. On that motion I ask the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 68, nays 85; as follows:

YEAS—Messrs. James C. Allen, Willis Allen, David J. Bailey, Barksdale, Barry, Belcher, Boeock, Boyce, Bridges, Brooks, Caskey, Chastain, Cobb, Craige, John G. Davis, Dowdell, Dunham, Edmundson, John M. Elliott, Everhart, Faulkner, Fuller, Gamble, Goode, Grow, Wiley P. Harris, Hibbard, Houston, Ingersoll, Daniel T. Jones, George W. Jones, Keitt, Kidwell, Kittredge, Kurtz, Lamb, Letcher, Lilly, McMullin, McNair, McQueen, May, Millson, Morrison, Murray, Olds, Orr, Packer, John Perkins, Phelps, Phillips, Powell, Pratt, Rufin, Shaw, Singleton, Skelton, William Smith, George W. Smyth, Stratton, Straub, Vail, Walbridge, Walker, Walsh, Daniel B. Wright, and Hendrick B. Wright—68.

NAYS—Messrs. Appleton, Banks, Bell, Benson, Bliss, Bug, Campbell, Carpenter, Caruthers, Chamberlain, Chandler, Churchwell, Clark, Cook, Cullom, Cumming, Thomas Davis, Dawson, DeWitt, Dick, Disney, Eastman, Edgerton, Edmands, Thomas D. Eliot, Eliot, English, Farley, Fenton, Flagler, Florence, Franklin, Goodrich, Green, Greenwood, Grey, Aaron Harlan, Haven, Henn, Hill, Howe, Hughes, Hunt, Johnson, Knox, Latham, Lindsley, McCulloch, Matteson, Maurice, Smith Miller, Morgan, Noble, Mordecai Oliver, Parker, Pennington, Preston, Pringle, Riddle, David Ritchie, Robbins, Russell, Sabin, Sage, Sapp, Seward, Shower, Simmons, Frederick P. Stanton, Hester L. Stevens, Andrew Stuart, David Stuart, Nathaniel G. Taylor, Thurston, Upham, Vansant, Wade, Walley, Elihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Yates, and Zollcoffer—85.

So the House refused to lay the amendments on the table.

Pending the call,

Mr. MAXWELL stated that he had paired off with Mr. BALL.

Second amendment:

Page ten, line six, after words "New York harbor," insert the words "including the amount expended prior to August 30, 1852."

Mr. PHELPS. I ask for the yeas and nays on that amendment.

The yeas and nays were not ordered.

The question was taken; and the amendment was non-concurred in.

Third amendment:

Page eleven, line five, after the appropriation of \$50,000 for reopening a communication between the Albemarle Sound in North Carolina and the Atlantic ocean, insert the following as part of the same clause:

In addition to the sum of \$50,000 appropriated by the act of August 30, 1852, which sum is hereby reappropriated for a breakwater or such other works as the Secretary of War may deem best adapted to accomplish that object.

The amendment was non-concurred in.

Fourth amendment:

Page twelve, line five, after the appropriation for the improvement of the Colorado river, in Texas, insert:

For the improvement of the Brazos river, in the State of Texas, \$44,000.

The amendment was non-concurred in.

Fifth amendment:

Page thirteen, line twenty-seven, insert the words "and Passaic river below the town of Newark and of Newark bay;" so as to make the clause read:

For continuing the improvement of the harbor at Newark and Passaic river below the town of Newark and of Newark bay, New Jersey, \$25,000.

Mr. FENTON. I demand the yeas and nays upon that amendment.

The yeas and nays were not ordered.

Mr. WENTWORTH, of Illinois. I call for tellers upon the question.

Tellers were not ordered.

The question was then taken; and the amendment was non-concurred in.

Sixth amendment:

Page thirteen, after line eight, insert the following:

For the survey of the harbors of San Pedro, Santa Barbara, Monterey, San Francisco, Humboldt, and Trinity, in the State of California, and the rivers Sacramento, San Joaquin, and Colorado, and the harbor of Apalachicola, Florida, \$15,000.

Mr. HAVEN. I call for tellers on that amendment.

Tellers were ordered; and Messrs. CHAMBERLAIN and PRATT were appointed.

The question was taken; and the tellers reported—ayes fifty-one, (not a majority of a quorum.)

So the amendment was non-concurred in.

Seventh amendment:

Page fifteen, line eight, after the word "bidders" strike out to the end of the bill, as follows:

And provided, That all persons intrusted with the disbursement of the funds appropriated for the works named in this act, shall be required to give bond and ample security for the faithful application of the same.

The amendment was non-concurred in.

Eighth amendment:

Add at the end of the bill the following:

SEC. 4. And be it further enacted, That the Secretary of War be, and he is hereby, authorized, to contract with the proper parties for the purchase of Grant's Pass, near the entrance of Mobile harbor, on the mail route from New Orleans to Mobile, and that he report said contract to Congress, at its next session for approval.

The amendment was non-concurred in.

Mr. WENTWORTH, of Illinois. I move to reconsider the vote by which the amendments were non-concurred in, and to lay the motion to reconsider upon the table.

The latter motion was agreed to.

Mr. WENTWORTH. I now move to suspend the 16th and 17th joint rules to allow the bill to go to the Senate.

The SPEAKER. The motion is not necessary as those rules have been suspended for the remainder of the session.

Mr. HAVEN. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. HENN. I ask the gentleman from New York to withdraw that motion to permit me to offer a resolution providing for paying the mail boys who are so constantly bringing our mail to us.

Mr. HAVEN. I cannot withdraw for that purpose.

Mr. HIBBARD. I rise to a privileged question. I move to reconsider the vote by which the bill to provide for carrying into effect the late treaty between the United States and Great Britain was referred to the Committee of the Whole on the state of the Union.

Mr. ORR. I ask the Speaker if that motion is in order? Does not the motion of the gentleman from New York to go into a Committee of the Whole on the state of Union take precedence?

Mr. HAVEN. I only desire to say that I have

no disposition to take any control over these matters. I am perfectly willing to leave the arrangement and disposal of the business of the House, to the gentlemen upon the other side of the House.

Mr. PHELPS. I hope the gentleman from New Hampshire will withdraw his motion.

Mr. HIBBARD. At the request of gentlemen around me, I will withdraw my proposition to reconsider.

The SPEAKER. The gentleman can have it entered, and taken up at any time.

Mr. McMULLIN. I think that it is certain, and must be well understood, that it will be utterly impossible for us to adjourn to-morrow at twelve o'clock.

[Cries of "Order!"]

Mr. McMULLIN. I move that the House do now adjourn; and on that motion I demand tellers.

Tellers were not ordered.

The question was taken; and the House refused to adjourn.

The question was taken on Mr. HAVEN's motion; and it was agreed to.

NAVAL APPROPRIATION BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. FULLER in the chair.)

Mr. PHELPS. I move that the committee do now proceed to the consideration of the amendments of the Senate to the naval appropriation bill.

The motion was agreed to.

First amendment:

That at the navy-yard at San Francisco the pay of the commander shall be \$3,500 per annum; the pay of one storekeeper, \$3,500; one civil engineer, \$4,000; one draughtsman, who shall be clerk to engineer, \$2,000; one clerk to storekeeper, \$2,000; one navy agent, \$4,000; one clerk to navy agent, \$2,000.

Mr. PHELPS. An amendment similar to this was offered when this appropriation bill was last before us, and ruled out of order. I hope it will be non-concurred in.

Mr. McDUGALL. These are officers who have to discharge official duty in California, and their pay, as specified in the amendment, has been fixed in the estimates from the Department. The Committee of Finance of the Senate have reduced the estimates in almost every instance, and I am sure that the services required of these officers cannot be had in California for less than the amount stated in the amendment. Why should there be a non-concurrence?

Mr. PHELPS. I have this to say: At present, in California, you have a dry-dock and a pier constituting your navy-yard, and by the act of last Congress it was provided that that dry-dock may be leased out to dock the merchant marine. Then I do not see why we should have the personnel of a navy-yard there. The amendment provides for a commander, storekeeper, civil engineer draughtsman, and navy agent.

Mr. BOCOCK. It will be remembered that on a former occasion, when this bill was up, I moved an amendment similar to the one now under consideration. I had no opportunity to explain it, because it was ruled out of order.

Now, Mr. Chairman, we have a dry-dock and pier in California; and under an act passed by a former Congress, a navy-yard distinct and separate was provided to be laid out. In order to have it laid out, it is necessary to send some one there to take charge and superintend the work. The Secretary of the Navy has already actually ordered a commander of the Navy to repair there for the purpose of that superintendence. Now, I would ask my friend from Missouri, can this commander, who has been ordered, and is bound to go there, live in California at a pittance of \$2,500? The commonest of day-laborers get ten dollars a day there. The price of board is six dollars per day. If more officers are provided for in the amendment than are needed, move to strike some out. Some must go; some have been ordered to go there. Then pay those who are bound to go a proper salary. To pay a proper salary, we must make an increase of what is already received by these officers.

Mr. PHELPS. I look to the action of this House in reference to the navy-yard at San Francisco. The Committee of Ways and Means recommended that \$200,000 should be appropriated for the building of a navy-yard at that place. The Committee of the Whole on the state of the

Union agreed to the amendment; but when it came into the House, it was voted down. The Senate made an amendment to the bill appropriating for the same purpose the same amount which was recommended by the Committee of Ways and Means. Then, if the House refuses to concur in that amendment, of what use are all these officers?

Mr. SKELTON. Do not these officers get their regular salaries as naval officers besides?

Mr. PHELPS. This is to increase their pay.

Mr. BOCOCK. It is not in addition to their pay as naval officers.

Mr. McDUGALL. I move to increase the appropriation ten dollars. Mr. Chairman, I would ask the gentleman from Missouri whether the Committee of Ways and Means did not recommend an appropriation of \$200,000 for the navy-yard at San Francisco?

Mr. PHELPS. I have already stated that the Committee of Ways and Means did recommend such an appropriation. I also stated that the House struck it out.

Mr. McDUGALL. It has been recommended by the Secretary of the Navy, by the Committee of Ways and Means of this House, and by the Finance Committee of the Senate. It is now added to the bill by the Senate, and I hope it will be concurred in by this body.

We have a navy agent at San Francisco. We have a naval storekeeper there, apart from, and not at all connected with, the navy-yard. They are both important offices, and the individuals who hold them are responsible for the disbursement of large sums of money in the transaction of important public business; and there must be an appropriation made providing for their payment. I contend that the sum appropriated in this bill for that purpose is not a fair and reasonable compensation; and it is less than bricklayers get in the city of San Francisco. If we are to have an administration of Federal officers there, let us give such a compensation as will secure good, fair, and respectable men—men who are fit to hold a responsible position. I consider that the amendment is a just and reasonable one, and I hope that the committee will agree to it. I now withdraw my amendment.

The question was then taken; and the amendment was non-concurred in.

Second amendment:

Page two, line fifteen, after the word "dollars" insert: "Provided, Any naval officers who may be charged with the preparation, superintendence, or publication of the Nautical Almanac, shall receive no compensation for such duty beyond what he would receive whilst on duty at sea;" so that, as amended, the section would read:

For pay of the superintendents of naval construction, and all the civil establishments at the navy-yards and stations, \$15,350: Provided, Any naval officer who may be charged with the preparation, superintendence, or publication of the Nautical Almanac, shall receive no compensation for such duty beyond what he would receive whilst on duty at sea.

Mr. PHELPS. I hope the committee will agree to the amendment.

The amendment was concurred in.

Third amendment:

Page five, line two, after the word "other" strike out all to the end, and including the word "dollars," in line six, and insert in lieu thereof the words "improvements applicable to naval purposes, \$10,000," so that the section, as amended, would read:

To enable the Secretary of the Navy to test any improvements in steam boilers, or improvements applicable to naval purposes, \$10,000.

Mr. PHELPS. It will be recollected that an appropriation of \$10,000 was made for the purpose of enabling the Secretary of the Navy to test any improvements in steam boilers. The Senate have agreed to the amendment, providing that this sum should be expended for that purpose, or for any other purpose relative to improvement in naval affairs.

The amendment was agreed to.

Mr. WRIGHT, of Pennsylvania. I move that the committee rise.

The question was taken; and it was decided in the negative.

So the committee refused to rise.

Fourth amendment:

In line twenty-six, after the word "tools," strike out the word "from," and insert in lieu thereof the word "for," so that the section, as amended, would read:

For quay wall, connecting with dock basin; completing engine house; machinery, tools for machinists and smiths; launching and hauling up water cisterns; for officers' quarters; extending ship-house number four; extension of ship-house, and launching slip, and repairs of all kinds, \$63,550.

The amendment was agreed to.

Fifth amendment:

Page eight, line two, after the word "slip" insert "gas fixtures and pipes for lighting grounds and buildings."

Mr. PHELPS. This is a proposition to increase the appropriation for the improvement of the navy-yard at Norfolk \$10,000, and for the purpose of introducing gas for lighting that navy-yard. I think we had better concur in the amendment.

The amendment was concurred in.

Sixth amendment:

Line three, after the word "and" where it first occurs, strike out the word "fifty," and insert in lieu thereof the word "sixty."

The clauses amended by the fifth and sixth amendments reads:

For completion of saw-mill, completion of ordnance building, completion of marine railway, extending boiler shop, converting old ordnance to machine shop, quay wall, removing shears, extension of ship-house and slip, gas fixtures and pipes for lighting grounds and buildings, filling in around foundry and laboratory, dredging channel, machinery, steam hammer and slanting machine, and repairs of all kinds, \$162,281.

Mr. PHELPS. I recommend a concurrence in the amendment striking out the words "for continuing and raising the walls at Pensacola navy-yard and armory." The appropriation is for continuing the foundry and machinery for the same, and for the extension of the ship-house and improvements and repairs of all kinds, \$152,281. The amendment proposes to strike out the word "fifty," and insert in lieu thereof the word "sixty," so as to make the appropriation \$162,281. This amendment is necessary in consequence of the expense of introducing gas into the navy-yard at Pensacola.

The amendment was concurred in.

Seventh amendment:

Page eight, line four, after the word "wharf," strike out to, and including the word "dock basin," in line five.

The clause, as amended, reads:

For continuation of permanent wharf, engine and blast pipes for smiths' and machine shop, and repairs of all kinds, \$143,500.

Mr. PHELPS. I recommend a concurrence in that amendment.

The amendment was concurred in.

Eighth amendment:

Page eight, strike out lines eight, nine, and ten, and insert as follows:

Navy yard, San Francisco: for continuing the blacksmith's shop, carpenter's shop, store house, wharf, officers' quarters, and other works, \$200,000.

Mr. PHELPS. I recommend a non-concurrence.

Mr. McDUGALL. On what grounds do the Committee of Ways and Means report against that amendment?

Mr. PHELPS. If the gentleman from California had paid attention to the proceedings he would have found that the amendments of the Senate to this bill have not been referred to the Committee of Ways and Means.

Mr. McDUGALL. Then I ask on what authority the recommendation is given?

Mr. PHELPS. I recommend on my individual responsibility. I never have stated that the committee made these recommendations.

Mr. McDUGALL. I understood you to say that they were the recommendations of the committee.

Mr. PHELPS. Never; never.

Mr. McDUGALL. The Committee of Ways and Means, when the bill was before the House, recommended an appropriation of \$200,000 for improvements at San Francisco navy-yard; and I presume they would recommend the amendment reported from the Senate. I ask the gentleman from Missouri whether he can say the Committee of Ways and Means concur in that amendment?

Mr. PHELPS. I do not say that the Committee of Ways and Means either concur or non-concur.

Mr. McDUGALL. Have they acted upon it?

Mr. PHELPS. I have stated that they have not acted on any of these amendments. If the gentleman had only paid a little attention, he would have found that I stated that fact some four times.

[Cries of "Question!" "Question!"]

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. McDUGALL. I merely wish to be understood by the committee. This appropriation has been recommended by the Department. It was recommended by the Committee of Ways and Means of this House. It was recommended by the Committee of Finance in the Senate. The amendment containing it passed the Senate, and it has now come back here. It is rendered necessary for the purpose of carrying on improvements already commenced in California. The work has to be built some time, and if the appropriation be not made now, it will only cause the loss of a year. But I do not know why the appropriation should not be made at this session.

Mr. SKELTON. This is the very same proposition which was before the House, and was voted down when the bill was under consideration.

Mr. McDUGALL. It was voted down because nobody said a word about it.

Mr. PHELPS. I think myself that it is advisable the appropriation should be made, and that the amendment should be adopted after striking out the words "officers' quarters and other works."

Mr. McDUGALL. I consent to that modification.

Mr. PHELPS. I recommend that to be done. The amendment will then be restored to the way in which the Committee of Ways and Means originally recommended it.

Mr. McMULLIN, (at two o'clock and twenty minutes a. m.) I move that the committee do now rise.

Mr. WASHBURN, of Maine. I call for tellers upon that motion.

Tellers were ordered.

[The committee here informally rose; and the Speaker having resumed the chair, a message was received from the Senate, by ASBURY DICKINS, Esq., their Secretary, informing the House that the Senate had agreed to the report of the committee of conference upon the disagreeing votes of the two Houses, upon the bill of the House (No. 48) making appropriations for the civil and diplomatic expenses of the Government for the year ending June 30, 1855.]

The committee then resumed its session.

Mr. MILLSON. I rise merely to make a suggestion to the gentleman from Virginia, and it is this: It is very evident that a large proportion of the members present are opposed to an adjournment, and would not adjourn if the committee should rise. Now, if, upon the motion to rise, the committee should find itself without a quorum, we should be compelled to call the roll, and then go into the House. In the House, the result will be a call of the House, which will occupy us until near morning, so that the gentleman will not effect the object he has in view, an adjournment; and we shall lose a great deal of precious time if his motion is insisted upon. The Navy and other appropriation bills are still to be disposed of.

Mr. McMULLIN. I cannot withdraw my motion with justice to myself and to my constituents. [Laughter.]

Mr. STRATTON. I call for a division upon the motion.

The CHAIRMAN. Tellers have been ordered.

Messrs. BENSON and McNAIR were then appointed tellers.

The question was taken; and the tellers reported—ayes 9, noes 121.

So the committee refused to rise.

[The committee here informally rose; and the Speaker having resumed the chair, a message was received from the Senate, by ASBURY DICKINS, Esq., their Secretary, informing the House that they had disagreed to the report of the committee of conference upon the bill of the House making appropriations for the service of the Post Office Department, for the year ending June 30, 1855, and had directed him to ask that another committee be appointed.]

The committee then resumed its session.

The question recurred upon the amendment offered by Mr. PHELPS to strike out the words "officers' quarters and other works."

The amendment was agreed to.

The question then recurred upon the adoption of the Senate amendment, as amended.

Mr. STANTON, of Tennessee. I move to amend by reducing the appropriation to \$100,000.

This amendment of the Senate is to strike out entire the appropriation for Memphis, Tennessee, and to insert in lieu of it, an appropriation for the construction of certain works at San Francisco, California. There is another amendment proposed by the Senate, at the close of the bill, abolishing the Government works at Memphis entirely, and ceding the improvements made by the Government there to the city of Memphis.

Mr. Chairman, for the last nine years, ever since I have had the honor to occupy a seat in this House, I have advocated the completion of the works at Memphis as being necessary to bring the great resources of the valley of the Mississippi into use for the benefit of the United States. But, sir, the appropriations for the benefit of those works have been very small. From a navy-yard, the establishment has dwindled down to a rope-walk, for the manufacture of American hemp, and even there the spindles are not now turning for the purpose of spinning rope. But, sir, if this state of things is to continue, if hemp is not to be purchased for manufacture, if the money expended there is to be thrown away, and the establishment suffered to rot down, perhaps it may be well to make the change.

Mr. McDUGALL. I regard the amendment of the Senate as of the utmost importance, and again express my hope that it may be passed.

Mr. STANTON. No man is more deeply interested in the necessity for a navy-yard at San Francisco, and no man would have more liberally voted than myself.

Mr. McDUGALL. I am aware of the kind disposition of my friend from Tennessee. I submit whether the appropriation for the navy-yard at San Francisco is not of infinitely more importance. The gentleman himself says that the navy-yard at Memphis has been turned into a rope-walk; and whatever may have been the cause of that change, it is evident that that is not, at the present time, an important point for a navy-yard. One is now imperatively demanded for the Pacific coast. Appropriations have already been made for that purpose, and the construction of the yard is already in progress. The enterprise should not be embarrassed by a denial of these important appropriations. I hope that the recommendations of the Navy Department, the Committee of Ways and Means, and of the Finance Committee, may be adopted by this committee.

Mr. STANTON, by unanimous consent, withdrew his amendment.

Mr. BRECKINRIDGE. I move *pro forma* to increase the appropriation one dollar.

Mr. Chairman, I am in favor of this amendment of the Senate. I will call the attention of the committee, and of my friend from Tennessee, to a little table, which I intended to present at an earlier period of the session. I believe that we require a navy-yard at San Francisco; but I do not believe that we require one at Memphis. I believe that we have too much of the *matériel* on shore, and too little of it afloat. To show how we have been distributing money among these navy-yards, I shall take the instance of Memphis. I take it because it is in my own section of the Union. The following is the result: We have expended there \$1,017,616 34. We have at Memphis officers whose annual salaries amount to the sum of \$19,360. Now, what have we to show for this million of dollars and more expended there, besides the annual expenditure of nearly \$20,000 for pay of officers? Nothing on earth, as my friend from Tennessee will bear witness, except that they spin a little rope there from hemp furnished from Kentucky and Tennessee. This shows that there are no results at the navy-yard at Memphis at all answerable to the expenses annually being incurred there. I will vote in favor of the amendment leaving out Memphis, and making the appropriation recommended by the Committee of Ways and Means, with a view of establishing a navy-yard at San Francisco. That is a point where a navy-yard would be of some use to the country.

Mr. DAVIS, of Rhode Island. It seems to me that we ought to consider this matter well before making this appropriation. There have been already large appropriations made for California in almost every appropriation bill before the House; and before we make an appropriation for a navy-yard at San Francisco, we should examine and consider the subject well to see if there is necessity for the establishment of such a yard there, or you

may, as at Memphis, find that you have expended a great deal of money with but little result flowing from it. Whatever may be the final result, it seems to me that we should not attempt to do everything at once, and accomplish all that may be necessary to be done there in one short session of Congress. I believe that this appropriation had better be postponed until some future day, when we can act more wisely and intelligently in reference to its necessity. Every thing that is done in California is done at a vast expense. I believe that there are private yards at San Francisco, where repairs of the few vessels that sail upon that coast can be made.

Mr. LATHAM. I wish to ask the gentleman from Rhode Island this question, whether he is aware of the fact that there are continually at anchorage in the bay of San Francisco between three and four hundred vessels; and that there have been between fifty and one hundred vessels sunk in the harbor there, because it was absolutely impossible to undergo the expense of carrying them into navy-yards where they could be fully and completely repaired?

Mr. DAVIS. My object was to call the attention of the House to the great amount of appropriations which we are asked to make upon that coast for California, and I do it for the purpose of showing the House the necessity of a full and thorough investigation of this subject, which they cannot give to it at this late period of the session.

Mr. BRECKINRIDGE, by unanimous consent, then withdrew his amendment.

The question was then taken upon the Senate amendment, as amended; and it was agreed to.

Ninth amendment:

Page eight, line fourteen, after the word "dollars," insert as follows:

And that the sum of \$100,000 be, and the same is hereby, appropriated for the establishment of a naval depot on the right bank of the river Mississippi in descending, at the site now owned and held by the United States for that purpose, near the city of New Orleans, and for such buildings and improvements as may be judged necessary for the accommodation of the United States vessels of war in that quarter.

Mr. PHELPS. I move to amend the amendment by striking out \$100,000 and inserting in lieu thereof \$25,000. It would seem, from the way in which the amendment is worded, that it is proposed to commence a navy-yard in New Orleans.

Mr. HUNT. A naval depot.

Mr. PHELPS. You may call it a "naval depot," if you please; but this amendment is an old acquaintance of mine. I had occasion to examine it at the last session of Congress; and also to consider it while on a committee of conference on one of the appropriation bills during the last session of Congress. Then the question of an appropriation was originated for the purpose of establishing a naval depot on a tract of land belonging to the Government, in the vicinity of New Orleans; but as I understood it, it was really the commencement of another navy-yard. In fact, that was the object avowed by the Senator who then, in part, represented Louisiana.

THE RIVER AND HARBOR BILL.

The committee rose informally; and the Speaker having resumed the chair, a message was received from the Senate, by ASBURY DICKINS, Esq., its Secretary, notifying the House that the Senate insisted upon their amendments disagreed to by the House to the river and harbor appropriation bill.

Mr. WENTWORTH, of Illinois. I move that the House insist upon its disagreement to the Senate's amendments; and I ask that a committee of conference be appointed, to meet a similar committee on the part of the Senate, on the disagreeing votes of the two Houses.

It was so ordered; and Messrs. WENTWORTH, of Illinois, CLINGMAN, and PERKINS of Louisiana, were appointed managers of said conference on the part of the House.

ENROLLED BILLS.

Mr. GREEN, from the Committee on Enrolled Bills, reported as correctly enrolled the following bill, which thereupon received the signature of the Speaker:

An act to incorporate the Pioneer Manufacturing Company of Georgetown, District of Columbia.

The committee then resumed its session.

NAVY BILL—AGAIN.

Mr. PHELPS. I was remarking, Mr. Chairman, that one of the Senators from the State of Louisiana, at the last session of Congress, avowed to me that it was his expectation to have a navy-yard established at New Orleans, in the event of an appropriation similar to this being made. Now, it is the opinion of every one who has examined this question, that we have already too many navy-yards in this country.

Mr. HUNT. How many are there on the Mississippi river?

Mr. PHELPS. I believe there is one.

Mr. HUNT. There is not one.

Mr. PHELPS. There is one at Memphis.

Mr. HUNT. That is not near us.

Mr. PHELPS. But you have one comparatively near you—that at Pensacola. That one ought to be sufficient for the Gulf coast.

Mr. HUNT. And yet on the Atlantic coast you have navy-yards at Norfolk, Philadelphia, New York, and Boston.

Mr. PHELPS. Ask every Secretary of the Navy, and he will tell you that we have already too many navy-yards; and now it is proposed by this amendment to establish another at New Orleans. For this reason, Mr. Chairman, I am opposed to the amendment of the Senate. I had expected, and it was the expectation of the body, that the naval committee of this House was to have acted on this question before this, and been able to report at this session of Congress a bill to abolish some of these navy-yards. But, owing to the immense amount of business they had to transact, it was impossible for that committee to make a report on this subject.

Mr. BOCKOCK, (interrupting.) If the gentleman from Missouri will permit me, I will say, that I believe it was the unanimous opinion of the committee that we had too many navy-yards; but they were not able to agree as to which should be abolished.

Mr. PHELPS. Then we have the opinion, the unanimous opinion, of the Committee on Naval Affairs, who have charge of this and matters of a like nature, that we already have too many navy-yards in the country; and yet, if this appropriation is made, we shall find a navy-yard growing up at New Orleans.

Mr. SKELTON. I will remark, that the Committee on Naval Affairs were of the unanimous opinion that we have too many navy-yards; they were also of opinion that one upon the Gulf, and one upon the Atlantic coast, would be sufficient.

Mr. PHELPS, by unanimous consent, withdrew his amendment.

Mr. FLORENCE. I, for one, did not agree that one navy-yard upon the Atlantic coast would be sufficient.

Mr. HUNT. Mr. Chairman, I was informed of this amendment only a few hours ago, and have had no opportunity of satisfactory preparation for its immediate discussion. But the Senator who gave me the information [Mr. SLIDELL] was kind enough to furnish me, at the same time, with a memorandum on the subject, which relieves me from the embarrassment I would otherwise, in a great measure, experience. The memorandum is written by a well informed and experienced officer of the Navy, and presents the reasons in support of the amendment so clearly, so briefly, and so conclusively, that I will take the liberty of reading it to the committee:

"Reasons for establishing a naval depot of equipment and of coal, and a rendezvous at New Orleans."

"New Orleans is a vast commercial mart, where are to be had all the personnel and the material requisite to equip a fleet.

"It is the chief point of assemblage of more than fifty thousand men engaged in the commerce of the valley of the Mississippi, and of some four to five thousand seamen of the ocean merchant marine.

"The material referred to is the production of the country, finding its first market at New Orleans, and can therefore be procured at the lowest possible cost.

"It is the region of live oak, yellow pine, and cypress, and near that of locust and red cedar, the best ship-timber in the world.

"The fuel for steamers (coal) will not be subject to the cost of transshipment, which is rarely less than one hundred per cent. The depth of the bar at the mouth of the Mississippi is sufficient for the largest class of war steamers, if properly muddled; and the channel from thence to New Orleans is always clear. The steamer would come to her coal instead of having the coal sent to her."

The position of New Orleans is eminently advantageous for defense; and it is most safely, suitably, and conveniently situated to equip the

only description of force which the change in naval warfare has made adequate to the protection of our commerce in its passage through the Gulf of Mexico and Strait of Florida, viz: a steam fleet. All the means of constructing a steam fleet are at hand in the valley of the Mississippi. Already the operatives skilled in all the arts applicable to the construction of vessels and machinery build and put afloat some two hundred steamers per year. Some of these are of as much tonnage as the Pennsylvania three-decker; and the writer concludes with this recommendation:

"The depth of water on the bar of the Mississippi should be the limit of the draught of water of every steamer in the Navy of the United States; because that is about the standard depth of the entrances to most of our harbors south of the Chesapeake, from which the greater part of our naval force is debarked, and consequently rendered useless for their protection."

Mr. Chairman, I have been informed that the depot at Memphis has just been abolished. There is then no naval depot on the Mississippi.

Mr. STANTON, of Tennessee, (interrupting.) I dislike to interrupt the gentleman, but—

Mr. HUNT. Then why do you do it?

Mr. STANTON. I will explain why I do it. The gentleman from Louisiana says the navy-yard at Memphis has been abolished. I have not seen that that navy-yard has been abolished.

Mr. HUNT. I understood that to be the effect of a previous amendment.

Mr. PHELPS. The amendment which has been concurred in by the committee was to strike out the appropriation for Memphis. There is a proposition at the close of the bill for abolishing it.

Mr. HUNT. If we have stricken out the provision for its support, I apprehend we have substantially abolished the navy-yard. But, sir, the House is in possession of the reasons, and, in my opinion, they are ample, for supporting the amendment.

From the commercial and natural relation of the Mississippi and the Gulf of Mexico and the Caribbean Sea, it is clear there should be a depot on the Mississippi. Our commerce on the Gulf, and on that sea, now large, is, from our connection with the Pacific, increasing very rapidly. That commerce demands the protection of a considerable naval force; and that force, to be maintained as effective, should have near its field of operation a naval depot. New Orleans is manifestly the best site for the desired depot. From its situation, with due care for its protection, it is safe from any foreign attack; while, at the same time, it is within the easiest reach of war steamers for the supply and remedy of all their wants. This subject of a depot was brought to the notice of the Navy Department three or four years ago, in an able memorial of the general council of New Orleans. It urged the various grounds relied upon in the memorandum I have read. It sets forth that, by means of the Mississippi and its tributaries, New Orleans can receive supplies of every description at the cheapest rates. Provisions of all the kinds necessary for the subsistence of the Navy—munitions of war, and ordnance in all its varieties—hemp, as the raw material, and cordage, as its manufactured article—iron of the best quality, in its crude and manufactured condition—coal, timber, and machinery from Pittsburg and Cincinnati—all can be floated down to the wharf of the Government by the cheapest mode of transportation, and in its depot safely secured for future use and distribution.

[Here the hammer fell.]

Mr. PHELPS. I withdraw my amendment.

Mr. PERKINS, of Louisiana. For the purpose of allowing my colleague to proceed with his remarks, I move to increase the appropriation \$100,000.

Mr. HUNT. I am obliged to my colleague, but I have nothing further to say, the object having been stated, and the reasons found sufficient. I hope the House will support this amendment. It is necessary for the protection of the commerce of the gulf; it is necessary for the equipment of the vessels that may be required for the protection of commerce. It would be the place for a navy-yard; but the question now before us is for the establishment of a depot for equipment, coal, &c.

Mr. STANTON, of Tennessee. I rise to oppose the amendment. The gentleman from Louisiana does not seem to understand precisely the position in which the navy-yard at Memphis now stands. It is not abolished. It is not

removed. It is not substantially abolished, but it is in a very lingering condition. It remains only for the amendment added at the end of this bill, to give it the finishing stroke. By that amendment it is proposed to cede the establishment back again to the city of Memphis.

Now, sir, if this House is disposed to cut off all its appropriations, if it is disposed to give up all the machinery and facilities there for manufacturing American hemp, it would perhaps be as good a thing as could be done, to cede the establishment back to the city of Memphis.

Mr. BRECKINRIDGE. I want to ask my friend from Tennessee whether, of his knowledge, any ship has ever been built at the Memphis navy-yard?

Mr. STANTON. No ship has ever been built there because no Secretary of the Navy has ever ordered one to be built there. A ship, however, has been fitted out there. The Alleghany, which was built two thousand miles above, in Pittsburg, was brought down to Memphis and fitted out there.

I will say one word more. There is a gentleman now here, and who but a little while ago called me from my seat to the door, who proposes to build one of the six new steamers, at Memphis; and I tell my friend from Kentucky, that if the opportunity is only afforded us we will build forty ships at Memphis as well as they can be built anywhere else on the globe. We have the men and the material. We have everything necessary, and if my friend will only give us some of the hemp grown in his district, we will spin rope better and stronger than that made from the best Russian hemp to rig them.

Mr. BRECKINRIDGE. Has the navy-yard at Memphis all the materials and elements prepared to build one of the six steamers required by the Government?

Mr. STANTON. I do not say that we have all the machinery and establishments there for building vessels, because the appropriations have been stopped, and these fixtures have not been completed. We have had a portion of the appropriations necessary.

Mr. HUNT. The gentleman from Tennessee has made very brave promises, and has poured forth a feeling lamentation over his departed child.

The CHAIRMAN. Debate is exhausted on the amendment.

Mr. PERKINS, by unanimous consent, withdrew his amendment.

Mr. HUNT. I move to increase the appropriation \$10,000. Mr. Chairman, the honorable gentleman from Tennessee is a sensible man, and usually urges strong reasons for his propositions. He has urged no strong reason for his proposition in the present instance. He has not combated the reasons which I have presented to the committee. The situation of the two places is so different, and they stand in such different relations to commerce and our navy, that it was not possible for him to find such reasons for his proposition as have been urged in support of a naval depot near New Orleans.

Mr. STANTON, of Tennessee. I wish to say a word simply in reply to the proposition submitted by the gentleman from Louisiana. He said, when up before, that the supplies for the navy-yard at Pensacola came originally from New Orleans. Well, in reply, I have to say that they came originally from Memphis. In other words, they have to pass Memphis before they go to New Orleans, or Pensacola. We are in the midst of all the supplies necessary for the use of a navy, and for the building of a navy. We are nearer the source of those supplies than New Orleans. But I do not desire to make any competition with New Orleans. I have voted on former occasions for a depot there. I am by no means hostile to such an establishment. If the establishment at Memphis is to be abolished, I shall still maintain the interest of the Mississippi valley; because I conceive every portion of it to be interested from the sources of the river, and those of its tributaries to its mouth in a naval depot at New Orleans.

Mr. HUNT, by unanimous consent, withdrew his amendment.

Mr. PERKINS, of Louisiana. I move an increase of the appropriation \$25,000, for the purpose of saying a few words. And first, I desire to call the attention of members to the fact that

the gentleman who, this evening, represents the Committee of Ways and Means, speaks on this subject his own opinions merely, and not those of the committee. That committee have not had this amendment under consideration, and of course have expressed themselves in no way upon the subject. It is not unnatural that the gentleman from Tennessee [Mr. STANTON] should advocate a naval depot higher up the river than New Orleans. The establishment at Memphis is attributable to his exertions. He represents that district, and he is now laudably striving, with something of the partiality of a parent, for the continued existence of what he and we have just been given to understand is about to be abolished.

As to the remarks of the chairman of the Committee on Naval Affairs, [Mr. BOGOCCK], I have to say that the gentleman from Missouri has no right to use them against the New Orleans naval depot. When asked if we had not already too many naval depots, he simply stated that it was the impression of his committee that we had too many. But, sir, although the question was addressed to him with direct reference to the proposed depot at New Orleans, I did not understand that he expressed himself in opposition to its establishment. So far from it, I infer just the contrary from his remarks, for, although the invitation to do so was direct, he did not say that the public interest did not require one at that place.

The gentleman from Missouri [Mr. PHELPS] must consent to be alone in his opposition to this amendment. He does not speak for his committee, and the chairman of the Naval Committee has not confirmed his views. Now, sir, how does the matter stand? It seems that the United States have eight naval depots—one at Kittery, Maine, one at Boston, one at New York, one at Philadelphia, one at Washington, and one at Norfolk—six on the eastern Atlantic coast. It is very reasonable to infer, from the locality of these, and their very great contiguity, that we have too many on the north Atlantic coast; but it by no means follows that we have too many on the southern coast. At the South we have but two—one at Pensacola, and the other, in the interior, at Memphis, Tennessee, and that on the point, we are told, of being abolished.

Now, what are the peculiar wants of New Orleans in this respect? We have been told, and very happily, by my colleague, [Mr. HUNT], that the time has passed when vessels of war were entirely dependent on the wind and waves. The vessels now requiring the protection of our naval depots are driven by steam. Their wants are of the kind that enter into the construction of steam vessels upon our western waters; and for the repairs of such, we have everything in New Orleans equal to any other city of the Union. Coal is floated down the Mississippi river in great quantities, and can be had as cheap, or cheaper, there, than in any other city of the Union, except Philadelphia. Iron, in the same way, is brought to our door, and worked up by our foundries into the best of machinery. Hemp from all the West fills our market. Lumber—the best in the world—lines our coast, and is, at this very time, furnishing the material for the Navy of France. These, sir, are considerations that should not be disregarded in the establishment of a naval depot.

But, in addition to the coal, iron, hemp, and lumber, that we can provide so cheap, and of such quality, it should not be forgotten that the city of New Orleans is crowded for eight months of the year with the best mechanics of the North, and with sailors from all parts of the world. Thus to the materiel New Orleans can also add the personnel of your Navy. Aside, however, from all this, when you look to the immense commerce of the West that passes out of the Mississippi river into the Gulf; to those great movements of trade that are now directing the wealth of the world through the Gulf of Mexico, and across the continent from the Atlantic to the Pacific, it is astonishing that gentlemen should hesitate about the establishment of a little naval depot to repair the vessels of war that may be called to its protection. What, sir, is the pitiful sum of \$100,000, to enable you to repair Government vessels that are sent there every month in the year, compared with what might be the loss upon that coast from the want of repair to a single vessel? When Captain Hollins lately announced to the Secretary of the Navy the destruction of Greytown, where did he

go to repair his vessel? To Boston, nearly two thousand miles off. When gentlemen reflect upon this fact, and remember the large amount of commerce at this time exposed in the Gulf of Mexico, I do trust that they will give to this appropriation a cordial support. I assure them this amendment of the Senate has not been proposed merely for home effect. It was urged by our former as well as our present Senators, and it is designed to be used for a great and practical good—the security and protection of the vast and valuable commerce of all sections of the country.

In conclusion, I would add that no portion of it is to be applied to the purchase of ground. When, several years since, an appropriation was made for building a custom-house in New Orleans, that city presented the Government the ground upon which to erect it. If it was necessary, New Orleans would be as liberal again; but the Government already owns the ground for a naval depot, and this appropriation is simply asked to improve it to such a degree as to make it useful. I repeat, then, the establishment of a naval depot at New Orleans is called for by the interests of the commerce of all portions of our country, and by the exposed and destitute position of our whole southern coast. It is commended at this time by your abolition of the one at Memphis, and the economy that dictates a wise enjoyment of what the Government already possesses. Its locality and its commerce, the abundant supply furnished in its market of everything that is required for the repair of vessels, and the recruiting the personnel of your Navy, give New Orleans claims upon your consideration that should not be disregarded.

Mr. PHELPS. I oppose the amendment offered by the gentleman from Louisiana. And I have this to say in reference to it: I have stated heretofore that the Committee of Ways and Means are opposed to an increase in the number of navy-yards. It has been the unanimous opinion of that committee that we have already to many such establishments. So far as the city of New Orleans is adapted for the location of a navy-yard, I only ask the committee what Government would send a vessel there when yellow fever is prevailing in it? Tell me if you would send a vessel of your Navy there to be discharged? Why was Commander Hollins ordered the other day to bring his ship to Boston? He was ordered to a northern port that the mariners on board his vessel might recruit their energies after the exposure and heat which they had to endure in the Gulf of Mexico. But I will not discuss the subject any further, and hope a vote will now be taken on it.

Mr. HUNT. I ask leave to add one word only. The gentleman talks about the danger of visiting New Orleans during the continuance of an epidemic there. Sir, I tell you that the personnel of one of our ships can be at any time supplied there. How many seamen from the North, and how many engaged in foreign commerce, can always be procured there? And I should like to know from that gentleman if he would have no naval depot at all on the southern coast? Where, on the southern coast, is there a place free from epidemic? But if you fix the naval depot at New Orleans, where the personnel can be had, you will never want men to man your ships.

The question was taken on the Senate amendment; and it was non-concurred in.

Tenth amendment:

Page ten, after line four, insert as follows:

That the law approved March 3, 1843, directing advertisements for materials for the Navy be, and is hereby, so far modified as to require the classes only of materials to be stated in the advertisements, and bidders to be referred to the several Navy agents and chiefs of bureaus, who will furnish them with printed schedules, giving a full description of each and every article, with dates of delivery, &c.

Mr. PHELPS. That amendment is in compliance with the recommendation of the Secretary of the Navy. I move that it be concurred in.

The amendment was concurred in.

Eleventh amendment:

Page ten, at the end of line fourteen, insert as follows:

That the non-commissioned officers, musicians, and privates of the United States marine corps be entitled to, and receive the same pay and bounty for reenlisting as now is, or hereafter may be, allowed to non-commissioned officers, musicians, and privates of the infantry of the Army.

Mr. PHELPS. This amendment is necessary. It merely proposes to place the marines on the same footing with the infantry. It will be recollected that we passed a bill the other day providing

for the increase of pay of the rank and file of the Army, and it is but right to give the same to the marines.

The amendment was concurred in.

Twelfth amendment:

At the end of the bill add the following section:
Sec. 2. And be it further enacted, That the provisions contained in the act of the 22d April, 1854, adding a percentage to the pay of the clerks employed at the navy-yard of Washington city, be construed so as to include the clerks and messenger in the office of the navy agent at said yard, and the messenger in the commandant's office.

Mr. PHELPS. This amendment only proposes to give the same twenty per cent. that was given to the clerks of the navy-yard, to the clerks in the office of the navy agent and naval store-keeper. It is but right that they should have it.

The amendment was concurred in.

Thirteenth amendment:

Sec. 3. And be it further enacted, That the existing law limiting the number of officers of the Navy of the United States be so far modified as to entitle the officers belonging to the navy of Texas at the time of annexation, to the pay of the officers of the Navy of the United States on leave of absence up to the present time: *Provided,* The number of such officers shall not exceed eight.

Mr. PHELPS. I offer a *pro forma* amendment to the amendment, for the purpose of enabling me to explain it. This is a proposition to provide that those officers who were in the Texas navy at the time of the annexation of Texas to the United States, shall be paid the leave of absence pay from the time of annexation up to this present time. It will be remembered by the members of this House, that, for several years past attempts have been made in both Houses of Congress to incorporate the officers of the Texas Navy into the Navy of the United States. It has been contended by the friends of that measure that Texas, upon her admission into the Union, was entitled to claim that the officers of her navy should be incorporated into the Navy of the United States. Such a proposition as this, I hope, will not receive the sanction of this committee.

Mr. STANTON, of Tennessee. I think the adoption of the amendment proposed by the Senate is the easiest and best way of disposing of this long contested subject. It is well known to most of the members of this House, that these officers have claimed, and the Legislature of Texas have repeatedly claimed it for them, that they have a right to be admitted into the Navy of the United States by the very terms of annexation itself. Many gentlemen upon the floor of both Houses of Congress believe that there is great justice in the claim of these officers. Certainly the Navy of Texas was badly treated, and though there has been a successful opposition to their claim up to the present time, on account of the indisposition to increase our Navy, inasmuch as it was sufficient for all purposes—the officers being more numerous than the number of vessels in the service required—I say what better disposition can be made of this subject, than to give to these gentlemen whose State has repeatedly declared that they have been ill-treated, this extra pay, and thus settle the matter?

Mr. BRECKINRIDGE. I would ask the gentleman from Tennessee whether he supposes, if this amendment is adopted, and the extra pay given, it will put an end to the whole question? Or whether it will not prove a mere entering wedge.

Mr. STANTON. I suppose it will put the question at rest. But I am willing to adopt an amendment which shall prevent any such state of things as that suggested by the gentleman from Kentucky.

Mr. PHELPS then, by unanimous consent, withdrew his amendment.

[The committee here informally rose; and the Speaker having resumed the chair, a message was received from the Senate informing the House that they had passed a bill of the House "making appropriations for the support of the Army for the year ending June 30, 1855," with sundry amendments, in which he was directed to ask the concurrence of the House.]

The committee then resumed its session.

Mr. McMULLIN. I move to amend the amendment of the Senate by adding these words:

Provided, That the officers in the Texas navy shall take the same rank that they occupied in their own navy.

Mr. HENN. I rise to a question of order. The amendment of the gentleman from Virginia,

if adopted, would have the effect, as I understand it, to incorporate those officers into the Navy of the United States. The amendment of the Senate proposed only to pay them. I think the amendment of the gentleman from Virginia is clearly out of order.

Mr. McMULLIN. I will then modify my amendment so that these officers shall receive the same pay as if they had been incorporated into the American Navy.

Mr. HENN. That is what the amendment of the Senate proposes to pay them.

Mr. McMULLIN. Well, sir, the amendment is in order. Mr. Chairman, I look upon this as a very grave question. These Texan officers have never been in the service of the United States. The rank which they held in the Texan Navy does not correspond with nominally the same rank in the American Navy. Their regulations for promotion were different from ours. Now, is it right that you should pay these officers of the Texan Navy the same that you would have done if they had borne arms in the American Navy, and had held the same rank which they hold in the Texan Navy? Is it right that you should make this distinction in favor of Texan officers.

Mr. BARKSDALE. I desire to ask the gentleman from Virginia a question. Did Texas have a navy, and if so, how many men were in it?

Mr. McMULLIN. Texas did have a navy, but precisely what was the extent of that navy, I am not at this time prepared to state. I understand that a portion of her navy was purchased by the United States.

A MEMBER. But not paid for.

Mr. McMULLIN. Now, Mr. Chairman, I do not think this amendment ought to be incorporated into the bill. And if it is, if you are to pay these officers, you certainly ought not to pay them at a higher rate than you pay your own naval officers.

Mr. ORR. I am opposed to the amendment of the gentleman from Virginia. I think there is a good deal more in this amendment than appears upon the surface. The amendment of the Senate, in my opinion, if comprehended rightly, proposes to pay these officers leave of absence pay from the annexation of Texas down to the present time. And not only that, but it actually provides for incorporating them into the Navy of the United States.

Mr. McDUGALL. Oh, no, certainly not.

Mr. ORR. Well, I confess that, with what little examination I have been able to give it, I cannot see what other construction can be put upon it. What is the number provided for?

Mr. STANTON, of Tennessee. The number is eight. That is the limitation provided in the amendment; and they are, I believe, the only ones surviving.

Mr. ORR. Now, sir, I agree very much with the suggestions thrown out by the gentleman from Virginia. There were but few officers of the Texan Navy, but they had high rank and position. If they become part of the Navy of the United States, those who have been in our service for twenty years, will be preceded by their juniors.

Mr. HENN. If these men have not been in the service of the United States, why should we pay them?

Mr. ORR. They have not at all been employed in the service of the United States. I do not see any obligation on us to pay them. I think the adoption of this amendment is an incorporation of that Navy into our Navy.

Mr. SKELTON. Why change the number of officers of our Navy if it be not the intention to incorporate these officers of the Texan Navy into it?

Mr. McMULLIN, by unanimous consent, withdrew his amendment.

Mr. SMITH, of Virginia. I do not rise to make a speech, but simply to remark that these gentlemen have not been in the service of the United States. The reason why they have not been in the service of the United States, and have done nothing is, that although the United States is bound by the articles of annexation, to include them in our service, it has refused to do so. It is not the fault of these gentlemen that they have been compelled to linger here at their own expense, during a long period of years, asserting their rights. The question now comes up, will the Government refuse them this slight justice? Will the Government give them the pay of officers on

leave? I say to the committee, and it is well known to many gentleman, that we have a great many naval officers who have been on leave as long as these gentlemen, and they have been receiving their pay.

Mr. INGERSOLL. What is the question before the committee?

The CHAIRMAN. The amendment of the Senate.

Mr. SMITH. And that is debatable. But I have said all that I desired to say.

Mr. MILLSON. I move to amend by striking out "eight" and inserting "one."

Mr. Chairman, this is not the first time, nor will it, perhaps, be the last, that the Senate have sent us, in the expiring hours of the session, matter for our consideration that might well employ us for a month at least; yet all these things are we to be compelled to consider under the operation of the five-minute rule. I ask whether it is proper, whether it is becoming, that a question of so much importance should be determined within a few hours of the close of the session, and after the termination of all debate? My friend and colleague says that these gentlemen of the Texas navy have been kept out, notwithstanding the terms of the articles of annexation by which they were to be admitted into the Navy of the United States. Where does he find any such clause in the treaty with Texas? By what authority does he say that we ever stipulated with the Republic of Texas that her naval officers should be admitted into the Navy of the United States? Her ships and all her public property were transferred to the United States; but does any man say that the officers of the navy were transferable? Does any man say that it was competent for the Republic of Texas, or for the United States, to stipulate for the services of the officers, or the men of the Texas navy? If the officers are to be incorporated into the United States Navy, why not the men? Who ever heard before that the term navy did not apply to mariners as well as officers?

Mr. TAYLOR, of Tennessee. Then the gentleman does not hold that the Texan navy was to be incorporated into the Navy of the United States?

Mr. MILLSON. I am protesting against the idea. The word "navy" does not apply to officers alone. Naval officers no not constitute the whole of a navy. The boatswains, gunners, and sailors are all included. Are we to pay the wages of seamen and the petty officers of the Texan navy, from the time of the annexation of Texas up to this time? I protest against this idea of paying men for anything but services rendered.

Mr. STANTON, of Tennessee. The gentleman asks whether the Government of the United States would be bound to pay the wages of these men. Suppose a certain number of men of the Texan navy had made a contract with the United States, and had enlisted for three years, could they not claim the benefit of their contract? I ask him whether, upon any principle of right, the Government of the United States could step in and abolish that contract?

Mr. MILLSON. Who ever heard before that a nation assumed the debts of another nation because they made a treaty with it? I protest against this notion that we are to be responsible for the salaries of these men, who have rendered us no service. Pay is an equivalent for services, not for rank. These men have never yet been incorporated into the American Navy. As my friend from South Carolina [Mr. ORR] suggested, there is something exceedingly strange and anomalous in the phraseology of this amendment. It seems to me that it admits the fact that these officers have always remained officers of the American Navy; and if so, are we not liable to pay the salaries of deceased officers, and the wages of deceased and surviving seamen? As is assumed in this amendment, we are as much responsible and as much liable to pay the wages of petty officers and mariners as to pay the salaries of the officers higher in rank.

[Here the hammer fell.]

Mr. HAVEN. I think that perhaps we had better come to a speedy vote upon this matter. I do not understand precisely the motion made by the gentleman from Virginia, [Mr. MILLSON], but I wish to say to the committee, if we get aloft with this Texan navy, we shall hardly touch bottom. [Laughter.] It seems to me that, at this

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late period of the session, we had better come to a vote upon this question, and settle this thing, one way or another. I want to know, when, one of these days, we annex the Sandwich Islands, whether King Ka-me-ha-ma-ha is to be incorporated among the executive officers of this Government by operation of law? [Laughter.] I want to know whether, when Cuba comes into our possession, her custom-house officers, who have been making so much trouble there, are to be incorporated among the executive officers of the Government? I rather think that we had better take a little time in the consideration of this subject, and vote this proposition down.

Mr. MILLSON, by unanimous consent, withdrew his amendment.

The question was then taken on the Senate's amendment; and it was non-concurred in.

Fourteenth amendment:

And be it further enacted, That the President of the United States, within thirty days after the passage hereof, shall assemble a naval board, to consist of three captains, two commanders, and two lieutenants, which board shall investigate the conduct, character, and standing of all the officers of the grades of captains, commanders, lieutenants, passed midshipmen, and masters in the line of promotion, and shall ascertain and report to the Secretary of the Navy, under such rules and regulations as he may prescribe, every officer of said grades that said board shall deem incompetent or disqualified to discharge promptly his whole duty ashore or afloat; and in every case the said board shall report, in two separate classes, such officers as the interests of the service require should be dismissed, and such as should be placed out of the line of promotion, with its reasons for the same: *Provided,* That, upon said board, officers shall not investigate, vote, or report upon officers of a senior grade. Upon the return of the reports of the board to the Secretary of the Navy, he shall, so far as the President shall approve the same, cause those officers who may be reported for dismissal, to be dismissed the service, with six months' sea service pay; and those who may be reported for withdrawal from the line of promotion, to be so withdrawn, upon pay which shall not be more than three fifths, nor less than one fifth their sea service pay respectively, to be determined and approved by the President: *Provided,* That passed midshipmen and masters in the line of promotion, so reported in the second class, shall be dropped from the service, and shall thereupon receive one year's sea service pay. The said board shall be convened and regulated as the Secretary may direct; and he shall ascertain, in such manner as he may deem just and expedient, the services, standing, and character of the officers of the grades aforesaid, and submit the same to the board for its better information: *Provided,* That the promotions which may be made in consequence of such dismissals and withdrawals, shall reduce the grade of commanders to seventy, which shall hereafter be the number of said grade.

Mr. PHELPS took the floor.

Mr. SKELTON. I wonder that these gentlemen occupy the floor all the time. Have the naval committee nothing to say about naval affairs?

Mr. PHELPS. I willingly yield the floor.

Mr. SKELTON. I desire to say, Mr. Chairman, that this provision incorporated in this bill is a part of a bill reported by the Committee on Naval Affairs, and now in the Committee of the Whole on the state of the Union, to be acted upon. I think that that portion of the bill embraced in this proposition is too important to be acted upon at so short a notice, and with so little discussion. I hope, therefore, it will be stricken out; because, when that discussion comes before the House, I shall desire at least an hour to discuss the proposition in favor of this retired list. Therefore, for the purpose of facilitating business, I simply desire, as one of the Committee on Naval Affairs, to have this amendment stricken out, and left to the next session, when we act upon the bill which embraces that proposition.

Mr. BOCK. I hope the committee will indulge me for a moment to say something about this amendment. Inasmuch as the gentleman from New Jersey [Mr. SKELTON] has said that this is a part of a bill reported here by the Committee on Naval Affairs, I desire to say a word or two about it. If my friend will examine it particularly, he will find that this amendment is not a part of the bill presented here by that committee. I consider this a very different thing from the provisions of the bill of the Committee on Naval Affairs.

Mr. SKELTON. The gentleman will allow me to say that it embraces the principles contained in part of the bill.

Mr. BOCK. It may embrace the principles

of part of the bill, but the bill reported by the Committee on Naval Affairs has in it other important, almost vital, principles, connecting themselves with this, without which this thing of a retired list will not be efficient, and is not desirable. If, however, Mr. Chairman, I were perfectly satisfied that the bill to which the gentleman has referred would come up at the next session, meet with a fair and deliberate discussion, and be acted on by the House in good faith, I would go with him for voting down this proposition now.

Mr. PHELPS. I will lend my aid to getting the bill alluded to discussed next session.

Mr. BOCK. But it is not now with me a question of what is right; it is a question of what we can get.

This thing is not satisfactory to me. It is crude; it is imperfect, and it has very many objections. It is but a temporary expedient at best. But for years past, those who have had the Navy in charge have sued here at the door of this House for the admission of reforms, and it has never been open. They have spent weeks and months preparing bills, and have clamored for admission.

Mr. Chairman. I desire to say here that this principle of a retired list—because I believe a great prejudice exists against it—is one of economy, as well as reform. Men now in the Navy are practically retired. I find men in the Navy upon the captains list, the commanders list, and even upon the lieutenants list, retired for life, because they are incompetent to render services. And the simple question about the retired list is, shall those men, retired in fact, and incompetent for service, stand there upon the list, receiving their regular leave of absence pay, and stand in the way of younger and more efficient men, who have the interest of the Navy at heart, and the honor of their country in their affections?

The gentleman over the way [Mr. SKELTON] talked the other day about civil pensions. But why talk about civil pensions? There is no danger of a system of civil pensions being established in this country; but he talks about it, because he is a man sagacious enough to know that if this thing is to be attacked at all, it must be attacked in the flank, and not in front; that it must be attacked by prejudice and not by reason. Civil pensions are odious. The gentleman is desirous of making the House believe that this is a system of civil pensions; but he must have studied a different vocabulary, and had different sources of information from any thing I have had access to, if he can show to me, that paying a man upon the retired list of the Navy, is a civil pension.

[Here the hammer fell.]

Mr. PHELPS. I hope the two amendments will be considered together. I have this to say in relation to the matter: The very argument of the gentleman from Virginia ought to convince the committee that this is an improper time to attempt to adopt such an amendment. It is proposed that you shall appoint a board of officers, who shall examine and report those officers in the Navy of the United States who are to be dismissed from service. It is also provided that the board of officers shall report a list of such officers, above a certain grade, who, in their opinion, ought to be retired and placed out of the line of promotion. And if you retire them, you must, of necessity, retire them upon pay. You must retire them upon pay or leave. I have the impression that some other provision is made in a subsequent section for their pay when retired. Now, I am opposed to any plan introduced at this time for the reform and reorganization of the Navy of the United States. If you are to reform it, let a plan be brought before us in a separate bill, when we can have time to examine it with deliberation, and not attach it to the naval appropriation bill, sent in to us, as the Senate have done now, when the sands of the session are just about running out.

The amendment proposes a reduction in the number of commanders. It proposes a reduction of the number of captains. It proposes various changes, which are very important, and should not be hastily made. I hope, therefore, that the

committee will not concur in the amendment of the Senate.

Mr. SKELTON. I will not occupy the attention of the committee for more than two or three minutes.

Mr. WALSH. I hope the gentleman will not, for if this debate lasts much longer, two thirds of the House will be asleep. [Laughter.]

Mr. SKELTON. I am opposed to the amendment of the gentleman from Missouri, and only desire to say in reply to my colleague upon the Committee on Naval Affairs, that I am as anxious as he is to effect a reorganization of the Navy of the United States. I am as anxious as the chairman of our committee, or any other member of it, to get rid of all the lumber that now disgraces and encumbers the service. But, sir, I am not in favor of concurring with the Senate in the plan which they have embraced in this bill. I will only say in conclusion, that I hope the whole subject will be postponed until the next session, and then I will most heartily cooperate with the chairman of the Naval Committee in getting this matter before the House, and in accomplishing a thorough reorganization of the Navy.

Mr. PHELPS. I withdraw my amendment.

Mr. CUMMING. I move to increase the number of commanders to eighty.

The CHAIRMAN. The Chair gives notice that he will confine gentlemen in their remarks strictly to an explanation of their amendments.

Mr. CUMMING. I think that at this time of the world, what we have heard to-night in reference to the Navy is just about as uncalled for and as unwarranted and unexpected an accusation brought against the Navy of the United States as anything could have been. Sir, I consider the American Navy the—

The CHAIRMAN. The gentleman must confine himself to the explanation of his amendment.

Mr. CUMMING. Sir, I will do so. I was proceeding to say that I considered this a very improper time to come forward and accuse the personnel of the Navy of being lumber.

Mr. SKELTON. I desire to say that I am the last man upon this floor to make charges against the Navy; but I think the present organization is a very bad one.

Mr. CUMMING. I sat and listened, when I first came into this Hall, to the highest eulogiums of a gallant naval officer for what he had recently done to sustain the dignity of his country. He was lauded, and justly so. Now, if a change is desired in the present condition of the officers, let there be an increase; do not decrease their number. But, for God's sake, after all we have heard of the glory of the Navy, and the gallant and commendable conduct of Commander Ingraham, do not talk of the Navy as though it were some old lumber or trash, stored in a garret, and to be tossed out on the first opportunity. I now withdraw my amendment.

The question was taken; and the Senate amendment was non-concurred in.

Fifteenth amendment:

And be it further enacted, That the grounds and appurtenances thereunto belonging, known as the Memphis navy-yard, in Shelby county, Tennessee, be, and the same is hereby, ceded to the mayor and aldermen of the city of Memphis, for the use and benefit of said city; and that the Secretary of the Navy order the commandant of said navy-yard, at Memphis, to surrender to the mayor of Memphis said property: *Provided,* That the accounting officers of the Treasury, in settling the account of the late navy agent at Memphis, shall not deduct the sum of \$2,964 59 already received by him and passed to his credit on the books of the Treasury Department, from his salary as acting purser, provided for by an act making appropriations for the naval service of the country for the year ending the 30th of June, 1853.

Mr. STANTON, of Tennessee. I move to add the word "machinery" after the word "appurtenances," to say a few words on the amendment. Mr. Chairman, it is known that the Government has, at that establishment, a large amount of valuable machinery for the purpose of spinning rope. It is perfectly useless there unless the spinning of rope for the Navy is continued. Now, sir, since it has

been asserted all over the House that the navy-yard at Memphis ought to be abolished, since the small appropriation for it put into this bill, at the suggestion of the Committee of Ways and Means, has been stricken out, and since a much larger additional sum has been appropriated for the benefit of a navy-yard at San Francisco—since such is the condition of things—the proposition of the Senate to cede this property back to the city of Memphis is a very proper one. If the establishment is to be treated as it has been to-night, and on former occasions, I do not know that the Government could do better than what is proposed by the amendment. The site of the navy-yard was originally given to the Government by the city of Memphis, with the exception of a few lots purchased from private individuals at a cost of \$25,000. The site was given to the Government on the condition that this establishment was to be put there. Now, to withdraw it is, to some extent, in bad faith to the city of Memphis; and if the establishment is to be abolished, the value of the property will be greatly diminished. The buildings are of little use in their present situation, except for the purposes for which they were designed. You have there a large and fine rope-walk for the spinning of rope. You have shops, and some other appurtenances appropriate for a building yard.

When the first proposition was, some time ago, before the Senate, the friends of the Memphis navy-yard proposed to those gentlemen, since they were disposed to strike it down, that if they would adopt this proposition, they would consent to let it go. It was upon that condition, as I understand, that the original proposition was adopted in the Senate; and I hope that, since the committee has done what it has, it will also concur in the amendment of the Senate.

Mr. PHELPS. I desire to submit an amendment.

Mr. STANTON. I withdraw my amendment.

Mr. PHELPS. I propose the following amendment in lieu of that section:

And be it enacted, That the navy-yard at Memphis is hereby abolished.

That is a proposition to abolish the navy-yard at Memphis. The amendment of the Senate contains the condition that the property at the navy-yard at Memphis should be given to the city. I am not prepared to say, at this time, whether it would be proper and right to make a donation of the property to that city. We are not without knowledge respecting the property there; for we know that millions of dollars have been expended upon that ship-yard; and, under the circumstances, I cannot say that it is right to donate that site to the city.

Mr. STANTON, of Tennessee. I beg the gentleman to remember that a large portion of the appropriations expended there has been for machinery.

Mr. PHELPS. A portion of the money appropriated there has been expended for machinery, but still the Government has been at considerable expense in erecting buildings, and making provision for the permanent establishment of that yard. It seems to be the sense of the committee that the navy-yard should be abolished. Let us say so in so many words; and if it would be proper and right to give the site to the city of Memphis, it can be done at the next session of Congress.

With the consent of the committee, I will now withdraw the amendment which I submitted, and let the committee vote on concurrence in the Senate amendment.

The question was taken on the Senate amendment; and it was non-concurred in.

Sixteenth amendment:

And be it further enacted, That naval pursers shall hereafter be styled paymasters; and all laws, rules, and regulations applying to pursers shall apply to them as paymasters: *Provided*, That this change of name shall not be held to affect their rank, pay, or duties.

Mr. PHELPS. I do not see why we should change the name from purser to paymaster.

Mr. RIDDLE. The change is recommended because it is in conformity with the custom of every other service.

Mr. WALSH. What have we to do with other services?

Several MEMBERS. That is the very reason the change should not be made.

The question was taken; and the amendment was non-concurred in.

Seventeenth amendment:

And be it further enacted, That two "General Orders" of the Secretary of the Navy, dated August 31, 1846, and May 27, 1847, upon relative rank, shall have the force and effect of law.

Mr. PHELPS. There is but one word of explanation requisite in relation to this matter. There were two orders issued by the Secretary of the Navy as to relative rank in the Navy, to which it is desirable to give the force of law. It is all right; let us adopt the amendment.

The amendment was concurred in.

Eighteenth amendment:

And be it further enacted, That the pay of the boatswains, gunners, carpenters, and sail-makers of the Navy, shall be as follows:

On leave, or waiting orders, per annum, \$600; shore duty, \$700; sea service, \$900. An addition of two per centum on the foregoing rates for every year's sea service, and an addition upon sea pay of ten per centum when serving in ships with four hundred men, and twenty per centum when serving in ships with nine hundred men.

Mr. SKELTON. I will simply say, as I said before, that this is a proposition which the Committee on Naval Affairs have recommended in the bill which they prepared.

The question was taken; and the amendment was concurred in.

Mr. PHELPS. I move that the committee do now rise, and report the amendments to the House. The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, the Chairman of the committee reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly amendments of the Senate to the bill making provision for the support of the Navy of the United States; and that the committee had directed him to report their concurrence in some, and their non-concurrence in others, of said amendments.

Mr. PHELPS moved the previous question; which was seconded, and the main question ordered to be put.

Mr. ORR. I suggest that we vote on all the amendments, except that for the Memphis navy-yard, in gross.

Mr. STANTON, of Tennessee. I consent to that. Let us take the vote on the Memphis navy-yard separately; and I hope the House will concur in that amendment.

The question was taken; and the report of the committee on all the amendments, with the exception of that referred to, was adopted.

Mr. MILLSON moved to reconsider the vote by which the House concurred in the report of the Committee of the Whole on the state of the Union, and also to lay the motion to reconsider upon the table; which latter motion was agreed to.

The fifteenth amendment was then read.

Mr. STANTON. I ask for a division of the House upon that amendment.

The SPEAKER. The Committee of the Whole recommend a non-concurrence in this amendment of the Senate.

The question was taken; and there were, upon a division—ayes seventy; noes not counted.

Mr. ROBBINS demanded tellers.

Tellers were ordered; and Messrs. BLISS and CHURCHWELL were appointed.

The question was taken; and the tellers reported—ayes ninety; noes not counted.

So the amendment was concurred in.

Mr. STANTON, of Tennessee. I move to reconsider the vote by which that amendment was adopted, and to lay the motion to reconsider upon the table.

The latter motion was agreed to.

Mr. HIBBARD. I now move to reconsider the vote by which the reciprocity treaty bill was referred.

Mr. PHELPS. I rise to a privileged question. I move that the House insist upon its disagreement to the amendments of the Senate to the naval appropriation bill, and ask for a committee of conference.

The SPEAKER. The gentleman from Missouri has forgotten, perhaps, that the Senate may recede from its amendments. The usual course is to send the bill back to the Senate, and for them to ask for a committee of conference.

Mr. PHELPS. I am very well satisfied, in my own mind, that the Senate will not recede.

The House may, in the mean time, adjourn, and there will be no time for a committee to act.

The SPEAKER. The Chair will put the motion, if the gentleman desires it.

The motion was agreed to; and

The SPEAKER thereupon appointed Messrs. PHELPS, BOCCOCK, and PARKER as managers upon the part of the House.

Mr. CLINGMAN. I understand that I have been appointed as one of the committee of conference upon the river and harbor bill. I ask to be excused from serving upon that committee.

Mr. C. was excused; and

The SPEAKER appointed Mr. ORR in his place.

Mr. HIBBARD. I now insist upon my motion to reconsider the vote by which the bill making provision for carrying into effect the reciprocity treaty with Great Britain was referred to the Committee of the Whole on the state of the Union; and upon that motion I demand the previous question.

Mr. HENN. Does not the bill make an appropriation?

Mr. HIBBARD. It does not.

Mr. CROCKER. I ask the consent of the House to have a bill taken from the Speaker's table. It is a Senate bill, and provides merely for the change of a vessel's name.

Mr. WALSH. I object.

Mr. HIBBARD. At the suggestion of many of the friends of the reciprocity bill, I shall suspend what action I intended to propose on it, that the Army bill may be taken up.

Mr. HUNT. I would suggest that the gentleman from New York withdraw his objection to the motion of the gentleman from Massachusetts.

Mr. WALSH. I withdraw it.

Senate bill to change the name of the American-built brig Glamorgan to that of Wizard, was then taken up from the Speaker's table, read a first and second time by its title, and then read *in extenso*.

It was ordered to be read a third time; and was read a third time, and passed.

On motion by Mr. HOUSTON, the Senate amendments to the Army bill were taken up, and referred to the Committee of the Whole on the state of the Union.

Mr. BRECKINRIDGE. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

ARMY APPROPRIATION BILL.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. WRIGHT, of Pennsylvania, in the chair,) and proceeded to consider the amendments of the Senate to the Army appropriation bill.

First amendment:

Strike out "\$28,497," and insert in lieu thereof "\$285,621 25," so that the paragraph will read:

For subsistence in kind, \$1,285,621 25.

Mr. HOUSTON. That is made necessary because of the increased estimate for rations. Rations were heretofore rated at twenty cents; they are now rated at twenty-five cents.

There is no recommendation made for this appropriation, and I do not think that it ought to pass. The Committee of Ways and Means rejected it in the early part of the session.

The amendment was non-concurred in.

Second amendment:

Page seven, after line three, insert:

For an iron steamer, to be used in the survey of the northern and northwestern lakes, including Lake Superior, under the direction of the War Department, \$50,000.

Mr. BRECKINRIDGE. It is proper to state that these amendments have just been returned from the Senate. The Committee of Ways and Means have had no meeting in regard to them, and are, therefore, unable to state whether it is proper to concur or non-concur in them. Members of the House are just in the same situation as members of the committee, and are able to form the same judgment with regard to them. It perhaps would be the safest plan to recommend a non-concurrence in the amendments, and ask for a committee of conference.

Mr. HAVEN. It is true, of course, as my friend from Kentucky suggests, that these amendments have not been acted upon in the Committee of Ways and Means. In reference to this particular amendment now before the House, it so

happens that it relates to a matter which has fallen under my own observation. We have made an appropriation for the last dozen years of \$50,000 a year for a survey of the northern and northwestern lakes, including Lake Superior, which has done for the lakes what the Coast Survey has done for the Atlantic coast. They have during all that time used a little steamer which Captain Macomb told me had got so rotten that they could use it no longer; and he told me that it was absolutely necessary that this vessel should be had. It is a very small affair.

With the construction of the canal around the Sault Saint Marie, by which the immense commerce of the interior is to be let down upon the lower lakes, it is of the greatest importance that these surveys upon Lake Superior should be carried on without delay. Lake Superior is a great, unknown inland sea, and capable of bearing upon its waters an immense commerce. It is, therefore, highly necessary that commercial men should know something of its condition; and this cannot be done until a thorough and efficient survey is made, under the direction of competent and practical men. I hope that the committee will concur in the amendment.

Mr. BRECKINRIDGE. In answer to the gentleman, I would say this, that already and anterior to this amendment of the Senate, you find in this bill that the first item is for continuing the survey of the northern and northwestern lakes, including Lake Superior, \$50,000. If this amendment is adopted, it is a provision to what is already contained in the bill.

Mr. NOBLE. I will state to the committee that I have some information in regard to this particular item. These surveys upon the lakes are carried on with very great success, and perhaps there is nothing in which the Northwest feel a deeper interest than in the prosecution of them. Captain Macomb says that it is absolutely necessary that this vessel should be built to carry on successfully those surveys. The appropriation for this purpose is also recommended by Professor Bache, who is at the head of the Coast Survey department. I hope that the committee will concur in the amendment of the Senate.

The question was taken; and the amendment was concurred in.

Third amendment:

Page eight, after line twelve, insert as follows:

For the purchase of a site and construction of an arsenal at Benicia, California, \$93,485.

Mr. McDUGALL. I ask the gentlemen representing the Committee of Ways and Means what recommendation has been made in reference to this matter by the Department? I ask this for information. There is no arsenal in the State of California at all.

Mr. BRECKINRIDGE. It appears from the estimate sent us from the Department, that the amount asked for to construct an arsenal at Benicia, California, is \$93,485. That is the amount embraced in the amendment of the Senate. I would remark, that the Committee of Ways and Means have had nothing to do with this estimate, and would refer my friend from California to the report made on the subject.

Mr. HOUSTON. I will state this fact in connection with it. The matter was referred to the Committee on Military Affairs, because the appropriation asked for was for a new work. And being so—being for the purchase of a site and erection of an arsenal—it does not go to the Committee of Ways and Means, but it does go to the Committee on Military Affairs.

Mr. FAULKNER. I do not know in what form it has ever been referred to the Committee on Military Affairs. I recollect this in connection with it: I had a communication addressed to the Committee on Military Affairs, complaining, in very strong and emphatic language, that this item was not embraced in the bill reported by the Committee of Ways and Means; and it was stated that there was no arsenal on the Pacific coast at all wherein a culvert could be constructed in safety; and that the powder now owned by the Government had to be kept in a wooden building. Complaint was made to the War Department that the Committee of Ways and Means had not embraced an appropriation for that arsenal in this bill. The Secretary of War communicated to the Committee on Military Affairs that this appropriation had been included in his estimate; and

that the estimate had been disagreed to by the Committee of Ways and Means. I recollect, distinctly, the fact that it was stated that even the powder which they had at the place was kept in wooden buildings.

Mr. HOUSTON. I regret very much that the head of the Ordnance Department knows so little of his business as to suppose that an estimate of this sort should go to the Committee of Ways and Means. It never goes to that committee unless the work has been commenced. It goes to the Committee on Military Affairs; just as estimates for the erection of light-houses are sent to the Committee on Commerce, and as custom-house estimates are sent to that committee. After the erection of the work has been authorized, then the future estimates come under the control of the Committee of Ways and Means. I do not know that the estimate in question was referred particularly to the Committee on Military Affairs. I took it for granted, as a matter of course, that it was. It was not my duty to call the attention of that committee to the estimate which properly belonged to them. I know that this same question was up during the last session of Congress, and I took precisely the same course in respect to it. My opinion is, that by reference to that portion of the message of the President of the United States, which was distributed by resolution, it will be found that this subject was directly referred to the Committee on Military Affairs. I am not certain about that. But I am certain that it belongs to that committee; and that we have never taken cognizance of estimates for works of this sort.

Mr. GREENWOOD. I move to increase the appropriation ten dollars. I was about to make this suggestion to the gentleman from California and to the Committee of Ways and Means. I do not know that I am capable of giving advice with reference to the course it is best to pursue. The Committee of Ways and Means have not told us their opinion in relation to a great many of the appropriations placed on the bill. They are unable to give the House any information in regard to it. My proposition is this, as a committee of conference will be the inevitable result, let us disagree to all the Senate amendments to the bill, and let it go to the committee of conference at once, and they will report to the House something to act upon.

Mr. McDUGALL. I dislike to say anything more about California appropriations, as I know there is a feeling in the House that California has been talking enough, and getting appropriations enough. But it must be evident that there is a propriety in this particular appropriation. There is no arsenal upon our coast—a coast of sixteen or eighteen hundred miles in extent. There is no arsenal for the preservation of the arms of the Federal Government; and it is about time there should be one. The head of the War Department has furnished the estimate, but by some accident it has not been acted upon by the House. The estimate has been sent to the Senate, and the Senate have incorporated a provision in reference to it in the bill. It strikes me that it is time that we should have some means of preserving the United States stores for war purposes upon the Pacific coast. It seems to me to be exceedingly necessary, though I do not wish to urge its adoption to an improper extent.

The question was then taken; and the amendment was non-concurred in.

Fourth amendment:

For the sword ordered to be presented to Brevet Major General John E. Wool, by the joint resolution, approved January 24, 1854, \$1,500.

Mr. MATTESON. Will it be in order to move to disagree to all of the Senate amendments? It seems to me that by doing so we would save a great deal of time.

Mr. PHELPS. Oh, let us take the question upon them.

Mr. TAYLOR, of Ohio. Why would it not be well to consent to disagree to the whole of them? There is nobody here to explain them.

Mr. PHELPS. One word. I have but a moment since examined several of these amendments at the Clerk's desk. I have had no opportunity of examining them thoroughly. Many of the matters introduced into the amendments, are entirely new; and if they were not acted upon by the House, the committee of conference would be

placed in a delicate position, and it would involve the legislation in regard to all of them by a committee of six members. That is the reason why I desire the action of the House upon them.

The question was then taken upon the fourth amendment of the Senate; and it was concurred in.

Fifth amendment:

For payment of claims adjudicated by the board of Army officers appointed by the Secretary of War, under the sixth section of the act of August 31, 1852, \$129,885 23.

The amendment was non-concurred in.

Sixth amendment:

For the purchase of the best breach-loading rifles, in the opinion of the Secretary of War, for the use of the United States Army, \$90,000: *Provided*, That the Secretary of War, after a fair, practical test thereof, shall deem the purchase advisable and proper.

Mr. HOUSTON. I desire here to read the resolution adopted on the 6th of January.

Mr. H. then read the resolution adopted near the commencement of the session, for referring the President's message to the appropriate standing committees, from which it appeared that the estimate in relation to the arsenal on the Pacific coast was referred to the Committee on Military Affairs.

Mr. PHELPS. I desire to say a single word in reference to the sixth amendment of the Senate.

Mr. WALSH. You are not in favor of these breach-loading rifles, are you?

Mr. PHELPS. I am not in favor of striking out this appropriation proposed in the amendment of the Senate. The amendment provides for placing \$90,000 at the disposal of the Secretary of War, to enable him to purchase a supply of breach-loading rifles, if, upon examination, they should be found superior to the rifles now in use in the service. Sir, do you desire to make your Army efficient, place good and proper arms in their hands. Let us keep up with the latest improvements that are made. Who does not know that the Government refused, year after year, to substitute the percussion locks for the flint locks then in use? Sir, let us not delay the adoption of improvements in arms whenever they are made. I hope this amendment, placing these \$90,000 at the disposal of the Secretary of War, will be adopted.

The amendment was concurred in.

Seventh amendment:

That the proper accounting officers be, and they are hereby, directed, in the settlement of the accounts of Captain Joseph L. Folsom, assistant quartermaster of the United States Army, to receive parol testimony of the disbursements made by him as such assistant quartermaster, in lieu of vouchers for such disbursements, which were destroyed by fire in the city of San Francisco, on the 4th of May, A. D., 1851, and that upon the testimony so taken, if satisfactory to the Department, the accounts of said assistant quartermaster shall be audited and settled according to the principles of equity and justice: *Provided*, The sum allowed shall not exceed the balance now due from said Folsom to the Treasury.

Mr. BRECKINRIDGE. At the suggestion of a number of gentlemen around me, and at the suggestion of the chairman of the Committee on Finance in the Senate, as the Senate is about taking a recess, I propose that, by common consent, we now concur with the Senate in the remaining amendments, and allow a committee of conference to be appointed. It is important that a committee should be appointed before either body take a recess, and I would also suggest that perhaps a committee of conference may be able to furnish explanations of these amendments which we cannot now have, so that the House may be able to act more understandingly upon the subject than if we were to go through with them now in committee.

Mr. McDUGALL. I object to that course just now. The amendment which has just been read is one which ought to be adopted.

Mr. BRECKINRIDGE. But while we are discussing it, the Senate will take a recess, and we shall lose the committee of conference.

Mr. McDUGALL. I will not detain the committee. I ask that the amendment may be again read.

It was read by the Clerk.

The question was then taken; and the seventh amendment of the Senate was concurred in.

Mr. BRECKINRIDGE. I move a non-concurrence in the remaining amendments of the Senate.

The motion was agreed to.

Mr. BRECKINRIDGE. I move that the com-

mittee do now rise, and report the amendments to the House.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, the Chairman reported that the Committee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the amendments of the Senate to the Army appropriation bill, and had concurred in some, and non-concurred in others.

Mr. BRECKINRIDGE moved that the House concur in the report of the Committee of the Whole on the state of the Union.

The motion was agreed to.

Mr. BRECKINRIDGE. I now move that a committee of conference be appointed to meet a like committee on the part of the Senate on the disagreeing votes of the two Houses on the amendments of the Senate to the Army appropriation bill.

The motion was agreed to.

EXTRA PAY TO HOUSE EMPLOYEES.

Mr. HUNT. I have a joint resolution here to which I trust there will be no objection. It is a joint resolution to pay the employees under the resolution of August 2d.

The Clerk read the resolution, as follows:

Resolved by the Senate and House of Representatives, in Congress assembled, That the sum appropriated by the House of Representatives, for the payment of its pages and employees, be paid out of any money in the Treasury not otherwise appropriated.

The joint resolution was then, by unanimous consent, read a first and second time by its title, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

RECIPROCITY TREATY BILL.

Mr. HIBBARD. I move to reconsider the vote by which the reciprocity bill was referred to the Committee of the Whole on the state of the Union to-day; and on that motion demand the previous question.

Mr. WASHBURN, of Maine. I demand tellers on ordering the previous question.

Tellers were ordered; and Messrs. Bliss and WASHBURN were appointed.

The question was taken; and the tellers reported—yeas 95, noes 6; no quorum voting.

Mr. GROW. As there seems not to be a quorum present, I move that we take a recess until eight o'clock.

The SPEAKER. If there be no objection the vote will be taken on adjourning, or on taking a recess till eight o'clock.

[Cries of "Say nine o'clock!" and "No, let it be eight o'clock!"]

Mr. HUNT. I object to the proposition to adjourn till eight o'clock. It is not a sufficiently long recess.

[Cries of "Say nine o'clock!"]

Mr. CAMPBELL. It is very evident that we can do business better by taking a recess. There is a way in which the majority can do it. I propose that the House resolve itself into the Committee of the Whole on the state of the Union, with a view of taking a recess immediately after. I make that motion now, that the House resolve itself into the Committee of the Whole on the state of the Union.

The SPEAKER. The House has divided recently, and it has been ascertained that there is no quorum present.

Mr. CAMPBELL. Well, by common consent, let us take a recess till nine o'clock.

[Cries of "Yes!" "Yes!" "Agreed!"]

Mr. HENN. I am opposed to the adjournment of the House. Let us go into the Committee of the Whole on the state of the Union, and take up the first bill on the Calendar; a bill in which every member from a new State is interested.

Several MEMBERS. What bill is it?

Mr. HENN. It is a bill for the relief of the purchasers and locators on swamp and overflowed lands. It is the first bill on the Calendar.

[Cries of "No!" "No!"]

Mr. CAMPBELL. I propose that, by common consent, we take a recess till nine o'clock.

Mr. HENN. I object to taking a recess till that bill is disposed of.

Mr. CAMPBELL. But the bill cannot be disposed of now; there is no quorum present.

Mr. JONES, of Tennessee. I shall object to the consideration of this bill.

Mr. HUNT. I move that the House do now adjourn.

Mr. HENN. I ask the gentleman from Louisiana to withdraw that motion, until I submit a proposition which I think will meet the unanimous approbation of the House.

[A message was here received from the Senate, by ASBURY DICKINS, Esq., their Secretary, informing the House that the Senate had disagreed to the amendments of the House to the amendments of the Senate, to the bill making appropriations for the naval service for the year ending June 30, 1855, and that the Senate insist upon their amendments to said bill, and ask a committee of conference upon the disagreeing votes of the two Houses.]

Also, that the Senate had passed a bill making appropriations for the transportation of the United States mail by ocean steamers and otherwise, with an amendment, in which he was directed to ask the concurrence of the House.

Also, that the Senate had passed sundry private bills of the House.]

Mr. PHELPS. I ask the gentleman from Louisiana [Mr. HUNT] to withdraw his motion to adjourn, in order to allow the gentleman from Alabama to submit a motion that the House insist upon its amendments to the amendments of the Senate to the mail steamer appropriation bill, and that a committee of conference be appointed?

Mr. HUNT. I will withdraw it, and renew it afterwards.

Mr. HOUSTON. The Senate have made but one amendment to the bill, and it is not necessary that it should go to the Committee of the Whole on the state of the Union. I move that the House do now concur in the amendment, and ask a committee of conference.

Mr. CAMPBELL. There appeared to be no quorum awhile ago.

The SPEAKER. The Chair will ascertain if there is a quorum by a count.

Mr. HENN. I desire to make a proposition, which I think will meet unanimous consent.

Mr. WALSH. I object.

The SPEAKER then proceeded to count the House, and announced, as the result, one hundred and six members present—being less than a quorum.

Mr. PRESTON. I move that the House do now adjourn.

Mr. HIBBARD. I appeal to the gentleman to withdraw that motion. It will leave us but two hours to finish the business of the House before the final adjournment to-morrow.

Mr. PRESTON. I cannot withdraw the motion unless I can have the unanimous consent of the House to take a recess until nine o'clock.

Mr. HENN. I move that the House take a recess until half past eight o'clock.

Mr. WALSH. I object.

Mr. BRIDGES. If the gentleman from Kentucky will withdraw his motion for that purpose, I will submit a proposition to the House to take a recess until nine o'clock.

Mr. PRESTON. I will withdraw for that purpose.

Mr. HENN. When I objected before to the proposition made by the gentleman from Louisiana, I did it for the purpose of asking the House to take up and dispose of the swamp land bill. I desire now that that bill shall be taken up and disposed of, I do not care whether favorably or unfavorably; and if it is the understanding that that bill shall be taken up when the House meets again, I will not object to the proposition to take a recess.

Mr. BRIDGES. I now submit the proposition that the House take a recess until nine o'clock.

There was no objection; and

The House thereupon (at five o'clock, a. m.) took a recess until nine o'clock, a. m.

FRIDAY, August 4, 1854.

The House met, pursuant to its order, at nine o'clock.

A message was received from the Senate, by Mr. ASBURY DICKINS, their Secretary, informing the House that they had passed, without amendment, bills of this House of the following titles:

A bill to reduce and graduate the price of the public lands;

A bill to increase the pay of the rank and file of the Army, and to encourage enlistments;

A bill to extend the right of preemption over unsurveyed lands in Minnesota, and for other purposes;

A bill supplemental to an act entitled "An act to ascertain and settle the private land claims in the State of California, approved March 3, 1851; A bill for the relief of J. Cash and Giles U. Ellis;

A bill for the relief of the legal representatives of John Rice Jones, deceased;

A bill for the relief of Ira Call, of the State of Ohio;

A bill authorizing the Secretary of the Treasury to settle the accounts of Thomas Jordan, assistant quartermaster in the United States Army; and

A bill for the relief of Jacob Parker, of Sandusky City, Ohio.

Also, that they had passed a bill of the Senate "to provide for the surrender of certain bonds of the State of Indiana, held by the United States," in which he was directed to ask the concurrence of the House.

[A message was received from the President, by the hands of SIDNEY WEBSTER, Esq., his Private Secretary, notifying the House that he had approved and signed bills of the following titles:

House bill (No. 383) for the relief of Thomas Bronaugh; and for the repeal of the act to aid the Territory of Minnesota in the construction of a railroad therein, approved the 29th of June, 1854.

House resolution (No. 7) directing the presentation of a medal to Commander Duncan N. Ingraham.]

Mr. HOUSTON. Just before the recess, the Senate returned the mail steamship appropriation bill, with an amendment. I move that that amendment be now taken up and non-concurred in.

There being no objection, the bill was taken up.

Mr. HOUSTON. I make the motion that the House disagree to the amendment of the Senate, and that the bill be returned to the Senate.

Mr. WHEELER moved to lay the bill and amendment upon the table; and upon that motion demanded the yeas and nays.

Only thirteen gentlemen rising, the yeas and nays were not ordered.

Mr. WHEELER demanded tellers upon the yeas and nays; which were not ordered.

The SPEAKER then proceeded to ascertain whether there was a quorum present; and upon count, it appeared that there were but eighty members present.

Mr. RICHARDSON moved a call of the House.

The motion was agreed to.

The roll was then called; and the following gentlemen failed to answer to their names:

Messrs. Aiken, James C. Allen, David J. Bailey, Ball, Barksdale, Barry, Belcher, Bennett, Benson, Benton, Bissell, Bliss, Bocock, Boyce, Breckinridge, Caskie, Chamberlain, Chase, Chastain, Colquitt, Craige, Cullom, Cumming, John G. Davis, Dent, DeWitt, Dickinson, Disney, Dowdell, Drum, Ellison, Farley, Franklin, Gamble, Green, Grey, Grow, Hamilton, Sampson W. Harris, Wiley P. Harris, Harrison, Hastings, Hiester, Hill, Hillyer, Hunt, Daniel T. Jones, Roland Jones, Keitt, Lane, Latham, Lindley, Lyon, McCulloch, McMullin, Mace, Mayall, Meacham, Middleswarth, John G. Miller, Millson, Morrison, Murray, Noble, Andrew Oliver, Mordecai Oliver, Parker, Bishop Perkins, John Perkins, Phelps, Powell, Pryear, David Ritchie, Thomas Ritchie, Rogers, Ruffin, Seward, Seymour, Singleton, Skelton, Samuel A. Smith, Sollers, Frederick P. Stanton, Straub, David Stuart, John J. Taylor, Nathaniel G. Taylor, Tracy, Tweed, Walbridge, Walsh, Warren, John Wentworth, Westbrook, Witte, Daniel B. Wright, Hendrick B. Wright, and Zollicoffer.

A quorum having failed to answer to their names upon the first call, the names of the absentees were called over, when a quorum having appeared,

Mr. CLINGMAN moved that all further proceedings under the call be dispensed with.

The motion was agreed to.

THE ARMY APPROPRIATION BILL.

Mr. BRECKINRIDGE. I believe the gentleman from Alabama [Mr. HOUSTON] is entitled to the floor. I suggest to my friend that the Army appropriation bill is not yet finally passed; and if he will allow me the floor, I will make a report on the result of the conference between the committees on the disagreeing votes of the two Houses, and have the bill acted upon.

Mr. HOUSTON. I have no objection to withdraw my motion.

Mr. BRECKINRIDGE. I ask leave of the House to report the result of the conference between the committees of the two Houses on the disagreeing votes on the Army appropriation bill. [Cries of "Yes; go ahead!"]

Mr. BRECKINRIDGE. Last night, or this morning rather, the House concurred in the second, fourth, sixth, and seventh amendments proposed by the Senate, and for that reason the committee of conference have taken no further notice of them.

The first amendment proposed by the Senate the Senate recede from. It is as follows:

Page two, line one, after the word "million," strike out "and \$28,497," and insert in lieu thereof "\$265,621 25;" so as to make the clause read:

For subsistence in kind, \$1,985,621 25.

The ninth amendment proposed by the Senate the Senate also recede from. It is as follows:

For the construction of a military road from the Rio Grande, near El Paso, to the river Colorado, and for sinking wells therein, \$12,000, to be expended under the direction of the Secretary of War.

The eleventh amendment of the Senate the Senate also recede from. That amendment was the insertion of the word "properly" after the word "actually," in the following section, as adopted by the House:

SEC. 3. *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized and directed to examine into and ascertain the amount of expenses incurred, and now actually paid, by the State of California in the suppression of Indian hostilities within the said State prior to the first of January, Anno Domini 1854, and that the amount of such expenses, when so ascertained, be paid into the treasury of said State: *Provided*, That the sum so paid shall not exceed in amount the sum of \$924,359 65; which amount is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated.

The Senate recede from the thirteenth amendment, which is as follows:

SEC. —. *And be it further enacted*, That the same allowance in respect of rations be hereafter made to the military commandant of the Schuykill arsenal, in the Quartermaster's Department, as to the commandants of the arsenals in the Ordnance Department.

The Senate recede from their fourteenth amendment, which is as follows:

SEC. —. *And be it further enacted*, That the provisions of the first section of the act entitled "An act making appropriations for the support of the Army for the year ending 30th June, 1851," approved September 28, 1850, granting extra pay to the officers and enlisted men of the Army serving in Oregon and California, be extended to the officers and men composing the garrison of the post of Fort Laramie on the Oregon route, for the same period of time as was allowed by the sixth section of the act of third of March, 1853, to the officers and men of the two companies of regiment of mounted riflemen that garrisoned Fort Laramie, and that the provisions of the same section of the same act be also extended to the officers and men composing the escort to the Mexican Boundary Commission, while they were serving as such escort.

The fifteenth amendment is in regard to a retired list for the Army. The Senate recede from that.

The nineteenth amendment of the Senate is one which proposes to increase the pay of the officers of the Army. The House had previously passed a bill increasing the pay of the rank and file, but refusing to increase the pay of the officers. The Senate recede from that amendment.

From their disagreement to the third amendment of the Senate, the committee recommend that the House recede, and that they agree thereto with an amendment. The amendment is as follows:

For purchase of a site and construction of an arsenal at Benicia, California, \$93,485.

The committee of conference recommend to strike out "\$93,485," and insert in lieu thereof "\$33,400," and in that shape that it be concurred in.

The tenth amendment is the following:

For completing the Mendota and Big Sioux river road, in accordance with the estimates of the Secretary of War, \$52,475 68, to be expended under the direction of the Secretary of War.

Provisions have already been made for surveying that route, and this amendment is to make an appropriation for the payment of the expense. It was estimated by the Department that \$52,475 68 would be required to complete it, and that sum was, therefore, inserted in the amendment of the Senate. But the committee of conference reduced the appropriation to \$25,000, that being the amount which they believed could be properly expended during the current fiscal year.

The twelfth amendment is to insert the following section:

SEC. —. *And be it further enacted*, That the amount which may be found necessary to pay, under the act of 27th March, 1854, to the widows and orphans of the United States troops who perished by the recent disaster to the steamship San Francisco, be paid out of any money in the Treasury not otherwise appropriated. And the proper accounting officers of the Treasury Department be, and they are hereby, authorized and directed to cause the balance due on the books of the Treasury on account of advance of payment of the United States Army, whose widows and children may be entitled to the benefits of the second section of the said act of the 27th March, 1854.

The committee of conference report in favor of striking out that last paragraph which provides that the additional pay which was given in advance of the sailing of the ship to those who were lost, shall be deducted out of the eight months' pay which was given to their widows and children. The law will then stand with the provision that those widows and children shall receive the same eight months' pay which is allowed to the survivors. That is the report of the committee.

The sixteenth amendment of the Senate is the following:

SEC. —. *And be it further enacted*, That the act approved September 28, 1850, entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," the act approved March 22, 1852, entitled "An act to make land warrants assignable, and for other purposes," and the act approved February 23, 1853, entitled "An act to continue half pay to certain widows and orphans," shall not be so construed as to deprive any widow of the benefits therein granted for the services of the husband, though she may have married again: *Provided*, That the applicant is a widow at the time of making the claim.

The committee of conference report in favor of retaining that amendment, with this proviso in lieu of the one contained in the Senate amendment:

Provided, That such party shall not receive pension during coverture.

The committee of conference propose that the House agree to the fifth amendment of the Senate, to pay the adjudicated California claims, which matter is explained as follows: By a law recently enacted it was provided, that for the pay and equipment, as mounted riflemen, finding their own horses and forage, of the volunteers serving under the command of Captain John C. Fremont, in California, during the year 1846, as appears by the muster rolls on file in the War Department, and for the subsistence and supplies consumed by said volunteers in said service, \$168,000 should be appropriated, out of any money in the Treasury not otherwise appropriated; and the Secretary of War was authorized and empowered to appoint three competent and disinterested officers of the Army to examine and report to Congress upon all such claims as may be presented for funds advanced and subsistence and supplies of all kinds furnished or taken for the use of said command, whilst thus engaged in the public service; and for the expenses of said board of officers the sum of \$2,000 is appropriated.

I will state to the House that it appears Captain Fremont found himself in California on the breaking out of the war, under peculiar circumstances, being then at the head of an exploring expedition, and that he took his troops and certain volunteers, and engaged in the war. I need not remind this House of the services which he performed in behalf of his country. He engaged, I say, the services of certain volunteers, and came under certain obligations to them. Congress passed an act authorizing the Secretary of War to appoint three competent and disinterested officers of the Army to examine and report on all such claims as might be presented for funds advanced, and for subsistence and supplies of all kinds furnished or taken for the use of his command whilst thus engaged in the service of the country, and appropriated \$168,000 for that purpose. These officers have made the examination, and have reported. This authorizes the payment, but does not authorize the appropriation of any money, because it is to be paid out of the appropriation heretofore made by Congress.

[Cries of "That's right! go on!"]

Mr. BRECKINRIDGE. The committee of conference propose to agree to the eighth amendment of the Senate to carry out certain Indian treaty stipulations, and for other purposes. It is a very long amendment. I can explain it instead of having it read, if the House desires it.

[Cries of "State it; that's enough!"]

Mr. BRECKINRIDGE. I can state to the House that it is in pursuance of treaties made at

this session of Congress with the Kansas and Nebraska Indians, and conforms exactly with them. I must add, that there is an additional provision to this effect, appropriating some \$4,000 or \$5,000, Congress, in its various Indian treaty stipulations, has made reservations for the use of the Indians. The Indians have sold those reservations to the whites. A very great number of muniments of title have accumulated in this way, which are on file in the Indian department, amounting, as your committee ascertained, to bushels of papers in separate slips. In being handled and searched in the investigation, in regard to these muniments and the transfer of them, the papers are almost worn out. And the Commissioner of Indian Affairs reports that it will be necessary to employ temporarily, in addition to the regular force of his office, four clerks for the purpose of recording in a book and preserving these muniments of title.

The amendment contains an appropriation of \$5,600 for that purpose. I am reminded by my colleague on the committee, [Mr. WALLEY,] of another item connected with this Indian appropriation of \$2,200. I cannot now turn to it; but if the House desires it, I will have the amendments read over. The committee unanimously thought that it was right. My colleague has just found it, and I will therefore read it. I see that I was mistaken in the item.

For the payment of the expenses of the delegates of the Creek nation of Indians, now in this city, \$1,099 53.

These Creek Indians were invited on here in order to make a treaty arrangement with them, which has been done by the Senate.

The Clerk then read the seventeenth amendment, as follows:

And be it further enacted, That the Secretary of War be, and he is hereby, authorized and directed to receive and cause to be placed on the files of his Department, such additional muster rolls of the battalion of volunteers commanded by Lieutenant Colonel J. C. Fremont, in California, duly authenticated by the proper officers, as have not heretofore been received and filed, and to cause such corrections of the muster rolls to be made in regard to the periods of enlistment and terms of service and the omission of names of the members of said battalion, as upon satisfactory proof may deem right and proper, and as far as practicable to correspond with the pay rolls of Major P. B. Reading, paymaster of said battalion, with respect to the period of service, so that all who have served in the military service of the United States in California during the late war with Mexico, whether under command of naval or military officers, may be entitled to all the benefits of all the acts of Congress providing for the enrollment of volunteers in the Mexican war, provided that no payment shall be made in consequence of this section beyond the sum heretofore appropriated.

Mr. BRECKINRIDGE. I will state to the House, that by virtue of an act heretofore passed by Congress, the volunteers who served in California, and whose rolls were in the War Office, were directed to be paid. It was supposed at the time that all the rolls were in the War Office; but it turned out, on examination, that part of those volunteers were marines. The House will recollect that Commodore Stockton performed land service, and had his marines acting on land during the war. Portions of their rolls were therefore in the Navy Department, and this simply directs, under that law, a transfer of the rolls from the Navy to the War Department, without any appropriation additional to that heretofore made.

The twentieth amendment is as follows:

And be it further enacted, That in the event that the Secretary of War shall deem it inconsistent with the interests of the military service to furnish a sufficient portion of the military buildings at Fort Leavenworth for the use of the territorial government of Kansas, the sum of \$25,000 shall be, and in that contingency hereby is, appropriated for the erection of public buildings for the use of the Legislature of the Territory of Kansas, to be expended under the directions of the Governor of said Territory.

The committee recommend a concurrence in the amendment of the Senate.

We have now come to the last amendment, which is as follows:

Twenty-first amendment:

And be it further enacted, That the sums appropriated by the act of March 3, 1849, for the removal and subsistence of the Menomonees, and for the establishment of a manual labor school, &c., for them, and now remaining in the Treasury, together with the sums for pay of a miller heretofore appropriated, be paid to or expended for the benefit of said Menomonee Indians, according to the stipulations of said supplementary and amendatory articles.

There was a treaty to that effect with the Indians. The money has been appropriated, but the Department doubt, under the phraseology of the act, its power to appropriate it, and the object of this amendment is simply to authorize that expendi-

ture to be made. The money is now remaining under a previous act, in the Treasury of the United States.

The question was taken on agreeing to the report of the committee of conference; and the report was agreed to.

[A message was here received from the Senate, by ASBURY DICKINS, Esq., its Secretary, notifying the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the Army appropriation bill.]

Mr. HOUSTON. I now ask that a vote be taken on the amendment to the ocean mail steamer bill.

Mr. WENTWORTH, of Illinois. I rise to a privileged motion. I wish to make a report from the committee of conference on the river and harbor appropriation bill.

Mr. PHELPS. I have also a report to make from the committee of conference on the naval appropriation bill. They have not been able to agree.

Mr. WENTWORTH. Well, at this late hour of the session, and as I understand the gentleman from Missouri to say that his committee of conference have not agreed, I yield him the floor to make his report.

NAVY APPROPRIATION BILL.

Mr. PHELPS. The committee of conference on the part of the House on the disagreeing votes on the Navy appropriation bill, have instructed me to report that they have met the conferees on the part of the Senate, and that after full and free conference they have been unable to agree on a report.

The SPEAKER. Will the gentleman submit a proposition to the House?

Mr. PHELPS. At this late hour it is almost impossible for another committee of conference to meet a committee of conference on the part of the Senate, and agree upon a report, and have the bill enrolled and signed before the hour of adjournment. I do not propose to indicate a harsh measure, but perhaps it may be necessary to make a motion to adhere. I do not make the motion, but I submit the matter to the House.

Mr. PECKHAM. Is there any very essential matter of difference between the two committees?

Mr. PHELPS. We deem the difference essential, and we think the House will so consider it.

Mr. PECKHAM. What is, substantially, the difference?

Mr. PHELPS. It is in reference to the Navy reform amendment engraven by the Senate upon the bill. That is the great question.

The SPEAKER. What disposition shall be made of the disagreeing votes?

Mr. HOUSTON. I hope the gentleman from Missouri will take the course of asking for another committee of conference. I dislike to legislate by moving to adhere at this stage of the proceeding. Let us first make another effort.

Mr. HAVEN. I would suggest to my friend over the way that perhaps it would be better to wait five or ten minutes, that our action may be known a little elsewhere before we finally act upon the subject.

RIVER AND HARBOR BILL.

Mr. WENTWORTH, of Illinois. I wish to make a report from the committee of conference on the disagreeing votes of the two Houses upon the bill making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law.

The Senate recede from their second amendment, which is, to insert the words "including the amount expended prior to August 30, 1852," after the word "harbor," in the following clause:

For continuing the removal of the rock at Hell Gate and Diamond Reef, New York harbor, \$20,000.

The House recede from their disagreement to the third, fourth, fifth, and seventh amendments of the Senate, and concur therein.

The third amendment is to insert, after the clause "for continuing the reopening of a communication between the Albemarle Sound, in North Carolina, and the Atlantic ocean, \$50,000," the following:

In addition to the sum of \$50,000 appropriated by the act of August 30, 1852, which sum is hereby reappropriated for

a breakwater, or such other works as the Secretary of War may deem best adapted to accomplish that object.

The committee recommend that the House recede from its disagreement to that amendment.

The fourth amendment, from a disagreement to which the committee recommend the House to recede, is as follows:

Page twelve, after line five, insert as follows:

For the improvement of the Brazos river, in the State of Texas, \$44,000.

The fifth amendment, from a disagreement to which the committee recommend the House to recede, is, to insert the words "and Passaic river below the town of Newark, and of Newark bay," in the clause making an appropriation for the harbor at Newark, so that it shall read:

For continuing the improvement of the harbor at Newark, and Passaic river below the town of Newark and of Newark bay, New Jersey, \$25,000.

The seventh amendment, from their disagreement from which the committee recommend the House to recede, is the following:

Strike out all after the word "bidders" in the following section:

SEC. 3. And be it further enacted, That, whenever the Secretary of War shall invite proposals for any works, or for any material or labor for any works, there shall be separate proposals and separate contracts for each work, and also for each class of material or labor for each work; and he shall report to Congress at its next session all the bids, with the names of the bidders: And provided, That all persons entrusted with the disbursement of the funds appropriated for the works named in this act, shall be required to give bond and ample security for the faithful application of the same.

Next, the committee recommend that the House recede from its disagreement to the first amendment of the Senate, and agree thereto, with an amendment.

The first amendment of the Senate was to insert "the \$100,000," after the word "river" in the following clause, and strike out all that follows:

For continuing the improvement of the Des Moines rapids, in the Mississippi river, \$18,000;

—so as to make the appropriation \$100,000.

The amendment which the committee recommend, is to strike out "the \$100,000," and insert in lieu thereof "\$70,000," so as to make it read "\$70,000," instead of "\$100,000."

The committee also recommend that the House recede from its disagreement to the sixth amendment of the Senate, and agree thereto with an amendment.

The sixth amendment of the Senate is this:

For the surveys of the harbors of San Pedro, Santa Barbara, Monterey, San Francisco, Humboldt, and Trinity, in the State of California, and the rivers Sacramento, San Joaquin, and Colorado; and the harbor of Appalachicola, Florida, \$50,000.

For a survey for a breakwater at Grace's Point, Block Island, \$5,000.

The committee recommend that the House concur therein after striking out "fifty," and inserting in lieu thereof the word "forty," thus saving \$10,000. And also striking off the last clause for the breakwater; no State being mentioned, and not an individual upon the committee knowing where it was. [Laughter.]

The committee recommend that the House recede from its disagreement to the eighth amendment of the Senate with an amendment.

That amendment authorizes the Secretary of War to contract for the purchase of a small island near the mouth of Mobile harbor, and that he shall report such contract for the approval of Congress. The committee have reported in favor of adding the words "or rejection;" so that the contract shall be reported for the approval or rejection of Congress.

These are the recommendations made by the committee of conference. We have cut down the amounts reported by the Senate about \$50,000; and as I suppose the House has no time to spare, I move the previous question.

Mr. ORR. I hope the gentleman from Illinois will allow me to make one or two remarks.

Mr. WENTWORTH. I withdraw the demand.

Mr. ORR. I desire to say, as one of the conferees who subscribed to that report, that, taking the general policy of the bill as a criterion, I thought the recommendations of the committee were just, and that they should be adopted if the bill were to pass. It is well known that I am opposed to the bill itself. I believe the whole system to be pernicious, but I have no idea the bill will ever become a law.

Mr. PERKINS, of Louisiana. Will the gentleman from Illinois yield me the floor for a moment before he calls the previous question?

Mr. WENTWORTH. I yield to my colleague upon the committee, certainly.

Mr. PERKINS. I desire to say that I have found it impossible for me to agree to the report made by my colleagues on the committee of conference upon this bill. I fully concur, however, in the recommendation that the House recede from the provision requiring bond and security of the military men who have charge of these improvements.

I also concur in the recommendation that this House assent to the amendment of the Senate requiring the Secretary of War to inquire and report as to the purchase of—not an island, as the gentleman has stated—but of what is known as Grant's Pass, between Mobile and New Orleans. Any contract for this purchase to be communicated to Congress, and to be subject to its approval or rejection. I desire also to say, with reference to the island from its appropriation to which the Senate has receded, that it is true, as the gentleman from Illinois has stated, that no one of either the Senate or House committee knew of the existence of such a place. I now move—

Mr. WENTWORTH. I yielded the floor for the gentleman to make an explanation—but not to make a motion.

Mr. PERKINS. I had intended to make a motion in reference to this bill; but if the gentleman declines to yield the floor for that purpose, I will not.

Mr. WENTWORTH. I understand there are some other matters pending which require immediate action; and I therefore move the previous question upon the adoption of the report, in order to dispose of it as soon as possible.

Mr. BAYLY, of Virginia. That is precisely what I wish to do; and as the quickest way of disposing of it, I move to lay it upon the table.

Mr. PERKINS. I only wish to say that the motion of the gentleman from Virginia is the one I proposed to have made when I was upon the floor; I am glad the gentleman has made it.

Mr. LETCHER. Did my colleague move to lay the report upon the table?

Mr. BAYLY. I did, and that will carry the bill with it.

Mr. HOUSTON. I should like the gentleman to withdraw his motion.

Mr. BAYLY. I want to take up the bill to carry out the reciprocity treaty, and if we get to voting on this, we cannot take that important measure up this session.

Mr. WASHBURN, of Maine. I demand the yeas and nays.

Mr. PHELPS. I ask the unanimous consent of the House to submit a motion that another committee of conference be appointed on the Navy appropriation bill.

The SPEAKER. A committee of conference will be appointed, unless objection be made.

Mr. ROWE. I object.

The question was taken on Mr. BAYLY's motion; and it was decided in the negative—yeas 68, nays 96; as follows:

YEAS—Messrs. James C. Allen, Willis Allen, Ashe, David J. Bailey, Thomas H. Bayly, Barksdale, Barry, Belcher, Bocock, Breckinridge, Bridges, Caskie, Chastain, Chrisman, Clingman, Cobb, Curtis, John G. Davis, Dwell, Edmundson, John M. Elliott, Faulkner, Fuller, Gamble, Goode, Grow, Andrew J. Harlan, Sampson W. Harris, Hendricks, Hibbard, Houston, Ingersoll, George W. Jones, J. Glancy Jones, Keitt, Kidwell, Kittredge, Kurtz, Lamb, Letcher, Lilly, McMullin, McNair, McQueen, May, Millson, Morrison, Orr, Packer, John Perkins, Phelps, Phillips, Powell, Pratt, Reese, Rufin, Shaw, Shower, Skelton, William Smith, William R. Smith, George W. Smyth, Alexander H. Stephens, Stratton, Vail, Walbridge, Walker, and Walsh—68.

NAYS—Messrs. Appleton, Banks, Bell, Bennett, Benson, Bliss, Bugg, Campbell, Carpenter, Caruthers, Chandler, Churchill, Clarke, Cook, Corwin, Cox, Crocker, Culom, Thomas Davis, Dawson, Dick, Dunbar, Eastman, Eddy, Edgerton, Edmunds, Thomas D. Eliot, Ellison, English, Farley, Fenton, Flagler, Florence, Goodrich, Green, Greenwood, Aaron Harlan, Haven, Henn, Hill, Howe, Hughes, Hunt, Johnson, Kerr, Knox, Lindsley, McCulloch, Mace, Macy, Matteson, Maurice, John G. Miller, Smith Miller, Morgan, Noble, Norton, Andrew Oliver, Mordecai Oliver, Parker, Peck, Peckham, Pennington, Preston, Pringle, Ready, David Ritchie, Rogers, Russell, Sabin, Sage, Sapp, Seward, Shannon, Simmons, Gerrit Smith, Frederick P. Stanton, Richard H. Stanton, Hester L. Stevens, Andrew Stuart, John L. Taylor, Nathaniel G. Taylor, Thurston, Trout, Upham, Vansant, Wade, Walley, Ellihu B. Washburne, Israel Washburn, Wells, John Wentworth, Tappan Wentworth, Wheeler, Yates, and Zollicoffer—96.

So the House refused to lay the report upon the table.

Pending the above vote, the following proceedings took place:

Mr. CHANDLER. I was absent when my name was called, attending a committee of conference, and ask to have my vote recorded.

[Cries of "Object!"]

Mr. HUNT. Under the order of the House, the gentleman was attending to his duties, and he was constructively present. I move that he be allowed to vote.

The SPEAKER. The gentleman has a right to vote.

Mr. CHANDLER then voted.

Mr. CRAIG. I was absent when my name was called, and, as others have been allowed to vote who were also out of the Hall when they were called, I ask that I may have my vote recorded.

[Cries of "Object!"]

Mr. MAXWELL stated that he had paired off with Mr. BALL, of Ohio.

Mr. AIKEN stated that he had paired off with Mr. HARRISON, of Ohio.

[Here a message was received from the Senate, by ASBURY DICKINS, Esq., their Secretary, notifying the House that that body insisted on its amendments to the Navy appropriation bill; and asked for another committee of conference.]

[Mr. GREEN, from the Committee on Enrolled Bills, reported that they had examined, and found correctly enrolled, bills of the following titles; which received the signature of the Speaker:

A bill to change the name of the American-built brig Glamorgan, to that of Wizard;

An act for the relief of J. C. Buckles, of Louisville, Kentucky;

An act making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1855;

An act for the relief of Patrick Gass;

An act for the relief of Thomas C. Green; and
An act for the relief of Jacob Baker, of Sandusky city, Ohio.]

The previous question was then seconded, and the main question was ordered to be put; being upon agreeing to the report of the committee of conference.

The question was taken; and it was decided in the affirmative.

So the report of the committee was agreed to.

Mr. WENTWORTH, of Illinois, moved to reconsider the vote by which the report of the committee of conference was agreed to, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. PHELPS. I move that the House insist upon its disagreement to the amendments of the Senate to the naval appropriation bill, and that another committee of conference be appointed. I know that the Senate have appointed another committee of conference.

The question was taken; and the motion was agreed to.

The SPEAKER thereupon appointed the following gentlemen as members of said committee: Messrs. PHELPS, BENSON, and ROWE, to meet a like committee on the part of the Senate.

MAIL STEAMER APPROPRIATION BILL.

Mr. HOUSTON. I desire now to take up the ocean mail steamer bill, disagree to the amendment of the Senate, and let the bill be returned to the Senate.

Mr. BAYLY, of Virginia. I rise to a privileged question. I move to reconsider the vote by which the reciprocity bill was referred to the Committee of the Whole on the state of the Union. I say to the House frankly that my object in moving a reconsideration of that vote is to get the bill before the House, in order to put it upon its passage. If the motion to reconsider is agreed to, I shall call the previous question; and if the House will sustain it, we can pass the bill in two minutes.

The SPEAKER. Is it the pleasure of the gentleman from Virginia, [Mr. BAYLY, the gentleman from Alabama, [Mr. HOUSTON,] and the House, that the motion to reconsider be entered, and that it be taken up so soon as this appropriation bill is disposed of?

Assent was expressed.

The SPEAKER. Then the gentleman's motion will be entered, and will be called up so soon as this bill is disposed of.

Mr. HOUSTON. The amendment has been already read to the House, as I understand. I move that it be non-concurred in.

Mr. PRINGLE. Is that the Collins mail steamer bill.

Mr. HOUSTON. It is.

Mr. PRINGLE. Then I move that the Senate amendment to the bill be agreed to.

Mr. WHEELER. I move that the amendment be laid upon the table.

The motion was not agreed to.

Mr. HAVEN. I simply desire to inquire what disposition the gentlemen on the other side propose to make of the bill? Let us know it over here.

Mr. HOUSTON. My object is to get a vote of disagreement from the House, and let it go to the Senate.

Mr. HAVEN. I hope, then, that proposition will be agreed to.

The question was taken; and the amendment of the Senate was non-concurred in.

THE RECIPROCITY TREATY BILL.

The SPEAKER. The question now is on reconsidering the vote by which the reciprocity bill was referred to the Committee of the Whole on the state of the Union.

The question was taken; and the motion to reconsider was agreed to.

The question recurred on the motion to refer the bill to the Committee of the Whole on the state of the Union; and being put, it was disagreed to.

Mr. BAYLY, of Virginia. I now move that the bill be put upon its passage; and upon that motion I call for the previous question.

Mr. FULLER. I ask the gentleman from Virginia to withdraw his call for the previous question.

Mr. BAYLY. If there were an hour more of the session I would willingly do it.

The SPEAKER. There is no time to make speeches, and the Chair must interpose to prevent that waste of time. If the gentleman from Virginia declines to withdraw his call for the previous question, he will say so.

Mr. BAYLY. I do decline to withdraw it.

The previous question was seconded, and the main question was ordered to be put—being upon ordering the bill to be engrossed and read a third time.

Mr. JONES, of Tennessee. Let us have the bill read. It has not been printed yet, and we are anxious to hear its contents.

Mr. BAYLY. If gentlemen will listen to the bill, they will find that it does nothing but carry out the terms of the treaty.

The SPEAKER. Debate is not in order.

The bill was read in *extenso*.

It authorizes the President of the United States, whenever he shall have sufficient evidence that the Imperial Parliament of Great Britain, and the Provincial Parliaments of Canada, New Brunswick, Nova Scotia, and Prince Edward's Island, shall have passed laws to give full effect to the provisions of the treaty between the United States and Great Britain, signed 15th June, 1854, to issue a proclamation declaring that he has such evidence, and thereupon, from the date of his proclamation, the articles enumerated in the treaty, being the growth and produce of Canada, New Brunswick, Nova Scotia, and Prince Edward's Island, shall be introduced into the United States free of duty so long as said treaty remains in force, subject, however, to be suspended in relation to the trade of Canada on the conditions mentioned in the fourth article of said treaty, and all other conditions of said treaty.

The second section of the bill provides that, whenever the Province of New Foundland shall give its consent to the terms of the said treaty, and whenever the Legislature thereof, and the Imperial Parliament of Great Britain, pass the necessary laws for that purpose, the said enumerated articles may be introduced, free of duty, into the United States from said Province.

Mr. WASHBURN, of Maine, I demand the yeas and nays upon the engrossment of the bill.

The yeas and nays were not ordered.

Mr. FULLER. Will it be in order to move to lay the bill upon the table?

The SPEAKER. It will.

Mr. FULLER. Then I make that motion. The motion was not agreed to.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HAVEN. I move the previous question upon the passage of the bill.

The previous question was seconded, and the main question ordered to be put.

Mr. WASHBURN, of Maine. I demand the yeas and nays upon the passage of the bill.

The yeas and nays were not ordered, only seven voting in favor thereof.

The question was then taken; and the bill was passed.

Mr. BAYLY, of Virginia, moved to reconsider the vote by which the bill was passed, and also to lay the motion to reconsider upon the table; which latter motion was agreed to.

POST OFFICE APPROPRIATION BILL.

Mr. OLDS. I rise to a privileged question. The committee of conference upon the disagreeing votes of the two Houses upon the amendments of the Senate to the Post Office appropriation bill, have agreed in their recommendations in reference to all the amendments of the Senate, save one, and upon that they have been unable to agree. I wish to state the circumstances, and the House can take such action as it may see fit. They have agreed to recommend that the House shall recede from its disagreement to the amendment making an appropriation of \$10,000 for the mail service for Key West, and the Senate recedes from all its other amendments disagreed to by the House, with the exception of that providing for paying the clerks of the city post office of this city extra compensation. The amendment would pay each of the clerks in the city post office about \$250 extra. It is in this form: one mill per pound is to be paid to the postmaster of the city upon all the mail matter which goes out of the office, for the purpose of paying the clerks that amount of extra compensation.

The Senate committee unanimously insist upon retaining that amendment. Two of the House committee were opposed to the House receding from its disagreement, and one in favor of receding.

The principle involved is this: The city post office of Washington city is under precisely the same organization as the post office in the city of New York, Baltimore, or any other city in the United States. We held that it would be very proper to pass a bill placing it in the power of the Postmaster General to pay the postmasters of the distributing offices such a sum as would enable them to pay their clerks a reasonable compensation for their services; but that, if we begin to legislate for the clerks and employees in the deputy post offices, there would be no end to the applications for extra compensation. Why, sir, I have already had more than twenty letters from the city of New York, praying that an amount may be placed at the disposal of the deputy postmaster there, to enable him to increase the pay of his employees. It seems to me that, by concurring in this amendment, we are opening the door to a class of legislation of which we shall not soon see the end. I hope, therefore, the House will not recede from its disagreement to this amendment. It is true, that if they do not recede, the appropriation bill may be lost. I have stated the facts to the House, and I leave them to take their own course. I have no motion to make.

Mr. CHANDLER. I hope the gentleman from Ohio will move that the House recede from its disagreement.

Mr. OLDS. I have no motion to make.

Mr. BOCKOCK. I move that the House agree to the report of the committee of conference, so far as they have been able to agree.

Mr. HOUSTON. Does the Chair receive that motion?

The SPEAKER. The Chair desires to inquire of the gentleman from Ohio if he has submitted a written report?

Mr. OLDS. No, sir. I have stated the facts to the House as they occurred. I have no authority from the committee of conference to make any motion.

was that making an appropriation for the mail service between Charleston and Key West. The House recede from its disagreement to that amendment; and it therefore stands as a part of the bill.

There is another amendment providing for the payment of extra compensation to a clerk in the Post Office Department for the alleged performance of double service. The committee recommend that the Senate recede from that, and that it do not stand as a part of the bill.

Another amendment proposes to extend the franking privilege to the present surviving ex-Vice Presidents, and to all future ex-Vice Presidents of the United States. The committee recommend that the Senate recede from that, and that it do not stand as a part of the bill.

The only other amendment about which the two Houses differed was that imposing a tax of one mill per pound upon all the documents leaving the post office of this city, the proceeds of which are to be applied to the payment of an extra compensation to the clerks in the city post office of \$250 per annum. On this amendment the committee cannot agree. They agree on all the points but this one, and the gentleman from Pennsylvania now proposes that the House shall instruct the managers of the conference, on its part, to concur in the amendment with an amendment, providing that the appropriation shall be for one year only.

Mr. CHANDLER. May I be allowed to state that the reason for this addition to these clerks is the extraordinary labor which is imposed on them? They have the lowest existing salaries. They receive from \$700 to \$800 per annum, and have to work from twelve to eighteen hours per day.

Mr. McMULLIN. Does the gentleman state that the clerks in the city post office only receive \$700 or \$800 per annum?

Mr. CHANDLER. The class of clerks of which we are talking do not receive any more.

Mr. McMULLIN. Will the gentleman be kind enough to inform the House what additional compensation is proposed?

Mr. CHANDLER. Two hundred and \$250. Not beyond that, whatever may be the tax. Since there has been a disagreement, I propose to limit the operation of the amendment to one year.

The SPEAKER. The object of the gentleman is to have the House recede from a particular amendment. Will he state it?

Mr. CHANDLER. My object is to have the House instruct its committee to agree with the Senate in its second amendment, with an amendment that its provisions shall not extend beyond one year.

Mr. JONES, of Tennessee. I understand that the committee of conference have agreed on a settlement of three or four of the disagreeing votes between the two Houses. I propose that the question be put whether the House will agree to what the committee of conference has agreed to, leaving this solitary point in reference to these clerks undecided. Then the House can act on that one.

The SPEAKER. The Chair does not understand that the committee of conference agreed to any report at all. It was understood that they had agreed as to part of the amendments, and that there was a part on which they could not agree. They have reported disagreement to the House.

Mr. JONES. The gentleman from Pennsylvania is putting his proposition in writing, and while he is doing so, I will say a few words. There is an amendment on which the committee of conference cannot come to a conclusion. It is the amendment which provides for extra compensation to the clerks in the city post office of this city. The gentleman from Ohio says that, by the passage of this amendment, we shall open the door for similar legislation in regard to all the other cities of the Union. It is different in the post office here from what it is in any other city. The one here is the great place where all the lumber and stuff which is sent by members of Congress and the Departments has to be assorted, and each given its proper direction.

Mr. BOCK. I was a member of the committee of conference, and feel happy that, for once in my life, I stand on the side of economy against my friend from Tennessee. The argument which he now submits was submitted in the committee by latitudinarian friends. It was urged in the

committee, and is now urged by the gentleman from Tennessee, that great labor—some called it extra work—is done in the city post office. Well, I would like to know, if that be so, whether they do not allow a number of clerks proportionate to the business; and does it make any difference with the clerks, provided that there are sufficient to do it, whether that business consists in sending free matter, or matter that pays?

Mr. JONES. I do not know that I am very well posted as to how these clerks are paid; but my impression is, that the postmaster is allowed certain commissions and allowances, and that he employs clerks, and pays them out of those commissions and allowances. What is left is his compensation for keeping the office. Upon all the matter sent from this city by the Congress of the United States, or its members, and by the Departments, there is no commission paid, because there is no postage received here; and the commission is much less here, I take it, than at any other place in the Union. Unlike some mail matter, the postmaster cannot give the same compensation out of commissions upon it that postmasters can give at other places.

Mr. CHANDLER. I move to instruct the House conferees to concur in the second amendment of the Senate, with the following proviso:

Provided, That the operation of this clause shall not extend beyond one year from the passage of this act.

Mr. OLDS. The gentleman from Tennessee [Mr. JONES] is mistaken as to the amount of compensation given to the postmaster of this city. By a law of the United States, you give to the postmaster of this city and the postmaster in New Orleans, \$800 each extra compensation, which is not given to any other postmaster in the United States, for the reason that in these cities, and more especially in this, they have extra duties to perform.

One word further. Their whole compensation is a commission, with the exception of this \$800; and you require all postmasters in the United States, where their commissions amount to more than \$2,000, to return the surplus to the revenues of the Post Office Department, after paying their clerk hire and office rent. Out of his commission, and out of this \$800, the postmaster of this city pays his clerks. I hold that, under the law passed by this Congress, giving the Postmaster General the power to pay extra compensation to postmasters of distributing offices adequate to the labor performed at these offices, the Postmaster General now has the power to give extra compensation to the postmaster of this city sufficient to meet the salaries and labor of the clerks employed by him.

Mr. SMITH, of Virginia. As I understand this question, the postmasters of this city and New Orleans are allowed a commission, and also \$800 extra compensation. This being the only fund for the compensation of his clerks, the postmaster of this city finds, as he has need of many clerks, on account of the franking privilege, that he is not able to allow them a living compensation. How is this living compensation to be supplied? Only in this way: for Congress to appropriate a certain sum to put their compensation on such a footing as will allow them to live.

Now, the gentleman appears to think that there is a provision in the law already passed by which this thing can be done. I think he is mistaken about that. But, at any rate, there can be no difficulty in the matter. If they are paid by means of this appropriation, they will not be paid under any other law. Now, I say here, as the gentleman from Tennessee [Mr. JONES] says, that there are no such drudges in all the country as these poor devils of clerks in the city post office; and yet they receive hardly enough pay to enable them to live.

Mr. JONES, of Tennessee. I was correct in my position that the postmaster here, as at other places, had to pay his clerks, and to get his own compensation out of the commission allowed to him by law. The law to which the gentleman from Ohio [Mr. OLDS] refers—about the \$800—passed Congress some years ago, on the ground, or on the assigned reason, that they could not out of the commission and perquisites here, and at New Orleans, pay their clerks, and then have \$2,000 a year each to themselves.

THE OCEAN MAIL STEAMER BILL.

Mr. HOUSTON. Will the gentleman from

Tennessee yield the floor, that I may ask for the appointment of a committee of conference?

Mr. JONES. Certainly.

Mr. HOUSTON. I desire, Mr. Speaker, to take up the amendment of the Senate to the mail steamer bill, and ask the House to insist upon its disagreeing vote to the Senate's amendment; and to appoint a committee of conference to confer with the committee of the Senate.

There being no objection, the committee of conference was appointed; and the following gentlemen were named the committee on the part of the House: Messrs. HOUSTON, MORGAN, and POWELL.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by ASBURY DICKINS, Esq., its Secretary, notifying the House that the Senate had concurred in the amendment of the House to the joint resolution extending the time of adjournment of the present session of Congress.

Also, that the Senate had passed the bill to carry into effect the provisions of the reciprocity treaty between the United States and Great Britain, signed 15th June, 1854.

Also, that the Senate had passed a bill of a private character.

ENROLLED BILLS.

Mr. GREEN, from the Committee on Enrolled Bills, reported as correctly enrolled the following bills, which thereupon received the signature of the Speaker:

A bill for the relief of Rosalie Caxillo;

A bill declaring the southern boundary of New Mexico; and

A bill to repeal the first proviso of the fourth section of the act entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved September 28, 1850.

POST OFFICE APPROPRIATION BILL—AGAIN.

Mr. JONES, of Tennessee, (resuming.) I might, sir, perhaps, distrust the correctness of my position in this respect; but I differ with my friend from Virginia [Mr. BOCK] when I hold that economy is not the largest price paid either for service, or property, or articles bought. Now, sir, I refer to the argument made here some few days ago by the gentleman from Ohio, [Mr. OLDS,] in which he told the House that there were some three million tons of free matter annually carried by the mails through the post office of the country. Where, sir, does that matter start from; and where does that which comes from the other direction find its destination? One and a half millions of tons start from this point, and more than another million is returned here to members of Congress and to the Departments. The whole of it has to pass through the hands of the clerks—or laborers, more properly called—in the city post office; for they perform little or no clerical services, if I understand their duties. It is labor, labor, in handling those documents and assorting them, and giving them their proper direction; and then, when returns come to this city, in sorting and giving them their proper direction.

Now, sir, when a proposition is made to increase the pay of clerks who are really so—clerks who get up in the morning at their leisure, take their coffee, and get to their offices at the reasonable hour of nine o'clock, and retire at three—when a proposition is made to increase their compensation from a thousand, sixteen hundred, two thousand, and twenty-two hundred dollars, the advocates of it are thick and plenty all over the Hall. But, sir, when it is proposed to increase the pay of these men who have to be up by turns, I suppose, almost every night—all night, the chairman of the Committee on the Post Office near me says—who have to be there all day, opening, sorting, and delivering mails, some of them the entire twenty-four hours, it is opposed, upon the ground that it will be a bad precedent. When I ask, was the gentleman from Ohio [Mr. OLDS] ever found before to oppose the increase of the compensation of the officers in this city? If he has ever been, it has escaped my notice. I was surprised to find him opposed to it upon this occasion. I want the committee to be instructed so to amend the provision as that the other officers in the post office, who are now getting higher salaries, shall not be included in the provision.

In conclusion, permit me to say, that I do not know a single individual in the city post office, except the postmaster himself, and that no one from that office has ever said a word to me upon the subject of their compensation.

Mr. GREENWOOD. I wish to ask the gentleman one question. He has said that this is the first time that the chairman of the Committee on the Post Office and Post Roads was ever found opposed to the increase of the compensation of clerks. I desire to ask the gentleman from Tennessee if it is not the first time he has advocated it?

Mr. JONES. I say it is not. Whenever I find a case where the compensation is not sufficient, I am willing to vote to increase it liberally. I know there are many clerks now in this city whose services are better worth \$5,000 a year to this Government than those of others in the same Department are worth \$500.

Sir, the people of this country are distracted at times about political questions, and political aspirants, as to who shall fill the White House at the other end of the avenue, who shall fill the heads of Departments, or who shall have seats upon this floor; but, sir, my experience has brought me to this conclusion, that this Government is practically administered by the clerks in the Departments of this city. I demand the previous question.

Mr. McMULLIN. I ask the gentleman from Tennessee to withdraw the demand for the previous question for a few minutes?

[Cries of "No!" "No!"]

Mr. JONES. The floor was yielded to me by the gentlemen from Pennsylvania, [Mr. CHANDLER,] one of the committee upon this subject, and I cannot withdraw it.

The previous question was seconded, and the main question was ordered to be put, being upon Mr. CHANDLER'S proposition.

Mr. HOUSTON. I wish to ask one question, in relation to that instruction, of the gentleman from Pennsylvania. The amendment in controversy provides for twelve months, and I desire to know whether this amendment is to extend back twelve months, and also extend forward twelve months?

Mr. KITTREDGE. I demand tellers.

Mr. CHANDLER. May I be allowed to state that this extra compensation is not to extend beyond a year?

Tellers were ordered; and Messrs. PHILLIPS and OLDS were appointed.

The question was taken; and the proposition was agreed to; the tellers having reported—ayes 104, noes 17.

NAVY APPROPRIATION BILL.

Mr. PHELPS, from the committee of conference on the disagreeing votes of the two Houses on amendments of the Senate to the Navy appropriation bill, made the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 97) "making appropriations for the naval service for the year ending the 30th of June, 1855," having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the Senate concur in the amendment of the House of Representatives to the eighth amendment of the Senate.

That the Senate recede from its first amendment, and adopt a substitute therefor, as follows:

That at the navy yard at San Francisco the pay of the commander shall be \$3,500 per annum; one civil engineer, \$4,000 per annum, and the pay of the navy agent, who shall discharge the duties of both purser and navy agent, shall be \$4,000.

That the Senate recede from its ninth, thirteenth, fourteenth, and sixteenth amendments.

S. R. MALLORY,
J. D. BRIGHT,

H. S. GEYER,

Managers on the part of the Senate.

JOHN S. PHELPS,

S. P. BENSON,

PETER ROWE,

Managers on the part of the House.

Mr. PHELPS. The eighth amendment of the Senate is an appropriation for the San Francisco navy-yard. The House of Representatives amended that amendment by striking out the following words; "officers' quarters." The Senate concurred in that amendment.

The Senate recede from their first amendment, which reads as follows:

That at the navy-yard at San Francisco the pay of the commander shall be \$3,500 per annum; the pay of one storekeeper, \$3,500; one civil engineer, \$4,000; one draughtsman, who shall be clerk to engineer, \$3,000; one

clerk to the storekeeper, \$2,000; one navy agent, \$4,000; one clerk to navy agent, \$2,000.

And adopt a substitute therefor, as follows:

That at the navy yard at San Francisco, the pay of the commander shall be \$3,500 per annum, one civil engineer, \$4,000 per annum; and the pay of the navy agent, who shall discharge the duties of both purser and navy agent, shall be \$4,000 per annum.

The Senate recede, also, from their sixth, ninth, thirteenth, fourteenth, and sixteenth amendments. They in fact recede from all the other amendments upon which there were disagreeing votes, from the appropriation for the naval depot at New Orleans, from the provision for the officers of the Texan Navy, and also from the provision for the retired list of the Navy. I demand the previous question upon the adoption of the report.

The previous question was seconded; and the main question ordered to be put.

The question was then taken upon concurring in the report of the committee; and it was decided in the affirmative.

So the report of the committee was concurred in.

Mr. PHELPS moved to reconsider the vote by which the report of the committee of conference was agreed to, and to lay the motion to reconsider upon the table; which latter motion was agreed to.

FRAUDS ON THE TREASURY.

Mr. STANTON, of Tennessee. I ask permission of the House to make a report, and introduce a bill from the Judiciary Committee, in the Gardiner case. The report is a long one, and I do not propose to have it read, but I desire to have it referred, together with the bill, to the Committee of the Whole on the state of the Union, and printed.

Leave being granted, the bill was received, read a first and second time by its title, as follows: "A bill to prevent frauds on the Treasury of the United States," and then, together with the report, was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

THE GARDINER CASE.

Mr. STANTON. I am instructed by the same committee to offer the following resolution:

Resolved, That the President be requested to institute proceedings in law or equity against all such agents, attorneys, and confederates, as may have assisted in prosecuting the claims of George A. Gardiner and John H. Mears, or either of them, before the board of commissioners appointed under the treaty of Guadalupe Hidalgo for the adjudication of claims on Mexico, in order to test their liability to refund the amounts paid them as agents, attorneys, confederates or assignees, out of the awards made by the said commissioners to said Gardiner or Mears.

The question was put; and the resolution was agreed to.

Mr. STANTON. I ask that the report, with the accompanying testimony, be printed.

It was so ordered.

PUBLIC LANDS.

Mr. COBB. I desire to offer a resolution which, I know, no gentleman in the House will object to. It is as follows:

Resolved, That the Secretary of the Interior cause to be prepared, for the use of the House of Representatives, during the recess of Congress, a statement of the time the public lands may have been in market, as well as the quantity, classified according to the act graduating and reducing the price of the public lands, passed 4th August, 1854.

The resolution was adopted.

BOUNTY LAND BILL.

Mr. STRAUB. I ask leave to offer the following resolution:

Resolved, That the Committee of the Whole on the state of the Union be discharged from the further consideration of bill No. 428, granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States.

Mr. JONES, of Tennessee. I object.

Mr. STRAUB. Then I move a suspension of the rules to enable me to introduce the resolution.

Mr. FLORENCE. Is it in order to indicate what the bill in question is?

The SPEAKER. The resolution sufficiently describes it. Is there any objection to the gentleman from Pennsylvania [Mr. FLORENCE] making a statement?

Mr. WALSH. I object.

The question was taken on Mr. STRAUB'S motion; and (two thirds not voting in favor thereof) the rules were not suspended.

Mr. PHILLIPS. I move to reconsider the vote by which the resolution, reported from the Committee on the Judiciary a few minutes ago, was adopted.

The resolution instructs the President to institute proceedings in law or equity against the agents, attorneys, and confederates of Gardiner.

The SPEAKER. The Chair must state to the gentleman that this is not a question of privilege, or a privileged question.

Mr. PHILLIPS. I thought it was.

SWAMP LANDS.

Mr. GREENWOOD. There is a bill standing first upon the Calendar of the Committee of the Whole on the state of the Union, in reference to which there appears to have been some partial understanding with the gentleman from Iowa [Mr. HENX] last evening.

It is a bill "for the relief of the purchasers and locators of swamp and overflowed lands." I move that the Committee of the Whole on the state of the Union be discharged from the further consideration of that bill, in order to take it up and act upon it now.

Mr. MATTESON. I object to its introduction.

Mr. GREENWOOD. Then I move to suspend the rules in order to enable me to submit the motion.

The question was taken; and, on a division, there were—ayes forty-four.

So the motion was disagreed to, two thirds not in favor thereof.

Mr. WENTWORTH, of Illinois. As that matter is disposed of, I wish to ask leave of the House to introduce a bill, of which previous notice has been given.

Mr. LETCHER. I object anyhow, upon a venture.

Mr. WENTWORTH. If there is any gentleman here who has any local matter he is anxious to have attended to, I will not stand in his way. I yield to the gentleman from Florida.

RESERVED LANDS IN FLORIDA.

Mr. MAXWELL. It will be remembered, that some days since, upon my motion, a bill authorizing the sale of certain reserved lands was referred to the Committee on Public Lands. The object of the bill was to withdraw the reservation over certain military lands which have become useless for military purposes. I said the bill was referred to the Committee on Public Lands; but, by some mishap, it has become misplaced, and cannot be found.

The SPEAKER. Then the Chair understands the gentleman desires to have another copy of the bill obtained.

Mr. MAXWELL. I will explain what I wish to do. The bill was under consideration by the Committee on Public Lands, and they agreed to report it to the House, with a recommendation that the second and third sections be stricken out; and that, as so amended, it pass. I now ask the leave of the House to introduce a bill in place of it, leaving out the second and third sections of the other bill, so as to make it conform to the action of the Committee on Public Lands. The bill will then stand precisely as the Committee on Public Lands agreed to report it.

Mr. WALSH. Does the gentleman propose to put it upon its passage?

Mr. MAXWELL. I do.

Mr. WALSH. I object.

Mr. MAXWELL. I move to suspend the rules; and demand tellers upon the motion.

Tellers were ordered; and Messrs. Cox, and McDougall, were appointed.

The question was taken; and the rules were not suspended, two thirds not voting in the affirmative.

The SPEAKER. The Chair would beg to make a suggestion to the House. There is a great press on the Chair for the floor, and he proposed yesterday that reports be received from committees, and that bills and resolutions reported, be referred without debate. The Chair now renews the suggestion. A number of gentlemen were out of the House when it was submitted before. Each gentleman rises in his place, and thinks that he is best entitled to the floor. Irritation is the consequence, as well as a great deal of trouble and perplexity, and sometimes mortification to the Chair. The Chair hopes the course suggested may be pursued.

Mr. STEPHENS, of Georgia. There are some bills upon the Speaker's table which may be taken up and considered. I move that we go to the business upon the Speaker's table, and that no bill be put on its passage unless there be no objection to it.

The SPEAKER. Unless objection be made that course will also be pursued.

No objection was made.

PERSONAL EXPLANATION.

Mr. SMITH, of Virginia. I rise to a personal explanation. It will be recollected by the House that the other day the gentleman from New York [Mr. HUGHES] and I engaged in a discussion of the proposition to refund Mr. Riddle moneys advanced by him. In the face of my declaration that I made no reflection on the honesty of Mr. Riddle, the gentleman thought proper to proceed with the following remarks:

"It was stated as a matter of reflection upon Mr. Riddle, as I thought. I know him well; and he is as high-minded and honorable a gentleman as lives in Massachusetts—pursuing his business in a laudable way. If he sells anything, he sells *quadrupeds*, not *bipeds*; and I am glad that his vocation is of that description—his auctioneering of that sort."

Mr. HENDRICKS. I ask if this personal explanation is in order? If it is not, I object to it, for the debate can be corrected elsewhere.

Mr. SMITH. I shall be through in one minute. I was saying that the other day, when the debate occurred upon the proposition to allow Mr. Riddle the sum of money advanced by Mr. Peabody for defraying the expenses of the transportation of American products to the London Industrial Exhibition, the gentleman from New York, [Mr. HUGHES,] in the face of my declaration that in my remarks I made no reflection upon the honesty of Mr. Riddle, and of course when it was wholly unnecessary, made use of the following language—

[Cries of "Order!"]

Mr. SMITH. I beg gentlemen will allow me the privilege of saying that I did not hear these remarks. My rule is to respond promptly to all impertinence; for, without a reply, it is presumed to be acquiesced in and submitted to.

The SPEAKER. In execution of the order, made by the unanimous consent of the House, the Chair will now proceed to the business upon the Speaker's table.

Mr. PHILLIPS. I ask if it is not in order to move a reconsideration of a vote now?

The SPEAKER. It will be in order to submit such a motion, but it can only be entertained hereafter when some higher privileged motion is not pending. Does the gentleman desire to submit a motion to reconsider that it may be entered upon the Journal?

Mr. PHILLIPS. I will submit the motion hereafter.

Mr. HENN. I tried to get the ear of the Speaker, to object to the proposition of the gentleman from Georgia, [Mr. STEPHENS,] for this reason: It was the understanding this morning, when the appropriation bills were out of the way, that I would be permitted to call up the bill in relation to swamp lands, which is first upon the Calendar in the Committee of the Whole on the state of the Union.

Mr. ORR. The Speaker, as I understand it, is not acting under the suggestion of the gentleman from Georgia.

The SPEAKER. The Chair embraced in his suggestion that of the gentleman from Georgia, [Mr. STEPHENS,] with the distinct understanding that bills upon the Speaker's table, to which no objection was made, should be taken up and referred.

Mr. HENN. I do not wish to discuss the bill which I wish to take up.

The SPEAKER. It cannot be taken up now, unless by the unanimous consent of the House, as the House is acting under a suspension of the rules.

Mr. HENN. I appeal to the House if they did not understand this morning, when I withdrew my objection to the adjournment until nine o'clock, that this bill would come up?

The SPEAKER. The gentleman from Iowa asks the unanimous consent of the House to discharge the Committee of the Whole on the state of the Union from the bill referred to by him.

Mr. LETCHER. What bill is it?

Mr. HENN. It is the swamp land bill.

Mr. LETCHER. I object.

REFERENCE OF BILLS—AGAIN.

The SPEAKER then proceeded to execute the order of the House, made by unanimous consent, and the bills upon the Speaker's table were taken up in their order.

An act granting the right of way to the St. Louis and Iron Mountain railroad through the arsenal, magazine, and Jefferson barracks, returned from the Senate with an amendment.

Mr. ORR. That will give rise to debate, and I object to it.

The bill remained on the table, and all subsequently objected to shared the same fate.

An act to grant a homestead of one hundred and sixty acres of the public lands to actual settlers, returned from the Senate with amendments.

Mr. ASHE objected.

An act for the relief of Betsy Nash, and the widow of J. C. Batchelder.

Mr. FAULKNER. I believe it is not in accordance with the understanding of the House to put that bill upon its passage.

Mr. CAMPBELL. I object to it.

An act for the relief of Henry Lewis, of Clinton county, Indiana, returned from the Senate with amendments.

Mr. DAVIS, of Indiana. I move that the House do concur in the amendments of the Senate.

The SPEAKER. The Clerk will report the amendments:

First amendment:

That Henry Lewis and Moses Pettit, of Perkins county, Indiana, be, and are hereby, each authorized to enter, free of cost, except the fees of the land office, forty acres of land out of that subject to private entry, at any land office in the United States, or in the Territories thereof, in full of their respective claims for money paid to the register of the land office in Indiana in the year 1837, the amount thereof being fifty dollars.

Second amendment:

Amend the title as follows:

After the word "Lewis" add the words "and Moses Pettit."

The question was taken on the amendments; and they were respectively concurred in.

Joint resolution relating to the raft of Red river.

Mr. GREENWOOD. The subject-matter of that joint resolution has been incorporated in the Army bill, which was passed this morning. I would ask the gentleman from Missouri [Mr. PURLES] if I am not right in saying so?

Several MEMBERS. Oh, let it pass.

Mr. GREENWOOD. No; I object.

Senate bill supplemental to an act entitled "An act to amend an act entitled an act to provide for the better preservation of the lives of passengers on board vessels propelled in whole or in part by steam, and for other purposes," approved 30th August, 1852.

Mr. LETCHER. I object.

Senate bill to improve the naval service.

Mr. PHELPS. I object.

Senate bill "for the more effectual suppression of the slave trade in American-built vessels."

The bill was read a first and second time by its title, and referred to the Committee on Foreign Affairs.

Mr. PHELPS. I understand, Mr. Speaker, that the business of the next session will be taken up exactly as we leave it.

The SPEAKER. That is the order.

Senate bill "giving to Jasper Strong, George Tyrrell, and associates, the right of way for a railroad through the reserved land near the navy-yard at Pensacola, Florida."

Mr. LETCHER. I object.

Senate bill to revive for a limited time an act in relation to the donations of land to certain persons in the State of Arkansas.

Mr. LETCHER. Read the bill for information.

The Clerk read the bill *in extenso*.

The bill makes provision in respect to certain claims to donations of land in Arkansas, which have been adjudicated and allowed by the register and receiver of the proper land district, in virtue of the provisions of the eighth section of the act of Congress approved 24th May, 1828, entitled "An act to authorize the State of Ohio to extend the Miami canal."

The bill was then read a first and second time

by its title, and referred to the Committee on the Public Lands."

Senate bill granting land in alternate sections to the States of Louisiana, Mississippi, and Arkansas, to aid in the construction of a railroad from New Orleans to Mobile."

Mr. COBB. I object.

Senate bill granting land in alternate sections to the State of Missouri, to aid in the construction of a certain railroad in said State. Read a first and second time, and referred to the Committee on Public Lands.

Senate bill for the better preservation of life and property from vessels shipwrecked on the coast of the United States. Read a first and second time by its title.

Mr. SKELTON. That is a bill which it is important should be passed. It passed the Senate unanimously, and I think, if the House will hear it read, there will be no objection to its being put upon its passage.

The bill was read.

Mr. LETCHER. I think that bill had better be examined by the Committee on Commerce before it passes. I move that it be referred to that committee.

The motion was agreed to.

[A message was here received from the Senate, by Mr. ASBURY DICKINS, their Secretary, informing the House that they had passed, without amendment, a bill of this House of the following title:

A bill authorizing the payment of balance of the property accounts between the United States and the State of New York, for military stores in the war of 1812, and sundry private bills.

That the Senate had passed, with amendments, in which he was directed to ask the concurrence of the House, bills of the following titles:

A bill for the relief of the heirs of Captain Matthew Jack, deceased; and

A bill to provide a pension for Captain Thomas Porter.

Also, that they had passed a joint resolution and bills of the Senate of the following titles, in which he was directed to ask the concurrence of the House:

A joint resolution to enable the Secretary of the Interior to retain the present force in the General Land Office until the next session of this Congress;

An act for the relief of Henry S. Sanford;

An act to amend the "Act requiring foreign regulations of commerce to be laid annually before Congress," approved August, 1842, and for other purposes; and

An act for the relief of Elliot Smith, William C. Greene, and Nathaniel Farnsworth.]

Senate bill to provide for the payment of such creditors of the late Republic of Texas as are comprehended in the act of Congress of September 9, 1850. Read a first and second time by its title, and referred to the Committee of Ways and Means.

Senate joint resolution "for the confirmation of certain entries and locations of military warrants made in the State of Michigan."

Mr. LETCHER. I object to that resolution being taken up.

Senate bill for the relief of the Office of Indian Affairs. Read a first and second time by its title, and referred to the Committee of Ways and Means.

Mr. ROBBINS. I would much prefer that that bill should be referred to a Committee of the Whole House.

The SPEAKER. The bill has already been referred, and the reference cannot be changed unless the gentleman moves to reconsider the vote by which it was referred.

Mr. ROBBINS. Let it go.

Senate bill supplementary to an act entitled an act to amend an act entitled "An act to provide for the better security of the lives of passengers on board vessels propelled in whole or in part by steam, and for other purposes," approved 30th of August, 1852.

Mr. HENN. I object to that bill being taken up.

Senate joint resolution "for the relief of the legal representatives of Seth M. Leavenworth." Read a first and second time by its title.

Mr. PHELPS. If the House will allow me to explain for a moment, I think there will be no objection to that joint resolution being put upon its passage. An act was passed in 1846 authorizing a settlement to be made with Mr. Leavenworth. Since that time Mr. Leavenworth has died. And the object of the resolution is to authorize the proper accounting officers to pay to his heirs and legal representatives the money which was appropriated for his benefit by the act of 1846. I ask that the resolution may be read, and I hope no objection will be made to its being put upon its passage.

The resolution was read *in extenso* by the Clerk.
Mr. LETCHER. I should like to know what the damages were awarded for?

Mr. PHELPS. I think it was in reference to some mail contract. I am not acquainted with the circumstances of the passage of the original act of 1846, but this is merely to pay to the heirs and legal representatives of this man the money which would have been paid to him under that act if he had lived.

Mr. LETCHER. I think it had better be examined before we pass it. I move to refer it to the Committee on the Post Office and Post Roads. The motion was agreed to.

Senate bill "for the relief of Magdalena Van Ness, widow of Cornelius P. Van Ness, deceased," Read a first and second time by its title.

Mr. CHURCHWELL. Is it in order to move to put that bill on its passage?

The SPEAKER. It is not.

Mr. CHURCHWELL. I ask the unanimous consent of the House to put it upon its passage.

Mr. HENDRICKS. I object.

Mr. CHURCHWELL. Can I move to suspend the rules?

The SPEAKER. That motion is not in order while the House is acting under a suspension of the rules.

The bill was then referred to the Committee on the Judiciary.

Senate bill "for the relief of David F. Douglass, late marshal of the northern district of California," Read a first and second time by its title, and referred to the Committee on Claims.

Senate bill "to establish certain additional post roads," was read a first and second time by its title.

Mr. JONES, of Tennessee. I suppose that is made unnecessary by the general post route bill, which was passed the other day.

Mr. HENDRICKS. I understand that it was passed subsequently to the passage of the bill to which the gentleman refers, and is for the purpose of supplying omissions in that bill.

Mr. EDDY. Is it in order to amend the bill?

The SPEAKER. Not unless there be no objection.

The bill was ordered to be read a third time; and it was accordingly read a third time, and passed.

House bill "for the relief of the heirs of Captain Matthew Jack, deceased," returned from the Senate with an amendment.

The amendment of the Senate was to strike out the words "together with interest on the same."

The question was taken; and the amendment was concurred in.

House bill "to provide a pension for Captain Thomas Porter," returned from the Senate with an amendment.

The amendment was to strike out lines twelve, thirteen, and fourteen, of the bill, which read as follows:

"And the amount found due under the provisions of this act shall be paid to the children of said Thomas Porter."

The bill was then referred to a Committee of the Whole House, and ordered to be printed.

Senate bill "for the relief of Sherman Pierce," read a first and second time by its title, and referred to the Committee on Invalid Pensions.

[Mr. HENN from the Committee on Enrolled Bills, reported as correctly enrolled, the bill "making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law;" which thereupon received the signature of the Speaker.]

Senate bill "allowing exchanges, and granting additional school lands in the several States which contain public lands;" read a first and second time

by its title, and referred to the Committee on Public Lands.

Senate bill "to provide for taking charge of the Louisville and Portland canal, and to prevent the same from falling into bad repair;" read a first and second time by its title, and referred to the Committee on Roads and Canals.

Senate bill "granting the right of way to the Marysville and Benicia railroad through and over the grounds of the United States, at Benicia, California;" was read a first and second time by its title, ordered to a third reading, and was accordingly read the third time, and was subsequently passed.

Senate bill "to authorize the title of the United States to lot No. 20, in square No. 160, to be conveyed to F. A. Whitney;" read a first and second time by its title, and referred to the Committee for the District of Columbia.

Senate bill "to provide for the surrender of certain bonds of the State of Indiana, and held by the United States."

Mr. EDGERTON. I object to that bill.

Mr. DAVIS, of Indiana. I trust that the gentleman who objected to this bill will withdraw his objection. It is of great interest to my State.

Mr. EDGERTON. I understand all about this case. Let it go to the Committee on Claims.

The bill was read a first and second time by its title, and referred to the Committee on Claims.

Senate resolution "to enable the Secretary of the Treasury to retain the present force in the General Land Office till the next session of this Congress."

Mr. LETCHER. Let that be sent to the Committee on Public Lands.

The resolution was read a first and second time by its title, and referred to the Committee on Public Lands.

Senate bill "for the relief of Elliott Smith, William C. Greene, and Nathan Farnsworth;" read a first and second time, and referred to the Committee on Claims.

Senate bill "for the relief of Henry S. Sanford;" read a first and second time, and referred to the Committee on Foreign Affairs.

Senate bill "to amend the 'Act requiring foreign regulations of commerce to be laid annually before Congress,' approved August 19, 1842, and for other purposes."

Mr. STEPHENS, of Georgia. I hope that last bill will be put upon its passage. I rise, at the request of the Secretary of State, to offer a report here on the subject, but it is not necessary to have it read. The object of the bill is to have these foreign statistics published, and laid before Congress.

Several MEMBERS. Read the bill.

The bill was read *in extenso* by the Clerk.

Mr. BAYLY, of Virginia. I hope the request of the gentleman from Georgia will be complied with, and that the bill will be passed. It is certainly of the highest importance.

Mr. PENNINGTON. I object to its being put upon its passage.

The bill was then read a first and second time by its title, and referred to the Committee on Foreign Affairs.

Mr. OLDS. I desire to make a report from a committee of conference.

Mr. HENDRICKS. Before that is done, I wish to move to reconsider the vote by which a pension bill for the relief of Captain Thomas Porter was referred, upon my motion, in order that we may take it up and agree to a Senate amendment thereto.

The bill (No. 270) was read for information.

It provides for placing upon the pension roll the name of Captain Thomas Porter, at the rate of twenty dollars a month for the time therein specified.

No objection being made, the bill was taken up.

Mr. HENDRICKS. The Senate have amended the bill by striking out the words:

And the amount found due under the provisions of this act, shall be paid to the children of said Captain Thomas Porter.

I move that the House concur in that amendment.

The amendment was agreed to.

POST OFFICE APPROPRIATION BILL.

Mr. OLDS. I rise to make a report from the committee of conference on the Post Office bill. It is as follows:

The committee of conference on the disagreeing vote of the two Houses on bill (No. 336) entitled "An act making appropriations for the Post Office Department for the fiscal year ending the 30th of June, 1855, having met, after full and free conference, do agree to the following report:

That the House agree to recede from its disagreement to the second amendment of the Senate, and concur with the Senate in its third amendment, with the following amendment thereto:

Strike out of said third amendment these words: "the said allowance to commence with the fiscal year, beginning July 1, 1853, and to be computed for the first year from the ascertained weight for the month of January, 1854;" and insert in lieu thereof the following:

"This allowance to commence with the passage of this act, and to continue for one year only, and to be computed from the ascertained weight for the month of January, 1854."

The Senate agree to recede from its fourth and fifth amendment.

JACKSON MORTON,

W. K. SEBASTIAN,

I. P. WALKER,

Managers on the part of the Senate.

EDSON B. OLDS,

JOSEPH R. CHANDLER,

Managers on the part of the House.

The third amendment, to which the committee recommend a concurrence, with an amendment, relates to the additional allowance to the clerks in the city post office. It is already understood by the House.

The fourth and fifth amendments, from which the Senate recede, are sections five and six, as follows:

Sec. 5. And be it further enacted, That the surviving late Vice President of the United States shall have, during his life, the same authority to frank letters, and other mail matter, which he possessed while in office. And the same authority shall belong to future Vice Presidents after they go out of office.

Sec. 6. And be it further enacted, That the Postmaster General be, and he is hereby, authorized to pay to Cranstons Lowrie a reasonable compensation for performing the duties of two desks in the Post Office Department, not to exceed half pay of a clerk for the time he was so employed.

The question now being upon the adoption of the report of the committee of conference, it was taken, and decided in the affirmative.

So the report was adopted.

Mr. OLDS moved to reconsider the vote by which the report was adopted, and also moved to lay the motion to reconsider upon the table; which latter motion was agreed to.

Mr. INGERSOLL. I ask the consent of the House to take from the Speaker's table Senate bill No. 420, for the relief of Henry S. Sanford.

Mr. WALSH. I object.

Mr. INGERSOLL. I appeal to the gentleman to withdraw his objection.

The SPEAKER. The Chair will inform the gentleman from Connecticut that the bill to which he refers has already been taken from the Speaker's table, and referred to the Committee on Foreign Affairs.

Mr. INGERSOLL. Well, sir, I move to reconsider the vote by which it was so referred.

The SPEAKER. The motion can be entered, but not considered while the House is acting under a suspension of the rules.

Mr. INGERSOLL. I will submit the motion, and call it up at the earliest opportunity.

Mr. DAVIS, of Indiana. I ask the unanimous consent of the House to take from the Speaker's table Senate bill (No. 236) granting to the States of Indiana and Illinois a portion of the public lands, to aid in the construction of the Indiana and Illinois Central railway.

Mr. WALSH. Does the gentleman desire to put it upon its passage?

Mr. DAVIS. Yes, sir.

Mr. WALSH. I object.

Mr. DAVIS. I move to suspend the rules.

The SPEAKER. That motion is not in order.

Mr. DAVIS. If the gentleman will hear the bill read, I think he will not object.

Mr. WALSH. I do object.

Mr. REESE. I ask the consent of the House to take up for consideration Senate bill (No. 256) for the relief of the West Feliciana Railroad, and the Georgia Railroad, and Banking Companies.

Mr. WALSH. I object. The order for calling committees for reports was given for a specific purpose, and I shall object to everything until that order has been executed.

Mr. LETCHER. I objected to Senate bill (No. 428) granting to Jasper Strong, George Fennell, and their associates, the right of way for a railroad through the reserved lands near the navy-yard at Pensacola, in the State of Florida. I understand now from the gentleman from Florida

that there are no buildings on the lands through which it is proposed to extend the railroad that can be injured by fire. In that state of the case, I will withdraw my objection to taking the bill up.

Mr. WALSH. I renew the objection.

Mr. MAXWELL. I appeal to the gentleman to withdraw his objection.

Mr. WALSH. I do not withdraw it.

Mr. ASHE. I understand that there is no privilege now for the suspension of the rules?

The SPEAKER. When the order of the House is executed it will then be in order to move a suspension of the rules.

Mr. ORR. I rise to a privileged question. I move to reconsider the vote by which Senate resolution (No. 27) "to enable the Secretary of the Interior to retain the present force in the Land Office until the next session of this Congress," was referred to the Committee of Ways and Means. I will explain the resolution in two minutes, so that I think there will be no objection to it.

Mr. ASHE. I object.

Mr. ORR. Cannot the motion to reconsider be entered?

The SPEAKER. It can be entered and considered hereafter some time or other.

Mr. ORR. Then I ask that the motion be entered.

REPORTS FROM COMMITTEES.

The SPEAKER then proceeded to execute the further order of the House by calling committees for reports for reference without debate.

Mr. DISNEY, from the Committee on Public Lands, reported back Senate bill (No. 126) "to relinquish to the State of Wisconsin the lands reserved for salt springs therein," with the following amendment:

That in lieu of the twelve salt springs, with six sections of land adjoining to each, heretofore granted to the State of Wisconsin, for its use, by the fourth clause of the seventh section of an act entitled "An act to enable the people of Wisconsin Territory to form a constitution and State government, and for the admission of said State into the Union," approved the sixth day of August, in the year 1846, there be and hereby is, granted to said State of Wisconsin, to be selected by the Legislature of said State, out of any public lands subject to private entry, and to be sold in such manner as the Legislature may direct, for the benefit and in aid of the university of said State, and for no other purpose whatsoever, seventy-two sections of land: *Provided*, That in the selections of land, heretofore made under an act entitled "An act to extend the time for the selection of the lands granted to the State of Wisconsin for saline purposes," approved the 4th day of May, 1853, "and which shall not have been sold by the United States, and is not legally claimed by preemption or otherwise, shall be, and hereby are, granted and confirmed to said State for the use of the university of said State, as part of the seventy-two sections hereby granted.

Mr. LETCHER. I should like to make an inquiry of the gentleman from Ohio. Is it the understanding that when these lands were first selected they were found to be saline lands?

Mr. DISNEY. They were not.

Mr. LETCHER. What then?

Mr. DISNEY made some remarks in explanation of his amendment, and in reply to Mr. LETCHER, which were entirely inaudible at the reporter's desk.

The question was taken; and the amendment was agreed to.

The bill was then ordered to a third reading, and was read the third time and, passed.

Mr. COBB. I ask the unanimous consent of the House to consider Senate bill (No. 93,) "to establish an additional land office in the State of Florida, to be called the district of Tampa."

I addressed a note to the Commissioner of the General Land Office to learn whether it was absolutely necessary to establish this additional land office, and in reply he says that it is needed. I am satisfied that the bill ought to pass, and I hope that there will be no objection to it upon the part of any gentleman.

Mr. WALSH. I object. It is only to create a new office.

Mr. DICK. I ask leave to introduce a bill to incorporate an Insurance company in the city of Washington.

The SPEAKER. How does the gentleman propose to have it referred?

Mr. DICK. I prefer having it put upon its passage.

Mr. PRATT. I dislike to object, but it is really too late to have this bill introduced and passed.

Mr. DICK. Well, then I ask it to be referred to a Committee of the Whole House.

The bill was read a first and second time by its title, and so referred.

A message was here received from the President of the United States, by SIDNEY WEBSTER, Esq., his Private Secretary, informing the House that he had this day approved and signed, among others, an act to repeal the first proviso of the fourth section of an act granting bounty lands to certain officers and soldiers who have been engaged in the military service of the United States.

A message was also here received from the Senate, notifying the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the Senate's amendments to the act making appropriations for the service of the Post Office Department.

Mr. TAYLOR, of Ohio. Some five months ago a bill from the land office, interesting to my district, was referred to the Committee on Public Lands. My friend and colleague [Mr. DISNEY] desires to report back that bill, and have it put upon its passage. It is for the survey of public lands, and it is not probable that there will be any objection to it. I understand from the Commissioner that the bill is absolutely necessary to enable the surveyor of the district to carry on the survey. I ask the consent of the House to allow that bill to be reported. It is a bill "allowing the further time of two years to those holding lands by entries in the Virginia military district of Ohio, which were made prior to the 1st of July, 1852, to have the same surveyed and patented."

[Cries of "Let it be referred."]

Mr. DISNEY. There is very little matter involved in the bill. I will explain in a few words how the matter stands.

Mr. WALSH. I object to debate.

[Cries of "Oh, it is all right; it is understood!"]

Mr. DISNEY. I want simply to explain the necessity—

The SPEAKER, (interrupting.) Debate is objected to by the gentleman from New York.

Mr. DISNEY. But I do not intend to make an argument, I merely—

[Cries of "Order!" "Order!"]

The bill was read *in extenso* by the Clerk.

It provides that the officers and soldiers of the Virginia line on the continental establishment, their heirs or assigns, entitled to bounty lands, who have, prior to the 1st of January, 1852, been entered within the tract reserved by Virginia, between the Little Miami and the Scioto rivers, from intervening local points, shall be allowed the time of two years, from and after the passage of the act, to make and return their surveys, and warrants, or certified copies of warrants, to the General Land Office.

The question being on ordering the bill to be engrossed and read a third time,

Mr. WALSH. I object; let it be referred.

Mr. DISNEY. I will make a brief statement of the facts. By the existing law there is no authority to survey these lands. By her deed of cession Virginia relinquished all her right and title to them. This provision applies to parties in Virginia who had made entries of portions of this land, but cannot get them surveyed, because there is no law authorizing them to be surveyed. This bill simply proposes to authorize the surveyor to survey them.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was subsequently read the third time, and passed.

Mr. LILLY. I rise for the purpose of asking a favor of this House, a thing which I have not done before this session. It is to discharge the Committee of the Whole House from the further consideration of a private bill, that it may be taken up and passed. Two weeks ago, when that bill was reached on the Calendar, it was objected to by a gentleman from North Carolina; and one week ago it was called again, but I was unable to be here to attend to it. The gentleman who objected to it on a former occasion recently came to me and requested that I should ask the House to take up the bill, as he withdrew his objection to it, being perfectly satisfied that the bill is right. It is Senate bill (No. 337) for the relief of Eliza M. Evans.

Mr. BARRY. If unanimous consent is necessary to take up that bill, I object to it, and for the reason that for four months I have had a report

which I have desired to make; and to-day committees are being called, and if we proceed, there is some chance of getting in the report.

Mr. LILLY. I hope the gentleman will withdraw his objection.

Mr. BARRY. I cannot.

Mr. ASHE. I ask the unanimous consent of the House to introduce the following resolution:

Resolved, That the Clerk of this House be directed to pay to John Costin, a laborer employed in the office of the Clerk, two dollars a day, in consideration of additional labor performed by him, commencing from the time employed, deducting therefrom the *per diem* already paid him.

Mr. BARRY. I object, most distinctly, for the reasons which I stated before.

Mr. ASHE. If the gentleman will allow me, I will state the circumstances of this case.

Mr. BARRY. It will do no good; for I object. I have been trying to report a bill for a long time, and I want the opportunity of doing so to-day.

Mr. OLDS, from the Committee on the Post Office and Post Roads, reported a bill abolishing the franking privilege.

Mr. ASHE. If any objection can prevent that bill from being reported, I object.

The SPEAKER. The gentleman has the right to report it.

The bill was read a first and second time by its title.

Mr. HENDRICKS. I move that it be put upon its passage.

Mr. OLDS. I have no objection to the bill being put upon its passage, if that is the wish of the House.

Mr. PRINGLE. I object.

Mr. JONES, of Louisiana. I would suggest that nearly all these objections arise from the fact that we are now acting under a suspension of the rules. I hope the balance of the committees will be called through for reports, and it will then be in order to proceed to other business.

The SPEAKER. The Chair will adopt the suggestion of the gentleman from Louisiana, and will entertain no other proposition out of order until the committees have been called through.

Mr. BARRY, from the Committee for the District of Columbia, reported a bill "to incorporate the Metropolitan Collegiate Institute of Washington," which was read a first and second time by its title, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. MAY, from the Committee on the Judiciary, reported the following bills; which were severally read a first and second time by their titles, referred to the Committee of the Whole on the state of the Union, and ordered to be printed:

A bill concerning the apprehension and delivery of deserters from foreign vessels in the ports of the United States;

A bill to provide for the payment of costs by the United States in certain cases; and

A bill to authorize the adjudication in the courts of the United States of certain claims of officers of the customs.

Mr. MAY. I now ask leave to offer a resolution calling for information, that it may be furnished at the next session of Congress.

It is as follows:

Resolved, That the Secretary of the Interior be requested and authorized to ascertain and report to this House, at its next session, upon what terms suitable buildings for the use of the post office and courts of the United States in the city of Baltimore, Maryland, can be purchased, or built, the same to be erected in a convenient and central place in said city; and that he report the various propositions on this subject that he may receive, or have considered, and his opinion on the same, and which is best for the public interest.

Mr. LETCHER. Would it be in order to amend that resolution?

The SPEAKER. It would be in order, unless the amendment gives rise to debate, and in that case the resolution cannot be considered.

Mr. LETCHER. I should like to have the same inquiry proposed as to Clarksburg, Wheeling, Charlestown, and Wytheville, to know what post offices and court-houses would cost there.

Mr. JONES, of Louisiana. Have all the committees been called?

The SPEAKER. They have not.

Mr. JONES. Then I shall object to the resolution until all the committees are called. When they are called, I shall withdraw my objection.

The SPEAKER. Reports are still in order from the Committee on the Judiciary.

Mr. JONES. At the request of gentlemen, I withdraw my objection to the resolution submitted by the gentleman from Maryland.

Mr. LETCHER. After the word "Maryland," in the resolution, I move to add the following: "and the towns of Staunton, Wheeling, Clarksburg, Charlestown, and Wytheville, Virginia."

Mr. MAY. I accept the gentleman's amendment as a modification of the resolution.

Mr. KNOX. I object to the resolution.

Mr. JONES, of Louisiana. Let us proceed with the call of committees.

Mr. J. C. ALLEN, from the Committee on Private Land Claims, reported a bill "for the relief of the heirs and legal representatives of Captain Presley Thornton, deceased," which was read a first and second time by its title, referred to a Committee of the Whole House, and ordered to be printed.

Mr. J. C. ALLEN also, from the same committee, reported adversely on the petition of the heirs of Obediah Hardesty for eighty dollars bounty and interest, and for one hundred acres of bounty land; which was laid on the table, and ordered to be printed.

Mr. LETCHER. I will withdraw my amendment to the resolution of the gentleman from Maryland, [Mr. MAY.]

The SPEAKER. The gentleman from Virginia withdraws his amendment to the resolution offered by the gentleman from Maryland. Is there objection upon the part of any other gentleman?

Mr. WALSH. I object.

Mr. STEVENS, of Michigan, from the Committee on Public Lands, reported a "bill to establish an additional land district in the State of Wisconsin," which was read a first and second time by its title.

Mr. EASTMAN. As a matter of course, it is to be established at the will of the President.

Mr. WALSH. I object.

Mr. EASTMAN. I hope the gentleman from New York will withdraw his objection.

Mr. WALSH. Unanimous consent was given in the first place expressly that bills to which no objection was made should be reported.

Mr. STEVENS, of Michigan, from the Committee on Public Lands, reported a bill "to quiet the title to certain lands in the county of Monroe, Michigan," which was read a first and second time by its title.

Mr. NOBLE. This is a bill to quiet the title arising out of the different surveys which left some vacancies between the private land claims and the public lands. It is to quiet the title to two thousand acres in the aggregate.

The bill was read through by the Clerk.

Mr. LETCHER. To save time, I object to that bill. Let it be referred to the Committee of the Whole on the state of the Union.

It was so ordered.

Mr. STEVENS, of Michigan. I understand that this morning, when disposing of the business on the Speaker's table, resolution No. 23, for the confirmation of certain entries and locations of military lands made in the State of Michigan, was taken up and objected to. I wish to say to the House that that resolution was drawn up by the Commissioner of Public Lands, and that it is very desirable that it be passed. I wish now to have it taken up.

The resolution was read by its title, as follows: Senate resolution (No. 27) for the confirmation of certain entries and locations of military lands made in the State of Michigan.

Mr. LETCHER. I object to the consideration of that resolution now.

Mr. WENTWORTH, of Illinois. Some three hours ago I asked to introduce a bill, but I have not yet succeeded in doing so, for the reason that I gave way to allow other motions to be presented. All I want is to have the bill referred.

No objection being made, Mr. W. introduced a bill "granting pensions to all persons engaged in the war of 1812, and the Indian wars prior thereto, and to their widows," which was read a first and second time by its title, and referred to the Committee of the Whole on the state of the Union.

Mr. PRINGLE, from the Committee on Indian Affairs, reported the following joint resolution:

Resolved, That the several pension laws, and bounty land laws, shall not be so construed as to exclude from the benefits thereof, Indians belonging to the Seneca nation of

Indians who served in the war of 1812, where, by the terms of such laws, Indians are now excepted and excluded.

Mr. PRINGLE. I ask that the resolution may be put upon its passage.

No objection being made, the resolution was ordered to be engrossed, and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HAVEN moved to reconsider the vote by which the resolution was passed, and also to lay the motion to reconsider upon the table.

The latter motion was agreed to.

Mr. HOWE. I ask the unanimous consent of the House to take up Senate bill No. 338, and put it upon its passage. It is a very important and meritorious bill, for the relief of Robert G. Thompson.

Mr. JONES, of Louisiana. Are the committees still being called?

The SPEAKER. They have not been called through yet.

Mr. JONES. Then I object to taking up any bills until the committees are called through. I have been here a long time waiting to get a bill in.

Mr. CHANDLER. I asked the House some time since to appoint a committee upon a memorial from the Smithsonian Institute. The committee was appointed, and it is now preparing a report, but has not finished it. I understand that the committee expires with the expiration of the present session of Congress. I move that the committee may be permitted to make their report at the next session.

The motion was agreed to.

Mr. HOWE. As a member of the Committee on Military Affairs, I desire to ask what is the proper disposition for committees to make of the papers in their charge upon which no action has been had?

The SPEAKER. Let them remain in the several committee rooms, and they will be taken care of and restored to the committees again at the next session of Congress.

Mr. DAWSON. I ask the consent of the House to allow me to offer a resolution.

Mr. WALSH. Is it the report of a committee?

Mr. DAWSON. Yes, sir. It is to pay to Charles J. Ingersoll the per diem and mileage to which he is entitled under the usual custom of the House for the Twenty-Sixth Congress.

Mr. WALSH. I object.

Mr. DAWSON. I move to suspend the rules.

The SPEAKER. The Chair must remind the gentleman that the order of the House for calling committees for reports is still unexecuted.

Mr. McMULLIN. I hope the Chair will entertain no special motion until the order of the House for calling committees has been executed.

Mr. CRAIGE. I ask the unanimous consent of the House to report back Senate bill (No. 227) to authorize the extension and completion of the Treasury building; and also to construct buildings for the War, Navy, and Interior Departments, with a view of putting it upon its passage.

The SPEAKER. The proposition of the gentleman from North Carolina is not in order.

Mr. CRAIGE. I ask the unanimous consent of the House.

Mr. McMULLIN. I object.

Mr. CRAIGE. I appeal to the gentleman to withdraw his objection.

Mr. McMULLIN. I will withdraw my objection as soon as the call of committees for reports has been concluded. But until that time, I will object to everything else.

Mr. CRAIGE. I desire to state the objects of the bill. It is to provide for completing the Treasury Building, and for erecting suitable buildings for the War, Navy, and other Departments of the Government. It is to provide for what has been recommended by every Administration, from General Jackson's down to the present day.

[Loud cries of "Order!" "Order!"]

Mr. CRAIGE. I will state to the House that I was informed by the Secretary of the Treasury—

The SPEAKER. Objection is made to any explanation.

Mr. CRAIGE. I desire to make a statement which will remove all objection to the bill being put on its passage.

The SPEAKER. Objection has been made by half a dozen to any explanation.

Mr. CRAIGE. That being the case, I shall resume my seat.

Mr. FLAGLER, from the Committee on Revolutionary Pensions, reported a bill "for the relief of Esther Lovejoy," which was read a first and second time by its title, referred to a Committee of the Whole House, and, with the accompanying report, ordered to be printed.

Mr. LETCHER. I move the House do now adjourn. The Senate have adjourned.

The SPEAKER. The Chair would beg the gentleman to withdraw his motion until he presents a communication from the War Department.

Mr. LETCHER. I withdraw it for that purpose.

NATIONAL ARMORIES.

The SPEAKER then laid before the House a communication from the War Department, stating that among the papers transmitted in the report of yesterday in answer to a resolution of the House of Representatives of the 31st ultimo, there was a letter from the Secretary of the Interior, stating that the Commissioner of the Public Buildings and Grounds, when the chairman of the select committee was applicant for that office, had the supervision of the Capitol extension, and the statement was referred to in the report in recapitulating the contents of the paper submitted. The Secretary of War submitted a communication from the Secretary of the Interior, stating that his report above referred to was erroneous in that particular, and that the Capitol extension was not under the supervision of the Commissioner of the Public Buildings and Grounds when the application was made.

Mr. STANTON, of Kentucky. I move that the communication be laid upon the table and printed, as a part of the communication yesterday received from the Secretary of War.

There was no objection, and it was so ordered.

Mr. LETCHER. I renew the motion that the House do now adjourn.

The SPEAKER. After four o'clock the House could not, perhaps, under the rules, if objected to, receive reports from any committee of conference.

Mr. LETCHER. That is understood.

LOSS OF THE MAIL STEAMER BILL.

Mr. HOUSTON. The committee of conference upon the ocean mail steamer bill have disagreed. The Senate committee having possession of the papers made a report to the Senate, and debated it awhile; but I understand now that the Senate have adjourned until to-morrow, which kills the ocean mail steamer bill for this year.

I would like, if it is in order, to move a reconsideration of the vote by which House bill No. 461 was committed to the Committee of Ways and Means.

The SPEAKER. The motion can be entered, but not considered now.

Mr. HOUSTON. My attention had been called to the bill by a Senator, who asked me to take charge of it for him. I was not here when it was referred, and my object is to reconsider the vote by which it was referred, so as to bring it before the House and pass it.

Mr. WALSH. I object.

Mr. HOUSTON. It is a private claim for the relief in some way of the Indian Bureau. I know nothing about the case except—

Mr. CAMPBELL. If that is all the explanation the gentleman can give, I object.

Mr. WENTWORTH, of Illinois. My colleague in the Senate has informed me that some papers were carried to Berkeley Springs by General SHIELDS, who has gone to see Colonel BISSELL, in favor of making a port of delivery at Rock Island. I ask the unanimous consent of the House—

Mr. CAMPBELL. It would be the entering wedge for a custom-house, and we can take the subject up the next session.

Mr. BOCK. I wish to submit a privileged question to the Chair. It was agreed this morning—and I ask the attention of the Speaker to this point—that after four o'clock this evening no motion should be in order except a motion to adjourn. Now, if we adjourn to-day we adjourn to meet to-morrow at ten o'clock, and if we adjourn to-morrow, we adjourn to meet on Monday at ten o'clock, unless we fix some other time.

The SPEAKER. It is fixed at eight o'clock.

Mr. ROBBINS. I ask the unanimous consent of the House to discharge the Committee of the Whole House from the further consideration of bill No. 454, "for the relief of Charles W. Carroll."

Mr. LETCHER. That will not go.

Mr. CHANDLER. It ought to go.

Mr. JONES, of Tennessee. The Senate have adjourned, and we can do nothing more here upon which they can act, and therefore I move that we adjourn.

Mr. JONES, of Louisiana. Is this question of adjournment a debatable question?

The SPEAKER. It is not debatable.

Mr. JONES. Well, then, I hope the House will not adjourn.

Mr. COBB. I want to have a Senate bill referred; and I hope I shall be allowed the privilege of having it done. I trust my friend from New York [Mr. WALSH] will not object. [Laughter.]

Mr. JONES, of Tennessee. I withdraw my motion.

Mr. CAMPBELL. I rise to a privileged motion. I move that when the House adjourns, it adjourn to meet on Monday morning at seven o'clock.

[Cries of "That is right!"]

Mr. JONES, of Tennessee. I think the House had better meet to-morrow, and close up all the business.

Mr. JONES, of Louisiana. I rise to a question of order. The question is not debatable at all.

Mr. COBB. I hope the House will allow me to report the bill which I have here.

Mr. WALSH. I object.

Mr. LETCHER. I renew the motion to adjourn.

The SPEAKER. The motion having been withdrawn by the gentleman from Tennessee, [Mr. JONES,] and the gentleman from Alabama [Mr. COBB] being on the floor at the moment, he is entitled to be heard.

NEW LAND DISTRICT IN FLORIDA.

Mr. COBB. The gentleman from Florida [Mr. MAXWELL] is deeply interested in the organization of a land district in the southern part of his State, remote from any other land district. I have a bill here for that purpose, which I wish to introduce. I have also a letter from the Commissioner of Public Lands stating the necessity which exists for the organization of a new land district. The gentleman from New York [Mr. WALSH] made an objection a moment ago, but he is now satisfied of the facts, and withdraws his objection. I trust, now, that nobody else will object, and that the bill will be allowed to pass.

The bill was read *in extenso* by the Clerk. It creates a new land district in the southern portion of Florida, to be called the district of Tampa; the act to take effect at the expiration of six months from its passage.

Mr. EASTMAN. A bill was reported this morning by the Committee on Public Lands providing for the establishment of a land district in Wisconsin, and it was objected to. The people in that portion of the country have to travel two hundred and forty miles to the land office, and it was to remedy that that the bill in question was reported for the organization of an additional land office in Wisconsin, on the same terms precisely as this. I therefore object.

Mr. ROWE, (at ten minutes before two, p. m.) I move that the House do now adjourn.

Mr. CAMPBELL. For the purpose of enabling the bills to be signed, I move that when the House adjourns, it adjourn to meet to-morrow at ten o'clock.

The SPEAKER. The House meets regularly at that hour.

Mr. CAMPBELL. I withdraw the motion then.

Mr. EASTMAN. I desire to withdraw my objections to the establishment of a land district in the State of Florida.

No further objection being made, the bill was ordered to be read a third time, and was accordingly read the third time, and passed.

Mr. ASHE. I offer the following resolution:

Resolved, That the Clerk of this House be directed to pay to John Costin, a laborer employed in the office of the Clerk, two dollars per day in consideration of the additional labor performed by him, commencing from the time employed, deducting therefrom the *per diem* already paid him.

[Cries of "All right!"]

Mr. ROWE. I insist upon my motion that the House do now adjourn.

Mr. GREEN, from the Committee on Enrolled Bills, reported as correctly enrolled bills of the following titles, which thereupon received the signature of the Speaker:

An act for the relief of the heirs of Captain Mathew Jack, deceased;

An act for the relief of the legal representatives of Charles Pavie;

An act for the relief of Asa Leach;

An act making appropriations for the support of the Army for the year ending the 30th of June, 1855;

An act for the relief of Warren Raymond;

An act for the relief of Henry Lewis, of Clinton county, Indiana;

An act for the relief of the legal representatives of George M. Girk;

An act for the relief of James Capen;

An act for the relief of Lloyd Dorsey and others;

An act for the relief of the legal heirs of Benjamin Metoyer;

An act for the relief of Robert F. McGuire, and Louisa, his wife, late Louisa Lamy;

An act for the relief of Julia Aikin;

An act authorizing the payment of balance of the property accounts between the United States and the State of New York, for military stores in the war of 1812;

An act for the relief of John S. King, of Virginia;

An act for the relief of the inhabitants of township forty-five, range one, in Warren county, Missouri;

An act for the relief of A. S. Laughrey; and

An act to carry into effect a treaty between the United States and Great Britain, signed on the 5th day of June, 1854.

The question then recurred on the motion to adjourn.

Mr. CAMPBELL. I call upon the gentleman to withdraw that motion to adjourn for a moment, for the purpose of allowing me to ask the unanimous consent of the House to offer a resolution.

Mr. ROWE. I will withdraw the motion until I can hear the resolution.

The SPEAKER. The Chair would suggest to the House that if they wish to place all the standing committees of the House upon the same footing, it will not take more than five minutes to call through those yet remaining.

Mr. ASHE. What has become of the resolution which I offered?

The SPEAKER. It was cut off by the motion to adjourn.

Mr. WALSH. And what has become of the motion to adjourn?

The SPEAKER. It was withdrawn. The Chair again asks if it is the pleasure of the House that the call of committees for reports shall proceed?

Mr. ROWE. How many committees are left?

The SPEAKER. Not more than five or six.

Mr. PHILLIPS. I ask leave of the House to withdraw a motion made by me to reconsider the vote of the House upon the resolution directing the President to commence legal proceedings against those who have received moneys from the Gardiner claim.

Mr. WALSH. I object.

The SPEAKER. In the opinion of the Chair, the gentleman has the right to withdraw his motion.

Mr. WALSH. Then I object to the gentleman's asking as a privilege what he has a right to do.

Mr. PHILLIPS then withdrew his motion to reconsider.

Mr. LILLY. I move that the Committee of the Whole House be discharged from the further consideration of Senate bill (No. 337) "for the relief of Eliza M. Evans."

Mr. LETCHER. I object.

Mr. LILLY. Is it in order to move a suspension of the rules?

The SPEAKER. It is not; for the committees have not yet been called.

Mr. HENN. I think that I have been rather badly treated by the House this morning, in objecting to a bill which I was allowed, by unani-

mous consent, to take up. I do not propose that the House shall consider that bill now. Being on the Committee on Enrolled Bills, I have not been able to be in the House at times when one could get the floor. I now ask it as a personal favor, that the House will take up and pass a little bill confirming the school titles to about two thousand acres of land in the United States—about one hundred and sixty acres of which are in my State.

Mr. WALSH. To whom are they to go?

Mr. HENN. They go to the schools.

Mr. JONES, of Tennessee. I certainly have no knowledge of any understanding between the gentleman from Iowa and myself, either express or implied.

The SPEAKER. Discussion is not in order.

Mr. HENN. The bill to which I refer is in the Committee of the Whole on the state of the Union; to which it was referred early in the session.

Mr. GROW. I move that the House do now adjourn.

Mr. CAMPBELL. I ask the gentleman from Pennsylvania to allow me to offer a resolution which I think will be unanimously adopted. If there be objection to it, I will not even move a suspension of the rules.

Mr. HENN. I would appeal to the gentleman from Pennsylvania to withdraw his motion to adjourn, until the bill to which I have referred has been acted on.

Mr. LETCHER. I object to the bill of the gentleman from Iowa.

Mr. HENN. Then I shall object to everything except the regular business of signing bills.

The SPEAKER. There is pending a motion that the House do now adjourn.

Mr. MILLSON. Has not a motion to fix the time to which the House shall adjourn precedence of that motion? I move that when this House adjourns to-morrow, it adjourn to meet on Monday at a quarter before eight o'clock, or seven, or any other hour that will suit members. Now, by the order under which we are acting, we adjourn from one day to meet at ten o'clock the next day. So, if the House adjourn to-morrow, they will adjourn till Monday two hours after the time fixed for adjournment, unless the Chair shall decide that, under the resolution adopted to-day, it will be competent for the House to-morrow—

Mr. HENN. I rise to a question of order. The subject is not debatable.

The SPEAKER. The gentleman of Virginia claimed the floor upon a privileged question.

Mr. MILLSON. I do not desire to debate the matter. I move that when the House adjourns to-morrow, it adjourn to meet some time on Monday, say half-past seven o'clock in the morning.

The SPEAKER. The gentleman from Virginia submits a motion that when the House adjourns, it adjourn to meet on Monday, at half-past seven o'clock.

Mr. MILLSON. I was about to make this further suggestion. If we do not do this, we might be placed in an anomalous condition. The Senate might be in session on Monday at eight o'clock; and they are not prevented from adopting resolutions and taking votes to-morrow; while we, if we adjourn to-morrow at ten o'clock, would close our session at that time, and cease to have a legal existence, and present the anomalous condition of the two Houses adjourning at different periods.

The SPEAKER. It is true, as the gentleman from Virginia states, if the House adjourns to-morrow, it will adjourn, according to its own order, to meet at ten o'clock, two hours after the time fixed by the resolution adopted to-day.

The question was taken upon Mr. MILLSON's motion; and it was agreed to.

Mr. CAMPBELL. I send a resolution to the Clerk's table to be read for information. If there be a single objection, I promise that I will not move to suspend the rules.

Mr. WALSH. I object.

The SPEAKER. The Chair has received an intimation that there will be an Executive communication sent to the House in a few minutes. The Chair proposes that the House take a recess for half an hour.

Mr. CAMPBELL. Well, in the mean time, I ask to have my resolution read; and if there be the slightest objection made, I will withdraw it.

Mr. WALSH. I object.

Mr. CAMPBELL, (at twenty minutes past two o'clock.) Then I move that the House do now adjourn.

Mr. LETCHER. And on that motion I call for the yeas and nays.

Mr. CAMPBELL. I withdraw my motion to adjourn; and I now move to suspend the rules, in order that my resolution may be read.

The SPEAKER. The rules are suspended; and there is only one committee more to be called.

Mr. CAMPBELL. Then let that other committee be called.

Mr. SMITH, of Virginia. Is it in order now for me to make the statement which I desired to make some time ago?

Objection was made.

Mr. ASHE. I call for the regular order of business.

The SPEAKER. The regular order of business will be the call of the committee.

Reports are now in order from the Committee on Public Buildings and Grounds.

Mr. LETCHER. I wish to know whether it is in order to move to reconsider the vote by which my colleague's [Mr. MILLSON's] motion was agreed to? And then I wish to know whether it is in order to debate that motion?

The SPEAKER. The motion to reconsider is in order; but it is not in order to debate it at all.

Mr. LETCHER. Well, will it be in order to have a call of the House?

The SPEAKER. It is in order.

Mr. LETCHER. Then I move a call of the House.

Mr. DAWSON. I object.

Mr. CAMPBELL. I move that the House do now adjourn.

Mr. LETCHER. On that motion I call for the yeas and nays.

The yeas and nays were ordered,

The question was taken; and there were—yeas 18, nays 81.

So the House refused to adjourn.

MESSAGE FROM THE PRESIDENT.

Pending the call of the roll, a message, in writing, was received from the President of the United States, by SIDNEY WEBSTER, Esq., his Private Secretary.

Mr. GREEN, from the Committee on Enrolled Bills, reported as correctly enrolled bills of the following titles; which thereupon received the signature of the Speaker:

An act to establish certain additional post roads;

An act for the relief of Thomas Ap Catesby Jones, surety for a former postmaster at Norfolk, Virginia;

An act for the relief of George M. Bentley, of the State of New York; and

Joint resolution making appropriation for the payment to those entitled to the benefits of the resolution of the House of Representatives of the United States, passed August 3, 1854, voting extra compensation to pages, folders, and others.

The question recurred upon the motion that there be a call of the House.

Mr. JONES, of Tennessee. I would inquire if there is not a message from the President upon the Speaker's table?

The SPEAKER. There is; but there is no quorum present.

Mr. JONES. That makes no difference.

[Cries of "Read the message!" and "Let us have it!"]

The SPEAKER. If it is the pleasure of the House, the Chair will present the message.

Mr. HAVEN. I am very desirous of hearing the message, whatever it may be; but I do not want to hear it, except under such circumstances that we can act upon it after we have heard it.

Mr. JONES. We can have a full House to-morrow.

Mr. KERR. I move that the House do now adjourn.

The SPEAKER. The motion is not in order, inasmuch as the House has but just now refused to adjourn, and no business has since been transacted.

Mr. WALSH. Can the message be read if any one member objects?

The SPEAKER. It cannot, no quorum being present.

Mr. WALSH. Then I object.

Mr. HAVEN. I desire to hear the message

read; but if there is not a sufficient number here to act upon it after it is read, I do not want it read now, nor until we can act upon it.

The SPEAKER. The Chair thinks it is competent for the gentlemen present to hear the message read, but that it would not be competent to act upon the message by a vote. The Chair states that no number less than a quorum can act at all legislatively.

Mr. HAVEN. Then I object to the reading of the message.

The SPEAKER. The Chair stated that it was competent for the gentlemen present, if they choose to do so, to hear the message read; but that it was not competent for them to act upon it.

Mr. HAVEN. But I want action upon the message, if we hear it read; and I do not want to hear it unless we can act upon it.

Mr. ORR. Under the resolution which has been adopted by the House to-day, providing for an adjournment, the House, even if there were a quorum present, could not act upon it after four o'clock to-day.

Mr. FAULKNER. I move that the message be read.

The SPEAKER. If there is no objection, the message will be read; but if it is objected to, the Chair thinks the reading of the message would be legislative proceeding, and that it would be out of order, there being no quorum present.

Mr. WALSH. I object.

Mr. PHILLIPS. Then I most respectfully take an appeal from the decision of the Chair. We can hear without a quorum, but we cannot act.

Mr. CAMPBELL. If a motion for a call of the House has not been made, I now make it.

The SPEAKER. The Chair decides that the motion of the gentleman from Ohio takes precedence of the proposition of the gentleman from Alabama, and it will be the first thing in order; and the Chair does decide that less than a quorum cannot legislate at all.

Mr. PHILLIPS. The Chair does not appear to understand me.

The SPEAKER. The Chair understands the gentleman, and decides that the message cannot be read, as objection is made.

Mr. WASHBURNE, of Illinois. I desire to ask if the message cannot be read for information?

The SPEAKER. Unless by unanimous consent, it cannot.

Mr. CAMPBELL. I object.

Mr. WASHBURNE. I desire to move—

The SPEAKER. The Chair decides that no motion is in order, and that he will entertain no motion except for a call of the House. The Constitution decides that question, and the Chair has no discretion in reference to the matter.

Mr. WALSH. Is it in order to move to lay the motion that there be a call of the House upon the table?

The SPEAKER. It is not, for the reason that it is not debatable, and nothing would be accomplished by it.

Mr. WALSH. I move, then, that the House do now adjourn.

Mr. JONES, of Tennessee. Before the question is put upon the motion to adjourn, I desire to inquire whether, if the motion be carried, the House will adjourn to meet to-morrow at ten o'clock?

The SPEAKER. It will.

Mr. JONES. Then I desire to say that the Senate have adjourned until twelve o'clock to-morrow, and that if we meet at ten, we can do nothing until that time.

Mr. CAMPBELL. I object to the gentleman making an argument.

Mr. JONES. I am not making an argument; I only wished to have the House understand that if they meet to-morrow at ten o'clock, they must sit here for two hours, when it will not be possible for them to transact any business. I move that when the House adjourns, it adjourn to meet to-morrow at twelve o'clock.

The SPEAKER. There is no quorum present, and the House cannot make the order without.

The question was taken on Mr. WALSH's motion; and the House refused to adjourn.

The question then recurred upon the motion that there be a call of the House.

Mr. CAMPBELL. I demand the yeas and nays.

The yeas and nays were ordered.

The question was then taken; and decided in the negative—yeas 19, nays 74; as follows:

YEAS—Messrs. Appleton, Banks, Campbell, Edmundson, English, Everhart, Farley, Haven, Hunt, Kerr, Knox, McCulloch, Matteson, Smith Miller, Pringle, Sabin, Elihu B. Washburne, John Wentworth, and Tappan Wentworth—19.

NAYS—Messrs. Aiken, James C. Allen, Willis Allen, Ashe, Thomas H. Bayly, Barksdale, Barry, Belcher, Bennett, Bocoock, Boyce, Breckinridge, Caruthers, Caskie, Chandler, Chrisman, Churchwell, Clingman, Cobb, Curtis, John G. Davis, Dawson, Dunbar, Dunham, Edgerton, Fenton, Flagler, Florence, Franklin, Gamble, Goode, Goodrich, Greenwood, Grow, Sampson W. Harris, Hendricks, Hibbard, George W. Jones, Roland Jones, Keitt, Letcher, Lilly, Lindsley, McMullin, McNair, McQueen, Macy, May, Millson, Noble, Andrew Oliver, Orr, John Perkins, Phillips, Powell, Pratt, Puryear, Rowe, Ruffin, Shaw, Singleton, Skelton, Gerrit Smith, William Smith, William R. Smith, George W. Smyth, Hestor L. Stevens, Stratton, Straub, Nathaniel G. Taylor, Trout, Walley, Walsh, and Wells—74.

So the House refused to order a call.

Mr. JONES, of Tennessee. There is no quorum present. I move that the House do now adjourn.

The motion was agreed to; and

Thereupon (at quarter past three o'clock, p. m.) the House adjourned until to-morrow at ten o'clock, a. m.

IN SENATE.

THURSDAY, August 3, 1854.

The Senate met at ten o'clock, a. m.

On motion by Mr. GWIN, the reading of the Journal was dispensed with.

ORDER OF BUSINESS.

Mr. GWIN. I move that the Senate postpone all prior orders, and proceed with the unfinished business of yesterday—the naval appropriation bill.

Mr. MASON. I submit to the Senator, that as the Senate is very thin at this hour of the morning, he had better allow us a short time to make reports from committees.

The PRESIDENT. Petitions are first in order.

PETITION.

Mr. FESSENDEN presented the petition of the surviving children and heirs-at-law of Lemuel B. Mason, an officer in the continental line of the Revolutionary Army, praying to be allowed commutation pay; which was referred to the Committee on Revolutionary Claims.

PAPERS WITHDRAWN.

On motion by Mr. ROCKWELL, it was

Ordered, That leave be granted to withdraw the petition and papers of Thomas Sumner, copies of which papers are to be left on the files of the Senate.

On motion by Mr. SEBASTIAN, it was

Ordered, That Jonas P. Levy and José Maria Jarrero have leave to withdraw their petition and papers.

REPORTS FROM STANDING COMMITTEES.

Mr. MASON, from the Committee on Foreign Relations, to whom was referred the petition of Betsey W. Eve, widow of Joseph Eve, praying to be allowed certain expenses incurred by her husband while chargé d'affaires to the late Republic of Texas, submitted a report, accompanied by a bill for her relief; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to whom was referred the memorial of Samuel A. Belden & Co., claimants against Mexico under the treaty of Guadalupe Hidalgo, for losses and damages sustained from the confiscation of merchandise by the officials of the Republic of Mexico, praying that measures may be adopted to secure the payment of their claim, submitted a report, accompanied by a bill for their relief; which was read, and passed to a second reading. The report was ordered to be printed.

He also, from the same committee, to whom was referred the memorial of Charles D. Arfwedson, praying compensation for services as chargé d'affaires *ad interim* at the Court of Stockholm, submitted an adverse report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the memorial of J. Balesier, praying remuneration for certain expenses incurred while special agent of the United States to southeastern Asia, submitted an adverse report thereon; which was ordered to be printed.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

THURSDAY, AUGUST 3, 1854.

NEW SERIES....No. 135.

He also, from the same committee, to whom was referred the memorial of H. Gold Rogers, late chargé d'affaires of the United States to Sardinia, praying to be allowed arrears of compensation, submitted an adverse report thereon; which was ordered to be printed.

He also, from the same committee, to whom were referred documents in the case of J. G. Schwarr, late consul of the United States at Vienna, praying compensation for diplomatic services, submitted a report thereon; which was ordered to be printed; and the committee were discharged from the further consideration of the subject.

He also, from the same committee, to whom was referred the petition of George Frasier, praying remuneration for losses sustained in consequence of the seizure of his property, and the imprisonment of himself by the Mexican authorities in 1840, submitted a report thereon; which was ordered to be printed; and the committee were discharged from the further consideration of the subject.

He also, from the same committee, to whom was referred the bill from the House of Representatives for the relief of W. D. Porter, of the United States Navy, reported it back without amendment.

Mr. HUNTER, from the Committee on Finance, to whom was referred the bill making appropriations for the transportation of the United States mail by ocean steamers and otherwise, during the fiscal year ending the 30th of June, 1855, reported it back without amendment.

REV. JAMES KING.

Mr. ROCKWELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President of the United States be requested to furnish, for the use of the Senate, (if not incompatible with the public interests,) copies of that part of the correspondence, which has not been already furnished, between the Department of State and Mr. Marsh, our Minister to Constantinople, relative to the affairs of the Rev. James King.

GARDNER'S DICTIONARY.

Mr. BRODHEAD submitted the following resolution for consideration:

Resolved, That the Committee on Military Affairs be introduced to inquire into the expediency of purchasing—copies of Gardner's dictionary of the Army, for distribution among the Senate.

DRY-DOCK AT PENSACOLA.

Mr. MORTON. Mr. President, I rise for the purpose of making an inquiry of the chairman of the Committee on Naval Affairs, [Mr. GWIN.] It will be recollected that some months since I introduced a resolution calling on that committee to examine and report as to the work for building a dry-dock and basin at the Pensacola navy-yard. A report from the Navy Department was received on that subject, and referred to the Committee on Naval Affairs on my motion, but I believe that committee have not yet made a report on the subject. I wish to inquire of the chairman of the Committee on Naval Affairs whether we are to expect a report from the committee during this session. Whilst I am on the floor, I would remark, sir, that it is important some action should be taken by Congress upon the subject. It appears by the report from the Department, which was submitted to the committee, that these contractors were paid the full amount of their contract price, though the work which they performed was not received by the Government. They have by that means obtained nearly a million of dollars from the public Treasury without the Government receiving any valuable consideration. Subsequently, I understand, a contract was entered into with the same contractors for building a basin for the dock in California. I think it is time some action may be taken by the Government in regard to the non-fulfillment of the contract by these contractors, before they receive any further sum of money from the Treasury. I wish to inquire of the chairman of the committee what is the state of the case?

Mr. GWIN. The question was referred to the

Committee on Naval Affairs, and the contractors were required to present a response to the report made by the Navy Department; and also to take notice of the remarks of the Senator from Florida when he presented the resolution which was referred to the committee. The contractors have responded, in an elaborate production, which the committee, from the multitude of business on hand, have not been able to consider. I believe, however, it is the sense of the committee—though I have not asked for it, but I intend to do so through the day—to move to be discharged from its further consideration, and to have the response of the parties printed, in order that we may take effective action during the next session of Congress. I believe it is the opinion of the committee—I have heard it so expressed, though not formally—that the best plan to test the question at law, and I think the order of the committee will be, that the Government and the contractors shall settle the question by judicial proceedings. I merely give this as my opinion, because there has been no formal decision of the committee. We have not been able to examine the facts fully at this late period of the session; but I believe it is the sense of the committee to take up the question and examine it before it is finally disposed of.

Mr. MORTON. Mr. President—

The PRESIDENT. There is no question before the Senate; and, therefore, debate is out of order.

Mr. MORTON. I suppose it is perfectly in order to make inquiries of the chairman of a committee in respect to any business before them.

The PRESIDENT. The Chair is of opinion that it is not.

Mr. GWIN. Then I move that the Committee on Naval Affairs be discharged from the further consideration of the subject, and that the response of the contractors be printed. I make the motion for the purpose of enabling the Senator to be heard.

Mr. MORTON. I merely wish to make this suggestion: it appears from the report of the Navy Department that these contractors have received, in violation of law and contract, \$1,000,000 from the public Treasury, while the matter is pending and under investigation. I say, a stop should be put to their receiving any more money from the public Treasury. The matter is before the Naval Committee; and the only suggestion I thought proper to throw out was whether it would not be well that the contractors should be estopped from receiving any more money from the Treasury?

Mr. GWIN. The charge of the Senator, that these parties have received money in violation of the contract, is emphatically denied by the contractors. They bring forward abundant evidence to prove that they have not violated the contract. That is their side of the question. They bring satisfactory proof of that fact, and I wish to have it printed. The Senator has stated his position, in reference to this matter. Now, I say there has been no violation of law, so far as I remember, discovered by the Committee on Naval Affairs, in the transaction. These parties have spoken for themselves. I wish the document to be printed, and laid before the Senate, and at the next session the Senator can move any action which he thinks proper.

The PRESIDENT. The question is on discharging the Committee on Naval Affairs from the further consideration of the subject.

Mr. BRODHEAD. As a member of the Committee on Naval Affairs, I must say that I never heard any determination of theirs, formal or informal, to ask to be discharged from the further consideration of the subject.

Mr. GWIN. I never stated so. I said I would ask it during the day. I made the motion merely that the Senator from Florida might be in order in his remarks. I now withdraw it.

Mr. BRODHEAD. I have a word to say on the subject.

Mr. GWIN. I renew the motion to allow the Senator to be heard.

Mr. BRODHEAD. The Senator from California is right in saying that the committee have not

had time fully to investigate the matter. It is a subject which ought to be thoroughly investigated, because money is constantly asked for by the Bureau of Yards and Docks to continue these dry-dock operations in various parts of the country. I think there is no necessity for discharging the committee, or printing the response of the contractors, until the action of the committee is had upon it.

Mr. GWIN. I withdraw the motion.

PRIVATE BILLS.

Mr. SLIDELL. When the Senate agreed to meet at ten o'clock this morning, it was, as I understood with the intention of putting on their passage private bills which have come from the House of Representatives, and have been favorably reported on by our committees. I presume there will be no attempt to pass any bill to which objection is made or which will lead to discussion. I think we can get rid of some forty or fifty bills in the course of an hour.

Mr. GWIN. I consider that if we go on with private bills now, it will be equivalent to postponing all the appropriation bills.

Mr. SLIDELL. I wish the Senator from California to understand that I have no desire, and I presume nobody else has, to occupy more than three quarters of an hour in the consideration of private bills.

Mr. GWIN. Then I have no objection.

The motion was agreed to; and the Senate accordingly proceeded to consider private bills from the House of Representatives, as stated below:

JOHN FRINK.

Mr. RUSK. The Committee on the Post Office and Post Roads, to whom was referred the bill of the House of Representatives, for the relief of John Frink, have instructed me to report it back, and recommend its passage. I ask that it may be now considered.

There being no objection the Senate proceeded to consider the bill as in Committee of the Whole. Its object is to authorize the Postmaster General to pay to John Frink \$750, the amount of two fines wrongfully imposed on him in the third and fourth quarters of the year 1839, and deducted from his pay for carrying the mail on route 2811, from Joliet to Danville Illinois.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

SCHOOL TOWNSHIP IN OHIO.

Mr. DODGE, of Iowa. I am instructed by the Committee on Public Lands, to report back without amendment, House bill for the relief of the civil township of Marion, in the county of Mercer, Ohio, and to ask for its consideration now.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

It proposes to authorize the trustees of the civil township of Marion, county of Mercer, Ohio, to select out of the unsold lands of the United States in that State, one section of land for school purposes, in lieu of section sixteen, to which the township is entitled by acts of Congress.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

W. D. PORTER.

Mr. MASON. I am directed by the Committee on Foreign Relations to report back, without amendment, House bill for the relief of W. D. Porter, of the United States Navy. A similar bill passed the Senate at the last session, and again at this session. It is really an urgent case, and I hope the Senate will pass the bill at once.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill provides for the settlement of the accounts of Lieutenant W. D. Porter, of the Navy, for moneys expended by him in defraying the expenses of bringing Amin Bey and suite to the United States, in compliance with the request of the Hon. G. P. Marsh, United States Minister

at Constantinople; the amount not to exceed \$2,024 32.

Lieutenant Porter, then at Genoa in command of the United States storeship *Erie*, and about to return home, received a letter from the Hon. George P. Marsh, Minister resident of the United States at Constantinople, dated the 20th of May, 1850, requesting him to receive Amin Bey and his attendants on board his ship, and to bring them to the United States; in which letter the minister says that the visit was made on the suggestion of the American legation, and under the proffer of a free passage for Amin Bey and his attendants, in any public ship of the United States about to return home; and further, that he doubts not the "Government will reimburse you for any expense to which you may be subjected by affording him a passage."

In compliance with this request, Amin Bey, with his attendants, including Mr. John P. Brown, as dragoman, were received on board the *Erie*, at Genoa, on the 5th of July, and landed at New York on the 13th of September, 1850. The mission was treated as one of sufficient consequence to the United States, by our minister at the Turkish court, to warrant the responsibility he assumed in giving the invitation, and tendering a passage in a public ship; a step fully justified by Congress, in the appropriation subsequently of a large sum of money to defray the expenses of Amin Bey while in this country. The committee are satisfied, from their inquiries, that the peculiar national habits of this guest of the ship *Erie* must have subjected its commander to expenses exceeding those of an ordinary guest having a like retinue; and, although far the larger part of the expenditures made are sustained by vouchers, they deem it just to admit some of the charges for which, under the circumstances, strict vouchers could not be obtained.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

M'VEA AND M'KNEELY.

Mr. SLIDELL. As there have already been three deviations from the regular course of business, I hope the Senate will now indulge me in taking up House bill "for the relief of John McVea and John F. McKneely, of Louisiana." I had intended not to ask for any preference, but as other bills have been taken out of the regular order, I hope this will be.

By unanimous consent, the bill was considered as in Committee of the Whole.

It provides that, upon the return to the land office at Greensburg, Louisiana, of plats of surveys, duly approved by the Surveyor General, of township three south of range one west, and township three south of range one east, it shall be lawful for John McVea and John F. McKneely to enter, at \$1 25 per acre, the one thousand acre tract which they have long held in possession and cultivation, and which is represented as covering parts of sections one, two, eleven, and twelve, in township three south of range one west, and parts of sections six, seven, thirteen, and eighteen, of township three south of range one east, in the Greensburg land district, Louisiana; but the entry is to be according to the legal subdivisions of the public lands, and to embrace the land actually cultivated and inclosed by them, as near as may be, and not to the prejudice of any valid adverse rights, if any exist, to any part of the land.

It appears that Thomas Scott, the father-in-law of the memorialists, verbally contracted in 1829 or 1830 with John McVea, senior, for about one thousand acres of land in the parish of East Feliciana, Louisiana. John McVea, senior, represented himself as authorized to sell the land as agent of one Corcoran, the supposed owner, then residing in the city of New Orleans. Scott was to have title as soon as the agent should obtain adequate authority from the reputed owner, to make the conveyance. In 1830, Scott took possession of the land, and made considerable improvements. Soon after the verbal agreement was made, the agent of the reputed owner died, and no conveyance to Scott was ever executed. Scott entered upon the land under the belief that he should ultimately obtain title. After Scott had been in possession for some years, he made a donation of the land to the memorialists. About fifteen years ago, the memorialist, McVea, entered into possession

of the land; and about five years thereafter, McKneely, the other memorialist, joined him in the occupation, and they have continued to occupy it to the present time. They have made extensive and valuable improvements on the land, and have erected thereon a sugar-house, machinery, &c., valued at \$15,000. They have had under inclosure, for ten years, about one thousand acres. The reputed owner of the land died soon after his agent, and it turns out that the land belonged to the United States. The public lands in that vicinity, embracing the premises in question, have been surveyed, but these premises have been withheld from sale, in order that the claim of the memorialists may be adjusted.

The memorialists set forth that under the survey, some fragments of quarter sections fell outside of their inclosures, and that upon such fragments persons have been disposed to make settlements, in hopes of ultimately holding the greater portion of quarter sections within their inclosures. They pray for the passage of a law allowing them to purchase the land inclosed by them, not exceeding one thousand acres, at \$1 25 an acre.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

INDIANA BONDS.

Mr. BRIGHT. I must ask the Senate to indulge me by taking up Senate bill "to provide for the surrender of certain bonds of the State of Indiana, held by the United States." It was introduced as early as the second week of the session. It has heretofore passed the Senate three times, but failed in the House for want of time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It had been reported back from the Committee on Finance, with an amendment, to strike out all after the enacting clause, and insert the following:

That the heads of the Departments who have them in charge, be, and they are hereby, authorized to surrender to the State of Indiana the bonds of the said State held by the United States, (not including bank bonds), and to receive in lieu thereof the new certificates of stock to be issued under, and by virtue of, an act of the Legislature of the State of Indiana to provide for the funded debt of said State, and approved the 27th day of January, 1847, the said bonds to be exchanged for the said certificates of stock: *Provided*, That the new certificates of stock to be received in exchange for said bonds so surrendered, shall be held by the said heads of Departments on the same account, and in the same manner, and for the same purposes, as the said Indiana bonds are now held.

In an arrangement of the State of Indiana with her creditors, she surrendered to them the Wabash and Erie canal for one half of her public debt, with an agreement on the part of the bondholders that the canal should be completed to Evansville, on the Ohio river, to be managed by three trustees, two on the part of the bondholders, and one on the part of the State. The old bonds of the State were to be taken up, and new bonds were to be issued; and on one half the amount the revenues of the State were to be applied for the punctual payment of the interest, and the ultimate redemption of the principal; and for the other half, canal bonds were to be issued, having for their bases the Wabash and Erie canal, which is now fully completed, uniting the waters of Lake Erie with those of the Ohio river. The Government is now asked to be as liberal to the State of Indiana as her foreign creditors have been.

The amendment of the committee was agreed to, the bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. WALKER. I wish to ask the Senator from Indiana what will be the difference to the Government between the old and new stock?

Mr. BRIGHT. The stock which the Government now holds is worth nothing, as the law stands. Under the arrangement proposed by the Committee on Finance, the Government will get stock worth, at once, half the par value, and which will, prospectively, be worth the other half. As it is, the Government gets nothing. There was a long report made by the Senator from Delaware, [Mr. CLAYTON,] in 1848, which fully explains the whole matter.

The bill was ordered to be engrossed for a third reading, read a third time, and passed.

JAMES WALSH.

Mr. WELLER. I hope the bills will now be taken up regularly in their order.

The PRESIDENT. The first House private bill on the Calendar is one for the relief of James Walsh, which has been reported from the Committee on Pensions.

It directs the Secretary of the Interior to place the name of James Walsh, of the District of Columbia, upon the roll of invalid pensioners, at the rate of eight dollars per month, to commence on the 1st day of January, 1854, and to continue during his natural life.

James Walsh proves to have been in the service of the United States as a private soldier from the 6th of December, 1836, until May 4, 1849, with the exception of a few months, at each expiration of his time he was honorably discharged, except on one occasion, he is reported as under ordinary disability, which continued only one month and nine days. He also proves that at the battle of Molino del Rey, in Mexico, September 8, 1847, he was wounded in the left foot by a shot, which now renders him, as appears by the certificate of Surgeon Wotherspoon, of the United States Army, entirely incapacitated from earning his livelihood by manual labor, and he is now an inmate of the military asylum in the District of Columbia.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

JESSE R. FAULKNER.

House bill for the relief of Jesse R. Faulkner, of Missouri, reported from the Committee on Pensions, was next considered as in Committee of the Whole.

It directs the Secretary of the Interior to place the name of Jesse R. Faulkner, of Missouri, on the pension roll of the United States, at the rate of eight dollars per month, during his natural life, commencing January 1, 1854.

Faulkner was a private in Captain Burwell's company of Virginia militia during the fall of 1814, and while on a scouting party on or about the first of November, 1814, between Snowden's Iron Works and Annapolis, in the State of Maryland, the party was fired on by a party of British, and Jesse was wounded slightly in the hip, and badly in the knee; the wound in the hip got nearly well, but the knee has been crippled ever since, and grows worse when exercised, producing total disability. He is a man of good character, is poor and needs aid, and calls upon his Government for it.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

HENRY N. HALSTED.

The next private bill of the House of Representatives on the Calendar, was one for the relief of Henry N. Halsted, which had been reported from the Committee on Pensions.

Mr. BROWN. I will suggest that the reading of the bill is unnecessary, unless it is especially called for. It unnecessarily consumes time in these pension bills.

Mr. TOOMBS. I wish to have the bills read. I do not think we should be called upon to pass these bills without reading them, though the House may have passed one hundred in a bunch.

The bill was read. It proposes to direct the Secretary of War to place the name of Henry N. Halsted on the roll of invalid pensioners, at the rate of four dollars per month, commencing January 1, 1845, and continuing during his natural life.

Mr. TOOMBS. I should like to know why this man should be an exception to all other citizens of the United States. Why should he be allowed four dollars a month? There does not seem to be any reason for it at all.

Mr. WELLER. The bill requires the Secretary of War to pay this pension. It should be the Secretary of the Interior, for he now has charge of the subject. I do not see how it can be paid at the War Department; but I will not propose an amendment, for fear it might defeat the bill.

Mr. TOOMBS. Let the report be read. I wish to know why this money is to be paid.

The Secretary then read the report; from which it appears that Halsted was in the service of the United States, in the year 1814, in a company commanded by Captain John G. Weaver, of the New York militia, at Sackett's Harbor. His service commenced on the 22d of August, 1814, and ended on the 9th of November following, when

he was regularly discharged on account of sickness. His sickness was the camp disorder, and produced the piles in an aggravated manner, and has continued until the present time, and it has disabled and enfeebled him very much.

The report contains a statement of many depositions to prove the disability of Halsted, and that it resulted from his military service.

Mr. TOOMBS. All I have to say is, that if there be a word of truth in the report, this man could have got his pension long since at the Pension Office. I suppose from his not getting it there, the statements are not true.

No amendment being proposed, the bill was reported to the Senate, ordered to a third reading, read a third time, and passed.

BENJAMIN HAMMOND.

House bill for the relief of Benjamin Hammond, of the State of New York, was considered as in Committee of the Whole. It directs the Secretary of the Interior to place Hammond's name on the invalid pension roll, at eight dollars a month from January 1, 1854, to continue during his natural life.

Mr. TOOMBS called for the reading of the report; and it was accordingly read.

Hammond was a sergeant in Captain Badger's company, in the artillery regiment commanded by Colonel Thom, in the war of 1812. Upon one occasion the colonel was informed that two men, suspected of being spies, had been in the camp, and had escaped. He ordered Hammond to take a sufficient force, follow, and, if possible, secure them. The pursuit was made in the night, and in the woods; and he, in the discharge of this duty, fell, and the bone of his right thigh was fractured, and he was otherwise injured. The injury compelled him to leave the service. He secured the best surgical treatment at his command, but the injured thigh was but partially restored. He has ever since been lame. The broken limb is much decayed, and so worthless that he goes upon crutches.

The bill was reported to the Senate, ordered to a third reading, read a third time, and passed.

JAMES M. LEWIS.

The next private bill from the House was one for the relief of James M. Lewis, the object of which is to place his name upon the pension rolls of the United States, at the rate of eight dollars per month, from the 1st of January, 1850, to continue during his natural life.

Mr. TOOMBS. I wish to hear the report in that case.

Mr. RUSK. I would suggest that we pass over all the bills where the reading of the report is called for, and take them up afterwards. There are some bills about which there can be no question, but if all the reports be read we shall never reach them.

The PRESIDENT. If such be the sense of the Senate, this bill will be passed over.

Mr. CHASE. I object to that.

Mr. RUSK. I make the motion, that when the reading of a report is called for the bill be laid aside, so that we may get through with those bills to which there is no objection.

Mr. TOOMBS. I think we ought to know what these bills are. I wish to hear the reports on all of them.

Mr. RUSK. Then the Senator has no confidence in the committees?

Mr. TOOMBS. I have no want of confidence in them, but I must vote for myself. I do not allow them to do legislation for me. I have no right to let them do it. I must vote for myself.

Mr. RUSK. Then I understand the Senator to call for the reading of all these reports.

Mr. TOOMBS. Every one.

Mr. RUSK. Then I cannot save time, and I withdraw my motion.

The Secretary read the report in this case, from which it appears that the petitioner was in military service, under the command of General Jackson, for two years, and took part in the battles on the southern frontier, where he received wounds, and subsequently, in carrying an express from the army to Nashville, was thrown from his horse, and so severely injured as to amount to total disability.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

JAMES K. WELCH.

House bill to provide a pension for James K. Welch, was next considered by the Senate, as in Committee of the Whole. It provides that James K. Welch, of Fulton county, New York, who lost his eye-sight while in the service of the United States, in the line of his duty, be placed upon the pension roll, at eight dollars per month from the 1st of January, 1854, to continue during his natural life.

Welch enlisted in the service of the United States in February, 1846, as a private in company K, of the sixth regiment of infantry, of the regular Army. While at Vera Cruz, about 8th June, 1846, exposed to drilling and much fatigue in the heat of the sun, he became sun-struck, and was put under charge of the surgeon. He, becoming worse, was put in the hospital at Vera Cruz, and remained there about two months. His right eye went out the second day, and the left in nine days; and he has ever since been totally blind.

The bill was reported to the Senate, ordered to a third reading, read a third time, and passed.

ALBRO TRIPP.

The bill from the House of Representatives for the further relief of Albro Tripp was considered by the Senate, as in Committee of the Whole.

It directs the Secretary of the Interior to place the name of Albro Tripp upon the invalid pension roll, at the rate of ten dollars per month, in lieu of the four dollars per month to which he is entitled under the law passed May 4, 1852, to commence the 1st of December, 1851, and continue during his natural life, the sum he has received under the act of May 4, 1852, to be deducted therefrom.

The bill of the Thirty-Second Congress, by virtue of which Mr. Tripp was placed on the pension list, was based upon his being a private, and enacted that he receive four dollars per month, the half pay of a private; whereas, on examination, it has been discovered that his grade of captain was overlooked, which fact would have entitled him to the half pay of a captain.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

HENRY LEWIS AND MOSES PETET.

The Senate, as in Committee of the Whole, proceeded to the consideration of House bill for the relief of Henry Lewis, of Clinton county, Indiana.

The bill, as it passed the House, proposed to authorize Henry Lewis to enter, free of cost, except the fees to the land officers, forty acres of land, out of any lands subject to private entry, at any land office in the United States, or the Territories thereof, in full of his claim for money paid Charles Tyler, register of the land office at Crawfordsville, Indiana, the 18th of January, 1837, being fifty dollars.

The Committee on Private Land Claims reported an amendment to strike out all after the enacting clause, and insert:

That Henry Lewis, of Clinton county, Indiana, and Moses Petet, of Parke county, Indiana, be, and they are hereby, each authorized to enter, free of cost, except the fees to the land officers, forty acres of land, out of any lands subject to private entry, at any land office in the United States, or the Territories thereof, in full of their respective claims for money paid Charles Tyler, register of the land office at Crawfordsville, Indiana, in the month of January, 1837, the amount thereof being fifty dollars each.

Henry Lewis, on the 18th January, 1837, went to the Crawfordsville land office, for the purpose of purchasing the northeast quarter of the southwest quarter of section five, in township twenty-three north of range one west. At that time the office of receiver of public moneys was temporarily vacant; but the register of the land office, Charles Tyler, told him to leave the money with him, and he would see that the land was duly entered, so soon as the office of receiver was filled. The petitioner being not well versed in such things, and supposing one land officer as responsible as another, left his money, fifty dollars, with Tyler, and took from him a receipt.

Tyler marked the land as entered on the plats in his office. The petitioner, believing that he had in fact purchased it, took possession of it, and remained in possession, making valuable improvements, for ten years, when he was informed that his land had been purchased by Rufus A. Lockwood. He then had a full investigation of all the facts, and found that Tyler had pocketed his money, and that he had no title whatever for

the land; but that the title was fully invested in Lockwood, to whom he surrendered possession. At the time Tyler received the money, and from that time to the present, he has been notoriously insolvent.

The committee find that the case of Petet is similar, and therefore report the amendment.

The amendment of the committee was agreed to; the bill was reported to the Senate as amended, and the amendment was concurred in. The amendment was ordered to be engrossed, and the bill to be read a third time. It was read a third time, and passed, and the title was amended, so as to read: "A bill for the relief of Henry Lewis and Moses Petet."

HENRY J. SNOW.

House bill "for the relief of Henry J. Snow, of Rome, in the State of New York," was next considered as in Committee of the Whole.

It directs the Secretary of the Interior to place the name of H. J. Snow on the roll of invalid pensioners, at the rate of eight dollars per month, to commence on the 1st of January, 1854, and continue during his natural life.

In April, 1853, the petitioner was employed by the officer in command at the military post at Rome, in the State of New York, to load and discharge guns on the occasion of the death of the Hon. William R. King, Vice President of the United States; and while so employed, by the premature discharge of one of the guns, his right arm was torn off, his right eye destroyed, and he was otherwise injured. The accident occurred without fault or negligence on the part of the petitioner, who is but thirty-seven years of age, and has a wife and five children dependent on him for support.

Mr. TOOMBS. I object to the second reading of that bill.

The PRESIDENT. It has been read a second time, and is now before the Senate as in Committee of the Whole, and open to amendment.

Mr. TOOMBS. Then I object to its passage to-day. The bill has to be read three several times on three several days, unless it be dispensed with by unanimous consent.

The PRESIDENT. It has been read a first and second time.

Mr. TOOMBS. Then I object to its third reading to-day, under the rules of the Senate.

The PRESIDENT. It has been read a first and second time, and is now before the Senate as in Committee of the Whole. If no amendments be proposed, it will be reported to the Senate, and the question will be on its third reading.

Mr. TOOMBS. I am opposed to this bill. This man was not in the military service of the United States; but was a person in civil life, employed to fire cannon in funeral honors. To give him a pension for life is violating all principle.

Mr. SEWARD. Mr. President, at the station at Rome, in the State of New York, there was an officer in command of the post, with no troops. He received from the War Department instructions to fire a salute in honor of the Vice President of the United States, on the occasion of his death. In pursuance of that command, which he could not disobey, he employed this person, who was experienced in the performance of that duty. I trust the Senate will pass the bill.

Mr. TOOMBS. I move to lay the bill on the table.

Mr. CLAY. Mr. President—

The PRESIDENT. The motion to lay on the table is not debatable.

Mr. CLAY. I merely wish to suggest to the Senator from New York that this bill is obnoxious to all the objections which he urged the other day against the Batchelder case.

The PRESIDENT. The question is on the motion that the bill be ordered to lie on the table.

Mr. WALKER called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 18, nays 19; as follows:

YEAS—Messrs. Adams, Atchison, Bright, Butler, Cass, Chase, Clay, Cooper, Fitzpatrick, Johnson, Jones of Tennessee, Mason, Pratt, Rockwell, Sebastian, Stuart, Toombs, and Weller—18.

NAYS—Messrs. Allen, Benjamin, Brodhead, Dodge of Wisconsin, Dodge of Iowa, Douglas, Fessenden, Foot, Geyer, Gwin, James, Jones of Iowa, Mallory, Morion, Pettit, Rusk, Seward, Sumner, and Walker—19.

So the Senate refused to order the bill to lie on the table.

It was then read a third time, and passed.

SUSPENSION OF RULES.

Mr. BRIGHT. I move to suspend the 16th joint rule for the purpose of allowing the bill, which was passed this morning, "to provide for the surrender of certain bonds of the State of Indiana held by the United States," to be sent to the House of Representatives to-day.

Mr. RUSK. It would be better to make the motion general, so as to apply to such bills as may be passed during the day.

Mr. BRIGHT. I have no objection to that.

Mr. SUMNER. As that is a joint rule, should it not be suspended in accordance with the House?

Mr. RUSK. It only requires the action of the Senate.

Mr. BRIGHT. In accordance with the suggestion of the Senator from Texas, I modify my motion so as to read:

Resolved, That the 16th and 17th joint rules, for such bills as have passed, or may pass during this session, be suspended for the residue of the session.

The rules which are proposed to be suspended are as follows:

"16. No bill that shall have passed one House, shall be sent for concurrence to the other on either of the three last days of the session.

"17. No bill or resolution that shall have passed the House of Representatives and the Senate, shall be presented to the President of the United States for his approbation, on the last day of the session."

The resolution was agreed to.

ATMOSPHERIC TELEGRAPH.

On motion by Mr. MALLORY, it was

Ordered, That one thousand additional copies of the report of the select committee on the subject of Richardson's proposed atmospheric telegraph, be printed for the use of the Senate.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by Mr. WEBSTER, his Secretary, announcing that he had approved and signed, on the 2d instant, the following bills:

An act to constitute Tusculum, in the State of Alabama, a port of delivery, and for other purposes;

An act constituting Madison, in the State of Indiana, a port of delivery;

An act creating a collection district in Texas and New Mexico;

An act to establish a port of delivery at Lake Port, on Lake Pontchartrain, and for other purposes;

An act to relinquish the reversionary interest of the United States to a certain reservation herein mentioned, and to confirm the title of Charles G. Gunter thereto; and

An act to provide for the accommodation of the courts of the United States in the district of Massachusetts, and in the cities of New York and Philadelphia.

CIVIL AND DIPLOMATIC BILL.

A message was received from the House of Representatives, by Mr. McKEAN, Chief Clerk, announcing that the House insisted on their disagreement to certain amendments of the Senate to the bill making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1855, insisted on by the Senate; and insisted on their amendments to certain other amendments of the Senate to the said bill which had been disagreed to by the Senate; that they agreed to the conference asked by the Senate on the disagreeing votes of the two Houses on the said bill, and had appointed Mr. HOUSTON, of Alabama, Mr. HAYEN, of New York, and Mr. HENDRICKS, of Indiana, managers on their part.

NAVAL APPROPRIATION BILL.

On motion by Mr. GWIN, the Senate, as in Committee of the Whole, proceeded to consider the bill from the House of Representatives, "making appropriations for the naval service for the year ending the 30th of June, 1855," which had been reported from the Committee on Finance, without amendment.

Mr. GWIN. In order to facilitate business, I propose that the bill be reported to the Senate, and that the amendments be then offered.

Mr. STUART and Mr. CHASE objected to that mode of proceeding.

Mr. GWIN. I have a number of amendments to offer from the Committee on Naval Affairs. The first is to insert after the appropriation for the Memphis navy-yard the following:

Navy-Yard at San Francisco.—For continuing the blacksmith shop, the carpenter shop, storehouse, wharf, officers' quarters, and other works, \$200,000.

This is merely a continuation of an appropriation made last year. The estimate of the Department was upwards of a million of dollars, and the committee on naval affairs recommend but \$200,000; being \$850,000 less than the estimate.

Mr. PEARCE. I shall make no objection to this amendment; for I suppose it is perfectly proper, if we are at this time to make any appropriations for the navy-yard at San Francisco; but I will remark, that the appropriations made in this bill for navy-yards and magazines at different points already amount to nearly a million of dollars. If the Senate think proper, at this time, to add \$200,000 more for the navy-yard at San Francisco, I shall make no objection; for I suppose at some future time it will be necessary to have a naval establishment there; but whether it is advisable now to add this amendment to the very large amount of appropriations already contained in the bill, is a question for the Senate to decide; I simply wished to call their attention to the facts.

Mr. GWIN. The Government has already expended \$100,000 for purchasing a site, and removing all obstacles for the purpose of establishing a navy-yard there. It appropriated \$100,000 at the last session of Congress for the commencement of the work. This sum of \$200,000 is to enable us to go on. If we are ever to have a navy-yard there at all, it is time that we should make something like a respectable commencement.

Mr. SEWARD. I think that if we are to have navy-yards anywhere, San Francisco is the proper place for one. We have nothing in the shape of a navy-yard, or any preparation for naval defense on that coast, where it is now so necessary when, we are opening a new commerce with all the East. I hope the amendment will be agreed to.

The amendment was adopted.

Mr. GWIN. I am further instructed by the Committee on Naval Affairs, to offer this amendment, to come in after the provision for pay of superintendents, naval constructors, and all the civil establishments of the several navy-yards and stations:

That at the navy-yard at San Francisco, the pay of the commander shall be \$3,500 per annum; the pay of one storekeeper, \$3,500; one civil engineer, \$4,000; one draftsman, who shall be clerk to engineer, \$2,000; one clerk to the storekeeper, \$2,000; one navy agent, \$4,000; one clerk to navy agent, \$2,000.

These salaries are recommended by the Navy Department as necessary at that navy-yard.

The amendment was agreed to.

Mr. GWIN. The next amendment of the Committee on Naval Affairs is to insert after the one just adopted the following:

That in settling the accounts of the late navy agent at Memphis, the sum of \$2,964 59, already received by him and passed to his credit upon the books of the Treasury Department previous to the passage of the act making appropriations for the naval service for the year ending June 30, 1853, shall not be deducted from his salary as acting purser provided for by the said act.

Mr. STUART. I should like to have some elucidation of this. Here is an express direction to the accounting officers of the Treasury to allow this man this sum of money. Now, we have gone on from time to time exculpating men from liabilities to the Government without ever fully considering what we were doing. This case may be one in which the Government of the United States ought to relinquish this amount; but simply saying it ought to be done is certainly not satisfactory to the Senate.

Mr. GWIN. If the Senator will give way, he can have an explanation which, I suppose, will remove his objection.

Mr. STUART. I shall be glad to hear it.

Mr. MALLORY. Mr. President, Mr. Perrin, for whom this amendment is proposed, is a constituent of one of the members of the Committee on Naval Affairs, the Senator from Tennessee, [Mr. BELL.] I have looked into the case, and I will state it as I understand it. Mr. Perrin was navy agent at Memphis, and while navy agent served three years. A purser at that station was entitled to receive \$2,000 a year; but there being none there, Perrin was ordered by the Secretary of the Navy to assume and execute the duties of purser, and he did so. Thereupon there were large contracts made for work, labor, and materials

to be expended at Memphis; but instead of making the drafts payable at Memphis, which would have given the percentage to the pursur there, they were made payable at Boston, so that he got no percentage though he did all the duties of pursur otherwise. Subsequently, Mr. Graham, Secretary of the Navy, insisted on his performing the service, and said he would send a resolution to Congress by which he should get the pay of a purser. He did get that pay, \$2,000 a year. Previous to that, he had executed the duties of navy agent; and his commissions for that service amount to the sum stated in the amendment. When he presented his accounts, they allowed him his salary as purser but all the commissions which he earned as navy agent were struck out. The committee thought it unjust, and therefore reported this amendment.

Mr. STUART. I understand the statement, then, to be that he received full pay as navy agent during a certain period, and at a subsequent period he received pay as a purser in the Navy; and now it is proposed to go back of this, and pay him as navy agent, and as purser also. That is, contrary to the policy and the law of the United States. I think it wrong in principle.

Mr. MALLORY. The Senator has not understood the explanation. Mr. Perrin had earned this sum of money, and it was due and payable to him. When he was called upon to perform the duties of purser, these commissions were all earned for three years services. He had paid himself; but when he came to settle his accounts, they allowed him, instead of his pay as navy agent, only the pay of purser, whereas he performed the duties of both stations, with the express understanding that he was to be paid.

Mr. STUART. I understand it. This man was navy agent, and, as navy agent, received the pay due to him as such.

Mr. BELL. Allow me to say to the honorable Senator, that the sum of over \$2,900 now in question, is the only amount he ever received for four years' service as navy agent. He never got one cent besides, either as salary or commission. The honorable Senator is totally mistaken in his view of the case. If Mr. Perrin be not allowed this sum, he will not receive one cent for acting four years as navy agent.

Mr. STUART. Let me inquire of the Senator from Tennessee whether, as navy agent, he was not entitled to a certain amount of pay?

Mr. BELL. Commissions to the amount of \$2,900 were received by him for the expenditures at the navy-yard for three years prior to the passage of the act of 1853. That act allowed him \$2,000 a year, as acting purser at the yard. Then the difficulty has arisen with the accounting officers as to whether he should be allowed commissions as navy agent. I think there ought to be no difficulty; but the officers have deducted all he received for the whole service, as navy agent, for three years—\$2,900—from his allowance as purser. That is the true state of the case.

Mr. PEARCE. I understand the fact to be this: This gentleman was navy agent, and, as such, like all other navy agents, he was entitled to no compensation, except what he derived from commissions on his disbursements. There have been cases where navy agents have been in office for a considerable time, without receiving a cent; as, for example, in California, some years ago, great complaint was made about having a navy agent there, and allowing him to receive the emoluments of the office, when, in fact, he never disbursed a dollar and never received a cent commission. It is, therefore, not an unusual thing for a navy agent to receive small compensation for making small disbursements. I understand this gentleman, in consequence of performing duties ordinarily performed by a purser, was allowed to receive the pay of a purser. He did not receive pay as a navy agent, but received the pay of a purser, which was twice as much at least; and I understand he has received more money for the services performed than \$2,900.

Mr. MALLORY. The honorable Senator is mistaken, and I think in a few words I can make the case so clear that he cannot misapprehend it.

Mr. PEARCE. I should like to know if the Secretary of the Navy has recommended this appropriation?

Mr. MALLORY. Not that I am aware of; but the committee who have investigated the subject do recommend it.

Mr. PEARCE. I hope it will not be passed now. Why not bring it forward as a separate bill, and give us time to look into it.

Mr. MALLORY. I wish to give the Senator an explanation. He has mistaken the facts, and I wish to show him what the facts really are.

Mr. PEARCE. Before the Senator goes on, I will make this point: I look on this as a private claim, and it seems to me, therefore, to be excluded from this appropriation bill, according to our rules.

The PRESIDING OFFICER. (Mr. WALKER in the chair.) That is the opinion of the Chair, and has been since the amendment was presented.

Mr. BELL. The amendment does not require the appropriation of a cent of money. This sum of \$2,900 has been already paid to this gentleman, and not a cent is required to be appropriated from the Treasury.

The PRESIDING OFFICER. The Chair will inquire if the Senator from Maryland makes the point of order?

Mr. PEARCE. I suppose it to be a private claim; but I will look at it again and see.

Mr. BELL. It is declaratory of the act of 1853.

Mr. STUART. I think there can be no doubt that it is a private claim.

Mr. PEARCE. I see by the amendment that it requires the sum of \$2,900 shall not be deducted from this gentleman's pay as acting purser. Although it does not actually appropriate any money out of the Treasury, it in effect does the same thing; and I think, therefore, my point is a proper one.

Mr. BELL. The amendment is declaratory of the opinion of Congress upon the effect of the act of 1853, and makes no appropriation. It is only to provide that the amount which this gentleman received as navy agent at Memphis for four years shall not be taken from him, and he shall not be compelled to pay it to the Government. The honorable Senator from Maryland said it was very usual for navy agents to have nothing to do. Why, sir, there were large expenditures during the time that this gentleman was acting as navy agent at Memphis. Then considerable appropriations were being made for that yard. I believe \$136,000 were appropriated at the last Congress; and, if all the appropriations had passed through his hands, he would have received \$6,000 as navy agent, instead of \$2,900.

Mr. PEARCE. I am loth to interrupt the Senator, but the point of order has been raised, and decided by the Chair; and it is, therefore, unnecessary to go into the merits of the claim.

The PRESIDING OFFICER. The Chair has intimated that it was his opinion that this was a private claim; but, as he is only a temporary occupant of the chair, he will submit the question to the decision of the Senate.

Mr. GWIN. I think the question is raised too late.

The PRESIDING OFFICER. The question, when raised, has to be considered. There has been no vote on the amendment, and therefore it cannot be too late. The Chair will not decide the question. He will merely give his opinion, and submit the question to the Senate. Those who are of opinion that this is a private claim, and therefore excluded by the rules, will say "Aye;" those of a contrary opinion will say "No."

The question being taken, the amendment was decided to be a private claim, and therefore excluded under the rules.

Mr. GWIN. The next amendment of the Committee on Naval Affairs is to strike out the following clause:

To enable the Secretary of the Navy to pay the salary of Professor James P. Espy for the current fiscal year ending June 30, 1855, \$2,000; the payment to be made in the same manner, and under the like control, as former appropriations for meteorological observations.

Mr. PEARCE. The object of this amendment is to strike out the appropriation for the salary of Professor Espy, engaged in meteorological service under the direction of the Navy Department. This gentleman has been engaged in this business for several years. I do not recollect when it began; but I know that in 1846 an appropriation was made for the purpose, though it was omitted by mistake in the bill of that year. In 1847 another appropriation was made of this sum of money, to be applied to his use in the prosecution of meteorological researches, under the direction of the

Navy Department. So it has continued from year to year. I have heard no reason assigned by any committee for striking out this appropriation. I should like to hear some reason assigned for it before I go any further. I hear none.

Mr. MALLORY. If the Senator will take his seat, I think I can give him a reason.

Mr. PEARCE. Very well, sir; I shall be glad to hear it.

Mr. MALLORY. Mr. President, there are a great many abuses existing in the organization and expenditures of the Navy. They come before us every day. And the Committee on Naval Affairs would be wanting in justice to themselves and the Senate if they did not, when they discover them, bring them to the notice of the Senate. Now the clause proposed to be stricken out is in these words:

To enable the Secretary of the Navy to pay the salary of Professor James P. Espy, for the current fiscal year ending June 30, 1855, \$2,000; the payment to be made in the same manner, and under the like control as former appropriations for meteorological observations.

This is the first time the appropriation was ever made in this form. Heretofore there has usually been an appropriation to enable the Secretary to get these meteorological observations; but never have I been able to discover that it was made payable to a single individual. Now, I will say, with all due respect for Professor Espy, of whom I entertain a very high opinion, that he is not an officer of the Government. He is not subject to the appointment of the President. He is not in any Department. He has no office, no employment under the United States. He comes here, at the end of the year, and submits to us certain results of meteorological observations, asks us to accept them, print them, and pay him so much money. In that regard he is precisely upon the same footing that any other intelligent scientific gentleman would be, who reported to us his discoveries in any branch of science. We are called on here, from year to year, to appropriate this money, without the appropriations being controlled by any committee of either House of Congress, or having any direction over the subject at all.

Why, sir, if these meteorological observations are necessary, if they conduce to any practical or beneficial end—on which I will not now undertake to pass any opinion—I consider that they should be made at our Observatory. We have at our Observatory ten lieutenants, receiving salaries of from \$1,500 to \$3,000 a year; we have seven professors of mathematics; we have several passed midshipmen; we appropriate from \$10,000 to \$50,000 per annum for charts and for nautical instruments for the Observatory. And are we to be told that when meteorological observations are wanted we are to go to a private individual, who comes forward at the end of the session, and submits them for our approbation and acceptance? Is that the way we are to get these observations? No, sir. I have no doubt that their generalization by Professor Espy has received the approbation of scientific men, and that they may be useful; but I submit that this means of obtaining them is not just, and is not right. We might as well accept the book or the report of any other private individual upon any abstract subject of science at the end of the session, and approve it. We have no means of looking at this matter. We are called on here to pay for these observations, and I do not know that the reports of them ever saw the inside of a ship. They have been piled up in the naval committee room. We have no means of examining them. No committee ever passed upon them. This is the first time I know of that this has ever been specifically introduced into the naval appropriation bill.

If it be the desire of the Senate to continue these meteorological observations, not at our own Observatory, under our own control and direction, but to accept those made by a private individual, be it so. They are now being made all over this country. Under the orders of the proper Department, we have them made at every naval station and at every military station in the country. If, however, we want to go to a private individual to get these meteorological observations, I say then, if that is to be the way, let the Secretary of the Navy expend the money as he may think best, and do not confine the appropriation to one particular individual above all the world, but give every man a fair chance, and select the best.

Mr. PEARCE. Mr. President, several years ago Congress made appropriations "for meteorology." The first one which I notice in this volume of laws, reads in this way: "For appropriation of this sum for compensation of meteorologist, the same having been omitted by mistake in the enrollment of the civil and diplomatic bill of the last session, \$2,000." I find in the appropriation bill of next year "for meteorological observations, to be conducted under the direction of the Secretary of the Navy," and a few other times "for meteorology under the direction of the Secretary of the Navy," so much.

Now, sir, Professor Espy does not come here as a private individual, having made meteorological observations, asking the Senate to pay him in advance. On the contrary, an examination of the statutes shows that Congress have appropriated money for meteorology, to be expended under the direction of the Secretary of the Navy, and the Secretaries of the Navy heretofore have employed Mr. Espy to make these meteorological reductions, for, sir, he does not make meteorological observations; not at all. The Senator is right when he says that we have for a number of years had meteorological observations made at the stations of the Army and of the Navy. That is all true, but those observations are of no manner of use until they are reduced into form, until they are generalized, and some rule deduced from them.

Mr. BROADHEAD. Can they not reduce them in the Observatory?

Mr. PEARCE. No, sir. In the Observatory they can make one set of observations; but that is worth nothing; you must have a thousand sets in order to generalize with any advantage. These observations are made throughout the country, at all our naval and military stations. We want somebody to generalize and reduce them; and the Secretaries of the Navy have employed Mr. Espy to do this. He is not a private individual forcing himself upon the attention of Congress to do this thing. It is true he is not an officer of the Government; but he is an individual who has been employed under the authority conferred on the Secretary of the Navy by law, for more than ten years, to reduce these observations. He has uncommon capacity for that service. You have not got, of all your lieutenants at the Observatory, and at all your stations, any man one fortieth as competent as Professor Espy, to make these generalizations and reductions. It is because of his especial fitness for it, that he has been employed by the Secretaries of the Navy, and continues to be employed by them.

Mr. GWIN. Has the present Secretary of the Navy estimated for this, or does he desire the employment? Has the Senator any official information?

Mr. PEARCE. I do not know whether the present Secretary of the Navy has done so or not; but it has been estimated for in times past, and we are continuing that which the laws have heretofore authorized. There are plenty of examples to this effect in your legislation here. Take the very Observatory of which gentlemen speak. Do they know how that was got up? There never was any law authorizing an observatory. For years and years there was an estimate for a depot of charts and barometers; and that has expanded, under general appropriation acts, without any specific statute creating an observatory, to the condition in which we now behold it. It is a very useful establishment, and has grown very largely, more largely, perhaps, than strict economy would have justified. There are numerous other instances. Your Naval School at Annapolis began without any act of Congress authorizing it. The Secretary of the Navy thought proper to employ a portion of the naval funds towards that purpose, and out of that has grown the great Naval School at Annapolis, which you have recognized by law in various instances; but, I believe, always in appropriation bills. And you have recognized this employment for the purpose of meteorological reductions, just precisely as you have recognized the other two establishments of which I have spoken.

Now, I say this is a very useful thing, and Professor Espy's eminence in this regard is above all other men in our country. I have in my hand a French book, published in Paris, by Monsieur Maillet, a very eminent meteorologist, and I find in this book a brief account of Professor Espy's

system, and then I find, in another part of the same book, some fifty pages devoted to the consideration of it. I find in it, also, a report made to the French Academy on the subject, by three very distinguished men, whose names will be recognized at once. The committee consisted of Arago, Pouillet, and Babinet. I will only trouble the Senate by reading a single paragraph.

Mr. BUTLER. Read it in French.

Mr. PEARCE. It is not worth while to do that; but I will turn it into as good English as I can, as I go along. They say:

"The communication of Professor Espy contains a great quantity of well observed and well-described facts. His theory, in the actual state of science, is the only one which satisfies the phenomena; and calculated, according to the thought of Professor Espy, by the sum of the electrical action, when these intervene, it will leave nothing else to desire."

"Finally, for physical geography, for agriculture, for navigation, and meteorology, it will give us new explanations, and useful indications for ulterior researches, and correct many accredited errors. The commission expresses the hope that Mr. Espy may be placed by the Government of the United States in such a position as to pursue his important labors, and to complete his theory, already so remarkable, by means of all the observations and all the experience which his deductions from his theory will suggest to him, in a country so vast, where enlightened men are not wanting to science, which is, besides, a country of the most formidable meteors."

In conclusion they say:

"In consequence, the commission proposes to the academy to give its approbation to the work of Professor Espy, to entreat him to continue his researches, and above all, to well define the part which electricity plays in these great phenomena, of which a complete theory will be one of the most precious acquisitions of modern science."

This is the way in which they speak abroad of his labors. The gentleman from Florida proposes to strike out this clause, and put an end to them; because, as he says, Professor Espy is not a recognized officer of the Government. Well, sir, he has been for ten years recognized as an employee of the Government for this purpose. He was originally employed under the authority of law by the Secretary of the Navy, who was authorized so to do; and it is simply proposed to continue that which the law has repeatedly acknowledged as proper and made appropriations for. I see no reason for striking out, and I hope the clause will be retained.

Mr. MALLORY. Mr. President, you will observe, that the honorable Senator has not suggested, as I remarked, that the name of Professor Espy has ever been introduced into an appropriation bill heretofore. Appropriations have been made for meteorological observations, leaving the Navy Department to have them made where they could be best made. Now, this clause in the bill recognizes Professor Espy as an officer of the Government when he has never been so employed. I submit, again, if the observations be material to us, they should be made at the Observatory, for which we appropriate money most liberally. If left here to obey the dictates of my own judgment, I should advocate the payment of Professor Espy; but I do not now feel at liberty to do so, because I consider it an abuse. We have as much right to appropriate money to any private individual who comes here and presents us a book upon a useful subject, but who has never been employed by us, as to make this appropriation for Professor Espy.

In view of the enormous expenditure now appropriated from year to year for our Observatory, with all the necessary apparatus and instruments for these observations, it is for the Senate to decide whether we are to be taxed with this \$2,000 a year, having no recognized officer to do it, when we have all the means and appliances within our own control? With due deference to the honorable Senator's remarks about meteorology, I must say that I do not speak unknowingly on this subject; for, for ten years of my life it occupied my own attention. I think he hazards a great deal when he says we have not a lieutenant in the Navy who can make these observations. I should say that if he reduced the rank down to midshipman, he would still hazard a great deal. I should think very little of the intellect, and still less of the industry, of any passed midshipman in the service who could not observe all these facts with the proper instruments under his control.

Mr. PEARCE. I do not doubt their ability to make observations. That I did not deny; but, I said, to make these reductions and generalizations, which require a peculiar degree of information and

theoretical ability, is a very different thing. Anybody, I suppose, can take an observation; but it is not everybody who can reduce a number of observations to anything like general principles, who can get new truths out of them; for that is what Professor Espy is doing. Scientific truth is obtained by deductions from a vast variety of observations. Anybody can make observations, I suppose—I do not think that any marvelous exploit—but it is something to be able to generalize, so as to get from them a great physical truth; and that is what Professor Espy has done, and the French Academy has recognized it.

Now, in order to meet the objection of the Senator from Florida, I should have no objection to amend the clause in the bill so as to make it read: "To enable the Secretary of the Navy to pay for meteorological researches for the current fiscal year," &c. That would obviate the Senator's objection to the clause as it stands.

Mr. GWIN. I hope the Senator will let us vote on this proposition, and then he can move to insert.

Mr. PEARCE. Very well.

Mr. COOPER. I hope that the appropriation for continuing the observations that Professor Espy has been engaged in for the last dozen years, will be retained. I presume it is known to the whole Senate, and indeed to the whole country, that this man has acquired quite a degree of reputation by his knowledge of meteorology and the deductions he has made from his observations.

These observations have been for years past applied practically, and have been found valuable in many respects. There is now scarcely an officer in the Navy, or in the commercial marine of the United States, who does not acknowledge the indebtedness that the mariner owes to Professor Espy. All of them have his tables; all of them are more or less acquainted with his theory; and all of them have recognized it to a greater or less extent.

Now, sir, he is continuing these observations from year to year, gathering more facts to be analyzed when the whole mass shall be collected. When there is no more required for a purpose that may do so much for science, than the pitiful sum proposed in the bill, I am sure it would be highly improper to strike it out. This gentleman is possessed of great industry; he has devoted himself, and is continually devoting himself to this branch of science and to making deductions from facts in connection with it; and he is more competent to do it, perhaps, than any other man now living in the world. At least we know of no one who has made the same progress in this department of science that he has done. I hope, therefore, that the appropriation will be made, and these observations continued.

Mr. TOOMBS. Mr. President, I hope this amendment will not be agreed to, and that the appropriation made by the House, in accordance with the uniform rule, with but one exception, I think, for the last ten years, will be retained. Mr. Espy is a man of great modesty and great merit, and he has contributed largely to the sum of human knowledge on that important branch of inquiry to which he has directed his attention. His labors have been very useful to our Navy and to the world; and I think that after we have made appropriations so extravagantly as we have done, now to strike out \$2,000 for so useful a work, would be a very foolish piece of economy amidst the wide field of abuse that seems to exist in all departments of the Government. The effect would be to strike out what is really good, because you have put in things that are really bad.

The PRESIDING OFFICER. Does the Chair understand the Senator from Maryland as moving to modify the clause before the question is taken on striking out?

Mr. PEARCE. No, sir, I will not make that offer now.

The motion to strike out was rejected.

Mr. GWIN. I am directed by the Committee on Naval Affairs to move to amend the following clause: "To enable the Secretary of the Navy to test any improvements in steam boilers, or other steam machinery, with reference to the construction of steamers for the Navy of the United States, as in his opinion may be calculated to benefit the public service, \$10,000," by striking out all after the word "other" to the word "service," inclu-

sive, and to insert in lieu of the words thus stricken out, "improvements applicable to naval purposes;" so as to make the clause read: "To enable the Secretary of the Navy to test any improvements in steam boilers or other improvements applicable to naval purposes, \$10,000."

The amendment was agreed to.

Mr. GWIN. The next amendment is a merely verbal one, to strike out "from," and insert "for," in the appropriations for the Portsmouth navy-yard.

The amendment was agreed to.

Mr. GWIN. I am also directed by the Committee on Naval Affairs to offer the following amendment, to come in after the appropriation for ordnance and ordnance stores:

To enable the Secretary of the Navy to pay for the use of the steamer Columbus on the coast of California and in the Pacific, in pursuance of the contract entered into by Captain Dornin, of the sloop-of-war Portsmouth, on the first day of February, 1854, \$113,638.

I will state, sir, that during the time expeditions were being fitted out in California for Sonora, it became necessary that the naval force of the United States on that coast should be increased to prevent the consummation of the schemes which were gotten up there for the purpose of taking possession of that country. There was no ship-of-war at the time in the Bay of San Francisco, and it became necessary to employ a steamship to go to the various bays and harbors for the purpose, if possible, of preventing a violation of the neutrality laws of the United States, and also, in the event of any disaster happening to the parties in those expeditions, to bring them back to the United States. The Secretary of the Navy directed the proper officers on the Pacific coast to charter a ship, if necessary. This vessel was chartered, and went down the coast, and did effective service. The appropriation is asked for in order to carry out the contract made by the proper officer.

Mr. BENJAMIN. I do not exactly understand this appropriation, and I should like to hear some further explanation of it. This is a very heavy sum of money to appropriate for the mere charter of a vessel under such circumstances, and I should like the chairman of the Committee on Naval Affairs to give us some information upon it. Does the Secretary of the Navy recommend the appropriation?

Mr. GWIN. Yes, sir, I have his letter in my hand. The appropriation is to carry out his engagement. Here are all the documents. The amendment is exactly in the words of the Secretary of the Navy.

Mr. PEARCE. Will the Senator state briefly what was the length of time this steamer was employed on this particular service.

Mr. GWIN. The documents show that she was on the coast about two months, or perhaps more. The steamer towed down the ship-of-war Portsmouth, and it is notorious that she was instrumental in suppressing the movements which were made there.

Mr. BENJAMIN. For how many days was this vessel chartered for \$113,000?

Mr. GWIN. Here is the statement of the Secretary of the Navy, and I will ask to have it read.

Mr. BENJAMIN. What was the length of the service?

Mr. GWIN. I send the documents to the Secretary's desk, and ask that the letter from the Navy Department may be read.

• The Secretary read the following letter:

NAVY DEPARTMENT, August 1, 1854.

SIR: I send you the papers explaining fully the facts in regard to chartering the steamer Columbus to aid in suppressing unlawful expeditions upon Mexican territory. You will recollect that your committee passed a resolution advising this to be done, and that, on inquiry into the facts, the President concurred with me in authorizing Commander Dornin to employ a steamer, if necessary, and if it could be done on reasonable terms. Commander Dornin considered it necessary, and employed the steamer; and with its assistance he succeeded in accomplishing what he undertook. The opinion is expressed by the navy agent that the price was too high. If the committee move an amendment, I would suggest whether the Secretary of the Navy might not be authorized to pay the amount, unless, on inquiry, he shall become satisfied that a less sum was right and proper.

Respectfully,

J. C. DOBBIN.
Hon. WILLIAM M. GWIN, Chairman Committee on Naval Affairs, United States Senate.

Mr. GWIN. The amendment was drawn up with the discretionary power mentioned in the letter of the Secretary of the Navy; but that officer afterwards sent us a note stating that, as it was

a contract which had been consummated, it was not necessary to insert those words, and accordingly the committee struck them out.

Mr. BENJAMIN. I must express my dissatisfaction with this matter. I am endeavoring to obtain from the committee some knowledge as to the length of time for which this steamer was chartered, and the rate at which she was chartered in order to ascertain what price we are paying for her services which can possibly amount to such an exorbitant sum as \$113,000.

Mr. GWIN. There is among the papers a statement which I will ask the Secretary to read: The Secretary read the following letter:

PACIFIC MAIL STEAMSHIP COMPANY, }
New York, July 5, 1854.

SIR: I had the honor this morning to receive your letter of the 3d instant, and I now inclose to you the following papers, as duplicates of them have not reached you: Bill for charter of steamer Columbus, approved by Lieutenant William H. Ball, amounting to..... \$100,500
Bill for coal furnished the steamer Columbus, also approved by Lieutenant William H. Ball..... 12,305
Bill for expenses in coaling, allowed by Lieutenant F. Stanley..... 643
Bill for same, approved by Commander Dornin... 110
Bill for sundry expenses, approved by Lieutenant William H. Ball..... 80

\$113,638

I further inclose the original letter of Lieutenant Ball surrendering the steamer Columbus to our lieutenant, and an original letter from R. P. Ashe, navy agent, stating that no payments have been made by him for services performed by the Columbus, and that Captain Dornin had advised him of his orders to Lieutenant Ball, to approve of the bills in accordance with the charter party.

Respectfully your obedient servant,

WILLIAM H. ASPINWALL, President.

Hon. J. C. Dornin, Secretary of the Navy.

Mr. BENJAMIN. The bills are what we want to get at. If the Secretary will read the bills, we may see what was the rate of the charter.

Mr. GWIN. One thousand five hundred dollars a day; and the usual price for coal was then thirteen dollars a ton, I think. That was the charter party. It was a contract made and consummated.

Mr. BENJAMIN. What was the size of the vessel?

Mr. GWIN. I do not know her size, but I believe it was fifteen hundred or two thousand tons.

Mr. WELLER. I do not see, sir, how we can very well avoid the payment of this sum. The Secretary of the Navy, it seems, directed the commanding officer of the squadron on the Pacific to charter a vessel, if, in his judgment, it was necessary. In pursuance of that order, he did charter a vessel, he being left to determine the question whether the necessity had arisen. I regret very much that such an order was given, because, in my judgment, the employment of a steamer in this service was not necessary to effect the object; and I do not know that any particular good resulted from it. And in the second place, the contract seems to be rather extravagant. A vessel could have been obtained for less price, I think, if proper means had been used. I do not suppose that this vessel is really worth more than \$100,000. She is one of the second class of steamers upon the Pacific, one that is not ordinarily used now, I believe, in the transportation of passengers. But I do not see how we can honestly avoid the payment of the debt. The Department ordered the contract to be made. It has been made; the service has been rendered; and now we are called upon to pay for it. I am sorry for it, because it is located in the State of California, and it will be charged as an appropriation for that State. I think the citizens of California are able to preserve the neutrality laws, and deport themselves as good citizens, without the agency of any steamship being sent there to look after the men who go to Lower California or Sonora.

Mr. BENJAMIN. I cannot agree to this amendment, and I hope the Senate will not. I trust there will be some further investigation of the matter before we consent to such a charge as this. I have taken up this charter party as it has been laid on the table by the committee, in order to ascertain what was the tonnage of this vessel, and I find that the tonnage was left in blank. I find that she was a steam propeller, in the harbor of San Francisco; and there, without any act of Congress, with an authority, the nature of which I do not perfectly comprehend, upon a mere suggestion, as it appears, from the Navy Depart-

ment here, authorizing the commanding officers there to procure the assistance of vessels, if they had not national vessels sufficient, a charter was made by which, for the service of a steam propeller for seventy days, a claim is made against this Government of \$113,000 or \$114,000—a sum which, according to the statement of one of the Senators from California, would seem to be more than the entire value of the vessel. The length of time through which the vessel was engaged was seventy days, and the bill for her service is \$100,500, which is seventy days at \$1,500 a day. The proposition is to pay \$100,500 for the use of a vessel for seventy days, and then pay all her bills, or, at least, those expenses which are heaviest on steam vessels—to pay for coal, &c. We are charged \$1,500 for the bare use of the vessel—a price admitted to be extravagant.

Mr. WELLER. I do not know that the price fixed on is extravagant, when compared with the contract made at New York for a steamer to go out in search of the wreck of the San Francisco. That, I believe, was \$1,000 a day.

Mr. BENJAMIN. That may very well be, and that may be five times as much as was proper. I will not undertake to say how much was paid elsewhere; nor do I think it is a just mode of argument to justify one abuse by citing another as a precedent. I do not know whether this sum has been paid; but it appears to me that it must be obvious to any man who knows anything on these subjects, that this is a most exorbitant and shameful price. It is one which the Senate ought never to consent to, unless some further explanations are given than we have yet received. I should like to know, first, the legal authority by which this charter was made; and next, I should like to have some better proof than I can find in the papers in this case of the necessity of giving any such sum as was here agreed to be paid. The charter is here. It does agree to pay that price. But there is nothing before us to show that other steamers could not have been obtained at a lower price. There is nothing before us to show that if a steamer had been wanted for this length of time, it would not have been better for the commander, in behalf of the Navy of the United States, to give \$100,000 for the propeller—and then it would have belonged to us—rather than to have us to pay for it, and then to leave it in possession of the party after receiving its full value. It is an operation which I think the Senate will not be disposed to ratify.

Mr. DAWSON. What is the amount proposed to be paid?

Mr. BENJAMIN. One hundred and thirteen thousand six hundred and thirty-eight dollars.

Mr. DAWSON. For how many days was the vessel employed?

Mr. BENJAMIN. Seventy days.

Mr. PRATT. May I inquire of my friend from Louisiana whether he can turn to the letter of the Secretary of the Navy, conferring authority on the naval officer to make the charter party?

Mr. BENJAMIN. That letter itself I find is not here; but I have before me the letter of the Secretary of the Navy of the 1st of August, 1854, addressed to the chairman of the Committee on Naval Affairs of this body, in which the Secretary says:

"I send you the papers explaining fully the facts in regard to chartering the steamer Columbus to aid in suppressing unlawful expeditions in Mexican territory. You will recollect that your committee passed a resolution advising this to be done, and that on inquiring into the facts, the President concurred with me in authorizing Commander Dornin to employ a steamer, if necessary, and if it could be done on reasonable terms. Commander Dornin considered it necessary, and employed the steamer, and with its assistance, he succeeded in accomplishing what he undertook. The opinion is expressed by the navy agent that the price was too high."

The allusion, as I understand, is to the navy agent at San Francisco, an officer of the Government on the spot, who expressed the opinion that the price was too high. The letter proceeds:

"If the committee move an amendment, I would suggest, whether the Secretary of the Navy might not be authorized to pay the amount, unless, on inquiry, he shall become satisfied that a less sum was right and proper."

Now, the amendment is reported without discretion to the Secretary of the Navy to allow a less sum if he should consider it right and proper on examination. That qualification has been stricken out by the committee for reasons which the Senator from California has stated, which

were satisfactory to him and to the committee; but I still consider that this is too important a matter, and too large a sum, for us to consent to this payment without further investigation and further explanation.

Mr. GWIN. Mr. President, in the letter which has been read, the Secretary of the Navy stated that he pursued this course on the recommendation of the Committee on Naval Affairs. When it was supposed that these expeditions were being fitted out, and would probably be mischievous on the Pacific coast, that committee passed an informal resolution, that if, in his opinion, it was necessary, he himself should charter a vessel. At that time it was understood there was one at Panama which could, within thirty days, sweep the whole gulf of California, and accomplish the object. That was the extent of the action of the Naval Committee. It was done for the purpose of preventing the landing of these expeditions, if possible, and to prevent a collision between the expeditionists and citizens of Mexico. In addition to that, it was supposed that the expeditions had been got up by such small numbers of individuals that they would undoubtedly fail, and it was feared that some catastrophe would happen to them, such as happened to the Havana expeditions. It was feared that, as soon as they landed, the Mexicans would take them prisoners, and instantly put them to death. It was thought that the better plan was, if possible, to prevent their landing, or to prevent any disaster to them, by arresting them, if possible, and bringing them back to the United States for trial. The Secretary of the Navy, instead of making a charter, as suggested by the Naval Committee, concluded to send authority to the commander on the naval station at San Francisco; and that officer, who is a gallant officer of the Navy, chartered this vessel. The Senator from Louisiana says it was a shameful transaction. I should like to know on what authority he announces that it was a shameful transaction? I should like to know what authority he has for saying any such thing?

Mr. BENJAMIN. I stated it on the face of the transaction; and I do not hesitate to say that, on the face of the transaction, it is a shameful waste. I say it on my responsibility as a Senator.

Mr. GWIN. That is the Senator's statement, but it will not be sustained by any man who will examine the subject fairly and impartially. The price may be too high, but is there anything shameful in that? The officer was authorized by the head of the Department to make this contract. He made it. The navy agent—so the Secretary informs us, and I suppose the documents bear it out—says the price was too high. Suppose it was too high; what was there shameful in the transaction? The officer thought it was necessary for the public service that he should charter this vessel; otherwise he would not have done it. This gentleman is absent. He is not here to defend himself. So far as any imputations on him personally are concerned, I will repel them. There is not an officer in the public service who stands higher.

Mr. ATCHISON called for the yeas and nays on the amendment, and they were ordered.

Mr. BRODHEAD. I should like to suggest an amendment to the amendment, in compliance with the recommendation of the head of the Navy Department, so as to provide that it be left to his discretion.

Mr. WELLER. So it is.

Mr. BRODHEAD. That was in the original amendment, but it was stricken out. I desire to have that clause restored.

Mr. GWIN. I am perfectly willing to agree to that. The Secretary of the Navy, after he sent to the committee the letter which has been read, sent me a private note yesterday morning, stating that, inasmuch as it was a specific contract, he did not see that the amount could be reduced. I read it to the committee, and they agreed to strike out that clause in the original amendment. I believe the Senator from Pennsylvania was not present in the committee at the time.

Mr. WELLER. I can vote for this amendment very cheerfully with the modification suggested by the Senator from Pennsylvania and accepted by my colleague. I should desire to have the Secretary of the Navy examine the matter before this large amount of money is paid. I

think it was last year that my colleague and myself made an effort to get the Secretary of the Treasury to purchase a steam propeller on the Pacific coast for revenue purposes; one that could be used, not only for revenue purposes, but in order to enforce your neutrality laws. Then, I understood, he could have obtained a propeller, the Constitution, belonging to the same class of vessels with this, for \$75,000. The Department did not see proper to accede to that proposition. We could obtain very readily last year a steamer of the same class for \$75,000 or \$100,000, and thus have saved the expense to the Government of chartering vessels whenever the exigency required it.

Now, if this contract has been entered into under instructions given to Captain Dornin, it must be carried out. I am very sure that no gentleman who is acquainted with Captain Dornin would reflect, in the least degree, on his integrity. He is one of the most gallant and fearless officers in the Navy; one of the most faithful and honest men, I undertake to say, who is attached to the public service; and the last man, with whom I am acquainted, who would be disposed to enter into collusion with others to defraud the Government. He may have supposed at the time that the immediate necessity demanded that this vessel should be chartered at once; and being unable, perhaps, to obtain the service of any other vessel, he was compelled to contract for this, at what now is regarded as an extravagant rate. I suppose that was the case. We have very few steamers upon the Pacific ocean disengaged. It is very rarely that you can divert one from the regular trade. It may be that Captain Dornin, feeling that there was a pressing immediate necessity, was induced to take this vessel at the rate fixed on, \$1,500 a day. Now, I shall be perfectly satisfied to vote for the amendment in the shape in which it has been placed, leaving the Secretary of the Navy to pay the amount, if, in his judgment, it be right and proper. If there has been anything dishonest in this contract, as a matter of course the money appropriated will be withheld.

Mr. PRATT. I think everybody will admit, Mr. President, that there has been an exorbitant expenditure of the public money. I do not intend to attach blame at all to any naval officer who has been connected with this matter; but we find that the Secretary of the Navy bases his justification for the expenditure of this money upon a resolution stated by him to have been passed by the Naval Committee of the Senate. A committee of this body, Congress being in session, passed a resolution, either directory or requestive, I do not know its terms, on the Secretary of the Navy to charter a steam vessel to do some particular service. The Secretary justifies himself for this expenditure by reference to that resolution. He directed this charter party to be made, if necessary. Predicated upon this resolution of a committee of the Senate, the steamer was chartered at \$1,500 a day, the Government paying all the expenses of coaling the boat. All this was done in virtue of a resolution of one of the committees of this body. I understand, from the reading of the report of the Department by the honorable Senator from Louisiana, that this is the ground on which the Secretary of the Navy bases his action, and this is the ground upon which, I understand, he justifies himself for having ordered this charter-party to be made. Looking at the whole matter in this aspect, it is one of great consequence to the country, and of great consequence to the Senate. If one committee can, by resolution, direct the expenditure of public money, or order particular services to be performed which will render necessary the expenditure of the public money, every other committee in the Senate can do the same thing.

Mr. BENJAMIN. And the Senate was in session at the time.

Mr. PRATT. Yes, sir, the Senate was in session. If a public necessity existed for the employment of the vessel, the committee, on showing the existence of that public necessity, could have got through both Houses, in the course of half an hour, a bill or resolution giving authority for the employment of the national vessels, or the chartering of other vessels, in the absence of national vessels, to discharge the duty. I know nothing, of course, of this matter, except what is developed in the papers which have been read; but

it appears, from the letter of the Secretary of the Navy, that during the session of Congress, by virtue of a resolution of the Committee on Naval Affairs of this body, he authorized this charter party to be made, provided the naval officer on that station should deem it necessary. The charter party was accordingly made, by which a vessel, worth less than \$100,000, as I understand, was chartered for seventy days, at an expense of over \$113,600.

Mr. GWIN. It was not necessary for the Senator from Maryland to attack the Committee on Naval Affairs. If time would permit, we could defend ourselves fully from the assault which has been made upon us. All that was said by the Committee on Naval Affairs was, that if, in the opinion of the Secretary of the Navy, the public interests would be promoted by putting a stop to those expeditions by chartering a vessel, the committee would, so far as their action was concerned, recommend that a proper appropriation be made. That was the full extent of the action of the Naval Committee. They never pledged the Senate to anything. They never pledged the Secretary of the Navy to anything whatever.

Mr. PRATT. I certainly did not intend to attack the Committee on Naval Affairs, or to charge them with anything improper; but, sir, we are looking to the powers of the Senate and the powers of this Government. Whatever may have been the intention of the committee, certainly the Secretary of the Navy does claim the right to authorize this contract upon the resolution of that committee. I do not desire to attach blame to the honorable Senator from California, or to any of the members of the Committee on Naval Affairs, because I presume they only exercised a power which they supposed they possessed. I want to understand whether any committee possesses such a power. I wish to ask, for information, how a committee claim the authority to advise, direct, or request one of the executive officers of the Government to do what the committee may think necessary for the public service?

Mr. JOHNSON. This is a question which has detained us for some time, and it seems likely to detain us longer. I would suggest, therefore, whether it would not be better to let it lie over for the present. The amount charged in this case is admitted to be unconscionable. I think it would be better to let the question lie over until the next session, and give us a full opportunity to investigate it.

Mr. MALLORY. I cannot permit this matter to go by without a word of explanation. The honorable Senator from Maryland has assumed that the Secretary of the Navy authorized the chartering of this vessel, upon the recommendation of the Committee on Naval Affairs. That is not so; and, therefore, his argument, being based on improper premises, goes for nothing. It was the act of the President. On inquiry into the circumstances attending the unlawful expeditions which it was alleged, were emanating from California, the President authorized the Secretary of the Navy to charter a steamer. The Secretary of the Navy, by the proper officer, did charter one. It is true the Secretary, in this communication, speaks of the Naval Committee of the Senate having passed a resolution of which I have no recollection; but I presume it was passed in the ordinary course of business to be brought before the Senate for action. The Secretary, in his communication to the chairman of the committee, says:

"I send you the papers explaining fully the facts in regard to chartering the steamer Columbus to aid in suppressing unlawful expeditions upon Mexican territory. You will recollect that your committee passed a resolution advising this to be done, and that, on inquiry into the facts, the President concurred with me in authorizing Commander Dornin to employ a steamer, if necessary, and if it could be done on reasonable terms."

Now, so far as I have any knowledge of the circumstances, I have no recollection of any such resolution, but I presume it was one to be brought before the Senate for action. But the Secretary says expressly, that the vessel was chartered by his orders, under the direction of the President.

Mr. PRATT. But he undertakes to justify his action by reason of the resolution of the committee to which he refers, in the paper which has been read by the Senator from Florida.

Mr. SEWARD. Mr. President, as I understand the proposition before the Senate, it is this: There was an unlawful expedition fitting out in

California for the invasion of Sonora, and the Government here very properly thought it ought to be arrested. On examination they found that there was no national ship which was in a condition to be sent there, and they thought it wise and best to send out authority to charter a steamer for that purpose. This vessel was accordingly chartered. The proper officer was intrusted with authority to charter a vessel, and he chartered this one at \$1,500 a day. It is a very large sum, I admit, but it was a contract—a contract made under an exigency—and to sustain the credit of the country, to sustain the integrity and honor of the country, and to prevent very disastrous consequences in our foreign relations. It seems to me, then, that the failure of the Government to make payment, whether the sum be large or small, would be much to be deplored.

But, in looking at the case, I am sure it will be seen that this sum, although it is large, is not so extravagant and so unusual as is supposed. The vessel was worth \$400,000. The charter of her per day was \$1,500. That, though a large compensation, was still not a very extravagant one, in consideration of the circumstances, for she was diverted from her regular occupation, took new hazards, and was diverted from the use of her owners. The Navy Department, it will be seen by reference to official documents, has granted demurrage to as large an amount as \$3,500 per day for steamers upon the Pacific coast. Everything on that coast, we know, is on a grand scale of expense. I hope it is coming down; but we cannot bring things down any faster than time and circumstances will enable us to do. There is nothing unreasonable, it seems to me, therefore, in making this allowance, and I do not see that we can have any more propitious time for the settlement of the question.

Mr. STUART. This bill is evidently going to take a good deal of time in its discussion, and I move to lay it aside for a few minutes that we may consider the resolution which I laid on the table yesterday for the extension of the session.

Mr. GWIN. I hope the Senator will let us go on with this bill. We are ready to vote on this amendment, and there are but a few more to be offered.

Mr. STUART. There will be a great many amendments offered to this bill. If we are to do anything at this session, and do it with propriety and understanding, it seems to me that we ought to extend the session until next Monday. I believe that to be the opinion of several gentlemen. I do not know whether it is the opinion of a majority of both Houses of Congress. For the purpose of taking the sense of the Senate on that subject, I move to lay this bill aside for a few minutes, to take up that resolution.

Mr. GWIN. Those few minutes will be hours.

Mr. TOOMBS. If the purpose of the Senator from Michigan cannot be accomplished without unanimous consent, I object.

Mr. GWIN. So do I.

The PRESIDING OFFICER, (Mr. WALKER.) In the opinion of the Chair, this bill can be laid aside by a majority.

Mr. BENJAMIN. I think the Senator from Michigan had better let his resolution lie over until this evening. If we were to pass it now, the Senate would adjourn at five o'clock.

The PRESIDING OFFICER. The Chair is of opinion that the motion of the Senator from Michigan is in order.

Mr. GWIN. When an amendment is pending?

The PRESIDING OFFICER. Yes, sir. The question is on the motion to postpone the further consideration of the bill.

Mr. GWIN. Until what hour?

The PRESIDING OFFICER. The hour has not been named.

Mr. STUART. It is now half past twelve. Suppose we postpone the further consideration of the bill to one o'clock. I make that motion.

Mr. GWIN. I hope it will be voted down.

The motion was not agreed to.

Mr. GWIN. I hope we shall now have the question on the amendment.

Mr. CASS. Allow me to make one suggestion. We have but twenty-four hours of the session remaining, and certainly if we argue every point before us we cannot get through. Is it not best to make a brief statement, and let members,

for once, judge for themselves? It seems to me, at this stage of the session, that that is the part of prudence. We can judge, in most of these cases, by a very brief statement of the proposition.

The question being taken on the amendment by yeas and nays, resulted—yeas 11, nays 30; as follows:

YEAS—Messrs. Bell, Evans, Fish, Gwin, Mallory, Morton, Rockwell, Rusk, Seward, Wade, and Weller—11.
NAYS—Messrs. Allen, Atchison, Bayard, Benjamin, Bright, Brown, Cass, Chase, Clay, Cooper, Dawson, Dodge of Wisconsin, Dodge of Iowa, Douglas, Fitzpatrick, Foot, Geyer, Gillette, Houston, Hunter, James, Jones of Iowa, Jones of Tennessee, Pettit, Pratt, Sebastian, Stuart, Toombs, Toucey, and Walker—30.

So the amendment was rejected.

FORTIFICATION BILL.

A message from the House of Representatives, by Mr. McKean, Chief Clerk, announced that the House had passed the following resolution:

Resolved, (with the concurrence of the Senate,) That in the enrollment of the bill of the House making appropriations for fortifications, &c., the word "not" be inserted after the word "fortifications," in the last item of the bill; the said word having been accidentally omitted to be placed there in engrossing the bill.

The Senate proceeded to consider the resolution, and concurred therein.

The item where the word "not" should be is: "For contingent expenses of the fortifications not herein mentioned," &c.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the naval appropriation bill.

Mr. GWIN. The Committee on Naval Affairs have further instructed me to offer the following amendment, to come in after the appropriation for the pay of the Marine Corps:

That the non-commissioned officers, musicians, and privates of the United States Marine Corps shall be entitled to and receive the same pay and bounty for reenlisting as are now or may hereafter be allowed to the non-commissioned officers, musicians, and privates of the infantry of the Army.

I will state that in the Army appropriation bill there is a provision increasing the pay of the privates and non-commissioned officers of the Army, and, if that shall pass, the committee thought it proper that the non-commissioned officers and privates of the marines should have the same pay as the non-commissioned officers and soldiers of the Army.

The amendment was agreed to.

Mr. GWIN. I am also instructed by the Committee on Naval Affairs to offer the following amendment, to come in after the appropriations for navy-yards:

And the sum of \$100,000 be, and the same is hereby, appropriated for the establishment of a naval depot on the right bank of the river Mississippi, in descending, at the site now owned and held by the United States for that purpose, near the city of New Orleans, and for such buildings and improvements as may be judged necessary for the accommodation of the United States vessels of war in that quarter.

The amendment was adopted.

Mr. GWIN. The next amendment of the Committee on Naval Affairs is to come in immediately before the appropriations for the Marine Corps:

Provided, That the law approved the 3d of March, 1843, directing advertisements for materials for the Navy, be, and is hereby, so far modified as to require the classes only of materials to be stated in the advertisement, and bidders to be referred to the several navy agents and chiefs of bureaus, who will furnish them with printed schedules giving a full description of each and every article, with dates of delivery, &c.

This is recommended by the Department, and will be of great economy. It will dispense with the necessity of publishing in the advertisement full lists of articles.

The amendment was agreed to.

Mr. GWIN. I am further directed by the Committee on Naval Affairs to offer the following amendment as an additional section:

Sec. —. *And be it further enacted*, That the provisions contained in the act of the 22d of April, 1854, adding a percentage to the pay of clerks employed at the navy-yard in Washington city, be construed so as to include the clerks and messenger in the office of the navy agent for said yard, and the messenger in the commandant's office.

I will state that, by that act, an increase of compensation was made to the officers in the navy-yard. The navy agent here, however, for the convenience of the Government and the Department, does not hold his office in the yard; and,

therefore, while the naval storekeeper and all the clerks in the navy-yard get the benefits of that act, the clerks of the navy agent do not get any increase. This is to equalize all the clerks attached to the navy-yard.

The amendment was agreed to.

Mr. GWIN. I have but one more amendment to offer, and then I shall be done. It is in the appropriation for the navy-yard at Memphis, Tennessee, to strike out \$13,400, and insert \$30,400. I will state that this sum is less than one half of the estimate of the Department, the estimate being \$65,000 for that navy-yard. I hope the amendment will be adopted.

Mr. PEARCE. I think it would be much better to strike out the whole appropriation than to enlarge it. The idea of a navy-yard at Memphis is a perfect delusion. Congress made a great mistake in ever establishing a navy-yard seven hundred miles from the sea, upon a river whose waters, during a large portion of the year, are not of a sufficient depth to allow vessels of a draught of more than seven feet to ascend it. I believe this navy-yard is wholly useless. I know the whole history of it; and I think, if we are to appropriate a dollar more than is already in the bill, it will be better to strike out the whole appropriation.

Mr. BELL. Now, Mr. President, I should like to know what the honorable Senator from Maryland knows so much more than any other honorable Senator. Let him inform us why it would be better to strike out the whole of this appropriation. The honorable Senator says he knows the whole history of it. What was it? I should like to learn it.

Mr. PEARCE. Perhaps you would not like to hear it.

Mr. BELL. I was not here when this navy-yard was commenced, but I know the Government has gone on and established a navy-yard there, and appropriated some \$700,000 or \$800,000 for it, and for building it up; perhaps the expenditure has gone as high as \$800,000 or \$900,000. It is said that it is seven hundred miles from the seaboard. I admit that that is a formidable objection; but a great many honorable Senators and members of Congress, generally thought a navy-yard could be established there upon great public principles, in reference to what is called our great inland sea—the Mississippi. Some honorable Senators thought it would be better to establish a navy-yard at Memphis, instead of at Baton Rouge or at New Orleans, because it was in a latitude where more continuous and uniform health could be expected. It was established, too, in the neighborhood of the finest building materials, of fine white-oak and other timber used in ship-building, and in the vicinity of the finest iron and coal to be found anywhere in the United States. As I have stated already, it is above the latitude of those dangerous epidemics which sometime afflict the lower Mississippi at New Orleans, Baton Rouge, and Vicksburg. Memphis is about the line where the advantages of health are expected. These considerations undoubtedly influenced Congress in the original establishment of this yard.

But, sir, I will dismiss all considerations as to the wisdom and expediency, or sound policy of the establishment of a navy-yard at Memphis originally, and come to the question of whether, after you have expended \$800,000 or \$900,000 there; after you have gone on to erect buildings, and after the Government has, as I learn, independently of ship-building, the finest establishment there which exists in the United States, you will not appropriate a sufficient sum. I am told, by those who seem to know a great deal about it, that you have over \$100,000 worth of the finest machinery there. I have looked at it, and inspected it, and I understand it is superior to all similar machinery in the country.

I learn that it has been the policy of the Department to make Memphis a place for the manufacture of cordage for the Navy of the United States, and they have fine machinery there for that purpose. The consideration which led to this view was that it was in the vicinity of the finest hemp grown in the United States—the Missouri and Kentucky hemp.

It may be true, sir, as the Senator from Maryland says, that, during some seasons of the year, only vessels of seven feet water could pass over the bars in the Mississippi. I do not know

whether that is really so or not. Below Memphis there may be an occasional bar in the lowest stage of the water; but for nine or ten months in the year, I am sure, the largest class vessels may be floated in safety up to that point.

What is now wanting in the completion of this yard? It will cost \$400,000 or \$500,000, perhaps, to make it adapted, in all respects, to the construction of vessels of war. I do not know that it would be important to discriminate between the largest class of vessels and the lowest, or to take the medium class. Perhaps none but the medium class could be constructed and floated out there. Still, that would be an acquisition. The time may come, sir, when we shall have a contest for the command of the Gulf of Mexico; and then a navy-yard seven hundred miles from the sea-coast, on the Mississippi river, may be a very valuable acquisition for the maintenance of our rights and our sovereignty in the Gulf. There can be no substantial objection on that ground.

Now, sir, as to the pitiful appropriation proposed in the bill, you might as well strike it out altogether. The appropriation in the bill is \$13,400 "for excavation and embankment, smith's shop, storehouse, and repairs of all kinds." What is \$13,400 for such a purpose? You might as well strike out the amount at once. The Navy Department, who have no disposition to favor the navy-yard at Memphis, recommended a much larger sum. The commandant, and the other officers of the Government having control of this yard, and appointed for the purpose, recommended, I believe, about \$500,000 as necessary to complete the yard, and put it in a position where dilapidation could not go on to destroy the works which had already been in part constructed. The Department reduced that recommendation down to \$65,000, which, with all their notions of the inferior virtue of this yard, compared with other yards, they recommended to Congress as the minimum sum. Now, the House of Representatives have reduced the amount to \$13,400. I prefer greatly that the Senate should strike out the entire appropriation, because \$13,400 is a mockery. I will not argue the question; but if you mean to preserve the works which you have already constructed there, at an enormous cost, you ought to make the appropriation at least \$30,000. Situated, as that yard is, on the margin of the Mississippi, where another stream, Wolf river, flows into it, we are liable to the loss of more than \$32,000 of the work already completed, if we have no greater appropriation than that. But, sir, I trust the Senate, even although they may hereafter conclude that it would be economical and prudent to dispense with this yard altogether, will appropriate enough to preserve the valuable public works which are already constructed, and which are as valuable as those at Boston, New York, and Philadelphia, or at any other navy-yard in the Union. I have understood they have gone on with the works there with a view to the manufacture of cordage, because they supposed they could get there the best material, and could manufacture it at a less cost than at any other point in the United States.

Mr. PEARCE. Mr. President, I do not think I ever assume to know more than all Congress, or than anybody else; but I have an undoubted right to give the opinion which I entertain, and it is not to be influenced or controlled by the opinions of others. I simply expressed my own opinion; and I am very sure that, if all of us were compelled to say what we think, whether we desired to do so or not, nine members out of ten in the Senate would say that a navy-yard never should have been established at Memphis. When I said I knew all about the history of this yard, I meant this: that Congress, on the occasion of its establishment, yielded to the anxious solicitude of certain gentlemen, then members of this body and the other House, under the pressure of local influences. Further than that I need not go. I know the proposition was first received with a smile of mirth on every countenance, but at last it was obtained; and it seems that the Government has gone on and expended \$900,000 or \$1,000,000 on this yard. The Senator tells us that dilapidation has already begun. In ten years we have expended nearly \$1,000,000, and never yet built a ship there, and I undertake to say, never will build one. It may be a good place for a national rope-walk for the manufacture of cordage, but that is not a navy-

yard. My opinion is, that we ought never to have established a navy-yard there. We have no use for one at that point. If dilapidation has begun already, I think we had better stop it at once. I will not consume the time of the Senate on this question.

Mr. JONES, of Tennessee. Mr. President, the Senator from Maryland undertakes to adjudicate this question, I think, without any facts being before him. He says a navy-yard ought never to have been established at Memphis. Well, sir, the Congress of the United States thought differently. That is a mere difference of opinion between the Congress of the United States and the Senator from Maryland; and I should hesitate long to take the opinions of any one Senator as against the combined action of the American Congress. But, sir, that is not all. At the last session of Congress, the Naval Committee sent to you one of the strongest reports I ever read, in favor of the continuation of this yard as a navy-yard under the government of the United States. The Senator says, however, that it ought to be abolished. That is his opinion; but I entertain a very different view. I undertake to say, that vessels can be built there cheaper than at any other navy-yard in the United States, and of as good material as any to be found in the United States. I will not set up my judgment against that of the Senator from Maryland, but I speak the opinion of every commandant who has been at the navy-yard from its organization to the present day. I have before me a report of the present commandant of that yard, in which he presents to the Department the expenditure necessary to carry out that work, amounting to \$700,000, and he has a high opinion of its importance.

The Senator says that it had better be abolished. I would ask that Senator if he can abolish it without a violation of the faith, the honor, and the integrity of this nation. The State of Tennessee and the city of Memphis gave to the Government of the United States a large plat of land, worth now about \$500,000, expressly upon the condition that the Government should establish a navy-yard there. Now, before Congress attempt to abolish it, I wish them to go back, and retrocede to us the land which they have taken. I would much prefer that they should do that, rather than go on with the mere pretense of keeping up a navy-yard by appropriating \$13,000 a year. That is not enough to keep up the embankments which are put there from one year to another. Your commandant there, one of your own officers, having charge of the yard, sends his estimates, and tells you that it will take \$700,000 to carry out the contract which the Government has made with the people of Tennessee to establish a navy yard there. The Department reduced it to \$65,000; the House of Representatives reduced it to \$13,000; and now the Senator from Maryland wants to strike it out altogether. Of the latter two propositions, I think that of the Senator from Maryland is the best. You had better strike out the whole appropriation rather than give only \$13,000, for it will be that much money thrown away; but if you mean to carry out the obligations of the Government in good faith, make an appropriation adequate to carry out the work.

It is said that this navy-yard is seven hundred miles from the sea. What difference does that make if you have as good transportation from Memphis to the ocean as from Baltimore to the ocean? Does it follow that you must be on salt water to enjoy any of the benefits or patronage of this Government? That seems to be the doctrine of some gentlemen here, but I do not subscribe to it. I can tell the honorable Senator from Maryland, that, during eight months of the year, a vessel which can go out from the port of New Orleans can go out from the port of Memphis. The shallowest point is at the mouth of the river, which one of the appropriations in the river and harbor bill is for the purpose of deepening. During eight months of the year, whenever you can go out from New Orleans, you can go from Memphis.

I know, sir, this is no time to debate the question. It is reserved until the last hours of the session, and then we are called upon to surrender the rights of our constituents, or we are charged with consuming the public time, and delaying the appropriation bills. That is not my fault. Whatever charges may be made, I must protest against

such an appropriation as is here proposed of only \$13,000 for such a purpose. If you intend to carry out, in good faith, the object in which you have engaged, a much larger sum is necessary. You have at this point some of the finest machinery in the Union, which has cost the Government \$110,000. That machinery stands still, and your \$13,000 will hardly keep it in repair. For what purpose did you buy it? For what purpose did you put it there, unless you meant to operate it. You seem to have been diverted from the original purpose of establishing a navy-yard at Memphis, and have converted it into a rope-walk. You have built your houses, put your machinery in the houses, and there the machinery stands, and you do not give money enough to buy hemp to carry it on. That may be carrying out the good faith of the Government, but I do not so understand it.

Mr. ATCHISON. Mr. President, I was a part and parcel of this Memphis navy-yard transaction, as well as my friend from Maryland. We were here at the time it was proposed by a Senator from Tennessee, who was then a candidate for Governor of that State.

Mr. BELL. Do you mean me?

Mr. ATCHISON. No, sir, you were not in the Senate at the time. The question was asked of the Senator to whom I refer, for what purpose will you establish a navy-yard at Memphis? Is it for the purpose of building vessels of war? Is it for the purpose of building mercantile vessels? Is it for the purpose of repairing vessels, and if so how are you to get those vessels to the Gulf of Mexico after you build them at Memphis, when for a large portion of the year you have not over seven or nine feet of water? The response was made, (and triumphantly, because we all voted for it,) that vessels were to be brought from the Gulf of Mexico, to be repaired, to Memphis, seven hundred or one thousand miles from the gulf. They were to be brought by camels. My friend from Maryland will remember it well.

Mr. PEARCE. Yes, sir.

Mr. ATCHISON. And, sir, when the question was asked what kind of camels they were, the Asiatic or Armenian camel, the camel with one or two humps, it was said that these camels are iron or wooden boxes to be exhausted and placed on each side of the vessel, and the vessel is to be lightened by those camels, and then in that manner brought up from the Gulf of Mexico to Memphis. [Laughter.] Yes, sir, every word of this is true. That was the argument. Now, I wish to ask the Senator from Tennessee, whether a vessel was ever built at the Memphis navy-yard, and whether a vessel was ever repaired at that navy-yard?

Mr. JONES, of Tennessee. I will answer the Senator with a great deal of pleasure. There never has been a vessel built there, because the yard has never been completed. It is impossible that we can build a vessel when you will not permit us to finish the yard. We have got the rope-walk, but you will not even let us work that.

Mr. ATCHISON. Well, sir, why has not the yard been finished? It has been some eight or ten years since the original bill for the establishment of that navy-yard was passed; and why has it not been finished? The reason is, that it has been found to be impracticable. So soon as the excitement under which the bill got through both Houses of Congress, passed away, it was found to be an act of folly on the part of the Government to establish a navy-yard at Memphis, or at any other point away from the sea coast. Then it was argued that we might well establish a rope-walk at Memphis. There was something in that. I admit it, and I am willing to make the necessary appropriation for the establishment of a place there to make rope—to make sails, if you please.

Mr. BELL. I wish to know if the honorable Senator from Missouri, and the honorable Senator from Maryland, supported the original proposition?

Mr. PEARCE. I always opposed it.

Mr. ATCHISON. I believe I voted for it; but I will explain that matter.

Mr. BELL. And yet the Senator from Missouri, a western man, denounces it now.

Mr. ATCHISON. I will explain that, as the Senator requires an explanation. There were two gentlemen from Tennessee at that time—one a member of the Senate and the other a member of the House of Representatives—the one a Whig

and the other a Democrat—candidates for Governor of Tennessee.

Mr. JONES, of Tennessee. Who were they? Mr. ATCHISON. Brown and Foster. They were candidates for Governor of the State of Tennessee. One would say to his Whig friends, "If you will give me this appropriation for a navy-yard at Memphis, I think I can triumphantly carry the State." [Laughter.] The other would go to his Democratic friends and tell them, "Unless you give me the navy-yard at Memphis I shall certainly be defeated." [Renewed laughter.] Under this state of things, what could either Whig or Democrat do? We were under a kind of duress. We were bound to vote this appropriation in both Houses. But, Mr. President, it seems to me that the proposition made by the Senator from Maryland is the only true one: to strike out the appropriation and cede the lands and works to the State of Tennessee.

Mr. GWIN. I hope we shall have a vote on the amendment.

Mr. JONES, of Tennessee. My friend from California must pardon me if I detain the Senate for a few moments. He will very well see that I cannot do less. If the honorable Senator from Missouri lent himself to that sort of political bargain and intrigue between Foster and Brown, and suffered himself and the Government to be mulcted in this way, I have no fault to find with him, but the facts remain the same. Whatever Mr. Foster and Mr. Brown may have said to their party friends to induce them to vote for the original appropriation, I will not permit myself to believe for a single moment that the honorable Senator from Missouri lent himself to vote money simply to subserve the purposes of either of those gentlemen as candidates for office in Tennessee. I will not allow myself to think that.

But when we go back to the facts, they stand as I have stated them, and it is simply a question whether this Government will carry out this work or abandon it. I say to you, in all frankness, you had better abandon it than go on as you have done, and unless you mean to carry out, in good faith, the contract you have made, you had better cede the lands to us at once. The Senator from Missouri says he is willing to vote for a rope-walk there. He voted for the original proposition for a navy-yard. He complains that no boats have been built there, and yet he refuses to give us the means of building vessels, and after the Government has converted it into a rope-walk, and has the machinery, and houses, and everything necessary except the money to buy the hemp, he stands still and will not even vote that. His consistency, I think, is a very strange thing. I hope he will remember his own vote, and for the sake of Brown and Foster will carry out this project, and at least permit us to have a rope-walk, if he will not allow us to build vessels.

Mr. STUART called for the yeas and nays on the amendment; and they were ordered, and being taken, resulted—yeas 15, nays 24; as follows:

YEAS—Messrs. Bell, Benjamin, Dawson, Foot, Geyer, James, Jones of Iowa, Jones of Tennessee, Mallory, Morton, Rusk, Seward, Thomson of New Jersey, Wade, and Weller—15.

NAYS—Messrs. Allen, Atchison, Bayard, Bright, Brown, Butler, Cass, Chase, Clay, Dodge of Wisconsin, Dodge of Iowa, Evans, Fessenden, Gillette, Houston, Hunter, Pearce, Pratt, Rockwell, Stuart, Sumner, Thompson of Kentucky, Toombs, and Walker—24.

So the amendment was rejected.

Mr. MALLORY. I am directed by the Committee on Naval Affairs to offer the following amendment:

Sec. 1. And be it further enacted, That the President of the United States, within thirty days from the passage hereof, shall assemble a naval board, to consist of three captains, two commanders, and two lieutenants, which board shall investigate the conduct, the character, and standing of all the officers of the grades of captains, commanders, lieutenants, passed midshipmen, and officers in the line of promotion; and shall ascertain and report to the Secretary of the Navy, under such rules and regulations as he may prescribe, every officer of said grades that said board shall deem incompetent or disqualified to discharge promptly his whole duty, ashore and afloat. And in every case the said board shall report in two separate classes such officers as the interests of the service require should be dismissed, and such as should be placed out of the line of promotion, with its reasons for the same: *Provided*, That upon said board, officers shall not investigate, vote, or report on officers of a senior grade. Immediately upon the return of the reports of the board to the Secretary of the Navy, he shall, so far as the President shall approve the same, cause those officers who may be reported for dismissal to be dismissed the service, with six months' sea-

service pay; and those who may be reported for withdrawal from the line of promotion to be so withdrawn upon pay, which shall not be more than three fifths, nor less than one fifth their sea service pay respectively, to be determined and approved by the President: *Provided*, That passed midshipmen and masters in the line of promotion so reported in the second class shall be dropped from the service, and shall thereupon receive one year's sea service pay. The said board shall be convened and regulated as the Secretary may direct, and he shall ascertain, in such manner as he may deem just and expedient, the service, standing, and character of the officers of the grades aforesaid, and submit the same to the board for its better information: *Provided*, That the promotions which may be made in consequence of such dismissals and withdrawals shall reduce the grade of commanders to seventy, which shall hereafter be the number of said grade.

I will say, in a few words, Mr. President, that this amendment, in effect, has passed this body twice; it has again been carefully considered by the committee; and it has been recommended by the Secretary of the Navy. It has been modified to meet some suggestions of the Committee on Naval Affairs of the House of Representatives. It is but one clause, and relates entirely to retiring and dismissing.

Mr. CASS. I wish barely to suggest whether, at this stage of the session, it is proper to enter into the consideration of such an important question. I would rather see the proposition in print, so as to understand its bearing fully, before voting on it. One or two things in it struck me unfavorably from the reading of the amendment. Certainly I am not prepared to vote on it at this time.

Mr. WELLER. I believe the whole subject embraced in the amendment has been fully discussed at this session.

Mr. CASS. That may be; but I should prefer to see it in print. It makes a great change in our naval system; and before I vote on it I should like to examine it and understand it.

Mr. MALLORY. Let me say to my honorable friend from Michigan that there is no branch of the public service which stands in need of a measure of this kind, so much as the Navy. This is a proposition which has been carefully considered. It has been modified to meet some just views of the House committee. It is a measure which passed this body after full discussion. It was investigated by the honorable Senator from New York, [Mr. Fish] and myself in the Naval Committee. I think it meets the views and wishes of the entire Navy, and it will do more to resuscitate it than anything I know of. It will save money to the Government.

Mr. BAYARD. My impression is that this amendment is substantially different from the naval reform bill which has passed the Senate at this session; and I wish to know from the honorable Senator from Florida whether such is not the fact? I do not like the idea of having a secret inquisition upon the characters of men without any charges being presented against them. I do not like the idea of giving authority to assemble such a board of officers to pass on the merits or demerits of all their fellow-officers in the service. I have a recollection of one board that was convened before, and I wish I had here the protest of one of the most gallant officers in your service (Commodore Stewart) against the action of that board, which made a lasting impression on my mind of the impropriety of all organizations of that kind. At all events, I should like further time to consider this proposition. It does not seem to me to resemble substantially that which passed the Senate in the naval reform bill of this session.

Mr. MALLORY. I will reply to my friend from Delaware by simply saying that this is an improvement on that bill. It meets his view exactly. The board has to give its reasons, and those reasons are to be approved by the Secretary of the Navy and the President. The investigation will therefore be thorough.

Mr. BAYARD. I understand that, but the danger is that it removes the responsibility from the Secretary of the Navy, and throws it on nobody. I do not like these boards. I would rather, if this thing is to be done, the Secretary of the Navy should do it on his own personal responsibility, and let him stand before the country as to the justice or injustice of his action. If we are to have the Navy reorganized on this basis, do not throw the responsibility on a board where everybody does it, and nobody does it.

Mr. MALLORY. Then it never will be done. Mr. GWIN. It is perfectly evident that the Secretary of the Navy cannot act unless he gets

information, and he cannot get it unless some board lays it before him. I wish to press on the Senate the necessity of adopting this amendment; and I will read, omitting the names, a list of some lieutenants in the Navy whom we have been paying, but who do no service, and are constantly overslaughed. The Naval Committee wished to know why these officers were constantly overslaughed, and they received an answer from the Department. I will read it to the Senate. No. 1 was "passed over in 1832 as physically and mentally incompetent." For twenty-two years he has received pay without doing service, on account of mental and physical incompetency. No. 2 was "passed over in March, 1841, and permitted to remain in the service, with the understanding that he should not be in the line of promotion." There is an officer who has been receiving pay for thirteen years, with a distinct understanding that he should be overslaughed and do no service. No. 3 was passed over "for habitual intemperance. The Department granted him a perpetual furlough in July, 1843, at his own request, and to be considered as out of the line of promotion." No. 4 was "passed over in April, 1851, in consequence of habitual intemperance, which was established before a court of inquiry." These are the men whom we wish to get clear of by the amendment we now propose. These men are constantly receiving pay, and never will do any service, and never can be got rid of while the present system exists. But here, sir, is another case. No. 5 "passed over in December, 1852, in consequence of mental derangement, produced by intemperance." Our object is to get rid of such men as these; and, surely, the service will be greatly improved by it. They should be dropped from the Navy; but they cannot be under the present system.

Mr. BAYARD. I have no doubt the honorable Senator from California is perfectly right. Everybody admits that the Navy requires reorganization. The Senate passed a bill for that purpose at the present session. If I am not mistaken, the provision in that bill, in reference to the mode in which the incompetent officers were to be removed from the Navy, is substantially different from the provision now attempted to be inserted in this bill as an amendment. I am unwilling to attach to an appropriation bill what may be supposed to be a remedy for an existing evil, without having had due time to consider whether that remedy be proper, and especially when I think the mode of reform proposed is one of great danger. I think a tribunal, arranged as is proposed to be done under this amendment, will not lead to proper results in throwing improper individuals out of the Navy. It is on that ground, and not that I do not want reform, that I am opposed to tacking this amendment to an appropriation bill.

Allow me to say, further, sir, that we have passed the bill to which I have alluded; it has gone to the House of Representatives, and I presume they will act on it; or if they do not act on it at this session, they probably will at the next. And it certainly is much more appropriate that in the reorganization of the Navy of the United States it should be done in a well considered, independent bill, adopted for that purpose, rather than forced upon an appropriation bill.

Mr. TOOMBS. If the amendment of the Senator from Florida removed only the evils stated by the Senator from California, I should cheerfully go for it. I would readily support an amendment to strike all those officers from the Navy; but this amendment does a great deal more; and I agree with the Senator from Delaware, that it is a very inappropriate time, within twenty hours of the adjournment of Congress, on a money bill, to attempt a reorganization of the Navy of the United States, because you have a parcel of people in it who ought to have been dismissed twenty years ago. If you will put the amendment in such a form as to embrace the cases stated by the Senator from California, and order the President to dismiss those officers, I should cheerfully vote for it, but I cannot vote for this amendment.

Mr. GWIN. I think I recollect that the Senator from Georgia, when a member of the other House, made a very summary onslaught on the Army by moving to cut down the appropriations one half because he thought there were errors that ought to be corrected by cutting down the appropriations. Now, we wish to do some good in

reorganizing the Navy; we want to get rid of worthless officers, and therefore we have proposed this amendment.

Mr. MALLORY. Mr. President, this is not an ill-considered or hasty measure. It was brought forward in the House of Representatives, and unanimously recommended by the Committee on Naval Affairs of that House. It is only one section of a very elaborate bill for the reorganization of the Navy. There are a great many errors which ought to be corrected, and this is one. The amendment is substantially what has been passed by this body, with one exception. It does not throw the responsibility on the Secretary of the Navy alone, which is equivalent to having no improvement whatever, because the very fact that these abuses exist, shows that no Secretary will take the responsibility of correcting them, but enables him to summon a board of seven officers advisedly; and their finding is not final, but with the approbation of the President.

Mr. BAYARD. I recollect reading the bill of the House early in the session, and I made up my mind then that I could not possibly vote for it, and principally because of the board which it provided for. I think the bill which passed the Senate, and which, therefore, must be taken as expressing the judgment of the Senate, although it gave the responsibility to the Secretary of the Navy, provided for ascertaining by consultation among the officers of the service generally the character of each individual, which is far preferable, I think, to the organization of such a board as this.

Mr. PRATT called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 22, nays 23; as follows:

YEAS—Messrs. Atchison, Bell, Benjamin, Brodhead, Chase, Dodge of Wisconsin, Dodge of Iowa, Douglas, Gillette, Gwin, Johnson, Jones of Iowa, Jones of Tennessee, Mallory, Rockwell, Sebastian, Seward, Slidell, Thomson of New Jersey, Wade, Walker, and Weller—22.

NAYS—Messrs. Allen, Bayard, Bright, Brown, Butler, Cass, Clay, Cooper, Dawson, Evans, Fitzpatrick, Foot, Geyer, Houston, Hunter, Morton, Pearce, Pettit, Pratt, Rusk, Stuart, Toombs, and Toucey—23.

So the amendment was rejected.

Mr. BRODHEAD. The appropriation in this bill for the Pensacola navy-yard reads thus:

For continuation of permanent wharf; continuation of deep basin; raising walls of dock basin; engine and blast pipes for smiths' and machine shop; and repairs of all kinds, \$143,500.

I move to amend the clause by striking out "continuation of deep basin; raising walls of dock basin." We have in this clause an appropriation of \$143,000 for the Pensacola navy-yard; and for what purposes? We find among them "continuation of deep basin, raising walls of dock basin," to keep up a dock which is a nuisance, and so declared by a competent board of officers who were appointed to examine it. They reported that it was unfit, and ought not to be accepted by the Government; but notwithstanding this, the contractors received for the dock the sum of \$993,000. I move, first, to strike out the words which I have indicated, and then probably the appropriation can be reduced from \$143,000 to about \$50,000 for the other items. I make the motion to strike out because the dock is of no use, and the Senators from that State know it very well. I move to strike out because a competent board of officers, appointed to judge of the work, have reported to the Secretary of the Navy—and the Secretary concurs in their report—that the dock is of no use, and that the contractors did not comply with their contract.

Now we are called on to make a deep basin for this dock, which is to be eaten up by the worms in less than three years, and which depreciates twenty per cent. every year. We are to appropriate this amount of money for a structure which is of no use at all, and both the Senators from Florida know it very well. Why continue these appropriations upon this dock, basin, and railway? This may have come from the Bureau of Yards and Docks, but it ought never to have come from there. If we are going to help the contractors out with their contract; if we are going on to complete this structure, which it was the duty of the contractors to do, we had better receive the dock at once and abandon it. It ought to be abandoned. It is of no use there; it cannot be made of any use. Vessels have to be taken into it by camels, I understand, in the same way as they were taken up the Mississippi to Mem-

phis. Now they come with a proposition for us to make a deep basin for their dock. At Philadelphia they ask for an appropriation of \$15,000 or \$20,000 a year to dredge in front of this new plan of dock, and the very first freshet that comes the river fills up again.

These contractors have received over three millions of dollars for docks, basins, and railways on the Atlantic coast, and now a competent board of officers have reported to the Navy Department, what I asserted two years ago before the Senate, that these contractors, instead of putting up proper docks, were placing nuisances at the navy-yards throughout the country. For these reasons, I make the motion to strike out. I do not, however, wish to detain the Senate. If it were a small sum, I should not have said a word.

Mr. MALLORY. Mr. President, the honorable Senator from Pennsylvania has made himself conspicuous, and I am gratified that he has, on all occasions, in reference to these docks. He has been instrumental in bringing to the notice of the Senate certain abuses in their construction, for which I think the Senate and the country are indebted to him. We were all indebted to him at the last session of Congress for much valuable information in regard to these abuses. I may say, however, that they are connected with the character of the contracts rather than the character of the work to be executed. In relation to this particular amendment, I will say that the Committee on Naval Affairs has refused its approbation to an appropriation of \$20,000 to be expended upon this deep basin.

The dock at Pensacola is the ordinary dock now used at the harbors of Charleston, Savannah, Mobile, and other places. It is useless at Pensacola, unless you have a basin or some secure place in which you can put the dock after you have a ship in it. The dock, I may say, is a large scow, which being sunk underneath a vessel, and then exhausted of its water, raises the vessel up, and in that position the vessel can be repaired, provided the dock remains stationary. To keep it in that place, you must have a basin or pier to secure it. It is for such a basin that this appropriation is proposed to be made.

Under the contract for constructing the dock at Pensacola, the Secretary of the Navy was bound to furnish a ship to make the experiment. He sent a frigate, and the experiment was unsuccessful. The dock raised the frigate very well, but could not float it into the basin because the ship, being a frigate, instead of a line-of-battle-ship, was too short, and the main weight came in the middle, and thus gave the dock a curved form, and made it draw more water in the middle than at the ends, and added some twelve inches to its draft. The work, therefore, was not received by the board of examiners, and, according to the contract, no money could be paid until it was received. In defiance of what I think was justice and correctness in the transaction of public affairs, however, the whole contract price, \$993,000, nearly a million of dollars, was actually paid to the contractors, notwithstanding the basin would not receive the dock and vessel in it. The only thing for the Secretary of the Navy to do is to bring suit upon the bonds, but I leave it for the Senate to say what chances there are for enforcing payment. If they knew as much about the bonds as those who examined the work, they would say the Secretary ought to use every means to make the dock available, before resorting to suit.

Mr. TOOMBS. Has not the Secretary, under the discretionary authority to build a dock of the same kind in San Francisco, made a contract with the same people against whose dock this commission reported?

Mr. GWIN. I will answer that question presently. I am in favor of these docks, and I will speak on the other side.

Mr. MALLORY. Now, sir, this dock and basin at Pensacola are at present entirely useless, after you have spent \$1,000,000 on them; but by making this deep basin in front of the dock you will make it available. The contractors have the money, and there is no question as to whether you shall pay the money; for it is already in their pockets. Now, having this dock on our hands, it is important to have it available. In that view, I think it advisable, under all the circumstances, to make the appropriation which the honorable Senator from Pennsylvania proposes to strike out.

I agree with the Senator from Pennsylvania as to the manner in which the contracts have been made and the money paid; but I do not agree with him in the position that the dock itself, when completed, will be useless, because, if we have a basin deep enough, we have the experience of Savannah and Charleston, and other places where vessels are being docked every day, to show its practicability. Unless you are disposed to undo what you have done, to throw away this public money at the Pensacola navy-yard, the only navy-yard on the Gulf, it is wisdom to make the appropriation.

I will say, further, that I find among the papers submitted to us here, a very long memorial, numerously signed by the inhabitants of Warrington, who live where the dock is, testifying to its usefulness. Of that I know nothing, but I feel bound to mention the fact. I should not advocate this appropriation if I did not think it essential to carrying on the public service.

Mr. BRODHEAD. I should like to ask my friend from Florida what, in his opinion, is the annual depreciation in value of this dock?

Mr. MALLORY. The dock is coppered to high-water mark. It depends, as a matter of course, on the character of the copper. If it be twenty-eight ounce copper, it will last for seven years. These docks are very faulty in one respect: you cannot get at the bottom so readily as in the sectional dock. So long as the copper lasts, no worms can reach the dock. If it were twenty-eight ounce copper, it would last for seven years; but if it were only eighteen ounce copper, it would not last so long.

Mr. MORTON. Mr. President, I shall vote for the amendment proposed by the Senator from Pennsylvania, although the appropriation is for a work within the borders of my State, and within my own immediate vicinity. I look upon the establishment of this deep basin as perfectly unnecessary and worthless to the Government. The board of commissioners appointed to make a test of the dock and basin built by the contractors, reported that outside the dock-basin in the Bay of Pensacola there was sufficient water to float any vessel which could pass the bar of Pensacola. There are some twenty-four or twenty-six feet of water there. I would ask, then, where is the necessity of having what is called a deep basin there? I am opposed to it.

The dock-basin there is not now the property of the Government. It made a contract with the contractors to construct a basin for this dock, and appointed a board of commissioners to inspect the work, and see whether that dock had been completed according to contract. The board of commissioners reported to the Government that the dock was not completed according to the contract, and they refused to receive it. Then, if you make an appropriation for raising the walls of the dock-basin, it will be a taking possession of it by the Government, and will place us in a false position before the country if we should bring suit against the contractors for non-compliance with their contract. An effort was made, by application to the Navy Department, to expend \$3,000 or \$4,000 for the painting of this basin; but the Secretary of the Navy had too much astuteness to do this: because, by taking possession of the dock, or basin, for the purpose of painting, would be construed by the contractors, and perhaps by the courts of the country, as a receipt by the Government. The Government has nothing to do with that basin. It is now in the possession of the contractors. It has never been turned over to the Government. The Government has refused to receive it. Should we, then, make an appropriation to raise the walls of the basin? If we take possession of it, for the purpose of raising the walls, it may be construed by the courts as a taking possession of the dock. I look upon the dock and basin as a nuisance to the Pensacola navy-yard, and unworthy the expenditure of one cent by this Government further than has been expended.

I am not disposed at this time, sir, to go into a discussion of the question whether the contractors have complied with their contract or not? All I can say is, that from the *ex parte* evidence presented to this body in the report of the Navy Department, and in the report of the commissioners who examined the dock, it appears that the contractors have not complied with the contract. The subject has been referred to the Committee on Naval Affairs of this body; and it seems that the

contractors have made a response to the report of the board of commissioners. I am not disposed to pass judgment on the merits or demerits of their claim until we have a report from the Committee on Naval Affairs. When that report is presented to the Senate, I think I shall be prepared to show, by incontrovertible evidence, that this contract has not been complied with by the contractors; that the Government should not receive the dock and basin; and that suit ought immediately to be brought against these defaulting contractors for non-compliance with their contract. But, sir, as I remarked before, I do not wish to go into a discussion of the question until we have a report from the Committee on Naval Affairs on the subject. That will be the proper time to enter into the merits or demerits of the claim set up by the contractors.

Mr. MALLORY. I have a few words to say to my colleague. It will be well enough to bear in mind that this dock was all paid for under the last Administration, under an opinion of the Attorney General, that the United States were to find water.

Mr. MORTON. Will my colleague suffer me to interrupt him for a moment?

Mr. MALLORY. Certainly.

Mr. MORTON. The amount was paid under the last Administration I admit. I make no charge against any Administration. I would scorn, as a Senator on this floor, to pursue a course towards one Administration which I would not towards another. The contractors presented a hypothetical case to the Attorney General, and upon that hypothetical case they obtained his opinion. There was not water enough, as I understand, at Philadelphia, and the contractors reported that there was not water enough at Pensacola also; and the Department submitted the joint question to the Attorney General, whether the contractors should deepen the entrance into the basin, or whether the Government should make the necessary dredgings and excavations? Upon that hypothetical case, the Attorney General gave the opinion that it was the duty of the Government, and not of the contractors, to furnish the necessary depth of water, as the basin had been located on the site designated by the Government. But, sir, when your board of commissioners examined into the matter, what did they report? In contradiction of what had been stated to the Department by the contractors, the board of commissioners reported that there was sufficient water immediately outside this dock-basin, at Pensacola, to float any vessel that could pass the bar of Pensacola; that there were twenty-four or twenty-six feet of water there.

My colleague was mistaken in his first remarks in one point. He spoke of the curving of the dock by the frigate being taken on it. It is true it was thrown out of line some nineteen inches, I believe. The fault was not in floating anywhere outside the basin; but the contractors had obligated themselves to furnish ten feet of water within the basin; and, upon an admeasurement of the water in the basin, there was found to be only nine feet ten inches there. There was not water sufficient in the dock-basin to float the dock with the frigate on it. If my colleague will examine the report of the commissioners, he will find that there was no complaint whatever on the part of the contractors that there was not sufficient water outside the basin; but there was not water enough in the sill or gate of the basin to float the dock in; and neither was there sufficient water within the basin to sustain the dock with the frigate on board, when there.

Sir, it is perfectly unnecessary, and a wasteful expenditure of money, to construct this deep basin, as there is now sufficient water there; and I shall, therefore, vote for the amendment proposed by the Senator from Pennsylvania; but I do hope that, in liberality to the Pensacola navy-yard, he will not propose a reduction of the appropriation for that yard. Taking it in the gross, it is not, perhaps, equal to the estimate for a permanent wharf there; and every dollar of the appropriation can be advantageously expended in its construction. It is not equal, I believe, to the estimate sent in by the engineers for the continuation of that permanent wharf. It is the only work ever commenced in that navy-yard worthy of the Government which constructed it, and I hope it will be allowed to go on.

Mr. MALLORY. I was going on to say, when my colleague interrupted me with his "one word," that these contractors were paid under the last Administration by a ruling of the Attorney General that, although the contractors were to find the dock, the United States were to find the water, and as the United States had not found the water; and the dock was there, the Department paid the \$993,000. However erroneous that ruling may be, such is the naked fact. The contractors have the money, and the dock is moored at Pensacola. If the dock can get into the basin, it will be as useful as every other dock; and they are scattered over the coast from Kittery to New Orleans. This dock is universally used throughout the country. It is very useful, but it needs the basin.

Mr. TOOMBS. Does the gentleman say that the dock, with the basin and railway, was ever used by anybody but this Government?

Mr. MALLORY. The dock needs a basin.

Mr. TOOMBS. I wish to know whether anybody but the Government ever was fool enough to use this dock with the basin and railway?

Mr. MALLORY. I say this dock is being used all over the United States, and ships are docked in it while we are talking about it.

Mr. TOOMBS. My question is, whether it has been used in connection with the railway and basin by anybody in the world except this Government?

Mr. MALLORY. The railway, the gentleman must know, has no connection with the dock and basin. The railway is simply a convenience to enable you to repair more ships than one at the same time. If you have one ship in the dock, without a railway, you cannot repair more than that one at a time; but with a railway, you may repair a large number at once. Now, the question is not whether the basin and railway are entirely superfluous, but the question for the country to determine is, whether they will abandon this dock and basin, for which they have paid \$1,000,000, or whether they will make it available and useful by this further expenditure?

I agree with my colleague and the Senator from Pennsylvania, that there are features about these dock contracts which none of us approve; but the contractors have got the money, and I venture the opinion that if suit be brought on the bonds—and I almost know that the Secretary has determined to do it—it will end in nothing; but we shall still have the dock on our hands. Instead of allowing it to deteriorate, why not expend this small sum of money which will make it available and useful? It will enable the dock to be got into the basin, and then you can use it. I have great regard for the opinion of my colleague on this matter; but I have much greater regard for my own; because I have inspected ships and docks, and I have seen many a ship docked in precisely such a dock as this; and I can see, as it were, before me now, the identical difficulty which is in the way.

Mr. BENJAMIN. I wish to ask the Senator from Florida will this appropriation complete the work, or only begin it? Will this finish the dock so that it can be used?

Mr. MALLORY. I hold that this appropriation will enable us to dock a frigate immediately; and I think, without it, you will never be able to dock a ship there at all. That is my position.

Mr. MORTON. Mr. President, it is very seldom that I occupy the attention of the Senate; but as this is a local matter in which I feel a responsibility to my constituents in opposing an item for my own State, I beg leave to say a few words further.

I am in favor of the amendment of the Senator from Pennsylvania, for the simple reason that this deep basin is perfectly unnecessary. We have the evidence of competent naval officers that there is sufficient depth of water at Pensacola now, without any such expenditure as this. I am opposed to the expenditure for raising the walls of the dock basin, for the reason that the board of officers appointed to examine and inspect it reported that there was not sufficient water within the basin to float the dock with a frigate on it; and the expenditure of this money for raising the walls of the basin will not give you an inch, or a fragment of an inch, additional water in the basin. That board, composed of Navy and Army officers and engineers, reported to the Department that there was not sufficient depth of water in the basin, and that the contractors had not complied with the

contract. Now, if you add to the height of the wall of the basin, you will not get an additional inch of water in that basin. How, then, can my colleague say that by raising this wall, or making this basin—when you have now twenty-four feet of water, by expending money to give you thirty or forty feet—it will enable you to take the dock into the basin, which has only nine feet ten inches of water over its gate? Everybody knows that water seeks its own level. You may raise a wall around it as high as you please, and it will not add a fragment of an inch to the depth of the water in the basin.

My colleague spoke of the opinion of the Attorney General. I am no lawyer, but I have no hesitancy in saying that the opinion of the Attorney General was perfectly correct on the case presented to him. The simple case presented to him was, should the contractors or the Government furnish the water outside the basin to bring the dock to the gate of the basin. The Attorney General unhesitatingly decided that the Government was bound to furnish the water, as it had fixed on the site for the basin? The Department submitted that question to the Attorney General, but there was no evidence that there was not sufficient water outside the basin to float the dock into the basin. There was nothing but the statement of the contractors themselves. On that hypothetical case, submitted to the Attorney General, he gave his opinion. Subsequently, when the Government appointed a board of officers and engineers to examine into the whole matter, they reported that there was sufficient water without the gate of this basin to float the dock to the basin, but that there was not enough water over the sill of the basin and in the basin itself to float the dock with a frigate on board.

Mr. GWIN. Mr. President, as the Senator from Florida [Mr. Morton] wishes the motion to strike out to prevail, of course I shall not object. The only effect is to render it impossible for the Government ever to repair a ship at his navy-yard, or to use this dock in any way whatever. That, however, is a local matter, for the consideration of the honorable Senator and his State.

Mr. MORTON. You will never repair a vessel with the dock.

Mr. GWIN. That is the Senator's opinion. The Senator has been led into error in regard to the insufficiency of the dock and the violation of the contract, by the report of the board of officers to which he has so often referred. Now, I undertake to say that that report is as completely cut to pieces by the answer of the contractors as any document ever was in the history of this country; and if the Senator from Florida and the Senator from Pennsylvania will withdraw their objections to the publication of that document, we shall see both sides without having long speeches on the subject. This morning I proposed to discharge the committee, and have that document published, that we might see the other side of the question as well as one which has been so often and elaborately discussed here; but the Senator from Pennsylvania objected to it.

Mr. BRODHEAD. I did object to discharging the committee and printing the document referred to, because the committee had not taken any action upon it. We had not time to examine it and make a report; why, then, discharge the committee and publish the document?

Mr. GWIN. It could very easily be referred to the committee next winter, and examined, and reported on by them. Is the gentleman afraid to see it in print? I undertake to say that the facts and arguments presented by the contractors defend themselves abundantly against every charge brought against them. The whole difficulty, and the only difficulty, is, that at the navy-yard at Pensacola, and the navy-yard at Philadelphia, we ought never to have provided these docks at all. It is a very different thing in other locations. I undertake to say that, in the history of civilized nations, you will never again see a stone dock built; but these are the docks which always will be used in all time to come. They are used by the commercial marine; and all the docks which will be built in future will be on this plan. In regard to the basin and railway, that may be an experiment, but I have no doubt it will succeed; and so far as that is concerned—I speak of my own country—we wish to have it. There we do not want any deepening of the water. Nature has given us water enough, and has

given us a place for a dock basin and railway, without any of those appliances. There are four or five places in the United States where we need navy-yards; and although, as the head of the Naval Committee, I sustain all the navy-yards, I believe in a great deal of what the Senator from Maryland said this morning, and I think the time is rapidly approaching when we should consider whether we ought not to abandon some of them, and retain those at proper locations where they are really useful.

I undertake to say this dock in the waters in California will be eminently useful to the country. We want a dock, basin, and railway there. The contract to which the Senator from Georgia alluded has been made in accordance with law, and in accordance with the public necessities of that section of the country. We shall never hear of the Government doing this, that, and the other, to make a navy-yard there. God Almighty has made it. It is unnecessary to dredge, as you are doing at all your navy-yards, except three or four. Look at this appropriation bill, and you find that you appropriate for dredging at Washington, at Philadelphia, at Pensacola, and various other navy-yards. I could refer to some—but I do not wish to discriminate—which were never intended for the purposes to which they have been applied. New York, Boston, Norfolk, and San Francisco, are the points which nature has made for our great navy-yards, and for the docking of vessels. The old stone docks were very fine things in their time, before steam was discovered; but, in my opinion, another stone dock will never be built in this or in any other country. That, however, is entirely immaterial to the point in issue. All I want to do is to state the facts as they are. If the Senator from Florida is for striking out, I have no objection to its being done.

Mr. TOOMBS. I think this motion to strike out is eminently proper. I have a few remarks to make upon it in reply to the Senator from California. When these people came here eight or ten years ago, they asked for contracts for three docks—one at Kittery, one at Philadelphia, and the other at Pensacola. There was a great struggle about it; but finally they got the contracts. They said there was plenty of water at all the places, and that they were very fit places to build these docks, railways, and basins. They went on and built them. I suppose the report of the examination of the docks depends very much on those who examine them. I have not heard anything in reference to the Kittery dock. I have examined the report of the board that examined the Pensacola dock, which the Senator from California says has been triumphantly answered. The board was composed of Commodore Tatnall, of the Navy, Major Chase, of the Army, Mr. Heron, an eminent Civil Engineer of the Navy, who took down all the testimony, and Mr. Hartt, the chief naval constructor of the United States. Their report, accompanied by all the testimony and facts, is before us. The statement of the contractors is utterly denied by the board. They refused to receive the dock, because it was faulty in principle and construction. That is the report made by the commission sent to examine the work; and after all the evasions of the contractors disclosed in the testimony, they came here and demanded the money. They alleged that the difficulty was owing to a deficiency of water, and they referred it to the Attorney General to say whether, under their contract, there must not be a sufficiency of water. He said there must be, and then the money was paid to them. This commission, however, tell us that was not the difficulty. The ship they attempted to dock was not more than two thirds the size required by the contract. One was a ship-of-war; the other a frigate. These parties were paid in the face of the report of this commission.

Mr. GWIN. Will the Senator tell me whether any one of those officers, except one, ever before saw a ship docked?

Mr. TOOMBS. I suppose Commodore Tatnall did; he has been in the Navy all his life.

Mr. GWIN. No, sir, he never did.

Mr. TOOMBS. I should consider that rather strange.

Mr. GWIN. It is so asserted, and it seems to be very well proved.

Mr. TOOMBS. These officers were sent for the purpose of examining this dock. The com-

mission was composed of some of the most scientific officers in your Army and Navy, and I am disposed to believe what they say. The contractors made one excuse after another. They said there was not sufficient depth of water at Pensacola. The commission, after the most accurate measurements, were unanimous that there was an abundance of water to dock that ship; so that the fault must be in the dock. Yet Senators now talk of that report being cut to pieces.

But, sir, I got up chiefly for the purpose of saying this: These men first got a contract for making three docks, and they started at the price of \$300,000 apiece; but they have carried the cost up to nearly three millions of dollars. They then built a dock in California for over \$500,000; and they got an act passed at the last session of Congress authorizing the Secretary of the Navy, if he thought the public necessity required it, to make a contract for a basin and railway at San Francisco. In the face of the report of the board of commissioners, these people got \$993,000 for the Pensacola dock; and according to the intimation of the Senator from Florida, with a straw bond, whereas it is faulty in principle and construction. If the Secretary of the Navy has made such a contract as the Senator from California says, for a basin and railway at San Francisco, his conduct ought to be investigated, and I will take an early opportunity at the next session to cause an inquiry into his conduct in that respect.

Mr. GWIN. I undertake to say that whenever the Senator invites the investigation, the Secretary will be ready to meet him. He has executed the law, and he is not afraid to meet any responsibility that results from his action. I was one who advised and urged him to do it, and I know he did his duty.

Mr. MORTON. Mr. President, I am not disposed to protract the discussion, but I must make one remark in reply to my friend from California. He boasts of having in California sufficient water for the construction of a dock without any outside appliances. I put up the same claim for the Bay of Pensacola. I say we have there sufficient water for the construction of a basin, and the floating of a dock without any of these artificial appliances of scows, dredging, or anything of the kind.

The Senator also said that the report of the board of commissioners was riddled—I think that was the term he used—by the response of these contractors to the naval committee. I have not had an opportunity to read that response. I can only say that, from the report of the Navy Department, and from the report of this board of commissioners to the Navy Department, the evidence is clear and conclusive to my mind, and must be to every one who looks at those reports, that the contractors have not complied with, but have signally failed in, their contract. What evidence they have produced I know not; but I should rely upon the opinion of such men as those who composed this board—Captain Tattnall, who has spent forty years of his life in the Navy of his country, one of the first contractors attached to the Navy, an engineer of distinction attached to the Army, and also one superintending the works at Pensacola—as to the efficiency of this work much sooner than I would on the statement of the contractors.

Mr. GWIN. The facts and the law will determine the case. Any man's statement is not worth a cent unless sustained by the facts.

Mr. BRODHEAD. My amendment is merely to strike out the words "continuation of deep basin, raising walls of dock basin," and does not affect the appropriation.

The amendment was agreed to.

ENROLLED BILLS SIGNED.

A message was received from the House of Representatives, by Mr. McKean, Chief Clerk, announcing that the Speaker had signed the following enrolled bills and joint resolution:

An act making appropriations for fortifications, and other works of defense, and for repairs of barracks and quarters, for the year ending the 30th of June, 1855;

An act for the relief of Henry N. Halsted;

An act for the relief of Benjamin Hammond, of the State of New York;

An act for the relief of Henry J. Snow, of Rome, in the State of New York;

An act for the relief of W. D. Porter, of the United States Navy;

An act to provide a pension for James K. Welch;

An act for the relief of James M. Lewis;

An act for the relief of James Walsh;

An act for the relief of Jesse R. Faulkner, of Missouri;

An act for the further relief of Albino Tripp;

An act for the relief of Charlotte S. Westcott;

An act for the relief of John McVea, and John F. McKneely, of Louisiana;

An act for the relief of Rebecca Baggerley, widow of David Baggerley, deceased;

An act for the relief of Mary H. Cushing;

An act for the relief of the civil township of Marion, in the county of Mercer, Ohio;

An act for the relief of William H. Weirich,

An act for the relief of Joseph McMinn;

An act for the relief of John Frink; and

Joint resolution directing the accounting officers of the Treasury to adjust the account of William Woodbury, late pension agent at Portland, Maine.

The President *pro tempore* thereupon signed the above-named bills and joint resolution.

MINNESOTA LAND BILL.

The message also announced that the House of Representatives had passed a resolution suspending the 16th joint rule, so far as related to House bill "to repeal the act to aid the Territory of Minnesota in the construction of a railroad therein," in which they requested the concurrence of the Senate, in order to allow the bill to be transmitted to the Senate to-day.

The Senate proceeded to consider the resolution, and concurred therein.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, continued the consideration of the naval appropriation bill.

Mr. RUSK. I move to amend the bill by adding the following as an additional section:

Sec. —. *And be it further enacted*, That the existing laws limiting the number of officers in the Navy of the United States be, and they are hereby, so far modified as to authorize the President to incorporate into the naval service of the United States the surviving officers of the late Texas Navy, who were duly commissioned and in the service of said Republic at the time of its annexation to the United States: *Provided*, That the number of officers to be incorporated shall not exceed eight.

Mr. PEARCE called for the yeas and nays on this amendment; and they were ordered.

Mr. RUSK. I know the great value of the time of the Senate, and I know that there is an indisposition to amend the naval appropriation bill by adding anything which may cause discussion in the House. I struggled to get up this measure as a separate bill. I introduced it at an early part of the session, and I would have brought it before the Senate as a separate bill if it had been in my power to do so. I will now be as brief as it is possible for me to be in explaining the amendment which I have offered, and the reasons why I think it ought to be adopted. It becomes necessary, owing to different constructions being placed by Texas and the United States thus far, on a rather ambiguous term contained in the joint resolutions of annexation. The second section of these resolutions declares: "Said State when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports, and harbors, navy and navy-yards, docks, magazines, arms, armaments," &c. Texas placed on this language the construction that it intended to provide for the officers of the Texas navy, that under the usual acceptance of the term "navy," she is entitled to have the officers of her navy incorporated into the Navy of the United States. I have not the slightest doubt that such is the true construction of the language, and I think it is injustice on the part of the United States that they have not placed that construction upon it. The joint resolutions after they were adopted by Congress, were sent to Texas by a minister from this country, and he urged them upon our acceptance. Amongst other things which he said in urging them was this. (I read from a letter of Mr. Donelson, of June 15, 1845, to Mr. Allen, then Secretary of State of Texas:)

"Texas should rely on that high sense of honor and magnanimity which governs both the people and the representatives of the United States, and to secure to her all that she can reasonably desire to place her on an equal footing with the other members of the Union."

Such is the language which he used to induce Texas to accept the terms of the joint resolutions of annexation. The very convention which accepted those terms and formed the constitution of the State so construed them. On a petition presented to that convention by Commodore Moore, a committee were appointed who, in their report to the convention, reported a resolution that was unanimously adopted, urging upon the United States that the navy of Texas should be incorporated into that of the United States. That was the action of the convention of Texas on the subject of her navy, under the propositions of the Congress of the United States presented by your Minister, who urged the acceptance of these propositions on Texas. The Legislature of Texas, on the 29th of February, 1848, adopted this joint resolution on the subject:

"Whereas there were connected with the great measure of our annexation to the Confederacy of which we are now a member, various reciprocal rights and conditions prescribed by the terms thereof, as well as others clearly implied, and fairly deducible from the same, all of which Texas has on her part fully and completely redeemed:

"And whereas it is the opinion of this Legislature that the officers of our late navy, by a liberal and just, if not by a strictly legal construction of the terms of annexation, should be incorporated into the Navy of the United States, in their several ranks, and that they are justly entitled to the same, as well from the construction here claimed as from their high characters, personal and professional, and the zeal, fidelity, patriotism, and valor with which they sustained the cause of their country, while its navy was in existence: therefore,

"Sec. 1. *Be it resolved by the Legislature of the State of Texas*, That our Senators are hereby instructed, and our Representatives in Congress requested, to use their influence to procure the passage of a law by the Congress of the United States, incorporating the officers of the late navy of Texas into the Navy of the United States, in the rank which they severally held in the late navy of Texas.

"Sec. 2. *Be it further resolved*, That the Governor be requested to cause copies of this joint resolution to be immediately forwarded to each of our Senators and Representatives in Congress."

In February, 1852, they passed a similar resolution, in these words:

"Whereas there were connected with the great measure of annexation to the Confederacy of which we are now a member, various reciprocal rights and conditions, prescribed by the terms thereof, as well as others clearly implied and fairly deducible from the same, all of which Texas has on her part fully and completely redeemed; and whereas it is the opinion of this Legislature, that the officers of our late navy, by a liberal and just construction of the terms of annexation, should be incorporated into the Navy of the United States in their several ranks, and that they are justly entitled to the same, as well from the construction here claimed, as from their high characters, personal and professional, and the zeal, fidelity, patriotism, and valor with which they sustained the cause of their country during her struggle for independence: therefore,

"Sec. 1. *Be it resolved by the Legislature of the State of Texas*, That our Senators are hereby instructed, and our Representatives in Congress requested, to use their influence to procure the passage of a law by the Congress of the United States, incorporating the officers of the late navy of Texas into the Navy of the United States, in the rank which they severally held in the late navy of Texas.

"Sec. 2. *Be it further resolved*, That the Governor be requested to cause copies of this joint resolution to be immediately forwarded to the President of the United States, and to each of our Senators and Representatives in Congress."

Here, then, sir, is the construction which Texas has placed upon the term "navy," as used in the joint resolutions of annexation. It has been contended by some, that because the word "cede" immediately precedes the use of the several terms found together, in the section of the joint resolutions from which I read, the officers, the personnel of the navy, were not intended to be included. Now, is not this a mere quibble? When we speak of the British navy, what do we mean? No man supposes that in talking of the British navy and its efficiency, we mean nothing but the ships and armaments, and leave the men out of view altogether. When we speak of the Navy of the United States, do you exclude your officers? I say, then, that according to the usual acceptance of language, it is putting a strained technical construction upon the term "navy," to exclude the officers of the Texan navy from entrance into that of the United States. If the term stood alone in the joint resolutions, the fair and liberal construction, as a matter of course, according to the understanding of all mankind, would include the officers.

But the matter is not confined to this view. When these resolutions were presented to Texas, and she was asked to accept them, it was admitted by the representative of this Government that they were passed in a hurry, that there were a great many things not provided for, but we

were assured that a gallant nation, such as the United States, would put the most liberal construction upon the terms of the resolutions; and that, if any defects existed in them, they would afterwards be remedied by wise, enlightened, and liberal legislation on the part of the United States, whenever the Representatives from that State should call for it.

When we were first annexed there were quite a number of officers who belonged to the Texan navy. They have been thinned by death, until but eight of them remain. They have been prosecuting their claim to what they believe their rights here during the whole time. The amendment I have offered proposes not to incorporate them into the Navy of the United States, but so to amend the law as to authorize the President to include them in the Navy, if he thinks proper. It is left, in the first place, in the discretion of the President of the United States to ascertain who belonged to the Texan navy, and, according to his judgment, to recommend them to the Senate, as he does all other officers, for confirmation.

Sir, when the proposition is reduced merely to that, I can regard it as nothing but an act of long delayed justice. I regret that I have been forced to offer this proposition at so late a period of the session. I know that the Senate listen to me at such a time with great impatience. I know there is much to be done between this time and the close of the session. It has not been my fault however, that I am forced into this late hour. I regret that, under such circumstances, I cannot go more fully into the subject, and support the proposition at length; for it is a case which I believe to be just. I believe it is a right of the State of Texas due from the United States on every principle of justice.

Mr. GWIN. All I have to say in regard to the question now before the Senate is, that the Naval Committee of the Senate, to whom a bill was referred, in the very language of the amendment now offered by the Senator from Texas, after full deliberation, unanimously reported against it. It has been fully discussed heretofore, and rejected by the Senate. I ask for a vote upon it.

Mr. PRATT. I have no doubt, sir, that the officers named in the amendment introduced by the Senator from Texas are entitled to some claim upon the Federal Government. I do not think, however, that we have the right to put them over the officers now in our Navy, as would be done by the adoption of the proposed amendment. I intimated at the last session, when the subject was before the Senate, the course which I was willing to pursue. I think it is the only one which will ever be adopted for the purpose of doing justice to these gentlemen as far as it is in our power. That course is to give them the pay to which they would be entitled if they had been in the Navy from the time of annexation to this period. I would not put them in our Navy so as to interfere with the rank of the officers in our service; but I think we should compensate them in money, which is the utmost we can do, in my judgment, for the rights which they certainly had under the articles of annexation. I have no doubt that, by the resolutions of annexation, they had a right to expect that they would be incorporated into the Navy. If they had been incorporated at that time, there would have been few living now who would have been prejudiced by the act; but if they are put back into the Navy now with the rank which they would have had if they had remained in it ever since, almost all our own officers would be injured by it, and they would have a just right to complain. A great injury would result to the service.

Mr. JONES, of Tennessee. Mr. President, I need not express my regret at finding myself compelled, at this late hour of the session, to trespass on the time of the Senate; but with my views of justice, and the demands of friendship, if this were the last hour of the session, I should feel it my duty to ask the indulgence of the Senate while I vindicate, as briefly as I may, the character and reputation of a friend. In the remarks which I intend to make, I shall have nothing to do with the personal controversy of any gentleman in the Senate or out of the Senate. With the private and personal relations of gentlemen I have nothing to do. They are always presumed to be competent to adjust their own affairs, in their own way. But, sir, with the public records of the country I

have something to do. When I am called upon to vote, under all the responsibilities that attach to me as an American Senator, I have a right to inquire, and to consider, what I am about to vote upon; and I shall exercise that right fully, freely, and independently.

The first question for your consideration, sir, and for mine, is, whether the surviving officers of the Texan navy shall be incorporated into the Navy of the United States? That is the great question which Senators have to determine for themselves; and it does seem to me that every Senator on this floor ought to feel himself bound to examine the question fairly and impartially for himself, so that he may render a just verdict for his country, and for the citizens living under its Government.

By the terms of annexation between the Government of the United States and the late Republic of Texas, it was stipulated that the navy of Texas should be transferred to the Government of the United States. What, sir, do you mean by a navy? Do you mean its vessels, its munitions of war, and do you exclude its men? If you mean that, then upon a technical construction of the terms of annexation, you may exclude the officers of the Texas navy; but, according to every just interpretation, it seems to me that the terms of annexation intended and contemplated that the officers of the Texan navy should go with the navy. I am very well aware, sir, that the Supreme Court of the United States has decided that, under the terms of annexation between the two Republics, the Government of the United States is not bound to receive the officers of the Texas navy. I am willing to bow with the profoundest deference and respect to the opinion of that tribunal. The question, however, went there by indirection. It was not directly presented to the Court; but I am free to declare that they announced that, by the terms of annexation, we were not bound to receive the officers of the navy as part of the navy itself. That was the decision in the case of *Brashear*, which went up to the Supreme Court on a *mandamus* which had been issued to require this Government to pay him his salary. The Court undertook to decide that question, and decided it as I have stated. That, sir, is not the question for us to decide. We have as much right to construe the terms of annexation as the Supreme Court. I grant, when their decision is made, we are bound by it; and therefore, I admit, we are not compelled, under a strict interpretation of the terms of annexation, to accept the officers of the Texas navy with the navy itself.

Mr. RUSK. Let me say to the Senator from Tennessee, that the decision of the Supreme Court was upon an application by Mr. *Brashear*, contending that, by annexation, he was, without further action, attached to the Navy of the United States. The Supreme Court decided only that the act of annexation did not of itself, without further legislation, bring in the officers of the Texan navy.

Mr. JONES, of Tennessee. So I understand; and if I was not fortunate enough to convey my idea distinctly, I am sorry for it; but that is what I meant to say. Sir, as I have said, there is a question for the Senate to decide for themselves which is outside the technicalities of the law. There is a question of justice, a question of fairness, a question of magnanimity for the Senate to decide. I apprehend no man on this floor will undertake to say that we have not the right and the power to incorporate this remnant of the Texan navy into the American Navy. Then, if we have the power to do it, the question arises, shall we exercise that power? Are we under obligations of fairness, of justice, liberality, and magnanimity, required to exercise that power? It is upon that point I plant myself, and there I hope to stand, and there I hope to be enabled to convince honorable Senators that they may, and that they ought to do this, without a violation of any principle, or an infringement of the right of any American citizen?

Now, sir, what objection is urged to this? It is said, that if we incorporate the officers of the Texan navy into the Navy of the United States, we shall be violating the rights and privileges of the officers of our own Navy. Sir, if I know my own heart, I should be one of the last men in the world to trench upon the rights of any man in this

Government; and least of all should I be inclined to supersede any man either in the Army or in the Navy, or in any way abridge his rights, or in any degree trespass upon a single privilege which he enjoys under the Government. But, suppose you incorporate these eight men into the Navy of the United States, what wrong do you inflict upon any man in your Navy? Do you take from any man in the Navy an iota of power and position which he now enjoys? Not at all. Do you obstruct a single man in the Navy in his progress to advancement? Not at all. So far from postponing his advance, you increase it by increasing the number of chances for his promotion. You add one additional captain to your Navy, and thereby you add to the chances of all who are seeking promotion, by death, resignation, or otherwise; you increase the chances of every officer to that extent, and thus you advance the interests of the officers of the Navy. Ah, but it is said, you bring into the Navy of the United States a man who once belonged to it, but who has joined another Government, and that you put him back into the Navy in a position which he would not have been entitled to occupy if he had remained in your Navy; and this is said to be a crying injustice. Well, sir, as I understand, but one man of the eight now seeking to be incorporated into the Navy of the United States ever belonged to your Navy, and that one is Commodore Moore. You object to incorporating him into your Navy with the position which he held in the navy of Texas, because you say it would be an act of injustice to those now in the Navy.

I am willing to put it on the ground that Commodore Moore has seen more sea service than four fifths of the men in the American Navy who claim priority of rank over him. But, suppose the fact to be as you imagine it, what wrong do you do to them? Here was a man who served creditably to himself, and honorably to his Government, without one stain upon his character, for fourteen long years, in the American Navy. He found a sister Republic struggling for her liberties. Many of the officers of your Navy were luxuriating at home upon leave of absence. This officer, seeing a Republic struggling for its liberty, under the generous and noble impulses of the American heart, determined to go and cast his fortunes with that struggling Republic for the rights of universal liberty. He left your Navy and joined that; and when the two countries are annexed, and all the rights, powers, and privileges of the one are merged in the other, he comes forward and asks that he may retain in this Government the position which he occupied in the Government which was ceded to you. He is told: "Oh, this is very wrong; you left your own country and went and enlisted under the star of another, and foreign Government," and that is set down to the detriment of this man. How consistent are we? How just are we? Why, sir, we may turn back to the history of our own country and see illustrious examples directly in point when we call upon the names of Lafayette and his illustrious compeers. They rendered assistance to us in our darkest days of trial, and our people render them the highest homage of gratitude, and praise, and thanksgiving. Why is this? It is because Lafayette left his own Government and came here to enlist under the banner of a feeble people, struggling for liberty and self-government. The nation's gratitude is poured out to him. Here, however, a man doing precisely the same thing, increased only by the consideration that he was going to fight the battles of his own countrymen who were flesh of his flesh, bone of his bone, and kindred of his kindred, it is said, is not entitled to the gratitude or the thanks of this Government when your statute-book is filled with demonstrations of the nation's gratitude for men who performed precisely the same service.

But, Mr. President, suppose you incorporate this remnant of the Texan navy into the American Navy. You do no wrong; you do no injustice; you deprive no man of his rank; you deprive no man of his chances of promotion; you simply add this number to your Navy. Is that anything new under the sun? Is it anything new in the history of this Government? Why, sir, your statute-book is literally filled with such cases. Have you not gone into the ranks of private life, and put men into your Army? Take the case of the distinguished Senator from Illinois, [Mr. SHELTON.] He was taken from the walks

of private life and made a general. So with the President of the United States. He was taken from private life and made a general. I might go on with an interminable list of such cases in the Army. You have done the same thing in the Navy. I will refer to one case. You took a French officer, and incorporated him into the American Navy into the same position which he had held in the French Navy:

"The marine committee, to whom was referred the letter from Baron Steuben, recommending Captain Landais, report, that they have had a conference with Captain Landais; that he produced brevet commissions of his being a lieutenant and captain in the navy of France, also a Continental commission, dated March 1, 1777, appointing him captain of the ship Reureaux, or Flammand, which commission is accompanied with a letter from Silas Deane, Esq."

"That Mr. Deane, in letters, to the marine committee, recommends Mr. Landais in the strongest terms." * * * "Resolved, That Captain Landais be continued as a captain in the Navy of the United States."—*Journals of Congress, A. D., 1778, p. 547.*

No complaint was made of that. No cry of injustice was heard then. That any man in the American Navy should be now found raising his voice in opposition to this proposition is a matter of astonishment to me. This proposition is simply to increase the Navy by the number of eight officers. That is all. You are increasing, without objection, your officers in all the civil departments of life and in the Army. Why may you not incorporate eight men into the Navy of the United States without perpetrating an injustice on the Navy of the United States? Are we not bound, as a just and generous people, to do it? When you annexed Texas to the United States you had power, with her consent, to do it. Here were two sovereignties combining together to accomplish a great national purpose, the amalgamation of two Republics. Now, are we prepared to say that the little remnant of her gallant navy, which helped to secure the liberties of that Republic, the benefits of which you and I are enjoying to-day, shall be turned loose upon the world, divested of their profession at an advanced period of life, to seek some new avocation, or to starve and die of penury or neglect? Is that compatible with the dignity, the magnanimity, the generosity of a liberal and enlightened people—of a constituency such as yours and mine?

Mr. President, I have not the strength to prolong this debate, and I feel that it would be a trespass on the Senate to do it; but there are a few other points on which I must touch before I conclude. Another question for our consideration is, whether the men proposed to be incorporated into the American Navy are worthy of such incorporation? If I believed that a single one of this number was unworthy of association with the officers of the American Navy, I should be prepared to exclude him and to incorporate the remnant. I believe, however, that no charges have been preferred against any of them save one, and that one is Commodore Moore. As I said before, I shall have nothing to do with private quarrels between him and others; but so far as the charges against him are of a public character, and connected with the records of the country I have and shall have something to do.

It has been alleged that this man is unworthy of association with the American Navy, that he has been guilty of deeds which render him obnoxious to the censure of every honorable man, and of every patriot. What are the charges against him? One is that he has been guilty of murder. Upon what ground is that charge attempted to be maintained? I have before me the records of the country; I have looked into them, and they show the facts which I will state.

There was a mutiny on board one of the ships of the Texan navy, a ship upon which Commodore Moore was not present, and which he did not command. That mutiny occurred in the port of New Orleans. The lieutenant of the vessel was killed, and two or three of its officers were wounded. The men were arrested by the authorities of New Orleans, and placed in prison. That fact was communicated to the Government of Texas, and the President of Texas issued an order to the authorities of Louisiana to surrender those men who were charged with this mutiny and murder, as will be seen by the following authentic record:

DEPARTMENT OF WAR AND MARINE, }
September 15, 1842.

SIR: Your communication of the 7th instant, with the

accompanying correspondence had between yourself and his Excellency, A. B. Roman, Governor of the State of Louisiana, upon the subject of the detention, by the authorities of that State, of sundry prisoners, (Texas seamen,) charged with mutiny on board the schooner of war San Antonio, while lying in the Mississippi river, in the month of February last, and the murder of some of the officers of said vessel, at the same time and place, have been laid before his Excellency, the President, and he has issued the desired demand or requisition upon his Excellency, A. B. Roman, which is herewith inclosed.

Upon the delivery of the prisoners to you, or as soon thereafter as the testimony of the witnesses can be procured, you will order a court martial for their trial; in the prosecution of which, the regulations of the service and the laws of the land will be strictly enforced.

(Signed by the Secretary of War and Marine.)
To E. W. MOORE, Esq.,
Post Captain, Commanding Texas Navy.

SAM HOUSTON,

In the name and by the authority of the Republic of Texas, to his Excellency, A. B. Roman, Governor of the State of Louisiana, of the United States of America—Greeting: By virtue of a communication received from E. W. Moore, Esq., commanding the Texas Navy, under date of the 7th instant, I am placed in possession of a correspondence between your Excellency and himself, relative to certain individuals, refugees from justice, who are charged as mutineers on board the schooner San Antonio, a Texan vessel of war, and as murderers of one of the officers of said vessel, during the month of February last, then in the port of New Orleans.

The names of the individuals are Seymour Oswald, T. O. Shepherd, J. Allen, William Barrington, James Hudgins, William Simpson, Edward Keener, Benjamin Pomplily, and Edward Williams, who are now held as prisoners in the State of Louisiana.

Your Excellency is hereby requested (and a respectful demand is made) to deliver to Commodore E. W. Moore the above-named men, and all who may be implicated, in order that they may be dealt with in accordance with the laws which they are charged to have grossly violated.

Given under my hand and the Great Seal of the Republic, at the city of Houston, the 12th day of September, 1842, and of the Independence of the Republic the seventh.

SAM HOUSTON.

Under the order of the Government of Texas, they were surrendered, and an order was issued to the commodore to try the men on the charges which were preferred against them. A court martial was ordered. They were arraigned. Counsel were employed to defend them. They were tried and convicted. What remained for the commodore to do? Here was a command from the President of Texas to the Governor of Louisiana to surrender the men, and he did surrender them. Here was an order to the commodore for a court martial to try them. A court martial was ordered, and they were tried and convicted. What, I ask any honorable man, remained for the commodore to do, but to execute the law? For executing that law he is denounced as a murderer. Will you go into your own Navy, and proclaim to the world that the officer who executes the sentence of a court-martial is a murderer?

Those men were adjudged to be guilty. No one pretends to assert that they were not guilty. They were fairly tried. They were condemned. They were executed as they should have been executed. I have the testimony of Mr. Morgan, who was appointed by the authorities of Texas to go and control the movements of the vessels which the commodore commanded. He was there upon the day of execution, and he declares that it was conducted with the utmost fairness and liberality, and with the greatest feeling of regret consistent with the honest and faithful execution of a sworn duty; which will appear by the following from the records of the special court ordered by the Texas Congress to try Commodore Moore:

TEXAS SLOOP-OF-WAR AUSTIN, }
August 18, 1848.

COMMODORE E. W. MOORE:

SIR: We, the President and members of the court-martial, convened for the trial of Frederick Shepherd and others, have the honor to transmit to you the accompanying documents, being a true record of the evidence and minutes of the court.

In discharge of the painful duty and the awful responsibilities imposed upon us, we have endeavored to confine ourselves strictly to the law governing courts-martial, and to the evidence that has been brought before us, and we have duly deliberated upon the verdicts returned.

In the trial of Frederick Shepherd, we are of opinion that there is no evidence before the court to prove that he was aware that a mutiny was to take place, or that he was in a situation to aid or assist in quelling one on the night of its occurrence. We have, therefore, found the prisoner not guilty, and recommended his discharge.

Of the prisoners Antonio Landais, James Hudgins, Isaac Allen, and William Simpson, we have only to say that we deem the evidence elicited at the trial of each and every one of them sufficiently clear and distinct to convict them each of the various charges and specifications preferred against them, and we have therefore sentenced them to death.

We beg to call your attention to the evidence in the case

of William Barrington, from which you will find that he was deeply engaged in the mutiny on board the San Antonio; but it also appears in the evidence that he informed one of the officers that it was to take place. In consequence of this information, the court have sentenced him to receive one hundred lashes with the cats.

Of the evidence in the case of John Williams and Edward Keenan, we think it unnecessary to make any comments. Williams, you will find, is strongly recommended to mercy.

Very respectfully, &c.,
(Signed by the five officers comprising the court.)

From the testimony of Commissioner James Morgan.

"Question 19.—You will please state to the court my conduct as commander of the Austin, from the time we left New Orleans to our arrival off the coast of Yucatan and meeting the enemy, and particularly in relation to the mutineers and murderers who had been tried by court-martial before we left New Orleans, and for carrying out the sentence of said court-martial I am accused of murder?"

"Answer. The conduct of Commodore Moore, on board the Austin, was such as I should have expected from a commander of a fleet—rather more perfect than I should have expected from a man of his age. He was very particular in his discipline, and appeared to understand every discipline necessary on board a man-of-war—the crew were exercised twice a day at the guns, and instructed in all the arts of naval warfare that it was necessary for them to know, so far as I could judge.

"With regard to the mutineers, the third or fourth day after we were out they were brought forward, one at a time; the officers and crew all assembled to hear their sentences read; which were read aloud by Commodore Moore himself, in presence of all on board. The laws for the government of the navy were also read. After the sentence of each one was read, he gave notice to those who were to be executed, to prepare themselves for death; that he gave them to the next day to do so. When the officers and crew were all assembled, and the prisoners brought up for execution, Commodore Moore read the rules and regulations for the government of the navy, and the punishment mutineers were subject to. He then stated to those who were condemned to be hanged, that they had been fairly tried by a court-martial selected for the purpose, and had able counsel assigned them to defend them; that after a patient investigation of the whole affair, they were condemned to the punishment of death, which he, as the officer in command, was bound by his oath, and the laws of his country, to see executed; that it was the first time in his life he had ever to do anything of the sort, and he hoped to God it would be the last. He afterwards made some feeling remarks, at which everybody within his hearing was very sensibly affected.

"On the next day, at twelve o'clock, the ship was hove to, and the four condemned to be hung were accordingly hung up at the yard-arm till they were dead, when they were taken down, prayers read over each separately, and they were cast into the sea."

But, sir, more than this. When Commodore Moore returned to the ports of his own Government, he surrendered himself to its authorities and demanded a trial upon the charges of murder, piracy, and defalcation, and other charges of a grave character preferred against him. The Congress of Texas accorded to him a committee of investigation, and I have the result of that committee's investigation before me, which I will not trouble the Senate by reading, but will refer to, and publish in my remarks, because the investigation is so full, clear, and conclusive, that Commodore Moore might well rest his vindication on this report of the joint naval committees of both houses of the Texas Congress, which commences on page 348, of the printed Journals of the House of Representatives of the Eighth Congress of that Republic; as follows:

The joint naval committee, by Levi Jones, one of said committee, made the following report; which was read, viz: To the President of the Senate, and

Speaker of the House of Representatives:

The undersigned, members of the Committee of the Senate and House of Representatives on Naval Affairs, acting conjointly, by the order of their respective Houses, on the memorial of Edwin W. Moore, late of the Texas navy, have, so far as the time allowed them from the discharge of other duties permitted, given to the matters involved in it that careful and deliberate consideration which seemed to be required; first, by their importance, and secondly, by the high official station and reputation of the functionaries and individuals whose acts have thus become the subject of inquiry, and they beg leave to report, as the result of their investigation—

That on the 19th of July, 1843, Post Captain Edwin W. Moore, then in command of the navy of Texas, was, by order of the President, "dishonorably discharged from the naval service of the Republic," as appears by a letter addressed to him from Washington, of that date, bearing the signature of G. W. Hill, Secretary of War and Marine.

Upon looking at this "order of the President," as communicated by his "Secretary of War and Marine," the first inquiry to which the joint committee directed its attention was, as to the authority of the President to make it. In a Government possessing no power except such as is conferred by the Constitution and laws of the land, the undersigned believe that no citizen can be deprived of a franchise or right, except by the express authority of law; nor even then can it be done in accordance with the spirit of our institutions until after a full and fair investigation, before a competent tribunal, where the party has had an opportunity of being heard in his defense.

In this case, Captain Moore was dismissed from a service

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in which he had made great sacrifices in sustaining the honor and reputation of his country, and deprived of a high and honorable station, which he had dignified by his official conduct and deportment, without a trial or even the semblance of a trial; and if such a course can be sustained or even excused in the functionary pursuing it, it must be under the provisions of some positive law, or under a state of circumstances, so imperative in their character, as to admit of no delay or resort to other and less objectionable remedies.

The undersigned know of no law that justified it. The constitutional provision which makes the President the commander-in-chief of the army and navy, certainly did not, otherwise the system of military tribunals which seems to have been contemplated by that instrument, and which has since been provided for by law, would be a nullity and even mockery, as the President might, in the exercise of the supposed power conferred in the constitutional provision making him commander-in-chief of the army and navy, capriciously dismiss every officer from either or both branches of the service at his mere will and pleasure. Such power is rarely supposed to exist in those countries where the will of the sovereign is the law of the land; and it can hardly be imagined, that the framers of our Constitution, imbued as they must have been, in the midst of a revolution for the suppression of tyranny, with feelings sensibly awakened to the rights of the citizen, would have been incorporated in the instrument they were preparing to guarantee those rights; a provision which might be exercised for the most tyrannical purposes. Such was not their intention, as the undersigned believe. No fair construction of the language would justify the inference that it was, and the principles of the institutions for the establishment of which they were then laying the foundation, and the history of the times, repel the imputation.

If, then, there is found no authority in the Constitution for the exercise of the power which was brought into action on this occasion, the committee are at a loss to know from whence it was derived. If there is any statute which confers it, the undersigned have been unable to discover it; but in their researches upon the subject, they have found a statute, which expressly declares, that it shall not hereafter "be lawful to deprive any officer in the military or naval service of this Republic, for any misconduct in office, of his commission, unless by the sentence of a court martial." This law was approved on the 4th of February, 1841, and has never been repealed. It was therefore in full force and operation on the 19th of July, 1843, when Captain Moore was dishonorably dismissed, and deprived of his commission in the naval service of this Republic, "by the order of the President," without "sentence of a court martial."

So direct and palpable a violation of the positive provisions of a statute well known to the Executive at the time he gave the order, cannot be justified. In the opinion of the undersigned, it might be excused under very extraordinary circumstances; but the circumstances that would excuse it must be of such a character as to admit of neither delay, nor a resort to a different mode of punishing the refractory officer. In this case, even if there existed in fact any just cause for punishment, the committee can perceive no reason why a positive law should have been violated and set at naught by the Executive to accomplish the object. There certainly existed no emergency which would have rendered delay either dangerous to the country, or injurious to the service. The navy, at the time the order was given to Captain Moore, and for ten days previous, was in the harbor of Galveston, and that officer might have been removed from the actual command by suspension and arrest, with as little difficulty as was found in depriving him of it, by dismissal from the service. That course would have obviated the necessity of violating the law, and have accomplished all the Executive should have desired, as Congress could have constituted a tribunal to investigate the matter, and to dismiss the officer, provided that his conduct, upon investigation, should appear to have deserved punishment to that extent.

The undersigned, however, cannot discover in the papers and documents submitted to them, the grievous offenses and crimes imputed to Captain Moore in the letter from the Secretary of War and Navy, conveying to him the order of the President for his dishonorable discharge, and which are the alleged grounds upon which that order was predicated. These imputed offenses and crimes are:

1. That Captain Moore had not accounted for large sums of money received from the authorities of Yucatan and the Government of Texas, in July, 1842.
2. That he had disobeyed orders issued to him on the 29th of October, on the 5th of November, and on the 16th of November, 1842, directing him to report with the vessels under his command at Galveston.
3. That he had disobeyed orders issued on the 2d of December, 1842, and on the 2d of January, 1843, directing him to report to Washington and report in person to the Department of War and Marine.
4. That he had failed to obey a peremptory order issued on the 23d of January, 1843, "to turn over the command to the senior officer in the naval service present, and report to the Department of War and Marine, at this place, (Washington,) in person."
5. That he was guilty of treason in entering into a compact with the authorities of Yucatan, without the sanction or knowledge of this Government.
6. That he was guilty of murder in causing to be executed, on the 25th of April, 1843, certain mutineers, who had been condemned by a court martial, alleged to have been illegally assembled, after he had received an order issued on the 21st of March, 1843, suspending him from the command of the navy, and directing him to report to the Department of War and Marine in arrest. And
7. That he was guilty of piracy in cruising upon the high

seas with armed vessels, under the flag of this nation, while under suspension and arrest.

With regard to the first charge, the undersigned have found abundant evidence in the correspondence between Captain Moore and the Department, showing that he had expended more money for the use of the navy than he is charged with having received; they therefore consider this charge as wholly groundless, and one which does not in the slightest degree excuse the order, in support of which it was made.

As to the second charge, it was necessary to refer to the evidence to see how far it is sustained by the facts.

For several months anterior to the order of the 29th of October, 1842, it seems from the correspondence between the Department and Captain Moore, that it was the earnest desire of the President that the navy should be prepared for sea as early as practicable, to cruise along the coast of Mexico; to lay under contribution the towns and commerce of that country. This desire Captain Moore appears to have labored hard and assiduously to gratify, but from various difficulties and embarrassments, growing out of the refusal of the Government to furnish him with the money appropriated by Congress to fit out and support the navy, he had been unable to accomplish the object at the time that order was written, but still entertained hopes of being able to do so at a future period. The order itself seems to have been written under the anticipation that it might be done; and, after speaking of the subject in general terms, and expressing regrets at the detention of the vessels and wishes respecting their being on the gulf, it proceeds thus: "If you cannot, with the means at your command, prepare the squadron for sea, you will immediately, with all the vessels under your command, sail for the port of Galveston, and, on your arrival there, make a special report," &c. This order, then, was evidently a conditional one, to be executed or not, upon the contingency of Captain Moore's ability or inability, in his opinion, of getting the vessels to sea, with the means at his command, for the cruise. In reply to this communication, Captain Moore acknowledges his inability to get to sea at that time, either for the cruise or to return to Galveston, as he had not men enough to move the vessels from their anchorage, but stated that he had received a letter from the Secretary of War and Marine of Yucatan, written a short time before, from the tenor of which he had been expecting funds from that quarter; a subsequent arrival, however, had materially lessened his hopes, as the enemy were represented to be upon them both by sea and land—at the same time he again expresses a hope that the appropriations previously made by Congress for the navy would be available, in order that he might get to sea.

In this answer, and in the conduct of Captain Moore on that occasion, the undersigned discover no disobedience of orders on his part, nor do they perceive in either any manifestation of an intention to disobey the orders of the Department or the Executive, and such appear to have been the opinions entertained by the Government at the time, as in none of the subsequent communications of the Department to him, previous to the 21st March, 1843, after the arrival of the commissioners in New Orleans, was there any censure or seeming rebuke for his non-compliance with the order.

The order of the 5th of November is merely a letter inclosing a duplicate of the one of the 29th of October, with this additional expression, showing that both were intended to be conditional, and to be obeyed or not, according to the prospect of getting to sea; after speaking of the condition of the schooners San Bernard and San Antonio, the writer adds: "If it is impossible to fit out the two remaining vessels for efficient service, they had much better be in Galveston harbor than in a foreign port. With the hope, however, that some kind fortune may have enabled you to accomplish your purpose, I have," &c.

The order of the 16th of November, is merely a reference to the two former letters of November 5, and October 29, with directions to carry out the instructions previously given. What these instructions were, the undersigned have already shown; and as these three letters contain all the matters embraced in the second charge, the committee have no hesitation in saying, that they do not, in their opinion, sustain it.

In reference to the third charge of disobedience of orders, in refusing to repair to Washington, and report, in person, to the Department of War and Marine, the undersigned would not have regarded the functionary making it as intending to be serious, had it not been connected with other matters of such grave and serious import. The order of December 2, 1842, simply directs Captain Moore, when he shall have arrived at Galveston, and prepared his returns, to proceed to this place, and report to the Department in person. Previous to writing this order, the Department had been informed that Captain Moore, from causes beyond his control, could not then return with the vessels to Galveston; and that he was still making efforts to prepare for the contemplated cruise on the gulf—a compliance with it, therefore, depended upon the same contingencies as attached to the preceding orders from the Department, for the return of the vessels to Galveston; and as a proof that it was so regarded at the Department; when it was given, there is no time specified in it for a compliance with it, but simply directs the duties to be performed after Captain Moore shall have returned to Galveston. In fact, it is not an order to return to Galveston with the vessels at all, but an order prescribing the course for him to pursue, after his arrival at that port—which arrival, depended upon contingencies well known to the Department, at the time it was given. The order of January 2, 1843, which is the only other evidence relied upon to sustain the third charge, like all those which preceded it, directs nothing positively. It speaks of all expectations, founded upon the appropriation

made at the extra session of Congress, for naval purposes, as being certain to end in disappointment, as it was subject to such contingencies as to render it a dead letter upon the statute-book; and after expressing the regrets of the President, at the inadequacy of the appropriations to sustain the navy, it directs that Captain Moore will, if practicable, in conformity with previous orders, report at Galveston.

The undersigned believe that they have already shown that, by the previous orders, Captain Moore was only required to report at Galveston, in the event of his being unable to get to sea, upon the cruise which had been previously ordered, and which, at no time, seems to have been finally abandoned; and also, in the event of his being able to bring the vessels to Galveston, provided he should not be able to get to sea, for the cruise. This order was, therefore, subject to all the contingencies which attached to the preceding orders, upon the same subject; and was to be obeyed or not, as circumstances might dictate—having in view those contingencies.

In reference to the appropriations made for naval purposes, by the act of July 23, 1842, the non-application of which seems to have caused all the embarrassments under which Captain Moore labored in getting the vessels to sea, either for the contemplated cruise, or for their return to Galveston, the undersigned can perceive no such difficulties or contingencies, as are spoken of by the Secretary of War and Marine; nor can they imagine why the act making the appropriations should be regarded as a dead letter upon the statute-books.

The first section of that act appropriates \$25,000 "for the outfit and provisioning of the navy now in the employ of the Government," and that the amount "be paid out of the first money in the treasury, or at the disposition of the Executive." When it is borne in mind, that at the time this appropriation was made, it was believed that the President had already contracted for the loan of \$1,000,000; and that, at the same time, other extraordinary resources were placed in his hands for raising money, by the unlimited and unrestricted sale of four hundred thousand acres of the Cherokee lands, it seems, to the undersigned, that the Congress manifested an unusual degree of solicitude to provide for the prompt and certain payment and application of this appropriation; for they not only provided for it in the ordinary way, by directing it to be paid out of the first money in the treasury, but they went further, by directing, in addition, that it should be paid out of the first money at the disposition of the Executive, evidently intending thereby, that if the Executive should come into the possession of money, either by loan or the sale of the Cherokee lands, before there were means in the treasury to meet the appropriation, that then the appropriation should be paid out of that money, before any part of it was applied to any other purpose.

The second section of the act appropriates \$57,659 50 for the pay then due the officers, seamen, and marines, and for their prospective pay for the ensuing six months, and directs that, should prizes be made, or contributions be levied, by the navy, they should be applied to the payment of these appropriations for the officers, seamen, and marines of the navy. The third section provides "that no part of the sum thus appropriated shall be paid over to any commander or disbursing officer for his services or prize money until he shall have rendered to the proper department a full account of all moneys before received and disbursed;" and provides, further, "that the amount appropriated for back pay shall be first ascertained to be due for services rendered in the naval service of the Government, according to the laws in existence at the time of the service." These provisions contain all the restrictions or contingencies which are found in the act; and it will readily be perceived that neither of them apply, in the slightest degree, to the appropriation of \$25,000 for the outfit and provisioning the navy, as provided for in the first section of the act. The undersigned, therefore, believe that this appropriation was withheld in violation of law, and that the withholding of it was the sole cause of the difficulties which prevented the navy from proceeding to sea on the contemplated cruise, and which afterwards put it out of the power of the commanding officer to bring the vessels to Galveston; and as that officer was thus prevented from obeying the instructions of the Department by its own acts, they cannot perceive how he can be held obnoxious to the charge of "disobedience of orders," which order it was impossible to obey.

The fourth charge made against Captain Moore, as affording the ground-work for his dismissal from the service, is, that he disobeyed a peremptory order, issued on the 22d January, 1843, requiring him to "leave the ship Austin and brig Wharton under the command of the senior officer present, and repair to this place, (Washington,) and report to the Department in person, as his presence was necessary at the seat of government before final action is taken upon a secret act of Congress with regard to the navy." On the same day upon which this order was issued, (the 22d January, 1843,) another order was issued, directed to Commander Lothrop, "or officer in command of the navy," directing him to report the condition of the vessels, &c., under his command, "to William Bryan, Samuel M. Williams, and James Morgan, who have been commissioned by the President to carry into effect a secret act of Congress with regard to the navy," and to "act under, and be subject to, the orders of said commissioners, or any two of them, until further orders are received from the Department." The order directed to Captain Moore, by name, was not received by him until after the arrival of the commissioners at New Orleans, who had been charged with the duty of carrying out the "secret act" in regard to the navy. They, therefore, found him, without any disobedience of that order, in command of the navy, and, as such, they addressed a letter to him, inclosing the second order of the same date, directing him to report to them, with as little delay as practicable, in obedience to that order. Here, then, were two orders of

the same date—the one directed, personally, to Captain Moore, the other directed to the “officer in command of the navy.” The one ordering him to leave the vessels under command of the senior officer present, and report to the Department, as his presence was necessary before final action was taken upon the secret act respecting the navy, and the other showing that that action had already been taken by placing the vessels under the authority and charge of the commissioners, and directing him to report to them, and to act under, and be subject to, their orders. If a proper and reasonable construction of both of these orders should show them to be equally imperative in their character, then there might exist some doubt on the mind, as to which one Captain Moore was bound to obey. They are both directed to him, as he was in command, without having disobeyed any previous order, when they were both received; and it is, therefore, only by such construction, and a just application of the circumstances connected with the issuing and reception of them, that it can be ascertained to which he was bound to render obedience. The first gives the reason why it was issued, to wit: that his presence was necessary at the Department before final action was taken respecting the navy. It is therefore reasonable to infer that but for this reason the order would not have been given. The second shows that the reason no longer existed, and that his presence was no longer necessary at the Department for the purpose mentioned, as the final action had then been taken, by turning the vessels over to the commissioners, and instructing them as to their future disposition. If, then, there was nothing else in the later order showing that the first was rescinded by it, this fact would clearly demonstrate it, as the sole reason upon which the first was predicated was removed by the subsequent action of the Department, and the subsequent order issued in conformity with that action.

But there are other things connected with this second order which leave no doubt upon the minds of the undersigned as to its effect, in countermmanding and rescinding the previous order of the same date. Captain Moore was in command of the navy at the time of the arrival of the commissioners in New Orleans, as the order, directing him to turn over the command to another, was not received previous to their arrival, and they (the commissioners) having the authority to do so, and to take any and all the steps which they might deem necessary in regard to the vessels, thought proper to regard him in that light—to communicate with him as such—to furnish him with the second order, and to require from him the performance of duties imposed by that order, on the “officer in command of the navy.” The undersigned, therefore, cannot view the second order in any other light than as rescinding the first one of the same date; and, consequently, the alleged disobedience of the first, is an assumption unsupported by facts, and seems to have been resorted to as an after-thought, brought forward as an assistant prop to support the subsequent order of dismissal from the service.

The fifth charge is, that Captain Moore was guilty of “treason,” in entering into a compact with the authorities of Yucatan, without the sanction or knowledge of this Government.

Treason is defined by the Constitution, to consist in levying war against the Republic, or in adhering to its enemies, giving them aid and support, and if Captain Moore be guilty of this offense, it must be for a violation of that provision which forbids giving to the enemies of the Republic aid and support, for no one has pretended to charge him with levying war against the Republic. To determine, then, whether or not he is guilty of the charge, it is necessary to ascertain what was the position occupied by Yucatan in reference to this country, as well as to Mexico, at the time the arrangement was entered into between Captain Moore and Colonel Peraza at New Orleans, on the 11th February, 1843. At that time, and for a long time previous, a war was notoriously known to exist between the State of Yucatan and the Government of Mexico, which war was prosecuted for the same purpose, and had the same end in view, which our own country was seeking to accomplish, in the war which she was waging against Mexico. At the same time the authorities of Yucatan and Texas were keeping up and encouraging the most friendly relations towards each other, and had, on other occasions, entered into stipulations, supposed to be for the mutual benefit of both, in the prosecution of the war against their common enemy. These stipulations and agreements had been submitted to the Congress of this nation, and that body, so far from condemning or disapproving them, refused to recall the navy, which was then at sea, and co-operating with the forces of Yucatan, under them.

If, then, the entering into such arrangements with the authorities of Yucatan, be reasonable, the former Administration was guilty of that offense, and the Congress, by sustaining the measures of that Administration in this particular, not only connived at treasonable practices, but actually became participants in them, by failing to adopt the necessary measures, to put a stop to their further progress. As a proof, however, that the arrangements were not considered reasonable, even by the present Administration, Captain Moore continued his operations in connection with the forces of Yucatan for some time after the present Executive came into office, and upon reporting his proceedings to the Department, he was informed, under the date of April 14, 1842, that his proceedings were approved. In addition to this, there is not one word in all the correspondence between the Department and Captain Moore, anterior to the time when the commissioners were sent to New Orleans to take charge of the vessels, which seems to inhibit the renewal of the arrangement with Yucatan, while there is much to indicate that the renewal was not only anticipated but desired. Besides, for the money received from Yucatan under these arrangements, Captain Moore was held to strict accountability by this Government, and one of the alleged grounds for his dismissal from office, is that he had not accounted for moneys thus received, which would hardly have been alleged if it had been obtained by reasonable intercourse. But that Yucatan was not considered as forming any part of the territory of the enemy, is evidently shown by the President's proclamation of a blockade of the whole coast of the enemy, and from which the coast of Yucatan was excluded. Apart, however, from all these considerations, the undersigned believe there never was an instance

civilized warfare, where two States were at war with one common enemy, that they did not avail themselves, as far as circumstances permitted, of the aid and assistance of each other, in damaging the common foe, and this, too, in most instances, without any agreement or compact between their respective Governments to that effect; nor is there an instance on record, within the knowledge of the undersigned, where belligerent nations have failed to avail themselves of the intestine war carried on in the enemy's country, where it could be done to advantage. In no point of view, therefore, can the undersigned perceive the propriety of the charge of treason against Captain Moore, founded upon the arrangement entered into with Colonel Peraza—arrangements which were certainly greatly to the benefit of this country at that particular crisis, and which, it is believed, would have resulted in permanent and lasting advantages to the nation, had they not been so untimely checked by the acts of the Government, and the extraordinary proceeding resorted to, for the purpose of carrying out those acts.

The sixth charge is that Captain Moore was guilty of murder, in causing to be executed, on the 26th of April, 1843, certain mutineers who had been condemned by a court-martial, alleged to have been illegally assembled, after he had received an order issued on the 21st of March, 1843, suspending him from the command of the navy, and directing him to report to the Department of War and Marine in arrest.

On the 15th September, 1842, the Department addressed a letter to Captain Moore, inclosing a requisition upon the Governor of Louisiana for the mutineers alluded to in this charge, and then adds: “Upon the delivery of the prisoners to you, or as soon thereafter as the testimony of the witnesses can be procured, you will order a court-martial for their trial, in the prosecution of which, the regulations of the service, and the laws of the land will be strictly enforced.” Here, then, was a positive order to convene a court-martial for the trial of these men, and to cause the regulations of the service and the laws of the land to be strictly enforced against them. These regulations and laws imposed upon them the penalty of death, if found guilty of the offenses charged against them—they were found guilty, and suffered accordingly. But it is said, the court which tried them was illegally assembled, as the officer ordering it was suspended from the command at the time, and had no right to give the order. In the first place the objection, in the opinion of the undersigned, is without force so far as regards the legality of the court, because the order for it emanated from the Department of War and Marine, and was only executed by the officer in command; and had Captain Moore, in point of fact, been suspended from the command at the time, the person who superseded him would have been bound to have carried it out, and the court which assembled, no matter by whose instrumentality, would have been assembled in virtue of the order from the Department.

But the undersigned cannot discover, from the testimony, that Captain Moore was suspended from the command. It is true he had received an order from the Department suspending him, but in that order there was no person designated to whom the command should be given, and according to the law and the regulations of the service, he could not give up the command and leave the vessels, until some other person had presented himself with authority to relieve him, and take charge of them. The order, therefore, was for this reason inoperative. But there is other and stronger evidence, showing that he was legally in command of the vessels at the time the court was convened for the trial of these men. By the order of the 22d January, he was informed that the entire control of the squadron had been given to the commissioners by the President, and he was directed to obey their orders and instructions, and if the order of the 21st of March, 1843, operated at the time of its reception in suspending him, he was immediately afterwards restored to the command by the commissioners, with the view of securing his services in bringing the vessels to Galveston; and being restored he was as much bound to carry out his previous orders, as though no suspension had ever taken place. It is the opinion of the undersigned, therefore, founded upon the testimony submitted to them, that Captain Moore was in command of the squadron by lawful authority at the time the court-martial was convened for the trial of these mutineers, and that he continued in command under and by virtue of the same authority until the arrival of the vessels in Galveston in July following.

The seventh and last charge is, that Captain Moore was guilty of piracy, in cruising upon the high seas with armed vessels, under the flag of this nation, while under suspension and arrest.

Without investigating this new and singular species of piracy—a species which seems to have escaped the knowledge of most, if not all, the elementary writers on international law, the undersigned deem it only necessary to say, that the facts submitted to them do not sustain the charge. They have already shown that Captain Moore was in command of the squadron by the authority of the commissioners, which command, conferred as it was by lawful authority, was a full and entire removal, for the time being, of the suspension and arrest, which was intended to be imposed by the order of the 21st of March, 1843. It is true, when the command was conferred upon Captain Moore by the commissioners, or in other words, when he was retained in the command by them, it was mainly for the purpose of bringing the vessels safely to the port of Galveston, but the evidence abundantly shows, that after the sailing of the squadron from New Orleans he had full and ample authority from the senior commissioner, who was authorized to act in the absence of the others, to proceed on the cruise, which has since been denounced as a piratical one, and this authority, in the opinion of the undersigned, fully exonerates Captain Moore from all blame in reference to that cruise.

But whether Captain Moore were guilty of treason, murder, and piracy, or not, it forms no justification, in the opinion of the undersigned, for the violation of a positive statute in dishonorably dismissing him from the service without a trial, or an opportunity of defending a reputation acquired by severe toils, privations and hardships, in sustaining the honor and glory of the flag under which he had sailed and fought. If he were guilty, the courts of his country were

open for his trial and punishment, and he should immediately upon his return have been turned over to those tribunals; and if not guilty, it was worse than cruel, thus to have branded with infamy and disgrace a name heretofore bright and unsullied on the pages of our history; and to have driven from our shores, as an outcast upon the world, one whose long and well tried services, all appreciate and approve.

The undersigned, therefore, recommend the adoption of the accompanying resolution,

JOHN RUGELEY,
JAMES WEBB,
WM. L. HUNTER,
H. KENDRICK,
J. W. JOHNSON,
LEVI JONES.

Mr. DAVIS moved to lay the report upon the table. Lost.

The following is the resolution recommended in the report just read:

“SEC. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That it is due to Post Captain E. W. Moore, to have a full, fair, and impartial investigation of the charges, upon which an order was issued, dismissing him from the naval service of the Republic; and, as a court-martial is the proper and legitimate tribunal for such investigation, and as such court cannot be convened, composed of naval officers, it is hereby made the duty of the Secretary of War and Marine to convene as soon as practicable, a court-martial, composed of the major general of the militia, and at least two brigadier generals, and other officers, next highest in grade in office, which shall constitute a naval court-martial for the investigation of the charges against the said Post Captain E. W. Moore, and said court-martial shall be governed by all the rules and regulations governing naval courts-martial.

“SEC. 2. Be it further resolved, That the Secretary of War and Marine is required to furnish the said Post Captain E. W. Moore with a copy of the charges and specifications against him, a copy of which shall also be furnished to said court, when it shall have convened.”

The committee of investigation of the Congress of Texas took up the charges one by one. They were seven in number, with multiplied specifications. After a long, honest, and laborious investigation, they acquitted him of the charge of murder, of the charge of piracy, of the charge of treason, and of the charge of defalcation to his Government. There, in the public records of the Republic of Texas, are resolutions acquitting him on each and every one of these grave charges.

The honorable Senator from Texas [Mr. Rusk] read to the Senate the resolution of the convention which assembled to form a State constitution, and it is of such a character as to show that they believed in no such charges. The resolution is in these words:

Resolved by the Delegates of the people in Convention assembled, That in closing their labors as the representatives of the people, they respectfully recommend to the favorable consideration of the American Government, their gallant fellow-citizen, Post Captain E. W. Moore, and request that he may be retained and provided for in the naval service thereof.—Journal of Convention, p. 312.

But, sir, the matter does not stop there. After the Congress of Texas had investigated the matter fully and thoroughly, Commodore Moore asked that a court martial might be assembled to try him for the offenses charged against him. The court martial was ordered, and the trial was had, running, I believe, through seventy days. At the end of seventy days, what was the verdict of that tribunal? Out of all the charges preferred against him he was acquitted upon each and every one, except four specifications, out of the six that were preferred under the charge of disobedience of orders, and the testimony is satisfactory to my mind that he could not have obeyed those orders. This is fully made out in the committee report. He was acquitted of every charge affecting his character and integrity as a man of honor and a gentleman. He was acquitted of treason. He was acquitted of peculation, because it was shown that, instead of his being a defaulter to the Government, the Government actually owed him over \$11,000. The records show it. He was acquitted of every charge of a capital offense, and was found guilty of disobedience of certain orders, when he alleges it was impossible for him to obey these orders. Does that affect his character, his integrity, his honor as a man? Who is not guilty of disobedience of orders? Where is the officer in your Government who has not been guilty of disobedience of orders? The cases are numerous and multiplied.

But, sir, it is said that he is a defaulter—not only a defaulter to the Government of Texas, but to the Government of the United States. The resolutions passed by the Texas investigation show that he was not a defaulter to the Government of Texas, but that, on the contrary, that Government was indebted to him.

COMMITTEE ROOM, December 29, 1847.

To the honorable the Speaker of the House of Representatives:

The select committee to whom was referred the "Report of the Comptroller of Public Accounts, with the accompanying documents, exhibiting his action under a joint resolution of the last Legislature," by which he was required "to settle the accounts of E. W. Moore, Post Captain Commanding the late Navy of Texas," have given to the subject their most mature consideration, and now beg leave to report to the House the result of their deliberations.

The account current made out by the auditor of the late Republic of Texas on the 27th of April, 1844, and which is contained among the papers submitted to us, shows that Commodore Moore is charged at that time by the auditor with the sum of \$72,726 74, of which the sum of \$18,812 74 is charged in exchequer bills, and the balance in par funds. He is credited by \$21,851 38, leaving a balance against him of \$50,875 36 which will appear by reference to document A, accompanying this report.

The comptroller in stating the accounts of Commodore Moore, has arranged his claims against the Government into five classes. The first class, amounting to \$35,135 65, includes various kinds of cash disbursements for the use of the navy.

The second class, amounting to \$8,138 50, embraces cash disbursements made in the enlistment of men, and bounty paid them upon entering the service.

The third class, amounting to \$2,106 74, embraces expenditures for the use of the navy which were liquidated at the time they were incurred, by the individual obligations of Commodore Moore, with the hypothecation of exchequer bills at fifty cents on the dollar.

The fourth class is composed of items of disbursements for the use of the navy, of which \$7,999 33 were liquidated by the individual obligations of Commodore Moore, and \$1,183 30 were paid in cash.

The fifth class amounts to \$1,325 20, and includes expenses incurred for the use of the navy, which were wholly liquidated by the individual obligations of Commodore Moore.

An abstract of the foregoing is among the papers submitted, and is made a part of this report, as document X.

The comptroller indorses all the vouchers for claims of the first class as "equitable and just," except the two last, numbered 143, for \$500; and 144 for \$355, which he submits "as informal vouchers to be acted upon by the Legislature." Your committee concur in the opinion expressed by the comptroller, that the vouchers of this class are equitable and just, and they perceive no difference between the character of the last two vouchers and that of the preceding ones, and believe that there can be no good reason why they should not be allowed.

The disbursements comprised in the second class are not indorsed by the comptroller, for the reason "that they are not of the kind authorized by the regulations of the service, though rendered necessary by the emergency of the times under which they were incurred." A bare reference to the nature of these disbursements will suffice to explain the necessity which prompted the expenditure. The navy was comparatively without men, and ordered upon an expedition against the enemy; the regulations of the naval service of the United States (which we view as a fair criterion in the absence of any positive law of our own) allows bounty to seamen who enlist, and authorizes the employment of persons for the purpose of procuring recruits. Of this character are all the disbursements of the second class. It is to be recollected that these disbursements were made in the United States, then a foreign country, and was a violation of the neutrality laws of that Government; all parties engaged in the transaction rendered themselves amenable to highly penal laws. Under these circumstances it is not unreasonable to suppose that the cost of enlisting men would have been higher than in ordinary cases. This, however, we do not find to be the case; on the contrary, the committee are convinced that the cost incurred is less than that which usually attends the enlistment of men under the most favorable circumstances.

The third class is composed of five items of disbursements made in the purchase of provisions and other naval supplies. The first four items were liquidated by the individual obligations of Commodore Moore, with a pledge of double the amount in exchequer bills; the hypothecation was forfeited, and the holders took the exchequer bills at fifty cents on the dollar. The last item was paid partly in par funds and partly in exchequers. These were all cash expenditures, and no obligation can exist to the disbursements included in this class.

In the fourth class are included disbursements made for the purchase of naval supplies. No doubt exists as to the correctness of the accounts; the only difficulty arises from the fact that a portion of the account was liquidated by the obligations of Commodore Moore, and the remainder paid in cash.

In the fifth class are included disbursements made for the purchase of naval supplies, and repairs of the sloop-of-war Austin; in satisfaction of which Commodore Moore gave his individual obligations. No disbursements of money were made for any item included in this class.

The auditor has charged in his account current the exchequer bills against Commodore Moore as par funds; this the committee do not conceive to be just. Satisfactory evidence is before us to show the rate at which these bills passed, from which it appears that for the amount of \$18,812, he received actually \$6,377 78, a fraction over thirty-three and a third cents on the dollar, and a higher rate than the market value at the time they were expended. We are therefore of opinion that the most equitable arrangement would be to require the actual proceeds only, of the depreciated currency to be accounted for; which makes a deduction of \$12,434 22, to be placed to the credit of Commodore Moore.

In addition to the accounts stated upon the abstract of the comptroller, the committee believe that there are other credits justly due Commodore Moore.

The comptroller has deducted from the credits allowed, the sum of \$777 22, the items of which will be seen by reference to exhibit marked B, accompanying this report; these deductions are made on the ground that no strictly

legal vouchers existed for this portion of the disbursements. The evidence before us shows sufficiently that this amount was actually expended for the use of the navy, over and above what is allowed by the comptroller. The greater part is for medicines and clothing proper for the service; and the want of strictly formal vouchers should not, in our opinion, to preclude a recognition of the claim.

Another portion of the accounts of Commodore Moore are not allowed by the comptroller, on the ground that the disbursements were made through third persons, acting for him. We are convinced that all the expenditures of this character, amounting to \$1,488 57 1/2, were incurred for the use of the navy, and paid for by Commodore Moore; and as they were actually received on board the different vessels, we can perceive no objection to allowing the account. An abstract of the various items included in this amount will be seen by reference to exhibit marked C.

Another account marked D, exhibits a statement of various cash disbursements for the use of the navy, for which no formal vouchers are shown, but which have every appearance of being equitable and just. This account is for \$1,059 52, and all the items contained in it are for naval supplies and bounty to seamen; except one item of fifty dollars for cash advanced Thomas S. Lubbock while engaged in the service of the Government. The committee are of opinion that this item, although for money expended for the use of Government, ought not to be allowed, inasmuch as the disbursement was not strictly for the use of the navy. The last two accounts amount to \$2,498 09 1/2.

It is to be observed, so far as relates to the greater part of the disbursements made by Commodore Moore, that the informality of the vouchers arises from the fact that he was, after the passage of the act of Congress of 18th January, A. D. 1841, naval storekeeper and navy agent, as well as commander of the entire fleet; had the two former offices been held by separate individuals, it would have been proper that requisitions should be made by the commanding officer for whatever supplies were needed for the service. But as he held all three of the offices, this formality might well be dispensed with; for it would be unnecessary for an officer to make requisitions upon himself. As this is the only formality wanting in a large majority of the vouchers, it is a mere technical quibble to reject a voucher for a defect so trifling and unimportant.

Your committee are satisfied that it was the intention of the Legislature, in passing the joint resolution under which the comptroller acted, that the accounts of Commodore Moore should be settled upon an equitable basis, and they have been governed by this construction of the resolution. There is no voucher approved by us which has not upon the face of it, evidence of intrinsic correctness. Taking into view the circumstances of the times, and the embarrassments which surrounded the naval service, it is to be wondered that even informal vouchers should have been preserved. We discover by reference to the former settlement made by the auditor, that many accounts are passed of the same character of those embraced in the present settlement, and upon vouchers equally informal.

So far as regards that class of accounts, amounting to \$14,011 86, liquidated by the individual notes of Commodore Moore, an abstract of which accompanies this report, marked E, the committee are of opinion that they should not be estimated in settling the accounts of that officer with the Government; and they are of the same opinion in regard to the other class of accounts, for \$1,190 20, (the items of which will be seen by reference to exhibit F,) which are unliquidated by any obligation of Commodore Moore, but like the last mentioned were purchased by him for the use of the navy, and upon a credit. The vouchers for both these classes are with the papers submitted to us, and belong to the archives of the auditorial department. These should be made the subject of a separate adjustment.

A recapitulation of the accounts of Commodore Moore shows the following result:

Balance due by Commodore Moore, as per account of Charles Mason, auditor.....	\$50,875 36	
By cash disbursements for the use of the navy—		
—first class.....	\$35,135 65	
Cash disbursements for enlisting men, bounty, &c.—second class.....	8,138 50	
Cash disbursements for the use of the navy—third class.....	2,106 74	
Cash disbursements for the use of the navy—fourth class.....	1,183 30	
Deductions made by comptroller for want of strict vouchers, see exhibit B.....	777 22	
Disbursements not allowed by comptroller for want of formal vouchers, see exhibits C and D.....	2,498 09 1/2	
Overcharge in Exchequer bills....	12,434 22	
Balance.....	\$62,273 72 1/2	\$11,398 36 1/2

It will be perceived that a balance is left in favor of Commodore Moore of \$11,398 36 1/2, which amount includes only the actual cash expenditures made in furnishing supplies for the navy, paying for repairs, and procuring enlistments in the naval service. In addition to this, Commodore Moore holds the purser's certificate for his pay from the time of entering the service up to the 25th of July, 1843. The sum of \$360 was drawn by him in June, 1840, and the balance in his favor up to the 25th July, 1843, is \$11,725 54. It further appears from the statement of the comptroller that Commodore Moore has received no part of his pay under the act of Congress passed 5th February, 1844, by which the sum of \$16,000 was appropriated, to be paid *pro rata* to the officers of the navy, which will appear by reference to a certificate from the Comptroller accompanying this report, marked W.

At the time when the disbursements above stated were made, the act of Congress passed July 23, 1842, was in force. That act appropriated \$15,000 for the outfit of the steamship Zavala; \$25,000 for the outfit and provisioning of the navy, then in the service of the Government; \$25,231 for the pay due the officers, seamen, and marines of the navy on the 1st of July, 1842; and \$29,428 50 for six months' pay of the officers, seamen, and marines of the navy, for six

months from and after the 1st of July, 1842, which amount by the act was required to be paid out of the first money in the Treasury." No part of this was drawn, except \$7,487 78, by the Secretary of War and Marine, in December, 1843, from the appropriation for repairing the Zavala.

Commodore Moore, in view of these appropriations, and the assurance held out by the action of Congress that the navy would be kept in active service, incurred the expenses necessary to sustain and support that arm of the national defense, and fit it for active operations against the enemy. It is believed that the sums expended for these purposes were reasonable, and that the navy was fitted for its intended expedition upon the most reasonable terms.

In order to facilitate the outfit of the navy, and enable it to render the service which the country anxiously looked for, Commodore Moore, as the commanding officer, pledged his own credit, after expending the means in his hands belonging to the Government, and drawing largely upon his own private resources. Taking into view the appropriation above alluded to, and the general expectation of the country, which confidently anticipated a glorious result to the contemplated expedition, it could not be deemed unwise or improper that the officer upon whom rested the whole weight of responsibility should exceed the actual amount of Government funds in his hands, when the means used were directed to the achievement of the great object which every patriot desired—the chastisement of an insolent foe. Mexico had already declared our ports in a state of blockade, and menaced our coast with an invasion which we were incapable of repelling, unless by keeping the navy in service.

The honor of the country was vindicated by our small but gallant fleet when an opportunity offered of meeting the enemy.

Far from censuring as extravagant the conduct of the commander in supplying the navy with all the necessary means of bringing to an honorable conclusion the contest he was about engaging in, your committee are more disposed to applaud his efforts and admire the zeal manifested by that officer, directed, as it was, to the promotion of his country's glory. It is the pride of a generous country to bestow merited praise upon the patriotic exertions of its citizens.

Your committee having placed in possession of the House, so far as they are capable, the facts connected with the subject referred to them, and made such suggestions as they conceived to be proper, ask time to prepare and offer resolutions appropriate to the various matters which they have had under consideration.

All of which they respectfully submit.

M. M. POTTER,
EMERY RAINS,
M. T. RODGERS,
JAMES WILLIE,
JOHN D. ANDERSON, } Committee.

COMMITTEE ROOM, January 4, 1848.

To the honorable the Speaker of the House of Representatives:

The majority of the special committee to whom was referred the report of the Comptroller relative to the claims of E. W. Moore, Post Captain commanding the late navy of Texas, having further deliberated upon the matters referred to them, and upon which they reported on a former day, beg leave again to report, and offer the accompanying resolutions, which they recommend to the favorable consideration of the House of Representatives. The resolutions only place the accounts upon the same footing as if they had been audited by the proper accounting officers of the late Republic of Texas.

M. M. POTTER,
EMERY RAINS,
M. T. RODGERS,
JAMES WILLIE.

NOTE.—JOHN D. ANDERSON, the other member of the committee, had left the seat of government on sick leave.

Joint resolution to provide for the settlement of the claims of E. W. Moore, Post Captain commanding the late navy of Texas, on account of cash advances made for the use of said navy.

Whereas, it appears upon a settlement of the claims of E. W. Moore, Post Captain commanding the late Texas navy, that there is a balance due said E. W. Moore, of \$11,398 36 1/2, from the late Republic of Texas, on account of cash advances made by him for the use of the navy thereof.

SEC. 1. Be it resolved by the Legislature of the State of Texas, That the said accounts and vouchers of said E. W. Moore, together with the report of the comptroller thereon, be deposited in the comptroller's office; and that the claim of said Moore for said sum of \$11,398 36 1/2 shall be as valid and shall have the same force and effect as if the same had been audited and settled by the proper accounting officer of the late Republic of Texas.

SEC. 2. Be it further resolved, That this joint resolution take effect from and after its passage.

Joint resolution for the relief of persons who furnished supplies on the credit of Post Captain E. W. Moore for the use of the navy of the late Republic of Texas, while commanded by said Post Captain E. W. Moore.

Whereas, it appears that various supplies were furnished by different individuals for the use of the navy of the late Republic of Texas on the credit of Post Captain E. W. Moore, amounting to \$15,202 06, the accounts and vouchers for which are on file among the archives of the auditorial department; therefore.

SEC. 1. Be it resolved by the Legislature of the State of Texas, That said accounts and vouchers, together with the report of the Comptroller in relation to the same, shall be deposited in the office of the Comptroller of public accounts, and when so deposited shall be as valid and have the same force and effect in favor of each claimant who furnished said supplies, as if the same had been audited and settled by the proper accounting officers of the late Republic of Texas; provided that said amount shall not exceed the sum of \$15,202 06 as above specified; and further provided, that said

claimants shall release said E. W. Moore from any liability on account of the claims above referred to.

Sec. 2. Be it further resolved, That this joint resolution take effect from and after its passage.

Report of Senate Committee.

COMMITTEE ROOM, January 14, 1848.

Hon. J. A. GRIER, *President of the Senate.*

The select committee to whom was referred the joint resolution for the settlement of the accounts of E. W. Moore, Post-Captain commanding the late navy of Texas, (and a joint resolution for the relief of persons who furnished supplies for the late navy of Texas,) have had the same under consideration, and beg leave to report that, in conformity with a joint resolution of the last Legislature, the comptroller was "required to settle the accounts of E. W. Moore, Post-Captain, and report his action to this Legislature for their final ratification."

The accounts and vouchers have been examined and methodically arranged by the Comptroller, and have been subjected to a rigid scrutiny by a committee of the House of Representatives, whose report accompanies the resolutions. The same accounts and vouchers have likewise been examined by your committee, and they deem it proper to state that the resolutions propose a simple acknowledgment of the claims presented, requiring no appropriation of land or money, and if adopted, place the claims among the outstanding liabilities of Texas.

As an act of justice to those who have heretofore gallantly sustained the honor of the late Republic through her naval arm, your committee recommend the resolutions to the favorable consideration of the Senate.

All of which is respectfully submitted.

R. M. WILLIAMSON, *Chairman.*

PHILIP M. CUNEY,

A. M. PHILLIPS,

JESSE GRIMES,

HENRY J. JEWETT.

NOTE.—Both joint resolutions passed and were approved by the Governor, January 24, 1848.

It is said, however, that he is a defaulter to this Government. Now, allow me to call your attention to a very short note from the Solicitor of the Treasury:

TREASURY DEPARTMENT, }
SOLICITOR'S OFFICE, January 18, 1851. }

United States vs. Edwin }
W. Moore, late Lt. in } Suit docketed to recover \$906.11.
United States Navy. }

The clerk of the circuit court of the District of Columbia, for the county of Washington, on the 20th of December, 1850, reports to this office that this case is settled by order of the district attorney.

J. C. CLARK, *Solicitor.*

Here, then, is the receipt of your proper officer, dated in 1851, showing that the account had been settled. I have no wish to go into the details as to the charges of murder, treason, speculation, and defalcation. There can be no necessity for going into those details. Here are all the resolutions of the committee of investigation. Here is the indorsement of the Legislature of Texas, of three different Legislatures, and by an unanimous vote, declaring that it was their intention, when they annexed themselves to the United States, that the officers should go with the Texan navy. Now, I put it to every Senator here, is not the action of the Texan Legislatures entitled to some consideration? Ought not gentlemen to ponder before they make up their minds to turn these men out into the world, without any protection, without any guarantees, without any means of support unless by devoting their attention to some other profession, of which they know nothing, when no wrong is done to them, when no man in the Navy is superseded, but when eight men are simply added to the American Navy?

I repeat, Mr. President, the question is, whether these officers are worthy of association with the American Navy? I have upon my table resolutions which were passed by the people of Texas, before the return of this little squadron from their cruise on the ocean, at different points of the State, at different times and places, all of the most eulogistic and approving character, a few only of which I will here quote.

At a large and general meeting of the citizens of Galveston, pursuant to public notice, held at Shaw's Hotel, May 20th, 1843, his Honor John M. Allen, Mayor of the city, was called to the chair.

The following preamble and resolutions were unanimously adopted:

"Whereas, in all time, and in every civilized country, it has been deemed alike the duty, the pleasure, and the pride of communities of freemen to distinguish, by every proper demonstration of esteem and regard, those who have signalized themselves by acts of heroic patriotism for the interest, safety, and honor of their country; wherefore, it is by this meeting,

"Resolved, That the late chivalrous conduct, and almost reckless self-devotion of Commodore E. W. Moore and the brave officers and men under his command on the coast of Yucatan, in a conflict with a greatly superior naval force of

Mexico; while it is calculated to elevate our national character abroad, has justly entitled him and them to the fullest measure of their country's gratitude.

"Resolved, That the probable results of the late gallant actions and spirited bearing of our little navy may be justly held as of scarcely less importance to the national weal and independence, than the victory of San Jacinto in 1836, and consequently, that in our opinion Colonel James Morgan, by giving his previously avowed sanction to the naval expedition by the way of Yucatan, has acted nobly for his country, honorably for himself, justly towards a brave and meritorious officer, and, in fine, in such a way as to secure for himself the deep and lasting gratitude of his country."

At a meeting of the ladies of Galveston, May 24, 1845, the following preamble and resolutions were unanimously adopted:

"Although we feel it does not become us to meddle, in any manner, in public affairs, yielding to the 'lords of creation' the right to applaud or censure the wisdom or folly of political management, we yet claim it as our peculiar prerogative to bestow thanks and applause on the gallant and brave, and upon an occasion like the present, cannot withhold the expression of our gratitude from those who have protected our homes from the incursions of a cruel and barbarous enemy, and relieved us from the fears and anxieties by which we were constantly harassed. During the absence and inactivity of our gallant little navy, we have felt the deepest solicitude for our homes and children. From that we have been most happily relieved by the late well-timed movement of Commodore Moore and our esteemed citizen, Colonel Morgan. The bravery and gallantry of the Commodore, his officers and men, and the wise and prompt action of Colonel Morgan in sanctioning the sailing of the two vessels to the coast of Yucatan, deserve and have our deepest and most lasting gratitude. Therefore,

"Resolved, That we tender the cordial expression of our gratitude and admiration to Commodore Moore, his officers and men, for their efforts in behalf of their country at a most critical period in its affairs.

"Resolved, That we tender a like expression of feeling to Colonel James Morgan, who so nobly and patriotically risked his reputation and life in his country's cause.

"Resolved, That we will furnish, at the earliest opportunity, a badge for Commodore Moore and each of his officers, which we will request them to accept as an evidence of our gratitude and high esteem for their valor and patriotism.

"Resolved, That the secretary send a copy of these resolutions to Commodore Moore, Captain Lothrop, and Colonel Morgan."

The citizens of the county of Matagorda, pursuant to a public call, held a meeting in the town of Matagorda, June 10, 1843, at which a series of resolutions were unanimously adopted, the sixth of which is the following:

"Resolved, That to Commodore Edwin W. Moore, for his daring gallantry, the country owes a debt of lasting gratitude and honor; that we tender him the thanks due to a soldier without fear, and a man without reproach, whose achievements have already adorned the annals of his country. Let his fate be what it may, a splendid victory or an utter wreck, his honor is safe, and his destiny is glorious. Long may he live to wear the laurels he has so nobly won."

We have not only the assemblages of the people at which they indorsed the patriotic services of these men, but we have other and higher testimony. I hold in my hand a book which I think is entitled to consideration, written by an officer of the American Navy, Lieutenant Semmes; its title is "Service Afloat and Ashore." Without trespassing on the time of the Senate to read it, (but which I will publish in my remarks,) I will only say that he declares the whole conduct of Commodore Moore and his little band, throughout the whole of that great struggle for the rights of man, was worthy of the proudest days of chivalry; and he says that, next to the hero of San Jacinto, E. W. Moore is entitled to more credit for the liberties of the Republic of Texas, than any man who lives. More than that, he teaches a lesson to his brothers in the American Navy which it would do good if each of them could hear, and feel, and appreciate. He says, that, so far from opposing the incorporation of this little band into the Navy of the United States, his proud heart, as an American sailor, as a man devoted to his country, beats with longing, anxious expectation, for the hour to come when justice shall be done to this little patriotic band, who sacrificed all but their honors and their lives to vindicate their country, and to add undying honor to their names.

Extracts from Lieutenant Semmes's Book.

"A revolutionary, or a government *de facto*, must give to itself a reasonable degree of firmness and stability, before it can be recognized. This Texas effectually did, in the course of the next few years. She not only made good a defensive position; she did more: she built and equipped a fleet, and giving her 'lone star' proudly to the breeze, under the guidance of the gallant Commodore Moore, drove her enemy's cruisers from the sea, and shut up his ports.

"The district of country between San Luis Potosi and Saltillo, a march of five or six days, is an arid desert, not even affording water, in many places, to the parched and

travel-worn soldier. It was almost a physical impossibility, therefore, for Mexico to carry on a war of any duration against Texas, by land. But what if the sea had been open to her? The result might have been very different, and the United States, instead of being the giant empire she is, might still be circumscribed, on the south and west, by the Sabine, content to delay her great march of progress many years yet. History will bear me out, when I affirm, that next to General Houston, the hero of San Jacinto, Texas owes more to Commodore Moore than to any other man who has figured in the drama of her revolution. With an energy and ability possessed by but few men, he took hold of the discordant materials which Texas was collecting for the formation of a navy, (a work, generally, of time and much patient toil), reduced them to system and order, and presented to the world the spectacle of a well organized marine, bearing the flag of a Republic not four years old.

"In 1840, when President Santa Anna declared the coast of the rebellious Republic in a state of blockade, the gallant Texan commodore put to sea, and not only prevented the enemy from attempting to enforce his blockade, but proceeded off his principal port, (Vera Cruz,) and blockaded him instead. The whole Mexican coast was secured by his little squadron, consisting of a sloop of war, a steamer, and three or four schooners, and several captures were made. He not only kept the coast in a state of constant alarm, but proceeded up the river Tobasco, captured the town of that name, which he retained possession of for three weeks, and levied a contribution on the people, which enabled him to support his squadron for nearly a year, without drawing a dollar from the public treasury! Subsequently he entered into a league with Yucatan, which gave much alarm and concern to Mexico, and from which, among other advantages, resulted the no inconsiderable one, of his being able, still further, to support his squadron, without expense to his then impoverished country. He engaged and beat off the enemy's squadron (consisting of two heavy steamers and other vessels) of much superior force; and, in short, by his gallantry, energy, and judgment, caused Mexico, in the language of Mr. Webster, to abstain, 'during all this time, from any new attempt to establish her authority in this Territory.'

"The reader will pardon me, if I pause to make a remark here, not strictly relevant to my subject. This gallant officer, to whom Texas owes so much, was shamefully neglected in the treaty of annexation. He had been bred in the naval service of the United States, and should have been returned to this service, as the least reward that could have been bestowed upon him, for the gallant and able services he had rendered. He had been involved in some difficulties, it is true, with the authorities of Texas, but it is precisely through those difficulties, that I see him in the most enviable light. He bore himself through the whole of them as a high-minded, honorable officer, who not only had the interest of his country at heart, but understood it, and served it, much better than those who differed with him in opinion. He maintained a discipline in his squadron, which none but a man of firmness and courage could have maintained, and caused the flag of Texas not only to be feared by its enemies, but respected by neutrals.

"It is to be hoped that our own Government will speedily make amends to this gallant man for the neglect with which he has been treated by Texas. Now that Texas is a portion of our territory, any services which may have been rendered to her, have, in fact, been rendered to us. It has been objected that Commodore Moore abandoned his own service to enter that of a foreign State; and that this should prevent him from returning. How shallow must be the reasoning founded on such an objection! This is, on the contrary, one of the strongest arguments why he should come back, since, instead of being a drone, content to grow fat, and idle away his existence in the lap of peace, it shows him to have been a man of boldness and enterprise, worthy of the profession in which he had been trained, and a servant to be sought after, if the interests of the Government are to be considered. In becoming a Texan, he did not cease to be an American—the Texans were all Americans."

Sir, I am vindicating the character of Commodore Moore. Here are the testimonials of his own countrymen in public meetings assembled. Here are the testimonials of his own Legislature, his own Congress, time after time expressed. Here is the testimony of an honest officer of the American Navy. Here are other testimonials, to which I might refer; but I come to one higher than all, and above all, and which eclipses all. I come to an authority which none will dispute, and none gainsay. I will read the testimony of the distinguished, honored, and illustrious hero of San Jacinto—the Senator from Texas, [Mr. Houston,]—and he will pardon me while I read it:

"Some of the most gallant commanders of the American Navy, who had distinguished themselves, and added lustre to the character of the country during the last war, had been taken from our commercial marine, and had, of course, been without any previous training in maritime war, and yet they sustained the honor of the American flag as proudly and as gallantly on the briny surge as could have been done after the most assiduous preparation. He trusted American officers ever would do so; and he was prepared to pledge himself that those of Texas never would disgrace that beloved star-spangled banner which throws its folds to the wind in every sea. If any of them, owing to sickness or any other Providential intervention, had been prevented from that personal experience which they might have obtained in active service; and if others, following the bent of an ardent temperament, and weary of the inactivity of peace, had voluntarily engaged in the service of a foreign friendly power, was it to be made an objection against their being admitted to a place and a command in the American Navy? As well might objection be made to those who resisted the invasion of the Texan soil, and achieved and

maintained the independence of the Texan Republic, that they were not graduated at West Point. As well might Texan citizens be excluded from seats in the two Houses of Congress because they had not received a collegiate education, nor enjoyed the same facilities with others of consulting libraries, and becoming familiar with the classics. If a doctrine like this was to be established, Texas might not be fully represented in either House of Congress. But it was not by such a test that the merits of this bill were to tried."

"Some of her officers had devoted themselves for years to naval pursuits alone, and had thereby been cut off from all other avocations. Nor could they, in point of morals, demeanor, or honorable conduct, disgrace American officers as associates. They were themselves Americans; their origin was the same; their political and moral training the same; nor would they disappoint the just expectations of those with whom they were to be connected."

After this I need say no more on this point. But, let me refer again, very briefly, to the points involved in the amendment of the Senator from Texas, [Mr. Rusk.] I think we are bound by every consideration of justice, and equity, and magnanimity, to incorporate these men into the American Navy. It does no wrong to any man; it does no injustice to any man; it postpones no man. The question is, are they worthy of this association? I leave you, sir—I leave the Senate—and I leave the world, to judge from the records of the country whether they are worthy or not.

Mr. HOUSTON. Mr. President, I know the importance of time at this period of the session, and I regret that I shall have to limit myself to some four or five minutes; but, sir, I understand that the honorable Senator from Tennessee has read from a speech of mine on this subject, and a few remarks explanatory of that may be necessary for me. I was out at the moment, and did not hear it; but I understand that he has read it. When that speech was made, it was a distinct understanding between my colleague and myself that I should vote for the Texas navy bill, because there were meritorious officers not only impliedly, but directly interested in the result of it. He was to speak on the occasion; but he was very much indisposed when the day arrived, and was too unwell to attend the Senate. In consequence of his absence I delivered the speech in support of the bill. If the Senator will refer to that speech, he will perceive that I spoke of those of the Texas navy who were in service at the time of the annexation. Some two or three years previous to the annexation, I think, Commodore Moore was dishonorably discharged from the service of Texas, for flagrant offenses, and none of the remarks made in the speech applied to his case.

Sir, the Senator has spoken of the resolutions of the Texas Legislature. We know how easy it is to get resolutions passed in a Legislature adverse to the Executive, particularly when they go to impugn his acts. It is very easy to get such things upon *ex parte* representations. There were gentlemen who emigrated to Texas after the tumults of the revolution, and they were unprepared to investigate these matters, and would of course adopt any resolution, or sign any recommendation, that was handed to them. They had no disposition to investigate the matters, and I do not think, therefore, that the resolutions to which the Senator has referred, help the case at all.

The Senator also referred to the finding of the court-martial in the case of Commodore Moore. He admits that it is conclusive on the subject of disobedience of orders; but he asks who does not disobey orders? I have no doubt Commodore Moore thought it was a perfectly immaterial matter. He was sworn to obey orders, but he did not choose to do it. His obligation was of very light import, and seemed to have no moral or binding force upon him. But, sir, that offense of disobedience of orders embraced, piracy, murder, and treason, all at once. Yes, sir, that act of disobedience of orders, with one fell swoop, embraced the whole catalogue of criminalities charged upon him. Did he not disobey the order by which he was directed to sail to Galveston? He disobeyed four successive orders. He was suspended from command. He was ordered into arrest. Two commissioners were sent, with a proclamation, denouncing him as a pirate, if he dared to sail with the flag of Texas upon the high seas; and in the face of this he ordered a court-martial, and by it men were tried and executed. Could he rightly do it under such circumstances? No, sir. When homicide is perpetrated, except by the sanction of the law, and by the hand of the proper appointee, it is murder. It may not always be murder tech-

nically, but it is murder morally. Thus he stands before the world.

We are told, further, that he threw his private fortune into the scale for Texas. What was it. A mere pittance. To be sure, there had been a defalcation here of a few hundred dollars. Where did he take his private fortune? When he was a delinquent to this country, did he munificently bestow it upon Texas? Sir, he was the recipient of all that was stipulated in the contract with Yucatan. He received all the money, and disbursed it himself. He might have called it his private fortune, for he was the proprietor of the navy from 1839 to 1842, when he was dishonorably discharged from the service; but I deny that he performed a day's service under the orders of the Government of Texas, for Texan defense or the vindication of Texan honor. The President of Texas, in 1840, entered into a compact with Yucatan, and subsidized the navy, and sent this commodore with it, and he remained until some time in 1842, at sea, not fighting the battles of Texas, but fighting in a rebellion between a revolting State, and the Federal Government of Mexico. After he came back, he ran away with the navy again, and returned to his old haunts; but he never struck a blow for Texas, for her liberty, or for her honor, and not one day did he sail to protect her ports; but during two successive invasions of the enemy, he was either at Yucatan or in the port of New Orleans. Of seven very fine vessels, he brought back the Austin and the Wharton, with a wounded man on each, as he said. These are the great trophies of his victories; this the proud history of his triumphs, with the exception of dodging the sixty-two pound shot. He did that, and for that reason alone, I suppose, he is entitled to honorable association with the officers of the American Navy. That should give him an admiral's position, because none of them, from Paul Jones down to the last gallant tar who stood upon an American deck, ever had the dexterity to dodge a sixty-two pound shot.

But, sir, there are men in the Texas navy who have merit; there are men connected with that navy who discharged their duty to the last, and showed no disloyalty to the Government, and for them I should be willing to provide.

Sir, it was an easy matter to go to the Legislature at any time, and get through resolutions. It was easy to confederate with the court which was ordered, not in accordance with the law. It was a matter of grace with the Executive, to say that a court-martial might be assembled, because that was an *ex post facto* proceeding. The law had been, that no officer could be tried but by his peers; there was but one commodore; and therefore it was alleged no trial could take place; but he was to roam the pirate of the world, I suppose, without any reprehension, or liability to removal. The President of Texas, in his case, exercised an inherent right, which resides somewhere. There is a remedy to correct vast evils and crimes that are glaring. The President took it upon himself to rebuke this man in a proper manner, and to exercise the power which, it appeared upon the face of the commission, he was authorized to exercise; for every officer holds his commission during the pleasure of the President. It was so in General Washington's commission; it is so in every commission down to the present time. It was so solemnly adjudicated in a case decided thirty years ago. When Commodore Porter was upon trial, it was decided that the President had the right to dismiss him, without the intervention of a court. Mr. Adams laid it down as a correct principle, and it was acquiesced in by Congress, that it was a right appurtenant to the President. If it were not, what would be the consequence? If an individual who was the general-in-chief, were to invite an enemy into your camp, or attempt to betray the nation, would not the head of the Government have the right to arrest him, though it might have been arranged improvidently that he could only be tried by his peers?

Sir, it is a very strange and remarkable thing, that the sympathies of Texas should be so much enlisted in behalf of this individual, who has traduced and denounced for years to Senators the person who is now addressing you. It is stranger still, that notwithstanding all his efforts to shield his immaculate honor, his redoubtable courage, and his "dodging" faculties, he should find that

the person whom he has assailed continuously, has been indorsed by the almost unanimous voice of Texas, by three successive senatorial elections, although he never visited the seat of government from the time it became a State until his third election, and never wrote a letter to a member of the Legislature upon the subject of the election, and one who intends, if he lives, to restore to them the office which he holds, not grudgingly, but to return it to them unspent, with the time unexhausted.

But, sir, I will not descend to the petty incidents connected with the transactions of this individual. All I wish is to vindicate Texas against the imputation of having received any man's services without making compensation. Sir, she has had no contributions of valor, of blood, or of chivalry, which she has not rewarded amply and munificently. Some of them who claim to have rendered her great benefits are like the one I spoke of the other day, and like the one who is now the subject of remark. They say they conferred benefits on Texas, when the fact is that they never met an enemy in the cause of Texas, and never raised an arm to defend her honor or her flag under the orders of the Government of Texas. If they have been filibusters on other nations, I care not for them. I will vindicate Texas to the last. She has enough sons who are worthy of such a mother, and who may well wear her honors; but I will have no bastard to come in and claim their birthright.

MESSAGE FROM THE HOUSE.

A message was here received from the House of Representatives, by Mr. McKean, Chief Clerk, announcing that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses, on the bill authorizing the extension of the Alexandria and Washington railroad into the District of Columbia, and conferring certain privileges on the Baltimore and Ohio Railroad Company.

Also, that they had passed a bill to repeal the act entitled "An act to aid the Territory of Minnesota in the construction of a railroad therein," in which they requested the concurrence of the Senate.

ALEXANDRIA AND WASHINGTON RAILROAD.

Mr. BRIGHT, from the committee of conference on the part of the Senate on the disagreeing votes of the two Houses on the bill "authorizing the extension of the Alexandria and Washington railroad into the District of Columbia, and conferring certain privileges on the Baltimore and Ohio Railroad Company," reported that they had had the subject under consideration, and recommend that the Senate recede from its disagreement to the amendments of the House, and that the said bill, as it passed the House, be adopted, with the following proviso to the second section, which conferred on the Baltimore and Ohio Railroad Company the right to run a branch road on the eastern side of the Potomac to a point opposite Alexandria:

Provided, however, That this section shall remain suspended for two years from the first day of January, 1855, and if, at the end of that time, the Alexandria and Washington Railroad Company shall not have completed a railroad to Alexandria, and have the same in good running order, in pursuance of the requirements of the preceding sections of this act, then the Baltimore and Ohio Railroad Company shall have the privilege of extending their road by either of the routes authorized by this act: *And provided further,* That if said Baltimore and Ohio Railroad Company shall not have executed so much of the provisions of this act as relates to their company by the first day of January, 1859, then this act shall be void.

The Senate proceeded to consider the above report; and they concurred therein, and resolved that the bill be so amended.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the naval appropriation bill, the question being on Mr. Rusk's amendment.

Mr. JONES, of Tennessee. There are but one or two points on which I desire to reply to the Senator from Texas. I take him, first, at his concluding remark. He says he is ready to vindicate the honor and the character of Texas. Why, sir, he need not have advertised that. His whole history illustrates it; but while he is attempting to vindicate that nationality, and that honor, and that glory, and that chivalry, I ask him to pause

and consider whether he is not striking a fatal blow at some of her most glorious achievements. It is true, sir, that the gallant conduct of this commodore may not have equaled the grandeur and the splendor of Sicinius; it is true that he may not have had his untold fleets in his wake; but I am prepared to say that for deeds of gallantry, and nobleness, and daring, by the witness of the honorable Senator himself, he stands vindicated before the world. If a man's deeds are to be counted by the paraphernalia of war, what becomes of the glories of San Jacinto? In its troops, its serried ranks, and its scores of cannon, how does it compare in all the splendor, in all the paraphernalia of war, with Lodi, or Austerlitz, or some of those magnificent achievements? Why will the honorable Senator lessen his own achievements by depreciating those of others? He says he wants to vindicate the honor and glory of Texas; but he is determined there shall no bastards reap of that glory. If this man be a bastard, who is not a bastard of Texas? Is not my honorable friend who sits near me, whose every breath that he has breathed, has been for the honor and glory of his country, a bastard in that sense? While he was exposing his bosom to the shafts of the enemy, and lying unprotected on the cold ground to vindicate the honor of that country, he was a poor miserable bastard! And where is the honorable Senator himself? Does he claim to be a native of Texas? And if Moore be a bastard is not the Senator a bastard? They fought under the same flag for the same rights and the same honor, and exposed their lives in the same cause. If one is a bastard, so is the other.

But, Mr. President, if any man has been wronged, who is the wrong-doer? Has not Texas, that same glorious State, whose honor is now to be vindicated in every form and shape known to the rights of man and the law, indorsed and vindicated the gallantry of this man? Has not the free, the unbought, the unbuyable feeling of the people, proclaimed his gallantry, his patriotism, and his devotion to his country; and three times in the Congress of that Republic reaffirmed and reindorsed that gallant service? And more than that, the very Legislature that sent the honorable Senator here, which he speaks of with so much pride—the Legislature that gave him his commission to stand upon this floor—unanimously, without one dissenting voice, passed resolutions indorsing the conduct of Commodore Moore, and asked the Congress of the United States to incorporate him into our Navy. The very Legislature that elected the honorable Senator passed those resolutions without a dissenting voice; and the Senator himself voted, at the last session, in conformity with those resolutions.

But, sir, the Senator says, that Commodore Moore was dishonorably discharged; and therefore, when he executed the unfortunate men alluded to, that he was a murderer. Who discharged him? The President of Texas. Now, I appeal to the honorable Senator's colleague to know, whether he had any power to discharge him; whether it was not expressly provided for; whether the honorable Senator did not admit in his speech, that, before any man could be dismissed, he should be tried by his peers? The laws of Texas show that the President of that Republic had no power to dismiss Commodore Moore. He was not tried, except upon his own application, and the court-martial acquitted him of all the charges. Here I have the proceedings of that court-martial. Here are the charges and specifications, and here is the finding of the court:

Charges.

Charge 1. Willful neglect of duty—six specifications.

Finding of Court-Martial.

The court having fully and maturely investigated the matter submitted to it, in the case of E. W. Moore, post captain, Texas navy, and considered the charges and specifications, the evidence and defense of the accused, proceeded this 21st day of August, 1844, at which time the court had been adjourned from day to day, to determine the same. And after such deliberation, it is of opinion that the six specifications under the first charge are not sustained.

Charge 2. Misapplication of money, embezzlement of public property, and fraud—three specifications.

That the three specifications under second charge are not sustained.

Charge 3. Disobedience of orders—six specifications.

Charge 4. Contempt and defiance of the laws and authority of the country—five specifications.

Charge 5. Treason—one specification.

Charge 6. Murder—one specification.

That the second, third, fourth, and fifth specifications under third charge, are sustained; and that the first and sixth specifications under same charge are not sustained.

That the five specifications under fourth charge are not sustained.

That the fifth charge and specification are not sustained.

That the sixth charge and specification are not sustained.

The court therefore pronounce it as their opinion, that the accused is guilty of disobedience of orders in manner and form as set forth in specifications second, third, fourth, and fifth, in charge third.

SIDNEY SHERMAN,
Major-General, President.

NOTE.—The report of the joint naval committee will show that the orders included in the four specifications of third charge, were in part conditional, and the others Commodore Moore could not carry out, and so reported upon the receipt of them.

They acquit him of each and every charge except four specifications of the six under that of disobedience of orders. They acquit of this charge of murder. Now, if he was a murderer, and he had not voluntarily came forward the honorable Senator admits he could not have been tried; but he came forward, asked to be tried, and a court-martial was appointed. He was tried on the charge of murder and was acquitted; and now, in the name of reason, in the name of humanity, in the name of liberality, I ask that honorable Senator if it is not time to cease to prefer the charge of murder? He is tried by a court-martial; he is acquitted by the court-martial; should not then the charge be dropped? If you take the veriest villain in your streets, and have him tried by a jury, if he is acquitted, whether in reality he be guilty or innocent, the world says he is innocent. I hope, then, the Senator will cease to stand up and repeat this charge of murder.

But, Mr. President, I desire to allude to another point. The honorable Senator says that Commodore Moore was guilty of disobedience of orders in not going into the port of Galveston. Now, sir, an act was passed by the Congress of Texas, called the *secret act*, directing the President of Texas to appoint two commissioners to go and take charge of those vessels. Commissioner Morgan went. Moore was then in the port of New Orleans. Morgan went on board his vessel there. I have his testimony before me, and I will publish what of it is necessary to prove that Commodore Moore acted in all things as the commissioner wished, and in what they both believed was for the most vital interests of their common country. This testimony proves the coolness and gallantry of Commodore Moore in battle, against a vastly superior force. It proves that he drove the enemy from the blockade of Campeachy. It proves that he commanded his ship with great skill and ability. It proves that he was retained in command of these vessels by the commissioners, they having *secret orders* from the President of Texas to do all things necessary for the interest of the country. It proves they found no necessity for using the proclamation which the President saw fit to publish when Commodore Moore, under the control of the commissioners, was in the presence of a greatly superior force of a cruel and barbarous enemy; and above all, it proves that the commissioner reported to the Government, by letter, that "all was right," and that by the timely move of the two vessels, which was suggested to Commodore Moore by him, an invasion of Texas had been prevented.

Here is the testimony—it is full and complete:

"Question—Did you or did you not hand me, on or about the 3d of April, 1843, the letter from the Department of War and Marine, dated March 21, 1843, as stated in specification fifth, of charge third?"

"Answer—Yes; I handed you the letter named in the question."

"Question—Was or was not said letter (dated March 21, 1843) sealed when you handed it to me?"

"Answer—It was not; there was a seal and stamp of the Republic on the envelope, but it was not closed by a seal."

"Question—You will please state to the court the purport of the conversation which took place between us upon your handing me said letter, and after I had read the same?"

"Answer—You looked at it, and observed, 'the letter was unsealed;' I said yes. You remarked 'it was strange the Department should send a letter in that manner,' and

asked me if I knew the contents of it; I said yes, I have a copy of it. We met again soon after, and you remarked to me, 'you see the situation I am now placed in. I have been at a vast expense to get these vessels fitted out and ready for sea; you know what a situation the vessels are now. I entered into a contract with the Yucatan Government, which I felt myself legally authorized to do, and am now suspended from command of the vessels by this order. If I obey this order and leave the vessels in the port of New Orleans, every officer under me will resign. The vessels will be left at the mercy of the sailors, who will be sure to mutiny and destroy them—which they threatened to do once before when I could not pay them off.'

"I said to Commodore Moore, the orders the commissioners have now received, are painful to me, I assure you. I accepted this commission with a great deal of reluctance, but I mean to execute the orders, regardless of consequences. He then asked me if I had a communication for any officer under his command; I told him 'I had another communication for Captain Lathrop, to take charge of the vessels.' He asked me if I had delivered it; I told him I had put it under a sealed cover and handed it to Mr. Stephens, who was secretary to the commission, to deliver to him; supposing he was on board the brig under his command, which was at anchor below the city."

"I think Commodore Moore then repeated what he said to me before of his peculiar situation, the liability of the vessels to be destroyed if he left them, the loss the Government might sustain thereby; and remarked to me, 'if I would withdraw the communication to Captain Lathrop, he would proceed with the vessels immediately to Galveston, and go with me direct to the President, and endeavor to satisfy him that he never intended to do anything wrong with the vessels, nor anything that would compromise his own honor, or that of his adopted country.' I remarked to him, 'now that is precisely what I want done with the vessels. If Captain Lathrop has not received and read the communication I have sent him by Mr. Stephens this evening, the arrangement proposed shall be made, and you shall continue in command of the vessels until our arrival at Galveston.' I then sought Mr. Stephens, to know if he had delivered the communication, but did not find him; but soon after I met with Captain Lathrop, and inquired of him if he had received a communication from me, sent him by Mr. Stephens; he replied that he had received no communication from me that he knew of. I then remarked to him, 'Captain Lathrop, if you do receive a communication from Mr. Stephens under a sealed cover, it is from me, and I would be glad if you would not break the seal, but return it to me with the seal unbroken;' upon which he drew from his pocket the said communication, held it up to me, and asked me if that was it? I told him it was, and that it was a communication from the Department of War and Marine; he then remarked that any communication from the Department of War and Marine to him, should come through Commodore Moore. No further conversation took place between Captain Lathrop and myself."

"Soon after, I fell in with Commodore Moore, and remarked to him: 'I have got the communication from Captain Lathrop, and he had not broken the seal; and the understanding between us now is, that you continue in command of the vessels until we get them into Galveston, where we are to proceed immediately.' Commodore Moore replied: 'Yes, I pledge you my honor there shall be no delay, and we will go immediately to Galveston.' I remarked to him, 'As it will be saving the Government some expense, I will take passage with you if you have no objection;' to which he replied, 'I should be happy of your company.'

"In the morning, as soon as I met the other commissioner, Mr. Bryan, I made known to him the arrangement between Commodore Moore and myself, to know if it met his approbation, at which he seemed highly gratified, and concurred fully therein."

"Question—Was it not agreed upon by us that the purport of our conversation and agreement should be put in writing?"

"Answer—It was."

"Question—Did I not address the commissioners the next day after the letter from the Department of War and Marine, dated March 21, 1843, was handed to me?"

"Answer—Yes, you did."

"Question—Did you or did you not communicate to the Government the tenor and purport of your acts, and the arrangement agreed upon between us, after you had received the letter from the Department of War and Marine for me, dated March 21, 1843, which you handed me, as you have already stated?"

"Answer—We did."

"Question—Did you at any time show me any part of your instructions as commissioner?"

"Answer—No; because the commissioners were ordered to keep their instructions secret."

"Question—You will please state to the court, under what circumstances, and where the proclamation of President Houston, dated March 23, 1843, was shown to me, as stated in specification four, of charge four?"

"Answer—After Commodore Moore and myself had made the compromise and entered into the agreement before stated, about proceeding direct to Galveston with the vessels, a day or two after that, I remarked to Commodore Moore, 'I feel particularly gratified that matters have taken the turn between us that they have, for if you had been obstinate or disposed to act incorrectly in any way with the vessels, I had a paper that would have controlled you.' He smiled, and asked me what it was? I told him if he would come to my room at any time, I would show it to him. The next day after this conversation, he called at my room and asked me to let him see the paper I spoke of. I told him it was a proclamation from President Houston, which I handed to him and he read it, at which he made an exclamation after reading it of 'Good God! did the President think I was going to run away with the vessels or turn pirate?' or something to that effect. It was understood that what transpired in the room at that time, with regard to the proclamation, was strictly confidential."

"Question—You will please state the reasons why the proclamation of President Houston was not published before we sailed from New Orleans?"

"Answer—Because the commissioners considered there was no necessity for it.

"Question—You will please state to the court the reasons of our route being changed after our arrival at the mouth of the Mississippi, and all the circumstances connected with the same?

"Answer—The next morning after we arrived at the Balize and came to anchor, there came on board the Austin the captains of two vessels, and a passenger, who stated that their vessels were just from Campechy—the last vessel three days and ten hours. On inquiry we learned from the captain and passenger of the last arrival, that the Yucatacos and Mexicans were about settling their difficulties; that General Ampudia had ceased to bombard the town; that the Governor and authorities of Campechy, and General Ampudia, were having almost daily interviews, and that it was their intention to unite against Texas; that the division of troops under Generals Barragan and Lemos that went to attack Merida had failed in their enterprise, were defeated, and had capitulated, and by an arrangement agreed upon, the troops were to leave there in twenty days; that General Ampudia had sent the steamer Montezuma to Telchac to take the troops on board to bring them up to Campechy; and that it seemed to be well understood at Campechy that Ampudia was concentrating all the forces he had in Yucatan for the purpose of proceeding forthwith to Galveston; and it was believed that he was urging the Yucatacos daily to join him, inasmuch as Commodore Moore had disappointed and deceived them in the aid promised with the vessels under his command, and that it was the belief of Governor Mendez, of Yucatan, with many others at Campechy, that Commodore Moore had been bribed by the Mexican Government not to furnish the aid he had stipulated to do, and that many of the Yucatacos were getting quite exasperated at Commodore Moore's supposed treachery.

"I then made particular inquiry of the gentlemen who furnished this information, of the situation of their steamers, their force, and their other vessels of war, and they corroborated the statements I had had before of them—that their steamers were badly manned, their chief dependence being upon Englishmen they had on board, who were represented in a state of insubordination; and it was believed that our two vessels could whip their whole fleet, if we should fall in with them. The steamer Montezuma was at Telchac alone, one hundred and fifty miles to windward of Campechy, waiting for the troops of Barragan and Lemos; and if our two vessels were to proceed to Telchac, we would find her there alone, and might easily capture her, by which means the balance of the Mexican fleet would fall into our hands. The passage to Telchac from Balize might consume about four days, and as there was no doubt of our finding her there alone, as it would be impossible for the troops that capitulated near Merida to reach the coast and embark before we could get there; and as from the information I had received in New Orleans about the intention of the Mexicans to make an attack upon Galveston in the spring, so fully confirmed by the information received at the Balize; and from what General Houston had assured me in the winter, during the session of Congress, 'that there was to be a formidable invasion of the country; that it was gone, and out of his power to save it; that it would cease to be a Republic in six months!'—all these circumstances taken together, with information so fully confirmed, that the enemy intended to make a descent upon the coast, I was induced to hazard the responsibility by suggesting to Commodore Moore to take Telchac and the coast of Yucatan in our way to Galveston, to save the Republic, if I could.

"Question—Were you, or were you not fully satisfied that I would have proceeded direct to Galveston from the Balize but for your having expressed to me, as stated by you in reply to the last question, the wish or suggestion that we should take the coast of Yucatan on our way to Galveston?

"Answer—Yes; I feel assured that Commodore Moore had not the least intention of going anywhere but to Galveston, when I suggested it to him.

"Question—What was the condition and state of discipline of the Austin during the time that you were on board of her?

"Answer—A more perfect state of discipline than was on board of that vessel is beyond my comprehension.

"Question—At or about what dates did you go on board the Austin, and leave her?

"Answer—The evening of the 15th April, 1843, I went on board in the Mississippi. I left her on the 15th July, 1843, in Galveston.

"Question—You will please state to the court my conduct while in sight of the enemy; my efforts to engage them, and my conduct while in battle?

"Answer—Commodore Moore was cool and collected when we hoisted in sight of the enemy, and the enemy were bearing down upon us; 'at the same time appearing extremely gratified that there was an opportunity of closing with the enemy.' While closing with the enemy, as they were bearing down upon us, he ordered his men to keep cool and be deliberate, and take care not to waste their ammunition, and not to fire unless they felt pretty sure their shots would tell. The enemy commenced firing some twenty or thirty minutes, I think, before the Commodore suffered a gun to be fired; then he observed to the first lieutenant, (for I was standing close by him,) 'they don't intend to let us get any nearer to them; they are paddling off stern foremost, faster than we can come up to them; keep her away a little, so our broadside can bear, and, damn them, give it to them!' and then the action became general between the Austin and Wharton, against the two steamers, the two brigs, and two schooners, all firing into us at once.

"During the whole of the engagement the Commodore kept cool and collected, and managed his ship with great skill, as I thought; the enemy finally ran off without the reach of our guns, it became perfectly calm, and the action ceased.

"While we remained at Campechy, after coming to anchor, Commodore Moore's efforts to engage the enemy were unceasing; which he never could effect until the 16th of May. Soon after daylight, on the morning of the 16th,

I discovered, from the hotel where I boarded, on shore, the ship Austin and brig Wharton under way, standing out of the harbor, and the two Mexican steamers standing out from Lerna to sea, under a press of steam, and a schooner in company. Soon after sunrise I could perceive the ship, brig, and gun boats all in pursuit of them. About nine or ten o'clock the action commenced between the ship Austin, brig Wharton, and Yucatan gun boats, and the two Mexican steamers and schooner Eagle. The steamers, under a press of steam, running out to sea, Commodore Moore and his squadron in pursuit of them; and they kept up a running fight of several hours, until they were not visible from shore.

"Question—You will please state to the court what I informed you on the 30th of April, when I advised you, and insisted on your going on shore in one of the gun boats?

"Answer—I do not remember any precise conversation; my opinion is, there was an anxiety on both our parts that I should have an interview with the Governor of Yucatan immediately, and learn the feelings of the Yucatacos towards Texas. I took with me a letter from Commodore Moore to Governor Mendez, and called upon him immediately on my landing, in consequence of information received at Sisal and New Orleans.

"It was fully understood, previous to the engagement, that the vessels were not to be taken, but they were to be blown up in case we were overpowered.

"Question—You will please state to the court the reasons of our remaining off the coast of Yucatan so much longer than you anticipated when we left the Balize?

"Answer—We were first detained by Commodore Moore waiting to engage the enemy. The steamers and their war vessels were all in sight while we lay at Campechy, and it was evident, if we left there without an engagement, and attempt to capture them, that they might carry their original plan into execution, about concentrating their troops and making an attack upon Galveston. We were determined to prevent it if we could do it by an engagement with their fleet, which never could be brought about until the 16th of May, which was the last engagement before spoken of."

Extract from the official report of Commissioner Morgan, dated at Campechy, 9th May, 1843.

These, and other reasons, which will be still more satisfactory to the Department when known, enhanced the inducement to consent to touch at Telchac on our way to Texas, and we accordingly proceeded for that port, where, from light and occasional head winds, we did not arrive until the eighth day from the Balize; as we did not find any of the Mexican navy there, we proceeded along the coast to Sisal, where we ascertained that the Montezuma had passed on her way to Lerna and Campechy near twenty-four hours before. We accordingly kept along the coast until within some ten or twelve miles from Lerna, where we anchored on Saturday night, 29th ultimo, and on Sunday morning, the 30th, at 4 o'clock, got under way, when at daylight we discovered two large steamers, two armed brigs, and two armed schooners bearing down evidently to attack us; prepared for action, and headed directly for them, the crews of both vessels giving three hearty cheers; but before we could get within long gun shot range of this formidable fleet, headed by their steamers, armed with their renowned Paixhan guns, they evinced a disposition to be off, by going about under a heavy press of steam, and heading directly from us. Commodore Moore crowded sail in pursuit, when the Mexican fleet concentrated and awaited our approach; and so soon as within long range opened their fire upon us from their steamers, to which the Commodore paid no attention, but kept endeavoring to close with them. This, however, the enemy was determined to avoid, their steam enabling them to select their distance, when the Commodore, finding he could not bring them to close quarters, opened his fire from both vessels, and the action became general, and lasted for something over an hour, the steamers then hauling off to windward, entirely without the reach of our guns, and remained there until it became calm, when they recommenced their attack, which continued for nearly an hour, and they again hauled off, and have kept to windward ever since. As for their brigs and schooners, they approached near enough in the first action to get one broadside from the Austin, and never came near us afterwards, but have kept at a distance of some five or ten miles to windward, outside the steamers, ever since.

The Commodore gave his orders with great coolness, and cautioned the men not to waste their powder, but make every shot tell. * * * Captain Lothrop managed and fought his brig handsomely, and the only source of regret in the whole affair, with the officers and men of both vessels, was, that we could not close with the enemy.

Commodore Moore has never been able to bring them to close action since; they keep to windward out of our reach. We have driven their fleet from Lerna, raised the blockade of Campechy, placed General Ampudia with his besieging army in a very perilous situation, inasmuch as he cannot now communicate with his fleet. His soldiers are deserting and coming into Campechy daily.

Thus by the visit of our two vessels to this coast we have prevented the Mexican Government from subjugating Yucatan and invading Texas with the same forces, to have been transported thither by her steamers and transports, and have upset the arrangement of the Mexican Government in regard to Texas and Yucatan altogether; as I have said before, we are on our way to Galveston, via the Mexican coast, with the ship and brig, and I hope to be there in a few days. In the mean time, I send this by a fast sailing pilot boat furnished by the Yucatan Government, to let the Department see that all is straight so far as regards our movements, and will, I hope, meet the approbation of the Government.

I have the honor to remain, with every consideration of respect, your most obedient servant.

J. MORGAN, Commissioner.

Hon. G. W. HILL, Secretary of War and Marine.

They started for the port of Galveston. Morgan says that they got as far as the mouth of the Mississippi when they received such intelligence

as satisfied him that it was the duty of the Commodore, and for the interest of the Republic of Texas, to go to Yucatan. Here we have the testimony of the very man sent by the authority of Texas, that he approved and directed this very expedition of which the honorable Senator complains. He says that he approved it. I submit to every Senator if there is anything wrong in that? Was Moore to blame for it, when Morgan was sent there as commissioner, with full power and authority to take charge of the vessels, and he consented to go on the expedition? The expedition was made, with what results I leave posterity to judge.

Mr. HOUSTON. I admire the zeal of the Senator from Tennessee. He thinks he is doing very well. Much reliance has been placed upon a remark that I made, that there were various meetings demonstrative of the strong feeling of Texas in favor of this individual after he returned and surrendered himself to be dealt with. I will explain the reason, for I am fortified on the subject. He surrendered himself, and the demonstrations were of an amusing character, like those which followed the reception of the "dodge" report. When it first came officially, there were torchlight processions in Galveston, on account of the glorious achievements of the navy and of the Commodore. There was one meeting at which there was a gentleman who was a connection of one of the commissioners, another of the name of the President, and another whose name I do not recollect; and they stated that it was a large meeting, and numerous attended. There were just three there. [Laughter.] When two or three persons got together, it would be a numerous and largely attended meeting, and they would pass the most vehement and laudatory resolutions in favor of the Commodore and his glorious achievements; and a reception was prepared for the Texas navy. All these things were done.

But, sir, the course of the Legislature is relied upon. We all know what it is to get resolutions passed by a Legislature, when nobody is gainsaying it, and especially when they want to get rid of an interminable pest, who was at every Legislature until the last, I believe, when Texas was admitted as a State. As for the court-martial and their finding, it was accorded as a matter of favor by the President. He knew it was unavailing. The man had been dishonorably discharged. He knew that if they saw one half the truth, and came to give judgment, they must find him guilty; but they had not cognizance of the charge of murder, or of the charge of treason; and therefore they could not find him guilty of either. That is the reason why he was not found guilty of either. They did find him guilty of flagrant disobedience of orders. Had he power to go to Yucatan? Had he power, when ordered to Galveston, to go to Yucatan, in disobedience of four reiterated orders? Certainly he had not; and all the commissioners in the world could not exonerate him. The "secret act" was passed because he had repeatedly violated orders, and it was believed that it was his intention to run away with the navy and sell it, as was suggested by those who moved the act. That was the reason why it was a secret act; and it was desired that the President might lay hands upon him, through commissioners, before he could have time to perpetrate that atrocious deed. That is the reason why that was done; and that act was made in reference to the security of the Navy, and from the necessity which grew out of his reckless disregard of all orders and of all authority at that time.

These are the facts in relation to it. That he could so contrive it as to get a majority of the Legislature to pass resolutions in his favor, is not surprising; for there was a combination in Galveston who had sworn that they would subvert the Government of Texas, or control the Executive, if it could be done in no other way than by a revolution. The Executive was informed that arms had been secured and distributed through the country, to supersede the Executive authority; but the gentlemen did not go quite far enough. They had organized a most imposing association there—a secret society—of known hostility to the Executive, to Sam Houston personally and politically. It consisted of forty-three members. They had their regular place of meeting, and had a flag staff, and red flag, which was hoisted over them at night. They had their high priest and

king; they were regularly organized, and had a constitution of a most stringent character, and most annihilatory to Houston. Well, after all this had been done, after repeated meetings, they sallied out one day into Galveston. A cloud had been threatening; it started up not larger than a man's hand; a flash of lightning came, struck their flag staff, and gave such an electric shock to this secret society that it never met again. [Laughter.]

Mr. WELLER. I have a remark or two to make. It is somewhat strange that at this period of the session, when we have not time to discuss questions which are properly before us, that an hour should be consumed in irrelevant debate. The character of Commodore Moore is not involved in the amendment proposed by the Senator from Texas, [Mr. Rusk.] If what the other Senator from Texas [Mr. Houston] says is true—that Commodore Moore is no longer a part of the Texan navy, the amendment will in no form or shape affect him, because it does not propose to incorporate into the American Navy any one who has been discharged. If Commodore Moore, as the Senator says, was dishonorably discharged previous to the annexation, this amendment in no wise affects him. And again, if the representations of that Senator be true, that Commodore Moore is a pirate and murderer, I apprehend that the Senate of the United States would never confirm him, if the Executive dared to send such a character here for a commission in the Navy. That amendment requires that the persons admitted to our Navy shall be nominated by the President of the United States, and confirmed by the Senate. When the nomination is sent here, then, but not till then, in my judgment, the proper time will have arrived for the Senator from Texas to indulge in his denunciation.

Mr. President, you will allow me to say, whilst I am up, that the Senator from Tennessee [Mr. Jones] has shown that the Legislature of Texas, on more than one occasion, indorsed the conduct of Commodore Moore, after the transactions to which the Senator [Mr. Houston] alludes, had taken place. Besides, public meetings were held in various parts of Texas in which resolutions were passed applauding his conduct during the revolution in the very highest terms. Nor have I heard anything derogatory to his character from any other quarter than from the Senator from Texas.

Mr. HOUSTON. I will ask the Senator if he heard the documents read?

Mr. WELLER. I did not, because I was not here; but I have read a portion of the speech of the Senator from Texas, which, in my judgment, was entirely out of place. I shall never, at any time, avail myself of my position here in the Senate, to denounce, in the most opprobrious terms, men who have conferred signal advantages upon my State—my personal wrongs must be adjusted elsewhere. It is a matter of taste, however, and the Senator from Texas and myself may differ about it. He sees proper to indulge in it, and he has the right, as a Senator, if he chooses, to bring his personal grievances before the American people, through this body.

But, Mr. President, I say that the Senate has nothing to do, at the present moment, with this question; that if Commodore Moore has been discharged from the Texan navy the amendment does not apply to him; and if he be a murderer and assassin, he is the last man that the American Senate would ever confirm. If he is sent here for confirmation, then, but not till then, will be the time for the Senator from Texas to arraign him before us. But I desire to say, sir, that I was in the other branch of Congress when the resolutions, providing for the annexation of Texas were passed on the 3d of March, 1845; and I undertake here, to-day, to say that in voting for those resolutions I was voting, as I supposed, for the incorporation of the whole of the Texas navy into the American Navy, and that I did not understand by the term "navy," merely the munitions of war, and the few vessels which then constituted the whole of the navy of that Republic, but it included the personnel as well as these. That was my understanding of those resolutions when they were passed; and even if there be doubt now as to the proper construction to be given to it, I ask whether this great and powerful nation is to give such a strict construction as will operate gross injustice upon

those gallant men, who aided originally in establishing the independence of Texas, and whose patriotism enabled us to derive the advantages which we have received from the acquisition of that immense territory. Is the grossest injustice to be perpetrated upon them on a mere technical construction? Does it become us as Americans, as magnanimous and generous men to refuse this simple act of justice to those who periled their lives in throwing off the yoke of Mexican bondage and establishing the independence of Texas? Sir, for one I shall be compelled from a sense of duty, no matter what the consequences may be, to vote for the amendment presented by my friend from Texas.

Mr. HOUSTON. I, of course, must tender my thanks to the Senator—

Mr. BAYARD. I regret to do so, but I must call the Senator from Texas to order.

Mr. HOUSTON. I have been attacked, sir. I have been attacked.

The PRESIDING OFFICER, (Mr. WALKER in the chair.) A point of order is made. The Senator from Delaware will please to state it.

Mr. BAYARD. The point of order is, that according to the rules of the Senate, no member can speak more than twice in the same debate upon the same subject.

The PRESIDING OFFICER. The Chair does not understand the rule to be so.

Mr. HOUSTON. I cannot but appreciate the position which the Senator from California has seen proper to notice me with, to teach me some of the proprieties of a Senator, and, as I understand it, a gentleman. He is not in the habit of bringing his private quarrels or griefs here, or of availing himself of his senatorial position to assail any one. I commend the propriety of the gentleman. I have not availed myself of my senatorial position to attack any one; but when attacked in my senatorial position, I responded to the attacks made upon me. If the gentleman is acquainted with the facts, he will find that at the last session of Congress, the Senator from Maryland [Mr. PEARCE] asked me a question, to which I responded, but merely in a short sentence, injurious to no one, and attacking no one; and that response of mine, in connection with an attack made upon that Senator by the individual Moore, became a subject of correspondence and of abuse of myself, which was indorsed by an official editor. In response to that, I availed myself of my position to vindicate myself against the charges. I did not assail any individual unprovokedly; but I did repel assaults that were made upon me directly. I had been apprised of their continuance for eight or ten years, but until presented in a tangible shape, I had passed them by. That is the position in which I am placed; and if the gentleman has a new system of courtesy, of chivalry, or gallantry, with which I have not been acquainted, or if he chooses to read me a lecture when it suits him to do so, I certainly ought to feel humbly indebted to him for it. I have lived up to this date in the exchange of courtesies, and an observer of the proprieties of life; but if I have to look to a younger gentleman than myself, I certainly have lived to but little purpose. I should be much obliged to him, whenever he sees a departure from the proper courtesy and respectful senatorial demeanor if he would suggest to me, in a more private manner, what the propriety will be, and I shall be most happy to adopt his suggestions.

Mr. GWIN. I hope the vote will be taken on the amendment.

Mr. BAYARD. I called the honorable Senator from Texas to order, because I considered the whole of this discussion to be irrelevant to the question before the Senate. The rule of the Senate, under which I raised the point, is imperative, and it was solely on that ground, and no other, that I raised it. I take no part in this dispute. I have nothing to do with it. I do not consider that it has anything to do with the merits of the public business. We have but a few hours left in which we are to close up the business of the session, and pass the appropriation bills which are before us; and it was for that reason, and because I thought that an irrelevant discussion should not go on, contrary to the rules of the Senate, that I called the honorable Senator to order.

The PRESIDING OFFICER, [Mr. WALKER.] The Chair owes the Senator from Delaware an

apology. He did not, at the time the point was made, remember the precise terms of the rule; but it seems that the Senator was right, and the present incumbent of the Chair was wrong; and that the Senator made the question of order with propriety.

Mr. RUSK. I shall not indulge in any debate All this discussion, and these questions, are totally irrelevant to the amendment which I have offered. It does not present a question as to any individual, but it proposes to authorize the President of the United States to incorporate into the Navy of the United States the officers belonging to the Texas navy at the time of annexation. If it should be adopted, and become a law, (as I trust it will, for I believe it to be nothing but an act of justice,) it remains with the President to inquire who belonged to the Texas navy. That question does not come up here now. It will come before the President, and it must be determined by the laws of Texas.

Mr. DAWSON. Is there no compulsion on the President?

Mr. RUSK. No, sir; none whatever. The amendment "authorizes" him to do it. Then the question will present itself, who belonged to the Texas navy? That will be a question for the President to determine, under the Texas laws. As soon as he determines that, the qualifications of whatever officer he nominates will necessarily become a question before the Senate on his confirmation.

The question was taken by yeas and nays; and resulted—yeas 14, nays 22; as follows:

YEAS—Messrs. Dawson, Dodge of Wisconsin, Dodge of Iowa, Douglas, Houston, James, Jones of Iowa, Jones of Tennessee, Morton, Pettit, Rusk, Seward, Thompson of Kentucky, and Weller—14.

NAYS—Messrs. Allen, Bayard, Benjamin, Bright, Chase, Fish, Fitzpatrick, Gillette, Gwin, Hunter, Mallory, Norris, Pearce, Pratt, Sebastian, Sidel, Stuart, Sumner, Thomson of New Jersey, Toombs, Wade, and Walker—22.

So the amendment was rejected.

DANIEL STEENROD.

A message was received from the House of Representatives, by Mr. FORNEY, their Clerk, announcing that they had agreed to the amendments of the Senate to the bill for the relief of Daniel Steenrod.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the naval appropriation bill.

Mr. MALLORY. I move to amend the bill by adding after the clause "for preparing for publication of the American Nautical Almanac, \$28,880," the words:

Provided, That any naval officer who may be charged with the preparation, superintendence, or publication of the Nautical Almanac, shall receive no compensation for such duties beyond his shore duties pay proper.

Mr. PEARCE. I hope the Senate will not agree to that amendment. The object of it is to reduce the compensation which is paid to the very distinguished and intelligent officer who presides over this work. He receives now \$3,000 a year. That is the sum which you allow to the officer in charge of the ordnance; it is the same salary which is allowed to the officer in charge of the Observatory; and they are his juniors in rank. The superintendence of the nautical almanac requires the very highest degree of astronomical science. I do not believe there was another officer in the Navy competent to begin the work, which Lieutenant Davis has carried through with remarkable success. I believe the American nautical almanac is now universally admitted to be superior to the British. Its tables are fuller. They are more accurate. The work is one of prime necessity. No ship can go to sea without it. It is indispensable to navigation; and it is a great discredit to the country that its publication was not commenced before. Well, sir, the work requiring the very highest degree of science, and arduous and continual labor, it does seem to me the officer in charge of it, ought to receive the salary now allowed to him, which is no more than is allowed to officers on scientific duty in other branches of the service who are his juniors. I know there has never been any act expressly authorizing the allowance of that salary to him; but it has been paid for a number of years, and the appropriations have been made accordingly. That was a recognition at all events of the pro-

priety of it, and I see no propriety in departing from it.

Mr. MALLORY. I ask the attention of the Senate for a few minutes while I explain this matter. The honorable Senator concludes that there is no authority of law to pay this salary. That ought to be sufficient. If an officer is getting a salary without authority of law, it should conclude the whole matter; but, sir, in 1849, we appropriated \$58,000 for charts and nautical instruments for the Observatory, and put in a proviso that the superintendence of the Nautical Almanac should be given to an officer of the Navy who was not below the grade of lieutenant. That was in 1849. After the officer selected had performed his duty a year, he called upon the Comptroller for \$1,500 extra salary. His salary as lieutenant was \$1,500. The Comptroller replied to him that he could not comply with his request without authority of law, just as the Senator says. He came to Congress for the \$1,500. Congress struck it out. That was in 1850. He came to the next Congress. Congress again struck it out; but in 1852 he went to the new Comptroller, Mr. Phelps, who had just come into office, and made application to him; and in face of the finding of the first Comptroller, in the face of Congress striking out the appropriation twice in succession, he induced that Comptroller to go back as far as 1849, and give \$1,500 extra per annum, and I suppose he is getting it now.

I believe the officer is very well qualified for the duties of his office; but that is not the question now. The appropriation for the Nautical Almanac commenced with \$6,000. We are now called on to pay \$28,880. So it has increased, since 1849, from \$6,000 to \$28,880; and still the salary of the officer is not in that sum. The appropriation for his salary is in the first clause of the bill for the payment of officers.

The honorable Senator from Maryland says we should pay this officer \$3,000, because we are paying other officers double salaries. Why, sir, if the argument is worth anything, it has directly the reverse tendency. We are paying the superintendent of the Observatory, expressly by law, \$3,000 a year. We are paying the ordnance officer, expressly by law, \$3,000; but this case stands by itself, where an officer is getting \$3,000 without any law; and we are called upon now to sanction an abuse which has crept in upon us, because the Comptroller of the Treasury reversed the finding of his predecessor, and the action of Congress, which was had on two different occasions, and has allowed him the \$1,500 extra without authority of law.

If I ever expect to have the Senate listen to any suggestion as to naval improvements at all, I can only do so, when abuses like this come in our face, by exposing them. I move in this matter with infinite regret. To cut down the officer's salary is by no means a grateful task; but I see officers leaving their families and going to the pestilential coasts of Africa to do duty at \$1,500 a year; while these reserved posts are given to officers who thus remain at home with their families, and come here and ask to have their salaries raised. There is no justice in it. If the action of the Comptroller is to override congressional finding, there is no telling where it is to end. No gentleman can say anything in this officer's favor with which I will not agree; but when it comes to saying that there is no other officer in the Navy competent to perform the task, I take issue on it. When the work was ordered, an officer must be found; and it would be a very adventurous task indeed to say that another could not be found for the service. Look at the examinations through which they pass, fitting them expressly for this very duty. There is nothing in that assertion. The question has never been tried. All I ask now is, if it is designed to give him the \$1,500 additional, let us say so. At present he is getting it without authority.

Mr. PEARCE. I propose to obviate the Senator's objection by submitting, as a substitute for his amendment, the following:

Provided, That the pay of the officer in charge of the superintendence of the Nautical Almanac shall be hereafter \$3,000 per annum.

Mr. BENJAMIN privately made a suggestion to Mr. PEARCE.

Mr. PEARCE. I will modify it so as to read:

Provided, That the pay of the officer in charge of the superintendence of the Nautical Almanac shall hereafter be the same as he has heretofore received.

Mr. MALLORY. I hope the Senate will not agree to that. We have struck it out twice heretofore.

Mr. BELL. I know the purity of the motives of my friend from Florida, and the principle upon which he proceeds. It is all very well. Nothing can be said against that principle. It is to reform what he considers an improper patronage, which is extended by the Government to this naval officer. But I think I can recall to his mind one fact which will show that his proviso is not strictly just and proper. I shall not take up the time of the Senate by showing that he proposes that this service shall be performed at a rate which is below the second grade of clerks in the Departments. The first grade gets \$2,000 salary; the second, I believe, \$1,700. He proposes to reduce this officer to \$1,500, and says that is strictly right and regular, and that it is wrong to extend the extra allowance to an officer of the Navy. He says there are numerous officers competent to the service. Doubtless there are. Not only is the acquisition of science necessary to a person in his position, but there are other qualities essential—strict, vigilant attention to accuracy of detail, the power of concentration on the minutiae of such a work as the Nautical Almanac. Now, the proposition of the Senator would reduce the salary of that officer, as a lieutenant in the Navy, to \$1,500.

Mr. MALLORY. No, sir; he would get \$2,100.

Mr. BELL. The honorable Senator proceeds upon the idea that he should have received only \$1,500 heretofore.

Mr. STUART. He has got that.

Mr. BELL. I know he has; but the Senator proceeds on the principle that his salary ought never to have been more than \$1,500. The ordinary clerks in the Departments get more than that. Now, I will say to my honorable friend from Florida—he will allow me to call him so—I do not question the propriety or correctness of the idea we had in bringing about reform; but how has he succeeded in that reform? How have the Naval Committee succeeded? They can get nothing done in conformity to the general views he entertains; but this is falling from a general reform upon an individual case. I know the Senator's general views on the subject. He does not propose to give this officer the compensation that would be due to him on sea service. He admits that he does not; and yet the law provides that the officers at the naval academy at Annapolis shall be compensated according to the rate of pay to which they would be entitled on sea service. That would raise the compensation of this officer to \$2,500. The Senator proposes by the proviso to limit it to about \$2,100. I think this service requires higher consideration on the part of Congress. This I say with great deference to the honorable Senator from Florida; for I have witnessed his industry, his vigilance, his labor, and the determined spirit which he manifests to reform all that he considers abuses in the Navy; and, sir, in general, almost in every particular—I would except this case—he has my support. I am sorry to see that he has not been more successful in introducing those reforms which his familiar acquaintance with the subject suggests. I believe there is no man in the country more familiarly acquainted with the Navy than he; and I now invoke on the part of the Senate that deference and attention which I believe is due to him. I have served with him on the committee during the whole of this session, and a more industrious, laborious, vigilant, investigating gentleman, I have not known in the course of my service in either House of Congress. Still, he is falling upon particulars here, having failed in his main object and design in the general connection of what he considers reckless and nameless abuses in the Navy; but, in this case, allow me to repeat, I think there is a higher consideration due to the man who has been charged with the responsibilities attaching to the superintendence of that Nautical Almanac, a work which is not only found to be of the highest utility in the mercantile, as well as in the naval service of the United States, but in other countries. Some consideration is due to the vigilance, and accuracy of detail which must be exercised, and to the eminent success which has attended the supervision

of that work on the part of Lieutenant Davis. It may be conceded that there are other officers of equal science; but they have not been tested on such a work. I presume Lieutenant Davis was selected for those qualities which those best acquainted with him knew him to possess. Such a work as that would have been of no manner of use, if it had not been for the confidence felt in its minutiae and details, all of which he supervises. He does not make all the calculations; it would be impossible for him to do so; but he supervises them in the general. He is the man that is entitled to the credit for them; and yet my honorable friend from Florida would not allow him the sea service pay of the rank which he possesses. I hope, under these considerations, that he will concede to this eminent officer what is due to him for the utility of a work which is not only a benefit to the country and the world, but which redounds to the honor and even to the glory of the country.

Mr. MALLORY. The honorable Senator from Tennessee has been kind enough to say very many pleasant things to me. They furnish the best evidence in themselves of the unwillingness with which I move any amendment of this character.

Mr. BELL. I know it.

Mr. MALLORY. But, sir, the Senate does not forget the fact, that the appropriation for this work began at \$6,000, and that it has gone on from \$6,000 to \$19,000, and now to \$28,000; and that does not include this officer's salary. We have, on two occasions, refused the increase of salary proposed by the amendment of the Senator from Maryland, notwithstanding the last Comptroller's finding. It is not right to allow it. In allusion to the honorable Senator's parallel between the clerks of a Department, who get \$1,800 a year, and this gentleman, the parallel is not correct. He should draw the parallel between the officers of the Navy and this officer. That is the parallel to be drawn. What does an officer of the Navy, of the grade of lieutenant, get for active service on the coast of Africa, or in the Pacific, or on the coast of California? He gets \$1,500; and it stands to reason that this officer should not get double pay while he is living with his family at home. I have no interest in this; but I trust the Senate will refuse their consent to the amendment of the Senator from Maryland.

The question was taken on Mr. PEARCE's amendment to the amendment; and, on a division, there were—yeas 7, noes 12; not a quorum voting.

Mr. GWIN. I call for the yeas and nays; that will bring in a quorum.

Mr. SLIDELL. I will suggest a compromise in this matter to the honorable Senator from Maryland. I should be unwilling to vote for the salary of \$3,000; but if he will substitute sea-service pay, I think it will meet the approbation of every one.

Mr. MALLORY. That would be \$2,500.

Mr. PEARCE. I have no desire to raise salaries; but I am entirely unwilling to make fish of one and flesh of another. You give \$3,000 to the two others. Here is a man, no way inferior to them in talent, performing higher duties than either of them, and of the profoundest and most intricate science—I am not willing to give him less than the others. If my amendment fails, I shall ask leave to introduce another, by which the salaries of the others shall be brought down.

Mr. SLIDELL. I will go with you in that.

The yeas and nays were ordered on the amendment to the amendment, and taken, with the following result:

YEAS—Messrs. Bell, Benjamin, Cooper, Dawson, Fish, Foot, Gillette, Houston, Morton, Pearce, Pettit, Seward, Sumner, Thomson of New Jersey, and Wade—15.

NAYS—Messrs. Bright, Brodhead, Cass, Chase, Dodge of Iowa, Fitzpatrick, Gwin, Hunter, Jones of Iowa, Jones of Tennessee, Mallory, Pratt, Rusk, Sebastian, Stuart, Thompson of Kentucky, Toucey, Walker, and Weller—19.

So it was rejected.

Mr. PEARCE. I will now ask the Senator from Florida to modify his amendment so as to allow the pay of the officer while on duty at sea.

Mr. MALLORY. I agree to that. That will give him \$2,500. The amendment will then read:

Provided, That any naval officer who may be charged with the preparation, superintendence, or publication of the Nautical Almanac, shall receive no compensation for such duty beyond what he would receive while on duty at sea.

Mr. BENJAMIN. It ought to read, that he shall receive the same compensation for said service that he would receive while on duty at sea. I suggest that modification.

Mr. MALLORY. If I understand the language, that is the meaning of it.

Mr. BENJAMIN. The language does not provide that he shall receive as much.

Mr. MALLORY. That is the intention; but he is not to receive beyond that.

Mr. BENJAMIN. It had better be made certain.

The amendment was agreed to.

Mr. RUSK. At the instance of several Senators who voted against the amendment which I offered some time ago, I am induced to offer another:

And be it further enacted, That the existing law limiting the number of officers of the Navy of the United States be so far modified as to entitle the officers belonging to the navy of Texas, at the time of annexation, to the pay of the officers of the Navy of the United States, on leave of absence up to the present time.

When the PRESIDING OFFICER put the question, on a division, twelve Senators rose in the affirmative; and he declared that it appeared to be rejected.

Mr. RUSK. Count the other side.

Mr. BROWN. Call for it in the Senate. There is not a quorum voting.

Mr. STUART. I ask for the yeas and nays.

Mr. GWIN. I hope the Senator from Texas will let the bill be reported to the Senate.

Mr. RUSK. A majority of the members present are in favor of the amendment.

Mr. GWIN. The Senator will have an opportunity of offering it in the Senate.

Mr. RUSK. It can be acted on as well here as there.

The yeas and nays were ordered.

Mr. DAWSON. I hope it will not be inserted in that form. By the amendment, it is proposed not to incorporate the officers into the Navy, but to allow them the same pay as officers of the United States Navy on leave of absence. It does not decide whether they belong to the Navy or not. I should like that question decided at once. It does not put them into the Navy of the United States.

Mr. RUSK. Not at all; it only allows them pay.

Mr. DAWSON. Then I shall vote against it.

The yeas and nays were taken; but previous to the announcement of the result,

Mr. MALLORY said: Before the vote is announced, I suggest to the Senator from Texas, and I think he will concur with me, that we should amend his proposition by adding the proviso that the number of the Texan officers shall not exceed eight, because that was their whole number.

Mr. RUSK. I have no objection to that.

The PRESIDING OFFICER, (Mr. WALKER.) That is a matter for the subsequent consideration of the Senate.

The result of the vote was then announced—yeas 18, nays 17; as follows:

YEAS—Messrs. Benjamin, Brodhead, Cass, Dodge of Iowa, Houston, Jones of Iowa, Jones of Tennessee, Mallory, Morton, Pettit, Pratt, Rockwell, Rusk, Sebastian, Seward, Thompson of Kentucky, Wade, and Weller—18.

NAYS—Messrs. Bright, Brown, Chase, Cooper, Dawson, Fish, Fitzpatrick, Gwin, Hunter, Pearce, Shadell, Stuart, Sumner, Thomson of New Jersey, Toucey, and Walker—17.

Mr. RUSK. I hope the proviso will now be added by common consent.

Mr. MALLORY. There will be great abuses unless it is agreed to.

Mr. RUSK. I hope, by unanimous consent, it will be put on. That is the number that constituted the Navy.

The modification was made by unanimous consent.

Mr. WELLER. I move to amend the bill by adding the following:

Sec. — And be it further enacted, That the sum of \$12,250 be, and is hereby, appropriated to pay James Adams, assignee of William G. Hestep and Treat F. Peck, \$10,630, and interest thereon from the 1st day of May, 1851, until the day of payment, at the rate of six per centum per annum, being the balance due on a contract for storage of United States property as certified and payment decreed by the district court of the United States for the northern district of California, on the 12th day of March, 1853, in a cause wherein the United States were complainants, and the above parties, with others, were defendants.

Mr. PEARCE. I raise a point of order on the amendment.

The PRESIDING OFFICER, (Mr. WALKER.) The Chair is of the opinion that it is excluded by the rule.

Mr. WELLER. It will be seen by the reading of the amendment, that it is to carry out a decree of the district court of the United States.

The PRESIDING OFFICER. That is not provided for in the rule.

Mr. WELLER. The rule provides, of course, to carry out an existing law. I suppose there is an obligation resting on every Government to pay its debts. Here is, in fact, a judgment against the United States for that amount of money. A suit has been instituted, under the order of this Government, against certain parties. It turns out on the trial of the cause that the defendants were entitled to a judgment against the Government. The decree is regularly certified by the district court of the United States; and yet, it is ruled out of order to move, by way of amendment, an appropriation to carry out this decree of the court.

The PRESIDING OFFICER. The Chair will observe that they appear before Congress as private claimants.

Mr. WELLER. See the situation in which that amendment is placed. If I could get an estimate—

Mr. PEARCE. I must raise a point of order. Is this debate in order?

The PRESIDING OFFICER. It is not.

Mr. WELLER. I will get through as soon as the Senator from Maryland, if he will allow me. What I was about to say was, simply, that the estimate of an officer in one of the Departments, is, under our rules, infinitely more valuable than the decree of a district court of the United States. That is all I wish to say.

The bill was reported to the Senate as amended, and the amendments made, as in Committee of the Whole, were concurred in.

Mr. MALLORY. It has been suggested to me by some friends of the Navy who had not read the amendment which I offered in Committee of the Whole, that they were mistaken in regard to what would be its operation. I now move it again. Its principle is the foundation of all naval reform. I feel anxious, and the Committee on Naval Affairs feel anxious, to have it effected. I offer it from the Committee on Naval Affairs:

Sec. — And be it further enacted, That the President of the United States, within thirty days from the passage hereof, shall assemble a naval board, to consist of three captains, two commanders, and two lieutenants, which board shall investigate the conduct, character, and standing of all the officers of the grades of captains, commanders, lieutenants, passed midshipmen, and masters in the line of promotion, and shall ascertain and report to the Secretary of the Navy, under such rules and regulations as he may prescribe, every officer of said grades that said board shall deem incompetent or disqualified to discharge promptly his whole duty, ashore and afloat; and in every case the said board shall report, in two separate classes, such officers as the interests of the service require should be dismissed and such as should be placed out of the line of promotion, with its reasons for the same: *Provided,* That upon said board officers shall not investigate, vote, or report upon officers of a senior grade. Immediately upon the return of the reports of the board to the Secretary of the Navy, he shall, so far as the President shall approve the same, cause those officers who may be reported for dismissal to be dismissed the service with six months' sea-service pay; and those who may be reported for withdrawal from the line of promotion to be so withdrawn upon pay which shall not be more than three fifths, nor less than one fifth, their sea-service pay respectively, to be determined and approved by the President: *Provided,* That passed midshipmen and masters in the line of promotion, so reported in the second class, shall be dropped from the service, and shall thereupon receive one year's sea-service pay. The said board shall be convened and regulated as the Secretary may direct; and he shall ascertain, in such manner as he may deem just and expedient, the service, standing, and character of the officers of the grades aforesaid, and submit the same to the board for its better information: *Provided,* That the promotions which may be made in consequence of such dismissals and withdrawals, shall reduce the grade of commanders to seventy, which shall hereafter be the number of said grade.

Mr. PRATT. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. BENJAMIN. I do not think we can get a quorum at this moment to vote on that proposition. I think we ought to take a recess of about two hours, and by that time we shall be able to get a quorum. I move to take a recess until six o'clock. That will be an hour and a half.

Mr. GWIN. I hope that will not be done. I hope we shall go on with the bill.

The PRESIDING OFFICER, (Mr. WALKER.) The Senator from Louisiana moves that the Senate take a recess.

Mr. GWIN. Will not the bill have to be laid aside first?

The PRESIDING OFFICER. The Chair is not of the opinion that the motion is in order while another question is pending, unless it is received by unanimous consent.

Mr. COOPER. I move that the Senate adjourn.

The motion was not agreed to.

Mr. STUART. If it is not in order to submit the motion for a recess while the bill is under consideration, I move that the bill be laid aside until six o'clock.

The motion was agreed to.

Mr. STUART. I now move that the Senate take a recess until six o'clock.

The motion was agreed to.

The Senate accordingly took a recess for an hour and a half.

The Senate reassembled at six o'clock, p. m.

LIGHT-HOUSE BILL.

Mr. STUART. The Senate is somewhat thin, and I presume we shall not wish to vote on the Navy appropriation bill for a few minutes. I ask the Senate, therefore, to take up and pass the light-house bill. There are no amendments to it, and there will be no debate in regard to it. There will be nothing but the mere formality of passing it.

Mr. TOOMBS. I object to that. I do not wish to have any light-house bill passed. At any rate, let us take it in its order.

Mr. STUART. It certainly is in its order now.

Mr. TOOMBS. No, sir; we have the Navy bill under consideration, and unless it be postponed by a vote of the Senate, this is not in order. I am tired of doing things by courtesy, the effect of which is to get measures passed which I think are bad measures.

Mr. STUART. I do not put it on the ground of courtesy. The Navy appropriation bill was laid aside by the Senate until six o'clock. Now, it will require a motion to take it up again; and before that motion is submitted, I move to take up the light-house bill. We can very soon pass it. There are no amendments to it, and there can certainly be no discussion in regard to it. The Senator, of course, being opposed to it, may vote against it.

Mr. TOOMBS. Is not the Navy bill, the unfinished business, first in order?

Mr. ATCHISON. The question has been decided that when the Senate take a recess, they resume business precisely where they left off, as though no recess had been taken.

The PRESIDING OFFICER, (Mr. WALKER.) That is undoubtedly the case; but in this instance a motion to postpone was made, and agreed to.

Mr. STUART. The suggestion of the Senator from Missouri would be perfectly right if no motion had been made to lay the Navy bill aside.

Mr. ATCHISON. That makes a difference.

Mr. STUART. Certainly it does; and now I submit that it requires a motion in order to take that bill up again.

Mr. ATCHISON. Certainly.

The PRESIDING OFFICER. The Chair is of opinion that the question is now on taking up the light-house bill. The naval appropriation bill was postponed until six o'clock, by the vote of the Senate; so that it will require a motion to take it up again.

Mr. TOOMBS. I call for a division on that question. That bill cannot be taken up until there is a quorum in the Senate.

Mr. STUART. Nor can anything else.

Mr. ATCHISON. The Journal will settle the question.

Mr. WELLER. I think the Navy bill was postponed until six o'clock, and when six o'clock arrives that bill comes up without a motion, of course.

Mr. STUART. No, sir, it requires a motion.

Mr. WELLER. I regard it as in the nature of a special order, and when the hour arrives it should be taken up.

Mr. STUART. The condition of things is precisely the same as if the Senate had not taken any recess, but had laid aside the Navy bill until six

o'clock and gone on with other business, so that it requires a motion to take it up.

Mr. WELLER. Suppose gentlemen allow us a short time to pass a number of House private bills?

Mr. SLIDELL. I think there can be no objection to the light-house bill. There is no amendment to be offered to it. The bill was adopted after consultation between the committees of the two Houses, and certainly it is desirable to pass it.

The PRESIDING OFFICER. The Chair will submit the question on the motion to take up the light-house bill.

The motion was agreed to; and the Senate accordingly, as in Committee of the Whole, proceeded to consider the bill from the House of Representatives "making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes," which had been reported from the Committee on Commerce without amendment.

Mr. STUART. Now, I hope the Senate will consent to take the question on the passage of the bill without reading it at length.

Mr. WELLER. I wish to know what is in it. The Secretary proceeded to read the bill, but before he concluded

Mr. WELLER said: I have heard enough of that bill to satisfy me that it is all right, and unless somebody else calls for its reading, I withdraw my call.

There being no objection, the further reading of the bill was dispensed with. It was then reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

MINNESOTA LAND BILL.

Mr. PEARCE. I ask the Senate now to take up the bill from the House of Representatives repealing the act making a land grant to the Territory of Minnesota.

The PRESIDING OFFICER, (Mr. WALKER.) If there be no objection, the bill will now have its first reading.

Mr. STUART. I prefer not to take up that question now. I have no objection, however, to the bill being read a first time.

The bill from the House "to repeal an act to aid the Territory of Minnesota in the construction of a railroad therein" was read a first time, and ordered to a second reading.

The PRESIDING OFFICER. If there be no objection, it will now have its second reading.

Mr. STUART. I object.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. FORNEY, their Clerk, announcing that they had passed the following bills of the Senate without amendment:

An act to authorize the State of Illinois to select the residue of the lands to which she is entitled under the act of 2d of March 1827, granting land to aid that State in opening a canal to connect the waters of the Illinois with those of Lake Michigan;

An act to constitute Cairo, in the State of Illinois, a port of delivery;

An act to authorize the State of Wisconsin to select the residue of the lands to which she is entitled under the act of 8th August 1846, for the improvement of the Fox and Wisconsin rivers;

An act constituting San Pedro, in the State of California, a port of entry and delivery; and

An act to vest in the several States and Territories, the title in fee of the lands which have been or may be certified to them.

Also, that the House had passed the following bills of the Senate with amendments, in which they requested the concurrence of the Senate:

An act to incorporate the National Hotel Company of Washington City; and

An act to constitute Pilatka and Bayport, in the State of Florida, ports of delivery respectively.

MRS. HELEN MACKAY.

Mr. ATCHISON. There are a few private bills, in which my constituents are interested, which I ask the Senate, as a favor now to take up. The first is House bill "for the relief of Mrs. Helen Mackay, widow of the late Colonel Æneas Mackay deputy quartermaster-general, United States Army."

The motion was agreed to; and the Senate, as

in Committee of the Whole, proceeded to consider the bill.

Its object is to direct the payment of \$6,537 09 to Mrs. Mackay, as allowance of commissions for disbursements of special appropriations by her late husband, Colonel Æneas Mackay, prior to September 30, 1838.

General Jesup and Major General Scott bear testimony to the long and faithful service of Colonel Mackay, who disbursed millions of dollars of the public money, without the loss of a dollar to the Government; but the committee do not place the claim to relief on the ground of a faithful discharge of official duty, but on the ground that he performed a service that was extra official, and for which his representatives are entitled to a reasonable compensation at the hands of the Government.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

CAPTAIN LENDRUM.

Mr. WELLER. I ask the Senate to take up the joint resolution from the House of Representatives, for the relief of brevet Captain J. H. Lendrum, of the United States Army. The bill is to enable him to settle his accounts by giving parol testimony to supply the loss of vouchers destroyed by the fire in San Francisco.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

It proposes to authorize the accounting officers to credit Captain Lendrum with \$2,970 14, being moneys disbursed by him out of the quartermaster's funds, and the sum of \$3,725 25 disbursed out of the moneys belonging to the civil fund, the vouchers for which were destroyed or lost by the fire in the city of San Francisco, May 4, 1850.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

M'ELHINEY, MATTHEWS, AND CRIBBEN.

Mr. ATCHISON. There is another bill which I ask the Senate to take up, the bill from the House of Representatives, "for the relief of William J. McElhiney, E. P. Matthews, and Lawrence Cribben." It is only to quiet a title to some lots in the town of St. Charles.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

It is designed to authorize McElhiney, Matthews, and Cribben, each, to enter the portions of the southeast fractional quarter of fractional section ten, and the southwest fractional quarter of fractional section eleven, west of the St. Charles Commons, in township forty-six north, of range four east, in the district of lands subject to sale at St. Louis, in Missouri, now in possession of each of them, upon producing proof, to the satisfaction of the proper land officers, of the extent of their possessions, respectively, and paying therefor the minimum price of the public lands, and upon proof and payment being made, certificates and patents shall be issued therefor, as in other cases of the sale of public lands.

It appears that each of the petitioners has possessed and cultivated, for several years, a small fraction of land, part of the southeast fractional quarter of section ten, township forty-six, range four east, lying in the county of St. Charles, Missouri. They derived their possession from one Joseph Aubrey, who entered upon, cultivated, and improved a part of the land, more than twenty years ago, for the purpose of securing a preemption right thereon; and that Aubrey, and those claiming under him, have had continued and uninterrupted possession of the same until the present time. There is no one asserting an adverse claim to the land possessed by the petitioners, and it could not be entered heretofore, as is represented, because the boundary line of the St. Charles commons had not until recently been settled.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

WARREN COUNTY, MISSOURI.

Mr. ATCHISON. There is but one other case in which the State of Missouri is interested, and that is a small matter. It is House bill "for the relief of the inhabitants of school township

forty-five, range one, in Warren county, Missouri."

A motion to take up the bill was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Its object is to authorize the board of directors of common schools for the township named, to select and set apart for the use of schools, one half of a section of any of the public lands in the land district within which the county is situated, in lieu of the half of said section sixteen, which is covered by the concession to one Kinaird.

In the year 1800 a concession of six hundred arpents of land, situated in the St. Charles division on the river Tuque, was made by C. D. Delassus, the Lieutenant Governor of Upper Louisiana, to Andrew Kinaird, and was transferred by Kinaird to one John Long, and subsequently by Long to James Macky. In 1810 those claiming under Kinaird are represented to have taken possession of the land embraced in the concession by Delassus, and have made valuable and lasting improvements upon the same. The title to these six hundred arpents was confirmed by the act of Congress of 4th July, 1836, "confirming certain land titles in the State of Missouri." It also appears that, upon the surveys of the land within the State of Missouri by the United States officers, one half of the sixteenth section, which was granted by act of Congress for the use of schools, was located by the survey upon or covered a part of that cession. Of the other half of the section, only one hundred and twenty acres have been sold at one dollar and a quarter per acre; and the only valuable part is embraced within the confirmation mentioned.

The petition is signed by forty-eight inhabitants of the township, and the commissioner, directors, and clerk of school township forty-five, of range one, west, certify that the signers constitute a majority of that township. The committee do not deem it material to inquire as to the title under the act of Congress granting the sixteenth section for school purposes, or that under the act of July, 1836, confirming the title under the concession by Delassus; and as they believe the Government will not be prejudiced by granting the prayer of the petitioners, that the title under its act of confirmation will be quieted, and the school fund probably increased, they think the prayer of the petitioners for the location of a half section, in lieu of that embraced in the confirmation, upon any of the public lands within that land district, ought to be granted.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

NATIONAL HOTEL COMPANY.

Mr. DODGE, of Iowa. There are some Senate bills on the President's table which have been returned from the House of Representatives with amendments. I ask that they be taken up, so that the amendments may be acted upon.

The PRESIDING OFFICER. The Chair will lay these bills before the Senate. Senate bill entitled "An act to incorporate the National Hotel Company of Washington city," has been returned from the House of Representatives with an amendment, to add the following additional sections:

Sec. 8. *And be it further enacted*, That each of the stockholders in the said National Hotel Company of Washington city, shall be held liable, in his or her individual capacity, for all the debts and liabilities of the said company, however contracted or incurred, to be recovered by suit as other debts and liabilities before the court or tribunal having jurisdiction of the cause.

Sec. 9. *And be it further enacted*, That it may be lawful for Congress hereafter to alter, amend, change, or repeal the foregoing act.

The amendment was agreed to.

PORTS OF DELIVERY.

Senate bill "to constitute Pilatka and Bayport, in the State of Florida, ports of delivery respectively," was returned from the House with two amendments, the first of which was to add the following additional section:

Sec. 2. *And be it further enacted*, That Keokuk and Dubuque, in the State of Iowa, be, and hereby are, constituted ports of delivery, within the collection district of New Orleans; and there shall be appointed a surveyor of the customs for each of said ports, who shall reside thereat. Said surveyor shall perform the duties, and receive the salary and emoluments prescribed by the act of Congress, approved the second day of March, 1831, entitled "An act allowing the duties on foreign merchandise imported into Pitsburg, Wheeling, Cincinnati, Louisville, St. Louis, and Natchez, to be secured and paid at those places."

The second amendment of the House was to amend the title by inserting after the word "Florida" the words "and Keokuk and Dubuque, in the State of Iowa;" so that it should read: "An act to constitute Pilatka and Bayport, in the State of Florida, and Keokuk and Dubuque, in the State of Iowa, ports of delivery, respectively."

The amendments were concurred in.

T. BRONAUGH—MINNESOTA LAND BILL.

Mr. GEYER. I move to take up a small pension bill from the House of Representatives—"A bill for the relief of Thomas Bronaugh."

The motion was agreed to; and the Senate proceeded to consider the bill as in Committee of the Whole.

It proposes to direct the Secretary of the Interior to increase the pension of Thomas Bronaugh, who is now on the rolls at four dollars, to the rate of eight dollars per month, to commence January 1, 1854.

The PRESIDING OFFICER. If no amendment be offered, the bill will be reported to the Senate.

Mr. PEARCE. I have an amendment to offer as an additional section:

Sec. 2. *And be it further enacted*, That the bill entitled "An act to aid the Territory of Minnesota in the construction of a railroad therein," which passed the House of Representatives on the 20th day of June, 1854, and which was approved by the President on the 29th day of June, 1854, be, and the same is hereby, repealed.

Mr. STUART. To what bill is that offered as an amendment?

The PRESIDING OFFICER. A private bill.

Mr. STUART. I raise the question that it is not in order.

The PRESIDING OFFICER. The Chair is of opinion that it is in order. It certainly is not germane to the original bill, but that is a question for the consideration of the Senate as to whether they will adopt it, and not for the decision of the Chair. The question is on the amendment.

Mr. STUART. This thing cannot be done in this way—

Mr. PEARCE. I believe I have the floor.

Mr. STUART. I yield to the Senator.

Mr. PEARCE. Mr. President, I will state very briefly the reasons which have influenced me to offer this amendment. I am induced to offer it because it is known to this House, as it was to the other, that a bill which passed that House and came to this, was altered before it arrived here, and the change of language was such as materially to affect the import and operation of that bill. The bill became a law in a different form and sense from that intended to be given to it by those who passed it. The House of Representatives, satisfied, from whatever cause it is unnecessary for me to say, that their will was violated by the change of language in the bill which had passed, determined to repeal it. They have repealed it to-day, so far as their vote can do so. They have sent us a bill to repeal it. We have taken it up, but its passage has been objected to, and under the rules, it cannot be passed in the form in which it has come from the House of Representatives.

Now, sir, I desire to enforce the faithful observance of the language of a bill as it has passed either House of Congress. I desire to prevent that going into law which it never was the legislative will should become a law; and I know no way in which we can accomplish the object except by putting it as an amendment to this bill. It has often been done. Some of the most important general provisions known to your laws have been put upon private bills. You will find many such. I will instance but one, the bill for the relief of Chastelin, Ponvert & Co., which contains a provision regulating custom-house fees, and other provisions of general importance. I hope the Senate, in order to vindicate the purity of legislation, will adopt this amendment.

Mr. STUART. Mr. President, it is not, perhaps, the least important thing to proceed, in respect to all business, with proper deliberation. The House to-day have done what the Senator from Maryland says they have done, and I shall not travel out of the rules of senatorial order to say anything about why they did it; but the Senator is considerably mistaken as to his facts, as I shall show. For myself, believing that for the Senate of the United States, at least, whatever it may be proper for the House to do, it is fitting to refer a subject of this sort to a standing committee

of the body, to investigate it, and to see, in the first place, what it is proper to do, and, in the next place, what we can constitutionally do, with equity and justice to others, I objected to the second reading of the House bill.

Now, sir, I desire the matter to be fully investigated by the Senate. Both the majority and the minority of the select committee of the House of Representatives appointed to examine the question have reported that there was no improper conduct on the part of anybody in the alteration of the bill referred to. They did not report in favor of repealing this law, but they reported a bill to the House of Representatives to restore the word "or" instead of the word "and" to the original bill which passed the House. That is what they recommended should be done. The House went on, however, very much as the Senator from Maryland now proposes that we should do here, without reference, without deliberation, without respect to the rights of the grantees under that bill, and without examining the question of whether the title to the land had vested, and what the consequences of the repeal may be, suddenly introduced a substitute to repeal the law, and passed it.

Now, sir, I have made the point of order upon this amendment, and I shall state a few more facts, and ask the Senate of the United States to determine solemnly whether they will, upon a private bill to grant a pension, in five minutes' deliberation, adopt an amendment to repeal a law of the United States making a grant of land to the Territory of Minnesota? There is no parliamentary law which will sanction it, and no gentleman can say that there is. The Senator says it has been done in a given case. That may be; but surely he will not undertake to say that the parliamentary law tolerates any such amendment as this.

Then, sir, why should it be adopted? Is there any pressing necessity? There can be no change of rights under the bill; for if the Territory of Minnesota now possesses the title to the land by the grant, Congress cannot divest it. That is clear. If the bill which the other House has sent to us be considered to-morrow, or if it shall be deemed necessary to consider it at the next session, (I care not which, and I do not wish to delay the Senate in its consideration,) it will make no difference in the existing condition of things. I say if the Territory of Minnesota holds the title to the land to-day, it cannot be divested by any act of Congress without the consent of Minnesota. If the Territory does not hold it to-day, it will not hold it to-morrow. The law has been passed and approved for some time, and whatever legal and constitutional effect that law had, has been carried into complete effect. Now, I say that whether this bill be passed three months hence or to-morrow, that legal effect cannot be changed.

Sir, I merely wish to do away with the impression which may have been made on the mind of the Senate by what was said by the Senator from Maryland, and, undoubtedly, as he thought, with great propriety. I do not question that at all; but I say the House of Representatives, by their committee, have examined the subject, and both branches of the committee have reported that no censure attaches to anybody in connection with the matter. There is another significant fact accompanying the transaction. The change in the bill which passed, was made by the clerks under the direction, as the testimony showed, of the Clerk of the House of Representatives. He said "do it." A resolution was introduced into the House of Representatives to-day to expel that Clerk, and it only got fourteen votes. There is the sense of the House of Representatives upon the question. But, sir, it is very obvious how this matter came up. There is pretty nearly, if not quite, a majority of the House of Representatives opposed to making any land grants at all as a general principle. When a substitute was offered for the bill reported by the select committee to repeal this law, of course those holding that opinion voted to repeal it, and there were votes enough added to them to carry it by a decided majority. But that proves nothing at all, as to the propriety of the case. The facts are as I have stated them; and, as I said before, I do think that for the Senate of the United States to proceed precipitately by an amendment upon a private bill, a pension bill, to repeal a law that has granted a title to lands to the Territory of Minnesota, without reference, and

without consideration, would be an act of legislation unparalleled in the history of the United States. The question ought to be considered, and deliberately considered.

Now, my views are simply these: I think it should be ascertained distinctly whether the alteration in the law is material. I have heard the opinion of many men, in whose opinions I have confidence, on that subject, who declare that there is no materiality attached to it; and that if the word "or" were in the bill, instead of "and," the effect of the bill and its legal interpretation would be just the same as at present. Then, sir, would it not become the Senate of the United States to consider, by its proper committee, the question whether there was any materiality in this act of the clerks of the House, or of the Senate. Although, perhaps, it is wrong as a custom, a committee that has been sitting for a week or ten days, has solemnly reported there is no blame attaching to anybody.

I ask if it would not become the Senate to refer this question, and to consider, in the first place, whether the alteration affects the bill? That would be the first question; and if the committee should report that the change of the word did not affect the legal result of the bill, then the Senate, I apprehend, would take no action. If, however, they came to the conclusion that it did change the meaning of the bill, then would they propose to repeal the law? I ask, if, because a single word is substituted in a bill, and taken in the connection in which this is, the Senate should repeal the bill? I will state the connection, as all the Senators may not know it. The effect of it is to provide, according to one construction, that a company which is already constituted by the laws of the Territory of Minnesota, shall not enjoy the benefit of this grant. If one construction obtains, that is the effect, and it leaves the grant to be enjoyed in such manner as the Territory of Minnesota shall hereafter provide. If the other construction prevails, then a law passed last winter, by the Legislature of Minnesota, constituting a company, has its effect, and that company can enjoy the benefits of the grant, subject to the control of the Territory of Minnesota. Now, I ask you, sir, should the Congress of the United States repeal a bill in order to settle that question? Is it a measure that was ever heard of before? Would not Congress discharge its duty by passing a law substituting the word which was altered, if that is a material one, and give the law the effect which it is said the House of Representatives intended it should have?

Sir, I think, and I say it with great respect, that it would much more become the legislative character of the Senate of the United States to proceed with this amount of deliberation. My object in objecting to the bill which was presented here from the House of Representatives, was simply to ask its reference to a standing committee of the Senate, in order that the question might be looked into and examined and determined, and the opinion of the committee reported to the Senate, and then let the Senate say what it would do. Such are my views of the impropriety of a hasty proceeding of this sort, that I have deemed it my duty—a duty which, if I neglected to perform, I could not excuse myself—to object to any action here which should thus precipitately, and in a mere stampede, (such as may have been the case in the House of Representatives, but which I never hope to see here,) repeal a law simply because some one or more of the clerks of one or both Houses have made a change of a word, and the committee of investigation have reported that there was no improper motive in it.

I have given the facts. I do not wish, however, at this time of the session, to detain the Senate in discussing a matter of this sort; but I do wish, most emphatically, that this subject shall be deliberately considered, and so acted upon that we may justify our conduct to the country and to ourselves, whenever the question shall arise hereafter. Such is my belief in respect to the impropriety of the course now proposed, that I have raised this question of order; and I shall raise every question that the rules justify, to prevent this precipitate action.

Sir, I conclude by saying that the most which should be done under any circumstances, would be to restore the bill to the condition in which it was when it passed the House, by substituting the word "or" for "and;" but I do not think

that when gentlemen come to consider it, it will be regarded as a question so very clear that we can repeal the law, and divest a Territory or a State by our own act of a grant which has been made and taken effect. I do not think that is competent for us.

Mr. PEARCE. Mr. President, I should not now say a word but that it may be supposed from what has been said that something fell from me in relation to the parties concerned in the alteration of this bill. I did not do so. I very scrupulously refrained from making such a charge, for it is a very grave charge, and not to be made except upon the amplest proof. It may have been that this alteration originated in a mere mistake; but however it originated, it is better, I say, that we should adopt precipitate legislation than adopt that which violates the legislative will, that legislation in short, which carries into effect as a law that which the legislative body did not intend should become a law. Now, sir, from whatever cause it may have originated, it is very certain that the bill which it is now proposed to repeal is not the bill which passed the House of Representatives, but one which came to this body in an altered shape. Sir, if the Senator from Michigan had been willing to argue this matter upon the bill as it came from the House of Representatives to repeal the bill which passed the House on the 20th of June, I should have been quite content; but it will be recollected that that Senator objected to its consideration, objected to its second reading this evening. To-morrow will be the last day of the session, and if the bill had its second reading then, he might object to its third reading. The consequence of that would be that the act of the 20th of June would have gone into effect, and would have been irrevocable. He says it is irrevocable now. Well, sir, if it be irrevocable, no damage can be done by the passage of this repealing clause, and no vested rights, if there are any vested rights in the case, can be divested by our action; but we can now, as far as is possible, prevent the operation of that act.

Mr. STUART. I should like to ask the Senator one question. Is not the right of the Territory of Minnesota to these lands vested now as much as it will be ninety days hence?

Mr. PEARCE. I think not.

Mr. STUART. Then will the Senator tell me the reason why?

Mr. PEARCE. I do not know what the language of the bill is; but whatever its language may be, I take it an acceptance of the act of Congress is necessary before the rights vest. They have not had time to accept, and, therefore, I think the matter is now perfectly within our control and power.

Mr. TOOMBS. Mr. President, I am in favor of this amendment, and I think we ought to pass it now. The history of the matter is this: The House of Representatives passed a bill making a grant of land to the Territory of Minnesota, and sent it to the Senate. That bill was changed before it reached us, it seems by misapprehension or by mistake. I think it seems that it was not by fraud. I think that is apparent; for the House of Representatives who had the question under their jurisdiction have so decided. But the bill was altered before it came to the Senate. We passed it; I think I voted for it; I know I favored it, and I must have voted for it if I was present. The House of Representatives have passed a bill to repeal that law because, as it was approved by the President, it did not represent their will. That could not have been passed without expressing the deliberate opinion of the House. Whether it was hasty legislation or not, it must have been the deliberate judgment of the House, for it required a two third vote to suspend the rules.

Mr. STUART. The Senator is mistaken. It was done in this way: The committee who had the subject under investigation reported a bill to substitute the word "or" for "and," and that bill was, of course, before the House, as it was reported by a privileged committee, who made a privileged report. When it was before the House, a member moved to substitute a bill repealing the law; so that it did not require two thirds.

Mr. TOOMBS. Well, sir, that committee reported, and the House took action upon their report, and passed a bill to repeal the former act. They sent us a message suspending the rules, in order to allow us to receive the bill. We con-

curred in that action, and they sent the bill to us. They have declared to us that the bill which they propose to repeal is not their will. They have said they would not punish the actors in the alteration, believing they may have acted ignorantly, unwittingly, or unadvisedly. They acquit the members and officers of the House, but they say it is not their will that the bill should be a law in the manner in which it was signed. They tell us they are satisfied that these men did not act corruptly, and, therefore, they do not punish them; but they altered the will of the House, and hence the House have passed a bill to repeal the act. They have sent that bill to us; but the Senator from Michigan objects to its consideration. Well, sir, we have passed a great many bills by suspensions of the rules and unanimous consent involving very great principles. It is very rarely that an urgent question is objected to here. Indeed, it is rather considered indecorous; and I have been reproached half a dozen times within the last two days as being rather factious, because I chose to desire to understand the business on which I was called upon to vote. But here, when this question is called up, the gentleman from Michigan rises and says, "I object." Why? Because he tells us we are acting precipitately in this business. The House of Representatives have had the subject under consideration, in their committee, for one or two weeks; the committee have examined the testimony, and brought it deliberately before the House; and the House acted on it, excusing the parties but repealing the bill. Now, I am willing to carry out that will of the House if I were to ride over forty rules. The gentleman need not appeal to me about rules. Our rules are intended to do justice, but when they are so often used, as they are in this body, to arrest an act of justice, I will ride over your whole Calendar, from number one down to the last bill upon it, to do this act of justice.

But, sir, the Senator from Michigan says that the grantees have rights under the bill which was passed. If so, let them go to the courts. I believe with the Senator from Maryland that they have no rights until the act of Congress be accepted. I believe I voted for the bill, and I will vote for it again. But, at present, when the House send me word that their will has been defeated ignorantly, or innocently, I will repeal the act, and put it back where it was, and I do not think it would be respectful in us to do anything else. That is my judgment.

Mr. PETTIT. Allow me to ask the Senator one question. I certainly concur with him in his views; but I wish to ask, do not all our laws, like those of the Parliament of Great Britain, take effect from the first day of the session? If so, will not this bill and the repealed law take effect from the same day?

Mr. TOOMBS. I do not think that principle has been extended to the laws of this country, but they are, according to the will of the legislative body, from and after the passage of the act.

Mr. PRATT. If they both took effect at the same time, one would nullify the other.

Mr. TOOMBS. But the Senator from Indiana asked me a question, which I answered as a lawyer. I say it depends entirely on the will of the Legislature. I believe it has not been the habit of any of the legislative bodies in America, and certainly not of Congress, to make their laws take effect except from and after the passage of the act, or at some future time after its passage.

Mr. COOPER. The decision of the courts has been that the laws take effect from their passage.

Mr. TOOMBS. Certainly. I say the principle in American legislation is, that laws take effect from their passage; but a wise principle is, that if they affect crimes, they should take effect *in futuro*, and the Legislature should set the time at such a period in advance as to do wrong to nobody. The old English idea of going back a year to the beginning of the session of Parliament, was a very unwise, harsh, and cruel rule. American jurisprudence has put it on a wiser and sounder basis, and requires that laws shall take effect from and after their passage, or from and after a certain day subsequently, if they affect the interests of citizens. That ought to be the general rule. The act which we propose to repeal, if it is a contract, certainly will not take effect until it be accepted; and I have no evidence that it has been accepted. I wish now to put things back to the condition in

which they were when the bill was passed; and if it is wise legislation, I will pass it over again; but when the coordinate branch of the Legislature sends to us a message first to rescind the rule, and next send a bill repealing the act, after the deliberate investigation of a committee, and they ask us to allow them to do it, I will do it, if I ride over every rule of the Senate.

Mr. GEYER. I rise for the purpose of asking for the yeas and nays on the amendment.

Mr. STUART. The question now is on the point of order.

The PRESIDING OFFICER. (Mr. WALKER in the chair.) The Chair decided that long ago.

Mr. STUART. I appealed from the decision of the Chair.

The PRESIDING OFFICER. The Chair will state the question to the Senate. The Senator from Maryland offered an amendment to the bill now before the Senate, proposing to repeal a law which has been passed at this session of Congress granting lands to the Territory of Minnesota for purposes of internal improvement. The Senator from Michigan objected to the amendment as being out of order. The Chair decides that the amendment is in order; that while it is not strictly germane to the subject-matter under consideration, it is, nevertheless, in order and that the incongruity of the amendment is purely a question for the consideration of the Senate. From this decision the Senator from Michigan takes an appeal. The question is, "Shall the decision of the Chair stand as the judgment of the Senate?"

Mr. CHASE. To what bill is the amendment offered?

The PRESIDING OFFICER. To a bill for the relief of Thomas Bronaugh. The present occupant of the chair will state that his decision is based upon the practice which has prevailed in the Senate as long as he has been a member of this body. I remember a case which I will bring to the attention of the Senate in justification of the decision. An act was passed to organize the Territory of Minnesota, but in the act no provision was made for an appropriation to defray the expenses of the Territory. A private bill came up for the relief of one Norton, I think, and I myself offered, as an amendment to the bill, a clause making an appropriation for the support of the territorial government of Minnesota, and it was adopted. Upon another occasion, the civil and diplomatic bill was under consideration, and I offered, as an amendment, a proposition to provide for the government of the Territory of California. The Senate has uniformly sustained such amendments as being in order, no matter how incompatible they might be with the original bill. The incompatibility is a question for the consideration of the Senate, and not for the Chair. The question is, "Shall the decision of the Chair stand as the judgment of the Senate?"

Mr. DOUGLAS. On a point of order so important as this, relating to taking a bill from the table and offering it as an amendment to a private bill, I should like to have the yeas and nays. I call for the yeas and nays on the appeal.

The yeas and nays were ordered.

Mr. CHASE. A few days ago, a bill for the relief of Betsey Nash was pending in the Senate. It was proposed to amend the bill by taking from the table another private bill upon a totally dissimilar subject, and engrafting that upon the original bill.

Mr. CLAY. Both were pension bills.

Mr. CHASE. Both pension bills, it is true; but they were distinct in their character.

Mr. SEWARD. One was a pension bill, and the other a bounty bill.

Mr. CHASE. I shall not go into any discrimination of that sort. Both were intended for pension bills; though one, it is true, was a pension bill, and the other a bounty bill. The Senate ruled that it was in order to ingraft the one bill upon the other. Afterwards, the Senator from Massachusetts [Mr. SUMNER] moved a general bill for the repeal of the fugitive slave act, as an amendment to the bill thus amended. The then occupant of the chair [Mr. COOPER] ruled that amendment out of order. An appeal was taken from that decision, and that appeal was laid upon the table; but no action of the Senate was had on the direct question. I concur entirely with the Chair that this amendment is in order; and it is only necessary to look at the statute-book to find repeated in-

stances of such enactments. Private bills were ingrafted upon private bills, and public bills upon private bills, and private bills upon public bills, and have been ruled to be in order by the Senate. Whatever may be the expediency or in expediency of the proceeding, one thing is certain: that it is, in order, according to the practice of the Senate.

Mr. WELLER. I believe the precedent was established the other day of laying appeals on the table. I move, therefore, to lay this appeal on the table.

Mr. BRIGHT. I rise to a question of order. Is that motion in order?

The PRESIDING OFFICER. The Senate decided the other day that it was in order; but for that decision the opinion of the Chair would certainly be that it was out of order.

Mr. BRIGHT. I have looked at the precedents, and I find that that was the first instance of an appeal ever having been laid on the table in the Senate. It may be allowed in the House, but not in the Senate. I am often forced to vote against my better judgment by subjects being confounded. I voted against the claim referred to by the Senator from Ohio, the claim of Mrs. Batchelder, because every rule of the Senate was violated in moving it as an amendment to the bill to which it was moved.

Mr. TOOMBS. I rise to a question of order. I say the Senator from Indiana cannot raise a point of order on a point of order. He is sufficiently acquainted with parliamentary law to know that that cannot be done.

Mr. BRIGHT. I am not raising a point of order on a point of order.

Mr. WELLER. I moved to lay the appeal on the table, and that question is not debatable.

Mr. BRIGHT. I raise a question whether that motion is entertainable under the rules of the Senate?

The PRESIDING OFFICER. The Chair rules, after the decision which has been referred to, that it is in order.

Mr. BRIGHT. Then I ask whether the Senator from California has any objection to allowing me to state, in reply to the Senator from Ohio, what I understand to be the rule?

Mr. WELLER. Certainly not.

Mr. BRIGHT. I was remarking, sir, that I was forced a few days ago to vote against the claim of Mrs. Batchelder, on the ground that it was attached to a bill to which it was not germane; whereas, if the proposition to give her a pension had been brought forward as an independent proposition, I should willingly have voted for it. I know, sir, that Senators are very much in the habit of voting on questions of order in reference to the effect which they will have on the original proposition, but that is not my mode of legislation. We have rules for our government, and we ought to observe them. A proposition such as is now before us is clearly out of order, in my judgment, because it violates rule. It does not give Senators an opportunity of voting according to their independent judgment, but it forces us often to take one thing in order to get another, when our judgment is against the one and in favor of the other. It is a vicious system of legislation. I think every proposition should come up on its own merits. That is the object of our rules. If we break them down by a contrary course, it is our fault, and not the fault of our rules.

Mr. GWIN. Mr. President—

The PRESIDING OFFICER. The motion to lay on the table is not debatable.

Mr. GWIN. I merely wish to ask whether it is now in order to lay the whole subject on the table?

The PRESIDING OFFICER. The Chair is of opinion that it is.

Mr. GWIN. Then I make that motion, and I call for the yeas and nays upon it. I do not wish this matter to defeat all legislation.

Mr. WELLER. The question must first be taken on laying the appeal on the table.

The PRESIDING OFFICER. The Chair will say that he is justified in this decision, according to his views. If the appeal be laid on the table, it will carry the whole subject there.

Mr. WELLER. It was decided the other way a few days ago.

The PRESIDING OFFICER. It was not so decided by the Senate.

Mr. WELLER. This is the first time in the

history of the legislation of the Senate that such a decision has been made, that to lay an appeal on the table carries the whole subject with it.

Mr. GWIN. If that is the decision of the Chair, I withdraw my motion.

Mr. WELLER. And I withdraw mine.

The PRESIDING OFFICER. Then the question is on the appeal. The Chair will state the point to the Senate again. A private bill is under consideration. The Senator from Maryland offered an amendment to that bill to repeal the Minnesota land act. The question of order was raised. The Chair decides the amendment to be in order, notwithstanding its incongruity with the bill; which is a question for the Senate, and not for the Chair. From that decision of the Chair the Senator from Michigan takes an appeal. The question is, "Shall the decision of the Chair stand as the judgment of the Senate?"

The question being taken by yeas and nays, resulted—yeas 32, nays 6; as follows:

YEAS—Messrs. Allen, Bayard, Benjamin, Butler, Chase, Clay, Cooper, Dawson, Dodge of Wisconsin, Dodge of Iowa, Evans, Fessenden, Fitzpatrick, Foot, Geyer, Gillette, Houston, Johnson, Jones of Tennessee, Mason, Norris, Pearce, Pratt, Rockwell, Sebastian, Seward, Slidell, Sumner, Thomson of New Jersey, Toombs, Wade, and Weller—32.

NAYS—Messrs. Bright, Brodhead, Douglas, Jones of Iowa, Morton, and Stuart—6.

So the decision of the Chair was sustained.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. McKean, its Chief Clerk, announcing that they had passed a resolution to suspend the 16th joint rule of the two Houses so far as related to the bill of the House "declaring the southern boundary of New Mexico," so as to allow it to be transmitted to the Senate, and a resolution to suspend the 16th joint rule of the two Houses so as to allow the reception of the bill of the Senate "to change the name of the American-built brig Glamorgan to that of Wizard," in which resolutions they requested the concurrence of the Senate.

Also, that the House had passed the following bills of the Senate without amendment:

An act to amend the provisions of the fifty-sixth section of the act entitled "An act to regulate the collection of duties on imports and tonnage," approved 2d March, 1797; and

An act for the relief of Sylvanus Culver.

SUSPENSION OF RULE.

The Senate proceeded to the consideration of the resolution of the House of Representatives for suspending the 16th joint rule, so far as relates to the bill of the House declaring the southern boundary of New Mexico, and the resolution of the House of Representatives for suspending the 16th joint rule so far as it relates to the bill of the Senate to change the name of the American-built brig Glamorgan to that of Wizard, and concurred therein.

T. BRONAUGH—MINNESOTA LAND BILL.

The Senate continued, as in Committee of the Whole, the consideration of the bill for the relief of Thomas Bronaugh.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maryland, [Mr. PEARCE.]

Mr. GEYER. On that I have asked for the yeas and nays.

Mr. DOUGLAS. Let the amendment be read.

It was read, as follows:

SEC. 2. *And he further enacted*, That the bill entitled "An act to aid the Territory of Minnesota in the construction of a railroad therein," which passed the House of Representatives on the 20th day of June, 1854, and which was approved by President of the United States on the 29th day of June, 1854, be, and the same is hereby, repealed.

Mr. DOUGLAS. Mr. President, I understand that the cause for legislation upon this subject arises out of the fact that in the third section of the bill granting land to the Territory of Minnesota for the construction of a railroad, there occurs this clause in reference to the lands granted by it:

"Nor shall they inure to the benefit of any company heretofore constituted or organized."

The printed bill which I have before me reads "constituted or organized." I understand, also, that the House of Representatives have had a committee of investigation as to how the word "or" was changed to "and," and they have reported in substance to this effect: that the bill,

when before the Committee on Public Lands, prior to being reported to the House, read as I have it now before me, "heretofore constituted or organized," and also required that it should be submitted to a "future" Legislature of the Territory. I understand the select committee reported that the Committee on Public Lands had instructed the word "future" to be stricken out, and the word "and" to be substituted for "or," and that the gentleman of the House having charge of the bill did, in obedience to the order of the committee, strike out the word "future," and supposed that he had stricken out the word "or" and inserted "and," but, in fact, omitted to do so. He reported the bill to the House with the word "or" in it instead of "and," and it was passed in that shape. After it had passed he discovered his omission to make that change as directed by the committee, and he took steps then to ascertain whether or not the change could be made.

I understand, also, that the committee, upon a full investigation of the circumstances, after finding these facts, acquitted the member from Michigan, who had charge of the bill, of any improper motive in desiring to have the change made as the Committee on Public Lands had directed, and also acquitted the Clerk of the House; but they thought, under all the circumstances, that it was due to the House of Representatives that the bill should be restored to the precise language in which it passed the House. They reported, not that the bill should be repealed, not that the grant of land should be revoked, not that the people of Minnesota should be deprived of the grant of land for their railroad, but that, in order to vindicate the legislation of the House of Representatives, the act should be restored, so as to read precisely as it would have read if the change had not been made. I am informed that when that bill was reported to the House, a member rose, and offered as a substitute a provision repealing the act. The previous question was called for, and sustained, and the amendment was substituted, and in that shape it was passed.

Now, sir, the question which I wish to submit to the Senate is this: The bill, as it now stands on the statute-book, is precisely the bill which the Senate passed; but if the word "or" be restored, instead of the word "and," it will be precisely the bill which the House of Representatives passed. It is clear that it was the determination of Congress to make a grant of land to Minnesota, in aid of the construction of this road. There can be no doubt upon that point; but there was this discrepancy between the House bill and the Senate bill. Now, it occurs to me that all that it is incumbent upon us to do, all that we should do in this hasty manner, is to adopt the course recommended by the investigating committee of the House, and to substitute the word "or" for the word "and," so that the bill shall read precisely as it would have read if there had been no change made in it. That, of course, vindicates the purity of Congress. It vindicates the purity of our records, and of our legislation. It carries out the intention of Congress in making the grant. It saves to the people of the Territory all the advantages they expected to derive from the grant. I think that is all we ought to do under the circumstances. I move, therefore, to amend the amendment of the Senator from Maryland by striking out all after the word "that," and inserting:

The word "and" between the words "constituted" and "organized" in the third section of the act "to aid the Territory of Minnesota in the construction of a railroad therein," shall read "or," and shall have the same effect in law as if the word "or," instead of "and," had been in the original bill when passed and approved.

A SENATOR. And the word "future" before "Legislature."

Mr. DOUGLAS. The word "future" was stricken out before the bill passed the House. The amendment I have proposed, I understand to be precisely what the investigating committee of the House recommended, after a full investigation of the subject. Now, I think it is safe to follow the report of that committee of investigation. They gave the subject a thorough examination. They heard all the witnesses. They had time to deliberate on it. They came to the deliberate conclusion that this substitution should be made, and they reported a bill to the House very nearly in the precise words of my amendment, and certainly it has precisely the same legal effect. I think this is all the Senate ought to do; put the bill in the

same condition in which it would have been if there had been no change, and carry out all the objects which Congress had in view. Then certainly no censure can attach to anybody on account of this affair.

Mr. DAWSON. Mr. President, I have listened to the Senator from Illinois, in his statement of facts as to what occurred in the House of Representatives; and I am authorized to say that the committee who had the matter under investigation, were unanimously of opinion that the alteration was material, and affected the intention of the House of Representatives. When that report came before the House, the whole facts were made known to the members of that body, and they instantly adopted, as a substitute, a bill repealing the former act, on the ground that the whole matter had been tainted with fraud, and they looked upon the repeal of the law as the only means of shielding and protecting that body from imputations.

Now, sir, it is known to us all that there are imputations against the manner in which business is conducted here, and a feeling is generally entertained that there is no exact certainty in the results of our legislation. For the purpose of making this thing at once prominent, not only before Congress, but before the country, and to carry out the determination of the two Houses of Congress to shield and protect themselves from such imputations, this is the best mode that can be adopted. Your decision that this public measure shall be put a stop to, will make it more prominent on your statute-book, and will rally the feelings of the country in favor of Congress, and the determination of Congress to put down all fraud, and not to shield it in any form or shape. But, even if it be untrue that there was any fraud in this matter, the best plan is to stamp it with the strongest judgment that we can place upon it; and as my colleague said, if this bill in favor of Minnesota be a just and right one, we can pass it again. I voted against it; but, at the proper time, I would rather vote for it than let the bill, as it now stands, remain on the statute-book with the imputation which it conveys to the country.

The people of Minnesota need fear no danger in relation to their rights. They have had nothing to do with this matter. It is one which I hope and believe has been accidental; but we cannot wipe from the mind of the country the impression that there was something wrong, and especially when the investigating committee of the House unanimously reported that the alteration was material, vesting the entire rights in relation to these appropriations of land in one company instead of the Legislature of the Territory.

I repeat with my colleague that it is better to repass the law *de novo* than to let it pass under any mode we could adopt here to shield us from imputation. Sir, I look upon it as the most unfortunate thing in the world that any charge of impropriety should be brought against the conduct of members or officers of Congress, and we ought to be exceedingly cautious and jealous when we have a suggestion of that kind made. We should let our determination be of such a character as to show that in future such things cannot pass unnoticed. I make no imputations. On the contrary, I hope every member is innocent. But, sir, here was an amendment made to a bill which had already passed both Houses, and passed through the enrolling clerks, and committees of examination, and received the assent of the President. Such things should be guarded against.

Mr. PRATT. Mr. President, there is a view of this subject which it seems to me, is material, and yet which has not been adverted to at all. When the law was passed by the other branch of the national Legislature it contained a provision by which this land was conveyed to any railroad company which had been "constituted and organized." I learn from the honorable Senator from Illinois, that while this legislation was going on, the Territorial Legislature of Minnesota constituted, or in other words chartered a company. It was then a company constituted but not organized, so that the act at the time it passed the lower branch of the national Legislature was entirely inoperative, because there was no company which was both "constituted and organized." The result, therefore, of the change of the word "and" to "or" made that legislation effective, which was otherwise entirely inoperative, because a company

which had been simply constituted, was then privileged to take this land. As the Legislature designed, it was to be a company which had been constituted and organized, and in fact there was no company, both constituted and organized at the time.

Now, Mr. President, the law of Congress is the will of both branches of the national Legislature. It is manifest that the law which is now upon your statute-book upon this subject, is not the will of the lower branch of the national Legislature. They have passed an act repealing that law, thereby announcing in the strongest terms, their disapproval of what has been inadvertently done for them, and we are asked to relieve them of the obligation of an act which was not their will. It seems to me that it is our constitutional obligation to do it. If I am correctly informed by my honorable friend from Illinois, in regard to the facts in this case, it is still more certain that this obligation exists upon us, because there was no company constituted and organized at the time of the passage of the act, and consequently the grant which was made by your law when it passed was entirely inoperative, but was made operative by the alteration.

Mr. BUTLER. I wish to ask what is the precise question before the Senate?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Illinois to the amendment of the Senator from Maryland.

Mr. DOUGLAS. So as to make the original bill read as if there had been no alteration.

Mr. BUTLER. Will that not have the effect of sending it back to the House of Representatives?

Mr. DOUGLAS. Either will have that effect. It must go to the House in either event.

Mr. PEARCE. My motive for urging my amendment in preference to that of the Senator from Illinois, is, that the House of Representatives, in which this bill originated, in which the error or perversion of the bill arose, have adopted this mode of remedying the evil; and I think, in deference to that House, we ought to adopt the procedure which is agreeable to them, unless an overruling necessity should require a different course.

Mr. BENJAMIN. And the House refused to adopt the proposition of the Senator from Illinois.

The amendment to the amendment was rejected, and the question recurred upon the amendment of Mr. PEARCE.

Mr. DOUGLAS. I wish to save the grant to the Territory in some mode, and I will now offer it in a shape to which, I hope, there will be no objection. I offer now the original bill, in the precise form, word for word, in which it passed the House of Representatives, and then adding to it a clause repealing the former bill. I do not think the people of the Territory ought to suffer by this transaction in the House. My object is to save to them the grant of land for their road in some form, if possible, and in a form satisfactory to Congress, at the same time that we vindicate the honor and the records of the country. I offer now, as an amendment to the amendment of the Senator from Maryland, the bill, word for word, which passed the House of Representatives, with this additional section:

And be it further enacted, That the act entitled "An act to aid the Territory of Minnesota in the construction of a railroad therein," approved June 29th, 1854, be, and the same is hereby, repealed.

This will repeal the former act, and at the same time make a new grant; and that new grant will be in the precise form in which the original bill passed the House of Representatives, word for word, comma for comma. Certainly, I think, there can be no objection to that. I move it as an amendment to the amendment.

Mr. DAWSON. The only objection to it is, that that bill would necessarily die between the two Houses.

Mr. DOUGLAS. Not at all; no more than this.

Mr. DAWSON. They have sent us a bill in accordance with their sentiments, and if we concur in it, the matter will be closed.

Mr. STUART. The proposition of the Senator from Maryland is an amendment, and will have to go back to the House if adopted.

Mr. DOUGLAS. The difficulty is, that my friend from Georgia is opposed to all these bills.

Mr. DAWSON. Not at all. I have no such

feeling. I wish to let the House have their will; and I do not wish to shield this transaction from the House of Representatives. It is just to them that we should pass the provision as they have sent it to us.

Mr. DOUGLAS. What better vindication can the House of Representatives have than for us to pass the bill, word for word, and comma for comma, as they passed it? That is the most thorough vindication that can be made. The only point is, shall we go beyond that, and take away from the people of Minnesota what we have granted to them? My object is to save the grant to the people. If you make the grant now, and repeal the previous act, the grant will take effect from the passage of this bill. I ask for the yeas and nays upon my amendment.

The yeas and nays were ordered.

Mr. MASON. I agree with what fell last from the honorable Senator from Maryland, [Mr. PEARCE.] Here has been presented to us by the House of Representatives a case of mal-practice of some kind. Whether it originated in improper motives or otherwise, I am not further informed than by what fell from the honorable Senator from Michigan. He says that the committee of the House have exonerated those who made these alterations from any improper motive. I hope it may turn out so. I have never seen the report, but the fact is, that improper dealing has been had with the legislation of the country. The House of Representatives have raised a committee of inquiry. The report of that committee of inquiry we have never seen; but the House have sent to us a bill to repair what has been done, and that bill is to repeal their former legislation. Now, I think, in that state of things, when we have not time to investigate it, we should not hesitate at once to take what the House have sent us, and adopt it.

Mr. CHASE. Mr. President, I concur in the object the Senator from Illinois seeks to attain. A grant of land has been made by Congress to the Territory of Minnesota; and no person, I suppose, desires to deprive the people of the Territory of the benefits of the grant which Congress has deliberately made. The people of the Territory are not implicated in these transactions, whatever they may be, and it would be wrong to visit upon the people the consequences of certain transactions in which they have had no participation whatever. I rose for the purpose of suggesting to the Senator from Illinois that, while we vindicated the action of the House by concurring in their own proposition, we should, notwithstanding, take up the bill as the Senator from Illinois has indicated it and pass it, and send both to the House of Representatives together. That would answer every purpose of justice to the people of the Territory; and it would at the same time vindicate the honor of the House of Representatives. I will also suggest to the Senator from Illinois whether it would not be better, in passing the bill, to conform to what was the original intention of its framers by including the word "future" in the place where it was stricken out, as well as the word "or," where it was substituted for "and." Then I think every object of honor and justice could be attained.

Mr. DOUGLAS. If it be the wish of any portion of the Senate to put in the word "future," as well as the word "or," I am entirely willing to do that. The reason I did not insert it was, that it was stricken out previously to the passage of the bill.

Mr. CHASE. It was not stricken out by the House.

Mr. DOUGLAS. It was stricken out by the committee, and the House concurred in their action. I wish to suggest, however, that I do not think the repealing clause should be separated from the clause enacting the new law, and for a very evident reason: one might be concurred in, and the other lost. My object is to save the grant to the people at the same time that we vindicate the House. The granting clause may just as well go in the same law with the repealing clause, and then everything will be safe. The amendment I now propose is the House bill with this alteration in it.

Mr. CHASE. Then I would suggest that, by unanimous consent, the pending bill be passed by informally, and that we take up the bill proposed by the Senator from Illinois, and pass it, and send

it to the House, and await, for a reasonable time, the action of the House. I think there can be no objection to that.

Mr. BENJAMIN. I do make objection to that. I object to the amendment of the Senator from Illinois. I am satisfied with the amendment as it was first offered by the Senator from Maryland. I will, in a few words, give my reasons for this position.

I think, sir, that the House of Representatives has an undoubted right to demand, at the hands of this body, full control over the legislation which has passed through that body by surprise, fraud, ignorance, or whatever cause you please to attribute it to. The House of Representatives passed a bill in a particular form. The Senate passed the same bill in another form. Therefore, under the Constitution of the United States, that bill never became the law of the land, even after the signature of the President. A subaltern officer of one of the two branches of Congress (I do not know who he is, and I do not care for what cause) altered the bill which the House of Representatives had passed, so as to make that appear the concurrent action of the two Houses of Congress, which, in truth, was not so. The House of Representatives has discovered that. It has had the subject examined by a committee. That committee has reported back to the House a recommendation to put back the legislation where it was before it had been tampered with. The House, acting with a due regard to its own dignity, has declined to accede to the recommendation of its own committee, and has declared that it would not put back the legislation where it was at the time it passed that legislation; but that it would repeal the legislation, and take the matter into its own hands at its own discretion.

Now, sir, as the Senator from Maryland proposes, if we send back to the House a provision to repeal the Minnesota bill as they desire, they will accept that action of the Senate, and will have undisputed control of the further action over the subject. We may then send them over again a Minnesota land bill, and they will be at liberty to adopt it or not, as they shall please. But the Senator from Illinois desires us to send back to the House an amendment which will repeal the bill already passed, but which is coupled with another amendment to force the House to pass a bill which it desires to have full control over. That is just the point. By the amendment of the Senator from Maryland, we repeal the bill already passed, and leave the House to repass the Minnesota land bill or not, as it shall please. The Senator from Illinois desires to put a condition upon the power of the House to repeal that act, with the obligation to reenact the law already passed. I say, under circumstances so unfortunate as those which have arisen in this case, it is the duty of the Senate to concur with the House in everything that may put the House in complete control of its own action, that it may vindicate its own rights in the manner which to it shall seem best.

CIVIL AND DIPLOMATIC BILL.

The pending question having been temporarily laid aside,

Mr. HUNTER. The committee of conference, to whom were referred the points of disagreement between the Senate and House of Representatives on the bill making appropriations for the civil and diplomatic expenses of Government for the year ending June 30, 1855, have had a meeting, and have been unable to agree.

Mr. WELLER. I would ask the Senator from Virginia, whether there is any particular point of difficulty in the committee of conference which might be obviated by the Senate?

Mr. HUNTER. I believe that if the water question were out of the way, there might, perhaps, be an agreement.

Mr. GWIN. Let me ask the Senator a question. Could not the committee have the action of the Senate on those amendments about which they have agreed?

Mr. HUNTER. No, sir. The report of a committee of conference is an entire thing. We are obliged to act on the whole or none.

Mr. GWIN. Can we not get the action of the Senate on an isolated question?

Mr. HUNTER. The Senate can recede from its amendment in relation to the water works.

Mr. ADAMS. I move that the Senate recede from that amendment.

Mr. STUART. I submit that the Senate must have the bill here before that can be done.

Mr. HUNTER. I have the printed bill here. I presume that will do as well as the engrossed bill.

Mr. STUART. I do not object to that.

Mr. WELLER. I do not know what the practice of the Senate has been; but I should think there would be no impropriety in the Senate giving their advice on any particular question involving this difficulty to the committee of conference appointed on the part of the Senate. If, for instance, this amendment be the great cause of difficulty in the committee of conference, and a majority of the Senate be willing to recede from it, the whole difficulty may be settled, and the committee of conference enabled to agree at once.

The PRESIDING OFFICER. The question is on the motion of the Senator from Mississippi, [Mr. ADAMS,] that the conferees on the part of the Senate be instructed to recede from the following amendment:

For continuing the work for a supply of water to the cities of Washington and Georgetown, \$500,000: *Provided*, That no part of the sum hereby appropriated shall be expended until the corporations of Washington and Georgetown, or either of them, shall appropriate and pay an amount equal to one fourth of said sum for the same purpose, and shall agree to pay in like manner the same proportion of all future appropriations; and full power and authority are hereby given to said corporations, respectively, to raise, by loan or otherwise, any sum of money that may be necessary to enable them, or either of them, to make the appropriation herein required; and the said corporations of Washington and Georgetown, and the inhabitants of the said cities respectively, or the corporation making the appropriation, and the inhabitants of such city, shall be authorized to use the surplus water which may be brought by the Washington aqueduct, after supplying the Government establishments in Washington, under such general rules and regulations as may hereafter be prescribed by Congress; and each of said corporations shall have the right to charge and collect of the inhabitants of such city such reasonable tax or rent for the use of the water as will provide for the regular payment of the interest, and the gradual payment of the principal, of any money which may be raised under the authority hereby given.

Mr. BRIGHT. I should like to know how far it is in order to discuss the subject now before the Senate?

The PRESIDING OFFICER. The subject being before the Senate, the Chair is of opinion that it is open to discussion.

Mr. BRIGHT. Being one of the committee of conference on this bill, I desire to make a statement, which, I presume, is entirely parliamentary. The Senate placed a great many very important amendments on the bill; they were doubtless so considered by the Senators who offered them. The committee on the part of the Senate have yielded, I may say, four fifths of our amendments. I speak of the agreement of the two committees, as far as they have gone. At least four fifths of the amendments of the Senate were cut off. When we came to this amendment, the House committee insisted on rejecting it, for the reason that when the proposition was before the Senate, on a call of the yeas and nays, it received only about three votes out of four. The committee did not feel at liberty to yield in this point, after having yielded almost everything to the House before we reached this amendment.

Mr. ADAMS. The House concurred in many of our amendments.

Mr. BRIGHT. But they are few, compared with the great number of amendments. Now, the question is, whether we shall yield this amendment. I am against receding. I believe the amendment to be just, right, and proper. It is an object of national importance, and one that commends itself to every Senator: one that affects his health and comfort, as well as the health and comfort of every citizen within the limits of this District. For one, I am opposed to yielding it.

Mr. ADAMS. I desire to call the attention of the Senate to the fact, that before this amendment was offered to the civil and diplomatic bill—an appropriation bill—it was known to the Senate that a majority of the House of Representatives, as had been demonstrated by two deliberate votes, were opposed to making this appropriation. I consider it improper to place a proposition on an appropriation bill, with a view to force either body of Congress, against their known judgment and deliberately expressed opinions. If Senators, for the sake of these water-works, are willing to hazard or to defeat all the appropriations for the

Government, it is for them to take the responsibility. It must be borne in mind, that if it is done, it will be contrary to the spirit and intention of the Constitution, which requires for every measure which becomes a law, the approbation of a majority of each branch of Congress. It was known that, as a separate measure, this could not possibly obtain the sanction of a majority of that House. To place it on an appropriation bill and adhere to it, and thus to attempt to force it on the other House, is, I say, a palpable violation of the spirit of the Constitution. It is for the Senate to determine whether they will hazard the whole bill for the sake of this amendment.

Mr. HUNTER. I hope we shall have the question. It is important that we should act at once.

Mr. WELLER called for the yeas and nays, and they were ordered.

Mr. GWIN. I intend to vote against receding from this amendment, after the statement of the Senator from Indiana, that the committee of conference have already receded from four fifths of the amendments of the Senate. I do not know what has become of my State. I think this amendment will do very well to have a fight upon.

The question being taken on receding, was determined in the affirmative—yeas 27, nays 19; as follows:

YEAS—Messrs. Adams, Allen, Atchison, Bayard, Butler, Chase, Cooper, Dodge of Wisconsin, Dodge of Iowa, Evans, Fessenden, Fitzpatrick, Foot, Geyer, Gillette, Houston, Hunter, James, Johnson, Jones of Iowa, Mason, Morton, Pettit, Rockwell, Sebastian, Slidell, and Thomson of New Jersey—27.

NAYS—Messrs. Benjamin, Bright, Dawson, Douglas, Fish, Gwin, Jones of Tennessee, Mallory, Norris, Pearce, Pratt, Rusk, Seward, Stuart, Sumner, Toombs, Wade, Walker, and Weller—19.

Mr. HUNTER. I suppose it will be necessary to send a message to the House, to inform them of our action.

Mr. BRIGHT. I think not. I apprehend the vote which has been taken is merely a direction to the committee to recede from that amendment. The bill is still in the custody of the committee of conference.

Mr. WELLER. No message can be sent to the House in regard to it while the bill is in the hands of the committee of conference.

Mr. DAWSON. Will the Senator from Indiana be kind enough to inform me if our receding from this amendment was made a condition precedent?

Mr. BRIGHT. I understood our chairman to ask the sense of the Senate on the single proposition, whether we should recede from this amendment? The Senate have directed that we should do so. We have now but to go to the committee room and yield it.

Mr. TOOMBS. I voted against the water-works from beginning to end; but I am opposed to any such irregular proceeding as this, and therefore I voted against receding.

The PRESIDING OFFICER. The Chair will observe that, instead of being irregular, it is of frequent occurrence.

Mr. TOOMBS. It is against parliamentary usage, and the dignity of the Senate.

The PRESIDING OFFICER. The vote of the Senate has only been a direction to the committee of conference, on their part, to recede from this amendment, and, therefore, it will be unnecessary to inform the other House of our action.

BOUNDARY OF NEW MEXICO.

A message was received from the House of Representatives, by Mr. FORNEY, their Clerk, announcing that they had passed a bill declaring the southern boundary of New Mexico, in which they asked the concurrence of the Senate.

MINNESOTA LAND BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the Minnesota land bill; the question being on Mr. DOUGLAS's motion.

Mr. TOOMBS. I have had some difficulty in coming to a conclusion as to what is right in this matter. My mind was inclined to the proposition of the Senator from Maryland—the first offered. As I stated then, it seems to me that when the House of Representatives have passed a bill, and that bill has been altered, and we pass it with the alteration, if we put it back in the same condition in which it was before the alteration, we do justice

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to all concerned. I shall, therefore, vote for the amendment of the Senator from Illinois.

Mr. BUTLER. I think it is a very high duty on this body, to send back the bill with the amendment proposed by the House; that is to repeal the original law entirely, and leave the House with a blank sheet of paper, so far as regards legislation for this Territory on this subject. I understand, as the original bill was passed by the House and came to the Senate, it came with the word "or" in it, forbidding an incipient company to have a franchise; but the word "and," in some way, has found its way into the law—a word that gives an entirely different interpretation to it. The difference between "and" and "or," in the connection in which the alteration is made, is to prohibit a franchise or give one. I think we are bound to send this proposition back to the House in the terms that they ask; and, therefore, I shall vote against all amendments, and accept the proposition which has come from the House.

Mr. BENJAMIN. We cannot put things back exactly as they were. The amendment of the Senator from Illinois will not do it, and the reason is this: The bill, as it originally passed, provided that the grant might inure to a company constituted "or" organized. There was no company then constituted "and" organized, and, therefore, the word "and" was stricken out and "or" inserted, so as to enable the grant to inure to a company then constituted, but not yet organized. Since that period a company has been organized. It is now a company constituted and organized, and if you re-pass the bill, even as it originally passed the House, you carry out the very object that was had in view by those who made this alteration.

Mr. DOUGLAS. Allow me to call the attention of the Senator from Louisiana to the fact that he has misconstrued the bill as it passed the House. The bill, as it passed the House, contained a provision that the lands should not inure to any company "heretofore constituted and organized." The change which was made was to substitute "and" for "or" so that the land should not inure to any company heretofore constituted "and" organized. Now, I propose to pass it in the precise language of the original House bill, so that it shall read that the land shall not inure to any company heretofore constituted or organized. As the company to which the Senator alludes is both constituted and organized, it certainly cannot take, in any event, under this grant. Under the grant I propose by my amendment, no company heretofore constituted or organized can take the land, and it leaves it to a future Legislature of the Territory of Minnesota to provide what disposition shall be made of the grant, and all companies are cut off.

Mr. BENJAMIN. Will the Senator put in "future Legislature?"

Mr. DOUGLAS. I will, with pleasure. I so modify it in the third section.

Mr. CHASE. I would suggest to the Senator from Illinois the expediency of withdrawing this proposition as an amendment, and passing it as a separate bill after having concurred in the action of the House. The House has already taken that action, in vindication of its honor, and in vindication of the legislation of the country, which it deemed requisite. Anything less than concurrence with the House in that action would hardly be that courtesy which is due from one branch of the Legislature to the other. While there is no Senator who desires to deprive the Territory of Minnesota of the grant of land, many Senators will be constrained, both from their original principles in respect to these grants, and also from their deference to the House, to vote against this proposition as an amendment, though they would cheerfully consent to allow the Senate to take it up and pass it as an independent proposition.

Mr. PEARCE. I do not think I shall be able to agree with the Senator from Illinois. I think there is, without being able to say what the cause for it is, a stain on our legislation. I feel that it cannot be wiped away except by an un-

conditional repeal; and I believe, though I will not give my reasons for that belief, since I do not think it would be parliamentary, that this is the only way in which we can effect that purpose, and repeal the bill which has erroneously passed into law. After this amendment shall have been adopted, and the repeal effected, I shall be perfectly willing to vote for the bill of the Senator from Illinois, if he will present it as an independent proposition. Then it will be in the power of the House to do what they think proper. I think, by departing from that plan, you will, in effect, though not in form and intention, sanction the wrong which has been committed, and, therefore, make the evil double.

Mr. JOHNSON. It is evident to every one here that the character of legislation in this instance has assumed somewhat an aspect of vindictiveness. There has been irritation gotten up on this subject; and though I have no idea that gentlemen are conscious of the fact, it does carry with it something of the aspect of vindictiveness; and whenever that is the case, there is almost always something that is not right.

The Senator from Illinois proposes to enact the original bill precisely as the House passed it, and as they declare they meant. What more can they ask? The House passed the bill originally. We know very well that it is difficult to get such bills through that House. If we send this proposition back without amending it in the manner in which the Senator from Illinois proposes, and if we afterwards send a bill making a grant of land, we send it to its certain death. Is it right to act upon the interests of a people living at a distance in this manner, when they have no representative on this floor, and when we must see the result to which it will lead? Why not do what ought to be satisfactory to the House, and so far as coercion may be considered to be used in it, use the coercion which is necessary; that is to say, exercise our proper rights here to pass the bill as the House originally passed it. What more can they ask, or what more ought to be done? I cannot see that more ought to be demanded or expected in justice. It is proposed to pass the bill precisely as the House originally passed it, and as they declare they meant. When we do that, assuredly it ought to be sufficient. I hope the amendment of the Senator from Illinois will prevail.

Mr. SEWARD. It seems to me, Mr. President, that if we are under any obligation to act upon this subject at all, it is on the ground of comity to the House of Representatives. It is in the House of Representatives that this mistake has occurred; it is the House of Representatives that seeks to correct the mistake. The committee of the House has reported that no one is in fault, and it has reported one remedy as sufficient to vindicate the House. The House has dissented from its committee, and has adopted another and more extreme remedy; and if we are to act upon it at all, it seems to me it should be to allow the House, with our cooperation, to vindicate its own integrity, and the integrity of its records; and if so, they are to be the judges of what the form of this vindication should be. Therefore, it seems to me that while we should allow the bill they have sent here to pass, we should allow them also free liberty to correct the mistake, and, at the same time, as it seems to me, we could manifest adherence to our original intention, in the form in which we have once already expressed it; that is, to give the same quantity of land as before, and for the same purpose, to the Territory of Minnesota. The form in which we shall do it is not very material; but I am inclined to think that that would be the proper course, and it would be more in accordance with the spirit in which we should act towards the House. I think we should pass the repealing clause by itself, and then make the grant in a separate bill.

Mr. BROWN. If it be the temper of the Senate to pass the bill as it came from the House of Representatives, I have no objection; but if amendments are offered and adopted, I shall conceive it to be my duty to propose more amendments.

The Senate passed the Minnesota railroad bill, and passed a great many other railroad bills; but the Minnesota bill seems to be the only one which received any favor in the House of Representatives. Now, if, in the present state of this affair, we are disposed to send back the Minnesota railroad bill to the House, I know of no reason why we should not send back to them other railroad bills which we have passed. Two or three have been passed for the benefit of my State; one or two for the benefit of your State, Mr. President, [Mr. WALKER in the chair,] some for the benefit of the State of my friend from Louisiana; and some for the benefit of other States. I know not, sir, what view you and other gentlemen may take of this subject; but I know of no reason which should induce me to vote for a railroad for Minnesota which should not be equally binding upon me to vote for a railroad bill in Mississippi, Alabama, Louisiana, in Michigan, or in other States of the Union. Why this Territory should be selected out as the pet child of the nation, I am unable to understand. Now, when we have the whole matter in our own hands, I, for one, am for defeating this whole proposition, or else for inducing the House to take up the remainder of our railroad bills and pass them. They have thought proper to repeal the Minnesota bill, and send it back to us. The Senator from Illinois proposes to reinstate the original Minnesota bill, by way of amendment to that act of repeal; and if that be done, I am disposed to put my Mississippi railroad bills in the same act, as amendments, and send them to the House of Representatives, and say to them "let the Minnesota railroad bill stand as it is, or we will do nothing."

If, however, as I said in the outset, it be the temper of the Senate to concur with the House in the repeal of the Minnesota bill, and then to adopt the views of the Senator from Ohio, and reenact the Minnesota bill afterwards, as a separate measure, I, for one, will stand aloof. I shall not, however, consent to see the Minnesota bill passed a second time through the Senate, and go to the House, giving favors to that Territory, to the exclusion of all the land States in the Union. I know of no reason why my State, and half a dozen other land States, should not receive, at the hands of the Government, favors at least equal to that which you give to the Territory of Minnesota. With that view I give notice to the Senate now, that when it shall be in order, I mean to move my Mississippi land bill as an amendment to the proposition of the Senator from Illinois.

Mr. WELLER. I sincerely hope we may be able to obtain a vote now. Every Senator here must be ready to vote upon the question. If the amendment proposed by the Senator from Illinois be adopted, the effect will be to make that the law of the land, which neither branch of Congress ever intended should become a law. That will be the inevitable effect, whether the Senator from Illinois desires it or not. Such, in my judgment, must be the effect. There will be no great public loss in postponing this question till the next session. At the next session we can pass the original bill, as the House intended it should pass. In the mean time, the temper in which the House have passed this bill, clearly demonstrates that they intend to do nothing—but wipe out this law; and, under the circumstances, I am in favor of wiping it out.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Illinois to the amendment.

Mr. DAWSON. I propose to let the Senator from Illinois, if he pleases, to strike out the last section of his amendment—the one repealing the former law.

Mr. DOUGLAS. There would not be any necessity for reenacting the law, if the old one were not repealed.

Mr. DAWSON. I do not wish both to go together. I wish to separate them.

Mr. DOUGLAS. My idea is to put them both together, so as to save time and carry out the wishes of Congress, so that Minnesota shall have

the grant; but that it shall not go to certain companies.

Mr. HOUSTON. As the House have taken action on this subject, I shall vote, under the circumstances, to concur literally in the provision made by the House, and let them adjudicate their own matters which originated in that body.

The question being taken by yeas and nays upon the amendment to the amendment, resulted—yeas 15, nays 28; as follows:

YEAS—Messrs. Allen, Atchison, Bright, Brodhead, Cooper, Dodge of Iowa, Douglas, Geyer, Johnson, Jones of Iowa, Mallory, Morton, Stuart, Toombs, and Toucey—15.

NAYS—Messrs. Adams, Bayard, Bell, Benjamin, Brown, Butler, Chase, Dawson, Dodge of Wisconsin, Evans, Fessenden, Fish, Fitzpatrick, Foot, Gillette, Houston, Mason, Norris, Pearce, Pratt, Rockwell, Rusk, Seward, Slidell, Sumner, Wade, Walker, and Weller—28.

So the amendment to the amendment was rejected; and the question recurred upon the original amendment offered by Mr. PEARCE.

Mr. BROWN. After the vote which has just been taken, I shall not propose the amendment of which I gave notice.

Mr. STUART. Mr. President, I should not say a word further on this subject, for I have been desirous all day to save time, but for a suggestion from the Senator from Georgia which seemed to intimate that I was very wrong in objecting to the bill which came from the House. I endeavored to state very distinctly that my object was to have that bill referred to a standing committee of the Senate, to inquire into the facts, and to report immediately what action, in the opinion of that committee, the Senate ought to take. I thought it was not proper, without any examination at all, to repeal this act; but a decided majority of the Senate evidently think otherwise. Now, sir, I am not going to put myself in resistance to the will of the Senate. I have done enough, with what I shall do hereafter, to show the correctness and constancy of my views. But, sir, to show the propriety of this sort of legislation, I ask the attention of the Senate for a minute while I state a fact which has occurred on the civil and diplomatic bill, to show how accidents happen, and with what propriety we act upon them.

To the civil and diplomatic bill the chairman of the Committee on Commerce, of which committee I am a member, offered an amendment in the Senate, to provide for the erection of certain custom-houses and certain marine hospitals, all as one amendment. He stated so distinctly when he offered it, and the Senate voted on it as one amendment, and adopted it. The clerks of this body certified it to the other House as two amendments—one for custom-houses and the other for marine hospitals. The House of Representatives agreed to both of them; but the clerks of the House of Representatives certified to the committee of conference that the House of Representatives had disagreed to both of them, and they had it so before them to-day. Here, sir, was a clear and unqualified error, without intention and without censure—such an error as must inevitably occur when there is such confusion as we know sometimes exists here. Here was an error of the clerks of both Houses, misrepresenting the action of both Houses. With equal propriety, I think, might some Senator get up here and move to repeal the civil and diplomatic bill as to repeal the Minnesota land grant, because our own clerks have made a mistake. We see fit to say, by this bill, (and it can receive no other interpretation,) that we will sacrifice, so far as we hold the power, the interests of the people of the Territory of Minnesota because our officers have done wrong. Mr. President, that is a doctrine which, with as much respect, I apprehend, for the House of Representatives as any other Senator, I cannot make up my mind that it is my duty to vote for.

Mr. RUSK. I have uniformly voted for grants of lands for railroads. I think it is good policy. I am willing to vote for them again. But as a friend of that system of granting lands for the construction of railroads, I shall vote for the repeal of this law. It has a suspicion thrown around it. There are many charges that those laws are the result of combinations of companies. I think the only way and the best way for this interest is to repeal this law, and act fairly upon it anew.

The PRESIDING OFFICER, (Mr. WALKER.) The Chair will observe, in justification of the clerks of the Senate, that he took occasion to-day to examine, with one of the clerks, the condition

of the proposition mentioned by the Senator from Michigan, and he found that they were in fact two separate propositions, and two separate sections; one section for custom-houses and another for marine hospitals.

Mr. STUART. They may have been so certified, but the Senator from Maine, chairman of the Committee on Commerce, of which I am a member, was directed by the committee to report them as one amendment. He so reported them, and he so stated them from his seat, and they were so understood by the Senators around him. Now, I do not wish the Chair, or the Senate, or the clerks, to understand that I complain of them. I say there is no blame on account of it, but it is one of those accidents which will happen when, at the heel of a session, you are doing things by the way of what I call a stampede.

Mr. BAYARD. There is a wide difference between the two cases, however. In the case adverted to by the honorable Senator from Michigan, supposing there is an error, it is an error of slight inattention or neglect in the course of business. Without saying anything as to the motive in the other case, it was a deliberate and intended error at least.

Mr. DAWSON. I wish to ask, in justification of the clerks, whether the propositions referred to by the Senator from Michigan were not voted upon separately in the Senate.

Several SENATORS. That is out of order.

The question was taken by yeas and nays on the amendment of Mr. PEARCE, to add the following additional section:

SEC. 2. *And be it further enacted*, That the bill, entitled "An act to aid the Territory of Minnesota in the construction of a railroad therein," which passed the House of Representatives on the 20th day of June, 1854, and which was approved by the President of the United States, on the 29th of June, 1854, be, and the same is hereby, repealed;

—and resulted—yeas 36, nays 10; as follows:

YEAS—Messrs. Adams, Atchison, Bayard, Bell, Benjamin, Brodhead, Brown, Butler, Chase, Clay, Cooper, Dawson, Evans, Fessenden, Fish, Fitzpatrick, Foot, Gillette, Gwin, Houston, Jones of Tennessee, Mason, Norris, Pearce, Pettit, Pratt, Rockwell, Rusk, Seward, Slidell, Sumner, Toombs, Toucey, Wade, Walker, and Weller—36.

NAYS—Messrs. Bright, Dodge of Wisconsin, Dodge of Iowa, Douglas, Geyer, James, Johnson, Jones of Iowa, Mallory, and Stuart—10.

So the amendment was agreed to.

Mr. JOHNSON. The Minnesota land bill is about to be repealed. The advantages which were conceded by the bill in the first place, as it passed the House, and not as it stands, are now virtually repealed. It is done, I believe, under a spirit of irritation which pervaded the other House, and the general spirit of opposition to the granting of alternate sections in aid of railroads. All the people of that distant Territory are interested in this matter. We have exercised over them a guardian care hitherto. They have no voice upon this floor to defend or protect their rights. There should have been calm consideration in this matter, particularly when no individual fraud is alleged. There should have been some reference of the question to the appropriate committee, and we should have had their report before acting upon the subject. If it was necessary to have an immediate report, I trust there is sufficient confidence on the part of this body in the Committee on Public Lands to believe that they would have made an immediate report. This could have been done, but it was not. The fever that has raged in the House has reached this body, and the friends of the system of alternate sections have turned the cold shoulder to it. They have struck it a blow; and I cannot refrain from saying, Mr. President, that I believe they have struck down the last hope of the new States, and I fear we shall get no more grants of this character. There is now amongst those who advocate the policy of this class of measures, a war, which must afford high gratification to those who have so bitterly opposed everything like relief to those who have suffered beneath the curses of your whole public land system. That is the way in which the matter stands. Now, sir, I have nothing more to say so far as I am concerned; no constituents of mine suffer by this act; but I wish to call attention to the fact, that a people who have no voice on this floor to defend or protect them, are the victims of this policy. I think it is a piece of bare naked injustice.

The bill was reported to the Senate, as amended, and the amendment was concurred in, and

ordered to be engrossed, and the bill to be read a third time. The bill, as amended, was read a third time, and passed.

Mr. PEARCE. I move to amend the title, by adding "and for other purposes."

Mr. GEYER. I should like to have the title amended so as to indicate the objects of the bill, and that can be done by adding: "and to repeal the act to aid the Territory of Minnesota in the construction of a railroad therein;" so that when persons read the title of the act, they will know what it contains.

Mr. PEARCE. Very well; that can be done by unanimous consent.

Mr. WELLER. I propose that we change the order of the sections of the bill. Let the repealing section come first, and then the pension. I do not like this putting the cart before the horse.

The PRESIDING OFFICER. That cannot be done, as the bill has been passed. The question now is on amending the title, as proposed by the Senator from Missouri.

The amendment was agreed to; and the title, as amended, was adopted.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by Mr. WEBSTER, his Secretary, announcing that he had, this day, approved and signed the following acts:

An act granting the right of way over, and depot grounds on, the military reserve at Fort Gratiot, in the State of Michigan, to the Port Huron and Lake Michigan Railroad Company; and

An act for the relief of Jonas P. Levy and José Maria Jarrero.

RELATIONS WITH SPAIN.

Mr. MASON, from the Committee on Foreign Relations, to whom was referred the message of the President of the United States of the 1st of the present month, in reply to the resolution of the Senate, asking information "whether anything has arisen since the date of his message to the House of Representatives of the 15th March last, concerning our relations with the Government of Spain; which, in his opinion, may dispense with the suggestions therein contained, touching the propriety of 'provisional measures' by Congress to meet any exigency that may arise in the recess of Congress affecting those relations," reported that the committee entirely concur with the President in the declaration contained in his message to the House of Representatives, and reiterated in his message to the Senate, that "in view of the position of the Island of Cuba, its proximity to our coast, the relations which it must ever bear to our commercial and other interests, it is vain to expect that a series of unfriendly acts, infringing our commercial rights, and the adoption of a policy threatening the honor and security of these States, can long exist with peaceful relations;" and are satisfied that, whatever measures may be found necessary to insure the future security and repose to the country, (menaced from the quarter indicated,) and to vindicate the honor of our flag, will be adopted by Congress. An earnest hope, both on the part of the President and of Congress, that the difficulties with Spain, referred to in the message, would have been adjusted before the termination of the present session by an amicable arrangement, has, as it would appear, caused both to forbear, until but a short interval remains between the close of the present and the stated commencement of the next meeting of Congress.

The full repatriation that has been demanded by the Executive, with adequate guarantees for the future, will alone satisfy the just expectations of the country; and the committee would not hesitate to recommend the "provisional measures" suggested by the President, to be executed by him in the recess of Congress, even under the difficulties of maturing them when the close of the session is already at hand, were the interval to be long before the next meeting of Congress. As that will be, however, but of four months' duration, they have deemed it better, on the whole, to leave the subject, as it is at present, with the Executive. Should the occasion unfortunately render it necessary, it must, of course, occupy the earliest attention of Congress at its next meeting. And for the above reasons the committee ask to be discharged.

The committee was discharged from the further consideration of the subject, and the report was ordered to be printed.

NAVAL APPROPRIATION BILL.

On motion by Mr. GWIN, the Senate resumed the consideration of the bill making appropriations for the naval service for the year ending 30th of June, 1855, the pending question being on the amendment of Mr. MALLORY to provide a retired list.

Mr. MALLORY called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 29, nays 13; as follows:

YEAS—Messrs. Bell, Benjamin, Bright, Brodhead, Brown, Chase, Dodge of Wisconsin, Dodge of Iowa, Douglas, Fessenden, Fish, Foot, Gillette, Gwin, Houston, James, Jones of Iowa, Jones of Tennessee, Mallory, Mason, Rockwell, Rusk, Sebastian, Seward, Slidell, Sumner, Thomson of New Jersey, Walker, and Weller—29.

NAYS—Messrs. Adams, Allen, Clay, Cooper, Dawson, Evans, Geyer, Morton, Norris, Pettit, Stuart, Toombs, and Toucey—13.

So the amendment was agreed to.

Mr. MALLORY. I have another amendment:

And be it further enacted, That naval pursers shall hereafter be styled paymasters, and all laws, rules, and regulations applying to pursers shall apply to them as paymasters: *Provided,* That this change of name shall not be held to affect their pay, rank, or duty.

That is simply a change in the name of a grade of officers. No money or interest is concerned in it one way or another.

Mr. SLIDELL. I think this is very idle legislation. We all know what pursers are. I cannot conceive the necessity for this.

The amendment was agreed to.

Mr. MALLORY. I offer the following:

And be it further enacted, That the two general orders of the Secretary of the Navy, dated August 31, 1846, and May 27, 1847, upon relative rank, shall have the force and effect of law.

That is to legalize the relative rank of pursers and surgeons in the Navy as it now exists. It is deemed to be necessary in consequence of an opinion of the Attorney General that it is a matter coming within the cognizance of Congress, and not that of the Secretary of the Navy.

The amendment was agreed to.

Mr. MALLORY. I have one other amendment:

And be it further enacted, That the pay of the boat-swains, gunners, carpenters, and sailmakers of the Navy, shall be as follows: On leave or waiting orders, per annum, \$600; shore duties, per annum, \$700; sea service, per annum, \$900; and an addition of two per centum upon the foregoing rates for every year's sea service, and an addition upon sea pay of ten per centum when serving in ships with four hundred men, and twenty per centum when serving in ships with nine hundred men.

The amendment was agreed to.

Mr. GWIN. I hope the bill will now be ordered to its third reading.

Mr. JONES, of Tennessee. It is now in the Senate, and I have an amendment to offer. I propose to strike out the clause appropriating \$13,400 for the navy-yard at Memphis, and to insert the amendment which I offer in these words:

And be it further enacted, That all the grounds and appurtenances thereto belonging, known as the Memphis navy yard, Shelby county, Tennessee, be, and the same are hereby, ceded to the mayor and aldermen of the city of Memphis, for the use and benefit of said city; and that the Secretary of the Navy order the commandant of the said navy-yard at Memphis to surrender to the mayor of Memphis said property.

Gentlemen have said that it was nonsense to have this navy-yard. I hope the Senators from Maryland, [Mr. PEARCE,] Missouri, [Mr. ARCHISON,] and Georgia, [Mr. TOOMBS,] will vindicate the amendment.

Mr. TOOMBS. I understand from the Senator from Tennessee that the grounds were given for this purpose by the city of Memphis. If that be so, believing that it is unwise in the Government to appropriate them for any such purpose, I will return them with a great deal of pleasure, so far as I have power.

Mr. JONES, of Tennessee. In order to satisfy the Senator, I propose to read from a report of the Committee on Naval Affairs.

Mr. GWIN. Oh, no! We will take it for granted.

Mr. JONES, of Tennessee. I wish to stand right about the facts; and I shall hold the Committee on Naval Affairs, and especially the Senator from California, [Mr. GWIN,] responsible for them. Here is an extract from a report made by that Senator from the committee two years ago:

"By the act of 15th June, 1844, Congress authorized the selection and purchase of a site for a navy-yard and depot at Memphis, the language of said act being as follows:

"That the President of the United States be, and he is hereby, authorized to select and purchase a site for a navy-yard and depot at the city of Memphis, and to erect such buildings, and make such improvements thereon, as may be necessary for the construction and repair, and for the accommodation and supply of vessels of war of the United States; and that the President is authorized and empowered to purchase any water-rights which may be necessary to propel the machinery appertaining to said navy-yard; and which may be useful in the operations of said navy-yard; and that he be further empowered to receive any donations of lands water rights, or rights of way, which the authorities of the city of Memphis, or any other body-corporate, or any person or persons, may deem proper to make or grant to the Government of the United States; and that the sum of \$100,000 be appropriated;" &c.

"In pursuance of this law, a site was selected within the city of Memphis, by a board of officers duly appointed for that purpose. A number of private lots, and a large portion of the 'public landing,' and of several streets and alleys, were included within the limits of the site thus selected for the navy-yard and depot. These private lots were sold by the owners to the corporation of Memphis, at a price believed to have been very inadequate; and the said corporation, with the consent and approval of the citizens, in public meeting assembled, conveyed the whole property to the United States, without demanding anything more than the cost of the private property which had been purchased as aforesaid. The motive for this liberality on the part of the citizens and public authorities of Memphis, was to secure to that city the advantages of such a naval establishment as had been provided for in the law above quoted. For the same reason, the Legislature of the State surrendered jurisdiction over the premises to the United States."

That was the report of the committee two years ago. If that is nonsense, just give it back to us, and let us have it.

Mr. GWIN. The first question is on striking out the appropriation for the navy-yard at Memphis entirely.

The PRESIDING OFFICER, (Mr. WALKER.) Will the Senator from California allow the Chair to make a suggestion? The Senator from Tennessee proposes to strike out a certain part of the bill, and then comes up his amendment to insert, as follows: "that all the grounds and appurtenances thereto belonging," &c. "Thereto," points to something previous.

Mr. GWIN. Belonging to the navy-yard at Memphis. I suggest to the Senator that he should let it be an additional section.

Mr. JONES, of Tennessee. I do not desire the Congress of the United States to make an appropriation for the navy-yard, and then give it away. My proposition is to strike out the appropriation for the navy-yard. Strike that out, and then I shall offer this as an additional section.

Mr. GWIN. That is it. The first question is on striking out the appropriation.

The PRESIDING OFFICER. The Chair wishes to call the attention of the Senator from Tennessee to the reading of what he proposes to insert in the bill. It is a separate section: "that all the grounds and appurtenances thereto belonging, known as the Memphis navy-yard, Shelby county, Tennessee." Then it is not designed to be attached to any other part of the bill.

Mr. JONES, of Tennessee. My purpose is to strike out the appropriation for the navy-yard at Memphis; and then I shall move that as a separate and additional section.

Mr. GWIN. Then the Senator must add "the navy-yard at Memphis," because that is not in the amendment.

Mr. JONES, of Tennessee. Of course that is in it.

The PRESIDING OFFICER. The question then is on striking out the following clause:

Memphis, Tennessee.—For excavation and embankment, smiths' shop, store-house, and repairs of all kinds, \$13,400.

The motion to strike out was agreed to.

Mr. GWIN. Now, the question is on the additional section.

The PRESIDING OFFICER. The question now arises on the amendment offered by the Senator from Tennessee, in the form of an additional section.

The amendment was agreed to.

Mr. BELL. The bill is now in the Senate. I renew the proposition which was rejected when it was before the Senate as in Committee of the Whole:

Provided, That the accounting officers of the Treasury, in settling the accounts of the late navy agent at Memphis, shall not deduct the sum of \$2,964 59, received by him, and passed to his credit on the books of the Treasury Department, from his salary as acting purser, provided for by the act making appropriations for the naval service of the country for the year ending the 30th of June, 1853.

I propose not to say a word upon the subject,

unless some gentleman chooses to discuss it further. If that should be done I shall think it due to read the law in regard to it.

The amendment was agreed to—ayes nineteen, noes not counted.

Mr. MASON. I wish to offer an amendment to the bill to provide for the introduction of gas into the navy-yard at Portsmouth, Virginia. I understand it has met the approbation of the committee, and is recommended by the head of the Bureau.

Mr. GWIN. I have no objection to that.

Mr. MASON. The amendment will be in the following clause:

Norfolk, Virginia.—For brick saw-sheds, completing store-house No. 14, sheds and machinery for saw-mill, setting up engine, boilers, and machinery, culvert, continuation of quay walls, dredging channel, reservoir, commencing foundry, and machinery for the same, extension of ship-house and slip, and repairs of all kinds, \$152,281.

To insert after "slip" the words "gas fixtures and pipes for lighting ground and building," and to make the appropriation, \$162,281.

The gas has been introduced into the town. The object of the amendment is to introduce it into the navy-yard and the large public building there.

The amendment was agreed to.

The amendments were then ordered to be engrossed, and the bill ordered to a third reading. It was read a third time, and passed.

ENROLLED BILLS SIGNED.

A message was received from the House of Representatives, by Mr. FORNEY, their Clerk, announcing that the Speaker had signed the following enrolled bills and joint resolution:

An act to constitute Pilatka and Bayport, in the State of Florida, ports of delivery respectively, and Keokuk and Dubuque, in the State of Iowa;

An act making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes;

An act for the relief of William J. McElhiney, E. T. Matthews, and Lawrence Cribben;

A joint resolution for the relief of brevet Captain J. H. Lendrum; and

An act for the relief of Mrs. Helen McKay, widow of the late Colonel Aeneas McKay, deputy quartermaster general of the United States Army.

Which were thereupon signed by the President *pro tempore*.

EXTENSION OF THE SESSION.

Mr. STUART. I placed on the table yesterday a resolution for the purpose of extending this session if it should become necessary. I have been appealed to by several Senators to call it up, and let be disposed of. I should like to do so at this time, prefacing it simply by saying that, individually, I have no solicitude about it. I have been informed by the Committee on Enrolled Bills, that it will perhaps be impossible, or very difficult, some say impossible, for them to read all the enrolled bills between this and the time fixed for adjournment. I only want to take up the resolution, and let the Senate dispose of it as they think proper. The time has arrived, when, if anything is to be done, it should be disposed of.

Mr. GWIN. I am informed that the House have acted upon this question, and have refused to extend the time. I hope the Army appropriation bill will be taken up.

The PRESIDING OFFICER. The motion of the Senator from Michigan is first in order. The resolution was introduced yesterday, and the question is on taking it up.

Mr. GWIN. I hope it will not be taken up.

Mr. PETTIT. We had better exercise a little calmness and caution in what we are doing. I am informed, and I do not doubt its truth, that if the bills which we must necessarily pass before we adjourn, were at this hour in the hands of the clerks in the Secretary's office, they could not be enrolled by twelve o'clock to-morrow.

Mr. GWIN. Who is your informant?

Mr. PETTIT. That is what I feel under no obligation to answer, although desiring to be very polite in that.

Mr. GWIN. I am utterly opposed—

Mr. PETTIT. I believe I have the floor. If the Senator has it he can proceed to talk. We have legislative business which must be acted upon; we must have an Executive session for

the ratification of one more treaty—I think that will take but a short time—and for the confirmation of a few more appointments; and it is certain that we cannot, without leaving everything in perfect confusion and chaos, adjourn at twelve o'clock to-morrow. We ought, therefore, to extend the session until Monday at twelve o'clock. That will give time enough, in my opinion. I am satisfied, notwithstanding the House has refused to extend the time, that if we send them a resolution with a discreet committee, if it be necessary, they will accede to it. The House is composed of reasonable, sensible men; and it seems to me that we should, to save ourselves and the country from disgrace and ruin, rescind the adjournment resolution so far as to extend the session to Monday, noon.

Mr. SEWARD. I have a speech to make on this subject in three words. I ask for the yeas and nays on the resolution.

Mr. PRATT. I rise to a point of order. The question is simply whether the Senate will take up the resolution?

Mr. CLAY. It has been taken up.

Mr. PRATT. I do not so understand it.

The PRESIDING OFFICER. The Chair will put the question. Will the Senate proceed to the consideration of the resolution?

Mr. GWIN. And on that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CLAY. I wish to state to the Senate that I am one of the members of the Committee on Enrolled Bills, and that I concur fully in what was said by the Senator from Indiana, [Mr. PERRIN.] I do not believe we can possibly get through by twelve o'clock to-morrow. We cannot read over the bills.

The question being taken by yeas and nays, resulted as follows:

YEAS—Messrs. Allen, Atchison, Brodhead, Brown, Butler, Cass, Clay, Dawson, Dodge of Iowa, Douglas, Foot, Houston, Hunter, Jones of Iowa, Jones of Tennessee, Mallory, Morton, Norris, Pettit, Rusk, Sebastian, Seward, Thomson of New Jersey, Toucey, Walker, and Weller—27.

NAYS—Messrs. Adams, Bayard, Bell, Benjamin, Bright, Chase, Cooper, Evans, Fessenden, Fish, Fitzpatrick, Geyer, Gillette, Gwin, Johnson, Pratt, Rockwell, Seward, Slidell, Sumner, Thompson of Kentucky, Toombs, and Wade—23.

So the motion was agreed to; and the Senate proceeded to consider the resolution; which was as follows:

Resolved, (the House of Representatives concurring,) That the time fixed by the resolution of the 1st July, for the adjournment of the present session of Congress be, and the same is hereby, extended to—the instant, at twelve o'clock meridian.

Mr. STUART. I move to fill the blank by inserting "Monday next, the 7th instant."

The amendment was agreed to; and the question recurred on the resolution, as amended.

Mr. PRATT. The simple result of the adoption of the resolution will be that we shall sit all Sunday night instead of to-night. Under it we shall adjourn on Monday. We shall meet to-morrow and Saturday, and sit here all Saturday night and Sunday.

Several SENATORS. Oh no.

Mr. PRATT. There will be no other result from it. We have experienced it heretofore. I hope the resolution will not be adopted.

Mr. CLAY. I trust, if the resolution is not adopted, that those Senators will assist us who are engaged in reading the bills.

Mr. TOOMBS. We agreed, about a month ago, that this session of Congress should close to-morrow. We have plenty of time in which to dispose of the public business. The idea of the Senator from Indiana, that we cannot get through the appropriation bills, is a mere idea. A few years ago three or four of the most important appropriation bills were not taken up in the Senate, on account of their eagerness to pass the internal improvement bill, until nine o'clock of the day on which the adjournment was to take place at twelve o'clock, and they were accomplished. They were all engrossed; and Mr. President, a bill appropriating public money never yet failed to get through for want of labor to work it out. This Government has been in existence seventy years; and if it stands seven hundred years, those bills will never fail. They will all get through. There will be plenty of labor and of time. The lobby will come and volunteer, without pay, to carry

them through. As to the Senate and House getting ready, they may sit here until Monday, or the Monday after, or the Monday after that; they may sit here until the angel stands with one foot upon thesea and the other upon the land, and proclaims the end of time, and then they will not be ready to adjourn any more than they will be to-morrow at twelve o'clock. I hope the Senate will adhere to its own order. As to the ten million dollar appropriation, we have had the question up for three months; the House of Representatives would not agree to it; there is no necessity for it, none in the world. We have no speck of war; there is no danger of anybody attacking us. The appropriation bills could be passed, and we could leave for home in six hours. There is no necessity for the resolution. We can adjourn to-morrow at twelve o'clock just as readily, and do the business as well, as two months hence; and the result will be the same as I have said. As for being ready, you never will be ready. You never were ready. Nobody was ever done with legislative business. It is an eternal, perpetual business.

The PRESIDING OFFICER. The question is on the adoption of the resolution.

Mr. PRATT and Mr. TOOMBS called for the yeas and nays; and they were ordered, and taken—yeas 24, nays 23; as follows:

YEAS—Messrs. Allen, Atchison, Brown, Butler, Cass, Clay, Dodge, of Iowa, Douglas, Foot, Houston, Hunter, Jones of Tennessee, Mallory, Mason, Morton, Norris, Pettit, Rusk, Sebastian, Seward, Thomson of New Jersey, Toucey, Walker, and Weller—24.

NAYS—Messrs. Adams, Bayard, Bell, Benjamin, Bright, Chase, Cooper, Dawson, Evans, Fessenden, Fish, Fitzpatrick, Geyer, Gillette, Gwin, Johnson, Pratt, Rockwell, Seward, Slidell, Sumner, Toombs, and Wade—23.

So the resolution was agreed to.

EXECUTIVE SESSION.

Mr. SEBASTIAN. It is necessary at this stage of the business that the Senate should go, for a brief period, into Executive session. The Army appropriation bill, of course, will be next taken up; and before that is done, we should consider Executive business, which will not occupy more than five minutes. I therefore move that the Senate proceed to the consideration of Executive business.

The motion was agreed to—ayes 22, noes 10.

The Senate accordingly proceeded to the consideration of Executive business; and, after some time, the doors were reopened.

POST OFFICE BILL.

A message was received from the House of Representatives, by Mr. FORNEY, their Clerk, announcing that the House had agreed to some and disagreed to other amendments of the Senate to the bill making appropriations for the service of the Post Office Department, during the fiscal year ending the 30th of June, 1855.

Mr. HUNTER. I move that the Senate insist on their amendments to the bill, disagreed to by the House, and ask a committee of conference on the disagreeing votes of the two Houses. On that committee I do not wish to be placed.

The motion was agreed to.

On motion by Mr. HUNTER, it was

Ordered, That the managers on the part of the Senate be appointed by the President *pro tempore*: and Mr. NORRIS, Mr. RUSK, and Mr. MORTON were appointed.

ENROLLED BILLS SIGNED.

The message from the House also announced that the Speaker had signed

An act for the relief of Daniel Steenrod; and

An act to establish certain post roads.

The President *pro tempore* signed these bills.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill from the House, "making appropriations for the support of the Army for the year ending the 30th of June, 1855;" which had been reported from the Committee on Finance with amendments.

The first amendment was in the clause, "For subsistence in kind, \$1,028,497;" to make the appropriation, \$1,285,621 25.

Mr. HUNTER. That is according to the estimate of the Secretary of War.

The amendment was agreed to.

The next amendment was to strike out the following proviso:

Provided, That so much of all laws heretofore passed which authorize the appointment of military officers to su-

perintend the operations at the national armories be, and the same is hereby, repealed; and from and after the passage of this act, it shall be the duty of the President of the United States, by and with the advice and consent of the Senate, to appoint a competent and well qualified civilian as superintendent at each of said armories.

Mr. WELLER. That, I believe, is a question upon which the Senate committee equally divided. I shall have to ask for the yeas and nays upon it. I understand that the House have agreed to a provision placing the superintendence of these armories under civil administration. The Committee on Finance propose to strike that out. I ask for the yeas and nays upon the amendment.

Mr. JONES, of Tennessee. I am in favor of striking out that proviso; and, as the best argument I can make, I send to the Secretary, and ask to have read, a letter from the War Department, in response to an interrogatory of the Committee on Military Affairs.

The Secretary read as follows:

WAR DEPARTMENT,
WASHINGTON, July 26, 1854.

SIR: I have had the honor to receive your letter of the 25th instant, informing me that the Army appropriation bill has come to the Senate from the House of Representatives, with a proviso requiring the removal of the ordnance officers from the armories, while those works are still continued under the direction of the Colonel of Ordnance, and requesting my opinion of the effect of the proposed change in the law, and, in particular, whether the Department will experience any serious difficulty in executing the two laws in regard to the control and government of the armories.

In reply I have the honor to say, that there will be found that difficulty, in the operation of the two laws which your letter indicates. The one interposes a civil superintendency between the Colonel of Ordnance and the armories, in order to remove the military control; while the other law requires the military department to continue to exercise the control. Formerly, when civil superintendents were placed over the armories, the direct and efficient control of the armories was, by law, vested in the military department to which they belonged. The new law will create a difficulty which, to me, appears practically insurmountable.

It is the decided and repeatedly declared opinion of this Department, founded on the results of actual experience, that the enactment of the proviso which has passed the House, will seriously impair the efficiency and utility of the national armories. The law, as it now stands, proscribes no class, but authorizes the President to select persons for the control and management of the public armories, from civil or military life, and affords the greatest possible latitude for proper selection. But, if it shall be determined by law that the public manufactories of arms for the military service ought not to be under the direction of military officers, then I respectfully suggest, that those establishments ought not to be continued under the authority of a military department, but made independent of it as a branch of the civil service. The national armories, as now conducted, have been, and I think will be, highly useful establishments; but if they are to become the objects of class legislation and partisan conflict, I believe it would be better to discontinue them, and to procure arms for the military service from private armories, by contract.

I am, however, as assured in the opinion that the munitions of war ought to be provided at public armories, under the direction of military officers, as that forts, arsenals, navy-yards, and dock yards, belonging to Government, ought to be controlled and administered by the officers of that department of the public service with which they are naturally connected. It is not necessary under such organization—it is not true that the hired mechanics and workmen now employed at the armories are subject to military law, or restrained of any of their civil rights. Only the officers and enlisted men of the Army are subject to military law. The mechanics hired at all public works, engage only for such term as they please, and leave the service whenever it suits them. That the service is not a hard one is evidenced from the eagerness with which it is sought. In this respect, the nature of the control exercised by the military officers is the same at the armories as it is at the arsenals, in the navy yards, on the fortifications, the works of internal improvement, and wherever hired mechanics engage to execute any work for the military service.

I have serious doubts if the continuance of the armories in the manufacture of muskets is at this time desirable. We have now six hundred thousand stand of small arms in the United States arsenals, and a large number have been distributed to the States. The many changes and improvements in fire arms render it unadvisable to accumulate a very large number of one model, and the discovery of weapons of greater range than muskets, make it doubtful if the musket will continue to form the principal weapon for foot soldiers.

In conclusion, I would ask, why should the national armories have been specially selected as trusts for which a soldier is unworthy? It is not there alone that mechanics are employed in constructions and manufactures for the military service under officers both of the Army and of the Navy. It cannot be because the military profession implies ignorance of arms, or leads to carelessness in their manufacture.

I believe the proposed exclusion of officers of the Army from the right to be selected as superintendents of the national armories, to be a discrimination unmerited by their conduct in peace and in war, uncalculated for by considerations for the public good, and probably detrimental to the efficiency of our military weapons.

Very respectfully, your obedient servant,

JEFF. DAVIS, Secretary of War.

Hon. JAMES SHIELDS, Senate.

Mr. JOHNSON. I will ask the Senator from

Tennessee, who has caused this communication from the War Department to be read, whether this matter has been up for consideration before the Committee on Military Affairs at all or not?

Mr. JONES, of Tennessee. In reply to the Senator from Arkansas, I will state to the Senate that the Senator from Illinois, the chairman of the committee, [Mr. SHIELDS,] the Senator from California, [Mr. WELLER,] and myself met, according to order, I think on Monday last. I am not sure as to the day. The three of us concurred in support of this proposition. Since that time the Senator from Illinois has been called away by the sickness of one of his colleagues in the other House; and I believe every day since we have had a called meeting of the committee, not one of whom was there except the Senator from California and myself. We refused to report any proposition which was before us, unless we were satisfied that a majority of the committee approved it. The Senator from Georgia [Mr. DAWSON] concurs with us in this proposition. Having had no majority of the committee present, after the Senator from Illinois left, we agreed to refer the communication of the Secretary of War to the Senate. We have had two or three meetings, but there was nobody there but the Senator from California and myself.

Mr. JOHNSON. It is by the action of the Finance Committee, I understand, that this amendment is brought forward.

Mr. JONES, of Tennessee. Not at all; by the Committee on Military Affairs.

Mr. GWIN. The Committee on Finance move to strike out the proviso.

Mr. JONES, of Tennessee. As I understand it, this proviso comes from the House of Representatives, and the Finance Committee propose to strike it out. As many of the Committee on Military Affairs as were present instructed me to deliver to the Senate the communication of the Secretary of War in response to the interrogatory propounded by our chairman, I have done so. That is all the connection we have had with it.

Mr. JOHNSON. What I wanted to know was, how the matter got before the Committee on Military Affairs?

Mr. HUNTER. It is an amendment reported by the Committee on Finance, undoubtedly.

Mr. JOHNSON. Well, sir, this matter comes up here now in the last hours of the session. I hope and trust that the provision which has been made by the House of Representatives will not be altered or changed. We have a letter from the War Department before us. It is on one side of the matter, and that is all that we have. I can state, what perhaps is familiar to the whole Senate, that this subject has been before the House of Representatives for certainly more than one session; that it has had long and deliberate consideration there; that it has undergone repeated debate; that there have been many facts collected upon it; that full reports have been made in regard to it; and after mature, long, and deliberate consideration, this is the action which has been had there. I believe the consideration that can be given to it by the Senate will amount to less than nothing. Certainly it will amount to nothing in regard to the investigation to be made by this body, of the amount of facts that can be brought before it properly now. It is a question as to whether military supervision should be extended over employments that are purely civil. I believe the military ought to be restricted to their own peculiar duties, and kept in their proper province, and clear of the politics of the country. I think that we ought to keep them out of civil employments, and leave it to civilians to perform the duties of civilians. I hope the Senate will reflect thus much at least in agreeing to the amendment; that it will be a work in direct opposition to, and in destruction of, what has been the result of the long and mature deliberation of the House; and that, if done at all, it will be done by us without consideration.

Mr. BRODHEAD. Although this is not a proper occasion for much debate, yet I have a few words to say in reply to the Senator from Arkansas. While this has not been debated in the Senate, it has been much considered in the House of Representatives. It got into that body. They have had much to do with it. They have had a long and tedious investigation about—what? Why, sir, to ascertain whether the superintendents of

the two armories should be military men or civilians. That is the whole subject. How does the law now stand? And what is the provision which the proposition now under consideration proposes to repeal? Under the existing law, the President of the United States has the right to select the two superintendents of our armories either from the civil or military list; and why should he not have that right? Is it not consistent with the provision of the Constitution conferring upon him the appointing power? The honorable Senator from Arkansas says that this is purely a civil employment. How does that happen? Who is more competent to judge as to the quality of an arm to be used in the military service, than a military man? It is an employment which requires a certain amount not only of military but mechanical knowledge. Where can you find any mechanic in the country who has sufficient, or any reasonable degree of, military knowledge?

Mr. JOHNSON. If my friend will allow me, I will ask him what amount of military knowledge is necessary for a man to make a musket, or any other weapon that has to be made?

Mr. BRODHEAD. The man who is to use the weapon is most likely to know what kind of an arm should be made. Mechanics are employed in most of the branches of the military service. They are employed in fortifications. Does the honorable Senator from Arkansas say that our fortifications should be constructed by men from the civil list? Mechanics are employed in the Army generally. A gratuitous cry has been got up by some gentlemen in relation to this matter, and a collision attempted to be produced between the military men and the mechanics of the country. The great body of the mechanics have nothing to do with the question. They care but little about it. They are attending to their own business at home, and not coming here for the purpose of seeking Government employment. I might say much more, Mr. President, upon this subject, but I know the impatience of the Senate to proceed to business, and therefore desist.

Mr. BAYARD. I am entirely in favor of the amendment. As the bill comes to us from the House, it disfranchises the officers of the Army from holding the office of superintendent of our armories, the duties connected with which they ought necessarily, from their profession, to be well acquainted with. I do not mean to say that every officer of the Army would be fit to superintend the manufacture of arms; but I do mean to say that there are many who would be; and I can see no principle, unless it is the jobbing principle, which should induce you to restrict the Executive authority in the selection of a man for the superintendency of the national armories, on account of the occupation of the party. I know nothing in the character of our officers, which should disqualify them entirely *en masse* for such duties. I think with the guardianship of the Senate over the employment, by way of confirmation of the selection, the President ought to be left free to select any citizen of the United States for the performance of the duties, whether he be an officer of the Army or not. I can see no reason for the provision sent to us by the House unless it is to multiply civil offices with a view to increase the patronage of the General Government. I can see no other effect of it, and I am utterly opposed to it in principle—so strongly opposed to it, that I would hazard the bill, as far as my vote is concerned, if the House should insist on it. I do not believe they would do so. I have often seen measures adopted by an apparent majority, and when the Senate made an amendment, it has been disposed of much more easily than it was supposed it would be.

This question has been before the Senate as well as before the House. It may be perfectly true that the commission which was sent out, found that the incumbents had or had not conducted the affairs of these armories properly; but that is nothing as to the general rule of military or civil superintendence. The House knows no more about it than we do. The question was before the Senate, and discussed at a former session, and the majority were then in favor of the propriety, in general, of military superintendence. If it were proposed to leave the selection to the President, to take either a civilian or an officer of the Army, I should not object to it; but the effect of the bill, as it passed the House, is to exclude

the selection by the President. Sir, it may be well questioned—I do not say as strictly a constitutional question; but certainly, in the intent and spirit of the Constitution, it may be well questioned—with what propriety you undertake to disfranchise an officer of the Army, and say that he shall not be appointed to a particular situation, when that situation is necessarily connected with the performance of his duties. The officers ought to be acquainted certainly with arms—with their utility. They ought to be able to judge of the manufacture of an arm, and to say whether it is a good and useful one or not. There is nothing in the character of the soldier, nothing in his education as we educate our officers, that would disqualify him from having mechanical genius, and being able to superintend mechanics. Looking at the provision of the bill, as it came from the House of Representatives, as I do, I consider it nothing more, I was going to say, than what is called a Bunccombe provision; and I mean to go against everything of that kind.

Mr. TOUCEY. I do not rise to debate this question. It was before the Senate on a former occasion, and it resulted in authorizing the appointment of a commission to investigate and report upon it. A very able commission—the names I need not repeat—was sent, and they have reported in favor of civil superintendence.

The construction of arms is a mechanical employment. It is understood most perfectly by mechanics. If you will go into the establishments for the manufacture of fire arms which are under the superintendence of mechanics, you will there see their superiority. Your own establishments, under military superintendence, are behind them. I am, therefore, sir, in favor of concurring in this provision of the House of Representatives. I say that this employment belongs to the mechanical profession. If the mechanics of the country are not competent to do this business, I have yet to learn it. The measure is right, and I will say it is irresistible. I hope, therefore, the Senate will not agree to the amendment of the Committee on Finance.

Mr. MASON. This question was before the Senate at the last session on a proposition to amend the Army appropriation bill, with a view to abolish the military superintendence of the armories, and place them under civil superintendence by the action of Congress. From the consideration which I could give to the question thus brought before us, I voted, according to my recollection, upon the direct proposition to change the mode of superintending the armories from military to civil. I doubted about the vote at the time I gave it. The consideration of the subject resulted, however, in the Senate making an amendment to the bill which I will now read. At the last session, in 1853, this proviso was put in the Army appropriation bill:

"That the act of Congress be so modified that the President may, if, in his opinion, the public interest demand it, place over any of the armories a superintendent who does not belong to the Army; and in order to enable him to decide to his satisfaction, he is hereby authorized to cause the necessary and proper inquiries to be instituted through the medium of a commission of civilians and military men, with the view of ascertaining which of the two systems is more economical, efficient, and safe for the management of the public armories—that formerly existing under the superintendence of civil officers, or that now existing under the superintendence of officers of the Ordnance Department."

The President raised that commission—the one spoken of by the Senator from Connecticut, [Mr. TOUCEY.] They made their report, as I have been informed. I have never read it. I have been informed that it is a very voluminous one. They made it to the President. The President has not thought proper to change the mode of the superintendence. The armories are left now in charge of the military, as they were before. The letter of the Secretary of War, which has just been read to us, I presume, may be taken as the exponent of the President's opinion on the matter thus submitted to his discretion. Now, having so legislated twelve months ago, and having left it to the President to determine, I am unwilling to disturb it. I can form no private judgment in the matter. As long as it is the policy of the Government to manufacture their own arms, the Executive must be responsible for the management of the armories. The honorable Secretary has said in terms that if you cannot leave the Executive responsible for the manufacture of the

arms, but take from him his discretion, they never will be done right.

I have wished only to state to the Senate why it is I cannot go now to change the determination to which Congress came at the last session. To have the arms properly made, they must be under the superintendence of the Executive, and we cannot change the responsibility in the mode proposed.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. FORNEY, their Clerk, announcing that they had concurred in the resolution of the Senate for suspending the 16th and 17th joint rules of the two Houses for all bills which have been passed, or which may be passed during the present session.

Also, that they had passed the following bills; in which they requested the concurrence of the Senate:

An act to repeal the first proviso in the fourth section of the act entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved September 28, 1850; and

An act for the relief of the legal representatives of John Putnam.

THOMAS BRONAUGH.

The message also announced that the House of Representatives had agreed to the amendments of the Senate to the bill for the relief of Thomas Bronaugh.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker had signed the following enrolled bills:

An act to constitute Cairo, in the State of Illinois, a port of delivery;

An act to authorize the State of Wisconsin to select the residue of the lands to which that State is entitled under the act of 8th August, 1846, to aid in the improvement of the Fox and Wisconsin rivers;

An act to authorize the State of Illinois to select the residue of the lands to which she is entitled under the act of 2d of March, 1847, granting lands to aid that State in opening a canal to connect the waters of the Illinois river with those of Lake Michigan;

An act to vest in the several States and Territories the title in fee of the lands which have been or may be certified to them;

An act authorizing the extension of the Alexandria and Washington railroad into the District of Columbia, and conferring certain privileges on the Baltimore and Ohio Railroad Company;

An act for the relief of Sylvanus Culver;

An act to amend the provisions of the fifty-sixth section of the act entitled "An act to regulate the collection of duties on imports and tonnage," approved 2d of March, 1799;

An act constituting San Pedro, in the State of California, a port of entry and delivery; and

An act to incorporate the National Hotel Company of Washington City.

The PRESIDENT *pro tempore* signed the above named bills.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the Army appropriation bill.

Mr. BRIGHT. The honorable Senator from Delaware, [Mr. BAYARD] seemed to read the amendment now before the Senate as a denial of the right of the President to select either civilians or officers of the Army to perform the services required. I do not so understand it. As the provision came from the House, it was an absolute denial, so far as it regarded the right of the President to employ any other than civilians. The Committee on Finance propose to give the President discretionary power, so that he may take either civilians or military men. How that can be tortured into an absolute obligation on the part of the Executive—

Mr. BAYARD. If the honorable Senator refers to me, that is exactly the ground I take. I think it ought to be left to the Executive discretion. As the law now stands, it gives the President that discretion. It ostracizes nobody. He may appoint a mechanic or an officer of the Army; but the House have agreed to a provision which we seek to strike out, and which disqualifies an officer of the Army,

Mr. BRIGHT. I so understand it. The Committee on Finance, as I understand the amendment, propose to give the discretionary power to the President, so that he may take either a civilian or an officer of the Army, and by concurring in that amendment we shall give that discretion. I understand, then, that the Senator from Delaware is in favor of that.

Mr. BAYARD. I am in favor of the recommendation of the committee.

Mr. BRIGHT. Then no one is opposed to it. Let us vote. Time is much more important than the amendment.

Mr. TOOMBS. The honorable Senator from Indiana declares that nobody is opposed to the amendment. Well, sir, as far as I can speak for myself, he is mistaken. I am opposed to it. I am in favor of the provision as it came from the House. I do not think that military men are fit for this employment. I think they are very expensive—much more so than anybody else in our employment. They do everything upon a most expensive scale. They spend plenty of money for their own comfort and officers' quarters, and very little for the public interest. If the Senator supposes nobody is in favor of this provision in the bill, he is mistaken. I am one who favor that provision as it came from the House, and am against the recommendation of the committee.

Mr. TOUCEY, (and others.) So am I.

Mr. TOOMBS. I ask for the yeas and nays on the amendment.

Mr. BUTLER. This is not the first time I have given my attention to this subject. This thing of opposing military superintendence of the armories has a local origin. Yes, sir, it originated about Harper's Ferry and Springfield; and I recollect in 1853, committees from those localities came here besieging Congress and making representations that were not true. I undertake to assume the responsibility of saying that they made representations which were not true. At that time my friend, Colonel Huger, was superintendent of the armory at Harper's Ferry; and I recollect a respectable gentleman was superintendent of the armory at Springfield; and now I undertake to say that this proposition to exclude military gentlemen from the superintendency of those armories is an implied censure upon them. The military superintendency is the system which has been in operation for some time; and has it not worked well? Why should it not work well? What temptation has a military man to see that the work is not well done? Surely, we can trust it to the soldier, who is under military responsibility, that the arms shall be made uniformly the best. He has no temptation to give way to the money-making spirit of the contract system. I say it is unjust to exclude a military man from the employment, if he should otherwise be fit for it; and yet I hear the Senator from Georgia [Mr. Toombs] say that the very thing which he is in favor of, is to pass a law ostracizing and proscribing a class of persons who are more fit for the position, as experience has shown. I understand very well the temper in which this originated, for I had a conference with those committees; and I understood the marked and positive manner with which they spoke of military gentlemen. I can see no reason for changing the system. So far from giving the superintendency to mere civilians, I would confine it exclusively to military men; but I am willing to leave it to the President, to select whom he pleases.

Mr. SEWARD. I am in favor of that view of the subject which has been taken by the House of Representatives. I think it is all moonshine to suppose that it is necessary to have a military officer to superintend the making of muskets for the Army. I think I can demonstrate that view of the proposition. In the first place, all the ordnance of the United States is made by civilians, and we have no national armory for it, under the care of military officers. In the next place, all the side arms are made by civilians, by mechanics, and are not manufactured at public armories. In the next place, Mr. Colt, who invented the revolver, and has brought it into use in this country and in Europe, is the great armorer, so far as that arm is concerned, for the armies of this country and the armies of the eastern world, and he is a civilian. Now, all that is necessary is to have officers to test the arms in the armories, and let their manufacture be open to competition. If that shall be

done, there will be no necessity for putting officers of the Army into mechanics' and artisans' vocations.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. FORNEY, their Clerk, announcing that they had passed a bill for the relief of the legal representatives of John Putnam, in which they requested the concurrence of the Senate.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the Army appropriation bill.

Mr. TOUCEY. I shall only state one fact which may not be in the recollection of the Senate. The legislation that took place here in 1853 was by general consent, intended to leave the matter in the mean time to the President, but intending, also, that there should be a commission, which was carried out. A commission was sent, and made an examination. It consisted of Chancellor Walworth, of New York; Andrew J. Stevenson, of Virginia; ex-Governor Steele, of New Hampshire; and Colonel Henry D. Smith, of Illinois, who was a practical mechanic, and had been concerned, through the most of his life, in the construction of fire-arms. As I understand, they were unanimous in favor of the change, and reported in favor of it. There were one or two military men—I do not now remember the number—connected with the same commission, and they dissented from the report. The War Department goes with the Army. That is the state of the case.

Now, sir, I undertake to say that the provision which comes to us from the House of Representatives carries out the voice of the public with regard to these institutions. I am not willing, for one, in a purely mechanical establishment, where the whole knowledge of the subject belongs to mechanical skill and experience, to put over the body of men there who are mechanics, and who are acting professionally, a military man who may be a perfect adept in war, and in the use of fire-arms, but yet could not manufacture a fire-arm, or direct its manufacture without the aid of mechanical skill. I am not willing to subject citizens to military rule while acting in their own proper business.

Mr. PEARCE. I should like to know what the Senator from Connecticut means by "military rule" being enforced over the mechanics in the armories?

Mr. TOUCEY. I will answer. I mean the military rule to which those men are subjected in those establishments.

Mr. PEARCE. I say there is no "military rule" there. The superintendency is exercised on the same principle, and under the same rules and regulations, whether you have a civil or military superintendent. There is no such thing as "military rule" exercised over those men. The most of the armorers are mechanics; and the superintendent is put there with a general superintending power; but he exercises no military law. The difference between the two superintendencies is that the rules which exist by law and by the authority of the Department are enforced under one system, and not under the other. I doubt very much whether it is necessary to keep up the armories at all. We have now over six hundred thousand stand of arms.

Mr. CASS. That is more than we want.

Mr. PEARCE. And more than we shall want for a long series of years, probably.

Mr. CASS. Will the honorable Senator permit me to state that, I think, it will be found, on an examination of the arsenals, that we have now as large a stock of muskets as Napoleon had when he went to Russia.

Mr. PEARCE. That, I think, ought to be enough; but still allegations have been made here, in reply to which I desire to say a few words. Nobody has pretended to show to the Senate that there will be any increased economy by adopting the civil superintendency. It would be very easy to make that charge, if it were made. But something has been said about the petitions which have been sent here, and the unanimous report of the civilians who were part of that commission. Sir, I do not hesitate to say, that I would not give a rush for their opinions. There was not one of

them, so far as I know, of equal authority with that which we have on the other side. The law, as it now stands, authorizes the President to select either military men or civilians; and I have confidence enough in that Executive, if his own party has not, to believe he will exercise his power faithfully; and further, I have that confidence in the Secretary of War, in his intelligence, his honesty, and his capacity to judge of this subject, which makes him, in my opinion, outweigh the testimony of a thousand such civilians as were on that commission. I know very well how this thing is got up. I know how it was when the civil superintendency was put down in 1842. I ought, perhaps, to blush to say, but I know the fact, that politicians at that day arrested the setting up of military superintendence because they wanted to make political machines of these national armories. They complained that the Democratic party would not, as they heretofore had done, use them as political agencies. They desired to do so still. I am happy to say that the Whig Congress of that day had the honesty and courage to do their duty, and refuse to use these armories to stimulate, and gratify, and pander to an inordinate thirst for political place.

I am told that on the list of petitioners who come from Springfield there are not only the names of discharged armorers and disappointed applicants for the position, but runaway negroes have their names on it. I have been credibly informed, and believe it to be so. I will state a fact. I have before me a letter addressed to this committee by citizens of Springfield. It is signed by forty-five persons. Out of the forty-five there are twenty-five who are either ex-armorers, who have lost their morsel of mammon, and are greedy to get it again, or candidates for the offices of superintendent and military storekeeper, or employees, clerks, of one of the persons who is himself a candidate for one of those offices. Those are the sort of papers on which this public opinion is got up! I hope, therefore, no one will renew these clamors here. Hear what the Secretary of War says:

"Viewing the national armories as a part of the military establishment of the country, I think it desirable to exclude from them the influence of party politics. Their superintendence by officers of the Army, it is hoped, will always secure such exclusion. Permanence of a good and competent superintendent and the prompt removal of an incompetent one are equally desirable. The employment of Army officers who do not owe their position to the success of political friends, and who can at any moment be transferred to other duty, it is believed offers the most certain means of securing both these objects. A civil superintendent, who owed his appointment to political considerations, would naturally feel his position to be temporary, and would rarely resist the importunity to bestow the subordinate places upon his political friends. The end to be anticipated from this would be a deterioration in the character of the military weapons, upon the efficiency of which so mainly depends the military power of a country, and its triumphs or defeat, its glory or shame, in a period of war."

I need read no more than that. But gentlemen talk about the superior skill displayed in the private manufactories of arms. It is very true that fancy arms are made in perfection at private armories; but it is equally true that a military man, with proper intelligence, is more qualified than any other man, to judge of the efficiency and proper construction of the weapon which he is to use in the field. That is a very different thing from the fancy weapon. In 1842 we changed the superintendency. Prior to that time, it was supposed by many persons that civilians invented much better arms than under military superintendence. Hall's rifle, which was loaded at the breech, was invented, but it is now not used at all. A remarkably ingenious and skillful man got up Hall's rifle, and filled the armories with it; but when taken into action, it was found that it would not answer at all, and it was absolutely abandoned. It is very true that our armors, under the civil superintendency, were superior to the arms of Europe, as a general thing; but it is as true that our arms now are superior to what they were in 1842, when the superintendence was changed. The superiority keeps pace with the progress of time. We are still ahead of the arms of Europe; and I believe the arms of Europe are not to be compared with our own. We have improved them; and we have diminished the cost since the establishment of the military superintendency. I do not know that it is asserted to the contrary.

Mr. TOOMBS. How about the houses for officers to live in?

Mr. PEARCE. I take it that if officers desire

to live in good houses, the civilians will desire the same; and I rather think the former keep the establishments in a great deal better order. I am satisfied of it from all I have read and heard on the subject. I do not believe there is a solitary reason for changing this system except it is to throw it into the general scramble which seems now to be the object in this country. I should like to have one green spot on the face of the earth, if no more. Let us keep party politics, if we can, out of the national armories. God knows what Administration may come in hereafter. Many things happen, and great disappointments are incurred, as the Senator from Michigan [Mr. Cass] well knows. I have no doubt he thinks it would be prudent to have it in his power to choose and select able men, whether military or civil, for the superintendency; and if I could fancy the time when he would have that power, I should very cheerfully leave it to him, as well as to the present President, to make that selection. Certainly, sir, there is no good reason for making the change. Besides, what propriety is there in compelling the President to appoint civilians? It ostracizes military men. They have done nothing in peace or war which justifies our passing such a censure as this, declaring that they are not fit to be at the head of establishments which are a part of the military system of the country. I know nothing to justify our casting such a censure upon them; and I trust the Senate will not agree to it.

Mr. CLAY. Before the Senator from Maryland takes his seat, I desire him to answer me two questions for information. I wish to ask, whether the military superintendents receive any additional pay for that service?

Mr. PEARCE. I believe not.

Mr. CLAY. Then I desire to know whether the civilians who are candidates for the office propose to serve for the honor or pay?

Mr. PEARCE. I suppose they would hold honor in the same estimation as Jack Falstaff did. [Laughter.]

The yeas and nays were ordered on the amendment.

Mr. MALLORY. When this question came before the Senate, on a former occasion, I voted against it, and since that time I have given some little attention to the subject. If any Senator has doubts about the facts involved upon the other side of the question, from reading the report of the House committee, I recommend him to give a glance at the able statement which the Hon. Mr. KERR, of South Carolina, made as a minority report. He has accumulated a vast quantity of facts, and disclosed, which has not yet been mentioned here, that a large number of the employees at Springfield have come forward voluntarily and appealed to Congress to make no change in what they denominated the admirable system prevailing there at this time. They subscribe their names, and the armorer gives us his affidavit that the signatures were obtained by himself with others. As the honorable Senator from Connecticut [Mr. Toucey] has referred to the report of the commission lately appointed, I will say that when this subject was broached in 1841, Mr. Charles Davis, so well known as a man of science, and two other highly respectable gentlemen were appointed a board of examination, and they reported unanimously in favor of the military superintendence. I will also say that the matter underwent a thorough investigation in the House in 1842, and that Mr. Goggin, of Virginia, made a report in favor of it. It is the most effective system, because it produces a better arm at a lower price than was done under the civil superintendency. We have not before us one fact which prudent men, in private life, would be governed by, in changing the superintendency. The committee disclose the fact that much of the testimony upon which the House have acted in the matter has been obtained from persons directly interested in it.

Mr. ADAMS. I only wish to say that I understand the House have refused, by a large majority, to concur in our resolution in regard to the time of adjournment.

Mr. BAYARD. Notwithstanding that, I beg leave to make a few remarks on this question. When it was under consideration before, as the law then stood, it required the appointment of military superintendents. I thought the restriction then wrong, and voted in favor of the alteration

of the law, so as to leave the discretion to the President to select the superintendents from either civil or military life. I hold this principle of restriction to be entirely unjust and injurious. It is attempted to be represented here as if this were the action of the mechanical interest of the country opposed to the military organization. There is nothing of the kind in the case. It is purely a local matter. It is one in which the vast mass of the mechanics of the country have no interest. If the principle of restriction is justifiable or right, carry it further. If gentlemen adhere to it, let them carry it to its full extent. Is a carpenter fit to be the superintendent? No; but he is a mechanic. Is a tailor fit to be the superintendent? No; yet he is a mechanic. Is a lawyer? Is a merchant? Is a doctor? No. None of them is fit to be a superintendent in one of the armories. If gentlemen go for this restrictive principle, in the selection of officers, and say they must be selected from a particular class of men, let them carry it to its proper extent, and say that none but an armorer or gun-smith, shall be appointed by the President of the United States. That is the extent to which their doctrine should go, or it is untenable altogether.

Mr. HOUSTON. From the noise prevailing in the Chamber, I have not found it possible to hear what has been said in the discussion, and, therefore, I may repeat what has been already said. I investigated this subject some sessions since, and came to the conclusion that it was proper to place the armories under the management of civilians. I have this session had an opportunity of reviewing the report made in the House of Representatives upon it; and from all the lights contained in that, assuming that the alleged facts which support it are true, it has only confirmed me more certainly in my former opinion that it ought to be given to civilians, and that they ought to exercise the control of it under the direction of the Secretary of War. I think it is no complement to an officer in the line of the army or in the staff to detail him to mechanical or civil duties. His service is either necessary in the line or staff of the Army, or he is not in his proper sphere and his service is unnecessary. Civilians are the best practical men in matters of business of this kind as mechanics. Officers of the Army may be very scientific and skilled in it theoretically, but they have not that practical knowledge.

Mr. BUTLER. I desire to put the Senator one question. I understand he can answer as a military man, and, therefore, he can give me information on this point. What is the duty of an ordnance officer? Is it not connected with the preparation of arms?

Mr. HOUSTON. It is to take care of the arms when prepared, and see that they are kept in proper order; that they are constructed of good material, and are fit for efficient service when they are to be used. That is the business of an ordnance officer.

Mr. BRODHEAD. While on this subject, I desire to put a question to my friend from Texas. If we adopt the provision which comes to us from the House, will not the armories be under the superintendence and control, under the existing laws, of the Colonel of Ordnance?

Mr. HOUSTON. It would be very proper that he should become the inspector of these various armories.

Mr. BRODHEAD. Is it not then under military rule?

Mr. HOUSTON. It is under military inspection. The mechanics and contractors have to conform to the inspection, or their work is thrown upon them, and they will meet the reprehension that is due to their incapacity or neglect of duty; but that does not assume, as I understand it, that the officers are the most competent persons. Their attention has been drawn to science; but the mechanics are the men who have been attentive to the practical operation of mechanics, and not to theory alone. For this reason, without any change of opinion, without having had any conversation on the subject this session with any member of the Senate or House of Representatives, or with any lobby member or person connected with the armory, I am established in my opinion that it is proper to give the superintendence to civilians, as it has prospered under their administration with the guidance and general

direction of the War Department, and the inspection of ordnance officers in former times. I shall continue of the opinion that I now entertain, until better lights are given to me; and I shall vote, in accordance with those I now have, for the civilians.

Mr. CASS. I shall not detain the Senate. I merely want to observe that we have certain staffs and departments here to supervise our Army. We have the ordnance department, and the fortification department, the engineer, the quartermaster, and the commissary departments. Officers from the military academy are taken and put into the several departments. They belong there. They understand their duties. They are detailed for that service; and the interest of the Government is, that they should watch over that service. There is not a word to be said against the superintendence of the armories by officers of the ordnance department, that cannot be said against the superintendence of forts by engineer officers. You may say let them give you their plans, and then let them go on under the command of civilians; you may say of the quartermaster's department, that all the persons employed under it should be under the command of civilians; so of the commissary department; so of every branch of the Army; and what then becomes of your staff? What are they to do? If the ordnance department has nothing to do with ordnance, you had better disband it. If the engineer department has nothing to do with fortifications, disband them; and so on with every branch of the service.

I have heard imputations upon the officers of the Army. I regret it. I believe that a more intelligent, able, honest, faithful body of officers were never in the service; and, thank Providence, recent events have shown that they know how to do their duty with credit to themselves and honor to the country. The defalcation of a military officer, on the books of your Treasury, is a statistical fact almost unknown in the history of your country. I have had some opportunity to examine, and I do not know that there is one. I do not say that there is not; but I say they are very rare.

What are the allegations made against the military superintendent? That he is a tyrant. He is not compelled to stay there. You will not deny, nobody will deny, that the superintendent should see the work carried on faithfully. It is his duty. He is there for that; and the officers of the ordnance department can judge of the nature of arms better than anybody else. It is for their interest, character, and reputation to have them properly made. Everything they have is connected with it. I repeat, I do not see the evil if the superintendent requires the persons under him to do their duty faithfully. He only does his duty when he does that. I do not understand how he can tyrannize in this country any more than a civilian. I do not know why he should have any more reason to do so. I have not heard a word of complaint about military superintendence except from the two armories at Springfield and Harper's Ferry. I have heard none from the forts—not a syllable in my own portion of the country, where we have arsenals and forts; and I cannot but think, Mr. President, that there is a great deal in what has been said, that there is a popular clamor about those particular places for particular purposes. So believing, and believing that the public interest will be best secured by adhering to the present system, I shall vote in favor of the amendment to strike out the provision of the House.

Mr. HOUSTON. I do not know that the distinguished Senator from Michigan intended to imply that I had cast any reflection upon the officers of the Army.

Mr. CASS. Not at all.

Mr. HOUSTON. Because I certainly intended nothing but compliment to those officers. There is no Senator who entertains a higher estimate of them than I do, as gentlemen of propriety, of sobriety, of gallantry, of bravery; but I think it is not consistent with their duties to detail them, and appropriate all their talents to the construction of arms, when mechanics are found competent to do it. When no improvement, through the channel of invention, that I have heard of, has reached us in consequence of military gentlemen being at the head of the armories—when no reflection is intended to be cast upon the officers by withholding the superintendence from them—and when, in the

outset, we succeeded well in the construction of arms under the guidance of civilians, I can see no necessity for establishing the rule that the military alone shall have charge of it, and exert what was formerly accorded to civilians. Why, sir, it has now come to this, that all the money that is appropriated by Congress for the construction of public works, I believe, is to be placed under a military officer, and he is detailed for the express purpose of disbursing the public money and supervising the public works. In appropriations to the Army for the defense of the country, with all the accomplishments that pertain to military gentlemen, I am for according to them the object for which they are appointed, and to which they have been detailed; but I am for having another sphere unoccupied by them, and permitting civilians, whenever they can be successful in executing the desires of the Government, or meeting its expectations, to fill the sphere proper to themselves. I am not for permitting civilians to usurp the rights of officers of the Army, or interfere with them in the discharge of duties pertaining to their sphere; nor do I think it is necessary to thrust military gentlemen upon civilians to displace them from their rightful and appropriate sphere, and incommode those who are qualified for the discharge of duties which should not be assigned to military men. For this reason, and this alone, I shall vote against the amendment. I do not know the gentlemen who is in charge of either armory; nor do I know those whom the President would place there; and being ignorant of this, I view the subject as it is presented to me, and vote according to my apprehension of the propriety of assigning to civilians that branch of our military defense which properly pertains to mechanics, and not to the range of science assigned to the purely military arm of the service.

Mr. TOUCEY. I shall not be drawn into any debate in regard to the supposed abuses at either of the armories. If Senators are not informed on that subject, they will remain uninformed by anything which may be got from me. I shall not make any reflection upon the officers of the Army; but I shall reply to the honorable Senator from Maryland, [Mr. PEARCE,] that I do not regard the Army as the only bright spot in the United States. I say that this is purely a civil employment. I say that now the President has authority, under the law, to send to superintend the civilians engaged in the construction of fire-arms, any officer, at his own will and pleasure, without the consent of Congress. It is contrary to the former law; and I say again, that the private establishments which are under civil superintendence are now, in regard to improvements and in regard to the standard which they require for the acceptance of arms manufactured, far ahead of the public armories.

The question was taken by yeas and nays, and resulted—yeas 23 nays 25; as follows:

YEAS—Messrs. Adams, Atchison, Bayard, Bell, Benjamin, Bright, Brodhead, Butler, Cass, Clay, Dawson, Evans, Fessenden, Fish, Fitzpatrick, Geyer, Jones of Tennessee, Mallory, Mason, Morton, Pearce, Pratt, and Walker—23.

NAYS—Messrs. Allen, Brown, Chase, Cooper, Dodge of Iowa, Douglas, Foot, Gillette, Houston, James, Johnson, Jones of Iowa, Norris, Pettit, Rockwell, Rusk, Sebastian, Seward, Stuart, Sumner, Thompson of Kentucky, Toucey, Wade, Weller, and Williams—25.

So the amendment was rejected.

The next amendment was in the third section of the bill, to insert the words "and properly," after "actually," as follows:

Sec. 3. *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized and directed to examine into and ascertain the amount of expenses incurred, and now actually and properly paid by the State of California in the suppression of Indian hostilities, &c.

The amendment was agreed to.

Mr. STUART. I am instructed by the Committee on Commerce to move to amend the bill by inserting, after the appropriation for the survey of the northern and northwestern lakes, the following:

For an iron steamer to be used in the survey of the northern and northwestern lakes, including Lake Superior, under the War Department, \$50,000.

I will only say that that is recommended by the Secretary of War, and is necessary to carry out the surveys.

Mr. PRATT. I desire to make one inquiry. Were these amendments which are now being proposed, on the recommendation of the Departments, submitted to the House of Representa-

tives? Was this amendment submitted to the House?

Mr. STUART. It was not.

Mr. CASS. Before the question is voted on, I desire to say that a survey of the lakes has been going on for some time. It is a very important work. The boat which they have had heretofore is not in a fit condition to carry it on. There is an appropriation in the bill for continuing the survey. The War Department declares that, for the purpose of continuing it, this steamer is essentially necessary. If you do not mean to stop the survey, the steamer must be had. It is a mere question as to whether you will abandon the work or not.

Mr. PRATT. I will simply remark, that I suppose the fact of the want of this steamer must have been known when the bill was before the House. If it was a proper amendment to be placed in it, it should have been sent to the body in which the bill originated, where they would have had time—which we have not now—to consider its propriety. I have voted for no amendments, and shall vote for none, where the matter was known to the Department, and was not submitted to the other House in which the bill originated.

Mr. STUART. I certainly shall not undertake, at this time, to go into any lengthy debate on this subject. I do not intend to detain the Senate a minute. The argument of the Senator from Maryland, if adopted by the Senate, will make it necessary to abolish every committee you have. This subject has been fully and carefully considered by the Committee on Commerce. They have inquired of the Secretary of War in regard to it, and I hold in my hand his letter, in which he says that to carry out this service properly, if an appropriation is made to continue the survey, the steamer is necessary. The House have made an appropriation to continue the work; and the Secretary of War says the steamer is necessary to carry it on. I do not know with what propriety it can be said that, if an appropriation is not put in the bill by the House, it should not be put in at all. You had better do away with the Senate.

Mr. PRATT. I do not want to be misunderstood. I said no such thing. What I said was that whenever the Department desired an appropriation of public money, the estimate should be sent to the House in which the bill originated, so that they could consider of its propriety. I did not say that when the House, upon such estimates being properly submitted, have refused to make the appropriation, that the Senate should concur with the House.

On a division, less than a majority of a quorum voted for the amendment.

Mr. STUART called for the yeas and nays; and they were ordered.

Mr. CASS. If the question related to the coast survey, there would be no difficulty.

The question being taken by yeas and nays, resulted as follows:

YEAS—Messrs. Allen, Bell, Benjamin, Bright, Brodhead, Cass, Chase, Clay, Dodge of Iowa, Fessenden, Fish, Foot, Geyer, Gwin, Houston, James, Jones of Iowa, Mallory, Seward, Sillidell, Stuart, Sumner, Toucey, Wade, Walker, Weller, and Williams—27.

NAYS—Messrs. Adams, Brown, Dawson, Evans, Fitzpatrick, Jones of Tennessee, and Pratt—7.

So the amendment was agreed to.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by Mr. WEBSTER, his Secretary, announcing that he had this day approved and signed the following acts:

An act to establish Cairo, in the State of Illinois, a port of delivery;

An act to authorize the State of Wisconsin to select the residue of the lands to which that State is entitled under the act of the 8th of August, 1846, and to aid in the improvement of the Fox and Wisconsin rivers;

An act to amend the provisions of the fifty-sixth section of the act to regulate the collection of duties on imports and tonnage, approved the 2d March, 1799;

An act for the relief of Sylvanus Culver;

An act to incorporate the National Hotel Company, of Washington city;

An act establishing San Pedro, in the State of California, a port of entry and delivery;

An act to vest in the several States and Terri-

ories the title in fee of the lands which have been, or may be, certified to them;

An act to authorize the State of Illinois to select the residue of the lands to which she is entitled under the act of the 2d of March, 1827, granting land to that State in opening a canal to connect the waters of the Illinois river with those of Lake Michigan; and

An act authorizing the extension of the Alexandria and Washington railroad into the District of Columbia, and conferring certain privileges on the Baltimore and Ohio Railroad Company.

CAPTAIN INGRAHAM.

A message was received from the House of Representatives, by Mr. FORNEY, their Clerk, announcing that the House had agreed to the amendment of the Senate to the resolution of the House of thanks of Congress, and the presentation of a medal to Captain Duncan M. Ingraham.

POST OFFICE BILL.

The message also announced that the House insisted on their disagreement to certain amendments of the Senate to the bill making appropriations for the service of the Post Office Department during the fiscal year ending the 30th of June, 1855; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses on the said bill, and had appointed Mr. HUBBARD of New Hampshire, Mr. APPLETON of Massachusetts, and Mr. VANSANT of Maryland, managers at the same on their part.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the Army appropriation bill.

Mr. WELLER. In the absence of the chairman of the Committee on Military Affairs, [Mr. SHIELDS,] who has been called away by the sickness of his colleague in the other House, I am instructed to offer several amendments to the bill. The first is to insert:

For the sword ordered to be presented to Brevet Major General John E. Wool by a joint resolution approved January 24, 1854, \$1,500.

The amendment was agreed to.

Mr. WELLER. The next is to insert:

For completing the Mendota and Big Sioux river road, in accordance with the estimate of the Secretary of War, \$52,475 58, to be expended under the direction of the Secretary of War.

The amendment was agreed to.

Mr. WELLER. The next is to insert:

For the purchase of a site and the construction of an arsenal at Benicia, California, \$93,485.

The amendment was agreed to.

Mr. EVANS. I should like to know why we are giving away nearly a hundred thousand dollars for an arsenal without knowing something about it. Why have we not the report of a committee?

Mr. WELLER. The next amendment which I have is to insert:

That the proper accounting officers of the Treasury be, and they are hereby, directed in the settlement of the account of Captain Joseph Foster, assistant quartermaster of the United States Army, to receive parole testimony of disbursements made by him as such assistant quartermaster, in lieu of vouchers for such disbursements which were destroyed by fire in the city of San Francisco, on the 4th of May, A. D. 1851; and that upon the testimony so taken, if satisfactory to the Department, the accounts of said assistant quartermaster shall be audited and settled according to principles of equity and justice: *Provided*, The sum allowed shall not exceed the balance now due from said Foster to the Treasury.

The PRESIDING OFFICER, [Mr. BRIGHT.] The Chair will suggest that that appears to be a private claim.

Mr. WELLER. It merely authorizes the Department to receive parole evidence in lieu of vouchers which were destroyed by fire. It is necessary to have the accounts settled.

Mr. GWIN. They cannot progress with the settlement of his accounts without it.

The amendment was agreed to.

Mr. WELLER. The next amendment is to add the following:

And be it further enacted, That the provision of the first section of the act entitled "An act making appropriations for the support of the Army for the year ending the 30th June, 1851," approved September 28, 1850, granting extra pay to officers and enlisted men of the Army serving in Oregon and California, be extended to the officers and men composing the garrison of Fort Laramie, on the Oregon

route, for the same period of time as was allowed by the sixth section of the act of March 3, 1853, to the officers and men of two companies of a regiment of mounted riflemen that garrisoned Fort Laramie; and that the provisions of the same section of the same act be also extended to the officers and men composing the escort of the Mexican boundary commission, while they were serving as such escort.

The amendment was agreed to.

Mr. WELLER. I now offer an amendment which is somewhat detailed. It is a bill which was passed by the Senate some time ago, but never acted upon by the House, commonly known in this body by the name of the retired list bill—a bill providing for retiring disabled officers of the Army:

Sec. — And be it further enacted, That if any commissioned officer of the Army shall have become incapable of performing the duties of his office, as provided in the second section of this act, he shall, as provided in the second section of this act, be placed upon a retired list, and withdrawn from active service and command, with the pay proper of the highest rank held by him at the time, whether by staff, regimental, or brevet commission, and the service rations to which he may then be entitled, but without any other allowances. And the officer next in rank shall be promoted to the place of the retired officer, according to the heretofore established rule of the service; and the same rule of promotion shall be applied successively to the vacancies consequent upon the retirement of an officer, as herein provided: *Provided*, That if the disability result from wounds received in action, the pay proper of the retired officer shall be that of his highest rank by brevet or otherwise.

Sec. — And be it further enacted, That, to carry out the provisions of this act, whenever any officer of the Army, who may be incapacitated as heretofore recited, shall voluntarily apply to be retired from active service, or, on being ordered to perform the duties appropriate to his commission, shall report himself unable to comply with such order, or whenever, in the judgment of the President of the United States, an officer of the Army shall have become in any way incapacitated from performing the duties of his office, the President, at his discretion, shall direct the Secretary of War to refer the case of such officer to an Army board, to be composed of not more than nine, nor less than five commissioned officers, to be detailed from those of superior rank to him whose case is under consideration, as far as his grade and the interest of the service will permit; and the said board shall determine upon the case referred to them, and their opinion thereon, with a record of the proceedings, shall be transmitted to the Secretary of War, to be laid before the President for his approval or disapproval. If, in the judgment of the board, the officer be considered incapacitated for active service, the board will report whether, in their opinion, the disability was occasioned by age—the result of many years' faithful service, by wounds received in the line of duty, or by exposure in service; or whether the disability is to be traced to vicious habits, or to exposure unconnected with official duty. If, in their judgment, the disability was incurred in the line of duty, and the President approve such judgment, the disabled officer shall thereupon be placed upon the list of retired officers according to the provisions of this act; but if the board are of opinion that the disability was the result of vicious habits, or of exposure unconnected with official duty, and the President concur in that opinion, then the disabled officer may, at the discretion of the President, be dropped from the rolls of the Army.

Sec. — And be it further enacted, That whenever the President shall deem it advisable to cause an officer who has been withdrawn from active service and retired from the line of promotion, as herein provided, to be placed on any duty not incompatible with his condition, such officer shall, for the time he may be so employed, be entitled to all the pay and allowances of the grade with which he was retired from service.

The amendment was agreed to.

Mr. WELLER. I have another amendment, which is also a bill that passed the Senate, and was sent to the House sometime ago, providing for the increase of the compensation of the officers and soldiers of the Army. The House of Representatives have passed a bill of their own increasing the pay of the privates, but leaving the compensation of the officers untouched. We have thought proper to present the original bill which passed this body, and which is one of vast importance. There have been some modifications made in it:

Sec. — And be it further enacted, That the monthly pay proper of the several grades of the Army, hereinafter enumerated, shall be at the following rates: A major general, \$265; a brigadier general, \$165; a colonel \$135; a lieutenant colonel, \$115; a major, \$95; a captain of cavalry, \$85; a captain of artillery and infantry, \$75; a first lieutenant of cavalry, \$65; a first lieutenant of artillery and infantry, \$57; a second lieutenant of cavalry, \$55; a second lieutenant of artillery and infantry, \$47; a cadet, \$33; a sergeant of engineers, \$32; a sergeant major, quartermaster-sergeant, principal musician, chief bugler, principal farrier, and ordnance sergeant, \$23; to each first sergeant of a company of dragoons, mounted riflemen, artillery, and infantry, \$21; to all other sergeants of those arms, \$18; to a corporal of engineers, \$18; to a corporal of dragoons and mounted riflemen, \$19; to a corporal of artillery and infantry, \$13; to a farrier, blacksmith, saddler, and artificer of dragoons, mounted riflemen, and artillery, \$15; to a bugler of dragoons and mounted riflemen, \$12; to a musician of artillery and infantry, \$11; to a private of engineers, \$12; to a private of dragoons and mounted riflemen, \$11; and to a private of artillery and infantry, \$10: *Provided*, That the existing allowances shall be

confined to officers when on duty, or on leave of absence who shall have left their post by reason of wounds received, or disease contracted, in the line of their duty, or for the time regularly allowed by the general regulations of the Army, and that officers absent from duty under any other circumstances, or for a time exceeding the regular leave of absence, shall only be entitled to the pay proper of their respective grades.

Sec. — And be it further enacted, That the surgeon general and paymaster general of the army shall be allowed the pay and emoluments of a colonel.

Sec. — And be it further enacted, That every soldier, who, having been honorably discharged from the service of the United States, shall, within one month thereafter, reenlist, shall be entitled to two dollars per month in addition to the ordinary pay of his grade, for the first period of five years after the expiration of his previous enlistment, and a further sum of one dollar per month for each successive period of five years, so long as he shall remain continuously in the Army; and that soldiers now in the Army, who have served one or more enlistments, and been honorably discharged, shall be entitled to the benefits herein provided for a second enlistment.

Sec. — And be it further enacted, That soldiers who served in the war with Mexico, and received a certificate of merit for distinguished services, as well those now in the Army as those that may hereafter enlist, shall receive the two dollars per month to which that certificate would have entitled them had they remained continuously in the service.

Sec. — And be it further enacted, That non-commissioned officers who, under the authority of the seventeenth section of the act approved March 3, 1847, were recommended for promotion by brevet to the lowest grade of commissioned officer, but did not receive the benefit of that provision, shall be entitled, under the condition recited in the foregoing section, to the additional pay authorized to be given to such privates as received certificates of merit.

Sec. — And be it further enacted, That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to confer the brevet of second Lieutenant upon such meritorious non-commissioned officers, as may, under regulations to be established, be brought before an Army board, composed of four officers of rank, specially convened for the purpose, and be found qualified for the duties of commissioned officers; and to attach them to regiments, as supernumerary officers, according to the provisions of the fourth section of the act approved April 20, 1813, entitled "An act making further provision for the corps of engineers."

Sec. — And be it further enacted, That the allowance to soldiers employed at work on fortifications, in surveys, in cutting roads, and other constant labor, of not less than ten days, authorized by the act approved March 2, 1819, entitled "An act to regulate the pay of the Army when employed on fatigue duty," be increased to twenty-five cents per day for men employed as laborers and teamsters, and forty cents per day when employed as mechanics, at all stations east of the Rocky Mountains, and to thirty-five cents and fifty cents per day, respectively, when the men are employed at stations west of those mountains.

Sec. — And be it further enacted, That the provisions of the first section of the act granting pensions to the widows and orphans of persons dying in the naval service, approved August 11, 1818, be extended to the widows and orphans of officers, non-commissioned officers, musicians, and soldiers of the Army of the United States, including volunteers and militia, mustered into the service of the United States.

Sec. — And be it further enacted, That, in addition to the number of cadets authorized by the existing laws, there shall be appointed two from each State.

Mr. ADAMS. I ask for the yeas and nays upon that amendment. It is a very important one, voting away millions of dollars.

The yeas and nays were ordered.

Mr. BAYARD. I voted for this as a separate and independent bill. I shall not vote for it as an amendment here. The practice of attempting to turn every appropriation bill into a bill for legislation is growing to an alarming extent. I shall vote against this without reference to the propriety of the bill for which I voted; for I cannot consent to legislate in this manner.

Mr. FITZPATRICK. I agree with the Senator from Delaware. I have uniformly voted against putting amendments increasing salaries on the general appropriation bills. It has a bad tendency to legislate in that manner; and anxious as I am to increase the compensation of the officers and soldiers, I shall be compelled to go against this, though at the proper time I should support it. It is due to the Senator who offers the amendment, that I should state that I have uniformly voted against such amendments.

Mr. WELLER. I have only this remark to make. I believe the merits of the amendment have been fully discussed by the Senate, for it is substantially in the form in which it heretofore passed the Senate. The excuse which the committee have in offering it in this shape is, that, under the rules of the House of Representatives, they have been wholly unable to obtain any action upon the bill; and as they regard it as very important to the country, in order to preserve the Army and make it what it should be, they have considered it necessary to offer it as an amendment to this bill. We believe that, by the passage

of the amendment, the Army will be made what the country desires it should be—efficient.

Mr. DAWSON. The lowest clerks in your Departments receive about twelve times as much as a private soldier in the Army. We have raised the salaries of our clerks in this city twenty per cent., and yet it seems that the pay of the officers and soldiers of the Army of the United States cannot be increased; but they are to subsist upon arms and hard service. I hope the amendment will be agreed to.

The question being taken by yeas and nays, resulted—yeas 20, nays 14; as follows:

YEAS—Messrs. Atchison, Benjamin, Brodhead, Butler, Clay, Dawson, Fessenden, Fish, Houston, Johnson, Jones of Tennessee, Mason, Pratt, Sebastian, Seward, Sidel, Thompson of Kentucky, Thomson of New Jersey, Walker, and Weller—20.

NAYS—Messrs. Allen, Bayard, Bright, Brown, Chase, Dodge of Iowa, Evans, Fitzpatrick, Geyer, Gillette, Pettit, Rockwell, Toombs, and Wade—14.

So the amendment was agreed to.

Mr. WELLER. The next amendment which I have to offer is to carry out the provision of an existing law:

And be it further enacted, That the amount which may be found necessary to pay, under the act of 27th March, 1854, the widows and orphans of the United States troops who perished by the recent disaster to the steamship San Francisco, be paid out of any money in the Treasury, not otherwise appropriated, and the proper accounting officers of the Treasury Department be, and they are hereby, authorized and directed to cause the balance due, on the books of the Treasury, on account of the advance of pay to officers of the United States Army, whose widows or children may be entitled to the benefits of the second section of said act of 27th March, 1854.

The amendment was agreed to.

Mr. WELLER. I have still another amendment in regard to the board of officers appointed by the act passed in 1852, to examine certain claims in California:

And be it further enacted, That the board of officers appointed under the sixth section of the act making appropriations for the support of the Army for the year ending June 30, 1853, approved August 31, 1852, is hereby authorized and directed, in addition to the powers and duties already conferred upon it, to extend its examination to claims arising from the destruction of property by the troops serving under the command of Lieutenant Colonel John C. Fremont, in California, in the years 1846 and 1847, by his orders, as well as for the destruction of property by the enemy, caused by the occupancy of the claimants' premises by the said troops; that the said board is empowered to examine witnesses under oath, and take testimony, if necessary, in California or elsewhere; that for the payment of the claims heretofore reported favorably upon by the board, including that numbered 197, being the claim of Santiago Arguello, and amounting to \$11,543, and for the compensation of the members of said board, for their period of service as such, at a rate not exceeding \$3,000 per annum, each, deducting therefrom their Army pay, the sum of \$159,500, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated; and that the Secretary of the Treasury is hereby authorized and directed to pay to the treasurer of said board, out of any money in the Treasury not otherwise appropriated, the sum of \$9,000 for contingent expenses of said board, including their office rent, clerk hire, stationery, fuel, payment of witness fees duly summoned to the board, at rates not exceeding those paid by the United States district court in California, or elsewhere, as the case may be, and the traveling expenses of said board not exceeding sixteen cents per mile to each member, and other incidental expenses.

Mr. BAYARD. I ask for the yeas and nays on the amendment. If this bill is to be turned into an omnibus, I want to see the vote upon it.

The yeas and nays were ordered.

Mr. WELLER. I have not heard what the objection of the honorable Senator from Delaware was. From the position in which he usually stands, it is utterly impossible to hear him. I will state, however, that this board was organized on the 31st of August, 1852. They have had claims presented to them to the amount of \$855,803. They have suspended and ruled out \$411,000. There have been withdrawn and paid \$170,000; rejected \$153,933; and finally passed, \$129,000. All that the amendment proposes is, that the board shall have authority to sit in the State of California for the purpose of taking testimony in connection with these claims. I stated to the Senate, on a former day, that in my judgment, unless the board were sent to the State of California there was great danger that a very large amount of fraudulent claims would be allowed; that that was the only place of which I had any knowledge where the proof could be obtained that would enable the board to pass in a proper manner upon them. I undertake to say, therefore, Mr. President, that the only question presented is, whether the authority shall be given to the board to sit in the State of California, if, in the opinion of the

Secretary of War, they should do so. It is the only place where fraudulent claims can be detected. I know that there have been fraudulent claims made; and I know that there are some forged claims now in existence; and that unless the board pursue a cautious course, unless they avail themselves of all the testimony, which can be obtained nowhere else than in that State, there is great danger of a large amount of money being filched from the Treasury. It is, therefore, to protect the public Treasury that I have proposed this amendment; and you will allow me to say, also, Mr. President, that the committee have carefully examined the report made by this board of commissioners at the present session of Congress. They seem to have examined the claims with very great care; and I may say that I know of no court which could have investigated them better. I am glad that they have done so, because I am anxious that all just and honest demands should be paid; but I am not willing that fraudulent, trumped-up ones, which I know to be in existence, should be paid. I do not, however, wish to consume time. I ask that the vote may be taken.

The question was taken by yeas and nays; and resulted as follows:

YEAS—Messrs. Atchison, Benjamin, Brodhead, Dawson, Dodge of Iowa, Johnson, Jones of Iowa, Jones of Tennessee, Sebastian, Seward, Thomson of New Jersey, and Weller—12.

NAYS—Messrs. Allen, Bayard, Bright, Brown, Butler, Chase, Clay, Cooper, Douglas, Evans, Fessenden, Fitzpatrick, Foot, Geyer, Gillette, Houston, Hunter, Pratt, Rockwell, Sidel, Sumner, Toombs, and Wade—23.

And the amendment was rejected.

Mr. WELLER. The next amendment which I have, is to add:

And be it further enacted, That the act approved September 28, 1850, entitled "An act granting bounty lands to certain officers and soldiers who have been engaged in the military service of the United States," an act approved March 22, 1852, entitled "An act to make land warrants assignable, and for other purposes," and an act approved February 3, 1853, entitled "An act to continue half pay to certain widows and orphans," shall not be so construed as to deprive any widow of the benefits therein granted for the services of her husband, though she may have married again: *Provided, however,* That the applicant is a widow at the time of making the claim.

Mr. SEWARD asked for the yeas and nays; which were ordered, and taken—yeas 23, nays 11; as follows:

YEAS—Messrs. Adams, Benjamin, Brodhead, Brown, Chase, Cooper, Dodge of Iowa, Fitzpatrick, Foot, Geyer, Gillette, Gwin, Houston, Johnson, Jones of Iowa, Jones of Tennessee, Pettit, Sebastian, Seward, Sumner, Wade, Walker, and Weller—23.

NAYS—Messrs. Bright, Clay, Evans, Fessenden, Fish, Hunter, Pearce, Pratt, Rockwell, Sidel, and Toombs—11.

So the amendment was agreed to.

Mr. WELLER. The next amendment is to add:

And be it further enacted, That the same allowance, in respect to rations, be hereafter made to the military commandant of the Schuykill arsenal, in the quartermaster's department, as to the commandants of the arsenal in the ordnance department.

I have a letter of the Secretary of War in regard to this.

The question was put; and the Presiding Officer declared that the "noes" appeared to have it.

Mr. WELLER. I hope, sir, the Senate will not vote down an amendment, until they hear the report in relation to it. I was surprised some time ago to find that an amendment which I had offered had been voted down, although no intimation of any objection to it had been given. Now, if there be any objection to this amendment, I trust Senators will not vote upon it without ascertaining whether their difficulty cannot be obviated. I have a letter from the Secretary of War, which I think will satisfy every Senator that it ought to be adopted. Certainly some explanation ought to be asked for, before it is summarily voted down.

The amendment was agreed to.

Mr. WELLER. I have another amendment.

And be it further enacted, That the Secretary of War be, and he is hereby, authorized and directed to receive and cause to be placed on the files of his Department such additional muster-rolls of the battalion of volunteers commanded by Lieutenant Colonel John C. Fremont in California, duly authenticated by the proper officers, as have not heretofore been received and filed; and to cause such a correction of the muster-roll to be made in regard to the period of enlistment, terms of service, and amount of pay of the members of said battalion as upon satisfactory proof he may deem right and proper, as far as practicable, to correspond to the pay roll of the paymaster of said battalion in respect to pay and services, so that all who served in

the military service of the United States in California during the late war with Mexico, whether under the command of naval or military officers, may be entitled to all the benefits of all the acts of Congress providing for the emoluments of the volunteers in the Mexican war.

Mr. HUNTER. I ask for the yeas and nays on that. We have a very short time now to legislate upon this appropriation bill.

The yeas and nays were not ordered.

Mr. WELLER. The amendment makes no appropriation. Congress made an appropriation of \$101,000 to pay all those men who had served in California. They were to be paid, under the law that was passed, according to the pay-rolls in the War Department, filed by the paymaster of the battalion. Some of the muster-rolls were filed in the Navy Department. The effect of the amendment is to transfer those rolls from the Navy Department to the War Department. It will place those whose names are on the rolls in the Navy Department on a footing with the others. They were intended to be covered by the original law, but by confining it to the rolls in the War Department, a portion of them being in the Navy Department, have been excluded.

Mr. BRIGHT. I ask the Senator from California whether he is anxious that this bill should become a law?

Mr. WELLER. I apprehend that is hardly a serious question. The Senator, I am sure, cannot suppose that I would stand up and offer amendments for the purpose of defeating the bill, or put them on a bill which I supposed was about to be defeated.

Mr. BRIGHT. I supposed the honorable Senator was friendly to the bill. I had no doubt of it. I merely intended to suggest that there was no probability that this amendment could be considered and acted upon by the House. It is utterly impossible. I think the bill is already loaded to an extent which defeats it.

Mr. GWIN. The Senator, a short time since, reported from a committee of conference, that the Senate gave up five of their amendments to every one that the House agreed to; and I think we had better send down ten or fifteen times as much as we intend to retain on the bill. The Senator says that we give up nearly everything to the House. We, therefore, should not vote down a measure when it is a proper one. This is merely transferring the pay rolls from one Department to another.

Mr. BRIGHT. I understand that perfectly; but it is very apparent that these amendments cannot be considered by the House.

Mr. GWIN. Let us try them anyhow.

Mr. PRATT. I would inquire if there is any limitation in the amendment that there shall be no payments beyond the amounts heretofore appropriated?

Mr. WELLER. I have no objection to such a limitation.

Mr. PRATT. I understand that \$101,000 have been heretofore appropriated for the purpose of paying these soldiers; and this is merely extending the list. If the Senator will put in a limitation, in the form of a proviso, that no more money shall be paid than has heretofore been appropriated, I shall have no objection to it.

THE PRESIDING OFFICER. Does the Senator from California modify his amendment?

Mr. WELLER. I have no objection to doing so.

THE PRESIDING OFFICER. Then the question is on the amendment as modified.

On a division, ten Senators voted in the affirmative.

Mr. GWIN. I ask for the yeas and nays.

THE PRESIDING OFFICER. (Mr. WALKER.) They have been demanded before, and refused.

On counting the negative side, but seventeen Senators rose—no quorum voting.

Mr. GWIN. Now we can take the yeas and nays.

The yeas and nays were ordered.

Mr. BUTLER. I shall vote against the amendment, because I do not see that it is important whether the roll is in one place or the other. I cannot see at this time that it is very important. Upon another occasion, and on another bill, I may be ready to vote for it.

Mr. GWIN. It is important, inasmuch as they cannot get their pay unless this is done.

Mr. DAWSON. Here is the law which made the appropriation:

"And be it further enacted, That for the pay and equipment of mounted riflemen, finding their own horses and forage, volunteering and serving under the command of Captain John C. Fremont, in California, in the year 1846, upon the muster-roll now on file in the War Department, and supplies for the volunteers in said service, \$168,000."

A part of the muster-rolls are in the Navy Department, and cannot be transferred to the War Department to meet the appropriation. The object of the amendment is merely to justify the Secretary of War in transferring them to his Department, and then the money appropriated two years ago will be paid out under those muster-rolls.

The question being taken by yeas and nays, resulted—yeas 21, nays 13; as follows:

YEAS—Messrs. Adams, Atchison, Benjamin, Brodhead, Chase, Dawson, Fessenden, Geyer, Gillette, Gwin, Houston, Johnson, Jones of Iowa, Jones of Tennessee, Sebastian, Seward, Stuart, Toucey, Wade, Walker, and Weller—21.

NAYS—Messrs. Bright, Brown, Butler, Clay, Cooper, Evans, Fish, Fitzpatrick, Foot, Hunter, Pettit, Pratt, and Rockwell—13.

So the amendment was agreed to.

Mr. WELLER. The last amendment which I have is the following:

"And be it further enacted, That in the event the Secretary of War shall deem it inconsistent with the interest of the military service to furnish a sufficient portion of the military building at Fort Leavenworth for the use of the territorial government of Kansas, the sum of \$25,000 shall be, and in that contingency hereby is, appropriated for the erection of public buildings for the use of the Legislature of Kansas, to be expended under the direction of the Governor of said Territory."

Mr. DAWSON. The public houses in which the officers of the Army live are now engaged. By the Kansas bill the civil authorities are authorized to locate their seat of government there. Since its passage, the Secretary of War has signified to the committee that those buildings could not be given up. In consequence of that communication, this appropriation is proposed to be made. It is necessary to enable them to carry on the government.

The amendment was agreed to.

Mr. SEBASTIAN. I submit an amendment from the Committee on Indian Affairs, embracing appropriations for carrying into effect Indian treaties which have been ratified since the passage of the Indian appropriation bill:

Shawnees.—For the first installment of interest, at five per cent, on \$40,000 for education, per third article of the treaty of May 10, 1854, \$2,000.

For the first of eight annual installments of money, in payment for lands, per third article of the treaty, May 10, 1854, \$100,000.

For the expenses of surveying the lands, and setting apart the surplus, as provided in the fifth article of the treaty, May 10, 1854, \$9,936.

For payment for relinquishment of certain permanent, and other annuities, and satisfaction for losses, damages, and claims, per eleventh article of the treaty of May 10, 1854, \$27,000.

Kaskaskia, and Peoria, and Wea, and Piankeshaw.—For the expenses of surveying the lands, as provided in the third and fourth articles of the treaty of May 30, 1854, \$5,300.

The payment of the first of three installments in money, of \$13,000 each, for purchase of former permanent annuities, and relinquishment of claims and damages, per sixth article of the treaty of May 30, 1854, \$13,000.

For the first of five installments, for support of a blacksmith and assistant, per sixth article of the treaty of 30th May, 1854, \$720.

For the first of five installments, for the purchase of iron and steel, per sixth article of the treaty of 30th May, 1854, \$230.

For the erection of a smith shop, and purchase of tools therefor, per sixth article of the treaty of 30th May, 1854, \$120.

Miamies.—For the expenses of surveying the lands as provided in the second article of the treaty, June 5, 1854, \$7,452.

For interest, at the rate of five per centum, on \$50,000, for educational purposes, &c., per third article of the treaty June 5, 1854, \$2,500.

Reappropriation: For payment of the valuation of improvements on lands ceded, as stipulated in the sixth article of the treaty of 1834, and the seventh article of the treaty of 1838, (the amount having been carried to the surplus fund by warrant No. 94, of September 24, 1852,) per fourth article of the treaty, June 5, 1854, \$8,000 68.

For the payment to the Miamies residing on the ceded lands of the first of six equal annual installments for purchase of former perpetual and other annuities, and relinquishment of claims, &c., per fourth article of the treaty, June 5, 1854, \$31,739 11.

For payment in full to John Grigg and Sash-o quosh, as provided in the fourth article of said last mentioned treaty, \$9,689 23.

For payment of the claims of Miamies who live on the ceded lands, for damages and loss of stock and other property, and for losses of improvements, &c., caused by their removal from Sugar Creek, per fourth article of the treaty, June 5, 1854, \$7,775 82.

The amendment was agreed to.

Mr. SEBASTIAN. Another amendment be-

comes necessary in the form of a proviso to that, to annul certain appropriations made in the Indian appropriation bill:

Provided, That the following appropriations contained in the Indian appropriation act, passed at the present session, are hereby annulled and repealed:

For fulfilling treaties with the Shawnees:
Permanent provision for salt, \$60; blacksmith and assistant, \$840; iron and steel, \$220.

For fulfilling treaties with the Piankeshaws:
Permanent annuities, \$800.

For fulfilling treaties with the Weas:
Permanent annuity, \$3,000.

For fulfilling treaties with the Miamies:
Money in lieu of laborers, \$250; agricultural implements, \$200.

For fulfilling treaties with the Delawares:
Permanent annuity, fourth article, treaty of August, 1795, \$1,000; permanent annuity, third article, treaty of September, 1809, \$500; permanent annuity, fifth article, treaty of October, 1818, \$4,000; permanent annuity, article supplementary, &c., 1829, \$1,000; permanent provision for blacksmith, October, 1818, \$720.

Permanent provisions for iron and steel for shop, October, 1818, \$220.

Mr. HUNTER. I ask the unanimous consent to make a report from the committee of conference on the civil and diplomatic appropriation bill.

Mr. WELLER. That will necessarily take some time; because I shall have to find out what amendment numbers one, fourteen, sixteen, and so on, is.

Mr. SEBASTIAN. I have another amendment:

Memonones.—For payment of expenses incurred in negotiating the articles of May 12, 1854, with the Memonones, supplemental and amendatory to the treaty of October, 1843, \$950.

The amendment was agreed to.

Mr. SEBASTIAN. The next amendment which I have is:

"And be it further enacted, That the sums appropriated by the act of March 3, 1849, for the removal and subsistence of the Memonones, and for the establishment of a manual labor school, &c., for them, and now remaining in the Treasury, together with the sums for the pay of a miller, heretofore appropriated, be paid to, and extended for the benefit of said Memonone Indians, according to the stipulations of said supplementary and amendatory articles."

The amendment was agreed to.

Mr. SEBASTIAN. The next is to perform a treaty with the Creeks:

For payment, as stipulated by the article dated June 13, 1854, supplementary to the treaty at Fort Gibson, November 3, 1828, to individuals of the Creek nation for claims for property abandoned and lost in consequence of their emigration west of the Mississippi, to be distributed under the direction of the chief agent of the United States to the Creeks, in the proportion as set forth and determined in the schedule referred to in the second article of said treaty of November 3, 1828, \$350,000: *Provided, however*, That the appropriation of \$17,500 for interest thereon, contained in the Indian appropriation act, passed at the present session, be, and the same is hereby, repealed.

The amendment was agreed to.

Mr. SEBASTIAN. The last amendment which I have from the committee is to insert:

For extra clerk hire for the service of the Indian office for one year, commencing on the 1st of August next, \$5,600.

For payment of the expenses of the delegates of the Creek nation, now in this city, \$1,199 55.

Mr. PETTIT. The first part of that amendment seems to reach from the first of August next. It must have been drawn up some days ago.

Mr. SEBASTIAN. It means this August, and I so modify it.

The amendment was agreed to.

Mr. SEBASTIAN. I have another amendment, which I do not offer from the Committee on Indian Affairs:

That the joint resolution entitled "A resolution explanatory of the act appropriating money for the removal of the raft of Red river," approved January 7, 1853, be, and is hereby, repealed, and that the Secretary of the Department of War be authorized to expend the appropriation in reference to Red river raft in such a way, and for such purposes as he may approve, having in view the improvement of the navigation of Red river in and around said raft.

Mr. PRATT. I ask for the yeas and nays on that.

Mr. SEBASTIAN. As the yeas and nays are called for, a few words will explain the amendment to the Senate. In the first place, Mr. President, the appropriation which it seeks to control has already been made; and unless some provision is made in regard to it, it will become ineffectual, because it will relapse into the surplus fund. In the next place, the amendment does not propose to divert the fund to another purpose, but only to enlarge the discretion of the Secretary of War, and enable him to carry out the object of the ap-

propriation. Unless it is passed, that appropriation will be placed in the singular predicament of being the only one contained in the last river and harbor bill which is tied up from the purpose for which it was made. This proposition is embraced precisely in the river and harbor bill which we have just passed. It is also embraced in a resolution which passed this body, I think, without a division, and went to the other House; so that it has been deliberately sanctioned by both Houses; and yet, in consequence of not being on the same bill, there is no certainty that it will pass. I omitted to move it to the civil and diplomatic appropriation bill, at the suggestion of the Senator from Virginia that the Army bill was the proper place for it.

Mr. HUNTER. I did not say I thought it right. I thought it more proper in the Army than in the civil and diplomatic appropriation bill. I cannot vote for it.

Mr. SEBASTIAN. He thought it more proper. The expenditure is to be made by the Secretary of War. It is, therefore, peculiarly appropriate to the Army appropriation bill. It contains no new appropriation. It simply carries out the object indicated in the old law. I will simply remark, in conclusion, that an amendment involving precisely the same principle was incorporated, by a deliberate vote of the Senate, upon the civil and diplomatic appropriation bill. I allude to the one offered by the Senator from North Carolina [Mr. BADGER] in reference to the use of a former appropriation for his State. The principle and precedent have been sanctioned by the deliberate votes of the Senate; and, with this explanation, I submit the question.

Mr. PRATT. This very appropriation is contained in the river and harbor bill; and although I believe it to be right, yet I believe all the other appropriations in that bill are right, and I wish them all to share the same fate. If this is to be contained in another bill, so as to give it additional chance, we might as well add that whole bill to this.

Mr. BENJAMIN. This is not an appropriation now made for the States of Arkansas and Louisiana. The appropriation was made in the river and harbor bill two years ago. All the other appropriations made in that bill have been expended. This particular appropriation alone remains unexpended by reason of a particular limitation contained in the appropriation bill which has prevented the Secretary of War from carrying out the object of the appropriation. It is true we have put it in the river and harbor bill again this year, but it is too late in the session for that bill to pass. The object is not to put us in any better position than anybody else, but to give us the same rights that all others have already enjoyed. The appropriations made two years ago for all other sections of the Confederacy have been expended in their favor. This one appropriation for the benefit of Louisiana and Arkansas has not yet been expended, and the object of this amendment is to enable the Secretary of War to expend it.

Mr. SLIDELL. I wish simply to make one observation in reply to the objection of the Senator from Maryland. He objects to this amendment because the same provision is contained in the river and harbor bill. I think he was silent when a similar proposition was made in relation to the improvement of the Albemarle sound, and added without a dissenting voice in the Senate to the civil and diplomatic bill, though that very provision is embodied in the river and harbor bill.

The question being taken on the amendment by yeas and nays, resulted—yeas 33, nays 4; as follows:

YEAS—Messrs. Adams, Atchison, Benjamin, Brodhead, Chase, Clay, Dodge of Iowa, Douglas, Evans, Fessenden, Fish, Foot, Geyer, Gwin, Houston, Johnson, Jones of Iowa, Jones of Tennessee, Mallory, Morton, Pearce, Rockwell, Rusk, Sebastian, Seward, Slidell, Stuart, Thomson of New Jersey, Toombs, Toucey, Wade, Walker, and Weller—33.

NAYS—Messrs. Bright, Hunter, Mason, and Pratt—4.

So the amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. FORNEY, their Clerk, announcing that the Speaker had signed the bill for the relief of Thomas Bronaugh, and for the repeal of the "act to aid the Territory of Minnesota in the construction of a railroad therein," approved the 29th of June, 1854, and the joint resolution directing the presentation of a medal to Com-

mander Duncan N. Ingraham; which were then signed by the President *pro tempore*.

The message also announced that the House had passed, without amendment, Senate bill to incorporate the Pioneer Manufacturing Company of Georgetown, District of Columbia.

CIVIL AND DIPLOMATIC BILL.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill "making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1855, and for other purposes."

Mr. HUNTER asked unanimous consent to be allowed to present the report of the committee of conference on that bill; but, objection being made, the Senate continued, as in Committee of the Whole, the consideration of the

ARMY APPROPRIATION BILL.

Mr. JONES, of Tennessee. I have an amendment to offer which has been estimated for by the Department:

For the construction of a military road from the Rio Grande, near El Paso, to the river Colorado, and for sink wells thereon, \$12,000; to be expended under the direction of the Secretary of War.

The amendment was agreed to.

Mr. GWIN. I offer an amendment to come in after the appropriation "for pay of the Army:"

Provided, That hereafter the officers of engineers in command of, and superintending works, shall be entitled to the pay and emoluments attached to their brevet rank during the period of their service in such commands.

I will, in a word, explain this amendment: Two officers of the engineer corps are now engaged in superintending the works at Fort Point and Alcatraz Island, in the Bay of San Francisco. They are both brevet officers, but do not receive the pay of their brevet rank. It is a highly important and responsible station. They have disbursements to make of enormous amounts of money, and receive nothing but their ordinary pay.

The amendment was rejected.

Mr. MASON. I have an amendment to offer. It is to insert after the appropriation for repairs and improvements, and new machinery at Harper's Ferry, the following:

For the erection of a new arsenal at Harper's Ferry, \$27,000.

For the purchase of a house and lot on Cliff street, at Harper's Ferry, at its junction with Shenandoah street, or so much thereof as may be necessary, \$8,850: *Provided*, That whatever portion of this appropriation may be required therefor, shall be applied towards removing said house.

For repairs and improvements to the rifle works at Harper's Ferry, \$5,500.

Mr. President, these proposed appropriations are amongst the estimates from the War Department for the armory at Harper's Ferry. They were given to me by the member of the House who is now at the head of the Military Committee there, with the information corroborated by the papers which he showed me, that they were taken from a series of estimates made by the War Department; and he requested that I would offer them.

Harper's Ferry is not far from my own residence, and I happen to know personally that the arsenal where the arms are now stored, from its position, was subject to inundation from the river some two or three years since, and the War Department then asked for authority to be enabled to build a new arsenal, on higher ground. They commenced it, and this appropriation will enable them to complete it. The other item is for the purchase of a house, which, I can say, from my knowledge of the premises, is desirable to be purchased and to be removed, in order to avoid risks of fire. It is a policy which has been pursued by the Government, to avoid the risk of fire by purchasing adjacent buildings, when necessary. These items have been selected from the appropriations recommended by the War Department, as those most important; and I submit them to the Senate.

Mr. JONES, of Tennessee. It is very obvious that these armories are to be a source of continual annoyance to us. The Secretary of War, in his letter which was read here to-night, and which, I think, was treated with great indifference, because his recommendation was rejected, stated that we have now six hundred thousand stand of arms in the national armories. We have upwards of two

millions deposited with the States. Now, sir, I think we had better get rid of the whole matter, and, therefore, I offer this amendment as a substitute for that offered by the Senator from Virginia:

And be it further enacted, That the President of the United States be, and he is hereby, authorized and directed to cause to be sold, to the highest bidder, after sixty days' notice in one or more newspapers published in the cities of Washington, Baltimore, Philadelphia, New York, and Boston, the grounds and property owned by the Government at Springfield, in Massachusetts, and Harper's Ferry, in Virginia, and used as armories of the United States.

Mr. MASON. Mr. President, I think it not at all improbable that, if it becomes the established policy of this Government to leave the responsibility for the manufacture of arms to the Executive, and to take away the control, it must result in changing the whole scheme of manufacturing arms, and it will pass over to private contract. I think that must be a necessary result, if the Executive cannot be responsible, if you take away the control, as has been done by an amendment, which has prevailed, to the bill. But yet, until that is done, the public property ought to be preserved. As I said before, there is no arsenal, or proper place for storing arms, adequate for the purpose, at Harper's Ferry at present. I shall vote against the amendment of the honorable Senator from Tennessee, but reserve to myself, as a Senator from Virginia, to determine upon the policy of changing the whole system, and giving it over to private contract, if the policy prevails of leaving the responsibility with the Executive, and taking away from him the control.

Mr. DAWSON. I am opposed to both amendments for the present. The amendment of the Senator from Virginia is for the building of a new arsenal at Harper's Ferry. That is a matter which ought to have gone before the Committee on Military Affairs of this body. The Senator has referred to the chairman of the Committee on Military Affairs in the House of Representatives. He should have presented the amendment to that House.

Mr. MASON. I was informed by that gentleman that he did present the amendment, in a different form—in a very general form. There is a fund at Harper's Ferry, derived from the sale of certain public property there, amounting, I think, to \$80,000 or \$90,000. When the proposition was presented to the House of Representatives, it was, to leave that fund at the discretion of the War Department, to be expended at Harper's Ferry for various purposes of improvement, these among the rest. It was voted down by the House in that form, and we, therefore, selected these as the most important items of the estimates of the War Department.

Mr. DAWSON. I have every confidence in the gentleman representing that district in the House of Representatives; but I say to the Senator now, and I say to the Senate, that it is better to let the matter pass over. The object is to remove a House which belongs to an individual out of a particular street. A year or two ago, I think, an appropriation of \$16,500 was made for the purpose of beginning the new arsenal. That appropriation of \$16,500 has not gone in that direction.

Mr. MASON. Part of it.

Mr. DAWSON. You say part of it has not gone. They have done nothing.

Mr. MASON. They have done a little.

Mr. DAWSON. They may have gone on, and dug a foundation, but that is a small beginning. My objection is, that the change which has taken place in relation to the armories by the vote to-night, has produced a feeling in the mind of the Senator from Virginia which has almost brought him to vote for the entire repeal of the laws establishing armories. Then why should we now make an appropriation of money to build an arsenal in the neighborhood of that armory, to take care of the public arms. The better plan, and the prudent one, is that which I suggest: to avoid, for the present, any appropriation for these armories, especially when it is based upon facts which we do not thoroughly comprehend. I am also opposed to the amendment offered by my friend from Tennessee; and I beg to say to him that I think it is better to let this matter lie over until the next session of Congress, when the subject can be taken up and thoroughly investigated; and if his proposition shall succeed to

dispose of the armories, any further appropriations will be unnecessary. I think, however, the Senate ought not now, under the existing circumstances, to vote a single dollar of appropriation for arsenals or armories. I hope Senators will concur with me in that opinion.

Mr. MASON. I said this, and I repeat it: if the Executive is to remain responsible for the management of the armories, you must leave the control with the Executive; and if you take away the control, it must result in the change of the whole system; but until that is done, there ought to be some means provided for preserving the arms which are made.

Mr. DAWSON. Now, I will ask the Senator from Virginia whether this amendment of his is a recommendation of the Department, or presented from a committee?

Mr. MASON. It was my misfortune not to be heard by the honorable Senator who makes the inquiry. I said it had been estimated for by the War Department, was before the House in a more general form, rejected there, as I am informed, because of its general character, and presented here in the form of specific appropriations.

Mr. DAWSON. The estimate for the preceding year, I think, was \$16,500, and that amount was appropriated. There was no estimate for this purpose laid before the Committee on Military Affairs of this body; at least, none that I saw.

Mr. SLIDELL called for the yeas and nays on the amendment of Mr. JONES, of Tennessee, to the amendment; and they were ordered, and being taken resulted—yeas 21, nays 25; as follows:

YEAS—Messrs. Atchison, Bayard, Benjamin, Brodhead, Butler, Chase, Clay, Dawson, Douglas, Evans, Fish, Fitzpatrick, Geyer, Gillette, Gwin, Jones of Tennessee, Pearce, Pettit, Sumner, Toombs, and Wade—21.

NAYS—Messrs. Adams, Bright, Brown, Cooper, Dodge of Iowa, Fessenden, Foot, Houston, Hunter, James, Johnson, Mallory, Mason, Morton, Norris, Pratt, Rockwell, Rusk, Sebastian, Seward, Slidell, Stuart, Toucey, Walker, and Weller—25.

So the amendment to the amendment was rejected.

Mr. Mason's amendment was also rejected.

Mr. JOHNSON. I am instructed by the Committee on Military Affairs to offer the following amendment:

For the purchase of three thousand stand of Sharp's rifle, \$90,000: *Provided*, The Secretary of War, after fair practical test thereof, shall deem the purchase advisable and proper.

I wish simply to read the statement of the Ordnance Bureau and the Secretary of War upon this subject:

WAR DEPARTMENT, }
WASHINGTON, July 29, 1854. }

SIR: I have the honor to acknowledge the receipt of your letter of the 27th instant, inclosing a resolution of the Senate, directing the Committee on Military Affairs to inquire into the expediency of an appropriation for the purchase of the "Sharp's rifle" for the use of the Army of the United States, and asking whether they are necessary, and what sum should be appropriated for the purpose.

In reply I transmit you a report of the Colonel of Ordnance on the subject, in whose views I concur, and recommend an appropriation of \$90,000, subject to the restrictions stated by him.

The resolution of the Senate is herewith returned.

Very respectfully, your obedient servant,

JEFF. DAVIS, Secretary of War.

Hon. JAMES SHIELDS, Chairman Committee of Military Affairs.

ORDNANCE OFFICE, }
WASHINGTON, July 28, 1854. }

SIR: In answer to General Shields's letter of the 9th instant, respecting the expediency of an appropriation for the purchase of Sharp's rifles, I have the honor to report:

In the examinations and trials of breech loading arms, by boards of officers, Sharp's principle has been pronounced superior to others, and his arms most suitable for the use of mounted troops. Some of them have been purchased and issued to the troops, and are now undergoing the final test of trial in actual service. Reports of the result of that test have not yet been received; but there is reason to suppose that they will be favorable. If they should be such as to warrant the adoption of the arm into the United States service, there will be required, to supply all the mounted troops with arms made on this principle, of patterns suitable for the different kinds of mounted troops, riflemen, and dragoons, about three thousand; to preserve which, with their appendages, will require about \$90,000.

As the adoption of Sharp's arms is dependent on the result of the practical test, their purchase should be authorized, subject to the result of that test; which will be effected by an appropriation for the purchase, if the Secretary of War should deem it advisable and proper.

General Shields's letter, with its inclosure, is returned herewith. Respectfully, your obedient servant,

H. K. CRAIG, Colonel of Ordnance.

Hon. JEFF. DAVIS, Secretary of War.

Thus we have a distinct recommendation of

Colonel Craig, of the Ordnance Bureau, and of the Secretary of War. The object of this purchase is to obtain arms to equip three thousand of our mounted troops. It is for a specific object, and is dependent upon the result of the final test. So far as tests have already taken place, they are pronounced by the War Department to be superior to any other description of arms which have been in the possession of the Government of the United States. I believe it will be well to make this appropriation. I am instructed by the Committee on Military Affairs to offer the amendment, and I hope it will be adopted.

Mr. BRODHEAD. I do not understand this. But a few minutes ago we said mechanics were the proper persons to judge of the manufacture of arms, and that they must be employed for that purpose. Now it is proposed to refer this question to the War Department, and, of course, to a board of officers. How is the Secretary of War to ascertain the practicability of this arm? It is well known that the Secretary of War will refer this matter to a board of officers, or judge of it himself.

Mr. TOUCEY. It has already been examined.

Mr. BRODHEAD. Then it has been by military officers; and I supposed we had decided in favor of mechanics. I am opposed to this special legislation.

Mr. JOHNSON. The feeling under which the Senator from Pennsylvania makes those remarks can be very plainly seen. His feeling is that of regret, not to express it in any stronger language, that a particular view which he has had in regard to the public service has not been sustained by the votes of the Senate to-night in reference to the armories. There is no inconsistency between the proposition which we offer—to purchase arms made by private individuals when they are deemed fit by the Department after a practical test—and voting against putting Army officers to superintend the making of arms. They are two entirely distinct and separate matters. One relates to the supervision of the armories, the other to the purchase of arms to equip the forces of the United States. I regret that we cannot all agree, and have but one view upon any public subject; but I humbly submit that there is no such inconsistency as the Senator from Pennsylvania thinks in this instance. I see no propriety in the complaint which he makes, for this amendment relates to the purchase of arms already made, and the other to the supervision and direction of the making of them.

Mr. DAWSON. It is true, no doubt, as stated by my colleague on the Committee on Military Affairs, [Mr. JOHNSON,] that a majority of the committee have to-night recommended this appropriation.

Mr. JOHNSON. May I ask the honorable Senator one question? How often has he participated in the same kind of action that he should lay a stress upon the word "to-night," as to the action of the committee in this instance?

Mr. DAWSON. I have not objected to that, but I say that this appropriation has been recommended to-night, I suppose, by a majority of the committee, they standing three to two. A substantial objection to this proposition is, that the Secretary of War says these rifles are now undergoing an experiment. There is no ascertained fact in relation to them which would justify Congress in making an appropriation of \$90,000 to purchase them. It is true as my friend from Arkansas says, they have been examined by the head of the Ordnance Bureau, and he has formed a favorable opinion in regard to them.

Mr. JOHNSON. Has he not said that, as far as they are tested, they are superior to any other arms?

Mr. DAWSON. Precisely so; but we have yet no report from the Department of War as to the final result of the experiments. It has been already said to-night that we have more than six hundred thousand stand of arms now in our possession. Then why should we, at this period of the session, make an appropriation of \$90,000, when there are other arms before the same committee competing for the appropriation?

Mr. JOHNSON. This is simply to furnish three thousand of our mounted troops.

Mr. DAWSON. We shall be in session in ninety or one hundred and twenty days from the

present time. Why then should we hurry this matter? I am decidedly in favor of doing anything that is right, but I do not wish to act precipitately.

Mr. PRATT called for the yeas and nays; and they were ordered.

Mr. WALKER. I move to amend the amendment by striking out "Sharp's rifle," and inserting "the best breech-loading rifle, in the opinion of the Secretary of War;" so as to make the amendment read:

For the purchase of three thousand stand of the best breech-loading rifle, in the opinion of the Secretary of War, for the use of the United States Army, \$90,000: *Provided*, that the Secretary of War, after a fair practical test thereof, shall deem the purchase advisable and proper.

As has been remarked by the Senator from Georgia, there are other breech-loading rifles now in competition with Sharp's. I have had some experience in the use of arms. When I first saw Sharp's rifle I thought it was the best I had ever seen; but I am satisfied, from further observation, that it is not the best I have seen. I have heard the opinion of those who have used it; and while it is a remarkable gun when used with care, for a few times, it is not upon a plan of construction that ever can last in long service. At least, sir, that is my opinion. I have seen other arms which I think are constructed on a better principle, and more calculated to stand hard service, and long service. But, sir, I would not propose an amendment to this bill which should make it the imperative duty of the Secretary of War to select that particular arm, if, in his opinion, it stood the test; but I am willing to take the amendment in the shape I have proposed, in preference to the other; but I am not certain that I shall vote for it if so amended. It will then, at any rate, certainly be in a better form.

Mr. TOUCEY. The rifle which is mentioned in the original amendment is, I think, the best one of that description now extant. That is the opinion of the most competent and experienced men. That is the opinion of the War Department, and of the Ordnance Bureau. It is the best breech-loading rifle, and is designed to be supplied for mounted men. It is on trial in the hands of infantry, to ascertain whether it is not also the best weapon for infantry. I am confident in saying that such is its range and its efficiency, that it will more than double the power of the troops in whose hands it is placed. It has recently received a gold medal from the Emperor of France, who is a very competent judge. It has been tried by a board of officers here, I think, more than once, and their judgment has been entirely in favor of the weapon. Now, under those circumstances, this appropriation is asked; but it is made to depend upon the judgment of the Secretary of War, and if there is another, that is better, this one will not be purchased. I therefore hope the amendment of the committee will be adopted.

Mr. WALKER. The arm to which I referred has been submitted to a board of officers for test; and if I had it here, I think I could show that, in point of range and penetration, and in almost every other respect, it is superior to the Sharp rifle. That is the report which has gone into the War Department, or the Ordnance Bureau, from the board of officers who made trial of it; but I understand the report has not been taken up for examination, and, consequently, has not been submitted. I ask for the yeas and nays on the amendment to the amendment, to see whether discretion is to be left to the Secretary or not.

The yeas and nays were ordered; and, being taken, resulted—yeas 22, nays 12; as follows:

YEAS.—Messrs. Adams, Bayard, Benjamin, Brodhead, Butler, Chase, Clay, Dawson, Evans, Fish, Foot, Gillette, Houston, Hunter, Pratt, Rockwell, Seward, Slidell, Sumner, Thomson of New Jersey, Toombs, Wade, and Walker—22.

NAYS.—Messrs. Bright, Brown, Dodge of Iowa, Fitzpatrick, Geyer, Gwin, Johnson, Morton, Sebastian, Stuart, Toucey, and Weller—12.

So the amendment to the amendment was adopted; and the question recurred on the amendment of the committee, as amended.

Mr. TOUCEY. I shall vote for the amendment as amended. I am so entirely confident of the superiority of this arm, that I entertain no doubt that it will be selected by the Secretary of War. I voted against the amendment to the amendment, because it was authorizing the purchase of arms not known to the Senate; whereas,

as the amendment originally stood, it restricted the Secretary to this, and he would reject it if there were a better one; but still I will vote for it.

The question being taken by yeas and nays on the amendment, as amended, resulted—yeas 19, nays 23; as follows:

YEAS.—Messrs. Adams, Brodhead, Brown, Dodge of Iowa, Douglas, Fitzpatrick, Geyer, Gillette, Gwin, Houston, James, Johnson, Mallory, Morton, Sebastian, Stuart, Thomson of New Jersey, Toucey, and Weller—19.

NAYS.—Messrs. Bayard, Benjamin, Bright, Butler, Chase, Clay, Cooper, Dawson, Evans, Fessenden, Fish, Foot, Hunter, Jones of Tennessee, Norris, Pratt, Rockwell, Seward, Slidell, Sumner, Toombs, Wade, and Walker—23.

So the amendment, as amended, was rejected.

Mr. FESSENDEN. I offer the following amendment, to come in after the appropriation "for continuing the explorations and surveys to ascertain the best route for a railway to the Pacific:"

And three experienced civil engineers shall be appointed by the President as commissioners, to whose examination the Secretary of War shall submit all reports, maps, profiles, and records of all explorations and surveys conducted under the direction of the War Department, relating to a railroad to the Pacific; and it shall be the duty of said commissioners to report, as soon as practicable, to the Secretary of War upon the comparative facilities afforded for a railroad by the different routes surveyed, the commercial necessities therefor, and advantages thereof, its probable profit and cost; and to submit such views upon the mode of construction, and upon the general subject, as are usually presented by engineers in relation to such subjects, and which they may deem necessary and proper. And the said commissioners shall be paid such amounts for their services and necessary expenses for clerk hire, out of the foregoing appropriation of \$150,000, as the Secretary shall consider reasonable and proper compensation for the same.

The PRESIDING OFFICER. (Mr. BRIGHT in the chair.) Is that recommended by any one of the standing committees of the Senate?

Mr. FESSENDEN. No, sir; but it contains no appropriation.

Mr. PRATT. Does it not contain an appropriation for the pay of the officers?

Mr. FESSENDEN. If Senators will examine the clause to which the amendment is moved, they will find that it contains an appropriation, the expenditure of which this amendment directs in a particular mode.

The PRESIDING OFFICER. The Chair is of opinion that such an amendment is not in order to a general appropriation bill. If the Senate desire it, he will submit the question to their decision.

Mr. WELLER. If such a thing be proper, I should like to have the reasons on which the opinion of the Chair is founded.

The PRESIDING OFFICER. The Chair founds his opinion on the fact that the amendment has not been recommended by any one of the standing committees of the body, and is not in pursuance of an estimate from the head of any Department. It is, therefore, excluded by the rule. But the Chair will submit the question to the Senate whether the amendment is in order under the 30th rule.

Mr. WELLER. That, I suppose, is a debatable question.

The PRESIDING OFFICER. Yes, sir.

Mr. WELLER. I should like to hear the rule read. I know that certain things have to be estimated for by a Department, or presented by a standing committee, but I have never yet heard that the rules of the Senate prevent a Senator from proposing to modify or change the direction of an appropriation already made by the bill itself. If I understand it, this amendment simply provides the manner in which a sum appropriated by the bill shall be used. It provides for a board to make the appropriation more effective. I cannot see any rule of construction or parliamentary practice by which the amendment can be excluded.

Mr. CHASE. The Chair will remember that, during the last session of Congress, upon a motion in respect to an appropriation for the Pacific railroad exploration, the Senator from Wisconsin, [Mr. WALKER,] moved to strike out the whole amendment, leaving only the appropriation, and to direct the expenditure of that appropriation to another object, introducing a new and distinct proposition entirely. That question was largely debated at the time in the Senate, and it was ruled that the amendment was in order, and the Chair, in so ruling, was sustained by the Senate.

The PRESIDING OFFICER. The Chair

has sustained what he understands to be the rule, but he will submit the question to the Senate, whether they will receive the amendment of the Senator from Maine.

Mr. FESSENDEN. I ask that the 30th rule be read?

It was read as follows:

"30. No amendment, proposing additional appropriations, shall be received to any general appropriation bill, unless it be made to carry out the provisions of some existing law, or some act or resolution previously passed by the Senate during that session, or moved by direction of a standing or select committee, or in pursuance of an estimate from the head of some of the Departments; and no amendment shall be received whose object is to provide for a private claim, unless it be to carry out the provisions of an existing law, or a treaty stipulation."

Mr. DAWSON. None of these surveys have been returned, and in all probability they will not be here before the meeting of the next session. I dislike to create a board of this sort—

Mr. WELLER. The question is now, whether we shall entertain the amendment? Not upon its merits.

Mr. DAWSON. But the question of order is, whether this shall be received? The bill already appropriates \$150,000, and the amendment proposes to apply part of it to the payment of three civil engineers or commissioners. It seems to me that that is clearly an appropriation in the contemplation of the rule.

The PRESIDING OFFICER. The Chair had no doubt on that head, but he has submitted the question to the Senate whether they will entertain the amendment.

Mr. WELLER. The only question is, whether it is in order for a Senator to move an amendment directing the particular manner in which an appropriation provided for in the bill shall be expended.

Mr. SEWARD. It seems to me that the appropriation is a given sum of money, and when a Senator is not satisfied with that, he can move to give to that sum of money a different direction, without conflicting with the rules.

Mr. PRATT. Suppose an appropriation were made in the bill for the building of the Capitol under the direction of the War Department, would it be contended that it would be in order, because that appropriation was in the bill, for an individual Senator to offer an amendment to divert that money to some object not recommended?

Mr. WELLER. No, sir; but I apprehend it would be in order to propose an amendment to change the manner in which that building should be constructed. Suppose the original appropriation provided for a certain building, could I not move to change the character of that building without having an estimate from the Department? Undoubtedly I could.

Mr. PRATT. I do not know about the character of the building; but here you have commissioners who are to exhaust this sum.

Mr. SEWARD called for the yeas and nays on the question whether the amendment could be entertained under the 30th rule; and they were ordered, and being taken, resulted—yeas 23, nays 10; as follows:

YEAS—Messrs. Atchison, Bayard, Benjamin, Chase, Clay, Dawson, Dodge of Iowa, Fessenden, Fish, Foot, Geyer, Gillette, Gwin, Houston, James, Mallory, Rockwell, Seward, Sumner, Thomson of New Jersey, Wade, and Weller—23.

NAYS—Messrs. Bright, Brown, Evans, Johnson, Morton, Pratt, Slidell, Stuart, Tompkins, and Toucey—10.

So the amendment was received.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maine. The amendment was rejected.

Mr. WELLER. I am directed by a majority of the Committee on Military Affairs to offer the following amendment as an additional section:

SEC.—And be it further enacted, That the Secretaries of War and the Navy, if, in their opinion, the public service requires it, are authorized to purchase of the patentee his patent for practical anasthesia; and the sum of \$100,000 is hereby appropriated, to be charged in equal amounts to the Army and Navy: *Provided, however,* Before making the purchase, they shall obtain the opinion of the Attorney General of the United States affirming the validity of any such patent.

The amendment was rejected.

Mr. GEYER. I offer the following amendment, as an additional section:

SEC.—And be it further enacted, That the Secretary of War be, and he hereby is, authorized and required to cede and convey to the city of St. Louis the tract of land of

thirty-seven sixty-four one hundredth acres, on which the St. Louis arsenal now stands, together with the permanent and fixed improvements, for such sum of money as the said Secretary shall deem reasonable, not less than the original cost of the lands, buildings, and permanent improvements thereon, to be paid by said city into the Treasury of the United States; and the sum of money which shall be so paid, or so much thereof as shall be necessary, is hereby appropriated to the construction of another arsenal on the tract of land on which Jefferson barracks are situated, and the removal thereto of the arms, munitions, machinery, and tools now at said St. Louis arsenal: *Provided,* That the possession of said tract of land shall not be delivered to said city until after the new arsenal is completed, and the arms, munitions, machinery, and tools aforesaid removed thereto, for which purposes the period of two years from and after the payment of the purchase money shall be allowed: *And provided also,* That the said sale and conveyance shall be on condition that the said tract of land shall forever remain a public park for the use of the inhabitants of said city, and shall be maintained and regulated as such by the said city.

I will send to the Secretary to be read the letter of the Secretary of War, together with the report of Colonel Craig to the Secretary of War, on the subject.

The Secretary read them, as follows:

WAR DEPARTMENT, January 27, 1854.

SIR: I have considered the subject of the resolution left by you at this Department, directing an inquiry into the expediency of ceding to the city of St. Louis, for the purpose of a public park, the ground on which the United States arsenal now stands; and I herewith transmit a report from the Colonel of Ordnance on the subject. I see no objection to the cession, if time be allowed and means be provided for the construction of an arsenal on another site, and the removal thereto of the arms, munitions, machinery, tools, &c., now at the St. Louis arsenal, for which purposes the sum of \$250,000 is estimated to be required.

Very respectfully, your obedient servant,

JEFF. DAVIS.

HON. THOMAS H. BENTON, Chairman Committee on Military Affairs, House of Representatives.

ORDNANCE OFFICE, January 27, 1854.

SIR: I have to acknowledge the reference to this office for report of the resolution of the House of Representatives instructing the Committee on Military Affairs to inquire into the expediency of ceding to the city of St. Louis, for the purpose of a public park, for ever, the ground on which the United States arsenal now stands, and to submit the following remarks on the measure, the expediency of which is the subject of inquiry.

The arsenal is near, and just outside, the limits of the city of St. Louis. It was located and its construction commenced in accordance with the act approved May 20, 1826, entitled "An act to authorize the Secretary of the War Department to purchase a site for an arsenal at St. Louis, in the State of Missouri, and to provide for the erection of an arsenal at the same." The site selected, and on which the arsenal now stands, contains thirty seven forty sixth hundredth acres, and is estimated to be now worth at least \$200,000, exclusive of the inclosing walls, interior fences, drains, culverts, and roads, which are valued at \$30,000. The buildings, which are constructed in the most permanent manner, are valued at \$163,010. The arms and munitions of war of all kinds, together with the machinery and tools in store and in use, are valued at \$1275,773.

The proposed cession to the city of St. Louis for the purpose stated in the resolution, will require the abandonment of the land, with its permanent and fixed improvements, and of the buildings, the value of which amounts to \$393,010, and the removal of the rest of the public property. The St. Louis arsenal is the only arsenal west of the Mississippi, and, except that at Pittsburg, the only arsenal in the West where construction and repairs of artillery carriages, arms, accoutrements, and munitions can be carried on to a great extent. It has now good facilities for doing such work, and nearly all the supplies for the West and Northwest are prepared there. It cannot be abandoned, without very great injury to the public interest and service, until another and similar arsenal is constructed in that part of the country to supply its place, and the arms, munitions, and all moveable apparatus at the present arsenal are transferred thither. The cession to the city of St. Louis until after this shall have been done, is, in my opinion, altogether inexpedient. On the other hand, there seems no doubt that since the original location of the arsenal, the extension of the city has brought the two into an inconvenient and disadvantageous proximity for both, and that the removal of the arsenal to a site further from the city is desirable. The erection of proper buildings on the new site, and the removal of the ordnance stores and supplies thither, would cost, it is estimated, \$250,000. It means to this extent will be furnished by the city of St. Louis, in consideration of the cession, or by appropriation of Congress for the purpose, the erection of the buildings and the removal of the stores may follow as soon as practicable; and when that is done, I know of no objection to the cession of the present arsenal to the city.

The resolution of the House of Representatives is returned herewith.

Respectfully, your obedient servant,

H. K. CRAIG, Colonel of Ordnance.

HON. JEFF. DAVIS, Secretary of War.

The amendment was rejected.

The bill was reported to the Senate, as amended, and the amendments made as in Committee of the Whole were concurred in.

Mr. WELLER. I now offer the following amendment, which was rejected in Committee of the Whole:

For the payment of claims adjudicated by the board of

Army officers, appointed by the Secretary of War, under the sixth section of the act of August 31, 1852, §129,885 23 1/2.

In regard to this amendment, I have only to say that the amount named in it is the amount of claims favorably passed on by the commissioners. Claims to the amount of over \$865,000 were presented, of which \$400,000 were rejected or suspended, and \$129,000 allowed. A record of their allowances has been transmitted to the Committee of Military Affairs, who have carefully examined the subject, and are entirely satisfied that the allowances are just and proper.

Mr. BRIGHT called for the yeas and nays on the amendment; and they were ordered.

Mr. GWIN. This board of officers was organized under an act passed two years ago. They have been, for two years, engaged in the examination of these claims, and have made an elaborate report upon them. It is well known to those who have investigated the subject, that the board have, with scrupulous care, examined every claim they have passed on; and out of the vast amount presented, \$865,000, as my colleague stated, they have only passed this amount. Sir, it is useless to pass laws establishing boards of commissioners, if their awards are never to be carried into effect. I had hoped there would not be a member of this body who would oppose this appropriation. I trust it will be agreed to.

The question being taken by yeas and nays, upon the amendment, resulted—yeas 23, nays 13; as follows:

YEAS—Messrs. Adams, Atchison, Bayard, Brodhead, Brown, Cooper, Dawson, Dodge of Iowa, Gwin, Houston, James, Johnson, Jones of Tennessee, Mallory, Morton, Rusk, Seward, Slidell, Thomson of New Jersey, Tombs, Toucey, Walker, and Weller—23.

NAYS—Messrs. Benjamin, Bright, Chase, Clay, Evans, Fessenden, Fitzpatrick, Hunter, Pearce, Pratt, Rockwell, Stuart, and Sumner—13.

So the amendment was agreed to.

Mr. TOUCEY. I now renew the amendment which was offered and rejected in Committee of the Whole, appropriating \$90,000 for the purchase of rifles.

Mr. WALKER. In what shape does the Senator renew it. As it was modified?

Mr. TOUCEY. In the same shape in which it was modified.

Mr. MALLORY. Is the amendment for the purchase of three thousand rifles at \$90,000—thirty dollars a rifle?

Mr. TOUCEY. Yes, sir.

Mr. MALLORY. I suggest whether it would not be as well to leave the amount, \$90,000, without specifying the number of rifles? I am using one of these very rifles myself, and I know their value.

Mr. TOUCEY. I will adopt the suggestion of the Senator from Florida, and offer the amendment in this shape:

For the purchase of the best breech-loading rifles, in the opinion of the Secretary of War, for the use of the United States Army, \$90,000: *Provided,* The Secretary of War, after a fair practical test thereof, shall deem the purchase advisable and proper.

Mr. STUART called for the yeas and nays on the amendment, and they were ordered; and being taken, resulted—yeas 25, nays 8; as follows:

YEAS—Messrs. Adams, Atchison, Benjamin, Brown, Clay, Dodge of Iowa, Douglas, Fitzpatrick, Geyer, Gwin, Houston, James, Johnson, Mallory, Morton, Rusk, Sebastian, Seward, Slidell, Stuart, Thomson of New Jersey, Tombs, Toucey, Walker, and Weller—25.

NAYS—Messrs. Bayard, Bright, Chase, Dawson, Evans, Pearce, Pratt, and Rockwell—8.

So the amendment was adopted.

Mr. DAWSON. The Senate has agreed to the amendment appropriating \$129,000 as part of the award made by the commissioners appointed under the act of August 31, 1852. I beg now to present the following amendment as an additional section:

SEC.—And be it further enacted, That the board of officers appointed under the sixth section of the "act making appropriations for the support of the Army for the year ending June 30, 1853," approved August 31, 1852, is hereby authorized and directed, in addition to the powers and duties already conferred upon it, to extend its examinations to claims arising from the destruction of property by the troops serving under the command of Lieutenant Colonel John C. Fremont, in California, in the years 1846 and 1847, by his orders, as well as for the destruction of property by the enemy caused by the occupancy of the claimants premises by the said troops: That said board is empowered to examine witnesses under oath, and take testimony, if necessary, in California or elsewhere: That for the payment of claims heretofore favorably reported upon by the board, including that numbered one hundred and ninety-seven, being the claim of Santiago E. Arguello,

and amounting to \$11,548, and for compensation of the members of the said board for and during their period of service as such, at a rate not exceeding \$3,000 per annum for each, deducting therefrom their Army pay, the sum of \$159,500 be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated. And that the Secretary of the Treasury is hereby authorized and directed to pay to the treasurer of said board, out of any money in the Treasury not otherwise appropriated, the sum of \$9,000 for contingent expenses of said board, including therein office rent, clerk hire, stationery, fuel, the payment of witness fees, duly summoned by the board at a rate not exceeding those paid by the United States district courts in California, or elsewhere, as the case may be, the traveling expenses of said board, not exceeding sixteen cents per mile to each member, and other incidental expenses.

Mr. President, in 1852 we passed a law requiring the President of the United States to appoint a board of commissioners to investigate these claims. The President appointed Colonel Smith, Colonel Thomas, and Major Lee, and they were required to sit in this city. They have done that, and have reported to Congress that they have allowed \$129,885 of these claims; and rejected or suspended \$411,998. There are then about \$300,000 more of claims which they have not pretended to make any report upon, from the fact that the testimony was not satisfactory. The whole amount of claims presented to them was \$865,803, as claims against the Government arising out of the defense of California by Colonel Frémont and his men during the Mexican war.

Now the question is, what are we to do with these commissioners? They cannot discharge their full duties here, unless the Government risks a great deal by sending to California for witnesses to come here, and thereby increasing the expense. For the purpose of continuing the board, this amendment has been presented, authorizing them to go to the State of California and hear the testimony in relation to the claims. If we do not now do something of this sort, the board will be dissolved, and at the next session of Congress we shall have to proceed in some course or other. These gentlemen, as far as they have gone, have discharged their duty most ably, and have rejected a large amount of claims. I trust that while we have these claims now under investigation, we shall adopt this amendment, and let them go to the State of California, and report to the next Congress what should be done in relation to them. The passage of the \$129,000 appropriation makes it necessary for us to go on in this matter, and I do not know that we can adopt any better plan than to intrust the rights of the Government in the hands of these gentlemen. If the amendment be adopted, they will go to California, hear the testimony, come back at the next Congress, and report to us what they have done, and then we may bring the whole thing to a close. If the board be now allowed to be dissolved, the claims will be brought before us at the next session of Congress, and we shall have to adopt a similar mode; for the Committee on Military Affairs cannot investigate them, unless they send to California to bring witnesses here, which would increase the chances against the Government several hundred thousand dollars, in our opinion. I hope the amendment will be adopted.

Mr. STUART. I wish to ask the Senator whether this amendment is reported from the Committee on Military Affairs?

Mr. DAWSON. Yes, unanimously reported from them. The committee could see nothing better to be done than this, and they thought this board of officers, composed of intelligent and honest men, could investigate the subject much better than a committee, and that money would be saved to the Government by this course.

Mr. STUART. I only wish to say, in a very few words, why I cannot consent to vote for this amendment. The Senator states that this board has completed its duty, and made this report. He gives you a statement of what the board has allowed, and what it has rejected, and what there was insufficient evidence in relation to. The office for which the board was instituted has been accomplished. Now, what is proposed? Why, sir, it is that the Government of the United States shall take upon itself all the extra expenses necessary to enable individual claimants in California to make their proof. Is it done anywhere else? All over this Union, individuals having claims against the Government of the United States are obliged to come here, year after year, urging them—many have been here for fifty years—at

their own expense, endeavoring to get their claims acted upon by Congress. Now, it is proposed here to renew this commission, to pay the immense expenses that must attend a commission in California—for nobody can live there without very great expense—to pay for witnesses, and to send this commission to the very doors of the individual claimants. I submit that it is not done elsewhere in this Union.

Mr. DAWSON. I will tell the Senator why it is proposed to be done. There were presented to the board claims to the amount of \$865,000, of which there were suspended or rejected \$411,998, withdrawn \$147,800, rejected \$152,933, and allowed \$129,000. The suspended claims are now before us, and they were suspended because the testimony was not satisfactory to the commissioners; but they had no authority to send to California to get testimony. It will be a great saving of expense to send the commissioners there and obtain testimony, rather than to keep the commission here, and to send for witnesses there. The board have only allowed \$129,000 of claims, and suspended the remainder, with the exception \$153,000, which they absolutely rejected. Claims to the amount of over \$411,000 are still undecided and at the next session of Congress they will come before us. How are we to get rid of them? The Senators from California will tell you that if the commissioners go there and have witnesses brought before them, there can be no doubt the fact will be established that many of these claims are spurious, and the witnesses who testify to them can be disproved there, but not here. I merely submit this statement of facts to the Senate.

Mr. WELLER. The testimony which it is proposed to obtain in California is more important to the Government than it is to individuals. It is to protect the Treasury against frauds; for, as I said before, there is no place short of California where these frauds can be established. If I looked alone to the interests of claimants in California, I should desire this commission never to go there; for I know that officers who were under the command of Colonel Frémont have told me of individual cases where they knew claims were presented to three times the amount to which the parties were entitled; and there have been claims presented before this board for the same property, in the name of the different persons. These facts can only be established in California. The papers, *prima facie*, on their face, are all right; and if a man were to judge from the papers alone, he would be disposed to allow the amount. Therefore, if this commission be allowed to go to California, in my judgment they will be enabled to detect many fraudulent claims which would otherwise be passed.

Now, if you allow parties in California to take their proofs, and come here, as the Senator from Michigan says other claimants come, I am afraid they will be allowed claims for a much larger amount than they are justly entitled to; for I believe, in some cases, there have been perjuries committed. I wish to protect the Treasury.

The board, as it was originally organized for the purpose of passing on these claims, have not discharged their full duty. They have suspended upwards of \$400,000 of claims, because they were not satisfied upon the proof. Now they desire to obtain additional testimony, not for the purpose of showing that the claims are right, but they have suspicions that there is some fraud about them, and they desire to obtain proof of that fact. By looking at the report of that board, you will find that, in fixing the value of property in California, they have put it down to the lowest point at which it could be put. For instance, they allow thirty or thirty-five dollars for horses. That is a very low price; but claims were presented to the board for horses at \$100 ahead, and I suppose they are now worth \$200 or \$300 ahead; but they assessed the value at the time the property was received by Colonel Frémont.

I believe the argument which the Senator from Michigan has presented to-night is the same one that was presented here at the time of the original organization of the board. Colonel Frémont estimated these claims to amount to between \$700,000 and \$800,000. It seems that he was very accurate in that, for the claims presented amount to about \$800,000—in the neighborhood of his estimate. The only question is, whether the board shall be continued in existence. I stake my rep-

utation now upon it, that it is the cheapest way of settling these claims.

Mr. ADAMS. I have voted for a sufficient number of amendments to this bill with the name of Colonel Frémont upon them. If this question shall come up at the next session, I do not know how I may vote; but I will not vote to put Colonel Frémont's name on this bill any more.

The amendment was rejected.

The amendments were ordered to be engrossed, and the bill to be read a third time; and the bill was read a third time, and passed.

EXECUTIVE COMMUNICATIONS.

A message was received from the President of the United States, by Mr. WEBSTER, his Secretary, transmitting a report from the Secretary of State, with the accompanying documents, in answer to a resolution of the Senate of the 5th ultimo, relative to the seizure of the bark Griffin by the Brazilian authorities; which was read, and ordered to be printed.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of the Navy, in compliance with a resolution of the Senate of the 1st March, 1854, calling for information in relation to the application of surface or fresh water condensers to steam vessels belonging to the United States; which was ordered to lie on the table, and be printed.

CIVIL AND DIPLOMATIC BILL.

Mr. HUNTER, from the committee of conference on the disagreeing votes of the two Houses on the bill making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th June, 1855, reported that they had met, and, after full and free conference, had agreed to recommend to their respective Houses as follows:

That the Senate do concur in the amendments of the House of Representatives to the forty-fourth, fifty-seventh, seventy-fifth, eighty-third, one hundred and fifth, one hundred and twenty-seventh, one hundred and sixty-eighth, and one hundred and seventy-fifth amendments of the Senate.

That the Senate do concur in the amendments of the House of Representatives to the one hundred and twenty-second amendment of the Senate with amendments, as follows: Strike out the words "created a consul with," in lines one and two of Senate amendment, and in lieu thereof insert the word "allowed;" and after the word "annum," in line three of said Senate amendment, insert the words "and the."

That the Senate do concur in the amendment of the House of Representatives to the one hundred and forty-third amendment of the Senate, with an amendment, as follows: Add at the end of the amendment of the House of Representatives to the said Senate amendment, the words "For repair and renewal of the gas pipes through the Capitol, \$3,500."

That the Senate do concur in the amendment of the House of Representatives to the one hundred and sixty-second amendment of the Senate, with amendments, as follows: After the words "in the," in line twenty-four of the amendment of the House of Representatives to said Senate amendment, insert the words "First Auditor's office," in addition to the present number, two clerks of class one; in the;" and after the word "four," in line thirty of said amendment, insert: "And that the Secretary of State be allowed, in addition to his present number of clerks, two at an annual salary of \$1,200 each; one at an annual salary of \$1,400; and one at an annual salary of \$1,600."

That the Senate do recede from its eleventh, thirteenth, fourteenth, fifteenth, seventeenth, eighteenth, twenty-first, twenty-second, twenty-fourth, twenty-fifth, twenty-sixth, twenty-ninth, thirtieth, thirty-first, thirty-second, thirty-seventh, thirty-ninth, forty-fifth, forty-sixth, forty-seventh, forty-eighth, forty-ninth, fiftieth, fifty-first, fifty-second, fifty-third, fifty-fifth, fifty-ninth, sixtieth, sixty-first, sixty-second, sixty-third, sixty-fourth, sixty-sixth, sixty-eighth, sixty-ninth, seventieth, seventy-first, eightieth, eighty-first, eighty-fourth, eighty-fifth, eighty-sixth, eighty-seventh, eighty-ninth, ninetieth, ninety-ninth, one hundred and third, one hundred and sixth, one hundred and tenth, one hundred and seventeenth, one hundred and eighteenth, one hundred and nineteenth, one hundred and twenty-first, one hundred and twenty-third, one hundred and twenty-eighth, one hundred and fortieth, one hundred and forty-eighth, one hundred and fifty-third, one hundred and fifty-fourth, one hundred and sixty-third, one hundred and sixty-sixth, one hundred and sixty-ninth, one hundred and seventieth, one hundred and seventy-first, one hundred and seventy-second, one hundred and seventy-third, one hundred and seventy-fourth, one hundred and seventy-sixth, one hundred and seventy-eighth, one hundred and seventy-ninth, one hundred and eightieth, one hundred and eighty-first, one hundred and eighty-second, one hundred and eighty-fourth, one hundred and eighty-fifth, one hundred and eighty-sixth, and one hundred and eighty-seventh amendments.

That the Senate do recede from its twenty-third amendment, and concur in the original item, with an amendment, as follows: Strike out the words, "thirty six thousand nine," in line twenty-four, page seven, of the bill, and in lieu thereof, insert "forty-one thousand seven."

That the House of Representatives do recede from its disagreement to the forty-second, one hundred and second, one hundred and fifteenth, one hundred and fifty-fifth, one

hundred and sixty-first, and one hundred and sixty-fifth amendments of the Senate, and agree thereto.

That the House of Representatives do recede from its disagreement to the ninety-seventh amendment of the Senate, and agree thereto, with an amendment, as follows: Strike out all of the Senate amendment, and in lieu thereof, insert "for extinguishment of private claims for the possession of the whole or any part of the custom-house lot at San Francisco, California, \$10,000."

That the House of Representatives do recede from its disagreement to the one hundred and forty-four and a half amendment of the Senate, and agree thereto, with an amendment, as follows: Strike out all after the word "provided," in line eight, to and including the word "direction," in line eighteen, on page fifty-eight of the original bill, and in lieu thereof insert, "that any officer of the Army or Navy who has been, or may be appointed hereafter, to disburse the money which is now, or may hereafter be appropriated for the erection, alteration of any of the edifices, structures, or works for which appropriations are made in this act, shall be subject to all the pains, penalties, and liabilities contained in the provisions of the act entitled, 'An act to provide for the better organization of the Treasury, and for the collection, safe-keeping, and disbursement of the public revenue,' approved 6th of August, 1846."

That the House of Representatives do recede from its disagreement to the one hundred and forty-sixth amendment of the Senate, and agree thereto with an amendment as follows: In line two of said amendment, strike out the words "seventy-five," and in lieu thereof insert "fifteen."

That the House of Representatives do recede from its disagreement to the one hundred and sixty-fourth amendment of the Senate, and agree thereto with an amendment, as follows: Strike out all after the word "enacted," in line one of said amendment, to the end thereof, and in lieu thereof insert, "That the Librarian of Congress shall receive \$1,800, the Assistant Librarians, \$1,500 each, and the messenger \$1,200 per annum, and the money is hereby appropriated to pay the same."

That the House of Representatives do recede from its disagreement to the one hundred and seventy-seventh amendment of the Senate, and agree thereto with an amendment, as follows: Add at the end thereof the words: "Provided, That the said sum shall be in full of all compensation to be received by said chaplains."

That the House of Representatives do recede from its disagreement to the thirty-third amendment of the Senate; and the Senate concur in the amendment of the House of Representatives to the thirty-fourth amendment of the Senate."

The forty-fourth amendment of the Senate was to increase the appropriation for compensation of the Superintendent of Public Printing, and the clerks and messenger in his office from \$6,595 to \$9,595, and to add to the clause this proviso:

Provided, That the joint resolution approved the 20th July, 1854, shall be so construed as to embrace the Superintendent of Public Printing, and the clerks and messenger in his office.

The House had agreed to this amendment with an amendment to strike out the proviso, in which amendment of the House the committee recommended concurrence.

The fifty-seventh amendment of the Senate was to increase the appropriation for rent of, and warming rooms in, the building on northwest corner of F and Seventeenth street, from \$21,875 to \$32,375, and to add:

And the Secretary of War is hereby authorized to lease said building, or some other, for a term not exceeding five years, at the rent herein authorized, if in his judgment the same shall be for the public interest.

The House amended this amendment by retaining the original appropriation and inserting, in lieu of the addition, proposed by the Senate:

Provided, That the Secretary of War be authorized to purchase the said building at a sum not exceeding \$200,000.

In this amendment of the House the committee recommended concurrence.

The seventy-fifth amendment of the Senate was to add to the appropriations for the Mint at New Orleans the following:

For rebuilding portions of the walls and complete repairs of the building of the branch Mint at New Orleans, \$55,000.

The House amended the amendment by reducing the amount from \$55,000 to \$37,000, in which the committee recommended concurrence.

The eighty-third Senate amendment was to insert:

For the compensation and expenses of commission to frame a code of laws for the Territory of Washington, \$2,500.

This the House amended by adding:

That the Secretary of the Treasury be authorized to settle and pay the commission to frame a code of laws for the Territory of Washington at the same rate per diem as has been allowed a similar board in Oregon.

To this amendment of the House, the committee propose to concur.

The one hundred and fifth Senate amendment was to insert:

For buildings for the use of the courts of the United States at Pontotoe, Mississippi, \$4,000.

This the House amended by adding:

Provided, Said sum shall complete said buildings. And also the sum of \$5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated to enable the Secretary of the Interior to make a contract with the proper authorities for furnishing a suitable building for the permanent use and accommodation of the United States district court in holding its session at Marietta, Georgia, which contract the said Secretary is hereby authorized to make: Provided, It can be made for the sum aforesaid or less: And provided, Said contract shall be made with sufficient guarantees to secure to the said court a suitable building for holding said court so long as its sessions may be held at that place, without further charge on the United States.

In this amendment concurrence is proposed.

The one hundred and twenty-seventh amendment of the Senate was to insert:

To enable the Secretary of State to defray the expense of releasing from captivity among the Indians of Queen Charlotte's Island the crew and passengers of the American sloop Georgiana, \$2,500, or as much thereof as may be necessary.

The amendment of the House to this amendment was to strike out \$2,500, and insert \$15,000; in which the committee recommended concurrence.

The one hundred and sixty-eighth Senate amendment was to insert:

SEC. — And be it further enacted, That the accounts of the public printers, and the certificates of the Superintendent of Public Printing thereon, so far as the same relate to the printing for the Executive Departments, shall be subject to the examination and control of the accounting officers and Secretary of the Treasury, in like manner as other public accounts; and those which relate to the printing for the Senate and House of Representatives shall be subject to the examination and control of the respective Houses in like manner as other expenditures for said Houses.

The House amended it so as to make it read:

SEC. — And be it further enacted, That the accounts of the public printers, and the certificates of the Superintendent of Public Printing thereon, shall be subject to the examination and control of the accounting officers and Secretary of the Treasury, in like manner as other public accounts.

In this amendment of the House concurrence is recommended.

The one hundred and seventy-fifth amendment of the Senate was to add:

SEC. — And be it further enacted, That from and after the 30th of June, 1854, in lieu of the clerks heretofore authorized by law for the office of the assistant treasurer at New York, he be authorized to appoint, with the approbation of the President of the United States, one chief clerk, at a salary of \$2,100, one clerk at \$2,000, two clerks at \$1,800 each, two clerks at \$1,500 each, one clerk at \$1,200, one messenger at \$900, and two watchmen at \$550 each, per annum. In case of the sickness or unavoidable absence from his office of the assistant treasurer, he may authorize the said chief clerk to act in his place, and to discharge all the duties required by law of the assistant treasurer; [and in case of the death, resignation, or inability to act of the assistant treasurer, the said chief clerk shall act as such assistant treasurer until the inability be removed, or until a successor be appointed and duly qualified; and all the acts of the said chief clerk in such cases shall be as valid as if performed by the assistant treasurer in person.]

The amendment of the House to this amendment was to strike out the words between [brackets,] commencing with "and in case of the death" to the end of the section; in which concurrence is proposed.

The one hundred and twenty-second Senate amendment was to strike out "for salary of consul at Beirut, \$500," and insert in lieu thereof the following:

That the consul at Beirut, Syria, is hereby created a consul general, with a salary of \$2,000 per annum, from the 1st of July, 1853; said consulate shall comprehend both Syria and Palestine, and \$4,000 is hereby appropriated for the salary of said consul.

The House amended it so as to make it read:

That the consul at Beirut, Syria, is hereby created a consul with a salary of \$2,000 per annum; said consulate shall comprehend both Syria and Palestine, and \$2,000 is hereby appropriated for the salary of said consul.

As the committee of conference propose to amend it, it will read:

That the consul at Beirut, Syria, is hereby allowed a salary of \$2,000 per annum, and the said consulate shall comprehend both Syria and Palestine, and \$2,000 is hereby appropriated for the salary of said consul.

The one hundred and forty-third Senate amendment was to insert:

For repair and renewal of the gas pipes through the Capitol, and fixtures necessary for the lighting of such committee rooms therein as need it, and lighting East Capitol street from the Capitol to Third street, \$7,000.

For painting and repairs inside of the Capitol, new furnaces under the Senate Chamber and Supreme Court room, &c., \$5,000.

The House so amended it as to make it read:

For painting and repairs inside of the Capitol, new furnaces under the Senate Chamber and Supreme Court room, \$5,000.

For furnishing and putting up new furnaces, repairing old

furnaces, rebuilding and ventilating air chambers of the House of Representatives, \$4,500.

As proposed to be amended by the committee of conference, it reads:

For painting and repairs inside of the Capitol, new furnaces under the Senate Chamber and Supreme Court room, \$5,000.

For furnishing and putting up new furnaces and repairing old furnaces, rebuilding and ventilating air chambers for the House of Representatives, \$4,500.

For repair and renewal of the gas pipes through the Capitol, \$3,500.

The one hundred and sixty-second amendment of the Senate was:

SEC. — And be it further enacted, That the third section of the act making appropriations for the civil and diplomatic expenses of the Government, for the year ending the 30th of June, 1854, providing for the classification of the clerks in the Treasury, War, Navy, Interior, and Post Office Departments, as amended by the act of April 22, 1854, shall be, and the same is hereby, further amended as follows, to wit: In the office of the First Comptroller there shall be two additional clerks, of class three; and in the office of the First Auditor there shall be one clerk taken from class three and placed in class four, and four additional clerks allowed, of class three; and in the office of the Second Auditor there shall be one additional clerk, of class one; and in the Third Auditor's office five clerks shall be taken from class three and placed in class four, and twenty-seven temporary clerks shall be placed in class one, and one temporary clerk in class four, and four temporary clerks in class two; and in the office of the Fourth Auditor there shall be one additional clerk, of class three; and in the Sixth Auditor's office one clerk shall be taken from class three and placed in class four, and there shall be added to the clerks in this office ten of class one; and in the Register's office two clerks shall be taken from class three and placed in class four, and two additional clerks added of class one; and in the Treasurer's office one clerk shall be taken from class two and one clerk from class three and placed in class four, and two additional clerks allowed to class one; and in the General Land Office the principal draughtsman shall be classed and paid as a clerk of the third class, and the assistant draughtsman as a clerk of the second class; and in the office of the Secretary of War there shall be added one clerk of class four; in the office of the Adjutant General there shall be one additional clerk of class one; and in the office of the Topographical Engineer one scientific draughtsman as a clerk of class four; and for the superintendency of the building on the corner of F and Seventeenth streets, the Secretary of War is authorized to appoint some one clerk of his Department other than the disbursing clerk for that purpose, who shall be allowed, in addition to his salary as clerk, \$300 per annum; and in the office of the Postmaster General there shall be seven additional clerks, viz: four of class two, two of class three, and one of class four; and in the office of the Attorney General, in lieu of the clerks now authorized by law, there shall be one chief clerk, at a salary of \$2,200, one clerk of class one, two of class two, one of class three, and one of class four. And the President of the United States is hereby authorized, whenever it may, in his judgment, be necessary, to cause counsel to be employed to assist in the prosecution or defense of causes which may be pending in the Supreme Court in which the United States are interested, and to allow to such counsel such compensation as he may deem reasonable. And in the Department of State, instead of the clerks now authorized by law, there shall be four clerks of class one, three of class two, seven of class three, and four of class four, one clerk of class four to be designated to superintend the northeast Executive Building, and to disburse all moneys belonging to the service of said Department, not otherwise provided for, who shall give bonds as required by the independent treasury act, and receive an additional compensation therefor of \$200 per annum. There shall be one chief of the diplomatic, and one chief of the consular branch of the public service; and one examiner of demands for indemnity preferred by citizens of the United States against Governments and of the latter against the former, who shall also perform such other duties as the Secretary of State may designate, each of whom shall receive an annual salary of \$2,000; and the chief clerk of said Department shall be allowed compensation of \$2,200 per annum. No clerk not now employed in the State Department shall hereafter be appointed until he has been examined by a board to consist of three examiners, to be selected by the Secretary of State, and found qualified in certain particulars, to be prescribed by the said Secretary in fixing beforehand a general standard of qualifications for the clerks to be employed in his Department.

The House amended it so as to make it read:

And be it further enacted, That there be appropriated, out of any money in the Treasury not otherwise appropriated, a sum sufficient to pay to the clerks and employees of the Government, for the year ending 9th June, 1855, such additional compensation as they may be entitled to receive under the act of 22d April, 1854, entitled "An act to amend the third section of the act making appropriations for the civil and diplomatic expenses of the Government for the year ending 30th June, 1854, and for other purposes," and whose additional compensation is not otherwise provided for: Provided, That all laborers in the employment of the Executive departments of the Government in the city of Washington shall receive an annual salary of \$480 each: Provided further, That the Postmaster General be allowed, in addition to his present number, three clerks of class two, and two of class three; that the Attorney General be allowed, in addition to his present number, one clerk of class one, two of class two, and one of class three; that the Secretary of the Treasury be allowed in the Sixth Auditor's office, in addition to the present number, seven clerks of class one, one shall be taken from class three and put in class four; and in the Treasurer's office one clerk shall be taken from class two and one from class three and put in class four; and that the money necessary to pay the compensation,

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and increased compensation under this section be, and the same is hereby, appropriated.

The amendments of the committee of conference make it read:

Sec. — *And be it further enacted*, That there be appropriated, out of any money in the Treasury not otherwise appropriated, a sum sufficient to pay the clerks and employees of the Government for the year ending the 30th of June, 1855, such additional compensation as they may be entitled to receive under the act of 22d April, 1854, entitled "An act to amend the third section of the act making appropriations for the civil and diplomatic expenses of Government for the year ending 30th of June, 1854, and for other purposes," and where additional compensation is not otherwise provided for: *Provided*, That all laborers in the employment of the Executive Departments of the Government in the city of Washington shall receive an annual salary of \$480 each: *Provided, further*, That the Postmaster General be allowed, in addition to his present number, three clerks of class two, and two of class three; that the Attorney General be allowed, in addition to his present number, one clerk of class one, two of class two, and one of class three; that the Secretary of the Treasury be allowed in the First Auditor's office, in addition to the present number, two clerks of class one; in the Sixth Auditor's office, in addition to the present number, seven clerks of class one, and one shall be taken from class three and put in class four; and in the Treasurer's office one clerk shall be taken from class two and one from class three, and put in class four; and that the Secretary of State be allowed, in addition to his present number of clerks, two at an annual salary of \$1,200 each, one at an annual salary of \$1,400, and one at an annual salary of \$1,600; and the money necessary to pay the compensation and increased compensation under this section be, and the same is hereby, appropriated.

The twenty-third amendment of the Senate, from which it is proposed to recede, was to increase the appropriation for the watchmen of the north east Executive Building from \$2,250 to \$2,400; but the receding is on condition that the appropriation for salary of the Register of the Treasury, and the clerks and messengers in his office, be increased from \$36,950 to \$41,750.

It is proposed that the House recede from their disagreement to the following Senate amendments, and that they be adopted:

For the preservation of the collections of the Exploring Expedition:

For compensation of keepers, watchmen, and laborers, \$2,980;

For contingent expenses, \$100.

One hundred and second: Increase the appropriation for annual repairs and fixtures of custom-houses, from \$30,501 59 to \$43,001 59.

One hundred and fifteenth: Increase the appropriation for salaries of keepers and assistant keepers of light-houses on the Pacific coast, from \$16,200 to \$21,600, and to allow them each \$800 instead of \$600 per annum.

One hundred and fifty-fifth. Insert:

For grading done by order of Ignatius Mudd, late Commissioner of Public Buildings, in reservation 17, between Third street east and New Jersey avenue, \$484 89.

One hundred and sixty-first. Insert:

Sec. — *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed the following buildings:

At New Orleans, Louisiana, a marine hospital, to cost not more than \$248,000; and when said hospital shall have been completed, the Secretary of the Treasury shall cause the old hospital at New Orleans to be sold, and the proceeds thereof to be placed in the Treasury of the United States.

At Detroit, Michigan, a marine hospital, to cost not more than \$75,000.

At Pensacola, Florida, a marine hospital, to cost not more than \$20,000.

At Burlington, in the State of Iowa, a marine hospital, to cost not more than \$15,000.

Sec. — *And be it further enacted*, That the several sums mentioned in the preceding section as the cost of the buildings therein authorized to be constructed, together with ten per cent. thereon, to cover the compensation of architects, superintendence, advertising, and other contingent expenses, and so much as may be required to purchase suitable sites for said buildings, be, and the same are hereby, appropriated for the purposes aforesaid, out of any money in the Treasury not otherwise appropriated: *Provided*, That no money hereby appropriated shall be used or applied for the purposes mentioned, until a valid title to the land for the site of such buildings, in each case, shall be vested in the United States, and until each State shall also duly release and relinquish to the United States, the right to tax or in any way assess said site, or the property of the United States that may be thereon, during the time that the United States shall be or remain the owner thereof.

One hundred and sixty-fifth. Insert:

Sec. — *And be it further enacted*, That the collections

of the Exploring Expedition, now in the Patent Office, be placed under the care and management of the Commissioner of Patents, who is hereby authorized to employ one principal keeper of said collections, at an annual salary of \$900, one assistant keeper at an annual salary of \$750, one night watchman at an annual salary of \$600, and two laborers at an annual salary each of \$365.

The ninety-seventh amendment of the Senate was to insert:

For the completion of the custom-house at San Francisco, California, including all expenses of filling in, piling, sewers, drains, pavements, inclosure, gateways, the extinguishment of private claims for the possession of the whole or any part thereof, and contingencies incident thereto, \$163,386 09.

The committee of conference propose that the House recede from its disagreement to this amendment, and agree to it, provided it be so modified as to read:

For extinguishment of private claims to the possession of the whole or any part of the custom-house lot in San Francisco, \$10,000.

The one hundred and forty-fourth and one half amendment of the Senate, was to strike out the following proviso, which occurred immediately after the appropriation for the Capitol extension:

Provided, That each and all persons who have been, or may be appointed hereafter, to disburse the money which is now, or may hereafter be, appropriated for the building or repair of any of the edifices or structures for which appropriations are made in this act, and are not now required by law to give bond and security, shall give bond, with good securities, in sufficient penalty, to be approved of by the head of the Department under which such disbursement may be made, or the President of the United States, when the work shall be specifically under his direction.

The committee propose that the House recede from its disagreement to this amendment, and agree to it, if it be amended so as to read:

Provided, That any officer of the Army or Navy who has been, or may be, appointed hereafter to disburse the money which is now, or may hereafter be, appropriated for the erection, alteration, or repair of any of the edifices, structures, or works for which appropriations are made in this act, shall be subject to all the pains, penalties, and liabilities contained in the provisions of the act entitled "An act to provide for the better organization of the Treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue," approved 6th of August, 1846.

The one hundred and forty-sixth Senate amendment was to insert:

For completing the bridge over the Potomac river, near the Little Falls, \$75,000.

The committee propose that the House recede from its disagreement to this amendment, and agree to it with an amendment reducing the amount from \$75,000 to \$15,000.

The one hundred and sixty-fourth amendment of the Senate was to insert:

Sec. — *And be it further enacted*, That from and after the 30th of June, 1853, the pay of the librarian of Congress shall be \$2,000; the pay of the two principal assistants, each \$1,800; and that of the third assistant, \$1,200; and that of the messenger, \$1,200.

It is proposed that the House agree to this amendment, by modifying it so as to read:

Sec. — *And be it further enacted*, That the librarian of Congress shall receive \$1,800, the assistant librarians \$1,500 each, and the messenger \$1,200 per annum, and the money is hereby appropriated to pay the same.

The one hundred and seventy-seventh amendment of the Senate was to insert:

Sec. — *And be it further enacted*, That from and after the 30th of June, 1853, the annual salary of the chaplains to Congress shall be \$750, and such sum additional to that elsewhere provided as may be required to pay the same to the 30th of June, 1855, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The House disagreed to this amendment, from which disagreement it is proposed they recede, on condition that the amendment be amended by adding to it:

Provided, That the said sum shall be in full of all compensation to be received by said chaplains.

The one hundred and eighty-eighth amendment of the Senate was to insert:

Sec. — *And be it further enacted*, That whenever it shall become necessary for the head of any department or office to employ special agents, other than officers of the Army or Navy, who may be charged with the disbursement of the public moneys, they shall, prior to entering upon duty as such, give bond in such form and with such security as the head of the Department or office employing said agent may approve.

The House amended it by striking out the

words "other than officers of the Army or Navy," from which it is proposed they shall recede.

The thirty-third Senate amendment (from their disagreement to which, it is proposed that the House shall recede) was to increase the appropriation for compensation of Commissioner of Indian Affairs, and clerks and messengers in his office, from \$27,800 to \$29,900.

The amendment of the House to the thirty-fourth Senate amendment (from their disagreement to which it is proposed the Senate shall recede) was to reduce the appropriation for compensation of the Commissioner of Pensions, and the clerks and messengers in his office, from \$108,200 to \$97,800.

The amendments from which it is proposed the Senate shall recede without qualification, are as follows:

The eleventh, which was to strike out: *

For compensation of librarian, two assistant librarians, and messenger, \$4,500.

And in lieu thereof insert:

For compensation of librarian, three assistant librarians, and messenger, \$8,000;

For compensation of librarian, assistant librarians, and messenger, for the year ending the 30th of June, 1854, \$2,700.

The thirteenth, which was to insert in the clause for payment of salaries in the State Department, "chiefs of foreign desks, examiner."

The fourteenth, which was to increase the appropriation for the Secretary and Assistant Secretary of State, and clerks and messengers in that Department, from \$38,700 to \$48,250.

The fifteenth, which was to insert:

For additional compensation for disbursing clerk and superintendent of the northeast Executive Building, \$200.

The seventeenth, which was to strike out of the appropriation for extra clerk hire in the State Department, the following words:

Said clerks to be employed only during the session of Congress, or when indispensably necessary to enable the Department to answer some call made by either House of Congress at one session to be answered at another.

The eighteenth, which was to insert:

For services of William Hunter, commissioned as acting Secretary of State during the absence of Secretary Webster, for services as such acting Secretary in 1851, 1852, and 1853, \$1,500;

For paying to Ashbury Dickens the difference between the compensation of head of a department and chief clerk of a department for the time he acted as Secretary of State, or Secretary of the Treasury, by appointment from President Jackson, to be ascertained by the proper accounting officers, a sum not exceeding \$2,500.

The twenty-first, which was to insert:

That the act approved 22d April, 1854, entitled "An act to amend the third section of the act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1854, and for other purposes," shall be so construed as in regard to increased compensation for the fiscal year ending the 30th June last, to include within its provisions the clerks of the Department of State, and the clerks in the office of the Coast Survey; and that the chief clerk in the State Department shall receive the same compensation as the chief clerks in the other Departments of the Government for the last fiscal year, and that the money necessary to carry these provisions into effect, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The twenty-second, which was to strike out:

For compensation of the superintendent and four watchmen of the northeast Executive Building, \$2,250.

The twenty-fourth, which was to strike out all the appropriations in the original bill for the compensation of the various officers of the Treasury Department, and its several bureaus, and in lieu thereof insert:

For compensation of the Secretary of the Treasury and Assistant Secretary of the Treasury, clerks, messenger, and assistant messenger, in his office, \$46,650;

For compensation of the First Comptroller, and the clerks and messenger in his office, \$30,050;

For compensation of the Second Comptroller, and the clerks and messenger in his office, \$26,150;

For compensation of the First Auditor, and the clerks and messengers in his office, \$37,900;

For compensation of the Second Auditor, and the clerks and messengers in his office, \$36,100;

For compensation of the Third Auditor, and the clerks and messengers in his office, \$121,850;

For compensation of the Fourth Auditor, and the clerks and messenger in his office, \$29,300;

For compensation of the Fifth Auditor, and the clerks and messenger in his office, \$15,550;

For compensation of the Auditor of the Post Office Department, and the clerks, messenger, and assistant messenger in his office, \$163,300;

For compensation of the Treasurer of the United States, and the clerks and two messengers in his office, one additional messenger being hereby created therefor, \$26,900;

For compensation of the Register of the Treasury, and the clerks and messenger in his office, \$51,700;

For compensation of the Solicitor of the Treasury, and the clerks and messenger in his office, \$16,850;

For compensation of Commissioner of Customs, and the clerks and messenger in his office, \$19,750;

For compensation of the clerks and messenger of the Light House Board, \$8,550.

The twenty-fifth, which was to insert:

For additional compensation for disbursing clerks and superintendents of Executive Building, provided in the third section of the act of 3d March, 1853, entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1854," for the Treasury Department, \$600.

The twenty-sixth, which was to insert:

For revision of the revenue laws already made, and a report showing the changes and alterations therein, \$5,000.

The twenty-ninth, which was to reduce the appropriation for the Secretary of the Interior, and the clerks and messengers in his office, from \$29,800 to \$28,400.

The thirtieth, which was to insert, as one of the items of contingent expenses of the office of the Secretary of the Interior, "for pay of laborers, \$1,095."

The thirty-first, which was to increase the appropriation for compensation of the Commissioner of the General Land Office, and all the officers employed in that office, from \$139,500 to \$165,050.

The thirty-second, which was to strike out \$3,000, and insert \$2,190 in the item for compensation of six laborers in the General Land Office.

The thirty-seventh, which was to insert:

For additional compensation for disbursing clerks and superintendents of Executive Buildings, provided in the third section of the act of 3d March, 1853, entitled "An act making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1854, for the Department of the Interior, \$600.

The thirty-ninth, which was to insert:

For the annual compensation of a librarian, to be appointed by the Commissioner of Patents, the sum of \$1,600, the amount now allowed by law to clerks of the third class, to be paid out of the patent fund.

The forty-fifth, which was to increase the amount appropriated for compensation of the Secretary of War, and his clerks and messengers, from \$20,750 to \$22,650.

The forty-sixth, which proposed a similar increase in the office of the Adjutant General from \$11,600 to \$14,750.

The forty-seventh, which was to strike out \$14,000, and insert \$16,350 in the appropriations for salaries in the Quartermaster General's office.

The forty-eighth, which is to increase from \$10,900 to \$12,350 the appropriation for the compensation of the clerks and messenger in the office of the Paymaster General.

The forty-ninth, which was to strike out \$8,000, and insert \$9,350 in the item: "For compensation of the clerks and messenger in the office of the Commissary General of Subsistence."

The fiftieth, which was to substitute \$8,150 for \$7,400 in the clause: "For compensation of the clerks and messenger in the office of the Chief Engineer."

The fifty-first, which was to increase the appropriation for those employed in the Surgeon General's office from \$4,400 to \$5,150.

The fifty-second, which was to increase the appropriation for the clerks and messenger in the office of the Colonel of Topographical Engineers, from \$5,600 to \$9,980.

The fifty-third, which was to substitute \$12,150 for \$10,400 in the appropriation for the clerks and messenger in the office of Colonel of Ordnance.

The fifty-fifth, which was to insert:

For additional compensation for disbursing clerk and superintendent of Executive Building, provided in the third section of the act of the 3d of March, 1853, entitled "An act making appropriations for the civil and diplomatic expenses of Government, for the year ending the 30th of June, 1854," for the War Department, \$200.

The fifty-ninth, which was to increase the item "for compensation of the Secretary of the Navy, and the clerks, messenger, and assistant messenger in his office," from \$27,000 to \$28,700.

The sixtieth, which was to substitute \$11,650 in place of \$10,800, as the appropriation for the compensation of the Chief of the Bureau of Ordnance and Hydrography and his clerks and messengers.

The sixty-first, which was to make a similar increase, from \$13,700 to \$14,850, in regard to the Bureau of Yards and Docks.

The sixty-second, which provided for a like increase, from \$20,800 to \$22,550, in the Bureau of Construction, Equipment, and Repairs.

The sixty-third, which provided for the substitution of \$8,150 instead of \$7,300, in the appropriation for the compensation of the clerks and messenger in the Bureau of Provisions and Clothing.

The sixty-fourth, which was to strike out \$7,900, and insert \$8,350 in the appropriation for the salaries of the Chief of the Bureau of Medicine and Surgery, and the clerks and messenger in his office.

The sixty-sixth, which was to insert:

For additional for disbursing clerk and superintendent of Executive Building, provided in the third section of the act of the 3d of March, 1853, entitled "An act making appropriations for the civil and diplomatic expenses of Government, for the year ending the 30th of June, 1854," for the Navy Department, \$200.

The sixty-eighth and sixty-ninth, which were to increase the appropriation for compensation of the Postmaster General, three Assistant Postmasters General, and the clerks, &c., of that Department, from \$124,400 to \$150,150.

The seventieth, which was to insert:

For additional for disbursing clerk and superintendent of Executive Building, provided in the third section of the act of the 3d of March, 1853, entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1854," for the Post Office Department, \$200.

The seventy-first, which was to insert:

For compensation of three watchmen for the Post Office Building, \$1,800.

The eightieth, which was to insert:

For the payment of Richard H. Weightman for mileage and per diem compensation for the second session, Thirty-First Congress, as an agent claiming to be a Senator elect from New Mexico, \$2,460.

The eighty-first, which was a provision that the salaries of Governor and superintendent of Indian affairs in Washington Territory should be increased to \$2,000 each per annum.

The eighty-fourth, which was to insert:

For the completion of the geological reconnaissance of the Territory of Washington, and to make detailed examinations in the coal and mineral regions thereof, \$10,000.

The eighty-fifth and eighty-sixth, which were to insert:

For the erection of public buildings in the Territories of Kansas and Nebraska, to be expended under the direction of the Governors thereof, respectively, \$25,000 for each of said Territories, and so much of the act for the organization of said Territories, as located the seat of government of Kansas at Fort Leavenworth, is hereby repealed.

For libraries at the seat of government of each of the Territories of Kansas and Nebraska, under such regulations as shall be prescribed by law, \$5,000 for each of said Territories.

The eighty-seventh, which was to increase the salary of the chief justice of the Supreme Court to \$7,000, and that of the associate justices to \$6,500 each.

The eighty-ninth, which was to increase the appropriation for salaries of the Attorney General, and clerks, and messenger in his office, from \$12,300 to \$19,900.

The ninetieth, which was to amend the provision appropriating \$1,300 for salary of the reporter of the Supreme Court by providing that in case the Court should direct him to publish two volumes of reports he should receive \$1,300 for each volume.

The ninety-ninth and one hundred and third, which were to strike out the clauses providing that no money should be appropriated under this act for custom-houses and marine hospitals until the State, in which such building is to be completed, shall in due form, and in a manner that shall bind such State, release and surrender to the United States jurisdiction over the site of such buildings.

The one hundred and sixth, which was to insert:

For the erection of a building for a boarding station at Pass a l'Ouvre, Louisiana, \$3,500: *Provided*, That no part of said sum shall be expended until the title to the land selected as the site of said building be first secured to the United States.

The one hundred and tenth, which was to insert:

And the Secretary of the Treasury shall be authorized to appoint some suitable person to act as inspector of drugs

and medicines for the port of San Francisco, in the State of California, at an annual compensation of \$3,000.

The one hundred and seventeenth, which was to add to the appropriations for salaries of the ministers of the United States at foreign courts, the following proviso:

Provided, That the salaries of the Ministers to Great Britain and France shall be hereafter at the rate of \$15,000 per annum; and that hereafter, outfits of Ministers to Great Britain and France shall not be allowed.

The one hundred and eighteenth, which was to insert:

For salary of a clerk of the United States legation at Paris, \$500.

The one hundred and nineteenth, which was to insert:

For outfit of the Commissioner to the Sandwich Islands, \$2,500.

The one hundred and twenty-first, which was to add after the clause, "For the relief and protection of American seamen, and seamen belonging to American vessels in foreign countries, \$125,000," the following:

And to enable the diplomatic and consular representatives of the United States, in foreign countries, to afford relief to, and provide the means of returning home, to such citizens of the United States, in foreign countries, as may have been reduced to a state of destitution of the necessities of life, by shipwreck or the necessary abandonment of the vessel in which they embarked; and also to such citizens of the United States, as, being on their way from one part of the United States to another, have become destitute in foreign countries, in consequence of shipwreck, disease, or any other casualty, \$20,000.

The one hundred and twenty-third, which was to insert:

For payment to Blythe & Co., of Port Louis, in the Island of Mauritius, the sum of \$7,854 50, it being the amount of two bills of exchange drawn upon the Department of State by George M. Farnum, commercial agent, in payment of expenses incurred in relieving destitute American citizens, which drafts were cashed by said Blythe & Co.

The one hundred and twenty-eighth, which was to insert:

To enable the Secretary of State to reimburse to Edward Riddle such sums as shall be satisfactorily shown to have been expended by him, or which said Riddle may have obligated himself to pay, on account of his official position at the Industrial Exhibition at London, England, or so much thereof as shall be necessary, \$26,000: *Provided*, That no portion of the payments made, *pro rata*, by contributors at said exhibition shall be regarded as within this appropriation.

The one hundred and fortieth, which was to insert:

For running the northwestern boundary line between the United States and Great Britain, from the Lake of the Woods to the Pacific ocean, for marking the forty-ninth parallel, and for such surveys as may be necessary to fix said boundary between the main and Vancouver's Island, and including the compensation of the officers and others employed in the work, \$342,170.

The one hundred and forty-eighth, which was to insert:

For continuing the work for a supply of water to the cities of Washington and Georgetown, \$500,000: *Provided*, That no part of the sum hereby appropriated shall be expended until the corporations of Washington and Georgetown, or either of them, shall appropriate and pay an amount equal to one fourth of said sum for the same purpose, and shall agree to pay in like manner the same proportion of all future appropriations; and full power and authority are hereby given to said corporations, respectively, to raise, by loan or otherwise, any sum of money that may be necessary to enable them, or either of them, to make the appropriation herein required; and the said corporations of Washington and Georgetown, and the inhabitants of the said cities respectively, or the corporation making the appropriation, and the inhabitants of such city, shall be authorized to use the surplus water which may be brought by the Washington aqueduct, after supplying the Government establishments in Washington; under such general rules and regulations as may hereafter be prescribed by Congress; and each of said corporations shall have the right to charge and collect of the inhabitants of such city such reasonable tax or rent for the use of the water as will provide for the regular payment of the interest, and the gradual payment of the principal, of any money which may be raised under the authority hereby given.

The one hundred and fifty-third, which was to insert:

For fuel for the President's House, \$1,000.

The one hundred and fifty-fourth, which was to insert:

For a furnace keeper at the President's House, \$365.

The one hundred and sixty-third, which was to add:

Sec. —. *And he it further enacted*, That the provisions of the second section of the act of 22d of April, 1854, entitled "An act to amend the third section of the act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1854, and for other purposes," be, and the same are hereby, repealed. And from and after the 1st day of July, 1854, the annual

salary of the stamp and blank agent for the Post Office Department shall be the same as clerks in the Departments of the second class; and that of the clerk in the office of the Commissioner of Public Buildings the same as clerks of the first class; and the Secretaries of State, Treasury, Interior, War, and Navy, Postmaster General, and Attorney General, be authorized to employ one principal messenger each, at an annual salary of \$900, in lieu of those now so employed, and the salary of all other messengers and assistant messengers, including the packers in the General Land Office, now authorized by law to be employed in the Executive Departments in Washington, the messenger in the office of the Commissioner of Public Buildings, doorkeeper and assistant doorkeeper at the Executive Mansion, and keeper of the western gate, Capitol square, and the keeper of Lafayette square, shall be \$750 per annum; and the annual salary of the watchmen employed at the Capitol, President's House, and the Executive Departments, and the Auxiliary Guards, and the watchmen of the Capitol extension, shall be \$750; and the public gardener shall receive \$1,400 per annum; and the captain of the police of the Capitol shall receive \$1,600, and each of his assistants \$1,300 per annum; and all laborers in the employment of the Executive Departments in the city of Washington shall receive an annual salary of \$480 each; and for the payment of the excess of the sums herein required to be paid over and above those elsewhere contained in this act for said payment, there shall be added thereto respectively such further sums as, together, will equal the amounts herein authorized, out of any money in the Treasury not otherwise appropriated.

The one hundred and sixty-sixth, which was to add:

SEC. — *And be it further enacted*, That all persons claiming any interest in, or portion of, any grant of land derived from the Spanish or Mexican Governments in Upper California, where such original grant has heretofore been presented to the board of land commissioners within the time specified in the thirteenth section of the act of the 3d of March, 1851, but who have failed to present to the said board the evidence of their derivative title to said interest or portion from the original grantee, be, and they are hereby, authorized to present the same; and the said commissioners are hereby directed to adjudicate the said interest or portion in the same manner as if it had been presented within the time originally prescribed by the aforesaid act of the 3d of March, 1851, entitled "An act to ascertain and settle the private land claims in the State of California."

The one hundred and sixty-ninth, which was to add:

SEC. — *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to appoint or employ in his official household the following officers, to wit: one secretary to the President, at a yearly salary of \$2,500, who shall take charge of such official papers as shall be confided to him, and perform such other duties as may be directed by the President; one clerk, at a yearly salary of \$1,600; one steward, at a yearly salary of \$1,000, who shall, under the direction of the President, have charge of, and be responsible for, the plate and furniture of the President's Mansion, and shall discharge such other duties as the President may assign him; one messenger, at a yearly salary of \$900; and one assistant messenger, at a yearly salary of \$750. And for the payment of the compensation of the said officers, during the present fiscal year, the sum of \$6,750, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

The one hundred and seventieth, which was to add:

SEC. — *And be it further enacted*, That a yearly appropriation be made for the purchase of stationery, binding public documents, and other contingent expenses of the Executive office, to be expended by the secretary to the President, under the direction of the President; and for that purpose, during the present fiscal year, \$650 is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

The one hundred and seventy-first, which was to add:

SEC. — *And be it further enacted*, That the authority given by the eleventh section of the act approved March 3, 1853, entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1854," to the treasurer of the assay office in New York to issue his certificate of the net value of any bullion or coins deposited in said office is hereby suspended, and shall not be exercised except at such time or times, and during such periods as the Secretary of the Treasury shall be of opinion that the interests of the public, or of those making such deposits, or the condition of the Treasury, render it expedient or convenient to issue such certificates. And whenever the Secretary of the Treasury shall deem it expedient, he may authorize the issuing of the said certificates. The receipts directed by the aforesaid section to be given by the treasurer of the assay office for any gold or silver bullion, in dust or otherwise, or for any foreign coin to be deposited in the said office, shall be payable at the option of the depositor, to be expressed in the receipt either in coins of the same metal as that deposited, (to be paid as soon as such bullion or coin can be assayed, or the value thereof ascertained either at the office of the Assistant Treasurer of the United States in New York, or at the Mint of the United States, as the depositor shall prefer,) or in bars, discs, or ingots, either of pure metal or of the standard fineness, or made from the identical metal deposited without refining—but in all cases such bars, discs, or ingots, shall bear a stamp of such form and device as shall be prescribed by the Secretary of the Treasury, accurately designating their weight and fineness; and all gold or silver deposited in the assay office, either to be struck into coin at the Mint, or to be refined or assayed, shall be subject to the charges prescribed by law for such operations at the Mint or branch Mints of the United States.

The one hundred and seventy-second, which was to insert:

SEC. — *And be it further enacted*, That the provisions of the fifth section of an act entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1854," and approved 3d March, 1853, be, and they are hereby, extended to the branch mints and the assay office in New York, respectively.

The one hundred and seventy-third, which was to insert:

SEC. — *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to employ private establishments, or to contract with individuals for refining gold bullion, if he shall deem it expedient so to do: *Provided always*, That the said refining shall not subject the depositors to any greater wastage per ounce, nor to any greater charge for labor, materials, and alloy, or for other cause, than is now made, or would hereafter be incurred, on deposits at the Mint, the branch Mints, or assay office in New York, respectively, nor to any greater delay than is now experienced; and that said refining shall be subject to such regulations as the said Secretary shall deem proper and sufficient to secure the skillful and prompt performance thereof, and to prevent any loss of metal other than wastage, as aforesaid.

The one hundred and seventy-fourth, which was to add:

SEC. — *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized, at his discretion, to cause advances to be withheld on deposits of gold bullion, made after the first day of January next, at the Mint, the branch Mints, and the assay office in New York, respectively, unless such deposits be metal of standard fineness, and suitable for coinage without any further refining; and upon the coinage of such deposits so refined by private enterprise, and suitable for that purpose, the Secretary of the Treasury, at his discretion, may charge a seigniorage of not more than one half per centum, nor less than one fourth per centum, upon the value thereof.

The one hundred and seventy-sixth, which was to add:

SEC. — *And be it further enacted*, That so much of the act of the 7th of June, 1844, restricting the employment of inspectors, gaugers, weighers, measurers, and markers in the custom house to the number then in service, as may be applicable to those employed at the ports of New York and New Orleans be, and the same is hereby, repealed.

The one hundred and seventy-eighth, which was to add:

SEC. — *And be it further enacted*, That the county of El Paso, in the State of Texas, and the Territory of New Mexico, be, and they are hereby, made a collection district by the name of El Paso del Norte, and Frontera shall be the place or port of entry for said district, and a collector shall be appointed to reside thereat, with such other officers as shall be necessary. The compensation of the collector shall be \$2,000 per annum, including the fees of his office.

The one hundred and seventy-ninth, which was to add:

SEC. — *And be it further enacted*, That the "Act making appropriations for the improvement of certain harbors and rivers," approved the 30th of August, 1852, be, and the same hereby is, amended by striking from the clause in which they occur the following words: "by the construction of a breakwater across Croatan sound."

The one hundred and eightieth and one hundred and eighty-first, which were to add:

And be it further enacted, That the President of the United States, by and with the advice and consent of the Senate, shall be, and is hereby, authorized to appoint a commissioner, at the compensation of not exceeding \$4,000 per annum, to ascertain the nature, character, extent, and value of all valid claims arising in Washington and Oregon Territories, under the treaty with Great Britain of June 15, 1846; and should said claims, or any part thereof, be deemed of sufficient public and political importance to justify or require the measure, the President is hereby authorized to direct said commissioner to agree with the claimants and the Hudson's Bay Company for the relinquishment of their claims on a just and fair valuation, and to pay over the amount so agreed upon, on a full and entire surrender and relinquishment of all right, title, claim, interest, and demand, therein and thereto, to the United States: *Provided*, That none of the lands acquired under this section shall be subject to donation or preemption, but shall be sold at public auction, unless in cases where, in the opinion of the commissioner, the sum bid for any particular parcel or piece shall be less than a fair price therefor, to be ascertained by the commissioner aforesaid; said sales to be made for cash, at such times and places, and with such postponements, as may be directed by the said commissioner; and for carrying into effect the provisions of this section in case of a purchase, a sum not exceeding \$300,000 is hereby appropriated: *Provided*, That the amount to be paid for all the said claims, rights, and interest, shall not exceed the sum herein appropriated; and for defraying the expenses of the commission, the further sum of \$500 is also appropriated, payable out of any money in the Treasury not otherwise appropriated.

SEC. — *And be it further enacted*, That in case it should be deemed inexpedient to sell said lands and improvements immediately, or any part thereof, the President shall be, and he is hereby, authorized, on the extinguishment of the title as aforesaid, to direct the commissioner to take possession of the same, for and in the name of the United States, and to lease the same on such terms and conditions, and for such sum or sums, as he may deem proper and right, subject, however, to sale, when in his opinion it may be proper, after the United States surveys have been extended over the same.

The one hundred and eighty-second, which was to add:

SEC. — *And be it further enacted*, That the President of the United States be authorized and directed to appoint two persons to investigate and collect proof, under the instructions of the Department of the Interior, on the depredations upon private property by the Indians in Florida, subsequent to the 25th December, 1835, the report and testimony to be submitted to Congress at its next session.

The one hundred and eighty-fourth, which was to add:

SEC. — *And be it further enacted*, That the second section of the act of July 3, 1852, entitled "An act to establish a branch of the Mint of the United States in California," be so amended as to allow to the clerks authorized to be employed therein \$3,000 per annum each, to take effect from and after the 1st day of July, 1854. And such additional sums as, together with these elsewhere provided in this act, will equal the respective salaries authorized by this and the preceding section of this act, are hereby appropriated, out of any money in the Treasury not otherwise appropriated for the payment thereof.

The one hundred and eighty-fifth, which was to add:

SEC. — *And be it further enacted*, That all appointments of clerks and assistants authorized to be employed in the offices of the assistant treasurers of the United States, and in the offices of the Mint and branches thereof, and the assay office in New York, shall respectively be made, with the approbation of the President, by the assistant treasurer, director, superintendent, and treasurers of the Mint and assay branches, and assay office, as the case may be, whose bonds are held at the Treasury Department in trust for the proper and faithful performance of their respective duties.

The one hundred and eighty-sixth, which was to add:

SEC. — *And be it further enacted*, That the district judges for the State of California, while in the discharge of the duties imposed by the act of the 3d of March, 1851, entitled "An act to ascertain and settle the private land claims in the State of California," be allowed at the rate of \$22,000 per annum each, in addition to their salaries as district judges for the State of California, which shall be in full for their services.

And the one hundred and eighty-seventh, which was to add:

SEC. — *And be it further enacted*, That so much of the act passed 26th February, 1853, being "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes, as fixes the compensation to be allowed for expenses while employed in endeavoring to arrest, under process, any person charged with or convicted of a crime, the sum actually expended not to exceed two dollars per day in addition to his compensation for service and travel," so as to read "for expenses while employed in endeavoring to arrest, under process, any person charged with or convicted of a crime, the actual necessary expenses in addition to his compensation for service and travel."

Mr. MALLORY, (before the reading of the report was concluded, said:) I move to dispense with its further reading. We cannot understand what the amendments are by merely hearing their numbers read.

Mr. WELLER. I do not ask for the reading of the report; but every Senator must see what is the practical effect of this course of proceeding. We are called upon now to take that report of the committee without knowing what it is. There are not more than two Senators on this floor who know what we have given up, or what we have gained; so that the effect of it is, that two Senators have had the whole legislation of this great civil and diplomatic bill in their hands.

The report of the committee of conference was concurred in.

POST OFFICE APPROPRIATION BILL.

Mr. RUSK. The committee of conference on the disagreeing votes of the two Houses on the bill making appropriations for the service of the Post Office Department during the fiscal year ending the 30th of June, 1855, beg leave to report that they are unable to agree upon the disagreeing votes between the two Houses, and report back the bill, and recommend that the Senate insist upon their amendments, and ask for another committee of conference.

The Senate proceeded to consider their amendments to the bill, and it was

Resolved, That they insist upon their amendments, and ask a further conference on the disagreeing votes of the two Houses thereon.

Ordered, That the committee of conference on the part of the Senate be appointed by the President *pro tempore*.

And Mr. MORTON, Mr. WALKER, and Mr. SEBASTIAN were appointed.

RIVER AND HARBOR BILL.

A message was received from the House of Representatives, by Mr. McKean, Chief Clerk,

announcing that they had disagreed to the amendments of the Senate to the bill "making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law."

Mr. SEWARD. I move that the Senate recede from their amendments to that bill.

Mr. CLAY. I ask for the yeas and nays on that motion.

Mr. STUART. I ask to have the amendments read.

Mr. ADAMS. I suggest to the Senator that it is not necessary to read the amendments. All of them, I understand, have been disagreed to by the House. Every Senator knows what they are.

Mr. STUART. After the experience which we have had in the Senate for the last two days about mistakes, I mean to know what I am going to vote on. I have a right to have these amendments read, and when they are read, I shall then know whether they are correct or not.

The amendments of the committee were read.

Mr. GWIN. I think this is the best bill for a committee of conference that I have seen come up here yet. The House made clean work of it, and disagreed to every amendment of the Senate; they did not leave us a single amendment. I think we ought to have a committee of conference on the bill. There are a great many of those amendments which ought to have been considered by the other House, but it seems they have been overruled entirely, and they have struck them all out in a lump. I hope we shall have a committee of conference on this bill.

Mr. SEWARD. It is very certain that there is no prospect of the House agreeing to our amendments. They have been engaged in the consideration of them all day, and have refused concurrence. I therefore hope the Senate will recede, so that we may secure the passage of the bill as it is.

Mr. GWIN. That will be giving up everything to the House on all those bills. Now, let us make a fight on this bill. We have given up everything else. Now, let us have a committee of conference on this bill, and see whether the House will not agree to something we propose.

Mr. STUART. I shall ask to have the question divided on these amendments, and I will state in a few words, why I cannot consent to recede from at least two of them, and I think there are three on which we ought to insist. There are two amendments which were reported from the Committee on Commerce which should be insisted on at all events. One of them is indispensably necessary to make an appropriation of the bill available; I refer to the appropriation for Newark. Unless you add to that the words which the Committee on Commerce of the Senate recommended, and which the Senate adopted, the appropriation cannot be used. That is the testimony from the Engineer Department. The whole appropriation will be a nullity, unless you add the words which were inserted by the Senate, defining the place where the money shall be expended. I cannot consent to recede from that amendment, and I think if the Senate will reflect for a moment on what we have been doing here for the last week, they will insist upon it.

In the first place, we put into the civil and diplomatic bill a provision which was to make an appropriation of the last Congress available in North Carolina, and the House have stricken it out, and it is out of the bill. We have put into the Army appropriation bill which we have just disposed of, another provision which is contained in this bill also, in order to make an appropriation for the Red river raft available. The House will undoubtedly strike that out of the Army appropriation bill. Now, sir, if we consent to recede from these amendments to this bill which are indispensable to carry out the appropriations, we do, in the first place, great injustice to the particular localities, and, in the next place, we subject ourselves, hereafter, to having such provisions put upon the appropriation bills where they have certainly no pertinence.

Then again, sir, there is a proviso to the last section of the bill, as it came from the House, which the Senate struck out. That proviso makes it necessary that every Army officer engaged in the expenditure of any of these funds, shall give bonds. I have a communication, which it would take half an hour to read, from an Army officer, showing not only the impropriety, but the mani-

fest injustice of such a provision. He does not get a cent for disbursing the money; and he is called upon, under this provision, to give bonds to five or ten times the amount of what he is worth. His friends are to come in and give security for him in respect to a matter for which he gets no pay.

Mr. BAYARD. Let me suggest to the Senator that the object of that proviso is not to make the officers give security, but to prevent an officer from superintending these works.

Mr. STUART. That will not bring about civil superintendency, because it is expressly provided that the money shall be expended under the direction of the War Department; and we all know that Army officers will be appointed by that Department. Now, the question is, whether the Senate will insist on an amendment indispensably necessary to carry out an appropriation, and without which it would be worthless, and whether they will recede from an amendment of this character, which would inflict gross injustice on the officers of the Army? Why should we do so? The Senator from New York says that the House have had the bill under consideration all day. Sir, I have heard of a good many things being done in the House to-day, and some, in my opinion, that ought not to have been done; but, as I understand it, the House have only had this bill under consideration during the last hour. I know of no reason why the Senate should refuse to insist upon such amendments as are proper.

Mr. WELLER. I do not know what they are.

Mr. STUART. The Senator says, he does not know what they are. I mentioned the appropriation for the harbor of Newark, New Jersey. Unless you add to that appropriation the words which the Committee on Commerce recommended, which carries the expenditure below that point, the engineer officer has written to the committee to say, that the work cannot be carried out. The same thing is true of New York, as to the appropriation for Hell Gate. There is a case where money has been advanced by individuals, and unless you add the words proposed by the Committee on Commerce, there is no authority to refund that money. This is a species of injustice which I think we are not called upon to do; but let us make an effort to see whether the House will not recede from its disagreement to these necessary amendments. As to the amendments making additional appropriations I care nothing about them.

Mr. WELLER. I desire to ask the Senator from Michigan if, at the commencement of the discussion of this bill in the Senate, he did not make earnest appeals to the friends of the bill not to suffer any amendments whatever to be made to it? I so understood him.

Mr. STUART. I will answer the Senator. I did not. That question has been asked me several times, and I can say that I made no such appeals to the Senate. On the contrary, I reported three amendments from the Committee on Commerce.

Mr. WELLER. I was grossly mistaken, and I was here all the time.

Mr. BENJAMIN. The Committee on Commerce reported no amendment to increase any amount of appropriation. They reported some verbal amendments to make the bill more perfect.

Mr. JONES, of Tennessee. And objected to all others.

Mr. BENJAMIN. Yes, sir, and objected to all others.

Mr. STUART. I did not.

The PRESIDENT. Did the Chair understand the Senator from Michigan to ask for a division of the question on the amendments?

Mr. STUART. Yes, sir, I ask for a division.

The PRESIDENT. Then the question will be on receding from the first amendment.

Mr. RUSK. I think the proper course is to take the vote on insisting.

The PRESIDENT. The motion made by the Senator from New York is, that the Senate recede.

Mr. RUSK. I heard a long discussion once on this subject, and I think it was decided that the proper question to be put was on insisting.

The PRESIDENT. The Chair decides that the question is to be put on the motion to recede, that motion having been made. The first question is, on receding from the amendment increasing the appropriation "for the removal of the Des

Moines rapids, in the Mississippi river," from \$18,000 to \$100,000.

The question being taken by yeas and nays, on receding from this amendment, resulted—yeas 18, nays 21; as follows:

YEAS.—Messrs. Bayard, Benjamin, Bright, Chase, Cooper, Fessenden, Foot, Geyer, Gillette, Johnson, Jones, of Tennessee, Pratt, Sebastian, Seward, Stidell, Stuart, Sumner, and Wade—18.

NAYS.—Messrs. Adams, Atchison, Brodhead, Brown, Butler, Clay, Dawson, Dodge of Iowa, Douglas, Fitzpatrick, Gwin, Houston, Hunter, Mallory, Morton, Rusk, Thomson of New Jersey, Toombs, Toucey, Walker, and Weller—21.

So the Senate refused to recede from this amendment.

The second amendment was to insert in the appropriation "for the removal of the rocks at Hell Gate and Diamond reef, New York harbor" the words "including the amount expended prior to August 30, 1852."

The question being taken upon receding from this amendment, the Senate refused to recede.

The third amendment was to insert after the appropriation of \$50,000 "for continuing the re-opening of a communication between Albemarle Sound, in North Carolina, and the Atlantic ocean," the words, "in addition to the sum of \$50,000 appropriated by the act of August 30, 1852; and this sum, as well as the former appropriation, may be used for a breakwater, or such other works as the Secretary of War may deem best adapted to accomplish the object."

The question being taken on the motion to recede from this amendment, it was decided in the negative.

The fourth amendment was to insert; "For the improvement of the Brazos river, in the State of Texas, \$44,000."

The Senate refused to recede from this amendment.

The fifth amendment was to insert after the words, "improvement of the harbor of Newark," the words, "and Passaic river, below the town of Newark, and Newark bay."

The Senate refused to recede from this amendment.

Mr. BENJAMIN. There is no necessity for taking the vote separately on the other amendments.

The PRESIDENT. If there be no objection, the vote will be taken upon all the other amendments together. The question is, will the Senate recede from the remaining amendments to this bill?

The Senate refused to recede.

So it was resolved that the Senate insist on their amendments to the said bill.

Mr. SEWARD. I move that the Senate request a conference on the disagreeing votes of the two Houses.

Mr. GWIN. I was about to make that motion myself.

Mr. SEWARD. Very well.

The motion was agreed to.

On motion by Mr. GWIN, it was ordered that the committee be appointed by the President *pro tempore*; and Messrs. GWIN, BENJAMIN, and RUSK were appointed.

A message was soon afterwards received from the House of Representatives, announcing that they insisted upon their disagreement to the amendments of the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses, and had appointed Mr. JOHN WENTWORTH, Mr. ORR, and Mr. JOHN PERKINS, jr., managers at the same on their part.

POST OFFICE APPROPRIATION BILL.

A message was received from the House of Representatives, by Mr. McKean, Chief Clerk, announcing that they insisted upon their disagreement to the amendments of the Senate to the bill making appropriations for the service of the Post Office Department during the fiscal year ending the 30th of June, 1855; agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses; and had appointed Mr. OLDS, Mr. CHANDLER, and Mr. BOCKOCK managers at the same on their part.

Also, that the Speaker had signed an enrolled bill to incorporate the Pioneer Manufacturing Company of Georgetown; which was thereupon signed by the President *pro tempore*.

MAIL STEAMER BILL.

On motion by Mr. HUNTER, the Senate, as in Committee of the Whole, proceeded to consider the bill from the House of Representatives, "making appropriations for the transportation of the United States mail by ocean steamers and otherwise, during the fiscal year ending the 30th of June, 1855."

Mr. BRODHEAD. I move to strike out the third section in the following words:

SEC. 3. And be it further enacted, That the arrangements now subsisting for the transportation of the mails from New York to Liverpool, from New York via Southampton to Bremen, from New York via Cowes to Havre and back, from New York to New Orleans, to Charleston, Havana, and Chagres and back, from Panama to California and Oregon and back, and from Charleston to Havana and back, be terminated as soon as, in the opinion of the Postmaster General, it may be done consistently with the public interests; and that the Postmaster General shall give notice of such termination accordingly: *Provided*, That, in the opinion of the Postmaster General, with the concurrence of the Secretary of the Navy, and the Attorney General of the United States, the same may be done without the violation of any contract now legally binding on the United States, and that the transportation of the mails on these lines be let to the lowest responsible bidders after public advertisement.

I object to this section for several reasons. I move to strike it out because it refers to the Postmaster General, the Secretary of the Navy, and the Attorney General, a question, the decision of which properly appertains to the Senate and House of Representatives. I believe the object of it is to compel the Government to purchase these worn-out vessels for war steamers. A vessel depreciates in value about ten per cent. every year. These steamers have been in service about five years, so that they are half worn out. Under existing laws, if we discontinue the service of these mail steamers, we are bound to take them at a certain price. Again, we shall be obliged to enter into other contracts. Gentlemen who want these contracts, it seems to me, ought to wait until the present ones expire. It appears, however, that they cannot wait any longer, but they must appeal to the Government to take their old steamers, and compel the Government to pay for the transportation of the mails besides; so that we shall pay nearly the same price for transporting the mails, and we shall have these steamers on our hands altogether worthless for war purposes. These are my objections to the section.

Mr. RUSK. I wish to call the attention of the Senate to a provision in the first section of this bill directing the Secretary of the Navy to give notice on the 31st day of December next of the discontinuance of the extra allowance to the Collins line of steamers. That is a violation of the law as it stands. The law making that additional allowance declares that after the 31st day of December, 1854, Congress may give notice of the discontinuance of that service.

Mr. SEWARD. Will the Senator allow me to read that provision of the law to him?

Mr. RUSK. Certainly.

Mr. SEWARD. It is in these words:

"*Provided*, That it shall be in the power of Congress, at any time after the 31st day of December, 1854, to terminate the arrangement for the additional allowance herein provided for, upon giving six months' notice."

Mr. RUSK. I contend that, according to the plain meaning of this language, it is not in the power of Congress to act upon the subject until the 31st day of December next. What would be the result, in practical operation, of the proviso contained in the first section of this bill? It would be a discontinuance of this service by the Executive officers. Congress meets before the 31st of December next, and will be in session immediately afterwards. According to the plain construction of the law, Congress has no power over the subject until that time. The acceptance of that law by the contractors made it a contract with these persons, and Congress has no right to interfere with it until after the 31st of December next, and then it may give six months' notice. That is a question for decision at the next session of Congress.

Aside from its being entirely out of the power of Congress, in my judgment, under that law to take any action towards giving the notice at this time, it would be, in my opinion, an improper act if the power were fully vested in Congress. If you desire to surrender the whole monopoly of the transportation of the mail between our ports and those of Great Britain, into the hands of Great Britain, it would be well to terminate this

contract. I know that this bill goes on in a subsequent section to provide that the Secretary of the Navy and the Postmaster General shall issue proposals, and let out the contract to the lowest bidder. Whenever that would be accomplished, it would be a dead weight upon the Treasury to no earthly purpose, for no lowest bidder could come in and take this contract, and compete with the Cunard steamers. The Collins steamers have surpassed them. No one who would come in and obtain a contract as the lowest bidder would be able to compete with the Cunard steamers. The result would be that your steamers from New York to Liverpool would be thrown back from ten to twelve days, as they are now, to fifteen or sixteen days, and there would be no mail matter sent on such slow steamers. The other provision which I understand the Senator from Pennsylvania to move to strike out, is the third section in reference to the contracts between this and California.

Mr. BRODHEAD. I move to strike out the third section.

Mr. RUSK. I thought the Senator moved to strike out the notice in the first section, and the whole of the third section.

Mr. BRODHEAD. I cannot move both. We can first try to strike out the third section.

Mr. RUSK. The third section provides that the Postmaster General, the Secretary of the Navy, and the Attorney General, shall determine whether or not they can set aside the mail steamer contracts without violating any laws. It is devolving on them a very onerous, and, I suppose, a very disagreeable duty. It is for Congress to determine that question. I believe a committee of the House of Representatives, reported the other day that such a proceeding would not violate the law. That is what I understand, though I have not read the report. But what will be the practical effect, even supposing some of the contracts have been violated and they can be set aside? We should be in danger of the very thing of which the Senator from Pennsylvania has suggested; we should have to take these ships when they were pretty well worn out, and pay the contractors for them. What use have you for them when you have obtained them? Then what would be the next step? A competition between three or four different rival routes between this and California, with a view of encouraging improvements outside of our own Territory. I am opposed to making any more contracts which will at all interfere with the great necessity and duty which devolves on us of making a road between this portion of the country and California over our own territory. Here are various rival routes. Here is the Panama route, passing through a country which is almost in revolution, and a few days ago, I believe, the travel across the Isthmus was very unsafe, and doubtless would be rendered entirely so in the case of a revolution. Then there is the Nicaragua route, with the celebrated Greytown on it, with a set of scamps there who live by robbing, and very frequently add murder to it. Then there is another rival route across the Isthmus of Tehuantepec, through a country which is just about on a par, so far as law and order are concerned, with the other two. Under such circumstances, I am not in favor of extending these contracts or vesting interest in any of these pass-ways which shall at all interfere with the project of making a railroad across our own territory to our possessions on the Pacific.

Mr. HUNTER. This amendment is confined, I understand, to striking out the third section. I have no doubt that, if we have authority to put an end to these contracts, as proposed in that section, it would be very much to the advantage of the Government to do so, and would also facilitate the mail service to California. I believe, so far as cheapness and superior mail service are concerned, we could have it much cheaper and a better service, even if we were to buy these ships at valuation, (for it is to be remembered that they are to be bought at valuation,) and were to put the contracts out to the lowest bidder. But, sir, there is a question behind that, which I have not had time to examine to my satisfaction; and that is as to the authority to do so. If I felt perfectly clear that we had the authority to do so, I should, with great pleasure, vote for the section as it has been sent to us by the House. That is the only doubt which rests upon my mind.

Mr. ADAMS. As I have the honor of belonging to the Committee on the Post Office and Post Roads, and differed from my colleagues on that committee, in regard to the notice to the Collins line, I desire simply to say that I have no doubt of the power and of the right of Congress at any time to provide for the giving of the notice after the day fixed in the contract, by which Congress reserved to itself the right of giving notice. I do not understand that the time fixed for the giving of the notice, limits the action of Congress. Congress may, in anticipation of that time provide for and direct the notice to be given at the expiration of the time. I differ from my colleagues on the committee upon that subject. Congress, in my opinion, is just as competent now to order notice to be given at the time limited in the contract, as it will be after the time shall have arrived. As to the other questions involved, I believe, with the Senator from Virginia, that the sooner we give the notice, and get rid of the existing contracts, the better it will be for the country.

Mr. WELLER. Mr. President, I understand the Senator from Pennsylvania has moved to strike out the third section of this bill. I was not here at the time the motion was made, nor did I hear the arguments which he offered in support of it, but I came in towards the conclusion of his remarks, when he was telling the Senate that the effect of the passage of this section of the bill would be to throw upon this Government a considerable number of vessels which were really worthless. Now, Mr. President, you will allow me to say that the provision in this section of the bill is, that if, in the opinion of the Postmaster General, with the concurrence of the Secretary of the Navy and the Attorney General of the United States, these contracts may be set aside without any violation of the rights of the parties, it shall be done. Now, suppose the Government were compelled to take these vessels. They take them at an appraisal of their value for naval purposes; and I undertake to say, that for naval purposes the appraisal would not be very extravagant. There are few of these steamers which would be appraised at over \$150,000 or \$200,000 for naval purposes. These vessels were originally to have been constructed so as to be convertible into armed steamers, or steamers for naval purposes in time of war. Very few of them, in my judgment, have been so constructed; and all that the Government would now be compelled to pay, if we should see proper to abrogate the contracts, would be the value of these steamers for naval purposes. The Senator from Virginia said the other day that we were compelled to pay \$730,000 for the transportation of a mail semi-monthly to California. I undertake to say now, that there are parties here who are abundantly able to give ample security that they will carry the mail weekly for \$500,000 a year.

Mr. BENJAMIN. If the Senator from California will permit me, I will state that the price we are now paying is more than he has mentioned. It is \$835,000 a year.

Mr. WELLER. Eight hundred and thirty-five thousand dollars, then, is paid for the transportation of a semi-monthly mail to California. If the existing contract be abrogated, we can obtain a weekly mail to California for \$500,000. There is the question now presented to the Senate. The contract has some six years to run, and the only point is, whether it is expedient now, if, in the opinion of the Attorney General, the Postmaster General, and the Secretary of the Navy, these contracts can be set aside without a violation of the rights of these parties, to do so? My only anxiety is to get a mail, and get it just as often as we can obtain it. I prefer a weekly, of course, to a semi-monthly mail; and if, by abrogating the contracts on just and fair terms, if, by taking these vessels at what they may be appraised to be worth for naval purposes, I can obtain a mail weekly for \$500,000, I consider that it is to the interest of this Government to do so.

Now, then, what is the ground on which the Senator from Pennsylvania stands? He says that we shall be compelled to take these vessels. I am perfectly willing to take them, and make a fair remuneration to the parties, by paying for them whatever they may be worth for naval purposes. These steamers are only valuable as transports in time of war. Your side-wheel steamers cannot be used for any other purpose than for transport-

ing troops and supplies from point to point. I am willing to take them. I do not desire you to violate the rights of any of these parties; but when the fact stares me in the face, that I can get a weekly mail for \$500,000, I prefer that to a semi-monthly mail at \$835,000.

Mr. MALLORY. Allow me to ask my friend from California a question. How many of these steamers, under the abrogation of these contracts, shall we have to take? What is the number?

Mr. WELLER. I really cannot answer that question, but I suppose it would be some seven or eight.

Mr. HUNTER. I will ask the Senator from California, if he does not think it would be practicable to get the new contractors to take these steamers at valuation?

Mr. WELLER. I have no doubt they would take them at their actual value for naval purposes. Anybody will take them at that price. But they are more valuable for the transport of passengers, of course, than for naval purposes. There is not the least doubt in the world about the right of the Government to abrogate the contract upon the conditions specified in the original law; and it is, therefore, purely a question of expediency. I think, now, the Federal Government can take these vessels without any loss or danger. They can sell them for whatever they are appraised at, and give California a weekly mail for \$500,000.

Mr. SEWARD. This contract expires, I think, in 1858, and there will be another session of Congress on the first Monday of December next. Now, I hold, in the first place, in regard to the contract for the steamers between New York and Liverpool, that nothing can be plainer than that Congress has not the power to interfere with that contract at all at the present session. The language is explicit. It is a contract entered into between the Government by the passage of the act of 1852, and the carriers of these mails; and the contract contains this proviso: "That it shall be in the power of Congress, at any time after the 31st day of December, 1854, to terminate the arrangement for the additional allowance herein provided for, upon giving six months' notice." That must be six months' notice given after the 31st of December.

Mr. WELLER. The Senator will allow me to say, that I said nothing in regard to the Collins line of steamships, not because I deny the right of the Government now to pass a law on the subject, but it would be exceedingly inconvenient to anticipate; and it is always folly, in my judgment, to decide a question until the necessity arises; and Congress will be in session again before the time fixed by the original contract will have arrived.

Mr. STUART. The question is on striking out the third section.

Mr. SEWARD. I do not care to address myself to that question.

Mr. MALLORY. Mr. President, when the subject of increased compensation to the Collins line of steamers was before us, you will recollect that one of the main arguments brought in support of that additional compensation was the eligibility and fitness of those vessels for naval purposes. I had the honor then to state my own views on that subject to the Senate; and I predicted that when these vessels should be perfectly worthless and worn out, they would be sold to the Government, or an attempt made to sell them. I said, then, that they were never fit for naval purposes, if by that term was meant fighting the battles of the country on the high seas. They are only fit, as has been remarked by the Senator from California, for transports, to do the duty of transports. We all know that after one of these immense steamers has been used for a short time, the expense of repairing her increases in an increased ratio with her age; and these vessels now, if transferred to the United States, would be worth no more than the material and the engine would sell for. As for naval purposes, or any other purposes of nationality, they would be a perfect drug on the hands of the Government, entirely useless.

Why, sir, the British Government, no longer ago than last year, having some of the finest paddle-wheel steamers afloat, in its navy, called together a board, composed of naval officers and civilians, and, after a most mature and thorough examination, condemned them all for naval purposes. Such steamers cannot be used in any respect

except as transports, in time of war; and unless we could employ steamers of this kind as transports, we should have no use for them. We have on hand, at this moment, steamers which are useless to us, which cost hundreds of thousands of dollars. The Princeton, at Philadelphia, is perfectly useless; and I could mention others. I trust no law will be passed here which will sanction the Government taking these immense steamers after they have been half worn out, on any terms whatever.

The Senator from California says we should only be compelled to take them at the price at which they would be appraised as their value for naval purposes. Now, who are to be the appraisers? The Government stands on one side, and on the other stand individuals. I ask you when it was ever known in this country that there was an appraisement of the fair value of anything when the Government was a party? There has been no such thing in the world. The Government has no use for these vessels at all. No matter what they might be appraised at, they would be worth no more to the Government than the material and the engine.

Mr. SEWARD. The discussion goes on upon both branches of the subject; and I may as well now say a few words in regard to the Collins line. I will detain the Senate only a very few minutes.

Mr. STUART. Suppose we take the vote first on this amendment?

Mr. SEWARD. Both questions are being discussed by others. Sir, the Collins line of steamers has done all that it was promised it should do in regard to giving an increased amount of postages for the benefit of the Government. The increase for the year 1853 over the year 1852, according to the report of the Postmaster General, was thirty-four per cent. In 1852 the amount of postages received from this line was \$339,164. In 1853 it had risen to \$469,804. Assuming this percentage of increase to be the criterion, the postage for the present year—1854—will be \$650,000, and for 1855 it will be \$901,056—exceeding the amount of annual appropriations required by the contract.

Mr. HUNTER. Does the Senator from New York say that the receipts from the Collins line exceed the sum annually paid to them?

Mr. SEWARD. That they will, next year, at the same rate. The increase was thirty-four per centum last year; and, assuming that for this year, it will amount to \$650,000, and next year \$901,000, exceeding the appropriation. The increase of postage on the Cunard line during the same period has been at the rate of twenty-nine per centum. Ours, by the Collins, is at the rate of thirty-four per centum. The postages by the Cunard line in 1852 were over \$658,000, in 1853, \$845,553, which is about the amount of our present appropriation for the Collins line. Now, allowing the British postages to increase at twenty-nine per centum for this year and the next, the result will be, that for 1854 the postages by the Cunard line will amount to \$1,090,000, and in 1855 to \$1,407,000. In this we participate with the British Government by treaty; but if the Collins line be withdrawn, the treaty will be terminated. The line will be withdrawn whenever we give the notice to Mr. Collins. Then what will be lost to us will be our share of what will go as the postages on the whole communications between Liverpool and New York; and upon the basis of the estimates which I had given, it will be this: The Collins postage which we shall lose for 1854, or which will go to the British Government, will be \$630,578; and for 1855, \$901,069. The British postage in 1854 will be \$1,090,000, and in 1855, \$1,407,000. Total in two years, \$4,049,000 of postage both ways upon correspondence between Europe and this country by both lines, which will be earned and enjoyed by the British. I leave the subject with these remarks, assured that there is no necessity for troubling the Senate further.

Mr. GWIN. The Senator from Florida has referred to his vote on increased compensation to the Collins line. He says he voted against it, and, at the time, made various predictions. I voted for it, and I have never regretted that vote from that day to this. The Senator from Florida talks about the ships being worn out. Why, sir, they are new enough and staunch enough to run around ten times any steamship in the United States Navy; and my honest conviction is, that in time

of war, one of these steamers, with a single gun, could ship any steamship in our Navy. Of course, the gun should be a big one. A ship which can run fifteen or seventeen miles an hour is not in much danger from those making six, eight, or nine knots an hour, and that is the rate of our vessels in the Navy. I look upon the Collins steamers as an honor to the nation; and so long as I am here, I shall sustain them. Instead of being worn out, I regard them as in fine condition for the service of carrying the mails. I do not wish the Government of the United States to take them at all. I agree with the Senator as to that, and we shall probably vote together on that point. But I am decidedly of opinion that the notice proposed to be given in the first section of this bill is unlawful, and ought not to be given.

Mr. HUNTER. The provision of law in regard to the Collins steamers is:

"It shall be in the power of Congress, at any time after the 31st day of December, 1854, to terminate the arrangement for the additional allowance herein provided for, upon giving six months' notice."

It only requires that the arrangement shall not be terminated until after the 31st day of December; but I apprehend it may be terminated on any day after the 31st of December, if six months' notice be given previously. There is a difference of opinion in regard to that. I do not think the provision of the law as to the 31st of December applies to the notice, but to the time within which the arrangement may be terminated. See, sir, the arrangement of the language: "Provided, That it shall be in the power of Congress, at any time after the 31st day of December, 1854"—to do what? To give notice? No, sir, but to "terminate the arrangement for the additional allowance herein provided for."

Mr. RUSK. How terminate it?

Mr. HUNTER. "Upon giving six months' notice." We may give the notice before the time in order to terminate the arrangement afterwards. I have no doubt Congress may give the notice beforehand, provided they do not terminate the arrangement until that day.

Now, sir, in regard to the expediency of terminating that arrangement. The Senator from New York tells us all the predictions of its friends have been verified in regard to it. I think not. I think it was predicted, at the time Congress made the allowance, that we were to be repaid in the postages, and I know at that time there were some very fallacious statements made in regard to the returns from the Collins line; for they added to the actual receipts from the Collins line, which ought to be confined to the ocean postage, the inland postage after the letters reached here. I do not know how far the statistics of the Senator from New York (for I have not time to examine them now) would bear him out in his statements. Certain it is that the Collins line has never, as yet, paid, and does not now pay, the sums we are giving it. But suppose it did, it is a service which either will, or will not pay. If it does not pay, we ought not to be lavishing money upon a particular petted scheme. If it will pay, let us throw it open to free competition, and we shall find enough who will be ready to undertake the service. But, sir, I only rose to say that, so far as the legal authority is concerned, it seems to me that we have the right now to give the notice, provided we do not terminate the arrangement until after the 31st day of December next.

Mr. STUART. I did not propose to say anything upon this question until it should be properly before the Senate. The amendment now pending is to strike out the third section, and I have always seen that to discuss a question before it is properly under the consideration of the Senate, only amounts to a double discussion, for it will be discussed just as much when it is legitimately before the Senate. But, sir, as that has seemed to be the course of the debate, I wish to state, in a few words, why I cannot vote for the provision in the first section, requiring notice to be given to the Collins line of steamers. In respect to the measure before the Senate, the third section of this bill, I have not sufficient knowledge to enable me to discuss it.

As to the provision for giving notice to the Collins line of steamers, I do not believe that if it were a question between individuals, there would be any two opinions about it. Congress is empowered by law to terminate the contract. How?

By giving notice. When? After the 31st day of December, 1854. If the English language had been searched for the purpose of employing terms so plain that there could be no dispute about them, the matter could not have been made clearer.

Now, sir, look at the practical mode of doing this thing. Congress is to give the notice. How? By a law, or by a joint resolution, which shall declare that the notice provided for in a certain law—referring to it—is hereby given? When are you authorized to do that? The law says expressly you may give that notice after a certain time; that is to say, you may terminate the contract after that time by giving the notice. Then, I ask, by what authority can you give the notice sooner?

Now, let me show the manner in which this would operate in a business point of view. Suppose Congress to-night should declare, in the language of this bill as it now stands, that it shall be the duty of the Secretary of the Navy to give the notice, I should like to know if, at the next session of this Congress, before the 31st of December next, we could not repeal it? Will any Senator deny that? It is only contended by the Senator from Virginia that the notice is to be effective after the 31st day of December. Then, I ask him, if Congress to-night gives the notice, may not Congress on the 10th of December repeal the act giving the notice? That shows at once that giving the notice in this way is of no effect; but if Congress gives the notice after the 31st day of December next, the contract is instantaneously terminated by law, and any subsequent action by Congress short of making a new contract, would be of no avail. There can be no doubt about that.

I am not prepared to say, sir, that Congress may not direct the notice to be given by the Secretary of the Navy, or by any other officer. That I should not deny, because it might be construed to be a notice given by Congress, appointing the Secretary of the Navy as our agent to give it. The plain language of the law is, that it is to be the notice of Congress. Then, when may Congress give it? The answer is found in the language of the law—"after the 31st day of December, 1854."

I know that this matter was put to a practical test in the House of Representatives at the time the arrangement for the additional allowance was made. I do not know whether anything was done in regard to it in the Senate. All sorts of propositions were offered in the House of Representatives to provide for giving the notice then to take effect at a subsequent day, but it was steadily voted down, and with great propriety. The opinion of Congress to-day may not be the opinion of Congress after the 31st day of December next. It does not follow at all, that, if Congress now deems it best to give this notice to terminate the contract, that would be the determination of Congress after the 31st of December. But, sir, certainly it is not important to reason in respect to the causes which should operate to induce the giving of this notice, for now the question is as to the power to give it. There is one thing I desire the Congress of the United States shall adhere to, and that is strict, plain justice, and avoid all attempts at exercising a disputed authority. Where we hold the power, the power of Congress is arbitrary; and in many instances it will be exercised here arbitrarily. In this case it is disputed, and disputed by sound men, whether the notice can be given before the time mentioned in the law. Sir, what becomes of a great and powerful Government, the party on the one side, and a company owning these mail steamers on the other? It is for the Government not to exercise a doubtful authority; and that is the best phase that can be put upon this subject. Whether Congress can exercise this authority now or not is doubtful, because it is doubted by disinterested and sound men.

Mr. ADAMS. If the Senator will allow me, I beg leave to call his attention to the provision in this bill. It is that the Secretary of the Navy "is hereby directed, immediately after the 31st day of December, 1854," to give the notice.

Mr. STUART. I understand that, and it is the very thing I object to. It is that Congress tries to evade the plain provision of the law, by providing now that an officer of the Government shall, after the 31st day of December, give the notice. I say the plain provision of the law is, that Congress is to terminate this contract by giving

notice; and where may Congress terminate it? Congress cannot give the notice, Congress cannot direct anybody else to give the notice, until after the 31st of December next. Why, sir, to carry this doctrine further, the next day after we entered into the contract, Congress might have passed a law directing the Secretary of the Navy, or any other officer, to give the notice immediately after the 31st of December, 1854; but does anybody suppose that was the contemplation of Congress? Did we know then how the contract would operate, what would be its resulting benefits to the country, or anything at all about it? We are short of that knowledge now. Hence the propriety of adhering to the literal reading of the law. In addition to the question of propriety, it is a matter, in respect to which, if we hold the power, it is a disputed power, in relation to its present exercise, honestly and *bona fide* disputed. That being so, we should not seek to give an interpretation to the law which is fairly disputed by members of Congress, and also by the mail steamer company. For myself, I will never consent to such a thing. As to the interest of the mail steamer company, it is a matter of no consequence to me individually, but I never will consent that the Government of the United States, by my vote and action, shall undertake to turn peddlers and stick at devices for the means of avoiding a plain business provision of law.

Mr. ADAMS. Mr. President, I consider this an abstraction at the present time. Evidently a majority of the Senate is disinclined to concur in that provision of the House bill, and I shall not, therefore, consume the time of the Senate in replying to the position taken on the other side, though I think I could successfully maintain the right of Congress at this time to provide, as the bill provides, for the giving of the notice at the period fixed in the contract. I merely wish to notify the Senate that so soon as we shall have disposed of this bill, I desire that they shall take up and pass a most valuable little bill which has passed the other House, known as the graduation bill for the benefit of settlers on the public lands, and I hope we shall have a vote on this question.

The PRESIDING OFFICER. The question is on striking out the third section.

Mr. MALLORY. On that question I call for the yeas and nays.

The yeas and nays were ordered; and the calling of the roll was commenced, and Mr. ADAMS answered to his name.

Mr. BENJAMIN. I wish to call the attention of the Senate to a matter which seems to have escaped general notice. I noticed it myself before, but I was called out on a committee of conference, and did not bring it to the attention of the Senate. The third section, which it is moved to strike out, includes both the Collins and the California lines. I believe Senators generally are of opinion that it only includes the California lines. It includes the Collins line also; and the question ought to be divided in relation to it, because we have different opinions in relation to those lines.

Mr. HUNTER. I was not aware that it included the Collins line.

Mr. BENJAMIN. I know the Senate generally are under the same impression.

Mr. WELLER. It can be reached by a motion to reconsider, and then a division be demanded, as there are two distinct propositions.

Mr. CHASE. By unanimous consent, the call can be dispensed with, as there is evidently a misapprehension in the Senate.

The PRESIDING OFFICER. (Mr. BRIGHT.) If there be no objection, the call will be considered as withdrawn. There was no objection.

Mr. BENJAMIN. Now, I call for a division of the section, and I ask that it be read.

It was read, as follows:

SEC. 3. *And be it further enacted*, That the arrangements now subsisting for the transportation of the mails from New York to Liverpool; from New York, via Southampton to Bremen; from New York, via Cowes, to Havre, and back; from New York to New Orleans, Charleston, Havana, and Chagres, and back; from Panama to California, and Oregon, and back; and from Charleston to Havana, and back, be terminated as soon as, in the opinion of the Postmaster General, it may be done consistently with the public interests; and that the Postmaster General shall give notice of such termination accordingly: *Provided*, That, in the opinion of the Postmaster General, with the concurrence of the Secretary of the Navy and the Attorney General of the United States, the same may be done without the violation of any contract now lawfully binding on

the United States; and that the transportation of the mails on these lines be let to the lowest responsible bidders after public advertisement.

Mr. SEWARD. Before the question is taken on striking out that section, I move to amend it by striking out the words "from New York to Liverpool; from New York, via Southampton, to Bremen; from New York, via Cowes, to Havre and back;" so that it shall read: "That the arrangements now subsisting for the transportation of the mail from New York to New Orleans," &c., so as not to apply to the European steamers.

The question being taken on this motion to strike out, resulted—yeas 16, nays 17; as follows:

YEAS—Messrs. Bayard, Benjamin, Brodhead, Brown, Foot, Geyer, Gwin, Houston, James, Morton, Rusk, Seward, Stuart, Thomson of New Jersey, Wade, and Weller—16.

NAYS—Messrs. Adams, Atchison, Clay, Cooper, Dawson, Dodge of Iowa, Douglas, Fitzpatrick, Hunter, Johnson, Mallory, Pratt, Sebastian, Slidell, Sumner, Toucey, and Walker—17.

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on the amendment to strike out the third section.

Mr. CHASE. The Senator from Pennsylvania moved to strike out the entire section. I understand that the question was divided, and that we have just voted on striking out part, and, therefore, the question must now be on striking out the residue.

Mr. BRODHEAD. My motion was to strike out the entire section.

The PRESIDING OFFICER. A division of the question was called for, and the vote was taken on striking out a part of it.

Mr. STUART. The motion of the Senator from New York was to strike out part, but that did not affect the other question.

Mr. BRODHEAD. Have I not a right to move to strike out the entire section?

Mr. GHASE. I ask for a division, so as to confine the striking out to the portion on which we have not voted.

The PRESIDING OFFICER. It is in order to move to strike out the whole section.

Mr. BRODHEAD. That is my motion.

Mr. CHASE. Is it not in order to divide it?

Mr. ADAMS. A motion was made to strike out the entire section. A motion was then made to divide that, and it was rejected; and now the motion to strike out the whole section is renewed. I submit that a division cannot again be called for.

The PRESIDING OFFICER. The Senate refused to strike out part of the section; the question now is on the motion of the Senator from Pennsylvania to strike out the whole section.

The question being taken by yeas and nays on that amendment, resulted—yeas 14, nays 19; as follows:

YEAS—Messrs. Bayard, Benjamin, Brodhead, Foot, Geyer, Gwin, James, Mallory, Morton, Rusk, Seward, Stuart, Thomson of New Jersey, and Wade—14.

NAYS—Messrs. Adams, Atchison, Bright, Chase, Cooper, Dawson, Dodge of Iowa, Douglas, Fitzpatrick, Houston, Hunter, Johnson, Pratt, Sebastian, Slidell, Sumner, Toucey, and Weller—19.

So the amendment was rejected.

Mr. RUSK. I now move to amend the bill by striking out all of the first section after the word "dollars." That section now reads:

For transportation of the mails from New York to Liverpool and back, \$853,000; and that the Secretary of the Navy is hereby directed, immediately after the 31st day of December, 1854, to give the notice provided in the first section of the act entitled "An act to supply deficiencies in the appropriations for the fiscal year ending the 30th of June, 1853," approved the 21st day of July, 1852, to terminate the arrangement for the additional allowance for the transportation of the United States mail between New York and Liverpool, in the Collins line of steamers, as therein provided.

My motion is to strike out the whole of this section after the appropriation, commencing with the words "and that the Secretary of the Navy."

Mr. BAYARD. Mr. President, I hope the amendment of the Senator from Texas will prevail, for two reasons. The first is that it is at least questionable whether you are not committing a breach of faith when you give the notice before the 31st day of December. I am inclined to the opinion that it is a direct violation of your own engagement with these parties. That engagement, according to the fair construction of the law is this: "We will pay you this sum until the 31st of December, 1854, and after that time we will continue to pay it to you until we give you six months'

notice that we desire to stop the arrangement." That is the stipulation of the law, as I read it. I will not say that it is free from doubt, I will not say that another construction cannot be put upon it; but I say that I believe this is its natural and legal construction. If it be so, you are violating the faith of the country when you give the notice before the 31st of December. On a question of that kind I think the Senate should pause.

The other ground on which I am in favor of the amendment is, that even if you have the right, without breach of faith, to give this notice, it is, I think, at least of questionable propriety. I mean to ask for the yeas and nays on this question, at all events; for I think hereafter gentlemen will regret it, by their votes, they destroy this Collins line; because, in destroying it, you must throw the entire postal communication between this country and Europe into the hands of Great Britain. It is vain for gentlemen to talk about free trade, and about opening the carrying of these mails to competition, when the British Government is paying \$900,000 a year to the Cunard line. It is impossible that any fine of steamers, of equal power and capacity, can be got up against them while the British Government are in the arena, and paying money to sustain them. It cannot be expected. Then, as a matter of course, if you establish an inferior line, and give the carrying of your mails to that, they will carry no letters at all, because people will send their communications by the fastest line, and you will receive nothing. There has been an evident increase of the receipts from postages on this line, a regular and progressive increase, since its first establishment; and if you let it alone during the term of the contract, the probability is that, before the contract expires, the receipts from postage will pay the expense of your appropriation for this line.

In addition to that, it certainly has reflected great credit on the character of our country as a commercial people. We have a number of naval steamers, and there is no one of them which has gone to sea that has not been obliged to put back and be placed in order directly. These vessels have been unexcelled by any that we have known for speed and for safety. Take the statement, either of an American captain, of well-known reputation—Commander Lynch—or take the statement of a British captain of high reputation—their equals as sea-going steamers are not to be found in the world. I think their authority is tolerably strong. I think, at least without some strong evidence, we should not withdraw the compensation which we have allowed to this line, on the faith of which those valuable vessels were built, particularly when it will necessarily result in putting an end to the line; for it is impossible to run it at the expenditure at which it is run, without the compensation which Congress allows, when the British Government is paying more than that sum to an opposite line of steamers.

A great deal more might be said on this subject, but I will not detain the Senate. I hope the amendment will prevail. I have no feeling in reference to this, or any other of these lines, but a feeling of national pride, and I confess I have that strongly. I think this line has reflected great credit and honor on the country. Gentlemen may destroy it here, but they will live afterwards to regret it. I shall ask for the yeas and nays on the amendment.

Mr. WELLER. I think the proviso in the act in reference to the Collins line of steamers was intended to read in this wise, and I will state it as I think it was intended to read, in order to show what I consider to be the true meaning of the act. By transposing a few words, it reads thus: "Provided, That it shall be in the power of Congress, at any time after the 31st day of December, 1854, upon giving six months' notice, to terminate the arrangement for the additional allowance herein provided for." That, I think, is the true intent and meaning of this proviso of the act of 1852, that the six months' notice should commence from and after the 31st day of December. It is true you have the power, if you choose, to legislate on the subject; but the six months will not commence until the 31st of December next, and on the 1st of December, when Congress meets, it will be in the power of Congress to abrogate that provision. We shall, therefore, gain nothing by giving notice now, if the construction which I have given to the law be the correct one, and I think no lawyer can put any other construction upon it.

Mr. SEWARD. It is very clear the termination of the arrangement and the giving of six months' notice are all to be after the 31st of December.

Mr. WELLER. The 31st day of December is the day fixed on which you will determine whether to give six months' notice.

Mr. SEWARD. That day, or afterwards.

Mr. WELLER. Yes, sir.

Mr. RUSK. The proviso in the act of 1852 is: "Provided, That it shall be in the power of Congress, at any time after the 31st day of December, 1854, to terminate the arrangement herein provided for, upon giving six months' notice." Now, I ask the attention of the honorable Senator from Mississippi [Mr. ADAMS] to this matter, because I know he is a good lawyer, and he has been a judge. The proviso is "that it shall be in the power of Congress, at any time after the 31st day of December, 1854." It is in the power of Congress to do something after that day. Now, is it consistent with any legal or fair construction to say, that it is in the power of Congress to do it before that day arrives? Sir, it is as plain as the nose upon a man's face; and if I felt no pride over this line, I should certainly feel a pride in the reputation of Congress on this subject, and I should not wish to go directly in the teeth of our own enactment. The provision is expressly that it shall be in the power of Congress to give the notice after the 31st of December, 1854. Now, it is proposed that Congress shall exercise a power on the 3d day of August, 1854, which they have declared they will not exercise until December, 1854. That is the whole matter.

Mr. COOPER. Mr. President, I have no doubt that Congress can give the notice now. The language of the act read by the Senator from Texas is merely directory. The object was that the notice should not take effect before the 31st day of December, and that six months should be given for that before the service should be stopped. The language of the act is merely declaratory. What harm is done to the Collins line by giving this notice now? The construction put upon the latter part of it by the Senator from California is undoubtedly correct. It will be six months from that time before the service will stop. The object was to secure them a certain length of time, and it is just as well secured by giving the notice now as it would be by giving it after the 31st day of December next. The language of the act is merely directory. It is not obligatory upon Congress at all to wait until that time, and give the notice afterwards. It may do it at any time.

Mr. CHASE. I should vote very cheerfully to retain this section as it stands, if I were not persuaded that the construction placed by the Senator from Pennsylvania [Mr. COOPER] upon the language of the law is not the true one. The contract between the Collins line and the Government, as it now stands, is evidently this: that they shall have an opportunity to run their boats, and exhibit the benefits of their line until the 31st of December; but after that time, it shall be in the power of Congress, if they see fit, to terminate the contract upon giving them six months' notice. Until that time, in my judgment, Congress ought not, in good faith, to act upon it, inasmuch as up to that time the line is to have the opportunity to display the benefits of the contract to the country, and thus bring to bear upon Congress all the reasons growing out of such exhibition in favor of the continuance of the contract. Before that time it would not be fair to give the notice.

Mr. ADAMS. I shall not detain the Senate. Congress shall give notice. What is meant by that? That the individual members of Congress shall give the notice? Or that Congress shall pass a resolution declaring that this contract shall cease? Or does the doctrine obtain that whatever Congress does by its authorized agent it does by itself? What is contemplated by this? That Congress shall give the notice in any other than the ordinary mode? Or does it not mean that it shall give the notice through its own selected channel? Of course that was what was contemplated. Then this bill provides, that after the time fixed in the contract, the Secretary shall give the notice. Congress does that act, and does it after the time authorized in the contract, to give the notice. It is contended, however, upon the other side, that Congress cannot pass the necessary resolution to give the notice until after the

expiration of the time. Take the case of two individuals. A and B make a contract. One of the parties reserves to himself the right to abrogate it by giving a certain notice. Is it necessary that he should give it in person? Of course not. He can authorize another to do it; and whatever he does by an agent properly authorized, he does by himself. He makes up his mind, determines, and gives a letter of authority to his agent to give the notice, after the expiration of the time, but gives the letter prior to the time. Would it be said, when the agent gives the notice, you have no authority to give it because your letter of authority is dated prior to the time at which the notice was to be served? May the party not anticipate and give the direction to his agent before the time? And would not the giving of the notice by his agent be his own act? Now, if we provide, as is proposed to be done by this bill, to give the notice at the time authorized by the contract for it to be given, and the agent appointed by the Government does it by that time, is it not, to all legal intents and purposes, done by Congress within the terms of the contract? To my mind it is clear. There is no violation of the faith of the Government in it. There is no violation of any contract made with this party. If the Government should always be as faithful in its contracts as it will be in this, no Senator would have any good ground to blush at what Congress may do in any of its transactions.

Mr. BAYARD. Mr. President, it seems to me that there is a misunderstanding on the part of Senators, or at least that we do not exactly understand each other. It is clear to me that it would be a violation of faith to give this notice now. That does not touch the question whether the notice would not be valid. I do not deny that its validity, as between individuals, might be carried out; but you must look at this transaction as it occurred. The Congress of the United States have to decide for themselves whether these steamers would justify the public expenditure of the additional sum allowed by the remuneration of the postages. If the argument on the other side were true, it would not be a breach of faith on the part of Congress, (when they passed the law, saying to these parties, we will give you so much additional until December 31, 1854, and after that, unless on six months' notice we determine it,) if they gave the notice before the 31st of December. Then, of course, they might have given the notice immediately after the day on which the law was passed. Sir, the effect of passing the provision in this bill will be, that Congress will not hold to their own determination that they would give to these parties a period of time to show what would be the remuneration to the Government, before they, Congress, would determine upon the question of the notice. That is the want of faith. If you pass this now, it is imperative; the notice must be given; you now, five months before the time expires, when they might show you that the postages accumulating would be sufficient to meet the expenditure, authorize the notice to be given. Is not that a breach of faith? Unquestionably it is, in my judgment, a breach of faith unworthy of a great nation, whether the power exists or not.

Mr. RUSK. The honorable Senator from Mississippi, [Mr. ADAMS], for whose intellectual acumen I have a very high respect, involves himself in this matter. He asks me, if we are expected to go and give this notice ourselves? Nobody ever supposed that we were. He asks if the notice is given by a constituted agent of the Government, whether it is not sufficient? Nobody will dispute that either; but who is to give this notice? Can the Secretary of the Navy or any agent of the Government, of his own motion, give any notice? I apprehend the Senator will not pretend that he can. He must derive his authority from an act of Congress. It is a power reserved to Congress in the contract. It is a power which they reserve to themselves the right to exercise. They, therefore, are the parties, in reality, who give the notice by whatever hands they may choose to serve it on the parties. When does their power to give that notice begin? The act of Congress says, "Provided, That it shall be in the power of Congress," &c. When? Now? Then, sir, you change the language, and there is no court in Christendom which, between two individuals, would force such a construction upon any such language "That it shall be in the power of Con-

gress, at any time after the 31st day of December, 1854, to terminate the arrangement for the additional allowance herein provided for"—upon a condition. Congress has no power to touch the arrangement until after the last day of December, 1854; and then the condition is upon giving six months' notice afterwards. If there is any meaning in the English language, or if I have the slightest capacity to understand it, it is as clear as the noonday sun, that such is the reading of the law, and neither the Senator from Mississippi, nor the Senator from Pennsylvania, sitting in a court of justice, in a case between individuals, would place any other construction upon it.

Mr. GEYER. I shall probably vote with the Senator from Texas [Mr. Rusk] for striking out this clause; but I shall not do it, because I think the act, as it now stands, requires the notice to be given after the 31st of December. I cannot concur with him in his interpretation of the act of April, 1852. I do not intend to occupy much time; but I will refer, to show the rule of interpretation, to an act of Congress passed in 1807. The ninth section of the first article of the Constitution provides:

"The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808."

On the 2d of March, 1807, Congress passed an act, the first section of which provides:

"That from and after the 1st day of January, 1808, it shall not be lawful to import or bring into the United States, or the Territories thereof, from any foreign place or country, any negro, mulatto, or person of color, with intent to hold, sell, or dispose of said negro, &c., as a slave, to be held to service or labor."

That is a practical interpretation of words of the same import as are used in the law to which reference is now made. The words of the Constitution are, "that the migration or importation," &c., "shall not be prohibited by the Congress prior to the year 1808." According to the interpretation sought to be put upon the act of 1852, if the same words are to have the same interpretation in the act passed in 1807, Congress could not have passed the act which they did pass on the 2d of March, 1807. I suppose that the act of 1852 was designed to give to the proprietors of the Collins line six months' notice after the 31st day of December, 1854, and that Congress might, at any time, prescribe prospectively for putting an end to that contract, but they were required to give the notice, and no matter at what time it was given, the line was to have six months after the 31st day of December, 1854. That is the interpretation I give to it.

Mr. SEWARD. It seems to me that if Senators will take up this proviso and read it, its meaning will be manifest in fixing the time. "Provided that it shall be in the power"—something shall be in the power of Congress. It shall be in the power of Congress to do what they can do at a certain time; and what time is that? At any time after the 31st day of December, 1854. Congress has power to do this thing at any time after the 31st day of December, 1854.

Mr. WELLER. With six months' notice.

Mr. SEWARD. Certainly; the discontinuance of the arrangement for the additional allowance was provided for upon giving six months' notice after the 31st day of December, 1854.

Mr. DAWSON. Has not Congress the right, under the law, to terminate the contract by a notice on the 31st day of December? Is not that one of the days upon which they can give the notice? You admit that. How can Congress, sir, by legislation, give the notice which she has to give precisely on that day? Suppose Congress had said that the President of the United States, in the same language, shall have the power to give the notice, could he not have given it on the 31st of December? No gentleman will deny that. Congress, then, can only act by a declaration made by both branches; and when she makes that declaration, (it is immaterial when it is made,) it is legal. It is contended that we could not pass a bill to give the notice until after the 31st day of December. If that be true, Congress, then, cannot exercise the right, under this construction, to give the notice on the 31st day of December, if they could not pass the law on that day. Suppose, Mr. President, that this contract ought to be terminated on the 4th day of July, 1855, would it be contended that Congress had not the right of passing a law to give that notice on the 4th day of July, 1855, when

we know that, under the Constitution, we must adjourn on the 4th of March? Why, sir, it seems to me very clear that Congress is not violating the contract by authorizing the giving of this notice. She is merely making arrangements to place herself in a position to exercise all the rights which belong to her under the contract.

Mr. BENJAMIN. I suppose, as every lawyer in the Senate is giving his opinion upon this subject, I may be allowed to say one or two words upon it. I concur thoroughly in the construction given by the Senators from Delaware and Ohio. I think they have touched the precise point before the Senate. No doubt this act would be legally binding if passed now. Take the case which the Senator from Texas proposes, of a contract between two individuals. Suppose I contract with a farmer to cultivate my farm, and agree that the contract shall last until the 31st of December, 1854, after which, I may put an end to it by giving six months' notice. Unquestionably I can instruct my agent a year in advance, that when that day comes he shall give to the farmer the six months' notice. That is what Congress meant here—that it could instruct its agent in advance when the time comes to give the notice. The notice, therefore, as required by this act, would undoubtedly be a legal and valid one; but then there lies behind that the question suggested by the Senators from Delaware and Ohio. Would it be good faith towards these contractors to exercise the power now? Is that what was anticipated at the time between the contracting parties? Congress reserved the power to give this notice at any time after the 31st of December, 1854; but was it not the understanding at the time between Congress and these mail carriers, that the lapse of time up to December 31, 1854, was to be given to them in order that they might have an opportunity of satisfying Congress as to the advantage of making such a contract? Or in other words, did not Congress imply the agreement with them, that it would not exercise that discretion, or make up its mind on the subject until the 31st of December, 1854, arrived? That is the point. I think that Congress ought fairly to observe all contracts of this kind. The contractors have no court of justice to appeal to. We ought to carry out our contracts with the utmost equity, fairness, and good faith.

Now, although we may have the legal power to give a valid notice in the way we are now providing, although it may be perfectly competent for us legally now to direct our agent when the time shall come at which we shall be at liberty to give the notice—to give it, I say, there still remains the question, whether we shall be acting in good faith in doing so, and not giving the contractors a full opportunity of 'satisfying us as to what a proper discretion on the subject will lead to. It is on that ground, I think, we ought not to pass this. I believe the Senators from Delaware and Ohio placed the matter in its true legal aspect, and at the same time pointed out the equitable rights of the contractors.

On a call for the yeas and nays, no quorum voted.

Mr. CHASE. I move that the Senate take a recess until eight o'clock. [Morning had some time since dawned.]

Mr. HUNTER. I hope not. I understand the House will soon send over the naval appropriation bill. Let us wait for the message.

Mr. JOHNSON. There is a quorum about the Chamber. The Sergeant-at-Arms can bring Senators in.

Mr. DODGE, of Iowa. I appeal to the sense of justice of the Senate to take up and pass House bill No. 1, to graduate and reduce the price of public lands to actual settlers and cultivators.

Mr. HUNTER. That cannot be done until this bill is disposed of.

Mr. DODGE, of Iowa. It can by unanimous consent.

Several Senators came in and recorded their votes, and the result was announced—yeas 17, nays 15; as follows:

YEAS—Messrs. Bayard, Benjamin, Bright, Brodhead, Chase, Foot, Geyer, Gillette, Gwin, Houston, James, Rusk, Seward, Stuart, Thomson of New Jersey, Wade, and Weller—17.

NAYS—Messrs. Adams, Atchison, Brown, Cooper, Dawson, Dodge of Iowa, Douglas, Fitzpatrick, Hunter, Johnson, Jones of Tennessee, Mallory, Pratt, Slidell, and Sumner—15.

So the amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. BRODHEAD. I move again to strike out the third section; and on that I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected—aye eight; noes not counted.

The bill was then ordered to a third reading, and was read a third time, and passed.

HON. JARED W. WILLIAMS.

Mr. BROWN. I ask the unanimous consent of the Senate to take up a House bill for the relief of J. C. Buckles, of Louisville, Kentucky. It can be passed in three minutes.

Mr. BAYARD. I rise to a question of privilege. The Committee on the Judiciary yesterday reported on a question of privilege affecting the right of a member of this body, [the Hon. JARED W. WILLIAMS] to retain his seat on this floor. That report is now printed, and in the hands of Senators. It is our duty to determine it at this session. I think that is the first business in order.

The PRESIDING OFFICER, (Mr. BRIGHT.) It is a question of privilege.

Mr. BAYARD. I move that the report be taken up.

The motion was agreed to.

Mr. BAYARD. I move that the Senate concur in that report. It concludes with a resolution.

Mr. BUTLER. It does not conclude with a resolution. It is in response to a resolution of the Senate. It had better be read. It is particularly guarded. The resolution was referred to the committee, and the report is in response to that.

Mr. BAYARD. The report concludes as follows:

In response to the resolution of the Senate, the committee are of opinion that "the right of representation, under the appointment," has expired.

The PRESIDING OFFICER. The question is on concurring in the report.

The motion was agreed to.

J. C. BUCKLES.

Mr. BROWN. I now ask the Senate to take up the bill for the relief of J. C. Buckles, of Louisville, Kentucky.

The motion was agreed to; and the Senate, as in Committee of the Whole, preceded to consider the bill.

It proposes to direct the Postmaster General to pay to J. C. Buckles, out of any money appropriated for the transportation of the mails, \$3,006.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

SENATE DEBATES.

Mr. BROWN. I have a resolution to which I suppose there will be no objection:

Resolved, That the Secretary of the Senate pay from the contingent fund of the Senate, to the proprietors of the Union, National Intelligencer, and Sentinel, for publishing the debates and proceedings of the Senate for the last and present Congress, up to the close of the present session, at the rate of \$4 50 per column: *Provided*, That neither of the said journals which may have already been paid for any portion of the above service shall be again paid for the same.

Mr. ADAMS. That goes to the Committee on Printing.

Mr. SLIDELL. I object to it.

The PRESIDING OFFICER. It goes over.

Mr. BROWN. How long?

The PRESIDING OFFICER. One day.

Mr. BROWN. I have offered it, and I want it to come up between now and twelve o'clock to-morrow.

NAVAL APPROPRIATION BILL.

A message was received from the House of Representatives, by Mr. FORNEY, their Clerk, announcing that they had agreed to some and disagreed to other amendments of the Senate to the bill making appropriations for the naval service for the year ending the 30th of June, 1855, and had agreed to the eighth amendment of the Senate with an amendment.

Also, that they insisted on their disagreement to the amendments of the Senate, and on their amendment to the eighth amendment of the Senate, and asked a conference on the disagreeing votes of the two Houses, and that they had appointed Mr. PHELPS, Mr. PARKER, and Mr. BOCK, managers of the same on their part.

On motion by Mr. HUNTER, it was ordered that the Senate insist on their amendments, and agree to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and that the committee of conference on the part of the Senate be appointed by the President *pro tempore*; and Mr. NORRIS, Mr. MALLORY, and Mr. SLIDELL, were appointed.

GRADUATION BILL.

Mr. FITZPATRICK. We have provided for almost every class of individuals, as well as corporations. Now let us provide for another and a different class of citizens, who are eminently entitled to the consideration of this body. A bill has been sent to us from the House, granting preemption rights to actual settlers upon public lands. It is called a bill to graduate and reduce the price of the public lands to actual settlers and cultivators. I move that it be taken up for consideration.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to the consideration of the bill.

It proposes to direct that all of the public lands of the United States which shall have been in market for ten years or upwards, prior to the time of application to enter them, under the provisions of the bill, and still remaining unsold, shall be subject to sale at the price of one dollar per acre; all that shall have been in market for fifteen years or upwards, and still remaining unsold, shall be subject to sale at seventy-five cents per acre; all that shall have been in market for twenty years or upwards, and still remaining unsold, shall be subject to sale at fifty cents per acre; all that shall have been in market for twenty-five years and upwards, and still remaining unsold, shall be subject to sale at twenty-five cents per acre; and all that shall have been in market for thirty years or more, shall be subject to sale at twelve and a half cents per acre; but the provision is not to be so construed as to extend to lands reserved to the United States, in acts granting lands to States for railroad or other internal improvements, or to mineral lands held at over one dollar and twenty-five cents per acre.

Upon every reduction in price, the occupant and settler upon the lands is to have the right of preemption at such graduated price, upon the same terms, conditions, restrictions, and limitations, upon which the public lands are now subject to the right of preemption until within thirty days preceding the next graduation or reduction that shall take place; and if not so purchased, shall again be subject to the right of preemption for eleven months, as before, and so on, from time to time, as reductions take place; but it is not to be so construed as to interfere with any right which has or may accrue by virtue of any act granting preemption to actual settlers upon public lands.

Any persons applying to enter any of the lands are to be required to make affidavit, before the register or receiver of the proper land office, that they enter them for their own use, and for the purpose of actual settlement and cultivation, or for the use of an adjoining farm or plantation owned or occupied by them, and, together with that entry, they have not acquired from the United States, under the provisions of the bill, more than three hundred and twenty acres, according to the established surveys; and if any persons taking such oath or affidavit shall swear falsely in the premises, they are to be subject to all the pains and penalties of perjury.

Mr. BRODHEAD. This is a very important bill; and I beg to suggest to my friend from Alabama the propriety of not acting upon it until the next session, after we shall see what the House of Representatives does with the land bill which we sent to them. I am in favor of graduating and reducing the price of the public lands. I shall go for this bill when I can ascertain that the House of Representatives either refuse to act upon the bill which we have sent them, or reject it. We ought to retain the power in our hands. If the House pass the other bill, it would be quite unnecessary to pass this, because it contains the same thing as is contained in that bill. It is a more comprehensive bill than this; and certainly while that is pending before the House of Representatives, we should not act upon this. We can lose nothing by pursuing the course which I suggest. We may gain by it.

Mr. FITZPATRICK. I will say to my friend

from Pennsylvania, that the bill to which he refers is more comprehensive than this, and makes appropriations of all the public lands. I will say, in addition, that there is a necessity for the passage of this bill to protect a meritorious class of citizens. It does not interfere with the bill which is before the House. It will not impede its progress, or affect it in the least. It provides for a class of citizens who now require protection at the hands of the Government—a class settling upon the public lands, and who, unless it is passed, will remain unprotected until the next session of Congress. I trust my friend from Pennsylvania will not interpose objection to it. The bill which is before the House I trust will become a law. It not only makes a disposition of a portion of the public lands, but it disposes of the whole of them. This is partial, I admit, and is required to be partial, because it is confined to actual settlers. They are not able to help themselves, and they appeal to Congress to shield and protect them. If I believed that this bill would defeat the other, I should by no means urge it; but it will not do that.

Mr. CHASE. I desire to offer an amendment to the bill.

Several SENATORS. Oh, no.

Mr. CHASE. The amendment which I propose to offer, and which I have sent to the Secretary's desk, is the homestead bill. The House has signalized its action this session by passing two great measures in respect to the disposition of the public lands. One is the homestead bill; the other is the graduation bill. The homestead bill affords to every industrious settler an opportunity to acquire a home upon any part of the public lands without exception. This bill undoubtedly has some merit, but it is a merit of an inferior degree to the homestead bill; for the homestead bill enables the industrious settler to acquire a home anywhere upon any part of the public lands, except, of course, the reserved portions. This bill proposes to confine them to refuse lands, lands which have been in the market for many, many years. Now, sir, I have already said that I do not wish to detain the Senate a moment, at this late stage of the session. There are provisions in that bill which are objectionable to me; there are provisions which are objectionable to other Senators; but it is the bill which the House has agreed upon; and I prefer to take that, and to take both measures together. I hope the Senate will agree to the amendment.

The PRESIDING OFFICER. (Mr. BRIGHT in the chair.) The Chair is under the impression that the amendment is not in order.

Mr. CHASE. For what reason?

The PRESIDING OFFICER. For the reason that it is contrary to all parliamentary law and usage to put one bill as an amendment upon another. An amendment may be moved to strike out and insert, but not in this form.

Mr. CHASE. I certainly take an appeal from the decision of the Chair. I should not do so if the Senate, at this very session, and at this very sitting, had not determined that question the other way.

The PRESIDING OFFICER. That is very true; but it is contrary to what the Chair believes to be the rule.

Mr. CHASE. But the Senate determined it.

The PRESIDING OFFICER. Shall the decision of the Chair stand as the judgment of the Senate?

Mr. SEWARD. I ask for the yeas and nays on that question.

Mr. BUTLER. I move that the whole subject lie upon the table; for at this time, I appeal to my friends to know whether it is fair to have legislation of this magnitude, when, by implication, no such measures ought to be taken up. When my friend from Alabama made his motion, I knew it would lead to these other amendments.

Mr. CHASE. I rise to a question of order. An appeal is pending, and while that is the case, I suppose no motion that the subject lie on the table can be made.

The PRESIDING OFFICER. That motion takes precedence of any other.

Mr. FITZPATRICK called for the yeas and nays, and they were ordered, and taken as follows:

YEAS—Messrs. Bayard, Bright, Brodhead, Butler, Dawson, and Foot—6.

NAYS—Messrs. Adams, Atchison, Benjamin, Brown,

Chase, Clay, Cooper, Dodge of Iowa, Douglas, Fitzpatrick, Geyer, Gwin, Houston, Johnson, Jones of Tennessee, Mallory, Morton, Pettit, Rusk, Sebastian, Seward, Slidell, Stuart, Sumner, Wade, Walker, and Weller—27.

So the motion that the subject lie upon the table was not agreed to.

Mr. COOPER. I move that the Senate take a recess until nine o'clock.

Mr. CHASE. Is that in order, while this question is pending?

The PRESIDING OFFICER. No motion is in order except to adjourn, until the appeal is disposed of. The question is on the appeal.

Mr. BROWN. I move that when the Senate adjourn, it be to meet at ten o'clock.

Mr. PETTIT. We want an Executive session. Nominations are to be received and acted upon.

The PRESIDING OFFICER. The motion cannot be entertained while the other question is pending.

Mr. DAWSON. I move that the Senate take a recess until ten o'clock.

The PRESIDING OFFICER. That is not in order.

Mr. DAWSON. I move that the Senate adjourn until ten o'clock.

The PRESIDING OFFICER. That is not in order. The hour of meeting is already fixed by a resolution.

Mr. DAWSON. Then I move that the Senate adjourn.

The motion was not agreed to.

The PRESIDING OFFICER. The Senator from Alabama moved that the Senate proceed to the consideration of the graduation bill. The order was made. The Senator from Ohio moved, as an amendment to that, the homestead bill. The Chair decided it not to be in order as an independent proposition, and contrary to the rules of the Senate. From that decision the Senator from Ohio appealed. If offered as a substitute, it would be in order, but not as an independent proposition.

Mr. CHASE. The Chair, I understand, decides that it is contrary to the rules of the Senate. I want to know if there is a rule of that sort?

The PRESIDING OFFICER. Yes, sir.

Mr. CHASE. I ask for the reading of it.

The PRESIDING OFFICER. The Chair decides that it is contrary to parliamentary law and usage to offer one bill as an amendment to another.

Mr. CHASE. I wish to say a word on that question. The subject pending before the Senate is the disposition of the public lands. A bill has been taken up providing for the disposition of the public lands to actual settlers for a limited price. I move to amend that bill by adding certain sections, providing for the granting of those lands without price. It is a part of the system of disposition. Now, sir, in the House of Representatives, and here, there is nothing more common, and there has been nothing more common from the commencement of my service in this body up to this time, than to amend a bill precisely in that form; and if the Senate now determine this to be out of order, it will reverse its whole practice.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by Mr. WEBSTER, his Secretary, announcing that he had this day approved and signed an act to constitute Pilatka and Bayport, in the State of Florida, ports of delivery respectively, and Keokuk and Dubuque, in the State of Iowa.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. McKean, Chief Clerk, announcing that the House had passed the bill from the Senate, to change the name of the American-built brig Glamorgan to that of Wizard.

Also, that they had passed a joint resolution making appropriation for the payment of those entitled to the benefits of the resolution of the House of Representatives of the United States, passed August 3, 1854, voting extra compensation to pages, folders, and others, in which they requested the concurrence of the Senate.

ARMY APPROPRIATION BILL.

The message also announced that the House had agreed to some, and disagreed to other amendments of the Senate to the bill making appropri-

tion for the support of the Army for the year ending the 30th of June, 1855, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. BRECKINRIDGE, Mr. McDougall, and Mr. WALLEY, the committee on their part.

The Senate proceeded to consider their amendments, amended and disagreed to by the House of Representatives to the bill; and, on motion by Mr. HUNTER, it was ordered that the Senate insist on their amendments, amended and disagreed to by the House, and agree to the conference asked by the House, and that the committee of conference on the part of the Senate be appointed by the President *pro tempore*. Mr. BRIGHT, Mr. WELLER, and Mr. SEBASTIAN, were appointed.

GRADUATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the graduation bill.

The PRESIDING OFFICER. The question is, whether the decision of the Chair in regard to the amendment offered by the Senator from Ohio, shall stand as the judgment of the Senate.

Mr. CHASE. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SEWARD. I wish to inquire whether the House of Representatives did not send the homestead bill here, and whether that was not amended by adding sections to it embracing the graduation principle?

Mr. JONES, of Tennessee. It is not worth while to try to pass this bill.

The PRESIDING OFFICER. The question is not debatable.

Mr. JONES, of Tennessee. I will speak until twelve o'clock, if this thing is forced upon us at this time.

The yeas and nays were taken, with the following result:

YEAS—Messrs. Adams, Atchison, Brown, Clay, Cooper, Douglas, Fitzpatrick, Geyer, Gwin, Houston, Hunter, Johnson, Mallory, Morton, Pettit, Rusk, Sebastian, Stuart, and Weller—19.

NAYS—Messrs. Chase, Dodge of Iowa, Foot, Gillette, Jones of Tennessee, Seward, Sumner, Wade, and Walker—9.

The PRESIDING OFFICER. There is not a quorum voting.

Attempts were made to obtain a quorum by bringing in absent Senators.

Mr. ATCHISON. The habit which the Senate has of bringing in Senators after the roll is called, is against the rules of the Senate. No one is entitled to vote, unless he is in the Senate Chamber when the roll is called.

Mr. DOUGLAS. I recollect a case distinctly in which we sent out and coerced members to come in by an order of the Senate.

Mr. ATCHISON. You can do that; but they cannot vote after you bring them in.

Mr. DOUGLAS. I do not understand how that rule is. It is the every-day practice to receive such votes.

Mr. ATCHISON. I know it is; but still it is not the rule.

Mr. DOUGLAS. Let us see the rule.

The PRESIDING OFFICER. Nothing is more common than for the Senate, when no quorum is present, to compel absentees to attend.

Mr. DAWSON. I move that the Senate adjourn.

The PRESIDING OFFICER. That is the only motion which the Chair can entertain.

Mr. BRODHEAD. I move to amend, by adding: "to meet at nine o'clock." The House has adjourned to meet at that hour.

The PRESIDING OFFICER. That can only be done by unanimous consent.

Several SENATORS. Agreed; but say eight o'clock.

Mr. BRODHEAD. I will so modify it.

The PRESIDING OFFICER. It is moved that the Senate take a recess until eight o'clock.

Mr. STUART. That cannot be done without a quorum. I object to it.

Mr. BROWN. I want to make this suggestion. Unless we adjourn, it is one continuous day, and the 4th of August on which we have agreed to adjourn *sine die* never comes. Now, when will the Secretary commence to make up his Journal for the 4th of August, unless we adjourn? We must adjourn.

Mr. STUART. I will be bound that the Secretary will make up the Journal right. I have no

fear about that. No motion is now in order, there being no quorum here, except to adjourn.

Mr. DAWSON. I move that the Senate adjourn.

Mr. HUNTER. When do we meet?

The PRESIDING OFFICER. The Senator from Pennsylvania moves to adjourn until eight o'clock.

Mr. STUART. I object to that.

The motion was agreed to.

The Senate accordingly, at half past five o'clock, a. m., Friday, adjourned to meet at eight o'clock, a. m.

IN SENATE.

FRIDAY, August 4, 1854.

The Senate met at eight o'clock, a. m., pursuant to adjournment from five, a. m.

THOMAS JORDAN.

On motion by Mr. WELLER, the Senate, as in Committee of the Whole, proceeded to the consideration of House bill "authorizing the Secretary of the Treasury to settle the accounts of Thomas Jordan, assistant quartermaster in the United States Army."

It proposes to authorize the Secretary of the Treasury to audit and settle, upon the principles of equity and justice, the accounts of Thomas Jordan, assistant quartermaster in the United States Army, arising out of his disbursements as disbursing officer of the quartermaster's department at the city of Vera Cruz, Mexico, from August 10, 1847, to August 1, 1848.

Mr. WELLER. I think this is one of the most remarkable cases I ever knew. This gentleman was a disbursing officer in the Mexican war, and disbursed money to the amount of \$4,300,000. He was stricken down by the yellow fever, and a little fraud was practiced on him by his clerk, having paid a draft that was presented, amounting, perhaps, to some \$2,000. This is to authorize the settlement of that amount. I do not know the man; but I think it a very remarkable case.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

CASH AND ELLIS.

Mr. MORTON. I ask the Senate to proceed to the consideration of House bill "for the relief of David C. Cash and Giles U. Ellis," two soldiers. The amount is inconsiderable. The bill has passed the House, and has been referred to the Committee on Military Affairs of this body, and unanimously reported back. I hope it will now be passed.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

It proposes to direct the Secretary of the Treasury to pay to David C. Cash, late lieutenant, and Giles U. Ellis, private, in the Seminole war in Florida, whatever may be due them on the muster-rolls for military services in that war.

Cash and Ellis served in the war with the Seminoles in Florida, the former as a lieutenant, and the latter as a private. They were deputed, with the concurrence and approbation of their respective commanders, to assist the regimental quartermaster and commissary of subsistence, Richard R. Crum, in the receipt and disbursement of supplies; the former at Fort Crane, and the latter at Fort Gilliland. They received supplies from time to time from the acting quartermaster of the Army and the acting commissary of subsistence, and placed the same in the public storehouses of their respective stations, signing receipts and vouchers for the same, David C. Cash signing as "acting assistant commissary," and Giles U. Ellis as "assistant quartermaster at Fort Gilliland." Although signing receipts in this form, they considered themselves as acting merely in the capacity of agents of Crum, and responsible to him alone.

They well and truly discharged their duties as agents of Crum, receiving the supplies, and disbursing them, upon regular requisitions, to the troops in service, and (in pursuance of law) to the suffering inhabitants; and, at the expiration of the performance of their duty, they accounted to R. R. Crum, the regimental quartermaster, delivering to him all the receipts, invoices, requisitions, and other vouchers covering their issues, and which vouchers were made out in his name. They had

not supposed themselves liable for the property to any one other than Crum, alleging that they had received no authority whatever to act in their own names as agents of the Government, either in the quartermaster or commissary's department. And yet, when, after the war, they applied for the pay due them on the muster-rolls for their military services, they were met by an offset of this very public property, which, years before, they had disbursed under orders from a regularly recognized quartermaster, and to whom they had fully accounted.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

COASTING TRADE.

Mr. TOOMBS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary inquire into the existing laws concerning navigation and the coasting trade, and report at the next session, by bill or otherwise, whether any, and if any what, changes in them may be necessary to cheapen the transportation of commodities, and to promote the general interest of the country.

IRA CALL.

Mr. CHASE. I ask the Senate to take up the bill from the House of Representatives for the relief of Ira Call, of Huron county, Ohio. He is a very old man, and this is to give him a small pension.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to direct the Secretary of the Interior to place Ira Call's name on the list of invalid pensioners, at the rate of eight dollars per month, from the 1st of March, 1854.

The bill was reported to the Senate without amendment, ordered to a third reading, was read a third time, and passed.

F. A. WHITNEY.

Mr. PETTIT. The Committee on Private Land Claims, to whom the subject was referred, have directed me to make a report, accompanied by a bill, authorizing the title of the United States to lot No. 20, in square 116, Washington city, to be conveyed to Foliet A. Whitney.

Mr. DODGE, of Iowa. I hope that bill will be now put upon its passage. It is to grant a title to a lot to one of the pages of the Senate, for which he has already paid the sum of seventy-five or one hundred dollars.

There being no objection, the bill was read a first and second time, and considered as in Committee of the Whole.

It proposes to direct the Commissioner of Public Buildings to convey to Louis F. Whitney, in trust for his son Foliet A. Whitney, a minor, the title of the United States to lot 20, in square 116, in the city of Washington, upon his paying therefor twenty-five dollars.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

GARDINER'S MILITARY DICTIONARY.

Mr. BRODHEAD. I submitted a resolution yesterday, proposing to purchase some copies of Gardiner's Dictionary of the Army. I ask the Senate, if there be no objection now, to proceed to the consideration of that resolution.

Mr. ADAMS. I object.

JOHN RICE JONES.

Mr. DODGE, of Iowa. There is on the table a House bill for the relief of the legal representatives of John Rice Jones, deceased, which has heretofore passed this body five or six different times, but has never become a law. I ask the Senate now to proceed to its consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

It is to authorize the legal representatives of John Rice Jones, deceased, to locate, in legal divisions and subdivisions, not less than one hundred and sixty acres, an area of three thousand four hundred and eighty-five acres, on any of the public lands which shall have been offered at public sale, and may be subject to private entry; which location shall be in full satisfaction of the claims of Jones, which are entered as numbers 1285 and 1286, in the report dated January 4, 1813, of the Kaskaskia commissioners; and, on a

proper return being made to the General Land Office, from the district land office, of a location in conformity to the act, a patent shall issue; but no location shall be made upon mineral land or lands reserved for the use of schools, or for military purposes.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

LAND GRADUATION BILL.

Mr. DODGE, of Iowa. I understand that the Senator from Ohio [Mr. CHASE] has withdrawn his objection to the House bill "to reduce and graduate the price of the public lands to actual settlers and cultivators," and that there is not now any Senator who will object to that bill. I should not ask for its consideration at this time if there was. But, sir, it is a question upon which we have passed and repassed, and there is scarcely a man, even the most hostile to the new States, and the most desirous of perpetuating the system of tyranny and oppression which has existed in your public land system, who is opposed to this graduation bill. Everything else which has been asked for the West has been defeated, and the last I ask for them now is, that the Senate shall take up this bill and pass it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to the consideration of the House bill "to reduce and graduate the price of the public lands to actual settlers and cultivators."

The PRESIDENT. Does the Senator from Ohio withdraw the appeal which he took yesterday from the decision of the Chair?

Mr. WELLER. I withdraw it for him.

Mr. STUART. It is the understanding that he withdraws his amendment.

The PRESIDENT. Does the Senator from Ohio withdraw his amendment?

Mr. CHASE. Under the existing circumstances which surround us, I do.

No amendment being proposed, the bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

NORTH AMERICAN FISHERIES.

Mr. TOOMBS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President of the United States be, and he is requested, to procure and submit to both Houses of Congress, a commercial and statistical report of the sea fisheries of New England and the British North American Provinces, and their influence and bearing on the foreign trade and home business of the United States, together with a topographical description of the fishing grounds of the said British Provinces, especially of those now frequented by fishermen of the United States, and others to which they may resort hereafter, with other information, as well scientific as practical, that may be useful in the prosecution of the fisheries, and which will tend to advance that important branch of business in any department.

UNSURVEYED LANDS IN MINNESOTA.

Mr. DODGE, of Iowa. I appeal to the Senate now to take up House bill "to extend the right of preemption over unsurveyed lands in Minnesota, and for other purposes." It is one which has been long in my hands. I reported it back from the Committee on Public Lands some time ago, and the Delegate from that Territory feels a deep interest in it. I hope the Senate will take up the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, considered the bill. It provides that the provisions of the preemption act of September 4, 1841, and the acts amendatory thereof, shall be extended to the lands in Minnesota Territory, whether surveyed or not; but in all cases where preemption is claimed on unsurveyed land, the settler shall file his declaratory statement within three months after the survey shall have been made and returned, and make proof and payment before the day appointed by the President's proclamation for the commencement of the sale of the lands.

Mr. PRATT. I do not know whether it is very proper at this hour of the morning to pass a bill which seems to make some disposition of all the lands within the limits of Minnesota. I do not know exactly what it does with them.

Mr. BENJAMIN. I will suggest to my friend from Maryland that I have run my eye over the bill, and it merely provides for a preemption right.

Mr. PRATT. I am satisfied.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

JACOB BAKER.

On motion by Mr. CHASE, the Senate, as in Committee of the Whole, proceeded to the consideration of the House bill for the relief of Jacob Baker, of Sandusky City, Ohio.

It proposes to require the Secretary of the Interior to place his name on the pension roll, and pay him eight dollars a month during his natural life, payment to commence from June 27, 1854.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

PAY OF THE RANK AND FILE OF THE ARMY.

Mr. PETTIT. I ask the Senate to proceed to the consideration of House bill for the relief of Thomas C. Green.

Mr. JOHNSON. I hope the Senator will allow us to take up the Calendar in regular order.

Mr. PETTIT. I wish to dispose of some House bills which have been reported on favorably by the Committee on Private Land Claims.

Mr. JOHNSON. How many?

Mr. PETTIT. Three or four.

Mr. PRATT. Let each member get up one bill at a time.

Mr. PETTIT. Very well; but let this be passed first.

Mr. WELLER. I have an appeal to make to my friend from Indiana. The House of Representatives passed a bill to increase the pay of the rank and file of the Army, and to encourage enlistment. It will be recollected that we passed a bill to increase the pay of the officers, as well as the rank and file. The House of Representatives refused to pass that bill, but sent us this, which increases the pay of the rank and file. The Committee on Military Affairs have not reported this bill heretofore, with the hope that they might be able to obtain their own bill by an amendment on the Army appropriation bill. Now, at the last hour, when we have failed in that, I ask to report this bill back, and put it on its passage.

Mr. PETTIT. If it create no debate, I will yield to this bill.

Mr. WELLER. It will not, of course, lead to debate.

Mr. PETTIT. Then I withdraw my motion.

Mr. WELLER. I am instructed by the Committee on Military Affairs to report back, without amendment, House bill "to increase the pay of the rank and file of the Army, and to encourage enlistments," and to ask that it may now be considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

It proposes to increase the pay of the non-commissioned officers, musicians, and privates of the Army at the rate of four dollars per month, to continue for the terms of three years from the 1st of January next, and until otherwise fixed by law. Every soldier, who, having been honorably discharged from the service of the United States, shall, within one month thereafter, reenlist, is to be entitled to two dollars per month in addition to the ordinary pay of his grade, for the first period of five years after the expiration of his previous enlistment, and a further sum of one dollar per month for each successive period of five years, so long as he shall remain continually in the Army; and soldiers now in the Army, who have served one or more enlistment, and been honorably discharged, are to be entitled to the benefits herein provided for a second enlistment.

Soldiers who served in the war with Mexico, and received a certificate of merit for distinguished services, as well those now in the Army as those that may hereafter enlist, are to receive the two dollars per month to which that certificate would have entitled them, if they had remained continuously in the service.

Non-commissioned officers who, under the authority of the seventeenth section of the act of March 3, 1847, were recommended for promotion by brevet to the lowest grade of commissioned officer, but did not receive the benefit of that provision, are to be entitled to the additional pay authorized to be given to such privates as received certificates of merit.

Provision is also made for the promotion of non-commissioned officers.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

THOMAS C. GREEN.

On motion by Mr. PETTIT, the Senate, as in Committee of the Whole, proceeded to the consideration of House bill for the relief of Thomas C. Green. It requires the Commissioner of the General Land Office to issue a patent to Thomas C. Green for the southeast quarter section of section thirty-three, in township eleven north of range three west, in the military tract of Illinois, which patent is to recite the fact that the former one was filled out erroneously for the southwest quarter, and has been lost, and therefore a new patent has been issued to the grantee.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

EXTRA COMPENSATION.

Mr. JOHNSON. I move that the Senate now take up a resolution which was submitted a few days ago by the Senator from Iowa, in regard to the extra compensation to our reporters—the annual tribute which is here paid to their services.

The motion was agreed to, and the Senate proceeded to consider the following resolution:

Resolved, That there be paid, out of the contingent fund of the Senate, to each of the reporters of the Congressional Globe for the Senate, the same sum which was paid them at the last session of Congress.

Mr. SEWARD. It will be remembered that at the commencement of this session, the Globe and Union both reported the debates of the Senate, and that the Union withdrew from the contract. It is but right, therefore, that the reporters for the Union should be embraced in that resolution, for the period that they continued to report. I move to amend the resolution by inserting a provision for the payment of the reporters of the Union, for the time they were employed.

Mr. DODGE, of Iowa. That is certainly just, and I will modify the resolution by inserting "and to the reporters of the Union for the time they were employed, *pro rata*."

Mr. JOHNSON. I move to amend the resolution by inserting after the amendment, which has just been accepted, the words "and to the Superintendent of Public Printing, and the clerks and messengers in his office, the same extra compensation as was paid to them at the expiration of the last session of Congress." The Senate will recollect that a short time since we put an amendment into the civil and diplomatic bill to this effect, upon this ground: When a joint resolution was passed, increasing the compensation of the legislative employees, it was decided that these officers belonged to the executive departments, and when a bill was passed which increased the compensation of the executive clerks, it was decided that they belonged to neither. Under those circumstances, this class of our clerks were cut out of any extra compensation at all. This amendment merely proposes to give them the extra compensation which is usual, and it does not reach the amount that their regular increase would, under either of the propositions to which I have referred.

Mr. BENJAMIN. I would suggest to the Senator from Arkansas that that requires the concurrent action of both Houses.

Mr. JOHNSON. No, sir, the amendment merely proposes to pay out of our contingent fund the same extra compensation which was allowed to these officers at the last session.

The PRESIDING OFFICER, (Mr. BRIGHT in the chair.) The Chair is of opinion that the report made by the select committee, graduating the scale of salaries to be paid the officers of the Senate, and which was adopted by the Senate, forbids anything of this sort.

Mr. TOOMBS. That was my understanding at the time.

The PRESIDING OFFICER. The amendment is, therefore, clearly out of order.

Mr. JOHNSON. I wish to call the attention of the Senate to the fact that these clerks were excluded from the increase of compensation allowed to the clerks in the executive departments on the ground that they did not belong to that class. When increased compensation was allowed to the

legislative clerks, they were excluded from that on the ground that they did not belong to the legislative class of clerks. Thus they have been cut out from both increases. They were allowed at the last session, out of the contingent fund of the Senate, the usual extra compensation. It is, therefore, now certainly in order to propose to make them the same allowance; and if it should be allowed, they will not receive as much as the regular compensation to which they would have been justly entitled, if, by the decisions of the Department, they had been allowed to come in, either as legislative or executive clerks. If the Senate is averse to granting this extra compensation, it can vote down the amendment; but I submit that it is clearly in order.

Mr. PRATT. I wish to make a single remark that may be applicable to other cases which may be brought before us.

Mr. JOHNSON. There is no other case that I know of.

Mr. PRATT. The persons included in this amendment are not connected with the Senate in any way. Now, how our contingent fund can be properly expended for the purpose of paying persons who have no connection, officially, with the Senate, I am at a loss to ascertain.

Mr. TOOMBS. I believe the Chair rules the amendment to be out of order.

The PRESIDING OFFICER. Such is the decision of the Chair.

Mr. JOHNSON. Well, sir, I am so clear in my own mind that the amendment is in order that I am compelled to appeal from the decision. I must state to the Senator from Maryland, who, I am sure, is not disposed to do injustice, that these clerks draw their pay from us entirely, and all their accounts are settled and adjudicated here. Their connection is with the legislative department. They are clerks of the Senate, in reality, and are not clerks of any of the Departments. The amendment provides only for those who do not receive the regular increase allowed by the joint resolution, under which this amendment has been ruled out of order.

The PRESIDING OFFICER. The question is, "Shall the decision of the Chair stand as the judgment of the Senate?"

Mr. FITZPATRICK. If this decision shall be sustained, these clerks will not be compensated at all. It seems, in the first instance, they were assigned to the executive departments; but when the extra compensation was allowed to the clerks of those departments, they were excluded, and it was then said that they belonged to the legislative department. The compensation of the clerks of every other department, legislative and executive, has been increased; but these clerks have received no extra compensation. Now, I appeal to the Senate, and particularly to the Senator from Georgia, not to refuse an increase of compensation to these meritorious clerks, when all other employees in every department of Government have had their compensation increased.

Mr. JOHNSON. An amendment to provide for them was put by the Senate into the civil and diplomatic bill, but it was cut out by the committee of conference.

The PRESIDING OFFICER. It could not be objected to as an amendment to the civil and diplomatic bill, for there it was proposed to make it a law; but, as the Chair before stated, the select committee appointed for the purpose of reporting a proposition graduating the pay of officers of the Senate, provided by resolution, which the Senate adopted, that no further appropriation should be made to pay officers of the Senate except by law. The amendment, therefore, cannot be received, as taking out of the contingent fund of the Senate money to pay extra compensation to officers of the Senate. It is on that ground that the Chair decides the amendment to be out of order.

Mr. WALKER. Was that report concurred in by the Senate?

The PRESIDING OFFICER. It was.

The question being taken, "Shall the decision of the Chair stand as the judgment of the Senate?" it was decided in the affirmative; so the amendment was ruled to be out of order.

Mr. WALKER. I wish to ask for information, whether the decision of the Chair would not equally reach the reporters mentioned in the original resolution?

The PRESIDING OFFICER. The Chair does not recognize reporters as officers of the body; and, therefore, his decision does not apply to them.

Mr. WALKER. I have an amendment to offer, which I will appeal to the honorable Senator from Iowa to accept as a modification of his resolution. It is to add:

And that the usual compensation to the enrolling and engrossing clerks be paid to them out of the same fund.

These clerks have been more pressed, I will venture to say, at the close of this session, than they ever have been for a large number of years past. The amount which this amendment would give them would be very small, and I think, myself, that justice, as well as generosity, requires that it should be adopted.

Mr. TOOMBS. Were they not allowed an increase of twenty per cent. under the joint resolution which we passed not long since?

The PRESIDING OFFICER. Are they clerks of the Senate?

Mr. WALKER. They are enrolling and engrossing clerks, temporary clerks in the employment of the Secretary of the Senate.

Mr. TOOMBS. That is expressly forbidden. They got the increase, and cannot be allowed this amount.

The PRESIDING OFFICER. The Chair will inquire whether they are regular clerks of the Senate?

Mr. WALKER. The Secretary can inform the Chair.

Mr. DODGE, of Iowa. The object of the Senator from Wisconsin is to pay fifty dollars to each of the enrolling and engrossing clerks, who have been employed during the last four or five days. It has been allowed to them heretofore.

Mr. WALKER. I have no objection to modify the amendment by saying "temporary enrolling and engrossing clerks."

The PRESIDING OFFICER. If they be temporary clerks, the amendment will be in order.

Mr. WALKER. I will modify it by inserting the word "temporary."

Mr. CASS. There would be great objection to giving to clerks who have only been at work two or three days, \$250.

Mr. DODGE, of Iowa. It is only fifty dollars.

Mr. CASS. Then suppose the amendment is fifty, it is unjust that one who has worked for six months as a temporary clerk, and one who has worked but for one day, should get the same sum.

Mr. DODGE, of Iowa. I hope, if there be any objection, the Senator from Wisconsin will withdraw his amendment, so as not to embarrass the resolution.

Mr. WALKER. I withdraw the amendment.

The PRESIDING OFFICER. The question is on the resolution of the Senator from Iowa.

Mr. DODGE, of Iowa. I move to amend it by adding "and to John Brown, Robert Carter, and Harry Dodson, the sum of fifty dollars each." These are men of color, employed in the stables and retiring room, and this is to give them the usual allowance.

Mr. JOHNSON. Is not that out of order?

The PRESIDING OFFICER. The Senate has a right to make an appropriation out of the contingent fund to anybody not officers of the body. These are not officers of the body.

The amendment was agreed to.

Mr. MORTON. My attention has been drawn, in connection with an amendment which I had prepared, to a joint resolution passed in June last, in respect to the compensation of the employees of the legislative branch of the Government. I find, however, that a resolution has passed the House of Representatives giving the pages of that House \$200 extra compensation out of the contingent fund of the House. The joint resolution provides that those who receive the twenty per cent. "shall not hereafter receive the usual extra compensation." The pages in the House have received about \$200 extra compensation; and, therefore, to avoid the technicality of the joint resolution, if I may use the expression, I have prepared an amendment to add "that the pages, folders, and other employees of the Senate receive \$105 extra compensation." That sum adding the twenty per cent. would place them upon an equality with the pages of the House of Representatives.

Mr. EVANS. How much do the pages get now?

Mr. COOPER. Two dollars and fifty cents a day.

Mr. DAWSON. Will the Senator from Florida be kind enough to tell me what is the amount of money received by one of these pages during the session?

Mr. MORTON. It requires a little arithmetical calculation, and I presume the Senator from Georgia is quite as much qualified for it as I am. I think their compensation is \$2 50 per diem.

Mr. DAWSON. And twenty per cent. on that?

Mr. MORTON. I see the joint resolution is very guarded, and provides that the pages of the House shall receive the same compensation as pages of the Senate. The rule should work both ways, and the pages of the Senate should receive as much as those of the House.

The PRESIDING OFFICER. Does the Senator offer an amendment?

Mr. MORTON. Yes, sir; to add "and \$105 extra compensation be paid to the pages, folders, and other employees of the Senate."

The PRESIDING OFFICER. That is clearly out of order.

Mr. MORTON. Is it in violation of the joint resolution?

The PRESIDING OFFICER. Certainly.

Mr. TOOMBS. It seems to me that this comes within the decision of the Chair, made a short time ago. The pay of the pages was raised by the joint resolution, and they are, therefore, clearly excluded from extra compensation.

The PRESIDING OFFICER. Clearly so.

Mr. MORTON. I will not appeal from the decision of the Chair.

Mr. WALKER. I think the laborers in the Capitol grounds should be embraced in this resolution. They have been cut down to a rate of wages lower than any other employees of the Government in this city, and at the same time they bear more of the heat and burden of the day than anybody else; and if we are to pass an extra compensation resolution I should be in favor of amending it so as to include them. They need it more than any others that I know of.

Mr. TOOMBS. As there seems to be no end to amendments, I move to lay the resolution on the table.

Mr. DODGE, of Iowa. I hope not; I hope we shall have the question on the resolution.

Mr. TOOMBS. If we can take the question I have no objection, and will withdraw my motion.

Mr. CASS. I would inquire whether the compensation of the pages has been increased. If not, the joint resolution which has been referred to does not embrace them, for it only embraces those whose compensation was increased by it.

The PRESIDING OFFICER. They are clearly embraced.

The resolution, as amended, was agreed to, as follows:

Resolved, That there be paid, out of the contingent fund of the Senate, to each of the reporters of the Congressional Globe for the Senate, the same sum which was paid them at the last session of Congress; and to the reporters of the Union for the time they were employed *pro rata*; and to John Brown, Robert Carter, and Harry Dodson, the sum of fifty dollars each.

PATRICK GASS.

Mr. CASS. My attention has been drawn by a member of the House to the bill of the House for the relief of Patrick Gass, and I have a motive for asking the attention of the Senate to it, because I happen to know the man. This is the Patrick Gass who wrote the first account of the expedition of Clarke and Lewis. He was a soldier who volunteered in that service; he served many years in a service of great danger and difficulty. He frequently passed over the Rocky Mountains, and crossed to the Pacific. He discharged his duty faithfully. I understand that he is now very poor. The bill is to give him three hundred and twenty acres of bounty land; and I move that the Senate proceed to its consideration. I trust there will be no objection to it.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

It proposes to require the proper officers of the Government to issue to Patrick Gass a warrant for three hundred and twenty acres of land, to be located on any of the public lands of the United States subject to private entry.

The bill was reported to the Senate without

amendment, ordered to a third reading, read a third time, and passed.

JONATHAN PEARCE.

Mr. SUMNER. I am directed by the Committee on Pensions to report back the House bill for the relief of Jonathan Pearce, and to ask that it may now be put upon its passage.

There being no objection, the Senate proceeded to consider the bill, as in Committee of the Whole.

It proposes to require the Secretary of the Interior to place the name of Jonathan Pearce, of Muskingum county, Ohio, upon the pension rolls, and cause to be paid to him eight dollars per month, so long as he lives, commencing January 1, 1854.

It appears that Pearce was a private in Captain James Brown's company, of Colonel Miller's regiment of Ohio militia, as substitute for his brother, who was drafted in August, 1812, at Zanesville, Ohio, and served six months, when he was honorably discharged. The original certificate of discharge is on file in the Pension Office in an application for bounty land. Pearce was one of a company dispatched on an expedition against the Indians, and was absent eight days, and had food for five days only. In consequence of lack of food and exposure he took sick, and remained so for six weeks, then partially recovered, and served out his time. Soon afterwards his disease settled in his limbs, producing chronic rheumatism, and he has suffered from it ever since. For the last twenty or twenty-five years he has hobbled round on crutches; he is now aged sixty-three; incurable, and a man of good character.

No amendment being proposed, the bill was reported to the Senate without amendment, ordered to a third reading, was read a third time, and passed.

EXECUTIVE SESSION.

On motion by Mr. RUSK, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened.

CLERK TO JUDICIARY COMMITTEE.

Mr. BAYARD submitted the following resolution; which was considered by unanimous consent:

Resolved, That the Committee on the Judiciary be authorized to continue the employment of a clerk during the recess of Congress, for the purpose of obtaining certain information in reference to the judiciary of the United States.

Mr. BUTLER. My colleague on the committee, the Senator from Georgia, [Mr. Toombs,] has had this matter under consideration, and has collected a good deal of information, but not enough for the action of the committee in relation to the matter, and a horizontal scale of salaries cannot be adopted, unless further information is obtained. Hence it is necessary to get that information in relation to marshals and district attorneys; and he cannot obtain it without a clerk to do the correspondence.

Mr. JONES, of Iowa. I want a clerk for the Committee on Pensions.

Mr. BUTLER. Oh, no!

Mr. JONES, of Iowa. What is the reason? He has more work to do than the clerk of any other committee.

Mr. BUTLER. The resolution is not put on that ground at all. Either the Senator from Georgia will have to open the correspondence, or somebody else must do it.

Mr. TOOMBS. I should myself be opposed to the resolution, if it were amended according to the suggestion of the Senator from Iowa. It would be wrong. If the Senate thinks it is proper that some person should carry on the correspondence in regard to this vast subject, extending to every State in the Union, our resolution is right; but I am against the amendment, and against the resolution, if amended; for our intention is not to create a pension office.

Mr. WALKER. I think that the work which will be done will be about this. A letter will be written in a form to elicit the information sought for. Thirty-one copies of it will be struck off in German text, signed by the clerk, and sent to the different States to elicit the answers to it. That will be the extent of the work.

The resolution was agreed to.

ARMY APPROPRIATION BILL.

Mr. WELLER, from the committee of confer-

ence on the disagreeing votes of the two Houses on the bill making appropriations for the support of the Army for the year ending the 30th of June, 1855, reported that, having met, and, after full and free conference, they have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the Senate recede from their first, ninth, eleventh, thirteenth, fourteenth, fifteenth, and nineteenth amendments, disagreed to by the House.

That the House agree to the third amendment of the Senate, with the following amendment: Strike out "ninety-three thousand four hundred and eighty-five," and insert "thirty-three thousand nine hundred."

That the House agree to the tenth amendment of the Senate, with the following amendment: Strike out "fifty-two thousand four hundred and seventy-five dollars and sixty-eight cents," and insert "twenty-five thousand dollars."

That the House agree to the twelfth amendment of the Senate, with the following amendment: Strike out all of the amendment after the word "appropriated," in line eight.

That the House agree to the sixteenth amendment of the Senate, with the following amendment; at the end thereof add: "Provided, That such party shall not receive a pension during coverture."

That the House recede from its disagreement to the fifth, eighth, seventeenth, eighteenth, twentieth, and twenty-first amendments of the Senate, and agree to said amendments.

The amendments from which the committee recommend the Senate to recede were as follows:

The first, which was to amend the clause "For subsistence in kind, \$1,028,497," so as to make the appropriation \$1,285,621 25.

The ninth, which was to insert:

For the construction of a military road from the Rio Grande, near El Paso, to the river Colorado, and for sinking wells therein, \$12,000, to be expended under the direction of the Secretary of War.

The eleventh, which was to insert in the following section the words "and properly:"

Sec. 3. *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized and directed to examine into and ascertain the amount of expenses incurred, and now actually and properly paid, by the State of California in the suppression of Indian hostilities within the said State prior to the first of January, Anno Domini 1854, and that the amount of such expenses, when so ascertained, be paid into the treasury of said State: *Provided*, That the sum so paid shall not exceed in amount the sum of \$924,259 65; which amount is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated.

The thirteenth, which was to insert:

Sec. —. *And be it further enacted*, That the same allowance in respect of rations be hereafter made to the military commandant of the Schuykill arsenal, in the Quartermaster's Department, as to the commandants of the arsenals in the Ordnance Department.

The fourteenth, which was to insert:

Sec. —. *And be it further enacted*, That the provisions of the first section of the act entitled "An act making appropriations for the support of the Army for the year ending 30th June, 1851," approved September 28, 1850, granting extra pay to the officers and enlisted men of the Army serving in Oregon and California, be extended to the officers and men composing the garrison of the post of Fort Laramie on the Oregon route, for the same period of time as was allowed by the sixth section of the act of third of March, 1853, to the officers and men of the two companies of regiment of mounted riflemen that garrisoned Fort Laramie, and that the provisions of the same section of the same act be also extended to the officers and men composing the escort to the Mexican Boundary Commission, while they were serving as such escort.

Fifteenth, which was to add to the bill several sections, commonly called the retired list bill, which has heretofore passed the Senate. It will be found at length in the proceedings of yesterday.

Nineteenth, which was to add the bill which had already passed the Senate, for the increase of the pay of the officers and men of the Army, and which will be found in the proceedings of yesterday.

The third amendment, which the committee recommend the House to agree to, with an amendment, was to insert:

For purchase of a site and construction of an arsenal at Benicia, California, \$93,485.

The amendment which the committee recommend to that amendment is to strike out "\$93,485" and insert "\$33,900."

The tenth amendment, which the committee recommend the House to agree to, with an amendment, was to insert:

For completing the Mendota and Big Sioux river road, in accordance with the estimates of the Secretary of War, \$52,475 68, to be expended under the direction of the Secretary of War.

The amendment to it, which the committee rec-

ommend, is to strike out "\$52,475 68," and insert "\$25,000."

The twelfth amendment was to insert:

Sec. —. *And be it further enacted*, That the amount which may be found necessary to pay, under the act of 27th March, 1854, to the widows and orphans of the United States troops who perished by the recent disaster to the steamship San Francisco, be paid out of any money in the Treasury not otherwise appropriated. *And the proper accounting officers of the Treasury Department be, and they are hereby, authorized and directed to cause the balance due on the books of the Treasury on account of advance of payment of the United States Army, whose widows and children may be entitled to the benefits of the second section of the said act of the 27th March, 1854.*

The committee recommend the House to agree to it with an amendment, to strike out the words printed in italics.

The sixteenth amendment was to add:

Sec. —. *And be it further enacted*, That the act approved September 28, 1850, entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," the act approved March 23, 1852, entitled "An act to make land warrants assignable, and for other purposes," and the act approved February 23, 1853, entitled "An act to continue half pay to certain widows and orphans," shall not be so construed as to deprive any widow of the benefits therein granted for the services of the husband, though she may have married again: *Provided*, That the applicant is a widow at the time of making the claim.

The amendment with which the committee recommend the House to agree to it, was to add at the end:

Provided, That such party shall not receive a pension during coverture.

The amendments, from their disagreement to which the committee recommend the House to recede, were the following:

Fifth, which was to insert:

For the payment of claims adjudicated by the board of Army officers appointed by the Secretary of War under the sixth section of the act of August 31, 1852, \$129,885 23.

Eighth, which was to insert appropriations to carry out various treaties made with Indian tribes since the passage of the Indian appropriation bill.

The seventeenth, which was to add:

And be it further enacted, That the Secretary of War be, and he is hereby, authorized and directed to receive, and cause to be placed on the files of his Department, such additional muster-rolls of the battalion of volunteers commanded by Lieutenant Colonel J. C. Fremont, in California, duly authenticated by the proper officers, as have not heretofore been received and filed, and to cause such corrections of the muster-rolls to be made in regard to the periods of enlistment and terms of service, and the omission of names of the members of said battalion, as upon satisfactory proof he may deem right and proper, and, as far as practicable, to correspond with the pay-rolls of Major P. B. Reading, paymaster of said battalion, with respect to the period of service, so that all who have served in the military service of the United States in California during the late war with Mexico, whether under command of naval or military officers, may be entitled to all the benefits of all the acts of Congress providing for the enrollment of volunteers in the Mexican war, provided that no payment shall be made in consequence of this section beyond the sum heretofore appropriated.

The twentieth, which was to add:

And be it further enacted, That in the event that the Secretary of War shall deem it inconsistent with the interests of the military service to furnish a sufficient portion of the military buildings at Fort Leavenworth for the use of the territorial government of Kansas, the sum of \$25,000 shall be, and in that contingency hereby is, appropriated for the erection of public buildings for the use of the Legislature of the Territory of Kansas, to be expended under the directions of the Governor of said Territory.

The twenty-first, which was to add:

And be it further enacted, That the sums appropriated by the act of March 3, 1849, for the removal and subsistence of the Menomonee, and for the establishment of a manual labor school, &c., for them, and now remaining in the Treasury, together with the sums for pay of a miller, heretofore appropriated, be paid to or expended for the benefit of said Menomonee Indians, according to the stipulations of said supplementary and amendatory articles.

The report was concurred in.

PRINTING SENATE DEBATES.

Mr. BROWN. I now ask the Senate to take up the resolution which I introduced yesterday, in reference to the publication of the proceedings of the Senate.

The PRESIDENT. If there is no objection, the resolution will be taken up.

Mr. CHASE. I object.

The PRESIDENT. The resolution is as follows:

Resolved, That the Secretary of the Senate pay from the contingent fund of the Senate to the proprietors of the Union, National Intelligencer, and Sentinel, for publishing the debates and proceedings of the Senate for the last and present Congress, up to the conclusion of the present session, at the rate of \$4 50 per column: *Provided*, That neither of the

said journals which may have already been paid for any portion of the above service, shall be again paid for the same.

Mr. CHASE. I object to the consideration of that resolution.

Mr. BROWN. On what ground?

Several SENATORS. It is in order to take it up.

Mr. CHASE. If it is in order, I, of course, cannot object.

Mr. BROWN. The resolution was introduced yesterday—that is, the congressional yesterday; for this congressional day commenced at eight o'clock. It was introduced before the last adjournment.

The PRESIDENT. The Chair is of the opinion that it is in order.

Mr. CHASE. I will ask the Senator from Mississippi to explain to me the resolution. Does it provide for the payment for the publication of any speeches printed at any time?

Mr. BROWN. It does not provide for the payment of those which have already been paid for. It does not provide for double payment, of course.

Mr. CHASE. These papers have not been the regular reporters of the Senate. They have printed such speeches of Senators as they thought fit to print; and the proposition of my friend from Mississippi is to pay them so much per column for what they thought fit to print. That being the case, I move to insert the words "National Era," which paper has given a much larger circulation than the others to the speeches of Senators; and upon the amendment, I ask for the yeas and nays.

On the question of ordering the yeas and nays, only six Senators rose in the affirmative.

Mr. CHASE. I wish to say a word in respect to the amendment. The proposition presented by the resolution is to pay three of the political papers of this city for the printing of such speeches as they have thought fit to publish from time to time. Whatever speeches of members of the Senate those papers have published are to be paid for at \$4 50 per column. They have given a circulation of some two or three thousand to those speeches. The National Era has a circulation of over twenty-five thousand subscribers, and the speeches which it has published have gone to that number of people. If there is any reason whatever for paying any paper of this city for printing the speeches of members of the Senate, it applies doubly to that paper. All that I ask—and I trust the Senate will give us at least that open expression of their determination—is the yeas and nays.

The yeas and nays were ordered and taken—yeas 9, nays 26; as follows:

YEAS—Messrs. Chase, Fessenden, Fish, Foot, Gillette, Rockwell, Seward, Sumner, and Wade—9.

NAYS—Messrs. Adams, Atchison, Bell, Benjamin, Bright, Brodhead, Brown, Butler, Cass, Dawson, Dodge of Wisconsin, Dodge of Iowa, Douglas, Evans, Geyer, Houston, Hunter, Jones of Iowa, Jones of Tennessee, Mallory, Norris, Pettit, Stuart, Toombs, Toucey, and Welles—26.

So the amendment was rejected, and the question recurred on the resolution.

Mr. ADAMS. I cannot vote for that resolution. I am not disposed to consume the time of the Senate in giving my reasons why I cannot. I only wish to say this: The resolution proposes to go back to the last session of Congress and pay for any speeches that may have been published in these papers during the last session, as well as this. I make it a rule that no man shall make me his debtor without my consent, nor shall he make this Government his debtor, so far as my vote is concerned, without the consent of the authority authorized to bind the Government. These papers have published a portion of the proceedings, a portion of the speeches, doubtless the most interesting, and such as they thought proper to select; but, sir, if you go back and pay them, why not pay every other paper in the United States which has published any of the speeches or proceedings of Congress? All the other papers of the country are publishing a portion of them; would there not be as much propriety and as much justice in paying other papers which receive nothing from the Government, as to pay those which are receiving large contracts and large benefits from the Government? I cannot see the justice of the resolution, and shall not vote for it.

Mr. BRIGHT. The price proposed to be paid by the resolution is very low. It will be money well expended; but I shall not occupy time by talking on it.

Mr. ADAMS. I ask for the yeas and nays upon it.

The yeas and nays were ordered.

Mr. TOOMBS. This is the most extraordinary proposition I have ever known in this body. Here are papers in the city of Washington which print what speeches they like for party uses, and leave out the rest, and the Senate is called on to pay them. It is absolutely outrageous.

Mr. SEWARD. Each of the papers prints the speeches which it likes; and as they are different in tastes, most of the speeches get printed; and if we had adopted the amendment of the Senator from Ohio, we should have had the whole of them. But I am for the resolution even without that amendment. The seat of Government is away from any commerce. There is no business but the public business to support a newspaper. The resolution is proper.

Mr. CHASE. I proposed to insert the National Era for the purpose of testing the principle, not because I intended to vote for the resolution, if it was so amended. I agree with the Senator from Georgia in his estimate of the character of the proposition.

Mr. TOOMBS. I ask to have my name recorded in favor of the Era. If you give to one, give to all.

Mr. BROWN. Let it be done.

Mr. TOOMBS. I want to vote to put the Era on the list.

The PRESIDENT. The Chair will observe that the rule requires unanimous consent to do that.

Mr. ADAMS. I object.

Mr. BROWN. The resolution, though submitted by myself, was drawn up by the Senator from Maryland, [Mr. PEARCE,] now absent, who was compelled to leave the Chamber last evening. He put the resolution into my hand, and asked me to offer it, which I did. I approved it to this extent, at least, that it seemed to me to be just towards all parties, taking in the Sentinel, Union, and Intelligencer. I think if one ought to be paid, all ought to be paid.

The question being taken by yeas and nays, resulted as follows:

YEAS—Messrs. Allen, Bell, Benjamin, Bright, Brodhead, Brown, Cass, Douglas, Fish, Foot, Houston, Hunter, James, Pettit, Rusk, Seward, Toucey, and Welles—18.

NAYS—Messrs. Adams, Atchison, Bayard, Chase, Clay, Dodge of Wisconsin, Dodge of Iowa, Evans, Fessenden, Fitzpatrick, Geyer, Gillette, Jones of Iowa, Jones of Tennessee, Mallory, Mason, Rockwell, Slidell, Stuart, Sumner, Toombs, and Wade—22.

So the resolution was rejected.

ARMY APPROPRIATION BILL.

A message was received from the House of Representatives, by Mr. FORNEY, their Clerk, announcing that they had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill making appropriations for the support of the Army for the year ending the 30th of June, 1855.

NAVAL APPROPRIATION BILL.

Mr. MALLORY, from the committee of conference on the disagreeing votes of the two Houses on the bill making appropriations for the naval service for the year ending the 30th of June, 1855, reported:

That they had met the conferees on the part of the House of Representatives, and, after full and free conference, had been unable to agree, and they report the bill, with the amendments, back to the Senate.

On motion by Mr. HUNTER, the Senate insisted on their amendments, and asked another conference on the disagreeing votes of the two Houses.

On motion by Mr. HUNTER, it was

Ordered, That the committee of conference on the part of the Senate be appointed by the President *pro tempore*.

And Mr. MALLORY, Mr. BRIGHT, and Mr. GEYER were appointed.

ROSALIE CAXILLO.

On motion by Mr. ADAMS, the Senate, as in Committee of the Whole, proceeded to consider the bill from the House of Representatives for the relief of Rosalie Caxillo.

It proposes to direct a warrant to be issued to her for a quarter section of land, to be located on any land of the Government subject to private entry in the Augusta land district, Mississippi.

The bill was reported to the Senate without

amendment, ordered to a third reading, read a third time, and passed.

BOUNTY LANDS.

House bill to repeal the first proviso of the fourth section of the act entitled "An act granting bounty lands to certain officers and soldiers who have been engaged in the military service of the United States," approved September 28, 1850, was read, and ordered to a second reading.

Mr. CHASE. Let that be considered now.

The bill was read a second time by unanimous consent, and considered as in Committee of the Whole.

Mr. STUART. I will ask the Senator from Iowa if he knows what is the substance of that proviso?

Mr. DODGE, of Iowa. I do, for I have examined the law. It prohibits any member of Congress, who was such in 1850, when the law was passed, from taking the benefits of the act. There were a great number of colonels, majors, and generals in the Congress of 1850, when the law was passed, and they wished to be very patriotic, and they excluded themselves from the benefits of it. This allows them to take its benefits.

Mr. STUART. I think it is right. They are the poorest paid persons that we have under the Government.

Mr. BRODHEAD. This bill is entirely right; but I want to add two other sections to it for the extension of the bounty land laws.

Several SENATORS. Oh, no!

Mr. BROWN. The bill will be lost if we do that.

Mr. BRODHEAD. Gentlemen were so anxious to pass them some time ago, that I thought I would give them an opportunity to do it now; but I hear "Oh, no!" "Oh, no!" all over the Chamber.

Mr. STUART. It will cause the bill to be lost.

Mr. BRODHEAD. They would pass the House; but, if it is contrary to the sense of the Senate to offer them, I shall not do it.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

SOUTHERN BOUNDARY OF NEW MEXICO.

The bill from the House of Representatives declaring the southern boundary of New Mexico, was read, and ordered to a second reading.

Mr. DOUGLAS. I ask for its consideration now.

The bill was read a second time, and considered as in Committee of the Whole.

It proposes to direct that, until otherwise provided by law, the territory acquired under the Gadsden treaty, shall be incorporated into the Territory of New Mexico, and be subject to all its laws.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

EXTRA COMPENSATION.

The joint resolution from the House, making appropriation for the payment of those entitled to the benefits of the resolution of the House of Representatives of the United States, passed August 3, 1854, voting extra compensation to pages, folders, and others, was read twice, and considered as in Committee of the Whole.

Mr. WALKER. I move to amend by adding an additional resolution:

And be it further resolved, That there be paid to the laborers in the Capitol ground, for the present fiscal year, twenty per cent upon the amount now allowed them by law in addition thereto.

Mr. STUART. I hope the Senate will not agree to the amendment. It seems to me we had better let the House take their own subjects by themselves.

Mr. JONES, of Iowa. These men stand out in rain and snow. They do hard work, and are exposed to every kind of weather. I hope the Senate will agree to the amendment.

The amendment was rejected—ayes eight, noes not counted.

The joint resolution was reported to the Senate, ordered to a third reading, read a third time, and passed.

A. S. LAUGHERY.

On motion by Mr. PETTIT, the Senate, as in Committee of the Whole, proceeded to the con-

sideration of House bill for the relief of A. S. Laughery.

It proposes to direct that upon its being made to appear to the Commissioner of Pensions by sufficient proof, to be judged of by him, that Laughery served as a clerk in the Commissary Department of the United States Army in Mexico, during the late war with that nation, it shall be the duty of the Commissioner of Pensions to issue to him a land warrant for such an amount of acres (according to the time of the service proved) as he would have been entitled to under existing laws, if he had served the same time in the Army of the United States in that war.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

HON. JARED W. WILLIAMS.

Mr. DODGE, of Iowa. I rise to a privileged question. It will be remembered that this morning, some hours since, the report which had been made from the Committee on the Judiciary upon the right of the gentleman from New Hampshire to his seat as a Senator from New Hampshire was acted upon. That Senator, in feeble health, left the body last night, but before doing so, consulted with me upon the subject as to the possibility of the question coming up. I told him that I thought there was no possibility of it whatever. He left with me the request to state, if it should come up, that he desired to be heard upon it. I now move a reconsideration of the vote in that case. I think it is but fair that we should reconsider it, to give him an opportunity to state the grounds upon which he claims the seat. Surely no more courteous member has ever occupied a seat in this body than he is, and I trust the motion will prevail.

Mr. SEWARD. I desire to inquire whether the motion is made with the expectation of considering the subject now?

Mr. COOPER. There is not time enough for that.

Mr. DODGE, of Iowa. That will be a matter for the Senate to decide. I could not have discharged my duty and obligation to my friend, after what I stated to him, unless I had made the motion.

Mr. BRIGHT. I hope it will not be regarded as discourteous to object to that motion. We have less than an hour and a half of time to do a great deal of business in. Fifteen minutes are worth a great deal to the Senate. I hope the Senate will not reconsider the vote.

Mr. BAYARD. I made the motion to consider the report last night, after consultation with several members of the committee, under what I conceived a sense of duty to the Senate. Having performed that duty, if it is the wish of the Senate to reconsider the vote, if they think it proper that the gentleman who represents the State of New Hampshire should be heard, I have no objection to interpose. I have performed my duty. I am perfectly satisfied with any disposition of the matter the Senate chooses to make.

Mr. WALKER. Suppose this vote should be reconsidered, is there the least probability that the Senate will reverse a decision made as solemnly as it was in the case of Mr. Phelps? I think not. The motion to reconsider, therefore, will only procrastinate the period when the same decision must inevitably be had; and at this late period of the session, without entertaining any but the most kindly feeling for the honorable gentleman from New Hampshire, I should regret to see the vote reconsidered.

Mr. DODGE, of Iowa. I apprehend that there are different facts in this case from those in the one indicated by the Senator from Wisconsin. I trust the motion to reconsider will prevail, and that we shall, at least, allow our friend who is about to leave us to be heard.

Mr. WELLER. The Senator from New Hampshire desires to be heard upon this question. I shall be prepared to vote to reconsider, because I do not believe in passing judgment against him at three or four o'clock in the morning, without allowing him an opportunity to be heard. As the Senator from Iowa says, he desires to be heard, and I shall certainly vote for the reconsideration.

Mr. DODGE, of Iowa. I desire for him that he should state the grounds upon which he claims a seat as a Senator from New Hampshire. I am sure he desires to do so.

Mr. BRIGHT. The grounds have already been stated by the Judiciary Committee very ably in their report.

Mr. BUTLER. The report had better be read.

Mr. BRIGHT. It would be a useless waste of time.

Mr. DODGE, of Iowa. That report has never been seen by Senators. It was printed very late last night, or certainly it had not been laid upon our tables before.

Mr. BUTLER. It was printed yesterday morning.

The PRESIDENT. Does any Senator desire the report to be read?

Several SENATORS. Oh, no.

Mr. DODGE, of Iowa, called for the yeas and nays on the motion to reconsider; and they were ordered.

Mr. MASON. I shall vote for the motion to reconsider, although I have entire confidence in the Judiciary Committee. I, for one, must admit I have not seen their report. I have no doubt it will reach the case; but the business which has pressed upon us for the last twenty-four hours has precluded me from examining it. The honorable gentleman was a Senator, and represented the State until the report was made; and it is enough for me that he asks for the reconsideration, so that he may be heard.

The question being taken by yeas and nays, resulted—yeas 19, nays 16; as follows:

YEAS—Messrs. Atchison, Bayard, Bell, Brodhead, Butler, Chase, Dawson, Dodge of Wisconsin, Dodge of Iowa, Douglas, Evans, Fitzpatrick, Houston, Johnson, Jones of Iowa, Mallory, Mason, Norris, and Weller—19.

NAYS—Messrs. Allen, Benjamin, Bright, Cooper, Fish, Gillette, Hunter, James, Jones of Tennessee, Pratt, Rockwell, Seward, Stuart, Thompson of Kentucky, Toombs, and Wade—16.

So the motion to reconsider was agreed to.

The PRESIDING OFFICER, (Mr. WELLER in the chair.) The report is now before the Senate.

Mr. PETTIT. In view of the shortness of the session, and the necessity of passing a few private bills, and one especially which my friend from Iowa has here, I move to postpone the further consideration of the subject until December next.

Several SENATORS. No! no!

Mr. PETTIT. Senators say "no! no!" and, under other circumstances, I should say no; but I would rather we should be at the expense of the gentleman coming here next year, than consume time now with hearing his speech, which will occupy the residue of the session. I make the motion to postpone.

Mr. CHASE. I wish simply to say that I voted for the reconsideration because some of the gentlemen in charge of the report voted for it. The Senator who is in charge of it thinks the public interest will not suffer by extending the courtesy to a gentleman who has been associated with us in this Chamber, and I should be one of the last to fail to give him that courtesy.

Mr. PRATT. I am willing to let them assume the responsibility of the probability of defeating some of the appropriation bills by the extension of a courtesy to our friend; but I cannot assume it.

Mr. CLAY. I will state to the Senate that they need not be apprehensive of losing any of the appropriation bills, unless the House should conclude not to pass them at all, for I am very sure that they will either not pass any, except the civil and diplomatic bill, or the session will have to be extended. On behalf of the Committee on Enrolled Bills, I now say that it will be impossible to compare the bills by twelve o'clock. We have just finished the civil and diplomatic appropriation bill, and have not touched the Army, Navy, or Post Office bill.

The motion to postpone was not agreed to.

The PRESIDING OFFICER, (Mr. WELLER.) The question is on concurring in the report of the committee.

Mr. ATCHISON. I move that the gentleman from New Hampshire have leave to state his case to the Senate.

The motion was agreed to.

Mr. BUTLER. I do not intend to say a word upon the subject. If I were to do so, I should have to go into a minute statement of facts, not altogether agreeable to my feelings. I therefore

ask that the report may be read, and let that be the simple language of the committee.

The report was read. It was made by Mr. BUTLER, and is as follows:

The Committee on the Judiciary, to whom was referred the following preamble and resolution of the Senate, have had the same under consideration, and report:

Whereas, the Hon. Jared W. Williams was appointed by his Excellency the Governor of New Hampshire, in the recess of the Legislature of that State, to fill a vacancy in the Senate of the United States, which had happened by the death of the Hon. Charles G. Atherton, a Senator, whose term of service would have continued till the 4th of March, 1859; and whereas it is understood that since that temporary appointment was made the Legislature of New Hampshire has been convened at their regular session, and has adjourned to the last Wednesday of May next, without filling such vacancy, and that said State still claims a right of representation under said appointment, which the appointee is not at liberty to surrender by his act without the action of the Senate: at his request, therefore,

Resolved, That the subject be referred to the Committee on the Judiciary, to inquire into the facts connected with it, and to make such report as they deem proper, to enable the Senate to determine whether the right of representation under said appointment has expired.

Under this resolution the committee are required to inquire into the facts connected with the case, and to make such report as they deem proper, to enable the Senate to determine whether the right of representation under said appointment has expired.

As the question to be determined must depend, in a great measure, on the proceedings of the Legislature and constitution of New Hampshire, the committee submit the following as a part of their report, having a bearing on the case:

COMMUNICATION FROM THE GOVERNOR TO THE LEGISLATURE.

To the Senate and House of Representatives:

I have signed all the bills and resolutions which you have passed the present session, and presented for my approval, (except the bills and resolutions which I have returned to the House of Representatives, with my objection thereto,) and having been informed by a joint committee of both branches of the Legislature that you have finished the business before you, and are ready to adjourn, by the authority vested in me I do hereby adjourn the Legislature to the last Wednesday of May next. N. B. BAKER.

COUNCIL CHAMBER, July 15, 1854.

Constitution of New Hampshire—page 23.

"The Senate and House shall assemble every year on the first Wednesday of June, and at such other times as they may judge necessary; and shall dissolve and be dissolved seven days next preceding the said first Wednesday of June, and shall be styled the General Court of New Hampshire."

From the language of the Governor's communication to the Legislature, it seems to have been his judgment that the session had closed; and from the language of the constitution, it would appear that it will have terminated on the day mentioned, as by another provision of the constitution, the Governor on the same day is required to dissolve the Legislature. In this view of the subject, *in proprio vigore*, the Legislature had no power of assembling from the time of its adjournment, as announced by the Governor, until the last Wednesday of May next, when its existence terminated.

There was a power in the Governor, should the general welfare require it, to call the Legislature together, as an existing body. But when so called together, what would have been the character of such a meeting? Would it not have been a distinct session, carrying with its acts and doings all the incidents of a *separate session*? Such would seem to be a fair inference. This being conceded, then it would follow, that the late Legislature did *adjuvare sine die*, in the legal import of the term. If this is a legitimate conclusion, this case, cannot in any particular, be distinguished from that decided by the Senate in the case of the Hon. Samuel S. Phelps, a Senator from Vermont, and the committee refer to that case as the authority for their conclusion in the case under consideration.

In response to the resolution, the committee are of opinion that "the right of representation under the appointment has expired."

ENROLLED BILLS SIGNED.

A message was received from the House of Representatives, by Mr. FORNEY, their Clerk, announcing that the Speaker had signed the following enrolled bills:

An act making appropriations for the civil and diplomatic expenses of Government for the year ending 30th June, 1855, and for other purposes;

An act for the relief of J. C. Buckles, of Louisville, Kentucky;

An act to graduate and reduce the price of the public lands to actual settlers and cultivators;

An act for the relief of Patrick Gass;

An act for the relief of Ira Call, of Huron county, Ohio;

An act to increase the pay of the rank and file of the Army, and encourage enlistments;

An act for the relief of Thomas C. Green;

An act for the relief of Jacob Baker, of Sandusky city, Ohio;

An act authorizing the Secretary of the Treasury to settle the accounts of Thomas Jordan, assistant quartermaster in the United States Army;

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33d CONGRESS, 1st Session.

MONDAY, AUGUST 7, 1854.

NEW SERIES...No. 139.

An act for the relief of Daniel C. Cash and Giles U. Ellis;

An act for the relief of the representatives of John Rice Jones, deceased;

An act for the relief of Jonathan Pierce; and
An act to extend the right of preemption over unsurveyed lands in Minnesota, and for other purposes.

The PRESIDENT *pro tempore* signed the above named enrolled bills.

MAIL STEAMER BILL, ETC.

The message also announced that the House of Representatives had disagreed to the amendments of the Senate to the bill making appropriations for the transportation of the United States mail by ocean steamers, and otherwise, during the fiscal year ending the 30th of June, 1855, and also that they insisted on their disagreement to the amendments of the Senate to the bill making appropriations for the naval service for the year ending the 30th of June, 1855; agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses on said bill, and had appointed Mr. PHELPS, Mr. BENSON, and Mr. ROWE, managers at the same on their part.

Also, that the House had agreed to the report of the committee of conference on the bill making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law.

OCEAN MAIL SERVICE.

The Senate proceeded to consider their amendment to the bill making appropriations for the transportation of the United States mail by ocean steamers and otherwise, during the fiscal year ending the 30th of June, 1855, disagreed to by the House of Representatives; and, on motion by Mr. HUNTER, the Senate insisted on the amendment, and asked a conference on the disagreeing votes of the two Houses.

On motion by Mr. HUNTER, it was ordered that the committee of conference on the part of the Senate, be appointed by the PRESIDENT *pro tempore*; and Mr. STUART, Mr. JAMES, and Mr. TOOMBS were appointed.

RIVER AND HARBOR BILL.

Mr. BENJAMIN, from the committee of conference on the disagreeing votes of the two Houses on the bill making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law, made a report recommending

That the Senate do recede from its second amendment.

That the House of Representatives do recede from its disagreement to the third, fourth, fifth, and seventh amendments of the Senate, and agree thereto.

That the House of Representatives do recede from its disagreement to the first amendment of the Senate, and agree thereto, with the following amendment: Strike out the words "one hundred," and in lieu thereof insert "seventy."

That the House of Representatives do recede from its disagreement to the sixth amendment of the Senate, and agree thereto with amendments as follows: In line seven of said amendment, strike out the word "fifty," and in lieu thereof insert the word "forty," and strike out lines nine, ten, and eleven of said Senate amendment.

And that the House of Representatives do recede from its disagreement to the eighth amendment of the Senate, and agree thereto, with an amendment as follows: Add at the end thereof the words "or rejection."

Mr. BENJAMIN. I will state in a few words the purport of the amendments. The first amendment made by the Senate was to increase the appropriation "for continuing the improvement of the Des Moines rapids, in the Mississippi river," from \$18,000 to \$100,000. The committee of conference have agreed to make that appropriation \$70,000, the Senate yielding \$30,000, and the House \$52,000.

The second amendment was to insert the words "including the amount expended prior to August 30, 1852," after the word "harbor," in the clause:

For continuing the removal of the rock at Hell Gate and Diamond reef, New York harbor, \$30,000.

The committee recommend the Senate to recede from that amendment.

The third amendment was to insert after the clause "for continuing the reopening of a com-

munication between the Albemarle Sound, in North Carolina, and the Atlantic ocean, \$50,000," the words:

In addition to the sum of \$50,000 appropriated by the act of August 30, 1852, which sum is hereby reappropriated for a breakwater, or such other works as the Secretary of War may deem best adapted to accomplish that object.

The committee recommend that the House recede from its disagreement to that amendment.

The fourth amendment was an appropriation of \$44,000 for the improvement of the Brazos river, Texas. The House abandon their objection to that. The fifth amendment was one explaining the appropriation for Newark harbor, so as to make it read:

For continuing the improvement of the harbor at Newark, and Passaic river below the town of Newark and of Newark bay, New Jersey, \$25,000.

The House recede from their disagreement to that. The sixth amendment was:

For the surveys of the harbors of San Pedro, Santa Barbara, Monterey, San Francisco, Humboldt, and Trinity, in the State of California, and the rivers Sacramento, San Joaquin, and Colorado; and the harbor of Apalachicola, Florida, \$50,000.

For survey for a breakwater at Grace's Point, Block Island, \$5,000.

The committee of conference have agreed to make the appropriation for California \$40,000 instead of \$50,000, and strike out the \$5,000 for Grace's Point.

The seventh amendment was the one which required all persons who were charged with this work to give security for the sum committed to their care. It was to strike the proviso out of the following section:

Sec. 3. And be it further enacted, That, whenever the Secretary of War shall invite proposals for any works, or for any material or labor for any works, there shall be separate proposals and separate contracts for each work, and also for each class of material or labor for each work; and he shall report to Congress at its next session all the bids, with the names of the bidders: And provided, That all persons entrusted with the disbursement of the funds appropriated for the works named in this act, shall be required to give bond and ample security for the faithful application of the same.

The House has receded from its disagreement to that amendment. The eight amendment was to add at the end of the bill the following:

And be it further enacted, That the Secretary of War be and he is hereby, authorized to contract with the proper parties for the purchase of Grant's pass, near the entrance of Mobile harbor, on the mail route from New Orleans to Mobile; and that he report said contract to Congress at its next session for approval.

The committee of conference recommend to add the words "or rejection;" so as to let the next Congress have power over that appropriation; and, as thus amended, the House recede from their disagreement.

This is the scope of all the amendments, and it will be seen that the Senate has carried almost the whole of them. I therefore hope the Senate will concur in the report.

The report was concurred in.

HON. JARED W. WILLIAMS.

The Senate resumed the consideration of the report of the Committee on the Judiciary in relation to the right of Mr. WILLIAMS to a seat in the Senate.

Mr. WILLIAMS. I feel obliged to the Senate for the courtesy they are disposed to extend to me in this case this morning. Although it is unexpectedly sprung upon me, I deem it my duty to make a brief statement of the grounds on which New Hampshire claims a right to representation on this floor. I do not believe that I could leave the case, in justice to the State, or in justice to myself, without doing so. No one could be more averse to taking up any of the time of the Senate, at a period of the session when there is so little of it remaining, and so much business of importance to the country to be transacted; but I had been led to suppose, from an intimation derived from a reliable source, that this report, coming in at the heel of the session, would not be called up unless New Hampshire should feel it to be her duty and her interest to call it up and present further facts. I, however, made a provisional

arrangement before I left the Senate last night, in the event it was called up, that the claim of New Hampshire should be stated, if an opportunity were given, and that time for that purpose would be requested; but, on receiving assurances of the character that I have named, I left, supposing it would not be taken up.

Mr. CASS. I hope the gentleman will allow me to interrupt him. I think the Senate must see that it is impossible to consider this subject properly now. We have but little time left in which to dispose of our legislative business. I therefore suggest that this subject be allowed to go over. I move to postpone it until next session.

Mr. CLAY. A vote has already been taken, I suggest to the Senator from Michigan, upon that question, and it has been voted down. I will state, moreover, to him what I stated to the Senate in his absence; that it is impossible, without protracting the session, to get through with the appropriation bills. They cannot even be read over by twelve o'clock.

Mr. ATCHISON. I renew the motion to postpone the further consideration of this subject to the second week in December.

Mr. CASS. I suggest to the Senator to move that it lie on the table.

Mr. MASON. Say the first week.

Mr. ATCHISON. I have no objection to saying the first Monday in December. I make the motion for the reason briefly suggested by the Senator from Michigan, that if it is intended to transact any other business, we have but an hour and ten minutes to do it in.

Mr. SEBASTIAN called for the yeas and nays on the motion, and they were ordered.

Mr. BAYARD. The reason why I must vote against the postponement is, that I can see no reason for it. I am perfectly willing that the gentleman from New Hampshire shall be heard. I do not see that it will at all interfere with the business, for I understand from the Senator from Alabama [Mr. CLAY] that we must postpone the adjournment of Congress, probably until to-morrow. If we do that, there is ample time to consider this report, because, if the object of postponing the adjournment is to give time to go through the enrolled bills, we must necessarily abstain from passing any more bills this session, or we shall be laboring under the same evil to-morrow that we do now.

Mr. JONES, of Tennessee. I am opposed to the postponement, from no unkindness to the Senator from New Hampshire; but if we have not settled this question by the whole action of the Senate for the last twenty years, we never shall, never can settle it. I do not believe there are ten Senators on this floor who believe that the gentleman is entitled to a seat here; and I am not willing to postpone the question, send him home, to come back here at the next session with mileage, and have all the difficulties brought up again.

Mr. WILLIAMS. I ought, perhaps, to make a suggestion in answer to the Senator from Tennessee. I have stated that the only object I had in having the subject considered, was, that the State of New Hampshire might, if she thought proper, have an opportunity of presenting testimony which the Committee on the Judiciary have not had—testimony which would give an entirely different character to the adjournment of the Legislature from what they seem to have assumed in their report it has. The Senator from Tennessee seems to apprehend that this case involves a question that has once been decided. It involves the question which was presented as to the right of the Vermont representation by the Hon. Samuel S. Phelps, who claimed a representation here for his State under an appointment made by the Governor of Vermont during the recess of the Legislature. The same right of representation is now claimed, by virtue of a similar appointment, made by the Governor of New Hampshire by that State. Twenty-six Senators, not a majority of the whole Senate, voted against and defeated the claim of Vermont; but that action, although

it controls for a time the rights of Vermont, does not deprive her of her constitutional right of representation, or destroy in any degree the right which New Hampshire claims to representation on this floor. Claims under the Constitution cannot be adjudicated in that way, even by a unanimous vote of the Senate. As well may we say that the principles involved in the river and harbor bill, since the bill passed against our votes, are settled, and forever adjudicated, and as often as they arise in other bills, we are therefore precluded from voting against them, as to say that those who in principle voted for the rights of Vermont shall give up their principles, and vote against the rights of New Hampshire, in consequence of a former decision.

No, sir; as often as cases arise which raise questions involving the same constitutional right, it is their duty and privilege to reiterate and sustain these principles by their vows and votes. The first question, then, for consideration in this case, was properly raised by the chairman of the Committee on the Judiciary, in his minority report, when he says "the question depends on the construction given to the words 'until the next meeting of the Legislature,'" contained in the Constitution, whether they are limited in their application to the appointing power, or have reference also to the duration or term of office conferred by the appointment. The report of the committee which denied the Vermont right of representation, gave to Vermont that right during the session of her Legislature next succeeding an Executive appointment. They said that, for the purpose of making an election, the Legislature had the whole session to consult and deliberate, and act upon it; and that the seat of the appointee was not vacated, his appointment did not expire until the legislative session expired, and was closed. Finding fault, therefore, as New Hampshire did, with the report which excluded Judge Phelps from his seat, they found in the last clause of that report enough to give her the right of representation, as she believed, until her legislative session expires, and to induce her to instruct me not to leave my seat here until that question was raised. I have raised it with extreme delicacy, and against my own wishes and feelings. However much I shall always remember, and be grateful for, the kind courtesy with which I have been treated here, I have long refused every effort an extension of my term of duty here, believing for that I had holier and higher duties, arising out of my delicate and failing health, and my family, which required that I should attend to them. But I have not felt at liberty to omit to do anything to save to New Hampshire the right of representation here; for she believes she is constitutionally entitled to it.

But I am not vain enough to stand here and undertake to detain the Senate in the discussion of that question, thinking that I can throw any new light upon that part of the case. It has been ably discussed in an argument by the honorable Mr. Phelps, which we believe has never been answered. We believe it to be unanswerable, and we believe that if the case is revised, the decision will some time be reversed.

But we do not stand there, and my duty at this time has not led me to ask that the consideration of the report may be delayed, for the purpose which the honorable Senator from Tennessee suggests, that I might receive more pay. I can say to that Senator that I shall not appear here for more pay. If New Hampshire feels an interest in this question, enough to present the facts in regard to the adjournment of our Legislature, which will satisfy the Senate that, under the decision already made, she is entitled to representation here, it is her right to claim it. If she does not do that, I can say to the honorable Senator that I claim no pay, no right of representation. I am anxious to disabuse the minds of those who entertain the opinion, if there be such, that I am a hanger-on here for place and pay. I disclaim any such purpose. I despise it; but I also despise that policy which would induce me to leave my seat without a fair and proper expression, on the part of the Senate, in regard to the rights of New Hampshire. That I claim for my State, not for myself. I have claimed it under the most reasonable circumstances which I could. It came up here late. The committee have availed themselves of such facts in regard to the adjournment as they have been able to get. A copy of the Journal was produced

as early as possible, showing an unconditional adjournment. The copy which is in the report of the Judiciary Committee shows that the regular session of the New Hampshire Legislature commenced last June; and that it was continued regularly, with short adjournments, until they adjourned last month to the last Wednesday of May next—to a day certain and definite.

The record under the seal of the State shows this fact—and an absolute unconditional adjournment to this day, the last legislative day of the year in which the present members of the State Legislature can legislate before their legislative functions are required to be dissolved by the Governor. On that record, under the decision made, New Hampshire believes her right to representation under the appointment of the Executive is as perfect as it has ever been. There seems nothing to be supplied, or which can be rendered more clear by argument. A court commences its regular session to-day, and for its convenience adjourns from day to day, or for weeks or months, not extending its adjournments into a session established by law, the business done at the different periods of adjournment is regarded as of one and the same session, and in law but one day. So the General Court of New Hampshire, as their Legislature is called, adjourns from time to time, as their business may require; and unless it adjourns over to the next session fixed by law, all the adjournments are but a continuation of the same session, are regarded and described as of the same session, and are so in fact. It was so admitted by representatives in our last Legislature, in their debates; and to hold their right of representation here under the Executive appointment, according to the decision already made by the Senate. Indeed, it is difficult to understand how we can go beyond the record of an absolute adjournment to a fixed day, to impeach the validity of that adjournment by other transactions disconnected with it, and of which I am satisfied your committee have taken an erroneous view, occasioned probably from not having all the facts connected with the transaction before them. If time is given, the State, I am confident, will present sufficient facts to satisfy even the committee, that the Legislature of New Hampshire has not, as they say in their report, adjourned *sine die*, but its organization is kept up; and is continued in full life and being, with power and purposes of action, on the last Wednesday of May next.

Mr. COOPER. I desire to ask one question for information. Is not the mode of adjournment adopted by the Legislature of New Hampshire at its late session the ordinary method of final adjournment? Do they not always adjourn in that way?

Mr. WILLIAMS. They ordinarily adopt that mode of adjournment, but they do not adopt it as a *sine die* adjournment. The committee are mistaken about the facts in regard to that point, and they must have got them from other sources than the record. The Legislature supposed that the record was the only evidence they need furnish; and under that view they have furnished evidence showing an adjournment to a day certain; but the committee, in consequence, I suppose, of the fact about which the gentleman from Pennsylvania has inquired, that they are in the habit of adjourning to that day, were disposed to regard it as a close of their labors, and an adjournment, as they say, *sine die*, which is a contradiction of the record. The record shows an adjournment, in the ordinary way, to a day certain.

Mr. COOPER. I desire to inquire of the Senator whether it is not always to a day certain when the adjournment is final?

Mr. WILLIAMS. New Hampshire has considered it a safe and proper way of adjournment to adjourn to a day certain. The Legislature have done so; and the committee seem to have inferred from that circumstance that the business of the Legislature was finished; and they say, in their report, that it appears the business was finished. The business which the Legislature chose to transact at that period was undoubtedly finished so far that they thought it best to adjourn; but they did not say that their business was finished, or that they did not intend to do any business at the adjourned session; but, even if the business was finished, and there was nothing left which they could do at the adjourned session, I apprehend that fact would not, in any way, affect

the adjournment made by the Legislature, if their adjournment was with an expectation that there would be more business at the future period. It is like all other adjournments; and in regard to that matter, I do not now wish to trouble the Senate any further than to say that the understanding of that adjournment by the Legislature, which they would be very glad to show, if they show a case here at all, was that it continued their session to the day to which they adjourned, and that that adjournment, like similar adjournments by all other courts, kept their session alive up to the day fixed by the adjournment. A court holds its regular session, if you please, to-day. For its convenience it adjourns from day to day, from week to week, or from month to month; but provided it does not adjourn until the next regular session fixed by law, it is a continuation of the term of the court up to the time to which it adjourns, and in law, and in fact, it is but one day. So the adjournment of the New Hampshire Legislature, which is the general court of the State, so styled, commenced their session on the first Wednesday of June last. They transacted such business as they thought proper from day to day, and from week to week; and under an apprehension that there might be other business before it was safe to adjourn the session without day, or to dissolve or disorganize it, for the purpose of retaining their organization, for the purpose of keeping the session in being for the transaction of business, that they may, whenever they assemble in the same political capacity, officered and organized as they are, proceed to transact business, have thought proper to adjourn to a day certain.

After that proceeding, we suppose that what ever may have been their previous conduct, or their own tacit understanding, or whether they may omit to attend in pursuance of that adjournment or not, has nothing to do with the adjournment, and can in no way impeach its validity. We do not know, in fact, how this matter is to be understood and settled, except by the record. We know of no authority to go beyond the record in order to determine this question. The record shows that the adjournment was nothing but an adjournment to a day certain. We believe that the committee, in saying that the adjournment was conditional, as if the business of the session was finished, and then presuming that the business was finished, and that it was, therefore, an adjournment *sine die*, have drawn an inference which they would not have done, if they were in possession of all the facts.

My wish is, that the Senate may be possessed of all the facts. I wish the Senate to give the State of New Hampshire an opportunity to present the facts, if they conclude to present them. They will, and they can show them; and I believe, from the information which I have received by letters, that they feel an interest not to be deprived of their constitutional right of representation here. Whether they get it or not, they can show that this adjournment was not a *sine die* adjournment; that it was not a mere formal or technical adjournment, as seems to be apprehended by the committee; but an adjournment in good faith, in the expectation of transacting business at the time to which they stand adjourned. We supposed, from the information we had from the committee, that the committee believe that to be a material and a controlling fact, and one that would guide them. That is what we claim under this application.

If I had taken any course which would tend to deprive them of an opportunity of showing that, if they desired, it would have been, in my judgment, a dereliction of duty. I have been gratified with the opportunity which has been afforded me of making this statement. If the case could be disposed of in a way which would give the State of New Hampshire an opportunity of showing this, if they desired it, I should feel relieved; I should feel as if the rights of a sovereign State had been at least more respected than they were in the summary decision of their application made at five o'clock this morning. Other gentlemen wish to discuss this matter. Gentlemen who claim this right, which was claimed by Vermont, to be a perfect right of representation for New Hampshire, have said to me that whenever the question came up they wished to discuss it again, and that they should do it with great confidence that the decision then made would be overruled. Whether that may be the action of the Senate or

not, I, in justification of the claim made here for New Hampshire, have stated that if the facts in regard to that adjournment be shown, I have perfect confidence that the minds of the Judiciary Committee will be changed. I say this, knowing what their decision was, and it was upon that point that New Hampshire relied rather than upon any change of opinion in the Senate since the decision of Judge Phelps's case.

Mr. BAYARD. The question now is on postponement, and I will confine my remarks to it. The honorable gentleman from New Hampshire asks for the postponement of this matter on two grounds. One is with a view to review the decision of this body made at the present session, after a prolonged argument, in which the majority of the Senate decided the principle which the Judiciary Committee supposed to govern this case. Sir, I am no stickler for precedents in reference to the decision of legislative bodies; but it is evident that the body will not change; the individual members will not change materially during the existing Congress, and therefore there is no probability that any further discussion would enlighten us on that subject, or change a vote in the Senate.

The other ground is, that there are facts to be ascertained. Now, I have been unable to ascertain how any fact which could change the determination of the Senate enters into this case. We have had before us the constitution of New Hampshire. We have had before us the effect of the adjournment—the fact that, by that constitution, the day after that to which the Legislature have adjourned, they are dissolved, of necessity, by the very terms of the constitution. We therefore supposed that, no matter what might be proved, it could not alter the state of the case arising out of the constitution and existing laws of the State.

Further, I may say that, if I am not mistaken, the election in New Hampshire takes place before the fourth Wednesday of May. If that be so, the effect of holding this case over would be that, though the adjournment was to the fourth Wednesday of May, we should allow a representation, which was elected anteriorly, to act on this matter, when the constitution evidently intends that it shall be acted on by one chosen subsequently.

The PRESIDING OFFICER. The question is on postponing the further consideration of the subject to the first Monday in December next.

Mr. HOUSTON. I move to amend the motion, so as to postpone until the second Monday in December.

Mr. STUART. I think we have heard about the substance of the statement of the gentleman from New Hampshire, and we had better dispose of the subject now.

Mr. CASS. I suppose there is not a member on this floor who has not looked at the subject, and determined how he will vote. It is therefore a mere question of time.

Mr. HOUSTON. I insist on my motion. The motion was rejected.

The PRESIDING OFFICER. The question now recurs on the motion to postpone until the first Monday of December, on which question the yeas and nays were ordered.

The yeas and nays were taken, and resulted—yeas 11 nays 37; as follows:

YEAS—Messrs. Atchison, Dodge of Wisconsin, Dodge of Iowa, Douglas, Houston, Johnson, Jones of Iowa, Mallory, Pettit, Sebastian, and Toombs—11.

NAYS—Messrs. Allen, Bayard, Benjamin, Bright, Brodhead, Brown, Butler, Cass, Chase, Clay, Cooper, Dawson, Evans, Fessenden, Fish, Foot, Geyer, Gillette, Hunter, James, Jones of Tennessee, Mason, Morton, Pearce, Pratt, Rockwell, Rusk, Seward, Slidell, Stuart, Sumner, Thompson of Kentucky, Thomson of New Jersey, Toucey, Wade, Walker, and Weller—37.

So the motion was rejected.

The report of the Committee on the Judiciary was then concurred in.

NAVAL APPROPRIATION BILL.

Mr. MALLORY. I desire to submit to the Senate the report of the committee of conference on the disagreeing votes of the two Houses, on the bill making appropriations for the naval service for the year ending June 30, 1855. The Senate recede from almost all their amendments except that one touching naval reform, and that is the only difficulty in the way. I submit the report to the Senate for its instructions to the committee.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill making appropriations for the naval service for the year ending the 30th of June, 1855, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the Senate concur in the amendment of the House of Representatives to the eighth amendment of the Senate.

That the Senate recede from its first amendment, and adopt a substitute therefor as follows: That at the navy yard at San Francisco, the pay of the commander shall be \$3,500 per annum; one civil engineer, \$4,000 per annum; and the pay of the navy agent, who shall discharge the duties of both purser and navy agent, shall be \$4,000 per annum.

That the Senate recede from its ninth, thirteenth, fourteenth, and sixteenth amendments.

Mr. HUNTER. It seems that the joint committee have not agreed. The report of the committee of conference is an entire thing, and we cannot concur in part. We must act on the whole or none.

The PRESIDING OFFICER. (Mr. WELLER in the chair.) On the face of the report there does not seem to be any difficulty at all.

Mr. PEARCE. I understand that the difficulty is in regard to the amendment respecting naval reform. That seems to be an insuperable difficulty in the way of an agreement. In order to bring the matter to a test, I propose that the Senate instruct their conferees to recede from that amendment.

Mr. MALLORY. The Senate has receded from all its amendments upon the call of the House, except this one. That is all I wish to say before the vote is taken.

The question being taken on the motion of Mr. PEARCE, it was agreed to. So it was

Ordered, That the conferees on the part of the Senate be instructed to recede from the following amendment of the Senate to the said bill:

Sec. —. And be it further enacted, That the President of the United States, within thirty days from the passage hereof, shall assemble a naval board, to consist of three captains, two commanders, and two lieutenants, which board shall investigate the conduct, character, and standing of all the officers of the grades of captains, commanders, lieutenants, passed midshipmen, and masters in the line of promotion; and shall ascertain and report to the Secretary of the Navy, under such rules and regulations as he may prescribe, every officer of said grades that said board shall deem incompetent or disqualified to discharge promptly his whole duty ashore and afloat. And in every case said board shall report, in two separate classes, such officers as the interests of the service require should be dismissed, and such as should be placed out of the line of promotion, with its reasons for the same: *Provided*, That upon said board, officers shall not investigate, vote, or report upon officers of a senior grade.

Upon the return of the reports of the board to the Secretary of the Navy, he shall, so far as the President shall approve the same, cause those officers who may be reported for dismissal to be dismissed the service with six months' sea service pay; and those who may be reported for withdrawal from the line of promotion, to be so withdrawn upon pay which shall not be more than three fifths, nor less than one fifth their sea-service pay respectively, to be determined and approved by the President: *Provided*, That passed midshipmen and masters in the line of promotion so reported in the second class, shall be dropped from the service, and shall thereupon receive one year's sea-service pay.

The said board shall be convened and regulated as the Secretary may direct, and he shall ascertain, in such manner as he may deem just and expedient, the services, standing, and character of the officers of the grades aforesaid, and submit the same to the board for its better information: *Provided*, That the promotions which may be made in consequence of such dismissals and withdrawals shall reduce the grade of commander to seventy, which shall hereafter be the number of said grade.

Mr. MALLORY. I suppose the report can now be received and acted on. I present it.

The first amendment of the Senate was to insert:

That at the navy-yard at San Francisco the pay of the commanders shall be \$3,500 per annum; the pay of one storekeeper, \$3,500; one civil engineer, \$4,000; one draughtsman, who shall be clerk to engineer, \$2,000; one clerk to the storekeeper, \$2,000; one navy agent, \$4,000; one clerk to navy agent, \$2,000.

The committee of conference propose to substitute for it the following:

That at the navy-yard at San Francisco, the pay of the commander shall be \$3,500 per annum, one civil engineer, \$4,000 per annum; and the pay of the navy agent, who shall discharge the duties of both purser and navy agent, shall be \$4,000 per annum.

The eighth amendment of the Senate was to insert:

Navy-yard, San Francisco: For continuing the blacksmith's shop, carpenter's shop, store house, wharf, officers' quarters, and other works, \$200,000.

The amendment of the House to this amendment—in which it is proposed that the Senate concur—

is to strike out "officers' quarters, and other works."

The amendments from which it is proposed that the Senate recede, are as follows:

The ninth, which was to insert:

And that the sum of \$100,000 be, and the same is hereby, appropriated for the establishment of a naval depot on the right bank of the river Mississippi in descending, at the site now owned and held by the United States for that purpose, near the city of New Orleans, and for such buildings and improvements as may be judged necessary for the accommodation of the United States vessels of war in that quarter.

The thirteenth, which was to add:

Sec. 3. And be it further enacted, That the existing law limiting the number of officers of the Navy of the United States, be so far modified as to entitle the officers belonging to the navy of Texas at the time of annexation, to the pay of the officers of the Navy of the United States on leave of absence up to the present time: *Provided*, The number of such officers shall not exceed eight.

And the sixteenth, which was to add:

And be it further enacted, That naval pursers shall hereafter be styled paymasters; and all laws, rules, and regulations applying to pursers shall apply to them as paymasters: *Provided*, That this change of name shall not be held to affect their rank, pay, or duties.

GEORGE M. BENTLEY.

On motion by Mr. JONES, of Iowa, the Senate, as in Committee of the Whole, proceeded to consider House bill for the relief of George M. Bentley, of the State of Indiana, the object of which is to direct the Secretary of the Interior to place the name of George M. Bentley, of the State of Indiana, upon the list of invalid pensioners, at the rate of eight dollars per month, from January 1, 1854, and to continue during his natural life.

Bentley was a private in company H, third regiment Indiana volunteers, served in Mexico during the war with that country, and with his company fought gallantly at the battle of Buena Vista. During the first part of the month of November, 1846, his regiment was encamped near Matamoros, upon the Rio Grande. On or about the 10th day of that month, Bentley, with the written permission of the colonel of the regiment, went into the city of Matamoros, and whilst there, by accident, sprained his right ankle. Upon his return to camp in the evening, his ankle was swollen, and he was so disabled by lameness as to be unable to perform military duty for a considerable length of time. Before the limb was wholly restored, he returned to the discharge of his duty; the swelling returned, and continued until incurable ulcers broke out upon the limb. He is now wholly disabled from providing for himself and his family by manual labor. Before entering the service of the United States he was a sound and very robust man. Whilst in the service he was temperate and very attentive to his duties. This claim was submitted to the Pension Office and rejected, for the reason that there was not the testimony of any person who was immediately present when the injury was first received.

No amendment being proposed, the bill was reported to the Senate, ordered to a third reading, read a third time, and passed.

CHEROKEE TREATIES.

Mr. HOUSTON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate of the United States, That the Attorney General of the United States be required to examine the records and proceedings of the different boards of commissioners appointed by the President, to adjudicate claims under the Cherokee treaty of New Echota, made in 1835, and the supplemental articles added in 1836, and report to the Senate at its next session the manner in which those treaties have been carried out and complied with on the part of the two contracting parties, and whether the independence and free action and deliberations of the different boards of commissioners appointed under the seventeenth article of the treaty of 1835, was trespassed upon by instructions issued from the office of Indian Affairs; whether, in the opinion of the Attorney General, those instructions issued to the boards were or were not conformable to the treaties; whether the session of the board was interrupted and broken up at any time by instructions or orders issued from the office of the Commissioner of Indian Affairs; whether any claims were allowed and paid by the Commissioner of Indian Affairs without the adjudication of the board of commissioners; whether the last board of commissioners undertook, after their commission had expired, to annul adjudications previously made, and make other corrections and allowances after their commission had expired; whether the commissioners, without authority of law, appointed agents and sent them into the Cherokee country to value property, allowing them compensation, charging the same to, and paying them out of the funds appropriated to pay claims provided for, under the different articles of the treaty of 1835 and 1836; whether any part of these appropriations had been withheld from the Cherokees, or have

been improperly applied; whether, in the opinion of the Attorney General, the said treaty and the supplement have been faithfully, and in good faith carried into execution on the part of the United States, agreeably to the letter and spirit; and whether anything yet remains to be done by the United States fully to comply with her obligations to the Cherokees, growing out of, and provided for by, the treaties of 1817, 1819, and 1835 and 1836; also all treaties affecting the rights of the Cherokees who inhabited and were located in the country west of the Mississippi.

EXTENSION OF THE SESSION TO MONDAY.

A message was received from the House of Representatives, by Mr. FORNEY, their Clerk, announcing that they had agreed to the resolution of the Senate extending the time for the adjournment of Congress, with an amendment, in which they requested the Senate's concurrence.

The original resolution of the Senate was as follows:

Resolved, (the House of Representatives concurring,) That the time fixed by the resolution of the 1st July for the adjournment of the present session of Congress be, and the same is hereby, extended to Monday next, the 7th instant, at twelve o'clock, m.

The House amended it by striking out all after the word "to," and inserting:

Monday, August 7, at eight o'clock, a. m.: *Provided, That no motion other than one to adjourn shall be taken by either House after the hour of four o'clock, p. m., this day.*

The amendment was concurred in.

RECIPROCITY TREATY.

The message also announced that the House of Representatives had passed a bill to carry into effect the treaty between the United States and Great Britain, signed on the 5th of June, 1854, in which they requested the concurrence of the Senate.

The bill was read twice by its title; and,

On motion by Mr. MASON, the Senate proceeded to consider it as in Committee of the Whole.

Its object is to authorize the President of the United States, whenever he shall have sufficient evidence that the Imperial Parliament of Great Britain, and the Provincial Parliaments of Canada, New Brunswick, Nova Scotia, and Prince Edward's Island, shall have passed laws to give full effect to the provisions of the treaty between the United States and Great Britain, signed 5th June, 1854, to issue a proclamation declaring that he has such evidence, and thereupon, from the date of his proclamation, the articles enumerated in the treaty, being the growth and produce of Canada, New Brunswick, Nova Scotia, and Prince Edward's Island, shall be introduced into the United States free of duty, so long as the treaty remains in force, subject, however, to be suspended in relation to the trade of Canada on the conditions mentioned in the fourth article of the treaty, and all other conditions of the treaty.

It also provides that, whenever the Province of New Foundland shall give its consent to the terms of the treaty, and whenever the Legislature thereof, and the Imperial Parliament of Great Britain, pass the necessary laws for that purpose, the enumerated articles may be introduced, free of duty, into the United States from that Province.

Mr. PEARCE. It is not my intention to interpose any parliamentary objection to the passage of this bill, and still less is it my intention to argue against the provisions of the bill. But I am not willing that it shall be passed without making it known publicly that neither the treaty, nor the bill consequent upon it, meets my approbation. I am utterly opposed to them. I wish that to be known.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

MATTHEW JACK.

On motion by Mr. COOPER, the Senate, as in Committee of the Whole, proceeded to consider House bill for the relief of the heirs of Captain Matthew Jack, deceased, which had been reported from the Committee on Revolutionary Claims, with an amendment.

The object of the bill is to direct the Secretary of the Treasury to pay to the heirs of Captain Jack, of the Pennsylvania line of the Continental establishment in the revolutionary war one year's extra pay of a captain, as promised by resolves of Congress, together with the interest on the same.

The amendment of the committee, which was

to strike out "together with the interest on the same," was agreed to.

The bill was reported to the Senate as amended; the amendment was concurred in, and ordered to be engrossed, and the bill to be read a third time. The bill was read a third time, and passed.

ROBERT F. AND LOUISA M'GUIRE.

On motion by Mr. PETTIT, the Senate, as in Committee of the Whole, proceeded to consider House bill "for the relief of Robert F. McGuire and Louisa, his wife, late Louisa Lamy."

It proposes to confirm their title to a certain tract of land in the State of Louisiana, containing four hundred arpents, situate in and being a part of the "Baron de Bastrop grant," being the same tract to which McGuire and wife derived their title from the conveyance of A. Morehouse, dated April 17, 1809; but this grant is to be considered only as a relinquishment of title on the part of the United States to the tract, and not to prejudice the rights of third persons.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

CLERICAL FORCE IN THE LAND OFFICE.

Mr. STUART, by unanimous consent, asked and obtained leave to introduce a joint resolution "to enable the Secretary of the Interior to retain the present force in the General Land Office till the next session of Congress;" which was read twice, and considered as in Committee of the Whole.

It proposes to authorize the Secretary of the Interior to retain the temporary force now employed in the General Land Office until the next session of the present Congress, to enable him to adapt the land system to the provisions of the graduation act of the present session.

The joint resolution was reported to the Senate, and ordered to be engrossed, was read a third time, and passed.

JULIA AIKEN.

On motion by Mr. SUMNER, the bill of the House for the relief of Julia Aiken was considered as in Committee of the Whole.

It directs the Secretary of the Interior to pay to Julia Aiken, the only child of William Yool, who died in the naval service of the United States in the year 1801, on her sole and separate receipt, and for her sole use and control, the amount of pension she would have been entitled to receive under the provisions of the act of March 3, 1837, if her claim had been allowed while that act was in force.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

THOMAS AP CATESBY JONES.

Mr. BUTLER. I ask the Senate to take up House bill "for the relief of Thomas Ap Catesby Jones, surety for a former postmaster at Norfolk, Virginia." It was unanimously agreed upon by the Committee on the Judiciary. It is an act of justice.

The motion was agreed to, and the Senate, as in Committee of the Whole, considered the bill. It provides that a certain judgment rendered in 1842, against Thomas Ap Catesby Jones and Duncan Robertson, as sureties for Walter F. Jones, formerly postmaster at Norfolk, Virginia, for \$4,387 09, on account of the defalcation of the postmaster as such, shall be declared satisfied, in so far as the sureties, or either of them, are liable thereon. It also provides that \$2,500 heretofore paid by T. A. C. Jones, through his agent, on the judgment, shall be refunded.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

STATISTICAL INFORMATION.

Mr. MALLORY. I move that the Senate take up for consideration the bill which I introduced a week since, "to amend the act requiring foreign regulations of commerce to be laid annually before Congress," approved the 16th of August, 1842, and for other purposes."

Mr. TOOMBS. I hope that bill will be taken up. It is one which directs the Secretary of State to gather valuable information which will be useful to the country.

Mr. MALLORY. There is a favorable report

from the Department of State recommending this bill; and it is important that it should be passed.

Mr. TOOMBS. We ought to do something for the public, when we have been doing so much for private claimants. I hope the motion of the Senator will be agreed to.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

It provides that, in order to enable the Department of State to make the report mentioned in the act of August 16, 1842, at the commencement of every session of Congress, it shall be the duty of the respective ministers, consuls, commercial agents, and other officers of the United States in foreign countries, to procure and transmit to the Department authentic statistical accounts of such countries, and information as to ship-building, shipping, navigation, seamen, tariffs of duties upon exports and imports, pilotage, port dues, and other like charges, harbor regulations, and all laws and regulations relating to trade and commerce, and also as to improvements in the mechanical arts, and in agriculture, and likewise in reference to all other subjects the Department may direct. The reports of the officers are to be made in such manner and form and time as the Department shall prescribe; and when the publication of any such information shall be deemed to be of public utility, the Department may publish it as it may deem best.

To enable the Department to reimburse the officers for expenses, they may necessarily incur, under its authority and instructions, the sum of \$20,000 is to be appropriated annually, so long as the act shall remain in force; and it is made the duty of the Secretary of State, with the annual report, to state the particulars of the expenditures, and also to report the names of any of the officers who have been remiss in their duty enjoined by the act.

The President of the United States is to cause to be prepared full and particular statements and tables, from the organization of the Government to the 30th of June, 1854, and of each year, and of each port, district, and State, as nearly as practicable, of the imports and exports, (domestic and foreign,) quantity and value, whence imported or whither exported, the duties thereon when imported into the United States, what entered subject to drawback, debentures paid, goods warehoused, and the number and class of sailing, steam, and all other vessels in foreign, coasting, river, lake, or casual trade, or in whale or cod or mackerel fisheries, the tonnage thereof, and of light-houses, and of the coast survey, and of seamen and boys in each kind of trade, and of marine hospitals and hospital money, and of the post offices and post roads, and of the improvement of rivers and harbors and internal improvements, and of the judiciary, and of the public debt, direct taxes, and of the receipts and expenditures of each branch of the Federal Government, and generally of the agricultural, mineral, and commercial resources of each of the United States; to be compiled in such mode, form and manner, as he shall deem expedient, and with such comparative statements, notes, and references, as may be proper to elucidate the same. The work is to be submitted to Congress as early as practicable. And to enable it to be prepared, the sum of \$20,000 is appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

BENJAMIN METOYER.

On motion by Mr. SLIDELL, the Senate, as in Committee of the Whole, proceeded to consider House bill for the relief of the legal heirs of Benjamin Metoyer, which had been reported, without amendment, from the Committee on Private Land Claims.

It proposes to authorize Benjamin Metoyer, of Natchitoches parish, Louisiana, to enter for himself and the other heirs of Benjamin Metoyer, deceased, as near as may be by legal subdivisions, one hundred and twenty-three and twelve one-hundredths acres of land, out of any public lands belonging to the United States.

No amendment being proposed, the bill was reported to the Senate, ordered to a third reading, read a third time, and passed.

CHARLES PAVIE.

On motion by Mr. SLIDELL, the Senate, as in

Committee of the Whole, proceeded to consider the House bill for the relief of the legal representatives of Charles Pavie.

It proposes to authorize the Commissioner of the General Land Office to correct the error in the description of the claim for land by Charles Pavie (No. 37) in the report of the register and receiver of the land office at Ouachita, Louisiana, dated July 24, 1837, and confirmed by the act entitled "An act confirming certain land claims in Louisiana," approved July 6, 1842, and to have it located on the south or right side of Red river descending, not exceeding the quantity claimed and confirmed; but this is only to operate as a quit claim on the part of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

JOHN S. KING.

On motion by Mr. MASON, the Senate, as in Committee of the Whole, proceeded to consider the bill from the House of Representatives, for the relief of John S. King, of Virginia, which directs the Secretary of the Interior to place on the pension roll the name of J. S. King, and cause to be paid to him the sum of eight dollars per month for and during the term of his natural life; to commence from the 1st of January, 1853.

John S. King was drafted and mustered into the service of the United States at Knoxville, Tennessee, in November, 1814; he served six months in Mobile and elsewhere, acting against the British naval forces; on his return home, and before his discharge, he was seized with violent fever, and had to remain where he was attacked for some time; the disease settled into his limbs, and crippled him from that time to the present, and he is now totally disabled.

The bill was reported to the Senate without amendment, ordered to a third reading, was read a third time, and passed.

HENRY S. SANFORD.

On motion by Mr. JONES, of Tennessee, the Senate as in Committee of the Whole, proceeded to consider Senate bill for the relief of Henry S. Sanford.

It authorizes the payment to H. S. Sanford, late acting chargé d'affaires of the United States at Paris, of \$6,223 82, the amount of the difference between the salary received by him, as secretary of legation at Paris, from the 14th of May, 1853, to the 22d of January, 1854, and the salary of a chargé d'affaires for the same period, together with the usual outfit of a chargé d'affaires.

Mr. Sanford was appointed secretary of the legation of the United States at Paris on the 20th August, 1849. From the 14th day of May, 1853, to the 22d day of January, 1854, a period of eight months and eight days, he was left in charge of the legation as acting chargé d'affaires *ad interim*. During that period he was allowed clerk hire. In several instances, when secretaries of legation at Paris have been left as chargé d'affaires, Congress have allowed them outfits, though it is not a matter of course to make such allowance. In view of the importance of the mission to Paris, the necessary increase of expenses incident to the change from the position of secretary of legation to that of chargé d'affaires, and in accordance with the general current of precedents in relation to diplomatic agents of the United States at that court, the committee are of opinion that the petitioner's claim for an outfit and the difference in salary between a secretary of legation and chargé d'affaires is reasonable, and should be allowed.

The bill was reported from the Committee on Foreign Relations, and was subsequently recommended and reported back from that committee with an amendment to add to the bill:

And for necessary clerk hire paid by him, while secretary of legation at Paris, the further sum of \$1,170 63.

The amendment was agreed to; the bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, was read a third time, and passed.

PROPERTY ACCOUNTS WITH NEW YORK.

On motion by Mr. FISH, the Senate, as in Committee of the Whole, proceeded to consider the bill from the House of Representatives authorizing the payment of the balance of the property accounts between the United States and the State

of New York, for military stores in the war of 1812."

The object of the bill is to direct the Secretary of the Treasury to pay to the Governor of New York \$11,929 45, being the balance due that State, arising out of issues of military stores to officers of the United States Army, and volunteers, and militia in the service of the United States during the war with Great Britain, declared in 1812.

Mr. TOOMBS. I should like to hear the report in this case read.

Mr. FISH. The case was so perfectly clear that the committee did not think it necessary to make a written report. During the war of 1812, there was a property account between the United States and the State of New York. The credit of the State of New York at that time was better than that of the Federal Government. Military stores were advanced by New York, and drawn by the United States for the use of the troops. The account has been adjusted on different occasions, and all but finally signed; but on two different occasions, by the death of one agent or another, the actual signature was delayed. It has gone through examination, and there is a communication from the Auditor's office to the committee, certifying to the correctness of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

ENROLLED BILLS SIGNED.

A message was received from the House of Representatives, by Mr. FORNEY, their Clerk, announcing that the Speaker had signed the following enrolled bills:

An act to repeal the first proviso of the fourth section of the act entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved September 28, 1850;

An act for the relief of Rosalie Caxillo; and

An act declaring the southern boundary of New Mexico.

The PRESIDENT *pro tempore* signed these bills.

SMITH, GREENE, AND FARNSWORTH.

The bill for the relief of Elliot Smith, William C. Greene, and Nathan Farnsworth, was read a second time, and, on motion by Mr. MALLORY the Senate proceeded to consider it as in Committee of the Whole.

It proposes to direct the Secretary of War to pay Smith, Greene, and Farnsworth, such sums as he may find them justly entitled to receive, for their losses and services in saving the United States troops and stores from the ship Charles Wharton, when stranded upon the bar at Tampa bay, in a severe gale, in December, 1837.

The ship Charles Wharton was chartered by the United States for the purpose of transporting nearly three hundred volunteer troops, with arms, provisions, baggage, and a quantity of sauer kraut, from Philadelphia to Tampa Bay. While on the voyage, and so laden, about the 20th of December, 1837, she grounded on a shoal near the entrance of Tampa Bay, and was found in a very perilous condition by the petitioners, who immediately went to the aid of the vessel, and at great risk, and with much labor, aided and assisted in saving the troops, the guns, ammunition, and private property of the officers. To enable him to take on board of his vessel a portion of the troops, Captain Smith, one of the petitioners, threw overboard a part of his own cargo, consisting of barrels of bread. One hundred and thirty of the troops were taken on board the Coasting Trader, and the cargo of the said ship was taken on board the schooner B. D. Jackson, and all were subsequently delivered over to the custody of officers of the United States, on a requisition of the commanding officer of the volunteers. The petitioners, for all these services and sacrifices, have received no compensation whatever.

The claim has been before Congress since 1840, and several favorable, and one adverse, reports have been made upon its merits. The adverse report fully admits that the facts, as stated, are sustained by Captain Rogers, of the ship Charles Wharton; Captain Gatewood, of the United States cutter Jackson, and by Captain Evans, of the volunteers, who were on board at the time, and personally cognizant of the facts about which they testify. But the committee thought that testimony, although entirely credible upon its face,

was inconsistent with the reports of the quartermaster general and surgeon general, the latter of whom was in command of the troops on board the ship, and says, in his report, that the men were all taken off by the schooner Rubicon, and the sloop Washington. The report says, "It is exceedingly difficult to reconcile this conflicting testimony," but comes to the conclusion that the testimony of the commander of the troops ought to prevail. This report was made in 1845.

In June, 1850, General Lawson, after stating the circumstances which led to the error in his previous report, says: "Having been made satisfied by Lieutenant Peters, that the vessel which took the troops from the wreck to the cutter, inside the bay, was the Coasting Trader, I take pleasure in recommending that the services of Captain Smith, the master, be suitably rewarded." As this statement removes all doubt as to the performance of the service, the committee report the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

CAPTAIN THOMAS PORTER.

Mr. JONES, of Iowa. The Committee on Pensions have directed me to report back, with an amendment, House bill to provide a pension for Captain Thomas Porter, and to recommend its passage. I ask that it may now be considered.

There being no objection, the Senate proceeded to consider the bill as in Committee of the Whole.

It provides that the name of the petitioner be placed upon the pension rolls of invalid pensioners, at the rate of twenty dollars per month, from March, 1831, taking from such amount the sum or sums as have heretofore been paid to him by way of pension.

Thomas Porter entered the service in Captain A. McClelland's troop of light volunteer dragoons, in October, 1812; continued in service for one year, and was severely wounded at the battle of Missinoway, on the 19th December, 1812. His horse was killed in that battle. Partially recovering from the wound, he joined his troop in the following spring, and marched to Fort Meigs; was in the first siege of the fort, at which place he was slightly wounded by a cannon ball, the same killing a second horse for him while in the attitude of mounting. He continued in the service till the close of the campaign, partaking in all the engagements of his squadron, and terminating with the battle of the Thames, after which he was discharged. Shortly after leaving the volunteer service he received, without solicitation on his part, the appointment of ensign in the sixteenth regiment United States infantry; and soon thereafter, without solicitation, the additional appointment from President Monroe of assistant deputy quartermaster general, with orders to repair to Carlisle, in the State of Pennsylvania. He accepted the appointment, and promptly repaired to the post assigned him, and there continued in the full discharge of his duties until peace was made. In the winter of 1814 and 1815 he felt serious inconvenience from the wounds he had previously received, and was confined to his bed for some weeks in consequence thereof. From the month of October, 1819, in consequence of those wounds, he has been confined to his bed, his crutches, and his staff. His sufferings have been great, beyond the power of language to express. The greater part of the thigh bone below where the ball passed has been extracted, and has left great inflammation, and a constant running sore. The Army surgeons testify to the disability, and believe that it was brought on by severe service and exposure in the winter of 1814 and 1815. The muster-roll has a note, showing that Captain Porter had his horse killed at Fort Meigs, his saddle, holsters, and pistols torn to pieces, and that he immediately supplied himself with another horse. And there is abundant testimony going to show that Captain Porter served his country gallantly and faithfully in every position in which he was placed; that in so doing he has received wounds which make him an invalid for life; that he is poor and needy; that the country owes him a debt of gratitude, and ought to pay it liberally and promptly.

The amendment of the committee was to add to the bill: "And the amount found due, under the provisions of this act, shall be paid to the children of the said Captain Thomas Porter."

The amendment was agreed to; and the bill was reported to the Senate, as amended. The amendment was concurred in, and ordered to be engrossed, and the bill to be read a third time. The bill, as amended, was read a third time, and passed.

ANDREWS'S REPORT.

Mr. CASS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed, for the use of the Senate, five thousand additional copies of the report of Israel D. Andrews, Senate Executive document No. 112, first session Thirty-Second Congress.

NAVAL AND MAIL STEAMER APPROPRIATION BILLS.

A message was received from the House of Representatives, by Mr. FORNEY, their Clerk, announcing that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses, on the bill making appropriations for the naval service for the year ending the 30th of June, 1855.

Also, that the House of Representatives had insisted on their disagreement to the amendment of the Senate to the bill making appropriations for the transportation of the United States mail by ocean steamers and otherwise, during the fiscal year ending the 30th of June, 1855, had agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Houstoun, of Alabama; Mr. MORGAN, of New York; and Mr. POWELL, of Virginia, managers at the same on their part.

SEPARATION OF MONEY BILLS.

On motion by Mr. PRATT, the Senate proceeded to consider the following resolution, submitted by him on Wednesday last:

Resolved, That hereafter the Senate will not receive or consider any bill or proposition, other than the general appropriation bills for the support of the Government, which appropriates money for more than one object.

Mr. HUNTER. I do not know how far that resolution might go. I perceive that it applies to bills other than the general appropriation bills.

Mr. PRATT. Yes, sir.

Mr. BELL. I wish the honorable Senator from Maryland would explain his object in proposing this resolution.

Mr. PRATT. Mr. President, a few days ago we had before us a bill making appropriations for various objects of internal improvement; and because that bill combined various appropriations, the charge was perhaps very correctly made against it, that there were many appropriations in it for which a majority of the Senate would not have voted, if they had not been connected with the residue. The rule which I have offered will explain its own object. It is, that after this session, the Senate will not receive or consider any bill or proposition which appropriates money to more than one object, except the ordinary appropriation bills for the support of the Government. This would remove all the difficulty in which we were placed the other day; and whenever an object was meritorious in itself, the friends of that object would have no difficulty in having it passed by the Senate, and the other branch of the National Legislature; and another object not meritorious in itself could not be passed by having it connected with those which were meritorious. I ask for the yeas and nays upon the adoption of the resolution which I have proposed.

The yeas and nays were ordered.

Mr. TOOMBS. I am very much in favor of the resolution proposed by my friend from Maryland. I think it will remove very many of the great evils and bad tendencies of the system to which he has referred; and if that system is to continue, I think this will put it upon a basis which will relieve it from very many of the bad consequences which might otherwise result from it. I trust, therefore, the Senate will adopt the rule which the honorable Senator has proposed.

Mr. DODGE, of Iowa. I rise to express my approbation of the rule proposed by the Senator from Maryland. It is one in favor of which I have long been. I think it is very necessary; but I wish to call the attention of the Senator from Maryland to one fact, and that is, that the river and harbor bill in the House of Representatives has been decided to be a general appropriation bill. I apprehend, therefore, his resolution ought

to be amended in some way, so as to except that from the "general appropriation bills" mentioned in his resolution.

Mr. PRATT. The resolution, in referring to the appropriation bills, speaks of those for the support of the Government. That is sufficient.

Mr. BELL. Mr. President, I think this is a measure of too much importance to be passed with the little consideration which we are able to give to it at this period of the session. It is not a new idea by any means. It has been insisted upon by the opponents of river and harbor improvements for some ten or fifteen years at least. We have not recently, till now, had the specific proposition presented to the Senate; but we know that the honorable chairman of the Committee on Commerce [Mr. HAMLIN] has always been in favor of such a measure; and many of the friends of the river and harbor bills have been quite willing to agree to it, if it were practicable. The experiment has been made. The Senate committee, I believe, at one session, reported a batch of bills separately; but we found, in practice, that it would not work at all. I do not say what I would do, or what vote I would give on such a proposition, at another session, at a different time. That might, perhaps, depend on the fate which the river and harbor bill that has just passed the two Houses may share at the hands of the Executive. If that be rejected, we shall probably know upon what grounds it is rejected, and then it will be the proper time, at the next session of Congress, to consider the subject, and see whether this is the best and only practicable mode of getting appropriations for these objects.

Now, I undertake to state that, unless in a few instances, as a matter of personal favor, appropriations for separate objects cannot be obtained. I put it to the honorable Senator from Maryland whether, when there is such a formidable opposition to the system entirely or to any extent, limited or unlimited, it will be possible any half dozen objects of this kind to get through at any one session of Congress? The opposition to these improvements is formidable, and meets every proposition which is presented; and unless there is some peculiar aspect in the case, there is always difficulty in getting an appropriation through. I will name one case where I never found any formidable opposition in the Senate to any appropriation. At two Congresses in succession, the Senate agreed, by a nearly unanimous vote, to make a specific and separate appropriation for the repair of the Cumberland dam, in the Ohio river.

Mr. ATCHISON. The removal.

Mr. BELL. No, sir, not the removal, but the repair. I introduced one of the bills myself, and they never were for the removal of the dam; but for its repair. The Senate passed a bill making an appropriation for that object at two successive Congresses, but it never was taken from the Speaker's table in the other House. The favor which that proposition had in the Senate was founded solely on the consideration that the Government had contributed to interpose that obstruction to commerce in the Ohio river. They supposed, not that it stood on any better constitutional ground than others, but on the higher grounds of justice and expediency.

Sir, you may make as many propositions as you please, and if there were only three or four, so long as there is a formidable minority opposing appropriations of this description, on any ground whatever, you can never make this system work. I have stated repeatedly in debate here during the last few years, that if the minority, who are opposed to the policy of making appropriations for rivers and harbors, would acquiesce in what seems to be the general and settled sentiment of a majority of the people of the country, and contribute their aid, instead of throwing objections to the passage of separate and distinct bills for each object, we might have a system which would be free from the objections that all have felt to exist to the present plan. But as long as that opposition continues, I think the proposition of the Senator from Maryland would be fatal to any appropriations being hereafter made for these objects. I know honorable Senators, who acquire great personal favor, may, on the score of personal considerations, get separate bills through for their States. The honorable Senator from North Carolina had the address to get a pretty nearly unanimous concurrence of the Senate in favor of a measure for

his State. Such measures as those may succeed, but it will only be by that sort of influence being brought to bear. The question is, whether that is any better or more commendable reason upon which to make these appropriations than any other? I do not mean the ground of that obstruction having been placed there by the Government, but as a matter of personal favor; if that was the case in regard to that appropriation; I do not know that it was. I was not aware, however, that it stood on any distinct grounds. All I ask of the Senator from Maryland is, to let this matter lie over. I should not like, at this time, to vote against his resolution. I think he had better let it lie over until the next session, until we can see on what ground we can stand in reference to these appropriations.

Mr. PETTIT. I really hope the Senator will consent to let this resolution lie over. There are a few House bills, confirming private land claims, which I desire very much to have passed. I hope the Senator will consent to the postponement of his resolution. There can certainly be no necessity for urging it now. The next session will answer quite as well. I make the appeal to him to allow it to lie over.

Mr. PRATT. I have no doubt, Mr. President, that if we sat here until this day twelve months there would be a few more bills to pass. If this resolution be discussed now, it will have one beneficial result. It will prevent the passage of bills appropriating money out of the Treasury, to the reading of which no one listens, and which no one, except the Senator who moves to take it up, knows a word about. We have passed forty or fifty bills this morning, in regard to which no one but the Senator who moved to take each bill up knew anything at all. I think, therefore, that the discussion of this measure will be a more innocent amusement than the passage of bills without their being understood.

In answer to the honorable Senator from Tennessee, I beg to say to him that I never imagined, when I offered this resolution, nor did I advocate it as containing any new idea, as he supposes. I never supposed that it had not entered into the imagination of everybody who had had legislative experience, that this was an evil which it was greatly to be desired should be remedied. Any one who has had any legislative experience will admit that. It was not, therefore, offered as a new idea, but as one which must have presented itself to the mind of every legislator. I do not desire to prolong the discussion, although I think it would perhaps be the best thing we could do; but as the yeas and nays have been ordered, I ask for the vote upon the resolution.

Mr. PETTIT. I shall be satisfied if we can take the vote.

Mr. SEWARD. Mr. President, we have been here now twenty-six hours, with the exception of only three hours for sleep, and I am sure that we have served our country faithfully for this day, and for the previous day, and that it is unjust to ourselves, dangerous to our health, and unsafe for the public, that we should now take up any new and great question like this; for it is a question, speak of it as we may, that involves a radical change in the policy of legislation upon a very great interest—upon an absorbing interest. We are not prepared to examine it with the care which it requires. We ought not to decide it carelessly. We are soon to meet again. If we shall adopt the resolution, it can have no application to the present session; for we have no more such business now to do. If it had been adopted at the beginning of the session, we should have had the benefit of it, if there is any benefit to be derived from it; but now we shall derive none. I am sure it would be wisest to postpone it. I therefore, concurring with gentlemen around me, move that the further consideration of the resolution be postponed until next December.

Mr. CASS. If this proposition applied to all general appropriation bills, in which I mean to include river and harbor bills, I should be inclined to treat it with more favor. I think that all private claims may very well be considered by themselves; but I do not see that the objection made to the consideration of river and harbor objects in one bill applies more in respect to that bill than to a civil and diplomatic bill, or a fortification bill, or any other appropriation bill.

If I understand the Senator from Maryland, he

thinks you cannot consider subjects properly if there be more than one in the same bill. Let me ask, how do you consider a fortification bill, when there are twelve, or fifteen, or fifty objects embraced in it? How do you consider a civil and diplomatic bill, in which you have one hundred, or, it may be, five hundred, different objects? If you go on and assume the principle that you cannot fairly enter into the investigation of a subject, unless it be in a particular bill, and on that ground exclude the river and harbor bill, it may as well be applied to every other appropriation bill.

Now, as a practical measure, Mr. President, you and I know, and every Senator knows, that one hundred and fifty bills for one hundred and fifty local objects could not pass this, or any Congress. It is impossible, in the nature of things. I may say the same of the civil and diplomatic bills. If you were to separate them into separate and distinct items, you never would get them through. There should be discussion allowed, of course, and the subjects embraced in the bill should have some general relation to each other. The objects embraced in a river and harbor bill have, or ought to have, the same relation to each other as the items of a civil and diplomatic bill; and every objection which applies to the one applies to the other. Therefore, if the resolution is meant to apply so as to exclude the river and harbor bill alone, I shall oppose it.

Mr. PRATT. Mr. President, I was entirely misunderstood. I certainly never supposed or intimated, that because eight or a dozen or a hundred propositions were embraced in one bill, they could not be considered and understood by the Senate. That is not the objection; but the objection is, that, although considered and understood, Senators are not enabled to vote for those which they approve, and vote against those which they disapprove.

Mr. CASS. You may say the same of the civil and diplomatic bill.

Mr. PRATT. I am willing to apply it to any bill. The reason why I made an exception of ordinary appropriation bills is, that they are bills for the support of the Government, in which there is no individual or sectional interest which will produce like feelings and like results, as bills to which this resolution is intended to refer. The general appropriation bills, too, are to carry out existing laws. Here is your War Department, your Navy Department, or any one of the Departments of the Government, with a number of clerks employed; and the amount to be paid them is fixed by law. An appropriation bill is to carry on the machinery of Government. There is no reason, therefore, that you should have a separate bill for each of those appropriations, to pay \$1,000 to A, a clerk, and \$1,000 to B, a clerk. There is no reason for putting such items in separate bills; but when, as in the bill which was before us a few days ago, we have presented in the same bill an appropriation of \$100,000 to clear out a river in Virginia, and \$100,000 to make a harbor on the lakes in New York, we, though able to decide as to their propriety, cannot vote against them without voting, also, against great objects which our judgments approve of.

In the bill which was before us a few days ago there was an appropriation for the improvement of the navigation of the Mississippi river. Suppose this rule should be adopted; is there a Senator who hears me who does not know that there could be no successful opposition to a separate bill appropriating any necessary sum of money for the improvement of the Mississippi? In the same bill there was an appropriation for the improvement of the harbor of Baltimore, an appropriation, the expenditure of which would, in a single year, save to the Government more than treble the amount. If that proposition was brought up separately, there is no Senator who can suppose it would meet with opposition.

The opposition in feeling and judgment to these bills, on the part of members of this body and the country at large, grows out of the fact, not, as my honorable friend says, that the bill cannot be considered; that is not the objection; but the objection is, that, although you do consider it, and although you disapprove of this and the other item, yet you are obliged to vote for an item of which you disapprove, or else lose appropriations for large national objects which are of more importance to the Government than would be the loss of any of

the appropriations for the insignificant and improper ones.

Sir, occupying the position which I do in relation to the subject of internal improvements, believing them to be entirely within the constitutional power of this Government, the sole question, as a legislator, which presents itself to me in one of these bills combining all these objects, is, whether the appropriation from the public Treasury to objects of national importance, objects really useful to the country, and promotive of the public interest, will do more good than the country will be injured by the expenditure for objects not national and not important. You had, for example, in the river and harbor bill, an appropriation of \$1,000,000 to improve the Mississippi, and you had other appropriations in it which were of great importance to the country. According to my humble judgment, then and now, the country would be benefited more by the appropriation of those sums of money for those national objects than it would be injured by the improper appropriation for other objects which were included in it; and, therefore, I favored that bill, though I would greatly prefer to vote for the proper objects disconnected from those which were not proper, and which should not have been placed in the bill.

Again, sir, the great benefit of this rule will be that, no matter who may be President, if you can pass your bill granting an appropriation for a work of this sort, you can have it signed by the President, and you will not have a proper appropriation vetoed because the same bill connects with it a matter which is not national, and which no man would vote for if it stood by itself. I honestly believe that the rule which I have had the honor to present, is one which would be highly beneficial to the legislation of the country, and one which, if we adopt it, I am sure will meet with the approval of the constituency of every Senator on this floor.

Mr. PEARCE. There is a necessity for an Executive session arising out of business which must be transacted, and ought to be done now, if at all. I move, therefore, to lay aside the resolution of my colleague, for the purpose of proceeding to the consideration of Executive business.

The motion was agreed to.

REPORT FROM A STANDING COMMITTEE.

Mr. BENJAMIN, from the Committee on Commerce, to whom was referred the petition of James H. Smith and Charles Stevens, reported a bill for their relief; which was read, and passed to a second reading.

BILL INTRODUCED.

Mr. BENJAMIN asked and obtained leave to introduce a bill for the relief of the heirs and legal representatives of Pierre Cazela, deceased; which was read a first and second time by its title, and referred to the Committee on Private Land Claims.

PAPERS WITHDRAWN.

On motion by Mr. DODGE, of Iowa, it was *Ordered*, That William A. Cameron have leave to withdraw his petition and papers.

EXECUTIVE SESSION.

On motion by Mr. PEARCE, the Senate proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened.

MAIL STEAMER APPROPRIATION BILL.

Mr. STUART. The committee of conference on the disagreeing votes of the two Houses on the bill making appropriations for the transportation of the United States mail in ocean steamers, and otherwise, during the fiscal year ending June 30th, 1855, have instructed me to report that they have met the conferees on the part of the House, and, after full and free conference, have been unable to agree; and therefore ask for another committee of conference.

Mr. PRATT. I should like to hear the particulars. What are the points of difference?

Mr. STUART. There was only one amendment made to the bill by the Senate, and that was to strike out of the first section the provision respecting notice to the Collins line of steamers. I move that another committee of conference be appointed.

Mr. PRATT. I move that the Senate recede

from that amendment; and on that question I ask for the yeas and nays.

Mr. STUART. Is not my motion first in order?

Mr. HUNTER. A motion to recede takes precedence, because that settles the question. All those motions which settle the question take precedence of others which delay it. A motion to recede or insist has precedence of a motion for another conference.

The PRESIDING OFFICER, (Mr. WELLER.) The question will be on receding from the amendment indicated by the Senator from Michigan.

Mr. JAMES. Is that the first question in order?

The PRESIDING OFFICER. The Chair understands that the committee of conference have been unable to agree, in consequence of a portion of this bill which the Senate amended. The amendment of the Senate was to strike out these words:

"And that the Secretary of the Navy is hereby directed, immediately after the 31st day of December, 1854, to give the notice provided by the first section of the act entitled 'An act to supply deficiencies in the appropriations for the service of the fiscal year ending June 30, 1852,' approved the 21st day of July, 1852, to terminate the arrangement for the additional allowance for the transportation of the United States mail between New York and Liverpool, in the Collins line of steamers, as therein provided.'"

The question is on the motion of the Senator from Maryland, that the Senate recede from that amendment; and on this question he asks for the yeas and nays.

The yeas and nays were ordered.

Mr. BAYARD. Mr. President, I trust the Senate will not recede from this amendment, because I think it involves a question of good faith. There is no hazard in insisting in this case, unless it is the determination of the Senate to recede from everything. Here is an appropriation bill, and in that bill the House have determined to legislate. The Senate, by their vote, have stricken out the provision as to legislation. Well, sir, I would rather see the bill fail than recede. In the first place, the attempt is to force us into receding from an amendment which strikes out legislation from a mere appropriation bill. It is not a case where any extreme injury can be done, even if the bill be lost; and I would rather see the bill lost than see a provision adopted by Congress such as has been inserted by the House, which, in my judgment, violates the faith of Congress. I do not put it on the ground of contract, but I put it on the ground of the good faith of Congress under the law of 1852; and I do not think any gentleman can escape from the fair construction of the provisions of that law.

What was the state of facts under which the law was passed? You had chosen deliberately to adopt the policy which had previously been adopted by England, of endeavoring to establish a set of steamers which could be used for naval purposes in the event of war, and which could be used in postal communication in time of peace. Under that policy these parties went on and made a contract with you, and built a set of steamers which were accepted by your own officers; steamers, I say, whose subsequent performance has justified that acceptance—steamers unequaled by any of your national marine. You cannot point out to me any steamer which you have that has not been far more liable to cost in repairs, or which has been half so effective, as any one of these steamers.

Under these circumstances, two sessions of Congress ago, the parties who had entered into this contract came forward and stated to you the facts that they were unable to carry out the contract, except with increased allowance. The fact was shown that the British Government had increased the allowance to their line. The fact was shown that their expenditures were large, and were much more than what they received. What was the action of Congress? They said the "postages which we receive were not sufficient to remunerate us for the outlay; but it is contended that they will increase, and we will give you two years within which to vindicate the assertion that the subsequent increase of postages will make this appropriation less onerous for the nation; and if, after the lapse of those two years, that state of facts shall not exist, then Congress shall have the option of declaring whether they will put an end to this contract on six months' notice." Now, sir, the attempt is, before the two years have

expired, to anticipate, by the action of Congress, that period of time which the faith of the country requires should be permitted to elapse before the notice be given. I consider that it is a breach of faith on the part of Congress to pass the provision at this time; and that if a great necessity should exist at the next session to pass it, you can give notice, if you please, and pass the bill on the 31st of December next, and there can be no great loss to the country. It is at least a question where it is very doubtful whether the faith of Congress is not involved; and surely you would not now hazard a question of that kind merely to anticipate the period of notice. I submit that on no principle of good faith, and on no principle of public necessity, is this legislation required in this appropriation bill; and there can be no public evil arising from the Senate insisting upon their amendment. I hope the Senate will insist and adhere, if necessary, even though they may choose at the next session to pass a law authorizing a similar notice.

Mr. SEWARD. When this question was up yesterday, or rather this morning, about three o'clock, the Senate was very thin. I proposed at that time to go somewhat at large into the question; but to prevent an abuse of the patience of members who had been here so long, I refrained. As the Senate is now reconvened, after having been refreshed, I will submit the argument which I omitted to do then. In the first place, I ask the attention of the Senate to a letter from Mr. Collins, the agent of the Collins line of steamers, to the Postmaster General, dated 28th January last, in reply to a letter which had been addressed to him by the Postmaster General.

Mr. SEWARD proceeded to read the letter; but before he had proceeded far, he gave way, and the following business was transacted.

POST OFFICE APPROPRIATION BILL.

Mr. MORTON, from the committee of conference on the disagreeing votes of the two Houses on the bill making appropriations for the service of the Post Office Department during the fiscal year ending the 30th of June, 1855, reported:

That the House agrees to recede from its disagreement to the second amendment of the Senate, and concur with the Senate in its third amendment, with the following amendment thereto:

Strike out of said amendment these words: "The said allowance to commence with the fiscal year beginning July 1, 1853, and to be computed for the first year from the ascertained weight for the month of January, 1854," and insert in lieu thereof the following: "This allowance to commence with the passage of this act, and to continue for one year only, and to be computed from the ascertained weight for the month of January, 1854."

The Senate agrees to recede from its fourth and fifth amendments.

The second amendment of the Senate was to insert the following additional section:

Sec. 4. *And be it further enacted*, That there be allowed and paid to the Postmaster of Washington city, District of Columbia, out of any money in the Treasury not otherwise appropriated, a commission of one mill per pound upon the aggregate weight of public documents printed by order of Congress, and deposited in the office of said postmaster to be mailed; the said allowance to commence with the fiscal year beginning July 1, 1853, and to be computed for the first year for the ascertained weight for the month of January, 1854. And that the said postmaster be required to pay out of the said commissions to the clerks and other employees of his office, a sum not exceeding \$250 each, per annum, as compensation for the extra labor performed by them in the assortment and mailing of said documents; and that he be required to account for, and settle with, the Post Office Department, for the disbursement of these commissions, and any surplus that may remain, in the same manner as is now required in the settlement of his other accounts.

The House had disagreed to this amendment, but they recede from this disagreement on the amendment proposed by the committee of conference being made.

The fourth and fifth amendments, from which the Senate recede, were to insert:

Sec. — *And be it further enacted*, That the surviving late Vice President of the United States shall have, during his life, the same authority to frank letters, and other mail matter, which he possessed while in office. And the same authority shall belong to future Vice Presidents after they go out of office.

Sec. — *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized to pay to Cranstons Lowrie a reasonable compensation for performing the duties of two clerks in the Post Office Department, not to exceed half pay of a clerk for the time he was so employed.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message was received from the House of Rep-

resentatives, by Mr. FORNEY, their Clerk, announcing that they had agreed to the amendments of the Senate to the bill for the relief of Henry Lewis, of Clinton county, Indiana.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by Mr. WEBSTER, his Secretary, announcing that he had this day approved and signed the following acts:

An act to incorporate the Pioneer Manufacturing Company of Georgetown, District of Columbia; and

An act to change the name of the American-built brig Glamorgan to that of Wizard.

RIVER AND HARBOR BILL.

A message from the House of Representatives, by Mr. FORNEY, their Clerk, announced that the Speaker of the House had signed the enrolled act making appropriations for the repair, preservation, and completion of certain public works heretofore commenced under the authority of law; which was thereupon signed by the President *pro tempore*.

WILLIAM CURRAN.

On motion by Mr. PETTIT, the Senate, as in Committee of the Whole, proceeded to consider House bill for the relief of William Curran.

It provides that the assignment, bearing date April 25, 1851, from Thomas Myers to William Curran, of bounty land warrant No. 407, for one hundred and sixty acres of land, dated February 7, 1851, and issued to Thomas Myers, private and corporal in Captain Skinner's company, Colonel Mills's regiment of New York volunteers, war of 1812, be confirmed and declared effectual to transfer the warrant to Curran, and to vest in him the title thereto from the date of the assignment; and this act is to be good and sufficient evidence of the assignment, as having been duly made in all courts and places whatever.

It appears by the petition and papers of William Curran, that on the 7th of February, 1851, a bounty land warrant of that date was duly issued, under the act of Congress of September 28, 1850, to Thomas Myers, who was a private and a corporal in Captain Skinner's company, Colonel Mills's regiment of the New York volunteers, in the war of 1812, for one hundred and sixty acres of land, which warrant was number four hundred and seven. On the 25th of April, 1851, and before the passage of the act of Congress making land warrants assignable, Thomas Myers sold the warrant to the petitioner for \$200, which was duly paid; and thereupon the said Myers duly executed, under his hand and seal, and delivered to the petitioner, an assignment bearing date the 25th of April, 1851—that being the day of its execution—with a power and authority contained in the assignment to said petitioner to locate the warrant on any public lands, according to law, in the name of Thomas Myers; and the assignment also contained an agreement on the part of Myers that he would convey to the petitioner, by deed, the lands on which the warrant should be located, upon their being patented to him. After the assignment, and about the time of the passage of the act of Congress making land warrants assignable, which was the 22d of March, 1852, Thomas Myers died intestate, leaving no estate, or, at most, but very little, and that no letters of administration have been granted in his case.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

ENOCH S. MORE.

On motion by Mr. PETTIT, the Senate, as in Committee of the Whole, considered House bill for the relief of Enoch S. More.

It seems that the rolls of Captain Abraham Matteson, of the New York militia, show that Enoch S. More deserted in 1812. Satisfactory evidence has been filed in the Pension Office that More, instead of having deserted, as shown by the roll, was absent on furlough and sick at the time. On an investigation of the said evidence by the Commissioner of Pensions, it was deemed sufficient to grant him an invalid pension, on this state of facts, in order to enable him to get a bounty of land under the act of September 28, 1850, and to correct the roll, as the bill proposes to direct the Commissioner of Pensions to correct the roll by

erasing the words which imply that More deserted, and insert in lieu thereof the words "sick and absent on furlough." And he is to have all the rights he would have had if he had continued in good health, and served in the company according to the terms of his enlistment.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

THOMAS ELLIS.

On motion by Mr. ATCHISON, House bill for the relief of Thomas Ellis was considered as in Committee of the Whole.

The object of it is to require the Secretary of the Interior to place the name of Thomas Ellis, of Platte county, in the State of Illinois, upon the roll of invalid pensioners, at the rate of eight dollars per month, from May 11, 1852, during his life.

The bill was reported to the Senate.

Mr. ATCHISON. I move to amend the bill by striking out "Illinois" and inserting "Missouri." There is no such county as Platte in the State of Illinois; there is in Missouri.

The amendment was agreed to, and ordered to be engrossed, and the bill to be read a third time. It was read a third time, and passed.

GEORGE M'GIRK.

On motion by Mr. PETTIT, the Senate, as in Committee of the Whole, proceeded to the consideration of the bill from the House of Representatives, "for the relief of the legal representatives of George McGirk."

It proposes to authorize the legal representatives of George McGirk to enter, without payment, one hundred and sixty acres of land, in any land office in the State of Missouri, in lieu of a tract of land claimed by them in said State; and to direct the Register of the Land Office, on payment of his fee, to issue the necessary certificate, on the return of which a patent shall issue in favor of said legal representatives.

No amendment being proposed, the bill was reported to the Senate, ordered to a third reading, read a third time, and passed.

GAD HUMPHREYS.

On motion by Mr. MALLORY, Senate bill for the relief of Gad Humphreys—reported from the Committee on Claims—was read a second time, and considered as in Committee of the Whole.

It is designed to direct the proper accounting officers of the Treasury to ascertain the value of property of Gad Humphreys, alleged to have been burned and destroyed by order of Colonel Pierce, of the United States Army, at Fort Defiance, Florida, in 1836, and to pay the amount thus ascertained, if evidence to the satisfaction of the Secretary of War be furnished to him that the property was lost to the owner in consequence of the troops of the United States being stationed at that point, and of the orders of the officer in command.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read a third time, and passed.

LLOYD DORSEY AND OTHERS.

On motion by Mr. PETTIT, the bill from the House for the relief of Lloyd Dorsey and others, was considered as in Committee of the Whole.

By it, Lloyd Dorsey, of the county of St. Charles, Missouri, will be authorized to enter, at the proper land office in that State, at the minimum price of the public lands, the southeast fractional quarter of section twenty-two, township forty-six, range four east, containing one hundred and forty-two and eighty-nine one hundredth acres; and to enter, for the use and benefit of the heirs of George Pitzer, deceased, the southwest fractional quarter of section twenty-two, township forty-six, range four east, containing one hundred and forty-two and eighty-nine one hundredth acres; but nothing in this act is to prejudice the rights of any person or persons having any legal or equitable claim to the lands herein mentioned, or any part thereof.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

PORT OF DELIVERY AT ROCK ISLAND.

Mr. DOUGLAS. Last night a bill was passed creating three or four ports of delivery; but, by

accident, Rock Island was omitted. I now ask the unanimous consent of the Senate to introduce a bill to constitute Rock Island, in the State of Illinois, a port of delivery. I wish to have it sent down to the House immediately, so that it may be concurred in there.

By unanimous consent, leave to introduce the bill was granted; and, there being no objection, it was read a first and second time, and considered as in Committee of the Whole. It proposes to enact that Rock Island be a port of delivery, subject to the same regulations and restrictions as other ports of delivery in the United States, and that there shall be appointed a surveyor of the customs for that port, who shall perform the duties prescribed by the act of Congress of March 2, 1831. Rock Island is to be a port of delivery within the collection district of New Orleans.

Mr. PEARCE. I should like to hear a statement from the Senator from Illinois as to the reasons of this measure. It seems to me at present that its only effect is to increase Executive patronage, to create some new offices, and give new salaries. As I understand it, railroad iron is brought into New Orleans in ships, there transhipped to steamboats, and thus taken up to Rock Island. It seems to me to be entirely unnecessary to establish a port of delivery there, if the whole of the custom-house business can be done as well at New Orleans; and the transhipment must be made there, at all events.

Mr. DOUGLAS. I will tell the Senator the reason for this bill. There are ports of delivery at Pittsburg, Louisville, St. Louis, New Albany, and half a dozen other places on the Ohio and Mississippi rivers. Last night we made Keokuk and Dubuque, in Iowa, ports of delivery. The simple reason for this is, that Rock Island is where they are making many railroads, and it is important to have railroad iron delivered there directly. It was my design to move it as an amendment to the bill which came from the House last night, but I omitted to do so. This bill is in the usual form, and does nothing more for Rock Island than has been done for other places.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

INDEX TO PRIVATE CLAIMS.

Mr. JOHNSON. I have a resolution to offer, which is of some real importance to this body, and of some advantage to the interests of the country. I am instructed by the Committee on Printing to offer the following resolution:

Resolved, That the Secretary of the Senate be instructed to purchase, for the use of the Senate, two hundred copies of the Index to Private Claims, from the First to the Thirty-First Congress inclusive, printed by order of the House of Representatives: *Provided*, The price per set does not exceed the amount paid by the said House; and the Secretary pay for them out of the contingent fund of the Senate: *And provided*, Said copies shall be deposited in the office of the Secretary of the Senate, for the use of the Senate and Senate committees.

This work is one which has been printed under the order of the House of Representatives. The Senate some years ago, under its own order, provided indexes of all claims, from the beginning of the Government, which originated in the Senate, but made no index of those originating in the House. The House a few years since ordered this work to be done; and it took three years to compile it. The House took only one thousand five hundred copies of the work, and those one thousand five hundred copies were ordered to be distributed to members as other documents.

These books would be of great advantage to our committees in tracing up claims that come before them, which notoriously get better and better each successive Congress, until they are finally passed; but if we could go back to our early history, where the true facts in reference to some of these old claims is developed, they would not go through; but, for want of such an index, we have been unable hitherto to trace them back.

This resolution proposes to take for the use of the Senate two hundred copies of this work—all that are left in the hands of the printer. We propose to obtain them, and deposit them in the office of the Secretary of the Senate, from which they can be taken for use by the committees for investigation, and at the end of each session the committees will return the copies which they get; and the two hundred will probably last for a great

number of years. The utility of having such a work will be seen at once.

The resolution is so guarded that we can pay no more than the House has paid. A set consists of three volumes, and costs \$10 63. They are quarto volumes, and contain upwards of seven hundred pages, as Senators can see by looking at the volumes which are on my desk. The cost will be \$3 54½ a volume, which is very cheap. We shall never again have an opportunity to obtain this work. The benefit of it to the country will be lasting, and it will unquestionably afford means for the protection of the Treasury. With these remarks, I submit the question for the decision of the Senate.

The resolution was adopted.

JAMES CAPEN.

On motion by Mr. ROCKWELL, House bill for the relief of James Capen was considered as in Committee of the Whole.

It proposes to direct the Secretary of the Interior to place the name of James Capen on the pension roll, and pay him eight dollars per month during his natural life, to commence March 4, 1851.

Capen served five months and twelve days, and, including the time spent in going to and returning from the places of muster, he served over six months. He was draughted for a term of three years' service, and owing to the sickness of his father, he was obliged to hire a substitute. There is no satisfactory evidence furnished that he actually served six months, thereby entitling him to be placed on the pension roll, under the act of June 7th, 1832, and to receive arrears of pension from March 4, 1831, to the present time. But as he probably may have served that length of time, and is now very old and infirm, the committee were of opinion that he should be placed on the pension roll—his pension to commence from March 4, 1851, about the date of his application.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. FORNEY, their Clerk, announcing that they had agreed to the amendment of the Senate to the bill to provide a pension for Captain Thomas Porter.

POST OFFICE APPROPRIATION BILL.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill making appropriations for the service of the Post Office Department for the fiscal year ending the 30th of June, 1855.

SANFORD'S REPORT.

Mr. JONES, of Tennessee. I offer the following resolution:

Resolved, That the Superintendent of Public Printing be directed to deliver to H. S. Sanford five hundred copies of Senate document No. 65.

The document referred to is Mr. Sanford's report on the penal codes of Europe. The resolution is in accordance with precedent.

The resolution was agreed to.

EXECUTIVE SESSION.

On motion by Mr. PEARCE, the Senate again proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened.

ORDER OF BUSINESS.

Mr. FISH. There are a few private bills from the House, mostly pension bills, which I think might very well be considered now, particularly as we have but little business to transact. I hope the Senate will take up these bills, and pass them.

The PRESIDING OFFICER, (Mr. WELLER in the chair.) The question is on receding from the amendment of the Senate to the bill making appropriations for transportation of the United States mail by ocean steamers and otherwise, during the fiscal year ending 30th of June, 1855, on which the Senator's colleague has the floor.

Mr. FISH. I hope my colleague will yield.

Mr. TOOMBS. I hope not. There is not a quorum of the Senate present, in my opinion. We have not had time to look into these private bills; and as Congress will be in session very soon, and as the next session will be of three months' dura-

tion, we have plenty of time to attend to them. I do not see why they cannot wait.

Mr. FISH. The bills have all been reported on by the committees of this body.

Mr. TOOMBS. But the members of the body have not had an opportunity to examine them.

The PRESIDING OFFICER. The question is on receding from the amendment to the mail steamer bill, on which question the Senator from New York has the floor.

Mr. SEWARD. I had the floor, but I was requested to yield until everybody else got through all their bills; but there are two which I ask the Senate to take up and pass. I move that the Senate proceed to the consideration of House bill for the relief of Asa Leach.

ASA LEACH.

The motion was agreed to, and the Senate proceeded, as in Committee of the Whole, to consider the bill.

It proposes to instruct the Secretary of the Interior to place the name of Asa Leach on the pension roll at four dollars a month, commencing August 1, 1852, and continuing during his natural life.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

WARREN RAYMOND.

On motion by Mr. SEWARD, the Senate proceeded to the consideration of the House bill for the relief of Warren Raymond.

It proposes to direct the Secretary of the Interior to place the name of Warren Raymond, of the State of New York, upon the roll of invalid pensioners, at the rate of four dollars per month, to commence on the 1st of January, 1853, and to continue during his natural life.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

OLIVER LEE.

Mr. PEARCE. I move that the Senate do now adjourn.

Mr. FISH. I ask the Senator to withdraw that motion for a moment.

Mr. HUNTER. There is an appropriation bill which we have not yet decided upon—the mail steamer bill. Let us take a vote upon it before we adjourn.

Mr. FISH. I have a private bill for the relief of the legal representative of Oliver Lee, which I ask the Senate to take up. If it leads to any debate, I will consent to its postponement.

Mr. PEARCE. I withdraw my motion.

Mr. FISH's motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill for the relief of the representatives of Oliver Lee. It proposes to direct the Secretary of the Treasury to pay to Charles H. Lee, administrator, and Eliza Lee, administratrix of the estate of Oliver Lee, late of the city of Buffalo, deceased, \$580 32, being the amount of a judgment recovered by Oliver Lee against P. A. Baker, formerly collector of the port of Buffalo Creek, in the circuit court of the United States for the northern district of New York, in the second circuit, and docketed the 30th of August, 1834.

Mr. TOOMBS. I should like to know the reasons for that bill?

Mr. FISH. I promised not to say a word about it.

Mr. WALKER. I wish to know why the Government of the United States should release this judgment?

Mr. TOOMBS. I hope the bill will not pass. It is an abandonment of all principle of legislation. Gentlemen tell us that they have promised to say nothing upon it, and yet they ask us to pass the bill without knowing for what reason. I shall call for the yeas and nays upon it.

Mr. FISH. I withdraw the bill. I promised that if there was objection I would not press it.

Mr. TOOMBS. If it be right, I do not object to it; but I do not know whether it is right or not.

Mr. FISH. Let the bill be postponed.

The further consideration of the bill was postponed until to-morrow.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. FORNEY, their Clerk, announcing that they had agreed to the amendment

of the Senate to the bill for the relief of the heirs of Captain Matthew Jack, deceased.

Also, that they had passed the following bills of the Senate without amendment:

An act granting the right of way to the Marysville and Benicia Railroad Company, through and over the grounds of the United States at Benicia, in California; and

An act to establish certain additional post roads.

PROPOSITION TO ADJOURN.

Mr. PEARCE. I move that the Senate do now adjourn.

Several SENATORS. Till when?

Mr. PEARCE. Monday.

Several SENATORS. We must meet to-morrow.

Mr. PEARCE. I move that the Senate adjourn to meet to-morrow, at twelve o'clock.

Mr. FESSENDEN. What is the use of meeting to-morrow? We cannot do anything but sign bills.

Mr. HUNTER. The enrolled bills must be signed in open session, and some of the appropriation bills are yet unsigned.

The PRESIDING OFFICER. I suppose the Senate to-morrow can attend to Executive business, and the President of the Senate can sign enrolled bills.

Mr. PEARCE. I move that we adjourn until twelve o'clock to-morrow.

Mr. HUNTER. I hope not. Let us dispose of the mail steamer appropriation bill, or we shall lose it. I call for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered; and being taken resulted—yeas 15, nays 19; as follows:

YEAS.—Messrs. Bayard, Bell, Benjamin, Cooper, Dawson, Fessenden, Fish, Foot, Gillette, Pearce, Rockwell, Rusk, Stuart, Thompson of Kentucky, and Wade—15.

NAYS.—Messrs. Allen, Atchison, Brodhead, Brown, Chase, Dodge of Iowa, Douglas, Evans, Houston, Hunter, Johnson, Jones of Tennessee, Mallory, Pettit, Sumner, Toombs, Toucey, Walker, and Weller—19.

So the Senate refused to adjourn.

MAIL STEAMER BILL.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses, on the bill making appropriations for the transportation of the United States mail by ocean steamers, and otherwise, during the fiscal year ending 30th of June, 1855, the pending question being on the motion of Mr. PRATT, that the Senate recede from the amendment striking out the provision of the bill requiring notice to be given of the discontinuance of the extra compensation to the Collins line of steamers.

Mr. SEWARD. When I was interrupted before, I was undertaking to show the Senate that the principle incorporated in this bill by the House of Representatives, to which it is now proposed to adhere, is in violation of contract, is unequal and unjust. The line of argument which I have marked out for myself will make it necessary to read a number of documents to illustrate the subject. I had commenced the reading of a letter of Mr. Collins, the agent of this line of steamers, to the Postmaster General, dated the 28th of January last. I proceed now to state the substance of it.

The Postmaster General, on the 24th of December last, wrote to Mr. Collins, asking him to inform the Department as to the number of ships employed by the line to carry the United States mails between that city and Liverpool. In that letter he stated that he desired the information for the purpose of laying it before the Committee of Ways and Means of the House of Representatives. In answer to the call thus made by the Postmaster General, Mr. Collins went into a history of the circumstances under which this line was established, and the claims which it had on the consideration of Congress and the Federal Government. In the first place he stated that a law had been early passed by Congress, as will be well recollected, authorizing the Postmaster General to invite proposals for carrying the mails by steamships to Europe. The Senate will recollect the circumstances attending that. Great Britain having undertaken that system, and France having given indications of being desirous to go into the same line of policy, it immediately engaged the attention of the Congress of the United States. Others, who have been here longer than I have been, will surely remember it. But I recol-

lect discussions on that subject as far back as 1846-'47. I especially remember that a very able member of Congress from the State of Georgia, Mr. Thomas Butler King, made an elaborate report, in which he vindicated this English policy, and recommended its adoption to the Government of the United States.

Mr. DAWSON. As we are all very much fatigued, I submit to the Senator whether, as four o'clock is so near, it would not be better to forego discussion?

Mr. SEWARD. I am very sure that I can demonstrate what I set out to do. I cannot promise, in the present state of my health, that I shall get through by four o'clock; but I can show, I think, what I set out to show; and whether it takes two hours or two hours and a half, I mean to do it before I quit.

Mr. DAWSON. That I look upon at once as a declaration that the Senator will speak on until four o'clock. I think, then, as we are men of such age, and as we have been very much exhausted, we might as well adjourn and let the bill go.

Mr. BENJAMIN. Let us pass a resolution insisting on our amendment, and see whether the House will recede from their disagreement; and if they refuse to recede, we can adjourn.

Mr. DAWSON. We are in the power of a single Senator, and I think we had better adjourn now.

Mr. BENJAMIN. Let us first insist on this amendment.

Mr. BRODHEAD. Perhaps some gentleman will move a reconsideration of the vote by which we refused to strike out the third section, and then we can send the bill back as one simply making the appropriations, and not legislating. We shall soon get along with it then.

Mr. JONES, of Tennessee. The Senator from New York has advertised us and the Senate that he means to speak out the time of the Senate, or else he means to accomplish his purpose. I so understand him, and I take it that he, as a frank man, will admit it to be so. Now, I advertise him that so long as I live and occupy a seat on this floor, I will fight his Collins steamers from this day out. You may evade it for the hour, but the retribution will come. Here is a deliberately expressed opinion of the Congress of the United States. You are seeking to set aside that opinion by taking advantage of the circumstances, and forcing us to do what a majority say they ought not to do.

Mr. SEWARD. I tell the Senator from Tennessee that he misstates the facts, and he misunderstands the position that he occupies, and the power he can exercise.

Mr. JONES, of Tennessee. That is a question to be settled.

Mr. SEWARD. He says it is the deliberate will of the Congress of the United States that I am trying to defeat.

Mr. JONES, of Tennessee. I say so now.

Mr. SEWARD. The deliberate will of the Congress of the United States consists of the will of two bodies—the House of Representatives and the Senate of the United States. The deliberate will of the Congress of the United States is divided. The House of Representatives wills that this contract shall be abrogated, I say unlawfully, I say unjustly. The will of the Senate is, that it shall not be abrogated. I say the Senate is right. I am standing here for the Senate, for the decree that it has pronounced, and showing that the Senate is right, and showing that the House is wrong. How am I defeating the will of the Congress of the United States? When was it unlawful, when was it wrong, when was it unjust, in case of a disagreement between the two Houses of Congress, two hours before their adjournment, that any member belonging to the majority of the Senate should stand by the opinions and decision of that majority? That is the case here.

Mr. JONES, of Tennessee. No, sir, that is not the case. The case is this: The House of Representatives have sent here a proposition, the Senate disagreed to it, and you have had a committee of conference. Now, the proposition is, that the Senate shall recede, and the Senator from New York stands up and tells us that, in his enfeebled condition, it will take him two hours to satisfy the Senate that they ought not to recede. I submit it to the vote of the Senate whether they

will recede or not. I put it to his honor, is not his purpose to defeat this measure, by consuming the legislative time of the Senate? Is not that your purpose, and have you not avowed that purpose when you told us that it would take two hours to convince the Senate on a question that has been debated for weeks and months, ay, through a series of years? I have no unkindness about this line of steamers; but I do desire that the expressed will of the American Congress shall not be defeated by a contest against time. If the Senator thinks he can speak for two hours, I am willing to sit here and listen to him. But I repeat, his purpose is to defeat this proposition by the consumption of the time of the Senate.

Mr. SEWARD. I have one word to say to my excellent friend from Tennessee. I wish, before the honorable Senator interrogates me, that he would arrive in his own mind at a true statement of the case which he assumes. He says that the House has passed this amendment, and has sent it here, and that the Senate, as I stated truly, had refused to assent to the amendment, that there had been a conference; and now the honorable Senator states the proposition to be that the Senate shall recede. That involves the whole case. Is that proposition one in behalf of the Senate? Is it an authoritative one? No, sir. The proposition, indeed, is made here. Who is it made by? Is it by the committee of conference who represent the Senate, whose opinions I am upholding, and under whose shelter and protection I stand? No, sir; but under the authority of an individual member dissenting from the committee of conference appointed by the Senate, and dissenting, so far as appears, from the opinion of a majority of the Senate, whose opinion, it is to be presumed, remains the same until a final question shall be taken.

Mr. JONES, of Tennessee. Why not take that final question?

Mr. SEWARD. The honorable Senator asks why not waive my rights? That is the sum and substance of his proposition. Because I think, if I do not waive my rights, I shall prevent him from committing the Senate, the Congress of the United States, and the country, to a great wrong, and to a great dishonor, not intentionally, I admit. I mean to prevent that, if I can, by any power of argument or illustration which I possess. The honorable Senator asked me whether it was my purpose to occupy all the time from now to four o'clock? I might reply to him, that if the honorable Senator shall continue to appreciate the importance of time as he has done thus far in this debate, which he has raised between him and myself, I shall have a very little portion of that time to be responsible for.

Mr. WELLER. I move that the Senate do now adjourn, because I prefer going home to listening to the Senator from New York, as he is about to speak until four o'clock.

Mr. BRODHEAD. I wish to compromise.

Mr. WELLER. The best compromise is to adjourn.

Mr. SEWARD. I will not give way for the introduction of any bill.

Mr. BRODHEAD. I think this matter can be arranged in a manner beneficially to the country, and satisfactory to this body. There is no objection to making the appropriation required by law, and by the contracts which have been entered into by the Government, but it is the legislation on these bills that is objected to—

Mr. TOOMBS. My friend from Pennsylvania is out of order. I wish to get at the question. There is but one question before us, and it is on receding from the amendment of the Senate to this bill.

Mr. BRODHEAD. I have the floor, by leave of the Senator from New York.

Mr. TOOMBS. He cannot allow you to go on out of order.

Mr. BRODHEAD. I merely wish to suggest that we strip this bill of legislation, and leave in it nothing but the appropriations required by law. Let us reconsider the vote on the third section which gives power to the Postmaster General, Attorney General, and Secretary of the Navy to abrogate all these mail contracts.

Mr. WELLER. Upon that very proposition I should desire to be heard, at least two hours, myself; and, therefore, that is no compromise. I

move that the Senate adjourn until twelve o'clock to-morrow.

The motion was agreed to; and at five minutes to two o'clock, p. m., the Senate adjourned.

IN SENATE.

SATURDAY, August 5, 1854.

Prayer by Rev. HENRY SLICER.

The reading of the Journal was dispensed with.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives, by Mr. FORNEY, their Clerk, announcing that they had passed, without amendment, the bill of the Senate to establish a land district in the State of Florida, to be called the district of Tampa; and the bill of the Senate to relinquish to the State of Wisconsin the lands reserved for salt springs therein, with an amendment; in which they requested the concurrence of the Senate.

The message also announced that the Speaker had signed sundry enrolled bills, which were then signed by the PRESIDENT *pro tempore*, as follows:

An act granting the right of way to the Marysville and Benicia Railroad Company through and over the grounds of the United States at Benicia, in California;

An act to establish certain additional post roads; An act to repeal the first proviso of the fourth section of the act entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved September 28, 1850;

An act making appropriations for the support of the Army for the year ending 30th of June, 1855;

An act making appropriations for the naval service for the year ending the 30th of June, 1855;

An act for the relief of Henry Lewis and Moses Petet, of Clinton county, Indiana;

An act authorizing the payment of balance of the property accounts between the United States and the State of New York, for military stores in the war of 1812;

An act for the relief of the legal representatives of George McGirk;

An act for the relief John S. King, of Virginia;

An act to provide a pension for Captain Thomas Porter;

An act for the relief of George M. Bentley, of the State of Indiana;

An act making appropriations for the service of the Post Office Department during the fiscal year ending the 30th of June, 1855;

An act for the relief of the heirs of Captain Matthew Jack, deceased;

An act for the relief of Robert F. McGuire and Louisa his wife, late Louisa Lamy;

An act for the relief of William Curran;

An act for the relief of A. S. Laughery;

An act for the relief of the inhabitants of township forty-five, range one, in Warren county, Missouri;

An act for the relief of James Capen;

An act for the relief of Thomas Ap Catesby Jones, surety of a former postmaster at Norfolk, Virginia;

An act for the relief of the legal heirs of Benjamin Meoyer;

An act for the relief of Warren Raymond;

An act for the relief of Julia Aiken;

An act for the relief of the legal representatives of Charles Pavier;

An act for the relief of Lloyd Dorsey and others;

An act for the relief of Asa Leach;

An act to carry into effect the treaty between the United States and Great Britain, signed on the 5th day of June, 1854;

An act to establish certain additional post roads; and

Joint resolution making appropriation for the payment of those entitled to the benefits of the resolution of the House of Representatives of the United States, passed August 3, 1854, voting extra compensation to pages, folders, and others.

THE ADJOURNMENT RESOLUTION.

The PRESIDENT. Senate bill to relinquish to the State of Wisconsin the lands reserved for salt springs therein, has been returned from the House of Representatives, with an amendment.

Mr. DODGE, of Iowa. I believe the Clerk of the House came to the Senate Chamber with that bill yesterday, about five minutes after we adjourned. It is a bill which allows the State of Wisconsin to apply to the purposes of a university seventy-two sections of land which were granted to the State for salt springs. It is a bill which passed the Senate, and has now been returned from the House with an amendment. I hope it will be taken up and concurred in.

Mr. HUNTER. I will merely suggest to my friend that, though it is a misfortune, under the resolution of the two Houses, we cannot act on anything of this kind. I wish we could, on his account; but if we once depart from the rule which we have established, it would lead to great inconvenience. I do not think we have power to depart from it.

Mr. DODGE, of Iowa. If I remember aright, we have a rule which prevents any bill being sent to the President on the last day of the session, unless that rule be set aside. I recollect distinctly, in the case of an appropriation for the American Colonization Society, that the bill was so sent to the President on the last day of the session, without a suspension of the rule, and it did not vitiate the bill. I take it that no question will be raised by any tribunal of the world, if the assent of the Senate be now given to this provision. I ask that the bill may be taken up, for the purpose of concurring in the amendment. It is for the Senate to grant or refuse the request.

The PRESIDENT. The opinion of the Chair, as a matter of course, would not affect the action of the Senate. This is not a point of order, but a question for the Senate. The Chair will have the resolution, which was yesterday adopted by the two Houses, read for the information of the Senate.

The Secretary read it, as follows:

Resolved, That the time fixed by the resolution of the first of July, for the adjournment of the present session of Congress be, and the same is hereby, extended to Monday, August 7, at eight o'clock, a. m.: *Provided*, That no motion, other than to adjourn, shall be taken by either House, after the hour of four o'clock, p. m., this day, (Friday.)

Mr. HUNTER. How, then, can we take up anything of this sort?

The PRESIDENT. The language of the resolution is conclusive, in my opinion; but it is a question for the Senate, and not for the Chair to decide. Is it the pleasure of the Senate to take the question on the amendment of the House to the bill which has been named?

Mr. PETTIT. I think there can be no misunderstanding the resolution which has been read. The design of the two Houses, clearly, was that we should not do any legislative business after four o'clock yesterday. I shall not be willing to vote on any question of the kind, and will not vote either for or against.

The PRESIDENT. Does the Senator from Iowa desire that I should put the question?

Mr. DODGE, of Iowa. Yes, sir.

The PRESIDENT. Will the Senate proceed to the consideration of the amendment made by the House to the bill of the Senate which has been named by the Senator from Iowa?

The question being taken; it was determined in the negative.

ENROLLED BILL SIGNED.

A message was received from the House of Representatives, by Mr. FORNEY, their Clerk, announcing that the Speaker had signed an enrolled bill entitled "An act to establish a land district in the State of Florida, to be called the district of Tampa;" which was thereupon signed by the PRESIDENT *pro tempore*.

CASES UNREPORTED UPON.

Mr. STUART. I have three cases which have been intrusted to me by committees, which I have not heretofore been able to make a report upon.

The PRESIDENT. The Chair is of opinion that, under the concurrent resolution of the two Houses, nothing in the nature of business can be received.

Mr. STUART. I am aware of that; but I merely wish to report the cases back to the Senate, without any recommendation at all.

The PRESIDENT. That is prohibited by the resolution. The Chair is of the opinion that, under a resolution adopted by the Senate a day or two since, the Senator may deliver them to the Secretary.

Mr. PETTIT. We expressly passed a resolution the other day, directing such reports to be handed to the Secretary.

The PRESIDENT. No report can be entered on the Journal, but it can be handed to the Secretary.

Mr. STUART. All I desire to do is to return the papers. I will accomplish that through the Secretary.

MESSAGE FROM THE HOUSE.

A message was received from the House of Representatives by Mr. FORNEY, their Clerk, announcing that they had passed the following bill and joint resolution, in which they requested the concurrence of the Senate:

An act allowing the further time of two years to those holding lands by entries in the Virginia military district in Ohio, which were made prior to 1st January, 1852, to have the same surveyed and patented; and

Joint resolution declaring the Seneca Indians entitled to pension and bounty lands in certain cases.

SENATE BILLS BECOME LAWS.

A message was received from the President of the United States, by Mr. WEBSTER, his Secretary, announcing that he had this day approved and signed the following acts:

An act to establish a land district in the State of Florida, to be called the district of Tampa;

An act granting the right of way to the Marysville and Benicia Railroad Company through and over the grounds of the United States at Benicia, in California; and

An act to establish certain additional post roads

EXTRA WORK FOR PAGES.

Mr. MORTON. I beg leave to draw the attention of the Senate to the operation of a joint resolution passed by Congress, with respect to the compensation of the employees of the two Houses. It appears, by the joint resolution, that an addition of twenty per cent. was allowed to the compensation of those employees; but it is attended by a proviso, that those who avail themselves of the twenty per cent. provision, should not thereafter receive the usual extra compensation for their services. It appears that the employees of the Senate, our pages particularly, availed themselves of the provisions of the joint resolution, and thereby received some eighty or ninety dollars in addition to their regular compensation. The pages of the House, being better advised, or having more astuteness than those of the Senate, did not avail themselves of the benefit of the joint resolution, and did not receive the twenty per cent. The House, therefore, previously to its adjournment, voted to them the usual \$200 extra compensation. The joint resolution appears to be well guarded, that the pages of the House should receive as much compensation as the pages of the Senate, thus placing them upon an equality. Under that joint resolution, if we had voted to the pages of this body the usual \$200 extra compensation, the pages of the House would have received that sum without any action of the House. I think the rule should work both ways. I know that, under the existing joint resolution it is not now, perhaps, within the power of the Senate to vote its pages the usual \$200, or any portion of it, as extra compensation.

So it was ruled yesterday; but I think it is perfectly competent to do so. I have no disguise about it; my great object is to place the pages of the Senate on an equality with the pages of the House of Representatives. I therefore beg leave to introduce a resolution to employ our pages in the folding-room for sixty days after the adjournment of Congress, at the usual compensation which they receive here. I hope, if the question of order be raised upon it, the Chair will not decide that question until it shall have been discussed by the Senate. The employment of the pages in the folding room will expedite the sending of documents to Senators. Many of them will not be sent, under the present arrangements, until near the commencement of the next session. It will be a great accommodation to members, and a great benefit to the country, to have the public documents promptly delivered. I am informed by the gentleman who is in charge of the folding room, that the pages could be well employed there, and that their employment would much

expedite the delivery of the documents. I therefore offer the resolution which I have indicated.

The PRESIDING OFFICER. (Mr. PETTIT in the chair.) The Chair is of opinion that the resolution is not in order, under the resolution which was yesterday adopted by the two Houses of Congress.

Mr. MORTON. I believe the Chair is not bound to give the reasons for a decision; but I should like to know on what grounds he decides my resolution to be out of order.

The PRESIDING OFFICER. Let the Secretary read the resolution of the two Houses to the Senate.

The Secretary read as follows:

"Resolved, That the time fixed by the resolution of the 1st of July for the adjournment of the present session of Congress be, and the same is hereby, extended to Monday, August the 7th, at eight o'clock, a. m.: *Provided*, That no motion other than to adjourn shall be taken by either House after the hour of four o'clock, p. m., this day, (Friday.)"

Mr. MORTON. I do not wish to call into judgment the correctness of the decision of the Chair; but, in order to test the opinion of the Senate upon the question, I respectfully appeal from the decision.

Mr. WELLER. It seems to me that the resolution which has been read applies exclusively to legislative business—I mean that sort of business which requires the action of both branches of Congress. If that construction be not given to it, I do not see how the Senate can go into Executive session, and receive motions there; because, if we do go into Executive session, as a matter of course the business transacted there will be by motion. Why is it that we can do that business? It is because Executive business belongs exclusively to the Senate. Now, the motion made by my friend from Florida is to continue the pages in office. That being a subject which is under the exclusive control of the Senate, I apprehend it is perfectly in order. The Senate, I think, would have a right now, if they saw proper to make an appropriation out of their own contingent fund towards the payment of any of their officers, because that is a subject under the exclusive control of the Senate. We must look, sir, to the intention of those who offered the original resolution which has been adopted by the two Houses. It was to prevent the agitation of any new questions, or to prevent the passage of any measure, by either branch of Congress, during to-day or Monday; but upon any question under the exclusive control of the Senate, I apprehend the power of the Senate is unimpaired by that resolution. So that I suppose the proper construction to be given to it is, that it applies only to that sort of business which requires the joint action of Congress—the action of both branches. The resolution introduced by the Senator from Florida requires no action on the part of the other branch of Congress, but relates to a subject under the exclusive control of this body; and, therefore, I think it is entirely in order.

Mr. BRIGHT. I respectfully deny the right of the Chair to entertain any legislative motion. After having agreed to the resolution from the House of Representatives, it would be bad faith to act on any legislative proposition. I am surprised that Senators should insist upon it. It is useless to make the effort, for there is less than a quorum present, and I shall feel compelled to call for a division.

Mr. WELLER. Properly speaking, legislative action requires the cooperation of both branches of Congress. By the Constitution the legislative power is vested in the Senate and House of Representatives. Therefore, when you speak of legislative business, you speak of that business which requires the action of both branches of Congress. Here is a resolution which does not propose action by the legislative department of the Government. It simply proposes action, on the part of the Senate, in regard to its own officers, in regard to those who are under the exclusive control of the Senate. It is a resolution proposing that the pages and folders of the Senate—who are officers of this body—shall be put upon duty at a certain compensation for the next sixty days. That is not, in my judgment, legislative business within the meaning of the Constitution.

Mr. BRIGHT. Admitting that the Senator is right, I think that, under a law which has been passed at this session, no such resolution can be adopted. We passed a law declaring that no offi-

cers of this body should be paid extra compensation for any services they might render; and, therefore, on that ground alone the resolution is out of order.

The PRESIDING OFFICER. The Chair will state the question. The Senator from Florida moves a resolution to continue the employment of the pages of the Senate in the folding room for sixty days after the adjournment at their usual compensation. The Chair decides it to be out of order. From that decision the Senator from Florida takes an appeal. The question is, "Shall the decision of the Chair stand as the judgment of the Senate?"

Mr. DODGE, of Iowa. I trust the argument of the Senator from California has satisfied the Chair that he is in error in respect to this matter. In general, the present occupant of the chair [Mr. PETTIT] is right in all his actions; but I think he is clearly wrong in this instance. The resolution of the two Houses has no relation whatever to our contingent fund or to our pages. We can go on transacting that sort of senatorial business just as though no such resolution had been adopted. I hope the Chair will reconsider the matter, and reverse his decision.

The PRESIDING OFFICER. The Chair prefers leaving it to the Senate.

Mr. STUART. This exact question was decided by the President of this body this morning. I came in here with three memorials which had been referred to me, as a member of one of the standing committees, and simply asked to be allowed to report them to the Senate without any recommendation. The President of this body decided that it could not be done. Now, in order to get rid of all talk about this matter, I move to lay the appeal on the table.

Mr. WELLER. I beg leave to inquire whether that would carry the resolution with it? A remarkable decision on that point was made yesterday by the Senator from Wisconsin [Mr. WALKER] when he occupied the chair.

The PRESIDING OFFICER. The resolution has not been received, and it cannot go on the table until after it is received.

Mr. BRIGHT. Has the Chair entertained the proposition?

The PRESIDING OFFICER. The Chair has stated that it was not in order, and, therefore, it has not been received.

Mr. BRIGHT. Then the only question is on the appeal from the decision of the Chair.

The PRESIDING OFFICER. A motion has been made to lay that appeal on the table.

Mr. BRIGHT. No such motion can be made under our rules.

Mr. CHASE. I make the point of order that a proposition to lay the appeal on the table is a motion, and cannot be received, and cannot be acted on. No appeal can be taken; no motion to lay an appeal on the table can be taken. The Chair is simply to carry out the order that has been made by the two Houses, that no motion shall be taken, and he can receive none.

Mr. STUART. I have no doubt that the Senator from Ohio is entirely right. The Chair cannot entertain any motion at all. That is undoubtedly the true construction.

Mr. DAWSON, (to the Presiding Officer.) You are a perfect dictator this morning, and can do as you please. [Laughter.]

The PRESIDING OFFICER. The present occupant of the chair is by no means a parliamentarian, never having made the rules a study; but it struck him very forcibly that the resolution was not in order; but not wishing to exercise dictatorial authority, he did not undertake to deny the right of appeal.

Mr. DAWSON. You have a great deal of the talent about you. Exercise it.

The PRESIDING OFFICER. If the sense of the Senate be that the appeal shall not be entertained, the Chair will not receive it.

EXECUTIVE SESSION.

A message was received from the President of the United States, by Mr. WEBSTER, his Secretary. The PRESIDING OFFICER. The message is of an Executive character.

Mr. WALKER. I move that the Senate proceed to the consideration of Executive business.

Mr. JONES, of Tennessee. I object. Is that motion in order?

Mr. DOUGLAS. Our legislative session is closed; and I suppose we can go on with Executive business.

Mr. JONES, of Tennessee. It has been decided that we can make no motion except to adjourn.

Mr. DOUGLAS. That applies evidently to legislative business.

The PRESIDING OFFICER. The Chair decides that a motion for Executive session is in order. The resolution which has been referred to is appertained to legislative business.

Mr. JONES, of Tennessee. Well, sir, you have the power; we cannot appeal.

The motion was agreed to; and the Senate accordingly proceeded to the consideration of Executive business; and after some time spent therein, the doors were reopened, and the Senate adjourned until eight o'clock on Monday morning.

HOUSE OF REPRESENTATIVES.

SATURDAY, August 5, 1854.

The House met at ten o'clock, a. m. Prayer by Rev. HENRY SLICER.

ENROLLED BILLS.

Mr. GREEN, from the Committee on Enrolled Bills, reported as correctly enrolled bills of the following titles; which were signed by the Speaker:

An act making appropriations for the naval service for the year ending June 30, 1855;

An act for the relief of William Curran;

An act providing a pension to Captain Thomas Porter;

An act making appropriations for the service of the Post Office Department for the year ending June 30, 1855;

An act granting the right of way to the Maysville and Benicia Railroad Company through and over the grounds of the United States at Benicia, in California;

An act to repeal the first proviso of the fourth section of an act entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved September 28, 1850.

The SPEAKER. If the House will allow the Chair he will state that there are a number of bills to be reported by the Committee on Enrolled Bills; also a number of messages from the Senate, and from the President of the United States which should be received before the time of adjournment. The Senate meet at twelve o'clock, and he would suggest that the House take a recess until that time, when, perhaps, more business may be done.

Mr. CHANDLER. I think one o'clock will be soon enough. I would suggest one o'clock, and hope there will be no objection.

There was no objection; and the Speaker announced that the House had taken a recess until one o'clock, p. m.

At half past twelve o'clock the Speaker took the chair, and said: The proposition which was assented to by the House was, that it should take a recess until one o'clock. That could not have been done regularly under the joint resolution of the two Houses. There is a single bill which must necessarily be signed by the Speaker and returned to the Senate while that body is in session. The Chair understands the Senate will adjourn in the course of a few minutes, and unless the bill is signed by the Speaker, it cannot become a law. The Chair does not think there is anything irregular in the proceeding, and if that be the opinion, he will sign the bill.

Several MEMBERS. That's right.

Mr. GREEN then, from the Committee on Enrolled Bills, reported as correctly enrolled a bill constituting a land district in the State of Florida, to be called the district of Florida; which was signed by the Speaker.

At one o'clock the Speaker again called the House to order, and a message was received from the President of the United States, by SIMON WEBSTER, Esq., his Private Secretary, notifying the House that he did, on the 4th instant, approve and sign bills of the following titles:

An act to carry into effect a treaty between the United States and Great Britain, signed on the 5th day of June, 1854;

An act making appropriations for the support of the Army for the year ending June 30, 1855;

An act making appropriations for the service of

the Post Office Department, for the year ending the 30th of June, 1855;

An act making appropriations for the naval service for the year ending June 30, 1855;

A joint resolution making appropriations for the payment of those entitled to the benefit of the resolution of the House of Representatives of the United States, passed August 3, 1854, voting extra compensation to the pages, folders, and others; and

An act to repeal the first proviso of the fourth section of an act entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved September 28, 1850.

Also sundry private bills.

A message was received from the Senate, by Asbury Dickinson, Esq., their Secretary, informing the House that that body had been notified by the President that he had approved and signed sundry bills.

Mr. PHILLIPS. The Journal of yesterday has not been read, and I would inquire of the Chair whether the message of the President on the river and harbor bill is spread upon it?

The SPEAKER. It is a constitutional requisition that the message shall be spread upon the Journal.

Mr. PHILLIPS. I have made this inquiry that there might be a certainty in the matter.

The SPEAKER. The bill and message will both be spread upon the Journal.

Mr. PHILLIPS. I desire to make a further inquiry of the Chair. The Constitution provides that on the reception of such a message the House shall proceed to consider it. We know that there is now no quorum present for the transaction of business. The question I desire to submit is, whether it would be proper to enter a motion in the minutes to consider that message, and have that motion lay over until the next session? In other words, it is very evident that the mere sending in of a message vetoing a bill is not the end of the matter. The Constitution looks to some future action. Then is it more formal, that at the session at which the message is received, there should be a motion for the purpose of considering it? Or, if anything occur to render the consideration improper, would it be better to permit it to go over to the next session?

The SPEAKER. The Chair thinks that under the joint resolution fixing the day of adjournment, a motion of that kind would not be in order. At the time the message was received there was a quorum present. Soon afterwards the House found itself without a quorum. No motion was made, nor action taken on the message; but under the provision of the Constitution in regard to veto messages, the Chair thinks that the message and the bill will go upon the Journal. No action can be now had under the circumstances upon the message.

Mr. PHILLIPS. As to one suggestion which fell from the Speaker, I have to say that, in my recollection, the resolution for the adjournment only refers to votes on propositions. Now, I do not propose that any vote shall be taken in this matter.

The SPEAKER. In the Chair's recollection, the words of the resolution are, that no motion shall be made after four o'clock, p. m., yesterday, except to adjourn.

Mr. CAMPBELL. I wish to say a word in relation to the matter of fact stated by the Speaker. My recollection differs from his. I think, at the time the message was received, there was no quorum present; but I agree with the Speaker, that if there was not a quorum, no message could be received, for the reason that there was no House to receive it. My recollection is founded upon this: that just prior to the announcement of the message, the fact was shown that there was no quorum, and there was no quorum from that time on until the House adjourned. I may be mistaken about this, but the record will show the true state of the case.

The SPEAKER. The present occupant of the chair was not in it at the moment the message was received. The Chair recollects that very soon after he came in, the House was without a quorum; but if the message was received without objection, it is to be presumed that there was a quorum.

Mr. CAMPBELL. I stated that the message was received while the yeas and nays were being

called upon some proposition then before the House, and that, as the Journal will show, upon that proposition no quorum voted. The call of the roll was suspended until the message was received.

Mr. PHILLIPS. We refused to suspend the call.

Mr. CAMPBELL. No, sir; the roll call was suspended until the message was received.

Mr. FLORENCE. The gentlemen from Ohio is right. The call of the roll was temporarily suspended.

Mr. HIBBARD. I distinctly remember that there had been no ascertainment that there was no quorum present until after the message had been received.

The SPEAKER. The Chair will make a statement of facts as given to him by the Clerk, and he presumes it will be in coincidence with the recollection of gentlemen now upon the floor. It is true that the roll was being called when the message was received, the call being suspended for that purpose. It is also true that when the call was through, the Chair announced that there was no quorum present; nevertheless, it may have been otherwise at the instant of receiving the message. That is a fact that we know could have existed; and as the message was received without objection, the Chair thinks it is properly before the body, and ought to go upon the Journal under the provision of the Constitution.

Mr. MILLSON. I do not exactly know what question is before the House. I suppose the reception of the message yesterday was entered upon the Journal of yesterday.

The SPEAKER. It was.

Mr. MILLSON. That being so, I do not see how the question can now be before the House.

The SPEAKER. There is no proposition before the House. There is merely a suggestion.

Mr. MILLSON. In regard to the suggestion of the Speaker, to the effect that, at the end of the call of the roll, there appeared to be no quorum present, I would say, that it by no means follows that there was no quorum at the time the message was received; because it might have been, that gentlemen, whose names had not been called at the time the message was announced, desirous of preventing the reception of the message, might have declined voting, for the purpose of showing that there was no quorum afterwards.

Mr. CAMPBELL. A forced presumption.

Mr. MILLSON. I do not believe that any such facts exist; but I am merely making the suggestion for the purpose of showing that if this message can be now considered, as not being regularly before the House, merely because, on a call of the roll, there did not appear to be any quorum present, it would give, at a time when party feeling might run high, an opportunity to gentlemen to defeat the express will of the Executive, by abstaining from voting. But, instead of meaning to cast an imputation on any gentleman, as to this having actually occurred, I take pleasure in saying, that I do not believe that a single gentleman on the other side did abstain from voting. My argument was merely going to show, as a question of principle, that the fact that, at the close of the roll call, there was no quorum present, would not, by any means, determine the fact that there was no quorum present at the time the message was received. That could only be determined by there being objection made. If objection were not made to the reception of the message, it is to be regarded as a message received by the House—a regularly constituted House.

The SPEAKER. The Chair has no doubt at all that the message is regularly before the House, and may be spread upon the Journal.

Mr. FLORENCE. If the House will indulge me in referring to the antecedent action of the House, I can explain the facts in a few minutes. The gentlemen will recollect that there was a motion made to adjourn; on which motion the yeas and nays were demanded, and a call ordered. We had proceeded with that call, and ascertained that there was no quorum present.

Mr. CAMPBELL. That was a call of the House.

Mr. FLORENCE. No, sir, it was not. It was intimated, and very well understood all round the House, that there was an important message from the President soon to be sent in. In order to retain the members present, a call of the House

was ordered; and the call was being proceeded with when the message was received. These are the facts of the case. I recollect them very distinctly. I will be borne out, I think, by every gentleman who will refresh his memory. The call was being proceeded with, with the object in view to get in as many members as possible for the reception of the message.

The SPEAKER. The gentleman from Pennsylvania [Mr. FLORENCE] is mistaken—as the Chair thinks—in this, that the call of the House followed, not preceded, the reception of the message; and the object was to detain the House in session.

Mr. FLORENCE. I was coming to that fact. During the call of the House—

The SPEAKER, (interrupting.) The Journal will settle the point; and if gentlemen desire it, or if there be a question of order made at all, we will refer to the Journal, which cannot be mistaken.

Mr. CAMPBELL. Will the gentleman from Pennsylvania allow me to make a remark?

Mr. FLORENCE. Most certainly.

Mr. CAMPBELL. I wish to make a suggestion. I do not see that there can be any difficulty in relation to this matter. It is very evident that the message is here. It goes to the Speaker's table, I suppose, and will be ready at the opening of the next session of Congress when Executive documents are being presented to the House. I see no necessity of any motion being made now. Whenever that message is laid before the House, the House will exercise its constitutional right of voting on the bill, and of determining whether they will, by a two-third vote, carry the measure independent of the veto. There is no necessity for any motion at all in respect to it.

Mr. FLORENCE. The Speaker was right. The call of the House was proceeded with after the message was received.

The SPEAKER. There is no doubt of it. Then there is no motion before the body.

Mr. RICHARDSON. I am only desirous of saying, in relation to this matter, that I differ with the President of the United States in the views which he expresses on this question. And at the appropriate time I want to place before this House and the country the reasons why I differ from him. It is due to myself—it is due to him—and it is due to us all—that I should state now that there can be no reason why, if Congress make appropriations for improvements on the shore of the Atlantic and Pacific, it should not also make appropriations for improvements in the interior. If you must have appropriations at all, let all share alike, all sections; if you are ready to quit all, I am with you.

The policy that he pursues of vetoing appropriations for interior improvements is wrong, if it is right to provide for those improvements anywhere. If we are to have appropriations for improvements upon the Atlantic and the Pacific, there is no reason why we should not have them in the interior. The Government becomes onerous to us, and injurious to us. It is wrong; I differ with him upon that point.

Mr. CAMPBELL. I had no idea of discussing any proposition connected with this veto message now. This is no time for that. But as the subject is brought up by others, I rise for the purpose of saying, that I strike hands with the gentleman from Illinois [Mr. RICHARDSON] upon the propositions he lays down. I have never been able yet to learn, by anything I have read or seen in the Constitution, why we cannot as properly take the money which belongs to the people of the States in common, and improve, for their benefit, the "inland seas"—our lakes and rivers—as well as the sea-board. Why treat with utter neglect those vast arteries of national commerce in the interior? I say to the House, and to gentlemen, that the time has come for making the rights of the great interior of this nation, against the combined power of the Executive, sustained by the interests of the sea-board, a test, and I shall be found standing with him, shoulder to shoulder, against all parties, against all influences, and against all powers that may oppose us.

Mr. PRATT. I call the gentleman to order. This discussion is not in order.

Mr. CLINGMAN. I was about to object.

The SPEAKER. The Chair would state that there is no proposition before this body which is debatable.

Mr. CAMPBELL. I did not open any debate. Why shut down on me?

Mr. HIBBARD. If this debate is to continue, I want to say a word.

Mr. PRATT. We came here to transact such business as might be necessary, and I, for one, am not willing to sit here, and hear Buncombe speeches.

Mr. CAMPBELL. The gentleman may leave, if he chooses, for aught I care; and, as I have the floor, I call him to order.

The SPEAKER. The Chair at once states to the House that there is no proposition before the body to authorize this discussion. The Chair was disposed, so long as others felt inclined to do so, to allow gentlemen to make remarks.

Mr. HIBBARD. I will not object, if I am allowed one question. If this debate is to go on, I want a hand in it.

Mr. FLORENCE. I hope the House will allow me a moment.

[Cries of "Order!" "Order!"]

The SPEAKER. The Chair cannot allow discussion, unless it be by unanimous consent.

Mr. FLORENCE. I hope consent will be given.

The SPEAKER. The Chair hopes it will not be given, if the Chair may be allowed to express a hope. But the Chair would be happy to conform to the wishes of those present, as we have a leisure moment upon hand.

Mr. CAMPBELL. I did not intend to discuss the merits at all; nor would I have said one word had not others brought this matter before the House; and, to cut all hands off, I now move that the House adjourn.

Mr. HIBBARD. Will the gentleman just allow me to say that the friends of the President—

[Cries of "Order!" "Order!"]

The SPEAKER. The Chair does not see but there is as many who desire to talk now, as when we are all together. [Laughter.] The gentleman from New Hampshire appeals to the gentleman from Ohio to allow him a moment.

Mr. CAMPBELL. I should be very happy to hear the gentleman from New Hampshire, who wishes to speak on behalf of the "friends of the President," or any other member present, upon this subject, as we are told there is nothing else for us to do. Before taking my seat, however, I desire to say a word more.

The SPEAKER. Is it the unanimous consent of the House that the gentleman from Ohio proceed with his remarks?

There being no objection,

Mr. CAMPBELL proceeded: I shall be very brief. I am perfectly willing to extend to others the right they extend to me. That has been my course uniformly upon all occasions. I was proceeding to say that the inland States were imposed upon. In the valley of the Mississippi, taking the Alleghany ridge as the dividing line, and embracing the country extending to the northern lakes, there is now more than half the population of the United States; and, as a matter of course, they have to bear more than one half of all the burdens of the General Government. They contribute more than one half of the money for the appropriations that are made for the benefit of the external commerce, for your light-houses, your navy, your coast survey, and other sea-board improvements; more than half of the money for the common defense and general welfare. Yet, sir, within about fifteen years we have had but one single bill of any consequence for the improvement of the rivers, lakes, and harbors of that immense valley.

Those who have come here from the West have, through their Representatives, without distinction of party, urged their claims for that section, and for all other measures of national improvement. For the purpose of showing that they have not been sectional in this matter, I refer to the fact that a few days since they voted for the Cape Fear river appropriation, which was not vetoed. Yet, sir, this very measure, which benefits the West, that has been carried through this House and through the Senate by the aid of the votes of the friends of the Executive, in each of which they have a majority of two to one, is stricken down by the power of one man! Ay, sir, and strange to tell, that very man pretends that the great principle which governs his Executive acts is that of "popular sovereignty!" How ridiculous to profess to

make that the rule which has controlled his conduct on this occasion.

Now, sir, in this state of the case, as this question is not now in a condition in which it can be acted upon, and as it will come up the next session and be referred to the Committee of the Whole on the state of the Union, when it can be discussed, I close, by repeating, that I shall strike hands with the gentleman from Illinois, and all other men who will represent truly these interior interests without regard to party. I shall stand with men of any party, the unflinching friend of the wronged West, advocating the just demands of "popular sovereignty" against the tyranny of the veto power.

Mr. SMITH, of Alabama, obtained the floor.

Mr. CLINGMAN. I must object to this discussion going on further. There is no occasion for any more speeches.

Mr. HIBBARD. I hope the gentleman from North Carolina will withdraw his objection to allow me to say a word.

The SPEAKER. The gentleman from Alabama [Mr. SMITH] is entitled to the floor if the debate is to proceed.

Mr. HIBBARD. I did not come here this morning expecting that this matter was to come up now. The discussion is manifestly premature, and out of order. I do not propose to engage in it at this time; but after what has been said by the gentleman from Ohio and the gentleman from Illinois, I desire to say that, at the proper time and place, the friends of the principles embodied in the President's message, will, I apprehend, be prepared to defend and maintain them as the doctrines of republican equality, based upon the Constitution itself, alike just to the whole country, North, South, East, and West, wronging no State or section. They are principles laid down by the fathers of the Democratic church, sanctioned over and over by the people of the country. I regard them as just in theory, and expedient in practice. As such, I repeat, their friends will be ready, at the proper time, to defend them. Sir, I am sorry to see a gentleman so fair-minded as the gentleman from Ohio usually is, make what seems an attempt to create sectional feeling between different portions of the country—something that looks like an appeal to the sectional feelings of the West. I do not think his intention is such, and I am quite sure his remarks will have no such effect at home, when the subject shall be examined and understood.

The doctrine of the message, as I understand it, would, by no means, preclude improvements for the West. It would allow such as are necessary and national. It would cut off those of a contrary character, many of which are found in this bill. It is this introduction of uncalculated and indefensible appropriations, this mixture of evil with good, that seems to have caused the defeat of the measure. The authority of Jackson will be invoked in vain, for anything in contravention of the principles of this message. Attempts to stimulate the people of any section against them, will, in the end, be equally fruitless. The sober second thought will be found in the future, as in the past, sound and efficient.

We have had political coalitions heretofore. Attempts at combinations of sectional elements for factious purposes are now being made in various quarters. With what success remains to be seen. They have never been ultimately profitable in the past. My own opinion is, that they will be equally futile and disastrous for their originators in the future. The gentleman from Ohio, on this occasion, makes advances to the gentleman from Illinois. He proposes a striking of hands for an onslaught upon the principles of the message. I will not assume to answer for the gentleman from Illinois. He is always able to speak and to act for himself. He has not heretofore been a favorer of coalitions, or of local excitements for purposes of faction and disorganization.

Mr. PRATT. I object to this discussion, and shall persist in the objection from a sense of duty. I shall yield to nobody. I move that the House do now adjourn.

The question was taken, and the House refused to adjourn; there being, on a division—ayes 11, noes 14.

Mr. PRATT. I object to all discussion of the question.

The SPEAKER. Debate is not in order. The Chair being called on, will enforce the rule.

Mr. CAMPBELL. Then, as we cannot speak to the matter, what is to be done?

The SPEAKER. By the resolution it seems that we are even deprived of a call of the House. Whether we have not the power, under the Constitution, to order one, is another question. Any fifteen members, the Speaker being one, may have a call of the House.

Mr. CLINGMAN. I think that message may come in from the President.

The SPEAKER. The Chair is informed that there is no necessity for the House remaining longer in session.

Mr. SMITH, of Alabama. I suppose there is nothing particularly before the body?

The SPEAKER. There is no proposition at all before the body.

Mr. SMITH. In the early part of the session I intimated to my constituents that on some occasion I designed to examine and present my views in the form of a speech, on Mr. Marcy's celebrated letter in reference to Koszta. Various circumstances, Mr. Speaker, have operated on me, and I am not sure but that my modesty has been the predominant one of all, [laughter,] and I have been prevented making it here, though I have prepared myself with a great deal of care. I desire that I may have unanimous consent to print it as though it had been made on this occasion. There is not the slightest personality in it. It is a purely logical examination of the letter to which I have referred.

There was no objection; and it was ordered accordingly.

Mr. BARKSDALE. I shall not enter into a discussion now, nor do I know that I shall do so at any other time, of the principles involved in the President's veto message. I wish, however, to notice a remark which fell from my friend from Illinois. We have heard of various combinations which have been recently formed in this country. Fusion between those who claimed to be Democrats and Whigs, Free-Soilers and Abolitionists. I have not been particularly astonished at these combinations and fusions and striking of hands. Nobody has been. But I must confess that I am somewhat astonished at the fusion we have witnessed here this morning, and I think the country will be astonished. Antipodes have met to-day. The gentleman from Ohio [Mr. CAMPBELL] and the gentleman from Illinois [Mr. RICHARDSON] have "struck hands" in the American Congress. I congratulate my friend from Illinois in the company he places himself in this morning. He has fought a gallant and a glorious battle during this session of Congress against the gentleman from Ohio and his friends. He gained the victory, but after the victory has been gained, he surrenders his arms, and we now find him in foud, affectionate, and loving embrace with the gentleman from Ohio. Now, however worthy my friend from Ohio, personally, may be, I should dislike very much to go to my Democratic constituents—my friend from Illinois can speak for himself, but we have cooperated together as Democrats here; I suppose a Democrat in Mississippi would be a Democrat in Illinois, and vice versa—I should dislike very much to go to my Democratic friends in Mississippi, and tell them that I had struck hands with the gentleman from Ohio. Now, I do not know how it may be with my friend from Illinois.

Mr. RICHARDSON. It is all right.

Mr. BARKSDALE. It may be all right with him, but it would not be all right with me. These are all the remarks I intended to make, and I will not detain the House longer.

Mr. STRAUB. I also ask the unanimous consent of the House present to put upon record a few remarks upon a subject, sir, which is a little nearer my heart than any other which has been discussed during this session.

[Cries of "Hear him!" "Hear him!"]

Mr. STRAUB. I have but a word to say. All I ask is the privilege to publish a few remarks in favor of the veteran soldiers who fought, and bled, and gained the victory for our country in 1812. [Laughter.]

[Cries of "Agreed!" "Agreed!"]

[Mr. STRAUB offered the following resolution Resolved, That the Committee of the Whole House on the state of the Union be discharged from the further con-

sideration of bill No. 428, granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States.

Mr. STRAUB said, that it was his intention to put the bill on its immediate passage; that the discrimination made by the pension laws against the veterans of 1812 was alike unjust and unreasonable. Not a word of complaint should be uttered against the bounties allowed to the soldiers serving in Mexico; on the contrary, I am in favor of that and all pension laws now in existence, and, indeed, the reasons which sustain those pensions operate with quite equal force in favor of the soldiers of the British war of 1812. Did not the soldiers of that war expose their lives and personal safety in the contest with the joint powers of Great Britain as much as those in the Mexican war? Was it not as gallant, brave, and patriotic for Americans to contend against the then acknowledged mistress of the world upon sea and land, as it was against weak, undisciplined, half famished, and powerless Mexico?

It was the glorious victories on land and sea gained by our gallant soldiers and mariners in the war of 1812, that stamped our national character with the iron heel of invincibility, and taught the nations of Europe that they had to deal with no infantile foe. The success of the American Army in that sanguinary struggle compelled the British lion to crouch to the American eagle, and satisfied all nations that America was more than a match for Great Britain. The blood that flowed at Bridgewater, Lundy's Lane, and New Orleans, was as rich and as precious as the kindred blood that watered the fields of Buena Vista, Cerra Gorda, and Contreras. Why, then, should any invidious distinction be made?

The veterans of the war of 1812 are growing old, are fast approaching that bourne from whence no traveler returns. They have long been neglected, and as they aided to cover the Army and the flag of our country in its darkest hour with honor and with glory, shall they be spurned from the doors of Congress? Let no such crying injustice be done. The soldiers of the Revolution suffered for nearly half a century the pains and mortifications of poverty and distress. Our nation was then poor and unable to afford adequate assistance, now it is rich, great and powerful. Your Treasury is overflowing, and your territory so vastly extended, that it affords a world within itself. Hundreds of thousands of miles square, containing some hundreds of millions of acres of wild lands, are now owned by the Government. Under these circumstances, shall it play the miser and the ungrateful requiter of patriotic services? I trust not; it would shame us in the eyes of the world.

It is a humiliating fact that, notwithstanding the boasted clamor we make of freedom and protection to American citizens, the duty here due the soldier and patriot is too often overlooked, the reward for services of the men who fought and bled and gained the victories under the American flag, which has made this the greatest nation under God's footstool, which guaranteed to the American people liberty and independence, and which secured to the members on this and the other floor of Congress the high and honorable position they occupy. This fact seems to be passed as the idle wind, whilst every other country (no matter how despotic) rewards the services of the soldier as well, if not better, and with more promptness and charity, than does the Government of the United States. In many other countries, the victorious officer or soldier is immediately promoted, and provision made for his wants and comforts during his natural life. Is it not to be deplored that we cannot give the Government of the United States credit for awarding justice to those of our soldiers whose best days were spent in the cause of their country; and, I repeat, while the United States Treasury is overflowing, and millions of money and acres of land are being continually voted to the States and to corporations already enriched by such appropriations; whilst the old soldier, poor and disabled, with means inadequate to protect him from absolute suffering, is denied a small, and to this Government, a beggarly pittance of a few acres of land, which to it would be as a grain of sand taken from the sea shore, or a drop of water abstracted from the bosom of the mighty ocean. I am of opinion that the soldiers engaged in the Indian war should be likewise rewarded with

bounties. Their services were perilous, onerous, and valuable. They undoubtedly deserve the favor and patronage of their country.

The marine corps, too, are entitled to a like compensation. Its services have been severe and praiseworthy, and why should not men who fight upon sea be equally honored and rewarded with those who fight upon land? The history of our country will prove that the Indian fighters and marine corps have, at all times, not only sustained their own honor, in an eminent degree, but it also proves that no service in war is so adventurous or hazardous as that against the savage Indians. No home, no place of ambush, is free from danger. Many instances might be cited, too, to prove the bravery and gallantry of our marines in the war of 1812—suffice it to say, that the victory on Lake Erie, under the command of the gallant Perry, is sufficient of itself to cover them with laurels and with glory. In Mexico, too, they bore themselves worthy of their high calling—always true to their duty, and mindful of their mission to gallantly defend the flag of their country when occasion required it, no matter how far from home, or upon what ocean. It will be remembered that many soldiers of the war of 1812 were subjected to peculiar hardships and privations. The army was raw and ill disciplined, the officers without any practical knowledge of the art and science of war; clothing bad, subsistence worse, and the consequent loss of health inevitable; the fighting was obstinate and sanguinary, the fields bloody, and everything connected with the war painful and deplorable. Many of the regulars, volunteers, and militia, who served in the war of 1812, exposed themselves to the utmost privations; and if Congress were to fail to recognize and make amends to them, disgrace by such wanton negligence would certainly follow. I trust, ere the present session closes, justice may be done to those who are yet living, and to the heirs of those upon whom the cold grave has closed, and whose earthly career has ceased forever.]

Mr. RICHARDSON. I have but a single remark to make in reply to the gentleman from Mississippi, [Mr. BARKSDALE.] He congratulates me that I find myself in company with strange bed-fellows. I have laid down the position upon which I stand, and I stand there, I care not who stands with me, or who against me. I form my own opinion upon every subject, and I act upon that without regard to the opinion of anybody else. I repeat, here, to the House, that I do not care what the President may think upon this, or that, or any other subject. The policy of the Government which allows appropriations to the sea-board, and claims them to be constitutional, and yet denies them to the interior, is wrong and unjust, and I condemn it. I do not care who goes with me. As for the positions which I take, I assume them for myself. The position which I take I assume for myself. I assume it here and elsewhere, and everywhere. I have voted on these principles. Nor are they the opinions of a day. When Congress determines to strike down appropriations for everything in the shape of public improvements, and to leave them entirely to the several States, when it discontinues its appropriations for New York, Philadelphia, Baltimore, New Orleans, and every other place, for light-houses, and buoys, and custom-houses, and coast surveys, I will then stand by the gentlemen who support this veto, and will go with them. But when gentlemen come and say, we are for these things, but we are against those things which are for the benefit of internal commerce, I denounce that policy as unjust and wrong. When you claim the right constitutionally to make appropriations for the sea-board, and deny the same to the interior, I do not care who stands with me or who stands against me, but I oppose that policy. I walk the track in opposition to it, and I care not whether I have to trudge it alone. The position I assume is just, it is right, and I will stand by it, I do not care who is against it or who is for it.

Mr. BARKSDALE. Will the gentleman from Illinois yield me the floor for a question?

Mr. RICHARDSON. Certainly.

Mr. BARKSDALE. I desire to ask the gentleman from Illinois what works he regards as national, what as local, and what works he approves? Nothing more than that.

Mr. RICHARDSON. I will answer the gen-

tleman. My opinion about this thing is that I follow a safe precedent. I think that General Jackson was about as good a man to strike hands with on this subject as could be found in the country.

Mr. FLORENCE. He is very good authority with our people.

Mr. RICHARDSON. And he is pretty good authority with mine. When I go home and tell my constituents that I stand where General Jackson stood, it is no disgrace to me to say that the gentleman from Ohio [Mr. CAMPBELL] follows in the wake of the lights laid down by him, and that he says it is right to follow him.

Now, I have one single thing further to say. I have said that if appropriations were to be made at all, I was in favor of appropriations for the improvement of the western rivers. And I may ask—and ask triumphantly—if the great Mississippi river is not a national stream—running through and touching, as it does, some ten States of this Union? What is the Atlantic more?

Mr. CAMPBELL. Will the gentleman from Illinois allow me to propound a question to the honorable member from Mississippi, [Mr. BARKSDALE?]

Mr. RICHARDSON. Certainly.

Mr. CAMPBELL. I suppose that the gentleman admits that the National Government has a right to protect the national commerce, and that the light-house system, the coast survey, and all these various improvements, arise out of, and are carried out on, that principle. Now, I want the gentleman from Mississippi to tell me when and where the trade which comes from the constituents of the gentleman from Illinois, which is started upon the upper waters of the Mississippi, and floats on that river, becomes a national commerce? Is it when it gets down into his State? Or does it not become a national commerce, and worthy of national attention, until it gets to the Balize? I suppose that whenever it gets to the point to which the light-houses and coast survey extend, the gentleman then finds the power in the Constitution to make appropriations for its protection. I should like to know his doctrine on this point.

Mr. RUFFIN. I believe all hands have had something to say upon this subject. It was distinctly understood that we were to do nothing here but to adjourn, beyond the signing of bills. I object to any further speaking, and I move that the House do now adjourn.

Mr. BARKSDALE. I would like to make a remark.

Mr. PURYEAR. I rise to a question of order.

The SPEAKER. The gentleman from North Carolina rises to a question of order, and the gentleman from Mississippi will suspend.

Mr. RUFFIN. I insist upon the motion.

Mr. PURYEAR. The gentleman had not the floor to make that motion; the gentleman from Mississippi was upon the floor.

The SPEAKER. The Chair overrules the question of order. It is true the gentleman from Mississippi was upon the floor proceeding to discuss something out of order. Neither the gentleman from Mississippi nor the gentleman from Illinois have the right to the floor for the purpose of discussing anything. But the Chair was disposed to indulge gentlemen, so long as there was no objection.

Mr. RUFFIN. There are several gentlemen who want to make speeches; but it was distinctly understood that nothing was to be done here, and we did not come here to do business. I insist upon my motion.

The question was taken on the motion; and, upon a division, there were—ayes 11, noes 15.

So the House refused to adjourn.

Mr. RICHARDSON. I want to say a word.

The SPEAKER. Debate is not in order, if objection is made.

Mr. RICHARDSON. I was upon the floor, but yielded it to the gentleman from Mississippi.

The SPEAKER. But the gentleman from North Carolina arrested the discussion.

Mr. RICHARDSON. I was proceeding by unanimous consent.

The SPEAKER. And by unanimous consent alone can this discussion go forward.

Mr. RUFFIN. I object.

The SPEAKER. Then no discussion is in order.

Mr. FLORENCE. I wish to make a personal explanation.

The SPEAKER. A personal explanation is out of order.

Mr. FLORENCE. I suppose it can be made by unanimous consent.

The SPEAKER. It can.

Mr. PRATT. I object.

Mr. RICHARDSON. I hope the House will allow me to write out a single remark I wish to make, as it is important to the country, and—
[Cries of "Order!" "Order!"]

Mr. FLORENCE. I beg the gentleman from Connecticut will withdraw his objection, as my explanation will not occupy two minutes.

Mr. PRATT. I cannot.

Mr. FLORENCE. I think it will be better for you and your constituents.

The SPEAKER. Is it the unanimous consent of the House that the gentleman from Pennsylvania make a personal explanation.

Mr. PRATT. No.

The SPEAKER. How many minutes may he speak?

[A Voice. None at all.]

Mr. CURTIS. I move that the House do now adjourn.

Mr. FLORENCE. Well, sir, I suppose I may have the privilege of printing my remarks. I desire—

The SPEAKER. The gentleman must remember that when the gentleman is called to order by a dozen gentlemen all around the Hall, it is the duty of the Chair to enforce the rule.

Mr. FLORENCE. I certainly have great respect for the Chair.

The SPEAKER. The Chair understands that very well; but the gentleman seemed to be inattentive to the objections which were made to his proceeding.

The question was then put; and Mr. CURTIS's motion was agreed to; and

Thereupon (at half past one o'clock) the House adjourned until Monday at half-past seven o'clock, a. m.

IN SENATE.

Monday, August 7, 1854.

The Senate met at eight o'clock, a. m.

Prayer by Rev. HENRY SLICER.

On motion by Mr. MORTON, the reading of the Journal of Saturday was dispensed with.

THANKS TO PRESIDENT OF THE SENATE.

Mr. MORTON, (Mr. BRIGHT temporarily occupying the chair.) Mr. President, I beg leave to submit a resolution for the consideration of the Senate, which I know will not be ruled out of order under the joint resolution of the two Houses. It is a resolution which will meet with a cordial

response from every voice here present; and even if we had a full Senate, I confidently believe there would not be a single dissent to its adoption. The resolution is:

Resolved, That the unanimous thanks of the Senate be, and the same are hereby, tendered to the Hon. David R. Atchison for the very able, dignified, and impartial manner in which he has presided over the deliberations of the Senate during this present session now about to terminate.

The resolution was unanimously adopted.

Mr. ATCHISON, having resumed the chair, said: Senators, before we adjourn, I wish to return my thanks for the compliment contained in the resolution just adopted; and I desire you to take for granted that everything which ought to be said upon the occasion is said. And now, in pursuance of the resolution adopted by the two Houses of Congress, I declare the Senate adjourned *sine die*.

HOUSE OF REPRESENTATIVES.

Monday, August 7, 1854.

The House met at half past seven o'clock, a. m. Prayer by Rev. HENRY SLICER.

At eight o'clock the SPEAKER called the House to order, and said: In obedience to the joint resolution of the two Houses of Congress, this House stands adjourned *sine die*.

Thus ended the first session of the Thirty-Third Congress.

ERRATA.

Page 739, column 3, line 6 from the top of the column—for "protected" read "prejudiced."

Page 740, column 1, line 12 from the bottom—for "discontinue" read "discontinuance."

Page 740, column 3, 7th line of Mr. Houston's remarks—for "unto" read "into."

Page 742, column 1, 14th line from the bottom—for "remaining" read "removing."

Page 743, column 2, 7th line from the bottom—for "two" read "three."

Page 743, column 3, 7th line from the top—for "the" read "our."

Page 848, column 2, 18th line from the top—for "Chickasaws" read "Cherokees."

Page 2067, column 3, 1st and 2d line—*delete* "the amount appropriated."

Page 2067, column 3, 3d paragraph, 7th line—for "the Treasury" read "War."

LAWS OF THE UNITED STATES.

PUBLIC ACTS OF THE THIRTY-THIRD CONGRESS

OF THE

UNITED STATES,

Passed at the First Session, which was begun and held in the City of Washington, in the District of Columbia, on Monday, the 5th day of December, 1853, and ended on Monday, the 7th day of August, 1854.

FRANKLIN PIERCE, President; DAVID R. ATCHISON, President of the Senate *pro tempore*; LINN BOYD, Speaker of the House of Representatives.

PUBLIC, I.—*An Act concerning the District Courts of the United States in California.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be appointed by the President of the United States, by and with the advice and consent of the Senate, a district judge for the southern judicial district heretofore established in the State of California; and that the sessions of the district court at San José, Stockton, and Sacramento are hereby abolished. And in case of the sickness or other inability of the district judge for the southern district of California to hold the terms of the district court at the places prescribed by law, or either of them, it shall be lawful for the district judge of the northern district of California to hold the said sessions of the district court for the southern district, or any of them. And in case the district judge for the northern judicial district of California shall, from sickness or other cause, be unable to hold the sessions of the district court for the northern district of California at the times and places appointed by law, or either of them, it shall and may be lawful for the district judge for the southern district of California to hold said sessions of the district court for the northern district of California, or any or either of them.

LINN BOYD,

Speaker of the House of Representatives.

D. R. ATCHISON,

President of the Senate pro tempore.

APPROVED, January 18, 1854.

FRANKLIN PIERCE.

PUBLIC, II.—*An Act to continue in force the act entitled "An act to ascertain and settle the Private Land Claims in the State of California," and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act entitled "An act to ascertain and settle the private land claims in the State of California," passed March third, eighteen hundred and fifty-one, be, and the same is hereby, continued in force for one year from and after the third day of March, A. D. eighteen hundred and fifty-four, for the purpose of enabling the board of commissioners appointed under said act to determine the claims presented to said board under the act aforesaid.

Sec. 2. And be it further enacted, That the said board of commissioners may appoint one or more,

not exceeding three, competent persons to act as commissioners in the taking of testimony to be used before said board, who shall receive a compensation to be fixed by said board, but not to exceed ten dollars per diem.

APPROVED, January 18, 1854.

PUBLIC, III.—*An Act to provide a place for the holding of the Courts of the United States in the Southern District of New York, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the Secretary of the Interior to provide by lease, from year to year, or for a term of years, at his discretion, rooms in the city of New York for holding the courts of the United States for the southern district of New York, and for the accommodation of the judges of the said courts, and of the district attorney and marshal of the United States for the southern district of New York, and for the clerks of the circuit and district courts of said district.

Sec. 2. And be it further enacted, That all orders, venires, writs, process, and recognizances in the circuit or district court of the United States for the southern district of New York may be dated, tested, and made returnable at the United States court room, in the city of New York, and whether made returnable at the United States court room, or at the City Hall of the city of New York, shall be in fact returnable at, and shall be returned to, the court room in the city of New York where, at the time of such return, the court shall be actually held; and that the said circuit and district courts for the southern district of New York shall be held, and trials in actions therein had, at the court rooms that may, from time to time, be provided for that purpose.

APPROVED, February 2, 1854.

PUBLIC, IV.—*An Act granting the Franking Privilege to the Superintendent of the Coast Survey and the Assistant in charge of the office of said Coast Survey.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Superintendent of the Coast Survey and the assistant in charge of the office of the Coast Survey shall be authorized to receive and transmit, free of postage, by the mails, all letters and documents in relation to their public duties.

APPROVED, February 2, 1854.

PUBLIC, V.—*An Act to constitute Quincy, in the State of Illinois, a Port of Delivery.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Quincy, in the State of Illinois, shall be, and is hereby, constituted a port of delivery, and shall be subject to the same regulations and restrictions as other ports of delivery in the United States; and there shall be appointed a surveyor of customs, to reside at said port, who shall, in addition to his own duties, perform the duties and receive the salary and emoluments of surveyor prescribed by the act of Congress, approved on the second of March, eighteen hundred and thirty-one, providing for the payment of duties on imported goods at certain ports therein mentioned, entitled "An act allowing the duties on foreign merchandise imported into Pittsburg, Wheeling, Cincinnati, Louisville, St. Louis, Nashville, and Natchez, to be secured and paid at those places," and the said city of Quincy and the said port of delivery be, and is hereby, annexed to and made a part of the collection district of New Orleans; and all the facilities and privileges afforded by said act of Congress of the second of March, eighteen hundred and thirty-one, be, and hereby are, extended to the said port of Quincy.

APPROVED, February 2, 1854.

PUBLIC, VI.—*An Act giving further time for satisfying Claims for Bounty Lands, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to provide for satisfying claims for bounty lands for military services in the late war with Great Britain, and for other purposes," approved July twenty-seven, eighteen hundred and forty-two, and also the two acts approved July twenty-seventh, eighteen hundred and thirty-five, therein and thereby revived, shall be, and the same are hereby, revived and continued in force for five years, to be computed from the twenty-sixth day of June, one thousand eight hundred and fifty-three.

APPROVED, February 8, 1854.

PUBLIC, VII.—*An Act to regulate the Disbursement of the Contingent Fund of the Senate, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the moneys which have been, or

may hereafter be, appropriated for the compensation of members and officers, and for the contingent expenses of the Senate, shall be paid at the Treasury on requisition drawn by the Secretary of the Senate, and shall be kept, disbursed, and accounted for by him, according to law; and the said Secretary shall be deemed a disbursing officer.

SEC. 2. *And be it further enacted*, That in lieu of the bond now required by law to be given by the Secretary of the Senate, he shall give bond to the United States, within ten days after the passage of this act, with one or more sureties, to be approved by the Comptroller of the Treasury, in the penal sum of twenty thousand dollars, with condition for the faithful application and disbursement of such funds as may be drawn from the Treasury under this act; which bond shall be deposited in the Comptroller's office; and it shall be the duty of each and every Secretary of the Senate who may hereafter be chosen, to give bond as aforesaid, within thirty days after he enters upon the duties of his office, and before making any requisition as aforesaid.

SEC. 3. *And be it further enacted*, That it shall be the duty of the said Secretary of the Senate to deposit the moneys aforesaid which may come into his hands with the depository who may be designated by the Secretary of the Treasury, for other disbursing officers in the city of Washington; and all payments on account of the pay and mileage of members of the Senate, and all payments of their officers, and for the contingent expenses of the Senate, shall be by drafts drawn by the Secretary on such depository.

APPROVED, February 10, 1854.

PUBLIC, VIII.—*An Act to indemnify the State of Indiana for the failure of title to a Township of Land granted to said State on her admission into the Union in eighteen hundred and sixteen.*

Whereas, by a decision of the Supreme Court of the United States, made January twenty-fifth, eighteen hundred and fifty-three, the State of Indiana has lost one out of the two townships of land granted to her for the use of a State university by act of April sixteenth, eighteen hundred and sixteen, and has become liable to refund to a private corporation the proceeds of said township heretofore appropriated to the support of the State University of Indiana: for remedy thereof:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Governor of the State of Indiana be authorized to select out of lands of the United States, within the said State, now subject to private entry, nineteen thousand and forty acres of land in legal subdivisions, and shall certify the same to the Secretary of the Interior, who shall, forthwith, on receipt of said certificate, issue, to the State of Indiana, patents for said lands: *Provided*, The proceeds of said lands, when sold, shall be, and forever remain, a fund for the use of the Indiana University.

APPROVED, February 23, 1854.

PUBLIC, IX.—*An Act to extend the Limits of the Port of New Orleans.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the port of New Orleans be so extended as to embrace the right bank of the Mississippi river, for the same distance up said bank as it now extends on the left bank.

APPROVED, February 23, 1854.

PUBLIC, X.—*An Act supplemental to an act entitled "An act to ascertain and settle the Private Land Claims in the State of California," approved March third, one thousand eight hundred and fifty-one.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following named persons, viz: Henry C. Boggs, Levi W. Hardman, Wiley Sneed, Stephen Broadhurst, Smith and Kristeen, George H. Woodman, Berthald and Lorrin, Fisher and Guiddildt, and William Clark, or either of them, or their representatives, may, within six months after the passage of this act, present their claims to the commissioners who were appointed under the provisions of the act to which this is a supplement; and the said commissioners are hereby empowered to hear and dispose

of the same as effectually as though the said claims had been presented in due time under the thirteenth section of the aforesaid act.

SEC. 2. *And be it further enacted*, That the persons named in this act shall be limited and confined, in their claims, to purchases made of Don Salvador Valligo, a Mexican grantee, for a part of the place known as "Entre Napa," and situate in Napa county, State of California. And the said commissioners shall be satisfied that the said persons named derived title to their respective claims previous to the third day of March, one thousand eight hundred and fifty-three.

SEC. 3. *And be it further enacted*, That the said persons named shall be entitled to no privilege not conferred on claimants under the original act, but as to an extension of time in which their claims may be respectively made to the said commissioners.

APPROVED, February 23, 1854.

PUBLIC, XI.—*An Act for the extension of the Preëmption Privilege in the State of California.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the act of the fourth of September, eighteen hundred and forty-one, granting preëmption rights to settlers on the public lands, as modified and made applicable to the State of California by the act of the third of March, eighteen hundred and fifty-three, shall be further modified by extending the provisions of the third proviso in the sixth section of the aforesaid act of the third of March, eighteen hundred and fifty-three, to settlements made prior to and within two years after the passage of this act.

APPROVED, March 1, 1854.

PUBLIC, XII.—*An Act for the relief of the United States Troops who were sufferers by the recent disaster to the Steamship San Francisco.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be paid, under the direction of the President, to each of the officers, non-commissioned officers, musicians, and privates, who, on the twenty-first day of December, eighteen hundred and fifty-three, embarked at New York, under orders for California, on the steamship San Francisco, and who was on board that vessel on the occasion of her recent disaster at sea, and to Lieutenant Francis Key Murray, and any other officer or seaman of the United States Navy, who was on board the said steamship under orders, a sum equal in amount to his pay and allowances for eight months.

SEC. 2. *And be it further enacted*, That if any such officer, non-commissioned officer, musician, or private shall have died before receiving such payment, from any cause consequent upon said disaster, his widow, if one survive him, and if not, then his minor children, if any there be, shall be paid a sum equal in amount to six months' pay and allowances of the deceased. And that the widows and minor children of these officers, non-commissioned officers, and privates who perished by this disaster, or who died from disease in consequence thereof, shall be allowed pensions in the same manner in all respects as if the said officers, non-commissioned officers, and privates had been killed in battle.

APPROVED, March 27, 1854.

PUBLIC, XIII.—*An Act for the relief of Settlers on Lands reserved for Railroad purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every settler on public lands which have been or may be withdrawn from market in consequence of proposed railroads, and who had settled thereon prior to such withdrawal, shall be entitled to preëmption at the ordinary minimum to the lands settled on and cultivated by them: *Provided*, They shall prove up their rights according to such rules and regulations as may be prescribed by the Secretary of the Interior, and pay for the same before the day that may be fixed by the President's proclamation for the restoration of said lands to market.

APPROVED, March 27, 1854.

PUBLIC, XIV.—*An Act to amend an act entitled "An act to divide the State of Arkansas into two*

Judicial Districts," approved March the third, eighteen hundred and fifty-one.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon conviction of offenders in the western judicial district of the State of Arkansas, for offenses to which punishment by confinement in the penitentiary is annexed, it shall be lawful for the court before whom convictions have or may be had, to sentence convicts to undergo imprisonment in the penitentiary house of the State situated in the eastern judicial district, in the same manner as though the penitentiary house was situated in the western judicial district of the State of Arkansas; and the counties of Sevier and Sebastian in the said State are hereby added to, and made a part of, the western judicial district.

SEC. 2. *And be it further enacted*, That when any person shall be convicted, in the district court for the western district of Arkansas, of any offense, committed after the passage of this act, the punishment or part of the punishment whereof is imprisonment by the laws now existing, the said punishment or part of the punishment shall be confinement and imprisonment with hard labor for the same length of time, and shall be carried into effect as provided in the preceding section.

SEC. 3. *And be it further enacted*, That nothing contained in the twenty-fifth section of an act entitled "An act to regulate intercourse with the Indian tribes, and preserve peace on the frontiers," approved thirtieth of June, eighteen hundred and thirty-four, shall be construed to extend or apply to said Indian country any of the laws enacted for the District of Columbia, and that nothing contained in the twentieth section of the said act, which provides for the punishment of offenses therein specified, shall be construed to extend to any Indian committing said offenses in the Indian country or to any Indian committing any offense in the Indian country who has been punished by the local law of the tribe, or in any case, where, by treaty stipulations, the exclusive jurisdiction over such offenses may now or hereafter be secured to said Indian tribes, respectively; and anything in said act inconsistent with this act be, and the same is hereby, repealed.

SEC. 4. *And be it further enacted*, That any white person who shall hereafter set fire, or attempt to set fire, to any house, outhouse, cabin, stable, or other building, in said Indian country, to whomsoever belonging; and any Indian who shall set fire to any house, outhouse, cabin, stable, or other building, in said Indian country, belonging to or in lawful possession of a white person, in whole or in part, and whether the same be consumed or not, shall be deemed guilty of a felony, and shall be punished by confinement and imprisonment, with hard labor for not more than twenty-one nor less than two years.

SEC. 5. *And be it further enacted*, That any white person who shall make an assault upon an Indian, or other person, or any Indian who shall make an assault upon a white person, within said Indian country, with a gun, rifle, sword, pistol, knife, or any other deadly weapon, with intent to kill or maim the person so assaulted, shall be deemed guilty of a felony, and shall, on conviction, be punished with confinement and imprisonment, with hard labor, for not more than five years nor less than one year.

SEC. 6. *And be it further enacted*, That, in all criminal cases upon indictment, for offenses committed in said Indian country, prior to the creation of said western district of Arkansas, now pending in the circuit court of the United States for the eastern district of Arkansas, process for witnesses residing or to be found in said western district, may issue to the marshal of said eastern district, and be executed by him in any part of said western district; and that the fees of all witnesses so summoned shall be paid by the United States.

APPROVED, March 27, 1854.

PUBLIC, XV.—*An Act to extend the Warehousing System by establishing Private Bonded Warehouses, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, any goods, wares, or merchandise subject to duty, with the exception of perishable articles, also gunpowder, fire crackers, and other explosive

substances, which shall have been duly entered and bonded for warehousing, in conformity with existing laws, may be deposited at the option of the owner, importer, consignee, or agent, at his expense and risk, in any public warehouse owned or leased by the United States, or in the private warehouse of the importer, the same being used exclusively for the storage of warehoused goods of his own importation, or to his consignment, or in a private warehouse used by the owner, occupant, or lessee, as a general warehouse for the storage of warehoused goods, such place of storage to be designated on the warehouse entry at the time of entering such merchandise at the custom-house: *Provided*, That such private warehouse shall be used solely for the purpose of storing warehoused goods, and shall have been previously approved by the Secretary of the Treasury, and have been placed in charge of a proper officer of the customs, who, together with the owner and proprietor of the warehouse, shall have the joint custody of all the merchandise stored in said warehouse; and all the labor on the goods so stored must be performed by the owner or proprietor of the warehouse, under the supervision of the officer of the customs in charge of the same, at the expense of the aforesaid owner or proprietor: *And provided further*, That cellars and vaults of stores for the storage of wines and distilled spirits only, and yards for the storage of coal, mahogany, and other woods and lumber, may, at the discretion of the Secretary of the Treasury, be constituted bonded warehouses for the storage of such articles, under the same regulations and conditions as required in the storage of other merchandise; the cellars or vaults aforesaid shall be exclusively appropriated to the storage of wines or distilled spirits, and shall have no opening or entrance except the one from the street, on which separate and different locks of the custom-house and the owner or proprietor of the cellars or vaults shall be placed.

SEC. 2. *And be it further enacted*, That unclaimed goods, wares, or merchandise, required by existing laws to be taken possession of by collectors of the customs, may be stored in any public warehouse owned or leased by the United States, or in any private bonded warehouse authorized by this act, and all charges for storage, labor, and other expenses accruing on any such goods, wares, or merchandise, not to exceed, in any case, the regular rates for such objects at the port in question, must be paid before delivery of the goods, on due entry thereof by the claimant or owner; or, if sold as unclaimed goods, to realize the import duties, the aforesaid charges shall be paid by the collector out of the proceeds of the sale thereof before paying such proceeds into the Treasury, as required by existing laws. And any collector of the customs is hereby authorized, under such directions and regulations as may be prescribed by the Secretary of the Treasury, to sell, upon due notice, at public auction, any unclaimed goods, wares, or merchandise deposited in public warehouse, whenever the same may, from depreciation in value, damage, leakage, or other cause, in the opinion of such collector, be likely to prove insufficient, on a sale thereof, to pay the duties, storage, and other charges, if suffered to remain in public store for the period now allowed by law in the case of unclaimed goods.

SEC. 3. *And be it further enacted*, That before any of the stores or cellars aforesaid, owned or occupied by private individuals, shall be used as a warehouse for merchandise imported by other merchants or importers, the owner, occupant, or lessee thereof shall enter into bond, in such sums and with such sureties as may be approved by the Secretary of the Treasury, exonerating and holding the United States and its officers harmless from or on account of any risk, loss, or expense of any kind or description, connected with or arising from the deposit or keeping of the merchandise in the warehouse aforesaid; and all imports deposited in any public or private warehouse authorized by this act, shall be at the sole and exclusive risk and expense of the owner or importer.

SEC. 4. *And be it further enacted*, That all goods, wares, and merchandise, which may be hereafter duly entered for warehousing under bond, and likewise all merchandise now remaining in warehouse under bond, may continue in warehouse, without payment of duties thereupon, for a period of three years from the date of original importa-

tion, and may be withdrawn for consumption on due entry and payment of the duties and charges, or upon entry for exportation, without the payment of duties, at any time within the period aforesaid; in the latter case, the goods to be subject only to the payment of such storage and charges as may be due thereon: *Provided, however*, That where the duties shall have been paid upon any goods, wares, or merchandise entered for consumption, said duties shall not be refunded on exportation of any such goods, wares, or merchandise without the limits of the United States: *And provided further*, That there shall be no abatement of the duties or allowance made for any injury, damage, deterioration, loss, or leakage sustained by any goods, wares, or merchandise, whilst deposited in any public or private bonded warehouse established or recognized by this act.

SEC. 5. *And be it further enacted*, That any goods, wares, or merchandise, duly entered for warehousing, may be withdrawn under bond, without payment of the duties, from a bonded warehouse in any collection district of the United States, and be transported to a bonded warehouse in any other collection district within the same, and re-warehoused thereat; and any such goods, wares, or merchandise, may be so transported to their destination wholly by land, or wholly by water, or partly by land and partly by water, over such routes as the Secretary of the Treasury may prescribe, and may likewise be conveyed over any foreign territory, the government of which may have, or shall by treaty stipulations grant, a free right of way over such territory; and for the purpose of better guarding against frauds upon the revenue on foreign goods transported between the ports of the Atlantic and those of the Pacific overland through any foreign territory, the Secretary of the Treasury be, and is hereby, authorized to appoint special sworn agents as inspectors of the customs, to reside in said foreign territory where such goods may be landed or embarked, with power to superintend the landing or shipping of all goods passing coastwise between the ports of the United States on the Pacific and Atlantic, and whose duty it shall be, under such regulations and instructions as the Secretary of the Treasury may prescribe, to guard against the perpetration of any frauds upon the revenue: *Provided*, That the compensation paid to said inspectors shall not in the aggregate exceed five thousand dollars per annum.

SEC. 6. *And be it further enacted*, That the Secretary of the Treasury shall prescribe the form of the bond to be given for the transportation of goods, wares, and merchandise, from a port in one collection district to a port in another collection district in the United States, as provided in the preceding section; also the time for such delivery; and for a failure to transport and deliver, within the time limited, any such bonded goods, wares, and merchandise, to the collector at the designated port, an additional duty of one hundred per cent. shall be levied and collected, which additional duty shall be secured by such bond, or said goods, wares, and merchandise may be seized and forfeited for such failure, and any steam, or other vessel, or vehicle, transporting such bonded goods, wares, and merchandise, the master, owner, or conductor of which shall fail to deliver the same to the collector at the designated port, shall be liable to seizure and forfeiture.

SEC. 7. *And be it further enacted*, That all leases of stores now held by the United States for the purpose of storing warehoused or unclaimed goods, shall, on the shortest period of termination named in said leases, be cancelled, and no leases shall be entered into by the United States for any stores for the storage of warehoused or unclaimed goods at any port where there may exist any private bonded warehouses, after the first day of July, eighteen hundred and fifty-five: *Provided*, That nothing herein contained shall be construed to prevent the leasing or hiring of such buildings or accommodations as may be required for the use of the United States' appraisers for the due examination and appraisal of imported merchandise at the ports where such officers are provided by law, nor to prohibit the leasing or hiring by collectors of the customs, for short periods, with the approval of the Secretary of the Treasury, of such stores as may be required for custom-house purposes, at any of the smaller revenue ports of the United States: *Provided*, That no collector or other

officer of the customs shall enter into any contract or agreement for the use of any building to be thereafter erected as a public store or warehouse; and no lease of any building to be so used shall be taken for a longer period than three years, nor shall rent be paid, in whole or in part, in any case, in advance.

SEC. 8. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized, upon production of satisfactory proof to him of the actual injury or destruction, in whole or in part, of any goods, wares, or merchandise, by accidental fire, or other casualty, while the same remained in the custody of the officers of the customs in any public or private warehouse under bond, or in the appraisers' stores undergoing appraisal, in pursuance of law or regulations of the Treasury Department, or while in transportation under bond from the port of entry to any other port in the United States, to abate or to refund, as the case may be, out of any moneys in the Treasury not otherwise appropriated, the amount of impost duties paid or accruing thereupon; and likewise to cancel any warehouse bond or bonds, or enter satisfaction thereon in whole or in part, as the case may be.

SEC. 9. *And be it further enacted*, That the Secretary of the Treasury be, and is hereby, authorized from time to time, to establish such rules and regulations, not inconsistent with the laws of the United States, for the due execution of this act, as he may deem to be expedient and necessary; and all acts and parts of acts conflicting with this act are hereby repealed.

APPROVED, March 28, 1854.

PUBLIC, XVI.—*An Act to authorize the construction of six first-class Steam Frigates, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized to cause to be constructed for the United States Navy, at as early a day as practicable, consistently with a due regard for economy and efficiency, six first-class steam-frigates, to be provided with screw-propellers, and properly armed and equipped for service; said vessels and machinery to be built by contract, or in the Government navy-yards, as the Secretary of the Navy may think most advisable for the public interest.

SEC. 2. *And be it further enacted*, That there be, and is hereby appropriated, to be expended under the direction of the Secretary of the Navy, for the purpose above specified, and for altering, completing, and launching the frigates Santee, at Kittery, and Sabine, at New York, the sum of three millions of dollars out of any money in the Treasury not otherwise appropriated.

APPROVED, April 6, 1854.

PUBLIC, XVII.—*An Act for the benefit of Citizens and Occupants of the Town of Council Bluffs, in Iowa.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the judge of the county court, as such for the county of Pottawattomie, in the State of Iowa, be, and he is hereby, authorized to enter at the proper land office, by paying therefor, at the rate of one dollar and twenty-five cents the acre, the west half of the southwest quarter of section thirty, the west half of the northwest quarter of section thirty-one, in township number seventy-five, north of range forty-three west; the southeast quarter and the east half of the southwest quarter of section twenty-five, and the northeast quarter and the east half of the northwest quarter of section thirty-six, in township seventy-five, north of range forty-four west, in said State of Iowa, in trust for the several use and benefit of the occupants thereof, according to their respective interests; the execution of which trust, as to the disposal of said land and the proceeds of the sales thereof, to be conducted under such rules and regulations as are prescribed by the Legislative Assembly of the State of Iowa in an act entitled "An act regulating the disposal of lands purchased in trust for town sites," approved January twenty-two, eighteen hundred and fifty-two, or as may hereafter be prescribed by the Legislative Assembly of said State of Iowa: *Provided*, That any act of said

judge, not in conformity to the rules and regulations herein alluded to, shall be void and of none effect: *And provided also*, That nothing herein contained shall effect preemption or other rights that may have accrued under any other act of Congress.

SEC. 2. *And be it further enacted*, That the entry contemplated in this act shall be made within twelve months from the date of the passage hereof, and a patent shall issue for said land as in other cases.

APPROVED, April 6, 1854.

PUBLIC, XVIII.—An Act to establish additional Land Districts in the Territory of Minnesota.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the sale of the public lands to which the Indian title has been extinguished by the recent treaties, or which may hereafter be extinguished within their limits in the Minnesota Territory west of the Mississippi river, there is hereby created four additional land districts, bounded as follows, to wit: All that portion situated between the northern boundary of the State of Iowa and the line which divides townships one hundred and five and one hundred and six of the fifth principal meridian, and extending from the Mississippi to the Big Sioux rivers, shall comprise one of said districts, to be called the Root river district. All that portion lying between the township line last mentioned, and the line dividing townships one hundred and ten and one hundred and eleven, and between said rivers, shall constitute another of said districts, to be called the Winona district. All that portion situated north of the district last mentioned, and south of the line which divides townships one hundred and fifteen and one hundred and sixteen, and between the rivers above mentioned, except the townships recently surveyed west of the Mississippi river from the fourth principal meridian, to include the reservation at Fort Snelling, (the whole of which townships shall be attached to and constitute a part of the Minneapolis district,) shall constitute a third district, to be designated the Red Wing district; and all that portion situated north of the limits last described, south of the line dividing townships one hundred and twenty and one hundred and twenty-one, between the Mississippi river and the treaty line which runs from the Big Sioux river to Lake Travers, together with all the fractional townships, one hundred and twenty-one, situated east of the range line dividing ranges twenty-four and twenty-five west, shall comprise the fourth district, to be known as the Minneapolis district. And all the residuary portion of said lands situated north of the line which divides townships one hundred and twenty and one hundred and twenty-one, and west of range twenty-four west of the fifth principal meridian, and west of the Mississippi river, extending to the driftwood and the Red river of the north, shall be, and is hereby, attached to the district of lands subject to sale at Sauk Rapids.

SEC. 2. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, a register and receiver of the public moneys for each of the said new districts hereby created, who shall respectively be required to reside at the site of their offices, and who shall have the same powers, perform the same duties, and be entitled to the same compensation, as are or may be prescribed by law in relation to other land officers of the United States.

SEC. 3. *And be it further enacted*, That the President is authorized to cause the public lands in said districts, with the exception of such as have been or may be reserved for other purposes, to be exposed to sale in the same manner and upon the same terms and conditions as the other public lands of the United States.

SEC. 4. *And be it further enacted*, That the President is hereby authorized to designate the location of the offices for said new districts, and change the same whenever in his opinion the public good shall require it.

APPROVED, April 12, 1854.

PUBLIC, XIX.—An Act establishing a Land Office in the Lower Peninsula of Michigan.

Be it enacted by the Senate and House of Repre-

sentatives of the United States of America in Congress assembled, That all those parts or portions of the lower peninsula of the State of Michigan, which is situated north of the line which divides townships twenty (20) and twenty-one (21) and all the portion of the upper peninsula which lies south of the line dividing townships forty-one (41) and forty-two (42) and west of range twelve (12) west, together with all the islands in Green Bay, the straits of Mackinac, and Lakes Huron and Michigan, which are situated north of the township line first herein mentioned, and within the limits of said State, exclusive of Drummond's Island and its islets, be, and the same is hereby, included in a land district, to be called the Cheboygan land district; and for the sale of lands in said district there shall be a land office established at such point therein as the President shall select.

SEC. 2. *And be it further enacted*, That the President, by and with the advice and consent of the Senate, shall appoint one register and one receiver for the land office in said district, who shall reside at the place designated for the land office, receive such compensation, give security, and discharge all duties pertaining to such office, as are prescribed by law.

APPROVED, April 20, 1854.

PUBLIC, XX.—An Act to authorize the School Commissioners of fractional township number one, of range number ten east, in Alabama, to locate one half section of land for School Purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the school commissioners of fractional township number one, of range number ten east, situated in the district of land subject to sale at Lebanon, Alabama, be, and is hereby, authorized to enter, free of charge, in lieu of the lands to which they are entitled by any existing law, one half section of land in legal subdivision, anywhere in said township, with a view to the ultimate convenience of the citizens of said township, and the quality of soil for school purposes; and said lands thus located shall be governed by the same laws, rules, and regulations, as is the school sixteenth section in said State of Alabama.

SEC. 2. *And be it further enacted*, That it shall be the duty of said school commissioners to locate and report, within two years, what lands they have entered, to the Commissioner of the General Land Office at Washington, and it shall be his duty, upon the receipt of such report of location, to withdraw from sale the said lands, and the title thereto shall be valid as in sixteenth sections heretofore granted in the new States.

APPROVED, April 20, 1854.

PUBLIC, XXI.—An Act to amend the third section of the "Act making Appropriations for the Civil and Diplomatic Expenses of Government for the year ending the thirtieth of June, eighteen hundred and fifty-four," and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That of the clerks authorized by the third section of the act approved March third, eighteen hundred and fifty-three, entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending the thirtieth of June, eighteen hundred and fifty-four," those of the first class shall receive a salary of twelve hundred dollars per annum; those of the second class, a salary of fourteen hundred dollars per annum; those of the third class a salary of sixteen hundred dollars per annum; and all clerks not provided for in this act, performing the same or similar duties with any one of the classes, shall receive the same compensation as is allowed to such class; and the clerks employed in the Census Bureau shall be paid, during the present fiscal year, the same as is hereby allowed to clerks of the second class.

SEC. 2. *And be it further enacted*, That the stamp and blank agent for the Post Office Department receive the same salary as clerks of the second class, provided for in the first section of this act; and an addition of twenty per cent. is hereby added to the pay now authorized by law to each of the messengers, packers, laborers, and watchmen of the different Executive Departments of the Government in Washington; to the clerks employed at the navy-yard and marine barracks at

Washington; to the clerk, messenger, and laborer in the office of Commissioner of Public Buildings, doorkeeper and assistant doorkeeper at the Executive Mansion; public gardener, laborers employed in the public grounds and President's garden; two additional watchmen, and the police at the Capitol; watchmen employed at the President's House and reservation No. 2, lamplighter, the general superintendent; the drawkeepers of the bridges across the Eastern Branch and Potomac; and that the provisions of the second section of the act of August thirty-first, eighteen hundred and fifty-two, "making appropriations for the civil and diplomatic expenses of the Government for the year ending the thirtieth of June, eighteen hundred and fifty-three," &c., be, and is hereby, extended to such persons herein enumerated who were in employment during that fiscal year, and were excluded from the benefit of said act by the decision of the Comptroller of the Treasury.

SEC. 3. *And be it further enacted*, That instead of the salaries now allowed by law to the Superintendent of the Census, and to the Assistant Postmasters General, they shall each receive the same salary that is paid to the Assistant Secretary of the Treasury.

SEC. 4. *And be it further enacted*, That the increased compensation provided for in this act shall commence from the first day of July, eighteen hundred and fifty-three, and the necessary money to carry this act into effect is hereby appropriated, out of any money in the Treasury not otherwise appropriated: *Provided*, That nothing herein contained shall be construed as making an appropriation for any period beyond the thirtieth of June, eighteen hundred and fifty-four.

Approved April 22, 1854.

PUBLIC, XXII.—An Act making Appropriations for the support of the Military Academy for the year ending the thirtieth of June, one thousand eight hundred and fifty-five.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Military Academy for the year ending the thirtieth of June, one thousand eight hundred and fifty-five:

For pay of officers, instructors, cadets, and musicians, eighty-eight thousand two hundred and sixty-six dollars.

For commutation of subsistence, two thousand one hundred and ninety dollars.

For forage for officers' horses, nine hundred and sixty dollars.

For general repairs and improvements of academic buildings, barracks, mess rooms, officers' quarters, stables, roads, fences, parade and drill grounds, miscellaneous and incidental expenses, fuel, forage, and departments of instruction, twenty-nine thousand seven hundred and twenty-five dollars.

For gradual increase and expense of library, one thousand dollars.

For expenses of the board of visitors, three thousand dollars.

For forage for artillery and cavalry horses, eight thousand six hundred and forty dollars.

For replacing dead and worn out cavalry and artillery horses, one thousand dollars.

For enlarging and improving hospital of cadets, six thousand five hundred dollars.

For cavalry exercise hall, twenty thousand dollars.

SEC. 2. *And be it further enacted*, That the compensation of master of the sword be twelve hundred dollars per annum.

APPROVED, May 10, 1854.

PUBLIC, XXIII.—An Act to organize the Territories of Nebraska and Kansas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that part of the territory of the United States included within the following limits, except such portions thereof as are hereinafter expressly exempted from the operations of this act, to wit: beginning at a point in the Missouri river where the fortieth parallel of north latitude crosses the same; thence west on said parallel to the east boundary of the Territory of Utah, on the summit of the Rocky Mountains; thence

on said summit northward to the forty-ninth parallel of north latitude; thence east on said parallel to the western boundary of the Territory of Minnesota; thence southward on said boundary to the Missouri river; thence down the main channel of said river to the place of beginning, be, and the same is hereby, created into a temporary government by the name of the Territory of Nebraska; and when admitted as a State or States, the said Territory, or any portion of the same, shall be received into the Union with or without slavery, as their constitution may prescribe at the time of their admission: *Provided*, That nothing in this act contained shall be construed to inhibit the Government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the United States: *Provided further*, That nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with any Indian tribe, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such Territory shall be excepted out of the boundaries, and constitute no part of the Territory of Nebraska, until said tribe shall signify their assent to the President of the United States to be included within the said Territory of Nebraska, or to affect the authority of the Government of the United States to make any regulation respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent to the Government to make if this act had never passed.

SEC. 2. *And be it further enacted*, That the executive power and authority in and over said Territory of Nebraska shall be vested in a Governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States. The Governor shall reside within said Territory, and shall be commander-in-chief of the militia thereof. He may grant pardons and respites for offenses against the laws of said Territory, and reprieves for offenses against the laws of the United States, until the decision of the President can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of the said Territory, and shall take care that the laws be faithfully executed.

SEC. 3. *And be it further enacted*, That there shall be a secretary of said Territory, who shall reside therein, and hold his office for five years, unless sooner removed by the President of the United States; he shall record and preserve all the laws and proceedings of the Legislative Assembly hereinafter constituted, and all the acts and proceedings of the Governor in his executive department; he shall transmit one copy of the laws and journals of the Legislative Assembly within thirty days after the end of each session, and one copy of the executive proceedings and official correspondence semi-annually, on the first days of January and July in each year, to the President of the United States, and two copies of the laws to the President of the Senate and to the Speaker of the House of Representatives, to be deposited in the libraries of Congress; and in case of the death, removal, resignation, or absence of the Governor from the Territory, the secretary shall be, and he is hereby, authorized and required to execute and perform all the powers and duties of the Governor during such vacancy or absence, or until another Governor shall be duly appointed and qualified to fill such vacancy.

SEC. 4. *And be it further enacted*, That the legislative power and authority of said Territory shall be vested in the Governor and a Legislative Assembly. The Legislative Assembly shall consist of a Council and House of Representatives. The Council shall consist of thirteen members, having the qualifications of voters, as hereinafter prescribed, whose term of service shall continue two years. The House of Representatives shall, at its first session, consist of twenty-six members, possessing the same qualifications as prescribed for members of the Council, and whose term of service shall continue one year. The number of

Representatives may be increased by the Legislative Assembly, from time to time, in proportion to the increase of qualified voters: *Provided*, That the whole number shall never exceed thirty-nine. An apportionment shall be made, as nearly equal as practicable, among the several counties or districts, for the election of the Council and Representatives, giving to each section of the Territory representation in the ratio of its qualified voters as nearly as may be. And the members of the Council and of the House of Representatives shall reside in, and be inhabitants of, the district or county, or counties, for which they may be elected, respectively. Previous to the first election, the Governor shall cause a census, or enumeration of the inhabitants and qualified voters of the several counties and districts of the Territory, to be taken by such persons and in such mode as the Governor shall designate and appoint; and the persons so appointed shall receive a reasonable compensation therefor. And the first election shall be held at such time and places, and be conducted in such manner, both as to the persons who shall superintend such election and the returns thereof, as the Governor shall appoint and direct; and he shall at the same time declare the number of members of the Council and House of Representatives to which each of the counties or districts shall be entitled under this act. The persons having the highest number of legal votes in each of said Council districts for members of the Council, shall be declared by the Governor to be duly elected to the Council; and the persons having the highest number of legal votes for the House of Representatives, shall be declared by the Governor to be duly elected members of said House: *Provided*, That in case two or more persons voted for shall have an equal number of votes, and in case a vacancy shall otherwise occur in either branch of the Legislative Assembly, the Governor shall order a new election; and the persons thus elected to the Legislative Assembly shall meet at such place and on such day as the Governor shall appoint; but thereafter, the time, place, and manner of holding and conducting all elections by the people, and the apportioning the representation in the several counties or districts to the Council and House of Representatives, according to the number of qualified voters, shall be prescribed by law, as well as the day of the commencement of the regular sessions of the Legislative Assembly: *Provided*, That no session in any one year shall exceed the term of forty days, except the first session, which may continue sixty days.

SEC. 5. *And be it further enacted*, That every free white male inhabitant above the age of twenty-one years, who shall be an actual resident of said Territory, and shall possess the qualifications hereinafter prescribed, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters, and of holding office, at all subsequent elections, shall be such as shall be prescribed by the Legislative Assembly: *Provided*, That the right of suffrage, and of holding office, shall be exercised only by citizens of the United States, and those who shall have declared on oath their intention to become such, and shall have taken an oath to support the Constitution of the United States and the provisions of this act: *And provided further*, That no officer, soldier, seaman, or marine, or other person in the Army or Navy of the United States, or attached to troops in the service of the United States, shall be allowed to vote or hold office in said Territory, by reason of being on service therein.

SEC. 6. *And be it further enacted*, That the legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. Every bill which shall have passed the Council and House of Representatives of the said Territory shall, before it become a law, be presented to the Governor of the Territory; if he approve, he shall sign it; but if not, he shall return it with his objections to the House in which it originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after

such reconsideration, two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and, if approved by two thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, to be entered on the Journal of each House respectively. If any bill shall not be returned by the Governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Assembly, by adjournment, prevents its return, in which case it shall not be a law.

SEC. 7. *And be it further enacted*, That all township, district, and county officers, not herein otherwise provided for, shall be appointed or elected, as the case may be, in such manner as shall be provided by the Governor and Legislative Assembly of the Territory of Nebraska. The Governor shall nominate, and, by and with the advice and consent of the Legislative Council, appoint all officers not herein otherwise provided for; and in the first instance the Governor alone may appoint all said officers, who shall hold their offices until the end of the first session of the Legislative Assembly; and shall lay off the necessary districts for members of the Council and House of Representatives, and all other officers.

SEC. 8. *And be it further enacted*, That no member of the Legislative Assembly shall hold, or be appointed to, any office which shall have been created, or the salary or emoluments of which shall have been increased, while he was a member, during the term for which he was elected, and for one year after the expiration of such term; but this restriction shall not be applicable to members of the first Legislative Assembly; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the Legislative Assembly, or hold any office under the government of said Territory.

SEC. 9. *And be it further enacted*, That the judicial power of said Territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace. The supreme court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said Territory annually, and they shall hold their offices during the period of four years, and until their successors shall be appointed and qualified. The said Territory shall be divided into three judicial districts, and a district court shall be held in each of said districts by one of the justices of the supreme court, at such times and places as may be prescribed by law; and the said judges shall, after their appointments, respectively, reside in the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts and of justices of the peace, shall be as limited by law: *Provided*, That justices of the peace shall not have jurisdiction of any matter in controversy when the title or boundaries of land may be in dispute, or where the debt or sum claimed shall exceed one hundred dollars; and the said supreme and district courts, respectively, shall possess chancery as well as common law jurisdiction. Each district court, or the judge thereof, shall appoint its clerk, who shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exception, and appeals, shall be allowed in all cases from the final decisions of said district courts to the supreme court, under such regulations as may be prescribed by law; but in no case removed to the supreme court shall trial by jury be allowed in said court. The supreme court, or the justices thereof, shall appoint its own clerk, and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error, and appeals from the final decisions of said supreme court, shall be allowed, and may be taken to the Supreme Court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property, or the amount in controversy, to be ascertained by the oath or affirmation of either party, or other competent witness, shall exceed one thousand dollars; except only that in all cases

involving title to slaves, the said writs of error, or appeals, shall be allowed and decided by the said supreme court, without regard to the value of the matter, property, or title in controversy; and except, also, that a writ of error or appeal shall also be allowed to the Supreme Court of the United States, from the decision of the said supreme court created by this act, or of any judge thereof, or of the district courts created by this act, or of any judge thereof, upon any writ of habeas corpus, involving the question of personal freedom: *Provided*, That nothing herein contained shall be construed to apply to or affect the provisions of the "act respecting fugitives from justice, and persons escaping from the service of their masters," approved February twelfth, seventeen hundred and ninety-three, and the "act to amend and supplementary to the aforesaid act," approved September eighteen, eighteen hundred and fifty; and each of the said district courts shall have and exercise the same jurisdiction in all cases arising under the Constitution and laws of the United States as is vested in the circuit and district courts of the United States; and the said supreme and district courts of the said Territory, and the respective judges thereof, shall and may grant writs of habeas corpus in all cases in which the same are granted by the judges of the United States in the District of Columbia; and the first six days of every term of said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under the said Constitution and laws, and writs of error and appeal in all such cases shall be made to the supreme court of said Territory, the same as in other cases. The said clerk shall receive in all such cases the same fees which the clerks of the district courts of Utah Territory now receive for similar services.

Sec. 10. *And be it further enacted*, That the provisions of an act entitled "An act respecting fugitives from justice, and persons escaping from the service of their masters," approved February twelve, seventeen hundred and ninety-three, and the provisions of the act entitled "An act to amend, and supplementary to, the aforesaid act," approved September eighteen, eighteen hundred and fifty, be, and the same are hereby, declared to extend to and be in full force within the limits of said Territory of Nebraska.

Sec. 11. *And be it further enacted*, That there shall be appointed an attorney for said Territory, who shall continue in office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President, and who shall receive the same fees and salary as the attorney of the United States for the present Territory of Utah. There shall also be a marshal for the Territory appointed, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President, and who shall execute all processes issuing from the said courts when exercising their jurisdiction as circuit and district courts of the United States; he shall perform the duties, be subject to the same regulation and penalties, and be entitled to the same fees as the marshal of the district court of the United States for the present Territory of Utah, and shall, in addition, be paid two hundred dollars annually as a compensation for extra services.

Sec. 12. *And be it further enacted*, That the Governor, secretary, chief justice, and associate justices, attorney, and marshal, shall be nominated, and, by and with the advice and consent of the Senate, appointed by the President of the United States. The Governor and secretary to be appointed, as aforesaid, shall, before they act as such, respectively take an oath or affirmation before the district judge or some justice of the peace in the limits of said Territory, duly authorized to administer oaths and affirmations by the laws now in force therein, or before the chief justice, or some associate justice of the Supreme Court of the United States, to support the Constitution of the United States, and faithfully to discharge the duties of their respective offices, which said oaths, when so taken, shall be certified by the person by whom the same shall have been taken; and such certificates shall be received and recorded by the said secretary among the executive proceedings; and the chief justice and associate justices, and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation before the said Governor

or secretary, or some judge or justice of the peace of the Territory, who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted by the person taking the same to the secretary, to be by him recorded as aforesaid; and, afterwards, the like oath or affirmation shall be taken, certified, and recorded, in such manner and form as may be prescribed by law. The Governor shall receive an annual salary of two thousand five hundred dollars. The chief justice and associate justices shall each receive an annual salary of two thousand dollars. The secretary shall receive an annual salary of two thousand dollars. The said salaries shall be paid quarter-yearly, from the dates of the respective appointments, at the Treasury of the United States; but no such payment shall be made until said officers shall have entered upon the duties of their respective appointments. The members of the Legislative Assembly shall be entitled to receive three dollars each per day during their attendance at the sessions thereof, and three dollars each for every twenty miles' travel in going to and returning from the said sessions, estimated according to the nearest usually traveled route; and an additional allowance of three dollars shall be paid to the presiding officer of each House for each day he shall so preside. And a chief clerk, one assistant clerk, a sergeant-at-arms, and door-keeper, may be chosen for each House; and the chief clerk shall receive four dollars per day, and the said other officers three dollars per day, during the session of the Legislative Assembly; but no other officers shall be paid by the United States: *Provided*, That there shall be but one session of the Legislature annually, unless, on an extraordinary occasion, the Governor shall think proper to call the Legislature together. There shall be appropriated, annually, the usual sum, to be expended by the Governor, to defray the contingent expenses of the Territory, including the salary of a clerk of the executive department; and there shall also be appropriated, annually, a sufficient sum, to be expended by the secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of the Legislative Assembly, the printing of the laws, and other incidental expenses; and the Governor and secretary of the Treasury shall, in the disbursement of all moneys intrusted to them, be governed solely by the instructions of the Secretary of the Treasury of the United States, and shall, semi-annually, account to the said Secretary for the manner in which the aforesaid moneys shall have been expended; and no expenditure shall be made by said Legislative Assembly for objects not specially authorized by the acts of Congress making the appropriations, nor beyond the sums thus appropriated for such objects.

Sec. 13. *And be it further enacted*, That the Legislative Assembly of the Territory of Nebraska shall hold its first session at such time and place in said Territory as the Governor thereof shall appoint and direct; and at said first session, or as soon thereafter as they shall deem expedient, the Governor and Legislative Assembly shall proceed to locate and establish the seat of government for said Territory at such place as they may deem eligible; which place, however, shall thereafter be subject to be changed by the said Governor and Legislative Assembly.

Sec. 14. *And be it further enacted*, That a Delegate to the House of Representatives of the United States, to serve for the term of two years, who shall be a citizen of the United States, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the Delegates from the several other Territories of the United States to the said House of Representatives; but the Delegate first elected shall hold his seat only during the term of the Congress to which he shall be elected. The first election shall be held at such time and places, and be conducted in such manner, as the Governor shall appoint and direct; and, at all subsequent elections, the times, places, and manner of holding the elections, shall be prescribed by law. The person having the greatest number of votes shall be declared by the Governor to be duly elected; and a certificate thereof shall be given accordingly. That the Constitution, and all the laws of the United States which are not locally inapplica-

ble, shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March sixth, eighteen hundred and twenty, which, being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of eighteen hundred and fifty, commonly called the compromise measures, is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States: *Provided*, That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of sixth March, eighteen hundred and twenty, either protecting, establishing, prohibiting, or abolishing slavery.

Sec. 15. *And be it further enacted*, That there shall hereafter be appropriated, as has been customary for the territorial governments, a sufficient amount, to be expended under the direction of the said Governor of the Territory of Nebraska, not exceeding the sums heretofore appropriated for similar objects, for the erection of suitable public buildings at the seat of government, and for the purchase of a library, to be kept at the seat of government for the use of the Governor, Legislative Assembly, judges of the supreme court, secretary, marshal, and attorney of said Territory, and such other persons, and under such regulations, as shall be prescribed by law.

Sec. 16. *And be it further enacted*, That when the lands in the said Territory shall be surveyed under the direction of the Government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in said Territory, and in the States and Territories hereafter to be erected out of the same.

Sec. 17. *And be it further enacted*, That until otherwise provided by law, the Governor of said Territory may define the judicial districts of said Territory, and assign the judges who may be appointed for said Territory to the several districts; and also appoint the times and places for holding courts in the several counties or subdivisions in each of said judicial districts by proclamation, to be issued by him; but the Legislative Assembly, at their first or any subsequent session, may organize, alter, or modify such judicial districts, and assign the judges, and alter the times and places of holding the courts, as to them shall seem proper and convenient.

Sec. 18. *And be it further enacted*, That all officers to be appointed by the President, by and with the advice and consent of the Senate, for the Territory of Nebraska, who, by virtue of the provisions of any law now existing, or which may be enacted during the present Congress, are required to give security for moneys that may be intrusted with them for disbursement, shall give such security, at such time and place, and in such manner, as the Secretary of the Treasury may prescribe.

Sec. 19. *And be it further enacted*, That all that part of the territory of the United States included within the following limits, except such portions thereof as are hereinafter expressly exempted from the operations of this act, to wit: beginning at a point on the western boundary of the State of Missouri, where the thirty-seventh parallel of north latitude crosses the same; thence west on said parallel to the eastern boundary of New Mexico; thence north on said boundary to latitude thirty-eight; thence following said boundary westward to the east boundary of the Territory of Utah, on the summit of the Rocky Mountains; thence northward on said summit to the fortieth parallel of latitude; thence east on said parallel to the western boundary of the State of Missouri; thence south with the western boundary of said State to the place of beginning, be, and the same is hereby, created into a temporary government by the name of the Territory of Kansas; and when admitted as a State or States, the said Territory, or any portion of the same, shall be received into the Union with or without slavery, as their constitu-

tion may prescribe at the time of their admission: *Provided*, That nothing in this act contained shall be construed to inhibit the Government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the United States: *Provided further*, That nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians of said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any Territory which, by treaty with any Indian tribe, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of the Territory of Kansas, until said tribe shall signify their assent to the President of the United States to be included within the said Territory of Kansas, or to affect the authority of the Government of the United States to make any regulation respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent to the Government to make if this act had never passed.

Sec. 20. *And be it further enacted*, That the executive power and authority in and over said Territory of Kansas shall be vested in a Governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States. The Governor shall reside within said Territory, and shall be commander-in-chief of the militia thereof. He may grant pardons and respites for offenses against the laws of said Territory, and reprieves for offenses against the laws of the United States, until the decision of the President can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of the said Territory, and shall take care that the laws be faithfully executed.

Sec. 21. *And be it further enacted*, That there shall be a secretary of said Territory, who shall reside therein, and hold his office for five years, unless sooner removed by the President of the United States; he shall record and preserve all the laws and proceedings of the Legislative Assembly hereinafter constituted, and all the acts and proceedings of the Governor in his executive department; he shall transmit one copy of the laws and journals of the Legislative Assembly within thirty days after the end of each session, and one copy of the executive proceedings and official correspondence semi-annually, on the first days of January and July in each year, to the President of the United States, and two copies of the laws to the President of the Senate and to the Speaker of the House of Representatives, to be deposited in the libraries of Congress; and, in case of death, removal, or resignation, or absence of the Governor from the Territory, the secretary shall be, and he is hereby, authorized and required to execute and perform all the powers and duties of the Governor during such vacancy or absence, or until another Governor shall be duly appointed and qualified to fill such vacancy.

Sec. 22. *And be it further enacted*, That the legislative power and authority of said Territory shall be vested in the Governor and a Legislative Assembly. The Legislative Assembly shall consist of a Council and House of Representatives. The Council shall consist of thirteen members, having the qualifications of voters, as hereinafter prescribed, whose term of service shall continue two years. The House of Representatives shall, at its first session, consist of twenty-six members, possessing the same qualifications as prescribed for members of the Council, and whose term of service shall continue one year. The number of representatives may be increased by the Legislative Assembly, from time to time, in proportion to the increase of qualified voters: *Provided*, That the whole number shall never exceed thirty-nine. An apportionment shall be made, as nearly equal as practicable, among the several counties or districts, for the election of the Council and representatives, giving to each section of the Territory representation in the ratio of its qualified voters, as nearly as may be. And the members of the Council and

of the House of Representatives shall reside in, and be inhabitants of, the district or county, or counties, for which they may be elected, respectively. Previous to the first election, the Governor shall cause a census, or enumeration of the inhabitants and qualified voters of the several counties and districts of the Territory, to be taken by such persons and in such mode as the Governor shall designate and appoint; and the persons so appointed shall receive a reasonable compensation therefor. And the first election shall be held at such time and places, and be conducted in such manner, both as to the persons who shall superintend such election and the returns thereof, as the Governor shall appoint and direct; and he shall at the same time declare the number of members of the Council and House of Representatives to which each of the counties or districts shall be entitled under this act. The persons having the highest number of legal votes in each of said Council districts for members of the Council, shall be declared by the Governor to be duly elected to the Council; and the persons having the highest number of legal votes for the House of Representatives, shall be declared by the Governor to be duly elected members of the said House: *Provided*, That in case two or more persons voted for shall have an equal number of votes, and in case a vacancy shall otherwise occur in either branch of the Legislative Assembly, the Governor shall order a new election; and the persons thus elected to the Legislative Assembly shall meet at such place and on such day as the Governor shall appoint; but thereafter, the time, place, and manner of holding and conducting all elections by the people, and the appointing the representation in the several counties or districts to the Council and House of Representatives, according to the number of qualified voters, shall be prescribed by law, as well as the day of the commencement of the regular sessions of the Legislative Assembly: *Provided*, That no session of any one year shall exceed the term of forty days, except the first session, which may continue sixty days.

Sec. 23. *And be it further enacted*, That every free white male inhabitant above the age of twenty-one years, who shall be an actual resident of said Territory, and shall possess the qualifications hereinafter prescribed, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters, and of holding office, at all subsequent elections, shall be such as shall be prescribed by the Legislative Assembly: *Provided*, That the right of suffrage and of holding office shall be exercised only by citizens of the United States, and those who shall have declared on oath their intention to become such, and shall have taken an oath to support the Constitution of the United States and the provisions of this act: *And provided further*, That no officer, soldier, seaman, or marine, or other person in the Army or Navy of the United States, or attached to troops in the service of the United States, shall be allowed to vote or hold office in said Territory by reason of being on service therein.

Sec. 24. *And be it further enacted*, That the legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. Every bill which shall have passed the Council and House of Representatives of the said Territory shall, before it become a law, be presented to the Governor of the Territory; if he approve, he shall sign it; but if not, he shall return it with his objections to the House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, to be entered on the journal of each House, respectively. If any bill shall not be returned by the Governor within three days (Sundays excepted) after it shall have

been presented to him, the same shall be a law in like manner as if he had signed it, unless the Assembly, by adjournment, prevent its return, in which case it shall not be a law.

Sec. 25. *And be it further enacted*, That all township, district, and county officers, not herein otherwise provided for, shall be appointed or elected, as the case may be, in such manner as shall be provided by the Governor and Legislative Assembly of the Territory of Kansas. The Governor shall nominate; and, by and with the advice and consent of the Legislative Council, appoint all officers not herein otherwise provided for; and in the first instance the Governor alone may appoint all said officers, who shall hold their offices until the end of the first session of the Legislative Assembly; and shall lay off the necessary districts for members of the Council and House of Representatives, and all other officers.

Sec. 26. *And be it further enacted*, That no member of the Legislative Assembly shall hold, or be appointed to, any office which shall have been created, or the salary or emoluments of which shall have been increased, while he was a member, during the term for which he was elected, and for one year after the expiration of such term; but this restriction shall not be applicable to members of the first Legislative Assembly; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the Legislative Assembly, or shall hold any office under the Government of said Territory.

Sec. 27. *And be it further enacted*, That the judicial power of said Territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace. The supreme court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said Territory annually; and they shall hold their offices during the period of four years, and until their successors shall be appointed and qualified. The said Territory shall be divided into three judicial districts, and a district court shall be held in each of said districts by one of the justices of the supreme court, at such times and places as may be prescribed by law; and the said judges shall, after their appointments, respectively, reside in the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts, and of justices of the peace, shall be as limited by law: *Provided*, That justices of the peace shall not have jurisdiction of any matter in controversy when the title or boundaries of land may be in dispute, or where the debt or sum claimed shall exceed one hundred dollars; and the said supreme and district courts respectively, shall possess chancery as well as common law jurisdiction. Each district court, or the judge thereof, shall appoint its clerk, who shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exception, and appeals, shall be allowed in all cases from the final decisions of said district courts to the supreme court, under such regulations as may be prescribed by law; but in no case removed to the supreme court shall trial by jury be allowed in said court. The supreme court, or the justices thereof, shall appoint its own clerk, and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error and appeals from the final decisions of said supreme court shall be allowed, and may be taken to the Supreme Court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property, or the amount in controversy, to be ascertained by the oath or affirmation of either party, or other competent witness, shall exceed one thousand dollars; except only, that in all cases involving title to slaves, the said writs of error or appeals shall be allowed and decided by the said supreme court, without regard to the value of the matter, property, or title in controversy; and except also, that a writ of error or appeal shall also be allowed to the Supreme Court of the United States from the decision of the said supreme court created by this act, or of any judge thereof, or of the district courts created by this act, or of any judge thereof, upon any writ of habeas corpus, involving the question

of personal freedom: *Provided*, That nothing herein contained shall be construed to apply to or affect the provisions of the "act respecting fugitives from justice, and persons escaping from the service of their masters," approved February twelfth, seventeen hundred and ninety-three, and the "act to amend and supplementary to the aforesaid act," approved September eighteenth, eighteen hundred and fifty; and each of the said district courts shall have and exercise the same jurisdiction in all cases arising under the Constitution and laws of the United States as is vested in the circuit and district courts of the United States; and the said supreme and district courts of the said Territory, and the respective judges thereof, shall and may grant writs of habeas corpus in all cases in which the same are granted by the judges of the United States in the District of Columbia; and the first six days of every term of said courts, or so much thereof as may be necessary, shall be appropriated to the trial of causes arising under the said Constitution and laws, and writs of error and appeal in all such cases shall be made to the supreme court of said Territory, the same as in other cases. The said clerk shall receive the same fees in all such cases which the clerks of the district courts of Utah Territory now receive for similar services.

Sec. 28. *And be it further enacted*, That the provisions of the act entitled "An act respecting fugitives from justice, and persons escaping from the service of their masters," approved February twelfth, seventeen hundred and ninety-three, and the provisions of the act entitled "An act to amend, and supplementary to, the aforesaid act," approved September eighteenth, eighteen hundred and fifty, be, and the same are hereby, declared to extend to, and be in full force within the limits of the said Territory of Kansas.

Sec. 29. *And be it further enacted*, That there shall be appointed an attorney for said Territory, who shall continue in office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President, and who shall receive the same fees and salary as the attorney of the United States for the present Territory of Utah. There shall also be a marshal for the Territory appointed, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President, and who shall execute all processes issuing from the said courts when exercising their jurisdiction as circuit and district courts of the United States; he shall perform the duties, be subject to the same regulations and penalties, and be entitled to the same fees as the marshal of the district court of the United States for the present Territory of Utah, and shall, in addition, be paid two hundred dollars annually as a compensation for extra services.

Sec. 30. *And be it further enacted*, That the Governor, secretary, chief justice, and associate justices, attorney, and marshal, shall be nominated, and, by and with the advice and consent of the Senate, appointed by the President of the United States. The Governor and secretary to be appointed as aforesaid shall, before they act as such, respectively take an oath or affirmation before the district judge, or some justice of the peace in the limits of said Territory, duly authorized to administer oaths and affirmations by the laws now in force therein, or before the chief justice or some associate justice of the Supreme Court of the United States, to support the Constitution of the United States, and faithfully to discharge the duties of their respective offices, which said oaths, when so taken, shall be certified by the person by whom the same shall have been taken; and such certificates shall be received and recorded by the said secretary among the executive proceedings; and the chief justice and associate justices, and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation before the said Governor or secretary, or some judge or justice of the peace of the Territory who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted by the person taking the same to the secretary, to be by him recorded as aforesaid; and, afterwards, the like oath or affirmation shall be taken, certified, and recorded in such manner and form as may be prescribed by law. The Governor shall receive an annual salary of two thousand five hundred dollars. The chief justice and asso-

ciate justices shall receive an annual salary of two thousand dollars. The secretary shall receive an annual salary of two thousand dollars. The said salaries shall be paid quarter yearly, from the dates of the respective appointments, at the Treasury of the United States; but no such payment shall be made until said officers shall have entered upon the duties of their respective appointments. The members of the Legislative Assembly shall be entitled to receive three dollars each per day during their attendance at the sessions thereof, and three dollars each for every twenty miles' travel in going to and returning from the said sessions, estimated according to the nearest usually traveled route; and an additional allowance of three dollars shall be paid to the presiding officer of each House for each day he shall so preside. And a chief clerk, one assistant clerk, a sergeant-at-arms, and door-keeper may be chosen for each House; and the chief clerk shall receive four dollars per day, and the said other officers three dollars per day, during the session of the Legislative Assembly; but no other officers shall be paid by the United States: *Provided*, That there shall be but one session of the Legislature annually, unless, on an extraordinary occasion, the Governor shall think proper to call the Legislature together. There shall be appropriated annually the usual sum, to be expended by the Governor, to defray the contingent expenses of the Territory, including the salary of a clerk of the executive department; and there shall also be appropriated, annually, a sufficient sum, to be expended by the secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of the Legislative Assembly, the printing of the laws, and other incidental expenses; and the Governor and secretary of the Territory shall, in the disbursement of all moneys intrusted to them, be governed solely by the instructions of the Secretary of the Treasury of the United States, and shall, semi-annually, account to the said Secretary for the manner in which the aforesaid moneys shall have been expended; and no expenditure shall be made by said Legislative Assembly for objects not specially authorized by the acts of Congress making the appropriations, nor beyond the sums thus appropriated for such objects.

Sec. 31. *And be it further enacted*, That the seat of government of said Territory is hereby located temporarily at Fort Leavenworth; and that such portions of the public buildings as may not be actually used and needed for military purposes, may be occupied and used, under the direction of the Governor and Legislative Assembly, for such public purposes as may be required under the provisions of this act.

Sec. 32. *And be it further enacted*, That a Delegate to the House of Representatives of the United States, to serve for the term of two years, who shall be a citizen of the United States, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the Delegates from the several other Territories of the United States to the said House of Representatives; but the Delegate first elected shall hold his seat only during the term of the Congress to which he shall be elected. The first election shall be held at such time and places, and be conducted in such manner, as the Governor shall appoint and direct; and at all subsequent elections the times, places, and manner of holding the elections shall be prescribed by law. The person having the greatest number of votes shall be declared by the Governor to be duly elected, and a certificate thereof shall be given accordingly. That the Constitution, and all laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Kansas as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March sixth, eighteen hundred and twenty, which, being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of eighteen hundred and fifty, commonly called the compromise measures, is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and

regulate their domestic institutions in their own way, subject only to the Constitution of the United States: *Provided*, That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of sixth of March, eighteen hundred and twenty, either protecting, establishing, prohibiting, or abolishing slavery.

Sec. 33. *And be it further enacted*, That there shall hereafter be appropriated, as has been customary for the territorial governments, a sufficient amount, to be expended under the direction of the said Governor of the Territory of Kansas, not exceeding the sums heretofore appropriated for similar objects, for the erection of suitable public buildings at the seat of government, and for the purchase of a library, to be kept at the seat of government for the use of the Governor, Legislative Assembly, judges of the supreme court, secretary, marshal, and attorney of said Territory, and such other persons, under such regulations, as shall be prescribed by law.

Sec. 34. *And be it further enacted*, That where the lands in the said Territory shall be surveyed under the direction of the Government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in said Territory, and in the States and Territories hereafter to be erected out of the same.

Sec. 35. *And be it further enacted*, That, until otherwise provided by law, the Governor of said Territory may define the judicial districts of said Territory, and assign the judges who may be appointed for said Territory to the several districts; and also appoint the times and places for holding courts in the several counties or subdivisions in each of said judicial districts by proclamation to be issued by him; but the Legislative Assembly, at their first or any subsequent session, may organize, alter, or modify such judicial districts, and assign the judges, and alter the times and places of holding the courts, as to them shall seem proper and convenient.

Sec. 36. *And be it further enacted*, That all officers to be appointed by the President, by and with the advice and consent of the Senate, for the Territory of Kansas, who, by virtue of the provisions of any law now existing, or which may be enacted during the present Congress, are required to give security for moneys that may be intrusted with them for disbursement, shall give such security, at such time and place, and in such manner, as the Secretary of the Treasury may prescribe.

Sec. 37. *And be it further enacted*, That all treaties, laws, and other engagements made by the Government of the United States with the Indian tribes inhabiting the territories embraced within this act, shall be faithfully and rigidly observed, notwithstanding anything contained in this act; and that the existing agencies and superintendencies of said Indians be continued with the same powers and duties which are now prescribed by law, except that the President of the United States may, at his discretion, change the location of the office of superintendent.

APPROVED, May 30, 1854.

PUBLIC, XXIV.—*An Act to supply Deficiencies in the Appropriations for the Service of the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-four, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated to supply deficiencies in the appropriations for the service of the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-four, out of any money in the Treasury not otherwise appropriated, namely:

Department of State.

For the increased compensation of the Secretary of State, from the fourth of March, one thousand eight hundred and fifty-three, to the thirtieth of June, one thousand eight hundred and fifty-four, two thousand four hundred and thirteen dollars and thirty-seven cents.

For compensation of the Assistant Secretary of State, from the eighteenth of April, one thousand

eight hundred and fifty-three, to the thirtieth of June, one thousand eight hundred and fifty-four, three thousand six hundred and nine dollars and ninety cents.

For publishing the laws, in pamphlet form and in the newspapers of the States and Territories, and in the city of Washington, two thousand three hundred and eighty dollars.

For extra clerk hire and copying, four thousand dollars.

Said clerks to be employed only during the session of Congress, or when indispensably necessary to enable the Department to answer some call made by either House of Congress at one session to be answered at another.

For payment of a clerk, necessarily employed in the recess of Congress to bring up the arrears of the disbursing agent of the Department of State, four hundred and thirty-two dollars.

For compiling and supervising the publication of the Biennial Register, five hundred dollars.

For outfit of a chargé d'affaires to Denmark, four thousand five hundred dollars.

For the usual return allowance for Ministers of the United States to Great Britain, France, Russia, Prussia, Spain, Brazil, Mexico, and Chili, eighteen thousand dollars.

For the usual return allowance of chargé d'affaires, or Ministers resident to Portugal, Austria, Denmark, Sweden, Holland, Belgium, Naples, Sardinia, New Granada, Venezuela, Buenos Ayres, Bolivia, Ecuador, and Nicaragua, fifteen thousand seven hundred and fifty dollars.

For the usual return allowance of the Minister resident to Turkey, one thousand five hundred dollars.

For the outfit of the Minister resident to Turkey, six thousand dollars.

For outfits of chargés d'affaires, two thousand four hundred and thirty-nine dollars and two cents.

For an outfit for the late chargé d'affaires to Austria, four thousand five hundred dollars.

For salary of the dragoman to Turkey, one hundred and twenty-two dollars and eighty-three cents.

For salary of the assistant dragoman to Turkey, five hundred and ninety-nine dollars and thirteen cents.

For expenses of intercourse with the Barbary Powers, six thousand one hundred and forty-one dollars and forty-nine cents.

For contingent expenses of foreign intercourse, fifteen thousand dollars.

For contingent expenses of all the missions abroad, forty-two thousand seven hundred and twenty dollars and three cents.

For payment of a balance due the agent employed for purchasing, walling, and ditching a piece of land near the City of Mexico for a cemetery or burial ground, four hundred and fifteen dollars and twenty-seven cents.

To pay expenses incurred by Edward Cunningham, acting consul at Shanghai, for a police force for the preservation of the peace by American citizens, five hundred and seventy-two dollars and eighty cents.

For payment of the claim of Thomas N. Johnson for his services as marshal at the port of Shanghai, from the ninth of December, eighteen hundred and fifty-one, to the fifteenth of September, eighteen hundred and fifty-three, the sum of one thousand seven hundred and eighty-one dollars and seventy-four cents.

For payment to John Bozman Kerr, in addition to his salary and allowances as chargé d'affaires to Nicaragua, the amount of his expenses on the journey to San Salvador and Guatemala, and of his expenses at those capitals under his commissions to the Governments of those Republics, together with a full outfit as chargé d'affaires to the National Representation of Central America.

Treasury Department.

For the increased compensation of the Secretary of the Treasury, from the fourth of March, one thousand eight hundred and fifty-three, to the thirtieth of June, one thousand eight hundred and fifty-four, two thousand six hundred and fifty-five dollars and fifty-five cents.

To enable the Secretary of the Treasury to compensate the agent employed in paying annuities to Cherokee Indians remaining in North Carolina, under the act of the twenty-ninth of July, one

thousand eight hundred and forty-eight, five hundred dollars.

For contingencies, including rent, fuel, labor, light, and watching, for the building occupied by the Third Auditor of the Treasury, from the first of August, one thousand eight hundred and fifty-three, to the thirtieth of June, one thousand eight hundred and fifty-four, three thousand six hundred and sixty-six dollars and sixty-seven cents.

For contingencies, including rent, fuel, labor, light, and watching, for the building occupied by the Fifth Auditor of the Treasury, from the first of November, one thousand eight hundred and fifty-three, to the thirtieth of June, one thousand eight hundred and fifty-four, two thousand six hundred and sixty-six dollars and sixty-seven cents.

For contingent expenses of the office of the Auditor of the Post Office Department, viz:

For miscellaneous and printing prior to the fourth of March, one thousand eight hundred and fifty-three, three thousand three hundred and ninety dollars and ninety-eight cents.

For printing, furniture, and labor, since the fourth of March, one thousand eight hundred and fifty-three, two thousand four hundred and twenty-seven dollars and fourteen cents.

For salaries of officers and clerks in branch mint at San Francisco, California, twelve thousand six hundred and seventy dollars.

For wages of workmen in branch mint at San Francisco, California, thirty-three thousand three hundred dollars.

For incidental and contingent expenses of the branch mint at San Francisco, California, four thousand two hundred dollars.

For salaries of officers and clerks in assay office, New York, twelve thousand nine hundred dollars.

For wages of workmen in assay office, New York, twelve thousand five hundred dollars.

For incidental and contingent expenses in assay office, New York, twenty-one thousand dollars.

For the employment of workmen, materials, and other expenses necessary to put the branch mint at San Francisco, California, in operation, forty thousand dollars.

For the collection of agricultural statistics and the procurement and distribution of seeds and cuttings, to be expended under the direction of the Commissioner of Patents, ten thousand dollars.

To complete the public buildings in New Mexico, fifty thousand dollars.

For finishing the capitol and territorial prison in the Territory of Minnesota, and grading and fencing the grounds of same, ten thousand dollars, to be expended under the direction of the Secretary of the Treasury.

Interior Department.

For the increased compensation of the Secretary of the Interior, from the fourth of March, one thousand eight hundred and fifty-three, to the thirtieth of June, one thousand eight hundred and fifty-four, two thousand six hundred and fifty-five dollars and fifty-five cents.

For the increased compensation of the surveyor general of Oregon, from the third of March, one thousand eight hundred and fifty-three, to the thirtieth of June, one thousand eight hundred and fifty-four, one thousand three hundred and twenty-seven dollars and seventy-seven cents.

For rent of surveyor general's office in California, purchase of instruments, records, drawing materials, furniture, fuel, and pay of messengers, four thousand dollars.

For compensation of a draughtsman and clerks for the office of the surveyor general of California, ten thousand dollars.

For contingent expenses in the office of the Commissioner of Pensions: For stationery, one thousand dollars; for binding books, one thousand dollars; for office furniture, one thousand dollars; for printing and engraving bounty land certificates, one thousand five hundred dollars; for miscellaneous items, one thousand five hundred dollars.

For continuing the surveys in the northern portions of Iowa, Minnesota, and Wisconsin, at the rates now authorized by law, forty thousand dollars.

For paying pensions, under the act of the third of February, one thousand eight hundred and fifty-three, one hundred and twenty-eight thousand dollars.

For paying pensions of invalids who were wounded on board of private armed vessels during the last war with Great Britain, from the first of July, one thousand eight hundred and fifty-one, to the thirtieth of June, one thousand eight hundred and fifty-four, eight thousand four hundred dollars; and the office for paying privateer pensions in Boston is hereby abolished; and the said pensioners shall be paid as privateer pensions are paid at other places.

For the President's House and grounds, for fuel for the President's House, and for iron fences, three thousand eight hundred dollars.

For repairs of the Capitol, and improving the grounds around it, six thousand five hundred dollars.

For repairs of water-pipes, two hundred dollars.

To pay two drawkeepers on the Long Bridge up to the first of July, one thousand eight hundred and fifty-four, four hundred dollars.

For trees, tree-boxes, and repairs of pavements, five hundred dollars.

For lamps and lamp-posts on Pennsylvania avenue, between seventeenth street and Georgetown, and between the Capitol and navy-yard, one thousand two hundred dollars.

For completing and keeping in order the grounds south of the President's House, nine thousand seven hundred and seventy dollars.

For furnishing an additional number of iron settees for the President's and Capitol grounds, one thousand dollars.

For completing the pedestal and inclosure of the equestrian statue of Andrew Jackson, five hundred dollars.

For the payment of laborers employed in shoveling snow from the walks to and around the Capitol, the President's House, and other public buildings, four hundred and twenty dollars.

For furnishing the rooms of the new wing of the Patent Office building with furniture, and providing the saloon therein with cases for models, forty-five thousand dollars.

For fulfilling treaties with the Sioux of the Mississippi:

For the third of fifty installments of interest, at the rate of five per cent. per annum, on one million three hundred and sixty thousand dollars, stipulated in the fourth article of the treaty of twenty-third July, eighteen hundred and fifty-one, sixty-eight thousand dollars.

For the third of fifty installments of interest, at the rate of five per cent. per annum, on one hundred and twelve thousand dollars, being the amount in lieu of the reservation set apart in the third article of the treaty of twenty-third July, eighteen hundred and fifty-one, per Senate's amendment thereof, five thousand six hundred dollars.

For the third of fifty installments of interest, at the rate of five per cent. per annum, on one million one hundred and sixty thousand dollars, stipulated in the fourth article of the treaty of fifth August, eighteen hundred and fifty-one, fifty-eight thousand dollars.

For the third of fifty installments of interest, at the rate of five per cent. per annum, on sixty-nine thousand dollars, being the amount in lieu of the reservation set apart in the third article of the treaty of fifth August, eighteen hundred and fifty-one, per Senate's amendment thereof, three thousand four hundred and fifty dollars.

To pay clerks for services performed on Chickasaw Indian business, in pursuance of the regulations of the President of the United States, and in conformity with the decision of the late Secretary of the Interior, six thousand one hundred and eighty-seven dollars and fifty cents.

For general incidental expenses of the Indian service in New Mexico for the present fiscal year, fifteen thousand dollars, to be expended under the direction of the Secretary of the Interior.

For the payment for the printing of the returns of the Seventh Census, and the paper purchased for said printing, under the provisions of the "joint resolution providing for the printing and binding of the returns of the Seventh Census," approved March third, eighteen hundred and fifty-three—that is to say:

For the printing of the returns before mentioned, the sum of fifteen thousand nine hundred and nine dollars and ninety-three cents.

For the paper purchased for said printing, the

sum of twenty-seven thousand one hundred and six dollars and sixty-eight cents: *Provided*, That the sums hereinbefore mentioned, be paid to the printer who executed the printing, and to the contractor who furnished the paper, respectively, at the Treasury of the United States.

For compensation of two additional clerks in the office of the Superintendent of Public Printing, one thousand two hundred dollars.

For the printing of Executive Departments, including paper and printing the annual estimates of appropriations for the year one thousand eight hundred and fifty-five, and for printing, paper, and binding twenty thousand copies of the annual report of the Secretary of the Treasury on commerce and navigation, for the year one thousand eight hundred and fifty-three, nine thousand and eighty-five dollars.

War Department.

For the increased compensation of the Secretary of War from the fourth of March, eighteen hundred and fifty-three, to the thirtieth of June, eighteen hundred and fifty-four, two thousand six hundred and fifty-five dollars and fifty-five cents.

For rent of house on northwest corner of F and Seventeenth streets, and warming all the rooms in it, three hundred and eighty-five dollars.

For the compensation and expenses of the commission of civilians and military men appointed under the provisions of the first section of the act entitled "An act making appropriations for the support of the Army for the year ending the thirtieth of June, one thousand eight hundred and fifty-four," approved third of March, one thousand eight hundred and fifty-three, to determine matters connected with the management of the national armories, five thousand nine hundred and ninety-six dollars and sixty-one cents, or so much thereof as may be necessary: *Provided*, That in the payment of such officers of the Army as may have served on that commission, their pay, as such officers, shall be deducted.

For arrearages of pay for services of volunteers in the Kentucky regiment called into service in eighteen hundred and thirty-six, one thousand dollars.

For arrearages of pay for services rendered by volunteers or militia in the Black Hawk war, one thousand dollars.

For clothing for the Army, camp and garrison equipage, and horse equipments, to supply the place of losses sustained by the wreck of the steamer San Francisco, twenty-six thousand five hundred and ninety dollars.

For deficiencies for the railroad surveys between the Mississippi river and the Pacific ocean, forty thousand dollars.

Navy Department.

For the increased compensation of the Secretary of the Navy, from the fourth of March, one thousand eight hundred and fifty-three, to the thirtieth of June, one thousand eight hundred and fifty-four, two thousand five hundred and eighty-four dollars and sixty-one cents.

For contingent expenses of the southwest Executive Building, viz:

For fuel and lights, seven hundred dollars.

For miscellaneous items, eight hundred dollars.

For contingent expenses of the Navy, that may accrue for the following purposes, viz: Freight and transportation, printing and stationery, advertising in newspapers, books, maps, models, and drawings, purchase and repair of fire-engines and machinery, repairs of and attending to steam-engines in navy-yards, purchase and maintenance of horses and oxen, and driving teams, carts, timber-wheels, and the purchase and repair of workmen's tools, postage of public letters, furniture for Government houses, fuel, oil, and candles for navy-yards and shore stations, pay of watchmen, and incidental labor not chargeable to any other appropriation, labor attending the delivery of stores on civil stations, wharfage, dockage, and rent, traveling expenses of officers and others, under orders, funeral expenses, store and office rent, stationery, fuel, commissions and pay of clerks to navy agents and storekeepers, flags, awnings, and packing-boxes, premiums and other expenses of recruiting, apprehending deserters, per diem pay to persons attending courts-martial and courts of inquiry, and other services authorized by law, pay to judges-advocate, pilotage and towage of vessels, and assistance to vessels in distress, bills of health

and quarantine expenses of the United States Navy in foreign ports, seventy-two thousand six hundred and sixty dollars.

For continuing the publication of wind and current charts, for printing and publishing sailing directions, hydrographical surveys, and other expenses of the hydrographical office, ten thousand dollars.

For reappropriation of the following sums, carried to the surplus fund, and for the objects mentioned:

For dry-dock at Kittery, two thousand nine hundred dollars and eighty-five cents.

For dry-dock at Pensacola, eleven thousand one hundred and nineteen dollars and thirteen cents.

For magazine at Norfolk, two thousand and sixty-eight dollars and forty-two cents.

For magazine at Boston, four hundred and eighty dollars and sixty-three cents.

For magazine at New York, six hundred and thirty-one dollars and thirty-two cents.

For magazine at Washington, one thousand six hundred dollars.

For hospital at Philadelphia, two thousand four hundred and forty-two dollars and forty-two cents.

Post Office Department.

For the increased compensation of the Postmaster General from the fourth of March, one thousand eight hundred and fifty-three, to the thirtieth of June, one thousand eight hundred and fifty-four, two thousand six hundred and fifty-five dollars and fifty-five cents.

For compensation of two temporary clerks employed in the Post Office Department, viz: One from the first of April to the thirtieth of June, one thousand eight hundred and fifty-three, at the rate of twelve hundred dollars per annum; and one from the nineteenth of May to the thirtieth of June, one thousand eight hundred and fifty-three, at the rate of one thousand dollars per annum; and from the first of July to the second of August, one thousand eight hundred and fifty-three, at the rate of twelve hundred dollars per annum, five hundred and twenty-five dollars and seventy-three cents.

To supply a deficiency in the revenues of the Post Office Department for the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-three, five hundred and forty-five thousand four hundred and forty-five dollars and sixty-three cents.

Attorney General.

For the increased compensation of the Attorney General, from the fourth of March, one thousand eight hundred and fifty-three, to the thirtieth of June, one thousand eight hundred and fifty-four, two thousand five hundred and ninety-four dollars and nineteen cents.

For the purchase of Spanish and Mexican law-books for the library of Congress, seventeen hundred dollars.

Miscellaneous.

For the contingent expenses of the Senate, viz:

For lithographing and engraving, twenty thousand dollars.

For binding, thirty thousand dollars.

For books, twelve thousand six hundred and ninety-one dollars.

For clerks to committees and President *pro tempore*, draughtsman, messengers, pages, laborers, police, horses, and carryalls, four thousand four hundred dollars.

For miscellaneous items:

To replace this amount, drawn by order of the Senate from that head of appropriation, in a payment to R. M. Young, as commissioner to investigate charges against Hon. A. Ramsay, late superintendent of Indian affairs, Minnesota, nine hundred and twenty-four dollars and twenty cents.

To enable the Secretary of the Senate to pay for the maps of the public lands authorized by the resolution of the Senate of the third March, eighteen hundred and fifty-three, to be printed under the direction of the Committee on Public Lands, five thousand one hundred and fifty dollars.

For the expenses of the House of Representatives, viz:

For horses and carriages, eight hundred and forty dollars.

For newspapers for members, two thousand dollars.

For pages, one thousand nine hundred and thirty-six dollars.

For binding documents, seventy-seven thousand five hundred and ninety-six dollars and forty cents.

For miscellaneous items, twenty thousand dollars.

For binding the Congressional Globe and Appendix of the second session of the thirty-second Congress—five thousand and eighty-eight volumes, at sixty cents per volume—three thousand four hundred and twelve dollars and eighty cents.

For continuing the preparation and publication of a stereotyped catalogue of the library of Congress, five thousand dollars.

For the messenger to the Speaker, three hundred and twelve dollars.

For pay for Annals of Congress, ordered by the House for the House library, being one hundred copies of each of the following volumes: first, second, and third volumes Tenth Congress, and first, second, and third volumes Eleventh Congress, in all six hundred volumes, at five dollars per volume, three thousand dollars.

For printing index to private claims, ordered to be printed by resolution of the House of Representatives of the twenty-second of December, one thousand eight hundred and fifty-one, twenty thousand dollars.

For binding index to private claims, five thousand seven hundred dollars.

For rent of paper wareroom from the first of January to thirtieth of June, eighteen hundred and fifty-four, at two hundred and fifty dollars per annum, one hundred and twenty-five dollars.

For cartage of printing paper from wareroom and office of the Superintendent of Public Printing, to the printing offices, and labor, from the first of January to the thirtieth of June, eighteen hundred and fifty-four, at five hundred and fifty dollars per annum, two hundred and seventy-five dollars.

For arrearages incurred prior to the first of July, one thousand eight hundred and fifty-three, for running and marking the boundary line between the United States and Mexico, under the treaty of Guadalupe Hidalgo, fifty thousand dollars.

And that the period limited for the appointment of commissioner, surveyor, and chief astronomer, by the act of May fifteen, eighteen hundred and fifty, shall be, and the same is hereby, extended to the thirtieth of June, eighteen hundred and fifty-five.

For engraving maps, views, sections, and natural history of the survey of the boundary between the United States and Mexico, ten thousand dollars; to be expended under the direction of the Secretary of the Interior.

For wood cuts purchased by the Commissioner of Patents, for illustrating the mechanical part of the Patent Office report for eighteen hundred and fifty-three-four, ordered by the House of Representatives, one thousand five hundred dollars.

For salaries and incidental expenses of the commission appointed under the act of March third, eighteen hundred and fifty-one, for settling land claims in California, forty-two thousand dollars: *Provided*, That there be allowed to the legal representatives of Robert Greenhow such sum, in addition to that received by him, as together, will make his salary for the time he was employed as assistant law agent equal to that authorized to be paid to the land commissioners by the act of third March, eighteen hundred and fifty-three, "making appropriations for the civil and diplomatic expenses of Government for the year ending the thirtieth of June, eighteen hundred and fifty-four."

That the First Comptroller of the Treasury be, and he is hereby, directed to examine the claims presented by certain counties of the late Territory of Iowa for expenses of the United States district court, which were paid by said counties prior to the admission of said Territory into the Union as a State; and if, upon such examination, he is satisfied that prior to said time the said counties have paid money which, in accordance with the instructions of the First Comptroller of the Treasury, dated nineteenth of December, eighteen hundred and forty-three, as construed in the report of said First Comptroller to the Secre-

tary of the Interior under date of thirteenth of October, eighteen hundred and fifty-three, in reference to said subject, should have been paid by the marshal of the United States for said Territory, he is directed to audit and allow the same.

For compensation of the judge of first instance in civil cases for the district of San Francisco, California, per appointment dated twenty-first of September, eighteen hundred and forty-nine, by the late General B. Riley, while Governor of that country, from first October, eighteen hundred and forty-nine, to the first April, eighteen hundred and fifty, seven hundred and fifty dollars.

For the payment of a draughtsman and clerks, employed under the resolution of May four, eighteen hundred and forty-eight, upon the maps of the public lands, five thousand six hundred and seventy-five dollars.

SEC. 2. *And be it further enacted*, That all books, papers, documents, and records, in the Department of the Interior, may be copied and certified, under the seal of that Department, (which is hereby recognized as legal,) in the same manner as those in the other Executive Departments may now by law be, and with the same force and effect; and in all cases where a seal is necessary by law to any commission, process, or other instrument provided for by the laws of Congress, it shall be lawful to affix the proper seal, by making an impression therewith directly on the paper to which such seal is necessary, which shall be as valid as if made on wax or other adhesive substance.

SEC. 3. *And be it further enacted*, That hereafter the commissions of all officers, under the direction and control of the Secretary of the Interior, shall be made out and recorded in the Department of the Interior, and the seal of the said Department affixed thereto, any laws to the contrary notwithstanding: *Provided*, That the said seal shall not be affixed to any such commission before the same shall have been signed by the President of the United States.

SEC. 4. *And be it further enacted*, That the compensation of the special mail agent of the Post Office Department in California shall be five thousand dollars per annum; such rate to take effect in virtue of this provision from July first, eighteen hundred and fifty-three.

SEC. 5. *And be it further enacted*, That from and after the passage of this act, there shall be, in addition to the clerks authorized by the third section of the act of March third, eighteen hundred and fifty-three, entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending the thirtieth of June, eighteen hundred and fifty-four," in the office of the Register of the Treasury, three clerks of class three, to include the clerk now authorized to take charge of the redemption of stocks, and in the office of the Commissioner of Pensions in lieu of the temporary clerks now employed therein, five clerks of class two, and fifteen clerks of class three; and said clerks shall be paid, according to the provisions of said section, until the thirtieth of June, eighteen hundred and fifty-four, out of any money in the Treasury not otherwise appropriated.

SEC. 6. *And be it further enacted*, That the portion of the seventh section of the act of twenty-sixth August, eighteen hundred and fifty-two, entitled "An act to provide for executing the public printing and establishing the prices thereof, and for other purposes," which provides "that when any documents shall be ordered to be printed by both Houses of Congress, the entire printing of such documents shall be done by the printer of that House which first ordered the same," is hereby repealed; and when there are different printers for the respective Houses, each shall do the printing which may thereafter be ordered by the House electing him.

APPROVED, May 31, 1854.

PUBLIC, XXV.—*An Act regulating the Pay of Deputy Postmasters.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in place of the compensation now allowed deputy postmasters, the Postmaster General be, and he is hereby, authorized to allow them commissions at the following rates on the postage collected at their respective offices in each quarter of the year, and in due proportion for any period less than a quarter, viz:

On any sum not exceeding one hundred dollars sixty per cent.; but any postmaster at whose office the mail is to arrive regularly, between the hours of nine o'clock at night and five o'clock in the morning, may be allowed seventy per cent. on the first hundred dollars.

On any sum over and above one hundred dollars, and not exceeding four hundred dollars, fifty per cent.

On any sum over and above four hundred dollars, but not exceeding twenty-four hundred dollars, forty per cent.

And on all sums over twenty-four hundred dollars, fifteen per cent.

On the amount of postage on letters and packages received at a distributing office for distribution, twelve and one half per cent. commission may be allowed.

Every postmaster whose compensation shall not exceed five hundred dollars in one quarter, shall be allowed one cent on every free letter delivered out of his office, except such as are for the postmaster himself. But the special allowance now made by law to the postmasters at New Orleans and Washington city, shall not otherwise be either increased or diminished.

Each postmaster who shall be required to keep a register of the arrival and departure of the mails, shall be allowed ten cents for each monthly return which he makes to the Postmaster General.

Each postmaster shall be allowed two mills for the delivery from his office to a subscriber of each newspaper not chargeable with postage: *Provided*, That to any postmaster of a distributing office at which the commissions, allowances, and emoluments, since the thirty-first day of March, one thousand eight hundred and fifty-three, have been insufficient to defray the actual and necessary expenses, and afford the postmaster the annual compensation derived from commissions at the office before said thirty-first of March, the Postmaster General may, in his discretion, allow quarterly, from the date aforesaid, out of the postages collected at any such office, an amount sufficient to supply such deficiency: *Provided further*, That to any postmaster of a separating office, whose commissions, allowances, and emoluments may be found insufficient to provide the extra labor necessary to a prompt and efficient performance of the duties of separating and dispatching the mails passing through his office, the Postmaster General may make such quarterly allowance, out of the postages collected at such office, as he may deem sufficient to compensate such extra labor: *Provided further*, That the commissions and allowances authorized by this act shall be subject to the provisions of the forty-first section of the act entitled "An act to reduce into one the several acts establishing and regulating the Post Office Department: *And provided further*, That the Postmaster General may, in his discretion, dispose of any quarterly returns of mails sent or received, which were made up previous to the first day of July, eighteen hundred and fifty, preserving the accounts current, and all vouchers accompanying such accounts, and use such portion of the proceeds thereof as may be necessary to defray the cost of separating and disposing of the same. This act shall take effect and be in force from and after the commencement of the next fiscal quarter after its passage.

APPROVED, June 22, 1854.

PUBLIC, XXVI.—*An Act to authorize the Selection of School Districts in lieu of the sixteenth sections within the Twelve Miles Square Reservation, State of Alabama.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the school commissioners of township six south, range one east, townships five and six south, range two east, and townships five and six south, range three east, Huntsville district, Alabama, be, and the same are hereby, authorized to select, respectively, by legal subdivisions, from any of the surveyed public lands, the quantity, as near as may be, contained in the sixteenth sections of said townships, within the twelve miles square reservation; which selections, upon being approved by the Secretary of the Interior, shall be holden by the same tenure, and upon the same terms, for the support of schools, in such townships, as the sections numbered sixteen, within the said reserva-

tion, would have been, had not treaty stipulation made other disposition thereof.

APPROVED, June 22, 1854.

PUBLIC, XXVII.—*An Act confirming certain Land Claims in Louisiana, in the Bastrop Grant.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That such of the claims entered in the report dated thirtieth of July, eighteen hundred and fifty-two, of the register and receiver at Monroe, Louisiana, as in their opinion ought to be confirmed, according to the principles recognized in the act of Congress of the third March, eighteen hundred and forty-one, pursuant to which the said report was made, be, and the same are hereby, confirmed for the extent and under the limitations referred to in the opinions of the said officers.

SEC. 2. *And be it further enacted*, That the confirmation by this act shall only operate as a relinquishment on the part of the United States, and shall not affect the right of adverse claimants to the same lands, nor prevent a judicial decision in regard to the same; and upon the rendition to the General Land Office of a proper plat of survey, duly approved by the surveyor general, for any confirmation by this act, the Commissioner shall cause a patent to be issued, if satisfied that the same is confirmed and surveyed according to the true intent of this act: *Provided*, That if in any case a claim confirmed by this act was not actually located prior to the third of March, eighteen hundred and fifty-one, no location of the same shall be made to the prejudice of any actual settler, but such floating claim may be located on any public lands in the Ouachita district, to which there may be no existing preemption or other valid claim, under such regulations as may be prescribed by the Commissioner of the General Land Office.

APPROVED, June 29, 1854.

PUBLIC, XXVIII.—*An Act to reimburse to the Common Council of New York city, Expenditures made for the First Regiment of New York Volunteers.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War, in the settlement and adjustment (under the act of Congress of June second, eighteen hundred and forty-eight) of the claims of the common council of New York, for expenditures made in organizing, transporting, clothing, and subsisting the first regiment of New York volunteers, commanded by Colonel Ward B. Burnett, prior to the mustering of said regiment into the service of the United States, shall be authorized and required to allow such of those claims as may be supported by satisfactory vouchers, showing that such expenditures had been fairly made, and was necessary and proper for the service, notwithstanding that such vouchers may be informal and defective for want of particularity: *Provided*, That the amount allowed shall not exceed three thousand six hundred and seventy-two dollars and ninety cents.

APPROVED, June 29, 1854.

PUBLIC, XXIX.—*An Act to authorize the Issue of Registers to vessels owned by the "Accessory Transit Company."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to cause registers to be issued in the name of the president of the "Accessory Transit Company," incorporated under a charter from the State of Nicaragua, for the steamboats or vessels owned by said company, and employed in the transportation of merchandise and passengers between the Atlantic and Pacific ports of the United States, through or over the territory of the State aforesaid: *Provided*, That before the granting of a register for any steamboat or vessel owned by said company, to be employed as aforesaid, the president of said company shall swear or affirm that the said steamboat or vessel is owned by said company; that all the officers and at least two thirds of the crew are citizens of the United States, or persons not the subjects of any foreign prince or State; that all the officers and directors of said company are citizens of the United States, and that two thirds of the stock of said company is owned by citizens of the

United States; which oath or affirmation shall be deemed sufficient, without requiring the oath or affirmation of any other person interested, or concerned in said steamboat or vessel: *And provided further*, That a register issued under this act shall continue in force one year, and no longer, unless the president of the company aforesaid shall, within one year from the date of the register, make anew the oath or affirmation aforesaid, and the collector of the customs shall certify the date of said renewed oath or affirmation on the back of said register, which shall continue in force for one year from said date, and the oath or affirmation may be so renewed and the indorsement so made once in each and every year thereafter, and the register shall continue in force accordingly.

Sec. 2. *And be it further enacted*, That before granting a register to any steamboat or vessel, owned by the company aforesaid, the president thereof shall, together with one or more sureties, to the satisfaction of the collector of the customs, by whom, under the direction of the Secretary of the Treasury, the register may be issued, become bound to the United States in the sum of twenty-five thousand dollars, with condition that the steamboat or vessel shall be solely employed in the transportation of merchandise and passengers between the Atlantic and Pacific ports of the United States as aforesaid; that the register shall be solely used for said steamboat or vessel; that it shall not be sold, lent, or otherwise disposed of to any other company, person, or persons; and that in case such steamboat or vessel shall be sold, lost, or otherwise prevented from returning to the United States, the said register shall, within six months thereafter, if preserved, be returned to the collector of the customs who issued it, or to the Register of the Treasury, for cancellation; and on failure to comply with any of the conditions aforesaid, a forfeiture shall accrue to the United States of the entire penal sum named in said bond, to be enforced in any court of competent jurisdiction, and the outstanding register shall be null and void.

Sec. 3. *And be it further enacted*, That whenever the officer to whom said register had been issued shall cease to be the president of said company, any register which may have been issued in his name shall be void, and a new register must be issued, in compliance with the provisions of this act.

Sec. 4. *And be it further enacted*, That before issuing any register as aforesaid, it shall be proved to the satisfaction of the Secretary of the Treasury that the steamboat or vessel for which the register is to issue shall have been built and equipped wholly in the United States; and said steamboats and vessels shall, in all respects, be subject to the laws of the United States in the same manner as vessels built wholly and registered by American citizens.

APPROVED, June 29, 1854.

PUBLIC, XXX.—*An Act to enable the President of the United States to fulfill the third Article of the Treaty between the United States and the Mexican Republic, of the thirtieth of December, one thousand eight hundred and fifty-three, as amended by the Senate of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of ten millions of dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to enable the President of the United States to fulfill the stipulation in the third article of the treaty between the United States and the Mexican Republic, of the thirtieth of December, one thousand eight hundred and fifty-three, as subsequently amended by the Senate of the United States; of which said sum of ten millions of dollars, seven millions are to be paid on the exchange of the ratifications of said treaty, and the remaining three millions as soon as the boundary line shall be surveyed, marked, and established.

APPROVED, June 29, 1854.

PUBLIC, XXXI.—*An Act to aid the Territory of Minnesota in the Construction of a Railroad therein.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and is hereby, granted to the Territory of Minnesota, for the purpose of aiding in the construction of a railroad from the

southern line of said Territory, commencing at a point between township ranges nine and seventeen, thence by the way of St. Paul, by the most practicable route, to the eastern line of said Territory, in the direction of Lake Superior, every alternate section of land designated by odd numbers for six sections in width on each side of said road within said Territory, but in case it shall appear that the United States have, when the line of said road is definitely fixed by the authority aforesaid, sold any section, or any part thereof granted as aforesaid, or that the right of preëmption has attached to the same, then it shall be lawful for any agent or agents, to be appointed by the Governor of said Territory, subject to the approval of the Secretary of the Interior, to select from the lands of the United States nearest to the tier of sections above specified, so much land, in alternate sections or parts of sections, as shall be equal to such lands as the United States have sold, or to which the right of preëmption has attached as aforesaid, which lands (thus selected in lieu of those sold, and to which preëmption has attached as aforesaid, together with the sections or parts of sections designated by odd numbers as aforesaid, and appropriated as aforesaid) shall be held by the Territory of Minnesota for the use and purpose aforesaid: *Provided*, That the lands to be so located shall in no case be further than fifteen miles from the line of the road, in each case, and selected for and on account of said road: *Provided further*, That the lands hereby granted shall be exclusively applied in the construction of that road for which it was granted and selected, and shall be disposed of only as the work progresses, and the same shall be applied to no other purpose whatever: *And provided further*, That any and all lands heretofore reserved to the United States by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement, or for any other purpose whatsoever, be, and the same are hereby, reserved to the United States from the operation of this act, except so far as it may be found necessary to locate the route of said railroad through such reserved lands, in which case the right of way only shall be granted, subject to the approval of the President of the United States.

Sec. 2. *And be it further enacted*, That the sections and parts of sections of land, which by such grants shall remain to the United States, within six miles on each side of said road, shall not be sold for less than double the minimum price.

Sec. 3. *And be it further enacted*, That the said lands hereby granted to the said Territory shall be subject to the disposal of any Legislature thereof, for the purpose aforesaid and no other, nor shall they inure to the benefit of any company heretofore constituted and organized; and the said railroad shall be and remain a public highway for the use of the Government of the United States, free from toll or other charge upon the transportation of any property or troops of the United States, nor shall any of said lands become subject to private entry until the same shall have been first offered at public sale at the increased price.

Sec. 4. *And be it further enacted*, That the lands hereby granted to said Territory, shall be disposed of by said Territory only in manner following, that is to say, no title shall vest in the said Territory of Minnesota, nor shall any patent issue for any part of the lands hereinbefore mentioned, until a continuous length of twenty miles of said road shall be completed through the lands hereby granted, and when the Secretary of the Interior shall be satisfied that any twenty miles of said road are completed, then a patent shall issue for a quantity of land not exceeding one hundred and twenty sections, and included within a continuous length of twenty miles of said road, and so from time to time, patents shall be issued in like manner upon the completion of each additional twenty miles of said road, until it shall be completed; and if said road is not completed within ten years, no further sale shall be made, and the land unsold shall revert to the United States.

Sec. 5. *And be it further enacted*, That the United States mail shall be transported at all times on said railroad, under the direction of the Post Office Department, at such price as Congress may by law direct: *Provided*, That until such price is fixed by law, the Postmaster General shall have power to determine the same.

APPROVED, June 29, 1854.

[The preceding act was subsequently repealed. See act for relief of Thomas Bronaugh.]

PUBLIC, XXXII.—*An Act for the construction of certain Military Roads and Wells in the Territory of New Mexico.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums of money be, and are hereby, appropriated for the construction and repair of roads in the Territory of New Mexico:

From Taos to Santa Fé, the sum of twenty thousand dollars.

From Santa Fé to Dona Aña, the sum of twelve thousand dollars; any portion of which may be applied to the sinking of wells, if required by the necessities of said road. The said sums of money to be expended under the control and direction of the Secretary of War.

APPROVED, July 17, 1854.

PUBLIC, XXXIII.—*An Act for the Payment of the Civil Officers employed in the Territory of New Mexico while under military government.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized, from any money in the Treasury not otherwise appropriated, to pay to the civil officers employed in the Territory of New Mexico while the same was under military government, the salaries due and payable to them from the twenty-second of September, eighteen hundred and forty-six, until the third of March, eighteen hundred and fifty-one, according to the rate of compensation prescribed by the organic law promulgated by General Stephen W. Kearney for the government of said Territory of New Mexico, deducting therefrom such sums as have already been paid to them from the Treasury of said Territory: *Provided*, That under the provision of this act, no compensation shall be made to any officer of the Army of the United States for discharging the duties of any civil office in the Territory of New Mexico.

APPROVED, July 17, 1854.

PUBLIC, XXXIV.—*An Act to provide for the continuation of the Military Road from Myrtle Creek to Scottsburg, in Oregon.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of twenty thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the extension and completion of the military road from Myrtle Creek, in Umpqua valley, to Scottsburg, in the Territory of Oregon; the said road to be constructed under the direction of the Secretary of War.

APPROVED, July 17, 1854.

PUBLIC, XXXV.—*An Act to provide for the construction of a Military Road in the Territory of Utah.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and is hereby, appropriated, the sum of twenty-five thousand dollars, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, in the construction of a military road within the Territories of Utah and New Mexico, commencing at Great Salt Lake City, and running by the way of Provo City, Fillmore City, Parovan and Cedar City, to the eastern boundary of California, in the direction of the Cajon Pass.

APPROVED, July 17, 1854.

PUBLIC, XXXVI.—*An Act to authorize the President of the United States to cause to be Surveyed the tract of land in the Territory of Minnesota belonging to the half-breeds or mixed-bloods of the Dacotah or Sioux Nation of Indians, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized to exchange with the half-breeds or mixed-bloods of the Dacotah or Sioux nation of

Indians, who are entitled to an interest therein, for the tract of land lying on the west side of Lake Pepin and the Mississippi river, in the Territory of Minnesota, which was set apart and granted for their use and benefit, by the ninth article of the treaty of Prairie du Chien, of the fifteenth day of July, one thousand eight hundred and thirty; and for that purpose he is hereby authorized to cause to be issued to said persons, on the execution by them, or by the legal representatives of such as may be minors, of a full and complete relinquishment by them to the United States of all their right, title, and interest, according to such form as shall be prescribed by the Commissioner of the General Land Office, in and to said tract of land or reservation, certificates or scrip for the same amount of land to which each individual would be entitled in case of a division of the said grant or reservation *pro rata* among the claimants—which said certificates or scrip may be located upon any of the lands within said reservation not now occupied by actual and *bona fide* settlers of the half-breeds or mixed-bloods, or such other persons as have gone into said Territory by authority of law, or upon any other unoccupied lands subject to preemption or private sale, or upon any other unsurveyed lands, not reserved by Government, upon which they have respectively made improvements: *Provided*, That said certificates or scrip shall not embrace more than six hundred and forty, nor less than forty acres each, and provided that the same shall be equally apportioned, as nearly as practicable, among those entitled to an interest in said reservation: *And provided further*, That no transfer or conveyance of any of said certificates or scrip shall be valid.

SEC. 2. *And be it further enacted*, That the President be, and he is hereby, authorized to cause to be ascertained the number and names of the half-breeds or mixed-bloods who are entitled to participate in the benefits of the said grant or reservation as aforesaid, before the issue of the certificates or scrip provided for in the preceding section.

SEC. 3. *And be it further enacted*, That from and after the passage of this act, the President is authorized to have the lands within the said reserve surveyed and exposed to public sale at the land offices for the districts in which said lands may lie, according to the boundaries of the several land districts recently established by Congress, in the same manner as other public lands.

APPROVED, July 17, 1854.

PUBLIC, XXXVII.—*An Act to amend the act approved September twenty-seven, eighteen hundred and fifty, to create the Office of Surveyor General of the Public Lands in Oregon, etc., and also the act amendatory thereof, approved February nineteen, eighteen hundred and fifty three.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the donations hereafter to be surveyed in Oregon and Washington Territories, claimed under any of the provisions of the act to create the office of surveyor general of the public lands in Oregon, etc., approved September twenty-seven, eighteen hundred and fifty, shall in no case include a town site, or lands settled upon for purposes of business or trade, and not for agriculture; and all legal subdivisions included in whole or in part in such town sites, or settled upon for purposes of business or trade, and not for agriculture, shall be subject to the operations of the act of May twenty-three, eighteen hundred and forty-four, "for the relief of citizens of towns upon lands of the United States, under certain circumstances," whether such settlements were made before or after the surveys: *Provided, however*, That the period of two years occupancy required of settlers before they can purchase the lands claimed by them under the provisions of the first section of the act of February fourteen, eighteen hundred and fifty-three, above mentioned, shall be, and the same is hereby, reduced to one year.

SEC. 2. *And be it further enacted*, That the proviso to the fourth section of the act of twenty-seventh September, eighteen hundred and fifty, above mentioned, by which all contracts for the sale of lands claimed under that law, before the issue of the patents therefor, are declared void, shall be, and the same is hereby, repealed: *Provided*, That no sale shall be deemed valid, unless

the vendor shall have resided four years upon the land.

SEC. 3. *And be it further enacted*, That the preemption privilege granted by the act of the fourth of September, eighteen hundred and forty-one, shall be, and the same is hereby, extended to the lands in Oregon and Washington Territories, whether surveyed or unsurveyed, not rightfully claimed, entered, or reserved, under the provisions of this act, or the acts of which it is amendatory, nor excluded by the terms of the said act of eighteen hundred and forty-one, with the exception of unsurveyed lands as above mentioned; and all settlers on unsurveyed lands in said Territories shall give notice to the surveyor general, or other duly authorized officer, of the particular tract claimed under this section, within six months after the survey of such lands is made and returned. And all persons claiming donations under this act, or the acts of which it is amendatory, shall in like manner give notice to the surveyor general, or other duly authorized officer, of the particular lands claimed as such donations, within thirty days after being requested to do so by such officer; and failing such notice in either case, the claimant or claimants shall forfeit all right and claim thereto: *Provided, however*, That the time limited by the sixth section of the act of eighteen hundred and fifty-three, in which claimants under the act of eighteen hundred and fifty are required to give notice of their claims, shall be, and the same is hereby, extended to the first of December, eighteen hundred and fifty-five, except in cases where the surveyor general shall request them so to do, as above provided.

SEC. 4. *And be it further enacted*, That, in lieu of the two townships of land granted to the Territory of Oregon by the tenth section of the act of eighteen hundred and fifty, for universities, there shall be reserved to each of the Territories of Washington and Oregon two townships of land of thirty-six sections each, to be selected in legal subdivisions, for university purposes, under the direction of the Legislatures of said Territories, respectively.

SEC. 5. *And be it further enacted*, That in any case where orphans have been, or may be, left in either of the said Territories, whose parents, or either of them, if living, would have been entitled to a donation under this act, or either of those of which it is amendatory, said orphans shall be entitled to a quarter section of land on due proof being made to the satisfaction of the surveyor general, subject to the decision of the Secretary of the Interior. Said land to be set off to them by the surveyor general in good agricultural land, not reserved, or otherwise appropriated, under any law of Congress; and, in case of the death of either, or any of said orphans, after their lands shall have been designated by the surveyor general, the right or rights of the deceased shall vest in the survivor or survivors.

SEC. 6. *And be it further enacted*, That all the provisions of this act, and the acts of which it is amendatory, shall be extended to all the lands in Oregon and Washington Territories; and, for the purpose of carrying said acts into effect in said Territories, the President shall be, and he is hereby, authorized to appoint a register and receiver for each of said Territories, whose powers, duties, obligations, and responsibilities, shall be the same as are now prescribed by law for other land officers and for the surveyor general of Oregon, so far as they apply to such officers. They shall keep their offices at such place as the President shall, from time to time, direct; and their compensation shall be twenty-five hundred dollars each per annum, and office rent; but they shall be entitled to no fees, or other emoluments of any kind whatsoever, except the receiver's actual and necessary expenses in depositing; and, on satisfactory proof that either of said officers, or any other officer, has charged or received fees, or other rewards not authorized by law, he shall be forthwith removed from office.

SEC. 7. *And be it further enacted*, That the Territory of Washington shall be erected into a separate surveying district, and the President of the United States is hereby authorized to appoint a surveyor general for the same, who shall hold his office at such place as the President may direct, and the location thereof may be changed from time to time, if, in the judgment of the President, the public interest should require it, and the pow-

ers, duties, obligations, responsibilities, and emoluments of the said surveyor general shall be the same as are now prescribed by law for the surveyor general of Oregon.

APPROVED, July 17, 1854.

PUBLIC, XXXVIII.—*An Act making further Appropriations for continuing the Construction of Roads in the Territory of Minnesota, in accordance with the estimates made by the War Department.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums of money be, and they are hereby, appropriated for continuing the construction of roads in the Territory of Minnesota, to wit:

For the continuation of the road from Point Douglas, on the Mississippi river, to the mouth of the St. Louis river, of Lake Superior, in Wisconsin, twenty thousand dollars.

For the continuation of the road from Point Douglas to Fort Gaines, now Fort Ripley, ten thousand dollars.

For the continuation of the road from the mouth of Swan river to the Winnebago agency, five thousand dollars.

For the continuation of the road from Wabashaw to Mendota, fifteen thousand dollars.

The continuation of the construction of said roads to be made under the direction of the Secretary of War, pursuant to contracts to be made by him, or under his direction: *Provided*, That so much of any former acts as require the first-mentioned road to terminate at the falls or rapids of said St. Louis river, are hereby repealed.

APPROVED, July 17, 1854.

PUBLIC, XXXIX.—*An Act to refund to the Territory of Utah the Expenses incurred by said Territory in suppressing Indian Hostilities.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to examine into and ascertain the amount of expenses incurred by the said Territory in the suppression of Indian hostilities within said Territory during the years eighteen hundred and fifty and eighteen hundred and fifty-one; and that the amount of such expenses, when so ascertained, be paid into the Treasury of said Territory: *Provided*, That the sum so paid shall not exceed in amount twenty thousand nine hundred and forty dollars and sixty-five cents, which amount is hereby appropriated out of any money in the Treasury not otherwise appropriated.

APPROVED, July 17, 1854.

PUBLIC, XL.—*An Act to authorize the Secretary of War to settle and adjust the Expenses of the Rogue River Indian War.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to adjust and settle, on just and equitable principles, all claims for services rendered in the late war with the Rogue River Indians in Oregon—known as the Rogue River war—according to the muster-rolls of the same; also for subsistence, forage, medical stores, and expenditures, as well as for any other necessary and proper supplies furnished for the prosecution of said war; and that, on such adjustment, be paid out of any moneys in the Treasury not otherwise appropriated.

APPROVED, July 17, 1854.

PUBLIC, XLI.—*An Act to Incorporate the Georgetown Gas-Light Company.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That David English, Robert P. Dodge, Richard Cruikshank, William M. Fitzhugh, Richard Pettit, William F. Seymour, Adolphus H. Pickrell, and William Bucknell, and their present and future associates, are hereby declared to be a body-politic and corporate, by the name and style of "The Georgetown Gas-Light Company," and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of law and equity in the District of Columbia and elsewhere; to make and have a common seal, and the same to break,

alter, and renew at pleasure; to ordain and establish by-laws, ordinances, and regulations, and generally to do every act and thing necessary to carry into effect this act, or to promote the objects and design of this corporation.

Sec. 2. *And be it further enacted*, That the capital stock of this corporation shall not exceed one hundred and fifty thousand dollars; that a share in the same shall be twenty-five dollars, and books of subscription to the said capital stock, or to such portions thereof, as from time to time may, by the directors, for the time being, be deemed proper and necessary, shall be opened by the appointment, or under the direction, of the directors hereinafter named, subject to such rules, limitations, and conditions as by them shall be prescribed; and the stock of the said company shall be deemed personal property.

Sec. 3. *And be it further enacted*, That the stock, property, and affairs of the said company shall be managed and conducted by and under the direction of a president and seven directors, being stockholders; that the said directors shall be elected on the first Monday of June, in the year eighteen hundred and fifty-four, and on the same day in each succeeding year thereafter, and shall hold their offices for one year from the day of their election, and until other directors shall be elected in their place; that such election shall be held in Georgetown aforesaid, at such time and place as a majority of the directors for the time being shall appoint, and notice of such time and place of election shall be given by advertisement in one or more newspapers printed and published in the said town, at least fourteen days before the day of holding such election; and every such election shall be by ballot, and by such of the stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled to one vote for each share of the stock which he or she may have held, and may continue to hold in his or her own name, for at least fourteen days before the time of voting; and the persons having the greatest number of votes shall be the directors; and if it shall happen that two or more persons shall have an equal number of votes, the directors in office at the time of such election shall, by a plurality of votes, given by ballot, determine which of the persons so having an equal number of votes shall be director or directors, so as to complete the whole number to be chosen; and the directors so chosen shall, as soon as may be thereafter, proceed to elect by ballot one of their own number, or one of the shareholders, to be their president; and whenever any vacancy shall happen in the said board of president and directors, the same shall be filled up by the remaining directors by plurality of votes, until the next annual election: *Provided always*, That the president of the said company, and at least six of the directors, shall be inhabitants of the said town.

Sec. 4. *And be it further enacted*, That David English, Robert P. Dodge, Richard Cruikshank, William M. Fitzhugh, Richard Pettit, William F. Seymour, Adolphus H. Pickrell, and William Bucknell shall be the first directors of the said company; the first named of whom shall be their president, and shall hold their offices until the first Monday in June, in the year eighteen hundred and fifty-four, and until others are chosen in their places.

Sec. 5. *And be it further enacted*, That in case it shall happen at any time that an election for directors shall not take place on the day appointed by this act for that purpose, the said corporation shall not for that cause, or for any non-user, be deemed to be dissolved, but it shall and may be lawful to hold an election for directors on any other day, in such manner as shall be provided for by the by-laws of the said corporation.

Sec. 6. *And be it further enacted*, That it shall and may be lawful for the directors, or a majority of them, to require payment of the subscriptions to the capital stock of the said corporation at such times and in such proportions as they, or a majority of them, shall deem fit, under the penalty of forfeiting any or all previous payment or payments thereon: *Provided*, Notice of the installment required to be paid shall have been published at least fourteen days in one or more of the newspapers printed and published in the said town, before the day appointed for the payment thereof.

Sec. 7. *And be it further enacted*, That the President and directors shall have full power and au-

thority to manufacture, make, and sell gas, to be made of coal, oil, tar, peat, pitch, turpentine, or other material, and to be used for the purpose of lighting the city of Georgetown, or the streets thereof, and any buildings, manufactories, or houses therein contained and situate; and to lay pipes for the purpose of conducting gas in any of the streets, lanes, or alleys of the said city: *Provided, however*, That the said company shall so conduct the manufacture of gas as not to injure private property, or create a nuisance; and that the said pipes shall be laid, subject to such conditions, and in compliance with such regulations, as the corporation of Georgetown, aforesaid, may from time to time prescribe: *And provided further*, That the right to erect and put up any buildings, works, or apparatus, for the manufacture of gas, shall be subject to such terms, conditions, restrictions, and regulations as the said corporation of Georgetown may, from time to time, prescribe or direct.

Sec. 8. *And be it further enacted*, That if any person or persons shall wilfully do, or cause to be done, any act or acts whatsoever, whereby the works of the said company, or any pipe, conduit, plug, cock, reservoir, or any engine, machine, or structure, or any matter or thing appertaining to the same shall be stopped, obstructed, impaired, weakened, injured, or destroyed, the person or persons so offending shall forfeit and pay to the said corporation double the amount of the damage sustained by means of such offense or injury, to be recovered in the name of said corporation, with cost of suit in any action of debt, or on the case, to be brought in any court having cognizance thereof.

Sec. 9. *And be it further enacted*, That nothing in this act shall be construed to prevent any person or persons, nor any incorporated company, hereafter to be created by Congress for that purpose, from engaging in and pursuing the business specified in the seventh section of this act; and that it shall be lawful for Congress, at any time hereafter, to alter, amend, or repeal this act.

Sec. 10. *And be it further enacted*, That nothing in this act contained shall be construed to authorize the said Georgetown Gas-Light Company to make, issue, or put in circulation any bill, draft, check, order, promissory note, change ticket, or anything else promising or agreeing to pay money, intended to circulate as money, or the tendency of which shall be to circulate as money or currency, and the violation of any one of the provisions of this section shall be a forfeiture of the charter hereby given, and shall subject each of the directors voting for the same to a fine of fifty dollars.

Sec. 11. *And be it further enacted*, That each of the stockholders in the Georgetown Gas-Light Company shall be held liable in his or her individual capacity for all the debts and liabilities of the said company, however contracted or incurred, to be recovered by suit, as other debts or liabilities, before the court or tribunal having jurisdiction of the case.

Sec. 12. *And be it further enacted*, That all right granted to the Washington Gas-Light Company by an act entitled "An act to amend an act entitled 'An act to incorporate the Washington Gas-Light Company, approved July eight, eighteen hundred and forty-eight,' approved August second, eighteen hundred and fifty-two," to lay gas mains or pipes in the city of Georgetown, be, and the same is hereby, repealed.

APPROVED, July 20, 1854.

PUBLIC, XLII.—*An Act regulating the Time of holding the Sessions of the District and Circuit Courts of the United States in the Eastern District of Louisiana.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall hereafter be annually only three stated sessions of the district court of the United States for the eastern district of Louisiana, which shall be held at New Orleans on the third Mondays of November, February, and May: *Provided*: That the judge of said court shall be, and he is hereby, authorized to adjourn any stated session to any time or times previous to the next stated session of said district court, whenever he may deem it expedient.

Sec. 2. *And be it further enacted*, That the fall term of the circuit court of the United States for the eastern district of Louisiana, shall hereafter

be held on the first Monday of November, in each year, instead of the third Monday of December, as heretofore provided by law.

APPROVED, July 20, 1854.

PUBLIC, XLIII.—*An Act making further Appropriation for the Improvement of the Cape Fear River, North Carolina.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of one hundred and forty thousand dollars be, and the same is hereby, appropriated for the year ending thirtieth June, eighteen hundred and fifty-five, to be paid out of any money in the Treasury not otherwise appropriated, and to be expended under the superintendence of the Secretary of War, for the continuation of the improvement of the Cape Fear river, North Carolina, at or near its communication with the ocean.

APPROVED, July 22, 1854.

PUBLIC, XLIV.—*An Act to establish the Offices of Surveyor General of New Mexico, Kansas, and Nebraska, to grant Donations to Actual Settlers therein, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President, by and with the advice and consent of the Senate, shall be, and he is hereby, authorized to appoint a surveyor general for New Mexico, whose annual salary shall be three thousand dollars, and whose power, authority, and duties shall be the same as those provided by law for the surveyor general of Oregon; he shall have proper allowances for clerk-hire, office rent, and fuel, not exceeding what now is or hereafter may be allowed by law to the said surveyor general of Oregon; and he shall locate his office, from time to time, at such places as may be directed by the President of the United States.

Sec. 2. *And be it further enacted*, That to every white male citizen of the United States, or every white male above the age of twenty-one years who has declared his intention to become a citizen, and who was residing in said Territory prior to the first day of January, eighteen hundred and fifty-three, and who may be still residing there, there shall be, and hereby is, donated one quarter section, or one hundred and sixty acres of land. And to every white male citizen of the United States, or every white male above the age of twenty-one years who has declared his intention to become a citizen, and who shall have removed or shall remove to and settle in said Territory between the first day of January, eighteen hundred and fifty-three, and the first day of January, eighteen hundred and fifty-eight, there shall in like manner be donated one quarter section, or one hundred and sixty acres, on condition of actual settlement and cultivation for not less than four years: *Provided, however*, That each of said donations shall include the actual settlement and improvement of the donee, and shall be selected by legal subdivisions, within three months after the survey of the land where the settlement was made before the survey; and where the settlement was made after the survey, then within three months after the settlement has been made; and all persons failing to designate the boundaries of their claims within that time, shall forfeit all right to the same.

Sec. 3. *And be it further enacted*, That, on proof of the settlement and cultivation required by this act, to the satisfaction of the surveyor general, or other officer designated by law for that purpose, subject to the supervision of the Secretary of the Interior, a certificate shall be issued to the party entitled, on presentation of which, if approved by the Secretary of the Interior, a patent shall issue thereon: *Provided, however*, That on the death of any such settler before the completion of the four years' occupancy and cultivation required by this act, the right shall descend to his heirs-at-law, who shall be entitled to a certificate and patent, as aforesaid, on proof, as before provided, of continued occupancy and cultivation by such settler to the time of his death: *Provided, however*, That when lands are claimed under any of the provisions of this act by persons who are not citizens of the United States, patents shall not issue therefor until they become citizens.

SEC. 4. *And be it further enacted*, That none of the provisions of this act shall extend to mineral or school lands, salines, military or other reservations, or lands settled on and occupied for purposes of trade and commerce, and not for agriculture, and all legal subdivisions settled on and occupied, in whole or in part, for purposes of trade and commerce, and not for agriculture, shall be subject to the provisions of the act of twenty-third of May, eighteen hundred and forty-four, in relation to town sites on the public lands, whether so settled and occupied before or after the survey of said lands, except that said lands shall be donated instead of being sold.

SEC. 5. *And be it further enacted*, That when the lands in the said Territory shall be surveyed, under the direction of the Government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township, in said Territory, shall be, and the same are hereby, reserved for the purpose of being applied to schools in said Territory, and in the States and Territories hereafter to be created out of the same.

SEC. 6. *And be it further enacted*, That, when the lands in said Territory shall be surveyed as aforesaid, a quantity of land equal to two townships shall be, and the same is hereby, reserved for the establishment of a university in said Territory, and in the State hereafter to be created out of the same, to be selected, under the direction of the Legislature, in legal subdivisions of not less than one half section.

SEC. 7. *And be it further enacted*, That any of the lands not taken under the provisions of this act shall be subject to the operation of the pre-emption act of fourth September, eighteen hundred and forty-one, whether settled upon before or after the survey; and, in all cases where the settlement was made before the survey, the settler shall file his declaration within three months after the survey is made and returned; and any person claiming a donation under this act shall be permitted to enter the land claimed by him at any time prior to the four years' occupancy and cultivation required, by paying therefor at the rate of one dollar and twenty-five cents per acre, and proving occupancy and cultivation up to the time of such payment.

SEC. 8. *And be it further enacted*, That it shall be the duty of the surveyor general, under such instructions as may be given by the Secretary of the Interior, to ascertain the origin, nature, character, and extent of all claims to lands under the laws, usages, and customs of Spain and Mexico; and, for this purpose, may issue notices, summon witnesses, administer oaths, and do and perform all other necessary acts in the premises. He shall make a full report on all such claims as originated before the cession of the territory to the United States by the treaty of Guadalupe Hidalgo, of eighteen hundred and forty-eight, denoting the various grades of title, with his decision as to the validity or invalidity of each of the same under the laws, usages, and customs of the country before its cession to the United States; and shall also make a report in regard to all pueblos existing in the Territory, showing the extent and locality of each, stating the number of inhabitants in the said pueblos, respectively, and the nature of their titles to the land. Such report to be made according to the form which may be prescribed by the Secretary of the Interior; which report shall be laid before Congress for such action thereon as may be deemed just and proper, with a view to confirm *bona fide* grants, and give full effect to the treaty of eighteen hundred and forty-eight, between the United States and Mexico; and, until the final action of Congress on such claims, all lands covered thereby shall be reserved from sale or other disposal by the Government, and shall not be subject to the donations granted by the previous provisions of this act.

SEC. 9. *And be it further enacted*, That full power and authority are hereby given the Secretary of the Interior to issue all needful rules and regulations for carrying into effect the several provisions of this act.

SEC. 10. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to appoint, by the advice and consent of the Senate, a surveyor general for the Territories of Nebraska and Kansas, who shall locate his office at such place as the President of the

United States shall from time to time direct, and whose duties, powers, obligations, and responsibilities, and compensation shall be the same as those of the surveyor general of Wisconsin and Iowa, and who shall be allowed the same amount for office rent, fuel, incidental expenses, and clerk hire as is allowed to said surveyor general of Wisconsin and Iowa.

SEC. 11. *And be it further enacted*, That said surveyor general shall cause the necessary surveys to be made in said Territories of standard meridian, base and parallel lines, and of township and subdivisional lines, under such rules and regulations as shall be prescribed by the Commissioner of the General Land Office.

SEC. 12. *And be it further enacted*, That all the lands to which the Indian title has been or shall be extinguished within said Territories of Nebraska and Kansas, shall be subject to the operations of the pre-emption act of fourth September, eighteen hundred and forty-one, and under the conditions, restrictions, and stipulations therein mentioned: *Provided, however*, That where unsurveyed lands are claimed by pre-emption, notice of the specific tracts claimed shall be filed within three months after the survey has been made in the field, and on failure to file such notice, or to pay for the tracts claimed before the day fixed for the public sale of the lands by the proclamation of the President of the United States, the parties claiming such lands shall forfeit all right thereto: *Provided*, said notices may be filed with the surveyor general and to be noted by him on the township plats, until other arrangements shall have been made by law for that purpose.

SEC. 13. *And be it further enacted*, That the public lands in the Territory of Nebraska, to which the Indian title shall have been extinguished, shall constitute a new land district, to be called the Omaha district; and the public lands in the Territory of Kansas, to which the Indian title shall have been extinguished, shall constitute a new land district, to be called the Pawnee district: the offices for each of which districts shall be established at such points as the President may deem expedient; and he is hereby authorized to appoint, by and with the advice and consent of the Senate, a register and receiver of public moneys for each of said districts, who shall each be required to reside at the site of their respective offices, and they shall have the same powers, perform the same duties, and be entitled to the same compensation as are or may be prescribed by law in relation to other land offices of the United States. And the President is hereby authorized to cause the surveyed lands to be exposed for sale from time to time, in the same manner, and upon the same terms and conditions, as the other public lands of the United States.

APPROVED, July 22, 1854.

PUBLIC, XLV.—*An Act for the relief of the Widows and Orphans of the Officers and Seamen of the United States schooner Grampus, who were lost in that vessel in March, eighteen hundred and forty-three, near the coast of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the same provision as is made by the act entitled "An act for the relief of the widows and orphans of the officers, seamen, and marines, of the brig Somers," approved the fourteenth day of August, eighteen hundred and forty-eight, and "An act for the relief of the widows and relatives of certain officers and seamen of the United States brig Washington, who were lost overboard in a hurricane," approved February the third, eighteen hundred and fifty-three, be also extended to the widows and orphans of the officers and seamen who were lost in the United States schooner Grampus in the gale of March, eighteen hundred and forty-three, near the coast of the United States.

APPROVED, July 27, 1854.

PUBLIC, XLVI.—*An Act creating a Collection District in New York to be called the District of Dunkirk, and constituting Dunkirk a Port of Entry, and the Ports of Barcelona, Silver Creek and Cattaraugus Creek Ports of Delivery.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the counties of Cattaraugus and

Chautauque, and the harbors, rivers, and waters on the southern shore of Lake Erie, in the State of New York, west of and including Cattaraugus Creek, and the shores on each side of said creek, and west along the shore and territory bordering on Lake Erie aforesaid, to the Pennsylvania State line, and the islands in the said lake contiguous thereto, heretofore embraced in the district of Buffalo Creek, shall be, and are hereby, constituted a collection district, to be called the district of Dunkirk; and a port of entry for said district is hereby established at Dunkirk, and the ports of Barcelona, Silver Creek, and Cattaraugus Creek shall be ports of delivery.

SEC. 2. *And be it further enacted*, That there shall be appointed, in the manner prescribed by law, a collector of customs for the aforesaid district who shall thereafter, and during his continuance in office, reside at the port of entry created by this act, together with such other subordinate officers of the customs as are provided for by law, and the compensation of said collector shall be such sum as shall be designated by the Secretary of the Treasury in the classification of the compensation of collectors of customs, not to exceed one thousand dollars per annum: *Provided*, That in case no classification of the compensation of collectors of customs shall be made, then the compensation of the collector for the port of entry established by this act shall be five hundred dollars per annum, together with such fees and emoluments as are authorized by existing laws.

SEC. 3. *And be it further enacted*, That deputy collectors of customs for the several ports of delivery constituted by this act shall be appointed and compensated for their services in the mode prescribed by existing laws; and said officers shall exercise all the powers and duties vested in deputy collectors of customs under existing laws.

APPROVED, July 27, 1854.

PUBLIC, XLVII.—*An Act making Appropriations to defray the Expenses of the Cayuse war.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the further sum of seventy-five thousand dollars to pay the actual and necessary expenses incurred by the provisional government of Oregon in defending the people of the said Territory from the attacks and hostilities of the Cayuse Indians, in the years eighteen hundred and forty-seven and eighteen hundred and forty-eight, and for such allowances for the expenses of adjusting the claims on that account as the Secretary of the Treasury may deem proper, not exceeding five dollars per day to each commissioner; and that the Secretary of the Treasury pay out of said appropriation so much thereof as may be necessary to liquidate said claims according to the reports of the commissioners heretofore appointed for ascertaining said amounts and of the Governor of said Territory, that have been communicated to Congress. And no claims shall hereafter be allowed on account of this war which are not presented at the Treasury Department of the United States within the next fiscal year.

SEC. 2. *And be it further enacted*, That all of said claims and accounts not heretofore adjusted, shall be settled and adjusted at such place and in such manner as the Secretary of the Treasury may prescribe. And the Secretary of the Treasury is hereby empowered to re-examine any award that has been or may be made of said claims, and to reduce the amount, if, in his judgment, founded on proof, it should be too much.

APPROVED, July 27, 1854.

PUBLIC, XLVIII.—*An Act to increase the Salaries of Executive and Judiciary Officers in Oregon, New Mexico, Washington, Utah, and Minnesota.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the annual salaries of the chief justices and associate judges of the Territories of Oregon, Washington, Utah, and New Mexico, be, and the same are hereby, increased to the sum of two thousand five hundred dollars each; and that the salary of the Governor of New Mexico be, and the same is hereby, increased to the sum of three thousand dollars; and that of the secretaries of Oregon, Washington, Utah, and New

Mexico, to the sum of two thousand dollars per annum.

SEC. 2. *And be it further enacted*, That the annual salaries of the chief justice and associate judges of the Territory of Minnesota be increased to two thousand dollars.

APPROVED, July 27, 1854.

PUBLIC, XLIX.—*An Act making Appropriations for the payment of Invalid and other Pensions of the United States for the year ending the thirtieth of June, one thousand eight hundred and fifty-five.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pensions for the year ending the thirtieth of June, one thousand eight hundred and fifty-five:

For invalid pensions, under various acts, three hundred and twelve thousand five hundred dollars.

For pensions to widows and orphans, under acts of the fourth of July, one thousand eight hundred and thirty-six, and twenty-first of July, one thousand eight hundred and forty-eight, ninety-six thousand dollars.

For pensions to widows, under acts of the seventh of July, one thousand eight hundred and thirty-eight, third of March, one thousand eight hundred and forty-three, and seventeenth of June, one thousand eight hundred and forty-four, ten thousand dollars.

For pensions to widows, under acts of the second of February, one thousand eight hundred and forty-eight, and twenty-ninth of July, one thousand eight hundred and forty-eight, fifty-six thousand dollars.

For pensions and half pay to widows and orphans, under act of the third of February, one thousand eight hundred and fifty-three, three hundred and seventy-six thousand two hundred dollars.

APPROVED, July 27, 1854.

PUBLIC, L.—*An Act making provision for the Postal Service in the State of California and in the Territories of Oregon and Washington.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be, and he is hereby, authorized to empower the special agents of the Post Office Department in the State of California, and in the Territories of Oregon and Washington, to appoint letter-carriers for the delivery of letters from any post office in the said State or Territories, and to allow any letter-carrier so appointed to demand and receive a sum for all letters, newspapers, or other mailable matter, not more than may be recommended by the postmaster for whose office such letter-carrier may be appointed: *Provided*, That not more than twenty-five cents shall be charged for any letter, newspaper, or ounce of other mailable matter. All such appointments may be determined, and rates of compensation modified within the limits aforesaid, whenever the same is found expedient in the opinion of the appointing agent: *And it is further provided*, That all such appointments and contracts shall be subject to the approval of the Postmaster General; and upon notice to any carrier of his rejection by the Postmaster General, his appointment and contract shall be determined; and that all letter-carriers appointed in pursuance of this act shall be subject to the provisions of the forty-first section of the act entitled "An act to change the organization of the Post Office Department, and to provide more effectually for the settlement of the accounts thereof," approved July second, eighteen hundred and thirty-six, except as herein otherwise provided: *Provided*, That no letter or letters or other mailable [matter] shall be delivered by any postmaster to said carriers, unless requested in writing by the person or persons to whom said letters or other mailable matter may be directed.

SEC. 2. *And be it further enacted*, That each and every letter-carrier route which may be established under the provisions of this act, shall be deemed a post route during its continuance; and the provisions contained in the ninth, tenth, eleventh, twelfth, and fifteenth sections of an act entitled

"An act to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for the prevention of frauds on the revenues of the Post Office Department," approved March third, eighteen hundred and forty-five, and the fifth and eighth sections of an act entitled "An act to establish certain post roads, and for other purposes," approved August thirty-first, eighteen hundred and fifty-two, are hereby made applicable to said letter-carrier routes.

SEC. 3. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized to cause the dead letters which may accumulate in the post offices in said State and Territories after the thirtieth day of June, in the year one thousand eight hundred and fifty-four, to be returned in periods not less than quarter-yearly to the post office at San Francisco, to be there opened and examined under the direction of the postmaster of that office, who shall, according to such regulations as the Postmaster General may prescribe, return to the Post Office Department such of said letters as shall be found to contain money, valuable papers, or matters of consequence, to be disposed of according to law, and destroy such letters as shall be found to contain nothing of value: *Provided, however*, That no dead letters shall be opened which the postal arrangements of the United States with foreign countries require to be returned unopened to such countries respectively.

SEC. 4. *And be it further enacted*, That the Postmaster General may allow to the postmasters in said State and Territories, from the first day of July, one thousand eight hundred and fifty-three, such sums out of the postages collected at their respective offices as will, in addition to the commissions, allowances, and emoluments, be sufficient to defray the actual and necessary expenses of their offices.

SEC. 5. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized and directed, in the settlement of the accounts of postmasters in the State of California and Territory of Oregon, serving as such previous to the thirtieth of June, Anno Domini eighteen hundred and fifty-three, to allow to such postmasters all just and reasonable expenses incurred by them in and about the business of their respective offices, and the discharge of their official duties: *Provided*, That no allowance shall be made whereby the United States shall be charged with any indebtedness whatsoever.

APPROVED, July 27, 1854.

PUBLIC, LI.—*An Act to Ascertain and Adjust the Titles to certain Lands in the State of Indiana.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the register and receiver of the land office at Vincennes, together with a fit and proper person learned in the law, and a citizen of Indiana, to be appointed by the President of the United States, are hereby constituted commissioners to ascertain and adjust the title of any claimant to any tract of land, or any part or subdivision thereof, granted by the resolve of Congress of the twenty-ninth of August, seventeen hundred and eighty-eight, and the act of the third of March, seventeen hundred and ninety-one, entitled "An act for granting lands to the inhabitants and settlers at Vincennes, and the Illinois country in territory northwest of the Ohio, and for confirming them in their possessions," and the several acts in aid of, and supplementary thereto.

SEC. 2. *And be it further enacted*, That every such claimant to any tract of land so granted, or any part or subdivision thereof, shall, within six months after the publication of the notice hereinafter provided for, file his claim in writing, with the said register, in which he shall specifically set forth such facts as shall be required in the instructions of the Commissioner of the General Land Office.

SEC. 3. *And be it further enacted*, That such register, upon the receipt of such instructions, shall give notice, by publication in some newspaper of general circulation in the vicinity of the said lands, of his readiness to receive applications of claimants, to which notice shall be attached the instructions of the said commissioner.

SEC. 4. *And be it further enacted*, That such commissioners shall meet immediately after the time allowed for filing such claims, and shall hold

their sessions in the town of Vincennes. They shall have power to compel the attendance of witnesses, administer all necessary oaths, and to hear and decide in a summary manner all matters respecting such claims. Minutes of the proceedings, decisions, meetings, and adjournments of the said board, shall be regularly entered by the register in a book kept for that purpose, together with the evidence adduced in each particular case, upon which their decisions have been made.

SEC. 5. *And be it further enacted*, That every claimant to any tract of land so granted, or any part or subdivision thereof, who can produce to such commissioners a regular chain of title from the original confirmee to himself, or who can show to their satisfaction a continuous and connected possession in himself, and those under whom he claims, for a period of twenty years or more, next preceding the filing of his claim, or can show such a claim or title as would, in the courts of Indiana, bar an action of ejectment, such claimant shall be confirmed in his title.

SEC. 6. *And be it further enacted*, That said commissioners shall, on or before the first day of September, eighteen hundred and fifty-five, transmit to the Commissioner of the General Land Office a transcript of their decisions in favor of claimants, which shall contain a fair statement of the evidence on which each respective claim is founded; and also a transcript of their decisions against claimants, with a like statement of the evidence and the reason of such rejection.

SEC. 7. *And be it further enacted*, That the Commissioner of the General Land Office, upon the receipt of such transcript, shall issue a patent to each claimant so confirmed in his title by the said commissioners; and where any such claims have been rejected, the said Commissioner, upon application of the proper person, shall have power to revise such decision of the said board, and may, if in his opinion the evidence warrants it, reverse such decision, and issue a patent therefor to such claimant: *Provided*, That this right to revise shall not extend to those claims rejected, where the same lands have been confirmed by the said board to some other claimant: *And provided further*, That the patents so issued shall only be a relinquishment of the title of the United States, and shall not be construed into an abridgment of the rights of third persons.

SEC. 8. *And be it further enacted*, That the commissioner appointed by the President, shall receive a compensation of eight dollars per day, for each and every day he may be engaged in the discharge of the duties imposed by this act, and the register and receiver shall receive such compensation for their services as may be just and proper, in the discretion of the Commissioner of the General Land Office.

SEC. 9. *And be it further enacted*, That it shall be the duty of the Commissioner of the General Land Office to prescribe such rules and regulations as may be necessary to give full effect to the provisions of this act.

APPROVED, July 27, 1854.

PUBLIC, LII.—*An Act to Incorporate the Proprietors of the Glenwood Cemetery.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Charles B. Calvert, George Parker, William B. Todd, James C. McGuire, William A. Bradley, Charles S. Wallach, Abner Miller, William Banks, Joseph B. Close, William Phelps, William S. Humphreys, Randolph S. Evans, and their successors, be, and they are hereby, created a body-politic and corporate, by the name and title of the proprietors of the "Glenwood Cemetery, in the District of Columbia," and by that name shall have perpetual succession, and shall be able and liable to sue and be sued in any court of law or equity, may have and use a common seal, and shall have power to purchase and hold not exceeding one hundred acres of land in the District of Columbia, north of the limits of the City of Washington, to sell and dispose of such parts of said land as may not be wanted for the purpose of a cemetery: *Provided*, That at least thirty contiguous acres shall be forever appropriated and set apart as a cemetery, with authority to said corporation to receive gifts and bequests for the purpose of ornamenting and improving said cemetery, and to hold such personal property

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as may be requisite to carry out the object of this act.

SEC. 2. *And be it further enacted*, That the affairs of the said corporation shall be conducted by a president and three managers, who shall be elected annually, by a majority of the votes of the proprietors; the said president and managers to fill all vacancies in their own body, and shall have power to lay out and ornament the grounds, remove and alter old buildings and erect new ones, to lay out and sell or dispose of burial lots, to appoint all necessary officers and agents, and fix their several duties and compensation, and to make such by laws, rules, and regulations as they may deem proper for conducting the affairs of the corporation, for the government of lot-holders, and visitors to the cemetery, and for the transfer of stock and the evidence thereof. In all elections held under this act, each proprietor shall be entitled to one vote for each share held by him or her.

SEC. 3. *And be it further enacted*, That the capital stock of said company shall be represented by two thousand shares of fifty dollars each, divided among the proprietors according to their respective interests, and transferable in such manner as the by-laws may direct.

SEC. 4. *And be it further enacted*, That no streets, lanes, alleys, roads, or canals, of any sort, shall be opened through the property of said corporation, exclusively used and appropriated to the purposes of a cemetery: *Provided*, That nothing herein contained shall authorize said corporation to obstruct any public road, or street, or lane, or alley, now actually opened and used as such.

SEC. 5. *And be it further enacted*, That any person who shall willfully destroy, mutilate, deface, injure, or remove any tomb, monument, grave-stone, or other structure placed in said cemetery, or any fence, railing, or work for protection or ornament of said cemetery, or any tomb, monument, grave-stone, or other structure thereon, or shall willfully destroy, cut, break, or remove any tree, shrub, or plant within the limits of said cemetery, shall be deemed guilty of a misdemeanor, and on conviction thereof before any justice of the peace of the county of Washington, shall be punished by fine, at the discretion of the justice, according to the aggravation of the offense, of not less than five, nor more than fifty dollars.

SEC. 6. *And be it further enacted*, That until an election shall be held under the provisions of this act, the four last named persons in section first shall be the managers of said corporation.

SEC. 7. *And be it further enacted*, That burial lots in said cemetery shall not be subject to the debts of the stockholders thereof, and the land of the company dedicated to the purposes of a cemetery shall not be subject to taxation of any kind.

SEC. 8. *And be it further enacted*, That the said corporation shall provide for the return, from time to time, to the corporation of Washington, reports of all interments made in said cemetery of persons who may have died within the limits of the said corporation of Washington, in such manner and according to such forms as may be prescribed, from time to time, by the corporation of Washington.

SEC. 9. *And be it further enacted*, That a certificate, under seal of the corporation, of the ownership of any lot aforesaid, shall in all respects have the same effect as any conveyance from said corporation of said lots would have, if executed, acknowledged, and recorded as conveyances of real estate are required to be.

SEC. 10. *And be it further enacted*, That nothing in this act shall be so construed as to authorize the said corporation to issue any note, token, device, scrip, or other evidence of debt, to be used as currency.

SEC. 11. *And be it further enacted*, That this act shall take effect from the passage thereof.

SEC. 12. *And be it further enacted*, That it may be lawful for Congress hereafter to alter, modify, or repeal the foregoing act.

SEC. 13. *And be it further enacted*, That each of the stockholders in the said company shall be held

liable in his or her individual capacity for all the debts and liabilities of the said company, however contracted or incurred, to be recovered by suit as other debts or liabilities before the court or tribunal having jurisdiction of the case.

APPROVED, July 27, 1854.

PUBLIC, LIII.—*An Act supplementary to an act entitled "An act to authorize Notaries Public to take and certify Oaths, Affirmations, and Acknowledgments in certain cases."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the powers and authority conferred in and by the above-recited act, approved September sixteenth, eighteen hundred and fifty, upon notaries public in the States and Territories, be, and the same are hereby, vested in notaries public within the District of Columbia.

SEC. 2. *And be it further enacted*, That notaries public be, and they are hereby, authorized to take depositions and do such other acts in relation to evidence to be used in the courts of the United States, in the same manner and with the same effect, as commissioners to take acknowledgments of bail and affidavits may now lawfully take or do.

APPROVED, July 29, 1854.

PUBLIC, LIV.—*An Act making Appropriations for the Current and Contingent Expenses of the Indian Department, and for fulfilling Treaty Stipulations with various Indian Tribes for the year ending June thirtieth, one thousand eight hundred and thirty-five, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian Department, and fulfilling treaty stipulations with the various Indian tribes.

For the current and contingent expenses of the Indian Department, viz:

For the pay of superintendents of Indian affairs, per acts of fifth June, eighteen hundred and fifty, twenty-seventh February, eighteen hundred and fifty-one, and third March, eighteen hundred and fifty-two, twelve thousand five hundred dollars: *Provided*, That the President may, from time to time, in his discretion, remove or change the location of any of the superintendencies now or hereafter to be established by law.

For the pay of the several Indian agents, per acts of fifth June, eighteen hundred and fifty, and twenty-seventh February, eighteen hundred and fifty-one, thirty-four thousand seven hundred and fifty dollars.

For pay of three Indian sub-agents for California, at an annual salary of fifteen hundred dollars each, four thousand five hundred dollars.

For pay of four Indian sub-agents in Oregon Territory, at an annual salary of one thousand dollars each, four thousand dollars.

For pay of two Indian sub-agents in Washington Territory, at an annual salary of one thousand dollars each, two thousand dollars.

For pay of three Indian agents in Washington Territory, for six months, ending June thirtieth, eighteen hundred and fifty-four, two thousand two hundred and fifty dollars.

For pay of two Indian sub-agents in Washington Territory, for six months, ending June thirtieth, eighteen hundred and fifty-four, one thousand dollars.

For salaries of six agents, authorized by this act, at the rate of fifteen hundred dollars per annum each, the sum of nine thousand dollars.

For the pay of interpreters, per acts of the thirtieth June, eighteen hundred and thirty-four, and twenty-seventh February, eighteen hundred and fifty-one, twenty-eight thousand dollars.

For pay of six interpreters for the Indian tribes in Washington Territory, three thousand dollars.

For pay of six interpreters for the Indian tribes in Washington Territory, for six months, ending

June thirtieth, eighteen hundred and fifty-four, one thousand five hundred dollars.

For the pay of clerk to superintendent at St. Louis, Missouri, per act of twenty-seventh June, eighteen hundred and forty-six, one thousand two hundred dollars.

For the pay of clerk to superintendent in California, per act of third March, eighteen hundred and fifty-two, two thousand five hundred dollars.

For presents to Indians, five thousand dollars.

For provisions for Indians, eleven thousand eight hundred dollars.

For buildings at agencies and repairs thereof, ten thousand dollars.

For erecting buildings for Indian agents in Washington Territory, five thousand dollars.

For contingencies of the Indian department, thirty-six thousand five hundred dollars.

For the reappropriation for expenses of the removal of the Catawba Indians to the west of the Mississippi river, and of settling and subsisting them one year in their new homes, provided that a home shall first be obtained for them, and that they shall be removed only with their own consent, five thousand dollars.

To the Christian Indians.

For permanent annuity, stipulated in the acts of May twenty-sixth, eighteen hundred and twenty-four, and May twentieth, eighteen hundred and twenty-six, four hundred dollars.

To the Chippewas of Saganaw.

For permanent annuity, stipulated in the fourth article of the treaty of third of August, seventeen hundred and ninety-five, one thousand dollars.

For permanent annuity, stipulated in the second article of the treaty of seventeenth November, eighteen hundred and seven, eight hundred dollars.

For permanent annuity, stipulated in the fourth article of the treaty of twenty-fourth of September, eighteen hundred and nineteen, one thousand dollars.

For permanent provisions for the support of blacksmiths, and for farming utensils and cattle, and for the employment of persons to aid them in agriculture, stipulated in the eighth article of the treaty of the twenty-fourth of September, eighteen hundred and nineteen, and the seventh article of the treaty of fourteenth of January, eighteen hundred and thirty-seven, two thousand dollars.

For education during the pleasure of Congress, stipulated in the sixth article of the treaty of the fifth of August, eighteen hundred and twenty-six, one thousand dollars.

Chippewas, Menomonees, Winnebagoes, and New York Indians.

For education during the pleasure of Congress, stipulated in the fifth article of the treaty of the eleventh of August, eighteen hundred and twenty-seven, one thousand five hundred dollars.

Choctaws.

For permanent annuity, stipulated in the second article of the treaty of sixteenth of November, eighteen hundred and five, three thousand dollars.

For permanent annuity, for support of light-horsemen, stipulated in the thirteenth article of the treaty of the eighteenth of October, eighteen hundred and twenty, six hundred dollars.

For permanent provision for education, stipulated in the second article of the treaty of twentieth of January, eighteen hundred and twenty-five, six thousand dollars.

For permanent provision for blacksmith, stipulated in the sixth article of the treaty of eighteenth of October, eighteen hundred and twenty, and the ninth article of the treaty of twentieth of January, eighteen hundred and twenty-five, six hundred dollars.

For permanent provision for iron and steel for shop, stipulated in the ninth article of the treaty of twentieth January, eighteen hundred and twenty-five, three hundred and twenty dollars.

Chickasaws.

For payment to the Chickasaw nation in full of

the expenses of their commissioners in negotiating the treaty of June twenty-second, eighteen hundred and fifty-two, as stipulated in the ninth article of said treaty, one thousand five hundred dollars.

For permanent annuity, stipulated in the act of the twenty-fifth of February, seventeen hundred and ninety-nine, three thousand dollars.

Chippewas of Lake Superior and the Mississippi.

For eighteenth of twenty installments in money, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and thirty-seven, nine thousand five hundred dollars.

For eighteenth of twenty installments in goods, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and thirty-seven, nineteen thousand dollars.

For eighteenth of twenty installments for the establishment of three smiths' shops, supporting three smiths, and furnishing iron and steel, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and thirty-seven, three thousand dollars.

For eighteenth of twenty installments for the support of farmers, purchase of implements, grain and seed, and to carry on their agricultural pursuits, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and thirty-seven, one thousand dollars.

For eighteenth of twenty installments for the purchase of provisions, stipulated in the second article of the treaty of the twenty-ninth July, eighteen hundred and thirty-seven, two thousand dollars.

For eighteenth of twenty installments for the purchase of tobacco, stipulated in the second article of the treaty of the twenty-ninth July, eighteen hundred and thirty-seven, five hundred dollars.

For thirteenth of twenty-five installments in money, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two, twelve thousand five hundred dollars.

For thirteenth of twenty-five installments in goods, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two, ten thousand five hundred dollars.

For thirteenth of twenty-five installments for the support of two smiths' shops, including the pay of two smiths and assistants, and furnishing iron and steel, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two, two thousand dollars.

For thirteenth of twenty-five installments for the pay of two farmers, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two, one thousand dollars.

For thirteenth of twenty-five installments for the pay of two carpenters, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two, one thousand two hundred dollars.

For thirteenth of twenty-five installments for the support of schools, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two, two thousand dollars.

For thirteenth of twenty-five installments for the purchase of provisions and tobacco, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two, two thousand dollars.

Camanches, Kiowas, and Apaches, of the Arkansas River.

For first of ten installments for the purchase of goods, provisions, and agricultural implements, stipulated in the sixth article of the treaty of the twenty-seventh of July, eighteen hundred and fifty-three, eighteen thousand dollars.

For expenses of the transportation of the first of ten installments of goods, provisions, and agricultural implements, stipulated in the sixth article of the treaty of the twenty-seventh of July, eighteen hundred and fifty-three, five thousand dollars: *Provided*, That the goods, provisions, and agricultural implements which may be purchased and transported out of moneys hereby appropriated, shall not be delivered until the said tribes of Indians shall have assented to the amendments of the Senate of the United States to the said treaty, on account of which they are procured.

Delawares.

For the expenses of surveying the lands, as provided in the second article of the treaty of the sixth of May, eighteen hundred and fifty-four, eleven

thousand one hundred and forty-six dollars and ninety-five cents.

For the first of eight equal installments for payment of five chiefs, per third and sixth articles of the treaty of the sixth of May, eighteen hundred and fifty-four, one thousand two hundred and fifty dollars.

For the first of two installments per fourth article of the treaty of the sixth of May, eighteen hundred and fifty-four, seventy-four thousand dollars.

For the purchase of four sections of land for the Christian Indians, per thirteenth article of the treaty of the sixth of May, eighteen hundred and fifty-four, six thousand four hundred dollars.

For payment, under the direction of the President of the United States, the sum of one thousand six hundred dollars: *Provided*, That the said Christian Indians shall release the United States from all claims or demands for land or money arising under the third and fourth articles of the agreement of the eighth of November, eighteen hundred and twenty-three, made with said Indians, the payments of six thousand four hundred dollars and one thousand six hundred dollars, as above provided, being in lieu thereof, and in full consideration of the same.

Iowas.

For the expenses of surveying, as provided in the third article of the treaty of the seventeenth of May, eighteen hundred and fifty-four, one thousand nine hundred and eighty-seven dollars and twenty cents.

For the payment of a portion of the one hundred and fifty-seven thousand five hundred dollars due the Iowas, under the second clause of the second article of the treaty of the nineteenth of October, eighteen hundred and thirty-eight, to be applied as an agricultural fund, per ninth article of the treaty of the seventeenth of May, eighteen hundred and fifty-four, fifty thousand dollars: *Provided*, That the appropriation herein made "for interest on one hundred and fifty-seven thousand five hundred dollars, at five per centum, stipulated in the second article of the treaty of the nineteenth of October, eighteen hundred and thirty-eight," be reduced to the sum of five thousand three hundred and seventy-five dollars.

For the payment in consideration of removal to their reservation, and of a release of all claims per twelfth article of the treaty of the seventeenth of May, eighteen hundred and fifty-four, five thousand dollars.

Kickapoos.

For the expenses of selecting the reservation provided in the first article of the treaty of the eighteenth of May, eighteen hundred and fifty-four, and for surveying and marking the exterior lines of the same, one thousand dollars.

For the first installments of interest at five per centum on one hundred thousand dollars for education, per second article of the treaty of the eighteenth of May, eighteen hundred and fifty-four, five thousand dollars.

For the payment of this sum as the first installment in money, per second article of the treaty of the eighteenth of May, eighteen hundred and fifty-four, twenty-five thousand dollars.

For the payment for improvements and the expenses of appraising the same on the land ceded, per fourth article of the treaty of the eighteenth of May, eighteen hundred and fifty-four, fifteen thousand dollars.

For removal and subsistence, and in consideration of a release of all claims, per eighth article of the treaty of the eighteenth of May, eighteen hundred and fifty-four, twenty thousand dollars.

Sacs and Foxes of Missouri.

For expenses of selecting the reservation provided for in the first article of the treaty of the eighteenth of May, eighteen hundred and fifty-four, and for surveying and marking the exterior lines of the same, five hundred dollars.

For the first of four installments, per second article of the treaty of the eighteenth of May, eighteen hundred and fifty-four, fifteen thousand dollars.

For removal and subsistence and in satisfaction of all claims and demands, per sixth article of the treaty of the eighteenth of May, eighteen hundred and fifty-four, five thousand dollars.

For defraying the expenses of the Creek delegation now in the City of Washington, and with

whom a treaty has lately been concluded, one thousand one hundred and ninety-nine dollars and fifty-five cents.

Creeks.

For permanent annuity, stipulated in the fourth article of the treaty of the seventh of August, seventeen hundred and ninety, one thousand five hundred dollars.

For permanent annuity, stipulated in the second article of the treaty of the sixteenth of June, eighteen hundred and two, three thousand dollars.

For permanent annuity, stipulated in the fourth article of the treaty of the twenty-fourth of January, eighteen hundred and twenty-six, twenty thousand dollars.

For permanent provision for blacksmith and assistant, stipulated in the eighth article of the treaty of the twenty-fourth of January, eighteen hundred and twenty-six, eight hundred and forty dollars.

For permanent provision for iron and steel for shops, stipulated in the eighth article of the treaty of the twenty-fourth of January, eighteen hundred and twenty-six, two hundred and seventy dollars.

For eighteenth of twenty installments for the pay of two blacksmiths and assistants, stipulated in the thirteenth article of the treaty of the twenty-fourth of March, eighteen hundred and thirty-two, one thousand six hundred and eighty dollars.

For eighteenth of twenty installments for iron and steel for shops, stipulated in the thirteenth article of the treaty of the twenty-fourth of March, eighteen hundred and thirty-two, five hundred and forty dollars.

For permanent provision for the pay of a wheelwright, stipulated in the eighth article of the treaty of the twenty-fourth of January, eighteen hundred and twenty-six, six hundred dollars.

For twenty-fourth of thirty-three installments for education, stipulated in the thirteenth article of the treaty of the twenty-fourth of March, one thousand eight hundred and thirty-two, and fourth article of the treaty of the fourth of January, eighteen hundred and forty-five, three thousand dollars.

For interest on three hundred and fifty thousand dollars, at five per centum, stipulated in the third article of the treaty of the twenty-third of November, eighteen hundred and thirty-eight, seventeen thousand five hundred dollars.

For eleventh of twenty installments for education, stipulated in the fourth article of the treaty of the fourth of January, eighteen hundred and forty-five, three thousand dollars.

For blacksmith and assistant, during the pleasure of the President, stipulated in the fifth article of the treaty of the fourteenth of February, eighteen hundred and thirty-three, eight hundred and forty dollars.

For iron and steel for shop, during the pleasure of the President, stipulated in the fifth article of the treaty of the fourteenth of February, eighteen hundred and thirty-three, two hundred and seventy dollars.

For wagon-maker, during the pleasure of the President, stipulated in the fifth article of the treaty of the fourteenth of February, eighteen hundred and thirty-three, six hundred dollars.

For agricultural implements, during the pleasure of the President, stipulated in the eighth article of the treaty of the twenty-fourth of January, eighteen hundred and twenty-six, two thousand dollars.

For education, during the pleasure of the President, stipulated in the fifth article of the treaty of the fourteenth of February, eighteen hundred and thirty-three, one thousand dollars.

For the expenses of running and marking the eastern boundary line of the Creek country west of the Arkansas, eight thousand dollars.

Delawares.

For permanent annuity, stipulated in the fourth article of the treaty of the third of August, seventeen hundred and ninety-five, one thousand dollars.

For permanent annuity, stipulated in the third article of the treaty of the thirtieth of September, eighteen hundred and nine, five hundred dollars.

For permanent annuity, stipulated in the fifth article of the treaty of the third of October, eighteen hundred and eighteen, four thousand dollars.

For permanent annuity, stipulated in the supplemental treaty of the twenty-fourth of September, eighteen hundred and twenty-nine, one thousand dollars.

For life annuity to chiefs, stipulated in the private article of supplemental treaty of the twenty-fourth of September, eighteen hundred and twenty-nine, to the treaty of the third of October, eighteen hundred and eighteen, two hundred dollars.

For life annuity to chief, stipulated in the supplemental article to the treaty of the twenty-sixth of October, eighteen hundred and thirty-two, one hundred dollars.

For permanent provision for blacksmith and assistant, stipulated in the sixth article of the treaty of the third of October, eighteen hundred and eighteen, seven hundred and twenty dollars.

For permanent provision for iron and steel for shop, stipulated in the sixth article of the treaty of the third of October, eighteen hundred and eighteen, two hundred and twenty dollars.

For interest on forty-six thousand and eighty dollars, at five per centum, being the value of thirty-six sections of land set apart by treaty of eighteen hundred and twenty-nine, for education, stipulated in resolution of the Senate of the nineteenth of January, eighteen hundred and thirty-eight, two thousand three hundred and four dollars.

Florida Indians, or Seminoles.

For eleventh of fifteen installments in goods, stipulated in the sixth article of the treaty of the fourth of January, eighteen hundred and forty-five, two thousand dollars.

For eleventh of fifteen installments in money, stipulated in the sixth article of the treaty of the fourth of January, eighteen hundred and forty-five, and fourth article of the treaty of the ninth of May, one thousand eight hundred and thirty-two, three thousand dollars.

Iowas.

For interest on one hundred and fifty-seven thousand five hundred dollars, at five per centum, stipulated in the second article of the treaty of the nineteenth of October, eighteen hundred and thirty-eight, seven thousand eight hundred and seventy-five dollars.

Kansas.

For interest on two hundred thousand dollars at five per centum, stipulated in the second article of the treaty of the fourteenth of January, eighteen hundred and forty-six, ten thousand dollars.

Miamies.

For permanent annuity, stipulated in the fourth article of the treaty of the twenty-third of October, eighteen hundred and twenty-six, twenty-five thousand dollars.

For permanent provision for blacksmith and assistant, stipulated in the fifth article of the treaty of the sixth of October, eighteen hundred and eighteen, seven hundred and twenty dollars.

For permanent provision for iron and steel for shop, stipulated in the fifth article of the treaty of the sixth of October, eighteen hundred and eighteen, two hundred and twenty dollars.

For permanent provision for pay of miller in lieu of gunsmith, stipulated in the fifth article of the treaty of the sixth of October, eighteen hundred and eighteen, and the fifth article of the treaty of the twenty-fourth of October, eighteen hundred and thirty-four, six hundred dollars.

For fourteenth of twenty installments in money, stipulated in the second article of the treaty of the twenty-eighth of November, eighteen hundred and forty, twelve thousand five hundred dollars.

For permanent provision for payment in lieu of laborers, stipulated in the sixth article of the treaty of the twenty-eighth of November, eighteen hundred and forty, two hundred and fifty dollars.

For permanent provision for agricultural assistance, stipulated in the fifth article of the treaty of the sixth of October, eighteen hundred and eighteen, two hundred dollars.

Eel Rivers, (Miamies.)

For permanent annuity, stipulated in the fourth article of the treaty of the third of August, seventeen hundred and ninety-five, five hundred dollars.

For permanent annuity, stipulated in the third article of the treaty of the twenty-first of August, eighteen hundred and five, two hundred and fifty dollars.

For permanent annuity, stipulated in the third

article of the treaty of the thirtieth of September, eighteen hundred and nine, three hundred and fifty dollars.

Menomonces.

For nineteenth of twenty installments as annuity, in money, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six, twenty thousand dollars.

For nineteenth of twenty installments for two blacksmiths and assistants, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six, one thousand four hundred and forty dollars.

For nineteenth of twenty installments for iron and steel for shops, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six, four hundred and forty dollars.

For nineteenth of twenty installments for the purchase of provisions, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six, three thousand dollars.

For nineteenth of twenty installments for the purchase of two thousand pounds of tobacco, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six, four hundred dollars.

For nineteenth of twenty installments for farming utensils and cattle, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six, five hundred dollars.

For nineteenth of twenty installments for thirty barrels of salt, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six, one hundred and fifty dollars.

For third of fifteen installments for pay of miller, stipulated in the fourth article of the treaty of the eighteenth of October, eighteen hundred and forty-eight, six hundred dollars.

Navajos.

For fulfilling treaty stipulations with the Navajos, pursuant to the requirements of the tenth article of the treaty of September ninth, eighteen hundred and forty-nine, five thousand dollars.

Omahas.

For blacksmith and assistant, during the pleasure of the President, stipulated in the fourth article of the treaty of the fifteenth of July, eighteen hundred and thirty, seven hundred and twenty dollars.

For iron and steel for shops, during the pleasure of the President, stipulated in the fourth article of the treaty of the fifteenth of July, eighteen hundred and thirty, two hundred and twenty dollars.

For fulfilling the stipulations contained in the fifth article of the treaty of the sixteenth of March, eighteen hundred and fifty-four, forty-one thousand dollars.

For surveying and marking the boundary of the reservation of land stipulated in the first article of the treaty of the sixteenth of March, eighteen hundred and fifty-four, one thousand two hundred dollars.

Ottos and Missourias.

For blacksmith and assistant, during the pleasure of the President, stipulated in the fourth article of the treaty of the fifteenth of July, eighteen hundred and thirty, seven hundred and twenty dollars.

For iron and steel for shop, during the pleasure of the President, stipulated in the fourth article of the treaty of the fifteenth of July, eighteen hundred and thirty, two hundred and twenty dollars.

For fulfilling the stipulations contained in the fifth article of the treaty of the fifteenth of March, eighteen hundred and fifty-four, twenty thousand dollars.

For surveying and marking the boundary of the reservation of land stipulated in the first article of the treaty of the fifteenth of March, eighteen hundred and fifty-four, eight hundred dollars.

Ottawas.

For permanent annuity, stipulated in the fourth article of the treaty of the third of August, seventeen hundred and ninety-five, one thousand dollars.

For permanent annuity, stipulated in the second

article of the treaty of the seventeenth of November, eighteen hundred and seven, eight hundred dollars.

For permanent annuity, stipulated in the fourth article of the treaty of the seventeenth of September, eighteen hundred and eighteen, one thousand five hundred dollars.

For permanent annuity, stipulated in the fourth article of the treaty of the twenty-ninth of August, eighteen hundred and twenty-one, one thousand dollars.

Ottawas and Chippewas.

For the last of twenty installments in money, stipulated in the fourth article of the treaty of the twenty-eighth day of March, eighteen hundred and thirty-six, thirty thousand dollars.

For interest to be paid as annuity, on two hundred thousand dollars, at six per cent. per annum, stipulated in the resolution of the Senate of the twentieth of May, eighteen hundred and thirty-six, twelve thousand dollars.

For education for twenty years, and during the pleasure of Congress, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, five thousand dollars.

For missions for twenty years, and during the pleasure of Congress, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, three thousand dollars.

For vaccine matter, medicines, and pay of physicians, so long as the Indians remain on their reservations, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, three hundred dollars.

For the last of twenty installments, for the purchase of provisions, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, two thousand dollars.

For the last of twenty installments for the purchase of six thousand five hundred pounds of tobacco, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, one thousand one hundred and seventy dollars.

For the last of twenty installments for the purchase of one hundred barrels of salt, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, two hundred dollars.

For the last of twenty installments for the purchase of five hundred fish barrels, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, four hundred dollars.

For three blacksmiths for twenty years, and during the pleasure of Congress, stipulated in the seventh article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, two thousand one hundred and sixty dollars.

For iron and steel for shop for twenty years, and during the pleasure of Congress, stipulated in the seventh article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, six hundred and sixty dollars.

For gunsmith for shop for twenty years, and during the pleasure of Congress, stipulated in the seventh article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, six hundred dollars.

For iron and steel for shop for twenty years, and during the pleasure of Congress, stipulated in the seventh article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, two hundred and twenty dollars.

For two farmers and assistants, during the pleasure of the President, stipulated in the seventh article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, one thousand six hundred dollars.

For two mechanics, during the pleasure of the President, stipulated in the seventh article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six, one thousand two hundred dollars.

Osages.

For seventeenth of twenty installments as annuity, stipulated in the second article of the treaty of the eleventh of January, eighteen hundred and thirty-nine, twenty thousand dollars.

For seventeenth of twenty installments for two

smiths' establishments, stipulated in the second article of the treaty of the eleventh of January, eighteen hundred and thirty-nine, two thousand dollars.

For interest on sixty-nine thousand one hundred and twenty dollars, at five per centum, being the valuation of fifty-four sections of land, set apart by the treaty of the second of June, eighteen hundred and twenty-five, for educational purposes, per resolution of the Senate of the nineteenth of January, eighteen hundred and thirty-eight, three thousand four hundred and fifty-six dollars.

Piankeshaws.

For permanent annuity, stipulated in the fourth article of the treaty of the third of August, seven hundred and ninety-five, five hundred dollars.

For permanent annuity, stipulated in the third article of the treaty of the thirtieth of December, eighteen hundred and five, three hundred dollars.

Pawnees.

For agricultural implements, during the pleasure of the President, stipulated in the fourth article of the treaty of the ninth of October, eighteen hundred and thirty-three, one thousand dollars.

Pottawatomes of Huron.

For permanent annuity, stipulated in the second article of the treaty of the seventeenth of November, eighteen hundred and seven, four hundred dollars.

Pottawatomes.

For permanent annuity, stipulated in the fourth article of the treaty of the third of August, seven hundred and ninety-five, one thousand dollars.

For permanent annuity, stipulated in the third article of the treaty of the thirtieth of September, eighteen hundred and nine, five hundred dollars.

For permanent annuity, stipulated in the third article of the treaty of the second of October, eighteen hundred and eighteen, two thousand five hundred dollars.

For permanent annuity, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight, two thousand dollars.

For life annuity to chief, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight, one hundred dollars.

For permanent annuity, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and twenty-nine, sixteen thousand dollars.

For life annuity to chiefs, stipulated in the third article of the treaty of the twentieth of October, eighteen hundred and thirty-two, four hundred dollars.

For the last of twenty installments as annuity, stipulated in the third article of the treaty of the twenty-sixth of September, eighteen hundred and thirty-three, fourteen thousand dollars.

For life annuity to chiefs stipulated in the third article of the treaty of the twenty-sixth of September, eighteen hundred and thirty-three, seven hundred dollars.

For the last of twenty installments as annuity, stipulated in the second supplemental article of the treaty of the twenty-sixth of September, eighteen hundred and thirty-three, two thousand dollars.

For education during the pleasure of Congress, stipulated in the third article of the treaty of the sixteenth of October, eighteen hundred and twenty-six, two thousand dollars.

For permanent provision for blacksmith and assistant, stipulated in the third article of the treaty of the sixteenth of October, eighteen hundred and twenty-six, seven hundred and twenty dollars.

For permanent provision for iron and steel for shop, stipulated in the third article of the treaty of the sixteenth of October, eighteen hundred and twenty-six, two hundred and twenty dollars.

For education during the pleasure of Congress, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight, one thousand dollars.

For permanent provision for the payment in money, in lieu of tobacco, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight, and the tenth article of the treaty of the fifth of June, eighteen hundred and forty-six, three hundred dollars.

For permanent provision for blacksmith and assistant, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight, seven hundred and twenty dollars.

For permanent provision for iron and steel for shop, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight, two hundred and twenty dollars.

For permanent provision for blacksmith and assistant, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and twenty-nine, one thousand four hundred and forty dollars.

For permanent provision for iron and steel for shop, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and twenty-nine, four hundred and forty dollars.

For permanent provision for the purchase of fifty barrels of salt, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and twenty-nine, two hundred and fifty dollars.

For education, during the pleasure of Congress, stipulated in the fourth article of the treaty of the twenty-seventh of October, eighteen hundred and thirty-two, two thousand dollars.

For interest on six hundred and forty-three thousand dollars, at five per centum, stipulated in the seventh article of the treaty of the fifth of June, eighteen hundred and forty-six, thirty-two thousand one hundred and fifty dollars.

Quapaws.

For education, during the pleasure of the President, stipulated in the third article of the treaty of the thirteenth of May, eighteen hundred and thirty-three, one thousand dollars.

For blacksmith and assistant, during the pleasure of the President, stipulated in the third article of the treaty of the thirteenth of May, eighteen hundred and thirty-three, eight hundred and forty dollars.

For iron and steel for shop, during the pleasure of the President, stipulated in the third article of the treaty of the thirteenth of May, eighteen hundred and thirty-three, two hundred and twenty dollars.

For pay of farmer, during the pleasure of the President, stipulated in the third article of the treaty of the thirteenth of May, eighteen hundred and thirty-three, six hundred dollars.

Rogue Rivers.

For the first of sixteen installments in blankets, clothing, farming utensils, and stock, stipulated in the third article of the treaty of the tenth of September, eighteen hundred and fifty-three, two thousand five hundred dollars.

For the purchase of agricultural implements, clothing, and such other articles as may be deemed conducive to the comfort and necessities of said Indians, and for the expenses of such permanent improvements as may have been made by claimants to land on the reserve named in the second article of the treaty, stipulated in the third article of the treaty of the tenth of September, eighteen hundred and fifty-three, five thousand dollars.

For payment of the property of the whites destroyed during the late war, stipulated in the third article of the treaty of the tenth of September, eighteen hundred and fifty-three, fifteen thousand dollars.

For compensation and expenses of commissioners, stipulated in the third article of the treaty of the tenth of September, eighteen hundred and fifty-three, five thousand dollars.

For the erection of three dwelling-houses for the principal chiefs of said tribe, stipulated in the fourth article of the treaty of the tenth of September, eighteen hundred and fifty-three, one thousand five hundred dollars: *Provided*, That no payment shall be made to said Rogue River Indians, or to claimants referred to in these provisions, until said tribe shall have assented to the amendments of the Senate of the United States to the treaty, on account of which the several sums are appropriated.

Six Nations of New York.

For permanent annuity, stipulated in the sixth article of the treaty of the eleventh of November, seventeen hundred and ninety-four, four thousand five hundred dollars.

Senecas of New York.

For permanent annuity, in lieu of interest on stock, per act of the nineteenth of February, eighteen hundred and thirty-one, six thousand dollars.

For interest, in lieu of investment, on seventy-five thousand dollars, at five per centum, per act of twenty-seventh of June, eighteen hundred and forty-six, three thousand seven hundred and fifty dollars.

Stockbridges.

For interest on sixteen thousand five hundred dollars, at five per centum, stipulated in the ninth article of the treaty of the twenty-fourth of November, eighteen hundred and forty-eight, eight hundred and twenty-five dollars.

Sioux of Mississippi.

For interest on three hundred thousand dollars, at five per centum, stipulated in the second article of the treaty of the twenty-ninth of September, eighteen hundred and thirty-seven, fifteen thousand dollars.

For eighteenth of twenty installments as annuity in goods, stipulated in the second article of the treaty of the twenty-ninth of September, eighteen hundred and thirty-seven, ten thousand dollars.

For eighteenth of twenty installments for the purchase of medicines, agricultural implements, and stock, and for support of farmers, physicians, and blacksmith, stipulated in the second article of the treaty of the twenty-ninth of September, eighteen hundred and thirty-seven, eight thousand two hundred and fifty dollars.

For eighteenth of twenty installments for the purchase of provisions, stipulated in the second article of the treaty of the twenty-ninth of September, eighteen hundred and thirty-seven, five thousand five hundred dollars.

For fourth of fifty installments at the rate of five per centum, on one million three hundred and sixty thousand dollars, stipulated in the fourth article of the treaty of the twenty-third of July, one thousand eight hundred and fifty-one, sixty-eight thousand dollars.

For fourth of fifty installments at the rate of five per centum, on one hundred and twelve thousand dollars, being the amount in lieu of the reservation set apart in the third article per Senate's amendment to treaty of twenty-third July, one thousand eight hundred and fifty-one, five thousand six hundred dollars.

For fourth of fifty installments at the rate of five per centum, on one million one hundred and sixty thousand dollars, stipulated in the fourth article of the treaty of the fifth of August, one thousand eight hundred and fifty-one, fifty-eight thousand dollars.

For fourth of fifty installments at the rate of five per centum, on sixty-nine thousand dollars, being the amount allowed in lieu of the reservation of lands set apart by the third article per Senate's amendment to treaty of fifth of August, one thousand eight hundred and fifty-one, three thousand four hundred and fifty dollars.

That the President be authorized to confirm to the Sioux of Minnesota, forever, the reserve on the Minnesota river now occupied by them, upon such conditions as he may deem just. And further, that it be agreed between the United States and the Sioux bands of Indians, that should it, at any time hereafter, be considered by the United States as a proper policy to establish farms among and for the benefit of said Indians, it shall be discretionary with the President, by and with the advice and consent of the Senate, to change the annuities herein provided for, or any part thereof, into a fund for that purpose.

For defraying the expenses of witnesses, marshal, attorney, notary, interpreter, and stationery, and copying evidence, in the investigation of the official conduct of Alexander H. Ramsay, late Governor of Minnesota, seven hundred and twenty dollars.

For services of Robert A. Matthews, for copying the proceedings and evidence in said investigation, under employment of Richard M. Young, one of the commissioners, two hundred and fifty dollars.

For paying the expenses and fees of witnesses summoned in said investigation, by the United States, at the instance of Alexander Ramsay, three hundred and fifty dollars.

Sacs and Foxes of Missouri.

For interest on one hundred and fifty-seven

thousand four hundred dollars, at five per centum, stipulated in the second article of the treaty of the twenty-first of October, eighteen hundred and thirty-seven, seven thousand eight hundred and seventy dollars.

Sacs and Foxes of Mississippi.

For permanent annuity, stipulated in the third article of the treaty of the third of November, eighteen hundred and four, one thousand dollars.

For twenty-third of thirty installments, as annuity, stipulated in the third article of the treaty of the twenty-first of September, eighteen hundred and thirty-two, twenty thousand dollars.

For twenty-third of thirty installments for gunsmiths, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-two, six hundred dollars.

For twenty-third of thirty installments for iron and steel for shop, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-two, two hundred and twenty dollars.

For twenty-third of thirty installments for blacksmith and assistant, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-two, eight hundred and forty dollars.

For twenty-third of thirty installments for iron and steel for shop, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-two, two hundred and twenty dollars.

For twenty-third of thirty installments for forty barrels of salt, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-two, two hundred dollars.

For twenty-third of thirty installments for forty kegs of tobacco, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-two, eight hundred dollars.

For interest on two hundred thousand dollars, at five per centum, stipulated in the second article of the treaty of the twenty-first of October, eighteen hundred and thirty-seven, ten thousand dollars.

For interest on eight hundred thousand dollars, at five per centum, stipulated in the second article of the treaty of the eleventh of October, eighteen hundred and forty-two, forty thousand dollars.

For payment to Thompson Connolly and James Connolly, children of John Connolly, deceased, two hundred dollars.

Shawnees.

For permanent annuity, stipulated in the fourth article of the treaty of the third of August, seventeen hundred and ninety-five, one thousand dollars.

For permanent annuity, stipulated in the fourth article of the treaty of the twenty-ninth of September, eighteen hundred and seventeen, two thousand dollars.

For permanent provision for the purchase of salt, stipulated in the third article of the treaty of the seventh of June, eighteen hundred and three, sixty dollars.

For blacksmith and assistant, during the pleasure of the President, stipulated in the fourth article of the treaty of the eighth of August, eighteen hundred and thirty-one, eight hundred and forty dollars.

For iron and steel for shop, during the pleasure of the President, stipulated in the fourth article of the treaty of the eighth of August, eighteen hundred and thirty-one, two hundred and twenty dollars.

Senecas and Shawnees.

For permanent annuity, stipulated in the fourth article of the treaty of the seventeenth of September, eighteen hundred and eighteen, one thousand dollars.

For blacksmith and assistant, during the pleasure of the President, stipulated in the fourth article of the treaty of the twentieth of July, eighteen hundred and thirty-one, eight hundred and forty dollars.

For iron and steel for shops, during the pleasure of the President, stipulated in the fourth article of the treaty of the twentieth of July, eighteen hundred and thirty-one, two hundred and twenty dollars.

Senecas.

For permanent annuity, stipulated in the fourth

article of the treaty of the twenty-ninth of September, eighteen hundred and seventeen, five hundred dollars.

For permanent annuity, stipulated in the fourth article of the treaty of the seventeenth of September, eighteen hundred and eighteen, five hundred dollars.

For blacksmith and assistant, during the pleasure of the President, stipulated in the fourth article of the treaty of the twenty-eighth of February, eighteen hundred and thirty-one, eight hundred and forty dollars.

For iron and steel for shop, during the pleasure of the President, stipulated in the fourth article of the treaty of the twenty-eighth of February, eighteen hundred and thirty-one, two hundred and twenty dollars.

For pay of miller, during the pleasure of the President, stipulated in the fourth article of the treaty of the twenty-eighth of February, eighteen hundred and thirty-one, six hundred dollars.

Stockbridges.

For the removal of the Stockbridge Indians to the country west of the Mississippi river, which has been selected for and approved by them, and for subsistence for one year, stipulated in the eighth article of the treaty of twenty-fourth November, eighteen hundred and forty-eight, seven thousand dollars.

Umpquas, (Crow-Creek Band.)

For the first of twenty installments in blankets, clothing, provision, and stock, stipulated in the third article of the treaty of the nineteenth of September, eighteen hundred and fifty-three, five hundred and fifty dollars.

For the purchase of blankets, clothing, and goods, stipulated in the first clause of the third article of the treaty of nineteenth of September, eighteen hundred and fifty-three, one thousand dollars.

For the erection of two dwelling-houses, plowing and fencing a field, and purchasing seeds, stipulated in the fourth article of the treaty of the nineteenth of September, eighteen hundred and fifty-three, one thousand dollars.

Utahs.

For fulfilling treaty stipulations with the Utahs, pursuant to the requirements of the eighth article of the treaty of December thirtieth, eighteen hundred and forty-nine, five thousand dollars.

Wyandotts.

For permanent annuity, stipulated in the third article of the treaty of the seventeenth of March, eighteen hundred and forty-two, seventeen thousand five hundred dollars.

For permanent provision for blacksmith and assistant, stipulated in the eighth article of the treaty of the seventeenth of March, eighteen hundred and forty-two, eight hundred and forty dollars.

For permanent provision for iron and steel for shop, stipulated in the eighth article of the treaty of the seventeenth of March, eighteen hundred and forty-two, two hundred and seventy dollars.

For permanent provision for education, stipulated in the fourth article of the treaty of the seventeenth of March, eighteen hundred and forty-two, five hundred dollars.

Weas.

For permanent annuity, stipulated in the fifth article of the treaty of the second of October, eighteen hundred and eighteen, three thousand dollars.

Winnebagoes.

For twenty-sixth of thirty installments as annuity, stipulated in the second article of the treaty of the first of August, eighteen hundred and twenty-nine, eighteen thousand dollars.

For twenty-third of twenty-seven installments as annuity, stipulated in the third article of the treaty of the fifteenth of September, eighteen hundred and thirty-two, ten thousand dollars.

For twenty-sixth of thirty installments, for the purchase of fifty barrels of salt, stipulated in the second article of the treaty of the first of August, eighteen hundred and twenty-nine, two hundred and fifty dollars.

For twenty-sixth of thirty installments, for the purchase of three thousand pounds of tobacco, stipulated in the second article of the treaty of the first of August, eighteen hundred and twenty-nine, six hundred dollars.

For twenty-third of twenty-seven installments, for the purchase of one thousand five hundred pounds of tobacco, stipulated in the fifth article of the treaty of the fifteenth of September, eighteen hundred and thirty-two, three hundred dollars.

For twenty-sixth of thirty installments for three blacksmiths and assistants, stipulated in the third article of the treaty of the first of August, eighteen hundred and twenty-nine, two thousand one hundred and sixty dollars.

For twenty-sixth of thirty installments for iron and steel for shop, stipulated in the third article of the treaty of the first of August, eighteen hundred and twenty-nine, six hundred and sixty dollars.

For twenty-six of thirty installments for laborers and oxen, stipulated in the third article of the treaty of the first of August, eighteen hundred and twenty-nine, three hundred and sixty-five dollars.

For twenty-third of twenty-seven installments for education, stipulated in the fourth article of the treaty of the fifteenth of September, eighteen hundred and thirty-two, three thousand dollars.

For twenty-third of twenty-seven installments for six agriculturists, purchase of oxen, plows, and other implements, stipulated in the fifth article of the treaty of the fifteenth of September, eighteen hundred and thirty-two, two thousand five hundred dollars.

For twenty-third of twenty-seven installments for the pay of two physicians, stipulated in the fifth article of the treaty of the fifteenth of September, eighteen hundred and thirty-two, four hundred dollars.

For interest on one million one hundred thousand dollars, at five per centum, stipulated in the fourth article of the treaty of the first of November, eighteen hundred and thirty-seven, fifty-five thousand dollars.

For interest on eighty-five thousand dollars, at five per centum, stipulated in the fourth article of the treaty of the thirteenth of October, eighteen hundred and forty-six, four thousand two hundred and fifty dollars.

For the expenses of negotiating treaties with, and making presents of goods and provisions to, the Indian tribes in the Territory of Oregon, sixty-eight thousand dollars.

For the expenses of negotiating treaties with, and making presents of goods and provisions to, Indian tribes in the Territory of Washington, forty-five thousand dollars.

For the expenses of negotiating treaties with, and making presents of goods and provisions to, the Indian tribes in the Territory of Utah, forty-five thousand dollars.

For the expenses of negotiating treaties with, and making presents of goods and provisions to, the Apache, Navajoe, and Utah Indians, in the Territory of New Mexico, thirty thousand dollars.

For the expenses of holding a council with, and making presents of goods and provisions to, the Blackfeet, Gros Ventres, and other wild tribes of Indians, immediately within or adjacent to the eastern boundary of Washington Territory, eighty thousand dollars.

To pay Andrew Taylor for his reservation of six hundred and forty acres of land at Citico-Oldtown, on the waters of the Tennessee river, fourteen thousand seven hundred and twenty dollars, with interest from the twenty-third day of August, eighteen hundred and forty-three.

For the expenses of making presents of agricultural implements and farming utensils to the bands of Pueblo Indians in the Territory of New Mexico, ten thousand dollars: *Provided*, That the Secretary of the Interior may, if in his discretion the public interests require it, be authorized to use any part of the appropriations herein made for making treaties in Oregon, Washington, Utah, and New Mexico, and for holding councils at Fort Benton, prior to the commencement of the next fiscal year.

For adjusting difficulties and preventing outbreaks among the Indians in Oregon Territory, ten thousand dollars.

For general incidental expenses of the Indian service in Oregon Territory, ten thousand dollars.

For expenses of insurance and transportation of annuities payable to Indian tribes, in the Territories of Oregon, three thousand dollars.

For general incidental expenses of the Indian service in Washington Territory, fifteen thousand dollars.

For general incidental expenses of the Indian service in the Territory of New Mexico, twenty-five thousand dollars.

For general incidental expenses of the Indian services in the Territory of Utah, twenty thousand dollars.

For general incidental expenses of the Indian service in the Territory of Utah during the year ending June thirtieth, eighteen hundred and fifty-four, ten thousand dollars.

For general incidental expenses of the Indian service in Washington Territory, for six months, ending June thirtieth, eighteen hundred and fifty-four, five thousand dollars.

For payment of balance due for transportation of presents, goods, and provisions, to the Camanches, Kioways, and other Indians on the Arkansas river, one thousand two hundred dollars.

To pay for certain goods borrowed by late agent J. S. Watrous, to fulfill treaty stipulations with the Chippewas, to be replaced out of annuity goods, but which, with the agency building, were consumed by fire in May, eighteen hundred and fifty-three, four thousand one hundred and thirty-six dollars and three cents.

For payment in full to the Winnebago nation of Indians of certain unexpended balances of appropriations under various treaties, on account of annuities, education, provisions, goods, etc., forty thousand and four dollars and sixty-nine cents.

For payment of balance found due the Creek Indians for losses sustained during the war with Great Britain, by that portion of the tribe who were friendly to and cooperated with the United States, in addition to the appropriation of the thirtieth of August, eighteen hundred and fifty-two, two hundred and fifty-eight dollars and ten cents.

For payment to certain Creek Indians for their individual reserves, sold with the approbation of the Secretary of War, in the year eighteen hundred and forty-one, the Commissioner of Indian Affairs having received the consideration for the use of said Indians in certificates of deposit on the Planters and Mechanics' Bank of Columbus, Georgia, which failing while said certificates were in the hands of the commissioner, became lost to said Indians, two thousand six hundred dollars.

Texas Indians.

For compensation to three special agents and four interpreters for the Indian tribes of Texas, and for the purchase of presents, fifteen thousand dollars.

For the expenses of making the necessary selections and surveys of land to accommodate the Indians residing within the State of Texas, agreeably to arrangements authorized by an act of the Legislature of that State, allowing the requisite jurisdiction of the Government of the United States for such purposes, and for concentrating and subsisting them, and furnishing suitable stock cattle, agricultural implements, seeds, and other necessary articles incident thereto, eighty-six thousand four hundred and thirty dollars.

Miscellaneous.

For the second and third of ten installments of provisions and merchandise, in addition to former appropriations, for payment of annuities and transportation of the same to certain tribes of Indians, per seventh article of the treaty at Fort Laramie, of seventeenth of September, eighteen hundred and fifty-one, twenty-four thousand dollars.

For the fourth of ten installments in provisions and merchandise, for payment of annuities and transportation of same to certain tribes of Indians, per seventh article of the treaty at Fort Laramie, of seventeenth of September, eighteen hundred and fifty-one, seventy-two thousand dollars.

For surveying and marking boundary lines of such tract or tracts of land as may be provided under the stipulations of the amendments of the Senate to the treaties of twenty-third July and fifth August, eighteen hundred and fifty-one, with the Sioux Indians, one thousand two hundred dollars.

For expenses of negotiating treaties of the tenth of September, eighteen hundred and fifty-three, with the Rogue River Indians, and of the nineteenth of September, eighteen hundred and fifty-three, with the Cow-Creek band of Umpqua Indians, five thousand dollars.

For continuing the collection and for publishing

the statistics and other information authorized by the act of third of March, eighteen hundred and forty-seven, and subsequent acts, twenty thousand nine hundred dollars.

Sec. 2. *And be it further enacted*, That no existing provisions of law, prescribing the manner in which payment shall be made to Indians, shall be so construed as to repeal or contravene the seventeenth section of an act entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," approved June thirtieth, eighteen hundred and thirty-four, or to prohibit the payment of any claim or claims (other than those of agents or attorneys for claims) for *bona fide* services rendered within or upon any Indian territory to any Indian tribe, for medical or manual services, or in cases of humanity where the President may adjudge such service necessary and the claim or claims therefor just and reasonable.

For defraying the expenses of continuing the removal and subsistence of Indians in California, three military reservations, in accordance with the plan submitted by the superintendent of Indian affairs of that State, and approved by the President, the sum of two hundred thousand dollars: *Provided*, That, hereafter, no more than twenty thousand dollars shall be drawn by the superintendent, or be in his hands unexpended at one and the same time: *And provided*, The sub-agents created by this act shall be appointed by the superintendent, subject to confirmation by the Secretary of the Interior, not to exceed one for each reservation, nor three in all, said reservations to contain not less than five nor more than ten thousand acres; and the said superintendent is authorized to apply, out of the sum hereby appropriated, not exceeding twenty-five thousand dollars, in the extinguishment of conflicting titles and rights to said reserved lands, at a price not exceeding one dollar and twenty-five cents per acre, for a valid and indefeasible title to the land so purchased: *And provided*, The State of California shall cede the necessary jurisdiction in such cases with regard to the land so purchased.

For general incidental expenses of the Indian service in California, embracing expenses of travel of the superintendent and agent, etc., twenty-five thousand dollars.

For payment to David Carter, as an emigrant, of the amount of his improvements, valued under the treaty with the Cherokees, in eighteen hundred and twenty-eight, in pursuance of the sixth article thereof, two thousand eight hundred and twenty-six dollars and fifty cents.

For payment to A. V. Brown and others, Chickasaw traders, for ransom of George W. and Meredith Wilson from the Camanche Indians, and to reward the services of persons engaged in that service, one thousand dollars.

To enable the President to negotiate a treaty with the Indians in Michigan, and to change the terms of existing treaties, ten thousand dollars.

For a clerk to the superintendent of Indian affairs in the Territory of Washington, eighteen hundred dollars; and for a clerk to the superintendent of Indian affairs in the Territory of New Mexico, one thousand dollars; to be allowed in the discretion of the Secretary of the Interior.

Sec. 4. *And be it further enacted*, That the Secretary of the Interior be, and he is hereby, authorized, if, in his judgment, the public interest will be promoted thereby, to cause to be disbursed such of the moneys appropriated in this act for the Utah Indians, either under treaty stipulations, or for general incidental expenses, by the Indian agent in that Territory, as he may think proper: *Provided*, That said agent shall, under no circumstances, receive any additional compensation therefor.

Sec. 5. *And be it further enacted*, That the President be, and he is hereby, authorized and required to cause to be fulfilled the stipulations of the ninth and tenth articles of the treaty with the Sacs and Foxes, and other tribes of Indians, concluded on the fifteenth of July, one thousand eight hundred and thirty, by causing said reserved tracts to be surveyed and allotted to the persons properly entitled to the same, in fee-simple, in such manner and under such rules and regulations as he may prescribe; and to defray the expenses of the same, there be, and is hereby, appropriated the sum of ten thousand nine hundred and twenty-two dollars and twenty-nine cents.

Sec. 6. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint two Indian agents for the Indians east of the Rocky Mountains, in addition to the eleven provided for by the fourth section of the act entitled "An act making appropriations for the current and contingent expenses of the Indian department," etc., approved February twenty-seventh, eighteen hundred and fifty-one; one Indian agent for the Indians in the Territory of New Mexico, in addition to the four provided for by the fifth section of the same act; and such number of Indian agents, not exceeding three, as he may deem expedient for the Indian tribes in the Territory of Washington.

Sec. 7. *And be it further enacted*, That the agents appointed under the provisions of the sixth section of this act, shall, before entering upon the duties of their respective offices, give bond in such penalties, and with such conditions and such security, as the President or Secretary of the Interior may require. They shall hold their offices, respectively, for the term of four years, and shall receive an annual salary of one thousand five hundred dollars each.

Sec. 8. *And be it further enacted*, That to such Cherokees as were omitted in the census taken by D. W. Siler, but who were included and paid under the act of July, eighteen hundred and forty-eight, the Commissioner of Indian Affairs be authorized to pay them the same *per capita* allowance that was paid the other Indians under that distribution, provided the commissioner shall be satisfied that they ought to be included in said *per capita* distribution, and that the sum of five thousand dollars be appropriated for that purpose.

Sec. 10. *And be it further enacted*, That to enable the Secretary of the Interior to settle and pay the award of commissioners on file for reservations, preemptions, and for rents and improvements under the twelfth, thirteenth, and sixteenth articles of the Cherokee treaty, of twenty-ninth December, eighteen hundred and thirty-five, in pursuance of the stipulations of the third article of the treaty of August eighth, eighteen hundred and forty-six, the sum heretofore appropriated for those purposes and carried to the surplus fund, is hereby reappropriated.

Sec. 11. *And be it further enacted*, That the Secretary of the Interior be authorized and required to investigate the claim of the Brotherton tribe of Indians against the United States, and report the facts to Congress at its next session, or earlier, if practicable, together with an estimate for such amount as may be found justly due the said Indians.

APPROVED, July 31, 1854.

PUBLIC, LV.—*An Act for the purchase of the Copyright of a Work published by Thomas H. Sumner, wherein he describes his new method of ascertaining a ship's position at sea.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in consideration of the transfer to the United States of the copyright of a work wherein Thomas H. Sumner fully describes his new method of ascertaining a ship's position at sea, when a meridian observation of the sun cannot be obtained, there be paid, out of any money in the Treasury not otherwise appropriated, to the said Thomas H. Sumner, or his lawful agent or attorney, the sum of ten thousand dollars.

Sec. 2. *And be it further enacted*, That after the said transfer shall be made, and the said sum paid, the said copyright shall be deemed extinct, and said book may thereafter be published as if no such right had existed.

APPROVED, August 2, 1854.

PUBLIC, LVI.—*An Act to provide for the Accommodation of the Courts of the United States in the District of Massachusetts, and in the cities of New York and Philadelphia.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he hereby is, authorized and empowered to provide necessary accommodations for the courts of the United States, and the officers connected with them, in the district of Massachusetts, and in the cities of New York and Philadelphia, by

fitting up and leasing the same until permanent accommodations can be provided as hereinafter proposed.

Sec. 2. *And be it further enacted*, That the President cause to be procured, by purchase or otherwise, suitable sites for buildings, to be used as court-houses and post offices, in the cities of Boston, New York, and Philadelphia; and that he prepare and submit to Congress, at as early a day as practicable, plans and estimates for the same, together with any contract or contracts he may make for any such site or sites, which contract or contracts shall be conditional and made subject to the approval of Congress.

APPROVED, August 2, 1854.

PUBLIC, LVII.—*An Act to establish a Port of Delivery at Lake Port, on Lake Pontchartrain, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, established at the terminus of the Jefferson and Lake Pontchartrain railway, on Lake Pontchartrain, a port of delivery, to embrace also the lake terminus of the new canal, to be called Lake Port; that a surveyor shall be appointed to reside thereat; that all ships or vessels bound to said port shall, after proceeding thereto, and making report and entry at the port of New Orleans within the time limited by law, be permitted to unlade their cargoes at the said port, under the rules and regulations prescribed by law.

Sec. 2. *And be it further enacted*, That all vessels about to depart from said port to foreign ports and places, shall be permitted to clear out with their cargoes at the custom-house in the city of New Orleans, and depart under the same rules, regulations, and restrictions, and in every respect in the same manner, as vessels clearing out and departing for foreign ports and places from the said city of New Orleans by the way of the Mississippi river.

APPROVED, August 2, 1854.

PUBLIC, LVIII.—*An Act to relinquish the Reservation Interest of the United States to a certain Reservation therein mentioned, and to confirm the title of Charles G. Gunter thereto.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right, title, and interest which might accrue or revert to the United States to a certain fraction or [of] section number nineteen of township number sixteen and range number sixteen, including an island in the Alabama river, commonly called Manac's Island, a little below the mouth of Catoma creek, and being the reservation to which Samuel Manac, a Creek Indian, became entitled under the treaty of Fort Jackson, be, and the same are hereby, relinquished to Charles G. Gunter, his heirs and assigns, and a patent shall be issued to the said Charles G. Gunter, his heirs or assigns for the same, upon the payment to the receiver of the land office at Cahaba, in the State of Alabama, of the minimum price per acre of the public lands now subject to entry in said State.

APPROVED, August 2, 1854.

PUBLIC, LIX.—*An Act constituting Madison, in the State of Indiana, a Port of Delivery.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Madison, in the State of Indiana, shall be, and is hereby, constituted a port of delivery, and shall be subject to the same regulations and restrictions as other ports of delivery in the United States; and there shall be appointed a surveyor of customs to reside at said port, who shall, in addition to his own duties, perform the duties and receive the salary and emoluments of surveyor, prescribed by the act of Congress, approved on the second of March, eighteen hundred and thirty-one, providing for the payment of duties on imported goods, at certain ports therein mentioned, entitled "An act allowing the duties on foreign merchandise imported into Pittsburg, Wheeling, Cincinnati, Louisville, St. Louis, Nashville, and Natchez, to be secured and paid at those places;" and the said town of Madison, and the said port of delivery, be, and is hereby, annexed and made a part of the collection district of New Orleans, and all the facilities and privileges

afforded by the said act of Congress, of the second of March, eighteen hundred and thirty-one, be, and are hereby, extended to the said port of Madison.

APPROVED, August 2, 1854.

PUBLIC, LX.—*An Act to constitute Tuscomb, in the State of Alabama, a Port of Delivery, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Tuscomb, in the State of Alabama, shall be, and is hereby, constituted a port of delivery within the collection district of New Orleans; and there shall be appointed a surveyor of customs, to reside at said port, who shall, in addition to his own duties, perform the duties and receive the salary and emoluments of surveyor, prescribed by the act of Congress, approved on the second of March, eighteen hundred and thirty-one, for importing merchandise into Pittsburg, Wheeling, and other places.

Sec. 2. *And be it further enacted*, That Paducah, in the State of Kentucky, Shreveport, in the State of Louisiana, and Jeffersonville, in the State of Indiana, shall be; and they are hereby, constituted ports of delivery within the collection district of New Orleans; [and there shall be appointed a surveyor of customs for each of said ports, to reside thereat,] who shall, in addition to their own duties, perform the duties, and receive the salary and emoluments of surveyor, prescribed by the act of Congress approved on the second of March, eighteen hundred and thirty-one, for importing merchandise into Pittsburg, Wheeling, and other places.

APPROVED, August 2, 1854.

PUBLIC, LXI.—*An Act creating a Collection District in Texas and New Mexico.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the county of El Paso, in the State of Texas, and the Territory of New Mexico, be, and they are hereby, created a collection district, which shall be called the district of Paso del Norte, and Frontera, within said county of El Paso, is hereby made a port of entry and delivery for said district.

Sec. 2. *And be it further enacted*, That there shall be a collector of customs appointed for said district, together with such other officers as are provided for by law. The said collector shall reside at Frontera-aforesaid, and he shall be entitled to a salary not exceeding two thousand dollars per annum; including in that sum the fees allowed by law, and the amount he shall collect in any one year for fees exceeding the sum of two thousand dollars shall be accounted for and paid into the Treasury of the United States.

Sec. 3. *And be it further enacted*, That the district court for the Territory of New Mexico shall have and exercise jurisdiction over all cases which shall arise in the collection district of Paso del Norte, in the administration of the revenue laws, in the same manner, as if the said district was entirely within the Territory of New Mexico.

APPROVED, August 2, 1854.

PUBLIC, LXII.—*An Act making Appropriations for Light-Houses, Light-Boats, Buoys, etc., and providing for the Erection and Establishment of the same, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following appropriations be, and the same are hereby, made, and directed to be paid out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Treasury to carry the provisions of this act into effect: *Provided, however*, If a good title to any land which it may be necessary to use cannot be obtained on reasonable terms, or the exclusive right to such land cannot be acquired by cession when the interest of the United States demands it, before the appropriation would by law fall into the surplus fund, in any and all such cases the appropriations shall be applicable to the objects for which they are made at any time within two years after the first meeting of the Legislature, in any State wherein such land may be situated, subsequent to the passage of this act, to wit.

Maine.—For rebuilding light-house and keeper's dwelling on Petit Menan Island, thirty-five thousand dollars.

For rebuilding light-house on Baker's Island, five thousand dollars.

For rebuilding light-house on Franklin Island, five thousand dollars.

For procuring illuminating apparatus, and completing light-house tower and buildings, authorized to be built on Boone Island, nineteen thousand nine hundred and seventy-three dollars.

For an iron bell-boat, to be stationed to mark Alden's Rock, five thousand dollars.

For fog-signal and dwelling for keeper, near Manhegin light-house, three thousand five hundred dollars.

For harbor-light on or near breakwater at Portland, three thousand five hundred dollars.

For completion of beacon on Buck ledge, Penobscot river, in addition to five hundred dollars already appropriated, two thousand dollars.

For restoring the two other stone beacons on Penobscot river, one thousand dollars.

For fog-signals on Mount Desert Rock and Matinicus light-houses, five thousand dollars.

For buoys for the waters on the coast of Maine, viz: St. Croix river, near the breakwater, Portland, Maine, and for beacons and buoys at other important points in the St. Croix, Kennebec, and Penobscot rivers, etc., two thousand dollars.

For light on pier-head at Kennebunk harbor, five hundred dollars.

For a light-house to mark the eastern extremity to Edgemoggin Reach, to be placed upon such point as may be determined, upon careful examination and survey, six thousand dollars.

For beacons to mark ledges in Castine harbor, Maine, five thousand dollars.

For a beacon on a ledge in St. Croix river, about four miles below the town of Calais, and a light-house upon Big Island, at the mouth of St. Croix river, nine thousand dollars.

For a light-house on or near the Widow's Island, at the eastern entrance of Fox Island thoroughfare, five thousand dollars.

For a light-house at the entrance of the thoroughfare at Isle au Haute, five thousand dollars.

For a light-house on Southern Island, at the entrance of Tenant's harbor, in the town of St. George, four thousand five hundred dollars.

For a light-house at the entrance of Winter harbor, in Goldsborough, four thousand five hundred dollars.

For the erection of two beacons in west Passamaquoddy bay, to mark the channel over the bar at the western entrance, three thousand dollars.

For a beacon on harbor ledge, a spindle on Seal ledges, a spindle on Ship-Yard ledge, a spindle on Lowell's Rock, and a buoy on Ram Island ledge, in Rockport harbor, Camden, six thousand dollars.

For a light-house at Noddle's Island, at the entrance to the harbor of Castine and Brooksville, four thousand five hundred dollars.

For a day-mark, or beacon, on Trott's Ledge, about one mile from the entrance to Castine and Brooksville harbor, five hundred dollars.

For a light-house at Dry Point, on Lineken's Neck, on the westerly side of the Damariscotta river, six thousand dollars.

For a light-house on Wood Island, five thousand dollars.

Massachusetts.—For continuation of the work on foundation and light-house buildings on the rocks called "Sow and Pigs," thirty thousand dollars.

For rebuilding light-house at Gay Head, and fitting it with first order illuminating apparatus, thirty thousand dollars.

That the sums appropriated March three, eighteen hundred and fifty-one, and August thirty-one, eighteen hundred and fifty-two, "for iron spindles on the Graves and Harding's Ledges, Boston harbor," be applied to the procuring and placing a bell and triangle beacons on these points.

For the erection of a light-house and keeper's dwelling on Egg Rock Island, near Nahant, being the sum appropriated for this object September twenty-eight, eighteen hundred and fifty, five thousand dollars.

For the removal of the light-house at Truro, (highlands,) Cape Cod, to a proper site, and for fitting the same with the most approved illuminating apparatus, and to serve as substitute for

three lights at Nansett beach, twenty-five thousand dollars.

For the preservation of the site of Billingsgate Island light-house, (Wellfleet,) two thousand dollars.

For rebuilding the light-house at Brant's Point, Nantucket, fifteen thousand dollars.

For large fog-bells for light-vessels in the Vineyard sound, in exchange for the small ones now in use on board of these vessels, one thousand five hundred dollars.

For four iron twelve-pounder guns and equipments for fog-signals on board of light-vessels in Vineyard sound, two thousand dollars.

For iron buoys and buoy-boats for approaches to Boston bay and on Nantucket shoals, five thousand dollars.

For a light-house and keeper's house on or near the "Point of Rocks," Westport, Massachusetts, five thousand dollars.

For a light-house on the spit situated at the entrance of the Narrows, Boston harbor, fifteen thousand dollars.

For the erection of a day-beacon, sixty feet high, on "Point Alderton bar," on the south side of the entrance to Light-House channel, eighteen thousand dollars.

For placing buoys in the New Bedford collection district, on rock at the mouth of Monument river; on Bourne's flat, at the turn of the channel above Siah's Point; one between the last named and Boure's Neck; one at each end of Pismire Bed; one on rock in channel of Dartmouth river; one on Cow Rock ledge; and one on rock in Phinney's passage, two thousand dollars.

Vermont.—For two small lights to be placed on the pier at Burlington, two thousand dollars.

For a fog-signal at Juniper Island light-house, Lake Champlain, eight hundred dollars.

Rhode Island.—For a new light house tower and illuminating apparatus on Beaver Tail, and for a fog-signal, fourteen thousand five hundred dollars.

For rebuilding the light-house and keeper's dwelling at Watch Hill, and for repairs of seawall to preserve the light-house site, eight thousand three hundred dollars.

For a beacon-light at Bristol Ferry, one thousand five hundred dollars.

For a beacon or spindle to mark the reef extending from Block Island, two thousand dollars.

Connecticut.—For completing the beaconage and buoyage of the Connecticut river, as authorized by the act of March third, eighteen hundred and fifty-three, five thousand dollars.

For a fog-bell at Saybrook light-house, Connecticut, one thousand dollars.

For a beacon at Sugar reef, east entrance of Long Island sound, two thousand five hundred dollars.

For a beacon on Long Point, two thousand five hundred dollars.

For a beacon on Sea Flower reef, two thousand five hundred dollars.

For a fog-signal at or near Lynde Point light-house, eight hundred dollars.

For buoys at the eastern extremity of Watch Hill reef, and on "Whampasac," entrance to Stonington harbor, five hundred dollars.

For a light-house at or near Niantic, Long Island sound, four thousand dollars.

For beacon on Black ledge, entrance to New London harbor, two thousand dollars.

For a beacon on the Whale, two thousand dollars.

For buoys in the harbor of Noank and Mystic, five hundred dollars.

For a light-house on Black Point, between the Connecticut river and New London, five thousand dollars.

For a harbor-light on the end of the breakwater at Southport, one thousand dollars.

For a fog-bell at the North Dumping light-house, in place of the one now kept up at the expense of private companies, eight hundred dollars.

New York.—For erecting a first-class sea coast light-house tower, and fitting it with the most approved illuminating apparatus, near Great West bay, Long Island, thirty-five thousand dollars.

For a fog-signal, with machinery, at Little Gull Island light-house, two thousand five hundred dollars.

For a fog-signal at Stony Point light-house, eight hundred dollars.

For a beacon-light to mark entrance to Loyd's harbor, Huntington bay, Long Island, four thousand dollars.

For a light-house at or near Race Point, Fisher's Island, Long Island sound, eight thousand dollars.

For a light-house on Horton's Point, Long Island sound, four thousand dollars.

For a light-house at or near Windmill Point, Lake Champlain, eight thousand dollars.

For a small light at north end of Isle au Motte, Lake Champlain, five hundred dollars.

For a light-house at or near Crown Point, Lake Champlain, eight thousand dollars.

For nine small lights near Whitehall, in place of those at present kept up by steamboat companies, Lake Champlain, four thousand five hundred dollars.

For buoys for the following points in Lake Champlain, viz: on "Point au Fer Reef," "Perry's reef," near "Valcour Island," on "Ferris's reef," and on "Schuyler's Island reef," seven hundred dollars.

For buoys in Long Island sound, at the following points, viz: Hay Beach flats, Great Hog neck, South Hole, Little Hog neck, Midway bar, entrance of channel at River Head, Shelter Island ferry, at Neckoll's Rocks, between Rum Head and Mishomac Point, at a shoal east of Gardiner's Point, one thousand three hundred dollars.

For an iron bell-buoy on or near Shagwong reef, five thousand dollars.

For an iron-pile beacon on the southern part of the Romer shoal, New York bay, twenty-five thousand dollars.

New Jersey.—For the continuation of the system of protecting human life from shipwreck, as heretofore established, by life-boats, on the New Jersey coast, twenty thousand dollars.

For a first class light-house, to be fitted with the most approved illuminating apparatus, to be placed in the vicinity of Absecomb inlet, to guide navigators clear of Absecomb and Brigantine shoals, thirty-five thousand dollars.

For a bell-buoy and a nun-buoy for Absecomb bar, five thousand dollars.

For a large buoy or buoy-boat, to be placed on the southwest point of the Overfalls, Delaware bay, one thousand dollars.

For a first-class iron buoy, to be placed on the northeast part of Five Fathom bank, eight hundred dollars.

Delaware.—Towards the erection of a light-house at Cross Ledge, in place of the light-vessel at present at that point, thirty thousand dollars.

For a first-class iron buoy, to be placed on McCrie's shoal, mouth of Delaware bay, eight hundred dollars.

For a beacon-light on the pier at Port Penn, Delaware bay, seven hundred and fifty dollars.

For a beacon-light on Reedy Point, Delaware bay, three thousand dollars.

For refitting Cape Henlopen light-house with first order illuminating apparatus, fifteen thousand dollars.

For light-house on or near Ship John shoals, Delaware bay, thirty thousand dollars.

For a fog-signal to be placed at the Delaware Breakwater light-house, eight hundred dollars.

For a fog-signal, to be placed at the Reedy Island light-house, eight hundred dollars.

For banking in Reedy Island, and preserving the site of the light-house, one thousand eight hundred and fifteen dollars.

For a large iron bell-buoy, to be placed on or near Fenwick Island shoal, five thousand dollars.

For a light-house on Bower's beach, between Murder Kill and Jones's creeks, Delaware bay, five thousand dollars.

For a light-house at or near the mouth of Old Duck creek, on the west side of Delaware bay, five thousand dollars.

Maryland.—For a light-house on or near the "Seven-Foot Knoll," at the mouth of the Patapsco river, in addition to the appropriations approved September twenty-eight, eighteen hundred and fifty, and March three, eighteen hundred and fifty-one, thirteen thousand five hundred dollars.

For a light-house on Sandy Point, Chesapeake bay, eight thousand dollars.

For a light-house on Drum Point, entrance of Patuxent river, five thousand dollars.

For a light-house on Love Point, or the extremity of the shoal, (the northern extremity of Kent Island,) Mouth of Chester river, Maryland, fifteen thousand dollars.

For buoys and stakes at the following points in the Great Choptank river, viz: at Jamaica shoals, Sugar Loaf, Hambrook, and Middle Ground, near mouth of the river, one thousand dollars.

Virginia.—For a light-house on Smith's Point shoal, mouth of Potomac river, in place of the light-house on Smith's Point, and the light-vessel at present placed to mark the extremity of the shoal, twenty-five thousand dollars.

For a light-house half way between Cape Henry and Body's Island light-house, and on or near False Cape Henry, twenty-five thousand dollars.

For a light on or near York Spit, Chesapeake Bay, fifteen thousand dollars.

For buoys at Green Point and Sandy Point, in York river, five hundred dollars.

For a light-house on the shoals off Cherrystone, or on Sandy Point, to mark the entrance to Cherrystone harbor, ten thousand dollars.

For buoys, or stakes, to be placed in the Chesapeake Bay, on the following points, viz: Fisherman's, Pickett's Hole, Cherrystone, Pocomoke Flats, Hunting Creek, Deep Creek, Chesconnessex, Onancock, Pongoteague, Nasevadox, the Gulf, New Point Comfort, Peankatank river, Great Wicomico river, Rappahannock river, Drum Point Spit, near Stingray Point, and near Smith's Point light-vessel, two thousand three hundred dollars.

For buoys and stakes in the Potomac river between Alexandria and Georgetown, two hundred dollars.

For a light-house on such point as may be determined upon, after careful examination and survey, to mark the entrance to the Cone and Yeo-comico rivers from the Potomac, five thousand dollars.

For forty-three buoys for buoying the Kettle Bottoms, and completing the buoyage of the Potomac river from its mouth to the port of Alexandria, three thousand dollars.

For buoys to be placed in suitable places, in Matchipungo bay and its tributaries, one thousand dollars.

For a small light on the wharf of the naval hospital at Norfolk, five hundred dollars.

For a fog-bell to be placed near the light-house at Old Point Comfort, and for a small light on the inner spit to mark the entrance to the anchorage off Old Point Comfort, one thousand five hundred dollars.

For a small pile light-house on the extremity of the shoal making out from Stingray Point, mouth of the Rappahannock river, twelve thousand dollars.

North Carolina.—For a pile light-house on or near Wade's Point, in place of the light-vessel at that point, which cannot be repaired, ten thousand dollars.

For a small beacon-light, to range with the main light, near Fort Macon, Beaufort, North Carolina, one thousand dollars.

For a small beacon-light on or near the point of Cape Hatteras, one thousand five hundred dollars.

For a small beacon-light on Federal Point, Cape Fear, to range with the light-house on that point, and to be a substitute for the light-vessel on Horse Shoe shoal, eight hundred dollars.

For buoys and stakes for Albemarle, Pamlico, Core, and Croatan sounds, Neuse river, Pamlico river, Roanoke river, and the straits from Core sound to Beaufort, two thousand six hundred and forty dollars.

For a light-house on Roanoke marshes, ten thousand dollars.

For a pile light-house on the northwest point of Royal shoal, ten thousand dollars.

South Carolina.—For erecting a permanent beacon, to range with Charleston light, for crossing the bar, as a substitute for the present movable lantern, one thousand dollars.

For rebuilding the two beacons on Sullivan's Island, and for building a keeper's house, six thousand dollars.

For a small beacon-light on Fort Sumpter, Charleston harbor, one thousand dollars.

For a light on the Battery, at Charleston, two thousand dollars.

For a small light on Castle Pinckney, to mark the channels from the bar to the city, and up the Cooper river, one thousand five hundred dollars.

For a light-house to mark the shoals off Cape Roman, in place of the present light at that locality, and for buoys to mark the inner channel, called the "slue," in addition to the appropriation of March three, eighteen hundred and fifty-three, for changing the present light at Cape Roman, thirty thousand dollars.

For a light-house and beacon-light on the main land at North Edisto, fifteen thousand dollars.

For buoys in North Edisto inlet and approaches, five hundred dollars.

For a light-house and beacon-light on the north point of Hunting Island, to serve as a sea-coast light, and range for the Swash channel, in place of the light-vessel at present stationed off St. Helena, and for repairing and placing that vessel at Combakee bank, thirty thousand dollars.

For a day beacon or buoy in St. Helena sound, eight hundred dollars.

For a first-class light-vessel, to take the place of the present inefficient one stationed at Martin's Industry, and for repairing the present vessel, (after the larger vessel is built,) and placing it at or near the entrance to Calibogue sound, thirty thousand dollars.

For a light-house and beacon-light on or near Hilton Head, to guide to Port Royal harbor entrance, ten thousand dollars.

For five iron buoys for Port Royal harbor, one thousand five hundred dollars.

For buoys for St. Helena bar, one thousand five hundred dollars.

For two beacons to serve as a range to Calibogue sound, five thousand dollars.

Georgia.—For iron buoys and day-beacons for Tybee bar and Savannah river, ten thousand dollars.

For iron buoys for the Altamaha sound and river, five thousand dollars.

For iron buoys for St. Catharine's sound and inlet, Sapelo and Doboy bars and sounds, and the channels leading through them, and at the south bar of Cumberland sound, five thousand dollars.

For iron buoys to be placed in the St. Mary's and St. Andrew's bays, two thousand dollars.

Florida.—For the erection of a light-house and beacon-light, to serve as a range for the channel across the bar in place of the present light-house at the mouth of St. John's river, in addition to the balance of the appropriation, approved August thirty-first, eighteen hundred and fifty-two, for the preservation of the site, which is hereby made applicable to the same objects, fifteen thousand dollars.

For rebuilding on a proper site, and elevating and refitting with the most approved illuminating apparatus, the light-house at Pensacola, twenty-five thousand dollars.

For buoys for the St. John's bar and river, two thousand dollars.

For elevating and fitting with the most approved illuminating apparatus the light-house tower at Cape Florida, fifteen thousand dollars.

For completing the beacon on Rebecca shoals, five thousand dollars.

For iron buoys for Key West harbor and approaches, one thousand five hundred dollars.

For a small beacon-light near or on Fort McRea, Pensacola, one thousand dollars.

For two large iron buoys for Pensacola bar, one thousand dollars.

For day-beacons and buoys to mark the channels in Appalachicola bay and St. George's sound from Dog Island light-house, three thousand five hundred dollars.

For buoys to mark the northwest channel of and in Tampa bay, one thousand dollars.

For a light-house on Southwest Cape, west side Appalachicola Bay, fifteen thousand dollars.

For a beacon, buoy, or bell-boat, as may be found most expedient, to mark the Ocklockonee shoal, five thousand dollars.

For day-marks, buoys, and stakes, to mark the bar and channels of the St. Mark's river, five thousand dollars.

For a beacon-light, to be placed on the most eligible site at or near the western entrance into St. George's sound, to enable vessels to enter at night, five thousand dollars.

Alabama.—For making permanent five range-

stakes, with lights where required, at the Choctaw Pass and Dog River bar, Mobile, one thousand five hundred dollars.

For completing the buoyage and stakage of the channels in Mobile bay, Dauphin, Petit-Bois, Horn, Ship, and Cat Island Passes, ten thousand dollars.

For a light and fog bell, to be placed on board of the Bethel and hospital ship moored in the harbor of Mobile, two thousand eight hundred dollars.

Mississippi.—For buoyage and stakage of Pascagoula entrance and bay, and of the approaches to Biloxi, Mississippi City, and Shieldsboro', eight thousand dollars.

For a light-house on St. Joseph's Island, ten thousand dollars.

Louisiana.—For a new light-house at Port Pontchartrain, in the place of the present structure, which will not admit of being repaired, six thousand dollars.

For a new light-house at Bayou St. John, in the place of the present structure, which will not admit of being repaired, six thousand dollars.

For a new light-house at New Canal, in the place of the present structure, which will not admit of being repaired, six thousand dollars.

For a new beacon-light at Proctorsville, in the place of one destroyed by fire November twenty-four, eighteen hundred and fifty-three, three thousand dollars.

For an iron bell-boat, to mark the entrance to the newly dredged channel of the Southwest Pass of the Mississippi, five thousand dollars.

For a screw-pile light-house on the "Shell keys," off Marsh Island, thirty thousand dollars.

For a day-beacon, to be placed on the east end of Horn Island, one thousand five hundred dollars.

For a light-house, to mark the channel of the Grand Pass to Barataria bay, ten thousand dollars.

For a light-house, to mark the main entrance to Timballe bay, and for coast purposes, fifteen thousand dollars.

For a light-house, to mark the channel or passage called the Rigolets, connecting Lakes Borgne and Pontchartrain, five thousand dollars.

For buoys and stakes, to mark the channels of the Atchafalaya and Cote Blanche bays and bars, five thousand dollars.

For an iron screw-pile light-house, to be erected as near to the entrance to the channel of the Mississippi river, at the Southwest Pass, as may be found to be practicable, to be fitted with the most approved description of illuminating apparatus and fog-signals, forty-five thousand dollars.

For buoyage of the Pas a l'Ouvre, Mississippi river, one thousand five hundred dollars.

For a light-house at the mouth of Calcasieu river, six thousand dollars.

Texas.—For two small range lights at Galveston, one thousand dollars.

For completing the buoyage of Galveston bar and bay, Sabine Pass and river, Matagorda bar and bay, Aransas bar and bay, and Brazos Santiago bar and bay, ten thousand dollars.

For a light-house on or near Gallinipper Point, Lavacca bay, ten thousand dollars.

For a light-house on or near Half Moon reef, Matagorda bay, ten thousand dollars.

For a day-beacon, to mark the wreck of the steamboat Farmer, near Pelican Island, in Galveston bay, three hundred dollars.

For a beacon on the North Breaker, to mark the entrance to Galveston bay, five thousand dollars.

Michigan.—For repair of the light-house foundation, and pier connected therewith, near Monroe, seven thousand two hundred dollars.

For completing foundations of two light-houses on St. Clair flats, twenty thousand dollars.

For a light-house and fog-bell on the south point of the harbor of Michilimackinac, six thousand dollars.

For a light-house at or near "Old Fort Mackinaw," Michigan, six thousand dollars.

For a light-house on Beaver Island, six thousand dollars.

Indiana.—For a beacon-light on the pier or breakwater at Michigan City, two thousand dollars.

Illinois.—For a temporary beacon-light, at or near the breakwater now being constructed at Waukegan, Little Fort, one thousand dollars.

For buoys to mark the bar and harbor at Chicago, three hundred dollars.

For a light at Port Clinton, five thousand dollars.

For the foundation of a light-house on the breakwater now in course of construction at the harbor of Waukegan, and for a light, when the foundation shall be in a suitable condition for erecting the structure, in place of the present light at Little Fort, ten thousand five hundred dollars, to be expended under the direction of the Secretary of War.

For a light at Taylorport, five thousand dollars.

Wisconsin.—For a small beacon-light on or near the pier at Port Ulaio, in lieu of the appropriation for a light-house at that port, approved September twenty-eight, eighteen hundred and fifty, one thousand dollars.

For a small beacon light, to be placed on the new pier at Milwaukee, known as the "North cut," when it shall be completed, one thousand dollars.

For a light-house at Fond du Lac, at the head of Lake Winnebago, ten thousand dollars.

California.—For a harbor-light at the town of Santa Cruz, bay of Monterey, or on Punta Ano Nueva, ten thousand dollars.

For a harbor-light at Santa Barbara, ten thousand dollars.

For a light-house on or near Point Lobos, to mark the entrance to San Francisco bay, twenty-five thousand dollars.

For a light-house on Punta de los Reyes, twenty-five thousand dollars.

Oregon Territory.—For a light-house at Umpqua, in addition to the appropriation for that object, approved March third, eighteen hundred and fifty-one, ten thousand dollars.

Washington Territory.—For a light-house on Blunt's or Smith's island, in the Straits of Fuca, twenty-five thousand dollars.

For a light-house on Cape Shoalwater, at the entrance to the bay of that name, twenty-five thousand dollars.

For the two light-houses at Cape Flattery and New Dungeness, authorized by act of Congress, approved September twenty-eighth, eighteen hundred and fifty, in addition to any balance that may remain in the Treasury of that appropriation after the completion of the light at Cape Disappointment, thirty-nine thousand dollars.

For buoys for the harbor and entrance to New Dungeness, and for the anchorages on the coast of Puget's Sound, five thousand dollars.

For buoys for the harbor and entrance to Shoalwater bay, three thousand dollars.

SEC. 2. *And be it further enacted,* That the sums appropriated by the acts approved March third, eighteen hundred and forty-nine, and March third, eighteen hundred and fifty-nine, for a light-house on Horseshoe Reef, Niagara river, New York, or any balance thereof remaining in the Treasury on the thirtieth of June, eighteen hundred and fifty-four, be, and they are hereby, reappropriated for the erection of a light-house at that point, on such plan as may be determined to be most advisable.

SEC. 3. *And be it further enacted,* That the appropriation for a light-house on Santa Cruz, California, approved thirty-first of August, eighteen hundred and fifty-two, be, and the same is hereby, authorized to be employed in the erection of a light-house on Anacapa Island, if, upon examination by the proper officer, it is ascertained that a more eligible site can be found for the interests of navigation on that island, than on the adjacent one of Santa Cruz.

SEC. 4. *And be it further enacted,* That the Secretary of the Treasury be, and he is hereby, authorized to cause the light to be discontinued, and the light-house buildings and land belonging thereto, at Calumet, in the State of Illinois, to be sold, and, on payment of the consideration agreed for into the Treasury of the United States, to make, execute, and deliver all needful conveyances of the same, and the special jurisdiction of the United States over the same shall thereafter cease.

SEC. 5. *And be it further enacted,* That the Secretary of the Treasury be, and is hereby, author-

ized, upon the completion of the light-house and exhibition of the light authorized by the first section of this act to be erected near the entrance to the Southwest Pass of the Mississippi, to cause the present light at that locality to be extinguished, and tower, buildings, and land belonging thereto to be sold, and upon the payments for the same being made, to execute and deliver all needful conveyances therefor; and the jurisdiction of the United States over said land shall thereafter cease and revert to the State of Louisiana.

SEC. 6. *And be it further enacted*, That if, after a careful hydrographical examination of the locality, and the approaches thereto, shall have been made, it is found that the light at the entrance to Vermillion bay, Louisiana, is not necessary for the navigation of that bay and the adjacent coasts, it shall be extinguished; and the Secretary of the Treasury is authorized to cause the lands and buildings belonging thereto to be sold, in the same manner as is provided in the fifth section of this bill.

SEC. 7. *And be it further enacted*, That if preliminary surveys are required to ascertain the necessity for any light-house or other aid provided for in this bill, or to determine the proper site for the same, or to ascertain more fully what the public exigency requires, the Secretary of the Treasury shall cause the necessary examinations and surveys on the sea-board to be made under the direction of the Superintendent of the Coast Survey, and those on the northwestern lakes to be made under the direction of the Bureau of Topographical Engineers; and in all cases in which adverse reports are made, they shall be submitted to Congress at its next session; and in all cases in which the objects authorized are favorably reported upon, the works shall be commenced immediately after valid titles and State jurisdiction shall have been obtained to the sites.

APPROVED, August 3, 1854.

PUBLIC, LXIII.—*An Act to authorize the State of Illinois to select the residue of the Lands to which she is entitled under the act of second of March, eighteen hundred and twenty-seven, granting land to aid that State in opening a Canal to connect the waters of the Illinois river with those of Lake Michigan.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Governor of the State of Illinois is hereby authorized to cause to be selected, the balance of the land to which that State is entitled under the provisions of the act of the second of March, eighteen hundred and twenty-seven, granting land to aid that State in opening a canal to connect the waters of the Illinois river with those of Lake Michigan, out of any of the unsold public land in the State subject to private entry at one dollar and twenty-five cents per acre, and not claimed by preemption, the quantity to be ascertained upon the principles which governed the final adjustment of the grant to the State of Indiana for the Wabash and Erie canal, under the provisions of the act of Congress approved the ninth of May, eighteen hundred and forty-eight.

APPROVED, August 3, 1854.

PUBLIC, LXIV.—*An Act to amend the provisions of the fifty-sixth section of the act entitled "An Act to regulate the Collection of Duties on Imports and Tonnage," approved the second day of March, one thousand seven hundred and ninety-nine.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever merchandise shall hereafter be imported into any port of the United States from any foreign country, in vessels propelled in whole or in part by steam, and it shall appear by the bills of lading that the merchandise so imported is to be delivered immediately after the entry of the vessel, it shall be lawful for the collector of such port to take possession of such merchandise, and deposit the same in bonded warehouse; and whenever it shall not appear by the bills of lading that the merchandise imported as aforesaid is to be immediately delivered, it shall be lawful for the collector of the customs to take possession of the same, and deposit it in bonded warehouse, at the request of the owner, master, or consignee of the vessel, on three days' notice

to such collector after the entry of the vessel; and all acts and parts of acts inconsistent with the foregoing provisions are hereby repealed.

APPROVED, August 3, 1854.

PUBLIC, LXV.—*An Act authorizing the Extension of the Alexandria and Washington Railroad into the District of Columbia, and conferring certain Privileges on the Baltimore and Ohio Railroad Company.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Alexandria and Washington Railroad Company, incorporated by the Legislature of Virginia, on the twenty-seventh of February, eighteen hundred and fifty-four, to construct a railroad from Alexandria, in the State of Virginia, to the city of Washington, in the District of Columbia, be, and are hereby, authorized to extend their road from any point on the Virginia side of the Potomac river to which said road may be constructed, at or above the aqueduct of the Alexandria canal, into the District of Columbia, connecting with the Baltimore and Washington railroad depot by the most convenient and practicable route or routes, passing through and along such streets or avenues, except the Pennsylvania avenue, of Washington and Georgetown as the corporate authorities thereof may respectively approve, subject to certain provisions hereinafter expressed.

SEC. 2. *And be it further enacted*, That the Alexandria and Washington Railroad Company are hereby authorized to construct a bridge over the Potomac river, on, or above, or west of the aqueduct of the Alexandria Canal Company: *Provided*, Said bridge shall only be built on or over the piers of the aqueduct, with the consent of the Alexandria Canal Company: *And provided further*, In constructing said bridge, and crossing the Chesapeake and Ohio canal, said bridge and railroad shall be so constructed as not to injure or obstruct the use or navigation of the Chesapeake and Ohio canal: *And provided further*, That this act shall not prevent Congress from giving like privileges to any other railroad company or any other person.

SEC. 3. *And be it further enacted*, That the Alexandria and Washington Railroad Company are hereby authorized to establish depots in the cities of Washington and Georgetown, at such points as the corporate authorities thereof may respectively approve, and to lay a railroad track or tracks to such point or points within said cities, and through and along such streets and avenues, except the Pennsylvania avenue, of said cities, as may be respectively approved of by the corporate authorities of said cities, and to make all necessary turnouts; the said railroad company being subject to such terms, conditions, restrictions, and taxation, and to such rules and regulations relative to the construction, repairs, and working of their road, within the cities of Washington and Georgetown, as the corporate authorities of said cities may, from time to time, respectively prescribe, so far as it may lay within their respective limits: *Provided*, No higher rate of taxation shall be imposed upon said railroad company than is prescribed by the respective charters of said cities; and said railroad company shall keep an office within the city of Washington or Georgetown, and shall have power to sue and be sued, to make contracts, and to purchase and hold lands, so far as may be necessary for carrying on the operations of the company, and the service of process on the president, or any director of said company, or on the chief clerk in attendance at the office of the company, shall entitle any party complaining to proceed against said company, as authorized under the laws of the District of Columbia to proceed against chartered companies within its limits.

SEC. 4. *And be it further enacted*, That the Baltimore and Ohio Railroad Company be, and it is hereby, authorized to construct and extend the Washington branch of said road, according to such route as may be most convenient, through the said District, to some point on the Potomac river opposite to or near the city of Alexandria, in Virginia, for the purpose of forming a connection with the said river, and the lines of railroads running south, subject to the provisions of its present charter; and the said company are hereby authorized to locate, construct, and operate the said extension hereby authorized, through such

parts of the city of Washington, or public reservations, as the corporate authorities thereof, or the President of the United States, respectively, may consent to, and also to build a bridge or bridges over the Eastern Branch of the Potomac river, at some point above the navy-yard: *Provided, however*, That the same shall not obstruct the navigation thereof. And said company shall have power to locate and establish depots, and erect the necessary buildings thereon, and also to erect such wharves or piers into said river as may be necessary, provided the same shall not obstruct the navigation thereof: *Provided further*, That the said Baltimore and Ohio Railroad Company be subject to the same conditions and restrictions in extending their road through any parts of the city of Washington, as are prescribed for the Alexandria and Washington Railroad Company: *Provided, however*, That this section shall remain suspended for two years, from the first day of January, eighteen hundred and fifty-five; and if, at the end of that time, the Alexandria and Washington Railroad Company shall not have completed a railroad to Alexandria, and have the same in good running order, in pursuance of the requirements of the preceding sections of this bill, then the Baltimore and Ohio Railroad Company shall have the privilege of extending their road by either of the routes authorized by this act: *And provided further*, That if said Baltimore and Ohio Railroad Company shall not have executed so much of the provisions of this act as relates to their company by the first day of January, eighteen hundred and fifty-nine, then this act shall be void.

APPROVED, August 3, 1854.

PUBLIC, LXVI.—*An Act to constitute Cairo, in the State of Illinois, a Port of Delivery.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Cairo, in the State of Illinois, shall be, and is hereby, constituted a port of delivery, and shall be subject to the same regulations and restrictions as other ports of delivery in the United States; and there shall be appointed a surveyor of customs, to reside at said port, who shall, in addition to his own duties, perform the duties and receive the salary and emoluments of surveyor, prescribed by the act of Congress, approved on the second of March, eighteen hundred and thirty-one, providing for the payment of duties on imported goods at certain ports therein mentioned, entitled "An act allowing the duties on foreign merchandise imported into Pittsburg, Wheeling, Cincinnati, Louisville, St. Louis, Nashville, and Natchez, to be secured and paid at those places," and the said city of Cairo, and the said port of delivery be, and is hereby, annexed to, and made part of, the collection district of New Orleans, and all the facilities and privileges afforded by said act of Congress of the second March, eighteen hundred and thirty-one, be, and hereby are, extended to the said port of Cairo.

APPROVED, August 3, 1854.

PUBLIC, LXVII.—*An Act constituting San Pedro, in the State of California, a Port of Entry and Delivery.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the counties of Los Angeles, Santa Barbara, and San Bernardino, in the State of California, be, and they are hereby, made a collection district, to be called the district of San Pedro; and San Pedro, in said district, shall be, and is hereby, made the port of entry for said district.

SEC. 2. *And be it further enacted*, That a collector shall be appointed for said district, who shall reside at San Pedro. The said collector shall be allowed three thousand dollars per annum, with additional maximum compensation of two thousand dollars per annum, should his emoluments and fees provided by law amount to that sum.

SEC. 3. *And be it further enacted*, That Santa Barbara, in said district, shall remain a port of delivery therein in the same manner as it now constitutes a port of delivery in the district of San Diego.

APPROVED, August 3, 1854.

PUBLIC, LXVIII.—*An Act to authorize the State of Wisconsin to select the residue of the Lands to which*

she is entitled under the act of eighth of August, eighteen hundred and forty-six, for the Improvement of the Fox and Wisconsin Rivers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Governor of the State of Wisconsin is hereby authorized to cause to be selected the balance of the land to which that State is entitled under the provisions of the act of the eighth August, eighteen hundred and forty-six, granting land to aid the Territory of Wisconsin in the improvement of the Fox and Wisconsin rivers, and to connect the same by a canal, out of any of the unsold public lands in said State subject to private entry at one dollar and twenty-five cents per acre, and not claimed by preëemption; the quantity to be ascertained upon the principles which governed the final adjustment of the grant to the State of Indiana for the Wabash and Erie canal, under the provisions of the act of Congress approved the ninth of May, eighteen hundred and forty-eight.

APPROVED, August 3, 1854.

PUBLIC, LXIX.—*An Act to vest in the several States and Territories the title in fee of the Lands which have been or may be certified to them.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where lands have been, or shall hereafter be, granted by any law of Congress to any one of the several States and Territories, and where said law does not convey the fee-simple title of such lands, or require patents to be issued therefor, the lists of such lands which have been, or may hereafter be certified by the Commissioner of the General Land Office, under the seal of said office, either as originals, or copies of the originals or records, shall be regarded as conveying the fee-simple of all the lands embraced in such lists that are of the character contemplated by such act of Congress, and intended to be granted thereby; but where lands embraced in such lists are not of the character embraced by such acts of Congress, and are not intended to be granted thereby, said lists, so far as these lands are concerned, shall be perfectly null and void, and no right, title, claim, or interest, shall be conveyed thereby.

APPROVED, August 3, 1854.

PUBLIC, LXX.—*An Act to constitute Palatka and Bayport, in the State of Florida, Ports of Delivery, respectively, and Keokuk and Dubuque, in the State of Iowa.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Palatka and Bayport, in the State of Florida, shall be, and are hereby, created ports of delivery, respectively, and shall be subject to the same regulations and restrictions as other ports of delivery in the United States; and there shall be appointed a surveyor of the customs, to reside at each of said ports, who shall, in addition to his own duties, also perform the duties and receive the salary and emoluments of surveyors prescribed by the act of Congress passed on the second day of March, one thousand eight hundred and thirty-one, providing for the payment of duties on imported goods, at certain ports therein mentioned, the same being entitled "An act allowing the duties on foreign merchandise imported into Pittsburg, Wheeling, Cincinnati, Louisville, St. Louis, Nashville, and Natchez, to be secured and paid at those places," and said Palatka be made a part and annexed to the collection district of St. John's, in said State; and said Bayport be made a part and annexed to the collection district of St. Mark's, in said State of Florida; and all the privileges and facilities afforded to Pittsburg, Wheeling, Cincinnati, Louisville, St. Louis, Nashville, and Natchez, by the act of Congress aforesaid, be, and the same are hereby, extended to the said ports of Palatka and Bayport.

SEC. 2. *And be it further enacted*, That Keokuk and Dubuque, in the State of Iowa, be, and hereby are, constituted ports of delivery within the collection district of New Orleans, and there shall be appointed a surveyor of the customs for each of said ports, who shall be residents thereat; said surveyors shall perform the duties and receive the salary and emoluments prescribed by the act of Congress approved on the second day of March, eighteen hundred and thirty-one, entitled "An act

allowing the duties on foreign merchandise imported into Pittsburg, Wheeling, Cincinnati, Louisville, St. Louis, Nashville, and Natchez, to be secured and paid at those places.

APPROVED, August 3, 1854.

PUBLIC, LXXI.—*An Act to Incorporate the National Hotel Company of Washington City.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That George H. Calvert, Charles B. Calvert, Roger C. Weightman, Philip Outerback, John Withers, Richard H. Stuart, and Joseph Bryan, and those who may hereafter become members of the company hereinafter mentioned, and their successors, be, and they are hereby, created and declared to be a body-politic and corporate, by the name and style of the National Hotel Company of Washington City; and, by the name aforesaid, to have perpetual succession, with power to sue and be sued, and to make and use a common seal, and to make and repeal rules and by-laws for the good government of said company; and also to hold, use, and enjoy, in fee-simple, or for any lesser estate, the lots and parcels of ground and premises, situated in the city of Washington, being lots 8, 9, 10, 11, 12, 13, and parts of lots 7 and 14, in square 491, on the plat of said city, upon which are now erected the house or buildings and appurtenances known and denominated as the National Hotel; and also any additional lots or parts of lots, adjoining the said property, which may be hereafter acquired by said company, and also the improvements, fixtures, conveniences, and advantages erected on said lots or parcels of ground appurtenant thereto.

SEC. 2. *And be it further enacted*, That the capital stock of said company shall be five hundred thousand dollars; to be divided into five thousand shares of one hundred dollars each, and shall be distributed among the parties interested in the said lots of ground and premises, in such manner as shall be agreed upon between them; and every person, copartnership, or corporation, who is or shall be a proprietor of one or more shares shall, by virtue thereof, be a member of said corporation, and shall be entitled, at all meetings of the stockholders for the election of officers, or for any other purpose, to one vote, in person or by proxy, for every share of the stock so held.

SEC. 3. *And be it further enacted*, That the affairs of the said company shall be conducted by a president and six directors, to be elected by the stockholders present, or a majority in amount thereof, on the first Monday of November, in the year eighteen hundred and fifty-four, and on the first Monday of November in each succeeding year, or within thirty days thereafter, and shall continue in office for one year, and until successors are chosen; and that the election in November next shall be held by the persons named in the first section of this act, or a majority of them, and every subsequent election shall be held by the president and directors of said company.

SEC. 4. *And be it further enacted*, That the said president and directors shall have power to fill all vacancies which shall occur in their own body during their continuance in office, and to prescribe the evidence of ownership and mode of transfer of shares of stock in said company; and they shall keep full records of their proceedings, which shall be open to the inspection of the stockholders at all times, and shall report at least annually, a statement of their affairs to the stockholders, and shall declare dividends of the profits, or any part thereof, at their discretion, and generally may exercise all the power and privileges of the corporation necessary or proper to promote the objects thereof.

SEC. 5. *And be it further enacted*, That the shares of the capital stock of said company shall be deemed personal estate, and that special meetings of the stockholders may be called by the president and directors, or by any number, not less than one third in amount of shares of the stockholders, at which meeting members present, and representing a majority of the whole capital stock, shall be a quorum for the transaction of business; and the stockholders at such meetings, or at any general annual meeting, where such majority of stock is represented, shall have full power to alter or repeal any by-law or regulation made by the president and directors, and may

make new rules and by-laws, which shall be binding on the said president and directors: *Provided*, That the same be not contrary to the provisions of this act.

SEC. 6. *And be it further enacted*, That nothing in this act contained shall be construed to exempt the property of said corporation from such taxation as similar property, belonging to any other individual or corporation, is subject to.

SEC. 7. *And be it further enacted*, That nothing in this act contained shall be construed to authorize the said company to exercise banking privileges, or to issue any note in the form of a bank note, or certificate payable to bearer.

SEC. 8. *And be it further enacted*, That each of the stockholders in the National Hotel Company of Washington City shall be held liable in his or her individual capacity for all the debts and liabilities of the said company, however contracted or incurred, to be recovered by suit as other debts or liabilities, before the court or tribunal having jurisdiction of the case.

SEC. 9. *And be it further enacted*, That it may be lawful for Congress hereafter to alter, amend, change, or repeal the foregoing act.

APPROVED, August 3, 1854.

PUBLIC, LXXIII.—*An Act making Appropriations for the Civil and Diplomatic Expenses of Government for the year ending the thirtieth of June, one thousand eight hundred and fifty-five, and for other purposes.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the objects hereafter expressed, for the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-five, namely:

Legislative.

For compensation and mileage of Senators, one hundred and six thousand eight hundred and sixty-two dollars and eighty cents.

For compensation and mileage of members of the House of Representatives and Delegates from Territories, three hundred and forty-four thousand eight hundred dollars.

For compensation of the officers, clerks, messengers, and others receiving an annual salary, in the service of the Senate, fifty-seven thousand and ten dollars.

For compensation of the officers and clerks of the House of Representatives, thirty-four thousand four hundred and sixty dollars.

For contingent expenses of the Senate, viz:

For binding, thirty-five thousand dollars.

For lithographing and engraving, forty-five thousand dollars.

For books, ten thousand dollars.

For stationery, fifteen thousand dollars.

For newspapers, two thousand six hundred dollars.

For Congressional Globe, and binding the same, sixty-five thousand dollars.

For reporting proceedings, thirteen thousand dollars.

For clerks to committees, pages, police, horses and carry-alls, thirty thousand dollars.

For miscellaneous items, thirty thousand dollars.

For paper and printing of the Senate, eighty-five thousand dollars: *Provided*, That whenever, in the opinion of the Joint Committee on Printing, the character of any document ordered to be printed may render such change necessary and proper, the size of the page may be changed from octavo to quarto form; but in no case shall the prices to be paid for composition and press-work exceed, *pro rata*, those established by the printing act of August the twenty-sixth, eighteen hundred and fifty-two, for the printing of congressional documents.

For the contingent expenses of the House of Representatives, viz:

For binding documents, thirty-nine thousand three hundred and seventy-five dollars.

For furniture and repairs, three thousand eight hundred and seventy-five dollars.

For stationery for members, fifteen thousand dollars.

For twenty-one messengers, twenty thousand dollars.

For horses and carriages, four thousand and fifteen dollars.

For fuel, oil and candles, three thousand dollars.

For newspapers for members, twelve thousand five hundred dollars.

For engraving and lithographing, seventy thousand dollars.

For Capitol police, three thousand five hundred and sixty dollars.

For miscellaneous items, twenty thousand dollars.

For messenger in charge of Hall, one thousand four hundred and fifty dollars.

For two messengers in Clerk's office, three thousand dollars.

For saddle horses, eight hundred dollars.

For laborers, two thousand five hundred dollars.

For pages, four thousand five hundred dollars.

For folding documents, seven thousand five hundred dollars.

For paper and printing of the House, one hundred and twelve thousand seven hundred and twenty-one dollars.

Library of Congress.

For compensation of librarian, two assistant librarians, and messenger, four thousand five hundred dollars.

For contingent expenses of said library, one thousand dollars.

For purchase of books for said library, five thousand dollars.

For purchase of law books for said library, two thousand dollars.

For the completion and the publication of the works of Thomas Jefferson, and pay of the editor of said work, seven thousand two hundred dollars.

To enable the Joint Committee on the Library of Congress to replace the seven volumes and atlas of the Exploring Expedition, destroyed by the burning of the library and the plate and other property destroyed by the fire in Philadelphia, including binding, nine thousand and ten dollars and seventy-five cents.

Executive.

For compensation of the President of the United States, twenty-five thousand dollars.

For compensation of secretary to sign patents for lands, one thousand five hundred dollars.

Department of State.

For compensation of the Secretary of State and Assistant Secretary of State, clerks, messenger, and assistant messenger in his office, thirty-eight thousand seven hundred dollars.

For the Incidental and Contingent Expenses of said Department.

For publishing the laws in pamphlet form, and in the newspapers of the States and Territories, and in the city of Washington, eighteen thousand five hundred and twenty-five dollars.

And such sum shall be paid for publishing the laws in California, Oregon, and Washington, as the Secretary of State may deem reasonable.

For proof-reading, packing, and distributing laws and documents, including cases, labor, and transportation, ten thousand dollars.

For stationery, blank books, binding, labor and attendance, furniture, fixtures, repairs, painting and glazing, four thousand four hundred dollars.

For copperplate printing, books and maps, one thousand dollars.

For newspapers, four hundred dollars.

For extra clerk hire and copying, two thousand dollars.

Said clerks to be employed only during the session of Congress, or when indispensably necessary, to enable the Department to answer some call made by either House of Congress at one session to be answered at another.

For miscellaneous items, one thousand dollars.

For purchasing for the use of the State Department, one hundred copies of Little & Brown's edition of the United States Statutes at Large, and the same number of the pamphlet laws of the Thirty-Third Congress, three thousand five hundred and seventy-five dollars.

For the purchase of fifty sets of Howard's Reports of the Decisions of the Supreme Court of the United States, three thousand five hundred dollars.

For the purchase of copies of the Reports of the Supreme Court and Opinions of the Attorneys General of the United States for the executive offices of the Territories of Kansas and Nebraska, four hundred and fifty dollars.

Northeast Executive Building.

For compensation of the superintendent and four watchmen of the northeast Executive Building, two thousand two hundred and fifty dollars.

For contingent expenses of said building, viz:

For fuel, light, labor, and repairs, three thousand three hundred dollars.

Treasury Department.

For compensation of the Secretary of the Treasury and Assistant Secretary of the Treasury, clerks, messenger, and assistant messenger in his office, fifty-two thousand two hundred and fifty dollars.

For compensation of the First Comptroller, and the clerks and messenger in his office, twenty-four thousand five hundred dollars.

For compensation of the Second Comptroller, and the clerks and messenger in his office, twenty-five thousand five hundred dollars.

For compensation of the First Auditor, and the clerks and messenger, and assistant messenger in his office, thirty thousand nine hundred dollars.

For compensation of the Second Auditor, and the clerks, messenger, and assistant messenger in his office, thirty-one thousand seven hundred dollars.

For compensation of the Third Auditor, and the clerks, messenger, and assistant messenger in his office, sixty-six thousand nine hundred and fifty dollars.

For compensation to temporary clerks, employed in the office of the Third Auditor on bounty-land service, and arrears of pay, twenty-nine thousand six hundred and eight dollars: *Provided*, That no clerk shall receive more than at the rate of one thousand dollars per annum under this act, except one, whose salary shall be sixteen hundred dollars per annum, and four whose compensation shall be four dollars per day.

For compensation of the Fourth Auditor, and the clerks, messenger, and assistant messenger in his office, twenty-five thousand two hundred dollars.

For compensation of the Fifth Auditor, and the clerks and messenger in his office, twelve thousand three hundred dollars.

For compensation of the Auditor of the Post Office Department, and the clerks, messenger, and assistant messenger in his office, one hundred and thirty thousand six hundred dollars.

For compensation of the Treasurer of the United States, and the clerks, messenger, and assistant messenger in his office, twenty-one thousand five hundred dollars—the office of assistant messenger being hereby created, at an annual salary of five hundred dollars.

For compensation of the Register of the Treasury, and the clerks, messenger, and assistant messengers in his office, forty-one thousand seven hundred and fifty dollars.

For compensation of the Solicitor of the Treasury, and the clerks and messengers in his office, twelve thousand five hundred dollars.

For compensation of the Commissioner of Customs, and the clerks and messenger in his office, seventeen thousand seven hundred dollars.

For compensation of the clerks and messenger of the Light-House Board, seven thousand six hundred dollars.

Contingent Expenses of the Treasury Department.

For labor, blank books, stationery, binding, sealing ships' registers, translating foreign languages, advertising, and extra clerk hire for preparing and collecting information to be laid before Congress—said clerks to be employed only during the session of Congress, or when indispensably necessary to enable the Department to answer some call made by either House of Congress at one session to be answered at another; and no such extra clerk shall receive more than three dollars thirty-three and one third cents per day for the time actually and necessarily employed—ten thousand nine hundred and fifty dollars.

For miscellaneous items, two thousand eight hundred dollars.

In the office of the First Comptroller:

For furniture, blank books, binding, stationery,

books to supply deficiencies in the documentary library, labor, and miscellaneous items, two thousand four hundred dollars.

In the office of the Second Comptroller:

For blank books, binding, stationery, pay for the National Intelligencer and Union, to be filed and preserved for the use of the office, seven hundred dollars.

For labor, office furniture, and miscellaneous items, eight hundred dollars.

In the office of the First Auditor:

For blank books, binding, stationery, labor, and cases for records and official papers, one thousand two hundred dollars.

For miscellaneous items, including subscription for the Union and National Intelligencer, to be filed for the use of the office, three hundred dollars.

In the office of the Second Auditor:

For blank books, binding, stationery, labor, office furniture, and miscellaneous items, including two of the daily city newspapers, to be filed, bound, and preserved for the use of the office, one thousand two hundred dollars.

In the office of the Third Auditor:

For blank books, binding, stationery, office furniture, carpeting, labor, two newspapers, the Union and Intelligencer, preserving files and papers, expenses of bounty-land service, miscellaneous items, and arrearages, four thousand five hundred dollars.

In the office of the Fourth Auditor:

For stationery, books, and binding, six hundred dollars.

For labor, one hundred dollars.

For miscellaneous items, two hundred dollars.

In the office of the Fifth Auditor:

For blank books, binding, and stationery, two hundred and fifty dollars.

For hire of laborers, three hundred dollars.

For miscellaneous items, including purchase of new furniture, five hundred dollars.

In the office of the Auditor of the Post Office Department:

For labor, stationery, blank books, (including forty large ledgers,) binding and ruling, ten thousand and fifty dollars.

For miscellaneous items, file-boards, repairs, cases, and desks for safe-keeping of papers, new furniture, lights, washing towels, ice, horse for messenger, telegraphic dispatches, and stoves, one thousand eight hundred and fifty dollars.

In the office of the Treasurer:

For blank books, binding, stationery, labor, and miscellaneous items, one thousand five hundred dollars.

In the office of the Register:

For ruling and full binding twenty-three books for recording the collectors' quarterly abstracts of the commerce and navigation, and blank abstracts for their use, one thousand five hundred dollars.

For blank books, binding, and stationery, one thousand five hundred dollars.

For labor and other miscellaneous items, including carpeting, office furniture, and for additional cases for filing the accounts of the First Auditor, two thousand five hundred dollars.

For arranging and binding canceled marine papers, returned by the collectors of the customs, one thousand dollars.

In the office of the Solicitor:

For blank books, binding and stationery, one thousand dollars.

For miscellaneous items, two hundred dollars.

For statutes and law reports, including those of the several States, one thousand dollars.

In the office of the Commissioner of Customs:

For blank books, binding, stationery, and labor, one thousand seven hundred dollars.

For miscellaneous items, three hundred dollars.

Light-House Board.

For blank books, binding, and stationery, two hundred and fifty dollars.

For miscellaneous expenses, three hundred and fifty dollars.

For postage, one hundred and twenty dollars.

For the General Purposes of the Southeast Executive Building.

For compensation of eight watchmen of the

southeast Executive Building, four thousand eight hundred dollars.

For contingent expenses of said building, viz: Fuel, labor, lights, repairs, and miscellaneous, fourteen thousand five hundred dollars.

For rent of building occupied in part by the Attorney General, and in part by the First Auditor of the Treasury, three thousand five hundred dollars.

For fuel, watching, and miscellaneous items for the same, five thousand dollars.

For rent of the building occupied by the Third Auditor of the Treasury, six hundred dollars.

For fuel, watching, labor, light, and other miscellaneous items for the same, three thousand four hundred dollars.

For rent of the building occupied by the Fifth Auditor of the Treasury, eight hundred dollars.

For fuel, watching, light, and other miscellaneous items for the same, three thousand two hundred dollars.

Department of the Interior.

For compensation of the Secretary of the Interior, and the clerks, messengers, and laborers in his office, twenty-nine thousand eight hundred dollars.

Contingent expenses of said office:

For books, stationery, furniture, and other contingencies, three thousand seven hundred dollars.

For library, books, and maps, one thousand dollars.

For compensation of the Commissioner of the General Land Office, and the recorder, draughtsman, assistant draughtsman, clerks, messengers, assistant messengers, and packers in his office, one hundred and thirty-nine thousand five hundred and fifty dollars.

For contingent expenses of said office:

For compensation of six laborers, three thousand dollars.

For cash system and military patents, under laws prior to twenty-eighth of September, one thousand eight hundred and fifty; patents and other records; tract-books and blank books for this and the district land offices; binding plats and field notes; stationery, office furniture, and repairs of same, and miscellaneous items, twenty-three thousand five hundred and twenty-five dollars.

For contingent expenses, in addition, under swamp land act of twenty-eighth of September, one thousand eight hundred and fifty; military bounty acts of twenty-eighth of September, one thousand eight hundred and fifty, and twenty-second of March, one thousand eight hundred and fifty-two, and act of thirty-first of August, one thousand eight hundred and fifty-two, for the satisfaction of Virginia land warrants, twenty thousand dollars.

For compensation of the Commissioner of Indian Affairs, and the clerks, messenger, and assistant messenger in his office, twenty-seven thousand eight hundred dollars.

Contingent expenses of said office:

For blank books, binding, and stationery, nine hundred dollars.

For labor, three hundred dollars.

For miscellaneous items, eight hundred dollars.

For rent of building on Seventh street, for the office of Indian affairs, commencing the twelfth of June, eighteen hundred and fifty-four, at twelve hundred dollars per annum, one thousand two hundred and sixty-three dollars and thirty-three cents.

For compensation of four watchmen for building occupied by the office of Indian affairs, commencing the fifteenth of June, eighteen hundred and fifty-four, two thousand five hundred dollars.

For fuel and lights, and necessary fixtures for warming and lighting the rooms occupied by the office of Indian affairs, six hundred and sixteen dollars.

For compensation of the Commissioner of Pensions, and the clerks and four messengers in his office, ninety-seven thousand eight hundred dollars.

Contingent expenses of said office:

For engraving and printing bounty land certificates, five thousand dollars.

For stationery, three thousand dollars.

For binding books, two thousand dollars.

For furniture, five hundred dollars.

For miscellaneous items, five thousand dollars.

For compensation of laborers, fifteen hundred dollars.

For the General Purposes of the Department of the Interior.

For compensation of four watchmen for the eastern wing of the Patent Office, occupied by the Secretary of the Interior, two thousand four hundred dollars.

For the purchase of books for the library of the Patent Office, and for supplying a deficiency in former appropriations, the sum of five thousand dollars, to be paid out of the patent fund.

To reimburse the patent fund for expenses already incurred and paid for furnishing the new wing of the Patent Office Building, the sum of sixteen thousand dollars of the appropriation made by the act approved thirty-first of May, eighteen hundred and fifty-four, for furnishing said wing, be, and the same is hereby, authorized to be transferred by the proper accounting officers of the Treasury to the credit of the patent fund.

For contingent expenses of said building, viz:

For labor, fuel, lights, and incidental expenses, two thousand five hundred dollars.

For the preservation of the collections of the Exploring Expedition:

For compensation of keepers, watchmen, and laborers, two thousand nine hundred and eighty dollars.

For contingent expenses, one hundred dollars.

Surveyors General and their Clerks.

For compensation of the surveyor general north-west of the Ohio, and the clerks in his office, eight thousand three hundred dollars.

For compensation of the surveyor general of Illinois and Missouri, and the clerks in his office, five thousand eight hundred and twenty dollars.

For compensation of the surveyor general of Louisiana, and the clerks in his office, four thousand five hundred dollars.

For compensation of the surveyor general of Florida, and the clerks in his office, five thousand five hundred dollars.

For compensation of the surveyor general of Wisconsin and Iowa, and the clerks in his office, eight thousand three hundred dollars.

For compensation of the surveyor general of Arkansas, and the clerks in his office, eight thousand three hundred dollars.

For compensation of the surveyor general of Oregon, and the clerks in his office, seven thousand five hundred dollars.

For compensation of the surveyor general of California, and the clerks in his office, eighteen thousand five hundred dollars.

For compensation of the surveyor general of Washington Territory, and the clerks in his office, seven thousand five hundred dollars.

For clerks in the offices of the surveyor general, including the offices in Oregon and California, to be apportioned to them according to the exigencies of the public service, and to be employed in transcribing field notes of surveys for the purpose of preserving them at the seat of Government, forty thousand dollars.

For salary of the recorder of land titles in Missouri, five hundred dollars.

For compensation of the Commissioner of Public Buildings, and the clerk in his office, three thousand two hundred dollars.

For compensation of the Superintendent of the Public Printing, and the clerks and messengers in his office, nine thousand five hundred and ninety-five dollars.

Contingent expenses of said office:

For advertising for proposals for paper, one thousand dollars.

For blank books, stationery, postage, and miscellaneous items, one hundred dollars.

War Department.

For compensation of the Secretary of War, and the clerks, messenger, and assistant messenger in his office, twenty thousand seven hundred and fifty dollars.

Contingent expenses of said office:

For blank books, stationery, and labor, one thousand four hundred and fifty dollars.

For miscellaneous items, five hundred and fifty dollars.

For extra clerk hire, one thousand five hundred dollars.

For books, maps, and plans, one thousand dollars.

For compensation of the clerks and messenger in the office of the Adjutant General, eleven thousand six hundred dollars.

Contingent expenses of said office:

For blank books, binding, and stationery, six hundred dollars.

For miscellaneous items, including office furniture, six hundred dollars.

For compensation of the clerks and messenger in the office of the Quartermaster General, fourteen thousand dollars.

For compensation of the clerks and messenger in the office of clothing and equipage, Philadelphia, four thousand and forty dollars.

Contingent expenses of the office of the Quartermaster General, including the office at Philadelphia:

For blank books, binding, and stationery, seven hundred dollars.

For labor, one hundred and fifty dollars.

For miscellaneous items, four hundred dollars.

For office rent at Philadelphia, five hundred dollars.

For compensation of clerks and messenger in the office of the Paymaster General, ten thousand nine hundred dollars.

For compensation of the clerks and messenger in the office of the Commissary General of Subsistence, eight thousand dollars.

Contingent expenses of said office:

For blank books, binding, stationery, advertising, labor, and miscellaneous, three thousand one hundred and fifty dollars.

For compensation of the clerks and messenger in the office of the Chief Engineer, seven thousand four hundred dollars.

Contingent expenses of said office:

For blank books, binding, and stationery, four hundred dollars.

For miscellaneous items, including subscription to two daily Washington newspapers, five hundred dollars.

For compensation of the clerks and messenger in the office of the Surgeon General, four thousand four hundred dollars.

Contingent expenses of said office:

For blank books, binding, and stationery, two hundred dollars.

For miscellaneous items, two hundred and twenty-five dollars.

For compensation of the clerks and messenger in the office of the Colonel of Topographical Engineers, five thousand six hundred dollars.

Contingent expenses of said office:

For blank books, binding, stationery, and labor, one thousand and fifty dollars.

For miscellaneous items, seven hundred dollars.

For compensation of the clerks and messenger in the office of the Colonel of Ordnance, ten thousand four hundred dollars.

For compensation of the clerk and messenger in the office of the Commanding General, one thousand seven hundred dollars.

Contingent expenses of said office:

For miscellaneous items, three hundred dollars.

For the General Purposes of the Northwest Executive Building.

For compensation of four watchmen of the northwest Executive Building, two thousand four hundred dollars.

For contingent expenses of said building, viz:

For labor, fuel, and light, two thousand four hundred dollars.

For miscellaneous items, one thousand six hundred dollars.

For rent of house on northwest corner of F and Seventeenth streets, or such other building as the Secretary of War may select, and warming all the rooms in it, twenty-one thousand eight hundred and seventy-five dollars: *Provided*, That the Secretary of War be authorized to purchase the said building at a sum not exceeding two hundred thousand dollars.

For compensation of superintendent and four watchmen of the building on the corner of F and Seventeenth streets, two thousand six hundred dollars.

For contingent expenses of said building, viz:
For miscellaneous items, including labor, one thousand four hundred dollars.

Navy Department.

For compensation of the Secretary of the Navy, and the clerks, messenger, and assistant messenger in his office, twenty-seven thousand one hundred dollars.

Contingent expenses of said office:

For blank books, binding, stationery, labor, newspapers, periodicals, and miscellaneous items, two thousand eight hundred and forty dollars.

For compensation of the chief of the Bureau of Ordnance and Hydrography, and the clerks and messenger in his office, ten thousand eight hundred dollars.

Contingent expenses of said office:

For blank books and stationery, five hundred dollars.

For miscellaneous items, two hundred and fifty dollars.

For compensation of the Chief of the Bureau of Navy-Yards and Docks, and of the civil engineer, clerks, and messenger in his office, thirteen thousand seven hundred dollars.

Contingent expenses of said office:

For labor, three hundred and sixty dollars.

For stationery, books, plans, drawings, and incidental items, eight hundred dollars.

For compensation of the Chief of the Bureau of Construction, Equipment, and Repairs, and of the chief naval constructor, engineer-in-chief, and the clerks and messenger in his office, twenty thousand eight hundred dollars.

Contingent expenses of said office:

For blank books, binding, stationery, and miscellaneous items, eight hundred dollars.

For labor, three hundred dollars.

For compensation of the clerks and messenger in the Bureau of Provisions and Clothing, seven thousand three hundred dollars.

Contingent expenses of said bureau:

For blank books, binding, stationery, labor, and miscellaneous items, seven hundred and seventy dollars.

For compensation of the Chief of the Bureau of Medicine and Surgery, and the clerks and messenger in his office, seven thousand nine hundred dollars.

Contingent expenses of said office:

For labor, one hundred and eighty dollars.

For blank books and stationery, three hundred and fifty dollars.

For miscellaneous items, one hundred dollars.

For the General Purposes of the Southwest Executive Building.

For compensation of four watchmen of the southwest Executive Building, two thousand four hundred dollars.

For contingent expenses of said building, viz:

For labor, fuel, lights, and miscellaneous items, three thousand eight hundred and sixty-five dollars.

Post Office Department.

For compensation of the Postmaster General, three Assistant Postmasters General, and the clerks, messenger, assistant messengers, and watchmen of said Department, one hundred and twenty-four thousand four hundred dollars.

For compensation of temporary clerks necessarily employed from the ninth of May, one thousand eight hundred and fifty-three, to the thirtieth of June, one thousand eight hundred and fifty-four, one thousand four hundred and fifty dollars and ninety-eight cents.

Contingent expenses of said Department:

For blank books, binding and stationery, fuel for the General Post Office Building, (including the Auditor's office,) oil, gas, and candles, printing, labor, day watchmen, and for miscellaneous, thirteen thousand two hundred dollars.

For repairs of the General Post Office Building, for office furniture, glazing, painting, whitewashing, and for keeping the fire-places and furnaces in order, two thousand five hundred dollars.

For paper and printing for the Executive Departments, including paper, printing, and binding the annual "Statement of Commerce and Navigation," and paper and printing the annual "Esti-

mates of Appropriations," thirty thousand eight hundred dollars.

Mint of the United States at Philadelphia.

For salaries of the director, treasurer, assayer, melter and refiner, chief coiner, and engraver, assistant assayer, assistant melter and refiner, and seven clerks, twenty-four thousand nine hundred dollars.

For wages for workmen, seventy-two thousand dollars.

For specimens of ores and coins, to be reserved at the Mint, three hundred dollars.

For transportation of bullion from New York assay office to the United States Mint for coinage, eighteen thousand seven hundred and fifty dollars.

For incidental and contingent expenses, including acids, copper, zinc, salt, fuel, melting-pots, and other materials, and wastage of gold and silver, being in addition to other available funds, fifty-six thousand dollars.

At New Orleans.

For salaries of superintendent, treasurer, assayer, coiner, melter, and refiner, and three clerks, seventeen thousand three hundred dollars.

For wages of workmen, in addition to other available funds, thirty-two thousand six hundred and seventeen dollars and forty-five cents.

For wastage and incidental expenses, in addition to other available funds, seventy thousand and eighty-two dollars and fifty-five cents.

For rebuilding portions of the walls, and complete repairs of the building of the branch Mint at New Orleans, thirty-seven thousand dollars.

At Charlotte, North Carolina.

For salaries of superintendent, coiner, assayer, and clerk, six thousand dollars.

For wages of workmen, three thousand five hundred dollars.

For incidental and contingent expenses, including pay of two watchmen, two thousand one hundred dollars.

At Dahlonega, Georgia.

For salaries of superintendent, coiner, assayer, and clerk, six thousand dollars.

For wages of workmen, three thousand six hundred [dollars.]

For incidental and contingent expenses, including fuel, materials, stationery, repairs, wastage, and purchase of new scales, two thousand five hundred dollars.

At San Francisco, California.

For salaries of superintendent, treasurer, assayer, melter and refiner, coiner, and five clerks, twenty-eight thousand dollars.

For wages of workmen, seventy-eight thousand dollars.

For incidental and contingent expenses, ten thousand dollars.

Assay Office, New York.

For salaries of officers and clerks, twenty-five thousand five hundred dollars.

For wages of workmen, thirty thousand dollars.

For incidental and contingent expenses, fifty-nine thousand three hundred dollars.

Government in the Territories.

TERRITORY OF OREGON.

For salaries of Governor, three judges, and secretary, ten thousand five hundred dollars.

That George L. Curry, Secretary of Oregon, be allowed and paid the salary of Governor for and during the time he discharged the duties of Governor, in the year eighteen hundred and fifty-three.

For contingent expenses of said Territory, one thousand five hundred dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, twenty thousand dollars.

TERRITORY OF MINNESOTA.

For salaries of Governor, superintendent of Indian affairs, three judges, and secretary, nine thousand seven hundred dollars.

For contingent expenses of said Territory, one thousand dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, thirty thousand dollars.

TERRITORY OF NEW MEXICO.

For salaries of Governor, superintendent of

Indian affairs, three judges, and secretary, nine thousand seven hundred dollars.

For contingent expenses of said Territory, including the compensation of the person employed by the Governor as a translator, fifteen hundred dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, including the compensation of the person employed by the Governor to revise and correct the laws of New Mexico, and the expense of printing the same, twenty thousand dollars.

To enable the Secretary of the Treasury to pay for the preservation of the archives of the Territory from May fifth to September ninth, eighteen hundred and fifty-two, four hundred and twenty dollars.

TERRITORY OF UTAH.

For salaries of Governor, superintendent of Indian affairs, three judges, and secretary, nine thousand seven hundred dollars.

For contingent expenses of said Territory, one thousand dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, twenty thousand dollars.

Disbursements having been made from the appropriations "for compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses," by the secretaries of the Territories of Oregon, Minnesota, and Utah, under the authority of territorial laws, or resolutions; and the accounting officers of the Treasury having disallowed several payments in settling the accounts of said secretaries, because they were not authorized by the act of August twenty-nine, eighteen hundred and forty-two, the Secretary of the Treasury is hereby empowered to cause credits to be given to said secretaries for such disbursements so disallowed as he shall find to be equitable and just.

That the accounting officers of the Treasury be authorized to adjust the expense of a board of commissioners appointed under an act of the Legislative Assembly of the Territory of Utah, approved by the Governor thereof, January sixteenth, eighteen hundred and fifty-two, to prepare a code of laws, and of practice for said Territory; and the just and proper compensation and expense found to have been necessarily incurred before the passage of this resolution, the evidence of which, with the laws drawn by said commissioners, shall be submitted in detail to said accounting officers, and the amounts so found shall be paid from the balance of appropriations for "compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Territory of Utah," now standing on the books of the Treasury unexpended: *Provided*, That the authority to charge the expense on said balance is not an approval by Congress of the act of the Territorial Legislature of Utah creating a board, for a term of years, to report laws, from time to time, for the action of the Legislature of said Territory.

TERRITORY OF WASHINGTON.

For salaries of Governor, superintendent of Indian affairs, three judges, and secretary, ten thousand five hundred dollars.

For contingent expenses of said Territory, including salary of clerk of executive department, one thousand five hundred dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, twenty thousand dollars.

To reimburse the fund appropriated to defray the pay and mileage of members of the Legislative Assembly, and the contingent expenses thereof, the amount fraudulently taken from said fund by Henry V. Colter, and to relieve Charles H. Mason, Secretary of said Territory, from his liability therefor, two thousand dollars.

For compensation and expenses of commission to frame a code of laws for the Territory, two thousand five hundred dollars.

That the Secretary of the Treasury be authorized to settle and pay the commission to frame a code of laws for the Territory of Washington at the same rate *per diem* as has been allowed a similar board in Oregon.

TERRITORY OF KANSAS.

For salaries of Governor, three judges, and secretary, ten thousand five hundred dollars.

For contingent expenses of said Territory, one thousand five hundred dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, twenty thousand dollars.

TERRITORY OF NEBRASKA.

For salaries of Governor, three judges, and secretary, ten thousand five hundred dollars.

For contingent expenses of said Territory, one thousand five hundred dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, twenty thousand dollars.

For the purchase of books for the territorial libraries of Minnesota, Oregon, Utah, New Mexico, Washington, Nebraska, and Kansas, five hundred dollars for each of said Territories, to be expended under the direction of the Secretary of the Interior.

Judiciary.

For salaries of the Chief Justice of the Supreme Court, and eight associate judges, forty-one thousand dollars.

For salaries of the district judges, seventy thousand seven hundred dollars.

For compensation of the district judge of the southern district of California, commencing the twenty-third of January, eighteen hundred and fifty-four, four thousand and twenty-eight dollars and eighty-eight cents.

For salaries of the chief judge of the District of Columbia, the assistant judges, and the judges of the criminal court and the orphan's court, eleven thousand seven hundred dollars.

For salaries of the Attorney General, and the clerks and messenger in his office, twelve thousand three hundred dollars.

For contingent expenses of the office of the Attorney General, five hundred dollars.

For purchase of law books, and the necessary bookcases, for the office of the Attorney General, one thousand five hundred dollars.

For salary of the reporter of the Decisions of the Supreme Court, one thousand three hundred dollars.

For compensation of the district attorneys, nine thousand four hundred dollars.

For compensation of the marshals, eight thousand two hundred dollars.

Miscellaneous.

For annuities and grants, seven hundred and fifty dollars.

Independent Treasury.

For salaries of the assistant treasurers of the United States at New York, Boston, Charleston, and St. Louis, eleven thousand five hundred dollars.

For additional salaries of the treasurer of the Mint at Philadelphia of one thousand dollars, and of the treasurer of the branch Mint at New Orleans of five hundred dollars, one thousand five hundred dollars.

For salaries of six of the additional clerks, authorized by the acts of August sixth, one thousand eight hundred and forty-six, August twelfth, one thousand eight hundred and forty-eight, March third, one thousand eight hundred and fifty-one, and August thirty-first, one thousand eight hundred and fifty-two, six thousand dollars.

For one additional clerk in the office of the assistant treasurer at Boston, Massachusetts, one thousand two hundred dollars.

For clerks, messenger, and watchmen in the office of the assistant treasurer at New York, thirteen thousand nine hundred dollars.

For salary of a clerk for the treasurer of the branch Mint at San Francisco, California, two thousand five hundred dollars.

For contingent expenses under the act for the safe-keeping, collecting, transfer, and disbursement of the public revenue, of August sixth, one thousand eight hundred and forty-six, sixteen thousand five hundred dollars: *Provided*, That no part of said sum of sixteen thousand five hundred dollars shall be expended for clerical services.

For compensation to special agents to examine the books, accounts, and money on hand, of the several depositories, under the act of August sixth,

one thousand eight hundred and forty-six, five thousand dollars.

For the discharge of such miscellaneous claims not otherwise provided for, as shall be admitted in due course of settlement at the Treasury, five thousand dollars: *Provided*, That no part of the appropriation shall be drawn from the Treasury except in pursuance of some law or resolution of Congress authorizing the expenditure.

To supply a deficiency in the fund for the relief of sick and disabled seamen, two hundred thousand dollars.

To enable the Secretary of the Treasury to compensate the agent employed in paying annuities to Cherokee Indians remaining in North Carolina, three hundred dollars.

For salaries of nine supervising and fifty local inspectors, appointed under the act of August thirtieth, one thousand eight hundred and fifty-two, for the better protection of the lives of passengers by steamboats, with traveling and other expenses incurred by them, eighty thousand dollars.

Survey of the Coast.

For survey of the coast of the United States, (including compensation to Superintendent and assistants, and excluding pay and emoluments of officers of the Army and Navy, and petty officers and men of the Navy, employed on the work,) two hundred and six thousand dollars.

For continuing the survey of the western coast of the United States, one hundred and thirty thousand dollars.

For continuing the survey of the Florida reefs and keys, (excluding pay and emoluments of officers of the Army and Navy, and petty officers and men of the Navy, employed on the work,) thirty thousand dollars.

For publishing the observations made in the progress of the survey of the coast of the United States, twenty thousand dollars.

Custom-Houses.

For completing the custom-house at St. Louis, Missouri, one hundred thousand dollars.

For completing the custom-house at Mobile, Alabama, sixty-five thousand dollars.

For completing the custom-house at Cincinnati, Ohio, forty thousand dollars.

For completing the custom-house at Louisville, Kentucky, forty thousand dollars.

For completing the custom-house at Bangor, Maine, twenty thousand dollars.

For completing the custom-house at Bath, Maine, twenty thousand dollars.

For completing the custom-house at Wilmington, Delaware, twelve thousand dollars.

To purchase a site for a custom-house at Providence, Rhode Island, twenty-four thousand dollars.

And the Secretary of the Treasury be, and he is hereby, authorized to contract for the construction of a custom-house on said site, to include accommodations for a post office and United States court room, at a cost not exceeding two hundred thousand dollars.

For purchasing a site for a custom-house at San Francisco, California, a sum not exceeding one hundred and fifty thousand dollars.

For the rebuilding of the custom-house, Portland, Maine, including accommodations for a post office and rooms for the United States courts, two hundred thousand dollars.

For extinguishment of private claims to the possession of the whole or any part of the custom-house lot in San Francisco, ten thousand dollars.

Provided, That none of the moneys appropriated by this act for any custom-house or marine hospital shall be used or applied for the purposes mentioned, until a valid title to the land for the site of such building, in each case, shall be vested in the United States; and until the State in which such building is to be completed shall in due form, and in a manner that shall bind such State, release and surrender to the United States jurisdiction over the site of such building; and shall, also, duly release and relinquish to the United States the right to tax or in any way assess said site, or the property of the United States that may be thereon, during the time that the said United States shall be or remain the owner thereof; that none of the said moneys appropriated for said buildings by this act, or heretofore appropriated for the purposes mentioned, shall be used or applied for

the purposes for which they are appropriated, unless the same shall be sufficient in each case to complete the building in such case fully, and entirely accomplish the object for which the appropriation in this act is made. And the Secretary of the Treasury is hereby prohibited from using or applying any of the moneys aforesaid in any one case, until he shall have made a contract with such security as he shall approve for the completion of the entire building and work in such case, at a sum not exceeding the sum of the moneys appropriated and unexpended in such case. And the said Secretary of the Treasury shall enter into no contract, either conditional or final, for the purposes mentioned which shall involve an expenditure in any one case beyond the sums appropriated and remaining unexpended for such case; and in all cases where such unexpended appropriations shall be insufficient to complete the entire work in such case, the said Secretary of the Treasury shall suspend all action in reference thereto, and shall report to Congress on the first day of its session the condition of the work in such case, and shall at the same time lay before Congress such plans and estimates as, in his judgment, shall be proper for the completion of the building and work in such case.

For improving and repairing the room in the custom-house at Savannah, used as a post office, one thousand dollars.

For continuing operations on custom-house at New Orleans, Louisiana, three hundred and ninety-five thousand dollars.

For continuing operations on custom-house at Charleston, South Carolina, two hundred and seventy-three thousand dollars.

For the annual repairs and fixtures of custom-houses of the United States, forty-three thousand and one dollar and fifty-nine cents, and for alterations and repairs of the custom-house at Baltimore heretofore made, and for rent of rooms during the repairs of said building, such sum as may be by the Secretary of the Treasury be deemed reasonable and proper of said amount, not to exceed five thousand five hundred and one dollar and fifty-nine cents.

To complete the custom-house at Richmond, Virginia, one hundred and fifty thousand dollars: *Provided*, That none of the moneys appropriated for this building in and by this act, or by any former act, and now remaining unexpended, shall be used or applied for the purposes mentioned in this act by the Secretary of the Treasury, until a valid title to the land for the site of such building shall be vested in the United States, and until the State of Virginia shall, in due form, and in a manner that shall bind said State, release and surrender to the United States jurisdiction over the site of such building; and shall also duly release and relinquish to the United States the right to tax, or in any way assess said site, or the property of the United States that may be thereon, during the time that the said United States shall be, or remain the owner thereof: *And provided further*, That none of the said money appropriated for said building by this act, or heretofore appropriated for the purposes mentioned, and now remaining unexpended, shall be used or applied for the purpose for which they are appropriated, unless the same shall be sufficient to complete the building fully, and entirely accomplish the object for which the appropriation in this act is made. And the Secretary of the Treasury is hereby prohibited from using or applying any of the moneys aforesaid until he shall have made a contract, with such security as he shall approve, for the completion of the entire building and work, at a sum not exceeding the sum of the moneys appropriated and unexpended; and the said Secretary of the Treasury shall enter into no contract, either conditional or final, for the purpose mentioned, which shall involve an expenditure beyond the sums appropriated and remaining unexpended; and should such expended appropriations be insufficient to complete the entire work, the said Secretary of the Treasury shall suspend all action in reference thereto, and shall report to Congress, on the first day of its session in December, eighteen hundred and fifty-four, the condition of the work, and shall at the same time lay before Congress such plans and estimates as, in his judgment, shall be proper for the completion of the building and work: *And provided further*, That the Secretary of the Treasury be, and he is hereby, authorized and directed

to go on and construct, or cause to be constructed, completed, and finished; the building mentioned and provided for, subject in all things to the limitations and restrictions contained herein.

To complete the custom-house at Waldoboro', in the State of Maine, the sum of thirteen thousand dollars, which, in addition to the sum heretofore appropriated, shall constitute the entire cost of the purchase of the site, and the erection and completion of the buildings.

That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to apply such sum as, in his opinion, may be necessary to complete the building for the custom-house, post office, and court-house in the city of Pittsburg, Pennsylvania, and to furnish such building in a manner appropriate to its uses, and to improve the grounds attached to said building; and also to pay to the two commissioners who superintended the construction of said building such compensation as to said Secretary shall seem just, not to exceed three dollars a day each: *Provided*, That the sum so, as aforesaid, to be expended by the Secretary of the Treasury, shall not exceed the sum now remaining unexpended of appropriations heretofore made for the said building.

For buildings for the use of the courts of the United States at Pontotoc, Mississippi, four thousand dollars: *Provided*, Said sum shall complete said buildings. And also the sum of five thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated to enable the Secretary of the Interior to make a contract with the proper authorities for furnishing a suitable building for the permanent use and accommodation of the United States district court in holding its session at Marietta, Georgia, which contract the said Secretary is hereby authorized to make: *Provided*, It can be made for the sum aforesaid or less: *And provided*, Said contract shall be made with sufficient guarantees to secure to the said court a suitable building for holding said court, so long as its sessions may be held at that place, without further charge on the United States.

To enable the Secretary of the Treasury to purchase, for the use of the United States, the land and buildings thereon, constituting the boarding station at the Southwest Pass of the Mississippi river, three thousand five hundred dollars: *Provided*, That no part of said sum shall be expended until the title to said land be secured to the United States, and the consent of the Legislature of the State of Louisiana obtained to the release of said land from taxation or assessment of any kind.

For the construction of an appraiser's store on a portion of the square selected for the custom-house at San Francisco, California, including the expense of piling for the foundation thereof, by contract or otherwise, as the Secretary of the Treasury may deem best, one hundred thousand dollars: *Provided*, That the same restrictions regarding the completion of said work with the sum hereby appropriated as are contained in this act concerning the erection and completion of custom-houses and marine hospitals, shall be applicable thereto.

For the purchase of the lots or parcels of land, with the appurtenances and the buildings thereon belonging, the one thereof to the Bank of Commerce, and the other thereof to the Bank of the State of New York, and particularly referred to and described in two contracts, one with each of said banks, for the leasing and right to purchase the same, bearing date the nineteenth of August, one thousand eight hundred and fifty-three, five hundred and thirty thousand dollars, with interest thereon at the rate of six per centum per annum, from the fifteenth day of September, eighteen hundred and fifty-three, until said purchases shall be completed: *Provided*, That the same be so completed within one year from the day such interest is hereby authorized to be paid.

And the Secretary of the Treasury, at his discretion, is hereby further authorized to purchase, for the use of the United States, such property adjoining thereto, situated on Pine street, on which the United States now hold a mortgage, as may be sold to satisfy the same, at a price not exceeding the amount of said lien.

Marine Hospitals.

To complete the marine hospital at Cleveland,

in the State of Ohio, twenty-five thousand dollars.

To complete the marine hospital at St. Louis, in the State of Missouri, ten thousand dollars.

To complete the marine hospital at Chicago, in the State of Illinois, eight thousand dollars.

To complete the marine hospital at Louisville, in the State of Kentucky, twelve thousand five hundred dollars.

To complete the marine hospital at Paducah, in the said State of Kentucky, five thousand dollars.

To complete the marine hospital at Evansville, in the State of Indiana, two thousand dollars.

To complete the marine hospital at San Francisco, and to inclose the site and drain the same, and for the necessary outbuildings, forty-four thousand dollars.

For the construction of a marine hospital at Vicksburg, in the State of Mississippi, the sum of fifty-five thousand dollars.

For prosecuting operations on the marine hospital at Portland, in the State of Maine, fifty thousand dollars.

To provide a suitable building as a marine hospital at St. Mark's, Florida, five thousand dollars.

To provide accommodation for sick and disabled seamen at Cincinnati, Ohio, fifty thousand dollars; and the Secretary of the Treasury is hereby authorized to use such part of said sum for the purchase of a site for a marine hospital at said place as he may deem expedient.

Light-House Establishment.

For supplying light-houses, containing four thousand one hundred and thirty-three lamps, with oil, lamp-glasses, wicks, buff-skins, polishing powder, whiting, and other cleaning materials; transportation, and other necessary expenses on the same; repairing and keeping the lighting apparatus; publishing necessary rules, regulations, and instructions; notice to mariners of changes to aids to navigation, and lists of lights, two hundred and thirty thousand six hundred and thirty-seven dollars and forty-two cents.

For repairs and incidental expenses, refitting, and improvements of four hundred and eighteen light-houses, and buildings connected therewith, one hundred and forty-two thousand four hundred and eighty-nine dollars and twenty-one cents.

For salaries of four hundred and eighteen light-house keepers, and thirty-eight assistants, and including one thousand two hundred dollars for salary of superintendent of supplies on the upper lakes, one hundred and eighty-three thousand six hundred dollars.

For salaries of forty-nine keepers of light-vessels, twenty-six thousand five hundred and fifty dollars.

For seamen's wages, repairs, and supplies of forty-nine light-vessels, one hundred and fifty-two thousand nine hundred and forty-one dollars and twenty-three cents.

For expenses of raising, cleaning, and repairing, removing, and supplying losses, of floating beacons and buoys, and chains and sinkers for the same, and for coloring and numbering all the buoys, eighty-nine thousand three hundred and fifty-seven dollars and thirty-two cents.

For life-boats and other means of rendering assistance to wrecked mariners and others on the coast of the United States, ten thousand dollars.

For life-boats, and other means of rendering assistance to shipwrecked mariners and others, on the coast of the United States, to be expended under the direction of the Secretary of the Treasury, ten thousand dollars. For the purchase of metallic surf-boats to rescue lives and property, and to be located at each of the following ports, twelve thousand five hundred dollars, viz: On the east side of Lake Michigan, at Michigan City, one; New Buffalo, one; St. Joseph, one; Calamazoo, one; Manistee, one; Grand River, one; Muskegon, one; White River, one; Pier Marquette, one; and South Black River, one; and on the west side of Lake Michigan, at Chicago, two; Kenosha, one; Milwaukee, one; Sheboygan, one; Death's Door, one; Two Rivers, one; Manitowoc, one; Waukegan, one; Racine, one; Port Washington, one; Washington Harbor, one; South Manitou Island, one; Kalley's Harbor, one; and at Calumet, one; or at such other points as shall be designated by the Secretary of the Treasury, to be expended under the direction of

the Secretary of the Treasury; who shall also adopt such measures as shall be necessary for the preservation of such boats.

For expenses of visiting and inspecting lights and other aids to navigation, two thousand dollars.

For commissions, at two and a half per centum, to such superintendents as are entitled to the same, under the proviso to the act of third of March, one thousand eight hundred and fifty-one, entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending June thirtieth, eighteen hundred and fifty-two, and for other purposes," on the amount that may be disbursed by them, eight thousand dollars.

For the coasts of California, Oregon, and Washington:

For oil and other supplies for fifteen lights, cleaning materials of all kinds, and transportation of the same, expenses of keeping lamps and machinery in repair, publishing notices to mariners of changes of aids to navigation, twenty six thousand nine hundred and eighty six dollars and twenty-five cents.

For repairs and incidental expenses of fifteen lights, and buildings connected therewith, eight thousand five hundred dollars.

For salaries of fifteen keepers and twelve assistants, at an average not exceeding eight hundred dollars per annum each, twenty-one thousand six hundred dollars.

For expenses of raising, cleaning, repairing, removing, and supplying losses of floating beacons and buoys, and chains and sinkers for the same, and for coloring and numbering all the buoys, eight thousand five hundred dollars.

For commissions, at two and a half per centum, to such superintendents as are entitled to the same, under the proviso to the act of the third of March, one thousand eight hundred and fifty-one, entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending June thirtieth, eighteen hundred and fifty two, and for other purposes," on the amount that may be disbursed by them, four hundred dollars.

For completing the light-houses on the coast of California and Oregon, the sum of fifty-nine thousand four hundred and thirty-four dollars: *Provided*, That it shall be the duty of the Secretary of the Treasury to pay the contractors for building the light-house on Point Lema, near San Diego, what the same is reasonably worth.

Intercourse with Foreign Nations.

For salaries of ministers of the United States to Great Britain, France, Russia, Prussia, Spain, Brazil, Peru, Mexico, Chili, and Central America, ninety thousand dollars.

For salaries of secretaries of legation to the same places, twenty thousand dollars.

For salary of a minister resident to Turkey, six thousand dollars.

For salary of the dragoman to the legation to Turkey, two thousand five hundred dollars.

For salaries of chargés d'affaires or ministers resident to Portugal, Austria, Denmark, Sweden, Holland, Belgium, Naples, Sardinia, the Papal States, New Granada, Venezuela, Buenos Ayres, Bolivia, Ecuador, and Switzerland, sixty-seven thousand five hundred dollars.

For salary of a clerk to the United States legation at London, eight hundred dollars.

For contingent expenses of all the missions abroad, forty thousand dollars.

For contingent expenses of foreign intercourse, forty thousand dollars.

For expenses of intercourse with the Barbary Powers, nine thousand dollars.

For salary of the consul at London, two thousand dollars.

For salary of the commissioner to the Sandwich Islands, five thousand dollars.

For interpreters, guards, and other expenses of the consulates at Constantinople, Smyrna, Candia, and Alexandria, two thousand dollars.

For office rent of the consul at Basle, in Switzerland, one hundred dollars.

For salary of a commissioner to reside in China, nine thousand dollars.

For salary of the interpreter and secretary to said mission, two thousand five hundred dollars.

For salary of a consul general at Alexandria, five thousand dollars.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

MONDAY, AUGUST 7, 1854.

NEW SERIES.....No. 142.

For compensation to the consuls at the five ports in China, viz: Kwang Chow, Amoy, Fuchow, Ning Po, and Shanghai, five thousand dollars.

For the relief and protection of American seamen, and seamen belonging to American vessels in foreign countries, one hundred and twenty-five thousand dollars.

For clerk hire, office rent, and other expenses of the office of the consul of the United States at London, two thousand eight hundred dollars.

That the consul at Beirut, Syria, is hereby allowed a salary of two thousand dollars per annum, and the said consulate shall comprehend both Syria and Palestine, and two thousand dollars is hereby appropriated for the salary of said consul.

For office rent of the consul at Zurich, in Switzerland, one hundred dollars.

That the Secretary of the Treasury shall audit and settle the accounts of Robert C. Schenck, late Envoy Extraordinary and Minister Plenipotentiary of the United States to Brazil, and of John S. Pendleton, late Chargé d'Affaires of the United States to the Argentine Confederation, for additional compensation and for expenses incurred by them in the performance of special services, not pertaining to their respective missions, and at points distant from those to which they were originally accredited, in compliance with instructions from the Department of State; in settling which accounts the certificate of the parties shall be regarded as sufficient evidence as to the amount of expenses incurred, where no regular voucher can be produced, and a compensation at the rate of twenty-five dollars per diem shall be allowed to each of them for the time they were so employed, to be paid out of any money in the Treasury not otherwise appropriated.

For expenses which may be incurred in acknowledging the services of the masters and crews of foreign vessels in rescuing citizens and vessels of the United States from shipwreck, five thousand dollars: *Provided*, That the same shall be expended under the direction of the President of the United States.

For the purchase of blank books, stationery, arms of the United States, presses, and flags, and for the payment of postages for the consuls of the United States, ten thousand dollars.

To enable the Secretary of State to defray the expense of releasing from captivity among the Indians of Queen Charlotte's Island, the crew and passengers of the American sloop *Georgiana*, fifteen thousand dollars, or so much thereof as may be necessary.

To defray expenses incurred, and to be incurred, in complying with the resolution of the House of Representatives of the fourteenth of December, one thousand eight hundred and fifty-three, calling for a statement of the privileges and restrictions of the commercial intercourse of the United States with all foreign nations, and a table exhibiting a comparative statement between the tariff of other nations and that of the United States, ten thousand dollars.

To enable the Secretary of State to pay to the persons employed to protect the property and persons of citizens of the United States at San Juan de Nicaragua, twelve thousand dollars, or so much thereof as may be necessary to defray the expenses so incurred.

For the payment to James B. Holmans for services rendered as secretary of legation at Santiago, in the discharge of clerical duties left unperformed by his predecessors, five hundred dollars.

Expenses of the collection of Revenue from Lands.

To meet the expenses of collecting the revenue from the sale of public lands in the several land States and Territory of Minnesota, in addition to the balances of former appropriations:

For salaries and commissions of registers of land offices and receivers of public moneys, one hundred and sixty thousand dollars.

For expenses of depositing public moneys by receivers of public moneys, fifty thousand dollars.

For incidental expenses of the several land offices, including new offices not heretofore provided for, forty thousand dollars.

For salaries of registers and receivers in Oregon and Washington Territories, or so much thereof as may be necessary, per act of seventeenth of July, eighteen hundred and fifty-four, nine thousand dollars.

For office rent, fuel, and labor for said offices, four thousand dollars.

For iron safes for receivers, and for books, stationery, and furniture, three thousand dollars.

Survey of the Public Lands.

For surveying the public lands, (exclusive of California and Oregon,) including island surveys in the interior and all other special and difficult surveys demanding augmented rates, to be applied and apportioned to the several districts according to the exigencies of the public service, including expenses of selecting swamp lands, and the compensation and expenses to surveyor to locate private land claims in Louisiana, in addition to the unexpended balances of all former appropriations for the same objects, one hundred and ten thousand dollars.

For continuing the examinations and corrections of old, imperfect, and defective surveys in the lower peninsula of Michigan, north of the third correction parallel, and east and west of the meridian, being forty-eight townships, at a rate not exceeding six dollars per mile, twenty thousand one hundred and sixty dollars.

For the correction of erroneous and defective lines of the public and private surveys in Illinois and Missouri, at a rate not exceeding six dollars per mile, three thousand five hundred dollars.

For preparing the unfinished records of public and private surveys to be transferred to the State authorities under the provisions of the act of the twelfth of June, one thousand eight hundred and forty, in those districts where the surveys are about being completed, fifteen thousand dollars.

For resurveys and examinations of the survey of the public lands in those States where the offices of the surveyors general have been or shall be closed under the acts of the twelfth of June, one thousand eight hundred and forty, and the twenty-second of January, one thousand eight hundred and fifty-three, including two thousand dollars for the salary of the clerk detailed to this special service in the General Land Office, five thousand dollars.

For continuing the survey of the keys on the Florida coast, twenty thousand dollars.

For continuing the survey of the islands on the coast of California, thirty thousand dollars.

For surveying the public lands and private land claims in California, including office expenses incident to the survey of claims, and to be disbursed at the rates prescribed by law for the different kinds of work, three hundred thousand dollars.

For rent of surveyor general's office in California, purchase of instruments, records, drawing materials, furniture, fuel, pay of messengers, eighteen thousand three hundred dollars.

For compensation of draughtsmen and clerks, in addition to the amount heretofore estimated, the same being required in consequence of the increased amount of field work proposed to be executed, twenty-one thousand dollars.

For Surveys in Oregon and Washington Territories.

For office rent of the surveyor general, fuel, books, stationery, and other incidental expenses, three thousand dollars.

For surveying standard, parallel, and meridian lines, over coast, mountain, and along the coast—an estimated distance of two hundred and fifty miles—five thousand dollars.

For surveying township and subdivision lines (estimated at four thousand nine hundred and twenty miles) in Oregon Territory, at a rate not exceeding twelve dollars per mile, and including office work, sixty-five thousand four hundred and ninety dollars.

For surveying standard parallel and meridian lines in Washington Territory, (an estimated distance of five hundred miles,) ten thousand dollars.

For surveying township and subdivision lines (estimated at four thousand nine hundred and twenty miles) in Washington Territory, at a rate not exceeding twelve dollars per mile, and including office work, sixty-five thousand four hundred and ninety dollars.

For salaries and incidental expenses of the commission appointed under the act of March third, eighteen hundred and fifty-one, for settling land claims in California, one hundred and five thousand five hundred dollars.

For surveying the necessary base, meridian, standard parallels, townships, and section lines in New Mexico, thirty thousand dollars.

For surveying the necessary base, meridian, standard parallels, township, and section lines in Kansas and Nebraska, fifty thousand dollars.

For salary of surveyor general of New Mexico, and clerks in his office, seven thousand five hundred dollars.

For salary of surveyor general of Kansas and Nebraska, two thousand dollars.

For office rent, fuel, and incidental expenses in New Mexico, three thousand dollars.

For clerk hire, office rent, fuel, and incidental expenses in Kansas and Nebraska, (six thousand dollars being allowed for office rent, fuel, and incidental expenses,) fourteen thousand three hundred dollars.

For office rent for the surveyor general of Washington Territory, fuel, books, stationery, and other incidental expenses, five thousand dollars.

Miscellaneous.

For books voted to the members of the Thirty-Third Congress, by the joint resolution of twenty-fourth February, eighteen hundred and fifty-four, and the resolution of the House of the twentieth June, eighteen hundred and fifty-four, one hundred and ninety-nine thousand five hundred and ten dollars and eighty-seven cents.

To enable the Clerk of the House of Representatives to purchase from the publishers, Lippincott, Grambo & Company, two hundred copies each of the second and third volumes of Schoolcraft's History, etc., of the Indian tribes of the United States, to complete the sets of the new members of the House of Representatives, at three dollars and fifty cents per volume, fourteen hundred dollars: *Provided*, That the said volumes shall be of the same style and quality of those heretofore furnished.

For the completion of the printing of the first session of the Thirty-Third Congress, twenty thousand dollars.

For the purchase of paper for the completion of the printing of the first session of the Thirty-Third Congress, forty-three thousand dollars.

For deficiency in the estimates heretofore submitted for the printing of the second session of the Thirty-Third Congress, ten thousand dollars.

For rent of wareroom for the year, ending the thirtieth of June, eighteen hundred and fifty-five, two hundred and fifty dollars.

For cartage and labor in storing and transportation of paper from wareroom and office of superintendent to the offices of the public printers, five hundred and fifty dollars.

For compensation to draughtsman and clerks employed upon the maps of the public lands, under the resolution of the House of Representatives of fourth of May, eighteen hundred and forty-eight, seven thousand five hundred dollars.

For the collection of agricultural statistics, and the procurement and distribution of cuttings and seeds, twenty-five thousand dollars, to be paid out of any money in the Treasury not otherwise appropriated.

For compensation of the warden, clerk, physician, chaplain, assistant keepers, guards, and porter, of the penitentiary of the District of Columbia, eight thousand six hundred dollars.

For compensation of three inspectors of said penitentiary, three hundred dollars.

For the support and maintenance of said penitentiary, two thousand eight hundred and eighty-five dollars.

For defraying the expenses of the Supreme, circuit, and district courts of the United States, including the District of Columbia; also for jurors and witnesses in aid of the funds arising from fines, penalties, and forfeitures incurred in the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-five, and previous years; and likewise for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offenses committed against the United States, and for the safe-keeping of prisoners, seven hundred thousand dollars.

For payment to the city of Norfolk, for rent of rooms in the City Hall for the district court of the United States for the eastern district of Virginia, from the thirtieth of May, one thousand eight hundred and fifty, to the thirtieth of May, one thousand eight hundred and fifty-three, nine hundred dollars.

For the support, clothing, and medical treatment of insane paupers of the District of Columbia, at such places as the Secretary of the Interior may, in his discretion, deem proper, ten thousand dollars.

For additional messenger to the post office of the House of Representatives, allowed by the Committee on Accounts at the beginning of the present session, one thousand dollars.

To enable the Secretary of the Interior to complete the hospital for the insane of the District of Columbia, and of the Army and Navy of the United States, as it is now in process of construction where the foundations are laid, eighteen thousand two hundred and nine dollars.

To enable the Secretary of the Interior to complete the external improvements necessary to carry into successful operation the said hospital, according to the recommendation of the Secretary of the Interior, eighteen thousand six hundred dollars.

For arrearages of necessary traveling and personal expenses due employees on the northeastern boundary survey, during the years eighteen hundred and forty-four, eighteen hundred and forty-five, eighteen hundred and forty-six, and eighteen hundred and forty-seven, two thousand and six hundred dollars.

For running and marking the boundary line between the United States and the Republic of Mexico, under the treaty concluded at the city of Mexico, on the thirtieth of December, one thousand eight hundred and fifty-three, the sum of one hundred and sixty-eight thousand one hundred and thirty dollars, to be disbursed under the direction of the Secretary of the Interior: *Provided*, There shall be allowed and paid to the commissioner, surveyor, and astronomer appointed, or to be appointed, for the purpose aforesaid, each a salary at the rate of three thousand dollars per annum, and that if the duties of either have been, or shall be, performed by an officer of the Army, his pay, including emoluments, during the time of such employment, shall be increased to that sum.

Public Buildings and Grounds.

For compensation, in part, for the messenger in charge of the main furnace in the Capitol, three hundred and fifty dollars.

For painting and repairs inside of the Capitol, new furnaces under the Senate Chamber and Supreme Court room, five thousand dollars.

For furnishing and putting up new furnaces and repairing old furnaces, rebuilding and ventilating air chambers for the House of Representatives, four thousand five hundred dollars.

For repair and renewal of the gas pipe through the Capitol, three thousand five hundred dollars.

To enable the Secretary of the Interior to pay for two hundred and twenty feet and five inches of granite coping, used in the improvement of the triangular square at the corner of thirteenth street and Pennsylvania avenue, five hundred and fifteen dollars and forty-seven cents.

For compensation to the laborer in charge of the water-closets in the Capitol, three hundred and sixty-five dollars.

For compensation of the public gardener, one thousand two hundred dollars.

For compensation of sixteen laborers, employed in the public grounds and President's garden, at forty dollars per month each, seven thousand six hundred and eighty dollars.

For compensation of the keeper of the western gate, Capitol square, seven hundred and thirty dollars.

For compensation of two day watchmen, employed in the Capitol square, at five hundred dollars each, one thousand dollars.

For compensation of two night watchmen, employed at the President's House, at five hundred dollars each, one thousand dollars.

For compensation of the door-keeper at the President's House, five hundred dollars.

For compensation of assistant door-keeper at the President's House, three hundred and sixty-five dollars.

For compensation of four draw-keepers at the Potomac bridge, and for fuel, oil, and lamps, two thousand seven hundred and fifty-five dollars.

For compensation of two draw-keepers at the two bridges across the Eastern Branch of the Potomac, and fuel, oil, and lamps, one thousand dollars.

For compensation of the Auxiliary Guard, and oil for lamps, sixteen thousand four hundred dollars.

For support, care, and medical treatment of eighteen transient paupers, medical and surgical patients, in Washington Infirmary, three thousand dollars.

For purchase of manure for the public grounds, one thousand dollars.

For hire of carts on the public grounds, one thousand dollars.

For purchase and repair of tools used in the public grounds, five hundred dollars.

For purchase of trees and tree-boxes, to replace, where necessary, such as have been planted by the United States, and the repair of pavements in front of the public grounds, five thousand dollars.

For the Capitol extension, seven hundred and fifty thousand dollars: *Provided*, That any officer of the Army or Navy who has been, or may be appointed hereafter, to disburse the money which is now, or may hereafter be, appropriated for the erection, alteration, or repair of any of the edifices, structures, or works for which appropriations are made in this act, shall be subject to all the pains, penalties, and liabilities contained in the provisions of the act entitled "An act to provide for the better organization of the Treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue," approved sixth of August, eighteen hundred and forty-six.

For completing the bridge over the Potomac river, near the Little Falls, fifteen thousand dollars.

For compensation of one night watchman, employed for the better protection of the buildings lying south of the Capitol, and used as public stables and carpenter's shop, five hundred dollars.

For permanent repair of the roof of the Capitol with copper, two thousand dollars.

For annual repairs of the Capitol, water-closets, public stables, water-pipes, pavements, and other walks within the Capitol square, broken glass, and locks, five thousand dollars.

For annual repairs of the President's House, improvement of grounds, purchasing trees and plants for garden, and making hotbeds therein, six thousand dollars.

For lighting the President's House and Capitol, the public grounds around them, and around the executive offices and Pennsylvania avenue, twenty-two thousand dollars.

For completing the improvement of Maryland avenue, from Seventh street to the Potomac river, two thousand five hundred dollars.

For furnishing lamps and lamp-posts from Sixteenth to Seventeenth streets, on Pennsylvania avenue, in front of Lafayette square, five hundred dollars.

For completing the improvement of Pennsylvania avenue west of Seventeenth street, nine thousand dollars.

To reimburse the expenditure made by the Commissioner of Public Buildings for the repair of the Potomac bridge when injured by fire, four thousand five hundred dollars.

For continuing the repairs of the two bridges across the Eastern Branch of the Potomac, four thousand dollars.

For completing the west wing of the Patent Office Building, two hundred thousand dollars.

For altering the streets and repairing in front of the east wing of the Patent Office, putting up iron railing, flagging, footway, putting in order yards, painting new saloons of the Patent Office in fresco, fourteen thousand two hundred and fifty dollars.

For iron railing and flagging in front of the old

portion of the Patent Office Building, for altering the windows in the rear and dressing off the granite to make it conform to the front, and for private stairway in the building, five thousand seven hundred and thirty dollars.

For enlarging the culverts and openings into the same, across Pennsylvania avenue, to prevent overflow of the avenue, four thousand dollars.

For repairing or renewing the water fixtures at the President's House, including the bath-room, two thousand dollars.

For public reservation number two and Lafayette square, three thousand dollars.

For grading done by order of Ignatius Mudd, late Commissioner of Public Buildings, in reservation number seventeen, between Third street east and New Jersey avenue, four hundred and eighty-four dollars and eighty-nine cents.

For compensation of commissioner and surveyor employed upon the boundary between the United States and Mexico, and their assistants, including office rent and incidental expenses, thirty-eight thousand one hundred dollars.

For payment of the Annals of Congress for the House Library of the House of Representatives, under resolution of said House of September twenty-eighth, one thousand eight hundred and fifty, one hundred sets of each volume from the twenty-third to the fortieth, both included, in all seventeen hundred volumes, at five dollars per volume, eight thousand five hundred dollars.

For payment of the Annals of Congress, for one hundred and forty-three members of the Thirty-Second Congress, entitled to them under the resolution of the House of Representatives of July twenty-sixth, one thousand eight hundred and fifty-two, one hundred and forty-three sets of twenty-four volumes each, from the sixteenth to the fortieth inclusive, in all three thousand four hundred and thirty-two volumes, at five dollars per volume, seventeen thousand one hundred and sixty dollars.

For reporting and publishing in the Daily Globe two thousand eight hundred and sixty-five columns of the proceedings of the House of Representatives, for the first session of the Thirty-Third Congress, at seven dollars and fifty cents per column, twenty-one thousand four hundred and eighty-seven dollars and fifty cents.

For twenty-four copies of the Congressional Globe and Appendix, for the first session of the Thirty-Third Congress, for each member and Delegate of the House of Representatives, making an aggregate of five thousand seven hundred and twelve copies, at six dollars a copy, thirty-four thousand four hundred and sixteen dollars.

For binding the Congressional Globe and Appendix for the first session of the Thirty-Third Congress, thirteen thousand seven hundred and sixty-six dollars and forty cents.

For reporting and publishing in the Daily Globe one hundred and fifty one columns of the proceedings of the House of Representatives for the second session of the Thirty-Second Congress, at seven dollars and fifty cents a column, one thousand one hundred and thirty-two dollars and fifty cents.

To pay a deficiency in the appropriation for eight hundred copies of the Documentary History purchased for the new members of the House of Representatives, from the Twenty-Sixth to the Thirty-Second Congress inclusive, being at seventeen dollars twenty-seven cents and two mills a volume, six hundred and fifty-five dollars and twenty cents.

For payment of a balance due, for the second and third volumes of the fifth series of the Documentary History, under contract with the Secretary of State, four hundred and seventy-three dollars.

For one hundred copies of the Congressional Globe and Appendix, for the first session of the Thirty-Third Congress, for House library, six hundred dollars, and for binding the same, two hundred and forty dollars; for one hundred copies of the Congressional Globe and Appendix for the second session of the Thirty-Third Congress, for House library, three hundred dollars, and for binding the same, one hundred and twenty dollars.

To enable John C. Rives to pay to the reporters of the House for the Congressional Globe the same amount of additional compensation for re-

porting this session as was paid them at the last, the sum of three thousand dollars is hereby appropriated; and the Clerk of this House is hereby authorized to pay the same to said Rives, to be applied by him for that purpose.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed the following buildings: At Ellsworth, Maine, for the accommodation of the custom-house and post office, a building of brick, with fire-proof floors, constructed of iron beams and brick work, iron roof, shutters, sills, &c., twenty-five feet by thirty, and twenty-five feet in height from the foundation, to cost not more than ten thousand dollars; at Belfast, Maine, for the accommodation of the custom-house and post office, a building of like materials, forty-five feet by thirty-two, and thirty-two feet high, and to cost not more than twenty thousand dollars; at Gloucester, Massachusetts, Toledo, Ohio, Burlington, Vermont, and Sandusky, Ohio, for the accommodation of the custom-house and post office, a building of like materials, sixty feet by forty-five feet, and thirty-two feet from the foundation, and to cost not more than forty thousand dollars for each building; at Milwaukee, Wisconsin, for the accommodation of the custom-house, post office, and United States courts, a building of like material, sixty feet by forty-five feet, forty-eight feet in height from the foundation, to cost not more than fifty thousand dollars; at New Haven, Connecticut, Newark, New Jersey, Buffalo, New York, Oswego, New York, Wheeling, Virginia, Chicago, Illinois, and Detroit, Michigan, each for the accommodation of the custom-house, post office, United States courts, and steamboat inspectors, a building of stone, of like floors, beams, roofs, shutters, &c., eighty-five feet by sixty feet, sixty feet in height from the foundation, to cost not more than eighty-eight thousand dollars for each building; the building at Detroit to be erected upon a water lot belonging to the United States; at Galveston, Texas, for the accommodation of the custom-house, post office, and United States courts, a building of brick, of like floors, beams, roofs, shutters, &c., forty-five feet by seventy feet, forty-eight feet high from the foundation, with a portico on two sides, and to cost not more than one hundred thousand dollars; at Petersburg, Virginia, for the accommodation of the custom-house and post office, a building of stone, of like floors, beams, roofs, shutters, &c., sixty feet by forty-five feet, thirty-two feet high from the foundation, to cost not more than sixty-two thousand dollars.

SEC. 3. *And be it further enacted*, That the several sums mentioned in the preceding section of this act, as the cost of the buildings therein authorized to be constructed, together with ten per cent. thereon to cover the compensation of architects, superintendents, advertising, and other contingent expenses, and so much as may be required to purchase suitable sites for said buildings, be, and the same are hereby, appropriated, for the purposes aforesaid, out of any money in the Treasury not otherwise appropriated: *Provided*, That no money hereby appropriated shall be used or applied for the purposes mentioned until a valid title to the land for the sites of such buildings, in each case shall be vested in the United States, and until the States shall also duly release and relinquish to the United States the right to tax or in any way assess said site, or the property of the United States that may be thereon, during the time that the said United States shall be or remain the owner thereof.

SEC. 4. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed the following buildings:

At New Orleans, Louisiana, a marine hospital, to cost not more than two hundred and forty-eight thousand dollars; and when said hospital shall have been completed, the Secretary of the Treasury shall cause the old hospital at New Orleans to be sold, and the proceeds thereof to be placed in the Treasury of the United States.

At Detroit, Michigan, a marine hospital, to cost not more than seventy-five thousand dollars.

At Pensacola, Florida, a marine hospital, to cost not more than twenty thousand dollars.

At Burlington, in the State of Iowa, a marine hospital, to cost not more than fifteen thousand dollars.

SEC. 5. *And be it further enacted*, That the several sums mentioned in the preceding section as the cost of the buildings therein authorized to be constructed, together with ten per cent. thereon to cover the compensation of architects, superintendents, advertising, and other contingent expenses, and so much as may be required to purchase suitable sites for said buildings, be, and the same are hereby, appropriated for the purposes aforesaid, out of any money in the Treasury not otherwise appropriated: *Provided*, That no money hereby appropriated shall be used or applied for the purposes mentioned until a valid title to the land for the site of such building, in each case, shall be vested in the United States, and until the State shall also duly release and relinquish to the United States the right to tax or in any way assess said site, or the property of the United States that may be thereon, during the time that the United States shall be or remain the owner thereof.

SEC. 6. *And be it further enacted*, That there be appropriated, out of any money in the Treasury not otherwise appropriated, a sum sufficient to pay the clerks and employees of the Government, for the year ending the thirtieth of June, one thousand eight hundred and fifty-five, such additional compensation as they may be entitled to receive, under the act of twenty-second April, eighteen hundred and fifty-four, entitled "An act to amend the third section of the act making appropriations for the civil and diplomatic expenses of the Government for the year ending thirtieth of June, eighteen hundred and fifty-four, and for other purposes," and where additional compensation is not otherwise provided for: *Provided*, That all laborers in the employment of the Executive Departments of the Government in the City of Washington shall receive an annual salary of four hundred and eighty dollars each: *Provided further*, That the Postmaster General be allowed, in addition to his present number, three clerks of class two and two of class three; that the Attorney General be allowed, in addition to his present number, one clerk of class one, two of class two, and one of class three; that the Secretary of the Treasury be allowed in the First Auditor's office, in addition to the present number, two clerks of class one, in the Sixth Auditor's office, in addition to the present number, seven clerks of class one, and one shall be taken from class three and put in class four; and, in the Treasurer's office, one clerk shall be taken from class two, and one from class three, and put in class four; and that the Secretary of State be allowed, in addition to his present number of clerks, two at an annual salary of twelve hundred dollars each, one at an annual salary of fourteen hundred dollars, and one at an annual salary of sixteen hundred dollars; and the money necessary to pay the compensation and increased compensation under this section be, and the same is hereby, appropriated.

SEC. 7. *And be it further enacted*, That the librarian of Congress shall receive eighteen hundred dollars; the assistant librarians fifteen hundred dollars each, and the messenger twelve hundred dollars per annum, and the money is hereby appropriated to pay the same.

SEC. 8. *And be it further enacted*, That the collections of the Exploring Expedition, now in the Patent Office, be placed under the care and management of the Commissioner of Patents, who is hereby authorized to employ one principal keeper of said collections at an annual salary of nine hundred dollars, one assistant keeper at an annual salary of seven hundred and fifty dollars, one night watchman at an annual salary of six hundred dollars, and two laborers at an annual salary each of three hundred and sixty-five dollars.

SEC. 9. *And be it further enacted*, That the first proviso to the first section of the act entitled "An act to provide compensation to such persons as may be designated by the Secretary of the Treasury to receive and keep the public money, under the fifteenth section of the act of sixth August, eighteen hundred and forty-six, for the additional services required under that act," approved March second, eighteen hundred and fifty-three, shall not be construed to apply to the collector of the district of Buffalo Creek, while such collector shall be one of the designated depositors of public money.

SEC. 10. *And be it further enacted*, That the accounts of the public printers, and the certificates of the Superintendent of Public Printing thereon

shall be subject to the examination and control of the accounting officers and Secretary of the Treasury, in like manner as other public accounts.

SEC. 11. *And be it further enacted*, That from and after the thirtieth of June, eighteen hundred and fifty-four, in lieu of the clerks heretofore authorized by law for the office of the assistant treasurer at New York, he be authorized to appoint, with the approbation of the President of the United States, one chief clerk at a salary of two thousand one hundred dollars, one clerk at two thousand dollars, two clerks at eighteen hundred dollars each, two clerks at fifteen hundred dollars each, one clerk at twelve hundred dollars, one messenger at nine hundred dollars, and two watchmen at five hundred and fifty dollars each, per annum. In case of the sickness or unavoidable absence from his office of the assistant treasurer, he may in his discretion authorize the said chief clerk to act in his place, and to discharge all the duties required by law of the assistant treasurer.

SEC. 12. *And be it further enacted*, That from and after the thirtieth of June, eighteen hundred and fifty-three, the annual salary of the chaplains to Congress shall be seven hundred and fifty dollars, and such sum additional to that elsewhere provided as may be required to pay the same to the thirtieth of June, eighteen hundred and fifty-five, is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, The said sum shall be in full of all compensation to be received by said chaplains.

SEC. 13. *And be it further enacted*, That the seventh section of the act of January eighteenth, eighteen hundred and thirty-seven, entitled "An act supplementary to the act entitled 'An act establishing a Mint, and regulating the coins of the United States,'" be so amended as to extend the limit for the annual salary of clerks in the Mint of the United States to eighteen hundred dollars each, from and after the first of July, eighteen hundred and fifty-four, at the discretion of the officers authorized by law to appoint, with the approbation of the President of the United States, including also one clerk in the office of the assistant treasurer at Philadelphia, and that the salary of the chief clerk of the branch Mint at New Orleans shall be twenty-two hundred dollars from and after the first of July, eighteen hundred and fifty-four.

SEC. 14. *And be it further enacted*, That whenever it shall become necessary for the head of any department or office to employ special agents, other than officers of the Army or Navy, who may be charged with the disbursement of public moneys, they shall, prior to entering upon duty as such, give bond in such form and with such security as the head of the Department or office employing said agent may approve.

SEC. 15. *And be it further enacted*, That hereafter the warden of the penitentiary of the United States for the District of Columbia, and the Commissioner of Public Buildings and Grounds, shall make to the Secretary of the Interior, annually, in time to accompany the annual message of the President to Congress, report of their operations for the preceding year, and of the manner in which all appropriations have been applied, respectively; and that all estimates of the Commissioner of Public Buildings and Grounds shall hereafter be approved and submitted by the Secretary of the Interior, annually, through the Treasury Department, as other estimates to the two Houses of Congress. And further, that all appropriations which are herein made, or may be hereafter made, for repairs or improvements of the public buildings, grounds, and streets within the District of Columbia, and now under the charge of the Commissioner of Public Buildings and Grounds, shall be expended under the direction of the Secretary of the Interior; and that all laws, or parts of laws, inconsistent with this section, shall be, and the same are hereby, repealed.

APPROVED, August 4, 1854.

PUBLIC, LXXIII.—*An Act making Appropriations for Fortifications and other works of Defense, and for Repairs of Barracks and Quarters, for the year ending the thirtieth of June, one thousand eight hundred and fifty-five.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress

assembled, That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the construction, preservation, and repairs of certain fortifications, barracks, and quarters, for the year ending the thirtieth of June, one thousand eight hundred and fifty-five:

For Fort Montgomery, at outlet of Lake Champlain, New York, fifteen thousand dollars.

For Fort Knox, at narrows of Penobscot river, Maine, twenty thousand dollars.

For Fort Warren, at the narrows, Boston harbor, Massachusetts, thirty thousand dollars.

For Fort Adams and quarters, entrance to Narragansett roads, Rhode Island, fifteen thousand dollars.

For Fort Schuyler, entrance to Long Island sound, New York, fifteen thousand dollars.

For Fort Richmond, at the narrows, New York harbor, sixty thousand dollars.

For Fort Delaware, Delaware river, Delaware, fifty thousand dollars.

For Fort Carroll, Baltimore harbor, Maryland, fifty thousand dollars.

For Fort Monroe, entrance to Hampton roads, Virginia, twenty thousand dollars.

For Fort Sumpter, Charleston harbor, South Carolina, twenty thousand dollars.

For Fort Clinch, entrance to Cumberland sound, twenty-five thousand dollars.

For Fort Barancas and barracks, Pensacola harbor, ten thousand dollars.

For Fort McRee, Pensacola harbor, and reservation of the site, ten thousand dollars.

For Fort Taylor, Key West, Florida, seventy-five thousand dollars.

For Fort Jefferson, Tortugas, Florida, fifty thousand dollars.

For fortifications at Alcatraz Island, San Francisco bay, California, one hundred thousand dollars.

For fortifications at Fort Point, entrance to San Francisco bay, California, one hundred thousand dollars.

For armament of fortifications in the harbor of San Francisco, California, one hundred and thirty thousand dollars.

For forts on the western frontiers of Texas, one hundred thousand dollars.

For repair of Fort Niagara, New York, three thousand dollars.

For repair of Fort Preble, Portland harbor, Maine, one thousand dollars.

For repair and improvement of Fort Independence, Boston harbor, Massachusetts, ten thousand dollars.

For repair of Fort Columbus and Castle Williams, New York harbor, four thousand five hundred dollars.

For repair of Fort Hamilton, and for permanent wharf thereat, New York harbor, ten thousand dollars.

For repair of Fort Mifflin, Delaware river, Pennsylvania, one thousand dollars.

For repair of wharf at Old Point Comfort, Virginia, seven thousand dollars.

For repair of Fort Macon, Beaufort harbor, North Carolina, two thousand dollars.

For preservation of the site of Fort Macon, Beaufort harbor, North Carolina, one thousand dollars.

For preservation of the site of Fort Johnson, including a new wharf, Charleston harbor, South Carolina, four thousand two hundred dollars.

For preservation of Fort Moultrie, Charleston harbor, South Carolina, twelve thousand three hundred dollars.

For repairs of Fort Jackson, Savannah river, Georgia, five thousand dollars.

For repairs of Fort Morgan, mouth of Mobile bay, Alabama, five thousand dollars.

For repairs of Fort Pike, Rigolet Pass, Louisiana, one thousand dollars.

For repairs of Fort Macomb, (formerly Fort Wood,) Chef Menteur Pass, Louisiana, two thousand dollars.

For repairs of Tower Dupre, Bayou Dupre, Louisiana, five hundred dollars.

For repairs and extension of Fort St. Philip, Mississippi river, Louisiana, twenty-five thousand dollars.

For barracks and quarters at Fort Hamilton, New York, one thousand dollars.

For contingent expenses of the fortifications not

herein mentioned, the preservation of their sites, the protection of title, and repairs of sudden damage to forts, twenty thousand dollars.

APPROVED, August 3, 1854.

PUBLIC, LXXIV.—*An Act for the Relief of the Civil Township of Marion, in the county of Mercer, Ohio.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the trustees of the civil township of Marion, in the county of Mercer, and State of Ohio, be, and they are hereby, authorized to select, out of the unsold lands of the United States in said State, one section of land for school purposes, in lieu of section sixteen, to which said township is entitled by acts of Congress; and when the said trustees shall have selected said section of land, they shall notify the register of the land office of the district in which said lands lie, and the same shall be reserved for sale, and set apart for the use of schools in said township: *Provided*, That said selection and notification be made within twelve months from the passage of this act: *And provided further*, That said selection shall be made of legal subdivisions of the public lands, and in quantities of not less than one hundred and sixty acres.

SEC. 2. *And be it further enacted*, That the title to the said lands, when so selected and set apart, shall vest in the State of Ohio, for the use of common schools in said township, and shall be subject to the same disposition and uses that the sections sixteen in the said State have been made by the various acts of Congress affecting the same.

APPROVED, August 3, 1854.

PUBLIC, LXXV.—*An Act granting the Right of Way over, and Depot Grounds on, the Military Reserve at Fort Gratiot, in the State of Michigan, to the Port Huron and Lake Michigan Railroad Company.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to grant to the Port Huron and Lake Michigan Railroad Company the right of way upon lands reserved for military purposes at Fort Gratiot, in the State of Michigan, and also the right to take and use other land belonging to the United States at the same place for necessary depots: *Provided*, That he shall be of opinion that the said grants will not be detrimental to the public interests, and that the company pay into the Treasury of the United States the appraised value of the premises required for the depots and other necessary buildings to be determined by such officer or officers of the Engineer Corps, or such other person or persons as the Department may designate for that purpose: *And provided further*, That the location and width of the roadway, and the location and boundaries of the depot grounds, and also the conditions on which they are to be possessed and improved, shall be determined under the authority and with the approval of the President: *And provided further*, That if the said railroad and depots shall not be completed within ten years, or if at any time after completion, the use of the said railroad or depots be discontinued or abandoned, the said grant shall cease and determine.

APPROVED, August 3, 1854.

PUBLIC, LXXVI.—*An Act to revive the Act approved March third, eighteen hundred and twenty-three, and the Act approved May twenty-sixth, eighteen hundred and twenty-four, supplemental thereto, in reference to the Rio Hondo Claims to Land in Louisiana.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act approved March third, eighteen hundred and twenty-three, entitled "An act providing for the examination of the titles to land in that part of the State of Louisiana, situated between the Rio Hondo and the Sabine river," and the act approved May twenty-sixth, eighteen hundred and twenty-four, entitled "An act supplementary to an act providing for the examination of titles to land in that part of the State of Louisiana situated between the Rio Hondo and the Sabine," be, and the same are hereby, revived

for and during the space of two years from the promulgation of this act.

SEC. 2. *And be it further enacted*, That the register and receiver at Natchitoches shall, severally, receive, as a full compensation for the duties required of them by the acts herein revived, the sum of fifty dollars whenever they shall have finished the business required of them by the acts herein revived, and shall forward their reports to the Secretary of the Treasury.

APPROVED, August 3, 1854.

PUBLIC, LXXVII.—*An Act to increase the Pay of the Rank and File of the Army, and to encourage Enlistments.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the pay of the non-commissioned officers, musicians, and privates of the Army of the United States, shall be increased at the rate of four dollars per month, and to continue for the term of three years from and after the first day of January next, and until otherwise fixed by law.

SEC. 2. *And be it further enacted*, That every soldier, who, having been honorably discharged from the service of the United States, shall, within one month thereafter, reenlist, shall be entitled to two dollars per month in addition to the ordinary pay of his grade, for the first period of five years after the expiration of his previous enlistment, and a further sum of one dollar per month for each successive period of five years, so long as he shall remain continuously in the Army; and that soldiers now in the Army, who have served one or more enlistments, and been honorably discharged, shall be entitled to the benefits herein provided for a second enlistment.

SEC. 3. *And be it further enacted*, That soldiers who served in the war with Mexico, and received a certificate of merit for distinguished services, as well those now in the Army as those that may hereafter enlist, shall receive the two dollars per month to which that certificate would have entitled them had they remained continuously in the Army.

SEC. 4. *And be it further enacted*, That non-commissioned officers, who, under the authority of the seventeenth section of the act approved March third, eighteen hundred and forty-seven, were recommended for promotion by brevet to the lowest grade of commissioned officer, but did not receive the benefit of that provision, shall be entitled, under the condition recited in the foregoing section, to the additional pay authorized to be given to such privates as received certificates of merit.

SEC. 5. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to confer the brevet of second lieutenant upon such meritorious non-commissioned officers as may, under regulations to be established, be brought before an Army Board, composed of four officers of rank, specially convened for the purpose, and be found qualified for the duties of commissioned officers; and to attach them to regiments as supernumerary officers, according to the provisions of the fourth section of the act approved April twenty-ninth, eighteen hundred and twelve, entitled "An act making further provision for the corps of engineers."

SEC. 6. *And be it further enacted*, That the allowance to soldiers employed at work on fortifications, in surveys, in cutting roads, and other constant labor, of not less than ten days, authorized by the act approved March second, eighteen hundred and nineteen, entitled "An act to regulate the pay of the Army when employed on fatigue duty," be increased to twenty-five cents per day for men employed as laborers and teamsters, and forty cents per day when employed as mechanics, at all stations east of the Rocky Mountains, and to thirty-five cents and fifty cents per day, respectively, when the men are employed at the stations west of those mountains.

APPROVED, August 4, 1854.

PUBLIC, LXXVIII.—*An Act to repeal the first proviso of the fourth section of the act entitled "An act granting bounty land to certain Officers and Soldiers who have been engaged in the Military Service of the United States," approved September twenty-eighth, one thousand eight hundred and fifty.*

Be it enacted by the Senate and House of Repre-

representatives of the United States of America in Congress assembled. That the first proviso of the fourth section of the act entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved September twenty-eighth, one thousand eight hundred and fifty, be, and the same is hereby, repealed.

APPROVED, August 4, 1854.

PUBLIC, LXXIX.—*An Act to Incorporate the Pioneer Manufacturing Company of Georgetown, D. C.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Thomas Wilson, Evan Lyons, Esau Pickrell, and Thomas Brown, their associates, successors, and assigns, be, and they are hereby made and constituted a body-corporate and politic, by the name of "The Pioneer Manufacturing Company of Georgetown, D. C.," to be established at Georgetown, in the District of Columbia, and as such shall have succession, and may sue and be sued, implead and be impleaded, in any court of law or equity, and may have and use a common seal, and the same may change and alter at pleasure, and shall have and may exercise all the powers, rights and privileges which are incident to a corporation except as restricted by this act, and which are necessary and proper for manufacturing cotton, woollen, or silk goods or fabrics of various descriptions, and vending the same, and for making and constructing all machinery which may be necessary for the purposes aforesaid; and may purchase, have, hold, use, and enjoy such a quantity of land as may be sufficient for prosecuting the business aforesaid, to erect thereon such buildings and improvements as may be necessary for the purposes aforesaid, and to sell and dispose of the same at pleasure.

SEC. 2. *And be it further enacted,* That the capital stock or property already contributed by the parties hereby incorporated, and their associates, shall be divided into shares of one hundred dollars each, to be distributed amongst the said parties and their associates, in proportion to their respective interests; and the capital stock of the corporation may be increased from time to time, in such manner as the stockholders in general meeting may direct, so that the entire capital stock at any one time shall not exceed two hundred thousand dollars; and the said shares shall be deemed and taken as personal estate, and shall be transferable only on the books of the corporation, and in such manner as may be prescribed by the by-laws thereof; and the owner of one or more such shares shall, in virtue thereof, be entitled at all elections, and in all meetings of the stockholders, to one vote for each and every share which may be owned by him, which said vote may be given in person or by proxy, in such manner as the by-laws may direct.

SEC. 3. *And be it further enacted,* That the management of the business and concerns of said corporation, subject, nevertheless, to such restraint and qualifications as may be prescribed by the by-laws or other votes of the stockholders adopted in general meeting, shall be vested in a board to consist of a president and six directors, who shall be elected by ballot, and shall be stockholders at the time of their election; and they, or a majority of them, shall be a quorum for the transaction of business; that the first board shall be elected within six months after the passage of this act; and the subsequent elections shall be made annually thereafter, on the first Monday in May, at a general meeting of the stockholders, to be convened for the purpose at such time and place; and after such notice as may be fixed by the by-laws of the corporation, or by the president and directors in conformity therewith; but if an election shall not be made on the day appointed for the purpose, it may be made at any time thereafter; and the president and directors, for the time being, shall hold and exercise their offices until a new election shall be made; and in case of a vacancy in the office of president or director, the remaining members of the board shall choose a president or director, as the case may be, to serve until the next annual election.

SEC. 4. *And be it further enacted,* That a general meeting of the stockholders shall be called by the president and directors as often as they may deem

expedient, or as the stockholders by their by-laws or other votes may direct, and may likewise be called by any number of stockholders owning not less than one fourth part of the capital stock; and at least five days' notice of the time and place of such meeting shall be given to each stockholder personally, or by advertisement, to be inserted in a newspaper published daily in the City of Washington; and in any meeting of stockholders for the transaction of any business, the owners of the major part of the capital stock present by person or by proxy, shall form a quorum; and every such meeting shall have full power and authority to provide by ordinary by-laws, or by other vote, for transacting the business of the corporation, which by-laws or vote, whilst in force, shall be binding on the president and directors.

SEC. 5. *And be it further enacted,* That nothing herein contained shall be construed to confer banking privileges on the said corporation, or the power of issuing bank notes, or notes in the nature of bank notes or paper intended to circulate as bank notes or currency: *Provided,* That nothing in this act contained shall be so construed as to prevent the Congress of the United States from altering or repealing the same whenever the public good requires it: *And provided further,* That the stockholders, individually and collectively, shall be responsible for all the acts done, and obligations incurred by the corporation created by this act.

APPROVED, August 4, 1854.

PUBLIC, LXXX.—*An Act making Appropriations for the Service of the Post Office Department during the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-five.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated for the service of the Post Office Department for the year ending the thirtieth of June, one thousand eight hundred and fifty-five, out of any moneys in the Treasury arising from the revenues of the said Department, in conformity to the act of the second of July, one thousand eight hundred and thirty-six:

For transportation of the mails, five million two hundred and seventy-five thousand dollars.

For compensation to postmasters, two millions of dollars.

For ship, steamboat, and way letters, twenty-five thousand dollars.

For wrapping paper, fifty-five thousand dollars.

For office furniture in the post offices, eight thousand dollars.

For advertising, eighty-five thousand dollars.

For mail bags, fifty-five thousand dollars.

For blanks, sixty-five thousand dollars.

For mail locks, keys, and stamps, twenty-five thousand dollars.

For mail depredations and special agents, sixty thousand dollars.

For clerks in the offices of postmasters, five hundred and sixty thousand dollars.

For postage stamps and stamped envelopes, fifty-five thousand dollars.

For miscellaneous items, one hundred and twenty thousand dollars.

For compilation of post routes, as contained in the bill passed at the present session of Congress establishing routes, one thousand dollars.

To enable the Postmaster General to purchase the patent of the clam-shell padlock, should he be of opinion the public service requires it, the sum of five thousand dollars.

SEC. 2. *And be it further enacted,* That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, a sum not exceeding two million three hundred and forty-four thousand four hundred and sixty-four dollars, to supply any deficiency that may arise in the revenues of the Post Office Department to meet the foregoing appropriations for the year ending the thirtieth of June, one thousand eight hundred and fifty-five.

SEC. 3. *And be it further enacted,* That hereafter the Postmaster General be authorized and directed to continue the mail service between Charleston, Key West, and Havana during August and September, by a competent steamer, as it is now being performed during ten months of the year, and that to enable him to do so, ten thousand dollars are

hereby appropriated, out of any money in the Treasury not otherwise appropriated.

SEC. 4. *And be it further enacted,* That there be allowed and paid to the postmaster of Washington city, District of Columbia, out of any money in the Treasury not otherwise appropriated, a commission of one mill per pound upon the aggregate weight of public documents printed by order of Congress and deposited in the office of said postmaster to be mailed; this allowance to commence with the passage of this act, and to continue for one year only, and to be computed from the ascertained weight for the month of January, eighteen hundred and fifty-four. And that the said postmaster be required to pay out of the said commissions to the clerks and other employees of his office a sum not exceeding two hundred and fifty dollars each, per annum, as compensation for the extra labor performed by them in the assortment and mailing of said documents; and that he be required to account for, and settle with, the Post Office Department for the disbursement of these commissions, and any surplus that may remain, in the same manner as is now required in the settlement of his other accounts.

SEC. 5. *And be it further enacted,* That the Postmaster General be authorized and directed to establish a mail on the Mississippi river from Cairo to New Orleans, and from Keokuk, Iowa, to Galena, in Illinois, and that he contract for the same in one lile, or in such divisions or sections, or both, as may be most compatible with the public service; and to facilitate the execution of this section the Postmaster General may make immediate temporary arrangements for carrying said mail by the trip; and if he fails to obtain acceptable bids after advertising for thirty days, he may make private contracts for carrying said mail, and the said mail shall be carried daily from Cairo to New Orleans; but the Postmaster General is authorized, at his discretion, to restrict the delivery of the mail at all other points than Cairo, Memphis, Napoleon, Vicksburg, Natchez, Baton Rouge, and New Orleans, to three mails a week each way: *Provided,* Nothing herein contained shall be so construed as to impair the rights of parties heretofore contracting for said service.

APPROVED, August 5, 1854.

PUBLIC, LXXXI.—*An Act to graduate and reduce the price of the Public Lands to actual Settlers and Cultivators.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of the public lands of the United States which shall have been in market for ten years or upwards, prior to the time of application to enter the same under the provisions of this act, and still remaining unsold, shall be subject to sale at the price of one dollar per acre; and all of the lands of the United States that shall have been in market for fifteen years or upwards, as aforesaid, and still remaining unsold, shall be subject to sale at seventy-five cents per acre; and all of the lands of the United States that shall have been in market for twenty years or upwards, as aforesaid, and still remaining unsold, shall be subject to sale at fifty cents per acre; and all of the lands of the United States that shall have been in market for twenty-five years and upwards, as aforesaid, and still remaining unsold, shall be subject to sale at twenty-five cents per acre; and all lands of the United States that shall have been in market for thirty years or more, shall be subject to sale at twelve-and-a-half cents per acre: *Provided,* This section shall not be so construed as to extend to lands reserved to the United States, in acts granting land to States for railroad or other internal improvements, or to mineral lands held at over one dollar and twenty-five cents per acre.

SEC. 2. *And be it further enacted,* That upon every reduction in price under the provisions of this act, the occupant and settler upon the lands shall have the right of preemption at such graduated price, upon the same terms, conditions, restrictions, and limitations, upon which the public lands of the United States are now subject to the right of preemption, until within thirty days preceding the next graduation or reduction that shall take place; and if not so purchased, shall again be subject to right of preemption for eleven months as before, and so on from time to time, as reductions take place: *Provided,* That nothing in this act

shall be so construed as to interfere with any right which has or may accrue by virtue of any act granting preemption to actual settlers upon public lands.

SEC. 3. *And be it further enacted*, That any person applying to enter any of the aforesaid lands shall be required to make affidavit before the register or receiver of the proper land office, that he or she enters the same for his or her own use, and for the purpose of actual settlement and cultivation, or for the use of an adjoining farm or plantation, owned or occupied by him or herself, and together with said entry, he or she has not acquired from the United States, under the provisions of this act, more than three hundred and twenty acres, according to the established surveys; and if any person or persons taking such oath or affidavit shall swear falsely in the premises, he or she shall be subject to all the pains and penalties of perjury.

APPROVED, August 4, 1854.

PUBLIC, LXXXII.—An Act declaring the Southern Boundary of New Mexico.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, until otherwise provided by law, the territory acquired under the late treaty with Mexico, commonly known as the Gadsden treaty, be, and the same is hereby, incorporated with the territory of "New Mexico," subject to all the laws of said last named Territory.

APPROVED, August 4, 1854.

PUBLIC, LXXXIII.—An Act to extend the Right of Preemption over Unsurveyed Lands in Minnesota, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the preemption act of fourth September, eighteen hundred and forty-one, and the acts amendatory thereof, shall be extended to the lands in Minnesota Territory, whether surveyed or not; but in all cases where preemption is claimed on unsurveyed lands, the settler shall file his declaratory statement within three months after the survey has been made and returned, and make proof and payment before the day appointed by the President's proclamation for the commencement of the sale of the lands, including the tract claimed: *Provided, however*, That if, when the said lands are surveyed, it is found that two or more persons have settled upon the same quarter section, each shall be permitted to enter his improvement, as near as may be, by legal subdivisions.

APPROVED, August 4, 1854.

PUBLIC, LXXXIV.—An Act for the Relief of Thomas Bronaugh, and for the repeal of the "Act to aid the Territory of Minnesota in the Construction of a Railroad therein," approved the twenty-ninth June, eighteen hundred and fifty-four.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby directed to increase the pension of Thomas Bronaugh, who is now on the rolls at four dollars, to the rate of eight dollars per month, to commence January first, eighteen hundred and fifty-four.

SEC. 2. *And be it further enacted*, That the bill entitled "An act to aid the Territory of Minnesota in the construction of a railroad therein," which passed the House of Representatives on the twentieth day of June, eighteen hundred and fifty-four, and which was approved by the President of the United States on the twenty-ninth day of June, eighteen hundred and fifty-four, be, and the same is hereby, repealed.

APPROVED, August 4, 1854.

PUBLIC, LXXXV.—An Act making Appropriations for the Support of the Army for the year ending the thirtieth of June, one thousand eight hundred and fifty-five.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending the

thirtieth of June, one thousand eight hundred and fifty-five:

For pay of the Army, one million eight hundred and thirty-nine thousand and seventy-one dollars.

For commutation of officers' subsistence, six hundred and twenty-four thousand three hundred and thirty-six dollars.

For commutation of forage for officers' horses, one hundred and four thousand eight hundred and thirty-two dollars.

For payments in lieu of clothing for officers' servants, thirty-six thousand three hundred and fifty dollars.

For expenses of recruiting, fifty-five thousand two hundred dollars.

For three months' extra pay for non-commissioned officers, musicians, and privates, on reenlistment, ten thousand dollars.

For subsistence in kind, one million and twenty-eight thousand four hundred and ninety-seven dollars.

For clothing for the Army, camp and garrison equipage, four hundred and eighty thousand three hundred and fifty-nine dollars and thirty-eight cents.

For the regular supplies of the Quartermaster's Department, consisting of fuel, forage in kind for the horses, mules, and oxen of the Quartermaster's Department, at the several military posts and stations, and with the armies in the field; for the horses of the first and second regiments of dragoons, the companies of light artillery, the regiment of mounted riflemen, and such companies of infantry as may be mounted, and also for the authorized number of officers' horses, when serving in the field, and at the outposts; of straw for soldiers' bedding, and of stationery, including company and other blank books for the Army, certificates for discharged soldiers, blank forms for the pay and Quartermaster's Departments, and for the printing of division and department orders, Army regulations and reports, nine hundred and fifty thousand dollars.

For the incidental expenses of the Quartermaster's Department, consisting of postage on letters and packets received and sent by officers of the Army on public service; expenses of courts-martial and courts of inquiry, including the additional compensation to judges-advocate, recorders, members, and witnesses, while on that service, under the act of March sixteenth, eighteen hundred and two; extra pay to soldiers employed, under the direction of the Quartermaster's Department, in the erection of barracks, quarters, storehouses, and hospitals; the construction of roads and other constant labor, for periods of not less than ten days, under the act of March second, eighteen hundred and nineteen, including those employed as clerks at division and department headquarters; expenses of express to and from the frontier posts and armies in the field; of escorts to paymasters, other disbursing officers, and trains, when military escorts cannot be furnished; expenses of the interment of non-commissioned officers and soldiers; authorized office furniture; hire of laborers in the Quartermaster's Department, including hire of interpreters, spies, and guides for the Army; compensation of clerk to officers of the Quartermaster's Department; compensation of forage and wagonmasters, authorized by the act of July, eighteen hundred and thirty-eight; for the apprehension of deserters, and the expenses incident to their pursuit; the various expenditures required for the first and second regiments of dragoons, the companies of light artillery, the regiment of mounted riflemen, and such companies of infantry as may be mounted, viz: horse equipments, the purchase of traveling forges, blacksmiths' and shoeing tools, horse and mule shoes, iron and steel for shoeing, hire of veterinary surgeons, purchase of medicines for horses and mules, shoeing horses of mounted corps and repairing dragoon and rifle equipments, three hundred and seventy-five thousand three hundred and sixty-eight dollars and thirty-two cents.

For constructing barracks and other buildings at posts, which it may be necessary to occupy during the year, and for repairing, altering, and enlarging buildings at the established posts, including hire or commutation of quarters for officers; hire of quarters for troops, of storehouses for the safe-keeping of military stores, and of grounds for summer cantonments; for encamp-

ments and temporary frontier stations, six hundred and twenty thousand dollars.

For mileage or allowance made to officers for the transportation of themselves and baggage, when traveling on duty without troops, one hundred and twenty thousand dollars.

For transportation of the Army, including the baggage of the troops, when moving either by land or water; of clothing, camp and garrison equipage, and horse equipments, from the depot at Philadelphia to the several posts and Army depots; of subsistence from the places of purchase, and from the places of delivery, under contract, to such places as the circumstances of the service may require it to be sent; of ordnance, ordnance stores, and small arms, from the foundries and armories to the arsenals, fortifications, frontier posts, and Army depots; freights, tolls, and ferries; for the purchase and hire of horses, mules, oxen, wagons, carts, drays, ships, and other sea-going vessels and boats, for the transportation of supplies, and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters; transportation of funds for the pay and other disbursing departments; the expense of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific; and for procuring water at such posts as from their situation require that it be brought from a distance, one million two hundred thousand dollars.

For the purchase of horses required for the first and second regiments of dragoons, the companies of light artillery, and the regiment of mounted riflemen, one hundred and fifty thousand dollars.

For contingencies of the Army, six thousand dollars.

For the medical and hospital departments, fifty-one thousand two hundred and forty dollars.

For contingent expenses of the adjutant general's department, as division and department headquarters, four hundred dollars.

For repair and preparation of the pontoon-bridge train, to be stored and kept in readiness for the field, fifteen thousand dollars.

For armament of fortifications, one hundred and twenty-five thousand dollars.

For ordnance, ordnance stores, and supplies, seventy-five thousand dollars.

For the current expenses of the ordnance service, one hundred thousand dollars.

For the manufacture of arms at the national armories, two hundred and fifty thousand dollars: *Provided*, That so much of all laws heretofore passed, which authorize the appointment of military officers to superintend the operations at the national armories, be, and the same is hereby, repealed; and from and after the passage of this act, it shall be the duty of the President of the United States, by and with the advice and consent of the Senate, to appoint a competent and well qualified civilian as superintendent at each of said armories.

For repairs and improvements and new machinery at Harper's Ferry, thirty-five thousand one hundred dollars.

For arsenals, thirty-three thousand three hundred and ten dollars.

For the completion of magazine at Jefferson barracks, Missouri, twenty-five thousand dollars.

For an iron steamer to be used in the survey of the northwestern lakes, including Lake Superior, under the War Department, fifty thousand dollars.

For military and geographical surveys west of the Mississippi, twenty-five thousand dollars.

For continuing the survey of the northern and northwestern lakes, including Lake Superior, fifty thousand dollars.

For repairs of instruments of the Corps of Topographical Engineers, five thousand dollars.

For printing and distributing charts of lake surveys, one thousand five hundred dollars.

For the purchase of Barlow's planetarium, for the use of the Military Academy at West Point, two thousand dollars.

For fuel and quarters for officers of the Army serving on light-house duty, the payment of which is no longer made or provided for by the Quartermaster's Department, five thousand and sixty-three dollars and sixty-seven cents.

For continuing the explorations and surveys to ascertain the best route for a railway to the Pacific, and for completing the reports of surveys already made, the sum of one hundred and fifty thousand dollars.

For fuel and quarters, and for mileage or transportation for officers and enlisted soldiers of the Army serving in the Coast Survey, in cases no longer provided for by the Quartermaster's Department, ten thousand dollars.

For arrearages prior to July first, one thousand eight hundred and fifteen, payable through the office of the Third Auditor, under an act approved May the first, one thousand eight hundred and twenty, in addition to a balance of seven thousand six hundred and fifty-three dollars and five cents undrawn in the Treasury on the thirtieth of September, one thousand eight hundred and fifty-three, three thousand five hundred dollars.

For fuel and quarters, and for mileage or transportation for officers and enlisted soldiers of the Army serving in the Coast Survey, in cases no longer provided for by the Quartermaster's Department, ten thousand dollars.

For arrearages prior to July first, one thousand eight hundred and fifteen, payable through the office of the Third Auditor, under an act approved May the first, one thousand eight hundred and twenty, in addition to a balance of seven thousand six hundred and fifty-three dollars and five cents undrawn in the Treasury on the thirtieth of September, one thousand eight hundred and fifty-three, three thousand five hundred dollars.

For purchase of a site, and construction of an arsenal, at Benicia, California, thirty-three thousand nine hundred and eighty-five dollars.

For the sword ordered to be presented to Brevet Major (General) John E. Wool, by the joint resolution approved January twenty-fourth, eight[een] hundred and fifty-four, one thousand five hundred dollars.

For payment of claims adjudicated by the board of Army officers, appointed by the Secretary of War, under the sixth section of the act of August thirty-first, eighteen hundred and fifty-two, one hundred and twenty-nine thousand eight hundred and eighty-five dollars and twenty-three and a half cents.

For the purchase of the best breach-loading rifles in the opinion of the Secretary of War, for the use of the United States Army, ninety thousand dollars: *Provided*, That the Secretary of War, after a fair practical test thereof, shall deem the purchase advisable and proper.

That the proper accounting officers of the Treasury be, and they are hereby, directed, in the settlement of the accounts of Captain Joseph L. Folsom, assistant quartermaster of the United States Army, to receive parol testimony of the disbursements made by him as such assistant quartermaster, in lieu of vouchers for such disbursements which were destroyed by the fire in the City of San Francisco, on the fourth of May, *Anno Domini* eighteen hundred and fifty-one, and that upon the testimony so taken, if satisfactory to the Department, the accounts of said assistant quartermaster shall be audited and settled according to the principles of equity and justice: *Provided*, That the sum allowed shall not exceed the balance now due from said Folsom to the Treasury.

Shawnees.—For the first installment of interest at five per cent. on forty thousand dollars for education, per third article of the treaty of May tenth, eighteen hundred and fifty-four, two thousand dollars.

For the first of eight annual installments of money in payment for lands, per third article of the treaty May tenth, eighteen hundred and fifty-four, one hundred thousand dollars.

For the expenses of surveying the lands and setting apart the surplus, as provided in the fifth article of the treaty May tenth, eighteen hundred and fifty-four, nine thousand nine hundred and thirty-six dollars.

For payment for relinquishment of certain permanent and other annuities, and satisfaction for losses, damages, and claims, per eleventh article of the treaty of May tenth, eighteen hundred and fifty-four, twenty-seven thousand dollars.

Kaskaskia and Peori, and Wea and Piankeshaw.—For the expenses of surveying the land, as provided in the third and fourth articles of the treaty of May thirtieth, eighteen hundred and fifty-four, five thousand three hundred dollars.

For payment of the first of three installments in money of thirteen thousand dollars each for purchase of former permanent annuities and relinquishment of claims and damages, per sixth article

of the treaty of May thirtieth, eighteen hundred and fifty-four, thirteen thousand dollars.

For the first of five installments for support of a blacksmith and assistant, per sixth article of the treaty thirtieth May, eighteen hundred and fifty-four, seven hundred and twenty dollars.

For the first of five installments for the purchase of iron and steel, per sixth article of the treaty of thirtieth May, eighteen hundred and fifty-four, two hundred and twenty dollars.

For the erection of a smiths' shop, and purchase of tools therefor, per sixth article of the treaty of thirtieth May, eighteen hundred and fifty-four, one hundred and twenty dollars.

Miamies.—For expenses of surveying the lands, as provided in the second article of the treaty of June fifth, eighteen hundred and fifty-four, seven thousand four hundred and fifty-two dollars.

For interest at the rate of five per centum on fifty thousand dollars for educational purposes, etc., per third article of the treaty of June fifth, eighteen hundred and fifty-four, two thousand five hundred dollars.

Reappropriation: For payment of the valuation of improvements on lands ceded as stipulated in the sixth article of the treaty of eighteen hundred and thirty-four, and the seventh article of the treaty of eighteen hundred and thirty-eight, (the amount having been carried to the surplus fund by warrant number ninety-four of treaty of fourth September, eighteen hundred and fifty-two, per fourth article of the treaty of June fifth, eighteen hundred and fifty-four,) eight thousand dollars and sixty-eight cents.

For the payment of the Miamies residing on the ceded lands, of the first of six equal annual installments for purchase of former perpetual and other annuities and relinquishment of claims, etc., per fourth article of the treaty June fifth, eighteen hundred and fifty-four, thirty-one thousand seven hundred and thirty-nine dollars and eleven cents.

For payment in full to John Grigg and Sash-o-quash, as provided in the fourth article of said last mentioned treaty, nine thousand six hundred and eighty-nine dollars and twenty-two cents.

For payment of the claims of Miamies, who live on the ceded lands, for damages and loss of stock and other property, and for losses of improvements, etc., caused by their removal from Sugar Creek, per fourth article of the treaty of June fifth, eighteen hundred and fifty-four, seven thousand seven hundred and seventy-five dollars and eighty-two cents.

For payment of the expenses incurred in negotiating the articles of May twelfth, eighteen hundred and fifty-four, with the Menomonee Indians; supplemental and amendatory to the treaty of October eighteenth, eighteen hundred and forty-eight, nine hundred and fifty dollars.

For extra clerk hire for the service of the Indian office, for one year, commencing on the first of August, eighteen hundred and fifty-four, five thousand six hundred dollars.

For payment of the expenses of the delegates of the Creek nation of Indians now in this city, one thousand one hundred and ninety-nine dollars and fifty-five cents: *Provided*, That the following appropriations contained in the Indian appropriation act, passed at the present session, are hereby annulled and repealed:

For fulfilling treaties with the Shawnees; permanent provision for salt, sixty dollars; blacksmith and assistant, eight hundred and forty dollars; iron and steel, two hundred and twenty dollars.

For fulfilling treaties with the Piankeshaws, in permanent annuities, eight hundred dollars.

For fulfilling treaties with the Weas, permanent annuity, three thousand dollars.

For fulfilling treaties with the Miamies; money in lieu of laborers, two hundred and fifty dollars; agricultural implements, two hundred dollars.

For fulfilling treaties with the Delawares; permanent annuity, fourth article, treaty of August, seventeen hundred and ninety-five, one thousand dollars; permanent annuity third article of treaty of September, eighteen hundred and nine, five hundred dollars; permanent annuity, fifth article, treaty of October, eighteen hundred and eighteen, four thousand dollars; permanent annuity, article supplementary, &c., (eighteen hundred and twenty-nine), one thousand dollars; permanent provisions for blacksmith, October, eighteen hundred and eighteen, seven hundred and twenty dollars;

permanent provisions for iron and steel for shop, October, eighteen hundred and eighteen, two hundred and twenty dollars.

For payment, as stipulated by the article dated June thirteenth, eighteen hundred and fifty-four, supplementary to the treaty at Fort Gibson, of November twenty-third, eighteen hundred and thirty-eight, to individuals of the Creek nation, for "claims for property and improvements abandoned or lost, in consequence of their emigration west of the Mississippi," to be distributed, under the direction of the chiefs and the agent of the United States for the Creeks, in the proportion as set forth and determined in the schedule referred to in the second article of the said treaty of November twenty-third, eighteen hundred and thirty-eight, three hundred and fifty thousand dollars: *Provided further*, That the appropriation of seventeen thousand, five hundred dollars, for interest thereon contained in the Indian appropriation act, passed at the present session, be, and the same is hereby, repealed.

For completing the Mendota and big Sioux river road, in accordance with the estimates of the Secretary of War, twenty-five thousand dollars, to be expended under the direction of the Secretary of War.

SEC. [2.] *And be it further enacted*, That the amount which it may be found necessary to pay under the act of twenty-seventh March, eighteen hundred and fifty-four, to the widows and orphans of the United States troops who perished by the recent disaster to the steamship San Francisco, be paid out of any money in the Treasury not otherwise appropriated.

SEC. [3.] *And be it further enacted*, That the act approved September twenty-eight, one thousand eight hundred and fifty, entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," the act approved March twenty-second, one thousand eight hundred and fifty-two, entitled "An act to make land warrants assignable, and for other purposes," and the act approved February third, one thousand eight hundred and fifty-three, entitled "An act to continue half pay to certain widows and orphans" shall not be so construed as to deprive any widow from the benefits therein granted for the services of her husband, though she may have married again: *Provided, however*, That the applicant is a widow at the time of making the claim: *Provided*, Such party shall not receive pension during coverture.

SEC. [4.] *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized and directed to receive and cause to be placed on the files of his Department, such additional muster-rolls of the battalion of volunteers commanded by Lieutenant Colonel J. C. Fremont in California, duly authenticated by the proper officers, as have not heretofore been received and filed, and to cause such corrections of the muster-rolls to be made in regard to the periods of enlistment and terms of service, and the omission of names of the members of said battalion as, upon satisfactory proof, he may deem right and proper, and as far as practicable, to correspond with the pay-rolls of Major P. B. Reading, paymaster of said battalion with respect to the period of service, so that all who served in the military service of the United States in California during the late war with Mexico, whether under the command of naval or military officers, may be entitled to all the benefits of all the acts of Congress, providing for the enrollment of volunteers in the Mexican war: *Provided*, That no payment shall be made in consequence of this section, beyond the sum heretofore appropriated.

SEC. [5.] *And be it further enacted*, That the joint resolution entitled "A resolution explanatory of the act appropriating money for the removal of the raft of Red river," approved January seventh, eighteen hundred and fifty-three, be, and hereby is, repealed; and that the Secretary of the Department of War be authorized to expend the appropriation in reference to the Red river raft, in such way, and for such purposes as he may approve, having in view the improvement of the navigation of Red river, in and around the said raft.

SEC. [6.] *And be it further enacted*, That in the event that the Secretary of War shall deem it inconsistent with the interests of the military service to furnish a sufficient portion of the military buildings at Fort Leavenworth for the use of the

territorial government of Kansas, the sum of twenty-five thousand dollars shall be, and in that contingency hereby is, appropriated for the erection of public buildings for the use of the Legislature of the Territory of Kansas, to be expended under the directions of the Governor of said Territory.

SEC. 7. [7.] *And be it further enacted*, That the sums appropriated by the act of March third, eighteen hundred and forty-nine, for the removal and subsistence of the Menomonees, and for the establishment of a manual-labor school, &c., for them, and now remaining in the Treasury, together with the sums for pay of a miller heretofore appropriated, be paid to or expended for the benefit of said Menomonee Indians, according to the stipulations of said supplementary and amendatory articles.

SEC. 2. [8.] *And be it further enacted*, That of the appropriation of fifty thousand dollars "for continuing the topographical and hydrographical survey of the Delta of the Mississippi, with such investigations as may lead to determine the most practicable plan for securing it from inundation," approved August thirty-first, one thousand eight hundred and fifty-two, the sum of five thousand dollars may be applied, under the special direction of the Secretary of War, to the payment of any expenses connected with said survey and investigations, incurred prior to the first of July, one thousand eight hundred and fifty-two.

SEC. 3. [9.] *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized and directed to examine into and ascertain the amount of expenses incurred, and now actually paid, by the State of California in the suppression of Indian hostilities within the said State prior to the first of January, Anno Domini eighteen hundred and fifty-four, and that the amount of such expenses, when so ascertained, be paid into the treasury of said State: *Provided*, That the sum so paid shall not exceed in amount the sum of nine hundred and twenty-four thousand two hundred and fifty-nine dollars and sixty-five cents; which amount is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated.

APPROVED, August 5, 1854.

PUBLIC, LXXXVI.—*An Act making Appropriations for the Naval Service for the year ending the thirtieth of June, one thousand eight hundred and fifty-five.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the year ending the thirtieth of June, one thousand eight hundred and fifty-five.

For pay of commission, warrant, and petty officers, and seamen, including the engineer corps of the Navy, three million three hundred and sixty-seven thousand six hundred and forty-eight dollars.

For pay of superintendents, naval contractors, and all the civil establishments at the several navy-yards and stations, one hundred and fifteen thousand, three hundred and fifty dollars.

That at the navy-yard at San Francisco, the pay of the commander shall be three thousand five hundred dollars per annum. One civil engineer, four thousand dollars per annum, and the pay of the navy agent, who shall discharge the duties of both purser and navy agent, shall be four thousand dollars per annum.

For provisions for commission, warrant, and petty officers, and seamen, including engineers and marines attached to vessels for sea service, six hundred and eighty-six thousand two hundred dollars.

For surgeons' necessities and appliances for the sick and hurt of the Navy, including the marine corps, thirty-five thousand five hundred and seventy-five dollars.

For repair of vessels in ordinary, and for wear and tear of vessels in commission, including fuel and purchase of hemp, two million five hundred and thirty-four thousand nine hundred and fifty dollars.

For ordnance and ordnance stores and small-arms, including incidental expenses, two hundred thousand dollars.

For preparing for publication the American

Nautical Almanac, twenty thousand, eight hundred and eighty dollars: *Provided*, That any naval officer who may be charged with the preparation, superintendence, or publication of the Nautical Almanac, shall receive no compensation for such duty beyond what he would receive while on duty at sea.

For the purchase of nautical instruments required for the use of the Navy, for repairs of the same, and also of astronomical instruments, and for the purchase of nautical books, maps, and charts, and for backing and binding the same, twenty-three thousand dollars.

For printing and publishing sailing directions, hydrographical surveys, and astronomical observations, five thousand five hundred dollars.

For models, drawing and copying, postage, freight and transportation, and for working lithographic press, including chemicals; for keeping grounds in order; for fuel and lights, for repairs of buildings, and for all other contingent expenses of the hydrographical office, and United States Observatory, six thousand one hundred dollars.

For continuing the publication of the series of wind and current charts, and for defraying all the expenses connected therewith, ten thousand dollars.

To enable the Secretary of the Navy to pay the salary of Professor James P. Espy for the current fiscal year ending June thirtieth, eighteen hundred and fifty-five, two thousand dollars; the payment to be made in the same manner and under the like control as former appropriations for meteorological observations.

For the wages of persons employed at the observatory and hydrographical office, viz: One lithographer, one instrument maker, two watchmen, and one porter, three thousand one hundred and sixty dollars.

For contingent expenses that may accrue for the following purposes, viz: Freight and transportation, printing and stationery, advertising in newspapers, books, maps, models, and drawings, purchase and repair of fire engines and machinery, repairs of and attending to steam-engines in navy-yards, purchase and maintenance of horses and oxen, and driving teams, carts, timber wheels, and the purchase and repair of workmen's tools, postage of public letters, fuel, oil, and candles for navy-yards and shore stations, pay of watchmen, and incidental labor, not chargeable to any other appropriation, labor attending the delivery of stores on civil stations, wharfage, dockage, and rent, traveling expenses of officers and others under orders, funeral expenses, store and office rent, stationery, fuel, commissions and pay of clerks to navy agents and storekeepers, flags, awnings, and packing boxes, premiums and other expenses of recruiting, apprehending deserters, per diem pay to persons attending courts-martial and courts of inquiry, and other services authorized by law, pay to judges-advocate, pilotage and towage of vessels and assistance to vessels in distress, bills of health and quarantine expenses of the United States Navy in foreign ports, seven hundred and six thousand eight hundred and sixty dollars.

To enable the Secretary of the Navy to test any improvements in steam boilers or other improvements applicable to naval purposes, ten thousand dollars.

For the erection and repair of buildings, for the improvement and preservation of the grounds, and for contingencies, at the Naval Academy, at Annapolis, Maryland, thirty-nine thousand six hundred and seventy-eight dollars: *Provided*, That no part of this sum shall be expended for the workshop until a contract, with security, to be approved by the Secretary of the Navy, be entered into for the completion of the same, at a sum not exceeding five thousand dollars, and herein provided for.

For the purchase of Barlow's planetarium for the use of the Naval Academy at Annapolis, Maryland, two thousand dollars.

For construction, extension, and completion of the following objects, and for contingent expenses at the several navy-yards, viz:

Portsmouth, New Hampshire.—For quay wall connecting with dock basin; completing engine-house and machinery; tools for machinists and smiths; launching and hauling up ways; cisterns for officers' quarters; extending ship-house number four; extension of ship-house and launching slip, and repairs of all kinds, sixty-three thousand five hundred and fifty dollars.

Boston, Massachusetts.—For machine shop, smithery, foundry and forge shop, boiler-house and chimney, new steam-engine for dry-dock; extension of ship-house and slip, and repairs of all kinds, one hundred and sixty-six thousand seven hundred and fifty dollars.

New York, New York.—Towards foundry and boiler shop; completing saw-mill; continuation of quay wall; dredging channels; lightning conductors; water-pipes; iron railing on wall along Navy street; extension of ship-house and slip; saw-mill machinery; launching slip; balance due city of Brooklyn for lien on account of assessments, and repairs of all kinds, one hundred and seventy-one thousand six hundred and fifteen dollars: *Provided*, That so much of the first section of the act making appropriations for the naval service for the year ending the thirtieth of June, one thousand eight hundred and fifty-four, approved third of March, one thousand eight hundred and fifty-three, as empowers and directs the Secretary of the Navy "to sell and convey to any purchaser, all that part of the navy-yard lands at Brooklyn, between the west side of Vanderbilt avenue and the hospital grounds, containing about twenty-six and a half acres, including Vanderbilt and Clinton avenues," be, and the same is hereby, repealed.

Philadelphia, Pennsylvania.—For furnace for heating mast hoops; steam stove for boat shed; raising old steam box-house; completing wharf number four; raising engine-house; extension of ship-house and slip, and repairs of all kinds, thirty-seven thousand seven hundred and twenty-six dollars.

Washington, District of Columbia.—For completion of saw-mill; completion of ordnance building; completion of marine railway; extending boiler shop; converting old ordnance to machine shop; quay wall, removing shears, extension of ship-house and slip, filling in around foundry and laboratory, dredging channels; machinery; steam hammer and slanting machine, and repairs of all kinds, two hundred and twenty-three thousand and sixty seven dollars.

Norfolk, Virginia.—For brick saw sheds, completing storehouse number fourteen, sheds and machinery for saw-mill; setting up engine, boilers, and machinery, culvert, continuation of quay walls, dredging channel reservoir; commencing foundry and machinery for the same; extension of ship-house and slip; gas fixtures and pipes for lighting grounds and buildings, and repairs of all kinds, one hundred and sixty-two thousand two hundred and eighty-one dollars.

Pensacola, Florida.—For continuation of permanent wharf; engine and blast pipes; for smiths' and machine shop, and repairs of all kinds, one hundred and forty-three thousand five hundred dollars.

Navy-Yard, San Francisco.—For continuing blacksmiths' shop, carpenter shop, storehouse, wharf, two hundred thousand dollars.

Sackett's Harbor, New York.—For raising end of ship-house, and building pier; leveling and grading, and repairs of all kinds, five thousand and fifty dollars.

For magazines:

At Boston.—For filling room in number fifteen, and repairs of all kinds, one thousand three hundred and sixty-five dollars.

At New York.—For addition to magazine, repairs, and extension of shell-house, and repairs of all kinds, eleven thousand three hundred and fifty-nine dollars.

At Washington.—For ordnance works, and platform for shot, ten thousand nine hundred dollars.

At Norfolk.—For completing magazine at Norfolk, and repairs of sheds, fourteen thousand six hundred dollars.

For hospitals:

At Boston.—For repairs of all kinds, one thousand dollars.

At New York.—For piling and fencing boundary, and repairs of all kinds, four thousand three hundred dollars.

At Philadelphia.—For water-rent for one thousand eight hundred and fifty-five, and repairs of all kinds, four thousand seven hundred and forty-five dollars.

At Norfolk.—For repairs of all kinds, one thousand dollars.

At Pensacola.—For lightning conductors and repairs of all kinds, four thousand five hundred and eighty-one dollars.

That the law approved third March, eighteen hundred and forty-three, directing advertisements for materials for the Navy, be, and is hereby, so modified, as to require the classes only of materials to be stated in the advertisements, and bidders to be referred to the several Navy agents and chiefs of bureaus, who will furnish them with printed schedules, giving a full description of each and every article, with dates of delivery, &c.

Marine Corps.—For pay of the officers, non-commissioned officers, musicians, and privates, clerks, messengers, stewards, and servants; for rations and clothing for servants; subsistence and additional rations for five years' service of officers; for undrawn clothing and rations, bounties for reenlistments, and pay for unexpired terms of previous service, two hundred and thirty-seven thousand one hundred and sixteen dollars and forty-four cents.

That the non-commissioned officers, musicians, and privates of the United States marine corps, shall be entitled to, and receive the same pay and bounty for reenlisting as are now, or may hereafter, be allowed to the non-commissioned officers, musicians, and privates in the infantry of the Army.

For provisions for marines serving on shore, twenty-nine thousand nine hundred and eighty-four dollars and seventy-five cents.

For clothing, fifty-two thousand and sixty-four dollars.

For fuel, fourteen thousand one hundred and ninety-four dollars and fifty cents.

For military stores, repairs of arms, pay of armorer; for accouterments, ordnance stores, flags, drums, fife, and musical instruments, eight thousand dollars.

For transportation of officers, and troops, and expenses of recruiting, twelve thousand dollars.

For repairs of barracks, and rent of temporary barracks and offices, six thousand dollars.

For contingencies, viz: freight, ferrage, cartage, and wharfage; compensation to judges-advocate; per diem for attending courts-martial and courts of inquiry; for constant labor, house rent in lieu of quarters, burial of deceased marines, printing, advertising, stationery, forage, postage, pursuit of deserters, candles, oil, straw, furniture, bed-sacks, spades, shovels, axes, picks, and carpenters' tools, expense of a horse for messenger, pay of matron, washerwoman, and porter, for the hospital at headquarters, twenty-five thousand dollars.

For the reappropriation of the following sums carried to the surplus fund, under the provisions of the tenth section of the act entitled "An act making appropriations for the civil and diplomatic expenses of the Government for the year ending the thirtieth of June, one thousand eight hundred and fifty-three, and for other purposes," approved thirty-first of August, one thousand eight hundred and fifty-two, to be applied to the payment of all expenses incurred prior to the first day of July, one thousand eight hundred and fifty-two.

For carrying into effect the provisions of the act providing for the prosecution of the war between the United States and the Republic of Mexico, twenty-six thousand one hundred and fifty-six dollars and fifty cents.

SEC. 2. "And be it further enacted, That the provisions contained in the act of the twenty-second April, eighteen hundred and fifty-four, adding a pay to the percentage to the pay of the clerks employed at the navy-yard" in Washington city, be construed so as to include the clerks and messenger in the office of the navy agent for said yard, and the messenger in the commandant's office.

SEC. 3. "And be it further enacted, That all the grounds and appurtenances thereunto belonging, known as the Memphis navy-yard, in Shelby county, Tennessee, be, and the same is hereby, ceded to the Mayor and Aldermen of the city of Memphis, for the use and benefit of said city, and that the Secretary of the Navy order the commandant of said navy-yard at Memphis, to surrender to the Mayor of Memphis said property: Provided, That the accounting officers of the Treasury, in settling the accounts of the late Navy agent at Memphis, shall not deduct the sum of two thousand nine hundred and sixty-four dollars and fifty-nine cents already received by him and passed to his credit on the books of the Treasury Department, from his salary as acting purser, provided for by an act making appropriations for the naval

service of the country for the for the year ending the thirtieth of June, eighteen hundred and fifty-three.

SEC. 4. "And be it further enacted, That the two 'general orders' of the Secretary of the Navy, dated August thirty-one, eighteen hundred and forty-six, and May twenty-seven, eighteen hundred and forty-seven, upon relative rank, shall have the force and effect of law.

SEC. 5. "And be it further enacted, That the pay of the boatswains, gunners, carpenters, and sail-makers of the Navy, shall be as follows:

On leave or waiting orders, per annum, six hundred dollars; shore duty, seven hundred dollars; sea service, nine hundred dollars: An addition of two per centum upon the foregoing rates for every year's sea service, and an addition upon sea pay of ten per centum when serving in ships, with four hundred men, and twenty per centum, when serving in ships with nine hundred men.

APPROVED, August 5, 1854.

PUBLIC, LXXXVII.—*An Act to carry into effect a Treaty between the United States and Great Britain, signed on the fifth day of June, eighteen hundred and fifty-four.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the President of the United States shall receive satisfactory evidence that the Imperial Parliament of Great Britain and the Provincial Parliaments of Canada, New Brunswick, Nova Scotia, and Prince Edward's Island, have passed laws on their part to give full effect to the provisions of the treaty between the United States and Great Britain, signed on the fifth of June last, he is hereby authorized to issue his proclamation, declaring that he has such evidence, and thereupon, from the date of such proclamation, the following articles being the growth and produce of said Provinces of Canada, New Brunswick, Nova Scotia, and Prince Edward's Island, to wit:

Grain, flour, and breadstuffs of all kinds; animals of all kinds; fresh, smoked and salted meats; cotton wool; seeds and vegetables; undried fruits; dried fruits; fish of all kinds; products of fish and all other creatures living in the water; poultry; eggs; hides, furs, skins or tails undressed; stone or marble in its crude or unwrought state; slate; butter, cheese, tallow; lard; horns; manures; ores of all kinds; coal; pitch, tar, turpentine; timber and lumber of all kinds, round, hewed, and sawed, unmanufactured in whole or in part; fire-wood, plants, shrubs, and trees; pelts; wool; fish oil; rice; broom-corn and bark; gypsum, ground or unground; hewn or wrought or unwrought burr or grindstones; dye-stuffs; flax, hemp, and tow, unmanufactured; unmanufactured tobacco; rags—

Shall be introduced into the United States free of duty, so long as the said treaty shall remain in force; subject, however, to be suspended in relation to the trade with Canada, on the condition mentioned in the fourth article of the said treaty: And all the other provisions of the said treaty shall go into effect, and be observed on the part of the United States.

SEC. 2. "And be it further enacted, That whenever the Island of Newfoundland shall give its consent to the application of the stipulations and provisions of the said treaty to that Province, and the Legislature thereof and the Imperial Parliament shall pass the necessary laws for that purpose, the above enumerated articles shall be admitted free of duty from that Province into the United States, from and after the date of a proclamation by the President of the United States, declaring that he has satisfactory evidence that the said Province has consented, in a due and proper manner, to have the provisions of the treaty extended to it, and to allow the United States the full benefits of all the stipulations therein contained.

APPROVED, August 5, 1854.

PUBLIC, LXXXVIII.—*An Act to Establish certain additional Post Roads.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following be established as post roads:

In Mississippi.—From Grenada to a point on Tallahatcha river, near Dudley S. Bennett's plantation. From Philadelphia to Pensacola.

In Louisiana.—From Greensburg to a point intersecting the railroad from New Orleans to Jackson, Mississippi, at or near the house of Benjamin Weil.

In Virginia.—From Muddy Creek, in Preston county, via Greensburg, Cranesville, Old Lang Run, and Accidence, to Addison, in Maryland.

In Texas.—From Johnson's Station, via Fort Worth, to Fort Belknap.

In Iowa.—From Fort Madison, via West Point and Big Mound, to Keosauqua.

APPROVED, August 5, 1854.

PUBLIC, LXXXIX.—*An Act granting the Right of Way to the Marysville and Benicia Railroad Company through and over the grounds of the United States at Benicia, in California.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way, sixty-six feet in width, shall be, and is hereby, granted to the Marysville and Benicia Railroad Company, for the road of said company, through and over the grounds of the United States, at and near Benicia, in Solano county, and State of California: Provided, That the route of said railroad across said grounds be approved by the Secretary of War before the same is entered upon for the purpose of constructing said railroad: And provided further, That the same be granted without detriment to the public interest in the opinion of the Secretary of War.

APPROVED, August 5, 1854.

PUBLIC, XC.—*An Act to repeal the First Proviso of the fourth section of the act entitled "An act granting Bounty Land to certain Officers and Soldiers who have been engaged in the Military Service of the United States," approved September twenty-eighth, one thousand eight hundred and fifty.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first proviso of the fourth section of the act entitled "An act granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved September twenty-eighth, one thousand eight hundred and fifty, be, and the same is hereby, repealed.

APPROVED, August 5, 1854.

PUBLIC, XCI.—*An Act authorizing the Payment of balance of the Property Accounts between the United States and the State of New York, for Military Stores, in the War of eighteen hundred and twelve.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Governor of the State of New York the sum of eleven thousand nine hundred and twenty-nine dollars and forty-five cents, that being the balance due said State, arising out of issues of military stores by said State to officers of the United States Army, and to volunteers and militia in the service of the United States during the war with Great Britain, declared in eighteen hundred and twelve.

APPROVED, August 5, 1854.

PUBLIC, XCII.—*An Act for the Relief of the Inhabitants of Township forty-five, range one, in Warren County, Missouri.*

Whereas the concession of six hundred arpens of land by C. D. Delassus, the Lieutenant Governor of Upper Louisiana, to Andrew Kinaird, and which concession was confirmed by the act of Congress of July fourth, eighteen hundred and thirty-six, entitled "An act confirming claims to land in the State of Missouri, and for other purposes," was located prior to the surveys of the public lands in Missouri; and whereas, upon the survey of said lands one half of section sixteen, of township forty-five of range one west, in Warren county, Missouri, was covered by the concession to said Kinaird: Therefore—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the board of directors of common schools in and for said township be, and they are hereby, authorized to select and have set apart, for the use of schools in said township, one half of a section of any of the public lands in the land district within which said county is situated, in

lieu of the half of said section sixteen, which is covered by the concession to said Kinaird; and when the said board of directors shall make the selection of said half section, the[y] shall notify the register of the land office in said district of the land so selected, and the same shall be reserved from sale and set apart for the use of schools in said township: *Provided*, That said selection and notification be made within twelve months after the passage of this act, and provided said selection shall be according to the legal subdivisions of the public lands, and in quantities not less than eighty acres.

SEC. 2. *And be it further enacted*, That, when the half section of land shall have been so as aforesaid selected and reported to the register aforesaid, the same shall vest in the State of Missouri, subject to the same disposition and uses, and shall be held subject to the same conditions and terms in all respects whatsoever, as by the sixth section of the act of Congress of March sixth, eighteen hundred and twenty, entitled "An act to authorize the people of Missouri Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories," were prescribed or intended in relation to sections numbered sixteen.

APPROVED, August 5, 1854.

PUBLIC, XCIII.—*An Act to establish a Land District in the State of Florida, to be called the District of Tampa.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that part of the land districts of N. unansville and St. Augustine, in the State of Florida, lying south of the line dividing townships nineteen and twenty, south, be, and the same is hereby, created a land district, to be called the District of Tampa, the office for which shall be at Tampa.

SEC. 2. *And be it further enacted*, That this act shall take effect at the expiration of six months from the day of its passage.

APPROVED, August 5, 1854.

PUBLIC, XCIV.—*An Act to establish certain Post Roads.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following be established as post roads in lieu of those heretofore established, viz:

Maine.—From Alexander to Wesley, through the town of Crawford.

From Alfred, by Lyman, Lyman Centre, Goodwin's Mills, North Kennebunkport, and Biddeford, to Saco.

From Augusta, by South China, North Palermo, Freedom Brooks, Monroe, Ellingwood Corners, to Hampden.

From Augusta, by Brown's Corners, Vassalboro', East Vassalboro', China, Albion, Unity, Troy, Dixmont, Dixmont Centre, Newburg, West Hampden, and Hampden, to Bangor.

From Augusta, by South Vassalboro', South China, Palermo, North Palermo, Montville, Liberty, East Montville, North Searsmont, and Belmont, to Belfast.

From Augusta, by Hallowell Cross Roads and East Winthrop, to Winthrop.

From Augusta, by Sidney, Waterville, Kendall's Mills, Fairfield Corners, Bloomfield, and Skowhegan, to Norridgewock.

From Augusta, by Togus Spring, South Windsor, Cooper's Mills, West Jefferson, Jefferson, North Waldoboro', Union, East Union, South Hope, and West Camden, to Rockland.

From Augusta, by Hallowell Cross Roads, East Readfield, Readfield Depot, Readfield, Mount Vernon, Vienna, Farmington Falls, Farmington, Strong, and Avon, to Phillips.

From Augusta, by West Sydney, Belgrade, North Belgrade, Smithfield, Oscola, Norridgewock, and Madison, to North Anson.

From Augusta, by Windsor, Patricktown, North Washington, Light's Corners, Liberty, South Montville, Searsmont, and Belmont, to Belfast.

From Augusta, by Sydney, Waterville, Fairfield, North Fairfield, South Bloomfield, Bloom-

field, Skowhegan, Norridgewock, and Madison, to North Anson.

From Augusta, by Hallowell, French's Corners, Litchfield, Litchfield Corners, Bowdoin, Little River Village, and South Durham, to Freeport.

From Bangor, by Eddington, East Eddington, Tilden, Wesley, Crawford, Alexander, and Baring, to Calais, (over the "Black Road," so called.)

From Bangor, by North Bangor, Orono, West Great Works, Oidtown, Milford, Sunkhaze, Greenbush, Ollamon, Passadumkeag, West Enfield, South Lincoln, Lincoln, Lincoln Centre, and North Lincoln, to Mattawankeag.

From Bangor, by Six Mile Falls, Glenburn, Kirkland, Bradford, South Orneville, Orneville, and Milo, to Brownsville.

From Bangor, by North Hermon, South Levant, West Levant, Exeter, Garland, West Dover, East Sangerville, and Centre Guilford, to Monson.

From Bangor to Upper Stillwater.

From Bangor, by Hermon, Cannel, Etna, East Newport, Newport, Palmyra, Pittsfield, and Canaan, to Skowhegan.

From Bangor, by East Hampden, Hampden, South Hampden, North Frankfort, Frankfort Mills, North Searsport, and Swanville, to Belfast.

From Bangor, by Bremen, Holden, East Holden, North Ellsworth, and Ellsworth Falls, to Ellsworth.

From Bangor, by Bremen, Bremen Village, Orrington, South Orrington, North Bucksport, Bucksport Centre, Bucksport, Orland, and North Castine, to Castine.

From Bangor, by West Glenburn, Kenduskeag, Corinth, Exeter Mills, Exeter, Dexter, Ripley, West Ripley, Main Stream, and Harmony, to Athens.

From Bangor, by North Hermon, South Levant, Roger's Corners, Stetson, North Newport, Corrinna, Corrinna Centre, and St. Alban's, to Hartland.

From Belfast, by East Knox, Knox Centre, Freedom, West Freedom, South Albion, China, and Winslow, to Waterville.

From Belfast, by Waldo, South Brooks, Brooks, and South Jackson, to Jackson.

From Belgrade, by Belgrade Mills, Rome, Mercer, and Stark, to West Mills.

From Belgrade, by Belgrade Mills, Rome, East New Sharon, New Sharon, Industry, and West's Mills, to North Industry.

From Bethel, by Newry, Newry Corners, Bear River, and Grafton, to Letter B.

From Biddeford, by Saco, Bar Mills, Hollis Centre, Waterborough Centre, Limerick, East Parsonfield, North Parsonfield, Effingham Falls, New Hampshire, Freedom, and East Madison, to Madison.

From Biddeford, by Saco, Hollis, Buxton, West Buxton, and North Hollis, to Limerick.

From Bristol, by Newcastle, to Pemaquid.

From Brooks, by Monroe, Ellingwood Corner, and Hampden to Bangor.

From Brunswick to Bath.

From Brownsville, by North Brownsville, to Katahdin Iron Works.

From Buckfield, by Sumner, to West Sumner.

From Buckfield, by East Sumner, Hartford, and Canton Mills, to Canton.

From Bucksport, by Orland, North Blue Hill, Blue Hill, Blue Hill Falls, North Sedgwick, and Deer Isle, to South Deer Isle.

From Calais, by Miltown, Baring, Sprague's Falls, Baileyville, Princetown, Waite, Topsfield, Jackson, Brook, Butterfields, Orient, Amity, and Hogdon, to Houlton.

From Camden, by Hope, McLain's Mills, and North Appleton, to Searsmont.

From Camden to North Haven.

From Charlotte, by Widdytemps and Cooper, to Alexander.

From Cherryfield, by Beddington, to Delloys.

From Dennyville, by Pembroke and Robinson, to Red Beach.

From Dexter, by Dover South Mills, and West Dover, to Dover.

From Dexter, by West Dover, Dover South Mills, and Dover, to Foxcroft.

From Dixfield, by Peru and Canton Mills and Liverpool, to Strickland Ferry Depot.

From Dixmont, by North Dixmont, Plymouth, to East Newport.

From Dover, by East Dover, South Sebec, Milo, Kilmarnock, and Maxfield, to Howland.

From East Corinth, by Charleston, Atkinson, North Atkinson, Sebec, and Williamsburgh, to Brownsville.

From East Machias, by Whiting and West Lubeck, to Lubeck.

From East Machias, by North Cutler, to Cutler.

From the east line of the State, by Fort Fairfield, Manchester, and Presque Isle, to Aroostook.

From East Eddington, by Amherst, Aurora, Wesley, and Crawford, to Baileyville.

From Ellsworth, by Oran, Bucksport, Prospect Ferry, Prospect, South Prospect, and Searsport, to Belfast.

From Ellsworth to Waltham.

From Ellsworth, by Surry, Blue Hill, Penobscot, and North Castine, to Castine.

From Ellsworth, by West Trenton, Eden, and Mount Desert, to Southwest Harbor.

From Ellsworth, by Hancock, West Sullivan, Sullivan, East Sullivan, West Goldsboro', Goldsboro', and Steuben, to Narraguagus.

From Ellsworth, by North Hancock, Franklin, Narraguagus, Harrington, Columbia, Jonesboro', and Whitneyville, to Machias.

From Ellsworth, by Tilden, North Mariaville, Amherst, Aurora, to Great Pond.

From Exeter, by West Garland, South Sangerfield, and Guilford, to Abbot.

From Farmington, by East Strong, New Vineyard, and New Portland, to Kingsfield.

From the Forks to Moose river.

From Goff's Corners, by Auburn, North Auburn, and Turner, to North Turner.

From Goff's Corners, by East Turner and North Turner Bridge, to Livermore Centre.

From Gorham, by Buxton Centre to West Buxton.

From Great Falls, by Lebanon, Sanford, Springvale, Emery Mills, Acton, Acton Corner, North Acton, West Newfield, West Parsonfield, Effingham, New Hampshire, Effingham Falls, and Freedom, to Eaton Centre.

From Green Depot, by South Leeds, to Leeds.

From Guilford, by Parkman and Cambridge, to Harmony.

From Hampden, by South Hampden, South Newburgh, Dixmont, Morton's Corner, in Jackson, to Jackson.

From Haynesville, by Bancroft Plantations, to Weston.

From Houlton, by Monticello, Bridgewater, and Presque Isle, to Fort Fairfield.

From Houlton to Woodstock, New Brunswick.

From Kennebunk, by Wells, Ogunquit, Cape Neddick, and York, to Portsmouth, New Hampshire.

From Kenduskeag, by South Corinth, East Corinth, West Charleston, South Dover, Dover, Foxcroft, Sangerville, Guilford, and Abbot, to Monson.

From Lebanon, by Centre Lebanon, to West Lebanon.

From Leeds Station, by South Leeds, Leeds, North Leeds, Strickland's Ferry Depot, and East Livermore, to Livermore Falls.

From Letter B, by Wentworth's Location, to Wilson's Mills.

From Limerick, by Newfield, West Newfield, East Wakefield, New Hampshire, and Leighton's Corners, to Ossipee.

From Lincoln, by Lee, Springfield, Carroll, and Kossuth, to Topsfield.

From Lincoln Centre, by Pattagumpus and Chester, to Nickerton.

From Livermore Falls, by Jay, North Jay, Wilton, and East Wilton, to Farmington.

From Lovell, by North Fryburg, to Stow.

From Machias, by East Machias, Marion, Dennyville, and Charlotte, to Calais.

From Machias, by North Fairfield, Wesley, Crawford, and Alexander, to Princeton.

From Machias to Machiasport.

From Mattawankeag, by South Moluncus, Haynesville, and Linnæus, to Houlton.

From Mattawankeag, by Conway and Number Three, to Patten.

From Mechanics' Falls, by West Minot and East Hebron, to Buckfield.

From Mexico, by Rosebury, to Byron.

From Monson, by Shirley Mills and Shirley, to Greenville.

From Monson, by Abbott, Parkman, South Parkman, Dexter, Pleasant Vale, and Newport, to Detroit.

From New Castle to Bristol.

From North Anson, by West Emden, North New Port, East New Portland, and Freeman, to Strong.

From North Anson, by West Anson and East New Vineyard, to New Vineyard.

From North Anson, by Emden, Solon, Bingham, and Carritunk, to the Forks.

From North Anson, by Emden Centre, to Concord.

From North Lincoln, by Chester and West Indian Township, to Nickerton.

From North Berwick, by South Sanford, Sanford, Springvale, Alfred, and Waterborough, to Waterborough Centre.

From North New Portland, by Lexington and Dead River, to Flag Staff.

From Norway, by Waterford, South Waterford, and Sweden, to Lovell.

From Orono, by Upper Stillwater, Oldtown, Alton, and La Grange, to Kilmarnock.

From Oldtown, by Argyle and Edinburgh, to Howland.

From Passadumkeag, by Enfield and Lowell, to Burlington.

From Patton, by Umcolcus, Masardis, and Aroostook, to Fort Kent.

From Paris, by North Paris, West Sumner, Sumner, East Sumner, Hartford, Canton Mills, to Canton.

From Plantation Number Eleven, called Aroostook, to the east line of the State, by Presque Isle and Fort Fairfield Plantations.

From Portland, by Falmouth, Cumberland, Yarmouth, New Gloucester, Upper Gloucester, West Danville, Danville, East Portland, Minot, Mechanics' Falls, South Paris, North Paris, Bryant's Pond, Lock's Mills, Bethel, West Bethel, Gilead, Shelburne, New Hampshire, Gorham, Berlin Falls, Berlin, Milan, Dummer, Stark, Northumberland, Stratford, and Bloomfield, Vermont, to Brighton.

From Portland, by Falmouth, Cumberland, North Yarmouth, Freeport, and Brunswick, to Bath.

From Portland, by Stevens's Plains, West Falmouth, West Cumberland, Gray, West Gloucester, and Poland, to Mechanics' Falls.

From Portland, by Oak Hill, Saco, Biddeford, Kennebunk Depot, Kennebunk, Wells Depot, North Berwick, and Elliot, to Portsmouth, New Hampshire.

From Portland, by Yarmouth, Freeport, Brunswick, Topsham, Bowdoinham, Richmond, Rosendale, Gardiner, Pittston, Farmingdale, and Hallowell, to Augusta.

From Portland, by South Windham, Windham, North Windham, Raymond, and Naples, to Bridgeton.

From Portland, by Saccarappa, Gorham, West Gorham, Standish, Steep Falls, East Baldwin, West Baldwin, Hiram, Brownfield, Fryburgh, and Centre Conway, New Hampshire, to Conway.

From Presque Isle, by Lyndon, Van Buren, West Van Buren, Madawaska, and West Madawaska, to Fort Kent.

From Presque Isle, to Number Eleven, Range Five, Aroostook.

From Railroad Junction at Danville, by Goff's Corners, Lewiston, Green Corner, Green, Leed's Station, Monmouth, Winthrop, Readfield, Belgrade, and West Waterville, to Waterville.

From Railroad Depot, by Welchville, to Oxford.

From Railroad Depot, by Oxford, Otisfield, Casco, and Edes Falls, to Naples.

From Raymond, by East Raymond, Casco, and Otisfield, to Bolster's Mills.

From Readfield, by Kent's Mills, Fayette Mills, North Fayette, Livermore Falls, Jay Bridge, and North Jay, to Wilton.

From Readfield, by Kent's Mills, Fayette, North Fayette, South Chesterville, Chesterville, North Chesterville, and East Wilton, to Wilton.

From Richmond to Lewiston, (Androscoggin C. H.)

From Rockland, by Rockport, Camden, Lincolnville, Northport, and East Northport, to Belfast.

From Rockland, by Thomaston, Warren, Waldo, Nobleborough, Newcastle, Sheepscott Bridge, Wiscasset, and Woolwich, to Bath.

From Rockland to Matinicus.

From Rockland to Isle au Haut.

From Skowhegan, by Cornville, Athens, Brighton, Kingsbury, Blanchard, and Shirley, to Greenville.

From Skowhegan, by East Madison and South Solon, to Solon.

From Southwest Harbor to Cranberry Isle.

From Springvale, by Alfred, Ross Corners, Newfield, South Parsonfield, and Parsonfield, to Effingham, New Hampshire.

From South Paris, by Norway, North Norway, Greenwood, Lock's Mills, to Bethel.

From South Paris to Norway.

From South Paris, by Harrison, North Bridgeton, and West Bridgeton, to Fryburgh.

From South Parish, by Snow's Falls, Woodstock, North Woodstock, Rumford, Rumford Point, and South Andover, to Andover.

From Standish, by East Limington, North Limington, Limington, Cornish, and Kegar Falls, to Porter.

From Strong, by West Freeman, to Salem.

From Thomaston, by St. George and Tenant's Harbor, to St. George.

From Thomaston, by Cushing, to Friendship.

From Tilden, by Amherst and Aurora, to Township.

From Union, by North Union and Washington, to Light's Corners.

From Waterville, by Kendall's Mills, Fairfield Corners, Pishon's Ferry, Canaan, and West Hartland, to Hartland.

From Waterville, by Winslaw, Benton, Clinton, Burnham Village, East Burnham, Troy Centre, Troy, North Dixmont, North Newburgh, North Hampden, West Hampden, and Hampden, to Bangor.

From Waterville, by Fairfield, Larone, Oseolo, to Norridgewock.

From Waterville, by Kendall's Mills and Benton, to Unity.

From Waterville, by Benton, Clinton, Burnham Village, East Pittsfield, Detroit, Plymouth, Etna Centre, Carmel, and Hermon, to Bangor.

From Waterboro' Centre, by Limerick and Limington, to Standish.

From Waldoboro', by South Waldoboro', and Friendship, to Cushing.

From Waterford, by North Waterford, East Stoneham, North Lovell, and Centre Lovell, to Lovell.

From Wilton, by North Wilton, to Temple Mills.

From Winthrop, by Wayne, East Livermore, North Livermore, Canton, Dixfield, Mexico, East Rumford, to Bryant's Pond.

From Winthrop, by Wayne, North Leeds, North Turner Bridge, North Turner, South Stratford, Buckfield, West Buckfield, and Paris, to South Paris.

From Wiscasset, by Dresden Mills and Dresden, to Richmond.

From Wiscasset, by Alva, Whitfield, and East Pittston and Pittston, to Gardiner.

From Wiscasset, by North Edgecomb, Edgecomb, North Boothbay, and Boothbay, to Hodgson's Mills.

From Yarmouth, by North Yarmouth, East North Yarmouth, Poland, West Durham, Durham, Lisbon, Webster, and Wales, to Monmouth.

New Hampshire.—From Amherst, by Milford, East Wilton, Wilton, Mason, and Mason Village, to New Ipswich.

From Barrington, by Centre Strafford and Centre Barnstead, to Barnstead.

From Berlin Falls, by Berlin, to Milan.

From Bradford, by Newbury and Newport, to Claremont.

From Bristol, by Bridgewater and Hebron, to Groton.

From Bristol, by Bridgewater and West Plymouth, to Rumney.

From Brookline to Railroad Depot at Pepper-ville.

From Canterbury Depot, by Canterbury, to Shaker Village.

From Charleston, by Acworth, to Lempster.

From Chester, by Derry, to Lawrence, Massachusetts.

From Claremont, by Cornish Flats, Meriden, and East Plainfield, to Lebanon.

From Concord, by West Concord, Hopkinton, Contotook Village, Warner, Bradford, Newbury, and Newport, to Claremont.

From Concord, by Canterbury, Sanbornton Bridge, Sanbornton, Lake Sanbornton, North Sanbornton, Guilford Lake Village, New Hampton, Weir's Bridge, Meredith Village, Holderness, Plymouth, West Plymouth, Rumney, West Rumney, and Wentworth, to Warren.

From Concord, by Chichester, North Chichester, Pittsfield, Barnstead, Strafford, and Barrington, to Dover.

From Concord, by Loudon, Loudon Ridge and Gilmanston, to Gilmanston Iron Works.

From Concord, by Loudon, Loudon Centre, Lower Gilmanston, and Gilmanston Iron Works, to Alton.

From Concord, by North Dunbarton, to Dunbarton.

From Concord, by West Concord, Mast Yard, Hopkinton, Contotook Village, and Warner, to Bradford.

From Concord, by Fisherville, Boscawen, Salisbury, Franklin, East Andover, Andover, West Andover, Danbury, Grafton, Grafton Centre, East Canaan, Canaan, Enfield, West Canaan, North Enfield, East Lebanon, Lebanon, West Lebanon, to White River Junction, Vermont, with a branch from Franklin, by Hill, to Bristol.

From Concord, by Pembroke, Allentown, South Deerfield, Candia, Raymond, Epping, Stratham, and Greenland, to Portsmouth.

From Concord, by Chichester, Epsom, West Northwood, East Northwood, and Nottingham Turnpike, to Durham.

From Concord, by Hookset, Amoskeag, Manchester, Reed's Ferry, Thornton's Ferry, Nashua, Tyngsborough, Massachusetts, North Chelmsford, and Middlesex Village, to Lowell.

From Contotook Village, by Henniker, to Hillsboro' Bridge.

From Conway, by North Conway, Lower Bartlett, Bartlett, Harts, Location, Crawford House, White Mountain, and Bethlehem, to Littleton.

From Dover, by Gorie, Rochester, Farmington, New Durham, Downing's Mills, and Alton, to Alton Bay.

From Dover, by North Barrington, Strafford Corners, and North Strafford, to North Barnstead.

From Dublin, by Harrisville and Nelson, to Munsonville.

From East Wilton, by Peterborough, Dublin, and Marlborough, to Keene.

From East Wilton, by South Lyndeborough, Greenfield, Hancock, South Stoddard, Stoddard, Marlow, and New Alstead, to Paper Mill Village.

From Epping, by Nottingham, Northwood, and Epsom, to Pittsfield.

From Errol to Leet B.

From Exeter, by Kingston, Danville, Chester, and Auburn, to Manchester.

From Exeter, by Brentwood, Poplin, and South Raymond, to Raymond.

From Farmington, by Middleton, South Wolfborough, Wolfborough, Mackerel Corner, Tuftonborough, Melvin Village, East Moultonborough, Moultonborough, and Sandwich, to Centre Sandwich.

From Franklin, by Hill, to Bristol.

From Gilmanston, by Gilmanston Iron Works and South Alton, to Farmington.

From Great Falls, by Rochester and South Milton, to Milton.

From Haverhill, by Haverhill Centre, to Benton.

From Hillsborough Bridge, by Antrim, to Bennington.

From Hillsborough Bridge, by Hillsborough, North Branch, South Stoddard, Munsonville, and East Sullivan, to Keene.

From Hollis to the Railroad Depot.

From Jaffrey, by East Jaffrey and Rindge, to Winchendon.

From Keene, by Sullivan and Gilsrun, to Marlow.

From Keene, by Chesterfield Factory and Chesterfield, to Brattleborough.

From Keene, by Swanzey, to Richmond.

From Kingston, by Danville and Sandown, to Eastchester.

From Lake Village, by West Alton, to Alton Bay.

From Lancaster, by Jefferson Mills, to Jefferson.

From Lancaster, by Jefferson Mills, Jefferson, Kilkenny, Randolph, Gorham, Shelburne, Gilead, and West Bethel, to Bethel.

From Lisbon, by Sugar Hill, to Franconia.

From Littleton, by Whitefield, to Lancaster.

From Lower Bartlett, by Jackson and Pinkham's Grant, to Gorham.

From Lyman, by North Lyman, to Lower Waterford.

From Manchester, by Auburn, Chester, Hampstead, and Atkinson, to Haverhill, Massachusetts.

From Manchester, by Auburn, Candia, South Deerfield, Deerfield, Nottingham, Lee, and Wadley's Falls, to Newmarket.

From Mason Village, by New Ipswich and Temple, to Petersborough.

From Meredith Village, by Centre Harbor, Moultonborough, Sandwich, Kentenise Sandwich, and North Sandwich, to Tamworth.

From Meredith Village, by Centre Harbor, Moultonborough, Sandwich, South Tamworth, Tamworth, Tamworth Iron Works, Eaton, Conway, and Centre Conway, to Fryburgh, Maine.

From Nashua, by South Merrimack, Amherst, New Boston, and South Weare, to Weare.

From Nashua, by South Merrimack and Millford, to East Wilton.

From Nashua, by South Merrimack, Amherst, Mount Vernon, Francistown, Hillsborough, Washington, East Dempster, and Unity, to Claremont.

From Newport, by Croydon Flats, Croydon, and West Enfield, to Lebanon.

From North Charleston to Unity.

From Northumberland, by Stark, Dummer, Milan, Berlin, and Berlin Falls, to Gorham.

From Northumberland, by Stratford, Lower Columbia, Columbia, Colebrook, and West Stewartstown, to Canaan.

From Oil Mill Village, by East Weare, Weare, Deering, Hillsborough Bridge, and Hillsborough Centre, to East Washington.

From Paper Mill Village, by South Acworth, Lempster, and East Unity, to Newport.

From Pittsfield, by Barnstead and Lower Gilmanston, to Gilmanston.

From Pittsfield, by Barnstead, Barnstead Centre, North Barnstead, and South Alton, to Downing's Mills.

From Plymouth, by Campton, Campton Village, Thornton, West Thornton, Woodstock, Lincoln, Flume, Lafayette, and Franconia, to Littleton.

From Portsmouth, by Rye, to Rye Beach.

From Portsmouth to Kittery, Maine.

From the Railroad Depot, at Potter Place, by Wilmot Flats, New London, George's Mills, and Wendell, to Newport.

From Sanbornton Bridge to Franklin

From South Milton, by Milton, Union, Wakefield, North Wakefield, Ossipe, Centre Ossipe, West Ossipe, and Eaton, to Conway.

From Station House at Berlin Falls, by Berlin, Milan, Dummer, and Cambridge, to Errol.

From Union, by Brookfield, North Wolfborough, and Water Village, to Tuftonborough.

From Union Bridge Depot, by East Sanbornton and Upper Gilmanston, to Gilmanston.

From Wakefield, by East Wakefield and Glidden Corner, to Effingham.

From Warren, by East Haverhill, to Haverhill.

From Weir's Bridge, by Centre Harbor, to Wolfborough.

From Wells River, Vermont, by Bath, New Hampshire, Lisbon, Littleton, North Littleton, and Dalton, to Lancaster.

From Wells River, by Woodville, Bath, and Lisbon, to Littleton.

From Whitefield to Carroll.

From West Andover, by Wilmot, West Springfield, and Grantham, to Croydon.

From Windham, by Fessenden Mills, Pelham, and Dracut, Massachusetts, to Lowell.

Vermont.—From Bakersfield, by West Enosburgh and Enosburgh Falls, to West Berkshire.

From Barnet to Peacham.

From Barnet to Waterford Lower Village.

From Barton, by Barton Landing, down the Barton river, to West Derby.

From Bellow's Falls, by Rockingham, Bartonville, Chester, North Chester, Cavendish, Proctorsville, Ludlow, Mount Holley, East Wallingford, Cuttingsville, East Clarendon, North Clarendon, Rutland, Pittsford, Brandon, Leicester, Otter Creek, Salisbury, West Salisbury, Middlebury, Vergennes, Ferrisburgh, North Ferrisburgh, Charlotte, and Shelburne, to Burlington.

From Bellow's Falls, by Saxton's river, Cambridgeport, Grafton, Townsend, West Townsend, North Wardsborough, West Wardsborough, and Stratton, to Arlington.

From Bellow's Falls, by South Charleston, New Hampshire, Charleston, North Charleston, Claremont, Weathersfield, Vermont, Ascutneville, and West Claremont, New Hampshire, to Windsor, Vermont.

From Bethel, by Gaysville, Stockbridge, Rochester, Hancock, Ripton, and East Middlebury, to Middlebury.

From Brandon, by Sudbury and Orwell, to Chipman's Point.

From Brattleborough, by West Dummerston and Fayetteville, to Townshend.

From Brattleborough, by West Dummerston, Fayetteville, Williamsville, and Dover, to Wilmington.

From Brattleborough, by Dummerston, Putney, Westminster, and Walpole, New Hampshire, to Bellow's Falls, Vermont.

From Brattleborough, by West Brattleborough, Marlborough, Wilmington, Searsburg, and Woodford, to Bennington.

From Brattleborough, by Guilford, Guilford Centre, Green River, Halifax, West Halifax, Jacksonville, Whittingham, Readsborough, Heartwellville, and Stamford, to North Adams, Massachusetts.

From Bridgewater, by Woodstock, Taftsville, and Quechee Village, to the Railroad Station.

From Burlington, by Winooski Falls, Painesville, Colchester, West Milton, Milton, East Georgia, Georgia, St. Alban's, Swanton, Alburgh, Alburgh Springs, and West Alburgh, to Rouse's Point, New York.

From Burlington, by South Heroto, Plattsburg, New York.

From Burlington, by St. George, Hinesburg, and Monkton, to Vergennes.

From Burlington, by St. George, Hinesburg, Starksborough, Bristol, and New Haven Mills, to Middlebury.

From Canaan, to Pittsburg, New Hampshire.

From Chester, by Andover, to Weston.

From Chester Village, by Ringville, to Worthington.

From Danby, by Mount Tabor, to Weston.

From Danville, by Walden, East Hardwick, Hardwick, Greensborough, and Craftsbury, to North Craftsbury.

From East Barnard, to Royalton.

From East Berkshire, by Montgomery, to Montgomery Centre.

From East Burke, by Victory, Granby, and Guildhall, to Northumberland, New Hampshire.

From East Thetford, by Thetford, Post Mill, Village, West Fairlee, and Vershire, to Chelsea.

From Factory Point, by Winhall, Peru, Landsgrove, Londonderry, South Londonderry, and Simonsville to Chester.

From Fairfax, by Fletcher.

From Fairfax, by Buck Hollow.

From Fairfax to Westford.

From Fairfax to Georgia Depot.

From Grafton, by Houghtonsville and Windham, to Londonderry.

From Hartland Depot, by Hartland, Woodstock, and Bernard, to Bethel.

From Irasburgh, by Brownington Centre and East Charleston, to Brighton.

From Jacksonville, by South Halifax, Colerain, Massachusetts, and Griswoldville, to Shelburne Falls.

From Johnson, by Hyde Park, Morrisville, and Wolcott, to North Craftsbury.

From Johnson, by North Hyde Park, Eden Lowell, Westfield, Troy, Newport, and West Derby, to Derby Line.

From Jonesville, by Huntington, Starksboro', and Bristol, to New Haven.

From Jonesville, by West Bolton, Underhill Centre, Pleasant Valley, Cambridge, Jefferson, Waterville, Bakersfield, West Enosburgh, Enosburgh Falls, and West Berkshire, to East Franklin.

From Lancaster, New Hampshire, by Northumberland, Guildhall, Vermont, Maidstone, Brunswick, Lemington, and South Canaan, to Canaan.

From Lyndon Centre, by East Burke, Burke, Newark, East Charleston, West Charleston, and Derby, to Derby Line.

From Manchester, by South Dorset, Dorset, East Rupert, Pawlet, and Wells, to Granville, New York.

From Middlebury, by Cornwall, Whiting, Sudbury, and Hubbardstown, to Castleton.

From Middlesex, by Moretown and Waitsfield, to Warren.

From Montpelier, by Middlesex, Waterbury, Bolton, Richmond, Jonesville, and Williston, to Burlington.

From Middlebury, by Cornwall, West Cornwall, and Shoreham, to Larabee's Point.

From Middlebury, by Salisbury, Leicester, Brandon, Pittsford, Rutland, East Clarendon, Cuttingsville, Mount Holly, Proctorsville, Cavendish, North Chester, Chester, Hartonsville, to Bellow's Falls.

From Montpelier, by Barre and Washington, to Chelsea.

From Montpelier, by Worcester, Elmore, Morrisville, Hyde Park, Johnson, Waterville, Bakersfield, East Fairfield, and Fairfield, to St. Albans.

From Montpelier, by Barre, Orange, West Topsham, East Corinth, and Bradford Centre, to Bradford.

From Montpelier, by North Montpelier, East Calais, Woodburg, South Hardwick, East Hardwick, Hardwick, Greensborough, and Glover, to Barton.

From Montpelier, by Barre, South Barre, Williamstown, East Brookfield, East Randolph, and East Bethel, to Royalton.

From Montpelier, by East Montpelier, Plainfield, Marshfield, and Cabot, to Danville.

From Morgan, by Holland, to Derby Line.

From North Craftsbury, by Albany, Irasburgh, Coventry, Newport, West Derby, and Derby, to Derby Line.

From Paper Mill Village, by South Ackworth, Lempster, and East Unity, to Newport.

From Painesville, by Essex, Jericho, Underhill, Cambridge, and Jeffersonville, to Johnston.

From Proctorsville, by Cavendish, Upper Falls, Corners, and West Claremont, to Claremont.

From Rutland, by Clarendon, Wallingford, South Wallingford, Danby, North Dorset, East Dorset, Factory Point, Manchester, Sunderland, Arlington, Shaftsbury, South Shaftsbury, North Bennington, Bennington, Bennington Centre, North Hoosick, Eagle Bridge, New York, Buskirk's Bridge, Johnsonville, Schaghticoke, Tomhannock Junction, and Lansingburg, to Troy.

From Salem, by West Rupert, to Rupert.

From Sherburne, by North Sherburne and Pittsfield, to Stockbridge.

From St. Albans, by East Highgate, Franklin, East Franklin, and West Berkshire, to Berkshire.

From St. Albans, by Swanton Centre, to Highgate.

From St. Albans to Swanton.

From St. Albans, by Sheldon, East Sheldon, and West Enosburgh, to Enosburgh.

From St. Albans, by Sheldon, Enosburgh Falls, and East Berkshire, to Richford.

From Stratford, by South Stratford and Union Village, to Pompanoosac.

From Steven's Village to Lower Waterford.

From St. Johnsbury, by St. Johnsbury Centre, Lyndon, Lyndon Centre, Sutton, Barton, Brownington, and Derby, to Derby Line.

From St. Johnsbury to Danville.

From St. Johnsbury, by Johnsbury East, West Concord, Concord, and Lunenburg, to Lancaster, New Hampshire.

From St. Johnsbury, by Lower Waterford and Waterford, to Littleton, New Hampshire.

From South Royalton, by Tunbridge, to Chelsea.

From Springfield, by North Springfield, to Gasset's Station.

From Swanton, by Highgate, Franklin, East Franklin, and West Berkshire, to Richford.

From Swanton, by West Swanton, Alburgh, Alburgh Springs, and West Alburgh, to Rouse's Point, New York.

From Troy to North Troy.
 From Troy, by West Newport, Coventry, and Irasburg, to Barton.
 From Vergennes, by Addison, Bridgeport, Shoreham, Orwell, Benson, and West Haven, to White Hall, New York.
 From Waterford to Littleton, New Hampshire.
 From Waterbury, by Stow and Morrisville, to Hyde Park.
 From Wethersfield, by Ascutneyville and West Claremont, to Claremont Depot.
 From Well's River to Ryegate.
 From West Milton, by South Hero, Grand Isle, North Hero, and Isle La Motte, to Alburgh.
 From West Rutland, by Clarendon Springs, Ira, Tinmouth, and Danby Four Corners, to Danby.
 From West Townshend, by South Windham, to Windham.
 From White River Junction, by Hanover, New Hampshire; Norwich, Vermont; Union Village, Pompanoosac, Lyme, New Hampshire; North Thetford, Vermont; East Thetford, Orford, New Hampshire; Fairlee, Vermont; Piermont, New Hampshire; South Bradford, Vermont; Bradford, Haverhill, New Hampshire; Newbury, Vermont; Well's River, McIndoes Falls, Barnet, and Passumpsic, to St. Johnsbury.
 From Windsor, by Brownsville, Felchville, Upper Falls, and Cavendish, to Proctorsville.
 From Windsor, by Plainfield, New Hampshire; Hartland, Vermont; North Hartland, White River Junction, Hartford, West Hartford, Sharon, South Royalton, Royalton, Bethel, West Randolph, West Braintree, Roxbury, Northfield, Montpelier, Middlesex, Waterbury, Bolton, Jonesville, Richmond, Williston, Painesville, and Winooski Falls, to Burlington.
 From Woodstock, by Bridgewater, Plymouth, and Tyson Furnace, to Ludlow.
 From Woodstock, by South Woodstock, Reading, Felchville, Upper Falls, Perkinsville, North Springfield, and Springfield, to Charlestown, New Hampshire.
 From Woodstock, by South Pomfret, Pomfret, and Snow's Store, to West Hartford.
Massachusetts.—From Attleboro', by North Attleboro', to South Attleboro'.
 From Amherst, by Leverett, Shutesbury, North Prescott, New Salem, and North New Salem, to Orange.
 From Ashburnham Junction, by Gardner, South Gardner, Baldwinville, Templeton, Philipston, South Royalton, Athol, Orange, Wendell Depot, Erving, Grout's Corners, Northfield, Vernon, and Hinsdale, to Brattleborough, Vermont.
 From Athol, by North Orange, Warwick, Winchester, West Winchester, and Hinsdale, to Brattleborough, Vermont.
 From Auburndale Station to Newton Lower Falls.
 From Baldwinville Depot, by Templeton, to Philipston.
 From Braintree Depot, by Weymouth, East Weymouth, and Hingham, to Cohasset.
 From Boston, by Dorchester, to Milton.
 From Boston, by Roxbury, to Jamaica Plains.
 From Boston, by Harrison Square, Neponset Village, Quincy, Braintree, South Braintree, South Weymouth, Abington, Hanson, South Hanson, and Kingston, to Plymouth.
 From Boston, by West Roxbury, Dedham, South Medham, Walpole, East Medfield, South Walpole, East Medway, West Medway, North Wrentham, Wrentham, Franklin City, Franklin, South Franklin, Bald Hill, Billingham, South Billingham, and Woonsocket Falls, Rhode Island, to Blackstone, Massachusetts.
 From Boston, by Lynn, Salem, Beverly, Hamilton, Wenham, Ipswich, Newburyport, East Salisbury, Seabrook, New Hampshire, Hampton Falls, Hampton, Northampton, and Greenland depot, to Portsmouth.
 From Boston, by West Medford, Winchester, East Woburn, Wilmington, and North Billerica, to Lowell.
 From Boston, by Canton, Sharon, East Foxboro', Mansfield, Attleboro', Seekonk, and Pawtucket, Rhode Island, to Providence.
 From Boston, by Somerville, Waltham, Lincoln, Concord, South Acton, West Acton, Littleton, West Littleton, South Groton, Shirley, Shirley Village, Leominster, and North Leominster, to Fitchburg.

From Boston, by Malden, Melrose, Medford, Stoneham, South Reading, Reading, Wilmington, Ballardvale, Andover, Sutton's Mills, North Andover, Lawrence, Haverhill, Plaistow, New Hampshire, Newton depot, East Kingston, Exeter, South New Market, New Market, Durham, Dover, Salmon Falls, and South Berwick, Maine, to South Berwick Junction.
 From Boston to Charlestown.
 From Boston, by Cambridgeport, to Cambridge.
 From Boston, by Brighton, Newton, West Newton, West Needham, Natick, South Framingham, Ashland, Cordaville, Westborough, and New England Village, to Worcester.
 From Chatham, by North Chatham, East Harwick, and South Orleans, to Orleans.
 From Charlton Depot, by Charlton and Southbridge, to Globe Village.
 From Chester Village, by Ringville, to Wrentham.
 From Cohasset, by North Scituate, Scituate, and East Marshfield, to Marshfield.
 From Cordaville, by Hopkinton and Southboro', to Woodville.
 From Dedham, by West Dedham, Medfield, and Rockville, to Franklin City.
 From Dedham Junction, by Dedham, South Dedham, Walpole, East Walpole, South Walpole, Franklin City, and Franklin, to Waterford.
 From East Foxboro', by Foxboro' and West Foxboro', to Wrentham.
 From Enfield, by Prescott, to Pelham.
 From Enfield, by Ware, to West Brookfield.
 From Fall River, by Newport, Rhode Island, to New York, New York.
 From Fall River, by Swansea and Warren, Rhode Island, to Bristol.
 From Fall River, by Tiverton, Rhode Island, and Portsmouth, to Newport.
 From Farnumsville to New England Village.
 From Fitchburg, by Westminster, Ashburnham, Winchendon, Fitchburg, New Hampshire, Troy, Marlboro' Depot, Marlboro', Keene, East Westmoreland, Westmoreland Depot, and Walpole, to Bellows Falls, Vermont.
 From Fitchburg, by West Fitchburg, Westminster, Ashburnham, Ashburnham Depot, Gardner, South Gardner, Baldwinville, South Royalton, Royalton, Athol, Athol Depot, Orange, Wendell Depot, Erving, Grout's Corners, Northfield Farms, Northfield, West Northfield, and Vernon, Vermont, to Brattleboro'.
 From Franklin, by West Wrentham, to Diamond Hill, Rhode Island.
 From Great Barrington, by North Egremont, to Alford.
 From Great Barrington, by Hartsville, Mill River, New Marlboro', Sandisfield, North Colebrook, Connecticut, and Colebrook, to Winchester.
 From Greenfield, by Montague Canal, to Grout's Corners.
 From Greenfield, by East Shelburne, Colerain, Adamsville, and Health, to Rowe.
 From Greenfield, by Shelburne, Shelburne Falls, East Claremont, Charlemont, and Florida, to North Adams.
 From Groton Depot, by Forge Village, to North Chelmsford.
 From Groton Depot, by Shirley and Townsend Harbor, to Townsend.
 From Groton Junction, by Forge Village, Westford, West Chelmsford, and North Chelmsford, to Lowell.
 From Groton Junction, by West Groton, Townsend Harbor, Townsend, West Townsend, and Mason, New Hampshire, to Mason Village.
 From Haverhill to Bradford.
 From Haverhill, by East Haverhill, West Amesbury, Amesbury, and Salisbury, to Newburyport.
 From Hingham, by North Cohasset, to Hull.
 From Hingham, by South Hingham, West Scituate, and South Scituate, to North Marshfield.
 From Hinsdale, by Winchester, West Winchester, Westport, Swansea, and West Swansea, to Keene.
 From Holliston, by Medway, Franklin, West Wrentham, Diamond Hill, Rhode Island, and Valley Falls, to Pawtucket.
 From Holmes's Hole, by West Tisbury, to Chilmark.
 From the Junction to Watertown.

From Kingston, by North Plympton and East Middleboro', to Middleboro'.
 From Lawrence, by North Andover, West Roxford, Georgetown, and Byfield, to Newburyport.
 From Lawrence, by Methuen, to Salem, New Hampshire.
 From Lexington, by Bedford, Carlisle, and Westford, to Forge Village.
 From Lexington Depot to Bedford.
 From Lowell, by Carlisle, to Concord.
 From Lowell, by Tewksbury, to Lawrence.
 From Medfield, by East Medway and Medway, to West Medway.
 From Middleboro', by Rock, South Middleboro', West Wareham, Wareham, East Wareham, North Sandwich, Monument, and West Sandwich, to Sandwich.
 From Milbury, by Sutton, to West Sutton.
 From Milford, by South Milford, to Bellingham.
 From Milford, by Mendon, to Uxbridge.
 From Monument, by Pocasset, North Falmouth, West Falmouth, and Falmouth, to Wood's Hole.
 From Nahant to Lynn.
 From Natick to Saxonville.
 From Nantasket Depot, by North Cohasset, to Hull.
 From New Bedford, by Wood's Hole and Holmes's Hole, to Edgartown.
 From New Bedford, by Dartmouth, South Westport, Adamsville, Little Compton, Rhode Island, and Tiverton Four Corners, to Tiverton.
 From New Bedford, by Fairhaven, Mattapoisett, and Sippican, to Wareham.
 From New Bedford, by North Dartmouth, Westport, Fall River, Swansea, North Swansea, and South Seekonk, to Providence, Rhode Island.
 From New Bedford, by Wood's Hole and Holmes's Hole, to Nantucket.
 From Newburyport, by West Newbury, Groveland, and Bradford, to Haverhill.
 From Newburyport, by Salisbury, Amesbury, and Kensington, New Hampshire, to Exeter.
 From New England Village Depot, by New England Village, to Grafton.
 From Northampton, by Leeds and Haydensville, to Williamsburgh.
 From Northampton, by West Hampton and Norwich, to Chester Village.
 From Northampton, by Hadley, Amherst, North Amherst, Sunderland, and Montague, to Grout's Corners.
 From Northampton, by East Hampton to Southampton.
 From North Andover, by West Boxford, Georgetown, and Byfield, to Newburyport.
 From North Abington Depot, by East Abington, Hanover, and Pembroke, to West Duxbury.
 From North Adams, by Williamstown and Pownal, to Bennington, Vermont.
 From North Danvers, by Topsfield, Boxford, Georgetown, and Bradford, to Haverhill.
 From North Wrentham, by Rockville, to Medway.
 From Orange, by North Orange and Warwick, to Winchester, New Hampshire.
 From Palmer, by Three Rivers, Belchertown, and South Amherst, to Amherst.
 From Palmer, by Thorndike, to Ware.
 From Palmer, by Brimfield, Fiskdale, Sturbridge, and Globe Village, to Southbridge.
 From Palmer, by Bond's Village, Enfield, and Greenwich, to Greenwich Village.
 From Pittsfield, by Lenox, to Lee.
 From Pittsfield, by Lanesboro', New Ashford, and South Williamstown, to Williamstown.
 From Pittsfield, by Cheshire and Adams, to North Adams.
 From Railroad Depot, by Southborough, to Marlborough.
 From Railroad Depot, by Stoughton, North Easton, and South Easton, to Easton.
 From Railroad Depot, by Chester Factories, Brecket, Otis, West Otis, and Monterey, to Great Barrington.
 From Rehoboth, by North Rehoboth, to Attleboro'.
 From Rollinsford to Great Falls.
 From Russell, by Blanford, to North Blanford.
 From Salem to Marblehead.
 From Salem, by Danversport and Middletown, to Lawrence.

From Salem, by Danvers and Danversport, to North Danvers.

From Salem, by Beverly Farms and Manchester, to Gloucester.

From Sandwich, by South Sandwich, Cotuit, Cotuit Port, Marston's Mills, and Osterville, to Centerville.

From Sandwich, by West Barnstable, Barnstable, Yarmouthport, Yarmouth, Dennis, East Dennis, West Brewster, Brewster, East Brewster, Orleans, Eastham, North Eastham, South Wellfleet, Wellfleet, Truro, and North Truro, to Provincetown.

From Springfield, by Chicopee, Williamansett, and South Hadley Falls, to South Hadley.

From Springfield, by Williamansett, Ireland Depot, Northampton, Hatfield, East Wheatley, Wheatley, South Deerfield, Deerfield, Greenfield, and Barnardston, to Northfield Junction.

From Sheffield, by South Egremont, North Egremont, Green River, (New York,) Austerlitz, and Spencertown, to Chatham Four Corners.

From State Line Depot, by West Stockbridge, Stockbridge, and South Lee, to Lee.

From Shelburne Falls, by Buckland, Hawley, and South Hawley, to Plainfield.

From Springfield, by Chicopee, Williamansett, Holyoke, Northampton, Hatfield, East Wheatley, South Deerfield, Greenfield, Barnardston, West Northfield, Hinsdale, West Winchester, (New Hampshire,) Winchester, Westport, West Swanzy, and Swanzy, to Keene.

From Springfield, by Chicopee, to Chicopee Falls.

From Sterling Junction, by Sterling and Leominster, to Fitchburg.

From South Acton Depot, by Stow, Rockbottom, Feltonsville, Berlin, and Boyleston, to West Boyleston.

From South Braintree Junction, by Randolph, East Randolph, East Stoughton, North Bridgewater, Cambello, West Bridgewater, Bridgewater, North Middleboro', Middleboro', Myrickville, and Freetown, to Fall River.

From South Deerfield, by Conway, Ashfield, Plainfield, and Savoy, to Adams.

From South Abington Depot, by South Abington and East Bridgewater, to Bridgewater.

From South Framingham, by Holliston and Braggville, to Milford.

From South Framingham to Framingham.

From Taunton, by Myrickville, to New Bedford.

From Taunton, by North Dighton, Dighton, and Somerset, to Swansea.

From Taunton, by Norton and Mansfield, to Mansfield Junction.

From Townsend, by New Ipswich, (New Hampshire,) to Peterborough.

From Warren, by Brimfield, to Wales.

From Wendell Depot, by Wendell, Lock's Village, and North Everett, to Montague.

From West Barnstable, by Hyannis and West Yarmouth, to South Yarmouth.

From West Barnstable, by Hyannis, to Hyannisport.

From West Brookfield, by New Braintree, to Hardwick.

From West Brookfield, by Ware and Enfield, to Amherst.

From Westfield, by East Granville, West Granville, Tolland, and New Boston, to Sandisfield.

From West Newton, by Newton Upper Falls, Grantville, Needham, to Dover.

From West Cambridge, by East Lexington, to Lexington.

From Westborough Station, by Northborough, to Shrewsbury.

From Weston Depot, by Weston and Wayland, to Sudbury.

From Whitinsville to East Douglas.

From Williamsburg, by Goshen, Cummington, Cummington West Village, East Windsor, Windsor, and Hinsdale, to Hinsdale Depot.

From Williamsburg, by Chesterfield, West Chesterfield, Worthington, West Worthington, and Peru, to Hinsdale.

From Winchester to Woburn.

From Woburn, by Burlington and Billerica, to Lowell.

From Worcester, by Clappville, Charlton Depot, Spencer, East Brookfield, Brookfield, West Brookfield, Warren, Palmer, Collin's Depot, Lud-

low, Springfield, West Springfield, Mittineague, Westfield, Russell, Chester Village, Chester Factories, Bancroft, North Becket, Washington, Hinsdale Depot, Hinsdale, Dalton, Pittsfield, West Pittsfield, Richmond, Flatbrook, (New York,) Canaan Four Corners, Canaan, Canaan Centre, Chatham Four Corners, Chatham Centre, Niverville, Schodack Depot, and Greenbush, to Albany.

From Worcester, by Paxton, West Rutland, Smithville, Barre Plains, Barre, Petersham, and North New Salem, to Orange.

From Worcester, by West Boyleston, Oakdale, Clinton, Sterling, Lancaster, Harvard, South Groton, Groton, Pepperell, and East Pepperell, to Nashua, New Hampshire.

From Worcester, by Kolden and North Rutland, to Rutland.

From Worcester, by Paxton, Colbrook, Barre, Petersham, North New Salem, and Wendell Depot, to Warwick.

From Worcester, by Paxton, Coldbrook, Barre, Petersham, North New Salem, Wendell Depot, Northfield, and Vernon, Vermont, to Brattleboro'.

From Yarmouth, by South Yarmouth, West Dennis, South Dennis, West Harwich, Harwich, Harwichport, South Harwich, Chatham, and North Chatham, to East Harwich.

Rhode Island.—From Bristol, by New Castle, to Pamaquid.

From Chepachet to Burrillville.

From Coventry, by West Greenwich, to Pine Hill.

From Coventry, by Potterville, to Rice City.

From Kingston Depot, by Usquepaugh, to Brand's Iron Works.

From Nonseneck Hill, by West Greenwich Center, Eskoheag, and Voluntown, to Campbell's Mills.

From Newport, by Jamestown, Narragansett, Tower Hill, Wakefield, Perryville, Charlestown, and Quonochontaug, to Westerly.

From Pawtuxet to Warwick Neck.

From Providence, by Knightsville, Natick, Centerville, Coventry, West Greenwich, Pine Hill, Brand's Iron Works, Hopkinton, North Stonington, Connecticut, Mystic, Centre Groton, and Groton, to New London.

From Providence, by Lippett, to Fiskville.

From Providence, by Pawtuxet, Warwick, and East Greenwich, to Wickford.

From Pawtuxet to Warwick Neck.

From Providence, by East Greenwich, Wickford, Kingston, Shamrock Mills, Carolina Mills, Dorville, and Westerly, to Stonington, Connecticut.

From Providence, by Centredale, Greenville, and Chepachet, to Pascoag.

From Providence, by North Scituate, South Foster, and South Killingly, Connecticut, to West Killingly.

From Providence, by North Scituate, Foster, and East Killingly, Connecticut, to Killingly.

From Providence, by Pawtuxet, Valley Falls, Lansdale, Lime Rock, Albion, Manville, Cumberland Hill, Woonsocket Falls, Blackstone, Massachusetts, Slatersville, Rhode Island, Millville, Massachusetts, Uxbridge, North Uxbridge, Whitinsville, Northbridge, Farnumsville, Sandersville, Wilkinsonville, and Milburg, to Worcester.

From Providence, by Vue de l'Eau, Barrington, Warren, Bristol, and Portsmouth, to Newport.

From Providence, by Olneysville, South Scituate, Mount Vernon, Rice City, Sterling, Connecticut, and Moosup, to Central Village.

From South Scituate, by Claysville, to Foster Centre.

From Wakefield, by Peacedale and Kingston, to Kingston Depot.

From Warwick Depot, by Warwick, Natick, and Phoenix, to Hopeville.

From Warwick Depot, by Warwick, Centerville, and Anthony, to Coventry.

From Westerly, by Potter's Hill and Ashaway, to Hopkinton.

Connecticut.—From Allyn's Point, by Norwich, Greenville, Jewett's City, Plainfield, Central Village, West Killingly, Killingly, Quinebaug, Thompson, Fisherville, Webster, Massachusetts, Oxford, and Auburn, to Worcester.

From Andover, by Gilead and Hebron, to Colchester.

From Bethel, by Redding, Redding Bridge, and Easton, to Bridgeport.

From Bethel, by Cold Spring, Monroe, and Huntington, to Derby.

From Bethel, by Cold Spring, to Derby.

From Bridgefield, by Lewisborough, New York, Vista, Smith's Ridge, Connecticut, New Canaan, to North Stamford.

From Bridgeport, by Trumbull and Trumble Long Hill, to Stepney.

From Bridgeport, by Stepney Depot, Cold Spring, Newton, Hawleyville, Brookfield, New Milford, Gaylord's Bridge, South Kent, Kent, Cornwall Bridge, West Cornwall, Falls Village, South Canaan, Canaan, Ashley Falls, Massachusetts, Sheffield, Great Barrington, Van Dusen-ville, and West Stockbridge, to State Line.

From Bridgeport, by Stratford, Derby, Ausonia, Humphreysville, Naugatuck, Waterbury, Waterville, Plymouth, Plymouth Hollow, Campville, East Litchfield, Walcottville, Burville, and West Winstead, to Winchester.

From Bolton Depot, by Coventry, Mansfield Depot, Mansfield, West Ashford, Ashford, Phoenixville, Abington, and Pomfret Landing, to Killingly.

From Bristol, by Terrysville, Plymouth, Plymouth Hollow, and Northfield, to Litchfield.

From Central Village, by Canterbury, Westminster, Scotland, and Windham, to South Windham.

From Colchester, by Westchester and Modus, to East Haddam.

From Collinsville, by New Hartford Centre, Torrington, and Bakersville, to Wolcottville.

From Collinsville, by Pine Meadows, New Hartford, Winchester, West Winstead, Millbrooke, Norfolk, West Norfolk, and East Canaan, to Canaan.

From Danbury, by Ball's Pond, to New Fairfield.

From Danbury, by New Fairfield and Haviland Hollow, New York, to Patterson.

From Danbury, by Bethel, to Hawleyville.

From Falls Village, by Salisbury, Lakeville, and Ore Hill, to North East, New York.

From Farmington, by Unionville, Burlington, and Harwinton, to Wolcottville.

From Greenwich, by North Greenwich, Round Hill, Banksville, and Stanwich, to Long Bridge.

From Hartford, by Bloomfield, Tariffville, Granby, North Granby, and East Granville, Massachusetts, to Blanford.

From Hartford, by West Hartford, Avon, Canton, Collinsville, New Hartford, Winchester, Millbrook, and Norfolk, to Canaan.

From Hartford, by West Hartford, Farmington, Bristol, Terrysville, Plymouth, Plymouth Hollow, to Northfield.

From Hartford, by Bloomfield, Simsbury, West Granby, and Hartland, to West Granville, Massachusetts.

From Hartford, by Hockanam and Glastenbury, to South Glastenbury.

From Hartford, by East Hartford, Glastenbury, Marlborough, Colchester, Salem, and Chesterfield, to New London.

From Hartford, by Poquonock, Rainbow, East Granby, West Suffield, and Feeding Hill, to Westfield, Massachusetts.

From Hartford, by Wethersfield, Rocky Hill, Cromwell, Middletown, Durham, Durham Centre, Northford, and Fair Haven, to New Haven.

From Hartford, by West Hartford, Farmington, Bristol, Terrysville, Plymouth, Plymouth Hollow, and Northfield, to Litchfield.

From Hartford, by Buckland, Manchester, Manchester Station, Quarryville, Boston, Andover, and South Coventry, to Willimantic.

From Hartford, by New Britain, Plainville, and Forrestville, to Bristol.

From Hartford, by Bloomfield, Tariffville, Granby, and Southwick, to Westfield, Massachusetts.

From Hartford, by East Hartford, South Windsor, East Windsor Hill, and Windsorville, to Broad Brook.

From Hartford, by Bloomfield, Simsbury, West Granby, and Hartland, to West Granville, Massachusetts.

From Hartford, by Simsbury, North Canton, and Barkhamstead, to West Hartland.

From Hartford, by East Hartford, East Windsor Hill, South Windsor, East Windsor, Broad Brook, Scitico, and Somerville, to Somers.

From Hartford, by East Hartford, Manchester, Quarryville, Coventry, South Coventry, Willimantic, Windham, Howard Valley, and Brooklyn, to West Killingly.

From Hartford, by East Hartford, Buckland, Oakland, Vernon, Rockville, Ellington Square, Pond, and West Stafford, to Stafford.

From Hartford, by East Hartford, Manchester, Bolton, Andover, Columbia, Liberty Hill, Lebanon, Franklin, and Norwichtown, to Norwich.

From Humphreysville, by Oxford, Southford, Southbury, Woodbury, Bethlehem, and South Adams, to Litchfield.

From Jewett City, by Griswold, Voluntown, and Pendleton Hill, to North Stonington.

From Litchfield to Wolcottville.

From Litchfield to Litchfield Railroad Station.

From Litchfield, by Goshen, West Goshen, and North Cornwall to West Cornwall.

From Litchfield, by Bantam Falls, Woodville, New Preston, Marble Dale, and Northville, to New Milford.

From Middletown, by Portland, Middle Haddam, and East Hampton, to East Hampton Lake.

From Middletown, by Portland, Middle Haddam, Cobalt, Haddam, Leesville, Modus, East Haddam, Hadlyme, North Lyme, and Hamburg, to Lyme.

From Middletown to Meriden.

From Middletown by Higganum, Haddam, East Haddam, Chester, Deep River, Centre Brooke, and Essex, to Saybrook.

From Middletown to Portland.

From Middletown, by East Berlin, to the Depot on the New Haven, Hartford, and Springfield Railroad.

From Middletown, by Portland, Cobalt, Middle Haddam, and East Hampton, to Chatham.

From Middletown, by Portland, Middle Haddam, East Hampton, Marlborough, Hebron, Columbia, and Willimantic, to Windham.

From Milford, by Derby, Humphreysville, and Naugatuck, to Waterbury.

From Naples, by Riker Hollow, to Prattsburgh.

From New Hartford, by Pleasant Valley, Hitchcockville, and Colbrook River, to New Boston, Massachusetts.

From New Haven, by Hamden, Cheshire, Southbury, Plainville, Farmington, Avon, and Simsbury, to Torrville.

From New Haven to East Haven.

From New Haven, by North Haven, Wallingford, West Meriden, Meriden, Berlin, Kensington, New Britain, Hartford, Windsor, Windsor Locks, Warehouse Point, Thompsonville, and Long Meadow, Massachusetts, to Springfield.

From New Haven, by Fair Haven, North Branford, North Guilford, North Madison, Killingworth, and Winthrop, to Deep River.

From New Haven, by West Haven, Milford, Stratford, Bridgeport, Fairfield, Southport, Westport, Sangatuck, Norwalk, South Norwalk, Darien Depot, Stamford, Miamus, Greenwich, Port Chester, New York, Rye, Mamaroneck, New Rochelle, East Chester, West Farms, Haerlem, and Yorkville, to New York.

From New Haven, by Fair Haven, Branford, Guilford, Madison, Clinton, Westbrook, Saybrook, Lyme, Laysville, East Lyme, and Waterford, to New London.

From New Hartford, by Pleasant Valley, Hitchcockville, Colbrook River, New Boston, Massachusetts, and Otis, to West Becket.

From New London, by Chesterfield and Salem, to Colchester.

From New London, by Uncasville, Norwich, Norwichtown, Yantic, North Franklin, South Windham, Willimantic, South Coventry, Eagleville, Mansfield Depot, West Willington, Stafford Springs, and Monson, Massachusetts, to Palmer.

From New London, by Groton, Centre Groton, Mystic, Mystic River, and Mystic Bridge, to Stonington, Connecticut.

From New London, by Mystic River or Mystic Bridge, (by water,) to Stonington.

From New Milford, by Bridgewater, to Roxbury.

From Newtown, by South Britain, Southbury, and Woodbury, to Hotchkissville.

From North Woodstock, by Woodstock and Pomfret, to Quinebaug.

From Norwalk, by Weston, to Redding Ridge.

From Norwalk to New Canaan.

From Norwich, by Norwichtown, Franklin, Windham, Mansfield Centre, Mansfield, Tolland, Rockville, Ellington, Somers, North Somers, and East Long Meadow, Massachusetts, to Springfield.

From Norwich, by Preston, Griswold, Voluntown, Pendleton Hill, and North Stonington, to Westerly, Rhode Island.

From Norwich, by Norwichtown, Bozrah, and Bozrahville, to Colchester.

From Norwich, by Poquetannuck and Ledyard, to Gales's Ferry.

From Norwich, by Jewett's City, Plainfield, Central Village, West Killingly, Killingly, Wilkinsons, Thompson, Fisherville, Webster, Massachusetts, Oxford, and Auburn, to Worcester.

From North Woodstock, by Woodstock and Pomfret, to Wilkinsons.

From Pleasant Valley to New Hartford.

From Pleasant Valley to Warwick Neck.

From Ridgefield, by Lewisborough, (New York,) Vista, New Canaan, (Connecticut,) and North Stamford, to Stamford.

From Rockville, by Tolland, West Willington, Willington Centre, Moose Meadow, Westford, North Ashford, West Woodstock, Village Corners, and Dudley, to Webster, (Massachusetts.)

From South Norwalk, by Norwalk, Wilton, Georgetown, Ridgefield, Redding, Redding Ridge, and Bethel, to Danbury.

From Stamford to New Canaan.

From Stafford Depot, (Connecticut,) to Southbridge, (Massachusetts.)

From Stuartville, by Bloomfield, Tariffville, Granby, North Granby, and East Granville, (Massachusetts,) to Blanford.

From Tolland, by Moose Meadow, Westford, North Ashford, and West Woodstock, to North Woodstock.

From Unionville, by Burlington and Harwinton, to Wolcottville.

From Vernon Depot, by Vernon, Rockville, and Tolland, to Stafford Springs.

From Voluntown, by Campbell's Mills, Collamer, and Sterling Hill, to Sterling.

From Waterbury to Watertown.

From Waterbury, by Marion, to West Meriden.

From Waterbury, by Watertown, to Litchfield.

From West Cornwall to Sharon.

From West Killingly, to Brooklyn, Hampton, Chaplin, and North Windham, to Willimantic.

From West Willington, by Moose Meadow, Westford, North Ashford, West Woodstock, and New Boston, to Webster, (Massachusetts.)

From Willimantic, by Mansfield Centre and Chaplin, to Eastford.

From Windham to Willimantic.

New York—From Addison, by South Addison, Elkland, Pennsylvania, and Ocoila, to Knoxville.

From Albion, by Gaines, Waterport, Carlton, West Carlton, Yates, County Line, Somerset, Olcott, Wilson, and Ransomville, to Youngstown.

From Albany, by Ireland Corners, Newtonsville, and Boght, to Crescent.

From Albany, by West Troy, to Troy.

From Albany, by Cedar Hills and Coeymans, to New Baltimore.

From Albany, by Guilderland, Guilderland Centre, Knowersville, Township, West Township, Gallupville, Scoharie, East Cobleskill, Barnesville, Cobleskill Centre, Cobleskill, and Warnerville, to Richmondville.

From Albany, by West Troy, Cohoes, Waterford, Schaghticoke, Eagle Bridge, Centre White Creek, Cambridge, Shusan, Salem, West Rupert, Vermont, Rupert, West Paulet, Granville, New York, Middle Granville, West Poultney, Vermont, Castleton, West Rutland, and Centre Rutland, to Rutland.

From Albany, by Norman's Kill, New Scotland, New Salem, East Berne, Berne, and Waldensville, to Gallupville.

From Albany, by Kenwood, Bethlehem, Clarks-ville, Reedville, Westerloo, Rensselaerville, Medusa, and Oak Hill, to Durham.

From Albany, by Bethlehem Centre, Feura Bush, Keefer's Corners, and Indian Fields, to Greenville.

From Albany, by Guilderland, Dunnsville, East Duaneburg, Duaneburg, Esperance, Sloanesville, Carlisle, Sharon, Sharon Centre, and Leesville, to Cherry Valley.

From Albany, by Defriestville and West Sand Lake, to Sand Lake.

From Albany, by Lisha's Kill, Schenectady, Hoffman's Ferry, Cranessville, Amsterdam, Tribe's Hill, Fonda, Canajoharie, Palatine, Bridge, Fort Plain, St. Johnsville, Mannheim, Little Falls, Herkimer, East Schuyler, West Schuyler, Utica, Whitestown, Oriskany, Rome, Green's Corners, Verona, Verona Depot, Oneida Depot, Oneida Castle, Wampsville, Canastota, Syracuse, Belle Isle, Canal, Jordan, Weedsport, Port Byron, Cruso, Clyde, Lock Berlin, Lyons, Newark, East Palmyra, Palmyra, Macedon, Perrington, Penfield, Rochester, Gates, North Chili, Churchville, Bergen, West Bergen, South Byron, Batavia, West Batavia, Corfu, Crittenden, Mill Grove, and Cheektowaga, to Buffalo.

From Almond, by McHenry's Valley and Col-lin's Settlement, to Philipville.

From Alden to Mill Grove.

From Alden, by Cowlesville and Folsomville, to Bennington.

From Alden, by South Alden and Willis's Mill, to East Aurora.

From Almond, by Canakedier and Phillip's Creek, to Philipville.

From Adams, by Rodman, East Rodman, South Rutland, Champion, South Roads, to Copenhagen.

From Alps, by Hoag's Corners and East Nas-sau, to Moffit's Store.

From Amsterdam, by Port Jackson, Mina-ville, Braman's Corners, to Burtonsville.

From Amsterdam, by Perth, Vail's Mills, Broad Albin, North Broad Albin, Union Mills, Northampton, Osborne's Bridge, and Newton's Corners, to Northville.

From Amsterdam, by Port Jackson, Minaville, Fort Hunter, and Auriesville, to Glen.

From Amsterdam, by Hagaman's Mills, West Galway, Galway, North Galway, and Providence, to Barkersville.

From Antwerp, by North Wilna, Wilna, Car-thage, and Deep River, to Denmark.

From Andover, by Independence, to Whites-ville.

From Angelica, by Allen Centre, Short Tract, Granger, and Hunt's Hollow, to Portageville.

From Argyle, by North Argyle and South Hartford, to Hartford.

From Attica, by Varysburg, Johnsonburg, North Java, East Java, and East China, to China.

From Auburn, by Sennet, Seneca River, Cats, Meridian, Ira, Hannibal Centre, Hannibal, and Kinney's Four Corners, to Oswego.

From Auburn, by Fleming, Scipio, Venice, Genoa, East Genoa, North Lansing, West Gro-ton, and East Lansing, South Lansing.

From Auburn, by Fleming, The Square, Scipioville, Sherwoods, Poplar Ridge, Ledyard, King's Ferry, Five Corners, Lansingville, Ludlow-ville, South Lansing, and Forrest City, to Ithaca.

From Auburn, by Owasco, Lake Moravia, Locke, Summer Hill, and Homer, to Cortlandt Village.

From Auburn, by Pontico, to Skanenteles.

From Auburn, by Owasco and Niles, to Kel-logsville.

From Auburn to Port Byron.

From Auburn, by Aurelius, Union Springs, and Havanna, to Aurora.

From Ausable Forks, by Wilmington, Jay, and Upper Jay, to Keene.

From Ausable Forks, by Black Brook, Union Falls, Merrillsville, Duane, and South Dickinson, to Nicolville.

From Ausable Forks, by Black Brook, Frank-lin Falls, and Bloomingdale, to Saranac Lake.

From Bainbridge, by West Bainbridge, Cov-entryville, Coventry Greene, Geneganslet, and Triangle, to Whitney's Point.

From Ballstown, by West Milton, South Gal-way, Galway, Whiteside's Corners, Providence, North Hampton, and Edinburg, to West Day.

From Baldwinsville, by Plainville, Meridian, Cato, Victory, and Westbury, to Wolcott.

From Bangall, by Hull's Mills, Federal Store, and City, to Amenia.

From Barcelona, by Westfield, Hartfield, May-ville, Magnolia, and Harmony, to Jamestown.

From Barrytown, to Red Hook, Rock City, Milan, and Lafayette, to Pine Plains.

From Barryville, by Lumberland, Beaver Brook, Forestburg, Monticello, Stevensville, and Liberty Falls, to Liberty.

From Batavia, by Elba, South Barre, Barre, Barre Centre, and Albion, to Gaines.

From Batavia, by East Bethany, Pavilion, Covington, La Grange, and Perry Centre, to Centre.

From Batavia, by Alexander, to Attica.

From Batavia, by Oakfield, Wheatville, Alabama, and Royalton, to Medina.

From Bath, by Mount Washington, Bradford, Orange, Sugar Hill, and Townsend, to Watkins.

From Bath, by North Cameron, Cameron, South Hill, Jasper, and Troupsburg, to Knoxville, Pennsylvania.

From Bath, by Campbell's Creek, Towlesville, East Canisteo, Canisteo, and Bennett's Creek, to Greenwood.

From Bath, by Marsh's and Bennett's, to Towlesville.

From Bath, by Wheeler, to Prattsburg.

From Bath, by Thurston and South Thurston, to West Addison.

From Bath, by Mud Creek, Cambellstown, Cooper's Plains, and Painted Post, to Corning.

From Belvidere, by Angelica, Allen Grove, Hunt's Hollow, Oakland, Nunda, Brook's Grove, Ridge, and Mount Morris, to Geneseo.

From Belvidere, by Transit Bridge, Belfast, Oramel, and Canadea, to Rushford.

From Bergen, by East Bergen, Sweden, and Brookport, to Clarkson.

From Beekmantown, by West Chazy, to Chazy.

From Binghampton, to Katteville, Chenango Forks, Greene, East Greene, South Oxford, and Oxford, to Norwich.

From Binghampton to Friendsville.

From Binghampton, by Port Crane, Osborne's Hollow, Colesville, and West Colesville, to Harpersville.

From Binghampton, by Castle Creek, Hyde's Settlement, Whitney's Point, Lisle, Killawog, Marathon, Blodgett's Mills, and Courtland Village, to Homer.

From Brasher's Falls, by Brasher's Iron Works and Helena, to Hogsansburg.

From Brooklyn, by Flat Bush and New Utrecht, to Fort Hamilton.

From Brownsville, by Perch River, Stone Mills, and Lafargeville, to Clayton.

From Buffalo, by Cheektowaga, Lancaster, Town Line, Akten, Darien Centre, Darien, Attica, Linden, Dale, Warsaw, East Gainsville, Castile, Portageville, Hunt's Hollow, Nunda, Chautauque Valley, Whitney's Valley, Burns, and Arkport, to Hornellsville.

From Buffalo, by Ebenezer Village, to Cowlesville.

From Buffalo, by East Evans, North Evans, Evans, Irving, Silver Creek, Sheridan, Dunkirk, Fredonia, Salem Cross Roads, Portland, Westfield, and Ripley, to State Line.

From Buffalo, by Red Jacket, Spring Brook, West Aurora, East Aurora, South Wales, Holland, Sardinia, Yorkshire, Delavan, Machias, Franklinville, Cadiz, and Rice, to Hinsdale.

From Buffalo, by West Seneca, Big Tree Corners, Hamburg, North Boston, Patchin, Boston, Springville, Ashford, Plato, Ellicottsville, and Great Valley, to Killbuck.

From Buffalo, by Black Rock, to Tonawanda.

From Buffalo to Lockport.

From Buffalo, by East Hamburg, Ellicott, and California, to Griffin's Mills.

From Burns, by Doty's Corners, to Danville.

From Cairo, by East Durham, Potters' Hollow, Manor Hill, and Conesville, to Gilboa.

From Cambridge, by North White Creek, Anaquascook, East Salem, and West Arlington, Vermont, to Arlington.

From Cambridge, by North Cambridge, to Greenwich.

From Canaan Four Corners, by New Britain, Moffit's Store, East Nassau, and Hoag's Corners, to Sand Lake.

From Canaan Four Corners, by New Lebanon, to New Lebanon Springs.

From Camden, by East Florence and Florence, to Bedford.

From Camden, by Hillsboro', Cartersville,

Amboy Centre, East Parish, Parish, and Colosse, to Mexico.

From Canandaigua, by Cheshire, Bristol Centre, Honeoye, Canadea, and East Springwater, to Springwater.

From Canandaigua, by Larned's Corners, Orleans, Seneca Castle, Flint Creek, Hopewell, and Larned's Corners, to Canandaigua.

From Canandaigua, by Centrefield, East Bloomfield, Taylorsville, West Bloomfield, North Bloomfield, Honeoye Falls, East Rush, and West Rush, to Caledonia.

From Canandaigua, by Bristol, Allen's Mills, Richmond Mills, Livonia, and Lakeville, to Geneseo.

From Canandaigua, by Hopewell, Stanly Corners, Ferguson's Corners, Hall's Corners, Benton Centre, Penn Yan, Milo Centre, Milo, North Starkey, Big Stream Point, and Rock Stream, to Watkins.

From Canandaigua, by West Farmington and Norton's Mills, to Farmington.

From Canajoharie, by Spraker's Basin, Root, Charleston, Four Corners, Sloansville, and Central Bridge, to Schoharie.

From Canajoharie, by Ames and Sharon Springs, to Sharon Centre.

From Canajoharie, by Flat Creek, Argusville, and Sharon, to Gardnersville.

From Candor Centre, by West Candor, Spencer, Van Ettenville, Cayuta, West Cayuta, and Alpine, to Catharine.

From Canisteo, by Bennet's Creek, Greenwood, Rough and Ready, West Troupsburg, Jasper, Woodhull, and South Addison, to Addison.

From Canisteo, by Pardy Creek, West Greenwood, and West Union, to Whitesville.

From Canton, by North Russel, Russel, Edwards, Fullersville Iron Works, Fowler, and Shingle Creek.

From Canton, by East De Kalb, to Richville.

From Catskill, by Leeds, South Cairo, Cairo, Acra, South Durham, East Windham, Unionville, Windham Centre, Windham, Ashland, Red Falls, Prattsville, Moresville, Stamford, Hobart, South Kortright, and Bloomville, to Delhi.

From Catskill, by Kishatom, Palenville, Tanterville, Hunter, Jewett Centre, and Lexington, to Prattsville.

From Castle, by St. Helena, River Road Forks, and Brook's Grove, to Tuscarora.

From Cattaraugus, by Otto and Eddysville, to Ellicottsville.

From Cattaraugus, by New Albion, to Leon.

From Centre White Creek, by White Creek, to North Bennington, Vermont.

From Chateaugay, by Wrightsville, to Frontier.

From Chemung, by Wynkoop Creek and South Erin, to Van Ettenville.

From Cherry Valley, to Roseboom, Middlefield, and Westville, to Milford.

From Cherry Valley, by East Springfield, Springfield, Warren, Richfield Springs, May Flower, Winfield, West Winfield, and Babcock Hill, to Clayville.

From Chester, by Sugar Loaf, Warwick, and Edenville, to Amity.

From Chester, by Florida, to Warwick.

From Chittenango, by Perryville, Fenner, and Nelson, to Erieville.

From Chittenango Station, by Chittenango, Chittenango Falls, Cazenovia, New Woodstock, De Ruyter, Cuyler, Truxton, East Homer, and Homer, to Cortlandt Village.

From Cobleskill, by Lawyersville, Hindsville, Gardnersville, Seward, South Valley, and Pleasant Brook, to Roseboom.

From Cohecton, by Fosterdale, Bethel, White Lake, Mongaup Valley, Monticello, Bridgeville, Gales, Wurizboro', and Bloomingburg, to Midletown.

From Cohecton, by Damascus, Pennsylvania, to Rileville.

From Coeymans, by Coeymans Hollow, Dormansville, and Westerlo, to South Berne.

From Comstock's Landing, by West Granville, North Granville, and Middle Granville, to Granville.

From Concord Centre to Java.

From Cooperstown, by Fly Creek, Oaksville, Burlington, West Burlington, Edmeston, Pittsfield, New Berlin, New Berlin Centre, and South New Berlin, to Norwich.

From Cooperstown, by Middlefield, Westford, and Decatur, to Worcester.

From Copenhagen, by Pinckney, Barnes's Corners, Worthville, and Jacksonsville, to Lorraine.

From Corning, by Cooper's Plains, Campbelltown, Savona, Bath, Kennedysville, Avoca, Twelve Mile Creek, Cohocton, North Cohocton, Wayland Depot, Springwater, West Conesus, Conesus, South Livonia, Lakeville, Avon, Caledonia, Le Roy, and Stafford, to Batavia.

From Corning, by Painted Post, Addison, Rothbonesville, West Addison, Cameron Mills, West Cameron, East Canisteo, and Canisteo, to Hornellsville.

From Corning, by Post Creek, Hornby, Beaver Dams, and Moreland, to Watkins.

From Cortlandt Village, by McGrawsville, Freetown Corners, and East Freetown, to Texas Valley.

From Cortlandt Village, by McGrawsville, Solon, Cincinnati, Taylor, Pitcher, Pitcher Springs, Pharsalia, East Pharsalia, and Preston, to Norwich.

From Covesville, by Quaker Springs and Dean's Corners, to Ketcham's Corners.

From Cocksackie, by Medway, Greenville, South Westerlo, and Norton Hill, to Oak Hill.

From Cuba, by Black Creek, and Rockville, to Belfast.

From Cuba, by Rawson, Rushford, Fairview, Freedom, Sandusky, and China, to Yorkshire.

From Cuba, by West Clarksville and West Genesee, to Portville.

From Cuba, by Hindsdale, to Olean.

From Dansville, by Ossian, Whitney's Valley, and Birdsall, to Allen.

From Dansville, by Scottsburg and West Conesus, to Conesus.

From Davenport, by North Kortright and Harpersfield, to Stamford.

From Deer Park, by West Hills and Dix Hills, to Commack.

From Delhi, by Kortright, to Harpersfield.

From De Ruyter, by Linklean, Union Valley, Pitcher, Taylor, Cincinnati, Willet, and Upper Lisle, to Whitney's Point.

From De Ruyter, by Otselic, Smyrna, Sherburne, and Columbus, to New Berlin.

From Deposit, by Sanford, Vallonia Springs, South Bainbridge, Coventryville, and Cheshireville, to Oxford.

From Deposit, by Barbourville, Masonville, Bennettsville, Bainbridge, East Guilford, Rockdale, Mount Upton, White Store, South New Berlin, and New Berlin Centre, to New Berlin.

From Deposit to Cannonsville.

From De Ruyter, by North Linklean, South Otselic, Plymouth, and South Plymouth, to Norwich.

From Dickinson Centre, by Dickinson, Moira, and Bombay, to Fort Covington.

From Dover, by Amenia and Leedsville, to Sharon.

From Dunkirk, by Fredonia, Laona, Cassadaga, Gerry, and Vermont, to Jamestown.

From Dunkirk to Detroit, Michigan.

From East Chatham, by Chatham and Malden Bridge, to Nassau.

From Elizabethtown, by Keene, North Elba, Harrietstown, and St. Armand, to Merrillville.

From Elmira, by East Veteran and West Cayuta, to Ithaca.

From Elmira, by Fairport, Pine Valley, Millport, Croton Corners, and Havana, to Watkins.

From Elmira, by North Chemung and Erin, to Cayuta.

From Elmira, by South Port, Seely Creek, Webb's Mills, French Mills, Pennsylvania, Daggett's Mills, and Rutland, to Mansfield.

From Elmira, by Fairport, Millport, and Havana, to Salubria.

From Erie, Pennsylvania, by Phillipsville, Wattsburg, Marvin, New York, Clymer, Clymer Centre, Panama, Blockville, Harmony, Jamestown, Levant, Poland Centre, Falconer, Randolph, East Randolph, and Napoli, to Little Valley.

From Essex to Charlotte, Vermont.

From Farmingdale Depot, by Amityville and South Oyster Bay, to Jerusalem South.

From Fisher's, by Mendon, and Mendon Centre, to Honeoye Falls.

From Fishkill, by Shenandoah and Kent, to Carmel.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33d CONGRESS, 1st Session.

MONDAY, AUGUST 7, 1854.

NEW SERIES....No. 143.

- From Fishkill, by Brinkerhoff, Johnsonville, Oregonville, Gayhead, Cortlandville, and Stormville, to Pouquag.
- From Fishkill Landing, by Matteawan, Glenham, Fishkill, East Kill, Ortonville, and Johnsonville, to Stormville.
- From Fonda, by Fultonville, Glen, and Charleston, to Fultonville.
- From Fonda, by Johnstown, Gloversville, Kingsborough, Mayfield, and Cranberry Creek, to Osborne's Bridge.
- From Fonda, by Sammonsville and Ephrata, to Newkirk's Mills.
- From Fordham, by King's Bridge, Yonkers, Hastings upon Hudson, and Dobb's Ferry, to Ferrytown.
- From Fort Ann, by West Fort Ann, Griswold's Mills, Patten's Mills, and Queensbury, to French Mountain.
- From Fort Covington, by Hogansburg and Racket River, to Massena.
- From Fort Edwards, by Sandy Hill, Glenn's Falls, French Mountain, Caldwell, Warrensburg, Chestertown and Pottersville, to Schroon Lake.
- From Fort Plain, by Hallsville and Minden, to Starkville.
- From Fort Plain, by Frev Bush, Hessville, and Sprout Brook, to Cherry Valley.
- From Fort Plain, by Hallsville, Starkville, Van Hornsville, Springfield Centre, Cooperstown, Hartwick Seminary, South Hartwick, Mount Vision, and Laurens, to Morris.
- From Fowler's Point, by Starkey, to Dundee.
- From Fredonia, by Laona, Arkwright, and Hamlet, to Villa Nova.
- From Fredonia, by Stockton, Oregon, Ellery, and Fluvanna, to Jamestown.
- From Fulton, by Volney, Palermo, Vermillion, and Butterfly, to Mexico.
- From Fulton, by Gilbert's Mills, Pennellsville, and Caughdenoy, to Brewerton.
- From Gales, by Glen Wild, to Sandburg.
- From Geneseo, by Cuylersville, Moscow, Perry, Castle, and East Pike, to Pike.
- From Geneva, by Stanley Corners, Benton, Pennyman, Barrington, and Urbana, to Bath.
- From Geneva, by Junius, Marengo, Clyde, Rose, and West Butler, to Wolcott.
- From Geneva, by Stanley Corners, Gorham, Rushville, Middlesex, and Naples, to North Co-shocton.
- From Gerry to Charlotte Centre.
- From Gilboa, by Mine Kill Falls, North Blenheim, and Brakaben, to Middleburg.
- From Goshen, by New Hampton, Slate Hill, Wells Corners, and Minisink, to Port Jervis.
- From Goshen, by Ridgebury, West Town, Unionville, Mount Salem, (New Jersey,) Minisink, (New York,) Wells Corners, and Slate Hill, to Goshen.
- From Gouverneur, by Wegotchie, Oxbow, Theresa, West Theresa, and Orleans Four Corners, to Lafargeville.
- From Great Bend, by Carthage and Deer River, to Denmark.
- From Gowanda, by Perrysburg, Nashville, and Hanover, to Fredonia.
- From Great Bend, by Evans's Mills, to French Creek.
- From Gowanda, by West Perrysburg and Smith's Mills, to Silver Creek.
- From Greene, by Geneganslet, Smithville Flats, and East German, to McDonough.
- From Greenwich, by Battenville, East Greenwich, to Salem.
- From Greenport, by Sag Harbor and Bridge Hampton, to South Hampton.
- From Granville, by Middle Granville and North Granville, to Comstock's Landing.
- From Guilderland, by Rotterdam, Mariaville, Minaville, and Fort Hunter, to Tribe's Hill.
- From Hamilton, by Lebanon, Georgetown, Otselic, South Otselic, and Linklean, to Pitcher Springs.
- From Hamburg, by Water Valley, White's Corners, Edin, Collins, and Angola, to Gowanda.
- From Haverstraw to Clarkstown.
- From Hart's Village, by Washington and Little Rest, to Dover.
- From Hancock, by Partridge Island, Harvard's, Elwood's Bridge, Colchester, Pepacton, and Cabin Hill, to Delhi.
- From Hancock, by Rock Rift, Walton, and Hampden, to Delhi.
- From Hempstead Depot, by Boslyn and Cedar Swamp, to Glen Cove.
- From Herkimer, by Mohawk, Jordansville, Page's Corners, Richfield Springs, Schuyler's Lake, Oaksville, and Fry Creek, to Cooperstown.
- From Heuvelton, by De Peyster, Edenton, and Pope's Mills, to Macomb.
- From Heuvelton, by Rensselaer Falls, to Hermon.
- From Hicksville, by Cold Spring Harbor, Huntington, and Centreport, to Northport.
- From Hicksville, by Jericho and East Norwich, to Oyster Bay.
- From Hornellsville, by Haskensville, Rogersville, Loon Lake, and Patchin's Mills, to Wayland Depot.
- From Hornellsville, by Big Creek, Howard, Gloff's Mills, and Kennedysville, to Bath.
- From Hudson, by Claverack, Churchtown, Taghkanic, Copake, and Boston Corners, Massachusetts, to North East, New York.
- From Hillsdale, by North Egremont, Egremont Plains, and South Egremont, to Great Barrington.
- From Hudson, Claverack, Mellenville, and Ghent, to Chatham Four Corners.
- From Hudson, by West Taghkanic, Ancram, and Ancram Lead Mines, to North East.
- From Hudson, by Stockport, Stuyvesant Falls, to Kinderhook.
- From Ithaca, by West Dryden, Peruville, Groton, and Locke, to Moravia.
- From Ithaca, by Newfield and Catharine, to Havana.
- From Ithaca, by Enfield, Enfield Centre, Trumbull's Corners, Cayutaville, and Odessa, to Havana.
- From Ithaca, by Varna, Etna, Dryden, and McLean, to Cortlandt Village.
- From Ithaca, by Enfield, Mecklenburg, Reynoldsville, Bennettsburg, Burdette, Watkins, Reading, Pine Grove, Tyrone, Weston, Wayne Four Corners, North Urbana, and Urbana, to Bath.
- From Ithaca, by Slatersville, Caroline, Richford, Centre Lisle, and Lisle, to Whitney's Point.
- From Ithaca, by Danby, to South Danby.
- From Ithaca, by Danby, South Danby, Wilseyville, and Candor, to Owego.
- From Jamaica to Rockaway.
- From Jamestown, by Levant, Ellington, Clear Creek, Conewango, Leon, and Sociality, to Gowanda.
- From Jefferson, by Morseville, Summit, West Fulton, and Fultonham, to Middleburg.
- From Johnstown, by Rockwood, Garoga, Lassellville, and Oppenheim, to Brockett's Bridge.
- From Johnsburg to Wellstown.
- From Jordan to Elbridge.
- From Katonah, by Cross River and Boutonville, to South Salem.
- From Keeseville, by Port Kent, to Burlington, (Vermont.)
- From Keeseville, by Peru, to Plattsburg.
- From Keeseville, by Clintonville and New Sweden, to Ausable Forks.
- From Kensico Depot, by Kensico and Amonk, to North Castle.
- From Kinderhook, by Stuyvesant, Schodack Landing, and Castleton, to Albany.
- From Kingston, by Glasco, to Saugerties.
- From Kingston, by West Hurley, Olive, Shokan, The Corner, Phoenicia, Shandaken, Pine Hill, Griffin's Corners, Clovesville, Arkville, Middletown Centre, Clark's Factory, and Andes, to Delhi.
- From Kingston, by Rondout, Amesville, Esopus, and River Side, to New Paltz Landing.
- From Kingston route, near Fish Lake, by Brushland, to Bovina.
- From Knowlesville, by Millville, to Farmingham.
- From Lamson's, by Little Utica, Polkville, and Lysander, to Plainville.
- From Lancaster, by East Aurora, Griffin's Mills, West Falls, Colden, and Glenwood, to Springville.
- From Le Roy, by Roanoke, East Bethany, Bethany, West Bethany, and Brookville, to Alexander.
- From Le Roy, by Pavilion Centre, Pearl Creek, and Wyoming, to Warsaw.
- From Lewistown to Niagara Falls.
- From Lewistown, by Rochester, Oswego, Sackett's Harbor, Kingston, (Canada,) Clayton, (New York,) Alexander, and Morristown, to Ogdensburg.
- From Lewistown to Youngstown.
- From Lexington, by West Kill and Bushnellsville, to Shandaken.
- From Liberty, by Parksville, Purvis, Rockland, Beaverkill, Shin Creek, and Shavertown, to Peapackton.
- From Liberty, by Youngsville, Callikoon, and North Branch, to Callikoon Depot.
- From Little Falls, by Manheim Centre, Brockett's Bridge, Salisbury, Salisbury Centre, to Devereaux.
- From Little Falls, by Eatonville, Fairfield, Middleville, Newport, Poland, Cold Brook, Russia, Gravesville, and Trenton Falls, to Trenton.
- From Little Falls, by Jacksonburg, Paine's Hollow, and Crain's, to Warren.
- From Little Falls, by Danube, to Newville.
- From Little Falls, by Salisbury, to Graysville.
- From Linden, by Middlebury, Wyoming, Pearl Creek, Covington, Peoria, Greigsville, Pifford, and Spottswood, to Geneseo.
- From Lockport, by Pekin, to Lewistown.
- From Lockport, by Hickory Corners, Cambria, and South Wilson, to Wilson.
- From Lockport, by Wright's Corners and Newfane, to Olcott.
- From Lockport, by Wright's Corners, Hess Road, and Somerset, to Somerset.
- From Lockport, by Mapleton and Shawnee, to Bergholtz.
- From Lockport, by Locust Tree Rapids, West Newstead, North Clarence, and Clarence Centre, to Clarence.
- From Lockport, by Mount Cambria, Pendleton Centre, and Pendleton, to Lockport.
- From Lockport to Wilson, by Coomer.
- From Lodi, by South Lodi, North Hector, Hector, and Burdette, to Watkins.
- From Lodi, by Lodi Centre, Seneca, Logan, and Burdette, to Watkins.
- From Lowville, by Watson, New Bremen, Croghan, Diana, Pitcairn, East Pitcairn, and South Edwards, to Edwards.
- From Lowville, by South Harrisburg, Harrisburg, New Boston, and Pinkney, to Rodman.
- From Lyons, by South Sodus and Alton, to Sodus Point.
- From Madrid Station, by Buck's Bridge and Morley, to Canton.
- From Malone, by East Constable and West Constable, to Fort Covington.
- From Manlius, by Watervale and Pompey Centre, to Manlius.
- From Manlius Depot, by Manlius Centre, Fayetteville, to Manlius.
- From Marcellus Depot, by Marcellus Falls, Marcellus, South Marcellus, Thorn Hill, and Borodino, to Spafford.
- From Marvin, by French Creek and Mina, to Sherman.
- From Mechanicsville, by Stillwater, Bemus' Heights, Covesville, Victory Mills, Schuylersville, Northumberland, Fort Miller, and Fort Edward Centre, to Fort Edward.
- From McConnellsville, by Vienna, North Bay, West Vienna, Cleveland, Bernhard Bay, Constantia, and West Monroe, to Central Square.
- From Medford Station, by Coram, Miller's Place, and Mount Sinai, to Port Jefferson.
- From Medford Station, by Patchogue, Belleport, and Fireplace, to Moriches.

From Medina, by Ridgway and Lyndonville, to Yates.

From Monticello, by Thompsonville, Fallsburg, Woodburne, Hasbrouck, Neversink, and Clarysville, to Grahamsville.

From Mooresville, by Roxbury, Stratton Falls, and Halcottsville, to Arkville.

From Mount Morris, by Tuscarora and Union Corners, to Byersville.

From Naples, by Riker Hollow, to Plattsburg.

From New York, by Brooklyn, East New York, Jamaica, Brushville, Hempstead Branch, Hempstead, Merrick, Farmingdale, Babylon, Deer Park, Thompson's Station, Suffolk Station, Lakeland, Waverly, Maoorville, Yaphank, Suffolk Court House, Upper Aquebogue, Jamesport, Mattituck, Cutchogue, West Southold, and Southold, to Greenport.

From New York, by Jersey City, New Jersey, Aquackanock, Patterson, Sufferns, New York, Ramapo Works, Sloatsburg, Monroe Works, Turners, Monroe, Oxford Depot, Chester, Goshen, New Hampton, Middletown, Howell's Depot, Mount Hope, Ouisville, Port Jervis, Mongaup, Pond Eddy, Barryville, Shehola, Penna, Lackawaxen, Delaware Bridge, New York, Narrowsburg, Cochection, Callikoon Depot, Fremont, Equimunk, Pennsylvania, Stockport Station, New York, Hancock, Monument Island, Deposit, Lanesboro', Pennsylvania, Susquehanna Depot, Great Bend, Lodersville, Kirkwood, New York, Conklin, Binghampton, Union, Campville, Owego, Tioga Centre, Smithboro', Barton, Factoryville, Waverly, Chemung, Wellsboro', Elmira, Big Flats, East Painted Post, Corning, Gibson, Knoxville, Painted Post, Addison, Rathboneville, West Addison, Cameron Mills, Cameron, West Cameron, Adrian, Canisteo, Hornellsville, Almond, Alfred, Andover, Elm Valley, Wellsville, Scio, Phillipsville, Belvidere, Friendship, Cuba, Hinsdale, Olean, Allegany, Tuna, Great Valley, Little Valley, Cattaraugus, Dayton, Perryburg, Smith's Mills, and Forestville, to Dunkirk.

From New York, by Yorkville, Haerlem, Mott Haven, Morrisania, Foreham, Mount Vernon, Bronxville, Tuckahoe, Scarsdale, Moringville, White Plains, Kensico, Neperan, Pleasantville, Chappaqua, New Castle, Mount Kisco, Bedford Station, Katona, Golden's Bridge, Purdy's Station, Croton Falls, Brewster's Station, Dykeman's, Carmel, Townner's, Haviland Hollow, Patterson, Pawlings, South Dover, Dover, Wassaic, Amenia, Oblong, Northeast Station, Boston Corners, Massachusetts, Copake, New York, Hillsdale, North Copake, Martindale Depot, and Ghent, to Chatham Four Corners.

From New York, by New London, Connecticut, to Norwich.

From New York, by Tompkinsville, Stapleton, New Brighton, and North Shore, to Port Richmond.

From New York, by Williamsburg, Maspeth, and Newtown, to Flushing.

From New York, by Manhattanville, Washington Heights, Kingsbridge, Yonkers, Hastings upon Hudson, Dobb's Ferry, Dearman's, Tarrytown, Sing Sing, Croton Landing, Peekskill, Garrison's, Cold Spring, Fishkill Landing, Carthage Landing, New Hamburg, Hughsonville, Wappinger's Falls, Poughkeepsie, Hyde Park, Staatsburg, Rhinebeck, Barrytown, Clermont, German town, Livingston, Hudson, Stockport, Stuyvesant, Schodack Landing, Castleton, and Greenbush, to Albany.

From New York to Stonington, Connecticut.

From Newark, by Fairville and Joy, to Sodus.

From Newburg, by Mortonville, Salisbury Mills, Blooming Grove, and Craigsville, to Chester.

From Newburg, by Coldenham, Montgomery, and Bullville, to Bloomingburg.

From Newburg, by Middlehope, Marlboro', Milton, and New Paltz Landing, to Poughkeepsie.

From Newburg, Walden, Ulsterville, Ellenville, and Woodburne, to Liberty.

From Newburg, by Plattkill, Modena, Clintondale, New Paltz, Arnoldton, Rosendale, and Fly Mountain, to Kingston.

From New Haven, by Texas, Port Ontario, and Richland, to Mellen's Depot.

From Newport, by Norway, to Graysville.

From North Chili, by Chili and Clifton, to Wheatland.

From North Evans, by Pontiac, Versailles, and West Perryburg, to Smith's Mills.

From Nunda, via River Road, to Canadea.

From North Lawrence, by Lawrenceville and Nicholville, to Hopkinton.

From Ogdensburg, by Flackville, Canton, Potsdam, Malone, and North Bangor, to Chateaugay.

From Ogdensburg, by Lisbon, Waddington, Madrid, Norfolk, Raymondsville, Massena, Packet River, and Hogansburg, to Fort Covington.

From Olean, by Portville, Ceres, Little Genesee, Bolivar, Richburg, Wirt, and Niles, to Friendship.

From Oneonta, by North Franklin, Ouleont, and Meredith, to Delhi.

From Oneonta, by West Oneonta, Otsdawa, and Maple Grove, to Butternuts.

From Oneonta, by West Davenport, Davenport Centre, Davenport, North Harpersfield, Jefferson, West Gilboa, and Gilboa, to Prattsville.

From Oneida Depot, by Durhamville and Oneida Valley, to Oneida Lake.

From Oneida Depot, by Oneida Castle, Bennett's Corners, Stockbridge, Munnsville, Pratt's Hollow, and Pine Woods, to Hamilton.

From Otego to Gilbertsville, in the town of Butternuts.

From Oswego, by North Sterling, Fair Haven, and Red Creek, to Walcott.

From Oswego, by Strait's Corners, Halsey Valley, and North Barton, to Shepherd's Creek.

From Oswego, by Scriba, New Haven, Mexico, Union Square, Dugway, and South Albion, to Kasoag.

From Oswego, by Flemingsville, Newark Valley, Berkshire, Richford, Hartford, and Virgil, to Cortlandt Village.

From Oswego, by West Newark, Speedsville, and Caroline Centre, to Mott's Corners.

From Oswego, by Catatook, Candor Centre, Wileysville, Pugsley's Depot, Ithaca, Aurora, Lavana, and Union Springs, to Cayuga.

From Oswego, by Tioga and Barton, to Waverly.

From Oswego, by Tioga Centre, Smithboro', Barton, Factoryville, Chemung, and Baldwin, to Elmira.

From Oxford, by Guilford, Guildford Centre, Mount Upton, and Butternuts, to Morris.

From Oxford, by East McDonough, McDonough, and German, to Cincinnatus.

From Oxford, by Coventry and Nineveh, to Valonia Springs.

From Palatine Bridge, by Canajoharie, Buel, Cherry Valley, and Middlefield Centre, to Cooperstown.

From Palmyra, by Marion and Williamson, to Putneyville.

From Panama, by Lotts ville, Pennsylvania, Laporte, and Pittsfield, to Youngsville.

From Panama, by Stedman's and Mayville, to Westfield.

From Peekskill, by Yorktown, West Somers, and Somers Centre, to Somers.

From Peekskill, by Shrub Oak, Jefferson Valley, and Red Mills, to Carmel.

From Penn Yan, by Bluff Point, Branchport, Italy Hill, Prattsburg, and Mitchellville, to Bath.

From Penn Yan, by Yatesville, to Sherman's Hollow.

From Penn Yan, by Milo, Milo Centre, and North Starkey, to Dundee.

From Perry, by Perry Centre, Warsaw, East Orangeville, Orangeville, Johnsonburg, Sheldon, Strykersville, Wales, and Wales Centre, to East Aurora.

From Pike, by Hume, to Fillmore.

From Piermont, by Nyack, Nyack Turnpike, Clarkstown, and Haversraw, to North Haversraw.

From Plattsburg, by West Plattsburg, Cadyville, and Saranac, to Redford.

From Pleasantville, by Sing Sing, Cortlandtown, and Croton Landing, to Peekskill.

From Portageville, by Wiscoy, Mill's Mills, Hume, Fillmore, and East Canadea, to Canadea.

From Portageville, by East Roy, Pike, Eagle, Eagle Village, China, Sardinia, West Yorkshire, Yorkshire, Springville, West Concord, and Collins Centre, to Gowanda.

From Port Byron, by Conquest, Victory, Martville, Sterling, North Sterling, and Southwest Oswego, to Oswego.

From Port Henry, by Chimney Point, (Vermont,) to Bridport.

From Potsdam, by East Pierpont, Colton, Pierpont, and Crary's Mills, to Canton.

From Potsdam Station, by Norfolk and Raymondsville, to Massena.

From Pottersville, by Tannersville, to Minerva.

From Poughkeepsie, by LaGrangeville, Crouse's Store, Pleasant Ridge, and Waistown, to South Dover.

From Poughkeepsie, by Manchester Bridge, Sprout Creek, Arthursburgh, Beekman, and Poughquag, to Pawlings.

From Poughkeepsie, by New Hackensack, Fishkill Plain, Adria, Stormville, and Pecksville, to Patterson.

From Poughkeepsie, by Pleasant Valley, Washington Hollow, Hart's Village, Mahobetsville, Lithgow, Amenia, Leedsville, and Amenia Union, to South Amenia.

From Poughkeepsie, by Freedom Plains, Verbank, and Chestnut Ridge, to Clove.

From Poughkeepsie, by Crum Elbow, Pleasant Plains, Clinton Hollow, Schultzville, Bull's Head, and Milan, to Rock City.

From Poughkeepsie, by New Paltz Landing, Lloyd, New Paltz, Libertyville, Tuthill, Bruyns- wick, Redbridge, Crawford, Ulsterville, and Burling- ham, to Bloomingburg.

From Poughkeepsie, by Albany.

From Poughkeepsie, by Salt Point, Hibernia, Stanfordsville, Bangall, Attlebury, Pine Plains, and Gallatinville, to Ancram.

From Prattsville, by West Lexington, to Grif- fin's Corners.

From Poughkeepsie, by Hyde Park, Strats- burg, Rhinebeck, Monterey, Red Hook, Upper Red Hood, Clermont, Livingston, and Millburn, to Hudson.

From Poughkeepsie, by Wapping Falls, to Fish- kill.

From Purdy's Station, by Salem Centre and North Salem, to Ridgefield, Connecticut.

From Railroad, by Mill Plain, to Danbury.

From Rathboneville, by East Cameron and South Hill, to Jasper.

From Rhinebeck, by Milan and Pine Plains, to the Railroad Depot in the town of North East.

From Richmondville, by East Worcester, Wor- cester, Schenewis, Maryland, and South Milford, to Oneonta.

From Richmondville, by Summit, Charlottes- ville, South Worcester, and East Davenport, to Davenport.

From Rochester, by Scottsville, Wheatland, Munford, Caledonia, Fowlersville, York, Greigs- ville, and Moscow, to Mount Morris.

From Rochester, by Henrietta, Rush, West Rush, Avon, South Avon, Genesee, Groveland Centre, Groveland, North Sparta, and Sparta, to Dansville.

From Rochester, by Greece, West Greece, Parma, East Clarkson, Clarkson, Murray, East Gaines, Gaines, West Gaines, Oak Orchard, Ridgeway, Jeddo, Johnson's Creek, Hartland, and Wright's Corners, to Lockport.

From Rochester, by Handford's Landing, to Charlotte.

From Rochester, by West Webster, Webster, Ontario, Williamson, Sodus, Alton, Port Glas- gow, and Huron, to Wolcott.

From Rochester, by Spencerport, Adam's Bas- in, Brockport, Holly, Hulburton, Hindsburgh, Albion, Eagle Harbor, Knowlesville, Medina, Shelby Basin, Middleport, Reynold's Basin, Gas- port, Orangeport, Lockport, Pekin, and Suspend- ion Bridge, to Niagara Falls.

From Rockland, by Callikoon, Jeffersonville, and Pike Pond, to Fosterdale.

From Rockland to Beaverkill.

From Rome, by Pine, McConnellsville, Cam- den, West Camden, Williamstown, Sand Bank, Kasoag, and Salmon River, to Richland.

From Rome, by Westernville, North Western, and Hill Side, to Boonville.

From Rome, by Lee, to Taberg.

From Rome, by Stokes, West Branch, Ava, West Leyden, Constableville, Turin, Houseville, West Martinsburg, West Lowville, Harrisburg, Copenhagen, and Rutland, to Watertown.

From Rome, by Lowell, Vernon, Vernon Cen- tre, Knox Corners, Augusta, and Bouckville, to Hamilton.

From Rome, by Blossville, McConnellsville, Camden, West Camden, Williamstown, Sand Bank, Kasoag, New Centreville, Salmon River,

Richland, Mellen's Depot, Sandy Creek, Mansfield, Pierrepont, Manor, Adams, Adams Centre, Appling, Watertown, Brownsville, Dexter, Limerick, Chaumont, and Three Mile Bay, to Cape Vincent.

From Rondout, by Kingston, Hurley, Marbletown, Stone Ridge, Kysericke, Accord, Kerhonkson, Wawarsing, and Napanock, to Ellenville.

From Rough and Ready, by West Union, Slayter's in Troupsburg, and Brookfield, to Westfield, Pennsylvania.

From Rough and Ready, by Head of Bennett's Creek, Slayter's, and Brookfield, Pennsylvania, to Knoxville.

From Rough and Ready to White's Corners, Pennsylvania.

From Roxbury, by Batavia Kill, to Griffin's Corners.

From Rural Hill, by Belleville, Ellisburg, and Woodville, back to Rural Hill.

From Russia, by Postville, Ohio, and Wilmot, to Morehouseville.

From Rural Hill, by Woodville, Ellisburg, and Belleville, to Pierrepont.

From Sackett's Harbor, by Smithville, Henderson, Robert's Corners, and Belleville, to Pierrepont Manor.

From Sackett's Harbor, by Pillar Point to Point Peninsula.

From Sageville, by Lake Pleasant, Gilman, Wells, Hope Centre, and Hope, to Northville.

From Salubria, by Hector Landing, North Hector, Big Stream, Point, Starkey, Lodi, Ovid, and West Dresden, to Geneva.

From Saratoga Springs, by Wilton, Gansevoort, South Glen Falls, Moreau Station, Fort Edward, Smith's Basin, Fort Ann, Comstock's Landing, Whitehall, Low Hampton, Fair Haven, Vermont, and Hydeville, to Castleton.

From Saratoga Springs, by Greenfield Centre, North Greenfield, South Corinth, Corinth, and Hadley, to Luzerne.

From Saugerties, by Woodstock, to Bears-ville.

From Savona, by Pradford, Tyrone, Attay, North Reading, and Reading Centre, to Rock Stream.

From Schaghticoke, by Easton, North Easton, Coila, Greenwich, North Greenwich, South Argyle, and Argyle, to Fort Edward.

From Schenectady, by Hoffman's Ferry, Cranesville, Amsterdam, Tribe's Hill, Ponda, Canajoharie, Palatine Bridge, Fort Plain, Palatine, St. Johnsville, Manheim, Little Falls, Herkimer, East Schuyler, and West Schuyler, to Utica.

From Schenectady, by Rexford Flats, Burnt Hills, and Ballston Centre, to Ballston.

From Schenectady, by Rotterdam, Princetown, Duaneburg, Quaker Street, Schoharie, Middleburg, Franklinton, Livingstonville, Preston Hollow, and Cooksburg, to Durham.

From Schenectady, by East Glenville, Charlton, Glenville, and West Charlton, to Galway.

From Schroon Lake, by Schroon River, North Hudson, New Russia, Elizabethtown, and Lewis, to Keeseville.

From Schroon River, by Adirondac, to Long Lake.

From Scott, by Sempronius, and Dresserville, to Moravia.

From Schuyler's Lake, by Exeter, to West Exeter.

From Seneca Falls, by Canoga, East Varick, and Fayette, to Romulus.

From Shokan, by Olive Bridge and Sampsonville, to Kerhonke.

From Silver Creek, by Forrestville and Charlotte Centre, to Gerry.

From Silver Creek, by Forrestville, Hamlet, Villa Nova, Cherry Creek, and Clear Creek, to Ellington.

From Sinclairville to Charlotte Centre.

From Sing Sing to Pleasantville Depot.

From Skaneateles Junction, by Mottville, to Skaneateles.

From Skaneateles, by South Marcellus, Marietta, Amber, Otisco, Vesper, Tully, and Apulia, to Fabius.

From Smithboro', by Halsey Valley, Spencer, and West Danby, to Ithaca.

From South Byron, by Byron, Clarendon, Holly, and Murray, to Hulburton.

From South Onondaga, by Otisco, to Vesper.

From St. Armand, by Franklin Falls, to Hamilton, in Franklin county.

From Stockholm Station, by Stockholm and Southville, to Parishville.

From Stockton, by Gerry, to Charlotte Centre.

From Suffern's, by Spring Valley, Monsey, Nanuet, Blauveltville, to Piermont.

From Suffolk C. H., by Quogue, to Speonk.

From Suffolk C. H., by Flanders, to Good Ground.

From Suffolk C. H., by Baiting Hollow, to Wading River.

From Suffolk Station, by Smithtown, Smithtown Branch, and Stony Brook, to Setauket.

From Suspension Bridge to Detroit.

From Susquehanna Depot, Pennsylvania, by Lanesboro', Windsor, New York, Susquehanna, Centre Village, Harpersville, Nineveh, South Bainbridge, Bainbridge, Sidney Plains, Unadilla, and Otega, to Oneonta.

From Syracuse, by Onondaga Valley, South Onondaga, and Navarino, to Amber.

From Syracuse, by Onondaga Castle, Cardiff, Tully Valley, and Homer, to Cortlandt Village.

From Syracuse, by Baldwinville, Lamson's, Fulton, South Granby, and Oswego Falls, to Oswego.

From Syracuse, by Messina Springs and Colamar, to Bridgeport.

From Syracuse, by Salina, Liverpool, Clay, Three-River Points, and Phoenix, to Lamson's.

From Syracuse, by Jamesville, Pompey, Fabius, Keeney's Settlement, and Cuyler, to Truxton.

From Syracuse, by Geddes, Camillus, Marcellus, Marcellus Falls, Auburn, Cayuga, Seneca Falls, Waterloo, Geneva, Oaks Corners, Phelps, Clifton Springs, Manchester Centre, Chapinville, Canandaigua, Victor, Pittsford, and Brighton, to Rochester.

From Syracuse, by Dewitt, Fayetteville, Manlius, Oran, and Delphi, to De Ruyter.

From Syracuse, by Salina, Plank Road, Cicero, Brewerton, Central Square, Hastings Centre, Hastings, Colosse, Union Square, South Richland, and Richland, to Sandy Creek.

From Syracuse, by Fairmount, Geddis, and Belle Isle, to Van Buren.

From Three Mile Bay to Point Peninsula.

From Ticonderoga, by Putsville, Schroon Lake, and Woodwardville, to Minerva.

From Trivoli, by Upper Red Hook and Clermont, to Livingston.

From Tompkinsville, by Stapleton, Richmond, Marshland, South Side, Rossville, Lemon Creek, and Richmond Valley, to Tottenville.

From Trenton, by Holland Patent, Stillville, and Floyd, to Utica.

From Troy, by Poestenkill, East Poestenkill, West Berlin, Berlin Centre, Berlin, South Berlin, North Stephentown, Stephentown, and South Stephentown, to New Lebanon.

From Troy, by Haynesville, Raymertown, Pittstown, Potter Hill, and Hoosick, to North Hoosick Depot.

From Troy to East Albany.

From Troy, by Wynant's Kill, West Sand Lake, Sand Lake, Alps, West Stephentown, Stephentown, Hancock, (Massachusetts,) and Lanesboro', to Pittsfield.

From Troy, by Eagle Mills, Grafton, and East Grafton, to Petersburg.

From Troy, by Niskayuna, Watervliet Centre, and Rexford Flats, to Schenectady.

From Troy, by Waterford, Mechanicsville, Maltaville, Malta, East Line, and Ballston, to Saratoga Springs.

From Trumansburg, by Searsburg and Steam-
burg, to North Hector.

From Unadilla, by Sidney, Franklin, Croton, and West Meredith, to Delhi.

From Union Society, by Bagley's Four Corners, Big Hollow, and East Kill, to East Jewett.

From Union to Friendsville, Pennsylvania.

From Union, by Union Centre and Maine, to Nanticoke Springs.

From Unionville, by Clove, New Jersey, to Deckertown.

From Upper Red Hook, by Elizaville, Jackson's Corners, Pine Plains, and Pulver's Corners, to North East.

From Urbana, by North Urbana, Keuka, Wayne, and Dundee, to North Starkey.

From Urbana, by South Putney and Putney, to Branchport.

From Utica, by Deerfield, North Gage, and Groversville, to Russia.

From Utica, by Frankfort Hill, Cedar Lake, North Winfield, West Winfield, East Plainfield, West Exeter, Burlington Flats, West Burlington, Garrottville, and New Lisbon, to Morris.

From Utica, by Frankfort Hill, Litchfield, Cedarville, Columbia, South Columbia, and Richfield, to Richfield Springs.

From Utica, by Clinton, Oriskany Falls, Sol-
ville, Bouckville, Eaton, West Eaton, Georgetown, Otseic, South Otseic, and North Pitcher, to Pitcher.

From Utica, by New York Mills, Walesville, and Manchester, to Westmoreland.

From Utica, by New Hartford, Clinton, Deansville, Oriskany Falls, Madison, Solisville, Bouckville, Hamilton, Earlville, Sherburne, and North Norwich, to Norwich.

From Utica, by Washington Mills, Sauquoit, Clayville, Cassville, North Bridgewater, Bridge-
water, Leonardsville, West Edmeston, South Ed-
meston, New Berlin, Morris, West Laurens, and
West Oneonta, to Oneonta.

From Utica, by South Trenton, Trenton, Remsen, Elder Creek, Boonville, Leyden, Tu-
rin, Houseville, Martinsburg, Lowville, Stowe's
Square, Denmark, and Rutland, to Watertown.

From Utica, by Kirkland, Lairdsville, Vernon, and Oneida Castle, to Oneida Depot.

From Utica, by New Hartford, Paris, Water-
ville, Sangersville, North Brookfield, East Hamil-
ton, Poolville, and Earlville, to Smyrna.

From Waddington to Madrid Depot.

From Walden, by Shawagunk, Galeville Mills, and New Hurley, to Modena.

From Walton, by Northampton, to Croton.

From Walton, by Franklin and North Frank-
lin, to Oneonta.

From Walton by New Road, Sidney Centre, Unadilla, Unadilla Centre, and Butternuts to Morris.

From Warrensburg to Athol.

From Waterville, by Sangerville, Madison, Bouckville, Pine Woods, Morrisville, Nelson, Cazenovia, Oran, Manlius, Fayetteville, and De-
witt, to Syracuse.

From Waterloo, by Rose Hill, West Fayette, Varick, Romulus, Romulus Centre, Ovid, Lodi, Farmer, Covert, Trumansburg, and Jacksonville, to Ithaca.

From Waterford, by Half-Moon, Crescent, and Clifton, to Jonesville.

From Watertown, by Brownsville, Perch River, Stone Mills, and Lafargeville, to Clayton.

From Watertown, by Black River, Felt's Mills, Great Bend, Sterlingville, Pogland, Antwerp, Somerville, Gouveneur, Richville, De Kalb, Blink Bonny, and Hauvelton, to Ogdensburg.

From Watertown, by East Hounsfield, to Sack-
ett's Harbor.

From Watertown, by Sanford's Corners, Evan's Mills, Whitney's Corners, Bentley's Cor-
ners, Oxbow, Rossie, Hammond, Brier Hill, and
Morristown, to Ogdensburg.

From Watertown, by Stowell's Corners and North Adams, to Smithville.

From Warsaw, by Weathersfield Springs, Her-
mitage, Weathersfield, East Java, Java, Java
Village, and Strykersville, to Wales.

From Wawarsing, by Lackawack, to Grahams-
ville.

From Wayland Depot, by Dansville, Ossian, and East Hill, to Nunda.

From Waverly Station, by Selden and Mount Sinai, to Miller's Place.

From Weedsport, by Seneca River, Cato, Meri-
dian, Ira, Hannibal Centre, Hannibal, and Kin-
ney's Four Corners, to Oswego.

From Wellsburg to Orcutt Creek, Pennsylvania.

From Wellsville, by Hallsport, Whitesville, Spring Mills, Bingham, Pennsylvania, White's
Corners, Harrison Valley, Westfield, Knoxville,
Elkland, and Nelson, to Lawrenceville.

From West Addison, by Rising's and Depew's,
to Bath.

From West Batavia, by East Pembroke, Pem-
broke, Newstead, Clarence, Ham's Hill, Wil-
liamsville, and Buffalo Plains, to Buffalo.

From West Chazy, by Chazy, to Champlain.

From West Chazy, by Sciota, to Moore's.

From Westfield, by Volusia, Sherman, Centre
Sherman, and Clymer, to Columbus, Pennsyl-
vania.

From West Falls, by Colden, Glenwood, and East Concord, to Springfield.

From Westpoint to Cold Spring.

From Westport to Elizabethtown.

From West Fort Ann, by Griswold's Mills, Potter's Mills, and Queensbury, to Glenn's Falls.

From White's Corners, by East Eden, Clarksburg, and Marshfield, to Collin's Centre.

From White Hall, by Benson's Landing, Vermont, Putnam, New York, Ticonderoga, Crown Point, Moriah, Port Henry, Westport, Wadham Mills, Whalonsburg, Essex, and Willsboro', to Keeseville.

From White Hall, by Hampton and West Poultney, to East Poultney.

From White Hall, by Orwell, Vermont, Ticonderoga, New York, Larabee's Point, Vermont, Crown Point, New York, Bridgeport, Vermont, Port Henry, New York, Westport, Essex, Burlington, Vermont, Port Kent, New York, Plattsburg, and Chazy, to Rouse's Point.

From Whitney's Corners, by Theresa, Redwood, Plesis, and Alexandria Centre, to Alexandria.

From Wolcott, by Butler, South Butler, Savannah, Cruso, Montezuma, and Fosterville, to Auburn.

From Wurtzboro', by Mamakating, Phillipsport, and Homawack, to Ellenville.

From Wyoming, by Middleburg, and Bethany, to Batavia.

New Jersey.—From Ashbury to Bethlehem.

From Barnsboro', by Hardingville, Elmer, Centreton, to Bridgeton.

From Belvidere, by Ramsaysburg, Polkville, Blairstown, and Stillwater, to Middleville.

From Berkshire Valley to Milton.

From Boonton to Montville.

From Bordentown to Trenton.

From Bordentown, by Shelltown, Wailford, and Fillmore, to Inlaystown.

From Bordentown, by Crosswicks, to Allentown.

From Bordentown, by Recklesstown, Jacobstown, New Egypt, and Manchester, to Tom's River.

From Branchville, by Coursenville, Deckerstown, and Beemersville, to Branchville.

From Bridgeton, by Fairton, Cedarville, and Newport, to Dividing Creek.

From Bridgeton, by Millville, Leesburg, Ewings Neck, East Creek, Dennisville, Goshen, Cape May, Fishing Creek, and Cold Spring, to Cape Island.

From Burlington, by Columbus, to Georgetown.

From Burlington, by Jacksonville, and Jobstown, to Julinstown, to Wrightstown.

From Burlington to Mount Holly.

From Camden, by Absecon, to Atlantic City.

From Canton to Hancock's Bridge.

From Clinton to Frenchtown.

From Columbia, by Brotzmanville, Calno, Mill Brook, to Flat Brookville.

From Cranberry, by South Brunswick, to New Brunswick.

From Deckerston, by Mount Salem, to Minisink, New York.

From Denville to Boonton.

From Dover, by Suckasunny, Drakesville, Stanhope, Lockwood, Andover, Newton, Lafayette, Augusta, Branchville, Tuttle's Corner, Hainesville, and Montague, to Milford, Pennsylvania.

From Dover, by Stanhope, Waterloo, Allamuchy, Johnsonburg, Marksboro', Paulina, Blairstown, Walnut Valley, Hainesburg, Columbia, Slateford, Pennsylvania, and Dutotsburg, to Stroudsburg.

From Dover, by Berkshire Valley, Hurdtown, and Sparta, to Newton.

From Dover, by Suckasunny, Drakesville, to Stanhope.

From Eatontown, by Shark River and New Bedford, to Squam Village.

From Elizabethtown, by Union, Springfield, New Providence, Passaic Valley, and Long Hill, to Baskenridge.

From Elizabethtown, by Cranesville, Westfield, Scotch Plains, Plainfield, New Market, Bound Brook, Somerville, and North Branch, to White House.

From Englishtown to Freehold.

From Flemington, by Stanton, Lebanon,

Cokesburg, and Neighborsville, to German Valley.

From Flemington, by Croton, to Baptistown.

From Freehold, by Turkey, Farmingdale,

Lower Squankum, Howell's Works, Point Pleasant, Metedeconk, Tom's River, Potter's Creek,

Cedar Creek, Forked River, Wiretown, Barnat, Manahawkin, and West Creek, to Tuckerton.

From Freehold, by Perrineville, Clarksburg, and Inlaystown, to Allentown.

From Freehold, by Turkey and Bergen Iron Works, to Tom's River.

From Hackensack to New Prospect.

From Hackensack, by Spring Valley, to Passaic.

From Hackettstown, by Drakestown, Flinders, and Suckasunny, to Dover.

From Hackettstown, by Vienna, Danville, Townsbury, and Bridgeville, to Belvidere.

From Hackettstown to Hope.

From Hackettstown to Beatyestown.

From Hamburg, by Harmony Vale, to Monroe.

From Hamburg to Franklin Furnace.

From Hope to Columbia.

From Key Port, by Holmdel, Colt's Neck, and Farmingdale, to Lower Squankum.

From Key Port, by Middletown, Red Bank, Shrewsbury, Eatontown, and Ocean Port, to Long Branch.

From Lafayette, by Sparta, Franklin Furnace, Hamburg, and Monroe, to Lafayette.

From Lafayette, by Pepokating, to Deckerstown.

From Lafayette, by Monroe, Hamburg, Vernon, and New Milford, New York, to Warwick.

From Lambertsville, by Ringoes, Flemington, Weartsville, Copper Hill, Chinesville, Cherryville, Quakertown, Pittstown, Sidney, Clinton,

Clarksville, to New Hampton.

From Lambertsville, by Prallsville, Sergeantsville, Kingwood, Baptistown, to Frenchtown.

From Lawrenceville to Dutch Neck.

From Lawrenceville to Princeton.

From Longcoming, by Waterford Works, Batsto, Gloucester Furnace, and Port Republic, to Lead's Point.

From Milford to Little York.

From Morristown, by Hanover and Hanover Neck, to Livingston.

From Morristown, by Denville, Rockaway, to Dover.

From Mannahawken, by Barnegat, Cedar Bridge, Red Oak Grove, Brown's Mills, New Lisbon, and Pemberton, to Mount Holly.

From Morristown, by Mendham, Chester, German Valley, Schooley's Mountain, Pleasant Grove, Anderson, Washington, Broadway, New Village, and Stewartville, to Easton, Pennsylvania.

From Morristown, by New Vernon, Baskenridge, Millington, Liberty Corner, Martinsville, Somerville, and Weston, to Millstone.

From Morristown to Walnut Grove.

From Millstone, by Flaggtown, Beekman's Mills, Clover Hill, and Reaville, to Flemington.

From Mount Holly to Pemberton.

From Medford, by Shanung, Atsion, Sooy's Inn, and Bass River Hotel, to Tuckerton.

From Newark, by Bloomfield, West Bloomfield, Caldwell, and Pine Brook, to Parsippany.

From New Egypt to Arnetstown.

From New Egypt, by Horner's Town, Pine Plains, Downsville, Francis's Mills, Jackson's Mills, to Freehold.

From New Brunswick to Somerville.

From New Brunswick, by South River, Spotswood, and Old Bridge, Cheesequakes, to Middle-town Point.

From New Brunswick, by Six Mile Run, Griggstown, Rocky Hill, Blawenburg, Hopewell, and Woodville, to Lambertsville.

From New Brunswick, by Nuddlebush, to Millstone.

From New Brunswick, by Kingston, Princeton, Port Mercer, Trenton, Morrisville, (Pennsylvania), Tullytown, Bristol, Bridgewater, Andalusia, and Holmesburg, to Philadelphia.

From New Germantown, by Pottersville, to German Valley.

From New Hampton, by Washington, Oxford Furnace, and Bridgeville, to Belvidere.

From New York, (New York,) by Jersey City, (New Jersey,) Newark, Elizabethtown,

Rahway, Meatuchen, and New Brunswick Post

Office, to the intersection of this road with the Philadelphia railroad.

From New York, by Hoboken, (New Jersey,) New Durham, and English Neighborhood, to Hackensack.

From New York, (New York,) by Newark, (New Jersey,) Orange, South Orange, Milbourn, Springfield, Summit, Chatham, Madison, Morristown, Denville, Rockaway, and Dover, to Hackettstown.

From New York, by Elizabethport, Elizabethtown, Craneville, Westfield, Scotch Plains, Plainfield, New Market, Bound Brook, Somerville,

Raritan, North Branch, White House, Lebanon, Clinton, Perryville, Clarksville, New Hampton,

Asbury, Bethlehem, Bloomsbury, Sill Valley, and Phillipsburg, to Easton, Pennsylvania.

From New York, New York, by Key Port, New Jersey, Middletown Point, and Marlborough, to Freehold.

From New York, New York, by Aquackanock, New Jersey, to Paterson.

From Newton, by Freedom, Gratitude, Johnsonburg, Hope, Serepta, Belvidere, Rocksburg, Harmony, and Phillipsburg, to Easton, Pennsylvania.

From Paterson, by Pomptown, Bloomingdale, Newfoundland, Stockholm, Hamburg, Deckertown, and Libertyville, to Port Jervis, New York.

From Paterson, by Pomptown, Newfoundland, Stockholm, Hamburg, Deckertown, Libertyville, and Montague, to Milford, Pennsylvania.

From Pemberton, by Mount Holly and Burlington, to Philadelphia.

From Pemberton, by Juliustown, to Johnstown.

From Perth Amboy to New York.

From Philadelphia, Pennsylvania, by Camden, New Jersey, Woodbury, Carpenter's Landing, Barnsboro', Mullico Hill, Pineville, Pitt's Grove, and Deerfield Street, to Bridgeton.

From Philadelphia, Pennsylvania, by Camden, New Jersey, and Marlton, to Medford.

From Philadelphia, Pennsylvania, by Camden, New Jersey, Gloucester City, Westville, Woodbury, Clarksboro', Sweedsboro', Sculltown, Sharpstown, and Woodstown, to Salem.

From Philadelphia, Pennsylvania, by Camden, New Jersey, Woodbury, Carpenter's Landing, Glassboro', Sistersville, Franklinville, Malaga, Millville, Port Elizabeth, Leesburg, Ewing's Neck, East Creek, and Dennisville, to Maurice-town.

From Philadelphia, Pennsylvania, by Camden, New Jersey, Chew's Landing, Blackwoodtown, Cross Keys, Tuckahoe, Dennisville, Goshen, Dias Creek, Green Creek, Fishing Creek, and Cold Spring, to Cape Island.

From Philadelphia, Pennsylvania, by Camden, New Jersey, Hadonfield, Glen Dale, Longcoming, Winslow, Weymouth, May's Landing, Bargaintown, Somer's Point, and Smith's Landing, to Absecon.

From Philadelphia, by Camden, Ellisburg, and Fellowship, to Mount Laurel.

From Philadelphia, by Camden, Palmyra, Burlington, and Bordentown to Trenton.

From Philadelphia, Pennsylvania, by Camden, New Jersey, Woodbury, Carpenter's Landing, Mullico Hill, Harrisonville, Woodstown, Allowaystown, Roadstown, and Shiloh, to Greenwich.

From Philadelphia, Pennsylvania, by Camden, New Jersey, Marlton, Medford, Sooy's Inn, and Bass River Hotel, to Tuckerton.

From Philadelphia, Pennsylvania, by Camden, Moorestown, New Jersey, and Rancocas, to Mount Holly.

From Philadelphia, Pennsylvania, by Camden, New Jersey, Marlton, Medford, and Vincentown, to Pemberton.

From Philadelphia, by Camden, Palmyra, Beverly, Burlington, Bordentown, Yardville, Windsor, Hightstown, Spotswood, Old Bridge, South Amboy, and Perth Amboy, to New York.

From Plainfield, by Warrenville and Millington, to Baskenridge.

From Princeton, by Plainsborough, Cranbury, Hightstown, and Manalapan, to Freehold.

From Princeton, by Vanhiserville, Dutch Neck, and Windsor, to Hightstown.

From Princeton, by Blanenburgh and Harligen, to Griggstown.

From Rahway, by Woodbridge, to Perth Amboy.

From Salem, by Roadstown, to Bridgeton.
 From Schooley's Mountain, by Beatyestown, Hackettstown, Drakestown, Flanders, and Suckasunny, to Dover.
 From Somerville, by Weston, Millstone, Griggstown, Rocky Hill, and Kingston, to Princeton.
 From Somerville, by Pluckemin, to New Germantown.
 From Somerville, by Pluckemin, Lesser Cross Roads, to Peapack.
 From Somerville, by North Branch, White House, Lebanon, Clinton, Perryville, Bethlehem, Bloomsburgh, and Still Valley, to Easton, Penn.
 From Trenton, to Princetown, by Laurenceville.
 From Trenton, by Allentown, Imlaystown, Downsville, to Manchester.
 From Trenton, by Lawrenceville, to Pennington.
 From Trenton, by Yardville, Crosswicks, Allentown, Hightstown, Cranberry, and Englishtown, to Freehold.
 From Trenton, by Yardleyville, Greensburg, Taylorsville, Titusville, Brownsburg, Lamberts-ville, New Hope, Stockton, Centre Bridge, Lumberville, Raven Rock, Point Pleasant, Pennsylvania, French Town, Erwinna, Upper Black-Eddy, Milford, Holland, Carpentersville, Reiglesville, Uhlersville, Phillipsburg, to Easton.
 From Trenton, by Titusville, Lamberts-ville, Pralls-ville, Sergeantsville, Kingwood, Baptist Town, Frenchtown, Mount Pleasant, and Little York, to Bloomsburg.
 From Trenton, by Pennington, Woodsville, Bingoes, Weartsville, Rearville, Flemington, Klinesville, Quakertown, Pittstown, Sidney, Clinton, Clarksville, and New Hampton, to Mansfield.
 From Trenton, Greensburg, Yardleyville, Taylorsville, Titusville, Brownsburg, Lamberts-ville, Raven Rock, to Milford.
 From Tuckahoe, by Petersburg, Seaville, and Townsend Inlet, to Cape May.
 From Turkey, by Bergen Iron Works, to Tom's River.
 From Tuttle's Corner, by Bevan's, Wallpack Centre, to Flatbrookville.
 From Upper Black's Eddy, Pennsylvania, by Milford, New Jersey, Mount Pleasant, Everittstown, Pittstown, and Sidney, to Clinton.
 From Washington, by Taylor's Mill, Karrsville, Fuming, and Beaty's Mills, to Vienna.
 From West Bloomfield, by Meade's Basin and Pompton Plains, to Pompton.
 From White House to New Germantown.
 From White House to Flemington.
 From Winslow, by Balsto, Green Bank, and New Gretna, to Tuckerton.

Pennsylvania.—From Aaronsburg, by Rebersburg, Logan Mills, and Sugar Valley, to Salona.
 From Agnew's Mills, by Emonton, Big Bend, Clintonville, Centretown, Irishtown, to Mercer.
 From Agnew's Mills, by Porterfield and Rockland, to Cranberry.
 From Agnew's Mills, by Lamartine and Five Points, to Cass.
 From Allen to Boiling Spring.
 From Allentown, by Centre Valley, Friedensville, Bethlehem, and Hecktown, to Nazareth.
 From Allentown, by Catasauqua and Laubach, to Cherryville.
 From Allentown, by South Whitehall, Foglesville, Grimville, Klinesville, Hamburg, and Shartleyville, to Rehrersburg.
 From Allentown, by Orefield, to Schnecks-ville.
 From Allentown, by Bucks-ville, North Whitehall, Trickle-ville, Statington, Lehigh Gap, Parryville, Leighton, Mauch Chunk, Lausanne, Beaver Meadows, Hazleton, Syburtville, Conyngham, Sloyersville, and Neseo-peak, to Berwick.
 From Allentown, by Millerstown, Schimersville, Upper Milford, Claytonville, Schultzville, Buckset's Store, New Berlin, and Oystertown, to Pottstown.
 From Albert's, by Dorrance and Hobbie, to Wapwallopen, in the county of Luzerne.
 From Andesville, by Centre, Andersonburg, and Blain, to New Germantown.
 From Athens, by Litchfield, to Windham.
 From Athens, by East Smithfield, North Springfield, and Springfield, to Troy.
 From Attleboro, by Oxford Valley and Fallsington, to Morrisville.

From Avondale, by Chesterville, Chandlersville, and Mermaid, (Delaware,) to Staunton.
 From Bear Gap, by Elysburg, to Danville.
 From Beaver, by Unionville, to Zelenople.
 From Bedford, by Shellsburg, Mount Worth, Stoyestown, Jenner's Cross Roads, Laughlinton, Ligonier, and Youngstown, to Latrobe.
 From Bedford, by Pattonville, Woodbury, Martinsburg, and Springfield Furnace, to Williamsburg.
 From Bedford, by St. Clair, Sarah, East Freedom, and Newry, to Hollidaysburg.
 From Bedford, by Cumberland Valley, to Cumberland, (Maryland.)
 From Berlin, by Myer's Mills, Summit Mills, and Elk Lick, to Grantsville, (Maryland.)
 From Berlin, by Shanks-ville, Buckstown, Shade Furnace, and Scalp Level, to Johnston.
 From Berrysburg, by Pillow, to Dalmatia.
 From Bethlehem, by Shoenersville, Weaver-ville, and Kridersville, to Cherryville.
 From Bellefonte, to Clearfield, by Snow-Shoe, Kylertown, and Grahamton.
 From Bellefonte, by Walker, Howard, and Beech Creek, to Mill Hall.
 From Bellefonte, by Fillmore, Buffalo Run, Half Moon, and Centre Line, to Warrior's Mark.
 From Bellefonte, by Milesburg, Fleming, Morrisville, Woodland, and Clearfield, to Curwinsville.
 From Bellefonte, by Milesburg, Snow-Shoe, Karthaus, Caledonia, Kersey's, Ridgeway, Williams-ville, and Clermontville, to Smithport.
 From Berrysburg, to Pillow.
 From Berwick, by Nescopeck, to Mifflinville.
 From Berwick, by Towlersville, Orangeville, Rohrsburg, Greenwood, and Millville, to Jerseytown.
 From Berwick, by Founderville, Fishing Creek, New Columbus, and Cambria, to Fairmount Springs.
 From Birmingham, by Tyrone, Smith's Mills, Glen Hope, and Fruit Hill, to Curwinsville.
 From Bloomsburg, by Light Street, Orangeville, and Pealer's, to Cambria.
 From Bloomsburg, by Buckhorn and Jerseytown, to White Hall.
 From Bloomsburg, by Mordansville, Millville, Chesnut Grove, and Moreland, to Muncy.
 From Boston to Stroudsburg.
 From Bloody Run, by Clearville, Robinsonville, and Warfordsburg, to Hancock, (Maryland.)
 From Bloody Run, by Hopewell, Six Mile Run, Broadtop, Eagle Foundry, Todd, Cassville, and Calvin, to Mill Creek.
 From Blossburg, by Covington, Mansfield, Tioga, Lawrenceville, Lindleytown, and Erwin Centre, to Corning.
 From Blue Bell to White Marsh.
 From Brady's Bend, by Baldwin and North Hope, to Anandale.
 From Brighton, by Irish Ripple and Marvin, to Mount Jackson.
 From Bristol, by Falsington and Centreville, to Yardleyville.
 From Brookville, by Dalmatia, Worthville, and Ringold, to Smicksburg.
 From Brookville, by Warsaw, Alvan, Brockwayville, and Hellen, to Ridgeway.
 From Brookville, by Clarington, to Maronville.
 From Brownington, by Harrisville and Westley, to Franklin.
 From Burnt Cabin, by Fort Littleton, Madersville, Three Springs, Cassville, Paradise, Furnace, Coffee Run, James's Creek, and Connellstown, to Huntingdon.
 From Burtville, by Williston, Annin Creek, and Glen, to Ceres.
 From Butler, by Evansburg, Zelenople, and Buhl's Store, to New Brighton.
 From Butler, by Mount Chesnut, Prospect, Whitestown, Breakneck, Zelenople, Middle Lancaster, Portersville, and Princeton, to Newcastle.
 From Butler, by Coulterville, Anandale, Mur-rinsville, Clintonville, and East Sandy, to Frank-lin.
 From Butler, by Barnhart's Mills, Baldwin, and Bruin, to Lawrenceburg.
 From Butler, by Whitestown, Prospect, Portersville, and Princeton, to Newcastle.
 From Butler, by Petersburg, Evansburg, Break-neck, and Zelenople, to New Brighton.

From Byberry to Holmesburg.
 From Caledonia, by Benezett, Hick's Run, to Second Fork.
 From Cambra, by Benton, Polkville, and Lairds-ville, to Muncy.
 From Campton, by Herrick, Herrickville, South Hill, Orwell, North Orwell, West Windham, Nicholas, New York, and Canfield Corners, to Smithboro', New York.
 From Canton, by Le Roy, West Franklin, Franklin Dale, and Monroeton, to Towanda.
 From Canton, by Union, to Liberty.
 From Carbondale, by Archibald, Blakely, Dunmore, and Scranton, to Hyde Park.
 From Carbondale, by Green Grove, Waverly, Wallsville, Fleetsville, and Greenville, to Carbon-dale.
 From Carlisle, by Oak Grove Furnace, Lan-disburg, Elliotsburg, New Bloomfield, New Port, and Petersburg, to Benvenue.
 From Carlisle, by White House, Dickinson, Walnut Bottom, and Lee's Cross Roads, to Ship-pensburg.
 From Carlisle, by Mount Rock, to Stoughs-town.
 From Catawissa, by Maineville and Beaver Valley, to Catawissa Valley.
 From Catfish, by Furnace, Stant's Store, to Callensburg.
 From Centre Valley, by Friendville, Seiders-ville, Bethlehem, and Hocktown, to Nazareth.
 From Chambersburg, by Saint Thomas, Loudon, McConnellsburg, Harrisonville, Rag's Hill, Juniata Crossings, and Bloody Run, to Bedford.
 From Chambersburg, by Marion and Green Castle, to Hagerstown, Maryland.
 From Chambersburg, by Jackson Hall and Quincy, to Waynesboro'.
 From Chambersburg, by Keefer's Store, Upper Strasburg, Fannettsburg, Burnt Cabins, Shade Gap, Orbisonia, Shirleysburg, and Vineyard Mills, to Mount Union.
 From Christiansa, by Smyrna, May, Quarry-ville, and Mechanics' Grove, to Chesnut Level.
 From Christiansa, by Smyrna, Bart May, and Quarryville, to Buck.
 From Christiansa to Chesnut Level.
 From Clara, by Oswego, to Ellisburg.
 From Clarion, by Limestone, Phoenix, Olney Furnace, Smicksburg, Plumville, Chambersville, and Plainville, to Indiana.
 From Clarion, by Lucinda Furnace and Tylers-burg, to Tionesta.
 From Clearfield, by Pennfield, to Caledonia.
 From Clearfield to Grahamton.
 From Clearfield, by Frenchville, to Karthaus.
 From Clifford to Lenox.
 From Cochranville to Parkesburgh.
 From Columbia, by Washington and Highville, to Safe Harbor.
 From Columbia, by Marietta, Maytown, Bain-bridge, Falmouth, and Portsmouth, to Middle-town.
 From Columbia Cross Roads, by Havensville, Eds-ville, and Old Hickory, to French Mills.
 From Columbus, by Stewart, Cook, to Spar-tansburg.
 From Columbus, by Carter Hill, to Wattsburg.
 From Connells-ville, by Elin, New Lexington, and Gebharts, to Berlin.
 From Conneautville, by Penn Line, to Steam-burg.
 From Corbettville, by Conklin Centre and Shawsville, New York, to Binghamton.
 From Covington, by Cherry Flats, to Wells-boro'.
 From Cowdersport, by Hebron, Clara, Mill-port, and Sharon Centre, to Ceres.
 From Cowdersport, by Colesburg, Ellisburg, and Genesee Fork, to Wells-ville, New York.
 From Cowdersport, by Nelsonport, Carter Camp, Kettle Creek, and Haneyville, to Jersey Shore.
 From Cowdersport, by Colesburg, to Ulysses.
 From Cowdersport, by Homer, North Whar-ton, Wharton, and First Fork, to Sinnamahoning.
 From Cross Roads, by Union, Chanceford, Lower Chanceford, and Castle Fin, to Peach Bot-tom.
 From Cumberland, Maryland, by Barcellville, Wellersville, Wittenburg, Berlin, Somerset, La-vausville, Bakersville, Jones's Mills, Donnegal, Laurelville, Mount Pleasant, McKean's, Old Stand, Mendon, West Newton, Gambles, Mo-

nongahela City, Ginger Hill, Dunningville, Clokey, Washington, Claysville, Coon Island, West Alexander, and Triadelphia, Virginia, to Wheeling.

From Curlesville, by Limestone and Kingsville, to Corsica.

From Cushingville, by Ulysses and Turner Creek, to Spring Mills, New York.

From Curwinstown, by Luthersburg, Reynoldsville, Brookville, Corsica, Strattonsville, Clarion, Shippensburg, Kossuth, Cass, Cranberry, Franklin, Canal, and Cochranville, to Meadville.

From Danville, by Washingtonville, Turberville, Muncy, and Monturesville, to Williamsport.

From Danville, by Moorsburg and Potts Grove, to Milton.

From Deposit, New York, by Hales Eddy, Scott, Pennsylvania, and Strauca, to Thompson.

From Donaldson, by Lower Mahantango, Sacramento, Gratz, and Berrysburg, to Millersburg. From Doylestown, by Buckingham, Pineville, Wrightstown, Newton, Attleboro', Humesville, and Newportville, to Bristol.

From Doylestown, by Line Lexington, Franconia, Kulpville, Union Square, and Skippack, to Trappe.

From Doylestown, by Mechanicsville and Carversville, to Centre Bridge.

From Doylestown, by Dublin, Strawtown, Quakertown, Richlandtown, and Pleasant Valley, to Springtown.

From Dover, by Rossville, Lewisberry, Lisburn, and Sidonsburg, to Mechanicsburg.

From Duncannon, by Benvenue, New Buffalo, Montgomery's Ferry, Liverpool, McKees Half Falls, Chapman, Selin's Grove, Keensville, and Sunbury, to Northumberland.

From Dundaff, through the townships of Herick and Thompson, to Lanesboro'.

From Dunningville, by Muntown, Bower Hills, Thompsonville, and Upper St. Clair, to Herriottsville.

From East Berlin, by Hall, Bermudian, Franklinton, to Dillsburg.

From East Berlin, by Bermudian and Franklinton, to Dillsburg.

From East Berlin to Abbotstown.

From Eaton, by West Eaton, Mehoopany, Scottsville, North Flat, Sugar Run, Terrytown, Asylum, and Durell, to Towanda.

From Easton, by Martin's Creek, Middaugh, Richmond, Stone Church, Mount Bethel, New Jersey, State Ford, Pennsylvania, Duttsburg, Experiment Mills, Stroudsburg, Marshall Creek, Coolbaugh, Bushkill, Delaware, and Dingman's Ferry, to Milford.

From Easton, by Stockerton, Belfast, Wind Gap, Sluttersville, Kellersville, Snyder'sville, Bartonville, Tannersville, Stanhope, Spruce Grove, Sterling, Hamilton, Ariel, and Cherry Ridge, to Honesdale.

From Easton, by Nazareth, Jacobsburg, Wind Gap, Sluttersville, Brodheadville, Elfort, Merwingsburg, Soxville, Stoddardsville, Beaumont, and Bear Creek, to Wilkesbarre.

From Easton, by Butztown, Freemansburg, Bethlehem, Rittersville, Allentown, Wercosville, Trexlerstown, Breinigsville, Monterey, Kutztown, Moslem, and Maiden Creek, to Reading.

From Easton, by Bath, Petersville, Newhards, Cherryville, Lehigh Gap, Berlinville, Parrysville, Weisport, and Leighton, to Mauch Chunk.

From Easton, by lower Saucon and Stouts, to Hellerstown.

From Easton, by Boston to Mount Bethel.

From Ebensburg, by Belsano, Strongstown, Indiana, Schlocta, Elderton, Blanket-Hill, Kitting, Worthington, and Coyleville, to Butler.

From Ebensburg, by Loretta, Chess Springs, Three Roads, Fallen Timber, and Roseland, to Smith's Mills.

From Ebensburg, by Carrolltown, to Newman's Mills.

From Economy, by New Scottsville, Sheffield, Seventy-Six, and Service, to Hookstown.

From Elkland, by Nelson, to Lawrenceville.

From Elderton, by South Bend, West Lebanon, and Clarksburg, to Blairsville.

From Elliottsburg, by Roseburg, Ickesburg, and Port Royal, to Millintown.

From Elkland, by Farmington, to Crooked Creek.

From Enon Valley, by Mount Jackson, Edinburg, Hillsville, and Lowellsville, Ohio, to Poland.

From Enterprise, by Gruffs Store, Bareville, and Vogansville, to Hinkleton.

From Enon Valley, by Mount Jackson, Cross Cut, Newcastle, Neshonack, and New Wilmington, to Mercer.

From Equinunk to Preston.

From Erie, by McKean, Well's Corners, Edinboro', Venango, and Selgarstown, to Meadville.

From Etners, by Yocumtown, to Newberrytown.

From Fairmount Springs to Dushore.

From Fairview to Edinboro'.

From Falls of Schuylkill, by Leverington, to Barren Hills.

From Fannettsburg, by Dry Run, Spring Run, Doyleburg, Concord, Waterloo, Peru Mills, East Waterford, Beale's Mills, McCulloch's Mills, McCoyville, Pleasant View, Spruce Hill, Academia, Walnut, and Patterson, to Millintown.

From Fannettsburg, by Dry Run, Concord, Waterloo, East Waterford, McCulloch's Mills, Tuscarora Valley, Academia, Walnut, Millintown, Oakland Mills, McAlister's, Richfield, Mount Pleasant Mills, and Freeburg, to Selin's Grove.

From Fleming, by Julian Furnace and Martha Furnace, to Half Moon.

From Foglesville, by Weisenburg, Seiberlingville, Lynnvale, New Tripoli, Jacksonville, West Penn, Kepners, and McKeanburg, to Orwigsburg.

From Foglesville, by Clausville, Lowhill, Saegersville, and East Penn, to Lehightown.

From Foglesville, by Trexlerstown, Macungie, Zionsville, Hereford, Pennsburg, Schwenck's Store, Perkiomen Bridge, Fairview Village, and Jeffersonville, to Morristown.

From Franklin, by Polk, Henderson, Perrine, Mercer, Clark, Hermitage, North West, Middlesex, Sharon, Brookfield, Vienna, and Howland, to Warren.

From Fountain Spring, by Roaring Creek and Catawissa, to Bloomsburg.

From Franklin, by Utica, French Creek, New Lebanon, New Vernon, Exchangeville, Salem, West Greenville, and Orangeville, Ohio, to Hartford.

From Franklin, through Cranberry and Pine Grove Townships, by Clinton Furnace and Tryburg, to Tylersburg.

From Franklin, by Cooperstown, Sunville, Wallaceville, Dempseytown, Cherry Tree, Titusville, Oil Creek, Centerville, Bloomfield, and Union Mills, to Waterford.

From Franklin, by Complanter, Plumor, Tyrrell, Perry, Steam Mills, Tediote, and Irvine, to Warren.

From Frederick, by New Hanover, Gilbertsville, Bogertown, Mauatawing, Lobacksville, and New Jerusalem, Dryville, to Kutztown.

From Freemansburg, by Lower Saucon, Stouts, Springtown, Bursonville, Bedminster, and Dublin, to Doylestown.

From Friedensville to Hellerstown.

From Friedensburg to Schuylkill Haven.

From Friendsville, by Middleton Centre, Jackson Valley, and Warren Center, to South Warren.

From Gibson, by Herrick Centre, Union Dale, Pleasant Mount, Rock Lake, and Preston, to Scookport Station, New York.

From Greensburg, by Pleasant Unity, Mount Pleasant, Pennsville, Connellsville, and Woodvale, to Uniontown.

From Greensburg, by Harrison City and Murrysville, to Logan's Ferry.

From Greensburg, by New Alexandria, Saltsburg, Clarksburg, and Kent, to Indiana.

From Greensburg to West Newton.

From Gettysburg, by Mumenasburg, Arentsville, Bigler, Bendersville, Menallen, and Table Rock, to Gettysburg.

From Gettysburg, by Hunterstown and New Chester, to Hampton.

From Gettysburg, by Fairfield, Fountain Dale, Waynesboro', and Leitersburg, Maryland, to Hagerstown.

From Glen Rock, by Hanover Junction and Porter's Seidling and Smith's Station, to Hanover.

From Gordonsville, by Intercourse, to Hat.

From Gratz, by Klingerstown and Rough and Ready, to Upper Mahantango.

From Halifax to Fisherville.

From Hamburg, by Albany and Featherolpsville, to Lynnvale.

From Hamlington, by Canaan, to Waymart.

From Hamlington, by Moscow, to Dalesville.

From Harrisville, by Dublin Mills, to Orbisonia.

From Harford, by Montrose Depot, Montrose, Forest Lake, St. Joseph's, Friendville.

Little Meadows, by Warrenham and Apalachin, to Owego, New York.

From Hanover, by McShersytown and Bunnoughystown, to Gettysburg.

From Harrisburg, by Shepherdstown, Dillsburg, York Sulphur Springs, and Hiedlersburg, to Gettysburg.

From Harrisburg, by Dauphin and Pine Grove, to Auburn.

From Harrisburg, by Lisburn, to Lewisberry.

From Harrisburg, by Shiremantown, Mechanicsburg, Carlisle, Plainfield, Newville, Oakville, Shippensburg, and Scotland, to Chambersburg.

From Harrisburg, by Susquehanna, Dauphin, Powell's Valley, and Halifax, to Millersburg.

From Harrisburg, by Singletown, Manada Hill, West Hanover, East Hanover, Shetyerville, Jonestown, and Fredericksburg, to Pine Grove.

From Harrisburg, by White Hill and Lisburne, to Lewisberry.

From Hereford, by Long Swamp and Kutzville, to Kutztown.

From Hills Grove, by Shunk, to Canton.

From Harrisburg, by Duncannon, Baileysburg, Newport, Millerstown, Thompsonstown, Mexico, Port Royal, Millintown, Paterson, Lewistown, Strode's Mills, McVeyton, Newton, Hamilton, Mount Union, Mapleton Depot, Mill Creek, Huntingdon, Shaver's Creek, Barre Forge, Alexandria, Spruce Creek, Union Furnace, Birmingham, Tyrone, Antestown, Frankstown, Tip-ton, Postoria, Altoona, Duncansville, Hollidaysburg, Summit, Portage, Wilmore, Summer Hill, Johnstown, Armagh, Comembush Furnace, New Florence, West Fairfield, Lockport Station, Blairsville, Millwood, New Derry, Boliva, Greensburg, Adamsburg, Tinker Run, Stewartsville, Turtle Creek, Wilkinsburg, and Wilkins, to Pittsburg.

From Hollidaysburg, by Alleghany (no office) and Ashland Furnace, to Newman's Mills.

From Hollidaysburg, by Newry, East Freedom, East Sharpsburg, Martinsburgh, Clover, Stonerstown, Broad Top, Speersville, and West Dublin, to Harrisonville.

From Honey Brook, by Cambridge and South Hermitage, to Piquea.

From Honesdale, by Prompton, Waymart, Carbondale, Dundaff, Lenox, Brooklin, Montrose, Forest Lake, Friendville, Warrenham, and South Owego, New York, to Owego.

From Honesdale, by Bethany and Hill Top, to Pleasant Mount.

From Honesdale, by Eldred, Damascus, Gallilee, and Princeville, to Equinunk.

From Honesdale, by Indian Orchard, White Mills, Hawley, Narrows, and West Fall, to Lackawaxen.

From Hopewell to Pattonville.

From Hopewell Cotton Works, by Oxford, Elkdale, New London, Kemblesville, Strickersville, and McClellandsville, to Newark, (Delaware.)

From Ickesburg, by Roseburg, Bosserman's Mills, and Juniata, to Newport.

From Ickesburg, by Donnelly's Mill, to Millerstown.

From Indiana, by Home, Mahoning, Marchand, Punxatawny, Coolsprings, and Merata, to Brookville.

From Indiana, by Blacklick, to Blairsville.

From Indiana, by Penn Run, Mitchell's Mills, Newman's Mills, Barnside, Cush, Chest, Bower, and Grampian Hills, to Curwinstown.

From Jackson, by Smiley, Gibson, and South Gibson, to Lenox.

From Jersey Shore, by Walkerville, to Waterville.

From Jersey Shore to Collomsville.

From Jonestown, by Cross Kill Mills, to Rehrersburg.

From Kingston, by Carverton, Orange, Centre, Moreland, and Vernon, to Bowman's Creek.

From Karchaus to Sinnamahoning.

From Kittaning, by Brady's Bend, Catfish Fur-

nace, Pinksville, Curllsville, and Reidsburg, to Clarion.

From Kittaning, by Cowansville, Brady's Bend, Catfish Furnace, New Athens, Rimersburg, Curllsville, and Reidsburg, to Clarion.

From Kittaning, by Brattonville, Orrsville, Red Bank Furnace, Oakland, New Bethlehem, Keer's Store, Shannondale, and Summerville, to Brookville.

From Kittaning, by Scrubgrass, Putneyville, Phoenix, and Hamilton, to Punxatawny.

From Knoxville, by Little Marsh, Chatham Valley, Middlebury Centre, East Charleston, Charleston, Wellsboro', Morris, Cedar Run, Slate Run, Waterville, Tomb's Run, and Walker-ville, to Jersey Shore.

From Kittaning, by Rural Valley, Glade Run, and Smicksburg, to Mahoning.

From Kittaning, by Cochran's Mills, to Apollo.

From Kutztown, by B. E. Day's Store, Fredericksville, and Landis's Store, to Bechtelsville.

From Kutzville, by Jerusalem and Princeton, to Reading.

From Kinzers, by Williamstown, Harristown, Springwell Mills, Hatville, and Mount Hope, to Intercourse.

From Lancaster, by Landisville, Mount Joy, Elizabethtown, Portsmouth, Middletown, and High Spire, to Harrisburg.

From Lancaster, by Willow Street, Smithville, Buck, Chesnut Level, Green, Pleasant Grove, Rock Springs, (Maryland,) and Rowlandsville, to Port Deposit.

From Lancaster, by Swartz Mills, Sporting Hill, Mashersonville, Colebrook Furnace, and Cambellstown, to Annville.

From Lancaster, by Lampeter, Martinsville, New Providence, Camargo, May, Bart, Nine Points, Octoraro, Russelville, and Jennersville, to New London.

From Lancaster, by East Hempfield, Manheim, Mount Hope, and Cornwall, to Lebanon.

From Lancaster, by Millersville, Slackwater, Safe Harbor, and Liberty Square, to Buck.

From Lancaster, by Neffsville, Litz, Ephrata, Reanstown, and Adamstown, to Reading.

From Lancaster, by Lampeter, to Strasburg.

From Landisburg, by Andesville, Ellitsburg, and New Bloomfield, to Newport.

From Landisburg, by Andesville, Centre Andersonburg, and Blain, to New Germantown.

From Andisburg, by Roseburg, to Ickesburg.

From La Grange, by Breech's Pond, to Factoryville.

From Lanesboro', by Starucca, Thompson, Ararat, Jackson, and Herrick, to Gibson.

From Lawrenceburg, by River, Agnew's Mills, Jefferson Furnace, and Knox, to Shippensville.

From Lawrenceburg, by West Freedom, Calensburg, and Piney, to Clarion.

From Lawrenceville, by Seely's Hill, to Seely's Creek, New York.

From Lebanon, by Mount Zion, to Fredericksburg.

From Lebanon to Shaeferstown.

From Lenox, by Harford, Gibson, Jackson, North Jackson, and Susquehanna, to Lanesboro'.

From Le Raysville, by South Warren, Windham, and Nicholas, to Smithsboro'.

From Lewistown, by Reedsville, Milroy, Potter's Mill, Centre Hill, Old Fort, and Pleasant Gap, to Bellefonte.

From Ligonier, by Hillview, West Fairfield, Aqueduct, New Florence, East Centerville, Armagh, and Brush Valley, to Indiana.

From Lewistown, by Reedsville, Valley, Potter's Mill, Centre Hill, Old Fort, Pleasant Gap, Bellefonte, Milesburg, Fleming, Phillipsburg, Morrisdale, Clearfield Bridge, and Clearfield, to Curwinstown.

From Ligonier, by Stahlstown, to Donegal.

From Ligonier, by Hillview, West Fairfield, Aqueduct, Armagh, and Brush Valley, to Indiana.

From Lewisburg, by New Columbia, White Deer Mills, White Deer, and Road Hall, to Williamsport.

From Lima, by Howellville and Thornton, to Westchester.

From Line Bridge to Mifflinville.

From Line Lexington, by Hiltown, Hagersville, Applebacksville, Pleasant Valley, Leithsville, Hellerstown, Iron Hill, to Bethlehem.

From Litz, by Brickersville, to Shaeffers-town.

From Little Meadows, by Ellersville, Choconut, Hawleyton, (New York,) to Binghampton.

From Lock Haven, by Farrandsville, De Franceville, Youngwomanstown, Westport, Cook's Run, Sinnamahoning, Second Fork, Pine Street, Cameron, Shippen, and Norwich, to Smithport.

From Lodersville, by Great Bend, New Milford, Montrose Depot, Oakley, Hop-Bottom, Nicholson, Factoryville, Waverly, Bailey Hollow, Clark's Green, Providence, and Hyde Park, to Scranton.

From London Grove to Unionville.

From Luthersburg, by Punxutaway, to Smicksburg.

From Macungie, by Spinnerstown, Trumbaursville, Tyler's Port, Franconia, Union Square, and Gynned, to Spring House.

From Mahoney, by Greenbrier, Line Mountain, Upper Mahantango, and Barry, to Minersville.

From Manayunk, by Lower Marion, Gulf Mills, King of Prussia, Valley Forge, and Schuylkill, to Phoenixville.

From Manheim to Buckerville.

From Manheim, by Penn, to Brickersville.

From Manheim to Mount Joy.

From Mansfield to Wellsboro'.

From Muhlenberg, by Ross, Sweet Valley, and Lake, to Lehman Centre, in the county of Luzerne.

From McConnellsburg, by Mercersburg, Greencastle, and Waynesboro', to Emmetsburg, Maryland.

From McConnellsburg, by Webster's Mills, to Hancock, Maryland.

From McKean's Old Stand, by New Stanton, Walt's Mills, Madison, and Fulton, to Tinker Run.

From Meadville, by Hayfield, Harmonsburg, Rundell's, Sterlington, Conneautville, Spring, Albion, Elk Creek, and Platea, to Girard.

From Meadville, by Blooming Valley, Randolph, New Richmond, Taylor's Stand, Riceville, Spartansburg, West Spring Creek, Lottsville, Sugar Grove, and Busti, New York, to Jamestown.

From Meadville, by Evansburg, Hartstown, Turnerville, South Shenango, and State Line, Ohio, to Kinsman's.

From Meadville, by Mead Corners, Sugar Lake, Guy's Mills, Kingley's, and Steuben, to Centreville.

From Meadville, by Mead's Corner, Sugar Lake, and Wilson's Mills, to Cooperstown.

From Meadville, by Chapmanville and Titusville, to Steam Mills.

From Mercer, by Wolf Creek, Harrisville, Anandale, Murrinsville, and Maple Furnace, to Lawrenceburg.

From Mercer, by Valley, Clark, West Greenville, Jamestown, Adamsville, and Hartstown, to Espyville.

From Mercer, by Delaware Grove, to West Greenville.

From Mercer, by Perrine, Sandy Lake, New Lebanon, and Milledgeville, to Cochranston.

From Mercerburg, by Upton, to Green Castle.

From Mercerburg, by Sylvan, to Hancock, Maryland.

From Middletown to Hummellstown.

From Mifflintown, by Oakland Mills, McCallisterville, Richfield Mount, Pleasant Mills, and Freeburg, to Selin's Grove.

From Mifflintown, by Walnut, McCoyville, McCulloch's Mills, East Waterford, and return by Beale's Mills, Tuscarora Valley, Spruce Hill, and Perrysville, to Mifflintown.

From Millford, by Saw Kill's, Lord's Valley, Nye's Pawpaw, and Tafton, to Hamletton.

From Millerstown, by Richfield, Mount Pleasant Mills, Middleburg, Centreville, and New Berlin, to Mifflinsburg.

From Millersburg, by Dalmatia, Mahonoy, and Augusta, to Sunbury.

From Monroeton, by New Albany and Laddsbury, to Dushore.

From Montrose, by Brackney, Silver Lake, Choconut, Ellerslie, Little Meadows, and Apalachin, New York, to Owego.

From Montrose, by New Milford, to Great Bend.

From Montrose, by Elk Lake, Auburn Four Corners, West Auburn, South Auburn, and East Springfield, to Skinner's Eddy.

From Montrose, by Fairdale, Rush, Rushville,

Pike, Le Raysville, Orwell, Rome, Myersburg, and Wysox, to Towanda.

From Morrisville to Fallstown.

From Morrisville, by Yardleyville, Taylorsville, and Brownsburg, to New Hope.

From Moreland, by Riddle's Settlement, to Newmansville.

From Morgantown, by Blue Rock, Saint Mary's, Saint Peter's, Pughtown, and Vincent, to Phoenixville.

From Moselem, by Coxtown, to Princetown.

From Mount Pleasant, by McKean's Old Stand, West Newton, Gambles, Manongahela City, Ginger Hill, and Dunningville, to Washington.

From Morristown, by Jeffersonville, Fairview Village, Perkiomen Bridge, Schwenk's Store, Pennsburg, Hereford, Shimerville, Macungie, and Trexlertown, to Foglesville.

From Muncy, by Wolf Run, Huntersville, Hills, Grove, Eldredville, Campbellsville, and Haverlyville, to New Albany.

From Muncy, by Hughsville, Eaglesmere, and New Laport, to Dushore.

From Muncy, by Black Hole, Road Hall, White Deer, Alvira, Elimsport, Collomsville, and Nippenose, to Jersey Shore.

From Narrowsburg, New York, by Ashland, Pennsylvania, to Honesdale.

From Nazareth, Northampton county, by Morrisburg, to Wales.

From New Brighton, by Brighton, Baker Bank, Irish Ripple, to Newcastle.

From New Bethlehem, by Leatherwood, to Reidsburg.

From Newcastle, by Pulaski, West Middlesex, Sharon, Clarksville, West Greenville, Jamestown, and other intermediate offices, to Girard.

From Newcastle, by Edinburg, Hillsville, Lowellsville, and Poland Centre, to Poland.

From Newcastle, by Chenango and Wertemberg, to North Sewickly.

From Newcastle, by Eastbrook, to Harlensburg.

From Newcastle, by Mare, New Bedford, and Pulaski, to West Middlesex.

From New Columbus, by Town Line, Harveyville, and Muhlenburgh, to Shichshinny.

From New Hanover, Hillegas, Pennsburg, and Spinnerstown, Milford Square, Steinsburg, to Coopersburg.

From New London, by West Grove, to Jennersville.

From Norristown, by Fairview Village, Perkiomen Bridge, Schwenk's Store, Pennsburg, Hereford, Lionville, Macungie, and Trixerstown, to Foglesville.

From Norristown, by Norritonville, Worcester, Skippack, Salfordville, Sumneytown, Upper Hanover, Hereford, Long Swamp, and Williams's Store, to Kutztown.

From Norristown, by Norritonville, Penn's Square, Worcester, Skippack, Salfordville, to Sumneytown.

From Norristown, by Jeffersonville, Perkiomen Bridge, Trappe, Limerick, Crooked Hill, and Pottstown, to Boyerstown.

From Norristown, by Jeffersonville, Shannonsville, Port Providence, and Quinzville, to Phoenixville.

From Norristown, by Hickorytown, Centre Square, Gwynned, Montgomeryville, Pleasantville, and Whitehallville, to Doylestown.

From North East, by Greenfield and Friends, New York, to Marvin.

From Northville, by North East, Moorheadville, Harbor Creek, and Wesleyville, to Erie.

From Northumberland, by Chulasky, Danville, Catawissa, Bloomsburg, Espy, Lime Ridge, Berwick, Beach Haven, Beach Grove, Shichshinny, Hunlocks Creek, West Nanticoke, and Church Hill, to Wilkesbarre.

From Northumberland, by Lewisburg, Mifflinsburg, Hartleton, Woodward, Aaronsburg, Millheim, Spring Mills, Old Fort, Boalsburg, Pine Grove Mills, Stover's Place, Graysville, and Cole-rain Forge, to Spruce Creek.

From Northumberland, by Chillisquaque, Lewisburg, Milton, McEwensville, Muncy, and Monturesville, to Williamsport.

From Northumberland, by Chestnut Ridge, New Berlin, Penn's Creek, Middleburg, Beavertown, Beaver Springs, Middle Creek, Cosgrove Hall, and Decatur, to Lewistown.

From Nuff's Mills, West Barre, in Huntington county, to Pine Grove Mills, in Centre county.

From Oil Creek, by Holland, to Perry.

From Orbisonia, by Scottsville, New Grenada, and Speusville, to Ray's Hill.

From Owigsburg, by McKeesburg, Kepneo, West Penn, and New Mahoning, to Lehighstown.

From Oxford, by Mount Vernon, Colerain, Puseyville, and Mechanics' Grove, to Chestnut Level.

From Otisville, New York, by Finchville, Port Jervis, Matamoras, Pennsylvania, Milford, Darlingsville, Tafton, Honesdale, Prompton, Waymart, Carbondale, Dundaff, Lenox, Brooklyn, Montrose, Forest Lake, Friendsville, Warrenham, and South Owego, New York, to Owego.

From Parkesburg, by Ercildon, McWilliamstown, Mortonville, and Marshalton, to Westchester.

From Pealer's, by Stillwater, Benton, Cole's Creek, Central, and Davidson, to Laporte.

From Penningtonville, by Wakefield, to Peter's Creek.

From Perrine, by Sandy Lake and New Vernon, to Deer Creek.

From Perry, by Stewart's Run, to Tionesta.

From Peter's Creek to Peach Bottom.

From Philadelphia, by Milestown, Jenkinton, Abington, Willow Grove, Hatboro, Hartsville, Ridge Valley, Doylestown, Buckington, Lahaska, and New Hope, to Lambertsville, New Jersey.

From Philadelphia, by Kingessing, Darby, Kellysville, Oakdale, Media, Lima, Ivy Mills, Concordville, and Chadd's Ford, to Hamorton.

From Philadelphia, by Rising Sun, Germantown, Chestnut Hill, White Marsh, Upper Dublin, Spring House, Montgomeryville, Line, Lexington, Seller's Tavern, Bunker Hill, Quakertown, Coopersburg, Centre Valley, and Faneon Valley, to Allentown.

From Philadelphia, by General Wayne, Cabinet, West Haverford, Radner, Spead Eagle, Pao, Frazier, West Whiteland, Downingtown, Caln, Coatesville, Parkersburg, Sadsburyville, Penningtonville, Christiana Gap, Kinzer, Ballmonte, Paradise, Gordonsville, Enterprise, Lancaster, and Mountville, to Columbia.

From Philadelphia, by Conshohocken, Norristown, Bridgeport, Port Kennedy, Valley Forge, Phoenixville, Royer's Ford, Limerick Bridge, Pottstown, Douglassville, Baumstown, Bridgboro, Reading, Tuckerton, Mohrsville, Leesport, Hamburg, Port Clinton, Auburn, Orwigsburg, and Schuylkill Haven, to Pottsville.

From Philadelphia, by Rising Sun, Milestown, Jenkinton, Abington, Willow Grove, Horsham, Warrington, Doylestown, Danborough, Plumsteadville, Pipersville, Ottsville, Bucksville, Kentersville, Durham, Reiglesville, and Uhlersville, to Easton.

From Philadelphia, by Feltonville, Fox Chase, Huntingdon Valley, Sorrel Horse, Davisville, Richboro, Newton, and Dolington, to Taylorsville.

From Philadelphia, by Kensington, Frankford, Orlando, and Bustleton, to Somerton.

From Philadelphia, by Falls of Schuylkill, Manayunk, Leverington, Andover, Barren Hill, and Plymouth Meeting, to Norristown.

From Philadelphia, by West Philadelphia, Upper Darby, Haverford, Newton Square, Edgemont, Williamstown Inn, and Milltown, to West Chester.

From Philadelphia, by Rising Sun, to Germantown.

From Philadelphia to Spring Garden.

From Phoenixville, by Kimberton, Chester Springs, West Vincent, Marsh, Morgantown, Churchtown, Goodville, Blue Ball, New Holland, Bareville, Leacock, and Eden Village, to Lancaster.

From Phoenixville, by Setzler's Store, Pottstown, Brower, Mount Airy, and Robeson, to Reading.

From Pike Mills, by Pike Valley, Mixtown, Hector, and Sabinsville, to Westfield.

From Pine Grove to Tremont.

From Pine Grove, by Lower Mahantongo, Gratz, Berrysburg, and Elizabethtown, to Millersburg.

From Piquette to New Holland.

From Piquette, by Cain's, to Gap.

From Pitston Ferry, by Ransom Falls and La Grange, to Tunkhannock.

From Pittsburg, over the line of the plank road by Alleghany, Perrysville, Wexford, Zelenople, Harmony, Whitestown, Prospect, Centerville, Harrisville, and Wesley, to Franklin.

From Pittsburg, by Surgeon's Hall, Gill Hall, Library, Finleysville, Monongahela City, and Bentlyville, to Beallsville.

From Pittsburg, by Temperanceville, Remington, Fayette, Shirland, North Star, Bavington, Florence, Paris, and Holliday's Cove, Virginia, to Steubenville, Ohio.

From Pittsburg, by Buchanan, Streets Run, Coal Valley, McKeesport, West Elizabeth, Elizabeth, Monongahela City, Gambles, Webster, Beevernon, Cookstown, Pike Run, Brownsville, Red Stone, Perryopolis, Flatwoods, East Liberty, and Upper Middletown, to Uniontown.

From Pittsburg, by Walker's Mills, Nobles-town, Mungo Park, Candor, Burgettstown, Cross Creek Village, Patterson's Mills, and Independence, to Bethany, Virginia.

From Pittsburg, by Rural Ridge, Culmenville, Etna, Dorseyville, Porter's Store, Carnahans, Norris, and Riddle's Roads, to Saxonsburg.

From Pittsburg, by Perryville, Wexford, Zelenople, Middle Lancaster, Portersville, Harlensburg, and Leesburg, to Mercer.

From Pittsburg, by Sharpsburg, Houston, Harmarville, Tarenton, Freeport, and Slate Lick, to Kittanning.

From Pittsburg, by Montours, Moon, Clinton, Murdockville, and Frankfort Springs, to Fairview, Virginia.

From Pittsburg, by White Ark, Antrim, North Washington, Apollo, Spring Church, Olivet, West Lebanon, and South Bend, to Shelocta.

From Pittsburg, by Perrysville, Wexford, Ogle, Breakneck, Whitestown, and Prospect, to Brown-ington.

From Pittsburg, by Alleghany, West Manches-ter, Sewickleyville, Sewickly Bottom, Economy, and Freedom, to Rochester.

From Pittsburg, by Logan's Ferry, Puebla, and Sherer's Cross Roads, to Leechburg.

From Pittsburg, by Herriotsville and Cannons-burg, to Washington.

From Pittsburg, by Alleghany, Duquesne, Etna, Bakerstown, Glade Mills, Butler, Hibernia, Brownington, Slippery Rock, North Liberty, London, Mercer, Harthegie, Sheakleyville, Custards, Meadville, Woodcock, Rockdale, Waterford, and Hull's Station, to Erie.

From Plain Grove, by Centerville, Borard's Mills, and Anandale, to North Washington.

From Plymouth Meeting, by Blue Bell, Gwynned, Montgomeryville, Pleasantville, and Whitehallville, to Doylestown.

From Port Clinton, by Tamaqua, Hazleton, and East Sugar Loaf, to Wilkesbarre.

From Port Clinton, by Dreher'sville, Focht's Forge, to Tamaqua.

From Point Jervis, New York, by Matamoras, Pennsylvania, to Millford.

From Pottstown, by New Hanover and Fred-erick, to Sumneytown.

From Pottsville, by Broad Mountain, Fountain Spring, Mount Carmel, Bear Gap, Paxinos, and Sunbury, to Northumberland.

From Pottsville to Port Carbon.

From Pottsville, by Minersville, Llewellyn, Branch Dale, Swatara, and Tremont, to Donald-son.

From Pottsville, by Port Carbon, Silver Creek, Middleport, Tuscarora, Tamaqua, and Summit Hill, to Mauch Chunk.

From Providence, by Clark's Green, Waver-ley, Factoryville, Nicholson's, and Lathrop, to Montrose.

From Ransom, by Milwaukie and Ball Mount, to Clark's Green, in Luzerne county.

From Reading, by Oley, Lobacksville, Pike Township, Manatawny, Dale, and Hillegas, to Sumneytown.

From Reading, by Sinking Spring, Werners-ville Furnace, Womelsdorf, Stouchburg, Myers-town, Lebanon, Annville, Palmyra, and Hum-melstown, to Harrisburg.

From Reading, by Lower Bern, Bernville, Tul-pehoccen, Rehrrsburg, Bethel, and Cross Kill Mills, to Jamestown.

From Reading, by Tuckerton, Maiden Creek, Moltown, Virginsville, and Klimesville, to Feath-erolpsville.

From Reading, by Stonersville, Brumfieldville,

Earlville, Greshville, Boyerstown, Bechtelsville, Colebrookdale, Dale, and Seisholtzville, to Hereford.

From Reading, by Beckersville, Joanna Fur-nace, Morgantown, Loag, Wallace, Uwachlan, Lionville, and West Whiteland, to West Ches-ter.

From Reading to Geiger's Mills.

From Reamstown, by Schoeneck, Reinholds-ville, and Cocalico, to Shaefferstown.

From Reamstown, by Terre Hill, to Church-town.

From Reedsville, by Kishacoquillas Valley, to Lock's Mill.

From Reedsville, by Kishacoquillas, Bellville, and Allensville, to Mill Creek.

From Reiglesville, by Upper Black Eddy, Erwinna, Point Pleasant, Lumberville, Centre Bridge, Lambertsville, New Hope, Brownsburg, Taylorsville, and Yardleyville, to Trenton, New Jersey.

From Rehrrsburg, by Wollebertstown and Mount Zion, to Lebanon.

From Rehrrsburg to Womelsdorf, by Snaff-nie's store.

From Rochester, by Beaver, Fallstown, Brigh-ton, and Irish Ripple, to New Castle.

From Rome, by North Orwell, West Wind-ham, Nicholas, New York, and Canfield Cor-ners, to Smithboro.

From Rome, by North Rome, to Sheshequin.

From Roseville, by Chandlersville, to Mains-burg.

From Roulette to Ceres.

From Rutland, by Elk Run, to Mainsburg.

From Russelburg, by Beach Woods, to Sugar Grove.

From Salem Cross Roads, by Poke Run, North Washington, Crawford Mills, Shearer's Cross Roads, Leechburg, Freeport, Saroersville, and Saxenburg, to Butler.

From Safe Harbor, by Conestoga, Martickville, Mount Negro, and Rawlinsville, to Buck.

From Safe Harbor to Martie Forge.

From Sagerstown, by Cassawago and Cross-ingville, to Elk Creek.

From Sagerstown, by Cassawago and Rundell's, to Conneautville.

From Schuylkill Haven, by Minersville, to Fremont.

From Schwenck's Store, by Frederick, Doug-las, Colebrookdale, Clayton, and Shimersville, to Emaus.

From Scottsville, by Little Meehoopany Centre, Loveton, and Wolf Creek, to Dushore.

From Scranton, Dunmore, Dalesville, Clifton, Naglesville, Stanhope, Tannersville, and Bartons-ville, to Stroudsburg.

From Selin's Grove, by Kratzersville, New Berlin, and Barber's Mills, to Millinburg.

From Selin's Grove, by Turtlersville, Chestnut Ridge, Winfield, Lewisburg, New Columbia, White Deer Mills, and Road Hall, to Williams-port.

From Shaver's Creek, by Cottage, West Barre, Manor Hill, East Barre, Ennisville, McAleoy's Fort, and Greenwood Furnace, to Belleville.

From Sharon Centre, by East Sharon, West Shongo, New York, Shongo, and Willing, to Wellsville.

From Shade Gap, by Bolingerstown and Peru Mills, to McCulloch's Mills.

From Sheshequin, by Ulster, to Hornbrook.

From Shippensburg, by Orrstown, Pleasant Hall, Upper Strasburg, Roxbury, and Newburg, to Shippensburg.

From Shippensburg, by Jefferson Furnace, La-martine, Agnew's Mills, Emlenton, and North Hope, to Butler.

From Shippensburg, by Lucinda Furnace and Tryburg, to Tylersburg.

From Shrewsbury, by Stewartstown, Straw-bridge, Fawn Grove, and Slate Ridge, to Bryans-ville.

From Shunk, by Eldredville and Campbells-ville, to Sugar Run.

From Skippack, by Harleyville, Franconia, and Tylersville, to Charleston.

From Slate Lick, by Worthington, to Cawans-ville.

From Smithfield, by New Geneva, Greens-boro, Mapletown, and Willowtree, to Mount Morris.

From Smithport, by Farmer's Valley, Sartwell,

Alleghany Bridge, and Portville, New York, to Olean.

From Smithsport, by Bradford, Limestone, New York, and Kill Buck, to Great Valley.

From Smithport, by Lafayette, Eden, and Kinzua, to Warren.

From Smith's Ferry, by Ohioville and Black Hawk, to Darlington.

From Smith's Ferry, by Ohioville and Darlington, Pennsylvania.

From Smith's Mills, in Crawford county, by Cochran, to John Wightman's.

From Smith's Mills, by Jeffries and Clearfield Bridge, to Clearfield.

From Somerset, by Stony Creek, Dry Ridge, West End, and Man's Choice, to Bedford.

From Somerset, by Sipesville, Forwardtown, and Bemin's Creek, to Johnstown.

From Somerset, by Gebhart's, New Lexington, Turkey Foot, and Harnedsville, to Addison.

From Somerset, by Benford's Store, to Stoyes-town.

From Spring House Tavern to Sumneytown.

From Strasburg, by Leesburg, New Providence, and Camargo, to Quarryville.

From Strattonville, by Helen Furnace, Scotch Hill, North Pine Grove, Marionville, and Foxburg, to Warren.

From Stewartstown, by Cross Roads, Apple Grove, and Dallastown, to York.

From Stroudsburg, by Rossandaville, Fennersville, Long Valleyville, and Weisport, to Mauch Chunk.

From Stroudsburg, by Analomink, Henrysville, and Paradise Valley, to New Mount Pleasant.

From Stroudsburg, by Snyder'sville, Fennersville, Kunkleton, Kresgeville, and Little Gap, to Lehigh Gap.

From Stroudsburg, by Analomink, Priceburg, Coveseville, South Sterling, and East Sterling, to Sterling.

From Stroudsburg to Saylorsburg.

From Stroudsburg, by Shawnee, Triebleville, and Turn's, to Bushkill.

From Summit, by Portage, Wilmore, and Summer Hill, to Johnstown.

From Summit, by Ebensburg, Armah, Blairsville, New Alexandria, Harvey's Five Points, Salem Cross Roads, Murrysville, Monroeville, and Wilkesburg, to Pittsburg.

From Sunbury, by Snyderstown and Rushtown, to Danville.

From Sugar Valley, by Carroll, Forest Iron Works, to White Deer Mills.

From Stoytown, by Dibertsville and Davidsville, to Johnstown.

From Sylvania, by Gray's Valley and Mansfield, to Mansfield.

From Sterlingville, by Linn, to Tunkhannock Depot.

From Sumneytown, by Hosensack and Eman's, to Allentown.

From Tafton to Hawley.

From Tamaqua, by Lindersville, Jeansville, Hazleton, Drum's, Alberts, and Hendricksburg, to Wilkesbarre.

From Tioga, by Hammond Creek and Maple Ridge, to Seely Creek, New York.

From Tionesta, by Howe, to Tiedontee.

From Titusville, by Enterprise, Davis's Settlement, Youngsville, and Chandler's Valley, to Sugar Grove.

From Titusville, by Holland, to Perry.

From Titusville, by Eagle and Spring Creek, to Columbus.

From Titusville, by Sugar Lake, to Meadville.

From Texas, by Morris, Wellsboro', Chatham Valley, Little Marsh, Knoxville, and Westfield, to Pine Creek.

From Towanda, by Highland, Burlington, West Burlington, East Troy, Troy, Sylvania, and Sullivan, to Covington.

From Towanda, by Highland, Burlington, East Smithfield, North Smithfield, Bentley Creek, and Ridgeburg, to Wellsburg, New York.

From Trappe, by Schenck's Store, Sumneytown, and Harlaysia, to Franconia.

From Tremont, by Bear Mont, Wiconisco, Short Mountain, Oakdale, and Elizabethville, to Millersburg.

From Trexletown, by Middletown, to Herford.

From Trout Run, by Liberty, to Blossburg.

From Tunkhannock, by Russel Hill, Sterling-

ton, Braintram, Skinner's Eddy, Laceyville, Brownstown, Wyalusing, Lime Hill, Rummerfield Creek, Standing Store, Wysox, Towanda, Ulster, Milan, and Athens, to Waverly, New York.

From Tunkhannock, by West Eaton, Forks-town, Lovelton, and Bellsyva, to Dushore.

From Tunkhannock, by Pierceville, Nicholson, Glenwood, Lenoxville, Clifford, and Dundaff, to Carbondale.

From Tuscarora, by Pilmar, to Catawissa Valley.

From Tyrone, by Phillipsburg, Woodland, and Clearfield, to Curwinstville.

From Uniontown, by New Salem, Merrittstown, Brownsville, Fredericktown, Millsboro', Clarksville, and Jefferson, to Waynesburg.

From Uniontown, by McClellandtown, Mason-town, Carmichael's, Rice's Landing, and Jefferson, to Waynesburg.

From Uniontown, by McClellandtown, Mason-town, Greensboro', Mapleton, Whitley, to Carmichael's.

From Unionville, by Kennet's Square, Hamorton, Fairville, and Centreville, (Delaware,) to Wilmington.

From Ulysses to Genesee Forks.

From Waynesburg, by Rogersville, Jolly Town, and Blacksville, (Virginia,) to Waynesburg.

From Waynesburg, by Simpson's Store and Good Intent, to West Alexander.

From Waynesburg, by Call's Mills, White Cottage, New Freeport, Pursley, Sugar Run, and Knob Fork, to Middlebourne, Virginia.

From Waynesburg, by Hunter's Cove, Harvey's Windridge, Ryerson's Station, Poplar Spring, (Virginia,) Beeler's Station, and Limestone, to Moundville.

From Warren, by Germany, Corydon, Onoville, Ten-Mile Spring, and Buck Tooth, to Little Valley.

From Warren, by Kinzua, Corydon, Onoville, Ten-Mile Spring, New York, Buck Tooth, and Kilbuck, to Olean.

From Warren, by Irvine, Youngsville, Pittsfield, Garland, Spring Creek, West Spring Creek, Spartansburg, Cook, Wayne, Le Boeuf, and Union Mills, to Waterford.

From Warren, by Frewsburg, Jamestown, and Delati, to Dunkirk, New York.

From Warren, by Mead, Sheffield, and New Highland, to Ridgeway.

From Warren, by Russellburg and Carroll, New York, to Jamestown.

From Warrenham, by South Owego, New York, to Owego.

From Washington, by Locust Hill, Hickory, Cherry Valley, Burgettstown, Florence, Frankfort Springs, Kendall, Hookstown, and Georgetown, to Smith's Ferry.

From Washington, by Van Buren, Prosperity, Sparta, Lindley's Mills, Amity, and Ten Mile, to Waynesburg.

From Washington, by Chartier's, Cross Creek, Eldersville, and Cherry Hill, to Steubenville, Ohio.

From Washington to Taylorstown.

From Washington, by Buffalo, West Middleton, Independence, Fowler's, Virginia, Wellsburg, Virginia, Phillipsburg, Ohio, New Alexandria, Smithfield, and Cold Spring, to Cadiz.

From Waterford, by La Boeuf, Union Mills, Wayne, Columbus, Lottsville, Sugar Grove, and Bustle, to Jamestown, New York.

From Waterville, by Garretttsville and Little Pine Creek, to Texas.

From Wattsburg, by Wayne, Columbus, and Laporte, to Pittsfield.

From Waverly, by Wallsville, Fleetville, and Millardsville, to Lenox.

From Wellsboro', by Pine Creek, Gaines, Pike Mills, West Pike, Cushingville, Sweden, Lymansville, Coudersport, Roulette, Burtville, and Port Alleghany, to Smithport.

From Wellsboro', by Charlestown, Crooked Creek, Tioga, and Bailey Creek, to Rutland.

From West Chester, by Downingtown, Guthriesville, Brandywine Manor, Rockville, Honey Brook, Beartown, Blue Ball, New Holland, Hinkleton, Ephrata, Durlach, Brickerville, Cornwall, and Campbelltown, to Hummelstown.

From West Chester, by Marshallton, Embre-

ville, Russelville, Hoyesville, Oxford, Hopewell Cotton Works, Brick Meeting House, Maryland, Rising Sun, Farmington, Principio, and Battle Swamp, to Perrysville.

From West Chester, by Thornburg, Dilworthtown, and Talleyville, Delaware, to Wilmington.

From West Chester, by Paoli, to Philadelphia.

From West Chester, by Parkersville, Hamorton, Kennet's Square, to Landon Grove.

From West Chester, by Goshenville and Sugar Town, to Paoli.

From West Greenville, by Jamestown, Adamsville, Hartstown, North Shenango, Line Mills, and Unity, to Coneautville.

From West Middletown, by Patterson's Mills, Cross Creek Village, Eldersville, Burgettstown, Clinton, Seventy-Six, and Service, to Hookstown.

From West Newton, by Buena Vista, Yohogany, and McKeesport, to Pittsburg.

From West Franklin, by Granville, to Alba.

From West Penn, by Mahoning, to Lehigh.

From West Port, up Kettle Creek, by Leidy Cross Fork, to Kettle Creek.

From West Philadelphia, by Kelleysville, Maple, and Rose Tree, to Howellsville.

From White Haven, by Hickory Run, Aftersville, to Merwinsburg.

From Williamsburg, by Yellow Spring and Water Street, to Spruce Creek.

From White Deer, by Alvira, to Elimsport.

From Wilkesbarre, by Plainsville, Port Blanchard, Pittston Ferry, Old Forge, Lackawanna, Hyde Park, Scranton, Providence, Blakely, Carbondale, Waymart, and Prompton, to Honesdale.

From Wilkesbarre, by Kingston, Forty Fort, Wyoming, Exeter, Keelersburgh, South Eaton, Eaton, Tunkhannock, Winchester, Lynn, Springville, Dimock, Montrose, Dawsville Centre, Brookdale, and Corbettsville, New York, to Kirkwood.

From Wilkesbarre, by Kingston, Truckville, Huntsville, Lehman, Dallas, and Bowman's Creek, to Tunkhannock.

From Wilkesbarre, by Church Hill, to Nanticoke.

From Wilkesbarre, by White Haven, Morrison, Rock Port, and Weatherby, to Mauch Chunk.

From Williamsport, by Newberry, Linden, Jersey Shore, Chatham Run, Dannsburg, Lock Haven, Flemington, Mill Hall, Sulona, Lamar, Nittany, Hublersburgh, and Zion, to Bellefonte.

From Williamsport, by Warrensville, Lycoming Creek, Slate Road, and Larry's Creek, to Jersey Shore.

From Williamsport, by Hepburn, Crescent, Trout Run, Ralston, Canton, Alba, Troy, Columbia Cross Roads, South Creek, and Southport, New York, to Elmira.

From Williamsport, by Warrensville, Barbour's Mills, Hill's Grove, and Millview, to Dushore.

From Wind Gap to Flicksville.

From Woodcock, by Teeples, the town line road, and Wisby's Settlement, to Waterford.

From Womesford and Millbach to Shaeffers-town.

From Wrightsville, by Margaretta Furnace, New Bridgeville, Grahamsville, and York Furnace, to McCall's Ferry.

From Wyalusing, by Merryall, Camptown, and Stevensville, to Pike.

From Wyalusing to Sugar Run.

From York, by Emigsville, Mount Campbell, Manchester, York, Haven, Etters, and New Cumberland, to Harrisburg.

From York, by East Berlin, to York Sulphur Springs.

From York, by Farmers, Abbottstown, Hanover, McSherrystown, and New Oxford, to Gettysburg.

From York, by Dover, Rossville, Lewisberry, Lisburn, and Sidensburg, to Mechanicsburg.

From York, by Dover, Wellsville, Dillsburg, and Allen, to Mechanicsburg.

From York, by Pine Hill, Cordoras, Hetrics, Kroh's Mills, Maryland, Manchester, and Bachman's Mills, to Westminster.

From York, by Dallastown, Apple Grove, Cross Roads, Union, Chanceford, Lower Chanceford, and Castle Fin, to Peach Bottom.

From York Sulphur Springs, by Bermudian Hall and Davidsburg, to York.

From Youngstown, by Brandenville, New Derby, Blairsville, Livermore, Tunnell, Saltburg, Coal Port, Kiskiminitas, Apollo, and Leechburg, to Freeport.

Maryland—From Addison, Pennsylvania, by Selbysport and Accident, to Oakland, on the Baltimore and Ohio Railroad.

From Annapolis, by Millersville, Crownsville, and Patuxent, to Annapolis Junction.

From Annapolis to Broad Creek.

From Annapolis, by Church, St. Margaret's, Waterford, Patapsco Meeting House, to Baltimore.

From Baltimore, by St. Dennis, Elkridge Landing, Annapolis Junction, Savage, Laurel Factory, Beltsville, and Bladensburg, to Washington, District of Columbia.

From Baltimore, by Lauraville, Cub Hill, Fork Meeting House, and Fallston, to Bell Air.

From Baltimore, by Govanstown, to Towson-town.

From Baltimore, by Harrisonville, North Branch, Freedom, Porters, Franklinville, Winfield, Sam's Creek, Molosty's Mills, and Union Bridge, to Uniontown.

From Baltimore, by Woodbury, Washingtonville, Brooklandville, Ellengowan, Cockeysville, Waterman's Mills, Philopolis, Monkton Mills, Shrewsbury, Parkton, White-Hall, Freeland, New Freedom, Glen Rock, Pennsylvania, Seven Valleys, York, Hallum, and Wrightsville, to Columbia.

From Baltimore, by Avalon, Ilchester Mills, Ellicott's Mills, Alberton, Woodstock, Morriottsville, Sykesville, Hood's Mills, Woodbine, Mount Airy, Monrovia, Ijamsville, Adamstown, Point of Rocks, Barry, Weverton, Keep Triste, Harper's Ferry, Virginia, Duffield's, Kerneysville, Van Clievesville, Martinsburg, Sir John's Run, North Mountain, Sleepy Creek Bridge, Alpine Depot, Hancock, Maryland, Cacapon Depot, Orleans, Pawpaw, Virginia, Cacaponville, Forks of Potomac, Greenspring Run, Oldtown, Maryland, and Patterson's Depot, Virginia, to Cumberland, Maryland.

From Baltimore, by Rossville, Havewood, Magnolia, Perryman'sville, Hall's Cross Roads, Havre de-Grace, Perryville, Principia Furnace, Charlestown, Northeast, Elkton, Newark, Delaware, Christiana, Staunton, Newport, Wilmington, Claymont, Marcus Hook, Pennsylvania, Chester, and Leipersville, Philadelphia.

From Baltimore, by Denton and Easton, to Cambridge.

From Baltimore, by Hookstown, Pikesville, Owing's Mills, Reisterstown, Finksburg, Carrollton, Westminster, Littlestown, Pennsylvania, and Two Taverns, Gettysburg, Cashtown, Grafensburg, and Fayetteville, to Chambersburg.

From Barren Creek Springs, by Quantico and White Haven, to Princess Ann.

From Barren Creek Springs, by Sharptown, to Laurel.

From Bel Air, by Hickory Tavern, Mill Green, Pylesville, Bryonsville, Pennsylvania, and Slate Hill, to Peach Bottom.

From Bel Air, by Churchville and Hopewell Cross Roads, to Rock Run.

From Bel Air, by Forest Hill and Cottage Home, to Pylesville.

From Broad Creek, by Queenstown, to Centreville.

From Buckstown to Cambridge.

From Cambridge, by Church Creek and Golden Hill, to Lakesville.

From Cambridge, by Hicksburg, Big Mills, Vienna, Barron Creek Springs, and Salisbury, to Snow Hill.

From Charlotte Hall, by Bryantown, Beantown, Piscataway, Palmer's, and Good Hope, to Washington, District of Columbia.

From Chestertown, by Caulk's Field and Reed's Corner, to Rock Hall.

From Church Hill, by Long March, Templeville, and Hazlettsville, to Canterbury.

From Cumberland, by Clarysville, Frostsburg, Shade-Mill, Grantsville, Addison, Somerville, Farmington, Fayette Springs, Uniontown, Seagriffs, Brownsville, West Brownsville, East Bethlehem, Beallsville, Hillsboro', and Strabarre, to Washington.

From Clear Spring, by Green Spring Furnace, to North Mountain, or to a depot on the Baltimore and Ohio Railroad.

From Cumberland, by Dawson's, to Westernport.

From Cumberland, by Flint Stone, and Elbensville, to Robinsonville.

From Davis' Depot, by Buckeyetown, to Greenfield Mills.

From Cumberland, by Brady's Mill, Western Port, New Creek Depot, Mount Carbon, Langgallen, Franklinville, Summitville, Ambersburgh, Three Forks, Tetterman, Valley Falls, Benton's Ferry, and Little Station, to Wheeling.

From Darlington, by Dublin, to Slate Hill.

From Davidsonville, by South River, West River, Tracy's Landing, Friendship, Lower Marlboro', Chestnut Hill, Huntingdon, Prince Frederickton, and Port Republic, to St. Leonards.

From Davidsonville, by Taylorsville, to Millersville.

From Denton, down Fowling Creek, Upper Hunting Creek, New Hope, Federalsburg, Cannon's Ferry, and Seaford, to Concord, Delaware.

From Easton, by Upper Hunting Creek, New Hope, Federalsburg, Cannon's Ferry, Delaware, Senford, and Middleford, to Concord.

From Easton, by Hillsboro', to Denton.

From Easton, by Royal Oak, to St. Michael's.

From Elkton, by Cherry Hill, Fair Hill, Blue Ball, Brick Meeting House, Rising Sun, Fountain Green, Pennsylvania, Kirk's Mills, Oak Hill, and Goshen, to Chestnut Level.

From Elkton, by Chesapeake City, Bohemia Mills, Warwick, Head of Sassafras, Georgetown Cross Roads, Harmony, Erieville, Chestertown, Church Hill, Centreville, Wye Mills, Easton, Trappe, and Oxford, to Cambridge.

From Ellicott's Mills to Clarksville.

From Fair Hill, by Lewisville, to Kemblesville.

From Frederick, by Middletown, Bolivar, Boonsboro', Benevola, Funkstown, Hagerstown, Conococheague, Clear Spring, Indian Springs, and Millstone Point, to Hancock.

From Frederick, by Walkersville, Woodsboro', Ladiesburg, Middleburg, Bruceville, Taneytown, Piney Creek, Littlestown, Pennsylvania, McSherrystown, to Hanover.

From Monocacy Bridge to Frederick.

From Frederick to Jefferson.

From Frederick, by Mount Pleasant, Libertytown, Unionville, Oak Orchard, Sam's Creek, New Windsor, Wakefield, and Warfieldsburg, to Westminster.

From Frederick, by Mechanicstown and St. Mary's College, to Emmitsburg.

From Frederick, by Utica Mills, Creagerstown, Graceham, Emmitsburg, and Greenmount, Pennsylvania, to Gettysburg.

From Georgetown, by Seneca Mills, Poolsville, Edward's Ferry, Barnesville, to Harper's Ferry, Virginia.

From Glen Rock, by Hetrick's and Kroh's Mills, to Manchester.

From Glymont to Port Tobacco.

From Hagerston, by Chewsville, Cavetown, Smithsburg, Foxville, Sabillsville, and Mechanicstown, to Graceham.

From Hagerstown, by Lappon's Cross Roads, to Bakersville.

From Hanover, by McSherrystown, to Gettysburg.

From Head of Sassafras, by Millington, Sudlersville, Long March, Bridgeton, Greensboro', and Whiteleysburg, to Denton.

From Jarrettsville, by Lagrange Iron Works and Pilesville, to Slate Hill.

From Laurel Factory, by Drayton, Landy Spring, and Olney, to Brookville.

From Leonardtown, by Great Mills, Park Hall, and St. Inigo's, to Ridge.

From Littlestown, by McSherrystown, to Hanover.

From Magnolia, by Gunpowder Upper Falls and Jerusalem Mills, to Fallston.

From Magnolia, by Abingdon and Emerton, to Bel Air.

From Middletown to Wolfsville.

From Monrovia, by Newmarket, New London, Libertytown, Unionville, and Johnsville, to Middleburg.

From Mount Airy to Damascus.

From New Market to Gotchett's Ferry, in Dorchester county.

From Parkton, by Weisesburg, to Hereford.

From Perryville, by Port Deposit and Rock Run, to Darlington.

From Piscataway, by Beantown, Bryantown, and Charlotte Hall, to Leonardtown.

From Port Tobacco, by Bryantown, to Benedict.

From Port Tobacco, by Partnership, Hill Top, to Nanjemoy.

From Port Tobacco, by Allen's Fresh, Newport, Chaptico, and Saint Clement's Bay, to Leonardtown.

From Poplar Creek, by Lisbon, to Cooksville.

From Potter's Mill to Wheeling.

From Princess Ann, by Kingston, to Bell Mount.

From Beantown to Duffield.

From Reisterstown, by Upperco, Hampstead, Manchester, Hanover, Pennsylvania, Hampton, Round Hill, York Sulphur Springs, and Paper-town, to Carlisle.

From Rockville, by Darnestown, Dawsonville, and Poolesville, to Barnesville.

From Saint Michael's to Bay Hundred.

From Salisbury, by Dickerson's Cross Roads and Whaleysville, to Berlin.

From Slate Hill, by Bryansville and Castle Fin, to McCall's Ferry.

From Somersfield, Pennsylvania, to Selbysport, Maryland.

From Snow Hill, by Nasaingo Furnace, to Princess Ann.

From Tracy's Landing, by Bristol, to Dun-kirk.

From Tetterman to Saint Mary's.

From Uniontown to New Windsor.

From Unity, by Triadelphia, Mathew's Store, and Cooksville, to Hood's Mills.

From Upper Marlboro', by Nottingham, Brandywine, Horse Head, Aquasco, Benedict, and Charlotte Hall, to Chaptico.

From Washington, District of Columbia, to Georgetown.

From Washington, by Anacostia, Mount Welby, Piscataway, and Duffield, to Port Tobacco.

From Washington, District of Columbia, by Anacostia, Mount Welby, Long Old Fields, Maryland, Upper Marlboro', Queen Anne, to Davidsonville.

From Washington, District of Columbia, by Cottage, Maryland, to Colesville.

From Washington, District of Columbia, by Georgetown, Tennally Town, Locust Grove, Rockville, Maryland, Forest Oak, Middle Brook, Clarksburg, Hyattstown, and Urbana, to Frederick.

From Westerman's Mills, by Sweet Air, to Long Green Academy.

From Westminster, by Frizleburgh, Uniontown, Taneytown, and Bridgeport, to Emmitsburg.

From Westminster, by Union Mills, to Littlestown.

From Weverton, by Brownsville, to Bohersville.

From Weverton, by Petersville and Burkettsville, to Bohersville.

From White Haven, to Realsville, Somerset county.

From White Hall, by Stablersville, on the Baltimore and Susquehanna railroad, and Buckstone, to Gorsuch's Mills.

From White Hall, by Shawsville and Taylor, to Jarrettsville.

From Williamsport to Hagerstown.

Delaware.—From Canterbury, by Berrytown, Masten's Corner, Vernon, Burrsville, Maryland, to Denton.

From Cantwell's Bridge, by Middletown and Warwick, to Cecilton.

From Cumberland, by Flint-Stone and Elbinsville, to Robisonville.

From Dagsboro', by Blackwater, Hall's Store, to Tunnell's Store.

From Georgetown, by Concord, Laurel, Salisbury, Maryland, Forktown, and Upper Trappe, to Princess Anne.

From Georgetown, by Millsboro', Dagsboro', Selbyville, St. Martin's, Maryland, Berlin, Newark, Snow Hill, Sandy Hill, Horntown, Virginia, Chincoteague, Modestown, Metompink, Accomack Court-House, Onancock, Pungoteague, Bellehaven, Franktown, and Johnstown, to Eastville.

From Millsboro', by Angola, to Lewes.

From Millsboro', by Gumboro', to Whaleysville, Maryland.

From Milford, by Williamsville, Bridgeville, Horsey's Cross Roads, Federalsburgh, and East New Market, to Cambridge.

From Milford, by Cedar Creek and Draw Bridge, to Lewes.

From Newark, by Cook's Bridge, Glasgow, Summit Bridge, Middletown, and Warwick, to Cecilton.

From Red Lion to Summit Bridge.

From Smyrna to Leipsic.

From St. George's, by Delaware City, to Port Penn.

From Wilmington, by Newcastle, Chippewa, Red Lion, St. George's, McDonough, Cantwell's Bridge, Black Bird, Smyrna, Dover, Camden, Canterbury, Frederica, Milford, and Milton, to Georgetown.

From Wilmington, by Loveville, New Garden, Pennsylvania, Avondale, and Chatham, to Cochranville.

From Wilmington to Newcastle.

Virginia.—From Abingdon, by Poor Hill, Tennessee, Holston Valley, and Rockhold's, to Elizabethtown.

From Abingdon, by Holston and Hansonville, to Lebanon.

From Abingdon, by Clear Branch, Three Springs, Mill Point, Arcadia, and Block House, to Estillville.

From Abingdon, by Ravensnest, Craig's, Kinderhook, and Rocky Point, to Estillville.

From Abingdon, by North Fork, Huyster's Gap, Holston River, and Saltville, to Tazewell C. H.

From Accomac C. H., by Locustville, to Locust Mount.

From Aldie to Snickersville.

From Alexandria, by Accatink and Occuquan, to Dumfries.

From Alexandria to Theological Seminary.

From Alexandria, by Fall's Church and Republican Mills, to Dranesville.

From Alexandria, by Mount Pierce, Anandale, Chantilly, Pleasant Valley, Arcola, Aldie, Middleburg, and Upperville, to Paris.

From Alexandria, by Fairfax Station, Sangster's Station, Burke's Station, Manassas's Station, Catlett, Walnut, Branch Depot, Beallton, Millville, Brandy Station, Culpepper C. H., Mitchell's Station, Rapid Ann Station, and Orange C. H., to Gordonsville.

From Amelia C. H., by Dennisville and Finney's Mills, to Namozine.

From Appomattox Depot, by Skin Quarter, to Winterpock.

From Appomattox Depot, by Elk Hill, Lodore, Painesville, and Rodophill, to Deatonville, Amelia county.

From Allegan Springs, by Huffsville, to Simpson's, in Floyd county.

From Aylett's, by Acquinton, Piping Tree Ferry, Rumford Academy, and King William C. H., to Lanesville.

From Arnoldsburg to the Three Forks of Sandy From Aquia, by Garrisonville and Stafford C. H., to Railroad.

From Ashton's Mills to Lauck's Cross Roads.

From Back Creek Valley, by High View and Yellow Springs, to Capon Springs.

From Balcony Falls, by National Bridge, Daggers's Springs, Clifton Forge, Alum Rock, and Covington, to Callaghan's.

From Barracksville, by Hoodsville, Gray's Flat, Bassnettsville, and Jake's Run, to Blacks-ville.

From Beatty's Mills, down the South Fork of Fishing Creek, and down Indian Creek, to Ripley's, in the county of Tyler.

From Bentleysville, by Mount Laurel and Whitesville, to Providence.

From Berkley Springs, by Smith's Cross Roads, to Oakland.

From Berkley Springs to Valley Springs, in Morgan county.

From Berkley Springs to Walling's Mills, on Sleepy Creek, in Morgan county.

From Beverly, by Leadsville, Barker's Settlement, Burnesville, Phillipa, Nelson, Overfield, and Grass, to Clarksburg.

From Bickley's Mills, by Guest's Station, the Pond, and Three Forks, to Turkey Cove.

From Big Lick, by Boone's Mills and Gogginsville, to Rocky Mount.

From Blacksburg, by Pepper's Ferry, to Newbern.

From Boone Court-House to Ginseng, Wyoming C. H.

From Black Walnut, by Hyco, Mayo, Harmony, Woodsdale, North Carolina, and Williamsville, to Roxboro'.

From Bowling Green, by Turner's Store and White Chimneys, to Mongohie.

From Bowling Green, by Sparta and Central Point, to Newtown.

From Bowling Green, by Trapeand Port Conway, to King George C. H.

From Bowling Green to Milford.

From Boydton to Clarksville.

From Boydton, by Christiansville, Yatesville, Rehoboth, Lunenburg C. H., and Macfarland's, to Black's.

From Braxton C. H., by Holly, Fork Lick, Stroud's Glades, and Beaver C. H., to Nicholas C. H.

From Braxton C. H., by Holly River, Middleport, Fork Lick, Sand Run, Stroud's Glades, and Laurel Creek, to Braxton C. H.

From Braxton C. H., by Flatwood, Bulltown, Ireland, Bennett's Mills, Collin's Settlement, and Bush's Mills, to Weston.

From Braxton C. H., by Rocky Camp, Birchtown, Big Otter, and Newton, to Clendenin.

From Brentsville, by Independent Hill, to Bellefair Mills.

From Broadford to Tazewell Court House.

From Buckhannon, by French Creek and Frenchton, to Bennett's Mills.

From Buckhannon, by Harker's Creek, New Salem, West Milford Turnpike, Janelaw, Kinchloe's Creek to its head, and down the Green Brier, to West Union.

From Buckland, by Auburn and St. Stephens, to Weaversville.

From Buckland, by Haymarket, Thoroughfare, and The Plains, to Salem, Fauquier.

From Buckingham Court House, by Mount Vinco, Glenmore, Diana Mills, and Virginia Mills, to New Canton, in Buckingham county.

From Buford's, by Blue Ridge, to Fincastle.

From Burkesville to Jeffrey's Store.

From Buford's Depot to Buckhannon.

From Buffalo Gap, by Bill's Valley, Milboro' Springs, to Clifton Forge.

From Buffalo Gap, by Estelline Furnace, Bell's Valley, and Panther Gap, to Milboro' Springs.

From Cabell Court House to Ashland.

From Callahan's to Sweet Springs.

From Campbell Court House, by Pigeon Run, Marysville, and Green Hill, to Brookneal.

From Cassville, up Sandy and Tug Fork rivers, by William Radcliff's, Vinton's Store, Mouth of Pond, Dennis's, Reed's, and Bartley Rose's, to Roark's Gap.

From Capon Bridge to Hook's Mills.

From Capon Bridge, by Cold Stream, to Bloomery.

From Capon Bridge, by Dillon's Run, Smith's Gap, and North River Meeting-House, to Fabius.

From Cedar Grove Mills to Timber Ridge.

From Cedarville to Emory.

From Centreville to Sangster's Station.

From Chapmansville, by Fall's Mills and Cabell C. H., to Guyandotte.

From Chancellorsville to Richardsville.

From Chancellorsville, by Todds, to Danielsville.

From Charles City C. H. to Upperson's Store.

From Charleston, by Rippon, to Berrysville.

From Charlestown to Kabletown.

From Charlotte C. H., by Rough Creek, Red House, Falling Bridge, and Mount Zion, to Campbell C. H.

From Charlotte C. H., by Aspen Wall, Cub Creek, and Brookneal, to Green Hill.

From Charlotte C. H. to Dasherville.

From Charlotte C. H., by Watkin's Store, Williesburg, Red Oak Grove, and Oakley, to Clarksville.

From Charlotte C. H. to Roanoke Bridge.

From Charlottesville, by Hydraulic Mills, Earleysville, Free Union, Millington, Moreman's River, Brown's Cove, Port Republic, Mount Meridian, Rockland Mills, and Cross Keys, to Harrisonburg.

From Charlottesville, by Garland's, Covessville, Lovington, Rose Mills, New Glasgow, Amherst C. H., and Cool Well, to Lynchburg.

From Charlottesville, by Hardin's Tavern, Mechum's River, Yancey's Mills, Brookville, Wainesboro', and Fishersville, to Staunton.

From Charlottesville, by Carter's Bridge, to Scottsville.

From Charlottesville to University of Virginia. From Chatham Hill to Marion.

From Clarksburg, by Quiet Dell, Rominie's Mills, Peeltree, Peck's Run, and Carper's Store, to Buchannon.

From Clarksburg, by Grass Land, Overfield, Melon, Phillipa, Barker's Settlement, and Leads-ville, to Beverly.

From Clarksburg, by Bridgeport, Boothsville, Fairmont, Riversville, Meredith's Tavern, Laurel Point, Amittusville, Morgantown, Uffington, Stewarstown, Ice's Ferry, Spring Hill Furnace, Pennsylvania, Smithfield, and Moore's Cross Roads, to Uniontown.

From Clarksburg, by Reynoldsville, New Salem, West Union, Greenwood, Pennsboro', Schumla, Goose Neck, and Stillwater, to Parkersburg; and from Pennsboro', by St. May's, and Newport, to Marietta, Ohio.

From Clarksburg, by Lumberport, to Shinnston.

From Clarksburg, by West Milford, Lost Creek, and Janelaw, to Weston.

From Clarksburg, by White House and Blue Wing, North Carolina, to Roxboro'.

From Cherrystone to Capersville, by Sea View and Bay View.

From Christiansburg, by Blacksburg, to Newport.

From Christiansburg, by Childress's Store, Humility, Snowville, and Reed Island, to Jackson's Ferry.

From Christiansburg to Floyd C. H.

From Clendenin, by Valley of Sandy and Otter Creek, to Braxton C. H.

From Clintonville, by Big Creek, Snow Hill, and Fowler's Knob, to Nicholas C. H.

From Cobb's Creek to Matthew's C. H.

From Columbia, by Wilmington, Palmyra, and Union Mills, to Kesnick Depot.

From Cold Stream to North River Mills.

From Cotton's Store, by Knob Fork, Willow, and Randolph, to New Martinsville, in Wetzel county.

From Conrad's Store, by McGaheysville, Port Republic, Mount Meridian, New Hope, and Hermitage, to Waynesborough.

From Cranberry Summit, by Gusemcen's Store, Brandonville, and Harnodsborg, to Farmingdale, Pennsylvania.

From Culpepper C. H., by Waylandsburg, to Leon.

From Culpepper C. H., by Colvin's Tavern, Locust Dale, Madison Mills, and Orange C. H., to Gordonsville.

From Culpepper C. H., by Eldorado, Castleton, Laurel Mills, Rock Mills, Washington, Flint Hill, and Black Rock, to Front Royal.

From Culpepper C. H., by Griffinsburgh, Boston, State Mills, and Woodville, to Sperryville.

From Culpepper C. H., by Rixeyville, to Oak Shade.

From Cumberland C. H., by Gravel Hill and Diana Mills, to Scottsville.

From Cumberland C. H., by Caria, Curdsville, and New Store, to Clover Hill.

From Danville, by Pleasant Gap, Whitewell, Swansonville, Calland's, Dickinson's, and Glade Hill, to Rocky Mount.

From Danville, by Bachelor's Hill, Cascade, and Irisburg, to Martinsville.

From Davis's Mills, by Fancy Grove, and Alexander Leftwick's, in Bedford county, to Berger's Store, in Pittsylvania county.

From Dinwiddie C. H., by Ritchieville, to Goodwinsville.

From Dragon Ordinary, (Glenn's,) by Scuffietown, and G. W. Simond's Store, to Matthews C. H.

From Dumfries to Independent Hill.

From Emaus to Payton's Store, in Franklin county.

From East river to Princeton.

From Evansville, by Fellowsville, Dunneltion, Kingwood, Allbright, Muddy Creek, Valley Point, Bruceton-Mills, and Brandonville, to Somerfield.

From Evansville, by Nestorville and Gladys Creek, to Phillipa.

From Estillville, by Stock Creek, Rye Cove, Pattonville, Stickleysville, Powell's Mountain, Shaver's Creek, Jonesville, Rose Hill, and Walnut Hill, to Cumberland Gap, Kentucky.

From Estillville, by Stock Creek, to Pattonville.

From Estillville, by Quillensville and Nicholasville, to Grassy Creek.

From Estillville to Kingsport.

From Fairfax C. H., by Fall's Church, Bailly's Cross Roads, and Brixton, to Washington, District of Columbia.

From Fairmont, by Mill Falls and Worthington, to Shinnston.

From Fairmont, by Palatine, Sarietta, Pruntytown, Simpson's Creek, Pleasant Creek, Phillips, Barker's Settlement, and Leadsville, to Beverly.

From Fairmont, by Farmington, Blackshires, Mannington, Beatty's Mills, Pine Grove, and Porter's Falls, to New Martinsville.

From Fairfield to Brownsburg.

From Fancy-Hill to Thompson's Landing.

From Fancy-Hill to Lexington.

From Farmville, by Prince Edward C. H., Midway Inn, Roanoke Bridge, Charlotte C. H., Midland, Providence, Halifax C. H., Rogersville, Bloomsburg, and Cunningham's Store, North Carolina, to Milton.

From Farmville, by Jamestown, to Deatonsville.

From Farmville, by Paine's Tavern, Langhorne's Tavern, Cumberland C. H., Oak Forrest, and Cartersville, to Pemberton.

From Farmville, by Curdesville, to Buckingham C. H.

From Farmville, by Hampden, Sydney College, to Prince Edwards C. H.

From Farmville, by Prospect, Walker's Church, Clover Hill, Sprout Spring, Concord, and Selma, to Lynchburg.

From Fearnsville to Smithfield.

From Fincastle, by Craig's Creek, New Castle, Sinking Creek, Midway, Simmonsville, Level Green, Newport, Macksburg, Pembroke, Pearisburg, Bell Point, East River, Bethel, Bluestone, Springville, Tazewell C. H., Knobb, Maiden Spring, Elk-Garden, Rosedale, Lebanon, Dickinsonville, Grassy-Creek, Osborn's Ford, Stony Creek, Rye Cove, Pattonville, Stickleysville, Powell Mountain, Jonesville, Rose Hill, and Walnut Hill, to Cumberland Gap.

From Fincastle, by Amsterdam, Clover Dale, Big Lick, Salem, Lafayette, Shawsville, Christiansburg, Lovely Mount, Newbern, and Draper's Valley, to Wytheville.

From Fincastle, by Junction's Store and Rich Patch, to Covington.

From Fincastle, by Tinker Knob, Catawba, and McDonald's Mill, to Blacksburg.

From Fincastle, by Craig's Creek, Middle Mountain, Mountain House, Red Sweet Springs, and Sweet Springs, to White Sulphur Springs.

From Flat Rock, by Elk Hill, Amelia C. H., and Jetersville, to Deatonville.

From Fleetwood Academy, by Bruington, Walkerton, Stevensville, Carlton's Store, King and Queen C. H., Little Plymouth, Shackleford, Plain View, and Wood's Cross Roads, to Gloucester C. H.

From Floyd C. H., by Indian Valley, Willis's Ridge, Grassy Creek, and Drug Spur, to Hillsville.

From Florence, Pennsylvania, by Commetsburg and Fairview, Virginia, to Wellsville, Ohio.

From the Forks of Fish Creek to Woodlands.

From Forest Depot, by Ivy Creek Mills, Lone Pine, Davy's Store, and Charlemont, to Big Island.

From Foxville, by Millview, Wheatley, Pine View, Morrisville, New Brighton, to Foxville.

From Foxville, by Warrenton, to Jefferson.

From Franklin, by Oak Flat and Mount Clinton, to Harrisonburg.

From Franklin, by Crab Bottom, Monterey, and Wilsonville, to Bath Court-House.

From Franklin, by Doe Hill, McDowell, Clover Creek, Williamsville, and Green Valley, to Millboro' Springs.

From Frederickshall, by Gilboa, Cuckooville, Thompson's Cross Roads, Hadensville, and Fife's, to Pemberton.

From Fredericksburg, by Falmouth, Hartwood, Spottedville, Somerville, Elk Run, Bristerburg, and Weaversville, to Catlett.

From Fredericksburg, by Chancellorsville, Wil-

derness, Germanna, Shepherd's Grove, and Stevensburg, to Culpepper Court-House.

From Fredericksburg, by Rappahannock Academy, Port Royal, Loretta, Occupacia, Lloyd's, Rexburg, and Mount Landing, to Tappahannock.

From Fredericksburg, by Port Royal, Port Conway, Leeds, Tappahannock, Urbana, Merry Point, and Punteague Landing, to Baltimore, Maryland.

From Fredericksburg, by Monteithville, to Clifton.

From Fredericksburg, by Spotsylvania C. H., Mount Pleasant, Thornsburg, Lewis's Store, and Harris, to Frederickshall.

From Fredericksburg, by King George C. H., Edge Hill, Phillips, Oak Grove, Furneswood, Montross, Noming Grove, and Lyell's Store, to Warsaw.

From Fredericksburg to Falmouth.

From Freeport, by Newark, Wirt C. H., Reedy, Ripple, Zacksville, Sandy, to Jackson C. H.

From Freeport, by McKinney's, to Ritchie C. H.

From Front Royal, by Hambaugh's, Bentonville, Cedar Point, Hope Mills, Luray, Long Meadow, Honeyville, Grove Hill, and Shenandoah Iron Works, to Conrad's Store.

From Gauley's Bridge, by Colton Hill, Fayetteville, Loop, Raleigh C. H., Shady Springs, Jumping Branch, Pack's Ferry, and Mouth of Indian, to Sulphur Springs.

From German Settlement, by Western Ford, to Leadsville.

From Girardstown, by Mill Creek, Drakesville, and Arden, to Martinsburg.

From Girardstown to Glengary.

From Glengary to Washington Anger's Store, in Morgan county.

From Glenmore to Howardsville.

From Glenville, by Cox's Mills, Bone Creek, Oxford, Lawson's Store, and White Oak, to Ritchie C. H.

From Glenville, by Townsend Mills, to Stout's Mills, in Gilmore county.

From Gordonsville, by Barboursville, Stoney Point, and Rackersville, to Stanardsville.

From Gordonsville, by Barboursville and Dawsonville, to Stanardsville.

From Gordonsville, by Somerset, Jacksonville, Madison C. H., Creighlersville, and Marksville, to New Market.

From Grayson C. H., by Peach Bottom, Independence, Bridle Creek, Mouth of Wilson, and Nathan's Creek, North Carolina, to Jefferson.

From Grayson C. H., by Spring Valley, Elk Creek, Blue Spring, and Rye Valley, to Marion.

From Grayson C. H. to Scull Camp, North Carolina.

From Greenville to Middlebrook.

From Greenwood Depot, by Brookeville, Mountain Top, Waynesboro', and Fishersville, to Staunton.

From Greenwood Depot, by Brookesville, Greenfield, Rock Fish, Mount Iloeb, to Covington and Variety Mills, to Tye River Warehouse.

From Groveton, by Bristoe Station, to Brentsville.

From Guyandotte, by Amacetta and Wayne C. H., to Louisa, Kentucky.

From Guyandotte, by South Landing and Savage Grant, to Catlettsburg, Kentucky.

From Halifax C. H., by Meadville, Peytonsburg, Aspen Grove, and Spring Garden, to Pittsylvania C. H.

From Halifax C. H., by Rogersville, Bloomsburg, Mount Carmel, and Cunningham, to Milton.

From Hansonville, by Willow Springs and Dickinsonville, to Buckley's Mills.

From Hallsboro', by Powhatan, to Ballsville.

From Harrisonburg, by Greenmount, Edom, Bowman's Mills, Brock's Gap, and Timberville, to New Market.

From Harrisonburg, by Dayton, Bridgewater, Mount Solon, Parnassus, and Long Glade, to Staunton.

From Harrisonburg, by Cross Keys, Rockland Mills, and Mount Meridian, to Port Republic.

From Hicksford, by Pumpkin, Drewrysville, and Jerusalem, to Frankfort Depot.

From Hicksford, by Ryland's Depot, Green Plains, North Carolina, and Summit, to Gaston.

From Hicksford to Stony Mount.

From Hicksford, by Stony Mount, Lawrenceville, Diamond Grove, Tanner's Store, Lombardy Grove, and Union Level, to Boynton.

From Hornstown to Chincoteague.

From Hillsville, by the Glades and Piper's Gap, to Grayson C. H.

From Hopkins's Store to Salt Sulphur Springs, in Monroe county.

From Howardsville, by Goodwin's Church and Mount Vinco, to Buckingham C. H.

From Howardsville, by Turnpike Road, to Middlebrook, Augusta county.

From Huntersville, by Marlin's Bottom, Edray, Stony Creek, Oldfield, Fork of Elk, Big Spring, Mingo Flat, and Salina, to Huttonsville.

From Huntersville to Bath C. H.

From Jackson C. H., by Reedyville and New California, to Henrie's Fork.

From Jackson C. H., by Deer Lick, Buffalo, Pliny, and Upland, to Mud Bridge.

From Jackson C. H., by Angerona and Moore's Mills, to Apple Grove.

From Jacksonville, (Floyd C. H.), by Buffalo Mountain, to intersect the Taneey Gap road from Hillsville, to Mountain Eddy, (Mount Airy, North Carolina.)

From Janelew to W. H. Browning's, in Upshur county.

From Jarrett's, by Poplar Mount, to Smoky Ordinary.

From Jeffrey's Store, by Laurel Hill, Double Bridge, Pleasant Grove, Haleysburg, Dupree's Old Store, Wylliesburg, Bentleyville, and Scottsburg, to Halifax C. H.

From Jetersville to Pride's Church, by Deatonsville.

From Jeffersonton, by Amisville, Gaines's Cross Roads, and Washington, to Sperryville.

From Junction, by Verdon, Beaver Dam Depot, Second Turnout, Frederick's Hall, Tolersville, Louisa C. H., Trevillian's Depot, Gordonsville, Bentivoglio, Cobham, Keswick Depot, Shadwell, Charlottesville, University of Virginia, Woodville Depot, Mechum's River, and Greenwood Depot, to Staunton.

From Jerusalem, by Francisville, North Carolina, to Jackson, North Carolina.

From Jonesville to Tazewell, Tennessee.

From Kanawha C. H., by Lenn's Creek, Peytona, Ballardsville, Hewittsville, and Chapman'sville, to Logan C. H.

From Kanawha C. H., by the Upper Falls of Coal River, Griffithsville, Hamlin, Falls of Guyandotte, and Adkinsville, to Wayne C. H.

From Kanawha C. H., by Coalsmouth, Mount Salem, Mud Bridge, and Cabell C. H., to Guyandotte.

From Kanawha C. H., by Jarrets's Ford, Clendenin, Walton, Henrie's Fork, Arnoldsburg, and Steer Creek, to Glenville.

From Kanawha C. H., by Pocotaligo and Sissonville, to Jackson C. H.

From Kanawha C. H., by Mouth of Poca, Walnut Grove, Winfield, Red House Shoals, Buffalo, Frazier's Bottom, and Cologne, to Point Pleasant.

From Kelleysville to Brandy Station.

From Kerneysville to Shepherdstown.

From Kerneysville, by Leetown, to Middletown.

From Kingwood, by Salt Lick Falls, to German Settlement.

From Kingwood, by Decker's Creek, to Morgantown.

From Kilmarnock to White Stone.

From Keysville Depot, by County Line Cross Roads, to Darlington Heights.

From King George C. H. to Hampstead, in King George county.

From Leading Creek to Glenville.

From Lebanon to Sand Lick.

From Lebanon, by Nash's Ford, New Garden, Richlands, Cedar Bluff, and Baptist Valley, to Tazewell C. H.

From Lawrenceville, by Diamond Grove, Lewisville, Loch Leven, Brickland, Non-Intervention, Columbia Grove, Whittle's Mills, South Hill, Crichton's Store, and Forkville, to Lawrenceville.

From Lawrenceville to Burntville.

From Lawrenceville, by Powellton, Pleasant Oaks, Green Plains, North Carolina, Summit, Gholsonville, Virginia, and White Plains, to Lawrenceville.

From Lawrenceville, by Burntville, Sturgeonville, Kennedy's, Jonesboro', Oral Oak, Wattsboro', Barry's Bridge, and Drapersville, to Boydton.

From Leesburg, by Hughesville, Circleville, Philmont, Bloomfield, and Unison, to Middleburg.

From Leesburg, by Waterford, Wheatland, Hillsboro', and Neersville, to Harper's Ferry.

From Leesburg to Point of Rocks, Maryland.

From Lewisburg, by Bunker's Mills, Clintonville, Meadow Bluff, Locust Lane, Pleasant Hill, Mountain Cove, Gauley Bridge, Paint Creek, Shrewsbury, and Kanawha Saline, to Kanawha C. H.

From Lewisburg, by Brownsville, Frankford, Maysville, Falling Spring, Little Level, Academy, and Mill Point, to Huntersville.

From Lewisburg, by Marshallville, Blue Sulphur Springs, Rocky Hill, Bowyer's Knob, to Fayetteville.

From Lewisburg, by Blue Sulphur Springs, Raleigh C. H., Wyoming C. H., Logan C. H., Chapmanville, and Falls of Guyandotte, to Barboursville.

From Lewis's Store, by Harris, to Fredericks-hall.

From Lexington, by Thompson's Landing and Gilmer's Mills, to Balcony Falls.

From Lexington, by Colliertown, to Pattons-burg, in Botetourt county.

From Lexington, by Kenn's Creek, Alum Springs, and Millsborough Springs, to Bath Alum.

From Lexington, by Turnpike Road, to Covington.

From Liberty, by Bunker Hill, Body Camp, Wade's, Davis Mills, Hendrick's Store, Hale's Ford, and Taylor's Store, to Rocky Mount.

From Logan C. H., by Rich Creek, to Ginseng, and thence, by Coal River Marshes, to Raleigh C. H.

From Logan C. H., by Guyan River, Chapmanville, Falls Mills, and Cabel C. H., to Guyandotte.

From Louisa C. H., by Mansfield, Andrew's, Twyman's Store, Orange Springs, Thornhill, and Ellisville, to Louisa C. H.

From Lovettsville, by Barry.

From Lovettsville, by Hoyesville, Bolington, Morrisonville, and Wheatland, to Lovettsville.

From Love's Mills, by White Top, to Hilton.

From Lovington, by Roseland, to Piedmont.

From Lumberport, by Wallace, Shirley, and Ripley, to Middlebourne.

From Luney's Creek, by Upper Tract, mouth of Seneca, and Harper's Mills, to Crab Bottom.

From Luray to Valleysburg.

From Lynchburg, by Campbell C. H., Yellow Branch, Castle Craig, Ward's Bridge, Hill Grove, Chalk Level, and Robertson's Store, and Pittsylvania C. H., to Danville.

From Lynchburg, by Forest Depot, Pierceville, Liberty, Lisbon, Oak Mudge, Buford's, Fluke's, and Stoner's Store, to Big Lick.

From Lynchburg, by Dagger's Springs, Clifton Forge, Alum Rock, and Covington, to Callaghan's.

From Lynchburg, by Elon, to Pedlar's Mills.

From Madison C. H., by Rapid Arno, Graves's Mills, and Criglersville, to Madison C. H.

From Madison C. H., by Criglersville, Graves's Mills, and Marksville, to Luray.

From Maysville, by Cherry Bottom, to Browns-ville.

From Maysville to Scragg's, Clintonville, on the James River, and Kanawha Turnpike.

From Mannington, by Pergamen and Bess-ville, to Lumberport, in Harrison county.

From Manassas's Station, by Gainesville, Hay-market, Thoroughfare, The Plains, Salem, Fau-quier, and Rectortown Station, to Piedmont Sta-tion.

From Meadow Bluff, by Blue Sulphur Springs, Palestine, and Egypt, to Red Sulphur Springs.

From Mercer C. H. to Princeton.

From Mechanicsburg, by Kimberlin Rock Gap, Clear Fork Valley, and Cove Creek, to Peery's Store.

From Meredith's Tavern, by Palestine, to Mor-gan's Ridge.

From Martinsville, by Rough and Ready Mills, Prunty, and Elamsville, to Rock Castle.

From Martinsville, by Shady Grove, Snow Creek, Dickinson, Union Hall, Gill's Creek, Ka-

sey's, Fancy Grove, and Davis's Mills, to Lib-erty.

From Middletown, by Portsmouth, to Front Royal.

From Middletown, by Rectortown, Piedmont, Moreland, Leed's Manor, and Markham Station, to Manassas Gap.

From Milford, by Port Royal and Port Con-way, to King George C. H.

From Millwood to Berryville.

From Millwood to Milldale.

From Middleburg, by Rectortown, Oak Hill, Moreland, Leed's Manor, Farrowville, and Manassas Gap, to Front Royal.

From Mitchell's Station to Raccoon Ford.

From Moorfield, by Howard's Lick, Barba-doesville, and Orkney Springs, to Mount Jackson, in Shenandoah county.

From Moorfield, by Drakesville, Sweedlin Hill, Oak Flat, Sugar Grove, and Palo Alto, to Mc-Dowell.

From Moorfield, by Luney's Creek and Upper Tract, to Franklin.

From Moore's Ordinary, by Double Bridge and Pleasant Grove, to Halesburg.

From Moore's Ordinary, by Brydie's Store, Tussekiah, Laurel Hill, Lunenburg C. H., and Rehoboth, to Yatesville.

From Monterey, by Meadow Dale, Mile Gap, Spruce Hill, and Sunrise, to Mountain Grove.

From Morgantown, by Granville, Dornick-town, Willow Tree, Carmichaelsville, and Hies-terburg, to Brownsville.

From Morgantown, by Gladesville and Rac-coon, to Evansville.

From Morgantown, by Whiteday Glades, to Fetterman.

From Morgantown, by Granville, Cassville, Prentiss, Blacksville, Wadestown, Jollytown, Ry-erson's Station, Rock Valley, Fair Hill, and Wheeling Valley, to Wheeling.

From Moundsville, Fork Ridge, Long Bottom, Fish Creek, and Knob Fork, to Pine Grove.

From Mount Vinco to Buckingham C. H.

From Mount Vinco, by Glenmore, to Warren.

From Mountain Cove, by Kessler's Cross Lane, Nicholas C. H., and Birch River, to Braxton C. H.

From Mountain Falls, by Gravel Spring, Pad-dy's Mills, Van Buren Furnace, and Lorenzo-ville, to Woodstock.

From Mount Level to Darvill's.

From Murray's Shop, by Faber's Mills, to Covesville.

From Mud Bridge to Boon county C. H., (Bal-lardsville.)

From Newbern, by Graham's Iron Works, to Wythe C. H.

From Newbern, by Poplar Hill, Giles C. H., Peterstown, Red Sulphur Springs, Indian Creek, Salt Sulphur Springs, Union, Pickaway Plains, and Second Creek, to White Sulphur Springs.

From New Canton, to Buckingham Mine, by Gold Hill and Gravel Hill.

From New Canton, by Virginia Mills, Diana Mills, and Glenmore, to Mount Vinco, in Buck-ingham county.

From New Castle to Union.

From New Castle, by Catawba, to Salem, in Roanoke.

From New Castle to the Tavern House of James Scott, in Craig county.

From New Kent C. H. to Charles City C. H.

From New Creek Depot, on the Baltimore and Ohio Railroad, by Greenland and Laurelton, to Petersburg, (Luney's Creek.)

From New Martinsville, by Fan Light, Pack-saddle, Carney's, Gorby's Mills, and Forks of Fish River, to Fish Creek Post Office, in Mar-shall county.

From New Market, Shenandoah county, by Luray and Washington, to Warrenton.

From New Market, by Massanutton, Luray, Hawsburg, Sperryville, Washington, Gaines's Cross Roads, and Amisville, to Watertown.

From New Market, by Brock's Gap, Dovers-ville, Brake's Run, and Eyman's Run, to Luney's Creek, in Hardy county.

From New Salem, by New Milton, Sugar Grove, and Oxford, to Harrisville, (Rutchie C. H.)

From New Salem to Oxford.

From Newtown Stephensburg, by Nineveh, to Front Royal.

From Nicholas C. H., by Peters's Creek, Jer-

ry's Fork, Twenty Mile Creek, Round Tree Fork, Leatherwood, Elk River, and Big Sandy, to Glen-den Run.

From Norfolk to New York.

From Norfolk, by Yorktown, to Waterton.

From Norfolk to Matthews C. H.

From Norfolk, by Old Point Comfort, to Balti-more, Maryland.

From Norfolk, by Kempsville, London Bridge, Princess Ann C. H., Blossom Hill, Ives's Store, Land of Promise, and Great Bridge, to Norfolk.

From Norfolk to Churchland.

From Norfolk, by Cherry Stone, to Eastville.

From Norfolk, by Old Point Comfort, to Hamp-ton.

From North Mountain Post Office, by Hedges-ville and Tomahawk Springs, to Jones's Spring.

From North Mountain, Virginia, by Clear Spring, Maryland, and Clay Lick Hall, to Mer-cersburg, Virginia.

From Nottaway C. H. to Jeffries's Store.

From Oak Grove to Port Conway, in King George County.

From Onancock, by Hunting Creek, Guilford, Messonga, and Temperanceville, to Chincoteague.

From Overby's to Brookneal, by Aspinwall and Cub Creek.

From Orange C. H., by Madison Mills, to Lo-cust Dale.

From Pack's Ferry, by Pope Stems and Burnt Mountain, to Princeton.

From Partlow's, by Spring Level, to Second Turn Out.

From Parkersburg, by Belpre, Ohio, Little Hocking, Hockingport, Bellville, Virginia, Long Bottom, Ohio, Murraysville, Virginia, Ravens-wood, Pleasant View, Letart Falls, Ohio, Gra-ham's Station, Pomeroy, Sheffield, West Colum-bia, Virginia, Cheshire, Ohio, Guthrie's, Point Pleasant, Virginia, Gallipolis, Ohio, Raccoon Island, Hereford's, Virginia, South New Castle, Ohio, Swan Creek, Green Bottom, Virginia, Mil-lersport, Ohio, Quaker Bottom, Guyandotte, Vir-ginia, Savage Grant, Burlington, Ohio, Catletts-burg, Kentucky, Green's Store, Ohio, Coal Grove, Amanda, Kentucky, Ironton, Ohio, Hanging Rock, French Grant, Greenup C. H., Kentucky, Franklin Furnace, Ohio, Wheelersburg, Sciota-ville, Springfield, Kentucky, Portsmouth, Ohio, Friendship, Rockville, Vanceburg, Kentucky, Rome, Ohio, Concord, Kentucky, and Manches-ter, Ohio, to Maysville, Kentucky.

From Parkersburg, by Belleville, Murraysville, Ravenswood, Pleasant View, Moore's Mills, and Angerona, to Jackson C. H.

From Parkersburg, by Briscoe Run and Dun-can, to Marietta, Ohio.

From Parkersburg, by Davisville, Freeport, Webb's Mills, Cox's Mills, Heckert's Mills, Leading Creek, Clay's Point, Weston, Lorenz's Store, Buckhannon, Overhill, and Middle Fork, to Beverly.

From Parkersburg, by Fountain Spring, to Wirt C. H., and from Wirt C. H., by Burning Springs, Big Bend, Pine Creek, and De Kalb, to Glenville.

From Parkersburg to Belpre, Ohio.

From Parkersburg, by Buena Vista, Wells, and Sandy, to Jackson C. H.

From Patrick C. H., by Sandy Plains and Ararat, to Mount Airy, North Carolina.

From Patrick C. H., by Rock Castle, to Floyd C. H.

From Patrick C. H., by Wilt's Spur, Meadow Dam, Laurel Forks, and Gladesborough, to Hills-ville.

From Patterson's Depot, by Frankfort, Sheetz's Mills, Burlington, Williamsport, Ridgeway, and McNeman's Cross Roads, to Luney's Creek.

From Pattonsburg, by Powell Tavern, Sub-lett's Tavern, Beaver Dam, Goochland C. H., Jefferson, Cartersville, New Canton, Fork Union, Westminster, Hardwicksville, Tye River Ware-house, Bent Creek, and Stonewall Mills, to Rich-mond.

From Peterstown, by Shandakin's Ferry and Mercer Salt Works, to Princeton.

From Pedlar's Mills, by Pryor's Vale, to Buf-falo Springs.

From Pennsboro' to Ritchie C. H., by St. Mary's.

From Petersburg, by Tight Squeeze, Stony Creek Warehouse, Jarratt's, Hicksford, Pleasant Hill, North Carolina, and Gareysburg, to Weldon.

From Petersburg, by Templeton, Newville, Littleton, Farmer's Grove, Assamoonick, and Vicksville, to Jerusalem.

From Petersburg, by Prince George C. H., Gareysville, Cabin Point, Surry C. H., Bacon's Castle, Burwell's Bay, Smithfield, and Chuckatuck, to Suffolk.

From Petersburg, by Union Grove, Blackwater, Baileysburg, Green Level, Berlin, and Bowers, to Jerusalem.

From Petersburg, by Dinwiddie C. H., Ritchieville, and Goodwinsville, to Wyoming.

From Petersburg, by Sutherland, Ford's Depot, Mount Level, Wilson's Depot, Wellsville, Blacks and Whites, Nottaway C. H., Burkesville, Rice Depot, Farmville, Prospect, and Merriman's Shop, to Appomattox Depot.

From Petersburg, to City Point.

From Petersburg, by Dinwiddie C. H., Wyoming, Sturgeonsville, Burntville, Lewisville, Forks-ville, South Hill, Lombardy Grove, Cedarria, and Boydtown, to Randolph, Macon College.

From Peterstown, by Shanklin's Ferry and Mercer Salt Works, to Princeton.

From Peterstown, by Gap Mill, to Sweet Springs.

From Pine Grove, by Bowman's Mills and Adaline, to Moundsville.

From Piedmont, by Paris and Millwood, to Winchester.

From Pickaway Plains, Monroe county, by Rocky Point, Wolf Creek, Snoopesville, and Patuck's Peak, to Cedar Grove, Egypt, on the Red and Blue Sulphur Turnpike.

From Pittsylvania C. H., by Calland's Sandy River, Leatherwood's Store, Martinsville, Traylorville, Horse Pasture, Penn's Store, and May-oring, to Patrick C. H.

From Pittsylvania C. H., by Berger's Store and Sandy Hill, to Union Hall.

From Point Pleasant, by Pleasant Flat and Salisbury, to Pomeroy, Ohio.

From Pomeroy, Ohio, by Minersville, Graham's Station, and Letart Falls, to Apple Grove.

From Poplar Hill, by Mechanicsburg, to Sharon.

From Portsmouth to Hargrove's Tavern.

From Portsmouth, by Suffolk, Carsville, Franklin Depot, Murfee's Depot, Newson Depot, Boykin's Depot, Branchville, Meherin Depot, Seaport, and Garysburg, to Weldon, North Carolina.

From Powhatan to Smithville.

From Princess Ann, Maryland, by Newtown, Wagram, Virginia, and New Church, to Horn-town.

From Princeton, by Spanishburg and Flat Top, to Shady Springs.

From Princeton to Wytheville.

From Princeton to Ginseng, in Wyoming county.

From Putnam C. H., by Hurricane Bridge and Sycamore Grove, to intersect the route from Kanawha C. H. to Wayne C. H., at Hamlin.

From Raleigh C. H., by Big Cole and Boone's Mills, to Peytona.

From Railroad, near Dam No. 6, on the Potomac, to Clabaugh's Mills, in Morgan county.

From Reed's Mills to Wilson M. Haymond's, in Upsher county.

From Red Bluff, by Buffalo Ford and Speedwell, to Blue Spring.

From Republican Grove, by Meadville, to Halifax C. H.

From Richmond, by Manchester Coal Mines, Hallsboro', Flint Creek, Powhatan, Macon, Balls-ville, Cumberland C. H., Langhorne's Tavern, and Raine's Tavern, to Farmville.

From Richmond, by Black Heath, Hallsboro', The Union, Appomattox Depot, Winterham, Amelia C. H., Jetersville, Jennings' Ordinary, Burkesville, Green Bay, Moore's Ordinary, Drake's Branch, and Keysville, to Staunton River.

From Richmond, by Gregory's Tavern, Goode's Tavern, Winter Rock, and Skin Quarter, to Amelia C. H.

From Richmond, by Hanover C. H. to Junction.

From Richmond, by Chickahomeney, Good-all's, Montpelier, Negro Foot, Etna, Leust Creek, Jackson, and Long Creek, to Frederickshall.

From Richmond, by City Point, Swineyard, and Williamsburg Landing, and Newport's News, to Norfolk.

From Richmond, by Westham Locks, Beaver Dam, Loch Lomond, Pemberton, Cartersville, Columbia, New Canton, Seven Islands, Scotts-ville, Warren, Howardsville, Warminster, Hard-wickville, Tye-River-Warehouse, Allen's Creek, Galt's Mills, Selma, Lynchburg, Holcomb's Rock, Big Island, Balcom Falls, and Rock Point Mills, to Pattonsburg.

From Richmond, by Erin Shades, Coal Hill, Rockville, Johnson's Spring, Perkinsville, Gum Springs, Mitchell's Store, Shannon Hill, Bell's Cross Roads, and Poindexter's Store, to Trevil-lan's Depot.

From Richmond, by Proctor's Creek, to Peters-burg.

From Richmond, by New Kent C. H., Bar-hamsville, Burnt Ordinary, Williamsburg, York-town, and Half-Way House, to Hampton.

From Richmond, by Old Church, Sharonville, Aylett's, Fleetwood Academy, and Miller's Tav-ern, to Tappahannock.

From Ripley to North Bend Mills.

From Rockcastle, by Kendrick Spur, to Mead-ows of Dan.

From Rocky Mount, by Retreat, Simpson's Long Branch, Little River, and Cannaday's Gap, to Floyd C. H.

From Rocky Mount, by Long Branch and Can-naday's Gap, to Floyd C. H.

From Rock Mount, by Bonbrook, Cooper's Cross Roads, Chamblissburg, Emaus, Horeb, and Bunkerhill, to Liberty.

From Rocky Mount, by Snydersville, Oak Level, Prillaman's, and Elamsville, to Patrick C. H.

From Romney, by Burlington, Ridgeville, New Creek, New Creek Depot, Winston, North Branch Bridge, German Settlement, Cheat Bridge, Fel-lowsville, Evansville, Three Forks, Pruntytown, and Bridgeport, to Clarksburg.

From Romney, by Springfield, to Green Spring Run.

From Romney, by Purgitsville, to Moorfield.

From Rose's Mills to Temperance, in Amherst county.

From New Valley, by Big Meadows, to Mouth of Wilson.

From Rye Valley, by Two-Mile Branch, Sin-clair's Bottom, Love's Mills, Liberty Hall, Laurel, and Clark's Mills, to Abingdon.

From Ruckmansville, Highland county, by Wade's Store, to Huntersville.

From Russell's Mills, by Sylvan Mills, to St. Mary's, Pleasants county.

From Salisbury, North Carolina, by Maxville, Virginia, Hamptonville, Jonesville, Island Ford, State Road, Roaring Gap, Gap Civil, and Inde-pendence, to Wytheville.

From Salem, by Cave Spring, to Jacksonville, Floyd county, Floyd C. H.

From Scottsville, by Garland's, North Garden, Batesville, and Yancey's Mills, to Greenwood Depot.

From Sharon, by Olympia, Chatham Hill, Broadford, and Saltville, to Abingdon.

From Sharonville, by Acquinot, Piping Tree Ferry, and King William C. H., to Lanesville.

From Shawsville, in Montgomery county, up the South Fork of Roanoke River, by Allegany Springs, to Simpson's, Floyd county.

From Shepherd's Grove, by Kellysville and Brandy, to Culpeper C. H.

From Shepherdstown, by Sharpsburg, Mary-land, and Reedsyville, to Boonsboro'.

From Shepherdstown to Sharpsburg.

From Sistersville, by Middlebourne, Wick, Hebron, and Highlands, to Schumla.

From Sistersville, by Middlebourne and Shirley, to New Salem.

From South Quay, by Factory Hill, North Carolina, and Holy Neck, Virginia, to Somer-ton.

From Sperryville to Robsonville.

From Stewartstown, by Stafford C. H., to Rail-road.

From Stanardsville to Plunket and Harkstep's Store, in Green county.

From Stanardsville, by Conrad's Store and McGaheysville, to Harrisonburg.

From Staunton river, by Bentleyville, Scotts-burg, Halfax C. H., Church Hill, Brooklyn, and Laurel Grove, to Danville.

From Staunton, by Lexington, Summers, Nat-ural Bridge, and Pattonsburg, to Fincastle.

From Staunton, by Mint Spring, Greenville, Steele's Tavern, Canicello, Fairfield, and Timber Ridge, to Lexington.

From Staunton, by West View, Deerfield, Green Valley, and Bath Alum, Bath C. H., Hot Springs, Miller's Mill, Morris Hill, Callaghan's, and White Sulphur Springs, to Lewisburg.

From Staunton, by Churchville, Jennings' Gap, Lebanon, White Sulphur Springs, McDowell, Monterey, Havener's Store, Traveller's Repose, and Huttonsville, to Beverly.

From Staunton, by West View and other offices, to Lewisburg.

From Stony Creek Warehouse, by Parham's Store and Coman's Well, to Sussex C. H.

From Sweet Springs, by Gap Mills, to Union.

From Swineyard's to Charles City C. H.

From Swineyard's to Waddell's Store, in Charles City county.

From Tappahannock to Warsaw.

From Tappahannock, by Dunnsville, Centre, Montague, Jamaica, Church View, Urbanna, Free Shade, Locust Hill, Saluda, Glenn's, and New Upton, to Gloucester C. H.

From Taylorsville to Hanover C. H.

From Tazewell C. H., by Head of Clinch, Abb's Valley, and Tug River, to Ginseng.

From Thompson's Cross Roads, by Ambler's Mills, to South Anna.

From Traveller's Repose, by Green Bank and Dunmore, to Huntersville.

From Turkey Cove, by the Little Stone Gap, to the Big Glades, in Russell county.

From Tye River Warehouse, by New Glas-gow, Sandidges, Buffalo Springs, Oronoco, and Buena Vista Furnace, to Lexington.

From Upshur C. H., by Beachtown, French Creek, Walkersville, Cunningham's, thence to Alexander Skinner's, on the Oil Creek, down Oil Creek to the Little Kanawha River, to Gilmer C. H.

From Upshur C. H., by French Creek, Walk-ersville, Collins's Settlement, Forks of Oil Creek, along the Little Kanawha River, to Gilmer C. H.

From Walker's Church, by Merryman's Shop, Harvey's Store, Red House, and Woodlawn, to Concord.

From Wardensville, by Baker's Run and Fa-bius, to Moorfield.

From Warrenton, by New Baltimore and Buckland, to Gainesville.

From Warrenton, by Salem, Fauquier, and Oak Hill, to Paris.

From Warrenton, by Warrenton Springs and Jeffersonville, to Oak Shade.

From Warsaw, by Rice's Store, Hague, Kin-sale, Old Ham's Cross Roads, Union Village, Lottsburg, Heathsville, Wicomoco Church, Kil-marnock, Lancaster C. H., Litwalton, Farn-ham, and Durrettsville, to Warsaw.

From Warsaw, by Durrettsville, Farnham, Litwalton, Lancaster C. H., Kilmarnock, Wico-moco Church, Heathsville, Lottsburg, Union Vil-lage, Oldham's Cross Roads, Kinsale, Hague, and Rice's Store, to Warsaw.

From Warsaw, by Lyell's Store, Montross, Rice's Store, Hague, Kinsale, to Oldham's Cross Roads.

From Waterford, by Hoysville, to Lovettsville.

From Wattsborough, by Barry's Bridge and Drapersville, to Boynton.

From Weston, by the Weston and Gauley's Bridge Turnpike, to Gauley's Bridge, in Fayette county.

From Weston to Fork Lick.

From Weston to Phillippi, in Barbour county.

From Weston, by Little Skin Creek, Big Skin Creek, Bennett's Mills, Ireland, Bultown, Salt Lick Bridge, and Flatwoods, to Braxton C. H.

From Weston, by Fink's Creek and New Mil-ton, to West Union.

From Washington, District of Columbia, by Alexandria, Glymont, Game Point, Fredericks-burg, Guiney's, Aquia Creek, Milford, Ruth-er Glenn, Junction, Taylorsville, and Slash Cottage, to Richmond.

From Washington, District of Columbia, by Georgetown, Langley, Virginia, Prospect Hill, Springvale, Dranesville, Belmont, Leesburg, Ham-ilton, Purcellsville, Snickersville, Castleman's Ferry, and Jerryville, to Winchester.

From Washington, District of Columbia, by Alexandria, Virginia, Anandale, Fairfax C. H., Centreville, Groveton, Beckhamsville, Walnut

Branch, St. Stephens, Auburn, Warrenton, Warrenton Springs, Jeffersonton, and Rixeyville, to Oak Shade.

From West Columbia, by Cedar Flats, Upper Flats, and Letart Falls, to Jackson C. H.

From West Fork Furnace, by Buffalo Mountain, Laurel Forks, Millsville, and Ararat, to Mount Airy.

From West Union, by Stine Spring Mills, Oxford, and Culp's Store, to Webb's Mills.

From West Union, by Roash's and Letart Falls, to Moore's Mills.

From West Warren to Cotton's Store, in Wetzel county.

From Wheeling, by West Liberty, to Bethany.

From Wheeling, by Dallas, West Finley, Harvey's, Waynesburg, Kirby, Mount Morris, and Granville, to Morgantown.

From Wheeling, by Belle Air, Ohio, Moundsville, Dill's Bottom, Ohio, Captina, Powhatan Point, Woodlands, Virginia, Sun Fish, Ohio, Proctor, Virginia, Baresville, Ohio, New Martinsville, Virginia, Sardis, Ohio, Witten's, Sistersville, Virginia, Cochran's Landing, Ohio, Grand View, Ostend, Grape Island, Virginia, St. Mary's, Virginia, Newport, Ohio, Willow Island, Virginia, Bull Creek, Marietta, Ohio, Duncan, Virginia, Harmar, Ohio, Briscoe Run, Virginia, to Parkersburg.

From White Sulphur Springs, by Anthony's Creek, to Rucker's Repose.

From Wilderness, by Locust Grove and Verdiersville, to Orange C. H.

From Williamsport to Moorefield.

From Williamsport or Duncan, in Wood county, to intersect the Parkersburg and Baltimore Mail Route at the junction of the Williamsport and Northwestern Turnpike, sixteen miles east of Parkersburg.

From Williamsburg, by Yorktown, to the Grove Landing.

From Wilson's Depot to Darvill's.

From Winchester, by Stephenson's Depot, Dadesville, Brucetown, Summit Point, Charles-town, and Halltown, to Harper's Ferry.

From Winchester, by Mount Vernon Tannery, Mountain Falls, Cedar Creek, Gravel Spring, and Capon Springs, to Wardensville.

From Winchester to Capon Springs.

From Winchester to Whitehall.

From Winchester, by Ninevah and Front Royal, to Manassas Gap.

From Winchester, by Mill Creek, Darkesville, Martinsburg, Hainesville, and Falling Waters, to Williamsport, Maryland.

From Winchester, by Back Creek Valley, Capon Bridge, Hanging Rock, and Pleasant Dale, to Romney.

From Winchester, by Newtown, Stephensburg, Middletown, Strasburg, Tom's Brook, Woodstock, Edinburgh, Mount Jackson, New Market, Spartapolis, Lacey Springs, Melrose, Harrisonburg, Mount Crawford, Mount Sidney, and Cline's Mill, to Staunton.

From Wirt C. H., by Lee's Mills, Reedy Ripple, and Three Forks of Reedy, to Reedyville.

From Wirt C. H., by Burning Spring, Big Bend, Pine Creek, and De Kalb, to Glennville.

From Woodstock, by Columbia Furnace and Lost River, to Moorefield.

From Wytheville, by Sharon, Burke's Garden, and Perry's Store, to Tazewell C. H.

From Wytheville, by Red Bluff and Grayson Sulphur Springs, to Grayson C. H.

From Wytheville, by Speedwell, Elk Creek, Austin, and Cornell's Store, to Independence.

From Wytheville, by Rural Retreat, Marion, Seven-Mile Ford, Town House, Glade Spring, Cedarville, Abingdon, Smith's Creek, Timber Grove, and Bristol, to Blountsville, Tennessee.

From Yellow Branch, by Arnoldton, to Leesville.

From Yorktown to the Grove Landing.

From Yorktown, by Halfway C. H. and Warwick C. H., to Yorktown.

From Yorktown, by Hay's Store, Hickory Fork, Gloucester C. H., and North End, to Matthews C. H.

From Zackville, by Elizabeth, Forks of Reedy Creek, and M. D. W. Boggs, to New California.

Mills, Morgan's Mills, Love's Level, and German's Mills, to Clear Creek.

From Albemarle to Swift Island.

From Ashborough by Science Hill, Hill's Store, Salem Church, and Lassiter's Mills, to Troy.

From Ashborough, by Moffitt's Mills, Waddell's Ferry, and Brown's Mills, to Prosperity.

From Ashville, by Flat Creek, Gilbert's, Bull Creek, Indiana Gap, Double Springs, Gahagen's, Big Laurel, Sulphur Springs, Tennessee, and Love's, to Limestone Springs, Tennessee.

From Ashville, by Sulphur Springs, Hommeny Creek, Pigeon River, Forks of Pigeon, Waynesville, Peru, Scott's Creek, Franklin, Aquona Head, Tennessee, Clayton, Valleytown, Temota, to Murphy, Georgia.

From Ashville, by Turkey Creek, Sandy Mush, Spring Creek, Fine's Creek, Crab Tree, and Johnathan's Creek, to Waynesville.

From Ashville, by Sulphur Springs, Avery's Creek, Mill River, Boilston, Claytonville, and Davidson's River, to Cathey's Creek.

From Alleman to Monticello, by Summer's Mills.

From Averysboro', by Pleasant Plains and McNeill's Ferry, to Summerville.

From Barclaysville, in Cumberland county, by Lee's Ferry, to Summerville.

From Beaufort to Jarrett's Bay, in Carteret county.

From Beaufort to Smyrna.

From Battie's Ford to Bunker Hill, via Dry Ponds, Mountain Creek, and Lowrance's Mills.

From Beattie's Ford, by Sherrill's Ford and Lowrance's Mills, to Bunker Hill.

From Berea to Oak Hill.

From Blairsville, Georgia, by Mount Elia, Brassstown, Fort Hembree, North Carolina, and Tusquitee, to Acquone.

From Brinkleyville to Arcola.

From Brier Creek, by Hay Meadow and Mulberry, to Laurel Springs.

From Brookville, by Wilton, Tranquillity, Fish Dam, West Point, Prattsburg, and Traces' Store, to Chapel Hill.

From Burgaw Depot, by Long Creek, Beatty's Bridge, and Black River Chapel, to Harrell's Store.

From Burnsville, by Day Book, to Longmire, Tennessee.

From Burgow, or some other point on railroad, to Bannerman, in New Hanover county.

From Burnsville, by Jack's Creek, Red Hill, Big Rock Creek, and Limestone Cave, to Elizabethtown, Tennessee.

From Carthage, by Pekin, to Centre, in Stanley county.

From Casher's Valley to Clayton, in Georgia.

From Cathey's Creek, by Cherryfield, Hogback Valley, and Georgetown, to Casher's Valley.

From Cedar Creek to Joy, by White Rock and Big Laurel.

From Charlotte, by Alexandria, Davidson College, Mount Mourne, and Fallstown, to Statesville.

From Charlotte, by Steele Creek, South Point, Stowesville, Erasmus, Catawba Creek, Dallas, and Nail Factory, to Lincolnton.

From Charlotte, by Tuckasaga and Woodlawn, to Lincolnton.

From Charlotte, by Pineville, Pleasant Valley, Belair, and Cureton's Store, Lancaster C. H., South Carolina, Pleasant Hill, Hanging Rock, and Flat Rock, to Camden.

From Charlotte, by Sharon, Hemphill's Store, Providence, Wolfsville, and Winchester, to Monroe C. H.

From Charlotte, by Martindale, Hopewell, Cowan's Ford, Adam's Store, Forney's, and Cottage Home, to Beattie's Ford.

From Cheraw, South Carolina, by Stewartstown, North Carolina, Rockingham, Dockery's Store, Covington, Powelton, Pekin, and McRae's Mill, to Troy.

From Clear Creek to Albemarle, by Rowlandsville.

From Clinton, by Pine Grove, Monk's Store, Newton's Grove, and Graughan's Store, to McNeill's Ferry.

From Clinton, by Gibb's Cross Roads, Holly's Store, and Beman's Cross Roads, to McNeill's Ferry.

From Concord, by Kirkland, Welch's Mills,

Pioneer Mills, Morrison's Tan Yard, Clear Creek, Coburn's Store, Fullwood's Store, Oakville, Monroe C. H., Walkersville, and Jacksonham, South Carolina, to Lancaster C. H., South Carolina.

From Concord, by Oak Lawn, Park's Store, and Davidson College, to Coddle Creek.

From Concord to Coddle Creek, by Mill Hill.

From Concord to Bost's Mills, by Mount Pleasant.

From Columbia to Gum Neck.

From Columbia to Fort Landing.

From Creeks Bridge to Knott's Island.

From Currutuck C. H., by Coinjock and Poplar Branch, to Pawell's Point.

From Cypress Grove Post Office, on the Wilmington and Raleigh railroad, via Long Creek, Beatty's Bridge, and Black River Chapel, to Harrell's Store, in New Hanover county.

From Dobson to Mount Airy.

From Durham's Creek, by South Creek, to Bay River.

From Enfield, by Heathsville, Bunleysville, Ringwood, and Sycamore Alley, to Enfield.

From Enfield, by Scotland Neck, Palmyra, Hamilton, Williamston, and Gardner's Bridge, to Plymouth.

From Edenton, by Ballard's Bridge, Mintonville, Sunbury, Gatesville, Buckland, Somerton, Holy Neck, and Factory Hill, to South Quay.

From Edenton, by Hertford, Woodville, Elizabeth City, New Lebanon, South Mills, Lake Drummond, and Deep Creek, to Norfolk.

From Elizabeth, by Newbagon Creek, back to Elizabeth City.

From Elizabeth City to Norfolk, via Camden, Shiloh, Indiantown, Cowell's Bridge, Currituck C. H., Greentown, Tull's Creek, Northwestern Bridge, Hickory Ground, and Great Bridge.

From Elizabethtown, by Big Swamp, Fair Bluff, Cerro Gordo, White Marsh, Whitesville, and Western Prong, to Elizabethtown.

From Everettville, by Whitefield's Mills, Sleepy Creek, and Jericho, to Strabane.

From Fairfield, by Middletown, Lake Landing, and Lake Comfort, to Swan Quarter.

From Fayetteville, by Silver Run, Manchester, Johnsonville, Cranie's Creek, Carthage, Caledonia, Auman's Hill, Stone Lick, White House, Hill's Store, Salem Church, Healing Springs, and Silver Hill, to Lexington.

From Fayetteville to Salem.

From Fayetteville to Elizabethtown, by Terrebin, The Blocker's, Deseret, White Oak.

From Fayetteville, by Little Rock Fish, at St. Paul's, Lumberton, and Leesville, to Fair Bluff.

From Fayetteville, by Dundarrach, Randall'sville, Montpelier, Laurel Hill, Springfield, and Brightsville, South Carolina, to Cheraw, South Carolina.

From Fayetteville, by Owensville, Clinton, and Springfield, to Warsaw.

From Fayetteville to Kingsbury.

From Fayetteville, on the east side of Cape Fear River, via Blockus, to Elizabethtown, Bladen county.

From Fayetteville, by Gray's Creek, Prospect Hall, Lyon's Landing, Elizabethtown, White's Creek, West Brook, to Robinson's.

From Fayetteville, by Blue's Bridge, McDonald's Mills, Bastuck Mills, Rock Grove, Covington, Powelton, Pekin, Little's Mills, Pine Hill, Dumas's Store, in Richmond, Swift Island, Charles Creek, Mount Gilead, McCoe's Mills, Troy, Montgomery C. H., Milledgeville, Macedonia, Clark's Mills, New Gilead, and Salem Grove, to Argyle.

From Fayetteville, by Salem Grove, New Gilead, Clark's Mills, Macedonia, and Troy, to Swift Island.

From Fayetteville, by Kyle's Landing, Hill's Ferry, McNeill's Ferry, Kingsbury, and Elevation, to Smithfield.

From Forestville, by New Light, Brookville, and Tab's Creek, to Oxford.

From Forestville to Rolesville.

From Franklin, to Chilhowee, by Cowee, Dehart's Creek, and Alarka.

From Franklin, by Acquone, Valleytown, Dawesville, Tomotte, Murphy C. H., and Ivy Log, Georgia, to Blairsville, Georgia.

From Franklin Depot, by South Quay, Winton, and Edenton, to Plymouth.

From Franklin, to Clarksville, Georgia, via Tennessee river, to Clayton and Tiger.

North Carolina.—From Albemarle, by Elfred's

From Franklinton, by Harris's Cross Roads, to Hall's Cross Roads.

From Franklinton, by Wilton, Brookville, Tallyho, Dial's Creek, Red Mountain, and Caldwell, to Hillsboro'.

From Franklinville to Troy's Store.

From Gap Civil, by A. B. McMillan's, Flint Hill, Laurel Spring, and Peakland, to Ashe C. H.

From Garner's Ford, by Pierceville, to Shelby.

From Gilchrist's Bridge to Blue's Bridge, Richmond county.

From Gourd Vine, by Morgan's Mills and Love's Level, to Clear Creek, Cabarras county.

From Graves, by Mayfield, Oregon, and Dan River, to Leaksville.

From Grassy Creek, by Childsville, Yellow Mountain, Cranberry Forge, Roan Mountain, Tennessee, and Dog River Cove, to Elizabethtown, Tennessee.

From Gravelly Hill, by Beatty's Bridge and Colly Swamp, to Cain Tuck.

From Greensboro' to Madison, by Hillsdale and Pleasantville.

From Greensborough, by New Garden, Friendship, Jamestown, Kernersville, Limestone Well, Rich Fork, Salem, Midway, Martin, and Lexington, to Salisbury.

From Greensborough, by Fentriss Centre and New Salem, to Ashborough.

From Greensborough, by Jamestown, Pennfield, Brummel's, and Rich Fork, to Lexington.

From Greensborough, by Gilmer's Store, Shaw's Mills, Brick Church, Holt's Store, Harts-horn, Rock Creek, Snow Camp, Sandy Grove, Mudlick, Cane Creek, Hadley's Mills, and Rock Rest, to Pittsborough.

From Greensborough, by Monticello, Thomasville, Lenox Castle, Slade's, Locust Hill, and Yanceyville, to Milton.

From Greensborough, by Hillsdale, Monroe-ton, Troublesome, Reidsville, Rawlingsburg, and Graves, to Danville.

From Greenville, by Hookerstown and Snow Hill, to Goldsborough.

From Greenville to Hamilton, by Ward's Store.

From Greenville, to Hookerstown, by Coxville, Johnson's Mills, and Ridge Spring.

From Greenville, by Jones's Gap and Davidson's River, to Hendersonville.

From Hamptonville, by Lovelace, to Wilkesboro'.

From Hamptonville, by Zion, New Hope, Mount Pisgah, and Liberty Hill, to Statesville.

From Haywood, by Trade's Hill, Hackney's Cross Roads, and Grove, to Green Level.

From Haywood, by Martha's Vineyard, Chalk Level, Nottingham, and Summerville, to McNeill's Ferry.

From Head of Bay River to James Potter's, on Goose Creek Island.

From Henderson to Williamsborough.

From Henderson, by Oxford, Berea, Roxborough, Leasburg, Moore's Store, Milton, Laurel Grove, and Ringgold, Virginia, to Danville, Virginia.

From Hillsborough, by Hawfield, Mount Willing, Meadow Creek, and McDaniel's, to Rock Creek.

From Hillsborough to Seaburg, in Caswell county.

From Hillsborough, by Cedar Grove, Walnut Grove, Prospect Hill, and Gordonton, to Leasburg.

From Hillsborough, by Walnut Grove and Van Hook's Store, to Roxborough.

From Hillsdale, by Summerfield and Oak Ridge, to Berlin.

From Hookerstown, via Johnston's Mills and Coxville, to Greenville.

From Huntsville, by Red Plains, East Bend, Forbush, Republic, Doweltown, and Mount Nebo, to Rockford.

From Ivy, by Gabriel's Creek, Bull Creek, Walnut Creek, and Brush Creek, to Warm Springs.

From Ivy, by Clay, Flag Pond, and Indian Creek, to Longmire's, Tennessee.

From Jamestown, by Westminster and Deep River, to Abbott's Creek.

From Jamestown, by Hunt's Store, Normal College, Thomasville, Fair Grove, La Grange, New Market, New Salem, Sandy Creek, Troy's Store, Long's Mills, Patterson's Store, Snow

Camp, Clover Orchard, Lindley's Store, Clover Garden, Bethmont, and Rock Spring, to Hillsboro'.

From Jefferson, by North Fork, Taylorsville, Tennessee, Pandora, Dugger's Ferry, Elizabethtown, Happy Valley, Blue Plum, to Jonesboro', Tennessee.

From Jefferson to Gap Creek.

From Jefferson to Richard Gentry's, on New river.

From Jefferson, by Hilton and Manly, to Big Meadow.

From Jonesville to Judesville, by State Road.

From Johnsonville, by Harrington, Long Street, Rollins's Store, Bryan's Store, and Packet, to Johnsonville.

From Keyesville, by Wilkesburg, Christianville, Red Oak Grove, Oakley, Clarksville, White House, Black Walnut, Onegee, Hyco, Cunningham, and Milton, to Yanceyville.

From Kinston, by Sandy Foundation, Pink Hill, and Buena Vista, to Hallsville.

From Kinston to Trenton, in Jones county.

From Laurel Hill to Rockingham.

From Laurel Hill, by Stewartville, to Gilopolis.

From Leesville, by Marysville, Gaddeyville, Sugar Hill, South Carolina, and Temperance Hill, to Marion C. H.

From Lenoir, by Lovelady, Catawba View, and Wittenburg, to Taylorsville.

From Lenoir, by Deal's Mills and Little River, to Taylorsville.

From Lexington, by Fair Grove, Eden, Hoover's Hill, and Sawyersville, to Ashboro'.

From Lexington, by Walser's Mills, Fulton, Mocksville, County Line, and Oak Forest, to Statesville.

From Lincolnton, by Nail Factory, Dallas, Catawba Creek, Crowder's Creek, Bethel, South Carolina, and New Centre, to Yorkville, South Carolina.

From Lincolnton, by Seigle's Store, Jacob's Fork, and Mullgrove, to Morganton.

From Lincolnton, by Killian's Mills, Early Grove, Newton C. H., Flint Rock, and Fisher's, to Catawba View.

From Littleton, by Grove Hill and Arcola, to Ransom's Bridge.

From Little Rock Fish, by Lumber Bridge, to Philadelphia.

From Lumberton, by Philadelphus, Gilopolis, Stewartville, Cowper Hill, Queensdale, Alfordsville, and Clay Valley, to Lumberton.

From Lumberton, by Smith's Bridge and Howellsville, to Prospect Hall.

From Madison, by William Ward's, Martin's Lime Kiln, Danbury, Piedmont Springs, and the Cascade, to Wytheville, Virginia.

From Madison, by Ayresville, Crooked Creek, Peter's Creek, Colesville, Francisco, and Big Creek, to Mount Airy.

From Marion, by Black Mountain, Stone Mountain, and Edneyville, to Hendersonville.

From Marion to Rutherfordton, by Sugar Hill and Cedar Creek.

From Middleton to Cape Hatteras.

From Mason Hall, by Pleasant Grove, Big Falls, Faucett's Store, Mooresville, and Hudson's, Anderson's Store, and High Towers, to Leesburg.

From Monroe C. H., by Winchester, to Wolfs-ville.

From Morgantown, by Perkinsville, Collets-ville, Globe, Valle Crucis, Sugar Grove, Boone, Moretz Mill, and Elk Cross Roads, to Jefferson.

From Morgantown, by Linville River, North Cove, Grassy Creek, Bakersville, Ledger, Bald Creek, Ivy, Democrat, Stockville, and Reem's Creek, to Ashville.

From Morgantown, by Bridgewater, Marion, Old Fort, and Swannano, to Ashville.

From Morgantown, by Bundleton, Mountain Home, Minersville, and Cuba, to Rutherfordton.

From Mosely Hall, via Jerico, to Strabane.

From Mount Airy, by Hay Stack, Scull Camp, and Judesville, to Gap Civil.

From Mouth of Wilson, Virginia, by Potato Creek, Gap Civil, North Carolina, and Elk Spur, to Trap Hill.

From Murphey to Ellejay, via Nottla, Hot House, Edom, and Santa Lucach.

From Murfreesboro', by Potecasi, St. John, and Roxable, (Britton's Cross Roads,) to Scotland Neck.

From Murfreesboro' to Boylston Depot.

From Nashville to Peach Tree Grove.

From Newbern, by Cravensville and Smyrna, to Beaufort.

From Newbern, by Kinston and Mosely Hall, to Goldsboro'.

From Nahunta, by Lowell, Bulan, St. Charles, and Creachville, to Eagle Rock.

From Oxford, by Waterloo, Gregory's Mills, Sassafras Fork, Brownsville, and Young's Cross Roads, to Clarksville.

From Onslow C. H., by Piney Green, to Swansborough.

From Oxford, by Tallyho, Dutchville, Knap of Reeds, Stagville, South Lowell Mills, and Eno Mills, to Hillsborough.

From Ocracoke, by Hallaway, Cass, and Ken-nekeat, to Chickamacomico.

From Pittsboro', by Beaumont, Goldston, Brush Creek, Buffalo Ford, Moffitt's Mills, Brow-er's Mills, and Gold Region, to Caledonia.

From Pittsboro', by Pedlar's Hill, Gulf, Evan's Mills, Watson's Bridge, Centreville, and Flower Hill, to Carthage.

From Plymouth, by Union and Scuppernong, to Columbia C. H.

From Plymouth, by Washington and Swift Creek Bridge, to Newbern.

From Pollockville to Hadnot's.

From Pollockville, by Palo Alto, to Swans-boro'.

From Powell's Point to Shallow Bag Bay, on Roanoke Island.

From Powell's Point, by Roanoke Island, to Nagg's Head.

From Prosperity, by Pharr's Mills, to Car-thage.

From Pungo Creek to North Creek.

From Quallatown, by Jonathan's Creek, to Waynesville.

From Quallatown, by Governor's Island, Sti-koih, Marka, and Fort Montgomery, to Valley-town.

From Raleigh, by Auburn, Gulley's Store, Smithfield, Boon Hill, to Goldsboro'.

From Raleigh, by Eagle Rock, Wakefield, Stanhope, Sunny South, and Spring Hope, to Wilson.

From Raleigh, by Barclaysville, Pleasant Plains, Averysboro', Kyle's Landing, and Mar-y's Garden, to Fayetteville.

From Raleigh, by Nuse, Forestville, Pacific, Franklinton, Kittrell, Henderson, Ridgeway, Ma-con Depot, Littleton, Spring Hill, and Gaston, to Weldon.

From Raleigh, by Kelvin Grove, Roger's Store, Fish Dam, Stagville, Red Mountain, Daniel's Mills, and Van Hook's Store, to Roxborough.

From Raleigh, by Holly Springs, Haywood, Adolph, Pittsborough, St. Lawrence, Marley's Mills, Red Creek, Franklinville, Cedar Falls, Ashborough, Carraway, Spencer, Silver Hill, Cotton Grove, and Jersey Settlement, to Salisbury.

From Raleigh to Roxborough, via Flemington, Stagville, Round Hill, Red Mountain, and Mount Tirzah.

From Raleigh, by Moringville, Chapel Hill, Hillsborough, Green Spring, Mason Hall, Gra-ham, and Alleamance, to Greensborough.

From Reid Creek, by Franklinville, Soapstone Mount, and Troy's Store, to Reed Creek.

From Reidsville, by Wentworth and Eagle Falls, to Leaksville.

From Reidsville, by Lawsonville and Black-well's, to Yanceyville.

From Ridgeway, by Nut Bush, Palmer's Springs, St. Tammany, and Merry Mount, to Ridgeway.

From Ridgeway, by Exchange, Laynersville, Clarksville, Virginia, White House, and Hyco Falls, to Halifax C. H.

From River Side to Harrington.

From Rock Creek, by Curtis's Mills and Ter-ril's, to Graham, in Alamance county.

From Rockford, by Walnut Lane, Jonesville, and Swan Pond, to Brier Creek.

From Rockford, by Siloam, Stony Ridge, Old Richmond, Bethania, and Rural Hall, to German-town.

From Rocky Mount, by Tarborough, Sparta, Falkland, Greenville, and Pactolus, to Washing-ton.

From Rocky Mount, by Hilliardstown, Bel-ford, and Louisburg, to Franklin.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

MONDAY, AUGUST 7, 1854.

NEW SERIES...No. 144.

From Rutherfordton to Marion, by Patton's Home, Golden Valley, Minersville, and Drysorville.

From Rutherfordton, by White Oak, Sandy Plains, Earlsville, South Carolina, Gowensville, Milburgh, Milford, and Palona to Greenville C. H., South Carolina.

From Rutherfordton, by Logan's Store, Duncan's Creek, Polkville, and Camp Call, to Garner's Ford.

From Rutherfordton, by Cooper's Gaps, Mills Gap, and Edneyville, to Hendersonville.

From Salem, by Rough and Ready, Germantown, Red Shoals, Martin's Lime Kilns, Colesville, and Avo, to Patrick C. H., Virginia.

From Salem, by Germantown, Walnut Cove, Madison, and Leaksville, to Danville, in Pittsylvania county, in Virginia.

From Salem, by Walkerstown, White Road, Blakeley, Madison, Gorgansville, Ridgeway, Virginia, and Traylorville, to Martinsville, Virginia.

From Salem, by Sedge's Garden, Germantown, Walnut Cove, Pine Hall, Madison, Pleasantville, and Wentworth, to Reidsville.

From Salem, by Muddy Creek, Panther Creek, Huntsville, Hamptonville, New Castle, Brier Creek, Wilkesboro', Church's Store, and South Fork, to Jefferson.

From Salem to Clemmons ville.

From Salem, by Winston, Oldtown, Bethany, Pilot Mountain, Tom's Creek, Mount Airy, Good Spur, Virginia, Hillsville, Grayson, Sulphur Springs, Cranberry Plains, and Jackson's Ferry, to Wytheville.

From Salisbury, by Rockville, Gold Hill, Kendall's Store, Albemarle, Norwood, Cedar Hill, Carolina Female College, Wadesboro', Jones's Creek, and Morven, to Cheraw, South Carolina.

From Salisbury, by Cowansville, Statesville, Poplar Grove, Bunker Hill, Newton C. H., and Drowning Creek, to Morgantown.

From Salisbury, by Organ Church, to Mount Pleasant.

From Salisbury, by Mockville, Jonesville, Gap Civil, and Independence, Virginia, to Wytheville.

From Salisbury, by Thomas Wood's, Mount Vernon, New Institute, Farley's Store, Prichard's Store, and Huntington Creek, to Wilkesborough.

From Salisbury, by Mount Vernon, Mockville, Smith's Grove, and Farmington, to Huntsville.

From Salisbury, by Miranda, Spring Grove, Deep Well, Mount Mourne, Beattie's Ford, Catawba Springs, Vesuvius Furnace, Lincolnton, Shelby C. H., Fillmore, Mooresboro', Webb's Ford, Rutherfordton, Green Hill, Chimney Rock, and Fairview, to Ashville.

From Salisbury, by China Grove, Coleman, Concori, Harrisburg, Charlotte, White Hall, Rose Hill, and Ranaleburg, to Yorkville, South Carolina.

From Shelby, by Swangstown, New House, South Carolina, and Antioch and Clarke's Fork, to Yorkville, South Carolina.

From Shelby, by Muddy Fork and Old Furnace, to Dallas.

From Shelby, by Bricketsville, Sandy Run, Grassy Pond, South Carolina, and Allgood, to Spartanburgh C. H., South Carolina.

From Spring Garden, by Long Creek, More's Creek, Colvin's Creek, and Black River, to Beatty's Bridge.

From Statesville, by Bethany Church, Maple Bottom, Houstonville, Hamptonville, Yadinville, Mount Nebo, Richmond Hill, Rockford, Dobson, Rush, Sculcamp, and Haystack, to Mount Airy.

From Statesville, via Taylorsville and Lenoir, to Jonesboro', in Tennessee.

From Statesville, by Fancy Hill, Stony Point, Taylorsville, to Wilkesboro'.

From Statesville to Eagle Mills, via Liberty Hill, Snow Creek, Post Oak, New Institute, and Williamsburg, to Eagle Mills.

From Statesville to Mount Ulla, by Amity Hill.

From Strickland's Depot to Kenansville, via

Branch's Store, Outlaw's Bridge, Albertson's, Resaca, Pink Hill, and Buena Vista.

From Strickland's Depot, by Kenansville, Hallsville, Richland, Trenton, and Pollocksville, to Newbern.

From Strickland's Depot, by Taylor's Bridge, Six Runs, Lisburn, Gravelly Hill, Cypress, Harrison's Creek, and Ellisville, to Fayetteville.

From Sugar Grove to Taylorsville, via Sody and Trade.

From Swansboro', by Hurst's, to Onslow C. H.

From Swift Island, by Clark's Creek, Mount Gilead, Little Mills, Dumas's Store, Pee Dee, and Lisville, to Wadesboro'.

From Sugar Grove, up Cove Creek, and down Roan's Creek, to Taylorsville, in the State of Tennessee.

From Froy to Ashborough, by Matamoras, Auman's Hill, Cox's Mills, and White House.

From Troy, by Harrisville, Wind Hill, Jackson Hill, Brengle's Ferry, Columbia, and Healing Springs, to Salisburg.

From Turtletown to Eliejay, Georgia, by Kimsey's Store, Hiwassee, Copper Mines, Pierceville, Chestnut Gap, and Santa Lucan.

From Union Institute, in Randolph county, by Fair Grove, to Midway.

From Valle Crucis to Cranberry Forge.

From Wadesboro', by Lanesborough, Monroe C. H., Coburn's Store, Orrville, and Hornet's Nest, to Charlotte.

From Wadesboro', by White's Store, White Hill, Lane's Creek, Beaver Dam, Richardson's Creek, Jenkin's Store, Gourd Vine, Hammond's Store, and Diamond Hill, to Wadesboro'.

From Warm Springs, by Paint Rock, Cato, and Bridgeport, to Newport, Tennessee.

From Warrenton to Shocco Springs.

From Washington, by Blount's Creek and Durham's Creek, to South Creek.

From Washington to Campbell's Creek.

From Washington, by Bath, Pungo Creek, Pantego, Leechville, Sladesville, Swan Quarter, and Lake Landing, to Middletown.

From Washington, by Ocracoke, to Portsmouth.

From Weldon, by Halifax, Enfield, Brattleborough, Rocky Mount, Joyner's Depot, Wilson, Black Creek, Nahunta, Goldsborough, Everettsville, Mount Olive, Faison's Depot, Warsaw, Strickland's Depot, Teachy's, Washington Depot, Sill's Creek, Burgaw Depot, Wilmington, Smithville, to Charleston, South Carolina.

From Weldon, (or from Garrysburg,) by Jackson, Rich-Square, Roxoble, Hotel, and Windsor, to Plymouth.

From Weldon to Gaston.

From Weldon, by Westland, to Littleton.

From West Brook, to Cain Tuck, by French Creek Church.

From Williamston, by Flat Swamp and Bethel, to Greenville.

From Wilkesboro' by Elkville, Fort Defiance, Lenoir C. H., and Copenhagen, to Morgantown.

From Wilmington, by Whitesville, Fair Bluff, Marion C. H., South Carolina, Mars Bluff, Bradleyville, Sumpterville, to Manchester, South Carolina.

From Wilmington, by Upper Town Creek Bridge, to Smithville.

From Wilmington, by Scott's Hill, Topsail Sound, Stump Sound, Onslow C. H., Catharine Lake, Richland's, and Bannerman, to Angola.

From Wilmington, by Long Creek, Beatty's Bridge, Block River Chapel, and Harrell's Store, to Moore's.

From Wilson, by Stantonsburg, Speight's Bridge, and Snow Hill, to Hookerstown.

From Wilson to Washington, by Saratoga, Maysville, Marlboro', Pleasant Mount, Greenville, Pactolus, and Boyd's Ferry.

From Windsor, by Merry Hill, Ashland, Cole-rain, Harrellsville, and Pitch Landing, to Mur-freesboro'.

From Winton to Gatesville.

From Woodville to Durant's Neck.

From Wilkesboro', by Lewis's Fork, Stony Fork, and Rotherwood, to Boone.

South Carolina.—From Abbeville C. H., by Warrenton, Monterey, Lownesville, Cherokee Heights, Harper's Ferry, and Ruckersville, Georgia, to Elberton, Georgia.

From Anderson C. H., by Clayton and Raburn's Gap, to Chattanooga, Tennessee.

From Anderson C. H., by Butlersville, Moffettsville, Craftsville, Georgia, to Ruckersville.

From Anderson C. H., by Raburn's Gap, to Knoxville, Tennessee.

From Anderson C. H., by Townville and Bachelor's Retreat, to Walton's Ford.

From Abbeville C. H., by Temple of Health, Diamond Hill, Mount View, and Wilson's Creek, to Moffettsville.

From Abbeville C. H., by Smithville, to Greenwood.

From Abbeville C. H., by Smithville and Robert's Store, to Abbeville C. H.

From Adams Run to Edisco Island.

From Aiken, by Tinker's Creek, and Dunbarton, to Lower Three Runs.

From Aiken, by Edisto, to Kitching Mills.

From Aiken, by Sawyer's Mills, to Leesville.

From Alston, by Thompson's and Long Run, to Monticello.

From Anderson C. H., by Seneca, Andersonville, Henley's Store, and Ford's Store, to Carnesville, Georgia.

From Anderson C. H., by Deep Creek, Steele's, Churubusco, and Milvers, to Anderson C. H.

From Anderson C. H., by Locust Hill, Belton, Calhoun, Line Creek, to Calhoun.

From Anderson C. H., by Mountain Creek, Rock Mills, and Evergreen, to Montevideo.

From Augusta, Georgia, by Quaker Springs, Woodlawn, South Carolina, Rocky Pond, Park's Store, Cairo, Mapleton, Bordeaux, Wilmington, and Mount Carmel, to Calhoun Mills.

From Augusta, Georgia, by Hamburg, South Carolina, Edgefield C. H., Elton, Meeting Street, and Sleepy Creek, to Ninety-Six Depot.

From Augusta, Georgia, by Beach Island, Silverton, Four Mile Branch, Speedwell, Lower Three Runs, Erwin, King's Creek, Danielton, Brighton, and Robertsville, to Gillisonville.

From Barnwell C. H., by Fiddle Pond, Alledale, and Smyrna, to King's Creek.

From Beaufort to Pocatoligo.

From Belton to Anderson C. H.

From Bennettsville to Cheraw.

From Bennettsville to Beaver Dam.

From Bishoppsville, by Mount Elon and Swift Creek, to Darlington C. H.

From Blackville to Barnwell C. H.

From Black Mingo, Williamsburg District, by Cooper's Store, Roy's Branch, and Boggy Swamp Road, to Kingstree.

From Cambridge, by Ninety-Six, Swanney's Ferry, and Waterloo, to Laurens C. H.

From Camden, by Boykin's Depot, Statesburg, and Manchester, to Wateree.

From Camden, by Bee Tree, Longtown, Ridgewood, Winnesboro', Jackson's Creek, Long Run, Monticello, Glimphville, and Mount Betnel, to Newbury C. H.

From Camden, by Bee Tree and Longtown, to Ridgeway.

From Camden to Tiller's Ferry.

From Camden, by James Hailes's, Elm Grove, Clayborn's Store, Palmetto, Butler, Tryon, Dudley, Blackman's Store, Blackman's Gold Mine, Wild Cat, and Wolf Pond, North Carolina, to Monroe.

From Cedar Creek to Brown's.

From Charleston, by Beaufort, Boyd's Landing, Hilton Head, and Bluffton, to Savannah, Georgia.

From Charleston, by Summerville, Ridgewood, Inabnet's, St. George's, Branchville, Midway, Bambrer's, Graham's Turnout, Blackville, Wills-ton, White Pond, Woodward's, Aikin, Bath, and Hamburg, to Augusta, Georgia.

From Charleston, by Rantoul's, Adam's Run,

Ashepool Ferry, Blue House, Salt Ketcher Bridge, Pocatigo, Coosawhatchie, Gillsonville, to Grahamsville.

From Charleston, by Haddrell's, to Georgetown.

From Charleston, by Beaufort, Boyd's Landing, Hilton Head, and Bluffton, to Savannah, Georgia.

From Charleston, to Mount Holly, Monk's Corners, and Black Oak, to Pineville.

From Charleston to New York.

From Chester C. H., by Lowreysville, Springwell, Guthriesville, Yorkville, Clay Hill, Ranalesburg, and White Hall, to Charlotte.

From Chester C. H., by Baton Rouge, Carmel Hill, and Tomsville, to Pinckneyville.

From Chester C. H. to Cedar Shoals.

From Columbia, by Lexington C. H., Leesville, Ridge, and Lotts, to Edgefield C. H.

From Columbia, by Tompkin's Turnout, Gadsden, Fort Motte, St. Matthews, Orangeburgh C. H., and Jaimson, to Branchville.

From Columbia, by Pleasant Springs, Counts-ville, and Calk's Cross Roads, to Calk's Ferry.

From Columbia, by Alston, Pomaria, and Frog Level, to Newbury C. H.

From Columbia, by Level, Ridgeway, Simpson's, Winnsboro', Blackstock, Cornwall Turnout, Chesterville, Chester C. H., Smith's Turnout, Rock Hill, Fort Mills, and Pineville, to Charlotte.

From Columbia, by Oakville, to Rockville.

From Columbia, by Hope Station, Alston, Pomaria, Newberry C. H., Chappel's Bridge, Dyson's Mills, Ninety-Six, New Market, Greenwood, Abbeville, Donaldsonville, Honey Path, Belton, Anderson C. H., Williamston, and Golden Grove, to Greenville C. H.

From Conwayborough, by Lake Swamp, to Floyd's Mills.

From Conwayborough, by Branton Cross Roads, Prince's Store, and Bug Swamp, to Fair Bluff, North Carolina.

From Cokesbury to Abbeville.

From Cornwell's Turnout, by Torbit's Store, to Hazlewood.

From Cross Anchor, by Hobbyville, Woodruff's, Cashville, Sparta, Pliny, Pleasant Grove, Chick Springs, and Pomeroy, to Merrittsville.

From Donaldsonville, by Gentsville, Queensborough, Calhoun, Stantonville, Williamston, Golden Grove, Stering Grove, and Highway, to Greenville C. H.

From Due West Corner to Donaldsonville.

From Edgefield C. H., by Duntonsville, Longmire's Store, Millway, and Harrisburg, to Abbeville C. H.

From Edgefield C. H. to New Berry C. H.

From Florence, by Darlington and Society Hill, to Cheraw.

From Fountain Inn, by Cripple Creek, Lickville, Cedar Falls, Dunklin, Eden, and Fairview, to Fountain Inn.

From Gillsonville, by Horse Gall, A. M. Ruth's, B. L. Willingham's, and Silver Hill, to Beech Branch.

From Georgetown, by China Grove, Black Mingo, Johnsonville, Lynch's Creek, Flintville, and Marr's Bluff, to Merchant's Bluff.

From Georgetown, by Yanhanna, Bucksville, Conwayboro', and Dogwood Neck, to Little River.

From Grahamsville to Bluffton.

From Graham's Turnout, by Duncansville, Buford's Bridge, Angle's Branch, Greenfield, Beach Branch, Lawtonville, Steep Bottom, and Robertsville, to Gillsonville.

From Graham's Turnout, by Rocky Swamp, Kitching's Mills, Edisto, and Edisto Mills, to Lott's.

From Greenville C. H., by Buena Vista, Pliny, and Cashville, to Woodruff's.

From Greenville C. H., by Sandy Flat, and Pomeroy, to Highland Grove.

From Greenville C. H., by Pleasant Grove, Wallace's Factory, New Hope, Crawfordville, and Fort Prince, to Spartanburgh C. H.

From Greenville C. H., by Traveller's Rest, Lima, Merrittsville, Green River, North Carolina, Flat Rock, Hendersonville, Mud Creek, and Shufordville, to Ashville.

From Greenville to Head of Greenville and Columbia Railroad.

From Greenville C. H., by Gilder, Clear Spring, and Enora, to Woodruff's.

From Hamburg to Augusta, Georgia.

From Hamburg, by Poverty Hill, Ira Island, Collier's, Cold Spring, and Rehoboth, to Longmire's Store.

From Hope Station, by Walton, Glymphville, Maybington, and Goshen Hill, to Whitmire's.

From Indianatown, by Singletarysville, to Lynch's Lake.

From Jeffries Creek, by Willow Creek, Friend-field, and Natural Grove, to Lynch's Lake.

From Jeffries Creek to Red Bluff.

From Jonesville, by McBrideville, Cedar Springs, and Cedar Springs Asylum, to Spartanburgh C. H.

From Kingsville, by Manchester, Sumterville, Marysville, Lynchburg, Timmons-ville, Florence, Gibson's Roads, Marion C. H., Little Pee Dee River, Floydville, Fair Bluff, Cerro Gordo, Whitesville, and Robinson's, to Wilmington, North Carolina.

From Kingstree, by William Lipage's, along the Gap way road, to Georgetown.

From Kingstree, by Sutton's and Lowndes's Ferry, to Thirty-two Mile House.

From Lancaster C. H., by Landsford, Wallace, Lewisville, and La Grange, to Chester C. H.

From Lancaster C. H., by Flint Ridge, Hickory Head, Jefferson, and Mount Croghan, to Chesterfield C. H.

From Laurens C. H., Mount Gallagher, Brew-ton, Line Creek, Tumbling Shoals, Bluff Rabon, and Simpson's Mills, to Laurens C. H.

From Laurens C. H., by Tylersville, Cross Anchor, Black Jack Valley, and Smith's Store, to Glen Springs.

From Laurens C. H., by Monroe, Fountain Inn, and Plains, to Greenville C. H.

From Leesville, by Hollow Creek, German-ville, Mount Willing, Oakland, Perry's Cross Roads, Coleman's Cross Roads, Chappel's Bridge, and Vaughnsville, to Spring Grove.

From Leesville, by Steedman's, Williamson's Mills, and Bull Swamp, to Orangeburgh C. H.

From Lexington to Williamson's Mills.

From Lexington, by Rocky Well, Calks Ferry, and Saluda Mills, to Prosperity.

From Little River, by Shallotte, to Smithville.

From Little River, by Pineway Ferry, Iron Hill, and Cross Roads, to Whitesville, North Carolina.

From Lynch's Lake to Baker's.

From Lynchburg, by Shiloh, Bethlehem, and New Zion, to Sandy Grove.

From Marion C. H., by (Britton's Neck), Centenary, and Tabernacle, to Marion C. H.

From Manchester to Fulton.

From Marion C. H., by Cat Fish, Gum Swamp, Reedy Creek, Little Rock, Selkirk, Brownsville, Parnassus, and Clio, to Bennettsville.

From Marion C. H., by Allen's Bridge and Campbell's Bridge, to Little Rock.

From Martin's Depot, by Marengo, Milton, Spring Grove, Cross Hill, Mountsville, and North Creek, to Martin's Depot.

From Millway, by Indian Hill, Sandover, and Wiedeman's, to Calhoun Mills.

From Mrs. Mason's, by Bethel, New Centre, and Bethany, to Antioch.

From Newberry C. H., by Pageville, Broadway, Martin's Depot, and Clinton, to Laurens C. H.

From Newberry C. H., by Indian Creek, Reynosa, Huntington, to Cross Anchor.

From Newberry C. H., by Boulwareville, Bankwright's Ferry, on Saluda River, Perry's Cross Roads, Oakland, Mount Willing, Smith, Saluda, to Lott's, Edgefield District.

From Newberry C. H., by Mount Bethel, to Glymphville.

From Newberry C. H., by Beth Eden, Whitmire's, Cold Well, Unionville, Fair Forest, Boy-gansville, Glenn Spring, Spartansburg, Damas-cus, and Island Ford, North Carolina, to Ruth-erfordton.

From Newberry C. H., by Shap Springs, Hig-gins Ferry, Coleman's Roads, Big Creek, Rich-ardsonville, and Fruit Hill, to Edgefield C. H.

From Orangeburg C. H. to Vance's Ferry.

From Pacolet Mills, by Duncan's Store, John Wilkins's, and Duncan's Old Store, to White Plains.

From Panther Fork, by North Saluda, Titu-roy, and South Saluda, to Pumpkintown.

From Packsville, by Clarendon, to Brewing-ton.

From Pendleton, by Wayside, Walhalla, Tun-nel Hill, and Whetstone, to Clayton, Georgia.

From Pendleton, by Five Mile, to Pickens C. H.

From Pendleton to Clayton, Georgia.

From Pendleton, by Townville, Fair Play, Parker's Store, Georgia, and Aquilla, to Carnes-ville, Georgia.

From Pickensville, by Fowler's Creek, Dacus-ville, Pumpkintown, Twelve Mile, Glassy Moun-tain, Wolf's Creek, and Branch Island, to Pick-ensville.

From Pickens C. H., by Bounty Land, War-saw, Claremont, Bachelor's Retreat, Snow Creek, and Martin's Creek, to Pickens C. H.

From Pickens C. H., by Oconee Station, Cher-okee, and Whetstone, to Pickens C. H.

From Pickens C. H., by Clayton's Mills, Sa-lubrity, Pickensville, Wolf Creek, and Camp Ground, to Pickens C. H.

From Pickens C. H., by Crow Creek, Ander-son's Mills, Twelve Mile, and Mix's, on Estatee, to Pickens C. H.

From Pickens C. H., by Walhalla, Colonel's Fork, Horse Shoe, Walton's Ford, Georgia, To-coa Falls, Clarkesville, Nacoochee, Mount Yo-nah, Pleasant Retreat, and Cavender's Creek, to Dahlonaga, Georgia.

From Pineville, by Murray's Ferry, Kingstree, Camp Bidge, Lynch's Lake, Effingham, and Tan's Bay, to Darlington C. H.

From Pinckneyville, by Wartola, to Gowdeys-ville.

From Pinckneyville, by Tomsville and Sanders-ville, to Chester C. H.

From Pocotaligo, by Hickory Hill, to Whippy Swamp.

From Ridgeville, by Roadsville, Holly Hills, Vance's Ferry, to Wright's Bluff.

From Richardsonville, by Dawson's Mills, (Dyson's Mills,) to Lodi.

From Robertsville, by Sisters Ferry, to Guy-ton, Georgia.

From Rocky Ridge, by Claytons-ville, to Belton.

From Scuffletown, by Pleasant Mount, Young's Store, Centreville, Stonesville, Cashville, and Pools-ville, to Spartanburg C. H.

From Sleepy Creek, by New Market, to Phoe-nix.

From Spartanburg C. H., by Walnut Grove, Millville, Crowsville, Woodruff's, Barleywood, Mountain Shoals, and Scuffletown, to Laurens C. H.

From Spartanburg C. H., by Damascus, Coulter's Ford, Buck's Creek, to Fingersville.

From Spartanburg C. H., by Mount Zion, New Prospect, Cannon's Store, Earlesville, Horse Creek, North Carolina, and Tryon, to Hendersonville, North Carolina.

From Spartanburg C. H., by Boiling Spring, White's Store, Fingersville, Cross Roads at John Wilkins's, and Poorsford, on Broad River, to Rutherfordton, North Carolina.

From St. George's to Waterboro'.

From St. Matthew's to Poplar.

From Sumpterville, via Plowdon's Mills, Brew-ington, Clarendon, Wright's Bluff, Friendship, Packsville, and Privateer, to Sumpterville.

From Sumpterville, by Mechanicsville and Mill-grove, to Bishopville.

From Sumpterville, by Bradleyville, Black River, Salem, Sandy Grove, Kingstree, and In-diantown, to Johnsonville.

From Swift Creek to Hartsville.

From Unionville, by Meansville, Smith's Store, and Roger's Bridge, to Woodruff's.

From Unionville, by Jonesville, Pea Ridge, Pacolet Mills, Timber Ridge, and Bowling-ville, to Limestone Springs.

From Unionville, by Shady Grove, Rosebo-rough, Liberty Hall, Poplar Grove, to Newbury C. H.

From Unionville, by Carmel Hill and Baton Rouge, to Chester C. H.

From Unionville, by Bradley's Old Place, John McKissick's, Skull Shoals, and Gowdeysville, to Wilkinsville.

From Walhalla to Pendleton.

From Waterboro' to Blue House.

From Williston, by Davis Mills, to Jordan's Mills.

From Winnsboro', by Gladden's Grove, Ross-

ville, Beckhamsville, and Cedar Shoals, to Lewisville.

From Winnsboro', by Gladden's Cove, Rocky Mount, and Longstreet, to Lancaster C. H.

From Winnsboro', by Jackson's Creek, Bell's Store, Bryer's Store, Buckhead, Feasterville, Halsellville, Crossville, Fish Dam, and Mount Tabor, to Pinckneyville.

From Woodruff's, by Enoree, Clear Springs, and Gilder, to Greenville C. H.

From Williamston, by Newell's, Golden Spring, Douthet, Bushy Creek, Equality, Slabtown, Piercetown, and Silver Glade, to Williamston.

From Yorkville, by Clay Hill, Renalesburg, Rose Hill, and White Hall, to Charlotte.

From Yorkville, by Zeno, South Point, Woodlawn, Cottage Home, Chronicle, Vesuvius Furnace, to Newton.

From Yorkville, by Allison Creek, Zeno, South Point, North Carolina, Woodlawn, Cottage Home, Chronicle, and Vesuvius Furnace, to Newton.

From Yorkville, by Hickory Grove, Smith's Ford, Wilkensville, Limestone Springs, Grassy Pond, High Shoals, North Carolina, Butler, and Hicksville, to Rutherfordton, North Carolina.

From Yorkville, by Hickory Grove, Harmony, Boynton, Cherokee Iron Works, Coopersville, Draytonville, Limestone Springs, Clarksville, Cowpens, Arrow Wood, Fingerhill, and Jackson Hill, to Earlesville.

From Yorkville, by Meek's Hill, Hopewell, Gowdeysville, Paolet Mills, and Bivingsville, to Spartanburg C. H.

From Yorkville, by Blairsville, Bullock's Creek, Pinckneyville, Mount Tabor, Unionville, Cedar Grove, and Cross Keys, to Cross Anchor.

From Yorkville, by Tirza, Ebenezer, Rock Hill, Nation Ford, Coute's Tavern, Landsford, Long Street, Dry Creek, Russell Place, Liberty Hill, and Red Hill, to Camden.

From Yorkville, by Hickory Grove, Harmony, Boynton, Cherokee Iron Works, Coopersville, Draytonville, Limestone Springs, Thickety Ford, Moultrie, and Hurricane, to Spartanburg C. H.

Georgia.—From Albany, by Thomasville, Okapilco, and Morven, to Troupville.

From Albany, by Chickasawhatchee, Dover, Cuthbert, Petaula, to Georgetown.

From Albany, by Gillion's, Concord, Pachitta, and Fall Creek, to Fort Gaines.

From Albany, by Gum Pond, Thomasville, Duncansville, and Centreville, to Tallahassee, Florida.

From Albany, by Gintown and Pennsboro', to Irwinstville.

From Alapaha, by Drivers Hill and Troublesome, to Jasper, Florida.

From Athens, by Brookline, Amandaville, Montevideo, Evergreen, South Carolina, and Rock Mills, to Anderson C. H., South Carolina.

From Athens, by Bascobel, Harmony Grove, Maysville, Gillsville, Poplar Springs, Hughesburg, and Dawson, to Clarksville.

From Athens, by Danielsville, Madison Springs, Franklin Springs, Bowersville, to Henley's Store.

From Athens, by Jefferson, Pond Fork, Sugar Hill, and Cunningham's Store, to Gainesville.

From Athens, by Planter's Stand, Taylorsville, and Cromer's Mills, to Carnesville.

From Atlanta, by Boltonville, Marietta, Ackworth, Alatoona, Cartersville, Cassville, Kingston, Adairsville, Calhoun, Resaca, Tilton, Dalton, Tunnel Hill, Ringold, Opalika, and Chickamoga, to Chattahoochee, Tennessee.

From Atlanta, by Utoy, Sandtown, Campbellton, Dark Corner, Villa Rica, and Hickory Level, to Carrollton.

From Atlanta, by Ark, Red Oak, Fair Burn, Palmetto, Newnan, Willow Grove, Corinth, Asbury, La Grange, and Long Cane, to West Point.

From Americus, by Providence, to Chenuba.

From Americus, by Danville and Drayton, to Vienna.

From Americus, by Plains of Dura, Lannahassee, Searsville, and Pineville.

From Augusta to Richmond Factory.

From Augusta, by Brezelie, Saw Dust, Lombardy, Thompson, Double Wells, Crawfordsville, Union Point, Greensborough, Buckhead, Madison, Social Circle, Covington, Oxford, Con-

yers, Lythonia, Stone Mountain, and Decatur, to Atlanta.

From Augusta, by Kekokee, Eubanks, Double Branches, Lincolnton, Goshen, Petersburg, Anthony's Shoals, Cook's Law Office, Elberton, Amandaville, Eagle Grove, Bowersville, and Fairview, to Carnesville.

From Battle Ground to Mount Vernon.

From Ball Ground, in Cherokee county, by Jasper, to Ellijay.

From Barnesville, by The Rock, Thomaston, Double Bridges, Pleasant Hill, Talbotton, Box Spring, and Pine Hill, to Upatote.

From Bellville to Talbotton.

From Blairsville, by Choctoe, Loudsville, and Pleasant Retreat, to Dahlonega.

From Blairsville, by Young Cane, Toccoah, Blue Ridge, White Path, Ellijay, Cerro Gordo, Talking Rock, Pine Log, and Fairmount, to Cassville.

From Brunswick, by Waynesville, Waresboro', and Magnolia, to Troupville.

From Brunswick, by Bethel, Waynesville, and Langsburg, to Jefferson.

From Butler, by Wilcher's Mills and Tazewell, to Buena Vista.

From Canton, by Ball Ground, Marble Works, Juno, to Dahlonega.

From Camak to Warrenton.

From Carrollton, by Laurel Hill and Union Mill, to Franklin.

From Campbellton to Fairburn.

From Carrollton, by New Babylon, to Van Wert.

From Carnesville, by Balce Springs, Isaac Davis, Erastus, and Nat Gunnell's, to Jefferson.

From Cartersville, by Stylesborough and Van Wert, to Cedartown.

From Cedar Bluff to Cave Spring.

From Cassville, by Little Prairie, Sonora, Free Bridge, and Holly Creek, to Spring Place.

From Cave Spring, by Harrol's Cross Roads and Occola, Alabama, to Cedar Bluff.

From Centre Village, by Trader's Hill and Paulerson's Ferry, to Suwanne.

From Cedartown to Pumpkinpill.

From Chattanooga, Tennessee, by Wauhatchie, Georgia, to Trenton.

From Chattanooga, Tennessee, by Roseville, Georgia, to Frick's Gap.

From Chattanooga to Head of McLemore's Cave.

From Clayton to Blairsville.

From Clayton to Whetstone.

From Columbus, by Piedmont, Mulberry Grove, Mountain Hill, and Whitesville, to West Point.

From Columbus, Cottage Hill, Jamestown, Hannahatchee, Lumpkin, and Cuthbert, to Fort Gaines.

From Copeland, by Adams, to House Creek.

From Covington, by Newton Factory, Worthville, Jackson, Indian Springs, Cork, and New Market, to Forsyth.

From Covington, by Middle Ridge, Oak Hill, McDonough, and Double Cabins, to Griffin.

From Dahlonega, by Anricolola, Prince Edward's, Carticay-Ellejay, Tail's Creek, Coosawatee, Spring Place, and Cedar Ridge, to Dalton.

From Dahlonega, by William Robertson's, to Round Hill.

From Dahlonega, by Cooper's Gap, Gaddistown, Stock-Hill, Skeinah, Will Scott, Toccoah, Hot House, Hiwassee Mine, Rece Spring, and Greasy Creek, to Benton, Tennessee.

From Darien to Brunswick.

From Darien to Frederica.

From Darien, by Fort Barrington Ferry, Pen-darvis Store, Alabama Creek, and Strickland's, to Waresboro'.

From Davisborough to Term's Bridge.

From Decatur, by Panthersville, Tucker's Cabin and Stockbridge, to McDonough.

From Double Wells, by Sharon, to Washington.

From Dublin to Jacksonsville.

From Eatonton, by Staffordsville and Clinton, to Macon.

From Eatonton to Monticello.

From Eden to James Hagans, Bullock county.

From Eden, by J. Denmarks, W. D. Loacks, and Brueiton's Mills, to Reidsville.

From Edenton, by James Shuman's, to Edward's Bridge.

From Elberton, by Harmony and Cold Water, to Montevideo.

From Bufaula, Alabama, by Georgetown, Georgia, Petaula, Cotton Hill, Franklin, Alabama, Pachitta, Spring Creek, Blakely, Georgia, to Bainbridge.

From Fort Gaines, by Gatesville, Pine Bridge, Blakely, Olive Grove, and Argyle, to Chattahoochee, Florida.

From Fort Valley, by Reynolds, to Butler.

From Fort Valley, by Sandy Point, Knoxville, Francisville, and Daviston, to Talbotton.

From Fort Valley, by Perry and Haynesville, to Hawkinsville.

From Fort Valley, by Marshallville, Winchester, and Montezuma, to Oglethorpe.

From Gainesville, by War Hill, Gillsville, Hudson, Nail's Creek, and Walnut Hill, to Carnesville.

From Gainesville, by New Bridge and Auraria, to Dahlonega.

From Gainesville, by Brown's Mills, Crossville, Smithville, Barrets, High Tower, Broadtree, Orange, and Canton, to Etowah.

From Gainesville, by Duane Street, to Clarksville.

From Gainesville, by Glade Mines and Polksville, to Argo.

From Gainesville to Walnut Hill, Bushville, Hudson, Silville, to Carnesville.

From Gintown to Springfield.

From Gintown, by Hinton, Ochlochney, and Talokas, to Okapilco.

From Greensborough to White Plains.

From Greensborough to Glades Cross Roads.

From Greensborough, by Penfield, to Scull Shoals.

From Greenville, by Woodbury and Magdalena, to Pleasant Hill.

From Greenville, by Farmers, White Sulphur Springs, King's Gap, Goodman's Cross Roads, Cataula, and Cochran's Cross Roads, to Columbus.

From Greenville to Warm Springs.

From Griffin, by Liberty Hill, to Unionville.

From Griffin to Zebulon.

From Griffin, by York, White Water, Glen Grove, Kidron, and Saluda, to Newman.

From Griffin, by Double Cabins, Towalliga, Jackson, Indian Spring, Cork, Seven Islands, to Monticello.

From Griffin, by Erin, Jones's Mills, Greenville, Mountville, Lagrange, Long Cane, and West Point, to Cusseta, Alabama.

From Gum Swamp to Irvinville.

From Halcyondale, by Mill Ray and Statesboro', to Reidsville.

From Halcyondale, by Black Creek, Buck Creek, Sylvania C. H., Jacksonborough, Mill Haven, Joy's Mills, and Alexander, to Waynesborough.

From Hawkinsville, by Copeland, Temperance, McRae's Store, Jacksonville, Clayville, Lumber City, Boxville, Perry's Mills, Beard's Creek, and Jones's Creek, to Darien.

From Hawkinsville, by Millwood, Vienna, Gum Creek, Slade, Warwick, and Hollidaysville, to Albany.

From Hawkinsville to Gum Swamp.

From Hawkinsville, by Lawson and Vineyard, to Irwinstville.

From Holmesville, by Stafford's Ferry and Surrency's, to Reidsville.

From Holmesville to Hall.

From Huntsville to Dallas.

From Jacksonville, by Feronia, to Ocmulgee-ville.

From Jasper to Cassville.

From Jefferson, by John Randolph's and Cain's, to Cumming.

From Jenk's Bridge, in Bullock county, by Davis's Mills, and Briar Patch, to Statesborough.

From Jonesborough to Fayetteville.

From Jones's Mills, by Rocky Mount, to Holly.

From Kingston to Rome.

From Knoxville, by Hopewell, to Russellville.

From Knoxville, by Hickory Grove, Hootensville, Carsonville, and Centre, to Talbotton.

From Knoxville, by Hammock's Grove, Cul-loden, and Wynansville, to Thomaston.

From Lagrange, by O'Neal's Mills, Cochran's Cross Roads, Hamilton, and Cataula, to Colum-bus.

From Lagrange, by Vernon, Antioch, Wehad-

kee, Alabama, Rock Mills, Roanoke, and High Pine, to Wedowee, Alabama.

From Lagrange, by Houston, to Franklin.

From Lanier to Oglethorpe.

From Lannahassee, by Böttsford, Pleasant Level, Flat Point, to Starkville.

From Lawrenceville, by Suwannee, Shentonville, and Cumming, to High Tower.

From Lawrenceville, by Chinkapin Grove, Auburn, Mulberry, and Marcus, to Jefferson.

From Lexington to Lexington Depot.

From Lexington, by Point Peter, Broad River, Elberton, Harmony, Coldwater, Montevideo, Evergreen, South Carolina, Rock Mills, Mountain Creek, to Anderson C. H.

From Lombardy, by Republican, Reedy Creek, Spread Oak, and Sylvan Grove, to Fenn's Bridge.

From Loudsville to Clarksville.

From Lowellville, by Rocky Mount, Holly, Gold Hill, and Hogansville, to Corinth.

From Lithonia, by Flat Rock, to White House.

From Lithonia to Rockbridge.

From Macon, by Reynoldsville, Fort Valley, Powersville, Reynold's Steam Factory, to Columbus.

From Macon, by Fort Valley, Marshallville, Winchester, and Montezuma, to Oglethorpe.

From Macon, by Colaparchee, Forsyth, Barnesville, Milner, Griffin, Bear Creek, Jonesboro', Rough and Ready, and East Point, to Atlanta.

From Macon, by Jeffersonville, Marion, and Twiggsville, to Taversville.

From Macon, by Colaparchee, Forsyth, Barnesville, and Milner, to Griffin.

From Madison, by Double Shoals, Salem, and Farmington, to Watkinsville.

From Madison, by Hearnsville and Shady Dale, to Monticello.

From Madison, by Glade's Cross Roads, Eatonton, Staffordville, Blountsville, and Clinton, to Macon.

From Magnolia to Blount's Ferry, Florida.

From Magnolia, by Coffee C. H., to Swan's Store.

From Magnolia, by Carter's Bridge and Alapaha, to Troupville.

From Marietta, by Roswell, Lebanon Farm House, Big Creek, Cumming, Coal Mountain, Crossville, and Aararia, to Dahlonega.

From Marietta, by Lost Mountain, to Dallas, in Paulding county.

From Marietta, by Noonday and Woodstock, to Canton.

From Marietta, by Powder Springs, to Salt Springs.

From Marion, by Cool Springs, to Lauren's Hill.

From Marshallville to Lanier C. H.

From Mayfield to Powelton.

From Mayfield, by Rock Mills, Shoals of Ogeechee, Curry's Mills, and Fenn's Bridge, to Davisboro'.

From Maysville, by Grove Level, Bushville, Nails Creek, Middle River, and Hollingsworth, to Allendale.

From Milledgeville, by Blountsville, Tranquilla, Hillsboro', Monticello, Palo Alto, Leaksville, and Starsville, to Covington.

From Milledgeville, by Talmadge, to Gordon.

From Milledgeville, by Clopton's Mills, to Eatonton.

From Milledgeville, by Dennis, to Eatonton.

From Milledgeville, by Black Springs, Altira, Sparta, and Powelton, to Double Wells.

From Midville, by Connochee, to Swainsborough.

From Millin to Waynesborough.

From Morganton to Murphey, North Carolina.

From McDonough, by Spring, to Sandy Ridge.

From Moseley's Store to Walton's Ford, on Tugalo River.

From Mount Yonah, by Mossy Creek and Polkville, to Poplar Spring, Hall county.

From Mount Vernon, by Little York, to Sugar Creek.

From Mount Vernon, by Sterling, to Reidsville.

From Morvin, by Shank Ferry, Hahird, Avat Randalls, to Orel.

From Monticello, by Gladesville, Graball, Cardville, and Poverty Hill, to Macon.

From Newnan, by Saluda and Kidron, to Fayetteville.

From Newnan, by Lodi, Rotherwood, and Bowersville, to Carrollton.

From Newnan, by Paris, Location, and Har-ralson, to Erin.

From Newnan, by Rio and Enon Grove, to Franklin.

From Newnan, by County Line, Cedar Branch, River Town, Cambleton, Salt Springs, and Powder Springs, to Marietta.

From Oglethorpe, by Americus, Starkville, Palmyra, Albany, Newton, Brainbridge, Quincy, and Salubritty, to Tallahassee, Florida.

From Oglethorpe, by Grangerville, Poindexter, Fragoletta, Tazewell, Buena Vista, Glenalta, and Halloca, to Columbus.

From Oglethorpe, by Hamburg, Pondtown, Buena Vista, Searsville, Richland, Lumpkin, Bladen Creek, and Georgetown, to Eufaula, Alabama.

From Oglethorpe, by Lanier, Howard, Upatire, and Steam-Factory, to Columbus.

From Oglethorpe, by Jallappa and Byrons-ville, to Vienna.

From Okapilko to Piscola.

From Palmetto, by County Line, Cedar Branch, Riverton, and Campbellton, to Palmetto.

From Pendam's Store, by Linder's Bluff, Burd-dishville, Rushville, and Esonville, to Holmesville.

From Perry to Henderson.

From Philadelphia to Savannah.

From Pleasant Hill, by Bellville, Bluff Springs, Waverly Hall, and Ellerslie, to Columbus.

From Raysville, by Leathersville, to Lincoln-ton.

From Pond Town, by Quebec, to Holly Grove.

From Pond Town, by Buena Vista, Glenalta, Halloca, and Quinfield, to Columbus.

From Resaca, by Sugar Valley, Villanova, Gordon Springs, Chestnut Flats, and Lafayette, to Frick's Gap.

From Ringgold, by Wood's Station, to Lafay-ette.

From Riceboro', by Walthourville, to Hines-ville.

From Rome, by Vann's Valley, to Cedartown.

From Rome, by Annuchee, Dirltown, Sum-merville, Trion Factory, Lafayette, Rock Spring, Snow Hill, and Roseville, to Kinggold.

From Rome, by Thomas's Mills, to Alabama, via the south side of Coosa river.

From Rome, by Vann's Valley, to Cave Spring.

From Sandersville, by Warthen's Store, to Long's Bridge.

From Savannah, by Gayton, Egypt, Halcyon-dale, Ogeechee, Scarborough, Millin, Midville, Holcomb, Spear's Turnout, Davisborough, Ten-nille, Oconee, Emmett, McDonald, Gordon, and Griswoldville, to Macon.

From Savannah to New York.

From Savannah, by Riceboro' and South New-port, to Darien.

From Savannah, by Darien, Brunswick, St. Mary's, Mayport Mills, Florida, Yellow Bluff, Jacksonville, Mandarin, Hibernia, Middleburgh, Picolata, to Pilatka, Florida.

From Social Circle, by Brick Store and New-born, to Ebenezer.

From Social Circle, by Monroe, Good Hope, High Shoals, and Watkinsville, to Athens.

From Spear's Turnout to Louisville.

From Spear's Turnout to Battle Ground.

From St. Mary, by Woodstock Mills, Florida, to Centre Village, Georgia.

From Stone Mountain, by Pinckneyville, to Warsaw.

From Stone Mountain, by Sweetwater, Yellow River, Lawrenceville, Cain's, and Hog Mountain, to Gainesville.

From Sparta to Tennille.

From Sparta to Mount Zion.

From Sugar Hill, by Cobbsville, to Jackson-ville.

From Swayne's Store to Waresboro'.

From Swainsboro', by Ohopee, to Reidsville.

From Talbotton, by Reabone, to Hootenville.

From Tennille to Rick's Mills.

From Tennille, by Irwin's Cross Roads and Buck Eye, to Dublin.

From Tennille to Sandersville.

From Thomasville, by Dekeb's Store and Glas-gow, to Monticello, Florida.

From Thomasville to Bainbridge.

From Thomasville, by Eastwood, to Miccosu-kee, Florida.

From Thomasville, by Boston, Grooverville, and Stanton, to Monticello, Florida.

From Thomasville, by Okapilco and Morven, to Troupville.

From Thompson, by Rightsboro', Raysville, Winfield, Applin, and White Oak, to Thompson.

From Toombsborough, by Milburn, Stephens-ville, and Cool Springs, to Lauren's Hill.

From Troupville, by Piscola and Cherry Lake, Florida, to Madison C. H.

From Troupville, by Griffin's Mills, Flat Creek, and Edenfield, to Erwinsville.

From Troupville, by Clayattsville, to Belleville, Florida.

From Union Point, by Public Square, to Philo-math.

From Union Point, by Woodville, Baidstown, and Maxey, to Athens.

From Vernon, by Antioch, Wehadkee, Ala-bama, Rock Mills, Roanoke, and High Pine, to Wedokee.

From Villa Rica, by Pleasant Vale, Etna, and Cedartown, to Cave Spring.

From Villa Rica to Van Wert.

From Villa Rica, by Burnt Stand, Tallapoosa, Oak Level, Alabama, and Rabbit Town, to Jack-sonville, Alabama.

From Villa Rica to Flint Hill.

From Villa Rica, by Pumpkin Vine and Dallas, to Powder Springs.

From Waresboro', by Ocean Wave, to Fredo-nia.

From Waresboro', by Kettle Creek, to Centre-ville.

From Waresboro', by St. Illa, Holmesville, Piney Head, Stafford's Ferry, and Watermelon, to Reidsville.

From Washington, by Danburg, Petersburg, Calhoun's Mills, South Carolina, and Lebanon, to Abbeville, South Carolina.

From Washington, by Mallorysville, Fish Dam, Indian Hill, to Elberton.

From Washington to Rehoboth.

From Washington to Centreville.

From White Sulphur Springs, by Warm Springs and Quito, to Bellevue.

From Winchester, by Minerva, to Horse Head.

From Young Cane, by Stock Hill, Tekenetely, and Carticay, to Talking Rock.

Florida.—From Adamsville, by Pineborough and Fort Butler, to Lake Griffin.

From Alligator, by White Springs, Jasper, Jennings, Belleville, Cherry Lake, Hamburg, Clifton, and Ancilla, to Monticello.

From Alligator, by Durham, to Olustee.

From Alligator, by Suwannee Shoals, to Blount's Ferry.

From Augusta to Homasassa.

From Appalachicola, by Chattahoochee, to Columbus, Georgia.

From Alapaha to Geneva, Alabama.

From Bainbridge, Georgia, by Chattahoochee, Marianna, Scourlock's Springs, Webbville, Camp-bellton, Geneva, Alabama, Gentsville, Florida, Milton, and Floridatown, to Pensacola.

From Bainbridge, Georgia, by Chattahoochee, Ochesea, West Winton, Rickoe's Bluff, Iola, and Fort Gadsden, to Appalachicola.

From Barbour's, by New River, Fort Harlee, and Fort Crane, to Micanopy.

From Enterprise to New Smyrna.

From Fanning, Levy county, Fort (Fanning,) by Cook's Hammock, Warrior, Fenhalloway, Eauperire, Madison county, and Rocky Ford, to Waukeena, Jefferson county.

From Gary's Ferry, by Fort Harlee, New-nansville, and Ellisville, to Alligator.

From Holmes's Valley to St. Andrew's Bay.

From Homosassa to Atsena Otie.

From Homosassa, by Crystal River, Long Pond, to Wacasassa.

From Jacksonville to Haddocks.

From Jacksonville, by Brandy Branch, Bar-bers, and Ocean Pond, to Alligator.

From Jasper, by Blount's Ferry and Rauler-son's Ferry, to Centre Village, Georgia.

From Key West, by Key Vaccas, to Miami.

From Key West, by Indian Key, to Charles-ton, South Carolina.

From Key West, by Manatee, Tampa, Cedar Keys, St. Marks, Appalachicola, and Pensacola, to New Orleans, Louisiana.

From Madison, by Charles's Mills, Charles's Ferry, New Boston, Troy, and Collins, to Clay Landing.

From Madison, by Hamburg and Clifton, to Groversville, Georgia.

From Marianna, Jackson county, to St. Andrew's Bay.

From Marianna, by Calhoun C. H., to Appalachicola.

From Marianna, by Orange Hill, Vernon, Holliness Valley, and Knox Hill, to Uchee Anna.

From Marianna to Ochese.

From Marianna to Abe Spring.

From Melendez to Augusta.

From Mellonville to New Smyrna.

From Mellonville to Gernigan.

From Micanopy to Gainesville, in Alachua county.

From Middleburgh to Newnansville.

From Milton, by Coon Hill, Nathansville, Alabama, and Fort Crawford, to Sparta, Alabama.

From Milton, by East River and Alaqua, to Uchee Anna.

From Monticello, by Grooversville, Georgia, to Thomasville.

From Newnansville to New River.

From Newnansville, by Fort Clark, Wacahootie, Micanopy, Flemington, and Newton, to Ocala.

From Newnansville, by Tustenawagga, Santa Fe, Fort Fanning, and Wacassassa, to Atsena Otie.

From Newnansville, by Fort Harlee, to Middleburgh.

From Newport, by Waukeenah, to Monticello.

From New Smyrna, by Indian River and Jupiter, to Miami.

From Ocala, by Long Swamp and Adamsville, to Abrahamtown.

From Oglethorpe, Georgia, by Cuthbert, Blakeley, and Woodville, Alabama, to Marianna, Florida.

From Orange Springs, by Micanopy, to Fort Crane.

From Pensacola, by Appalachicola, St. Mark's, and Atsena Otie, to Key West.

From Pensacola, by Blakeley, Alabama, to Mobile.

From Pensacola, by Escambia, to Belleville, Alabama.

From Pilatka, by Orange Springs, Orange Lake, Ocala, Camp Izard, Melendez, Augusta, and Fort Taylor, to Tampa.

From Pilatka, by Madisonboro', Newnansville, and Ellisville, to Alligator.

From Pilatka, by Webatka and Enterprise, to Mellonville.

From Pilatka, by Picolata, Middleburgh, Magnolia Mills, Mandarin, and Jacksonville, to Charleston, South Carolina.

From Quincy to Appalachicola.

From Quincy to Chattahoochee.

From Quincy to Secludo.

From Stillepica to Finhalloway.

From Spring Hill, Benton county, by Melendez and Cedar Tree, to Fort Dale.

From St. Augustine, by Smyrna, Indian River, San Lucia, Jupiter, Miami, Key Largo, Indian Key, Key West, Charlotte Harbor, Sarasota, Tampa, Cedar Keys, St. Mark's, Appalachicola, St. Joseph's, and St. Andrew's, to Pensacola.

From St. Augustine to Picolata.

From St. Augustine, by Jacksonville and Kirkland, to St. Mary's.

From St. Joseph's to Appalachicola.

From Tallahassee, by Hoses Beasley's, on the Tologee, to Ridleyville, on the Appalachicola river.

From Tallahassee, by Centerville, Mannington, and Duncansville, Georgia, to Thomasville, Georgia.

From Tallahassee, by Benhaden, Shell Point, Patuxet, and Sophchoppy, to Walker.

From Tallahassee, by Nickosukee and South-erland, to Monticello.

From Tallahassee, by Salubrity and Quincy, to Bainbridge, Georgia.

From Tallahassee, by Waukeenah, Monticello, Beasley, Stockton, Mosely Hall, Shil Crica, Madison C. H., Columbus, Mineral Springs, and Little River, to Alligator.

From Tallahassee to St. Mark's.

From Tallahassee to Newport.

From Tampa, by Ichepuckessassa and Jernigan, to Mellonville.

From Tampa to Manatee.

From Tampa, by Kennedy's Store and Summerlew's Store, to Fort Mellon.

From Tampa to Old Tampa Bay.

From Vernon to St. Andrew's Bay.

From Wacahootie, by Emathla, Camp Izard, Homasassa, Augusta, and Chocohatie, to Fort Dale.

From West Wynton, by Asper Grove, to Abes' Springs.

Alabama.—From Abbeville, by Clopton, to Barnes's Cross Roads.

From Andalusia to Milton, (Florida.)

From Ashville, by Mount Niles and Taylor, to Village Springs.

From Ashville, by Branchville, Cedar Grove, Bridgeton, Highland, and Woodsboro', to Montevallo.

From Ashville, by Broken Arrow, Cropwell, and Kelly's Creek, to Harpersville.

From Ashville, by Greensport and Polksville, to Alexandria.

From Athens, by White Sulphur Springs, Bridgeforth's, Gilbertsboro', Bethel, Tennessee, and Prospect, to Elkton.

From Aberfoil, by Edgefield and Farriorville, to Troy.

From Barryton, by Nicholson's Store and Macksville, Mississippi, to Quitman.

From Bellefonte to Rawlingsville.

From Bennettsville, by Atwood, Coxville, Fisher's Gap, Duck Spring, and Hendricksville, to Van Buren.

From Benton, by Pleasant Hill and Bragg's, to Mount Willing.

From Big Pond, by Mud Creek and Olinda, to Columbus, Mississippi.

From Blue Pond, by Leesburgh, King's Hill, Turkeytown, and Gadsden, to Ashville.

From Blue Pond, by Cedar Bluff, Gaylesville, Straight Neck, Missionary Station, Georgia, and Coosa, to Rome.

From Blountsville, by Murphree's Valley, Brooksville, Walnut Grove, and Crawford's Cove, to Bennettsville.

From Bolivar, by Birmingham, Crow Creek, to Winchester.

From Bolivar, by Valley Head, to Alpine, Georgia.

From Brickville, by Leighton, to La Grange.

From Buena Vista to Bell's Landing.

From Burnt Corn, by Turnbull, Buena Vista, and Newtown Academy, to Camden.

From Burnt Corn, by Belleville, Sparta, and Brooklyn, to Andalusia.

From Burnt Corn, by Monroeville, Claiborne, Gosport, Suggsville, and Jackson, to St. Stephens.

From Butler Springs, by Pine Apple and Allentown, to Camden.

From Cahaba, by Cambridge, Rehoboth, Prairie Bluff, and Canton, to Camden.

From Cahaba, by Portland, Moseley's Grove, Elm Bluff, Richmond, Carlowville, Snow Hill, and Monterey, to Butler Springs.

From Cahaba, by Orrville, Fulton, Liberty Hill, and Uniontown, to Macon.

From Camden, by Black's Buff, Bell's Landing, Claiborne, Mount Pleasant.

From Montpelier to Stockton.

From Camden, by Clifton, Hampden, Shiloh, Dixon's Mills, and Sweetwater, to Nanafalia.

From Carrollton to Bridgeville.

From Cedar Bluff, by Gaylesville, Ringgold, Cobb's Mills, Alpine, Teloga Springs, and Duck Creek, to Lafayette.

From Cedar Bluff, by Gaylesville, Cedar Springs, Chatogaville, Georgia, and Melville, to Summerville.

From Centre to Cave Spring, Georgia.

From Centreville to Carrollton, in Tishemingo county, Mississippi.

From Chambers, by Milltown and Louina, to Wedowee.

From Chambers, by Fredonia, to Vernon, Georgia.

From Chickasaw, by Eastport, Mississippi, and Yellow Creek, to Jacinto.

From Chickasaw to Buzzard's Roost.

From China Grove, by Mount Hilliard to Bruceville.

From Chulafinnee, by Blue Ridge and Flat Rock, to Bowden.

From Chunenuggee, by Fort Browder, Batts-ville, and Coikee, to Eufaula.

From Clayton to Troy.

From Clinton, by Hopewell, Warsaw, Cooks-ville, Mississippi, Mashulaville and Buck Horn, to Louisville.

From Coffeerville, by Bladen Springs, Old Washington, Pleasant Valley, St. Stephen's, New Wakefield, and Mount Vernon, to Citronelle.

From Columbus, Georgia, by Girard, Alabama, Crawford, and Society Hill, to Tuskegee.

From Columbus, Georgia, by Girard, Alabama, Lamington, Sandfort, Uchee, Hernando, and Enon, to Chunenuggee.

From Columbus, Georgia, by Peru, Alabama, Vilula, and Glennville, to Eufaula.

From Columbus, Georgia, by Girard, Alabama, Dover, and Salem, to Opelika.

From Columbus, Georgia, by Wococochee, Alabama, Mechanicsville, Berlin, and Osanippa, to West Point, Georgia.

From Courtland, by Mountain Home, Moulton Camp Spring, Kinlock, Thornhill, Eldridge, Dublin, Sheffield, New Lexington, North River, and Northport, to Tuscaloosa.

From Crawford, by Girard, to Columbus, Georgia.

From Cusseta, by Oak Bowery, Waverly, Fort Henderson, and Souchahatchie, to Notasgula.

From Dadeville, by Stowe's Ferry, Youngs-ville, Adam's Store, Soccopatoy, and Nixburgh, to Rockford.

From Dadeville to Goldville.

From Daleville, by Bridgeville, to Andalusia.

From Daleville, by Newton, Saw Mill, Cure-ton's Bridge, Abbeville, Hilliardsville, and Frank-lin, to Fort Gaines, Georgia.

From Decatur, by Ivy Bluff, Danville, Bas-ham's Gap, Houston, and Clear Creek Falls, to Jasper.

From Decatur, by Dry Creek, Courtland, and Leighton, to Tusculumbia.

From Decatur, by Moorsville, to Athens.

From Demopolis, by Spring Hill, Linden, Nanafalia, Pineville, and Morvin, to Coffeerville.

From Dudleyville, by Horse Shoe Bend, to Goldville.

From Elyton, by Fire Mill, Abner Woods, Raben's Cross Roads, and Sander's Ferry, to Jasper.

From Eufalia, to Shippensville, by Bush's Cross Roads, Golden Valley, and Blue Springs.

From Eufaula, by Otho, to Franklin.

From Eufaula, by King's, Lawrenceville, Abbe-ville, Mill Grove, Columbia, Open Pond, Mill-wood, Florida, and Greenwood, to Marianna.

From Eutaw, by Forkland, to Demopolis.

From Fayette, by Pilgrim's Rest, Newtonville, McConnell's, Hacleman's Cross Roads, and Pal-metto, to Reform.

From Fayette, by Big Pond and Yellow Creek, to Military Springs.

From Fayette, by Dublin and New River, to Holly Grove.

From Fayette, by Middleton's and Hawkins, to Moscow.

From Fayette, by Beaver, Dale, Ashbury, Mill-port, Providence, Yorkville, and Spring Grove, to Pickensville.

From Fayette C. H., by Big Pond, Mud Creek, and Olinda, to Columbus, Mississippi.

From Gainesville, by Sumpterville, to Living-ston.

From Geneva, by Cerro Gordo, Florida, Home Springs, and Ponce de Leon, to Uchee Anna.

From Girard to Oswechee, in Russell county.

From Glennville, by Jernigan, to Florence, Georgia.

From Gosport, by Suggsville, Grove Hill, Choctaw Corner, Clay-Hill, and Shiloh, to Lin-den.

From Goldville, by Youngsville and Lee's Ridge, to Delta, in Randolph county.

From Greensboro', by Macon, Demopolis, Bel-mont, and Bluffport, to Livingston.

From Greensboro', by Hollow Square, Eutaw, Clinton, Pleasant Ridge, Hope, and Pickensville, to Columbus, Mississippi.

From Greenville, by the Cross Roads, Guy Bashdich's Bridge, Goshen-Hill Precinct, and Fish Trap Bridge, on Conecuh, to Troy.

From Greenville, by Manningham, Barge's, and Allenton, to Camden.

From Greenville, by Friendship, Butlerville, Salsoda, Millville, New Providence, Hallsville, and Gainer's Store, to Troy.

From Tuscumbia, by the Court-House, to Detroit, in Marion county.

From Tuscumbia, by Russellville, Tollgate, Detroit, Splung, Mississippi, Athens, Aberdeen, and Barton, to Columbus.

From Tuscumbia, by Newport, to Chickasaw.

From Tuscumbia, by Buzzard's Roost, Cripple Deer, Mississippi, Cartersville, Jacinto, Rienzi, and Tripoli, to Ripley.

From Uniontown, by McKinley and Creagh's Mills, to Prairie Bluff.

From Van Buren, by Lebanon, Portersville, North Bend, Rawlinsville, Valley Head, Anna-walka, Rising Fawn, Georgia, Trenton, and Salula Farm, to Wapahatchee.

From Village Springs, by Violy, Chepultepec, Murphree's Valley, and Walnut Grove, to Aurora.

From Warsaw to Augusta.

From Wehadkee, by Weedowee, Rockdale, Winston, Eastville, Franklin, Georgia, and Newnan, to Griffin.

From Weedowee, by Lamar, Eastville, Laurel Hill, Georgia, Lodi, and Rutherford, to Newnan.

From Weedowee, by Roanoke, Wehadkee, Milltown, and Fredonia, to Chambers C. H.

From West Point, by Fredonia, Milltown, and Goldville, to Talladega.

From West Point, Georgia, by Fredonia, Alabama, Bethlehem, Mount Hickory, and Milltown, to Goldville.

From West Point, Georgia, to Chambers, Alabama.

From Wetumpka, by Crystal Springs, Chestnut Creek, Wascahatchee, Mullins, and Myra, to Columbiana.

From Wetumpka, by Hartwood, Maplesville, Randolph, Centreville, Scottsville, and Mars, to Trion.

From Wetumpka, by Lynchburg, Equality, Nixburgh, Soccopatoy, Bradford, Good Water, Brownsville, Pinkneyville, Goldville, Emuckfaw, Louina, Roanoke, Rock Mills, and State Line, Georgia, to Franklin.

From Wetumpka, by Chanahatchee, Wind Creek, Dadeville, and Dudleyville, to Chambers C. H.

From Wetumpka, by Wind Creek, Dadeville, Dudleyville, Chambers C. H., and Wickliffe, to West Point, Georgia.

From Whitesburgh, by Lacy's Springs, Mount Hill, Oleander, Summit, Blountsville, Little Warrior, Village Springs, Mount Pinson, Oregon, Elyton, Cove, and Woodsboro', to Montevallo.

From Woodville, by Kennemore's, to Zachary.

Mississippi.—From Aberdeen to Jacinto, via Fulton.

From Aberdeen, by Pikeville and Buena Vista, to Houston.

From Aberdeen, by Camargo, Harrisburg, and Ellistown, to Ripley.

From Aberdeen, by Houston, Greensboro', Kilmichael, Ceralvo, Shongalo, Franklin, and Benton, to Yazoo City.

From Aberdeen, by Athens, Quincy, Splung, Grubb Springs, and Hamilton, to Aberdeen.

From Augusta to Enon High School.

From Augusta, by Leaf river, McLeod's Cross Roads, and Jackson C. H., to Mobile, Alabama.

From Augusta, by Flint Creek, Pass Christian, and Mississippi City, to Biloxi.

From Beaver Dam to Macksville.

From Bellefontaine, by Grenada, to Farmville.

From Bellefontaine to Oxford, by Pittsborough.

From Benela, by Pittsborough and Hartford, to Sarepta.

From Benela, by Keas Bridge, Big Creek, and Jones's Mills, to Coffeeville.

From Benela to Pittsborough.

From Benton, by Lincoln, Brenville, and Sartaria, to Claibornville.

From Benton to Yazoo City.

From Biloxi, by Mississippi City, to Pass Christian.

From Biloxi, by Lynchburg and Jackson C. H., to Mobile, Alabama.

From Bolton's Depot to Raymond.

From Brandon, by Pilahatchee, Densontown, Ludlow, and Bullcutah, to Carthage.

From Brandon, by Westville, Janesville, and Dry Creek, to Williamsburg.

From Brandon, by Raleigh and Garlandville, to Quitman.

From Brandon, by Polkville, Trenton, Raleigh, Pineville, and Montrose, to Paulding.

From Brandon, by Greenbush, Hillsboro', County Line, Union, Herbert, Big Oak, De Kalb, Scoober, Gainesville, Alabama, and Mount Hebron, to Clinton.

From Brownsville, by Anti-Bank, Claibornville, and Bienville, to Sartaria.

From Bullcutah, by Pensacola, to Philadelphia.

From Burtonton, by Utica, to Edward's Depot.

From Carthage to Union.

From Canton, by Benton, Ebenezer, Lexington, Acona, Chicopee, Black Hawk, Coila, Carrollton, Beckville, Grenada, Oakachickama, Coffeeville, Water Valley, Spring Dale, Sevier, Oxford, Aber-ville, Waterford, Holly Springs, Hudsonville, and Lamar, to La Grange, Tennessee.

From Canton, by Carthage and Philadelphia, to De Kalb.

From Canton, by Carthage, Edinburg, Laurel Hill, Philadelphia, Summerville, (no office,) and Wahooak, to Gainesville, Alabama.

From Carrollton, by Hay's Creek, Lodi, Bellefontaine, Little Black, Fame, and Dalton, to Aberdeen.

From Carrollton, by Smith's Mills, Tuscahoma, Charleston, and Robinia, to Panola.

From Carrollton, by Leflore, to Greenwood.

From Carrollton, by Middletown, Shongalo, Gerenton, Ceralvo, Kilmichael, and Wolf Creek, to Greensboro'.

From Clinton to Brownsville.

From Citronelle, Alabama, by Winchester, Mississippi, Quitman, Marion, De Kalb, and Macon, to Columbus.

From Chulahoma, by Oak Hill and Castle Hill, to Memphis, Tennessee.

From Coffeeville, by Cuddyhunk, Hartford, Pittsboro', and Cherry Hill, to Houston.

From Coffeeville, by Oak Hill Academy and Oakland, to Charleston.

From Coffeeville, by Pine Valley, Banner, and Sarepta, to Pontotoc.

From Columbia, by Fordsville, Spring Cottage, Riceville, Pentuckey, Habolochitto, Gainesville, Pearlinton, and Shieldsboro', to Pass Christian.

From Columbia to Monticello.

From Columbia, by Wilkesburg and Santee, to Williamsburg.

From Columbia, by Pope's Mills, Red Creek, Lardner's to Mississippi City.

From Columbus, by Plymouth, Hickory Grove, Starkville, Double Spring, and Pigeon Roost, to Greensboro'.

From Columbus, by Prairie Hill (local) and Crawfordsville, to Choctaw Agency.

From Columbus, by Deer Brook, Macon, Parkville, Gholson, De Kalb, and Black Water, to Daleville.

From Columbus, by Waverley, West Point, Siloam, and Palo Alto, to Houston.

From Cotton Gin Port, by Boland's, Van Buren, Fulton, Cummingsville, Ozark, Marietta, Hickory Plains, and Burton's, to Jacinto.

From Danville, by Farmington and Monterey, Tennessee, to Hamburg.

From Daleville, by Marion and Winfield, to Quitman.

From Daleville, by Kemper's Springs, and Narkeeta, to Gainesville, Alabama.

From De Kalb, by Waholock and Brooklyn, to Macon.

From Deer Brook, by Brookville, to Choctaw Agency.

From Eastport, by Highland, Bay Springs, Cotton Ridge, Ryan's Well, Fulton, Ironwood Bluff, Smithville, and Cotton Gin Port, to Aberdeen.

From Eastport, by Pleasant Valley, Tennessee, to Waynesboro'.

From Fayette, by Stephen's Cross Roads and Lebanon, to Pisgah.

From French Camp, by Wilcox and New Prospect, to Louisville.

From Fulton, by Pleasonton, Yocany, Burleson, and Churubusco, to Russellville.

From Fulton, by West Fulton, Woodlawn, Richmond, Camargo, Barterville, Prairie Mount, and Dix Creek, to Houston.

From Fulton, by Cross Roads, Maxey's Mills, and Fulton, to Thompson's Store.

From Gainesville, by Carbon and Pass Christian, to Mississippi City.

From Gainesville to New Orleans, Louisiana.

From Gallatin, by Collamer, Brookhaven, and Smithdale, to Liberty.

From Gallatin, by Pine Bluff, Burtonton, and Utica, to Edward's Depot.

From Gallatin, by Pine Bluff, White Oak, Utica, Hall's Ferry, and Palmyra, to Warrenton.

From Gallatin, by Copiah Creek and Georgetown, to Westville.

From Gallatin, by Linden, Pine Bluff, and Burtonton, to Port Gibson.

From Gallatin, by Raysville, Monticello, Hope Hill, Holmesville, Palestine, Louisiana, and Franklinton, to Covington.

From Gholson, by Herbert, Battlefield, Evergreen, Lovett's, Chunkeyville, and Enterprise, to Quitman.

From Grand Gulf, by Port Gibson, Oakland College, Rodney, and Fayette, to Hamburg.

From Greensboro', by Bellefontaine, Hope-well, Benela, Erin, Houston, Houlika, and Red Land, to Pontotoc.

From Grenada, by Oakland, Panola and Hernando, to Memphis, Tennessee.

From Grenada, by Troy and Preston, to Charleston.

From Grenada, by Duck Hill, Albemarle, Stateland, and Lodi, to Greensboro'.

From Grenada, by Providence, Caverdale, Lindsay's Creek, Bellefontaine, and Little Black, to Fame.

From Grenada, by Leflore, Greenwood, and Yazoo City, to Vicksburg.

From Grenada, by Graysport and Saboughly, to Hopewell.

From Grubb Springs, by Hamilton, to Aberdeen.

From Hamburg, by Meadville, McCall's Creek, and Friendship, to Brookhaven.

From Herbert, by Fort Foot, Oktibbeha, Daleville, Lauderdale Springs, Zero, Alabama, Livingston, Bluff Port, and Forkland, to Greensboro'.

From Hernando, by Greenleaf and Hancock, to Chulahoma.

From Hillsboro', by Decatur, Evergreen, Sook-alina, Marion, Alamutcha, Gaston, Alabama, Black Bluff Ferry, (no office,) and Jefferson, to Linden.

From Holly Springs, by Pink Hill and Bethlehem, to Cornersville.

From Holly Springs, by Salem, Shelby's Creek, Ripley, Hatchy Turnpike, Tripoli, and Rienzi, to Jacinto.

From Holly Springs, by Tackalechee and Hickory Flat, to New Albany.

From Holly Springs, by Tallaloosa, Chulohoma, Tiro, Robertsville, Pleasant Mount, Sledgeville, Sardis, and Belmont, to Panola.

From Holly Springs, by Watson, Travis, and Cockrum, to Hernando.

From Holmesville, by Rocky Creek, Liberty, Wall's Store, Tolers, Centreville, Holly Retreat, Kellerton, and Newtonia, to Woodville.

From Holmesville, by Fordsville, to Mobile, Alabama.

From Holmesville, by China Grove, to Columbia.

From Hopahka, by Carthage, Pensacola, Hillsboro', Pulaski, and Homewood, to Raleigh.

From Hopewell to Yellow Bush.

From Houston, by Dalton's, Line Creek, Tampico, and Starkville, to Choctaw Agency.

From Houston, by Hohenlinden and Sparta, to Clear Springs.

From Jackson, by Newton, Spring ridge, Line Store, Gallatin, Hargraves, Union Church, Scotland, Malcolm, Hamburg, and Washington, to Natchez.

From Jackson to Brandon.

From Jackson, by Georgetown, Monticello, Columbia, Gainesville, Shieldsborough, Pass Christian, Mississippi City, Biloxi, and Ocean Springs, to Pascagoula.

From Jackson to Baton Rouge, Louisiana.

From Jackson, by Midway, Canton, Sharon, Camden, Thomaston, Kosciusko, Cowpens, Newtonsville, Louisville, Webster, and Choctaw Agency, to Columbus.

From Jackson, by Battle Springs, Meridian Springs, Livingston, Vernon, and Butler's Bluff, to Canton.

From Jackson, by Clinton, Bolton's Depot, Edward's Depot, and Bovina, to Vicksburg.

From Jackson C. H., by Elder's Ferry, to Pascagoula.

From Kosciusko, by Burkettville, Rocky Point, Wheeling, and Lockhart's Store, to Lexington.

From Kosciusko, by Greensboro' and Houghton, to Pontotoc.

From Kosciusko, by Edgefield, to Newtonville.

From Kosciusko, by Bluff Springs and Attala-ville, to Richland.

From Kosciusko, by Planters, French Camp, and Bankston, to Greensboro'.

From La Grange, Tennessee, by Moore's Cross Roads, Matamora, Bone Yard, Mississippi, Kosuth, Danville, Jacinto, Cartersville, Cripple Deer, Buzzard's Roost, Alabama, and Gatesville, to Tusculumbia.

From Lawrence, by Camargo, City Point, Harrisburg, Old Town Creek, Ellistown, Molin's, and Claysville, to Ripley.

From Leaksville, by Vernal, to Cross Roads.

From Lexington, by Bowlinggreen and Emory, to Shongalo.

From Lexington to Tchula.

From Lexington, by Franklin, to Richland.

From Louisville, by Pinnhook, Noxapater, Pearl Valley, and Philadelphia, to Union.

From Louisville, by Hayne's Mills, (no office,) to Crawfordville.

From Macon, by Prairie Point, to Pickensville, Alabama.

From Malcolm, by Cadeville, (no office,) to Meadville.

From Magnolia, by Milldale, to Vicksburg.

From Meadville to Hamburg.

From Memphis, Tennessee, by Olive Branch, Mississippi, Mount Isabel, Byhalia, and Red Banks, to Holly Springs.

From Mississippi City, by W. A. Ramsay's, to Jackson C. H.

From Monticello, by Benjamin Bester's and G. H. Sasser's, (no office,) to Smithdale.

From Monticello, by Providence, Nimrod, Georgetown, Sandifer's Mills, and Pearl River, to Newton.

From Napoleon, Arkansas, by Bolivar, Mississippi, to Glencoe.

From Natchez, by Palestine, Kingston, Knoxville, and Zion Hill, to Liberty.

From Natchez, to Church Hill.

From Natchez, by Cold Spring and Woodville, to Saint Francisville, Louisiana.

From New Albany, by Buncombe, Ellistown, Calhoun, Birmingham, Saltillo, Marysville, and West Fulton, to Fulton.

From New Albany, by Poplar Spring and Chesterville, to Harrisburg.

From New Orleans, Louisiana, to Gainesville, Mississippi.

From Oakland, by California, to McGee's Bridge.

From Oxford, by Mount Sylvan, Burlingham, and Springport, to Panola.

From Oxford to Paris.

From Oxford, by College Hill, Lapomba, Tiro, Flewellyn's Cross Roads, Cockrum, Georgia, and Pleasant Hill, to Memphis, Tennessee.

From Oxford, by Delay and Dallas, to Serepta.

From Oxford, by Caswell and Liberty Hill, to Lafayette Springs.

From Panola, by Halifax, Monthalia, Como, Tatesville, Hernando, and Eutaw, to Memphis, Tennessee.

From Panola, by Long Creek, McGee's Bridge, and Buck Hill, to Coffeeville.

From Paulding, by Danville, Beaver Dam, Winchester, Leaksville, and Wagoner's Rest, Alabama, to Mobile.

From Paulding to Raleigh.

From Paulding, by Claiborne, to Ellisville.

From Paulding, by Hough's Store, Enterprise, and Sageville, to Daleville.

From Princeton to Point Worthington.

From Pontotoc, by Cherry Creek, Tardyville, New Albany, Cotton Plant, Orizaba, and Ripley, to La Grange, Tennessee.

From Pontotoc, by Poplar Spring, Ellistown, Calhoun, Carrollville, and Cross Ridge, to Jacinto.

From Pontotoc, by Tallabinella, Prairie, Mount Okolona, and Lawrence, to Aberdeen.

From Pontotoc, by Toccopola and Lafayette Springs, to Oxford.

From Pontotoc, by Wrightsville, Rocky Ford, Cornersville, Milton, and Maple Springs, to Oxford.

From Pontotoc, by Berlin, Coonewar, Harrisburgh, Mooreville, and West Fulton, to Fulton.

From Plymouth, by Ash Creek, Cedar Bluff, Tampico, Line Creek, and Fame, to Benela.

From Raleigh, by Taylorsville, Pool's Mills, Ellisville, and Carlisle Mills, to Augusta.

From Raymond, by Auburn, Cayuga, Rocky Springs, and Willow Springs, to Grand Gulf.

From Richland, by Shiloh, Cypress, Denson's Store, and Stump Ridge, to Canton.

From Ripley to Moore's Cross Roads, Tennessee.

From Ripley, by Carter's Mills, Dry Run, Blackland, and Carolina, to Rienzi.

From Ripley, by Dumas, Carrollsville, Campbelltown, Saltillo, Mooreville, Richmond, City Point, and Bigby Fork, to Cotton Gin Port.

From Rossville, Tennessee, by North Mount Pleasant, Mississippi, and Marshall Turnpike, to Holly Springs.

From Salem, by Spring Hill, to Berlin, Tennessee.

From Salem, by Pleasant Ridge and McLean's Store, to Ruckersville.

From Spring Hill, by Salem, Swan's Mills, and Harrison's, to Hickory Flat.

From Starkville, by Whitefield, Dido, Snows-ville, White Hill, Bankston, Huntsville, and Poplar Creek, to Ceralvo.

From Steen's Creek, by Monterey, to Brandon.

From Tallula to Lake Providence, Louisiana.

From Tallula C. H. to Powellville, Issaquena county.

From Thomastown, by Hopahka, Carthage, Edinburgh, Laurel Hill, Philadelphia, Coffadella, and Pleasant Spring, to Gholson.

From Union Church to Pine Grove.

From Union, by Decatur and Garlandville, to Paulding.

From Vicksburg, by White House, Cardiff, and Sartatia, to Yazoo City.

From Vicksburg to Deer Creek.

From Vicksburg, by Young's Point, Louisiana, Milliken's Bend, Pecan Grove, Tallula, Missis- sippi, Lake Providence, La Prineton, Missis- sippi, Grand Lake, Arkansas, Point Worthing- ton, Mississippi, Greenville, Columbia, Arkan- sas, Gaines's Landing, and Victoria, Mississippi, to Napoleon, Arkansas.

From Vicksburg, by Hodgson's, Rolling Fork, Colonel Wick's, R. H. West's, McNutt's, Deer Creek, Pixton's, and Alder Grove, to Greenville.

From Vicksburg, by Warrenton, to Willow Springs.

From Vicksburg, by Warrenton, Grand Gulf, St. Joseph's, Louisiana, Rodney, Mississippi, Water Proof, Louisiana, Natchez, Mississippi, Fort Adams, Read River Landing, Louisiana, St. Francisville, Waterloo, Hermitage, Port Hud- son, Lobdell's Store, Baton Rouge, Brulee Land- ing, Manchac, Plaquemine, Iberville, Bayou Goula, New River, Donaldsonville, Tureaud, Convent, Bonnet Carre, Edgar, Taylor, and La- branche's Landing, to New Orleans.

From Waterford, by Pink Hill, to Milton.

From Westville, by Old Hickory, to Raleigh.

From Westville, by New Dublin, to Monticello.

From Williamsburg, by Zion Seminary, Mon- roe, and Enon, to Augusta.

From Williamsburg, by Bunker Hill and Fair- mount, to Raleigh.

From Williamsburg, Oakohay, and Pineville, to Ellisville.

From Williamsburg, by Mount Carmel and Monticello, to Brookhaven.

From Winchester, by Red Hill, to Taylorton.

From Woodville to Hopewell Church.

From Woodville, by Percy's Creek, to Fort Adams.

Louisiana.—From Albany to Shreveport.

From Alexandria, by Point Magre, Marks- ville, Mansura, Moreauville, and Simmsport, to Red River Landing.

From Alexandria, by Hinston, Walnut Hill, Liberty Creek, and Huddleston, to Burr's Ferry.

From Alexandria, by Sonet, Winfield, Saline Mills, Pine Ridge, Saline, Sparta, Mount Leba- non, and Athens, to Homer.

From Alexandria to Red River Landing.

From Alexandria, by Big Creek and White Sulphur Springs, to Harrisburg.

From Alexandria, by Cote, Cloutiersville, Isle Breville, and Natchitoches, to Grand Ecore.

From Alexandria to Sabinetown, Texas.

From Assumption, by Star and Thibodeaux, to Houma.

From Atchafalaya to Big Bend, in Avoyelles parish.

From Baton Rouge, by Plain's Store, Mount Willing, and Jackson, to Clinton.

From Baton Rouge, by Robert Huston's, in Livingston parish, Coelk, the French Settlements, and Bayou Barbary, to Springfield.

From Baton Rouge, by Coelk, to Springfield.

From Baton Rouge, by Burlington, Stony Point, and Dennis's Mills, to Greensburg.

From Bellevue, by Rocky Mount and Pine- ville, to Walnut Hill, Arkansas.

From Bellevue, by Deck's, Orchard Grove, Lanesville, Myrtle Dale, and Dorcheat, to Mag- nolia, Arkansas.

From Burr's Ferry to Huntsville, in Texas.

From Charington to Bayou Chine.

From Cheneyville, by Huddleston, to Burr's Ferry.

From Clinton, by Rose Hill, Mississippi, to Liberty.

From Clinton, by Woodland, Darlington, Greensburg, Sangapah, and Sibila, to Franklin- ton.

From Columbia, by Mount Pleasant, Castor, Brookline, Vernon, Dugdemonia, and Quay, to Homer.

From Columbia, by Redmouth, Ion, and Jones's Ferry, to Point Jefferson.

From Columbia to Harrisonburg.

From Columbia, by Winfield, to Grand Ecore.

From Covington, by Sun and Shady Grove, to Fordsville.

From Covington, by Parkersville, Lima, and Pearl River Landing, to Gainesville, Mississippi.

From Deerfield to Ion.

From Deerfield, by Pugh's, Dallas, and Que- bec, to Richmond.

From Donaldsonville, by Crane's Forge, Pain- courtville Church, Assumption, Pattersonville, Centreville, Franklin, Jeanerett's, New Iberia, Saint Martinsville, Breux Bridge, Vermillion- ville, Grand Coteau, and Opelousas, to Washing- ton.

From Farmersville, by Shiloh, Lisbon, and Forest Grove, to Homer.

From Farmersville, by Downsville, to Forks- ville.

From Grand Coteau, by Arnanville, to Breaux Bridge.

From Grand Ecore, by St. Maurice, Cedar Creek, Saline Mills, Leslie's, Wyatt's, and Har- ris, to Monroe.

From Grand Ecore, along the bank of Red River, to Shreveport.

From Grand Ecore, by Adair's, Fort Jesup, and Manny, to Sabinetown, Texas.

From Greensburg, by St. Helena, Springfield, and Pine Grove, to Madisonville.

From Grand Ecore, by Belmont, Pleasant Hill, Bayou Pierre, Mansfield, and Black Jack, to Shreveport.

From Greenwood, by Cook's Store, Mooring's Ferry, and Monterey, Texas, to Boston.

From Greenwood, by Bethany, Texas, to Pu- laski.

From Harrisonburg, by Ford's Creek, Aim- well, Fanny Louis, Bertrand Prairie, Tancock Prairie, and St. Maurice, to Grand Ecore.

From Harrisonburg to Kirk's Ferry.

From Harrisonburg, by Trinity, to Natchez, Mississippi.

From Harrisonburg to Natchitoches.

From Harrisonburg, by Rosefield, Copenha- gen, Columbia, and Caldwell, to Monroe.

From Harrisonburg to Winnsboro'.

From Holmesville, by Baton Rouge and Man- sura, to Marksville.

From Houma, by Tigerville, Alligator, and Bayou Rammis, to Pattersonville.

From Keatchie, by Blossom Hill, to Greenwood.

From Keatchie, by Pleasant Grove and Long Street, to Frank's Settlement.

From Lake Charles, in the parish of Calcasieu, by water, to mouth of Calcasieu River, to Sabine Pass, in Texas.

From Manny to Milan, via Pendleton.

From Manny, by Mill Creek and Toro, to Burr's Ferry.

From Manny, by P. H. Montgomery's to P. H. Dillon's.

From Mansfield, by Pleasant Grove, to Pulas-ki, Texas.

From Mansfield to Keatchie.

From Mansfield to Logansport.

From Mansfield, by Grand Cane, Keatchie, and Blossom Hill, to Greenwood.

From Mansfield, by Durham's and General Williamson's, to Shreveport.

From Mill Creek, by Anacoca, to Bear Bone.

From Minden, by Buckhorn, Boon's Landing, Ringgold, Iverson, Coushattie Chute, and Campiti, to Grand Ecure.

From Minden, by Bistenhau, Bossier's Point, and Fillmore, to Bellevue.

From Minden, by Allen's Settlement, Flat Lick, Dorcheat, and Pine Flat, to Walnut Hill, Arkansas.

From Minden, by Fairview, to Bellevue.

From Monroe, by Trenton, Forksville, Grove Hill, Vienna, and Quay, to Arcadia.

From Monroe, by Ouachita City, Lindville, Spring Hill, and Marion, to Farmersville.

From Monroe, by Redmouth, Winnsboro', Butler, and Mount Bayou, to St. Joseph's.

From Monroe, by Spring Place, Bastrop, and Plantersville, to Hawkins's Landing, Arkansas.

From Monticello, by Point Jefferson and Prairie Mer Rouge, to Bastrop.

From Natchitoches to Shelbyville, Texas.

From Natchitoches, by Manny and Mansfield, to Shreveport.

From New Iberia, by Pare Perdue and Abbeville, to Perry's Bridge.

From New Orleans, by Red River Landing, Alexandria, and Grand Ecure, to Shreveport.

From New Orleans to Carrollton.

From New Orleans to Bura's Settlement, in Plaquemine Parish.

From New Orleans, by Fort Pike, Shieldsboro', Pass Christian, Mississippi City, Biloxi, Lynchburg Springs, and Pascagoula, to Mobile, Alabama.

From New Orleans, by Mandeville and Madisonville, to Covington.

From New Orleans to Terre au Boeuf.

From New Orleans, by English Turn, to Point a la Hache.

From New Orleans, by Sebastian Brulard's to Estee Deelese's.

From New Orleans to Lafayette City.

From New Orleans, by Fleitas's and Wilkeson's, to Francis Moreau's.

From New River to Live Oak.

From Opelousas, by Midway, Plaquemine, Brulee, Lake Charles, and Bear Bone, to Ballew's Ferry.

From Pecan Grove, by Monticello and Point Jefferson, to Munroe.

From Perry's Bridge to Corse's Mill.

From Pine Ridge, in Wynn Parish, by Gray's Store, to Mount Lebanon.

From Plaquemine, by Gros Tete and Livonia, to Point Coupee.

From Point Coupee to Fausse River.

From Red River Landing to Fort Adams, Mississippi.

From Red River Landing, by Simmsport, Cheneyville, Hineston, Hinesville, Anacoca, and Anacoca Ferry, to Burr's Ferry.

From Red River Landing, by Union Point, Fairview, Vidalia, Rifle Point, and Water Proof, to St. Joseph's.

From Red River Landing, by Cheneyville, Hineston, Huddleston, and Burr's Ferry, to Huntsville, Texas.

From Red River Landing to Greenwood, via Lewisport, Cheneyville, Alexandria, Natchitoches, and Mansfield, to Greenwood.

From Red River Landing to Burr's Ferry.

From Red River Landing to Huntsville, Texas, intersecting Great Western Mail.

From Richmond, by Bayou and Macon, to Warsaw.

From Richmond, by Young's Point to Vicksburg, Mississippi.

From Richmond, by New Carthage and Ashwood, to Grand Gulf, Mississippi.

From Shreveport, by Spring Ridge, Parker's Store, Logansport, and Shelbyville, Texas, to Nacogdoches.

From Shreveport to Washington, Arkansas.

From Shreveport to Henderson, Texas.

From Sparta, by Salt Spring, to Iverson.

From St. Francisville to Point Coupee.

From Stony Point, by William Allen's, in Livingston Parish, Duncan Blue's, and Edward Stamp's, to Springfield.

From Thibodeaux to Lockport.

From Trenton, by Pine Hills and Indian Village, to Vernon.

From Trinity, by Little Prairie, Parham's Landing, Monterey Landing, and Flowery Mound, to Tooley's.

From Vernon to Vienna.

From Vienna, by Callaway's, D'arbhone, and Corner Bluff, to El Dorado, Arkansas.

From Water Proof to Kirk's Ferry.

From Washington to Huddleston's, via Hamburg and Cole's Settlement.

From Warsaw, by Pullaway, Deerfield, Monticello, and Joe's Bayou, to Lake Providence.

From Warsaw, by Hurricane, Minnsboro', Oakley, Sicily Island, and Boeuf Prairie, to Harrisonburg.

Texas.—From Alton, by Mud Spring, to Birdville.

From Alton to Gainesville.

From Alto Springs, by Marlin, to Belton.

From Anahuac, by Sour Lake, to Woodville.

From Anderson, to Mitchell's, via Sulphur Springs and Plaster's.

From Anderson, by White Sulphur Springs, Chaney's, McMahon's, Roger's Furnace, Birch Creek, Stewart's, and Henson's, to Springfield.

From Anderson to Boonville.

From Aransas to Refugio, via Lamar and Copano.

From Anderson, by Bedi, Elwood, Mitchell's, Leona, and Hall's Bluff, to Crockett.

From Athens, by Bethel, Troy, Kechil, and Centreville, to Leona.

From Austin to San Elizario.

From Austin, by Bluff Spring, Lockhart, Plum Creek, Gonzales, China Grove, Mount Petrea, Concrete, and Cuero, to Victoria.

From Austin, by San Marco, Bonite, New Braumfels, Valley, and Ciboli, to San Antonio.

From Austin, by Gilleland Creek, Blue Hill, San Gabriel, San Anders, to Cameron.

From Austin, by Merrittown, Bushy Creek, Georgetown, Selado, Belton, and Howard, to Waco Village.

From Austin, by Young's Settlement, Lexington, and Prospect, to Caldwell.

From Austin, by Georgetown, Belton, Waco Village, Springfield, Fairfield, and Palestine, to Rusk.

From Bastrop, by Cedar Creek, Lockart, and Prairie Lea, to Seguin.

From Beaumont to Liberty.

From Beaumont, by Ward's and Caney Head, to Town Bluff.

From Beaumont, by Weiss Bluff and Madison, to Ballew's Ferry, Louisiana.

From Big Creek, by Oyster Creek, to Liverpool.

From Bonham, by Pilot Grove, Highland, McKinney, Spring Creek, Cedar Springs, and Plano, to Dallas.

From Bonham, by Warren, Sherman, Indian Grove, Roseland, Little Elm, Alton, and Farmer's Branch, to Dallas.

From Boston, by Forrest Home and Linden, to Jefferson.

From Brenham, by Long Point, John Dodd's, Doctor Holliday's, Lexington, and A. Lawrence's, to Georgetown.

From Brenham, by Long Point and Cameron, to Caldwell.

From Brenham, by Oak Grove, Stony Point, Alexander, and Young's Prairie, to Austin.

From Brownsville, by Point Isabel, to Brazos Santiago.

From Brownsville, by Edinburg, Rio Grande City, and Rome, to Laredo.

From Buena Vista, by Caledonia, to Mount Enterprise.

From Buffalo to Leona, by Bethel, Troy, and Centreville.

From Buffalo, by Waxahatchie, to Birdville.

From Bunkerhill, by Jamestown, to Gum Spring.

From Burnet Court-House to Austin.

From Caldwell to Cameron, Cameron county.

From Cameron to Belton.

From Cameron to Waxahatchie, via Waco.

From Centreville, by Hall's Bluff, to Crockett.

From Centreville, by Cotton Gin, to Corsicana.

From Clarksville to Jefferson.

From Clarksville, by Maple Springs, Sulphur Bluff, and Pleasant Hill, to Tarrant.

From Clarksville, by Blossom Prairie, Paris, Honey Grove, and Lick, to Bonham.

From Clarksville, by Savannah, De Kalb, Boston, Moore's, and Rondo, Arkansas, to Fulton.

From Clarksville, by Mount Pleasant, Gilmer, Henderson, Rusk, Crockett, Cincinnati, Huntsville, Montgomery, and Houston, to Galveston.

From Clarksville, by Wood and Van Zant, to Athens.

From Clarksville, by Mouth of Mile Creek and Rocky Comfort, Arkansas, to Parachita.

From Clarksville, by Monterey, Pine Bluff, and Kiomatia, to Doaksville, Arkansas.

From Coffeerville to Hopewell.

From Columbus, by Gonzales, to San Antonio.

From Coffeerville to Marshall.

From Columbus, by Frelsburg, Industry, and Shelby, to Round Top.

From Copano to Refugio.

From Corpus Christi to Laredo.

From Corpus Christi to Brownsville.

From Corpus Christi to Rio Grande City.

From Crockett, by Navarro, to Keechil.

From Crockett, by Colita, to Livingston.

From Crockett, by San Pedro, Ionia, and Elkheart, to Palestine.

From Dallas to Birdville.

From Corpus Christi, by Lamar, Copano, Arkansas Pass, to Passo Cavallo.

From Dallas, by Pleasant Run, Red Oak, Waxahatchie, Chamber's Creek, White Rock, and Bould Springs, to Waco Village.

From Dallas to Johnson's Station.

From Daingerfield, by Unionville, to Boston.

From Daingerfield, by Mount Pleasant and Union Bridge, to Clarksville.

From Frontera to San Francisco, California.

From Gainesville to Corunna, via Alton and Waxahatchie.

From Galveston, by Saluria and Indianola, to Port Lavaca.

From Galveston, by Anahuac, John's Liberty, Grand Cane, and Smithfield, to Swartwout.

From Galveston, by San Luis and Quintanna, to Matagorda.

From Galveston to New Orleans, Louisiana.

From Galveston to Sabine City.

From Galveston, by Galveston Bay and Black Hill, to Liberty.

From Galveston, by Lynchburg and Harrisburg, to Houston.

From Galveston, by Seven Oaks, Liverpool, Columbia, Hinds, Brazoria, Cedar Lake, and Caney, to Matagorda.

From Gainesville, by Alton and Waxahatchie, to Corunna.

From Georgetown, by Gabriel Knob, to Hamilton, Burnett county.

From Gilmer, by Quitman, to Kaufman.

From Gilmer, by Red Rock, to Gum Springs.

From Gilmer, by Hopewell, to Mount Pleasant.

From Gilmer, by Holly Springs, Quitman, Retina, Davis's Mills, and Shiloh, to Greenville.

From Goliad, by Meyersville, Clinton, Cuero, and Mustang, to Hallettsville.

From Goliad to Cibola Springs.

From Gonzales, by China Grove, Sweet Home, Petersburg, Columbus, and San Bernard, to Richmond.

From Gonzales, by Live Oak, to Goliad.

From Greenwood, Louisiana, by Bethany, Elysian Fields, Texas, Kimlock, Grand Bluff, Carthage, Reed's Settlement, Fair Play, Pine Hills, and Murvall, to Mount Enterprise.

From Greenville, by McKnight's, Modern Times, Coleman's Mills, and McKinney, to Dalton's.

From Gum Spring, by Mount Carmel, Garden Valley, and Canton, to Kaufman.

From Henderson to Gum Springs, via Bunker Hill and Jamestown.

From Henderson, by Bellevue, New Danville, and Point Pleasant, to Gilmer.

From Henderson, by Sugar Hill, to Grand Bluff.

From Henderson, by San Cosme, Anadaco, New Salem, Rusk, Box Creek, Roundville, and San Pedro, to Crockett.

From Hilliard's, by Carthage, to Grand Bluffs.

From Houston, by Jones's Big Creek, Solitude, Bingham's, and Liverpool, to Galveston.
 From Houston to Oyster Creek.
 From Houston, by Hodge's Bend and Richmond, to Wharton.
 From Houston, by Cypress Top, to Anderson.
 From Houston, by Clear Lake and J. Little's, to Hodges.
 From Houston, by Houseville, Rock Island, Washington, Independence, Brenham, Vine Grove, Round Top, Ruttersville, Lagrange, Plum Grove, Cunningham, Alum Creek, Bastrop, Webberville, and Cases, to Austin.
 From Houston, by San Felipe, New Ulm, Industry, and Fayetteville, to Lagrange.
 From Houston, by Rose Hill and Montgomery, to Huntsville.
 From Huntsville to Red River Landing, Louisiana.
 From Huntsville, by Home, Sumpter, and Lake, to Marion.
 From Huntsville, by Prairie Plains and Anderson, to Washington.
 From Huntsville to Mitchell's.
 From Huntsville, by Cold Spring, Swartwout, Livingston, Greenville, Woodville, Zavalla, Jasper, and Burkeville, to Burr's Ferry, Louisiana.
 From Huntsville to Centerville, via Mitchell's and Leona.
 From Huntsville, by Trinity county seat, to Marion.
 From Indianola, by Saluria and Port Cavallo, to Matagorda.
 From Indianola, by McGrew's, to Victoria.
 From Independence, by Caldwell, Chance Prairie, Nashville, and Port Sullivan, to Cameron.
 From Jasper, by Burkeville, to Burr's Ferry, Louisiana.
 From Jasper, by Zavalla, Mount Jordan, Bendy's Landing, Billum's Creek, Mount Hope, Moscow, and Livingston, to Swartwout.
 From Jefferson, by Union Springs, Marshall, Concord, Powellton, and Greenwood, Louisiana, to Shreveport.
 From Jefferson to Fulton, Arkansas, by Smithland and Point Monterey.
 From Jefferson, by Galatea, Port Caddo, Cook's Store, and Jonesville, to Powellton.
 From Jefferson, by Floyd's Ferry, on Red River, to Fulton, Arkansas.
 From Jefferson, by Hickory Hill, to Daingerfield.
 From Jefferson, by Coffeeville, to Gilmer.
 From Jefferson, by Smithland, to Point Monterey.
 From Kaufman, by Kemp and Buffalo, to Taos.
 From Kaufman, by Trinity River, to Waxahatchie.
 From Lagrange, by Lyons, Oakland, Hallettsville, Petersburg, and Rocky Mills, to Victoria.
 From Lagrange, by Columbus, Eagle Lake, Egypt, Wharton, Preston, and Caney, to Matagorda.
 From Laredo to Eagle Pass.
 From Leona, by Centerville, to Springfield.
 From Liberty, by Woodville, to Nacogdoches.
 From Liberty to Beaumont.
 From Livingston, by Woodville, to Town Bluff.
 From Lynchburg to Smithfield.
 From Lynchburg, by Tarkinton's Prairie, Livingston, and Harrington, to San Augustine.
 From Lynchburg, by Cedar Bayou and West Liberty, to Liberty.
 From Madison, by Cotland, Newton, and Salem, to Burkeville.
 From Manchester, by Waco, to Cameron.
 From Marshall, by Ash Spring, Friendship, Earpville, and Pine Tree, to Gilmer.
 From Marshall to Port Caddo.
 From Marshall, by Union Springs, to Jefferson.
 From Marshall, by Ash Spring, Earville, Pine Tree, Point Pleasant, and Gum Spring to Tyler.
 From Marshall, by Henderson, Tyler, Canton, Cedar Grove, Millwood, and McKinney, to Sherman.
 From Marshall, by Glade Springs, Elysian Fields, Keatchie, Louisiana, and Grand Cane, to Mansfield.
 From Matagorda, by Brazoria and Cedar Lake, to Sugar Land.
 From McKinney, by Alton, to Birdsville.

From McKinney to Sherman.
 From Milan, by Pendleton, Manny, Louisiana, and Port Jesup, to Grand Ecore.
 From Mount Carmel, by Starnes's House, to Gilmer.
 From Mount Pleasant, by Jordan's Mills, to Palestine.
 From Mount Pleasant, by Gray Rock, Lone Star, White Oak, Tarrant, Black Jack Grove, Timber Creek, Greenville, Bean Creek, Millwood, and Black Hill, to Dallas.
 From Nacogdoches to Shelbyville, via Crane's.
 From Nacogdoches, by Mount Enterprise, Henderson, Millville, Walling's Ferry, and Ashville, to Marshall.
 From Nacogdoches, by Linn Flat, to Mount Enterprise.
 From Nacogdoches to Weiss Bluff.
 From Nacogdoches, by Anadaro and New Salem, to Tyler.
 From Nacogdoches, by Douglass, Linwood, Alto, Crockett, and Cincinnati, to Huntsville.
 From Nacogdoches, by Marion and Herrington, to Woodville.
 From Nashville, by Wheelock, to Leona.
 From New Braumfels, by Seguin and Belmont, to Gonzales.
 From New Braumfels, by Sisterdale, to Fredericksburg.
 From New Orleans, Louisiana, to Sabine City, Texas.
 From New Orleans, Louisiana, to Brazos Santiago, Texas.
 From New Orleans, Louisiana, by Galveston, Texas, Saluria, Port Cavallo, and Lasalle, to Indianola.
 From Palestine to Magnolia.
 From Palestine, by Kaufman, to Millwood, thence through Searcy's Settlements, to Bonham.
 From Paris, by Shockey's, to Pine Bluff.
 From Paris, by Lake Creek, to Tarrant.
 From Paris, by Prairie Mount, Ben Franklin, and North Sulphur, to Greenville.
 From Port Lavaca, by Woodport, to Texana.
 From Quitman, by Kaufman, to Dallas.
 From Red River Landing, Louisiana, to Huntsville, Texas.
 From Rock Island, by Chapel Hill, to Brenham.
 From Rock Island, by Washington, Independence, Brenham, Vine Grove, Round Top, Ruttersville, La Grange, Plum Grove, Cunningham, Alum Creek, Bastrop, Webberville, and Cases, to Austin.
 From Rock Island, by Retreat and Gainesville, to Anderson.
 From Rock Island, by Tippet's, Wade's, and Gaston's, to Hodges.
 From Round Top, by Long Point and Gay Hill, to Independence.
 From Rusk, by Pinetown, Marlow's Hill, Palestine, Beaver, Alfred, Athens, Kemp, Warsaw Prairie, and Prairie Creek, to Dallas.
 From Rusk, by Sulphur Springs, to Douglass.
 From Rusk, by Jacksonville, to Larissa.
 From Rusk to Winwood.
 From Sabine City, by Beaumont, Weiss Bluff, Erin, Town Bluff, and Magnolia Springs, to Jasper.
 From Sabinetown, by Fairmont and Toledo, to Burkeville.
 From Sabinetown, by Milan, San Augustine, Cherimo, and Melrose, to Nacogdoches.
 From Sabinetown, by Bear Creek, to Jasper.
 From Sabinetown, by Hamilton, to Shelbyville.
 From San Antonio, by Castroville, Fort Inge, and Leona, to Eagle Pass.
 From San Antonio to Copano, via Goliad and Refugio.
 From San Antonio, by Goliad, to Lamar.
 From San Antonio to Laredo.
 From San Antonio, by Poast Oak, Southerland Springs, Yorktown, Colletto, Sulphur Springs, Pierpont Place, Victoria, and Port Lavaca, to Indianola.
 From San Antonio to Fredericksburg.
 From San Antonio, by Valley, to Seguin.
 From San Antonio to Castroville.
 From San Antonio, by Eagle Pass, Presidio del Norte, and El Paso, to Dona Ana.
 From San Augustine, by Port Windham, to Woodville.
 From San Augustine to Marion.
 From San Augustine, by Shelbyville, White

Cottage, Hilliard's, Pulaski, Kinlock, and Glade Springs, to Marshall.
 From San Jacinto to Smithfield.
 From Saluria, by Lamar, Copano, and Aransas, to Corpus Christi.
 From Shelbyville, by Ashton's and McMillan's, to Pulaski.
 From Shelbyville to Henderson.
 From Shelbyville, by White Cottage, Buena Vista, Henderson, Bunker Hill, Summer Grove, and Clopton, to Tyler.
 From Shelbyville, by Myrick's Ferry, to Grand Ecore, Louisiana.
 From Sherman, by Bason Springs, to Gainesville.
 From Sherman, by Woodboro', to Fort Washita, Grayson county.
 From Shreveport, Louisiana, to Austin, Texas.
 From Springfield, by Tewockony Springs, Spring Hill, and Dresnen, to Chamber's Creek.
 From Springfield to Marlin, via Alto Springs.
 From Springfield, by Cotton Gin, Fairfield, Avant, Troy, Bethel, and Tennessee Colony, to Palestine.
 From Swartwout, by Cold Spring, to Huntsville.
 From Taos, by Musket, Corsicana, and Richland Crossing, to Tewockony Springs.
 From Taos, by Waxahatchie, Cedar Hill, and Johnson's Station, to Birdville.
 From Tarrant, by Hooker, Cedar Grove, College Mound, and Kaufman, to Taos.
 From Texana, by Wharton and Calder's, to Columbia.
 From Texana, by Morales de Lavaca and Bearden, to Petersburg.
 From Town Bluff, by Magnolia Springs, Cortland, Belgrade, Calcasieu Parish, and Dempsey's Isles, in Louisiana to Cheneyville.
 From Tyler, by Mount Carmel, Belzora, Sand Spring, Quitman, and Big Dollar, to Tarrant.
 From Tyler, by Hamburg and Brownsboro', to Athens.
 From Tyler to Mount Vernon, via Quitman.
 From Tyler, by Seven Leagues, Larissa, Kickapoo, and Plenitude, to Palestine.
 From Tyler, by Flora, Jordan's, Saline, Barren Ridge, and Four Mile Prairie, to Kemp.
 From Victoria, by Fanning's Defeat, Goliad, Refugio, and San Patricio, to Corpus Christi.
 From Victoria, by Texana and Wharton, to Richmond.
 From Victoria, by Anagua, to Lamar.
 From Waco Village, by Dresden, to Corsicana.
 From Waco Village, by Deer Creek, to Cameron.
 From Walling's Ferry, by Cotton Plant and Fredonia, to Henderson.
 From Washington, by Grimesville, Shannon, Montgomery, and Danville, to Cold Spring.
 From Washington, by Chapel Hill, Travis, Belleville, Swearingen, San Felipe, Richmond, Big Creek, Columbia, Hind's, Brazoria, and Gulf Prairie, to Quintanna.
 From Washington, by Millican, Boonville, Wheelock, and Alta Springs, to Springfield.
 From Wheelock, by Prosperity and Marlin, to Waco Village.
 From Woodville to Town Bluff.
 From Woodville, by Providence Hill, to Beaumont.

Arkansas.—From Amity to Hot Springs.
 From Antoine, by Brooktown, Murfreesboro', John Russ's, and Fannington, to Paraciffa.
 From Antoine, by Stewart's Store and Captain Tate's, on Little Missouri river, to Camden.
 From Aberdeen, by Clarendon, Watensaw, Lake Bluff, Duval's Bluff, Des Arc, Augusta, Grand Glaze, Elizabeth, Jacksonport, and Oil Trough, to Batesville.
 From Aberdeen, by Mound City, to Memphis, Tennessee.
 From Arkadelphia, by Alpine, Amity, Centreville, and Caddo Grove, to Mount Ida.
 From Arkadelphia, by Terre Noir, to Rome.
 From Arkansas Post, by La Grew's Springs and Molino del Rey, to Crockett's Bluff.
 From Athens, to Springfield, Missouri.
 From Bartholomew, by Holly Point, to Hawkins's Landing.
 From Batesville, by Graham, Wallace Creek, Little Rocky Bayou, Richwoods, Sylamon Creek, and Locust Grove, to Wiley's Cove.

- From Batesville, by Rocky Bayou and Mount Olive, to North Fork.
- From Batesville, by Poke Bayou, Wild Haws, and Franklin, to Pilot Hill.
- From Batesville, by Curia, Barry, and Smithville, to Jackson.
- From Batesville, by Walnut Grove and Hazel Grove, to Smithville.
- From Benton, by Owensville, Whittington, Akin's Store, and Harold, to Mount Ida.
- From Benton, by Brown's to Lost Creek.
- From Benton, by Bland's and Brazil, to Perryville.
- From Bentonville, by J. M. Hoge's, to Fayetteville.
- From Bentonville, by Spavina, to Maysville.
- From Boonville to Fort Smith.
- From Brownsville to Des Arc, via Pigeon Roost.
- From Brownsville, by Richwoods, Clear Lake, and Bocage's Mill, to Pine Bluff.
- From Camden, by Hampton, Warren, and Monticello, to Gaines's Landing.
- From Camden, by Woodlawn, Lamartine, Leak's Store, and Bear Creek, to Louisville.
- From Camden, by Buena Vista, Seminary, Lladestale, Taylor, Calhoun, Millville, and Haynesville, Louisiana, to Homer.
- From Camden, by Liberty, Caney, Mount Moriah, and Clark's Mills, to Washington.
- From Camden to Arkadelphia.
- From Camden, by Buena Vista, The Seminary, and Sand Hill, to Washington.
- From Camden to Beech Creek, in Clark county.
- From Carrollton, by Dubuque, to Rock Bridge, Missouri.
- From Carrollton, by Osage, King's River, Marble, Huntsville, and Fitzworth, to Fayetteville.
- From Carrollton, by Worth, to Rock Bridge, Missouri.
- From Carrollton, by Perryville, to Washbourn's Prairie, Missouri.
- From Carrollton to Springfield, Missouri.
- From Carrollton to Curiton, Missouri, via Mouth of Butler's Creek and Prairie.
- From Carrollton to Flat Creek, Missouri.
- From Charleston, by Brunner, Big Creek, and Greenwood, to Sugar Loaf.
- From Chickelah to Pleasant Valley.
- From Chickelah to Hot Springs.
- From Clarksville, by Griffin's, Dover, Glass Village, Clinton, Kinderhook, Wolf Bayou, and Alder Brook, to Batesville.
- From Clarksville, by Piney, Point Means, Mount Parthenon, and Jasper, to Carrollton.
- From Clarksville, by Wardville and Ewbanks's Mills, to Saint Paul.
- From Clarksville, by Cobbsville, to Saint Paul.
- From Clarksville, by Ewbanks's Mills and Whiteley's, to Osage.
- From Clarendon to Surrounded Hill.
- From Clinton, by Meadows, Locust Grove, and Big Flats, to Buffalo City.
- From Cross Roads, by Boonville, Tumlinsonville, Waldron, Parks, and Quito, to Panther.
- From Danville, by Rover and Bluffton, to Milton Galbreath's, in Scott county.
- From Danville, by William Park's, Yell county, and Milton Gilbreath's, to Felix Grundy Gaines.
- From Danville, by Parkersburg, Rock Creek, Reveille, Trouble Hill, Boonville, New Market, and Greenwood, to Fort Smith.
- From Dary Saw, by White Oak and Powell's Mills, to Elba.
- From Dary Saw, by Camp Creek and Cherry Grove, to Lost Creek.
- From Des Arc, by West Point, to Searcy's.
- From Des Arc Bluff, intersecting military road near Cadron Ferry, by the way of Lewisburg, Lemoine's Ferry, and Dardanelles, to Fort Smith.
- From Doaksville, by Armstrong Academy, to Fort Washita.
- From Dover, by Borland, to Yellville.
- From El Dorado, by Beaver Ruin, Three Creek, Scottsville, Louisiana, Franksville, Tiger Creek, and Homer, to Minden.
- From El Dorado, by Mount Holly, Calhoun, and Dorcheat, to Lewisville.
- From El Dorado, by Champagnolle, Wilmington, Gravel Ridge, Lanark, Warren, Montonga, Monticello, and Cut Off, to Bartholomew.
- From El Dorado, by Hillsboro' and Cherry Ridge, to Farmersville.
- From El Dorado, by Lisbon and Buffalo, to Camden.
- From Elizabeth, by Jacksonport, Kenyon, Clover Bend, and Powhatan, to Smithville.
- From Elizabeth, by Coleraine, Santa Fe, Oak Ridge, Lorado, and Wolcott, to Gainesville.
- From Elizabeth to Wolcott.
- From Evansville, by Flint and Tahlequah, to Fort Gibson.
- From Fayetteville, by Hiloché, to Maysville.
- From Fayetteville, by Boon's Grove, to Carrollton.
- From Fair Forest, by Relf's Bluff, Montonga, Monticello, Lacy, Fountain Hill, Hamburg, and Elen, to Bastrop, Louisiana.
- From Fair Play, by Clift's Mills, to Owensville.
- From Fair Play to Hot Springs.
- From Fort Gibson, by Creek Agency, Micco, and Fort Washita, to Fort Arbuckle.
- From Fort Smith to Donna Anna, on the Rio Grande.
- From Fort Smith, by Jenny Lind, Hodge's Prairie, Black Jack, and Tumlinsonville, to Waldron.
- From Fort Smith, by James Fork, Sugar Loaf, Chocoville, and Black Jack, to Tumlinsonville.
- From Fort Smith, by Choctaw Agency and Micco, to Fort Washita.
- From Fort Smith, by Kidron, to Fort Gibson.
- From Fort Smith, by Choctaw Agency, to Doaksville.
- From Fulton, Hempstead county, to Rocky Comfort.
- From Fulton to Fort Towson, via Pine Prairie and Laynesport.
- From Gainesville to Hatcher's, on Eleven Point River, via Sherky's Ferry, Dockworth's Ferry, Fourche Dumas, and Medical Spring.
- From Gainesville, by Drew, to Pocahontas.
- From Gainesville, by Oak Bluff, Chalk Bluff, and West Prairie, Missouri, to Bloomfield.
- From Grand Lake, by Masonia, to Deerfield, Louisiana.
- From Grand Lake, by Chaney Bridge and Holy Point, to Hamburg.
- From Grand Glaze to Searcy's.
- From Hamburg, by Fountain Hill and Long View, to Warren.
- From Helena, Planter's, Big Creek, Valley Grove, and Larenceville, to Clarendon.
- From Helena, by La Grange, Beech Grove, Marina, Langueille, and Mount Vernon, to St. Francis.
- From Helena, by Longtown, Mississippi, Peach Creek, and Monthalia, to Sledgeville.
- From Helena, by North Creek, Tullysville, Rough and Ready, Oakland, Cotton Plant, and Gage's Point, to Augusta.
- From Hillsboro', by Union Springs, Holly Springs, and Union Cross Roads, Louisiana, to Marion.
- From Huntsville, by Lewis W. Thompson's, on War Eagle, Jennings's, on White River, and Rolen's Ridge, to Washbourne's Prairie.
- From Hurricane, by James Bruton's, to Dover.
- From Jacksonport to Wild Harris's, in Izard county.
- From Jacksonport to Morristown.
- From Jacksonport, by Powhatan, to Pocahontas.
- From Jackson, by Red Bank, to Pilot Hill.
- From Jasper, by Kingston, to Huntsville.
- From Jasper, by Forest Home, Borland, and Point Peter, to Lebanon.
- From Kansas, by Parkville, Wyandott, and Hampton, to Platte City, Missouri.
- From Little Rock, by the Old Military Road, Bayou, Metre Settlement, and Samuel Walker's Old Stand, to Searcy's.
- From Little Rock, by Springfield, to Clinton.
- From Little Rock, by Mary, Brownsville, Aberdeen, and other immediate offices, to Memphis, Tennessee.
- From Little Rock, by Mouth of Cache River, to Oakland.
- From Little Rock, by Preston and Quitman, to Kinderhook.
- From Little Rock, by North Point, Maumelle, Perryville, and Petit Jean, to Danville.
- From Little Rock, by Plum Bayou, Pine Bluff, New Gascony, Richland, Swan Lake, Nicottoo, Cummins, South Bend, Arkansas Post, and Red Fork, to Napoleon.
- From Little Rock, by Collegeville, Benton, Fair Play, Rockport, Midway, Arkadelphia, Anvil, Antoin, Huddleston, Graves, and Marlbrook, to Washington.
- From Little Rock, by Red Oak, Oakland Grove, Stony Point, Searcy, Cold Well, Pleasant Plains, and Rocky Point, to Batesville.
- From Little Rock, by Perryville, Danville, Parkersburg, Reveille, and Charleston, to Fort Smith.
- From Little Rock, by Green Grove, Lewisburg, Galley Creek, Norristown, Russellville, and Scotia, to Pittsburg.
- From Lebanon to Forsyth, Missouri.
- From Lebanon to Dover.
- From Lehigh, by Bushwood's, to Storer's Gin.
- From Lewisburg, by Dart, to Perryville.
- From Lewisburg, by Springfield, to Clinton.
- From Lewisville to Minden, Louisiana.
- From Lewisville to Lebanon, via Calhoun and Beechland.
- From Lisbon to Lewisville, by Mount Holly, Calhoun, Magnolia, and Dorcheat.
- From Lisbon to Mount Holly.
- From Little Bay, by Hampton and Fremont, to Eldorado.
- From Locust Grove to Lebanon.
- From Maysville to Bentonville.
- From Marion to Smith's, via Deeron's.
- From Marion, by Oldham, Pecan Point, Ocola, and Canadian, to Hickman's Bend.
- From Mill Bayou to Chilleceaux, Missouri, via Checkasawba, Fleeter's, Big Lake, and Grand Prairie.
- From Mount Ida, by Cedar Creek, to Waldron.
- From Mount Olive, by Sylamore, Flat Woods, and Richwood's, to Kinderhook.
- From Murfreesboro', to Adams, Washita county.
- From Napoleon, by Island No. 66, Laconia, Barney's, Thompson's Landing, Mississippi, Friar's Point, Helena, Arkansas, Sterling, Wayne, Walnut Bend, Bledsoe's Landing, Blue's Point, Grayson, Ceralva, Mississippi, and Elm Grove, to Memphis, Tennessee.
- From Napoleon, by White River, St. Charles, Cass Cove, and Crockett's Bluff, to Aberdeen.
- From Napoleon, by John H. Freeman's, David Weirs, Gary Williams's, on Bayou Bartholomew, to Wileyville.
- From North Fork, by Rapp's, to Rock-bridge.
- From North Fork, by Buffalo City, Yellville, Rolling Prairie, Mount Pleasant, and Crooked Creek, to Carrollton.
- From Norristown, by Dardanelles and Chickelah, to Danville.
- From Oakland Grove, by Brownsville, to Des Arc.
- From Oakland Grove, by Hickory Plain, to Des Arc.
- From Ozark, by Constitution, Cass, St. Paul, War Eagle, Huntsville, and Robinson's Cross Roads, to Bentonville.
- From Ozark, by Mount Gilead, Brawley's, Brownsville, Charlestown, and Robert Maffit's, to Cross Roads.
- From Panther to Caddo Cove.
- From Panther, by Cove and Mineral Hill, to Ultima Thule.
- From Perryville to Park's, via Huston's, Smith's, Briggs's, and W. J. Parks.
- From Parachita, by Lion's Beard, Ultima Thule, Eagletown, Luk-fah-tah, and Wheelock, to Doaksville.
- From Pilot Hill, by Bennett's River, Bennett's Bayou, and St. Leger, Missouri, to Rockbridge.
- From Pine Bluff, by Mahoney's Ferry, James Hudson's, William H. Wilson's, John B. House's, Brushy Woods, Storer's, and John R. Lightfoot's, to Camden.
- From Pine Bluff, by Dary Saw, Beech Bluff, and Hurricane Creek, to Princeton.
- From Pine Bluff, by Fair Forest, Wileyville, Bartholomew, and Gaine's Landing, to Columbia.
- From Pine Bluff, by White Oak Bluff, to Chambersville.
- From Pine Bluff, by Lehi, Mount Elba, and Eagle Creek, to Warren.
- From Pine Bluff, by White Oak, to Princeton.
- From Pine Bluff to Arkansas Post.
- From Pine Bluff to Washington, via Princeton and Dallasport.

From Pine Bluff to Lost Creek, via Carr's and Hestor's Bridge, on Hurricane Creek.

From Pine Bluff to Bastrop, Louisiana, via Monticello and Hamburg.

From Pittsburg, by Clarksville, Horse Head, Ozark, Pleasant Hill, and Van Buren, to Fort Smith.

From Pittsburg, by Roseville, Sub Rosa, Point Prairie, Charleston, and Bloomer, to Fort Smith. From Pocahontas, by Spring Creek, Jobe, Missouri, and Webster, to Thomasville.

From Port Gibson, by Creek Agency, North Fork, Perryville, and Fort Washita, to Fort Arbuckle, Western Territory.

From Powhatan, by Hazel Grove, to Batesville.

From Powhatan, by James Childress's, to Gainesville.

From Princeton, by Fairview, to Cachemasso.

From Reveille to Charleston.

From Richwood's to Duvall's Bluff.

From Rockport, by Tulip, Princeton, Chappell, Freco, and Luda, to Camden.

From Rockport to Lost Creek.

From Rockport, by De Roche, Point Cedar, and County Line, to Murfreesboro'.

From Rome to Beech Creek.

From Russellville to Dover.

From St. Francis, by Green Plains, Marion, and Mound City, to Memphis, Tennessee.

From St. Francis, by Eureka, Mill Ridge, Johnston, Mount Pinson, Elizabeth, Jacksonport, Oil Trough, and Sulphur Rock, to Batesville.

From St. Francis, by Taylor's Creek and Oakland, to Clarendon.

From St. Francis, by Wittsburg, Walnut Camp, Farm Hill, Bolivar, Goldsboro, Newport, and Greensboro', to Gainesville.

From Searcy, by Augusta and Wittsburg, to Memphis, Tennessee.

From Searcy to Kinderhook.

From Searcy, by Quitman, to Clinton.

From Smithville by Powhatan, Childress, Mansseker's Settlement, Greensboro', and Bolivar, to St. Francis.

From Smithville, by Canton, to Pilot Hill.

From Smithville, by Evening Shade and Wild Haws, to Mount Olive.

From Stony Point, in White county, to Quitman, in Van Buren county.

From Terre Noir to Stewart's Store, in Clarke county.

From Van Buren, by Joseph Brant's, Crawford county, and Lee C. Blackmore's to Fayetteville.

From Van Buren, by Belmont, The Narrows, and Fancy, to Fayetteville.

From Van Buren, by Natural Dam, Evansville, Hermansburg, and Boonsboro', to Fayetteville.

From Warren, by Moro, Chambersville, Stover, and Red Bird, to Princeton.

From Washington, by Lewis Nana's and Lamartine, to Magnolia.

From Washington, by Albany, to Lamartine.

From Washington, by Columbus, Saline, Brownstown, Paracraft, Rocky Comfort, Mill Creek, Texas, and Almond Grove, to Clarksville.

From Washington, by Justus Mills, Centre Point, Shetucket, and Gap Springs, to Panther.

From Washington, by Mine Creek and Wilton, to Murfreesboro'.

From Washington to Fulton.

From Washington, by Spring Hill and Lewisville, to Walnut Hill.

From Whittington to Dallas, via Mount Ida and Caddo Cove.

From Wilmington, by Hillsboro', Spearville, and Scottsville, Louisiana, to Homer.

From Wilmington, by Carysville, to Marion.

From Wildhams, by Union, to Bennett's Bayou, in Fulton county.

From Yellville, Marion county, eastwardly, by William Jones's, at Bennett's river, Fulton county, crossing Big North of White river, to Alvin Gordon's Ferry.

From Yellville, by Worth, to Forsyth, Missouri.

From Yellville, by Tomahawk, Lebanon, and Wiley Cove, to Clinton.

From Yellville to Dover, via Borland.

From Yellville to Bennett's River, via Jones's and Gordon's Ferry, on Big North Fork of White River.

Tennessee.—From Athens to Morgan C. H., via Kingston.

From Athens to Washington.

From Athens to Hamilton C. H., via Cowan's Ferry.

From Athens to Mount Vernon, via Hayne's Store.

From Athens, by Cantrell's Cross Roads and Coghill, to Columbus.

From Bagdad to Carthage.

From Baker's Gap, by Butler, to Dugger's Ferry.

From Ball Play to Glenn's, on Cane Creek.

From Battle Creek to Lebanon, Alabama, via Rice's Ferry.

From Bean's Station to Mouth of Chucky, via Morristown.

From Bean's Station, by Noe's Ferry, to Morristown.

From Benton, by Ocoa, Canasauga, Cohutta Springs, Georgia, Rural Vale, and Fillmore, to Dalton.

From Blountsville, by Gott's Cross Roads, Campbell's Rest, James' Cross Roads, Clear Creek, and Laurel Gap, to Bay Mount.

From Bolivar, by Whiteville, Fayette Corner, and Dancyville, to Wesley.

From Bolivar, by Middleburg, New Castle, Somerville, Mosco, Oakland, Hickory Withe, Sandy Springs, Ammonia, Colliersville, Morning Sun, Greenbottom, Germantown, and Raleigh, to Memphis.

From Bolivar, by Audubon and Nubbin Ridge, to Metamora.

From Brownsville to Fulton.

From Brownsville to Covington, via Wesley.

From Brownsville, by Carolina and Woodville, to Dry Hill.

From Calhoun, by Pearce and Goodfield, to Decatur.

From Camden, by Chaseville, Etna, Eagle Creek, Morgan's Creek, and Cubb Creek, to Perryville.

From Camden, by Paris, Mount Holyoke, Como, Irvine's Store, Dresden, Old Hickory, Totten's, Well's, and Bulah, to Hickman, Kentucky.

From Carthage, by Montrose, Granville, Bagdad, Flynn's Lick, to Gainesboro'.

From Carthage, by Peyton's Creek, Pleasant Shade, Witcher's Cross Roads, and Red Boiling Springs, to Clements.

From Campbell's to Pumpkintown, (Mount Pleasant,) via Blair's Ferry.

From Campbell's Station to Louisville.

From Centerville to Perryville.

From Centerville, via Beardstown, Macedonia, and McCoy's, to Bull's Landing.

From Centerville, by Vernon, Charlotte, Barton's Creek, McAllister's Cross Roads, Richardson's, and Pleasant Mound, to Clarksville.

From Charlotte, by Bellsburgh, Ryan's Store, and Josephine, to Springfield.

From Charleston, by Stony Point, to Benton.

From Chattanooga, to Charleston, via Harrison and Georgetown.

From Chattanooga to Glasgow, Kentucky, via Sparta, Gainesboro', and Tompkinsville.

From Cheap Valley, by New London, to Conyersville.

From Clarksville to Hopkinsville, Kentucky.

From Clarksville to Cadiz, Kentucky.

From Clarksville, by Fredonia, Thomasville, Josephine, and Sycamore Mills, to Ridge Post.

From Clarksville, by Little Grove, Indian Mound, Cumberland Iron Works, Dover, Standing Rock, Mouth of Sandy, and Eli Grove, to Paris.

From Clarksville, by Dailey's, Palmyra, Yellow Creek Furnace, Sailor's Rest, Danielsville, and White Oak, to Waverley.

From Cleveland, by Chataty, Benton, Pelton, Springtown, Towell Falls, Coker Creek, Turtle Town, North Carolina, Laurel Valley, Persimmon Creek, and Notla, to Murphy.

From Cleveland, by Cohutta Springs, Georgia, and Mountaintown, to Elletjay.

From Cleveland, by Limestone and Mouth of Hiwassee, to Smith's Cross Roads.

From Cleveland, by Benton, to Ducktown Copper Mines.

From Clinton, by Beaver Ridge and Ball Camp, to Campbell's Station.

From Clinton, by Wallace's Cross Roads,

Loy's Cross Roads, Lost Creek, Big Barren, and Head of Barren, to Tazewell.

From Clinton, by Robertsville, Oliver's, and Crooked Fork, to Morgan C. H.

From Columbia, via Shelbyville, Huntsville, Alabama, and Pulaski, to Columbia.

From Columbia to Clarksville, via McAllister's Cross Roads and Dixon C. H.

From Columbia to Waynesboro'.

From Columbia to Lebanon, via Hart's Cross Roads and Murfreesboro'.

From Columbia to Jackson, via Perryville and Lexington.

From Columbia to Fayetteville, via Bigbyville, Pleasant Grove, Mooresville, and Cornersville.

From Columbia, by Pleasant Grove, Mooresville, and Berlin, to Lewisburg.

From Columbia, by Hope Mill, to Williamsport.

From Columbia, by Poplar Ridge, Lynnvill, Pulaski, Midbridge, Elkton, White Hill, and Madison's Cross Roads, Alabama, to Huntsville.

From Crossville, by Long View and Coopersville, to Jamestown.

From Crossville, by Orme's Store and Nine Mile, to Pikeville.

From Crossville, by Grassy Cove and Cross Keys, to Ten Mile Stand.

From Danbridge to Bean's Station, via Iron Works of Mossy Creek and Stiffey's Mill.

From Danbridge to Marysville, via Sevierville.

From Danbridge to Morristown.

From Decaturville, by Hermitage and Swallow Bluff, to Lee's Bluff.

From Decaturville to Perryville.

From Denmark, by Copan, Brownsville, Durhamville, and Covington, to Randolph.

From Double Springs, by Equality and Netherland, to Crossville.

From Dover to Cadiz, Kentucky, via Tobaccoport.

From Dover to Strombold Furnace.

From Dover to New Concord, Kentucky.

From Dresden, by Dedham, Mount Prospect, and Andalusia, to Yorkville.

From Dresden, by Palmer's Store and Elm Tree, to Boydsville.

From Dresden, by Middleburg and Mount Pelia, to Troy.

From Dyersburg, by Miller's Chapel, Chestnut Bluff, Lanefield, Cherryville, Cageville, Mason's Grove, and Poplar Corner, to Jackson.

From Dyersburg, by Miller's Chapel, Begg's Cotton Gin, Quincy, and Dr. Hick's, to Mason's Grove.

From Dyersburg, by Wilkinsville, to Trenton.

From Dyersburg to Booth's Point, in Dyer county.

From Elizabethtown to Morgantown, North Carolina.

From Elizabethtown to Abingdon, Virginia, via Stony Creek and Shady.

From Elizabethtown, by Longmire, to Stockville, North Carolina.

From Elizabethtown, by Greenfield, Blountsville, and Arcadia, to Kingsport.

From Elizabethtown, by Peoplesville and Swingeville, to Longmire.

From Elizabethtown to Shady.

From Fayetteville to Harpeth, via New Hope, Farmington, Fishingford, Civil Order, and Gideonville.

From Fayetteville to Upper Elkton, via Dyer's Store, Cold Water, and Hightower's Store.

From Fayetteville to Winchester.

From Fayetteville, by Viney Grove, Cyrruston, Millville, Bunker Hill, Bradshaw, and Lamartine, to Pulaski.

From Fayetteville, by Camargo, Molino, and Robertson's Store, to Pleasant Plains.

From Fayetteville, by Boon's Hill and Gas Factory, to Cornersville.

From Fayetteville, by Kinderhook, George's Store, and Oregon, to Salem.

From Fayetteville, by Cordova, to Branchville.

From Fayetteville to Tullahoma.

From Franklin, by Hurt's Cross Roads, to Rally Hill.

From Franklin, by West Harpeth, Hill's Valley, Leiper's Fork, Boston, Lick Creek, Totty's Bend, Centreville, Beaver Dam Springs, Pleasantville, Linden, Beardstown, and Woods, to Perryville.

From Franklin, by Pinkney and Bethesda, to Hurt's Cross Roads.

From Gainesboro', by New Columbus, Buck Point, Meigsville, Butler's Landing, and Hamilton's Landing, to Celina.

From Gainesboro', by Whitesville, Clements-ville, Tomkinsville, Kentucky, Mud Lick, and Skegg's Creek, to Glasgow.

From Gainesboro', by New Columbus, Hilham, Livingston, Nettle Carrier, and West Fork, to Jamestown.

From Gainesboro', by Rocky Mount, Highland, Bagdad, and Pleasant Shade, to Dixon's Springs.

From Gallatin to Springfield, via Cross Plains.

From Gallatin to Scottsville, Kentucky, via Bledsoe's Creek.

From Gallatin to Elkton, Kentucky, via Cross Plains, Kaysburg, and Allensville.

From Gallatin to Murfreesboro', via Lebanon.

From Greenville, by Camp Creek, Horse Creek, and Broylesville, to Rheatown.

From Greenville, by Timber Ridge, Little Chucky, Warrensburg, Chucky Bend, Snoddyville, and Leadvale, to Dandridge.

From Greenville, by Limestone Springs, Paint Rock, Warm Springs, North Carolina, Lapland, and French Broad, to Ashville.

From Hardinsville to Tipton C. H., via McNairy C. H. and Hardeman C. H.

From Hardinsville to Florence, Alabama.

From Harrison to Cottonport, via Blue Springs.

From Harrison to Pikeville, via Hinson's.

From Harrison to Chattanooga.

From Harrison, by Walden's Ridge, Hinson's, and Stephen's Chapel, to Fillmore.

From Harrison, by Hinson, to Pikeville.

From Hermitage, by Swallow Bluff, on the Tennessee river, to Savannah.

From Huntingdon, by McLeomoresville, Shady Grove, Waterford, Trenton, Gibson's Wells, Quincy, Cageville, Cherryville, and Rusk, to Brownsville.

From Huntingdon, by Roan's Creek, Red Mound, Lexington, Middle Fork, Jack's Creek, and Anderson's Store, to Purdy.

From Huntingdon, by Hico, Caledonia, Flemings's, Christmasville, Pillowville, and Winston, to Dresden.

From Huntingdon, by Terry, South Carroll, Spring Creek, Jackson, Medon, Bolivar, Van Buren, and Williams's Store, to La Grange.

From Jacksboro', by Huntsville, to Jamestown.

From Jacksboro', by Elk Gap, to Williamsburgh.

From Jacksboro', by Straight Fork, Buffalo Creek, Pouch Creek, and Wild Cat, Kentucky, to Whitley C. H.

From Jackson, by Mifflin, Jack's Creek, Mud Creek, and Coffee Landing, to Savannah.

From Jackson, by Andrew's Chapel, Denmark, Black Oak Grove, Fayette Corner, Championville, Pierce, and Somerville, to Moscow.

From Jackson, by Mount Pinson, Mifflin, and Nero, to Lexington.

From Jasper to Nickatack.

From Jasper, by Dadsville, Cheeksville, Looney's Creek, Coop's Creek, and Mount Airy, to Fillmore.

From Jonesboro' to Ash C. H., North Carolina, via Elizabethtown.

From Jonesboro' to Boat Yard, via Embree's Iron Works.

From Jonesboro' to Ashville, North Carolina, via the Walnut Mountains.

From Jonesboro' to Newport, via Broyle's and Camp Creek Iron Works.

From Jonesboro' to Charlotte, North Carolina.

From Jonesboro', Wautauga Bend, Rocky Mount, Greenfield, White Top, and Paperville, to Abingdon, Virginia.

From Jonesboro', by Cox's Store, to Longmire.

From Jonesboro', by Buffalo Ridge, to Gott's Cross Road.

From Kingsport, by Clover Bottom, James's Cross Roads, and Locust Mount, to Jonesboro'.

From Kingston, by Barnardsville, Ten Mile Stand, Sewee, Decatur, Goodfield, Pine Land, Kincannon's Ferry, Limestone, Long Savannah, and Snow Hill, to Harrison.

From Kingston, by Wrightsville, Philadelphia, Rockville, Hiwassee College, Madisonville, and Mount Vernon, to Tellico Plains.

From Kingston, by Gray's Hill and Wood's Hill, to Campbell's Station.

From Kingston, by Emory Iron Works, Morgan C. H., and Boiling Spring, to Jamestown.

From Kingston, by Welcher's Mills, to Robertsville.

From Kingston, by Tabor and Erie, to Athens.

From Knoxville, by Mecklenburg, Flint Gap, Tuckahoe, Greenville, Dandridge, Oak Grove, Wilsonville, Newport, Parrottsville, and Cedar Creek, to Limestone Springs.

From Knoxville, by Gap Creek, Trundle's Cross Roads, Boyd's Creek, Henry's Cross Roads, Cannon's Store, Sevier C. H., and Fair Garden, to Wilsonville.

From Knoxville to Danville, Kentucky, by the most direct and practicable route.

From Knoxville, by Marysville, Four Mile Branch, and Madisonville, to Athens.

From Knoxville, by Lyon's Store, Calloway's, and Gallaher's, to Kingston.

From Knoxville, by Low's Ferry, Unitia, Cloyd's Creek, and Morganstown, to Madisonville.

From Knoxville, by Church Grove, Woodbourne, Bull Run, Haynes, and Head of Barren, to Tazewell.

From Knoxville, by Marysville and Montvale Springs, to Anderson C. H., South Carolina.

From Knoxville, by Campbell's Station and Lenoir's, to Loudon.

From Knoxville, by Wilson's, Clinton, Ross, Jacksboro', Speedwell, Pleasant, and Old Town, to Cumberland Gap, Kentucky.

From Knoxville, by Academia, Blain's Cross Roads, Spring House, Rutledge, Bean's Station, Rocky Spring, Red Bridge, Marble Hill, Rogersville, Yellow Store, Lyon's Store, New Canton, Kingsport, and Eden's Ridge, to Blountsville.

From Knoxville, by Strawberry Plains, New Market, Massy Creek, Panther Springs, Morristown, Russellville, Bay Mount, Gustavus, Greenville, Henderson's Mills, Rheatown, Leesburg, Jonesboro', Boon's Creek, and Hilton, to Blountsville.

From La Fayette, by Red Boiling Springs, Clementsville, and Lodi, to Celina.

From La Fayette, by Meadorville, to Harts-ville.

From La Fayette, by Brook's Tan Yard, Witcher's Cross Roads, and North Spring, to Whitleyville.

From La Fayette, by Goose Creek and Alton Hill, to Rock House.

From La Grange, by Moscow, Colliersville, Germantown, and High Hill, to Memphis.

From La Grange, by Wolf River and Mount Comfort, to Somerville.

From Lawrenceburg to Waynesboro'.

From Lebanon, by Shop Spring, Cherry Valley, Three Forks, Alexandria, Liberty, Smithville, Sligo, Cassville, Sparta, Bonair Springs, Claysville, Crossville, Belleville, Post Oak Springs, Kingston, and Hough's Ferry, to Loudon.

From Lebanon, by Mount Carmel, Ward's Cross Roads, Cainsville, Milton, and Las Casas, to Murfreesboro'.

From Lebanon, by Spring and Rome, to Carthage.

From Lebanon, by Carthage, Livingston, Monroe, Albany, Kentucky, Monticello, and Somerset, to Stanford.

From Lexington to Carrollville.

From Lexington, by Cub Creek Springs, to Perryville.

From Lexington, by Lessenberrys, Spain's, South Carol, Lavinia, Hope Hill, and Bluff Springs, to Trenton.

From Loudon, by Unitia and Louisville, to Marysville.

From Loudon, by Philadelphia, Sweet Water, Facility, Athens, Riceville, Charleston, Cleveland, Red Clay, Georgia, and Hill, to Dalton.

From Lynchburg, by Gill's Store, Flack's, and Petersburg, to Cornersville.

From Lynchburg, by Tucker's, Arnold's Store, Shelton's Creek, and Hamilton, to New Market, Alabama.

From Lynchburg, by Jacob Awalt's to Winchester Springs.

From Madisonville to Sweet Water.

From Manchester, by Beech Grove, Walker's Mills, and Fairfield, to War Trace Depot.

From Manchester, by Spring Creek and Pettysville, to Winchester.

From Marshall's Ferry to Hay's Ferry.

From Marysville, by Clover Hill, Cloyd's Creek, Unitia, Morgantown, Rockville, and Midway, to Athens.

From Marysville, by Chilhowee, Citico, Ball Play, Beltown, Tellico Plains, Jalapa, and Columbus, to Benton.

From Marysville, by Vance Walker's, to Tuckaleechee Cove.

From McMinnville, by Irving College and Altamont, to Pelham.

From Morgantown to Carnesville, Georgia, via Russell's Ferry, Chota, Tellico Plains, Beaver Dams, and Griffins.

From Morgantown to Ross's, on the Tennessee, via Monroe C. H., Mount Pleasant, and Calhoun.

From Morgan C. H. to Huntsville, in Scott county.

From Morristown to Dandridge.

From Mount Pleasant to Waynesboro', via Napier and Catron's Iron Works, Buckner, and Dixon's Store.

From Mount Pleasant, by Newburg, to Palestine.

From Mount Pleasant, by Hampshire, Isom's Store, and Duck River, to Centreville.

From Mount Vernon, by Lee's Store, Jalapa, and Kimbrough's, to Springtown.

From Murfreesboro' to Jasper, Marion C. H., via Henderson's, Tolever's Store, Beech Grove, Stone Fort, Hillsboro', Pleasant Plains, and Caldwell's Bridge.

From Murfreesboro' to Franklin, via Anthony's Store and Hardeman's Cross Roads.

From Murfreesboro' to Wilkinson's Cross Roads, via Salem Cross Roads.

From Murfreesboro' to Gallatin, via Lebanon.

From Nashville, by McWhirtersville, Green Hill, Silver Springs, and Coles's Ferry, to Lebanon.

From Nashville, by Good Spring, Franklin, White House, Spring Hill, Columbia, Ashwood, Mount Pleasant, Henryville, and Palo Alto, to Waynesboro'.

From Nashville, by Good Spring, Franklin, White House, Spring Hill, Columbia, Ashwood, Mount Pleasant, Cass, Laurenceburg, Green Hill, Alabama, Lauderdale Factory, and Florence, to Tusculumbia.

From Nashville, by Chestnut Grove, Charlotte, Williamsville, Waverly, Camden, and Sandy Ridge, to Huntingdon.

From Nashville, by Ridge Post, Cooperstown, Turnersville, Port Royal, Clarksville, New Providence, Ringgold, Oak Grove, Kentucky, and Long View, to Hopkinsville.

From Nashville, by Mansker's, Tyree Springs, Mulloy's, Mitchellsville, Franklin, Kentucky, and Woodbourne, to Bowling Green.

From Nashville, by La Vergne, Smyrna, Cherry Flat, Murfreesboro', Jordan's Valley, Foster's Store, War Trace Depot, Tullahoma, Ali-sonia, Stevenson, and Jonesville, to Chattanooga.

From Nashville, by Anandale, Mayfield, and Wilson's Cross Roads, to Arrington.

From Nashville, by Stewart's Ferry, Rural Hill, Huddleston's Cross Roads, Cainsville, and Statesville, to Liberty.

From Nashville, by Pleasant Retreat, Hendersonville, Saundersville, Gallatin, Greenwood, Hanna's, Rock House, Kentucky, Scottsville, Cedar Spring, and Pageville, to Glasgow.

From Nashville, by Tank, South Harpeth, Barren, Bon Aqua, and Vernon, to Centreville.

From Nashville, by Nolensville, Triune, Jordan's Store, Eagleville, Versailles, Rover, Unionville, and McGowan'sville, to Shelbyville.

From Nashville, by Springfield and Adairsville, Kentucky, to Russellville.

From New Canton to James's Cross Roads.

From Newport to Bean's Station, via Mouth of Nolachucky, McFarland's, and Morestown.

From Newport to Rutledge, via mouth of Chucky, Mossy Creek, and Austin's Ferry.

From Newport to Greenville, via Parrottsville and Wood's Ferry.

From Newport to Sevierville, via McNabb's, Corley's Creek, Shoul's, and Jones's Cove.

From Orme's Store to Washington.

From Paris to Hickman, (Mills Point,) Kentucky.
 From Paris to Humphrey C. H., via Point Mason.
 From Paris to Perryville, via Benton C. H. and Morgan's Creek.
 From Paris to South Gibson, via Caledonia, Fleming's, Christmasville, and Shady Grove.
 From Paris to Charlotte, via Point Mason.
 From Paris, by Sherwood, Barren Hill, Boyds-ville, Dukedom, Feliciana, Kentucky, Wesley, and Clinton, to Columbus.
 From Petersburg, by Catalpa Grove, Spring Place, New Hope, Belfast, Lewisburg, Farmington, Caney Spring, Chapel Hill, and Rigg's Cross Roads, to Jordan's Store.
 From Pikeville to McNair's, on Conasauga, via Blythe's Ferry.
 From Pikeville to Oat's Landing, via Lloyd's, Thomas's Cross Roads, Hanson's, Kirkland's, Hilliard's, and Shelton's.
 From Pikeville to Jasper, via the east side of Lequatchee river.
 From Pikeville, by Smith's Cross Roads, Washington, Kelly's Ferry, and Decatur, to Athens.
 From Post Oak Springs, by Eagle Furnace and Sulphur Springs, to Washington.
 From Pulaski, by Fayetteville and Tullahoma, to McMinnville.
 From Pulaski, by Shoal Spring, Sugar Creek, and Lexington, Alabama, to Ingram's Cross Roads.
 From Pulaski, by Vale Mills, Bodenham, and Lawrenceburg to West Point.
 From Purdy, by Morse Creek, Jones's Mills, Metamora, Jonesboro', Mississippi, and Ruckersville, to Ripley.
 From Purdy, by Stantonville, Hamburg, Red Sulphur Springs, Eastport, Mississippi, Waterloo, Alabama, Gravelly Spring, Oakland, and Florence, to Tusculumbia.
 From Raleigh, by Sulphur Well, Loosahatchie, Concordia, Sharon, and Wesley, to Brownsville.
 From Raleigh, by Rosstown, Portersville, Bloomington, Covington, Walnut Post, Ripley, Dry Hill, Cottage Hill, and Double Bridges, to Dyersburg.
 From Raleigh, by Big Creek, to Randolph.
 From Readyville to Bradyville.
 From Rogersville, by Anderson's Cross Roads, War Gap, Kyle's Ford, and Whitesburg, Virginia, to Jonesville.
 From Rogersville, by Mill Bend, Van Hill, Laurel Gap, Newmansville, and Graysburg, to Rheatown.
 From Rogersville, by Lee Valley, Sneedsville, Mulberry Gap, and Yellow Springs, to Tazewell.
 From Rogersville, by St. Clair to Russellville.
 From Rutledge, by Tampico, Mill Spring, and New Market, to Dandridge.
 From Sevier C. H., by Walden's Creek, Wear's Cove, Tuckaleechee Cove, and Cade's Cove, to Chilhowee.
 From Sevier C. H., by Pigeon Forge, Ocona, Lufly, Quallatown, Big Spring, Scott's Creek, East Laporte, and Cat Valley, to Pickens C. H., South Carolina.
 From Shelbyville to Rowsville.
 From Shelbyville, by Richmond, Petersburg, and Cane Creek, to Fayetteville.
 From Shelbyville, by Flat Creek, Lynchburg, and Mulberry, to Fayetteville.
 From Shelbyville, by Richmond, Belfast, Lewisburg, Cochran'sville, Cornersville, and Richland, to Pulaski.
 From Shelbyville, by Rich Valley, Chestnut Ridge, Norris Creek, Fayetteville, Goshen, and Meridianville, Alabama, to Huntsville.
 From Shelbyville to War Trace Depot.
 From Shelbyville, by Pulaski and Lawrenceburg, to Waynesborough.
 From Smithville, by Mountain Creek, McMinnville, and Rocky River, to Spencer.
 From Smithville, by Mechanicsville, to Woodbury.
 From Smithville, crossing Caney Fork at mouth of Holmes's Creek, to Pekin.
 From Somerville, by Laurel, Belmont, Sharon, and Gum Hill, to Covington.
 From Somerville, by Danceyville, to Brownsville.
 From Somerville, by Whiteville, and Cloverport, to Medon.

From Sparta, by Falling Water, White Plains, Oak Hill, Netherland, Livingston, Monroe, Olympus, and Hale's Mills, to Albany, Kentucky.
 From Sparta, by Newark, Double Springs, Byrne, Pekin, Convenient, Carthage, Dixon's Springs, Hartsville, Enon College, and Castillian Springs, to Gallatin.
 From Sparta, by Spencer, Pikeville, Robertson's Cross Roads, Old Madison, Fillmore, Walden's Ridge, Soddy, and Merry Oaks, to Chattanooga.
 From Sparta, by Cave, Rock Island, McMinnville, Rough and Ready, Hickory Creek, Hillsboro', and Elk River, to Decker.
 From Sparta, by White's Salines, Cumberland Institute, and Dry Valley, to Walnut Grove.
 From Sparta, by Green Tree, Solon, and Bee Creek, to Nine Mile.
 From Springfield to Eddyville, Kentucky, via Port Royal, Clarksville, Palmyra, and Steward C. H.
 From Springfield to Haydensville, Kentucky, via Clark's Mills and Cross's Mills.
 From Sycamore, by Elisha Clark's and Brewer's, to Sneedville.
 From Tazewell, by Isaac Buchanan's and Caven Robinson's, to Jonesville, Virginia.
 From Taylorsville to Mast's, via Taylorsville, North Carolina, Roane's Creek, Tennessee, Dougherty's, Baker's Gap, and Shady.
 From Taylorsville, by Baker's Gap, Caster's Iron Works, and Sweet Water, North Carolina, to Sugar Grove.
 From Taylorsville, by Laurel Fork and Sharp's Cross Roads, to Abingdon, Virginia.
 From Taylorsville, by Shady, Holston, Valley, and Paperville, to Sapling Grove, Virginia.
 From Tellico Plains, by Coker Creek, Beaver Mills, Murphy, North Carolina, Peach Tree, Hiwassee, Shady Grove, Georgia, and Nacooche, to Clarksville.
 From Tobacco Port, by Hope, Spottswood, Wilkinson's, to Pine Bluff, Kentucky.
 From Three Forks, by Commerce, Clinton College, and Gordonsville, to Carthage.
 From Trenton, by Yorkville, Chester, Mason Hall, Troy, and Fremont, to Hickman, Kentucky.
 From Trenton, by Eaton, Friendship, Chestnut Bluff, Leasville, Woodville, Ripley C. H., and Cane Bottom, to Fulton.
 From Trenton, by Antioch, Locust Grove, and Winston, to Dresden.
 From Trenton, via Bluff Springs, Hope Hill, Lavinia, South Carroll, Spain's, and Lessenberry's, to Lexington.
 From Trenton, by Shiloh and South Gibson, to Jackson.
 From Troy, by Red Foot and Silver Top, to Compromise, Kentucky.
 From Trundle's Cross Roads, by Ellejay, to Marysville.
 From Washington, by Smith's Cross Roads and Sail Creek, to Soddy.
 From Washington, to Orme's Store.
 From Waynesboro', by Houston, Pleasant Valley, and Lowryville, to Eagle Mills.
 From Waynesboro', by Factor's Fork, West Point, Wayland Springs, Florence, Alabama, Westmoreland, Cypress Inn, and Victory, to Waynesboro'.
 From Waynesboro', by Sorby, Smith's Fork, Engleside, Savannah, Adamsville, Purdy, Rose Creek, Crainsville, Boliva, Van Buren, and Williams's Store, to La Grange.
 From Waynesboro', by Clifton Hermitage, Decaturville, Lexington, Juno, and Cotton Grove, to Jackson.
 From Waynesboro', by Whitaker's Bluff, to Linden.
 From Waynesboro', by Carrollville, to Patrick.
 From Waverly, by Buffalo and McCageville, to Linden.
 From Winchester, by Hawkersville and Cumberland, to Pelham.
 From Woodbourne, by Academia, to Strawberry Plains.
 From Woodbourne, by Cedar Ford, Powder Spring Gap, Red Hill, and Clear Spring, to Thorn Hill.
 From Woodbourne, by Raccoon Valley, Loy's Cross Roads, and Grantsboro', to Jacksonboro'.
 From Woodbourne, by Vandegriff's and Moore's Rest, to Clinton.

From Wood's, by Brodie's Landing, Farmville, Poplar Spring, and Pleasant Exchange, to Red Mound.
 Kentucky.—From Alexandria, by Carthage, Flag Spring, Motier, and Locust Mills, to Augusta.
 From Albany, by Elliott's Cross Roads and Fall Mally, Tennessee, to Jamestown.
 From Augusta to Brookville.
 From Aurora, by Hico, Shiloh, Murray, Locust Grove, Conyersville, Tennessee, Paris, Albany, and Macedonia, to Huntingdon.
 From Barboursville, by Meadow Creek, to Whitley C. H.
 From Blandville to Cairo, Illinois.
 From Blandville, by Bell Ombre and Hazlewood, to Caledonia, Illinois.
 From Booneville, to Hazle Green.
 From Bowling Green, by South Union, Allison, Russellville, Daysville, Elkton, Fairview, Hopkinsville, Bellevue, Cadiz, Canton, Golden Pond, Aurora, Wadesboro', Mayfield, Fancy Farm, and Milburn, to Columbus.
 From Bowling Green, by Warrenton, Swan Creek, Wood Berry, Morgantown, and Cromwell, to Hartford.
 From Brandenburg, by Constantine, Flint Island, Cedar Grove, Union Star, and Stephensport, to Cloverport.
 From Brandenburg, by Meadville and Hudsonville, to Litchfield.
 From Bradfordsville, by Mannsville and Casey's Creek, to Neatsville.
 From Carrollton, by Sandifer's Store, to Campbellsburg.
 From Carrollton, by Winona, to Bedford.
 From Carrollton, by Worthville and Port Royal, to Drennon's.
 From Catlettsburg, by Round Bottom, Louisa C. H., Paintsville, Prestonburg, Lanesville, and Coal Grove, to Piketon.
 From Campbellsville to Neatsville, in Dark county.
 From Chaplain, by Snider's and Duncan, to Cornishville.
 From Compromise to New Madrid, Missouri.
 From Cloverport, by Fordsville, Hines's Mills, Pleasant Grove, Hartford, North Creek, Point Pleasant, and Livermore, to Worthington.
 From Covington, by Bank Lick, to Independence.
 From Cynthia, by Oddville, to Claysville.
 From Columbia, by Breeding's, to Burkesville.
 From Columbia, by Montpelier, Jamestown, and Horse Shoe Bottom, to Monticello.
 From Columbia, by Millersville, Creelsborough, and Seventy-Six, to Albany.
 From Crab Orchard, by Lancaster, to Bryantsville.
 From Cumberland Ford, by La Fontaine, Letcher, and Harlan C. H., to Jonesville, Virginia.
 From Cumberland Ford, by Parton's Store, to Boston, in Whitley county.
 From Danville, by Milledgeville, Hustonville, Middleburg, Liberty, and Neatsville, to Columbia.
 From Danville, by Mitchelsburg and Haysville, to Lebanon.
 From Danville, by Stanford, Walnut Flat, Crab Orchard, and Mount Vernon, to London.
 From Elizabethtown, by Stevensburg, Grayson's Springs, Litchfield, Caneyville, Morgantown, Berry's Lick, and Rabbitsville, to Russellville.
 From Elizabethtown, by Cofer, Hodgenville, Oak Hill, Allendale, Summersville, Greensburg, and Haskensville, to Columbia.
 From Elizabethtown, by Big Spring, to Har-dinsburg.
 From Elizabethtown to Buena Vista.
 From Elkton, by Trenton, Roscoe, and Pea Ridge, Tennessee, to Clarksville.
 From Eddyville, by Birmingham, to Benton.
 From Falmouth to Foster's.
 From Falmouth, by Grassy Creek, Fiskburg, and Piner's Cross Roads, to Crittenden.
 From Falmouth, by Havilandsville, Claysville, Kentontown, Mount Olivet, Sardis, and Murphreysville, to Washington.
 From Florence, by Burlington and Middle Creek Mills, to Ballitsville.
 From Forest Retreat, by Carlisle, Weston, and Moorefield, to Carter's Store.

From Frankfort, by Forks of Elkton, White Sulphur, Great Crossings, Georgetown, Newton, and Centerville, to Paris.

From Frankfort, by Dorsey's, to Versailles.

From Frankfort, by Elk Fork, Monterey, Owenton, New Liberty, Poplar Grove, and Glencoe, to Warsaw.

From Grayson C. H., by Mount Savage, Bolt's Fork, and Falls of Blaine, to Louisa C. H.

From Grayson C. H., by Buffalo Furnace, Laurel Furnace, and Raccoon Furnace, to Greenup C. H.

From Grayson C. H., by Oldtown and Greenup C. H., to Haverhill, Ohio.

From Grayson C. H., by Bruin, Little Sandy, and West Liberty, to Hazel Green.

From Garnettsville to Big Spring.

From Ghent to Vevay, Indiana.

From Glasgow, by Three Forks, Mammoth Cave, Brownsville, Grayson's Springs, Litchfield, and Hudsonville, to Hardinsburg.

From Glasgow, by Merry Oaks, Engleside, and Smith's Grove, to Bowling Green.

From Glasgow, by Roseville, Frederick, and Enon, to Lafayette, Tennessee.

From Glasgow, by Rockland Mills, Gradyville, East Fork, and Sugar Plant, to Columbia.

From Glasgow, by Rocky Hill, Peter's Creek, Dry Fork, Sulphur Lick, and Tompkinsville, to Centre Point.

From Glasgow, by Randolph, Edmonton, Marrow Bone, and Burksville, to Albany.

From Georgetown, by Oxford, Leesburg, and Broadwell, to Cynthia.

From Georgetown, by Griffey's Office, Beatley's Mills, Lee's Mills, Bassett's Store, and Stamper-town, to Owenton.

From Grayson to Paintsville.

From Greenville, by Rochester, to Morgantown.

From Greenville, by South Carrollton, Hartford, Briggs's Mills, and Planter's Hall, to Hardinsburg.

From Greenville, by Pond River Mills, Ellwood, Madisonville, Nebo, Providence, Ashland, Bordley, and Longwood, to Morganfield.

From Greensburg, by Laurel Grove, Catalpa Grove, and Glen Brook, to Mumfordsville.

From Harlan C. H., by Poor Fork, to Brashersville.

From Hardinsville, by Rough and Ready, Lawrenceburg, Salvisa, McAfee, and Harrodsburg, to Danville.

From Hardinsville, by Southville and Harrisonville, to Mount Eden.

From Hardinsburg, by Stevensport, to Rome, Indiana.

From Hartford, by Buckhorn and Buford's, to Owensboro.

From Harrodsburg, by Perryville, Texas, Springfield, and Frederickstown, to Bardstown.

From Harrodsburg, by Cornishville, Mackville, Willisburg, Beechland, and Springfield, to Lebanon.

From Hawesville to Cannelton.

From Hazle Green, by Estell's Steam Furnace, to Irvine.

From Hazle Green, by Frozen Creek, Jackson, and Lost Creek, to Perry C. H.

From Hickman, by Moscow and Ralphon, to Feliciana.

From Hopkinsville, by Wooldridge's Store, Williams's, Underwood, Madisonville, Mulberry Grove, Carlo, and Cairo, to Henderson.

From Hopkinsville, by Atkinson, Little Prairie, and Earle's, to Rumsey.

From Hopkinsville, by Bainbridge, Pollard's Tan Yard, Princeton, Eddyville, Ross's Ferry, and Smithland, to Paducah.

From Hopkinsville, by Church Hill, Genoa, Garrettsburg, Newstead, Lindsay's Mills, Roaring Spring, Lafayette, and Lineport, Tennessee, to Pine Bluff, Kentucky.

From Hopkinsville, by Pembroke, Trenton, Hadensville, Sadlersville, Tennessee, Keysburg, Kentucky, and Barren Plain, to Springfield.

From Irvine, by Proctor, South Fork, Booneville, and Sexton's Mills, to Manchester.

From Jamestown to Rowena.

From Jericho, by Sligo, to Bedford.

From Kingston, by Menclos, to Mount Vernon.

From Lancaster, by Paint Lick and Kirksville, to Richmond.

From Lexington, by Keene, Pekin, and Pleasant Hill, to Harrodsburg.

From Lexington, by Nicholasville, Jessamine, Bryantville, Danville, Perryville, Lebanon, New Market, Campbellsville, Greensburg, Monroe, Centre, Three Springs, Park, and Blue Spring Grove, to Glasgow.

From Lexington, by Moreland, Houston, Paris, Ruddle's Mills, Cynthia, Callensville, Falmouth, Ash Run, Flower Creek, Grassy Creek, and Covington, to Cincinnati, Ohio.

From Lexington, by Georgetown, Little Eagle, Ray's Fork, Williamstown, Dry Ridge, Crittenden, Walton, Florence, Dry Creek, and Covington, to Cincinnati.

From Lexington, by Pine Grove, Winchester, and Mount Sterling, to Owingsville.

From Lexington, by Moreland, Houston, Paris, Millersburg, Carlisle, Black Hawk, Elizaville, Helena, and North Fork, to Maysville.

From Lexington, by Walnut, Cleveland, White Hall, Richmond, Rogersville, Kingston, Joe's Lick, Big Hill, and Mershom's Cross Roads, to London.

From Liberty to Monticello.

From Line to New Madrid, Missouri.

From London, by McHargue's Mills, Lynn Camp, Barbourville, Flat Lick, Cumberland Ford, Yellow Creek, Cumberland Gap, Tennessee, Tazewell, Sycamore, Thorn Hill, Bean's Station, and Marshall's Ferry, to Russellville.

From London, by Bush's Store, to Manchestert.

From London, by Pond Creek and Grey Hawk, to Booneville.

From London, by Woodbine and Rockholds, to Whitley C. H.

From Louisa C. H., by Grape Vine, John's Creek, Tug, Big Creek, Forks of Sandy, and Warfield, to Loville.

From Louisa, in Lawrence county, by Bantrem's Store, Falls of Tug River, Warfield Coal Mining Company, George Clark's, Mouth of Pigeon Creek, Virginia, to Loville, Kentucky.

From Louisville, by Williamson, Clove's Depot, La Grange, Smithfield, Eminence, Midview, Pleasureville, Cropper's Depot, Christiansburg, Consolation, Frankfort, Midway, and Payne's Depot, to Lexington.

From Louisville, by Madison, Indiana, Carrollton, Kentucky, Vevay, Indiana, Ghent, Kentucky, Warsaw, Patriot, Indiana, Hamilton, Kentucky, Rising Sun, Indiana, Aurora, Petersburg, Kentucky, Lawrenceburg, Indiana, and Elijah's Creek, Kentucky, to Cincinnati, Ohio.

From Louisville, by Lacona, Salina, West Point, Red Hill, Elizabethtown, Nolan, Leesville, Mumfordsville, Woodsonville, Woodland, Prewett's Knob, Three Forks, and Dripping Springs, to Bowling Green.

From Louisville, by Fern Creek, Hays' Spring, Mount Washington, High Grove, Bardstown, Poplar Neck, New Haven, Oak Hill, Magnolia, Green River, Clear Point, and Bear Wallow, to Glasgow.

From Louisville, by St. Matthews, Middletown, Long Run, Simpsonville, Shelbyville, Clay Village, Hardinsville, and Bridgeport, to Frankfort.

From Louisville, by Jeffersontown, Fishersville, Wilsonville, Taylorsville, and Bloomfield, to Chaplin.

From Marion, by Camp Creek, Bell's Mines, and Cypress, to Morganfield.

From Marion, by Walker's and Cave-in-Rock, Illinois, to Equality.

From Maysville, by Slack, Germantown, Brookville, Powersville, and Pleasant Ridge, to Falmouth.

From Maysville, by Washington, Oak Woods, Blue Lick Springs, and Forest Retreat, to Millersburg.

From Maysville, by Orangeburg, Poplar Flat, Clarksburg, Vanceburg, Kinniconick, Rock Creek, Tygart's Creek, Truitsville, Springville, Greenup C. H., Amanda, and Pollard's Mills, to Catlettsburg.

From Middleton, by Eakin Road, to Shelbyville.

From Mount Sterling, by Aaron's Run, Mount Ida, and North Middletown, to Paris.

From Mount Sterling, by Levee, Kiddville, and Red River Iron Works, to Irvine.

From Mount Sterling, by Howard's Mills, Peeled Oak, Olympian Springs, Highland, Gill's Mills, and Cassity's Mills, to West Liberty.

From Mount Sterling, by Camargo, Cash's Nob, Laurel Fork, Black Water, Hazle Green, Johnson's Fork, and Licking Station, to Prestonburg.

From Mount Sterling, by Sharpsburg, Bethel, Sherburne's Mills, Pin Hook, Flemingsburg, and North Fork, to Maysville.

From Mount Washington to Shepherdville.

From Murray, by New Concord, to Pine Bluff.

From New Castle, by Campbellsburg, Bedford, and Milton to Madison, Indiana.

From New Haven, by New Hope, Loretto, Lebanon, Raywick, and Rolling Fork, to New Haven.

From Newport, by Covington, to Cincinnati, Ohio.

From Newport, by Cold Spring, Alexandria, Bird's Woods, and Tibbatt's Cross Roads, to Flower Creek.

From Owensboro' to Knottsville.

From Owensboro', by Crow's Pond, Ashbysburg, and Hall, to Madisonville.

From Owensboro', by Long Falls Creek, Calhoun, Rumsey, Social Hill, Worthington, Bremen, Greenville, Lead Hill, Fruit Hill, Pilot Knob, and Clifty, to Elkton.

From Owenton, by Macedonia and Gardner's, to Mouth of Sugar Creek, in Gallatin county.

From Owingsville, by Wyoming, Hillsboro', Poplar Plains, Flemingsburg, and Mount Carmel, to Mount Gilead.

From Owingsville, by Marshall, Farmer's, Triplett, Knapp's, Upper Tygart, Olive Hill, Grayson, Star Furnace, and Cannonsburg, to Catlettsburg.

From Paducah, by Exchange, Symsonia, and Benton, to Aurora.

From Paducah, by Melvin's, Massock, Lovelaceville, Blandville, Milburn, Clinton, and Moscow, to Hickman.

From Paducah, by Lovelaceville, Blandville, Elm, Melvin, Wilson's Creek, Mayfield, Clark's River, Farmington, and Leander, to Boydsville, Tennessee.

From Paris to Winchester, by Stony Point.

From Perry C. H., by Begley's, to Manchester.

From Perry C. H., by Brashersville, to Whitesburg.

From Petersburg to Cincinnati, Ohio, via Ballitsville and Constance.

From Piketon, by Mouth of Card, to Richlands.

From Piketon, by Loville, to Logan C. H., Virginia.

From Piketon, by Robinson's Creek, Democracy, Whitesburg, Pounds, Virginia, Big Glades, and Guest Station, to Osborne's Ford.

From Poplar Plains, by Plummer's Mills, White Oak Hill, Triplett, Christy's Fork, and Little Sandy, to West Liberty.

From Poplar Flat, by Martin's Fork, to Concord.

From Princeton, by Montezuma, Shady Grove, and Farmersville, to Providence.

From Princeton, by Chalk, Level and McGarrie's, to Madisonville.

From Princeton, by Long Pond and Wallonia, to Cadiz.

From Princeton, by Walnut Grove, Fredonia, Marion, Crittenden Springs, and Salem, to Smithland.

From Pleasureville, by Franklington, Lockport, and Gratz, to Owenton.

From Prestonburg, by Boone Valley, to Perry C. H.

From Red River Iron Works to Stanton.

From Richmond, by Elliston, to Irvine.

From Richmond, by Breckville and Walnut Valley, to Kidwell.

From Russellville, by Quality Valley, Rochester, Brown's Grove, Tippecanoe, and Beaver Dam, to Hartford.

From Russellville, by Buena Vista Springs and Gordonville, to Elkton.

From Russellville, by Henrysville and Laurel Bluff, to Greenville.

From Russellville, by Hague, Franklin, Hickory Flat, New Roe, Scottsville, and Hilton, to Tompkinsville.

From Russellville, by Volney, Allensville, and Hadensville, to Clarksville, Tennessee.

From Somerset, by Dabney and Woodstock, to Crab Orchard.

From Somerset, by Smith's Ferry and Craig's Ferry, to Rockhold's.

From Somerset, by Waterloo, Harrison, Mintonsville, Miltonville, to Poplar Hill.

From Somerset, by Stone's, Brawner, Kelley's Store, and Dibbert's Store, to Williamsburg.

From Somerset, by Grundy, Dallas, Line Creek, and Rose Hill, to London.

From Scottsville, by Allen's Springs, to Bowling Green.

From Salem, by Berry's Ferry, to Golconda, Illinois.

From Shelbyville, by Southville and Jesse's Store, to Mount Eden.

From Shelbyville, by Eminence and New Castle, to Drennon's.

From Stanford, by Waynesburg, Adam's Mills, Somerset, Clio, Mill Springs, Steubenville, Monticello, Newberry, and Alpha, to Albany.

From Star Furnace, via Amanda, Bellefonte, Ohio, and Buena Vista, to Ironton.

From Star Furnace, by Mount Savage Furnace, to Grayson.

From Tompkinsville, by Lodi, Tennessee, Bennett's Ferry, and Hamilton's Landing, to Livingston.

From Warsaw, by Napoleon and Downingsville, to Williamstown.

From West Point, by Garnettsville, Rock Haven, Brandenburg, Webster, Clifton Mills, Hardinsburg, Cloverport, Hawesville, Yelvington, Owensboro', Hebbardsville, Henderson, Smith's Mills, Morganfield, and Raleigh, to Shawneetown, Illinois.

From West Liberty, by Bloomington and Licking Station, to Paintsville.

From West Liberty, by Little Sandy and Blaine, to Louisa C. H.

From Williamstown, by Cordova, Raven Creek, Rutland, and Connersville, to Leesburg.

From Williamstown to Callensville.

From Winchester, by Ruckersville and Dunaway's, to Goude's Precinct.

Ohio.—From Akron, by Copley and Sharon Centre, to Medina.

From Akron to Middlebury.

From Akron, by Montrose, Coddingtonville, Granger, Weymouth, Brunswick, and Liverpool, to Grafton.

From Amesville, by Pleasant Valley, Elliott's X Roads, Woody's Mill, Rosseau, Hickerson's X Roads, and Malta, to McConnellsville.

From Antwerp, by Hicksville, Newville, Indiana, Norristown, and Buckhill, to De Kalb, Indiana.

From Ashland, by Savannah and Ruggles, to New London.

From Ashland, by Perote, Nova, North Rochester, Brighton, and North Camden, to Henrietta.

From Ashland, by Oliversburg, Rives, Shanadoah, and Richland, to Plymouth.

From Ashland, by Nankin, Polk, Sullivan, Huntington, Wellington, and Pittsfield, to Oberlin.

From Ashland, by Hayesville, Mohican, and McKay's, to Loudonville.

From Ashtabula, by East Plymouth, North Sheffield, Kelloggsville, Monroe Centre, Clark's Corners, and Cherry Hill, to Elk Creek, Pennsylvania.

From Ashtabula Harbor, by Plymouth, Jefferson, and Denmark, to Richmond.

From Athens, by Shade and Burlingham, to Chester.

From Athens, by Lowry, Star, New Plymouth, Swan, and Rock House, to Adelphi.

From Athens, by Cavalry, Log Cabin, Ringold, and Malta, to McConnellsville.

From Athens, by Canaansville, Guysville, Federalton, Coolville, Hockingport, Little Hockhocking, Centre Belpre, Belpre, Constitution, and Harmar, to Marietta.

From Austin, by Good Hope, to Washington C. H.

From Bainbridge, by Mount Latham, to Waverly.

From Bainbridge, by Greenfield, New Martinsburg, South Plymouth, and West Lancaster, to Jamestown.

From Bainbridge, by Cynthia, Sinking Spring, Locust Grove, Dunbarton, and Dunkinsville, to West Union.

From Barlow's, by Veto, to Centre Belpre.

From Bank Mills, in Brown county, to Westborough, in Clinton county.

From Barnesville, by Temperanceville, Atlas, Calais, and Miltonsburg, to Woodsfield.

From Barnesville, by Leatherwood, Batesville, Calais, Summerfield, Enoch, Olive, Sharon, Keith's, Moscow Mills, and Meigsville, to McConnellsville.

From Bartlett, by Decaturville, to Centre Belpre.

From Barlow, by North Belpre, Decaturville, and Baker's Settlement, to Coolville.

From Beaver, Pennsylvania, by Black Hawk, Saint Clair, Clarkson, Ohio, and Elkton, to New Lisbon.

From Bedford, by Solon, Aurora, Mantua, Center, Hiram, and Rapids, to Parkman.

From Bellefontaine, by Lewistown, Muchinippe, St. John's, and Wapahkonetta, to St. Mary's.

From Bethel, by Nicholsville and Laurel, to Point Pleasant.

From Bloomington to Cross Roads, on the Wilmington and Zanesville Railroad.

From Bolivar, by Sandyville, Magnolia, Waynesburg, Malvern, Oneida, Mills, Perkin, Minerva, Bayard, East Rochester, and Green Hill, to Hanoverton.

From Brunswick, by Hinckley, Richfield, Peninsula, Boston, and Brandywine Mills, to Hudson.

From Bryan, by Pulaski, Montpelier, Durbin's Corners, Spring Lake, North West, Camden, Michigan, Edinburgh, Reading, and Cambria, to Hillsdale.

From Bryan, by William's Centre, Farmer's, Arrowsmith's, and Cicero, to Hicksville.

From Bryan, by Pioneer, Bridgewater, Drake's, Camden Mills, and Stoddart's, to Hillsdale, Michigan.

From Bryan, by Shaffer's, West Buffalo, Luke's, and Spring Lake, to Nettie Lake.

From Bucyrus, by Wyandotte, Little Sandusky, Upper Sandusky, and Crawford, to Carcy.

From Bucyrus, by Broken Sword, Poplar, and Melmore, to Tiffin.

From Bucyrus, by Oceola, Seal, Belle Vernon, McCutchenville, Berwick, Stoner, Risdon, West Mill Grove, Montgomery Cross Roads, New Rochester, and Scotch Ridge, to Perrysburg.

From Bucyrus, by Camp Run, Liberty Corner, and Tiro, to New Haven.

From Bucyrus, by Oceola, Upper Sandusky, Big Turtle, and Whartonsburg, to Eagle.

From Bucyrus, by Sulphur Springs, New Washington, Wellersville, Tiro, De Kalb, Liberty Corners, and Camp Run, to Bucyrus.

From Cadiz, by Archer, New Rumley, Kilgore, Hickory, and Algonquin, to Carrollton.

From Cannonsburg to Johnstown.

From Carlisle, by Black Creek, Marco, Buck Creek, and Newberry, to Scotland.

From Cambridge, by North Salem, Kimbolton, Bird's Run, Linton Mills, and Plainfield, to Coshocton.

From Cambridge, by Claysville, Cumberland, Wharton, Wood Grove, Hiram, Hoskinsville, Sharon, Anderson's Store, Bristol, and Meig's Creek, to McConnellsville.

From Canaansville to North Union.

From Carrollton to Bayard.

From Carrollton, by Algonquin, Palermo, New Hagerstown, Heller's Cross Roads, Tappan, Deersville, Tippecanoe, West Chester, Milnersville, and New Salem, to Cambridge.

From Canal Winchester, by Groveport, to Lockbourne.

From Carrollton, by Cabello, Augusta, Green Hill, New Alexander, and North Georgetown, to Salem.

From Canton, by Pallow, Navarre, Frease's Store, to Winesburg.

From Carrollton, by Kossuth, Morges, Magnolia, to Zoar, and return by Summerman's, Scott's Mills, and Kossuth, to Carrollton.

From Canton, by North Industry, Sparta, Sandyville, Zoar, and Canal Dover, to New Philadelphia.

From Canton, by New Berlin, Greentown, Lake, North Springfield, and Middleburg, to Akron.

From Canton, by North Industry and Pierce, to Sandyville.

From Canton, by Barryville, Marlboro', Mahoning, Deerfield, Frederick, Milton, Duck Creek, Hanna's Mills, North Jackson, and Eden, to Warren.

From Canton, by Lewisville, Barryville, Mount Union, Damascusville, Salem, Washingtonville, Columbiana, East Fairfield, and Palestine, to Darlington, Pennsylvania.

From Chagrin Falls, by Russell, Ford, Burton, Middlefield, Messopotamia, North Bloomfield, Greenburg, and Gustavus, to Kinsman's.

From Chardon, by Hampden, East Claridon, Middlefield, Bundysburg, and Farmington, to Parkman.

From Chardon, by South Kirtland and Pleasant Valley, to Euclid.

From Canton, by Middle Branch, New Baltimore, Cairo, Hartville, Randolph, Rootstown, Ravenna, Shalersville, Auburn, Newbury, North Newbury, and Munson, to Chardon.

From Chesterville, by Pulaskieville, Mount Goliad, Marits, Underwood's, to Marion.

From Chesterville, by Fredericktown, Levering, and Woodview, to Shauck's.

From Chester, by Bashan and Graham's Station, to Great Bend, return by Sterling Bottom.

From Chillicothe, by Yellow Bird and Clarksburg, to New Holland.

From Chillicothe, by Gillespieville, Ratcliffsburch, Allensville, McArthur's, Prattsville, Bolen's Mills, Lee, Hebbardsville, Athens, Amesville, Sharp's Forks, Bartlett, Wesley, Barlow, and Harmar, to Marietta.

From Chillicothe, by Richmondale, Jackson, Rocky Hill, Thurman, Rio Grande, Rodney, and Gallipolis, to Point Pleasant, Virginia.

From Chillicothe, by Hallsville, Adelphi, South Ferry, and Gibersonville, to Logan.

From Cincinnati, by Cummins, Brown's Grove, Bevis' Tavern, Dunlap, Ross, Millville, Stillwell's, Oxford, College Corners, Cottage Grove, Indiana, Liberty, Brownsville, and Springersville, to Connersville, Indiana.

From Cincinnati, by the River and Hugginsport, to Georgetown.

From Cincinnati, by New Richmond, Point Pleasant, Moscow, Foster, Neville, Chilo, Rural, Augusta, Kentucky, Higginsport, Ohio, Dover, Kentucky, and Ripley, Ohio, to Maysville, Kentucky.

From Cincinnati, by Hamilton, Rossville, Seven Mile, Collinsville, Somerville, Camden, Eaton, Campbellstown, and Richmond, to New Castle.

From Cincinnati, by Fulton, Columbia, Newtown, Mount Carmel, Olive Branch, Batavia, California, Williamsburg, Clover, Bethel, Hamersville, Georgetown, Russellville, Decatur, and Eckmansville, to West Union.

From Cincinnati, by Milford, Miamisville, Branch Hill, Loveland, Deerfield Village, Lebanon, Morrow, Fort Ancient, Oregon, Waynesville, Spring Valley, Xenia, and Yellow Springs, to Springfield.

From Cincinnati, by Walnut Hills, Pleasant Ridge, Montgomery, Twenty Mile Stand, and Hopkinsville, to Morrow.

From Cincinnati, by Mount Washington, Winghamville, Amelia, Bantam, Bethel, Point Isabel, and Mount Clive, to Felicity.

From Cincinnati, by Cummins, Carthage, Springdale, Fosdick, Winton, Hamilton, Trenton, Middletown, Poast Town, Carlisle Station, Germantown, Miamisburg, Bear Creek, and Alexandersville, to Dayton.

From Cincinnati, by College Hill, Hygeia, Mount Healthy, Pleasant Run, and Symmes' Corner, to Hamilton.

From Circleville, by Seistsville and Talton, to Adelphi.

From Circleville, by Kingston, Camp Charlotte, Tarlton, Oakland, and Clear Creek, to Amanda.

From Circleville, by Darbyville and Five Points, to Mount Sterling.

From Circleville to Lithopolis.

From Cleves, by Oury's, Dry Fork, Preston, Tariff, Saint Charles, Riley, to Oxford.

From Cleveland, by Royalton, Hinckley, Granger, Coddingtonville, and Sharon, to Wadsworth.

From Cleveland, by Independence, Bricksville, Rickfield, and Bath, to Copley.

From Cleveland to Buffalo, New York.

From Cleveland to Port Stanley.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

MONDAY, AUGUST 7, 1854.

NEW SERIES....No. 145.

From Cleveland, by Olmstead, Elyria, Plato, Brownhelm, Vermillion, and Huron, to Sandusky.

From Cleveland, by Ohio City, East Rockport, Rockport, Dover, North Ridgeville, Elyria, Amherst, Henrietta, Birmingham, Florence, Berlinville, Milan, Norwalk, Monroeville, Four Corners, Lyme, Bellevue, Clyde, Fremont, Black Swamp, Woodville, Stony Ridge, Perrysburg, and Maumee City, to Toledo.

From Cleveland, by Warrensville, Barry, Chagrin Falls, Bissell's, Bridge Creek, Auburn, Welshfield, Parma, Nelson, Garrettsville, Windham, Braceville, Willow Dale, to Warren.

From Cleveland, by Euclid, Mayfield, Chester X Roads, Fowler's Mills, Munson, Claridon, Huntsburg, Windsor, Orwell, Pheps, Linden-ville, Williamsfield, South Shenango, Pennsylvania, Hart's X Roads, to Meadville, Pennsylvania.

From Cleveland, by Newburgh, Bedford, Macedonia Depot, Twinsburgh, Hudson, Earlville, Franklin Mills, Ravenna, Rootstown, Atwater, Limaville, Marlboro', Alliance, Mount Union, Sandy, Bayard, Hanoverton, Ingraham, Summitville, Salinesville, Hammondsville, and Mouth of Yellow Creek, to Wellsville.

From Clinton, by Chippewa, New Prospect, and Old Hickory, to Canaan.

From Columbus, by Groveport, Lithopolis, and Green Castle, to Lancaster.

From Columbus, by Worthington, Lewis Centre, Constantia, Alum Creek, Delaware, Leonardsburg, Ashley, Westfield, Cardington, Mount Gilead, Iberia, Galion, Livingston, Shelby, Greenwich Station, Greenwich, New London, Rochester Depot, North Rochester, Wellington, La Grange, Grafton, Rawsonville, Copopa, Columbia Station, Olmstead, Berea, and Rockport, to Cleveland.

From Columbus, by Park's Mills, Blendon, Central College, Maxwell, Galena, Sunbury, Centreburg, and Mount Liberty, to Mount Vernon.

From Columbus, by Hilliard's, Darby Creek, Unionville Centre, Milford Centre, Woodstock, and Brinton, to Urbana.

From Columbus, by Gohanna, Hope, Johnstown, Utica, and Martinsburg, to Bladensburg.

From Columbus, by Clintonville, Worthington, Williamsville, Stratford, Delaware, Norton, Waldo, Marion, Grand Prairie, Little Sandusky, Upper Sandusky, Synochtee, McCutchnville, Tiffin, and Fort Seneca, to Fremont.

From Columbus, by Shadeville, South Broomfield, Circleville, Chillicothe, Waller, Waverly, Piketon, and Lucasville, to Portsmouth.

From Columbus, by West Jefferson, London, South Charleston, Selma, and Cedarville, to Xenia.

From Columbus, by Harrisburg, Palestine, Mount Sterling, and Bloomingburg, to Washington C. H.

From Columbus, by Grove City, Georgeville, Harrisburg, Palestine, Mount Sterling, Duff's Fork, Pancoastburgh, and Bloomingburg, to Washington C. H.

From Crestline, by Bucyrus, Upper Sandusky, Forrest, Dunkirk, Johnstown, and Lima, to Delphos.

From Constitution, by Belpre, Decaturville, to Federalton.

From Corwin, by Clayton, to Union.

From Coolville, by Carthage, Lodi, and Alexander, to Albany.

From Cumberland, by Freeland's Chandlersville, and Richardsville, to Zanesville.

From Cumberland, by Nobleville, Sarahsville, and Whigville, to Summerfield.

From Coshocton, by Munnsville, Chili, New Bedford, Buena Vista, Shanesville, and Dunee, to Deardoff's Mills.

From Coshocton, by Roscoe, Warsaw, Walhonding, Millwood, and Monroe's Mills, to Mount Vernon.

From Coshocton, by Canal, Lewisville, and Bakersville, to Canal Dover.

From Coshocton, by Rural Vale and Mohawk Valley, to New Castle.

From Coolville, by Lottridge, Hulls, Garden, Shade, and Pleasanton, to Lee.

From Dayton, by Dodson, Gordon, Greenville, Mount Heron, Hill Grove, Union City, Indiana, Harrisville, Winchester, Parker, Farmland, Selma, Smithfield, Muncietown, Yorktown, Chesterfield, Anderson, Pendleton, Woodbury, Fall Creek, Alfont, Germantown, and Lawrence, to Indianapolis.

From Dayton, by Henby and Bellbrook, to Spring Valley.

From Dayton, by West Charleston, Chambersburg, Vandalia, Hyattsville, Troy, and Piqua, to Sidney.

From Dayton, by Hyattsville and Troy, to Piqua.

From Dayton, by Little York, Union, West Milton, and Pleasant Hill, to Covington.

From Deaverton, by Portersville and Chapel Hill, to Trimble.

From Deerfield Village, by Hopkinsville, Dallasburgh, Brown's Stone, Goshen, Belfast, and Owensville, to Batavia.

From Darlington, by Enon Valley, Petersburg, New Middleton, Poland, Boardman, Canfield, Ellsworth, Frederick, Palmyra, Edinburg, and Campellsport to Ravenna.

From Deersville, by Stillwater and Rush, to Gnadenhutzen.

From Defiance, by Washington Centre, Farmer, Milford Centre, to Newville, Indiana.

From Defiance, by Brunersburg, Snooksville, Cranesville, and Hicksville, to Panama.

From Defiance, by Aversville, New Bavaria, Ridgeland, Medary, Sugar Ridge, and Macomb, to Finley.

From Delaware, by Patterson, Richwood, Wilkins, York, and Raymond's, to East Liberty.

From Delaware, by Kilbourne, Nimmon's Cross Roads, and Bloomfield, to Mount Liberty.

From Delaware, by Radnor, to Prospect.

From Delphos, by Fort Jennings, to Kalida.

From Dinsmore, by Fryburgh, to St. John.

From Dover, by Coe Ridge, Olmstead, and Copopa, to Strongville.

From Defiance, by Brunersburg and Evansport, to Bryan.

From Dover, by North Dover, Avon, and Sheffield, to Black River.

From Dresden, by Wakatomica, West Carlisle, New Guilford, and New Castle, to Walhonding.

From Dunganon to Hanoverton.

From Eagle, Hancock county, to Lima.

From Eagle, by Arlington, Clement, Finley, Van Buren, Woodbury, Portage, Bowling Green, and Lovett's Grove, to Perrysburg.

From Eaton, by Sugar Valley, to West Florence.

From East Westville, by Pottersville, to Mahoning.

From Ellsworth, by Berlin Centre, North Benton, Deerfield, Atwater, Randolph, Suffield, and Mogadore, to Middlebury.

From Elyria, by Laporte, Rawsonville, Grafton, Litchfield, Chatham, Lodi, Burbank, and Golden Corners, to Wooster.

From Elyria, by Carlisle, to Oberlin.

From Elyria, by Plato, to Black River.

From Elyria, by Laporte, Grafton Station, Grafton, Litchfield, Chatham Centre, Lodi, Burbank, and Golden Corners, to Wooster.

From Erie, Pennsylvania, by West Mill Creek, Swan Centre, Fairview, Girard, Springfield Cross Roads, West Springfield, Conneaut, Ohio, Amboy, Kingsville, Ashtabula, Saybrook, Geneva, Unionville, Madison, Perry, Painesville, Mentor, Willoughby, Wickliffe, to Cleveland.

From Euclid, by Collamer and East Cleveland, to Cleveland.

From Fairview, by Sewellsville, Smyrna, Freeport, Cadwaller, Tippecanoe, and Rush, to Tuscarawas.

From Finley, by Cannonsburg, Croghan, Beaver Dam, and Blue Lick, to Lima.

From Finley, by Oak Ridge, Gilboa, and Buckeye, to Kalida.

From Finley, by Gilboa and Medary, to Defiance.

From Finley, by Big Lick and Stoner, to New Haven.

From Finley, by Benton Ridge, Pendleton, and Pleasant, to Vaughnsville.

From Franklin Mills, by Streetsboro', Aurora, Bissell's, Russell, Chester Cross Roads, South Kirkland, and Kirkland, to Mentor.

From Fremont, by Bettsville, Fitz Henry, Stoner, Risdon, Cass, and Van Buren, to Finley.

From Fremont, by Riley Centre, West Townsend, Castalia, and Venice, to Sandusky.

From Fremont, by Greensburg Cross Roads and Rollersville, to Montgomery Cross Roads.

From Fremont to Port Clinton.

From Fryburg to Louisville, on the Ohio and Pennsylvania railroad.

From Galion, by Caledonia, Marion, Larue, Hale, Rushsylvania, Bellefontaine, De Graff, Quincy, Pemberton, Houston, Spear's Landing, Hardin, Cowan's Station, and Sidney, to Union City, Louisiana.

From Galion, by Corsica, McEwen's Cross Roads, to Lexington.

From Galion, by Leesville Cross Roads, Liberty Corner, and De Kalb, to Tiro.

From Gallipolis, by Racoon Island, South New Castle, Hereford, Swan Creek, Green Bottom, Miller's, Haskellville, and Quaker Bottom, to Guyandotte, Virginia.

From Gallipolis, by Wilkswille, and McKinsters, to Lee.

From Gallipolis, by Addison, Cheshire, Silver Run, Salisbury, Pomeroy, Chester, Alfred, and Tupper's Plains, to Coolville.

From Gallipolis, by Shivenor, Smith's, Bay's Bottom, and Miller's, to Haskellville.

From Gallipolis, by Pine Grove, Vinton, and Ewington, to Wilkesville.

From Gambier, by Millwood, Danville, Nonpareil, Humphrey's Villa, and Killbuck, to Millersburg.

From Germantown, by Farmersville and Enterprise, to West Alexandria.

From Geneva, by Austinburg, Jefferson, Denmark, West Pierpont, Pierpont, Penn Line, Pennsylvania, and Line Mills, to Harmonsburg.

From Geneva, by Harpersfield, Cork, Turnbull, Hartsgrove, Windsor, Mesopotamia, Bundysburg, and Farmington, to Parkman.

From Georgetown, by White Oak Valley, New Hope, Sicily, Sardinia, Mowrystown, and New Corwin, to New Market.

From Georgetown, by New Hope, Mount Orab, Puebla, and Five Mile, to Fayetteville.

From Georgetown to Ripley.

From Gettysburg, by Webster, to Jacksonville.

From Granville to Fredonia.

From Granville, by Alexandria, Johnstown, Reynolds, Vann's Valley, Sunbury, Berkshire, and Alum Creek, to Delaware.

From Gratis, by Enterprise, to West Alexandria.

From Greenville, Pennsylvania, by Kinsman, Williamsfield, Andover, Richmond, Denmark, Pierpont, and Monroe Village, to Kingsville, Ohio.

From Greenville, by Abbottsville, Sampson, and Ithaca, to Castine.

From Greenville, by Woodington, Mississinawa, Seven-mile Prairie, Fort Recovery, Macedon, Cold Water, Montezuma, Celina, Boetia, Mercer, Mendon, and Auglaize, to Van Wert.

From Greenville, by Abbottsville, Arcanum, Pittsburg, Ludlow, Centre, and Clayton, to Dayton.

From Greenfield, by Good Hope, to Washington.

From Guilford, by Leroy, to Lodi.

From Hagerstown, by El Dorado, to Eaton.

From Hamilton, by Millville and Bunkerhill, to Reily.

From Hammondsville, by Cope's Mills, Croxton, Wattsfield, Scroggsfield, Carrollton, Leavitt, Rose, New Cumberland, and Tabor, to New Philadelphia.

From Hamilton, by Rossville, Dartrtown, Morning Sun, Fair Haven, Beechy Mire, Indiana, and Boston, to Richmond, Indiana.

From Hamilton, by Rossville, Seven Mile, Collinsville, Somerville, and Camden, to Eaton.

From Hanoverton to New Garden.

From Hillsboro', by New Petersburg, to Greenfield.

From Homer, by Brandon, to Mount Vernon.

From Humphreysville, by Ridge and New Princeton, to Warsaw.

From Huntsville, by Roundhead, West Newton, Donnell's, Westminster, Lima, Allentown, Middle River, and Delphos, to Van Wert.

From Hillsboro', by Russell's Station, Lynchburg, Westboro', and Blanchester, to Loveland.

From Inverton, (Ironton,) in Lawrence county, by Lawrence Furnace, Mount Vernon Furnace, Olive Furnace, and Washington Furnace, to Oak Hill, in Jackson county.

From Inverton, (Ironton,) to Gallipolis.

From Jackson, by Oak Hill, Gallia Furnace, McDaniel's, Waterloo, Aid, Simmon's, Russell's Place, and Quaker Bottom, to Guyandotte, Virginia.

From Jackson, by McGhee's Store, Keystone, Ginton, and Anselin, to Cheshire.

From Jackson, by Green Meadow and Reed's Mills, to McArthur's.

From Jackson, by Maybee's, Levi, Jackson Furnace, Bushy Fork, and Sciota, to Portsmouth.

From Jackson, by Berlin Cross Roads, Dawkin's Mills, Buckeye Furnace, Wilkesville, Ledlie's, and Langsville, to Rutland.

From Jacksontown, by Thornville, New Salem, and Pleasantville, to Lancaster.

From Jacksontown to Newark.

From Jacksonville, by Greenwood, to Lomarus.

From Jacksonville, by Brock, North Star, Cranberry Prairie, Carthage, and Montezuma, to Celina.

From Jamestown to Jeffersonville.

From Jamestown, by Bowersville and Bloomington, to Wilmington.

From Jersey to Columbia Centre.

From Kalida, by New Bavaria, Napoleon, West Barre, Essex, Ohio, Etna, Lyons, and Baker's Corners, to Adrian, Michigan.

From Kenton to Hale.

From Kenton, by Dudley, Marseilles, Warpole, Bowsherville, to Upper Sandusky.

From Kenton, by Huntersville, Hog Creek, and Herring, to Lima.

From Kingsville, by Monroe Village, Pierpont, West Pierpont, Denmark, Richmond Centre, Leon, Andover, Williamsfield, West Williamsfield, Kinsman's, West Salem, and Maysville, to West Greenville, Pennsylvania.

From Kinsman, by Johnsonville, to Warren.

From Lancaster, by Sugar Grove, Logan, Pattonville, Nelsonville, Chauncey, Athens, Hebbardsville, Woodyard, Donnington, Harrisonville, Rutland, and Salisbury, to Pomeroy.

From Lavona, by Lena, German Centre, Lockport, and Pulaski, to Bryan.

From Lafayette, by Tradersville, to Mechanicsburg.

From Lancaster, by Clearport and Middlefork, to South Perry.

From Lancaster, by Dumontville, Baltimore, and Millersport, to Hebron.

From Lancaster, by Bremen, Crosanville, Asbury, Pike, New Lexington, Oakfield, Morgansville, and Malta, to McConnellsville.

From Lancaster, by Carroll, Lockville, Pickerington, Reynoldsburg, Black Lick, Ovid, Hope, and Harlem, to Galena.

From Lancaster, by Jefferson, Winchester, and Waterloo, to Grant Post.

From Lancaster, by Carroll, Canal, Winchester, and Grovesport, to Columbus.

From Lebanon, by Red Lyon and Springborough, to Franklin.

From Leesville, by Sherrodsville and New Cumberland, to Zoar.

From Lima to Mercer, via Arcadia and Mendon.

From Lima to St. John's.

From Locust Grove, by Marble Furnace, Gustine, Tranquillity, and Youngsville, to Eckmansville.

From Locust Grove, by Lovett's, Bell, North Uniontown, and Marshall, to Hillsboro'.

From Logan, by Straitsville, Pike, New Lexington, Rehoboth, and Buckeye Cottage, to Fultonham.

From London, by Cross Roads, Bloomingburgh, Washington C. H., Convenience, and Frankfort, to Chillicothe.

From Lowell, by Regnier's Mills, Gardner, South Olive, and Olive, to Sharon.

From Lynchburg, by Dodsonville, Princeton, Buford, Sicily, White Oak Valley, and New Hope, to Georgetown.

From Malta, by Chapel Hill and Sunday Creek X Roads, to Straitsville.

From Malvern, in Carroll county, to Leesville.

From Mansfield, by Lexington, Belleville, Butler, Shaler's Mills, Maple Grove, Fredericktown, Mount Vernon, Utica, and St. Louisville, to Newark.

From Mansfield, by Shelby, Plymouth, New Haven, Centretown, Havanna, Pontiac, Menroe-ville and Bloomingville, to Sandusky.

From Marion, by Big Island, Cochranton, Marseilles, Mount Blanchard, Blanchard Bridge, Ashery, to Finley.

From Marion, by Letimberville, Bucyrus, Chatfield, Attica, Reedtown, and Sherman, to Bellevue.

From Marion, by Wilson and Rush Creek, to Richwood.

From Marysville, by New California and Jerome, to Dublin.

From Marysville, by Mount Victory, Kenton, and Mount Washington, to Finley.

From Marysville, by Polk's Creek, to Kenton.

From Massillon, by Canal Fulton, Clinton, Nimisila, Akron, Cuayahoga Fall, and Stow, to Hudson.

From Massillon, by Navarre, Bolivar, Zoar, Canal, Dover, New Philadelphia, Tuscarawas, Gnadenhutzen, Port Washington, Newcomers-town, White-Eye Plains, and West Lafayette, to Coshocton.

From Marysville, by Allen Centre, Coberley's, West Middleburgh, East Liberty, Raymond, and Zanesville, to Bellefontaine.

From Mayfield to Gates's Mills.

From McArthur's, by Elk Swan, Cassboro', and Ewing, to Logan.

From McConnellsville, by Malta, Pennsville, Chester Hill, Bartlett, North Union, Decaturville, and Fillmore, to Little Hockhocking.

From McConnellsville, by Malta, Pennsville, Stockport, Brown's Mills, Watertown, Barber, and Harmer, to Marietta.

From Medina, by Mallett's Creek, Litchfield, Penfield, Wellington, Brighton, East Clarksfield, Clarksfield, and Hartland, to Norwalk.

From Middletown, by Le Sourdsville and Princeton, to Port Union.

From Milan to Sandusky.

From Milford, by Mulberry, Goshen, Butlersville, Pleasant Plain, Blanchester, and Westboro', to New Vienna.

From Milford, by Belfast, Edenton, and West Woodville, to Blanchester.

From Millersburg, by Berlin, Winesburg, and Deardoff's Mills, to Bolivar.

From Millersburg, by Nashville, to Londonville.

From Milford, by Perrin's Mills, Marathon, Monterey, Fayetteville, Dodsonville, Allenburg, and Economy, to Hillsboro'.

From Millersburg, by Berlin, Walnut Creek, and Shanesville, to Canal Dover.

From Millersburg, by Nashville, Greersville, Brownsville, North Liberty, Shaler's Mills, Palmyra, Waterford, and Pulaski, to Mount Gilead.

From Millersburg, by Oxford, Killbuck, Van Buren, and Bridge, to Warsaw.

From Millersburg, by Benton, Mount Hope, Mount Eaton, and West Lebanon, to Massillon.

From Minerva, by New Franklin, Mount Union, Mahoning, Limaville, and Atwater, to Edinburg.

From Morristown, by Olive Hill, Barnesville, Somerton, and Malaga, to Woodsfield.

From Morrow, by Rochester, Clarksville, Sligo, Wilmington, Wilson's Station, Sabina, Washington C. H., New Holland, Williamsport, Circleville, and Amanda, to Lancaster.

From Mount Gilead, by Smith's Mills and Wheatstone, to Corsica.

From Mount Gilead, by Iberia, Galion, Lees-

ville, West Liberty, De Kalb, Tiro, to Plymouth.

From Mount Gilead, by Andrew's and Shaub's, to Lexington.

From Mount Gilead, by Burn's Corners and Harmony Township, to Sparta.

From Mount Vernon, by Democracy, Jewellway, Loudonville, Big Prairie, Wooster, Madisonburgh, Old Hickory, Guilford, Medina, Brunswick, Strongsville, Middleburg, Parma, Brooklyn, and Ohio City, to Cleveland.

From Mount Vernon, by Gambier, Wolf, Bladensburg, New Guilford, West Bedford, Tyrone, and Roscoe, to Coshocton.

From Newark to Granville.

From Newark, by Thornville, Somerset, Maxville, Logan, Plymouth, McArthur, Charleston, Berlin, Jackson, and Scioto, to Portsmouth.

From Newark, by Chatham, Sylvania, Appleton, and Croton, to Sunbury.

From Nashport, by Perryton, Fallsburg, and Martinsburg, to Utica.

From New Brighton, by Darlington, Palestine, Washington, Salem, Damascusville, Mount Union, Barryville, Canton, Massillon, West Brookfield, East Greenville, Dalton, Number One, and East Union, to Wooster.

From Newville, by Hastings and Barnes, to Mansfield.

From New Hagerstown, by Lamartine, Kilgore, Shober's Mills, Amsterdam, and Nebo, to Moore's Salt Works.

From New Lisbon, by Gavers, McKaig's Mills, Dunganon, Hasingsville, and Mechanics-town, to Carrollton.

From New Lisbon, by East Fairfield, East Palestine, and Unity, to Enon Valley.

From New London, by Fitchville, Olena, and Bronson, to Norwalk.

From New London, by Clarksfield, Wakeman, Florence, and Furnace, to Vermillion.

From New Market, by Berryville and Fairfax, to Youngsville.

From New Market, by Fincastle, Ashbridge, and Russellville, to Ripley.

From New Market to Carrollton.

From New Paris, by Concordia, New Madison, and Fort Jefferson, to Greenville.

From New Paris to New Westville.

From New Philadelphia, by Stone Creek, Rogersville, and Bakersville, to Chili.

From New Portage, by Norton Centre, Western Star, Wadsworth, and River Styx, to Medina.

From New Richmond, by New Palestine, Mount Pisgah, Locust Corner, Batavia, Owen-ville, Newtonsville, Edenton, West Woodville, and Blanchester, to Edwardsville.

From Newton Falls to Milton.

From North Fairfield, by Ripleyville, to Greenwich Station.

From Norwalk, by Peru, North Fairfield, and Steuben, to New Haven.

From Oberlin to La Grange.

From Orange to Youngstown.

From Oneida Mills to Leesville.

From Oxford, by Mixerville, Indiana, Springfield, and Whitcomb, to Brookville.

From Painesville, by Hillhouse, Thompson, South Thompson, Montville, and Huntsburg, to Middlefield.

From Painesborough, in Highland county, to Tranquillity.

From Painsville, by North Bloomfield, to West Greenville, Pennsylvania.

From Piketon, by Gibson, to Flat.

From Paudling to Charloe.

From Piqua, by Lockington, Houston, Wy-nant, Laramies, Minster, New Bremen, Saint Mary's, Kossuth, Deep Cut, Arcadia, Delphos, Doylestown, Dog Creek, Murat, Charloe, to Junction.

From Pittsburg, by Courtneyville, Sewickly-ville, Sewickly Bottom, Economy, Baden, Free-dom, Beaver, Rochester, New Brighton, Darlington, Enon Valley, East Palestine, New Waterford, Columbiana, Salem, Damascusville, East Westville, Alliance, Mount Union, Marlboro', Maximo, South Rome, Louisville, Canton, Mas-sillon, North Lawrence, Baugleman, Orrville, Wooster, Millbrook, Big Prairie, Plympton, Shreve, Londonville, Perryville, Lucas, and Mansfield, to Crestline.

From Perrysburg, by Miltonville and Weston, to Gilead.

From Petersburg, by New Springfield, North Lima, and East Lewistown, to Columbiana.

From Poland, by East Lewistown, to Columbiana.

From Poland, by Youngstown, Girard, Niles, Warren, Champion, Southington, Farmington, Parkman, Burton, Claridon, Chardan, Concord, and Painesville, to Fairport.

From Polk, by Albion, West Salem, Lodi, and Lafayette, to Medina.

From Portsmouth, by Rockville, Vanceburg, Stouts, Mahala, Concord, Ebersole's Warehouse, Manchester, and Maysville, to Cincinnati.

From Portsmouth, by Sciotoville, Wheelersburg, Franklin Furnace, French Grant, Hanging Rock, Ironton, Coal Grove, Green's Store, Burlington, Guyandotte, Virginia, Quaker Bottom, Miller's, Swan Creek, Green Bottom, Hereford, South New Castle, Raccoon Island, Galipolis, Point Pleasant, Addison, Cheshire, Silver Run, and Salisbury, to Pomeroy.

From Portsmouth, by Scioto, to Iron Furnace. From Powhatan Point, by Captina, Armstrong's Mills, Beallsville, and Pilcher, to Malaga.

From Providence, by Gilead, Shunk, Medary, and Buckeye, to Pleasant.

From Rainesborough to Tranquillity.

From Ravenna, by Shalersville, Freedom, and Garrettsville, to Hiram.

From Recovery, by St. Henry's and St. John's, to Minster.

From Republic to Bucyrus.

From Republic, by Adams and Butternut Ridge, to Greene Creek.

From Reedtown, by North Norwich, to Steubenville.

From Ripley, by Decatur, Eckmansville, and North Liberty, to Youngstown.

From Risdon, by Brown's Corners and Bloom, to Woodbury.

From Rochester, Pennsylvania, by Beaver, Industry, Smith's Ferry, Little Beaver, Bridge, Ohio, Calcutta, Cannon's Mills, New Lisbon, Buck's, New Garden, New Alexander, New Chambersburg, Moultrie, New Franklin, Paris, and Ozonaburg, to Canton.

From Richmondale, by Londonderry, Eagle Mills, and Bloomingsville, to Logan.

From Salinesville, by Mechanicstown, Scroggsfield, Harlaem Springs, Kilgore, Germano, and Fife, to Cadiz.

From Sabina, by Quinn's Mills and Lee's Creek, to Highland.

From Salem, by North Georgetown, to Winchester.

From Salem, by New Albany, Canfield, Orange, Ohl's Town, Warren, Bristolville, North Bloomfield, Orwell, Rome, Morgan, Eagleville, and Jefferson, to Ashtabula.

From Sandusky to Toledo.

From Sampson, by Abbottsville, to Greenville.

From Seven Mile, by Jacksonborough, West Elkton, Gratis, West Alexandria, Lewisburgh, Euphemia, Hagerstown, Castine, and Fort Jefferson, to Greenville.

From Senecaville, by Buffalo and Dyson's, to Cambridge.

From Sharonville, by West Chester, Bethany, and Monroe, to Blue Hill.

From Shelby, by De Kalb and Sulphur Springs, to Bucyrus.

From Sharp's Fork, by Pleasant Valley, Woody's Mill, Rosseau, and Chaneyville, to McConnellsville.

From Sheffield Lake, by Avon Lake, to Dover.

From Sydney, by Pratt, Quincy, De Graff, and Logansville, to Bellefontaine.

From Shalersville, by Streetsboro, Hudson, Peninsula, Richfield, and Hinckley, to Brunswick.

From Somerset to Jacksontown.

From Sidney, by Valentia, Dinsmore, Wapahkonetta, Lima, Kalida, and Franconia, to Charloe.

From Simmon's Run, by Mohawk, to New-castle.

From Sinking Spring, by Byington, Morgan's Fork, Jasper, Piketon, Beaver, and Meadow Branch, to Jackson.

From Somerset, by Rehoboth, New Lexington, Pike, Whipstown, Sunday Creek, Hartleysville, Cross Roads, Trimble, and Millfield, to Athens.

From Springfield, by Donnellsville, New Carlisle, and Fair Mount, to Troy.

From Springfield, by Tremont and Terrehaute, to Northampton.

From Springfield, by Harmony, Vienna Cross Roads, Summerford, West Jefferson, and Alton, to Columbus.

From Springfield, by Enon, Fairfield, Kneisly, and Harshmansville, to Dayton.

From Springfield, by Urbana, West Liberty, Bellefontaine, Huntsville, New Richland, Belle Centre, Kenton, Sylvia Forest, Carey, Whartonburg, Adrian, Tiffin, Watson's Station, Green Spring, Clyde, Castalia, to Sandusky.

From Springfield, by Mechanicsburg, Milford Centre, Marysville, Little Mill Creek, and Scioto Bridge, to Delaware.

From St. Clairsville, by East Richland, Uniontown, Flushing, and New Athens, to Cadiz.

From St. Clairsville, by Corinth, Jacobsburg, Captina, Ring's Mills, Armstrong's Mills, Beallsville, Woodsfield, Pilcher, Hunter, Lampsville, and Demos, to St. Clairsville.

From St. Joseph's, by William's Centre, Ney, and Brunersburg, to Defiance.

From St. Joseph's, by Artic, Hamilton, Indiana, Steubenville, Angola, Flint, and Brushy Prairie, to Lima.

From St. Mary's, by Celina, Skeel's Cross Roads, New Corydon, Indiana, Timber Lost, Linn Grove, Vera Cruz, Bluffton, Murray, Markel, and Huntingdon.

From St. Mary's, by Celina, Neptune, Boetia, Mercer, Shane's Crossing, Wilshire, Pleasant Mills, Indiana, Decatur, Monmouth, and Root, to Fort Wayne.

From Steubenville, by Bargar's Shop, to Mount Pleasant.

From Steubenville, by Winterville, Richmond, Annapolis, Germano, New Rumley, Scioto, Conotton, New Hagerstown, Leesville, Rockford, and New Philadelphia, to Canal Dover.

From Steubenville, by Island Creek and Knox-ville, to New Somerset.

From Steubenville, by Wintersville, Boomingdale, Hopedale, Cadiz, Cassville, Moorfield, Smyrna, Londonderry, Antrim, Winchester, and Cable, to Cambridge.

From Steubenville, by Browning's Mills, Island Creek, Knoxville, New Somerset, Mitchell's Salt Works, Moore's Salt Works, Croxton, Salineville, Inverness, and West Beaver, to New Lisbon.

From Steubenville, by Wintersville, Cross Creek, Richmond, East Springfield, Amsterdam, Harlem Springs, Carrollton, New Harrisburg, Waynesburg, to Canton.

From Strasburg, by Fryburg, to Paris.

From Sunbury, by Vail's Cross Roads, Porter, Sparta, Fredericktown, and Shaler's Mills, to North Liberty.

From Sunbury, by Porter, Kinston Centre, Mimmon's Cross Roads, Marengo, Bennington, and Lincoln, to Mount Gilead.

From Sunfish, by Jonesville and Rocky Narrows, to Woodsfield.

From Sunfish, by Bare's, to Sardis.

From Toledo, by Genoa, Elmore, Fremont, Clyde, Bellevue, Monroeville, Milan, Norwalk, East Townsend, Wakeman, Camden Station, and Oberlin, to Grafton Station.

From Toledo, by Java, Ai, Parcher's Corners, Emery, Blanc, Deer Lick, Domestic, Bridgewater, Nettle Lake, Fish Creek, Indiana, and Angola, to Lagrange.

From Tiffin, by Adams, Green Spring, Clyde, York, North Ridge, Townsend, and Castalia, to Sandusky.

From Tiffin, by Bascom, to Stoner.

From Tiffin, by Republic, West Lodi, Flat Rock, Bellevue, Grotton Centre, and Cook's Corner, to Sandusky.

From Toledo, by Hardy, Swantown, Essex, Outokee, Zedron, Allston, Elmira, West Unity, and Durbin's Corners, to Bryan.

From Troy, by Covington, Robinson's, and New Harrison, to Greenville.

From Tupper's Plains, by Long Bottom, to Chester.

From Twinsburg, by Solon, Orange, and Atwater, to Edinburg.

From Union, by Centre, West Baltimore, and Ithaca, to Castine.

From Upper Sandusky, by Belle Vernon, Sycamore, Mexico, Melmore, and Bloomingville, to Republic.

From Upper Sandusky, by Brownstown, to Marseilles.

From Urbana, by Westville, Saint Paris, Allen's, and Fletcher, to Piqua.

From Urbana, by Westville, Millerstown, Careyville, Palestine, and Plattsville, to Sidney.

From Urbana, by Westville, Baker, Christiansburg, and Casstown, to Troy.

From Van Buren, by Portage Cross Roads, Ten Mile Creek, North Ridge, Melmore, to Ridgeland.

From Vaughnsville, by Gomar, Delphos, Van Wert, and Recruit, to Fort Wayne, Indiana.

From Walhonding, by Tiverton and Danville, to Democracy.

From Wapahkonetta, by Unionopolis, Waynesfield, Roundhead, and McDonald, to Kenton.

From Warren, by Bazetta, Mecca, Greensburg, Phelps, New Lyme, and Lenox, to Jefferson.

From Warren, by Lordstown, North Jackson, and Ellsworth, to Salem.

From Washington, by New Gottingen, Seneca-ville, Mount Ephraim, Sarahsville, Olive, Sharon, Gardner, South Olive, Regnier's Mills, and Clay-tona, to Lowell.

From Washington C. H., by Staunton, Moon's, Leesburg, and Samantha, to Hillsboro.

From Washington C. H., by Jeffersonville, South Solon, Grape Grove, Jamestown, New Jasper, Xenia, Eureka Mills, and Bellbrook, to Centerville.

From Washington C. H., by Convenience, Austin, and Frankfort, to Chillicothe.

From Waterville, by Groveland, Lavona, West Barre, Ridgeville Corners, and Oak, to Bryan.

From Waynesville to Springboro.

From Wellsville, by Glasgow, West Point, New Lisbon, Franklin Square, Salem, North Birmingham, North Benton, Deerfield, Eding-burg, and Campbellsport, to Ravenna.

From Wellsville, by Inverness, Salinesville, Hastingsville, Norristown, and Augusta, to Minerva.

From Wellsville, by East Liverpool, Little Beaver Bridge, and Ohioville, to Achior.

From Wellersville, Columbiana county, by Knoxville, Richmond, Bloomingdale, Smithfield, Mount Pleasant, and Colerain, to St. Clairsville.

From West Jefferson, by West Canaan, Darby Creek, Darby Plains, Rose, Dale, Mechanicsburg, and Mutual, to Urbana.

From West Jefferson, by Wahoo, to Mechan-icsburg.

From West Liberty, by Pickerelton, to Dela-ware.

From West Milton, by Laura, Painter Creek, and Poplar Ridge, to Greenville.

From West Union, by Wagoner's Ripple, Stout's, Rockville, and Friendship, to Portsmouth.

From Wheelersburg, by Junior, Kelley's Mills, Elizabeth, Campbell, Patriot, and Thurman, to Vinton.

From Wheeling, Virginia, by Martin's Ferry, Ohio, Colerain, Mount Pleasant, Adena, Harris-ville, Short Creek, Cadiz, Deersville, Feed Spring, Ulricksville, New Philadelphia, Canal Dover, Strasburg, Deardoff's Mills, Frense's Store, Mount Eaton, and Apple Creek, to Wooster.

From Wheeling, Virginia, by Bridgeport, Ohio, St. Clairsville, Lloydsville, Morristown, Hendrys-burg, Fairview, Middlebourne, Washington, Cam-bridge, New Concord, Norwich, and Bridgeville, to Zanesville.

From Wheeling, Virginia, by Short Creek, Warrenton, Ohio, Wellsville, Steubenville, Ohio, Jeddo, Elliottsville, Port Homer, and Mouth of Yellow Creek, to Wellsville.

From Williamsburg, by De La Palma, Union Plains, Buford, and Nevin, to New Market.

From Williamsburg, by Sardinia and Fincas-tle, to Scott.

From Wilkesville, by Eagle Furnace and Win-ton Furnace, to McArthur.

From Williamsburg, by New Harmony, to New Hope.

From Willoughby, by Mayfield, to Gate's Mills.

From Wilmington, by Oakland and Harveys-burg, to Waynesville.

From Wilmington, by Port William, Painters-ville, Lumberton, and New Burlington, to Spring Valley.

From Wilmington, by New Antioch, Snow Hill, New Vienna, Highland, Leesburg, Centrefield, Greenfield, South Salem, and Latta's, to Chillicothe.

From Wilmington, by Cuba, Martinsville, Lynchburg, Sharpsville, and Willettsville, to Hillsboro'.

From Winchester, by Milnersville, Paoli, and Albany, to Port Washington.

From Woodville, by Whitestown, Ottawa, Port Clinton, and Marblehead, to Sandusky.

From Woodsfield, by Lewisville, Summerfield, Byrne, Stafford, Masterton, Harrietsville, Middle Creek, Regnier's Mills, Aurelia, Lower Salem, Bonn, and Fearing, to Marietta.

From Woodsfield, by Graysville, Antioch, Cochran's Landing, Jolly, Flint's Mills, Lawrence, and Lower Lawrence, to Marietta.

From Wooster, by Mooreland, Mill Brook, Shreve, Nashville, and Black Creek, to Humphreysville.

From Wooster, by Plain, Reedsburg, Jeromeville, Haysville, Mifflin, Mansfield, Ontario, Riblett's, Galion, and Olentangy, to Bucyrus.

From Wooster, by Smithville, Marshallville, Easton, Chippewa, Johnson's Corners, New Portage, Akron, Middlebury, Tallmadge, Brimfield, Ravenna, Charlestown, Parisville, and Newton Falls, to Warren.

From Wooster, by New Pittsburg, Rorr's, Ashland, and West Windsor, to Mansfield.

From Wooster, by Blacklyville, Mohican, and McKag, to Perryville.

From Wooster, by Robinson's Woollen Factory, Uniontown, and Lafayette, to Savannah.

From Wooster, by Cooper, Cedar Valley, Congress, West Salem, Hornersville, Spencer, and Pennfield, to La Grange.

From Youngstown, by Church Hill, Vienna, Fowler, Johnsonville, Gustavus, Lindenville, Cherry Valley, and Dorset, to Jefferson.

From Xenia, by Alpha, Zimmerman's, Williamstown, Dayton, Liberty, New Lebanon, Johnsonville, West Alexandria, Eaton, Upshur, New Westville, Richmond, Indiana, Centreville, East Germantown, Cambridge, Dublin, Lewisville, Ogden, Raysville, Knightstown, Charlotteville, Kinard, Greenfield, Philadelphia, and Cumberland, to Indianapolis.

From Youngstown, by Hubbard, Brookfield, Hartford, Vernon, Kinsman's, Williamsfield, Andover, Richmond Centre, Pierpont, Monroe Centre, and South Ridge, to Conneaut.

From Youngstown, by Coitsville, to New Bedford, Pennsylvania.

From Young Hickory, by High Hill and Ridge-way, to Duncan's Falls.

From Zanesville, by Putnam, White Cottage, Fultonham, Sego, Somerset, Rushville, West Rushville, Lancaster, Clear Creek, Tarlton, Camp Charlotte, Kingstown, Chillicothe, Bourneville, Bainbridge, Rainsboro', Dallas, Hillsboro', New Market, Sugar Tree Ridge, Scott, Eckmanville, Bentonville, Bradyville, and Aberdeen, to Maysville, Kentucky.

From Zanesville, by Duncan's Falls, Blue Rock, Rokeby, McConnellsville, Neelysville, Beverly, Waterford, Coal Run, and Lowell, to Marietta.

From Zanesville, by Shannon, to Frazey-sburg.

From Zanesville, by West Zanesville, Muskingum, Dresden, Adam's Mills, Conesville, Roscoe, Coshocton, Canal, Keen's, Clark's, Millersburg, Holmesville, and Fredericksburg, to Wooster.

From Zanesville, by Hopewell, Gratiot, Brownsville, Linville, Jacksonstown, Hebron, Kirkersville, Etna, Reynoldsburg, and Hibernia, to Columbus.

From Zanesville, by Putnam, Newton, Roseville, Deaverton, Triadelphia, Hall's Valley, and Malta, to McConnellsville.

From Zanesville, by East Greenwich, Adamsville, Osego, and Plainfield, to White Eye Plains.

From Zanesville, by Chandlersville and Rich Hill, to Cumberland.

From Zanesville, by Rix's Mills, Chandlersville, and Fulland's, to Cumberland.

From Zanesville, by Symmes's Creek, Saintfield, and Will's Creek, to Coshocton.

From Zanesville, by Lexington, New Lancaster, Circleville, Washington, Wilmington, and Morrow, to Cincinnati.

From Zanesville, by Nashport, Hanover, Clay

Lick, Newark, Pataskala, Columbia Centre, Hibernia, and Black Lick, to Columbus.

Michigan.—From Abscota to Pine Creek.
From Adrian to Parker's Corners, in Lenawee county.

From Adrian, by Fairfield and Lyons, to Ottakee, Ohio.

From Adrian, by Rome, Mendon, Addison, Wheatland Centre, Adams, and North Adams, to Jonesville.

From Adrian, by Rome, Centre, Springville, Cambridge, and Brooklyn, to Napoleon.

From Adrian, by Tecumseh, Clinton, Manchester, and Napoleon, to Jackson

From Ada, by Smyrna, Alton, and Vergennes, to Otisco.

From Albion to Homer.

From Allegan, by Holland, to Grand Haven.

From Allegan, by Trowbridge, Cheshire, Bloomingdale, and Waverly, to Pawpaw.

From Allegan, by Pine Plain and Manlius, to Saugatuck.

From Allegan to Pawpaw.

From Almont, by Dryden, Amboy, and Etna, to Farmer's Creek.

From Ann Arbor, by Webster, Northfield, Hamburg, and North Hamburg, to Howell.

From Battle Creek, by Climax Prairie, West Climax, Pavilion, Brady, Schoolcraft, Prairie Ronde, Decatur, Little Prairie Ronde, and Pickett's Corners, to La Grange.

From Battle Creek, by Bedford, Johnstown, Bristolville, Baltimore, Hastings, Irving, Middleville, Caledonia, and Whitney'sville, to Grand Rapids.

From Battle Creek, by Abscota and Union City, to Coldwater.

From Battle Creek, by Yorkville, Richland, Prairieville, Fulton, Yankee Springs, Middleville, Caledonia, and Whitney'sville, to Grand Rapids.

From Bellevue, by Kalamo and Vermontville, to South Cass.

From Blissville, by East Ogden and West Ogden, to Fairfield.

From Bridgeport, by Frankenmuth and Worth, to Vassar.

From Brighton, by North Brighton, Hartland, and Tyrone, to Fentonville.

From Bronson's Prairie to Orlanda, Indiana.

From Brooklyn, by Columbia, Liberty, South Jackson, and Bennett's Corners, to Spring Arbor.

From Brownstown, by Woodville, Huron, Romulus, Belleville, and Rawsonville, to Ypsilanti.

From Camden, by Morganville, Bird, Attica, Morenchi, Chesterfield, Lyons, Metamora, and Riga, to Whiteford.

From Cassapolis, by Edwardsburg and Adamsville, to Elkhart, Indiana.

From Charlotte, by Chester and South Cass, to Boston.

From Charlotte, by Carlisle, Bellevue, Verona, and Penfield, to Battle Creek.

From Charlotte, by Chester, Roxana, and Danby, to Portland.

From Clayton, by Canandaigua and Medina, to Morenci.

From Clayton, by Dover, to Seneca.

From Clinton, by Benton, Salem, and Pittsfield, to Ypsilanti.

From Columbus, by Memphis, East Berlin, and West Berlin, to Almont.

From Constantine, by White Pigeon, to Three Rivers.

From Corunna, by Humphrey Wheeler's, in New Haven, to Chesanning.

From Corunna, by Owasso, Rush, Chesanning, and St. Charles, to Saganaw.

From Croton, by Grand Traverse and Mackinaw, to Saut St. Marie.

From Dexter, by Ingraham Centre, to Mason, in Ingraham county.

From Dexter, by Unadilla, Stockbridge, and Ingham, to Mason.

From Dexter, by Base Lake, Pinckney, East Marion, and Marion, to Howell.

From Decatur Station, by Little Prairie Ronde, Marcellus, Union, and Flowerfield Centre, to Three Rivers.

From Detroit, by Ecree, Trenton, Gibraltar, Brownstown, Newport, Brest, Monroe, La Salle, Erie, and Manhattan, to Toledo.

From Detroit to Cleveland.

From Detroit, on the Plymouth Plank Road, through the townships of Greenfield, Redford, Livonia, and Plymouth, to Northville.

From Detroit to Sault Ste. Marie.

From Detroit, by Dearbornville, Wayne, South Plymouth, Ypsilanti, Ann Arbor, Scio, Dexter, Chelsea, Franciscoville, Grass Lake, Leoni, Michigan Centre, Jackson, Barry, Gidley's Station, Albion, Marengo, Marshall, Ceresco, Battle Creek, Charleston, Galesburg, Comstock, Kalamazoo, Paw Paw, Mattawan, Lawton, Decatur, Dowagiac, Niles, Buchanan, Dayton, New Buffalo, and Michigan City, Indiana, to Chicago, Illinois.

From Detroit, by Roseville, Mount Clemens, New Haven, Columbus, St. Clair, and Mack's Place, to Port Huron.

From Detroit, by the Plank Road, Mount Clemens, and Almont, to Lapeer.

From Detroit, by Royal Oak and Birmingham, to Pontiac.

From Detroit, by Greenfield, Redford, Plank Road, Farmington, Novi, Hicksville, New Hudson, Kensington, Brighton, Genoa, Howell, Fleming, Fowlersville, Phelpstown, Williamstown, and Sanford, to Lansing.

From Dewitt, by Bingham and Greenbush, to Duplain.

From Dewitt, by Riley and Westphalia, to Maple.

From Dowagiac, by La Grange, Cassopolis, Vandalia, Newburg, and Three Rivers, to Centreville.

From Dundee, by Summerfield and Lamberts-ville, to Toledo, Ohio.

From Eagle River, by Beasley's, Torch Lake, Portage Lake, and Houghton, to Portage Entry.

From Elkhart to Goshen.

From Farmington, by North Farmington, West Bloomfield, and Pine Lake, to Pontiac.

From Flint, by Genesee, Thetford, Pine Run, Bridgeport, Bridgeport Centre, and East Saganaw, to Saganaw.

From Fredonia, by Lima and Chelsea, to Sylvan.

From Goodrich, by Davisonville, Davison Centre, Richfield, Forest, Vassar, Frankenhielf, and Bloomfield, to Lower Saginaw.

From Grand Haven, by Muskegon, White Lake, Pentwater, Perie, and Point Sauble, to Wellanisteen.

From Grand Haven to Milwaukee.

From Grand Rapids, by Austerlitz, South Carmon, Courtland, and Oakfield, to Greenville.

From Grand Rapids to Croton, in Newago county.

From Grand Rapids, by Indian Creek, Pleasant, Pintler's Corners, Casnovia, and Newago, to Croton.

From Grand Rapids, by Grandville, Tallmadge, Steele's Landing, Polkton, Ottawa Centre, Crockery Creek, Nortonville, and Mill Point, to Grand Haven.

From Grand Rapids, by Grandville, Georgetown, Allendale, and Ottawa, to Grand Haven.

From Grand Rapids, by Loomisville, Berlin, Wright, and Ravenna, to Muskegon.

From Grand Rapids, by Grandville, to Holland.

From Grand Rapids, by Austerlitz, Cannonsburg, Bostwick, Lake, Grattan, and Otisco, to Greenville.

From Green Bay, by Little Bay, No Queh, Esconabee River, Carp River, Keewenaw Bay, Eagle River, Eagle Harbor, and Copper Harbor, to Lake Superior.

From Groveland, by Holly Mills, Holly Rose, White Lake, and Highland, to Kensington.

From Groveland, by Holly Rose, Highland, and Milford, to New Hudson.

From Hastings, by Alto, to Flat River.

From Hastings to Woodland.

From Hastings to Galesburg.

From Hillsdale, by Ransom, Wood's Corners, and Cass, to Medina.

From Howell, by Oak Grove, Deer Creek, Tuscola, Burns, and Fremont, to Shiawassee.

From Howell, by Marion, Josco, Middletown, and White Oak, to Ingham.

From Hudson, by Cass and Domestic, Ohio, to West Unity.

From Ionia, by Wheatland and Otisco, to Greenville.

From Ionia, by Boston, South Boston, and Carlton, to Hastings.

From Ionia, by Avon, Rix, Flat River, and Ada, to Grand Rapids.

From Jackson, by Spring Arbor, Concord, Pulaski, and Scipio Centre, to Jonesville.

From Jackson, by Tompkins, Otter Creek, Eaton Rapids, and Eaton, to Charlotte.

From Jackson, by West Rivers, Aurelius, Leslie, Eden, Mason, and Delhi Centre, to Lansing.

From Jackson, by South Jackson, Liberty Mills, Somerset, Addison, and Rollin, to Hudson.

From Jackson, by South Henrietta, Henrietta, Bunker Hill, and Felts, to Mason.

From Jonesville, by Litchfield, Homer, and Eckford, to Marshall.

From Kalamazoo, by Ynouski, to Yankee Springs.

From Kalamazoo, by Waverly, Breedsville, Hunter, South Haven, Ganges, and Johnson's, to Newark.

From Kalamazoo to Richland.

From Kalamazoo, by Martin, Bradley, Wayland, Cuba, and Paris, to Grand Rapids.

From Kalamazoo, by Vicksburg, Park Reserve, and Centreville, to Sturgis.

From Kalamazoo, by Portage, Schoolcraft, and Flowerfield, to Three Rivers.

From Kalamazoo, by Cooper, Plainwell, and Otsego, to Allegan.

From Lakeville, by Oxford, Brandon, and Eagle Lake, to Groveland.

From Lakeville, by Fillmore, to Almont.

From Lakeville, by Mount Pleasant, Romeo, Ray, Armedia, and Richmond, to Columbus.

From L'Anse, by Ontonagon and La Pointe, to Fond du Lac, in Minnesota Territory.

From Lansing, by Windsor, Eaton Rapids, Springport, Clarence, and Rice Creek, to Marshall.

From Lansing, by Alverson, Woodhull, Perry, and Antrim, to Byron.

From Lansing, by Delta, Grand Ledge, Mud Creek, Danby, and Sibewa, to South Cass.

From Lansing, by Eagle, Portland, Maple, and Lyons, to Ionia.

From Lansing, by Onesa, Chester, Vermontville, Merritt, Hastings, Glass Creek, Gun Lake, Bradley, Fogo, and Proctor, to Allegan.

From Lansing, by West Windsor, Charlotte, Walton, and Olivet, to Marshall.

From Lansing, by Dewitt, Lainsburg, Enterprize, and Hartwellville, to Byron.

From Lapeer, by Lathrop's Mills, Oregon, Neven's Mills, Marathon, Hay's Mills, and Fourt, to Pine Run.

From Lawton to Paw Paw.

From Lexington, by Bark Shanty, Cherry Creek, Forestville, Chase's Mills, Elm Creek, Whitcomb's Mills, and Brakeman's Mills, to Point Aux Barques.

From Lock's Station, by Burr Oak and Oporto, to Centreville.

From Lyons, by Fair Plains, Ronald Centre, and North Plains, to Greenville.

From Manchester to Chelsea.

From Manchester to Grass Lake.

From Marquette, by L'Anse, to Eagle River.

From Marquette, by Little Bay de Noquet, to Green Bay.

From Marshall, by North Marshall, Bellevue, South Assyria, Assyria, Maple Grove, Castleton, and Hastings, to Middleville.

From Marshall, by Teconsha, Burlington, Union City, Sherwood, Leonidas, Nottaway, Centreville, and Florence, to Constantinople.

From Marshall, by Teconsha and Girard, to Cold Water.

From Marshall, by Cedar Lake, Newton, and Culver, to Abscota.

From Menominee river to Keewenaw Point, Lake Superior.

From Minnesota Mine to mouth of Ontonagon river.

From Minnesota Mine, along the mineral range, by the Forest, and Norwack Mines, to Lake Agoyiber.

From Monroe, by Grafton, Exeter, Oakville, and Paint Creek, to Ypsilanti.

From Monroe, by Dunkirk, to Buffalo.

From Monroe, by Flat Rock, Taylor, Brownstown, and Dearbornville, to Detroit.

From Monroe, by East Raisinville, North Raisinville, London, Milan, York, Saline, and Lodi, to Ann Arbor.

From Monroe, by Ida, Summerfield, and Deerfield, to Adrian.

From Morenci, by Gorham, Mill Creek, Domestic, West Unity, and Lockport, to Evansport.

From Moscow, by Somerset, Wheatland, and Pittsford, to Hudson.

From Mount Clemens, by Vienna, Ray, and Ray Centre, to Romeo.

From Mount Clemens, to Romeo, in Macomb county, via the Plank Road.

From Mount Clemens, by Little's and Ira, to Algonac.

From Niles, by Berrien Springs, to St. Joseph.

From Ontonagon, to the Southeast quarter of section eleven, township forty-nine, range forty-one, in the county of Ontonagon.

From Otsego, by Watson, Dorr, and Bryant, to Grand Rapids.

From Owasso, by Rush, to Chesaning.

From Owasso, by Bennington, Middleburg, Victor, Bengal, Dallas, and Stony Creek to Lyons.

From Owasso, by Hall, Duplin, Greenbush, Essex, and Matherton, to Lyons.

From Paw Paw, by Lawrence, Arlington, Breedsville, and Hunter, to South Haven.

From Paw Paw, by Prospect Lake, Hamilton, Keelersville, Bainbridge, and Millbury, to St. Joseph.

From Pine Run, in Genesee county, to Arbdia Centre, in Tuscola county.

From Pinckney, by Plainfield, White Oak, and Wheatfield, to Williamstown.

From Plymouth, by Borodino and Superior, to Ann Arbor.

From Portage Lake to Anse Bay.

From Pontiac, by Waterford Centre, White Lake, Rose, Fentonville, Tyrone, Linden, Argentine, Byron, Vernon, Shiawasse, and Corunna, to Owasso.

From Pontiac by Ball Mountain, New Canandaigua, Oxford, Metamora, and Farmer's Creek, to Lapeer.

From Pontiac, by Waterford Centre, Commerce, Milford, Highland, Hartland, and Occola Centre, to Howell.

From Pontiac, by Waterford, Austin, Clarkson, Springfield, Groveland, Stony Run, and Grand Blanc, to Flint.

From Pontiac, by Mahopac, Jersey, Brandon, Campbell's Corners, Rural Vale, to Farmer's Creek.

From Pontiac, by Clarkston, Eagle Lake, Goodrich, Davidsonville, Davidson Centre, Rushfield, Forest, and Vassar, to Lake Saginaw.

From Pontiac, by Auburn, Troy, Plumb Brook, Utica, and Sacker's, to Mount Clemens.

From Pontiac, by Strait's Lake, Walled Lake, South Lyons, and Gravel Run, to Ann Arbor.

From Port Huron, by Burchville, to Lexington.

From Quincy to Alleghany.

From Quincy, by Butler and Clarendon, to Huron.

From Reading, by Edinburg, Clear Lake, Indiana, to Mets.

From Rochester, by Mount Vernon and Mere, to Romeo.

From Romeo, by Pinery, Scottville, Albertsonville, Brockway, Lynn, and Merrillsville, to Port Huron.

From Royal Oak, by Troy, Rochester, and Oakland, to Lakeville.

From Royal Oak, by Big Beaver, Utica, Shelby, Washington, and Romeo, to Almont.

From Saganaw, by the eastern side of the Lower Peninsula and Duncan, on Sheboygan Bay, to Mackinac.

From Saganaw to Grand Traverse Bay.

From Saganaw, by Duncan and Mackinaw, to Saut Ste. Marie.

From Saline, by Union District, Bridgewater, Silver Lake, and Sharon, to Grass Lake.

From Saugatuck to South Haven.

From Saut Ste. Marie, by Mackinaw and Duncan, to Saganaw.

From Saut Ste. Marie to Ontonagon.

From Saut Ste. Marie to Fort Wilkins, on Lake Superior.

From Saut Ste. Marie, by Grand Island, to Marquette.

From Shawano, Wisconsin, by mouth of the Ontonagon River, Michigan, Forks of Ontonagon, Minnesota, Adventure, Aztec, Douglass, Houghton, and Algonquin Mines, Houghton, on Portage Lake, Eagle River, and Eagle Harbor, to Copper Harbor.

From Shiawasse, by North Vernon, Swartz Creek, Crockersville, Flint, and Kearsley's, to Lapeer.

From St. Clair, by China, Belle River, and Cottrellville, to Algonac.

From Stony Run, by Goodrich, Davidsonville, and Hadley, to Farmer's Creek.

From Southfield, by Franklin, to Birmingham.

From South Haven to Saugatuck, at the mouth of Kalamazoo, in Allegan county.

From Swartz Creek, in Genesee county, by Gaines, to Byron.

From Tecumseh, by Tipton, Springville, Cambridge, Woodstock, Somerset, and Moscow, to Jonesville.

From Tecumseh, by Ridgeway Ridge and York, to Ypsilanti.

From Toledo, Ohio, by Whitefield, Ottawa Lake, Riga, Blissfield, Michigan, Palmyra, Adrian, Clayton, Hudson, Florida, Hillsdale, Jonesville, Sylvanus, Quincy, Coldwater, Branch, Batavia, Bronson's Prairie, Lock Station, Sturgis, White Pigeon, Bristol, Elkhart, Indiana, Mishawaka, South Bend, Laporte, Coffee Creek, and Calumet, to Chicago, Illinois.

From Wayne, by Nankin, Plymouth, and Mead's Mills, to Northville.

From Wayne, by Romulus, Centre, and Huron, to Brownstown.

From West River, by Aurelius, to Delhi Centre, in Ingham county.

From White Pigeon, by Mottville, Union, Adamsville, Edwardsburgh, Niles, Cottage Hill, Indiana, and Terre Coupe, to Hudson.

From Warnerville, by Oak Plains, to Brighton.

From Ynouski, by Orangeville Mills, to Yankee Springs, Barry county.

Indiana.—From Albion, by Springfield Mills, Northport, Wolcott's Mills, Marcy, Fly Creek, and Ontario, to Lima.

From Albion to Swan.

From Alexandria, by Frostsville, Independence, and Jones's Mills, to Jerome.

From Anderson, by Prosperity, to Alexandria.

From Andersonville, by Richland, Milroy, Moscow, and Blue Ridge, to Shelbyville.

From Attica, by Rainesville, Andrew Hixod's, and Pine Grove, to Milford, Illinois.

From Auburn, by Fairfield Centre, Turkey Creek, and Salem Centre, to Flint.

From Aurora, by Wilmington, Sparta, Moor's Hill, Milan, and Prattsburg, to Delaware.

From Aurora, by Wilmington, Sparta, Moor's Hill, and Stringtown, to Versailles.

From Bainbridge, by Groveland, New Maysville, North Salem, and Jamestown, to Lebanon.

From Bedford, by Pinhook, Leesville, and Woodville, to Brownstown.

From Bedford, by Bryantville, Trinity Springs, and Dover Hill, to Mount Pleasant.

From Bethlehem, by New Washington and Oregon, to Lexington.

From Bloomfield, by Linton, to Carlisle.

From Boonsborough to Lebanon, via Fayette and Thornleysville.

From Boonville, by Crowville and Polk Patch, to Huntingburg.

From Bowling Green, by Bell Air, Anguilla, Lewis, and Busroen Mills, to Carlisle.

From Bowling Green, by Joydan Village and Santa Fe, to Gosport.

From Bowling Green, by Hausertown, to Point Commerce.

From Bowling Green, by Plunge Creek, Lewis, and Siloa, to Carlisle.

From Bowling Green to Brazil.

From Bradford, by West Bedford, Buffalo, Pulaski, Winnamac, North Bend, Yellow River, Sligo, Blissville, North Liberty, and Sumption Prairie, to South Bend.

From Bradford, (or Monon,) by Cathcart, to Rensselaer.

From Bremen, Ohio, by Fort Recovery, Portland, and Camden, to Hartford.

From Brownstown to Seymour.

From Brownstown to Rockford.

From Brownstown, by Houston, to Blooming-ton.

From Brownstown, by Freetown, Milo, and Christiansburg, to Nashville.

From Brookville, by Wynn, Mount Carmel, Philanthropy, Ohio, Tariff, and Paddy's Run, to Ross.

From Brookville, by Blue Creek, South Gate, St. Leon, Kelso, Logan, and Bright, to Lawrenceburg.

From Brookville, by Oak Forest, Jennings, Oldenburg, and Rossburg, to Winterville.

From Brookville, by Blue Creek, St. Peter's, Herman, Milan, and Springtown, to Versailles.

From Brookville, by Oak Forest, Jennings, Oldenburg, Rossburg, to Greensburg.

From Bruin's Cross Roads, by Bethany and Russell's Mills, to Covington.

From Bloomington, by White Hall, Spencer, Vandalia, Bowling Green, Christie's Prairie, and Wauhoo, to Terre Haute.

From Bloomington, by Stamford and Salisbury, to Bloomfield.

From Bloomington, by White Hall, to Point Commerce.

From Bluffton, by Nottingham, Pennville, New Mount Pleasant, and Deerfield, to Winchester.

From Burlington, by New London, to Kokomo.

From Cambridge, by Jacksonburg, Hagerstown, Dalton, Blountsville, New Burlington, Muncietown, Anthony, Wheeling, Trask, and Jonesboro', to Marion.

From Cambridge, to Hagerstown.

From Cambridge, by Milton, Connersville, Evertown, and Blooming Grove, to Brookville.

From Carlisle, by Linton, to Worthington.

From Carlisle, by Black Creek, Marco, Buck Creek, Newbury, Scotland, Pleasant Ridge, Owensburg, and Springville, to Bedford.

From Cartersburg, by White Lick, Danville, New Maysville, Carpentersville, Bainbridge, Portland Mills, Hollandsburg, Rockville, Armsburg, and Montezuma, to Highland.

From Charleston, by Sylvan Grove, Blue Lick, Chesnut Hill, South Boston, Salem, Texas, Bono, Lawrenceport, and Spring Mills, to Bedford.

From Centerville, by Green's Fork, Economy, and Trenton, to Winchester.

From Centerville, by Bloomingport, to Lynn.

From Charleston, by Jeffersonville, to Louisville, Kentucky.

From Charleston, by Hubbard, Vienna, Clarksborough, Little York, and Tampico, to Browns-town.

From Cincinnati, by Silesville, to Mount Washington.

From Clarksburg, by New Salem, Rushville, Smelser's Mills, and Raleigh, to Lewisville.

From Clark's Hill, by Laramie and Concord, to Romaey.

From Clinton Lock, by Clinton, Indiana, Furnace, Indiana, and Baldwinville, Illinois, to Paris.

From Coffee Creek, by Valparaiso, Porter's Cross Roads, Boon Grove, Hebron, Outlet, West Creek, Cedar Lake, Hickory Point, Winfield, Deep River, and Fillmore, back to Coffee Creek.

From Colfax, by Frankfort, to Michigantown.

From Columbia, by Pampana, to Wolf Lake.

From Columbus, by Taylorsburg, Nashville, and Unionville, to Bloomington.

From Columbus, by Jonesville, to Rockford.

From Columbus, by Moore's Vineyard, Mount Healthy, Milo, Mooney, and Hettonville, to Bedford.

From Connersville, by Harrisburg, to Bentonville.

From Corydon, by Sharp's Mills, to Leavenworth.

From Crawfordsville, by Independence and Pine Village, to Oxford.

From Crawfordsville, by Waynetown, Hillsboro', and Cale's Creek, to Covington.

From Crawfordsville, by Ladoga, to New Maysville.

From Crawfordsville, by Pleasant Hill, Newtown, Rob Roy, and Attica, to Williamsport.

From Crawfordsville, by Darlington, Thornton, and Reese's Mills, to Kirk's Cross Roads.

From Crawfordsville, by Greencastle, Ladoga, and Carpentersville, to Bainbridge.

From Crown Point, by Merrillville and Hobart, to Lake Station.

From Deerfield, by Ridgeville, Emmettsville, Fair View, Albany, Granville, and Royton, to Wheeling.

From Deerfield, by Boundary and Salamonias, to Fort Recovery, Ohio.

From Defiance, by Brunersburg, Farmer, Milo, Newville, Mount Hope, Auburn, Richland, Cen-

tre, Lisbon, Irving, and Albion, to Noble Iron Works.

From Delaware, by Prattsburg, Milan, Moor's Hill, Chesterville, and Sparta, to Wilmington.

From Delphi, by Camden, Carroll, Crittenden, Galveston, Kokomo, Vermont, Greentown, Jerome, and Slash, to Marion.

From Delphi to Pittsburg.

From Dublin, by New Lisbon and Devon, to Newcastle.

From Elizabethtown, Ohio, by Harrison, Indiana, Drewersburg, Philanthropy, Ohio, Mixer-ville, Indiana, Contrerab, College Corner, Ohio, Goodwin's Store, to Beechy Mire, Indiana.

From Elizabethtown, by Burns-ville, Rock Creek, and Sardinia, to West Point.

From Elkhart, by Bango, and Mount Olive, to Locke.

From Edinburgh, by Smithland, Shelbyville, Manila, and Swenheart, to Rushville.

From Edinburgh, by Ninevah, Hensley, and Morgantown, to Martinsville.

From Evansville to West Franklin.

From Evansville, by Sandersville, Warrenton, York, Princeton, Patoka, and Docker's Ferry, to Vincennes.

From Evansville, by Newburg, Lee, Boonville, and Midway, to Rockport.

From Evansville, by Parker's Settlement, and Blairville, to New Harmony.

From Evansville, by West Franklin, to Mount Vernon.

From Evansville, by St. Wendell's to Cynthia.

From Fairmount to Jerome.

From Flint to Orland, in Steuben county.

From Florence to Warsaw.

From Fort Wayne, by Eel River, Churubusco, Green, Wolf Lake, Burr Oak, Noble, Albion, Ligonier, Benton, and Goshen, to Elkhart.

From Fort Wayne, by Rochester, Rensselaer, Lacon, Illinois, Toulon, New Boston, Toolsboro', Wapello, Washington, Oskaloosa, Indianola, and Winterset, to Council Bluffs, Iowa.

From Fort Wayne, by Perry, Butler, Auburn, De Kalb, Hamilton, Steubenville, Angola, Crooked Creek, Kinderhook, Michigan, and Ovid, to Cold Water.

From Fort Wayne, by Perry, Swan, Avilla, Lisbon, Kendallville, Marseilles, South Milford, Mount Pisgah, Mongoonnong, Ontario, and Lima, to Sturgis, Michigan.

From Fort Wayne, by St. Joseph's, Harlan, and Hall's Corners, to Hicks-ville.

From Fort Wayne, by Poughkeepsie, Peeble, Decatur, Canoper, Limber Lost, Bear Creek, Joy C. H., Bluff Point, and Deerfield, to Winchester.

From Fort Wayne, by Waring and Troy Settlements, to Liberty Mills, in Wabash county.

From Fort Wayne, by Zanesville, Markle, Warren, and Green Bush, to Marion.

From Fort Wayne, by New Haven, Antwerp, Ohio, Junction, Defiance, Milldale, Florida, Napoleon, Durand, Texas, Providence, Waterville, and Maumee City, to Toledo.

From Fort Wayne, by Heller's Corners, Churubusco, Merrian, Wolf Lake, Noble, Albion, Ligonier, and Benton, to Goshen.

From Fort Wayne, Taw-Taw, and Coesee, to Whitley C. H.

From Fort Wayne, by Cedar, Leo, Spencer-ville, Newville, and Panama, Ohio, to St. Joseph's.

From Fort Wayne, by Ossian, to Bluffton.

From Frankfort, by Berlin and Petersburg, to Tipton.

From Frankfort, by Rei's Mills, Lebanon, and Jamestown, to Danville.

From Frankfort, by Trafalgar and Morgantown, to Martinsville.

From Frankfort, by Far West, Mooresville, Monrovia, and Stilesville, to Springtown.

From Freeport, by Nicholas Kern's and L. J. Reeve's, to Pleasant View.

From Gentryville to Ferdinand.

From Goshen, by Middlebury, to White Pigeon.

From Goshen, by New Paris and Locke, to Plymouth.

From Greencastle, by Grubb's Mills, Portland Mills, Bellmore, Rockville, and Armsburg, to Montezuma.

From Greencastle, by Eberle, Bainbridge, New Maysville, and North Salem, to Jamestown.

From Greencastle, by Bruenerstown and Mansfield, to Rockville.

From Greencastle, by Russellville, Waveland, and Jacksonville, to Covington.

From Greencastle, by Putnamville, Cataract, and Cuba, to Spencer.

From Greenfield, by Mount Comfort, German-town, Lawrence, Millersville, and Broad Ripple, to Augusta.

From Greenfield, by Harrington, Columbus, Pendleton, and Mendon, to Eden, in Hancock county.

From Greensburg, by Millhousen, Napoleon, Delaware, North Hogan, Manchester, Wright's Corners, Lawrenceburg, Elizabethtown, Ohio, Cleve's, Dry Ridge, and Cheviot, to Cincinnati.

From Greensburg, by Kingston, Spring Hill, Williamstown, and Moscow, to Milroy.

From Greensburg, by Clifty, Hartsville, Hope, and Newbern, to Columbus.

From Greensburg to Rushville.

From Hagerstown, by Dalton, Lorentville, Hewitt's, Windsor, Parker, Fairview, and Quincy, to Camden.

From Hagerstown, by Unionsport, to Macks-ville.

From Hamilton, by Richland, York, Clear Lake, Camden, to Reading, Michigan.

From Hartford by the most direct road to Warren.

From Harrison, by Logan, Kelso, New Alasco, and Cork, to North Hogan.

From Huntington, by the Plank road, to Liberty Mills.

From Huntington, by Maysville, Warren, Montpelier, Blackford, and Granville, to Mann-cietown.

From Huntington, by Tracy, Murray, Bluffton, Nottingham, Pennville, New Mount Pleasant, Deerfield, Mount Holly, Hill Grove, (Ohio,) and Mount Heron, to Greenville.

From Indianapolis, by New Bethel, Pleasant View, Brandywine, Shelbyville, St. Omer, Greensburg, Herman, Cook, Guilford, and Lawrenceburg, to Cincinnati, Ohio.

From Indianapolis, by Bridgeport, Plainfield, Cartersburg, Bellville, Clayton Pecksburg, Morrisville, Cincinnati, Coatsville, Greencastle, Putnamville, Manhattan, Reelsville, Harmony, Brazil, Stanton, Van Buren, and Cloverland, to Terre Haute.

From Indianapolis, by Castleton, Noblesville, Cicero, Arcadia, Shieldville, Tipton, Sharpsville, Kokomo, Pleasant Spring, Wawpecong, and Palos, to Peru.

From Indianapolis, by Zionsville, Whitestown, Lebanon, Thornton, Colfax, Clark's Hill, and Baker's Corners, to La Fayette.

From Indianapolis, by Southport, Greenwood, Worthville, Franklin, Amity, Edinburg, Taylorsville, Columbus, Elizabethtown, Gannonsville, Scipio, Greenville, Vernon, Dupont, and North Madison, to Madison.

From Indianapolis, by Broad Ripple, Carmel, Eagletown, Boxley, Normando, and Alto, to Kokomo.

From Indianapolis, by Augusta, Eagle Village, Northfield, Kirk's Cross Roads, Michigantown, Middlefork, Burlington, Carroll, and Deer Creek, to Logansport.

From Indianapolis, by Greenfield, Knights-town, Raysville, Lewisville, Dublin, Cambridge, East Germantown, and Eaton, Ohio, to Dayton.

From Indianapolis, by Clermont, Brownsburg, Pittsboro', Jamestown, New Ross, and Mace, to Crawfordsville.

From Indianapolis, by Mooresville, to Monrovia.

From Indianapolis, by Hampton, Danville, New Winchester, New Maysville, Bainbridge, Portland Mills, Rockville, and Armsburg, to Montezuma.

From Indianapolis, by Olive, Glenn's Valley, Far West, Martinsville, and Bryant's Creek, to Bloomington.

From Indianapolis, by Sugar Creek, Kinder, Davisville, Morristown, and Beech Grove, to Rushville.

From Jasper, by Ferdinand and Fulda, to Troy.

From Jasper, by Alfordville, to Mount Pleasant.

From Jasper, by Huntingburg, Dale, Gentryville, and Oakland, to Rockport.

From Jerome, by West Liberty, Balis, and Nibloe's, to Alexandria.

From Jeffersonville, by Hamburg, Vienna, Newry, Seymour, Rockford, Jonesville, Waynesville, Wailsboro', and Columbus, to Edinburg.

From Canelton to Anderson.

From Kirk's Cross Roads, by Frankfort, Kilmore, Rossville, and Prince William, to Delphi.

From Kirk's Cross Roads, by Boxley and Cicero, to Strawtown.

From Knightstown, by Carthage, Morristown, and Freeport, to Shelbyville.

From Knightstown, by Spiceland, Greensboro', Cadiz, Mechanicsburg, and Ovid, to Anderson.

From Knox to River.

From Laconia, by Elizabeth, Corydon, New Salisbury, Bradford, Greenville, Mount Eden Church, and Martinsburg, to Pekin.

From Lafayette, by Americus, Delphi, and Lockport, to Logansport.

From Lafayette, by Rossville, Steam Mills, Middle Fork, Russiaville, Richardsville, New London, and Alto, to Kokomo.

From Lafayette, by Independence, Williamsport, Rainesville, and Oxford, to Iroquois, Illinois.

From Lafayette, by Poolsville, Independence, Williamsport, and Rainesville, to Oxford.

From Lafayette, by Covington, Terre Haute, Point Commerce, Bloomfield, Newburg, and Petersburg, to Evansville.

From Lafayette, by Attica, Poland, Covington, Lodiville, Montezuma, and Numa, to Terre Haute.

From Lafayette, by Monticello, Winnamac, North Bend, and Plymouth, to Niles, Michigan.

From Lafayette, by Dayton, Wyandotte, Winship's Mills, and Jefferson, to Frankfort.

From Lafayette, by Rensselaer, and Morocco, to Momence, Illinois.

From La Grange, by Angola, Metz, and Spring Lake, to West Unity, Ohio.

From La Grange to Lima.

From La Grange to Goshen.

From La Grange, by Utah, Pashawn, Middlebury, and Forest Grove, to Goshen.

From La Grange by Fly Creek, Brushy Prairie, Flint, Angola, Sandy Ridge, and Metz, to Spring Lake.

From Lagro, by North Manchester, Liberty Mills, Collamer, South Whitley, Clear Spring, and Farmer's, to Warsaw.

From Lagro, by New Holland, Mount Etna, and Warren, to Camden.

From Laporte, by Kingsbury and Union Mills, to Bigelow's Mills.

From Laporte to Plymouth.

From Laporte, by Dorr Village, West Ville, Valparaiso, Deep River, Crown Point, St. John, Endor, Illinois, Crete, and Rich, to Richville.

From Laporte, by Kankakee, West York, and Blissville, to Plymouth.

From Laurel, by Orange, Steel's, Groves, and Falmouth, to Bentonville.

From Laurel, by Stip's Hill, to Clarksburg.

From Lawrenceburg, by Aurora, Rising Sun, Grant's Creek, Patriot, Florence, Log Lick, Vevay, Morefield, Home, and Buena Vista, to Madison.

From Lawrenceburg, by Aurora, Wilmington, Moor's Hill, Ouer Village, Batlerville, Vernon, Six Mile, Valley Town, Brownstown, Lawrenceport, Washington, and Berryville, to Vincennes.

From Lawrenceburg, by Wilmington, Dillsborough, Hart's Mills, Cross Plains, Barbersville, Canaan, and Millard, to Madison.

From Lawrenceburg, by Wilmington, Hartford, Coopersville, Aberdeen, Allensville, Jacksonville, and Mount Sterling, to Vevay.

From Lawrenceburg, by Guilford, Yorkville, New Alsace, Herman, and Way, to Oldenburg.

From Leavenworth, by Fredonia, Nebraska, Leopold, Derby, Rome, Camellton, Troy, Anderson River, and New Hope, to Rockport.

From Leavenworth, by Magnolia, Sterling, and Worth, to Jasper.

From Lexington, by New Frankfort and Alpha, to Paris.

From Lebanon, by Elizaville, to Kirk's Cross Roads.

From Lebanon, by Jamestown, to Danville.

From Liberty, by Clifton, Abington, Centreville, and Bloomingport, to Winchester.

From Lima to Surgis, Michigan.

From Linden, by Locust Grove, New Richmond, Sugar Grove, and Shawnee Mound, to Shawnee Prairie.

From Logansport, by Amsterdam, Burnett's Creek, Monticello, Manen, Cathcart, White Post, Pleasant Grove, Rensselaer, and Brook, to Iroquois, Illinois.

From Logansport, by Metea, Fulton, Rochester, Sidney, Plymouth, Fairmount, Lakeville, South Bend, Notre Dame, and Bertrand, to Niles.

From Lock's Station, by Bowdishe's Mills and Brighton, to Mongoquinong.

From Logansport, by Spring Creek, Twelve Mile, Perrysburg, Gilead, Niconia, and Laketon, to North Manchester.

From Logansport, by Lewisburg, Peru, Wabash, Lagro, Huntington, Mahon, Roanoke, and Aboite, to Fort Wayne.

From Logansport, by Blue Grass, Kerwanna, and Aubenaabee, to Yellow River.

From Logansport, by Cornucopia, to Camden.

From Logansport, by Kewanna and Barber's, to Laporte.

From Logansport, by Royal Centre and Two Mile Prairie, to Winnamac.

From Logansport, by Amsterdam, Burnett's Creek, and Monticello, to Reynolds.

From Logansport, by Perrysburg, Gilead, Laketon, Manchester, Millersburg, Liberty Mills, Springfield, Columbia, Papano, Cold Spring, Wolf Lake, and Port Mitchell, to Albion.

From Louisville, Kentucky, by Portland, New Albany, Indiana, Floyd, Knobs, Galena, Greenville, Palmyra, Fredericksburg, Hardinsburg, Chambersburg, Paoli, Pleasant Valley, Mount Pleasant, Washington, Zanville, and Berrysville, to Vincennes.

From Madison, by Stony Point, Bryansburg, New Marion, Versailles, Otter Village, Napoleon, and Smyrna, to Greensburg.

From Madison, by Bryansburg, New Marion, Versailles, and Otter Village, to Napoleon.

From Madison, by Kent, Lancaster, Neel's Creek, and Graham, to Paris.

From Madison to Cincinnati.

From Madison, by South Hanover, Swanville, Lexington, and Oregon, to Charleston.

From Marion, by Oak Woods, Walnut Creek, Jaden, Blackford, Pennville, Jay C. H., Hector, Fort Recovery, St. Henry, Maria Stein, and Chickasaw, to New Bremen.

From Marion to Montpelier.

From Marion, by Miér, Ivy, Santa Fé, and Leonda, to Logansport.

From Marion, by Price and Mount Etna, to Huntington.

From Marion, by America, to Lagro.

From Marion to San Jacinto.

From Marion, by Walnut Creek, to Blackford.

From Martinsville, by White River, Gosport, Spencer, Freedom, Point Commerce, Worthington, Fairplay, Bloomfield, Newbury, Owl Prairie, and Bogard, to Washington.

From Martinsville, by Centreton, to Mooresville, in Morgan county.

From Mauckport, by Crisp's Cross Roads, Corydon, White Cottage, and Hancock, to Fredericksburg.

From Mauckport, by Laconia, Elizabeth, Corydon, New Salisbury, Bradford, Greenville, and Martinsburg, to Salem.

From Metamora, by Stip's Hill, to Clarksburg.

From Mount Vernon, by Thomas's Mills, Marshall's Landing, on the west bank of the Great Wabash, and New Haven, Illinois, to Raleigh.

From Michigan City, by Waterford, and Laporte, to Byron.

From Middletown, by Rich Woods, to Muncietown.

From Middletown, by Huffton, Yorktown, Harrison, and New Corner, to Wheeling.

From Middlebury to Vistula.

From Milton to Cambridge.

From Morristown, by Manilla and Cynthia, to Middletown.

From Monrovia, by West Salem, Mill Grove, Cataract, and Poland, to Bowling Green.

From Montpelier to Bluffton.

From Montezuma to Highland.

From Montezuma, by Annapolis, Pethany, Russellville, and Parkersburg, to Ladoga.

From Monticello, by Winnamac, Onondaga, and North Liberty, to South Bend.

From Monticello to Oxford.

From Monticello to Lafayette.

From Moore's Hill, by Stringtown, to Versailles.

From Muncietown, by Sharon, Albany, Fairview, Half Way, Mount Pleasant, Jay C. H., Bear Creek, New Corydon, and Skeel's Cross Roads, to Willshire.

From Muncietown, by Smithfield, Windsor, Macksville, Winchester, Bartona, and Darke, to Greenville.

From Muncietown, by Jery's C. H., and New Corydon, to Willshire, Ohio.

From Muncietown, by Pleasant Wood, Alexandria, and New Lancaster, to Tipton.

From Muncietown, by Granville, Blackford, Montpelier, Bluffton, Orienta, to Fort Wayne.

From Nashville, by Bean Blossom and Mount Moriah, to Edinburgh.

From New Albany, by Bennettsville, New Providence, Pekin, Harristown, Salem, Campbellsburg, Leipsic, Orleans, Woodland, Juliet, Bedford, Harrodsburg, Bloomington, Crawfordsville, Lafayette, Battle Ground, Brookston, Reynolds, and River, to Michigan City.

From New Albany, by Georgetown, New Salisbury, Barren, Milltown, Marengo, Mount Prospect, Wickliffe, Diney Hill, and Celestine, to Jasper.

From New Albany, by Knob Creek and Thomas Strong's, to Elizabeth.

From New Albany, by Bridgeport, Elizabeth, and Laconia, to Mauckport.

From New Albany, by Lanesville, to Corydon.

From Richmond, by Dover, Webster, Williamsburg, Economy, Blountsville, and New Burlington, to Muncietown.

From New Castle, by Cadiz, Mechanicsburg, Huntersville, and New Columbus, to Pendleton.

From New Castle, by Dan Webster, Ashland, Rogersville, and Luray, to Muncietown.

From New Castle, by Sulphur Springs, Middletown, to Chesterfield.

From Noblesville, by Cicerotown and Shieldsville, to Tipton.

From Norristown, by Manilla and Cintha, to Middletown.

From New Garden, by Whitewater, Bethel, Republican, Spartansburg, German, and Tampico, to Greenville.

From Newtown, by Shawnee Prairie, Independence, and Pine Village, to Oxford.

From Ogden, by Spiceland, to Greensboro'.

From Orleans to Paoli.

From Otter Village, by Zenas and Brewersville, to Scipio.

From Owensville to Mount Carmel.

From Oxford, by Catalpa Grove, Carpenter's Creek, to Rensselaer.

From Paoli, by Prospect, to Natchez.

From Paoli, by French Lick, Davis's Creek, Ludlow, Haysville, Jasper, Ireland, White Oak Grove, and Delectable Hill, to Petersburg.

From Paoli, by Valeene, Varenago, Pilot Knob, and Fredonia, to Leavenworth.

From Pendleton, by Clarksville, Noblesville, Westfield, Eagletown, and Northfield, to Lebanon.

From Peru, by Santa Fé, to Bexar.

From Petersburg, by Dongola, McCutchenville, and Oakdam, to Evansville.

From Petersburg, by Winslow, Lynnville, and Hartsboro', to Boonville.

From Perry, by Butler, Auburn, De Kalb, Taylor's Corners, Hamilton, Pleasant Lake, Angola, Fremont, Crooked Creek, Kinderhook, and Ovid, to Coldwater.

From Peru, by Chili, Paw Paw, Nicanya, Lodi, Claypool, Warsaw, Manokuit, Leesburg, Millford, New Paris, and Waterford Mills, to Goshen.

From Pittsburg, by Mount Jefferson, to Monticello.

From Pleasant View, by London, to Manwarings.

From Plainfield, by Spring Valley and Mooresville, to Monrovia.

From Plymouth to Knox.

From Point Commerce, by Wright, to Sullivan.

From Point Commerce, by Middlebury, to Bowling Green.

From Poland to Reelsville.

From Portland Mills, by Russellville, to Wave-land.

From Portland Mills, by Parksville, to Bruin's Cross Roads.

From Prairieville, by Loramie and Concord, to Romney.

From Princeton, by Kirk's Mills, Union, Buena Vista, Petersburg, and Kinderhook, to Washington.

From Princeton, by Marsh Creek, Owensville, Cynthia, Poseyville, New Harmony, and Farmersville, to Mount Vernon.

From Putnamville, by Cataract, Spencer, Whitehall, and Stanford, to Springfield.

From Reynolds, by Monticello, to Plymouth.

From Richmond, by Washington and Hagers-town, to Newcastle.

From Richmond, by Chester, New Garden, and Lynn, to Winchester.

From Richmond, by Dover, Webster, Williamsburg, and Economy, to Blountsville.

From Richmond, by Abington, Clifton, Browns-ville, Liberty, Dunlapville, and Fairfield, to Brookville.

From Rising Sun, by Hartford, Guionsville, Dillsborough, Farmer's Retreat, Hart's Mills, and Elrod, to Versailles.

From Rochester, by Akron, Meredith Mills, Bloomingburg, Beaver Dam, and Palestine, to Warsaw.

From Rochester, by Green Oak, Perrysburgh, Mexico, Peru, Reserve, Somerset, and Jalapa, to Marion.

From Rochester, by Indian Field and Monte-rey, to Winnamac.

From Rochester, by Mill Ark and Akron, to Gilead.

From Rochester, by Mill Ark, Troy, Wesley, Gilead, Niconza, and Owen, to Wabash.

From Rochester, by Wesley, Beaver Dam, Palestine, Warsaw, Menoquet, Leesburg, Mil-ford, and Jackson, to Goshen.

From Rockport, by Enterprise, French Island, and Yankeetown, to Newburg.

From Rockville, by Annapolis, Delta, Sylvania, Howard, Lodiville, and Headley's Hills, to Covington.

From Root, by Massillon, East Liberty, and Tully, Ohio, to Van Wert.

From Rushville, by Orange, Columbia, and Neel's Mills, to Connersville.

From Rushville, by Smelser's Mills, Steel's, Groves, Falmouth, Longwood, Connersville, Al-quina, Dunlapville, and Bellingville, to Oxford, Ohio.

From Rushville, by Smelser's Mills, Melrose, Falmouth, Groves, Steel's, Longwood, Conners-ville, Oiquina, Dunlapville, Billingsville, and Con-treras, to Oxford, Ohio.

From Rushville, by New Salem, Anderson-ville, Laurel, Metamora, Brookville, Cedar Grove, New Trenton, Braysville, Harrison, Ohio, Dry Fork, Miami, Dent, and Cheviot, to Cincinnati.

From Rushville, by Farmington and Steele's, to Connersville.

From Rushville, by Hannegan, Carthage, Westland, Greenfield, Hervey, Alfont, Woodbur-y, Walpole, and Ohio, to Noblesville.

From Salem, by Canton, New Philadelphia, and Vienna, to Lexington.

From Salem, by Kossuth, Walnut Ridge, Mill-port, Velonia, Brownstown, Valley Farm, and Cartland, to Rockford.

From Salem, by New Retreat, Livonia, Clays-ville, and Lost River, to Orleans.

From Salem, by Texas, Leesville, Heltonville, and Fairfax, to Bloomington.

From Shelbyville, by Franklin, to Hensley.

From Scaffold, Prairie, by Wright, to Sullivan.

From Selma, by Albany and Niles, to Mont-pelier.

From Shelbyville, by Noah, Greenfield, Eden, Mendon, and Pendleton, to Huntsville.

From Smithfield, by Albany and James Ran-som's, to Montpelier.

From South Hanover, by Saluda, New Wash-ington, and Polk Run, and McGee's, to Charles-son.

From St. Omer, by Sulphur Hill, Winterrowd, and Flat Rock, to Columbus.

From Steele's, by Orange, New Salem, Rich-land, Clarksburg, and Kingston, to Greensburg.

From Stilesville, by Wadesville, to Gosport.

From Strawtown, by Perkinsville, Pipe Creek, Alexandria, Summitsville, Grant, and Jonesboro', to Marion.

From Strawtown, by West Kinderhook, to Tipton.

From Tipton, by Windfall, Jerome, Hima, and Summerset, to Wabash.

From Tipton, by Windfall City, to Wabash.

From Terre Haute, by Roseville, Rockville, Bruin's Cross Roads, Waveland, and Burne's Valley, to Crawfordville.

From Terre Haute to Lewis.

From Terre Haute, by Numa, Clinton, Lock, Clinton, Highland, Newport, Eugene, Perryville, Covington, Portland, Rob Roy, Attica, Shawnee Prairie, and West Point, to Lafayette.

From Terre Haute, by Fruit Hill, Bridgetown, Mansfield, and Medellin, to Portland Mills.

From Terre Haute, by Poplar Hill, Maurius, Sullivan C. H., and New Lebanon, to Carlisle.

From Terre Haute, by Riley, Lewis, Coffee, Worthington, and Point Commerce, to Hobbie-ville.

From Troy to Worth.

From Union City, by Recovery, Macedon, and Celina, Ohio, to St. Mary's.

From Valparaiso, by Tassinong Grove, to Wequoc.

From Vernon, by Cherry Valley, Zenas, Wesport, and Cobb's Fork, to Greensburg.

From Vernon, by New Centerville, Montgom-ery, Paris, State, Cana, Newry, New Farming-ton, and Dudleytown, to Brownstown.

From Vevay, by Mount Sterling, Jacksonville, Rutherford, Bennington, Pleasant, Cross Plains, and Olean, to Versailles.

From Vevay, by Craig and Indian Kentuck, to Madison.

From Vienna, by Lexington, Swanville, and South Hanover, to Madison.

From Vincennes, by West Union, Carlisle, Merom, Greysville, Turman's Creek, Prairie Creek, and Prairietown, to Terre Haute.

From Vincennes, by Bruceville, Maria Creek, Edwardsport, Black Creek, and Linton, to Fair-play.

From Wabash, by Laketon, to Warsaw.

From Wabash, by La Fontaine, America, and Zion, to Marion.

From Wabash, by Somerset, Xenia, and Je-rome, to Tipton.

From Washington, Petersburg, New State Road, and Vanderburg, to Evansville.

From Washington, by Petersburg, to Princeton.

From Washington, by Aysville, Roylesville, Keck's Church, Mountain Spring, Silverville, and Fayetteville, to Bedford.

From Warsaw, by Oswego, Cromwell, Ligo-nier, Noble Iron Works, Haw Patch, and Ring-gold, to La Grange.

From White Hall, by Deer, to Point Commerce.

From White Post, by Saltillo, Pleasant Grove, Rensselaer, Brook, Iroquois, Illinois, to Kanka-kee Depot, on the Illinois Central Railroad.

From Whitley, by Hecla and Cold Springs, to Wolf Lake.

From Whitley, by Summit, Piercetown, War-saw, Oran, Camp Creek, and Bourbon, to Ply-mouth.

From Whitley C. H., by Thorncreek, to Al-bion.

From Williamsburg to New Garden.

From Winnamac, by Medarysville, to Saltillo.

From Williamsport, by West Lebanon and Baltimore, to Covington.

From Wolf Lake, by Wilmot, Boydston's Mills, and Oswego, to Leesburg.

Illinois.—From Albion, by New Massillon and Enterprise, to Salem, Marion county.

From Alton, by Newbern, Grafton, Deer Plain, News, Monterey, Harden, Gilead, and Ham-burg, to Bellview.

From Alton, by Upper Alton, Edwardsville, Marine, Highland, Jamestown, and Shoal Creek, to Carlyle.

From Alton, by Ridgely, Paddock's Grove, and Old Ripley, to Greenville.

From Appleton, by Mount Hawkins, Pinck-neysville, Galum, and Carment's Prairie, to Steel's Mills.

From Athens, by Yankee Hill, Walker's Grove, Quiver, and Liverpool, to Canton.

From Aurora, by Sugar Grove, Big Rock, Lit-tle Rock, Somonauk, Ross Grove, Shabbaney's Grove, Van Buren, East Paw Paw, Paw Paw Grove, Lee Centre, and China, to Dixon.

From Batavia, by Blackbury and Kanesville, to Grouse.

From Belvidere, by Beaver, Roscoe, Harrison, Washburn, Lincoln, Harvard, Rock Run, Buena

Vista, M'Connell's Grove, Louisa, Warren, and Gratiot, to Shullsburg.

From Belvidere, by Genoa, Sycamore, Lost Grove, Swan Grove, and Sononauk, to Ottawa.

From Belvidere, by Caledonia Station, Beloit, (Wisconsin,) Bass Creek, Foxville, Evansville, and Oregon, to Madison.

From Bellville, by Fayetteville, Mud Creek, Marissa, Sparta, Grand Cote Prairie, Pinckney-ville, Nine Mile Prairie, Duquoin, Iowa, and Little Muddy, to Mount Hopkins.

From Bethel, by Concord and Arenzville, to Beardstown.

From Bloomington, by Pekin, Canton, Ma-comb, Carthage, and Warsaw, Illinois, to Keo-kuk, Iowa.

From Bloomington, by Westwood, Eureka, Woodford, and Matamoras, to Spring Bay.

From Bloomington, by Roger's Farm, Padua, Senex, Cheney's Grove, Sodom, Loda Station, Point Pleasant, North Fork, Jordan, and Pools-ville, to Lafayette.

From Bloomington, by Atlanta, Postville, Springfield, Lick Creek, Chatham, Auburn, Verdon, Girard, Prairie Station, Carlinville, Plainview, Macoupin, Shipman, Brighton, and Godfrey, to Alton.

From Bloomington, by Kickapoo and Old Town Timber, to Cheney's Grove.

From Bloomington, by Delta, Le Roy, Santa Anna, and Mahomet, to Urbana.

From Buffalo Grove, by Brookville, White Oak Grove, and Crane's Grove, to Freeport.

From Brighton, by Piasa, Fidelity, Rhoda's Point, Rockbridge, Fayette, Greenfield, Athens-ville, and Zion, to Jacksonville.

From Brookville, by Buffalo Grove, Barclay, and Genesee Grove, to Clyde.

From Cairo, by Santa Fe, Thebes, and J. E. McCrete's, to Jonesborough.

From Cairo, by Smithland, Santa Fe, Thebes, and Thompson's Ferry, to Clear Creek Landing.

From Caledonia, by Valley Forge, Unity, and Santa Fe, to Commerce.

From Caledonia Station, by Precinct, Poplar Grove, Park's Corners, Burton's Corners, South Grove, Wisconsin, and Darien, to Delavan.

From Cairo to Charleston, Missouri.

From Carlinville, by Edwardsville, to Collins-ville.

From Carlinville, by Honey Point, Shirleyville, Hillsboro', Francisco, Hurricane, Vandalia, and Foster, to Salem.

From Carlinville, by Moultonville, Mount Olive, Prairie Farm, Staunton, Toluca, Alhambra, Ma-rine, and St. Jacob, to Lebanon.

From Carlyle, by Crooked Creek, Centralia Station, and Walnut Hill, to Mount Vernon.

From Carlyle, by Germantown and Looking Glass, to Mascoutah.

From Carlyle, by Beaver Creek, Greenville, Elm Point, and Bear Creek, to Hillsboro'.

From Carmi, by Burnt Prairie, Fairfield, New Franklin, and Hickory Hill, to Salem.

From Carmi, by McLeansboro', to Benton.

From Carthage to Nauvoo.

From Carthage, by McGary's, Pilot Grove, La Harpe, and Blandinsville, to Muddy Lane.

From Cass, by Barber's Corners, Dupage, and Wheatland, to Oswego.

From Channahon, by Kankakee, Wilmington, Rockville, and Bourbonnais, to Momence.

From Charleston, by Gruel's Lake, Fork, Monticello, and Mount Pleasant, to Bloomington.

From Charleston, by Ashby, Martinsville, Melrose, and Sacton, to York.

From Charleston, by Westfield, Margaretta, and Dolson, to Marshall.

From Charleston, by Hermitage, Bourbon, and Monticello, to Clinton.

From Charleston, by St. Omer, Oakland, Bushy Fork, and Upper Embarrass, to Urbana.

From Charleston, by Arno's Station, Fuller's Point, and Sullivan, to Decatur.

From Charleston, by Long Point, to Tentop-olis.

From Charleston, by Sullivan, to Decatur.

From Charleston, by Olney, New Massillon, Albion, and Grayville, to New Harmony, Indiana.

From Chittenden, by Little Muddy and Osage, to Fredonia.

From Chatham, by Lick Creek, Waverly, Lo-cust Spring, Cummington, and Hoover's Point, to Carlinville.

From Chester, by Steele's Mills, Sparta, Elkhorn, Nashville, Richview, Walnut Hill, and Mount Zion, to Salem.

From Chester, by Jones's Creek, Murphysboro', Urbane, Toledo, Jonesboro', and Unity, to Cairo.

From Chester, by Kaskaskia, Prairie de Roche, Waterloo, and Columbia, to St. Louis.

From Clinton, by Waynesville, to Atlanta.

From Clinton, by Waynesville, Newcasle, Eminence, and Big Prairie, to Delavan.

From Clyde to Union Grove, in Whitesides county.

From Columbus, by Houston, Elm Grove, Huntsville, and Brooklyn, to Doddsville.

From Cottage Hill, by Addison and Bloomingdale, to Ringgold.

From Clermont, by Stringtown and St. Mary's, to Newton.

From Chili, by Northfield and Kossuth, to Warsaw.

From Carrollton, by White Hall, Breeze, and Glasgow, to Winchester.

From Carrollton, by Apple Creek, Druses, Bedford, Montezuma, Milton, and Lima, to Pittsfield.

From Carrollton, by Pioneer, Bluffdale, Bissell, Bellevue, Pleasant Hill, Atlas, Rockport, and Pleasant Vale, to Kinderhook.

From Carrollton, by Letcherville, Greenfield, Fayette, and Chesterfield, to Carlinville.

From Chicago, by Jefferson and Maine, to West Wheeling.

From Chicago, by Bridgeport, Brighton, Summit, Willow Springs, and Des Plaines, to Lamonte.

From Chicago, by Waukegan, Kenosha, and Racine, to Milwaukee, Wisconsin.

From Chicago, by Jefferson, Niles, West Northfield, Wheeling, Halfday, Libertyville, Warrenton, Waukegan, Willington, Otsego, Kenosha, Wisconsin, Racine, and Oak Creek, to Milwaukee.

From Chicago, by Lyons, Lyonsville, Cash, Littlecash, Long John, Plainfield, Plautville, Lisbon, Holderman's Grove, and Norway, to Ottawa.

From Chicago, by Worth, Mokena, New Lenox, Joliet, Sandy Ridge, Morris, Marseilles, Ottawa, Utica, La Salle, Peru, Tiskilwa, Sheffield, Genesee, and Moline, to Rock Island.

From Chicago, by Noyesville, College Hill, Babcock's Grove, Danby, Wheaton, Winfield Junction, Wayne, Clintonville, Elgin, Rutland, Huntley's Grove, Union, Marengo, Garden Prairie, Belvidere, Cherry Valley, Rockford, Pecatonica, Freeport, Eleroy, Lena, Louisa, Nora, Warren, Scales Mound, Council Hill, Galena, Menomonee, and Dunleith, to Dubuque.

From Chicago, by Batavia, Aurora, Oswego, Bristol, Plano, Somonoc Depot, Earlville, Mendota, La Salle, Tonica, Weenona, Minonk, Pinolo, Kappa, Hudson, Bloomington, Wapellah, Clinton, Maroas, Decatur, Macon, Moadwequa, Tacusah, Pena, Temorah, Oconee, Vandalia, Patoka, Sandoval, Centralia, Richview, Dubois, Duquoin, Desoto, Makanda, Jonesboro', and Ulin, to Cairo.

From Chicago, by Ridgeville, New Frier, Port Clinton, and Oak Hill, to Waukegan.

From Chicago, by Thornton, Station, Rich, Monee, Manteno, Kankakee, Depot, Ashkum, Onargo, Loda, Pera, Rantoul, Urbana, Pesotum, Neoga, Arno, Okaw, Wehunka, Edgwood, Farina, Tanti, and Odin, to Centralia.

From Chicago, by Geneva, Blackberry, De Kalb Centre, Jefferson Grove, Lane, Dixon, Sterling, Como, Union Grove, Fulton, Lyons, Iowa, and Tipton, to Iowa City.

From Danville, by Pilot, Higginsville, Ten Mile Grove, Oliver's Grove, and Avoca, to Pontiac.

From Decatur, by Sullivan, Cochran's Grove, Big Spring, and Ewington, to Wehunka Station.

From Decatur, by Hopewell, Livingston, Hermitage, Neoga Station, Oakland, and Embarrass Point, to Paris.

From Decatur to N. M. Brown's.

From De Kalb Centre, by Broadie's Grove, Jefferson Grove, Lafayette Grove, Kyte River, Ogle, and Taylor, to Grand de Tour.

From De Kalb Centre, by Lost Grove, Line, Swinton, New Vigil, and Williamsburg, to De Kalb Centre.

From Dixon, by Grand de Tour, Nashua, Oregon, Byron, Hale, New Milford, Elida, Kish-

waukie, Rockford, Harlem, Roscoe, and Rockton, to Beloit, Wisconsin.

From Dixon, by Buffalo Grove, Eagle Point, Elk Horn Grove, Rock Creek, Mount Carroll, Derinda, and Avery, to Galena.

From Dundee, by Barrington, Flint Creek, Lake Zurich, Gilmer, and Libertyville, to Waukegan.

From Earville, by La Clair, East Paw Paw, Paw Paw Grove, Willow Creek, Story, Broadie's Grove, and Lindenwood, to Killbuck.

From Edwardsville, by Lamb's Point, Rising Sun, Bond's Point, Taylorsville, and Stonington, to Decatur.

From Empire, by Mount Prospect, Genesee Grove, and Milledgeville, to Elkhorn Grove.

From Erie, by Spring Hill, Jefferson's Corners, Yorktown, Winnebago, Truxton, and Enon to Princeton.

From Elgin, by New Plato, Udina, Pingree, Hampshire, and Harmony, to Coral.

From Elgin, by Dundee, Algonquin, Crystal Lake, Elysium, Woodstock, Hartland, Brookdale, Dunham, Chemung, Park's Corners, and Hunter, to Beloit, Wisconsin.

From Elgin, by Genoa, Wisconsin, to Elk Horn.

From Fairfield, by Marlan's Grove and Enterprise, to Maysville.

From Farmington, by Uniontown, Hermon, Abingdon, Berwick, Ellison, and Alena, to Hopper's Mills.

From Farmington, by Middle Grove, Midway, Troy Mills, Saint Augustine, Greenbush, Roseville, New Lancaster, Ellisonville, Alena, and Hopper's Mills, to Burlington, Iowa.

From Fredericksville, by Browning and Shelden Grove, to Astoria.

From Freeport, by Kirk's Grove, Yellow Creek, Flazlewood, Kent, Ward's Grove, and Plumb River, to Derinda.

From Freeport, by Rock Run, Howard, and Harrison, to Rockton.

From Freeport, by Cedarville, Buena Vista, McConnellsville, and Oneco, to Monroe, Wisconsin, and back by Cadey, Winslaw, Illinois, and Wadham's Grove, to Freeport.

From Freeport, by Eleroy, Lena, and Nora, to White Oak Springs, Wisconsin.

From Freeport, by Mill Grove, Yellow Creek, Hardwood, Kent's, Ward's Grove, Plum River, or Dorinda, to Galena.

From Freeport, by Jackson, Cherry Grove, and Mount Carroll, to Savannah.

From Fulton, by Hemlo, Union Grove, and Empire, to Sterling.

From Fort Wayne, Indiana, by Rochester, Rensselaer, Lacon, Illinois, Toulon, New Boston, Toolsboro', Iowa, Wapelle, Washington, Oskaloosa, Indianola, and Winterset, to Council Bluff.

From Galena, by Avery, Elizabeth, Derinda, and Hanover, to Galena.

From Galena, by Hanover, Portsmouth, Savannah, Argo, Bluffville, Fulton, Albany, Cordova, Port Byron, and Hampton, to Moline.

From Galena, by South Hollow, to Dunleith.

From Galesburg, by Haw Creek, Maquan, Uniontown, and Middletown, to Farmington.

From Galesburg, by Granate, Ionia, Utah, Millersburg, Ferdinand, and Drury, to Muscatine.

From Galesburg, by Centre Point, Henderson, Ontario, Heath Land, Andover, and Morristown, to Green River.

From Galesburg to Oquawa.

From Galesburg, by Victoria, Lafayette, Toulon, Elmira, and Osceola, to Tiskilwa.

From Galesburg to Burlington, Iowa.

From Golconda, by Big Bay City, to New Liberty.

From Golconda, by J. R. Pott's, to Brooklyn.

From Golconda, by Bolton and Sarahsville, to Marion.

From Golconda, by Rock and Broad Oak, to Vienna.

From Grayville, by Albion, Parker's, Fairview, Olney, Newton, and Greenup, to Charleston.

From Greenup, by Springville, to Republican.

From Greenup, by Paradise, to Cochran's Grove.

From Greenup, by Cedron and Campbell, to Charleston.

From Havanna, by Quiver, Pilot Hill, Long Point, and Allen's Grove, to Delavan.

From Hennepin, by Florid, Caledonia, Ox Bow, and Magaolia, to Wenona Station.

From Hickory Hill, by Keeneville and Bell Prairie, to Mount Seabare.

From Henry, by Lone Tree and Arispe, to Tiskilwa.

From Hick's Mills, De Kalb county, to Cherry Valley, Winnebago county.

From Hillsboro', by Woodsboro', Mount Kingston, Staunton, Bunker Hill, and Woodburne, to Shipman.

From Hutsonville, by Annapolis, to Bell Air.

From Hutsonville to Elkton.

From Holly, by Illinois City, Copper Creek, and Eliza, to New Boston.

From Jacksonville, by New Bethel, Ben. H. Page's, A. H. Calvin's, Samuel B. Hodges, and Turkeytown, to Peter Wagon's.

From Jacksonville, by Sandy, Manchester, Whitehall, Carrollton, Kane, Jerseyville, Delhi, and Godfrey, to Alton.

From Jacksonville, by Indian Creek, Emerald Point, Rushaway, Petersburg, and Sweet Water, to Middletown.

From Jacksonville, by Arcadia, to Beardstown.

From Jacksonville, by Franklin, Waverly, Locust Spring, Cummington, and Hoover's Point, to Carlinville.

From Jefferson, by Leyden Centre and Leyden, to Sagone.

From Jerseyville, by Jalapa, Letcherville, Greenfield, Athensville, and Scottsville, to Franklin.

From Jerseyville, by Otter Creek, to Grafton.

From Jerseyville, by Jersey Landing and Portage Des Sioux, to St. Charles, Missouri.

From Joliet, by Selfridgeville and Channahon, to Sandy Ridge.

From Joliet, by Lockport, to Plainfield.

From Joliet, by Jackson Creek and Reed's Grove, to Wilmington.

From Jonesboro', by Cypress Creek, to Metropolis City.

From Jonesboro', by Western Saratoga, Sugar Creek, and Bainbridge, to Marion.

From Junction to St. Charles.

From Kankakee Depot, by Bloomville, Pierce, and Wallingford, to Green Garden.

From Kankakee Depot, by Bourbonnais Grove, to Rockville.

From Kankakee Depot, by Rinsosa, Sammon's Point, and Farmer's Home, to Plato.

From Kankakee Depot, by Lamburg and Limestone, to Horse Creek.

From Kankakee Depot, by Momence, to Yellow Head Grove.

From Kankakee Depot, by Aroma, Mount Langum, Democrat, and Courtright's Mills, to Iroquois.

From Kappa, by West Wood, Eureka, Woodford, and Matamoras, to Spring Bay.

From Kappa, by Money Creek, Lexington, Selma, Indian Grove, Avoca, Pontiac, Sanbury, New Michigan, Eagle, and Farm Ridge, to Ottawa.

From Kaskaskia, by Ruma, Red Bud, and Prairie du Long, to Belleville.

From Kaskaskia, by Ellis Grove, Preston, Risdon, Lewzburg, and Chewing, to Belleville.

From Keithsburg, in Mercer county, by Pope Creek, Hendersonville, to Knoxville.

From Keithsburg, by Sun Beam, Pope Creek, and Henderson, to Galesburg.

From Knoxville, by the Fuqua Settlement, Robbins' Farm, Red Oak Grove, and Cambridge C. H., to Genesee.

From Knoxville, by Magnon, Fairview, and Independence, to Lewistown.

From Lacon, by Steuben, Lawn Ridge, and Valley, to Wyoming.

From Lacon, by Shane's Point and Roberts' Point, to Magnolia.

From Lacon to Weenona Station.

From La Harpe to Blandinsville.

From La Salle, by Todd's Mills, Galloway, Reading, Long Point, and Rook's Creek, to Pontiac.

From La Salle, by Arlington, Lamoille, May Hill, Binghampton, Shelburne, and Amboy, to Dixon.

From Lancaster Landing, by Timber, Brunswick, Farmington, French Creek, Elmore, Lit-

tletonville, Victoria, Walnut Grove, Bishop Hill, and Red Oak, to Cambridge.

From Lacon to Toulon.

From Lawrenceville, by Petty's, Stringtown, St. Marie, Newtown, and Rose Hill, to Greenup.

From Lawrenceville, by Old Farm, Flat Rock, and New Hebron, to Robinson.

From Lima, by Howardsville, Greenville, Millville, Mount Sumner, and Thatcher, to Baltimore.

From Lewistown, by Cuba, Fiat, Ellisville, and Troy Mills, to St. Augustine.

From Leyden Centre, by Mainville, Elk Grove, Plum, Palatine, and Shaumburg, to Barrington.

From Lisbon, by Ohio Farm, to Ausable.

From Louisville to Maysville.

From Louisville, by Larkinsburg, Hickory Creek, and Four-mile Prairie, to Vandalia.

From Lyons, by Brush Hill, to Downer's Grove.

From Jonesboro', by Cane's Store and Luth's Store, to York.

From Macomb, by Drowning Fork, Virgil, Ellisville, and Fair View, to Farmington.

From Macomb, by Johnson, Table Grove, and Bernadotte, to Lewistown.

From Macomb, by Drowning Fork, Avon, St. Augustine, Warrenton, and Abingdon, to Galesburg.

From Macomb, by Burnsville, Swan Creek, Roseville, Monmouth, Spring Grove, North Henderson, Pope Creek, Farlow's Grove, Preemption, Pleasant Ridge, and Camden, to Rock Island.

From Marengo, by Riley, Ney, Genoa, Sycamore, De Kalb Centre, Lost Grove, Swan Grove, Squaw Grove, and Somonauk, to Buck Branch, on the Aurora Extension Railroad.

From Marengo, by Romeo, Dunham, Big Foot, and Walworth, Wisconsin, to Darien.

From Marshall, by Margaretta and Westfield, to Charleston.

From Marshall, by Fincastle, to Grand View.

From Marshall, by Salisbury, Campbell, and Springfield, to Shelbyville.

From McLeansboro', by Night's Prairie, Hall, and Webb's Prairie, to Benton.

From McLeansboro' to Liberty.

From McLeansboro', by Keenville and Bell Prairie, to Hickory Hill.

From McLeansboro' to Marion.

From McLeansboro', by Rector, to Equality.

From Maulding's Mills, by Hopkin's Grove, Davis's Store, and William L. Britton's, to Benton.

From Mendota, by Princeton and Weathersfield, to Galesburg.

From Mendota, by Troy Grove, Ovid, Lee Centre, Franklin Grove, Taylor, Daysville, Lee, Fitz Henry, Stillwater, and Kishwakie, to Rockford.

From Mendota, by Perkin's Grove, Lamoille, and Dover, to Princeton.

From Mendota, by Troy Grove, to Dimmick.

From Metropolis City, by Brooklyn, to Paducah, Kentucky.

From Marengo, by Delavan, to White Water, Wisconsin.

From Middleport, by Wool, Quitman, and Butler, to Urbana.

From Middleport, by Milford, Rio, North Fork, and Myer's Mills, to Danville.

From Middleport, by Milford, Oxford, Brigham's Grove, and Montmorency, to Lafayette, Indiana.

From Middleport to the nearest post office on the Illinois Central Railroad.

From Moline, by Brooklyn, Green River, Penney's Ferry, Sharon, Spring Hill, Portland, Prophetstown, and Coleman, to Dixon.

From Moline, by Hampton, Port Byron, Erie, Lyndon, Como, Sterling, and Gap Grove, to Dixon.

From Mokena, by Chelsea, Green Garden, Wallingford, Pierce, Bloomville, Bourbonnais, to Kankakee Depot.

From Monmouth, by Denny, Little York, and Pope Mills, to New Boston.

From Monmouth, by Grove Farm and Olena, to Hopper's Mills.

From Mokena, by Hadley, Gooding's Green, Palos, Orland, to Mokena.

From Mount Carmel, by New Hope, Albion, and Wabash, to Fairfield.

From Mount Carmel to Princeton, Indiana.

From Mount Carmel, by Gard's Point, Mill Prairie, Parkersburg, and Franconia, to Maysville.

From Mount Carmel, by Friendsville, Mier, Bon Pas, and Calhoun, to Olney.

From Mount Carmel, by Friendsville, Mier, Ruark, and Olive, to Lawrenceville.

From Mount Carroll to Hanover.

From Mount Carroll, by Pleasant Valley, to Howardsville.

From Morris, by Mazon, Clarion, and Fairmount, to Dwight.

From Morris, by Lisbon, Halderman's Grove, Newark, Millington, and Ashbury, to Sandwick.

From Morris, by Lisbon and Newark, to the Station east of Lanmonack, on the Aurora Extension Railroad.

From Mount Morris, by Vanceborough, Ava, Rock Run, and Rock Grove, to Spring Grove.

From Mount Morris to Buffalo Grove.

From Montezuma to Glasgow.

From Murphysboro', by Carbondale, to Marion.

From Naples, by Griggsville, Pittsfield, Barry, and Kinderhook, to Hannibal, Missouri.

From Naples, by Meredosia, Arenzville, and Virginia, to Bath.

From Naples to Perry.

From Naperville, by Warrenville, to Wheaton.

From New Harmony, Indiana, by McLeansboro', Benton, Pleasant Shades, Mount Hawkins, Pinckneyville, Galum, Steel's Mills, to Chester.

From Nashville, by Baneysburg, Pinckneysville, and Vergennes, to Murphysboro'.

From New Erin, by Waddam's Grove, McConnell's Grove, Winslow, and Cady's, to Monroe, Wisconsin.

From Nashville, by Richview Station, Blissville, Mount Vernon, Black Oak, Mauldin's Mills, and New Franklin, to Fairfield.

From Nashville, by Sassafra Hill and Beaman, to Carlyle.

From Niles, by South Northfield, Northfield, Deerfield, and Emmitt, to Waukegan.

From Noyesville, by Proviso, York Centre, Bonaparte, Lisle, Warrenville, and Big Woods, to Aurora.

From Nauvoo, by Indianola, Pontoosac, Dallas City, Shokokon, Harper's Mills, Oquawka, Keithsburg, and New Boston, to Millersburg.

From Newton, by Willow Hill, Yale, Zero, and Johnson's Mills, to Martinsville.

From New Haven to Benton.

From Olney to Ste. Marie.

From Oquawka, by Keithsburg, New Boston, and Millersburg, to Rock Island.

From Oregon, by Mount Morris, Adeline, and Crane's Grove, to Freeport.

From Oregon, by Pain's Point and White Rock, to Lindenwood.

From Ottawa, by Prairie Centre, Ophir, and No Grove, to Mendota.

From Ottawa, by Dayton, Serena, Northville, Ashbury, and Penfield, to Bristol.

From Ottawa, by Norway, Mission Point, Newark, Pavilion, Mansfield, Bristol, Oswego, and Montgomery, to Aurora.

From Ottawa, by Brookfield, Waupousie, and Mason, to Wilmington.

From Oquawka to Burlington, Iowa.

From Panola Station, by Matamora, to Spring Bay.

From Palestine, by Robinson, Elkton, Bell Air, and Hazeldell, to Greenup.

From Paris to New Goshen.

From Pekin, by Tremont, Mackinaw, Stout's Grove, and Wilksboro', to Bloomington.

From Pekin, by Spring Lake, to Havana.

From Pekin, by Dillon and Armington, to Mount Hope.

From Pekin, by Dillon, Armington, and Mount Hope, to Waynesville.

From Pekin, by Circleville, to Delavan.

From Pekin, by Kingston Mines and Timber, to Canton.

From Peoria, by Washington and Eureka, to Kappa.

From Peoria, by Little Detroit, Spring Bay, Partridge Creek, and Crow Creek, to Lacon.

From Peoria, by Farmington, Fairview, Ellisville, Macomb, Carthage, Chili, and Mendon, to Quincy.

From Peoria, by Wesley City, to Groveland.

From Peoria, by Washington, Metamora, Low Point, Washburn, Crow Meadow, Magnolia, Mount Palatine, Point Republic, Lowell, Tonica Station, and Deer Park, to Ottawa.

From Peoria, by Chillicothe, Lacon, Henry, Hennepin, Florid, and Grandville, to Tonica Station, Illinois Central railroad.

From Peoria, by Morton and Forney, to Concord.

From Peoria, by Mount Hawley, Southampton, Wyoming, Toulon, Weathersfield, Burns, Genesee, Sharon, Erie, and Kingsbury, to Fulton.

From Peoria, by Farmington, Fairview, Ellisville, Macomb, Argyle, and Carthage, to Warsaw.

From Peru, by Troy Grove, Paw Paw Grove, Shabouches Grove, Cottonville, Bush's Point, and Lacy, to Belvidere.

From Pittsfield to New London, Missouri.

From Pittsfield, by New Hartford, Atlas, and Rockford, to Louisiana.

From Pittsfield to Carrollton.

From Pittsfield, by Griggsville, Perry, and Chambersburg, to Versailles.

From Pittsfield, by Martinsburg and Pleasant Hill, to Clarksville.

From Pittsfield, by Milton, to Montezuma.

From Plainfield, by Naansey, to Oswego.

From Pulaski, by Elm Grove, Clayton, Walker's Neck, Buck Horn, and White Oak Springs, to Perry.

From Quincy to Palmyra, Missouri.

From Quincy, by Ursa Marceline, Lima, Rocky Run, Warsaw, and Hamilton, to Keokuk, Iowa.

From Quincy, by Payson and Richfield, to Barry.

From Quincy, by Mendon, Woodville, Chili, Rough and Ready, Carthage, Webster, Fountain, Green, Friendship, and Argyle, to Macomb.

From Quincy, by Columbus, Camp Point, Clayton, Mount Sterling, Versailles, and Meredasia, to Jacksonville.

From Quincy, by Burton, Liberty, Fairweather, Beverly, Belmont, New Salem, New Maysville, and Griggsville, to Naples.

From Raleigh, by Griswold, to McLeansboro'.

From Raleigh, by Bankstown, Independence, and Somerset, to Elizabethtown.

From Raleigh, by H. Garner's, W. N. Mitchell's, and Thomas Saunders's, to Marion.

From Riley, McHenry county, to Genoa.

From Robinson, by Oblong and Willow Hill, to Newton.

From Robinson, by Eaton and Anderson, to Marshall.

From Rockton, by Laona, to Monroe.

From Rockton, by Harrison and Medina, to Laona.

From Rock Island, by Pleasant Ridge, Holly, Buffalo Prairie, and Drury, to Muscatine, Iowa.

From Rock Island, by Camden, Prairiefield, Richland Grove, Meridian, Oxford, North Prairie, Henderson, Centre Point, and Galesburg, to Knoxville.

From Rock Island, by Camden Mills, Orion, and Cambridge, to Burn's.

From Rock Island to Davenport, Iowa.

From Rock Island, by Genesee and Princeton, to Peoria.

From Rock Island, by Pennsylvania, Orion, Morristown, and Andover, to Cambridge C. H.

From Rock Island, by Camden, Pleasant Ridge, and Millersburg, to Keithsburg.

From Rushville, by Camden, Brooklyn, Huntsville, Pulaski, Augusta, Plymouth, St. Mary's, Elm Tree, Carthage, Warsaw, and Hamilton, to Keokuk, Iowa.

From Rushville, by Littleton, Doddsville, Grind Stone, Macomb, and Blandinsville, to Burlington, Iowa.

From Rushville, by Wilson's Ferry, to La Grange Bluff.

From Rushville, by Ripley, to Mount Sterling.

From Rushville, by Astoria, Vermont, Spava, Otto, Lewistown, Fulton Centre, Canton, Farmington, and Tripoli, to Peoria.

From Rushville, by Scott's Mill, Pleasant Ridge, Clayton, Bunt's Mills, Kingston, and Richland, to Hannibal, Missouri.

From Scott, by Vienna, Waupousie Grove, and Morris, to Mazon, in Grundy county.

From Salem, by Racoon, Rome, Mount Vernon, Spring Garden, Ewing, Benton, Frankfort,

Lake Creek, Marion, Sulphur Springs, Vienna, and George's Creek, to Metropolis City.

From Salem, by Mount Liberty, Bishop's Mill, Larkinsburg, and Ioni, to Ewington.

From Savanna, by Sabula, Maquoketa, Anamosa, and Marion, Iowa, to Cedar Rapids.

From Shawneetown, by Saline Mines, Marina Furnace, Elizabethtown, Rosinclair, and Rock Quarry, to Golconda.

From Shawneetown, by Poland, Duncanton, Rattle Snake, McCleasboro', Palo Alto, Moor's Prairie, to Mount Vernon.

From Shawneetown, by Equality, Raleigh, Dorance, Cave, Benton, Crittenden, Pleasant Shade, Mount Hawkins, Raneysburg, Nashville, Plum Hill, Akan, and Mascutah, to Belleville.

From Shawneetown, along the middle road, known as the Cypress Road, to David Keasler's, in Gallatin county.

From Shawneetown, by Crawford, to South Hampton.

From Shawneetown, by Bay Cross Roads, Mount Airy, Vienna, Mount Pleasant, Jonesboro', and Clear Creek Landing, to Girardeau.

From Shelbyville, by Stone Coal, Woodlawn, Pana Station, Audubon, and East Fork, to Hillsboro'.

From Shelby by Coal Spring, Jericho, and Van Buren, to Greenville.

From Shelbyville, by Cochran's Grove, Bethesda, Arno, Charleston, Hitesville, Grand View, Paris, Eldridge, New Market, and St. Mary's to Terra Haute.

From Shelbyville, by Fruit Hill, Cold Spring, Beck's Creek, Bowling Green, and Higgin's, to Vandalia.

From Shelbyville, by Ewington and Stringtown, to Newton.

From Sparta, by Steel's Mills, Bradley, and Worthington, to Murphysboro'.

From Sparta, by Texas and Red Bud, to Waterloo.

From St. Charles, by King's Mills, Berkshire, Burlington, West Burlington, New Lebanon, Genoa, Lacy, Kingston, North Kingston, Blood's Point, and South Prairie, to Cherry Valley.

From St. Charles, by Campton and Ohio Grove, to Sycamore.

From Springfield, by Clear Lake, Mechanicsburg, Decatur, Oakley, Cerro Gordo, Monticello, Urbana, St. Joseph's, Homer, and Danville, to Covington, Indiana.

From Springfield, by Shelbyville, Ewington, Stringtown, Newton, St. Marie, and Lawrenceville, to Vincennes, Indiana.

From Springfield, by Buffalo Heart, Mount Pulaski, Clinton, and Dewitt, to Santa Anna.

From Springfield, by Athens, Petersburg, Robinson's Mill, Bath, and Havana, to Lewistown.

From Springfield, by Salisbury, Middletown, Prairie Creek, Delavan, Dillon, Pekin, Tremont, and Wesley City, to Peoria.

From Springfield, by Berlin, Orleans, Jacksonville, Bethel, and Exeter, to Naples.

From Springfield, by Salisbury, Petersburg, and Panther Creek, to Beardstown.

From Springfield, by Richland, Pleasant Plains, Lancaster, Virginia, Beardstown, Frederickville, and Pleasant View, to Rushville.

From Springfield, by Rochester, Taylorville, and Prairie Bird, to Shelbyville.

From Springfield, by Salisbury, Petersburg, Panther Creek, and Chandlersville, to Beardstown.

From Spring Hill, by Jefferson's Corners, Yorktown, Winnebago, Truxton, and Enon, to Princeton.

From Sterling, by Union Grove, to Albany.

From Sycamore, by Genoa, Riley, Marengo, and Durham, to Walworth, Wisconsin.

From Sycamore to De Kalb Centre.

From Sycamore, by South Grove, to Hick's Mills.

From Terra Haute, Indiana, by Livingston, Illinois, Marshall, Lodi, Martinsville, Casey, Greenup, Towertown, Woodbury, Tentopolis, Wehunka Station, Ewington, Freemantown, Howard's Point, Cumberland, Vandalia, Mulberry Grove, Greenville, Pocahontas, Highland, St. Jacob, Troy, and Collinsville, to St. Louis, Missouri.

From Tiskilwa, by Providence, French Grove, Barren Grove, Burnside, Cambridge, East Cambridge, Andover, Meridian, Perryton, Millersburg, and New Boston, to Keithsburg.

From Timber, by Brunswick, Farmington, French Creek, Elmore, Truro, Victoria, Walnut Grove, Bishop Hill, and Red Oak, to Cambridge.

From Thornton Station, by New Bremen, Bremen, Palos, Orland, and Gooding's Grove, to Hadley.

From Urbana to Paris, in Edgar county.

From Union Grove, by Garden Plains, to Albany.

From Vermont, by Marietta, Lee Centre, Virgil, to Woodstock.

From Vermont, by Marietta and Virgil, to Avon.

From Vienna, by Ash Ridge, to Caledonia.

From Virginia, by Berryton and Hagley, to Petersburg.

From Vincennes, Indiana, by Russellville, Illinois, Vernon, Palestine, Huttonville, York, Darwin, Marshall, Big Creek, Paris, Bloomfield, Ridge Farm, Richardson, and Georgetown, to Urbana.

From Vincennes, Indiana, by Lawrenceville, Illinois, Black Jack, Clermont, Olney, Maysville, Xenia, Fredericktown, Salem, Oden Station, Sandova Station, Carlyle, Trenton, Aviston, Lebanon, Shiloh, Bellville, French Village, and Illinois town, to St. Louis.

From Vincennes, Indiana, by St. Francisville, Illinois, Hershey's Mills, Armstrong, Mount Carmel, Rochester Mills, Graysville, Phillips town, Carmi, and New Haven, to Shawneetown.

From Warren, by Ward's Grove, to Mount Carroll.

From Warsaw to Augusta.

From Warsaw, by Monticello and Nauvoo, to Montrose, Iowa.

From Waterloo, by James's Mills and Eagle Cliffs, to Harrisonville.

From Waterloo, by Red Bud, Ruma, Evansville, and Ellis Grove, to Chester.

From Waukegan, by Wentworth, Angola, Antioch, English Prairie, Blivin's Mills, Solon Mills, Richmond, Alden, Cogswell, Big Foot Prairie, Burton's Corners, Wilmot, State Line, and Kossuth, to Beloit, Wisconsin.

From Waukegan, by Hainsville, Forksville, McHenry, Ostend, Hartland, Brookdale, Woodstock, Dunham, Chemung, Boone, and Bonus, to Belvidere.

From Waukegan, by Gage's Lake, Hainsville, Fort Hill, Forkville, Lamar, Merana, and Buryville, to Crystal Lake.

From Waukegan, by Otsego, Newport, and Hickory, to Millouren.

From West Wheeling Station, by Deer Grove, Ela, Lake Zurich, Wauconda, Lamar, McHenry, Ringwood, Hebron, Cogswell, West Hebron, Tirade, Wisconsin, and Walworth, to Delavan.

From Williamsburg to Greenville.

From Wilmington, to Mazon, Clarion, and Billing's Grove, to Pontiac.

From Winchester, by Oxville and Exeter, to Naples.

From Winchester, by Florence and Detroit, to Pittsfield.

From Woodstock, by Greenwood, Boone's Mills, Hebron, and Richmond, to Genoa, Wisconsin.

From Woodstock, by Erin, Highland Prairie, and West Hebron, to Geneva, Wisconsin.

From Woodstock, by Belden, to Union.

From Woodstock, by Erin and Alden, to Big Foot Prairie.

Wisconsin.—From Appleton, by Centre and Ellington, to Bovina.

From Appleton to Wapaco.

From Aztalan, by Jefferson, Fort Atkinson, and Koskonong, to Milton.

From Baraboo, by Reedsburg, to La Crosse.

From Barton, by Wayne, to Theresa.

From Beloit, by Inmansville, Spring Valley, Hoosick, Albany, Atica, Morefield, Monticello, Tanner's Grove, Willet, Argyle, Fayette, and Georgetown, to Mineral Point.

From Beloit, by Avon, Clarence, and Juda, to Monroe.

From Berlin, by Willow Creek, Poysippi, Pine River, Cedar Lake, and Lind, to Waupaka.

From Beaver Dam, by Wyocena, to Dekorra.

From Beaver Dam, by Newton, to Alto.

From Beetown, by Hurricane Grove, Potosi, Dickeyville, Jamestown, and Fairplay, to Galeana, Illinois.

From Beetown to Cassville.

From Black River Falls, by Clear Water, Middle Mills, Ogally, Rush River, and Hudson, to Stillwater.

From Bloomfield, by Genoa, Richmond, Ringwood, Illinois, McHenry, Forksville, Gilmer, and Long Grove, to Deer Grove.

From Brookfield Centre, by Pewaukee, Hartland, Okauchee, and Oconomowoc, to Watertown.

From Cassville, by Beetown, Lancaster, New California, and Mifflin, to Mineral Point.

From Ceresco, by Dartford, Princeton, Harrisville, Westfield, Grand Marsh, through the valley of Lemonore and down La Cross Valley, to La Cross, on the Mississippi river.

From Columbus, by Elba and Lowell, to Oak Grove.

From Columbus, by Fall River, Paradise Grove, East Randolph, and Shawano, to Marquette.

From Chippewa City, by Chippewa Falls, Eau Claire's Mills, Eau Galla, and North Pepin, to Reed's Landing, in Minnesota.

From Darien, by Weed's Corners, Richmond, and Utter's Corners, to Whitewater.

From De Korra to Boraboo.

From Dells, Packwaukee, Roxo, Montello, and Nahmakum, to Princeton.

From Eagle, by Eagleville, Troy Lake, Troy Centre, Adams, La Grange, Little Prairie, and Bullion, to Eagle.

From Eau Galla Mills, by Lower and Middle, to Upper Menominee Mills.

From Escanaba, by Bay de Noquet, Michigan, and Mackinaw, to Saut St. Marie.

From Fairplay, by Hazle Green, Benton, and New Diggings, to White Oak Springs.

From Fall River, by Courtland, Cambria, and Randolph Centre, to Kingston.

From Falls of St. Croix to La Pointe.

From Fort Atkinson, by Oakland, Christiana, and Utica, to Stoughton.

From Fort Atkinson, by Cold Spring, White Water, Heart Prairie, Sugar Creek, and Elk Horn, to Geneva.

From Fond du Lac, by Rosendale, Green Lake, Tichora, Grand Prairie, Marquette, Kingston, Rock Hill, and Pigeon Grove, to Portage City.

From Fond du Lac, by Avoca, Oakfield, Le Roy, Farmersville, Maysville, Iron Ridge, Neosho, Ashippun, and Monterey, to Oconomowoc.

From Fond du Lac, by Rush Lake, Berlin, Spring Lake, Silver Lake, Wautoma, Almond, and Buena Vista, to Plover.

From Fond du Lac, by Taycheeda, Calamet Village, Pequot, Stockbridge, Dundas, and Wrightstown, to Green Bay.

From Fond du Lac, by Rosendale, Ripon, Ceresco, and Dartford, to Princeton.

From Fond du Lac, by Ladoga, Fairwater, Mackford, Tichora, and Grand Prairie, to Kingston.

From Fond du Lac, by Friendship, Blackwolf, Oshkosh, Vinland, Groveland, and Neenah, to Menasha.

From Grafton, by Young Hickory, Cedar Creek, Hartford, and Rubicon, to Neosho.

From Gewer's Ferry, in Cedar county, by Springdale, to West Liberty.

From Green Bay, by Oneida and Lansing, to Appleton.

From Green Bay, by Oneida, Freedom, Lansing, Ellington, Hortonville, Thompson's Mills, Mukwa, Waupaca, and Hanover, to Plover.

From Green Bay, by New Franklin, to Kewaunee.

From Green Bay, by Oconto and Clarksville, to Marinette.

From Green Bay, by Wrightstown, Kankauana, and Appleton, to Menasha.

From Green Lake, by Lenape, to Marquette.

From Helena, by Wyoming Valley and Otter Creek, to Highland.

From Highland, by Wallace, Richland City, and Sextonville, to Richland Centre.

From Janesville, by Bachelor's Grove, Spring Valley, Decatur, Nevada, Monroe, Winta, Shullsburg, White Oak Spring, and Council Hill, Illinois, to Galena.

From Janesville, by North Janesville, Fulton, and Albion, to Christiana.

From Janesville to Beloit.

From Janesville, by Teetsa, Albion, Christiana,

Cambridge, Deerfield, Hanchetville, and York, to Columbus.

From Janesville, by Centre, Magnolia, Albany, Attica, Exeter, New Glarus, Bem, and Turkey Grove, to Mineral Point.

From Kenosha, by South Bristol and Cypress, to Antioch, Illinois.

From Kenosha, by Marion, Paris, and Brighton, to Burlington.

From Kenosha, by Kossuth, Liberty, Wilmot, and English Prairie, to Richmond, Illinois.

From Kenosha, by Bristol, Salem, Wheatland, Geneva, Geneva Bay, Walworth, Sharon, Allen's Grove, Summerville, and Clinton, to Beloit.

From Lancaster, by Beetown and Charlotte, to Wyalusing.

From La Crosse to Portage.

From La Crosse to Onalaska.

From La Crosse, by Onalaska and Mindora, to Black River Falls.

From Madison, by Arena, to Prairie du Chien.

From Madison, by Arlington, Dekorra, and Oshankuta, to Portage City.

From Madison, by Middleton, Pine Bluff, Blue Mound, Ridgeway, Dodgeville, Mineral Point, Cottage Inn, Platteville, Benton, Hazle Green, and Vinegar Hill, Illinois, to Galena.

From Madison, by Cross Plains, Dover, Black Earth, Arena, Reeveville, Helena, and Wyoming, to Dodgeville.

From Madison, by Berk, Windsor, Leeds, Lowville, Rocky Run, and Wyocena, to Portage City.

From Madison, by Hampden, East Hampden, Fountain Prairie, Courtland, Paradise Grove, Alto, Black Hawk, Metomon, and Brighton, to Oshkosh.

From Madison, by Stoner's Prairie, Grand Spring, Belleville, Exeter, and Monticello, to Monroe.

From Madison, by Lodi and Collamer, to Baraboo.

From Madison, by Pleasant Branch, Ashton, Dane, and Roxbury, to Sauk City.

From Madison, by Montello, Dakota, and Wautoma, to Waupaka Falls.

From Madison, by Verona, Spring Dale, Primrose, Farmer's Grove, Walnut Spring, and Argyle, to Wiot.

From Madison, by Albany, Spring Grove, and Rock Grove, to Freeport, Illinois.

From Madison, by Fitchburg, Oregon, Rutland, Union, Osborn, and Leyden, to Janesville.

From Madison, by Lake View, Ancient, Stoughton, Dunkirk, and Fulton Station, to Milton.

From Madison, by Sun Prairie, Eolia, and Columbus, to Beaver Dam.

From Manitowoc to Chilton, in Calumet county.

From Manitowoc, by Menasha, Wakefield, Medina, and Greenwood, to Waupaka.

From Marinette, by Cedar Fork and Escanaba, to Carp river.

From Marinette, by Keewenaw, Portage Entry, Clifton, Eagle River, Eagle Harbor, and North West Mine, to Port Wilkins.

From Mineral Point, by Darlington and Avon, to Shullsburg, in Lafayette county.

From Menasha to Lake Shawanno.

From Menasha, by Wakefield, Ellington, Greenville, and Hortonville, to Shawanno.

From Menasha, by Stockbridge, Lynn, Stantonville, New Halstein, and Elkhart, to Plymouth.

From Menasha, by Waupaka, to Plover, on the Wisconsin river.

From Milton to Janesville.

From Milwaukee, by Ozaukee, to Sheboygan.

From Milwaukee, by Butler, Marcy, Lisbon, Sussex, Merton, Monches, Tolland's Prairie, Nesho, and Hustisford, to Juneau.

From Milwaukee, by Greenfield, New Berlin, Prospect Hill, Vernon, Mukwanago, East Troy, Troy, Sugar Creek, Millard, Richmond, Johnstown, Johnstown Centre, and Rock Prairie, to Janesville.

From Milwaukee, by Wauwatosa, Ellen Grove, Brookfield Centre, Brookfield, Forest House, Waukesha, Genesee, North Prairie Station, Eagle, Palmyra, White Water, Milton, Fulton, and Stoughton, to Madison.

From Milwaukee, by Good Hope, Mequon River, Cedarburg, Grafton, Sackville, Ozaukee,

Cedar Grove, Gibbville, Sheboygan Falls, and Howard Grove, to Sheboygan.

From Milwaukee, by Root Creek, Muskego Centre, Big Bend, Caldwell's Prairie, East Troy, Troy, and Lafayette, to Spring Prairie.

From Milwaukee, by Root Creek, Muskego, Denoon, Norway, Waterford, Rochester, Burlington, and Lyons, to Geneva.

From Milwaukee, by Granville, Menominee Falls, Meeker, Schlisingerville, Addison, Theresa, Lomira, and Byron, to Fond du Lac.

From Milwaukee, by Auburn, to Fond du Lac.

From Mineral Point, by Elk Grove, Benton, and New Diggings, to Galena, Illinois.

From Mineral Point, by Willow Springs, Darlington, Viota, Jordan, Monroe, Montezuma, Spring Grove, Tyler, Illinois, and Burritt, to Rockford.

From Mineral Point, by Linden, Highland, Richland Centre, Richland C. H., Reed's Mills, Venoqua, Badax C. H., Springville, La Crosse, Onalaska, Mendono, Albion, Black River Falls, Jackson C. H., Gage's Mills, Chippewa Falls, Chippewa C. H., O'Galley Mills, Willow River, Wise, and Stillwater, to St. Paul, in Minnesota.

From Mineral Point, by Linden, and Montfort, to Highland.

From Mineral Point, by Willow Springs, Darlington, and Gratiot, to Warren, Illinois.

From Montello, by Harrisville, Long Meadow, and William Sylvester's, to Grand Rapids.

From Montello, by Westfield and Kingsbury Ferry, to Reed's Landing, on the Mississippi river.

From Montello, by Dakota and Wautoma, to Saxeville.

From Monteville, by Galesville and Douglas's Mills, to Black River Falls.

From Montfort, by Fennimore and Millville, to Prairie du Chien.

From Monroe, by Sylvester, Brooklyn, Union, and Cookville, to Dunkirk.

From Namakum, by Black Creek, Neshkorro, Willow Creek, and Saxeville, to Waupaka, in Waupaka county.

From Neshkorro, by Willow Creek and Saxeville, to Waupaka.

From New California, by Montfort and Highland, to Muscoda.

From New Haven to Necedah.

From Ozaukee, by Fredonia, Fillmore, Kewaskum, Auburn, and Eden, to Fond du Lac.

From Ozaukee, by Saukville, Newburg, Barton, West Bend, Aurora, Addison, Herman, and Horicon, to Juneau.

From Oconomowoc, by Concord, Farmington, and Johnson's Creek, to Aztalan.

From Oshkosh, by steamer, to Mukwa.

From Oshkosh, by Butte des Morts, Winchester, Mukwa, and Weyanewgo, to Stevens's Point.

From Oshkosh, by Clairville, Fisk's Corners, Welaunee, and Rush Lake, to Ceresco.

From Oshkosh, by Algoma, Omro, Delhi, Waukan, Koro, Sacramento, Berlin, Namakum, Marquette, Kingston, Rock Hill, and Bellefontaine, to Portage City.

From Palmyra, by Oak Hill and Bark River, to Jefferson.

From Pardeeville, by Montello and Dakota, to Stephen's Point, in Portage county.

From Patch Grove, by Bunker Hill, Charlotte, and Milton, to Cassville.

From Patch Grove, by Wyalusing and Clayton, Iowa, to Garnaville.

From Platteville, by New California, Mifflin, and Linden, to Mineral Point.

From Platteville, by Rockvale, Potosi, and Weld's Landing, Iowa, to Dubuque.

From Plover, by Grand Rapids, Eagle Point, Black River Falls, and Onalaska, to La Crosse.

From Portage City, by Baraboo and Bluff, to Sauk City.

From Portage City, by Pardeeville, Marcellon, Centerville, Randolph Centre, and East Randolph, to Waushara.

From Portage City, by Wyocena, Rio, Ostego, Columbus, and Portland, to Watertown.

From Portage City, by Beaver Creek, New Haven, Grand Marsh, Dell Prairie, Grand Rapids, Point Basse, and Plover, to Stevens's Point.

From Portage City, by Port Hope, Roslin, Packwaukee, Buffalo Lake, Westfield, Adario,

Oasis, Almond, Buena Vista, Lake Sarah, and Plover, to Stevens's Point.

From Portage City, by Dekorra, Oshankuta, Lodi, Berry, and Dover, to Blue Mound.

From Portage City, by Beaver Creek, Crooked Lake, Buena Vista, and Plover, to Stevens's Point.

From Potosi, by Rockvale, Lancaster, Fennimore, and Wingville, to Muscoda.

From Potosi, by Rockville, Ellenboro', Clifton, and Linden, to Mineral Point.

From Prairie du Chien, by Boydstown, Richland Creek, and Richmond, to Muscoda.

From Prairie du Chien, by Patch Grove, Little Grant, Lancaster, and Ellensboro', to Platteville.

From Prairie du Chien, by Eagle Point Mills and Boydstown, to Fennimore.

From Prairie du Chien, by Bad Axe, Leon, Verouqua, Springville, Coon Prairie, Graham's Mills, and Sparta, to Black River Falls.

From Prairie du Chien, by La Crosse, Lewis' Mills, Douglass Mills, Eau Gallet's Mills, Rush River Settlement, Prescott, and Point Douglas, to St. Paul, Minnesota Territory.

From Prescott, by Hudson, Pineville, and Crandall's Mills, to Falls of St. Croix.

From Princeton, by Montello, Roxo, and Packwaukee, to Dellton.

From Princeton, by Dakins's Hotel, Warwick on Willow Creek, and Saxeville, to Weyauweya, in Winnebago county.

From Reed's Landing, Monteville, on the Mississippi River, by Galesville and Douglas Mills, to Black River Falls.

From Racine, by Caledonia, Whitesville, Raymond, and Franklin, to Hale's Corners.

From Racine, by Mount Pleasant, Ives Grove, Yorkville, Penn Yan, Rochester, Burlington, Spring Prairie, Grove, Elkhorn, Delavan, Darien, Fairfield, and Emerald Grove, to Janesville.

From Racine, by Caledonia, Thompsonville, South Raymond, and Norway, to Waterford, in Racine county.

From Racine, by Sylvania, Pleasant Grove, Union Grove, Trowbridge, Burlington, and Lyons, to Geneva.

From Richland City, by Sextonville, Richland Centre, Rockbridge, Fancy Creek, and Kickapoo, to Venoqua C. H.

From Raymond, by Norway, to Waterford.

From Ridgeway to Primrose.

From Ripon, by Green Lake, to Marquette.

From Ripon, by Sacramento, Poyssippi, Little River, and Weyauweya, to Mukwa, in Waupaka county.

From Rochester, by Honey Creek and La Fayette, to Sugar Creek.

From Richland City, by Reed's Mills, Bad Axe, and West Prairie, to Newport, on the Mississippi river.

From Rockton, Illinois, by Spring Grove, Wisconsin, Hoosier Grove, and Montezuma, to Monroe.

From Rosendale, by Welaunee, Waukau, and Omro, to Winniconne.

From Sacramento, by Poyssippi, Little River, and Weyauweya, to Mukwa.

From Sauk City, by Leland's Mill, to Reedsburg.

From Sauk City, by Bear's Creek, Sextonville, and Sand Prairie, to Prairie du Chien.

From Sheboygan, by Meeme, Manitowoc Rapids, Manitowoc, Francis' Creek, Two Rivers, Michicott, and Cooperstown, to Green Bay.

From Sheboygan, by Manitowoc, Kewanee, Bailey's Harbor, and Sturgeon Bay, to Green Bay.

From Sheboygan, by Sheboygan Falls, Plymouth, Green Bush, Dotyville, Empire, and Yaccheda, to Fond du Lac.

From Sheboygan, by Sheboygan Falls, Onion River, Cascade, Beechwood, New Fane, and Auburn, to Theresa.

From Shullsburg, by Benton, Hazle Green, and Fairplay, to Dubuque.

From Summerset to Crab Orchard.

From Stevens' Point, by Eau Plain and Little Bull Falls, to Wausau.

From Stoughton, by Albion, Teotsa, and Lima, to Whitewater.

From Watertown, by Emmett, Clyman, Oak Grove, Juneau, Burnett, and Chester, to Waupun.

From Watertown, by Hubbelville, Portland,

Waterloo, Hanchetville, and Sun Prairie, to Madison.

From Watertown, by Hustisford, Horicon, Maysville, Farmersville, Le Roy, and Avoca, to Fond du Lac.

From Watertown, by Emmett, Clyman, Oak Grove, Beaver Dam, Waushara, Waupun, Rock River, and Lamartine, to Fond du Lac.

From Watertown, by Milford, Aztalan, Lake Mills, Newton Corners, Deerfield, and Cottage Grove, to Madison.

From Waukesha, by Howard, Delafield, and Summit, to Oconomowoc.

From Waukesha, by Waterville, Golden Lake, Crowder's Corners, Rome, and Helenville, to Jefferson.

From Waukesha, by Pewaukee, Lisbon, Menominee Falls, and Friestadt, to Cedarburg.

From Waukesha, by Pewaukee, Merton, Monches, Hartford, Iron Ridge, Maysville, Farmersville, Leroy, Oakfield, and Avoca, to Fond du Lac.

From Waukesha, by South Genesee, Muckwanago, Waterford, Rochester, Burlington, Wheatland, Richmond, Illinois, Solon Mills, and Ringwood, to McHenry.

From Waupun, by Alto, Luzerne, Fairwater, Metomen, Ceresco, and Dartford, to Berlin.

From Waupun, by Springvale, Rosendale, and Bothelle, to Oshkosh.

From Waupun, by Springvale, West Rosendale, and Welaunee, to Waukau.

From Waushara, by Mackford and Dartford, to Berlin.

From Waushara, by Napasha, Grandville, Lake Maria, Kingston, Marquette, Princeton, Pleasant Valley, La Cot, St. Maria, Neshkorra, and Lincoln, to Plover.

From Wansau to Shawano, on Wolf River.

From Wansau to Clear Water.

From White Water, by Cold Spring, Fort Atkinson, Oakland, Christiana, Utica, Cambridge, and Door Creek, to Madison.

From West Bend, by Cedar Creek and Schlisingerville, to Monches.

From West Bend, by Barton, Scott, Adell, and Hingham, to Sheboygan Falls.

From Wynoski, by Mitchell, Rathburn, Oceola, and Alcove, to Fond du Lac.

Missouri.—From Alexandria to Winchester.

From Alexandria, by Saint Francisville, Kosuth, and Athens, to Farmington, Iowa.

From Alexandria to Linden, via the county seats of Clark, Scotland, Schuyler, Putnam, Mercer, Harrison, and Gentry.

From Alexandria, by Saint Francisville, Waterloo, Ashton, Eldorado, Arbela, Memphis, Middle Fabbie, and Cherry Grove, to Lancaster.

From Apple Creek, by Wittenburg, Wood, and Spruce's Ferry, to Murphysboro, Illinois.

From Arrow Rock to Old Jefferson.

From Arrow Rock, by Jonesboro, Ridge Prairie, and Heath's Creek, to Georgetown.

From Ashley, by Bowling Green, to Louisiana.

From Athens to Fairview.

From Auburn, by New Hope, to Lost Creek.

From Beehive to Maysville.

From Benton to Commerce.

From Benton, by Cypress, to Charleston.

From Bethany to Decatur, Iowa.

From Bethany to Gallatin.

From Bloomington to Saint John, by Rice's Ferry and Milan.

From Bloomington, by Coulter's Store and Penneys, to Huntsville.

From Bloomington, by Mechanicsburg, Wyandotte, and Linneus, to Chillicothe.

From Bloomington, by Vienna, to Edina.

From Boonville, by Pilot Grove, Pleasant Green, Cold Neck, Georgetown, Bee Branch, Cook's Store, and Bagdad, to Lexington.

From Boonville, by Lamine, Arrow Rock, Bryan, Marshall, Mount Hope, Dover, Lexington, Wellington, Sibley, and Fort Osage, to Independence.

From Boonville, by Old Franklin, and Franklin, to Fayette.

From Boonville, by Conner's Mills, to Gooch's Mills.

From Boonville, by Gooche's Mills and Midway, to Pisgah.

From Boonville, by Bellair, Vermont, Round Hill, and Felix, to Versailles.

From Boonville, by Boon's Lick, to Glasgow.

From Bolivar, by Hermansville and Weaubleau, to Ocoila.

From Bolivar, by Halfway, to Buffalo.

From Bolivar to Fremont, by Fair Play and Bear Creek.

From Bolivar to Sarcocie, by Orleans, Crisp Prairie, Greenfield, King's Point, Spring River, and Bower's Mill.

From Bowling Green, by Vannoy's Mills and Hickory Creek, to Mexico.

From Brunswick, by Yellow Creek, to Linneus.

From Brunswick, by Utica, to Gallatin.

From Brunswick, by Compton's Ferry, Little Compton, and Fairfield, to Chillicothe.

From Brunswick to Bloomington.

From Caledonia, by Iron Mountains, Farmington, Kinkead, Mine La Motte, Fredericktown, Paton, White Water, and Jackson, to Cape Girardeau.

From Caledonia, by Munger's Mills, Lesterville, Logan's Creek, and Henpeck, to Van Buren.

From Carthage, by Diamond Grove, to Neosho.

From California, by Round Hill, Gilroy, Mount Carmel, Otterville, and Arrator, to Pleasant Green.

From Canton, by Tully, Prairie, Oakley, Fairmount, Memphis, Middle Fabbie, and Cherry Grove, to Lancaster.

From Cap-au-Gris, by Chantilly, Troy, Haw Point, Covington, and King's Mills, to Danville.

From Cape Girardeau, by Benton, Pleasant Plains, and Ogden, to New Madrid.

From Carrollton, by Utica, to Chillicothe.

From Cassville, by Noah Boone's to Neosho.

From Cassville, by King's Prairie, to Mount Vernon.

From Cave Spring, by Hartsville and Red Bud, to Rockbridge.

From Columbia to Nashville.

From Chapel Hill, by Basin Knob and Bluff Springs, to Big Creek.

From Chillicothe, by Spring Hill and Clear Creek, to Gallatin.

From Columbia, by Youngers and Salt river, to Mexico.

From Chillicothe, by Utica, Kingston, Plum Creek, and Beehive, to Plattsburg.

From Clifton, by Herculaneum, Selma, Rush Tower, Isle au Bois, St. Genevieve, St. Mary, Perryville, and Apple Creek, to Jackson.

From Clinton, by Lucas, Elk Fork, and Butler, to West Point.

From Clinton, by Post Oak, to Warrensburg.

From Clinton, by Deep Water, Spruce, and Pleasant Gap, to Papinsville.

From Clinton, by Browning's Ferry and Clay, to Ocoila.

From Crab Orchard, by Prospect Hill and Hainesville, to Plattsburg.

From Doniphan to Martinsburg.

From Danville to Mexico.

From Ellsworth, by Roubideux, to Hartsville.

From Eleven Points to Jackson, Arkansas, by Hesterly's.

From Eminence to Thomasville.

From Erie to Buffalo.

From Erie to Oakland, by Lebanon.

From Erie, by Lebanon, Jericho, Hazlewood, Cowskin, and Big Beaver, to Forsyth.

From Fayette, by Boonsboro, to Arrow Rock.

From Fulton, by Concord, Mexico, and Long Branch, to Paris.

From Fairview to High Point, Johnson county.

From Farmington, by Big River Mills, Silver Springs, Avoca, and Argyle, to Hillsboro.

From Fulton, by Reform, to Portland.

From Fulton, by Millersburg, Columbia, Rochepot, and Fayette, to Glasgow.

From Fulton, by St. Aubert, to Linn.

From Forsyth, by Cape Fear, to Cassville.

From Forsyth to Carrollton, Arkansas.

From Forsyth, by Big Beaver Creek, to Hartsville.

From Forsyth, by North Fork, to Rockbridge.

From Fredericktown to Lowndes, by Mildam, Devall, and Bollinger's.

From Fredericktown, by Cold Water, Greenville, Cane Creek, Martinsburg, Hick's Ferry, Arkansas, Crossin's Store, Hanauer's Store, Fourche, Dumas, Pocahontas, and Black's Ferry, to Jackson.

From Frankfort to Florida, by Spencersburg, Madisonville, and Lick Creek.

From Fremont to Fort Scott.

From Gentry C. H., by Alanthus Grove, Sweet Home, Maryville, and Halsas Ferry, to Linden.

From Georgetown to Marshall, by Longwood.

From Georgetown, by Windsor and Calhoun, to Clinton.

From Georgetown, by Fairview, Knobnoster, Warrensburg, Globe, and Big Creek, to Harrisonville.

From Georgetown to Spring Garden.

From Georgetown, by Spring Fork, to Cole Camp.

From Glasgow, by Roanoke, Mount Airy, Huntsville, Milton, Madison, Paris, Florida, Indian Creek, Saline, and Pigeon Creek, to Hannibal.

From Glasgow to Bloomington.

From Glasgow, by Keyesville, Brunswick, Pleasant Park, Manlius, Dewitt Carrollton, Round Grove, Richmond, Crab Orchard, and Woodford, to Liberty.

From Glasgow, by Cambridge, Petra, Miami, and Cow Creek, to Marshall.

From Greenfield, by Turnback, Mount Vernon, and Hall, to Crane Creek.

From Greenville, by Otter Creek and Greenwood Valley, to Van Buren.

From Green Top, in Schuyler county, by Hartford, to Centerville, in Iowa.

From Hannibal, by Palmyra, Hester, La Grange, Canton, Tully, and Alexandria, to Keokuk.

From Hannibal to Fayette, by Florida, Paris, and Huntsville.

From Hannibal, by Hanson, Sharpsburg, and Somerset, to Paris.

From Hannibal, by West Ely, to Shelbyville.

From Hannibal to Naples, Illinois.

From Hannibal to Quincy, Illinois.

From Hannibal to St. Joseph's.

From Harrisonville, by West Point and Marvel, to Papinsville.

From Hartsville, by Big Beaver Creek, to Forsyth.

From Hartford to Milan.

From Hermann, by Gasconade Ferry, Fredericksburg, and Bailey's Creek, to Linn.

From Hermann, by Merrimack Iron Works and Licking, to Houston.

From Hermitage, by Buffalo, to Hartsville.

From Hillsboro, by Morse's Mills, to Grubbsville.

From Houston, by Stanford and Hickory Spring, to Rockbridge.

From Houston to Thomasville.

From Houston, by Philadelphia, to Shelbyville.

From Huntsville, by Smithland and Middle Grove, to Madison.

From Independence, by Westport, Fort Leavenworth, Fort Kearney, Fort Laramie, Fort Smith, and Green River, to Salt Lake City, Utah Territory.

From Independence, by Westport, Kansas, Delaware, Fort Leavenworth, Weston, Missouri, De Kalb, and Sparta, to St. Joseph's.

From Independence, by Blue Springs, Stony Point, Oak Grove, and Chapel Hill, to Columbus.

From Independence, by Big Cedar and Pleasant Hill, to Harrisonville.

From Independence, by Wayne City, to Liberty.

From Iron Mountain, by Arcadia, Lesterville, Centerville, and Alamode, to Eminence.

From Iron Mountain, by Pilot Knobs, Arcadia, and Patterson, to Greenville.

From Jackson, by County Seat, Perkin's Creek, and Lowndes, to Greenville.

From Jackson, by Peoples and Piketon, to Bloomfield.

From Jefferson City, by Westphalia, Mavais, Kinderhook, Spanish Prairie, Maramec, Steelville, Osage, and Harmony, to Caledonia.

From Jefferson City, by Russellville, High Point, Versailles, Haw Creek, and Cole Camp, to Warsaw.

From Jefferson City, by William Smith's, Richard Rounden's, and Latham's, to Little Piney, in Pulaski county.

From Jefferson City, by Dixonville, Lookout, and California, to Round Hill.

From Jefferson City, by Marion, Jamestown, Midway, and Clark's Fork, to Boonville.

From Jefferson City to Little Rich Woods.
 From Jefferson City, by Stones Port, to Columbia.
 From Jefferson City, by Stringtown and Hickory Hill, to Tuscumbia.
 From Jefferson City, by Dixonville, Lookout, California, and Pisgah.
 From Kansas, by Wiandotte, Parksville, and Hampton, to Platte City.
 From Kansas, by Wiandotte City, Neb, Parkville, and Hampton, to Platte City.
 From Kansas, by Parksville and Hampton, to Platte City.
 From Kansas, by Westport, Harrisonville, Pappsville, and Carthage, to Neosho.
 From Kane, by Gaston, Fairview, Florence, and Council Bluff, to Linden, Missouri.
 From Keytesville to Bee Branch Settlement.
 From Kingston, by Mirabile, Elmont, Grindstone Point, Maysville, and Gentryville, to Gentry C. H.
 From Kirksville to Coffeaville, in Adair county.
 From Kirksville, by Green Top, to Lancaster.
 From Kirksville to Linneus.
 From Lebanon, by Long Lane, Buffalo, Shady Grove, Pasco, and Hickory Barren, to Springfield.
 From Lebanon, by Brush Creek, Fortner's Hill, St. Luke, and St. Mark, to Springfield.
 From Lebanon to Houston.
 From Lebanon, Arkansas, by Marshall's Prairie and Hussaw's Prairie, to Forsyth.
 From Lancaster, by Chariton Mills, Hartford, and Saint John's, to Princeton.
 From La Grange to Houston.
 From La Grange to Monticello.
 From La Grange to Newark.
 From Lebanon to Waynesville.
 From Lexington, by Camden, to Richmond.
 From Lexington, by Renwick's Mills, Columbus, Warrensburg, Air, Moss, and Tabo, to Lexington.
 From Lexington, by Anthon Young's, Elijah Gladick's, Freedom, Kirkpatrick's Mills, and Nobnoster, to Calhoun.
 From Lexington, by Greenton, Snibar, Chapel Hill, Lone Jack, and Pleasant Hill, to Harrisonville.
 From Lexington to Georgetown.
 From Lisle, by Westphalia, Marvais, Pay Down, Kinderhook, Lane's Prairie, Spanish Prairie, Maramec, Steelville, Osage, and Harmony, to Caledonia.
 From Liberty, by Ridgely, Ringgold, and Camden Point, to Buena Vista.
 From Liberty, by Mount Gilead, Paradise, and Carpenter's Store, to Plattsburg.
 From Liberty, by Barry and Platte City, to Weston.
 From Little Piney, by Relfe and Ellsworth, to Houston.
 From Little Prairie to Crane Creek.
 From Linneus, by Scottsville, to Milan.
 From Linneus, by Nevada, to Trenton.
 From Linneus to Kirksville.
 From Maramec, by Little Prairie, Little Piney, and Pine Bluff, to Waynesville.
 From Marshall, by Hazel Grove, to Browns-ville.
 From Marshall, by Elm Wood, Blanche, and Elk Grove, to Lexington.
 From Milan, by West Locust, Lewis's Mill, and Judge Johnson's Store, to Princeton.
 From Miami to Brunswick.
 From McKinny to Alton.
 From Memphis, by Pekin, Dr. P. T. Huff's, and Stiles, to Bloomfield, Iowa.
 From Mexico, by Shy Post, Shamrock, and Flint Point, to Danville.
 From Mexico, by Littleby, Lick Creek, and Madisonville, to New London.
 From Monticello, by Edina, Timbered Branch, Kirksville, Nineveh, Milan, and Hailey's Mill, to Trenton.
 From Monticello, by Tully, to Canton.
 From Monticello, by Colony, to Sand Hill.
 From Mount Sterling, by Woollam, Jake's Prairie, Argo, Bourbon, Harrison's Mills, and Fourche A. Renault, to Potosi.
 From Mount Vernon, by Dankle's Store, Ashgrove, and Walnut Grove, to Orleans.
 From Nineveh, by Hartford, to Centerville, Iowa.

From Neosho, by Oliver's Prairie, Capse's Creek, and Mount Pleasant, to Mount Vernon.
 From Neosho, by Oliver's Prairie and Hazel Bottom, to Washbourne's Prairie.
 From Neosho, by Gates, Enterprise, Elk Mills, Honey Creek, Maysville, Arkansas, Double Spring, Baptist Mission, and Sylva, to Boonesboro'.
 From Neosho, by Harman's Mill, Pineville, and White Rock Prairie, to Bentonville.
 From Neosho to Albuquerque, in New Mexico.
 From Neosho, by Grand Falls, to Crawford Seminary.
 From Neosho to Rutledge.
 From Nevada to Lindley.
 From New Madrid to Hickman's Bend, Arkansas, by Point Pleasant, Solitude, Gayoso, and Cottonwood.
 From New Madrid to Hickman, Kentucky.
 From Oceola, by Roscoe, St. Helen, Copling-er's Mills, Fremont, White Hare, Horse Creek, and Coon Creek, to Carthage.
 From Oceola, by Chalk Level, Monagaw, Pappsville, and Little Osage, to Fort Scott.
 From Oceola to Harrisonville.
 From Oceola, by Jenkin's Bridge, Quincy, and Bledsoe, to Hermitage.
 From Osage, by Cherry Valley, Short Bend, Montauk, Devall, and Licking, to Ellsworth.
 From Ohio City, by Baldwinville and Hope-well, to Columbus.
 From Ohio City to Cairo, Illinois.
 From Owensville to Mount Carmel, Illinois.
 From Palmyra, by Brookeville, Philadelphia, West Springfield, Newark, Bee Ridge, Edina, and Sand Hill, to Memphis.
 From Palmyra, by Warren, Oakdale, Shelby-ville, Hagar's Grove, and Ten Mile, to Bloomington.
 From Palmyra to Marion City.
 From Paris, by Woodlawn, Woodville, Wil-liamsville, Bloomington, East Fork, and New-burg, to Kicksville.
 From Paris to Florida.
 From Paris, by Greenwood, Walkersville, Shelbyville, and Bethel, to Newark.
 From Pappsville, by Little Osage, Dry Wood, and Lamar, to Carthage.
 From Pappsville, by Eton and White Hare, to Greenfield.
 From Perryville, by Port Perry, to Chester.
 From Pinckney, by Loutre Island, and Big Spring, to Danville.
 From Plattsburg, by Castile, Boyer's Settle-ment, and Rochester, to Savannah.
 From Prairieville, by Paynesville, to Clarks-ville.
 From Princeton, by Bethany, to Gentry C. H.
 From Princeton, by Middleburg, Trenton, and Grassy Creek, to Chillicothe.
 From Port William, by S. W. Evans's Store, Grubbsville, and Rucker's Prairie, to Rich Woods.
 From Quincy, by Humansville and S. Mus-tain and Son's Store, to Fremont.
 From Richmond, by Melville, to Finney's Grove.
 From Richmond, by Knoxville and Kingston, to Gallatin.
 From Savannah, by Hale's Point, Littsville, and Reindeer, to Maryville.
 From Richmond, by Union Meeting house and McClain's Mills, to Marquam's Store.
 From Sarcoxie, by Mount Pleasant, Valley Prairie, and Gaddy, to Cassville.
 From Sarcoxie, by Diamond Grove, to Blythe-ville.
 From Sarcoxie to Carthage.
 From St. Charles, by Wellsburg, Flint Hill, Troy, Old Alexandria, Auburn, Prairieville, Bow-ling Green, Frankfort, and New London, to Han-nibal.
 From St. Charles to Mexico.
 From St. Charles, by Hamburg, Missouri, Augusta, Femme Osage, and Martha'sville, to Pinckney.
 From St. Genevieve, by Avon, to Kinkead.
 From St. Genevieve, to Kaskaskia, Illinois.
 From St. Genevieve to Farmington.
 From Short Bend, by Breckenridge's Mill and Winston, to Eminence.
 From Shelbyville to Kirksville.
 From St. Joseph, by Savannah, Noddaway, Oregon, Jackson Point, Tarkio, Irish Grove, Lin-den, High Creek, McKissack's Grove, (Iowa,)

Austin, Glenwood, Sidney, and Dawsonburg, to Council Bluffs.
 From St. Joseph, by Rochester and Gentry-ville, to Athens.
 From St. Joseph, by Walnut Hill, and Rock-house Prairie, to Plattsburg.
 From St. Joseph, by Evansville, Maryville, and Victoria, to Gallatin.
 From St. Joseph, by Sentinel, Rochester, and Gentryville, to Gentry C. H.
 From St. Louis, by St. Charles, Augusta, Washington, Pinckney, Hermann, Portland, St. Aubert, Jefferson City, Claysville, Marion, Nash-ville, Rocheport, Boonville, Arrow Rock, Glas-gow, Cambridge, Keytesville Landing, Brunswick, Dewitt, Miami, Waverly, Dover Landing, Lex-ington, Wellington, Camden, Sibley, Liberty, Randolph, Kansas, Parkville, Fort Leavenworth, and Weston, to St. Joseph.
 From St. Louis, by Central, Creve Cœur, and Bellemonie, to Bonhomme.
 From St. Louis, by Waltonham, Feeffe, Bridge-ton, St. Charles, Cottleville, Naylor's Store, Hick-ory Grove, Warrenton, Camp Branch, High Hill, Danville, Williamsburgh, Jones's Tanyard, Ful-ton, New Bloomfield, and Hibernia, to Jefferson City.
 From St. Louis, by Clarksville, Cap-au-Gris, La Grange, Louisiana, Canton, Hannibal, Tully, Marion City, Quincy, Illinois, Alexandria, and Warsaw, to Keokuk, Iowa.
 From Saint Louis, by Carondelet, Jefferson Barracks, Mattese, Sulphur Springs, Clifton, Hillsboro', Glen Finlas, Old Mines, and Potosi, to Caledonia.
 From Saint Louis, by Laclede, Kirkwood, Merriam, Allentown, Franklin Depot, Port Wil-liam, and South Point, to Washington.
 From Saint Louis, by Sappington, Fenton, and House's Spring, to Hillsboro'.
 From Shelbyville, by John W. Roy's, Lydey's, Davis's, and Dumey's Mills, to Milan.
 From Springfield, by White Oak Grove and Ozark, to Forsyth.
 From Springfield, by Henderson, Finley, and Red Bud, to Rockbridge.
 From Springfield, by Walnut Forest, Dallas, Saint Paul, Hazlewood, Waldo, and Pleasant Valley, to Hartsville.
 From Springfield, by Curran, Crane Creek, Cassville, Washbourne's Prairie, Pea Ridge, Osage Mills, Elm Grove, and Bentonville, Ar-kansas, to Fayetteville.
 From Springfield, by Pond Creek, Chesapeake, Mount Vernon, Sarcoxie, and Shoal Creek, to Neosho.
 From Springfield, by Bois d'Arc, Ash Grove, and Rock Prairie, to Greenfield.
 From Springfield, by Linden, Soel Hall's, Law-rence's Mills, Herod Holts, Wall, and Bratten's Store, and Saint Leger, to Salem, in Fulton coun-ty, Arkansas.
 From Springfield, by Yocum Mills and Galena, to Cape Fear.
 From Springfield to Fremont.
 From Spring Hill, by Crittenden, to Bethany.
 From Thomasville, by Warm Fork, South Fork, Arkansas, Myate, Pilot Hill, Union, Cross Plains, and Benbrook's Mills, to Mount Olive.
 From Thomasville, by West Plains and Potters-ville, to Rockbridge.
 From Thomasville, by Mill Creek, to Doniphan.
 From Troy, by Millwood and Louisville, to Ashley.
 From Troy, by Carson, King's, Brush Creek Settlement, and Middletown, to Mexico.
 From Trenton to Gallatin.
 From Tuscumbia, by Erie, Oregon, Dry Glaze, and Lebanon, to Oakland.
 From Tuscumbia to Waynesville.
 From Versailles, by Mining, to Erie.
 From Tuscumbia, by Pleasant Mount and Rocky Mount, to Versailles.
 From Tuscumbia to Lebanon, by Wet Glaze and Dry Glaze.
 From Union to Dreetzville, in Franklin county.
 From Union to Lebanon.
 From Union, by Traveller's Repose, to Virginia Mines.
 From Union, by Southworth's, Boone, Jake's Prairie, and Miller's, to Little Biney.
 From Versailles, by Boyler's Mill, Duroc, Lessley, Cross Timbers, Black Oak Point, Ur-bana, and Sentinel Prairie, to Bolivar.

From Versailles, by Florence, to Georgetown.
From Versailles, by Mining, to Erie.
From Van Buren, by Pike Creek, to Thomasville.

From Warsaw, by Rocky Ridge, Quincy, Elkton, Bolivar, Brighton, and Richland, to Springfield.

From Warsaw, by Tebo, Calhoun, Clinton, and Norris Fork, to Big Creek.

From Warsaw, by Turkey Creek, Mount View, Cross Timbers, Urbana, and Round Prairie, to Buffalo.

From Warsaw, by Hogle's Creek, to Ocoola.

From Washbourne's Prairie, by R. Koter's Bridge, Abner Jennings's, on White River, and Lewis Thompson's, on War Eagle, to Huntsville, Arkansas.

From Washbourne's Prairie, by Looniesville, Pineville, and Rutledge C. H., to Maysville, Arkansas.

From Waynesville, by Bellefonte, Oakland, Cave Springs, Woodbury, Pleasant Prairie, and Walnut Forest, to Springfield.

From Waynesville, by Logan and Sacramento, to Hartsville.

From Warrenton to Middletown.

From Waterloo, by Chambersburg, to Union Corners, Iowa.

From Washington, by Union, Beaufort, Burbois, Enon, Mount Sterling, Linn, Loose Creek, Lisle, and Taos, to Jefferson City.

From Washington, by Newport and Blish's Mills, to Hermann's.

From Williamsburg, by Shamrock, Middletown, Prairie Mound, and Ashley, to Bowling Green.

From Westpoint to Westport.

From Westport, by High Grove, to Harrisonville.

From Westport to Van Buren, Arkansas.

From Westport, by New Santa Fe, Plum Grove, and Mockville, to Westpoint.

From Weston, to St. Joseph, via Bloomington.

From Weston, by New Market, Buena Vista, and Estill's Mills, to Plattsburg.

From West Prairie to Chillitecaux.

Minnesota Territory.—From Crow Wing, by Cass Lake and Red Lake, to Pembina.

From Crow Wing, by Sandy Lake, to Fond du Lac.

From Decorah, Iowa, by Brownsville, Montezuma, and Minnesota City, to Wabashaw.

From Falls of St. Anthony to Little Canada.

From Falls of St. Anthony, by Stephens's Mill, at Lake Minnetonka, and Walker's Landing, to Henderson.

From Fort Atkinson, in Iowa, to Faribault, in Minnesota.

From Fort Ripley to Crow Wing.

From Fort Snelling to the Falls of St. Anthony.

From Fort Snelling, by Mendota, Shakopee, Henderson, Little Rapids, Le Soeur, and Traverse des Sioux, to Mankato.

From Fort Snelling, by Bloomington, Little Rapids, Traverse des Sioux, and Le Soeur, to Lacqui Parle.

From Henderson, by Fort Ridgely, to the Sioux Agency.

From Maukassa to Decorah, Iowa.

From Mendota, by Little Rapids, Traverse des Sioux, and Little Rock, to Lacqui Parle.

From Minnesota City to Traverse des Sioux.

From Nelson's Landing, Wisconsin, by Wahcootak's Village, Olive Grove, and Mendota, Minnesota, to Fort Snelling.

From Point Douglas, by Stillwater, Marine Mills, Taylor's, Falls of St. Croix, and Pockegoma Lake, to Falls of St. Louis River of Lake Superior.

From Point Douglas, by Cottage Grove and Red Rock, to St. Paul.

From Red Wing, on Mississippi river, via Fairbault and Henderson, to Fort Ridgely.

From St. Paul, by Stillwater and St. Croix Falls, to the mouth of Left Hand River, at Fond du Lac, in Wisconsin.

From St. Paul, by Carlisle, Olive Grove, Point Douglas, Prescott, Red Wing, Reed's Landing, Nelson's Landing, Mount Vernon, Winona, Brownsville, Minnewah, Lacross, Warner's Landing, Lansing, Capoli, Buena Vista, Prairie Du Chien, Gottenburg, Weld's Landing, to Galena.

From St. Paul, by Kaposia, Carlisle, Point Douglas, Prescott, Wisconsin, Red Wing, Minnesota, Mount Vernon, Reed's Landing, Nelson's Landing, Montville, La Cross, Wisconsin, Brownsville, Minnesota, Minnewah, Warner's Landing, Wisconsin, Winona, Minnesota, Minnesota City, Lansing, Point Rock, Iowa, Capoli, and Webster, to Prairie Du Chien, Wisconsin.

From St. Paul, by Falls of St. Anthony, Itasca, Elk, River, Decorri, Menominee, Clear Lake, Sauk Rapids, Watab, Mouth of Swan River, Little Falls, and Bell Prairie, to Fort Ripley.

From St. Paul, via Redwing, and Reed's Landing, in Wabashaw county, to Lansing, in the State of Iowa.

From St. Paul, by Stillwater, Marine Mills, and Taylor's, to Falls of St. Croix.

From St. Paul to Fort Atkinson, Iowa.

From St. Paul to Fort Snelling.

From St. Paul, by Dekorra, and Elkader, to Dubuque, Iowa.

From St. Paul, on the Emigrant route by Fort Ridgely, to the Missouri river.

From St. Paul to Little Canada.

From St. Paul, by Cannon River, to Faribault.

From St. Anthony, to Taylor's Falls.

From Stillwater, via White Bear Lake, to Little Canada.

From Swan River, by Fort Ripley, Red Lake, and Long Prairie, to Pembina.

From Traverse des Sioux to Arcadia.

From Traverse des Sioux, La Sueur, Henderson, Faribault, and Vermillion River, to St. Paul.

From Wabashaw, by Minnesota City, Montezuma, and Brownsville, to Decorah, Iowa.

Nebraska Territory.—From Nebraska City, Bellevue, and Omaha City, to Fort Calhoun.

Kansas Territory.—From Fort Leavenworth to the Sac and Fox Agency.

From Fort Scott to Fort Atkinson.

From Fort Leavenworth to Fort Riley.

From Fort Scott to Crawford Seminary.

From Westport, Missouri, to Fort Scott.

Iowa—From Apple Grove, via Delhi, Carlisle, and Green Bush, to Winterset.

From Andrew, by Fulton, Iron Hills, Johnson's, Scotch Grove, Edinburgh, Anamosa, Necot, Boulder, and Spring Grove, to Quasqueton.

From Andrew, by Hickory Grove, Spring Brook, and Bellevue, to Galena, Illinois.

From Adel, by Panona and County Seats of Audubon and Shelby, to Magnolia.

From Ashland, by Batavia, Compentine, and Abingdon, to Richland.

From Apple Grove, by Delphi, Carlisle, and Greenbush, to Winterset.

From Apple Grove, by Freel, Hartford, and Palmyra, to Indianola.

From Boonsboro', by Homer, to Fort Dodge.

From Brighton, by Valley and Dutch Creek, to South English.

From Burlington, by Middletown, Danville, New London, Mount Pleasant, Rome, and Lockbridge, to Fairfield.

From Burlington, by Parrish, Lowell, East Grove, Salem, Hillsboro', Utica, and Union, to Keosauqua.

From Burlington, by Albright's Bluff, Dale, Hawkeye, Palo Alto, Toolsboro', and Port Louisa, to Muscatine.

From Burlington, by Dodgeville, Yellow Springs, Linton, Wapello, Harrison, and Grand View, to Muscatine.

From Butler, by Steady Run, Lancaster, Richland, and Clay, to Brighton.

From Bunker Hill to Prairie du Chien.

From Bellevue, by Spring Brook, Higginsport, Boon Spring, and Charlotte, to Dewitt.

From Bloomfield, by Point Isabel, Greene, Otumwa, Chillicothe, and Eddyville, to Oskaloosa.

From Bloomfield, by Drakeville, Unionville, Moravia, Iconium, and Greenville, to Chariton.

From Bloomfield, by Drakeville, Mount Calvary, and Sharon, to Centreville.

From Bloomfield, by Drakeville, Oak Spring, Soap Creek, Avery, Albia, Sweeia, Princeton, Hamilton, Ely, and Atica, to Knoxville.

From Camanche to Albany, in Illinois.

From Camanche to Dewitt.

From Chariton, by Corydon and Grand River, to Princeton, Missouri.

From Chariton, by Douglas and Lewis, to Council Bluffs.

From Chariton, by Newbern, Hammondsburg, to Indianola.

From Chariton, by Argo, Glenn's, Bartlettville, White Breast, and Hopeville, to Pisgah.

From Chariton, by Tallahoma and Ocoola, to Pisgah.

From Chariton, by Ocoola, Pisgah, Union, Adair, and Montgomery C. H., to Coonville.

From Charleston, by Dover and Salem, to Mount Pleasant.

From Charleston, by Franklin Centre, West Point, and Lowell, to Mount Pleasant.

From Charleston, via Franklin Centre and Dover, to Salem, and Mount Pleasant.

From Cedar Falls to Cedar Lake.

From Cedar Rapids to Marengo.

From Cedar Rapids, by Palo, Oak Grove, Beulah, Vinton, Eliza, and Waterloo, to Cedar Falls.

From Centreville, by South Fork, Corydon, Bethlehem, Cambria, Garden Grove, and Hopeville, to Pisgah.

From Centreville, in Appanoose county, via the State Road, to Decatur, in Decatur county.

From Centreville, by Wells's Mills, to Lancaster, Missouri.

From Centreville, by Iconium, to Chariton.

From Centreville, by Corydon, South Independence, County Seats of Ringold and Taylor counties, to Clarinda, in Page county.

From Centreville to St. John, Missouri.

From Centre Point, by Marysville, to Bradford.

From Cedar Falls, by John C. Barrick's and Coon Grove, to Clear Lake.

From Centrepoint, by Marysville and Enterprise, to Bradford.

From Colesburg, by Sodamville and Wilsonville, to West Union.

From Clayton to Lancaster, in Wisconsin.

From Clayton, by Garnaville, Elkader, Wagner, and Clearmont, to West Union.

From Columbus, by Union Prairie, Jamestown, and Decorah, to Louisville.

From Columbus City, in Louisa county, to Yaton, in Washington county.

From Council Bluffs, by Winter Quarters, to Fort Calhoun, Nebraska Territory.

From Council Bluffs, via Magnolia and De Soto, to Sargeant's Bluffs.

From Council Bluffs, by Traders' Point, Cerro Gordo, Glenwood, Sidney, Austin, and McKissack's Grove, to Linden, Missouri.

From Council Bluffs, by Pidgeon Mills, Boyer's River, Calhoun, Harrison, Sargeant's Bluffs, Monohah, and Wahkaw, to Big Sioux river.

From Corydon to Chariton Point.

From Corydon, by Grand River, to Princeton, Missouri.

From Colony, by Poultney, Yankee Settlement, and Lodomillo, to Strawberry Point.

From Davenport, by Centre Grove, Luctin, Pedee, Spring Dale, and Carthage, to Iowa City.

From Davenport, by Allen's Grove, Thorn's Mills, and Walnut Fork, to Anamosa.

From Davenport, by Linn Grove, Big Rock, and Cedar Rock Point, to Walnut Fork.

From Davenport, by Amity, Tipton, Woodbridge, Gower's Ferry, Newport, and Newport Centre, to Iowa City.

From Decorah, Iowa, to Maukapa.

From Decorah to Plum Grove.

From Decorah, Iowa, by Brownsville, Montezuma, and Minnesota City, to Wabashaw.

From Delhi, by Coffin's Grove, Quasqueton, and Pine, to Independence.

From Delhi, by Delaware Centre, Mount Hope, Forestville, Strawberry Point, Mill Grove, Westfield, and Taylorsville, to West Union.

From Delhi, by Hartwick and Erin, to Quasqueton.

From Delhi, by Colesburg, to Garnaville.

From Drakeville, by Unionville, Moravia, and Dodge's Point, to Garden Grove.

From Drakeville, by Unionville, Moravia, and Iconium, to La Grange.

From Dubuque, by Fort Dodge, to Sargeant's Bluffs.

From Dubuque, by Mosalem, Spruce Mills, Wickliffe, Sabula, Elk River, Lyons, Camanche,

Princeton, Le Clair, and Pleasant Valley, to Davenport.

From Dubuque, by Independence, through the counties of Black Hawk, Grundy, Hardin, Risley, to Fort Dodge, Yell county.

From Dubuque, by Centretown, Whitewater, and Rockville, to Delhi.

From Dubuque, by Channingsville, New Vine, Oakland, Viola, Tivoli Colony, Newstead, Elkador, Highland, Illyria, West Union, Douglas, and Old Mission, to Fort Atkinson.

From Dubuque, by West Union, Auburn, and Old Mission, to Decorrah.

From Dubuque, by Sullivan, Lamotte, Andrew, Bridgeport, Maquoketa, Brookfield, Welton, Dewitt, Walnut Fork, Davenport, Rockingham, Blue Grass, and Melpine, to Muscatine.

From Dubuque, by the Catholic Church at Garry Owen, Canton, Cobb, Tipton, Rock Creek, and Moscow, to Muscatine.

From Dubuque, by Buncombe, Otter Creek, Farmer's Creek, and Fulton, to Maquoketa.

From Dubuque, by New Wine, Strawberry Point, Robertson's Ford, and West Union, to Decorrah.

From Dubuque, by Durango, Pin Oak, Millville, and Guttenburg, to Garnavillo.

From Eddyville, by Des Moines City, Gray's Creek, and Halfway Prairie, to Albia.

From Eddyville, by Hamilton, Red Cedar Mills, and Attica, to Knoxville.

From Eddyville, by Bluff Creek, Irish Point, Berry, Columbus, Leaming's Point, Ridgeway, and Beaver, to Fort Des Moines.

From Fairfield, by Libertyville, Iowaville, New Market, Salt Creek, Florist, and Ohequist, to Bloomfield.

From Fairfield, by Batavia, Agency City, Ottumwa, Blakesbury, Albia, and La Grange, to Chariton.

From Fairfield, by Haugh's Point, Brookville, Competine, Abingdon, Butler, and Fremont, to Oskaloosa.

From Fairfield to Lancaster.

From Fairview, by Springville, Marion, Cedar Rapids, and Hoosier's Grove, to Solon.

From Fairview, by Ridge and Jordan's Grove, to Paris.

From Farmington, by Union Corners, Milton, (south side of Fox river,) and Pulaski, to Bloomfield.

From Fort des Moines, by Boone, Adell, McKay, Allen, and Hamlin's Grove, to Macedonia.

From Fort des Moines, by Summerset, to Indianola.

From Fort des Moines, by Saylor'sville, Polk City, Hopkin's Grove, Rapids, Bellepoint, Boonsboro', and Dakota, to Homer.

From Fort Des Moines, by Story C. H., to Eldora, the county seat of Hardin.

From Fort Des Moines, by Marietta, Cedar Falls, Mentral, and Old Mission, to Prairie du Chien, Wisconsin.

From Fort Des Moines, by Greenbush and Montpelier, to Winterset.

From Fort Des Moines to Marietta, via Nevada.

From Fort Atkinson, by Decorrah, to Lansing.

From Fort Madison, by West Point, Grove, Vega, Glasgow, Wooster, and Harmony, to Fairfield.

From Fort Madison, by West Point, Big Mound, and Utica, to Keosauqua.

From Fort Madison, by Denmark, Parrish, New London, Pleasant Grove, Dodgeville, Yellow Springs, and Kossuth, to Hickory Point, in Des Moines county.

From Fort Madison, by Franklin and Primrose, to Farmington.

From Fort Madison, by Appanoose, Illinois, Pontoosoc, and Dallas City, to La Harpe.

From Glenwood, Mills county, by Nebraska Depot, to Nebraska Centre.

From Garnavillo, by Farmersburg and McGregor's Landing, to Prairie du Chien, Wisconsin.

From Garnavillo, by Farmersburg and Monona, to Hardin.

From Garden Grove, by Decatur C. H. and New Buda, to Lott's Grove.

From Gardiner Grove, by South Independence and county seats of Ringgold and Taylor counties, Nodaway, Clarinda, and Sidney, to Gaston.

From Hardin, by Lybrand, Frankville, Trout

River, Decorrah, and Burr-Oak, to Saint Paul, Minnesota.

From Independence, by Mentral and Bradford, to Old Mission.

From Independence, by Elk Run and Waterloo, to Cedar Falls.

From Independence, by Cedar Falls, and through the counties of Black Hawk, Grundy, Hardin, and Risley, to Fort Dodge, in Yell county.

From Indianola, by Handsome View, Oceola, White Breast, Garden Grove, South Independence, Decatur, New Buda, Nine Eagles, and Burr-Oak, Missouri, to Princeton, Missouri.

From Iowa City, by Solon, Ivanhoe, Mount Vernon, Fairview, Anamosa, Monticello, Bowen's Prairie, Cascade, Fillmore, and Milleroy, to Dubuque.

From Iowa City, by Old Man's Creek, Millersburg, Deep River, Montezuma, Newton, and Parkersburg, to Fort des Moines.

From Iowa City, by Capi, Homestead, Marengo, Downard, and Bear Creek, to Montezuma.

From Iowa City, by Frank Pierce, Wassonville, South English, and Sigourney, to Lancaster.

From Iowa City, by Richmond, Washington, Brighton, and Walnut, to Fairfield.

From Iowa City, by West Liberty and Overman's Ferry, to Muscatine.

From Kane, by Pidgeon Mills, Boyer River, Sargeant's Bluffs, Harrison, Monona, and Wakhaw C. H., to Big Sioux River.

From Kane to Sargeant's Bluffs.

From Keokuk, by Summitville, Charleston, Utica, Winchester, Birmingham, Libertyville, Cotton Grove, Ashland, Agency City, and Dahlonga, to Oskaloosa.

From Keokuk, by Camargo, String Prairie, Croton, Warren, Farmington, Bonaparte, Bentonport, Vernon, Keosauqua, Pittsburg, Lebanon, Oak Point, Troy, Stringtown, and Taylor, to Bloomfield.

From Keokuk, by Summitville, Montrose, Fort Madison, and Augusta, to Burlington.

From Keosauqua, by Pittsburg, Rising Sun, Philadelphia, Lick Creek, Business Corner, and Iowaville, to Ashland.

From Keosauqua, by Home, Missouri, Upton, Iowa, and Wyaconda, to Memphis, Missouri.

From Keosauqua, by Winchester and Birmingham, to Fairfield.

From Knoxville, by Pleasantville, Wheeling, Three Rivers, and Carlisle, to Fort des Moines.

From Knoxville, by Parkersville, Lagrange, and South Fork, to Centreville.

From Knoxville, by Chariton, Argo, and Glenn's, to Garden Grove.

From Knoxville, by Attica and La Grange, to South Fork.

From Lansing, by Indian Mission, to Fort Atkinson.

From Lansing, by Wawkon, Lycurgus, Decorrah, and Fort Atkinson, to Walnut Creek.

From Lansing to Lycurgus.

From Lancaster, by Springfield, Indianapolis, Union Mills, and Montezuma, to Big Woods.

From Lancaster, by Springfield, Indianapolis, and Union Mills, to Montezuma.

From Lewis, by Quincy, to Clarinda.

From Linton, by Morning Sun, Virginia Grove, Hope Farm, Columbus City, Port Allen, and Seventy-Seven, to Iowa City.

From Louisville to Fort Dodge.

From Marengo to Marietta.

From Marengo, by Toledo, to Eldora.

From Marengo, by Prairie Creek, Koszta, Toledo, Legland, and Timber Creek, to Marietta.

From Macedonia, by Montgomery and Nodaway C. H., to Marysville, Missouri.

From Macedonia, by Bethlehem, to Glenwood.

From Marion, by La Fayette and Centre Point, to Quasqueton.

From Marietta to Eldora.

From McKay, in Dallas county, by Penora and the County Seats of Guthrie, Audubon, Shelby, and Harrison counties, to Sargeant's Bluff.

From Minnesota City to Traverse des Sioux.

From Monona, by Bunker Hill, Paint Rock, and Columbus, to Lansing.

From Monona, by Waukon, to Rossville.

From Monona, by Smithfield and Crossville, to Lansing.

From Montrose, by Ambrosia, and Spring Prairie, to St. Francisville, Missouri.

From Mount Pleasant, by Trenton and Germanville, to Brighton.

From Moneek, by Smith's Mill, Rossville, Paint Rock, and McGregor's Landing, to Prairie du Chien, Wisconsin.

From Muscatine, by Strawberry Hill, Columbus City, Pottsville, Amboy, Washington, Dutch Creek Valley, Lancaster, Sigourney, Springfield, Hopewell, and Rose Hill, to Oskaloosa.

From Muscatine, by Pike, Seventy-Seven, Yaton, Richmond, and North English, to Millersburg.

From Muscatine, by Fairport, West Buffalo, and Rockingham, to Davenport.

From McGregor's Landing, by Elgin and West Union, to Bradford.

From McGregor's Landing, by Monona, Hardin, Postville, Winnesheik, Moneek, and Ossian, to Old Mission.

From McGregor's Landing to Bunker Hill.

From McGregor's Landing, by Monona and Clermont, to West Union.

From New Boston, Illinois, via Wapello, Washington, Lancaster, Oskaloosa, Knoxville, Indianola, Winterset, to Council Bluffs, Iowa.

From New London, by Wayne, Crawfordsville, Amboy, Davis's Creek, Yaton, and Seventy-Eight, to Iowa City.

From Newton, by Pella, Amsterdam, Knoxville, and Chariton, to Garden Grove.

From Newton, by Timber Creek, to Marietta.

From Nodaway, by Montgomery, to Macedonia.

From Nodaway, by Centre, to Maryville, Missouri.

From Osceola, by Prairie Grove, to Peru.

From Oskaloosa, by Scott, Bellefontaine, English Settlement, Knoxville, Indianola, Winterset, Wahtabwa, Cold Spring, and Macedonia, to Council Bluffs.

From Oskaloosa, by Pella, Monroe, Red Rock, Bennington, Con., Apple Grove, and Rising Sun, to Fort Des Moines.

From Oskaloosa, by Warrenville, Granville, and Lynnville, to Newton.

From Ottumwa C. H. to Albia.

From Oskaloosa to Auburn.

From Oak Point, by Home, Union Corners, Chambersburg, Missouri, Waterloo, and St. Francisville, to Alexandria.

From Pisgah, by Quincy and Montgomery, to Glenwood.

From Pisgah, by Adair, to Cold Spring.

From Pisgah, by Winterset, to Adell.

From Pisgah, by Johnson's, to Macedonia.

From Quasqueton, by Burke, to Vinton.

From Quasqueton, by Buckingham, Legrand, Timber Creek, Minerva, and Parkersburg, to Fort Des Moines.

From Red Rock, by Paran City and Pleasantville, to Indianola.

From Sabula, by Sterling, Maquoketo, and Thomas Green's, in Jones county, to Anamosa.

From Sabula to Savannah, Illinois.

From Salem to Columbus City.

From Stillwater, via White Bear Lake, to Little Canada.

From Salem, by Mount Pleasant and Stockley's, to Hope Farm.

From Sigourney, by Indianapolis, to Montezuma.

From Tipton, by Walnut Fork, Highland Grove, Anamosa, Grove Creek, Uniontown, Castle Grove, Delhi, Littleport, Orrin Glen, Lodomillo, and Ead's Grove, to Garnavillo.

From Tipton, by Spring Rock, Dixon, Buena Vista, Orange, De Witt, Cherry Wood, and Lyon's, to Fulton, Illinois.

From Tipton, by Red Oak, Pioneer, Lisbon, Mount Vernon, St. Mary's, and St. Julian's, to Marion.

From Washington, by Marcellus and Trenton, to Mount Pleasant.

From Washington, by Valley, to Lancaster.

From Wapello, by Hope Farm, Spring Run, and Crawfordsville, to Washington.

From Wapello, by Toolesboro', to New Boston, Illinois.

From Winterset, by Adell, to Boonesboro'.

From Winterset, in Madison county, via Quincy, Adams county, and Sidney, Fremont county, to Table Creek, (Old Fort Kearney,) in Nebraska Territory.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

33D CONGRESS, 1ST SESSION.

MONDAY, AUGUST 7, 1854.

NEW SERIES.....No. 146.

From West Liberty, by Pedee, to Rock Creek.
From West Union, by Clermont, to McGreg-
or's Landing.

From West Union, by Eldorado, to Decorrah.

California—From Auburn, by Illinoistown, Mountain Springs, to Green Valley, in Placer county.

From Benicia, by Suizan, to Grafton.

From Benicia, by Vacaville, Puta Creek, Enos, Cache Creek, Yolo, Grafton, and Fremont, to Washington.

From Benicia, by Martinez, Alamo, San Ramon, and Mission San Jose, to San Jose.

From Benicia, by Vallejo, Napa, and Santa Rosa, to Sonoma.

From Crescent City, by Jacksonville, Oregon, to Yreka, in California.

From Diamond Springs, by Newtown and Wisconsin Bar, to Grizzly Flat, in Eldorado county.

From Double Springs, by Angel's Camp, to Murphy's.

From Drytown, by Fiddletown, to Indian Diggings.

From Foster's Bar, by Foster City and Moscow, to Minnesota, in Sierra county.

From Jackson, by Butte City, Clinton, Volcano, and Upper Rancheria, to Fiddletown.

From Los Angeles to San Diego.

From Los Angeles to San Bernardino, by Monte.

From Los Angeles, by Tejon Pass, to Woodville, Tulare county.

From Marysville, by Linda, Owsley Bar, and Kennebec Bar, to Empire Ranch.

From Marysville, by Spanish Flat, Chandlerville, St. Louis, and Pine Grove, to Gibsonville.

From Marysville, by Johnson's Ranch, Virginia, Gold Hill, and Ophirville, to Auburn.

From Marysville, by Dry Creek, Parke's Bar, Oregon House, Foster's Bar, Camptonville, and Goodyear's Bar, to Downeyville.

From Marysville, by Parke's Bar, Rough and Ready, and Grass Valley, to Nevada.

From Marysville, by Mount Ophir, Bidwell's Bar, and Forbestown, to Gibsonville.

From Marysville to Nevada.

From Marysville, by Charley's Ranch, Hamilton, Chico, Lassen's, Tehama, Red Bluffs, and Cottonwood, to Shasta.

From Marysville, by Keystone Ranch, Foster's Bar, Camptonville, and Goodyear's Bar, to Downeyville.

From Mokelumne Hill, by Campo, Seco, Winter's Bar, and Lancha Plana, to Jone Valley.

From Mokelumne Hill, by McKinney's and Humburg, to Murphy's.

From Monterey, by San Luis Obispo and San Ynez, to Santa Barbara.

From Nevada, by Robertson's Bridge and Emory's Crossings, to Downeyville.

From Oakland, by San Lorenzo, Alvarado, and San Jose Mission, to San Jose.

From Oakland to Martinez.

From Union Valley, by Washington, to Seventy-six.

From Petaluma, by Santa Rosa, to Russian River.

From Placerville, by Logtown, Nashville, and Saratoga, to Drytown.

From Petaluma, by Smith's Ranch, to Fort Ross and Big River.

From Quartzburgh, by Millertown, Campbell's Ferry, on King's River, and Visalia, to Woodville.

From Round Tent, by Lower Crossing of Deer Creek, Point Defiance, French Corral, Sweetland's, Cherokee, and Moore's Flat, to Minnesota, in Sierra county.

From Sacramento City, by Jones's Valley, Jackson, and Mokelumne Hill, to Sonora.

From Sacramento City, by Mud Spring and Shingle Spring, to Diamond Springs.

From Sacramento City, by Deer Creek, Buck Eye Flat, and Mud Spring, to Diamond Springs.

From Sacramento City, by Carson Valley, in Utah, Box Elder, and Youngsville, to Salt Lake.

From Sacramento City to Colusa.

From Sacramento City, by Fremont, Grafton, Colusa, Mountville, and Moon's Ranch, to Tehama.

From Sacramento City, by Salmon Falls and Louisville, to Georgetown.

From Sacramento City, by Round Tent, Rough and Ready, Johnson's Ranch, and Grass Valley, to Nevada City.

From Sacramento City, by Fremont, to Grafton.

From Sacramento City to Ophirville.

From Sacramento City, by Beale's, Condemned, and Dotan's Bars, to Rattlesnake Bar.

From Sacramento City, by Cosumne, Drytown, Sutter Creek, and Jackson, to Mokelumne Hill.

From Sacramento City, by Texas Hill, Mormon Island, Green Valley, Culloma, and Cold Spring, to Placerville.

From Sacramento City, by Elk Grove, Elliott's Ranch, Buckner, and Staple's Ranch, to Stockton.

From Sacramento City, by Texas Hill, Mormon Island, Salmon Falls, and Greenwood, to Georgetown.

From Sacramento City, by Nicholas and Eliza, to Marysville.

From Sacramento City, by Drytown, Lower Rancho, via Armadore and Sutter Creek, to Jackson.

From Sacramento City, by Auburn and Yankee Jim's, to Michigan Bluffs.

From San Diego, by Santa Isabel, to Fort Yuma, Rio Colorado.

From San Francisco, (by sea,) by Trinidad and Crescent City, to Humboldt Bay.

From San Francisco, by Gray's Harbor, in Oregon, and Olympia, to Sielacoom.

From San Francisco, (by sea,) by Monterey, San Luis Obispo, Santa Barbara, and San Pedro, to San Diego.

From San Francisco, by Steinberger, and Santa Clara, to San Jose.

From San Francisco, by Martinez, Marsh's Landing, and New York, to Stockton.

From San Francisco, by Martinez, to Sacramento City.

From San Francisco, by Benicia, to Sacramento City.

From San Francisco to Petaluma.

From San Francisco to San Rafael.

From Santa Barbara to Los Angeles.

From San Juan, by Watsonville, to Santa Cruz.

From San Jose, by Gilroy and San Juan, to Monterey.

From San Pedro, by Los Angeles, Monte, and Reed's Rancho, to San Bernardino.

From San Jose, by San Jose Mission, Alvarado, Squatterville, and Clinton, to Oakland.

From San Jose, by San Jose Mission, San Remone, and Alamo, to Martinez.

From San Jose to Santa Cruz.

From Shasta, by Lewiston, Weaversville, and Trinity, to Big Bar.

From Shasta to Yreka.

From Sonora, by Jacksonville, Curtisville, Big Oak Flats, Garrote, and Maxwell's Creek, to Mariposa.

From Sonora, by Carson's Creek, Angel's, Forman's Ranch, San Andreas, and Jones's Valley, to Sacramento City.

From Sonoma, by Bodego and Petaluma, to San Rafael.

From Stockton, by Double Springs, Lakey's Store, San Andreas, Kentucky House, Forman's Ranch, Angel's, and Vallejo, to Murphy's.

From Stockton, by Horr's Rancho, Quartzburg, Mount Ophir, and Aqua Fria, to Mariposa.

From Stockton to Mokelumne Hill.

From Stockton, by Knight's Ferry, Green Springs, Montezuma, Wood's Diggings, Columbia, and Sham's Flat, to Sonora.

From Stockton, by Snelling's Ranch and Millerstown, to Woodville, in Tulare county.

From Stockton, by Third Crossing, Double Springs, and Mokelumne Hill, to Jackson.

From Uniontown, by South Fork, Big Bar, and North Fork of Trinity, to Weaverville.

From Weaverville to Yreka.

From Yankee Jim's, by Elizabethtown, to Iowa Hill, in Placer county.

From Yreka, by Scott's Bar, Happy Camp, Orleans Bar, and Tomkin's Ferry, to Trinidad.

From Yreka, by Canyonville, in Oregon Territory.

From Yreka, by Scott's Bar and Happy Camp, to Crescent City.

Oregon Territory—From Albany, (Takenah,) by Burlington, to Thurston, in Linn county.

From Astoria, by Cathlamette, Oak Point, Rainier, St. Helen's, Columbia City, and Sauvie's Island, to Portland.

From Astoria, by Hillsboro', Tualatin, North Yam Hill, Steward's, South Yam Hill, Hampton's, Wesmith's Mills, King's Valley, Calapooia, and Youcalla, to Shasta, California.

From Cascades to Wascapum.

From Columbia City, by Washougal, to Cascades.

From Wascapum, by Fort Boise and Fort Hall, to Salt Lake, in Utah.

From Lafayette, by Dayton, Spring Valley, Rickreal, and Lackemute, to Corvallis.

From Linn City, by Mount Sylvania, to Hillsboro'.

From Linnton, by Tualatin Plains and John Harrison's Mills, to Forest Grove.

From Corvallis to King's Valley.

From Corvallis, by Jennyopolis, Starr's Point, and Siaslaw, to Yoncalla.

From North Canyonville, by Middle Ferry, on Rogue River, Dardanelles, Jacksonville, and Klamath, California, to Yreka.

From Oregon City, by Molalla, to Calapooia.

From Oregon City, by Willametta, Butteville, Champoag, Fairfield, Salem, Cincinnati, Independence, Bloomington, and New Albany, to Corvallis.

From Oregon City to La Fayette.

From Oregon City, by Harrison Wright's, Richard Miller's, and Samuel Allen's, to Salem.

From Oregon City, by Lebanon, to Sublimity.

From Portland, by Milwaukie, to Oregon City.

From Portland, by Harris's Ferry, Chehalam, La Fayette, Forest's, Rickreal, and Laville's Store, to Corvallis.

From Portland, by Hillsboro', Tualatin, and Wapato, to La Fayette.

From Portland, by Montsylvania, Taylor's Ferry, Rock Creek, Chehalam Gap, Roger's Ferry, and Old French Mission, to Salem.

From Port Orford to Shasta, California.

From Salem, by Cincinnati, Ford's, and Dallas, to Tillamook.

From Salem to E. H. Randall's, in Linn county.

From Salem, by Santiam City, Central, Washington, Callapooia, Union Point, Lot Shaw's Mills, Willamette Forks, McKenzie, Eugene City, and Spencer Butte, to Pleasant Hill.

From Salem to Franklin Butte.

From Salem, by Cincinnati and Rickreal, to Dallas.

From Salem, by Doake's Ferry, to La Fayette.

From Sublimity, by Santyam Forks, to Pleasant Hill.

From Syracuse, by Albany, Burlington, and Thurston, to Willamette Forks.

From Yoncalla, by Oakland, Deer Creek, Winchester, and Myrtle Creek, to North Canyonville.

From Yoncalla, by Elkton, Mouth of Umpqua, Scottsburg, and Gardiner, to Umpqua City.

From Washington Butte to Grass Hill, in Linn county.

Washington Territory—From Cathlamette to S. Ford's.

From Astoria, by Chenook, Edmonston, Tarlit, Oyster Beach, Brigham City, and most direct route to intersect the route from Olympia, to Gray's Harbor.

From Olympia to Gray's Harbor.

From Olympia, by Ford's, to Chenook City.
From Olympia to Shoalwater Bay.
From Olympia to Seattle.
From Pacific City, by Chenook, Cathlamette, Oak Point, Monticello, Cathlapoot, Columbia City, Cascade City, and Fort Wallawalla, to Wailepta.

From Port Townsend, by Port Discovery, to New Dangerness.

From Rainier, by Monticello, Cowlitz, Highland, and Olympia, to Steilacoom.

From Seattle, by Port Madison, Kelt's Mills, Penn's Cove, and Whatcom, to Port Townsend.

From Seattle to the De Warnish Mills.

From St. Helen's, by Cathlapoot, to Pekin.

From Steilacoom by Alki, to Seattle.

From Wailepta, by Wallawalla, Walker's, and Eel's Mission, and Brown's, to Port Colville.

From Wailepta, by Craig's Cœur D'Aleine, Mission and St. Mary's Valley, to Fort Benton, in Nebraska Territory.

Utah Territory.—From Salt Lake City, by American Fork, Provo City, Springfield, Payson, Summit Creek, Nephi City, Fillmore City, Red Creek, Parovian, Johnson's Springs, Cold Creek, Santa Clara, and San Bernardino, (California,) to San Diego.

From Salt Lake City, by Union, Draper, Palmyra, Lehi City, American Fork, Pleasant Grove, Provo City, Payson, Springville, Summit, Nephi City, Corn Creek, Fillmore City, Salt Creek, and Canal Creek, to Manti.

From Salt Lake City, by Fort Laramie, to Council Bluffs, in Iowa.

From Salt Lake City, by Stoker, Farmington, and Kaysville, to Ogden City.

From Salt Lake City, by Nuff's Mills, Mill Creek, Holladay's Settlement, Little Cottonwood, and Drapersville, to Mountainville.

From Salt Lake City, by Taylorsville, West Jordan, Gardner's Mills, Bingham's Kanyan, to Cedar Valley.

From Tooele City to Grantsville.

From Salt Lake City to Tooele City.

From Salt Lake City, by Utah Lake, to Sand Pitch Valley.

New Mexico.—From Albuquerque, by Zuni, to Woodville, California.

From Santa Fe, by Albuquerque, Socorro, Los Cuzcos, Donna Anna, Fort Fillmore, Frontero, (Texas,) El Paso, San Elizario, Magoffinsville, and Leona, to San Antonio.

From Santa Fe, by San Miguel, Las Vegas, and Fort Union, Missouri, to Independence.

From Santa Fe, by La Canada and Albicin, to Fernando de Taos.

From Santa Fe to Salt Lake City, in Utah.

From Santa Fe to Las Vegas.

From Taos to Donna Anna.

From Donand, by Fort Belknap, to Gainesville, in Texas.

APPROVED, August 3, 1854.

PUBLIC RESOLUTIONS.

No. 1.—*Joint Resolution of Thanks to General John E. Wool.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of Congress are due, and are hereby tendered, to Brevet Major General John E. Wool, for his distinguished services in the late war with Mexico; and especially for the skill, enterprise, and courage which distinguished his conduct at the battle of Buena Vista.

Resolved, That the President be requested to cause a sword, with suitable devices, to be presented to General Wool, as a testimony of the high sense entertained by Congress of his gallant and judicious conduct on that memorable occasion.

Resolved, That the President be requested to cause a copy of the foregoing resolutions to be transmitted to General Wool.

APPROVED, January 24, 1854.

No. 2.—*A Resolution authorizing an Increase in the Force in the Office of the Superintendent of Public Printing.*

Resolved by the Senate and House of Represent-

atives of the United States of America in Congress assembled, That the Superintendent of the Public Printing be, and he is hereby, authorized to increase the force in his office by the appointment of two additional clerks, at the same salary per annum now allowed the clerks employed therein.

APPROVED, February 10, 1854.

No. 3.—*A Resolution for supplying new Members of the Senate and House of Representatives with such Books of a public character as have been heretofore supplied.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That each of the new members of the two Houses of Congress be supplied with the same number and description of such books of a public character as were supplied to each member of the Senate or House of Representatives during the last Congress: *Provided,* They be furnished by the publishers at prices not exceeding those at which they have been heretofore supplied for the use of the members of either House.

APPROVED, February 23, 1854.

No. 4.—*Joint Resolution authorizing a Supplemental Contract for certain Marble for the Capitol Extension.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to cause a supplemental contract to be made with the contractors for marble for the Capitol extension, to procure the columns and ashlar in larger blocks than required by the specifications of their present contract.

APPROVED, March 1, 1854.

No. 5.—*A Resolution accepting certain Volumes and Medals presented by her Britannic Majesty's Government to the United States.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Government of the United States accept the presentation volumes and medals illustrative of the Exhibition in London, in eighteen hundred and fifty-one, presented by her Britannic Majesty's Government, in behalf of her Majesty's commissioners for the said exhibition, and that they be placed in the Library of Congress.

Resolved, That a copy of this resolution be communicated to the British Government in such manner as the President of the United States may see proper.

APPROVED, March 27, 1854.

No. 6.—*Joint Resolution authorizing the Secretary of the Treasury and Light-House Board to determine upon the site, plan, and mode of constructing the Light-House on Cohasset Rocks, and for other purposes.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury and Light-House Board be, and hereby are, authorized to determine upon the site, plan, and mode of constructing the light-house upon the Cohasset rocks, on the southerly side of the entrance into Boston harbor. And so much of the act approved August thirty-one, eighteen hundred and fifty-two, and the act approved March third, eighteen hundred and fifty-three, relative to the rebuilding of the light-house on Minot's Ledge, as are inconsistent with the provisions of this act, are hereby repealed.

APPROVED, March 27, 1854.

No. 7.—*Joint Resolution relative to Bids for Provisions, Clothing, and Small-Stores for the use of the Navy.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all bids for supplies of provisions, clothing, and small-stores for the use of the Navy may be rejected, at the option of the Department, if made by one who is not known as a manufacturer of, or regular dealer in, the article proposed to be furnished; which fact or the reverse must be distinctly stated in the bids offered; that the bids of all persons who may have failed to comply with the conditions of any contracts they may have pre-

viously entered into with the United States, shall, at the option of the Department, be rejected; that if more than one bid be offered for the supply of an article on account of any one party either in his own name, or in the name of his partner, clerk, or any other person, the whole of such bids shall be rejected at the option of the Department—and that copartners of any firm shall not be received as sureties for each other—and that whenever it may be deemed necessary for the interest of the Government and the health of the crews of the United States vessels, to procure particular brands of flour, which are known to keep best on distant stations, the Bureau of Provisions and Clothing, with the approbation of the Secretary of the Navy, be, and hereby is, authorized to procure the same on the best terms, in market overt.

APPROVED, March 27, 1854.

No. 8.—*A Resolution authorizing the Secretary of the Treasury to pay the Expenses of Codifying and Revising the Revenue Laws.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, five thousand dollars, or so much thereof as may be necessary to pay for preparing a general revenue law in accordance with a resolution of the Senate, passed in January, one thousand eight hundred and fifty-three, and the necessary expenses, and that the Secretary of the Treasury report to Congress, at its meeting in December next, the items of such pay and expenditures.

APPROVED, April 6, 1854.

No. 9.—*A Joint Resolution authorizing the Accounting Officers of the Treasury to adjust the Expenses of a Board of Commissioners, appointed by the Territorial Assembly of Oregon, to prepare a Code of Laws.—Also, to adjust the Expense of Collecting and Printing certain Laws and Archives of the Territory of Oregon.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the accounting officers of the Treasury be authorized to adjust the expense of a board of commissioners appointed under "An act" of the Legislative Assembly of Oregon "to create a board of commissioners to prepare a code of laws for the Territory of Oregon," which passed the House of Representatives on the eighth day of January, eighteen hundred and fifty-three, and the Council on the twelfth of January, eighteen hundred and fifty-three; and to adjust the expense incurred under another act of the said Legislative Assembly, entitled "An act to provide for the collection and publication of the laws and archives of Oregon," which passed the Council on the twenty-second of December, eighteen hundred and fifty-two, and the House of Representatives on the twenty-sixth of January, eighteen hundred and fifty-three, and that the just and proper compensation and expense found to have been reasonably and necessarily incurred, be paid from the balance of appropriations "for compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly of Oregon," now standing on the books of the Treasury unexpended.

APPROVED, May 3, 1854.

No. 10.—*A Resolution for extending an existing Contract for carrying the Mail in Alabama.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be, and he hereby is, authorized to extend the existing contract for carrying the mail upon the route between Montgomery and Mobile, for four years from the time at which said contract would expire by its own limitation, if, in his opinion, the public interest and convenience will be promoted by such extension of said contract.

APPROVED, May 3, 1854.

No. 11.—*Joint Resolution directing the connection of the Public Surveys in Alabama with the boundary line between the States of Alabama and Florida.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the connection of the public sur-

veys in Alabama with the boundary line between the States of Alabama and Florida, shall be made under the direction of the General Land Office, and that the same be executed as early as practicable.

APPROVED, June 29, 1854.

No. 12.—*Joint Resolution explanatory of the second section of "A Resolution to establish certain Post Routes," approved July twelve, one thousand eight hundred and fifty-two.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second section of the joint resolution to establish certain post routes, approved July twelve, one thousand eight hundred and fifty-two, be so construed as to authorize the Postmaster General to pay a reasonable compensation to the persons carrying the mail from Valonia Springs, by the way of Nineveh and Coventry to Oxford, and from Oxford, by the way of Coventryville to South Bainbridge, in the State of New York, from the time the mail was directed to be carried on said routes, up to the time the first contracts went into operation thereon, exclusive of what has been paid under said resolution, and at the same rate.

APPROVED, July 17, 1854.

No. 13.—*A Resolution for the Distribution of the Works of Thomas Jefferson.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Senate and the Clerk of the House of Representatives be, and they hereby are, directed to distribute, by mail or otherwise, the works now publishing by authority of Congress, known as the works of Thomas Jefferson, in the manner following; to wit: To the President of the United States, one copy; to the libraries of the different Departments, of the Postmaster General and the Attorney General, one copy; to each member of the present Senate and House of Representatives, one copy; to the office of the Secretary of the Senate, five copies; to the library of the House of Representatives, ten copies; to the library of Congress, six copies; to the libraries of the States and Territories of the Union, each one copy; to the Smithsonian Institution, the Military Academy, and the Naval School at Annapolis, each one copy; to the Joint Committee on the Library, for the purpose of international exchange, twelve copies; to such colleges and literary and scientific institutions or associations as shall be designated by the present Committee on the Library, three hundred copies.

APPROVED, July 20, 1854.

No. 14.—*Joint Resolution to fix the Compensation of the Employees in the Legislative Department of the Government, and to Prohibit the Allowance of the usual Extra Compensation to such as receive the benefits thereof.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the officers, clerks, messengers, and other employees in the legislative department of the Government, shall be paid an increased compensation of twenty per cent. upon the compensation now received by them, respectively; and the messengers of the House of Representatives shall not receive less than is allowed to messengers of the Senate of the same class; such increased compensation to commence from the first day of July, eighteen hundred and fifty-three; and that a sum sufficient to pay the same to the thirtieth of June, eighteen hundred and fifty-five, is hereby appropriated, out of any money in the Treasury not otherwise appropriated: *Provided*, That no person whose compensation was increased by the act approved April twenty-two, eighteen hundred and fifty-four, shall be benefited by this joint resolution: *And provided further*, That the usual extra compensation shall not hereafter be allowed to any person receiving the benefits of this joint resolution.

APPROVED, July 20, 1854.

No. 15.—*A Joint Resolution directing the Presentation of a Medal to Commander Duncan N. Ingraham.*

Resolved by the Senate and House of Representatives of the United States of America in Congress

assembled, That the President of the United States be, and he is hereby, requested to cause to be made a medal, with suitable devices, and presented to Commander Duncan N. Ingraham, of the Navy of the United States, as a testimonial of the high sense entertained by Congress of his gallant and judicious conduct on the second of July, eighteen hundred and fifty-three, in extending protection to Martin Koszta, by rescuing him from illegal seizure and imprisonment on board the Austrian war-brig Hussar.

APPROVED, August 4, 1854.

PRIVATE ACTS.

No. 1.—*An Act changing the Name of the American-built Steamer Falcon to that of Queen City.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the collector of customs of the port of Cincinnati, be, and he is hereby, authorized, under the direction of the Secretary of the Treasury, to issue a new register, license, or enrollment, to the American-built steamer Falcon, in the name of the Queen City; the same being owned by J. S. Neal.

APPROVED, January 18, 1854.

No. 2.—*An Act to change the Name of the American-built Brig John Dutton, and to grant a Register in her name.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the collector of the customs of the port of Charleston, South Carolina, be, and he is hereby, authorized, under the direction of the Secretary of the Treasury, to admit to register, under the name and title of the Emma Eger, the brig now owned by Mordecai and Company, and known as the John Dutton.

APPROVED, January 18, 1854.

No. 3.—*An Act explanatory of an Act entitled "An Act for the Relief of Benjamin S. Roberts."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the words of the act entitled "An act for the relief of Benjamin S. Roberts," approved the second day of March, eighteen hundred and fifty-three, "the full amount of his pay," be so construed as to embrace the pay for "emoluments and allowances," in conformity with the recommendation of Senate report two hundred and twenty-five, (225,) on which said act passed both Houses of Congress without amendment.

APPROVED, January 24, 1854.

No. 4.—*An Act for the Relief of Lewis B. Willis, late a Paymaster in the Army of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized, from any money in the Treasury not otherwise appropriated by law, to pay to Lewis B. Willis, late a paymaster in the Army of the United States, the sum of five hundred and ninety-three dollars and fifty cents, that being a balance ascertained to be due him from the United States by a verdict and judgment rendered in the district court of the United States for the eastern district of Louisiana.

APPROVED, January 24, 1854.

No. 5.—*An Act for the Relief of William Blake.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to cause the pension allowed to William Blake on the fourteenth day of March, eighteen hundred and forty-five, to be increased the sum of five dollars per month, so that the pension of said William Blake shall be thirteen dollars per month, and that the said increase of pension shall commence upon and be from the fourteenth day of March, eighteen hundred and forty-five.

APPROVED, February 23, 1854.

No. 6.—*An Act to Confirm to Hercules L. Dousman his Title to Farm Lot number thirty-two, ad-*

joining the Town of Prairie du Chien, in the State of Wisconsin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the title of Hercules L. Dousman to farm lot number thirty-two, adjoining the town of Prairie du Chien, in the State of Wisconsin, supposed to contain one hundred and thirty acres, more or less, be, and the same is hereby confirmed, and that a patent shall issue therefor as in other cases: *Provided*, That this is only to operate as a relinquishment on the part of the United States of her title to said land.

APPROVED, February 23, 1854.

No. 7.—*An Act for the Relief of Adam D. Steuart, Paymaster of the United States Army.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury cause to be paid to Adam D. Steuart, a paymaster of the United States Army, the sum of one hundred and fifty dollars, the same being the amount paid by said Steuart as a fee to Ashley and Ringo, for prosecuting a suit at law for the recovery of the sum of two thousand dollars in specie, stolen from on board the steamboat Tom Bolling, while the said specie was in his charge, and being transported for account of the United States to Little Rock, in the State of Arkansas, in the month of June, in the year one thousand eight hundred and thirty-four.

APPROVED, March 1, 1854.

No. 8.—*An Act for the Relief of Mrs. Elizabeth C. Smith, of Missouri.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to pay to Mrs. Elizabeth C. Smith, of Missouri, for her services as a private in Captain Holeshider's company D, of Colonel Garpin's regiment of Missouri infantry volunteers, (from the sixteenth of September, eighteen hundred and forty-seven, to the fourteenth of May, eighteen hundred and forty-eight, in which she served during that time, in male attire, and under the assumed name of "Bill Newcom," as well as three months' extra pay provided for by the fifth section of the act approved nineteenth July, eighteen hundred and forty-eight, in the same manner as if she had been properly mustered and regularly discharged.

Sec. 2. *And be it further enacted*, That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to Mrs. Elizabeth C. Smith, of Missouri, a warrant for one hundred and sixty acres of land, in accordance with the ninth section of the act approved eleventh February, eighteen hundred and forty-seven, for her services as recited in the foregoing section of this act, in the same manner as if she had served out the full term of her enlistment.

APPROVED, March 1, 1854.

No. 9.—*An Act for the Relief of Allen G. Johnson.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be paid to Allen G. Johnson, of the State of Florida, the value of certain subsistence stores, turned over by him, as captain of a company of mounted Florida militia, at the time of his being mustered out of service, on the sixth day of January, eighteen hundred and forty, at Camp Bailey, Jefferson county, Florida, to J. B. Collins, a quartermaster in the service of the United States, but not credited to him by the said Collins in his returns to the Treasury Department, the amount so paid not to exceed the sum of one hundred and thirty-seven dollars and twenty-three cents.

APPROVED, March 1, 1854.

No. 10.—*An Act for the Relief of Mary C. Hamilton.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mary C. Hamilton, widow of Captain Fowler Hamilton, late of the second regiment of dragoons, be, and hereby is, entitled to

receive such pension (commencing from and after the day of the death of her husband) as she would have been entitled to had he died of wounds received in battle.

APPROVED, March 1, 1854.

No. 11.—An Act for the Relief of John O. Means.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officer of the Treasury Department be, and he is hereby, authorized to settle and adjust the account of John O. Means, as acting purser of the United States brig Dolphin, under the appointment of the commander of the squadron then on the coast of Africa, and to allow him the pay of a purser while in the discharge of the duties of that appointment.

APPROVED, March 1, 1854.

No. 12.—An Act granting five years' Half Pay to the Widow of Captain John W. Gunnison.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place the name of Mrs. Gunnison, widow of Captain John W. Gunnison, deceased, upon the list of pensioners, and pay to her for the term of five years from the first January, eighteen hundred and fifty-four, half the pay to which her said husband was entitled at the time of his death.

APPROVED, March 1, 1854.

No. 13.—An Act for the Relief of William Mayo, of the State of Maine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and instructed to increase the pension now received by William Mayo, of the State of Maine, three dollars per month from January first, eighteen hundred and fifty-four, making thereby the said William Mayo's pension eight dollars per month during his natural life.

APPROVED, March 27, 1854.

No. 14.—An Act for the Relief of Samuel K. Rayburn.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury cause to be paid to Samuel K. Rayburn the sum of one hundred and five dollars out of any money not otherwise appropriated, in full compensation for loss of horse and equipage in the war with Mexico.

APPROVED, March 27, 1854.

No. 15.—An Act for the Relief of Gray, McMurdo and Company.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of five hundred and seventy dollars and seventy cents be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be paid to Gray, McMurdo and Company, of New Orleans, in the State of Louisiana, in full of their account for interest on moneys advanced by them in one thousand eight hundred and fifty, to the Quartermaster's Department.

APPROVED, March 27, 1854.

No. 16.—An Act for the Relief of George G. Bishop, and the Legal Representatives of John Arnold, deceased.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the letters-patent granted to John Arnold, (a citizen of the United States,) dated the fifteenth day of July, in the year one thousand eight hundred and twenty-nine, for a new and useful improvement in the machine for forming a web of cloth, of wool, hair, or other suitable substances, without spinning or weaving; and also, the letters-patent granted to the said Arnold and George G. Bishop, (also a citizen of the United States,) dated the twentieth day of October, in the year one thousand eight hundred and thirty-six, for a new and useful improvement in the machine for forming a web of cloth, of wool, hair, or other suitable substance, without spinning or weaving;

be, and the same is hereby, renewed, revived, and extended for the term of fourteen years, from and after the passage of this act; and the Commissioner of Patents is hereby directed, upon the presentation of the said patents, to renew, revive, and extend the said patents, by making a certificate on each, or upon certified copies thereof, of such extension, (the lawful fees being first paid therefor,) in the name of the legal representatives of the said John Arnold and the said George G. Bishop; and the said Commissioner of Patents is hereby directed to cause the same to be entered of record in the Patent Office; and the said patents so renewed, revived, and extended, shall have the same effect in law, as if originally granted for terms extending to the end of the term to which they are extended by this act: *Provided, however,* That such renewed or extended patents, respectively, shall be open to legal inquiry and decision, in the same manner as if issued under the general law regulating the granting of patents: *And provided further,* That all persons now enjoying the lawful use of the said invented machine, or any part thereof, so patented, and the purchaser of any such machine, or any part thereof, may continue to use the same, notwithstanding the provisions of this act.

APPROVED, March 28, 1854.

No. 17.—An Act for the Relief of Harriet Leavenworth, Widow of the late Brevet Brigadier General Leavenworth.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place the name of the said Harriet Leavenworth upon the pension rolls, and cause her to be paid the sum of thirty dollars per month, for and during the term of five years, commencing February first, one thousand eight hundred and fifty-three.

APPROVED, April 8, 1854.

No. 18.—An Act for the Relief of Aaron Stafford.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place the name of Aaron Stafford on the roll of invalid pensioners, and to pay him at the rate of fifteen dollars a month, from and after the fourth day of March, eighteen hundred and forty-eight, and to continue during his natural life: *Provided,* That the said Secretary shall deduct such sum or sums from the same as the said Stafford has received as an invalid pensioner since said fourth day of March, eighteen hundred and forty-eight: *And provided further,* That all acts or parts of acts heretofore passed for the relief of said Stafford are hereby repealed.

APPROVED, April 12, 1854.

No. 19.—An Act for the Relief of the Executors of the late Lieutenant John E. Bispham.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of nine hundred and thirteen dollars and sixty-nine cents be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be paid to Caleb J. Good, executor of John E. Bispham, late of the United States Navy, deceased, for expenses incurred by the deceased in a suit arising out of the seizure of the brig "Malaga," off the coast of Africa, by the United States brig "Boxer," while under the command of the said Bispham.

APPROVED, April 12, 1854.

No. 20.—An Act for the Relief of Hezekiah Johnson, of the Town of Bridgewater, in the State of Vermont.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to cause the name of Hezekiah Johnson, of the town of Bridgewater, of the State of Vermont, to be placed upon the roll of invalid pensioners, at the rate of eight dollars per month, to commence on the first day of January, one thousand eight hundred and fifty-three, and to continue during his life.

APPROVED, April 12, 1854.

No. 21.—An Act for the Relief of Alton Nelson.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Alton Nelson, of the county of Warren, and State of New York, on the roll of invalid pensioners, at eight dollars a month, from the first day of January, one thousand eight hundred and fifty-three.

APPROVED, April 12, 1854.

No. 22.—An Act for the Relief of Lemuel Hudson.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to cause the name of Lemuel Hudson, formerly surgeon of the twelfth regiment, fourth brigade, New York militia, in the war of one thousand eight hundred and twelve, to be entered on the pension rolls, and pay to him the sum of twenty-two dollars per month, for and during his natural life, commencing January first, one thousand eight hundred and fifty-two.

APPROVED, April 12, 1854.

No. 23.—An Act for the Relief of Lyman N. Cook.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the name of Lyman N. Cook be placed on the pension roll of the United States, and that he receive an annual pension of twenty-two dollars and fifty cents per month during his natural life, to be paid to him out of the Treasury of the United States.

APPROVED, April 12, 1854.

No. 24.—An Act for the Relief of James F. Green, of Pennsylvania.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place the name of James F. Green, of Bradford county, Pennsylvania, upon the invalid pension roll, at the rate of eight dollars per month, to commence on the first day of February, Anno Domini one thousand eight hundred and fifty, and to continue for and during his natural life.

APPROVED, April 12, 1854.

No. 25.—An Act to provide a Pension for Silas Champion, of Genesee County, State of New York.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Silas Champion, of the county of Genesee, and State of New York, be, and he is hereby, entitled, as an invalid pensioner, to eight dollars per month, to commence from the first day of January, eighteen hundred and fifty-two.

APPROVED, April 12, 1854.

No. 26.—An Act for the Relief of Emelie Hooe, Widow of Captain Hooe.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior place upon the pension list the name of Emelie Hooe, widow of Brevet Major Alexander S. Hooe, late of the United States Army, whose death was occasioned by a wound received in the battle of Resaca de la Palma, on the ninth of May, one thousand eight hundred and forty-six, and allow her per month the half pay of a captain in the Army of the United States, for ten years; said pension to commence on the first day of January, one thousand eight hundred and fifty-four: *Provided,* Said pension shall cease if she die in the mean time.

APPROVED, April 12, 1854.

No. 27.—An Act for the Relief of Madison Parton.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the accounting officers of the Treasury be, and they are hereby, directed to ascertain whether Madison Parton has been paid for all the military services rendered by him to the United States from the eighth day of August, one thousand eight hundred and thirty-seven, till the eighth day of February, one thousand eight hundred and thirty-eight, by examining the proper

officers and other persons, as well as the proper rolls of the company to which he belonged; and the Secretary of the Treasury is directed to pay, out of any money in the Treasury not otherwise appropriated, to said Parton, such sum of money as may be found to be his due.

APPROVED, April 15, 1854.

No. 28.—*An Act for the Relief of John Gusman, of Louisiana.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the claim of John Gusman, under an ancient purchase of the interest of one Rialleux, and in virtue of ancient and continued possession for more than a third of a century, be, and the same is hereby, confirmed to a certain tract of land, fronting, on the north, the Bayou Bonfouca, in township nine south, of range fourteen east, in the Greensburg land district, Louisiana, and embracing fractions of sections nine, ten, fifteen, seventeen, eighteen, nineteen, twenty, twenty-three, twenty-six, twenty-seven, twenty-eight, thirty-two, and thirty-three, and sections sixteen, twenty-one, and twenty-two, according to a survey executed by one Joseph Troskolowski, as represented on a plat accompanying the petition of the said Gusman, it being the intent of this act to recognize the claim of the said Gusman to all of the said land referred to, embracing the school section: *Provided*, The school authorities accede to the same, and will take other land in lieu of said school section, which they are hereby authorized to do: *And provided further*, That this act shall only operate as a relinquishment forever on the part of the United States to the said lands, and shall not interfere with adverse valid rights of others, if such exist, to any part of the land embraced in the claim and survey aforesaid.

APPROVED, April 20, 1854.

No. 29.—*An Act for the Relief of Mary Deany, Widow of the late Lieutenant James A. Deany, of the United States Army.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, required to place the name of the said Mary Deany upon the pension rolls, and cause to be paid to her the sum of fifteen dollars per month, for the term of ten years, commencing January first, Anno Domini one thousand eight hundred and fifty-three: *Provided*, That in case of the marriage or death of the said Mary Deany, the pension hereby granted to her shall be paid to her two children, or the survivor of them under sixteen years of age.

APPROVED, April 20, 1854.

No. 30.—*An Act for the Relief of William B. Edwards.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, required to place the name of William B. Edwards on the pension roll, at the rate of eight dollars per month, to commence on the first of January, eighteen hundred and fifty, and continue during his natural life:

APPROVED, April 20, 1854.

No. 31.—*An Act for the Relief of the Legal Representatives of Isaac P. Simonton.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of eight hundred dollars be paid to the legal representatives of Isaac P. Simonton, under the direction of the Secretary of War, out of any money in the Treasury not otherwise appropriated, on due and satisfactory proof being furnished that the claim of Isaac P. Simonton for said sum in schedule B, annexed to the treaty with the Saginaw band of Chippewa Indians, on the fourteenth of January, eighteen hundred and thirty-seven, has regularly and legally descended to them.

APPROVED, April 20, 1854.

No. 32.—*An Act for the Relief of Grafton Baker.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to pay to Grafton

Baker the sum of three hundred and sixty-six dollars and fifty cents; which payment shall be in full for services rendered and expenses incurred by said Baker, as bearer of dispatches from the Governor of New Mexico to the President of the United States, in the year eighteen hundred and fifty-two.

APPROVED, May 3, 1854.

No. 33.—*An Act for the Relief of Fayette Maury and Robert G. Ward.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury be, and they are hereby, directed to credit the judgment obtained by the United States against Fayette Maury and Robert G. Ward, in the district court of the United States for the eastern district of Virginia, amounting to six hundred and fifteen dollars sixty-two and a half cents, with interest from the second day of April, one thousand eight hundred and forty-one, with the amount certified by the said court to have been improperly paid by Robert G. Ward, one of the defendants in a suit in chancery, wherein the United States were complainants, and John Morrison and others defendants, the amount being four hundred and ninety-nine dollars and ninety-seven cents, with interest on three hundred and sixty-six dollars seventy-seven cents, from the eighteenth day of September, one thousand eight hundred and forty, the same having been certified by the court as justly due by the United States to the said Robert G. Ward.

APPROVED, May 10, 1854.

No. 34.—*An Act to change the Name of the Bark Abeona to Mount Vernon.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to issue to the owners of the bark Abeona, of New Orleans, a register under the name of Mount Vernon.

APPROVED, May 10, 1854.

No. 35.—*An Act for the Relief of the Legal Representatives of Captain William Davis, late Commander of the United States Transport Schooner Eufaula.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be paid to the legal representatives of Captain William Davis, late commander of the United States transport schooner Eufaula, three hundred and sixty dollars, out of any money in the Treasury not otherwise appropriated, in full compensation of all claims against the United States for and on account of the wages or services of said William Davis as commander of said transport.

APPROVED, May 10, 1854.

No. 36.—*An Act for the Relief of the Heirs of Anthony G. Willis, deceased.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be paid to the executors or administrators of Anthony G. Willis, deceased, the sum of two hundred and fifty-one dollars, as compensation for the use by the United States of a wagon and team, the property of said Willis, deceased, during the last war with Great Britain.

APPROVED, May 10, 1854.

No. 37.—*An Act for the Relief of Benjamin Rowe.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and is hereby, required to place the name of Benjamin Rowe on the pension roll, at the rate of eight dollars per month, to commence on the first day of January, one thousand eight hundred and fifty-four, and to continue during his natural life.

APPROVED, June 22, 1854.

No. 38.—*An Act to authorize a Register to be issued to the Steamer El Paraguay, by a new name.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and hereby is, authorized and directed to cause to be issued a register to the American-built steamer El Paraguay, by the name of V. H. Joy, the said

steamer having been condemned as unseaworthy, and sold in a Brazilian port, but now lying at the port of New Orleans, and owned by an American citizen.

APPROVED, June 22, 1854.

No. 39.—*An Act for the Relief of the Widow and Heirs of Elijah Beebe.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and is hereby, directed to pay to the widow and heirs of Elijah Beebe the sum of three thousand and sixteen dollars, out of any moneys in the Treasury not otherwise appropriated, the same being the amount of principal adjudged to be justly due and owing to the said widow and heirs of Elijah Beebe, from the confederated tribes of Sac and Fox Indians, by Hon. Henry Dodge, Governor of Wisconsin Territory, and *ex officio* superintendent of Indian affairs, by his original certificate, number eight, (No. 8,) and given at the superintendency of Indian affairs for the Territory of Wisconsin, Mineral Point, July seven, eighteen hundred and thirty-seven:

APPROVED, June 22, 1854.

No. 40.—*An Act for the Relief of Thomas Frazer.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby directed to increase the pension of Thomas Frazer, of Hartford, Maine, whose name is now on the roll of invalid pensioners, and to pay to him during his natural life eight dollars per month, from the first day of April, one thousand eight hundred and fifty-three, instead of two dollars and sixty-six cents monthly, which he now draws.

APPROVED, June 22, 1854.

No. 41.—*An Act for the Relief of Captain E. A. F. Lavallette, of the United States Navy.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of two hundred and forty-six dollars and sixty-seven cents be paid to Elias A. F. Lavallette, a captain of the United States Navy, out of any money in the Treasury of the United States not otherwise appropriated, the said sum being the amount paid by the said Captain Lavallette to Lawrence Cardona, who acted as interpreter to the forces under Captain Lavallette while he was discharging the duties of civil and military Governor of Mazatlan, in Mexico, from October, eighteen hundred and forty-seven, to June, eighteen hundred and forty-eight.

APPROVED, June 22, 1854.

No. 42.—*An Act for the Relief of Priscilla C. Simonds.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury be, and they are hereby, directed to pay to Priscilla C. Simonds the sum of four hundred and eighteen dollars, being the value of the property of the late Captain Moses H. Simonds, which was taken possession of by authority of the United States.

APPROVED, June 29, 1854.

No. 43.—*An Act for the Relief of Zadoc C. Inghram.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be, and he is hereby, authorized and directed to cause Zadoc C. Inghram, late postmaster at Wapeho, Iowa, to be released from a judgment obtained against him by the United States, in March, eighteen hundred and forty-nine, for the sum of three hundred and eighteen dollars and eighty-seven cents, and all interest and costs.

APPROVED, June 29, 1854.

No. 44.—*An Act for the Relief of Moses Olmstead.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be authorized and directed to place the name of Moses Olmstead on the list of invalid pensioners, and pay him, during his life, a pension of eight dollars per month; said pension to commence on the twentieth

day of January, one thousand eight hundred and fifty-three.

APPROVED, June 29, 1854.

No. 45.—*An Act for the Relief of Llewellyn Washington.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, required to pay to Llewellyn Washington, out of any money in the Treasury not otherwise appropriated, two hundred and five dollars and sixty-two cents, for services as a clerk in the Post Office Department from the first day of May, eighteen hundred and fifty-one, until the fourteenth day of July of the same year.

APPROVED, June 29, 1854.

No. 46.—*An Act for the Relief of Ira Day, of Vermont.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General is hereby authorized and required to pay to Ira Day, of Vermont, or his legal representatives, one thousand and eight dollars and ninety cents, out of the funds of the Post Office Department, in full for the balance due to him for transporting the mail from Royalton to Burlington, in the State of Vermont, from January, eighteen hundred and thirty-three, to July, eighteen hundred and thirty-seven.

APPROVED, June 29, 1854.

No. 47.—*An Act for the Relief of James Jeffries and Jeremiah M. Smith.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be, and he is hereby, authorized in his discretion to cause James Jeffries and Jeremiah M. Smith and their guarantors to be released from the penalty incurred by the failure, on the part of said Jeffries and Smith, to carry the United States mail upon routes six thousand two hundred and sixty-eight, six thousand two hundred and sixty-nine, and six thousand two hundred and seventy-seven, according to the bid offered by them and accepted by the Post Office Department, and that he also cause to be refunded to the said Jeffries and Smith the amount of any fines paid by them in consequence of any failure on their part to carry the mails upon said routes.

APPROVED, June 29, 1854.

No. 48.—*An Act to change the Name of the American-built Brig Hallowell to that of James Rose, and to grant her a new Register.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the collector of the customs of the port of Charleston, in the State of South Carolina, be, and he is hereby, authorized, under the direction of the Secretary of the Treasury, to admit to register, under the name and title of the James Rose, the American-built brig now owned by Hall and Company, of said Charleston, and known as the Hallowell.

APPROVED, July 17, 1854.

No. 49.—*An Act for the Relief of the Utica Steam Woolen Company.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of one thousand one hundred and eighty-one dollars and sixteen cents be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, to be paid to the Utica Steam Woolen Company, of Utica, in the State of New York, in full of their account for interest on goods furnished to the Quartermaster's Department.

APPROVED, July 17, 1854.

No. 50.—*An Act to confirm the Claim of William H. Henderson, and the Heirs of Robert Henderson, to five hundred acres of Land in the Bastrop Grant.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That William H. Henderson, and the heirs of Robert Henderson, of the parish of Morehouse, State of Louisiana, be, and they are hereby,

confirmed in their claim to five hundred acres of land in the prairie of Jefferson, on which the said heirs reside, as represented in the report of the register and receiver of the land office at Monroe, in their report of the thirtieth of July, eighteen hundred and fifty-two, and that a patent issue to them after a legal survey duly returned: *Provided*, That this act shall be construed only as a relinquishment of title on the part of the United States, and shall not affect the claims of other persons to the same, if any.

APPROVED, July 17, 1854.

No. 51.—*An Act for the Relief of Juan M. Luco and José L. Luco.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Juan M. Luco and José L. Luco shall be, and they are hereby, permitted to file their claim and title to a certain tract of land in California, known as the "Ulpines Rancho," before the United States land commissioners to ascertain and settle the private land claims in the State of California, appointed under the act approved third of March, eighteen hundred and fifty-one; and that said commissioners shall take cognizance of and pass upon the said claim, in the same manner as if the said claim had been filed prior to the expiration of the time filed for filing such claims by the aforesaid act.

APPROVED, July 17, 1854.

No. 52.—*An Act for the Relief of Cornelius H. Latham.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to place the name of Cornelius H. Latham, of the State of New York, on the invalid pension roll, at the rate of four dollars per month, to commence on the first day of January, one thousand eight hundred and fifty, and to continue during his natural life.

APPROVED, July 17, 1854.

No. 53.—*An Act for the Relief of George W. Gibson.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of George W. Gibson, of Boone county, Indiana, on the roll of invalid pensioners; and that the said Gibson be allowed a pension of six dollars per month from the ninth day of March, one thousand eight hundred and fifty-two, to continue during his natural life.

APPROVED, July 17, 1854.

No. 54.—*An Act for the Relief of Samuel W. Brady.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to place the name of Samuel W. Brady, of Virginia, on the roll of invalid pensions, and to pay to him the sum of four dollars per month during his natural life, to commence on the first day of January, one thousand eight hundred and fifty.

APPROVED, July 17, 1854.

No. 55.—*An Act to authorize the issue of a Register to the Brig Amelia by the name of Abby Frances.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be issued, under the direction of the Secretary of the Treasury, a register to the Russian-built brig Amelia, by the name of Abby Frances, now owned by Charles Parsois, of New Orleans, in the State of Louisiana: *Provided*, It shall be proved, to the satisfaction of said Secretary, that the cost of the repairs made in the United States, after the purchase of said vessel by the present owner, is equal to three fourths of the value of said vessel at the time of said repairs.

APPROVED, July 17, 1854.

No. 56.—*An Act for the Relief of A. B. Roman, of Louisiana.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That A. B. Roman, of the parish of St. James, and State of Louisiana, be, and he is here-

by, confirmed in all the right, title, and interest, now held or possessed by the United States in and to the following lands, now in his occupation, to wit: eighteen arpents front on the right bank of the Mississippi river, and running back to the stream or bayou called Ictetamon, in said parish, being part of a French grant made to Nicholas Verret in seventeen hundred and sixty five; and also nine arpents and six toises front, adjoining the first described tract, with the depth of forty arpents, for the nine arpents and six toises front, the said last described tract consisting of two complete grants made by the Spanish Government to Joseph Herbert and Jean Baptiste Cormie, on the twenty-seventh of September, seventeen hundred and seventy-three, and the two tracts so described containing seven thousand four hundred and thirty-eight acres of land: *Provided*, That this act shall only be construed to vest in the said A. B. Roman the rights, title, and interest in said lands now held and possessed by the United States, and shall not be construed in any way to impair the bona fide rights, interests, or claims, acquired by any other person under adverse grants, concessions, or purchases, made prior to the passage of this act.

Sec. 2. *And be it further enacted*, That a patent be, and the same is hereby, directed to be issued to the said A. B. Roman for the lands described in this act.

APPROVED, July 17, 1854.

No. 57.—*An Act to provide a Pension for Sergeant G. W. Torrence.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Sergeant G. W. Torrence, of Captain Fairchild's company of Louisiana mounted volunteers, be placed upon the pension roll, at the rate of twenty dollars per month, to commence on the fourth day of April, eighteen hundred and fifty-four.

APPROVED, July 17, 1854.

No. 58.—*An Act to Incorporate the Georgetown Gas-Light Company.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That David English, Robert P. Dodge, Richard Cruikshank, William M. Fitzhugh, Richard Pettit, William F. Seymour, Adolphus H. Pickrell, and William Bucknell, and their present and future associates, are hereby declared to be a body-politic and corporate, by the name and style of "The Georgetown Gas-Light Company," and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of law and equity in the District of Columbia and elsewhere; to make and have a common seal, and the same to break, alter, and renew, at pleasure; to ordain and establish by-laws, ordinances, and regulations, and generally to do every act and thing necessary to carry into effect this act, or to promote the objects and design of this corporation.

Sec. 2. *And be it further enacted*, That the capital stock of this corporation shall not exceed one hundred and fifty thousand dollars; that a share in the same shall be twenty-five dollars, and books of subscription to the said capital stock, or to such portions thereof as from time to time may, by the directors, for the time being, be deemed proper and necessary, shall be opened by the appointment, or under the direction, of the directors hereinafter named, subject to such rules, limitations, and conditions as by them shall be prescribed; and the stock of the said company shall be deemed personal property.

Sec. 3. *And be it further enacted*, That the stock, property, and affairs of the said company shall be managed and conducted by and under the direction of a president and seven directors, being stockholders; that the said directors shall be elected on the first Monday of June, in the year eighteen hundred and fifty-four, and on the same day in each succeeding year thereafter, and shall hold their offices for one year from the day of their election, and until other directors shall be elected in their places; that such elections shall be held in Georgetown aforesaid, at such time and place as a majority of the directors for the time being shall appoint, and notice of such time and place of election shall be given by advertisement in one or more newspapers printed and published in the said town, at least fourteen days before the holding of

such election, and every such election shall be by ballot, and by such of the stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled to one vote for each share of the stock which he or she may have held, and may continue to hold, in his or her own name, for at least fourteen days before the time of voting; and the persons having the greatest number of votes shall be the directors, and if it shall happen that two or more persons shall have an equal number of votes, the directors in office at the time of such election shall, by a plurality of votes, given by ballot, determine which of the persons so having an equal number of votes shall be director or directors, so as to complete the whole number to be chosen; and the directors so chosen shall, as soon as may be thereafter, proceed to elect by ballot, one of their own number, or one of the shareholders, to be their president; and whenever any vacancy shall happen in the said board, of the president and directors, the same shall be filled up by the remaining directors by plurality of votes, until the next annual election: *Provided always*, That the president of the said company, and at least six of the directors, shall be inhabitants of the said town.

Sec. 4. *And be it further enacted*, That David English, Robert P. Dodge, Richard Cruikshank, William M. Fitzhugh, Richard Pettit, William B. Seymour, Adolphus H. Pickrell, and William Facknell shall be the first directors of the said company; the first named of whom shall be their president, and shall hold their offices until the first Monday in June, in the year eighteen hundred and fifty-four, and until others are chosen in their places.

Sec. 5. *And be it further enacted*, That in case it shall happen at any time that an election for directors shall not take place on the day appointed by this act for that purpose, the said corporation shall not for that cause, or for any non-user, be deemed to be dissolved, but it shall and may be lawful to hold an election for directors on any other day, in such manner as shall be provided for by the by-laws of the said corporation.

Sec. 6. *And be it further enacted*, That it shall and may be lawful for the directors, or a majority of them, to require payment of the subscriptions to the capital stock of the said corporation, at such times and in such proportions as they, or a majority of them, shall deem fit, under the penalty of forfeiting any or all previous payment or payments thereon: *Provided*, Notice of the installment required to be paid shall have been published at least fourteen days in one or more of the newspapers printed and published in the said town, before the day appointed for the payment thereof.

Sec. 7. *And be it further enacted*, That the president and directors shall have full power and authority to manufacture, make, and sell gas, to be made of coal, oil, tar, peat, pitch, turpentine, or other material, and to be used for the purpose of lighting the city of Georgetown, or the streets thereof, and any buildings, manufactories, or houses therein contained and situate; and to lay pipes for the purpose of conducting gas in any of the streets, lanes, or alleys of the said city: *Provided, however*, That the said company shall so conduct the manufacture of gas as not to injure private property, or create a nuisance; and that the said pipes shall be laid, subject to such conditions, and in compliance with such regulations, as the corporation of Georgetown, aforesaid, may from time to time prescribe: *And provided further*, That the right to erect and put up any buildings, works, or apparatus, for the manufacture of gas, shall be subject to such terms, conditions, restrictions, and regulations as the said corporation of Georgetown may, from time to time, prescribe or direct.

Sec. 8. *And be it further enacted*, That if any person or persons shall willfully do, or cause to be done, any act or acts whatsoever, whereby the works of the said company, or any pipe, conduit, plug, cock, reservoir, or any engine, machine, or structure, or any matter or thing appertaining to the same shall be stopped, obstructed, impaired, weakened, injured, or destroyed, the person or persons so offending shall forfeit and pay to the said corporation double the amount of the damage sustained by means of such offense or injury, to be recovered in the name of said corporation, with cost of suit in any action of debt, or on the case, to be brought in any court having cognizance thereof.

Sec. 9. *And be it further enacted*, That nothing

in this act shall be construed to prevent any person or persons, nor any incorporated company, hereafter to be created by Congress, for that purpose, from engaging in and pursuing the business specified in the seventh section of this act; and that it shall be lawful for Congress, at any time hereafter, to alter, amend, or repeal this act.

Sec. 10. *And be it further enacted*, That nothing in this act contained shall be construed to authorize the said Georgetown Gas-Light Company to make, issue, or put in circulation any bill, draft, check, order, promissory note, change ticket, or anything else promising or agreeing to pay money, intended to circulate as money, or the tendency of which shall be to circulate as money or currency; and the violation of any one of the provisions of this section shall be a forfeiture of the charter hereby given, and shall subject each of the directors voting for the same to a fine of fifty dollars.

Sec. 11. *And be it further enacted*, That each of the stockholders in the Georgetown Gas-Light Company shall be held liable in his or her individual capacity for all the debts and liabilities of the said company, however contracted or incurred, to be recovered by suit, as other debts or liabilities, before the court or tribunal having jurisdiction of the case.

Sec. 12. *And be it further enacted*, That all right granted to the Washington Gas-Light Company by an act entitled "An act to amend an act entitled 'An act to incorporate the Washington Gas-Light Company, approved July eight, eighteen hundred and forty-eight,' approved August second, eighteen hundred and fifty-two," to lay gas mains or pipes in the City of Georgetown, be, and the same is hereby, repealed.

APPROVED, July 20, 1854.

No. 59.—An Act for the Relief of Thomas K. Glenn.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be, and hereby is, authorized to cause the account of Thomas K. Glenn, for carrying the mail from Raleigh to Roxboro', in North Carolina, from the first day of July, eighteen hundred and fifty-one, during the time he has been engaged, and to the termination of his contract, to be settled and paid in such manner as to correct an alleged mistake made in his proposals: *Provided*, The Postmaster General be satisfied of the existence of such mistake, and that the difference to be paid to the said Thomas K. Glenn, with what he has already received, shall not exceed the amount of the next lowest bid, or the rate of two hundred and seventy-five dollars per annum for the term of the contract, or the actual performance of the service.

APPROVED, July 20, 1854.

No. 60.—An Act for the Relief of Charles Staples.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place the name of Charles Staples, of the State of Maine, on the pension rolls of the United States, at the rate of eight dollars per month, to commence on the first day of January, in the year one thousand eight hundred and fifty-three, and to continue during his natural life.

APPROVED, July 20, 1854.

No. 61.—An Act to confirm the Claim of Dusuan de la Croix to a Lot of Land therein described.

Whereas, in the supplemental report of the register and receiver at Jackson Court-House, dated twenty-ninth of December, eighteen hundred and twenty, communicated to the Senate twenty-third of February, eighteen hundred and twenty-one, it is stated that claim number four, in said report, was "inadvertently omitted in the general report," made on the eleventh of July, eighteen hundred and twenty, and presented to the Senate the seventeenth of November, same year; and whereas, it is considered by the Commissioner of the General Land Office that, by reason of said omission, the said claim is not entitled to the confirmation contained in the act of eighth of May, eighteen hundred and twenty-two, confirming the general report of eighteen hundred and twenty:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That claim number four, in the supple-

mental report hereinbefore referred to, be, and the same is hereby, confirmed to Dusuan de la Croix, his legal representatives and assigns, according to the Spanish survey referred to in said claim, as fully, in like manner, and to same effect, as if said claim had been confirmed to said Dusuan de la Croix, his legal representatives and assigns, by the act of eighteen hundred and twenty-two, aforesaid: *Provided*, That this grant and confirmation shall amount only to a relinquishment on the part of the United States of all its right and title to the lot of land hereby granted and confirmed.

APPROVED, July 24, 1854.

No. 62.—An Act to Incorporate the Proprietors of the Glenwood Cemetery.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Charles B. Calvert, George Parker, William B. Todd, James C. McGuire, William A. Bradley, Charles S. Wallach, Abner Miller, William Banks, Joseph B. Close, William Phelps, William S. Humphreys, Randolph S. Evans, and their successors, be, and they are hereby, created a body politic and corporate, by the name and title of the proprietors of the "Glenwood Cemetery in the District of Columbia," and by that name shall have perpetual succession; and shall be able and liable to sue and be sued in any court of law or equity, may have and use a common seal, and shall have power to purchase and hold not exceeding one hundred acres of land in the District of Columbia, north of the limits of the City of Washington, to sell and dispose of such parts of said land as may not be wanted for the purpose of a cemetery: *Provided*, That at least thirty contiguous acres shall be forever appropriated and set apart as a cemetery, with authority to said corporation to receive gifts and bequests for the purpose of ornamenting and improving said cemetery; and to hold such personal property as may be requisite to carry out the object of this act.

Sec. 2. *And be it further enacted*, That the affairs of the said corporation shall be conducted by a president and three managers, who shall be elected annually, by a majority of the votes of the proprietors; the said president and managers to fill all vacancies in their own body, and shall have power to lay out and ornament the grounds, remove and alter old buildings and erect new ones, to lay out and sell or dispose of burial lots, to appoint all necessary officers and agents, and fix their several duties and compensation, and to make such by-laws, rules, and regulations as they may deem proper for conducting the affairs of the corporation, for the government of lot-holders, and visitors to the cemetery, and for the transfer of stock and the evidence thereof. In all elections held under this act, each proprietor shall be entitled to one vote for each share held by him or her.

Sec. 3. *And be it further enacted*, That the capital stock of said company shall be represented by two thousand shares, of fifty dollars each, divided among the proprietors according to their respective interests, and transferable in such manner as the by-laws may direct.

Sec. 4. *And be it further enacted*, That no streets, lanes, alleys, roads, or canals of any sort, shall be opened through the property of said corporation, exclusively used and appropriated to the purposes of a cemetery: *Provided*, That nothing herein contained shall authorize said corporation to obstruct any public road or street, or lane, or alley, now actually opened and used as such.

Sec. 5. *And be it further enacted*, That any person who shall willfully destroy, mutilate, deface, injure, or remove any tomb, monument, grave-stone, or other structure placed in said cemetery, or any fence, railing, or work for protection or ornament of said cemetery, or any tomb, monument, grave-stone, or other structure thereon, or shall willfully destroy, cut, break, or remove any tree, shrub, or plant, within the limits of said cemetery, shall be considered guilty of a misdemeanor, and on conviction thereof before any justice of the peace of the county of Washington, shall be punished by fine, at the discretion of the justice, according to the aggravation of the offense, of not less than five, nor more than fifty dollars.

Sec. 6. *And be it further enacted*, That until an election shall be held under the provisions of this act, the four last named persons in section first shall be the managers of said corporation.

SEC. 7. *And be it further enacted,* That burial lots in said cemetery shall not be subject to the debts of the lot-holders thereof, and the land of the company dedicated to the purposes of a cemetery shall not be subject to taxation of any kind.

SEC. 8. *And be it further enacted,* That the said corporation shall provide for the return, from time to time, to the corporation of Washington reports of all interments made in said cemetery of persons who may have died within the limits of the said corporation of Washington, in such manner and according to such forms as may be prescribed from time to time by the corporation of Washington.

SEC. 9. *And be it further enacted,* That a certificate, under seal of the corporation, of the ownership of any lot aforesaid, shall in all respects have the same effect as any conveyance from said corporation of said lots would have, if executed, acknowledged, and recorded as conveyances of real estate are required to be.

SEC. 10. *And be it further enacted,* That nothing in this act shall be so construed as to authorize the said corporation to issue any note, token, device, scrip, or other evidence of debt, to be used as currency.

SEC. 11. *And be it further enacted,* That this act shall take effect from the passage thereof.

SEC. 12. *And be it further enacted,* That it may be lawful for Congress hereafter to alter, amend, modify, or repeal the foregoing act.

SEC. 13. *And be it further enacted,* That each of the stockholders in the said company shall be held liable in his or her individual capacity for all the debts and liabilities of the said company, however contracted or incurred, to be recovered by suit as other debts or liabilities before the court or tribunal having jurisdiction of the case.

APPROVED, July 27, 1854.

NO. 63.—An Act for the Relief of the Representatives of Joseph Watson, deceased.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Solicitor of the Treasury be, and he is hereby, authorized and directed to cause to be executed on the part of the United States, a full release and acquittance of the claim against Joseph Watson, as one of the sureties of Henry Ashton, late marshal of the District of Columbia, and that the property in the City of Washington, at present held in trust as security for the payment of said claim, be reconveyed to his legal representatives free, and discharged from all such incumbrance: *Provided,* That they release the claim against the United States for services rendered by James Watson, as secretary of the Indian department and storekeeper in the Territory of Michigan.

APPROVED, July 27, 1854.

NO. 64.—An Act for the Relief of the Executrix of the late Brevet Colonel A. C. W. Fanning, of the United States Army.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury pay to Mrs. Harriet O. Read, executrix of the late Brevet Colonel A. C. W. Fanning, of the United States Army, the sum of five thousand nine hundred and eighty dollars, out of any money in the Treasury not otherwise appropriated, being the amount claimed by the said executrix to be due the estate of the said Brevet Colonel Fanning, as balances of his accounts against the United States for services rendered in eighteen hundred and eighteen, and eighteen hundred and twenty-one, as United States commissioner in receiving and restoring St. Mark's, and as Indian agent at Forts Gadsden and St. Mark's from April, eighteen hundred and eighteen, to December, eighteen hundred and twenty-one.

APPROVED, April 27, 1854.

NO. 65.—An Act for the Relief of John W. Kelly.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be, and he is hereby, authorized and directed to have the accounts of John W. Kelly, late a contractor on route number three thousand five hundred and forty, from Bainbridge, Georgia, to Appalachicola, Florida, audited and settled by the proper account-

ing officers, and to allow the said John W. Kelly the contract price, stipulated to be paid him, to wit: the sum of two thousand four hundred dollars per annum, from the first September, eighteen hundred and fifty-two, to the thirtieth of June, eighteen hundred and fifty-five, the day on which his contract would have expired, deducting therefrom the payments heretofore made the said John W. Kelly on account thereof; and the sum, when so ascertained and paid, shall be in full of all claims which the said John W. Kelly may have for damages in consequence of the annulment of his said contract on the twenty-first day of February, eighteen hundred and fifty-three, by the Post Office Department.

SEC. 2. *And be it further enacted,* That the amount ascertained to be due the said John W. Kelly be paid out of any money in the Treasury not otherwise appropriated.

APPROVED, July 27, 1854.

NO. 66.—An Act for the Relief of William Senna Factor.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of two thousand dollars be paid to William Senna Factor, out of any money in the Treasury not otherwise appropriated, as indemnity in full for property of Rose Factor, destroyed by order of the American officers of the United States Army, in the Seminole war of eighteen hundred and thirty-six, and for property taken by such officers for public use in said war: *Provided,* That the Secretary of the Interior shall first be satisfied that said William Senna Factor is the legal representative of Rose Factor, deceased: *Provided,* That the said sum shall be received in full of all claim on account of the property herein mentioned.

APPROVED, July 27, 1854.

NO. 67.—An Act for the Relief of John S. Wilson.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to pay to John S. Wilson the sum of eight hundred dollars, with interest thereon at the rate of six per centum per annum, from the seventeenth day of May, eighteen hundred and twenty-two, in full compensation to the said John S. Wilson, for the damages sustained by being evicted of his title, derived by patent from the United States, to the east half of section twenty-two, and west half of section twenty-three, in township fifty-two north, of range one east, of the fifth principal meridian in the State of Missouri, by the decree of the Supreme Court of the United States, in favor of the devisees of Auguste Choteau, at the January term, in the year eighteen hundred and thirty-five.

SEC. 2. *And be it further enacted,* That the money herein granted be paid out of any moneys in the Treasury not otherwise appropriated.

APPROVED, July 27, 1854.

NO. 68.—An Act for the Relief of Manuel Hernandez.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Manuel Hernandez be, and he is hereby, authorized to locate, not to exceed eight hundred arpents of land, French measure, according to the legal subdivisions, on any of the public lands in the State of Florida, subject to private entry, which shall be in full compensation for all the damages he may have sustained in being dispossessed of eight hundred arpents of land, about three miles distant from the mouth of the Escambia river, lying and situate between the lands of Joseph Noriega, and those of the free mulatto named Charles, being the same lands that were granted to Joseph Hernandez, deceased, by the Spanish Government, on the eighth day of October, eighteen hundred and seventeen.

SEC. 2. *And be it further enacted,* That the Commissioner of the General Land Office, upon the receipt of the certificate of entry from the register of the proper land office, shall cause to be issued a patent for the lands authorized to be located by this act.

APPROVED, July 27, 1854.

NO. 69.—An Act for the Relief of William Claude Jones.

Be it enacted by the Senate and House of Repre-

sentatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to settle the account of William Claude Jones against the United States, for his military services in the United States Army, and allow him the difference between the pay of a private, which he did receive, and the compensation of a commissary of subsistence, to which he is entitled from the twenty-eighth of September, eighteen hundred and thirty-seven, to the second of April, eighteen hundred and thirty-eight, and that the same be paid out of any money in the Treasury not otherwise appropriated.

APPROVED, July 27, 1854.

NO. 70.—An Act for the Relief of Joseph Gonder, junior, and John Duff.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized and directed to cause to be discontinued the suit brought against Joseph Gonder, junior, and John Duff, in the district court of the United States for the eastern district of Pennsylvania, for the alleged violation of a contract made on the twentieth day of June, eighteen hundred and forty-six, to furnish stone for the dry-dock at the Brooklyn navy-yard.

APPROVED, July 27, 1854.

NO. 71.—An Act for the Relief of Robert Grignon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay unto Robert Grignon, out of any money in the Treasury not otherwise appropriated, the sum of nineteen thousand dollars, in full satisfaction of his claims against the United States arising out of the treaty with the Menomonee tribe or nation of Indians executed the third day of September, one thousand eight hundred and thirty-six: *Provided,* That before the said money shall be paid to the said Grignon, the consent of the said tribe of Menomonee Indians shall be obtained thereto, which consent shall be certified by the sub-agent for said tribe.

APPROVED, July 27, 1854.

NO. 72.—An Act for the Relief of A. G. Bennett.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury Department, in settling the accounts of Albert G. Bennett, paymaster in the United States Army, be, and they are hereby, authorized and instructed to allow him credit for whatever sum of money he may prove, to the satisfaction of the Secretary of War, to have been lost by him by the burning of the steamboat Volante, between Vicksburg and Yazoo City, on the fifteenth of November, eighteen hundred and fifty-three: *Provided,* The amount shall not exceed the sum of twelve hundred and eighty-one dollars and eighty cents.

APPROVED, July 27, 1854.

NO. 73.—An Act for the Relief of Lavinia Taylor.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, instructed to pay to Lavinia Taylor, widow of the late Isaac Taylor, a private in the Army of the United States, a sum equal to five years' pay of her said husband, at the rate to which he was entitled at the time of his death, out of any money in the Treasury not otherwise appropriated.

APPROVED, July 27, 1854.

NO. 74.—An Act for the Relief of the Legal Representatives of Samuel Prioleau, deceased.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury be, and they are hereby, directed to pay to the legal representatives of Samuel Prioleau, late of Charleston, South Carolina, the sum of six thousand nine hundred and twenty-eight dollars and sixty cents, being in full compensation for property taken from said Prioleau, at Charles-

ton, for the use of the United States, during the revolutionary war.

APPROVED, July 27, 1854.

No. 75.—An Act for the Relief of the Legal Representative of Joshua Kennedy, deceased.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury pay to the legal representative of Joshua Kennedy, deceased, out of any moneys not otherwise appropriated, the sum of six thousand five hundred dollars, in full compensation for the destruction of property by the Creek Indians, in the year eighteen hundred and thirteen.

APPROVED, July 27, 1854.

No. 76.—An Act for the Relief of Ira Baldwin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, directed to issue a land warrant, for three hundred and twenty acres of land, to Ira Baldwin, a Canadian volunteer, to be located on any of the unappropriated lands of the United States which have been offered for sale, and are subject to entry; and also that the Secretary of the Treasury pay the said Ira Baldwin one hundred and eighty dollars, for three months' extra pay, all which shall be full compensation for the services of said Baldwin in the late war with Great Britain.

APPROVED, July 27, 1854.

No. 77.—An Act for the Relief of the Legal Representatives of the late Thomas Chapman, formerly Collector of the Port of Georgetown, South Carolina.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be paid to the legal representatives of Thomas Chapman, formerly collector of the port of Georgetown, in the State of South Carolina, out of any money in the Treasury not otherwise appropriated, the sum of thirteen thousand four hundred and fifty-seven dollars and fifty-five cents; being the share to which the said Thomas Chapman was entitled as collector, as aforesaid, of the cargo of the Swedish ship *Diana*, condemned for a breach of the non-intercourse act, which was decreed to be forfeited by the said Thomas Chapman, in consequence of his having been examined as a witness in behalf of the claimant.

APPROVED, July 27, 1854.

No. 78.—An Act for the Relief of William Miller.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place the name of William Miller, of Limington, in the county of York, and State of Maine, on the roll of invalid pensioners, and pay to him a pension of ninety-six dollars per annum, to commence on the tenth day of February, eighteen hundred and forty-five, and continue during his natural life.

APPROVED, July 27, 1854.

No. 79.—An Act for the Relief of Sarah Crandall.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place the name of Sarah Crandall, widow of James Coon, on the list of revolutionary pensioners, and pay her during her natural life, at the rate of eight dollars per month, to commence on the first day of January, eighteen hundred and forty-eight.

APPROVED, July 27, 1854.

No. 80.—An Act for the Relief of Thomas Snodgrass.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of two hundred and thirty dollars be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to reimburse to Captain Thomas Snodgrass, the expenses by him incurred for a team, and balance for forage and subsistence furnished to his company of volunteers while employed as a guard or escort for a party of emigrating Cherokees in eighteen hundred and thirty-eight: *Provided*, Nothing herein contained shall be construed to sanction

any claim of the representatives of Washington Smith upon the United States for the same, or any other sum advanced said Snodgrass.

APPROVED, July 27, 1854.

No. 81.—An Act for the Relief of Mary Carlton.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mary Carlton on the list of revolutionary pensioners, at the rate of twenty-four dollars a year, to commence on the first day of October, A. D. eighteen hundred and thirty-eight, and to continue during her natural life.

APPROVED, July 27, 1854.

No. 82.—An Act for the Relief of Thomas D. Jennings.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Thomas D. Jennings, of Florida, be, and he is hereby, authorized to enter, at the minimum price of the public lands, a quantity of land not exceeding one hundred and sixty acres, comprising the improvement, on which his late father, Lawrence D. Jennings, resided before his death, on due proof being presented to the register of the proper land office that he would have been entitled to a preemption but for the removal of the family after the death of the father.

APPROVED, July 27, 1854.

No. 83.—An Act for the Relief of Joseph Mitchell.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper officers of the Government be, and they are hereby, authorized and directed to examine the claim of Joseph Mitchell, of the State of Maine, a soldier in the late war with Great Britain, for bounty land, and for arrearages of pay and bounty, and that they issue to him a warrant for such land, and pay him such arrearages as would be his due if he had received an honorable discharge on the expiration of his term of enlistment at the close of the war.

APPROVED, July 27, 1854.

No. 84.—An Act for the Relief of Charles Cooper and Company.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury Department be, and they are hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles Cooper and Company, of Bangor, Maine, the sum of three hundred dollars, in full, for interest due to them from the United States on a liquidated amount of thirty thousand nine hundred and eighty-nine dollars, payable by contract, on the thirtieth day of August eighteen hundred and fifty, and then duly required, but withheld until the twelfth of October following, for want of an appropriation therefor.

APPROVED, July 27, 1854.

No. 85.—An Act for the Relief of James Dunning.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury Department be, and they are hereby, authorized and directed to pay to James Dunning, two hundred and fifty-five dollars and ninety-eight cents, out of any money in the Treasury not otherwise appropriated, in full, for interest due to him from the United States, on a liquidated amount of thirteen thousand four hundred and seventy-two dollars and sixty-two cents, payable by contract on the eighteenth day of June, eighteen hundred and fifty, and then duly required, but withheld until the twelfth of October following, for want of an appropriation therefor.

APPROVED, July 27, 1854.

No. 86.—An Act for the Relief of Richard King.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Richard King be, and he is hereby, confirmed in his title to two hundred and forty arpents of land on the eastern bank of the Ouachita

river, in the parish of Caldwell, State of Louisiana, which was conveyed by the claimant of the *Maison Rouge* Grant to Bagwell Bailly, in eighteen hundred and eighteen, for cutting a road through said grant, and has remained in the possession of, and in cultivation by, said Bailly and his successors to the present time, and is now a part of the plantation of said King, on which he has resided for many years; and that a patent issue to him for it, after a legal survey is made and returned, under the direction of the surveyor general: *Provided*, That this act shall amount only to a relinquishment of title on the part of the United States.

APPROVED, July 27, 1854.

No. 87.—An Act for the Relief of John Phagan.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of four hundred and forty-four dollars be paid to John Phagan, out of any money in the Treasury not otherwise appropriated, in full payment for his services in taking charge of a delegation of Seminole Indians, and removing them from Florida to the country west of the Arkansas.

APPROVED, July 27, 1854.

No. 88.—An Act for the Relief of Passed Midshipman George P. Welsh and Clark H. Wells.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officer of the Treasury pay to Passed Midshipman George P. Welsh three hundred and forty-one dollars and sixty-six cents, and to Passed Midshipman Clark H. Wells, three hundred and forty-two dollars and ninety-three cents, out of any money in the Treasury not otherwise appropriated.

APPROVED, July 27, 1854.

No. 89.—An Act for the Relief of Thomas S. Russell.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury audit the account of Thomas S. Russell, late an assistant commissary of subsistence in Colonel Brisbane's regiment of Florida volunteers, and pay whatever amount may be found due to him, out of any money in the Treasury not otherwise appropriated, notwithstanding the irregularity of his appointment, and although his name does not appear upon the rolls as one of the staff of Colonel Brisbane: *Provided*, The amount shall not exceed the pay of an assistant commissary of subsistence from the eighteenth of February, eighteen hundred and thirty-six, to the tenth of May, eighteen hundred and thirty-six.

APPROVED, July 27, 1854.

No. 90.—An Act to create and provide a Pension for David Towle.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That David Towle, of the county of Oxford, and State of Maine, be, and he is hereby, placed on the pension roll, at eight dollars per month, from the fifth day of April, eighteen hundred and forty-eight.

APPROVED, July 27, 1854.

No. 91.—An Act for the Relief of Mrs. Sally T. B. Cochrane, Widow of the late Lieutenant R. E. Cochrane, United States Army.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be paid, out of any money in the Treasury not otherwise appropriated, the sum of one hundred and fifty dollars to Mrs. Sally T. B. Cochrane, widow of Lieutenant R. E. Cochrane, late of the United States Army, the value of a horse belonging to said Cochrane, which was used for express riding in the public service by order of Lieutenant Colonel Garland, United States Army, at Fort Smith, in eighteen hundred and forty-one, and died in consequence of said service.

APPROVED, July 27, 1854.

No. 92.—An Act authorizing Victor Morass to relin-

quish certain Lands, and to enter the same quantity elsewhere.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Victor Morass be, and he is hereby, authorized to enter, without payment therefor, at any United States land office in the State of Michigan, two hundred and eighty acres of land, the same to be entered in legal subdivisions, and on any land subject to private entry at said offices, and not covered by any preemption right: *Provided,* That before the said Victor Morass shall have the benefit of the provisions of this act, he shall file with the Secretary of the Interior, in such form as shall be prescribed by said Secretary, good and sufficient deed or deeds of release to the United States, executed by himself, and all persons having rights thereto through or under him, of all the premises mentioned and described in the report of commissioners on land claims in Michigan as claim "No. 1," in "Book 5," in the "American State Papers," "Public Lands," volume four, page seven hundred and ninety-eight; which claim was confirmed to said Morass by "An act to confirm certain claims to lands in the Territory of Michigan," approved April seventeen, eighteen hundred and twenty-eight.

APPROVED, July 27, 1854.

No. 93.—*An Act for the Relief of Rebecca Freeman.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be authorized and directed to place the name of Rebecca Freeman on the list of pensioners, at the rate of eight dollars per month, during her natural life, commencing on the twenty-seventh day of January, Anno Domini eighteen hundred and forty-seven.

APPROVED, July 27, 1854.

No. 94.—*An Act for the Relief of Charles Lee Jones.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to cause the claims presented to that Department by Charles Lee Jones, for expenses incurred and services rendered in raising, subsisting, and transporting three companies of volunteers mustered and received into the service of the United States, during the war against Mexico, to be settled according to the principles of equity and justice; the amount and interest not to exceed two thousand dollars, and to be in full for said claims; and that the same be paid out of any money in the Treasury not otherwise appropriated.

APPROVED, July 27, 1854.

No. 95.—*An Act authorizing a Patent to be Issued to Peter Poncin, for certain Lands therein described.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the entry by Peter Poncin, of the north half of the southeast quarter, and the south half of the northeast quarter of section thirty-six, in township number twenty-nine, of range twenty-three, in the Stillwater land district, Minnesota, canceled by the Commissioner of the General Land Office, be, and the same is hereby, allowed, and reinstated as the date of said entry, so that the title to said lands may inure to the benefit of his grantees, as far as he may have conveyed the same: *Provided,* That the money paid for said lands shall not have been withdrawn, or if withdrawn, shall be again paid at said land offices, and that thereupon a patent shall issue in the name of said Peter Poncin for said lands.

SEC. 2. *And be it further enacted,* That the superintendent of public schools in said Territory of Minnesota be, and he is hereby, authorized to select other lands in lieu of said section thirty-six, as far as the same has been granted or sold.

APPROVED, July 27, 1854.

No. 96.—*An Act for the Relief of Ezra Williams.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Ezra Williams, out of any money in the Treas-

ury not otherwise appropriated, the sum of five hundred dollars, in full for his services in preparing an alphabetical index to the Numerical Register of Warrants, in the land-bounty division of the General Land Office, under the direction of the late Commissioner, Richard M. Young.

APPROVED, July 27, 1854.

No. 97.—*An Act for the Relief of Conrad Wheat, jr., or his Legal Representatives.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the location of six hundred and forty acres of land, and which is described as survey number two thousand four hundred and fifty-three, in township forty-four north, of ranges five and six east, of the principal meridian, in the State of Missouri, made by Conrad Wheat, jr., on the twenty-second day of October, eighteen hundred and sixteen, under a certificate of location number one hundred and thirteen, issued on the twelfth day of August, eighteen hundred and sixteen, by the recorder of land titles, to the said Wheat, is hereby confirmed.

SEC. 2. *And be it further enacted,* That the Commissioner of the General Land Office is hereby authorized to issue a patent to the said Conrad Wheat, jr., or his legal representatives, for the said lands.

APPROVED, July 27, 1854.

No. 98.—*An Act for the Relief of Richard M. Bouton, George Wright, and the Widow of Marvin W. Fisher.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby is, authorized and directed to pay to Richard M. Bouton, George Wright, and to Harriet F. Fisher, the widow and executrix of Marvin W. Fisher, out of any money in the Treasury not otherwise appropriated, the sum of five thousand dollars each, as a full compensation for the past use of their machines for making and charging percussion caps in the arsenals of the United States, and also for the future free and undisturbed use, by the Government, of the said machines, together with the patent-right or rights to the said machines, with their improvements.

APPROVED, July 27, 1854.

No. 99.—*An Act for the Relief of Andrew J. Dickertoff.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place the name of Andrew J. Dickertoff on the roll of invalid pensioners, and pay to him annually a pension of ninety-six dollars, to commence on the first day of January, eighteen hundred and fifty, and continue during his life.

APPROVED, July 27, 1854.

No. 100.—*An Act for the Relief of the Widows and Orphans of the Officers and Seamen of the United States Schooner Grampus, who were lost in that vessel in March, eighteen hundred and forty-three, near the coast of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the same provision as is made by the act entitled "An act for the relief of the widows and orphans of the officers, seamen, and marines of the brig Somers," approved the fourteenth day of August, eighteen hundred and forty-eight, and an act for the relief of the widows and relatives of certain officers and seamen of the United States brig Washington, who were lost overboard in a hurricane, approved February the third, eighteen hundred and fifty-three, be also extended to the widows and orphans of the officers and seamen who were lost in the United States schooner Grampus in the gale of March, eighteen hundred and forty-three, near the coast of the United States.

APPROVED, July 27, 1854.

No. 101.—*An Act for the Relief of Captain George Simpton, of Galveston.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be,

and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to Captain George Simpton, of Galveston, the sum of sixteen hundred dollars, in full payment of his claim for indemnification for loss of schooner Alert, whilst in the public service during the war with Mexico.

APPROVED, July 27, 1854.

No. 102.—*An Act for the Relief of Pamela Brown, the Widow of Major General Jacob Brown, late of the United States Army, deceased.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be directed to place the name of Pamela Brown, widow of the late Major General Jacob Brown, upon the list of pensioners, and to pay her a pension at the rate of fifty dollars per month; said pension to commence on the first day of January, eighteen hundred and thirty-eight, and continue during her natural life.

APPROVED, July 27, 1854.

No. 103.—*An Act for the Relief of William Harris, of Georgia.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to settle the claim of William Harris, of Georgia, and pay him for his services in the United States Army: *Provided,* The same shall not exceed the pay and emoluments of a sergeant of infantry from the eighteenth of April, eighteen hundred and fourteen, to the twenty-fifth of November, eighteen hundred and sixteen.

APPROVED, July 27, 1854.

No. 104.—*An Act for the Relief of James M. Goggin.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be, and he is hereby, authorized and required to settle and adjust the claims of James M. Goggin, and that in such settlement he be allowed a fair and reasonable salary as special mail agent for the State of California from the first day of December, eighteen hundred and fifty, until the sixth of April, eighteen hundred and fifty-three, with reasonable allowance for office rent and per diem and the hire of a clerk, and that such sum as may be allowed by the Postmaster General, be paid to said Goggin, out of any moneys in the Treasury not otherwise appropriated.

APPROVED, July 27, 1854.

No. 105.—*An Act confirming a certain Land Claim in Louisiana known as the Fleuriat Claim.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the heirs, assigns, and legal representatives of Charles J. B. Fleuriat, or Floriau, be, and they are hereby, confirmed in their claim to a tract of land described in a petition or request addressed by Joseph Villars Dubreuil to the Governor and Commissary of Marine of the Province of Louisiana, on the first day of June, seventeen hundred and sixty-three, as the same was surveyed by A. F. Righter, a deputy surveyor, in the year eighteen hundred and thirty-nine, and certified by H. T. Williams, surveyor general of the State of Louisiana, on the fourteenth of December, eighteen hundred and thirty-nine, and for the full extent of the land embraced in said surveys; and that a patent shall issue therefor: *Provided,* That this act shall be held and taken only as a relinquishment on the part of the United States.

APPROVED, July 27, 1854.

No. 106.—*An Act for the Relief of James Edwards and others.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, directed to ascertain, by the best evidence which the nature of the case will admit of, the value of the houses and other property of James Edwards, of the late Edward M. Wanton, and of the late Nehemiah Brush, destroyed at Mi-

canopy, Florida, in the year eighteen hundred and thirty-six, by order of Lieutenant Colonel B. K. Pierce, the commanding officer of that post, to prevent them from falling into the hands of the enemy, and that the amount so ascertained be paid out of any money in the Treasury not otherwise appropriated: *Provided*, The amounts so to be paid shall not exceed two thousand four hundred and eighty-two dollars and thirty-two cents, in the case of James Edwards; one thousand eight hundred and twelve dollars and fifty cents, in the case of the late Edward M. Wanton, or eight hundred dollars in the case of the late Nehemiah Brush.

APPROVED, July 27, 1854.

No. 107.—*An Act for the Relief of Sylvester T. Jerauld, Assignee of the interest of Henry Richard.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the location numbered one hundred and eighteen, containing four hundred acres, in township one south of range ten west of the second meridian, Indiana, which has been made in favor of Nathaniel Ewing as assignee of the claim number fourteen hundred and ninety-nine, entered in favor of the heirs of H. Richard in the report dated thirty-first December, eighteen hundred and nine of the commissioners at Kaskaskia, Illinois, be, and the same is hereby confirmed, and the President of the United States is hereby authorized, upon the production to the General Land Office of a patent certificate from the register at Vincennes, Indiana, for said claim, to cause a patent to be issued therefor to the said Sylvester T. Jerauld as assignee of the interest of the original claimant: *Provided*, That this act, and the patent which may be granted in pursuance of the same, shall only operate as a relinquishment on the part of the United States, and shall in no way prejudice any valid adverse right, if such exist, to the said land.

APPROVED, July 27, 1854.

No. 108.—*An Act for the Relief of James Wormsley.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby authorized and directed to place the name of James Wormsley on the roll of revolutionary pensioners, and pay him the sum of ninety-six dollars per annum from the fourth of July, one thousand eight hundred and forty-eight, and during his natural life.

APPROVED, July 27, 1854.

No. 109.—*An Act for the Relief of Samuel H. Hempstead.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of eighteen hundred dollars be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay Samuel H. Hempstead, for extra services rendered by him in defending the title of the United States to certain lands situated in the State of Arkansas.

APPROVED, July 27, 1854.

No. 110.—*An Act for the Relief of Joseph Campau.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the General Land Office cause a patent to be issued to Joseph Campau, for that tract of land lying in township number six north, of range seventeen east, in the State of Michigan, and described as follows, to wit: sixteen arpents by forty, French measure, commencing at a point on the south border of the river Au Delude, about two miles from its confluence with the river St. Clair, and thence up stream, upon said river Delude, sixteen arpents; thence at right angles with the said river Delude, to the distance of forty arpents; thence in rear sixteen arpents; thence to the place of beginning by a line of forty arpents in length.

Sec. 2. *And be it further enacted*, That if the above description be not sufficiently definite, as to determine the precise boundaries of the said lands, the said commissioner shall cause the said tract of land to be surveyed without delay, and upon the filing of the said survey, together with a plat thereof, in the proper office, the said commissioner shall cause to be issued to the said

Joseph Campau a patent for the lands so described in such survey: *Provided*, That this act shall only be construed to be a relinquishment on the part of the United States, and shall not interfere with the rights of third persons.

APPROVED, July 27, 1854.

No. 111.—*An Act for the Relief of John S. Jones and William H. Russell, surviving partners of the firm of Brown, Russell and Company.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War cause to be settled and adjusted the claims for losses of oxen and wagons sustained by the above named John S. Jones and William H. Russell, surviving partners of Brown, Russell and Company, in the transportation of military stores from Fort Leavenworth to Santa Fe, subsequent to the arrival of the trains containing said stores at the place called San José or Big Canon; and also the amounts paid by, or on account of, said persons for forage for the cattle used in said transportation, and for the hire of extra men and teams for the purpose of said transportation subsequent to the time aforesaid; and that he allow so much of the same as may be satisfactorily proven: *Provided*, The whole amount allowed do not exceed thirty-eight thousand eight hundred dollars: *And provided further*, That, in making the proof of the amount paid out by them, or on their account, for forage for the cattle and for extra men and teams used in the transportation aforesaid, it shall be sufficient for the parties aforesaid to make satisfactory proof of the aggregate amount so paid and expended. And that the said Secretary be authorized to examine the claims of said persons for services rendered in said transportation, and to allow such sum, not exceeding the pay and emoluments of assistant quartermasters, for the time necessarily employed in said business, not exceeding six months; and that the account so allowed be paid to said persons, or their legal representatives, out of any money in the Treasury not otherwise appropriated.

APPROVED, July 29, 1854.

No. 112.—*An Act for the Relief of the Pine Grove Academy, in Louisiana.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the president, directors, and trustees, of the Pine Grove Academy, in the parish of Caldwell, Louisiana, be, and they are hereby confirmed in their title to the lot of forty acres of land on which said academy is situated, near Columbia, donated to them by Hyams, Chew and McCoy, claiming under the Maison Rouge grant, in eighteen hundred and thirty-nine, as more particularly described in the act of donation; and that the said president, directors, and trustees, be also, and they are hereby confirmed in their title to a certain tract or parcel of land, situated in said parish of Caldwell, with about one mile front on the west bank of the Ouachita river, and running west between five and six miles, and known as lot number twenty-three, in the plat number one, of the Maison Rouge grant, surveyed by John Dinsmore, a deputy surveyor of the United States, containing about four thousand acres, donated to them by Daniel W. Cox, one of the claimants of said grant, in eighteen hundred and thirty-nine, and that patents be issued to them for said lands, after a legal survey, under the instructions of the surveyor general of Louisiana: *Provided*, That this act shall amount only to a relinquishment of title on the part of the United States, and that it shall not be construed to interfere in any manner with the rights of settlers on said lands at the date of this act.

APPROVED, July 29, 1854.

No. 113.—*An Act for the Compensation of James W. Low, and others, for the capture of the British private-armed Schooner Ann, during the late War with Great Britain.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized and directed to pay to James W. Low, William Driskill, — Southernland, and — Stenchen, or to such persons as may be legally authorized to receive the same, as

heirs or legal representatives, the sum of two thousand five hundred and seventy dollars and thirty cents, that being the amount paid into the Treasury of the United States, and placed to the account of fines, penalties, and forfeitures, in consequence of a suit, entitled the United States vs. the schooner Ann and cargo, in the district court of Maine, December, eighteen hundred and fourteen, the said schooner having been risen upon and captured by the aforesaid named persons, from the British, and delivered to the proper authorities of the United States, in the State of Maine, to be paid to the said James W. Low and his associates aforesaid, their heirs or assigns, in the following proportions, to wit: to the said James W. Low, for having planned the enterprise and directed the capture of the vessel, as first officer of the prize, eight parts; to William Driskill, as second or assistant officer, four parts; and to Southernland and Stenchen, as seamen or sailors, two parts each.

Sec. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury, immediately after the passage of this act, to give public notice thereof, by advertisement, for three months, in such newspapers as he shall think will be most likely to give proper information to the persons so entitled to apply for their respective shares; and if, after the expiration of six months from the passage of this act, any of the said claimants, or their heirs, or legal representatives, shall not have applied for their respective proportions of the sum hereby appropriated, the same shall be paid to such as shall have applied within that period, *pro rata*, according to their relative proportions as aforesaid, or to their heirs or assigns respectively: *Provided*, That any one or more of said claimants may apply for their own proportions in the first instance, at any time after the passage of this act.

APPROVED, July 29, 1854.

No. 114.—*An Act for the Relief of Purser T. P. McBlair.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the accounting officers of the Treasury be, and they are hereby authorized and directed, in adjusting the accounts of Purser T. P. McBlair, to allow him the several sums paid by him as purser of the United States steamer Princeton, to William Taylor, acting boatswain, to John Cole, acting carpenter, and to Armstrong Flomelfelt, acting sailmaker, who were employed on said steamer by the commanding officer thereof, by authority from the Secretary of the Navy, and which said sums were disallowed by the accounting officers of the Treasury, for the reason that the said persons to whom the payments were made were not included in the number permitted by law, of officers of the grades to which they were respectively appointed.

APPROVED, July 29, 1854.

No. 115.—*An Act for the Relief of John Frazer and the Administrator of the Estate of John G. Clendenin, deceased.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officer of the Treasury pay to John Frazer and the administrator of the estate of John G. Clendenin, the amount expended by said Frazer and Clendenin, or either of them, in the purchase of the west half of the northwest quarter of section thirteen, township two north, of range three west, in the State of Indiana, together with interest thereon; and also the amount paid by said Frazer and Clendenin, or either of them, in defending their title to said land, with interest thereon: *Provided, however*, That, before payment be made under the provisions of this act, said accounting officer of the Treasury shall be satisfied by proof as to the amount expended by said Frazer and Clendenin in purchasing said tract of land, and prosecuting their title thereto: *And provided further*, That in estimating the amount paid by said parties for the purchase of said land, no more shall be allowed than the United States received therefor, with interest thereon; and, in estimating the amount expended by them in defending their title to the land, the sum allowed shall not exceed seventy-five dollars.

APPROVED, July 29, 1854.

No. 116.—*An Act authorizing the Secretary of the Treasury to pay John Charles Frémont for Beef furnished the California Indians.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, the sum of one hundred and eighty-three thousand eight hundred and twenty-five dollars, with interest thereon from the first day of June, eighteen hundred and fifty-one, at the rate of ten per centum, to John Charles Frémont, in full of his account for beef delivered to Commissioner Barbour for the use of the Indians in California, in eighteen hundred and fifty-one and eighteen hundred and fifty-two.

APPROVED, July 29, 1854.

No. 117.—*An Act for the Relief of Captain Lewis E. Simonds.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and required to pay Captain Lewis E. Simonds, of the United States Navy, out of any money in the Treasury not otherwise appropriated, the sum of eight hundred dollars, it being for his expenses incurred in defending himself against two suits brought against him for arresting and detaining the brig Casket, on the coast of Africa, on the charge of being engaged in the slave trade, in eighteen hundred and forty-six, the said Simonds being then in command of the United States armed vessel called the Marion, and acting in the line of his duty.

APPROVED, July 29, 1854.

No. 118.—*An Act for the Relief of Asa Andrews.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury be, and they are hereby, authorized and required to settle and adjust the accounts of Asa Andrews, late collector of customs for the district of Ipswich, in the State of Massachusetts, for office rent and expenses, including clerk hire, and for the services of a deputy during the time he performed the duties of said office, and that the amount found due, not exceeding the sum of one thousand nine hundred and eighty-three dollars and eighty cents, be paid to said Asa Andrews, or his legal representatives, out of any money in the Treasury not otherwise appropriated.

APPROVED, August 1, 1854.

No. 119.—*An Act for the Relief of Dr. S. R. Addison, Passed Assistant Surgeon in the United States Navy.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the accounting officers of the Treasury be, and are hereby, required to allow and pay to Doctor S. R. Addison, passed assistant surgeon in the Navy of the United States, the difference of pay between that of his grade and a surgeon, from the fourth of April, eighteen hundred and forty-eight, until the twenty-first of June, eighteen hundred and fifty, being the period during which he served as surgeon on board the United States sloop-of-war Saint Mary's, and that the same be paid out of any money in the Treasury not otherwise appropriated.

APPROVED, August 1, 1854.

No. 120.—*An Act for the Relief of William Darby.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be paid to William Darby, out of any money in the Treasury not otherwise appropriated, the sum of fifteen hundred dollars, in full compensation for his labor and materials furnished in surveying and making a map of the Territory of Louisiana, in the years eighteen hundred and twelve and eighteen hundred and thirteen.

APPROVED, August 1, 1854.

No. 121.—*An Act for the Relief of Levi Pierce and Andrew Hodge, jr.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be, and

he is hereby, authorized to settle with and discharge Levi Pierce and Andrew Hodge, jr., sureties on the official bond of William H. Ker, formerly postmaster at New Orleans, on their paying, or securing to pay, to the satisfaction of the Postmaster General, within one year, the sum of twelve thousand five hundred dollars; and either of said sureties may thus be discharged on his paying, or securing to pay, as aforesaid, one half of the above sum: *Provided*, The Postmaster General, and the United States district attorney for the eastern district of Louisiana, shall be satisfied that it is for the interest of the United States that such settlement should be made: *And provided further*, That such settlement with and discharge of one surety shall not be construed to discharge the other.

APPROVED, August 1, 1854.

No. 122.—*An Act for the Relief of Jean Baptiste Beaubien.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the General Land Office be, and he is hereby, authorized to issue a patent or patents to Jean Baptiste Beaubien, for the following lots, as described and numbered on the survey and plat of the Fort Dearborn addition to Chicago, in the State of Illinois, made under the order of the Secretary of War, and now on file in the War Office, to wit: Lots number one, two, three, four, five, and six, of block number four; all that part of lots numbered eight and nine, block number two, which lies south of the line of excavation, authorized by the act of Congress approved twenty-first July, eighteen hundred and fifty-two; and all that part of lot number one, block number five, that lies within the following boundaries, to wit: Commencing on the western line of said lot number one, block five, at a point ten feet north of the southern line thereof; thence east, parallel with said southern line two hundred and fifty feet to the western boundary of the lands granted by the United States to the Illinois Central Railroad Company; thence north, along said western boundary thirty-four feet, to the northern line of said lot number one, block five; thence west, along said northern line two hundred and fifty feet to the northwest corner thereof; thence south along the western line thereof thirty-four feet to the place of beginning.

APPROVED, August 1, 1854.

No. 123.—*An Act for the Relief of Urban Stoll.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to pay to Urban Stoll, now a pensioner of the United States, a sum equal to seventy-two dollars per annum, from the fourth day of July, eighteen hundred and forty-five, to the time when his present pension was allowed.

APPROVED, August 1, 1854.

No. 124.—*An Act for the Relief of Gaston T. Raoul.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Gaston T. Raoul be, and he is hereby, authorized to enter free of cost, six hundred and forty acres of land, according to legal subdivisions, on any of the public lands of the United States, subject to entry at private sale; which said six hundred and forty acres of land, when so entered, shall be in full compensation for claim number four hundred and fifty-six of the report of James O. Cosby, dated June seven, eighteen hundred and thirteen, and for which a certificate of confirmation, number one hundred and sixty-eight, was issued on the twenty-fourth of January, eighteen hundred and thirty-eight, by the register and receiver of the land office for the John Core claim, for his son, a minor, in the parish of Livingston, State of Louisiana.

Sec. 2. *And be it further enacted*, That, upon the receipt of the certificates of entry from the proper land office, the Commissioner of the General Land Office shall cause a patent to be issued therefor to the said Gaston T. Raoul.

APPROVED, August 1, 1854.

No. 125.—*An Act for the Relief of A. G. Penn.*

Be it enacted by the Senate and House of Repre-

sentatives of the United States of America in Congress assembled, That A. G. Penn, of the parish of St. Tamany, Louisiana, be, and he is hereby, authorized to enter, by way of preemption, the southwest quarter of section twenty-three, township six south, of range ten east, in the Greensburg land district, State of Louisiana, upon his paying therefor, to the proper officer of the land office, the sum of one dollar and twenty-five cents per acre: *Provided, however*, That this act shall not be so construed as to interfere with any adverse claim to the land hereby authorized to be purchased, if any such there be.

APPROVED, August 1, 1854.

No. 126.—*An Act for the Settlement of the Claims of W. P. Buckner and Pierce Crosby, Passed Midshipmen in the United States Navy.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to adjust and settle the claims of W. P. Buckner, passed midshipman, and Pierce Crosby, passed midshipman, and acting master in the United States Navy, for a share of the proceeds of the sale of the schooner Oregon and cargo, seized and confiscated in the month of April, eighteen hundred and forty-eight, under the President's regulations of the first of March, eighteen hundred and forty-seven, at the port of Tampico, during the war with Mexico, and to pay the said claims out of any moneys in the Treasury arising from military contributions collected in Mexico in pursuance of the regulations of the President before referred to: *Provided*, That before any money is paid in these cases, any claim submitted by the owners of the vessels beforementioned, for the remission of the penalty and the payment of the proceeds under the confiscation, shall first be duly examined and decided by the Secretary of the Treasury, under the direction of the President of the United States.

APPROVED, August 1, 1854.

No. 127.—*An Act for the Relief of William G. Smith.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, out of any money in the Treasury not otherwise appropriated, the sum of five hundred dollars to William G. Smith, for recapturing a vessel in the war of eighteen hundred and twelve, together with a midshipman and four seamen of the British Navy; which prisoners were delivered to Commodore Perry, at Newport, Rhode Island.

APPROVED, August 1, 1854.

No. 128.—*An Act for the Relief of the Legal Representatives of Major Caleb Swan, deceased.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be directed to pay to the legal representatives of Major Caleb Swan, deceased, out of any money in the Treasury not otherwise appropriated the amount of his compensation as paymaster of the Army, from the first day of July to the thirty-first day of December, (inclusive,) eighteen hundred and eight, and a commission of one per centum on the amount of bills of exchange negotiated by him under directions of the War Department, for the purpose of raising money for the use of the army.

APPROVED, August 1, 1854.

No. 129.—*An Act for the Relief of Henry La Reintrie.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Henry La Reintrie, out of any money in the Treasury not otherwise appropriated, the sum of five hundred and ninety-three dollars, which shall be in full satisfaction and discharge of said La Reintrie's claim for services rendered to the United States Legation near the Government of Chili, and as bearer of dispatches from that legation to Washington.

APPROVED, August 1, 1854.

No. 130.—*An Act to provide Compensation for the Services of George Morell in adjusting Titles to Land in Michigan.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Maria Morell, widow of George Morell, and to William Woodbridge and Henry Chipman, late judges of the United States for the Territory of Michigan, for the services of the said judges in ascertaining, adjusting, and settling claims to land, and performing other duties in conformity with the act entitled "An act to provide for the adjustment of titles of land in the town of Detroit, and Territory of Michigan, and for other purposes," approved the twenty-first of April, eighteen hundred and six, and with "An act relative to the plan of Detroit, in Michigan Territory," approved the twenty-eighth of May, eighteen hundred and thirty, at the rate of five hundred dollars per annum, from the time of their several appointments as judges of the United States for said Territory, to the twenty-fourth day of September, eighteen hundred and thirty-six, to be paid out of any money in the Treasury not otherwise appropriated.

APPROVED, August 1, 1854.

No. 131.—*An Act for the Relief of Captain Charles G. Merchant.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Government be, and are hereby, directed to settle the accounts of Charles G. Merchant, brevet captain of the United States Army, for the second quarter of eighteen hundred and forty-nine, on just and equitable principles, without reference to the usual forms, so as to relieve the said Charles G. Merchant of the effect of the loss of his quarterly returns for said quarter: *Provided*, That the amount to be allowed to the said Charles G. Merchant, in such settlement, shall not exceed the sum of two hundred and fifteen dollars and sixty-nine cents.

APPROVED, August 1, 1854.

No. 132.—*An Act for the Relief of Sylvester Pettibone.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Sylvester Pettibone, of Wisconsin, and his real and personal property, be, and they are hereby, released and relieved from two judgments in favor of the United States, obtained against him, the said Pettibone, in the district court of the United States for the district of Wisconsin, and from all liens and incumbrances created by said judgment: *Provided*, That the costs of the suit in which said judgment was rendered shall first be paid by said Pettibone.

APPROVED, August 1, 1854.

No. 133.—*An Act for the Relief of Phineas M. Nightingale, Administrator of the Estate of General Nathaniel Greene; deceased.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury pay to Phineas M. Nightingale, administrator of the estate of General Nathaniel Greene, deceased, eight thousand and five dollars and fifty-three cents, with interest at the rate of six per centum per annum from the sixth day of July, one thousand seven hundred and ninety-four, until paid; the same being in liquidation of a balance due to the estate of said Nathaniel Greene for becoming security for Banks & Co., army contractors in the Revolution. The said sum to be paid out of any money in the Treasury of the United States not otherwise appropriated.

APPROVED, August 1, 1854.

No. 134.—*An Act for the Relief of the Heirs and Representatives of Colonel Alexander G. Morgan.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the accounting officers of the Treasury be, and they are hereby, authorized and directed to settle the claims of Alexander G. Morgan, of Missouri, for services in raising troops

for the Florida service, in the year eighteen hundred and thirty-seven, and also for military services in Florida: *Provided*, That the pay and allowances to him shall not exceed the compensation of a captain of cavalry, from the eleventh of September, eighteen hundred and thirty-seven, to the eighteenth of March, eighteen hundred and thirty-eight, and that so much as shall be found due to him, as if regularly commissioned in that grade, shall be, and the same is hereby, directed to be paid to him, out of any moneys in the Treasury not otherwise appropriated.

APPROVED, August 1, 1854.

No. 135.—*An Act for the Relief of William Brown.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, instructed to place the name of William Brown, alias Billy Brown, a colored man, now a resident of Portland, in the State of Maine, on the pension roll, and pay to him a pension of ninety-six dollars per annum, commencing on the thirtieth day of May, eighteen hundred and forty-four, and continuing during his natural life.

APPROVED, August 1, 1854.

No. 136.—*An Act to authorize the Payment of Invalid Pensions to the Heirs of Lieutenant Robert White, and others.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be required to pay to the invalid pensioners, officers of the Army of the Revolution, hereinafter named, or if dead, to their widows, and if the widows be dead, to the children of said officers, the amount of their several invalid pensions which was deducted or withheld from said officers under the provisions of the act entitled "An act for the relief of certain surviving officers and soldiers of the Revolution," approved the fifteenth day of May, one thousand eight hundred and twenty-eight, namely: to Lieutenant Robert White the amount of his invalid pension from the third day of March, eighteen hundred and twenty-six, to the ninth day of February, eighteen hundred and thirty-one; to Captain John Crute the amount of his invalid pension from the third day of March, eighteen hundred and twenty-six, to the thirty-first day of May, eighteen hundred and thirty; to Surgeon's Mate, Mordecai Hale, from the third day of March, eighteen hundred and twenty-six, to the ninth day of December, eighteen hundred and thirty-two; to Lieutenant William Wallace, from the third day of March, eighteen hundred and twenty-six, to the thirty-first day of December, eighteen hundred and thirty-six; to Lieutenant Philip Stuart, from the third day of March, eighteen hundred and twenty-six, to the fourteenth day of August, eighteen hundred and thirty; to General William Barton, from the third day of March, eighteen hundred and twenty-six, to the twenty-second day of October, eighteen hundred and thirty-one; to Ensign Clement Sewall, from the third day of March, eighteen hundred and twenty-six, to the seventh day of January, eighteen hundred and twenty-nine; to Lieutenant James Glenworth, from the third day of March, eighteen hundred and twenty-six, to the thirty-first day of May, eighteen hundred and thirty.

APPROVED, August 1, 1854.

No. 137.—*An Act for the purchase of the Copyright of a Work published by Thomas H. Sumner, wherein he describes his new method of ascertaining a ship's position at sea.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in consideration of the transfer to the United States of the copyright of a work wherein Thomas H. Sumner fully describes his new method of ascertaining a ship's position at sea, when a meridian observation of the sun cannot be obtained, there be paid, out of any money in the Treasury not otherwise appropriated, to the said Thomas H. Sumner, or his lawful agent or attorney, the sum of ten thousand dollars.

Sec. 2. *And be it further enacted*, That after the said transfer shall be made, and the said sum paid, the said copyright shall be deemed extinct, and

said book may thereafter be published as if no such right had existed.

APPROVED, August 2, 1854.

No. 138.—*An Act to Relinquish the Reversionary Interest of the United States to a certain Reservation therein mentioned, and to confirm the title of Charles G. Gunter thereto.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the right, title, and interest which might accrue or revert to the United States to a certain fraction or [of] section number nineteen of township number sixteen and range number sixteen, including an island in the Alabama river, commonly called Manac's Island, a little below the mouth of Catoma Creek, and being the reservation to which Samuel Manac, a Creek Indian, became entitled under the treaty of Fort Jackson, be, and the same are hereby, relinquished to Charles G. Gunter, his heirs and assigns, and a patent shall be issued to the said Charles G. Gunter, his heirs or assigns, for the same, upon the payment to the receiver of the land office at Cahaba, in the State of Alabama, of the minimum price per acre of the public lands now subject to entry in said State.

APPROVED, August 2, 1854.

No. 139.—*An Act authorizing the Extension of the Alexandria and Washington Railroad into the District of Columbia, and conferring certain Privileges on the Baltimore and Ohio Railroad Company.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Alexandria and Washington Railroad Company, incorporated by the Legislature of Virginia, on the 27th of February, eighteen hundred and fifty-four, to construct a railroad from Alexandria, in the State of Virginia, to the City of Washington, in the District of Columbia, be, and are hereby, authorized to extend their road from any point on the Virginia side of the Potomac river to which said road may be constructed, at or above the aqueduct of the Alexandria canal, into the District of Columbia, connecting with the Baltimore and Washington railroad depot by the most convenient and practicable route or routes, passing through and along such streets or avenues, except the Pennsylvania avenue of Washington and Georgetown, as the corporate authorities thereof may respectively approve, subject to certain conditions hereinafter expressed.

Sec. 2. *And be it further enacted*, That the Alexandria and Washington Railroad Company are hereby authorized to construct a bridge over the Potomac river, on, or above, or west of the aqueduct of the Alexandria Canal Company: *Provided*, Said bridge shall only be built on or over the piers of the aqueduct, with the consent of the Alexandria Canal Company: *And provided further*, In constructing said bridge, and crossing the Chesapeake and Ohio canal, said bridge and railroad shall be so constructed as not to injure or obstruct the use or navigation of the Chesapeake and Ohio canal: *And provided further*, That this act shall not prevent Congress from giving like privileges to any other railroad company or any other person.

Sec. 3. *And be it further enacted*, That the Alexandria and Washington Railroad Company are hereby authorized to establish depots in the cities of Washington and Georgetown, at such points as the corporate authorities thereof may respectively approve, and to lay a railroad track or tracks to such point or points within said cities, and through and along such streets and avenues, except the Pennsylvania avenue, of said cities, as may be respectively approved of by the corporate authorities of said cities, and to make all necessary turnouts; the said railroad company being subject to such terms, conditions, restrictions, and taxation, and to such rules and regulations, relative to the construction, repairs, and working of their road, within the cities of Washington and Georgetown, as the corporate authorities of said cities may from time to time respectively prescribe, so far as it may lay within their respective limits: *Provided*, No higher rate of taxation shall be imposed upon said railroad company than is prescribed by the respective charters of said cities; and said railroad company shall keep an office

within the City of Washington or Georgetown, and shall have power to sue and be sued, to make contracts, and to purchase and hold lands so far as may be necessary for carrying on the operations of the company; and the service of process on the president or any director of said company, or on the chief clerk in attendance at the office of the company, shall entitle any party complaining to proceed against said company as authorized under the laws of the District of Columbia to proceed against chartered companies within its limits.

SEC. 4. *And be it further enacted*, That the Baltimore and Ohio Railroad Company be, and it is hereby, authorized to construct and extend the Washington branch of said road, according to such route as may be most convenient, through the said District to some point on the Potomac river, opposite to or near the City of Alexandria, in Virginia, for the purpose of forming a connection with the said river and the lines of railroads running south, subject to the provisions of its present charter; and the said company are hereby authorized to locate, construct, and operate the said extension, hereby authorized, through such parts of the City of Washington, or public reservations, as the corporate authorities thereof, or the President of the United States, respectively, may consent to; and also to build a bridge or bridges over the eastern branch of the Potomac river, at some point above the navy-yard: *Provided, however*, That the same shall not obstruct the navigation thereof. And said company shall have power to locate and establish depots, and erect the necessary buildings thereon, and also to erect such wharves or piers into said river as may be necessary, provided the same shall not obstruct the navigation thereof: *Provided, further*, That the said Baltimore and Ohio Railroad Company be subject to the same conditions and restrictions in extending their road through any parts of the City of Washington, as are prescribed for the Alexandria and Washington Railroad Company: *Provided, however*, That this section shall remain suspended for two years, from the first day of January, eighteen hundred and fifty-five; and if, at the end of that time, the Alexandria and Washington Railroad Company shall not have completed a railroad to Alexandria, and have the same in good running order, in pursuance of the requirements of the preceding sections of this bill, then the Baltimore and Ohio Railroad Company shall have the privilege of extending their road by either of the routes authorized by this act: *And provided further*, That if said Baltimore and Ohio Railroad Company shall not have executed so much of the provisions of this act as relates to their company by the first day of January, eighteen hundred and fifty-nine, then this act shall be void.

APPROVED, August 3, 1854.

No. 140.—*An Act to Incorporate the National Hotel Company of Washington City.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That George H. Calvert, Charles B. Calvert, Roger C. Weightman, Philip Otterback, John Withers, Richard H. Stuart, and Joseph Bryan, and those who may hereafter become members of the company hereinafter mentioned, and their successors, be, and they are hereby, created and declared to be a body politic and corporate, by the name and style of the National Hotel Company of Washington City; and, by the name aforesaid, to have perpetual succession, with power to sue and be sued, and to make and use a common seal, and to make and repeal rules and by-laws for the good government of said company; and also to hold, use, and enjoy, in fee-simple, or for any lesser estate, the lots and parcels of ground and premises, situated in the City of Washington, being lots eight, nine, ten, eleven, twelve, thirteen, and parts of lots seven and fourteen, in square four hundred and ninety-one, on the plat of said city, upon which are now erected the house or buildings and appurtenances known and denominated as the National Hotel; and also any additional lots, or parts of lots, adjoining the said property, which may be hereafter acquired by said company, and also the improvements, fixtures, conveniences, and advantages erected on said lots or parcels of ground appurtenant thereto.

SEC. 2. *And be it further enacted*, That the capital stock of said company shall be five hundred thousand dollars, to be divided into five thousand shares of one hundred dollars each, and shall be distributed among the parties interested in the said lots of ground and premises, in such manner as shall be agreed upon between them; and every person, copartnership, or corporation, who is or shall be a proprietor of one or more shares, shall, by virtue thereof, be a member of said corporation, and shall be entitled, at all meetings of the stockholders for the election of officers, or for any other purpose, to one vote, in person or by proxy, for every share of the stock so held.

SEC. 3. *And be it further enacted*, That the affairs of the said company shall be conducted by a president and six directors, to be elected by the stockholders present, or a majority in amount thereof, on the first Monday of November, in the year eighteen hundred and fifty-four, and on the first Monday of November in each succeeding year, or within thirty days thereafter, and shall continue in office for one year, and until successors are chosen; and that the election in November next shall be held by the persons named in the first section of this act, or a majority of them, and every subsequent election shall be held by the president and directors of said company.

SEC. 4. *And be it further enacted*, That the said president and directors shall have power to fill all vacancies which shall occur in their own body during their continuance in office, and to prescribe the evidence of ownership and mode of transfer of shares of stock in said company; and they shall keep full records of their proceedings, which shall be open to the inspection of the stockholders at all times, and shall report at least annually a statement of their affairs to the stockholders, and shall declare dividends of the profits on any part thereof, at their discretion, and generally may exercise all the power and privileges of the corporation necessary or proper to promote the objects thereof.

SEC. 5. *And be it further enacted*, That the shares of the capital stock of said company shall be deemed personal estate, and that special meetings of the stockholders may be called by the president and directors, or by any number, not less than one third in amount of shares of the stockholders, at which meeting members present, and representing a majority of the whole capital stock, shall be a quorum for the transaction of business: and the stockholders at such meetings, or at any general annual meeting where such majority of stock is represented, shall have full power to alter or repeal any by-law or regulation made by the president and directors, and may make new rules and by-laws, which shall be binding on the said president and directors: *Provided*, That the same be not contrary to the provisions of this act.

SEC. 6. *And be it further enacted*, That nothing in this act contained shall be construed to exempt the property of said corporation from such taxation as similar property, belonging to any other individual or corporation, is subject to.

SEC. 7. *And be it further enacted*, That nothing in this act contained shall be construed to authorize the said company to exercise banking privileges, or to issue any note in the form of a bank note, or certificate payable to bearer.

SEC. 8. *And be it further enacted*, That each of the stockholders in the said National Hotel Company of Washington City shall be held liable in his or her individual capacity for all the debts and liabilities of the said company, however contracted or incurred, to be recovered by suit as other debts or liabilities, before the court or tribunal having jurisdiction of the case.

SEC. 9. *And be it further enacted*, That it may be lawful for Congress hereafter to alter, amend, change, or repeal the foregoing act.

APPROVED, August 3, 1854.

No. 141.—*An Act for the Relief of William J. McElhinney, E. P. Matthews, and Lawrence Cribben.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That William J. McElhinney, E. P. Matthews, and Lawrence Cribben, shall be, and they are hereby, respectively authorized to enter the portions of the southeast fractional quarter of fractional section ten, and the southwest fractional

quarter of fractional section eleven, west of the St. Charles Commons, in township forty-six north, of range four east, in the district of lands subject to sale at St. Louis, Missouri, now in possession of each of them, upon producing proof, to the satisfaction of the land officers of said district, of the extent of their possessions, respectively, in said fractional sections, and paying therefor the minimum price of the public lands; and, upon such proof, and payment being made, certificates and patents shall be issued therefor, as in other cases of the sale of public lands.

APPROVED, August 3, 1854.

No. 142.—*An Act for the Relief of Mrs. Helen Mackay, Widow of the late Colonel Eneas Mackay, Deputy Quartermaster General United States Army.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of six thousand five hundred and thirty-seven dollars and nine cents be paid to Mrs. Helen Mackay, out of any money in the Treasury not otherwise appropriated, the same being allowance of commissions for disbursements of special appropriations by her late husband, Colonel Eneas Mackay, prior to the thirtieth September, one thousand eight hundred and thirty-eight.

APPROVED, August 3, 1854.

No. 143.—*An Act for the Relief of Sylvanus Culver.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a land warrant for one hundred and twenty acres shall be issued to Sylvanus Culver, the only surviving heir of John Pearson, deceased, in lieu of a land warrant for one hundred acres, issued on the nineteenth day of April, eighteen hundred and six, to Samuel Pearson, in trust for himself and the other heirs of John Pearson, deceased, who was a private in the New York continental line, and which warrant has been lost or destroyed.

APPROVED, August 3, 1854.

No. 144.—*An Act for the Relief of Daniel Steenrod.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the petition of Daniel Steenrod, with the accompanying documents and depositions, be referred to the Secretary of War, who is hereby authorized to ascertain what is justly and equitably due the said petitioner thereon, and to pay such sum as may be found due, out of any money in the Treasury not otherwise appropriated.

APPROVED, August 3, 1854.

No. 145.—*An Act for the Relief of Jonas P. Levy and José Maria Jarrero.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the accounting officers of the Treasury be, and they are hereby, authorized and required to examine, adjust, and settle the claims of Jonas P. Levy and José Maria Jarrero, for indemnity against the Government of Mexico, and which claims were presented to the late Board of Commissioners on the claims against Mexico, and which were rejected by said Board of Commissioners, and the amounts found to be respectively due to the said Jonas P. Levy and José Maria Jarrero, the Secretary of the Treasury is to cause to be paid to them, out of any money in the Treasury not otherwise appropriated.

APPROVED, August 3, 1854.

No. 146.—*An Act for the Relief of W. D. Porter, of the United States Navy.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized and directed to cause the accounts of W. D. Porter, a lieutenant in the Navy of the United States, for moneys actually expended by him in defraying the expenses of bringing Amin Bey and suite to the United States, in conformity with the request of the Hon. George P. Marsh, the Minister of the United States at Constantinople, to be audited, and to draw his warrant upon the Treasury of the United States for any sum not exceeding two thousand and twenty-four dollars and thirty-two cents, which

may be found due to the said Porter, which shall be paid from the Treasury, out of any moneys not otherwise appropriated.

APPROVED, August 3, 1854.

No. 147.—*An Act for the Relief of John McVea and John F. McKneely, of Louisiana.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon the return to the land office at Greensburg, Louisiana, of plats of surveys, duly approved by the surveyor general, of township three south of range one west, and township three south of range one east, it shall and may be lawful for John McVea and John F. McKneely to enter, at one dollar and twenty-five cents per acre, the one thousand-acre tract or parcel of land which they have long held in possession and cultivation, and which is represented as covering parts of sections one, two, eleven, and twelve, in township three south, of range one west, and parts of sections six, seven, thirteen, and eighteen, of township three south, of range one east, in the Greensburg land district, Louisiana: *Provided*, That the entry shall be made of the quantity aforesaid, according to the legal subdivisions of the public lands, and shall embrace the quantity aforesaid and the land actually cultivated and inclosed by them, as near as may be: *And provided, further*, That the entry or entries made under the provisions of this act shall not be to the prejudice of any valid adverse rights, if any such exist, to any part of the land aforesaid.

APPROVED, August 3, 1854.

No. 148.—*An Act for the Relief of Charlotte S. Westcott.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place the name of the said Charlotte S. Westcott upon the pension rolls, and cause to be paid to her the sum of twenty dollars per month, for the term of ten years, commencing on the first day of January, eighteen hundred and fifty-four: *Provided*, That in case of the marriage or death of the said Charlotte S. Westcott, the pension hereby granted shall be paid to her two children, or the survivor of them.

APPROVED, August 3, 1854.

No. 149.—*An Act for the Relief of William H. Weirick.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, directed to pay to William H. Weirick, late a second lieutenant in company G, of Colonel J. D. Stevenson's regiment of New York volunteers, out of any money in the Treasury not otherwise appropriated, the sum of five hundred and seventy-six dollars and twenty-six cents, the amount of mileage from California to New York, and two months' pay, as paid to the other officers and soldiers of said regiment.

APPROVED, August 3, 1854.

No. 150.—*An Act for the Relief of John Frink.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be, and he is hereby, authorized and directed to pay to John Frink, out of any money appropriated for mail transportation, the sum of seven hundred and fifty dollars, the amount of two fines—one in the third and the other in the fourth quarter of eighteen hundred and thirty-nine—wrongfully imposed on said Frink, and deducted from his pay, for carrying the mail on route number two thousand eight hundred and eleven, from Joliet to Danville, Illinois, in said year.

APPROVED, August 3, 1854.

No. 151.—*An Act for the Relief of Mary H. Cushing.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and required to issue to Mary H. Cushing, daughter of John Wainright Cushing, deceased, a soldier of the war of eighteen hundred and twelve, a warrant for so much

military bounty land as the said John Wainright Cushing would be entitled to receive were he now living.

APPROVED, August 3, 1854.

No. 152.—*An Act for the Relief of Rebecca Baggerly, Widow of David Baggerly, deceased.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and required to place the name of Rebecca Baggerly, of Lincoln county, Tennessee, widow of David Baggerly, deceased, who was a soldier and private of the Maryland line in the war of the Revolution, on the pension roll, under the acts of July seven, eighteen hundred and thirty-eight, March third, eighteen hundred and forty-three, June seventeenth, eighteen hundred and forty-four, and of July twenty-ninth, eighteen hundred and forty-eight, at the rate of twenty dollars per annum, the same to be paid, as other pensions have been paid, in pursuance of the provisions of the aforesaid acts.

APPROVED, August 3, 1854.

No. 153.—*An Act for the Relief of George Mattingly.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Public Buildings be, and he hereby is, authorized to convey to George Mattingly and his heirs, all the right, title, interest, and estate of the United States of America in and to square numbered four hundred and ninety-five on the plat of the City of Washington: *Provided*, The said Mattingly, or his heirs, shall first produce to the said Commissioner of Public Buildings a certificate of the Secretary of the Treasury that he has paid to him, for the United States, the sum of three hundred and eighty-seven dollars and eleven cents, with interest thereon from the twenty-sixth day of July, eighteen hundred and forty-four.

APPROVED, August 3, 1854.

No. 154.—*An Act for the Relief of Joseph McMinn.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be instructed to place the name of Joseph McMinn upon the pension roll, and to pay him at the rate of four dollars per month during his natural life, commencing the pension from the first day of January, eighteen hundred and fifty-four.

APPROVED, August 3, 1854.

No. 155.—*An Act for the Relief of Jesse R. Faulkner, of Missouri.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, required to place the name of the said Jesse R. Faulkner upon the pension rolls, and cause to be paid to him the sum of eight dollars per month for and during the term of his natural life, commencing January first, eighteen hundred and fifty-four.

APPROVED, August 3, 1854.

No. 156.—*An Act for the Relief of Henry N. Halsted.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be directed and required to place the name of Henry N. Halsted, of New York, on the roll of invalid pensioners, and that he be paid a pension at the rate of four dollars per month, from the first day of January, eighteen hundred and forty-five, and to continue during his natural life.

APPROVED, August 3, 1854.

No. 157.—*An Act for the Relief of James Walsh.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place the name of James Walsh, of the District of Columbia, upon the roll of invalid pensioners, at the rate of eight dollars per month, to commence on the first day of January, eighteen hundred and fifty-four, and to continue during his natural life.

APPROVED, August 3, 1854.

No. 158.—*An Act for the Relief of James M. Lewis.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place the name of James M. Lewis, late of the State of Tennessee, now of the State of California, on the pension rolls of the United States, at the rate of eight dollars per month, to commence on the first day of January, eighteen hundred and fifty, and to continue during his natural life.

APPROVED, August 3, 1854.

No. 159.—*An Act for the Relief of Henry J. Snow, of Rome, in the State of New York.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place the name of Henry J. Snow, of Rome, in the State of New York, upon the list of invalid pensions of the United States, at the rate of eight dollars per month, to commence on the first day of January, one thousand eight hundred and fifty-four, and to continue during his life.

APPROVED, August 3, 1854.

No. 160.—*An Act to provide a Pension for James K. Welch.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That James K. Welch, of Fulton county, New York, who lost his eye-sight while in the service of the United States, in the line of his duty, be placed upon the pension roll, at eight dollars per month, from the first day of January, eighteen hundred and fifty-four, to continue during his natural life.

APPROVED, August 3, 1854.

No. 161.—*An Act for the further Relief of Albro Tripp.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place the name of Albro Tripp upon the invalid pension roll, at the rate of ten dollars per month, in lieu of the sum of four dollars per month, to which he is entitled under the law of Congress approved May four, eighteen hundred and fifty-two, to commence on the first day of December, eighteen hundred and fifty-one, to continue during his natural life; the sum he has received under said act of May four, eighteen hundred and fifty-two, to be deducted therefrom.

SEC. 2. And be it further enacted, That said act, approved May four, eighteen hundred and fifty-two, entitled "An act for the relief of Albro Tripp," is hereby repealed.

APPROVED, August 3, 1854.

No. 162.—*An Act for the Relief of Benjamin Hammond, of the State of New York.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place Benjamin Hammond, of the State of New York, upon the roll of invalid pensions of the United States, at the rate of eight dollars per month, to commence on the first day of January, in the year one thousand eight hundred and fifty-four, and to continue during his natural life.

APPROVED, August 3, 1854.

No. 163.—*An Act for the Relief of the Civil Township of Marion, in the County of Mercer, Ohio.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the trustees of the civil township of Marion, in the county of Mercer, and State of Ohio, be, and they are hereby, authorized to select, out of the unsold lands of the United States, in said State, one section of land for school purposes, in lieu of section sixteen, to which said township is entitled by acts of Congress; and when the said trustees shall have selected said section of land, they shall notify the register of the land office of the district in which said lands lie, and the same shall be reserved for sale, and set apart for the use of schools in said township:

Provided, That said selection and notification be made within twelve months from the passage of this act: *And provided further*, That said selection shall be made of legal subdivisions of the public lands, and in quantities of not less than one hundred and sixty acres.

Sec. 2. *And be it further enacted*, That the title to the said lands, when so selected and set apart, shall vest in the State of Ohio, for the use of common schools in said township, and shall be subject to the same disposition and uses that the sections sixteen in the said State have been made, by the various acts of Congress affecting the same.

APPROVED, August 3, 1854.

No. 164.—*An Act granting the Right of Way over, and Depot Grounds on, the Military Reserve at Fort Gratiot, in the State of Michigan, to the Port Huron and Lake Michigan Railroad Company.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to grant to the Port Huron and Lake Michigan Railroad Company the right of way upon lands reserved for military purposes at Fort Gratiot, in the State of Michigan, and also the right to take and use other land belonging to the United States at the same place for necessary depots: *Provided*, That he shall be of opinion that the said grants will not be detrimental to the public interests, and that the company pay into the Treasury of the United States the appraised value of the premises required for the depots and other necessary buildings, to be determined by such officer or officers of the Engineer Corps, or such other person or persons as the Department may designate for that purpose: *And provided further*, That the location and width of the roadway, and the location and boundaries of the depot grounds, and also the conditions on which they are to be possessed and improved, shall be determined under the authority and with the approval of the President: *And provided further*, That if the said railroad and depots shall not be completed within ten years, or if at any time after completion, the use of the said railroad or depots be discontinued or abandoned, the said grant shall cease and determine.

APPROVED, August 3, 1854.

No. 165.—*An Act to change the Name of the American-built brig Glamorgan, to that of Wizard.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the owner of the brig Glamorgan, of Boston, be, and he hereby is, authorized to change her name to that of Wizard; and the Secretary of the Treasury is hereby authorized to issue to her a register under that name, she having been condemned and sold by the United States authorities for having been employed in the slave trade, and having been purchased since said condemnation by her present owner.

APPROVED, August 4, 1854.

No. 166.—*An Act for the Relief of Jacob Baker, of Sandusky City, Ohio.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby required to place the name of Jacob Baker, of Sandusky City, Ohio, upon the pension roll, and cause to be paid to him the sum of eight dollars per month, for and during his natural life, commencing June twenty-seven, eighteen hundred and fifty-four.

APPROVED, August 4, 1854.

No. 167.—*An Act for the Relief of J. C. Buckles, of Louisville, Kentucky.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be, and he is hereby, authorized and directed to pay to J. C. Buckles, of Louisville, Kentucky, out of any moneys appropriated, or that may hereafter be appropriated, for the transportation of the mails, the sum of three thousand and six dollars.

APPROVED, August 4, 1854.

No. 168.—*An Act for the Relief of Jonathan Pearce.*

Be it enacted by the Senate and House of Repre-

sentatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and is hereby, required to place the name of Jonathan Pearce, of Muskingum county, Ohio, upon the pension rolls, and cause to be paid to him the sum of eight dollars per month, so long as he shall live, commencing January first, eighteen hundred and fifty-two.

APPROVED, August 4, 1854.

No. 169.—*An Act for the Relief of David C. Cash and Giles U. Ellis.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to David C. Cash, late lieutenant, and Giles U. Ellis, private, in the Seminole war in Florida, whatever may be due them on the muster-rolls, for military services in said war.

APPROVED, August 4, 1854.

No. 170.—*An Act for the Relief of Thomas C. Green.*

Whereas, It satisfactorily appears that a bounty-land patent was issued on the twenty-ninth of November, one thousand eight hundred and seventeen, on militia land warrant number nine thousand nine hundred and forty-two, to Charles Mullin, for the southwest quarter of section thirty-six in township eleven north, of range three west, in the military tract, Illinois; and on the twenty-second of July, one thousand eight hundred and eighteen, a patent for the same tract was issued in error to the heirs of Benjamin Knapp, on warrant number eight thousand nine hundred and thirteen, Knapp's warrant having been located on the southeast quarter of said section, and said quarter-section so located conveyed to one Thomas C. Green by said Knapp's heirs: *Therefore—*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the General Land Office be, and he is hereby, required to issue a patent to Thomas C. Green for the southeast quarter section above named; and that said patent recite the fact that the former one was filled out erroneously for the southwest quarter, and has been lost, and therefore a new patent has been issued to the grantee of said Knapp's heirs.

APPROVED, August 4, 1854.

No. 171.—*An Act for the Relief of Patrick Gass.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper officers of the Government be, and they are hereby, authorized and required to issue to Patrick Gass a warrant for three hundred and twenty acres of land, which warrant may, at the option of the said Gass or his assignee, be located on any public lands of the United States subject to private entry.

APPROVED, August 4, 1854.

No. 172.—*An Act authorizing the Secretary of the Treasury to settle the Accounts of Thomas Jordan, Assistant Quartermaster in the United States Army.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to audit and settle, upon the principles of equity and justice, the accounts of Thomas Jordan, assistant quartermaster in the United States Army, arising out of his disbursements as disbursing officer of the quartermaster department at the city of Vera Cruz, Mexico, from the tenth of August, eighteen hundred and forty-seven, to the first of August, eighteen hundred and forty-eight.

APPROVED, August 4, 1854.

No. 173.—*An Act for the Relief of the Legal Representatives of John Rice Jones, deceased.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the legal representatives of John Rice Jones, deceased, be, and they are hereby, authorized to locate, in legal divisions and subdivisions, not less than one hundred and sixty acres, an area of three thousand four hundred and

eighty-five acres, on any of the public lands which shall have been offered at public sale, and may be subject to private entry: *Provided*, That the location under this act shall be taken and held as in full satisfaction of the claims of said Jones, which are entered as numbers twelve hundred and eighty-five and twelve hundred and eighty-six, in the report dated January fourth, eighteen hundred and thirteen, of the Kaskaskia commissioners; and, on a proper return being made to the General Land Office, from the district land office, of a location in conformity to this act, a patent shall issue: *Provided always*, That no location shall be made upon mineral land or lands reserved for the use of schools, or for military purposes.

APPROVED, August 4, 1854.

No. 174.—*An Act for the Relief of Rosalie Caxillo.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, upon the relinquishment by Rosalie Caxillo and her children, (being the widow and heirs of José Caxillo, late of Mississippi,) of their right, title, and interest in and to a certain quarter section of land granted by Congress to the said José Caxillo, for his relief and indemnity, it shall be the duty of the proper officers of the Government to issue to the said Rosalie a warrant for one quarter section of land, to be located on any land belonging to the Government, subject to private entry, in the Augusta land district of Mississippi.

APPROVED, August 4, 1854.

No. 175.—*An Act for the Relief of Ira Call, of Huron County, Ohio.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, directed to place the name of Ira Call, of Huron, Ohio, on the list of invalid pensioners, at the rate of eight dollars per month, from the first day of March, eighteen hundred and fifty-four.

APPROVED, August 4, 1854.

No. 176.—*An Act to Incorporate the Pioneer Manufacturing Company of Georgetown, D. C.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Thomas Wilson, Evan Lyons, Esau Pickrell, and Thomas Brown, their associates, successors, and assigns, be, and they are hereby, made and constituted a body-corporate and politic, by the name of "The Pioneer Manufacturing Company of Georgetown, D. C.," to be established at Georgetown, in the District of Columbia, and as such shall have succession, and may sue and be sued, implead and be impleaded, in any court of law or equity, and may have and use a common seal, and the same may change and alter at pleasure, and shall have, and may exercise all the powers, rights, and privileges which are incident to a corporation, except as restricted by this act, and which are necessary and proper for manufacturing cotton, woolen, or silk goods or fabrics of various descriptions, and vending the same, and for making and constructing all machinery which may be necessary for the purposes aforesaid; and may purchase, have, hold, use, and enjoy such a quantity of land as may be sufficient for prosecuting the business aforesaid, to erect thereon such buildings and improvements as may be necessary for the purposes aforesaid, and to sell and dispose of the same at pleasure.

Sec. 2. *And be it further enacted*, That the capital stock or property already contributed by the parties hereby incorporated, and their associates, shall be divided into shares of one hundred dollars each, to be distributed amongst the said parties and their associates, in proportion to their respective interests; and the capital stock of the corporation may be increased, from time to time, in such manner as the stockholders, in general meeting, may direct, so that the entire capital stock, at any one time, shall not exceed two hundred thousand dollars; and the said shares shall be deemed and taken as personal estate, and shall be transferable only on the books of the corporation, and in such manner as may be prescribed by the by-laws thereof; and the owner of one or more such shares shall, in virtue thereof, be entitled to

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all elections, and in all meetings of the stockholders, to one vote for each and every share which may be owned by him, which said vote may be given in person or by proxy, in such manner as the by-laws may direct.

SEC. 3. *And be it further enacted*, That the management of the business and concerns of said corporation, subject, nevertheless, to such restraint and qualifications as may be prescribed by the by-laws or other votes of the stockholders adopted in general meeting, shall be vested in a board to consist of a president and six directors, who shall be elected by ballot, and shall be stockholders at the time of their election; and they, or a majority of them, shall be a quorum for the transaction of business: that the first board shall be elected within six months after the passage of this act; and the subsequent elections shall be made annually thereafter, on the first Monday in May, at a general meeting of the stockholders, to be convened for the purpose at such time and place; and after such notice as may be fixed by the by-laws of the corporation, or by the president and directors in conformity therewith; but if an election shall not be made on the day appointed for the purpose, it may be made at any time thereafter; and the president and directors, for the time being, shall hold and exercise their offices until a new election shall be made; and in case of a vacancy in the office of president or director, the remaining members of the board shall choose a president or director, as the case may be, to serve until the next annual election.

SEC. 4. *And be it further enacted*, That a general meeting of the stockholders shall be called by the president and directors as often as they may deem expedient, or as the stockholders by their by-laws or other votes may direct, and may likewise be called by any number of stockholders owning not less than one fourth part of the capital stock; and at least five days' notice of the time and place of such meeting shall be given to each stockholder personally, or by advertisement, to be inserted in a newspaper published daily in the City of Washington; and in any meeting of stockholders for the transaction of any business, the owners of the major part of the capital stock present, by person or by proxy, shall form a quorum; and every such meeting shall have full power and authority to provide by ordinary by-laws, or by other vote, for transacting the business of the corporation, which by-laws or vote, whilst in force, shall be binding on the president and directors.

SEC. 5. *And be it further enacted*, That nothing herein contained shall be construed to confer banking privileges on the said corporation, or the power of issuing bank notes, or notes in the nature of bank notes, or paper intended to circulate as bank notes or currency: *Provided*, That nothing in this act contained shall be so construed as to prevent the Congress of the United States from altering or repealing the same whenever the public good requires it: *And provided further*, That the stockholders, individually and collectively, shall be responsible for all the acts done, and obligations incurred by the corporation created by this act.

APPROVED, August 4, 1854.

No. 177.—*An Act for the Relief of Thomas Bronaugh, and for the repeal of the "Act to aid the Territory of Minnesota in the Construction of a Railroad therein," approved the twenty-ninth June, eighteen hundred and fifty-four.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby directed to increase the pension of Thomas Bronaugh, who is now on the rolls at four dollars, to the rate of eight dollars per month, to commence January first, eighteen hundred and fifty-four.

SEC. 2. *And be it further enacted*, That the bill entitled "An act to aid the Territory of Minnesota in the construction of a railroad therein," which passed the House of Representatives on the twentieth day of June, eighteen hundred and fifty-four, and which was approved by the President of the United States on the twenty-ninth day of June,

eighteen hundred and fifty-four, be, and the same is hereby, repealed.

APPROVED, August 4, 1854.

No. 178.—*An Act to provide a Pension for Captain Thomas Porter.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Captain Thomas Porter, a deputy quartermaster general in the war of eighteen hundred and twelve, be placed upon the roll of invalid pensioners, at twenty dollars per month, commencing on the second day of March, Anno Domini eighteen hundred and thirty-one, deducting from said amount such sum or sums as have heretofore been allowed and paid to him as pension money.

APPROVED, August 5, 1854.

No. 179.—*An Act for the Relief of Julia Aiken.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby instructed to pay to Julia Aiken, the only child of William Yool, who died in the naval service of the United States, in the year eighteen hundred and one, on her sole and separate receipt, and for her sole use and control, the amount of pension she would have been entitled to receive under the provisions of the act of March third, eighteen hundred and thirty-seven, if her claim had been allowed while that act was in force.

APPROVED, August 5, 1854.

No. 180.—*An Act for the Relief of Thomas Ap Catesby Jones, surety for a former Postmaster at Norfolk, Virginia.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a certain judgment rendered, in the year eighteen hundred and forty-two, against Thomas Ap Catesby Jones and Duncan Robertson, as sureties for Walter F. Jones, formerly postmaster at Norfolk, in the State of Virginia, for the sum of four thousand three hundred and eighty-seven dollars and nine cents, it being on account of the defalcation of said postmaster, as such, be, and the same is hereby, declared satisfied, in so far as the said sureties, or either of them, are liable thereon.

SEC. 2. *And be it further enacted*, That the sum of two thousand five hundred dollars, heretofore by said Thomas Ap Catesby Jones, through his agent, paid on said judgment, be, and the same is hereby, ordered to be refunded to said Jones, out of any moneys in the Treasury of the United States not otherwise appropriated.

APPROVED, August 5, 1854.

No. 181.—*An Act for the Relief of A. S. Laughery.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon its being made to appear to the Commissioner of Pensions by sufficient proof, to be judged of by him, that the said A. S. Laughery served [served] as a clerk in the commissary department of the United States Army in Mexico during the late war with that nation, it shall be the duty of the Commissioner of Pensions to issue to the said A. S. Laughery a land warrant for such an amount of acres (according to the time of the service proven) as he would have been entitled to under existing laws if he had served the same time in the Army of the United States in said war.

APPROVED, August 5, 1854.

No. 182.—*An Act for the Relief of the Legal Representatives of Charles Pavis.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the General Land Office be, and he is hereby, authorized and required to correct the error in the description of the claim for land by Charles Pavis (number

thirty-seven) in the report of the register and receiver of the land office at Ouachita, Louisiana, dated July twenty-fourth, eighteen hundred and thirty-seven, and confirmed by the act entitled "An act confirming certain land claims in Louisiana," approved July sixth, eighteen hundred and forty-two, and to have the same located on the south or right side of Red river descending, not exceeding the quantity claimed and confirmed as aforesaid: *Provided*, That this is only to operate as a quitclaim on the part of the United States.

APPROVED, August 5, 1854.

No. 183.—*An Act for the Relief of the Heirs of Captain Matthew Jack, deceased.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and required to pay to Samuel Jack, for himself and the other heirs of Mathew Jack, deceased, late a captain in the Pennsylvania line in the continental establishment of the war of the Revolution, one year's extra pay of a captain in such service, as promised by the resolves of Congress, to be paid out of any money in the Treasury not otherwise appropriated.

APPROVED, August 5, 1854.

No. 184.—*An Act for the Relief of the Legal Heirs of Benjamin Metoyer.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Benjamin Metoyer, of Natchitoches parish, of Louisiana, be authorized to enter for himself and the other heirs of Benjamin Metoyer, deceased, [as] near as may be by legal subdivisions, one hundred and twenty-three and twelve one hundredths acres of land, out of any public lands belonging to the United States.

SEC. 2. *And be it further enacted*, That the Commissioner of the Land Office be authorized to issue to the said heirs and legal representatives, patents for the lands heretofore confirmed to them, or those under whom they claim by acts of Congress.

APPROVED, August 5, 1854.

No. 185.—*An Act for the Relief of James Capen.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be directed to place the name of James Capen on the pension roll, and that the said Capen be entitled to receive the sum of eight dollars per month during his natural life, to commence on the fourth day of March, eighteen hundred and fifty-one.

APPROVED, August 5, 1854.

No. 186.—*An Act for the Relief of Lloyd Dorsey and others.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Lloyd Dorsey, of the county of St. Charles, and State of Missouri, be, and he is hereby, authorized to enter at the proper land office in said State, at the minimum price of the public lands, the southeast fractional quarter of section twenty-two, township forty-six, range four east, containing one hundred and forty-two and eighty-nine one hundredth acres; and that he is hereby authorized to enter, for the use and benefit of the heirs of George Pitzer, deceased, the southwest fractional quarter of section twenty-two, township forty-six, range four east, containing one hundred and four acres, and the northeast fractional quarter of section twenty-seven, township forty-six, range four east, containing forty-six acres: *Provided*, That nothing in this act contained shall prejudice the rights of any person or persons having any legal or equitable claim to the lands herein mentioned, or any part thereof.

APPROVED, August 5, 1854.

No. 187.—*An Act for the Relief of William Curran.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress

assembled, That the assignment, bearing date the twenty-fifth day of April, eighteen hundred and fifty-one, from Thomas Myers to William Curran, of bounty land warrant number four hundred and seven, for one hundred and sixty acres of land, dated the seventh day of February, eighteen hundred and fifty-one, and issued to Thomas Myers, private and corporal in Captain Skinner's company, Colonel Mill's regiment, New York volunteers, war of eighteen hundred and twelve, be, and the same is hereby, confirmed and declared effectual to transfer the said land warrant to the said William Curran, and to vest in him the title thereto from the date of said assignment; and this act shall be deemed and taken to be good and sufficient evidence of said assignment having been duly made in all courts and places whatever.

APPROVED, August 5, 1854.

No. 188.—*An Act for the Relief of Robert F. McGuire and Louisa, his wife, late Louisa Lamy.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Robert F. McGuire, and Louisa McGuire, his wife, late Louisa Lamy, be, and they are hereby, confirmed in their title to a certain tract of land, in the State of Louisiana, containing four hundred arpents, situate in and being a part of the "Baron de Bastrop Grant," being the same tract to which the said McGuire and wife derived their title from the conveyance of A. Morehous, dated seventeenth April, eighteen hundred and nine: *Provided*, That this act shall be considered only as a relinquishment of title on the part of the United States to the said tract, and not prejudice the rights of third persons.

APPROVED, August 5, 1854.

No. 189.—*An Act for the Relief of Warren Raymond.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to place the name of Warren Raymond, of the State of New York, upon the roll of invalid pensioners, at the rate of four dollars per month, to commence on the first day of January, Anno Domini, eighteen hundred and fifty-three, and to continue during his natural life.

APPROVED, August 5, 1854.

No. 190.—*An Act for the Relief of John S. King, of Virginia.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, required to place the name of the said John S. King upon the pension roll, and cause to be paid to him the sum of eight dollars per month, for and during his natural life, commencing January first, A. D. one thousand eight hundred and fifty-three.

APPROVED, August 5, 1854.

No. 191.—*An Act for the Relief of Henry Lewis and Moses Petel, Clinton County, Indiana.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Henry Lewis, of Clinton county, Indiana, and Moses Petel, of Park county, Indiana, be, and they are hereby, each authorized to enter, free of cost, except the fees to the land officers, forty acres of land, out of any lands subject to private entry, at any land office in the United States, or the Territories thereof, in full of their respective claims for money paid Charles Tyler, register of the land office at Crawfordsville, Indiana, in the month of January, Anno Domini eighteen hundred and thirty-seven, the amount thereof being fifty dollars each.

APPROVED, August 5, 1854.

No. 192.—*An Act for the Relief of the Legal Representatives of George McGirk.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the legal representatives of George McGirk be, and they are hereby, authorized to enter, without payment, one hundred and sixty acres of land, in any land office in the State of Missouri, in lieu of a tract of land claimed by

them in said State, viz: the northwest quarter of section one, in township forty-eight, of range seventeen, (west of the fifth principal meridian line, and being survey number two thousand five hundred and forty-four;) for which land, so entered by them, the register of the land office shall issue the necessary certificate, on payment of the fee therefor, on return of which said certificate to the General Land Office, a patent shall issue in favor of said legal representatives.

APPROVED, August 5, 1854.

No. 193.—*An Act for the Relief of Asa Leach.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be instructed to place the name of Asa Leach upon the pension roll, and to pay him at the rate of four dollars per month, commencing August first, eighteen hundred and fifty-two, to continue during his life.

APPROVED, August 5, 1854.

No. 194.—*An Act for the Relief of George M. Bentley, of the State of Indiana.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is authorized and directed to place the name of George M. Bentley, of the State of Indiana, upon the list of invalid pensioners of the United States, at the rate of eight dollars per month, from the first day of January, in the year eighteen hundred and fifty-four, and to continue during his natural life.

APPROVED, August 5, 1854.

No. 195.—*An Act granting the Right of Way to the Marysville and Benicia Railroad Company through and over the grounds of the United States at Benicia, in California.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way, sixty-six feet in width, shall be, and is hereby, granted to the Marysville and Benicia Railroad Company for the road of said company through and over the grounds of the United States at and near Benicia, in Solano county, and State of California: *Provided*, That the route of said railroad across said grounds be approved by the Secretary of War before the same is entered upon for the purpose of constructing said railroad: *And provided further*, That the same be granted without detriment to the public interest, in the opinion of the Secretary of War.

APPROVED, August 5, 1854.

No. 196.—*An Act for the Relief of the Inhabitants of Township Forty-five, Range One, in Warren County, Missouri.*

Whereas the concession of six hundred arpents of land by C. D. Delasus, the lieutenant governor of Upper Louisiana, to Andrew Kinaird, and which concession was confirmed by the act of Congress of July fourth, eighteen hundred and thirty-six, entitled "An Act confirming claims to land in the State of Missouri, and for other purposes," was located prior to the surveys of the public lands in Missouri; and whereas, upon the survey of said lands one half of section sixteen, of township forty-five, of range one west, in Warren county, Missouri, was covered by the concession to said Kinaird: *Therefore*—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the board of directors of common schools in and for said township be, and they are hereby, authorized to select and have set apart, for the use of schools in said township, one half of a section of any of the public lands in the land district within which said county is situated, in lieu of the half of said section sixteen, which is covered by the concession to said Kinaird; and when the said board of directors shall make the selection of said half section, the [y] shall notify the register of the land office in said district of the land so selected, and the same shall be reserved from sale and set apart for the use of schools in said township: *Provided*, That said selection and notification be made within twelve months after the passage of this act, and provided said selection shall be according to the legal subdivisions

of the public lands, and in quantities not less than eighty acres.

Sec. 2. *And be it further enacted*, That when the half section of land shall have been so as aforesaid selected and reported to the register aforesaid, the same shall vest in the State of Missouri, subject to the same disposition and uses, and shall be held subject to the same conditions and terms in all respects whatsoever, as by the sixth section of the act of Congress of March sixth, eighteen hundred twenty, entitled "An act to authorize the people of Missouri Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain Territories," were prescribed or intended in relation to sections numbered sixteen.

APPROVED, August 5, 1854.

RESOLUTIONS.

No. 1.—*Joint Resolution for the Relief of Alexander P. Field, late Secretary of Wisconsin Territory, and Sureties.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury Department be authorized and directed to settle the accounts of Alexander P. Field, late secretary of Wisconsin Territory, upon principles of equity and justice: *Provided*, That no credit shall be allowed the said Field in said settlement under this resolution, except such of the follow[ing] items numbering from one to twelve, inclusive, claimed by the said Field, as the said accounting officers may determine in equity and justice should be allowed:

Item No. 1. W. W. Wyman, payment on bond not yet surrendered, four hundred and thirty-seven dollars, (\$437 00.)

Item No. 2. C. C. Sholes, payment on his bond not surrendered, one thousand and seventy-five dollars, (\$1,075 00.)

Item No. 3. Over-payment to Josiah A. Noonan, for printing, one hundred dollars and forty-one cents, (\$100 41.)

Item No. 4. Over-payment to John Catlin, one hundred and seven dollars, (\$107 00.)

Item No. 5. George I. Coates's bond, wanting Gridley's indorsement, one hundred dollars, (\$100 00.)

Item No. 6. E. Slingerland's bond, wanting J. Kneeland's indorsement, one hundred dollars, (\$100 00.)

Item No. 7. James Sullivan's bond, wanting his own indorsement, thirty-five dollars, (\$35 00.)

Item No. 8. Appropriation of Legislative Assembly, for expenses of journey to Washington, procuring and transporting funds, etc., eight hundred dollars, (\$800 00.)

Item No. 9. Payment to Barlow Shackelford, six dollars and sixty-five cents, (\$6 65.)

Item No. 10. Appropriation of Legislative Assembly, February, eighteen hundred and forty-three, for expense to Washington, procuring and transporting money for expenses of Legislative Assembly, eight hundred dollars, (\$800 00.)

Item No. 11. Appropriation for office rent, stationery, etc., one hundred dollars, (\$100 00.)

Item No. 12. Appropriation for postage, one hundred dollars, (\$100 00), making in all, three thousand seven hundred and sixty-one dollars and six cents, (\$3,761 06.)

APPROVED, January 24, 1854.

No. 2.—*Joint Resolution for settling the Accounts of A. Boyd Hamilton.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in place of the parties named for settling the accounts of A. Boyd Hamilton in the seventeenth section of the act entitled "An act making appropriations for the civil and diplomatic expenses of the Government for the year ending thirtieth June, eighteen hundred and fifty-three, and for other purposes," there be substituted the First Comptroller of the Treasury, who is hereby charged with their duties as specified in said act, and that the accounts of said A. Boyd Hamilton be settled as prescribed in said section of said act, and that he be paid any sum that may be found

due to him at the Treasury of the United States upon the certificate of said Comptroller.

APPROVED, March 27, 1854.

No. 3.—*A Resolution giving the consent of Congress to the acceptance by Lieutenant M. F. Maury, of the Navy, of a Gold Medal from His Majesty the King of Sweden.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Lieutenant M. F. Maury, of the United States Navy, be, and he is hereby, authorized to accept a gold medal recently presented to him by His Majesty the King of Sweden.

APPROVED, June 29, 1854.

No. 4.—*Joint Resolution to correct a clerical error in the Act approved June twenty-second, eighteen hundred and fifty-four, "to authorize a Register to be issued to the steamer El Paraguay, by a new name."*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the word "Joy," where it occurs in the "Act to authorize a register to be issued to the steamer El Paraguay by a new name," approved June twenty-second, eighteen hundred and fifty-four, shall read and be held to mean *Ivy*.

APPROVED, July 17, 1854.

No. 5.—*A Resolution authorizing the Secretary of the Territory of New Mexico to adjust and pay to Juan C. Armijo, José L. Perea, and James L. Collins, the amount by them loaned to the Legislative Assembly of the Territory of New Mexico, under authority of a Joint Resolution of that body, approved the seventeenth of June, eighty [eighteen] hundred and fifty-one.*

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Territory of New Mexico be authorized to adjust and pay to Juan C. Armijo, José L. Perea, and James L. Collins, the amount of a loan, with interest, by them made to the Legislative Assembly of the Territory of New Mexico, negotiated by authority of a joint resolution of that body, approved on the seventeenth of June, eighteen hun-

dred and fifty-one. The payment to be made out of the unexpended fund appropriated by Congress for legislative expenses in said Territory, and in accordance with the agreement made when the loan was negotiated.

APPROVED, July 27, 1854.

No. 6.—*Joint Resolution giving One Hundred and Sixty Acres of Land to Francis M. Gwin, of Indiana.*

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to issue to Francis M. Gwin, of New Albany, Indiana, a land warrant for one hundred and sixty acres of land, in consideration of his gallant services in serving during the Mexican war whilst he was a minor.

APPROVED, August 1, 1854.

No. 7.—*Joint Resolution for the Relief of John A. Bryan.*

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be authorized and required to receive proof of the number of days that John A. Bryan was engaged in the discharge of the duties of a commissioner, to make and carry into effect a treaty with the Wyandott Indians, being appointed commissioner for the purposes aforesaid, by the Secretary of War, on the nineteenth of April, eighteen hundred and thirty-six, and to pay the said Bryan, at the rate of eight dollars per day whilst so engaged, out of any money in the Treasury not otherwise appropriated, deducting therefrom any amount that said Bryan may have heretofore received for said services.

APPROVED, August 1, 1854.

No. 8.—*Joint Resolution for the Relief of Brevet Captain J. H. Lendrum, United States Army.*

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the accounting officers of the Treasury be authorized to settle the accounts of Brevet Captain J. H. Lendrum, of the United States Army, and to credit the said Lendrum with the sum of two thousand nine hundred and sev-

enty dollars and fourteen cents, moneys disbursed by said Lendrum out of the moneys of the quartermasters' fund, and the sum of three thousand five hundred and seventy-five dollars and ninety-six cents, moneys disbursed by said Lendrum out of the moneys belonging to the civil fund of California, the vouchers for which were lost and destroyed by reason of the fire in the city of San Francisco on the fourth of May, Anno Domini eighteen hundred and fifty.

APPROVED, August 3, 1854.

No. 9.—*A Joint Resolution directing the Accounting Officers of the Treasury to Adjust the Account of William Woodbury, late Pension Agent at Portland, Maine.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the accounting officers of the Treasury be, and they are hereby, directed, in adjusting the account of William Woodbury, late pension agent at Portland, Maine, to place to the credit of the said William Woodbury the same amount paid by him to Mary Hone, the only surviving child and heir of Keziah Heartshorne, deceased, the same having been paid in conformity with the directions of the Commissioner of Pensions, as conveyed upon the face of a certificate of pension issued by said Commissioner to said Keziah Hartshorne on the twentieth day of January, one thousand eight hundred and forty-nine.

APPROVED, August 3, 1854.

No. 10.—*A Joint Resolution making Appropriation for the Payment of those entitled to the Benefits of the Resolution of the House of Representatives of the United States, passed August third, eighteen hundred and fifty-four, voting Extra Compensation to Pages, Folders, and others.*

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum appropriated by the House of Representatives on this day for the payment of its pages and employees, be paid out of any moneys in the Treasury not otherwise appropriated.

APPROVED, August 5, 1854.

APPROPRIATIONS, NEW OFFICES, ETC.

APPROPRIATIONS, NEW OFFICES, &c.

STATEMENTS, SHOWING

I.—Appropriations made during the First Session of the Thirty-Third Congress.

II.—Offices created, and the salaries thereof.

III.—The offices, the salaries of which have been increased, with the amount of such increase during the same period.

OFFICE HOUSE OF REPRESENTATIVES } UNITED STATES, September 22, 1854. }

In obedience to the sixth section of the "Act to authorize the appointment of additional paymasters, and for other purposes," passed July 4, 1836, which requires "the Secretary of the Senate and Clerk of the House of Representatives, as soon as may be after the close of each session of Congress, to publish a statement of all appropriations made during the session; and also a statement of the new offices created, and the salaries of each; and also a statement of the offices, the salaries of which are increased, and the amount of such increase," the Clerk of the House of Representatives submits the accompanying statements.

JOHN W. FORNEY,

Clerk House of Representatives United States.

I.—APPROPRIATIONS MADE DURING THE FIRST SESSION OF THE THIRTY-THIRD CONGRESS.

By the act to authorize the construction of six first-class steam frigates, and for other purposes.

For the construction of six first-class steam frigates, to be provided with screw propellers, and properly armed and equipped for service, and for altering, completing, and launching the frigates Santee, at Kittery, and Sabine, at New York.....\$3,000,000 00

By the act making appropriations for the support of the Military Academy for the year ending the thirtieth of June, one thousand eight hundred and fifty-five.

For pay of officers, instructors, cadets, and musicians.....\$88,266 00
For commutation of subsistence.....2,190 00
For forage for officers' horses.....960 00
For general repairs and improvements of academic buildings, barracks, mess rooms, officers' quarters, stables, roads, fences, parade, and drill grounds, miscellaneous and incidental expenses, fuel, forage, and departments of instruction.....29,735 00
For gradual increase and expense of library.....1,000 00
For expenses of the board of visitors.....3,000 00
For forage for artillery and cavalry horses.....8,610 00
For replacing dead and worn-out cavalry and artillery horses.....1,000 00
For enlarging and improving hospital of cadets.....6,500 00
For cavalry exercise hall.....20,000 00

\$161,281 00

By the act to supply deficiencies in the appropriations for the service of the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-four, and for other purposes.

Department of State.

For the increased compensation of the Secretary of State, from the fourth of March, one thousand eight hundred and fifty-three, to the thirtieth of June, one thousand eight hundred and fifty-four.....\$2,413 37

For compensation of the Assistant Secretary of State, from the eighteenth of April, one thousand eight hundred and fifty-three, to the thirtieth of June, one thousand eight hundred and fifty-four.....3,609 90

For publishing the laws, in pamphlet form and in the newspapers of the States and Territories, and in the city of Washington.....2,380 00
For extra clerk hire and copying.....4,000 00

For payment of a clerk, necessarily employed in the recess of Congress to bring up the arrears of the disbursing agent of the Department of State.....432 00

For compiling and supervising the publication of the Biennial Register.....500 00

For outfit of a chargé d'affaires to Denmark.....4,500 00

For the usual return allowance for Ministers of the United States to Great Britain, France, Russia, Prussia, Spain, Brazil, Mexico, and Chili.....18,000 00

For the usual return allowance of chargé d'affaires, or ministers resident to Portugal, Austria, Denmark, Sweden, Holland, Belgium,

Naples, Sardinia, New Granada, Venezuela, Buenos Ayres, Bolivia, Ecuador, and Nicaragua.....15,750 00

For the usual return allowance of the minister resident to Turkey.....1,500 00

For the outfit of the minister resident to Turkey.....6,000 00

For outfits of chargés d'affaires to Turkey.....2,439 02

For an outfit for the late chargé d'affaires to Austria.....4,500 00

For salary of the dragoman to Turkey.....122 83

For salary of the assistant dragoman to Turkey.....599 13

For expenses of intercourse with the Barbary Powers.....6,141 49

For contingent expenses of foreign intercourse.....15,000 00

For contingent expenses of all the missions abroad.....42,720 03

For payment of a balance due the agent employed for purchasing, walling, and ditching a piece of land near the City of Mexico, for a cemetery or burial ground.....415 27

To pay expenses incurred by Edward Cunningham, acting consul at Shanghai, for a police force for the preservation of the peace by American citizens.....572 80

For payment of the claim of Thomas N. Johnson for his services as marshal at the port of Shanghai, from the ninth of December, eighteen hundred and fifty-one, to the fifteenth of September, eighteen hundred and fifty-three, 1,781 74

For payment to John Bozman Kerr, in addition to his salary and allowances as chargé d'affaires to Nicaragua, the amount of his expenses on the journey to San Salvador and Guatemala, and of his expenses at those capitals under his commissions to the Governments of those Republics, together with a full outfit as chargé d'affaires to the National Representation of Central America.....[Indefinite.]

Treasury Department.

For the increased compensation of the Secretary of the Treasury from the fourth of March, one thousand eight hundred and fifty-three, to the thirtieth of June, one thousand eight hundred and fifty-four.....2,655 55

To enable the Secretary of the Treasury to compensate the agent employed in paying annuities to Cherokee Indians remaining in North Carolina, under the act of the twenty-ninth of July, one thousand eight hundred and forty-eight.....500 00

For contingencies, including rent, fuel, labor, light, and watching, for the building occupied by the Third Auditor of the Treasury, from the first of August, one thousand eight hundred and fifty-three, to the thirtieth of June, one thousand eight hundred and fifty-four.....3,666 67

For contingencies, including rent, fuel, labor, light, and watching, for the building occupied by the Fifth Auditor of the Treasury, from the first of November, one thousand eight hundred and fifty-three, to the thirtieth of June, one thousand eight hundred and fifty-four.....2,666 67

For contingent expenses of the office of the Auditor of the Post Office Department, viz:

For miscellaneous and printing prior to the fourth of March, one thousand eight hundred and fifty-three.....3,390 98

For printing, furniture, and labor, since the fourth of March, one thousand eight hundred and fifty-three.....2,427 14

For salaries of officers and clerks in branch Mint at San Francisco, California.....12,670 00

For wages of workmen in branch Mint at San Francisco, California.....33,300 00

For incidental and contingent expenses of the branch Mint at San Francisco, California.....4,200 00

For salaries of officers and clerks in assay office, New York.....12,900 00

For wages of workmen in assay office, New York.....12,500 00

For incidental and contingent expenses in assay office, New York.....21,000 00

For the employment of workmen, materials, and other expenses necessary to put the branch Mint at San Francisco, California, in operation.....40,000 00

For the collection of agricultural statistics and the procurement and distribution of seeds and cuttings, to be expended under the direction of the Commissioner of Patents.....10,000 00

To complete the public buildings in New Mexico.....50,000 00

For finishing the capitol and territorial prison in the Territory of Minnesota, and grading and fencing the grounds of same.....10,000 00

Interior Department.

For the increased compensation of the Secretary of the Interior, from the fourth of March, one thousand eight hundred and fifty-three, to the thirtieth of June, one thousand eight hundred and fifty-four.....2,655 55

For the increased compensation of the surveyor-general of Oregon, from the third of March, one thousand eight hundred and fifty-three, to the thirtieth of June, one thousand eight hundred and fifty-four.....1,327 77

For rent of surveyor general's office in California, purchase of instruments, records, drawing materials, furniture, fuel, and pay of messengers.....4,000 00

For compensation of a draughtsman and clerks for the office of the surveyor general of California.....10,000 00

For contingent expenses in the office of the Commissioner of Pensions:

For stationery.....1,000 00

For binding books.....1,000 00

For office furniture.....1,000 00

For printing and engraving bounty land certificates.....1,500 00

For miscellaneous items.....1,500 00

For continuing the surveys in the northern portions of Iowa, Minnesota, and Wisconsin, at the rates now authorized by law.....40,000 00

For paying pensions, under the act of the third of February, one thousand eight hundred and fifty-three.....128,000 00

For paying pensions of invalids who were wounded on board of private armed vessels during the last war with Great Britain, from the first of July, one thousand eight hundred and fifty-one, to the thirtieth of June, one thousand eight hundred and fifty-four.....8,400 00

For the President's House and grounds, for fuel for the President's House, and for iron fences, 3,800 00

For repairs of the Capitol, and improving the grounds around it.....6,500 00

For repairs of water pipes.....200 00

To pay two draw-keepers on the Long Bridge up to the first of July, one thousand eight hundred and fifty-four.....400 00

For trees, tree-boxes, and repairs of pavements, 500 00

For lamps and lamp posts on Pennsylvania Avenue, between Seventeenth street and Georgetown, and between the Capitol and Navy-Yard.....1,200 00

For completing and keeping in order the grounds south of the President's House.....9,770 00

For furnishing an additional number of iron settees for the President's and Capitol grounds.....1,000 00

For completing the pedestal and inclosure of the equestrian statue of Andrew Jackson.....500 00

For the payment of laborers employed in shoveling snow from the walks, to and around the Capitol, the President's House, and other public buildings.....420 00

For furnishing the rooms of the new wing of the Patent Office Building with furniture, and providing the saloon therein with cases for models.....45,000 00

For fulfilling treaties with the Sioux of the Mississippi:

For the third of fifty installments of interest, at the rate of five per cent. per annum, on one million three hundred and sixty thousand dollars, stipulated in the fourth article of the treaty of twenty-third July, eighteen hundred and fifty-one.....68,000 00

For the third of fifty installments of interest, at the rate of five per cent. per annum on one hundred and twelve thousand dollars, being the amount in lieu of the reservation set apart in the third article of the treaty of twenty-third July, eighteen hundred and fifty-one, per Senate's amendment thereof.....5,600 00

For the third of fifty installments of interest, at the rate of five per cent. per annum on one million one hundred and sixty thousand dollars, stipulated in the fourth article of the treaty of fifth August, eighteen hundred and fifty-one.....58,000 00

For the third of fifty installments of interest, at the rate of five per cent. per annum on sixty-nine thousand dollars, being the amount in lieu of the reservation set apart in the third article of the treaty of fifth August, eighteen hundred and fifty-one, per Senate's amendment thereof.....3,450 00

To pay clerks for services performed on Chickasaw Indian business, in pursuance of the regulations of the President of the United States, and in conformity with the decision of the late Secretary of the Interior.....6,187 50

For general incidental expenses of the Indian service in New Mexico for the present fiscal year.....15,000 00

For the payment for the printing of the returns of the Seventh Census, and the paper purchased for said printing, under the provisions of the "joint resolution providing for the printing and binding of the returns of the Seventh Census," approved March third, eighteen hundred and fifty-three—that is to say:

For the printing of the returns before mentioned.....15,909 93

For the paper purchased for said printing.....27,106 68

For compensation of two additional clerks in the office of the Superintendent of Public Printing.....1,200 00

For the printing of Executive departments, including paper and printing the annual estimates of appropriations for the year one thousand eight hundred and fifty-five, and for printing, paper, and binding twenty thousand

copies of the annual report of the Secretary of the Treasury on commerce and navigation for the year one thousand eight hundred and fifty-three..... 9,085 00

War Department.

For the increased compensation of the Secretary of War, from the fourth of March, eighteen hundred and fifty-three, to the thirtieth of June, eighteen hundred and fifty-four..... 2,655 55
For rent of house on northwest corner of F and Seventeenth streets, and warming all the rooms in it..... 385 00
For the compensation of the expenses of the commission of civilians and military men appointed under the provisions of the first section of the act entitled "An act making appropriations for the support of the Army for the year ending the thirtieth of June," one thousand eight hundred and fifty-four," approved third of March, one thousand eight hundred and fifty-three, to determine matters connected with the management of the national armories..... 5,996 61
For arrearages of pay for services of volunteers in the Kentucky regiment called into service in eighteen hundred and thirty-six..... 1,000 00
For arrearages of pay for services rendered by volunteers or militia in the Black Hawk war, for clothing for the army, camp and garrison equipage, and horse equipments, to supply the place of losses sustained by the wreck of the steamer San Francisco..... 26,590 00
For deficiencies for the railroad surveys between the Mississippi river and the Pacific ocean..... 40,000 00

Navy Department.

For the increased compensation of the Secretary of the Navy from the fourth of March, one thousand eight hundred and fifty-three, to the thirtieth of June, one thousand eight hundred and fifty-four..... 2,584 61
For contingent expenses of the Southwest Executive Building, viz:
For fuel and lights..... 700 00
For miscellaneous items..... 800 00
For contingent expenses of the Navy, that may accrue for the following purposes, viz: freight and transportation, printing and stationery, advertising in newspapers, books, maps, models, and drawings, purchase and repair of fire-engines and machinery, repairs of and attending to steam-engines in navy yards, purchase and maintenance of horses and oxen, and driving teams, carts, timber-wheels, and the purchase and repair of workmen's tools, postage of public letters, furniture for Government houses, fuel, oil, and candles for navy yards and shore stations, pay of watchmen, and incidental labor not chargeable to any other appropriation, labor attending the delivery of stores on civil stations, wharfage, dockage, and rent, traveling expenses of officers and others under orders, funeral expenses, store and office rent, stationery, fuel, commissions and pay of clerks to navy agents and store-keepers, flags, awnings, and packing-boxes, premiums, and other expenses of recruiting, apprehending deserters, per diem pay to persons attending courts-martial and courts of inquiry, and other services authorized by law, pay to judges-advocate, pilotage and towage of vessels, and assistance to vessels in distress, bills of health and quarantine expenses of the United States Navy to foreign ports..... 72,660 00
For continuing the publication of wind and current charts, for printing and publishing sailing directions, hydrographical surveys, and other expenses of the hydrographical office..... 10,000 00
For reappropriation of the following sums, carried to the surplus fund, and for the objects mentioned:
For dry-dock at Kittery..... 2,900 85
For dry-dock at Pensacola..... 11,119 13
For magazine at Norfolk..... 2,068 42
For magazine at Boston..... 480 63
For magazine at New York..... 631 32
For magazine at Washington..... 1,600 06
For hospital at Philadelphia..... 2,442 42

Post Office Department.

For the increased compensation of the Postmaster General, from the fourth of March, one thousand eight hundred and fifty-three, to the thirtieth of June, one thousand eight hundred and fifty-four..... 2,655 55
For compensation of two temporary clerks employed in the Post Office Department, viz: One from the first of April to the thirtieth of June, one thousand eight hundred and fifty-three, at the rate of twelve hundred dollars per annum; and one from the nineteenth of May to the thirtieth of June, one thousand eight hundred and fifty-three, at the rate of one thousand dollars per annum; and from the first of July to the second of August, one thousand eight hundred and fifty-three, at the rate of twelve hundred dollars per annum..... 695 73
To supply a deficiency in the revenues of the Post Office Department for the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-three..... 545,445 63

Attorney General.

For the increased compensation of the Attorney General, from the fourth of March, one thousand

sand eight hundred and fifty-three, to the thirtieth of June, one thousand eight hundred and fifty-four..... 2,594 19
For the purchase of Spanish and Mexican law books for the Library of Congress..... 1,700 00

Miscellaneous.

For the contingent expenses of the Senate, viz:
For lithographing and engraving..... 20,000 00
For binding..... 30,000 00
For books..... 12,691 00
For clerks to committees and President *pro tempore*, draughtsman, messengers, pages, laborers, police, horses, and carry-alls..... 4,400 00
For miscellaneous items: To replace this amount, drawn by order of the Senate from that head of appropriation, in a payment to R. M. Young, as commissioner to investigate charges against Hon. A. Ramsay, late superintendent of Indian affairs, Minnesota..... 924 20
To enable the Secretary of the Senate to pay for the maps of the public lands authorized by the resolution of the Senate of the third March, eighteen hundred and fifty-three, to be printed under the direction of the Committee on Public Lands..... 5,150 00
For the expenses of the House of Representatives, viz:
For horses and carriages..... 840 00
For newspapers for members..... 2,000 00
For pages..... 1,936 00
For binding documents..... 77,596 40
For miscellaneous items..... 20,000 00
For binding the Congressional Globe and Appendix of the second session of the Thirty-Second Congress—five thousand and eighty-eight volumes, at sixty cents per volume..... 3,412 80
For continuing the preparation and publication of a stereotyped catalogue of the Library of Congress..... 5,000 00
For the messenger to the Speaker..... 312 00
For pay for Annals of Congress, ordered by the House for the House library, being one hundred copies of each of the following volumes: first, second, and third volumes Tenth Congress, and first, second, and third volumes Eleventh Congress—in all six hundred volumes, at five dollars per volume..... 3,000 00
For printing index to private claims, ordered to be printed by resolution of the House of Representatives of the twenty-second of December, one thousand eight hundred and fifty-one..... 20,000 00
For binding index to private claims..... 5,700 00
For rent of paper warehouse from the first of January to thirtieth of June, eighteen hundred and fifty-four, at two hundred and fifty dollars per annum..... 125 00
For cartage of printing paper from warehouse and office of the Superintendent of Public Printing to the printing offices, and labor, from the first of January to the thirtieth of June, eighteen hundred and fifty-four, at five hundred and fifty dollars per annum..... 275 00
For arrearages incurred prior to the first of July, one thousand eight hundred and fifty-three, for running and marking the boundary line between the United States and Mexico, under the treaty of Guadalupe Hidalgo..... 50,000 00
For engraving maps, views, sections, and natural history, of the survey of the boundary between the United States and Mexico..... 10,000 00
For wood cuts purchased by the Commissioner of Patents, for illustrating the mechanical part of the Patent Office report for eighteen hundred and fifty-three-four, ordered by the House of Representatives..... 1,500 00
For salaries and incidental expenses of the commission appointed under the act of March third, eighteen hundred and fifty-one, for settling land claims in California..... 42,000 00
For the payment of the claims presented by certain counties of the late Territory of Iowa for expenses of the United States district court, which were paid by said counties prior to the admission of said Territory in the Union as a State..... [Indefinite.]
For compensation of the judge of first instance in civil cases for the district of San Francisco, California, per appointment dated twenty-first of September, eighteen hundred and forty-nine, by the late General B. Riley, while Governor of that country, from first October, eighteen hundred and forty-nine, to the first of April, eighteen hundred and fifty..... 750 00
For the payment of a draughtsman and clerks employed under the resolution of May four, eighteen hundred and forty-eight, upon the maps of the public lands..... 5,675 00
For the payment of the following clerks, in addition to the clerks authorized by the third section of the act of March third, eighteen hundred and fifty-three, entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending the thirtieth of June, eighteen hundred and fifty-four," in the office of the Register of the Treasury, three clerks of class three, to include the clerk now authorized to take charge of the redemption of stocks, and in the office of the Commissioner of Pensions, in lieu of the temporary clerks now employed therein, five clerks of class two, and fifteen clerks of class three..... [Indefinite.]
\$1,896,290 06

By the act to enable the President of the United States to fulfill the third article of the treaty between the United States and the Mexican Republic, of the thirtieth of December, one thousand eight hundred and fifty-three, as amended by the Senate of the United States.

To enable the President of the United States to fulfill the stipulation in the third article of the treaty between the United States and the Mexican Republic, of the thirtieth of December, one thousand eight hundred and fifty-three, as subsequently amended by the Senate of the United States..... \$10,000,000 00

By the act making further appropriations for continuing the construction of roads in the Territory of Minnesota, in accordance with the estimates made by the War Department.

For the continuation of the road from Point Douglas, on the Mississippi river, to the mouth of the St. Louis river, of Lake Superior, in Wisconsin..... \$20,000 00
For the continuation of the road from Point Douglas to Fort Gaines, now Fort Ripley..... 10,000 00
For the continuation of the road from the mouth of Swan river to the Winnebago agency..... 5,000 00
For the continuation of the road from Wabashaw to Mendota..... 15,000 00
\$50,000 00

By the act to refund to the Territory of Utah the expenses incurred by said Territory in suppressing Indian hostilities.

The amount of expenses incurred by the said Territory in the suppression of Indian hostilities within said Territory during the years eighteen hundred and fifty and eighteen hundred and fifty-one; and that the amount of such expenses, when so ascertained, be paid into the treasury of said Territory..... \$20,940 65

By the act to authorize the Secretary of War to settle and adjust the expenses of the Rogue River Indian war.

For services rendered in the late war with the Rogue River Indians in Oregon—known as the Rogue River war—according to the muster-rolls of the same; also, for subsistence, forage, medical stores, and expenditures, as well as for any other necessary and proper supplies furnished for the prosecution of said war..... [Indefinite.]

By the act for the construction of certain military roads and wells in the Territory of New Mexico.

From Taos to Santa Fé..... \$20,000 00
From Santa Fé to Dona Ana..... 12,000 00
\$32,000 00

By the act for the payment of the civil officers employed in the Territory of New Mexico while under military government.

To pay to the civil officers employed in the Territory of New Mexico, while the same was under military government, the salaries due and payable to them from the twenty-second of September, eighteen hundred and forty six, until the third of March, eighteen hundred and fifty-one, according to the rate of compensation prescribed by the organic law promulgated by General Stephen W. Kearney for the government of said Territory of New Mexico, deducting therefrom such sums as have already been paid to them from the treasury of said Territory..... [Indefinite.]

By the act to provide for the continuation of the military road from Myrtle Creek to Scottsburg, in Oregon.

For the extension and completion of the military road from Myrtle Creek, in Unquava Valley, to Scottsburg, in the Territory of Oregon..... \$20,000 00

By the act to provide for the construction of a military road in the Territory of Utah.

For the construction of a military road within the Territories of Utah and New Mexico, commencing at Great Salt Lake City, and running by the way of Provo City, Fillmore City, Parowan, and Cedar City, to the eastern boundary of California, in the direction of the Cajon Pass, \$25,000 00

By the act making further appropriations for the improvement of the Cape Fear river, North Carolina.

For the continuation of the improvement of the Cape Fear river, North Carolina, at or near its communication with the ocean..... \$140,000 00

By the act making appropriations to defray the expenses of the Cayuse war.

To pay the actual and necessary expenses in-

curred by the provisional government of Oregon in defending the people of the said Territory from the attacks and hostilities of the Cayuse Indians, in the years eighteen hundred and forty-seven and eighteen hundred and forty-eight, and for such allowances for the expenses of adjusting claims on that account as the Secretary of the Treasury may deem proper.....\$75,000 00

By the act making appropriation for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, one thousand eight hundred and fifty-five, and for other purposes.

For the current and contingent expenses of the Indian Department, viz:

For pay of superintendents of Indian affairs, per acts of fifth June, eighteen hundred and fifty, twenty-seventh February, eighteen hundred and fifty-one, and third of March, eighteen hundred and fifty-two.....\$12,500 00

For pay of the several Indian agents, per acts of fifth of June, eighteen hundred and fifty, and twenty-seventh February, eighteen hundred and fifty-one.....34,750 00

For pay of three Indian sub-agents for California, at an annual salary of fifteen hundred dollars each.....4,500 00

For pay of four Indian sub-agents in Oregon Territory, at an annual salary of one thousand dollars each.....4,000 00

For pay of two Indian sub-agents in Washington Territory, at an annual salary of one thousand dollars each.....2,000 00

For pay of three Indian agents in Washington Territory, for six months, ending June thirtieth, eighteen hundred and fifty-four.....2,250 00

For pay of two Indian sub-agents in Washington Territory, for six months, ending June thirtieth, eighteen hundred and fifty-four.....1,000 00

For salaries of six agents, authorized by this act, at the rate of fifteen hundred dollars per annum each.....9,000 00

For the pay of interpreters, per acts of the thirtieth June, eighteen hundred and thirty-four, and twenty-seventh February, eighteen hundred and fifty-one.....28,000 00

For pay of six interpreters for the Indian tribes in Washington Territory.....3,000 00

For pay of six interpreters for the Indian tribes in Washington Territory, for six months, ending June thirtieth, eighteen hundred and fifty-four.....1,500 00

For the pay of clerk to superintendent at St. Louis, Missouri, per act of twenty-seventh June, eighteen hundred and forty-six.....1,200 00

For the pay of clerk to superintendent in California, per act of third March, eighteen hundred and fifty-two.....2,500 00

For presents to Indians.....5,000 00

For provisions for Indians.....11,800 00

For buildings at agencies and repairs thereof.....10,000 00

For erecting buildings for Indian agents in Washington Territory.....5,000 00

For contingencies of the Indian Department.....36,500 00

For the reappropriation for expenses of the removal of the Catawba Indians to the west of the Mississippi river, and of settling and subsisting them one year in their new homes, provided that a home shall first be obtained for them, and that they shall be removed only with their own consent.....5,000 00

To the Christian Indians.

For permanent annuity, stipulated in the acts of May twenty-sixth, eighteen hundred and twenty-four, and May twentieth, eighteen hundred and twenty-six.....400 00

To the Chippewas of Saganaw.

For permanent annuity, stipulated in the fourth article of the treaty of third of August, seventeen hundred and ninety-five.....1,000 00

For permanent annuity, stipulated in the second article of the treaty of seventeenth November, eighteen hundred and seven.....800 00

For permanent annuity, stipulated in the fourth article of the treaty of twenty-fourth of September, eighteen hundred and nineteen.....1,000 00

For permanent provisions for the support of blacksmiths and for farming utensils and cattle, and for the employment of persons to aid them in agriculture, stipulated in the eighth article of the treaty of twenty-fourth of September, eighteen hundred and nineteen, and the seventh article of the treaty of fourteenth of January, eighteen hundred and thirty-seven.....2,000 00

For education, during the pleasure of Congress, stipulated in the sixth article of the treaty of the fifth of August, eighteen hundred and twenty-six.....1,600 00

Chippewas, Menomonees, Winnebagoes, and New York Indians.

For education, during the pleasure of Congress, stipulated in the fifth article of the treaty of the eleventh of August, eighteen hundred and twenty-seven.....1,500 00

Choctaws.

For permanent annuity, stipulated in the second article of the treaty of sixteenth of November, eighteen hundred and five.....3,000 00

For permanent annuity, for support of light-horsemen, stipulated in the thirteenth article of the treaty of the eighteenth of October, eighteen hundred and twenty.....600 00

For permanent provision for education, stipulated in the second article of the treaty of twentieth of January, eighteen hundred and twenty-five.....6,000 00

For permanent provision for blacksmith, stipulated in the sixth article of the treaty of eighth of October, eighteen hundred and twenty, and the ninth article of the treaty of twentieth of January, eighteen hundred and twenty-five.....600 00

For permanent provision for iron and steel for shop, stipulated in the ninth article of the treaty of twentieth January, eighteen hundred and twenty-five.....320 00

Chickasaws.

For payment to the Chickasaw nation in full of the expenses of their commissioners in negotiating the treaty of June twenty-second, eighteen hundred and fifty-two, as stipulated in the ninth article of said treaty.....1,500 00

For permanent annuity, stipulated in the act of the twenty-fifth of February, seventeen hundred and ninety-nine.....3,000 00

Chippewas of Lake Superior and the Mississippi.

For eighteenth of twenty installments in money, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and thirty-seven.....9,500 00

For eighteenth of twenty installments in goods, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and thirty-seven.....19,000 00

For eighteenth of twenty installments for the establishment of three smiths' shops, supporting three smiths, and furnishing iron and steel, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and thirty-seven.....3,000 00

For eighteenth of twenty installments for the support of farmers, purchase of implements, grain and seed, and to carry on the agricultural pursuits, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and thirty-seven.....1,000 00

For eighteenth of twenty installments for the purchase of provisions, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and thirty-seven.....2,000 00

For eighteenth of twenty installments for the purchase of tobacco, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and thirty-seven.....500 00

For thirteenth of twenty-five installments in money, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two.....12,500 00

For thirteenth of twenty-five installments in goods, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two.....10,500 00

For thirteenth of twenty-five installments for the support of two smiths' shops, including the pay of two smiths and assistants, and furnishing iron and steel, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two.....2,000 00

For thirteenth of twenty-five installments for the pay of two farmers, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two.....1,000 00

For thirteenth of twenty-five installments for the pay of two carpenters, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two.....1,200 00

For thirteenth of twenty-five installments for the support of schools, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two.....2,000 00

For thirteenth of twenty-five installments for the purchase of provisions and tobacco, stipulated in the fourth article of the treaty of the fourth of October, eighteen hundred and forty-two.....2,000 00

Comanches, Kiowas, and Apaches, of the Arkansas River.

For first of ten installments for the purchase of goods, provisions, and agricultural implements, stipulated in the sixth article of the treaty of the twenty-seventh of July, eighteen hundred and fifty-three.....18,000 00

For expenses of the transportation of the first of ten installments of goods, provisions, and agricultural implements stipulated in the sixth article of the treaty of the twenty-seventh of July, eighteen hundred and fifty-three.....5,000 00

Delawares.

For the expenses of surveying the lands, as provided in the second article of the treaty of the sixth of May, eighteen hundred and fifty-four, for the first of eight equal installments for payment of five chiefs, per third and sixth articles of the treaty of the sixth of May, eighteen hundred and fifty-four.....1,250 00

For the first of two installments, per fourth article of the treaty of the sixth of May, eighteen hundred and fifty-four.....74,000 00

For the purchase of four sections of land for the Christian Indians, per thirteenth article of the treaty of the sixth of May, eighteen hundred and fifty-four.....6,400 00

For payment, under the direction of the President of the United States, to the Christian Indians, of all claims or demands for land or money arising under the third and fourth arti-

cles of the agreement of the eighth of November, eighteen hundred and twenty-three, made with said Indians.....1,600 00

Iowas.

For the expenses of surveying, as provided in the third article of the treaty of the seventeenth of May, eighteen hundred and fifty-four.....1,987 20

For the payment of a portion of the one hundred and fifty-seven thousand five hundred dollars due the Iowas, under the second clause of the second article of the treaty of the nineteenth of October, eighteen hundred and thirty-eight, to be applied as an agricultural fund, per ninth article of the treaty of the seventeenth of May, eighteen hundred and fifty-four.....50,000 00

For the payment, in consideration of removal to their reservation, and of a release of all claims per twelfth article of the treaty of the seventeenth of May, eighteen hundred and fifty-four.....5,000 00

Kickapoos.

For the expenses of selecting the reservation provided in the first article of the treaty of the eighteenth of May, eighteen hundred and fifty-four, and for surveying and marking the exterior lines of the same.....1,000 00

For the first installments of interest at five per centum on one hundred thousand dollars for education, per second article of the treaty of the eighteenth of May, eighteen hundred and fifty-four.....5,000 00

For the payment of this sum as the first installment in money, per second article of the treaty of the eighteenth of May, eighteen hundred and fifty-four.....25,000 00

For the payment for improvements and the expenses of appraising the same on the land ceded, per fourth article of the treaty of the eighteenth of May, eighteen hundred and fifty-four.....15,000 00

For removal and subsistence and in consideration of a release of all claims, per eighth article of the treaty of the eighteenth of May, eighteen hundred and fifty-four.....20,000 00

Sacs and Foxes of Missouri.

For expenses of selecting the reservation provided for in the first article of the treaty of the eighteenth of May, eighteen hundred and fifty-four, and for surveying and marking the exterior lines of the same.....500 00

For the first of four installments, per second article of the treaty of the eighteenth of May, eighteen hundred and fifty-four.....15,000 00

For removal and subsistence and in satisfaction of all claims and demands, per sixth article of the treaty of the eighteenth of May, eighteen hundred and fifty-four.....5,000 00

For defraying the expenses of the Creek delegation now in the city of Washington, and with whom a treaty has lately been concluded....1,199 55

Creeks.

For permanent annuity, stipulated in the fourth article of the treaty of the seventh of August, seventeen hundred and ninety.....1,500 00

For permanent annuity, stipulated in the second article of the treaty of the sixteenth of June, eighteen hundred and two.....3,000 00

For permanent annuity, stipulated in the fourth article of the treaty of the twenty-fourth of January, eighteen hundred and twenty-six.....20,000 00

For permanent provision for blacksmith and assistant, stipulated in the eighth article of the treaty of the twenty-fourth of January, eighteen hundred and twenty-six.....840 00

For permanent provision for iron and steel for shops, stipulated in the eighth article of the treaty of the twenty-fourth of January, eighteen hundred and twenty-six.....270 00

For eighteenth of twenty installments for the pay of two blacksmiths and assistants, stipulated in the thirteenth article of the treaty of the twenty-fourth of March, eighteen hundred and thirty-two.....1,680 00

For eighteenth of twenty installments for iron and steel for shops, stipulated in the thirteenth article of the treaty of the twenty-fourth of March, eighteen hundred and thirty-two.....540 00

For permanent provision for the pay of a wheelwright, stipulated in the eighth article of the treaty of the twenty-fourth of January, eighteen hundred and twenty-six.....600 00

For twenty-fourth of thirty-three installments for education, stipulated in the thirteenth article of the treaty of the twenty-fourth of March, one thousand eight hundred and thirty-two, and fourth article of the treaty of the fourth of January, eighteen hundred and forty-five.....3,000 00

For eleventh of twenty installments for education, stipulated in the fourth article of the fourth of January, eighteen hundred and forty-five.....3,000 00

For blacksmith and assistant, during the pleasure of the President, stipulated in the fifth article of the treaty of the fourteenth of February, eighteen hundred and thirty-three.....840 00

For iron and steel for shop, during the pleasure of the President, stipulated in the fifth article of the treaty of the fourteenth of February, eighteen hundred and thirty-three.....270 00

For wagon-maker, during the pleasure of the President, stipulated in the fifth article of the treaty of the fourteenth of February, eighteen hundred and thirty-three.....600 00

For agricultural implements, during the pleasure of the President, stipulated in the eighth article of the treaty of the twenty-fourth of January, eighteen hundred and twenty-six.....2,000 00

For education, during the pleasure of the President, stipulated in the fifth article of the treaty of the fourteenth of February, eighteen hundred and thirty-three..... 1,000 00

For the expenses of running and marking the eastern boundary line of the Creek country west of the Arkansas..... 8,000 00

Delawares.

For life annuity to chiefs, stipulated in the private article of supplemental treaty of the twenty-fourth of September, eighteen hundred and twenty-nine, to the treaty of the third of October, eighteen hundred and eighteen..... 200 00

For life annuity to chief, stipulated in the supplemental article to the treaty of the twenty-sixth of October, eighteen hundred and thirty-two..... 100 00

For interest on forty-six thousand and eighty dollars at five per centum, being the value of thirty-six sections of land set apart by treaty of eighteen hundred and twenty-nine, for education, stipulated in resolution of the Senate of the nineteenth of January, eighteen hundred and thirty-eight..... 2,304 00

Florida Indians, or Seminoles.

For eleventh of fifteen installments in goods, stipulated in the sixth article of the treaty of the fourth of January, eighteen hundred and forty-five..... 2,000 00

For eleventh of fifteen installments in money, stipulated in the sixth article of the treaty of the fourth of January, eighteen hundred and forty-five, and fourth article of the treaty of the ninth of May, one thousand eight hundred and thirty-two..... 3,000 00

Iowas.

For interest on one hundred and fifty-seven thousand five hundred dollars, at five per centum, stipulated in the second article of the treaty of the nineteenth of October, eighteen hundred and thirty-eight..... 7,875 00

Kansas.

For interest on two hundred thousand dollars, at five per centum, stipulated in the second article of the treaty of the fourteenth of January, eighteen hundred and forty-six..... 10,000 00

Miamies.

For permanent annuity, stipulated in the fourth article of the treaty of the twenty-third of October, eighteen hundred and twenty-six..... 25,000 00

For permanent provision for blacksmith and assistant, stipulated in the fifth article of the treaty of the sixth of October, eighteen hundred and eighteen..... 720 00

For permanent provision for iron and steel for shop, stipulated in the fifth article of the treaty of the sixth of October, eighteen hundred and eighteen..... 220 00

For permanent provision for pay of miller, in lieu of gunsmith, stipulated in the fifth article of the treaty of the sixth of October, eighteen hundred and eighteen, and the fifth article of the treaty of the twenty-fourth of October, eighteen hundred and thirty-four..... 600 00

For fourteenth of twenty installments in money, stipulated in the second article of the treaty of the twenty-eighth of November, eighteen hundred and forty..... 12,500 00

Eel Rivers, (Miamies.)

For permanent annuity, stipulated in the fourth article of the treaty of the third of August, seventeen hundred and ninety-five..... 500 00

For permanent annuity, stipulated in the third article of the treaty of the twenty-first of August, eighteen hundred and five..... 250 00

For permanent annuity, stipulated in the third article of the treaty of the thirtieth of September, eighteen hundred and nine..... 350 00

Menomonees.

For nineteenth of twenty installments as annuity, in money, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six..... 20,000 00

For nineteenth of twenty installments for two blacksmiths and assistants, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six..... 1,440 00

For nineteenth of twenty installments for iron and steel for shops, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six..... 440 00

For nineteenth of twenty installments for the purchase of provisions, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six..... 3,000 00

For nineteenth of twenty installments for the purchase of two thousand pounds of tobacco, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six..... 400 00

For nineteenth of twenty installments for farming utensils and cattle, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six..... 500 00

For nineteenth of twenty installments for thirty barrels of salt, stipulated in the second article of the treaty of the third of September, eighteen hundred and thirty-six..... 150 00

For third of fifteen installments for pay of miller, stipulated in the fourth article of the treaty of the eighteenth of October, eighteen hundred and forty-eight..... 600 00

Navajos.

For fulfilling treaty stipulations with the Navajos, pursuant to the requirements of the tenth article of the treaty of September ninth, eighteen hundred and forty-nine..... 5,000 00

Omahas.

For blacksmith and assistant, during the pleasure of the President, stipulated in the fourth article of the treaty of the fifteenth of July, eighteen hundred and thirty..... 720 00

For iron and steel for shops, during the pleasure of the President, stipulated in the fourth article of the treaty of the fifteenth of July, eighteen hundred and thirty..... 220 00

For fulfilling the stipulations contained in the fifth article of the treaty of the sixteenth of March, eighteen hundred and fifty-four..... 41,000 00

For surveying and marking the boundary of the reservation of land stipulated in the first article of the treaty of the sixteenth of March, eighteen hundred and fifty-four..... 1,200 00

Ottos and Missourias.

For blacksmith and assistant, during the pleasure of the President, stipulated in the fourth article of the treaty of the fifteenth of July, eighteen hundred and thirty..... 720 00

For iron and steel for shop, during the pleasure of the President, stipulated in the fourth article of the treaty of the fifteenth of July, eighteen hundred and thirty..... 220 00

For fulfilling the stipulations contained in the fifth article of the treaty of the fifteenth of March, eighteen hundred and fifty-four..... 20,000 00

For surveying and marking the boundary of the reservation of land stipulated in the first article of the treaty of the fifteenth of March, eighteen hundred and fifty-four..... 800 00

Ottowas.

For permanent annuity, stipulated in the fourth article of the treaty of the third of August, seventeen hundred and ninety-five..... 1,000 00

For permanent annuity, stipulated in the second article of the treaty of the seventeenth of November, eighteen hundred and seven..... 800 00

For permanent annuity, stipulated in the fourth article of the treaty of the seventeenth of September, eighteen hundred and eighteen..... 1,500 00

For permanent annuity, stipulated in the fourth article of the treaty of the twenty-ninth of August, eighteen hundred and twenty-one..... 1,000 00

Ottowas and Chippewas.

For the last of twenty installments in money, stipulated in the fourth article of the treaty of the twenty-eighth day of March, eighteen hundred and thirty-six..... 30,000 00

For interest, to be paid as annuity, on two hundred thousand dollars, at six per cent. per annum, stipulated in the resolution of the Senate of the twentieth of May, eighteen hundred and thirty-six..... 12,000 00

For education for twenty years, and during the pleasure of Congress, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six..... 5,000 00

For missions for twenty years, and during the pleasure of Congress, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six..... 3,000 00

For vaccine matter, medicines, and pay of physicians, so long as the Indians remain on their reservations, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six..... 300 00

For the last of twenty installments for the purchase of provisions, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six..... 2,000 00

For the last of twenty installments for the purchase of six thousand five hundred pounds of tobacco, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six..... 1,170 00

For the last of twenty installments for the purchase of one hundred barrels of salt, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six..... 200 00

For the last of twenty installments for the purchase of five hundred fish barrels, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six..... 400 00

For three blacksmiths for twenty years, and during the pleasure of Congress, stipulated in the seventh article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six..... 2,160 00

For iron and steel for shop for twenty years, and during the pleasure of Congress, stipulated in the seventh article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six..... 660 00

For gunsmith for shop for twenty years, and during the pleasure of Congress, stipulated in the seventh article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six..... 600 00

For iron and steel for shop for twenty years, and during the pleasure of Congress, stipulated in the seventh article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six..... 220 00

For two farmers and assistants, during the pleasure of the President, stipulated in the seventh article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six..... 1,600 00

For two mechanics, during the pleasure of the President, stipulated in the seventh article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six..... 1,200 00

Osages.

For seventeenth of twenty installments as annuity, stipulated in the second article of the treaty of the eleventh of January, eighteen hundred and thirty-nine..... 20,000 00

For seventeenth of twenty installments for two smiths' establishments, stipulated in the second article of the treaty of the eleventh of January, eighteen hundred and thirty-nine..... 2,000 00

For interest on sixty-nine thousand one hundred and twenty dollars, at five per centum, being the valuation of fifty-four sections of land, set apart by the treaty of the second of June, eighteen hundred and twenty-five, for educational purposes, per resolution of the Senate of the nineteenth of January, eighteen hundred and thirty-eight..... 3,456 00

Pawnees.

For agricultural implements, during the pleasure of the President, stipulated in the fourth article of the treaty of the ninth of October, eighteen hundred and thirty-three..... 1,000 00

Pottawatomies of Huron.

For permanent annuity, stipulated in the second article of the treaty of the seventeenth of November, eighteen hundred and seven..... 400 00

Pottawatomies.

For permanent annuity, stipulated in the fourth article of the treaty of the third of August, seventeen hundred and ninety-five..... 1,000 00

For permanent annuity, stipulated in the third article of the treaty of the thirtieth of September, eighteen hundred and nine..... 500 00

For permanent annuity, stipulated in the third article of the treaty of the second of October, eighteen hundred and eighteen..... 2,500 00

For permanent annuity, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight..... 2,000 00

For life annuity to chief, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight..... 100 00

For permanent annuity, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and twenty-nine..... 16,000 00

For life annuity to chiefs, stipulated in the third article of the treaty of the twentieth of October, eighteen hundred and thirty-two..... 400 00

For the last of twenty installments as annuity, stipulated in the third article of the treaty of the twenty-sixth of September, eighteen hundred and thirty-three..... 14,000 00

For life annuity to chiefs, stipulated in the third article of the treaty of the twenty-sixth of September, eighteen hundred and thirty-three..... 700 00

For the last of twenty installments, as annuity, stipulated in the second supplemental article of the treaty of the twenty-sixth of September, eighteen hundred and thirty-three..... 2,000 00

For education, during the pleasure of Congress, stipulated in the third article of the treaty of the sixteenth of October, eighteen hundred and twenty-six..... 2,000 00

For permanent provision for blacksmith and assistant, stipulated in the third article of the treaty of the sixteenth of October, eighteen hundred and twenty-six..... 720 00

For permanent provision for iron and steel for shop, stipulated in the third article of the treaty of the sixteenth of October, eighteen hundred and twenty-six..... 220 00

For education, during the pleasure of Congress, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight..... 1,000 00

For permanent provision for the payment in money, in lieu of tobacco, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight, and the tenth article of the treaty of the fifth of June, eighteen hundred and forty-six..... 300 00

For permanent provision for blacksmith and assistant, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight..... 720 00

For permanent provision for iron and steel for shop, stipulated in the second article of the treaty of the twentieth of September, eighteen hundred and twenty-eight..... 220 00

For permanent provision for blacksmith and assistant, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and twenty-nine..... 1,440 00

For permanent provision for iron and steel for shop, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and twenty-nine..... 440 00

For permanent provision for the purchase of fifty barrels of salt, stipulated in the second article of the treaty of the twenty-ninth of July, eighteen hundred and twenty-nine..... 250 00

For education, during the pleasure of Congress, stipulated in the fourth article of the treaty of the twenty-seventh of October, eighteen hundred and thirty-two..... 2,000 00

For interest on six hundred and forty-three thousand dollars, at five per centum, stipulated in the seventh article of the treaty of the fifth of June, eighteen hundred and forty-six..... 32,150 00

Quapaws.

For education, during the pleasure of the President, stipulated in the fourth article of the treaty of the twenty-eighth of March, eighteen hundred and thirty-six..... 1,600 00

dent, stipulated in the third article of the treaty of the thirteenth of May, eighteen hundred and thirty-three.....	1,000 00
For blacksmith and assistant, during the pleasure of the President, stipulated in the third article of the treaty of the thirteenth of May, eighteen hundred and thirty-three.....	840 00
For iron and steel for shop, during the pleasure of the President, stipulated in the third article of the treaty of the thirteenth of May, eighteen hundred and thirty-three.....	220 00
For pay of farmer, during the pleasure of the President, stipulated in the third article of the treaty of the thirteenth of May, eighteen hundred and thirty-three.....	600 00

Rogue Rivers.

For the first of sixteen installments in blankets, clothing, farming utensils, and stock, stipulated in the third article of the treaty of the tenth of September, eighteen hundred and fifty-three...	2,500 00
For the purchase of agricultural implements, clothing, and such other articles as may be deemed conducive to the comfort and necessities of said Indians, and for the expenses of such permanent improvements as may have been made by claimants to land on the reserve named in the second article of the treaty stipulated in the third article of the treaty of the tenth of September, eighteen hundred and fifty-three.....	5,000 00
For payment for the property of the whites destroyed during the late war, stipulated in the third article of the treaty of the tenth of September, eighteen hundred and fifty-three.....	15,000 00
For compensation and expenses of commissioners stipulated in the third article of the treaty of the tenth of September, eighteen hundred and fifty-three.....	5,000 00
For the erection of three dwelling-houses for the principal chiefs of said tribes, stipulated in the fourth article of the treaty of the tenth of September, eighteen hundred and fifty-three.....	1,500 00

Six Nations of New York.

For permanent annuity, stipulated in the sixth article of the treaty of the eleventh of November, seventeen hundred and ninety-four.....	4,500 00
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Senecas of New York.

For permanent annuity, in lieu of interest on stock, per act of the nineteenth of February, eighteen hundred and thirty-one.....	6,000 00
For interest, in lieu of investment, on seventy-five thousand dollars, at five per centum, per act of twenty-seventh of June, eighteen hundred and forty-six.....	3,750 00

Stockbridges.

For interest on sixteen thousand five hundred dollars, at five per centum, stipulated in the ninth article of the treaty of the twenty-fourth of November, eighteen hundred and forty-eight.....	825 00
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Sioux of Mississippi.

For interest on three hundred thousand dollars, at five per centum, stipulated in the second article of the treaty of the twenty-ninth of September, eighteen hundred and thirty-seven.....	15,000 00
For eighteenth of twenty installments as annuity in goods, stipulated in the second article of the treaty of the twenty-ninth of September, eighteen hundred and thirty-seven.....	10,000 00
For eighteenth of twenty installments for the purchase of medicines, agricultural implements, and stock, and for support of farmers, physicians, and blacksmith, stipulated in the second article of the treaty of the twenty-ninth of September, eighteen hundred and thirty-seven.....	8,250 00
For eighteenth of twenty installments for the purchase of provisions, stipulated in the second article of the treaty of the twenty-ninth of September, eighteen hundred and thirty-seven.....	5,500 00
For fourth of fifty installments, at the rate of five per centum, on one million three hundred and sixty thousand dollars, stipulated in the fourth article of the treaty of the twenty-third of July, one thousand eight hundred and fifty-one.....	68,000 00
For fourth of fifty installments, at the rate of five per centum, on one hundred and twelve thousand dollars, being the amount in lieu of the reservation set apart in the third article per Senate's amendment to treaty twenty-third July, one thousand eight hundred and fifty-one.....	5,600 00
For fourth of fifty installments, at the rate of five per centum, on one million one hundred and sixty thousand dollars, stipulated in the fourth article of the treaty of the fifth of August, one thousand eight hundred and fifty-one.....	58,000 00
For fourth of fifty installments, at the rate of five per centum, on sixty nine thousand dollars, being the amount allowed in lieu of the reservation of lands set apart by the third article per Senate's amendment to treaty of the fifth of August, one thousand eight hundred and fifty-one.....	3,450 00
For defraying the expenses of witnesses, marshal, attorney, notary, interpreter, and stationery, and copying evidence in the investigation of the official conduct of Alexander H. Ramsay, late Governor of Minnesota.....	720 00
For services of Robert A. Matthews, for copying the proceedings and evidence in said investigation, under employment of Richard M. Young, one of the commissioners.....	250 00

For paying the expenses and fees of witnesses summoned in said investigation, by the United States, at the instance of Alexander Ramsay,	350 00
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Sacs and Foxes of Missouri.

For interest on one hundred and fifty-seven thousand four hundred dollars, at five per centum, stipulated in the second article of the treaty of the twenty-first of October, eighteen hundred and thirty-seven.....	7,870 00
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Sacs and Foxes of Mississippi.

For permanent annuity, stipulated in the third article of the treaty of the third of November, eighteen hundred and four.....	1,000 00
For twenty-third of thirty installments, as annuity, stipulated in the third article of the treaty of the twenty-first of September, eighteen hundred and thirty-two.....	20,000 00
For twenty-third of thirty installments for gunsmiths, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-two.....	600 00
For twenty-third of thirty installments for iron and steel for shop, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-two.....	220 00
For twenty-third of thirty installments for blacksmith and assistant, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-two.....	840 00
For twenty-third of thirty installments for iron and steel for shops, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-two.....	220 00
For twenty-third of thirty installments for forty barrels of salt, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-two.....	200 00
For twenty-third of thirty installments for forty kegs of tobacco, stipulated in the fourth article of the treaty of the twenty-first of September, eighteen hundred and thirty-two.....	800 00
For interest on two hundred thousand dollars, at five per centum, stipulated in the second article of the treaty of the twenty-first of October, eighteen hundred and thirty-seven.....	10,000 00
For interest on eight hundred thousand dollars, at five per centum, stipulated in the second article of the treaty of the eleventh of October, eighteen hundred and forty-two.....	40,000 00
For payment to Thompson Connolly and James Connolly, children of John Connolly, deceased,	200 00

Shawnees.

For permanent annuity, stipulated in the fourth article of the treaty of the third of August, seventeen hundred and ninety-five.....	1,000 00
For permanent annuity, stipulated in the fourth article of the treaty of the twenty-ninth of September, eighteen hundred and seventeen.....	2,000 00

Senecas and Shawnees.

For permanent annuity, stipulated in the fourth article of the treaty of the seventeenth of September, eighteen hundred and eighteen.....	1,000 00
For blacksmith and assistant, during the pleasure of the President, stipulated in the fourth article of the treaty of the twentieth of July, eighteen hundred and thirty-one.....	840 00
For iron and steel for shops, during the pleasure of the President, stipulated in the fourth article of the treaty of the twentieth of July, eighteen hundred and thirty-one.....	220 00

Senecas.

For permanent annuity, stipulated in the fourth article of the treaty of the twenty-ninth of September, eighteen hundred and seventeen.....	500 00
For permanent annuity, stipulated in the fourth article of the treaty of the seventeenth of September, eighteen hundred and eighteen.....	500 00
For blacksmith and assistant, during the pleasure of the President, stipulated in the fourth article of the treaty of the twenty-eighth of February, eighteen hundred and thirty-one.....	840 00
For iron and steel for shop, during the pleasure of the President, stipulated in the fourth article of the treaty of the twenty-eighth of February, eighteen hundred and thirty-one.....	320 00
For pay of miller, during the pleasure of the President, stipulated in the fourth article of the treaty of the twenty-eighth of February, eighteen hundred and thirty-one.....	600 00

Stockbridges.

For the removal of the Stockbridge Indians to the country west of the Mississippi river, which has been selected for and approved by them, and for subsistence for one year, stipulated in the eighth article of the treaty of twenty-fourth November, eighteen hundred and forty-eight.....	7,000 00
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Umpquas, (Cove-Creek Band.)

For first of twenty installments in blankets, clothing, provisions, and stock, stipulated in the third article of the treaty of the nineteenth of September, eighteen hundred and fifty-three.....	550 00
For the purchase of blankets, clothing, and goods, stipulated in the first clause of the third article of the treaty of nineteenth September, eighteen hundred and fifty-three.....	1,000 00
For the erection of two dwelling houses, plowing and fencing a field, and purchasing seeds, stipulated in the fourth article of the treaty of the nineteenth of September, eighteen hundred and fifty-three.....	1,000 00

Utahs.

For fulfilling treaty stipulations with the Utahs, pursuant to the requirements of the eighth article of the treaty of December thirtieth, eighteen hundred and forty-nine.....	5,000 00
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Wyandots.

For permanent annuity, stipulated in the third article of the treaty of the seventeenth of March, eighteen hundred and forty-two.....	17,500 00
For permanent provision for blacksmith and assistant, stipulated in the eighth article of the treaty of the seventeenth of March, eighteen hundred and forty-two.....	840 00
For permanent provision for iron and steel for shop, stipulated in the eighth article of the treaty of the seventeenth of March, eighteen hundred and forty-two.....	270 00
For permanent provision for education, stipulated in the fourth article of the treaty of the seventeenth of March, eighteen hundred and forty-two.....	500 00

Winnebagoes.

For twenty-sixth of thirty installments as annuity, stipulated in the second article of the treaty of the first of August, eighteen hundred and twenty-nine.....	18,000 00
For twenty-third of twenty-seven installments as annuity, stipulated in the third article of the treaty of the fifteenth of September, eighteen hundred and thirty-two.....	10,000 00
For twenty-sixth of thirty installments, for the purchase of fifty barrels of salt, stipulated in the second article of the treaty of the first of August, eighteen hundred and twenty-nine.....	250 00
For twenty-sixth of thirty installments, for the purchase of three thousand pounds of tobacco, stipulated in the second article of the treaty of the first of August, eighteen hundred and twenty-nine.....	600 00
For twenty-third of twenty-seven installments, for the purchase of one thousand five hundred pounds of tobacco, stipulated in the fifth article of the treaty of the fifteenth of September, eighteen hundred and thirty-two.....	300 00
For twenty-sixth of thirty installments for three blacksmiths and assistants, stipulated in the third article of the treaty of the first of August, eighteen hundred and twenty-nine.....	2,160 00
For twenty-sixth of thirty installments for iron and steel for shop, stipulated in the third article of the treaty of the first of August, eighteen hundred and twenty-nine.....	660 00
For twenty-sixth of thirty installments, for laborers and oxen, stipulated in the third article of the treaty of the first of August, eighteen hundred and twenty-nine.....	365 00
For twenty-third of twenty-seven installments for education, stipulated in the fourth article of the treaty of fifteenth September, eighteen hundred and thirty-two.....	3,000 00
For twenty-third of twenty-seven installments for six agriculturists, purchase of oxen, plows, and other implements, stipulated in the fifth article of the treaty of the fifteenth of September, eighteen hundred and thirty-two.....	2,500 00
For twenty-third of twenty-seven installments for pay of two physicians, stipulated in the fifth article of the treaty of the fifteenth of September, eighteen hundred and thirty-two.....	400 00
For interest on one million one hundred thousand dollars, at five per centum, stipulated in the fourth article of the treaty of the first of November, eighteen hundred and thirty-seven.....	55,000 00
For interest on eighty five thousand dollars, at five per centum, stipulated in the fourth article of the treaty of the thirteenth of October, eighteen hundred and forty-six.....	4,250 00
For the expenses of negotiating treaties with, and making presents of goods and provisions to, the Indian tribes in the Territory of Oregon.....	68,000 00
For the expenses of negotiating treaties with, and making presents of goods and provisions to, Indian tribes in the Territory of Washington.....	45,000 00
For the expenses of negotiating treaties with, and making presents of goods and provisions to, the Indian tribes in the Territory of Utah.....	45,000 00
For the expenses of negotiating treaties with, and making presents of goods and provisions to, the Apache, Navajo, and Utah Indians, in the Territory of New Mexico.....	30,000 00
For the expenses of holding a council with, and making presents of goods and provisions to, the Blackfeet, Gros Ventres, and other wild tribes of Indians immediately within or adjacent to the eastern boundary of Washington Territory.....	80,000 00
To pay Andrew Taylor for his reservation of six hundred and forty acres of land at Citico Oldtown, on the waters of the Tennessee river, fourteen thousand seven hundred and twenty dollars, with interest from the twenty-third day of August, eighteen hundred and forty-three.....	[Indefinite.]
For the expenses of making presents of agricultural implements and farming utensils to the bands of the Pueblo Indians in the Territory of New Mexico.....	10,000 00
For adjusting difficulties and preventing outbreaks among the Indians in Oregon Territory.....	10,000 00
For general incidental expenses of the Indian service in Oregon Territory.....	10,000 00
For expenses of insurance and transportation of annuities payable to Indian tribes in the Territory of Oregon.....	3,000 00

For general incidental expenses of the Indian service in Washington Territory.....	15,000 00
For general incidental expenses of the Indian service in the Territory of New Mexico.....	25,000 00
For general incidental expenses of the Indian service in the Territory of Utah.....	30,000 00
For general incidental expenses of the Indian service in the Territory of Utah during the year ending June thirtieth, eighteen hundred and fifty-four.....	10,000 00
For general incidental expenses of the Indian service in Washington Territory for six months ending June thirtieth, eighteen hundred and fifty-four.....	5,000 00
For payment of balance due for transportation of presents, goods, and provisions to the Camanches, Kioways, and other Indians on the Arkansas river.....	1,200 00
To pay for certain goods borrowed by late agent, J. S. Watrous, to fulfill treaty stipulations with the Chippewas, to be replaced out of annuity goods, but which, with the agency building, were consumed by fire in May, eighteen hundred and fifty-three.....	4,136 03
For payment in full to the Winnebago nation of Indians of certain unexpended balances of appropriations under various treaties, on account of annuities, education, provisions, goods, &c.....	40,004 69
For payment of balance found due the Creek Indians for losses sustained during the war with Great Britain, by that portion of the tribe who were friendly to and cooperated with the United States, in addition to the appropriation of the thirtieth of August, eighteen hundred and fifty-two.....	258 10
For payment to certain Creek Indians for their individual reserves, sold with the approbation of the Secretary of War, in the year eighteen hundred and forty-one, the Commissioner of Indian Affairs having received the consideration for the use of said Indians in certificates of deposit on the Planters and Mechanics' Bank of Columbus, Georgia, which, failing while said certificates were in the hands of the Commissioner, became lost to said Indians.....	2,600 00
<i>Texas Indians.</i>	
For compensation to three special agents and four interpreters for the Indian tribes of Texas, and for the purchase of presents.....	15,000 00
For the expenses of making the necessary selections and surveys of land to accommodate the Indians residing within the State of Texas, agreeably to arrangements authorized by an act of the Legislature of that State, allowing the requisite jurisdiction of the Government of the United States for such purposes, and for concentrating and subsisting them, and furnishing suitable stock cattle, agricultural implements, seeds, and other necessary articles incident thereto.....	66,430 00
<i>Miscellaneous.</i>	
For the second and third of ten installments of provisions and merchandise, in addition to former appropriations, for payment of annuities and transportation of same to certain tribes of Indians, per seventh article of the treaty at Fort Laramie of seventeenth of September, eighteen hundred and fifty-one.....	24,000 00
For the fourth of ten installments in provisions and merchandise, for payment of annuities and transportation of the same to certain tribes of Indians, per seventh article of the treaty at Fort Laramie of seventeenth of September, eighteen hundred and fifty-one.....	72,000 00
For surveying and marking boundary lines of such tract or tracts of land as may be provided under the stipulations of the amendments of the Senate to the treaties of twenty third July and fifth August, eighteen hundred and fifty-one, with the Sioux Indians.....	1,200 00
For expenses of negotiating treaties of the tenth of September, eighteen hundred and fifty-three, with the Rogue River Indians, and of the nineteenth of September, eighteen hundred and fifty-three, with the Cow-Creek band of Umpqua Indians.....	5,000 00
For continuing the collection and for publishing the statistics and other information authorized by the act of third of March, eighteen hundred and forty-seven, and subsequent acts.....	20,900 00
For defraying the expenses of continuing the removal and subsistence of Indians in California, three military reservations, in accordance with the plan submitted by the superintendent of Indian affairs of that State, and approved by the President.....	200,000 00
For general incidental expenses of the Indian service in California, embracing expenses of travel of the superintendent and agent, &c.....	25,000 00
For payment to David Carter, as an emigrant, of the amount of his improvements, valued under the treaty with the Cherokees, in eighteen hundred and twenty-eight, in pursuance of the sixth article thereof.....	2,826 50
For payment to A. V. Brown and others, Chickasaw traders, for ransom of George W. and Meredith Wilson, from the Camanche Indians, and to reward the services of persons engaged in that service.....	1,000 00
To enable the President to negotiate a treaty with the Indians in Michigan, and to change the terms of existing treaties.....	10,000 00
To enable the President to cause to be fulfilled the stipulations of the ninth and tenth articles of the treaty with the Sacs and Foxes, and other tribes of Indians, concluded on the fifteenth July, one thousand eight hundred and	

thirty, by causing said reserved tracts to be surveyed and allotted to the persons properly entitled to the same, in fee-simple, in such manner and under such rules and regulations as he may prescribe; and to defray the expenses of the same..... 10,922 29

To pay such Cherokees as were omitted in the census taken by D. W. Siler, but who were included and paid under the act of July, eighteen hundred and forty-eight, the same per capita allowance that was paid the other Indians under that distribution, provided the Commissioner of Indian Affairs shall be satisfied that they ought to be included in said per capita distribution..... 5,000 00

To enable the Secretary of the Interior to settle and pay the award of commissioners on file for reservations, preemptions, and for rents and improvements under the twelfth, thirteenth, and sixteenth articles of the Cherokee treaty of twenty-ninth December, eighteen hundred and thirty-five, in pursuance of the stipulations of the third article of the treaty of August eighth, eighteen hundred and forty-six..... [Indefinite.]

\$5,258,146 31

By the act making appropriations for the payment of invalid and other pensions of the United States for the year ending the thirtieth of June, one thousand eight hundred and fifty-five.

For invalid pensions, under various acts..... \$312,500 00

For pensions to widows and orphans, under acts of the fourth of July, one thousand eight hundred and thirty-six, and twenty-first of July, one thousand eight hundred and forty-eight..... 96,000 00

For pensions to widows, under acts of the seventh of July, one thousand eight hundred and thirty-eight, third of March, one thousand eight hundred and forty-three, and seventeenth of June, one thousand eight hundred and forty-four..... 10,000 00

For pension to widows, under acts of the second of February, one thousand eight hundred and forty-eight, and twenty-ninth of July, one thousand eight hundred and forty-eight..... 56,000 00

For pensions and half-pay to widows and orphans, under act of the third of February, one thousand eight hundred and fifty-three..... 376,200 00

\$850,700 00

By the act making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes.

Maine.

For rebuilding light-houses and keeper's dwelling on Petit Menan Island..... \$35,000 00

For rebuilding light-house on Baker's Island..... 5,000 00

For rebuilding light-house on Franklin Island..... 5,000 00

For procuring illuminating apparatus, and completing light-house tower and buildings, authorized to be built on Boone Island..... 19,973 00

For an iron bell boat, to be stationed to mark Alden's rock..... 5,000 00

For fog-signal, and dwelling for keeper, near Manhegin light-house..... 3,500 00

For harbor-light on or near breakwater at Portland..... 3,500 00

For completion of beacon on Buck ledge, Penobscot river, in addition to five hundred dollars already appropriated..... 2,000 00

For restoring the two other stone beacons on Penobscot river..... 1,000 00

For fog-signals on Mount Desert Rock and Matineus light-houses..... 5,000 00

For buoys for the waters on the coast of Maine, viz: St. Croix river, near the breakwater, Portland, Maine, and for beacons, and buoys at other important points in the St. Croix, Kennebec, and Penobscot rivers, &c..... 2,000 00

For light on pier-head at Kennebunk harbor..... 500 00

For a light-house to mark the eastern extremity to Edgemoggin Reach, to be placed upon such point as may be determined, upon careful examination and survey..... 6,000 00

For beacons to mark ledges in Castine harbor, Maine..... 5,000 00

For a beacon on a ledge in St. Croix river, about four miles below the town of Calais, and a light-house upon Big Island at the mouth of St. Croix river..... 9,000 00

For a light-house on or near the Widow's Island, at the eastern entrance of Fox Island thoroughfare..... 5,000 00

For a light-house at the entrance of the thoroughfare of Isle au Haute..... 5,000 00

For a light-house on Southern Island, at the entrance of Tenant's harbor, in the town of St. George..... 4,500 00

For a light-house at the entrance of Winter harbor, in Goldsborough..... 4,500 00

For the erection of two beacons in West Passamaquoddy bay, to mark the channel over the bar at the Western entrance..... 3,000 00

For a beacon on harbor ledge, a spindle on Seal ledges, a spindle on ship-yard ledge, a spindle on Lowell's rock, and a buoy on Ram Island ledge, in Rockport harbor, Camden..... 6,000 00

For a light-house on Noddle's Island, at the entrance to the harbor of Castine and Brooks-ville..... 4,500 00

For a day-mark or beacon on Trott's ledge, about one mile from the entrance to Castine and Brooks-ville harbor..... 500 00

For a light-house at Dry Point, on Lineken's Neck, on the westerly side of the Damariscotta river..... 6,000 00

For a light-house on Wood Island..... 5,000 00

Massachusetts.

For continuation of the work on foundation and light-house buildings on the rocks called Sow and Pigs..... 30,000 00

For rebuilding light-house at Gay head and fitting it with first order illuminating apparatus..... 30,000 00

For the erection of a light-house and keeper's dwelling on Egg Rock Island, near Nahant, being the sum appropriated for this object September twenty-eight, eighteen hundred and fifty..... 5,000 00

For the removal of the light-house at Truro, (highlands,) Cape Cod, to a proper site, and for fitting the same with the most approved illuminating apparatus, and to serve as substitute for three lights at Nansett beach..... 25,000 00

For the preservation of the site of Billingsgate Island light-house, (Wellfleet)..... 2,000 00

For rebuilding the light-house at Brant's Point, Nantucket..... 15,000 00

For large fog-bells for light-vessels in the Vineyard sound, in exchange for the small ones now in use on board of these vessels..... 1,500 00

For four iron twelve-pounder guns and equipments for fog-signals on board of light-vessels in Vineyard sound..... 2,000 00

For iron buoys and buoy-boats for approaches to Boston bay and on Nantucket shoals..... 5,000 00

For a light-house and keeper's house on or near the Point of Rocks, Westport, Massachusetts..... 5,000 00

For a light-house on the spit situated at the entrance of the Narrows, Boston harbor..... 15,000 00

For the erection of a day-beacon, sixty feet high, on Point Alderton bar, on the south side of the entrance to Light-House channel..... 18,000 00

For placing buoys in the New Bedford collection district, on rock at the mouth of Monument river; on Bourne's flat, at the turn of the channel above Siah's point; one between the last named and Bourne's neck; one at each end of Pismire bed; one on rock in channel of Dartmouth river; one on Cow Rock ledge; and one on rock in Phinney's passage,..... 2,000 00

Vermont.

For two small lights to be placed on the pier at Burlington..... 2,000 00

For a fog signal at Juniper Island light-house, Lake Champlain..... 800 00

Rhode Island.

For a new light-house tower and illuminating apparatus on Beaver Tail, and for a fog-signal, for rebuilding the light-house and keeper's dwelling at Watch Hill, and for repairs of seawall to preserve the light-house site..... 8,300 00

For a beacon-light at Bristol Ferry..... 1,500 00

For a beacon or spindle to mark the reef extending from Block Island..... 2,000 00

Connecticut.

For completing the beaconage and buoyage of the Connecticut river, as authorized by the act of March third, eighteen hundred and fifty-three..... 5,000 00

For a fog bell at Saybrook light-house, Connecticut..... 1,000 00

For a beacon at Sugar reef, east entrance of Long Island Sound..... 2,500 00

For a beacon on Long Point..... 2,500 00

For a beacon on Sea Flower reef..... 2,500 00

For a fog-signal at or near Lynde Point light-house..... 800 00

For buoys at the eastern extremity of Watch Hill reef, and on Whamphascot, entrance to Stonington harbor..... 500 00

For a light-house at or near Niantic, Long Island Sound..... 4,000 00

For a beacon on Black ledge, entrance to New London harbor..... 2,000 00

For a beacon on the Whale..... 2,000 00

For buoys in the harbor of Noank and Mystic..... 500 00

For a light-house on Black Point, between the Connecticut river and New London..... 5,000 00

For a harbor-light on the end of the breakwater at Southport..... 1,000 00

For a fog bell at the North Dumpling light-house, in place of the one now kept up at the expense of private companies..... 800 00

New York.

For erecting a first-class sea-coast light-house tower, and fitting it with the most approved illuminating apparatus, near Great West bay, Long Island..... 35,000 00

For a fog-signal, with machinery, at Little Gull Island light-house..... 2,500 00

For a fog-signal at Stony Point light-house..... 800 00

For a beacon light to mark entrance to Loyd's harbor, Huntington bay, Long Island..... 4,000 00

For a light-house at or near Race Point, Fisher's Island, Long Island Sound..... 8,000 00

For a light-house on Horton's Point, Long Island Sound..... 4,000 00

For a light-house at or near Windmill Point, Lake Champlain..... 8,000 00

For a small light at north end of Isle au Motte, Lake Champlain..... 500 00

For a light-house at or near Crown Point, Lake Champlain..... 8,000 00

For nine small lights near Whitehall, in place of those at present kept up by steamboat companies, Lake Champlain.....	4,500 00	For buoys to be placed in suitable places in Matchipungo bay and its tributaries.....	1,000 00	For day-marks, buoys, and stakes, to mark the bar and channels of the St. Mark's river.....	5,000 00
For buoys for the following points in Lake Champlain, viz: on Point au Fer reef, Perry's reef, near Valcour Island, on Ferris' reef, and on Schuyler's Island reef.....	700 00	For a small light on the wharf of the naval hospital at Norfolk.....	500 00	For a beacon-light, to be placed on the most eligible site at or near the western entrance into St. George's sound, to enable vessels to enter at night.....	5,000 00
For buoys in Long Island Sound, at the following points, viz: Hay Beach flats, Great Hog neck, South Hole, Little Hog neck, Midway bar, entrance of channel at River Head, Shelter Island ferry, at Neckoll's Rocks, between Rum Head and Mishomac Point, at a shoal east of Gardiner's Point.....	1,300 00	For a fog-bell to be placed near the light house at Old Point Comfort, and for a small light on the inner spit to mark the entrance to the anchorage off Old Point Comfort.....	1,500 00	<i>Alabama.</i>	
For an iron bell-buoy on or near Shangwong reef.....	5,000 00	For a small pile light-house on the extremity of the shoal making out from Stingray Point, mouth of the Rappahannock river.....	12,000 00	For making permanent five range stakes, with lights where required, at the Choctaw Pass and Dog River bar, Mobile.....	1,500 00
For an iron-pile beacon on the southern part of the Romer shoal, New York bay.....	25,000 00	<i>North Carolina.</i>		For completing the buoyage and stakeage of the channels in Mobile bay, Dauphin, Petit-Bois, Horn, Ship, and Cat-Island Passes.....	10,000 00
<i>New Jersey.</i>		For a pile light-house on or near Wade's Point, in place of the light-vessel at that point, which cannot be repaired.....	10,000 00	For a light and fog-bell, to be placed on board of the Bethel and hospital ship moored in the harbor of Mobile.....	2,800 00
For the continuation of the system of protecting human life from shipwreck, as heretofore established, by life-boats, on the New Jersey coast.....	20,000 00	For a small beacon-light on or near the point of Cape Hatteras.....	1,500 00	<i>Mississippi.</i>	
For a first-class light-house, to be fitted with the most approved illuminating apparatus, to be placed in the vicinity of Absecon inlet, to guide navigators clear of Absecon and Brigantine shoals.....	35,000 00	For a small beacon-light on Federal Point, Cape Fear, to range with the light-house on that point, and to be a substitute for the light-vessel on Horse Shoe shoal.....	800 00	For buoyage and stakeage of Pascagoula entrance and bay, and of the approaches to Biloxi, Mississippi City, and Shieldsboro.....	8,000 00
For a bell buoy and a nun-buoy for Absecon bar.....	5,000 00	For buoys and stakes for Albemarle, Pamlico, Core, and Croatan sounds, Neuse river, Pamlico river, Roanoke river, and the straits from Core sound to Beaufort.....	2,340 00	For a light-house on St. Joseph's Island.....	10,000 00
For a large buoy or buoy-boat, to be placed on the southwest point of the overfalls, Delaware bay.....	1,000 00	For a light-house on Roanoke marshes.....	10,000 00	<i>Louisiana.</i>	
For a first class iron buoy, to be placed on the northeast part of Five Fathom bank.....	800 00	For a pile light-house on the northwest point of Royal shoal.....	10,000 00	For a new light-house at Port Ponchartrain, in the place of the present structure, which will not admit of being repaired.....	6,000 00
<i>Delaware.</i>		<i>South Carolina.</i>		For a new light-house at Bayou St. John, in the place of the present structure, which will not admit of being repaired.....	6,000 00
Towards the erection of a light-house at Cross ledge, in place of the light-vessel at present at that point.....	30,000 00	For erecting a permanent beacon, to range with Charleston light, for crossing the bar, as a substitute for the present movable lantern.....	1,000 00	For a new beacon-light at Proctorsville, in the place of one destroyed by fire November twenty-four, eighteen hundred and fifty-three.....	3,000 00
For a first-class iron buoy, to be placed on McCrie's shoal, mouth of Delaware bay.....	800 00	For rebuilding the two beacons on Sullivan's Island, and for building a keeper's house.....	6,000 00	For an iron bell-boat, to mark the entrance to the newly-dredged channel of the Southwest Pass of the Mississippi.....	5,000 00
For a beacon light on the pier at Port Penn, Delaware bay.....	750 00	For a small beacon-light on Fort Sumpter, Charleston harbor.....	1,000 00	For a screw-pile light-house on the Shell Keys, off Marsh Island.....	30,000 00
For a beacon light on Reedy Point, Delaware bay.....	3,000 00	For a light on the battery, at Charleston.....	2,000 00	For a day-beacon, to be placed on the east end of Horn Island.....	1,500 00
For refitting Cape Henlopen light-house with first order illuminating apparatus.....	15,000 00	For a small light on Castle Pinckney, to mark the channels from the bar to the city, and up the Cooper river.....	1,500 00	For a light-house, to mark the channel of the Grand Pass to Barataria bay.....	10,000 00
For light-house on or near Ship John shoals, Delaware bay.....	30,000 00	For a light house to mark the shoals off Cape Roman, in place of the present light at that locality, and for buoys to mark the inner channel, called the "slue," in addition to the appropriation of March three, eighteen hundred and fifty-three, for changing the present light at Cape Roman.....	30,000 00	For a light-house, to mark the main entrance to Timbalier bay, and for coast purposes.....	15,000 00
For a fog signal to be placed at the Delaware Breakwater light-house.....	800 00	For a light-house and beacon-light on the main land at North Edisto.....	15,000 00	For a light-house, to mark the channel or passage called the Rigoleto, connecting Lakes Borgne and Pontchartrain.....	5,000 00
For a fog-signal to be placed at the Keedy Island light-house.....	800 00	For buoys in North Edisto inlet and approaches, for a light-house and beacon light on the north point of Hunting Island, to serve as a sea coast light, and range for the Swash channel, in place of the light-vessel at present stationed off St. Helena, and for repairing and placing that vessel at Combahee bank.....	30,000 00	For buoys and stakes, to mark the channels of the Atchafalaya and Cote Blanche bays and bars.....	5,000 00
For banking in Reedy Island light-house, and preserving the site of the light house.....	1,815 00	For a day-beacon or buoy in St. Helena sound, for a first class light-vessel, to take the place of the present inefficient one stationed at Martin's Industry, and for the repairing of the present vessel, (after the larger vessel is built), and placing it at or near the entrance to Calibogue sound.....	30,000 00	For an iron screw-pile light-house, to be erected as near to the entrance to the channel of the Mississippi river, at the Southwest Pass, as may be found to be practicable, to be fitted with the most approved description of illuminating apparatus and fog-signals.....	45,000 00
For a large iron bell-buoy, to be placed on or near Fenwick Island shoal.....	5,000 00	For a light-house and beacon light on or near Hilton head, to guide to Port Royal harbor entrance.....	10,000 00	For buoyage of the Pas a l'Ouvre, Mississippi river.....	1,500 00
For a light-house on Bower's beach, between Murder Kill and Jones's creeks, Delaware bay.....	5,000 00	For five iron buoys for Port Royal harbor.....	1,500 00	For a light-house at the mouth of Calcasieu river.....	6,000 00
For a light-house at or near the mouth of Old Duck creek, on the west side of Delaware bay.....	5,000 00	For buoys for St. Helena bar.....	1,500 00	<i>Texas.</i>	
<i>Maryland.</i>		For two beacons to serve as a range to Calibogue sound.....	5,000 00	For two small range-lights at Galveston.....	1,000 00
For the light-house on or near the Seven Foot Knoll, at the mouth of the Patuxent river, in addition to the appropriations approved September twenty-eight, eighteen hundred and fifty, and March three, eighteen hundred and fifty-one.....	13,500 00	<i>Georgia.</i>		For completing the buoyage of Galveston bar and bay, Sabine Pass and river, Matagorda bar and bay, Aransas bar and bay, and Brazos Santiago bar and bay.....	10,000 00
For a light-house on Sandy Point, Chesapeake bay.....	8,000 00	For iron buoys for St. Catharine's sound and inlet, Sapelo and Doboy bars and sounds, and the channels leading through them, and at the south bar of Cumberland sound.....	5,000 00	For a light-house on or near Gallinipper Point, Lavaca bay.....	10,000 00
For a light-house on Drum Point, entrance of Patuxent river.....	5,000 00	For iron buoys to be placed in the St. Mary's and St. Andrew's bay.....	2,000 00	For a light-house on or near Half Moon reef, Matagorda bay.....	10,000 00
For a light-house on Love Point, or the extremity of the shoal, (the northern extremity of Kent Island,) mouth of Chester river, Maryland.....	15,000 00	<i>Florida.</i>		For a day-beacon, to mark the wreck of the steamboat Farmer, near Pelican Island, in Galveston bay.....	300 00
For buoys and stakes at the following points in the Great Choptank river, viz: at Jamaica shoals, Sugar Loaf, Hambrook, and Middle Ground, near mouth of the river.....	1,000 00	For the erection of a light-house and beacon-light, to serve as a range for the channel across the bar in place of the present light-house at the mouth of St. John's river, in addition to the balance of the appropriation, approved August thirty first, eighteen hundred and fifty-two, for the preservation of the site, which is hereby made applicable to the same objects.....	15,000 00	For a beacon on the North Breaker, to mark the entrance to Galveston bay.....	5,000 00
<i>Virginia.</i>		For rebuilding on a proper site, and elevating and refitting with the most approved illuminating apparatus, the light house at Pensacola.....	25,000 00	<i>Michigan.</i>	
For a light-house on Smith's Point shoal, mouth of Potomac river, in place of the light house on Smith's Point, and the light vessel at present placed to mark the extremity of the shoal.....	25,000 00	For buoys for the St. John's bar and river.....	2,000 00	For repair of the light-house foundation, and pier connected therewith, near Mouree.....	7,200 00
For a light-house half way between Cape Henry and Bodly's Island light-house, and on or near False Cape Henry.....	25,000 00	For elevating and fitting with the most approved illuminating apparatus the light-house tower at Cape Florida.....	15,000 00	For completing foundations of two light-houses on St. Clair flats.....	20,000 00
For a light on or near York spit, Chesapeake bay.....	15,000 00	For completing the beacon on Rebecca shoals.....	5,000 00	For a light-house and fog-bell on the south point of the harbor of Michilimackinac.....	6,000 00
For buoys at Green Point and Sandy Point, in York river.....	500 00	For iron buoys for Key West harbor and approaches.....	1,500 00	For a light-house at or near Old Fort Mackinaw, Michigan.....	6,000 00
For a light-house on the shoals off Cherrystone, or on Sandy Point, to mark the entrance to Cherrystone harbor.....	10,000 00	For a small beacon-light near or on Fort McRea, Pensacola.....	1,000 00	For a light house on Beaver Island.....	6,000 00
For buoys or stakes, to be placed in the Chesapeake bay on the following points, viz: Fisherman's, Pickett's Hole, Cherrystone, Pocomoke flats, Hunting Creek, Deep Creek, Chesconnessex, Onancock, Pungoteague, Nasevadox, the Gulf, New Point Comfort, Peanokanok river, Great Wicomico river, Rappahannock river, Drum Point spit, near Stingray Point, and near Smith's Point light-vessel.....	2,300 00	For two large iron buoys for Pensacola bar.....	1,000 00	<i>Indiana.</i>	
For buoys and stakes in the Potomac river, between Alexandria and Georgetown.....	200 00	For day beacons and buoys, to mark the channels in Appalachicola bay and St. George's sound from Dog Island light-house.....	3,500 00	For a beacon-light on the pier or breakwater at Michigan City.....	2,000 00
For a light-house on such point as may be determined upon, after careful examination and survey, to mark the entrance to the Cone and Yocomico rivers from the Potomac.....	5,000 00	For buoys to mark the bar of the northwest channel of and in Tampa bay.....	1,000 00	<i>Illinois.</i>	
For forty three buoys for buoying the Kettle Bottoms, and completing the buoyage of the Potomac river from its mouth to the port of Alexandria.....	3,000 00	For a light-house on Southwest Cape, west side Appalachicola bay.....	15,000 00	For a temporary beacon-light at or near the breakwater now being constructed at Waukegan, Little Fort.....	1,000 00
		For a beacon, buoy, or bell-boat, as may be found most expedient, to mark the Ocklockonee shoal.....	5,000 00	For buoys to mark the bar and harbor at Chicago.....	300 00

California.

For a harbor-light at the town of Santa Cruz, bay of Monterey, or on Punta Ano Nueva....	10,000 00
For a harbor light at Santa Barbara.....	10,000 00
For a light-house on or near Point Lobos, to mark the entrance to San Francisco bay.....	25,000 00
For a light-house on Punta de los Reyes.....	25,000 00

Oregon Territory.

For a light-house at Umpqua, in addition to the appropriation for that object, approved March third, eighteen hundred and fifty-one.....	10,000 00
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Washington Territory.

For a light-house on Blunt's or Smith's Island, in the Straits of Fuca.....	25,000 00
For a light-house on Cape Shoalwater, at the entrance of the bay of that name.....	25,000 00
For the two light-houses at Cape Flattery and New Dungeness, authorized by act of Congress approved September twenty-eight, eighteen hundred and fifty, in addition to any balance that may remain in the Treasury of that appropriation after the completion of the light at Cape Disappointment.....	30,000 00
For buoys for the harbor and entrance to New Dungeness and for the anchorages on the coast of Puget's Sound.....	5,000 00
For buoys for the harbor and entrance to Shoalwater bay.....	3,000 00
For the reappropriation of the sums appropriated by the acts approved March third, eighteen hundred and forty-nine, and March third, eighteen hundred and fifty-one, for a light-house on Horse-shoe reef, Niagara river, New York, or any balance thereof remaining in the Treasury on the thirtieth of June, eighteen hundred and fifty-four, for the erection of a light-house at that point, on such plan as may be determined to be most advisable.....	[Indefinite.]

\$1,542,078 00

By the act making appropriations for the service of the Post Office Department during the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-five.

For transportation of the mails.....	\$5,275,000 00
For compensation to postmasters.....	2,000,000 00
For ship, steamboat, and way-letters.....	25,000 00
For wrapping paper.....	55,000 00
For office furniture in the post offices.....	8,000 00
For advertising.....	85,000 00
For mail bags.....	55,000 00
For blanks.....	65,000 00
For mail locks, keys, and stamps.....	25,000 00
For mail depredations and special agents.....	60,000 00
For clerks in the offices of postmasters.....	560,000 00
For postage stamps and stamped envelopes.....	55,000 00
For miscellaneous items.....	120,000 00
For compilation of post-routes, as contained in the bill passed at the present session of Congress establishing routes.....	1,000 00

To enable the Postmaster General to purchase the patent of the clam shell padlock, should he be of opinion the public service requires it.....

To supply any deficiency that may arise in the revenues of the Post Office Department to meet the foregoing appropriations for the year ending the thirtieth of June, one thousand eight hundred and fifty-five.....

To continue the mail service between Charleston, Key West, and Havana, during August and September, by a competent steamer, as it is now being performed during ten months of the year.....

To allow to the postmaster of Washington city, District of Columbia, a commission of one mill per pound upon the aggregate weight of public documents printed by order of Congress and deposited in the office of said postmaster to be mailed, this allowance to commence with the passage of this act and to continue for one year only, and to be computed from the ascertained weight for the month of January, eighteen hundred and fifty-four; and to pay out of the said commissions to the clerks and other employees of his office a sum not exceeding two hundred and fifty dollars each per annum, as compensation for the extra labor performed by them in the assortment and mailing of said documents.....

\$10,748,464 00

By the act making appropriations for fortifications and other works of defense, and for repairs of barracks and quarters, for the year ending the thirtieth of June, one thousand eight hundred and fifty-five.

For Fort Montgomery, at outlet of Lake Champlain, New York.....	\$15,000 00
For Fort Knox, at narrows of Penobscot river, Maine.....	20,000 00
For Fort Warren, at the narrows, Boston harbor, Massachusetts.....	30,000 00
For Fort Adams and quarters, entrance to Narragansett Roads, Rhode Island.....	15,000 00
For Fort Schuyler, entrance to Long Island Sound, New York.....	15,000 00
For Fort Richmond, at the Narrows, New York harbor.....	60,000 00
For Fort Delaware, Delaware river, Delaware.....	50,000 00
For Fort Carroll, Baltimore harbor, Maryland.....	50,000 00

For Fort Monroe, entrance to Hampton Roads, Virginia.....	20,000 00
For Fort Sumpter, Charleston harbor, South Carolina.....	20,000 00
For Fort Clinch, entrance to Cumberland Sound, Florida.....	25,000 00
For Fort Barancas and barracks, Pensacola harbor.....	10,000 00
For Fort McRee, Pensacola harbor, and preservation of the site.....	10,000 00
For Fort Taylor, Key West, Florida.....	75,000 00
For Fort Jefferson, Tortugas, Florida.....	50,000 00
For fortifications at Alcatraz Island, San Francisco bay, California.....	100,000 00
For fortifications at Fort Point, entrance to San Francisco bay, California.....	100,000 00
For armament of fortifications in the harbor of San Francisco, California.....	130,000 00
For forts on the western frontiers of Texas.....	100,000 00
For repair of Fort Niagara, New York.....	3,000 00
For repair of Fort Preble, Portland harbor, Maine.....	1,000 00
For repair and improvement of Fort Independence, Boston harbor, Massachusetts.....	10,000 00
For repair of Fort Columbus and Castle Williams, New York harbor.....	4,500 00
For repair of Fort Hamilton, and for permanent wharf thereat, New York harbor.....	10,000 00
For repair of Fort Mifflin, Delaware river, Pennsylvania.....	1,000 00
For repair of wharf at Old Point Comfort, Virginia.....	7,000 00
For repair of Fort Macon, Beaufort harbor, North Carolina.....	2,000 00
For preservation of the site of Fort Macon, Beaufort harbor, North Carolina.....	1,000 00
For preservation of the site of Fort Johnson, including a new wharf, Charleston harbor, South Carolina.....	4,200 00
For preservation of Fort Moultrie, Charleston harbor, South Carolina.....	12,300 00
For repairs of Fort Jackson, Savannah river, Georgia.....	5,000 00
For repairs of Fort Morgan, mouth of Mobile bay, Alabama.....	5,000 00
For repairs of Fort Pike, Rigollet Pass, Louisiana.....	1,000 00
For repairs of Fort Macomb, (formerly Fort Wood), Chef Menteur Pass, Louisiana.....	2,000 00
For repairs of tower Dupre, Bayou Dupre, Louisiana.....	500 00
For repairs and extension of Fort St. Philip, Mississippi river, Louisiana.....	25,000 00
For barracks and quarters at Fort Hamilton, New York.....	1,000 00
For contingent expenses of the fortifications not herein mentioned, the preservation of their sites, the protection of title, and repairs of sudden damage to forts.....	20 000 00

\$1,010,500 00

By the act making appropriations for the civil and diplomatic expenses of Government for the year ending the thirtieth of June, one thousand eight hundred and fifty-five, and for other purposes.

Legislative.

For compensation and mileage of Senators.....	\$106,862 80
For compensation and mileage of members of the House of Representatives, and Delegates from Territories.....	344,800 00
For compensation of the officers, clerks, messengers, and others receiving an annual salary, in the service of the Senate.....	57,010 00
For compensation of the officers and clerks of the House of Representatives.....	34,450 00
For the contingent expenses of the Senate, viz:	
For binding.....	35,000 00
For lithographing and engraving.....	45,000 00
For books.....	10,000 00
For stationery.....	15,000 00
For newspapers.....	2,600 00
For Congressional Globe, and binding the same.....	65,000 00
For reporting proceedings.....	13,000 00
For clerks to committees, pages, police, horses, and carry-alls.....	30,000 00
For miscellaneous items.....	30,000 00
For paper and printing of the Senate.....	85,000 00
For the contingent expenses of the House of Representatives, viz:	
For binding documents.....	39,375 00
For furniture and repairs.....	3,875 00
For stationery for members.....	15,000 00
For twenty-one messengers.....	20,000 00
For horses and carriages.....	4,015 00
For fuel, oil, and candles.....	3,000 00
For newspapers for members.....	12,500 00
For engraving and lithographing.....	70,000 00
For Capitol police.....	3,580 00
For miscellaneous items.....	20,000 00
For messenger in charge of hall.....	1,450 00
For two messengers in Clerk's office.....	3,000 00
For saddle-horses.....	800 00
For laborers.....	2,500 00
For pages.....	4,500 00
For folding documents.....	7,500 00
For paper and printing of the House.....	112,721 00

Library of Congress.

For compensation of librarian, two assistant librarians, and messenger.....	4,005 00
For contingent expenses of said library.....	1,000 00
For purchase of books for said library.....	5,000 00
For purchase of law books for said library.....	2,000 00
For the completion and the publication of the works of Thomas Jefferson, and pay of the editor of said work.....	7,200 00

To enable the Joint Committee on the Library of Congress to replace the seven volumes and atlas of the Exploring Expedition, destroyed by the burning of the Library, and the plates and other property destroyed by the fire in Philadelphia, including binding.....

9,010 75

Executive.

For compensation of the President of the United States.....	25,000 00
For compensation of secretary to sign patents for lands.....	1,500 00

Department of State.

For compensation of the Secretary of State and Assistant Secretary of State, clerks, messenger, and assistant messenger in his office.....	38,700 00
For the incidental and contingent expenses of said Department.....	
For publishing the laws in pamphlet form, and in the newspapers of the States and Territories, and in the city of Washington.....	18,525 00
For publishing the laws in California, Oregon, and Washington.....	[Indefinite.]
For proof-reading, packing, and distributing laws and documents, including cases, labor, and transportation.....	10,000 00
For stationery, blank books, binding, labor, and attendance, furniture, fixtures, repairs, painting, and glazing.....	4,400 00
For copperplate printing, books, and maps.....	1,000 00
For newspapers.....	400 00
For extra clerk hire and copying.....	2,000 00
For miscellaneous items.....	1,000 00
For purchasing for the use of the State Department one hundred copies of Little & Brown's edition of the United States Statutes-at-Large and the same number of the pamphlet laws of the Thirty-Third Congress.....	3,575 00
For the purchase of fifty sets of Howard's Reports of the Decisions of the Supreme Court of the United States.....	3,500 00
For the purchase of copies of the Reports of the Supreme Court and Opinions of the Attorneys General of the United States for the executive offices of the Territories of Kansas and Nebraska.....	450 00

Northeast Executive Building.

For compensation of the superintendent and four watchmen of the Northeast Executive Building.....	2,250 00
For contingent expenses of said building, viz:	
For fuel, light, labor, and repairs.....	3,300 00

Treasury Department.

For compensation of the Secretary of the Treasury and Assistant Secretary of the Treasury, clerks, messenger, and assistant messenger in his office.....	52,350 00
For compensation of the First Comptroller, and the clerks and messenger in his office.....	24,500 00
For compensation of the Second Comptroller, and the clerks and messenger in his office.....	25,500 00
For compensation of the First Auditor, and the clerks and messenger, and assistant messenger, in his office.....	30,900 00
For compensation of the Second Auditor, and the clerks, messenger, and assistant messenger, in his office.....	31,700 00
For compensation of the Third Auditor, and the clerks, messenger, and assistant messenger in his office.....	66,950 00
For compensation to temporary clerks, employed in the office of the Third Auditor on bounty land service, and arrears of pay.....	29,008 00
For compensation of the Fourth Auditor, and the clerks, messenger, and assistant messenger, in his office.....	25,200 00
For compensation of the Fifth Auditor, and the clerks and messenger in his office.....	12,300 00
For compensation of the Auditor of the Post Office Department, and the clerks, messenger, and assistant messenger, in his office.....	130,600 00
For compensation of the Treasurer of the United States, and the clerks, messenger, and an assistant messenger, in his office.....	21,500 00
For compensation of the Register of the Treasury, and the clerks, messenger, and assistant messengers, in his office.....	41,750 00
For compensation of the Solicitor of the Treasury, and the clerks and messenger in his office.....	12,500 00
For compensation of the Commissioner of Customs, and the clerks and messenger in his office.....	17,700 00
For compensation of the clerks and messenger of the Light-House Board.....	7,600 00

Contingent Expenses of the Treasury Department.

For labor, blank books, stationery, binding, sealing ships' registers, translating foreign languages, advertising, and extra clerk hire for preparing and collecting information to be laid before Congress.....	10,950 00
For miscellaneous items.....	2,800 00

In the office of the First Comptroller:

For furniture, blank books, binding, stationery, books to supply deficiencies in the documentary library, labor, and miscellaneous items.....	2,400 00
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In the office of the Second Comptroller:

For blank books, binding, stationery, pay for the National Intelligencer and Union, to be filed and preserved for the use of the office.....	700 00
For labor, office furniture, and miscellaneous items.....	800 00

In the office of the First Auditor:					
For blank books, binding, stationery, labor, and cases for records and official papers.....	1,200 00				
For miscellaneous items, including subscription for the Union and National Intelligencer, to be filed for the use of the office.....	300 00				
In the office of the Second Auditor:					
For blank books, binding, stationery, labor, office furniture, and miscellaneous items, including two of the daily city newspapers, to be filed, bound, and preserved for the use of the office..	1,200 00				
In the office of the Third Auditor:					
For blank books, binding, stationery, office furniture, carpeting, labor, two newspapers, the Union and Intelligencer, preserving files and papers, expenses of bounty land service, miscellaneous items and arrearages.....	4,500 00				
In the office of the Fourth Auditor:					
For stationery, books, and binding.....	600 00				
For labor.....	100 00				
For miscellaneous items.....	200 00				
In the office of the Fifth Auditor:					
For blank books, binding, and stationery.....	250 00				
For hire of laborers.....	300 00				
For miscellaneous items, including purchase of new furniture.....	500 00				
In the office of the Auditor of the Post Office Department:					
For labor, stationery, blank books, (including forty large ledgers,) binding and ruling.....	10,050 00				
For miscellaneous items, file-boards, repairs, cases and desks for safe-keeping of papers, new furniture, lights, washing towels, ice, horse for messenger, telegraphic dispatches, and stoves.....	1,850 00				
In the office of the Treasurer:					
For blank books, binding, stationery, labor, and miscellaneous items.....	1,500 00				
In the office of the Register:					
For ruling and full binding twenty-three books for recording the collectors' quarterly abstracts of the commerce and navigation, and blank abstracts for their use.....	1,500 00				
For blank books, binding, and stationery.....	1,500 00				
For labor and other miscellaneous items, including carpeting, office furniture, and for additional cases for filing the accounts of the First Auditor.....	2,500 00				
For arranging and binding canceled marine papers, returned by the collectors of the customs.....	1,000 00				
In the office of the Solicitor:					
For blank books, binding, and stationery.....	1,000 00				
For miscellaneous items.....	200 00				
For statutes and law reports, including those of the several States.....	1,000 00				
In the office of the Commissioner of Customs:					
For blank books, binding, stationery, and labor, and miscellaneous items.....	1,700 00				
For miscellaneous items.....	300 00				
Light-House Board.					
For blank books, binding, and stationery.....	250 00				
For miscellaneous expenses.....	350 00				
For postage.....	120 00				
For the General Purposes of the Southeast Executive Building.					
For compensation of eight watchmen of the Southeast Executive Building.....	4,800 00				
For contingent expenses of said building:					
Fuel, labor, lights, repairs, and miscellaneous.....	14,500 00				
For rent of building occupied in part by the Attorney General, and in part by the First Auditor of the Treasury.....	3,500 00				
For fuel, watching, and miscellaneous items for the same.....	5,000 00				
For rent of the building occupied by the Third Auditor of the Treasury.....	600 00				
For fuel, watching, labor, light, and other miscellaneous items for the same.....	3,400 00				
For rent of the building occupied by the Fifth Auditor of the Treasury.....	800 00				
For fuel, watching, light, and other miscellaneous items for the same.....	3,200 00				
Department of the Interior.					
For compensation of the Secretary of the Interior, and the clerks, messengers, and laborers, in his office.....	29,800 00				
Contingent expenses of said office:					
For books, stationery, furniture, and other contingencies.....	3,700 00				
For library, books, and maps.....	1,000 00				
For compensation of the Commissioner of the General Land Office, and the recorder, draughtsman, assistant draughtsman, clerks, messengers, assistant messengers, and packers in his office.....	139,550 00				
For contingent expenses of said office:					
For compensation of six laborers.....	3,000 00				
For cash system and military patents, under laws prior to twenty-eighth of September, one thousand eight hundred and fifty; patents and other records; tract-books and blank-books for this and the district land offices; binding plats and field notes; stationery, office furniture, and repairs of same, and miscellaneous items.....	23,525 00				
For contingent expenses, in addition, under swamp land act of twenty-eighth of September, one thousand eight hundred and fifty; mili-					
tary bounty acts of twenty-eighth of September, one thousand eight hundred and fifty, and twenty-second of March, one thousand eight hundred and fifty-two, and act of thirty-first August, one thousand eight hundred and fifty-two, for the satisfaction of Virginia land warrants.....	20,000 00				
For compensation of the Commissioner of Indian Affairs, and the clerks, messenger, and assistant messenger, in his office.....	27,800 00				
Contingent expenses of said office:					
For blank books, binding, and stationery.....	900 00				
For labor.....	300 00				
For miscellaneous items.....	800 00				
For rent of building on Seventh street, for the office of Indian affairs, commencing the twelfth of June, eighteen hundred and fifty-four, at twelve hundred dollars per annum.....	1,263 33				
For compensation of four watchmen for building occupied by the office of Indian affairs, commencing the fifteenth of June, eighteen hundred and fifty-four.....	2,500 00				
For fuel and lights, and necessary fixtures for warming and lighting the rooms occupied by the office of Indian affairs.....	616 00				
For compensation of the Commissioner of Pensions, and the clerks and four messengers in his office.....	97,800 00				
Contingent expenses of said office:					
For engraving and printing bounty-land certificates.....	5,000 00				
For stationery.....	3,600 00				
For binding books.....	2,000 00				
For furniture.....	500 00				
For miscellaneous items.....	5,000 00				
For compensation of laborers.....	1,500 00				
For the General Purposes of the Department of the Interior.					
For compensation of four watchmen for the eastern wing of the Patent Office, occupied by the Secretary of the Interior.....	2,400 00				
For the purchase of books for the library of the Patent Office, and for supplying a deficiency in former appropriations.....	5,000 00				
To reimburse the patent fund for expenses already incurred and paid for furnishing the new wing of the Patent Office Building, the appropriation made by the act approved thirty first of May, eighteen hundred and fifty-four, for furnishing said wing.....	16,000 00				
For contingent expenses of said building, viz:					
For labor, fuel, lights, and incidental expenses..	2,500 00				
For the preservation of the collections of the Exploring Expedition:					
For compensation of keepers, watchmen, and laborers.....	2,980 00				
For contingent expenses.....	100 00				
Surveyors General and their Clerks.					
For compensation of the surveyor general northwest of the Ohio, and the clerks in his office.....	8,300 00				
For compensation of the surveyor general of Illinois and Missouri, and the clerks in his office.....	5,820 00				
For compensation of the surveyor general of Louisiana, and the clerks in his office.....	4,500 00				
For compensation of the surveyor general of Florida, and the clerks in his office.....	5,500 00				
For compensation of the surveyor general of Wisconsin and Iowa, and the clerks in his office.....	8,300 00				
For compensation of the surveyor general of Arkansas, and the clerks in his office.....	8,300 00				
For compensation of the surveyor general of Oregon, and the clerks in his office.....	7,500 00				
For compensation of the surveyor general of California, and the clerks in his office.....	18,500 00				
For compensation of the surveyor general of Washington Territory, and the clerks in his office.....	7,500 00				
For clerks in the offices of the surveyors general, including the offices in Oregon and California, to be apportioned to them according to the exigencies of the public service, and to be employed in transcribing field-notes of surveys for the purpose of preserving them at the seat of government.....	40,000 00				
For salary of the recorder of land titles in Missouri.....	500 00				
For compensation of the Commissioner of Public Buildings, and the clerk in his office.....	3,200 00				
For compensation of the Superintendent of the Public Printing, and the clerks and messenger in his office.....	9,595 00				
Contingent expenses of said office:					
For advertising for proposals for paper.....	1,000 00				
For blank books, stationery, postage, and miscellaneous items.....	100 00				
War Department.					
For compensation of the Secretary of War, and the clerks, messenger, and assistant messenger in his office.....	20,750 00				
Contingent expenses of said office:					
For blank books, stationery, and labor.....	1,450 00				
For miscellaneous items.....	550 00				
For extra clerk hire.....	1,500 00				
For books, maps, and plans.....	1,000 00				
For compensation of the clerks and messenger in the office of the adjutant general.....	11,600 00				
Contingent expenses of said office:					
For blank books, binding, and stationery.....	600 00				
For miscellaneous items, including office furniture.....	600 00				
For compensation of the clerks and messenger in the office of the quartermaster general.....	14,000 00				
For compensation of the clerks and messenger in the office of clothing and equipage, Philadelphia.....	4,040 00				
Contingent expenses of the office of the quartermaster general, including the office at Philadelphia:					
For blank books, binding, and stationery.....	700 00				
For labor.....	150 00				
For miscellaneous items.....	400 00				
For office rent at Philadelphia.....	500 00				
For compensation of clerks and messenger in the office of the Paymaster General.....	10,900 00				
For compensation of the clerks and messenger in the office of the Commissary General of Subsistence.....	8,000 00				
Contingent expenses of said office:					
For blank books, binding, stationery, advertising, labor, and miscellaneous.....	3,150 00				
For compensation of the clerks and messenger in the office of the Chief Engineer.....	7,400 00				
Contingent expenses of said office:					
For blank books, binding, and stationery.....	400 00				
For miscellaneous items, including subscription to two daily Washington newspapers.....	500 00				
For compensation of the clerks and messenger in the office of the Surgeon General.....	4,400 00				
Contingent expenses of said office:					
For blank books, binding, and stationery.....	200 00				
For miscellaneous items.....	225 00				
For compensation of the clerks and messenger in the office of the Colonel of Topographical Engineers.....	5,600 00				
Contingent expenses of said office:					
For blank books, binding, stationery, and labor, and miscellaneous items.....	1,050 00				
For compensation of the clerks and messenger in the office of the Colonel of Ordnance.....	700 00				
For compensation of the clerk and messenger in the office of the Commanding General.....	10,400 00				
For compensation of the clerk and messenger in the office of the Commanding General.....	1,700 00				
Contingent expenses of said office:					
For miscellaneous items.....	300 00				
For the General Purposes of the Northwest Executive Building.					
For compensation of four watchmen of the Northwest Executive Building.....	2,400 00				
For contingent expenses of said building, viz:					
For labor, fuel, and light.....	2,400 00				
For miscellaneous items.....	1,000 00				
For rent of house on northwest corner of F and Seventeenth streets, or such other building as the Secretary of War may select, and warming all the rooms in it.....	21,875 00				
For compensation of superintendent and four watchmen of the building on the corner of F and Seventeenth streets.....	2,600 00				
For contingent expenses of said building, viz:					
For miscellaneous items, including labor.....	1,400 00				
Navy Department.					
For compensation of the Secretary of the Navy, and the clerks, messenger, and assistant messenger in his office.....	27,100 00				
Contingent expenses of said office:					
For blank books, binding, stationery, labor, newspapers, periodicals, and miscellaneous items.....	2,840 00				
For compensation of the chief of the Bureau of Ordnance and Hydrography, and the clerks and messenger in his office.....	10,800 00				
Contingent expenses of said office:					
For blank books and stationery.....	500 00				
For miscellaneous items.....	250 00				
For compensation of the chief of the Bureau of Navy-Yards and Docks, and of the civil engineer, clerks, and messenger in his office.....	13,700 00				
Contingent expenses of said office:					
For labor.....	360 00				
For stationery, books, plans, drawings, and incidental items.....	800 00				
For compensation of the chief of the Bureau of Construction, Equipment, and Repairs, and of the chief naval constructor, engineer-in-chief, and the clerks and messenger in his office.....	20,800 00				
Contingent expenses of said office:					
For blank books, binding, stationery, and miscellaneous items.....	800 00				
For labor.....	300 00				
For compensation of the clerks and messenger in the Bureau of Provisions and Clothing.....	7,300 00				
Contingent expenses of said bureau:					
For blank books, binding, stationery, labor, and miscellaneous items.....	770 00				
For compensation of the chief of the Bureau of Medicine and Surgery, and the clerks and messenger in his office.....	7,900 00				
Contingent expenses of said office:					
For labor.....	180 00				
For blank books and stationery.....	350 00				
For miscellaneous items.....	100 00				
For the general purposes of Southwest Executive Building.					
For compensation of four watchmen of the Southwest Executive Building.....	2,400 00				
For contingent expenses of said building, viz:					
For labor, fuel, lights, and miscellaneous items,	3,865 00				

Post Office Department.

For compensation of the Postmaster General, three Assistant Postmasters General, and the clerks, messenger, assistant messengers, and watchmen of said Department..... 124,400 00

For compensation of temporary clerks necessarily employed from the ninth of May, one thousand eight hundred and fifty-three, to the thirtieth of June, one thousand eight hundred and fifty-four..... 1,450 98

Contingent expenses of said department:

For blank books, binding, and stationery, fuel for the General Post Office Building, (including the Auditor's office,) oil, gas, and candles, printing, labor, day watchmen, and for miscellaneous..... 13,200 00

For repairs of the General Post Office Building, for office furniture, glazing, painting, white-washing, and for keeping the fire places and furnaces in order..... 2,500 00

For paper and printing for the Executive Departments, including paper, printing, and binding the annual "Statement of Commerce and Navigation," and paper and printing the annual "Estimates of Appropriations"..... 30,800 00

*Mint of the United States.**At Philadelphia:*

For salaries of the director, treasurer, assayer, melter and refiner, chief coiner and engraver, assistant assayer, assistant melter and refiner, and seven clerks..... 24,900 00

For wages for workmen..... 72,000 00

For specimens of ores and coins, to be reserved at the Mint..... 300 00

For transportation of bullion from New York assay office to the United States Mint for coinage..... 18,750 00

For incidental and contingent expenses, including acids, copper, zinc, salt, fuel, melting-pots, and other materials, and wastage of gold and silver, being in addition to other available funds..... 56,000 00

At New Orleans:

For salaries of superintendent, treasurer, assayer, coiner, melter and refiner, and three clerks..... 17,300 00

For wages of workmen, in addition to other available funds..... 32,617 45

For wastage and incidental expenses, in addition to other available funds..... 70,082 55

For rebuilding portions of the walls, and complete repairs of the building of the branch Mint at New Orleans..... 37,000 00

At Charlotte, North Carolina:

For salaries of superintendent, coiner, assayer, and clerk..... 6,000 00

For wages of workmen..... 3,500 00

For incidental and contingent expenses, including pay of two watchmen..... 2,100 00

At Dahlonega, Georgia:

For salaries of superintendent, coiner, assayer, and clerk..... 6,000 00

For wages of workmen..... 3,600 00

For incidental and contingent expenses, including fuel, materials, stationery, repairs, wastage, and purchase of new scales..... 2,500 00

At San Francisco, California:

For salaries of superintendent, treasurer, assayer, melter and refiner, coiner, and five clerks..... 28,000 00

For wages of workmen..... 78,000 00

For incidental and contingent expenses..... 10,000 00

Assay Office, New York.

For salaries of officers and clerks..... 25,500 00

For wages of workmen..... 30,000 00

For incidental and contingent expenses..... 59,300 00

*Government in the Territories.**Territory of Oregon:*

For salaries of Governor, three judges, and secretary..... 10,500 00

To pay George L. Curry, Secretary of Oregon, the salary of Governor for and during the time he discharged the duties of Governor, in the year eighteen hundred and fifty-three..... [Indefinite.]

For contingent expenses of said Territory..... 1,500 00

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly..... 20,000 00

Territory of Minnesota:

For salaries of Governor, superintendent of Indian affairs, three judges, and secretary..... 9,700 00

For contingent expenses of said Territory..... 1,000 00

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly..... 30,000 00

Territory of New Mexico:

For salaries of Governor, superintendent of Indian affairs, three judges, and secretary..... 9,700 00

For contingent expenses of said Territory, including the compensation of the person employed by the Governor as a translator..... 1,500 00

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, including the compensation of the person employed by the Governor to revise and correct the laws of New Mexico, and the expense of printing the same..... 20,000 00

To enable the Secretary of the Treasury to pay for the preservation of the archives of the Territory from May fifth to September ninth, eighteen hundred and fifty-two..... 420 00

Territory of Utah:

For salaries of Governor, superintendent of Indian affairs, three judges, and secretary..... 9,700 00

For contingent expenses of said Territory..... 1,000 00

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly..... 20,000 00

Territory of Washington:

For salaries of Governor, superintendent of Indian affairs, three judges, and secretary..... 10,500 00

For contingent expenses of said Territory, including salary of clerk of executive department..... 1,500 00

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly..... 20,000 00

To reimburse the fund appropriated to defray the pay and mileage of members of the Legislative Assembly and the contingent expenses thereof, the amount fraudulently taken from said fund by Henry V. Colter, and to relieve Charles H. Mason, secretary of said Territory, from his liability therefor..... 2,000 00

For compensation and expenses of commission to frame a code of laws for the Territory..... 2,500 00

That the Secretary of the Treasury be authorized to settle and pay the commission to frame a code of laws for the Territory of Washington at the same rate *per diem* as has been allowed a similar board in Oregon..... [Indefinite.]

Territory of Kansas:

For salaries of Governor, three judges, and secretary..... 10,500 00

For contingent expenses of said Territory..... 1,500 00

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly..... 20,000 00

Territory of Nebraska:

For salaries of Governor, three judges, and secretary..... 10,500 00

For contingent expenses of said Territory..... 1,500 00

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly..... 20,000 00

For the purchase of books for the territorial libraries of Minnesota, Oregon, Utah, New Mexico, Washington, Nebraska, and Kansas..... 3,500 00

Judiciary.

For salaries of the Chief Justice of the Supreme Court and eight associate judges..... 41,000 00

For salaries of the district judges..... 70,700 00

For compensation of the district judge of the southern district of California, commencing the twenty-third of January, eighteen hundred and fifty-four..... 4,028 88

For salaries of the chief judge of the District of Columbia, the assistant judges, and the judges of the criminal court, and the orphans' court..... 11,700 00

For salaries of the Attorney General and the clerks and messenger in his office..... 12,300 00

For contingent expenses of the office of the Attorney General..... 500 00

For purchase of law books, and the necessary book cases, for the office of the Attorney General..... 1,500 00

For salary of the reporter of the Decisions of the Supreme Court..... 1,300 00

For compensation of the district attorneys..... 9,400 00

For compensation of the marshals..... 8,200 00

Miscellaneous.

For annuities and grants..... 750 00

Independent Treasury.

For salaries of the Assistant Treasurers of the United States at New York, Boston, Charleston, and St. Louis..... 11,500 00

For additional salary of the Treasurer of the Mint at Philadelphia..... 1,000 00

For additional salary of the Treasurer of the branch Mint at New Orleans..... 500 00

For salaries of six of the additional clerks authorized by the acts of August sixth, one thousand eight hundred and forty-six, August twelfth, one thousand eight hundred and forty-eight, March third, one thousand eight hundred and fifty-one, and August thirty-first, one thousand eight hundred and fifty-two..... 6,000 00

For one additional clerk in the office of the Assistant Treasurer at Boston, Massachusetts..... 1,200 00

For clerks, messenger, and watchmen in the office of the Assistant Treasurer at New York..... 13,900 00

For salary of a clerk for the treasurer of the branch Mint at San Francisco, California..... 2,500 00

For contingent expenses under the act for the safe keeping, collecting, transfer, and disbursement of the public revenue of August sixth, one thousand eight hundred and forty-six, one thousand eight hundred and forty-eight, and August thirty-first, one thousand eight hundred and fifty-two..... 16,500 00

For compensation to special agents to examine the books, accounts, and money on hand, of the several depositories, under the act of August sixth, one thousand eight hundred and forty-six..... 5,000 00

For the discharge of such miscellaneous claims not otherwise provided for, as shall be admitted in due course of settlement at the Treasury..... 5,000 00

To supply a deficiency in the fund for the relief of sick and disabled seamen..... 200,000 00

To enable the Secretary of the Treasury to compensate the agent employed in paying annuities to Cherokee Indians remaining in North Carolina..... 300 00

For salaries of nine supervising and fifty local inspectors, appointed under the act of August thirtieth, one thousand eight hundred and fifty-

two, for the better protection of the lives of passengers by steamboats, with traveling and other expenses incurred by them..... 80,000 00

Survey of the Coast.

For survey of the coast of the United States, (including compensation to superintendent and assistants, and excluding pay and emoluments of officers of the Army and Navy, and petty officers and men of the Navy, employed on the work)..... 206,000 00

For continuing the survey of the western coast of the United States..... 130,000 00

For continuing the survey of the Florida reefs and keys, (excluding pay and emoluments of officers of the Army and Navy, and petty officers and men of the Navy employed on the work)..... 30,000 00

For publishing the observations made in the progress of the survey of the coast of the United States..... 20,000 00

Custom-Houses.

For completing the custom-house at St. Louis, Missouri..... 100,000 00

For completing the custom-house at Mobile, Alabama..... 65,000 00

For completing the custom-house at Cincinnati, Ohio..... 40,000 00

For completing the custom-house at Louisville, Kentucky..... 40,000 00

For completing the custom-house at Bangor, Maine..... 20,000 00

For completing the custom-house at Bath, Maine..... 20,000 00

For completing the custom-house at Wilmington, Delaware..... 12,000 00

To purchase a site for custom-house at Providence, Rhode Island..... 24,000 00

For the construction of a custom-house on said site, to include accommodations for a post office and United States court-room..... 200,000 00

For purchasing a site for a custom-house at San Francisco, California..... 150,000 00

For the rebuilding of the custom-house, Portland, Maine, including accommodations for a post office and rooms for the United States courts..... 200,000 00

For extinguishment of private claims to the possession of the whole or any part of the custom-house lot in San Francisco..... 10,000 00

For improving and repairing the room in the custom-house at Savannah used as a post office..... 1,000 00

For continuing operations on custom-house at New Orleans, Louisiana..... 395,000 00

For continuing operations on custom-house at Charleston, South Carolina..... 373,000 00

For the annual repairs and fixtures of custom-houses of the United States..... 43,001 59

For alterations and repairs of the custom-house at Baltimore heretofore made, and for rent of rooms during the repairs of said building..... 5,501 59

To complete the custom-house at Richmond, Virginia..... 150,000 00

To complete the custom-house at Waldoborough, in the State of Maine..... 13,000 00

To complete the building for the custom-house, post office, and court-house, in the city of Pittsburg, Pennsylvania, and to furnish such building in a manner appropriate to its uses, and to improve the grounds attached to said building; and also to pay to the two commissioners who superintended the construction of said building such compensation as to said Secretary shall seem just, not to exceed three dollars a day each..... [Indefinite.]

For buildings for the use of the courts of the United States at Pontotoc, Mississippi..... 4,000 00

To enable the Secretary of the Interior to make a contract with the proper authorities for furnishing a suitable building for the permanent use and accommodation of the United States district court in holding its session at Marietta, Georgia, which contract the said Secretary is hereby authorized to make..... 5,000 00

To enable the Secretary of the Treasury to purchase, for the use of the United States, the land, and buildings thereon, constituting the boarding station at the southwest pass of the Mississippi river..... 3,500 00

For the construction of an appraiser's store on a portion of the square selected for the custom-house at San Francisco, California, including the expense of piling for the foundation thereof, by contract or otherwise..... 100,000 00

For the purchase of the lots or parcels of land, with the appurtenances and the buildings thereon, belonging the one thereof to the Bank of Commerce, and the other thereof to the Bank of the State of New York, and particularly referred to and described in two contracts; one with each of said banks, for the leasing and right to purchase the same, bearing date the nineteenth of August, one thousand eight hundred and fifty-three, five hundred and thirty thousand dollars, with interest thereon at the rate of six per centum per annum, from the fifteenth day of September, eighteen hundred and fifty-three, until said purchases shall be completed..... [Indefinite.]

To purchase, for the use of the United States, such property adjoining thereto, situated on Pine street, on which the United States now hold a mortgage, as may be sold to satisfy the same, at a price not exceeding the amount of said lien..... [Indefinite.]

Marine Hospitals.

To complete the marine hospital at Cleveland, in the State of Ohio..... 25,000 00

To complete the marine hospital at St. Louis, in the State of Missouri..... 10,000 00
 To complete the marine hospital at Chicago, in the State of Illinois..... 8,000 00
 To complete the marine hospital at Louisville, in the State of Kentucky..... 12,500 00
 To complete the marine hospital at Paducah, in the said State of Kentucky..... 5,000 00
 To complete the marine hospital at Evansville, in the State of Indiana..... 2,000 00
 To complete the marine hospital at San Francisco, and to inclose the site and drain the same, and for the necessary out-buildings.... 44,000 00
 For the construction of a marine hospital at Vicksburg, in the State of Mississippi..... 55,000 00
 For prosecuting operations on the marine hospital at Portland, in the State of Maine..... 50,000 00
 To provide a suitable building as a marine hospital at St. Marks, Florida..... 5,000 00
 To provide accommodations for sick and disabled seamen, and for the purchase of a site for a marine hospital at Cincinnati, Ohio.... 50,000 00

Light-House Establishment.

For supplying light-houses, containing four thousand one hundred and thirty-three lamps, with oil, lamp-glasses, wicks, buff-skis, polishing powder, whitening and other cleaning materials; transportation, and other necessary expenses on the same; repairing and keeping the lighting apparatus; publishing necessary rules, regulations, and instructions; notice to mariners of changes to aids to navigation, and lists of lights..... 230,637 42
 For repairs and incidental expenses, refitting, and improvements of four hundred and eighteen light-houses, and buildings connected therewith..... 142,489 21
 For salaries of four hundred and eighteen light-house keepers, and thirty-eight assistants, and including one thousand two hundred dollars for salary of superintendent of supplies on the upper lakes..... 183,600 00
 For salaries of forty-nine keepers of light-vessels..... 26,550 00
 For seamen's wages, repairs, and supplies of forty-nine light-vessels..... 152,941 93
 For expenses of raising, cleaning, and repairing, removing, and supplying losses of floating beacons and buoys, and chains and sinkers for the same, and for coloring and numbering all the buoys..... 89,357 32
 For life-boats and other means of rendering assistance to wrecked mariners and others on the coast of the United States..... 19,000 00
 For life-boats and other means of rendering assistance to shipwrecked mariners and others on the coast of the United States..... 10,000 00
 For the purchase of metallic surf-boats, to rescue lives and property, and to be located at each of the following ports, viz: On the east side of Lake Michigan, at Michigan City, one; New Buffalo, one; St. Joseph, one; Kalamazoo, one; Manistee, one; Grand River, one; Muskegon, one; White River, one; Pier Marquette, one; and South Black River, one; and on the west side of Lake Michigan, at Chicago, two; Kenosha, one; Milwaukee, one; Sheboygan, one; Death's Door, one; Two Rivers, one; Manitowoc, one; Waukegan, one; Racine, one; Port Washington, one; Washington Harbor, one; South Manitou Island, one; Kelleys Harbor, one; and at Calumet, one; or at such other points as shall be designated by the Secretary of the Treasury... 12,500 00
 For expenses of visiting and inspecting lights and other aids to navigation..... 2,000 00
 For commissions, at two and a half per centum, to such superintendents as are entitled to the same, under the proviso to the act of third of March, one thousand eight hundred and fifty-one, entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year ending June thirtieth, eighteen hundred and fifty-two, and for other purposes," on the amount that may be disbursed by them..... 8,000 00
 For the coasts of California, Oregon, and Washington:
 For oil and other supplies for fifteen lights, cleaning materials of all kinds, and transportation of the same, expenses of keeping lamps and machinery in repair, publishing notices to mariners of changes of aids to navigation..... 26,986 25
 For repairs and incidental expenses of fifteen lights, and buildings connected therewith..... 8,500 00
 For salaries of fifteen keepers and twelve assistants, at an average not exceeding eight hundred dollars per annum each..... 21,600 00
 For expenses of raising, cleaning, repairing, removing, and supplying losses of floating beacons and buoys, and chains and sinkers for the same, and for coloring and numbering all the buoys..... 8,500 00
 For commissions, at two and a half per centum, to such superintendents as are entitled to the same, under the proviso to the act of third of March, one thousand eight hundred and fifty-one, entitled "An act making appropriations for the civil and diplomatic expenses of government for the year ending June thirtieth, eighteen hundred and fifty-two, and for other purposes," on the amount that may be disbursed by them..... 400 00
 For completing the light-houses on the coast of California and Oregon..... 59,434 00

Intercourse with Foreign Nations.

For salaries of Ministers of the United States

to Great Britain, France, Russia, Prussia, Spain, Brazil, Peru, Mexico, Chili, and Central America..... 90,000 00
 For salaries of secretaries of legation to the same places..... 20,000 00
 For salary of a Minister resident to Turkey.... 6,000 00
 For salary of the dragoman to the legation to Turkey..... 2,500 00
 For salaries of chargé d'affaires or ministers resident to Portugal, Austria, Denmark, Sweden, Holland, Belgium, Naples, Sardinia, the Papal States, New Granada, Venezuela, Buenos Ayres, Bolivia, Ecuador, and Switzerland.... 67,500 00
 For salary of a clerk to the United States legation at London..... 800 00
 For contingent expenses of all the missions abroad..... 40,000 00
 For contingent expenses of foreign intercourse.. 40,000 00
 For expenses of intercourse with the Barbary Powers..... 9,000 00
 For salary of the consul at London..... 2,000 00
 For salary of the commissioner to the Sandwich Islands..... 5,000 00
 For interpreters, guards, and other expenses of the consulates at Constantinople, Smyrna, Candia, and Alexandria..... 2,000 00
 For office rent of the consul at Basle, in Switzerland..... 100 00
 For salary of a commissioner to reside in China..... 9,000 00
 For salary of the interpreter and secretary to said mission..... 2,500 00
 For salary of a Consul-General at Alexandria.. 5,000 00
 For compensation to the consuls at the five ports in China, viz: Kwang Chow, Amoy, Fuchow, Ning Po, and Shanghai..... 5,000 00
 For the relief and protection of American seamen, and seamen belonging to American vessels, in foreign countries..... 125,000 00
 For clerk hire, office rent, and other expenses of the office of the consul of the United States at London..... 2,800 00
 For the salary of the consul at Beirut, Syria, and the said consulate shall comprehend both Syria and Palestine..... 2,000 00
 For office rent of the consul at Zurich, in Switzerland..... 100 00
 To audit and settle the accounts of Robert C. Schenck, late Envoy Extraordinary and Minister Plenipotentiary of the United States to Brazil, and of John S. Pendleton, late chargé d'affaires of the United States to the Argentine Confederation, for additional compensation, and for expenses incurred by them in the performance of special services, not pertaining to their respective missions, and at points distant from those to which they were originally accredited, in compliance with instructions from the Department of State..... [Indefinite.]
 For expenses which may be incurred in acknowledging the services of the masters and crews of foreign vessels in rescuing citizens and vessels of the United States from shipwreck..... 5,000 00
 For the purchase of blank books, stationery, arms of the United States, presses, and flags, and for the payment of postages for the consuls of the United States..... 10,000 00
 To enable the Secretary of State to defray the expense of releasing from captivity among the Indians of Queen Charlotte's Island, the crew and passengers of the American sloop Georgianna..... 15,000 00
 To defray expenses incurred, and to be incurred, in complying with the resolution of the House of Representatives of the fourteenth of December, one thousand eight hundred and fifty-three, calling for a statement of the privileges and restrictions of the commercial intercourse of the United States with all foreign nations, and a table exhibiting a comparative statement between the tariff of other nations and that of the United States..... 10,000 00
 To enable the Secretary of State to pay the persons employed to protect the property and persons of citizens of the United States at San Juan de Nicaragua..... 12,000 00
 For the payment to James B. Holmans for services rendered as secretary of legation at Santiago, in the discharge of clerical duties left unperformed by his predecessors..... 500 00

Expenses of the Collection of Revenue from Lands.

To meet the expenses of collecting the revenue from the sale of public lands in the several land States and Territory of Minnesota, in addition to the balances of former appropriations:
 For salaries and commissions of registers of land offices and receivers of public moneys..... 160,000 00
 For expenses of depositing public moneys by receivers of public moneys..... 50,000 00
 For incidental expenses of the several land offices, including new offices not heretofore provided for..... 40,000 00
 For salaries of registers and receivers in Oregon and Washington Territories, or so much thereof as may be necessary, per act of seventeenth of July, eighteen hundred and fifty-four..... 9,000 00
 For office rent, fuel, and labor for said offices..... 4,000 00
 For iron safes for receivers, and for books, stationery, and furniture..... 3,000 00

Survey of the Public Lands.

For surveying the public lands, (exclusive of California and Oregon,) including island surveys in the interior and all other special and difficult surveys demanding augmented rates,

to be applied and apportioned to the several districts according to the exigencies of the public service, including expenses of selecting swamp lands, and the compensation and expenses to surveyor to locate private land claims in Louisiana, in addition to the unexpended balances of all former appropriations for the same objects..... 110,000 00
 For continuing the examinations and corrections of old, imperfect, and defective surveys in the lower peninsula of Michigan, north of the third correction parallel, and east and west of the meridian, being forty-eight townships, at a rate not exceeding six dollars per mile..... 20,160 00
 For the correction of erroneous and defective lines of the public and private surveys in Illinois and Missouri, at a rate not exceeding six dollars per mile..... 3,500 00
 For preparing the unfinished records of public and private surveys to be transferred to the State authorities under the provisions of the act of the twelfth of June, one thousand eight hundred and forty, in those districts where the surveys are about being completed..... 15,000 00
 For resurveys and examinations of the survey of the public lands in those States where the offices of the surveyors general have been or shall be closed under the acts of the twelfth of June, one thousand eight hundred and forty, and the twenty-second of January, one thousand eight hundred and fifty-three, including two thousand dollars for the salary of the clerk detailed to this special service in the General Land Office..... 5,000 00
 For continuing the survey of the keys on the Florida coast..... 20,000 00
 For continuing the survey of the islands on the coast of California..... 30,000 00
 For surveying the public lands and private land claims in California, including office expenses incident to the survey of claims, and to be disbursed at the rates prescribed by law for the different kinds of work..... 300,000 00
 For rent of surveyor general's office in California, purchase of instruments, records, drawing materials, furniture, fuel, pay of messengers, 18,300 00
 For compensation of draughtsmen and clerks in addition to the amount heretofore estimated, the same being required in consequence of the increased amount of field-work proposed to be executed..... 21,000 00

For Surveys in Oregon and Washington Territories.

For office rent for the surveyor general, fuel, hooks, stationery, and other incidental expenses..... 3,000 00
 For surveying standard, parallel, and meridian lines, over coast mountain and along the coast, an estimated distance of two hundred and fifty miles..... 5,000 00
 For surveying township and subdivision lines (estimated at four thousand nine hundred and twenty miles) in Oregon Territory, at a rate not exceeding twelve dollars per mile, and including office work..... 65,490 00
 For surveying standard parallel and meridian lines in Washington Territory—an estimated distance of five hundred miles..... 10,000 00
 For surveying township and subdivision lines (estimated at four thousand nine hundred and twenty miles) in Washington Territory, at a rate not exceeding twelve dollars per mile, and including office work..... 65,490 00
 For salaries and incidental expenses of the commission appointed under the act of March third, eighteen hundred and fifty-one, for settling land claims in California..... 105,500 00
 For surveying the necessary base, meridian, standard parallels, townships, and section lines in New Mexico..... 30,000 00
 For surveying the necessary base, meridian, standard parallels, township, and section lines in Kansas and Nebraska..... 50,000 00
 For salary of surveyor general of New Mexico, and clerks in his office..... 7,500 00
 For salary of surveyor general of Kansas and Nebraska..... 2,000 00
 For office rent, fuel, and incidental expenses in New Mexico..... 3,000 00
 For clerk hire, office rent, fuel, and incidental expenses in Kansas and Nebraska, (six thousand dollars being allowed for office rent, fuel, and incidental expenses)..... 14,300 00
 For office rent for the surveyor general of Washington Territory, fuel, books, stationery, and other incidental expenses..... 5,000 00

Miscellaneous.

For books voted to the members of the Thirty-Third Congress by the joint resolution of twenty-fourth February, eighteen hundred and fifty-four, and the resolution of the House of the twentieth June, eighteen hundred and fifty-four..... 199,510 87
 To enable the Clerk of the House of Representatives to purchase from the publishers, Lippincott, Grambo & Co., two hundred copies each of the second and third volumes of Schoolcraft's History, &c. of the Indian tribes of the United States, to complete the sets of the new members of the House of Representatives, at three dollars and fifty cents per volume..... 1,400 00
 For the completion of the printing of the first session of the Thirty-Third Congress..... 20,000 00
 For the purchase of paper for the completion of the printing of the first session of the Thirty-Third Congress..... 43,000 00

For deficiency in the estimates heretofore submitted for the printing of the second session of the Thirty-Third Congress.....	10,000 00
For rent of warehouse for the year ending the thirtieth of June, eighteen hundred and fifty-five.....	250 00
For cartage and labor in storing and transportation of paper from warehouse and office of superintendent to the offices of the public printers.....	550 00
For compensation to draughtsman and clerks employed upon the maps of the public lands, under the resolution of the House of Representatives of fourth of May, eighteen hundred and forty-eight.....	7,500 00
For the collection of agricultural statistics, and the procurement and distribution of cuttings and seeds.....	25,000 00
For compensation of the warden, clerk, physician, chaplain, assistant keepers, guards, and porter of the penitentiary of the District of Columbia.....	8,600 00
For compensation of three inspectors of said penitentiary.....	300 00
For the support and maintenance of said penitentiary.....	2,885 00
For defraying the expenses of the supreme, circuit, and district courts of the United States, including the District of Columbia; also for jurors and witnesses in aid of the funds arising from fines, penalties, and forfeitures incurred in the fiscal year ending the thirtieth of June, one thousand eight hundred and fifty-five, and previous years; and likewise for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offenses committed against the United States, and for the safe-keeping of prisoners.....	700,000 00
For payment to the city of Norfolk for rent of rooms in the City Hall for the district court of the United States for the eastern district of Virginia, from the thirtieth of May, one thousand eight hundred and fifty, to the thirtieth of May, one thousand eight hundred and fifty-three.....	900 00
For the support, clothing, and medical treatment of insane paupers of the District of Columbia, at such places as the Secretary of the Interior may, in his discretion, deem proper.....	10,000 00
For additional messenger to the post office of the House of Representatives, allowed by the Committee on Accounts at the beginning of the present session.....	1,000 00
To enable the Secretary of the Interior to complete the hospital for the insane of the District of Columbia, and of the Army and Navy of the United States, as it is now in process of construction where the foundations are laid.....	18,209 00
To enable the Secretary of the Interior to complete the external improvements necessary to carry into successful operation the said hospital according to the recommendation of the Secretary of the Interior.....	18,600 00
For arrearages of necessary traveling and personal expenses due employees on the north-eastern boundary survey, during the years eighteen hundred and forty-four, eighteen hundred and forty-five, eighteen hundred and forty-six, and eighteen hundred and forty-seven.....	2,016 00
For running and marking the boundary line between the United States and the Republic of Mexico, under the treaty concluded at the city of Mexico on the thirtieth of December, one thousand eight hundred and fifty-three.....	168,130 00

Public Buildings and Grounds.

For compensation, in part, for the messenger in charge of the main furnace in the Capitol....	350 00
For painting and repairs inside of the Capitol, new furnaces under the Senate Chamber and Supreme court-room.....	5,000 00
For furnishing and putting up new furnaces and repairing old furnaces, rebuilding and ventilating air chambers for the House of Representatives.....	4,500 00
For repair and renewal of the gas pipes through the Capitol.....	3,500 00
To enable the Secretary of the Interior to pay for two hundred and twenty feet and five inches of granite coping, used in the improvement of the triangular square at the corner of Thirteenth street and Pennsylvania avenue....	515 47
For compensation to the laborer in charge of the water-closets in the Capitol.....	385 00
For compensation of the public gardener.....	1,200 00
For compensation of sixteen laborers, employed in the public grounds and President's garden, at forty dollars per month each.....	7,680 00
For compensation of the keeper of the western gate, Capitol square.....	730 00
For compensation of two day watchmen, employed in the Capitol square, at five hundred dollars each.....	1,000 00
For compensation of two night watchmen, employed at the President's House, at five hundred dollars each.....	1,000 00
For compensation of the door-keeper at the President's House.....	500 00
For compensation of assistant door-keeper at the President's House.....	365 00
For compensation of four draw-keepers at the Potomac bridge, and for fuel, oil, and lamps....	2,735 00
For compensation of two draw-keepers at the two bridges across the eastern branch of the Potomac, and fuel, oil, and lamps.....	1,000 00
For compensation of the Auxiliary Guard, fuel, and oil for lamps.....	16,400 00

For support, care, and medical treatment of eighteen transient paupers, medical and surgical patients in Washington Infirmary.....	3,000 00
For purchase of manure for the public grounds.....	1,000 00
For hire of carts on the public grounds.....	1,000 00
For purchase and repair of tools used in the public grounds.....	500 00
For purchase of trees and tree-boxes, to replace, where necessary, such as have been planted by the United States, and the repair of pavements in front of the public grounds.....	5,000 00
For the Capitol extension.....	750,000 00
For completing the bridge over the Potomac river, near the Little Falls.....	15,000 00
For compensation of one night watchman, employed for the better protection of the buildings lying south of the Capitol, and used as public stables and carpenter's shop.....	500 00
For permanent repair of the roof of the Capitol with copper.....	2,000 00
For annual repairs of the Capitol, water-closets, public stables, water-pipes, pavements, and other walks within the Capitol square, broken glass, and locks.....	5,000 00
For annual repairs of the President's House, improvement of grounds, purchasing trees and plants for garden, and making hotbeds therein.....	6,000 00
For lighting the President's House and Capitol, the public grounds around them, and around the Executive offices and Pennsylvania avenue.....	22,000 00
For completing the improvement of Maryland avenue, from Seventh street to the Potomac river.....	2,500 00
For furnishing lamps and lamp-posts from Sixteenth to Seventeenth streets, on Pennsylvania avenue, in front of Lafayette square.....	500 00
For completing the improvement of Pennsylvania avenue west of Seventeenth street....	9,000 00
To reimburse the expenditure made by the Commissioner of Public Buildings for the repair of the Potomac bridge when injured by fire.....	4,500 00
For continuing the repairs of the two bridges across the eastern branch of the Potomac....	4,000 00
For completing the west wing of the Patent Office Building.....	200,000 00
For altering the streets and repairing in front of the east wing of the Patent Office, putting up iron railings, flagging, footway, putting in order yards, painting new saloons of the Patent Office in fresco.....	14,250 00
For iron railing and flagging in front of the old portion of the Patent Office Building, for altering the windows in the rear and dressing off the granite to make it conform to the front, and for private stairway in the building.....	5,730 00
For enlarging the culverts, and openings into the same, across Pennsylvania avenue, to prevent overflow of the avenue.....	4,000 00
For repairing or renewing the water fixtures at the President's House, including the bathroom.....	2,000 00
For public reservation number two, and Lafayette Square.....	3,000 00
For grading done by order of Ignatius Mudd, late Commissioner of Public Buildings, in reservation number seventeen, between Third street east and New Jersey avenue.....	484 89
For compensation of commissioner and surveyor employed upon the boundary between the United States and Mexico, and their assistants, including office rent and incidental expenses.....	38,100 00
For payment of the Annals of Congress for the House Library of the House of Representatives, under resolution of said House, of September twenty-eighth, one thousand eight hundred and fifty, one hundred sets of each volume from the twenty-third to the fortieth, both included, in all seventeen hundred volumes, at five dollars per volume.....	8,500 00
For payment of the Annals of Congress, for one hundred and forty-three members of the Thirty-Second Congress, entitled to them under the resolution of the House of Representatives of July twenty-sixth, one thousand eight hundred and fifty-two, one hundred and forty-three sets, of twenty-four volumes each, from the sixteenth to the fortieth, inclusive, in all three thousand four hundred and thirty-two volumes, at five dollars per volume.....	17,160 00
For reporting and publishing in the Daily Globe two thousand eight hundred and sixty-five columns of the proceedings of the House of Representatives, for the first session of the Thirty-Third Congress, at seven dollars and fifty cents per column.....	21,487 50
For twenty-four copies of the Congressional Globe and Appendix, for the first session of the Thirty-Third Congress, for each member and delegate of the House of Representatives, making an aggregate of five thousand seven hundred and twelve copies, at six dollars a copy.....	34,416 00
For binding the Congressional Globe and Appendix for the first session of the Thirty-Third Congress.....	13,760 40
For reporting and publishing in the Daily Globe one hundred and fifty-one columns of the proceedings of the House of Representatives for the second session of the Thirty-Second Congress, at seven dollars and fifty cents a column.....	1,132 50
To pay a deficiency in the appropriation for eight hundred copies of the Documentary History purchased for the new members of the House of Representatives, from the Twenty-Sixth to the Thirty-Second Congress inclusive, being at seventeen dollars twenty seven cents and two mills a volume.....	655 20

For payment of a balance due for the second and third volumes of the fifth series of the Documentary History, under contract with the Secretary of State.....	473 00
For one hundred copies of the Congressional Globe and Appendix, for the first session of the Thirty-Third Congress, for House library.....	600 00
For binding the same.....	240 00
For one hundred copies of the Congressional Globe and Appendix for the second session of the Thirty-Third Congress, for House library.....	300 00
For binding the same.....	120 00
To enable John C. Rives to pay to the reporters of the House for the Congressional Globe the same amount of additional compensation for reporting this session as was paid them: at the last.....	3,000 00
To enable the Secretary of the Treasury to cause to be constructed the following buildings, viz:	
At Ellsworth, Maine, for the accommodation of the custom-house and post office, a building of brick, with fire-proof floors, constructed of iron beams and brick work, iron roof, shutters, sills, &c., twenty-five feet by thirty, and twenty-five feet in height from the foundation.....	10,000 00
At Belfast, Maine, for the accommodation of the custom-house and post office, a building of like materials, forty-five feet by thirty-two, and thirty-two feet high.....	20,000 00
At Gloucester, Massachusetts, Toledo, Ohio, Burlington, Vermont, and Sandusky, Ohio, for the accommodation of the custom house and post office, a building of like materials, sixty-feet by forty-five feet, and thirty-two feet from the foundation, and to cost not more than forty thousand dollars for each building.....	160,000 00
At Milwaukee, Wisconsin, for the accommodation of the custom-house, post office, and United States courts, a building of like material, sixty-feet by forty-five feet, forty-eight feet in height from the foundation.....	50,000 00
At New Haven, Connecticut, Newark, New Jersey, Buffalo, New York, Oswego, New York, Wheeling, Virginia, Chicago, Illinois, and Detroit, Michigan, each for the accommodation of the custom house, post office, United States courts, and steamboat inspectors, a building of stone, of like floors, beams, roofs, shutters, &c., eighty-five feet by sixty feet, sixty-feet in height from the foundation, to cost not more than eighty-eight thousand dollars for each building.....	616,000 00
At Galveston, Texas, for the accommodation of the custom-house, post office, and United States courts, a building of brick, of like floors, beams, roofs, shutters, &c., forty-five feet by seventy feet, forty-eight feet high from the foundation, with a portico on two sides.....	100,000 00
At Petersburg, Virginia, for the accommodation of the custom-house and post office, a building of stone, of like floors, beams, roofs, shutters, &c., sixty feet by forty-five feet, thirty-two feet high from the foundation.....	62,000 00
To cover the compensation of architects, superintendents, advertising, and other contingent expenses, and to purchase suitable sites for said buildings.....	[Indefinite.]
To enable the Secretary of the Treasury to cause to be constructed the following buildings:	
At New Orleans, Louisiana, a marine hospital.....	248,000 00
At Detroit, Michigan, a marine hospital.....	75,000 00
At Pensacola, Florida, a marine hospital.....	20,000 00
At Burlington, in the State of Iowa, a marine hospital.....	15,000 00
To cover the compensation of architects, superintendents, advertising, and other contingent expenses, and so much as may be required to purchase suitable sites for said buildings....	[Indefinite.]
To pay the clerks and employees of the Government, for the year ending the thirtieth of June, one thousand eight hundred and fifty-five, such additional compensation as they may be entitled to receive, under the act of twenty-second April, eighteen hundred and fifty-four, entitled "An act to amend the third section of the act making appropriations for the civil and diplomatic expenses of Government for the year ending thirtieth of June, eighteen hundred and fifty-four, and for other purposes," and where additional compensation is not otherwise provided for.....	[Indefinite.]
That the Postmaster General be allowed, in addition to his present number, three clerks of class two, and two of class three; that the Attorney General be allowed, in addition to his present number, one clerk of class one, two of class two, and one of class three; the Secretary of the Treasury be allowed in the First Auditor's office, in addition to the present number, two clerks of class one; in the Sixth Auditor's office, in addition to the present number, seven clerks of class one, and one shall be taken from class three and put in class four; and in the Treasurer's office, one clerk shall be taken from class two, and one from class three, and put in class four; and that the Secretary of State be allowed, in addition to his present number of clerks, two at an annual salary of twelve hundred dollars each, one at an annual salary of fourteen hundred dollars, and one at an annual salary of sixteen hundred dollars; and to pay the compensation and increased compensation under this section.....	30,000 00

To allow the librarian of Congress the annual salary of eighteen hundred dollars; the assistant librarians fifteen hundred dollars each; and the messenger twelve hundred dollars. [Indefinite.]
 For such sum additional to that elsewhere provided as may be required to pay the chaplains to Congress seven hundred and fifty dollars per annum, from the thirtieth of June, eighteen hundred and fifty-three, to the thirtieth of June, eighteen hundred and fifty-five. Indefinite.]

\$13,307,892 18

By the act making appropriations for the support of the Army for the year ending the thirtieth of June, one thousand eight hundred and fifty-five.

For pay of the Army.....\$1,839,071 00
 For commutation of officers' subsistence..... 624,336 00
 For commutation of forage for officers' horses. 104,832 00
 For payment in lieu of clothing for officers' servants..... 36,350 00
 For expenses of recruiting..... 55,200 00

For three months' extra pay for non-commissioned officers, musicians, and privates on reenlistment..... 10,000 00
 For subsistence in kind..... 1,028,497 00
 For clothing for the Army, camp and garrison equipage..... 480,359 38

For the regular supplies of the quartermaster's department, consisting of fuel, forage in kind for the horses, mules, and oxen of the quartermaster's department, at the several military posts and stations, and with the armies in the field; for the horses of the first and second regiments of dragoons, the companies of light artillery, the regiment of mounted riflemen, and such companies of infantry as may be mounted; and also for the authorized number of officers' horses, when serving in the field, and at the outposts; of straw for soldiers' bedding, and of stationery, including company and other blank books for the Army, certificates for discharged soldiers, blank forms for the pay and quartermaster's departments, and for the printing of division and department orders, Army regulations, and reports..... 950,000 00

For the incidental expenses of the quartermaster's department, consisting of postage on letters and packets received and sent by officers of the Army on public service; expenses of courts-martial and courts of inquiry, including the additional compensation to judges-advocate, recorders, members, and witnesses, while on that service, under the act of March sixteenth, eighteen hundred and two; extra pay to soldiers employed, under the direction of the quartermaster's department, in the erection of barracks, quarters, storehouses and hospitals; the construction of roads and other constant labor, for periods of not less than ten days, under the act of March second, eighteen hundred and nineteen, including those employed as clerks at division and department headquarters; expenses of express to and from the frontier posts and armies in the field; of escorts to paymasters, other disbursing officers and trains, when military escorts cannot be furnished; expenses of the internment of non-commissioned officers and soldiers; authorized office furniture; hire of laborers in the quartermaster's department, including hire of interpreters, spies, and guides for the Army; compensation of clerk to officers of the quartermaster's department; compensation of forage and wagonmasters, authorized by the act of July, eighteen hundred and thirty-eight; for the apprehension of deserters, and the expenses incident to their pursuit; the various expenditures required for the first and second regiment of dragoons, the companies of light artillery, the regiment of mounted riflemen, and such companies of infantry as may be mounted, viz. horse equipments, the purchase of traveling forges, blacksmiths' and shoeing tools, horse and mule shoes, iron and steel for shoeing, hire of veterinary surgeons, purchase of medicines for horses and mules, shoeing horses of mounted corps and repairing dragoon and rifle equipments..... 375,368 32

For constructing barracks and other buildings at posts which it may be necessary to occupy during the year, and for repairing, altering, and enlarging buildings at the established posts, including hire or commutation of quarters for officers; hire of quarters for troops, of storehouses for the safe keeping of military stores, and of grounds for summer cantonments; for encampments and temporary frontier stations, 620,000 00

For mileage or allowance made to officers for the transportation of themselves and baggage, when traveling on duty without troops..... 120,000 00

For transportation of the Army, including the baggage of the troops, when moving either by land or water; of clothing, camp and garrison equipage, and horse equipments, from the depot at Philadelphia to the several posts and Army depots; of subsistence from the places of purchase, and from the places of delivery, under contract, to such places as the circumstances of the service may require it to be sent; of ordnance, ordnance stores, and small arms, from the foundries and armories to the arsenals. Fortifications, frontier posts, and Army depots: freights, tolls, and ferries; for the purchase and hire of horses, mules, oxen, wagons, carts, drays, ships, and other sea-

going vessels and boats, for the transportation of supplies, and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters; transportation of funds for the pay and other disbursing departments; the expense of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific; and for procuring water at such posts as from their situation require that it be brought from a distance..... 1,300,000 00

For the purchase of horses required for the first and second regiments of dragoons, the companies of light artillery, and the regiment of mounted riflemen..... 150,000 00

For contingencies of the Army..... 6,000 00

For the medical and hospital departments..... 51,240 00

For contingent expenses of the Adjutant General's department, as division and department headquarters..... 400 00

For repair and preparation of the ponton bridge train, to be stored and kept in readiness for the field..... 15,000 00

For armament of fortifications..... 125,000 00

For ordnance, ordnance stores, and supplies..... 75,000 00

For the current expenses of the ordnance service..... 100,000 00

For the manufacture of arms at the national armories..... 250,000 00

For repairs and improvements and new machinery at Harper's Ferry..... 35,100 00

For arsenals..... 33,310 00

For the completion of magazine at Jefferson barracks, Missouri..... 25,000 00

For an iron steamer to be used in the survey of the northwestern lakes, including Lake Superior, under the War Department..... 50,000 00

For military and geographical surveys west of the Mississippi..... 25,000 00

For continuing the survey of the northern and northwestern lakes, including Lake Superior, 50,000 00

For repairs of instruments of the corps of topographical engineers..... 5,000 00

For printing and distributing charts of lake surveys..... 1,500 00

For the purchase of Barlow's planetarium for the use of the Military Academy at West Point..... 2,000 00

For fuel and quarters for officers of the Army serving on light-house duty, the payment of which is no longer made or provided for by the quartermaster's department..... 5,063 67

For continuing the explorations and surveys to ascertain the best route for a railway to the Pacific, and for completing the reports of surveys already made..... 150,000 00

For fuel and quarters and for mileage or transportation for officers and enlisted soldiers of the Army serving in the coast survey, in cases no longer provided for by the quartermaster's department..... 10,000 00

For arrearages prior to July first, one thousand eight hundred and fifteen, payable through the office of the Third Auditor, under an act approved May the first, one thousand eight hundred and twenty, in addition to a balance of seven thousand six hundred and fifty-three dollars and five cents withdrawn in the Treasury on the thirtieth of September, one thousand eight hundred and fifty-three..... 3,500 00

For purchase of a site and construction of an arsenal at Benicia, California..... 33,985 00

For the sword ordered to be presented to Brevet Major General John E. Wool, by the joint resolution approved January twenty-fourth, eight[een] hundred and fifty-four..... 1,500 00

For payment of claims adjudicated by the board of Army officers, appointed by the Secretary of War, under the sixth section of the act of August thirty-first, eighteen hundred and fifty-two..... 129,885 23

For the purchase of the best breech loading rifles in the opinion of the Secretary of War, for the use of the United States Army..... 90,000 00

To audit and settle the accounts of Captain Joseph L. Polson, assistant quartermaster of the United States Army, to receive parol testimony of the disbursements made by him as such assistant quartermaster, in lieu of vouchers for such disbursements which were destroyed by the fire in the city of San Francisco on the fourth of May, Anno Domini eighteen hundred and fifty-one, and that upon the testimony so taken, if satisfactory to the Department, the accounts of said assistant quartermaster according to the principles of equity and justice..... [Indefinite.]

Shawnees.

For the first installment of interest at five per cent. on forty thousand dollars for education, per third article of the treaty of May tenth, eighteen hundred and fifty-four..... 2,000 00

For the first of eight annual installments of money in payment for lands, per third article of the treaty May tenth, eighteen hundred and fifty-four..... 100,000 00

For the expenses of surveying the lands and settling apart the surplus, as provided in the fifth article of the treaty May tenth, eighteen hundred and fifty-four..... 9,936 00

For payment for relinquishment of certain permanent and other annuities and statistics for losses, damages, and claims, per eleventh article of the treaty of May tenth, eighteen hundred and fifty-four..... 27,000 00

Kuskaskia, and Peoria, and Wea, and Piankeshaw.

For the expenses of surveying the land, as pro-

vided in the third and fourth articles of the treaty of May thirtieth, eighteen hundred and fifty-four..... 5,300 00

For payment of the first of three installments in money of thirteen thousand dollars each for purchase of former permanent annuities and relinquishment of claims and damages, per sixth article of the treaty of May thirtieth, eighteen hundred and fifty-four..... 13,000 00

For the first of five installments for support of a blacksmith and assistant, per sixth article of the treaty of thirtieth May, eighteen hundred and fifty-four..... 720 00

For the first of five installments for the purchase of iron and steel, per sixth article of the treaty of thirtieth May, eighteen hundred and fifty-four..... 220 00

For the erection of a smith's shop, and purchase of tools therefor, per sixth article of the treaty of thirtieth of May, eighteen hundred and fifty-four..... 120 00

Miamies.

For the expenses of surveying the lands, as provided in the second article of the treaty June fifth, eighteen hundred and fifty-four..... 7,452 00

For interest at the rate of five per centum on fifty thousand dollars for educational purposes, etc., per third article of the treaty of June fifth, eighteen hundred and fifty-four..... 2,500 00

Reappropriation: For payment of the valuation of improvements on lands ceded as stipulated in the sixth article of the treaty of eighteen hundred and thirty-four, and the seventh article of the treaty of eighteen hundred and thirty-eight, (the amount having been carried to the surplus fund by warrant number ninety-four of treaty fourth September, eighteen hundred and fifty-two, per fourth article of the treaty June fifth, eighteen hundred and fifty-four..... 8,000 68

For the payment of the Miamies residing on the ceded lands of the first of six equal annual installments for the purchase of former perpetual and other annuities and relinquishment of claims, &c., per fourth article of the treaty June fifth, eighteen hundred and fifty-four..... 31,739 11

For payment in full to John Grigg and Sash-o-quash, as provided in the fourth article of said last mentioned treaty..... 9,689 22

For payment of the claims of Miamies who live on the ceded lands, for damages and loss of stock and other property, and for losses of improvements, &c., caused by their removal from Sugar Creek, per fourth article of the treaty of June fifth, eighteen hundred and fifty-four..... 7,775 85

For payment of the expenses incurred in negotiating the articles of May twelfth, eighteen hundred and fifty-four, with the Menominee Indians, supplemental and amendatory to the treaty of October eighteenth, eighteen hundred and forty-eight..... 950 00

For extra clerk-hire for the service of the Indian office, for one year commencing on the first of August, eighteen hundred and fifty-four..... 5,600 00

For payment of the expenses of the delegates of the Creek nation of Indians now in this city... 1,199.55

For payment, as stipulated by the article dated June thirteenth, eighteen hundred and fifty-four, supplementary to the treaty at Fort Gibson, of November twenty third, eighteen hundred and thirty-eight, to individuals of the Creek nation, for "claims for property and improvements abandoned or lost, in consequence of their emigration west of the Mississippi," to be distributed, under the direction of the chiefs and the agent of the United States for the Creeks, in the proportion as set forth and determined in the schedule referred to in the second article of the said treaty of November twenty third, eighteen hundred and thirty-eight..... 350,000 00

For completing the Mendota and Big Sioux river road, in accordance with the estimates of the Secretary of War..... 25,000 00

To pay, under the act of twenty-seventh March, eighteen hundred and fifty-four, to the widows and orphans of the United States troops who perished by the recent disaster to the steamship San Francisco..... [Indefinite.]

For the erection of public buildings for the use of the Legislature of the Territory of Kansas, 25,000 00

To pay the amount of expenses incurred, and now actually paid, by the State of California in the suppression of Indian hostilities within the said State prior to the first of January, Anno Domini eighteen hundred and fifty-four, and that the amount of such expenses, when so ascertained, be paid into the treasury of said State..... 924,259 65

\$10,424,959 63

By the act making appropriations for the naval service for the year ending the thirtieth of June, one thousand eight hundred and fifty-five.

For pay of commission, warrant, and petty officers, and seamen, including the engineer corps of the Navy..... \$3,367,648 00

For pay of superintendents, naval constructors, and all the civil establishments at the several navy-yards and stations..... 115,350 00

For provisions for commission, warrant, and petty officers and seamen, including engineers and marines attached to vessels for sea service, 686,200 00

For surgeon's necessities and appliances for the sick and hurt of the Navy, including the marine corps..... 35,575 00

For repair of vessels in ordinary, and for wear and tear of vessels in commission, including fuel and purchase of hemp..... 2,534,950 00

For ordnance and ordnance stores and small arms, including incidental expenses..... 200,000 00

For preparing for publication the American Nautical Almanac..... 20,880 00

For the purchase of nautical instruments required for the use of the Navy, for repairs of the same, and also of astronomical instruments, and for the purchase of nautical books, maps, and charts, and for backing and binding the same..... 23,000 00

For printing and publishing sailing directions, hydrographical surveys, and astronomical observations..... 5,500 00

For models, drawing, and copying, postage, freight, and transportation, and for working lithographic press, including chemicals; for keeping grounds in order; for fuel and lights; for repairs of buildings, and for all other contingent expenses of the hydrographical office, and United States observatory..... 6,100 00

For continuing the publication of the series of wind and current charts, and for defraying all the expenses connected therewith..... 10,000 00

To enable the Secretary of the Navy to pay the salary of Professor James F. Espy for the current fiscal year ending June thirtieth, eighteen hundred and fifty-five..... 2,000 00

For the wages of persons employed at the observatory and hydrographical office, viz: One lithographer, one instrument maker, two watchmen, and one porter..... 3,160 00

For contingent expenses that may accrue for the following purposes: Freight and transportation, printing and stationery, advertising in newspapers, books, maps, models, and drawings, purchase and repair of fire engines and machinery, repairs of and attending to steam engines in navy-yards, purchase and maintenance of horses and oxen, and driving teams, carts, timber wheels, and the purchase and repair of workmen's tools, postage of public letters, fuel, oil and candles for navy-yards and shore stations, pay of watchmen, and incidental labor, not chargeable to any other appropriation, labor attending the delivery of stores on civil stations, wharfage, dockage, and rent, traveling expenses of officers and others under orders, funeral expenses, store and office rent, stationery, fuel, commissions and pay of clerks to Navy-agents and storekeepers, flags, awnings, and packing boxes, premiums and other expenses of recruiting, apprehending deserters, per diem pay to persons attending courts-martial and courts of inquiry, and other services authorized by law, pay to judges-advocate, pilotage and wages of vessels and assistance to vessels in distress, bills of health, and quarantine expenses of the United States Navy in foreign ports..... 706,860 00

To enable the Secretary of the Navy to test any improvements in steam boilers or other improvements applicable to naval purposes..... 10,000 00

For the erection and repair of buildings, for the improvement and preservation of the grounds, and for contingencies, at the Naval Academy at Annapolis, Maryland..... 39,678 00

For the purchase of Barlow's planetarium for the use of the Naval Academy at Annapolis, Maryland..... 2,000 00

For construction, extension, and completion of the following objects, and for contingent expenses at the several navy-yards, viz:

Portsmouth, New Hampshire.

For quay wall connecting with dock-basin; completing engine-house and machinery; tools for machinists and smiths; launching and hauling up ways; cisterns for officers' quarters; extending ship-house number four; extension of ship-house and launching-slip; and repairs of all kinds..... 63,550 00

Boston, Massachusetts.

For machine-shop, smithery, foundry and forge-shop, boiler-house and chimney, new steam-engine for dry-dock; extension of ship-house and slip; and repairs of all kinds..... 166,750 00

New York, New York.

Towards foundry and boiler-shop; completing saw-mill; continuation of quay wall; dredging channels; lightning conductors, water-pipes, iron railing on wall along Navy street; extension of ship-house and slip; saw-mill machinery; launching-slip; balance due city of Brooklyn for lien on account of assessments; and repairs of all kinds..... 171,615 00

Philadelphia, Pennsylvania.

For furnace for heating mast-hoops; steam-stove for boat-shed; raising old steam box-house; completing wharf number four; raising engine-house; extension of ship-house and slip; and repairs of all kinds..... 37,726 00

Washington, District of Columbia.

For completion of saw-mill; completion of ordnance building; completion of marine railway; extending boiler-shop; converting old ordnance to machine-shop; quay wall, removing shears, extension of ship-house and slip, filling in around foundry and laboratory, dredging channels; machinery; steam hammer and slanting machine; and repairs of all kinds..... 223,067 00

Norfolk, Virginia.

For brick saw-sheds, completing store-house number fourteen, sheds and machinery for saw-mill; setting up engine, boilers, and machinery, culvert, continuation of quay walls, dredging channel, reservoir; commencing foundry and machinery for the same, extension of ship-house and slip, gas fixtures and pipes for lighting grounds and buildings; and repairs of all kinds..... 162,281 00

Pensacola, Florida.

For continuation of permanent wharf, engine and blast pipes, for smiths' and machine-shop, and repairs of all kinds..... 143,500 00

Navy-Yard, San Francisco.

For continuing blacksmith's-shop, carpenter-shop, store-house, wharf..... 200,000 00

Sackett's Harbor, New York.

For raising end of ship-house, and building pier; leveling and grading; and repairs of all kinds..... 5,050 00

FOR MAGAZINES—At Boston.

For filling room in number fifteen; and repairs of all kinds..... 1,365 00

At New York.

For addition to magazine, repairs, and extension of shell-house; and repairs of all kinds..... 11,359 00

At Washington.

For ordnance works, and platform for shot..... 10,900 00

At Norfolk.

For completing magazine at Fort Norfolk, and repairs of sheds..... 14,600 00

FOR HOSPITALS—At Boston.

For repairs of all kinds..... 1,000 00

At New York.

For piling and fencing boundary; and repairs of all kinds..... 4,300 00

At Philadelphia.

For water-rent for one thousand eight hundred and fifty-five; and repairs of all kinds..... 4,745 00

At Norfolk.

For repairs of all kinds..... 1,000 00

At Pensacola.

For lightning conductors; and repairs of all kinds, 4,581 00

Marine Corps.

For pay of the officers, non-commissioned officers, musicians, and privates, clerks, messengers, stewards, and servants; for rations and clothing for servants, subsistence, and additional rations for five years' service of officers; for undrawn clothing and rations, bounties for reenlistments, and pay for unexpired terms of previous service..... 237,116 44

For provisions for marines serving on shore..... 29,984 75

For clothing..... 52,064 00

For fuel..... 14,194 50

For military stores, repairs of arms, pay of armorer; for accoutrements, ordnance stores, flags, drums, files, and musical instruments..... 8,000 00

For transportation of officers and troops, and expenses of recruiting..... 12,000 00

For repairs of barracks, and rent of temporary barracks and offices..... 6,000 00

For contingencies, viz: freight, ferrage, cartage, and wharfage; compensation to judges advocate; per diem for attending courts-martial and courts of inquiry; for constant labor, house rent in lieu of quarters, burial of deceased marines, printing, advertising, stationery, forage, postage, pursuit of deserters, candles, oil, straw, furniture, bed-sacks, spades, shovels, axes, picks, and carpenters' tools, expense of a horse for messenger, pay of matron, washerwoman, and porter, for the hospital at headquarters..... 25,000 00

For the reappropriation of the following sum carried to the surplus fund, under the provisions of the tenth section of the act entitled "An act making appropriations for the civil and diplomatic expenses of the Government for the year ending the thirtieth of June, one thousand eight hundred and fifty-three, and for other purposes," approved thirty-first of August, one thousand eight hundred and fifty-two, to be applied to the payment of all expenses incurred prior to the first day of July, one thousand eight hundred and fifty-two:

For carrying into effect the provisions of the act providing for the prosecution of the war between the United States and the Republic of Mexico..... 26,156 50

\$9,406,806 19

By the act to amend the third section of the "Act making appropriations for the civil and diplomatic expenses of the Government for the year ending the thirtieth of June, eighteen hundred and fifty-four," and for other purposes.

For the increased compensation to the clerks, messengers, and other employees of the General Government in the Executive Department, from the first day of July, eighteen hundred and fifty-three, to the thirtieth of June, eighteen hundred and fifty-four..... [Indefinite.]

By the act authorizing the payment of balance of the property accounts between the United States and the State of New York, for military stores, in the war of eighteen hundred and twelve.

The balance due said State, arising out of issues of military stores by said State to the officers of the United States Army, and to volunteers, and militia in the service of the United States during the war with Great Britain, declared in eighteen hundred and twelve..... \$11,929 45

By the resolution authorizing the Secretary of the Treasury to pay the expenses of codifying and revising the revenue laws.

To pay for preparing a general revenue law in accordance with a resolution of the Senate passed in January, one thousand eight hundred and fifty-three, and the necessary expenses, and that the Secretary of the Treasury report to Congress at its meeting in December next the items of such pay and expenditures..... \$5,000 00

By the joint resolution making appropriation for the payment of those entitled to the benefits of the resolution of the House of Representatives of the United States, passed August third, eighteen hundred and fifty-four, voting extra compensation to pages, folders, and others.

For the payment of the extra compensation voted by the resolution of the House of Representatives of August third, one thousand eight hundred and fifty-four, to its pages and employees..... [Indefinite.]

Joint resolution to fix the compensation of the employees in the legislative department of the Government, and to prohibit the allowance of the usual extra compensation to such as receive the benefits hereof.

To pay the officers, clerks, messengers, and other employees in the legislative department of the Government, an increased compensation of twenty per cent. upon the compensation now received by them respectively. [Indefinite.]

By the act for the relief of Lewis B. Willis, late a paymaster in the Army of the United States.

To pay the balance ascertained to be due to him from the United States by a verdict and judgment rendered in the district court of the United States for the eastern district of Louisiana.... \$593 50

By the act for the relief of Samuel K. Rayburn.

To pay full compensation for loss of horse and equipage in the war with Mexico..... \$105 00

By the act for the relief of Gray, McMurdo & Company.

To pay their account for interest on moneys advanced by them in one thousand eight hundred and fifty to the Quartermaster's Department.. \$570 70

By the act for the relief of the executors of the late Lieutenant John E. Bispham.

For expenses incurred by the deceased in a suit arising out of the seizure of the brig *Malaga*, off the coast of Africa, by the United States brig *Boxer*, while under the command of the said Bispham..... \$913 69

By the act for the relief of Madison Parton.

For all the military services rendered by him to the United States from the eighth day of August, one thousand eight hundred and thirty-seven, till the eighth day of February, one thousand eight hundred and thirty-eight, by examining the proper officers and other persons, as well as the proper rolls of the company to which he belonged..... [Indefinite.]

By the act for the relief of the legal representatives of Isaac P. Simonton.

To pay the claim of Isaac P. Simonton for said sum in schedule B, annexed to the treaty with the Saginaw band of Chippewa Indians, on the fourteenth of January, eighteen hundred and thirty-seven, upon their proving that said claim has regularly and legally descended to them.. \$800 00

By the act for the relief of the legal representatives of Captain William Davis, late commander of the United States transport schooner *Eufaula*.

For the full compensation of all claims against the United States for and on account of the wages or services of said William Davis as commander of said transport..... \$360 00

By the act for the relief of the widow and heirs of Elijah Beebe.

To pay the amount of principal adjudged to be justly due and owing to the said widow and heirs of Elijah Beebe from the confederated tribes of Sac and Fox Indians by Hon. Henry Dodge, Governor of Wisconsin Territory, and ex officio superintendent of Indian affairs, by

his original certificate number eight, (No. 8,) and given at the superintendency of Indian affairs for the Territory of Wisconsin, Mineral point, July seven, eighteen hundred and thirty-seven..... \$3,016 00

By the act for the relief of Captain E. A. F. Lavallette, of the United States Navy.

To pay the amount paid by the said Captain Lavallette to Lawrence Cardona, who acted as interpreter to the forces under Captain Lavallette while he was discharging the duties of civil and military governor of Mazatlan, in Mexico, from October, eighteen hundred and forty-seven, to June, eighteen hundred and forty-eight..... \$246 67

By the act for the relief of Llewellyn Washington.

For services as a clerk in the Post Office Department from the first day of May, eighteen hundred and fifty-one, until the fourteenth day of July, of the same year..... \$205 62

By the act for the relief of the Utica Steam Woolen Company.

To pay to the Utica Steam Woolen Company, of Utica, in the State of New York, in full of their account for interest on goods furnished to the quartermaster's department..... \$1,181 16

By the act for the relief of Adam D. Steuart, paymaster of the United States Army.

For the amount paid by said Steuart, as a fee to Ashley and Ringo, for prosecuting a suit at law for the recovery of the sum of two thousand dollars in specie, stolen from on board the steamboat Tom Boling, while the said specie was in his charge, and being transported, for account of the United States, to Little Rock, in the State of Arkansas, in the month of June, in the year one thousand eight hundred and thirty-four..... \$150 00

By the act for the relief of Grafton Baker.

For services rendered and expenses incurred by said Baker, as bearer of dispatches from the Governor of New Mexico to the President of the United States, in the year eighteen hundred and fifty-two..... \$366 50

By the act for the relief of the executrix of the late Brevet Colonel A. C. W. Fanning, of the United States Army.

For services rendered in eighteen hundred and eighteen, and eighteen hundred and twenty-one, as United States commissioner in receiving and restoring St. Mark's, and as Indian agent at Forts Gadsden and St. Mark's from April, eighteen hundred and eighteen, to December, eighteen hundred and twenty-one.... \$5,980 00

By the act for the relief of John W. Kelly.

For damages in consequence of the annulment of his said contract on the twenty-first day of February, eighteen hundred and fifty-three, by the Post Office Department..... [Indefinite.]

By the act for the relief of James Dunning.

For interest due to him from the United States, on a liquidated amount of thirteen thousand four hundred and seventy-two dollars and sixty-two cents, payable by contract on the eighteenth day of June, eighteen hundred and fifty, and then duly required, but withheld until the twelfth of October following, for want of an appropriation therefor..... \$255 98

By the act for the relief of John Phagan.

For his services in taking charge of a delegation of Seminole Indians, and removing them from Florida to the country west of the Arkansas, \$444 00

By the act for the relief of Passed Midshipmen George P. Welsh and Clark H. Wells.

To pay to Passed Midshipman George P. Welsh..... \$341 66
To pay to Passed Midshipman Clark H. Wells..... 342 93
\$684 50

By the act for the relief of Thomas S. Russell.

For pay as an assistant commissary of subsistence in Colonel Brisbane's regiment of Florida volunteers, notwithstanding the irregularity of his appointment, and although his name does not appear upon the rolls as one of the staff of Colonel Brisbane..... [Indefinite.]

By the act for the relief of Mrs. Sally T. B. Cochrane, widow of the late Lieutenant R. E. Cochrane, United States Army.

For the value of a horse belonging to said Cochrane, which was used for express riding in the public service by order of Lieutenant Colonel Garland, United States Army, at Fort Smith, in eighteen hundred and forty-one, and died in consequence of said service..... \$150 00

By the act for the relief of William Senna Factor.

For property of Rose Factor, destroyed by order of the American officers of the United States Army, in the Seminole war of eighteen hundred and thirty-six, and for property taken by such officers for public use in said war..... \$2,000 00

By the act for the relief of John S. Wilson.

In full compensation to the said John S. Wilson, for the damages sustained by being evicted of his title, derived by patent from the United States, to the east half of section twenty-two, and west half of section twenty-three, in township fifty-two north, of range one east, of the fifth principal meridian in the State of Missouri, by the decree of the Supreme Court of the United States, in favor of the devisees of Auguste Choteau, at the January term, in the year eighteen hundred and thirty-five..... [Indefinite.]

By the act for the relief of William Claude Jones.

For his military services in the United States Army, and allow him the difference between the pay of a private, which he did receive, and the compensation of a commissary of subsistence, to which he is entitled from the twenty-eighth of September, eighteen hundred and thirty-seven, to the second of April, eighteen hundred and thirty-eight..... [Indefinite.]

By the act for the relief of Robert Grignon.

For the full satisfaction of his claims against the United States arising out of the treaty with the Monomonee tribe or nation of Indians executed the third day of September, one thousand eight hundred and thirty-six..... \$19,000 00

By the act for the relief of Lavinia Taylor.

For five years' pay of her husband, at the rate to which he was entitled at the time of his death..... [Indefinite.]

By the act for the relief of the legal representatives of Samuel Prioleau, deceased.

For property taken from said Prioleau, at Charleston, for the use of the United States during the revolutionary war..... \$6,928 60

By the act for the relief of the legal representative of Joshua Kennedy, deceased.

For the destruction of property by the Creek Indians, in the year eighteen hundred and thirteen..... \$6,500 00

By the act for the relief of the legal representatives of the late Thomas Chapman, formerly collector of the port of Georgetown, South Carolina.

For the share to which the said Thomas Chapman was entitled as collector, as aforesaid, of the cargo of the Swedish ship Diana, condemned for a breach of the non-intercourse act, which was decreed to be forfeited by the said Thomas Chapman in consequence of his having been examined as a witness in behalf of the claimant..... \$13,457 55

By the act for the relief of Ira Baldwin.

For three months' extra pay for the services of said Baldwin in the late war with Great Britain..... \$150 00

By the act for the relief of Thomas Snodgrass.

To reimburse to Captain Thomas Snodgrass the expenses by him incurred for a team, and balance for forage and subsistence furnished to his company of volunteers while employed as a guard or escort for a party of emigrating Cherokees in eighteen hundred and thirty-eight..... \$230 00

By the act for the relief of Charles Cooper and Company.

For interest due to them from the United States on a liquidated amount of thirty thousand nine hundred and eighty-nine dollars, payable by contract, on the thirteenth day of August, eighteen hundred and fifty, and then duly required, but withheld until the twelfth of October following, for want of an appropriation therefor..... \$300 00

By the act for the relief of Charles Lee Jones.

For expenses incurred and services rendered in raising, subsisting, and transporting three companies of volunteers mustered and received into the service of the United States, during the war against Mexico..... \$2,000 00

By the act for the relief of Ezra Williams.

For his services in preparing an alphabetical index to the Numerical Register of Warrants, in the land bounty division of the General Land Office, under the direction of the late Commissioner, Richard M. Young..... \$500 00

By the act for the relief of Richard M. Bouton, George Wright, and the widow of Marvin W. Fisher.

For full compensation for the past use of their machines for making and charging percussion caps in the arsenals of the United States, and also for the future free and undisturbed use, by the Government, of the said machines, together with the patent-right or rights to the said machines, with their improvements..... \$15,000 00

By the act for the relief of Captain George Simpson, of Galveston.

For the full payment of his claim for indemnification for loss of schooner Alert, whilst in the public service during the war with Mexico..... \$1,600 00

By the act for the relief of James M. Goggin.

For a fair and reasonable salary as special mail agent for the State of California, from the first day of December, eighteen hundred and fifty, until the sixth of April, eighteen hundred and fifty-three, with reasonable allowance for office rent and per diem, and the hire of a clerk, [Indefinite.]

By the act for the relief of James Edwards and others.

For the value of the houses and other property of James Edwards, of the late Edward M. Wanton, and of the late Nehemiah Brush, destroyed at Micanopy, Florida, in the year eighteen hundred and thirty six, by order of Lieutenant Colonel B. K. Pierce, the commanding officer of that post, to prevent them from falling into the hands of the enemy..... \$5,094 82

By the act for the relief of Samuel H. Hemstead.

For extra services rendered by him in defending the title of the United States to certain lands situated in the State of Arkansas..... \$1,800 00

By the act for the relief of John S. Jones and William H. Russell, surviving partners of the firm of Brown, Russell, and Company.

For losses of oxen and wagons sustained by the above-named John S. Jones and William H. Russell, surviving partners of Brown, Russell, and Company, in the transportation of military stores from Fort Leavenworth to Santa Fe, subsequent to the arrival of the trains containing said stores at the place called San Jose, or Big Cannon; and also the amounts paid by, or on account of, said persons for forage for the cattle used in said transportation, and for the hire of extra men and teams for the purpose of said transportation subsequent to the time aforesaid..... [Indefinite.]

By the act for the compensation of James W. Low and others, for the capture of the British private-armed schooner Ann, during the late war with Great Britain.

For the amount paid into the Treasury of the United States, and placed to the account of fines, penalties, and forfeitures, in consequence of a suit, entitled the United States vs. the schooner Ann and cargo, in the district court of Maine, December, eighteen hundred and fourteen, the said schooner having been risen upon and captured by the aforesaid named persons, from the British, and delivered to the proper authorities of the United States, in the State of Maine..... \$2,570 30

By the act for the relief of John Frazer and the administrator of the estate of John G. Clendenin, deceased.

For the amount expended by said Frazer and Clendenin, or either of them, in the purchase of the west half of the northwest quarter of section thirteen, township two north, of range three west, in the State of Indiana, together with interest thereon; and also the amount paid by said Frazer and Clendenin, or either of them, in defending their title to said land, with interest thereon..... [Indefinite.]

By the act authorizing the Secretary of the Treasury to pay John Charles Fremont for beef furnished the California Indians.

For beef delivered to Commissioner Barbour for the use of the Indians in California, in eighteen hundred and fifty-one and eighteen hundred and fifty-two..... [Indefinite.]

By the act for the relief of Captain Lewis E. Simonds.

For his expenses incurred in defending himself against two suits brought against him for arresting and detaining the brig Casket, on the coast of Africa, on the charge of being engaged in the slave trade, in eighteen hundred and forty-six, the said Simonds being then in command of the United States armed vessel called the Marion, and acting in the line of his duty.. \$800 00

By the act for the relief of Asa Andrews.
For office rent and expenses, including clerk hire, and for the services of a deputy during the time he performed the duties of said office, \$1,983 80

By the act for the relief of Dr. S. R. Addison, passed assistant surgeon in the United States Navy.

For the difference of pay between that of his grade and a surgeon, from the fourth of April, eighteen hundred and forty-eight, until the twenty-first of June, eighteen hundred and fifty, being the period during which he served as surgeon on board the United States sloop-of-war St. Mary's. [Indefinite.]

By the act for the relief of William Darby.
For his labor and materials furnished in surveying and making a map of the Territory of Louisiana, in the years eighteen hundred and twelve and eighteen hundred and thirteen. \$1,500 00

By the act for the relief of William G. Smith.
For recapturing a vessel in the war of eighteen hundred and twelve, together with a midshipman and four seamen of the British navy, which prisoners were delivered to Commodore Perry, at Newport, Rhode Island. \$500 00

By the act for the relief of the legal representatives of Major Caleb Swan, deceased.

Amount of his compensation as paymaster of the Army, from the first day of July to the thirty-first day of December, (inclusive,) eighteen hundred and eight, and a commission of one per centum on the amount of bills of exchange negotiated by him under directions of the War Department, for the purpose of raising money for the use of the Army. [Indefinite.]

By the act for the relief of Henry La Reintrie.
For services rendered to the United States legation near the Government of Chili, and as bearer of dispatches from that legation to Washington. \$593 00

By the act to provide compensation for the services of George Morell in adjusting titles to land in Michigan.

For the services of the said judges in ascertaining, adjusting, and settling claims to land, and performing other duties, in conformity with the act entitled "An act to provide for the adjustment of titles of land in the town of Detroit, and Territory of Michigan, and for other purposes," approved the twenty-first of April, eighteen hundred and six, and with "An act relative to the plan of Detroit, in Michigan Territory," approved the twenty-eighth of May, eighteen hundred and thirty, at the rate of five hundred dollars per annum, from the time of their several appointments as judges of the United States for said Territory, to the twenty-fourth day of September, eighteen hundred and thirty-six. [Indefinite.]

By the act for the relief of Phineas M. Nightingale, administrator of the estate of General Nathaniel Greene, deceased.

For the liquidation of a balance due to the estate of said Nathaniel Greene, for becoming security for Banks & Co., army contractors in the Revolution. [Indefinite.]

By the act for the relief of the heirs and representatives of Colonel Alexander G. Morgan.

For services in raising troops for the Florida service, in the year eighteen hundred and thirty-seven, and also for military services in Florida. [Indefinite.]

By the act for the purchase of the copyright of a work published by Thomas H. Sumner, wherein he describes his new method of ascertaining a ship's position at sea.

For the purchase of the copyright of a work wherein Thomas H. Sumner fully describes his new method of ascertaining a ship's position at sea, when a meridian observation of the sun cannot be obtained. \$10,000 00

By the act for the relief of Mrs. Helen Mackay, widow of the late Colonel Aeneas Mackay, deputy quartermaster general United States Army.

For the allowance of commissions for disbursements of special appropriations by her late husband Colonel Aeneas Mackay, prior to the thirtieth September, one thousand eight hundred and thirty-eight. \$6,537 09

By the act for the relief of Daniel Steenrod.
To pay the amount due for work done on the Cumberland road. [Indefinite.]

By the act for the relief of Jonas P. Levy and José Maria Jarrero.

For indemnity against the Government of Mexico, and which claims were presented to the late board of commissioners on the claims against Mexico, and which were rejected by said board of commissioners. [Indefinite.]

By the act for the relief of W. D. Porter, of the United States Navy.

For moneys actually expended by him in defraying the expenses of bringing Amin Bey and suite to the United States, in conformity with the request of the Hon. George P. Marsh, the Minister of the United States at Constantinople. \$2,024 32

By the act for the relief of William H. Weirick.

For the amount of mileage from California to New York, and two months' pay, as paid to the other officers and soldiers of said regiment. \$576 26

By the act for the relief of David C. Cash and Giles U. Ellis.

For military services in the Seminole war. [Indefinite.]

By the act for the relief of Thomas Ap Catesby Jones, surety for a former postmaster, at Norfolk, Virginia.

For the amount paid by said Thomas Ap Catesby Jones, through his agent, on the judgment rendered against Thomas Ap Catesby Jones and Duncan Robertson, as sureties for Walter F. Jones, formerly postmaster at Norfolk, in the State of Virginia, on account of the defalcation of said postmaster, be refunded to said Jones. \$2,500 00

By the act for the relief of the heirs of Captain Matthew Jack, deceased.

For one year's extra pay of a captain in such service, as promised by the resolves of Congress. [Indefinite.]

By the joint resolution for the relief of John A. Bryan.

To pay for the duties of a commissioner to make and carry into effect a treaty with the Wyandot Indians, being appointed commissioner for the purposes aforesaid by the Secretary of War on the nineteenth of April, eighteen hundred and thirty-six. [Indefinite.]

By the act for the relief of the heirs of Anthony G. Willis, deceased.

For the use by the United States of a wagon and team, the property of said Willis, deceased, during the last war with Great Britain. \$251 00

By the act for the relief of Priscilla C. Simonds.

For the value of the property of the late Captain Moses H. Simonds, which was taken possession of by authority of the United States. \$418 00

RECAPITULATION.

Civil, diplomatic, and miscellaneous.	\$15,944,852 44
Army, fortifications, Military Academy, &c.	11,373,568 90
Indian department, naval, revolutionary, and other pensions.	3,984,686 19
Naval service.	12,510,808 46
Post Office Department.	11,993,909 63
Treaty with Mexico.	10,000,000 00
	\$65,107,825 62

II.—NEW OFFICES CREATED, AND THE SALARIES OF EACH.

By the act (chap. 1) concerning the district courts of the United States for California.

A district judge for the southern judicial district of California heretofore established.

By the act (chap. 2) to continue in force "An act to ascertain and settle the private land claims in the State of California," and for other purposes.

The board of commissioners appointed under the act passed March 3, 1851, authorized to appoint one or more, not exceeding three, competent persons to act as commissioners for taking testimony to be used before said board; to receive a compensation to be fixed by the board of commissioners, not exceeding ten dollars per diem.

By the act (chap. 9) to constitute Quincy, in the State of Illinois, a port of delivery.

A surveyor of customs authorized to be appointed at Quincy, in the State of Illinois, who shall receive the salary and emoluments of surveyor, prescribed by the act of Congress approved March 2, 1831, entitled "An act allowing the duties on foreign merchandise imported into Pittsburg, Wheeling, Cincinnati, Louisville, St. Louis, Nashville, and Natchez, to be secured and paid at those places.

By the act (chap. 11) to regulate the disbursement of the contingent fund of the Senate, and for other purposes.

The Secretary of the Senate made a disbursing officer of the Treasury for certain purposes.

By the act (chap. 35) to establish land districts in the Territory of Minnesota.

Four registers and four receivers authorized to be appointed, who shall be entitled to the same compensation allowed by law to the registers and receivers of other land districts.

By the act (chap. 46) establishing a land office in the lower peninsula of Michigan.

One register and one receiver authorized to be appointed, to receive the compensation prescribed by law in other cases.

By the act (chap. 59) to organize the Territories of Nebraska and Kansas.

A Governor of Nebraska, at an annual salary of two thousand five hundred dollars.

A secretary for the Territory of Nebraska, at an annual salary of two thousand dollars.

A supreme court for Nebraska, consisting of a chief justice and two associate justices, at an annual salary of two thousand dollars each.

A clerk, appointable by the court, to receive the same fees to which the clerks of the district courts of Utah Territory are entitled.

One attorney for the Nebraska Territory, to receive the same salary as the attorney for Utah Territory.

A marshal for the Territory of Nebraska, to be entitled to the same fees as the marshal for the Utah Territory.

A Legislative Assembly, composed of a council of thirteen members, and a House of Representatives of not less than twenty-six members, or more than thirty, each of whom to receive \$3 a day for each day's attendance.

A chief clerk, one assistant clerk, a sergeant-at-arms, and doorkeeper for each house; the compensation of the chief clerk to be \$4 per day, and the assistant clerk, sergeant-at-arms, and doorkeeper \$3 per day, during the session of the Legislative Assembly.

A Delegate to Congress to be elected for the Nebraska Territory, who shall have the rights and privileges of other Delegates.

A Governor, a secretary, a chief justice, and two associate justices of the Supreme Court, a clerk of the court, attorney, marshal, Legislative Assembly, a chief clerk, one assistant clerk, a sergeant-at-arms, door keeper, and a Delegate to Congress, authorized for the Kansas Territory, each of whom to be entitled to the compensation, salary, or fees and emoluments provided for the same officers, respectively, for the Territory of Nebraska.

By the act (chap. 60) to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1854, and for other purposes.

In the office of the Register of the Treasury three clerks of the class three, five clerks of the class two, and fifteen clerks of the class three: "and said clerks shall be paid according to the provisions of the third section of the act of March 3, 1853, entitled 'An act making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1854.'"

By the act (chap. 84) to amend the act approved September 27th, 1850, to create the office of surveyor general of the public lands in Oregon, and amendatory thereof, approved February 14, 1853.

A register and receiver authorized to be appointed, at an annual compensation each of twenty-five hundred dollars, with office rent; and to the receiver the expenses of "depositing."

A surveyor general for the Territory of Washington, to be entitled to the emoluments of the surveyor general of Oregon.

By the act (chap. 103) to establish the offices of surveyor general of New Mexico, Kansas, and Nebraska, to grant donations to actual settlers therein, and for other purposes.

A surveyor general for the Territory of New Mexico authorized, whose annual salary shall be three thousand dollars.

A surveyor general for the Territories of Nebraska and Kansas, whose compensation shall be the same as that of the surveyor general of Wisconsin and Iowa.

Two land districts—the Omaha and the Pawnee—formed, and a register and receiver authorized for each district, whose compensation shall be the same as other registers and receivers.

By the act (chap. 105) creating a collection district of New York, to be called the district of Dunkirk, and constituting Dunkirk a port of entry, and the ports of Barcelona, Silver Creek, and Cattaraugus Creek, ports of delivery.

A collector authorized for the district of Dunkirk, whose compensation shall be not less than \$500, or more than \$1,000 per annum, together with the fees and emoluments authorized by law. Deputy collectors of the customs "for the several ports of delivery constituted by this act," and "such other subordinate officers of the customs as are provided for by law," are also authorized to be appointed, "who shall be compensated for their services in the mode prescribed by existing laws."

By the act (chap. 109) making provision for the postal service in the State of California, and in the Territories of Oregon and Washington.

Letter-carriers to be appointed by the special agents of the Post Office Department, subject to the approval and removal of the Postmaster General, who may demand and receive a sum for all letters, newspapers, and other mailable matter, to be recommended by the postmaster of the office for which he may be appointed, not exceeding twenty-five cents for each letter or newspaper.

By the act (chap. 167) making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30th, 1855, and for other purposes.

Two additional Indian agents to be appointed for Indians east of the Rocky Mountains.

One additional agent for Indians in the Territory of New Mexico.

And a number not exceeding three for the Indians in the Territory of Washington, at a salary of \$1,800 each per annum.

By the act (chap. 189) to establish a port of delivery at Lake Port, on Lake Ponchartrain, and for other purposes.

A surveyor authorized to be appointed; compensation not specified in the act.

By the act (chap. 191) constituting Madison, in the State of Indiana, a port of delivery.

A surveyor of customs authorized to be appointed, to receive the salary and emoluments of surveyor, prescribed by an act of Congress of 2d March, 1831.

By the act (chap. 192) to constitute Tusculum, in the State of Alabama, a port of delivery, and for other purposes.

A surveyor of customs authorized to be appointed, to receive the salary and emoluments prescribed by an act of Congress of 2d March, 1831.

Surveyors also authorized to be appointed for the ports of Paducah, in Kentucky; Shreveport, in Louisiana; and Jeffersonville, in the State of Indiana, to receive the salary and emoluments prescribed by the act of Congress approved the 2d March, 1831.

By the act (chap. 193) creating a collection district in Texas and New Mexico.

A collector of customs authorized to be appointed for the district of Passo del Norte; to receive not exceeding two thousand dollars per annum, including in that sum the fees allowed by law.

"Such other officers as are provided for by law" also authorized to be appointed for said district.

By the act (chap. 242) making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1855, and for other purposes.

A clerk for the treasurer of the branch Mint at San Francisco, at a salary of two thousand five hundred dollars.

One additional clerk in the office of the Assistant Treasurer at Boston, Massachusetts, at a salary of one thousand two hundred dollars.

An additional messenger to the post office of the House of Representatives, at a salary of one thousand dollars.

All laborers employed in the Executive Departments of the Government in Washington, to receive an annual salary of four hundred and eighty dollars each.

Three additional clerks in the office of the Postmaster General, of class two, to receive one thousand four hundred dollars each per annum.

Two additional clerks in the office of the Postmaster General, of class three, to receive one thousand six hundred dollars each per annum.

One additional clerk in the office of the Attorney General, of class one, to receive one thousand dollars per annum.

Two additional clerks in the office of the Attorney General, of class two, to receive one thousand four hundred dollars each per annum.

One additional clerk in the office of the Attorney General, of class three, to receive one thousand six hundred dollars per annum.

Two additional clerks in the office of First Auditor, of class one, to receive one thousand two hundred dollars each per annum.

Seven additional clerks in the office of Sixth Auditor, of class one, to receive one thousand two hundred dollars each per annum.

Two additional clerks in the office of the Secretary of State, at an annual salary of twelve hundred dollars each.

One additional clerk in the office of the Secretary of State, at an annual salary of fourteen hundred dollars.

One additional clerk in the office of the Secretary of State, at an annual salary of sixteen hundred dollars.

The Assistant Treasurer of New York authorized to appoint, with the approbation of the President of the United States, in lieu of the clerks authorized by law: One chief clerk at an annual salary of two thousand one hundred dollars; one clerk at an annual salary of two thousand dollars; two clerks at an annual salary of eighteen hundred dollars each; one messenger at an annual salary of nine hundred dollars; and two watchmen at an annual salary of five hundred and fifty dollars each.

By the act (chap. 198) to constitute Cairo, in the State of Illinois, a port of delivery.

A surveyor of the customs authorized to be appointed; to receive the salary and emoluments provided for by law.

By the act (chap. 199) constituting San Pedro, in the State of California, a port of entry and delivery.

A collector authorized to be appointed for the district of San Pedro: to receive an annual salary of three thousand dollars, "with an additional maximum compensation of two thousand dollars per annum, should his emoluments and fees provided by law amount to that sum."

By the act (chap. 202) constituting Palatka and Bayport, in the State of Florida, ports of delivery, respectively, and Keokuk and Dubuque, in the State of Iowa.

A surveyor of the customs authorized to be appointed for the port of Palatka;

A surveyor of the customs authorized to be appointed for the port of Bayport;

A surveyor of the customs authorized to be appointed for the port of Keokuk;

A surveyor of the customs authorized to be appointed for the port of Dubuque; to receive, respectively, the salary and emoluments provided by law.

By the joint resolution (No. 3) authorizing an increase of the force in the office of the Superintendent of the Public Printing.

Two additional clerks authorized, at an annual salary of one thousand five hundred dollars each.

III.—OFFICES THE SALARIES OF WHICH ARE INCREASED, AND THE AMOUNT OF SUCH INCREASE.

By the act (chap. 52) to amend the 3d section of the "Act making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1854," and for other purposes.

The clerks arranged in class one to receive \$1,200 per annum, instead of \$900; those of the second class to receive \$1,400 per annum, instead of \$1,000; and those of the third class to receive \$1,600 per annum, instead of \$1,500. Twenty per centum per annum added to respective compensations of messengers, packers, laborers, and watchmen of the Executive Departments of the Government in Washington; also of the clerks employed at the navy-yard and marine barracks at Washington; twenty per centum to the compensation of the clerk, messenger, and laborer in the office of the Commissioner of Public Buildings; door-keeper and assistant door-keeper of the Executive Mansion; public gardener, laborers employed in the public grounds and President's garden; police at the Capitol; watchmen employed at the President's House and Reservation No. 2; lamplighter, the general superintendent; the draw-keepers of the bridges across the Eastern Branch and Potomac.

The salary of the Superintendent of the Census raised from \$2,500 to \$3,000 per annum.

The salaries of the Assistant Postmasters General raised from \$2,500 to \$3,000 per annum.

By the act (chap. 54) making appropriations for the support of the Military Academy for the year ending the 30th of June, 1854.

The compensation of the Master of the Sword increased to \$1,200 per annum.

By the act (chap. 70) to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th June, 1854, and for other purposes.

The compensation for the special mail agent of the Post Office Department in California increased to \$5,000 per annum, from 1st July, 1853.

By the act (chap. 107) to increase the salaries of the executive and judiciary officers in Oregon, New Mexico, Washington, Utah, and Minnesota.

The salaries of the chief justices and associate judges of the Territories of Oregon, Washington, Utah, and New Mexico, increased from \$1,800 to \$2,500 each per annum; the salary of the Governor of New Mexico increased from \$2,500 to \$3,000; the salaries of the secretaries of Oregon, Washington, and New Mexico, increased from \$1,500 to \$2,000 per annum; the salary of the secretary of Utah increased from \$1,800 per annum to \$2,000 per annum; and the salaries of the chief justice and associate judges of the Territory of Minnesota increased from \$1,800 to \$2,000 per annum.

By the act (chap. 242) making appropriations for the civil and diplomatic expenses of Government for the year ending the 30th of June, 1855, and for other purposes.

The consul at Beyrout, Syria, allowed a salary of two thousand dollars per annum.

The salary of the librarian of Congress increased from \$1,500 to \$1,800 per annum.

The salaries of the assistant librarians of Congress increased from \$1,150 each to \$1,500 each.

The salary of the messenger in the library of Congress increased from \$700 to \$1,200 per annum.

The salaries of the chaplains in Congress increased from \$500 per annum to \$750 per annum each.

The salary of each of the clerks in the Mint of the United States increased from \$1,200 to \$1,800 per annum.

The salary of one clerk in the office of the assistant treasurer of the Mint at Philadelphia fixed at \$1,800 per annum.

The salary of the chief clerk of the branch Mint at New Orleans increased from \$1,800 to \$2,300 per annum.

By the act (chap. 119) making provision for the postal service in the State of California and in the Territories of Oregon and Washington.

The Postmaster General authorized, in certain cases, to make allowances, in addition to those provided by law, to the postmasters in the said State and Territories, "sufficient to defray the actual and necessary expenses of their offices."

By the joint resolution (No. 18) "to fix the compensation of the employees in the legislative department of the Government, and to prohibit the allowance of the usual extra compensation to such as receive the benefits hereof."

The officers, clerks, messengers, and other employees in the legislative department allowed an increased compensation of twenty per centum upon the compensations heretofore received by them, respectively.

By the act (chap. 270) making appropriations for the service of the Post Office Department for the fiscal year ending the 30th of June, 1854.

A commission of one mill per pound authorized to be allowed to the postmaster of the city of Washington upon the aggregate weight of public documents printed by the order of Congress and deposited in that office to be mailed, from which amount each of the clerks and employees in his office to be allowed \$250 per annum for extra services; this allowance limited to one year.